

**1 PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
October 27, 2003**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on October 27, 2003. Those in attendance were Tom Terwall-Chairman; Michael Serpe-Vice-Chairman; Don Wruck; Eric Olson; James Bandura and John Braig. Donald Hackbarth and Wayne Koessl are excused. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie-Community Development Director; and Peggy Herrick-Assistant Planner and Assistant Zoning Administrator.

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

Tom Terwall:

If you're here for Items 6A or 6B on the agenda, since those are matters for public hearing, we would ask that you hold your comments until that public hearing is held, and your comments will be included as part of the record. If you wish to speak on Items C or D or any other matter that's not on the agenda, now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Hearing none, we'll close that.

- 5. PLAN COMMISSIONERS COMMENTS**
- 6. NEW BUSINESS:**
  - A. PUBLIC HEARING AND CONSIDERATION OF A SHORELAND CONDITIONAL USE PERMIT: The request of Pete Kocourek, of Kocourek Shoreline Protection Ltd., agent for William Goldstein, owner of the vacant property located south of 12521 Lakeshore Drive to construct a revetment adjacent to Lake Michigan.**

Jean Werbie:

Mr. Chairman, as a part of the hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below:

1. The petitioner is requesting a Shoreland Conditional Use Permit to construct a revetment adjacent to Lake Michigan on the vacant property located south of 12521 Lakeshore Drive with 784 tons of 3 to 8 ton quarts armor stone and 105 tons of rip rap stone.
2. The subject property is known as Lot 39 of the Chiwaukee Subdivision and is located in a part of the Southwest One-Quarter of U.S. Public Land Survey Section 32, Township 1 North, Range 23 East in the Village of Pleasant Prairie and further identified as Tax Parcel Number 93-4-123-323-0070-0.
3. The property is currently zoned R-5 (LUSA), Urban Single Family Residential District with a Limited Urban Service Area Overlay District.
4. The Shoreland Conditional Use Permit Application and its related attachments includes the application and plans certified by Thomas G. Ritzer, a Wisconsin Professional Engineer, License #E-15634, which is provided as Exhibit 1.
5. Permits have not yet been issued by the Army Corp of Engineers or the Wisconsin Department of Natural Resources to date; however, permits are required by both agencies prior to work commencing.
6. All of the abutting and adjacent property owners within 300 feet were notified on October 9, 2003 and a notice was published in the *Kenosha News* on October 13 and 20, 2003.
7. There are no wetlands on the property pursuant to an investigation of the site by Hey and Associates, and the Village received concurrence with the report on October 6, 2003 via e-mail from Mike Luba of the Wisconsin Department of Natural Resources.
8. The petitioner was sent a copy of these conditions via regular mail on October 23, 2003.
9. According to Section 12.29-8 of the Village's General Zoning and Shoreland/Floodplain Zoning Ordinance, the Plan Commission shall not approve a Shoreland 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 all Village Ordinances and meets the minimum standards for granting of a Shoreland Conditional Use Permit.

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 on this issue? Anybody wishing to speak? Pete, anything to add?

Pete Kocourek:

Pete Kocourek, 5816 Everett Drive, Racine, Wisconsin. I'll be doing the work on this project. We do have the Army Corps permit of which you'll be getting a copy I'm sure. If you don't get one soon, I'll get you a copy of the one I have. We're strictly putting in a revetment. A groin is not required on this property as it's in a bay area. It's south of Carol Brdecka's property, and the land just south probably 150 to 200 feet on both sides of the property, probably 120 feet to the south, and about the same distance to the north. So it's kind of a bay area. It's actually shown on your print there. It's just a revetment with a wrap around on both sides.

Tom Terwall:

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

Jean Werbie:

The Village Staff Conclusions and Recommendations:

The Village staff has determined that based upon the foregoing information presented in the applications, and presented in the meeting this evening, that the application meets the following standards for granting a Shoreland Conditional Use Permit in that the project:

- does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems and the traffic patterns on the site do not hinder, harm or distract the provisions of public services;
- does not impair an adequate supply of light and air to the adjacent properties or increase the danger of fire;
- does not create storm water flooding or drainage, create obnoxious odors, problems or otherwise endanger the public health, safety or welfare; and
- the proposed and applied for use on this particular parcel is not inherently inconsistent with either the District in which it is located or the adjoining Zoning Districts or neighborhood.

Based on that foregoing information, the staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for granting of the shoreland conditional use permit, that it be approved subject to the comments and conditions as outlined in the staff memorandum.

Tom Terwall:

Any other comments or questions?

John Braig:

Mr. Kocourek has been before this group any number of times doing work along the lake. Have we had any negative feedback on the way he interacts with the neighbors and the people in the Carol Beach area?

Mike Pollocoff:

No.

James Bandura:

Move for approval.

Mike Serpe:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JAMES BANDURA AND SECONDED BY MIKE SERPE TO CONCUR WITH THE RECOMMENDATION OF STAFF AND TO APPROVE THE PERMIT SUBJECT TO THE FINDING OF FACTS AND BASED ON THE CONDITIONS SET FORTH IN THE MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**B. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN: The request of Quinton and Lisa Ackerman for the propose Kings Cove Subdivision proposed to be located at 1804 116<sup>th</sup> Street.**

Jean Werbie:

Mr. Chairman, the petitioner is requesting approval of a Conceptual Plan for the proposed Kings Cove Subdivision generally located north of 116<sup>th</sup> Street at 18<sup>th</sup> Avenue in the Village. The development proposes 12 single family lots.

Generally, the property is located within a portion of the Tobin Road Neighborhood. The Tobin Road Neighborhood is located between 116<sup>th</sup> and 104<sup>th</sup> Streets and between Sheridan Road and the Kenosha County Bike Trail. The Village Comprehensive Plan indicates that this neighborhood is proposed to be developed prior to 2010 and should be developed with densities of the Low-Medium Residential Development category, which requires that the average land area per dwelling unit shall range between 12,000 square feet to 18,999 square feet. The

Neighborhood Plan for the entire neighborhood is currently being prepared by HNTB for the Village. A number of environmental field delineations are being completed in other areas of the neighborhood prior to finalizing the entire plan. The Neighborhood Plan is proposed to be completed for review for the Plan Commission's consideration in the next six months. Since the property is very small and it is an interconnection project in that it interconnects 116<sup>th</sup> Street to 112<sup>th</sup> Street within the Tobin Creek Subdivision, and only develop the portion of the property south of Tobin Creek, the Village staff is proposing to move this proposal forward for Conceptual Plan consideration. We've been working with them for quite a long time, and because there are some issues in another corner of the neighborhood, we felt that it would be appropriate if we move this little piece along forward at this time.

