

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
March 9, 2009**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on March 9, 2009. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana (Alternate #1, voting member). Andrea Rode (Alternate #2) was excused. Also in attendance were Mike Pollocoff, Village Administrator; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Tom Shircel, Assistant Village Planner

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

Peggy Herrick:

We have no correspondence, but I just want to remind the Plan Commissioners that we'll have a meeting of the Plan Commission next Monday night, March 16th, prior to the Board meeting. And there will be no meeting right now for March 23rd. We have no items for that agenda. If that changes we will certainly let you know. But as of right now no meeting on March 23rd.

Tom Terwall:

Thank you. And we're going to meet at the regular time next week, five o'clock?

Peggy Herrick:

Five o'clock, correct.

- 4. CONSIDER THE MINUTES OF THE FEBRUARY 23, 2009 PLAN COMMISSION MEETING.**

Tom Terwall:

You've received them in written form. What's your pleasure?

Larry Zarletti:

Move approval.

Wayne Koessl:

Second.

Tom Terwall:

IT'S BEEN MOVED BY LARRY ZARLETTI AND SECONDED BY WAYNE KOESSL TO APPROVE THE MINUTES OF THE FEBRUARY 23, 2009 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Don Hackbarth:

Was that the meeting that I came late at? Was that the last meeting? Because I'm labeled as excused and I have no excuses.

5. CITIZEN COMMENTS.

Tom Terwall:

If you're here for any of the items on the agenda tonight, all of those items are public hearings, so we would ask that you hold your comments until the public hearing is held so your comments can be incorporated into the official record of the public hearing. However, if you're here to speak on any other item either not on the agenda or a question you want to raise, now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments?

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT to correct the Village Zoning Map as a result of a wetland staking completed by the Southeastern Wisconsin Regional Planning Commission for the property located at 8264 108th Avenue.

Tom Shircel:

Thank you. On February 16, 2009, the Village Board approved Village Board Resolution #09-04 to initiate a zoning map amendment to correct the Village Zoning Map as a result of a wetland staking being completed on property located at 8264 108th Avenue, the northwest corner of 83rd Street and 108th Avenue, and further identified as Tax Parcel Number 91-4-122-074-0320.

On September 29, 2008, the Village received an application dated September 22, 2008, from Dave Cicchini of Prudential Premier Properties, acting as the agent, on behalf of George

Bellegante, who is the owner of the property, for a wetland staking to be completed on this property. On February 10, 2009, the Village received a letter dated February 9, 2009 from the Southeastern Wisconsin Regional Planning Commission that indicated that the plat of survey dated December 10, 2008, completed by Glen Marescalco of, correctly surveyed and correctly identified the wetlands on this property as field staked by SEWRPC on November 11, 2008. You can see on the slide that there's three wetlands, wetlands 1, 2 and 3 located mainly in the western portion of this property.

The zoning map amendment proposes to rezone the portions of the property field delineated as wetlands into the C-1, Lowland Resource Conservancy District; the remainder of the property will continue to be zoned R-5, Urban Single Family Residential District. In addition, the extreme southwest corner of the property will remain in the FPO, Floodplain Overlay District. With that this is a public hearing and I'll turn it back to the Plan Commission.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Yes, sir? Come to the microphone please.

Ralph Etzelmueller:

My name is Ralph. My address is 8330 108th Avenue. I'm right on the corner of 83rd Place and 108th Avenue. Etzelmueller. I guess my question is that I'm new over there and I've only been over there about six months so I'm just getting to know the area. I know there's a lot of water back there, and when I got the zoning thing I really don't know what it all means. Are they rezoning it to build back there or sell it off? Or is it just protocol?

Tom Terwall:

Under the statutes—before you'd be able to build anything you'd have to have a wetland staking and that's got to be done by a certified hydrologist to do that. Once the DNR has certified those areas that are wetlands, the Village is required by law to rezone those into C-1 Conservancy. What that means is in that area you would not be allowed to build. That's what this is all about.

Ralph Etzelmueller:

One other question. Are there any plans to build at road, 83rd Street? Right now it's not really a paved road so to speak. Are there plans to do that? It doesn't have anything to do with what this meeting is about or this agenda.

Mike Pollocoff:

Not for this specific item. 83rd Street is a rural unimproved road. So the only way it would be improved up to municipal standards is if the property owners along 83rd Street agreed to be assessed for it to be brought up to standard. Right now it functions as more of a driveway really than a road.

Ralph Etzelmueller:

That's kind of what we gathered. So I guess my third question would be there are no plans to develop back there?

Tom Shircel:

To my knowledge the property owner at this time has no plans to develop. He may come at some point in the future to maybe split the property in two but at this time he has no plans.

Ralph Etzelmueller:

Thank you very much.

Tom Terwall:

Thank you. Anybody else wishing to speak? Hearing none, I'm going to open it up to comments and questions from Commissioners and staff.

Mike Serpe:

Move approval of the amendment.

Wayne Koessler:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT for the request of Michael Lawrence, agent for Regency Hills-Creekside Crossing, LLC, owner, of the property located at 8951 62nd Avenue to use this unit as a model sales unit for the Creekside Crossing Development.

Peggy Herrick:

This is the request of Michael Lawrence. He's the agent for Regency Hills-Creekside LLC, owner of the property located at 8951 62nd Avenue. They're requesting to use this unit as a model sales unit for the Creekside Crossing Development.

The following findings of facts are part of the public hearing record that we have compiled regarding the petitioner's request and are being presented at this time.

