

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
July 27, 2009**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on July 27, 2009. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Andrea Rode (Alternate #2, voting member); Jim Bandura; John Braig; and Judy Juliana (Alternate #1, voting member). Wayne Koessl and Larry Zarletti were excused. Also in attendance were Mike Pollocoff, Village Administrator; Tom Shircel, Assistant Village Planner.

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

Tom Shircel:

We do have two pieces of correspondence this evening. The first one is the Kenosha County Comprehensive Planning update newsletter. It's the July 2009 letter, the Compass Points. And if you can read through that it gives information on the ongoing comprehensive plan update for Kenosha County.

And, secondly, we do have a response from Nancy Washburn from MasterCraft. I think this was in inquiry to Commissioner Braig's question a couple weeks ago about the bike trail. And she response, Good morning Peggy, Peggy Herrick. In response to you July 20, 2009 letter regarding our CUP approval and bike trail questions, at this time that portion of the site developed represents about one-third of the trail path. It was our intention to install it when we finish Creekside Circle on the north end so it had a place to go, that being the path. Please feel free to contact me with any further question, Sincerely, Nancy. So that's a response to your question. Jean was okay with that, once they finish that circle, to connect it at that point. That's all.

Tom Terwall:

Motion to receive and file?

Mike Serpe:

So moved.

John Braig:

Second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO RECEIVE AND FILE THE CORRESPONDENCE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Is that supposed to come with a magnifying glass for that map, or what are we supposed to do with that?

Tom Shircel:

No, just general information. Do we have larger maps here? No, those are not completed here so it's just a pictorial.

4. CONSIDER THE MINUTES OF THE JULY 13, 2009 PLAN COMMISSION MEETING.

Judy Juliana:

Move to approve.

Andrea Rode:

Second.

Tom Terwall:

MOVED BY JUDY JULIANA AND SECONDED BY ANDREA RODE TO APPROVE THE MINUTES OF THE JULY 13, 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 Items A under Old Business or A under New Business, since those are public hearings, we would ask that you hold your comments until the public hearing is held so we can

incorporate your comments as part of the official record. However, if you're here for Item 7B or want to raise a question about any item that's not on the agenda now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving your name and address. Anybody wishing to speak under citizens' comments?

6. OLD 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.**

Tom Terwall:

We need a motion to remove it from the table.

Mike Serpe:

So moved.

John Braig:

Second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO REMOVE THE ITEM FROM THE TABLE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

Tom Shircel:

I'll take these. The first two, we ask that these be heard concurrently. I'll be discussed these concurrently.

7. NEW BUSINESS

- A. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #09-04 to amend the Village Comprehensive Land Use Plan to change the land use designation of the property located at 9201 Wilmot Road and**

the approximate 17 acre parcel to the immediate east from the Commercial land use designation to the Industrial land use designation to coincide with the proposed M-1, Limited Manufacturing District rezoning of the properties.

Tom Shircel:

The first item is a public hearing in consideration of Plan Commission Resolution 09-04 to amend the Village Comprehensive Land Use Plan to change the land use designation of the property located at 9201 Wilmot Road and the approximate 17 acre parcel to the immediate east from the commercial land use designation to the industrial land use designation to coincide with the proposed M-1, Limited Manufacturing District rezoning of the properties.

The second item is 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.

On July 13, 2009, the Plan Commission tabled the zoning map amendment request in order to allow both the rezoning and Comprehensive Land Use Plan Map amendment to be considered concurrently which is what we're going to do tonight.

The petitioner is requesting, again, a Comprehensive Land Use Plan Map amendment to go from the commercial designation to the industrial land use designation and, secondly, the zoning map amendment to rezone the parcels from the M-2, Heavy Manufacturing District, into the M-1, Limited Manufacturing District. The owner is actively marketing the existing vacant building and overall site for light industrial and office uses.

As some background information:

- Building Construction - The office portion and a majority of the manufacturing/warehouse portion of the building was originally constructed in 1971. In 1979, a 126,000 square foot addition was added to the building. This site is commonly known as the former Ladish, Tri-Clover and Alfa Laval site.
- In 2003, the Village issued a permit for Rust-Oleum to occupy 30,000 square feet of this existing building for warehousing of non-paint related items which was Phase I at that time. And, at that time 208,000 square feet of the building remained unoccupied.
- In September 2004, American Heritage Corporation, which is Daniel Murphy, purchased both properties that comprise the site for a total of \$5 million.
- The conditional use permit including site and operational plans approval, on January 12, 2004, the Plan Commission conditionally approval of 04-02 and site and operational plans for Rust-Oleum to lease and occupy 125,000 square feet, which at that time was the Phase II, of the existing 363,000 square foot building for the warehousing/storage of level 3 aerosols, brush paint and non-paint related materials within the building.

