

PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
April 9, 2001

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on April 9, 2001. Those in attendance were Tom Terwall-Chairman and Village Trustee; Donald Hackbarth-Secretary; Wayne Koessler - Member of the Street Lighting Committee; Donald Wruck; and Alternates John Braig and Michael Serpe. James Bandura and Ed Kauffman were excused. Eric Olson was absent. Also in attendance were Michael Pollocoff-Village Administrator, Jean Werbie-Community Development Director; Peggy Herrick - Assistant Planner and Assistant Zoning Administrator; and Tom Shircel - Assistant Planner and Assistant Zoning Administrator.

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

Jean Werbie:

I have none this evening.

4. CONSIDER APPROVAL OF THE MINUTES OF THE FEBRUARY 26, 2001 PLAN COMMISSION MEETING.

KOESSL MOVED THAT THE PLAN COMMISSION APPROVE THE MINUTES OF THE FEBRUARY 26, 2001 PLAN COMMISSION MEETING AS SUBMITTED IN THEIR WRITTEN FORM. SECONDED BY SERPE. MOTION CARRIED TO APPROVE.

5. CITIZEN COMMENTS

Tom Terwall:

If there's anybody in the audience who wishes to speak, this is your opportunity to do so. We would ask that you step to the microphone and begin with your name and address. If you're here for Item B which is the public hearing, I would ask that you would hold your comments and make them as a part of the public hearing so that they are a part of the official record. Is there anybody wishing to speak under citizens' comments? Hearing none, we'll close that portion of the meeting.

6. NEW BUSINESS

- A. Consider the request of Lance Skala, agent for WisPark, LLC, owner of the property generally located at 99<sup>th</sup> Street west of 72<sup>nd</sup> Avenue, for Site and Operational Plan approval to construct a 603,000 square foot distribution warehouse center building.

Tom Shircel:

Mr. Chairman, the petitioner, WisPark LLC, is requesting to construct a 603,600 square foot distribution warehouse that will be leased to the S.C. Johnson Company for the warehousing and distribution of consumer household products.

There will be no manufacturing done at this facility. The warehouse will be operated 24 hours per day, five (5) days per week, Monday through Friday, with occasional weekend hours. Cases of consumer products will be shipped to this warehouse via truck. Orders from retailers will be assembled and distributed. This facility will employ approximately 130 full-time employees, with the largest working shift of 67 employees. The number of employees may increase to approximately 180 during the peak demand season (March - May). There will be an average of 99 truck trips to and from the site on a daily basis. The number of daily truck trips will increase to approximately 120 during the peak season (March B May). You can refer to the attached site and operational plan for more information.

According to the plans, there are 157 automobile parking spaces proposed for this site. The Village Zoning Ordinance requires one (1) parking space for every two (2) employees during any 12-hour period not including the required handicapped parking spaces. According to the submitted Operational Plan this facility will employ 130 full-time employees, working three shifts, with the largest working shift of 67 employees. Making the assumption that there are two (2) B 67 employee shifts working within any 12-hour period, that would require 67 parking spaces be provided on the site in addition to the required handicapped spaces. Therefore, the number of parking spaces is in compliance for the proposed use on this property.

The southern portion of the site is currently zoned M-1, Limited Manufacturing District and the northern portion of the site is zoned M-2, Heavy Manufacturing District. The dividing line between the M-1 and M-2 zoning district is along the quarter section line that cuts through the site and building. On April 4, 2001 WisPark submitted a request to rezone that portion of the property that is currently zoned M-2 to the M-1 District to eliminate the split zoning on the property. The public hearing has been scheduled for May 14, 2001.

Jean Werbie:

Mr. Chairman, pursuant to the Zoning Ordinance, the Village requires continuous concrete curb and gutter typically be installed around the parking areas as well as the driveway areas within a particular site. Something else that the Village has often required is that whenever a site abuts a public road, that there be continuous vertical curb and gutter adjacent to that road. However, the ordinance is ambiguous as it comes to that language in the ordinance. What SCJ is requesting to do is to put the continuous vertical curb and gutter around the perimeter of the driveways on the site, but they're requesting not to put it along the large docking area that faces the east on the property. So with that, they would be in compliance with the ordinance, but they just want to continue to recognize that that east side of the property is going to have no continuous vertical curb and gutter but, again, it's going to be the docking area. It is going to be facing the east which is the public street, but they intend to construct a very large berm with plantings along that whole eastern edge along 72<sup>nd</sup> Avenue. So for

that reason, they're requesting not to put the vertical curb and gutter along that way, but along the rest or the perimeter of the site. This is a very large warehouse distribution center, they actually will have a series of docking facilities and trailer and semi truck parking on both the west end and the east end of the site. We can get into that a little bit further as Werner Briske or someone from the project represents the site plan to the Plan Commission.

With that, I'd like to introduce representatives from WisPark, Lance Skala and from Partners in Design, Werner Briske, as well as representatives from S.C. Johnson in order to make a presentation regarding their firm, the facility, the site, and what they're proposing to do.

Lance Skala:

Lance Skala with WisPark, LLC. Right now S.C. Johnson is operating two warehouse facilities within the Lakeview Corporate Park. It's our plan to build one large one and consolidate their operations within their park which they will be talking a little bit more about. This building is very similar to other buildings we've built in the park. It's 30 foot clear height. Roughly that equates to a 34 foot building height. It's entirely pre-cast building. We did bring some elevations. First I'd like to introduce the three reps from S.C. Johnson who are going to give you an overview of the company and bring you up-to-date on their current operations.

Ron Ellifson:

I'm Ron Ellifson. I'm the director of customer service and logistics for S.C. Johnson. I'm here today with our director of distribution, Lex Pritchert, and our consulting engineer, Mike Hoffman. I have overheads if you'd care to see those. I think everybody probably is somewhat familiar with our products. We make such products as Shout!, Windex, Ziploc Bags, Edge, Glade, Raid, Off, Pledge Scrubbing Bubbles. We've been making products for consumer use for 115 years. The same family, the Johnson family that started the company still owns it. We started in 1886 in Racine with a parquet flooring company and have now become a global business of over \$4.5 billion and 9,500 employees, operations in 65 countries, and have had actual sales in 100 markets across the world.

Our customer service and logistics for North American product supply is we have factories currently in Racine, Wisconsin near the Sturtevant area, Bay City, Michigan and Fresno, California. Those make Ziploc Bags for us, and Branford, Canada and Teluca, Mexico which does various contract-type packaging for us. We also then run seven regional distribution centers around the U.S. These RDCs as we call them that allow us to serve our customers by consolidating all these product lines so that we can ship them together in full truckloads. These RDCs are located in a way that allows us in general to have one-day transit times and almost hit every facility of our customers within two days. In all cases, those RDCs are leased by us, SCJ, and run by a third party logistics operations group.

A quick look at the map of RDCs. We have Pleasant Prairie, where we're currently talking about a couple of facilities today; Indianapolis; Middletown, Pennsylvania; Fairburn, which is Atlanta, Georgia; Fort Worth, Texas; Southern California which is Ontario, California; and Woodland, California.

The Midwest distribution centers that we currently have in Pleasant Prairie is we have one primary facility and one overflow facility. Total space between the two is a little over 500,000 square feet, and the third party logistics operator is Excel Logistics. The issues with the existing facilities is there's inefficiencies any time you have to operate out of two buildings and, quite frankly, we're running out of room for growth, and these leases both expire in April 2002.

Our current strategy for that Midwest distribution center is to construct one building large enough to handle existing businesses plus several years of growth and room for future expansion. We've always been in an acquisition mode, and that could happen here, too, so we'd like to maintain some extra room. Complete the new building by March 2002 would allow us enough time for an efficient transition between the two buildings. Then we'd like to remain in the Lakeview Industrial Park as it would allow us to retain our existing workforce that's trained, minimize those costs associated with relocation, and maintain our positive relationship with Pleasant Prairie and WisPark. The Plan Commission and the SCJ Board of Directors approvals are required this month if we're going to meet that March 1<sup>st</sup> planned day of operation. Any questions? Thank you.

Werner Briske:

Good evening, Werner Briske with Partners in Design Architects. I'll give you a quick run through on the site and a little bit on what's going on with the landscaping and the building elevations.

