

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
June 9, 2008**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on June 9, 2008. Those in attendance were Michael Serpe; Donald Hackbarth; Wayne Koessl; Jim Bandura; and John Braig. Tom Terwall, Andrea Rode, Larry Zarletti and Judy Juliana were excused. Also in attendance were Mike Pollocoff, Village Administrator; and Jean Werbie, Community Development Director.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**

Jean Werbie:

Trustee Serpe, I have one piece of correspondence. It's a copy of the Compass Points. It's the Kenosha County Comprehensive Planning Newsletter. Just to bring you up to date with respect to the chapters that have been reviewed and where they are in the planning process. And I just recommend that it be received and filed.

John Braig:

So moved.

Jim Bandura:

Second.

Mike Serpe:

**MOTION MADE BY JOHN BRAIG AND SECOND BY JIM BANDURA TO RECEIVE
THE COMPASS POINTS. ALL THOSE IN FAVOR SAY AYE.**

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

- 4. CONSIDER THE MINUTES OF THE MAY 27, 2008 PLAN COMMISSION MEETING.**

Wayne Koessl:

Mr. Chairman, move they be approved in their printed form.

Jim Bandura:

Second.

Mike Serpe:

MOTION MADE BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO APPROVE THE MINUTES OF MAY 27, 2008. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

5. CITIZEN COMMENTS.

Mike Serpe:

Items A through H are public hearings. If you wish to speak on any of these items you can hold your comment until that item is called. Or, if you wish to speak on any other item that may not be on the agenda, now would be your opportunity to talk. Anybody wishing to speak? Anybody wishing to speak? We'll close citizens' comments.

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of John Hickey of Black & Veatch, agent, on behalf of Cricket Communications, to co-locate three (3) antennas upon the existing 180 foot high monopole tower and to construct an associated 10' x 16' equipment shelter at the tower base on Village-owned property located at the southeast corner of 104th Street and Sheridan Road.

Wayne Koessl:

Mr. Chairman, if I may, can we take Items A and B at the same time and have separate motions or no?

Jean Werbie:

Actually we can't because they're two different locations. Trustee Serpe and members of the Plan Commission, this is a public hearing, and as part of the public hearing record the staff has

compiled a listing of findings, exhibits and conclusions regarding the petitioner's request and they are described and presented below.

Findings of Fact

1. Mr. John Hickey of Black & Veatch, agent, on behalf of Cricket Communications, is requesting a Conditional Use Permit including Site and Operational Plans to co-locate three antennas upon the existing 180 foot high monopole tower and to construct an associated 10' x 16' equipment shelter at the tower base on Village-owned property located at the southeast corner of 104th Street and Sheridan Road, which is further identified as Tax Parcel Number 93-4-123-301-0901. Cricket plans to lease a 23' x 20.25' area from the Village located immediately north of the existing monopole tower. The leased area will contain the equipment shelter and other improvements associated with the antenna installation.
2. The current zoning of the property, which is improved with the existing cell tower monopole improvements and the existing Village Water Reservoir and Booster Station improvements, is I-1, Institutional District.
3. As some background information, on July 12, 2004, the Plan Commission had already approved a Conditional Use Permit, including Site and Operation Plans for the construction and operation of a Nextel Communications cellular telephone facility consisting of a 180 foot high monopole tower with 12 mounted antennae and a 12' x 20' equipment shelter at the tower base.
4. Commercial Communication Structures and their equipment are allowed in the I-1 District with a Conditional Use Permit.
5. According to the Project Summary and the Operational Plan the new Cricket facility is needed in order to provide increased coverage for the area of the Village located east of Sheridan Road. Additional information is included with their Operational Plan, Conditional Use Permit applications and Site and Operational Plan applications on file with the Village.
6. The existing monopole tower is 180 feet in height and was originally designed and engineered to accommodate other potential future users. The tower height and construction will encourage co-location of structures and will avoid the proliferation of communication towers in the immediate area.
7. The three Cricket antennas will be mounted above the existing Nextel antennas at the 177 foot elevation on the monopole.
8. The equipment apparatus at the base of the tower will be located within a 10' x 16' equipment shelter. As noted in the 2004 Nextel approval, all subsequent equipment shelters shall be constructed with the same exterior building materials, colors and general architectural style and fashion as the original building. Therefore, the Cricket equipment shelter shall have similar exterior building material finishes for the exterior walls, soffits, fascia, eave siding, roofing to match the existing Nextel facility.

9. For security purposes, the Cricket equipment shelter is proposed to be enclosed with a 6-foot high chain-link fence. They are requesting three strands of barbed wire on top of the fence. The staff is supportive of the fence, but we are recommending that it be the same height as the other fence out there at eight foot high, black vinyl coating, but we are recommending that no barbed wire be extended on top of the fence.
10. Similar to the Nextel lease area, the Village recommends the entire Cricket lease area shall be asphalt paved, no exposed gravel in that area.
11. The paved lease area shall also allow for perimeter landscaping. The perimeter of the leased area shall be landscaped with three foot tall height at the time of planting evergreen shrubs along the west, south and north sides within the leased area with mulch or decorative stone at the base of the landscaped areas. Again, everything should be located within the leased area.
12. The Village Board shall approve a lease agreement between the Village of Pleasant Prairie and Cricket Communications. Prior to issuance of construction permits, the proper easement documents and lease/maintenance agreements shall also be executed by the petitioner and the Village.
13. As noted previously, as long as the antenna facility complies with the mission standards established by the Federal Communications Commission, it is considered that no health or safety risks posed by the equipment exist, and therefore local authorities such as our Plan Commission may not directly or indirectly consider health or safety issues during the zoning process when considering this telecommunications facility.
14. Our Village Attorney has reported to us in the past that State and local units of government cannot deny a wireless communication company's request for local zoning approval based on environmental or health concerns.
15. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on May 26, 2008. Notices were published in the *Kenosha News* on May 26, 2008 and June 2, 2008.
16. The petitioner was faxed a copy of this memo on or about June 6, 2008.
17. According to the Village's General Zoning and Shoreland/Floodplain Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing this evening that the application will not violate the intent and purpose of all Ordinance and meets all the minimum standards for granting of a Conditional Use Permit.

With that, Trustee Serpe, I'd like to continue the public hearing.

Mike Serpe:

This is a matter for public hearing. Is there anybody wishing to speak?

Jack Hickey:

Good evening. Jack Hickey with Black & Veatch. Basically I don't have much to add. She did a pretty good job. The one question I do have is the landscaping within the leased area. Isn't Nextel's landscaping outside the fenced area?

Mike Serpe:

It's supposed to be outside, isn't it?

Jack Hickey:

Yeah, but I think then our fence—I mean if we put it on leased property I think the fence covers our leased property.

Jean Werbie:

Right. Their fence is in the leased area and their landscaping is in the leased area. And what you're trying to do is put the fence on the outside.

Jack Hickey:

We just want to match their fence. I mean we don't want to—

Jean Werbie:

We just need to match the leased areas between the two, and if there has to be a separate easement outside the fenced area that includes the leased area I think we could work through it that way.

Jack Hickey:

We're willing to put it wherever you want. I just thought it looked like theirs was outside and my A & E guy said that would kind of screw up the fences matching.

Jean Werbie:

We could address it as part of the lease agreement with you so that in the event that the fence matches up that the easement extends to the landscaped area.

Jack Hickey:

Okay, I just didn't want that to come back and be a problem.

Mike Serpe:

Jack, while you're here there's no problem with the eight foot high fence?

Jack Hickey:

No, not at all. Matter of fact I brought some . . . photos . . .

Mike Serpe:

Anything else, Jack?

Jack Hickey:

No, that's all I have.

Mike Serpe:

Okay, thank you. Anybody else wishing to speak? Anybody else? We'll close the public hearing and open it up to comments by Commissioners.

John Braig:

Are those photos indicating the fence without barbed wire?

Jack Hickey:

Yes.

Don Hackbarth:

Move approval.

