

**1 PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
October 24, 2005**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on October 24, 2005. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana Eric Olson was absent. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick, Assistant Planner/Zoning Administrator and Tom Shircel, Assistant Planner/Zoning Administrator.

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

Jean Werbie:

Mr. Chairman, I received a brochure from UW Extension Local Government Center. They've identified their local land use planning and zoning Wis Line Teleconference Series for 2005/2006. If any of the Plan Commissioners are interested, you should let my secretary know, Jan, so that she can sign you up and we can arrange for any of these telephonic conferences for you.

Tom Terwall:

Just as in every other year, they think that's all we have to do is sit home on Wednesday mornings at 10:30 and wait for them to plan another one of these conferences. It would be nice if they did this around working peoples' schedules.

- 4. CONSIDER THE MINUTES OF THE OCTOBER 10, 2005 PLAN COMMISSION MEETING.**

Jim Bandura:

Move for approval.

Wayne Koessl:

Second.

Tom Terwall:

**MOVED BY JIM BANDURA AND SECOND BY WAYNE KOESSL TO APPROVE THE MINUTES OF THE OCTOBER 10, 2005 MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**5. CITIZEN COMMENTS**

Tom Terwall:

If you're here for the Item A under Old Business or A under New Business those are public hearings. We would ask that you hold your comments until the public hearing is held. If you're here for Item B, a lot line adjustment, or for an item that's not on the agenda, now would be your opportunity to speak. We would ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments? Anybody wishing to speak?

**6. OLD BUSINESS**

**A. TABLED PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT: The request of Richard Steffes, agent for Laurel Steffes & Georgette Bates owners of the vacant property generally located on the west side of 3<sup>rd</sup> Avenue south of 110<sup>th</sup> Street to rezone a 15 foot portion of the field delineated wetlands seven (7) feet from the south property line from C-1, Lowland Resource Conservancy District to the R-5, Urban Single Family Residential District as result of the Wisconsin Department of Natural Resources approval and permit to allow the owner to fill the area for the installation of a driveway from 3<sup>rd</sup> Avenue to the non-wetland portion of the site. The LUSA, Limited Use Service Area Overlay District will remain on the property.**

Tom Terwall:

You want to keep this on the table, is that correct?

Jean Werbie:

That is correct. And if I could just provide a little bit of information to the Plan Commission. At the September 12<sup>th</sup> meeting the Commission voted to table this matter regarding the zoning map amendment at the request of Richard Steffes, agent for Laurel Steffes and Georgette Bates, owners of that vacant property on the west side of 3<sup>rd</sup> Avenue and south of 110<sup>th</sup> Street. At that time the Plan Commission had tabled it for a couple of reasons, one of which was to listen to or get some results of the storm water management study for the Carol Beach area. Also, the petitioner's neighbor at that time had submitted a request to the Wisconsin DNR for a contested

case hearing, and we are waiting to hear whether or not they were granted that contested case hearing. So with those items pending, the staff is recommending that this item remain on the table.

I did have a conversation with the petitioner on Friday to make him aware of the staff's recommendation, and we did send out notices to the neighbors abutting this property so that were aware that we were going to be recommending that it continue to stay on the table.

Tom Terwall:

Do we need a motion to continue the table and set a date for hearing, or do we just leave it on the table?

Jean Werbie:

I think we just leave it on the table, because with those two items outstanding I can't be guaranteed of the date. At this point we're tentatively trying to shoot for November 14<sup>th</sup>. So if we could set that date of November 14<sup>th</sup> before the Plan Commission to take up this matter we will do that. But if it's different from that date we will send out new notices to the petitioner and the neighboring properties.

Tom Terwall:

So we just leave it tabled then?

Jean Werbie:

Until November 14<sup>th</sup>.

## 7. NEW BUSINESS

**A. PUBLIC HEARING AND CONSIDERATION OF REVISIONS TO A PRELIMINARY PLAT for the request of Rich Wagner, P.E. of Jenkins Survey and Design, Inc. agent for RLSR Enterprises, LLP, owner of the property generally located south of 116<sup>th</sup> Street east of 22<sup>nd</sup> Avenue to consider amendments to the Preliminary Plat for the proposed Lighthouse Pointe Development as a result of re-verifications of wetlands on the property.**

Jean Werbie:

Mr. Chairman, the petitioners are requesting to amend the Preliminary Plat for the proposed Lighthouse Pointe Development as a result of the wetlands on the property being re-verified.

According to the Preliminary Plat conditionally approved by the Village Board on December 20, 2004, by Resolution #04-56, 3.6 acres of wetlands were located within Outlots 4, 5 and 6 and are proposed to be preserved. As noted on the plans the wetlands on Outlot 4 were identified in the field on August 1, 2000 by a staff biologist from SEWRPC, and the wetlands on Outlots 5 and 6 were identified in the field on November 23, 1993. They were re-verified on August 1, 2000 by the staff biologist. The wetland areas have been labeled as Restrictive Wetland Areas. These

wetlands are valid for a five year time period, and since the final plat was not approved within that five year period, they again requested that the Wisconsin DNR and SEWRPC go out and redelineate those wetlands.

