

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
February 22, 2016**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on February 22, 2016. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessl; Jim Bandura; Judy Juliana and Bill Stoebig. Deb Skarda (Alternate #1) was excused. Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE JANUARY 25 AND FEBRUARY 8, 2016 PLAN COMMISSION MEETINGS.**

Judy Juliana:

Move to approve.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JUDY JULIANA AND SECONDED BY JIM BANDURA TO APPROVE THE MINUTES OF THE JANUARY 25 AND FEBRUARY 8, 2016 PLAN COMMISSION MEETINGS AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, what I'd like to do for correspondence this evening is read a portion of Resolution #16-08 that was adopted by the Village Board at their last meeting on the 15th of February. And this has to do with naming a multi-use trail between County Highway C and Prairie Springs Park in honor of Don Hackbarth. And this is in honor of all the many years of services that he has given to the Village of Pleasant Prairie.

Donald Hackbarth served as the Pastor of Good Shepherd Lutheran Church in the Village for the past 30 years. Don, over the past 30 years, has served in the community as a member of the Pleasant Prairie Park Commission, as Chaplain of the Pleasant Prairie Fire & Rescue Department since 1988, and member of the Pleasant Prairie Plan Commission since May of 1993. On numerous occasions Don as Chaplain has provided counsel to Pleasant Prairie Fire & Rescue personnel as a result of unspeakable tragedies they have witnessed during the course of their official duties. Don Hackbarth has touched the lives of many citizens in more ways than most will ever realize through his decades of effort and dedication to the community.

Don Hackbarth's dedication to the natural resources in the Village has served as a compass and has in his considerations for new development proposals in the Village and on many occasions, as you know, has voted to protect numerous stands of oak trees that would have been impacted by development. As a result of preservation efforts that were promoted by Don, the Village has pursued numerous woodland preservation and trail projects throughout Village, and is in the final stages of completing a multi-use trail between County Highway C to Prairie Springs Park.

So as what you've been seeing on the slides are photographs that have been taken, and the Village Board at their last meeting stated that the trail that winds over the river and through the woods, from County Highway C to Prairie Springs Park, be named and known henceforth as the Donald Hackbarth Trail. So I just wanted to bring this to your attention. As you know, Don has been going through a series of serious health issues recently. He was here actually at the Village Board meeting on the 15th, and I know some of you were here to see Don. But I just wanted to show you and visually show you and tell you that the Village is recognizing him. And we wish him well. And I just wanted to bring that to your attention if you had not had an opportunity to see it.

Tom Terwall:

Thank you. That's the extent of correspondence, Jean?

Jean Werbie-Harris:

Yes.

**5. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for a matter that's on the agenda for a public hearing, we would ask that you hold your comments until that public hearing is held. Or, if you want to raise an issue that's not on the agenda now would be your opportunity to do so. We'd ask you to step to the microphone and begin with your name and address. Is there anybody wishing to speak under citizen comments?

**6. NEW BUSINESS**

**A. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AMENDMENTS: to amend Section 420-126 D (21) to add Outdoor Storage and/or Display of Merchandise as a Conditional Use in the I-I, Institutional District and to amend Sections 420-26 K (3) and (4) to clarify that outside storage and/or display of merchandise is only allowed if approved under the conditional use provisions of the Zoning Ordinance.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, Item A is consideration of several zoning text amendments to amend Section 420-126D (21) to Outdoor Storage and/or Display of Merchandise as a Conditional Use in the I-I, Institutional District, and to amend Sections 420-26 K (3) and (4) to clarify that outside storage and/or display of merchandise is only allowed if approved under the conditional use provisions of the Zoning Ordinance.

On January 25, 2016, the Plan Commission adopted Resolution #16-02 to initiate a petition to amend Section 420-126 of the Ordinance as it relates to the I-1 Institutional District. Currently outdoor storage or display is only allowed with the approval of the Zoning Administrator; however, the ordinance was re-evaluated to allow outdoor storage with the approval of a Conditional Use Permit. And this is similar to the procedures that we have in the M-1 and the M-2 District requirements.

