

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
March 8, 2010**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on March 8, 2010. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Andrea Rode (Alternate #2); John Braig; Jim Bandura; Larry Zarletti; and Judy Juliana (Alternate #1, voting member). Also in attendance were Mike Pollocoff, Village Administrator; Jean Werbie-Harris, Community Development Director; and Peggy Herrick, Assistant Village Planner and Zoning Administrator.

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

Jean Werbie-Harris:

Mr. Chairman, we have three pieces of correspondence this evening. The first one is from the U.S. Bureau of the Census, and it talks about ten questions, ten minutes. It talks about the census being a snapshot where everyone in the United States is counted, whether you're a resident or a non resident, excuse me, both a citizen or a non citizen. It identifies that questionnaires are going to be mailed out to not only Pleasant Prairie but across the country in March of 2010. They'll either be mailed, or in some cases they'll be hand delivered if you have a P.O. box or if you're in a more remote area of the community.

The U.S. Constitution requires that a national census be completed once every ten years to count the population in order to determine the number of seats that each State will have in the U.S. House of Representatives. Households should complete and mail back their questionnaires upon their receipt. Households that do not respond may receive a replacement questionnaire by early April. Census takers will visit households that do not return their questionnaires to take count in person.

Every year the federal government allocates more than \$400 billion to States and communities based in part on the census data. They're used to determine locations for stores, schools, hospitals, housing developments and other community facilities. Census data determines boundaries for State and local legislative and congressional districts. There's some additional questions and answers on the back, and throughout the community you'll see posters and other types of information.

The second piece of correspondence is land use and wetlands. It's from the Wisconsin Wetlands Association. This brochure and pamphlet was published through a Wisconsin Coastal Management Program grant. And what it does is it talks about wetlands in Wisconsin, the

heritage, how wetlands benefit a community, how they improve water quality, and very detailed answers to common questions about wetland plants and permits in Wisconsin.

The third piece of correspondence is from Jeff Labahn who is the Director of City Development in the City of Kenosha, and they are at the point where they are going to be considering their comprehensive plan on Monday, April 5th before their Common Council. And a copy on a disk is available here at the Village Hall, as well as they have copies at the City Hall and local libraries if anyone is interested in the City's comprehensive plan. Again, the Village's comprehensive plan was approved and adopted back in December of 2009. With that, I'd like to continue.

Tom Terwall:

Motion to receive and file communications.

John Braig:

So moved.

Wayne Koessl:

Second.

Tom Terwall:

MOTION BY JOHN BRAIG AND A SECOND BY WAYNE KOESSL TO RECEIVE AND FILE COMMUNICATIONS. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

4. CONSIDER THE MINUTES OF THE FEBRUARY 8, 2010 PLAN COMMISSION MEETING.

Larry Zarletti:

Mr. Chairman, move approval.

John Braig:

Second.

Tom Terwall:

IT'S MOVED BY LARRY ZARLETTI AND SECONDED BY JOHN BRAIG TO APPROVE THE MINUTES OF THE FEBRUARY 8, 2010 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 tonight to discuss the public hearing in consideration of zoning text amendments, we would ask that you hold your comments until the public hearing is held. That way you're comments can be incorporated as a part of the official record. However, if you're here for anything other than that public hearing, now would be your opportunity to speak. 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?

—:

I have a question. You say we can't talk about the zoning right now, we have to wait?

Tom Terwall:

Just a couple of minutes until the public hearing begins, because that way your comments will become a part of the official record and we want to keep that in the record. Anybody want to speak under citizens' comments?

Gary Rigert:

Hi, my name is Gary Rigert. I own a property at 11021 75th Street. I'm here to find out why there's been a wetland and a floodplain that's been filled to the west of my property. Last fall there was a bunch of dirt that was dumped in there along my property line and now they've bulldozed it. They've basically taken a waterway when the water when it heavily rains goes through there from like a 40 foot to a 15 or 20 foot path that the water goes so it's basically damming up everything on my property. I need to get it into the public record that I've complained about this. Something needs to be done.

Tom Terwall:

Have you got the address, Jean?

Gary Rigert:

11021. Next door to Mengo's place.

Tom Terwall:

West of Mengo's?

Gary Rigert:

East of Mengo's.

Tom Terwall:

Okay, thank you. Anybody else wishing to speak under citizens' comments?

6. NEW BUSINESS.

A. PUBLIC HEARING AND CONSIDERATION OF SEVERAL AMENDMENTS TO THE VILLAGE ZONING ORDINANCE including amendments to Sections 420-102, 420-103, 420-104, 420-132, 420-133 and 420-134 relating to the A-2, A-3 and A-4, APO, AGO and ALHO Agricultural Zoning District regulations, respectively; Sections 420-123; 420-124 and 420-125.1 relating to the M-1, M-2 and M-4 Manufacturing Zoning District regulations, respectively and including creating Illustration 8 in Appendix A; Sections 420-32 and 420-33 related to sanitary and water requirements; Section 420-39 related to animal and pet regulations; Section 420-52 C related to Site and Operational Plan requirements; Section 420-80 B related to fences; Sections 420-86 (A) and (B) related to detached accessory structures; Sections 420-88.1 related to roadside stands; Section 420-100 related to the list of zoning districts; Sections 420-126, 420-127.1 and 420-127.2 related to utility substations and utility substation buildings in the I-1, PR-2 and PR-3 Districts; Section 420-148 (B), relating to Standards for specific Conditional Uses; Section 420-152, relating to definitions; and several amendments to the Village Zoning Map.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience. This is a consideration of several amendments to the Village zoning ordinance including amendments to Sections 420-102, 420-103, 420-104, 420-132, 420-133, 420-134 related to the A-2, A-3 and A-4 APO, AGO and ALHO Agricultural Zoning District regulations, respectively; Sections 420-123; 420-124 and 420-125.1 relating to the M-1, M-2 and M-4 Manufacturing Zoning District regulations, respectively, including creating Illustration 8 in Appendix A; Sections 420-32 and 420-33 related to sanitary sewer and water requirements; Sections 420-39 related to animal and pet regulations;

Section 420-52 C related to site and operational plan requirements; Section 420-80B related to fences; Sections 420-86 (A) and (B) related to detached accessory structures; Sections 420-88.1 related to roadside stands; Section 420-100 related to the list of zoning districts; Sections 420-126, 420-172.1 and 420-127.2 related to utility substations and utility substation buildings in the I-1, PR-2 and PR-3 Districts; Section 420-148(B) relating to standards for specific conditional uses; and Section 420-152 relating to definitions; and then several amendments to the Village's zoning map.

On December 21, 2009, the Village of Pleasant Prairie, Wisconsin 2035 Comprehensive Plan was adopted by the Village Board pursuant to the requirements of the Smart Growth legislation outlined in the Wisconsin Statutes. Pursuant to this legislation, beginning on January 1, 2010, the Village shall use this Comprehensive Plan as a guide to ensure that implementation of zoning, subdivision, and official mapping ordinances does not conflict with the recommendations of the Comprehensive Plan and that the Zoning Ordinance and the Zoning Map are consistent with the Comprehensive Plan.

As outlined in the Implementation Element (Chapter 10) of the Comprehensive Plan, following the adoption of the Comprehensive Plan by the Village, appropriate amendments to the Zoning Ordinance including the Zoning Maps, were to be considered so that the Village ordinances are capable of implementing the recommendations included in the Plan. The Zoning Ordinance is one of the primary implementation tools of a comprehensive plan. As such, it should substantially reflect and promote the achievement of plan goals, objectives and recommendations. A Zoning Ordinance and the accompanying Zoning Map are a legal means for both guiding and controlling development within the Village, so that an orderly and desirable pattern of land use can be achieved over time that conforms to this Plan and balances individual property rights with community interests and goals. Zoning ordinances typically include provisions for regulating the use of property, size of lots, density of development, site planning, provision of open space, and protection of natural resources.

Chapter 10 of the Plan also outlined the following amendments to the Village Zoning Ordinance Text that would be considered within 90 days of adopting the Comprehensive Plan to ensure consistency and to help implement the 2035 Land Use Plan Map.

As such, on June 17, 2002 the Village Board adopted Resolution #02-20 to direct the Village staff to re-evaluate the Manufacturing District regulations and, on August 24, 2009 the Plan Commission adopted Resolution #09-05 to direct the Village staff to re-evaluate the Agricultural District regulations. Up until this point, both the Manufacturing and the Agricultural Districts have not been significantly updated since they were originally written by Kenosha County in 1983 when Pleasant Prairie was still a town. These Resolutions initiated the process by which the Village staff re-evaluated the regulations of the Agricultural and Manufacturing Districts, the Official Zoning Map and other related ordinances. The recommended changes are being presented to the Plan Commission tonight for their consideration and recommendation to the Village Board.

Zoning Text Amendments Include:

1. Amend the definition of Net Density Residential to read, and actually this was approved already but we're introducing it again this evening: The total number of units or lots

divided by the lands within the neighborhood, excluding floodplains, wetlands, Primary Environmental Corridors, lands with slopes greater than 20%, public roadway right-of-ways, and all lands proposed for business, manufacturing, institutional and public park and recreational uses. Again, this was the new definition for net density residential.

2. Amend the existing Manufacturing Districts. To be consistent with the Land Use Plan Map and its categories, the Plan Commission and the Board will consider the following rewritten Manufacturing Districts: M-1, Limited Manufacturing District; M-2, General Manufacturing District; and M-4, Power Generating District.
3. Amend the existing Agricultural Districts. To be consistent with the Land Use Plan Map the Plan Commission and the Board will consider the following rewritten Agricultural Districts: A-1, Agricultural Preservation District; A-2, General Agricultural District; A-3, Limited Agricultural District; APO, Agricultural Preservation Overlay District and AGO, General Agricultural Overlay District. All of the Agricultural District Amendments will be considered tonight with the exception of the details of the A-1 District. Changes to the A-1 District will be forthcoming after further investigation into new regulations in the State requirements for lands within Agricultural Preservation Districts.
4. Amend the Village Zoning Map as shown in Map 10.1 of the Comprehensive Plan to ensure that the Zoning Map and the Land Use Plan Map are consistent.

We'll begin with the Ag Districts. On February 9, 2009 the Village Plan Commission adopted Resolution #09-02 to initiate amendments to the Village Zoning Ordinance including the Official Zoning Map, as it relates to updates to the Village Comprehensive Plan. As a result the following amendments are proposed:

1. Sections all relating to the Agricultural Zoning District Regulations. The A-2, General Agricultural District and the AGO, General Agricultural Overlay District have been rewritten and their primary purpose is to continue to allow existing agricultural lands for farming and related agricultural uses until such time as the land is proposed by the property owners to be developed for urban purposes pursuant to the Village's Comprehensive Plan. The Districts' regulations specify permitted uses, unspecified permitted uses, conditional uses, special licensed uses, combination of uses, accessory uses, temporary uses, prohibited uses, dimensional, design and operational standards and authorized sanitary sewer and water supply systems.

In your packets, the ordinance that's identified as Number 1 is the ordinance to amend the A-2, General Agricultural District. And as you can see, the format for the District is set up similar to the other districts in the Village listing the primary purpose and all the permitted uses. Again, these were all uses that were listed previously in the A-2 District. We just kind of updated them and added a few more and we've clarified a few others. There's unspecified permitted uses and then as well as those that are prohibited within that District. We talk about special uses, all of the accessory uses have been defined. There are dimensional standards as listed previously in the ordinance, and then we've got some minimal design standards in this District as well including operational standards. Again, this district now follows the same format as the other residential and some of the

other Districts with respect to the headings or categories, but it's very similar, if not identical, in some areas to the original A-2 General Agricultural District.

The A-3 District has been rewritten and renamed from the previous name, A-3, Agricultural-Related Manufacturing, Warehousing and Marketing District. It's been renamed to A-3, Limited Agricultural District. The A-3 Limited Agricultural District is intended to provide for an area for the development of hobby farms, limited farming and related agricultural uses at densities not to exceed one dwelling unit per five acres. And, again, before you in your packets is the information related to Limited Agricultural District. It's set up the same way as the A-2 District. Again, a little bit different focus this time with respect to this District. We wanted to be able to have a category where you could have a smaller hobby farm in the Village. Again, if you have approximately five acres or more of land. It's limited with respect to having one single family home, but it's very clear with respect to it still allows agricultural uses but just a little bit scaled back with respect to the quantity and the type of uses in that District. We don't have a lot of A-3, but there is an opportunity to have additional A-3 areas in the Village.