Wayne Koessl:

Second and that's subject to the conditions that Jean mentioned. We're going to do the landscaping with the Village once the—

Mike Pollocoff:

Include that in the lease agreement.

Jean Werbie:

And all the others—

Mike Serpe:

Is there negotiations already in progress on this?

Mike Pollocoff:

We're 99 percent done. We can't complete negotiations until the Plan Commission approves it.

Mike Serpe:

OKAY, A MOTION MADE BY DON HACKBARTH AND SECONDED BY WAYNE KOESSL FOR A CONDITIONAL USE PERMIT INCLUDING THE SITE AND OPERATIONAL PLAN. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. Thank you.

B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of John Hickey of Black & Veatch, agent, on behalf of Cricket Communications, to co-locate three (3) antennas atop the existing 125 foot high Village Water Tower and to construct an associated 10' x 16' equipment shelter at the tower base on Village-owned property generally located at 104th Street and 57th Avenue.

Jean Werbie:

Trustee Serpe, again, this is a public hearing, and as a part of the hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request and I'll be presenting them below.

Findings of Fact

1. Mr. John Hickey of Black & Veatch, agent, on behalf of Cricket Communications, is requesting a Conditional Use Permit including Site and Operational Plans to co-locate three antennas atop the existing 125 foot high Village Water Tower, at a height of 138 feet, and to construct an associated 10' x 16' equipment shelter at the tower base on Village-owned property generally located at 104th Street and 57th Avenue, which is further identified as Tax Parcel Number 92-4-122-224-0111. Cricket plans to lease a 10' x 16' area from the Village located immediately south of the existing Water Tower. The leased area will contain the equipment shelter and other improvements associated with the antenna installation.

2. The current zoning of the property, which includes the 125 foot Water Tower and two additional cellular telecommunication facilities for Verizon and Spring is I-1, Institutional District. And this communication structure and equipment requires a Conditional Use Permit from the Plan Commission within that District.
3. For security reasons, the Village Water Tower site, which includes the adjacent cellular facilities, is enclosed with a six foot high chain-link fence with some barbed wire on top.
4. As some background information as noticed in the staff comments, this is a particular property that has been the subject to a number of Conditional Use Permits.
 - The first was granted on January 9, 1995 for a Conditional Use Permit for construction of the Water Tower.
 - On November 12, 2001, a Conditional Use Permit and Site and Operational Plans were granted for Spring to construct and operate a cellular facility with nine antennas atop the Village's Water Tower. Actually only six were installed up to this point.
 - On January 27, 2003, the Plan Commission approved a Conditional Use Permit and conditionally approved Site and Operational Plans for Verizon to construct a facility on top with nine antennas mounted actually to the stem of the Village's Water Tower at a height of 75 feet.
 - On November 27, 2006, the Plan Commission approved a Conditional Use Permit for Sprint to remove the existing ground-mounted equipments cabinets, construct a new equipment shelter and to replace the six existing antennas on the Tower with nine new antennas within a leased area. The commercial building permit for this project was applied for and was processed by the Village. However, the building permit for this project was never picked up and therefore were never issued. No work shall commence on this site until the required building permits have been reissued so one of the users has not moved forward and the time period has actually expired for them to pick up that permit.
5. The Village Board shall approve a lease agreement between the Village and Cricket Communications to the issuance of construction permits. In addition, the proper easement documents and lease/maintenance agreements shall also be executed by the petitioner and the Village.
6. According to the Project Summary including the Operational Plan the new Cricket facility is needed in order to improve the coverage area, an approximate one to two mile radius for the central area of the Village. Additional information is located in the applications for the Conditional Use Permit and Site and Operational Plan documents.
7. The location of this facility and the placement of the antennas atop the Water Tower avoids the proliferation of communication towers throughout the Village.

8. The ground equipment shelter at the base of the tower will be located within the leased area located immediately south of the base of the Water Tower. As noted in 2006 with Sprint for their approval, all subsequent equipment shelters shall be constructed of the same exterior materials, colors and general architectural style as the original Verizon equipment shelter building. So the Cricket equipment shelter shall have that same finish, soffits, fascia, roofing and siding and shingled roofs.
9. As noted, for security purposes the entire Water Tower site is already fully enclosed by a chain-link fence. With the existing six foot high chain-link fence, Cricket is not proposing to add any additional fencing.
10. All non-grass, non-landscaped areas of the Cricket lease area shall be asphalt paved
11. The submitted plans indicate a 10' x 15' lease area, while the proposed equipment shelter is 10' x 16'. So we'll just have to get a confirmation on the leased area. And the leased area shall also be large enough to include the perimeter landscaping and materials.
12. The antennas shall be painted that same color as the existing antennas array that is atop this Water Tower, or the antennas shall be painted a color that is approved by the Village Utility Superintendent.
13. Brandon Foss of Crispell-Snyder Consulting, our Village's Consulting Engineer, has been working with Sprint over the last several months to outline several specific issue pertaining to the original 2003 Sprint antenna installation that must be remedied. And we do have a letter in the packet dated March 26, 2008. All comments and conditions as stated shall be addressed prior to any new buildings permits being issues for this new Cricket antenna request at the Water Tower site.
14. Mr. Foss has reviewed the plans and has included his comments in a letter dated May 21, 2008. All comments and conditions as stated in Exhibit B shall completed/addressed prior to any new building permits being issued for this new Cricket request at the 57th venue Water Tower site.
 - a. Pursuant to comment #12 of Exhibit B, the Village staff recommends that the proposed Cricket antennas be installed at the same elevation as the Sprint antennas, 128 feet on-center, not above the Sprint antennas as shown on Sheet Z-3 of the plans.
15. Comment number 15 has to do with the antenna facility must comply with the emission standards established by the FCC. And it is considered that if they do comply that there will be no health or safety risks posed by this equipment. Therefore, the Plan Commission may not directly or indirectly consider the health or safety issues of the antennas during the zoning process.
16. According to the Village Attorney, specifically Section 704 of the Telecommunications Act of 1996 prohibits the local government from denying a wireless communication company's request for local zoning approval based on health or environmental conditions.

17. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via regular U.S. Mail on May 26, 2008. Notices were published in the *Kenosha News* on May 26, 2008 and June 2, 2008.
18. The Village emailed/faxed the petitioner a copy of this staff report on or about June 6, 2008.
19. In accordance with the Village's Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application, the related materials and any information that's presented here at the public hearing this evening that the project does not violate the intent or purpose of the Village Ordinance, and it meets the minimum standards for the granting of a Conditional Use Permit.

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

Mike Serpe:

This is a matter for public hearing. Anybody wishing to speak?

Jack Hickey:

Once again Jack Hickey with Black & Veatch. We have an issue here. On number 14, mounting at the same height as Sprint could cause an interference problem. We've talked with I think Mike Spence and Tom Shircel about this. My question is if we were approved with this contingency and then we showed that there was interference issues, would we have to start from scratch again?

Jean Werbie:

It's up to the Plan Commission if you wanted to give direction to the Village staff to negotiate an exact height so that we could put it in the conditional use permit.

Mike Serpe:

That's common sense.

Jack Hickey:

What we're doing now is we're doing an inter mod study. If we don't interfere we have no problem going to 128 feet. However, if an inter mod study comes back that shows we're going to interfere, our original plans called for just three pole mounts about three feet above Sprint. I can leave photo sims again that would show how that would look with the staff.

Don Hackbarth:

Jean, I've got a comment for the Village. What's the issue that it's three feet higher? Is there a big harangue about having it three feet higher? The thing is how many feet up, 150 feet up?

Jean Werbie:

I'm going to ask our Village Engineer, Mike Spence, to come up.

Mike Spence:

Mike Spence, Village Engineer, 8600 Green Bay. The recommendation was from our consulting engineer that reviewed this. Part of it is to basically have the antennas all at the same level from an aesthetic standpoint. The other thing that we were concerned about is structurally. The higher you get up then there's increased wind loads. So I guess our first choice would be to keep it at the same height. If Black & Veatch comes back with their study, we've talked to them about it, they come back and say that there is interference, then we'd have to look at that. And I guess the other thing that I'd want to have satisfied is to make sure there's no structural issues above there. So that was the reason for that to try to keep, number one, for aesthetics and, number two, for structural issues.

