

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
June 12, 2000**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on June 12, 2000. Those in attendance were Tom Terwall-Chairman and Village Trustee; Ed Kaufmann-Vice Chairman and Village Trustee; Donald Hackbarth-Secretary; Wayne Koessler - Member of the Street Lighting Committee; Donald Wruck; and Alternates John Braig and Michael Serpe. Eric Olson and James Bandura were excused. 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.

- 4. CONSIDER APPROVAL OF THE MINUTES OF THE MAY 8, 2000 PLAN COMMISSION MEETING.**

**HACKBARTH MOVED THAT THE PLAN COMMISSION APPROVE THE MINUTES OF THE MAY 8, 2000 PLAN COMMISSION MEETING AS SUBMITTED IN ITS WRITTEN FORM. SECONDED BY KOESSL. MOTION CARRIED.**

- 5. CITIZEN COMMENTS**

Tom Terwall:

If there's an item on the agenda that's a matter for public hearing, you have two opportunities to speak. You can either speak now under citizens' comments or you can wait until that matter comes up for public hearing. If you want to speak on a matter that's not a matter for public hearing or is not on the agenda, now would be your only opportunity to do so. If you want to speak, we would ask that you please step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

Tom Buban:

My name is Tom Buban, and my address is 2400 122<sup>nd</sup> Street, and I'm here acting on behalf of the Prairie Trails West Property Owners Association. My comments are regarding concern of silt and water running into our retention basin from the adjacent property, which is being developed by Lakeshore

Developers. And I'm wondering if there's any erosion control plan. And, if so, if they could describe what that is to us or if you could address that issue and bring that up. Our concern is that silt buildup is in the bottom of our retention basin and what might have to happen to remove that at a later date. Okay?

Tom Terwall:

Yes. And when that item comes up, I'll have that addressed.

Tom Buban:

Thank you. This is not concerning Prairie Trails East. It's concerning Prairie Trails Addition 1 which is under construction right now.

Tom Terwall:

Jean or Mike you want to address that?

Mike Pollocoff:

If water from the first addition should be going into that basin as a matter of engineering design, silt or erosion it should not be eroding in there and the silt fencing should be stopping that erosion from going in, and if it's not then that needs to be replaced. I know that the storm that we witnessed today is taxing every public storm water infrastructure. Our typical storm water improvements, and no different in Prairie Trails first addition or second addition is designed for a ten-year interval event storm which is the worst storm you'll see in ten years. There's a lot of variables that go into what makes that ten-year storm, but the good rule of thumb is you got to be running around three inches of rain within a one to two hour period. At our treatment plant, before we came to the meeting, we were running over five inches for a four hour period today, and we had pretty well saturated conditions before we had that rain. So I have no doubt, just from my travels in the Village today, that we have erosion control violations throughout the Village where the silt fencing isn't holding up to what you want. We've had an event that is larger than we should have. If we've had erosion problem before this storm today, then we'll have the developer address those because those are expensive problems to correct once they're in the basin.

Tom Buban:

I guess I would like to see if there's any way the Village could come and take a look at what's going on there and what types of programs have been put into place up to this point. Because our biggest concern is that maybe there's a large substantial amount of buildup in the bottom of the lake that has occurred not because of today's storm, but over an extended period of time which has been one year or two years. And because we don't feel that there has been proper control and proper silt fencing put up to this point.

Mike Pollocoff:

We'll come out and look.

Tom Buban:

Thank you very much.

Tom Terwall:

Anybody else wishing to speak under citizens' comments? Hearing none, we'll close citizens' comments.

**6. OLD BUSINESS**

- A. TABLED PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT AND A ZONING TEXT AMENDMENT for the request of the petitioner, Mr. Brian Downie, agent for Prime Outlets of Pleasant Prairie Outlet Mall, located at 11211 120<sup>th</sup> Avenue, to be rezoned to B-4, Planned Business District with a Planned Unit Development Overlay District (PUD), except for the areas zoned C-1, Lowland Resource Conservancy District, which will remain in the C-1 District; and that Section 12.26-4 of the Village Zoning Ordinance be amended to specify the conditions of the Planned Unit Development.**

Tom Terwall:

That remains tabled, Jean?

Jean Werbie:

That's correct.

**7. NEW BUSINESS**

- B. PUBLIC INFORMATIONAL MEETING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #00-08 TO AMEND THE NEIGHBORHOOD SKETCH PLAN for a portion of the Sheridan Woods Neighborhood generally located north of 128<sup>th</sup> Street and east of the Kenosha County Bike Trail.**

Jean Werbie:

Mr. Chairman, the petitioner, Mr. Rob Schiller of Prairie Trails, L.L.C., is requesting to amend the southwest corner or approximate 90 acres of the Sheridan Woods Neighborhood Plan in conjunction with requesting the approval of the proposed Conceptual Plan for the Prairie Trails East single-family subdivision. That item is the next item on the agenda. The amended Neighborhood Plan for the southwest corner of the 1994-adopted plan is similar to the original Plan. There are some differences, however, and I'd like to go through some of those differences.

The number of proposed lots -- the 1994 Neighborhood Plan depicts approximately 140 single-family lots in this portion of the Plan under the proposed R-4.5 Zoning District, while

the number of lots in this Amended Neighborhood Plan has now been reduced to a proposed 122 lots under the current R-4, Zoning District. So, again, the original plan showed that lots would be a minimum of 80 feet wide and 12,500 square feet in area, under the new amended plan, they would be a minimum of 90 feet wide and 15,000 square feet in area.

The Amended Neighborhood Plan readjusts the north-south public road connection to 128<sup>th</sup> Street due to the split ownership. The staff recommends that this alignment be modified to accommodate a smoother transition from 128<sup>th</sup> Street to the north. This matter will be addressed later in my memorandum.

The Amended Plan allows for the termination of the northernmost east-west roadway into a cul-de-sac instead of a through street connecting down into 122<sup>nd</sup> Street.

The general street layout is similar to the original plan with the exception of a few roadway modifications to account for now the field delineated wetlands. There's a field delineated wetland in the northeast corner of the site, and there have been some modifications in the south central as well as in the southeast corner of the site which have shifted roadway alignments off of their 1994 alignment.

The Amended Plan eliminates multi-family development as was originally proposed in the 1990 and 1994 plans from within that development. The very southwest corner was previously identified for multifamily development primarily townhomes, and the staff is recommend that that be a single family area s well.

This amended 2000 Neighborhood Sketch Plan, again, recommends lots to be a minimum of 15,000 square feet with a minimum frontage of 90 feet. These lot widths may be reduced if they're on a cul-de-sac or on a curve, as long as at the building setback line they meet that 90 foot width minimum. The proposed lot sizes would then all fall within that R-4, Urban Single Family Residential District. In the existing Prairie Trails West Subdivision, the lots range in size from 12,000 square feet to 23,000 square feet. The R-4 zoned Prairie Trails West Subdivision had a PUD Overlay, which allowed some of the lots to be smaller, almost to that R-4.5 size. In this case there would not be any PUD or planned unit development on the east side, so at a minimum all the lots would have to be 15,000, whereas on the west side they average 15,000.

The Amended Neighborhood Sketch Plan proposes 122 new single family lots located on approximately 90 gross acres. The average net size of the single-family lots is approximately 19,000 square feet. The smallest lot is proposed to be 15,000 square feet. It's identified as Lot 39 in your sketch, and the largest lot is proposed to be 40,959 square feet which is just under an acre in size. The Village staff needs some additional information in order to recalculate the overall net density for the entire neighborhood, and we'll need to get some additional calculations from the developer because we need to exclude roadways, storm water management areas, outlots and wetlands. Those areas, now with our new definition for net density, are not included in calculating the density, so they need to be excluded and then we'll recalculate the density. So I'm waiting to get that information from them.

A total of four access points would serve the development as proposed by this neighborhood sketch plan. There would be one from 26<sup>th</sup> Avenue at the north, one at 28<sup>th</sup> Avenue which is also coming from the north, one from 122<sup>nd</sup> Street which comes from the west, and the last is from 128<sup>th</sup> Street at the south. 122<sup>nd</sup> Street and 126<sup>th</sup> Street are proposed to stub to the vacant properties to the east and

will serve as additional access points in the future, again, two on the east and then one on the west end which will connect to the single family development area that they do not own. There's also a mislabeled street on there, 30<sup>th</sup> Avenue just for your information is really where the bike trail is, so we'll have to recheck the names and numberings of each of the streets.

There are wetlands that have been field delineated on the site, which shall now be preserved and protected throughout the site development and construction process. In particular, Lots 27 through 34 have wetlands along the rear property line. Those are the ones that are on the northwest corner of the site. There's a tributary wetland band that actually comes from that area that's proposed to be a dedicated park, and that ribbon of wetlands will need to be protected through construction and after the homes are built. Outlot 2, which contain uplands and lowlands or wetlands and that's proposed, again, just connecting to that ribbon of wetlands, and it's proposed to be dedicated to the Village as a public park. The wooded conservancy area in the northeastern corner of the site shall designate deed restrictions that limit the grading and the tree removal in the area. The Tree Preservation Easement area impacts Lots 1, 2, 3, 16, 17, 18, Outlot 1, 19, 20, 21, 90 through 98. So there are a number of lots, again, at that northeast corner which is just south of 2th Avenue that have a wooded area that we'd like to see protected. We don't want to see the building envelope expand all the way to the setback lines.

The Developer, prior to final conceptual plan approval, shall present a detailed phasing plan to the Village. There are some concerns regarding construction access to the site. The main and primary construction access to the site shall be from 128<sup>th</sup> Street rather than through the existing Prairie Trails West Subdivision. Access from the site to 128<sup>th</sup> Street shall be completed as a part of the first phase of construction. Also, it is recommended that the north-south street, identified as 26<sup>th</sup> Avenue, that's the eastern most north-south street, be straightened out so there's not a double jog in that street in order to get south to 128<sup>th</sup> Street. This road adjustment will require the cooperation of the abutting landowner who is Bill McLaughlin. Also, no construction traffic shall be allowed to enter upon 26<sup>th</sup> and 28<sup>th</sup> Avenues to the north of the site. 26<sup>th</sup> and 28<sup>th</sup> Avenue connections should be barricaded until after the second year improvements are complete. That's where we've got curb and gutter and asphalt paving. The connection at 122<sup>nd</sup> Street shall also be barricaded until first year improvements are complete, but I think there needs to be designated that there should be no construction traffic crossing over the bike trail at 122<sup>nd</sup> or 26<sup>th</sup> or 28<sup>th</sup> Avenues to gain access to Prairie Trails East.

One of my next comments is that the Kenosha County Parks Director has some reservations and some concerns that they do not want to see any type of construction traffic going back and forth over the bike trail at 122<sup>nd</sup> Street. A detailed engineering analysis shall also be provided as to the at-grade crossing of the bike trail which is at 122<sup>nd</sup>. It is likely that the roadways will either need to be reconstructed so that the horizontal grade comes up to the bike trail or the trail may need to be bridged over the roadway or some other type of accommodations. Kenosha County sent a letter in comment regarding the conceptual plan, and they just wanted to emphasize that written county permission and access will be required prior to any approval of the crossing and prior to any construction. So there's a little bit of work that needs to be done with respect to engineering analysis and that crossing of the bike trail and what way would be the safest way to get traffic back and forth and to redirect construction traffic so it doesn't use it at all.

In addition, the county indicated that if there's any existing landscaping, trees or brush that's cut back along the bike trail, a replacement and revegetation-landscaping plan shall be provided to the Village and Kenosha County for their approval. With that, those are staff comments as it pertains to the

neighborhood plan. I'm not at this point going to introduce the very specifics as it relates to the conceptual plan unless directed by the Plan Commission. Otherwise as a matter this is a public informational meeting for the neighborhood plan.

Tom Terwall:

I presume that many of the people that are here are here in relation to this item, although in particular it's actually Item C which is the public hearing and consideration of the conceptual plan. However, since these matters are so interrelated, with the approval of the Board I think I'm going to ask for comments or questions. If anybody wishes to speak at this time you can do so.

Karl Christiansen:

Hi. For the record my name is Karl Christiansen. I live at 3201 122<sup>nd</sup> Street in Lot #9 in Prairie Trails West Unit 1. If I could, I'd just like to put this on the projector here. Just briefly, I'd like to agree with the staff that there are some minor changes to this, but I think the minor changes are a significant impact to the phase 1 of Prairie Trails West. Our home, just so you know, is right here at lot 9. So I think we're going to be affected a great deal by this crossing. What I'd like to point out on this exhibit is that we need to look at the context of the overall area before we say that this neighborhood change is minor. That black line represents the current 122<sup>nd</sup> Street, and this is the road that's said to be a minor change to the neighborhood plan.

I would just like to point out that we have all this ground over here to the east that's going to be developed sometime, and with these stubbed streets you can kind of see the progression of development and how it's going to affect our development and the traffic flows. I think that everybody is aware that people that live in this area tend to want to go either north or south. They're not really traveling east or west. You travel east or west to go north or south. I hope that the Plan Commission is concerned about what is known as cut through traffic. I think the previous neighborhood plan really discouraged a lot of cut through traffic to travel west. I think this neighborhood plan would encourage traffic to travel west. I think there are other alternatives. I know Jean mentioned we have wetland issues now and some other things that have come into play. There are alternatives.

I just want to put this overlay on the table. This, as you mentioned, is the previous neighborhood plan. Now the previous neighborhood plan doesn't show the context of our current subdivision, but it does show that this road comes up. We have these two roads that travel north-south. I think you can see how there would be a lot less traffic that would tend to come west in this current neighborhood plan than the one that's currently on the table. If you just want add the number of lots here just to get an idea, in the current plan if we didn't change--if we have two 90 degree angles here, all these cars are going to take the path of least resistance. That's kind of the traffic engineer's--they always lay out roads to take the path of least resistance. If you want to have resistance, you put a 90 degree angle in there. If you don't, you have a straight road. We have 30 year plus lots here that are going to take the path of least resistance right through Prairie Trails West. The previous plan didn't do that. When we purchased our lot, we were very concerned about the cut through traffic. We knew the road was going to be there. I understand it needs to be there for public safety reasons, and we're not asking the road go away. I'm just asking we look at a way of diminishing the amount of cars that would travel west. Before we purchased our lot, the Village did show us this plan. This is the plan that Mr. McLaughlin had a plan. He owned the whole thing. He was concerned about marketing the whole property. This

is a plan that I think was approved by the Village at some point in time. Of course, that time has lapsed now and it's no longer valid, but I think you can see on this that as someone that owned the whole thing, I don't think anybody is really adversely affected by the roads. We've got no real collector road. I think we need to keep in mind we have a regional road down here. There are 90 lots here. These are 150 lots if you take Bill's piece. I think the regional road is adequate to accommodate all the traffic that would be generated off of these developments. In other words, we don't need a collector road like this that's going to push this traffic for convenience purposes through our subdivision. You put collector roads when the traffic is so much that we need a road that's going to accommodate traffic. We have a regional road down here to the south. So I'm just hoping that we can work together and get a plan that would push cars to the regional road and not through our subdivision as cut through traffic. After all, people are either traveling north or south.