In reviewing the Agricultural District regulations, it is being recommended that the A-4, Agricultural Landholding District and the ALHO, Agricultural Landholding Overlay District be eliminated. Those uses that were brought to the Town of Pleasant Prairie a number of years ago are very similar to the A-2 District other than they required a minimum of 35 acres. And so we just didn't feel that it was relevant to have that additional district since the uses carried over and were the same as the A-2 District.

As indicated earlier, the A-1, Agricultural Preservation District regulations are not being amended entirely at this time. Further study and evaluation is needed in light of new State mandates related to lands zoned for agricultural preservation in Wisconsin. In fact, as I mentioned at the last Plan Commission meeting, Kenosha County is going to be initiating an Ag preservation study that will need to be completed by year's end and Pleasant Prairie will need to be included in that study. And as a result we are going to take a look at what they're going to be recommending for the A-1 District.

However, the APO, Agricultural Preservation District Overlay is being amended at this time and will likely need to be amended after the County and the Village have taken a look at the A-1 District. The amendments in the APO District relate specifically to when uses in the underlying District are allowed. In other words, if the land is zoned R-4, which is a residential classification and it has this APO Overlay, it can continue to be farmed and can continue with agricultural operations until such time as the residential use changes the basic use of the District. At that time, then the APO would be removed, and if they chose to move it into a residential classification the APO would be removed and the residential uses can continue.

The amended Agricultural District regulations provide for permitted uses, unspecified permitted uses, conditional uses, special licensed uses, combination of uses, accessory uses, temporary uses, prohibited uses, dimensional, design and operational standards and authorized sanitary sewer and water supply systems.

Also in your packets I did provide a copy of the existing ordinances for the A-2 Districts and the A-3 Districts and some of the other Districts if you have any questions. Again, you'll see that they're pretty similar to what they were before. They're just structured a little bit differently.

2. The next set of districts we're going to look at is the Manufacturing Districts, the M-1, M-2 and M-4 Zoning District regulations, and including creating Illustration 8 in Appendix A.

The M-1, Limited Manufacturing District is intended to provide for limited manufacturing, wholesaling, warehousing and related uses within an enclosed structure wherein no high hazard uses are allowed and the method of manufacturing is not injurious to the point of constituting a nuisance to the occupants of adjacent properties by reason of the emission or creation of noise, vibration, smoke, dust or particle matters, toxic or noxious materials, odors, fire or explosive hazards, glare or heat and located in those areas where the relationship to surrounding land uses would create few problems of compatibility. This District allows for office parks or individual office buildings and ancillary uses, which may or may not include space for manufacturing, assemblies, or warehousing, but provide direct services to the employees or customers or other uses in the area.

In your packet we have the M-1, Limited Manufacturing District. Again, very similar to what we've always had in the past with respect to its stated uses. However, one of the things that you'll note is that now when reviewing permitted uses we refer to the State's International Building Code in the year 2006 when we evaluate the type of use on the property. So, for example, factory group F identifies the different types of uses, assembling, disassembling, fabricating, finishing, manufacturing, packaging and so on. Group H has certain uses. Group S for storage have certain uses. And the ordinance more closely mirrors what is found in the State Administrative Code or the Building Code. So we try to get away with that laundry list of uses from the 1983 zoning ordinance where it had like almost 200 individual uses. Now we've actually tied it specifically to the type of category it is according to the State and then put those uses in each of the categories, whether it's a low hazard storage, moderate hazard and so on and so forth.

The M-1 District still does provide for a small business group classification and those uses are also listed. There's some unspecified permitted uses in this District. The conditional uses are still listed, special uses, combination, accessory and other types of uses referring you back to dimensional standards, design standards and such. But, again, it's updated into that new format that the rest of the ordinance has already been updated into.

The next District is the M-2, General Manufacturing District. This District used to be called Heavy Manufacturing District. This District is intended to provide for manufacturing, wholesaling, warehousing and related uses within an enclosed structure and in certain areas in which high hazard uses are only allowed within designated areas of the LakeView Corporate Park as shown on Illustration 8, and Peggy has put that up on the overhead, and the method of manufacturing is not injurious to the point of

constituting a nuisance to the occupants of adjacent properties by reason of the emission or creation of noise, vibration, smoke, dust or particle matters, toxic or noxious materials, odors, fire or explosive hazards, glare or heat and located in those areas where the relationship to surrounding land uses would create few problems of compatibility.

Specifically, what we've identified is the bulk of the entire corporate park is identified in this M-2 General Manufacturing District uses. However, this boundary we've identified is the area in which high hazard group H uses according to the International Building Code where they would be allowed to operate. So other areas around the periphery of the industrial park south of 116th Street, this area all along Highway 31 up until UP Railway and then going north up to this area and then over adjacent to the RecPlex, and then these uses that are just to the west of 88th Avenue, all of those areas will function like the previous M-1 area because they're M-2 but they're not allowed to have high hazard uses in those locations.

In fact, one of the things that we've included in your packet is Chapter 3 from the Code which talks about the various classifications. And in her it specifically has a table that talks about high hazard uses, and it talks about the maximum allowable quantity per control area of hazardous materials that could pose a physical hazard or problem basically. So what we've done now is we have defined clearly where the M-2 high hazard uses can be located within the corporate park, and we've got a very clear structured guideline to use. In addition, when we put the District together we worked very closely with the Fire Chief, and he has been evaluating and reviewing these Districts with us. And he says it makes a lot more sense to tie this to some established and approved standard in the State of Wisconsin. So before certain uses can even be considered within the M-2 high hazard area, we will refer to the Fire Chief if there's any questions with respect to the interpretation of this table. So, again, the exterior of the industrial park that was M-1 is now going to an M-2 designation with low hazards.

The uses allowed in the M-1 and M-2 Districts are based on the Use and Occupancy Classification specified in Chapter 3 of the 2006 International Building Code. It's called the 2006 IBC. Where a use is proposed for a purpose that is not specifically provided in Chapter 3 of the IBC and is not specifically listed as a prohibited use in the M-1 or M-2 District, such use shall be classified in the group that the occupancy most clearly resembles, according to the fire safety and relative hazard involved. Again, this is where we'll have our consultation with the Fire Chief and he's available to answer any questions when we're completed with this. The Zoning Administrator shall make the final determination with input if the use is allowed within the Districts.

The third manufacturing district is not being amended this evening, but it is the M-3, Mineral Extraction and Landfill District. These text regulations are not being amended at this time. There are no active mineral extraction or landfill sites in the Village and the proposed Zoning Map Amendments being considered tonight remove any land within the M-3 District into the appropriate Zoning District that there are existing uses to be consistent with the Village Comprehensive Plan.

The last manufacturing district is the M-4, which is now the new district t Power Generating District, a new zoning district intended to provide for electrical, steam, power

and/or heat generating plants, electrical light plants and power houses and related accessory uses that are not injurious to the point of constituting a nuisance to the occupants of adjacent properties. The Pleasant Prairie Power Plant and associated lands are proposed to be rezoned into this new district. The amended M-4 District regulations provide for permitted uses, unspecified permitted uses, conditional uses, special licensed uses, combination of uses, accessory uses, temporary uses, prohibited uses, dimensional, design and operational standards and authorized sanitary sewer and water supply systems.

Before you you have the M-4, Power Generating District. It specifically refers that the permitted uses that are listed it refers us back again to the IBC, the 2006 IBC code, specifically to group H, hazard, pursuant to Section 307 of that code. It's set up the same way as the other manufacturing districts. Again, in this Village at this point we really only have one area. It's a very large area but we only have one area that's fits into this classification and that would be the power plant.

3. Section 420-39 related to animal and pet regulations. This Section, along with Section 119-8 of the Village Code is being amended to reflect updated animal regulations in the Village. Due to the variety of lot sizes within the different agricultural districts, the number, type of and definition of livestock has been updated.

Livestock, as redefined by the Zoning Ordinance, is allowed in the Agricultural Districts as follows:

- Lots 10 acres or greater: no limit on livestock.
- Lots less than 10 acres but at least five acres:
 - o No more than one livestock animal, excluding fowl or poultry and rabbits, over six months of age shall be kept for each acre.
 - o No more than 5 fowl or poultry over two months of age shall be kept for each acre.
 - o No more than 50 rabbits, over two months of age shall be kept for each acre.
- Lots less than five acres but at least two acres: No more than two horses and no more that 2 fowl or poultry. Only horses and poultry livestock allowed.
- Lots less than two acres: no livestock allowed.

Again, we've always have a long-time regulation that horses, for example, have to be paddocked or kept a minimum of 200 feet from any residential dwelling. So because of that as soon as you drop down to the one or two acres in an ag district it makes it very prohibitive to have horses.

Other animal regulations include:

- A maximum of four horses, raised for human pleasure only, shall be permitted only in the R-1 District, provided that the lot is a minimum area of five acres. Horses shall be permitted in other zoning districts as a nonconforming use on lots

of record prior to the January 7, 1991. So if anyone has existing animals today, those animals would be considered grandfathered and would be allowed to remain on those properties until there comes a point where they stop having those animals for more than 12 months.

—:

How about if a horse dies?

Jean Werbie-Harris:

If a horse dies and you replace that horse within another horse within 12 months you're allowed to do that. It's just whenever you have no animals basically for more than that 12 month period, and you had all these animals, you need to replace them in the 12 month period to keep that right.

- In any A-1, A-2, APO or AGO District no more than five bee hives shall be kept for each acre provided that the lot is a minimum of 10 acres.
 - No more than four household domesticated pets over five months of age are allowed in any Residential District or any Agricultural District unless otherwise provided for in this Ordinance. So you can have up to four.
4. Sections 420-32 and 420-33 related to sanitary and water requirements. These Sections of the Zoning Ordinance are being amended to remove references to the A-4 and ALHO Districts since these Districts are being removed from the zoning text. In addition, there is now just a general reference to all Agricultural Districts. So we did not eliminate the provision. We just made it as a general statement.
 5. Section 420-52 C related to Site and Operational Plan requirements. This Section is being amended as a result of the agricultural districts being amended and lists the uses allowed in the Agricultural districts that require Site and Operational Plan approval. Again, there might be some situations where individual farms might be running some type of commercial operation or they might be selling something on their property, so they're going to be treated similar to business uses where they have to follow some business operational standards and they have to follow the site regulations.
 6. Section 420-80 B related to fences. This Section is being amended to remove the reference to the A-4 and ALHO Districts that are proposed to be eliminated and clarifies that any other type of fence, excluding an agricultural fence constructed in the agricultural districts, shall follow the residential fence standards.
 7. Sections 420-86 (A) and (B) related to detached accessory structures. These Sections are being amended to include accessory structures in agricultural districts and to clarify setbacks between different size accessory structures. Currently a 100 square foot shed in an agricultural district needs to meet the same setback requirements as a large barn. And we thought that that was a little ridiculous, so what we actually did was we went through all of the accessory structures based on size, and if it's a larger structure it has a greater setback. And so the regulations you see in number 7 of the ordinance documents that you have we clarified these regulations to make it very clear that if you have a 1,000 square

foot pole barn in an Ag District or a 2,000 or a 3,000 or a 4,000, depending on how large it was in the Ag District, then as you got larger with the pole barn then it would need a greater setback.

There are some other clarifications that we put in this district. Primarily when the ordinance was written it pretty much did not set forth too many regulations for the Agricultural Districts, and when it did they were very restrictive. So we tried to be a lot more flexible and we tried to make sure that there were regulations in the Agricultural Districts but more applicable to the larger farms and to the buildings and the pole barns and such that they were looking to construct in those districts.

