

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
November 9, 2015**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on November 9, 2015. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessl; Deb Skarda (Alternate #2); Jim Bandura; and Bill Stoebig (Alternate #1). Donald Hackbarth and Judy Juliana were excused. Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; and Peggy Herrick, Assistant Zoning Administrator.

**1. CALL TO ORDER.**

Tom Terwall:

Before we begin with our regular agenda, however, I'm going to ask for a moment of silence since we lost a 25 year member of the Plan Commission last week whose picture is right up there, John Braig. He was very active in the Village. In addition to serving on the Plan Commission he was also on the Board of Review and he'll be missed. So I'm going to ask for a moment of silence and then we'll begin. Thank you.

**2. ROLL CALL.**

**3. CORRESPONDENCE.**

**4. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for an item that appears on the agenda as a matter of public hearing we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as a part of the official record. However, if you're here for an item that is not a matter for public hearing or you wish to raise an issue that's not on the agenda now would be your opportunity to do so. We would ask you to step to the microphone and begin by giving us your name and address. Is there anybody to wish under citizens' comments? Anybody wishing to speak?

**5. NEW BUSINESS.**

**A. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of David Falk, owner of the property located at 5304 Springbrook Road to rezone the portion of the property that is currently zoned R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District into the A-2, General Agricultural District so that the entire property will be zoned A-2.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, the first item is a consideration of a Zoning Map Amendment for the request of David Falk, owner of the property located at 5304 Springbrook Road to rezone the portion of the property that is currently zoned R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District and place the entire property into that A-2, General Agricultural District, so that the entire property will be zoned A-2. And the property is identified on the slide.

Specifically, the petitioner then is requesting is rezone the portion of his property located at 5304 Springbrook Road that is currently zoned R-4 (UHO) Urban Single Family Residential District with an Urban Landholding Overlay District, into the A-2, General Agricultural District, so that the entire property will be zoned A-2.

The area surrounding this property is also zoned A-2, General Agricultural or A-3, Limited Agricultural with some smaller lots adjacent to Springbrook Road that are zoned R-4. The petitioner's property is over 17 acres with over 750 feet of frontage on Springbrook Road. The lot meets the minimum requirements of the A-2 District which requires lots to be a minimum of ten acres with a minimum of 300 feet of frontage on a public road. At this time there are no urban services such as municipal sanitary sewer or municipal water on Springbrook Road that service the property. In addition, the rezoning of the property would allow for the existing agricultural uses on the property to be classified as legal conforming uses.

Municipal water is proposed to be extended within Springbrook Road adjacent to this property. The Board will be considering this extension in early 2016. It is anticipated that this would be a deferred assessment without mandatory connection. The proposed Zoning Map Amendment is consistent with the Village's Comprehensive Land Use Map, and this property is located in the Urban Reserve Designation so no amendment to the Land Use Plan Map would be required at this time. So with that I'd like to continue the public hearing.

Tom Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Is the petitioner present?

David Falk

Right here.

Tom Terwall:

Was there anything you wanted to add, sir?

David Falk

No.

Tom Terwall:

Comments and questions from Commissioners and staff?

Wayne Koessl:

Mr. Chairman, I move that we approve the Zoning Map Amendment and send a favorable recommendation to the Village Board.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Thank you.

**B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS AND A DIGITAL SECURITY IMAGING SYSTEM AGREEMENT AND ACCESS EASEMENT for the request of Jim Hooper, agent for the proposed construction of a full service Educators Credit Union (with a drive-thru) on the vacant property generally located at the northeast corner of STH 50 and 91st Avenue.**

Jean Werbie-Harris:

Mr. Chairman, I would ask that Items, B, C and D all be taken up at the same time. I'll be making one presentation although separate action on the items will be required.

Michael Serpe:

So moved.

Wayne Koessl:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY WAYNE KOESSL TO COMBINE ITEMS B, C AND D FOR THE PURPOSES OF DISCUSSION WITH SEPARATE VOTES ON EACH ONE. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND TEXT AMENDMENT for the request of Jim Hooper, agent Educators Credit Union to rezone the vacant property generally located at the northeast corner of STH 50 and 91st Avenue from B-2, Community Business District to B-2 (PUD), Community Business District with a Planned Unit Development Overlay District and Zoning Text Amendment to create the specific PUD requirements for the proposed development.**

**D. CONSIDER APPROVAL OF A DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS for the proposed public improvements associated with the development of the Educators Credit Union on the vacant property generally located at the northeast corner of STH 50 and 91st Avenue.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Item B on the agenda, public hearing and consideration of a Conditional Use Permit including Site and Operational Plans and a digital security imaging system agreement and an access easement. And this is at the request of Jim Hooper, agent for the proposed construction of a full service Educators Credit Union with a drive-thru on the vacant property generally located at the northeast corner of Highway 50 and 91st Avenue.

Item C, public hearing and consideration of a Zoning Map and Text Amendment for the request of Jim Hooper, also agent for Educators Credit Union to rezone the vacant property generally located at the northeast corner of Highway 50 and 91st Avenue. And this would be rezoned from the B-2, Community Business District, to B-2 (PUD), which would be a Community Business District with a Planned Unit Development Overlay District and also Zoning Text Amendment to create the specific PUD requirements for the proposed development.

And Item D, consider approval of a development agreement and related documents for the proposed public improvements associated with the development of the Educators Credit Union on the vacant property generally located at the northeast corner of Highway 50 and 91st Avenue.

And as I mentioned previously, these items are related and will be discussed at the same time, however separate action is needed by the Plan Commission.

Under the public hearing comments, again, this is part of a conditional use so the finding of facts needs to be recorded as part of the public hearing record. And the staff has compiled a listing of those findings, exhibits and conclusions, and this is regarding the petitioner's request, and they are described below:

