

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
April 28, 2008**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on April 28, 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.**
- 3. CORRESPONDENCE.**

Jean Werbie:

I have none this evening, but if Commissioner Hackbarth is not here this evening we could have one of the other Commissioners sit up at the dais.

Thomas Terwall:

Is he not coming, do we know?

Jean Werbie:

I don't know that.

Thomas Terwall:

Give it a minute or so.

- 4. CITIZEN COMMENTS.**

Thomas Terwall:

There will be no public hearings tonight, so if you're here for an item that is on the agenda or is not on the agenda now would be your opportunity to speak. We would ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

5. OLD BUSINESS

- A. **TABLED PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP and ZONING TEXT AMENDMENT for the request of Neil Guttormsen, counsel for Dean Trafelet, owner, to 1) Create specific Planned Unit Development (PUD) Ordinance requirements for the existing Timber Ridge Mobile/Manufactured Home Park (MHP) pursuant to Chapter 420-137 of the Village Zoning Ordinance and 2) Insert the new PUD Ordinance into Section 420 Attachment 3, Appendix C, entitled “Specific Development Plans” and to amend the Village Zoning Map by adding a PUD zoning designation to the existing R-12, Manufactured Home/Mobile Home Park Subdivision Residential District zoning designation for the property commonly known as the Timber Ridge Mobile/Manufactured Home Park located at 1817 104th Street.**

Thomas Terwall:

Jean, you’d like this to remain tabled, is that correct?

Jean Werbie:

Yes and I’d like to read my recommendation. Mr. Trafelet, Attorney Guttormsen and the Village staff are continuing to draft and fine tune the proposed Timber Ridge Mobile Home Park PUD ordinance. The final version of the ordinance has not yet been completed. Therefore, the Village staff at the request of Attorney Guttormsen recommends that the zoning map and the zoning text amendments related to the Timber Ridge Mobile Home Park PUD be tabled until the May 12, 2008 Plan Commission meeting. Now, in order for them to take action on that, do they need to take it off the table? It needs to be taken off the table with this recommendation acted on and then placed back on May 12th.

Thomas Terwall:

Motion to remove from the table?

Larry Zarletti:

So moved.

Wayne Koessl:

Second.

Thomas Terwall:

MOTION BY LARRY ZARLETTI AND A SECOND BY WAYNE KOESSL. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? Now that we've got it off the table we need a motion to put it back on the table.

Wayne Koessl:

So moved, Mr. Chairman.

Larry Zarletti:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY LARRY ZARLETTI TO PUT THIS ITEM BACK ON THE TABLE TO THE MAY 12TH MEETING. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. For the record show that Mr. Hackbarth has arrived.

6. NEW BUSINESS.

- A. Consider the request of Tim Ecker, agent for PSN, LLC owners of the Village Supper Club located at 10909 Sheridan Road for a Sign Special Exception to alter the non-conforming Primary Monument Sign.**

Jean Werbie:

Mr. Chairman, members of the Plan commission, the petitioner is requesting a Sign Special Exception Permit to change the non-conforming Primary Monument Sign at the Village Supper Club located at 10909 Sheridan Road.

On April 29, 2002, the Village Plan Commission held a public hearing to update the Village Comprehensive Plan to amend the Village's Zoning Map and the Amend the Village's zoning text related to Business, and on May 6, 2002 the Board adopted Ordinance 02-27. This rezoning affected over 200 properties including the Village property which was rezoned from the B-3, Highway Business District, to the R-4, Urban Single Family Residential District. A restaurant is not an allowable use in the R-4 District, therefore the use is classified as a legal but non-conforming use.

Pursuant to Section 420-78 T (6) of the Village Sign Ordinance, all sign changes for a legal, non-conforming uses require the approval of a Sign Special Exception Permit by the Plan

Commission. Furthermore, the Plan Commission shall have authority to impose any conditions which are more stringent than such regulations if it finds that:

1. Such conditions are required to avoid a nuisance, to protect the value of neighboring properties from significant diminution or otherwise to avoid serious interference with the rights and reasonable expectations of owners and users of property within the zoning district where the nonconforming use exists which would otherwise result from the proposed sign; and
2. The imposition of such conditions will not substantially interfere with the right of the nonconforming use to continue.

