

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
July 13, 2009**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on July 13, 2009. Those in attendance were Thomas Terwall; Jim Bandura; John Braig; Larry Zarletti and Judy Juliana (Alternate #1, voting member). Michael Serpe, Donald Hackbarth, Wayne Koessl and Andrea Rode (Alternate #2) were excused. Also in attendance were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick, Assistant Village Planner and Zoning Administrator and Tom Shircel, Assistant Village Planner and Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF THE MAY 11, 2009 PLAN COMMISSION MEETING.**

Judy Juliana:

Move to approve.

Larry Zarletti:

Second.

Tom Terwall:

MOVED BY JUDY JULIANA AND SECONDED BY LARRY ZARLETTI TO APPROVE THE MINUTES OF THE MAY 11, 2009 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 5. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for any of the items on the agenda tonight, since they're all public hearings, we would ask that you hold your comments until that public hearing is held so we can include your comments as a part of the official record of the public hearing. If you're here for an item that's not on the agenda or want to ask a question, 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. Is there anybody wishing to speak under citizens' comments?

6. NEW BUSINESS

A. TABLED PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT to consider the request of Daniel J. Murphy, of Wilmot Road East & West, LLC, owner of the properties comprising 9201 Wilmot Road, for a Zoning Map Amendment to rezone the property addressed as 9201 Wilmot Road and the approximate 17 acre parcel to the immediate east from the current M-2, Heavy Manufacturing District into the M-1, Limited Manufacturing District.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a public hearing in consideration of a zoning map amendment to consider the request of Daniel J. Murphy of Wilmot Road East & West, LLC, the owner of property comprising 9201 Wilmot Road. Mr. Murphy is requesting a zoning map amendment to rezone his property at 9201 Wilmot Road and the approximate 17 acre parcel to the immediate east from the current M-2, Heavy Manufacturing District, into the M-1, Limited Manufacturing District.

The Village staff recommends that this item be tabled this evening to the July 27, 2009 Plan Commission meeting in order for the Plan Commission to concurrently review an associated amendment to the Village's Comprehensive Land Use Plan Map. And I left a message to discuss this matter with Mr. Murphy, and so he is also requesting that it be tabled until that date.

John Braig:

So moved.

Judy Juliana:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JUDY JULIANA TO TABLE ITEM A UNTIL OUR NEXT MEETING. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT, INCLUDING SITE AND OPERATIONAL PLANS, to consider the request of Sister Melanie Makrigianni of the St. John Chrysostomos Monastery, for a Conditional Use Permit, including Site and Operational Plans, to construct a new 4,090 square foot chapel. The new chapel will replace the existing (to be demolished) curved-roof chapel structure.

Jean Werbie:

Mr. Chairman and members of the Commission, this is a public hearing in consideration of a conditional use permit including site and operational plans, and this is to consider the request of Sister Melanie of St. John Monastery for a conditional use permit including site and operational plans to construct a new 4,090 square foot chapel. The new chapel will replace the existing curved-roof chapel structure on the property.

As part of the public hearing comments and part of the record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's requested and described below in the staff comments.

Findings of fact:

1. Sister Melanie, representing the St. John Monastery, owner, is requesting a conditional use permit, including site and operational plans, to allow for the construction and use of a 4,090 square foot Panagia Chapel building to be located in the same location as the existing 4,050 square foot curved-roof chapel structure which will be razed to accommodate the new chapel. St. John's Monastery is located at 4600 93rd Street and is identified as Tax Parcel Number 92-4-122-144-0171.
2. The chapel will be set back approximately 425 feet from 93rd Street. For reference purposes, the chapel and the attached monastery guest quarters, kitchen and dining area, are the closest monastery structures to 93rd Street. According to Village assessing records, the total size of the existing structure, which includes the chapel guest quarters, kitchen, dining area and the basement level is 36,680 square feet.
3. The existing chapel was constructed in 1978. Pursuant to the project architect, the existing chapel is in poor condition and continues to deteriorate over time. The main problem with the existing chapel is that the roof leaks and there is water damage to the structure and interior of the building. The existing chapel and its foundation will be demolished and removed. The plan is to attempt to salvage some of the interior materials from the old chapel for reuse.
4. As with the existing chapel, the new chapel will be used on a daily and weekly basis. The east side of the chapel will be attached to the existing monastery guest quarters, kitchen and dining area, which are to remain.