The following amendments are then proposed to allow outside storage or display of merchandise in the I-1 District only with the approval of a Conditional Use Permit rather than just with the approval of the Zoning Administrator. So 420-126 D (21)(c) reads outside storage or display of merchandise. And the 420-126K (3) and (4) except as otherwise specifically permitted in this chapter under a Conditional Use permit is granted by the Village. So with that the staff would like to continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak on this matter? Anybody wishing to speak? Now I'll open it to comments and questions from Commissioners. Seeing none, what's your pleasure?

Wayne Koessl:

Move approval, Mr. Chairman, that we recommend the Village Board to approve the Zoning Text Amendment as presented.

Jim Bandura:

Second.

Tom Terwall:

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

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**B. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AMENDMENTS: to amend Section 420-128 C regarding mapping disputes in the C-1, Lowland Resource Conservancy District and Section 420-130 C regarding mapping corrections in the C-3, Natural and Scientific Area Resource Conservancy District.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, the next item, Item B, is consideration of several zoning text amendments to amend Section 420-128C regarding mapping disputes in the C-1, Lowland Resource Conservancy District, and Section 420-130 C regarding mapping corrections in the C-3, Natural and Scientific Area Resource Conservancy District.

On November 13, 2006, the Plan Commission had adopted Resolution #06-23 to initiate amendments to the C-1 and C-3 District regulations relating to mapping disputes to ensure compliance with current Wisconsin Department of Natural Resources.

1. Section 420-128 C regarding mapping disputes in the C-1, Lowland Resource Conservancy District, may be amended to specify that there are three different wetland staking procedures including that could be used. One would be Wisconsin Department of Natural Resources using an Assured Biologist. The second is using a non-Wisconsin DNR Assured Biologist. And the third is using the Southeastern Wisconsin Regional Plan Commission staff Biologist.

All of the wetland staking procedures require that a plat of survey with a legal description and an application be submitted to amend the Village Comprehensive Land Use Plan and

the Village Zoning Map, if required. So just as a point of clarification the DNR developed a new policy that if a biologist that is known, trusted, and has taken their classes and understands their definitions and their procedures and has been approved by them, that biologist can become an assured biologist.

So in the field they are, in fact, speaking on behalf of the DNR when it comes to a wetland delineation. In other words, it doesn't have to then go back to the DNR for them to re-review and re-verify that delineation. So there aren't very many on this statewide listing, but it's a step or procedure that they were implementing in order to help to streamline the process. So if you use someone who has been assured by the DNR, then you're assured that that delineation will stand. If it's a non-DNR assured biologist what that means is you can have a biologist do the wetland delineation, but it does need to be verified by the Wisconsin DNR. And the same with the Regional Planning Commission, it does need to be still re-verified by the other agencies.

2. Section 420-130 C, and this is regarding mapping corrections in the C-3, Natural and Scientific Area Resources Conservancy District. And it's being amended to state that: Mapping corrections in the C-3 District. Upon the public or the private, nonprofit purchase of land within the Chiwaukee Prairie and the Carol Beach Area pursuant to Map 35 on Page 166 of the Community Assistance Planning Report No. 88 prepared by SEWRPC entitled A Land Use Management Plan for the Chiwaukee Prairie - Carol Beach Area of the Town of Pleasant Prairie, the Village shall initiate the process to rezone the property into the C-3 Natural and Scientific Resource Conservancy District.

We don't get as many any longer with respect to the rezonings of these properties as state funding has not been as strong as it has been in the past and there's fewer lots to be acquired. But we will continue to go through this process as lots are acquired in the public's interest either by The Nature Conservancy, the Village, Kenosha County, the DNR or any other public agency as part of the management plan process. The full ordinance is attached as part of this ordinance amendment if there are any questions. The staff would like to continue the public hearing at this time.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? Seeing none I'll open it up to comments and questions.

Michael Serpe:

Is the DNR now not buying up anymore land, or are they still purchasing?

Jean Werbie-Harris:

They are still purchasing, but it's very infrequent. I mean there are very limited funds. So the groups that were acquiring the lots are trying to get more creative with respect to applying for grants and working through The Nature Conservancy and so on and so forth. I don't know the exact number, but I would say more than 85 percent of the lots have been already acquired. So there's still a percentage that have not. But many have already been acquired. But there are scattered lots that are under private owners.

