

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
February 11, 2008**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on February 11, 2008. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Andrea Rode; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana. Also in attendance were Mike Pollocoff, Village Administrator; and Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

1. CALL TO ORDER.

2. ROLL CALL.

Thomas Terwall:

One hundred percent attendance in this weather is outstanding.

3. CORRESPONDENCE.

Jean Werbie:

I do have one piece of correspondence this meeting, and it is a grand opening notice for the Plan Commissioners for February 28th, for anyone who is interested in attending. It's for the Rentsys Recovery's Midwest grand opening. And we do have that information. It's also in your packet and was e-mailed to you. If you have any desire to attend I'm sure the company would appreciate it. If you could just let Jan know so we can RSVP.

John Braig:

28th or 27th?

Jean Werbie:

28th of February at nine o'clock in the morning.

Thomas Terwall:

Motion to receive and file?

Larry Zarletti:

So moved.

Wayne Koessl:

Second.

Thomas Terwall:

MOTION BY LARRY ZARLETTI AND A SECOND BY WAYNE KOESSL TO RECEIVE AND FILE THE CORRESPONDENCE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

4. CONSIDER THE MINUTES OF THE JANUARY 28, 2008 PLAN COMMISSION MEETING.

Thomas Terwall:

They've been presented to you in written form. What's your pleasure?

Wayne Koessl:

Move approval, Chairman.

Thomas Terwall:

Is there a second?

Larry Zarletti:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY LARRY ZARLETTI TO APPROVE THE MINUTES OF THE JANUARY 28TH PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

5. CITIZEN COMMENTS

Thomas Terwall:

Item A on tonight's agenda is a public hearing, so if you're here to comment on that item we'd ask that you hold your comments until the public hearing is held so your comments can be included as part of the official record. However, if you're here for Item B or if you're here for an item that's not on the agenda now would be your opportunity to speak. We'd ask you to step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments? Seeing none, we'll move on to new business.

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AMENDMENTS: to amend Sections 420-84, 420-86, 420-87, 420-139 related to shore setbacks for accessory structures in single family zoning districts.

Jean Werbie:

Mr. Chairman, the first item on the agenda is consideration of several zoning text amendments to amend Sections 420-84, 420-86, 420-87 and 420-139, and it's related to shore setbacks for accessory structures in the single family zoning districts.

On November 26, 2008, the Plan Commission adopted Resolution 07-30—that wouldn't be right, it would have to be 2007. The Village Plan Commission adopted Resolution 07-30 to evaluate the shore setbacks for accessory structures within single family districts. Currently, principal structures within a single family district shall be located 75 feet from the ordinary high water mark of a navigable waterway. However, Section 420-139 B (2)(d) of the Village Zoning Ordinance allows this distance to be reduced to the average shore setback of the abutting principal structures on each side. But in no case shall the setback distance be reduced to less than 50 feet from the ordinary high water mark of any navigable waterway.

Furthermore, if one of the abutting lots to be used in averaging the setback is vacant, then to calculate the average shore setback the shore setback on the vacant lot shall be 75 feet. This provision would not apply where special conditions exist on the land such as, but not limited to, areas which have been filled and may be unsuitable for construction or areas which may contain special flood hazard potential.

The proposed ordinance amendment that you have before you would allow for the required shore setback for a deck or a porch including the associated steps or stairs, swimming pools including hot tubs, and/or detached accessory structures under 600 square feet located within a single family residential district to be reduced in any shoreland jurisdictional area as follows and we have two different scenarios.

First, to the average of the existing shore setback distance of the abutting principal structures on either side, but in no case shall the setback distance be reduced to less than 50 feet from the ordinary high water mark of any navigable waterway. If one of the abutting lots to be used in the averaging setback is vacant, then to calculate the average shore setback the shore setback on the vacant lot shall be 75 feet. So what that basically says is we're going to be treating with this ordinance amendment an accessory structure similar to a principal structure when using the averaging principle when setting back to the ordinary high water mark.

The second is to the setback of the existing principal structure provided that said structure was legally constructed but in no case shall the setback distance be reduced to no less than 50 feet from the ordinary high water mark elevation of any navigable waterway.

The staff has put together an exhibit that might help you to show you exactly what we are talking about. We've had the situation come up in the past with respect to residents, especially those that abut Lake Michigan or Lake Russo or any one of the inland lakes. We've got another lake, Paradise Lake, that's going to be built on at some point in the future. But what we wanted to do is bring something forth for the Village Plan Commission/Board's consideration to average within an envelope area some accessory structures that are typically built with single family homes but to allow them to be placed within the averaged area parallel to the principal structures on either side.

So the yellow area that we've identified is that area where an additional accessory structure could be placed. Again, we feel that if a principal structure could be placed in this area using the averaging principle, why couldn't an accessory structure for that residential home be placed in this particular area, again, as long as it meets the averaging principle and as long as it meets the minimum of no closer than 50 feet to the ordinary high water mark if we've used that averaging principle.