**RESIDENTIAL DEVELOPMENT:** The proposed development consists of 10.01 acres of land located within the south central portion of the Tobin Road Neighborhood.

The Conceptual Plan proposes to develop 4.34 acres with 12 single-family lots; 2.06 acres of land will be used for public right-of-ways; 1.61 acres will be designated as open space, and this includes Tobin Creek and the related shoreland area south of the Creek as well as other open space; and 2 acres that's being identified as Outlot 2 which is being created for future single family development north of Tobin Creek. The average single-family lot within the development is 15,744 square feet, and the development, excluding Outlot 2, has a net density of 2.02 units per acre.

The following note related to Outlot 2 is shown on the Conceptual Plan And this is being explained to you now because it's a policy consideration that Outlot 2 is not being developed at this time. So as we move forward through the process, we need to make sure that it's clear what's going to happen with Outlot 2. Outlot 2 shall not be developed or improved in any way, and no zoning, building or occupancy permit shall be issued by the Village with respect to such lot, until such time as public sanitary sewer, water, storm sewer and roadway improvements are constructed and installed in accordance with the then-current provisions of the Village of Pleasant Prairie's Land Division and Development Control Ordinance, free of charge to the Village and free of any liens or encumbrances, or until such time as dedications of road right-of-way and storm water management facilities are made to the Village in accordance with the then-current provisions of the Ordinance, again free of charge to the Village and free of any liens or encumbrances, or until such time as any required fees are paid to the Village Treasurer in accordance with then-current provisions of such Ordinance. This restriction shall run with the land, shall benefit and be enforceable by the Village of Pleasant Prairie, and shall be removed or modified only upon the express approval of the Village Board and the recording of an affidavit evidencing such approval, signed by the Village President and attested by the Village Clerk. Again, they are not intending to cross the waterway at this point, so we did need to have them understand that there would be a restriction placed on that outlot.

**POPULATION PROJECTIONS** within the proposed Kings Cove Subdivision are based on the number of households proposed when it is fully developed:

- 12 total single family dwelling units.
- 33 persons (12 households x 2.73 persons/household).
- pursuant to the information provided by the Kenosha Unified School District for Pleasant Prairie, a total of five public school age children are likely to come from this development.

The Village provides copies of proposed developments to the Kenosha Unified School District to assist in their budgetary and long-range planning efforts.

**OPEN SPACE:** Approximately 1.61 acres or 6 percent of the development is proposed to remain in open space. This excludes Outlot 2, which is proposed to be further subdivided. The open space within the development includes Tobin Creek and retention facility and other open space located on Outlot 1. The 100-year floodplain in the area of the Village has not yet been delineated in this area. As a result the Village is concerned that there may be floodplain associated with the Creek and the Village recommended that all lots be located a minimum of 75 feet from the Ordinary High Water Mark of said creek as shown on the Conceptual Plan. It is noted on the Plan that no wetlands were found on the property by a wetland investigation completed by Wetland & Waterway Consulting, LLC, on August 1, 2002 as verified by the Wisconsin DNR in a letter dated August 12, 2002.

**TREE PRESERVATION:** A meeting shall be scheduled with the Village staff to walk the site and discuss the tree survey and tree preservation easements. A detailed tree survey may be required and various tree lines may need to be located in these easements. Any required Tree Preservation areas shall be labeled on the Preliminary and Final Plats as Dedicated Woodland Conservancy, Access and Maintenance Easements. Furthermore, the easements, if required, shall be wide enough to ensure that the drip line of the trees are in the easement and no utilities shall be located within said easements.

**RETENTION AREA:** A retention facility to handle the storm water management requirements is being provided. The Developer's engineer shall evaluate the development site, based on actual field conditions and shall present a storm water management facility plan, which meets the Village requirements for the Village's review as a part of the engineering plan submittal. If additional storage capacity is needed, more retention areas or a larger retention area may be required and lots may be lost from the proposed conceptual plan.

**SITE ACCESS:** This development will connect into the Tobin Creek Subdivision at 112<sup>th</sup> Street, and that's at the northeast corner of this subdivision, and then will connect down to 116<sup>th</sup> Street via 18<sup>th</sup> Avenue. 18<sup>th</sup> Avenue shall align with the proposed 18<sup>th</sup> Avenue south of 116<sup>th</sup> Street within the proposed Lighthouse Pointe Development. At the public hearing on October 13<sup>th</sup> for the Conceptual Plan of Lighthouse Pointe, it was discussed that the location of 18<sup>th</sup> Avenue shall be further evaluated to determine if the roadway could be shifted further to the east so that 18<sup>th</sup> Avenue could be shifted farther away from the property located at 1900 116<sup>th</sup> Street. The Plan Commission recommended that developers of Lighthouse Pointe that their engineer evaluate the location of 18<sup>th</sup> Avenue with the Village staff. This has not yet been completed. 115<sup>th</sup> Street is proposed to end at the western property line for future development of the property to the west as shown on the attached sketch, and it would be incorporated into the Tobin Road Neighborhood Plan. In addition, if 18<sup>th</sup> Avenue is not shifted to the east, then the driveway access to the residence located at 1900 116<sup>th</sup> Street would need to be relocated and the land restored at the developer's cost. If 18<sup>th</sup> Avenue is shifted to the west, then lot 12 shall be relocated on the west side of 18<sup>th</sup> Avenue. If the roadway is shifted, both lots 11 and 12 shall have direct access from 18<sup>th</sup> Avenue instead of 116<sup>th</sup> Street. No construction traffic shall access the development through Tobin Creek. . The access should come off of 116<sup>th</sup> Street into this development.

