

**1 PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
February 9, 2004**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on February 9, 2004. Those in attendance were Tom Terwall-Chairman; Michael Serpe-Vice-Chairman; Donald Hackbarth; Wayne Koessl; Don Wruck; Jim Bandura; John Braig; and Eric Olson. Also in attendance were; Jean Werbie-Community Development Director; Peggy Herrick-Assistant Planner and Assistant Zoning Administrator and Tom Shircel-Assistant Planner and Assistant Zoning Administrator.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CORRESPONDENCE**
- 4. CITIZEN COMMENTS**

Tom Terwall:

If you're here tonight to speak on Item 6A, the public hearing for the I-94 and 50 intersection, we would ask that you save your comments until that public hearing is held so they can be incorporated as part of the public record. If you're here to speak on any other issue, whether it's on the agenda or not, now would be your opportunity to do so. We would ask you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

- 5. PLAN COMMISSIONERS' COMMENTS**
- 6. NEW BUSINESS**
 - A. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Attorney Michael McTernan, agent for B & G Realty, the Wisconsin Department of Transportation, owners for the proposed redevelopment of the properties located at 118th Avenue south of STH 50.**

Jean Werbie:

Mr. Chairman, the petitioner is requesting approval of a Conceptual Plan for the proposed redevelopment of the properties generally located at 118th Avenue south of STH 50 and further identified as Tax Parcel Number 91-4-122-072-0105-0 owned by B & G Realty, Inc. and 91-4-122-072-0030-0 owned by the State of Wisconsin Department of Transportation.

The only building on the properties is a hotel – Baymont Inn and Suites, accessory parking and accessory signage. This is on the property owned by B& G Realty. The property owned by the DOT is vacant with a large wetland complex on the property. This property is the former Shell

Gasoline Station property. The DOT is proposing to sell a portion of this property to Redmond Commercial Development Corporation to incorporate into the property owned by B& G Realty. Lot 1 of the Development will remain in the ownership of the DOT and will not be included within the redevelopment of the properties. Lot 2 of the Development located, at the northwest corner of 118th Avenue and STH 50, includes a portion of the DOT property and a portion of the B & G Realty property that will be developed as a Walgreens by Redmond Commercial Development Corporation. Lot 3 is vacant. It's the former site of Annies Restaurant and is proposed to be developed as a Restaurant site. Lot 4, adjacent to 118th Avenue will remain the existing Baymont Inn and Suites.

The development of these properties will require a Planned Unit Development or PUD in order for three properties to be created because all three properties will not have the adequate lot frontage on a public street or the required lot area pursuant to the underlying B-4, Freeway Service District area will not be met. In addition, a number of other dimensional requirements are proposed to be reduced. Developing the properties as a PUD will allow flexibility with some Village Zoning Ordinance requirements provided there is a defined benefit to the community. The Village staff will begin preparing the detailed PUD Ordinance, which is a Zoning Text and will be a map amendment, for review by the Developers and eventual consideration by the Plan Commission and the Board once the Plan Commission and Board have considered the Conceptual Plan. The Conceptual Plan indicates a number of dimensional variations requested as part of the PUD including:

- ; Minimum lot size is proposed to be reduced on two of the three lots from the required 2.5 acres per property as follows:
 - ; Lot 2 (proposed Walgreens site): 1.77 acres
 - ; Lot 3: (proposed Restaurant site) 1.46 acres
- ; Lot 3 will have no frontage on a public street where, by the ordinance, 150 feet of frontage is required. However cross access easements are required for all three properties, and only two access points will be allowed from 118th Avenue onto Lot 4, which is the Baymont Site, for all three parcels and no access will be provided to or from Highway 50 or the off ramp area adjacent to the west.
- ; The amount of open space provided for Lot 4, which is the Baymont Site, will be reduced to 15% rather than the required 25%. This number may change as the site develops and the amount of right-of-way and parking adjacent to 118th Avenue is reduced. Apparently there is some talk from the Wisconsin DOT that additional right of way may be required along the west side of 118th Avenue, and if that is the case, then some green space as well as parking would be taken and be minimized on the Baymont Site, and then green space area would be reduced.
- ; Reduction of setback to the wetlands is proposed to be reduced on all three sites to as little as 2'3" on the Walgreens site and 5' on the Restaurant site. The ordinance requires that the setback be 25 feet to the wetlands.

- ; Reduction of setback for paving between Lot 3, the future Restaurant site, and Lot 4, the Baymont site.
- ; Reduction of setback of the proposed Restaurant building to 25 feet from the required 45 feet; however, the size of the drive thru lane needs to be further evaluated to determine if 12.5 feet is adequate for a drive through. Typically our fire department likes drive through areas to be much wider than that, so we'll need to take a look at that.
- ; Reduction of parking and aisle ways setback from the required 20 feet from properties lines to as little as five feet.
- ; Reduction of setback for a decorative fences on the Walgreens site to a minimum of three feet from the property line wherein 15 feet is required by ordinance.

In consideration of the foregoing dimensional requirements the Village staff is recommending the following:

- ; The site shall be developed as a unified development and all three properties shall be coordinated. At a minimum the following shall be required to ensure a unified development: The Baymont building was recently updated and no changes are proposed to the building; however, the Walgreens and future restaurant building will need to be constructed of a similar or same brick and masonry materials. Site improvements shall include the Baymont site and shall include at a minimum, additional landscaping, landscape islands in the parking areas, and light standards that are similar on all three properties shall be the same.
- ; Only one primary monument sign for all three properties will be allowed. The sign is proposed to be located on Lot 2 at the corner on the Walgreens site.
- ; Only one secondary monument sign for all three properties will be allowed on Lot 4 which is the Baymont site.
- ; Only one Freeway sign will be allowed for all three properties and shall be located on Lot 3 which is the future Restaurant site. In addition the petitioner is requesting the freeway sign be 371 square feet, however the Village staff recommends that the sign only be allowed to be 316 square feet an increase of 16 square feet above the 300 square feet allowed by ordinance.