- There was a certified survey map approved on September 20, 2004, which divided that original parcel into the existing two parcels.
- Then after that conditional use permit and site and operational plans were approved on February 13 by the Plan Commission. That was to allow Rust-Oleum to occupy approximately 200,000 additional square feet which is the remainder of that building at that time for, again, the storage of Level 3 aerosols, brush paint and non-paint related materials within the building, and that at that time was Phase III.
- And, finally, on December 5, 2006, the Village Board denied the request for a conceptual plan to construct an approximate 300,000 square foot addition to that building for a Midwest warehouse for Rust-Oleum to store paint.

As for the Comprehensive Land Use Plan amendment, that we're discussing tonight, in accordance with the Village-adopted Comprehensive Land Use Plan Map, the portion of the Prairie Ridge Neighborhood Plan where the subject site is located is identified for commercial land uses and is specifically annotated as "C" Community Retail and Service Center. In addition, the Prairie Ridge Neighborhood Plan, which serves as a refinement of the Comprehensive Plan, was adopted by the Village Plan Commission on May 10, 2004. That contains an additional notation that references the site as commercial, currently being used as manufacturing/industrial.

In accordance with the State of Wisconsin Smart Growth Law, after January 1, 2010, any action that would affect land use within the Village shall be consistent with the adopted Village Comprehensive Land Use Plan map, a part of the adopted County-wide Multi-Jurisdictional Comprehensive Plan.

Therefore, in order for the proposed M-1 zoning to be consistent with the Village Comprehensive Land Use Plan map, an amendment to the Village Comprehensive Land Use Plan map needs to be completed. The amendment is to change the land use designation of the subject properties, that being Tax Parcel Numbers 91-4-122-084-0101 and 91-4-122-084-0102, from the commercial, which is the red, land use designation to the industrial, gray, land use designation.

The Village staff recommends approval of the Comprehensive Land Use Plan map for the following reasons:

- The large industrial office/warehouse/distribution building already exists on the property, which was constructed in 1971.
- The existing building is a legal, conforming structure, and the property owner has the right to lease or sell the properties and associated improvements for ordinance-conforming uses.
- The existing building on the property is in good condition and is structurally sound.
- Within the last few years, the owner has made some substantial improvements to the existing building and site. Those include the installation of additional landscaping and berming; repairing, seal coating and striping of the parking lots except for the large lot to the east; relocation and alignment of a driveway entrance to improve traffic safety; and the installation of an ESFR fire sprinkler system.

- The amendment and corresponding rezoning of the site to M-1 would eliminate the potential heavy manufacturing uses on the property.
- The staff believes that in conjunction with the findings of the owner's consultant-completed October 2005 market feasibility study, that this site is not ready for commercial development. The market study concluded that at that time and ten years out, that given the proximity of the 75th Street commercial corridor, commercial development on this site would be premature. With the current state of the economy, that projected ten-year time frame may be optimistic. In fact, the staff believes that the existing Commercial Comprehensive Land Use Plan designation of the properties may not even be viable over the life of the next Village Comprehensive Plan.
- The property owner has agreed that all truck and heavy equipment traffic going to and from these properties shall use County Trunk Highway H, a designated truck route, rather than County Trunk Highway C.

Surrounding land uses and zoning:

- To the north of Wilmot Road is Pleasant Prairie Elementary School zoned I-1, and several single-family dwellings zoned R-4.
- South and west, land uses to the south and west include the Kenosha Grounds Care landscaping business zoned A-2; the 81 lot Ashbury Creek single-family subdivision zoned R-4.5; and an approximate 32 acre property owned by Steinbrink Farms, currently being farmed, zoned M-2.
- To the east, land uses across 88th Avenue include a few single-family dwelling zoned A-4 and R-3; the Westwood Estates Mobile Home Park zoned R-12; the Hidden Oaks Apartments zoned R-11; and also Village Fire Station #2, zoned I-1

The next item is the zoning map amendment. The zoning site consists of the two properties, the aforementioned parcel numbers that I already stated. Lot 1 consists of a 22.26 acre lot with frontage on Wilmot Road and is primarily improved with an approximate 363,460 square foot warehouse/office building formerly occupied by Tri-Clover/Alfa Laval, along with the associated site improvements, that being parking lots, maneuvering lanes, access drives, landscaping and so forth. The warehouse portion of the building is approximately 328,300 square feet and the two-story office portion is approximately 35,160 square feet.

