

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39<sup>th</sup> AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
NOVEMBER 14, 2016**

**AGENDA**

1. Call to Order.
2. Roll Call.
3. Consider approval of the October 10 and 24, 2016 Plan Commission Meeting minutes.
4. Correspondence.
5. Citizen Comments.
6. New Business:
  - A. **PUBLIC HEARING AND CONSIDERATION OF ZONING MAP AND TEXT AMENDMENTS** for the request of Mike Gingerelli, of Asphalt Restoration Inc., agent for the First United Methodist Church located at 8405 104<sup>th</sup> Avenue to rezone the property from the I-1, Institutional District to the I-1 (PUD), Institutional District with a Planned Unit Development Overlay and to create the specific Planned Unit Development Ordinance to allow for the parking lot setback to be a minimum of 5 feet from the side property line adjacent to the parcel north of the Church property rather than 20 feet.
  - B. **PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AMENDMENTS:** to amend Article VII of the Village Zoning Ordinance entitled Home Occupation to a new Article entitled Business Licenses; to amend Section 140.1 of the Village Zoning Ordinance related to Temporary Uses; to amend the definition for Home Occupation in Section 420-152 and to amend Section 420-27, 420-28 and 420-29 of the Village Zoning Ordinance related to zoning fees.
7. Adjourn.

It is possible that members and possibly a quorum of members of other governmental bodies of the municipality may be in attendance in the above stated meeting to gather information; no action will be taken by any other governmental body except the governing body noticed above.

**The Village Hall is handicapped accessible. If you have other special needs, please contact the Village Clerk, 9915 39<sup>th</sup> Avenue, Pleasant Prairie, WI (262) 694-1400.**

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
October 10, 2016**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on October 10, 2016. Those in attendance were Thomas Terwall; Wayne Koessl; Jim Bandura; Judy Juliana; Bill Stoebig; John Skalbeck (Alternate #1); and Brock Williamson (Alternate #2). Michael Serpe and Deb Skarda were excused. Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; 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. CORRESPONDENCE.**
- 4. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for a matter that appears on the agenda as a matter for public hearing we would ask that you hold your comments until that public hearing is held. However, if you want to raise an issue that's not a matter for public hearing now would be your opportunity to do so. We'd ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Seeing none we'll move onto Item 5.

- 5. NEW BUSINESS.**
  - A. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Peter Molter, agent for St. Catherine's Hospital for an approximate 194,888 square foot expansion of the Hospital located at 9555 76th Street for an Advance Outpatient Surgical Wing for the United Hospital System.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a public hearing in consideration of a conceptual plan, and this is at the request of Peter Molter, agent for St. Catherine's Hospital for an approximate 194,888 square foot expansion of the Hospital located at 9555 76th Street for an Advance Outpatient Surgical Wing for the United Hospital System.

In 2001, a Site and Operational Plan was submitted by United Hospital System for the development of a regional medical center campus consisting of an acute-care hospital facility and medical offices on a 50 acre parcel of land in the Prairie Ridge development in Pleasant Prairie. Again, Prairie Ridge is bounded by Highway 50 on the north, and the whole Prairie Ridge

development is between 88th Avenue and 104th Avenue north of Highway C. Specifically, the St. Catherine's Hospital property is just to the west of 94th Avenue and south of Highway 50.

Through an expansion project in 2008, additional capacity was added to the hospital facility, and in 2010 a medical office building was added to the campus. Though not anticipated in the 2001 in the original plans, the Master Campus Conceptual Plan incorporates an addition to this hospital facility. This new proposal is to house the Advanced Outpatient Surgical Wing of United Hospital System.

The facility expansion for the Advanced Outpatient Surgical Wing of the Hospital System is intended to be used for same-day/ambulatory/outpatient surgical procedures and will have the full support and resources of the main acute-care hospital readily available in the event a patient experiences an unexpected emergency condition. This approach for less-than-24-hour surgery stays differs from that of a typical free-standing ambulatory surgery center where, due to lack of some sufficient resources, emergency events are usually addressed with a 911 call to summon an ambulance to transport the affected patient to a hospital or regional medical center such as the St. Catherine's Medical Center Campus.

For example, in the event a patient in the Advanced Outpatient Surgical Wing experiences a stroke or heart attack during his/her less-than-24-hour stay, emergency staff and support from the hospital will respond and immediately address the patient's needs, following which the patient will be transferred to an appropriate location within the main hospital. In reality, the expansion will combine the convenience of an ambulatory surgery center with the safety of an acute-care hospital setting.

The proposed 61,941 square foot first floor space of the expansion will feature an open-design lobby, lounge and cafe; a courtyard; registration and waiting areas; private preoperative suites with toilet rooms; at least eight new surgical suites; and recovery areas. Easy access to the Advanced Outpatient Surgical Wing will be provided via a separate entrance which features a protected patient drop-off and pick-up vehicle bay to minimize exposure to nature's elements.