The dimensional variations and any additional Village requirements will be finalized and presented to the Plan Commission and the Board at the required public hearing for the proposed PUD. Again, this evening what we're doing is considering the Conceptual Plan for the development of the site, and all of the related conditions of approval are attached based on the staff's review of the project to date. The developer has, in fact, responded to all of these comments that have been attached, but we have not had an opportunity to review that prior to tonight's meeting. So any conditions of approval should be subject to the comments as set forth by staff, as well as any additional or new comments that come up as a result of tonight's discussion. With that, I'd like to continue the public hearing.

Tom Terwall:

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

Mike McTernan:

Good evening everyone. Attorney Mike McTernan with O'Connor and Willems, 6633 Green Bay Road, Kenosha, Wisconsin. I am the attorney representing the property owners coming forward to you tonight to give you a little background on this project and give you some history on how we're at this point in the project.

We came before the Village looking at this site trying to figure out a way to utilize the spaces that are here in addition to coming up with a concept for the replacement restaurant after the Annie's was torn down through the staff's recommendation, looking at the various issues with this site's uniqueness that this site brings and has in the Village. It was suggested we come forward on a planned unified development.

This is much different than looking at it--I don't mean to bore you with some education, but it's not like a variance where we're looking for exceptions to the zoning ordinances that are in place. And it's not like a conditional use that we have to come forward and look for a particular permit in order to make certain our conditions are met in order to come forward instead. As Jean had pointed out, the flexibility of a planned unified development allows us to come together with a unified development on a track of land and make it a community business development that is unified amongst the three properties that are going to be built here. That is important because it differs from traditional zoning with regards to density, placement and land uses and buildings, and instead it doesn't detail us and constrict us to what has come up with over the years on your zoning that meets most conditions of the Village. Instead, you look at it and say we're going to create our own zoning classification, for a better term, that's going to apply to this specific site because of the various characteristics of this site that are unlike any other site and it makes sense trying to come up with a specific zoning plan that will fit over the top of this.

With that, I look at this saying there really isn't any precedential value to what we're trying to create here because there isn't any other property in the Village that has criteria like this, that has a bunch of wetlands on two sides. Obviously, it's right on the freeway in between Highway 50 and I-94 and has some unique uses that will be common to the property use amongst all the property owners.

So with that, we've gone through and spent a tremendous amount of time, and the Village staff has been incredibly helpful in coming up with ideas and insights on other projects the Village has worked on to try and make certain this is a classy, well developed and well designed site that will be a signature site coming into the City on I-94 and 50 with the Village on one side, and we know what Bristol looks like on the other side. We're trying to do everything to make certain that this corner shines.

We come forward, and you can see the architecture that we have laid out on the Walgreens. It's spectacular. This is something that, through making certain it matches up with what the Baymont site looks like and equally impressive putting together a restaurant site on this corner will all bring this development as one district. With that in mind, we do see that there are certain restrictions that if we came in on a simple zoning request for a building permit on these properties

it wouldn't make it because this characteristic on this site is so different. And, with that, you can see there's some changes and some modifications to what otherwise would be allowed in zoning that makes sense for this site that we've worked through.

We agree with the Village's comments, and we still have, as Jean had pointed out, a couple issues still to address, and that is how we're going to deal with the right of way, because on 118th they're going to be looking at taking property and this impact on this parking that we want . . . the DOT . . . a couple issues that we're working with staff and the DOT is finding out how this is going to be dealt with, because obviously Baymont wants the green space and they want the parking, and the DOT is looking at this right of way issue. So we're working with them to try to find out how that is going to get worked in, because we don't want to lose parking, we don't want to lose green space, but the DOT has certain objectives moving forward on increasing the size of 118th Street maybe in five years or maybe in ten years. We don't know when.

Secondly, there's a vision triangle corner here that we're addressing with the DOT dealing with the corner here as they are also reconfiguring Highway 50 and 118th in the future, so we are still working through that issue. As Jean had pointed out, this is in concept form, but we are looking for direction from staff and also from Plan Commission to put together and move into the PUD drafting.

The only issue that we're seeing that we have is we're still looking for some input and direction from the Plan Commission is the location and the square footage allowable for a single unit freeway sign. The site could probably be configured in another fashion to be able to split the site in some capacity to come in with two different buildings on the site and put two freeway signs somewhere on the site, one to service this site and one to service Baymont. Having two signs like you see across at Bristol where you've got sign upon sign upon sign, we didn't think that would look as good as having one sign and having one development and having it all tied in together.

In that regard, instead of looking to come up with ways of putting 300 square feet on one property and 300 square feet of others, we say it makes more sense, because Baymont is the driving force of this retail center, of this business center, is having a restaurant that is going to be auxiliary to Baymont and the Walgreens to have it one sign all connected and being addressed by Marcus Corp. that will be the owner to be able to manage and control how that sign is constructed. And how that ties into the developments, we don't have two totally different looking signs and things that may not look as good as if we could do it all in one under this PUD.

In that regard, our clients went back to their signage people and said what makes sense on this site? And they went through various iterations trying to find out what is going to work here, especially when the negotiations Marcus has been working on is looking at the restaurant site being split potentially into three separate restaurants or fast casual approaches. They've talked to people like Hudoba and Noodles and Caribou Coffee, and if they do come in, it would need--they all are looking for freeway signage. They see that the driving force of having this location near I-94 you're going to get freeway traffic, and if there's no way to advertise, you're already behind the eight ball on advertising for this location.