#### Findings of Fact

1. On May 4, 2015, the Village Board conditionally approved a Conceptual Plan for the proposed construction of a 7,280 square foot full service Educators Credit Union on the vacant property generally located at the northeast corner of Highway 50 and 91st Avenue in the Westfield Heights commercial area.
2. The property is known as Lot 21 of the Westfield Heights Subdivision. It's located in U.S. Public Land Survey Section 5, Township 1 North, Range 22 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie, Kenosha County, Wisconsin and further identified as Tax Parcel Number 91-4-122-054-0321.
3. At this time the petitioner is requesting several approvals for the proposed Educators Credit Union development including: Site and Operational Plans, Conditional Use Permit for the drive thru facility, a Digital Security Imaging System referred to as a DSIS Agreement and DSIS Access Easement, and Zoning Map and Text Amendments.
4. The current zoning of the property is B-2 (UHO), Community Business District with an Urban Landholding Overlay District. The proposed Educators Credit Union is a permitted use in the B-2 District; however, a Conditional Use Permit or a CUP is required for the proposed drive thru which includes an ATM and interactive teller technology for transactions. Exhibit 1 in our packets of information and on the slides contains the Site and Operational Plan and Conditional Use Permit Application and all the related documents.
5. Pursuant to Exhibit 1:
  - a. Educators Credit Union is a full service financial institution serving members in southeastern Wisconsin since 1937 offering savings and loan products as well as investment opportunities to individuals and small businesses. ECU is committed to educating and advising members of their options and helping them make sound financial decisions. Branch transactions range from quick deposits and payments to more comprehensive interactions such as loan applications and account openings.
  - b. Transactions will be conducted in person with the branch staff for detailed situations such as purchasing certificates, processing loan applications and general account maintenance. Additionally, transactions such as deposits, payments and cash management will occur through an interactive teller technology and video assisted transactions. This technology provides terminals

that look just like ATMs but have a touch screen video for interacting with tellers located at ECU's Home Office in Mt. Pleasant. The drive thru terminals are the same interactive teller type and are both filled with cash by an armored car service.

- c. Anticipated hours of operation:  
Monday through Friday 8-7, lobby only 9-5  
Saturday 8-3, lobby only 9-noon
- d. No regular scheduled shipments will be scheduled at the locations although intermittent supply deliveries will occur as needed. Cash shipments and machine maintenance will be provided on the site on an as needed basis which is anticipated to be no more than one to two times per week.
- e. Total number of employees is anticipated to be six full-time employees. One shift will be run with four to six employees working during this shift. The maximum number of employees on the site at any time of the day would be eight to ten which would include any maintenance employee or office staff temporarily assigned to the office.
- f. There are 39 parking spaces provided including two handicapped accessible spaces. Pursuant to the Zoning Ordinance the minimum number of parking spaces required is one space for each 200 square feet of usable floor area, plus eight stacking spaces for the first drive-in window and six stacking spaces for each additional window. Each waiting space shall measure not less than 20 feet in length, plus the required handicapped accessible spaces pursuant to the State Code.
- g. The anticipated daily average automobile trips to and from the site would be approximately 300 with a maximum potential of 700 on high volume transactional days. The potential maximum would not be expected until office has been well established for three to five years. These numbers are initially based on historical transactions from nearby locations and other new office trends.
- h. The anticipated daily average number of truck trips to and from the site would be at most one trip a day. Most weeks would have only two to three days where trucks would visit or deliver to the site. These deliveries would be for intermittent supply deliveries and armored and bonded cash delivery trucks. Each visit typically lasts about five to ten minutes.
- i. Pursuant to the application the site and building will be monitored using video recording equipment through Exactvision. Recording and playback is monitored for functionality daily. Recorded video history for all camera placements is stored for no less than 90 days. The building has full alarm protection including the burglar alarm and motion sensors for the property along with a fire alarm and flow switch alarms on the sprinkler system, and elevator emergency phone monitoring which is monitored 24/7 by Priority One. The development will be

required to comply with the Village's Security Ordinance which includes that DSIS Agreement and DSIS Access Easement for the Village.

6. Zoning Map and Text Amendments. The property is proposed to be rezoned from the B-2 (UHO), Community Business District with an Urban Landholding Overlay District to the B-2 (PUD). So it will have the same underlying district but now with a Planned Unit Development Overlay. Developing the property as a PUD will allow more flexibility with some of the dimensional requirements of the Village Ordinance provided that there is a defined benefit for the community. Exhibit 2 has the application; Exhibit 3 has the proposed PUD Text Amendment Ordinance; and Exhibit 4 has the proposed Zoning Map Ordinance.

a. The modifications from the Zoning Ordinance that are to be included in the PUD includes:

- i. Reduce the minimum lot area in the district from 2 acres to 1.47 acres.
- ii. Reducing the fire access lane one way travel lane around the south side of the building from the required 30 feet to 20 feet.
- iii. To allow for an off-premise unified business development signage for the other commercial development within the Westfield Heights Commercial area to be constructed. And this would be constructed by Bear Realty/ Bear Development. This sign will be allowed to be a maximum of eight feet high and 50 square feet in area per side. The specific design and details of the sign shall be submitted for review and approval as part of the PUD. And, again, this will be to advertise the other commercial areas to the north of the ECU property.

b. And then finally as part of the Text Amendments as part of the PUD, the building shall be fully equipped with a fire sprinkler and fire protection system; a DSIS system shall be installed and operational for the site, public improvements within the right-of-way. And specifically 91st Avenue which I'll be discussing below will need to be completed. And the owner shall also agree to the assessment language as set forth in the Development Agreement.

7. With respect to the public improvements and Development Agreement, as part of this development and part of the required community benefit for the project, the Village will require public sidewalks. Again, they'll need to be installed by a Village approved contractor, and these will need to be extended within the right-of-way and through the proposed driveways from the southern terminus along 91st Avenue westward with a handicapped accessible ramp connecting to 91st Avenue street pavement in order to provide that complete connection. At some point there will be additional sidewalks on Highway 50, and we want to make sure those connections are available to that when that does happen.

Also, the additional public improvements also include three street trees along 74th Street and to relocate or replant one of the trees from the north from the corner of 91st and 74th

Street again by a Village approved contractor within the parkway area. And then all grass mowing in the terrace areas and maintenance of the street trees, re-mulching that's all going to be the owner's responsibility.

- a. The Development Agreement addressing the owner's agreements and obligations to the Village, and it's required to be executed prior to the issuance of building permits. Exhibit 5 is the draft Development Agreement which we'll be finalizing with Educators Credit Union.
  - b. Contractor's estimates and insurance certificates shall be provided to the Village as exhibits to the Development Agreement. In addition, a Letter of Credit or a cash payment for financial security will be required, and that needs to be submitted in order to guarantee that the these public improvements are completed.
8. A Digital Security Imaging System or DSIS Agreement and Easement: Pursuant to Chapter 410 of the Village Municipal Ordinance the development is required to comply with the Village's Security Ordinance. The DSIS will afford the opportunity for the public safety departments including the Police Department and the Fire & Rescue Department to visually examine commercial establishments and their sites and will provide emergency response personnel with a visual assessment of any emergency situation in advance of arrival without placing an undue burden on the Village taxpayers.

