

**1 PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
January 14, 2002**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on January 14, 2002. Those in attendance were Tom Terwall-Chairman and Village Trustee; Michael Serpe-Vice-Chairman; Wayne Koessl; Eric Olson; James Bandura; and Alternate John Braig. Donald Hackbarth-Secretary and Donald Wruck were excused. Also in attendance were Michael Pollocoff-Village Administrator; 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

Jean Werbie:

I have none this evening.

4. CONSIDER APPROVAL OF THE MINUTES OF THE NOVEMBER 12 AND DECEMBER 10, 2001 PLAN COMMISSION MEETINGS.

SERPE MOVED THAT THE MINUTES OF THE NOVEMBER 12 AND DECEMBER 10 , 2001 PLAN COMMISSION MEETINGS BE APPROVED AS SUBMITTED IN THEIR WRITTEN FORM. SECONDED BY OLSON. MOTION CARRIED TO APPROVE.

5. CITIZEN COMMENTS

Tom Terwall:

If you wish to comment on an item that's a matter for public hearing as indicated on the agenda, we would ask that you please hold your comments until the public hearing is held so your comments can be made an official part of the record. If you wish to comment on any other item on the agenda or any item 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. Anybody wishing to speak under citizens' comments? Seeing none, we'll close citizens' comments.

6. PLAN COMMISSIONERS COMMENTS

7. OLD BUSINESS

A. TABLED PUBLIC HEARING AND CONSIDERATION OF A FINAL PLAT: The request of Nancy Washburn, agent for the 39th Avenue Partnership, owner of the property generally located at 47th Avenue and 112th Street for a Final Plat for a 31 single family residential lot development to be known as Mission Hills Addition #3 Subdivision.

Tom Terwall:

We need a motion to remove this item from the table.

SERPE MOVED THAT THE PLAN COMMISSION REMOVE FROM THE TABLE THE CONSIDERATION OF A FINAL PLAT: THE REQUEST OF NANCY WASHBURN, AGENT FOR THE 39TH AVENUE PARTNERSHIP, OWNER OF THE PROPERTY GENERALLY LOCATED AT 47TH AVENUE AND 112TH STREET FOR A FINAL PLAT FOR A 31 SINGLE FAMILY RESIDENTIAL LOT DEVELOPMENT TO BE KNOWN AS MISSION HILLS ADDITION #3 SUBDIVISION. SECONDED BY KOESSL. MOTION CARRIED TO REMOVE FROM THE TABLE.

Jean Werbie:

The Mission Hills Development is being developed in phases. In 1998, the Village approved Phase 1, which included 27 single-family lots; in 1999, the Village approved Phase 2, which included 17 single-family lots; and in 2000 the Village approved 27 single-family lots. The developer is now requesting to complete Phase 4 which is referred to as Mission Hills Addition #3 with 31 single-family lots.

This Plat is in compliance with the Village Comprehensive Plan, the Neighborhood Sketch Plan, the Conceptual Plan and the Preliminary Plat. The property is zoned R-3, Urban Single Family Residential District which requires lots to be a minimum of 20,000 square feet with a minimum frontage of 100 feet, which could be reduced if they're on a curve or cul-de-sac. The lots exceed these minimum requirements of the R-3 District with an average lot size of approximately 21,080 square feet.

The petitioner is requesting approval of the Final Plat for Phase 4 of the Mission Hills Development. As part of the final plat approval, this item had been tabled over the last couple of months for the developer to sit down and meet with the landowner who resides to the west of this particular property, between their western boundary and 47th Avenue. In their negotiations and meetings, the developer has now reached agreement with this property owner and has agreed to extend municipal improvements from the Mission Hills Addition #3 western boundary and 113th Street west of 47th Avenue through the Diederich property. The Diederich's are the ones that own the property currently.

A by-pass lane will be constructed by the developer which is 39th Avenue Partnership in 47th Avenue, which will serve both the Mission Hills Development, the entire development, as well as the future Diederich development. The 39th Avenue Partnership will also construct a storm water basin on the Diederich property to serve the future Diederich development. Mr. and Mrs. Diederich will dedicate a Storm Water Management, Access and Maintenance Easement to the Village for the private basin on the Diederich property. A private Agreement is being entered into between Mr. and Mrs. Diederich and the 39th Avenue Partnership which discusses the timing and the recoverable costs to the developer for the installation of these public improvements in both 113th Street and 47th Avenue. Mr. and Mrs. Diederich have agreed to dedicate the 113th Street right-of-way on their property to the Village by a warranty deed. A title policy and warranty deed will be presented to the Village for review and the Village's approval. Dedications and easement language will be prepared by the Village, which sets forth the restrictions and easement language with respect to the 113th Street dedication. A variance application will need to be made jointly petitioned by the Diederich's and the 39th Avenue Partnership to allow for a wetland setback variance between the back of the curb to the delineated wetlands. They were able to adjust the road locations so they weren't filling in any wetlands and they weren't going through any wetlands, but it's going to be a little bit closer than the

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25 foot setback that's required by our ordinance. That comes with the support of the DNR.

With that, the Village staff does recommend approval of the plat, but this is a matter for public hearing, and I'd like to continue that hearing. A representative of the 39th Avenue Partnership is here this evening as well.