Based the Sign Special Exception Permit application, the proposed sign changes include removing all existing signage from the pole and replacing with one 45 square feet cabinet sign on the existing pole. Pursuant to Ordinance,, a special exception permit for an accessory sign relating to a nonconforming use shall not be granted unless the Plan Commission specifically finds that:

1. The use is a valid nonconforming use, regarding which the owner or applicant has the burden of proof with respect to all elements of nonconforming use status, by a preponderance of the evidence; and
2. The permit will not allow and is not associated with an expansion, extension or change in the nature of the nonconforming use.

In addition to the use being non-conforming, the sign itself is non-conforming in that the sign is a pole sign and it is not allowed as a primary monument sign. However, Section 420-78 T of the Village Sign Ordinance allows for valid non-conforming signs to continue or be altered, subject to specific requirements of the Sign Ordinance. Specifically, Section 420-78 T (2) and (3) provide that the at such time that the cumulative cost of modifications to a nonconforming accessory sign exceeds 50 percent of the cost of replacing the sign, such sign shall become illegal and shall be removed or otherwise cured. Any such cure shall eliminate all nonconformities with or violations of this article. Any nonconforming accessory sign that is destroyed or damaged to the extent of 50 percent of the cost of replacing the sign shall be illegal and shall be removed or otherwise cured.

Pursuant to the application, the total cost of reconstruction/modification/alteration to this non-conforming sign totals \$38,249.03. Therefore, the Primary Monument Sign has \$19,124.52 worth of modifications remaining. The proposed modification to the existing nonconforming accessory sign will cost \$6,600 which does not exceed 50 percent of the sign's replacement cost. Future repairs, changes and modifications to this sign shall not exceed \$12,524.52 before the non-conforming signs must be removed or cured.

As you can see on the slide, what they're proposing to do is primarily eliminate the three single signs on the pole. They're leaving the lamp post at the top and then replace it with one cabinet sign. The staff recommends approval of their request as presented for the Sign Special Exception Permit subject to conditions as outlined that are attached to your staff comments.

Thomas Terwall:

Comments or questions?

John Braig:

Just a clarification. When you use the term cure, if the sign cost of repairing or improving the sign in the future exceeds the \$12,000 figure, they can still put a sign somewhere on the property but conforming to the sign ordinance?

Jean Werbie:

That's correct.

John Braig:

Good.

Mike Serpe:

Move approval of the special exception.

Jim Bandura:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA TO APPROVE THE SPECIAL SIGN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

B. Consider Plan Commission Resolution #08-10 to initiate a correction to the Zoning Map.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, Resolution 08-10 is a resolution to initiate a zoning text amendment. The Village Plan Commission may initiate a petition for amendment of

the zoning ordinance which may include the rezoning of property, change in zoning district boundaries or changes in the text of the ordinance.

On Friday, September 7, 2007, the Plan Commission received a call from Mr. Ed Schecklman, owner of a property located at 11638 Sheridan Road. That property is identified as Tax Parcel Number 93-4-123-311-0256, and he was inquiring as to the current zoning of his property. According to the Village's official zoning map, the property is currently zoned B-1, Neighborhood Commercial District. Mr. Schecklman then inquired when the property was changed from the residential zoning to that commercial zoning district, and the Village staff informed him that the property was rezoned in the early 2000s but we'd need to do some further research in the property files and we would get back to him.

In reviewing the property file, the property was zoned commercial from the 1960s until 1994 when the property was rezoned on May 2, 1994 at the request of the property owner from B-3, Highway Business District, to R-5, Urban Single Family Residential. On April 29, 2002, the Plan Commission held a public hearing to update the Village's Comprehensive Plan, to amend the Village's zoning map and to amend the zoning text related to the business districts in the Village. On May 6, 2002, the Board adopted Ordinance 02-27.

Over 200 properties were affected by the rezoning and several notices were sent to all the affected properties based on the area in which their property was located. In reviewing the ordinance that was approved, the Schecklman's parcel number and address were not properly shown on the final ordinance that was adopted. However, it was shown on the Village's official zoning map. Furthermore, Village records indicate that the Schecklmans received a notice of the hearing in which the specific names, addresses and parcel numbers were identified. An existing zoning map and a proposed zoning map were provided. The maps indicated that the property was zoned R-5 and was proposed to be changed to B-1. However, the list of properties with names, addresses and parcel numbers did not include his parcel with the other parcels. This list of names, addresses and parcel numbers that did not include the parcel was in error.

Whereas, the staff is proposing this resolution to properly go through and make sure that his specific information was reflected in both the map and the text. The purpose of the hearing that we proposed to set is to make sure that this clarification goes through the proper procedure and it is properly reflected in the records. So this request that you have before you this evening is a resolution to initiate the process to initiate a discussion on the merits of the proposed changes, but it is not to take any official action this evening other than to start that process. And the staff recommends approval of Resolution 08-10.