Mike Serpe:

And that will only come back to staff if there's a problem with putting them at the same height. Okay. Anybody else wishing to speak? Anybody else wishing to speak? We'll close the public hearing. Jack, if I may. As you see there's a lot of gray hair up here, some not so much. What is Cricket, like a U.S. Cellular or AT&T?

Jack Hickey:

Actually, they're new to this area. Basically what they offer is their unique marketing program. It's a monthly charge of approximately \$50. There's no credit check, there's no long-term contracts.

Mike Serpe:

Sounds like a sub-prime mortgage type of thing.

Jack Hickey:

There's a lot of people that don't want to enter into those long-term contracts nowadays.

Don Hackbarth:

Question, how many more antennas can be put on that tower? You were talking about structural integrity. How many more antennas can be put up there? And the reason I say this is I came back on Highway 41, I think it's Allenton, and you drive by this little skinny tower and, my gosh, you almost expect this thing to blow over there's so many antennas on top of that water tower. And I look at our tower, its size and its structure, and you look at that thing and you say, if there's anything about load on a water tower that one is the first to go over. So I'm just asking what more could we put up there?

Jack Hickey:

I don't know. I've seen them with something around--there's somebody on the neck already. Typically three or four carriers. Obviously we have a structural done and I don't know if we supplied it but we clearly could.

Mike Pollocoff:

It's more depend upon--it's not so much the structural stress on the outside. I mean that's important. But when you look at a spheroid water tower like the Village uses and you've got that tube that goes up, that's the tube that our people climb up when we go into the hatch or we exchange the lights or whatever, and there's a ladder that goes up inside there. The cabling that goes up to the towers is kind of tucked around. So our criteria is that the guy can get his boots on the rungs of the ladder and have room to ambulate as they're going up there. Those Allenton towers I don't know how anybody gets up inside that. It's really not the weight of the tower, it's just that interior tube gets filled up with the cabling.

Don Hackbarth:

The other question I have is how are they attached to the tower? Is there a framework welded onto the tower?

Jack Hickey:

Pipe mounts would be attached to the rail that Sprint is installing and then our antennas would be attached to the pipe.

Don Hackbarth:

So it doesn't affect the integrity of the water inside?

Jack Hickey:

No, we wouldn't be touching the tower. Once again, that's for interference purposes to separate ourselves.

Mike Serpe:

We understand, and that will be determined after you get your findings and the meet with staff and to iron out any problems that you may have to change the height of those antennas or leave them as they are.

Jack Hickey:

That's what I'd like to leave with tonight.

Mike Serpe:

If this thing is approved which I'm sure it would be, then that decision will be made by the staff.

Jack Hickey:

Okay, thank you.

John Braig:

I've got no problem with the structural integrity because I know the tower has got more than enough structural integrity, and as far as mounting to whatever framework is up there that's something that will be engineered to everyone's satisfaction so I don't see any problem on this end. So I agree the staff should be able to negotiate any modifications if necessary.

I do have one concern and maybe the staff can respond to it. We've got the report from our engineering firm and also from the tower construction firm that there are some inadequacies and some errors on the existing structure. I don't know, is this the time we should address this, and is there something that we should be doing to inspect an installation after it's done to ensure that it's been done properly and that it's safe both for foreign employees and our own employees?

Mike Pollocoff:

We did have a problem with the Verizon installation, and what happens is the construction plans are supplied by in this case Cricket and the previous case by Verizon, and those are installed and there's somebody that comes out to the site to make sure they're complying with the plans that they've said they're going to build to. In the case of the Verizon project, we had some issues with them, a dispute as to the methods and techniques that they used to construct the improvements on the tower. They were failing. We put them on notice. We went through the due diligence in our contract with Verizon and we hadn't really gotten anywhere. About eight months ago I put them on notice to remove their equipment from the tower or we would bring a contractor in and have it removed. At that point they came back and started working with us on getting everything back up to specs. It went through some business consolidations between Verizon and Nextel I believe. In that intervening time I think somebody wasn't watching the ball.

So the Village in our lease agreements has the ultimate authority and say once we've given somebody their opportunity to correct the problem to just have them removed. Our ultimate responsibility in this area is provision of public water and a clean, safe water supply. And we're not going to allow anybody to interfere with that. If it means removing them that's what we do. So Cricket, their engineering staff has worked really well with us and we're coordinating that work between Verizon's corrections, Cricket's construction. The Village utility is going to be repainting and then blasting the inside of that tube as well as the interior sphere not this summer but next summer. But we want to get all this work done before we go in and do that. We did go through kind of a rough period with them, but once we came down to the end there was really one choice and that was for them to remove their equipment and for us to penalize them for what we'd gone through. We've been working with a new group from Verizon and we haven't had any problems with them.

John Braig:

What you're saying then is it doesn't appear to be necessary to develop an inspection program—

Mike Pollocoff:

No, we do inspect them. We inspect all the connections once a year. We inspect them as they're built ,and then we inspect them once a year afterwards and make sure they're holding up.

John Braig:

I'm satisfied.

Don Hackbarth:

Through the Chair to Mike, we have barbed wire on that and we don't have on the one we just approved. Is there a reason because of the security of a water tower? Or, why do we have barbed wire on this one and not the other one?

Mike Pollocoff:

It's really a change in our standards. Given where we are we're able to through a series of public protection, whether it's lighting the area, or we have previously barbed wired as part of the antiterrorism act, water facility, subsequently those requirements have eased up a little bit because there was more damage being done with the barbed wire than not. And our insurance companies asked to do it. So we've gone with that chain-link with the rubbed or tie at the top in order to control it. They felt that from a risk standpoint that was better for the Village to do that rather than the barbed wire.

Don Hackbarth:

So we have that on there instead of the barbed wire?

Mike Pollocoff:

Right.

Mike Serpe:

Anything else?

John Braig:

Move approval.

Jim Bandura:

Second.

Mike Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY JIM BANDURA FOR APPROVAL. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

The ayes have it.

Jean Werbie:

And, Trustee Serpe, that's subject to all the comments and conditions as outlined in the staff memorandum?

Mike Serpe:

Yes. Jack, is there something else?

Jack Hickey:

Yes, a question. As far as the height to be determined negotiated with staff?

Mike Serpe:

Yes, from this point on you'll be negotiating with them. Thank you.

C. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #08-12 to amend the Village Comprehensive Land Use Plan for the area south of CTH Q and west of IH-94.

Jean Werbie:

Trustee Serpe, I would ask that Items D and E be taken up at the same time as I'll be making one presentation but separate action will be required.

D. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND ZONING TEXT AMENDMENT to correct the floodplain ordinance and related floodplain map as a result of the Federal Emergency Management Agency approving the floodplain boundary adjustment on properties located south of CTH Q and west of IH-94 owned by the Village Community Development Authority, Jockey International and CenterPoint Properties Trust,

E. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for several properties located south of CTH Q and west of IH-94 owned by the Village Community Development Authority, Jockey International and CenterPoint Properties Trust.

Jean Werbie:

Trustee Serpe and members of the Plan Commission, the Zoning Map and Text Amendments that were presented are related to the floodplain boundary adjustment. As part of some background information, on July 16, 2007 the Village Board adopted Resolution #07-43 related to the amendment of the 100-year floodplain boundary as delineated and shown on the Des Plaines River Watershed Floodplain Maps prepared by the SEWRPC in their Planning Report No. 44. entitled "A Comprehensive Plan for the Des Plaines River Watershed" for a part of U.S. Public Land Survey Section 25, Township 1 North, Range 21 East, Village of Pleasant Prairie, Kenosha County, Wisconsin for the future PrairieWood Corporate Park development generally located south of 104th Street and west of 120th Avenue on the west side of IH-94.