As you can see Green Bay Road is to the east, and you can see the rail here, providing a great rail benefit. The access to Green Bay Road will be off of 91<sup>st</sup> Street and also 72<sup>nd</sup> Avenue. There will be a truck entry from the north, and a guardhouse instructing the trucks where to go once they are on the site. The gate will be access controlled, at the northwest corner of the site and will monitor all truck traffic, and of course the Fire Department will have a Knox Box access. The main office will be on the West side, with two offices combined for 703,000 square feet. The warehouse will be 603,600 square feet. Off of 72<sup>nd</sup> Avenue there will be a berm which will protect the line of sight for the trucks, with landscaping on the berm. On the north side it will be well planted, as this will be where the car parking will be. On the south side there is a designate dare for future parking. On the east side we'll have 20 docks planned into the facility at this time. The building will be pre-cast. Right now we're envisioning blue glass and some blue accents and basically a three color paint scheme on the balance of the building. If you have any other questions, I think I've covered my spiel.

Tom Terwall:

Thank you.

Jean Werbie:

Werner, just to clarify, you're looking to do the curb and gutter on the driveways around the building, is that correct?

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Werner Briske:

I'm going to let Lance address that.

Lance Skala:

During our discussions with staff, we thought it made some sense to suggest an alternate to the Village Ordinance. Whereas this would typically have curb and the truck court along 72<sup>nd</sup> would not-because of orientation of this building, the fact that this driveway is so far removed from the public right of way, the fact that this is close to a retention pond, it allowed us to effectively sheet drain this roadway here, and as a tradeoff we would install curb along this truck court closer to the right of way, and also it would facilitate the construction and the maintenance of this berm that we're installing along 72<sup>nd</sup> Avenue here and also this island area here. So we thought that that made for a nicer project, and we're willing to go along with that. Otherwise, we're willing to meet the Village Ordinance on the curb.

Tom Terwall:

Thank you. I'll open it up to comments and questions from Commissioners and staff. Mike?

Mike Serpe:

Are there any plans on ever using the railroad or putting a spur line in?

Lance Skala:

Not for S.C. Johnson, but there's possibly down the line that could be of some use, yes.

Don Hackbarth:

Do you know what the limited access for fire vehicles in the center of the project-you say that's the north, the right side is the north?

Lance Skala:

This is north, correct.

Don Hackbarth:

Okay, then to the south, where are the fire hydrants? Are there external fire hydrants there for fire protection and where would they be located, especially on the south side?

Lance Skala:

There's perimeter hydrant space 250 feet apart around the entire building itself in accordance with Village codes. As for the exact placement, I don't recall, but they are 250 feet apart around the entire perimeter.

Don Hackbarth:

Then what is the width of the roadway to the south that's coming around the building, again, for fire protection to accommodate a truck?

Lance Skala:

Thirty feet.

Tom Terwall:

Anybody else?

Wayne Koessl:

I can see where there's nothing that's going to violate any of our ordinances or any of the safety regulations that we have, and I'd move approval subject to the request of the petitioner.

**KOESSL MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF LANCE SKALA, AGENT FOR WISPARK, LLC, OWNER OF THE PROPERTY GENERALLY LOCATED AT 99<sup>TH</sup> STREET WEST OF 72<sup>ND</sup> AVENUE, FOR SITE AND OPERATIONAL PLAN APPROVAL TO CONSTRUCT A 603,000 SQUARE FOOT DISTRIBUTION WAREHOUSE CENTER BUILDING SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED BY STAFF IN STAFF MEMORANDUM DATED APRIL 9, 2001, WITH A WAIVER OF THE CURB ON THE SOUTH SIDE AS DISCUSSED IN THE MEMORANDUM.**

Mike Serpe:

Does that include the waiver of approval?

Jean Werbie:

It doesn't have to be waived. I want them to just clarify what they're proposing to do. Maybe there's no waiver that's needed. We've talked about it and gone back and forth with it so many times. Just clarify for us what you're looking to curb and gutter.

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Werner Briske:

I think what we're proposing at this point is actually the waiver, and to, as Lance explained, rather than curb this, we would prefer to curb the area adjacent to the street.

Jean Werbie:

Okay, so that's how the staff comments are written. So I guess just so you understand, what they want to do is switch one area for another area because it abuts a public street.

Don Hackbarth:

I think that's a good proposal considering you have that basin to the south. It would be a lot easier and less restricted for the water to flow in that direction. If you put a curb there, I don't know, in winter it may back up and ice up. That's a good way to handle it I think. Just as long as there's no parking along that road.

Werner Briske:

No, there would be no parking off of this. In the future if there were a need for parking, it would be between the road and the building similar to on the north side

John Braig:

I assume the petitioner is familiar with the 41 conditions and items listed by staff?

Lance Skala:

Yes, we are.

**SERPE SECONDED THE MOTION THAT THE PLAN COMMISSION APPROVE THE REQUEST OF LANCE SKALA, AGENT FOR WISPARK, LLC, OWNER OF THE PROPERTY GENERALLY LOCATED AT 99<sup>TH</sup> STREET WEST OF 72<sup>ND</sup> AVENUE, FOR SITE AND OPERATIONAL PLAN APPROVAL TO CONSTRUCT A 603,000 SQUARE FOOT DISTRIBUTION WAREHOUSE CENTER BUILDING SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED BY STAFF IN STAFF MEMORANDUM DATED APRIL 9, 2001 WITH A WAIVER OF THE CURB ON THE SOUTH SIDE DISCUSSED IN THE MEMORANDUM.**

Jean Werbie:

I just want to say, again, it's just really a swapping of the curb. It's not really a waiver of the curb. The future parking that's on the south side, when that does go in, that will need to have curb and gutter.

KOESSL STATED THAT THE MOTION WOULD READ A SWAPPING OF THE CURB, WHEREIN CURBING WILL BE REQUIRED IN THE EASTERN DOCKING AND LOADING AREA, IN LIEU OF INSTALLING CURB AND GUTTER ALONG THE SOUTHERN INTERNAL SITE CIRCULATION ROAD.

Tom Terwall:

Anything else? We have a motion and a second then to grant site and operational plan approval subject to the presentation made with respect to relocation of the curb and gutter and subject to the terms and conditions set forth in the staff memorandum.

**MOTION CARRIED TO APPROVE.**

Tom Terwall:

Thank you, S.C. Johnson for expanding.

John Braig:

Hope to see you again.

**B. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN: the request of Robert Patch, agent for RAP of Pewaukee, LLC, owners for consideration of a Conceptual Plan for the proposed commercial development of the property located at 6903 75<sup>th</sup> Street. The development includes a 5,549 square foot Chili's Restaurant and a 24,430 square foot retail building-with no identified users at this time.**

Tom Terwall:

Based on advice from counsel, I'm going to step down from this portion of the meeting and turn the Chair over to Don Hackbarth.

Don Hackbarth:

Okay, does staff have comments?

Tom Shircel:

Thank you. The petitioner is proposing to develop the property located at the southwest corner of STH 50 and 69<sup>th</sup> Avenue which is also known as the Frantal property at 6903 75<sup>th</sup> Street. The Conceptual Plan also lays out the future jug handle turning lane movements for southbound STH 31 traffic in the southwest quadrant of STH 50/STH 31 and future road layouts and lot layouts of future development in the area.



The development within the Village includes a 5,549 square foot Chili's Restaurant and a 24,430 square foot retail building with no identified users at this time. The Conceptual Plan drawings also include properties within the City of Kenosha. Even though the Village has no jurisdiction related to development in the City, it is important to review how the two developments within the two municipalities interrelate, especially related to vehicular and pedestrian traffic.

The petitioner has provided a current development plan (proposed Year 2001 Plan) and a future development plan (proposed Year 2010 Plan). The 2001 Plan illustrates the proposed development now and the 2010 Plan illustrates how the area would function if the Wisconsin Department of Transportation widens STH 50, removes the right-hand turn lane at the intersection of STH 50 and STH 31 and replaces the right-hand turning movement through the 69<sup>th</sup> Avenue and 76<sup>th</sup> Street by-pass.

