

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
September 13, 2010**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on September 13, 2010. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Andrea Rode (Alternate #2); John Braig; Jim Bandura; and Larry Zarletti. Judy Juliana (Alternate #1) was excused. Also in attendance were Michael Pollocoff, Village Administrator; Jean Werbie-Harris, Community Development Director; Tom Shircel, Assistant to the Village Administrator; and Peggy Herrick, Assistant Village Planner and Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF THE AUGUST 9, 2010 PLAN COMMISSION MEETING.**

Tom Terwall:

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

Don Hackbarth:

Move approval.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JIM BANDURA TO APPROVE THE MINUTES OF THE AUGUST 9, 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 for an item on the agenda, all of them A through F are public hearings, we would ask that you hold your comments until the public hearing is held so your comments can be incorporated in the official record. However, if you're for an item not on the agenda or you want to raise a question now would be your opportunity to do so. We'd ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of Mark Rostagno, agent on behalf of Mondi Akrosil, LLC to occupy the 168,879 square foot building located at 7201 108th Street in the LakeView Corporate Park for a specialty coating facility.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this first item is a consideration of a conditional use permit including site and operational plans for the request of Mark Rostagno, agent on behalf of Mondi Akrosil, LLC, to occupy the 168,879 square foot building located at 7201 108th Street in the LakeView Corporate Park for a specialty coating facility.

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

Findings of Fact

1. The petitioner is requesting approval of a conditional use permit including site and operational plans for Mondi Akrosil, LLC, to occupy the 168,879 square foot building located at 7201 108th Street in the LakeView Corporate Park. This is the former Permacel Nitto Americas site, for a specialty coating facility. Specifically this facility is proposed to be used as their release liner manufacturing facility. Mondi expects to take ownership of the property and begin equipment installation and operations as early as September 2010. The subject property is known as Parcel 7 of CSM 2245 and is located in a part of the U.S. Public Land Survey Section 28, Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as Tax Parcel Numbers 92-4-122-284-0400 and 92-4-122-284-0401. This information is provided as Exhibit A
2. Mondi is a specialty coating company. The products produced by the company are called release liners, specifically silicone release liners. These liners are a product designed to deliver a pressure sensitive adhesive to its intended point of use. An everyday example can be found on a name tag a person would wear at a convention or reunion, the paper that you peel off the tag and discard as usually a piece of siliconized release liner. It

carries the name tag to the end use along with its pressure sensitive adhesive enabling the tag to be applied once the liner is removed and the adhesive is exposed.

The Mondi Akrosil, LLC - Pleasant Prairie facility will apply a variety of silicone coating types to a wide range of substrates for use in several industries. There are several types of silicone coatings on the market and Mondi uses most of them to make products specific to an end use application. The types of coatings to be used in the facility are solvent borne coatings; water based or emulsion coatings and finally 100 percent solids or solventless coatings. Each coating type has a niche in a vast array of products. Additionally, the company may print a design onto its products as a part of the production process to meet their customer needs.

Several substrate types will also be used at the plant. The majority of the substrates will be paper based. Several different types of papers are used depending on the requirements of the application. Films will also be coated within the facility. These films will range from polyethylenes to polypropylenes and polyesters. The general process consists of unwinding a roll of substrate at one end of a coater and applying silicone coating to the substrate through various techniques depending on the type of silicone coating used. The silicone coating is then cured by applying some form of energy to the web. That energy can be heated up to 340 degrees Fahrenheit or very intense UV light. The cured coating and web are then wound up on the other end of the coater. Some products may also require a design to be printed on the substrate. Sometimes the product is taken off the coater, packaged and shipped to a customer, and other times the roll goes through more processing steps. For example, the width of the roll required by the customer or the footage required is different than what was coated. This product would need to go to the rewinding/splitting department prior to finishing and shipment to the customer.

As mentioned above, some of the coatings used will be based in solvents. Heptane, toluene and light aliphatic naphtha's are examples of the solvents employed in the coating process. Initially, solvents will be stored on site in drums or totes and will be located in the former owner's mix building. There is an existing tank farm building on site used by the previous owners to store large quantities of solvents. Mondi may or may not use these tanks to store their solvents as production ramps up. When solvents are used in the process, the volatile organic chemicals or the VOCs emitted during the process will be captured and incinerated by using the existing thermal oxidizer currently located at the facility. Mondi has been approved for a Type C Registration Operation Permit for Printers and Type C Registration Construction Permit for Printers with the State of Wisconsin as total emissions of VOCs from the facility are not expected to exceed 25 tons annually. This stands in stark contrast to the VOC emissions associated with the previous building owner's process. Copies of the permits will be provided to the Village prior to occupancy. It is the company's goal to make silicone coated release liners as safely and efficiently as possible so that they can be a good partner with their customers and the communities they work in.

Mondi intends to occupy and house all processes within the current buildings located on the property. The total gross floor area is 168,879 square feet this includes 29,000 square feet of office space. Within the manufacturing area, 52,000 square feet of space has 25 foot clear ceiling heights and 64,000 square feet has 37 foot clear ceiling height.

There are three different building areas that I'll talk about. First is the coating storage building. This building was used by the previous owner as their mix building. This building is 120 by 70 foot building. It will be used to store inks and silicones used during the coating process.

The next is the tank farm building. At this time Mondi does not anticipate the need to utilize the existing above ground storage tank building which is the 60 by 60 one story tank farm building. However there may be a need in the future as operations increase to utilize one or more of these existing tanks to store bulk Heptane. Initial plans are for these chemicals to arrive in totes or barrels. The company has no plans to use the tanks to store any hazardous waste. Based on discussions held previously with the Village, Mondi will provide building details to the departments, both fire and rescue and building, as we work through the process. If this building is proposed to be used by Mondi, they will need to modify their conditional use permit.

And finally, the fire pump building, this is a 20 by 20 one story pump building. It houses the diesel and electric fire pumps that service the entire complex.

3. The property is zoned M-2, General Manufacturing District. Pursuant to the Village Ordinance, a conditional use permit is required for any principal or accessory use classified in the Group H pursuant to Section 307 of the 2006 IBC that involves the manufacturing, processing, generation or storage of materials that constitute a physical or other type of health hazard potentials in quantities in excess of those allowed within the IBC provided, however, that the use is not listed as a prohibited use. And this is a permitted use within that section.
4. The facility will contain materials and equipment required to manufacture siliconized release liners. Raw materials will include various silicones used in the coating process, also roll paper stock, roll film stock, cardboard packaging materials, cardboard cores and wood pallets.

Again, some of the very specific information as set forth in the staff comments, they will have substrates which are papers and films. They will be store in the same racks that the previous owner used in the receiving warehouse. The next will be coatings, and the coatings will be used in the process, they'll be stored in the coating storage building. The types of storage containers will include various sized containers. Most volume will be contained within 55 gallon drums and 300 gallon totes. An estimates quantity of 55 gallon drums of coating stored in sites ranges from 100 to 300 drums of material at any given time. An estimated quantity of the totes to be stored will range between 30 and 100 totes of material. These numbers will vary based on their customer demand and their product mix. The racks will have three levels and the drums will be stored on end. The drums will be equipped with metal bungs in outlets. These coatings will be transported to batch mis rooms located near each coater where individual formulas will be batched and delivered to the coaters. The building will also house a 5,000 pound capacity service elevator to allow the transport of materials and personnel to the upper floor levels.

With respect to their storage areas, the building will be occupied as a storage area for Class IB flammable liquids. A general categorization of silicones and their ingredients are provided in the written operational plan in your packets. The coating area, this

building will be occupied with multiple coating lines and dedicated mixing areas/rooms with space available to allow future installation of additional lines.

The sitting and finishing area, operations conducted in this area will include unwinding, slitting, and packing to customer specifications. The utility equipment area, the hot oil heater is located in a cut-off room extended off the rear end of the building. Other utility equipment such as chillers, process steam boiler and air compressors will be located in another utility room area.

5. A natural gas powered emergency electrical generator mounted at grade level outside will provide power to all low point ventilation in the coating storage building and coating areas. This generator will also provide power for emergency lights, telephone system, computer system and paging system.
6. The plant is capable of being operated on a 24-hour, seven-day work week. Following equipment installation, the initial normal operation would be a five-day, 24-hour operation for production, with some maintenance activities being performed on weekends. As the business level increases weekend production would be used to meet that demand that they may have. A 24-hour, seven-day work schedule is possible depending on business volume. Deliveries and shipments will be scheduled as needed to meet business demand with a majority of deliveries and shipments being made between 7:00 a.m. and 7:00 p.m.

Mondi expects to employ between 30 and 100 employees at the facility. Initial employees on site are estimated to be 10 and 50. During the initial machine installation phase the company estimates one shift of employees and contractors. As equipment is commissioned, a 24/5 schedule will be utilized. Employees will be split between shifts with most management and administrative employees working during the days. At full capacity running at 24/7 schedule employment may exceed 100 employees on site split between four different shifts. During full operations anticipated maximum employees on site at any time is estimated to be between 40 and 60.