The attached DSIS Agreement and Access Easement which is shown as Exhibit 6 and 7 shall be finalized, executed by the owner and the system installed by the owner. Following the owner's installation, the Village will inspect the system and verify its accessibility. The DSIS shall be owned, operated and maintained by ECU. The Agreement and associated Access Easement shall be executed and the Easement recorded prior to obtaining building permits for the project. The system shall be inspected and operational to the Village's satisfaction. And then this, again, is prior to the Village granting any verbal occupancy.

9. Notices were sent to adjacent property owners via regular mail on October 22, 2015 and notices were published in the *Kenosha News* on October 26 and November 2, 2015 related to the Conditional Use Permit application.
10. The petitioner was e-mailed a copy of this memo on November 6, 2015.
11. According to the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application, related materials and the information presented this evening that the project as planned will not violate the intent and purpose of the Village Ordinance, and it also meets the minimum standards for the granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve a site and operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other applicable federal, state or local requirements relating to land

use, buildings, development control, land division, environmental protection, sewer, water , stormwater management, noise, street, highways and fire protection.

So with that I would like to continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak?

Jean Werbie-Harris:

Jim would from Educators Credit Union.

Tom Terwall:

Come to the microphone please. I need your name and address for the record.

Jim Hooper:

Sure. Jim Hooper, Educators Credit Union, 5921 South Quality Avenue, Cudahy, Wisconsin. I'm an employee and a principal of the credit union. I just wanted to say thank you. We were here prior for the initial and just hope that we can continue forward and approval for final. We've still got a lot to do so a lot of approvals to be made, but it's moving along.

Tom Terwall:

And you received a copy from Ms. Werbie have you not?

Jim Hooper:

Yes I have.

Tom Terwall:

No questions?

Jim Hooper:

No questions at this time. We're actually meeting on Wednesday at one o'clock. There were just a few simple things that we needed to verify, that's all. But the actual basis of this document is proper.

Tom Terwall:

Thank you. Anybody else wishing to speak? Jean?

Jean Werbie-Harris:

I also wanted to mention that they brought all, which was very nice, all of their sample materials in addition to what they had on the board, that the staff was able to inspect this afternoon. And I believe many of you might have seen these when you came in this afternoon. So all of their samples and their details are over on that adjacent table.

Tom Terwall:

Have you selected a general contractor yet?

Jim Hooper:

Yes, we have, Bukacek Construction out of Racine.

Tom Terwall:

Thank you. Anybody else wishing to speak? Anybody wishing to speak? Comments and questions from Commissioners and staff?

Michael Serpe:

This is not related to the building itself, but do any of your credit unions or any banks that you know of have any shields that separates the public from the tellers?

Jim Hooper:

We do have a few. We've moving away from that. That's what Jean referred to as that ITM, interactive teller technology. Basically the teller is actually on the screen, and the cash is not being passed back and forth through windows or open counters like in the past. It spits out of an ATM out of a little slot. And it kind of stops the viewing of all the vaults and all the cash and everything that's behind the teller line currently. We're using that at two branches already, the one in Sturtevant on Highway 20 and the one up in Milwaukee on Center Street. And there are no issues whatsoever. The two locations that we have what you've referred to as the bullet resistant glass, one is in Milwaukee and the other one is on Appleton Avenue also in Milwaukee, very high crime areas.

Michael Serpe:

It's unfortunate we have to look at things like this. But it's not going to get any better that I see it.

Jim Hooper:

The one that's on Appleton Avenue that has the glass actually unfortunately was robbed a couple weeks ago. And it was a note passer, just slid the note underneath the window. And he has been caught because we have such great video.

Michael Serpe:

I'd be looking at the protection for the teller. If they get away with the money, fine, not fine but at least the teller is not injured.

Jim Hooper:

No, she wasn't. She was actually not even shaken up. She has been through the process before.

Tom Terwall:

Thank you. Anything else? If not I'll entertain a motion to approve the Conditional Use Permit including the Site and Operational Plan subject to the terms and conditions outlined in the staff memorandum.

Michael Serpe:

I'll make that motion.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY JIM BANDURA TO ADOPT THE CONDITIONAL USE PERMIT WITH THE SITE AND OPERATIONAL PLAN.**

Jean Werbie-Harris:

Including the Digital Security Imaging System Agreement and Access Agreement.

Tom Terwall:

Yes. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Then we'll move ahead to Item C, consideration of a Zoning Map and Text Amendment.

Wayne Koessl:

I'd so move, Chairman.

Deb Skarda:

Second.

Wayne Koessl:

Subject to the conditions and comments made by staff report on November 9, 2015 and refer to the Village Board.

Deb Skarda:

Second.

Tom Terwall:

**MOVED BY WAYNE KOESSL AND SECONDED BY DEB SKARDA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AND TEXT AMENDMENTS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. And Item D we need a motion to send a favorable recommendation to the Village Board to approve the development agreement and related documents.

Jim Bandura:

So moved.

Michael Serpe:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JIM BANDURA AND SECONDED BY MICHAEL SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Thank you.

**E. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS AND A DIGITAL SECURITY IMAGING SYSTEM AGREEMENT AND ACCESS EASEMENT for the request of Mark Eberle, P.E. of Nielsen Madsen and Barber, agent for the construction of two (2) multi-tenant retail/restaurant buildings (with outdoor seating and a drive thru) on the property generally located at the southeast corner of STH 50 (75th Street) and 94th Avenue within the Prairie Ridge development to be known as The Bulls-Eye Development.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Item E is the public hearing and consideration of a Conditional Use Permit including Site and Operational Plans and a Digital Security Imaging System agreement and Access Easement. And this is at the of Mark Eberle, P.E. of Nielsen Madsen and Barber, agent for the construction of two multi-tenant retail/restaurants with outdoor seating and a drive thru buildings that are on the property generally located at the southeast corner of Highway 50 or 75th Street and 94th Avenue within the Prairie Ridge development to be known as The Bulls-Eye Development.

Again, this project also does require a Conditional Use Permit, so as a result as part of the public hearing record the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request, and I'll be describing those for the public record.

