

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
April 12, 2010**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on April 12, 2010. Those in attendance were Thomas Terwall; Donald Hackbarth; Wayne Koessler; Andrea Rode (Alternate #2, voting member); John Braig; Jim Bandura; and Judy Juliana (Alternate #1, voting member). Michael Serpe and Larry Zarletti were excused. Also in attendance were 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 and members of the Plan Commission, I have two things that I wanted to talk to you about. The first one is now the second week of April and census forms are still being sent to residents in the Village of Pleasant Prairie. We're at about a 76 percent response rate. We need to get closer to 90 to 100 percent. The Census Bureau is giving us until probably mid to third week of April before they start sending out census enumerators going door to door.

Tom Terwall:

And they're just now getting some people's forms out?

Jean Werbie-Harris:

I got mine today. I just got it today. I had contacted the census saying my neighbors and I had not received them and some other areas in the Village had not received them. I'm not sure, but they sent them out in waves apparently.

Tom Terwall:

And these are the same people that are going to run healthcare, is that correct, same government?

Don Hackbarth:

There are some people that said they got two forms, double.

Jean Werbie-Harris:

And that's what they said. A lot of times they said if they didn't return them, that some people threw away the first one or it got caught up with a magazine or something, so there are two

attempts. It's a lot cheaper to send it out by mail than to send a person door to door. So, again, whatever you can do to encourage people to return their census forms. We now have signs that additional information we can get out throughout the Village, but we do need to encourage everyone to return their census forms.

The second piece of information is an e-mail that we received from Chris Lopour. She is our communications director. Basically what she is stating to us is that Tuesday, April 13th, after 10 a.m. or so, crews working on the new pool will begin working to submerge the geothermal coils in Lake Andrea. The work should take place throughout most of the day Tuesday and Wednesday. And Tom Patrizzi mentioned that some of the Plan Commissioners or others who have an interest in seeing this completed could come out to take a look at things. With the new pool there now they're starting to sink the geothermal coils.

Tom Terwall:

Thank you.

4. CONSIDER THE MINUTES OF THE MARCH 8, 2010 PLAN COMMISSION MEETING AND THE MARCH 11, 2010 JOINT PLAN COMMISSION AND VILLAGE GREEN TECHNICAL ADVISORY COMMITTEE MEETING.

Tom Terwall:

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

Wayne Koessl:

Mr. Chairman, I would move that we approve the Plan Commission minutes of March 8th and March 11th in their printed form.

John Braig:

Second.

Tom Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG TO APPROVE THE MINUTES OF THE MARCH 8TH AND MARCH 11TH MEETINGS OF THE PLAN COMMISSION. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

5. CITIZEN COMMENTS

Tom Terwall:

If you're here to discuss any of the items on the agenda, Items A, B or C that are matters for public hearing, we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as a part of the official record. However, if you're here to discuss Items D through G or if you want to raise a question on an issue not on the agenda, now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

Don Hackbarth:

Yes, if you'd like me to address from the podium I will do that.

Tom Terwall:

That's fine.

Don Hackbarth:

Okay. Don Hackbarth, 4311 104th Street, Pastor, Good Shepherd Lutheran Church. I have some material that I'd like to hand out. I will do that now and then I'll address it. Mr. Chairman, I know I addressed this once before, and the problem was somewhat rectified, but since Prairie Lane has added a new addition to their building the problem has absolutely gotten tremendously much worse. I've got an outline of the things that are concerns that I have for the church and for the property.

If you look at the diagram, this one here, what you'll notice is I took pictures from various angles in the parking lot to wet areas on our property. And if you'll notice on one of the pages, actually this morning I took some of these pictures, and we had two mallard ducks in the pond that the school created on our property. The difficulty we're having is the retention pond or whatever you want to say that they put on their property is not working. Right now I don't really consider Prairie Lane as a good neighbor because I really don't appreciate them having water flowing on our property and it's on the property line.

You'll see on the diagram near the bottom right hand side their retention basin is like a U-shaped and it gathers or collects the water as it flows in off of a large parking lot, they expanded that, plus they also added additional building space, and that sheds an awful lot of water. It goes into that retention basin or that horseshoe shaped thing which is a berm and it really doesn't contain the water. It flows out an outlet that goes to the east. It flows down a little bit of a channel, but the problem is when it gets to the channel it doesn't go straight or is not retained on their property. It comes around the corner and then comes back on our property. We have never had water problems on that property line.

You can go to Page 1B and see the old building and you can see the direction and flow of the water that sheds off of the parking lot and the building itself. And you can see the top picture on 1B, that was the results of an 8M tractor that was stuck to the axles twice last summer. We had to have a heavy piece of equipment pull it out of the mud. Never had that problem before. You can

see on page 1, these are the ones I took this morning, these are the shots that go across our parking lot.

If you go to page 2, last Saturday I was cutting lawn there and the small lawnmower tractor got stuck in the mud. I had to have a 4-wheel drive truck help pull it out. The next page you can see on page 3, again, rutting. If you drive in that area it creates ruts. Never had that problem before. Page 4 on the bottom you can see our friends who have taken up residence in the water that's there. I'll just keep going on.

Page 6 there's the shot that I'm taking actually towards Prairie Lane School. The bottom of the page the tree line there is our property line, our southern most tree line. When you get to page 7 you can see at our property lines there's standing water there. On the bottom of page 7 you can see the area. It's a mess. It's an absolutely mess. When you get to page 8 you can see standing water that's there. When you get to page 9 it's looking east and that's what we have to contend with.

John Braig:

Is that along your south property line?

Don Hackbarth:

The south property line. And that is all water. Just to get out there I couldn't even get close. You see how close I am in taking that picture and my feet are sinking in the mud there. On the bottom of page 9 you see their horseshoe shaped retention basin or whatever you want to call it. On page 10 shows the exit where the water exits that basin. And on the bottom of that page you see where it goes underneath the berm and it comes out on the bottom there. I believe what the water is doing is it's flowing down a little bit of a channel and when it gets to the end of that channel, because the property line is lower than the end of that channel it just goes and does a U-turn and flows back onto our property.

I don't know who engineered that thing but it's not working because we never had water problems like that before. We never got a tractor stuck in those areas. And now since the construction, actually since the expansion of the parking lot, they are shedding more water on our property. And now with the building last summer it's just out of hand. It's gotten out of hand.

What I'm asking is, my concern is I spoke to this body once before saying what would happen if somebody would shed water onto your property and after five years or ten years it grew cattails and whatever and the DNR came in and they designated a wetland even though it was not a natural wetland. If somebody else created a wetland on your property and DNR designated it as a wetland, would it stay that way or could you just fill it in? Whoever it was that responded said no you can't because if it's designated wetland you're done.

I don't think the school should be allowed to create a wetland on our property that someday may be unbuildable. We have plans for that area in the future. I just don't think right now Prairie Lane—I don't have a problem with the school or the staff or anybody there. We work together very well. But I don't know who engineered this because this is not good engineering.

Tom Terwall:

Have you had any conversations with anybody from the school system yet?

Don Hackbarth:

No.

Tom Terwall:

I can't think of the guy's name right now.

Don Hackbarth:

Pat Finnemore?

Tom Terwall:

Yeah, have you talked to him?

Don Hackbarth:

No, I haven't.