5. The chapel will be constructed to have a similar architectural theme and appearance as the new monastery structures located on the northern portion of the property. The exterior building walls will be constructed of genuine stone with limestone banding accents. The roof will be finished with Spanish clay tiles.
6. Parking and access for the chapel will remain as is.
7. For further information regarding the project refer to the attached application and related materials.
8. A completed razing application to demolish the existing curved roof chapel has been submitted to the Village and has been approved.
9. Background Information
 - a. On July 6, 1998, the Village Board of Trustees conditionally approved a conceptual master plan for the upgrading the St. John Monastery facilities by building a new main church worship building, new housing for the sisters and support buildings and a 600 grave cemetery.
 - b. On July 6, 1998, the Board conditionally approved a conditional use permit 98-14 and site and operational plans for the proposed St. John 600 grave cemetery in the southwestern corner of the property.
 - c. On December 7, 1998, the Board conditionally approved a conditional use permit 98-20 for the 1st phase of the Monastery for development to include a 9,000 square foot church and a 18,150 square foot support building with a 5,000 square foot basement and a new church, new housing, support buildings and a cemetery.
 - d. On August 14, 2006, the Plan Commission conditionally approved conditional use permit No. 06-10 and site and operational plans to allow for the construction and use of a 7,200 square foot storage building.
10. The majority of the developable portion of the approximate 85 acre St. John Monastery property is zoned I-1, Institutional District, and pursuant to the zoning ordinance religious institutions, including churches, require a conditional use permit.
11. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via the U.S. Mail on June 29, 2009. Notices were published in the *Kenosha News* on June 29, 2009 and July 6, 2009.
12. The petitioner was faxed or emailed a copy of this memo on or about July 10, 2009.
13. According to the Village's General Zoning Ordinance the Plan Commission shall not approve a conditional use permit unless they find after viewing the findings of fact, the application and the related materials and information presented here at the hearing, that the project as planned will not violate the intent and purpose of the ordinance and meets the minimum standards for the granting of a conditional use permit. Further, the Plan

Commission shall not approve site and operational plans without finding in the decision that the application, coupled with the satisfaction of any conditions of approval, will comply with applicable Village requirements, as well as federal, State and local requirements relating to land use, buildings, development control, environmental protection, sewer, water and storm water service, noise, streets, highways and fire protection.

With that, this is a matter for public hearing. We have a number of slides that show you what the architecture of the building is going to be looking like, but we also have some representatives here from St. John's if you have any questions.

Tom Terwall:

This is a matter for public hearing. Sir, did you want to speak? Come to the microphone please and give us your name and address.

Dan Campbell:

I'm Dan Campbell, that's C-A-M-P-B-E-L-L. I'm here on behalf of the Monastery. My address is a real long one, W162N10162 Indian Wood Drive in Germantown, Wisconsin, 53022. I'm just here to answer any questions that you might have. George, the architect is on vacation and unavailable so it will be short.

Tom Terwall:

Thank you. Is there anybody else wishing to speak? Anybody wishing to speak? Anybody? Hearing none, I'll close the public hearing and open it up to comments from Commissioners and staff.

John Braig:

I'm a little bit surprised that they had trouble with the roof. That was a copper roof. I'm surprised. Apparently they just neglected the whole thing. I hate to see that go down because that was something of a landmark. But I will say if there's any organization that is going to put up something equal or in all likelihood better than what is there I think it will be the Monastery. So I'd be in favor of it. With that I'd recommend approval. That's my motion.

Jim Bandura:

Second.