Thomas Terwall:

And principal structures already have that available to them?

Jean Werbie:

Yes, they do. With that, I'd like to continue the public hearing.

Thomas Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Hearing none, I'm going to open it up to comments and questions from Commissioners and staff and I'm going to begin. Jean, does the 600 foot total size that you talk about in here, does that 600 square foot apply only to hot tubs or to any detached structure? So a porch would be limited to 600 square feet as well?

Jean Werbie:

That would be any type of detached structure on that property. It wouldn't apply to a deck because that would be attached to the principal structure. So, for example, a shed or a gazebo or a small garage.

Thomas Terwall:

So the deck would be considered a part of the structure itself?

Jean Werbie:

Right. It still needs to meet the setback but we don't see too many 600 square foot decks to be perfectly honest. But the 600 foot is a maximum number we felt was reasonable before we started to have some issues with respect to setbacks.

Thomas Terwall:

This doesn't get us in hot water with the DNR? They have no problem? What do they say the setback from the high water mark needs to be?

Jean Werbie:

We follow their ordinances with respect to the 75 foot setback or 50 feet with averaging on either side.

John Braig:

Does the 600 square feet apply to each individual structure or is that an aggregate number?

Jean Werbie:

It's each individual structure and, in fact, we do allow up to three accessory structures per parcel in an R-5 District for example.

Thomas Terwall:

. . . square feet is a 24 foot pool. Any other comments or questions?

John Braig:

With that I would move approval.

Thomas Terwall:

Is there a second?

Jim Bandura:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE AMENDMENTS AS STATED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

B. Consider Plan Commission Resolution #08-05 to initiate a Zoning Map Amendment to rezone properties acquired in 2006 and 2007 by the Wisconsin Department of Natural Resources or The Nature Conservancy of Wisconsin pursuant to the Carol Beach Chiwaukee Prairie Land Use Plan.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, the Village Plan Commission may initiate a petition for an amendment to the zoning ordinance which may include rezoning of property, change in zoning district boundaries or the changes in the text of the ordinance.

As you know, Community Assistance Planning Report Number 88, which is entitled The Land Use Management Plan for the Chiwaukee Prairie/Carol Beach Area of the Town of Pleasant Prairie, is dated February of 1985. It was prepared by the Southeastern Wisconsin Regional Planning Commission, and that plan recommended ultimately that some large areas down in the Chiwaukee Prairie would be acquired in the public's interest either by the Wisconsin DNR, The Nature Conservancy of Wisconsin, the Village of Pleasant Prairie or Kenosha County. And once these areas were acquired in the public's interest they would be transferred or rezoned into the C-3, Natural and Scientific Area Resource Conservancy District, which is the designated natural resource protection district down in the Chiwaukee Prairie area.

Over the past several years since the Village's incorporation, approximately every year or two the Village has gone through the areas down in Chiwaukee Prairie and has assembled all of the lands that have been identified by the DNR, The Nature Conservancy, other State agencies that they have acquired, and we have proceeded to process the rezoning of those into the C-3 District. Well, for 2006 and 2007 the DNR and others have acquired eight properties down in Chiwaukee Prairie, and we are just following through with what one of the recommendations was in the plan and that was to make sure that these lands were placed into the proper designation.

So, as part of this resolution, we are initiating the process for the Plan Commission to petition to amend the official zoning map of the Village as it relates to these properties that have been acquired in the public's interest and placing them into the C-3, Natural and Scientific Area Resource Conservancy District. These changes in the zoning map are being referred to the Village staff for further study, and this will come back to you as part of a public hearing.

The Plan Commission is not by this resolution making any determinations regarding the merits of the proposed changes but only is initiating the process by which the proposed changes would be promptly evaluated by the Plan Commission and the Village Board. And the staff does recommend approval of the resolution as presented.

Thomas Terwall:

Jean, of the eight properties, do you know how many of those eight properties were in the area to be acquired and how many, if any, were in the area that was for development?

Jean Werbie:

At the public hearing we will show a map but I do have a map here, and it looks like all of them are in the areas that have been identified for open space preservation. So they're all in areas that were to be acquired in the public's interest by the Wisconsin DNR or The Nature Conservancy of Wisconsin.

Mike Serpe:

Move approval of Resolution 08-05.

John Braig:

I'll second the motion.

Thomas Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO ADOPT RESOLUTION 08-05. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed?

7. ADJOURN

Thomas Terwall:

Let the record show at 5:15 we're calling for a motion to adjourn.

John Braig:

Move adjournment.

Jim Bandura:

Second.

Thomas Terwall:

Those in favor aye.

Voices:

Aye.

Meeting adjourned at: 5:15 p.m.