John Braig:

Move approval.

Wayne Koessl:

Second.

Thomas Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL TO ADOPT RESOLUTION 08-10. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Jean Werbie:

Mr. Chairman, I can go forward with Item C. The petitioner is in the audience representing under Item A of New Business, and he is requesting some further discussion before the Plan Commission on the sign special exception that was just granted by the Plan Commission. Apparently his hand was raised and we didn't see it or didn't recognize him. So we can either go back to that Item A under New Business now and then come back to the chapter if we could.

John Braig:

Move we reconsider Item A under New Business.

Mike Pollocoff:

Whoever made the motion to rescind the motion approving it along with the second and then anybody can make a motion to bring it back.

Mike Serpe:

I'll withdraw my motion that we approve that sign.

Jim Bandura:

Second.

Thomas Terwall:

MOTION BY MIKE SERPE IS MADE AND SECONDED BY JIM BANDURA TO WITHDRAW THE ORIGINAL ACTION. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Jean Werbie:

So I would ask that the petitioner come up to the microphone.

Tim Ecker:

Good evening, Tim Ecker with Southern Wisconsin Sign. The change in talking with the owner, the original plan was to remove the two small signs at the bottom, the existing signs, one that says fine foods and the other that says cocktails. Those signs are sound and functioning well at this time. My discussion with them was they would prefer to leave them in place at this time, only replacing the top sign which has been damaged and is rotting out. The proposed sign which we are going to replace it with is exactly the same exterior dimensions as the existing sign so it does not increase the square footage of the sign at all. I just wanted to make sure the impact their permit and would force them to remove the two bottom signs.

Mike Serpe:

So the sign on the right is not going to be proposed. That's going to go in place of The Village?

Tim Ecker:

Yeah, the sign on the right is going where it is, but you'd have to say—in fact I have another drawing here and you could take a look at that to clarify that. So it's basically the same sign as you see on the right but the two signs you see on the left which says fine food and cocktails will remain in place. And the existing old sign which is dilapidated will be replaced by a new one.

Wayne Koessl:

Mr. Chairman, can I ask the staff a question. If we approve this is that violating the sign ordinance?

Jean Werbie:

No, it would still be a sign special exception. We would just have to adjust the numbers. We're actually leaving the other two signs so we're not adding any additional cost to the sign. So we just would need to modify the staff memorandum so it goes into the file that they are leaving the lower two signs and they're just modifying the top cabinet sign.

Tim Ecker:

One question I did have is in the future if those two signs on the bottom are removed does that impact the 50 percent cost by removing rather than adding to?

Jean Werbie:

No, it's only when we add--

Tim Ecker:

We would actually be taking away from the sign.

Jean Werbie:

Correct.

Tim Ecker:

Thank you.

Mike Serpe:

I would renew my motion to approve.

Jim Bandura:

Second.

Thomas Terwall:

MOTION BY MIKE SERPE AND A SECOND BY JIM BANDURA TO APPROVE THE AMENDMENT LEAVING THE TWO LOWER SIGNS IN PLACE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Jean Werbie:

And the staff will modify the conditions and the comments to reflect your new action taken.

Tim Ecker:

Thank you, gentlemen.

C. Review and consider Chapter VIII, "Agricultural, Natural and Cultural Resources Element" of the Multi-Jurisdictional Comprehensive Plan for Kenosha County.

Jean Werbie:

Item C under New Business is to review and consider Chapter VIII, Agricultural, Natural and Cultural Resources Element of the Multi-Jurisdictional Comprehensive Plan for Kenosha County. You have received a copy of the chapter. The comprehensive planning group will be reviewing this chapter actually tomorrow at their next meeting.

Chapter VIII discusses the agricultural, natural and cultural resources element. This is one of the nine elements of the Comprehensive Plan that is required as part of the Wisconsin State Statutes under the new Smart Growth provisions. Specifically, the statute requires that this element list and compile goals, objectives, policies and programs for the conservation and effective management of the following natural resources. There's quite a list that is provided on the slide and is listed in the chapter. We are looking at ground water, forests, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mining, parks, open spaces and recreational resources, historical and cultural resources and community design.