So, I'm just suggesting that we look at other alternatives. I think there is alternatives. I know that Robert has done a good job. I'd like to see him be successful over here. This plan brings the traffic down to Russell Road as much as possible, diminishes the cut through traffic and addresses the wetlands. It's similar to the plans that were previously approved. I think the plan that's on the table now is a drastic change. It's going to bring a lot of cars through our subdivision. The rule of thumb is ten cars per household is the trips per day that's generated. So we have 300 cars, 30 homes that are more conveniently situated to go west. We've got 300 cars. Then we look at the other land that's to the east here and add those cars because this plan starts to say that we've got--we have 30 cars here. That's 300 cars just coming from this development. When we add the piece to the east which that road logically says now that we're going to extend it down and we've got all those homes that are logically going to go east or west, so we're talking 300 or 400 or 500 cars as cut through traffic through development. I don't think we need to do that. I think we can have a plan to have Robert be very successful. I know that it's advantageous to take advantage of this crossing. We've done a lot of work and improvements here. I think we can give him an access point here. We can provide fire safety access for this piece, but we don't need to encourage all the traffic to come down through our subdivision. So please, let's work on this a little bit and provide a nice subdivision for everybody and not have the bad word of cut through traffic. We don't need that here. That's the only points I have about the planning.

I want to talk about the crossing real quick. Jean mentioned three alternatives. The bridge I think is something that would be very much of a focal point in the landscape. I don't think that's realistic financially. I would hope that this Plan Commission would want to see the looks of that bridge as something that would be a huge ramp on each side and have to do a lot of fill, I'd like to take that off the table. I don't think we want to consider a bridge there. If we do, I think it should be a public hearing where we could see what it looks like. If we approve it now as an option, then we're stuck with a bridge if the developer wants to pay for it. So let's take it off the table.

The at grade crossing, I think that's a real problem, too, because the road is two or three feet down from the elevation of the bike path. If we raise this road here, the ground around there is low so that's going to do a number of things. It's going to require us to rip out some of this pavement probably, and it's going to possibly make an unnatural transition between the existing and this new elevated road height that's not natural. The bike path is very high out there right now. So if we bring the road at that elevation, and the Village wants to have parkways that are flat, there's going to need to be grading in this park area, in this lake area to make nice transitions. Not only that, the headlights of the cars now would focus right in on my home, and I think that would be a real problem for us. I just hope that's not an issue. There's swales on both sides of the bike path. We can get this crossing at the

grade of the road and work with the county. I think we need to push the county to allow it at the grade it's at and work with some catch basins in there, not to have this thing raised up three feet. It would be an absolute devastation to our home.

So please let's slow down a little bit. Let's move Robert along if we can, but let's get a plan that works for everybody. Thank you.

Beth Ann Christiansen:

My name is Beth Ann Christiansen. I live at 3201 122<sup>nd</sup> Street. I'm here as a representative of the Prairie Trails Homeowners Association of which I'm the president. We were given the opportunity to review the staff's comments, and to follow up to that we just have questions regarding that that we'd like to make public here. We are aware that they're suggesting sending a favorable recommendation to the project subject to comments and conditions. We first of all question what subject means as far as if something doesn't come about will the thing be denied if these matters aren't resolved? As it pertains to Russell Road, a question arises what if there are any complications to the scenarios that have been addressed and requested for straightening out the roads? Such if there is a denial by Illinois for access to Russell, Mr. McLaughlin's property and that agreement there doesn't go through, and if there's some complications with negotiating with the wetlands. So what happens there if there's complications connecting to Russell to get out there for the first phase? What kind of impact then does that make on 122<sup>nd</sup> Street and then also 26<sup>th</sup> and 28<sup>th</sup>.

Then in regards to the bike trail with the subject of the phasing plan and the Village which we agree upon barricading of 122<sup>nd</sup> Street and eliminating any construction traffic, however, that would be lifted after the first year of improvements. The county does want to deny construction traffic. We are wondering how is this going to be controlled with having an open road? We now deal with that in our subdivision as controlling construction traffic. I think that's going to be a problem monitoring that, so how is that going to be dealt with for us once that road gets opened up?

The other thing is it makes mention in the report that there was a report by the county, by Mr. Ladine, and we would like to see that report if we can. We understand that he objected to crossing the bike trail because of the condition of the existing road, so we would like to see that report.

We also would like to know how their process evolves around reviewing this plan so that we could become part of that process, too, and be part of those hearings. Third, it makes mention of requesting a detailed engineering analysis, and that's required to provide, to investigate the scenarios at 122<sup>nd</sup> Street and the bike trail. One being the option of an at-grade crossing, which has impact on the adjoining property and then the bridge. As was mentioned previously, we want to see that, but what if the other option becomes not to have a crossing at that point? Can we, in fact, have that as an option there. Also like, too, the complications possibly of the existing road and the way its configured and the way traffic will be traveling on 122<sup>nd</sup> Street from west to east and the curve of that road. So we just would like to have an option in there if that can be an option.

Then there's also been mention of requesting vision triangles at the Russell Road connection and a study made there. I think it's imperative that we do that at the same connection between 122<sup>nd</sup> Street and the bike trail, that there be something looked at for that connection there. There's also made mention of in the future a north-south collector. What is that, and the question was brought up

whether that 26<sup>th</sup> and 28<sup>th</sup> Street should be brought up to code so that they could take the bearing of some traffic.

There was also made mention of requiring detailed drawings of the abutting properties, adjoining properties, and the question was raised if, in fact, 122<sup>nd</sup> Street is going to be--one proposal is to raise that, that the study should continue to the west of the bike trail, and that property should be included in the study and how the engineering impacts those adjacent properties. Thank you.

Tom Terwall:

Is there anybody else looking to speak. What I'm going to do is take all of your questions. As a matter of fact I'm going to make this the public hearing, so when we get to the next item if you want to speak on that now is your opportunity to do so. This will be the public hearing. Then after we've heard all your comments, I'll refer to staff and have them answer them. So if you're here on this matter, now is your opportunity to speak. Sir, you were next?

Rick Renzulli:

My name is Rick Renzulli, 12126 28<sup>th</sup> Avenue. We are right here, right in the middle of this development. We moved in a couple years ago, and we asked at that time, we called Pleasant Prairie hall a few times, if there was going to be any development there. I wish somebody would have said there was one in 1994. We moved to the county because we wanted the county life. We bought a couple acres there. Right now we see wetlands, wildlife, deer. The road is adequate for everybody that's on there. If anybody wants to see--if we need anymore water, come down 28<sup>th</sup> Avenue right now. Everybody's basement is flooded, and that was adding one more house on that avenue. I haven't had time to really prepare a good enough—I've been in my basement trying to pump out. One this is, and maybe I'm just behind, but we're being told to use this reformulated gasoline because in southeastern Wisconsin we have the highest pollution or emissions, so everybody has got to buy this gas, and we're adding 122 homes here in the wetlands, 90 lots over here, and I don't know how many is in the second phase. Like the gentleman said, there's like ten trips a day per family, you're talking thousands of people going in and out of there. If you live there and try to get out to go to work or take your kids to school, you'd see how congested it is here already with the four way stop signs. I'm wondering if this goes through, does that developer have to put in some stop and go lights either on 39<sup>th</sup> Avenue or on State Line Road and Sheridan Road? I see they left some wetlands, but if you look, I can barely read some of these figures, but it looks like 80 acres are being developed into these homes, and six acres are being left for the wetlands. It just doesn't seem right to me for some reason.

Also, like education, I'm new at this. I'm just wondering if a developer adds this many people into a community, does he have to kick in for the new school being built? I know Tremper is overcrowded, and you're going to bring 300 more families in. To me that's going to raise enrollment. I'm just curious. Somebody is making a lot of money here. This is a huge piece of property. It looks like they've stolen every square inch they could possibly get. I don't know. I guess I had to just come here and state my objection to this because looking out our patio door now it's just so beautiful, and now I'm going to look at three people's garages instead because I'm going to get new neighbors there. I'd like to see those lots, if they're going to happen, be larger, two acres like what's all there.

Then I'd also like to know what happens to, and I know somebody addressed it earlier, but 122<sup>nd</sup> Street used to run parallel to our house. Now they've got 122<sup>nd</sup> going through there and there's a lot

of people here that don't want it going back west. Believe me that will be a busy street. I'm wondering what happens to that land where there used to be a road. Does the developer get that? Do we get that? Does that stay wild or just curious. I'm not sure how this works. I sure don't want to pay for 28<sup>th</sup> Avenue being widened. I know it's probably not up to code right now because you can't even park a car on both sides and get by, but I don't want to have to pay for it. I know a lot of the elderly people that are on 28<sup>th</sup> Avenue they said they almost went bankrupt when they brought the sewers down. They had to take loans and this and that. If they have to widen that road I'm not sure what everybody is going to do.

Again, somebody addressed it earlier, that construction traffic won't use 28<sup>th</sup> and 26<sup>th</sup> Avenue. I think you'll have to barricade that to stop that otherwise subcontractors are going to sneak through because, and this is my last comment, my own experience was a surveyor that was out there, and this was December 18, 1999. We had a party at our house, everything is looking nice, this guy went in and out of that, and it had to be the sloppiest day, in and out of that division with a four wheel vehicle, and he left clumps of mud. I'm the first house so, of course, it got smaller as it went, but he went in and out four times, so finally I caught him and I said, hey, we're having a party here tonight. There's no sidewalks. Who's going to clean this up. He told his son or whoever was driving, just go, just go. The developer has got to have some accountability here if his surveyor, two people made that kind of a mess and what do you think all the subcontractors are going to do? Boy, I'd really like a lot more thought done on this. That's all for right now. Thank you for listening.

Tom Terwall:

Thank you. Anybody else?

Tina Slomming:

My name is Tina Slomming. My address is 9048 16<sup>th</sup> Avenue. I have some concerns about the widening of 28<sup>th</sup> Avenue, how much frontage are you going to take from the individual parcel owners? Who is going to pick up the cost of this? Is the developer? Are our taxes going to be raised because of this? Tax increase is another one of my concerns. Although I don't have a home on my parcel yet, I'm still considering it, but what about the change of the floodplain? I have seen where developers have come in and nothing is under water. All of a sudden a new development is there and everything is under water. I was here for the hearings and the proposed development for 1990 and 1994 and I was kind of wondering whatever happened to those. I guess I know now. I have a question for the developer. I consider it country living. Why do you try to put as many homes as you possibly can in a certain amount of square feet? Why can't you have one home per three acres or four acres so you kind of retain some of that country feel. That's pretty much all I have right now. Thank you.

Tom Terwall:

Thank you.

Karen Tenyer:

Good evening. My name is Karen Tenyer. My address is 3630 122<sup>nd</sup> Street. My biggest question is who can I go to to get action taken when there is a problem with a developer? We now live at the corner of 122<sup>nd</sup> and 37<sup>th</sup> Avenue. We've dealt with over a year with the development of Phase 2

because the construction traffic was told it has to take 37<sup>th</sup> Avenue to get back there, which I understand so it doesn't go all the way through the neighborhood. we have had more problems, and Jean Werbie can attest to how many times I have called and complained. Our Trustee Steve can attest to how many times I have called and complained about starting with mud on the roads not being cleaned up, subcontractors racing in and out. My kids cannot play in the street. If they start using 122<sup>nd</sup> Street, we will probably consider moving. So I want to know, my question is who is going to be held accountable when there are problems to get action taken?

Tom Buban:

My name is Tom Buban, and I live at 3400 122<sup>nd</sup> Street. I would just like to address the issue of children living along 122<sup>nd</sup> Street. Now within the Prairie Trails West subdivision, there are 24 lots which extend into other smaller subdivisions and probably totals about 35 houses. Within those 35 houses at this point I know that there's in excess of 45 children more or less under the age of 12 and 14 years old. To utilize 122<sup>nd</sup> Street would be detrimental to the way that they are accustomed to playing at this point because there are no public sidewalks on that road, number one. Number two, the issue of the speed limit on 122<sup>nd</sup> Street, it's currently 25 miles per hour, and I would think that it might be a strong idea if, in fact, the road goes through to consider lowering the speed limit on that particular road. I think that everyone needs to think about the future of Pleasant Prairie and how it's growing up in the neighborhoods, and we don't really feel that our children at this point should have to change their entire patterns when an alternative plan, which Karl had presented, or someone could look into some alternative plans that would not allow 122<sup>nd</sup> Street to be used as a collector road to another subdivision and possibly an additional subdivision on top of that. Thank you.

Tom Terwall:

Thank you. Anybody else?

Mark Young:

I'm Mark Young, 10222 82<sup>nd</sup> Street. My issue isn't so much of this development, but as to the nature of the company that's doing the work. We purchased the house from them in October. We've had nothing but problems and an inability to get anybody to take care of these problems. I hate to see the Village open up another area for them to do the same thing to more people. We moved in in October like I said. We finally had to pay somebody else to do the final grade on our yard. They wouldn't do that. We've had problems after problems and we don't get anything done with them. To give them permission to just open up another area and to do it to somebody else doesn't seem right until we can get somebody to make them accountable for what's going on now. I'd like to see the inspectors doing a little closer job in not giving occupancy permits until everything is ready to go. You can go ahead and let somebody move in, but when they get their check they don't care anymore. We're not the only ones. There are several people that are here right now that have had the same problems. We filed a complaint with the better business bureau about it, and the Village should be looking into it and seeing something. We come to the Village they don't seem to have any concern whatsoever. I'd like to see somebody make them accountable and take care of the problems. If they build a house, they should back it up. Thank you.

Tom Terwall:

Thank you. Anybody else? Anybody else?

Joe Steckbauer:

My name is Joe Steckbauer. I live at 3700 122<sup>nd</sup> Street. I'm here pretty much for most of what all these people are saying, but listening made me think of another point, and that would be a question at what point does the first layer of blacktop for the curbs get put in in a new development. Behind us where they're developing now, what could reduce a lot of this mud and dirt and everything that is understandably there but doesn't get cleaned up very often would be to get the road started. Some people have been in their houses back there for some time now and they can't even start their yards because they don't want to do it until the curbs are put in so it doesn't erode away. So that would be a question that I have is to make sure that the roads get put in as soon as possible.

Tom Terwall:

Thank you. Anybody else?