Tom Terwall:

Moved by John Braig and seconded by Jim Bandura. Before I take a vote I just have a question, sir. What is the proper pronunciation and meaning of Panagia Chapel?

Christ Tsotsos:

Panagia is the Virgin Mary . . .the Virgin Mary.

Tom Terwall:

And what's the proper pronunciation?

Jean Werbie:

Panagia.

Tom Terwall:

WE HAVE A MOTION BY JOHN BRAIG AND A SECOND BY JIM BANDURA THEN TO APPROVE THE SITE AND OPERATIONAL PLAN AND THE CONDITIONAL USE 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. Are you folks ready to begin construction or destruction right away? Good. They've started demolition already. Okay.

C. 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 8966 62nd Avenue to use this unit as a model sales unit for the Creekside Crossing Development.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this next item is a consideration of a conditional use permit at the request of Michael Lawrence, agent for Regency Hills-Creekside Crossing, LLC, owner, for the property located at 8966 62nd Avenue to use the unit as a model sales unit for the Creekside Crossing Development.

As part of the public hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below in the staff comments.

Findings of fact:

1. The petitioner is requesting a conditional use permit to use Unit 632 in Building 63 of the 2nd d Addendum to Creekside Crossing Condominiums as a model sales unit for the Creekside Crossing Development. The subject property located at 8966 62nd Avenue for approval of a conditional use permit to use this unit as a model sales unit for the development. The subject property is 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 92-4-122-153-1632.

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 southwest corner of 63rd Avenue and Creekside Circle as a sales center and model units for the development. This building is no longer be used as the sales center.
4. On March 9, 2009, the Plan Commission approved a conditional use permit to use Building Unit 492/Garage 492 of Building 49, a single unit within a new two-unit building located at 8951 62nd Avenue as a sales center and model units for the development. This building will no longer be used as the sales center since the unit has been sold.
5. The new sales unit proposed to be located at 8966 62nd Avenue proposed is in a new two-unit building and is 1,440 square feet with a full basement, two bedrooms and a two car attached garage and it's in a portion of the development that is zoned R-8 (PUD), Urban Two Family Residential District with a Planned Unit Development Overlay.
6. Pursuant to Section 420-113 C (1) (b) of the 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.
7. In December 2007, the Village issued zoning, building and erosion control permits for the construction of the new two-unit dwelling and the Building Inspection Department issued a verbal to occupy the building on September 9, 2008, and all outstanding building issues were passed on June 25, 2009. A right-of-way inspection is required to be completed by the Public Works Department prior to issuance of the written C of O.
8. No special improvements are proposed to the unit for marketing. The second bedroom will have a desk for the office. There will be a copier and fax machine as well as some kiosks for marketing material.
9. Pursuant to Section 420-148 (65) of the 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 & Sundays from 12:00 noon to 4:00 p.m. and by appointment.
10. Parking shall be provided on the driveway and may be allowed on 62nd Avenue adjacent to the unit.
11. As a part of the March 9, 2009 conditional use approval the Plan Commission allowed the petitioner to install directional signage within the development to provide directions from 93rd Street and 63rd Avenue to the model home. The directional signage within the development was approved provided that the signs are located within the development property and not within Village right-of-ways. These directional signs shall not exceed

four square feet and shall not be higher than four feet. The petitioner has installed these signs and they are proposed to remain for directional sign to the new model home/sales unit.

12. Notices were sent to adjacent property owners via regular mail on June 25, 2009 and notices were published in the *Kenosha News* on June 29th and July 7, 2009.
13. The petitioner was emailed a copy of this memorandum on July 10, 2009.
14. According to 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 and the related materials and information that is presented at the hearing, that the project as planned will not violate the intent and purpose of the Village ordinance and meets the minimum standards for the granting of a conditional use permit.

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

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff and I'll begin. Approximately how many more units have been approved to be constructed at this point?

Jean Werbie:

Can you come up, Mike?

Tom Terwall:

We need your name and address.