**ZONING MAP AMENDMENTS:** The single family lots are proposed to be zoned R-4, Urban Single Family Residential District. That requires lots to be a minimum of 90 feet in width and

15,000 square feet in area. Outlot 1 is proposed to be zoned PR-1, Park and Recreational District, and Outlot 2 shall remain in the R-4 (UHO), Urban Single Family Residential District with an Urban Land Holding Overlay District until it is proposed to be developed in the future.

At the time the Preliminary Plat is submitted, the developer shall petition to rezone the property as described above for the Village's consideration.

With that, I'd like to continue the public hearing.

Tom Terwall:

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

Jim LaFontaine:

My name is Jim LaFontaine. I live at 1900 116<sup>th</sup> Street, which is directly next door to the development. I had some questions, and I think on that other chart that you showed me, now the part that I was worried about is if the driveway comes along here and swings out, the problem is there's a ditch that goes along here that goes all the way down to the creek. If that's blocked, I'm going to have a lot of water problems. And, also, this is my home right here. This road will go in that far, whatever that would figure out on the chart. I looked at the other thing, but I thought it was quite close to my home.

Another thing, I really don't want a driveway going into the side of my house, and I really don't see the need for this road either. We have some very mature--could you bring this down a little bit? Thank you. We have some very mature spruce trees that are right on the property line, and I sure wouldn't like to have those damaged in any way. And I notice you had mentioned about a tree survey. I think that's quite important, and it's very important, it seems to me anyway, that this natural ditch that runs along Quinton's property here is kept a natural ditch for water runoff that runs all the way down to the creek. These things concern me, of course. I'm not against this at all. What I'd like to see happen is, even if you can't move the road over this far, to just move it away from my driveway a little bit and away from my home. I'd be all in favor if we could do those things. Just promise me nothing will happen to those pine trees at the back, and this natural waterway stays a natural waterway. And if the road could come over a little bit, it would really be nice for me. I wouldn't have to have the traffic going past my home.

This is going to connect from Sheridan Road all the way through past 116<sup>th</sup> Street, and there's going to be some traffic through there at all times of the day and night. If I could just have it moved away a little bit I'd really appreciate it. Maybe if this thing gets along a little further, if you could tell me what's happening some way that I could find out, I'd appreciate it. Thank you very much for your time.

Tom Terwall:

Thank you. Anybody else wishing to speak?

Paula White:

Hi, my name is Paula White. I live at 1808 128<sup>th</sup> Street. I am really not connected with this, but I'm here on behalf of another farmer that could not be here tonight, which happens back to her property. Her name is Violet Ruez. Her property is also next to this gentleman here. And where the spruce trees are that he's talking about is on the back edge of her property which connects over also to his land. There is that creek that's farther in the back that you have designated as outlots 1 and 2. That does go through her property on the other side. She does have animals that go all the way out to the back section of that property that you will see where the arrow is. The next property over belongs to this gentleman, and hers is the very next one. She does have horses and everything that go into the back part of that. She also would like to have the people notified that she does have horses, she does have animals. And with them moving in next door they will have the smells of the animals. She is there first, and she would like that to be noted that she does not want complaining from that subdivision that they smell her farm because she was there first. And I would like to have that noted that those people should be notified that they are building a house next to where there are horses and everything and they will have the smells. If they do not like the smells of animals they should not be living there. Thank you.

Tom Terwall:

Thank you.

Jim LaFontaine:

Jim LaFontaine, 1900 116<sup>th</sup> Street, Tobin Road. I would like it noted in the meeting that I am in favor of keeping those horses there. I enjoy having them as next door neighbors, and I want everybody to know that I would like to have the new neighbors notified that there are horses there, and I want the horses to stay.

Tom Terwall:

Thank you. Anybody else?

Mark Eberle:

My name is Mark Eberle with Nielson, Madson, Barber. I put together the conceptual plan for the Ackermans. I guess I'd like to say as a first thing is our original design on the site did have the roadway coming down the center. We thought it was a better layout. Since then, and since the project to the south has come on line, we've been working with the Plan Commission and the developer to the south to align the roads. They have some wetland issues south of our site that dictated that the road got pushed further west. I guess either layout works for the Ackermans. They do prefer this layout with the roadway in the center, but either one will work.

As far as shifting that roadway, the one that has the kink in it all the way to the west, if we shift it between the two, we end up losing a lot on our development. We would prefer having it in the center or all the way to the west. Either one will work.

As far as the trees on the site, I think Jean explained it pretty good. Everything is going to end up in preservation easements. There are no major trees within the center of the development. A couple up by the existing home. All those trees along the property lines can be preserved.

As far as drainage along that common line, there is an existing ditch that does drain back to the creek. That ditch will be preserved, and maybe some modifications to it, but the water will drain to the creek or to the storm sewer to the retention basins.

Tom Terwall:

Does that ditch run at the west property line, Jean?

Mark Eberle:

It's along the west property line, yes.

Jean Werbie:

I'd also like to add that if this particular alignment is selected, the driveway of this gentleman that parallels the property line that runs all the way down will not be able to stay in its current location, because it will be impacted by an acceleration or deceleration lane from the public road movements coming from that subdivision. So that piece of driveway is not going to be able to remain there. That would have to be removed and restored by this developer. And there would be access that could come off of 18<sup>th</sup> Avenue. He would not have his second access any longer from 116<sup>th</sup> Street. It doesn't necessarily have to come right here, but it would have to come someplace before you get to 116<sup>th</sup> Street. It's similar to the Prairie Village Development, to the Country Corner Development, to just about every development where there was a driveway within very close proximity to a public road and its turning movements. We would not be able to leave that driveway there. It would have to be shifted or moved so that it comes off of the adjacent public street in interest of safety. So I just want to make sure that was understood.

With respect to the alignment of this property, again we attempted to start to work with the landowners of that Lighthouse Pointe Development to the south. If it's possible for us to make a shift, we're going to try to shift it. But, again, to shift it a little bit doesn't help them. It would either be on one side or the other, and if it's more in the center, then they can get lots on either side. The situation is we have that wetland that is south of 116<sup>th</sup> Street that may prohibit us from shifting the road over, and that's what we need to have looked at. I'm not sure if Mark had an opportunity to speak with the engineer.

Mark Eberle:

I did actually, and he was going to talk to the owner of the project down there and he has not gotten back to me.