Tom Terwall:

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

Nancy Washburn:

That would be me. I'm Nancy Washburn, the agent for 39th Avenue Partnership. I think Jean has done a good job of explaining the project to you. I do apologize for our previous delays in getting to you. We did want to make sure that we had our agreement in place with the Diederich's before presenting it to you or accepting the conditions of the approval certainly, and we appreciate your patience. If there's any further questions, I'd be happy to answer them.

Tom Terwall:

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

SERPE MOVED THAT THE PLAN COMMISSION APPROVE THE CONSIDERATION OF A FINAL PLAT: THE REQUEST OF NANCY WASHBURN, AGENT FOR THE 39TH AVENUE PARTNERSHIP, OWNER OF THE PROPERTY GENERALLY LOCATED AT 47TH AVENUE AND 112TH STREET FOR A FINAL PLAT FOR A 31 SINGLE FAMILY RESIDENTIAL LOT DEVELOPMENT TO BE KNOWN AS MISSION HILLS ADDITION #3 SUBDIVISION SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED BY STAFF IN STAFF MEMORANDUM DATED JANUARY 14, 2002. SECONDED BY KOESSL. MOTION CARRIED TO APPROVE.

8. NEW BUSINESS

Tom Terwall:

Items, B, C, D and E all involve a development by Doug Stanich in which I have made a down payment on one of those units, so on the advice of counsel, I'm going to step down and not participate in those four items. Mike, I'd ask that you chair the meeting.

Mike Serpe:

Thank you, Tom.

B. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT: The request of Doug Stanich for a Zoning Text Amendment to amend Section 12.26-4 (l) 6 related to the specific PUD, Planned Unit Development requirements for the Prairie Village West Addition #1 Condominiums generally located at 42nd Avenue and Prairie Village Drive.

Jean Werbie:

Mr. Vice Chairman, the Prairie Village West Addition #1 Condominiums consists of 55 condominium units five single unit buildings, 19 two unit buildings, and four three unit buildings on the property generally located at 42nd Avenue and Prairie Village Drive.

The property is currently zoned R-10 Multiple-Family Residential District, the field delineated wetlands are zoned, C-1, Lowland Resource Conservancy District and the entire parcel has a PUD, Planned Unit Development Overlay District. A portion of this property is also subject to the Shoreland Zoning regulations, and that's in the far western part of the property.

The PUD overlay allows the property to be developed with more than one structure per property. In addition, developing the site as a PUD allows for more flexibility with some Village Zoning Ordinance requirements provided there is a defined benefit to the community. The Village is continuing to support similar PUD requirements of the previous two phases. These include 30 foot setbacks to exterior property lines, street yard setbacks to a public street right-of-way lines, or the back of curb to a private street which will be 25 feet, and 20 feet between structures including decks or porches. The Village Board at their January 21, 2002 meeting will consider the PUD ordinance as presented this evening.

Condominium/Declarations, similar to the previous phases, are being drafted by the developer's attorney and will be recorded for the development. Also, similar to the existing Prairie Village condominium buildings, the condominium buildings in Addition No. 1 shall be frame construction with brick and cedar exteriors with architectural shingles. The units range in size from 1200 square feet to 2,200 square feet. There are three ranch and five two story models. All units will have full basements, two car attached garages, at least 2 bedrooms, a least 2 full baths. Some units will have walk out basements.

The Plat shall clearly identifies the location of the existing trees proposed to be preserved on the site. The wooded areas as shown on the plat are being preserved with deed restrictions. The wetlands located on the property were field delineated by the Graef, Anhalt, Schloemer & Associates in November, 1999 and approved by the Wisconsin DNR on May 3, 2000 as shown and legally described in the plans. In addition all structures shall be setback a minimum of 25 feet from the wetlands as shown on the plans. On July 2, 2001 the field delineated wetlands were rezoned into the C-1, Lowland Resource Conservancy District.

The existing zoning to the east is R-10 (PUD), which is part of the first two phases of the Prairie Village Development. The land to the north and south is zoned R-4, Urban Single Family Residential District and the land to the west is zoned I-1, Institutional District for the St. John's property.

As you can see attached to the staff packet there is the ordinance. All PUDs actually are created by ordinance in the Village because it's a separate stand alone ordinance that is specific to this particular property. Therefore, all of the restrictions and very specific information all the way down to the brick type and the colors of the materials and the locations of the structures and the setbacks and the accessory structures, they're all set forth in this PUD ordinance as well as when the general ordinance does apply it's referenced in that fashion as well.

This is a matter for public hearing. If there's any questions, I'd be happy to answer them for you. But one thing I'd just like to clarify is that this PUD applies to the Prairie Village Drive Circle where all the condominiums are located. That's a public road going around and then the private road is the one that Peggy is marking on the overhead. That's where 42nd Court is located. That will be the private road. In this case, the private road is being constructed to Village standards. So we are a little bit flexible with respect to our setbacks, but it's going to serve more like a private development, but it's going to be served by public and private facilities. With that, I'd like to continue the public hearing.

Mike Serpe:

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

Doug Stanich:

My name is Doug Stanich. I reside in Prairie Village at 9176 41st Avenue. Basically, if there are any questions, I know this has been brought to you and I think you've had an opportunity to review it. If there are any questions, I'd be more than happy to answer them regarding the site.

Mike Serpe:

Thank you. Anybody else wishing to speak? Anybody else wishing to speak? We'll close the public hearing. Gentlemen?