In addition, easy access to the main hospital building will be available for visitors through a convenient enclosed walkway, as well as through internal corridors for staff and patients, if and when needed, to access the support services of the main hospital facility. This access allows for the direct transfer of a patient from the new Surgical Wing to the acute care/inpatient hospital without the need for ambulance transport. Support areas for the surgical facility will be housed in a 46,653 square foot new lower level along with a relocated receiving dock and trash enclosure area. The 40,448 square foot second floor, and the 22,923 square foot third and fourth floors of the building will ultimately house various outpatient services.

Staffing for this 194,888 square foot addition will likely add approximately 100 to 125 employees with full build-out. The facility addition will integrate into the existing facility architecture using the same natural materials that are used on the existing building including the brick details and the stone work. In addition, the building will use similar glass and rooflines to match up to the existing buildings.

Existing internal site roads on the campus, including those for truck traffic, will be modified as a result of this addition and additional surface parking will added. Storm water will be distributed

into the existing storm water management system for the Prairie Ridge development. On site utilities, such as water, sanitary sewers and electrical service will be rerouted but contained on site. The campus will have full fire protection throughout and include new fire hydrants, fire alarm system components and sprinkler systems. Existing security systems including access control and exterior cameras will be expanded from the current systems.

With that I'd like to continue the public hearing. And I'd like to introduce Peter Molter from the hospital. And then he can kind of go through the various renderings that we have. We'll start back to the beginning, and he can go through the perspectives for us and answer any questions that you may have regarding this hospital expansion.

Peter Molter:

Peter Molter, 5212 86th Place in Pleasant Prairie. Is we take a look at the screens, I see we've got screens in front of you so you can see the renderings, the upper rendering which is the northwest approach looking from the south/southwest looking really towards the northeast, you can see that we've added a tower element in the structure to kind of tie in that tower element that you see when you drive down Highway 50. It really marks the property and marks the addition. Between that tower and the main building we have the atrium which is meant to be a wide open glass area that can get plenty of sunshine, plenty of outside environment coming into the building so it makes a nice, pleasant atmosphere for our patients where they come and go.

On the rendering right below it right in the center you'll see a drop off canopy. And the canopy actually is we're working on developing that to get it enclosed. We can enclose one side, of course, with glass block, get it nice to block the wind. But we're also looking at seeing how we can have it enclosed so when the patients are picked up and dropped off they can be protected from the wind and from the elements that occur here from November through March and April. And that's one thing that we really want to pay close attention to is the comfort of our patients as they get in and out of our facilities. And the northwest wind that we can get on the site without trees and those kinds of things the wind can howl pretty strongly right through that entire area. So that's one of the nice features that we're adding to the campus.

If we look at the back side of the facility we're relocating the existing loading docks. If some of you are familiar with the campus we currently have loading docks in the back along with the oxygen tank and some of the other necessary support facilities for the existing campus. Those are all going to be moved back down to this area in the back where the loading docks will be very similar to what it is today except down on a lower level. We plan to have the trash which would be the recycling, all the other general trash and all the other different wastes that we have enclosed as they are today so they won't be visible from the road. So they'll be enclosed inside the structure similar to what it is today.

Parking will occur on either side of the loading dock. As Jean pointed out the parking will be modified to match the requirements of the Village per the ordinances. And we're finalizing those calculations as well. But inside the description is, it's a guess, as accurate as we can possibly get it today based on what we know the interior build out is going to be. So we've got those calculations. And when the final site and operational plans come we'll have much more detail, of course, when that occurs. And then you can see the overall look of the building and how it ties

together. It stands out as its own separate entity, but yet it's still tied together to the main building. With that I'll entertain any questions.

Tom Terwall:

This is a matter for public hearing. Is there anybody who wishes to raise any questions or comments? Anybody wishing to speak? Anybody wishing to speak? I'll open it up to comments and questions.

Wayne Koessl:

This is a conceptual plan. When do you think it will be finished, the total building?

Peter Molter:

We're anticipating the shell, footings, foundation and structural elements to be done this fall in terms of design. The interior build out we'll continue to work on the design right now, and that's the phase that we are currently in. We're looking to try to have submittal sometime after the first of the year. More than likely it's going to be a preliminary site and operational plan to get the footing and foundation plan in order and get the shell package underway. And then followup with the final site and operational plan once the interiors are finalized.

Wayne Koessl:

Thank you.

Tom Terwall:

Anybody else? Anybody else? Yes, sir?

--:

Do you guys plan expanding anymore, or is this kind of the max out of the site?