8. Section 420-88.1 related to roadside stands. This Section sets forth the standards for roadside stands that are allowed in any agricultural district. These are similar provisions than what we had before, but we wanted to make sure that we had a provision that if the roadside stand was not properly maintained it needed to be removed from the property, but we tried to identify a larger size if one was needed, maximum height, products produced on the site can be sold on the site as a roadside stand. These types of regulations we felt were more appropriate because of the rapidly growing community that we're in. We wanted to not take away the right from an agricultural property to be able to still sell their products on their land, but we wanted to make sure they met with some type of regulations.
9. Section 420-100 related to the list of zoning districts. This Section specifically lists all of the basic zoning districts in the Village. And as you can see the modifications that we had include a change to the title of the A-3 District, elimination of the A-4 District, change in the title of the General Manufacturing District, the addition of the M-4, Power Generation District. Then on the flip side the Section 420-100(A)(2) this talks about the removal of that Ag Land Holding Overlay District.
10. Section 420-152 relating to definitions. This Section amends, deletes or creates the following definitions:
 - Comprehensive Plans: The Village of Pleasant Prairie Comprehensive Plan as adopted pursuant to Section 390 of the Village Code of Ordinances, the 2035 Plan which was adopted on December 21st of last year
 - Farm: A zoned area which is used for the growing of the usual farm products, such as vegetables, fruit trees, and grain, etc., and their storage on the area, as well as for raising livestock as defined in this chapter. Again, there's many more animals that we include in livestock now so we had to change the definition.
 - Commercial Feedlot: The definition has been modified to include poultry and to clarify about what livestock is and that livestock definition.
 - Kennel: Any lots or premises on which four or more dogs or cats, or both, at least five months of age are kept, boarded, or trained, whether kept in special structures or runways. This now meets and is consistent with the kennel licensing that the Village does.

- Livestock: The definition has been modified because we've had a number of inquiries with respect to some more unique or eccentric types of animals. So animals such as but not limited to cows, llamas, alpaca, buffalo/bison, horses, camels, deer, donkey/mules, reindeer, sheep, water buffalo, yak and then the traditional ones. One of the things to note is that goats are not considered livestock and are not allowed to be kept or raised for sale, resale or agricultural field production, human consumption or pleasure in the Village.
- Pets, Household: Again, to clarify because we've had quite a few unusual requests to clarify household pets shall not include livestock except rabbits, fowl or poultry, shall not include goats, pot belly pigs, exotic snakes and large reptiles. So we just wanted to clarify that those are not considered domesticated pets.
- Poultry: We needed to add roosters. Apparently in 1983 roosters were not allowed in the Village. We weren't sure why so we added them back in. Not sure, but we wanted to make sure that the roosters were back in there.
- Riding Stable: A building or premises used for the rental or lease of horses or other livestock for riding. I'm not sure what other livestock you'd want to ride, but it could be camels or mules I supposed.
- Utility Substation: Public or private electric power substation or gas-metering substation not enclosed in a building. An example of that would be the utility substation off of Bain Station Road and Highway C where you see the open display of all the electrical wiring and the transformers and that. That would be a utility substation.

The following definitions are being created: Utility substation building, public or private utility and associated equipment located within a building include lift stations. So the utility substation building will now be something that houses all of the types of equipment whether it's for the electric company or for a telephone company or some type of sanitary sewer lift station.

The earns a substantial part of his or her livelihood from the farm is being deleted since I don't know that this phrase has been used once in the last twenty some years I've been here. It's not good to have certain definitions in an ordinance if, in fact they're never used and they're never references. So we did remove that definition.

11. This refers to Sections 420-126, -127.1., -127.2. This is related to utility substations and utility substation buildings in the I-1, PR-2 and PR-3 Districts. That's the institutional. And then the Park Recreational-2, Park Recreational-3 Districts. As a result of amending the definitions for utility substations and creating definitions for the substation building amendment, the districts are being proposed to clearly state that these are both allowed with the approval of a conditional use permit.
12. This is a clean up ordinance. Again, this section had not been looked at for a number of years since about 1983. And it relates to standards for specific conditional uses, 420-

148(B). As a result to the amendments to the Ag and Manufacturing Districts, the standards for specific conditional uses have been updated. Uses not specifically allowed in those districts are being deleted. Conditional use standards for uses allowed by a conditional use permit were updated to remove regulations covered elsewhere. So if there were provisions previously in the conditional use section that said that they need to have a site plan approval or operational plan information or it talked about hours of operation, all that information is now in the site and operational plan section of the ordinance. So it did not need to be repeated again in this section, and it didn't need to be conflicting with the other regulations that had been adopted previously.

Now that takes us to the amendments to the Village's zoning map. These amendments are shown on four area maps of the Village. And we broke the Village down when we sent notices out to the respective property owners. We kind of have a northeast quadrant, a southeast quadrant, northwest quadrant, southwest quadrant. We broke the Village up into four different areas. So when maps were sent out to various property owners, it not only included their particular parcel but everyone in one quarter of the Village just because there were so many notices that were sent out.

These amendments are shown on four maps as shown in your Exhibit A. The Village's zoning map is consistent with the recently adopted Village of Pleasant Prairie, Wisconsin 2035 Comprehensive Plan as required by the Wisconsin Smart Growth legislation with these map amendments. The zoning map amendments are outlined in Chapter 10 of the Village's Comprehensive Plan. The zoning map amendments shown on the attached maps and noted on the attached list in your packets reflect required changes to over 650 properties in the Village to ensure compliance with the Comprehensive Plan. First I'd like to talk about them in general.

First of all, whenever the Village was rezoning field delineated wetlands and placing these wetlands into the C-1, Lowland Resource Conservancy District, those amendments were shown on the map. This affected 100 properties in the Village.

Second, removing the UHO, an Urban Landholding Overlay District was removed from several properties because municipal sewer and/or water is now available to service these properties. This affected about 330 properties. That UHO overlay district was something that was created back in I think 1984 by the I think the planner that the Village had hired at that time, and it was more of a holding area that could help identify for the Village and the residents which areas did not have sewer and water. Sewer and water has now been extended to most areas of the Village, and with those services the UHO overlay is no longer needed. So 330 properties had this UHO removed. So if you were a Residential 3 UHO, 330 properties or whatever number were rezoned to R-3. So they just had the UHO label removed from them.

Next, we were rezoning lands into the C-3, Natural and Scientific Area Resource Conservancy District. These were lands that were recently purchased by the Wisconsin Department of Natural Resources, The Nature Conservancy of Wisconsin or other conservancy group for permanent preservation. These were all located down in the Chiwaukee Prairie area. This involved 15 properties.

Then we rezoned lands as a result of amending and updating the Agricultural District regulations including the A-2, General Agricultural District, the A-3, Limited Agricultural District, AGO,

General Agricultural Overlay District, and then we repealed or removed the A-4, Land Holding and the ALHO Holding Overlay District. This impacted about 70 properties in the Village.

The next rezoning was as a result of amending and updating the Manufacturing District regulations. This included the M-1, Limited Manufacturing District, M-2, General Manufacturing District Regulations, and creating a new M-4, Power Plant District. This affected approximately 20 properties within the Village.

What I'd like to do is before I make those final comments is I'd like to go over the four different areas of the Village and try to talk about some of these from a general perspective. I know that property owners may have specific questions about their particular property, and what we have done in the Village is we have specifically adopted a Comprehensive Plan that's based on a parcel basis. And so it was much easier to do the evaluation of the zoning based on the parcel basis because we were looking at individual parcel by parcel. But if there are any questions we certainly can look at each individual parcel or the notices that went out.

Area 1, which is in the northwest corner of the Village, again, we divided the Village into four quadrants, just north of Highway 50 we'll look at that area first. Here we did some modifications as I discussed where we removed that UHO overlay. So going from the R-4 to an R-4--excuse me, this is one where we added it actually, because we don't have any services and there's no detail plan prepared in that particular area.

A couple other areas we went from R-4 UHO to I-1. That's for a Village lift station on that north end. We went from an R-4 UHO to a B-2 UHO. This is the result of some land use planning that we did just to the north of Highway 50 and kind of west of that PDQ area and the Westfield commercial area. And moving over by the Interstate, there's a property that went from the I-1 designation to the B-4 designation. We've got a couple of areas that were not identified to be C-1 based on some delineations and they went to the R-2 designation or an R-4 depending on the classification of the adjacent residential area.

Right in the center of the Chateau Eau Plaines are there was a wetland delineation that was completed, so a residential classification brought those lands into the C-1 which is Lowland Resource Conservancy. Moving over to the Prairie Ridge development just to the east of 104th Avenue there was a single family home there that was still zoned R-4, and we placed it into the B-2 which is the Community Business District, and that area also has a Planned Unit Development Overlay District. Also in the Prairie Ridge area just south of Highway 50 and to the west of Highway H there's a multifamily unit up there that was bought from the Ag District into the B-2 District UHO because we still don't have a detailed plan for it in that area.

Again, these rezonings, and I'm going to say this a couple of times, they reflect what the 2035 Comprehensive Plan of the Village says. And we were required by law to make sure that our Comprehensive Plan matched our zoning ordinance. So that's why a lot of these rezonings are taking place now even though the uses, the existing uses have not yet changed.

A couple of other things. That B-2 PUD went to C-1 PUD, a small wetland pocket right in the middle of that area north of Prairie Ridge Boulevard. Going just south just to the north of Pleasant Prairie Elementary School there was an ag piece right there in A-4. It's been identified on the conceptual plan to be R-9 UHO which would be a multifamily, possibly a condominium

type development. Moving straight south we've got a couple of properties going from M-2 to I-1. That was for the Village's water tower. Then there is a property just north of Bain Station Road going from M-2, it was an old Manufacturing District. It's being currently farmed. We move it into the Ag-2 District.

We've got a couple of other area that are just north of Bain Station Road that went from R-4 with an APO, that Ag Preservation Overlay to the R-5 to match the existing zoning in that area. And then at the intersection of Bain Station and 104th some B-1 went to the R-5 designation. It looks like the R-4 to I-1 is the lift station site north of River Oaks. And the moving over towards the Interstate there's a number of areas that were A-4. Again, that was that Land Holding Ag District. We no longer have that District, so we put them into the district that most clearly resembles the Ag Holding and that's the A-1, General Agricultural District.

There was some C-1, wetland and floodplain delineations along I-94 so that B-4, Freeway Business District went into the C-1. We've got some R-3 that went to the B-4. R-3 is Single Family Residential. B-4 is more of a freeway oriented business designation. Moving along Wilmot Road we've again got some A-4 to A-2. South of that we've got A-4 to A-3. Again, we are eliminating that A-4 District so we're trying to bring it into the district that most clearly resembles the uses on the property. South Wilmot Road where an extension of Heritage Valley Subdivision would be we went from R-4 PUD to R-4 UHO. We do not have a plan on file anymore. It's just open land so it continues to operate as it does. It's eventually going to be residential classification.

Moving to the east R-4 APO to C-1. There is some detail wetland delineations that had been done on the former Jolly Jay property at that location, so it more closely resembles the environmental conditions in that area. And the moving south we have some areas that are going from A-4 to A-2 and then there was an old left over piece of M-3 from the McHenry Sand and Gravel days from the 1970s and early 80s that was M-3. We put that also into the A-2 classification, general agricultural.

On the flip side just east of 88th Avenue we've got some that are going from the M-2 to the A-2, Manufacturing into General Ag. The power plant property as well as the ash landfill site north of Bain Station Road all the way up to Highway 50 is moving from the M-2, that old Heavy Manufacturing District to the M-4 which is our Power Generating District. Moving further east between Green Bay Road and the tracks there's some areas that were A-2 that after field delineations are going into a C-1, Lowland Resource Conservancy District. We've got some A-2 land and R-2 land that's in that blue color that is going into the I-1, Institutional District. Then we have some M-2 going into the Park and Recreational-1 District.

On the east side of Green Bay Road, in this case on the north end there, we've got some UHO removals, from the R-4 UHO to R-4, R-2 to R-4. Again, all of the R designations are residential classifications. And then heading further south we're moving some of those UHOs. If there are any cellular towers in the Village they are all being placed into the I-1 District. We've got a tower at that location just south on Green Bay Road. Then we're moving all of those properties from the R-2 to the R-4 because it more closely resembles based on their size and their area the R-4 classification. So that is area number one in the northwest corner of the Village.

Area two is the southwest corner of the Village. I'm going to start out by the Interstate again. I've got an area that's been identified for B-5 which is Office Commercial, and we've got some B-5 going to the C-1 and some C-1 going to the B-5. What that means basically is some detailed wetland delineations were done and we're moving those wetlands into the classification of C-1 for permanent protection.

