

PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
May 14, 2001

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on May 14, 2001. Those in attendance were Tom Terwall-Chairman and Village Trustee; Donald Hackbarth-Secretary; Wayne Koessler - Member of the Street Lighting Committee; Donald Wruck; James Bandura; and Alternates John Braig and Mike Serpe. Ed Kuuffman-Vice Chairman and Village Trustee, Eric Olson, and James Bandura were excused. Also in attendance were Michael R. Pollocoff-Village Administrator; Jean Werbie - Community Development Director; and Tom Shircel-Assistant Planner and Assistant Zoning Administrator.

1. CALL TO ORDER.
2. ROLL CALL.
3. CORRESPONDENCE.
4. CONSIDER APPROVAL OF THE MINUTES OF THE MARCH 26, 2001 AND APRIL 23, 2001 PLAN COMMISSION MEETINGS.

HACKBARTH MOVED THAT THE MINUTES OF THE MARCH 26, 2001 AND APRIL 23, 2001 PLAN COMMISSION MEETING BE APPROVED AS SUBMITTED IN THEIR WRITTEN FORM. SECONDED BY KOESSL. MOTION CARRIED TO APPROVE.

5. CITIZEN COMMENTS

Tom Terwall:

If you wish to comment on anything other than a matter for public hearing now is your opportunity to do so. We'd ask that you step to the microphone and begin by giving us your name and address. If you want to speak on an item that's a matter of a public hearing, please hold your comments until that public hearing is held. Anybody wishing to speak under comments? Hearing none, we'll close citizens' comments.

6. OLD BUSINESS

- A. Consider the tabled request of Phil Herbst of Liberty Signs, agent for Petrol Properties, LLC owner, for approval of a Sign Special Exception Permit to change the primary monument sign and canopy signs from Super America to Marathon at the facility located at 4417 75th Street.

Tom Terwall:

We need a motion to remove this from the table.

SERPE MOVED THAT THE PLAN COMMISSION REMOVE FROM THE TABLE THE REQUEST OF PHIL HERBST OF LIBERTY SIGNS, AGENT FOR PETROL PROPERTIES, LLC OWNER, FOR APPROVAL OF A SIGN SPECIAL EXCEPTION PERMIT TO CHANGE THE PRIMARY MONUMENT SIGN AND CANOPY SIGNS FROM SUPER AMERICA TO MARATHON AT THE FACILITY LOCATED AT 4417 75TH STREET. SECONDED BY KOESSL. MOTION CARRIED.

Jean Werbie:

Mr. Chairman, the petitioner is requesting a Sign Special Exception Permit to change the primary monument sign and canopy signs for the Super America to Marathon at the gasoline facility located at 4417 75th Street. The facility has recently been sold and the petitioner is requesting to change the signs with the new name of the facility as Marathon.

The subject property is currently zoned B-4, Planned Business District. A gasoline station is allowed in the B-4 District only if a conditional use permit is granted. In review of the Village property records for said property it was noted that on December 17, 1968 the Kenosha County Board of Supervisors granted a Permitted Use to operate a mercantile Establishment and Service Station on said parcel. Therefore, since the gasoline station, at the time it was constructed, was built in accordance with the then zoning ordinance in effect it's classified as a legal but non-conforming use. Pursuant to Section 12.14 T 3 of the Village Sign Ordinance, all sign changes for a legal non-conforming uses require the approval of a Sign Special Exception Permit by the Plan Commission. Please note that if the owners of the gasoline facility obtain a Conditional Use Permit from the Village for this facility, the use of the property will no longer be considered a legal non-conforming structure.

At the February 26, 2001 Plan Commission meeting it was presented that the existing 28'8"@ foot high, freestanding primary pole sign was considered a legal, non-conforming accessory sign; however after review of a survey submitted to the Village the sign is located within the right-of-way of STH 50 or 75th Street. Therefore, this sign is considered an illegal sign and pursuant to Section 12.14 of the Village Zoning Ordinance that pole or that tower sign that they have is illegal and it needs to come down.

Based upon the foregoing information the petitioner has amended the application and is proposing to do the following:

1. remove the existing illegal pole sign;
2. install a new 9.67' x 7.08' or 68.46 sq. ft. primary monument sign with a total height of 13 feet which includes a 3' 4" base setback about 15 feet from the property line adjacent to STH 50 and 13 feet from the east property line. So at the current time, as you will recall, the pole sign sits in the far west corner of the property. They would be moving a primary monument sign and erecting it on the east side of the property.

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3. install three (3) 23.33 sq. ft. or 70 square feet total of Marathon signs on the canopy of the existing facility.

The Village staff recommends approval of the Sign Special Exception Permit as presented to install the new signs, the primary monument sign with a total height of 13 feet which includes the base that I described, and to install three 70 square foot total signs on the canopy for the facility located at 4417 75th Street and subject to the comments and conditions outlined in the staff memorandum. Again, this is not a matter for public hearing, but it is a Special Exception Permit that does need to be granted by the Plan Commission because it's an existing legal non-conforming use on the property.

Tom Terwall:

Jean, at 13 feet from the east property line, that sign will still be east of the driveway? Is there 13 feet currently between the property line and the driveway?

Jean Werbie:

Yes. They might have to make some modifications to their driveway in order to accommodate any landscaping or lighting around. They've surveyed the property, they've evaluated the property, they need to have some type of monument sign on the property, and this really comes to be the best location on the site and the most visible from both directions.

John Braig:

Through the Chair a question to staff, was the property owner to the east notified of the proposed changes? If so, have we received any comments from them?

Jean Werbie:

They would not receive any notification. It's not a matter for public hearing so they would not have received notification.

John Braig:

What is the side lot setback requirement for any structure on that particular parcel?

Jean Werbie:

For the manufactured mobile home park?

John Braig:

No, for the gas station. In other words, can the service station erect a structure of any sort within a foot

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of the property line?

Jean Werbie:

The building has a 25-foot setback so that's not an issue. Are you talking about the signs?

John Braig:

I'm talking about the signs. Is that not considered a structure that could be objectionable by an adjoining property owner?

Jean Werbie:

Yes. The height of the sign, so the sign setback is the height of the sign, and in this case we're at 13 feet in height, so they need to maintain at least a 13 foot setback.

John Braig:

Oh, good. Thank you.

SERPE MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF PHIL HERBST OF LIBERTY SIGNS, AGENT FOR PETROL PROPERTIES, LLC OWNER, FOR APPROVAL OF A SIGN SPECIAL EXCEPTION PERMIT TO CHANGE THE PRIMARY MONUMENT SIGN AND CANOPY SIGNS FROM SUPER AMERICA TO MARATHON AT THE FACILITY LOCATED AT 4417 75TH STREET. SECONDED BY KOESSL. MOTION CARRIED.

7. NEW BUSINESS

- B. PUBLIC HEARING AND CONSIDERATION OF A FINAL PLAT: The request of Warren Hansen of Ferris, Hansen & Associates, Inc, agent, for Steven Mills, owner of the property located at the northwest corner of Sheridan Road and 116th Street for consideration and approval of a Final Plat and Related Development Agreement Documents for a 58 lot single family residential development to be known as Tobin Creek Subdivision.**

Jean Werbie:

Mr. Chairman, on August 2, 1998, the Village Board conditionally approved the Conceptual Plan for the proposed residential known as Tobin Creek. On March 1, 1999, the Village Board conditionally approved a Preliminary Plat for the proposed Tobin Creek Development generally located at the northwest corner of Sheridan Road, which is State Trunk Highway 32, and 116th Street. That was adopted through Village Board Resolution #99-11.