Jean Werbie-Harris:

I have forwarded this information onto Pat Finnemore and to our Village engineering department for them to evaluate it and to take a look and see what was going on.

Don Hackbarth:

You are welcome to come out there and take a look at this because it's a mess. We cannot cut that area. I don't think we'll be able to cut it all summer because water is just going to stand there.

Tom Terwall:

Jean, when did this get referred to Finnemore?

Jean Werbie-Harris:

When was the first time you gave this to me, last summer or fall?

Don Hackbarth:

Maybe it was summer or fall.

John Braig:

This natural grass field is that still church property?

Don Hackbarth:

Yes.

John Braig:

Just east of there is an open field if I'm not mistaken.

Don Hackbarth:

Yes.

John Braig:

I think it's for sale right now.

Wayne Koessl:

Mr. Chairman, perhaps the Village staff could renew their efforts with Pat Finnemore. And if they need a copy of this extra they can have mine.

Don Hackbarth:

Whatever will happen I'd like to see something done.

Tom Terwall:

Is there anybody else wishing to speak under citizens' comments?

Louis Hillesland:

My name is Louis Hillesland. I live at 10617 22nd Avenue. It's where the Paradise pond project is going in. That's where this all started from. Me and my family have been here 50 years. I've been living on the property for 30. Now, if they this designation it's going to put an undue hardship on me because we've always planned on someday maybe selling that extra lot that we have. It's a double lot. I have pictures. This is the property directly to the east of me. They're putting a designation on me but they're not to the property directly east of me.

This is a long, long thing that's been going on for like 40 years. Pleasant Prairie put a culvert at the end of the property under the road. So there is a ditch on the Terosi property. A little bit comes on to me. There was one house there and it wasn't so bad. Then there's two houses and three house, now it's four houses that are draining water into the property so for a while I didn't cut it and there was brush growing there. I did cut the property and cleared it out. I figured that's why you put that designation on. You have to have 100 feet of frontage for a lot?

Jean Werbie-Harris:

I would have to look to see what your zoning is down there, Mr. Hillesland. Peggy went to go grab some of the zoning maps and the wetland maps in that area. But if it's an R-3 designation you need 100 feet of frontage; R-4 needs 90 feet of frontage. I'd need to pull the zoning map.

(Inaudible)

Louis Hillesland:

When I was 12 years old I mowed the property, all of it. When I was a kid I used to mow the property right to the property line. I think all of Pleasant Prairie probably at one time was under water. It's the nature of the prairie. I put in extra sewer and water. I have 305 foot frontage, so I did put in extra sewer and water stubs when they did come down the road. And when the sewer came in there I did have a permit to fill all that land. I've got the paperwork still I kept from that. Like I say, if I can't ever sell it it's like pulling like \$60,000 or \$75,000 out of my pocket besides devaluating the land. I'm willing to negotiate even. If they want to take 10 or 20 foot fine. But if they make it so the lot can never be sold. Some day you could collect taxes on it, I could collect money on it if I sold it. That would be a win-win situation.

Tom Terwall:

Is this an issue for the rezoning

Jean Werbie-Harris:

Actually the rezoning for his property was at the March meeting, and that was based on the wetland delineations that were done for the Lou Tracoli property, which is Paradise Lake, and then there was a Southshore property and they also had some wetland delineations done at that time. And both of those had to take a look at the property in that area and the wetlands. Peggy is going to get the wetland delineation map. But it looks like based on the aerial that what they did was they delineated onto Mr. Hillesland's property based on the actual field conditions that were out there. So the wetland rezoning that the Village Board and the Plan Commission completed last month reflected the actual delineation of the wetlands.

Louis Hillesland:

I should have spoke up at the last meeting I was here but it was getting kind of late. You said you were going to have this other meeting so I figured I'd come tonight.

Tom Terwall:

Jean, was that delineation based on aerial photos or was it actually field surveyed?

Jean Werbie-Harris:

It was actually field delineated by a biologist in the field. It was done by Wetland and Water Consulting on August 2, 2008, and it was approved by the Wisconsin DNR and the Army Corps

of Engineers. What they did was they delineated Outlot 5 and then a portion of his property to the north

Tom Terwall:

Jean, does that make his extra lot unbuildable? Is that what that's saying?

Jean Werbie-Harris:

Well, the setback for building on that particular property would be ten feet from the wetland with wetlands on the property. I'm sorry, 25 feet from wetlands on his property, 10 feet from wetlands on an adjacent property.

John Braig:

But he had a fill permit. Is that expired now?

Tom Terwall:

Oh, yeah.

Jean Werbie-Harris:

I would think so. I'm not sure how old it is and when it was issued or if it could be renewed.

(Inaudible)

Tom Terwall:

How many feet of frontage do you have on 104th Street?

Louis Hillesland:

I have 105 feet but I'm using about 170 right now with my garage and stuff like that.

Jean Werbie-Harris:

You have more than 105 feet of frontage in order to split, right? I thought you said you had like 175.

Louis Hillesland:

I have 305 altogether but I'm using about 170 already.

Jean Werbie-Harris:

You can split lots and the lot can still contain a portion of it being wetland. You just wouldn't be able to place a home or structure within 25 feet of those wetlands. He certainly has the option of contacting the DNR or the Army Corps to go back out there this summer to take a look at this

property again. It's only been two years but they certainly could go out and take a look at it again.

Louis Hillesland:

The . . . property are those permits expired now?

Jean Werbie-Harris:

Yes.

Louis Hillesland:

Wouldn't that be

Jean Werbie-Harris:

They never moved forward beyond that they were at the conceptual planning process. And any wetland delineation is valid for five years.

Louis Hillesland:

That's what Heidi Kennedy told me.

Jean Werbie-Harris:

Yes, and if they did this one in 2008 it's valid for five years until another delineation changes it or corrects it.

Tom Terwall:

Can Mr. Hillesland come in and talk to somebody here about how to make contact with the Army Corps?

Peggy Herrick:

We've given him that information already but we can certainly give it to him again.

Jean Werbie-Harris:

Try contacting Heidi.

Tom Terwall:

How deep is your property, Mr. Hillesland?

Louis Hillesland:

It's I think 265 foot deep.

Wayne Koessler:

Mr. Chairman, I don't think as a Commission we can do anything tonight. But I think the path he should do is contact the DNR and the Corps of Engineers for a re-evaluation of that site so that he can get a definite layout of it.

Jean Werbie-Harris:

Peggy is going to print out that information again for Mr. Hillesland. The other thing is given the amount of frontage he has, we would need to actually sit down with him and kind of configure as to whether or not he could get another lot to the south. If he has close to 300 feet and the minimum lot width is 90 feet, we just need to make sure that we have enough width and the setback from that wetland in order to construct a second home.

Wayne Koessler:

Again, through the Chair, before he contacts the DNR if that is feasible then we won't have to get a re-evaluation of that site.

Louis Hillesland:

I'd just like to have a favorable thing from you and get your blessings. I've contacted Heidi already and talked to her and she seemed fairly reasonable. I wanted your blessing.

Jean Werbie-Harris:

I guess the other thing is to see how flexible that the property owner is as to home placement. Again, even though there's some width of lot of wetland adjacent to 22nd Avenue, that can still be counted in the lot width and the lot area. So we would just need to make sure that there's enough distance in order to place a home and not to interfere with his existing property. We can set up a time frame to come in.

Tom Terwall:

Appreciate it, thank you.