Specifically, this chapter does set forth a listing of planning goals that focus in on each of these various objectives within this chapter. They can be summarized as the following: The promotion of redevelopment of lands with existing infrastructure and public service and maintenance and rehabilitation of existing residential, commercial and industrial structures; protection of natural areas including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources; protection of economically productive areas, including farmland and forests; encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state government and utility costs; preservation of cultural, historic and archeological sites; building of community identity by revitalizing main streets and enforcing design standards; planning and development of land uses that create or preserve varied and unique urban and rural communities.

Part 1 of this chapter specifically discusses agricultural, natural and cultural resource programs and conservation techniques that service Kenosha County. Included within this section are sources of grant funds for acquisition, preservation and development of park and open space sites, and the development of trails and bike ways. This section specifically talks about all the different programs that are available. Some of these programs include farm service agency and conservation services, conservation reserve programs, enhancement programs incentive programs, resource conservation and development, wetland reserve programs, wildlife habitat incentive programs, a number of programs through the U.S. Department of Transportation, a number of Wisconsin Department of Revenue programs such as farmland preservation, programs under Wisconsin Department of Trade and Consumer Protection including the Working Lands Initiative; soil and water resource management programs.

There are programs that are covered under the Wisconsin Department of Natural Resources. We've received some of these types of grant program and worked with them. That would be the Stewardship Fund programs, land and water conservation funds, the LAWCON Funds. There are river protection grant programs, urban forestry grant programs, Wisconsin managed forest law programs, lake related programs, nonpoint source pollution abatement programs. Again, some additional Wisconsin Department of Transportation programs such as the Rustic Road program. There are historic preservation programs such as the barn preservation program, main street program.

Local programs administered through Kenosha County include programs through the Kenosha County Land and Water Conservation Department, Kenosha County tree and shrub program, Kenosha/Racine Land Trust. We're working extensively with them. Conservation programs and techniques, conservation easements. We have several of those in the Village of Pleasant Prairie, conservation subdivisions. We have yet to develop a conservation subdivision but we are working with a couple of individuals that have talked about that with us. There's some lot averaging and purchase of development right programs that are relatively new. Not too many communities are working with those currently in Kenosha County, but those are newer techniques that are used to protect conservation areas, transfer of development rights. So, as you can see, there are a lot of techniques and programs out there to preserve the natural resource areas and the conservation areas. And as we continue to move forward we will continue to look at these various options into the future.

The second part of this chapter is the agricultural resources goals, objectives, policies and programs. This section specifically is intended to promote the conservation and effective management of agricultural resources including productive farmland and to promote the economic viability of working farms in Kenosha County.

The goals include to preserve and protective agricultural lands and farmlands; to identify and encourage desirable and sustainable agribusinesses and job development; to preserve soil conservation practices to reduce farmland erosion, and to sustain and increase farmland productivity; to preserve a sufficient amount of agricultural land to ensure farming remains viable and sustainable; to identify productive farmlands and support their protection and management as an important economic resources; to protect farms and farming. Again, looking at the chapter specifically, there are very specific goals and objectives and management recommendations that are set forth, some that are directly applicable to Pleasant Prairie, but obviously a lot of this section of the chapter does focus on a lot of the rich agricultural lands west of I-94. But there are several programs that are in the works currently for some existing farmland areas in Pleasant Prairie.

Part 3 of this chapter discusses the natural resources, the goals, objectives, policies and programs. This is intended to promote the conservation and effective management of the natural resources in the County including significant geological sites, Lake Michigan bluff and ravine areas, nonmetallic resources, watersheds, surface waters, wetlands, floodplains, ground water resources, woodlands, natural areas, critical and endangered species habitat, outside natural areas, critical aquatic habitats, environmental corridors and isolated natural resource areas and park and open space sites.

The goals in this section of the chapter are as follows: To preserve and enhance the natural resources including Lake Michigan and park and open space site; to preserve primary environmental corridors including secondary environmental corridors and isolated natural areas; to preserve natural areas; to preserve critical species habitat sites and critical aquatic sites located outside of natural areas; to preserve habitat for native plants and wildlife by protecting environmental corridors and isolated natural resource areas, wetlands and surface waters; to preserve significant geological areas; to encourage integrated water resource management of surface water, ground water and water dependent natural resources; to protect and enhance surface water quality; to protect, conserve and enhance ground water quality and quantity; to encourage integrated water resource management of surface water, ground water and water

dependent natural resources; to protect floodplains from incompatible land uses; to protect wetlands from destruction and degradation; to encourage urban development to be located on soils suitable for development; to encourage integrated water resource management of surface ground water and water dependent sources; to protect Lake Michigan's water quality and shoreline; to ensure an adequate supply of nonmetallic resources at reasonable cost for new construction and maintenance of existing infrastructure into the future; to protect naturally occurring biodiversity; to reduce the risk of disease, injury or premature death associated with or caused by hazardous environmental factors; reduce the human and environmental risk posed by hazardous animal waste; preserve and enhance natural resources; preserve natural and rural character in vistas; provide a wide range of outdoor recreational opportunities for all citizens; preserve and enhance the system of parks, trails and open space; and to improve access to recreational opportunities.