Peter Molter:

The site is a 50 acre site. We have an option if you look at your screen right now -- at one time we've had discussion through the Village through the years, and this is only for diagrammatic purposes only, we're not asking for this at this point, that we could put an additional medical office building and additional parking facilities that abut Prairie Ridge on that back parcel. So if you see that there that would pretty much get us to where we need to be. In terms of expanding the main footprint of the hospital probably not because our mechanical systems do have limitations. So we never say never, though, but at this point I don't think so. I think this will suffice for quite some time.

--:

I'm assuming there's more parking that's going to be put in as well?

Peter Molter:

Yes. right now, I don't have the numbers in front of me, but I think we're going from 756 spaces to 840 on this conceptual plan. Then you see we added some spaces in up towards the 76th Street. We have some things that we're going to have to adjust based on the staff's feedback. We have to do things such as the minimum setback, the berming, the landscaping to protect headlights from going onto 76th Street. So we've got some things to do there yet, of course. And then around the loading dock area we've added some parking spaces as well as modifying another lot near the building for the physician parking as well.

Tom Terwall:

Anybody else?

Wayne Koessl:

If not, Mr. Chairman, I'll move that we approve the conceptual plan and send a favorable recommendation to the Village Board subject to the comments and conditions of the staff report of October 10, 2016.

Tom Terwall:

Is there a second?

Jim Bandura:

Second.

Tom Terwall:

**It's been moved by Wayne Koessl and seconded by Jim Bandruea to send a favorable recommendation to the Village Board to approve the conceptual plan subject to the terms and conditions outlined in the staff memorandum. All in favor signify by saying aye.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Thank you, Peter.

**B. PUBLIC HEARING CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING PRELIMINARY SITE AND OPERATIONAL PLANS for the request of Dixit Patel, on behalf of VIDHYA Corp, VIII, Inc., the property owners related to a Dunkin Donuts (with a drive-thru) proposed to be located within the BP Amoco convenience store located at 10477 120th Avenue.**

**C. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT for the request of Dixit Patel, on behalf of VIDHYA Corp, VIII, Inc., the property owners to amend the BP-Amoco Planned Unit Development (Chapter 420 Attachment, Appendix C Specific Development Plan 10) related to the specific zoning regulations for the installation of the drive thru facility for Dunkin Donuts (proposed to be located within the BP Amoco convenience store located at 10477 120th Avenue for BP Amoco.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, the first item is the consideration of a Conditional Use Permit including Preliminary Site and Operational Plans for the request of Dixit Patel, on behalf of VIDHYA Corp, VIII, Inc., the property owners related to a Dunkin Donuts with a drive-through proposed to be located within the BP Amoco convenience store located at 10477 120th Avenue.

The second item is consideration of a Zoning Text Amendment for the request of Dixit Patel, on behalf of VIDHYA Corp, VIII, Inc., the property owners to amend the BP-Amoco Planned Unit Development, which is Chapter 420 Attachment, Appendix C Specific Development Plan 10, and this is related to the specific zoning regulations for the installation of the drive through facility for Dunkin Donuts proposed to be located within the BP Amoco convenience store located at 10477 120th Avenue for BP Amoco. These items are related and will be discussed at the same time, however separate action is required.

As a part of the hearing comments and part of the public hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request and is presented and described below:

Findings of Fact

1. The petitioner is requesting approval of a Conditional Use Permit including Preliminary Site and Operational Plans for associated site improvements and building alterations related to a proposed Dunkin Donuts with a drive through and a future sandwich shop proposed to be located within the BP Amoco convenience store at 10477 120th Avenue. Exhibit 1 is a copy of the application and the plan. This preliminary approval will allow for the owner to proceed with interior building modifications at their own risk until such time that Final Site and Operational Plans are submitted to address all of the site and exterior building modifications as noted in the staff report.
2. The petitioner is also requesting approval of an amendment to the BP-Amoco Planned Unit Development related to the specific zoning regulations for the installation of the drive through facility for the Dunkin Donuts. Information related to this Text Amendment application is provided as Exhibit 2.
3. The property is known as a Lot 14 of CSM 1489 located in the Northwest One Quarter of U.S. Land Survey Section 30, Township 1 North, Range 22 East in the Fourth Principal

Meridian, lying and being in Pleasant Prairie, Kenosha County, Wisconsin. The property is identified as a part of Tax Parcel Number 92-4-122-302-0130. And this property, again, is just generally located at that southeast corner of 120th Avenue which is the frontage road and south of 104th Street which is Highway 165. And then that east/west private road which is just south of BP Amoco between BP Amoco and McDonald's this is referred to as 105th Street as a private road.