#### Findings of Fact

1. The petitioner is requesting approval of a Conditional Use Permit including Final Site and Operational Plans and a Digital Security Imaging System Agreement referred to as a DSIS and a DSIS Access Easement for the construction of two multi-tenant retail/restaurant buildings with outdoor seating on the property generally located at the southeast corner of Highway 50 and 94th Avenue within the Prairie Ridge development to be known as the Bulls-Eye Development. Exhibit 1 is a copy of the application and the plans.
2. The property is known as Outlot 21 of the Prairie Ridge Subdivision, located in U.S. Public Land Survey Section 8, Township 1 North, Range 22 East of the 4th Principal Meridian, in the Village of Pleasant Prairie, Kenosha County, Wisconsin and further identified as Tax Parcel Number 91-4-122-081-0210.
3. Previous Village approvals and conditions of the Conditional Use Permit:

- a. The Conceptual Plan was conditionally approved by the Village Board on June 1, 2015 for the development of Outlot 21 to be known as The Bulls-Eye Development that included two multi-tenant retail/restaurant buildings.
  - b. Certified Survey Map to subdivide the property into lots for the development of the two multi-tenant retail/restaurant buildings was conditionally approved by the Village Board on July 20, 2015. Lot 1 will be 1.034 acres in area with a building address of 9370 76th Street, Pleasant Prairie, Wisconsin. And Lot 2 will be 0.977 acre in area with a building address of 9330 76th Street in Pleasant Prairie. The CSM is required to be finalized, executed and recorded at the Kenosha County Register of Deeds Office prior to issuance of any building permits.
  - c. The Zoning Text Amendment, this is Ordinance 15-22 was approved by the Village Board on July 20, 2015 for the specific Planned Unit Development requirements for the development, and this is provided for you in Exhibit 2). Note Ordinance 15-22 cannot be finalized until the CSM is recorded at the Kenosha County Register of Deeds Office. And we will then take care of all of those things at the same time.
  - d. Preliminary Site and Operational Plans were conditionally approved by the Plan Commission on July 13, 2015. And this was for the petitioner to begin mass grading, to install underground utilities and to install early footing and foundations for both buildings. Construction began in October with the Village's Erosion Control and Work in the Right-of-Way Permits having been issued for this work to commence.
4. Pursuant to the application in Exhibit 1:
- a. The Bulls-Eye Development will be providing two free standing buildings for commercial use, one on Lot 1 at 9370 76th Street and one on Lot 2, 9330 76th Street.
  - b. Building A is a proposed 6,250 square foot building with two tenants and will be constructed on Lot 1 of the CSM. Parking calculations are based upon the following, and these are the tenants for that building in building A.
    - i. Mattress Firm - retail sales  
Hours of operation - 10 am - 8 pm  
Square footage - 3,000 sf of Primary Floor Space  
Number of total employees - 2
    - ii. Chipotle- restaurant, fast-casual, with outdoor seating  
Hours of operation - 11 am - 10 pm  
Square footage - 2,250  
Number of employees on the largest work shift - 8

c. Building B is a proposed 7,370 square foot building with three tenants to be constructed on Lot 2 of the CSM. Parking calculations are based upon the following:

- i. Five Guys - restaurant, fast-casual, with outdoor seating  
Hours of operation - 11 am - 10 pm  
Square footage - 2,400 sf  
Number of employees on the largest work shift - 7
- ii. Proposed Dental Office  
Hours of operation- TBD but estimating between 9 am - 6 pm  
Square footage - 1,920 sf Primary Floor Space  
Number of total Dentists - 1  
Number of employees on the largest work shift - 5
- iii. Potbelly Sandwich Shop -restaurant, fast-casual  
with a drive-thru and outdoor seating  
Hours of operation - 11 am - 9 pm  
The tenant requires a maximum 5 car stacking lane  
Square footage - 2,400 sf  
Number of employees on the largest work shift - 8

5. Site Access: Lots 1 and 2 of the proposed CSM will share one access driveway to 76th Street on the east side of Lot 2. This driveway will also provide access to the development of the adjacent Outlot 20 pursuant to the Conceptual Plan. A second 76th Street driveway will access Outlot 20 to the east and provide cross access through the development area north of the 76th Street between 91st and 94th Avenues back to Outlot 21.

6. Parking: The development sites include 109 parking spaces which includes five handicapped accessible parking spaces. Pursuant to the Village Zoning Ordinance the number of parking spaces required for the specified tenants is listed below, and I will identify those for you.

- a. Restaurants require a minimum of one space for each 100 square feet of floor area plus one space for every two employees on the largest work shift so 83 spaces are required.
- b. Retail stores require a minimum of one space for each 200 feet of primary floor area plus one space for every two employees. Per the site and operational plan 16 spaces are required.
- c. Medical and dental offices require a minimum five spaces for every doctor plus one space for every employee. Per the site and operational plan 10 spaces are required.
- d. In addition, to these minimum parking spaces, five handicapped accessible parking spaces are required by the State Code.

Based on the foregoing information the total number of parking spaces required is 109, plus 5 handicapped accessible parking spaces, which means 114 spaces are needed. Therefore the on-site parking is short by five parking spaces.

The Planned Unit Development (PUD) Overlay Zoning Ordinance which is identified as Exhibit 2 allows the development to meet the minimum parking requirements off-site by utilizing an adjacent/nearby property. To promote safe vehicular and bicycle traffic circulation in the Prairie Ridge development area, the Village will not permit regular parking on the adjacent/nearby roadways. And by that I mean they can't park on a regular basis on 91st and 94th Avenues or 76th Street, 75th Street or 77th Streets.

The owners, D3 Pleasant Prairie, LLC, have received confirmation that they will be able to use a local church's property, St. Anne, for employee and construction personnel parking if they need to as well as regular parking. They just told me this evening that they actually obtained approval from the nearby Costco to park in their northern parking lot area adjacent to this development for their construction vehicles as well as for their grand openings and their ribbon cutting events. Is that correct? So they have the parking covered in various locations.

7. The owners have agreed that no new land uses other than those specifically identified in this memorandum, which require a greater demand or intensity of parking based upon the Village's Zoning Ordinance parking space requirements shall be allowed for new occupancy in The Bulls-Eye Development unless permanent, off-site parking adjacent to the site has been secured.
8. The owners have agreed to pay a property tax based upon a baseline assessed value of the real estate never falling below all of the cumulative costs of the development including land acquisition, site improvements, financing costs and building construction. In a year the assessed value of the property falls below the baseline value the property owner agrees to pay the Village a payment determined by multiplying the municipal portion of the net property tax rate by the difference between the current assessed value and the baseline value. Once I'm done with all the presentation of the finding of facts, either Mike Pollocoff or I could explain that one a little bit further for you.
9. Compliance with the recorded Cross-Access Agreement between the owners of Outlots 20 and 21 is required. They have recorded that cross-access easement already.
10. Outdoor seating areas shall be surrounded and enclosed with a fence with brick pillars acting as bollards to define the outdoor eating areas and to ensure protection of the patrons from cars in the adjacent parking lot area.
11. The DSIS Agreement and Easement: Pursuant to Chapter 410 of the Village Municipal Ordinance the development shall comply with the Village Security Ordinance. The DSIS will afford the opportunity for the public safety departments which are the Village Police Department and Village Fire & Rescue Department to visually examine commercial establishments and their sites and will provide emergency response personnel with a

visual assessment of any emergency situation in advance of arrival without placing an undue burden on the Village taxpayers.