Again, if you look at the chapter specifically there are some very detailed objectives under each of these goals as well as some very specific policies. It does go into discussion with respect to guidelines to follow when developing in environmentally sensitive areas of the community. As you know, the Village has taken this area of the chapter very seriously with respect to our need and desire to protect the very significant natural resources that we have in our community, whether it's the Des Plaines River Watershed on the west end or the Chiwaukee Prairie on the east end, or any of the shoreland areas tributary to the creeks and the rivers, as well as the bodies of water in Pleasant Prairie. So we have through our comprehensive planning protected these areas very significantly.

Part 4 of this chapter identifies specific issues and sets forth goals, objectives, policies and programs intended to promote the conservation of cultural, historical and archeological resources in the County. Additional goals, objectives, policies and programs are intended to support museums and cultural venues, events and organizations that promote the arts and heritage of the County and contribute to the quality of life and the economy of the County.

Some of the goals set forth in this section of the chapter include to preserve and enhance the historic and cultural resources and character; to preserve historical structures and sites; preserve historic districts; promote cultural resources and heritage-related tourism; preserve archeological resources that contribute to the County's rural and small town character; preserve archeological resources that contribute to the County's heritage; promote cultural resources and heritage-related tourism; support the efforts of local historical societies to provide a greater understanding of the history and heritage to the public; to promote cultural resource and heritage-related tourism; support a wide range of artist performances, art exhibits, displays, fairs and educational programs; support a wide range of entertainment and recreational opportunities.

Again, this section of the chapter does go into very specific information on objectives, policies and unique programs within each of the various recommendations and different things that the local governments can do in order to promote this type of activity within Pleasant Prairie and the rest of Kenosha County.

With that, that is a brief overview of this element, Chapter II of the Multi-Jurisdictional Plan.

Thomas Terwall:

Thanks, Jean. You had an opportunity to review this over the weekend I'm sure. Go ahead, Mike.

Mike Serpe:

Jean, with reference to farmland protection, what are some of the things in place that can preserve farmland in Pleasant Prairie? What can the Village do to do that?

Jean Werbie:

One of the things we can do is to encourage and work with the farmers to maintain their lands in an agricultural zoning classification, whether it's an A-1, which is more of an exclusive or prime agricultural status or another Ag district. We have a few farmers that are participating in the State program, and we have actually worked with them to zone their property into that A-1 classification; or, to put lands into the A-2, -3 or -4 classifications and to encourage them to continue to farm those lands until they are ready for development purposes. If the farmers want to maintain those types of areas for crop production or tree farms or other types of agricultural-related production, the Village has encouraged them to continue to use them for those types of purposes. We're not pre-zoning those lands, and those lands are being valued or assessed at agricultural values so that the farmers can continue to operate them.

Mike Serpe:

And no matter how agreements we enter into with the owners of these parcels or the farms, at any time in the future that they wish to develop they may do so, is that correct?

Jean Werbie:

That's correct, that's correct. Some of the other things, for example, is the Village does not specially assess prime agricultural land when municipal sewer and water is run by a property. It's my understanding and Mike can confirm that, so we're not putting undue pressure or burden on the property owner to develop in a more quick or timely manner because of those services being available to them.

Mike Pollocoff:

I think the State of Wisconsin has a lot more leverage, and there's been laws on assessing Ag property for special improvements like sewer and water since the early '90s. And that means when a project goes by we have to pretend that it's not there. We can't make the abutting properties pay for the difference, and the farm who's actively farming their land isn't required to pay for those improvements because it's not going to help them. At some point down in the future when a farmer decides to develop that property that's a different thing.

The other thing that happened in the early '90s is Ag use assessing where a farmer's land is based on its productive value, not on its real estate value, because at that point that does more to drive farms out of production than anything if they're paying the same. Land that they use is their tool for what they produce if it's treated as its value. The down stroke to that is when the farmer sells

the land then at that point they have to pay back all the taxes that have been accrued. So in essence at the end of the day the taxpayers are held harmless and a developer might end up paying for that. And while the farmer is farming his land and not making money off of development then he's not paying taxes on that. That's another State law.