The development is proposed to develop in two phases, which are being considered at tonight's meeting, to develop 58 of the 98 single family lots and a 1.05 acre outlot or outlot 3, and that will be at

the extreme southeast corner of the development. That future outlot is for commercial development, and there are also going to be four different outlots on the property that I'll describe. The single-family lots range in size from 13,108 square feet to 26,334 square feet, so that's just under one-third of an acre to well over one-half acre, approaching two-thirds. As you may recall, the developer sold a 15.5-acre parcel to the west for the development to the future Kenosha Unified School District elementary school site. The Final Plat for this first phase also includes the construction of all public roadway and infrastructure improvements in 14th Avenue, which is the north/south running street, and 112th Street, which is the east/west street identified in the plat, as well as the development of some turning lanes and by-pass lane improvements at the south end from 116th Street into the development.

This Final Plat is in compliance with the Village Comprehensive Plan, the Neighborhood Sketch Plan, the Conceptual Plan and the Preliminary Plat, as presented by the developer.

The property is to be developed for single family residential purposes. The current zoning on the property is R-4.5, Urban Single Family Residential District, that requires lots to be a minimum of 12,500 square feet in area with a minimum frontage of 85 feet in lot width. The lot widths can be reduced on a cul-de-sac or curve if you look at the map. No less than 45 feet, but at the building setback, they do need to be at that 85 feet in width. The average lot size that's being developed within this final plat is 16,320 square feet.

The wetlands as shown in the development were field delineated by SEWRPC on November 16 and November 23, 1993. Those wetland areas have been rezoned into the C-1, Lowland Resource Conservancy District. The wetlands in particular on this property are primarily located on the eastern portion of the development and encroach abutting up to the lots 65 through 78 on both sides of that 14th Avenue that enters into the development.

A branch of the Tobin Creek traverses the property. It actually forms the northern edge of this particular final plat from the southwest to the northeast. Floodplain and shoreland areas are adjacent to the waterway, and these areas are not within the platted residential areas. They are in the conservancy or park and open space areas that have been preserved. There is one waterway crossing that has been identified, and they intend to build that crossing at this time as part of this phase in order to access the northern portion of the development which is the second phase. A larger conservancy area exists on the southeastern portion of the site and a wetland corridor separates the proposed public elementary school site from the single-family development to the east. A secondary environmental corridor crosses through the property along the Tobin Creek and there are some large woodland areas that are going to be preserved adjacent to that creek. As required by the Preliminary Plat, the secondary corridor is incorporated into the development and the lots will be deed restricted on the very north end with respect to any housing development that will be in that subsequent phase. The non-wetland areas adjacent to the creek are identified as outlots 1 and 4, and those areas are being zoned into the PR-1, Park and Recreation District. They are also going to be identified for stormwater management purposes.

Outlot 3, again, is at the corner of STH 32 and 116th Street. That area is zoned B-2, which is a

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community business district with an UHO overlay, which is an Urban Land Holding Overlay District. It's identified for future development. Prior to this outlot being developed, the property owner will need to submit detailed Site and Operational Plans for the Plan Commission's approval, and we'll need to remove the UHO prior to its development.

There are two new access points resulting from this development, the first one of which is on 116th Street, which is a Village Road. The second is from Sheridan Road, which is a State Trunk Highway. The permits have been obtained for access from both the Village's road as well as the State Trunk Highway. Storm water management utilizing on-site detention facilities would be located on site adjacent to Tobin Creek and will service this entire development. With that, that's pretty much an overview of the development. We have been working on this for quite a while. They are projecting to come back to the Village Board sometime in June for final plat approval and to begin construction by mid summer. With that, I'd like to continue the public hearing.

Tom Terwall:

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

Gus Hauser:

Gus Hauser, 143 113th Street. That one was kicked around quite a long time already. The last time what I heard about the stormwater retention was building like a...across Tobin Creek retaining water, and it looks to me like it still is the same because there's no holding area identified except the areas along Tobin Creek. Was the DNR aware that it came up again and that that one is still the same like it originally was? Second of all, what will be the traffic impact on 116th Street? During rush hour right now it's almost impossible already to cross State Highway 32. If you try to cross it from 116th going either way, you stay sometimes five or ten minutes on the corners and cannot go across it anymore. Are there any plans that there will be a traffic light installed? Is 116th Street going to be improved? 116th Street has wide, deep ditches on the side. Stormwater on that property always was a problem, always will be a problem. I have no idea how they're going to get rid of that one. Third, what will be the impact on our schools? We pay already more than our fair share, us old residents, for all the new developments that come into our area. Where do we benefit from that development? Can you tell me that please? Thank you.

Tom Terwall:

Thank you. Anybody else?

Don Ursin:

My name is Don Ursin, from Glen Ellyn, Illinois.

Tom Terwall:

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Your question is?

Don Ursin:

It's my first time hearing the description, to the north is a crossing to some property that I thought you identified as a second phase. The creek there, does Mr. Mills own that property to the north where the crossing is?

Jean Werbie:

North of where Tom has the pen, yes. That would be his second phase of his platted area, platted subdivision. Everything shown on the overhead is owned by Mr. Mills.

Don Ursin:

The creek, does it come out at Sheridan Road where there's a tavern? Perhaps I should ask it this way. North east/west line, is there a creek there also?

Jean Werbie:

I believe there is. I'd have to go pull the file.

Don Ursin:

Do I have the two creeks confused?

Jean Werbie:

There's two creek branches or tributaries that diverge on the property.

Don Ursin:

Then, if you would, the second question that I have, I think it's indicated on the plat that's mailed out about 97 or 98 lots, and they're all south of the curved creek, and they're calling for 58 lots at this time.

Jean Werbie:

Right, that's the first phase. I'm not sure what your question is, Don. Is there a typo in the notice that went out?

Don Ursin:

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I'm confused by the numbering of the lots.

Jean Werbie:

What they did was they had numbered all of the lots consecutively for the entire preliminary plat. The southern phase is the first phase that they're doing, so this is actually lots numbered 41 through 98, and so there are only 58 in the first phase, but it's confusing on how it was numbered, because the first lot is numbered in the northern part which is actually the second phase.

Don Ursin:

Is Mills developing these lots or these lots?

Jean Werbie:

Everything you see on the overhead he's developing in the first phase. Everything.

Tom Terwall:

It's number 98, sir, but the lowest number on that map is 41. Lots 1 through 40 are north of what you see on that map.

Don Ursin:

Got it, the first part right?

Jean Werbie:

One through 40 are up here, and 41 through 98 are south. So actually the first phase is only 58 lots.

Don Ursin:

Thank you.

Jean Werbie:

It looks like there's a drainage divide, if you will. It could be classified as a navigable waterway or creek that runs along the northern perimeter just adjacent to his lots.

Don Ursin:

Which this will be phase two then?

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Jean Werbie:

Yes, it currently exists and will afterwards.

Don Ursin:

Thank you.

Tom Terwall:

Thank you. Anybody else? If not, I'll close the public hearing and open it up to comments and questions from Commissioners and staff. Jean, before I open it to Commissioners, you want to respond to Mr. Hauser's questions?

Jean Werbie:

Actually, the developer's engineer is in the audience and he worked diligently on these plans for a number of years. I'm going to have him respond to the first two questions, and those are, one, has to do with stormwater management and the detention basins that have been designed for this subdivision, and then the second question is regarding traffic and traffic warrants on State Highway 32.

Warren Hanson:

I'm Warren Hanson. I'm with Ferris Hanson and Associates, an engineering firm in Elkhorn. I represent Steve Mills the owner. We did the engineering and surveying on the project. The first question was related to stormwater management, and that same question had come up and been looked at very, very closely through the preliminary platting process and all along. Now, it's maybe not obvious by looking at the final plat and the overhead exactly where these facilities are and what they are, but I'll walk up to the board.