KOESSL MOVED THAT THE PLAN COMMISSION SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD FOR THE REQUEST OF DOUG STANICH FOR A ZONING TEXT AMENDMENT TO AMEND SECTION 12.26-4 (L) 6 RELATED TO THE SPECIFIC PUD, PLANNED UNIT DEVELOPMENT REQUIREMENTS FOR THE PRAIRIE VILLAGE WEST ADDITION #1 CONDOMINIUMS GENERALLY LOCATED AT 42ND AVENUE AND PRAIRIE VILLAGE DRIVE. SECONDED BY JIM BANDURA.

Eric Olson:

This is a good time because I didn't think it affected Old Business, A, but I do believe I'm positive it affects this one here. As you may know, during the course of our discussions on the School Board regarding the new middle school and boundary changes, and at the wishes of some people on staff who wanted us to make sure that some people could still go to Lance and others could not, one of the items that was put in there, and it affects everything new going on in the Village, one of the provisions was that any new self-contained subdivision would have to go to Mahone Middle School. I do believe that this falls under that category. So that anybody that lives in this particular development will have to go to Mahone Middle School, not to Lance. I think that's very important for real estate developers to know that, because the last thing I think I wanted to see was somebody that moves in here and being told you'll go to Lance as your middle school, that's not the case. It was very specific and it would be very difficult to overturn that, and it's so that the wording is very specific. Any new self-contained development in the Village of Pleasant Prairie, those children will be bused to Mahone. Even if it's on Sheridan Road and the State line. So I would hope that the Village takes this into consideration. When developers come in that they are aware of that provision because it's not going to be easy for some. There's going to be a bus coming in and taking them over there, but you're going to have people who are going to say why can't I go to what they consider the neighborhood school and not miles away from where their house might be, and I think it's very important.

It's also important that real estate developers or anybody who is developing one of these things does

not mislead people and then all of a sudden they fall on their doorstep, because I'm going to have a hard time with that. So I just want to make sure that the Village is aware of it, that the developer is aware of it, and as long as I'm up here I'll mention it every time a new one gets built or starts to get planned, that they're going to have to tell people that they're going to go to Mahone Middle School which is on 60th, between 60th and 52nd Street west of Green Bay Road. Any questions?

Jean Werbie:

What does a self-contained subdivision mean? So if they're doing an extension to or a final phase to an existing subdivision, that's...

Eric Olson:

That's why I said I don't think it applies. It doesn't apply in my mind to Old Business A, but it would apply to this. To anything new that's self-contained. In other words, let's say, as I recall, wasn't it Fox Run on 93rd, that would be a brand new subdivision.

Jean Werbie:

Actually it's called Stone Creek.

Eric Olson:

That subdivision or that area if it got developed, that's in right now Lance District. It's in the Lance District, but if it's in a brand new subdivision, those children will have to go to Mahone. Now, is that going to chance five years down the road when Mahone gets filled up? I don't know that.

Mike Pollocoff:

Mr. Chairman, just so I understand, so when the school bus that's picking children up on Prairie Village Drive gets to the new pavement, I guess for lack of a better description, they go in there and they pick up the kids in the first phase of the Prairie Village Development, it stops there and they turn around and another bus comes in that's going to Mahone and finishes Prairie Village Drive around the—I mean this wouldn't be self-contained by definition of the School Board?

Eric Olson:

When they say self-contained, it's built in one unit as opposed to lots being subdivided. In other words if somebody out here buys a lot and builds a house, that's not it. It's any subdivision or grouping like this that we go into that we'd be starting brand new starting this year they would have to go to Mahone.

Mike Serpe:

For example, Meadowdale Farms existing goes to Lance; Meadowdale extension goes to Mahone?

Eric Olson:

No, it's an extension.

Mike Pollocoff:

That's a different subdivision, different subdivider's agreement, the whole shot.

John Braig:

It's got a similar name, but nothing else ties into it.

Eric Olson:

If it's a brand new subdivision, and you're going to have to clarify some of these as they come along, because I understand your dilemma. You've got to understand our dilemma, because of certain groups wanting to stay at Lance, that puts us back over the limit. Now, will this all go away if we build a new middle school? Sure, but don't hold your breath.

John Braig:

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I think the School Board ought to have some clear cut wording on that, because I see an awful lot of subjectivity in what you just discussed, and if I were a nasty attorney, I could have a ball with it.

Eric Olson:

I think as they go along they're going to have to clarify each and every one I think.

John Braig:

Who are they?

Eric Olson:

The Village and school.

John Braig:

The Village has nothing to do with this. This is a School Board problem. The Village only approves the subdivision. It has nothing to do with where the kids are going to go to school.

Mike Serpe:

Okay, I think this is going to be a sore spot for a lot of people for a long time to come, but that's a problem I think that the School Board is going to address. We'll get the word out, like you said, Eric.

Eric Olson:

I just want people to be aware of it.

Jean Werbie:

Maybe we could get a map from the school district that really kind of defines these boundaries so it's very clear.

Eric Olson:

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The boundaries have nothing to do with it. The boundaries are defined already. It's anything new, no matter where it is. If it's in the Lance boundary and it's brand new and is said to be a self-contained, then it will go into Mahone.

Jean Werbie:

So any new subdivision?

Eric Olson:

Again, if it's down on Sheridan Road, even if it's in Lincoln, there's a lot that goes to Lincoln, if it's brand new self-contained it would go to Mahone.