The project involved the removal of 1,119,624 cubic feet of floodplain from the 100-year floodplain and the creation of 1,397,411 cubic feet of floodplain to compensate for the floodplain filled on the properties owned by CenterPoint Properties Trust identified as 91-4-121-252-0102 and a second parcel 0201, and the Village of Pleasant Prairie Community Development Authority site identified as Tax Parcel 91-4-121-251-0141, and the Jockey International site identified as 91-4-121-251-0300. Specifically, the improvements included the construction of a bypass swale and pond along the west side project limits that is designed to intercept contributing off-site stormwater runoff prior to entering the existing floodplain, the construction of three ponds and a conveyance ditch located in the central area of the project site which features storage volumes greater than the existing floodplain, and the completion of miscellaneous grading efforts to provide sheet drainage into the proposed ponds. These three proposed ponds and conveyance ditch have been sized pursuant to the PrairieWood Corporate Park stormwater management plan for a full build-out scenario in compliance with the Des Plaines River Watershed standards.

As you know, the Floodplain Ordinance 420-131 does require that all amendments must be consistent and in compliance with the Floodplain Ordinance. So as a condition of this approval and prior to adjusting the 100-year floodplain on the properties, the petitioner shall receive approval from the Wisconsin DNR and the petitioner shall receive a conditional LOMR, which is the letter of map revision from FEMA, prior to work commencing on the properties. Upon receipt of the conditional LOMA, a copy of the approval shall be submitted to the Village prior to the Village issuing the required Erosion Control Permit.

We've gone through that process and the Conditional LOMR was obtained on September 20, 2007 and the Village issued an Erosion Control Permit for the work to commence on October 2, 2007. The work was completed and the required as-built documentation was submitted to FEMA for review and to receive a final LOMR. The final LOMR was obtained from FEMA on May 16, 2008 Case #08-05-2135P. Therefore, to comply with Village Board Resolution #07-43 the Village Floodplain Map and Text is proposed to be amended accordingly.

The Village's Comprehensive Plan Amendment and other Zoning Map Amendments also this evening, on September 10, 2007, the Plan Commission adopted Resolution #07-24 for the Village

staff to evaluate the official zoning maps and to correct any errors in the zoning map for the area generally located south Q and west of I-94 within Tax Increment District #2.

In evaluating the zoning maps, one error on CenterPoint Properties Trust was corrected by the adoption of Ordinance #07-39 on October 1, 2007 which correctly delineated the location of the C-1, Lowland Resource Conservancy District, or the wetlands, and the C-2, Upland Conservancy District, on the southern portion of the property. The amendment resulted due to the fact that roadway improvements of Highway Q and the realignment of 120th Avenue are going to begin in June of 2008.

At this time CenterPoint Properties Trust is proposing to rezone a portion of their property, 91-4-121-252-0102, that is zoned B-5, Freeway Office, and a small portion that is zoned C-2, Upland Conservancy District. It's an area that was zoned C-2 but it does not contain woodlands, and they're proposed to go into the M-1, Limited Manufacturing District, and the development of the proposed ULINE Corporate Campus.

The Village is also proposing to correct the zoning map and make the following Zoning Map Amendments, and they are as follows:

- To correct the C-2, Upland Resource Conservancy District zoning designation on Tax Parcel 91-4-121-251-0300 owned by Jockey International to reflect the actual location of the woodlands that are only located on their property. In addition, the non-woodlands on the Jockey property and the land owned by the Village CDA south of the centerline of the realignment of 120th Avenue is proposed to be rezoned into the B-5, Freeway Office District.
- The second rezoning this evening is to rezone the properties owned by the Village of Pleasant Prairie CDA south of County Trunk Highway Q and adjacent to the realigned Frontage Road into the B-4, Freeway Service Business District, and that is for Tax Parcel Numbers 91-4-122-251-0107; 0116; 0121; 0123; 0126 and part of 0101. The 100-year floodplain is also proposed to be amended as described above, and it would be placed as an overlay or Floodplain Overlay District Area.

In addition, as discussed above, Section 420-131 I (1) (f) 5 of the Zoning Ordinance and the referenced floodplain map for Section 25, Township 1 North, Range 21 East in the Village on the properties are generally located in the PrairieWood Corporate Park and adjacent land owned by Jockey International and the Village CDA are proposed to be amended to conform with the floodplain boundary adjustment that has now just been approved by FEMA.

In reviewing the Official Zoning Maps for this area it was noted that the Comprehensive Land Use Plan shall be updated to reflect all of these corrections. Therefore the Comprehensive Land Use Plan is also proposed to be amended this evening in this area as well as specified in Plan Commission Resolution #08-12. These three amendments include:

1. To correct the location of the Isolated Natural Area to reflect the actual location of the wooded area on the Jockey parcel. The non-woodlands on the Jockey International property are proposed to be located within the Freeway Service Center Commercial land use designation.

2. To change the Office Center Commercial land use designation owned by CenterPoint Properties Trust to the Industrial land use designation.
3. To change the Office Center Commercial land use designation so that all of the land north of the proposed new alignment of 120th Avenue south of CTH Q west of IH-94 is located within the Freeway Service Center land use designation.

The slides are a good opportunity for you to see the changes. They sound very complicated, but what we're trying to do is bring everything into conformance with respect to the future plans of the CDA, Jockey and the ULINE Corporate Campus. With that I'd like to continue the public hearing on these matters.

Mike Serpe:

For Items C, D and E these are matters for public hearing. Anybody wishing to speak? Anybody wishing to speak? I'll close the public hearing and open it up to comments and questions.

Don Hackbarth:

I have a question in regard to, and you can't really see it too good on that, but on this existing zoning map there's a section called BA-2.

Jean Werbie:

Yes, that is part of the PDD 2 or the Abbott Corporate Campus, and that's part of the PD designation. We have a BA-1, 2 and 3 designations, new districts we created for that development. It's north of Q.

Mike Serpe:

Anybody else?

Wayne Koessl:

Mr. Chairman, if there are no comments I would move approval of the Resolution 08-12.

Mike Serpe:

Is there a second?

John Braig:

Second.

Mike Serpe:

MOTION BY WAYNE KOESSL, SECOND BY JOHN BRAIG FOR APPROVAL OF THE RESOLUTION 08-12. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. Item D?

Jim Bandura:

Move for approval.

Wayne Koessl:

Second.

Mike Serpe:

MOTION BY JIM BANDURA, SECOND BY WAYNE KOESSL FOR APPROVAL OF THE ZONING MAP AND TEXT AMENDMENT. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. Item E?

Wayne Koessl:

Mr. Chairman, I'd move approval of the zoning map amendment under Item E.

Jim Bandura:

Second.

Mike Serpe:

MOTION BY WAYNE KOESSL, SECOND BY JIM BANDURA FOR APPROVAL OF THE ZONING MAP AMENDMENT. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

F. Consider the request of Lance Skala, agent for CenterPoint Properties Trust, owner and Phil Hunt, agent for ULINE for Preliminary Site and Operational Plans to begin mass grading on the 196 acre property located at the south west corner of CTH Q and the 120th Avenue, the west frontage road.

Jean Werbie:

Trustee Serpe and members of the Plan Commission, I'm just going to be giving you a brief overview of their project and presentation this evening, and then I will turn it over to the ULINE representatives and their consultants to give a further detailed presentation.

The petitioner is requesting approval of the Preliminary Site and Operational Plans to begin mass grading including installation of related storm water facilities and infrastructure improvements on the 196 acre property located at the southwest corner of CTH Q and 120th Avenue, West Frontage Road for the ULINE Corporate Campus in the Village of Pleasant Prairie. This site has had some grading completed, as you know, as a result of the floodplain boundary adjustment over the last eight months. The petitioner is requesting the approval at his time in order to begin the mass grading of the site for the development of the Campus.