The Conceptual Plan examines a larger area than the proposed Village site located at 6903 75<sup>th</sup> Street so that the Village can evaluate the compatibility of land uses, identify how future land divisions could occur, plans how access roadways to the land divisions could be provided and examines the practicability of providing certain lot layouts, road layouts, infrastructure improvements and municipal services to service the area, and is essential to the orderly growth of the community and establishes a framework as to how development should occur within the area.

This property is located within the Bain Station Neighborhood, and the Village Comprehensive Plan indicates that the proposed site in the Village be developed as a commercial property.

A major consideration for the development of this site and the larger neighborhood is traffic circulation. Currently, the Wisconsin Department of Transportation is working on updating the existing STH 50 Access Management Plan. A major part of this effort over the past several years dealt with the existing and future traffic problems at STH 50 and STH 31. A number of alternative plans for this intersection have been prepared and evaluated by the Village, City, County and the Wisconsin DOT. The Village staff has evaluated a plan in which 69<sup>th</sup> Avenue and 76<sup>th</sup> Street act as by-pass roadways for traffic turning south onto STH 31 from eastbound STH 50. Access for this property in the Village would be serviced from a public frontage road off of 69<sup>th</sup> Avenue. It is the intention that the frontage road would connect 69<sup>th</sup> Avenue in the Village to 70<sup>th</sup> Avenue in the City and continue west to service additional land in the City and Village that is located west of 70<sup>th</sup> Avenue. North and south of the frontage road could be developed as commercial in accordance with the Village Comprehensive Land Use Plan.

In addition, the Village is concerned about the location of the frontage road and its connection to 69<sup>th</sup> Avenue. It appears that in the short term it may work; however, at the time 69<sup>th</sup> Avenue/76<sup>th</sup> Street is to be used as the right hand turning movement for traffic traveling east on STH 50 to south on STH 31 is not the best solution for existing and proposed development of the area. With that, I know there are representatives for the plan in the audience.

Don Hackbarth:

Okay, since this is a matter for public hearing, anybody can come up to the microphone, and we'd like to have your name and address before you address the Commission and staff.

Robert Patch:

My name is Robert Patch. I am the petitioner. My address is the real estate that's described here shown, 6903 75<sup>th</sup> Street. I purchased this particular real estate approximately a year ago. There are two parcels that exist, one being in the Village of Pleasant Prairie which is about a third of the site, maybe 25% of the site, and the balance of the site, about 75% of that and to the west is in the City of Kenosha. When we purchased this site, there were two landowners here. There was a foreclosure going on in the City of Kenosha which was with Bank One, and there was another parcel that was owned by the Frantals, both of which had kind of a garden business going here and a garden business going at this location.

Back approximately a year ago, we had several different proposals for the site, one of which was actually Home Depot. Home Depot wanted the contract for this site. They had met with the Department of Transportation. I believe they met with the Village. I'm not sure of that, but I know they met with the City of Kenosha, and that particular plan did take some shape and form. After that particular plan could not move forward due to a variety of different reasons, one being the division of the property, the building would go on both properties, cross-parking, a lot of legitimate points. That particular project did not go forward and Home Depot pulled out of the picture.

Since that time, we've really focused on a smaller mid size box type development with smaller users up front, a Chili's on the corner and different type of mid size boxes to the rear. We submitted plans to the Department of Transportation about nine to ten months ago, and we had received letters from the Department of Transportation that those plans, even way back when, were acceptable and, in fact, we have those letters. Plans took more of an involvement with the Department of Transportation, our tenants and so on. We sent another plan to the Department of Transportation and, again, they said it does not conflict with what we're trying to do, and at that point we proceeded to try to put together our tenants. Our tenants came around, and we then headed back again to the Department of Transportation. We met with the Department of Transportation over the last year nine times. Recently, over the last I would say two to three to four months, we met with them six times. At those meetings, and at most of those meetings we tried to pull a group together, and that group that was consistent was the City of Kenosha, their representative being Ray Forgianni, and the Village. Jean was at most of those meetings. The Department of Transportation we had everybody from Ed Friede to just a whole host of people that were at this meeting. Johnson Bank has been in it fairly close from the beginning so that we could pull them into this meeting and how we were going to figure out this jug handle situation. The Village President was at one, maybe two, of these meetings. We came to what I thought was a consensus on how this frontage road would lay out. There's many different plans how this frontage road would lay out. Would it come and intersect this particular property--excuse me, I'm sorry, the jug-handle by-pass, would it intersect this particular property? Would it stay at this location? How would this road interact and come over to 70<sup>th</sup> Avenue? There were many things discussed and many things talked about at these meetings. There was, we thought, a consensus at these particular meetings.

We originally had shown this by-pass right here. It was at Johnson Bank's suggestion that we keep it at this location and we did so. There was this frontage road at one point coming in here; at times it was coming in here; we felt there was a consensus that the frontage road would come in at this particular location. One thing that staff did say, and it's very, very important, is for the Village of Pleasant Prairie and the City of Kenosha to try to work together on this particular site. In my opinion, that hasn't been happening. If you'd attend these meetings, these meetings although they accomplish things, at times there's obviously sometimes some harsh words are said, things are said like this, and I'm here as the developer trying to keep a project glued together, which is the best thing for the Village, best thing for the City, best thing for the community in general, and it's pretty tough. The only thing I felt that we did not have a consensus on was whether or not this road at this location would be private or public. The City of Kenosha is adamant that this be a private road. The Village of Pleasant Prairie seems to be adamant that this be a public road. Quite honestly, I don't care which it is. If it's public, I don't care; if it's private, I don't care. In the meantime, I'm stuck with two municipalities that 100% can't agree on this. So what I'm trying to do here this evening is to develop a piece of property that we attended many meetings on that we just seem to be stuck. The Department of Transportation, I'll introduce some people here this evening. We have talked to them yesterday, today, we've talked with Ed today. We just don't feel it's fair that our property is held up indefinitely for a Department of Transportation issue. We're willing to go the full gamut. We're willing to meet with people. We're willing to listen. We're willing to move the road over. Just to say for a year or two years or three years that, geez, we don't know, the Department of Transportation wants to do something there and let's just deny this, is a taking of our real estate. We want to develop this real estate. This real estate is 100% zoned. This real estate up to this point is zoned. We'd ask for rezoning requests at this location, but unless we as a group come together and decide this quickly, we will be forced and we will proceed with our development in the City of Kenosha because they're wanting the tax base. They want this to go forward, and we're going to proceed with this particular development. That's not the way this should happen. Everybody should come together for this work in unity so that our buildings look the same, the setbacks look the same, that this road, even if it's private or it's public, looks the same, the parking lots look the same, the landscaping looks the same, the buildings have the same roof lines and so on. That's what this project needs. It doesn't need anymore red tape that isn't necessary, because we do have consensus from the Department of Transportation that this is acceptable.

The bypass on 69<sup>th</sup> Avenue is acceptable to the Department of Transportation. The DOT is being political right now, and I say that openly, and they've said this at the meetings that this is acceptable, but they want this Planning Commission to approve this plan. If this Planning Commission approves this plan, they'll then send a letter endorsing it. They're nervous. They don't want to write that letter. I think the Village President can admit and Jean can admit that the Department of Transportation does not have a problem with this plan, and it meets their goal for these jug handles and for this quadrant in general. Are we going to know in six months, two years, three years, four years, five years by holding up this plan. The Department of Transportation isn't doing anything necessarily on this in the next month, two months, three months, four months. They've studied this property to death. We have the highest people in the Department of Transportation in this district looking at this plan and getting a head nod on it. We need to do something to move this plan forward. With that, I turn this over to John, our architect, and he can explain a little bit further what we are doing.

John Curran:

Hi, I'm John Curran, I'm with the architectural firm of Torke Wirth Pujara. Also, just as a high note, I was one of the project architects for Johnson Bank about seven or eight years ago I think it was, so it's been a while since I've been through the Village of Pleasant Prairie. The type of things I'd like to concentrate on in the 2001 plan, an important thing that you should realize at this point is that when you get into the 2010 plan there's no changes to our site, that everything has been taken into account as far as with the passage road and how it's going to tie into the jug handle in the future. An important thing on there is that we want to show that we're working with the future plans of the DOT.