7. Parking will not change from the previous owner's designs. Employee counts and calculations are also similar. Current parking can accommodate 140 cars, and it does meet all the minimum requirements of the Village ordinances. With respect to the truck estimates, 50 to 100 inbound trucks per week, 50 to 100 outbound truck shipments per week, and there will be one hazardous waste removal truck per month.
8. Any waste byproducts consist of any hazardous or non-hazardous materials as well as paper byproducts, both coated and uncoated, Mondi has a goal to recycle as much product as possible and is constantly searching for recycling solutions. And then their site and operational plan goes on to talk about solid waste, recyclable materials and hazardous wastes and how they would be disposed of.
9. The building is protected by a burglar alarm system that monitors all access points. The system will be programmed to call the central monitoring station that will in turn contact the Village's Police Department. They have automatic lighting of external areas that will be kept on during the evening hours. The equipment in the rear of the oxidizer area is also protected by chain link fencing. All access points of the building will be locked

when unattended, and the plant is also equipped with a card access system at outside entry points.

10. The building and grounds will be maintained to provide an attractive setting that is consistent with their professional approach to a business operation. There are currently blue lines painted around the upper perimeter of the building. Mondi may choose to paint those lines to the Mondi signature orange pantone. A local company will be contracted to maintain the landscaping and lawn area.
11. Storm water: All storm water from the site will be collected in the current wet pond located on the site. This pond was designed to retain a 500-year storm and it has been. Outflow from this retention pond is controlled by a remotely actuated gate valve to allow retention of the storm water onto Mondi property. This retention is a precaution against possible storm water contamination in the event of an accidental release of materials onto storm water surfaces. Each loading dock area that handles hazardous materials has its own retention system. The tank farm also is covered with a canopy, and is surrounded by a 4 inch high concrete berm. This area has a drainage system that provides containment of any spills that may occur. The coatings storage building areas will also be designed to provide containment in case of any potential spills. The storm water system of the plant will meet or exceed all Village requirements.
12. A spill prevention plan will be developed as a part of Mondi's employee procedures. It will include instruction to contact local authorities and clean up contractors if there would be a spill.
13. First aid team, a first aid response team will be on each shift to tend to any accidents or injuries which may occur. And the team members will be trained in the appropriate first aid. Fire and rescue will be contacted as required.
14. A complete emergency preparedness and contingency plan and procedures will be prepared for the facility with proper training for all the employees.
15. Contractor safety policies, Mondi follows a six step contractor management system that requires contractors to be approved and trained prior to issuance of work/purchase orders.
16. With respect to their environmental policy, Mondi maintains an environmental management system that demonstrates its commitment to prevention of pollution thus promoting a clean earth and atmosphere and healthy environment. Mondi maintains full compliance with environmental regulations and is in continual pursuit of achieving criteria that go beyond compliance.
17. Fire prevention, Mondi intends to maintain existing fire protection systems and portable fire extinguishers as currently designed with no major changes planned. Mondi does intend to decommission some of the CO2 systems that the previous owner had installed in their mixing buildings and at their coaters as these systems are not going to be needed for the Mondi's process. Employees will all be trained on safe use of all equipment at the facility in order to respond.

18. Mondi has received approval of coverage under Type C Registration Operation Permit for Printers and Type C Registration Construction Permit for Printers. A copy of the permits will be provided to the Village prior to their occupancy.
19. Mondi has submitted the waste water survey to the Kenosha Water Utility and a copy of the permits have also provided to the Village.
20. Mondi intends to file for a No Exposure certification in accordance with NR 216.2193 and thus is not required to obtain a storm water discharge permit. Copies of all approvals shall be provided to the Village prior to occupancy.
21. No exterior site modifications are proposed.
22. Notices were sent to adjacent property owners via regular mail on August 25, 2010 and notices were published in the *Kenosha News* on August 30 and September 6, 2010.
23. The petitioner was emailed a copy of this memo on September 11, 2010.
24. According to the Village's Zoning Ordinance, the Plan Commission shall only approve a conditional use permit after they find after viewing the findings of fact, the application and the related materials and the information presented at the public hearing this evening that the project as planned will not violate the intent and purpose of the Village ordinance and it meets all the minimum standards for granting of the conditional use permit. And, further, the Plan Commission shall not approve a site and operational plan unless they find in their decision that the application coupled with the satisfaction of any conditions of approval will comply will all applicable Village ordinance requirements and all applicable federal, state and local requirements.

With that, I'd like to continue the public hearing, and I'd like to introduce Mark from Mondi. He would like to make a brief presentation about Mondi and a little bit about the company's history, their background and what brought them to Pleasant Prairie.

Mark Rostagno:

My name is Mark Rostagno, 206 Garfield Avenue, Menasha, Wisconsin. I'd like to introduce my colleagues here, Mike Tousey, safety, health and environmental expert . . . Thomas Seidl, Finance manager (inaudible). I'd like to just spend a couple minutes introducing you to the Mondi group, talk a little bit about, and Jean actually did a great job and stole a lot of my thunder, but talk quickly about what we're planning with the site, and then open it up to any questions you all may have.

Mondi is an international paper and packaging group. We operate in about 31 countries with about 31,000 employees. We do about \$7 billion dollars—these are all Euros. We do about 5 point—you can see the effect of our downturn in '09, but about \$7 billion top line healthy returns in both . . . and return on capital employed. We are dual listed in both London and Johannesburg, and our corporate headquarters are actually in Johannesburg. The group actually started to come to be back in the '60s as part of an Anglo-American group which is a mining concern which ultimately Mondi demerged from in 2007 and became its own company.

We report along these lines on coated fine, paper, corrugate and bags and coatings. Structurally these are all independent business units. You're here talking to us thinking about release liner as part of the coatings group. Just a snapshot of these area segments, bags and coatings, again, where we are is about \$2.3 billion U.S. dollars. I think the most interesting thing on this slide really talks about the fact that Mondi is dedicated to being number one or number two in any of the markets that we serve. Craft paper, writing paper, extruded products or in this case release liner we're looking for number one or number two market position.

The Mondi diamond is a framework in which we operate. It establishes our business priorities. You look at these five things, customer focus, cutting edge products and people development all very important to us, but operational excellence and sustainable development would be the two things that are probably the greatest of all equals here. Along operational excellence we believe in investing in top notch assets, running them better than anybody else at a lower cost position. Along the sustainable development side, we take a lot of pride in sending our people home safe every day. For example our plant in Menasha, Wisconsin we've now hit four years without a loss time incident. That's something we're very proud of. We strive to be excellent corporate citizens from adopt a highway to the blood banks. Mondi backs, particularly in South Africa, sustainable forestry is a big thing for us and obviously environmental protection which is why we have a guy dedicated to that function just within our U.S. operation.

Mondi Coatings is a business unit. It comprises extrusion coating as well as release liner. Again, we're release liner here. The extrusion coated business does film extrusion for both food and non-food applications and, of course, Jean has already talked to you a little bit about what we're doing with release liners. Within coatings we have 14 plants across Europe and the U.S. You can see that Europe is very busy. We've got a lot of plants in Europe. And that's pretty much why we're here talking to you today because our North American footprint isn't nearly as strong as it needs to be. But we are an international company. We're able to service worldwide customers, and we have a handful of those. We're actually beginning to work into South America and Mondi is now investing in Asia as you can see as well.

Release liners, just to give you an overview of the process, we start with a base material. Typically at a very high level it either be base paper or film. We will siliconize it either with solvent, solvent lifts, UV cured or an emulsion. We'll do other converting steps. It could be perforating it, it could be printing it. Ultimately we'll finish it by slitting it to a specific customer width, and then ultimately it goes to a customer who is going to take our product and add value into one of their products. Just some of the highlights we have here, hygiene which will actually be one of the products we make here, we have tapes, medical labels. For anybody who is interested we've got a box of products or samples you can put your hands on if you're interested.

So, Mondi is looking at this North America market. We've started to do quite well here. In a handful of areas we've found ourselves capacity constrained. As I mentioned, we are determined to be the number one or number two position in the markets in which we compete. So we've identified this new location here in Pleasant Prairie that I think complements what we already have. So we're obviously pretty excited about it.

Specifically with this plant we're essentially inheriting two coaters, much of which will have to change, some of which we'll be able to keep. But overall the plant works out very well for us. And I think with some work we can redirect it towards the markets in which we compete. So these two lines are actually going to come on at different times. We're thinking about, and

maybe this is still a little bit up in the air, but we hope to close sometime in October. We'll have these two lines that will come on, one on line in May and the next one coming on line in July. It will be a very slow ramp for us here and that's why I talk a little bit about the employment numbers. Once all of our equipment is ready to go then we start running trials. Then customers take our product, they trial it in their process, and it's probably a six to nine month ramp up before they approve our product on a new line. So we're looking at the end of 2011 before we're truly making significant product here.

