

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
January 30, 2012**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on January 30, 2012. Those in attendance were Donald Hackbarth, Wayne Koessl; Andrea Rode (Alternate #2); John Braig; Jim Bandura; Larry Zarletti; and Judy Juliana (Alternate #1). Thomas Terwall and Michael Serpe were excused. Also in attendance were Michael Pollocoff, Village Administrator; Jean Werbie-Harris, Community Development Director; Peggy Herrick, Assistant Zoning Administrator and Tom Shircel, Assistant Village Administrator.

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

Jean Werbie-Harris:

We do have one piece of correspondence this evening. It's the letter that we received from the Public Service Commission of Wisconsin dated January 20, 2012. And this correspondence has to do with the application by the American Transmission Company to construct a new 5.8 mile 345 kV transmission line from the existing Pleasant Prairie switch yard in Pleasant Prairie down to the existing Zion Energy Center in the City of Zion in Lake County, Illinois.

The correspondence briefly talks about the proposed project, and it also indicates that there's going to be a public hearing on this matter held by the Public Service Commission where ATC is going to make their presentation and information on February 23<sup>rd</sup>. But under citizen comments tonight, I had asked someone from ATC to come to the Plan Commission and to just make a five minute presentation to you so that you have a little bit of a briefing before it goes before the Public Service Commission on the 23<sup>rd</sup>.

Don Hackbarth:

Very good. Is the representative here?

Jean Werbie-Harris:

But we should do that under citizen comments.

- 4. CONSIDER THE MINUTES OF THE JANUARY 9, 2012 PLAN COMMISSION MEETING.**

John Braig:

Move approval as presented.

Wayne Koessl:

Second.

Don Hackbarth:

**SO MOVED BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

Don Hackbarth:

So moved.

## **5. CITIZEN COMMENTS**

Neil Palmer:

Good evening Mr. Chairman and members of the Commission. My name is Neil Palmer. I'm with American Transmission Company. Thank you for the opportunity. Ms. Werbie has distributed to you a little bit better copy of the map than came with your letter. The project as described is to make a new electric transmission connection between the substation that exists right now to the west side of the Pleasant Prairie Plan with Design and Energy Center which is about a mile and a half south of the State border.

As is normal with the regulatory process in Wisconsin, you analyze multiple options to build a new facility, select at least one primary and one alternate. In this case the two routes you see depicted, principal routes, are the kind of gold colored one which is immediately adjacent to the east side of Union Pacific Rail Line running straight down into the Calpine Facility which is, again, adjacent to the rail line. And the second alternate corridor follows Highway 31 to about ML and then goes westerly and comes on the back side of property lines.

I do want to note before I have the opportunity to answer any questions what ATC would be – assuming the project were approved, it's a 90 foot corridor that ATC would be proposing to acquire beneficially from all landowners in which an easement to construct the new facilities. In the filed application we have indicated the rail line as a preferred route which I'm sure as you know that the Village has intervened in the application and has also indicated a strong preference for the rail line versus the highway line.

All else I can offer is on the Illinois side of the border the ICC has concluded their hearings. The Judge is currently reviewing the proposed finding which is the way they do it there, in which case

the ICC staff and all the witnesses also indicates a preference for the rail line route versus the route coming through the center. I'm happy to answer any questions.

Don Hackbarth:

Before we continue I need your name and address.

Neil Palmer:

Neil, N-E-I-L, Palmer, P-A-L-M-E-R, American Transmission Company.

Don Hackbarth:

Okay, thank you.

Wayne Koessl:

Mr. Palmer, I think Kenosha County has endorsed the rail route.

Neil Palmer:

Yes, they have. The County Executive has submitted a letter to the Public Service Commission of Wisconsin both supporting the project and specifically endorsing the route which the Village prefers.

Don Hackbarth:

I think that's more suitable considering a 90 foot corridor. I think that's a much smoother way to put it adjacent to the railroad tracks. I'd prefer that, too.

Neil Palmer:

I would just encourage any of you if you have time to attend the public hearing and ask and receive any answers to questions you might have.

Jim Bandura:

I've got one. You show an alternate one and alternate two. Is that included in your preferred route as alternate one?

Neil Palmer:

Basically what it is is that little segment that you see way down at Zion. There's two ways to get into the substation at Zion. Our preferred one is to stay entirely on what is depicted in gold. But it's theoretically possible to make that – to stay on the blue part and [inaudible]. It's just not as desirable. It's more expensive and it's a little more difficult.

Jim Bandura:

So the blue would be more expensive?

Neil Palmer:

Yes, sir.

Jim Bandura:

As indicated.

Neil Palmer:

And that's just because you really can't see it here, but there's quite a bit of transmission between the Zion Energy Center and the Zion Substation below it, and you'd have to relocate it and go over the top of some, and it's a lot more complicated than just going around the station.

John Braig:

What is the proposed in service date?

Neil Palmer:

Well, it's not, you know – the hard date is before the summer peak in 2013. If all goes well we would hope to get through the PSC hearings in the next few months, get an order by spring and actually be in the ground as soon as winter. We might do some work in the summer, but it's an assumed all winter construction to minimize any kind of impact. As you all know there's a fair amount of wet ground in here. And while you can work it with mats, it's a lot easier and faster and cheaper to do it without mats. So by 2013 in spring we'd be in service.

John Braig:

Thank you.

Neil Palmer:

Thank you very much. And your staff obviously knows how to contact me. If you have any followup questions give me a call. Thank you very much.

Don Hackbarth:

Thank you. We'll continue on with citizens' comments. If there's something that's not on the agenda that you want to address tonight now is the time to do it. But if there's something that you're going to speak to that is on this agenda tonight wait and hold off until that time. So anybody with citizens' comments? Citizens' comments? Citizens' comments? We'll close that.

## **6. NEW BUSINESS**

- A. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #12-04 FOR A COMPREHENSIVE PLAN AMENDMENT to amend a portion of the Barnes Creek Neighborhood Plan, a component of the Village of Pleasant Prairie, Wisconsin 2035 Comprehensive Plan, pursuant to Chapter 390 of the Village Code of Ordinances for the proposed development of a 46-unit, affordable, independent senior-only apartment complex proposed for the southeast corner of 91st Street and 22nd Avenue.**

Jean Werbie-Harris:

Acting Chairman, I would like to have Items B and C brought up at the same time, and we'll hold public hearings on all of them at the same time.

John Braig:

So moved.