The attached DSIS Agreement and Access Easement which is provided as Exhibits 3 and 4, and I believe that they're using Dakota Security for theirs, shall be finalized, executed by the owner and the system installed by the owner. Following the owner's installation of the DSIS, the Village will inspect the system and verify its accessibility and operation of the system. The DSIS will be owned and operated by The Bulls-Eye owners. The agreement and associated access easement shall be executed and the easement recorded prior to obtaining building permits for the project. The system shall be inspected and operational to the Village's satisfaction prior to verbal occupancy.

12. The detailed Site and Operational Plans and related documents for the retail shell buildings and exterior site improvements have been reviewed by the Village staff and are subject to the conditions as set forth in this memorandum. With the exception on the next page 1.j.i. where it addresses fire protection for the west building shall be provided by the water service that the building separate FDC for each building. We have worked all of those issues out with the Fire Department, and their plans reflect exactly where their FDC and their connections should come from. We must have miscommunicated with the public works department. So that is one exception because that comment is going to be coming out.
13. Notices were sent to adjacent property owners via regular mail on October 22, 2015, and notices were published in the *Kenosha News* on October 26 and November 2, 2015 related to the Conditional Use Permit.
14. The petitioner was e-mailed a copy of this memo on November 6, 2015.
15. According to the Village's Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials that the project as planned, will not violate the intent and purpose of the Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any site and operational plan application without finding in your decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other federal, state or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, noise, storm water management, streets, highways and fire protection.

So with that this is a public hearing since a Conditional Use is a part of this request this evening.

Tom Terwall:

Is there anybody wishing to speak?

Jean Werbie-Harris:

The petitioner would like to come up.

Tom Terwall:

Please.

Tim Dearman:

Tim Dearman, principal with D3. We're just very excited to be a part of the community.

Tom Terwall:

Give us an address for the record.

Tim Dearman:

Address 3841 Green Hills Village Drive, Suite 400, Nashville, Tennessee, 37215.

Tom Terwall:

Thank you.

Tim Dearman:

We've got developments in Chicagoland and about 24 states throughout the country. And we're just very excited about the tenants that we're bringing here and being a part of the community. It's been a great working relationship. I don't have anything to add about what we're doing. I think it's going to be a beautiful development.

Tom Terwall:

Welcome. We'll be calling you cheesehead from now on. Anybody else wishing to speak? Anybody else? Seeing none I'll open it up to comments.

Michael Serpe:

I'd like to ask either Rocco or Mike to talk on Item Number 8 a little bit. I know this has been in the newspaper. It's been in our Village thing, but I think it's something, and I'm not saying this company is going to take us to task on this, but it's something that's happening across this country, and it's hurting municipalities and especially the homeowners that have to pick up the difference on taxes that companies challenge the municipality's assessments. Mike or Rocco?

Mike Pollocoff:

In essence what the Village is working to accomplish here is it's an obvious outgrowth of recent court decisions that have been occurring. It really attempts at gaining court decisions in

Wisconsin. This has occurred in Michigan to a large extent and a somewhat smaller extent in Indiana. But it's been exercising what almost looks like a loophole where as say the Target business which is very close to where they are we had a value set for them around \$13 million which we felt was representative of the market, what the market was delivering. And retail companies have been using, in the case of Target, they said compare our state of the art Target retail store to an abandoned store. They asked for a comparison to an abandoned Wal-Mart that's on 52nd as well as some other Wal-Marts that existed. And those stores were at \$6 million.

And their logic was that once we're done using this facility for however long that takes, when we go to sell it we're only going to be able to sell it for what that abandoned Wal-Mart is going to be sold for. So for property tax purposes consider that that's all it's every going to be worth. The fact that we generate income and use and it's desirable and it's in a location that produces customers should not be considered in establishing the value. And what we're saying here is we don't want to be unreasonable about it, but rather than use that as the argument in determining value we're saying -- we've set a threshold where the building permit is so the value of constructing that value actually is such that if values as a whole drop then values as a whole drop. But to artificially say compare our newer facility or a successful facility to one that was abandoned because it could not be a success it represents something that we feel doesn't really uphold the uniformity or the equity of the property assessment in the Village or in the State.

In the State of Michigan virtually municipal services have been undone by this. They're closing libraries, shutting down fire stations. Because what happens is when that tax is shift in the case of say if Target was to prevail, somebody has still got to pay for the service. So it gets shifted to the existing residential users or to a smaller business. So that in this case you take a Target and you might say a True Value or a local clothing store couldn't compete with them on a volume basis, and then they also can't compete with them on a tax basis. And Target could outsell them or secure better prices on their goods. And then they can also secure a better price because it's a legal effort to get this done, and most people aren't able to afford the legal process to do that. But once it takes hold then it starts being spun off to everybody.

Tom Terwall:

Has that gained any traction in Wisconsin?

Mike Pollocoff:

It has in some areas, and in some leased properties there's been some court decisions. And in some communities you'll have a contract assessor who is going to value property at \$15 a parcel, and that doesn't include fighting with somebody who wants to lower their assessment. So there's a certain amount of uncertainty in there. We're in contact with State legislators. We're not saying that commercial property should be valued at any higher than we value anyplace else. It's just that their value should be determined by the marketplace, not by the value of an abandoned store that was unsuccessful. And that's what's being attempted here.

Tom Terwall:

Couldn't the homeowner in Michigan claim his property was valued the same as a Detroit home would be?

Mike Pollocoff:

Well, he probably could have, but the problem is you still need to be willing to go to court to make that case, and that's what happens. So I think that this is just an important issue. Like you say it's to make sure there's equity among the taxpayers on how their property assessments are right. If everybody wants to come up with a way to paying property taxes then you've got to change the whole system. Or you've got to come up with a new method of public financing. But to kind of rig the game so that somebody can do it, an attorney can do it that isn't right.