As we look forward, this is an excellent opportunity for Mondi and it's an excellent location. In addition, as I mentioned, the assets map out very well to what we do with a little bit of additional capital. The workforce here is well educated. It makes recruiting quite easy for us whether it's somebody who wants to live in an urban situation or more of a suburban setting. We have a handful of employees who used to work at this location who know the lines, and I think we'll have a very rapid learning curve so we find that very attractive. It's close to our Menasha facility and that's important because it keeps our overhead down. We're able to put certain people here supporting Menasha or somebody in Menasha supporting a boutique-y kind of function down here. So it keeps our costs where they need to be.

Again, as we look forward there's rail so that opens up another window for us in terms of the kinds of locations we could do at this location. So you see initially this is based on volume, but most of our volume here is in the hygiene space, and then this represents film volume for us. As we move forward and we think about growth at this location we don't know where this is going to be. There's a lot of industries in which we compete. For us this is phase one of a plan which we will execute and then we'll do phase two and we'll execute it and we would do a phase three. So with that if you have any questions myself and my colleagues would be happy to answer them.

Tom Terwall:

Before we take questions, because this is a public hearing I'm going to open it up to anybody in the audience, but I'm sure there will be questions either from the audience or the Commission. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'm going to open it up to comments from Commissioners and staff.

Don Hackbarth:

I think you alluded to it. There's a railroad spur or a railroad line that's close to that. Will you be utilizing that in the future to be bringing product in or shipping product out?

Mark Rostagno:

Not with what we do there today. The specific product lines that we have we don't have use for it. We have some ideas in the future that that could become very valuable to us, yes.

Don Hackbarth:

The other question I have is just a comment. It's kind of good to see a company that was originated in another company coming to America and having jobs come this way.

Michael Serpe:

Just a couple questions. At any of the plants that you operate now, were there any major events involving the solvents or the escape of any of the hazardous materials that you're handling?

Mark Rostagno:

I would let Mike answer that just because he's got 10 or 12 or 15 years here of experience.

Mike Tousey:

Mike Tousey from safety, health and environmental and 206 Garfield is where I'm at. The ten years that I've been at Mondi or the facilities that we're at we've had no environmental issues, no VOC complaints, none of that stuff so I would say no.

Michael Serpe:

And while you're here, the recovery of the toluene how is that accomplished? How are you capturing that before you release it or instead of releasing it I should say.

Mike Tousey:

In our current facilities?

Michael Serpe:

In this one that's going to come here.

Mike Tousey:

This would be through the use of the thermal oxidizer that's on site. Everything would be captured. We estimate small amount of toluene would be used in our applications which is different than what was used at the other facility. But anything that is VOC would be captured and burned in the incinerator first.

Mark Rostagno:

When you think about the scale of what we're using, we've got people hauling our mix by hand in sometimes five gallon pails as opposed to huge pipes. Because we have some very specialized stuff that, frankly, it just runs fast but it's very, very thin.

Michael Serpe:

So if you were use the rail lines there wouldn't be any need for any rail cars coming in with solvents? It would be all trucked to the facility.

Mark Rostagno:

Not yet. To my earlier answer, I see a use for it but not for what we do today for something that we might do.

Larry Zarletti:

Do you see any problem with the 27 conditions that the staff has put on? Obviously you've taken a look at those because it's quite a grocery list there. Is there any problem with those?

Nancy Hagerty:

Nancy Hager. I'm an attorney for them, and I wanted to mention one thing about your railroad line. We've talked to WisPark and make some investigations about that line, and we've been told it's a line that Union Pacific have some limitations on what spurs they'll put on it. The switch would be very expensive so we're looking at but it kind of has to make sense financially on that.

And to answer your question, we look at this long list of things and we note that many of the items on that list say if you're going to make a change in the plan. What we'd like to do is work with staff to go through those and make sure we have the confirmation, no we're not changing that, we're not changing this and see if we can't get that more limited. Because right now our concern is we can't really tell if you're asking us to do something or not asking us to do something, and we'd like to narrow it down so we know exactly what you need of us. It's my understanding that we can work with staff and before the actual conditional use permit is issued have that narrowed down to exactly what will really apply or not.

Larry Zarletti:

Okay, fair enough, thanks.

Tom Terwall:

Anybody else?

Wayne Koessl:

Mr. Chairman, through the Chair to staff, is that agreeable to the staff, and do you think you'll have time to pursue those conditions prior to the issuance of the COP?

Jean Werbie-Harris:

Yes.

Nancy Hagerty:

Can I also make one more comment? I just want to put this on the record. Nitto owns three parcels of land and Mondi is proposing to buy two of them. And although the application and the staff report has both of the tax key numbers in it, I just want to make sure everybody understand Parcel 7 of CSM2245 that's that little vacant horizontal piece just north of it. The plant itself is

on Parcel 10 of 2286. So I didn't want to have you go through all this and then not have that in the record just to make sure we have the legal correct.

Michael Serpe:

As long as you mention is there the possibility of expansion in the future? Is there going to be enough room for that?

Mark Rostagno:

Oh, yeah, yeah. We're buying a 50 acre parcel and then a 10 acre parcel.

Nancy Hagerty:

I know you've seen it on the screen before, but the way the parcel is located it only has one access point up to that direction. And you see all this extra land further south and further west that they have every ability to expand into. And, as a matter of fact, it would be a little clumsy to split it off because of the location of the pond down there. The horizontal parcel above it, which is Parcel 7, could be operated separately. WisPark, as you know, as the right of repurchase on that, and we're talking with them about that. But I think Mark can probably speak to the fact that in the foreseeable future that big parcel is going to give them more than enough room of what they're likely to use because it's a big piece of land.

Michael Serpe:

Big enough for a corporate headquarters?

Nancy Hagerty:

You'd have to fight South Africa for that.

Tom Terwall:

Anything further? If not, I'll entertain a motion.

Don Hackbarth:

Mr. Chairman, I move approval.

Michael Serpe:

Second.

Tom Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE TO APPROVE THE CONDITIONAL USE PERMIT AND THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? Welcome. This is a great day for us, I'll tell you that, to take an existing facility and have it improved and utilized is music to my ears. Thank you.

B. PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY CONDOMINIUM PLAT for the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue (CTH ML) to develop four-7 unit condominium buildings to be known as the Springbrook Place II Condominium.

Peggy Herrick:

This is a petition for a preliminary plat approval for the proposed development for four 7-unit condominiums to be known as Springbrook Place II Condominiums on property generally located at the southeast corner of 22nd Avenue and 91st Street in the Village. I'm going to give you a little bit of background information. This may look familiar to you because we did approve this once before. In February of 2008 the Village approved a final condominium plat for Springbrook Place Condominium development, and the developer entered into a development agreement and submitted an irrevocable letter of credit for the proposed public and private improvements to be done on this site. In addition, a Tax Increment District #4 was established in order to assist the developer with financing the remediation of the contaminated soils on the site.

The developer has since demolished all existing structures, remediated the known soil contamination and still contemplates developing the properties and constructing 28 condominium units within four buildings on this site. In 2008 when the final condominium plat was approved, the developer entered into a development agreement with the Village, again, that included approval of the plans and also submitting the irrevocable letter of credit to pay for those public and private improvements.

Since 2008 the general decline of the housing and condominium market has made the construction schedule for the proposed condominium buildings economically unrealistic and the developer has requested several time extensions related to the condominium development construction timeline that was set forth in the original development agreement.

At this time, the existing difficult economic conditions has caused the developer to stop the project and request the vacation of the Springbrook Place Condominium Plat that was approved in 2008 and to not complete the construction of the public and private improvements serving that condominium plat. The current economic conditions have also caused the developer to request the financial security release of irrevocable letter of credit #104130090, in the amount of \$384,338.45 currently being held by the Village, which had been provided to financially guarantee the installation of the public and private improvements subject to the land restoration, inspection and acceptance of the work performed on the existing properties.

As a result, on August 16, 2010, the Village Board approved the third amendment to the development agreement relating to the redevelopment of the property. The Village agreed to reimburse the developer for certain eligible costs incurred by the developer in connection with the demolition of existing structure and remediation of contaminated soils that were needed for redevelopment of the properties as an incentive to the developer to complete the work. The Village Board had determined that the Village creation of a developer TID #4 to be necessary in order to encourage the developer to undertake the duties and responsibilities in the development agreement. The Village believes that unless the Village had provided the incentives to the developer, the developer would not have undertaken the restoration and redevelopment of this property.

