

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
September 14, 2009**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on September 14, 2009. Those in attendance were Thomas Terwall; Michael Serpe; Andrea Rode (Alternate #2, voting member); Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana (Alternate #1, voting member). Donald Hackbarth and Wayne Koessl were excused. Also in attendance were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; and Tom Shircel, Assistant Village Planner.

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

Jean Werbie:

I have one piece of correspondence. It's a postcard that was delivered to each of you. It talks about Wisconsin's wetland gems. And it's on Saturday, September 26th, in partnership with The Nature Conservancy, the Chiwaukee Preservation Fund and the Village of Pleasant Prairie. We are hosting one of the wetland gem locations in the State of Wisconsin. Specifically, it identifies on here if you'd like to register to go to this particular announcement, presentation and field trip you're invited to do so. We have an original location that is at Southport Park. If it rains then they're going to have the initial presentation out at the Rec Pavilion out at Prairie Springs Park, and then there will actually be a tour down at Chiwaukee Prairie as well. So you can either RSVP on your own or contact Jan and she can RSVP for you.

Tom Terwall:

The directions on here are very misleading. It says take 75th Street eight miles east, okay. I assume it must have you going down Roosevelt Road at 39th Avenue.

Jean Werbie:

I hope so. I didn't put the card together.

Tom Terwall:

Because the only way you can turn right off of Highway 50 onto Sheridan Road and then turn left onto 75th Street is if you took 63rd Street and Roosevelt Road. And if you do that then it's not eight miles to the I from 39th Avenue. It's eight miles from the I down to 3rd Avenue.

Jean Werbie:

All the way down, yeah.

Tom Terwall:

So maybe we can have Jan directly traffic at that intersection.

John Braig:

Question regarding the rain location.

Jean Werbie:

We know that the triathlon is going on that weekend. We know that it will be very, very busy out there. But the initial program is at 9 a.m., and hopefully if anyone is—and we know that it's going to be a rain date that people will get there between 8:30 and quarter to nine, and I believe the registration for the Danskin Triathlon is at ten o'clock. So we were hoping that people would be leaving here from the Rec Pavilion site to head down to Chiwaukee Prairie before hundreds of women are coming for registration.

John Braig:

How will I know that it's going to be at the pavilion rather than down at Southport. I mean obviously if it's a sunny day, yes, and if it's pouring rain, yes, but somewhere in between who is going to make the decision and when?

Jean Werbie:

You know what, I don't know that answer. I'm not sure if they will post something to the website.

Tom Terwall:

That's what it says here. It says on Friday—

Jean Werbie:

That's what I would have guessed.

Tom Terwall:

—on Friday September 25th confirm location at www.wisconsinwetlands.org.

Jean Werbie:

Right, so you'll need to go to the website if it looks questionable. If at all possible they want to try to get everyone all the way down to the lake, so unless it's like a downpour they would like to still do it down there at the open air pavilion.

4. CONSIDER THE MINUTES OF THE AUGUST 10, 2009 AND AUGUST 24, 2009 PLAN COMMISSION MEETINGS.

Andrea Rode:

So moved.

Tom Terwall:

Is there a second?

Mike Serpe:

Second.

Tom Terwall:

MOVED BY ANDREA RODE AND SECONDED BY MIKE SERPE TO APPROVE THE MINUTES OF THE AUGUST 10TH AND AUGUST 24, 2009 PLAN COMMISSION MEETINGS 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 Item A on the agenda, since that's a public hearing, we would ask that you hold until the public hearing is conducted so your comments can be included as part of the official record. However, if you're here for Item B or you want to raise a question about an item not on the agenda, now would be your opportunity to do so. We would ask you to step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizen comments?

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT, INCLUDING SITE AND OPERATIONAL PLANS, to consider the request of Chad Kemnitz, of Professional Consultants, Inc., on behalf of Gordie Boucher Ford, for building additions and interior remodeling for the Boucher Ford vehicle dealership at 8301 75th Street.

Tom Shircel:

Thank you, Mr. Chairman. This is a public hearing to consider site and operational plans and a conditional use permit at the request of Chad Kemnitz of Professional Consultants, Inc., on behalf of Gordie Boucher Ford for building additions and interior remodeling for the Boucher Ford vehicle dealership at 8301 75th Street.