On the specific site as far as Chili's that we're looking at right now, we have proposed 85 cars. I guess that will be adequate for what Chili's needs are. We are already working with Jean Werbie as far as some of the setbacks. We have 20 foot off our north property line. Rather than get into specifics at this point, I think most of my work will actually come a little bit later on in the next meeting if hopefully we can get to that point. That's where we're start getting more into the architectural specifics, the design the landscaping. At this point we're going more for conceptual. In the back portion we're looking at a 24,000 square foot building which right now, based on this plan, gives us a count of 5.1 cars per thousand. We're creating a storm detention basin on the south portion of the site which happens to be the lowest elevation wise. If we can get through this first phase of conceptual design, the civil engineer will be coming on board and we'll work with the City as far as clarity issues within the storm detention pond and also do a little bit more accurate sizing to meet the Village requirements for that.

Some other considerations that have developed over the last six months, or actually as Bob was saying, nine months on the site, was some of the connections, and that was based on the Village providing links outside of our site. If you notice in these parking lots we're providing future links to whatever is developed to the east portion. One thing that the Village is stressing is that you'll be able to navigate between these different commercial sites within their parking lot type areas from site to site without creating further traffic considerations on the road.

Another thing that Bob mentioned as far as this road we're developing right now, when we met with the City of Kenosha, they actually at one point, Ray Forgianni was mentioning that we didn't really need it according to what Kenosha is looking for, one of the main reasons that Bob is putting that in right now is actually for Johnson Bank, and that's anticipating that they would have a direction that they could go west once the jug handles come in, possibly, whatever it might be, seven to ten years from now.

Some other type things, I suppose rather than dwell on a lot of these circulation type issues and traffic, I'll be turning it over to John Beaver. He's with HNTB. He was hired by Bob to do a number of traffic counts, and he's also got information as far as some of these conversations with the DOT.

John Beaver:

Milwaukee, Wisconsin, HNTB Corporation. Just to give you some background on HNTB, we are WIS DOT's preferred provider, consulting services. In other words, we're the number one consultant. We've been working on this project for the last six months. We were called in actually through the DOT, through Bob, really to analyze the whole site from a traffic operation standpoint. What I'd like to do is just run you through, take three or four minutes, to walk you through our analysis, what we discovered and what we found, and what our recommendations were.

First of all, we looked at the year 2001 plan, and DOT's decision at that time was the requirement the DOT has is you have to provide a frontage road connecting 76<sup>th</sup> Street to 70<sup>th</sup> Avenue. The next question is where logically to put those intersection points. If you look at the 2001 plan, your logic would tell you why is there a jog there? It doesn't seem to make sense. Well, the reason why there's a jog there, and that was determined through DOT, is because DOT's long-term plan is for this right turn or by-pass or jug handle or whatever you want to call it is to keep this as the main movement and have this be a minor movement. So the intent of this location being where it is, is that it works during the short term, but it also works, more importantly, during the long term. Some background as far as DOT's long-term plan, I'm sure everyone is aware of this, there's a lot of proposals on the table as far as what can happen here, and conceptually what they're looking at is this jug handle situation as being one of the more preferred alternatives. That's not saying that's what exactly is going to happen, but that's what they're leaning towards today. So our study period or our study area consisted of the new frontage road and 76<sup>th</sup> Street by-pass, the intersection of 50 and 31, the intersection of 70<sup>th</sup> Avenue and 50, 69<sup>th</sup> Avenue and 50, 76<sup>th</sup> Street and 31, essentially the whole area, as well as extending down to 78<sup>th</sup> Street and 31.

What I found out is a couple things. First of all, under the 2001 plan, we found that everything today currently works at what's called a level service C or better for the intersection of 31 and 50 where we know there's some operational problems there. DOT is addressing those long term. The next question is what happens when we add all this traffic from this development? How does that change things? What we found from our analysis, and DOT concurs with us, that operationally with the improvements the developer is putting in as far as linking the frontage road, for improving the access, everything is going to operate also at a level of service C or better. In other words, the impacts of the surrounding intersections at 31 and 76<sup>th</sup> Street, Highway 50 and 69<sup>th</sup>, Highway 50 and 70<sup>th</sup> Avenue will still continue to operate at acceptable conditions based on DOT standards.

Now, if we shift gears a little bit to the year 2010, looking at ultimate development, what we found is that with DOT's upgraded Highway 50, upgraded 31, with their changes in movements and changes in traffic flows and so on and so forth, the key intersections are still operating at acceptable conditions with what the developer is proposing here in front of you. Now, as Bob mentioned, we had several meetings with the DOT, and we went through several...on this frontage road. The whole intent was that this frontage road was supposed to be strictly a frontage road. You don't want to get the feeling that you're driving through a parking lot. You want to get the feeling as if you're driving on a road. So what you see on the site plan is only two access points surrounded by 69<sup>th</sup> and 70<sup>th</sup>. There aren't

multiple driveways, so the intent was to keep it clean to keep the cars flowing. Through the meetings of the DOT, they also recommended on where this should go for future plans, as well as a detailed analysis of how everything is going to work in the future with some channelization and so on and so forth. We also did a separate study specifically for Johnson Bank to look at how can their improvements, parking lots be reconfigured to work better in the long-term under future conditions.

So we had several meetings with the DOT, and at this point they have signed off on our traffic impact study. They accept what we have done and what our recommendations are. In talking to Ed Friede just this afternoon at the DOT regarding this, his comments were that DOT accepts what the developer is doing here from an operational standpoint. Right now it's pretty much up to the local jurisdiction, you folks as far as what you think from a traffic standpoint. So as far as DOT is concerned, they're satisfied at this point. So now it's just taking the next step and moving forward. So with that, I'd like to pass this off to Derek.

Derek Opgenorth:

Hi, I'm Derek Opgenorth. I'm also with RAP of Pewaukee, same address as Bob. To be honest I generally get involved in these projects a little bit later as well. I do Bob's construction management. I've been involved in this project for about the last three months I'd say. I attended a meeting at Johnson Bank on Bob's behalf. He was out of town. I've also worked and generated some letters with the DOT and had some conversations with those people. So I guess I view my role here, at least, as to maybe summarize the things that Bob had said, maybe add a couple of additional items and that's probably about it.

First of all, the issue may come up, I know I did notice that on the letter that we received on Friday afternoon, that this would fall under the Trans 233 requirement which would, in essence, require a 50 foot setback from our property line, which would basically if we look at the Chili's project obviously that would create some problems for us. This was an issue for us. It's been an issue that we've discussed with DOT. At the last meeting on February 27<sup>th</sup> that we attended with DOT, that question came up. We asked them basically if nothing happened to this site, if none of the municipalities could concur on a plan, you know what's the worst case scenario from a Highway 50 standpoint? How wide would the road get? What we received from them the very next day was a letter saying that, okay, based on our worst case scenario, we need an additional 15 feet greater than the current 80 foot right of way. What that does basically here is that it makes this plan still workable because the setback from the Village's standpoint is 20 feet. Within the City it's 15 feet. So the DOT would need no additional right of way in addition to what we'd be already giving as a setback, and we do have a letter to that effect from the DOT. So that issue may come up. It's something that I think we've already resolved.

In summary the things that we've talked about already is that we're attempting to make this an integrated development, something architecturally that has some unity, even though there are two different municipalities. The City of Kenosha's preference is that we put this road in and we maintain it as a private roadway. I know the Village has said that they would prefer that be a public road. We're willing to work either way on that. I think it would make more sense for it to be one or the other and not both, but that's something that we can probably work around as well. We've been through a fairly

arduous process of meetings, and we want to be cooperative. We're looking to develop a high quality project and something both the Village and the City can be proud of. Thank you.

Mary Claire Lanser:

My name is Mary Claire Lanser. I work for Broydrick & Associates. I often work on Bob Patch's and Heartland's projects with him, and I'm here with an associate, Bob Redin. Bob, would you come up here? The first thing we have for you are some photographs that I just took about an hour ago of the site for anyone who's not familiar with what is there now. I've been at a lot of these same meetings that have been references earlier. Something else that Bob Redin and I both did, and we thought it was a necessary thing to do, is to speak with people who live and work in the immediate vicinity, these being the stakeholders. Obviously, there have been meetings, as you heard before, with Johnson Bank, but there are some other stakeholders in the area.