James Bandura:

So it just means more busing.

Eric Olson:

Sure, it means more busing.

Mike Serpe:

You guys are guaranteed eternal heat on the School Board.

Eric Olson:

If you were there the night we were doing boundaries, we took a hell of a lot of heat then.

Mike Serpe:

I wouldn't want anything to do with it, Eric.

Eric Olson:

...that's the only way we could have passed it.

Mike Serpe: 11

Boy, I'll tell you that's too bad. But anyway--

Eric Olson:

FYI.

Mike Serpe:

Okay, there's a motion and second for the zoning text amendment. All those in favor signify by saying aye.

MOTION CARRIED TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD FOR THE REQUEST OF DOUG STANICH FOR A ZONING TEXT AMENDMENT TO AMEND SECTION 12.26-4 (L) 6 RELATED TO THE SPECIFIC PUD, PLANNED UNIT DEVELOPMENT REQUIREMENTS FOR THE PRAIRIE VILLAGE WEST ADDITION #1 CONDOMINIUMS GENERALLY LOCATED AT 42ND AVENUE AND PRAIRIE VILLAGE DRIVE.

C. Consider the request of Doug Stanich for a Site and Operational Plan approval to develop 55 one, two, and three unit condominiums buildings to be known as Prairie Village West Addition #1 Condominiums generally located at 42nd Avenue and Prairie Village Drive.

Jean Werbie:

As a part of a development of Prairie Village West Addition #1 condominium development, Site and Operational Plans related to the Site Plan, building plans and architectural features of the building shall be reviewed and approved by the Plan Commission

Specifically, they are requesting approval of the Site and Operational Plans for 55 condominium units, five single unit buildings, 19 two unit buildings, and four three unit buildings on the property generally located at 42nd Avenue and Prairie Village Drive.

A board has just been circulated in front of you that shows basically the architectural style and appearance of these particular units, very similar, if not identical, of what the units look like today will be extended into the new phase.

Condominium/Declarations, similar to the previous phases, will be recorded for the development, and similar to the existing condominium buildings, the condominium buildings exteriors with architectural shingles. The units range in size from 1200 square feet to 2,200 square feet. There are three ranch and five two story models. All units will have full basements, two car attached garages, at least 2 bedrooms, and at least 2 full baths. Some units will have walk out basements.

The property is currently zoned R-10, and we are rezoning it for the PUD with the new ordinance once it goes to the Village Board. There is some C-1, Lowland Resource Conservancy District, as well as some shoreland area on the property.

With that, the staff recommends approval of the Site and Operational Plan for the condominium project as presented.

Mike Serpe:

This is not a public hearing. Gentlemen, what's your pleasure?

OLSON MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF DOUG STANICH FOR A SITE AND OPERATIONAL PLAN APPROVAL TO DEVELOP 55 ONE, TWO, AND THREE UNIT CONDOMINIUMS BUILDINGS TO BE KNOWN AS PRAIRIE VILLAGE WEST ADDITION #1 CONDOMINIUMS GENERALLY LOCATED AT 42ND AVENUE AND PRAIRIE VILLAGE DRIVE SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED BY STAFF IN STAFF MEMORANDUM DATED JANUARY 14, 2002. SECONDED BY BANDURA. MOTION CARRIED TO APPROVE.

- D. Consider the request of Doug Stanich for a Certified Survey Map to subdivide the property located at 4122 93rd Street to create four parcels and dedicate 42nd Avenue between Prairie Village Drive and 93rd Street.**

Jean Werbie:

Mr. Chairman, the petitioner is requesting to subdivide the property located at 4122 93rd Street to create four parcels and dedicate 42nd Avenue between Prairie Village Drive and 93rd Street.

As a part of the Prairie Village West Addition #1 Condominium Development being considered by the Village, 42nd Avenue shall be dedicated and constructed between Prairie Village Drive and 93rd Street. The developer is proposing to dedicate the roadway and create four parcels by a Certified Survey Map on the east side of 42nd Avenue. The CSM and the Final Plat will need to be considered by the Plan Commission and the Village Board at the same time when it goes to the Board since one development agreement is being proposed for all the public improvements associated with the both the CSM as well as the Final Plat.

This land division involves three existing properties. The western most parcel is 0.17 acres with approximately eight feet of frontage on 93rd Street. This parcel has an existing well, which services the house at 4122 93rd Street owned by Stanich Builders and the house at 4214 93rd Street owned by Mr. and Mrs. Minoch. The center property is 0.57 feet wide and is vacant. The eastern most property is 1.5 acres and has an existing home and an onsite sewage disposal system. The existing home and detached garage will be razed; the driveway will be removed and the on-site septic system will be properly abandoned. A portion of the western parcel, which includes the private well, will be transferred to the adjacent property owners to the west, Mr. and Mrs. Minoch. I actually spoke with Mr. Minoch this afternoon, and he's indicated that he really has no interest in the well, and so that will probably be abandoned as well, but he will take the land from Mr. Stanich.

The properties are zoned R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District. The R-4 District requires that lots widths be 90 feet and minimum lot areas be 15,000 square feet. The property is currently zoned UHO, because not of municipal services, such as sewer, water and storm sewer and roadway adjacent to that lot were available, and 42nd Avenue is proposed to be extended by the developer to service these four parcels as well as to serve as a secondary entrance and exit for the Prairie Village West Development. As a part of this CSM, the owner will be entering into a development agreement and installing the public improvements.

