

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
3:00 P.M.
October 15, 2012**

A special meeting for the Pleasant Prairie Plan Commission convened at 3:00 p.m. on October 15, 2012. Those in attendance were Michael Serpe; Donald Hackbarth; Wayne Koessler; Jim Bandura; Larry Zarletti and Judy Juliana (Alternate #1). Thomas Terwall, John Braig and Andrea Rode (Alternate #2) were excused. Also in attendance were Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CITIZEN COMMENTS.**

Michael Serpe:

If there's anybody wishing to speak now would be your time since there are no public hearings today because what we have is going to be tabled.

Michael McTernan:

Michael McTernan, 6633 Green Bay Road, Kenosha, Wisconsin. I'm here just in support of postponing the item on the agenda tonight until the next Plan Commission meeting. If you have any questions I'm here. Thank you.

Michael Serpe:

Thank you. Anybody else wishing to speak? Anybody else wishing to speak? I'll close citizens' comments.

- 5. OLD BUSINESS.**
 - A. TABLED PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE for the request of Cory Harpe, agent for Harpe Development to use the house located at 9985 Cooper Road in the Village Green Heights Addition #1 Subdivision as a model home.**

Jean Werbie-Harris:

Members of the Plan Commission and the audience --

Wayne Koessler:

We have to take it off the table.

Michael Serpe:

I'm sorry.

Larry Zarletti:

Mr. Chairman, a motion to remove it from the table.

Wayne Koessl:

Second.

Michael Serpe:

MOTION MADE BY LARRY ZARLETTI AND SECONDED BY WAYNE KOESSL TO REMOVE THIS ITEM FROM THE TABLE. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Okay, Jean, I'm sorry.

Jean Werbie-Harris:

That's okay. I was just going to say that this is a tabled public hearing and does need to be removed from the table. 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 in your packets as well as presented this evening under findings of fact.

Findings of Fact

1. The petitioner is requesting a conditional use permit for Harpe Development LLC to use the house located at 9985 Cooper Road as a model home noted as Exhibit A. The subject property is known as Lot 170 in the Village Green Heights Addition #1 Subdivision, located in a part of the Southwest One Quarter of U.S. Public Land Survey Section 23, Township 1 North, Range 22 East in the Village and further identified as Tax Parcel Number 92-4-122-233-0670.
2. The single-family lots within the Village Green Heights Addition #1 Subdivision are zoned R-4, Urban Single Family Residential District. Pursuant to Section 420-108 C (1) (b) of the Zoning Ordinance, model single-family homes and related temporary real estate sales offices or marketing centers are allowed in the R-4 District with the approval of a conditional use permit from the Plan Commission.

3. On June 1, 2012, the Village issued the required zoning, building and erosion control permits, Permit No. 12-05-084, for the construction of a 2,645 square foot single family dwelling. A verbal inspection approval to occupy this property was issued by the Village on September 11, 2012. The driveway has been paved and the lawn has been hydro-seeded.
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 open during the following hours: Monday through Friday during business hours as well as evenings and weekends. Specific times should be allowed and may be set by the Plan Commission. Village staff recommends Monday-Friday 10:00 a.m. to 4:00 p.m., Saturday and Sunday 12:00 p.m. to 3:00 p.m. or by appointment.
6. Parking shall be provided in the driveway and is allowed on Cooper Road and Main Street adjacent to the lot. Vehicular parking shall not block any driveways or fire hydrants and shall not be allowed on the street during a snow emergency and must not hinder any 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) of the ordinance 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 September 12, 2012 and the required notice was published in the *Kenosha News* on September 24 and October 1, 2012.
9. The petitioner was emailed a copy of the Plan Commission Memorandum for the October 8, 2012 which was since continued until this evening of October 15, 2012.
10. And the last public hearing was tabled due to the fact that the petitioner was present at the meeting. He is present here this evening.
11. The petitioner was emailed a copy of this memo on October 9, 2012.
12. According to Article XVIII of 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 here this evening that the project as planned will not violate the intent and of the Village ordinance and meets all the minimum standards for the granting of a conditional use permit.

With that this is a public hearing, and the petitioner is here in the audience.

Michael Serpe:

This is a matter for public hearing. Is there anybody wishing to speak? Anybody wishing to speak? We'll close the public hearing and open it up for comments and questions by the Commission.

Jim Bandura:

Just out of curiosity is the petitioner aware of all of the conditions that are set forth?