Moving south on the Interstate on the west side we have some B-5 Office going into B-3 Regional Retail, and we have some M-1, which is that former light manufacturing going into the B-3 Regional Retail. We've got an area that is just east of the Interstate south of 165 going from the B-5 to the C-2 classification. C-2 is an Upland Resource Conservancy District. A little further south along the Interstate we've got an area going from C-2 to R-3, and then there's two very small wetland areas, areas that were delineated that weren't wetlands that are going to the R-3 classification.

North of 122nd Street we've got an area going from A-2 to R-3. It does not meet the minimum requirements for an Agricultural District area. On ML, just south of ML, we have an old former gravel pit that we've moved from the M-3 classification to a general agricultural classification. Moving further east now at the intersection of H and Highway ML we've got some M-1 which is light manufacturing that's going to conservancy for the wetland delineation, and some M-1 to I-1. Again, whenever we have some type of utility we're going to be putting it into the Institutional District.

One of the things that we uncovered when we were sending out all these notices is that for some reason there were some properties that were missed and we're coming upon them right now. Let me just add that we send out nearly 3,000 notices were sent to affected property owners and to the property owners within 300 feet of the proposed rezoning and other interested persons. Those notices went out on February 12, 2010, and they were published in the *Kenosha News* on February 22nd and March 1st. Since February 15, 2010 over 75 property owners and other interested persons had made inquiries to the Village. That was when we wrote the notice. We had about 125 that had made inquiries to the Village regarding these rezonings.

However, on February 23rd when some of the property owners started contacting us, it was discovered by the staff that the February 12th notice to the adjacent property owners and the notice published in the *Kenosha News* had some errors in it. There were 34 properties included with the notice, some which were shown correctly on these maps but they were not correctly identified in the paper with respect to their number, with respect to the Tax Parcel Number. So what we've done is we have renoticed those properties, and I'm going to talk about a couple of them right now. They are going to have a separate public hearing on April 12th.

So a couple of these properties, for example, south of ML as shown on this current map where it's proposed to go from M-1 to M-2, the maps were all correct and the notices got out, but the Tax Parcel Number was not listed correctly in the *Kenosha* newspaper. So in order to afford everyone equal opportunity to come in and take a look at this and to voice an opinion, we wanted to make sure we renoticed that. So a couple of these I'm going to go through. They're going to get a second notice but all the rest will continue to move forward.

So, M-1 to M-2 south of 116th or ML, and then the area between Green Bay Road and the tracks we've got some PR-1 that's going to go to M-2. I'm not sure why it was PR-1 a long, long time

ago because it was never really intended to be a park there, but that's proposed to be in that M-2 classification. And there's some R-4 that's proposed to go to M-2, both adjacent to Green Bay Road and adjacent to Springbrook Road. Moving north just south of 104th Street that is an entire area that's zoned M-1 and we're proposing to put it into the M-2, the General Manufacturing District. This is an area that will get a second public hearing in April. Then the area north of 104th west of 31 M-1 to M-2. These areas that I've just talked about were previously M-1 Districts. They're going to an M-2 classification, but they're outside of the high hazard area for uses.

A couple of other uses on this map, the R-4 is proposed to go to B-2, and these would remain in the APO District. That's the triangle piece of land that is just east of 31 and north of 104th. And in that triangle south of 104th we have an area that's going from the Park and Recreation-1 to B-2 UHO and B-2 to B-2 UHO. Again, until we have a detailed plan as to how it's going to develop, even though it has sewer and water, we're leaving that UHO overlay on it.

Then there's a property that is identified for R-4 AGO to go the I-1. Again, it has a tower on it at that location just north of 116th Street. Then we've got one more area south of ML at 31 and it's proposed to go from the R-4 UHO to the A-1 classification. There's one area south that I missed here, on the very south end just right north of Russell Road, and the A-3 PUD to C-1 there was a detailed wetland staking for that area where that big lake is down there. We had a delineation and that needed to be moved into the C-1. Then we have an R-3 UHO to I-1 right down at the State line, utility substation. Then at the very corner of the map which I had missed an A-2 to a B-5. That was area two.

Area three is the north east corner of the Village of Pleasant Prairie butting up to the City of Kenosha. Starting at the very north end just south of Highway 50 we have an area going from R-11 to R-6 and an area going from I-1 to PR-1. The I-1 to PR-1 that is actually a detention basin owned by the Village. Then R-11 to R-6 I believe that's actually one single family home, and we're actually moving it into a residential single family classification.

Moving a little bit further south on that map, we have an area going from an R-4 UHO to an R-4. On the very west end at the top of that map we have an area that's moving from I-1 to PR-1. This I believe is the City's detention basin. And the moving further south along 85th Street we have a property going from C-1 to R-5. So from the Resource Conservancy to the R-5 because there's no wetland delineations. One from R-5 to A-2 to match the surrounding Ag District. An R-4 UHO moving to the Ag District to match the surrounding lands. And an A-2 to an R-4 designation.

We've got a couple of single family lots in the Whittier area just along Cooper Road that are moving from the R-4, that UHO overlay to the R-5 since services are available and the lots have been developed. Then we have another area just south of 85th Street moving from the R-4 UHO to the R-4 District area. Moving south on Cooper Road we're removing some of the UHO overlays again for properties on the east side of Cooper Road as well as the west side of Cooper Road all the way down to 93rd Street. Again, we're removing the UHOs.

We have some C-1 delineations as part of a recent wetland staking that was done, and so wherever there was an R-4 APO or a C-2 they would be moved into the Lowland Resource Conservancy District. We've got one designation change of an R-4 with an ag overlay to an

AGO overlay because we're removing that one district. We've got some more C-1 modifications. We have an R-4 UHO which is going to a C-2 classification due to the nature of the wooded area in that tributary that's leading to the creek that's leading to the basin.

We have a property along 39th Avenue which is going from R-6 to R-4 UHO to more closely mirror the properties in that area. We have an R-4 UHO going to I-1. I believe that's the parking lot for the Tabernacle Church to include that not into a residential classification but to move that right into the church's I-1 classification even though the bulk of that is located in the City of Kenosha. Then we have one property that's I-1 and moving it into R-4, the single family lot. Wherever there was a C-1 designation just north of 93rd in that area we moved it into the C-1 classification based on wetlands.

Moving further to the east another R-4 UHO going to an R-4 area, in south Kenosha moving from an R-4 UHO to an R-4. Again, this area is serviced by municipal sewer and water. We've got some R-4 UHO moving to an R-6 classification, residential to residential. There is a manufacturing designated use, M-1, that is the soon to be Springbrook Innovation Center, and that's moving from the M-1 to the I-1, Institutional classification. Then we have the balance of that property moving from M-1 and R-6 to the Park and Recreation District. We've got some R-6 AGO and it's just moving to the R-6 classification. Going south we've got some A-4 at a number of locations. Again, that's that ag holding district that we're eliminating, and it's all going into the R-4 which is a single family classification, but we'll have that ag overlay so it can continue to function as a farm as long as it would like to.

Then moving over to the Carol Beach area east of Sheridan Road there is an area that was zoned R-11 which is a multiple family classification since '83, and we put that into the appropriate R-6 designation with a UHO overlay. There's some R-5 now being moved to the R-6 classification. Just to clarify, in the Village R-1 is residential all the way up to R-12. R-1 through R-6 are all single family residential district, R-1 being the largest lot size and then they get smaller with R-2, a little smaller with R-3, a little smaller with R-4, 4.5, 5 and 6. So R-6 is the smallest single family lot classification that we have.

Then we have some R-6 classifications that are going to C-1. These are lots that have wetlands on them. They were bought for conservancy purposes so they're being moved into the C-1 District. Then a little bit further to the east we have some areas that are going from C-1 to C-3. Basically they're both Conservancy Districts but they're telling us that they were privately owned and now they're either publically owned or privately owned by a conservation group and that's why they're moved into the C-3 District because that's the most intense conservancy district. It's the Natural and Scientific Conservancy District that we have.

We have two very, very small properties that were missed on this map. Again, they will be receiving, if they haven't already, these couple of properties will receive new notices and then they will be also on that April 12th meeting, four properties.

The last area of the Village is area four which is the southeast corner of the Village. We'll start with the area bounded by 39th Avenue and Springbrook Road. These areas are going to be moving from the A-4 from that ag holding district to the A-2 District. A small property attached to the future Village Green Center, R-3 to A-2 as well. There's a small property that's at the corner of Springbrook and 165 going from the R-4 UHO to an R-4 designation. Moving all the

way to the west on the map south of 104th Street we're removing the UHO in an R-4 Single Family Residential area. Then going back to the intersection of Springbrook and 104th we've got some A-2 moving to the A-3 because of the smaller lot sizes. Then we've got some A-2 moving to an R-3 classification.

Then going down Springbrook Road we're removing UHO on some properties on the east side. Then moving further south R-4 UHO moving into the Agricultural District. Then some R-2 to A-3, A-2 to A-3, A-2 to R-4. Again, it just really depends on whether or not it's part of a larger property, whether or not it has agricultural land uses, whether or not it's been developed, but we tried to match and mirror the adjacent residential classifications if they were adjacent to a residential development area.

Going down 47th Avenue we have an area going from R-4 to R-3 to just more closely mirror or match the lot sizes. It's still a residential classification. Along 116th Street between 39th Avenue and 47th we've got some areas that are going from R-2 to R-3 and then from C-2 to R-3. And we have some areas that are removing the UHO. Further south on 48th Avenue we have two properties that are moving from the A-2, the General Ag District, into the R-3. They're not farming their properties and they don't have farm animals and so we're moving them into the residential classification similar to the adjacent lands. There was a wetland delineation just to the east of 47th Avenue. There is some A-4 to R-4 right down at the State line and some R-3 to R-4. There's a large parcel just north of the State line owned by Gus Pedromas in this area. This area was inadvertently omitted and so that is an area that will also be considered at that April meeting. That will be going from the A-4 to A-2 as well.

Going back north on 39th Avenue the Dublin School is proposed to go from B-1 to I-1 Institutional use. We've got some areas north of 116th Street just west of the bike trail from R-4 to remove that UHO to go to R-4. Just across the street just south of 116th Street removing that UHO. Going further east on 116th Street we are looking to bring back it was the former Fellow property. It was an area that was intended to be developed for a single family development as well as some condominiums and other type of development. That development is not moving forward so at this point everything has been kind of put on hold. So we're leaving the original designations, the R-8 and R-9 and R-4 but we're putting it all into the Ag Overlay District so that they can continue to farm it until such time as it develops. So we wanted to make sure that that was brought back and had that ag overlay with it. And then the same with the PR-1 going to PR-1 AGO. We do have some areas that were field delineated and they're going to be placed into the C-1 classification.

Moving further to the east of Sheridan Road and south of 116th Street this whole area has recently completed some wetland delineations. And so even though a lot of this area was delineated as wetlands, we've now had to modify it based on the field delineated wetlands. So you might see some A-2 to C-1 in a couple of areas and C-1 to A-2. So if it's agricultural land we've put it into the ag classification. If it was field delineated wetlands we've put it into the C-1 classification. So that's why this area looks a little confusing. If you saw the balance of the zoning map you would understand, but we only referenced and identified those areas that we were modifying this evening.

A little bit further north we have an R-6 area that's going to PR-1. That must be an outlot. The Village owns that property so it went into the PR-1 District. Then we have a number of

properties all along in Carol Beach most of which were moved from a residential classification based on wetland stakings into either the C-1, Lowland Resource Conservancy, or if it was purchased by one of those agencies it went right into the C-3, Natural and Scientific Resource Conservancy District. So you can see that up and down in the Carol Beach area.

Moving north on Sheridan we have some areas south of 104th Street. We have a couple of them that are going from the R-4 ALHO to the C-3 classification north. Going south we have R-4 UHO going to R-4. We have some R-4 AGO going to the C-1, again, additional C-1 classification whenever there's wetlands. We've got a large area just east of Paradise Lake that went into the C-1 classification. And then Paradise Lake and a couple of other areas, large areas, went from the M-3, the mineral extraction to the C-1 designation. And then the areas surrounding Paradise Lake we put into the R-3 which is a residential classification with a UHO for residential development when and if services are available. Then there's a large piece that went from M-3 to an R-4 UHO. Again, no mineral extraction going on any longer in that area south of 104th. Then we have a couple of other areas going from the R-4 UHO to R-4 both south of 104th.