Wayne Koessler:

I'll second that also.

Don Hackbarth:

**MOTION BY JOHN BRAIG AND A SECOND BY WAYNE KOESSL TO HAVE ITEMS B & C BROUGHT UP AT THE SAME TIME. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

Don Hackbarth:

Approved.

- B. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Jonah Hetland, agent for BFU II LLC, owner of the property located at the southeast corner of 91st Street and 22nd Avenue for a 46-unit affordable, independent senior-only apartment complex.**

- C. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AND MAP AMENDMENTS for the request of Jonah Hetland, agent for BFU II LLC, owner of the property located at the southeast corner of 91st Street and 22nd Avenue to amend the zoning map to remove the Planned Unit Development Overlay (PUD) District from the property and to delete the Springbrook Place Condominium PUD in Chapter 420, Appendix C of Village Zoning Ordinance as a result of the proposed senior housing development.**

Jean Werbie-Harris:

As part of the public hearing this evening, Items A through C are related and will be discussed at the same time. However, separate action by the Plan Commission is required. The petitioner is requesting the Village to amend the Village 2035 Comprehensive Plan to approve a conceptual plan and to approve zoning text and map amendments for the proposed redevelopment of the property located at the southeast corner of 22<sup>nd</sup> Avenue and 91<sup>st</sup> Street with a 46 unit affordable independent senior apartment complex.

As part of some background information, in December of 2007 the Village approved a final condominium plat for the Springbrook Place Condominium development. That was four 7-unit buildings, and the developer entered a development agreement and submitted an irrevocable letter of credit for public and private improvements on the site. In addition, a developer-funded Tax Increment District, TID 4, was created in order to assist the developer in the repayment of the remediation costs associated with the site. Under the TID the Village agreed to reimburse the developer for certain eligible costs incurred by the developer in connection with the demolition of the existing dilapidated structure and the remediation of contaminated soils as an incentive to the developer to redevelop the property in accordance with the approved TID project plan.

The Village believes that unless the Village had provided the financial incentive to the developer, the developer would not have undertaken the remediation and the redevelopment of the property. Since the TID was created, the developer has demolished the existing structure, remediated the known soil contamination and has monitored the ground water. The developer still contemplates developing the property.

In 2007 a final condominium plat was approved by the Village, and the developer entered into a development agreement with the Village. Since 2007, however, the general decline in the housing and condominium market has made the construction schedule for the proposed condominium building economically unrealistic, and the developer has requested several time extensions through TID development agreement amendments related to the condominium development construction time frame.

On August 16, 2010, the Board approved the third amendment to the development agreement relating to the extension of time to start the project. The developer vacated the Springbrook Place Condominium plat but reserved the right to bring it back with a preliminary plat at a future date. The Village Board granted the developer's request for the TID to remain in place as long as the developer took the necessary steps to comply with the conditions to fill in the storm water basins to spread the large stockpile of topsoil on the site or remove it and to stabilize the site. When that work was all completed the Village then released the letter of credit for the development.

The developer indicated that he did not intend to develop the property until the market conditions improved. However, in order to fulfill his commitment to the redevelopment of the property, he requested and the Village Board approved a preliminary condominium again for the Springbrook Place Condominium which was identical to the previous plat pursuant to the Village Board Resolution 10-34. The approval is considered valid for three years or until September 20, 2013. Within those three years if the developer proceeds, the final condominium plat would need to be filed, considered, approved and recorded at the Kenosha County Register of Deeds office.

The Board believed that the redevelopment of the property pursuant to the referenced development agreement and the amendments was in the best interest of the Village and its residents. It would enhance the value of other properties, it would promote the orderly development of the property in accordance with the Comprehensive Plan. It would remove blighted and contaminated property in the Village, and it was in accordance with public purposes and conditions and local laws and requirements under the TID project plan.

Things have been modified again by the developer knowing that the market has not changed since this preliminary plat was reapproved, and they are approaching the Village this evening with a modified concept to develop the property. And that project this evening is a senior housing project. So the first thing I'd like to talk about is the conceptual plan for the senior housing project.

At this time the developer is proposing to develop a two story building with 46 units of affordable, independent senior apartments on the 3.2 acre property located at the southeast corner of 91<sup>st</sup> Street and 22<sup>nd</sup> Avenue. The apartments will be leased to seniors who are 55 years of age or older. The buildings will have an elevator to service the two story facility and 46 underground parking spaces, one space for each unit and 30 surface parking spaces including two handicapped accessible parking spaces. The unit mix will include 18 two-bedroom units ranging in size from 1,024 square feet to 1,032 square feet, and 28 one-bedroom units ranging in size from 679 square feet to 696 square feet. Storage units are provided for each of the units in a portion of the underground parking area.

The first floor includes a vestibule and an elevator, two offices, a mail room, a sitting or gathering area and approximately 700 square feet of community area which is open to the second floor. The second floor includes a small exercise room adjacent to the elevator. Pursuant to the Village ordinance, the minimum number of parking spaces for senior housing is one space per two bedrooms. The development will have 64 bedrooms, therefore 32 parking spaces plus the required handicapped accessible spaces are required. The development of the 3.2 net acre property with 46 units of affordable independent senior apartment units will provide a net density of 14.4 units per acre.

A total of 2.1 acres or 66 percent of the site will remain as open space. The open space will be located in the north end of the site where there will be a storm water basin, and that will either be at the northwest or the northeast corners of the site adjacent to 91<sup>st</sup> Street. And then there's also a woodland area along the southern portion of the site that will remain as a wooded area within a dedicated woodland preservation access and maintenance easement. There are no wetlands and no 100 reoccurrence interval floodplain on the site.

Approximately .16 acre of the land was already dedicated for the future widening of 22<sup>nd</sup> Avenue by a previous certified survey map 2616, so no additional right of way is intended to be dedicated by the developer. Some easements that were originally dedicated by the first CSM will need to be vacated, and some new storm water, utility and other easements will need to be dedicated on the new CSM. Public sanitary sewer and water is provided within 91<sup>st</sup> Street adjacent to the site. Public sewer is also located within 22<sup>nd</sup> Avenue adjacent to the site.