1. The applicant, as I said, is requesting both the conditional use permit and site and operational plans to allow Boucher Ford, located on Tax Parcel Number 91-4-122-092-0130 to complete the following:
 - a. Construct an approximate 24 foot by 66 foot customer service write-up/drop-off drive through addition to the west side of the existing building.
 - b. To construct a 44 foot by 72 foot six bay vehicle service addition to the south side of the building.
 - c. To install a new trash enclosure that will be attached to the east side of the new six bay addition.
 - d. Interior remodeling work consisting of the addition of a mechanics' locker room and restroom and enlarging and updating to current ADA standards the existing public restrooms.
 - e. Removal of parking spaces along the west and south sides of the building to accommodate the building additions and to maintain required emergency vehicle maneuvering lane widths around the building.
 - f. To create additional turf areas along both the east and sides of the building.

The proposed improvements will enable Boucher Ford to better and more efficiently service its customers.

2. The property is owned by Ralph M. Nudi Revocable Living Trust. For the time being, Boucher will continue to lease the site from the trust. The lease allows for Boucher to purchase the dealership facility. Pursuant to the applicant, Boucher Ford, an affiliate of the Boucher Group dealerships, has plans to purchase substantially all of the operating assets from Nudi at some point in the future.
3. The majority of the development portion of the approximately 11 acre site is zoned B-2, Community Business, and the wetlands on the rear of the property are zoned C-1, Lowland Resource Conservancy District. And also there's some Floodplain Overlay District on the rear portion of the property. Pursuant to Chapter 420-119 D.(1)(a) of the zoning ordinance, the retail sales of automobiles, trucks or rec vehicles requires a conditional use permit.
4. According to the applicant, the existing metal building constructed in 1990 is approximately 66 feet by 137 feet with a 1,448 square foot mezzanine, for a total of

10,556 square feet. Post building additions, the building will be 13,544 square feet with an approximately 2,000 square mezzanine for a total building area of 15,500 square feet. Currently, the existing building materials consist of both metal and stone aggregate panels. The proposed building additions will meet the setback requirements for the B-2 District.

5. Given the size of the building additions, the fire code requires the additions to be improved with a fire suppression system. Boucher Ford has elected to not only fire sprinkler the proposed building additions but will also retrofit the entire building with a fire sprinkler system.
6. The plans indicate that the exterior building materials for the new additions will consist of split faced CMU which is concrete masonry units for the exterior walls. And as you can see on the slide we're showing some pictures of the existing building on the wall. The application and staff have agreed that the split face masonry additions will be constructed with integral color split faced CMU that matches the color of the existing exterior wall of the building.

Secondly, the metal roof extensions over the proposed building additions, although the Village ordinance does not allow for metal roofs, seeing that the building has been there since 1990, that the extension of a metal roof over the new addition the staff finds acceptable.

7. As a part of this project, Boucher will be required to complete the following:
 - a. Repair all damaged turf/grass areas.
 - b. Re-stripe the parking/vehicle sales lot, including any required striping for handicapped accessible spaces.
 - c. Remove all exterior temporary storage containers from the site.
 - d. Remove all exterior/outside storage from the site.
 - e. Cease from parking vehicles from 75th Street which is the Highway 50 right of way.

I did have a conversation this afternoon with the application, and they have agreed that they will do that. However, if you look in the conditions later on in the staff report we're going to make these a through e make those instead of—let's move ahead quickly to under planning zoning comments and conditions number 2. I list those same a, b, c, d, and e, the report does. It says prior to the issuance of building permits Boucher Ford is required to complete those a through e items. We'd like to change that to prior to the issuance of a certificate of occupancy. Because obviously during construction Boucher will have trailers out there, they will have outside storage. They cannot get their outside storage inside the building until the building additions are obviously built. So I just want to clarify that right now.

8. For further information you can refer to the attached application and related materials.

9. As some background information:
 - a. The existing building was constructed in 1972 to accommodate the Nudi Auto, RV and Boat Sales business.
 - b. On June 18, 1990, the Village Board of Trustees approved conditional use permit 09-004 for the Nudi Auto and Boat Sales.
 - c. On September 27, 2004, the Plan Commission approved another conditional use permit for the Boucher Ford dealership which exists there now to expand their parking lot.
10. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on August 31st of this public hearing. And notices were published in the *Kenosha News* on August 31 and September 7th to notify of this public hearing.
11. The petitioner was e-mailed and faxed a copy of this memo last Friday which should read September 11th.
12. According to Section 420-145 F. of the Village's General Zoning and Shoreland/Floodplain Zoning Ordinance, the Plan Commission shall not approve a conditional use permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing, that the project as planned will not violate the intent and purpose of all Village ordinances and meets the minimum standards for granting a conditional use permit. Furthermore, the Plan Commission shall not approve any site and operational plan application without finding in its decision that the application, coupled with the satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other applicable federal, State or local requirements related to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, noise, streets and highways and fire protection.