Lot 2 consists of 17.78 acres and has frontage on both Wilmot Road and 88th Avenue. As noted, Lot 2 is not improved with any structures, but is improved with a large, approximate 180,000 square foot asphalt parking lot and associated maneuvering lanes. This parking lot is not used at this time.

The property owner has put together a nine page sale/lease document for the site which notes the property as zoned for M-1 uses, and that is included in your agenda packet, which would comply with the proposed rezoning to the Limited Manufacturing District. Both properties are currently zoned M-2. In general, the M-2 District allows for heavier, more intense uses than those uses allowed in the M-1 District. However, the M-1 District does allow for a myriad of uses that range from plastic, leather, milling, grain elevators, etc. The staff is in the process of updating and

amending the manufacturing zoning district regulations to further differentiate the permitted, conditional and prohibited uses in these manufacturing districts. The staff plans to bring the zoning text amendments related to the manufacturing zoning districts to the Plan Commission for review within the upcoming months.

Notices of the zoning map amendment public hearing were sent to adjacent property owners via regular mail on June 29, 2009 and notices were published in the *Kenosha News* on June 29 and July 6, 2009. The petitioner was emailed a copy of this memo on or about July 24th, last Friday. And 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. Anybody wishing to speak on this matter? Anybody wishing to speak? Anybody? Hearing none, I'll open it up to comments and questions from Commissioners and staff. Don?

Don Hackbarth:

Could you go back, Tom, I think it's the previous slide that shows the aerial view looking down at it? Not that one. There, that's it. Now, we're saying that whoever takes this building over the truck traffic has to go or somehow get over to Highway H, correct?

Tom Shircel:

Yes.

Don Hackbarth:

It looks as though the bays are on the southwest part of the structure, the truck bays?

Tom Shircel:

There's truck bays on the northeast side, right there, Peggy. Maybe Mr. Murphy can point out if there's additional truck bays in the back. Is that where they are?

Dan Murphy:

Dan Murphy, 707 West Algonquin Road, Arlington Heights, Illinois. Ten bays on the northeast side which Tom pointed out, and in the southeast corner I guess we'll call it where Tom is now there's a drive in door. As we come further to the west there is a drive in and a dock, and then on the west side there are four interior depressed docks.

Don Hackbarth:

My question is this. How are we going to direct that traffic over to Highway H if we're not going to use C?

Dan Murphy:

Good question. If you look at the parking lot that's not being used in parcel two you'll notice the access road that runs from C down to 88th behind the fire station, and so what we would do is we would either direct them through the parking lot and on to that access road or create a new road. When we were in here requesting an expansion we actually ran a road just about from the southeast corner straight across and onto 88th.

Don Hackbarth:

I'm not a fan of taking truck traffic through a parking lot, and I've also been on that road—

Dan Murphy:

We'd have to create a road on that.

Don Hackbarth:

I've also been on that road that goes behind the fire department. It's really not a truck—it's not adequate I don't think for trucking. I like the idea of putting in a new road really to get that truck access to Highway H.

Dan Murphy:

I have no problem with that.

Mike Serpe:

Dan, any interest in this building?

Dan Murphy:

Not much. It's pretty thin in this economy. I will say that in the last two weeks we've had a couple short-term inquiries from some local tenants, one long-term inquiry for a good portion, almost two-thirds of the building, so we are cautiously optimistic that we'll get some traffic. We would commit to putting in that road when we had the building 75 percent leased or something so that we could economically put that road in.

Mike Serpe:

What road did Rust-Oleum use to unload and load theirs, from Highway C, wasn't it?

Dan Murphy:

They used part of C and they were directed to go over to H, out on to C and over to H. I think that was the case in most times and they were pretty good about it. We didn't have too many complaints.

Don Hackbarth:

If there are no other comments I'd recommend approval with that addition of maybe putting a new road in.

Mike Serpe:

Second.

Tom Terwall:

Before I call for the vote I have one question to staff. Tom, after January 1 will the Village be allowed to amend the Land Use Plan?

Tom Shircel:

Yes.

Tom Terwall:

We can still do amendments?

Tom Shircel:

Sure. Yes, 2010, is that the year you said?