Michael Serpe:

Do they still own land outside of The Conservancy that we identified? If they were to sell some of that land, could they use that money to purchase others? No?

Jean Werbie-Harris:

They wouldn't do that.

Jim Bandura:

Will that have an effect on any of this? There was an article in the papers regarding the DNR having to sell 10,000 acres or something like that.

Mike Pollocoff:

I don't believe any of that is included the Chiwaukee Prairie. I think eighty five percent might be a little generous but they have bought [inaudible]. And they've accepted land that other people have bought outside [inaudible]. They didn't have to buy it [inaudible].

Tom Terwall:

For example, if they were to sell that parcel to Uline for \$275,000, would that money be made available for these kind of purchases?

Mike Pollocoff:

Legislation is saying they're using it to pay down debt. Really the amount of money being allocated for purchase of private property [inaudible]. I think I've seen maybe three or four in the last year.

Tom Terwall:

That \$275,000, though, that's in addition to the two and a half million that they've already given Walker's campaign. We'll never see that money here.

[Inaudible]

Tom Terwall:

What's your pleasure?

Michael Serpe:

Move approval of the Zoning Text Amendment.

Jim Bandura:

Second.

Tom Terwall:

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

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**C. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AMENDMENTS: to amend Sections 420-27 A, B and C related to Application fees, Section 420-28 B (3) and (4) related to Sign Permit Fees; Section 420-29 B thru E related to other fees; and Section 420-29 J related to commercial communication structure application and permit fees.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, the next item, Item C, is to amend Sections 420-27 A, B and C related to application fees; Section 420-28 B (3) and (4) related to sign permit fees; Section 420-29 B through E related to other fees; and Section 420-29 J related to commercial communication structure application and permit fees.

On January 25, 2016, the Plan Commission adopted Resolution #06-01 to initiate and petition the Village to amend zoning fees imposed by the Village for zoning permits and applications. The following amendments are proposed. So the items in particular that we're modifying are highlighted in yellow on the information that you have in the staff comments.

1. Just to clarify, Section 420-27 A is proposed to be amended to add wetland staking application of \$225, and a pre-development agreement is required, and to remove the \$225 application fee for Site and Operational Plan and joint applications for Site and Operational Plan and Conditional Use applications wherein the building or tenant space is 5,000 square feet or less.
2. Section 420-27 B, and this is to remove the size limitation for the site and operational plan application that requires the Plan Commission review and joint applications for Site and Operational Plan and Conditional Use applications. All Site and Operational Plan applications and joint applications fees will be \$825, and pre-development agreements are required.

3. Section 420-27 C is proposed to be amended to read as follows. And this is the portion I was mentioning for highlighting. Just to clarify when we're talking about a pre-development agreement we're referring to the Village staff which includes the planners, the zoning administrators, the engineers and the GIS employees and their actual time spent and resources required for processing and reviewing an application.

As you may know each developer, application when they're applying for some type of application to the zoning through Site and Operational Plan, Conditional Use, Conceptual Plan, many others, they have to sign a pre-development application. And that application form does list the staff members, the hourly rates that would be charged, what the fees are being charged for. It's very detailed. And this ordinance corresponds with that application that we give to everyone to fill out. And we just wanted to make sure that those two documents were consistent.

In addition to the staff billable time and cost spent for processing and reviewing the plans and the specs and the drawings, one modification we've also added is that it's also for inspecting the site, building and projects. Billable time includes preparing reports, documents for the Plan Commission, Park Commission, the Board and the Zoning Board of Appeals just to clarify a few things with respect to that.

Also, with respect to when we receive requests from the agent, developer or property owners in gathering additional information that any additional information that we review or evaluate should also and does also include the digital security imaging system plans, reviews and inspections and any other project details as it pertains to that.

And another item, for item 4, the Zoning Administrator may allow a cash deposit to be accepted by the Village to pay the invoiced amounts in lieu of sending an invoice to be paid. A pre-development agreement is still required. We have run into some situations where it's a Pleasant Prairie landowner, but the developer or the applicant is someone from out of state, out of the area, does not have that relationship with Pleasant Prairie. And so as a result in order to make sure that the property owner isn't concerned with respect to the bills being paid, we offer an option, and we will through this ordinance offer that option that they can put a deposit with the Village that we can draw down against after invoicing just to make sure those bills are paid.