Karl Christiansen:

I'm sorry, I know you've got a lot to do tonight. My name is Karl Christiansen for the record. One thing, since this is a public hearing for both comments, I had one other comment on the next issue. That is in Jean's report she mentions that this crossing, the barricades would be taken away at 122<sup>nd</sup> Street crossing the bike path after the first year construction. That generally takes about six months. I'm wondering the need for that. I understand that might be for public safety needs. Since we are going to have a main entry off of Russell Road, it seems to me that the Village might want to consider purchasing a break away gate. They have these in other communities where the gates fold down with emergency vehicles and thereby eliminating all the construction traffic that surely will come down our road because they're not going to come on the State Line and drive two miles to get over to the entry and then come all the way up to build these houses on the north side. So I think that's a big issue. We need to--Jean mentioned she's going to take down the barricades after six months. I think we're going to have a lot of construction traffic traveling there. Even if we put up four signs along 122<sup>nd</sup> Street that says no construction traffic, without a barricade, we're going to have them ignore the signs. We've seen that now in the current because there's a barricade prohibiting cars on the east end of our development now, and we see trucks all the time. You think they would understand after a while not to come down to access Phases 2 and 3, but they do. They come all the way down 122<sup>nd</sup> Street and have to turn around because the barricades are there. Now, if we have a situation where the barricades were taken down, they're going to blow those signs away saying no construction traffic. Therefore, that puts us into policing, and we're not police officers. If we start to call the police and we have some truck driver that gets his license taken away or fair warning here because you can wink and nod and say, well, we're not going to allow construction traffic, but it will be there. It will be there because it's easier for the traffic. So please think about that before you approve this plan. Thank you.

Tom Terwall:

Anybody else?

Rob Schiller:

Rob Schiller, 5415 86<sup>th</sup> Place, Pleasant Prairie. I do represent the developer which accurately is Prairie Trails, L.L.C., not Lakeshore Developers. I'd like to answer a couple of the criticisms unless you'd like me to speak later, or is this appropriate?

Tom Terwall:

Go ahead. I was going to hear the rest of the people, but go ahead, you're up there.

Rob Schiller:

Well, these items have been piling up. First of all, the road design, I want to work with the people of Phase 1. We have no objection to their concerns as long as it's in compliance with Village staff. So we took our input from the Village and designed accordingly. I think most the traffic in the morning is going to be going out to Russell Road, but that's here nor there. I want to be sure that the people in the first phases of Prairie Trails are happy with that.

As far as the issue with Mr. Young and his dirt, that's unfortunate, but try to move dirt over the last six weeks. I mean it has been impossible. We have worked with the Village to try and get all kinds of dirt moved. It's just totally impossible. Then we talked about today's rain, a five inch rainfall. I'm working with Mike Pollocoff's office. We want to put in the curbs, gutter, and blacktop, first lift, as soon as these rains quit, and the Village will allow us to do so. I think that will greatly alleviate the problem. Whenever you have a construction site, yes there are times that there's dirt on the road. We've tried to keep the dirt off as much as possible. It's never going to be perfect. We have done a good job of keeping the construction traffic from going all the way down 122<sup>nd</sup> to the pond. Pretty much everybody knows the route in and out. We're not the only builder in there. We are the majority builder, and we meet with our subs on a monthly basis to tell them the Village's concern, to keep their speeds down and not be a nuisance. I think for the most part we've done a pretty good job with that. So we are here to comply and certainly not to aggravate the existing homeowners. I think Prairie Trails will prove to be, with the larger lot sizes, higher priced homes, it's not going to hurt anybody in the area. There's more than one way to deal with the traffic on 122<sup>nd</sup>. Whether it's through lower speed limits, signage, speed bumps, any way you want to make it so that we don't route traffic to 39<sup>th</sup>, we certainly have no objection. The Village has given me a list of 117 different items to attack on this, so they pretty much have gone over every issue out there, especially issues of Russell Road and what has to be done there. Our portion of working on 28<sup>th</sup> and 26<sup>th</sup>, and yes, I think we all agree that a bridge over the bike trail is a bad idea. We're certainly not supporting that. So, anyway, I can't keep everybody happy all the time, but we do plan to have a quality development, and it's unfortunate that some people moved to Pleasant Prairie and think well I'm here now and no one else can move in, but when we do get these houses in, they all pay property taxes, the schools benefit, the merchants benefit. All of our subcontractors are local people. We're providing income for over 100 families that work here locally in Pleasant Prairie. That's the other side of the coin, the people that are making their living building new homes for the people of Pleasant Prairie. Any other questions?

Tom Terwall:

Thank you.

Mark Young:

Mark Young again. I'd just like to set it straight. We put an offer to purchase our home in August. We had to pay ourselves, get a contractor ourselves to finally do the final grade on our house. Every single kind of problem we've had, we've had to go to their office or call them a number of times to get anything dealt with. In almost ten months at least they had to do a final grade on our yard and they couldn't do it. It hasn't been six weeks like he just stated. We were the second house to move in our neighborhood. Thirteen families moved in since us. They all had their final grade done, and have of them have a lawn in. They were just ignoring us. They wanted to find free fill dirt and they couldn't find it. They didn't want to pay for it. They thought they could do that. We sat there with puddles all over our yard. We can't take out dog out in our own yard. We have to drive her a mile down the road for her to do her job or whatever, and it's a little inconvenient. I'd just like to set it straight that it hasn't just been a six week period because of the recent rains. We got it done and we're not builders, so they could have gotten it done.

Tom Terwall:

Thank you. Anybody else? Final call.

Jim Odorizzi:

My name is Jim Odorizzi. I live at 2428 128<sup>th</sup> Street. I own this piece. Last year someone was stripping the topsoil in this piece. Took the dirt off which is fine, then goes in the wetlands and starts taking the soil. So now I've got a 16 inch grade difference between my property and his. The five inches and the eight in may, I raise cut flowers for a living. I'm losing crop. Who is going to safeguard from that happening again? They red flagged the guy and shut him down, but now he's down in Illinois doing it somewhere. Was he working for McLaughlin or was he working for Lakeshore? Do they have to put up silt fence when they do soil removal?

Peggy Herrick:

Yes.

Jim Odorizzi:

I've got 600 feet on that edge and there wasn't one piece of silt fence. There was none on the wetlands. Was that done with a permit? That was done with a magnetic sign and fly by night.

Jean Werbie:

There was no permission to be on the property and there was no permit in house from the Village. No erosion control permit was issued on the project.

Jim Odorizzi:

I mean is that going to be followed up on or are they going to repair that wetland?

Jean Werbie:

The DNR was doing an investigation and filed a violation on it, and I'd have to check back with the DNR to see what the status of that strip was.

Jim Odorizzi:

Another thing, my property is 1,250 feet deep. There's a stake in the south corner and the north corner, but they never surveyed in the middle, so how does the guy gauge where he's hauling soil out of there? I mean is that typical or is that how this whole thing is going to run?

Rob Schiller:

That had nothing to do with us.

Jim Odorizzi:

The result still had something to do with you. That either has to be corrected or something has to be done.

Rob Schiller:

I'm not even sure what property that was on. That's not something where we had someone working. It wasn't us. It's on the part of your--

Jim Odorizzi:

If you want to get in the car I'll take you down there and show you.

Rob Schiller:

I heard about what happened, but it was no one that we directed.

Jim Odorizzi:

Was it McLaughlin that was doing it?

Tom Terwall:

If you guys want to have a conversation afterwards, I just want to keep the public hearing going.

Jim Odorizzi:

The other thing is I think the concern on 122<sup>nd</sup> Street is semi-valid, but most of these people are going to be Illinois people so they're going to dump out onto Russell Road. Are they going to put stop lights at 39<sup>th</sup> and State Line Road to handle this traffic? Are they going to lower the speed limit on State Line Road? I mean I work outside everyday. People turn the corner on Sheridan Road and it's like a

drag strip. So I don't know if you're going to dump--if ten cars per household is accurate, you're dumping a lot of cars on that road. Who has jurisdiction on that road? Every time I call Pleasant Prairie to ask them to spot check for speeders, oh, we can't do it on the south side of the road. I put a culvert in there, it's Illinois, I gave them a bond. So are those trucks going to be plated to run on that road? So that's just some concerns I have.

Tom Terwall:

With that I'll close the public hearing and give staff an opportunity to respond first, then I'll open it up to Commissioners.

Jean Werbie:

I'm going to try to take them in order. Some of the comments overlapped from one to the other, but I will try to address them in the order that the folks had come up to the microphone. First of all, the staff did look at the alternative that Karl Christiansen had presented to us with respect to an alternative layout. I think that we can certainly take a look at his layout, but there are a number of circumstances where cul-de-sacs in a dead ended format were in excess of 600 feet, which violates our ordinance and also violates our policy with respect to interconnecting neighborhoods and allowing for free movement of municipal vehicles for services purposes. So for that reason, a couple of his long dead ended cul-de-sacs wouldn't be supported by the Village. We do need to see interconnection. One of the things we did look at is straightening out the north-south roadway, 26<sup>th</sup> Avenue to 128<sup>th</sup> Street. We found that that had merit and, in fact, in discussion with the Village Fire Chief, the less turns that he needs to make and more smooth movements in order to get access to a subdivision is desirable. When coming south to provide services to this area, he likely would be going down 39<sup>th</sup> Avenue to the State Line and then east on the State Line and then north into the subdivision, rather than winding through a particular subdivision to gain access. With respect to other municipal vehicles such as garbage and snow plowing and police vehicles, however, they need that interconnection. When we have long dead ended streets without interconnection, that causes more problems than it saves us. So we need to make sure that there are interconnections but we don't create any raceways through any particular subdivision.

One of the questions or comments that had come up was raised by our engineering consultant, and that was whether or not a collector street is necessary or should be considered and where that should be in the subdivision. So that was one of the comments that Karl's wife had addressed with respect to a collector street, and so that's something that I think we need to look at a little bit more closely as to whether or not it's needed, or if it's not needed how can the other road service as multiple access points out of the subdivision.

With respect to the Kenosha County Bike Trail, I'm going to read the letter that I received from Rick Ladine, but his comment to me over the phone is that we haven't looked at this in ten years. So as a result they want all different options to be looked at. Certainly a do nothing option is an option. The county may say after it's all said and done and the analysis is set forth, we don't want to see a crossing, and then the Village would have to make some decisions as to whether or not we can provide municipal services in an adequate manner without having another crossing. There's only a connection--north of this there's a connection over the bike trail at 116<sup>th</sup> and one at the state line. Typically we would like to see connections every half mile in an east-west format. Again, that ultimate decision is going to be Kenosha County's because they will permit that particular crossing.

The letter that was sent to me from Rick Ladine, he's the Director of Golf and Parks Division, and he would bring any request for a crossing and the permits to the County Highway and Parks Division and Department for approval. This is regarding the Prairie Trails East Subdivision neighborhood and conceptual plan comments. [Dear Sirs: This office has received notice of a Public Hearing for the Prairie Trails - East Subdivision Conceptual Plan. Notice was received because the Kenosha County Bike Trail, owned and maintained by Kenosha County as a park, abuts the west side of the Prairie Trails - East proposed subdivision. In review, it appears 122<sup>nd</sup> Street abuts to and dead ends at the County Bike Trail with the potential cross connection to the subdivision to the west. This letter serves to advise the Village Plan Commission and Lakeshore Developers that written permission from Kenosha County must be obtained to cross the Kenosha County Bike Trail with a public roadway. This letter also requests a study of alternatives for access to both subdivisions as opposed to crossing the Kenosha County Bike Trail. Additional concerns are grade differentials between the roadways and the bike trail, examination of the possibility of bridging the bike trail and the revegetation should written approval be granted. Sincerely, N.E. Ladine, Director.] So I've read that into the record and those were the comments and we can also provide a copy of that to the homeowner's association.

Some of the questions that Beth Ann had regarding the homeowner association questions that pertain to conditional approval, typically what happens is if there's a conceptual plan that's before the Plan Commission that has too many uncertainties, we need to get more detailed information, or warrants some additional reworking, what typically happens is the Plan Commission would table that conceptual plan, and the developer would sit down with the staff and we would try to work out all the issues that have been raised at the public hearing. If the conceptual plans get conditionally approved by the Plan Commission and the Board, that means all of those issues that are outlined in the staff comments, plus any new ones that were brought up this evening or at the Board meeting, would need to be addressed and a revised conceptual plan would need to be presented back to the Village. So it can work both ways. It either can be tabled and reworked, or it could be approved and reworked, but in any event they cannot submit a preliminary plat which is the next step in the land division process until such time as the conceptual plan is approved. If there are modifications or changes to the conceptual plan based on something that Lake County may present to us, something that Kenosha County through the bike trail crossing presents to us, that we realign any roadways, then those concerns would force the conceptual plan to come back to the Plan Commission for another public hearing. So if there are changes to be made that address the concerns at large that were brought up this evening, it would come back for another public hearing. It would not get passed on to the Village Board or would not get to the next step until those issues get resolved, because there are some outstanding issues that do need to get resolved.

We have not sat down with the developers to put together a detailed phasing plan. That's something that would definitely need to be put together in this early step because of the fact that there are so many concerns with respect to the bike trail crossing, the Lake County access, and the connections to the existing municipal roadways. I think it's critical to examine the location of sewer and water and access and how and where access is potentially available to this particular development.

With respect to the Village's need to maintain two access points, not only has it been our policy, but it makes good common sense that there be a minimum, depending on how many lots that they're working on and how many are opening up for new building permits, that there be a minimum of two access points for each residential subdivision. This has been no different for any other subdivision that is coming into the Village. With only one access point, that does not provide adequate access in the event that there's some type of serious injury or event that's going on within that development.

One area in particular can be designated as the construction access, but if we talk to any of our municipal service people, multiple access points in and out of the subdivision are critical in order to provide efficient services. Mike is going to address the fact of a breakaway gate. It's not been our policy to ever have breakaway gates anywhere in the Village, but he can get into that.

In the letter from Rick Ladine as well as the comments that he had with respect to the crossing of the bike trail, the county has not objected to the crossing of the bike trail in writing or verbally, but what they're saying is we need to examine all the options before we make a decision. Back in 1990 when the first conceptual plan was approved and then when this phase went forward in the early 1990s and then the next phase went forward, the county knew what the intentions were at that time, but, again what they needed to do is examine usage of the trail and to make sure that it's a safe condition, not only for the residents in the subdivision, but for those using the bike trail.

Staff would agree that vision triangles do need to be examined not only at 128<sup>th</sup> Street, although that serves as a county arterial, so it's particularly important there and the vision triangles are much larger at those arterials, but vision triangles need to be observed at each intersection of each subdivision local road within this development and the adjacent subdivisions. That's something that gets addressed on the preliminary plat as well as individual plats on the lots. We've just recently been putting that language very clearly on the plats because we've had some questions with respect to driveway placements as new homes get built in the Village. So now that language is clearly placed on the plat.