The Village has determined that the redevelopment of the properties pursuant to the referenced development agreement and amendment are in the best interests of the Village and its residents; it will enhance the value of other properties in the Village; it will promote the orderly development of the properties in accordance with the Village Comprehensive Plan; it will remove blighted and contaminated property in the Village; and are in accordance with the public purposes and conditions of the applicable State and local laws and requirements under which the TID project plan which has been undertaken and is being carried out.

The developer will be responsible for vacating the existing final plat for Springbrook Place Condominium that was approved in 2008 prior to the Village releasing the letter of credit. The Village Board granted the developer's request for the TID to remain in place, and the developer is taking the necessary steps to comply with the conditions of the approval. The developer will fill in the stormwater basins, the large stock pile of topsoil shall be removed/spread on the site and the entire site shall be stabilized and maintained by the developer.

Therefore, in order to fulfill his commitment to the redevelopment the properties, the developer is resubmitting a preliminary condominium plat for Springbrook Place II for Village Plan Commission and Village Board's conditional approval. The proposed preliminary plat is identical to the plat previously approved; however, it is not intended to be developed until market conditions improve. The developer understands and agrees that a new preliminary condominium plat conditional approval will be subject to compliance with recent ordinance and regulation changes of the Village, County or State that may have gone into effect since February, 2008 when the first plat was approved and that are effective on the date the preliminary condominium plat is approved.

If approved, the preliminary plat shall be valid for three years and within those three years the final condominium plat shall be filed, considered, approved and recorded at the Kenosha County Register of Deeds Office.

Comprehensive Plan Compliance: The proposed Springbrook Place II Condominium Development is located within the northern portion of the Barnes Creek Neighborhood. The Barnes Creek Neighborhood is generally bounded by 89th and 91st Streets on the north, Sheridan Road on the east, STH 165 or 104th Street on the south and 30th Avenue on the west. The 2035 Land Use Plan indicates that this property is located within the Lower-Medium Residential land use designation. Neighborhood plans are a component of the Village's Comprehensive Plan and they are essential to the orderly growth of the community because they establish a framework as to how development should occur and, if and when development does occur. On September 10, 2007 the Village Plan Commission approved a neighborhood plan for this property to be re-

developed with four 7-unit condominium buildings. The Springbrook Place Condominium conceptual plan, as conditionally approved by the Village Board on September 17, 2007 and the proposed preliminary plat for Springbrook Place II Condominium complies with the Village Comprehensive Plan including the approved Barnes Creek Neighborhood Plan.

Again, the petitioner is requesting to have a preliminary plat re-approved for the same project that was previously approved in 2008. He will redevelop the 3.2 acres with four 7-unit buildings. Approximately .16 acres of 6,754 square feet of land was already dedicated for future widening of 22nd Avenue. The net density of the site will be 3.2 acres, and the proposed development will provide a net density of 8.8 units per acre. 1.69 acres of 53 percent of the site will remain as open common space. There are no wetlands or 100-year floodplain on the property as well.

Each of the four condominium units will have 7 units. The units range in size from 1,091 to 1,745 square feet. No basements are proposed for this project. In addition to the 44 parking spaces provided within the attached garages, 20 additional parking spaces will be provided on the site. Pursuant to the Village's zoning ordinance, the minimum parking spaces required for this development is 62 spaces of which 44 must be enclosed. The parking in this development meets the minimum requirement of the Village zoning ordinance.

Estimated population projections, at full build out of the 28 dwelling units it's estimated that 76 persons could be living in this, and this is based on 28 proposed dwelling units times the 2.73 persons per household. The 2.73 is based on 2000 census numbers of the average household size in the Village. 17 school age children or 12 public school age children are likely to come from this development at build out.

Open space, again as I noted before, approximately 1.69 acres or 53 percent of the site will remain in open space. The open space will include two storm water detention facilities at the northeast and northwest corners of the development, and the preservation of trees along the south, southeast and southwest property boundaries. Dedicated woodland preservation access and maintenance easements were dedicated on CSM 2616 to preserve and protect the remaining trees and brush line in the development. These existing easements are proposed to remain.

Public sewer and water and private storm sewer facilities, public sanitary sewer and water is provided within 91st Street adjacent to the site. The developer will be installing sewer, water and stormwater facilities within the property. The sanitary sewer main within the development site will be public; however the sanitary sewer laterals will be private. The water main within the development site will be public. The water service laterals will be public from the water main to the service branch shut off valves and private from the branch shut off valves to the buildings. The developer has already dedicated on CSM 2616 a water, access and maintenance easement and will install a water lateral to the southern property boundary to service the Mullin's house to the south. The water lateral will be required to be bored under the trees. It is recommended that the developer continue to work with the property owner to make the connection to the adjacent property owner's home. The storm sewers and detention basins within the development will be designated as private. All private utilities shall be owned and maintained by the Springbrook Condominium II Association.

The current zoning of the properties are R-11 (PUD). R-11 is Multi-Family Residential District with a Planned Unit Development Overlay District, and a portion of the properties are located within the shoreland boundary of a tributary to Barnes Creek. The existing PUD Ordinance Ord.

#08-08 and #08-27, that were attached to your packet are proposed to remain in effect and will be updated at the time the final plat for Springbrook Place II Condominium Plat is considered. At a minimum the legal description and recording references for new documents that will need to be executed and that portion of the ordinance will need to be amended to reference the new plat being recorded.

In addition to the impact fees due at the time of building permit, the developer has agreed to a cost sharing agreement to donate \$891 per housing unit as a cost sharing contribution for each of the residential units within the development to address current shortfalls in funding/fees collected for police, fire, EMS and public works impact fee needs as a direct result of this development. The referenced \$891 per residential unit payment shall be made to the Village at the time a building permit is issued. Only one \$891.00 payment is due per residential unit.

Again, this is a public hearing for consideration of a preliminary plat for Springbrook Place II Condominium Development.

Tom Terwall:

This is a matter of public hearing. Is anybody wishing to speak on this matter?

Allen Mullins:

My name is Allen Mullins, 9145 22nd Avenue. Since they tore down the buildings over there it's very noisy at our house. It sounds like downtown on our front porch. Since they're going to move this dirt anyway, I was wondering if they could make a berm in front of our house to stop the property noise coming from the intersection?

Tom Terwall:

Is the noise coming from 22nd Avenue or from 91st Street?

Allen Mullins:

From the intersection at the stop sign.

Tom Terwall:

How tall would a berm have to be?

Mike Pollocoff:

A berm would probably at least need to be ten feet.

Tom Terwall:

And that would be temporary until the construction is done, correct?

Mike Pollocoff:

Right, but that would need to be up close—not close but probably about 40 feet off the road. We could check to see what it would take to have one closer. The real problem is the Village has been after the developer to stabilize that site. It was preliminary graded. The ponds were put in, the depressions where the ponds are going to go those are now mosquito beds. And that berm, that pile that is there now they're leading us to believe is their topsoil pile. So I'm not sure that there's any dirt balance on that site that would allow a berm to be built because there's no fill on that site. I'm not sure that there's material to work with for a berm to be placed and then come back in and have that berm removed and start construction.

Tom Terwall:

If there's not enough soil on the existing site he'd have to haul some more and you think they could put a berm there?

Mike Pollocoff:

I believe so. Right now the pile that's there we need to fill up, again, the retention areas. They basically carved out that site so the areas where the buildings are going to be were lower than what the surrounding grades were. So all those areas have to be brought up to one elevation and then stabilized. Then there has to be some kind of swale constructed so when that water comes off that site it doesn't go onto abutting properties.

Michael Serpe:

Two things, Mr. Mullins. Isn't the front of your house towards 91st kind of bermed by a lot of pine trees?

Allen Mullins:

It used to be when the buildings were there, there was protection from the sound, from the church. And now all the noise, especially in the wintertime when the leaves are down is when it's really bad.

Michael Serpe:

I'm kind of a little surprised at that. I travel that a lot and I don't see the excessive noise. I mean it's just a slow intersection because of Springbrook Road. It's not a high speed intersection.

Allen Mullins:

It's on the stop sign I'm talking about.

Michael Serpe:

I know what you're talking about.

Allen Mullins:

It's probably one of the busiest ones in town.

Michael Serpe:

I'll argue that. But--

Tom Terwall:

Would a fence work, Mike?

Mike Pollocoff:

Yeah, I think a fence would be the next alternative. I'm not sure that's a requirement that we could place on the developer to construct a fence on that parcel. I mean we've taken pretty significant steps to make sure the developer doesn't take down the trees. That buffer of trees that kind of goes between their property and where the ultimate condos are going to go. But that wouldn't preclude Mr. Mullins from putting up a fence on his side of the property to buffer that noise either.

Wayne Koessl:

Mr. Chairman, I think it's kind of unusual that we're giving a three year permit on a preliminary plan. Is their plan three going to come in with low income housing if this doesn't materialize?

Mike Pollocoff:

By State law we have to give them three years. They've got that option.

Wayne Koessl:

I think we should not approve this or we should put the condition on approving this that that site should be stabilized. It looks like hell right now.