What you're getting right now is just a summary of some of the people that we've spoken with. Neighbors that we've spoken to have indicated their support in a letter include Amoco, Bath & Body Works, Cigarette Store across the street, Dollar Bills, Factory Card Outlet, Ruben Franko who is a resident at 6924 78<sup>th</sup> Street, General Nutrition Center, the Hair Cuttery, KB Toys, Rogan Shoes, Stein Optical, Southport Sewing, Taco Bell, Thomas Tinnen a neighbor at 7528 70<sup>th</sup> Avenue, Verlo Mattress, and an additional one that did not have time to put their support in writing but indicated their support verbally on the phone in McDonald's Corporation.

On the second page you see businesses we have spoken with. In these cases the person we spoke with seemed supportive but would have to go through their corporate structure to get that formal support. These include Jewel-Osco, Radio Shack, and Walgreens, and given more time, if you would like, we would secure those letters as well.

We've met with four businesses that have a specific stake in this because they are so near. These are businesses we've met with and who are studying the proposal in greater detail. Some of them are here tonight, and I'm looking forward to hearing their comments. Burger King is represented by Wayne Kimmell, the owner. I don't believe he was able to be here tonight. He has some questions about existing cross-easement agreements tied into the meets and bounds description, and if the site plan changes, he just wants that legal description to change with regard to entryway and driveway. And we will be happy to meet with him and work that out. Tonight we will be joined by Tom Mahoney and Vic Opits who I have considered part of this whole team all along. Hopefully Keith LeMay of LeMay Buick and Pontiac is here. We've met with him and he's going to be taking a closer look at the property. Lastly, the Music Store. Jim was examining the plans and I'm hoping he's here as well. He may have some interest in this whole site plan because of some potential future expansion needs of his own.

Other businesses we've shown the site plan to are listed here. We just really tried to see as many people as we could. On the last page you see residential neighbors we contacted on the phone who, again, we hope to see here at the public hearing, and residential neighbors that we tried to meet with today in person, again, hoping that they will be here.

We recognize that there are some issues with transportation and the whole transportation scenario is very complex. I do know that there is a meeting intended for April 16<sup>th</sup> for the Village with DOT. Again, I also talked to Ed Friede today. He must have been a very, very popular guy, and I recognized that DOT and the Village are very interested to know how this is all going to work out. I know that the staff recommendation on this request is for denial. I would really urge and beg you to please consider tabling this so that we can see what the DOT has to say on the 16<sup>th</sup>, that we can also maybe rectify some of the other issues that will come out tonight.

In terms of the DOT, Ed Friede was very clear to me that he did not expect this project to wait until all of the issues with the intersection were resolved. We're not asking anybody to move forward before they're comfortable, but I am asking you to please wait until that meeting would occur on the 16<sup>th</sup>. We'd rather come back to you as a tabled issue than have to start all over again as a denial. Thank you.

Don Hackbarth:

Anybody else wishing to make comments as this is a public hearing? Please give your name and address.

Tom Van Beckum:

My name is Tom Van Beckum. I have an office in the Johnson Bank building, and I'm here in a couple of respects. I guess I'm sort of the building tenant rep informally and also I'm here because I've talked with Tom Mahoney and Vic Opits at Johnson Bank, so I'm going to try to present sort of common concerns of those people who reside and work in the Johnson Bank building. I thought it might be easier if I referred to this map rather than that one. I think it's easier for people to see. Our concern is that this not become an island, an island that's not accessible and an island that's unsafe to get out of. It seems that the bigger issue is how is this whole 50/31 area going to be dealt with. We're kind of putting the cart before the horse, and I understand the developer wants to get going with his development, and that's certainly understandable, but this whole neighborhood gets affected. Not just what he's bought. Walgreens is affected, Johnson Bank is affected, Music Center, everyone is. This proposal to bring these jug handles really has us concerned over here. Right here you have the drive-in tellers. So you've got traffic coming in here. Here's parking lots. The distance from here to Highway 31 is not very far. You're going to be bringing cars swooping down here doing 45 or 50 miles an hour. They're going to turn into here going--people don't slow down that much. They're going to be coming in here awfully quickly and bingo, you're going to have people exiting. I think this is an accident waiting to happen. These cars are going to be continuing at a high rate of speed, and look at all of these crossing points. You've got a parking lot here, a driveway or a street here, another proposed street here, and these cars are going to be flying through there. They're going to be coming from a fast speed from both directions. To turn this into an exit or an adjunct to two highways, this worries everybody in the building and worries the bank. You've got a lot of elderly people coming in and out of this parking lot, bank customers and tenant customers, and we're concerned about that traffic flow.



Everyone is also concerned that medians are going to be blocked here, they're going to be blocked there in 2010. It's going to be that much more difficult to get in and out of this building and get onto Highway 50 and Highway 31. So that concerns us. I don't know why this particular road has to be a job like that and then you've got another road here. If cars have to get from here to here, then it seems like 76<sup>th</sup> Street should be straight across. Or this road could be straight across. I don't know why we have to have two different roads on curves like this. Every time you have different exit and entrance points and different curves like this I think it's a safety issue. Our customers are going to be exiting here and up here, and if they want to get on Highway 50 going west, they're going to have to figure out that they have to drive from here over to here, around here, up here, and then out again. That's not that obvious. Then navigating that means they're going to be crossing cross-traffic here, here, here, here and again up there. It's going to be inconvenient and again, I think, somewhat unsafe for our customers.

I guess the other issue, which is the larger issue, is just the intensity of development that's going to be developed to the west. I don't know what the traffic count is expected to be, and I'm not here pretending to be a highway engineer, but this, given the size of these developments, is an awfully intensive use of that project. I suspect that the intensity of the use is driving the layout and is driving some of the issues and concerns that I think we have. The people from Johnson Bank are here, and I know there's been some representations of Johnson Bank. Tom Mahoney and Vic Opits are here and can speak for the bank, but it just doesn't make sense. Again, I'm a lay person. You're the experts and they're the experts, but why can't this road go straight? Why can't that road go straight? I mean everything is flowing around without any obvious logic to somebody, again, who is not an expert. So at this point I guess I'd like to turn to the microphone over to the Johnson Bank people and let them speak for themselves.

Tom Mahoney:

Thanks. I'm Tom Mahoney. I'm the President of Johnson Bank, Kenosha. I guess what I want to address is a few things and I wrote them down to make sure that I hit all the key points. I'll just kind of fly through them as we go here. The suggestion that Johnson Bank was involved in the process and involved early on is correct. We've been involved in a number of these meetings. I'm not arguing or disputing that. We've raised a number of suggestions in these meetings as well. When we started this process, the one key point that was relevant is that we believe and we agree that this parcel and these properties should be developed. We think it's good for the Village; we think it's good for the City; we think it's good for everybody involved, for the other businesses in the adjacent area. Our concern isn't necessarily with the 2001 plan, but what happens ten years out, and that plan is the 2010 plan and how it affects the overall planning for the four quadrants of this corner. One of the things that we've addressed and asked for numerous times is what happens to the north side of the street as well as the southeast corner as opposed to just the southwest quadrant of this corner. I guess I don't have any great answers for that because I haven't seen how the overall plan fits together, but I think there is already some planning there.

