

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
September 26, 2016**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on September 26, 2016. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessler; Jim Bandura; Judy Juliana; Bill Stoebig; John Skalbeck (Alternate #1); and Brock Williamson (Alternate #2). Deb Skarda was excused. Also in attendance were Jean Werbie-Harris, Community Development Director; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Kristina Tranel, Community Development Department.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER APPROVAL OF THE SEPTEMBER 12, 2016 PLAN COMMISSION MEETING MINUTES.**

Judy Juliana:

Move to approve.

Wayne Koessler:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JUDY JULIANA AND SECONDED BY WAYNE KOESSL TO APPROVE THE MINUTES OF THE SEPTEMBER 12, 2016 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE.**

5. CITIZEN COMMENTS.

Tom Terwall:

If you're here for an item that is not a matter for public hearing now would be your opportunity to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Anybody wishing to speak? Seeing none I'll close citizens' comments.

6. NEW BUSINESS.

Tom Terwall:

Items A through D involve Prairie Village West of which I am a resident. Therefore, on the advice of counsel I'm going to recuse myself and turn this portion of the meeting over to Mike Serpe.

Michael Serpe:

Thank you, Tom. Tom will not be participating in any deliberations nor voting. And we will take Items A, B, C and D together but have individual votes on each item.

- A. Consider the request of John Field, President of the Prairie Village West Condominium Association for approval of an Affidavit of Removal to remove the existing private roadway lands (which are now intended to be dedicated for the 42nd Court and 91st Place public roadways) from the Prairie Village West Addition #1 Condominium via a "removal instrument" per State Statute 703.02 (14g).**
- B. Consider the request of Mark Eberle, P.E. of Nielsen Madsen and Barber S.C, agent on behalf of John Field, President of the Prairie Village West Condominium Association for approval of a Certified Survey Map for the dedication of 40 foot rights-of-way for 91st Place and 42nd Court within Prairie Village West Addition #1 Condominium area.**
- C. Consider the request of John Field, President of the Prairie Village West Condominium Association for approval for the Vacation of certain Sanitary Sewer, Water Main, Storm Water Management Access and Maintenance Easements within the rights-of-way of and the dedication of 91st Place and 42nd Court within Prairie Village West Addition #1 Condominium and the dedication of a 10' Wide Fire Hydrant, Snow Storage, Street Tree, Access And Maintenance Easement adjacent to the 91st Place and 42nd Court rights-of-way within Prairie Village West Addition #1 Condominium area.**
- D. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend the Prairie Village West Addition #1 Planned Unit Development (Chapter 420 Attachment 3 Appendix C Specific Development Plan # 4) as a result of 42nd Court and 91st Place being dedicated to the Village as a public street wherein they were originally platted as a private street within the Prairie**

Village West Addition #1 Condominium development. Specifically the Ordinance is proposed to be amended to reference the dedication and other documents being recorded related to the dedication of the public streets and to allow the existing condominium units be set back 19 feet from the dedicated rights-of-way of 42nd Court and 91st Place.

Jean Werbie-Harris:

Trustee Serpe and members of the Plan Commission, for the record I'll read the items into the record. Item A, consider the request of John Field, President of the Prairie Village West Condominium Association, for approval of an Affidavit of Removal to remove the existing private roadway lands which are now intended to be dedicated for the 42nd Court and 91st Place public roadways from the Prairie Village West Addition #1 Condominium via a removal instrument per State Statute 703.02 (14g).

B, consider the request of Mark Eberle, P.E. of Nielsen Madsen and Barber S.C, agent on behalf of John Field, President of the Prairie Village West Condominium Association, for approval of a Certified Survey Map for the dedication of 40 foot wide rights-of-way for 91st Place and 42nd Court within the Prairie Village West Addition #1 Condominium area.

C, consider the request of John Field, President of the Prairie Village West Condominium Association, for approval for the vacation of certain sanitary sewer, water main, storm water management access and maintenance easements within the rights-of-way of and the dedication of 91st Place and 42nd Court within Prairie Village West Addition #1 Condominium, and the dedication of a ten foot wide fire hydrant, snow storage, street tree, access and maintenance easement adjacent to the 91st Place and 42nd Court rights-of-way within Prairie Village West Addition #1 Condominium area.