1. The petitioner is requesting a Conditional Use Permit to use Unit 492 in Building 49 of the 2nd Addendum to Creekside Crossing Condominiums as a model sales unit for the Creekside Crossing Development. The subject property located at 8951 62nd Avenue and is known as Unit 492 in Building 49 of the 2nd Addendum to Creekside Crossing Condominium and located in a part of the Southwest One Quarter of U.S. Public Land Survey Section 15, Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as a portion of Tax Parcel Number 92-4-122-153-1492. The application and related documents submitted by the developer are shown as Exhibit 1 in your packet.
2. Creekside Crossing Condominiums consists of two-unit, four-unit and eight-unit buildings.
3. On November 28, 2005 the Plan Commission approved a Conditional Use Permit to use Building 21, a four unit building located at the northwest corner of 63rd Avenue and Creekside Circle. It would be on the northwest corner of 63rd Avenue and 93rd Street so it's at the entrance of their development. They've been using this as a model and sales center for the development, and this building is no longer proposed to be used as their sales center.
4. The new sales unit is in a new two unit building and is 1,496 square feet with two bedrooms and a two car attached garage and in is a portion of the development that is zoned R-8, Urban Two Family Residential District with a Planned Unit Development Overlay.
5. Pursuant to Section 420-113 C (1) (b) of the Village Zoning Ordinance, model units and related temporary real estate sales offices or marketing centers are allowed in the R-8 District with the approval of a Conditional Use Permit issued by the Plan Commission.
6. In December 2007, the Village issued zoning, building and erosion control permits, which is Permit No. 07-12-052, for the construction of the new two-unit dwelling and the Building Inspection Department issued a verbal to occupy the building on September 4, 2008.
7. No special improvements are proposed to this unit as a marketing center. The second bedroom will have a desk for the office. There will be a copier/fax machine as well as some kiosks for making materials. So the garage will not be converted into an office or anything like that so the unit will remain as a single family home and they would just be using a second bedroom for their office materials.

8. Pursuant to Section 420-148 (65) of the Village Zoning Ordinance, the Plan Commission may set a specific time frame for such use to be allowed; however, said facilities shall not be open past 9:00 p.m. The petitioner is proposing to have the following hours: Monday - Thursday from 10:00 am to 6:00 p.m., Saturdays and Sundays from 12:00 noon to 4:00 p.m. and by appointment.
9. Parking shall be provided on the driveway and may be allowed on 62nd Avenue adjacent to the unit.
10. Pursuant to Section 420-76 P. of the Village Zoning Ordinance, model homes, with a an approved sign permit application, are allowed to have a sign in front of their unit indicating that it's a model sales unit subject to a number of regulations: maximum of four square feet per face, maximum height of five feet and maximum setback of five feet from any public street or right of way line.
11. The petitioner is also requesting to install directional signage within the condominium development to provide directions from 93rd Street and 63rd Avenue to the model home. As you can see from the slide, the main entrance to the subdivision is located at this location. The new model unit is at this location. So they are requesting to install model signs similar to this, it says model center with an arrow at these locations to get people to this model sales center. The directional signage within the development is acceptable provided that the signs are located within the condominium property, not within Village right of ways. These directional signs shall not exceed four square feet and shall not be higher than four feet.
12. Notices were sent to adjacent property owners via regular mail on February 19, 2009 and notices were published in the *Kenosha News* on February 23 and March 2, 2009.
13. The petitioner was emailed a copy of this memorandum on March 6, 2009.
14. According to Article XVIII of the Village's Zoning Ordinance, the Plan Commission shall not approve a conditional use permit unless they find after viewing the findings of facts as just presented, the application and related materials and information presented tonight at this hearing that the project as planned will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of a conditional use permit.

With that, this is a public hearing.

Tom Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'm going to open it up to comments from Commissioners. Before I turn over the microphone I'm going to raise one myself. It says in the findings of fact that a verbal occupancy permit has been issued. Have they not received the written occupancy permit for this building yet?

Peggy Herrick:

They have not received written because the grass is not growing yet. That's the only thing outstanding.

Tom Terwall:

That's the only thing that's outstanding?

Peggy Herrick:

Correct.

Don Hackbarth:

Could you show me where the entrance to that subdivision is right now again?

Peggy Herrick:

Sure, the south end here at 93rd Street and this is 63rd Avenue.

Don Hackbarth:

So the roadway is up to the building?

Peggy Herrick:

Correct. This part of the roadway is in. Creekside Circle is in to here and to here and the road ends right about here. Creekside Circle continues this direction and ends about here, and there's another entrance out onto 93rd Street at this location. So the main entrance into the subdivision is up this way.

Don Hackbarth:

Is that the only unit that's built on that property now or are there other ones?

Peggy Herrick:

No, there are other ones. There are a few two units built up here. I think there's one to the north, one or two across the street. These two units are all built in this area.

Don Hackbarth:

I guess what I'm saying is there anything closer to the entrance? That's a long way to go for people to look at a model.

Tom Terwall:

There are no two unit buildings—

Don Hackbarth:

You see where the two stars are to the right? That shows that there's some properties over there.

Peggy Herrick:

This is the current model right now that we issued a permit for. They would like to close that and use a newer model that's more up to date and market their two units. So they'd like to use the two unit—just the unit and not the whole building. That one they're using all the units in that four bedroom.

Don Hackbarth:

The only reason I'm saying is that's a long way to go to look at a model.

John Braig:

The discussion on signs in my mind is a little bit ridiculous. If you go out on that site it's plastered with signs all over. I'm sure that you could find a number of violations. Who is going to enforce the sign regulations now that you've identified?

Peggy Herrick:

The Village zoning staff does if we receive a complaint. So if file a complaint we will certainly follow up on it.

John Braig:

That I find a little objectionable, too. Why do we have to rely on citizens to file a complaint when their neighbor or someone is violating an ordinance? I'm not saying the staff doesn't see it, but there has to be times when the staff is out and about and they see these violations. They can't be blind. I see them and it isn't even my business to see them.

Mike Pollocoff:

When staff is out and we see a zoning violation, whether it's planning staff or myself, I'll make note of it and we'll send out a notice of violation. But to be honest with you the fact of the matter is once, from the planning staff's perspective, this development has got up and running and the buildings are being completed the planning staff might not be out there again. Typically you have the building inspector staff or something like that. We haven't had the ability to budget for a zoning enforcement officer to go look for violations. They have that in the City and some other places. We pick them up when we do, so we do rely on citizens to make a complaint when it occurs. I don't think that's—to be honest with you we protect confidentiality of the people when

they do file a complaint. Someone goes out and looks at it before we send a letter out and we deal with it that way.