One of the things that we see that we're doing to try to incredibly clean up and beautify this corner is we're getting rid of scores of truck parking. Currently there's a huge business drive for the Baymont that caters to truckers at this location. And the numbers that Marcus has looked at is there's a good percentage of their business, close to 25 percent of their business, is driven by

truckers coming to this location knowing they have location to easy access to park on this location here because they own the site. In order to compensate and come up with ways to drive Baymont's business so we don't start losing business here and having a detrimental effect on Baymont's business is we need to make certain we're able to advertise that Baymont's here to compensate for other kind of traffic that's going to be generated by having the restaurant, the Walgreens and the Baymont here. And one of the ways to do that obviously is having freeway signage. If you shrink your freeway signage down where you're coming up with small signage for Baymont, small signage for three restaurants and small signage for Walgreens, it takes away from the impact you're going to have if you have a little bit more than the 300 square feet that's currently allocated under the ordinance. And in that fashion, the ordinance, if you look at that obviously as a starting point, it was for one building, one use, one business would be occupying like Baymont, they could theoretically if they were the only business here, have a 300 square foot bit sign. We don't see that as appropriate to look to have 300 for three buildings. We see that through the marketing and signage experts that have looked it and they see that you need to have more than 300 square feet to be allocated to three businesses, with one of the businesses having the potential of three different businesses in it. So now you're trying to convey a marketing image on a freeway at 65 miles an hour for five different businesses.

So with that in mind we went through it and talked with staff, and they said we've got to come to Plan Commission to get some input from you before--they sat there and said the 316 feet to them is what they can recommend. We come to you for just some further relief on that. I have a mock up here of some different breakdowns that we've looked at from our signage people with some different square footage. Jean, I'll give you a copy of this.

As you can see, if you look at the image on the far right hand side of the page, the highway pylon sign, if it was strictly 300 square feet, we'd have space without Walgreens, but if you can envision Walgreens being there, two uses. If Walgreens wasn't there, you could accommodate the restaurant site with adequate signage, albeit in a 150 foot square section, and as you move forward you go to the 316 feet which obviously it takes the Walgreens site, the 150 square foot, and splits it amongst two different units. What happens if you look at that 316 square foot sign, as you can envision trying to get the message for three different businesses that have distinctive logos that they need like Walgreens, like Baymont, on a sign that's going to be difficult to be able to see that sign. The signage people are concerned if you make it that small you're facing a safety hazard, because now you're putting a sign up that you're going to be able to see until you almost get on top of the sign, and if you have people wanting to go to a coffee shop that they know is there, it's going to be impossible to see if from any great distance.

In contrast, we look at if you went to what we originally thought would work would be 450 square feet. It gives a bigger presence to Baymont because they are the Cadillac, the driving force behind this development. It's the Baymont that is the main stead of the development and needing the presence to make certain we're going to look at giving up this truck parking revenue that we're having, and instead we need to drive it off of the freeway to get more travel up and down the highway in order to come to the Baymont. Then allocating additional square footage to the restaurant to be able to split up into three on a 135 square foot sign, and the remainder being left to Walgreens.

This just gives you some comparison that if you look at the sign in visualization you say, well, there isn't a lot of difference between a 300 square foot sign to the 316, which really isn't. But you get closer to the 450 square foot signage, and you have a better idea on how important it is to

needing more signage if we're going to convey a message and be able to attract businesses to that restaurant pod.

We're open to suggestions in looking for some input from Plan Commission to make a recommendation to get us great signage, and I look forward to any comments you may have. I appreciate it.

Tom Terwall:

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

Don Hackbarth:

I don't know how to vote on this. Yesterday I received a call from Michael McTernan, Sunday afternoon, and we discussed it on the phone. I know there were a couple problems here. I sat on the committee that worked on signage when we put that whole package or ordinance together, and known Attorney Baxter said that as a Commission you really should not be talking to a petitioner before it comes before the Plan Commission. I'm kind of caught between a rock and a hard place here, because not only being on the Board that came up with signage, and then talking with Attorney McTernan here, I guess what I'm going to do is I would let you know that I will reserve whether I will vote or abstain on this because of these things after the discussion takes place. But I was contacted by Attorney McTernan.

Tom Terwall:

Jean, just to set the record straight, ex parte contact is not necessarily an issue in this particular matter, is that correct?

Jean Werbie:

That's correct because it is not a quasi judicial situation that you're in this evening, and because you are not the final authority with respect to the conceptual plan for the project. You are the final authority as it pertains to Walgreens, however, because it requires a conditional use for the drive-through. So if there's any discussion with Walgreens, that should not take place. But otherwise with respect to a conceptual plan or rezoning, the Plan Commission, although staff never recommends it, but the Plan Commission has every right to talk to any petitioner that calls them. But as it relates to any conditional uses or any matters that the Plan Commission has final authority on, it is recommended that you do not have that contact with the petitioner.

Tom Terwall:

Thanks, and thanks for putting that on the record before I turn it over to you. Just for the record, I think most of the Plan Commission members were contacted by the Attorney. So let's get that on the record. Go ahead.

Don Hackbarth:

Okay, I'm a little confused here as to what the petitioner is asking for. In the blue document that you read, you were saying that they were requesting 371 feet.

Jean Werbie:

That was their petition to us. They've changed or amended that this evening.

Don Hackbarth:

And on this, they're looking at three signs and none of them is 371 feet. It's 450 square feet.

Jean Werbie:

I think they amended it this evening when they presented the signage.