This is a copy, of course, of the preliminary plat. In the final plat, in the final engineering which we have done for all of what is phase 1 which is everything south of the creek as Jean as indicated, and there are 58 lots down here and 40 north. The initial phase will basically create a large stormwater management area here outside of the creek area, outside of the bed or the bank, if you will, of the creek and the wooded vegetation along the creek, so that will be in this outlot area here. There's another stormwater detention area that's along the bank here. There's another one over on the other side. Now, this is outside of where the tree lines are and outside of the bank. We aren't grading the creek in any manner. Then there's a fourth one along this side of the creek outside of the banks. We worked very diligently with the DNR in working out these details of how this would work and function. Particular care was paid for-we actually went overboard, over what the requirements of this subdivision alone would require for stormwater management in accordance with the ordinance because of the downstream problem that were identified. I don't know if that answers the gentleman's question.

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Now, the second question related to traffic, and the traffic study that was indicated. We looked at traffic generation and what would happen here and, of course, that again was discussed at the time of the preliminary plat. The long-term plan for 116th Street is probably looking at an improvement along 116th Street, a widening program ultimately along 116th Street and probably signals there. At this particular time, again, that's going to come about when the traffic warrants the signalized intersection and the situation that exists.

Tom Terwall:

Thank you.

Jean Werbie:

Finally, Tom, with respect to the school impact, the Unified District has been aware of the development in Pleasant Prairie, in particular in this area and this particular development for a number of years and has been working with Mr. Mills in order to actually even acquire land for a potential or a future elementary school site adjacent to his land, and he designed his entire development around this. We've been working and had meetings now with the Unified School District on a number of occasions to outline exactly what is taking place in Pleasant Prairie and what needs to be done in order to accommodate being able to handle the new growth with the new children coming in from these new developments. The bottom line is it is their responsibility and their task to be able to accommodate the new growth that is occurring, and our responsibility is to give them early and advanced warning on what is happening and how it's happening and where it's happening in the Village. We've been doing that over the years. These developments, and this one in particular, we've been working on this for six or seven years, so this isn't happening overnight in Pleasant Prairie. I mean there are a lot of plans that get reviewed, but they have to make it through the entire planning process, and years and years can pass before they actually come to start to build on the lots within the subdivision. So we are giving that opportunity to the Unified District to have that advance notice.

Tom Terwall:

Has Unified acquired that site from Mr. Mills?

Jean Werbie:

Yes.

Mike Pollocoff:

I might add also on the traffic study when Sheridan Road was reconstructed, I think that was two years ago, warrant studies were done on the intersections up and down, at least in the Village portion, and at that point it didn't warrant additional signals. That doesn't mean that there isn't points in time where traffic is backed up, but under the State standards, since it's their highway, it didn't warrant a signal.

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I guess the other thing I'd like to follow up on with Jean's comment regarding the schools, the Village and the Plan Commission and every municipality that reviews development plans is somewhat caught in reviewing a proposal where someone is going to build new homes and create lots and there's potential for kids that are going to want to go to school there, but I think Mr. Hauser's comment that the people who have lived here long shouldn't have to pay for new schools for new development, I'm positive that no municipal government could make a ruling that would limit new schools to protect older taxpayers. That would be a direct violation of the uniformity clause of the Constitution. That's nothing that the staff can take into consideration as we review proposals and determine the length of residency of residents surrounding a school site versus the newness of a development.

I have no doubts, back on the traffic, that if the State comes back after this development or some other developments there it will warrant signals, and that will be something that the State will have to do.

Tom Terwall:

Thank you. Commissioners to staff?

Don Hackbarth:

I didn't see any notes here from the Police Chief on the preliminary plat, but having one access point going north, is he satisfied with that? Secondly, when the development starts going west, are there going to be more access points going across the creek? I don't know how that creek goes, but to put fire and police protection in that area?

Jean Werbie:

Yes. Yes, there will be additional access points from the west leading eventually to 22nd Avenue and then coming back. There were a number of issues that we had. The DNR wanted us to limit the number of crossings across the creek, and we originally had identified two if you remember back to one of the original neighborhood plans, and they brought us back to one. So as long as there would be a future connection to the west, this isn't a great situation, but we need to compromise wherever we can, and if there's a situation that that land to the west develops, that interconnection will be made sooner than later.

Don Hackbarth:

How wide will that street be for fire protection?

Jean Werbie:

These are standard Village roads, a 66 foot wide right of way, and it's a 37 foot wide roadway from back of curb to back of curb. So it's a standard, typical, urban cross-section profile that we build in

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Pleasant Prairie now.

Don Hackbarth:

Leaving one access point there, if something were to block that street, it would be a toughy for somebody getting through there for fire protection.

Jean Werbie:

That's correct.

Mike Serpe:

Do we know the type of construction that we're going to be seeing there...brick, mortar...in the development?

Jean Werbie:

I do have the covenants and restrictions. I don't have them in front of me here, but it's going to be similar to I would say the Foxmoor, Whittier Heights, Tuckaway Trails type subdivisions. He has minimum standards for square footages that exceed our minimum zoning ordinance requirements. They're very good. If you have specific questions, we can certainly run and get them in my office and address those.

Tom Terwall:

Anything further?

SERPE MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF WARREN HANSEN OF FERRIS, HANSEN & ASSOCIATES, INC, AGENT, FOR STEVEN MILLS, OWNER OF THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF SHERIDAN ROAD AND 116TH STREET FOR CONSIDERATION AND APPROVAL OF A FINAL PLAT AND RELATED DEVELOPMENT AGREEMENT DOCUMENTS FOR A 58 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT TO BE KNOWN AS TOBIN CREEK SUBDIVISION. SECONDED BY HACKBARTH. MOTION CARRIED TO APPROVE.

C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT: The request of Lance Skala, agent for WisPark LLC, owner to rezone the northern portion of the property located at 9800 72nd Avenue from M-2, Heavy Manufacturing District to M-1, Limited Manufacturing District.

Jean Werbie:

Mr. Chairman, the petitioner is requesting to rezone the northern portion of the property located at 9800 72nd Avenue from the M-2, Heavy Manufacturing District to M-1, Limited Manufacturing District.

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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 future Johnson building as well as their site. This zoning map amendment, if approved, will eliminate the split zoning on the property and bring it all into that M-1 zoning district for their warehousing and distribution operations.

The facility that was just recently approved on April 9, 2001 by the Plan Commission was a 603,600 square foot distribution warehouse for S.C. Johnson. It's constructed on the property by WisPark LLC, and basically what we'd like to do is bring the entire property back into the same zoning district. When this was initially zoned as part of the Tax Increment #2, we kind of just created an artificial line right at the section line, and since that time a very large user has come in, and we're just proposing to have one zoning for that user. With that, I'd like to continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to comment? Anybody wish to comment? Hearing none, I'll close the public hearing and open it up to comments from Commissioners and staff.

HACKBARTH MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF LANCE SKALA, AGENT FOR WISPARK LLC, OWNER TO REZONE THE NORTHERN PORTION OF THE PROPERTY LOCATED AT 9800 72ND AVENUE FROM M-2, HEAVY MANUFACTURING DISTRICT TO M-1, LIMITED MANUFACTURING DISTRICT. SECONDED BY SERPE. MOTION CARRIED TO APPROVE.

- D. **PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT:** The request of Roger Potratz, agent for Lamb of God Lutheran Church, owner to amend the existing Conditional Use Permit to construct an addition to the existing church located at 8411 Old Green Bay Road.
- E. Consider the request of Roger Potratz, agent for Lamb of God Lutheran Church, owner, for Site and Operational Plan approval to construct an addition to the existing church located at 8411 Old Green Bay Road.

Tom Terwall:

Jean, is the request to table both D and E?

Jean Werbie:

That's correct. There's a memorandum from the petitioner asking that this item be tabled until the June 25th meeting. Is that correct?

Tom Terwall:

That's correct.