Although it may have been an issue raised by the Village's engineer, the staff here has not recommended that there be a widening of either 26<sup>th</sup> or 28<sup>th</sup> Avenues. At this point both of the roads do function as lots have been subdivided on those streets. Additional right of way has been acquired for future widening, but it's not proposed at this point as a part of this project to widen either 28<sup>th</sup> or 26<sup>th</sup> Avenues. One of the things that would be required, though, is both 26<sup>th</sup> and 28<sup>th</sup> Avenues do not have connections that lead all the way down to the proposed subdivision. So public improvements would need to be extended north out of the subdivision in the right of way and transition from curb and gutter in that subdivision north so that it can handle the runoff that's coming to the south as well as make that transition into the subdivision. It won't just start right at the subdivision line. It will have to go north and connect into those roads, and so a portion of those roads will need to be built so it's a smooth transition to the south at the developer's cost.

One of the conditions that the Village has recently been placing is that detailed off site grading and drainage plans need to be provided for all those lots that are immediately abutting to the new subdivision. We do this so that there's a better transition between the grading of those existing areas and the new areas. From a general engineering perspective, they do need to take into account all the off site drainage from the adjacent lands. So while they're not going to be doing a detailed drainage study half a mile away, they are going to be looking at the overall topography and existing drainage information that we do have, because any water that is traveling to that particular area needs to be taken into account. They can't just block it or dam it or stop it from traveling its current path through that subdivision. They may, in fact, even have to retain it or detain it before it continues to travel through the development.

One of the comments had to do with wetlands. Peggy is going to put up on the overhead, only the areas identified in black are the areas that have been field delineated as wetlands. So this entire subdivision is not floodplain and it's not wetlands, but there are some areas that are wetland which has now caused a problem for the original and the 94 amended plans. It didn't allow crossing over those

wetlands. It didn't allow for straighter connections and will force some of the roads to bend and turn a little bit and that's one of the things that we've looked at. The DNR has not supported water quality certification to fill in wetlands to adjust roads unless they abutted to state highways.

One of the questions that had come up had to do with impact fees for schools. Not too many folks know this, but we did charge impact fees up until 1995 for all new subdivisions and all new lots that were created in the Village. The State Legislature, through some very powerful folks, made some changes, though, in the state statutes that prohibit us from collecting any fees for schools. That went into effect, I want to say, May 1, 1995. So what we ended up doing is all the fees that were collected by the Village up to that point were transferred to the Unified School District for expenditure for public projects. So we were only able to collect those fees for a very brief time. I think in the end they had over \$125,000 that they were able to use for the schools for school acquisition or school improvements but, again, we're not permitted by law to collect any school impact fees.

One of the things that I wanted to talk about is the public improvement process in Pleasant Prairie. Public improvements in Pleasant Prairie are put in over a three year time period. So the developer has to post a minimum of a three year letter of credit in order to put in those public improvements. What I mean by the public improvements – it's the underground sewer, the water, the storm sewer, the curb and gutter, the gravel base of the road, the asphalt paving, the street trees, the street lights, the street signs. All those things are considered public improvements. Pleasant Prairie, per our current ordinance and we've been doing it this way for ten or fifteen years, the first year of public improvements is put in in that first construction season. First year is the underground sewer and water, storm sewer, and the gravel base of the road. The policy then is that that gravel base of the road and those improvements need to sit a complete winter cycle before the developer can come back in and put in the curb and gutter and the first lift of asphalt paving. With respect to the Prairie Trails West Addition Number 1 area, they are just approaching their 24 month cycle. So they've passed the 12 month, and between the 12<sup>th</sup> and 24<sup>th</sup> month of their construction cycle they're required to put in the curb and gutter and the asphalt. Our ordinance does not allow them to do that before June 15<sup>th</sup> of any year, and so right now the administrator has gone out or is going out to take a look at the roads to see if that work can be done. My understanding is if that work is acceptable with respect to the way it exists, then that paving and curb and gutter work would be done sometime in June or July of this year. Then the final lift of asphalt paving would be typically done in the third construction season or between 24 and 36 months but, again, we'll hold that up if not more than 75% of the homes have been under construction are completed. If they're not, then that third lift of paving can be put off up to five years. The money and the funds are secured because the Village will draw on the letter of credit in order to set those funds aside in order to complete that paving and any improvements.

I know that there have been a great number of concerns with respect to contractors that don't read the signs very clearly where it says no construction traffic, and they think that they can still sneak through a particular area and then find that it's barricaded and they have to turn around and come back. I know that our police officers had staked that area a couple of times, and the warning came through pretty loud and clear. I don't know if we need to do that again. One of the thoughts is that we need to sign a little differently and make it very clear that road is barricaded, do not approach. I'm not real sure but, again, the homeowner is correct. We can't be out there policing all the time, but we also can't block all the public roads for whether it's the residents or deliveries or municipal personnel or someone needing to get through to the particular subdivision. We certainly will look at that again. One of the other requirements that we've just recently put into effect is that an on sight construction manager for each development needs to be available on site every day or stopping in every day to

examine what's going on and if there's a concern or problem in the subdivision. So that's something that we've just recently implemented to help monitor, because we don't have the ability to have a staff person in every subdivision every day, so the developer will need to heed that responsibility. We do check during construction of the public improvements, but in between the public improvement phases they need to be held more accountable with respect to construction traffic.

There was a question regarding the staking of the property boundaries. There might have been a property boundary survey that was done where they were just staking corners, but if any public improvements or any earth movement that's permitted goes on, property boundaries need to be staked, street corners need to be staked, corner lots need to be staked, so there's a clear definition and then those areas would be construction fences or silt fence if they're permitted for earth movement or disturbance for public improvements.

To my knowledge, the entire 128<sup>th</sup> Street the right of way is in Lake County. It's under Lake County's jurisdiction, and that will be another key player that will need to come to the table very quickly in order to determine whether or not the county is going to allow access, what type of turning movements they're going to require, bypass lanes, or what they will require with respect to the subdivision. I've not met with anyone from Lake County but, again, we're in the initial phases of the development.

I guess if I could just back up for a minute, our land division and development control ordinance sets forth a procedure for all developers or anyone interested in land development. The first step is the neighborhood planning process. Let me go back one more step. The first step was actually the comprehensive plan that the Village has adopted and we adopted back in 1996. The next step is to refine that even further as a neighborhood plan for a particular neighborhood that was defined within the comprehensive plan. The next step after that is the conceptual plan process. The next step after that is the preliminary plat process and the preparation of all the detailed engineering plans and all the detailed landscaping and the other plans associated with the development including a phasing plan. The next step after that is the final plat process. Each of these steps along the way require public hearings to be held. Pleasant Prairie is unique to that step because not many communities require public hearings for every one of those steps, and not every community requires all of those steps, but we try to do this very early on the process in order to get the public's input and to find out what are the general concerns so that we can address these. The reason why there are so many comments, as Mr. Schiller indicated, is because I'm trying to get more of the process down on paper so everybody is aware of the process that needs to be undertaken in order to get from point A to point Z. This is certainly not a quick process, and it typically takes anywhere from 16 months to a couple of years to get through the entire process by the time that all of the issues get refined, defined, all the permits are obtained, and everything gets to the satisfaction of the Village and to the residents and to the developer. With that I'd like to turn it over to Mike.

Mike Pollocoff:

A couple of the issues that were brought up I'd like to answer. The first one is using knock down gates for emergency access. We haven't used those in the Village. Most communities stay away from them. I think it does serve a purpose at times to make it difficult to go through, but people find out pretty soon that they are, in fact, what their name is, they're knock down gates and they can be gone through. If a fire truck does need to go through one and it does go through it, and you can get through it but you can still sustain some damage to the vehicle and it just doesn't make good policy sense to take a quarter of a million dollar truck and take it out of service to repair what's happened when going

through a knock down gate. I think that one of our key responsibilities is make sure that the public safety needs of the community are met. That means that fire trucks and rescue squads and police cars have easy access through neighborhoods, and that's not made more difficult than it needs to be. Putting up a gate is problematic.

The widening on 26<sup>th</sup> and 28<sup>th</sup>, those are representative of 1930s and 1940s planning in the Town of Pleasant Prairie, and both those streets would probably be, if not very, very difficult to widen, I would say as a practical matter impossible to widen. So what we have to work with on 26<sup>th</sup> and 28<sup>th</sup> is what we have to work with. There are some houses that were constructed a significant time ago and the setbacks aren't what you'd like to see as far as how far back from the road right of way they are, so if you widen that road out to a 37 foot wide profile, you'd be bringing that road, even though it would still be within the right of way, closer to the homes than you'd like to. People say they come to Pleasant Prairie for country living, you go down 26<sup>th</sup> and 28<sup>th</sup> that's what you have. As for us, to at some point in the future go back and widen those roads to a typical urban profile is just not going to happen. The assessments would be to widen the urban road like that about \$125 or \$130 a foot, and that's a significant expense to pay for people who have been on that road for quite a while. It's not there the way it was platted.

One of the questions was the dirt and gravel tracking on the roads. There's currently a problem with that coming into Prairie Trails. I think it's at least a significant discussion as we go in the future as to how this development is phased. Everybody who bought a lot, I bought a lot in the new subdivision ten years ago and I lived on gravel roads, and anybody who started out in Prairie Trails you might have had gravel roads for awhile, but that does two things. Hopefully it's a win/win for everybody. The win for the Village is that you get the maximum compaction on the roads by having them go through a winter cycle and a spring cycle, and you want that because you don't want the roads to settle. The developer wins because they don't have to put in backfill in the trench. They put in the clay that they dug out of the trench for sewer and water and storm sewers. They put it back in there so that material settles down. That's good in the kind of clay soils they have, because if you get dissimilar soil between the clay and the sand you get a little bit of differential settling. But that being said, sometimes mother nature just throws you a curve ball, and you go through a winter like we had this year where we just didn't get a lot of snow. We didn't have a lot of freeze/thaw. It was a really dry winter. Now we're catching it all up in the summer. So to say that we're going to come back this June and pave roads, it's not going to happen. I'm not sure that we're going to pave roads in July. In every development there's going to be a certain amount of uncertainty when those roads are going to be paved. We want them paved--one of the goals of the road improvement program for the Village is that we accept the road that the taxpayers don't have to go back and fix prematurely. Every road is going to have to be repaved, so we want those roads to be built and constructed in an orderly manner. That means they've gone through the process where we know they're not going to settle. I think if you look back on 122<sup>nd</sup> Street, that road settled. It's a perfect example of paving too early. We let that happen on that road and everybody did the roller coaster on that road for awhile until that got fixed. So that's what's going to happen. I think as this next development occurs in whatever format it's going to occur, I think we need to get the phasing structure so there is as little construction traffic going through the development as possible, but contractors are contractors and you'll get some through there.

The one other issue is stop and go lights. I believe a warrant study which identifies where or not signalization is needed should be considered either at 128<sup>th</sup> and 39<sup>th</sup> Avenue or 116<sup>th</sup> Street. From some initial work that's been done I think with the county, I think 116<sup>th</sup> Street is running in the last

count ahead of 128<sup>th</sup> and 39<sup>th</sup> Avenue. There's no question that we could be needing signalization very shortly whether this development proceeds or not.

Tom Terwall:

Thanks, Mike. With that I'll go to comments and questions from Commissioners.

Wayne Koessl:

As everyone knows I've been an advocate of good planning, long range, and orderly development. When you look at the issues facing us on this neighborhood plan and the conceptual plan. I think a lot of them should be addressed by meeting with the developer, the Village staff, and the neighbors to try to work out a win. I just can't go ahead and vote for these two items.

**KOESSL MOVED THAT THE PLAN COMMISSION TABLE THE CONSIDERATION OF PLAN COMMISSION RESOLUTION #00-08 TO AMEND THE NEIGHBORHOOD SKETCH PLAN FOR A PLAN FOR A PORTION OF THE SHERIDAN WOODS NEIGHBORHOOD GENERALLY LOCATED NORTH OF 128<sup>TH</sup> STREET AND EAST OF THE KENOSHA COUNTY BIKE TRAIL.**

Tom Terwall:

Anybody else wish to speak? Before I accept a second to that motion, remember then that cuts off discussion.

Don Hackbarth:

In looking at the conceptual plan that you have right there, I don't know what the Fire Chief's thoughts would be about it, but the one little connector between 28<sup>th</sup> Avenue and 29<sup>th</sup> Avenue, just that one little two house length connector, if that was broken and two homes were put in there instead, it would force the traffic to go south. I don't think anybody would make that a through street to go all the way down 28<sup>th</sup> and then come back up 29<sup>th</sup> and then continue on 122<sup>nd</sup>. Just a though. I don't know if the Fire Chief would approve that.

Jean Werbie:

Can you tell us exactly where that is again?

Don Hackbarth:

Okay. You see where 122<sup>nd</sup> comes across from right to left. Right there. Go a little west. That piece right there, if that roadway was broken and even two homes put in there, it would force everything east of that to use 128<sup>th</sup> to go south. I don't know if the Fire Chief would like that or what, but it would certainly divert traffic to the east of that down and make it go to State Line Road.

Jean Werbie:

Then it creates a cul-de-sac that exceeds 600 feet in length and it creates a problem for traffic

movement.

Don Hackbarth:

Which cul-de-sac?

Jean Werbie:

Well, you can't just break it without cul-de-sacing it or dead ending it. Are you turning it?

Don Hackbarth:

No, no, I'm not saying that. If I have to get up I'll show you. Right here, just taking this piece right there, that piece right here and breaking it and put two homes in there. What you're going to do is you're still going to keep a throughway here. It just means that everything to the east of this is going to be diverted and it's going to have to go--I would think it would be stupid if you come right back around and come back 122<sup>nd</sup>. Just take that one little piece of roadway out of there and the whole plan makes more sense. Whether the Police Chief would buy that I don't know.

Tom Terwall:

Any other comments before I ask for a second.

John Braig:

This would be directed to the staff. I don't want anyone in the audience to get the impression that tabling this suggests that we're going to radically or drastically alter this or even delay it. The interest is to reach an agreement between the staff and the developer incorporating all your comments, but with the idea in mind that this still is a viable proposal and it should go ahead. It's just a matter of working out the details. So I guess my question is to you, Jean, how much time would it be before this would be before the Commission?

Jean Werbie:

I'm not sure. It could be anywhere from three to six weeks, but what we would need to do is renotify the neighbors as to the exact date when the hearing would be held, because I can't give you an exact date right now, and I don't want them to go away thinking it's going to be one date and then it turns out being after that. So I would say anywhere between three and six weeks and we would renotify.

John Braig:

Okay, I'd be satisfied. Thank you.