The public water and sewer mains that were proposed to be extended in easements through the center of the development as part of the condominium project will no longer be installed, and

these easements will be vacated as part of the new CSM. In addition, the water lateral that was to be provided directly through the center of the site to the Mullins' property will be provided instead from 22<sup>nd</sup> Avenue. The developer will be required to install a municipal water main within the 22<sup>nd</sup> Avenue right of way adjacent to their property which extends to the southern limits of the property. The Village is proposing to install municipal water from that point in 22<sup>nd</sup> Avenue and continuing in Springbrook Road to loop the water main as part of a Village project. Water laterals will be provided from 22<sup>nd</sup> Avenue and Springbrook Road water main to abutting properties including to the Mullins' property. The developer will be requesting a right of recovery for 10 years to recover a portion of the costs associated with the installation of water main within 22<sup>nd</sup> Avenue adjacent to their property which benefits the adjacent landowners on the west side of 22<sup>nd</sup> Avenue.

Pending approval of the conceptual plan, the developer will be submitting to the Wisconsin Housing and Economic Development Authority, referred to as WHEDA, for tax credits. To the extent consistent with the applicable laws of the State of Wisconsin and the United States concerning fair housing, the development shall be age restricted to individuals who are 55 years of age and older. In addition, a majority of the units within the building shall be income restricted for a period of 15 years commencing on the date that the facility is put into service. Subsequent to the foregoing time period, the developer at its option may charge market rents for any or all of the units within the building. The developer has agreed to place a written commitment or restrictive covenant on the project that the project will remain as housing for seniors after the WHEDA tax credits are paid off in 15 years. So he's intending to restrict it as a senior project for the first 15 years per WHEDA, and then an additional 15 years or for 30 years.

The monies raised via the sale of the tax credits will be used as equity for the development. In addition to the tax credit equity, the developer will also be seeking a traditional construction and permanent loan to finance the balance of the project costs. In exchange for the tax credits, the developer agrees to lease 90 percent of the units to seniors making at or below 60 percent of the median county income. It is projected that the monthly rental rates will range from \$475 to \$695 per month for the one bedroom units, and \$550 to \$975 per month for two bedroom units.

The next item on the agenda is the comprehensive plan amendment. The proposed development is located within the northern portion of the Barnes Creek neighborhood. This neighborhood is bounded by 89<sup>th</sup> and 91<sup>st</sup> Street on the north, Sheridan Road on the east, Highway 165 on the south and 30<sup>th</sup> Avenue on the west. The 2035 Land Use Plan indicates that this property is located within a lower medium residential land use designation. Neighborhood plans are a component of the Village's comprehensive plan, and they're essential for our orderly growth of our community because they establish a framework as to how development should occur if and when it does occur.

On September 10, 2007, the Plan Commission had approved a neighborhood plan for this property to be redeveloped for condominium buildings. At this time the developer is requesting to amend the Barnes Creek Neighborhood Plan to develop the property with, again, that 46 unit affordable independent senior only apartment building on the property.

The next item that we're talking about with respect to this project is zoning text and map amendments. The current zoning of the property is R-11 (PUD), Multiple Family Residential District with a Planned Unit Development Overlay District. A portion of the property is located

within a shoreland boundary which is a tributary to Barnes Creek. The existing PUD Ordinances 08-08 and 08-27 that amended the legal description for the Springbrook Place Condominium are proposed to be deleted, and the property is proposed to be solely rezoned back into the R-11.

At the time that the final plans are submitted, a specific PUD ordinance will be written with this development, and the property will be rezoned with the new PUD overlay. Again, developing a PUD will allow for some flexibility with some of the requirements of a zoning ordinance provided that there's a defined benefit to the community. The following modifications from the zoning ordinance are being proposed and would be included in the PUD: One is to increase the number of apartment units allowed per building from 24 to 46 for th senior only living. Two, to increase the net density in the R-11 from 9.6 to 14.4 dwelling units per net acre for the senior apartments. To allow for one bedroom units to be reduced from a minimum of 700 square feet in size to 679 square feet per unit. And to allow the overhead garage door for the underground parking to face 22<sup>nd</sup> Avenue. Again, we can address some of that with respect to the landscaping and the grades on the site.

In consideration of these modifications to the zoning ordinance, the following would be required. First, the units would be restricted for seniors 55 years of age and over. The developer has agreed to place a written commitment or restrictive covenant that the senior independent apartment building will remain as housing for seniors after the WHEDA tax credits are paid off in 15 years. And this would be for an additional 15 years or a total of 30 years that this restriction would be placed on the property. Second, a minimum of one parking space per unit will need to be provided in an enclosed garage attached to the building, and 46 underground parking spaces are being provided. Third, additional enclosed storage shall be provided for each unit, and the storage units are proposed to be within the underground parking area.

Next, the exterior of the building materials and the design shall be a combination of brick and cement board as shown on the drawings. Next, there's no C-2 Upland Resource Conservancy zoning on the property, but they have agreed that the woodlands that are on the site would be placed within a dedicated woodland preservation and protection access and maintenance easement for their protection. Next, the storm water basin on the site will be a wet basin, and it will be located within a dedicated storm water retention basin access and maintenance easement.

And, finally, this new PUD would only be drafted after the final plans have been submitted to the Village. It would need to be considered by the Plan Commission and the Village Board at the time that the final plans have been approved by staff and then submitted to the Village Board that would require a public hearing before the Plan Commission for the PUD zoning text and the map amendments.

And the last two items there would need to be an amendment to the TID #4 development agreement. Amendments to the TID project plan and the TID development agreement will be required to be approved by the Village Board and the Joint Review Board prior to work commencing on the site. And then, finally, with respect to the fiscal review it's recommended by staff that in addition to the impact fees due at the time of the building permit the developer would need to agree to a cost sharing agreement to donate some additional funds per housing unit as a cost sharing contribution for each of the residential units within the development to address current shortfalls and funding fees collected for police, fire, EMS and public works.

With that I'd like to continue the public hearing. And the developer representatives are here so possibly they'd like to add to that presentation.

Don Hackbarth:

The developer representation? Please give your name and address.

S.R. Mills:

S.R. Mills, Bear Development 4011 80<sup>th</sup> Street, Kenosha, Wisconsin. Thank you for the time and, Jean, thank you for the detailed description of the development. I'll try not to recap any of the highlighted points thus far, but as was explained this is part of the process that we were looking to go through here is to fund the development via the sale of WHEDA tax credits as well as through traditional debt and some traditional equity.