KOESSL MOVED THAT THE PLAN COMMISSION TABLE ITEMS D AND E, THE REQUEST OF ROGER POTRATZ, AGENT FOR LAMB OF GOD LUTHERAN CHURCH, OWNER TO AMEND THE EXISTING CONDITIONAL USE PERMIT TO CONSTRUCT AN ADDITION TO THE EXISTING CHURCH LOCATED AT 8411 OLD GREEN BAY ROAD; AND THE REQUEST OF ROGER POTRATZ, AGENT FOR LAMB OF GOD LUTHERAN CHURCH, OWNER, FOR SITE AND OPERATIONAL PLAN APPROVAL TO CONSTRUCT AN ADDITION TO THE EXISTING CHURCH LOCATED AT 8411 OLD GREEN BAY ROAD. SECONDED BY BRAIG. MOTION CARRIED TO TABLE UNTIL THE JUNE 25, 2001 PLAN COMMISSION MEETING WITH HACKBARTH ABSTAINING.

- F. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT: The request of Todd Rizzo of WisPark LLC, owner of the building located at 7701 95th Street, for a Conditional Use Permit to install 4 tanks and their auxiliary equipment for storage of additional PVC and Polypropylene plastic pellet and for the construction and operation of an approximate 700-foot railroad spur to serve Genesis Cable Systems, Inc.

Jean Werbie:

Mr. Chairman, as part of the public hearing record, the Village staff has compiled a listing of findings, exhibits, and conclusions regarding the petitioner's request, and they are presented as described below, and I will read them into the public record.

Findings of Fact

1. On behalf of Genesis Cable, WisPark LLC is requesting a Conditional Use Permit for the property located at 7701 95th Street in the LakeView Corporate Park.
2. The Conditional Use Permit Application and the associated attachments are provided as Exhibit 1 as part of your packet.
3. The Conditional Use Permit application request is twofold: 1) The petitioner is seeking approval for the installation of four tanks and their auxiliary equipment including pumps, filters and piping, for the purpose of additional PVC and Polypropylene plastic pellet storage capacity. The outdoor tanks are to be mounted on a 48' x 32' concrete pad located on the east side of the their building. The concrete pad will be constructed to be able to accommodate a total of six tanks. The tanks will be 36 feet in height and will extend four feet above the building height, and 2) The petitioner is seeking approval for the construction and usage of an approximate 700-foot railroad spur to serve the property.
4. According to Genesis cable, the PVC and Polypropylene plastic pellets are heated and then used as an exterior coating for the cable lines.

5. The raw materials stored at Genesis Cable are non-flammable solid bare copper wire, PVC plastic pellets, polypropylene plastic pellets and corrugated cardboard.
6. The current zoning of the property is M-2, Heavy Manufacturing District, and the proposed plastic use requires a Conditional Use Permit.
7. The following Conditional Use Permits have been approved for the property:
 - a. On February 20, 1995, the Village Board approved a Conditional Use Permit (Grant No. 95-003) for Tetra Laval Foods to occupy approximately 62,000 square feet of the WisPark multi-tenant building located at 7701-7711 95th Street for the production of paper cups and containers for packaging of ice cream products, as well as, sales, service support, and spare part inventories for ice cream production equipment. In addition, the tenant is allowed to bring two construction trailers to the site and operate temporary offices from the trailers. That's identified as Exhibit 2 in your packets.
 - b. On August 5, 1996, the Village Board approved a Conditional Use Permit (Grant No. 96-08) to store cable wire products and to have a job trailer parked at the northern edge of the truck courtyard for use be staff in equipment set-up and facility start-up. That's identified as Exhibit 3 in your packets.
 - c. On January 12, 1998, the Village Board approved a Conditional Use Permit (Grant No. 98-01) to store cable wire products and to have a job trailer parked at the northern edge of the truck courtyard for use be staff in equipment set-up and facility start-up. And that is identified as Exhibit 4 in your packets.
 - d. On June 26, 2000, the Plan Commission approved a Conditional Use Permit (Grant No. 00-12) for Genesis Cable Systems to occupy the 50,000 square area in the southwest corner of the building for additional storage of low voltage cable and wire which was Phase I, for Genesis Cable Systems to occupy 38,000 square feet by May 2001, which is Phase II, and for Genesis Cable Systems to occupy the remaining 38,000 square feet by May 2002 which is Phase III. This is all identified as Exhibit 5 in your packets.
8. The Village Fire & Rescue Department has reviewed the request and have provided comments to be provided forthcoming to the Plan Commission meeting which you should have in your packets.
9. According to Section 12.29-8 of the Village's General Zoning and Shoreland/Floodplain Zoning Ordinance or the Village Zoning Ordinance, the Plan Commission shall not approve this Conditional Use Permit unless you find after viewing the findings of fact, the application and related materials that the project as planned will not violate the intent and purpose of all

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Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit.

This is a matter for public hearing. The staff would just like to read the staff conclusions and recommendations at the conclusion.

Tom Terwall:

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

Gus Hauser:

Gus Hauser, 143 113th Street. Genesis Cable so far was always just storing materials. With that phase, does that mean they start manufacturing and producing cables? I don't see any application for manufacturing cables. That one component, PVC, poly vinyl chloride is a precursor of Tioxine...are they starting to manufacturing it? Are they going to be one of the polluters from WisPark, too? Thank you.

Tom Terwall:

Thank you. Anybody else? Anybody else? Mr. Rizzo?

Todd Rizzo:

Todd Rizzo from WisPark. I just want to make one clarification for the record. In the beginning you mentioned that the building is owned by WisPark. We sold that property at the end of March. It's owned by Center Point Venture, LLC. They have purchased a lot of the other assets in the park. When the application was submitted, Center Point signed off on that and they're aware of what's going on. And the response to the last comment, Genesis Cable has always manufactured low voltage cable in that facility. From day one when they moved in they were always a manufacturer. That's their primary business.

Tom Terwall:

Thank you.

Jean Werbie:

I just wanted to add that the conditional use permit is needed more for the storage and use of the raw material which is the plastic portion of their product. It's not for the manufacturing of their process, but primarily for the storage and the use of that particular product on the site.

Tom Terwall:

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All of the permits necessary for the manufacture are already in effect, are they not?

Jean Werbie:

Correct.

Tom Terwall:

Anybody else? Hearing none, I'll close the public hearing. Jean?

Jean Werbie:

The Village staff has determined that based upon the foregoing information presented in the application that the project meets the following standards for granting a Conditional Use Permit in that the project:

- a. does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems and the traffic patterns on the site do not hinder, harm or distract the provisions of public services;
- b. does not impair an adequate supply of light and air to the adjacent properties;
- c. does not increase danger of fire;
- d. does not create storm water flooding or drainage, create obnoxious odors, problems or otherwise endanger the public health, safety or welfare;
- e. has no existing identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency that would endanger the public's health, safety or welfare related to the proposed use; and
- f. the proposed as applied for use on this particular parcel is not inherently inconsistent with either the M-2, Heavy Manufacturing District in which it is located or the adjoining Zoning Districts or the industrial neighborhood.

Based on the foregoing information, the Village staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for granting of a conditional use permit, then the permit shall be granted subject to the conditions as outlined in the staff memo.

Don Hackbarth:

Just a clarification here on the second page of the blue sheet of paper here. Point No. 5, if you're going

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to make a distinction of nonflammable solid bar wire, I think it would be advisable, too, to make the distinction to say that the pelletized PVC and certainly the corrugated cardboard are flammable. If you're just going to list the materials that they're going to store, fine, but if you distinguish one as nonflammable, I think you should distinguish the others if they are, in fact, flammable.

Tom Terwall:

Anything further? Mike, this business did not even require an air quality permit, did they?

Mike Pollocoff:

No.