Don Hackbarth:

So it is 450 feet?

Jean Werbie:

Based on this, it looks like they're asking for 450.

Tom Terwall:

Is that correct, Michael?

Michael McTernan:

We had originally started with the proposed in the conceptual plan drawings at 450 square feet, and when we met with Village staff, they had said the ordinance says 300. Can we somehow come up with some middle ground and somehow work to something a little better. They said 450 is just way too big. I present that more as an illustration not as a request that I want 450, and not as a request that I'm looking for any specific number that I say I got to live with. In the documents we had sent back, we came up with 371 through our signage experts that drafted it, and we just submitted it for comment, but it was more a proposal saying, well, how does this look? Does this make sense? So I read the memo on how it went out at 371, but we're looking for input from you guys and some determination from you. Is 371 the specific number? Are we dead set we've got to have 450? No. 371 is squeezing it as hard and as tight as it could possibly be to make sense, otherwise we've got to look at some other options that may not work.

Tom Terwall:

Where did the 316 square foot option come from?

Michael McTernan:

That was staff based on our 371.

Don Hackbarth:

One other comment, too, that I had. You drive that quite frequently, and with this signage right here, you're looking at the middle one, even at 450, you're saying that Walgreens sign is about 20 feet off the ground. Looking at line of sight coming 65 miles an hour where the turnoff actually is, the turnoff is quite a ways down the road. Would you even see it quick enough to get at 450 square feet?

Michael McTernan:

Our people went out there on the issue, and Jean had actually helped out with this, because at first we looked at height being an issue. We went there, and I don't recall--they flew a balloon at the various heights to see what you could see and couldn't see, and 45 feet at that height was fine. We could see just fine. And they did it coming north and south to find out how that would work. Obviously, like you see on Walgreens, coming from the north you're going to have a harder time because of the rise in the road on seeing the Walgreens site per se, coming from the north heading south; but coming from the south heading north where it's going to be an easy access exit you will see it.

Don Hackbarth:

But the signage people feel that--that's a pretty long exit ramp there. The signage people feel that at these dimensions, at this square footage, you'd still be able to see it in time far enough down the road to get off?

Michael McTernan:

Yes.

Wayne Koessl:

Mr. Chairman, through the Chair to the staff, Peggy, can you show what a curb and gutter is going on that site, or haven't we gone that far?

(Inaudible)

Wayne Koessl:

And also at the same time where is the truck parking going to end up?

Tom Kindsche:

Tom Kindsche from HNTB Milwaukee. Curb and gutter as we're proposing it now, these are the existing use at the Baymont in. This is the old Annie's site. As this is redeveloped, there will be curb and gutter around all the parking areas in Walgreens. As the restaurant site develops, that

will be new curb and gutter there. We have 10 new planting islands proposed for the Baymont site, so that would all be put in as new curb and gutter. So essentially this will look like a new development as it progresses through the different phases with curb and gutter on the parking lots.

Wayne Koessl:

And where is the truck parking going to be relocated to?

Tom Kindsche:

We have three truck parking places that are kind of down in the corner here.

Wayne Koessl:

And 25 percent of their business is truck parking? That means there's only 12 rooms there.

Tom Kindsche:

They're not going to get the 25 percent if we only have three truck parking spaces right now.

(Inaudible)

Wayne Koessl:

My comments on this is do we really need a restaurant in that location? It's going to be pretty busy, and access in there is going to be pretty pretty horrendous. As far as looking at the signs, I've never seen so many waivers to conditions to one piece of property as we have done here for reducing the acreage and all the other things. I feel that the restaurant should go, and we should stay with the 300 feet of signs. That's my feeling.

John Braig:

I'm a little bit confused, or maybe there's room for somebody to enlighten me a little bit better. But the Department of Transportation on the expressways does permit signs along the expressway identifying that motor fuels, lodging and restaurants be identified along the highway. The Department of Transportation does not permit that kind of signage for a drug store. And yet it appears as though something less than 100 square feet is adequate signage for a store that can't have any identification further down on the expressway. I'm at a total loss as to why Baymont needs such a big sign. If somebody could rebut that or give me some more information.

Chris Nolte:

My name is Christ Nolte. I am the director of real estate at Marcus Corp. at 100 E. Wisconsin, Milwaukee. Let me enlighten you as to some of the economics behind our decision to go with a PUD and what's driving a larger sign. As was mentioned, the truck parking, which is being proposed as a Walgreens site, is 25 percent of the revenues of the hotel. The hotel in net room revenue does about a million dollars. At 25 percent, so at \$250,000 a year. Now, when you value a hotel, typically you value a hotel on a net room revenue multiple. And the multiple is generally between 3 and 3.5. So anyone who went in to buy a hotel would look at the net room revenues

and pay 3.5 net room revenues. When you change net room revenues by \$250,000 a year, you effectively change the value of the hotel by over \$800,000. To make up for that, to make up for the competitive advantage and the revenues that we're currently getting from truck parking, we need another demand driver. We need another thing that's pulling people off the road and bringing them to our site. And so the size of the sign is really indicating, is trying to make up for that difference. Whether or not it's 450 or 425 that actually creates that demand that keeps the hotel where it needs to be, it's not a science. I'm not going to pretend it is.

But if you look at what we could have done, had we done nothing, i.e., we don't develop the Walgreens site we can put up 300 square feet. Given that fact, given the alternatives, what makes this interesting for us is a bigger sign. And really the PUD from the beginning for us was this opportunity to get a bigger sign so that we can replace the truck parking. Now, as I see it, there are effectively two constituencies, actually three. There's the Village, there's Walgreens and then there's Marcus. First of all let me commend the Village for the amount of time and effort they've put into this project. We really enjoyed working through this. It's a very complex deal as you can probably sense from what's going on here. But the Village has really extended their hand to Walgreens in a meaningful way, and that's important I think especially given the strengths of the site.