Jim Bandura:

Mr. Hillesland, just one quick question. When did you contact the DNR, Heidi?

Louis Hillesland:

A couple months ago.

Jim Bandura:

A couple months ago, okay.

Tom Terwall:

Anything else? So you're going to work with Jean's office, correct?

Louis Hillesland:

Yes.

Tom Terwall:

Appreciate it. Is there anybody else? Hearing none, I'm going to close citizen's comments.

6. **NEW BUSINESS**

A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of Joyce Rinehart, pastor of United Methodist Church, owner of the property located at 8405 104th Avenue for a Conditional Use Permit including Site and Operational Plans for an addition and interior remodeling at the existing church.

Tom Terwall:

Is the church represented here tonight?

—:

Yes.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a matter for public hearing. This is a consideration of a conditional use permit including site and operational plans. And this is the request of Joyce Rinehart, Pastor of United Methodist Church, owner of the property located at 8405 104th Avenue for a Conditional Use Permit including Site and Operational Plans. This is for an addition and interior remodeling at the existing church.

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

Findings of Fact

1. Joyce Rinehart, Pastor of United Methodist Church, owner of the property located at 8405 104th Avenue is requesting approval of a Conditional Use Permit including Site and Operational Plans for an addition and interior remodeling. Specifically the first floor addition of 720 square feet and remodeling of 310 square feet will provide a parent/child nursery, ADA restroom, administration room, pastor office and media room. The basement addition of 720 square feet and remodeling of 342 square feet will provide a classroom, ADA compliant restrooms and ADA access from the first floor to the basement. The subject property is located at 8405 104th Avenue in a part of U.S. Public

Land Survey Section 8, Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as Tax Parcel Number 91-4-122-083-0030.

2. The property is zoned I-1, Institutional District. Pursuant to Section 420-126 D. of the Zoning Ordinance, a church and related additions is allowed in the I-1 District with the approval of a Conditional Use Permit.
3. According to the Village Assessment records the existing 2,415 square foot vinyl sided, wood frame church was constructed in 1950 with a full basement of 2,415 square feet. The building is used for worship, religious education and other meetings that relate to the ongoing ministries of the church.
4. The existing parking area on the north side of the building is gravel and can accommodate approximately 24 vehicles. There is one handicapped parking space on the east side of the building and there are six gravel parking spaces in the right-of-way on the east side of the building. Pursuant to the Village Zoning Ordinance, 1 space per 4 seats in the principal place of worship is required. According to the petitioner, the seating capacity of the church is 75 therefore, 19 parking spaces are required. The location of the existing on-site parking spaces shall be shown on the plans. No additional parking is required at this time; however, if parking becomes a concern and cars are parking on 104th Avenue, the Village will require additional on-site parking be provided. At the time additional on-site parking is proposed and required the parking lot area shall be paved and striped. At this time additional gravel shall be added to the handicapped parking space in front of the church.
5. In that this project represents an addition of greater than 25% but less than 50% of the structure's area, the area remodeled and the area added shall be equipped with automatic fire sprinklers and a fire alarm system, as outlined in the memorandum from the Village Fire Chief dated March 15, 2010.
6. The project has been reviewed by the Village Engineering Department and no storm water basin is required, however drainage from the building addition, roof down spouts, etc., shall be conveyed to the existing wetland east of the property via a swale or drainage pipe entirely within the Church property.
7. Notices were sent to adjacent property owners via regular mail on March 19, 2010 and notices were published in the *Kenosha News* on March 29 and April 5, 2010.
8. The petitioner was emailed a copy of this memo on April 8, 2010.
9. According to the Village's Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented at the hearing that the project as planned will not violate the intent and purpose of the Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any Site and Operational Plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other applicable Federal, State or local requirements relating to land use, buildings, development control,

environmental protection, sewer service, water service, noise, storm water management, streets and highways and fire protection.

With that, the petitioner is here. I'm not sure if they would like to add or present any additional information for your consideration.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? If not, I'm going to open it up to comments from Commissioners and staff.

John Braig:

I don't want to sound like I'm complaining but I'll just acknowledge with age I don't see very well. This small print on the plan sketch that we have doesn't permit me to see everything properly. But I think I only see one exit from the lower level. Am I correct?

Jean Werbie-Harris:

Possibly the petitioner could come up and they could address any questions as it relates to the building.

Tom Terwall:

Give us your name and address, sir.

Arlo Geugh:

My name is Arlo Geugh. My address is 8510 82nd Street in Pleasant Prairie. There area actually two exits from the lower level. In the picture or what you see here is you see one exit here as a handicapped exit. Another one is located on the north side just around the corner right there.

Tom Terwall:

So there are two exits.

Arlo Geugh:

There are two exits from the lower level. And with the addition that will make three exits from the lower level.

Tom Terwall:

What's your pleasure.

Don Hackbarth:

So moved.

John Braig:

Second.

Tom Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JOHN BRAIG TO APPROVE THE SITE AND OPERATIONAL PLAN AND THE CONDITIONAL USE PERMIT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. HAVE YOU SEEN THE FIRE CHIEF'S MEMORANDUM?

Arlo Geugh:

I have.

Tom Terwall:

And no questions or problems?

Arlo Geugh:

There are issues that I don't believe should be brought up here, but we do plan on going for a variance on the Chief's comments at a later date.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING MAP AMENDMENTS to ensure that the Village Zoning Map is consistent with the Village's Comprehensive Plan.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this item is the consideration of several zoning map amendments to ensure that the Village zoning map is consistent with the Village's Comprehensive Plan.

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 do 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 be considered and that they 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 in anticipation of this, 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 had 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 Board. Furthermore, 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 to ensure compliance with the mandated Smart Growth legislation.

Zoning Text and Map Amendments as outlined in Chapter 10 included the following:

1. Amend the definition of Net Density Residential to read: "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." That's the first amendment approved on December 21, 2009 by Ord. #09-61.

2. Amend the existing Manufacturing Districts. To be consistent with the Land Use Plan Map, Map 9.9 and its categories, the Plan Commission and the Board considered the following rewritten Manufacturing Districts: M-1, Limited Manufacturing District; M-2, General Manufacturing District; and M-4, Power Generating District. Amendments approved on March 15, 2010 by Ord. #10-11 to #10-13.
3. Amend the existing Agricultural Districts. To be consistent with the Land Use Plan Map, Map 9.9, the Plan Commission and the Board considered 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. Amendments approved on March 15, 2010 by Ord. # 10-06 to 10-10 excluding amendments to 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.

As discussed at the Public Hearing held on March 8, 2010 by the Plan Commission and approved on March 15, 2010 by the Village Board by Ordinance #10-24, over 650 properties were rezoned to ensure that the Village Zoning Map is consistent with the recently adopted Comprehensive Plan. In general the Zoning Map Amendments approved included:

- Rezoning field delineated wetlands into the C-1, Lowland Resource Conservancy District, approximately 100 properties.
- Removing the UHO, Urban Landholding Overlay District from several properties because municipal sewer and/or water is now available to service the properties, approximately 330 properties.
- Rezoning lands into the C-3, Natural and Scientific Area Resource Conservancy District that were recently purchased by the Wisconsin Department of Natural Resources, The Nature Conservancy or other conservancy group for permanent preservation, approximately 15 properties.
- Rezoning lands as a result of amending and updating the Agricultural District regulations including the A-2, General Agricultural District, A-3, Limited Agricultural District and AGO, General Agricultural Overlay District regulations and repealing the A-4, Agricultural Land Holding District and the ALHO, Agricultural Land Holding Overlay District regulations, approximately 70 properties.
- Rezoning lands as a result of amending and updating the Manufacturing District regulations including the M-1, Limited Manufacturing District and M-2, General Manufacturing District regulations and creating a new M-4, Power Plant District, approximately 20 properties.

