

**MEETING OF THE  
PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
May 22, 2000**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on May 22, 2000. Those in attendance were Thomas Terwall - Chairman and Village Trustee; Ed Kaufmann-Vice Chairman and Village Trustee; Donald Hackbarth-Secretary; Wayne Koessler-Member of the Street Lighting Committee; Eric Olson; John Braig; James Bandura and alternate Michael Serpe. Donald Wruck was excused. Also in attendance were Jean Werbie-Director of Community Development, Peggy Herrick-Assistant Planner and Assistant Zoning Administrator, and Thomas Shircel-Assistant Planner and Assistant Zoning Administrator.

**1. CALL TO ORDER**

**2. ROLL CALL**

Tom Terwall:

We have a quorum.

**3. CORRESPONDENCE**

Jean Werbie:

I have none.

**4. CONSIDER APPROVAL OF THE MINUTES OF THE APRIL 10, 2000 AND MAY 1, 2000 PLAN COMMISSION MEETINGS.**

**OLSON MOVED THAT THE PLAN COMMISSION APPROVE THE MINUTES OF THE APRIL 10, 2000 AND MAY 1, 2000 PLAN COMMISSION MEETINGS AS SUBMITTED IN THEIR WRITTEN FORM. SECONDED BY HACKBARTH. MOTION CARRIED.**

**5. CITIZENS COMMENTS**

Tom Terwall:

If you're here to speak on an item that's a matter of public hearing, you can either speak now or you can wait until that public hearing is held. If you're here to speak on an item that's not a matter of public hearing, now is your opportunity to do so. Or if you want to speak on an item not on the agenda, you can also raise that issue at this time. All we'd ask is that you come to the microphone and begin by giving us your name and address. Anybody 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 item is to remain tabled, Jean?

Jean Werbie:

Yes, it is to be left on the table.

Wayne Koessl:

We need a motion to table that until June 12<sup>th</sup>.

Jean Werbie:

The next meeting.

Tom Terwall:

It's already on the table. Do we have to retable it?

Jean Werbie:

Yes, and give a specific date so that I don't need to send out notices again.

**KOESSL MOVED THAT THE PLAN COMMISSION RE-TABLE 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 UNTIL THE JUNE 12, 2000 PLAN COMMISSION MEETING. SECONDED BY KAUFFMAN. MOTION CARRIED.**

7. NEW BUSINESS

**B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT:  
The request of developer Scott Simon of the Simon Group, Inc., for a Conditional Use Permit to construct an eight (8) unit condominium building at the northwest corner of STH 165 (104<sup>th</sup> Street) and the proposed 65<sup>th</sup> Avenue and utilize two (2) of the eight (8) units in the building as Model Condominium Units, Temporary Sales/Marketing Centers and Offices for the Meadowlands Development.**

Jean Werbie:

Mr. Chairman, the petitioner has requested a Conditional Use Permit to use two of the eight units in the building as Model Condominium units, Temporary Sales/Marketing Center and offices for the Meadowlands Development. There's a correction in the original agenda item. It's actually the northwest corner of State Highway 165 which is 104<sup>th</sup> Street, not 104<sup>th</sup> Avenue, and the proposed 65<sup>th</sup> Avenue.

On May 15, 2000 the Village Board granted a Variance to begin construction of said building to be located at the northeast corner of the future 65<sup>th</sup> Avenue and STH 165 in the Meadowlands prior to the installation of 1<sup>st</sup> year public improvements being completed with access for this structure, as well as for the infrastructure construction, would be temporarily from the STH 165. The building permit for the eight units will not be issued until the Site and Operational Plans and the Final Plat and related documents have been approved by the Village. The Site and Operational Plans and the Final Plat will be considered by the Plan Commission at the June 12, 2000 meeting. The Final Plat still does need to go to the Village Board following that meeting.

The public improvements will be installed in the proposed public roadway during the construction of the condominium/townhouse building and access will be obtained from STH 165, so both projects would continue at the same time, but the condominium unit construction would not block the public improvement construction or block an access. Prior to occupancy of the building or use of the building as described above, all first year public improvements shall be completed, inspected, fully tested, dedicated and approved by the Village for 65<sup>th</sup> Avenue adjacent to the eight unit building. What that means is that all of the underground sewer, water, storm sewer, as well as the gravel base of the road, as well as any and all lateral connections and utilities, they would all need to be completed and fully operational prior to any occupancy for that particular unit for that building. With that this is a matter for public hearing. I know that the petitioner is here in the audience, and I'm not sure if there's any additional questions.