Tom Terwall:

I mean the emissions are so minor that a special permit was not required?

Mike Pollocoff:

No, there's not a thermal oxidizer that's going to be collecting up fumes to require any permit, so it's well within the—it's underneath the standards that would trigger that process to take place.

Jean Werbie:

Mr. Chairman, I'd also just like to mention that the Fire and Rescue Department's memo is dated May 9, 2001, and it's attached as part of the approval.

Tom Terwall:

Correct.

KOESSL MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF TODD RIZZO OF WISPARK LLC, OWNER OF THE BUILDING LOCATED AT 7701 95TH STREET, FOR A CONDITIONAL USE PERMIT TO INSTALL 4 TANKS AND THEIR AUXILIARY EQUIPMENT FOR STORAGE OF ADDITIONAL PVC AND POLYPROPYLENE PLASTIC PELLET AND FOR THE CONSTRUCTION AND OPERATION OF AN APPROXIMATE 700-FOOT RAILROAD SPUR TO SERVE GENESIS CABLE SYSTEMS, INC SUBJECT TO THE COMMENTS AND CONDIIONS AS OUTLINED BY STAFF IN STAFF MEMORNADUM DATED MAY 14, 2001. SECONDED BY HACKBARTH.

Tom Terwall:

The motion states that the petitioner has met the requirements of the Village Ordinance, and we concur with the conclusions and findings of fact of the Village staff and, therefore, move to approve the

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conditional use permit subject to the terms and conditions set forth in the staff memorandum.

MOTION CARRIED TO APPROVE.

Tom Terwall:

I'd just like to point out that, if I'm not mistaken, I think when this business began, it was a startup business that occupied a very small southeast corner of that building and has grown rapidly. So I would consider this to be one of the real successes in the park to finally reach the point where you need a real site to get your raw materials. That's a good point. So we stand approved.

G. The request of Todd Rizzo, agent, for the owner of the building located at 7701 95th Street, for a Site and Operational Plan approval to install 4 tanks and their auxiliary equipment for storage of additional PVC and Polypropylene plastic pellet and for the construction and operation of an approximate 700-foot railroad spur to serve Genesis Cable Systems, Inc.

Jean Werbie:

Mr. Chairman, the petitioner is seeking approval for the installation of four tanks and their auxiliary equipment for the purpose of additional PVC and Polypropylene plastic pellet storage capacity. The outdoor tanks are to be mounted on a 48' x 32' concrete pad located on the east side of the existing building. The concrete pad will be constructed to be able to accommodate a total of six tanks. The tanks will be 36 feet in height and will extend four feet above the building height. The petitioner is also seeking approval for the construction and usage of an approximate 700-foot railroad spur to serve the property. According to Genesis Cable, the PVC and Polypropylene plastic pellets are heated and then used as an exterior coating for the cable lines. This is a matter that was up for a conditional use permit this evening and was approved. The purpose of this request is the site and operational plan approval for the exterior modifications and improvements to the site. The staff recommends approval of the Site and Operational Plan as outlined in the staff memorandum.

Tom Terwall:

A question to Mr. Rizzo. What's the current method of conveyance and storage for these products.

Todd Rizzo:

Actually there is a representative from Genesis Cable here.

Ricardo Venegas:

My name is Ricardo Venegas, and I reside at 6838 107th Avenue in Kenosha. Typically the way we store the materials right now they're coming in on trailer loads, truck loads that actually are packaging and...contaminating the materials in the process and trying to basically make the operation a little bit more efficient to allow us additional growth and basically trying to recover some of the manufacturing

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space that could be utilized inside the building.

Tom Terwall:

Thank you. Comments or questions?

SERPE MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF TODD RIZZO, AGENT, FOR THE OWNER OF THE BUILDING LOCATED AT 7701 95TH STREET, FOR A SITE AND OPERATIONAL PLAN APPROVAL TO INSTALL 4 TANKS AND THEIR AUXILIARY EQUIPMENT FOR STORAGE OF ADDITIONAL PVC AND POLYPROPYLENE PLASTIC PELLET AND FOR THE CONSTRUCTION AND OPERATION OF AN APPROXIMATE 700-FOOT RAILROAD SPUR TO SERVE GENESIS CABLE SYSTEMS, INC SUBJECT TO THE COMMENTS AND CONDIONS AS OUTLINED BY STAFF IN STAFF MEMORANDUM DATED MAY 14, 2001. SECONDE DBY KOESSL. MOTION CARRIED TO APPROVE.

Tom Terwall:

Todd, did they get squared away on the addressing of that building?

Todd Rizzo:

The address has been changed.

H. Consider the request of Anthony Habib, agent for Jelly Belly Properties, LLC. owner for revised Site and Operational Plans including Landscape and Lighting Plan approval of the property located at 10100 Jelly Belly Lane in LakeView Corporate Park.

Jean Werbie:

Mr. Chairman, on July 10, 2000, the Village Plan Commission approved the Site and Operational plan for a 248,000 square foot Jelly Belly Distribution Center which includes a 16, 380 square foot mezzanine area. It is currently under construction at 10100 Jelly Belly Lane in LakeView Corporate Park. This is located just west of Highway 31 and north of State Trunk Highway 165. The original Site and Operational Plan approval was for a smaller parking area with a total of 76 angled automobile parking stalls, an additional five handicapped stalls and six bus parking spaces. Nine of these parking spaces were to be located on the north side of the building to serve the leasable tenant warehouse space.

However, with the anticipation of more visitors, the petitioner is seeking approval for a revised parking layout, landscaping plan and lighting plan to increase the initial total number of parking spaces. The revised plans increase the total number of parking spaces to 186 with an additional six handicapped spaces and six bus parking spaces. This revised layout has 90-degree parking spaces rather than angled parking that was originally shown. Twenty-seven of these parking spaces, plus two additional handicapped spaces, will be located on the north side of the building to serve the leasable tenant warehouse space. The revised set of plans also depicts a large future parking lot addition to the east,

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between this and Jelly Belly Lane. Any future expansion of the parking lot will require future Site and Operation Plan review and approval by the Village.

To facilitate internal, on-site parking lot traffic flow, the plan also includes an additional Jelly Belly Lane driveway connection from the southern portion of the parking area to Jelly Belly Lane. That's directly to the south of the parking to the roadway. Eighteen 400-watt metal halide shoebox-type light fixtures will illuminate the parking lot and maneuvering lanes.

The Landscaping Plan shall incorporate additional earth berming and associated landscaping along the west side of Jelly Belly Lane. As you know, Jelly Belly Lane is currently under construction. The first segment or leg of the development is on the north end as an access to Highway 31 and will go directly into their site facility, but by later this fall, everything should be completely finished from Highway 31 to where 72nd Avenue connects to Highway 165, and all of the landscaping, street trees and street lighting would all be completed at that time as well. We do have a represented from Jelly Belly, Anthony Habib. If you have any questions, I'm sure that he'd be happy to answer those questions for you.

Tom Terwall:

Any comments or questions?

Don Hackbarth:

We show a future development on the bottom that would be the southwest corner of the property or corner of Highway 31 and 165. Is that going to be like the store, or don't we know what that is yet?

Jean Werbie:

Actually, we don't know that yet, but I'd like to introduce Anthony if he'd like to come up and make come comments.

Anthony Habib:

Anthony Habib. I reside at 18876 West Meadow Grass, Lake Villa, Illinois. The one comment that I'd written down from the Village's notes was that our parcel on the southeast corner of our property is actually a four acre parcel more or less. The retail store that we're planning on right now will be a little over 5,000 square feet of the actual office build out that under construction right now. Tom is point to it. It's going to be on the southeast corner of the building. Like I said, it's roughly 5,000 feet of space, and then there's some additional storage space behind a wall there.