Tom Terwall:

Yes, right.

Tom Shircel:

And just to make sure Chairman Terwall, these are two items so they both need—

Tom Terwall:

We'll take Item A first, public hearing and consideration of the Resolution 09-04 to amend the Comprehensive Land Use Plan. Is that your motion?

Mike Serpe:

That will be my second to Don's motion.

Tom Terwall:

SO MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE THEN TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO ADOPT RESOLUTION 09-04 AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Having done that, we can then take action on the tabled public hearing and rezoning and we need another motion.

Mike Serpe:

I move approval of the zoning map amendment.

Jim Bandura:

I second it but with the idea of having that second road access.

Tom Terwall:

Off of H, okay. And that's okay with the motion maker?

Mike Serpe:

Yes.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA THEN 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 AND ALSO THE FACT THAT THERE WILL BE A NEW ROAD INSTALLED FROM H DIRECTLY TO THE SITE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Tom Shircel:

Mr. Chairman, was there a certain time frame for that new road? I know Mr. Murphy had mentioned 75 percent building leased out. Do you want to give a specific time frame?

Tom Terwall:

I don't know about the other Commissioners but that would be acceptable to me. Because with the economy the way it is I wouldn't expect them to put that road in until they get some commitment. So 75 percent committed would be—

Mike Serpe:

One other thing on the road. On Highway H where you're going to cut that in, are we going to need some bypass and deceleration lanes?

Tom Shircel:

That's a County Road and that will be up to the County. Where the location of that road eventually goes that will be up to Gary Sipsma at the County.

Mike Serpe:

. . . slow moving semis hopefully.

Dan Murphy:

Thank you for your approval and we'll begin work with the County and with staff so that when we do get a tenant we can go to town. Thank you.

Tom Terwall:

Mr. Murphy, were you the owner when there was a request made for the 300,000 square foot addition or did that come—

Dan Murphy:

I was.

Tom Terwall:

Do you see that coming back again now with this rezoning?

Dan Murphy:

No.

Tom Terwall:

Or you'll just be happy to get this leased out.

Dan Murphy:

Rust-Oleum moved on. They built an 800,000 foot facility in Kenosha.

Tom Terwall:

And they're looking to expand?

Dan Murphy:

They were. The expansion that was turned down I believe in '07 was for the expansion here and this would replace their Kenosha facility.

Tom Terwall:

But not if they built 800,000 square feet. Now they've just acquired another company that they're now doing all their shipping for that company as well and they're out of space already.

Dan Murphy:

I was told that the 800,000 foot--when they were moving out of our building that the 800,000 feet would not accommodate them. Now that they bought a new building maybe we'll see them back.

Tom Terwall:

It could be. I hope so.

Dan Murphy:

That would be great. Thank you.

B. Consider request of Mike Danah, agent for 5 Star Gas Properties, LLC for a one-year extension of the conditionally approved Conditional Use Permit and Site and Operational Plans for the development of a gas station on the property located at 12439 Sheridan Road.

Peggy Herrick:

Just bear with me while the PowerPoint catches up to my clicking. This is a consideration of the request of Mike Danah, agent for 5 Start Gas Properties, LLC. They are requesting a one-year extension of the conditional approved conditional use permit and site and operational plans for the development of a gas station on the property located at 12439 Sheridan Road.

On October 27, 2008, the Village of Pleasant Prairie Plan Commission conditionally approved a conditional use permit, including site and operational plans, for 5 Star Gas Properties, LLC, to construct a BP gas station with six pumps under a canopy, a 3,700 square foot convenience store, excluding a fast food restaurant, a 1,274 square foot touchless carwash facility with an internal recovery system attached to the convenience store on the vacant property, again, located at 12439 Sheridan Road. This parcel is identified as 93-4-123-314-0350. The approval was subject to the conditions as specified in the conditional use grant document #08-09 and the revisions to the site and operational plan pursuant to the October 31, 2008 approval letter, which are both attached to your packet.

Due to the current economic conditions the development has not moved forward and the developer is requesting a one-year extension of the conditionally approved conditional use permit and site and operational plans. The Village staff recommends approval of the year extension until July 27, 2010 of the conditional approved plans for the development of this property subject to the following conditions. A new pre-development application shall be executed for the project, and this shall be submitted to the Village by August 1, 2009; compliance with the conditions of the conditional use grant document #08-09 and the revisions to the site and operational plans pursuant to the attached October 31, 2008 approval letter; compliance with any new ordinance requirements that have been adopted since the original approval of the plans on October 27, 2008 and any additional amendments to the Village ordinances that may affect the development of this project.