Tom Terwall:

Just a comment. I'm going to support the--in fact, if nobody else seconds the motion I will, because I'm going to support it. I think the reduction in lots of this proposal is a very positive thing. The reduction from 140 lots to 122 I favor. The fact that it's going from an R-4.5 to an R-4.0 I think is

another plus. The main reason I'm going to support tabling this, Jean, and I would ask that we try to get a resolution with Rick Ledine before it comes back to us, is that whether I vote to approve this or not is going to depend considerably on whether or not we get a crossing at the bike trail. I think we may have to look at some other access points if, in fact, 122<sup>nd</sup> Street is not going to be allowed to cross the bike trail. So I would like to at least have that resolved before this comes back to the Plan Commission. I think that's a key issue.

Jean Werbie:

Then I don't want to commit to the three to six weeks.

Tom Terwall:

I understand. That doesn't come as a surprise.

Jean Werbie:

It could take three to six months.

Ed Kauffman:

I think there are a lot of issues that need attention, and I, too, favor this plan, especially the change from R-4.5 to R-4.0 zoning. The only thing that I think that we should emphasize here is we need more agreement between the developer and the homeowners, as well as the staff. We need to get them together somehow. I don't think we can do this. I think they must do this. . I think we have to table them one at a time.

**KAUFFMAN SECONDED THE MOTION TO TABLE THE CONSIDERATION OF PLAN COMMISSION RESOLUTION #00-08 TO AMEND THE NEIGHBORHOOD SKETCH PLAN FOR A PORTION OF THE SHERIDAN WOODS NEIGHBORHOOD GENERALLY LOCATED NORTH OF 128<sup>TH</sup> STREET AND EAST OF THE KENOSHA COUNTY BIKE TRAIL.**

Tom Terwall:

That cuts off discussion then. So the motion on the floor is to table the public information meeting and consideration of the Plan Commission Resolution 00-08.

**MOTION CARRIED TO TABLE THE CONSIDERATION OF PLAN COMMISSION RESOLUTION #00-08 TO AMEND THE NEIGHBORHOOD SKETCH PLAN FOR A PORTION OF THE SHERIDAN WOODS NEIGHBORHOOD GENERALLY LOCATED NORTH OF 128<sup>TH</sup> STREET AND EAST OF THE KENOSHA COUNTY BIKE TRAIL.**

**C. PUBLIC HEARING AND CONSIDERATION OF A CONCPETUAL PLAN: The request of Rob Schiller, agent for Prairie Trails LLC, for consideration of a proposed 122 single family lot development known as Prairie Trails East Subdivision generally located north of 128<sup>th</sup> Street and east of the Kenosha County Bike Trail.**

Tom Terwall:

I'll entertain a motion to table Item C as well.

**KOESSL MOVED THAT THE PLAN COMMISSION TABLE THE REQUEST OF ROB SCHILLER, AGENT FOR PRAIRIE TRAILS LLC, FOR CONSIDERATION OF A PROPOSED 122 SINGLE FAMILY LOT DEVELOPMENT KNOWN AS PRAIRIE TRAILS EAST SUBDIVISION GENERALLY LOCATED NORTH OF 128<sup>TH</sup> STREET AND EAST OF THE KENOSHA COUNTY BIKE TRAIL. SECONDED BY KAUFFMAN. MOTION CARRIED.**

Tom Terwall:

On behalf of the Commission I want to thank the people. I looked across the audience at the number of little kids that were here, and my granddaughter could learn a lot from their behavior. I want to thank you for your input, thank you for your cooperation, and we want to work with you so we'll be back to you as soon as this matter is ready for public hearing again. Thank you. We'll take a five minute recess.

**D. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN: The request of Douglas Stanich, agent for Prairie Village Development, LLC owner, for consideration of a Conceptual Plan for the proposed 25 single-family lot development known as Deer Crossing Subdivision to be located adjacent to the Prairie Village Condominium Development.**

Jean Werbie:

Mr. Chairman, the petitioner is requesting approval of a Conceptual Plan for a 25 single-family lot development known as Deer Crossing Subdivision proposed to be located west of the existing Prairie Village Condominiums. It's in an area that was known as Future Phases 3 through 5 of Prairie Village Condos. The petitioner is requesting to modify the original Conceptual Plan for the property and create single-family lots rather than multi-family owner-occupied condominiums. As proposed this would reduce the density on the balance of the site.

The idea of creating single-family lots west of the existing condominium units is generally a feasible idea with respect to the neighborhood plan; however, the staff recommends that there be support for the project from the existing condominium owners as well as the Village. The existing condominium units could serve as both a good buffer and a good transitional zone/use from the existing single-family lots west of the development and north on 39<sup>th</sup> Avenue.

The previously approved Conceptual Plan provided for this property to be developed with 76 additional condominium units similar to the existing development with a clubhouse and an open space area. Prairie Village Drive, which is already dedicated as a public road right-of-way, would extend further west and loop north and east. Again, this right of way was dedicated with the original certified survey map but it was not constructed west of the existing phase under construction. The Conceptual Plan shows a new road pattern and the existing dedicated roadway. Again, this was dedicated to the Village in 1991. It would need to be vacated in a portion of it. The new road pattern provides for two cul-de-sacs and for the straightening of the existing loop road. The location of the proposed new roadway where it abuts the adjacent properties in the northeastern corner of the site is proposed to be

moved approximately 16.1 feet to the south of the previously dedicated roadway. The movement of the roadway would allow for the creation of lots with 131 feet of depth on the lands east of the Prairie Village development, as well as in the Prairie Village development. Again, the way it was situated previously, the road is too far to the north, and lot depths need to be a minimum of 125 feet of depth in order to be subdivided.

On May 26, 2000, the Village received the attached letter dated May 25, 2000 from the Gordon and Doris Olson, Charles and Francine Kerstin and Kathy Walker, the adjacent property owners to the east of the proposed development and north of the existing condominiums. The letter indicated that the Conceptual Plan intends to relocate 42<sup>nd</sup> Avenue and if the road is relocated it would destroy the possibility of future development of their properties. Furthermore, they stated that more study should be done regarding the relocation of a portion of 42<sup>nd</sup> Avenue.

The adjacent lands were taken into consideration when the initial layout was made. The attached Neighborhood Plans that you have in your packets and one I'm going to be showing on the overhead were prepared in 1995 showed how future land adjacent to the development could be further developed. The map on the overhead shows how initially it was believed that the lots could be developed with a continuation of the curvilinear road system pattern known as Prairie Village Drive. A revised Neighborhood Plan should be prepared to further examine how the adjacent properties could be further subdivided with the roadway relocated as shown on the Conceptual Plan. The staff has prepared that. We're looking for the overhead right now. In staff's opinion, by moving of the roadway south about 16 feet it would allow for a revised Neighborhood Plan to work better in order for lots to be accommodated east of Prairie Village and provide for greater flexibility in developing the adjacent properties similar to what was provided in 1995. The property owned by the Walkers could be developed without needing to work with the adjoining property owner to the north. The existing Neighborhood Plan which was put together in 1995 and would allow for the Olson's, Keating's and the Walkers to develop their properties in cooperation between all three of the property owners. It is important to note that where existing lots exist that are longer than they are wide, which is similar to those that abut up to 39<sup>th</sup> Avenue, the Olsen and Kersting properties, in most cases can not be developed without the cooperation of the neighboring properties or an adjacent developer who is developing his land to provide access to that area..

The draft Declarations of Restrictions and Covenants as submitted set forth minimum dwelling sizes of 1,800 square feet for a ranch, 2,200 for a one and one half story and or two story home with the minimum first floor area of 1,200 square feet, and all structures shall have a minimum of a three car garage. The proposed minimum standards far exceed the minimum house size of the R-4 District. The Plan Commission should consider whether the single-family lots, if approved, should meet the minimum R-3 or the R-4. The R-4 again is 90 feet in width and 15,000 square feet in area, and the R-3 sized lots are 100 feet in width and 20,000 square feet in area. The staff also recommends that the developer should consider restrictions that require side loaded garages.

The wetlands located in the extreme northwest and southwest corners of the property have been field verified and identified by an independent contractor and has been approved by the Wisconsin Department of Natural Resources in a letter dated May 3, 2000. Please note that the letter also indicates that the location of the detention ponds proposed for the wetland are an issue of concern. The siting of detention ponds in a wetland can degrade wildlife habitat and other functions provided by wetlands, and generally a situation where someone would like to put a detention or retention basin in a wetland has generally been opposed by the DNR in the past. The letter further recommends that

in order to ensure that the development plans proceed smoothly, that they obtain all the necessary permits from the DNR, and the DNR recommends that all the ponds be relocated outside the wetlands and buffer zones of at least 25 feet exist between the wetlands and area disturbed for developed.

The staff took some time to sit down and take a look at a revised sketch plan, and this is a rough sketch plan for the three vacant land areas east of the Prairie Village development. I made it more of a grid pattern because that allowed for more lots to be created. Again, that typical R-4 sized lot and with a straight extension of that Prairie Village Drive to the east, and then directly to the south as it interconnects to 42<sup>nd</sup> Avenue, those two connections would allow the lots to be subdivided as they're shown. There's one lot in the northeast corner that shows a dash dash, and that one lot that's 66 feet wide that extends from 39<sup>th</sup> Avenue to the west, I'm not sure if there's any development behind the pole barn that they had built that would allow that lot to be more regular shape. But in any event, these would be the lots that could be subdivided. Again, no different than elsewhere in the Village. Wherever you've got these long, narrow, deep lots it's almost impossible to develop them independently without working with the neighbors consolidating and putting together lots in a more regular shape. That's why we do neighborhood planning today to avoid long, deep lots from being carved off and getting into situations like this. With that, I know that the developer is here to make some additional comments.

One final comment I'd like to make, and I didn't have it in these staff comments, is that 42<sup>nd</sup> Avenue as it intersects Prairie Village Drive would be required to be connected south to 93<sup>rd</sup> Street in order for this land to develop for any use. So whether it's developed as condominiums or for single family development, we would require, and the developer already has a letter of credit posted with the Village for land acquisition, for that connection of 42<sup>nd</sup> Avenue south to 93<sup>rd</sup>. It's needed as a secondary access to this development and would likely be the construction access to this development. With that, I'd like to open it up and continue the public hearing.

Tom Terwall:

This is a matter of public hearing. Anyone liking to speak, please step to the microphone and give us your name and address.

Fran Kersting:

My name is Frank Kersting. I'm at 9134 39<sup>th</sup> Avenue. I don't quite understand what you're planning that conceptual plan for moving the street to the north. I don't follow that. What you're saying is that we would have to, all three neighbors would have to--okay, this is Olsen's, this is Kersting's, and this is Walker. I'm not sure. Now, first off, how can you get three properties there. I'm lost. Olsen's don't have any access to these two. I'm not sure what you're saying here.

Jean Werbie:

Currently the road is dedicated and it comes to this point right here. The Village has requirements in effect that says that the minimum depth of a lot to be created has to be 125 feet. So while they're looking to develop this for a single family, in order for this land to develop for a single family it also needs a minimum depth of 125 feet. Right now it's 114 feet in depth. So in order for these lands to develop, one potential way for an access road to be interconnected to the east is to continue the public roadway to the east at this location, get rid of the cul-de-sac, and then 41<sup>st</sup> Avenue would come to the

north. That would be the way that this road could be put in right here. These lots would not face east/west, but they would face north/south. So they would have direct access to the north. These lots would have direct access to the south.

Fran Kersting:

You're saying then that Olsen's and Kersting's would have to sell this together. That makes no sense whatsoever.

Jean Werbie:

What you'd need to do is you'd need to cooperate, yes together, to sell to a third party or work together in order to get the lots.

Fran Kersting:

That's not likely to happen.

Jean Werbie:

It happens all the time in the Village.

Fran Kersting:

Okay, now why can't 41<sup>st</sup> go through here and 42<sup>nd</sup> go through here, then we can all develop the back end of our properties as well as this portion of our properties?

Jean Werbie:

Well, 41<sup>st</sup> Avenue, I'm not sure if there's a house here or not, but at this point, and this could still happen where it comes to the north, right now 91<sup>st</sup> Street is a substandard street. It's not even as wide or improved as 26<sup>th</sup> and 28<sup>th</sup> Avenue that we talked about earlier this evening. So in order for this connection to come to the north, this road would likely need to be improved in order for this to be used. 91<sup>st</sup> Street would need to be improved in order for the connection to be made north to 91<sup>st</sup> Street. It's inadequate right now, and we wouldn't want to put any more traffic on it. So for that reason that's why I did not show it connecting north to 91<sup>st</sup>. At this point for the developer to put a single loaded road north/south right here, to be honest with you it didn't make any financial sense for the developer, and it didn't make any sense for the Village.

Fran Kersting:

Well, that's all well and good, but it makes no financial sense for the three properties to do it the way that.....

Jean Werbie:

Well, Prairie Village right-of-way is existing. This is platted. It was platted this way back in 1991 by Certified Survey Map.

Fran Kersting:

That's fine. If you're going to consider changing this other part.....

Jean Werbie:

It could. The Plan Commission and the Board would have to make the decision whether or not they want to support a single loaded road. In any event, whoever would develop this property would need to pay for all those public improvements and their fair share of the cost for those public improvements.

Fran Kersting:

Say that again.

Jean Werbie:

If a public road were to be placed right here, the property owners here, here, and here would have to pay for their fair share cost of the public improvements.

Fran Kersting:

I understand that. It's also my understanding that if we weren't ready to develop, that the developer would take care of it at the time.....

Jean Werbie:

That's correct. That would be a right of recovery payable by the property owners. That's correct. I guess it would be up to the Plan Commission and Board to decide whether or not the commitments that were made back in 1990 to extend 41<sup>st</sup> Avenue to the north and Prairie Village to the east if that still makes good planning sense. It's not unusual, not uncommon for long, narrow lots like these to work together. In fact, I've seen in many, many, many times.

Fran Kersting:

By our calculations we have enough property. Walkers have more. The Olsens they will bring a lot off this side and a lot off this side.....they have enough room to sell two lots off without touching the top portion. If you're putting a road in here, then we don't have enough. We have to take a look because .....then that's screwed up. To come in on this end and this end.....so that's what we're looking at.

Tom Terwall:

Under your scenario, who would pay for 41<sup>st</sup> Avenue then? I mean you would be the only person--

Fran Kersting:

Exactly. At the time that it goes through we would have to take care of it.....

Tom Terwall:

Where would the land come from?

Fran Kersting:

It would probably come from this side. We have the front. We have frontage there. Our homes are up here.

Tom Terwall:

What I'm saying is you would be dedicating all of the property for 41<sup>st</sup> Avenue.

Fran Kersting:

We'd have to.

Tom Terwall:

That cost would be totally yours.

Fran Kersting:

Right, if you want to do that. If 42<sup>nd</sup> went through we could always take care of the back portion and just leave this if we wanted to. If the three property owners wanted to develop this part, then we'd have to take care of that portion of 41<sup>st</sup> in order to develop.