One of the attorneys that's doing this right has 200 cases in Wisconsin. He's got 200 clients that he's representing. And the attorney will go in and say I can get your taxes cut by 50 percent, I'll take a percentage for three years after that. In that case it's no money out for the owner. What have they got to lose? And if he makes it he makes it. It's just a way where the system has been gamed. And it doesn't fit with the equity or justice that you try to maintain on assessing. Assessing is a difficult subject. Everybody is sensitive about it. But I think we have to be able to present to the Village residents and the Village businesses that it's a uniform system and it's fair, and we don't have any artificial adjustments for property tax purposes, but we have real numbers for other purposes. That's I guess in a nutshell what's going on.

Tom Terwall:

Any other questions?

Wayne Koessl:

The only comment I have is if they want to be assessed as an abandoned building the only service we should give them is fire protection.

Mike Pollocoff:

Right. And if we could do that we can't do that.

Wayne Koessl:

But that's what they deserve.

Mike Pollocoff:

And so the other thing is in Wisconsin we're under levy limits. So the money we collect from day one we can't raise it for anybody else. So it makes it hard to compensate for one of these things when it happens.

Michael Serpe:

Mike, I guess this number 8 that was spelled out by Jean is probably going to appear on everybody coming in for approvals on every business. So we're not picking on just you. It's

going to be everybody coming forward because of the climate that's taking place in Wisconsin and really across the nation.

Jean Werbie-Harris:

Everyone's project tonight has it.

Deb Skarda:

Is there any intention for any of those three restaurants to serve alcohol?

Tim Dearman:

I want to say that they do sell beer and wine, but I'm not 100 percent sure. Chipotle does sell beer and wine.

Jean Werbie-Harris:

So they'll need to go before the Village Board for a special license to serve.

Tim Dearman:

They handle that themselves. We have to have that completely fenced in and [inaudible]. They do that even when it's not required. They do that on their own I think because of the alcohol.

Deb Skarda:

Do you have a plan on when these stores will be opening?

Tim Dearman:

We're not building at the best time of year, we understand that. We did some suburban Chicago last winter. We think we'll probably be delivering these late May, early June, right in that range. And some of these tenants have that we've turned space over to can open as quickly as two weeks from delivery. Others may take two months to get everything working and employees trained.

Tom Terwall:

Thank you. If there's nothing further a motion to approve or disapprove is in order.

Bill Stoebig:

So moved.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY BILL STOEBIG AND SECONDED BY JIM BANDURA TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING A SITE AND OPERATIONAL PLAN WITH THE DSIS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Welcome.

**F. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS AND A DIGITAL SECURITY IMAGING SYSTEM for the request of Dimitri Dimitropoulous, agent for the proposed multi-tenant retail/restaurant building (with outdoor seating and a drive-thru) on the property generally located at the north of 76th Street between 91st and 94th Avenues within the Prairie Ridge development to be known as The Corners at Prairie Ridge.**

Jean Werbie-Harris:

Mr. Chairman, I would ask that Items F and G be taken up at the same time. They refer to the same project and I'll be making one presentation with separate action needed by the Plan Commission.

Michael Serpe:

So moved.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY JIM BANDURA TO COMBINE ITEMS F AND G FOR DISCUSSION PURPOSES WITH TWO SEPARATE VOTES. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**G. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT for the request of Dimitri Dimitropoulos, agent to create the specific PUD requirements for the proposed development of a multi-tenant retail/restaurant building (with outdoor seating and drive-thru) on the property generally located at the north of 76th Street between 91st and 94th Avenues within the Prairie Ridge development to be known as The Corners at Prairie Ridge.**

Jean Werbie-Harris:

Item F is a public hearing and consideration of a Conditional Use Permit including Site and Operational Plans and a Digital Security Imaging System for the request of Dimitri Dimitropoulos, agent for the proposed multi-tenant retail/restaurant with outdoor seating and a drive-thru for a building on property generally located north of 76th Street between 91st and 94th Avenues within the Prairie Ridge development to be known as The Corners at Prairie Ridge.

And Item G, the public hearing and consideration of a Zoning Text Amendment for the request of Dimitri, agent to create the specific PUD requirements for the proposed development of a multi-tenant retail/restaurant building with outdoor seating and a drive-thru. And, again, on that same property generally located north of 76th Street between 91st and 94th Avenues within the Prairie Ridge development to be known as The Corners at Prairie Ridge.

As indicated, these items are related and will be discussed at the same time. However, separate action is required. And since this also is a Conditional Use Permit it does require findings of fact to be presented for the record and as part of the public hearing comments. And as part of that public hearing record the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request, and they're being presented and described herein.

#### Findings of Fact

1. At this time the petitioner is requesting approval of a Conditional Use Permit including Final Site and Operational Plans and a Digital Security Imaging System, DSIS, Agreement and Access Easement for the construction of the multi-tenant retail/restaurants with outdoor seating and a drive-thru. This building will be on Lot 1 of the proposed CSM within the Prairie Ridge development to be known as The Corners at Prairie Ridge. Exhibit 1 has a copy of the Site and Operational Plan and Conditional Use Permit application and plans.
2. The property is known as a part of Outlot 20 of the Prairie Ridge Subdivision, located in U.S. Public Land Survey Section 8, Township 1 North, Range 22 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie, Kenosha County, Wisconsin and further identified as a part of Tax Parcel Number 91-4-122-081-0200. Just a note that the parcel number is not shown correctly on the application.