Tom Terwall:

So the proposed future development there=s no plans as to what will eventually go there, is that correct?

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Anthony Habib:

That's correct.

Jean Werbie:

There will be some type of commercial/industrial-related development, something that is compatible with Jelly Belly. Right at this time we've identified it for potentially some type of commercial use.

Tom Terwall:

Is that a part of their property, though?

Jean Werbie:

Yes.

Don Hackbarth:

What I'm asking here is we're not approving that portion of it tonight? We're just approving the parking lot section of it?

Jean Werbie:

That's correct.

Don Hackbarth:

So that comes up for future approval.

Jean Werbie:

That's correct. Conceptually it's been shown from day one, and we want to keep showing it on the site, but just for conceptual purposes at this time in order to identify where potential access points would be located and kind of how they could grade it for future parking lots and a building.

Tom Terwall:

What's the estimated date for opening?

Anthony Habib:

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We're hoping to have the distribution portion of the building open before the end of this month. Plans are at this point to have the retail store open sometime after the 4th of July holiday.

Mike Serpe:

Just a comment on Jelly Belly. I've watched the construction of the building and the color scheme you picked out. Then just to go there now and see the sign on the east wall of the building, just a Village of 16,000 people now in a partnership with a worldwide known company, it kind of makes you feel good. Nice job.

Anthony Habib:

Thank you.

HACKBARTH MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF ANTHONY HABIB, AGENT FOR JELLY BELLY PROPERTIES, LLC. OWNER FOR REVISED SITE AND OPERATIONAL PLANS INCLUDING LANDSCAPE AND LIGHTING PLAN APPROVAL OF THE PROPERTY LOCATED AT 10100 JELLY BELLY LANE IN LAKEVIEW CORPORATE PARK SUBJECT TO THE COMMENTS AND CONDITONS AS OULTIEND BY STAFF IN STAFF MEMORNAUDM DATED MAY 14, 2001. SECONDED BY KOESSL.

Jean Werbie:

Again, just for the record, May 9, 2001 is the date of the Fire and Rescue Department's comments that are attached.

MOTION CARRIED TO APPROVE.

Wayne Koessl:

If I may, Mr. Chairman, I'd like to thank the staff and Mr. Habib for working out keeping the maximum number of trees on that site by snaking the road and the utilities in there.

Tom Terwall:

Good point.

- I. Consider the request of Jerry Klein, President of Calumet Diversified Meats, for Site and Operational Plan approval for a temporary metal storage building to house maintenance department materials for the property located at 10000 80th Avenue in the LakeView Corporate Park.**

Jean Werbie:

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Mr. Chairman, Mr. Klein was not able to be with us this evening, and he was not able to send any members of his staff. They have some concerns with respect to the staff comments, and they would like some additional time in order to sit down with staff and/or WisPark to discuss these issues.

Tom Terwall:

How long to table would you like?

Jean Werbie:

Until the next meeting, June 11th.

Tom Terwall:

Okay, motion to table?

BRAIG MOVED THAT THE PLAN COMMISON TABLE THE REQUEST OF JERRY KLEIN, PRESIDENT OF CALUMET DIVERSIFIED MEATS, FOR SITE AND OPERATIONAL PLAN APPROVAL FOR A TEMPORARY METAL STORAGE BUILDING TO HOUSE MAINTENANCE DEPARTMENT MATERIALS FOR THE PROPERTY LOCATED AT 10000 80TH AVENUE IN THE LAKEVIEW CORPORATE PARK. SECONDED BY KOESSL. MOTION CARRIED TO APPROVE.

John Braig:

I'd just like to make a comment. There is some suggestion that they might have a problem with requirement number 2 in the proposal or the comments from staff, and I just want to make the comment that I would totally support the comments that staff made in item 2.

Tom Terwall:

Thank you. Good point.

J. Consider the request of Hank Mawicke, agent for LBS Enterprises, Inc, for Site and Operational Plan approval for Hubbell Special Products, Inc. to occupy the entire building located at 10100 88th Avenue (former Chicago Lock facility) with a manufacturing facility in the LakeView Corporate Park.

Jean Werbie:

Mr. Chairman, Hubbell Special Products, Inc. is requesting to occupy the existing approximate 56,000 square foot building located at 10800 88th Avenue for a manufacturing facility in the LakeView Corporate Park. The property was formerly occupied by the Chicago Lock Company.

Hubbell Special Products, Inc. is the manufacturer of: 1) linear actuators and gear motors for the home

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care, exercise and dental markets, 2) fractional horsepower electric motors for the air conditioning, heating, ventilation and gear motor markets, and 3) control and stop valves and peripheral equipment for the industrial air conditioning and refrigeration markets. Hubbell Special Products, Inc. plans to combine their two existing manufacturing facilities in Mundelein, Illinois and Kenosha into this single facility. Hubbell plans to lease the approximate 56,000 square foot building from the property owner, LBS Enterprises, LTD. The primary operation consists of assembly work and light machining using lathes, drill presses saws and presses. The hours of operation will be in two shifts, from approximately 6:00 a.m. to 11:30 p.m., Monday through Friday. The anticipated total number of employees will be between 200 and 225 within three months of building occupancy. The daily estimated truck traffic is estimated to be between 10 and 20 delivery/shipping trucks. The materials to be stored inside the building are spools of copper wire, zinc castings, steel, cardboard, nuts and bolts, electric wire and plastic gears. I would like to introduce representatives of Hubbell to make a presentation to the Plan Commission and to the audience regarding their facility and operation.

Tom Terwall:

Thank you. Who drew the short straw?

Jean Werbie:

Chandler I think.

Chandler Battrick:

Hi, my name is Chandler Battrick. I'm the President of Hubbell Special Products. We've been in the Kenosha area up the street on Green Bay Road just north of Highway 158 since 1983. We manufacture, as Jean said, linear actuators. A linear actuator, if anybody has seen the Craftmatic bed on TV, that's what moves the Craftmatic bed. I don't know if that's a good or bad reaction. But we also manufacture the same thing in a different style for treadmills for the incline, lift chairs on a much smaller scale, the old satellite dishes, the big ones, basketball hoops for up and down, ergonomic lifts, tables, and it goes on and on and on, anything that needs a lifting mechanism. That's manufactured in Kenosha right now. We also make small electric motors. These electric motors are no different than if you open up your furnace and look at the blower on it. That's the motor that goes on. It also goes on that actuator that we make, ceiling fans, other gear motors and the like. Our plan has been to consolidate our Mundelein facility which is where we make the electric motors and the Kenosha facility. They're very similar types of manufacturing, and actually the motors are used in the actuators so it just lends itself. Over the past years we just have not been very smart as to where we do things and how we do them as far as facilities, and we finally decided that now is the time to bring them all together. The valve portion of our business we manufacture control valves and stop valves for industrial refrigeration and air conditioning systems, breweries. There's valves up in the Point Brewery up in Stevens Point. They've been there since 1953, many automated products have our valves in it, those kind of industrial, commercial applications. That's what we do. We're a small company, not very big, but once we decided to make the consolidation, we drove right over to LakeView here and started

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looking around and saw the for sale sign. We called Hank Mawicke who is the real estate agent and went from there. It's a wonderful building and fits our purposes to a T. We couldn't have built one any better.

Tom Terwall:

What's your current head count at the Kenosha facility?

Chandler Battrick:

One-hundred twenty.

Tom Terwall:

So it basically will be double when you get consolidated?

Chandler Battrick:

Yes. Exactly what we're doing is we're taking all the 120 from Kenosha, all the about 80 from Mundelein, Illinois, and then out in Bristol where we manufacture the valves, that's somewhat corporate and there's a few CNC lathes out there that we use to do the....and there's about 20 people out there that will come over. So it will be about 225.

Don Wruck:

Will you continue your operation in Bristol?