With that, Mr. Chairman, I'll turn it back to you and the applicant is in the audience.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anything you wanted to add, sir? Give us your name and address.

Chad Kemnitz:

Chad Kemnitz, Professional Consultants. Work address is 3733 . . . Road, Hartland, Wisconsin. As Tom mentioned, we agree with all their conditions with Pleasant Prairie. We've enjoyed working with staff on this project. The only question we had at all is some of the conditions we'd like to take care of before final inspection, repairing the grass, etc., as we'll be creating the building addition, putting in more grass, and we will have some outside storage during the building process to house construction materials, etc.

Judy Juliana:

I have a comment. Under the operational plans, page 3, Item G, anticipate a maximum number of employees on site at any time of day. You have written the word 20 and then in parenthesis 25. So how many, what would be the maximum, 20 or 25 employees on the site?

Chad Kemnitz:

The max would be 25.

Judy Juliana:

Thank you.

John Braig:

A question to staff. In discussing this with the applicant do you have confidence the Items A through E are going to be complied with without any—

Tom Shircel:

Given our relationship, yes. We've had a good relationship. I believe they will be complied with.

John Braig:

And there is a photo here with a rather large storage container or a trash container. He's aware that that's not accepted any more? That one, right.

Chad Kemnitz:

One of the reasons for the addition is when the dealership went to Ford they required so much more part storage. So with the additions they'll get rid of the container and all that outside storage will be inside the building.

John Braig:

Okay, good enough. Further, under planning zoning comments and conditions, Item 6, the site shall not be used for parking neither overnight or during the day of junked, inoperable or dismantled vehicles. Under the Cash for Clunkers Program which is over now but could come and surface again sometime, they wouldn't be able to park any of their trade-in vehicle on that site.

Tom Shircel:

Did you wish to modify that?

John Braig:

No, I'm just bringing it up. It would be nice if we could modify it in case something like that happened because obviously if something comes in they can't get rid of it the same day.

Mike Serpe:

John, they're not junk until the title is turned over to the bone yard.

John Braig:

Is that it?

Mike Serpe:

Sure. You have to have a salvage title on it.

John Braig:

Okay.

Tom Shircel:

That is a good point, though. I don't know if Mr. Kemnitz can clarify. Does Boucher currently keep vehicles outside of the building that they're working on for repair? They must, I'm not sure.

Chad Kemnitz:

They work on them for repair. This dealership doesn't have a body shop, so any vehicles that would get towed in that would have substantial damage would get towed away to a body shop or the junkyard within a day. I don't see that as being a big problem.

Tom Shircel:

But they could be there, obviously, temporarily for a day or two?

Chad Kemnitz:

Correct.

Tom Shircel:

And they'd be way in the back along that back tier of parking area I'd assume.

Chad Kemnitz:

Correct. Sometimes things happen over the weekend and they're hauled to Boucher, the junkyard would drop it off, they'd assess it in the morning, and then they would haul it to the proper location.

Tom Shircel:

So perhaps I can modify that condition somewhat to allow that temporary storage of inoperable vehicles if that's okay with the Commission.

John Braig:

Give it a time limit or something like that. Obviously in the conduct of the business it's going to happen. And I know what we're looking for is we don't want it to turn into a junkyard.

Tom Shircel:

Any suggestions?

John Braig:

And in that vein I'm looking at Item 10 in the same section. Do not allow exterior parking of trucks, etc., etc., for extended periods of time. I don't like extended periods of time. It's nebulous.

Tom Shircel:

I'm open to suggestions.

John Braig:

Overnight.

Mike Serpe:

For what type of trucks are we talking about?

John Braig:

Semi-trailers and that kind of garbage.

Mike Serpe:

How often do you see that?

John Braig:

If someone complains, hey, there's always a big truck parked there or somebody is parking a semi there for a weekend or something like that, a complaint to the police department to check and see if a vehicle is there at midnight or 2 a.m. would warrant a ticket.

Mike Serpe:

The dealership is going to be selling large vehicles.

John Braig:

Semi-trucks?

Mike Serpe:

At least the tractors. I don't know. If you want to put something in there, I don't think it's something to worry about because I've never seen that happen.'

Chad Kemnitz:

Ford does have a line of box trucks, but we can limit it to accessory parking and not vehicles for sale or something.

Tom Shircel:

I do note that box trucks is listed in this Item 10. We can delete that.