Peggy Herrick:

That is a condition and that is the condition before they get their irrevocable letter of credit reduced as well that that site has to be stabilized.

Wayne Koessl:

Okay.

Mike Pollocoff:

Just to follow up on that, that's something that we've been working on. I think the only reduction they need on the letter of credit we're holding \$20,000, but I would make the restoration of the

site back to a grassed, a clean setting conditioned upon this preliminary plat proceeding onto the next step.

Wayne Koessl:

Okay.

Mike Pollocoff:

Like I said, we've been talking to them for the better part of almost half a year and we're running out of landscaping season right now.

Tom Terwall:

Can we at least approach Mr. Mills about the possibility of erecting a fence?

Peggy Herrick:

There's a representative here.

Jonah Hetland:

Good evening, Jonah Hetland, 4015 80th Street. You wanted me to answer the question about the berm. I didn't catch that last—

Tom Terwall:

Or the possibility of a fence.

Jonah Hetland:

We couldn't put a fence on our property because, like Mike had mentioned, we've got a woodland easement that we have to maintain. We're not allowed to cut any trees down or place any structures or fill within that 25 or 30 feet. As far as the berm goes, we certainly couldn't import any additional fill. We're already heavy on the site as it is when we do develop it. Anything that we excavate out of the ground for utilities has to be exported off the site. So if you want to work with us on the pile that's there, right now we intend on leveling it, fill in the detention basins and grading off those low areas to stabilize it. So if you want to work with us on doing something different with the dirt we can certainly look at that. But as far as importing additional fill we definitely could not do that.

When we do develop this site we will be paying for and installing a water line to Mr. Mullins' property. I think we've taken quite a few steps over the last few years to improve the property. We're still spending money to this day monitoring the ground water. So I think we've gone, in my opinion, above and beyond on the site. We spent a lot of money and a lot of time to remediate it. So we're just trying to preserve our vested right in the property that we have now and reduce the letter of credit because of the economic conditions.

John Braig:

I know on the one drawing here the retention ponds are listed as being dry retention ponds. There's been water in those ponds since the site was developed or remediated a couple years ago. Are we including a requirement that these ponds are going to be filled such that they are simply retention ponds and will quickly drain and become dry after a storm?

Mike Pollocoff:

That's part of the problem is the ponds were cut but the storm sewers aren't put in to drain them. So that's why my recommendation is that until they're ready to go and the improvements are in place to drain those detention ponds they need to be filled back up so they're not holding any water.

John Braig:

And the second point, I'm in agreement with Commissioner Koessler that I don't like the idea of approving something that's good for three years and there's no time table that says they're going to do anything with it. In fact, it's clearly stated they're not going to do anything right now. I would table this or reject it until such time as they come in here and say they've got a time table, they're going to do something with it and we're going to see some action.

Michael Serpe:

John, I'm not going to agree with that and I'll tell you why. Right now with the proposal that they have on the table that at least they're coming forward with I don't know with the economy when that's going to be, when they can put a time table up and when that construction could start.

John Braig:

It isn't that we're holding it against them. I see it as this not being the time. It's going to be two or three years from now.

Michael Serpe:

I understand. But right now approving this tonight we're going to get that detention basin that's just sitting there collecting muck taken care of. The lot is going to be leveled. It's going to be a more attractive site than what it is right now if we give the approval because that's a condition of approval.

John Braig:

Okay, good point.

Don Hackbarth:

On page number 3, I wish these were numbered, but I think it's our page number 3 on the blue, on the bottom line it says the site shall be stabilized and maintained by the developer. What does

maintained by the developer mean? Does that mean he's going to cut the grass or mow that crap down?

Jean Werbie-Harris:

The grass needs to be mowed on a regular basis.

Don Hackbarth:

I think that's the worst part of the site is just garbage on there.

Jonah Hetland:

And that's one of the reasons Mike has been pushing us to do that. So if we can level off those low areas and don't have the steep embankments and fill in those basins—we do mow it now but it will certainly be easier for us to mow it and maintain it because we have a crew that goes around to all of our sites throughout the County and does it on a regular basis. So once we do take these steps to stabilize it in a better fashion we will most certainly—

Don Hackbarth:

That's mowed? How often do you mow it?

Jonah Hetland:

We do mow it occasionally. But, again, if we can get our normal tractor in there and it's level it will be easier and it will look better at the end of the day.

Don Hackbarth:

I hope so, because the way the land looks now I hope that you're going to abide by your word here saying that you will maintain it after it's leveled.

Michael Serpe:

Peg, what Mr. Mullins was asking for, approximate distance from 91st Street to approximately the Mullins home?

Peggy Herrick:

It's about 500 feet. There's 400 feet on the Springbrook Place development from 91st down to the edge of the brown on that map, and about another 75 feet probably where his house sits.

Mike Pollocoff:

I just want to add, this development is a little bit unusual in the sense that we've created a tax increment district for it. The basis or the need for the tax increment district was to eliminate the blight which was the old building and which was with the dry cleaning and all the contaminated soils. So we've kind of gone through a deliberate process of steps to come to the conclusion

where eventually they're going to be able to build on this. That clearly hasn't happened. The developer is seeking to have his funds that are held for a letter of credit returned to him because without the construction taking place that just kind of sits out there forever.

I have no idea—I guess if I knew when condos were going to sell again I'd be someplace else making a lot of money. We don't know when that's going to happen. My goal is until they can make that business decision to come in compliance with what we've approved initially that the best thing for everybody is now that the site has been remediated to take that topsoil and spread it on the site because that will make it a lot easier to grow something that's worth mowing. Right now it's just whatever was graded up when they were clearing the site from the building and the parking lot and all those other things. So if we can get some topsoil spread in there, get all the holes filled and bring it back. And what I've indicated to them is I expect it to look like a park where it's all grass and it goes mowed. Then time is going to go on and they'll make that business decision.

In the meantime the Village has a site that's been buttoned up from a remedial standpoint. It's not a nuisance to the neighbors and it will look clean. Developers have lobbied the legislature successfully to hold every municipality to a three year letter of credit. I mean every time you guys—a preliminary plat, every time the Plan Commission does a preliminary plat like it or not you're giving that developer an option to hang out there for three years before they decide when they're going to go on that. We really can't change that. All of our plats out there right now are on three year time frames and we're not able to limit that time frame. We could make it longer if you want.

So I think that had we not had this series of commitments where the Village and Mr. Mills made some commitments to do some things in order to make sure we could get that area cleaned up and fixed up, I'd be recommending to the Board don't do anything on this. But that's not the case. There's some things we've done in good faith from the Village's standpoint to make sure that this got cleaned up and that happened. And we created the TIF district and that happened. And we gave those approvals and that happened. So the last thing I want—I'm willing to say I don't want something they can't sell. That could be just as bad as having something that doesn't get put up at all. But we want the site brought back to a point where the neighbors can live with it so it's not looking like an eyesore. I don't think we can bring back the quiet and the serenity that existed when the building was there, but I think just to get it cleaned up so it's not an eyesore is really where we want to be. That's why this is probably a little bit out of the ordinary. But just based on the history of what we've accomplished together and getting this site cleaned up is what makes it a little bit more odd than the normal development.

Don Hackbarth:

When you look at the history of that site those buildings that were there that was really an eyesore. It was terrible. And not only that the chemicals that were going in the ground that cleanup had to help the local residents, too. The only thing I would ask is is it possible at least to sit down with them to see if a berm could be put up in a location that is far enough from the tree line or whatever? At least work with it. If it can't happen then it can't happen but at least maybe there's something we can do to try.

Mike Pollocoff:

I'd definitely be open to it if the dirt balance works. When they use that—there's an existing hill there. Once they've used that pile and if there's anything left and if there's a berm and they're willing to put it there rather than truck it off that would be fine.

Jonah Hetland:

I'm pushing dirt either way. So whether it's in a hole or in a berm that doesn't matter. The thing is importing additional.

Mike Pollocoff:

Right. We don't want to see added fill dirt come into a site and I'm sure they don't want to haul it in. But if it can work certainly I don't have any objections to it.

(Inaudible)

Virginia Mullins:

. . . we had no idea the traffic on 91st Street because now we sit in our living room and we look out and we can see . . . and it's really bad in the wintertime. You can literally see all the cars . . . evergreen trees are something that kind of breaks the noise up . . . even a fence.

Jean Werbie-Harris:

We're not getting this.

Mike Pollocoff:

You have to come to the mic otherwise—

Jean Werbie-Harris:

You have to talk into the microphone.