Nearly 3,000 notices were sent to affected property owners, property owners within 300 feet of the proposed rezoning and other interested persons on February 12, 2010. and notices were published in the *Kenosha News* on February 22 and March 1, 2010. Since February 15, 2010, over 75 property owners and other interested persons have made inquiries to the Village regarding the proposed Zoning Map and Text Amendments.

On February 23, 2010, it was discovered by the Village staff that the February 12, 2010 notice to adjacent property owners and the associated notice published in the *Kenosha News* had a few errors. A total of 34 properties included with the February 12, 2010 notice, were shown correctly on the revised Zoning Map; however, the written listing of properties had been mistakenly omitted from the list. As a result, these properties shown on Exhibit A in our packets were not rezoned on March 19, 2010. To correct the omission, proper notices to amend the Zoning Map were sent out on March 3, 2010 to the affected property owners and to those property owners within 300 feet of said properties. In addition, the required notice was republished in the *Kenosha News* on March 29 and April 5, 2010 for this public hearing.

During the public hearing held by the Plan Commission on March 8, 2010, Mr. Sheldon Epstein representing Big-I Development Corporation of Wisconsin requested that the rezoning proposed on his property located on Sheridan Road and further identified as Tax Parcel Number 93-4-123-314-0410 be held over until the April 12, 2010 Plan Commission meeting so that further discussion related to his questions could be evaluated. It is the staff's recommendations that if Mr. Epstein has a new wetland delineation completed and approved in writing by either the Wisconsin Department of Natural Resources or the Southeastern Wisconsin Regional Planning Commission, the Land Use Plan and the Zoning Map can be amended to reflect the actual field delineated conditions. However, at this time the wetlands rezoning on this property is based on the originally approved wetland delineation for his land.

In addition, at the public hearing held on March 8, 2010, Mr. Carl Sisson representing K & K Partners LLC requested that three additional properties located on Old Green Bay Road south of STH 165 identified as Tax Parcel 92-4-122-272-0405; 92-4-122-272-0410 and 92-4-122-272-0420 be rezoned from R-4 (UHO) to B-2 (UHO), Community Business District with an Urban Landholding Overlay District for the future commercial development as indicated in the 2035 Land Use Plan. Notices were prepared for consideration at this Plan Commission meeting.

And Peggy has on the slide the maps that cover some of these rezonings. There aren't as many as we had the last time at the March meeting. The first is area 1-A, and the parcels shown on this map were ones that were omitted in advertently from that list on February 12, 2010. I don't know that I need to go through every single one of them, but I'm just going to highlight the areas of some of these parcels that were identified that were omitted at the time. We've made sure that all of these parcels have been included within the request tonight.

The second map is area 2-A. This was one of those areas that we've identified in the corporate park that there were some properties that were missed that are going from the M-1 to the M-2 District. These are just south of Highway 165. Then there was another area that's south of 116th Street, again, inadvertently omitted from the list but were included in the map.

The properties highlighted in yellow and actually north is this way as to this way, these are the three parcels that were requested by K & K to be included. Our Comprehensive Plan did show these areas to be included in a designated community commercial area. So he's requesting that

these be put into that B2 designation, and then with the UHO overlay still would require a second rezoning at such time as a detailed plan would be advanced to the Village. Again, as indicated, the wetlands will remain in the C-1 District. We're not removing any of those wetlands from the property.

The next is area 3-A. There were a couple of different areas that were identified. The first area to the north, a couple of property areas along Cooper Road just north of 93rd Street, then a couple of areas right in here, 93rd Street, and then another one that is a little bit further to the east just north of 93rd Street in the vicinity of 42nd Avenue, 40th Avenue.

The next map is area 4-A, and there were a couple of properties here, one of which is south of 116th Street in this area. It was a designation into the C-1 classification. There's an area that is just adjacent to the bike trail from R-4 (UHO) to R-4 (AGO). A couple of other properties in this vicinity just north of Paradise Lake. And then another property that is located in the Carol Beach area. Peggy indicated to me that there's one other property right here. It's missing an arrow but there's another property at this location that was proposed to be rezoned.

The finally the last map is area 4-B and this is that entire yellow area that is just north of the State line, just each of 47th Avenue. This is an area proposed to be rezoned from the A-4 which was our holding area for agricultural land into the A-2 which is a general agricultural designation.

So the ordinance that's attached to this as part of the public hearing does specifically show all of these maps. The only exception is that we are going to make sure that an area is pointing to that lat property just to the east of Sheridan Road. With that, that concludes our presentation. I'd like to continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak in this matter?

Sheldon Epstein:

Good evening. My name is Sheldon Epstein. I'm president of the Big-I Development Corporation in Wisconsin which is a corporation owned by wife and myself. My address is P.O. Box 400. Wilmette, IL 60091. At the March 9th meeting I had presented a petition the purpose of which was two fold. The first purpose of the petition was to ask that the Plan Commission defer rezoning this particular polygon, 1.61 acres, to Conservancy C-1. And the reason for that is that it's not a natural wetland. What it is, to refresh your recollection, is a result of a tortuous act by a former tenant who put a concrete plug in a culvert to prevent our lands from draining after we refused to renew the farmer's lease. We did not discover what had happened until after we had submitted a wetland survey back in 2004 which showed this area as wetlands. This is a second one. There's a third small one that's not an issue here.

In 2005, and without my notes I don't remember the exact date, we acquired what used to be Chiwaukee Road, 122nd Street, when the Village agreed that that private road should be split between the adjoining landowners. We went into the land at that time and found the plug and the culvert. We removed that in 2006. And it was our intention to restore the land to the status quo and to put it back to where it was.

In amendment number two that I gave you this evening I pointed out that it's sort of hornbook law that if you're the victim of a tort or a crime, and I believe both in this case, then nobody is supposed to take advantage of that. The Village needs to establish a precedent if it doesn't have it already, and I think Commissioner Hackbarth might want to speak to this, if your land gets flooded in our case and you get wetlands as a result of no act of your own but an act of a neighbor, that that shouldn't be placed in conservancy.

I've had conversations with the Village staff and their position as I understood it was that facts on the ground control. I don't argue with that, but my point is that the facts on the ground that control in this circumstance are a big concrete plug that's still sitting out there somewhere, and that the Village has to take that in mind. It has to give some comfort to the property owners in the Village that if you're the victim of, in the case of Commissioner's Hackbarth's church, some poor engineering of a neighbor or in our case an actual tort, that you're not put at a disadvantage because wetlands happen to be growing there and as a result of no act of your own.

I ask on behalf of my wife and myself that the Village not zone this into conservancy. Now, the red area on this map happens to be for the Chiwaukee Transit Center. We have been in discussion with the Village starting last summer when we were asked to change our proposed plan for the development of what is called Elk shire Properties which includes not only Big-I's properties but two to the north as well, and we were asked if would consider to put and our thoughts would be about a transit station here. This is part of what we were told was KRM.