Earlier we were represented that when we first met we were given two or three mutually exclusive options. One of those options was that you cul-de-sac the street which is considered 69<sup>th</sup> Avenue which I'll point to here and make this a dead end street and have the by-pass be somewhere else. That would limit our access to Highway 50. In the early stages of the game, we vehemently opposed that from the standpoint that we did not want our access to Highway 50 cut off. When we invested in this property years ago, we paid to have the median strips opened so that we would have good access coming from the east and the west as well as from the north into the bank. Our concern was that we would lose access into the bank off of Highway 50. So putting a cul-de-sac in that spot was detrimental as we felt to the value of our property. One of the other options was to put the jug handle here. In the initial stages, and this could have been a misunderstanding and this had been communicated before, but our understanding of the jug handle was the motion of traffic that was coming from the west on Highway 50 going south to 31, this motion of traffic. The one that was not easily understood or clear from the overall process and was agreed in some of those meetings with other people was the eastwardly motion going east on Highway 50 coming from the north, that left turns would be cut off, and to go east you would have to come south down Highway 31, around the bank, and then head east. Our concern with that movement, and we've indicated this before, is that the volume of traffic making this circle is pretty substantial, and that's going to limit access in and out of the driveways of the bank and create safety concerns in the 2010 plans. I don't think anybody would disagree that those are issues. So from an overall standpoint, those are some of the key problems that we have. We did have a traffic count done, that's correct. In those meetings with that traffic count we raised those issues and voiced those concerns at that time.

I put a few summarized things here. I'm just going to read them so I hit them correctly, and then we can move on from there. On the 2010 plan, the curbed streets and various access points create concern over the safety of customers of the existing real estate users at 7500 Green Bay Road. The customers entering and exiting driveways will have shortened visibility and significant increased traffic flow. The curved street running east/west through the adjacent parcel to the west of the building creates concerns for customers and tenants that need to go west onto Highway 50. Making it a right turn out of 69<sup>th</sup> Avenue only creates some concerns. When we invested in this property years ago, we spent a significant amount of time to ensure that the property was developed appropriately with regards to safety of our customers, employees and tenants and ease of access. We believe the overview of our four corners on State Highway 31 and State Highway 50 should be reviewed and the current and prospective traffic patterns brought to a public review for discussion and analysis. The jug-handle as proposed turns our property into an island as Mr. Van Beckum indicated and creates safety and convenience concerns. We believe the road system should be straight and efficient and safe for the moving traffic. The jug handle concept to our knowledge has not been used elsewhere in Wisconsin, and until proven, we're really not prepared to have it implemented at this corner. I don't know that we have any concern over that, but we do have issues with the jug handle concept.

In summary, we believe the long-term plan should be laid out for all to review and evaluate. We've not convinced that the jug-handle is going to work here. We believe that creating an island of traffic around our property will significantly diminish its value. We're concerned about the safety of all the general public, customers, employees and tenants of the building. We believe this plan limits access,

this jug handle plan limits access, to the bank and the bank customers, and we oppose the closing of the median cut on Highway 50 at 69<sup>th</sup> Avenue, and we also oppose the closing of the median cut to the cross-traffic on 70<sup>th</sup> Street across Highway 31. Thank you.

Don Hackbarth:

This is a matter for public hearing. Anybody else want to speak?

Victor Opits:

Thank you. My name is Victor Opits. I'm with Johnson International. We're the holding company for Johnson Bank and Johnson Property Management which developed this property some years ago for the bank. I just want to make sure everyone is aware that the bank itself did put these roads in which are 69<sup>th</sup> Avenue and 76<sup>th</sup> Avenue. The bank also did pay, and it doesn't show on this because this is the 2010 plan, but it did pay for the median cut across Highway 50 for the westerly bound traffic of our various customers. The total cost of this was somewhere in the neighborhood of \$280,000 that we paid for all of this to provide for the safest access and most convenient access for our customers. So it is with a great deal of regret we're hearing that some of these changes are being proposed in 2010 such as the closing of this and the elimination of the ability to turn either way coming out of 76<sup>th</sup> Street onto 31 and some of the other things that have occurred. So I just want to make sure that was a matter of record that that was put in at our cost. That's all I had to say.

Jim Ingham:

My name is Jim Ingham. My wife and I have property at 6912 78<sup>th</sup> Street which directly borders to the south of their proposal here. Some of the concerns we have, obviously, drainage and I see they have retention ponds there, hopefully so as not to go over on our property. The other thing is sound and visual barriers. I don't really care to listen to trucks coming in and out from the back of these buildings. Nor do I really care to look at them either. Traffic concerns are one thing, too. You got trucks coming in and out. We really don't want them going through a residential neighborhood. Hopefully being able to get access to Highway 31 from 78<sup>th</sup> Street going north and they don't close off the median for that. That's basically some of the concerns we have, and I really haven't heard anything about it so far.

Karen Schellin:

Hi, my name is Karen Schellin. I'm a property owner on 70<sup>th</sup> Avenue at 7624. Granted, we are in Kenosha but we do border Pleasant Prairie in many ways. One of the concerns we have is in the seven years since we've lived at our property, when we first lived there and moved in, there were two buildings, the Pines which was at that point going under foreclosure, and the old Danny's Restaurant. In the seven years since we've lived there, as you can imagine, the development that's gone on, and at this time now we're looking at developing an area that greatly borders—it's our neighborhood. There's only eight houses on 70<sup>th</sup> Avenue. You're asking for a development were out of the eight houses six of us have young children. You're looking at developing a street that is going to greatly impact our front

yards. We have only about 25 to 35 feet of frontage property. Granted, our properties extend further backward. So you're looking at developing that. Who's going to pay for that development? What safety issues are you going to put in there? Already cars use that road, 70<sup>th</sup> Avenue, which is a very narrow road. It's not in good shape and we know that, but cars use that as a by-pass to get around from 31 at this time, and they whiz past there at unfortunately very dangerous speeds.

Some of the other things is we are concerned about being squeezed out. We bought these properties based on the fact that they were at that time very rural. There was no development there. Now you're asking for a large development property. We don't want to be stuck with one of few houses in there with a major commercial property right across our street, then not being able to sell that property because of the fact of this major commercial property. That's some of the concerns that we have just here on 70<sup>th</sup> Avenue. There's not a lot of us there, but what's happening is greatly impacting us. That's my concern.

Don Hackbarth:

Thank you.

Kevin Pfeiffer:

Kevin Pfeiffer, 7620 70<sup>th</sup> Avenue, neighbor to Karen. I want to say I was impressed with the list of people that you talked to, but you didn't talk to a single resident. I'm pretty disappointed in that. You called us last night and asked us if we'd be at the meeting is all we got. I think my neighbors can attest to that.

Don Hackbarth:

Please address the Plan Commission.

Kevin Pfeiffer:

Sorry. I agree that we all have children. We're all concerned about the value of our properties and trying to be able to sell them. That was not addressed. Everything has been talked about with the jug handle and things. We're going to maintain—there's going to be a lot more traffic coming down our street, and a future proposal with the three new buildings there, their exit coming out of the parking lot is right in front of my house and my living room. I'm going to have nothing but headlights shining in my living while I'm trying to watch television, and I'm greatly losing my privacy. I don't want to lose the value of my home. That's all I have. I don't have a problem giving in to development if you want to buy me out now and give me a fair value.

Don Hackbarth:

This is a public hearing. If anybody would like to speak, please take the microphone from Mr. Pfeiffer. Does anybody else want to address the commission?

Mary Claire Lanser:

Could I just make a couple of additional comments especially to address some of the things that have been mentioned. Mary Claire Lanser, Broydrick & Associates, in this case employed by Bob Patch of Heartland Development. I think one of the things that anyone who looks at this sees is that there's really a need to separate this request and this conceptual plan from the whole DOT 2010 plan, and I have great respect for some of the things that Tom Mahoney and Vic Opits and others have said about the jug handle. Very honestly, we wish this jug handle weren't happening here either. I think that in some cases we've been the messenger of news that might not have otherwise been considered until further down the line by some of the people we've been meeting with. So I'm hoping that we can separate what we're asking for here from what is probably going to happen anyway by way of the DOT's need to do something with the congestion at this corner.

Additionally, even though apparently we've not done a very good job so far of meeting with residents, we would be more than happy to meet with anyone anytime along the way as to what it is exactly we're proposing and to get their input. I've been working with Bob on his projects for a number of years now, and I must say one of the things that hasn't come up because this really is conceptual is the quality of development he builds and the pride that he pours into his projects. Hopefully we'll get a chance to show you that. Lastly, I would just to mention that what we're talking about here is a conceptual plan. It's really a first step, and so people that are looking for details on headlights and detention ponds and screening and building materials, etc., that that kind of thing would come later. Very honestly we'd like input from people who are involved who are immediate neighbors and stakeholders as to what they'd like to see in the final plan, but we need to get through this point first. Thank you.