Tom Terwall:

Anybody wishing to speak on this matter? Anybody? Hearing none, I'll close the public hearing and open it up to comments and questions from Commissioners and staff.

Don Hackbarth:

I drive 165 pretty regularly because the church is on that road. Has DOT, to staff, made any comment

or made a decision on cutting down the hill? I'll be honest with you, I personally believe that hill is definitely a problem.

Scott Simon:

Scott Simon, my address is West 331 South 4040 Connemara Drive in Dousman, 53118. Whatever the DOT is requiring is being worked on with their engineer. I believe they have a cut and they're now going to be cutting down the road.

Don Hackbarth:

Like I said, I go that route almost daily, and I know at one time there was a question that they didn't think they would make the change. I tell you though, I think the way the exit is arranged, it just doesn't look like a good scenario. It really doesn't.

Scott Simon:

They've been going back and forth on how much to cut and what to cut, so I'm letting the engineer take care of that.

Don Hackbarth:

I'm glad to hear that's happening. Thank you.

Eric Olson:

To the staff I wanted to know if--on both the original and this one it said 104<sup>th</sup> Avenue. Were the neighbors apprised of this meeting?

Peggy Herrick:

Yes, it's a typo.

Eric Olson:

The typo on both, I'm just wondering if it was sent out.

Jean Werbie:

The notices were sent out on 104<sup>th</sup> Street. The neighbors don't receive a copy of the staff comments. They receive a separate notification, yes.

Eric Olson:

Okay. Then a separate question to the staff. When you say in here that infrastructure must be completed in here, does that mean infrastructure for the whole development or just this portion of it?

Jean Werbie:

Are you referring to 65<sup>th</sup> Avenue? For example, 165 or 104<sup>th</sup> Street that will have to be reduced in horizontal elevation and that intersection will have to be complete before access would be--or excuse me, occupancy would be granted for the eight unit building. When I'm talking about infrastructure, we're talking about the infrastructure for the first phase which is what he's final platting, because typically you're not going to phase part of it. You're going to try to bring the whole thing on line. We have been known to pull parts of the final plat apart in the final instance, and as long as there's adequate access and provision of services in the area in the vicinity of this town home, then we'd be able to bring it on line, then we would be able to do that.

Tom Terwall:

How much of 65<sup>th</sup> Avenue is going to be completed as part of the first phase?

Jean Werbie:

Actually the whole thing up to 102<sup>nd</sup> Street. At this point the whole thing is proposed to come on line. Then all of 102<sup>nd</sup> as well. Again, that takes us through the gravel base of the roads. If for some reason we ran into an unusually excessively wet fall, it's not unusual for developers to even break this up into two phases. As long as we have adequate access from 65<sup>th</sup> Avenue, I would say a considerable distance up towards that first intersection so that we can adequately provide services in and out and they have sewer and water availability, then I think we might be able to bring them on line a little sooner. We just need to make sure that everything works with respect to the infrastructure. I mean just because the main's in the ground, if it's not charged, that would be a problem.

I have one other change. On Item Number 4, the lower unit is going to be the one that's designed to be ADA accessible as part of the marking center. So the upper unit won't be, but the lower unit will be.

Tom Terwall:

Anybody else?

Don Hackbarth:

Just a little comment here. I think with the lack of citizens here, we've had some brouhaha's here about this project, and I think it kind of befits the job that's done now and I think it's really ready to go. I'm really happy with it.

Tom Terwall:

Is that in the form of a motion?