But from Marcus's perspective, albeit we are the landowner who is selling the land to Walgreens, economically you can see that unless we get an outrageous amount of money for the land, it's not in our best interest to do the deal. And that's why we're doing this PUD because we need to align the interest of these three parties. As it stands, if we walk away with 316 square feet, we've effectively done our shareholders a disservice, because we could have the same 150 square feet and we could have the truck parking and, by the way, not affect the value of our hotel. So from that perspective, we are today asking for additional signage. This is what it was always about for us.

There's a history here. I think originally we wanted 600 square feet, and that was struck down. We're not asking for 600 square feet, but what we are asking is for something that makes sense that's commensurate with the uses. If we did nothing, we'd have 150 square feet for Baymont. We'd have 150 square feet for the restaurant, and then we could potentially split the lots and then there would be another discussion about what kind of signage that a new use should have. The 150 is really, well, 150, 150 and 150 is 450. It's pretty easy math. Three uses at 150 square feet each. And it's also why, in talking to the gentleman's comments about Walgreens Pharmacy being on a pylon, it's also why there is different sizing happening here. Our business demands superior signage, in part, because the competition is so great. I think there are three hotels within 500 feet, maybe 1,000 feet of our hotel. So from a competitive standpoint, from a business economic standpoint, that's why we're asking for 450 square feet. We're asking for more because we're effectively giving something away for the improvement of the corner there in 50 and 118th.

Tom Terwall:

Thank you.

Mike Serpe:

Is there a representative from Baymont here?

Jean Werbie:

That's Chris Nolte.

Mike Serpe:

Could you tell me, sir, the size of the sign at 294 and Grand Avenue in Illinois?

Chris Nolte:

From the Baymont? I don't have those statistics in front of me.

Mike Serpe:

Do you know that answer, Jean?

Jean Werbie:

No, I don't have that information.

Mike Serpe:

You don't know the size of that size?

Jean Werbie:

We can find out.

Mike Serpe:

I was just curious because it's very visible. I heard your story that you're not doing the shareholders--that you're doing them a disservice by not being able to accomplish the larger sign in your development. We came up with the sign ordinance a number of years ago because we didn't like what we were seeing and we had to make some changes. And if we grant the huge sign, and I'm not saying we couldn't come to a compromise here on something, but if we just wholesale grant the huge signs, then we're doing the Village of Pleasant Prairie a disservice, and that's not a good thing. I did some figuring on this paper, and I'm not a business expert here, but if we took the 156 square foot Baymont sign and did the 90 and 90 in the Walgreens and the blank, then we end up with 336 square feet. That's 20 more square feet than what Jean has offered. And, by the way, I agree with Wayne that I think the offer from staff on all the variances and the reductions on everything was very, very generous tonight.

I just have to ask Jean one question. If this is granted and we see commercial development taking place east on Highway 50 from the I just a short distance, and that will eventually become commercial, will similar requests come through for larger signage to be seen from the Interstate for that development going east from I-94 and Highway 50? I know the answer to that. It's going to be yes.

Jean Werbie:

Yes.

Mike Serpe:

So how far do we let this thing go?

Chris Nolte:

I think in this case, and I may be wrong but I think I'm right, is that this again is a PUD. It's a special case. I think it's special for a bunch of reasons. One is the site is relatively constrained especially with regards to 50 and 118th, the corner there. But I think it's also special because of the business economics on the site. At the end of the day, and this is not creating an ultimatum in any way, but there are elements of this deal that we wouldn't want to have happen if the signage is not there because it doesn't make sense from a business standpoint. Believe me, I pass this property every day. I drive 50 to 94 and out to Milwaukee and I live in Kenosha. As a resident driving by that, I would like to see the truck parking go away, too. But at the same time I have a responsibility to the shareholders of the corporation to make a proper decision. So from a business standpoint, giving away a core of our business requires a certain compromise in interests. I would be surprised if every other person that developed has the same interest and the same sort of puzzle that we face here on this site. I might be wrong.

Don Hackbarth:

I look at the Baymont, I guess the Baymont Inn is the thing that's driving the whole thing. I suppose the size or capacity of the Baymont drives the size of the restaurant or whatever. It would be kind of nice if we could reduce the size of those two other buildings. Does the Walgreens have to be that big? It's not in a residential area. Does it have to be that large a building? And the other thing, too, is one of the things, and I don't know if it would be amenable to you is dog gone it, put the restaurant in the Baymont and modify the whole plan.

Jean Werbie:

There's a lot of topics I want to touch on related to this. The first thing that I need to say is I respectfully disagree with Mike McTernan with respect to his statement that it is not similar to a variance to have a PUD approved in a community. It is exactly similar to a variance, but it is not the same. The State Statutes, when they were written and the case law that was put forth in 1998 puts some significant restrictions on local communities. It ties our hands. It did not allow for us to grant variances any longer unless we could prove that there was no reasonable use of the property but for granting those variances. So it really significantly hogtied every community in the State that was actually following the case law and how to adopt and process variances. So it's similar but it is not the same. The PUD regulations allow us as a local community to consider variations through reductions, through a process known as Planned Unit Development. That's how it's done in Pleasant Prairie. So when a developer comes to me and wants to have multiple buildings on a site, or they want to put buildings that are larger than what the site can accommodate, or there's multiple wetland areas abutting up to the site, we will often, if we feel

that community benefit can be derived, recommend a PUD. A PUD is not forced or thrust upon any developer in Pleasant Prairie. But it's a way that a community like Pleasant Prairie can work with that developer to make a development happen if we feel it's in our best interest for it to happen.