Some of the major changes that may affect this project is there were major changes to the Village storm water requirements which were adopted this spring. So when we review the plans when they come in we'll review them to make sure they meet current regulations at whatever time these revised plans come in. Also, the site shall be monitored by the developer and owner to ensure that the site does not become a dumping ground and the grassy areas are maintained. Over the past people have dumped tires and other miscellaneous junk and debris that they don't want onto this property. Tom was out there last week on Thursday or Friday, took some pictures. All the tires have been removed. The grassy areas need to be mowed which we can inform them of, and there's still some piles of grass clippings and things that people may have dumped there that need to be cleaned up. And there is still a primary monument sign left over from when it was a Shell gas station that needs to be removed. Also, Tom has informed me there's remnants of wooden billboard sign that was there when this was even before Shell. It might have been a Citgo station at one time. We will inform Mr. Danah that those items need to be taken care of within the next week as well.

Tom Terwall:

Is there any reason or anything sacred about giving them only four days to provide the new application?

Peggy Herrick:

I guess there's a form he needs to fill out. The reason we need a new form is because he has told us that his agents are no longer working for him, so we need something filled out telling us where to send the bills, not his agent who was working for him. So this is a form that can be filled out by him and submitted to us quite rapidly.

Tom Terwall:

So there's no planning—he doesn't have to go through any engineering or planning in order to meet his requirements?

Peggy Herrick:

No, just fill out a form to give us the new information on the property.

Don Hackbarth:

(Inaudible)

John Braig:

Oh, yes.

Peggy Herrick:

The canopy he's going to reuse. That was approved in the plans. The underground storage he's going to reuse, so that's why those things are remaining on the site. But, like I said, the signs that aren't going to be used and he needs to monitor this and make sure it doesn't continue to be a dumping ground. The piles of wood chips and branches that are out there those need to be removed. And we can certainly give him a date to get those things removed as well as part of this approval if you'd like.

(Inaudible)

Peggy Herrick:

Correct, we receive complaints on this on a regular basis when it's not being cleaned. We can have him get this cleaned up, mow the grass and get the weeds taken care, remove the two signs and remove the grass clippings by August 15th if you'd like or August 10th. I can put a date certain.

Mike Serpe:

How long has he owned this property?

Peggy Herrick:

I believe they owned the property when it was still a Shell gas station, quite some time. We've been working with them for a number of years and he owned it when it was still operating as a Shell I believe.

Mike Serpe:

Okay. He didn't maintain it that well when he owned it and now we're going to put the pressure on him to maintain it. Just one little question here, August 1st is Saturday. Are you still going to accept the pre-development application by Saturday? Do you want to put it to Monday?

Peggy Herrick:

I can put it until Monday. He can e-mail it to me. We can put it to Monday if you'd like, the 3rd.

Mike Serpe:

I guess I get a little concerned with the person that's owned the property as long as he has and let it get in the condition it is, and all of a sudden now we have to force him to do something when he should have been doing it all along. So good luck.

Don Hackbarth:

The other thing, too, is that's a gateway to Pleasant Prairie from the south. Dog gone it, you come into Pleasant Prairie with that kind of an entrance. That whole area down there just needs a little help. The other thing, too, is we had a problem with the lady with the camper on 31, and I think she kind of cleaned her stuff up and got her act in gear?

Tom Shircel:

And, in fact, I was out there with the fire department on Friday. We did a followup inspection because I had sent her a letter back in October of last year to clean that place up, enough was enough. They've hauled 25 to 30 campers off of that site already. There's 11 left. They've cleaned up some significant junk on the property, but there's some of that left yet, though. In talking to Paula Jensen they need about another month to get rid of the remaining 11 campers and the rest of the junk and debris and it should be pretty well cleaned up by then. I know, like you said, that was a real mess.

Don Hackbarth:

But what I'm saying is that entrance to Wisconsin is looking better. What I'm saying is we have to do something with this.

John Braig:

Maybe we should table this and give him two weeks to get it cleaned up and then we'll consider approval.

Tom Terwall:

If we follow the recommendation of staff the contingencies are already in. So if we approve it with those conditions they have to meet those in order to get—

Mike Serpe:

I would move approval of this with the understanding let him know that the Plan Commission is not very pleased with what we see so far.