3. On October 5, 2015, the Village Board conditionally approved a Certified Survey Map identified as Exhibit 2, and this is to subdivide Outlot 20 of the Prairie Ridge Development generally located at the northwest corner of 76th Street and 91st Avenue into two parcels and conditionally approved a Conceptual Plan for Lot 1 of the proposed CSM which is the western portion of Outlot 20 as shown on the slide for the development of a multi-tenant retail/restaurants building. The CSM is required to be finalized, executed and recorded at the Register of Deeds Office and the land acquired by the Developer prior to issuance of building permits.
4. Pursuant to the application, Exhibit 1:
  - a. The Corners at Prairie Ridge is proposed to be a 13,300 sq. ft. multi-tenant building to be located on Lot 1 of the proposed CSM. The tenants that currently have signed leases are Corner Bakery Café and MOD Pizza. These two tenants account for approximately 6,500 sq. ft., which leaves about 6,800 sq. ft. to be leased out. Corner Bakery Café is a fast casual restaurant, which will have indoor seating, patio seating and a drive-thru. MOD Pizza is a fast casual pizza chain that will have indoor and patio seating. These two tenants will occupy the two end caps of the proposed building. So the Corner Bakery Café will be on the east corner, and MOD Pizza will be on the west corner.
  - b. This building could have a total of six tenants including:
    - i. 2,497 square foot restaurant, with outdoor seating known as MOD Pizza
    - ii. 1,809 square foot retail space
    - iii. 1,728 square foot retail space
    - iv. 1,471 square foot retail space
    - v. 1,800 square foot retail space
    - vi. 4,010 square foot restaurant, with outdoor seating and a drive-thru and that would be for the Corner Bakery
  - c. The businesses in the building are intended to operate between 7:00 a.m. and 10:00 p.m.
  - d. It is anticipated that there will be approximately 50 employees.
5. Site Access: There is no direct access to this property from STH 50 or from 91st Avenue. The lot obtains its access through two 76th Street common driveway connections. The westernmost entrance to 76th Street will be shared with The Bulls-Eye Development on Outlot 21 to the west. The easternmost entrance to 76th Street will be shared with the adjacent Lot 2 of the current proposed CSM.
6. Parking: The development sites include 122 parking spaces which includes five handicapped accessible parking spaces. Pursuant to the Village Zoning Ordinance the number of parking spaces required for the specified tenants is listed below:

- a. Restaurants require a minimum of one space for each 100 square feet of floor area plus one space for every two employees on the largest work shift. So 75 spaces are required.
- b. Retail stores require a minimum of one space for each 200 feet of primary floor area plus one space for every two employees. Per the site and operational plan 40 spaces are required.
- c. In addition, to these minimum parking spaces, five handicapped accessible parking spaces are required by the State Code.

Based on the foregoing information the total number of parking spaces required is 115, plus 5 handicapped accessible parking spaces or a total of 120 parking spaces. Again, they're providing 122.

7. The owner has agreed that no new land uses other than those specifically identified in this memo, which require a greater demand or intensity of parking based upon the Zoning Ordinance parking space requirements shall be allowed for new occupancy in The Corners at Prairie Ridge Development unless permanent, off-site parking adjacent to the site has been secured.
8. We discussed this previously with other developments, the owner has agreed to pay a property tax based upon a baseline assessed value of the real estate never falling below all of the cumulative costs of the development, including land acquisition, site improvements, financing costs and building construction. In a year the assessed value of the property falls below the baseline value, the property owner agrees to pay the Village a payment determined by multiplying the municipal portion of the net property tax rate by the difference between the current assessed value and the baseline value.
9. Compliance with the recorded Cross-Access Agreement between the owners of Outlots 20 and 21 is required.
10. Outdoor seating areas are proposed to be surrounded and enclosed with a fence with brick pillars acting as bollards to define the outdoor eating areas and to ensure protection of the patrons from the parking lot area.
11. The DSIS Agreement and Easement: Pursuant to Chapter 410 of the Village Municipal Ordinance the development is required to comply with the Village Security Ordinance. The DSIS will afford the opportunity for the public safety departments including the police and fire and rescue departments to visually examine commercial establishments and their sites and will provide emergency response personnel with a visual assessment of any emergency situation in advance of arrival without placing an undue burden on the Village taxpayers.

The attached DSIS Agreement and Access Easement which are, Exhibits 3 and 4 shall be finalized, executed by the owner and the system installed by the owner. Following the owner's installation of the DSIS, the Village will inspect the system and verify accessibility. My understanding is that Dakota Security is also doing this system for

them. The DSIS will be owned and operated by The Corners at Prairie Ridge. The Agreement and associated Access Easement shall be executed and the easement recorded prior to obtaining building permits for the project. The system shall be inspected and operational to the Village's satisfaction prior to the verbal occupancy.

12. The detailed Site and Operational Plans and related documents for the retail shell buildings and exterior site improvements have been reviewed by the Village staff and are subject to the conditions as set forth in this memorandum.
13. The signage plan reflects two primary monument signs. We had considerable discussion today about a number of the comments as well as the primary monument signs. And the staff is recommending that since and as part of the Village Zoning Ordinance since they have frontage on two streets based on that frontage and that lineal footage they are permitted to have two primary monument signs. So they'll have adjacent to Highway 50. That's going to serve more like a multi-tenant because there are up to six tenants in this building. And then the second primary sign right now is being shown where Peggy has the laser pointer, it might shift to the cul-de-sac to the east. We're in further discussions with them about that. But it does not have the same height as along Highway 50. Maximum height for that sign would be six feet. So that's a slight modification to comment number 13.
14. The property, Outlot 20, is currently zoned B-2 (PUD), Community Business District with a Planned Unit Development Overlay. The existing signage PUD on the properties relates to the PUD for the entire Prairie Ridge Commercial Development that allows for several entry monument signs throughout the Prairie Ridge Development. Again, their PUD also does reflect modifications with respect to signage.
15. Zoning Text Amendment. As just mentioned a separate PUD Zoning Text amendment is being proposed for the development. See Exhibit 5 for the application and Exhibit 6 for the PUD Ordinance, and this includes: 1) to reduce setbacks to common lot line between lots and hard surface setback reductions and 2) to reduce the percentage of open space required for Lot 1.

The community benefits identified by the developer in consideration for the granting of the PUD modifications include: 1) the building constructed on Lot 1 will be fully provided with fire sprinklers and a fire protection system as approved by the Fire & Rescue Department; 2) the development will comply with Section 410 of the Municipal Code relating to the installation, operation and maintenance of a DSIS system; 3) enhanced architectural design features and landscaping will be provided on the site; 4) the Primary Monument sign abutting Highway 50 will be limited in height to grade to 16 feet. No berming will be allowed to increase sign height will be permitted, and will have a 130 maximum square feet in area per sign side and will be placed in the same sight line as the adjacent signs on the Bulls-Eye property.

And number 5) the owner has agreed to pay a property tax based upon a baseline assessed value of the real estate never falling below the cumulative costs of the development, including land acquisition, site improvements, financing costs and building construction. In a year the assessed value of the property falls below the baseline value, the property

owner agrees to pay the Village a payment determined by multiplying the municipal portion of the net property tax rate by the difference between the current assessed value and the baseline value. Other specific PUD requirements are also listed in Exhibit 6. In addition, not included in the staff memo, the two other or few other items that would be in the PUD adjacent to 76th Street the maximum display area will be 36 square feet, and the maximum height of 6 feet. And, again, we just discussed that generally. And wall signs will be 50 square feet per building facade per tenant with a maximum height of 3 feet.