Jean Werbie:

With respect to the horses on the adjacent properties, as long as they continue to have those horses and they don't stop having those horses, they have a right to have those horses there. I don't know how it would be possible for the Village to contact every prospective landowner who would like to purchase a lot in this subdivision and notify them that there are horses out there. I would hope that anyone who is looking to purchase a lot in Pleasant Prairie they're going to at

least visit the property and check out what is surrounding them. I'm not sure if you want to put some type of requirement on the owner, but the Village can't possibly anticipate who might be interested in purchasing lots in our community and remember to tell them that there's farm animals that are next door. Again, they should be able to, when they go to see the lots, identify that there's horses are there. I can't stop anyone from complaining, but what the staff will tell them is that this is a use that is there and if you purchased one of these lots, you have to recognize that there's farm animals and they do have certain smells with them.

Tom Terwall:

I agree with you. I don't think it's necessary for us to notify prospective owners. I just think it's important that the Village Board go on record as saying buyer beware. You bought a lot next to a horse farm, what did you expect? We've had this happen before. And as long as we maintain the position that the farmers have those rights. Jean, as long as that land next door is zoned ag, even if the horses are gone for a period of time, he could bring them back, right?

Jean Werbie:

It's not zoned agricultural at this time. They're legal nonconforming farm animals. It's zoned residential at this time. But they can continue to have them there as long as they don't discontinue having them for more than 12 months. So they can continue to have them.

One of the other things I wanted to bring up is we've been working on this . . . neighborhood plan, and the road that extends to the west as shown on the neighborhood plan and on Mr. Ackerman's plan, there is vacant land that is north of Mr. LaFontaine's property. And so we did not want to eliminate a future possibility of you being able to subdivide it. Now, if for some reason he is going to tell us on the record tonight that that is never going to happen, and to be honest with you never is usually about three to five years, and it never happens, we can eliminate that, and I'm sure the Ackerman's would be tickled not to have to put that access to the west for the potential for lots to develop there. But, at this point, we're going to require them to at least provide access to them, because this land cannot be further subdivided without there being some type of public road access. So that's something maybe we should talk about with the property owners here this evening.

Tom Terwall:

Do you understand, sir?

(Inaudible)

Jim LaFontaine:

Jim LaFontaine, 1900 116<sup>th</sup> Street. What I'm understanding is what you're going to do is you're going to condemn my driveway so you can put your road through there? And, if I don't want a road going into the side, that it can never be subdivided basically? That's what it sounded like to me.

Tom Terwall:

11

With respect to the second part, if you tell us tonight that you never plan to subdivide your property, we will not require these people to put 115<sup>th</sup> Street stubbed in there.

Jim LaFontaine:

Can I see the big picture again? I don't quite understand this one.

Jean Werbie:

This is 115<sup>th</sup> Street that's being stubbed to your property.

Jim LaFontaine:

Now, this 115<sup>th</sup> Street would directly go into my backyard. As long as I own this property, I have no intention of subdividing it, and I'll put that on public record. The other part I don't understand is this driveway into the side of my house. This is my home right here. This driveway will directly intersect into the side of my house. We're only talking about 23 feet from the property line to the side of my house, or 26 feet. It's somewhere in there. I didn't bring my survey with me. But what you're saying is if you put this road in here, you have to condemn my driveway and make me come in from this side of the house. Well, I don't know what my rights are here, but that's not really what I want. I realize that I'm only paying taxes on it and some day it's not going to be mine, but right now I'd kind of like to keep my driveway and I'd kind of like to keep it the way it is. If there's any way at all you could just move this over a little bit. Doesn't a road doesn't have to be a certain amount of feet off the property line, off of my property line? I know when I built another pole barn back there that I had to be 15 foot off the property line, and that's part of the zoning. So I would think wouldn't the road have to be at least 15 feet off my property line? I don't know.

Tom Terwall:

You just said it's 23 feet, did you not?

Jim LaFontaine:

From my home to the property line is 23 feet roughly. I didn't bring my survey with me. But when you bring this street up here along side my driveway, you're not going to be even five foot off the property line. You're going to be on my property line, on the line itself. I would think there has to be some kind of easement there between the road and isn't there something in between that has to be in between my property and this road?

Tom Terwall:

No.

Jim LaFontaine:

So I have nothing to say about this? If this goes through this way, you're going to condemn my driveway?

Tom Terwall:

I'm not going to make that point.

Jim LaFontaine:

Well, you asked me if I could tell you if I was going to subdivide or not, so I'd kind of like to know where I'm standing here. I don't want this drive for sure at all, and I have really have no reason to have this drive. If the person I sell it to some day wants to worry about it, that's their problem. But I'd like to stay in Pleasant Prairie until I die. I enjoy the town and I like living here, and I do have five acres here, so it's important to me to protect it. Can you give me any answers tonight on any of this? When do I have to come to another meeting to find out what's happening?

Tom Terwall:

I just want to complete the public hearing.

Jim LaFontaine:

I'm sorry. It's just that it concerns me being right next door.

Tom Terwall:

Is there anybody else wishing to speak?

Mark Eberle:

Mark Eberle, Nielson, Madson Barber. I just want to comment on a couple of those items. Based on the plan with the road curved to the west, I checked on the drawing today, and at the front of their home the curb would be 76 feet off of the front of the house. At the back of the home, the curb would be 110 feet off the back of the house. There is some buffer room in there. It only gets to their property line where it actually meets the right of way on the highway out front.

Tom Terwall:

What's the distance from the back of the curb to the house did you say?

Mark Eberle:

From the back of the curb to the edge of the house would be 110 feet at the north side of the house, and 76 feet at the south side of the house. And that area we are required to reconstruct his driveway, relocate his driveway. That triangle probably between his driveway and the road out front we would probably use as an outlot for the monument side, so it would not be part of the actual lot 1.

Jean Werbie:

I had a question. Could the driveway be a little bit further north so it aligns--if this is his house right here, couldn't it be done so that his driveway aligns directly with his driveway so it's not an awkward movement for him.

Mark Eberle:

It possibly could be shifted somewhat to the north as long as we're not--

Jean Werbie:

Because then it seems like it would be less inconvenient for you.

(Inaudible)

Jim LaFontaine:

. . . 116<sup>th</sup> Street, that's where they are now.