As shown on the slide, these wetlands have been redelineated and these areas have grown. The developers have chosen not to seek any permits from the DNR to fill these wetlands, but what they've chosen to do is to amend the preliminary plat so that all of the wetlands can be preserved on the site.

A couple of other amendments to the plat are coming before you this evening as a result of the wetlands delineations. First of all:

- < 22<sup>nd</sup> Avenue would not continue south into the adjacent property;
- < Lots 47 through 63 adjacent to the western property line were adjusted and reduced to meet the minimum R-4 District lot area requirements of 15,000 square feet rather than 20,000 square feet;
- < the public park area was relocated to the central portion of the site to preserve the remaining trees in this area. This park is proposed to be 2.26 acres rather than 5.31 acres as on the December 2004 approved Preliminary Plat.
- < Lots 64 through 67 were adjusted as a result of the park being relocated; and
- < Lots 88 through 92 were added south of 122<sup>nd</sup> Street as a result of the park being relocated. The 4.57 acres Outlot 6 which includes 2.14 acres of wetlands remain as open space.

So you can see what happened was on the very south end the wetlands grew, so the open space on the south end grew but it's not identified as a park but just as an open space for the homeowners in that subdivision. And the park was actually moved to the central portion of the site where the wooded area is, and then they had to do some adjusting of lots in the south end and along the west end of the site. Primarily the rest of the plat did remain the same.

The other comment I wanted to make was with respect to the neighborhood plan which originally had shown that 22<sup>nd</sup> Avenue was to continue to the south and then link into the property to the south and then go to the west. That won't be able to happen now because of the wetlands. What the staff has determined is there's still another alternative access road that would take you south into the development that would allow for access to the south as well as to the west and to the east without upsetting the whole neighborhood plan that had been worked on for quite a period of time.

This is a matter for public hearing. Again, what we're doing is amending the original preliminary plat that had been approved by the Plan Commission and the Village Board based on some recent environmental changes.

Tom Terwall:

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

Marvin Letvin:

Marvin Letvin, 3875 116<sup>th</sup> Street. As a principal of the project I would just like to say we are here to answer any questions, and also Mr. Rich Wagner of Jenkins Survey & Design is here if you have any other questions.

Tom Terwall:

Thank you. Anybody else wishing to speak? Anybody wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff.

Mike Serpe:

There is a letter from the Lamothes that is in your packet. Could we discuss this a little bit? I think we're going to need you to come up, Marv or the Lamothes. I think we have to discuss a couple things here. I don't know how you want to do this. We read your letter. I just have a couple questions if I may, and maybe staff you can help me out with this as well. When Marv was talking to you, was it at the time when they were going to take a portion of your land that he said he was going to hook up to sewer and water?

Eddie Lamothe:

It was at both times. At the beginning I understand it was when they were going to take the trees. Actually before we can here we stopped and we did finally talk to him and we did get it a little bit resolved but not totally to our-

Mike Serpe:

What's left, can I ask? What's left to be resolved?

Eddie Lamothe:

We're trying to meet half way.

Mike Serpe:

Then are you satisfied with what's going to happen here then, is that correct?

Eddie Lamothe:

As far as this, yeah, but as far as between us two not 100 percent yet.

Mike Serpe:

Is that something that we don't have to get involved with then?

Eddie Lamothe:

I don't know if you can get involved in it.

Mike Serpe:

Alright. I'll defer to you.

Jean Werbie:

I just wanted to mention on Friday Mike Serpe, myself and John Ruffalo had a conversation, he's one of the developer representatives. We discussed the situation with the Lamothes and that there had not been any written communication between the parties with respect to what was going to be provided to the Lamothes. So I had prepared a staff memorandum based on our conversation. I had a conversation with John Ruffalo again this afternoon and with Mrs. Lamothe this afternoon, and I think the communication is going now in order to continue to discuss what commitments are being made by the developer to the Lamothes. None of the Lamothe property is being taken for the dedicated right of way of 22<sup>nd</sup> Avenue. And what's happening is that their driveway no longer will continue to 116<sup>th</sup> Street. They will reconstruct their driveway and abandon their old driveway so that they can connect directly to 22<sup>nd</sup> Avenue. There's an outlot 1 that abuts 22<sup>nd</sup> Avenue that the developers are going to transfer to the Lamothes so they have that frontage. And then there was continued discussion that they would not have to pay for any of the sewer, water, roadway improvements along 22<sup>nd</sup> Avenue and that the developer would be installing some laterals to the property line for them. So those were some of the things we had discussed last Friday, and I believe they continued that conversation today.

Don Hackbarth:

Just a quickie question. If this going to inhibit their ability to negotiate with what they need? If we approve this tonight, can they renege on the deal in what you're negotiating?

Tom Terwall:

This is only the preliminary plat.

Jean Werbie:

This is just the preliminary plat. We still have to go to the final plat. But in my conversations with the developer and with Mrs. Lamothe I think they will reach some successful conclusion. And I think we need to just make sure that they do that by the time we get to final plat.