ULINE is the leading distributor of shipping industrial and packing material throughout North America. The Company was founded by Liz and Dick Uihlein in 1980. ULINE has been growing steadily yet continues to be a family owned and run business. Today, ULINE has over 2,500 employees nationwide. The current national headquarters is in Waukegan, Illinois. Besides the 603,000 square foot distribution facility in Pleasant Prairie, ULINE has distribution centers near Chicago, IL, Minneapolis, MN, Allentown, PA, Los Angeles, CA, Atlanta, GA and Dallas, TX. They also have satellite locations in Mexico and in Canada.

ULINE is acquiring approximately 200 acres from CenterPoint Properties Trust, who will be acting as the Development Manager for this project. The site is being master planned for the new corporate campus for ULINE. The site master plan includes 418,000 square feet for corporate offices and two warehouse/distribution buildings; the eastern building is 1,053,000 square feet and the western building is 750,000 square feet.

The first phase consists of the corporate headquarters and the million square foot distribution building. The corporate office building headquarters is proposed to be three stories with a maximum height of 80 feet. The office building is proposed to begin construction later this summer and be completed in the spring of 2010. The corporate offices will have approximately 650 employees initially with about 850 employees projected by 2015.

The distribution facility will be constructed with precast concrete panels that will be approximately 37 feet in height. This facility is scheduled to be completed by the end of 2009.

Upon completion, the distribution center will have 200 employees with 250 employees anticipated by 2015. The distribution facility is proposed to be operating 24 hours a day, 7 days a week.

With respect to specifics on the site, the wetlands on the site were field delineated by Wetland & Waterway Consulting on December 16th and 17th 2002 and approved by the Wisconsin DNR on February 19, 2003. The wetlands were rezoned into the C-1, Lowland Resource Conservancy District, on October 1, 2007 by the Village Board. In addition, Ordinance #07-39 served to correctly delineate the Upland Conservancy District on the property.

As discussed during the public hearing earlier tonight, a portion of the property that is zoned B-5, Freeway Office District and the small portion zoned C-2, Upland Resource Conservancy District in the eastern portion of the property is proposed and recommended now by the Plan Commission to be rezoned into the M-1, Limited Manufacturing District. In addition, the 100-year floodplain on this property has been also amended and approved by FEMA and the DNR and now recommended by the Village Plan Commission.

Additional right-of-way is being dedicated by the owners for the widening of CTH Q and the widening and re-alignment of 120th Avenue. Public Sanitary Sewer is proposed to be extended through the property to service the development of this site and other development in the area. The Certified Survey Map approved by the Village Board on June 2, 2008 dedicated the Public Sanitary Sewer, Easement, and that work is also planned to be installed this summer.

There was original discussions that this site would be developed in three phases. There has been some subsequent discussion as recently as today that they may be looking to start the project in two phases. So at this point the preliminary site and operational plans which is their Phase 1 is going to be considered tonight by the Plan Commission, and the Phase 2 and Phase 3 might be compressed into one phase but I will let them address that for us this evening. With that I'd like to introduce representatives of ULINE, their construction team and their consultants. I'll first introduce Lance Skala from CenterPoint Properties.

Lance Skala:

Hello, Lance Skala, CenterPoint Properties, 1808 Swift Drive, Oakbrook. Before I turn the floor over to the team that's going to be presenting the project tonight, I just want to make a few general comments here. CenterPoint's first project with ULINE dates back to the early 1990s. We've developed two 300,000 square foot facilities in Waukegan that they still occupy. We own a 400,000 square foot facility in North Chicago that they're currently occupying. And, as Jean mentioned, we own LakeView 10, the 600,000 square foot facility in LakeView. That was one that we initially developed as a 300,000 square foot spec building and ULINE came to us and asked us to double the size to accommodate their needs.

So from order of magnitude we've been involved in about 1.6 million square feet of space for ULINE. We're very pleased to be here tonight to present another 1.2 million square feet that's going to be located in the Village of Pleasant Prairie. ULINE chose Prairiewood Corporate Center after an exhaustive search in both northern Illinois and southeast Wisconsin. And before I turn the floor over to our team, I just want to recognize and thank the parties that were involved with helping bring ULINE to the Village here. John Steinbrink and the Village staff did a great

job along with the Department of Commerce, Kenosha County, Kenosha County Business Alliance, WisPark helped as well, and just thanks for making a compelling case for ULINE to locate their new corporate campus here in Pleasant Prairie.

We're going to be presenting a few items this evening. Rick McCall, the Senior Operations Manager from ULINE, is going to be giving you an overview of ULINE and we're going to be showing a video that they produced. After that, Rich Wagner and Adam Arts of JSD Professional will be giving you an overview of the site, and then John Chapman of Epstein Uhen Architects is going to be talking about the building elevations. So with that I'd like to turn the floor over to Rick McCall of ULINE.

Mike Serpe:

Thanks, Lance. Thank you very much.

Rick McCall:

Thank you, Lance. Rick McCall, I'm Senior Operations Manager at ULINE. They are located at 2200 South Lakeside Drive, Waukegan, Illinois. Number one, I'd like to thank the Board and the Village management for the opportunity to meet with all of you tonight. ULINE Shipping Supplies and their owners, Dick and Liz Uihlein, are extremely excited about the building project and about moving the corporate headquarters and also the large distribution center up to Pleasant Prairie. As Jean mentioned ULINE was started by Liz and Dick in their home in 1980. ULINE is the premier distributor of shipping supplies, cartons, tape and bubble wrap, etc. And there's catalogs at each one of your positions that shows the breadth of our product line.

There are six domestic shipping locations, two foreign shipping locations, one in Toronto and one in Tijuana, Mexico, and approximately 2,500 overall employees. And we are very, very excited about this project. I'd like to show you a short video that we did produce over the last few months that was shown for the first time a couple weeks ago at a company function that we held that will introduce you to the company, the owners, and many, many of our employees.

(Video Shown)

Rick McCall:

I think the video exemplifies what life is like at ULINE. It's fun, it's exciting, just a wonderful place to work. Can I answer any questions on the operation?

Mike Serpe:

I'm just going to make a comment if I could. I've had some dealings with ULINE in the past, small, but some dealings. Number one, I think your company should be a model for the nation on how customer service should be performed. The three times that I had to pick up orders in your North Chicago facility I was met with extreme friendliness by the guys that approached me and asked for my order. The second time I placed an order I talked to some girl I think it was on the East Coast and I said I'd like to place an order. She said, is this Mr. Serpe? I said, yes it is. And, like you said, they answered faster than 9-1-1. She said, when do you want this order? I said, it

will take me about 45 minutes to get there, is that possible? She says, it will be ready for you. Then when I got to ULINE I was even more impressed with the sanitation of the grounds and inside the building. I've never seen an operation so clean and so efficient. We're blessed to have you guys come to Pleasant Prairie. We have the Abbott project moving west of the I, Jockey made some purchases west of the I, you come in last and you're moving first. Welcome.

Rick McCall:

And we are moving very quickly.

Mike Serpe:

We appreciate that. Thank you.

Don Hackbarth:

I just want to say that I really like the rendition here. It actually looks like it should be up north in the woods or something. It's very, very attractive.

Rick McCall:

The rest of our team will talk on

Don Hackbarth:

Okay. The other comment is we're not on here yet. Where is our name?

Rick McCall:

Not yet, but it's coming soon, though. Any other questions? With that, I'd like to introduce or bring up Rich Wagner from JSD.

Rich Wagner:

Good evening, Rich Wagner, Vice President, JSD Professional Services. The table captain is Adam Arts if you watch public television. First of all, I'd like to say the site conditions here were probably some of the most complex issues that I think since my beginning of working in LakeView Corporate Park. I think this site had a lot of challenges with the floodplain. And I would just like to commend Adam from our office. Adam was really instrumental in preparing efficient and accurate documents to receive all of the permits and approvals to date which, as you know, went through many, many agencies right up to the federal government.