And finally Item D, public hearing and consideration of a Zoning Text Amendment to amend the Prairie Village West Addition #1 Planned Unit Development Chapter 420 Attachment 3 Appendix C Specific Development Plan # 4 as a result of 42nd Court and 91st Place being dedicated to the Village as public streets wherein they were originally platted as a private streets within the Prairie Village West Addition #1 Condominium development. Specifically the ordinance is proposed to be amended to reference the dedication and other documents being recorded related to the dedication of the public streets and to allow the existing condominium units to be setback 19 feet from the dedicated rights-of-way of 42nd Court and 91st Place.

These items are related and will be discussed at the same time, however separate action will need to be taken by the Plan Commission.

The Prairie Village West Addition #1 Condominium Association is requesting to dedicate 91st Place and 42nd Court, these were roadways that were previously constructed private roadways, within the Prairie Village West Addition #1 Condominium development as public rights-of-way. Several approvals are being considered for this to be allowed.

First, as a Memorandum of Understanding Agreement: On June 6, 2016, the Village approved and entered into a Memorandum of Understanding Agreement with the Condominium

Association as attached in part of your packets regarding the proposed dedication of the existing 42nd Court and 91st Place private roadways and underground infrastructure that's located in the Prairie Village West Addition #1 Condominium to the Village. The owners have agreed to and have provided to the Village, among other things, the following as part of this Memorandum of Understanding:

- The obligation and agreement to make the required private in-pipe storm sewer repairs and storm sewer structure and asphalt pavement repairs pursuant to inspections and field observations completed by the Village's Public Work's Department in 2015-2016 and pursuant to the details set forth in the attached May 26, 2016 letter from Mark Eberle, P.E., Nielsen Madsen & Barber S.C., and that's referenced as Exhibit B.
- The obligation and the agreement to enter into a contractual agreement with Michels Corporation as it pertains to the in-pipe storm sewer repairs identified as Exhibit C and with Reesman's Excavating & Grading, Inc., as it pertains to storm system repairs, pavement and base repairs and storm manhole DH369 adjustment, and that's provided as Exhibit D. These private improvements which are intended to be dedicated, along with others to the Village are described in the contractor's proposals; and
- The obligation and agreement to pay the Village for the Village's or consultant's inspection related to services associated with the in-pipe storm sewer repairs and storm sewer structure and asphalt pavement repairs, which was estimated by the Public Work's Department to be \$3,000.00 as referenced in Exhibit E of this agreement.

All of these improvements as I just discussed have been completed and inspected by the Village. The next step is for the Village to accept the improvements and to accept the items below and approve the other documents as noted in this memorandum.

So the next item is actually the removal instrument. The Unit Owners of Prairie Village West Condominium Association, Inc., have consented to the removal of 91st Place and 42nd Court from the Association to the Village. The removal instrument is required pursuant to Chapter 703 of the statutes which must be recorded to remove the roads affected from the Association from the condominium thereby transferring ownership to the Village. Recording the removal instrument clears the chain of title and effectively takes land out of the condominium property and transfers that land to the Village.

The next item are the vacation of easements. The Petition to Vacate and Release Easements is required because the Village, under the current easements, has right access to portions of the condominium property. However, when the private roads become public roads, the easements are no longer needed since the Village obtains an ownership interest in the lands. Because the real properties affected by the easements are proposed to be dedicated to the Village, the easements are basically unnecessary. Recording the Vacation of Easement document clears the chain of title to the real property.