4. Section 420-29 B through E, and it's related to other fees: Zoning information request letters will be \$100 per parcel instead of the detailed with what we have there with \$30 per parcel, \$2 a page, to go on from just going to give it a flat fee. We're also removing wetland staking fees. Again, we used to have wetland application fees and cash deposits. Now it's just going to be that one fee of I think \$225 and a pre-development agreement instead of having a separate fee to do each of the different aspects and making sure that it's a cash deposit. And so for the refunding cash deposits we're not going to do that anymore through our finance department. We'll just have the fees and the billable pre-development.
5. Section 420-29 J, and this has to do with commercial communication application and permits. Currently the co-location or siting for construction of a new mobile service support structure and facilities if \$3,000. We are kind of breaking that up to be having an application fee of \$2,500 to be submitted at the time the application is filed, and \$500 for

the permit fee. And a Class 2 co-location that the application fee would be \$100 at the time that the application is submitted, and then a \$40 permit fee.

What we had been finding is that there were quite a few consultants that work on the siting of the towers and structures. And sometimes not only days but weeks but months, months can pass before they actually make their formal application for a building permit. And oftentimes they even decide to step back away from it after staff has spent a considerable amount of time. And so as a result since we cannot charge a pre-development agreement charge, we decided that the application fee would come in with the application, and then the permit fee would follow-up after that once the permit is issued for inspection and any other follow-up that we do. Those are the changes.

Tom Terwall:

Are these comparable to competitive area in the area?

Jean Werbie-Harris:

Yes, they are. And actually with respect to the communication structure fees those were fees that were recommended as part of the state statutes when they adopted new regulations for communication and the siting of communication structures. So they kind of set forth a template with respect to the costs involved. One of the things that's in our communication ordinance section is that they still have to submit a performance -- not a performance bond, but we refer to it as performance bond in the event that the tower goes dark or the antennas all come off that eventually that tower has to come down. So we do have a separate decommissioning or performance bond, if you will, that we do require them to post with us as well.

Michael Serpe:

On the zoning information request you're changing it to \$100 per parcel. It was \$30. How many pages does a request usually have when you were charging \$2 a page?

Jean Werbie-Harris:

Ten, 15, 20 or more. A lot of times when we're doing a parcel information or a zoning information they're not just asking for the zoning of the property. Sometimes they want all sorts of additional information related to the zoning, but it's not a full parcel information letter. So we make copies of a lot of different documents that are in the property file. Maps, we produce all the maps for them. And, again, we don't send this electronically to them. These are all printed copies that we send out.

Michael Serpe:

Okay.

Jim Bandura:

So why wouldn't we want to continue to charge them per page?

Jean Werbie-Harris:

Because we feel that the \$100 will cover all of our expenses.

Jim Bandura:

Cover it?

Jean Werbie-Harris:

Yes it will cover it. And the other important note is that probably within the next three months or less I'm hoping that eventually our zoning will be online. And so if you want some basic information on the zoning you'll be able to get that online and link to our zoning ordinance. That will link to the districts. I mean it won't give them everything in their property file, but it will certainly give them quite a bit of information with respect to the zoning of a particular property.

Tom Terwall:

This is a public hearing. Can I open it up?

Jean Werbie-Harris:

Yes.

Tom Terwall:

You ready?

Jean Werbie-Harris:

Yes.

Tom Terwall:

Anybody wishing to comment on this issue? Anybody wishing to comment? Seeing none, I'll open it up to Commissioners and staff.

Jim Bandura:

Mr. Chairman, if there is no comment I recommend approval.

Michael Serpe:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JIM BANDURA AND SECONDED BY MICHAEL SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO**

**APPROVE THE ZONING TEXT AMENDMENTS AS SPECIFIED. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**7. ADJOURN.**

Michael Serpe:

So moved.

Wayne Koessl:

I'll second.

Tom Terwall:

Moved and seconded to adjourn. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**Meeting Adjourned: 6:25 p.m.**