I did some investigation about that afterwards and I found out that KRM is not going south of Kenosha. KRM stops at Kenosha. And there are many reasons for this and they're cited in a letter that I sent to Administrator Pollocoff. It's available to the Commission if it wants it. But the point that stands out is that the exclusive right to run passenger trains over the Union Pacific line between Chicago and Kenosha which goes right by our property belongs to Metra. And Metra's position as of a couple of months ago at least was that they were not going to allow KRM to proceed south of Kenosha. Metra's position is that if they had more capacity in the Kenosha yards they'd certainly add more service.

Now, this leads to the question of should there be a train station at this location. I live in Wilmette and we are very blessed to have not one train, we've got two. They are very heavily used. I read the *Kenosha News* and I understand there are some people west of 39th Avenue that take the view that public transit is only for heathens or something. I don't know. But, in fact, a whole horde of people get off the trains at Wilmette. They're very heavily used. I personally recommend it not just because I'm a property owner but because I know how important it would be to the development of southeastern Wisconsin.

We're willing to cooperate with the Village. I don't know, frankly, where I stand regarding this nor do I think the Village knows. I've had a conversation with Mike Pollocoff. I had another conversation with Mike Pollocoff and we've offered to contact Metra. We've offered to be of assistance. This is a question that the Village has to reach some decision on. Tonight is not the night, but I felt that I would bring that to your attention because this particular piece butts up against here.

Now, why is this important to us? Why have I taken the trouble to come up here? There's a gentleman in the audience by the name of Mike Spence. He has something to say about where sewers go in the Village. Mike says you can't develop this area down here because the sewer

won't reach because State line is right here and you can stick your finger in the ground and hit the sewer at State line. So this land is too low and cannot be developed. But this is important to us because we can't do anything down here except farm it.

So what I would like to do is encourage the Plan Commission to either reject the concept of zoning this C-1 at the best and put it in abeyance so that we have an opportunity to go to the DNR or the Army Corps of Engineers and say, look, we want to go back in here and restore this to what it was before. And in my previous letter I believe the 8th of March is the date on it, the original petition, there is a picture taken in 1960 when we bought the property, just before we bought it, showing that the land was—it's a six page letter, and it's in your packet from a prior meeting, but the point of it is we have a high resolution picture showing that property was being farmed and we'd like to restore it to that.

Next and finally there was the issue of rezoning of part of our lands along Sheridan Road. As I understand the zoning ordinance in order for this to be considered agricultural there has to be 300 feet of frontage. That's not what the ordinance says?

(Inaudible)

Sheldon Epstein:

This is for agriculture.

Peggy Herrick:

Correct. If you're creating a brand new lot, new agricultural lots have to have 300 feet of frontage.

Sheldon Epstein:

Well, none of this has 300 feet of frontage. This is the abandoned gas station. The map is inaccurate only because the building is not any longer there. They tore the building down. And the Village has been after us to work a cross-easement agreement with Mike Danna who at the time owned the property and I don't think he owns it now. I started a draft of a cross-easement agreement and Mike and I had reached an agreement as to what it would look like and we were in the process of re-engineering and then Mike pulled out.

So my feeling is and my recommendation is that whatever the Village wants to do here, make it unified for all the property located between this house, we own the driveway but not the house, all the way south to I believe 126th Street so it's all treated the same and not spot zoned which I think is not in anybody's interest. Thank you for your attention.

Tom Terwall:

Thank you. Is there anybody else?

(Inaudible)

Tom Terwall:

Do you want to speak to that, Jean?

Jean Werbie-Harris:

I can and maybe the Village Engineer might want to speak to it as well. But the question was, for the record, was why doesn't the Village have a single master drainage plan for the entire community? The fact is that it's very difficult to study and it's very costly to study the entire Village at one time. What the Village has done is we have put together drainage basin plans for certain areas of the Village. The Des Plaines River Watershed Study was a study that took I think almost ten years to do that study because it doesn't not just include the Village of Pleasant Prairie but it includes a lot of other lands outside of our own community. So that entire Des Plaines River watershed basin was studied.

There are other studies, the Jerome Creek basin, the Tobin Creek basin I believe we're seeking a grant to study that particular basin. The Barnes Creek, a portion of that basin had been studied. So we have been over time, at least for the last 20 years I've been here, we have been studying one area at a time. But it is very difficult, very costly. It requires topographic mapping whether now it can be flown as opposed to field surveys. And it is a process. It's something that our Village engineers and our engineering department take very seriously and have been putting together storm water management plans and have been modeling certain areas to do that very thing. It just takes quite a bit of time.

Tom Terwall:

Mike, anything you want to add?

Mike Spence:

Mike Spence, 8600 Green Bay Road. I just would like to echo what Jean said. We do try to address the drainage areas as we can as time and resources permit. And as Jean had indicated there are a number of watersheds that we do have plans for. Also, within the last couple years, we did put together a master storm water plan which we're implementing as development comes in. Also, I wanted to add the fact that when we do get development, again, when we review the storm water from a new development the storm water can be no greater than the existing conditions. So we've got a lot of items in place but it's very time consuming and costly to have to do it on a Village-wide basis. So we're trying to do it in the areas that have the most issues if you will initially.

Tom Terwall:

Has your office had any dealings at all with the Unified School System, Finnemore for example, as to what provisions they had to make for their addition?

Mike Spence:

On that particular one Pastor Hackbarth has spoken with me on that, and that is on our list to coordinate that with the recent information. I plan on contacting Pat Finnemore and sitting down

and looking at the original plan and see just what got implemented and to see what we can do to correct it.

Tom Terwall:

Thank you.

Don Hackbarth:

We brought up Kenosha Unified. I believe there are parts of Kenosha Unified that becomes the dog on the block and Pleasant Prairie becomes the little puppy. And when the dog yaps and wags his tail Pleasant Prairie has to jump. Because we've heard that before. When the Tech Institute came in and they had the open classroom area, and then Pat Finnemore came because they build or put walls up and he didn't get a permit. So it's like they play sometimes by their own rules. They disregard their neighbor.

Tom Terwall:

Anybody else wishing to speak on this public hearing? Yes, sir?

Ron Hessil:

Ron Hessil, 3516 93rd Street. Just a question. The property behind me is R-4 and it's being changed to C-1. Is that going to prohibit me from ever being able to purchase any more land behind me and building on that, or is that going to be non use anymore? The reason I'm asking that question is the property on one side of me to the west and two properties to the east of me have a 30 foot setback from my property because they were subdivided later on and then new setbacks. We've been trying to buy that extra 30 feet so we can all have the same back line of our back yards. That's why we're asking that question. If I'll be able to continue in the process of purchasing the extra 30 feet and be able to use that land?

Tom Terwall:

If you were to purchase that property how close would your building be to the wetlands?

Ron Hessil:

A good 70 or 80 feet.

Tom Terwall:

Then he can purchase whatever he wants, right?

Peggy Herrick:

We've have to take a look that the lot being lot meets the ordinance requirements. I don't know the particular instance or the particular lot he's talking about.

Tom Terwall:

But if the remainder of the lot is wetlands—if what he's buying is C-1 but his house doesn't infringe on the minimum setback requirements from the wetland, we don't have a problem with that do we?