And, also, one of the things that we've been talking about with some of these multi-tenant structures that have double or triple frontages is that we do want to allow in some of these window opportunities that are facing the south, instead of just having them blacked out, have some opportunities for some non-illuminated window cling signs that might show a picture of a sandwich or someone walking to the store. I would have to refer to them. But you know how they show more community oriented type quality of life clings in these windows. We would like to be able to permit that and to be reviewed on a case-by-case basis by the zoning administrator. And we've done that in the past. And since there is so much visibility with respect to these windows facing to the south, instead of having all these blacked out or darked out windows it made some sense to have some life into some of these spaces.

16. Notices were sent to adjacent property owners via regular mail on October 22, 2015 and notices were published in the *Kenosha News* on October 26 and November 2, 2015 related to the Conditional Use Permit.
17. The petitioner was e-mailed a copy of this memo on November 6, 2015. And in fact, we met with them for a couple of hours today to go through all of the comments for this particular project.
18. According to Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and the information presented this evening that the project as planned, will not violate the intent and purpose the Village Ordinance and it meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any Site and Operational Plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other applicable federal, state or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, noise, storm water management, streets and highways and fire protection.

With that I'd like to continue the public hearing. And I'm sure Dimitri would like to come up and answer any questions and make any additional presentation regarding the Corners at Prairie Ridge.

Dimitri Dimitropoulos:

Hello, my name is Dimitri Dimitropoulos. I am the developer and also the owner and operator for the Corner Bakery Cafe which will be the tenant on the eastern end of the building. It's nice to be back, and we're just looking forward to continuing through the process to get our approvals and hopefully break ground soon.

Tom Terwall:

So are we.

Dimitri Dimitropoulos:

I'm here for any questions at all.

Tom Terwall:

Are there any comments or questions? Any comments or questions? Seeing none, I'll open it up to Commissioners.

Bill Stoebig:

I assume it's kind of a similar opening period by Memorial Day?

Dimitri Dimitropoulos:

We're going to break ground in the spring. They broke ground already. But we'll get in the ground as soon as we can. We're probably looking at having the tenants opening up by November of next year, a couple months later.

Michael Serpe:

Does Corner Bakery have a liquor license?

Dimitri Dimitropoulos:

It does not. Some of the MOD Pizzas do which is the tenant on the other end cap of the building. So as a brand they do sell I believe beer in a lot of their units. But they have not started the process of obtaining that license here yet.

Tom Terwall:

Where is the nearest MOD pizza? Do you know?

Dimitri Dimitropoulos:

There are probably 60 units around the country. I know there are a couple under development right now in Illinois. I'm not sure if any have opened. The one that I actually visited when I was

on a trip on the west coast I went to one that was in Los Angeles to see what it was like when I was there.

Tom Terwall:

Thank you.

Jean Werbie-Harris:

I just wanted to mention that they took great pains to bring in all of their samples for their projects. Again, you may have seen them and looked at them when you walked in. I think that this is going to be quite unique and interesting. And after seeing the materials and working through everything with them to understand exactly how everything was going to be working together, I think it will be very interesting and unique out there. But yet we'll have some of the similar characteristics to some of the other facilities out there. But I think that this will be one of the most unique ones just because they're introducing some different materials and slate and just some other materials. But I think it will look very nice out there.

Tom Terwall:

Have you selected a general contractor yet?

Dimitri Dimitropoulos:

Working with KVG.

Tom Terwall:

If there's nothing further, I'll entertain a motion to approve the Conditional Use Permit including Site and Operation Plan with the DSIS.

Jim Bandura:

So moved.

Michael Serpe:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JIM BANDURA AND SECONDED BY MICHAEL SERPE TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING THE SITE AND OPERATIONAL PLAN WITH THE DSIS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Michael Serpe:

Move approval of the Zoning Text Amendment.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**H. Consider the request of Joan Knapp, owner for approval of a Certified Survey Map to subdivide the property located at 8008 107th Avenue into three (3) properties.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a request of Joan Knapp, owner for approval of a Certified Survey Map to subdivide the property located at 8008 107th Avenue into three properties. This property is located just south of the Chateau Eau Plaines area and just north of the River Oaks area in Pleasant Prairie.

The petitioner is requesting to subdivide the property located at 8008 107th Avenue. It's identified as Tax Parcel Number 91-4-122-074-0098 into three parcels. The property is currently zoned R-5, Urban Single Family Residential, which requires lots to have a minimum frontage of 75 feet on a public road and a minimum lot area of 10,000 square feet.

Lot I is proposed to be 38,925 square feet with 190 feet of frontage on 107th Avenue. Lot 1 has an existing single family home and a shed on the property. There is an existing 20 foot storm water drainage easement pursuant to the two attached recorded easements granted to the Village in 1995 and 1999 that are extending along the north property line of Lot 1, which shall be shown on the CSM along the north end of the CSM from the rear corner of the property which would be that northwest corner extending all the way to 107th Avenue there should be a 20 foot easement that's identified.

The existing shed shown on the CSM shall be removed or relocated outside the Village's drainage easement. Pursuant to Village records no permit had been obtained for that shed. So if the shed id proposed to be relocated a permit needs to be obtained prior to moving the shed. And the new location shall be shown on the CSM. If the shed is just going to be removed then it should be removed from the property and from the CSM.

Lot II and III are proposed to be 20,487 square feet each with 100 feet of frontage on 107th Avenue. Any new homes proposed to be constructed on these lots will be required to connect to both municipal sanitary sewer and municipal water within 107th Avenue. A detailed drainage and grading plan for the lots shall be submitted to the Village Engineering Department for approval prior to the development on Lot II and III. In addition, 20 foot wide Stormwater Drainage, Access and Maintenance Easements shall be shown on the CSM and dedicated to the Village on the common lot lines for future offsite storm water runoff conveyance. So in between the lots that are being created so two more additional easements.

The proposed land division conforms with the Village's Zoning Ordinance, Land Division and Development Control Ordinance and the Village's Comprehensive Plan subject to the removal and relocation of the shed and subject to the conditions as outlined below in our staff comments. The staff recommends approval of the CSM subject to the above comments made as well as all the comments that are listed below 1 through 11.

Michael Serpe:

Move approval.

Deb Skarda:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY DEB SKARDA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Michael Serpe:

Before we adjourn I'd just like to compliment staff and everybody for the room. Came out beautiful. The only question I have is does it have any heat?

**6. ADJOURN.**

Michael Serpe:

Move to adjourn.

Deb Skarda:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

We stand adjourned.

**Meeting Adjourned: 7:15 p.m.**