Michael Lawrence:

Michael Lawrence, Regency Hills Development, and my address is 2237 Spring Meadow Lane, Racine, Wisconsin, 53406. There's 188 units left to be platted.

Tom Terwall:

And how many are two-unit and four and six and eight?

Michael Lawrence:

I think there's probably about 34 two-unit buildings. Most of the rest are four-unit, probably about another 36 to 48 eight-units.

Tom Terwall:

Do you have any idea how many units are constructed but not yet marketed or not yet sold I mean?

Michael Lawrence:

Right now I have 19 units that are available that don't have any offers. I have seven pending, and I have two eight-unit buildings in our first phase yet to start and build, and I have three two-unit buildings that we have to start and yet to build before we plat the next phase.

John Braig:

I won't mention the aboral flora that was removed contrary to what we've been told, but I am thinking of a hiking path or walking path that was part of the original plans. Initially it was said it would be delayed until this project got along. This is several years now and I'm thinking what is the status of a hiking or walking path that was to go through this project?

Michael Lawrence:

I really don't know that.

John Braig:

That sounds like it's not very far along, doesn't it?

Michael Lawrence:

To be honest with you I'm not even aware of the hiking path. Jim and Nancy were more involved in the physical development part of it. I'm just in the marketing end of it. So they could probably answer that for you. The problem has been the market has slowed down extensively so we're just trying to stay alive and keep things going at this point.

Jean Werbie:

It's still on the plans to have the path completed, but there is a large part of it that was to the north and in subsequent phases and actually to the north/north central portion. And so as a staff we didn't feel that it was appropriate to require such a small segment of the path to be platted at this time and constructed. I mean it's on the plat but it has not been constructed yet.

John Braig:

You referred to the area to the north and, granted, there is quite a bit of area north, but could we come up with an estimate how much is developed? In other words, is the southern half being developed now and there's a northern portion equal to another half? What I'm suggesting is I'm sure it's not going to be a paved path, but some work could be done to develop a part of the path.

Jean Werbie:

Well, it's intended to be a paved path. And just looking at the aerial that's up on the screen we still have the whole northern section, northeastern, we have the western portion. We still have part of the floodplain boundary adjustment work that needs to be completed as they do some of the additional phasing to the north and north central area. We have not talked to the developer recently about the path to be perfectly honest. It's on the plat to be done, and anyone who purchases the units knows that it's one of the restrictive covenants that it does need to be completed. But we can follow up with the developer and find out what the status and the timing is.

John Braig:

I'd kind of like to see a time table on it or something.

Larry Zarletti:

Mr. Chairman, I believe the petitioner has properly applied for the conditional use permit, and with a correction on number 12 the dates should read June 25th, June 29th and July 7th I would move approval.

Judy Juliana:

Second.

Tom Terwall:

IT'S BEEN MOVED BY LARRY ZARLETTI AND SECONDED BY JUDY JULIANA TO APPROVE THE CONDITIONAL USE PERMIT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

D. PUBLIC HEARING AND CONSIDERATION SEVERAL ZONING TEXT AMENDMENTS related to the Commercial Communication Structures.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, the public hearing before you is to consider several zoning text amendments related to the commercial communication structures in the Village. On June 1, 2009 the Village Board adopted Resolution #09-14 to initiate zoning text amendments related to commercial communications structures in order to clarify the ordinance requirements.

These amendments updated the ordinance so that Section 420-89 B, which sets forth the specific standards for Commercial Communication Structures, is consistent with the requirements listed in the specific zoning districts. The amendments also clarify that utility substations and commercial communication structures are not the same thing. It further clarifies that communication structures are allowed with approval of a conditional use permit in the following districts: B-1, B-2, B-3, B-4, M-1, M-2, I-1, PR-2 and PR-3. Specifically the amendments propose to include the following:

1. Section 420-89 B related to commercial communications structures is proposed to be amended to read, and I'm just going to read this first paragraph:
 - B. Standards for commercial communication structures. Radio, telephone and television transmission, receiving and relay towers and any associated aerials and projections, including cellular towers, antennas, whips, panels or other similar transmission devices, emergency communication towers, and satellite and/or digital dishes may be allowed. The change here is that commercial communication structures may be allowed in the B-1, B-2, B-3, B-4, B-5, M-1, M-2, I-1, PR-2 or PR-3 Districts with the approval of a conditional use permit.