It's a 46-unit senior apartment complex, 48 underground parking stalls, storage bins, the amenities that were mentioned as discussed. A component, approximately 89 percent would be affordable actually for a full 30 years. We have certain affordability regulations according to the State for an initial 15 years, and then we sign into an additional 15 with the State, so it would be affordable for 30 years. What we've found is when we're talking th affordable regulations as it deals with seniors, many of the seniors are on fixed incomes, and there's a very large percentage of the population that does meet the criteria based on affordability. We have a market study that we actually got back last week from Baker Tilly, and there's a significant need. We feel very confident that we will successfully lease the units, and it will be a nice product and fit well within the community.

I'm certainly here to answer any additional questions. I guess I do have some thoughts pertaining to the cost sharing agreement as well as a question about the brick and some of the regulations within the document. I don't know if now is an appropriate time to bring those up or not.

Don Hackbarth:

Jean?

Jean Werbie-Harris:

We should continue the public hearing to see if there's other specific questions, and then they can come back up and we could talk about those.

S.R. Mills:

Thank you.

Don Hackbarth:

Citizens' comments? This is an open hearing. Anybody else wishing to speak? Again, give us your name and address.

Virginia Mullins:

I'm Virginia Mullins. I'm at 9145 22<sup>nd</sup> Avenue, so our property borders the south of the proposed project. I have a number of questions that I have concern the management of the property. One question I have is there going to be basically an onsite property management? If so, someone that's there 24 hours so if there are some issues I don't have to spend weeks trying to track the owner down.

Another question I have is what the policy is going to be of the complex regarding pets. Another concern I have is that there's a number of people that are being moved into this area. I'd like to hear what the develop group what their plans are in terms of dealing with the additional noise and litter. And I also have a number of concerns about all these people there, what's to stop them from coming into my yard because there's nothing there to stop them.

Additionally, with the increase in cars, is there any plans to put traffic control at the intersection? Also, the underground parking when we were looking for senior apartments for my parents we ran into the situation with the underground parking. It's really nice, but the door going up and down to get into it is really noisy. So that's a concern that I have. And based on where the entrance to the underground parking is, I think it's more of a concern for Walter who is going to have this door right up next to his house.

In the general area there, there's a lot of apartments already all in a very small area. So when you go down on 22<sup>nd</sup> just they're all apartments, and a lot of them are already low income housing. There's also the additional senior complexes that are here in Kenosha, they have vacancies, so I'm kind of interested in how this group plans on getting people to come to rent their units as opposed to some of like on Prairie Villa and St. Catherine's Commons. I'm well aware of the amenities and the features that both of those have since I've been through senior apartment searching rather recently. So I'd like to understand why this plan, this complex is going to offer people more than what the other complexes offer.

And I'd like to talk a little bit more about the water lines so that I'm really clear on this, because I need to be ready for that if this moves forward. I mean we can talk through it here – if you can run through this for me one more time when the time is right tonight we'd appreciate that. Also, because this area tends to be wet and we have a lot of the blacktop going on, where right now it's soil. So I have some concerns about what blacktopping or putting any type of paving material in the parking area is going to do for the water runoff. Specifically I don't want it going into my yard.

And, again, what happens if this unit is ever sold? I mean is the new buyer are they obligated to honor the covenants that were made by this development group? So do I need to be concerned about having low income housing moving right next door to me? Historically it's been that when apartments go into a residential area it does bring down the property values of the surrounding homes, and it does present people additional challenges should they want to sell those properties. So, again, that's a consideration for all of us in the area. Those are all my questions.

Don Hackbarth:

Do you want to address it now, or should we continue with the public hearing?

Jean Werbie-Harris:

No, I think that we could bring the developer up. I saw S.R. taking a lot of notes, and I took notes on the different questions, and maybe he can start by addressing some of those and then we can answer others.

S.R. Mills:

Sure, I'd be happy to. Hopefully I took good notes here. But in order as I heard them, the first question about management and what's the typical management process and how is that dealt with. There will always be somebody there. We have a staffed office during the day. That person probably won't be living on site. What we usually do is we have some sort of onsite manager to deal with more of the trivial items, but it is always staffed for 24-hour access for emergencies. So we do have emergency access if there's something that happens. If the door into the garage keeps going up and down and we have to get that stopped, we would have people that would come and handle those types of items.

Don Hackbarth:

Address her concern, too, because she was saying that what happens if she has an issue and she has to find somebody to address that.

S.R. Mills:

Yes, most certainly. We have onsite staff there, so there will be staffed hours so at any point in time you can come in and speak with them. We also have offices down the road, so certainly as the owner of the building and by the way this would be financed, we will certainly be the owners of the building for at least 16 years. You never know what's going to happen 16 years from now if we would choose to sell or to keep it, but for 16 years we're the owners for sure. Again, it's 46 units, it's not 246 units, so you don't have the same amount of staff. It will be a shared staff, but there will always be access and you'll always be able to find somebody. From the same point that we look to lease the unit just as if you were a prospective tenant it would be the same number and the same people you would deal with.

From a pet policy, a pet policy with senior buildings is a little different, but typically it's, again, two pets potentially, usually a cat and a dog and not two dogs. There's weight limits. Because it's 46 units in one building we are very conscientious of the fact that we can't have large dogs or loud dogs or any major problems in that regard. So we're probably more sensitive to that than anybody just because we have to have happy tenants to keep our tenants.

Plans for if there's additional noise or litter, I do think that this use as a 46-unit senior building is significantly less intense than condos. Condos you have families, you have multiple people. So from a traffic standpoint I don't have the exact traffic study as to what that is, but it will not be as intense, there will not be as many daily trips. I am sensitive to the garage door. I think that's something we need to pay attention to. I hadn't heard that before. So we'll make sure we go with the right manufacturer and we don't have a problem in that regard.

Jean Werbie-Harris:

And it's also located on the very far west side right and Mr. Jabs [phonetic] lives up here and Mullins live here. So it's one garage door at this location. It's not even multiple. It's at the west end.

[Inaudible Audience Comments]

Jean Werbie-Harris:

No.

S.R. Mills:

And that too, is an example of something that we're going to have to be very sensitive about to make sure that it's not loud and obtrusive. The people living right upstairs are going to have the biggest issue with it if it is. So we're going to make sure that that's not a problem.