The following easements are proposed to be vacated as shown in the attached Release of Easement document:

1. Vacation of the dedicated thirty foot wide sanitary sewer, water main, access and maintenance easement. This is Exhibit 1 of said Release document.
2. Vacation of the dedicated twenty foot wide storm water management, access and maintenance easement provided as Exhibit 2 of the Release document.
3. Vacation of the dedicated twenty foot wide water main, access and maintenance easement identified as Exhibit 3 of the Easement document.
4. Vacation of the twenty foot wide storm water management, access and maintenance easement identified as Exhibit 4 of the Release document.
5. Vacation of the twenty foot wide sanitary sewer, access and maintenance easement which is identified as Exhibit 5 of the Release document.

The next item on the agenda is the Certified Survey Map and Dedication of Easement. The Certified Survey Map known as a CSM is being requested to dedicate the 40 foot wide rights-of-way for 91st Place and 42nd Court within the Prairie Village West Addition #1 Condominium area. The CSM shows all of the existing easements that will remain after the aforementioned easements are vacated. In other words, those areas will be dedicated because they'll be underneath the effective right-of-ways that are being dedicated to the Village.

The CSM also shows, though, the additional easements that are being requested. And that first one of the main one is that ten foot wide fire hydrant, snow storage, street tree, access and maintenance easement. Since this easement cannot be dedicated by the CSM, this ten foot wide easement will be recorded prior to the CSM and then shown and referenced on the CSM. Again, there are some fire hydrants, there's street trees, there's areas that are adjacent to that 40 foot wide dedicated area that the Village needs in order to continue to maintain the public related improvements that are being now taken over by the Village and clearly understood by the Village for our maintenance. So as a result we need to make sure that those easements are reflected on either side.

As you know a typical right-of-way is either 66 or 66 feet wide. We're being granted a 40 foot wide easement and then ten feet on either side in order to take care of the public related improvements as may be necessary.

With respect to the variance, on October 3, 2016, the Village Board will conduct a public hearing to consider the request of Prairie Village West Condominium Association for a variance from Section 395-60 (A) of the Village's Land Division and Development Control Ordinance related to the minimum right-of-way width. Specifically, the petitioners are requesting a variance to dedicate 91st Place and 42nd Court as public road rights-of-way that are 40 feet wide in lieu of the 60 minimum required to ensure that the above-referenced roadway dedications are not in conflict with State Statute 236.13 (2).

Again, the State Statutes has very specific requirements as to how narrow a public road can be in order to take care of all of the public related improvements. So we are accepting it with a variance that gets granted by the Board as long as we have that additional easement on either side to take care of the public improvements.

Due to the fact that the existing constructed roadway conditions are within a condominium, which was originally designed with private roadways and with building setbacks as measured from the back of curb in lieu of the right-of-way line, the rights-of-way are only 40 feet in width. This new right-of-way, in consideration with the proposed 10 foot wide fire hydrant, snow storage, street tree access and maintenance easement will serve the public's purpose and serve as a 60 foot wide right-of-way area per the State Statute. This variance shall be approved by the Village Board prior to recording any documents noted.

The next item is the Zoning Text Amendment. The Prairie Village West Addition #1 Planned Unit Development, again Chapter 420 Attachment 3 Appendix C Specific Development Plan # 4, is proposed to be amended as a result of 42nd Court and 91st Place being dedicated to the Village as public streets even though they were originally platted as private streets within the Condominium development. Specifically the ordinance is proposed to be amended to reference the dedication and these other documents being recorded related to the dedication of the public streets and allowing the existing condominium units to be set back 19 feet from the dedicated rights-of-way of 42nd Court and 91st Place. Again, typically that right-of-way would have been either 25 or 30 depending on the PUD.

So although this last item which is the PUD modification is a public hearing, we do need to open the floor for the public hearing discussion on that item. And I'd recommend if there's any other questions on Items A, B or C that they be taken up at this time.

Michael Serpe:

We'll allow that if that's okay with the Commission. Okay. Is that it, Jean? Because Item D is a matter for public hearing, and because A, B and C were taken in conjunction with the public hearing, we'll take comments and questions from the citizens on Items A, B, C or D. Is anybody wishing to speak? Anybody wishing to speak? Anybody? We'll close the public hearing and open it up to comments and questions from the Commission. Jim?