Tom Mahoney:

I'm Tom Mahoney with Johnson Bank again. I'll make it real brief, and one thing and Mary Claire pointed out is relative to the DOT. Our concern and agreeing to this plan today is that it does support the jug handle concept and that we're not prepared to do that. The implication is that in all the items that we issued before, some of the implications to this are that we're agreeing to that and not objecting to that right now. We want to make it very clear that we're objecting to that concept, but we think that the planning needs to be long-term for all of the quadrants in this corner. Thank you.

Don Hackbarth:

Anybody else wishing to speak?

Robert Patch:

Again, my name is Bob Patch. John, I'll let you get up here in a second. I'll make it brief. I guess we are very aware and have been aware of these issues and these problems. To have this property sit off the market until 2010 until this is resolved isn't reasonable either. As for how we got to these jug

handles, quite honestly we were led into these jug handles by the Department of Transportation. Whether or not they are here or they are here or, in fact, your neighbors that are here, there's been discussion of the jug handles coming through here and running up through 78<sup>th</sup> Street. So those are discussed in closed in closed meetings. We necessarily didn't come up with where the jug handles are located. Tom, quite honestly if you want to move them here or move them back here, we don't care. The fact of the matter is we've attended meetings for a year and this site needs to move forward. This site cannot stay off the market for years while the Department of Transportation figures this out. They don't plan on implementing this plan until the year 2010. They're not on a fast track necessarily on figuring these things. Now, there have been meetings. There's going to be a meeting coming up again in April, but the meeting are being driven by other things but a lot by this development. The DOT is giving us the impression that this 2001 plan is acceptable for the Department of Transportation right now. We're not closing off this median at this time. We're not closing off this median. We're not moving forward or implementing the 2010 plan. They're saying that at this time it meets their general requirements for this area. To figure out this corner and this corner and this corner, taking Walgreens and everything into account, and everything that's happening here is going to be a very long process. The Department of Transportation has told us that they feel that this plan meets the requirements, and we'd really like to move forward with this development.

John Beaver:

Thanks, Bob. John Beaver with HNTB. Just to give some closing remarks regarding traffic. Speaking strictly as a messenger on DOT's plans, there's been some talk and concern regarding the road alignments occur, why there's some jogs in here, why not go straight across and to make it much more simpler. The reason being if you could flip to the 2010 plan real quick. DOT's goal is basically to look long term. If this jug handle happens, they want this to be the free flow or non-impeded movement. DOT said it would not allow this access here so that would go away. Access points would be inbound and outbound for the bank, and these two locations which already exist, this one just being further up, and this access here for the 76<sup>th</sup> Street extension. The intent is to make this the free flow movement and this stop sign control, stop sign control, and stop sign controlled. We analyzed this in detail in the 2010 plan with the big numbers with the large traffic diversion. We found that these operate at a level of service C or better which are considered very acceptable from DOT language concerns. So it's just some background and closing remarks on that.

Another thing regarding the 2010 plan, according to the DOT, something is going to happen here regardless of this development. So I guess if I were a bank customer and if this did come to pass, and if this median were closed, if you wanted to get westbound on Highway 50 and this property was not developed, if this road was not there, you'd have no way of physically doing that. In other words, you'd have to come down here, forced to turn right, make a U-turn someplace or come out here and turn right, make a U-turn someplace and get back. With this linkage, you're at the bank and you wanted to get westbound, you could do that simply driving through here, getting to the signal and making a safe left turn. So the benefit from the bank standpoint is that if nothing is happening here, their customers are stuck from the standpoint of how to get back on westbound Highway 50. So that's long term. That 2010 is a different issue. Like Bob mentioned, the reason why these roads are laid out the way they are is through the DOT approval process that we went through with all the meetings. But

what's here tonight is basically the 2001 plan and moving forward from that. So with that, regarding traffic, I know it's a hot topic, I'd be happy to answer any questions or concerns people may have regarding that.

Don Hackbarth:

Is there anybody else who would like to speak during the public meeting? Anybody else? If not, I'll close the public hearing and I'll turn it over to staff. Before I turn it over to staff I'd like to make a couple comments. Number one, I'm very sad that a developer would come in and be critical of Pleasant Prairie and how it plans development, number one, because I've worked on this Village Plan Commission for many years. I cannot speak for Kenosha. I can speak for Pleasant Prairie. We do a good job. Our staff is very perceptive. We know what the Village wants. The Village many times is critical of us because we are so good in our development practices, and I feel it's sad when that happens. I cannot speak for Kenosha. I can speak for Pleasant Prairie. We do a good job and we want to make sure the development is done right. With that in mind, I'd like to turn it back over to Jean and possibly Mike because I think there's some issues that need to be addressed.

Mike Pollocoff:

I just have a few comments that I want to relate in giving advice to the Plan Commission on this. I think to separate the proposal before you from the Highway 50 corridor plan runs counter to everything that we've done to this point. Many of the problems that we're experiencing, referring to we as a community, Kenosha and Pleasant Prairie, are because the original Highway 50 access plan was not followed. We're living with the mistakes that occurred and trying to deal with those at this time. To separate the improvements needed at the intersection of STH 31 and STH 50 from the access needs that the developer is proposing is looking past the problem. There's no question that Kenosha County, City of Kenosha, Pleasant Prairie and DOT have not come up with a recommended cure for how Highway 50 and Highway 31 are going to function, whether it was an overpass, and underpass, widening out the roads, jug handles or what have you, it isn't completed. One thing that is certain, though, is that if the jug handle proposal goes through and it fails in coming years as a method to move traffic, that the Village is going to pay a fair share, a darned good fair share to correct that when the next correction takes place.

When you look at the jurisdiction lines in this area you have Johnson Bank, of course, which has almost three sides in the Village, and all of Highway 50 on both sides of the road are in the jurisdiction of the Village of Pleasant Prairie. So it's going to be the Village of Pleasant Prairie that's going to pay the lion's share to clean up that mess if the fix that DOT comes through with and we all agree to isn't long range in its view. So to sign onto a plan in 2001 and looking at 2010 numbers and not really having the recommended cure for how that interchange is going to work in my vision is short sighted. So that's one reason the staff is recommending that this be denied because we just don't feel that, one, the jug handle is going to work with existing uses and that being Johnson Bank, and we disagree with the City on the concept of a private road and a public road being on the same street. We even have concerns as to how this lays out with a road that jogs so close to 76<sup>th</sup> and having traffic making those turning movements.

There's proposal after proposal in front of this Plan Commission. The Plan Commission has always been consistent in not having jogged intersections where you have one intersection jogging 200 feet or 100 feet away from another intersection. This one does it in one of the busiest intersections in Kenosha County. The staff does not in recommending denial I don't believe we're saying that Chili's is a bad user or bad company or anything should be denied in that respect, but we feel that given the commitments that we've made to existing businesses in that area and given the commitments that the Village has made for how Highway 50 should be developed, to come back and let that be carved up on one parcel and then defer dealing with the issues of 2010 or later on is not how we've done business in the past, and we don't think it's in the fiduciary interest of the Village to do that. We've had meetings with DOT and we're going to be meeting with DOT next Monday. Our understandings of those meetings has a different light on it than I think has been presented by the developer and I'll let Jean describe that. Suffice it to say that the political entities that are involved with this only because we haven't been able to arrive at a solution. It's important that a solution be arrived at because I think if it's not done and it's not done right, the cure or the fix is going to be expensive. We've seen that in the County. You look at the redundant cures that have taken place at Highway 50 out at I-94 in Bristol, it just keeps going and you just keep spending, and you're dealing with businesses that you allow going in and you end up relocating the business because the first plan wasn't right. I think to proceed without having a plan in place is not where we want to be. Jean?