Don Hackbarth:

The question I have then is if I have to work with the developer, too, but the question I'd have then is I would say the roadway, whatever that would be, 42<sup>nd</sup>, that one right there. I would imagine we'd have to take half of your property from the center line over. It would be fair for the developer to throw it on your property.

Fran Kersting:

I have no idea. I don't know where it's scheduled to go through. We'd have to see where--

Don Hackbarth:

Then we'd have to find out if there's enough dept of each lot.

Fran Kersting:

Of course, that's why I indicated in the letter that we'd have to do more study to find out where the road goes. If this can be moved here, can it be moved there? I don't know. These are things that we'd have to--

Don Hackbarth:

It can be. The difference is if you're not able to work with your neighbors, you're going to have to work with the developer. So no matter how you do it, you've going to have to work with somebody to make the minds meet.

Fran Kersting:

Well, do they have any plans for where this would have gone through before? I don't know. I mean at 42<sup>nd</sup>. If we wouldn't have gone into this thing, where would 42<sup>nd</sup> go? How do you know? I mean are we guessing here?

Jean Werbie:

No. We made the commitment back in 1990 that 42<sup>nd</sup> Avenue was not going north. As a result it came and dead ended into Prairie Village. Now if it continues north, we've got a problem with some remnant pieces here. We've got a problem with a remnant piece here and here if it's proposed now.

Fran Kersting:

That's what we're worried about with us.

Jean Werbie:

The reason I'm not trying to create remnant pieces is I'm trying to make that interconnection as was identified back in 1990 to make that interconnection.

Fran Kersting:

They haven't developed to our back yet.

Jean Werbie:

They've developed to this point right here. There's nothing in the far back.

Fran Kersting:

Like I say, this is our concern. For the three of us to work together, I mean.....maybe we won't even own it when that becomes a problem. I mean we're all asking that this.....to the best of our benefit as well as.....If it didn't curve, where would it go. That's what we're asking that you look into that.

Tom Terwall:

Anybody else wish to speak?

Gladys Wirtz:

Gladys Wirtz, 4025 Prairie Village Drive. In response to changing the last three phases to single family homes instead of approximately another 68 or 77, as someone just said, condominiums, we have some real concerns. For the record, I've lived there six years. I've been on the Board for several years, and I'm currently the President of the Board of the Prairie Village Phase 1 which now is just Prairie Village. Before permission is given to the developer, if it's given for this zoning to be changed, will there be verification that 93<sup>rd</sup> Street will be connected? Evidently that will be an access because we're concerned about the heavy traffic.

Also, will there be a requirement that Prairie Village West, which was previously phase 2, be completed before we start another phase? We're in the process now it took a long time for phase 1 to get complete. That's now complete and a separate association. Now phase 2 has about seven units they're proposing after another change in developers to go ahead. So we're concerned that if they start the single family homes, are the rest of us going to be left behind? Based on past performance and experience, a major concern would be the loss of financial stability and/or the interest of the developer in the condominium phase in order to pursue the rest of the development.

Also, will the developer be required to address and correct the drainage issue that was supposed to be done before phase 2 of Prairie Village West was started? We were told when the equipment comes in, we start building in the second phase, we will take care of the drainage problems. The condo units, the four units that are south have substantial drainage issues. It is just mud. That's before even this substantial rain. It was under water. So we have some real drainage issues. Also, when they did start behind, and John Prophal will probably be calling you, behind there they tore up our sprinkler system which they did repair finally, but also other things were just all torn up in starting this second phase. So our concern is are they going to ever finish and commit and repair what they promised to do? They never have, and so we don't have great confidence that it will be get done. We really have to because they dug behind my unit now which means unless they put some kind of retaining wall which they're supposed to, are we going to have the flow down then into our units.

Also we would like to ask the Plan Commission to consider the substantial financial burden that we are now under. When phase 1 got cut loose, we are now a separate unit or association, and we now have the total responsibility for the front berming which is beautiful, but it's very expensive to maintain, and that cost was to be borne by 111 units, not 22. The second phase, Prairie Village West, is going to have the same issue with the pond, the aeration of the pond, the maintenance around the edge of the pond, which is always weeds. One of the owners has been very nice, he goes around with his weed whacker and cleans it away. Again, they're going to bear the same financial responsibilities as we are.

The other thing, too, is they put in all these paths in our phase and they were supposed to go--we were going to have happy trails all through. They don't go anywhere. The grass doesn't grow there. Now to go through and rip up all that stuff and reseed it is going to be extremely costly for us to do. Even if they finish with all the condominiums, those paths are still never going to go anywhere. So, again, we're being left behind as the developer proceeds on at considerable cost to us.

The other thing is the developer has stated that single family homes along the pond will contribute some monies to our reserves to maintain the pond. Well, if it's like three homes and their annual dues are like \$125 a year, well, what they will contribute to us is a mere pittance of what it's going to cost

us to maintain that pond. Again, with 111 units contributing, that's a whole different story.

Also now that we're such small associations and the one that's incomplete with seven units has even greater problems, it gives you less power in negotiating contracts. When we went looking for an outside professional management, no one wanted to deal with us. They said 22 units? Ha ha. Well, we finally got one. So it doesn't give us that ability to negotiate good contracts at an effective price that we can deal with. So the proposed single family may be very nice and may not be trapped, but we really are concerned about being left behind and the financial burden that's going to be imposed on 43 units. Thank you.

Tom Terwall:

Thank you. Anybody else?

Wayne Pitts:

I'm Wayne Pitts, the property owner at 4011 91<sup>st</sup> Street. Could you put up the overhead that has that property? My concern, like was mentioned previously, is about the drainage in the area. Although there's concern and planning about the property and where it's going to be divided, I don't see any planning about how to handle the drainage in the area. Although my property is not exactly adjacent to the Prairie Village area, it is the final resting place for a significant amount of water that is in that area. I think we need to come up with or at least consider a plan to look at how to handle the water problem in this area before we move forward with any further development. Today, granted, is a dramatic and significant downpour of water, but the property where I'm at, and my neighbor, Ray Martinez, who is the corner of 39<sup>th</sup> and 91<sup>st</sup> Street, is the final resting place for tons of water. It doesn't flood like today, but it floods probably like three to six times a year. Today I think there was about 17 inches of water and about 3 inches of water in my basement. So I think we need to take a look at the area as a whole and decide what we need to do with the water problem in this area before we do any development, at least take that into consideration.

Vic Tusher:

My name is Vic Tusher, and my address is 4013 Prairie Village Drive, and I'm the Vice President of the Condo Association, and I'd like to echo the same arguments that our President spoke of. I also can come up with an echo of his argument also. I'm one of the property owners on the west side, and the water today was very close up to my windows. It's a drainage problem that we thought would be corrected five years ago when we moved in, or as soon as the second development or the second phase of the condo development was underway. Well, we're still waiting on that to be taken care of. It really would be a tragedy I think if anything happened or caused any serious damage because we feel the drainage problem could be corrected and should be corrected by the developer, by the former developer who also was Mr. Stanich. Anyway, that's my principle argument.

Jim Goettl:

My name is Jim Goettl. My address is 3919 Prairie Village Drive. I am personally opposed to the single family units. When we purchased in the original phase, we were made some promises that this was going to go forward. Over the years we've had a lot more promises. I don't think that we can really trust what we're told anymore. We are bearing a lot of financial things that should have been

borne through the association as it grew and it's not happening. I don't know how to state this properly. I just don't really want to see this happen. If it should go as single family units, I would like it made known that I would like to see them be required to contribute a certain amount either as a single payment or as a yearly payment, all the properties, to the maintenance of the berm section in the front which would be a common entrance. Thank you.

Ray Martinez:

My name is Ray Martinez, and I live on the corner of 39<sup>th</sup> and 91<sup>st</sup>. My question is if there was any drainage issues before. This is my first meeting so I wasn't here when they did the first project. With the draining when they ran through the first phase, was it ever discussed as far as the other lots to the north of this how that was going to be taken care of? Does anybody know?

Jean Werbie:

The area that's owned by the Olsen's and the Walker's, that area?

Ray Martinez:

Yes.

Jean Werbie:

No, because that area was not in consideration for a land development plan. Again, just because it shows that there could be lots, they still need to take into account their drainage and they have to create an onsite detention area. That's another reason why the staff always recommends that small areas like this combine the resources because there's going to have to be an onsite detention or retention area that handles their stormwater and then conveys it to the storm sewer system.

Mike Pollocoff:

That's not to say we didn't have numerous discussions about storm water.

Jean Werbie:

We did.

Mike Pollocoff:

Between the first phase and the second. There wasn't a design done for their property.

Ray Martinez:

Okay. That was my question because I've only looked at it now for four years. The water just north of 91<sup>st</sup> Street and 39<sup>th</sup> it actually crowns back and takes a right, right onto 91<sup>st</sup> Street which is right past my lot and in between Wayne's lot. Then all the water that runs off the back side comes down and it channels and it troughs. So it will split. There is a storm sewer to the south, and our yards are the storm sewer to the north. Then once that does filter off, it's up to the water table absorbing the water

and evaporation. That's the only way the water goes away. Thanks.

Wayne Pitts:

Wayne Pitts, 4011 91<sup>st</sup> Street. I can draw exactly where the water problems are to make it a little more clear to everybody if you don't mind.

Tom Terwall:

Go ahead.

Wayne Pitts:

As Ray was mentioning, here's 39<sup>th</sup>--the hill crests about right here, and the water actually runs down. I mean the curve on 39<sup>th</sup> actually helps the water run down and make the turn onto 91<sup>st</sup> Street where it eventually ends up right here. The water from the other side actually comes as far as these lots a Ray and I were checking out today. So even though it seems like we're quite a ways away from where the development is, the water is actually coming all the way back from this area where it just runs downhill and slowly makes its way until its final resting place down here. I mean it's great for the loons and the ducks but not too good for us. So we would just like to see that some kind of plan is made or looked at to figure out a water or drainage plan for the entire area that's going to be whole. I mean even though they may make plans for the drainage in these areas to take care of their water, I think we need to look at the drainage plan for the whole area. Thank you.

Fran Kersting:

Fran Kersting, 9134 39<sup>th</sup> Avenue. Just to kind of bring up the importance of this water issue, I think Mr. Terwall you were involved when we had all the trouble with the first phase and you may have been there, too. I'm not sure. We know what kind of problems we can have and what we have to fight to get done to take care of that. Now we can't say anything about the next phases because they haven't happened yet, but we figure we'll probably have a battle again. So I can understand the neighbors here going through what they're going through, and I hope this is definitely a consideration.

Ruth Arzt:

Ruth Arzt, 4141 Prairie Village Drive. Concerning the new development, there is an area that has a large row of oak trees, and we're just wondering if there's going to be some preservation on that. There are some lots in that area, and if they're going to be cutting down all those oak trees. They are nature areas, bird sanctuaries and other animals, so that's our concern.

Tom Terwall:

Okay, thank you. The developer is going to speak now, so we can answer that question I hope.

Debbie Stanich:

Hi, Debbie Stanich, 7520 39<sup>th</sup> Avenue. First I'd like to say our initial coming in ten years ago and doing this project, we would love to have come in and be finished with it and have finished the 110

units and not be here today going through this revision and trying to do single family, but obviously it's market driven. We haven't sold 110 units. We're still in the second phase as anyone in the business and anybody that's been around has known and watched the project slowly evolve. We would rather have finished the condos and we would rather have them sold, but at this point we're saying this isn't happening. This has been a long process, slow progress, and what can we do back here to finish this off? One of the things with drainage, because if we do the 25 homes back here, we actually would have less improved area than we would if we finished off the 76 condos. Engineering wise, as you know, and some of the people may not, we are required to handle all of our storm water on site one way or another. We're not draining of into other people's property, and I understand there's bigger issues in the Village, not just in this area, in other areas as well that the Village does have some drainage problems. I'm sure Mike and Jean are aware of that and hear that a lot.

With regards to the trees, we have been working with the Village. Jean, I don't know if you've received this revision we have. I dropped it off about four weeks ago or so, but it does show the setback for the wetlands and the small wetland down to the south. We are concerned about the trees as well. We're working with the Village to limit the pad site in that area so that is an issue and obviously we'd like to keep that as natural as possible. Jean actually has asked that we have a specific label for a preserve.

With regards to the maintenance of the pond, the homeowners association we would like to do what's fair and equitable, because a lot of our drainage is going into that pond area besides the retention area that we'll create in the back or work something out with the DNR. So we are considering that for our homeowner's assessment to maintain that pond as well in that area. That has been one of the issues.

With regards to the berm, I'm not sure--Gladys maybe you had mentioned this once before, but the homeowner's association fee, or the condo association fee at \$145 a month I think is pretty standard for condos in our area. I think you had done some research on that. That's not an exceptionally high amount of money to be paying for an association for a condo fee per month in our area for what is on that site.

We are looking for the best solution that we can in trying to finish this off. One of the things that was mentioned about the developer promising a lot of things and then not delivering falling through again. On account of market driven conditions, we haven't been able to sell those condos off. The single family homes will allow any builder to build back there, so if it's the guy up the street or someone from Milwaukee, it will be fine as long as they meet our restrictions. Any builder will be able to build there. The Village will be bonded for the streets going in. We'll bond with them so the streets will be in, the lots will be improved, and as we sell them the new homeowners will be able to pick whoever they'd like to construct their home back there as long as they meet our restrictions. So we're hoping that it will clear things up and finish the project off. We intend to do it obviously in one phase, it's just the 25 lots.

Home prices we're looking out there probably between \$250,000 and mid \$300,000. There was a comment made in the staff recommendations with regards to half acre lots. We're really finding that the smaller--to stick with the quarter acre really fits the land a little better and for what we've been finding for people that would like to move back there would prefer to have the smaller lots actually. Larger homes with more bells and whistles on them is what we're finding. So we're hoping that this will be a solution to finish off the project, hopefully to help with some of the drainage. We're willing to do what it takes to work with the surrounding neighbors as far as that road relocation that way. It

seems like this is the best plan that we can come up with at this point to work with. And I'm happy to answer any questions you may have.

Gladys Wirtz:

I would like to address a couple of the issues just made by the developer. Gladys Wirtz, 4025 Prairie Village Drive. That it is market driven. I just happen to be in real estate and I happen to live there. I can't tell you how many calls I get for something there. Perhaps we should address a lack of product, that there's none there for people to buy. The developer selected by Mr. Stanich when he handed over most of the control to the new developer did develop, but as they didn't sell the prices went up and up and up. So I don't think it's a matter of there not being a market for the product, because I'd sold three or four units in the first phase, and two out of the three sold within a week. That doesn't tell me that there's no demand for it. We get calls all the time, when are they going to build some more so we can buy out there? So I'm not sure I buy that argument.