Peggy Herrick:

We have to see what lot is remaining to make sure it meets the ordinance requirements.

Jean Werbie-Harris:

We can't create a non-conforming lot from what he purchases, but if he wanted to purchase land he does need to make sure that any area that he purchases if it has C-1 that there's at least a 25 foot setback from any of his structures to the wetland.

Ron Hessil:

That answers my question. Thank you.

Tom Terwall:

Then you're okay. Thank you. Is there anybody else? I'll close the public hearing.

Don Hackbarth:

A question for Sheldon. Number one, now that you removed the plug is the land drained? Is it free of water?

Sheldon Epstein:

The land is draining but there are still plants there that got rooted.

Don Hackbarth:

That was my second question. What kind of foliage? What kind of plants are there?

Sheldon Epstein:

I'm a city guy. I'd have to—

Don Hackbarth:

I mean is it cattails, is it trees?

Sheldon Epstein:

There's at least one tree there. I beg ignorance because I have no training at all in botany. I know there are plants there and that at one point those plants were considered rare plants and

justified a wetland designation. In my judgment based on what I know about our property those plants certainly are not rare. But what we'd like to do is get permission to remove it and restore it back to what it was. Because anybody can plant rare—these plants will grow pretty much anywhere given the condition to do it. The only reason that that land became wetland was because it flooded. You know the effects of flood and you said so in your own comments you were concerned about the C-1 designation being applied to the church's property. We're right there now.

Don Hackbarth:

You say you have an aerial view or some kind of a view of it prior to the plug?

Sheldon Epstein:

Yes, I do.

Don Hackbarth:

What did it look like then?

Sheldon Epstein:

It was farm. You could see rows.

John Braig:

I'm sympathetic to Mr. Epstein's request, but I don't think we can—at this moment if we take any action we have to rezone it because that's what it is. I hate to rezone it because in my mind that could make it more difficult for Mr. Epstein to get it rezoned back to agriculture or whatever he wants. I wonder if we could hold it in abeyance. How much would it take to get this evaluated again by someone staking the wetlands or by the DNR?

Jean Werbie-Harris:

Sheldon, have you contacted the DNR?

Sheldon Epstein:

No, I haven't contacted Heidi or anybody else yet because I wanted to first of all address the Commission and get the Commission's advice and recommendations and hopefully a favorable ruling.

Wayne Koessl:

Mr. Chairman, through the Chair to Jean, I'm reading your comments again about getting the wetland delineation. If we approve this tonight, as we should, at a later date if he gets that can that land be rezoned?

Jean Werbie-Harris:

Yes, it can be rezoned back. You have a--

Wayne Koessl:

Then I'm going to be in favor of following the recommendation of staff to rezone that.

Tom Terwall:

Jean, finish.

Jean Werbie-Harris:

You have a couple of options, one of which is to rezone the property based on the plat of survey that was done back in 2004 and have it rezoned into the C-1 classification. Mr. Epstein has the option to have that land redelineated or re-investigated, have the DNR down there, check the plant life now that this plug has been removed to determine if it has, in fact, changed the type of plant life that is located at that spot. I don't know if it's going to change the hydric soils, but it may change some of the plant life. So the Plan Commission can either if they decide to rezone it that's one option.

The second option is to table this particular request or have it not necessarily put on the table but removed and then this particular request come back in six months from now. If it's more than six months I'm not recommending it. I think that's even an extensive period of time but it's spring and it's wet. To be honest it's probably going to still be indicative of wetland plant life for quite a while if it's continuing to be wet down there. But by the end of summer I think the DNR should come out there and make a determination one way or another or SEWRPC can also make that determination. Then something can be done at that point.

It cannot be filled. Even if it's not zoned it can't be filled because it has the wetland designation. So because of that it has to sit the way it is. It can't change. As Peggy was indicating it does need a permit to be filled right now from the DNR. So there are a couple of different options. I don't want to see all of these items, but if the Plan Commission chooses to have this particular one removed or make that recommendation to the Village Board it's only one particular wetland while he can do his negotiations and field delineations with the DNR and the Corps of Engineers.

John Braig:

I move that we hold this particular parcel on the table for a period of six months.

Tom Terwall:

And recommend a favorable recommendation on all the others?

John Braig:

And recommend a favorable recommendation on all the others. Thank you.

Wayne Koessl:

I'll second, Mr. Chairman.

Jean Werbie-Harris:

I guess I just want to make one other point. Peggy pulled the zoning map. The A-2 property that Sheldon owns along Sheridan Road is almost 1,200 feet of frontage. So while there is only one area that there's less than 300 feet of frontage and then it's split by another property, the Village would never entertain the rezoning of a parcel until such time as either, A, the Comprehensive Plan specifically designated to be such a use or, 2, that there is a specific use that is being requested for that particular property and a rezoning is being requested. So at this point based on our recommendation of our attorneys and all the review that we've done in this particular area of the Village, we're recommending that be left as the A-2 designation and not rezoned until there's a reason to do that if it's warranted.

Sheldon Epstein:

I have a question. Is it appropriate at this time?

Tom Terwall:

Go ahead.

Sheldon Epstein:

Will the A-2 designation also apply to the abandoned gas station?

Jean Werbie-Harris:

No, that particular property is zoned business currently. It is. And it's my understanding is that it's recently been purchased. I'm not sure what the new property owner is intending to do but it's currently zoned business.

Tom Terwall:

And if Mr. Epstein wants to develop his property he can petition for a rezoning at that time.

Jean Werbie-Harris:

He certainly can.

Tom Terwall:

And tell us of his plans, correct?

Jean Werbie-Harris:

Right. And then it will be up to the Plan Commission and the Board to decide whether or not if that's an appropriate use at that location and to amend the Comprehensive Plan as well.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENTS AS INDICATED WITH ONE EXCEPTION, AND THAT'S TO MR. EPSTEIN'S PROPERTY ALONG 116TH STREET.

Jean Werbie-Harris:

Tax Parcel Number 93-4-123-314-0410.

Tom Terwall:

That's incorporated in the motion. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

C. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #10-04 AND AN ORDINANCE to create Section 390-6 D related to supporting and recommending that the Village Board adopt the Village of Pleasant Prairie, 2010 Bicycle and Pedestrian Trails Plan as a component of the Village's Comprehensive Plan.

Jean Werbie-Harris:

Mr. Chairman and the members of the Plan Commission, before you is the resolution for the Plan Commission's consideration of the Village of Pleasant Prairie 2010 Bicycle and Pedestrian Trails Plan. This plan is being considered by the Plan Commission because it's a component of the Village's Comprehensive Plan. This is a plan that was presented formally to the Village's Parks Commission, it's being considered by the Plan Commission and then it's also intended to go to the Village Board for their consideration.

On February 16, 2009, the Village selected the Bicycle Federation of Wisconsin as a consultant to prepare the 2010 Bicycle and Pedestrian Trails Plan for the Village. A steering committee was then established to oversee the development of the plan and to provide technical guidance and input from Village staff and residents from various areas of the community. On May 28, 2009, the Village held a public informational meeting to gather input from the community related to the proposed plan. And between mid May and September of 2009 an on-line survey was administered through the Village's website to gather additional information on the bicycle and pedestrian facilities and the usage within the Village. During the Month of February a final draft was submitted to the staff for review. On March 4th the Parks Commission approved and adopted

the plan through Resolution 10-01, and the Parks Commission is recommending that the Plan Commission and the Board consider the approval.