But I think the things that help farmers by and large really happen at the State and federal level. The local zoning laws we have pretty much are compliant with those federal and State regulations. They're going to have more impact on the agricultural economy than anything the Village of Pleasant Prairie or the Town of Paris or anybody else could do.

Donald Hackbarth:

I had questions on that, too, Mike. I had seven questions for Mike. Good answers, Mike. Getting back onto the farm issue, I'm not so sure that this part of the chapter is really viable for us. I'm not a farmer, but you read the paper and you look at stuff on television, the small farm is kind of dying out. It's kind of dying out. And I think this maybe more would apply to more rural areas of Wisconsin rather than Pleasant Prairie, because I really don't see a lot of farmers holding onto their land to continue farming it. It was years ago that even my cousins, and I'm an old man, but even my cousins they didn't even want to stay on the farm. So their fathers and mothers just kind of sold it off and they weren't farming it anymore. So I don't know about our area if this is realistic for us because I think basically farmers are going to develop their land.

Mike Pollocoff:

When you looked at the recommendations one of them was find ways to make young people stay on the farm. Government can do a lot of things but I'm not sure we can make a kid stay on the farm. Again, I think farm economics happens at a lot higher level than the Village of Pleasant Prairie or Kenosha County can influence. I think the things that the State has done and the federal government has done as far as preservation and controlling soil conservation and those uses are really where the enforcement happens. I think in an urbanizing area farmers are going to make economic decisions just like anybody else who owns land. Even if they're not farming it but they have land available they're property owners and they're going to make an economic decision that's in conformance with the Comprehensive Plan and go from there. But in order to keep a farm farming, I don't see that we really have a lot of leverage to do anything or really could have any impact.

Donald Hackbarth:

The other comment I have is the section on archeological stuff. I think this is a great idea. I really do, because I think some element like a silo or whatever to be preserved to be put into a subdivision some of those things are being done already. You see it in Illinois they're being done, and I think that adds to the history of your community and where its roots were. I think that's really neat to preserve that stuff.

Question, though. I talked in there about preserving farm buildings. We've got a, I don't know what it is, on ML and 31 octagonal barn down there, an old barn. It's not a standard barn. John, you'd know that, wouldn't you, that barn that's down on ML and Springbrook Road, it's across the street. Let's take that one, for example. What do we do to preserve that? I think that's really a rare barn.

Mike Pollocoff:

If we wanted to preserve it one would be the Village could adopt an historical site law which would prohibit somebody from modifying or eliminating a site that's been determined to have historical significance. We don't have that now. Or, the other thing is just to secure it through acquisition as a site if there's an open space or a park use that could be associated with it.

Donald Hackbarth:

That barn I think is, and John you would know, that's a very unusual barn. It's a very, very different kind of barn and it would be neat to have that preserved. I think it's kind of deteriorating already, but you talk about historical or archeological sites or preserving a barn that would be one that we should really look at.

Thomas Terwall:

We need a motion to adopt this Chapter VIII.

Donald Hackbarth:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

MOTION BY DON HACKBARTH AND A SECOND BY MIKE SERPE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

D. Discuss the tree preservation newspaper articles.

Donald Hackbarth:

I'm supposed to make an address here? I didn't know that. I was just saying that I put this material or I asked to have it put in the packets because this is material in regard to what other communities are doing and some of the very stringent rules on removal of trees. Not just any tree, but especially the old growth hardwood trees. There is some kind of interesting things in here. There's some things that they talk about the environmental value of it, how it scrubs the air,

how trees clean the air. But it also puts in what some communities are doing and a lot of them are suburbs in Chicago. What they're doing is putting in ordinances and fines for people who just indiscriminately remove hardwood trees from their property. You have to get a permit to take down a tree.

I know some of the Commission members are maybe in opposition to this, but I liken it to the rules that we have on roofs. If you want to replace your roof I believe you have to pull a permit. And it's a safety factor, no?

Jean Werbie:

Only if it's a structure modification to the roof but not the shingles.

Donald Hackbarth:

I thought we did. The idea was that you don't have more than two layers of shingles on it so you don't make it a structural hazard. But something to that effect, because it really is important to keep especially these old growth trees, these hardwood trees, because they don't grow up overnight. Again, I'll repeat, there was a fellow in our congregation that said, and he's more of an advocate on trees that I was, but he said an oak tree takes 200 years to grow, it takes 200 years to just live and then it takes 200 years to die. He said that the property that we are on there are trees on our property than are older than the country and you don't pop those up too quick. So I put these articles in there to just take a look at that to be aware of it. I personally would like to see some kind of a tree ordinance. I know we worked on it. I know we had samples of what other communities were doing. I really would like to see something like that done here, too.