Jean Werbie:

I understand that, but public policy would dictate that we try to remove as many driveways off of an arterial and with respect to if the Village requires an accel or decel lane for the entrance to this subdivision, his driveway will be right in the middle of it. Our policy is the same as in the past it's too dangerous for that to happen.

Tom Terwall:

How far east would 18<sup>th</sup> Avenue have to be shifted in order to keep his driveway where it is?

Mike Pollocoff:

There's two different things going on. Shifting 118<sup>th</sup> Street farther east doesn't change where the driveway access is. The real question that Jean's bringing up is as 116<sup>th</sup> Street picks up on traffic as an arterial road, to have his driveway open up into what would be an acceleration lane for cars pulling out on 18<sup>th</sup> Street is where the conflict would be. So in other similar conditions, situations, the Village has required the developer to put the driveway into a place where they're not coming out onto an arterial road but onto the side road.

Tom Terwall:

Like 93<sup>rd</sup> Street behind the telephone company, that driveway was relocated off of 93<sup>rd</sup> Street onto 42<sup>nd</sup> Avenue?

Mike Pollocoff:

Probably a better example is you have 114<sup>th</sup> Street a little bit farther west, in Country Lane Subdivision, where there were houses that sat far back on the north side of the road, their driveways were relocated onto I think 37<sup>th</sup> rather than coming straight out.

Mark Eberle:

Just one more quick point. If we do shift the road right back to the center of the lot, that would put his driveway roughly 150 feet off the center line of the new roadway, and it would have to stay where it's located.

John Braig:

Would the driveway stay there then, or would it still be in conflict with the acceleration lane?

Jean Werbie:

I don't know.

John Braig:

With 150 feet.

Jean Werbie:

I don't know.

Mark Eberle:

It would be roughly 150 feet.

Jean Werbie:

How long is an acceleration line from center line?

Mark Eberlee:

It would be about 150 feet. So it would probably end right at his driveway.

Tom Terwall:

If it was my driveway and you told me I was going to end up with a driveway 150 feet long, you can bet I'd stand at that microphone now until the second coming. I would not put with a 150 foot long driveway if that's what's going to happen.

Jean Werbie:

No, no.

Mike Pollocoff:

If it got shifted, it wouldn't come across. It would go out to 116<sup>th</sup> Street.

Tom Terwall:

That's what I'm saying, okay. But if you shift that road east and then try to extend the driveway off of--

Jean Werbie:

Oh, no, we wouldn't do that. We couldn't do that then.

Tom Terwall:

What's standing in the way of shifting the road? It seems that the developer would prefer to have the road east of there as well.

Jean Werbie:

The wetland on the south side. And whether or not it's right exactly where the road is supposed to come up from the south, if it's there, we're not going to get water quality certification from the DNR to fill in a corner of that wetland so it can get aligned with 18<sup>th</sup> Avenue to the north. We set a condition, or the Board set a condition for the approval for Lighthouse Pointe that the roads have to align north and south. To jog public roadway intersections is not good policy, and so if there's a wetland that prohibits us from aligning it on the south, we can't line them up. So if we can shift it over, we will, and we just haven't gotten that resolved.

Tom Terwall:

Any other input? Any other comments or questions?

Jean Werbie:

I would like to get something resolved with the property owners to the west. If they're telling us and they'd be willing to put it in writing that they have no interest whatsoever in ever developing their property, and we on our plans decide to eliminate this access, we will take it off the neighborhood plan. That would please the Ackermans, but just so they know that them and future landowners will not have another opportunity to get access to that property. So, if staff doesn't have a problem with that--

Tom Terwall:

If you tell him you'll leave his driveway where it is, I think he said he'll go along with that. He's not interested in developing.

John Braig:

But I think Mr. LaFontaine should be aware of the fact that the value of that back property would be significantly reduced if there was no development potential. In other words, even though you're not going to develop it, at some point that land will have virtually no value to anyone if it can't be developed.

Jean Werbie:

Well, it would be part of a bigger piece.

Jim LaFontaine:

Excuse me, but if the land is of more value, that will mean that I will have to pay more taxes, correct? So as of right now, I have no reason to develop it on my own. Now, if I sell it to something and they develop it, that's out of my hands. But until I sign any papers stating that I don't want that road there, I want to know if my driveway is going to stay where it stays. I'm sorry, but this is my driveway. This is my property. This is my home. I don't want to have to come in from another neighborhood to get into my house. I've been there for seven or eight years now and I like coming in at 116<sup>th</sup> Street. I have two driveways on 116<sup>th</sup> Street.

Jean Werbie:

It's a policy decision.

Tom Terwall:

Thank you.

Jean Werbie:

We can set up a meeting with the property owners once the developer from the south and the north, when we have some resolve, I can give a call and contact him so we can sit down and take a look at it. I'm just saying the neighborhood plan is what it is. Once they develop, there will either be an access road to that property or there won't, and if there isn't, there's just no opportunity to do anything.

Tom Terwall:

And if you can find a way to shift that road so his driveway stays on 116<sup>th</sup> Street, and he's willing to sign an affidavit that that 115<sup>th</sup> Street can be taken off the map, I think we've got a win/win situation.

Jim LaFontaine:

Sounds good to me.

Jean Werbie:

And if the wetlands are where they are and we can accomplish that, we'd be more than happy to do that. Some of these things are out of our control.

Tom Terwall:

So you need to have a meeting, right?

Jean Werbie:

Yes.

John Braig:

This is a conceptual plan. He'll be bringing in a preliminary plat. How long would it be before we are reviewing the preliminary plat?

Jean Werbie:

They need to have preliminary engineering put together. We need to get this all resolved, because I don't want them to be working on engineering or anything until we have a plan as to where the road is going to be and whether or not that road is going to be extended to the west.

John Braig:

So we also have to know what we can do with the wetlands south of 116<sup>th</sup>.

Jean Werbie:

They are what they are, so that's not an issue. The issue is whether or not a road can safely in appropriate curvature get up to 116<sup>th</sup> Street. And we agreed with the development to the south that that would be a condition of their approval, and that's what I would recommend that the next thing is to sit down with the engineers on both sides and see if it can be shifted.

John Braig:

We need that information and we don't have it now.

Mike Serpe:

Is the public hearing done?

Tom Terwall:

Yes.