Jean Werbie:

I agree with the comments that Mike has made this evening with respect to the project as we see it today. I did have a couple of conversations with Ed Friede from the DOT as well as some folks at SEWRPC. As part of my discussions with them they had indicated to me that the jug handle approach seems to be the most worthwhile, but whether or not the jug handle at this location is the best in the best interest of the community at this location, that remains to be seen. That's something we would like to talk over individually with the DOT. Specifically in my conversations with Ed Friede, they were not approving as a part of the jug handle access roadways to the west or to the south. That's what he had told me. He didn't tell me that the TIA was approved, and he also told me that there have been no final decisions made with respect to this plan from the DOT's perspective. If there are approvals in writing, I guess I wish I would have seen those a long time ago, but that's not the impression or the conversation I had with Ed Friede. Maybe he's just being political with this community versus another community, I don't know, but I'd like to sit down with him and discuss these matters with him and our concerns as well as those of the commercial entities and the neighbors as it affects this intersection.

I guess one of the other questions or comments I have is how do we know at this point, if we don't know which alignment or what configuration of 50 and 31 is going to be, how do we know exactly how much right of way is going to be taken or needed? I've heard some staffers at DOT indicate and give some projections, but I'd like to see something in writing from the DOT again saying what are they projecting and exactly how do they envision it to be configured? As you remember, we started the Highway 50 reconfiguration or access management plan a number of years ago, and back in 1998 at that point there was going to be a series of public hearings where the public and the communities were going to be invited to comment and to talk about these various options. We've never had those



meetings. We got to a certain point and then we stopped. There were some meetings with the businesses and some general meetings, but we never took it to that next step. I think we really need to get the transportation system worked out and configured before we allow further development to occur in this vicinity or this area.

Our long range comprehensive plan does identify for commercial development in this area. We're not opposed to that. We're not opposed to the fact that a Chili's wants to locate in Pleasant Prairie. But, again, I think what we need to do is look at that overall transportation system and everyone should agree that this is the best way that it needs to be laid out and it makes sense for the future. One comment that I've had repeatedly from the beginning is that there's a large parcel that's adjacent to Highway 31 south of Johnson Bank and east of the former Frantal property that still has no identification at all on this particular map with respect to its access, its traffic counts, its parking and potential layout for a commercial building. This whole area, as I've been saying from the very beginning, from 78<sup>th</sup> Street, 70<sup>th</sup> Avenue, STH 31 to STH 50, that entire area and all the land uses in that area need to be looked at the same time. The residents have some legitimate concerns, and I realize that those will come later, but they really need to be thought of as part of the transportation system upgrade that needs to occur. Maybe they've had those discussions with representatives in the City of Kenosha, but I don't know. Again, right now it's a problem. I've seen the by-pass of 70<sup>th</sup> Avenue and 78<sup>th</sup> Street being used by a number of people trying to get away from that intersection. It's only going to get worse in the future. So we need to make sure that the jug handle or the by-pass or the access road that's going to convey that traffic around that intersection is really laid out in the best means possible, and we all need to buy into it. As Mike said, if it's done wrong, our community is going to be paying to have it rebuilt again, and we're going to be moving businesses that we're going to locate in 2001; we'll be moving them in 2010. So from my standpoint I need a little bit more time to have ongoing dialogue with the DOT regarding this. From our perspective, again, the public road versus a private road, we feel that this will function as a conveyor of traffic from one use to another use, and it could also serve to bring traffic off of Highway 50 and it should be a public road versus a private road, because it won't function as a private road. If it feels and looks like a public road, we feel it should be a public road, because it will be maintained. At least in Pleasant Prairie it will be maintained as a public road.

Don Hackbarth:

Thank you. Before we turn it over to Commissioners, I even heard one time that there was going to be a bridge on Highway 50.

Jean Werbie:

An overpass, but there hasn't been much support from anybody on that.

Don Hackbarth:

At this time I'll turn it over to Commissioners.

Mike Serpe:

To keep on taking away these supports, the structure is going to collapse, and I for one have been screaming about Highway 50 for years. Something's got to be done. I agree with Mike. If the plan would have been followed and stuck to from the beginning, I don't know that we'd be in this position tonight. It's irresponsible on our part to keep on throwing obstacles out, those obstacles being buildings, when how we're going to move the traffic and how we're going to attend to the safety of citizens is being ignored. I will never be a part of supporting something solely for a tax base, and that was alluded to by the developer. I don't believe in supporting development just for that reason. It's got to be more than that. I agree with Jean and I agree with Mike. Without knowing what's going to happen with the DOT and what their decisions are going to be, this makes no sense for us to approve this tonight. That area is going to be developed. There's no question. As to when, that's the question. To table this I think would maybe be an error because I don't think this is going to come to a conclusion anytime soon. It would be better off to deny it and bring it back when the DOT, when the City of Kenosha, when Kenosha County and the Village of Pleasant Prairie is altogether on this thing. It would be irresponsible for us to do anything with this thing tonight except to deny it.

John Braig:

I agree with Mike. As we listen to the various presentations and the various problems that we have on this, I think it would be grossly irresponsible on our part to approve anything. I'm reluctant to disprove it because it sounds like we object to it. I think we all recognize that this is a primary. It should be developed, but I don't think we can rush ahead with something until some of the big problems are really resolved. This is the biggest intersection certainly in the City of Kenosha, and while the Village of Pleasant Prairie doesn't cross over I-94 and you could consider that as being a bigger intersection, as far as daily routine traffic for the average citizen, that's our biggest intersection. We've got a tremendous responsibility to ensure that we don't do something wrong. I'm afraid that if we approved anything tonight we would have a good step in the direction of doing something wrong. So I definitely can't support it at this time.

Wayne Koessl:

Mr. Chairman, Pleasant Prairie has always been pro development. You can look around and see that all over the Village. This intersection is on its way to becoming another Highway 50 and 94 out in Bristol. However, until we get a long-range plan from WIS DOT, I can't support this.

**KOESSL MOVED THAT THE PLAN COMMISSION DENY THE REQUEST OF ROBERT PATCH, AGENT FOR RAP OF PEWAUKEE, LLC, OWNERS FOR CONSIDERATION OF A CONCEPTUAL PLAN FOR THE PROPOSED COMMERCIAL DEVELOPMENT OF THE PROPERTY LOCATED AT 6903 75<sup>TH</sup> STREET. THE DEVELOPMENT INCLUDES A 5,549 SQUARE FOOT CHILI'S RESTAURANT AND A 24,430 SQUARE FOOT RETAIL BUILDING-WITH NO IDENTIFIED USERS AT THIS TIME. SECONDED BY BRAIG.**

Don Hackbarth:

Okay, we have a denial motion. I'd like to make one more comment before we vote on this, too. You know we invite-we are very happy to have businesses come into our community, and I think it's imperative that we protect the businesses that we invite in, and I think that's important.

**MOTION CARRIES TO DENY.**

**7. SUCH OTHER MATTERS AS AUTHORIZED BY LAW**

Tom Terwall:

Tom Terwall, 4377 86<sup>th</sup> Street, Village of Pleasant Prairie. You recall at the last meeting of the Plan Commission we had a person get up under citizen comments who was the vice president of an organization that had a series of candidates running for office and wanted to address a flyer he had received in the mail from a political action committee, and the subject was going to be on taxes. I ruled him out of order on the basis that he was not going to speak on a subject that was a matter of purview for the Planning Commission and with your support we gaveled him out of order. At a meeting not too long before that, one of the candidates of that group got up and spoke under citizens' comments and took this Plan Commission to task because we had selected a new Chief of Police by following the statutes. Again, something not even within the interest of the Plan Commission, let alone within our area of responsibility. As a result of that, I've asked Jean Werbie if she could do some research for us and pull together some written rules, since we don't have any, that will spell out those items, what items are acceptable for citizens' comments, what items are acceptable for public hearing, and I've asked her to take a look at the rules that have already been adopted by the Village Board pertaining to citizens' comments and public hearing, and also to include on our agenda Plan Commission members comments. So for our next meeting she things she'll have those ready for us at least in a rough draft form. I would ask when you get your package review that, and if we're ready to take it us as an action item for our next meeting we'll do so. If you think we need more time after reviewing what she presents, we can table it at that time. I just wanted to alert you to the fact that it's going to be coming with your next package.

Don Hackbarth:

Any other comments?

**8. ADJOURN**

**BRAIG MOVED THAT THE PLAN COMMISSION ADJOURN THE APRIL 9, 2001 PLAN COMMISSION MEETING. SECONDED BY KOESSL. MOTION CARRIED.**