Virginia Mullins:

Virginia Mullins, 9145 22nd Avenue. As far as the fence line, yes, there is a woodland area but there is also a large section of that woodland area per the boundary of the surveys that has been cleared so fencing can as an option be placed. I don't want people to dismiss that out of hand. The other thing that we've been looking at, too, because there's going to be a high population concentration in that small area now we have to be concerned about people walking over onto our property. With all the overgrowth and everything before that wasn't a consideration that we had a couple years ago. So these are just some of the things that we've noticed in the last two years since that building has been brought down. It's like really open. I'm not saying—we don't miss the building, we don't, but we realize that it really blocked a lot of the noise. We didn't see the traffic. It kind of gave us some privacy. Like I said especially in the wintertime it's just—91st Street is just right in our living room almost. So if we can take that into—there's some other

options I'm asking that we take a look. If it's a berm, if it's tree plantings, if it's a fence, it's something I just want us to look at some different options.

Tom Terwall:

Is there anybody else wanting to speak? If not I'll close the public hearing. What's the pleasure of the Commission?

Wayne Koessl:

Mr. Chairman, I would move approval but if I get a second I have a couple comments.

Michael Serpe:

I'll second it, Wayne, because I have a comment also.

Wayne Koessl:

I think what Mr. Pollocoff said the three year on the preliminary plat set up by the State is just the State taking more control of local government and making the job down here a lot harder. And also I only made the motion and I'll vote in favor if that site gets stabilized because right now it's a terrible eyesore.

Michael Serpe:

Are we still using the same formula for students per dwelling as we would for a single family home standing alone on this condo project?

Jean Werbie-Harris:

Yes, we are.

Michael Serpe:

Okay. I don't know of a condo project that produces 2.73 students per unit.

Peggy Herrick:

That's people.

Tom Terwall:

2.73 residents.

Michael Serpe:

No, 2.73 school age children between the ages of—not that it's any big thing, I just don't see it happening here as far as how many people are going to be in your area. I don't see this many are going to be there.

Tom Terwall:

It's 2.73 people per unit which would give you 76 people and then of that 23 percent will be school age children so it could be 17 school age children.

Michael Serpe:

And I don't see that.

Tom Terwall:

We have two in ours.

Michael Serpe:

And how many units do you have?

Tom Terwall:

EIGHTY AND TWO KIDS. THERE'S A MOTION BY WAYNE KOESSL AND A SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

C. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to Section 420-76 P of the Village Zoning Ordinance related to the size and height of model home signs allowed in the Village.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, the next item is a consideration of a zoning text amendment to Section 420-76P of the Village Zoning Ordinance, and it relates to the size and height of model home signs that are allowed by the Village.

The Village has received a request from Bruce Johnson, President of Liberty Builders, requesting that the regulations for model home signs be amended. As indicated in the attached letter, Wolf Korndorfer or Korndorfer Development and Dustin Harpe of Harpe Development and Bruce Johnson are requesting the ordinance be amended to allow for model home signs to be a minimum of 16 square feet or 4 by 4, rather than a 4 square foot sign which is 2 by 2 with the height of the sign increasing from five feet to six feet.

Model home signs as defined by the ordinance are a temporarily freestanding single-faced or two-faced back-to-back sign which identifies an unoccupied dwelling as a demonstration unit for purposes of selling or renting other similar dwelling units.

Pursuant to the requests, they believe the signs are tastefully presented and professionally constructed and do not pose an eyesore to the neighboring properties. They are requesting the signs be increased in size to allow a builder the ability to more effectively market the model home and allow for adequate room to display the name of the model and model hours by day of the week. Both Liberty Builders and Korndoerfer Development have already created signs that are approximately 4 by 4 that were installed without proper permits as indicated in their request.

In February 2000, when the sign ordinance was adopted, it was intended that model home signs be similar in size to home occupation signs which are allowed to be a maximum of 4 square feet. In addition, however, real estate signs advertising properties for sale are allowed to be nine square feet. So the regulations as proposed are as follows and they're shown in your staff packets as highlighted in yellow.

Related to model home signs they're proposed to be amended as follows:

- (1) Permitted in any residential district wherein a conditional use permit has been approved for such use.
- (2) Maximum number: one per property.
- (3) Maximum area: 16 square feet per face instead of only four.
- (4) Maximum height: Six feet instead of five.
- (5) Minimum setback: five feet from any public street or highway right-of-way line.
- (6) And I'm making a modification to this one. They shall be a wooded sign or made of composite board or such other materials as may be approved by the Zoning Administrator on on two wooded or composite board-type decorative posts. The height of the base or supports below the bottom of the sign display shall not exceed three feet.
- (7) Colors shall be complimentary to the model home.
- (8) Shall not be illuminated.
- (9) Shall be removed upon expiration of conditional use permit for said use or when home is no longer used as a model home.

With that, I'd like to continue the public hearing. I know that we have some builders here that would like to present their concerns as well as why they are recommending this change to our ordinance.

Tom Terwall:

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

Bruce Johnson:

I'm Bruce Johnson with Liberty Builders, 9409 Ashbury Lane. The reason we had approached the Village first and foremost when we constructed the original sign it was an error on my part and my partner's as well in reading the original ordinance at four square feet. Hence, the sign that we put up improperly so that was our fault.

The reason we're asking for this is when you look at a normal real estate sign now, typically a real estate yard sign is three by three. That's a typical sign that you see posted in most yards. But the sign we have now is four foot by four foot. And if you see the Wolf sign is I believe three foot by five foot. We really need to, in these times, we really have to draw people into our models. This is unprecedented what we're going through. If we're only allowed to have a two foot by two foot sign, if you go by Dustin Harpe's model out in our subdivision now he currently has a two foot by two foot sign. It's barely legible. I mean you can barely put your corporate name on there and model hours.

If you see our sign it's tastefully done. It's a \$550 sign. We have our model hours, times of operation, website, etc. We've had no complaints from the residents at all in the development. Really, guys, is all about just trying to drive people into our models right now and just getting some traffic. We were pulling in a lot of people off of Highway C prior to the houses going up along Highway C now. But when people drive into the subdivision if we don't have something to pull them in like that, if we just have a normal sign, it just looks like a house for sale sign quite honestly. So that's the reason why we're proposing the change.

Tom Terwall:

Is there anybody else wishing to speak? Anybody else?

Jean Werbie-Harris:

Mr. Chairman, I just wanted to mention one other thing. They are not allowed to have attention getting devices such as pennants or streamers or balloons or anything like that. So because of that restriction what he's indicating is that, yeah, if they have a much smaller sign it looks just like a for sale sign as you're driving in or through a subdivision. So for that reason that's why they're requesting a little bit larger permanent looking temporary sign out there that is more tastefully done as opposed to something that's just stuck with wire framing into the ground.

John Braig:

I was going to mention something about flags and pennants because there's no mention of that in these revisions.

Jean Werbie-Harris:

That's because it's already prohibited in the ordinance.

John Braig:

Is it clear because there's plenty of flags and pennants flying around in the Village right now.

Jean Werbie-Harris:

And I've made a number of calls this week and they should be down by the weekend.

John Braig:

I'll check.

Tom Terwall:

MasterCraft gets confused between model homes and used car lots. I keep bringing this to the attention of the staff.

Don Hackbarth:

Could we add a tenth point to this, approved by the Village Planner or something like that? I mean I like these signs, but if we just give this approval and they put a sloppy board up there.

John Braig:

Yup, I'll buy it.

Don Hackbarth:

We're saying they can put anything up basically here. Somebody has got to look at it and say this is gaudy. I mean these are nice signs and I have no problem with that. But somebody might come in and put a real turkey up and I don't think we want that either. I don't think we want that either if there's a lousy looking turkey sign up there. So I think we should say it has to be approved by you or your department.

Jean Werbie-Harris:

And all the signs have to be approved by my department right now. I mean are you concerned about the materials that they're using?

Don Hackbarth:

Everything. This is nice, but I'd really like to put some teeth in it so it stays more like this than just a 16 foot square piece of board.

Larry Zarletti:

I am not in favor of putting any more restrictions on the builders than we do on anybody else who wants to put up a sign. So if we already have these things in place where the sign can't look like a piece of garbage, this is some quality stuff. I mean each one of the builders that are out there have a reasonable sign. I take Bruce's point with regards to the way the market is, the way the economy is. I mean you've got to have some good signage out there for people that are passing by that it's something they can read without causing an accident on the way by. And I think that they've already displayed each of the builders in Ashbury, and I have personal knowledge of that, each of the builders in Ashbury have gone out of their way to make sure that their signs are professional. I understand what you're saying with regards to not wanting a sign up that looks bad, but I also don't want to put additional restrictions on the builders that we don't have on other

people. So if someone else wanted to put up a sign let's say somewhere along Highway 50, would they have to show what the sign is going to look like and you approve it, right?

Jean Werbie-Harris:

Yes.

Larry Zarletti:

So I think we're already there. I mean they're going to have to look at it and approve it anyway, and if it looks like a rundown put together with chicken wire they're not going to approve it.

Don Hackbarth:

Is that our policy? Do you approve every sign?