Mike Serpe:

A couple questions if I may. Mr. LaFontaine, I think we're going to try to do as much as we possibly can to help you out, but for the life of me 116<sup>th</sup> Street is going to get more and more busy as time goes on, because development is going in up and down that road. I wouldn't want to be backing out of a driveway on 116<sup>th</sup> Street if I live there.

Jim LaFontaine:

The driveway is over 100 feet long now.

Mike Serpe:

But that's your house and we respect that. Jean, I don't remember what the Lighthouse Pointe Subdivision looks like--

Jean Werbie:

She's going to go get the overhead.

Mike Serpe:

18<sup>th</sup> Avenue, if it could be shifted, and I agree roads have to line up, 18<sup>th</sup> Avenue, but what if there wasn't an 18<sup>th</sup> Avenue to the south side of the road? What if it went down to 19<sup>th</sup> or went up to 17<sup>th</sup>?

Jean Werbie:

That's too many roads and too close to proximity on a local arterial. We looked at that.

Mike Serpe:

A block apart?

Jean Werbie:

Yes. There's another one at 22<sup>nd</sup> Avenue. You don't want to have public roads connecting every other one. That makes it very difficult for controlling access on a local arterial, which eventually will be widened, so we don't want to create a multiple situation.

Jim LaFontaine:

It might slow down the traffic going across there, though.

Mike Serpe:

And a question for Mike. Future of 116<sup>th</sup> S19et, your best guess estimate as far as reconstruction of that road?

Mike Pollocoff:

Well, it needs reconstruction today. I wouldn't be surprised to see storm sewers in 50 plus inch diameter that are needed in that area. The road needs to be widened to a safe carrying capacity, and that at the minimum would be three lanes, where you have two wide lanes and a turning lane in the middle. It could be four lanes. I guess the other wildcard in this thing that would affect that would be whatever Kenosha Unified decides to do with that parcel of land that's next to this parcel. If they hang onto it in perpetuity, it will be open space, but if they decide to build on it, that would significantly affect--and if they decide to sell it, that's the other thing, we bought this because we didn't know what we were doing and we now think we could do better selling it, they had the same problem that the LaFontaines have. But that would be the same problem that we talked to Mr. LaFontaine about in reverse. They would have access problems to their property.

Mike Serpe:

Any major reconstruction on 116<sup>th</sup> Street, is that going to be an assessable project?

Mike Pollocoff:

There could be a portion, yes, because it would be some developer driven. They would have to pay for their fair share what we could exact from them, but the rest would be through special assessments for the people who derive some added benefit, whether it be storm sewer and curb and gutter or what have you.

Mike Serpe:

Mr. LaFontaine, I just want you to hear this. If we're talking of reconstruction sometime in the future of 116<sup>th</sup> Street and some of that becomes an assessable project, sometimes those assessments are paid for by the sale of land if they have extra land available. Now, if you're considering us getting into an agreement with the Ackermans with doing something with 18<sup>th</sup> Avenue so it doesn't affect your driveway, but then you get into an agreement that you're not going to develop any of your land, then you're stopping yourself from any future help that you may have to come up with as far as paying for some of that road reconstruction. I just want you to keep that in mind.

Jim LaFontaine:

I'm not exactly sure what that means, okay.

Mike Serpe:

Sometimes the assessments on properties when road reconstruction goes in are significant. And sometimes people own significant frontages or back parcels, and they may sell off a lot to help pay for those assessments. Now, if you're going to enter into an agreement that anything in back of your house is not every going to be developed, so you're not going to allow 115<sup>th</sup> Street to go

through, then you can't develop that land [20] you have to come up with \$30,000 or \$40,000 in assessments, I don't know what it would be, you wouldn't be able to do that. I'm only saying think about this before you enter into agreements and before you want changes. I just want you to consider this thing.

Jim LaFontaine:

Well, nothing is written in stone. But for me to make my property more valuable only means that my taxes go up. They've been going up for the last two years quite significantly. And I plan on staying there. Now, I was under the understanding as they widen this road that these developers were going to pay for that, that the people that have the property on the street wouldn't have to subsidize a road that gets widened in front of their home.

Mike Serpe:

Keep in mind they're going to pay their fair share, but if the entire road is reconstructed, is reconstructed to where we're going to be putting in large storm sewers . . . it's just a possibility. I'm not saying it's going to happen.

Jim LaFontaine:

It almost sounds like I need an attorney. Is this the point of like I have nothing to say about it. I don't quite understand.

Mike Serpe:

Nothing is going to happen without public hearings involving everybody.

Mike Pollocoff:

I think what Commissioner Serpe is saying is this area is urbanizing.

Jim LaFontaine:

I understand that. I'm all in favor of that. I'm not against development, believe me.

Mike Pollocoff:

But what he's saying is as much as everybody wants to keep their land rural, and that's fine, if the Ackermans want to keep their land rural, that's fine, too. That they want to develop it, assuming they go through the process, that's fine, too. It's just that if there's going to be--when we develop assessments and levy those across the properties, what will happen is the developer is going to be driving that assessment to some extent, so those improvements over and above what's needed to take care of the rural development that's there, that would be a development cost. For any improvements that would benefit your property directly, that would be something--that would be all we could assess to you, and that would be something that would be assessed to you or anybody else that's affected. The Village is no where near determining where that is, but before you were to say until they plant me in the ground there's never going to be anything behind my

property, and then at some point 10 or 15 years from now we have to do a special assessment and we have to improve that roadway, and there's no money coming from anybody for anything from the State or anybody else, so we have to divide that cost up so that everybody that benefits or gets improved by some manner for that cost has to be charged as a special assessment on the property. One way of recouping that cost so you're not hauling it out of your retirement or doing something different is say, okay, I carve off my back half of my land and I got twenty years out of this before I can do it. If, in fact, you had left yourself that option for that street to go through, you'd be able to do it, and that gives you some flexibility in the future as you make decisions. If not, then you don't. And I think the incremental increase that you see on your property taxes based on the back end of your parcel is insignificant. If you were to cut that parcel off today and say everything behind my barn or shed you have back there I'm going to sell it to the Nature Conservancy and I don't want it anymore, your taxes would probably change very little. Because the way the State has us calculate out the value of property it's based on how much frontage you have along the front of the street, the width of that, and then the improvements as you go back. That incremental increase of land in the back, even though it might have access at some point in the future to improvements, if that isn't platted and it isn't ready to develop, it's open vacant land on your parcel that is an added value of property, not prime.