Now, moving north of 104th Street we have an area that went from C-2 to C-3. It's not just upland trees but it's more of a scientific area owned by the Archeological Society. Then we have a large piece north of 104th Street going from the R-4 ALHO to R-4 AGO. I have a couple of others from A-4 to R-4. And then we have one going from R-4 UHO to B-2 UHO and that's right north of the Village Hall. Again, the B-2 is a Business District moving from the residential classification. The one other area Peggy mentioned that I didn't talk about and that's north of about 104th Street east of Sheridan Road. We're removing the UHO classification, R-5 UHO going to R-5. And then R-5 to I-1 where there's a Village lift station. Then an R-5 UHO to a C-1 based on the wetlands and other types of conservancy area and it was purchased by a conservancy group in that area. There are a few properties on this map, again, that will receive that second notice for the notice in April.

With that, I would like to continue the public hearing. We can entertain comments and questions regarding the districts.

Tom Terwall:

This is a matter for public hearing. If there's anybody wishing to speak we would ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak?

Sheldon Epstein:

Good evening. My name is Sheldon Epstein. I am President of Big I Development Corporation in Wisconsin which is a family corporation currently owned by my wife and myself. My address is P.O. Box 400, Wilmette, Illinois, 60091. In view of the large number of people here tonight and their desire to speak I'll make my remarks very brief. You all have a copy of this letter that I submitted this morning.

There are two issues that I'd like to draw your attention to. If it looks like you want a further discussion I'm amenable to having our parcel renoticed because there's an inconsistency between your data on the map that we received and the geographic information system database that we

purchased from the Village to prepare this letter. So I have no objection to coming back if that will help.

If you'll turn kindly to page 2 of the letter you'll notice a figure. There's a triangular section on the north of our parcel that is being rezoned to C-1. And we requested that remain A-2. And the reason is that a now deceased farmer who was a tenant of ours for many years turned out to be somewhat intractable. His parting shot to us when we did not renew his lease but leased to another farmer was to tell us he was going to cut off the natural flow of drainage from our fields across land that he owned to the north of us. He, in fact, did that. We had flooding. We did not know what the cause of it was. He claimed that he owned land coming up to our northern border. He had been a tenant from roughly 1961 through the 1990s. We had no reason to believe that he didn't own the land immediately contiguous to us until in 2004 when the Village adopted a geographic information system database along with the County, we purchased the database from the County and the Village and we found out there was a 100 foot gap between his property and our property. That was the Chiwaukee Road right of way that had been part of an easement dedicated in the 1920s. And the reason it didn't appear on the tax maps and others is it never had a TIN number.

Well, we went ahead and moved ahead that easement vacated along with the other landowners, and the Village passed a resolution in support of that. Judge Warren granted our petition, and as part of that the land was divided between the adjacent landowners. We ended up owning the south 50 feet. We then entered the south 50 feet and found out that the ex-tenant had plugged a culvert underneath Chiwaukee Road with concrete. In 2005 we hired a contractor to remove that. Now the water now drains as it had drained for as far as I could tell since there was drainage.

So we're asking that that land not put into C-1 because it's not natural conservancy area. It was a manmade tortious act of a now deceased farmer who was very vindictive. We haven't, as you'll see on page 3, there is a map that does not produce very well because of technical limitations. Though if anybody wants to see it in its very high resolution that photograph was taken 27 April 1960 just before we purchased the land. You can see that the area had been farmed. And if you look at this map in great detail you'll see that the area actually covers land that has furrows on it. So there's a description on that and I ask you to read the letter for more information.

Next, if you'll turn to page 5 there is another issue, and that is we have land that is currently zoned business. I'm not sure if it's B-1 or B-2, but it is according to the GIS database, and this does not show up on the map, this is proposed to become agricultural. Now, this is a house and this is the abandoned Shell gasoline station on the east side of Sheridan Road just north of the State line. As I read your proposed ordinance, in order to get this classified as A-2 it has to have 300 feet of frontage. The biggest area here is 211 feet across the front of the gas station.

So we have been previously working with two other landowners, Mike Dana who owned this station up until maybe a few weeks ago, and I saw in the *Kenosha News* that it had been sold to somebody who I have not been able to contact. And this area down here is owned by Lakeview Homes. We have been encouraged by the Village to work together to make this basically possibly a unified development but to get a planned development going for all these parcels. We've had numerous conversations with Mike Dana who owned it and the Village is I believe aware of attempts to get cross-easement agreements and the like.

Our position on this is basically that all the properties should be treated alike. If you're going to make it all agricultural then we're not wild about it but we would obviously have to accept it. But it should either be all agricultural or all business, and we recommend that it remain all business.

One other item that I forgot to mention if I could ask you to refer to page 2, and this I just found out tonight when I looked at the 2035 land use for our property, there is in this area an area on that map which we didn't know about which is called the Chiwaukee Transportation Center. It's on the map. And the purpose of that is there has been talk and we've had some discussions with the Village about the placement of a metro train stop. If this is going to go in this area then this is going to be a problem. We also have another problem with this area and that is do the requirements of putting in sanitary sewer, this is, and I don't want to go into the technical details unless the Commissioners ask, this is a very costly endeavor for us. It's not necessary, it's not natural, we've been victims of what amounts to a crime and we don't believe we should be penalized for it. Thank you.

Tom Terwall:

Jean?

Jean Werbie-Harris:

I think it might be easier if we talk about them on a case by case basis. I'll only take a few minutes. Sheldon, back in April of 2004 the Regional Planning Commission did a wetland delineation as requested by the Regional Planning Commission that came out to do the wetland delineation. And the map that's on the screen right now is the map that was provided by your consultants to us.

Sheldon Epstein:

That's correct. I'd like to address one point. That map predates our location of the plug in the culvert. We didn't know about that. We didn't file a petition to vacate Chiwaukee Road until December of 2004 and the petition was granted just before New Year's of 2005. We went out in early 2005 and found the plug. So had we known about it we would have taken steps to remove the plug but we didn't know what it was and we didn't have access to the land. We were not in a position to commit a trespass so we don't think we should be penalized for that.

Tom Terwall:

So would you consider a restaking of that for a wetland? I mean if it's not a wetland a restaking might show that.

Jean Werbie-Harris:

Right.

Sheldon Epstein:

I have no problem with it. But what you have to understand is there's vegetation growing on that land now that would not have ordinarily been there but for an act of somebody.

Tom Terwall:

I understand.

John Braig:

When did you effect the drainage? When did you remove the plug?

Sheldon Epstein:

I'd have to get the exact date which I don't have right now but it was early 2005.

John Braig:

Has that supposed wetland been tilled since that date?

Sheldon Epstein:

Part of it has.

John Braig:

Part of it. Thank you.

Sheldon Epstein:

Thank you.

Jean Werbie-Harris:

I'm going to recommend that this particular request be held over until that April 12th meeting to give us enough time to talk to the DNR and SEWRPC regarding this request. Then what I'd also like to do is take the time to show Sheldon the zoning map with respect to the commercial designations because there is no commercial land that he owns on our current zoning maps. So there must be some miscommunication somewhere. We'll pull his properties from the-

John Braig:

Would a motion at this time be proper to that effect?

Tom Terwall:

No, after the public hearing. No. But you're amenable to that?

Sheldon Epstein:

I agree, yes. Thank you.

Don Hackbarth:

But, Jean, doesn't the DNR not only look at the wetness of the property but also the type of vegetation? If there are cattails on it they take that into account, too, don't they?

Jean Werbie-Harris:

Yes.

Don Hackbarth:

So I don't know if you've got cattails on there.

Mike Pollocoff:

Mr. Epstein brings up a question that we need to visit with our counsel about. If he's a victim of an illegal act that he had no control over those are things we probably need to see some counsel on before we act on it.

Tom Terwall:

Thank you. Anybody else wishing to speak?

Paula White:

My name is Paula White. I live at 1808 128th Street. I have the big horse farm there on Russell Road on 128th Street. I'm not one of them that's being rezoned on the map or anything, but I do have some concerns for the other farmers that are in the area. I did have a question about the A-3 about what you were describing as a new thing. Can you tell me what you meant about that again? Hobby farms five acres or less that's all going to be rezoned for that?

Jean Werbie-Harris:

The A-3 District was rewritten. It was a much more broad and confusing district prior to our rewriting of it. It still allows for agricultural related uses, but it's more focused on ag related uses rather than warehousing and manufacturing.

Paula White:

Okay, because when you were talking you were saying that the people who were going to have their property changed to Ag-3 from A-1 or A-2.

Jean Werbie-Harris:

No.

Paula White:

And it was going to be five acre or less and it can be considered as hobby farms?

Jean Werbie-Harris:

No. What we did is we identified those areas that were more appropriate for the A-3 District. If they were five acres we identified some areas out by River Road and we identified a couple of areas of the Village, and if individuals wanted to have only five acres for farm-related purposes like hobby farms they could rezone into that designation. But it doesn't mean that anyone who has A-2 or A-1 or the larger farms we're not asking them to subdivide or bring them down to A-3 Districts. That was only for someone who wants to move into that district and start up a small farm.

Paula White:

Okay. I also see a lot of the ag properties that are on Russell Road there that's on 128th Street that you are changing over to residential. Now, have some of these people asked to have their properties from ag to residential? I know when they go from agricultural to residential I know their taxes are going to go up because ag is cheaper taxes than what it is for residential. So are you guys doing it for the revenue to make more money for the Village? Or, have you asked these people if they wish, these other farmers wish to move their properties over to residential?

Jean Werbie-Harris:

I'm not sure which map. Let me grab the map.

Paula White:

Area four.

Jean Werbie-Harris:

The whole purpose of the rezoning this evening is to comply with the Comprehensive Plan. It was not intended to move anyone into a specific district in order to gain more or less tax revenue from any particular property. Specifically, the Village Assessor tells me he is valuing property based on its existing use, not it's zoning designation. We have some properties, if you're referring to east or west of EZ we have a couple of them that are going from A-2 to R-4 east of the bike trail. There's four properties right there that are pretty small in size that are going to the R-4 classification. I don't know what type of farming that they would be doing on their property currently given the lot size, but they'd be able to continue to do those uses as long as they don't discontinue them. And then the area that's west of Highway EZ there are some areas there also going from the A-4 which is that Ag Holding District to an R-4. Again, some of those lots are a

third or half acre in size so I'm not sure what type of active farming that they would have been doing on those sized lots.

Paula White:

But it is true, though, if they go from the agricultural status that they're at now to the residential status they're taxes will go up, correct?

Mike Pollocoff:

No.

Jean Werbie-Harris:

No.

Paula White:

Because isn't residential taxes more than ag taxes?

Tom Terwall:

If the land is being used for agricultural purposes they would continue to be assessed as ag. Your assessment is based on use, not on the zoning. So if it's currently being used as ag property it won't change.

Paula White:

Because I've always known the people that ended up being residential and they sit there and they have their goats or chickens or whatever, they tell them, hey, you're residential and you can't have your animals anymore. I know some of those people that are marked on that right there do have some chickens and what have you on their property. Now if they go residential will they lose their rights-

Mike Pollocoff:

No.

Paula White:

-to be able to have their chickens?

Tom Terwall:

If they already have chickens they can keep their chickens. Rocco, you're the Assessor, you speak.

Rocco Vita:

Rocco Vita, Village Assessor. Under Wisconsin law if the property is used for agricultural purposes (inaudible).

Paula White:

Okay, because I noticed like the big property right behind me that's all . . . that's right behind my farm. I noticed that was supposed to go as residential. And because that Lighthouse Point didn't go through now they're going to go back to agriculture and now you're going to take the agriculture away from the agriculture and make it residential. I don't understand the logic of that at all.

Rocco Vita:

The Lighthouse Point Subdivision, or what was going to be the Lighthouse Point Subdivision, has been valued as agricultural ever since they've been farming it. The portions that are not being farmed cannot be valued as agricultural. They're either being valued as woodland or just market value.

Paula White:

Okay. I wanted to know what the difference between Residential 2 to Residential 6. Is that the size of the lots what they are? Is that how they're done?

Jean Werbie-Harris:

Exactly.

Paula White:

So the size of the lots.