Jean Werbie-Harris:

We don't approve every sign that comes in without it meeting our requirements.

Tom Terwall:

It has to be approved.

Jean Werbie-Harris:

It has to be approved.

Larry Zarletti:

It has to be approved. That's the question.

Jean Werbie-Harris:

Every sign needs to be approved.

Don Hackbarth:

But do you see it before it's put up?

Jean Werbie-Harris:

You bet.

Larry Zarletti:

The only reason for my comment was I simply didn't want there to be additional restrictions placed on this gentleman or other builders that are in place on other businesses to put up their signs.

Michael Serpe:

Well, if it's already covered then you're right.

Jean Werbie-Harris:

And as builders they actually helped to prepare this ordinance so this is what they are prepared to have to do. And as long as the other builders are kept at that same standard that they are I think they're okay with it.

Larry Zarletti:

And with that I'd move approval subject to the terms and conditions outlined by staff.

Wayne Koessl:

Second.

Tom Terwall:

IT'S BEEN MOVED BY LARRY ZARLETTI AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

D. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT for the request of Wolf Korndoerfer, agent for Great Day Holding, LLC, d/b/a Korndoerfer Development, owner, to use the house located at 8408 94th Court in the Ashbury Creek Subdivision as a model home.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a request for a conditional use permit at the request of Wolf Korndoerfer, agent for Great Day Holding, LLC, doing business as Korndoerfer Development, owner, to use the house located at 8408 94th Court in Ashbury Creek Subdivision as a model home.

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

Findings of Fact

1. The petitioner is requesting a conditional use permit to continue to use the house located at 8408 94th Court on Lot 85 in the Ashbury Creek Subdivision as a model home. The property is located in a part of the Southeast One-Quarter of U.S. Public Land Survey Section 8, Township 1 North, Range 22 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie and further identified as Tax Parcel Number 91-4-122-084-0315.
2. The single-family lots within the Ashbury Creek Subdivision are zoned R-4.5, Urban Single Family Residential District. Pursuant to Section 420-109 C (1) (b) of the Village Zoning Ordinance, model single-family homes and related temporary real estate sales offices or marketing centers are allowed in the R-4.5 District with the approval of a conditional use permit issued by the Plan Commission.
3. On February 2, 2010, the Village issued zoning, building and erosion control permits for the construction of the new 2,382 square foot, single-family dwelling on this property, at 8408 94th Court. The owners received a verbal approval from the Inspection Department to occupy the residential unit on June 29, 2010.
4. Pursuant to the Village Zoning Ordinance, the model home and sales center may be located in a new development for a period not to exceed two years from the date of occupancy, and the Plan Commission may set specific time frames for which the model home and marketing center can be open.
5. The petitioner is proposing to have the following hours for the model home: Monday, Thursday and Friday 12 to 6 p.m.; Saturday and Sunday 12 to 4 p.m., and by appointment.
6. Parking shall be provided on the driveway and is allowed on 94th Court adjacent to the lot.
7. Pursuant to the Village Ordinance, model homes, with a an approved sign permit application, are allowed subject to the following regulations. And, again, these were the existing regulations that are in the zoning ordinance today. And if this ordinance that was just previously discussed is approved then there will be new regulations with respect to the size and the area requirements and the building materials.
8. Notices were sent to adjacent property owners via regular mail on August 20, 2010 and notices were published in the *Kenosha News* on August 30 and September 6, 2010.
9. The petitioner was emailed a copy of this memorandum on September 10, 2010.
10. The conditions for approval of model homes, including the Zoning Ordinance conditional use permit standard conditions are set forth in the staff recommended conditions of approval as identified in this Village Staff memorandum.

11. 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 public hearing this evening that the project as planned will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of a conditional use permit.

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

Tom Terwall:

Is there anybody wishing to speak on this matter?

Wolf Korndoerfer:

Hi, I'm Wolf Korndoerfer, the builder, and I just wanted to say that I read the conditions and I agree to all the conditions and I'm here to answer any other questions.

Tom Terwall:

Thank you. Anybody else wishing to speak?

Jean Werbie-Harris:

Could we have your address for the record, Wolf?

Wolf Korndoerfer:

It's 7900 Durand Avenue, Sturtevant.

Tom Terwall:

I'll welcome comments and questions from Commissioners and staff.

Don Hackbarth:

Move approval.

Jim Bandura:

Second.

John Braig:

Just one question. Item 2 says a permit is required for the irrigation system installed on the property. Is that a common requirement for irrigation systems anywhere?

Jean Werbie-Harris:

Yes. So if there is an in ground sprinkler system that you're installing at your residential property a permit is required from the Village inspection department.

John Braig:

I bet we miss that an awful lot of time. But most of them would be installed—it's hard to say. I'm thinking if it's installed by a contractor he would be aware of it. Menards has a big section of that type of equipment that they sell to the do-it-yourselfer. Okay, just a comment. Thank you.

Tom Terwall:

IT'S MOVED BY DON HACKBARTH AND SECONDED BY JIM BANDURA TO APPROVE THE CONDITIONAL USE PERMIT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Thank you.

E. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #10-16 to amend the Village of Pleasant Prairie 2035 Comprehensive Plan related to corrections as a result to finalization of the 2035 Kenosha County Multi-Jurisdictional Comprehensive Plan, to correct errors on the 2035 Land Use Plan Map and to include two (2) Compass Point Newsletters related to the Multi-Jurisdictional Comprehensive Plan that were distributed between January and May 2010.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Resolution 10-16 is to amend the Village of Pleasant Prairie 2035 Comprehensive Plan related to corrections as a result of the finalization of the 2035 Kenosha County Multi-Jurisdictional Comprehensive Plan, also to correct errors on the 2035 Land Use Plan Map and to include two Compass Point Newsletters related to the Multi-Jurisdictional Comprehensive Plan that were distributed between January and May 2010.

On April 12, 2009 the Plan Commission adopted Resolution #10-05 to initiate amendments to the Village of Pleasant Prairie 2035 Comprehensive Plan as adopted on December 19, 2010. At the time the Village adopted this Plan, Kenosha County had not yet completed the County's Multi-Jurisdictional Plan, and during the final review of the County's Plan, it was brought to the Village's attention that there were some mapping errors related to some of the maps that they included in the plan including telecommunication facilities and affordable housing for older

adults facility. And the Village also then found a mapping error on our 2035 Land Use Plan Map. In addition, two additional newsletters were distributed.

In the spring of 2010, there were revisions to three maps within the County's Plan related to telecommunication sites and assisted living facilities. The sites on the maps did not correctly reference the correlating tables. The tables referencing the sites were corrected, and the maps were revised to correctly correlate with the tables. Some of the sites were misplaced within the City of Kenosha and the Village and some sites were removed completely from the City or Village, because they were incorrectly located originally. The assisted living facilities map and the telecommunication map were updated to reflect the correct color and the number of antennas on a cell tower sites.

Since the Village maps in the Comprehensive Plan were based on maps in the County's Maps, maps and tables were reviewed and then we needed to make some corrections to ours. So first map, map 3.1 entitled Assisted Living Facilities, Independent Housing and Senior Apartments is to be amended to include an affordable housing development for older adults referenced in Table 3.31 but missing from Map 3.1. Specifically, Facility #5 on Table 3.31 was missing from the map.

Next, Table 5.6 entitled, Location and Height of Wireless Antennas is to be amended to remove a listed site that is not located in the Village and not shown on Map 5.7 as indicated on Table 5.6 and to amend footnote that had a typo.

Next, Map 5.7 entitled, Telecommunications Structures is to be amended to show site 8 as a green rather than blue since the structure has two antennas.

Other amendments to the Plan include: Appendix 1-6 is to be amended to add the two additional Compass Points newsletters related to the County's Plan. Appendix 9.5 entitled Kenosha County 2035 Land Use Plan Map is to be amended to reflect the Land Use Plan information from the recently adopted Kenosha County Multi-Jurisdictional Comprehensive Plan. The note on Map 5.1 and 5.2 is to be amended to correct a typo. Table 5.19 is to be amended to correct the street address for Imagination Station Christian Family Daycare Center. They have it listed as being in Kenosha instead of being in Pleasant Prairie.

Next section of corrections, an amendment to correct an error on the 2035 Land Use Plan 9.9 that incorrectly showed open space and wetland designations in a portion of the Rolling Meadows Subdivision and five lots adjacent to said subdivision where existing single family homes exist and the wetlands within the Park were located. These have now all been changed. And as you can see on the overhead basically the wrong color was used and that changed the land use designation. So the wetland land use designation within the Rolling Meadows Park identified as Tax Parcel 92-4-122-243-0125 that will be removed. And then the residential lots on Springbrook Road, 33rd Court, 33rd Avenue, 98th Place that were incorrectly shown, again, with the inappropriate color they were shown as park and recreational and other open space, now they're being shown correctly as low density residential land use category properties. And the listing or chart in the staff comments list all of those parcels that were affected.