The vacancies, I think we've kind of covered a few topics there, but the vacancy issue, prime example Prairie Villa that you brought up that was funded the same way. That's affordable housing just like we're proposing here. It was done a while ago, but it's the same basic program and allows you to spend money on certain amenities. So from a field standpoint we envision this being somewhat similar. Different, modernized, a little nicer but very similar. The vacancies right now, and I'd be happy to share our market study, there's no secrets there, vacancies are about three percent. So we're looking at about 97 percent occupancy throughout the market. And as we deal with the affordable housing in the senior market we go significantly higher than that. I don't know exactly what the vacancy is at Prairie Villa, but I can certainly look that up.

But I can tell you that probably at no point certainly since I've been in the business have we been in a position where we've had such high occupancy. Really our only vacancy on certain buildings is just due to turnover, just as one person leaves you have to keep it vacant for a month to get them in and get them out and move the next resident in. But we have waiting lists. Again, as we talk about affordable housing, specifically senior affordable housing, there's a huge need in our community, and I'm happy to provide our market study to anybody that would like to read it, and it does a pretty good job of explaining that and outlining the points. Did I miss anything?

[Inaudible Audience Question]

Jean Werbie-Harris:

Virginia could you please come up to the microphone.

Virginia Mullins:

One question I had was should the development group to choose to sell this project after the WHEDA period has come up, where does that leave us? Can the new owner can they change that into low income housing, or does the covenant that you've initiated still hold true for that? You can understand the concern that we have. No one wants low income housing.

S.R. Mills:

I've heard that before.

Virginia Mullins:

As I said there is a number of low income housing units right off there on Sheridan Road along with mobile home parks and so forth. I really don't like the idea of any more low income housing in that area there because I really think that's depressing the property values.

S.R. Mills:

I'll answer that from a macro standpoint and more micro as it deals with this site. One thing is affordable housing or low income housing is oftentimes all bunched in one big group. So when you say the words low income housing people get scared. They immediately think of failed public housing developments down in Chicago that were miserable places to be. They weren't good for anybody. But there was a reform back in 1986 where they created these low income housing tax credits. The biggest disservice they did to this program is calling it low income. Because this development, as an example, will have incomes ranging from – you will have market rate units, and then we'll go down to at or below 40 percent of the county median income. So there is a range. It really is a mixed income development.

There is no subsidy no more than any other apartment unit. People do have Section 8 vouchers, but this is not set up for a 100 percent voucher system or anything like that where everybody has to pass our necessary credit requirements. They have to be good tenants. They have to be good citizens. That's like that for senior or for family developments. They have to qualify. They have to meet the maximum income restrictions according to the State but also have to meet our income restrictions according to our own underwriting that says we're going to get paid and we're going to pay the rent. They're going to pay the rent because we still have a mortgage in place and we still have obligations and things of that nature.

So I understand the concern about low income. I think this type of affordable low income housing tax credit development gets a bad rap and it gets all lumped together. I can say a prime example as you brought up before is Prairie Villa. How many problems are they having out there? That is exactly the same type of development that we're proposing. So with that as the understanding at least it's not going to turn into something unsightly or scary or anything negative for the period of time that we're involved.

Specific to your point of what happens if we sell it, what goes on there? We're going to enter into an agreement for at least 30 years it's going to be senior. And then we're also entering into an agreement that for 30 years it's going to remain affordable. Those affordable regulations we enter into via a land use regulation agreement with the State. So it's very specific about the county median incomes that we lease to and where the rents can be. A lot of that is dictated by the federal government through the State. So that's not really going to change. That's pretty static; for at least the next 30 years it's going to remain as it. Admittedly 30 years from now we can't guarantee what is or what isn't going to happen. Could it have been sold and fallen into a state of disrepair? It could kind of like anything. But I can say for the next 30 years, or at least the next 16 most certainly we've going to be involved and it's not going to happen. It hasn't

happened to any of our other developments in the area. I'd be happy to show anybody anything we do. We're proud of that. That's really to the extent that I can explain it and also give you those kinds of assurances that it will remain –

Don Hackbarth:

Clarify this for me. This is exclusively senior housing, it's not a mixed development?

S.R. Mills:

It's mixed income so we do have some market rate and affordable components, but it is 100 percent senior.

Don Hackbarth:

Okay, that's a very important point. Anybody else for citizens' comments?

Virginia Mullins:

How many handicapped parking spaces are you going to have?

S.R. Mills:

I don't remember offhand. I'd have to go back and look.

John Braig:

I think we're getting into minutia now. Handicapped parking places are specified in the Village ordinance and it will comply with it.

Virginia Mullins:

I heard like two or three?

Jean Werbie-Harris:

Two inside underground and two outside. That's four.

Virginia Mullins:

If there's a lot of handicapped people, I mean a lot of seniors have mobility problems, so I'm just thinking maybe you might want to –

S.R. Mills:

And that's really something from a market standpoint, too. We don't want to construct something and then have problems. Typically seniors and parking isn't an issue just because normally they don't have cars. The majority of these seniors who are going to live in this housing

won't have a car. They might have a car but you might have to knock the dust off of it down in the basement because it's not going to get used all that often.

Virginia Mullins:

Most people at 55 and older that I know have cars, and they're not going to stop driving if they can help it.

S.R. Mills:

And that's certainly fair. Typically the median age in these is in the low 70s. It's really not somebody 55.

Virginia Mullins:

And then also I had asked about what the plans are for the development to prevent people from coming onto my property. I quite honestly would like a fence dividing that. Especially if dogs are being allowed, I don't want their dogs in my yard. I have a dog so I want them to stay out of my property. So I would ask that the same fence that we've already started running on the north side would be continued.

S.R. Mills:

That's something I'd certainly look at because we don't want issues either. I wouldn't want to make a commitment to that quite yet just because I haven't looked at that in detail. But I can tell you part of this process we will be back in front – if we're allowed to proceed, if we're lucky enough to receive the tax credit award, we will be back in front of this body and the Board to go over a lot of those details. So I'd be happy to deal with that then. And then at that point I'd could have a little better understanding.

Virginia Mullins:

And also this area right here, if in the near future just so that I can better visualize the distance between the southern edge of the like the parking area –

Don Hackbarth:

Should this discussion be taking place outside of the public hearing?

Mike Pollocoff:

Well, no, the discussion could take place, but the person transcribing it won't understand what we're talking about.

Virginia Mullins:

I want to see the distance from the property line to the parking area and to the building.

Mike Pollocoff:

To the building would be the closest.

Virginia Mullins:

To the building.

Mike Pollocoff:

We might even be able to tell you that at this point.

Virginia Mullins:

When I look at the drawing it looks like it's far away, but it could be ten feet away from our property line. I can't tell [inaudible].