**HACKBARTH MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF DEVELOPER SCOTT SIMON OF THE SIMON GROUP, INC., FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AN EIGHT (8) UNIT CONDOMINIUM BUILDING AT THE**

**NORTHWEST CORNER OF STH 165 (104<sup>TH</sup> STREET) AND THE PROPOSED 65<sup>TH</sup> AVENUE AND UTILIZE TWO (2) OF THE EIGHT (8) UNITS IN THE BUILDING AS MODEL CONDOMINIUM UNITS, TEMPORARY SALES/MARKETING CENTERS AND OFFICES FOR THE MEADOWLANDS DEVELOPMENT SUBJECT TO THE CONDITIONS AS OUTLINED BY STAFF IN STAFF MEMORANDUM DATED MAY 22, 2000. SECONDED BY BANDURA. MOTION CARRIED.**

- C. The request of Mike Maerske, agent for Halter Wildlife for Site and Operational Plan approval for 450 square foot addition to dining area of the Halter Wildlife Lodge located at 9226 113<sup>th</sup> Street.**

Jean Werbie:

Mr. Chairman, this is a request for a Site and Operational Plan approval. It's for a 450 square foot addition to the dining area which is to the south of their existing building for the Halter Wildlife Lodge which is located at 9226 113<sup>th</sup> Street. It's pretty self-explanatory. Unfortunately you're not even going to be able to see this from the public road because they're well removed from--

Tom Terwall:

Is this in yet or is this to be started?

Jean Werbie:

That will be the area. I just didn't know if Mike would like to come up or John would like to come up and explain the need for the addition or if they wanted to add a few words. Could you? You're welcome to.

Mike Maerske:

I'm Mike Maerske. I live at 4325 73<sup>rd</sup> Street in Kenosha. The only thing we felt was 100 persons is a little excessive. Item 3 on your report. We're not doing this so much to add seating as to facilitate more room around the tables. So we feel 56 is a closer number to what we'll be seating in there.

Tom Terwall:

What does Comm 54 let you go to, Jean?

Jean Werbie:

I don't know. I'd have to visit with my building inspector. What we can do is we can sit down and if they identify a maximum capacity and then they design it to that maximum capacity for the State Code, I'm sure that we'd be fine with that.

Tom Terwall:

Okay. The only thing is if you specify a maximum capacity of 50 or 55, then that's what the fire department is going to inspect to and ultimately hold you to.

Eric Olson:

It says Dine 90 on here on the specs, right? On this sheet here does it say dine 90 people? It's on the last section.

Mike Maerske:

I feel most of these upgrades are probably already in place from previous work that we've done out there. So it really wouldn't be a problem.

Tom Terwall:

Okay, then work with Jean, and whatever our preference is. I don't think that has any impact on the approval of the Plan Commission, but we want to make sure we get it done properly. Thank you. Comments or questions?

Don Hackbarth:

Through the chair to staff, I'd like to know what guidelines, what parameters the Plan Commission works on or an individual member works on in order to go and look at a site? Let's say a site is planned. Do we have the right or the privy to go on property and whatever?

Jean Werbie:

Yes, you do.

Don Hackbarth:

Okay. The reason I say that I think this is a good time to bring this up. About a year ago or so when the Cherry Corporation thing was happening, or maybe a little before that, I had the opportunity to drive back there with my car just to look at the lay of the land and whatever. At that time as I was pulling out there was a gentleman from the house that came out and swore and was so furious that I had no business on that property and whatever. I said almost nothing, and I very sheepishly just simply drove off because I was afraid. I was very afraid. What I'm saying is what are the parameters where we can operate and just drive onto somebody's property or take a look at it and examine what's going on?

Jean Werbie:

Well, typically two things. Typically if you go onto someone's property, if you don't have a marked Village vehicle or if you don't stop to let someone know that you're going to be going on there for that purpose, you might get some raised eyebrows. The other thing I would recommend that you probably have some Village IDs made so that you have this ID badge if you go out to a particular site. That's what I can recommend. This is an unusual circumstance.

Don Hackbarth:

I would highly recommend that because I would not want that--my son was in the car at the time, and I just said, be quiet, don't say anything. The man is very upset. Let's just get out of here.

John Burke:

Obviously I'm the man.

Don Hackbarth:

Do you remember that?

John Burke:

Oh, absolutely. My name is John Burke. I live at 9626 113<sup>th</sup> Street. If I'm not mistaken, sitting in the audience I would just like to have something understood. I believe these people get the impression you drove down the drive, turned around in the parking lot--

Don Hackbarth:

No, I didn't say that.

John Burke:

No, you did not.

Don Hackbarth:

I know I didn't.

John Burke:

You got off the road, off the driveway and drove out into the field.

Don Hackbarth:

Not into the field.