So, again, basically there were three properties out there. One is being dedicated for 42nd Avenue with the remnant piece being attached to the property to the west. The second piece and the third piece are actually being combined so that they can be split so that we can have four lots, one of which has an existing home, an older home, which is going to be razed, so there will be four new single family homes built at that location.

Mike Serpe:

This is not a public hearing. Doug, you're aware of the conditions attached to this and in agreement?

Doug Stanich:

Yes, yes.

BANDURA MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF DOUG STANICH FOR A CERTIFIED SURVEY MAP TO SUBDIVIDE THE PROPERTY LOCATED AT 4122 93RD STREET TO CREATE FOUR PARCELS AND DEDICATE 42ND AVENUE BETWEEN PRAIRIE VILLAGE DRIVE AND 93RD STREET SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED BY STAFF IN STAFF MEMORANDUM DATED JANUARY 14, 2002. SECONDED BY KOESSL.

Jean Werbie:

Was that subject to all the conditions as set forth in the staff comments?

Mike Serpe:

Yes.

MOTION CARRIED TO APPROVE SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED BY STAFF IN STAFF MEMORANDUM DATED JANUARY 14, 2002.

E. PUBLIC HEARING AND CONSIDERATION OF A FINAL PLAT: The request of Doug Stanich for a Final Condominium Plat and related documents to develop 55 one, two, and three unit condominium buildings to be known as Prairie Village West Addition #1 Condominiums generally located at 42nd Avenue and Prairie Village Drive.

Jean Werbie:

On October 15, 2001 the Village Board conditionally approved the Preliminary Condominium Plat for the proposed Prairie Village West Addition #1 Condominiums generally located at 42nd Avenue and Prairie Village Drive. It was through Village Board Resolution #01-65. The development consists of 55 condominium units, five single unit buildings, 19 two unit buildings, and four three unit buildings on the property generally located at 42nd Avenue and Prairie Village Drive.

In May of 1990 the Village approved the original Conceptual Plan for 122 condominium units. At that time it was going to be 13 six-unit buildings and 11 four-unit buildings to be developed in phases. Phase I, known as Prairie Village has 22 units and Phase 2, known as Prairie Village West has 21 units. On July 2, 2001, the Village Board approved a revised Conceptual Plan for the remainder of the site to be developed in one phase to be known as Prairie Village West Addition #1 with 55 condominium units. The total development now will consist of 98 units, which is 24 units less than originally approved number in 1990. In addition, four single family lots are being proposed to be created on land adjacent to the condominium development on the future 42nd Avenue, which is being dedicated to the Village and would connect to 93rd Street and Prairie Village Drive.

Condominium/Declarations, similar to the previous phases, would be recorded for the development. Also, similar to the previous phases, condominium buildings will be frame construction with brick and cedar exteriors.

The property is currently zoned R-10 (PUD), Multiple-Family Residential District with a Planned Unit Development Overlay District. The PUD overlay will allow the property to be developed with more than one structure per property. In addition, developing the site as a PUD will allow some flexibility with respect to some zoning ordinance setback requirements. The Village is continuing to support similar PUD requirements as previously approved in the previous phases.

The Plat shall clearly identifies the location of the existing trees proposed to be preserved. There will be some deed restricted areas for those to be preserved and incorporated into the open space on the development.

The wetlands located on the property were field delineated by the Graef, Anhalt, Schloemer & Associates in November, 1999 and approved by the DNR on May 3, 2000, and they have now been previously rezoned to the C-1, Lowland Resource Conservancy District.

As a condition of the Preliminary Plat, 42nd Avenue between Prairie Village Drive and 93rd Street needed to be dedicated and constructed as a part of the Development and will provide an additional access to the development. 42nd Avenue is being dedicated via Certified Survey Map as discussed in a previous item. The Village has drafted a Development Agreement for the construction of public improvements both related to the Final Condominium Plat and the Certified Survey Map.

The property owner to the west has been kept in contact with respect to this process in the project from the very beginning, and we are trying to, as you can see in the staff's comments, and the developer spoke with him today, trying to keep abreast of everything that's going on and to make sure that his driveway gets relocated and the well gets abandoned and he has proper access and everything gets taken care of through the development process. With that, I'd like to continue the public hearing for this plat.

Mike Serpe:

This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? Anybody wishing to speak? Close the public hearing. Gentlemen?

KOESSL MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF DOUG STANICH FOR A FINAL CONDOMINIUM PLAT AND RELATED DOCUMENTS TO DEVELOP 55 ONE, TWO, AND THREE UNIT CONDOMINIUMS BUILDINGS TO BE KNOWN AS PRAIRIE VILLAGE WEST ADDITION #1 CONDOMINIUMS GENERALLY LOCATED AT 42ND AVENUE AND PRAIRIE VILLAGE DRIVE SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED BY STAFF IN STAFF MEMORANDUM DATED JANUARY 14, 2002. SECONDED BY BANDURA. MOTION CARRIED TO APPROVE.

Mike Serpe:

Just a question for you, Jean. On Prairie Village Drive, is that going to be a public road?

Jean Werbie:

That is correct.

Mike Serpe: 16

Is that public all the way to 39th Avenue?