Jean Werbie-Harris:

It's approximately 80 feet from the building corner just to the property line. And, in fact, if you'd like to take a look at these more detailed plans we can have these available tonight for you to look at.

Virginia Mullins:

Oh, okay, that would be good.

Jean Werbie-Harris:

And then you can answer any other questions that you might have.

Don Hackbarth:

This is still a public hearing. Is anybody else interested in speaking?

Mike Pollocoff:

Mr. Chairman, there were two questions that she'd also asked that I'd like to respond and get off the table. The first one is –

Jean Werbie-Harris:

Actually, Mike is just going to finish a couple more questions before you start. He's going to finish some answers for Virginia yet.

Mike Pollocoff:

The first one was is this going to lower our property values. And, quite frankly, I can't think of anything that would have lowered your property values any more than they already are than the building that was there or the vacant land that is there. A well constructed architecturally designed building is have more of an advantage than the previous development that was on that site. So I'm not saying your property values are going to skyrocket but they're definitely not going to go down. I think it won't hurt the values any worse than what was there.

The second question on the water, and I'll show this as much as I can, the developer originally was going to put a water main through the middle of the property, and this would preclude it. So we're going to move that water main where water mains typically go is along the right of way. And the water main would come down this way. The developer would have to pay for that improvement to his property line in the first instance. And then as people on the other side of Springbrook would want to connect, they would have to reimburse the developer for their share of the main. And a water main is half – put the main down the street and half pay for one side and half pay for the other. And as part of a Village project we would be in order to close a loop, we try to make the water main so they're always in a loop, we would continue extending that water main onto roughly between the bike path and 29<sup>th</sup> Avenue right in front of St. Joe's on their south side. So we'd connect to an existing 16 inch main over there.

Now, when we do this that's going to be part of a tax increment project for Lakeview Corporate Park, because what it's doing is pressurizing that north end of the Lakeview system. So we're going to assess the property owners along the way, but we're going to defer that assessment until they use it. Because right now we're doing this for two reasons. One is we do have more units that we want to take care of, and we don't want to do that with this dead end main. And the system needs the added booster or added volume coming off of 7<sup>th</sup> Avenue and 91<sup>st</sup> is where the big mains are.

So how that relates to you specifically is that we would hold a special assessment hearing sometime in this coming year, and then we'd identify what the cost of that project is because we don't know what that is right now. Then in your case you have very little frontage.

[Inaudible Audience Comment]

Mike Pollocoff:

Right, so you would have whatever the cost of that water main is \$30, \$50, \$60, I don't know yet, you'd have to pay for that portion if you connect to it. Now, we'd also put in the lateral from the main to your property line for you to connect your private line into and you're going to be charged for that as well. But that would get the water to your property. We can't require the developer to bring the water past his property to service yours. But they have to pay for their share that they're using. And for a period of ten years there's going to be a right of recovery per the PSC rules for the people on the west side.

Right now we're at the conceptual stage where the developer is seeking guidance from the Plan Commission and the Village Board whether or not he should proceed and apply for the tax credit. They're giving us the best information they have right now which is pretty good information. I

mean there's a lot of work that's been done to this point, but we're going to need to go that extra step and get everything tuned up so we can know what the response is. But everybody is going to have to pay for the water, because otherwise the rate payers pay for it. They're paying for their own water and we don't make them pay for everybody else's water. So this water is going to be paid for by the developer. And it will benefit you because you'll have access. You've got a long narrow lot and that carries with it some – you have to go a little bit farther than a normal lot, but you have a nice long lot. That's how the water would be handled.

I think the tentative schedule was 2013 for their construction. So this is going to happen – assuming it proceeds and assuming the Plan Commission and the Board give its initial approval it's got some steps to go to make that happen. I think those are the two questions that were left.

–:

Can you talk about storm water, too?

Mike Pollocoff:

It's hard to tell on this map but we can show you the original plans, but when you look at a plan with the topographic lines and there's drainage patterns, this improves all the drainage there. Because what happens is the roof drains, the parking lot, all that impervious area is going into the storm sewer and it's moving to the northwest part of the property away from the south end of the property where it's going to go into that basin, it's going to hold it, cleanse it, then it's going to be released into a storm sewer on 91<sup>st</sup>. That water will go down to Barnes Creek along 91<sup>st</sup> Street. Any water that falls from the sky and lands in that 80 foot area between the building and the lot line is what it is. But right now the developer is committed to leaving that area wooded so there won't be any grading that's going to drive any water to that site. Any grading has to bring the water to the north because there's no drainage improvements to put it to the south so that's why it's got to go north. And actually the lay of the land wants to go that way anyway.

Don Hackbarth:

Our next speaker. While you're coming up, there's a lady in our congregation that lives just south of 22<sup>nd</sup>, and she was saying that she's more excited about this development because it's senior housing than when it was a condominium plan before.

Marianne Blust:

My name is Marianne Blust, 2221 Springbrook Road. Our property is next to the Mullins. And talking about property values, we always get compared with some kind of subdivision, but never with this particular corner or area. And so talking about property values I think our assessment is higher than this commercial property that's going up would affect us. And the building committee has much more experience than I do, and I will hope that they will look into everything that possibly would need to be addressed. A lot of my questions tonight have been answered and talked about. But I would like to know did I understand this right, that for 30 years this property is going to be a TIF District without property taxes paid from the income of the development?

Mike Pollocoff:

The TIF District it can't exist any longer than 27 years. And they're already four years into it.

Marianne Blust:

That's still a lot of time for the taxpayer to look for a little relief.

Mike Pollocoff:

Right, but you've got to remember primarily what the TIF paid for – the property taxes are still being paid. Mr. Mills continues to – he hasn't paid very much property taxes recently because it's a vacant field. The property taxes on this property are going to pay for cleaning up the contaminated soils, removing the building, getting it graded, putting these improvements in that are going to be associated with this, the water and storm water and those things. Those are things that we're not paying for it. He's paying for that himself. It's not like in Lakeview Corporate Park where the Village issues bonds, we put the improvements in, Lakeview sells a lot and then when they develop on it those property taxes pay off the bonds. In this case Mr. Mills is shouldering that first improvement himself. He's paying for it, and then he'll get his money back.