Jim Bandura:

Just a quick one. Jean, in the written ordinance Number 16-, the second page item 3 it says not tool or storage sheds that do not exceed 200 square I think the word feet is missing.

Jean Werbie-Harris:

We could add the word feet. That's correct, we can do that.

Jim Bandura:

Okay, that's good.

Michael Serpe:

Anybody else have any questions?

Wayne Koessl:

Mr. Chairman, if there aren't any more questions or comments, for the Affidavit of Removal I recommend that the Plan Commission send a favorable recommendation to the Village Board to approve the removal instrument subject to providing the Village a recorded copy of the document within 30 days of Village Board approval.

Jim Bandura:

Second.

Michael Serpe:

MOTION MADE BY WAYNE KOESSL AND A SECOND BY JIM BANDURA FOR APPROVAL OF THE AFFIDAVIT OF REMOVAL. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Item B, Certified Survey Map. What's your pleasure?

Jim Bandura:

I would recommend approval of it.

Michael Serpe:

Is there a second?

Wayne Koessl:

Second.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND A SECOND BY WAYNE KOESSL FOR APPROVAL OF THE CERTIFIED SURVEY MAP. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Item C, vacation of certain sanitary sewer, water main, storm water management access and maintenance easements. What's your pleasure?

Jim Bandura:

Recommend approval.

Michael Serpe:

Is there a second?

Bill Stoebig:

Second.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND A SECONDED BY BILL STOEBIG FOR ITEM C, VACATION OF CERTAIN SANITARY SEWER, WATER MAIN, STORM WATER MANAGEMENT ACCESS AND MAINTENANCE EASEMENTS. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Item D is the Zoning Text Amendment. Just one question before we get on this. Is there any downside to the Village by approving what we're doing here tonight?

Jean Werbie-Harris:

I don't think so, no.

Michael Serpe:

Matt, you see anything Matt? Thank you. Item D what's your pleasure.

Jim Bandura:

Move for approval.

Wayne Koessl:

Second.

Michael Serpe:

MOTION BY JIM BANDURA AND A SECOND BY WAYNE KOESSL ON THE ZONING TEXT AMENDMENT. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

Jean Werbie-Harris:

Trustee Serpe if I could just add. One of the things as we mentioned earlier this summer is that we took great care to have our public works department go out to identify any inconsistencies or any problems or any concerns with respect to that infrastructure. We identified it for them, they contracted to get all those improvements completed. We inspected them, and we are going to go through the process of accepting them. So in this circumstance any deficiencies or corrections that need to be made were made. And so we are taking all of these public improvements with good conscience.

Michael Serpe:

I know there's a lot of work that went into this from the Board and from the residents, and we appreciate all your efforts. And with that I'll turn the meeting over to Tom for Item E. Thank you.

Tom Terwall:

Thank you.

E. Consider the request of Matt Carey, P.E. with Pinnacle Engineering, for approval of the Recession of Trans 233 Restriction from Certified Survey Map 2178 related to the vacant property on the southeast corner of STH 165 and 80th Avenue in LakeView Corporate Park.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, the petitioner is requesting approval of a Correction Instrument to CSM 2178 for the Rescission of the Trans 233 Restriction, that's a Wisconsin DOT restriction, and that's related to the 50 foot highway setback to Highway 165 on

the property located at the southeast corner of Highway 165 and 80th Avenue. That is the proposed Doheny Enterprises property. Any buildings or structures and parking and maneuvering lanes on the site will be required to meet the Village Zoning Ordinance setback requirements. The staff recommends approval of the Recession of Trans 233 Restriction from the CSM 2178 subject to the document being recorded by all parties and a recorded copy being provided to the Register of Deeds office for recording within 30 days of the Village Board's approval.

Michael Serpe:

Move approval.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MICHAEL SERPE AND A SECONDED BY JIM BANDURA TO GRANT THE RESTRICTION OF TRANS 233 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.

7. ADJOURN.

Wayne Koessl:

So moved.

Jim Bandura:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.

Meeting Adjourned: 6:16 p.m.