The other thing, the \$145 fee, I think really comes from not just me but the rest of the board members who have gone to a Quicken budget system. We have been really frugal on how we spend. Maybe more frugal than some owners want, but that \$145 fee includes all the water, and as you know Pleasant Prairie's fees have not been the lowest. So we, in fact, raised that to cover all the water. So our fee covers things that are not covered in most condo associations. When they now build, all water is metered. In fact, in phase 2 they pay their own water except for the sprinkling of the lawn. In phase 1 we pay the garbage pickup, we pay the water, and we've still managed to keep it at a reasonable fee. We're just trying not to raise it, and we would love to do more with the berm. It's just that our finances, if we want to maintain a reserve, which was nonexistent and was in a negative balance when we took over and now exceeds \$20,000, because we know we're going to have to put another layer of asphalt, eventually roofs, etc. So we're trying to be fiscally responsible. So, again, there have been lots of promises made, not kept, and we've been trying to be fiscally responsible as a board to maintain it. I don't buy it that there's no market out there. You build a lot of ranches out there they will come. Believe me. Thank you.

Tom Terwall:

Thank you. If not I'll close the public hearing and open it to--go ahead. Doug, you're late but you just made it.

Doug Stanich:

I'm not just late. I had it wrong on my calendar, and I'm embarrassed by that. Believe me, I apologize for that. Doug Stanich, 7211 98<sup>th</sup> Avenue, Unit C, Kenosha. I guess I want to--I didn't quite hear all of the comments that were made in regards to their concerns. I'd just like to talk briefly about some of the things that do concern me as a developer. Starting in this project, actually the conception of it started in 1988 and 1990 and 1991 we actually started construction on it. We built two buildings out there, and at the time we built them we built eight units. We had four pre-sold and then we sat with four of them for a period of I think 18 months before it actually started to pick up again. A lot of concerns I had at that time because as you know when you develop time is the enemy of any type of development. Our concern was and our greatest hope was that, boy, I've got a great product here. It's something that we should be able to sell out in a short period of time, and I think there were several of you that were on the Board at that time, and I came up here and I was very

enthusiastic about it and I said I really felt that this project was going to be a great project. I went into it with a lot of high hopes, thought that it would go, but unfortunately, contrary to what some people say, markets do dictate on how and what you do build and how it's consumed. We went through the first phase, we built eight units, and then we built the other 14 units all at once. Our time on selling off those units was about another 18 months. So the whole time in the process of getting these units sold...we should be able to use through this project in a real rapid fashion. Unfortunately, again, it proved not to be necessarily true. We did build a model center. We built several of the units. It didn't go quite as fast as it should have been. I do attribute that not necessarily to the units nor to the market, but to the way it was marketed at the time, and that caused some of the delay in selling them. I have since taken back over the project and hope to finish up on the last 14 units over a short period of time. If it ever stops raining, we'll dig holes and get going on it. Right now it's really a problem.

Anyway, in looking at this, where are we as a condo project in this? And I take a look at all the projects around town, and our peers in the industry will probably tell you that the hottest part of the condo market and what we see sold is probably between \$90,00 and \$115,000 to \$120,000. You build something like that, and if I were allowed to build something in that subdivision like that, I guarantee you they would sell very, very quickly. We're in a different market. We're in the \$170,000 to \$200,000 range, so we're dealing with a different group of people, and obviously it isn't something that people move to as quickly as they would in a lower price range.

My concerns are the same concerns as anybody else here. Number one is I don't want to create a problem for anybody where we devalue the value of their asset and that's their unit. In taking a look at this and analyzing it, the only way that I felt that I could move through this real quickly was to possibly change course and go in a little bit different direction. If I had my choice, I would rather build 64 condo units than 25 single family homes. I mean the economics of that from a developer's standpoint make a whole lot more sense. So you say, well, it's economics that drive it. Absolutely. As a developer I'm not in it to see how much money I can lose. I want to see it make sense. Right now the units as they are and the way it's been marketed does not necessarily reflect that we'll have the ability to sell off another 64 units over a short period of time which is needed.

Taking a look at some of the concern on there, replacement, having a bigger condo association, spreading the cost among more people, somewhat true in some respects, but the fact still remains that when you build like we build you're not going to go in there and replace all the roofs at one time. You're not going to paint all the units at one time, so you're not going to get the economics that you would ordinarily get. I talked to the people that take care of the lawn, that takes care of both of them. I said if you had these combined would it be a whole lot less, and he said, actually, he said my bidding was based on the fact that I can show up there and do both of them already, so there wouldn't be any economics there.

What we plan on doing there and what we'd like to do, and building a single family subdivision there, we're going to--the lots that we would put in there and the homes that would be built on there would be homes that would probably sell for somewhere between \$275,000 and \$350,000. What does that obviously do to the condo project? If you surround yourself with lesser value, your value tends to rise. What would you rather have? The most expensive home on the block, or would you rather have something of lesser value? The lesser value tends to rise faster than the ones that are the strongest, but it helps bring the value up. So surrounding it with 25 single family lots makes some sense and would give us a conclusion to what has been a long 12 years in getting this project completed. I would be happy to answer any questions or concerns for you at this particular time.

Tom Terwall:

Thank you. Anybody else?

Fran Jaeschke:

I'm Fran Jaeschke, and I live at 4027 Prairie Village Drive. I just wanted to say one thing, and that is really I think the heart of why we're here. We've heard a lot of comments about market driven, but you're our only court of last resort, the citizen who buys and buys a dream, and we've seen another wonderful dream a little earlier tonight, but it's very fragile. How long is it going to last? It depends upon the market. I would hope that there are some principles that don't just depend upon the market, and I would hope that one of those would be that any developer who plans to continue to develop property would finish the first one he started before he goes on to others. We have some unfinished business that we feel Mr. Stanich is responsible for. I think that the Village Board is one who would perhaps take care of the management of the morals of this thing. I don't know. That's expanding your job too much. I just want to say to you that I feel there should be some control. You must be the drag on the market driven idea. You must see that things are finished and seen through and that people are satisfied that what they bought into has really happened. Thank you.

Tom Terwall:

With that, I'll close the public hearing and open it to comments from Commissioners and staff.

Donald Hackbarth:

You there are a lot of--you know you hate to table all these issues tonight and we've heard a lot of discussion, but there's just so many things. The property owners to the north with what they want to see as a vision here for their property. The citizens here that have made their concerns and, yes, I really appreciate your comments about moral issues. I'm a minister. So I would move that we table this project until everybody can get together and work something out.

**HACKBARTH MOVED THAT THE PLAN COMMISSION TABLE THE REQUEST OF DOUGLAS STANICH, AGENT FOR PRAIRIE VILLAGE DEVELOPMENT, LLC, OWNER, FOR CONSIDERATION OF A CONCEPTUAL PLAN FOR THE PROPOSED 25 SINGLE-FAMILY LOT DEVELOPMENT KNOWN AS DEER CROSSING SUBDIVISION TO BE LOCATED ADJACENT TO THE PRAIRIE VILLAGE CONDOMINIUM DEVELOPMENT.**

John Braig:

I would appreciate that same level of concern. I know this project has lasted much longer than anyone had anticipated. I think there might be some reasons that weren't mentioned here. Market driven, pricing, various in sundry factors. I am disturbed with the acknowledgment by the developer that he did make promises and didn't keep them because of market conditions. I didn't hear anything in the first part of the promises that it was dependent on whether he had the funds to follow through on it or not. I think a commitment is a commitment, and if you have to reach deeply in your pocket, you've got that responsibility. I think there's too many issues here that haven't been fully addressed and

covered, and I would support the idea of tabling this issue. Again, with the same reluctance I mentioned on the earlier one. Tabling doesn't mean it's not going to go through. Tabling is hopefully we can come up with some good resolution on some of these issues to get closer to a win/ win situation.

**BRAIG SECONDED THE MOTION THAT THE PLAN COMMISSION TABLE THE REQUEST OF DOUGLAS STANICH, AGENT FOR PRAIRIE VILLAGE DEVELOPMENT, LLC OWNER, FOR CONSIDERATION OF A CONCEPTUAL PLAN FOR THE PROPOSED 25 SINGLE-FAMILY LOT DEVELOPMENT KNOWN AS DEER CROSSING SUBDIVISION TO BE LOCATED ADJACENT TO THE PRAIRIE VILLAGE CONDOMINIUM DEVELOPMENT.**

Jean Werbie:

I think what we need tonight is maybe a policy decision from the Plan Commission, though. Plans can be reworked until neighbors are satisfied, but there's a bigger policy issue here, and that's whether or not the property should continue to exist as a condominium development and then address the issues that are still around with respect to that, or to modify it and put the direction into a single family development. We still need to address the old issues. I'm not sure--if you folks table it tonight, I'm not sure who I'm going to be sitting down and trying to negotiate with and what about.

John Braig:

You don't know which direction we're going.

Jean Werbie:

No, I don't. It's really a policy issue as to whether or not you feel strongly enough that the development should continue and be completed as originally committed to with condos and a clubhouse and open space and trails? Or should the decision be made that we're going to change that into a single family area to finish off the balance of the western end. I guess that's what I'm looking for in some direction unless you don't have a decision with that tonight. I'm not sure what you want me to bring back.

Donald Hackbarth:

I have no qualms as to whether that's condominium or single family, but there are just so many issues here. The way the thing originally looped around and now we have neighbors here that are saying have we thought about their property. You brought a proposal up that they're not in favor of. There's water issues to the north. There are condominiums that haven't been built yet. I'm not equipped to make a decision on any of that stuff tonight, and I think more discussion needs to take place between I think the three parties, Mr. Stanich, maybe the condo--the people in the development, and maybe staff. There's so much stuff right here right now, that I don't even know the direction myself. I don't know if it should go into single family or we should commit to condo. I just don't know.

Tom Terwall:

I'll share you with my thoughts. I can support single family as long as there's a provision that the

condo association is not left holding the bag for the common fees. I agree that the maintenance of that berm is the main entrance, and that's going to be used by the people that live in the condos as well as the people that live in the single family residences. I think that either through a common single homeowners' association or through a shared allocation of expenses for both the maintenance of that pond and the--the common area should be all one common area. I think that people that bought condos in here under the understanding that there was going to be costs shared by 100 plus condo owners shouldn't be left holding the bag for the maintenance of the substantial part of those common area, because we're now not going to build condos there, we're going to build single family homes. I don't think it's fair to the people in the condos to bear that total cost themselves. With respect to the development of the properties to the north, I think that the realignment of that road by 16 feet doesn't in and of itself make it impossible for or make it any more difficult for the development of Olsen's property or Kersting's property, but I think we should attempt to resolve with them--I don't say that it's our responsibility or the developer's responsibility, for example, to put in both 41<sup>st</sup> and 42<sup>nd</sup> Avenue at his cost in order to make that happen. I don't think that's fair either. If Kerstings and Olsens want to develop their property, there's a cost associated with that. And it would be nice if we could know what that is and hold that to a minimum by doing a shared development with Mr. Stanich. If that's not possible and if that can't be resolved, then so be it. I agree that there's enough issues that—you're right, we owe it to you to give you some direction. There's no sense in having you spinning your wheels coming up with a proposal that doesn't have a snowball's chance in Haites with the Plan Commission. So I'm telling you where I'm at.

Ed Kauffman:

I, too, think there are a lot of issues. I think what Mr. Stanich has proposed is a good item also. I'm concerned about the unresolved drainage problems that have existed since the condos were built. Evidently this is still a problem. We keep hearing about this. That has not been taken care of. I think it should be taken care of. That's one of the promises I think has to be kept. I don't have any objections to single families back there, single family dwellings, but I, too, am concerned about the need for shared costs on the maintenance of the pond and the berms. I think also the drainage problem must be resolved to the satisfaction of the condo owners. So I'm not objecting at all to the single family dwellings. However, I do see there's need for more discussion.

Don Wruck:

Yes, going back a number of years I've sat on this Board, and also other offices....and Mr. Stanich has always come in with some nice looking plans and made a lot of promises. I am concerned about the promises that have not been kept. Now a man with the ability of Mr. Stanich went into these developments, quite a few different ones, always with the great ideas, but he comes back and he always wants changes that affect the people. It's always to his own value. I cannot see going along with this type of thinking. I would like to see him go back to the original plan where he had this circle and work that to the promises that he kept with the people that at the time in good faith bought property out there. For that reason it would be my opinion of stick with your original concept of what you were going to do, Mr. Stanich, and make the people that are there happy.

John Braig:

Just as an indication to the staff I support Don in that regard, too. My first preference would be definitely to continue with the condominium project. I think that's going to end up with the fairest

response to the owners of the initial phases. I would not find development of the remaining project in single family objectionable if most of the concerns that have been addressed tonight are met reasonably.

Tom Terwall:

We've been in violation of Robert's Rules of Order since we have seconds.....

John Braig:

I withdraw my second.

Tom Terwall:

I'll call the question and ask for a vote on the motion to table.

**MOTION CARRIED THAT THE PLAN COMMISSION TABLE THE REQUEST OF DOUGLAS STANICH, AGENT FOR PRAIRIE VILLAGE DEVELOPMENT, LLC OWNER, FOR CONSIDERATION OF A CONCEPTUAL PLAN FOR THE PROPOSED 25 SINGLE-FAMILY LOT DEVELOPMENT KNOWN AS DEER CROSSING SUBDIVISION TO BE LOCATED ADJACENT TO THE PRAIRIE VILLAGE CONDOMINIUM DEVELOPMENT.**

**E. PUBLIC HEARING AND CONSIDERATION OF A FINAL PLAT: The request of Scott Simon, agent for the Meadowlands LLC, owner for a Final Plat for Phase 1 of the Meadowlands Development-a mixed residential development including 27 single-family lots, six two-family (duplex) lots and 64 condominium units (8-8unit building).**

Peggy Herrick:

On October 4, 1999 the Village Board conditionally approved a Preliminary Plat for the proposed Meadowland Development to be located at the northeast corner of 104<sup>th</sup> Street (STH 165) and Old Green Bay Road. That was Village Board Resolution #99-69.

The proposed entire development build-out is proposed to consists of:

27 single family lots with lot sizes ranging from 15,000 square feet to 25,203 square feet with a minimum frontage of 100 feet.

12 duplex lots with lot sizes ranging from 20,065 square feet to 23,633 square feet with a minimum frontage of 100 feet.

80 condominium units in 10 eight-unit buildings.

128 apartment units (36 - One bedroom and 92 Two-Bedroom) in 5 - 16 unit buildings and 4 - 12 unit buildings.