Marianne Blust:

Did he ever give you an estimate for the cleanup? Did he ever give you different estimates or did he just have these people clean up and –

Mike Pollocoff:

When we developed the project plan he did give us estimates. He gave us a bid amount, what a contractor was going to bid that work for, and then we saw what the actual cleanup cost was at the end. So he doesn't get any more money than what we agreed to in the TIF project. So if it was more it all comes out of his pocket but he's got to pay the extra. The amount that the Village will collect from tax increments to pay back to him is fixed by the project plan.

So as an indicator we're estimated that once this site, and this is an estimate because we don't have construction plans yet, in the market for the next two years we don't know what it's going to look like two years from now, but we're estimating a value of \$1.8 million is what the assessed value of this will be. And then he'll have to pay the property taxes on that \$1.8 million. At the end of 27 years, to be honest with you, the expenses that he's incurred are not going to be satisfied by the taxes that he's paying because it was a fairly hefty amount of money for a relatively small piece of property.

I think from a public good standpoint when you say that the taxpayers need some help, and taxpayers always need help, but the help that the taxpayers have received is we had solvents and dry cleaning materials that were in the soils conceivably going into the groundwater or waterways. There was dilapidated building. I don't think anybody that lived in that neighborhood liked the way that building was in, so the public good, we made a conscious decision as a community at that point to say we're all farther ahead by having an area that's been dilapidated that's contaminating our neighborhood cleaned up and put another use in it. It's not

the kind of area and it's not the size of land that would support something that would be of super high value because it just isn't that big. You can only put so much in that site.

So I think at the end of the day from a public policy standpoint if, in fact, we end up with a facility where seniors can live and they can live at a reasonable rate and it's maintained at the level that we're going to be covenanting or agreeing with him that it's going to be maintained at, that will be something of value. Sometimes you don't always get 100 percent, but if you corrected a bad problem and you get it to be good then that's not a bad thing. Sometimes the desire to have the highest and best tax use you're not always going to get that, especially if you're starting from behind the eight ball like this project did.

Marianne Blust:

Well, that's probably good. It will be rent subsidized by the government which is us. And I suppose it will be subsidized building-wise, too, which is us. He will get money from the government for putting up the project.

Mike Pollocoff:

He's getting credit. He's not getting money.

Marianne Blust:

No, he will use his own money to put up the project?

Mike Pollocoff:

There's a tax credit on it. He won't have to pay as much in taxes on it. The government isn't going to give him cash. They're going to say we'll give you some tax credits for this project, but to get those tax credits you have to provide a lower rent to the seniors that are going to be living there that are in need. And he's able to do that because he's getting the credits.

Marianne Blust:

\$900 doesn't sound like low rent to me, you know, from \$475 to \$900. That's a lot of money, and I don't know how many seniors are able to pay \$900 that would move into a project like this. If somebody has \$900 they would be moving somewhere else.

Jean Werbie-Harris:

Some of the apartments would be market rate rents, so there would be a small percentage that would be at market rate. And that \$975 for a two bedroom sounds like a market rate rent to me. Is that correct?

Marianne Blust:

How much is the proposed cost of this building.

Jean Werbie-Harris:

Right around \$2 million.

S.R. Mills:

In excess slightly of that from a construction cost [inaudible].

Marianne Blust:

The construction cost of the building is how much about?

S.R. Mills:

About \$3 million.

Marianne Blust:

How much?

S.R. Mills:

About \$3 million.

Marianne Blust:

Divide it into 42 units, okay I've got to do some figuring on this how this is going to work out, the quality of the units itself, because how much money can be put quality-wise into each unit for this amount of money plus the infrastructure outside needs to be paid. How much is Pleasant Prairie going to pay for the infrastructure?

Mike Pollocoff:

Nothing.

Marianne Blust:

Nothing. Okay, let me see. Well, Mrs. Mullins talked about animals and pets. That's my concern, too, because we're close by.

Mike Pollocoff:

I'm almost more worried about the coyotes coming out of Barnes Creek than the Schnauzers coming off the site.

Marianne Blust:

And then also if there are not enough senior citizens to rent out, I suppose Mills has other senior complexes, and how much is the vacancy in those buildings?

Mike Pollocoff:

I believe he indicated it was about three percent.

S.R. Mills:

About 95 percent occupied.

Jean Werbie-Harris:

So five percent vacancy.

Marianne Blust:

Oh, okay. Okay, like I said, I hope the Planning Committee is smart enough to look into the obvious little things that need to be addressed.

Don Hackbarth:

Thank you for your comments. This is still a public hearing. Does anybody else want to speak at the public hearing?

S.R. Mills:

I did mispeak earlier. The actual construction cost is approximately \$3.6 million.

Don Hackbarth:

Thank you. Okay, if there are no other speakers we'll close it and open it to Commissioners.

S.R. Mills:

The two points I guess I wanted to address if it's appropriate now.

Don Hackbarth:

Go ahead.

S.R. Mills:

We talked about the cost sharing agreement is something that we're just trying to understand and get a better idea where that's going. We saw in the comments it isn't something we've had a lot of time to digest and understand. Obviously all of these deals are very tight economically, and

we have to be very prudent with our dollars. Certainly if there's some room in there we don't mind doing something. But I guess I would like to refrain to have the ability to either deal with that this evening in greater detail or at least revisit that if we find out if we actually are awarded the credits.

Mike Pollocoff:

We can talk about it later. We're not close to the development agreement. What this does is, especially nowadays, we not only have a mill rate freeze, we have a levy freeze. So we can't raise taxes even if there is any new development to speak of. There's a provision where you can increase taxes by new development, but if you do that and the new development isn't on the tax roll, all you've done is increase everybody's taxes. So what that does is it recognizes the fact that there's municipal needs that typically are affected by capital, by that incremental increase in units that are demanding services, that if we don't collect this then the rest of the taxpayers are paying for it. The developer or anyone can't pay for all that in total, then it's a question of equity whether or not we spread it out.

I know that the Plan Commission and the Village Board dealt with this on senior housing for Prairie Ridge. I have no doubt that if this facility, and Prairie Ridge is a nice facility as well, but we do have regular ambulance visits over at that facility. So that's one of the areas where we said there should be that portion, and I can't remember exactly what it is, that \$891, we're going to be especially at this station here the barn, it was designed by farmers, but the equipment that we sized this building for was basically farm trucks that had fire tanks on them. We can't get the bigger stuff in here. So little by little we've been putting money aside with development plus what we've been saving on the property taxes to be able to expand that station and get a ladder in there and be able to get the equipment in there we can't fit into that station right now.