Chandler Battrick:

Yes.

Don Wruck:

That's where this is made?

Chandler Battrick:

No, that's made in Mundelein down in Illinois. The valves are made in Bristol. I didn't bring any valves because they're staying where they are. They're on/off valves like a spigot on the outside of your house.

Mike Serpe:

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Operation time is going to be when?

Chandler Battrick:

We want to start moving the 18th of June, and we will be completed sometime toward the end of July.

Tom Terwall:

Sounds like a win/win to me.

Don Hackbarth:

How long have you been in business?

Chandler Battrick:

Hubbell Corporation, the valve company was founded in Chicago in 1932. My family purchased the assets of Hubbell in 1983 in Illinois and then in 1983 we also put the plant in Kenosha.

Don Hackbarth:

Thank you.

John Braig:

Mr. Battrick, the Kenosha facility, are you the owner of that property or are you leasing?

Chandler Battrick:

Our landlord is J & S Development.

John Braig:

Is your lease expiring currently? I'm looking at the next possible tenant in that facility.

Chandler Battrick:

Our lease expires the last day of September. We have an option for another three year lease or an option to purchase the building. The building, quite honestly, when we moved into it was very, very, very, very cheap back in 1983 and it still is that way, but we just want to take the next step and put ourselves into a good facility. The building in Kenosha is just four walls and a roof and a concrete floor. It's nothing more than that. It was originally used for storage.

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HACKBARTH MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF HANK MAWICKE, AGENT FOR LBS ENTERPRISES, INC, FOR SITE AND OPERATIONAL PLAN APPROVAL FOR HUBBELL SPECIAL PRODUCTS, INC. TO OCCUPY THE ENTIRE BUILDING LOCATED AT 10100 88TH AVENUE (FORMER CHICAGO LOCK FACILITY) WITH A MANUFACTURING FACILITY IN THE LAKEVIEW CORPORATE PARK SUBJECT TO THE COMMENTS AND CONDITIONS SET FORTH IN STAFF MEMORANDUM DATED MAY 14, 2001. SECONDED BY SERPE. MOTION CARRIED TO APPROVE.

Tom Terwall:

On behalf of the Village, welcome.

Chandler Battrick:

Thank you very much.

Tom Terwall:

It's good to see when you lose a company like Chicago Lock that there's somebody coming to fill the vacancy both in terms of the building and the job opportunities.

K. Consider the request of Kenneth and Cheryl Slater for approval of a Certified Survey Map to subdivide the property located at 5501 85th Street.

Jean Werbie:

Mr. Chairman, the petitioner is requesting to subdivide the property located at 5501 85th Street and create one additional lot that will abut 85th Place. Lot 1 of the proposed CSM has an existing single family home and is proposed to remain on a 19,588 square foot lot with 132 feet of frontage on 85th Street. Lot II is proposed to be 19,588 square feet with 132 feet of frontage on 85th Place.

The property is currently zoned R-5, Urban Single Family Residential District, which requires a minimum lot area of 10,000 square feet and 75 feet of frontage. The proposed land division conforms with the minimum requirements and exceeds those requirements of that R-5 District.

Municipal water is not available on 85th Place; therefore the petitioner has two options to provide water service to Lot II. Lot II can be serviced by a well and connect to water when it becomes available in 85th Place, or the property can be serviced by municipal water on 85th Street through an easement on Lot I. The petitioner has decided to grant an easement on Lot 1 to provide municipal water to Lot II. The easement location and language shall be shown on the CSM. Lot II is required to be connected to municipal sanitary sewer, as sanitary sewer is available on 85th Place. The proposed land division conforms with the Village's Ordinance as well as its Zoning Ordinance and Comprehensive Plan, and the staff recommends approval subject to the comments as outlined in the staff memorandum.

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John Braig:

In general, I find it a little objectionable to make a special exception or take an easement across to other properties for the purpose of extending a utility lateral. Isn't it normally a requirement that whether it be sewer or water it be extended past property lines. In other words, if somebody is requesting water service, they have to pay the cost of getting the main in the street and extended to the far edge of his property line so if somebody wants to continue it they can?

Jean Werbie:

That's a typical situation, but it's not a likely situation in this particular area. A great deal of the homes between 86th Street and 85th Place are serviced by a community or common well, so we don't have any municipal water down in this area. This would actually be the third property in a row that has an easement from 85th Street through on a side lot line in an easement to service some new homes that have been constructed on 85th Place. It's unusual but it's not impossible and it's something that we've done in the past when there's no municipal service readily available. I would prefer to see, and I think Mike would agree, that these people come on line with municipal water rather than another private well being drilled in that area.

Tom Terwall:

They're required to sign a notice of waiver, too. So that if and when water becomes available, he's obligated.

John Braig:

He will be required to extend to the front and abandon the water lateral coming in from 85th Street.

Mike Pollocoff:

It wouldn't be required for water to disconnect that existing line because it would be a suitable service. But, when this water goes by, they're going to have to pay their fair share of the water main that goes by, so you'll get water for free from the front foot assessment, because water service provides potable drinking supplied to residents, but it also supplies fire protection. That's an expense that that property owner, whenever that happens, they're going to have to pay for the water main. As Jean as indicated, I think that subdivision dates back to the 1960s, and they have community wells in there and a number of homes served by it. Back when Whittier Heights was constructed, they secured a very good price for water, and it was still not good enough for the residents there to consider getting it. Since then it doubled, so I wouldn't see them wanting water extended any time in the near future.

Tom Terwall:

Is the petitioner here tonight?

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Kenneth Slater:

Yes.

Tom Terwall:

The house that fronts 85th Street, did the occupancy of that home just change?

Kenneth Slater:

Yes, I bought it.

Tom Terwall:

Oh, you did, okay. I was going to say I thought I saw a moving van there recently.

Kenneth Slater:

I actually have it as a rental.

Tom Terwall:

Okay, alright, but there are new occupants in that home, are there not?

Kenneth Slater:

At this point, yes.

Tom Terwall:

You're the petitioner that's agreed to grant the easement across the property?

Kenneth Slater:

Right, and I have basically an updated version of this which shows the easement on the survey.

Tom Terwall:

Has that lot sold?

Kenneth Slater:

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It's in the process right now. That's kind of why we've got this all up.

Don Hackbarth:

It's a nice lot. Have you been back there?

John Braig:

Yes. In fact, I looked at that property some time ago and I was waiting for it to come on the market.

Kenneth Slater:

We've actually had a small sign out front.

John Braig:

I mean the original, the total parcel.

Kenneth Slater:

It came up and it was only on the market for a couple days. Like I said, basically the two houses to the east have already done basically what we're asking right now.

Tom Terwall:

Thank you.

HACKBARTH MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF KENNETH AND CHERYL SLATER FOR APPROVAL OF A CERTIFIED SURVEY MAP TO SUBDIVIDE THE PROPERTY LOCATED AT 5501 85TH STREET SUBJECT TO THE COMMENTS AND CONDITIONS AS SET FORTH IN STAFF MEMORANDUM DATED MAY 14, 2001. SECONDED BY BRAIG. MOTION CARRIED.

- L. Consider the request of Jeffrey and Heather Campbell for approval of a Certified Survey Map to subdivide the property located at 1015 92nd Street.**

Jean Werbie:

Mr. Chairman, the petitioner is requesting to subdivide the property located at 1015 92nd Street and create one additional lot. Lot 1 of the proposed CSM has an existing single family house and is proposed to remain on a 9,142 square foot corner lot with 114.37 feet of frontage on 11th Avenue and 50.05 feet of frontage along 92nd Street with a corner arc of 32.11 feet. Lot 2 is proposed to be 8,100 square feet with 60 feet of frontage on 92nd Street.