Jim LaFontaine:

Not usable. I understand what you're saying.

Mike Pollocoff:

And I think to make a decision tonight--

Jim LaFontaine:

Right, I'm not making a decision tonight.

Mike Pollocoff:

Everybody needs to kind of look at their alternatives and see where they're going so they don't put themselves in a box later on, whether it's you or the Ackermans.

Eric Olson:

Mike, can I ask a question. If they did put that road, at least the access portion of the road, so that at some point he wanted to develop or didn't, whatever he wanted to do with it, but if he put that road in, is that going to increase the value of his property just because that road's in?

Mike Pollocoff:

No.

Eric Olson:

So even though the road is there, his property is not going to be valued more and his taxes going up, unless he develops it. Once he develops it, then it becomes more valuable, but at that point he's probably selling lots off?

Mike Pollocoff:

At that point he can't really do anything with that road until a certified survey or plat is done to give you access to that road. Because at that point--

Eric Olson:

So if they just put it in for possible future use, that doesn't mean your taxes go up because of that.

Jim LaFontaine:

I'm not making any decision on that right now, but the thing that bothers me, and something I was hit up with tonight that I didn't even know about is that I was going to lose a driveway here. You know what I mean? And that's kind of important to me. So to me that's giving up my access to my home. You say it's unsafe, but I feel it's safe, and I like to have that driveway and I want to be off of 116<sup>th</sup>. I want to be able to pull in one driveway and pull out the other without having to turn around. My house has got to be at least 100 feet off the property. I don't think it's any danger as far as pulling out on 116<sup>th</sup> Street if it was a four lane highway. I mean it's far enough away from the house that I can see anybody coming. Like I said, the surprise of losing a driveway has got me a little upset. I'd like to discuss it some more.

Jean Werbie:

Again, you wouldn't be losing a driveway. Just one driveway would be located to a safer location at somebody else's cost.

Jim LaFontaine:

I'd have to go past other peoples' homes to get into my driveway.

Jean Werbie:

Actually, in this case, you would not. You would be just going by--because one access would come here and--

Jim LaFontaine:

Can we see the other map.

Jean Werbie:

I guess you'd be adjacent to somebody else's house, and that happens in Pleasant Prairie, but there's a potential lot right here, but your driveway would be like right here. You're going in here and you'd come off on a public road. And your other driveway is somewhere over here I think.

(Inaudible)

23

Jean Werbie:

Right, I've got that on the aerial right here. I know where your driveways are. And what I'm telling you now is this one--

Jim LaFontaine:

I'm a little closer now so I can see a little better.

Jean Werbie:

So this one you'd be coming into this 18<sup>th</sup> Avenue, and then you'd be coming down 18<sup>th</sup> Avenue. And here you're coming onto 116<sup>th</sup> Street, so you'd have one driveway that comes through on a public street intersection, and then one that would be on your property. So you still wouldn't have to turn around, and you still would have a circular movement on your property.

Jim LaFontaine:

But I'd still have to go past people's homes . . .

Jean Werbie:

Well, there's no homes.

Jim LaFontaine:

There's a home right here.

Jean Werbie:

Well, it would be north of you, so you'd have a neighbor up here. There would be somebody who lives up there, there would be a home.

Jim LaFontaine:

So the driveway would come behind my house . . .

Jean Werbie:

The left one we would try to look to see if it could line up just like on this aerial right here. It would be idea if it could line up with your other driveway right here so it could come as a straight shot and then come south.

Jim LaFontaine:

Jean Werbie:

No. Your driveway is here and a home would be up here. They're going to want to build up there at the widest point.

(Inaudible)

Jean Werbie:

That would be what I would have them look at.

Eric Olson:

I'll make a motion to table this project until a lot of these questions are answered between the different developers and different things, because there's obviously lots of questions going back and forth.

Mike Serpe:

I'll second that.

Quinton Ackerman:

Could I say something please? Quinton Ackerman, 1804 116<sup>th</sup> Street. I just want to say that I'm in favor of my neighbor's concerns, all of them. We've talked extensively. I just want you all to know that I'm not just a developing guy. I plan on living on one of those other lots, relocating my residence now, and my small children love her horses and we're planning on going over there. Just want to say that I am a contractor so I will build all the houses also. I want it to be as nice as possible. I understand that there is a school going in there next to me east, and so all that in consideration I just want to make a nice development and not have to put Jim in a bad situation also. I just want to let you know that my presence was here.

Also, Jean, that one plat there that shows, not the plat but the overhead where you've got the cul-de-sac drawn in, that's the one, I just wanted to bring it to your attention that in order for any of that to take place, Jim and Violet, both of those people would have to sell at the same time, otherwise that cul-de-sac doesn't even work. And it doesn't even line up with the 75 foot off the middle of the creek. You see on my development where that trapezoidal piece at the top, that line is actually the 70 foot mark. So if you bring that down accurately with that creek, I'm not sure all them lots could even be developed anyway according to your floodplain laws. So I just wanted to point that out also.

Jean Werbie:

I just wanted to show one other thing with respect to this Lighthouse Pointe. The area that's identified in blue is the wetland that was just delineated on their property. And if a public road was put right down in the center of this lot, we'd be hitting this wetland. So that's why it's not being shown there. We can try to shift it over as far as we can, but we still need a straight tangent

section before it curves, and we can bring it further south. So that's what the engineers will have to look at specifically is can we bring it over and then still curve around that wetland. If we can't, it needs to be where it is, otherwise we can't align the streets.

Tom Terwall:

There's a motion by Eric Olson and a second by Mike Serpe to table, which means we've got to cut off discussion. But I will say this for the benefit of the developer. I think there is consent for his conceptual plan, but until we get the questions answered from the DNR, because you can't do anything without answering the questions from the DNR--

Jean Werbie:

The DNR doesn't have any impact on this. The wetlands have already been delineated.

Tom Terwall:

Oh, they have been?

Jean Werbie:

Yes, we know that.