Thomas Terwall:

Other comments?

John Braig:

I've got a number of items.

Thomas Terwall:

On trees?

John Braig:

Yes, I do have a comment. It's a difficult situation. You don't want to get in a position of enforcing or imposing too many rules and regulations on the taxpayers. And yet I can see where some form of tree ordinance may have some value. Among other things it's a burden on the staff both to develop it and enforce it. I've got another concern that we'll talk about afterwards as it pertains to enforcement of ordinances. I don't know how we could develop an ordinance and enforce it with the resources we have.

Donald Hackbarth:

Can I give you just one example. Again, on ML or Springbrook Road and 31, the fairly expensive property to the southeast, there was a huge old growth tree there in spring. I had to go to Illinois for something and I saw that there was a tree service taking it down and it kind of made me cry when I saw that when they actually cut it down. That was a healthy tree. There was nothing rotted in it. I'm just saying I don't know why he took it down because there's nothing there, there's no modification to the land. He just had somebody come out and take it out. I don't like that.

Mike Serpe:

I agree with Don to try and preserve as many trees as we possibly can. I think it's important. The only problem I have with trying to come up with an ordinance is we're telling somebody on their own property what they can and can't do. I have just a little bit of a problem with that. Don, believe it or not, and I don't think this is the case totally, but there's people out there that just don't like trees and it's a fact. I knew a guy who passed away now, but he owned a number of homes in the City of Kenosha and as soon as he bought another income house he'd chop the trees down in front because he didn't want to rake the leaves. So it happens. But to look at this we could look at it but I just have a hard time going on somebody's property and telling them you really can't chop that tree down when it's something that they may want to do.

Wayne Koessl:

Mr. Chairman, I agree with Commissioner Serpe, but I have to rebut my stare from Commissioner Hackbarth. It isn't that I don't dislike trees. If it comes between economic development and a tree I'm going to vote for economic development.

Thomas Terwall:

A personal story. When I built my home in Meadowdale Farms, I bought the lot that I bought because it was the only lot in the entire subdivision that had two large oak trees on it. That's why I bought that lot and I loved it. I no more than sold that house and those two trees came down to put a swimming pool in the back yard. It made me sick. But I don't know if I'm in a position to tell the guy, no, you can't have a swimming pool. That's the issue I think.

Donald Hackbarth:

I make a comment to Commissioner Koessl some time ago. I really appreciate it because I think he plants more trees in our community than anybody. They're called telephone poles.

Larry Zarletti:

I think the Village does an outstanding job in working with developers that come in and kind of watch their project as it goes. Even if they can adjust some of the lines that they go around and some of the trees, so I think the Village is already doing a good job of watching that trees aren't just needlessly cleared. But I happen to agree with Mike on his idea that we need to be careful of how we dictate to people what they can do on their own land, and we have to depend on some of

their thought process and the way that they want to live their life on that property. I think the Village by and large is doing a good job of watching that there's not senseless clearing going on.

John Braig:

Another example of backing up Mike that people don't like trees, by home in Racine years ago was one of the first in a small subdivision. When the last lot was sold it was the only lot in the subdivision with an oak tree on it, maybe 14 or 16 inch diameter. The first thing the man did was cut the tree down and it was not necessary. It was not in the way of the house in any way. He just didn't want the tree.

Mike Serpe:

I don't know if this is a fair assessment or not, but since we've been a Village I would have to guess that there is probably more trees in the Village of Pleasant Prairie now than there were when we became a Village in '89. So it's not that we're clear cutting. I mean there are times that we had to clear cut. Let's not forget Nitto Denko and what we went through with that. But I think we're doing a fairly good job of planting trees in subdivisions in our commercial and industrial sites. It looks good. It's not forestry, but there are trees.

Thomas Terwall:

Is that it? John you had a comment.

John Braig:

Going onto the next item. A couple items. There's been articles about wind turbines. Can someone direct a wind turbine on industrial or commercial property in the Village now? Do we have ordinances? What I'm leading up to is not so much questioning it is I think it's something that we're going to be dealing with in the near future, maybe not in the next year or two, but I think it's something that's coming up, so are we prepared for it?