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The property is currently zoned R-6, Urban Single Family Residential District, which requires a minimum lot area of 6,000 square feet and 60 feet of road frontage. The proposed land division conforms with the minimum requirements of the R-6 District.

Both municipal water and sanitary sewer are available in 92nd Street and 11th Avenue. According to Village records, the existing house on Lot 1 is serviced by both municipal water and sanitary sewer. Also, Lot 2, the vacant lot, has both municipal water and sanitary sewer laterals stubbed to the 92nd Street property.

On November 28, 1989, the Village Zoning Board of Appeals granted a variance to allow the existing house to be constructed with a 22.7 foot street yard setback where a 30 foot street yard setback is required. In your packets is Exhibit 1 - Variance Use Grant No. 89-014. Because substantial work had not commenced on a new house within six months, the 1989 variance expired. Subsequently, on July 27, 1993, the Board of Appeals granted an identical variance to the 1989 variance to grant a street yard variance of 7.3 feet to allow the existing house to be constructed with a 22.7 foot street yard setback where a 30 foot street yard setback is required. In your packets is Exhibit 2 - Variance Use Grant No. 93-005.

According to Village records, the Campbells combined the two parcels, then known as Tax Parcel Numbers 93-4-123-184-1070-0 and 93-4-123-184-1065-0, on November 4, 1996. The Parcel Combination Affidavit was recorded with the Kenosha County Register of Deeds as Document Number 1040432 and that=s Exhibit 3). Then on December 27, 1996, the Campbells rescinded the November 4, 1996 Parcel Combination Affidavit, see Exhibit 4 - Order to Rescind Parcel Combination, thus, dividing the property back to two lots in the original platted form. Subsequently, on December 29, 1997, the Campbells once again combined Tax Parcel Numbers 93-4-123-184-1070-0 and 93-4-123-184-1065-0. This 1997 Parcel Combination Affidavit was recorded with the Kenosha County Register of Deeds as Document Number 1080015. This is Exhibit 5).

Along with the 1997 parcel combination, the Campbells and the Village entered into an Agreement, and you can see Exhibit 6 Document Number 1080817. In part, the Agreement pertained to special assessments for municipal water, sanitary sewer and street and stormwater improvements for the property. Pursuant to item #1 of the Agreement, the Village agreed to defer the special assessment for sanitary sewer and municipal water laterals that were previously installed. Pursuant to item #3 of the Agreement, the Village agrees to defer assessment of street and storm sewer improvements along 92nd Street until such time as equivalent improvements are made along 11th Avenue.

According to Village records, the following deferred special assessments are outstanding on the property as a whole:

Deferred Sewer Lateral	\$ 1,235.00
Deferred Water Lateral	\$ 1,350.00
Deferred Road Construction and Storm Sewer	\$11,349.90

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However, based on the above deferred special assessment costs and the Agreement entered into with the Village, the following assessments shall be paid in full prior to the recording of this CSM:

Deferred Road Construction and Storm Sewer of \$5,400.00 (For Lot 2 only)

The remaining \$5,949.90 of this deferred assessment shall apply to Lot 1 and shall continue to be deferred until the storm sewer and road improvements are completed for 11th Avenue.

The deferred sewer lateral assessment of \$1,235.00 for Lot 2 and the deferred water lateral assessment for Lot 2 of \$1,350.00 shall be paid in full at the time of connection when a new home is constructed. The proposed land division conforms to the Village's Land Division and Development Control Ordinance, the Village's Zoning Ordinance and the Village's Comprehensive Plan, and the staff recommends approval of the certified survey map subject to the comments and conditions outlined by staff.

Don Hackbarth:

A couple of thoughts here. On part #3 after staff comments, Item #3, are there outstanding property taxes on this?

Jean Werbie:

My staff says yes.

Don Hackbarth:

The other thing on the drawing, the CSM, I thought a setback to a property line was a minimum of ten feet in a residential and he chose eight?

Jean Werbie:

This is an R-6 District, and in the R-6 District the side yard setback is eight feet. I just wanted to mention also that the taxes are outstanding, they're not delinquent because they can be paid in installments. They're considered outstanding but not delinquent until paid by that installment period. But because this is a certified survey map, the land division process requires that outstanding and/or delinquent taxes be paid in full as a condition of the certified survey map approval.

Mike Serpe:

The petitioner is here. You're aware of all the conditions here that staff has and you're in agreement with them?

Jeff Campbell:

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Yes.

SERPE MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF JEFFREY AND HEATHER CAMPBELL FOR APPROVAL OF A CERTIFIED SURVEY MAP TO SUBDIVIDE THE PROPERTY LOCATED AT 1015 92ND STREET SUBJECT TO THE COMMENTS AND CONDIONS AS SET FORTH IN STAFF MEMORANDUM DATED MAY 14, 2001. SECONDED BY BRAIG. MOTION CARRIED.

M. Consider Plan Commission Resolution #01-09 to initiate a zoning text amendment.

Jean Werbie:

Mr. Chairman, the Village Plan Commission may initiate a petition for an amendment of the Zoning Ordinance, which may include rezoning of property, change in Zoning District boundaries, or changes in the text of said Ordinance.

The Village's General Zoning and Shoreland/Floodplain Zoning Ordinance has a provision which requires that all structures, including fences, shall be setback a minimum of 75 feet from the Ordinary High Water Mark of a navigable waterway or body of water.

The Village has recently received a determination from the Wisconsin Department of Natural Resources that states fences do not need to meet the 75-foot shoreyard setback, that other structures, such as decks, sheds and gazebos are required to meet. The Village has received numerous requests for fences to be located on properties within the shoreyard to divide them between adjacent properties. The purpose of this Resolution is to have the Village evaluate and reconsider its policy with respect to shoreyard setbacks for fences.

The Village Plan Commission is not, by this Resolution, making any determination regarding the merits of the proposed change in the Zoning Map, but rather, is only initiating the process by which the proposed change in the Zoning Map can be promptly evaluated. Village staff recommends approval of Plan Commission Resolution #01-09 as presented.

KOESSL MOVED THAT THE PLAN COMMISSION APPROVE PLAN COMMISSION RESOLUTION #01-09 TO INITIATE A ZONING TEXT AMENDMENT. SECONDED BY BRAIG. MOTION CARRIED TO APPROVE.

8. SUCH OTHER MATTERS AS AUTHORIZED BY LAW

Mike Serpe:

You know we keep talking about traffic every now and then when new subdivisions come in as the Village grows. There's just one thing I want the staff and Plan Commission to consider for the future. There's nothing more aggravating than to pull up to a controlled intersection and there's not a car coming in site and you're going to sit there for a minute to a minute and a half because the municipality

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that you're in maybe failed to put the trips to change the lights to keep traffic moving. It takes a lot of energy to get a 4,000 pound vehicle up to speed, and it takes more energy than it does to maintain that speed, and then to sit there and idle at \$2.04 a gallon is getting to be quite aggravating. So just for the future when we get to the point where we're going to be installing traffic signals and control signals, I think it's important that we consider the types of signals we're putting in right here at 165 and 31 and at 85th Street. Just keep that in mind.

Tom Terwall:

This is my opportunity to read the *Kenosha News* in the morning.

John Braig:

All that's worth reading.

Mike Serpe:

Go into the city at 85th and Sheridan or 80th and Sheridan, you can read the news and the *Wall Street Journal* before that light changes. So just for the future.

Tom Terwall:

I don't know that we have any control over it, do we, Mike?

Mike Serpe:

Not at the state level, but if we get into the areas where we start doing that.

Tom Terwall:

When we get our first stop and go light. Anything else?

9. ADJOURN

BRAIG MOVED THAT THE PLAN COMMISSION ADJOURN THE MAY 14, 2001 PLAN COMMISSION MEETING. SECONDED BY KOESSL. MOTION CARRIED TO ADJOURN.