Jean Werbie:

Yes, it is. Then, again, 42nd Court–

Mike Serpe:

All the way to 93rd.

Jean Werbie:

That runs, the small road that connects the very end, Peggy is identifying it, that's going to be a private road constructed to public standards, and there will be a fee for service agreement with the association in order to do some snow plowing. We're thinking about entering into an agreement like that.

Mike Serpe:

Thank you. Tom, it's all yours.

F. Consider the request of Harmony Homes, agent for approval of a Certified Survey Map to subdivide the property generally located west and north of Springbrook Road west of 39th Avenue and north of 104th Street.

Jean Werbie:

Mr. Chairman, the petitioner is requesting to subdivide the property into two parcels and dedicate approximately 320 feet of 101st Street. Parcel 1 is proposed to be 6.9 acres and Parcel 2 is proposed to be 55.67 acres. This is a property that is located just to the west of Springbrook Road our County Trunk Highway ML north of 165 and south of the Meadowdale Farms Development.

The purpose of this CSM is actually to correct an invalid land division that had occurred on February 11, 1998 wherein, Pleasant Prairie LLC divided the property by a warranty deed, which is not permitted by the Village's Land Division and Development Control Ordinance, and they had conveyed said parcel to Ms. Florence Vaccarello Dunkle. The creation or division of parcels of any size must be approved by the Village through a minor land division process known as a Certified Survey Map or through the Subdivision Platting process prior to the division, sale or transfer of the divided property. This invalid land division will be corrected if this CSM is approved by the Village and recorded by the petitioner.

There's a couple of typos, and I'll need to read the correct information into the record here. Parcel 2 is zoned A-4, Agricultural Land Holding Overlay District, a portion is zoned C-2, Upland Resource Conservancy District and a portion is zoned C-1, Lowland Resource Conservancy District. Parcel 2 would need to meet the lot area and frontage requirement of the A-4 District. The A-4 District requires lots to be a minimum of 35 acres with a minimum of 300 feet of road frontage.

Parcel 1 is zoned C-2, Upland Resource Conservancy District, a portion of the property is also currently zoned A-4, Agricultural Land Holding Overlay District and a portion is zoned C-1, Lowland Resource Conservancy District. The area that is zoned A-4 is proposed to be rezoned into the C-2 District so that the lot area and frontage requirements can meet minimum requirement of the

C-2 district. The C-2 District require lots to l17a minimum of 5 acres with a minimum of 300 feet of road frontage. So basically what happened is 101st Street runs along the northern edge of the post office, and they're going to have a dip and then go to the north as part of the neighborhood plan. Well, there is a piece of land that was zoned A-4, and we can't approve a land division. There's only a little piece of A-4 along with their balance of the C-2 District, because the A-4 requires 35 acre minimum and the 300 feet of frontage. So we need to remove that A-4 from the Dunkle property that they're looking to purchase, and that needs to be all C-2. They can put one single family home in a five acre parcel of land.

The Staff recommends that in accordance with Section 18.0308 J. of the Village's Land Division and Development Control Ordinance, the Village Board of Trustees consider a Deferral of Public

Improvements for the dedicated portion of the 101st Street right-of-way adjacent to Parcel 1. A statement of restrictions has been placed on the CSM stating the following:

“Parcel 1 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 Parcel 1, until such time as the proposed 101st Street public road, curb and gutter, sanitary sewer, water and storm sewer improvements adjacent to Parcel 1 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. 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.”

The public improvements would likely be constructed as a part of the development of the Village Green Center. The Developer of the Village Green would be responsible for the costs of the 101st Street public improvements and could be afforded a Right-of-Recovery from the owner of either Parcel 1 and 2 for the fair share cost of the public improvements adjacent to Parcels 1 or 2.

The situation is that the current owner of the Village Green Center property is looking to sell or convey their entire interest to another developer, but prior to that happening they had entered into a previous agreement, due to a previous agreement from a previous owner, to sell or convey this strange shaped property in the southwest corner of the land that they own. They originally had done it just by recording a deed at the Register of Deeds office which doesn't comply with our particular ordinance, so it was deemed illegal, and so we pulled the whole thing back, and now they're conveying dedicated right of way and conveying the land and doing it through the Certified Survey Map process. So this land would then be conveyed to Mrs. Dunkle, and then the future developer would have the responsibility for putting in all the public improvements and could be afforded a right of recovery. Again, the new landowner of this parcel, Mrs. Dunkle, would not be able to develop it until such time as she has full access to public improvements. If there's any questions?

Mike Serpe:

Could we then safely assume that the Village Green may be become a reality in the future?

Jean Werbie:

Yes, we hope so.

Tom Terwall:

Any other comments or questions from Commissioners? Hearing none, what's your pleasure?

SERPE MOVED THAT THE PLAN COMMISSION APPROVE THE CONSIDERATION OF THE REQUEST OF HARMONY HOMES, AGENT FOR APPROVAL OF A CERTIFIED SURVEY MAP TO SUBDIVIDE THE PROPERTY GENERALLY LOCATED WEST AND NORTH OF SPRINGBROOK ROAD WEST OF 39TH AVENUE AND NORTH OF 104TH STREET SUBJECT TO THE TERMS AND CONDITIONS AS OULTIEND BY STAFF IN STAFF MEMORANDUM DATED JANUARY 14, 2002. SECONDED BY BANDURA. MOTION CARRIED TO APPROVE.