Peggy Herrick:

I can read the first condition to read the pre-development agreement shall be submitted by Monday, August 3rd. And then on condition number 4 include the existing signs are obsolete, the soil piles and the compost piles or branches and grass needs to be cut by August 15th.

Mike Serpe:

I'm really curious how he's going to use that canopy.

Peggy Herrick:

That what was in the approved plans that he was going to reuse that canopy.

Mike Serpe:

Our inspection department will do their job, but I'm just saying I think this guy needs to be watched.

Peggy Herrick:

Correct.

Don Hackbarth:

I'll second with those conditions.

Tom Terwall:

Is he going to try to save the old bathrooms, too? I've never seen anything as filthy as that was. I wouldn't have put a pig in there.

Peggy Herrick:

The building was razed two years ago.

Tom Terwall:

Oh, he tore the bathrooms down, too?

Peggy Herrick:

Yes, the bathrooms are gone.

Mike Serpe:

Just for information he owns the Shell station on 39th and 67th. Take a look at the back parking lot of that Shell station. They have more junk cars back there than Jantz has in his yard on Washington Road.

Tom Terwall:

DID YOU SEE THE PRICES THIS WEEK? WHEN EVERYBODY ELSE WENT UP 10 CENTS HE WENT DOWN A DIME, AND I SEE TODAY HE WENT UP 30 CENTS. HE

WENT FROM \$2.25 TO \$2.55. ALRIGHT, WE HAVE A MOTION BY MIKE SERPE AND A SECOND DON HACKBARTH TO APPROVE THE EXTENSION OF THE CONDITIONAL USE PERMIT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Peggy Herrick:

Including the corrections we just talked about?

Tom Terwall:

That's correct. Motion to adjourn is in order.

John Braig:

Before we do a comment. Over on 83rd Street where my daughter lives, within the distance of a nine iron, there are four violations of our recreational vehicle ordinance, and a wedge shot away is a fifth one on another street. The reason why I'm mentioning this is obviously we're not doing anything about it, and I think maybe rightfully so. But I think the ordinance then should be cancelled or eliminated. We'll never be able to enforce it because obviously with as many violations that we've had that haven't been enforced you can't begin to enforce it. So I think if something is unenforceable it should be off the books. Just a comment.

Tom Terwall:

How did we leave that, Mike, after the public hearing?

Mike Pollocoff:

After we had the open house and the session about it, we've had two meetings on it where clearly there's a lot of people that spoke up in favor of allowing RV's to be parked in driveways and some modification of the existing ordinance that would relax the restrictions on that. And then once we got ready to adopt it then the people came out that were against that, and at that point we said, okay, we'll go back and look at it again. So there's definitely two different sides to this. It doesn't affect the entire Village because a lot of newer subdivisions have restrictions prohibiting it. But it's been a carry over from the old Kenosha County ordinance. It wasn't enforced by the County and, consequently, it really wasn't enforced by the Village unless we had some things where they were on the street blocking traffic or things like that.

So we have been very selective on it because it's a difficult ordinance to enforce. And, quite frankly, when we brought citations to court we lost in trying to enforce the ordinance. So the

staff was kind of stuck. The Judge won't prosecute anybody that violates it, and there's people that it doesn't take a lot of effort to beat the ordinance. You just move it and bring it back so it's back and forth, so it's a difficult ordinance to enforce.

John Braig:

It's my impression that there's more tolerance for boats and the small camper trailers. Where I got the idea where the biggest objection was is these behemoths that block the view all over.

Mike Pollocoff:

We're treating them all the same because we, again, don't have a basis to differentiate between what RV is bad and what RV is good. An RV is an RV. But, any policy direction the Commission would like to give us we would be glad to have.

John Braig:

I would encourage taking the ordinance off the books.

Tom Terwall:

Since it's not on the agenda we're not going to take any action tonight.

John Braig:

Well, it's something to consider.

Tom Terwall:

I agree.

Don Hackbarth:

I wouldn't have a problem with an RV or something on a piece of property that's out of site, if it's in an area where you basically can't see it. When you get these things sitting, you go down the street and here's the garage and here's the RV sitting next to it that really looks chintzy.

Mike Pollocoff:

It's a hornet's nest.

Don Hackbarth:

All you've got to do is tow the first RV.

8. ADJOURN.

Mike Serpe:

Move to adjourn.

John Braig:

Second.

Tom Terwall:

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

Voices:

Aye.

Tom Terwall:

Opposed? We're done.