Again, all of the other conditions within that section remain the same other than we make a modification and in subparagraph (8) we're removing the statement that setbacks for communication towers located within an agricultural district wherein according to the comprehensive plan the properties proposed for residential development may require increased setbacks to limit the potential impact on future development as determined by the Plan Commission.

The next change is a change to Section 420-152, and this relates to the definitions for commercial communication structures. And that definition is being revised to read that commercial transmission, receiving or relay towers and/or antennas, including, without limitation, cellular telephone towers, emergency communication towers, and satellite and/or digital dishes and any associated equipment and buildings. So we needed to make sure that that was included in the definition. And we removed that from utility substation definition. We've also removed wind turbines from the utility substation definition.

As a result of the proposed changes to the definitions and specific requirements for commercial communication structures, the following additional amendments are proposed, and there is a listing of all of the different sections that have been modified in order to modify that utility substation conditional use language to delete and/or to add it in other districts.

Going down to e., Section 420-148 B (17.1) related to the structures, commercial communication structures as either a principal use or an accessory use in the M-1 and M-2 Districts shall along with I-1, PR-2 and PR-3 District shall comply with the applicable requirements.

And then there's some other deletions in Section 420-148 B related to standard conditions. And, again, item g. Section 420-148 B related to standard conditions for utility substations is also hereby deleted.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff. Jean, I'll begin. Under commercial communication structures and the listing of the zoning that they're permitted, does that mean they're not allowed in A-1 or A-2 or in R-1 or R-2 or R-3?

Jean Werbie:

That is correct. You can have residential structures, I mean you can have satellite dishes and things like that but you cannot have these commercial communication structures such a cell tower is not allowed.

Tom Terwall:

But how about the boxes, for example, that AT&T is putting up?

Jean Werbie:

Those are considered essential services within a residential district. They're not classified the same. That's why we wanted to clarify the definitions for all of these types of structures.

Tom Terwall:

So those are still okay. John?

John Braig:

Just a comment which might lead to a little clarification. You refer to high tension electric transmission towers which is very specific. But in paragraph 2 you refer to commercial transmission receiving or relay towers. I was thinking of a little clarification on that and using the term commercial radio transmission and receiving towers just to ensure that somehow it wouldn't be confused with electrical transmission towers. It's your paragraph 2 which starts out Section 420-152 related to definitions of commercial communication structures. You go on to say commercial communication structures, commercial transmission receiving and relay towers. I'm thinking of radio transmission and receiving.

Jean Werbie:

That would be fine. We can insert that.

Tom Terwall:

Any other comments or questions?

John Braig:

Move approval.

Tom Terwall:

Is there a second?

Larry Zarletti:

Mr. Chairman, we also need to add B-5 on page 2 under number 1B you have to add B-5.

Jean Werbie:

Correct.

Tom Terwall:

As amended is that correct?

John Braig:

As amended.

Tom Terwall:

And you seconded it, Larry?

Larry Zarletti:

Yes.

Tom Terwall:

IT'S BEEN MOVED BY LARRY ZARLETTI AND SECONDED BY JOHN BRAIG THEN TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENTS AS AMENDED SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? I don't want to take shots at AT&T, but my next door neighbor and the neighbor three doors down have AT&T both for telephone service, cable television service and the internet service. Their service has been out since Saturday afternoon, and they've been told that by 6 p.m. Wednesday they will be turned back on. I'm so thankful I'm with TDS.

7. ADJOURN.

John Braig:

Move adjournment.

Jim Bandura:

Second.

Tom Terwall:

Moved and seconded to adjourn. All in favor signify by saying aye.

Voices:

Aye.

Meeting Adjourned: 5:32 p.m.