G. Consider the request of Ben Prickett, agent, for Gene Prickett, owner, for a Lot Line Adjustment between 9121 24th Avenue and the vacant property to the south.

Jean Werbie:

Mr. Chairman, the petitioner is requesting to adjust the lot lines between 9121 24th Avenue and the vacant property to the south. The properties are further identified as Lots 18 and 19 in the Brookside Gardens Subdivision.

The property located at 9121 24th Avenue has an existing house and the southern property is vacant. The properties are currently zoned R-6, Urban Single Family Residential District which requires lots to have a minimum frontage of 60 feet with a minimum lot area of 6,000 square feet. The R-6 District allows for the construction of a single family home which meets the following minimum setback requirements: 30 feet from the property line adjacent to the street, eight feet from the side property line, 25 feet from the rear property line and 75 feet from the ordinary high water mark of a navigable waterway.

An unnamed navigable waterway crosses the vacant property to the south and the location of the ordinary high water mark was located in the field by the Wisconsin DNR in July of 2001. Therefore, in order for a single family home to be constructed on the vacant property and meet the minimum setback requirements for the R-6 District, the lot lines are proposed to be adjusted to the north by 21 feet adjacent to 24th Avenue and 34.59 feet adjacent to the east property line. By adjusting the lot line the existing house at 9121 24th Avenue would meet the current setback

regulations and will allow for a new home to be constructed on the vacant property to meet the current setback regulations.

In order to meet the required 75 foot shoreyard setback, the petitioner is requesting to place a single family house approximately 175 feet from the street property line adjacent to 24th Avenue which is actually more than 100 feet setback from the adjacent home to the north. The petitioner understands that as a result of placing the house at this location, their view from their front yard will be into the neighbors backyard, in which their neighbors may stack firewood, store recreational vehicles, construct detached accessory structures, construct a fences or install a swimming pool, and the petitioner understand that they cannot construct a detached accessory building, swimming pool or a fence that is higher than four feet in their street yard. The street yard is that area between the house and the street. This is actually a situation where the father lives to the north and he is transferring some property to his son and daughter-in-law, and they're trying to work out a situation where the lot line adjustment will create an additional buildable lot for the children.

Tom Terwall:

Is this unnamed navigable stream the same stream that when Manutronics was there flooded? It is?

Jean Werbie:

Yes. That's why they need to maintain the 75 foot setback.

Tom Terwall:

Not a bad idea as I recall.

KOESSL MOVED THAT THE PLAN COMMISSION APPROVE THE REQUEST OF BEN PRICKETT, AGENT, FOR GENE PRICKETT, OWNER, FOR A LOT LINE ADJUSTMENT BETWEEN 9121 24TH AVENUE AND THE VACANT PROPERTY TO THE SOUTH SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED BY STAFF IN STAFF MEMORANDUM DATED JANUARY 14, 2002. SECONDED BY BRAIG. MOTION CARRIED TO APPROVE.

H. Consider Plan Commission Resolution #02-01 and #02-02 to initiate a zoning map amendment as a result of detailed wetland stakings completed.

Jean Werbie:

Mr. Chairman, the Village Plan Commission may initiate a petition for an amendment of the Zoning Ordinance, which may include the rezoning of property, change in Zoning District boundaries, or changes in the text of said Ordinance.

In accordance with the Village of Pleasant Prairie General Zoning and Shoreland/Floodplain Zoning Ordinance C-1, Lowland Resource Conservancy District requirements in effect, the Plan Commission shall initiate the appropriate action to change the Zoning Map to conform to the wetland delineated Plat of Survey. The following Resolutions include for your consideration this evening:

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January 14, 2002

The first of which is on April 24, 2001, K201 and Laura Stummer, owners had requested that a wetland staking be completed on the property generally located on the northeast corner of 116th Street and 47th Avenue in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-264-0209-0. On December 18, 2001, the Village received a letter dated December 17, 2001 from the Southeastern Wisconsin Regional Planning Commission that stated that the Plat of Survey correctly surveyed and correctly identified the wetlands on said property as field staked by the SEWRPC on August 23, 2001.

The second resolution is as follows: on June 12, 2001, Robert Cook, agent on behalf of Melvin and Sharon Frederick, owners, had requested that a wetland staking be completed on the vacant property generally located on the east side of 55th Avenue south of 104th Street in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-262-0525-0. On January 4, 2002, the Village received a letter dated January 3, 2002 from the Southeastern Wisconsin Regional Planning Commission that stated that the Plat of Survey correctly surveyed and correctly identified the wetlands on said property as field staked by the SEWRPC on November 13, 2001.

The Village Plan Commission is not, by these Resolutions, making any determination regarding the merits of the proposed changes to the Zoning Map, but rather, is only initiating the process by which the proposed changes to the Zoning Map can be promptly evaluated.

The staff recommends approval of Plan Commission Resolutions 02-01 and 02-02 as presented.

BRAIG MOVED THAT THE PLAN COMMISSION APPROVE THE CONSIDERATION OF PLAN COMMISSION RESOLUTION #02-01 AND #02-02 TO INITIATE A ZONING MAP AMENDMENT AS A RESULT OF DETAILED WETLAND STAKINGS COMPLETED. SECONDED BY SERPE.

Mike Serpe:

Jean, what's on either side of this property?