John Braig:

I'm thinking of an instance in the elections some years ago where Village Trustee somehow was identified as filing a complaint or do I have my information wrong?

Mike Pollocoff:

I don't know.

John Braig:

I'm thinking as it pertained to recreation vehicles, which is something else that we haven't addressed in quite some time.

Larry Zarletti:

I have a question about the occupancy permit. Do we give a lot of verbal occupancies?

Peggy Herrick:

Yes, we do, because a lot of homes do complete during the winter months when they can't plant the grass.

Larry Zarletti:

Don't they have a year after you occupy to finish your landscaping or get your grass in or whatever?

Peggy Herrick:

Correct, and we won't issue a written occupancy until that's done. We won't issue a written until everything is done including the grass is growing. So the verbal allows them to occupy the building and the unit.

Larry Zarletti:

But it is a verbal written? I mean you had to write somewhere that you give them verbal, right?

Peggy Herrick:

Correct, it's a verbal to occupy. It's on the inspection sheet a verbal to occupy on such and such a date and it tells what the outstanding issues were. Sometimes it's other than the grass. It's other non health safety violations that allow them to occupy. I did talk to the chief building inspector on this one to see if there's anything else outstanding. He told me, no, it's just waiting for the grass to grow.

Larry Zarletti:

Okay.

Mike Serpe:

Peg, how many more—is there another phase that yet has not been totally developed or totally built out? How many more condo units are on the docket.

Peggy Herrick:

A lot. I don't know the exact number. This whole section up here is two unit buildings so there's probably ten or so buildings here. There's another two unit cul-de-sac up in here that has units. There's some eight unit buildings here that haven't been approved. Another eight unit building over here. A few fours in this area and a few more eights over here. So they're a little bit more than half way built out. I would expect they'll be moving their model again in probably three years. This other model was open for approximately three years so I would suspect they'd move again.

Mike Serpe:

I'm not going to object to this model or this proposal tonight. I think what concerns me is right now the market is not condo friendly. And I understand the reason that they would be putting up a model to try to sell what they have. Is there any inquiries to rent further or more than the 20 percent that we allow in the—we allow up to 20 percent of the units to be rented.

Peggy Herrick:

Not in this subdivision.

Mike Serpe:

Not in this subdivision, okay.

Tom Terwall:

Peggy, to help reorient myself as to where this model is, could you point out where the Village Clerk's unit is please?

Peggy Herrick:

I think that's down here in this cul-de-sac.

Tom Terwall:

So it's quite a ways back then.

Peggy Herrick:

Yes, this is all single family right here. These single families I believe are all built out. There are two or three under construction in here so it's past the single family.

Tom Terwall:

Thank you. What's your pleasure?

Don Hackbarth:

Move approval.

Larry Zarletti:

Second.

Tom Terwall:

MOVED BY DON HACKBARTH AND SECONDED BY LARRY ZARLETTI TO APPROVE THE CONDITIONAL USE PERMIT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

C. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AMENDMENTS including 1) to amend the title of Section 420-127 from PR-1, Park-Recreational District to Park-Recreational District #1; 2) to create Section 420-127.1 for future use; 3) to create Section 420-127.2 entitled PR-3, Park-Recreational District #3; 4) to amend Section 420-100 A (1) related to a listing of zoning districts; 5) to amend Section 420-32 and 33 related to sanitary and water requirements; and 6) to delete Specific Development Plan 9 entitled "Prairie Springs Park Planned Unit Development" in Chapter 420 Attachment 3 Appendix 3.

Peggy Herrick:

I'd ask that we take Items C and D together since they are both related and I'll be talking about them at the same time, however separate motions will be required.

Tom Terwall:

Is there a motion to that effect?

Mike Serpe:

So moved.

Larry Zarletti:

Second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY LARRY ZARLETTI TO TAKE ITEMS C & D TOGETHER.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed?

D. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING MAP AMENDMENTS to rezone several properties owned by the Village of Pleasant Prairie generally located west of 88th Avenue at STH 165 including Tax Parcel Numbers: 92-4-122-191-0010; 92-4-122-193-0102; 92-4-122-204-0200; 92-4-122-204-0400; and 92-4-122-301-0225.

Peggy Herrick:

The first public hearing relates to several zoning text amendments including amendment to Section 420-127 to change the name of the PR-1 District; to create Section 420-127.1 for future use; to create Section 420-127.2 entitled PR-3, Park-Recreational District #3; to amend Section 420-100 A related to a listing of zoning districts in the Village; to amend Section 420-32 and 33 related to sanitary and water requirements; and to delete Specific Development Plan 9 entitled Prairie Springs Park Planned Unit Development which is in Chapter 420 Attachment 3 and Appendix C.

The zoning map amendments relates to changing the zoning district designations on several properties owned by the Village. They're generally located west of 88th Avenue at State Trunk Highway 165. This is generally Prairie Springs Park and surrounding properties that are owned

by the Village adjacent to Prairie Springs Park. They include Tax Parcel Numbers 92-4-122-191-0010; parcel 92-4-122-193-0102; 92-4-222-204-0200; -204-0400 and Tax parcel 92-4-122-301-0225.

On November 4, 2008, the Village Plan Commission adopted Resolution #08-20 to initiate a zoning text amendment related to the PUD for Prairie Springs Park and adopted Resolution 08-21 to initiate zoning text amendments to Section 420-127 related to the PR-1 District regulations. In addition, both resolutions indicated that the evaluation of both these sections of the ordinance may require that other sections of the ordinance including the official zoning map may need to be re-evaluated and updated.

The Village staff began evaluation the Park and Recreation District and the various types of park and open space areas in the Village and began reviewing the PUD for Prairie Springs Park. As we evaluated sections of the zoning ordinance and we reviewed the Comprehensive Plan with the notion that through Smart Growth legislation the Comprehensive Land Use Plan and the zoning ordinance, including the zoning map, need to be consistent by January 1, 2010, and we began to see that maybe one Park and Recreational District does not cover the needs that we have for the various park and open space areas in the Village.