Jean Werbie-Harris:

The size of the lots, width of the lot and then site design criteria on the lots.

Paula White:

Okay, and also one other thing. The agriculture papers that you have, I know everybody on the Board has that, could I possibly get a copy of that so I know what all the rules are, how many animals you can have for so much property and what have you?

Jean Werbie-Harris:

Sure.

Paula White:

Because I've got a lot of friends that are farmers. I don't see some of them here tonight, and I would like to have a copy of that so I can be able to sit down and talk with them also.

Jean Werbie-Harris:

All this information is also on the Village's website.

Paula White:

That's good because I'm on Russell Road, I'm on 128th Street, we have no internet access there, we have no cable TV access there. Along that road there is no fibre optics. We're still on the old copper wiring so we can't get any of that. I know I was told that at the last meeting that I could go on the computers for it and I can go on cable TV for here and we can't get any of that. We don't get cable TV or anything on that road.

Jean Werbie-Harris:

Can you come over and give us your address and we'll mail it to you.

Tom Terwall:

Jean, I'm going to give her mine right now.

Jean Werbie-Harris:

If there's other people that—do you just want it for yourself or for other people?

Paula White:

No, I've got about 25 other farmers that I've been talking with and I'd like to be able to sit down and talk with them about some of this stuff.

—:

Do you have a copy machine?

Paula White:

No, I do not. I don't have a copy machine.

Tom Terwall:

Jean, you're going to get it to her then?

Jean Werbie-Harris:

We will. If you want to come over here.

Tom Terwall:

Anybody else wishing to speak?

Jerry Rabin:

Jerry Rabin 6717 Springbrook Road. In regards to the listing and the properties proposed to be rezoned in area two, this listing for area two, the property in question is the fourth one from the bottom. The last four numbers are 0100. It's a 25 acre parcel. The existing zoning is R-4, and the new zoning will be M-2. It is a 25 acre parcel surrounded by residential homes to be rezoned M-2 which is General Manufacturing District. I cannot visualize a General Manufacturing District surrounded by residential homes.

Jean Werbie-Harris:

Again, the property is west of Green Bay Road and north of Springbrook Road.

Jerry Rabin:

Correct.

Mike Pollocoff:

So what we're doing there is taking a property that right now is surrounded by manufacturing and putting the single family lot, the small parcel, into manufacturing. We're not putting residential around the manufacturing. We're bringing it all into manufacturing.

Jerry Rabin:

This parcel is east of Green Bay Road.

Mike Pollocoff:

West.

Jerry Rabin:

It is east of Green Bay Road surrounded by residential homes. It's horseshoe shaped. There is another parcel 50 acres which is on the west side of Green Bay Road and, yes, that is correctly zoned as general manufacturing.

Jean Werbie-Harris:

Is this 3420100 or which property?

Jerry Rabin:

The property is 92-4-122-3420100.

Jean Werbie-Harris:

Right. That's on the west side. Right here there's a single family home lot right there.

Jerry Rabin:

No, that's on the west side. On the east side it just has a black line around it. It's by the old school house.

Wayne Koessl:

Jean, he's referring to your arrows that you have over there on that line. It's referring to the west side. It's two residences on the west side and he thinks it's on the east side.

Jerry Rabin:

It's on the east side of Green Bay Road. This parcel right here.

Peggy Herrick:

This is all on the west side.

Jerry Rabin:

Why did you have it all black lined out here?

Tom Terwall:

Those are just arrows.

Peggy Herrick:

This is just pointing to this to this little piece right here.

Jerry Rabin:

You can see where the mistake is here that you have it over the top of the 25 acres. Thank you.

Tom Terwall:

Is there anybody else wishing to speak?

Mark Loffman:

Hello, my name is Mark Loffman, and I'm at 2 North Riverside in Chicago, Illinois, 60606. I'm a representative of R.C. Westwood Estates. I understand the primary intent of the rezoning is to change some of the zoning districts to be consistent with the 2035 Land Use Plan. We've talked about AGO to A-1 to A-2. In area one we have a small parcel that's zoned R-12, and it's been proposed to change to PR-1 which is parks and rec. I understand there's some wetlands on the property and I understand if that were to be changed to C-1 that makes sense to me. But I don't understand how R-12 gets changed to PR-1 or what the logic is behind it.

Jean Werbie-Harris:

It's not wetlands so we did not put it in the C-1. It's got some upland and open area and open lands and so for that reason we put it into the PR-1. It's an open space classification. It can't be further subdivided for lots because it won't have any public frontage, and it's intended to be kept as open space as part of that Westwood Development. That's how it was platted initially and that's how it was approved from a site and operational plan standpoint 12 or 15 years ago. So for that reason we decided to put it in the open space classification. Just because it's PR-1 does not mean it's a public park. It can be a private park and in this case it is. It's just a park and open space area for the Westwood Mobile Home Park. So that's why we put into the PR-1 classification. It's open space to be maintained as open space.

Mike Pollocoff:

That really is premised on their site plans they submitted with that addition that took place. So this gets the zoning in sync with the site plan.

Tom Terwall:

Anybody else?

Cecilia Jeep:

Good evening. I'm Cecilia Jeep. I live at 9923 38th Avenue. I'm speaking tonight about the proposed zoning change for the parcel listed at 3803 Springbrook Road. It's listed to change from R-4 to B-2. I'm objecting with caution for the following reasons. The proposed zoning change will cause property development to be inconsistent with the existing neighborhood which is all residential. The proposed zoning change will cause traffic flow and density to be inconsistent with the existing traffic flow in the subdivision. Furthermore, from a homeowner's perspective, any development other than single family residential to the parcel located at 3803 Springbrook will have a disproportionate negative impact on the five adjacent properties surrounding it. Last time this parcel was proposed to have the zoning change the five affected property owners met and it was discussed with the owners of that property. That hasn't happened this time around but I would like to respectfully request that that occur again if this zoning is to continue.

Tom Terwall:

Jean, that's the property right next door, right?

Jean Werbie-Harris:

Yes.

Tom Terwall:

That was going to be a bank?

Jean Werbie-Harris:

Right, a bank and office building, and we had approved a conceptual plan and detailed plans for that bank/office building. At this point that whole project has been put on hold and it was not rezoned at this point. But it was identified as part of the Comprehensive Plan to be developed as part of the downtown of the Village Center.

Cecilia Jeep:

But it's not part of the Village Green. And when the Village Green came into being that was all on the other side of 39th. This is not part of the Village Green.

Jean Werbie-Harris:

Well, there have been modifications over the last three years that identified both the Village Hall and all the land south and north of us were included as part of the Village Green Center.

Cecilia Jeep:

Because when the Village Green plan came out our house was actually listed as part of it. And then everything, once it was brought to your attention, everything from our house this way was opened up. So this whole area here is residential. Because according to the original plat of our subdivision we only have part of a cul-de-sac and the Village has the rest and that is all residential over there. We'd just like a little further thought and discussion with the affected property owners. That's all I'm asking.

Mike Pollocoff:

I think based on the discussions you had last time, they developed that conceptual plan that was approved, that conceptual plan took into account the comments by the neighborhood so that the conceptual plan kept the development away from the properties in Rolling Meadows, and I think the issues were addressed at that point. The Plan Commission went ahead and approved the conceptual plan with the modifications that the neighbors requested. So that would still be in play. If the bank was to sell it to some other use and they wanted to modify it they'd have to come back and start all over again and redraw up a conceptual plan that the Commission would approve.

What this does, the zoning does, is we recognize that planning work that's taking place to date, and that was incorporated in the Land Use Plan, and the zoning since we have to under the new State law marry the zoning to the Land Use Plan, they have to be the same, that's the same thing. So if that plan is different with a subsequent owner or if the current owners decide to change their mind and do something, they'll have to bring this back to the Plan Commission and we'll start all over again.

Cecilia Jeep:

But that property was zoned residential to begin with. It's not commercial. Because we were all given the threat, well, we'll put a 7-Eleven over there. That doesn't fit in either.

Mike Pollocoff:

Again, the property owners got some concurrence with the Plan Commission and the property owners over how that land will be developed so that hasn't gone away. But with the changes they've made the Land Use Plan reflects that that would be a commercial or business area with the limitations that have been described. So it can't be developed fully without the input that the neighbors had. And if they do want to do that, everybody has got the right to ask, so if they do want to do that then they've got to start all over again and everybody gets another kick at it.

Cecilia Jeep:

I was part of the process a few years ago, and it was dropped because the neighbors objected to it. The majority of it did because I was involved in those meetings.

Mike Pollocoff:

No, it wasn't dropped. They incorporated everybody's comments.

Cecilia Jeep:

They tabled it because there were those things that they just couldn't circumvent. We're willing to listen but we didn't want the zoning change until there was a reason to change it.

Mike Pollocoff:

Under the previous law we would do that. The Plan Commission never rezones land until they were ready to come in and start from point A and get their building permits so everybody knew what was going to happen. But now municipalities can't do that anymore. The zoning map has to reflect the Land Use Plan. I mean the land use map and the zoning map have to be the same. So where the Plan Commission and the Village or any other city in the State for that matter was able to say we're not going to let you speculate on land values or land development, you have to come to us every time you want to do something and we can't do that now. What we have to say is here's what the land use is going to be and the zoning is the same, and what they have to do is meet their due diligence when they come in with their specific plan. But we can't take away anybody's ability to use their land if it's in compliance with the Land Use Plan. So from this

point forward, from January 1st going forward, it's different across the entire State where zoning and land use are the same. Where it used to be land use was the vision down the road and zoning was the current state of affairs. Now they're the same and nobody can change that. Nobody here can change that anymore.

Cecilia Jeep:

If the existing land use in the subdivision is residential because it's a subdivision then that property should remain residential.

Mike Pollocoff:

No, we can't do that because their best use of that would be business and the Plan Commission has already come to that decision but it wasn't zoned until they came in with a plan. Now that the zoning is changing—

Cecilia Jeep:

But it was zoned residential before then. It was zoned residential before then. And it got changed without—

Mike Pollocoff:

Right now that's the inconsistency. That's why we're having to readjust all these parcels.

Cecilia Jeep:

Right, and I'm just saying make it consistent with the subdivision which is residential.

Jean Werbie-Harris:

But the Land Use Plan is—

Cecilia Jeep:

If it was changed once it can be changed back. Thank you.

Tom Terwall:

Yes, sir.

Mike Stanich:

Hello everybody, Mike Stanich, Stanich and Stanich, LLC, 708 57th Street, Kenosha. I am here to discuss briefly parcel 92-4-122-231-0100. It is a 1.4 acre parcel that is just south of the entrance to Meadowdale Farms here on 39th Avenue. We have been excited to be a minor participant in the future Village Green, and we seem to have gotten caught in the potential of a rock and a hard place. I'd like to discuss it. We have met last week with Jean Werbie and we appreciate her

time. There seems to be a transition going on and we understand that between the 2035 plan which we were excited about for our property. Some of the I'll call them café meetings that produced some drawings that showed our parcel as a mixed use commercial site which we're familiar with the development of, and ultimately possibly having a business site out of it.

When we initially purchased the property it was in residential zoning. It was a larger lot than what was typical in Meadowdale Farms. We were excited about its wooded nature and everything, and so when the cafeteria meeting started taking place and it moved forward into a business potential we simply looked across the street at the fine job that Dr. Johnson did with his property and thought that a building of that nature fitted onto these lots with the woods, etc., would make an excellent business site. We have had the property for sale over the last couple years. Have generated interest from within Meadowdale Farms from owners who simply wanted to buy it and hold it and look at the woods from their perspective. We've had some discussions with the neighboring developer, and we've also had business partners of our that would like to build an office for their personal use on that site because of the privacy factor.

That being said the road system that is being developed to service the Village Green may or may not provide access to our site in a logical fashion. What we'd like to do is just express ourselves as local developers and say, number one, if we can vote or put our two cents in and say, hey, we'd like to see a nice business pad come out of this that we could use and develop in a quality fashion in conjunction with the Village's plan, and if that's not the case it presents a little bit of a difficulty for us in that some of the rumblings we're hearing is this may become a great drainage spot. Well, if that's the case, I'm going backwards in the potential of our site. And while we want to throw our hat in the ring and say go Village Green, and we know it's been worked on for a long time here, it puts us in a little bit of a precarious spot. Mostly we want to express our concerns and vocalize them and say, hey, if we can vote for ourselves we'd say we'd love to see this stay business. We just want to see all of your thoughts on that matter.