John Burke:

Pardon me?

Don Hackbarth:

You had a couple of buildings there, I drove between the buildings to just look at the lay of the land.

John Burke:

We've found bodies out there. People are dumping on us constantly. It is posted out in front private drive, not a through street. We just expect people to respect that. Especially as you state I came out of

the house. You were probably there during dinner time. That's a bad thing to make me leave the dinner table and go out and see what someone's doing outside on my land. You would have been much better off going into the parking lot, getting out of the vehicle, coming to the house and knocking on the door and announcing yourself and what your intention was. I have no problem with that. However, when somebody drives back around the buildings, that definitely bothers me. We've had things stolen out there. I just wanted to say that.

Don Hackbarth:

It could have been handled a little bit more tactfully.

Eric Olson:

It's never nice to swear to a preacher, but being an employee of Cherry, they're a very good neighbor. They've been very cordial to everybody who wants to walk back there when it's not hunting season, and we make it very plain don't go back there when it is hunting season, you're fair game.

**OLSON MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF MIKE MAERSKE, AGENT FOR HALTER WILDLIFE FOR SITE AND OPERATIONAL PLAN APPROVAL FOR 450 SQUARE FOOT ADDITION TO DINING AREA OF THE HALTER WILDLIFE LODGE LOCATED AT 9226 113<sup>TH</sup> STREET SUBJECT TO THE CONDITIONS AS OUTLINED BY STAFF IN STAFF MEMORANDUM DATED MAY 22, 2000 AND SUBJECT TO THE PETITIONER WORKING OUT SEATING CONDITIONS WITH THE VILLAGE STAFF. SECONDED BY KOESSL. MOTION CARRIED.**

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

Ed Kauffman:

I've been thinking about this for a long time about identification for Planning Commissioners and also for Board members.

Don Hackbarth:

I think it's a great idea.

Ed Kauffman:

Building inspectors and whatever. I believe we can have comparatively inexpensive signs made with magnetic backing that we could slip on the door of the cars that we're driving, and besides that maybe a name badge with the Village identification. I think it would be worth looking into.

Tom Terwall:

I would encourage Plan Commission members when you pick up your packets if there's an item on the agenda that you're not sure of or you're not comfortable with, by all means I think it's incumbent upon us to go check it out. That doesn't mean we can be driving around on private property, but if there's

an item on the agenda that I'm not really sure just exactly what they're proposing, I'll go out there and check it out. So I think that's a good idea.

Ed Kauffman:

Can I say something else. I just wanted to add that I did drive out on the Halter grounds myself and never was bothered by a soul. My wife's in a nursing home and I wanted to show her some nice scenery. I wanted to show her the new Cherry plant while we were down there. We took the little jaunt. It's beautiful grounds. Someone was cleaning your little lake out there at the time. Nobody bothered us. Of course, we didn't drive around. We just drove into the place, turned around in the parking lot and came right out again and didn't think anything of it.

John Burke:

People do that, and we generally try not to harass them if they are not driving onto the land.

Ed Kauffman:

Nobody bothered us at all. It was very pleasant. It's beautiful scenery. My wife has osteoporosis, she couldn't see it, so I had to take a little extra time to describe things to her. She thought that was lovely. I just wanted to add that nobody bothered us at all.

Tom Terwall:

Jean, I was approached today with a suggestion and I told them I would bring it up to staff for your consideration. The proposal was made that given the number of apartments that are now along 88<sup>th</sup> Avenue across from Station 2, the suggestion was made that we provide a bike trail from that area along 88<sup>th</sup> Avenue. Start either at C or at 50 to Prairie Springs Park because of the number of people that are going to be riding bikes to Lake Andrea and now with the RecPlex and so on, and I said that sounds like a pretty good idea. I don't know if there's adequate property to consider that, but if you would give that some consideration and get back to us.

Eric Olson:

Aren't there state funds available for bike trails? They have an extensive program that would be available.

Tom Terwall:

That's one area that definitely would get used I'm sure.

Jean Werbie:

You have to apply.

## **9. ADJOURN**

**KOESSL MOVED THAT THE PLAN COMMISSION ADJOURN THE MAY 22, 2000 PLAN**

**COMMISSION MEETING. SECONDED BY OLSON. MOTION CARRIED.**