With that, I'll start out, and Jean talked about quite a bit of this before, and I'll just refresh your memory. Aerial photograph of the project site is approximately 200 acres, southwest quadrant of I-94 and Highway 165 with County Trunk Q to the west. The area north of Highway Q immediately north of the site is slated for the future Abbott development. You can see Prime Outlets in the bottom right hand corner of the visitors center off on the south side of 165. And, of course, the CDA parcel which is the triangle with the Frontage Road. You know where that is.

This, as Jean pointed out, was the previous conditions map. You can see the floodplain that was mapped far on the south side of the property in an area that's left untouched. This was the floodplain that was studied and designated by SEWRPC. The first step, of course, was getting the DNR involved to designate this as the non-navigable which was a great hurdle for amending the floodplain. And as everyone knew the floodplain needed to be amended to comply with whatever future storm water management would happen in this section of the park.

The site as it currently exists, this was the construction that was completed in fall of 2007. These areas that are kind of shaded that you can't quite see but have some lines around them this is the area of grading that was done along with the storm water pond, pond one, and then this is pond three and pond four. These are part of the floodplain now along with this swale that goes on the north side of the Jockey property. This was part of, as Jean mentioned, was submitted to FEMA for the conditional letter of map revision. After the grading we as built the property, submitted this to FEMA and was recently given the approval for the letter of map revision. So these with the Village approval now have become the new floodplain areas for the park.

The Phase 1 layout indicates three access points along Highway Q. The westerly access point and the center access point are full access to Highway Q, right in, right out, left in, left out. The most easterly driveway on Highway Q is a right in, right out with a left in only. There will be no left out from that driveway. There is another driveway along the realigned Frontage Road. All of the four locations have been supported by the traffic impact analysis. The driveway that is shown on the Frontage Road is also a full access driveway.

As you can see this indicates the full build out with the Phase 1 construction which consists of a million square foot distribution facility, double loaded with adjoining employee parking and the initial footprint of the office building which I'll let John Chapman talk in more detail about and its affiliated parking. Along with that first phase the full build out of the storm water management plan will be completed. So even though the storm water management plan supports full construction through all phases, the full build out of the storm water management will be implemented here.

Next slide, this is the conceptual of the Phase 2 layout. It includes the westerly building of about 700,000 square feet, single loaded on the east side of the building, some related parking, and then additional corporate office facility has two separate wings on the east and west side of the original footprint. Total parking is about 1,700 cars for automobiles for corporate office and I believe about 600 for the distribution facility.

As you can also see, there is a possible future access along the Frontage Road. This alignment accommodates a storm water pond for the CDA parcel, but it's not decided if that will ever be utilized. However, the construction of this driveway will be done with the improvements for the Frontage Road. Additionally, with the certified survey map additional lands along the Frontage Road were dedicated with the new alignment of the Frontage Road. Are there any questions?

Mike Serpe:

I don't know if I should ask Rich or Mike or whoever. It comes to mind the traffic coming and going, starting time, quitting time, with that many vehicles. I guess two things come to mind. The speed limit on Q right now I think in that area is 45.

Rich Wagner:

45 right now, right.

Mike Serpe:

I would hope that would be reduced to like 35.

Rich Wagner:

We've actually had a preliminary discussion with the County and unfortunately they just bought their signs I think, but we have had that discussion with the County about that coming in the future possibly.

Mike Serpe:

I would support that.

Rich Wagner:

Rich can probably talk a little more to that, but their operation is such that employees don't all come exactly at 8 or leave exactly at 5. They're scattered throughout the day. And at all our meetings at their Waukegan office we've noticed that also.

Don Hackbarth:

Is that considered a State highway to the west there?

Jean Werbie:

County.

Don Hackbarth:

Just from I-94 east. So access is not harangued with the DOT like it is in other areas?

Mike Pollocoff:

They take a peek at it but it is a County trunk highway.

Rich Wagner:

We've actually received all our permits and approvals from the County for our access points also. With that, I'd like to turn it over to John Chapman, principal with Epstein Uhen.

John Chapman:

Good evening. My name is John Chapman. I'm a principal with the firm Epstein Uhen Architects out of Milwaukee. Thank you for having us come tonight. We wanted to share with you some of the preliminary design renderings that we have based on where we are today sort of in the design process. Speaking to the corporate headquarters, the office building is really composed of three components. There are two office wings that house the many departments at ULINE, and then there's a central area which connects the two office wings but is a space where people enter and exit the facility. That's where they interact, where they meet, have meetings, that's where they do all their training and it's where they'll also have a large dining facility as well.

Both Liz and Dick Uihlein have been integrally involved in the design process, and the intent is to have the design reflect sort of the vision of their company for this facility. And we think it does that in a couple of ways. First, the style of the building, it was important, they felt very strongly that it should have a style that related not only to the Midwest Region but also to the State of Wisconsin. And it does that through sort of it's horizontal emphasis. In the building we have sloping roofs, and then the materials that will be used for the majority will be local materials with a lot of lannon stone used and things like that. The second way is it also connects strongly to nature. It connects in two directions, one to the north where people enter and exit the building. The parking lot will be very well landscaped, a large portion of green space. It's almost like a parking garden, very unique in corporate America, and with ponds out front as well. It will be a very nice experience parking and entering the building. On the south side we're also taking advantage of the forest to the south and trying to connect the building to that. So at the rear of the building you'll see an approximately 80 foot high glass wall that has clear glass that connects to the forest and the elements to the south. Again, this is preliminary but I think it's going to be very close to where we end up. Any questions or comments? I think that concludes our presentation, so if you have any other questions or comments.

Mike Serpe:

Anybody have any questions? Staff? Thank you. Thank you very much. Jean, I think it's back on you.

Jean Werbie:

The staff recommends approval of their preliminary site and operational plans for Phase 1 subject to the comments and conditions, and a thank you to ULINE and their consultants for a very nice presentation and video.

Wayne Koessl:

If there aren't any questions, Mr. Chairman, I'd move approval of the preliminary site and operational plans.

Jim Bandura:

Second.

Wayne Koessl:

And I thank ULINE for coming to Pleasant Prairie. Thank you.

Mike Serpe:

MOTION MADE BY WAYNE KOESSL AND SECOND BY JIM BANDURA FOR APPROVAL.

John Braig:

I had a question on the tree survey. There's a lot of trees that are identified but they're in the area where they will remain. There's about 20 trees to be removed, and I see no identification for those. Are they basically the same kind of trees, cottonwoods, less desirable trees?

Rich Wagner:

Rich Wagner, JSD. I think there's currently about 21 acres totally that's wooded on the property. There's about one acre there that's going to be affected. There's 21 trees and those are eight inch caliper or larger. There's probably some, like you said, cottonwoods. There could be a couple of oaks in there, too. But the thing is when you're dealing with grades on a building of this magnitude and a site with this much relief there's some sloping that needs to be made. So these are a few that are the result of the slopes that need to be made.

John Braig:

I'm just more or less commenting on the irony of identifying the trees that are remaining and not identifying the trees that are to be removed.

Jean Werbie:

It's very, very small, John. It's in the lower right hand corner.

John Braig:

Yes, but they're numbered up to 43. I don't have two tables. I have one table. The trees to be removed go up to 62. I'm looking at page EX3, and that is the only tree survey exhibit on your sheet index.

Mike Serpe:

Why don't you bring that up and who Mr. Braig. Any other questions? Thank you. Motion made and seconded for approval of the site and operational plan. All in favor say aye.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. Thank you and, again, welcome.

G. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #08-13 to amend the Village Comprehensive Land Use Plan to correctly show the property located at 9230 Wilmot Road in the Upper-Medium Density Residential land use designation rather than as the Governmental and Institutional land use designation.

Jean Werbie:

Trustee Serpe, I'd also ask that the next item be taken up as the items are related but separate action will be required.

H. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT to correct and rezone the property located at 9230 Wilmot Road from the I-1, Institutional District to the R-4, Urban Single Family Residential District.