John Braig:

Well, what if we inserted the word licensed? What are we aiming at here anyhow? We don't want vehicles parked there on a temporary basis, typical would be the semi-trailer or some other big vehicle. Some guy's got it and we have another ordinance that says you can't park it in a residential area so now you've got to find a place to park it. Are we talking about those vehicles in which case they'd all be licensed?

Tom Shircel:

Yes.

John Braig:

As opposed to one that's there and available as merchandise?

Tom Shircel:

Just like you mentioned we're talking about semi-cabs, those large semi-trailers. We don't want to see those parked there long term. Obviously, they're going to get deliveries in for parts and those will come in, and obviously they have those large car carriers that come in but I don't think those are there overnight. They drop the cars off and they're gone.

Larry Zarletti:

But if they were so what. Maybe it should say not more than overnight.

John Braig:

More than 24 hours.

Larry Zarletti:

I just can't see restricting them.

Mike Serpe:

What if there's a promotion going on with Boucher that for some reason they need a semi out there to do whatever they have to do with three days. You've got to be careful. This guy's a dealership. Right now don't know that we've had any problem with Boucher up to this point. I mean they're a respectable dealership.

John Braig:

They've been encroaching on the right of way there too heavily and a few other things.

Mike Serpe:

I think we ought to be careful here when we're dealing with vehicles and a dealership that deals with these types of things.

John Braig:

I'm trying to differentiate between a vehicle that's part of his trade and business and one that's really not part of the business it's just temporary parking.

Mike Serpe:

If a truck pulls in there he's not a part of that business.

John Braig:

It's not parked either. It's in the process of conducting business, he's offloading materials or he's loading materials or something like that.

Mike Serpe:

But do you honestly think that the ownership is going to allow that vehicle to stay there after they make the delivery?

Tom Shircel:

To keep a clean site basically, so maybe if you have any—

John Braig:

If you want to take this out of this entirely.

Mike Serpe:

I don't see the need for it, I'll be honest with you, not for this dealership.

(Inaudible)

Tom Shircel:

Do we want to rework the language? Do you want the staff here along with the owner to rework the language and reword it and take it from there?

Andrea Rode:

I think putting in an extended period of time gives you a little bit of leverage without tying his hands and being obnoxious. So I say leave it in.

John Braig:

I guess so. It gives you the opportunity to take issue with the matter if necessary. And yet it's not restrictive if everything is working the way it should be. I guess we can live with it.

Tom Shircel:

So Item Number 10 we'll leave as it but perhaps take box trucks out since there is a line of box trucks that Ford sells?

Larry Zarletti:

I think that would be reasonable.

John Braig:

I can go along with that. Okay. With that I would move approval.

Mike Serpe:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING THE SITE AND OPERATIONAL PLANS AS MODIFIED IN TONIGHT'S DISCUSSION SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? Motion carried. Thank you.

B. Consider Plan Commission Resolution #09-06 to initiate a Zoning Text Amendment related to parking space and parking lot setbacks to internal property lines.

Tom Shircel:

Thank you. This is Resolution 09-06 to consider a zoning text amendment. The Village Plan Commission may initiate a petition for an amendment to the zoning ordinance which may include the rezoning of property, change in zoning district boundaries or changes as in this case in the text of the ordinance. The Village zoning ordinance currently requires a 20 foot minimum parking setback for parking spaces and parking lots to property lines. The 20 foot setback for parking spaces and parking lots to property lines is excessive for abutting properties which result in an unnecessary 40 foot separation between abutting parking lots. The zoning ordinance parking spaces and parking lot regulations are proposed to be re-evaluated.

The Plan Commission hereby initiates and petitions to amend the parking spaces and parking lot setback regulations. In addition, as a result of any changes in the ordinance, other sections of the ordinance may need to be re-evaluated and updated. That these proposed changes in the zoning text are hereby referred to the Village staff for further study and recommendation. And the Village Plan Commission is not by this resolution making any determination regarding the merits of the proposed changes in the zoning text and/or the zoning map, but rather is only initiating the process by which the proposed changes in the zoning text can be promptly evaluated. With that I'll turn it back to the Plan Commission.

Tom Terwall:

Comments or questions?

John Braig:

Move approval.

Judy Juliana:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JUDY JULIANA TO ADOPT RESOLUTION 09-06. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. ADJOURN.

John Braig:

Move adjournment.

Mike Serpe:

Second.

Tom Terwall:

All in favor say aye.

Voices:

Aye.

Tom Terwall:

Opposed?