As you know, we've already made some adjustments or accommodations in the zoning ordinance to allow even convenience stores in the B-4 District. Not that we couldn't have done that before or after, but we have been working through this process, and actually we have been working with Walgreens off and on for over three and a half to four years on this entire project.

And while I'm mentioning that, the other thing I wanted to talk about is this site is similar, not the same, but very similar to other sites that we have in Pleasant Prairie. We have two major interchanges in Pleasant Prairie, one that's getting to be fully developed, and that's on 165 on the west side. Particularly on the northeast corner, we do have areas where sites are going to be restricted by wetlands, that they're on top of the Interstate, visibility can or can't be an issue. So we have similar situations there. Specifically at Highway C we have a very similar situation. We now, as you know, go west of I-94 at Highway C. We were purchasing the formerly known as Creative Partners property, and that has a very similar situation, wetlands and floodplains tied up. They're going to be restricted on this site and on DOT property, it's almost identical to that situation. So when we looked at this project it is similar to other sites that we have in Pleasant Prairie including Prairie Ridge that's going to be one mile east. They have a number of concerns. You read in the paper that we have a developer that's looking to put up a regional mall that's going to be over 350,000 square feet. You better believe that he's going to be looking for variations on that site, and signage will probably be one of them if there's a precedent set someplace else.

With respect to evaluating the proposal this evening, what the Plan Commission needs to do is they need to look at the community benefit that is derived from granting a PUD and what considerations, at least from the staff's perspective, that we're recommending that you can live with. This project alone has ten reductions or variations that have been made a part of this package that we've been working very diligently with them for a long time on. As part of the community benefit, there are things that we had identified such as it could be created as a unified business development. That was important to us especially at a very high profile intersection when you're coming right into Pleasant Prairie and right into the State of Wisconsin. There's additional landscaping that we're requesting to beautify the site, because there isn't much of that out there. There's additional curb and gutter that's going to be required. So there's things that are creating some benefit to Pleasant Prairie.

The other things that are giving benefit here is that lot 2 that the Walgreens site is going to have a much larger retail store on it than was allowed by the ordinance. That's a community benefit for us, because it's going to bring in greater taxes, it's a bigger use and it's a nicer building. And it's a benefit for them because they are going to be able to attract that many more people that are going to be coming to that very popular use that's adjacent to their business.

The other community benefits, which are actually a benefit for us, is that the site is going to bring in a higher assessment and greater taxes is that there's going to be a third lot created. There's going to be three sites out there. That's a benefit for them because they can sell that lot to some user, and the benefit to us is greater economic development for our community.

Another benefit is the removal of the truck parking which we all know is kind of an irritant because parked all over, and I hate it that they block the Baymont sign. Every time I'm out there I can't see their existing sign because it's blocked. The truck parking and the gravel it's not very attractive. But when it comes down to the greater signage request that they're making, I'm struggling as to why. Why do they need more signage? Who says they need to have three restaurants out there? I know that at one point they were looking at one, and now they're looking at three, and you can't put three on that small sign. I understand that. Maybe none of the restaurants go on that sign. Maybe you can just see their wall sign. Again, gas, food and lodging have the benefit of the TOD signs on the interstate. Gas, food and lodging. So that means you can see that sign two miles before you even know that you have to get off at that exit. And then you know that if you're getting off that exit and you see that wall sign, if I'm getting off, I'm there with my family, if I can see it and I can get around to it, I'm going to go to it. If I can't see it, it's going to be very difficult. I don't necessarily look two miles ahead to see if I can see a sign. Maybe some people do, but that's why the State does the TOD signs for the tourists and the traveling public to be able to know when they can get off to get to someplace.

The other thing is we could eliminate one of the lots, and then we wouldn't need a third sign. We'd only need two, and maybe if the issue is they need more truck parking, maybe the restaurant site gets eliminated and we make that into a beautiful truck parking lot for Baymont if that really needs to be the issue. I'm just thinking that Highway 50 intersection is so congested, so busy, and getting off the Interstate and going around 118th Avenue and coming into the site, that's got to be easier than trying to get a cup of coffee at Starbuck's across the street. To maneuver to get and go all the way up and around and then come back and then try to make that, certainly you don't want to try to make a turn going one way but you can go the other way, I'm just trying to figure out why there is a significant community benefit for having a larger sign.

I have to admit there was never a time that I promised a bigger sign or my staff promised a larger sign. We've always been open and honest with them. And when all is said and done if the only reason we've been spending three to four years going through this process was to get a bigger freeway sign that is frustrating. I work with projects and try to make them happen for Pleasant Prairie if they're in the best interest of Pleasant Prairie. And I need to be consistent and fair across the board with everyone I work with. And I feel we've given as much as I can on this particular corner, this particular site. It's a very visible, popular corner. You know what, it's there, and it can be developed, but I think we just need to examine it very closely, and we shouldn't be hasty with our decisions.

Tom Terwall:

Jean, do you or your staff know what the signage is, for example, at Starbuck's or at the hot dog stand next door or Quizno's? Is there a monument sign for those businesses?

Jean Werbie:

They have wall signage, and I believe there might be a small little ground monument sign on 118th. It's got to be less than six feet in height. There's no freeway signage. The only freeway signs are for Rogan's Shoes. I would have to check and report back. It's in the City of Kenosha.