Mike Pollocoff:

I don't want to be a fly in the ointment, but I just want to point out for the Commission and the Board that one of the unusual aspects of this arrangement is that the Lamothes, and it's good they're negotiating, but they're going to be put in the position, unlike other improvements along developments, where they're going to have to make a connection to sanitary sewer within one year after the sewer has been in and available for their use. Typically that doesn't always happen with a subdivision improvement. This one is just a little peculiar because of the way it lays out. So by ordinance we're not permitted to approve a development that's going to spin off expenses to abutting property owners unless it's a benefit that they've had. In this case the Lamothes are going to be required to connect to that sanitary sewer.

I want to make sure that gets resolved so we're not back here a year or year and a half from now with some angst on everybody's face over the fact that whatever--I don't know what it's going to take for them to connect and I don't know if they do either, to do that private connection, abandon the septic system, get the plumbing squared away in the house so the sewer can work because that will have to happen once the project proceeds and that sanitary sewer goes in.

The water technically that could go to the back burner because that in this case isn't mandated by State statutes the way sanitary sewer is.

Tom Terwall:

Thanks, Mike.

Mike Serpe:

I feel better about this already and with that I'd move approval of the preliminary plat.

Larry Zarletti:

Second.

Tom Terwall:

**MOTION BY MIKE SERPE AND A SECOND BY LARRY ZARLETTI TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE MODIFIED PRELIMINARY PLAT 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.

**B. Consider the request of Richard Stiles for a Lot Line Adjustment between the properties located at 2905 116<sup>th</sup> Street (owned by Richard Stiles) and 2819 116<sup>th</sup> Street (owned by Diane Valdez).**

Jean Werbie:

Mr. Chairman, the property petitioners are requesting to adjust a portion of the lot line between the two adjacent properties at 2905 116<sup>th</sup> Street owned by Stiles and 2819 116<sup>th</sup> Street owned by Valdez.

The properties associated with the Lot Line Adjustment are identified as:

- < Tax Parcel Number 92-4-122-361-0350 - 2905 116<sup>th</sup> Street owned by Stiles. It's identified as the East 66 feet of Lot 8 of the Lake View Farm Subdivision, zoned R-4 (UHO), Urban Single Family Residential District with an Urban Land Holding Overlay District.
- < Tax Parcel Number 92-4-122-361-0345 owned by Diane Valdez and further identified as the West 165 feet of the North 230 feet of the Lake View Farm Subdivision, also zoned R-4.

The R-4 District requires lots to be a minimum of 15,000 square feet with 90 feet of road frontage and depths of 125 feet.

The Stiles property is improved with a one-story, 791 square foot, single-family dwelling and a 20' x 16' or a 320 square foot detached garage located immediately east of the dwelling, both which were constructed in 1937. The property is also improved with a 30' x 24' detached pole building located south of the dwelling. Pursuant to Village records, the Stiles parcel is currently .95 acre with 66 feet of frontage on 116<sup>th</sup> Street and 626.98 feet of depth. This property is considered a nonconforming lot in that it does not have the required minimum 90 feet of lot width per the R-4 District.

The Valdez property is improved with a split-level, 1,493 square foot, single-family dwelling with an attached garage, constructed in 1999. Pursuant to Village records, the Valdez parcel is currently .75 acre with 165 feet of frontage on 116<sup>th</sup> Street and 196.98 feet of lot depth.

The Lot Line Adjustment proposes to add a 196.98 foot by 14.5 foot strip of property from the west side of the Valdez property and attach it to the Stiles property. Following the Lot Line Adjustment, the Stiles parcel will have 1.02 acres with 80 feet of frontage. His property will still be nonconforming but less nonconforming than it was before.

Following the Lot Line Adjustment, the Valdez parcel will have .68 acre with 150.5 feet of frontage on 116<sup>th</sup>. The parcel lot depth will remain unchanged. The existing single-family dwelling will be setback 32.55 feet from the adjusted property line, which meets the minimum 10 foot side setback requirement.

On April 10, 2005, Ms. Valdez received a fence permit to install a 6 foot high wood fence around the perimeter of her rear yard. In anticipation of this requested Lot Line Adjustment, she had the fence installed 15 feet east of the current west property line. Therefore, if the Lot Line



Adjustment is approved, the recently installed fence will be located along the newly adjusted property line.

Finally, if the Lot Line Adjustment is approved by the Board, the existing 320 square foot detached garage located immediately east of the dwelling on the Stiles property will meet the minimum five foot setback to the side property line for the accessory structure of this size. Also with the Lot Line Adjustment the gravel driveway along the east side of the detached garage will be located entirely on the Stiles property.

Basically what they're doing is cleaning up some things between the two properties so garage, gravel driveway is on one property and the fence and such is on the other property through the two neighbors.

The Village staff recommends approval of the Lot Line Adjustment as presented.

Tom Terwall:

Comments or questions?

John Braig:

Move approval.

Judy Juliana:

Second.

Tom Terwall:

**MOTION BY JOHN BRAIG AND A SECOND BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE LOT LINE ADJUSTMENT 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.

## **8. ADJOURN**

Wayne Koessl:

So moved.

Don Hackbarth:

Second.

Tom Terwall:

Motion and a second to adjourn. All in favor say aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.