Jean Werbie:

Trustee Serpe and members of the Plan Commission, on Wednesday, May 7, 2008, the Village staff received a call inquiring as to the zoning on the property located at 9230 Wilmot Road and further identified as Tax Parcel Number 91-4-122-084-0050. According to the Village's Official Zoning Map the property is zoned I-1, Institutional District. The property has a single family home that was constructed in 1936 and a few detached accessory structures constructed on the property and is located adjacent to the Pleasant Prairie Elementary School.

On September 5, 2006, the Village Board had adopted Ordinance #06-42 that approved new Official General Zoning Maps on a series of 41 cadastral maps at a scale of 1" to 200' dated March 2006, the base maps which were prepared by the Kenosha County Department of Planning and Development. The Community Development Department staff in conjunction with the Village GIS Division of the IT Department transferred existing hand drawn Zoning and Shoreland Zoning Maps into a digitized electronic map format for the Village. In researching the old Zoning Maps, this property was zoned R-4, Urban Single Family Residential District, and due to its proximity to the school, had been incorrectly shown on the revised maps as I-I, Institutional District. In addition, the Comprehensive Plan Use Map also shows this property in the Governmental and Institutional land use designation. The land use designation is proposed to be

corrected and the property is proposed to be located within the Upper-Medium Residential density land use designation.

In order to correct this error, a public hearing is being held to correct the Comprehensive Land Use Plan and the Zoning Map for this property. On May 12, 2008 the Plan Commission adopted a Resolution to initiate this process and I am continuing the public hearing this evening. We're continuing the public hearing.

Mike Serpe:

Both these matters are a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? We'll close the public hearing. Jean, these are nothing more than just house cleaning items?

Jean Werbie:

Correct, corrections to the official maps.

John Braig:

And the property owner is aware of the proposed change?

Jean Werbie:

It was actually the owner that had contacted us and they are aware of the changes.

John Braig:

Move approval.

Mike Serpe:

This is on Item G for approval of the Plan Commission Resolution 08-13. Is that correct?

John Braig:

Correct.

Wayne Koessl:

Second.

Mike Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL FOR APPROVAL OF 08-13. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. Item H, public hearing and consideration of zoning map amendment.

John Braig:

Move approval.

Jim Bandura:

Second.

Mike Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY JIM BANDURA FOR THE ZONING MAP AMENDMENT. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. Item I is the last of the public hearings.

I. Consider the request of Brian McCarthy of Arvato Digital Services for Site and Operational Plan approval to occupy the building located at 7809 100th Street owned by Cobalt Industrial Reit to warehouse guitar games for Activision.

Jean Werbie:

Trustee Serpe and members of the Plan Commission, Arvato Digital Services is requesting to occupy the 144,281 square foot building located at 7809 100th Street for the storage of guitar games for Activision.

Pursuant to the Village Ordinance, the Plan Commission shall have the authority to review and decide any application for an initial or amended Site and Operational Plan whereby the commencement of any new or additional use occupies more than 50 percent of the gross floor area of the existing principal building.

Pursuant to the application this facility will have 10 employees on site during the hours of 6:00 am and 2:00 pm. It is planned that a second and third shift will be added Monday to Friday with approximately 100 employees per shift in October of 2008. There are currently 154 parking

spaces including 5 handicapped spaces. Automobile trips to and from the site will be under 10 per day at start up and will gradually increase to 100 per shift. The daily truck traffic will vary, depending on customer needs. It is anticipated at peak shipping, 80 trucks per day.

On May 22, 2008, the petitioner also requested a temporary occupancy prior to Plan Commission approval of the Site and Operational Plans as a result of additional business that had recently been awarded to Arvato Digital Services by Activision that required additional storage space due to the increase in production and shipment volume. Pursuant to the petitioner, as a result of lack of communication from their client, Activision, Arvato Digital Services was required to secure a minimum of 50,000 square feet immediately to store raw components from China. If this requirement could not have been met, then Arvato Digital Services would be required to pay a penalty on the approximately 100 trailers that they could not receive.

The Village staff reviewed the building permit and did issue a permit to them on May 29, 2008 which would allow the petitioner to obtain a verbal to occupy this space prior to receiving Plan Commission approval subject to the conditions of the specified permit which includes the conditions as specified below in this staff memo. However, they would be doing so at their own risk and the Building Inspector and the Fire Inspector would need to conduct an on-site inspection to verify that all health safety related concerns for this type of occupancy were satisfied. Furthermore, it was noted to them that if the Plan Commission had any additional concerns regarding this approval and prior to obtaining a written certificate of occupancy, all those concerns, as well as non-health safety conditions would need to be satisfied.

According to the Village Zoning Ordinance, the Plan Commission shall not approve this site and operational plan unless they find in the decision that all of the Village ordinance requirements have been satisfied. The staff recommends approval of the site and operational plans subject to the three conditions as noted.

John Braig:

I'd like to comment. It appears as though Village staff exercised some judgment and met a rather urgent situation. I'm going to move approval subject to all the conditions as outlined by staff including the Fire Chief's recommendations.

Don Hackbarth:

Second.

Mike Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY DON HACKBARTH FOR APPROVAL OF THE SITE AND OPERATIONAL PLAN.

Don Hackbarth:

It's kind of interesting because there are a lot of depressed economic areas and it's kind of interesting to see people still coming in here and expanding which I think is great.

Mike Serpe:

On the motion those in favor say aye.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. The next three items, J, K and L will be presented but we'll vote on each one individually, is that correct?

Jean Werbie:

Correct.

- J. Consider the request of Chad Navis, Director of Industrial Development for Towne Investments, property owner, for a Certified Survey Map to adjust the lot line between Tax Parcel Numbers 92-4-122-282-0172 and 92-4-122-282-0183, generally located on 82nd Avenue and 107th Street, south of 104th Street (STH 165) in the LakeView Corporate Park, which are each proposed to accommodate the Towne Industrial III & IV speculative buildings.**
- K. Consider the request of Chad Navis, Director of Industrial Development for Towne Investments, property owner, for Site and Operational Plan approval for a proposed approximate 82,000 square foot Towne Industrial III speculative building proposed to be located on 82nd Avenue, south of 104th Street (STH 165) in the LakeView Corporate Park.**
- L. Consider the request of Chad Navis, Director of Industrial Development for Towne Investments, property owner, for Site and Operational Plan approval for a proposed approximate 51,500 square foot Towne Industrial IV speculative building proposed to be generally located on the curve of 82nd Avenue and 107th Street, south of 104th Street (STH 165) in the LakeView Corporate Park.**

Jean Werbie:

The first item on the agenda is the certified survey map. The petitioner is requesting approval of a CSM to adjust the lot line between two Tax Parcel Numbers 92-4-122-282-0172 and 92-4-122-282-0183. This property is generally located on 82nd Avenue and 107th Street south of 104th Street in the LakeView Corporate Park. The parcels are proposed to accommodate the Towne Industrial III & IV speculative buildings.

- Lot 1 is undeveloped property and it's proposed to be just over 5.2 acres with 622 feet of frontage on 82nd Avenue and 107th Street. The property is zoned M-2, Heavy Manufacturing District, which requires lots to be a minimum of 40,000 square feet with a minimum frontage of 150 feet on a public road.

- Lot 2, the undeveloped property is proposed to be just over 3.4 acres with 553 plus feet of frontage on 82nd Avenue and 107th Street, and the property is zoned M-2, Heavy Manufacturing District.

The CSM depicts several private easements including a shared ingress and egress easement between the properties, a 20 foot private water service easement and a 20 foot storm sewer easement.

With respect to utilities on the site, municipal sanitary sewer, water and storm sewer are available for the development of the lots, and both lots meet and exceed the minimum lot size and frontage requirements of the M-2 District. The land division conforms to the Village's Comprehensive Plan and the application Village ordinances.

All outstanding taxes and/or special assessments on the properties will need to be paid in full prior to the Village executing the CSM. All new construction including these projects will be required to be paying the impact fees for non-residential development.

With respect to site and operational plans, the owner, Towne LakeView LLC is seeking site and operational plan approval for two speculative industrial buildings, namely Town Industrial III which would be approximately 82,000 square feet, and Towne Industrial IV, approximately 51,500 square feet on separate parcels, Lots 1 and 2, of the proposed CSM.