Attached in your comments are a couple of modifications to this plan that was actually on the Village's website that's dated April 5, 2010. There's some drawings or illustrations, corrections, that are to be included within the plan that were prepared by Crispell-Snyder. And these include simple intersections with few right turns, solid bike lane striping, bike lane turns and parking lanes and bike lane turns with other additional turn lanes.

One of the questions or concerns that was raised with respect to some of the bike lanes that are coming in the Village right now is how is the regular automobile traffic supposed to operate in relation to the bike lanes. So we felt that it was appropriate that some additional dimensions and drawings and diagrams be included within the Bike and Pedestrian Trails Plan in order to make that a little bit more clear.

The plan itself, if you want to refer to jumping ahead starting on page 50 of the plan, what John Steinbrink, Jr. has done with the Parks Commission and the steering committee is to put together existing and proposed facilities, the west section of the Village, the central section and the east section of the Village, and specifically, and it's a little complicated, but he's identified all the names of the streets and the distances of where the bike lanes would run, from which street to which street, what the approximate cost would be in order to improve or install these bike lanes, whether they're on street or off street. And then there's an associated map.

So, the west Village border to 88th Avenue is the first map. The second is the existing and proposed facilities in the central section of the Village to 39th Avenue. Then finally the east end of the Village from 39th Avenue to Lake Michigan. The maps are pretty detailed in that it not only shows the existing facilities but proposed bicycle lanes, multi use paths that are paved, multi use paths that are gravel, recreational trails as well as sidewalks.

This document is a good reference document as well in that it does provide a number of e-mail contacts as well as State and other agencies that we can get additional information from as we continue to implement the Bike and Pedestrian Trail Plan. And the plan also does include the community survey and the public meetings that were held and all those results that are in the appendix in the back of the document.

The Parks Commission was very excited to complete this document, and they feel that this is a first step into making Pleasant Prairie truly a biking related community and to offer alternative means of transportation to the community.

Tom Terwall:

Jean, I see where the County Exec is moving forward with a countywide bike plan. Is this considered in what they're doing or have we met with the County?

Jean Werbie-Harris:

I'm not sure if the meeting has been held yet, but the intent is to incorporate this information into the County's system so that our trails from Pleasant Prairie will interconnect to Bristol and to the City of Kenosha.

John Braig:

I assume we will have representation on that group?

Jean Werbie-Harris:

Yes, we will.

Wayne Koessl:

Mr. Chairman, to Jean, are there grants for these dollars?

Jean Werbie-Harris:

For the trails?

Wayne Koessl:

For the bike trails?

Jean Werbie-Harris:

Yes. And, in fact, there are a number of sources that are listed in here and opportunities of where funding would be available. I believe that that's the next step that John Steinbrink, Jr. is going to be taking with the Bicycle Federation and with other consultants as to where the opportunities exist. Certainly as part of the stimulus funds that the Village is going to receive, various aspects of bike lanes have been identified, for example on 85th Street and have been constructed already. So whether it's 116th Street, Cooper Road or anywhere else in the Village, we intend to construct various public improvements with bicycle lanes and bicycle paths. I think one of the next projects that's going to be coming up is the Highway 165 between Springbrook Road and 39th Avenue. I believe a segment of that is going to be having a bicycle lane as well.

Wayne Koessl:

Mr. Chairman I have one more question. Is this going to be part of the agenda for the meeting at the RecPlex on hike and bike trails?

Jean Werbie-Harris:

I'm attending that and I'm not sure. I'm sure it's going to come up.

Wayne Koessl:

Okay, thank you.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak in this matter? Anybody wishing to speak? I'm going to open it up to Commissioners and staff.

Don Hackbarth:

Can we take the book and go to page 40. It's showing the designation for a roundabout, and I think how a bike is supposed to negotiate it. As I see this with the little bullet illustrations on the top or the little circles, let's say if you're going up the page, you're in the bicycle lane, you're supposed to exit in that little cutout there and then go on the sidewalk and then what?

Mike Spence:

Mike Spence, 8600 Green Bay Road. I can answer your question, yes, that is correct. The State DOT in their planning for bicycle paths and the Bicycle Federation recommends that in a roundabout that you actually provide an alternative method for a bicyclist to navigate around the roundabout. So there will be a sidewalk. That's that paved area. So you would go off the paved area into the sidewalk area and then cross in the approaches and navigate the roundabout that way.

Don Hackbarth:

What do you mean by approaches? You mean the pedestrian cross there?

Mike Spence:

Right. As you approach the roundabout you see that boulevard area, that's the approach. So the idea is to get the bicyclists away from the roundabout and then cross in that approach area. That's going to be the way the roundabouts on 165 are designed. There will be a sidewalk.

Don Hackbarth:

My question is do you think that bicyclists are going to do that or just say no and go right through the roundabouts?

Mike Spence:

Actually, it's a mix. I'm an avid bicyclists and actually—bicycles have a right to be in the traffic lane. So bicyclists a lot of them do stay in the lane and go in the roundabout.

Don Hackbarth:

I would bet you any money they're going to all go that way because I'll be out in front of the church and looking at the intersection and they don't even stop. They just go right through.

Mike Spence:

A couple of other things that I wanted to add on that Jean mentioned on 165. The outside lane will be approximately four or five feet wider to accommodate bicycle traffic when they do 165. And then also on the County Executives bicycle committee I will be the Village's representative on that so there will be representation. Also, as far as the plan I was on the task force as well, and when we were developing it we did consider where the County paths most likely would be such as the Kenosha County Trail and also the trail coming in from Bristol. We've also made arrangements or we have an agreement with the DOT on the work that they're doing at County Trunk Highway C there. There's a multi use path as part of that as well.

Don Hackbarth:

How are they going to get across I-94, do you know? Do they go under the bridge?

Mike Spence:

The multi use path that I was just referring to is actually at County Trunk Highway C on the south side. It's a paved path that's south of C. There is a plan further north by the Des Plaines River where that crosses underneath the Interstate to tie that into a path as well.

—:

I have a question on page 69, item 41. It states that the Carol Beach Lakeshore Drive does have a bike trail and it could use a little more widening. Does this mean we're going to have road work done on Lakeshore Drive in Carol Beach?

Jean Werbie-Harris:

That was a comment that was made by a resident at one of the public informational meetings. So without looking through the plan I'd have to see if Mike can go through the plan if there's anything that's proposed on Lakeshore Drive. I don't think so.

Mike Spence:

At this point there's no plans to do any widening of Lakeshore Drive. That was just a comment that someone had made.

Don Hackbarth:

Mr. Chairman, I move approval of this plan.

John Braig:

Second.

Tom Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JOHN BRAIG TO APPROVE THE RESOLUTION AND SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD AS WELL. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

D. Consider Plan Commission Resolution #10-05 to initiate several amendments to the Village's Comprehensive Plan related to corrections and updates as a result of the Multi-Jurisdictional Comprehensive Plan for Kenosha County being completed and adopted.

Jean Werbie-Harris:

Mr. Chairman, Resolution #10-05 is to initiate several amendments to the Village's Comprehensive Plan related to corrections and updates as a result of the multijurisdictional comprehensive plan for Kenosha County being completed and adopted. The Village Plan Commission may initiate a petition for an amendment to the Village Comprehensive Plan pursuant to Chapter 390 of the Village Code of ordinances.