Eric Olson:

I have to get going so I probably won't vote on this so I'll give my two cents. We have to go out and figure out how to put 4,700 kids into two high school buildings in a few minutes. This is easy compared to this. When I looked at this last night, I really thought how many times I've gone by there and thought this corner really needs--something needs to be done on it. And I think this is a good plan for it. As far as the signage, I guess I was glad to see that they weren't asking for a taller sign. I would give some. I don't know if I'd give up to 375 feet, but I'd give some, and I think the 316 was a good shot at it. Maybe even a little more I would. Again, we need to do something because it does look . . . I understand the economics if we get the trucks out of there they have to attract a little bit more business to make up for it, and there's a price for that. On the other hand, I'd never buy into the argument that it's our job to help you beat out the other three hotels out there. That's not our job. But, again, I would have voted for this plan and probably if somebody would recommend a little bit more signage, maybe an extra 10 percent. Again, if you look at it, what's out there today and what this is, that's going to be the best corner out there. It will be absolutely the best corner out there. And I think that's a testament to our Village, and I'd like to see it go through, because I really get tired of looking at what's out there today.

Wayne Koessl:

Mr. Chairman, as I said earlier I think that's going to become one hellish congested site out there when you have all those restaurants in there. I would be in favor if the restaurant is eliminated. I think Walgreens is a big asset out there and to help the Baymont, but I just can't see all the restaurant. We must have 10 or 12 restaurants in that intersection now. I guess I'd not go along with the restaurant. In fact, if everyone is done, I'll make a motion to--

Tom Terwall:

Hold that.

John Braig:

Reference was made before that this was going to be a PUD, and the implication made was that that should generate certain privileges and benefits. I think to a degree we've done that, but as a PUD it doesn't mean you should be able to have whatever you want. I think there's been an awful lot of concessions. When you look at it, you're putting facilities on three lots that nothing would fit or this whole proposal couldn't go ahead unless it was under a PUD concept. So I feel as though there's been a fair amount of concessions.

I did see a note somewhere dealing with the utility pole. I might mention I'm kind of disappointed in looking at the existing site plan I don't see utility poles identified. It's not critical to the decision we're going to make here, other than if there are some poles in the way, I know some of the facilities are out there. You're not going to move them very cheaply. I'll tell you that right now. You're looking at tens of thousands of dollars.

Wayne Koessl:

Mr. Chairman, I would make a motion that on the conceptual plan that the restaurant site be eliminated, and maybe that could be enhanced to better truck parking with a paved lot and some screening so the trucks aren't that visible and the signage would stay at the same 300 or 316.

Tom Terwall:

Is there a second to that motion?

James Bandura:

Tom, I need to . . . for this vote I need to recuse myself.

Tom Terwall:

Mr. Bandura will recuse himself because of the fact that he's employed by Walgreens. If there's not a second to Mr. Koessler's motion it's going to die for the lack of a second. I'll ask one more time. Is there a second? If not, is there another motion?

Mike Serpe:

I would move that we increase the signage to 336, that's 20 more feet than you're offering, Jean. The only reason I'm making that recommendation is because we give them the blank and Walgreens 90 square feet each, and the Baymont stays at 156. As far as the restaurant goes, Wayne, I agree that is a congested intersection and it's only going to get worse. I know the State is going to be stepping in soon with some changes. I hate to tell a developer that relies on the conceptual plan for the total outlook that we're not going to work with them on that. I think we should continue to work with them on that. Whether it happens or not remains to be seen. But I would move approval of the plan with the 336 on the signage.

Tom Terwall:

Is there a second to the motion first of all?

James Bandura:

Just a quick question to staff. Jean, this is a PUD, and if I'm correct couldn't you, if the restaurant goes away or if the restaurant stays, this could come back for that development whether it be parking for the trucks or the restaurant, am I correct?

Jean Werbie:

Correct.

James Bandura:

So we could essentially approve it as noted and with the stipulation that it can come back for review of development, correct?

Jean Werbie:

Yes, however I heard Chris say tonight that¹⁸ was looking for some direction, because the most important to him this evening was whether or not they were going to get any additional freeway signage square footage. So I think that he's looking for in addition to a blessing on the conceptual plan as noted with the comments and conditions was some direction as to what the Plan Commission is heading towards before they get into the next step where they start to finalize plans for site and operational plan.

Tom Terwall:

Let me restate Mike's motion. The motion is to send a favorable recommendation to the Village Board to approve the conceptual plan modifying the signage to a maximum of 336 square feet. That being Mike's motion I'll second the motion in order to continue the discussion. I think that the developer should understand that there's some real concerns on the part of the Plan Commission about having three restaurants in that same building. I think it would make a whole lot more sense to have one restaurant in there. I think from a parking standpoint, the traffic standpoint, the whole issue, I don't think we're looking for three little George Webb's out there to tell you the truth.

Wayne Koessl:

On the question, Mr. Chairman, remember when you finally make your decision and vote on this when the final one comes in, you're setting a precedent, and there will be other people asking for bigger signs.

Mike Serpe:

That was already given by 16 square feet.

Tom Terwall:

That was the reason I seconded the motion. I think you already exceeded the limit with the 16 foot, right?

Jean Werbie:

Yes.

Wayne Koessl:

But we didn't vote on that yet.

Tom Terwall:

Your point is well taken.

John Braig:

Just a clarification. In the motion subject to all the comments and conditions in the staff report.

Tom Terwall:

Yes.

Jean Werbie:

My staff and I were just talking, and something they may want to consider is something similar to what Radisson and Chancery did, and that was when the restaurant was built, it was connected to the hotel. And if you do that and if it's connected to the west side of the hotel, maybe it would allow for some additional parking, whether it's truck or car parking.

Tom Terwall:

I think that makes a lot of sense, too.