Tom Terwall:

Comments?

Mike Pollocoff:

I think one of the outgrowths of the café that Mr. Stanich is talking about was the formation of the Village Green. Of course, we take those visions and concept and we combine them with the actual topography of the area, what's the lay of the land and what works. The lay of the land is in that area, although it sits at the crest of a road, is low compared to the surrounding properties. Of course, it's not lower than the existing basin but it does present itself for use as some type of retention when you take a look at that entire development.

That being said, the property at its original zoning is a single family lot. And at some point a developer or somebody who wants to do some development is going to have to visit with Mr. Stanich and acquire that property and base the value of that property based on what a single family lot is. If he was to construct a home on there he would need to take some added steps and measures to protect the property from the fact that it's got a lot of up hill area running down to it. That would still be the case and hopefully these are things where two property owners can work together for a win-win situation so that the property that drains to it contributes, they receive a

benefit by having that water stored someplace. Mr. Stanich would benefit from the fact that he's making someone else's property more developable. Ideally reasonable minds prevail and everybody comes out ahead.

But even though you might have visions of that being a business pad, you just can't put a business pad at the bottom end of a drainageway. That has to be addressed one way or another. That's the physical realities of the site that you can't escape when it comes to development. But I think it's part of the work that's been done by the citizens so far, and the Village Green I think is exciting and there's room for everybody to financially come out ahead. Everybody has to be reasonable and come out ahead on it. That being said there certainly hasn't been specific engineering done to date.

Mike Stanich:

That's what I was wondering is if anything has been set in stone yet.

Mike Pollocoff:

There's been engineering done based on the topographic maps and some work that's been done today but no one has gone out and surveyed it. There hasn't been any engineering surveys done. But just what we know of that area, and it's not only your property, it's the property to the south of you as well that has the same low lying characteristics.

Tom Terwall:

Thank you.

Serena Terra:

Hi, my name is Serena Terra. I live at 9230 32nd Avenue, and my property is being rezoned, my neighborhood area is being rezoned from R-4 UHO to R-4. I more have questions than anything else. We've had City sewer for about 25 years in there, but when the water was brought in a number of years back most of my neighbors for about a block valued the use of our wells. We asked that--the one property owner who did want City water got it brought up that far and then the rest of us remained on our wells. I'm asking will we be required as a result of this rezoning to put in City water?

Mike Pollocoff:

What's your address again?

Serena Terra:

9230 32nd Avenue. It's in area three.

Wayne Koessl:

West of the bike trail.

Jean Werbie-Harris:

Rolling Meadows Woods?

Wayne Koessl:

North of 93rd.

Serena Terra:

It's coming up from 93rd Street.

Mike Pollocoff:

That area there you would have to connect—water was brought down on 93rd Street really as part of a Village system improvement to connect a loop. So the zoning won't require you to connect to that.

Serena Terra:

Okay, that's what I needed to know.

Mike Pollocoff:

The only time you're really going to have to connect to that is if Kenosha County determines there's a hazard in your water supply from your well. Then you would have to connect to it. Or, if you want to subdivide your property. I'm not sure if it can be subdivided but those are things that would trigger you having to connect to it.

Serena Terra:

Okay, great news for me. Thank you.

Tom Terwall:

Anybody else?

Caesar Ryzak:

My name is Caesar Ryzak from 12000 Sheridan Road. I own the property on Lakeshore Drive. Small one third acre of property. I bought this property 25 years ago. When discussing property taxes I asked the assessor why I'm paying so much property tax. For empty vacant land I am paying \$4,500 on the west side of Lakeshore Drive. The assessor told me that's the market value of that land right now. I am wondering what happens when speculators got burned and went away and banks took over many properties on our Lakeshore Drive, what the assessor will do, how the Village will approach the budget if right now my property is at least half value of what it was two or three years ago. How will the Village be able to meet the budget? The assessor

maybe would be kind on how he will deal with that. Will I have it? If market value is at least half of what was in a speculative area at the time will my property go down and taxes will go down? That's what I'd like to know.

Tom Terwall:

Let me answer part of that for you. The amount of taxes you pay is based on two things, the assessed value of your property and the mill rate that's set to determine the taxes. So if throughout the entire municipality if property values were to fall in half, let's hope it never happens but if that were to happen, I can assure you that there would have to be an increase in the mill rate to compensate for that because a 50 percent reduction in property values cannot result in a 50 percent reduction in the Village's costs. You can't get rid of half of the fire department and half of the police department or half of anything for that matter because the value of property went down. So the value of your property depending, and if you want to speak to that because I'm not sure when the next reassessment is going to occur, but the assessment will be based on market values for your parcel.

Rocco Vita:

Rocco Vita, Village Assessor. As in the past the Village has performed municipal wide revaluations in the even years. And this being 2010 we will adjust all the values in the Village as of January 1, 2010 to reflect the decline in values since January 1, 2008. So your property and a lot of properties around you, most of the properties in the Village will have a decline in their value. To what degree depends again on the market evidence in your specific residential or commercial environment.

Caesar Ryzak:

Actually it answers the question, the only thing I want to point out is speculators were not very interested in the far west area. They were concentrated on a surrounding lake or immediate to Lakeshore Drive. That's the area where the speculators were and that's why the property in that area went so high.

Tom Terwall:

That's right. It was based on a sale. If the property next to you sold for--

Caesar Ryzak:

I understand that. I do not argue with the assessor because I had no basis to argue about it. Now I want to argue when the property went one third of the speculative--

Tom Terwall:

I can tell you, though, other areas of the County that went through a reassessment last year, and there were a significant number of properties that were reduced in assessed value based on the sale of comparable places, and two thirds of the people that filed a complaint about their assessment complained that their assessment was too low. Now, I never thought I'd live to see

that, but they were afraid it drove down the market price of their house because nobody wants to pay more than the assessed value. Damned if you do and damned if you don't.

Michael Serpe:

Tom, I think we're getting a little off the beaten path here.

Tom Terwall:

Thanks. Thank you, sir.

Bruce Spangler:

Good evening. Bruce Spangler, 12408 Sheridan Road. I'd like to start off there's a lot of time and effort put into this. I think it's a great job. I did have one quick question regarding Parcels 3140045, 0050, 0055 and 0060. I see that a portion of that is going from a B-2 to a C-1. Now, that is from the wetland delineations that were done. Do you recall when that was done?

Peggy Herrick:

A year or two ago those were done.

Jean Werbie-Harris:

We have all those files and records and Peggy can even check them.

Mike Pollocoff:

That was about a year and a half ago.

Bruce Spangler:

Alright, I was just curious as to when that delineation was actually completed, if it was pre- or post-fill on those properties.

Mike Pollocoff:

It's pre-fill. That's what it was. They couldn't start anything until they did the wetland surveys. That has to be identified so they aren't filled.

Tom Terwall:

Thank you. Anybody else?

Jean Werbie-Harris:

If you have some specific questions Peggy's got the maps right over here.

Carl Sissan:

Hi, I'm Carl Sissan with KK Partners on a property at 104th and Old Green Bay. You probably already answered this to some degree, but if the zoning changed for a property it does not affect the real estate taxes?

Tom Terwall:

Correct.

Carl Sissan:

That is correct?

Tom Terwall:

Yes.

Carl Sissan:

A parcel that I have in that realm is proposed to be changed to a B-2 zoning. I have a couple additional adjoining parcels to that that would remain in the current zoning and they do have houses on them. But the end purpose is consistent with the 2035 to all be a B-2. I'm just trying to figure out what the logic is of doing one way and one the other.

Jean Werbie-Harris:

The two larger properties, Carl, the PR-1 to B-2 it has a UHO because we don't have a detailed plan in place for it. So that was intended to go to a community business designation as well as the property B-2 to B-2 UHO south of that. There's some wetlands in there. There are two single family home sites. Do they still have their single family homes on them?

Carl Sissan:

There's three parcels there that two of them have a house on it and one does not.

Jean Werbie-Harris:

And they're all abutting up to Old Green Bay Road?

Carl Sissan:

That's correct.

Jean Werbie-Harris:

And the Comprehensive Plan I think behind Andrea probably does show them as B-2, Community Business District area. We could consider and put that into the B-2 UHO designation

as well. Again, it can't be developed without the removal of the UHO, but it could be put into that B-2 UHO classification for those three properties.

Carl Sissan:

It makes it more consistent.

Jean Werbie-Harris:

Could you give me the tax parcels for those or come over here and bring those three parcel numbers.

Carl Sissan:

If I can't I can get them to you.

Jean Werbie-Harris:

If you could e-mail them to me.

Mike Pollocoff:

Would you mind if we continued that specific item to the next hearing?

Carl Sissan:

Sure.

Wayne Koessl:

April 12th.

Mike Pollocoff:

Will that be a problem?

Carl Sissan:

No.

Mike Pollocoff:

I'd rather make sure we got that tied up exactly.

Carl Sissan:

I can e-mail that to Jean.

Tom Terwall:

Anybody else?

John Kevek:

My name is John Kevek, 9100 88th Avenue. I was wondering what the difference is between Ag-1 and Ag-2.

Jean Werbie-Harris:

They're very similar designations.

John Kevek:

There has to be some difference.

Jean Werbie-Harris:

The primary difference, John, is that the A-1 is a Prime Agricultural Preservation District. It's typically farmers that minimum of 35 acres and they're participating in the farmland preservation or they're committed to farming on their property. Where an A-2 is more of a General Agricultural District and they can't participate in the preservation program with the State because of acreage or their ag zoning designation.

John Kevek:

In other words you honor that ag preservation. Once you enter into that deal with the State you can't take it out of ag then?

Jean Werbie-Harris:

We would not take it out if the farmer is not interested in pulling out of the farmland preservation.

John Kevek:

That's the law that they got and it's just about permanent. You can't take it out.

Jean Werbie-Harris:

You can take it out but you're penalized. You're penalized with an ag use penalty and with a zoning conversion penalty. So it's not in the best interest of the farmer to take it out of the Ag-1 if you put it into that Ag-1. And, in fact, that's what I mentioned at the very beginning is Kenosha County is updating their farmland preservation plan from 1981/82.

John Kevek:

But this is with the State. The State has something to do with that. You put it in there you can't do nothing forever. It's like an Indian Reservation, it stays that way

Jean Werbie-Harris:

They're rewriting their agricultural preservation regulations at the State level.

John Kevek:

. . . signed up for that there and it stays that way.

Jean Werbie-Harris:

For up to 25 years. But what I'm saying is it can come out. It can change but there are substantial penalties to the farmer financially if they do pull it out. So a lot of farmers keep it in. It used to be a 25 year time frame. They're rewriting the preservation laws at the State and that's why as a County and a Village we're rewriting our regulations to mirror the State. If you want to participate in that program, I just want to get all the best available information to you, the A-1 regulations we have are basically the regulations from 1983. They have not changed. We don't have much A-1 left in the Village, but if someone wants to go into the A-1 and commit to those time frames and the new laws that the State is coming up with—

John Kevek:

Is that a tax savings on A-1 to A-2 or whatever?

Mike Pollocoff:

I don't believe so.

Jean Werbie-Harris:

Rocco, any difference between A-2 and A-1?

Mike Pollocoff:

It's still based on ag use.

Rocco Vita:

No, under Wisconsin law the zoning is immaterial to the agricultural preferential property tax treatment that people receive if they're using the land for an agricultural purpose. The overriding criteria is that the land be used regardless of how it's zoned. So if it's A-1, residential, commercial, if it's being used for an agricultural use for economic gain it will receive the beneficial treatment. From a perspective of long term if you're in the preservation and you change the zoning then there's a zoning change conversion fee.

John Kevek:

Would that have any affect on us. I ain't going to live forever, so if it goes over to my heirs will that stay the same as it was?

Rocco Vita:

Yes, it will stay the same.

John Kevek:

They keep pushing you around this way and that way and changing these laws all the time . . . a couple years ago they've got a new law that went into effect that says if I want to put it in, I don't know what it was, but you can't use it for anything else. The State puts it out. I can't take it out. It's got to stay there forever.