The land use plan identifies a variety of open space and park and recreational types including neighborhood parks, community parks, major parks, special use parks and other open space areas. In order to provide consistency with the land use plan and to provide for a wide range of open space and park and recreational areas in the Village, three park and recreational districts, the PR-1, the PR-2 and the PR-3 are being proposed.

The PR-1 District would include small open space areas primarily in developments for the retention and detention facilities and areas for limited recreational districts including Village parks that are less than five acres. The new PR-1 District requirements are currently being finalized and the zoning maps are being evaluated to determine which properties will remain in this and which new ones would be added to this. The public hearing to discuss the proposed changes in the PR-1 District requirements and the associated zoning map amendments is proposed to be held in April. Village staff recommends that the name of the PR-1 District be named Neighborhood Park-Recreational District rather than PR District #1 as noticed. This name is consistent with the names of other zoning ordinances in the Village.

The next PR District would be a PR-2 District. It would be created for active neighborhood and community parks that are at least five acres in size. At this time, Section 420-127.1 is being created but being reserved for future use for the requirements of that PR-2 District to be inserted into that area. The PR-2 Districts, along with the PR-1, are currently being finalized and the zoning maps are being evaluated. Again, the public hearing for the PR-2 District requirements and associated zoning maps is proposed to be held in April. The PR-2 District is proposed to be called Community Park and Recreational District rather than PR-2 District #2 as noticed. So this name, again, will be consistent.

The third Park and Recreational District is the PR-3, a Regional Park and Recreational District. It would be created for major parks to serve the community and the surrounding region as identified in the land use plan, which pursuant to the land use plan includes Prairie Springs Park. The

Village staff recommends that the name of the PR-3 District be named Regional Park and Recreational District rather than Park and Recreational District #3 as noticed.

The main focus of the amendments being considered at this time relate to this PR-3 Park and Recreational District. I'm going to go through the zoning map amendments one at a time because there's a lot of them and I just want to make sure everybody understands what's happening.

The first zoning text amendment is to amend Section 420-127 which titled PR-1, Park and Recreational District. Again, we're looking just to change the name at this time to PR-1, Neighborhood Park and Recreational District. As I indicated earlier, the hearing to rezone properties into that district and correct the zoning map and create those specific district regulations will be held in April.

The second text amendment is to create Section 420-127.1. That would be entitled PR-2, Community Park and Recreational District. This section would be created, however there would be nothing in here. It would be reserved for future use. Again, that public hearing for that text and associated zoning map amendments is proposed to happen in April.

The next amendment is to create Section 420-127.2. This would be entitled PR-3, Regional Park-Recreational District. As noted above, the PR-3 District is intended to provide for park, open space and recreational uses to serve the community and the surrounding region. The PR-3 District shall be at least 200 acres and may include other natural features such as wetlands, woodlands, shorelands, floodplains and other resources that may be also zoned C-1, Lowland Resource Conservancy District, C-2, Upland Resource Conservancy District, FPO, Floodplain Overlay. And the only area the Village is intending to rezone into this PR-3 District is that regional park, Prairie Springs Park.

The principal uses in the PR-3 District include indoor and outdoor recreational uses; educational uses; public administrative offices and public service buildings; summer theaters, amphitheaters and band shells; therapeutic recreational and physical therapy facilities; restaurants and snack bars; limited retail and service uses, pavilions and maintenance buildings and storm water facilities. Those are all outlined in the attached copy of the ordinance that you have.

Conditional uses in the PR-3 District would include campgrounds; golf courses or driving ranges; hotels; restaurants with a dedicated bar or a dedicated brewing facility; zoological botanical gardens; communication structures; transmission lines, utility substations or utility buildings and wind energy conservation systems. The PR-3 District also allows for accessory uses and structures that are consistent with the principal uses and permitted uses in the district. It allows for a combination of uses within the building or on the site. It includes dimensional, design and operational standards for all uses in this district. If there are specific questions with the district we have the entire ordinance in front of you. We'll be happy to answer those questions for you during this public hearing.

The next amendment is there's currently a Planned Unit Development District written for Prairie Springs Park. This is Specific Development Plan 9 entitled Prairie Springs Park Planned Unit Development. It was adopted December 22, 2003 by Ordinance #03-56. All of those PUD requirements have been incorporated into this PR-3 District, and so the intention is to delete that PUD because it will no longer be needed because all of those PUD requirements were included

into this new PR-3 District that's being proposed. So the amendment would be to delete that section.

The other zoning text amendment relates to Sections 420-32 and 33. This relates to sanitary and water requirements. Specifically this amendment requires buildings within Park and Recreational Districts to be serviced by municipal sanitary sewer and water but allows for onsite sanitary systems and private wells where municipal sewer and water is not readily available. So that's just the cleanup. Similar language is in those sanitary and water requirements for agricultural uses and for some institutional uses and for some residential uses down in the Chiwaukee Prairie/Carol Beach area where those services are not intended to be provided.

The last text amendment relates to an amendment to Section 420-100 A (1). This section of the ordinance just lists all the different zoning districts in the Village. We are specifically requesting to change the PR-1 District from Park and Recreational District to Neighborhood Park and Recreational District, and to add the PR-2, Community Park and Recreational District and PR-3, Regional Park and Recreational Districts to the list of districts in the Village. So it's a minor modification to correct the text and incorporate the other changes we're making.

The next set of amendments deals with amendments to the zoning map. The zoning map amendments include areas of the active portions of Prairie Springs Park and those are identified as Parcel Numbers 93-4-122-204-0200 and -0400. These two parcels are approximately 232 acres, and there's an additional land owned by the Village approximately 525 acres that surrounds this active park area to the north, south and west, and those are identified as Tax Parcels 92-4-122-191-0100, -193-0102, -202-0225, -203-0400 and -301-0225.