The Preliminary Plat was based on the approved Conceptual Plan and Neighborhood Plan as approved by the Village Plan Commission and Village Board between 1997 and 1999. The petitioner at this time is requesting approval of a final plat for Phase 1 of the Meadowlands development. This will include 27 single-family lots, six two-family duplex lots and 64 condominium units, 8-eight unit buildings. The Plat will include the construction of public roadway improvements in 64<sup>th</sup> Avenue,

horizontal grade adjustments and an intersection construction on STH 165 and 65<sup>th</sup> Avenue and will include the construction of 65<sup>th</sup> Avenue and 102<sup>nd</sup> Street. In addition, private 30-foot wide roadways constructed with a curb and gutter profile will be installed within the condominium development. For your information, the condominium development is in this lower section of the map here, single family here, and these are the duplex lots.

The existing farmhouse and the metal accessory building will remain on site and used as a construction office and storage building during the Phase 1 and will be removed in the summer of 2001. The barns have been razed and the foundations and the silos will be removed as part of the Required First Year Public Improvements.

On October 4, 1999, the Village Board rezoned the property within Phase 1 into the appropriate zoning districts to mirror the Plat. The single family lots are zoned R-4, Urban Single Family Residential District, the two family lots are zoned R-8, Two Family Single Family Residential District, and the condominiums area is zoned R-10, Multi-family Residential District. The Village is working on putting together the required planned unit development zoning text and map amendments which will allow for multiple structures to be constructed on one property and will specify any specific modifications for the condominium area included with the Final Plat. The zoning text and map amendments will be forthcoming upon satisfaction of the final plat requirements and will be considered by the Village Board at the time the Final Plat is considered.

On May 15, 2000 the Village Board granted a Variance to the Developer to begin construction of the first condominium building located at the northwest corner of the future 65<sup>th</sup> Avenue and STH 165 prior to the completion of the Required First Year Public Improvements. Access for the eight-unit condominium building, as well as for the infrastructure construction, would be temporarily from the abutting STH 165. Temporary Access permits will be required from the DOT. The building/zoning/erosion control permits for the eight-unit building will not be issued until after the Site and Operational Plans, the Final Plat and related documents have been approved by the Village.

On May 22, 2000, the Village Plan Commission approved a conditional use permit for the developer to use two of the eight units in the condominium building located at the northwest corner of the future 65<sup>th</sup> Avenue and STH 165 as Model Condominium units, Temporary Sales/Marketing Center and offices for the Meadowlands Development. Prior to occupancy of this building and prior to acceptance of any additional building permits applications, all Required First Year Public Improvements identified within Phase 1 of the Final Plat shall be completed, inspected, fully tested, dedicated and approved by the Village. With that, this is a public hearing.

Tom Terwall:

Anybody wishing to speak on this matter - now is your opportunity.

Dennis Johnson:

Hi. I'm Dennis Johnson at 10025 64<sup>th</sup> Avenue. Looks like I'm the last guy up. I'd just like to state for the Board that I've been with this project since Simon Company came to this very first meeting. I've made it to every single meeting. I'm the last guy here and the last thing to say about it before it gets approved. There's just a couple things I'd like to clarify just on my behalf. I live on 64<sup>th</sup> Avenue and we've talked about the road improvements to 64<sup>th</sup> Avenue. Who is going to be responsible for the

payment and the assessment of the sewer, water, and roadway improvements, for one? There's been talk about the developer paying those costs. Right now from the meeting I just sat through, I'm a little bit scared about what could be happening down the line here. So I'm just trying to get a few things cleared up in my head here.

The other thing I was wondering if I could get clarified, the right of way on 64<sup>th</sup> Avenue, is there any way to mark the center line of that right of way in respect to the new 64<sup>th</sup> Avenue so I know how much of my property is going to be taken in front of that area? Then there's also been made mention at this meeting about right of recovery. I was just wondering if somebody could go into that detail and what exactly right of recovery is, if the developer has that in his contract with the Village, and how that affects me as a property owner on the other side of the street.

Then the other thing is one of my concerns is just all the traffic in side this area. The only place it comes out on is to 165 and to Old Green Bay Road. Is there any plans or anything in the works for a stoplight at that area, being that it's going to take all these homes into account going down to 165, out of that cul-de-sac, and whatever happens with any of the condominiums. If those questions could be answered I'd greatly appreciate it. Thank you.

Tom Terwall:

Anybody else? Hearing none, I'll close the public hearing. Jean, you want to respond to his questions?

Jean Werbie:

With respect to 64<sup>th</sup> Avenue, any public improvements that a developer puts in that has a direct benefit to an adjacent Village of Pleasant Prairie resident that they utilize as a result of the developer putting in, the developer would be afforded a right of recovery. Mr. Simon is at a point where he's going through and getting final engineering plans and he's bidding out his project. His engineer and our engineer are then going to sit down and review right of recovery amounts for sewer and water or other public improvements that an adjacent property owner would have a direct benefit for. Then these right of recovery amounts would be placed as deferred assessments on the adjacent properties. They would be due and payable at such time as an existing Pleasant Prairie resident divides their land so that their new landowner would have a direct benefit from the improvements that he put in, or they connect to a municipal improvement that they currently don't have benefit to such as sewer and water.

Those amounts would be determined at the time that they're actually put in, because the contract amount will be determined and it will be based on a lot by lot basis as to what that cost would be. Typically a right of recovery in the Village is either 15 or 20 years. So for 15 or 20 years, if the Pleasant Prairie resident benefits from the sewer that goes in or the water that goes in--

Dennis Johnson:

What about assessments for the roadway?

Jean Werbie:

There's an existing public roadway currently right now that the residents that exist today have benefit for, so they cannot be reassessed for a benefit that they already have. If you subdivide your property,

though, and a new lot is created, then that new lot and that width of that lot would have benefit for that new improvement, which might be the curb and gutter, storm sewer and the improved roadway. So whatever exists today will not have to pay a right of recovery as long as they don't have any direct new benefit from the improvements that the developer has put in.

Dennis Johnson:

Only if they subdivide?

Jean Werbie:

If they subdivide—

Dennis Johnson:

Like in my case, water is not available on 64<sup>th</sup> Avenue right now, but we are hooked up to the sewer, so I'd be assessed right of recovery on the water portion.

Jean Werbie:

Right, the lateral and the water. There's no connection fee.

Dennis Johnson:

It was my understanding, and I'm probably talking out of turn here--

Jean Werbie:

Can you please come up to the mike.

Dennis Johnson:

Dennis Johnson, 10025 64<sup>th</sup> Avenue. I should have asked this question early on when we had many people in the audience because there's a lot of times the layman does not understand how it's going to affect their property or their property value. It was told to us by this--I mean legally it was told to us correctly, but it would have been nice for us to hear this right of recovery before having to hear it from somebody down the line where the developer came in and promised them that they were going to come in, do the road improvements, pay for everything, and then, oh, by the way he's got right of recovery so when you hook up, you're going to eventually have to pay for that cost. So that's all I have to say.

Tom Terwall:

Jean, will they be putting in laterals to all the existing homes?

Jean Werbie:

Yes, I think so. I believe we are. Actually I did talk about it at the very, very first meeting, but we

talked about so many things that first meeting that that could get overwhelming and that's when if neighbor's are concerned about issues or they're not aware of something, they need to call us afterwards and say, now does this mean this?

Tom Terwall:

Will they stake out where the new road is going to be?

Jean Werbie:

We can certainly ask them to do that. Is this something that you'd like to see right away?

Dennis Johnson:

Well, I'm possibly looking at planting some things in the front yard, and I don't want to plant the trees if I don't know if it's going to be in the right of way. I know what the right of way is, but the new right of way could change based on--

Tom Terwall:

Well, the right of way won't change, will it? I mean the existing road may not be in the middle of the road right of way, but--

Peggy Herrick:

The additional right of way will be coming from the developer's property. The existing right of way-- there won't be additional right of way taken from you.

Dennis Johnson:

This is the existing center line of the road.

Peggy Herrick:

You need to find your corner property stakes and you need to make sure you're planting on your own property.

Dennis Johnson:

I know where my stakes are.

Peggy Herrick:

So those stakes won't change.

Jean Werbie:

The other point of clarification I wanted to make, the Village President had asked the question, would

the property owners be required to make a connection within one year of the completion of that new improvement? That has not been the policy of the Village Board. That when and if the property owner makes the connection, they need the connection for sewer or water, then they'll make that connection at that time. We're not giving them a time frame. However, one of the things that we do say is that if their well is failing, they can't redrill a well. They have to connect to the municipal system and they'll have to make that decision at that time. The last point that he had made was regarding signalization at Old Green Bay Road. I doubt that there's a traffic warrant to signalize that intersection being so close to State Highway 165 and Highway 31. The State DOT is in the process of reviewing their plans for 165 and bringing down that horizontal elevation of the road, cutting it down just before you reach 64<sup>th</sup> Avenue, and I'm sure that they're also looking at whether or not it warrants any signalization. Believe me, it takes a great deal of traffic and incidents and fatalities to warrant signalization. It's very difficult to obtain.

John Braig:

You didn't mention sewer. Just for clarification, if the sewer system on any of those residence on 64<sup>th</sup> Avenue fails, they would be required to connect to municipal sewer services, right?

Jean Werbie:

63<sup>rd</sup> and 64<sup>th</sup> Avenue are currently connected to municipal sanitary sewer. There's a lift station at the very north end of the cross street.

Donald Hackbarth:

Let me hear it again. The hill, DOT is looking to knock down that hill?

Jean Werbie:

The horizontal grade of 165 is proposed to be reduced by approximately two feet. What they're doing is they're looking at that right now, but yes, there's an incline and they're proposing to bring it down 165.

John Braig:

We need a traffic light.

Donald Hackbarth:

You can't. Before we put a light here, that hill would have to come down, because that would be absolutely deadly. I drove it again today. Even in the rain today, people meander across the center line.

Dennis Johnson:

At six o'clock in the morning just the people on my street, with the traffic on 165.....

Donald Hackbarth:

I don't know if we can strongly urge them to consider cutting that hill down. Two feet, I don't think that's enough.

Jean Werbie:

The State is reviewing it right now.

Donald Hackbarth:

The other thing, too, just earlier tonight we talked about the length of a cul-de-sac. We don't like to make cul-de-sacs too long for protection?

Jean Werbie:

No, I don't think this is more than--

Donald Hackbarth:

Is that too long?

Jean Werbie:

It's 500 feet. As soon as it comes to an intersection point and the roads can go this way or this way, that's the length we measure, and that's less than 600 feet.

Tom Terwall:

Anything further?

Jean Werbie:

If I could just that we needed to do that because the state required that that access road be eliminated at 64<sup>th</sup> because it was too close to the other intersection.

**HACKBARTH MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF SCOTT SIMON, AGENT FOR THE MEADOWLANDS LLC, OWNER FOR A FINAL PLAT FOR PHASE 1 OF THE MEADOWLANDS DEVELOPMENT-A MIXED RESIDENTIAL DEVELOPMENT INCLUDING 27 SINGLE-FAMILY LOTS, SIX TWO-FAMILY (DUPLEX) LOTS AND 64 CONDOMINIUM UNITS (8-8UNIT BUILDING). SECONDED BY BRAIG.**

Jean Werbie:

That's subject to all the conditions as set forth.

Tom Terwall:

Yes.

Jean Werbie:

They've submitted a great deal of these conditions already. They've satisfied them.

**F. Consideration of Plan Commission Resolution #00-09 to initiate a zoning text amendment to Section 12.25-1(f) relating to the C-1, Lowland Resource Conservancy District.**

Jean Werbie:

Mr. Chairman, this is a request of the staff to initiate a zoning text amendment to petition for a modification to the C-1, lowland resource conservancy district. It's section 12.25-1(f) of the Village Zoning Ordinance. We're proposing that it be amended to include in the C-1 district a conditional use that would allow for private shooting ranges. Currently the C-1 district allows for hunting but does not clearly allow, either as a permitted use or as a conditional use, a shooting range. We have a number of circumstances in the Village where we currently have shooting ranges that are in the designated C-1 district. Technically the best way to handle it would be to rezone them into the PR-1 district, the park and recreational district. However, because of the wetlands, I can't pull them out of the lowland conservancy district for the DNR, so I would like to consider a conditional use permit for those areas, then they can be more clearly regulated because most of them exist as legal nonconforming uses. Again, this is just a resolution to initiate that petition for an amendment and to hold the public hearing. I do have one or two petitions that I know are coming very soon in order to satisfy the requirements of the DNR to have conditional use permits, and I can't grant them a grandfather conditional use. They'd have to reapply. So we're trying to clarify some things.

Donald Hackbarth:

We already have shooting ranges you're saying?

Jean Werbie:

Yes.

Donald Hackbarth:

Where are they?

Jean Werbie:

Halter Wildlife is one. I've got one on 122<sup>nd</sup> Street, one on River Road, at least three I can think of, two of which have visited me in the last week or so.

Tom Terwall:

Comments or questions?

**BRAIG MOVED THAT THE PLAN COMMISSION APPROVE THE CONSIDERATION OF PLAN COMMISSION RESOLUTION #00-09 TO INITIATE A ZONING TEXT AMENDMENT TO SECTION 12.25-1(F) RELATING TO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT. SECONDED BY KAUFFMAN. MOTION CARRIED.**

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

Donald Hackbarth:

Just a couple comments. Did we by any chance--you know Ed Kauffman's proposal last time, are we looking at possibly badges or something like that for the Plan Commission members and the Board for the cars and a badge?

Tom Terwall:

We have a picture ID.

Donald Hackbarth:

I'm a little paranoid after what happened.

Mike Pollocoff:

If you come to the Village Hall we can have a picture ID made for you.

Donald Hackbarth:

Ed was also talking about a magnetic thing on the car, too, which would really be helpful.

Mike Pollocoff:

We'll see what we can work up. We haven't done that. Perhaps we can get some graphics on a piece of cardboard.

Donald Hackbarth:

That would be fine. The other thing, too, is I had written a year and a half ago in regard to school or whatever for our property. At that time I don't know who made it up for me, but you made up a small map and it had all the subdivisions spelled out on there. That was so helpful. Now with all the changes here, is there that as a Plan Commission member we could get those, because I refer to that dumb thing all the time and it really it helpful to get a feel for where the development is taking place and the names of them and things like that.

Jean Werbie:

Yes. We've updated it and we can provide you with a copy.

Donald Hackbarth:

It really would be helpful for me anyway.

Ed Kauffman:

Just one thing about that magnetic sign. Cardboard won't cut it. You go down the road and that will flip off.

Jean Werbie:

In the inside window.

Ed Kauffman:

Magnetic signs are very cheap. They're not real expensive anymore. You can silk screen a dozen of them. Don't go to cardboard.

**9. ADJOURN**

**BRAIG MOVED THAT THE PLAN COMMISSION ADJOURN THE JUNE 12, 2000 PLAN COMMISSION MEETING. SECONDED BY WRUCK. MOTION CARRIED.**