Tom Terwall:

**I AGREE WITH ERIC'S MOTION THAT NOW IS THE TIME FOR THE ENGINEERS AND THE PROPERTY OWNERS TO SIT DOWN AND RESOLVE THE ISSUE. BUT I THINK AS FAR AS MR. ACKERMAN IS CONCERNED, YOU NEED TO KNOW THAT YOU DO HAVE THE CONSENT OF THE PLAN COMMISSION FOR THE CONCEPTUAL PLAN. WE JUST NEED TO RESOLVE THE ISSUE OF THE LOCATION OF THAT ROAD. SO AT THIS TIME THERE IS A MOTION BY ERIC OLSON AND A SECOND BY MIKE SERPE TO TABLE. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Paula White:

Can I ask a question?

Tom Terwall:

Sure, go ahead.

Paula White:

Can you put up that Lighthouse Pointe part again. Once again, I'm Paula White at 1808 128<sup>th</sup> Street. I'm here to talk on behalf of Violet Ruez. You're talking about the blue spot on there as being the wetland, and that's why the road can't go through there. Who designated that as a wetland spot?

Jean Werbie:

It was Don Reed who is a principal biologist with the Southeast Wisconsin Regional Planning Commission.

Paula White:

Because I ride horses. I'm one of the farmers that deal with the corn in this field. I don't see any wetland spot there. I got through there with a tractor and plow and everything, and I see no wetlands. There is like a little hill there, but that is not wet. That's a hilly spot. But, where you do have marked there and farther down where that retention pond is going to be--

Jean Werbie:

There's wetlands in there, too.

Paula White:

Yes, and I do know there's a wetland, there's a wood part that has got wetlands. But, again, you're looking at the Tobin Creek going through there, and what you're looking at there is broken drain tile. There is two spots that have broken drain tile that are about 15 feet deep. I keep putting flags on it so that nobody walks out in that field to fall into it. Somebody takes the flags off of it because I don't want to run machinery over it either. But I think that's why they think that's a wetland because that's part of that Tobin Creek drain tile that's broken up there. But it's not per se wetland with cattails and cockaburrs.

Jean Werbie:

I guess in his defense, Don Reed has been delineating wetlands for over 30 years, and the definition is if the soils are conducive to producing wetland vegetation at or near the surface, and there's hydric soils or there's different types of vegetation that grow there it's classified by the DNR's definition as being wetlands, and we don't have the authority to argue with that definition.

Paula White:

All I see on that spot is where people take 271rbage and dump on that spot. There's a hill right there, and people throw old fences on that hill and everything else. I was just wondering if it was the DNR. Thank you.

Tom Terwall:

I'm going to call this. This is not a matter for tonight's agenda. We're getting across the road.

Mike Serpe:

One other point, Tom. Jean, but that up one more time. I know we discussed Lighthouse and we gave conceptual approval.

Jean Werbie:

Subject to getting this issue worked out with them.

Mike Serpe:

Just to the left of the green arrow coming in on 18<sup>th</sup> Avenue.

Jean Werbie:

This one?

Mike Serpe:

The other way, the other side. What if Lighthouse Pointe gave up a lot? Go further to your left.

Jean Werbie:

This is the road right now.

Mike Serpe:

Go further west, and then line that up with 18<sup>th</sup> Avenue across to the north.

John Braig:

No, you're going the wrong way. You want to go east.

Mike Serpe:

Okay.

**C. Consider an address correction to the existing house located at 5930 85<sup>th</sup> Street to 8437 60<sup>th</sup> Avenue.**

Peggy Herrick:

28

On October 6, 2003, the Village Board adopted Resolution #03-38 to initiate an address correction pursuant to Section 8.07 of the Village Municipal Ordinance to change the official address for an existing home located at 5930 85<sup>th</sup> Street as shown on Exhibit A.

This property did not front upon a dedicated public street but had a driveway access easement from 85<sup>th</sup> Street. The Village recently constructed 60<sup>th</sup> Avenue and this property now has frontage on 60<sup>th</sup> Avenue. If the address is not changed it may interfere with the timely provisions of municipal services along with creating problems for other individuals trying to locate the property.

The property owner was sent a letter via regular mail on October 9, 2003 related to the proposed change in address and the notification of the public hearing, which is being held by the Village Board of Trustees to consider said change at its November 3, 2003.

Village staff recommends approval of the address change as presented.

Tom Terwall:

Comments or questions?

John Braig:

Very appropriate that this be changed and I move approval.

Don Wruck:

Second.

Tom Terwall:

**MOVED BY JOHN BRAIG AND SECONDED BY DON WRUCK TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO CHANGE THE ADDRESS AS INDICATED. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**D. Consider Plan Commission Resolutions #03-29 and #03-30 to initiate zoning map amendments as a result of a wetland staking being completed.**

Peggy Herrick:

Plan Commission 03-29 is a request to rezone the wetlands as delineated on the property on December 20, 2002. The Regional Planning Commission staked the wetlands on that date, and we received a letter dated September 23<sup>rd</sup> from the Plan Commission that stated that the wetlands shown on the overhead have been correctly located on the property.

The second Plan Commission Resolution 03-30 is for the property located at the corner of Bain Station Road and Highway 31. Dave Meyer with Wetland & Water Consulting, LLC, conducted a wetland staking on October 14, 2002. This property is owned by JMC Investment, LLC. On October 3<sup>rd</sup> the Village received a letter dated October 2<sup>nd</sup> from the Regional Planning Commission that stated upon their site visit on the property on August 19, 2003 the plat of survey correctly surveyed and correctly identified the wetlands on the property that were field staked by Dave Meyer of Wetland & Water Consulting.

The two areas are proposed to be rezoned into the C-1, Lowland Resource Conservancy District. The Plan Commission by this resolution is only initiating the petition to amend the official map and is not making any determination regarding the merits of the proposed changes in the zoning map, but is rather only initiating the process for which the proposed change in the zoning map can be promptly evaluated. The Village staff recommends approval of both resolutions.

John Braig:

So moved.

Mike Serpe:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO ADOPT RESOLUTIONS 03-29 AND 03-30. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

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

**9. ADJOURN**

John Braig:

Move adjournment.

Mike Serpe:

Second.

Tom Terwall:

**MOTION BY JOHN BRAIG AND SECOND BY MIKE SERPE TO ADJOURN. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.