Specifically the zoning map amendments include rezoning the active Prairie Springs Park area that is currently zoned PR-1 (PUD) to rezone that to the PR-3. There's a typo on this. That should say PR-3. So we're rezoning this portion of Prairie Springs Park from PR-1 (PUD) to PR-3. These two portions of Prairie Springs Park this one is zoned C-1 (PUD) and this is C-2 (PUD). The PUD is proposed to be removed. The C-1 and the C-2 respectively will remain. We're just removing the PUD. So that's the active area of Prairie Springs Park.

The other areas surrounding Prairie Springs Park that are not zoned C-1 or C-2 that are proposed to be rezoned is a small parcel up here and a portion of this larger parcel that's highlighted in this yellow color. Those two areas are currently zoned R-2, Urban Single Family Residential. The intention is to rezone those to the PR-1 District. Those are not intended to be active Prairie Springs Park areas where we build a hotel or anything like that. They're just passive open space areas so that area is proposed to go onto the PR-1.

These three areas here, part of large properties, those areas are zoned A-2, which is a General Agricultural District, and those areas are intended to go to PR-1. Again, those are non active areas and open space areas. The remainder of those parcels in these areas are zoned either C-1, Lowland Resource Conservancy, or C-2, Upland Resource Conservancy. So we're really just cleaning up the map to bring it in conformance with the land use plan, remove those areas out of the residential and agricultural into the PR-1, and change the active areas in Prairie Springs Park from PR-1 (PUD) to the PR-3. Any portions that are in the 100-year floodplain or in a shoreland area are not being changed by the zoning map amendments. With that this is a public hearing for those zoning texts and zoning map amendments.

Tom Terwall:

Anybody wishing to speak on this matter? Is there anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll open it up to comments.

Don Hackbarth:

In looking at the definition of PR-1, it sounds as though PR-3 is a more active site where people can get on it and use it for recreational means. To me it sounds like the PR-1 is more an area that you don't want people encroaching on it, you don't want them in there.

Peggy Herrick:

Not necessarily. But they're just more passive open space areas.

Don Hackbarth:

I'm seeing that looking at that larger area that goes on 165 there that's a lot of water in there. There's a lot of water and swampy. I'm not so sure, I don't know, just for consideration maybe it's a thought to make those kind of more restrictive areas so people don't go and put a pup tent up.

Peggy Herrick:

Well, they can't by ordinance. There's no parking by any of those areas. You can't park on 165 to do anything over there. Some of those areas may be wetlands. There haven't been detailed wetland stakings done on those properties. When I drove by I noticed that a lot of that area was wet. I don't know, Mike, if you have anything else to add.

Don Hackbarth:

It does dry up.

Mike Pollocoff:

The other thing is I think there are areas that are wet, especially when you look at that west end of Prairie Springs Park. One of the things we're doing in working with the conservancy now in our management plan is identifying and it kind of weaves in and around these areas a trail system where people can not be in the wetlands but be close to it and trail around so they can see this stuff and get out there. But it really isn't meant for any other use than to provide open space and do the things that wetlands do. But to the extent possible co-exist with a more active type of recreation which would be a hiking or biking trail.

Don Hackbarth:

I guess my caution is just the definition of a PR-1, is it strong enough or should more be added to it to put more language in there to make it more restrictive?

Peggy Herrick:

It is going to be more restrictive. The new regulations we're working on will allow detention and retention spaces and limited recreational uses. And the limited recreational uses are being defined and they are basically trail systems that may allow a small pavilion, because there will be other areas that are going to be zoned PR-1 in the Village, too. But it is more restrictive than the current PR-1 District.

Don Hackbarth:

The other comment I have is on page 3 where it gets down to the definition of the uses. And it talks about windmills. Are we thinking in that term being green or anything?

Peggy Herrick:

Yes.

Mike Pollocoff:

We are still looking at architectural windmills at RecPlex or some other type of windmill. We're evaluating some alternatives. Along with everything else we've applied for in the stimulus we've asked for money in that. But we feel that that would be one way of greening up RecPlex plus helping the operating budget for that facility.

Mike Serpe:

Not to be discussed tonight, in reference to windmills a couple of residents have asked about residential windmills.

Peggy Herrick:

Currently they're not allowed. They're currently allowed in agricultural districts and the PR-1 District.

Mike Serpe:

I understand but the country is going green. Mike, is Smart Growth still on schedule? What's happening with that?

Mike Pollocoff:

Yes, it still is. We have had some discussions with President Steinbrink and Madison about the reality of using Smart Growth right at this point, basing all the demographic data on the 2000 census, and it might be good to give counties the opportunity or option to adjust that deadline from 2010 to 2013 so that the plan would be based on 2010 data rather than adopting a plan in 2010 where the data is already ten years old. That's going to take--there's some people that might

be in favor of that because they don't want to do the plan to begin with and that would buy them three more years. But we think it would just make good planning sense to do that.

Tom Terwall:

We need two separate motions. The first motion is on the zoning text amendment.

Mike Serpe:

I move approval of the zoning text.

Tom Terwall:

Is there a second?

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD ON THE ZONING TEXT AMENDMENTS AS OUTLINED SUBJECT TO THE TERMS AND CONDITIONS. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Now a motion to send a recommendation on the zoning map amendments.

Larry Zarletti:

So moved Item D.

Jim Bandura:

Second.

Tom Terwall:

MOVED BY LARRY ZARLETTI AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD RECOMMENDING APPROVAL OF THE ZONING MAP AMENDMENTS AS OUTLINED IN THE

ATTACHED MEMORANDUM SUBJECT TO THE TERMS AND CONDITIONS IN THE MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

E. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING MAP AMENDMENTS to correct the zoning map and rezone several properties located within the Carol Beach/Chiwaukee Prairie area south of approximately 80th Street, east of Sheridan Road north of 128th Street and west of Lake Michigan including Tax Parcel Numbers: western portion of 93-4-123-074-0051; 93-4-123-074-0076; 93-4-123-074-0095; 93-4-123-074-0100; 93-4-123-074-0200; 93-4-123-181-0005; 93-4-123-181-0125; 93-4-123-172-0720; 93-4-123-191-0560; 93-4-123-293-0480; 93-4-123-301-0835; and 93-4-123-323-0025.