Jean Werbie:

Which property?

Mike Serpe:

On 02, the second one. There's not a house on either?

Jean Werbie:

On the north.

Peggy Herrick:

There's a house on the north and the south is vacant.

Mike Serpe: 21

Really?

Jean Werbie:

It looks like the wetlands taper to the east.

Mike Serpe:

I hope a lot.

Jean Werbie:

I'm sure that the house predated any wetland delineations that--

Mike Serpe:

This lot obviously is not buildable then?

Jean Werbie:

Not without a variance or any fill permits that may be approved.

MOTION CARRIED TO APPROVE THE CONSIDERATION OF PLAN COMMISSION RESOLUTION #02-01 AND #02-02 TO INITIATE A ZONING MAP AMENDMENT AS A RESULT OF DETAILED WETLAND STAKINGS COMPLETED.

I. Consider Plan Commission Resolution #02-03 to initiate a zoning text amendment related to the issuance of permits on large lots without municipal sanitary sewer.

Jean Werbie:

Mr. Chairman, the Village Plan Commission may initiate a petition for an amendment of the Zoning Ordinance, which may include rezoning of property, change in Zoning District boundaries, or changes in the text of said Ordinance.

On June 22, 1998 the Village Plan Commission adopted Plan Commission Resolution #98-06 to initiate the recodification, update, modification, repeal and recreation of the Village's General Zoning and Shoreland/Floodplain Zoning Ordinance. Since the 1998 several sections of the Zoning Ordinance have been updated including: Mechanics and Interpretations, Site and Operational Plan and Conditional Use requirements, Residential Districts regulations, Sign regulations, Floodplain regulations, Fence and Swimming Pool regulations and definitions. And now, as you know, the Commercial regulations will be initiated.

At this time Section 12.21 of the Village Zoning Ordinance related to the Residential Districts

regulations is proposed to be re-evaluated to determine if some of the Single Family Residential Districts can allow for lots of at least one acre in size to be developed with a private sanitary system rather than municipal sanitary sewer if that sewer is not in proximity to that lot.

By adopting this Resolution the Plan Commission is initiating and petitioning to amend the General Zoning Ordinance as it relates to the issuance of a zoning permit for single family house on large residential lots without municipal sanitary sewer, in addition, as result of the proposed change other sections of the Ordinance may be need to be re-evaluated and updated such as but not limited to specific regulations related to Conditional Uses within the Residential Districts and Definitions. Furthermore, the Village Plan Commission is not, by this Resolution, making a determination regarding the merits of the proposed changes to the Zoning Text, but rather, is only initiating the process by which the proposed changes can be promptly evaluated and presented for a public hearing to the Plan Commission and the Village Board. The Village staff recommends approval of Plan Commission Resolution #02-03 as presented.

Mike Serpe:

Do we have areas right now where this would—where do we have this problem right now?

Mike Pollocoff:

I think probably the Springbrook Road, 116th Street west of Springbrook Road, areas where there are . . . the balance is a spurt of development in there where we really don't want to have a lot of homes without sanitary sewer, but on the other hand it might give somebody the flexibility to make some land divisions.

Tom Terwall:

Keep in mind that this does not affect the holding tank currently in effect. If the land doesn't perk and the parcel doesn't already have a holding tank permit, then it's unbuildable. For example, if you own 35 acres now and wanted to cut off one or more five acre parcels to be able to build on them, there's still only one holding tank permit for that entire 35 acres. The original owner has got to determine if he's going to keep that or is he going to sell that with the five acre parcel he sells. There is no provision for additional holding tanks.

Jean Werbie:

I'd also like to mention that this doesn't impact any new subdivisions that would be developed in the Village. Whether they're large lot subdivisions or small lot subdivisions, they all still would need to come in on municipal sanitary sewer. We're not encouraging new subdivisions on private systems. They would still need to have public sanitary sewer.

Mike Serpe:

If we allowed this to happen and if by some chance ten years from now the sanitary system or municipal system would go across that property, they would then be required?

Jean Werbie:

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Required.

Mike Pollocoff:

Everybody that builds a new home, we require them sign a waiver of notice of special assessment that the sewer system they have is temporary and that when municipal sewer comes by, they're going to be required to pay and connect to the sanitary sewer so they can make their home construction decisions based on that fact out there.

SERPE MOVED THAT THE PLAN COMMISSION APPROVE PLAN COMMISSION RESOLUTION #02-03 TO INITIATE A ZONING TEXT AMENDMENT RELATED TO THE ISSUANCE OF PERMITS ON LARGE LOTS WITHOUT MUNICIPAL SANITARY SEWER. SECONDED BY BANDURA.

Tom Terwall:

Mike, for example, three new houses, one currently occupied and two under construction in the Bouchier subdivision, those folks all had to sign a waiver of special assessment?

Mike Pollocoff:

Right.

Tom Terwall:

Thanks. Any further comments or questions? It's been moved and seconded to approve Plan Commission Resolution 02-03.

MOTION CARRIED TO APPROVE.

9. SUCH OTHER MATTERS AS AUTHORIZED BY LAW

Jean Werbie:

I have none.

10. ADJOURN

OLSON MOVED THAT THE PLAN COMMISSION ADJOURN THE JANUARY 14, 2002 PLAN COMMISSION MEETING. SECONDED BY BANUDRA. MOTION CARRIED TO APPROVE.