Jean Werbie:

The manufacturing districts and the Ag districts allow wind energy conversion systems or windmills with a conditional use permit only. At this time they're not allowed in any of the residential districts or the commercial districts or institutional districts. So we certainly should take a look at updating the ordinance with respect to them because they are allowed but only with a conditional use and in very limited areas.

Thomas Terwall:

If you've gone to Appleton at all recently, or not even recently, but at about the same point as the Quad Graphics plant on 41, on the other side of the road, Wisconsin Energy had two very significant windmills. I went up there last Sunday and there's now at least 50 on the other side of the road as far as the eye can see.

Wayne Koessler:

It's going to be 80.

Thomas Terwall:

I'll tell you what, I was surprised.

John Braig:

And when you look at the geographics of the area the subcontinental divide goes right through the Village so that's a natural place or it suggests it's the highest spot in the Village and it would be a natural for someone there—

Mike Serpe:

I'm going to defer my question to the two Wisconsin Energy people. Are windmills made for residential use that are relatively small in stature.

John Braig:

There are some available, yes.

Thomas Terwall:

There's one on Highway A just west of Green Bay Road.

Mike Serpe:

Would that windmill just supply enough electricity for a home site or could it supply more than just a home.

John Braig:

I should let Wayne talk, but the way most of these are set up if they can run the meter backwards when there is more energy available from the generator than the home uses. If there is not enough energy from the generator then power will pass through the meter from the electric service lines to the customer.

Mike Serpe:

I guess what I was thinking of when we were talking about this is my subdivision has eight homes in it and we all have relatively large lots. What if the eight of us wanted to get together and put up a windmill for electric generating purposes that we could all share in its expense and its benefits? We're not allowed to do that right now.

John Braig:

Those are concerns.

Jean Werbie:

Not currently allowed.

Mike Serpe:

We're not currently allowed, But could we possibly thing about this in the future if somebody wished to do that?

Mike Pollocoff:

Jean's Department will probably address it as part of the budget, but we're having in the corporate park our first building that's going to be built to LEED standards, environmental standards. And we are going to have to look at having our zoning ordinance be updated to be compatible with the new construction standards that are coming out for environmental efficiency. Really it's relatively new information, and our zoning ordinance is constantly evolving. But it's premised on utility infrastructure standards that existed in the '80s and early '90s. It's getting to be a different kind of world. We want to make sure that as we modify our zoning ordinance we're tying it to at least an acceptable standard. I think the LEED standards right now are the best ones. Again, the problem that Jean is going to have is that kind of sprinkles throughout the entire document. We just can't say LEED standards apply to everything else. You have to incorporate it into the entire document.

John Braig:

I don't know if anybody has traveled up old Highway 41 six, eight, ten years ago, up in the Lomira area I think there was four or six small generators on top of what would look like a big sized farm windmill, and those were what we would consider for residential applications. They had relatively small blades and a small unit in general. But you can get them in just about any size you want.

Donald Hackbarth:

Talking about the environmental issue I sent you and e-mail, Mike, in regard to the neon or fluorescent bulbs, whatever you call them, and it was kind of interesting that shortly after that e-mail there was an article in the *Kenosha News* saying the downturn of the spiral bulbs they had mercury in them. Our janitor is really green and he was the one that initiated it. He said find out what we do with these when they burn out. Because when they burn out you don't just want to throw them into the garbage because we're putting lead into our landfill. I know you've got a lot on your plate but that's another thing maybe we need to consider as to what can our community do to dispose of these neon bulbs or these curlicue things because there is lead in them. I know you said, and I don't know if this is for public information, that we might be able to take the bulbs rather than store them on site because that's an easy way to break them, to take them out to the recycling center out there and just have them store them in some bin or something out there.

Mike Pollocoff:

John, Jr. is looking at a way to store those without breaking them out there. As soon as he works something out we'll make that a drop off site where people can bring them. They go into hazardous waste. Right now people that have fluorescent tubes they should deposit them in household hazardous waste either at Prange in October or this coming weekend at the County Center. Before we proceed, just so we stay clean, the items aren't on the agenda.

John Braig:

But we can discuss them.

Wayne Koessl:

Not if they're not on the agenda.

Mike Pollocoff:

I would encourage the Plan Commission members if they have something they want to discuss to get it on the agenda so we can notify so everybody will know what you guys are talking about if they want to come and share in it.

7. ADJOURN.

Wayne Koessl:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

All in favor say aye.

Voices:

Aye.

Thomas Terwall:

Opposed?