Peggy Herrick:

These zoning map amendments relate to correcting the zoning map and rezoning properties located within the Carol Beach/Chiwaukee Prairie areas south of approximately 80th Street, east of Sheridan Road, north of 128th Street and west of Lake Michigan. The particular Tax parcel Numbers include the western portion of Tax Parcel 93-4-123-074-0051; Parcel -074-0076; -074-0095; 074-0100 and -0200. They also include Tax parcel 93-4-123-181-0005; -0125; 93-4-123-172-0720; 93-4-123 -191-0560; 93-4-123-293-0480; 93-4-123-301-0835; and 93-4-123-323-0025.

On February 9, 2009, the Village Plan Commission adopted Resolution #09-01 to initiate several zoning map amendments for properties that have been acquired in the public's interest in 2008 and to evaluate other properties in the Carol Beach and Chiwaukee Prairie area that may need to be rezoned pursuant to Community Assistance Planning report No. 88, entitled A Land Use Management Plan for the Chiwaukee Prairie-Carol Beach Area of the Town of Pleasant Prairie, now the Village, dated February 1985.

As the Village staff evaluated the current zoning maps for area of the Chiwaukee-Prairie-Carol Beach Area identified in the aforementioned plan it was noted that some properties, other than those properties acquired in 2008 in the public interest, shall be rezoned as well to comply with The Land Use Management Plan and the Village's Comprehensive Land Use Plan. Again, pursuant to Smart Growth, any time we look at amending the zoning ordinance or the zoning maps we look at how this is affected by this new legislation that will require the comp plan and the zoning maps and ordinances to be consistent by January 1, 2010.

Specifically the following zoning maps are proposed.

In this exhibit, Exhibit 1, it's an area generally located by 7th Avenue north of 85th Street. The western portion of the property identified as Tax Parcel Number 93-4-123-074-0051, right down in here, this western portion along with the adjacent right of way of 7th Avenue that is currently I-1, Institutional District, is proposed to be rezoned to C-3, Natural and Scientific Area Resource Conservancy District.

Property owned by Ronald and Pamela Syre located at 8209 7th Avenue, also right here at this location, and the adjacent half right of way that is current zoned I-1, Institutional District, is proposed to be rezoned to R-5, Urban Single Family Residential District. There's currently a home on that property, so we're proposing to get that into a Residential District until such time as it's purchased by the DNR.

The property owned by the State of Wisconsin Department of Natural Resources is this large one, -074-0095, this has been acquired by the DNR some time ago from Wisconsin Electric. That area which is zoned I-1 is proposed to be rezoned into the C-3, Upland Resource Conservancy District. In addition, the east half of 7th Avenue is also proposed to be rezoned to C-3.

Property owned by the Village, 93-4-123-074-0100, this is this piece right over here including the half right of way of 7th Avenue and the right of way of the railway, that area is currently zoned R-5 (UHO), Urban Single Family Residential with an Urban Landholding Overlay District, that area is proposed to be rezoned also to C-3 Natural and Scientific Area Resource Conservancy District.

There's another property owned by Wisconsin Electric and Power identified as Tax Parcel Number 93-4-123-074-0200, this northern piece right here, that property is currently zoned I-1 and has a portion that's zoned C-3. That property and the adjacent right of way of 7th Avenue is proposed to be rezoned all into the C-3, Upland and Resource Conservancy District.

The next exhibit, Exhibit 2, shows three different properties. The first property is owned by the Village. It's identified as Tax Parcel 93-4-123-172-0720. It's basically right here, this eastern half. That parcel is zoned PR-1, Park and Recreational District. That property with the adjacent right of way of 85th Street is proposed to be zoned C-3, Natural and Scientific Area Resource Conservancy District.

The adjacent property, 93-4-123-181-0125, that's this piece right here. That is zoned by the DNR currently zoned PR-1. It's intended to go to the C-1, Natural and Scientific Conservancy District.

The other property, which is 93-4-123-181-0005, includes this portion of the property, includes this portion of the property. This parcel also extends further south of 90th Street. The portion south of 90th Street is already zoned C-3, so the areas north of 90th Street both on the east and the west side of 7th Avenue including 7th Avenue and that railway right of way adjacent to the western boundary are proposed to be rezoned into the C-3, Natural and Scientific Area Resource Conservancy District.

The next area is a parcel 93-4-123-191-0560 and the half right of way of the railroad. So this portion highlighted in here. This property is owned by the Village. It has multiple zoning categories right now. A portion of it is zoned PR-1, Park and Recreational District; a portion is zoned C-1, which is a Lowland Resource Conservancy District; a portion is zoned R-6, Urban

Single Family Residential District, and a portion is zoned C-3. The entire parcel is proposed to go to the C-3, Natural and Scientific Resource Conservancy District.

Exhibit 4 identified Tax Parcel 93-4-123-293-0480 which is owned by the DNR and the adjacent half right of way of 1st Court. It's currently zoned R-5, Urban Single Family District, and C-1, Lowland Resource Conservancy District. It's proposed to be rezoned to the C-3, Natural and Scientific Area Resource Conservancy District.

Exhibit 5 shows property owned by Kenosha County that they received through a tax deed identified as Parcel Number 93-4-123-301-0835. That and the adjacent unimproved half right of way of 8th Avenue, currently zoned R-5 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District, is proposed to be rezoned to C-3, Natural and Scientific Area Resource Conservancy District.

And the last property is shown on Exhibit 6. This property is owned by the Village. It's identified as Tax Parcel 93-4-123-323-0025. This property is currently zoned R-5, Urban Single Family Residential District. This is proposed to go to the PR-1, Neighborhood Park and Recreational District. Note the Village Board is proposed to receive that name change to the PR-1 District on their March 16, 2009 agenda when this item goes to the Board as well.

Any portions of these properties listed above that are located within a LUSA, Limited Urban Service District, an FPO, Floodplain Overlay District, or within a Shoreland Boundary will remain in those districts.