On December 19, 2010 the Board adopted the Comprehensive Plan for the Village of Pleasant Prairie. At the time the Village adopted this plan Kenosha County had not yet completed their Multijurisdictional 2035 Comprehensive Plan. During the final review of the Kenosha County Comprehensive Plan it was brought to the Village's attention that there were some mapping errors related to telecommunication facilities shown on Map 5.7 and table 5.6 and map 3.1 related to the location of the Kenosha Commons affordable housing for older adults.

In January 2010 another Compass Points Newsletter was published, and it's also proposed to be added to Appendix 1-6. Also, Appendix 9-5 is proposed to be updated to reflect the adopted Kenosha County Land Use Plan adopted as part of the Multijurisdictional Comprehensive Plan for Kenosha County. Whereas, there was also a mapping error that was found on the 2035 Land Use Plan map 9.9 that incorrectly shows some open space in wetland designations in a portion of land within the Rolling Meadows Subdivision where there is existing single family homes and the wetlands within the Village park that were filled about 20 some years ago.

Therefore, the Plan Commission is hereby initiating and petitioning to update and correct the Comprehensive Plan as discussed above, that the proposed amendments are hereby referred to Village staff for further study and any other recommendation. And the public participation plan for these changes are a part of the original public participation plan adopted by the Board and by Plan Commission Resolution 06-53 on November 20, 2006. There will need to be a 30 day public notice and require a public hearing pursuant to Chapter 390 entitled Comprehensive Plan. The staff recommends approval of Plan Commission Resolution 10-05.

Don Hackbarth:

Mr. Chairman, I move approval.

Andrea Rode:

Second.

Tom Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY ANDREA RODE TO ADOPT PLAN COMMISSION RESOLUTION 10-05. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

E. Consider Plan Commission Resolution #10-06 to initiate a zoning text amendment related to cabarets (live entertainment) and restaurants with outdoor areas.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, we have before you Plan Commission Resolution 10-06. This is to initiate a zoning text amendment related to cabarets, live entertainment and restaurants with outdoor areas. The Plan Commission may initiate a petition for an amendment of the zoning ordinance which may include the text of said ordinance. As a result of the Village Board amending portions Chapter 125 related to liquor licenses and Chapter 139 related to cabarets, the Village zoning ordinance is proposed to be re-evaluated in zoning districts where dry cabarets, which is live entertainment without alcoholic beverages, cabarets where live entertainment with alcoholic beverages exist, and/or outdoor seating areas for restaurants are allowed either as a permitted or as a conditional use.

The Plan Commission hereby initiates and petitions to re-evaluate and update as necessary the regulations related to dry cabarets, cabarets and outdoor seating areas for restaurants. These proposed changes in the ext are hereby referred to the Village staff for further study and recommendation. The Plan Commission's action this evening is not making any determination regarding the merits of the proposed changes in the zoning text but is rather only initiating the process by which the proposed changes to the text can be promptly evaluated. The staff recommends approval of Resolution 10-06.

Andrea Rode:

So moved.

Wayne Koessl:

Second.

Tom Terwall:

MOVED BY ANDREA RODE AND SECONDED BY WAYNE KOESSL TO ADOPT RESOLUTION 10-06. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

F. Consider Plan Commission Resolution #10-07 to initiate a zoning text amendment related to re-evaluating the definition and regulations for convenient cash businesses and second hand article and second hand jewelry stores.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, the next resolution is Resolution 10-07 to initiate a zoning text amendment. This is related to re-evaluating the definition and the regulations for convenient cash businesses and secondhand article and secondhand jewelry stores. The Plan Commission may initiate a petition for amendment of the zoning ordinance which may include the text of the ordinance. The Village staff is proposing to re-evaluate the regulations relating to cash convenience business, secondhand article dealers and secondhand jewelry dealers in the Village.

The Plan Commission hereby initiates and petitions to re-evaluate and update as necessary the regulations related to these cash convenient businesses, secondhand article dealers and secondhand jewelry dealers, but the proposed changes in the text are being referred to the Village staff at this time for study and recommendation. The Plan Commission is not by this resolution making any determination regarding the merits of the proposed changes of the text but is rather only initiating the process by which the proposed changes and the zoning text can be promptly evaluated. Staff recommends approval of Resolution 10-07.

Tom Terwall:

Jean, can you define a cash convenience business.

Jean Werbie-Harris:

I'll read you the definition. It is, in fact, a payday loan store. Does that help to visualize it?

Tom Terwall:

Yeah, that's enough. I'm just wondering if we're stepping on anybody's toes. We're the only State in the entire union that does not regulate these outfits. The Legislature, our legislature exempt it I'm sure, but the amount of money they've accepted from these operations is unconscionable. And all they're asking is to put a cap on them of 36 percent, 36 percent, and they can't even get that passed. So I'm afraid that if we pass anything it's going to come back and bite us because the money is going to Madison.

Don Hackbarth:

I just have one quick question on it. Does this have any effect on the business we would have in the VGC?

Jean Werbie-Harris:

It would have an effect on the businesses throughout the Village including the Village Center.

Wayne Koessl:

I would request that the staff take a real hard look at the payday loans, and if there's anyone that wants to locate here I suggest that they locate in the majority assemblyman's district in Madison.

John Braig:

Move approval of Resolution 10-07.

Judy Juliana:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND A SECOND BY JUDY JULIANA. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

OPPOSED? I'M OPPOSED.

G. Consider Plan Commission Resolution #10-08 to initiate a zoning text amendment related to the requirements for driveways in business, manufacturing, multi-family, institutional and park and recreational zoning districts.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, Resolution 10-08 is to initiate a zoning text amendment related to the requirements for driveways in business, manufacturing, multi-family, institutional and park and recreational zoning districts. The Village Plan Commission may initiate a petition for an amendment of the zoning ordinance which may include the text of the zoning ordinance.

The Village staff is proposing to amend the requirements for driveways in the business, manufacturing, multi-family, institutional and park and recreational zoning districts. The Plan Commission hereby initiates and petitions to amend the requirements for the driveways in the business, manufacturing, multi-family, institutional and park and recreational districts. These proposed changes in the zoning text are hereby being referred to the Village staff for further study and recommendation. The Plan Commission is not by this resolution making any determination regarding the merits of the proposed changes in the zoning text but is only initiating the process by which the proposed changes in the text can be promptly evaluated. The staff recommends approval of Resolution 10-08.

Judy Juliana:

Move to approve.

Wayne Koessl:

Second.

Tom Terwall:

MOVED BY JUDY JULIANA AND SECONDED BY WAYNE KOESSL TO ADOPT RESOLUTION 10-08. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

John Braig:

I've got a couple items I just want to bring to the attention of the Commission. The first one has to do with trees.

Jean Werbie-Harris:

We don't have other matters.

John Braig:

This is just bringing information.

Tom Terwall:

I don't think we can do that. According to our attorney we can't do that.

John Braig:

We can't talk at all about a problem?

Tom Terwall:

No, all you have to do is call Jean and ask her to put an item on the agenda that's such other matters.

John Braig:

Well then can we adjourn and then can I bring these matters up? It's a matter of simple discussion here.

Tom Terwall:

Sure.

7. ADJOURN.

John Braig:

Move adjournment.

Judy Juliana:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.