Jean Werbie:

I'm not sure if they looked at it. They have an exit and some windows there and some unique things, but Radisson was able to do it with Chancery.

Tom Terwall:

Some Baymonts do have restaurant facilities, do they not?

Chris Nolte:

Yes, they do. Christ Nolte. In this case, I guess by connecting it you are sort of wedding the hotel to a restaurant concept, and generally, especially in the case of single user restaurants, they don't like that as much. It's not what the market likes these days. They like stand alone facilities, so in that case we looked at it. In fact, we looked at it before thinking about the PUD at all, because if you did that, then you could actually get 600 square feet of signage because then you could split possibly.

Tom Terwall:

Thanks.

Jean Werbie:

I guess I respectfully disagree with Chris on that, too, because we are overwhelmingly having success with respect to Chancery and the Radisson. They could even create it so that the doors can get locked so that at certain times maybe there isn't a cross-connection between the two, or maybe there never is, and there's just a common party wall. And it's just a situation where they are actually condominimized, and one use and you own up to this wall and the other one you own up to that wall. The reason why we were thinking is because if they want to change their whole concept of just tailoring to truckers, and they want to try to capture more of the family market,

that would be a great advantage to have a restaurant next to the hotel. There would be greater parking and just an opportunity.

Wayne Koessl:

Mr. Chairman, I'm not going to support three restaurants in that building. I'm sorry.

Jean Werbie:

And we're not there yet. We haven't identified—

Wayne Koessl:

I know, but they will be there.

Don Hackbarth:

I can see why there's a restaurant on that site, because if people go to the Baymont, it would be not as good to get in their car and drive across the street or across the freeway. The idea of the concept of the restaurant being there is a good concept, because it's kind of a little package deal on behalf of the Baymont. Again, like I said, Jean, knock out 20 rooms and put the restaurant in the building and that's not feasible either. But I think the compromise would be great to attach it to the hotel. That way you could have a corridor like Radisson and have a corridor that goes right to the restaurant. People wouldn't even have to step outside to eat in the morning or afternoon or evening.

Chris Nolte:

Obviously, this is an option we look at from a business standpoint. I would say, though, that as far as managing the brand of a hotel, generally you like to keep things separate, because the brand of one can affect the brand of another. So while it is successful in some cases, it's not generally something you look to do.

Tom Terwall:

The original restaurant on that site was also owned by Marcus Corporation, was it not?

Chris Nolte:

That's correct.

Tom Terwall:

Okay, thanks. The motion then is to send a favorable recommendation to the Village Board to approve the conceptual plan subject to the terms and conditions outlined in the staff memorandum increasing the square footage of the monument sign to 336 square feet.

Jean Werbie:

Tom Terwall:

Excuse me, freeway sign to 336 square feet. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed?

Wayne Koessl:

No.

John Braig:

Opposed.

Tom Terwall:

Show of hands. All in favor raise your hand please? Four. Opposed? Two. Four to two.

John Braig:

My opposition stems primarily from my concern that we've worked a long and hard time on the sign ordinance, and I hate to bend it because it starts an avalanche.

Tom Terwall:

And, John, I appreciate the fact that this is not a rubber stamp vote. I think it's good that we don't have unanimous votes all the time. I respect both of your opinions. I also want to go on record in support of what Mr. Koessl said about if I get a chance to vote on it, if they come back to three restaurants, I don't plan to support that.

B. Consider Plan Commission Resolution #04-02 to initiate a zoning text amendment related to the height exception for a single family home.

Jean Werbie:

Mr. Chairman, the Plan Commission can initiate a petition for an amendment to the zoning ordinance, and that can include the rezoning of property, the change in zoning district boundaries, or the changes in the text of the ordinance.

At one of the previous Plan Commission meetings, and actually Village Board meetings, it was discussed that there was some concern generating with respect to some larger homes being built in the Village in existing subdivisions and existing areas where the homes that were going in were two and three and four times the size of the surrounding properties, and that the homes going in with respect to their massive size went in with a much higher elevation or height on that home, and it was starting to create some concerns for properties within the Village.

So we are introducing a resolution this evening for the Village staff to work with the attorneys to take a look at the maximum height limitations and size of homes within various districts based on their lot size. At this time, if a home exceeds 3,500 square feet and they have a first floor area of 2,000 square feet, they can go up to 40 feet in height. But it really doesn't specifically address how big the lot is or how wide the lot is or how close the home is going to be to adjacent homes on either side. So the staff would like the opportunity to re-examine that and to come back with some re-evaluation of the ordinance as it relates to height exceptions as we look at setbacks and green space and existing neighborhoods.

So the purpose of the resolution this evening is to direct the staff to do that. We would come back at a later date at a public hearing and present what we have come up with. I do not have anything drafted to date.

Tom Terwall:

Make a lot of sense.

Don Hackbarth:

Does this ordinance connect in any way with the property on Lakeshore Drive?

Jean Werbie:

That was one of them that brought it up.

Tom Terwall:

I think along Lakeshore Drive you're going to see a continuation of people buying older homes, bulldozing them, and trying to put a house twice as big on that same lot. I think this ordinance is very appropriate.

Don Hackbarth:

Mr. Chairman, I vote approval.

James Bandura:

I second.

Tom Terwall:

MOTION BY DON HACKBARTH A123 A SECOND BY JIM BANDURA. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

7. SUCH OTHER MATTERS AS AUTHORIZED BY LAW.

8. ADJOURN.

Wayne Koessl:

Move adjournment.

John Braig:

Second.

Tom Terwall:

MOTION TO ADJOURN BY WAYNE KOESSL AND A SECOND BY JOHN BRAIG. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Tom Terwall:

Opposed? We adjourn.