Tom Terwall:

John, with ag preservation from the State you can get out.

John Kevek:

That's a totally different thing.

Tom Terwall:

But I'm saying with that you can get out but there's a penalty.

John Kevek:

I understand that one. We was in that one . . . you get your tax break and then you're out of it . . . they can't crowd you out or chase you out or something like that. You got some . . . blighted and we want to put something else in on that. That's what they do. Then they come along here and say this is what you get . . . get any money from them you've got to take them to court. This is what you get, take me to court then the lawyers eat it up. Ain't that the truth. It's fair market value. There's no fair market value. In other words if they take our farm you might as well just donate it to them because it was bought for peanuts . . . my neighbor pays \$1,000 an acre. Then they want to come and take my land and says . . . pool it altogether . . .

Tom Terwall:

John, you have an advantage though. The farmer that owns the land right next to you is a State Assemblyman. Is there anybody else?

Don Roppolo:

My name is Don Roppolo. I live at 2316 128th Street. I'm just three houses down from the young lady that can't look up your website. My question would be I thought I understood that you were saying that I'm being upgraded from ag to residential and that wouldn't affect my taxes? It's the assessor? In other words we have no sewer, no water, no fire hydrants, what is happening to me by being raised to a residential? I get nothing for it plus my taxes are going to go up?

Jean Werbie-Harris:

Your taxes are not going to go up.

Don Roppolo:

Okay, that's all I was looking for is clarification because I thought you said--

Jean Werbie-Harris:

Let me put it this way. Your assessment is not going to change based on a change in zoning classification. I can't guarantee taxes aren't going to up. I won't say that.

Don Roppolo:

Let me ask one more question. Is there any plans of bringing any services down 128th Street? Or, we have to wait until one of the farmers sell out and a development comes in and get an impact donation from them?

Mike Pollocoff:

Right now the Village has no plans to extend sanitary sewer or water down 128th Street. The water would be attributed by two things. One, the people there petition for it and they say for whatever reason our wells aren't working and we need water or if there was some public health problem with the wells over there. Or, maybe a third item is if for some reason the Village needed to loop a water main and we needed to put it on that street. And as far as sanitary sewer until there's more development there I think the only way that sanitary sewer would be extended in that area is if the County came in and condemned the septic systems then at that point the people would be faced with I need a holding tank or I need municipal sewer but they haven't given us that either. So right now I can tell you it's not in the Village's five year plan. Although in our ultimate master plan for sewer and water at some point sewer and water is going to go down 128th. But right now there really isn't anybody to service over there.

Don Roppolo:

Yeah, but I hate to question the time frame on that.

Mike Pollocoff:

I don't know what it is. I've been here 25 years and it hasn't been on the plan the whole time and I don't see anything that's going to bring it. Even that one subdivision that was going to come in wasn't going to bring it out on 128th.

Don Roppolo:

Okay, thank you very much.

Tom Terwall:

Anybody else? Seeing none I'll close the public hearing.

John Braig:

Yes, I have two comments or concerns. One has to do with area three, the map there. In changing the zoning I note there's no indication of zoning for the Ingram Park. Is that something that we would address at a later time?

Mike Pollocoff:

It's already been done.

Jean Werbie-Harris:

It's already been rezoned.

John Braig:

I see, these are just changes. It doesn't reflect the actual. Okay, good. One more item. In regards to 420103 specific permitted accessory uses is allowed in the A-3 District include agricultural windmills. I've got just a minor problem with that. I would like to see windmills for power generation to be specifically excluded. And the reason for it is if a farmer wanted or someone in an agricultural zoning wanted to put up an electric power generating windmill I could see a lawsuit challenging the fact--if we wanted to say it was not permitted if he says that electricity is used on his farm he could go through an awful lot of legal expense and the Village in defending it could have a problem with it. So to avoid any confusion in that area I would like to see electric generating windmills specifically excluded.

Mike Pollocoff:

I think that kind of runs counter to the current legislation that's evolving. Now, if they were going to put in electric generating windmills to sell electricity then they're going to have to go through--

John Braig:

In effect, all windmills do sell electricity. They generate electricity when the wind blows and if they don't use it passes through the meter and causes it to run backwards so in effect that is a sale.

(Inaudible)

John Braig:

My point is as we're dealing with it I'd like to avoid the conflict. I'm not saying we can specifically exclude the electric generators as such, but somehow I guess we've got to address—this is something that's coming up anyhow and will be before the Commission at some time in the future.

Jean Werbie-Harris:

Probably later this summer.

John Braig:

Where we're going to talk about where we're going to permit it.

Mike Pollocoff:

I think thought, that typically it wouldn't be a reach at all to say that windmills on agricultural properties for the purpose of generating electricity to run a pump or whatever is a permitted use. Now, what's taking off with windmills in general as far as their applicability in a residential area or energy savings or something like that I think that's a whole other question that the community has to look at and answer. But I think to exclude that from agricultural land is really removing something that they've traditionally had a right or something that farmers have been able to use.

John Braig:

A kind of standard is it was always for water pumping. Then are you envisioning as we address this later this year that in all likelihood it will be permissible that we would tolerate electric generators on agricultural land?

Mike Pollocoff:

Yeah.

John Braig:

I'm sure there would be some setback requirements and so on. But do you see that as a likely possibility?

Mike Pollocoff:

I think there's a likelihood that we're going to be required to allow electric generators but we're going to have to set some standards up for what they would be. I think that prerogative has already been taken away from us.

John Braig:

I'm content with the discussion to this point then. Thank you.

Tom Terwall:

Jean, go to the map for area four, would you for one minute please? At the intersection of 39th Avenue and 116th Street, that little blue square, B-1 to I-1?

Jean Werbie-Harris:

Originally, traditionally that was a school, the Dublin School.

Tom Terwall:

I understand that but that's the Genesis House now, right?

Jean Werbie-Harris:

No, that is the Dublin site. It's a real estate office. Remember the I-1 District that was rewritten a couple of years ago to allow certain types of office related uses.

Tom Terwall:

You're right.

Jean Werbie-Harris:

So instead of spot zoning it commercial we put it into the I-1 District.

Wayne Koessl:

Jean, one question on page 7 of your comments, utility substations. Can you clarify that for me? I thought I heard you say they had to be enclosed.

Jean Werbie-Harris:

Public or private electric power substations or gas metering substation not enclosed in a building.

Mike Pollocoff:

There's two types.

Jean Werbie-Harris:

And then the utility substation building those are public or private utilities and associated equipment located within a building including lift stations.

Wayne Koessl:

You're talking equipment had to be enclosed but not the station itself?

Tom Terwall:

She's not even saying it has to be.

Mike Pollocoff:

There's two definitions. One is in a building and one is out.

John Braig:

Every substation would be a substation building and all the rest of the stuff we got fenced in is called a substation.

Wayne Koessl:

Alright.

Don Hackbarth:

Go to page 5 on the blue comments. I don't know if We Energy had any discussion on M-4 power.

Jean Werbie-Harris:

I did receive one phone call.

Don Hackbarth:

Does that fit their mold?

Jean Werbie-Harris:

It fits exactly what they do.

Don Hackbarth:

The other thing is we spell out a couple of types of electrical generating plants and stuff like that. Again, what we're saying over here with John, would green energies be in there like windmills?

Jean Werbie-Harris:

Possibly. But, again, I guess we didn't want to write about something that we didn't finish our research on. We want to continue to investigate all the green technologies as it pertains to wind energy and wind generating facilities and such. So we've not included that specifically in here because we just haven't completed the research and understanding yet.

Don Hackbarth:

I would have thought that this is something where you want to put that in there to kind of set yourself up.

Jean Werbie-Harris:

We may.

Don Hackbarth:

Because when you're talking windmills, when it talks about noise, vibration, things like that, that may be a factor in the discussion. The next page, page number 6, a question about farming. Let's say a farmer has a certain size building and he sells a portion of adjacent land off and it comes closer to the setback.

Jean Werbie-Harris:

He's not allowed to do that. He can't render a building nonconforming on his property.

Don Hackbarth:

So he couldn't sell a piece of property right next to his barn--

Jean Werbie-Harris:

Next to his pole barn if when he sells that property that barn becomes nonconforming or illegal because of the setback violation.

Don Hackbarth:

So his only recourse then would be to take the barn down?

Jean Werbie-Harris:

Or move it or plan where he's going to put that barn before he sells off land.

Don Hackbarth:

Okay. Page number 7, why are we picking on goats?

Jean Werbie-Harris:

They're not listed as a permitted use now, and so we just wanted to clarify that they're still not permitted.

Don Hackbarth:

Is there a reason because they're ugly or don't lay eggs or something?

Jean Werbie-Harris:

In talking to some other communities they just said they're nuisance animals.

Don Hackbarth:

We had a rooster one time, do you know what it's like to get up at five o'clock in the morning?

Jean Werbie-Harris:

We do allow those now in ag districts.

Don Hackbarth:

I know. And now on map number two is my last question. Looking at the industrial area there, the gray, the northern area, I know the woods are around there. Is this in one of the white areas that are not designated? Is that Momper's Woods?

Jean Werbie-Harris:

That is Kreuser's Woods.

Don Hackbarth:

Are there any wooded areas that are in that industrial area?

Jean Werbie-Harris:

No, because we excluded Momper's and Kreuser's.

John Braig:

I'm going back to power generation. Where do standby generators fit? Does this building have standby and, of course, RecPlex?

Jean Werbie-Harris:

They would be accessory uses to the building.

John Braig:

This term is purely accessory rather than power generation?

Jean Werbie-Harris:

Yes, because it's not the primary source of power for the building. It's a backup system.

Tom Terwall:

We need a motion then to send a favorable recommendation to the Village Board excluding the properties that were delineated.

Wayne Koessl:

I'll make that motion, Mr. Chairman, that we send a favorable recommendation to the Village Board to amend the zoning ordinance as presented on the March 8, 2010 Plan Commission meeting excluding those items that are going to be held over for April 12th.

Michael Serpe:

I'll second that.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY MICHAEL SERPE.
ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. My compliments to the staff. The amount of work that has gone into this is just unbelievable.

B. Consider the request of the Village of Pleasant Prairie Community Development Authority for approval of a Certified Survey Map to correct errors found on CSM #2612.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a request of the Village of Pleasant Prairie Community Development Authority for approval of a certified survey map to correct errors found on the CSM #2612.

On December 19, 2007, the Village Board approved CSM 2612 to subdivide the properties that are generally located east of 120th Avenue, which is the East Frontage Road, and north of Highway 165. The parcels were identified as Tax Parcel Numbers 92-4-122-192-0300 and 92-4-122-192-0305 into two parcels. Lot 1 is 11.52 acres with 726.23 feet of frontage on 120th Avenue. Out lot 1 is 28.17 acres with no frontage on a public road. It's intended for environmental protection purposes.

Upon recording of the original CSM, the Village's IT department found errors in the legal description and identified that the CSM as not prepared using the State Plane Coordinate System as required by the Village's Land Division and Development Control Ordinance. The Village requested that the Wisconsin registered land surveyor who prepared the first CSM make the appropriate corrections and file an affidavit of correct. Unfortunately, an affidavit of correction can only be prepared by the surveyor of the original CSM and that survey was no longer employed by Clark Dietz. Therefore, a new CSM is being considered. The staff recommends approval of the certified survey map subject to correcting the typo and the legal description on sheet 3 of the CSM for wetland area 2 and recording of the CSM with the Register of Deeds office and providing a recorded copy back to the Village within 30 days. The staff recommends approval.

Tom Terwall:

We need a motion to send a favorable recommendation to the Village Board.

Don Hackbarth:

Move approval.

Wayne Koessler:

Second.

Tom Terwall:

MOVED BY DON HACKBARTH AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Wayne Koessl:

And, Mr. Chairman, again I think we owe the staff a thank you for all the work they did on this ordinance. It had to be massive and time consuming.

Mike Pollocoff:

Peggy and Jean and Tom did a really good job on it.

Michael Serpe:

Between the Smart Growth document that they presented to us and then this for a follow up it's a lot of work. John, I don't know if it could have been done if the economy was as robust as it was three years ago.

7. ADJOURN.

John Braig:

So moved.

Michael Serpe:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? Thank you very much.

Meeting Adjourned: 8:38 p.m.