Notices were send out to adjacent property owners. We did receive several inquiries from properties inquiring about these proposed amendments. We did also receive a letter on March 5, 2009, not 2005 as indicated in your memo. On March 5, 2009, the Village received the attached letter from James Raabe, Manager of Property Management for We Energies, regarding two of the three parcels that they own that are proposed to be rezoned as C-3. Those were shown on the first exhibit. Actually Exhibit 1 and Exhibit 2. They own this property and this property that they're questioning, and on Exhibit 2 the rezoning of this property.

This property, the overhead here, and this property in particular We Energies have existing critical utility infrastructure and facilities. And We Energies wants to ensure that they have the right to preserve, maintain, repair and replace and add to that infrastructure and facilities without adding more conditions to their ability to conduct work that presently exists. Therefore, WEPCO is requesting that essential services as we current define in the Village ordinance as services such as services provided by public and private utilities necessary for the exercise of the principal, accessory or conditional use or service of the principal, accessory or conditional structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, and hydrants, but not including buildings. And essential services do not include residential or commercial communication structures. We Energies is requesting that these be allowed as permitted uses in the C-3 District so they do not have that burdensome task to come to add or do anything for these essential services that are currently in those parcels.

It has been the interpretation of the Village that essential services as defined in the zoning ordinance are allowed in all zoning districts as a permitted uses. However, upon review of the zoning ordinance, it is being recommended that in addition to these zoning map amendments presented that the following zoning text amendments be considered by the Village Board as well to make sure it's extremely clear that essential services are permitted uses in every district. So the following amendment are proposed.

We're requesting to create Section 420-39.1 to be created to read essential services. Essential services are permitted in all zoning district. This section of the zoning ordinance are just general provisions that lists a bunch of miscellaneous type things, so we're recommending that this specifically states that essential services are permitted in all zoning districts. Currently it specifically lists that in all the agricultural districts that essential services are allowed and a few residential districts that essential services are allowed. Like I said, it's been our interpretation that essential services are allowed in every district.

The other amendments proposed, to amend Section 420-128 F (9) related to utilities as a conditional use in the C-1 District. So we're recommending that utilities be deleted as a conditional use in the C-1 District and, again, those utilities are essential services.

The next amendment to the zoning text is to amend Section 420-130 F (3), and this is the section that states that construction and maintenance of these essential services are conditional uses in the C-3 District. We're recommending that that be deleted and those essential services, again, are allowed as a permitted use.

The fourth zoning text amendment would be recommending that Section 420-148 B (117) be deleted. This section is one of the standards in the conditional use section that states that certain requirements need to be met if you're putting essential services in a C-1 and a C-3 District. So if these are no longer conditional uses it's no longer necessary to have this section. And they add that if you're putting in essential services in a Conservancy District through wetlands or things of that nature you do need permit from the DNR. The DNR does allow for that but there are extra precautions they need to take to make sure they're making minimal disturbance through the wetlands. So those are allowed by the DNR as well.

So with that the zoning text amendments are proposed to be changed. If those amendments are changed We Energies has no problems with us rezoning those portions of their properties into the C-3 District. So with that, this is a public hearing.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll open it up to comments. You have a comment?

Mike Pollocoff:

From the staff. One thing that I had excluded erroneously from the staff report, from the adoption of the Chiwaukee Prairie Plan there was a policy that was set forth by the Board I believe in '95 that the Village owned land that was in the Chiwaukee Prairie Plan that was going to be put into

conservancy use would happen after the DNR had included their acquisitions. And the reason for that was to make sure there was one piece of carrot hanging out there, so to speak, so that the DNR would be continuing to do land acquisitions and not just do as much as they could and then once the Village acreages went in, which are substantial, they would have achieved a large percentage of their goal.

That was done at a time when we probably went through about a three year cycle where DNR just didn't fund any land acquisitions. So the willing buyer/willing seller scenario that was worked out in the plan wasn't existing because there was willing sellers but the buyers it wasn't that they're willing they just didn't fund it. So there has been that concept that we maintain with DNR that we're not going to develop these properties certainly and we're not going to use them in a manner that would be contrary to what the ultimate plans showed. But we won't convey them into that regulated use until such time as DNR has gone through the process and acquired all the plans that were in the acquisition plan as part of the plan.

When that goes to the Board I'm not sure what their flavor for it's going to be. Maybe we're far enough down the road that we still own the property. I guess we could not convey it if we felt that they weren't complying with it. But this would be the next step back from that by actually putting it into that Scientific Zoning District.

Tom Terwall:

My recommendation would be don't convey it. If they would have stuck to the plan and would have been buying lots that were in the unbuildable status rather than running out with their money and buying lots that were buildable, we would have concluded this thing a long time ago. So my recommendation would be, and this is just a personal recommendation, don't give them any help. They've dug this hole that they're in and let them dig themselves out.

Mike Serpe:

Mike, in Exhibit 1 did any changes that we made here—let me back up. Did the Kenosha Sewage District or Kenosha Utility District have any plans for expansion in anywhere that we just changed the zoning here?

Mike Pollocoff:

There was a plan that if the land is owned by WEPCO, that top area, prior to the completion of the Chiwaukee Prairie Plan that We Energies had said that they would I guess in the first instance hold that zoning out so that the utility could put a future expansion on that site. I don't know if they got far enough to say we'll sell it to you or convey it, but at the time Kenosha declined that. So what happened is that would have been an ideal site for an expansion of the treatment plant so that got drug into the conservancy area. I don't think you're ever going to get it out.

The other area would be that area that's owned by the Village that's on the other side of 7th Avenue. If you look at those parcels right up there in the north end we know the City has been acquiring property for an eventual expansion of the sewage plant but they haven't provided the Village with a plan. They've been doing it on their own, so basically what we know is

happenstance. So there really isn't—how they're going to expand their plan we don't know. We think that might be the area assuming that it's large enough.

Tom Terwall:

When that plan was adopted and WEPCO offered that land to the City for expansion of the sewage treatment plan I couldn't believe when they turned that down and neither could Dr. Bower. Bower sat there with his jaw down to here. You talk about looking a gift horse in the face.