So in the case of Prairie Ridge that's what we looked at. We looked at the biggest impact their development was going to have on it which is clearly EMS. We didn't see a big public works requirement because it's all private site. The police was marginal. But we'll look at those things.

S.R. Mills:

And I think that's something we just want to have a clear understanding. I understand the uniqueness of senior developments. It has certain needs from society that while there's no kids in schools they have different needs. So we understand that. We just would want to understand the numbers and the specifics better and further just –

Mike Pollocoff:

We'll share those with you and we'll talk about it.

S.R. Mills:

Perfect. The last item was a masonry or actually a brick requirement. I believe it was 50/50 was put as one of the stipulations for the brick hardy board which on the front of the building as you see we actually spoke to our architect and we need that 50/50 requirement where we have 50 percent of the front facade – actually there's six sides of the L-shaped building we need it on all

of the front but we don't need it on the back. Again, as a cost measure on the backside of that building I would like to have the ability to do a wainscot where we'd still have hardy board and architectural features but run a wainscot on the back if that's acceptable since nobody is going to see it anyhow.

Don Hackbarth:

Jean?

Jean Werbie-Harris:

All I can say is we will work with them, but I can't make any commitments until we sit down and look at the plans and work through it.

S.R. Mills:

That's fair.

Don Hackbarth:

Okay. The public hearing is closed and I'll open it up now to Commissioners.

John Braig:

We've talked quite a bit about a lot of different things. I think assuming we approve this, it should be contingent on staff comments and satisfactory resolution of any items that haven't been fully resolved.

Wayne Koessl:

They'll be coming back to the Plan Commission and the Board. This is just to get them on track to start applying for their loans and that through WHEDA. So, Mr. Chairman, I'm for it and I have no other comments.

Don Hackbarth:

Is that a motion?

Wayne Koessl:

I'll make a motion on Plan Commission Resolution 12-04 to approve amendments through the comprehensive plan as presented.

Jim Bandura:

I'll second.

Don Hackbarth:

**MOTION BY WAYNE KOESS AND A SECOND BY JIM BANDURA. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

Don Hackbarth:

Opposed say no. Part B, public hearing and consideration of conceptual plan.

Wayne Koessl:

It's zoning text and map amendments first aren't we?

Don Hackbarth:

We just did Part A.

Wayne Koessl:

I'll move that we send a favorable recommendation to the Village Board to approve the zoning text and map amendments to remove the PUD zoning designation from the property and to delete the associated PUD text for Springbrook Place condominium development as presented.

Larry Zarletti:

Are you talking about C right now.

Don Hackbarth:

We can take C right now. Any second?

Jim Bandura:

Second.

Don Hackbarth:

**MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

Don Hackbarth:

All opposed? So moved. I believe we did not take Part B yet.

Jean Werbie-Harris:

That's correct.

Don Hackbarth:

Let's back up and take Part B.

Larry Zarletti:

Mr. Chairman, I'd move approval of Item B, favorable recommendation subject to terms and conditions.

Judy Juliana:

I'll second

Don Hackbarth:

**MOTION BY LARRY ZARLETTI AND A SECOND BY JUDY JULIANA TO APPROVE ITEM B. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

Don Hackbarth:

All opposed? So moved.

**D. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT for the request of Jonah Hetland, agent for Bear Homes LLC to use the house located at 9466 Ashbury Lane in the Ashbury Creek Subdivision as a model home.**

Jean Werbie-Harris:

As a part of the hearing record, we have the following public hearing comments. The Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request, and they're presented and described in the staff comments.

Findings of Fact

1. The petitioner is requesting a Conditional Use Permit for Bear Homes LLC to use the house located at 9466 Ashbury Lane in the Ashbury Creek Subdivision as a model home. The subject property is known as Lot 18 in the Ashbury Creek Subdivision, located in a part of the Southeast One Quarter of U.S. Public Land Survey Section 8, Township 1 North, Range 22 East in the Village and further identified as Tax Parcel Number 91-4-122-084-0168.
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 September 20, 2011, the Village issued the required zoning, building and erosion control permits, Permit 11-09-035, for the construction of a 2,045 square foot single-family dwelling.
4. Pursuant to Section 420-148 (67) of 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 model home opened during the following hours: Sunday 12:00 p.m. to 4:00 p.m., Tuesday 4:00 p.m. to 6:00 p.m., Thursday 3:00 p.m. to 8:00 p.m. and Saturday 10:00 a.m. -3:00 p.m.
6. Parking shall be provided on the driveway and is allowed on Ashbury Lane adjacent to the lot. Vehicular parking shall not block any driveways or fire hydrants and shall not be parked on the street during a snow emergency or hinder traffic visibility.
7. The conditions for approval of a model home, including the Village Zoning Ordinance Conditional Use Permit standard conditions pursuant to Section 420-148 (67), are set forth in the staff recommended conditions of approval as identified in this Village Staff memorandum.
8. Notices were sent to adjacent property owners via regular mail on January 6, 2012 and the required notice was published in the *Kenosha News* on January 16 and 23, 2012.
9. The petitioner was emailed a copy of this memorandum on January 27, 2012.
10. According to the Village zoning ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing that the project as planned will not violate the intent and purpose of all Village Ordinances and meets the minimum standards for granting of a Conditional Use Permit.

With that, this is a public hearing.

Don Hackbarth:

This is a public hearing. Does anybody wish to speak on this? Again, give us your name and address.

S.R. Mills:

Sure, S.R. Mills, 4011 80<sup>th</sup> Street, Kenosha. Here to answer any questions that you might have. Jonah and Bear Homes typically handles it, but I think it's pretty cut and dry, and Jean did a great job of explaining it. Thank you.

Don Hackbarth:

Any other citizens' comments? Anybody else? We'll close the public hearing and open it to Commissioners.

John Braig:

I move approval of the conditional use permit.

Judy Juliana:

Second.

Don Hackbarth:

**IT'S BEEN MOVED BY JOHN BRIAG AND SECONDED BY JUDY JULIANA. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

Don Hackbarth:

Opposed? So moved.

Jean Werbie-Harris:

Mr. Chairman is that subject to all the comments and conditions as outlined in the staff memorandum?

Don Hackbarth:

Yes.

John Braig:

Yes.

**7. ADJOURN.**

John Braig:

So moved.

Wayne Koessl:

Second.

Don Hackbarth:

Goodnight.

**Meeting Adjourned: 7:18 p.m.**