Under general site development, Towne Industrial III will be constructed on Lot 1 of the proposed CSM. Towne Industrial IV will be constructed on Lot 2. The CSM was previously discussed. Both buildings are to be constructed concurrently. Because these are both speculative buildings, there are no identified users at this time. As information, any tenant that proposed to occupy 50 percent or more of these spec buildings will require site and operational plan approve before the Village Plan Commission. And any tenant that requires a conditional use permit will also need to come back to the Village Plan Commission.

For parking for Towne III, according to the plans there will be 72 employee, client and visitor parking spaces that will be provided along the east side of Towne III along 82nd Avenue. Towne IV the plans are for 91 employee, client and visitor parking spaces provided along the north, south and east sides of Towne IV adjacent to 107th Street and 82nd Avenue and adjacent to the truck court. If and when any parking lot expansion is proposed, prior to the expansion, permits from the Village will be required.

Each building will have truck court which faces away from the public streets. The Towne III truck court is on the west side of the building, and the Towne IV truck court is on the north side of the building. Initially, Towne III will have 8 truck docks and 2 overhead drive-in vehicle doors and Towne IV will have 4 truck docks and 2 overhead drive-in vehicle doors. Both sites will have parking areas and maneuvering lanes including the area of the shared truck court that are provided with vertical concrete curb and gutter.

Access for the sites, employee, client and visitor vehicular access to the Towne III site will be from a shared driveway from 82nd Avenue located along the north side of the shared east-west property line. This access will serve both Lots and will function as the truck ingress/egress point

for both properties. The main employee, client and visitor vehicular access for Towne IV will be from a 107th Street driveway that will align with the existing curb cut on the south side of 107th Street. As noted, Towne IV employee, client and visitor access is also available from shared driveway from 82nd Avenue.

Pursuant to the ordinance, street trees and other landscaping along the front of the buildings and around the perimeter will be provided. As noted on the CSM there is a 20 foot wide WEPCo easement adjacent to 82nd Avenue and 107th Street. Landscaping and berming shall be kept to a minimum within the easement areas.

With respect to open space both development sites meet the minimum 25 percent open space or green space requirement. In fact, for Towne III the green space being provided is 25 percent and Towne IV is 25.6 percent.

The development sites, Lots 1 and 2, are zoned M-2, and there are no areas of wetland, 100-year floodplain or shoreland on the site. With that, the staff does recommend approval of all three items and separate action will be required. However, we do have a representative from Towne Investments with us, Chad Navis, if there are any questions or any additional information that you'd like him to provide.

Don Hackbarth:

I move approval of the certified survey map.

John Braig:

Second.

Mike Serpe:

MOTION BY DON HACKBARTH AND SECOND BY JOHN BRAIG FOR APPROVAL OF ITEM J, CERTIFIED SURVEY MAP. OTHER QUESTIONS?

Jean Werbie:

Subject to the comments and conditions?

Mike Serpe:

Yes. All those in favor say aye.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

Wayne Koessl:

I'd move approval of Item K, the site and operational plan, subject to the comments from staff.

John Braig:

Second.

Mike Serpe:

MOTION MADE BY WAYNE KOESSL AND SECONDED BY JON BRAIG FOR THE APPROVAL OF THE SITE AND OPERATIONAL PLAN. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

John Braig:

Move approval of the site and operational plan, Item L, subject to conditions as outlined by staff.

Wayne Koessl:

I'll second.

Mike Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL FOR THE APPROVAL OF THE SITE AND OPERATIONAL PLAN ON ITEM L. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. I just noticed you have two spec buildings, we don't know who the tenants are, but we know that one building is going to have 72 employees and the other one is going to have 91.

Jean Werbie:

That was the parking spaces and it's based on the square footage of the space within the facility.

M. Consider Plan Commission Resolution #08-14 to initiate a zoning text amendment related to updating of the Village's Wetland Maps.

Jean Werbie:

Trustee Serpe, Resolution 08-14 is a resolution to initiate a zoning text amendment. The Village Plan Commission may initiate a petition for the amendment of the Zoning Ordinance which may include the rezoning of property, change in zoning district boundaries or the changes in the text of the ordinance. The Wisconsin DNR, with federal funding from EPA Region V, entered into an intergovernmental agreement with the Regional Planning Commission to update the Wisconsin Wetland Inventory for Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha Counties. The wetlands were delineated using 2005 digital color aerial photography at a scale of 1 inch to 400 feet. Updated digital wetland information for the Village has now been provided. The digital data was provided to the Village's Information Technology Department to print maps for the Village's use. The Village's Zoning Ordinance specifically references the Wisconsin DNR final wetland maps that were originally dated February 3, 1995 as they may be amended from time to time.

The purpose of this resolution before you is to have the Plan Commission hereby initiate and petition to amend the ordinance so that we can update the reference to the newly prepared Wisconsin DNR Wetland Inventory Maps. By your adoption of this resolution you are not making any determination regarding the merits of the proposed changes in the text, but you are only initiating the process by which the proposed changes can be promptly evaluated and a public hearing can be set. The staff recommends approval of the resolution as presented.

John Braig:

Move approval of Resolution 08-14.

Mike Serpe:

Is there a second?

Wayne Koessl:

I'll second.

Mike Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL FOR APPROVAL OF 08-14. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

N. Consider Plan Commission Resolution #08-15 to initiate a zoning map amendment as a result of wetland stakings being completed.

Jean Werbie:

Trustee Serpe and members of the Plan Commission, the Plan Commission may initiate a petition for the amendment of the Zoning Ordinance which may include the rezoning of property, change in zoning district boundaries or the changes in the text of the Zoning Ordinance. On August 12, 2005, the Village received an application from Marion McMahon, then owner, of a property for a wetland staking to be completed on three properties generally located on Lakeshore Drive between the 12600 and 12700 block. These parcels are identified as Tax Parcel Numbers 93-4-123-323-0075, -0250 and -0255.

The Village received a letter dated May 30, 2006 from SEWRPC that indicated that the plats of survey correctly surveyed and identified the wetlands on the property as field staked on December 8, 2005.

On July 26, 2008, the owner received a permit from the Wisconsin DNR to install shore protection on Lot 40 and to fill approximately 305 square feet in order to construct a single family home and a driveway. The properties were acquired by Robert and Margaret Barnato who installed the shore protection and filled the wetlands as allowed by the Wisconsin DNR permit.

A revised survey showing the location of the wetlands on Lot 40 after the fill was completed was submitted, and they have started constructing their new single family home on Lot 40 at 12643 Lakeshore Drive.

In accordance with the Village of Pleasant Prairie Zoning Ordinance, C-1 Lowland Resource Conservancy District requirements in effect, the Plan Commission shall initiate the appropriate action to change the Zoning Ordinance to reflect the revised C-1, Lowland Resource Conservancy District.

The Plan Commission is not by this resolution making any determination regarding the merits of the proposed change, but is only initiating the process by which this change can be promptly acted on by the Plan Commission and a public hearing can be scheduled. The staff recommends approval as presented.

Don Hackbarth:

Move approval of Resolution 08-15.

John Braig:

Second.

Mike Serpe:

MOTION MADE BY DON HACKBARTH AND SECONDED BY JOHN BRAIG FOR APPROVAL OF 08-15. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. Just a quick comment. Tonight's meeting very impressive. In light of the nation facing a little bit of a downturn in the economy, we have indications of obviously ULINE coming in with corporate headquarters and quite large buildings. We have Chad Navis coming forward with a couple of spec buildings. Just the area looks like it's holding its own, and I think we have a lot to be proud of with our staff working with these companies and bringing them in and showing them what we have to offer. I think they're doing a good job and it certainly is appreciated.

7. ADJOURN.

John Braig:

Move adjournment.

Jim Bandura:

Second.

Mike Serpe:

Motion made and seconded for adjournment. All in favor say aye.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. Thank you.