Then, finally, Appendix 10-3 of the Village of Pleasant Prairie 2035 Plan will be updated to include all of the amendments and modifications, changes and corrections as listed above. With that, the staff recommends approval of Resolution 10-16.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak on this matter?

Andy Schapals:

Andy Schapals, 9708 33rd Avenue. I just want–this is just a paperwork . . . right?

Tom Terwall:

Yes, correct. Anybody else?

Kathleen Field:

Hello. I'm Kathleen Field, 9708 33rd Avenue, and there seems to be a mistake on this. Thomas and Charlotte Riley we purchased their house about six years ago. So they're no longer living in that neighborhood and this property address I live at 9708 33rd Avenue, I purchased their property, my house is the one on the end of the cul-de-sac which is included in this change. So somehow I'm not on here and I should be. There's a mistake here somewhere.

Tom Terwall:

Your correct address is 9708?

Kathleen Field:

Yes. I live right next door to Andy. So I am right there at the top of the cul-de-sac.

Peggy Herrick:

The Riley's live right here on Springbrook Road and you live south of that?

Larry Zarletti:

Then you don't have to pay any taxes, do you, if we can't find you on there?

Kathleen Field:

There you go.

Jean Werbie-Harris:

If they own the property we have listed the property owners. We don't have if someone is leasing the property or renting the property.

Kathleen Field:

So then that's their property then I'm not on here at all. Then I'm missing. So I should be right in there next to Peggy and Andy. James and Mary live on one side and Andy and Peggy live on the other.

Jean Werbie-Harris:

We'll update it and get the correction in there.

Tom Terwall:

Is there anybody else? If not I'll close the public hearing.

John Braig:

Move approval with those corrections.

Michael Serpe:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE RESOLUTION 10-16 AS AMENDED SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

F. PUBLIC HEARING AND CONSIDERATION OF ORDINANCE AMENDMENTS to Chapter 420, Article V of the Village Zoning Ordinance and Chapter 395 Article X of the Land Division and Development Control Ordinance related to fees.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, these are ordinance amendments to Chapter 420, Article V of the Village Zoning Ordinance and Chapter 395 Article X of the Land Division and Development Control Ordinance related to fees.

On August 9, 2010 the Village Plan Commission adopted Plan Commission Resolution #10-14 to initiate a text amendment related to zoning fees and in particular, those fees associated with pre-development agreements.

In the recent economic climate, the Village has seen unprecedented property foreclosures and banking problems. The banks are taking back land that was in the process of being developed, land that has been platted is being vacated, and the Village is drawing on letters of credit to complete the required public improvements in developments. As a result, the Village staff is recommending changes in the zoning fees and the land development and development control fees in order to address the amount of staff time that needed to deal with these situations. In numerous instances, the banks now own the developer properties and the Village staff is meeting with bankers and brokers regarding the completion of required public improvements and the sale of properties to new developers. As such, over the last year the Community Development Department has spent numerous hours explaining to new owners/developers and bankers the status of the developments, preparing assignments to development agreements, and reviewing outstanding public and private improvements to be completed in a development.

The current ordinance requires a pre-development agreement at the time that an application is submitted in order to bill the developer or owner for the staff time and resources to complete the review process. The billing typically ends at the time that the building permit is issued as it relates to site and operational plans or when the development agreement is executed for subdivision plats.

The following proposed amendments to the Zoning Ordinance and the Land Division and Development Control Ordinance include:

1. A pre-development agreement would be required not only with the review of an application, but for the ongoing review of information, attending meetings and researching information for speculative development proposals to assure that the proposed application, existing plans or requests are in compliance with the provisions of the Village Ordinances and any pre-existing approved plans and specifications.
2. Requiring a \$800 application fee and a pre-development agreement to be executed for the following:
 - Memorandums and agreements other than a development agreement
 - Amendments to an existing development agreement or other executed agreement
 - Assignment of a development agreement
3. Requiring a \$200 application fee and a pre-development agreement to be executed for the following:
 - Affidavit of correction to a certified survey map or a lot line adjustment
 - Vacation of a plat
 - Affidavit to change a plat or CSM requirement
 - Vacation of a Village easement
4. An application fee of \$100 is being added for the following:
 - A minor amendment to a site and operational plan previously approved by the plan commission.
5. An application fee of \$50 is being added for the following:

- Street lights being installed or removed and going through the process
 - Address correction or change
6. Sign fees are being amended to change fees for the following temporary signs to \$15 per sign:
- Coming soon sign
 - Community banner sign
 - Special event sign or devise
 - Temporary banner sign

This is a matter for public hearing if there are any questions.

Tom Terwall:

Anybody wishing to speak on this matter? Anybody wishing to speak? Jean, are we the only community in Kenosha County doing this do you know? Is this pretty standard?

Jean Werbie-Harris:

It's not standard to my knowledge, but I'm not sure if there are other communities that may be doing it. Other communities have contacted me asking for copies of our pre-development ordinances and other regulations so I'm not sure if others are doing it. But we feel that it's necessary in order to start covering some of these costs. Because we are, I am spending a lot of time with these developers which are bankers now that have taken over many of these developments.

Don Hackbarth:

What about rummage sale signs and miscellaneous signs? Where we're at these signs pop up every weekend, not every weekend but pretty often. There was some parenting class sign that stood on our property for two months.

Mike Pollocoff:

Rummage sale signs are regulated by the Village Clerk. In the ordinance rummage sales she's the one that does that.

Don Hackbarth:

Is there a fee on them?

Mike Pollocoff:

No.

Tom Terwall:

Is there a requirement to take them down when the sale is gone?

Mike Pollocoff:

Right.

Tom Terwall:

Because they're not doing that.

Mike Pollocoff:

I know.

John Braig:

Just a little concern. In Item 3 and in Item 5 the word correction appears. I'm looking at a situation where an individual is trying to correct something that he was not part of the error in the first place. Should he be charged a fee for trying to correct something that somebody else caused?

Jean Werbie-Harris:

A couple things. First of all if there's an affidavit of correction that means that they want something different based on an error that was made originally on a plat or a certified survey map. So that correction is his obligation in order to make those corrections if that's what you're talking about with respect to a CSM.

John Braig:

Would we be saying that in effect he bought a defect and it's his responsibility to correct that defect? In other words, if he bought the property or somehow-

Jean Werbie-Harris:

For example if there was a legal description that was inaccurate, and sometimes those are caught after the fact, sometimes after the document has been recorded, sometimes when there's some additional checking in a legal description. It's the new property owner's responsibility or whoever has title to that property to correct that document and work it through the process.

Tom Terwall:

And if he wants to go back after the title company that processed it in the first place he can go after them, right?

Jean Werbie-Harris:

That's correct.

John Braig:

Okay, I guess so.

Tom Terwall:

Anybody else? What's your pleasure?

John Braig:

Move approval.

Michael Serpe:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ORDINANCE AMENDMENTS TO CHAPTER 420, ARTICLE V. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

G. Consider Plan Commission Resolution #10-17 to initiate a zoning text amendment related to a floodplain boundary adjustment approved by the Federal Emergency Management Agency for the duplex condominium property located at 8719 and 8721 Old Green Bay Road and the property located at 8783 Old Green Bay Road.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Resolution 10-17 is a resolution to initiate a zoning text amendment. The Plan Commission may initiate a petition for an amendment of the zoning ordinance which may include the rezoning of property, change in zoning district boundaries or a change in the text of the ordinance.

On September 5, 2006, the Village Board of Trustees amended the official floodplain zoning map that was adopted through Ordinance 06-40 to reflect the floodplain boundary adjustment completed pursuant to the FEMA approved LOMR-F, Case 06-05-BH85A, dated July 25, 2006 for the duplex condominium properties located at 8719 and 8721 Old Green Bay Road and the single family property located at 8783 Old Green Bay Road.

At the time the Village Board adopted Ordinance 06-40, the floodplain map change was made, the required zoning text amendment that references the change to the specific floodplain map had not been changed and had not been considered. It was inadvertently omitted. So the purpose of this resolution is to initiate that process to make sure that the text reflects what was approved pursuant to the map change.

The Plan Commission hereby initiates and petitions to amend the text of the zoning ordinance referencing the amendment to the Village's floodplain map for Section 15, Township 1 North, Range 22 East, and this is pursuant to the LOMR-F and the approval of FEMA. The Village Plan Commission is not by this resolution making a determination regarding the merits of the proposed change in the zoning text but is rather only initiating the process by which a public hearing can be scheduled and the text change can be promptly considered by the Plan Commission and the Village Board. The staff recommends approval of Resolution 10-17 as presented.

John Braig:

So moved.

Michael Serpe:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO ADOPT RESOLUTION 10-17. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. ADJOURN.

John Braig:

Move adjournment.

Michael Serpe:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.