Michael Serpe:

We'll need your name and address.

Dustin Harpe:

Dustin Harpe, 7530 39th Avenue, Harpe Development. We are aware of all the conditions. Right now we're not planning on staffing it like the hours in here, but we would like the ability if we need to in the future. We're just doing it by appointment only.

Michael Serpe:

Anybody else?

Jean Werbie-Harris:

I also wanted to mention that we did not receive any calls or comments regarding this particular request.

Larry Zarletti:

Mr. Chairman, I'd move approval.

Jim Bandura:

Second.

Michael Serpe:

MOTION MADE BY LARRY ZARLETTI AND SECONDED BY JIM BANDURA FOR APPROVAL OF THE CONDITIONAL USE. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you.

6. NEW BUSINESS

Michael Serpe:

Items A, B and C I understand will remain on the table. Is that correct, Jean?

Jean Werbie-Harris:

Actually since specifically we're scheduling public hearings for these items today, we do need to table each of the Items A, B and C. And B and C are public hearings, so those are actually public hearings that do need to be continued to a date certain which will be in this case we're requesting November 12th at 6 p.m., on or after 6 p.m.

Michael Serpe:

So will remain on the table until November?

Jean Werbie-Harris:

No, two of these weren't on the table. These are new items. You have to take them up -- all three of these items you need to take them up this evening. Item one table it, second table, third table.

A. Consider the Settlement Agreement between the Village of Pleasant Prairie and VIDHYA Corp, VIII, Inc. for the BP Amoco located at 10477 120th Avenue related to the remedial activities and conditions to correct the illicit discharges at the property.

Don Hackbarth:

Mr. Chairman, I move we table Item A.

Judy Juliana:

Second.

Michael Serpe:

MOTION MADE BY DON HACKBARTH AND SECONDED BY JUDY JULIANA TO TABLE ITEM A.

Jean Werbie-Harris:

Until November 12th.

Michael Serpe:

Until November 12th. All those in favor say aye.

Voices:

Aye.

Michael Serpe:

Opposed?

Wayne Koessl:

No.

Michael Serpe:

One no.

B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE INCLUDING SITE AND OPERATIONAL PLANS for the request of Attorney J. Michael McTernan agent for VIDHYA Corp, VIII, Inc. that would allow BP Amoco to operate the gasoline station and AM/PM convenience store and to expand the facility for the installation of a carbon treatment system that will treat existing contaminated ground water from several reported hazard substance releases at the site located at 10477 120th Avenue.

Jim Bandura:

Mr. Chairman, I move that we table it until November 12th.

Larry Zarletti:

Second.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND SECONDED BY LARRY ZARLETTI TO TABLE THIS UNTIL NOVEMBER 12TH. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed?

Wayne Koessl:

Mr. Chairman, I'm going to vote no and if I could say something. The Village has been working on this since March, and it's making a joke out of our conditional use permit process. And it's an injustice to everyone in the business park who has to put up with this. My feeling is we ought to

just revoke the conditional use permit and put BP out of business until they comply with all of our regulations and I vote no.

Michael Serpe:

Okay, one negative.

C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Attorney J. Michael McTernan agent for VIDHYA Corp, VIII, Inc. to amend the BP-Amoco Planned Unit Development Ord. No. 01-32 to reflect the proposed new site conditions and business operations of the BP Amoco gasoline station and AM/PM convenience store located at 10477 120th Avenue.

Jean Werbie-Harris:

Mr. Serpe, that should read -- there's a typo in the agenda. It should read zoning text amendment. It's not a map amendment. They currently have a PD but we're looking to modify the PD for this site, so that will be zoning text.

Michael Serpe:

That will be for the zoning text amendment instead of the zoning map amendment.

Larry Zarletti:

Mr. Chairman, I would move we table Item C and also indicate that it is a zoning text amendment and not a map amendment until the November 12th meeting.

Michael Serpe:

Is there a second?

Judy Juliana:

Second.

Michael Serpe:

MOTION MADE BY LARRY ZARLETTI AND SECONDED BY JUDY JULIANA TO TABLE ITEM C UNTIL NOVEMBER 12TH. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed?

Wayne Koessl:

No.

Michael Serpe:

And one dissenting.

7. ADJOURN.

Larry Zarletti:

Mr. Chairman, I move we adjourn.

Judy Juliana:

Second.

Michael Serpe:

Motion made and second to adjourn. All those in favor say aye.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.