Wayne Koessl:

I think we all did.

Tom Terwall:

You're right.

Don Hackbarth:

Looking at, again, whatever page this is, page 4, the uses or the possible uses that could be on that WEPCO site, do we really want to zone that C-3 even though we say we can use these? It just seems like it's opening up a can of worms here with all these varied uses. To me it would seem to just be better off leaving it in a different zoning that permits more of these uses. Give them the right to do it because it's along 85th anyway. It's just a lot of uses that they're asking for.

Tom Terwall:

Which they already have.

Mike Pollocoff:

It's only WEPCO. We have a major utility corridor running up and down 7th Avenue. I guess it's the recognition that these essential services are going to run underneath wetland and preserved areas. And at some point in the future, whenever that happens, if whether it's We Energies or even ourselves with our sewer line and water line, if we have to go in there and effect a repair we need to be cautious of not overexpanding the area that we're going to dig in, that there's going to be erosion control that's going to be exercised and I think that's true in a lot of areas. I would imagine in the We Energies service area where there's wetlands or floodplains once the improvement is up and they have to go in and make a repair you don't get to tear the whole area up. You can only repair that site.

I think what it does, though, is it preserves that land use, the scientific land use in this case, in its state so that it can't be used for anything else but the underground use of that land. In an urban environment like this where you have these natural areas that are intermingling, we've got to be able to, whether it's We Energies or us or AT&T, the broadband services, everybody needs to be able to go under these areas. It might be an area that wasn't a conservancy before but it's become conservancy because no one is building over it, I think that overlaying conservancy needs to be

protected, but this ordinance acknowledges the fact that those essential services are underground and at some point whoever's service it is is going to have to go in and make a repair or do whatever they have to do. And when they're done they have to restore it back.

Don Hackbarth:

So what we're saying then by this is that could happen to that whole green area there? Somebody could run things underneath it?

Mike Pollocoff:

Well, no, because right now the one area—

Don Hackbarth:

Because if we're saying it for this piece right here why can't it be done for any one of those areas up there?

Mike Pollocoff:

To put in and install an essential service in that area now would require a DNR permit and a Village permit. So I think what this is going to govern is the areas where there already is improvements that are constructed. To get that permit to be able to construct, if they wanted to run a line diagonally from one end to the other, even without this ordinance, they'd still have to go to the DNR and the Village because it's still a mapped wetland that would be damaged and they've have to go get a permit to do that. What this says is we're taking the area that was zoned in this case institutional on the south end where the essential services area, we're recognizing that as C-3 with those provisos.

The area that was zoned institutional above that I believe is the old conceptual power plant site. That's gone. And if We Energies wants to—they don't own the land anymore. But if anybody was wanting to put something in there that was in line with this essential services provision they would still have to get DNR permits and Village permits, and it may very well be they wouldn't get them to run across the site. They would have to find an existing utility corridor along the roads in order to run those improvements. But you're right, I guess somebody could say that you can do this in this site but they would still have to go through the regulatory maze to get that put in for a new service.

Tom Terwall:

When WEPCO was looking at not at all deep discussion, but they were at one point considering units 3 and 4 at that site. Is that true, Wayne?

Wayne Koessl:

Well, at one time that was the site for Plant X but it never materialized.

John Braig:

Many years ago.

Tom Terwall:

But had that occurred they would have had to run additional lines all the way from the lake out to the site.

Mike Pollocoff:

Yeah, there's easements for those lines right now. It still runs across the Village.

Tom Terwall:

Those are some big pipes.

Peggy Herrick:

And I'm not sure, Wayne maybe you know, at what point the DNR purchased this from We Energies or is this donated to We Energies? That was quite some time ago.

Wayne Koessl:

I don't remember the exact date on it but it's quite a while ago. Mike was right, we all worked to try to get the City to take that northern portion and they came to a meeting one night and said no. I kind of made everyone wonder what they had been drinking.

Tom Terwall:

If there's no further questions what's your pleasure? We need a motion to send a favorable recommendation to the Village Board to approve the zoning map amendments.

Wayne Koessl:

I move approval, Chairman.

Mike Serpe:

Second.

Peggy Herrick:

Does that include the zoning text amendments as well?

Tom Terwall:

YES. A MOTION BY WAYNE KOESLL WITH A SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE BOTH THE ZONING MAP AMENDMENTS AND THE ZONING TEXT AMENDMENTS AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

John Braig:

I have a question. Some time ago when we were doing some rezoning as I recall there's a greenhouse on 85th Street. Is that a legal nonconforming installation or was that still zoned business?

Peggy Herrick:

85th and?

Wayne Koessl:

Pardon me. The one on the south side of 85th Street just west of 59th Avenue. It's in a state of disrepair now. The plastic is all down.

Peggy Herrick:

I believe that property is zoned agricultural.

John Braig:

So that is a legal conforming use?

Peggy Herrick:

I believe so. I think that area is zoned agricultural.

John Braig:

The only reason I mention it or why the question comes up is the greenhouse was pretty much flattened with the heavy snow load, and to replace it is going to cost more than half its value. So if that was a legal nonconforming that would bring up a situation. But you believe it's legal and conforming. So if the guy wants to restore it or rebuild it he's got no problems.

Peggy Herrick:

I believe so.

Tom Terwall:

Based on an inquiry from the Village did he not restore that? I mean it's only plastic, but it seems to me several years ago he admitted that it was in disrepair and resheeted it with plastic.

John Braig:

He can't resheet it right now because the arch has been flattened. It really looks sick.

Mike Pollocoff:

We worked with him on and off over the years to get it back up to speed and clean up the junk and debris there. But it is an ag use there. I'm almost certain it is. I have to grab a map to look for sure.

7. ADJOURN.

Tom Terwall:

Motion to adjourn?

John Braig:

So moved.

Mike Serpe:

Second.

Tom Terwall:

All in favor say aye.

Voices:

Aye.

Tom Terwall:

We're adjourned.