4. The operation of the gasoline station and convenience store shall continue to remain in compliance with the original Conditional Use Permit #13-03 as amended. Exhibit 3 is a copy of CUP#13-03 Amendment #4. This Conditional Use Permit approval is in addition to those requirements set forth in that existing Conditional Use Permit.
5. Dunkin Donuts is proposing to occupy the northern portion of the existing building with a drive through facility along the east and north sides of the building. The interior modifications to the building include reconfiguration of the convenience store to include the Dunkin Donuts and a future sandwich shop. In addition, the restroom facilities are being altered and updated. The exterior of the building is also being modified to add some stone tower features, painting of exterior brick, canopies, lighting and other features.

So I just wanted to make sure that you have in perspective exactly what we're looking to do here. And that is you come into the BP site off of 105th Street, that's an existing access on the southwest corner that aligns with McDonald's. And then as you come in then you would go to the right or the south side of the convenience store. And then you'd wrap or line in cars you'll go to the right, and then you'll go adjacent to the east property line and along the north. And then the actual, Peggy has just highlighted for you in yellow, the drive through window is actually on the north side of the building.

We're going to be covering some of these other details, but it's important to note that the purpose of their request this evening not only is to get some preliminary approval from the Plan Commission, but for the Plan Commission to understand that this would involve the elimination of the green space on their east side. And the only green space between BP Amoco and Culver's would be that ten foot wide green space that's on the west side of Culver's property. So the drive through then would take you right up to that property line.

When you get to the north end of the drive through there's like an escape area where you could actually bail out if you needed to. You're only two cars away from the drive through. And that drive through lane also would allow for snow to be pushed directly north as well so it can keep going and get pushed to the north side of BP. So that's the main primary work on this particular site.

Some other minor details include, obviously, some modifications to some landscapings, to lighting and the exterior modifications of the building which we will talk about as part of the site architecture. There's just some minor modifications to that cross-access between Culver's on the east and BP on the west. And then we're also proposing that there be a sidewalk that runs parallel to 105th Street just to the north side through the

north of the BP property and then through onto Culver's property. And then you can take their walkways to get north into Culver's or south into their parking lot.

6. The existing Digital Security Imaging System known as the DSIS shall be upgraded from the analog to digital systems and modified to include additional cameras to monitor the drive through lane as well as the pick up window for Dunkin Donuts. The amendment to the DSIS Agreement will be considered at the time that the Final Site and Operational Plans are being considered by the staff.
7. Parking: The site reconfiguration will include 17 parking spaces which includes two handicapped accessible parking spaces. In addition, the site will provide stacking of ten cars in the drive through and 20 fueling positions. Pursuant to the Village Ordinance the number of parking spaces required is listed below:
  - a. For a gas station with convenience store and fast food restaurant it requires a minimum of five spaces for every 1,000 square feet of gross floor area plus one space for each employee on the largest shift.
  - b. In addition, to these minimum parking spaces, handicapped accessible parking spaces are required by the State Code.

The existing floor area of the building, excluding the carbon capture ground water monitoring room and the exterior electrical room is 4,588 square feet. Based on the foregoing information, the total number of parking spaces required is 23, plus the handicapped accessible parking spaces for a total of 25 parking spaces not including the ten spaces within the drive through and the 20 fueling positions. Off-street parking shall not be allowed on the adjacent public streets which is 104th Street, 120th Avenue or the Frontage Road or Corporate Drive, or the abutting private street which is 105th Street. The private street shall be designated with no parking. The PUD is proposed to be amended to specify these parking requirements.

8. Agreements are being prepared for signatures between BP Amoco and its abutting neighbors regarding some issues. I'm not sure, and they can address this evening whether or not they've reached agreement on some of these issues. But we do need to make sure that everyone is on board with respect to these.
  - a. Roadway issues pertaining to the maintenance of 105th Street, that private road, for its resurfacing including paving, signage and pedestrian pavement markings this all needs to be addressed. And right now I think there's a loose agreement between the partners of the three properties. But I think they need to formalize that agreement. In addition, ongoing road and snow plowing maintenance are also needing to be addressed in this particular agreement. Again, the Village is not a party to this agreement. This is between the private land owners.
  - b. Sidewalk matters pertaining to the extension of a four foot pedestrian sidewalk extending from BP Amoco to and through Culver's property to the Culver's driveway adjacent to 105th Street and the removal -- there currently is a sidewalk that is kind of right in the middle of the BP building. It was thought at one time

that it would be like a back door in order to get over to Culver's. And so there's actually a sidewalk there that needs to be removed as well. In addition, to the installation, ongoing sidewalk maintenance and snow removal maintenance will need to be addressed between BP and Culver's with respect to that segment of walkway, that concrete sidewalk that extends from the BP property line in the southeast corner across and into the Culver's parking lot and to the Culver's sidewalk for people to gain access to Culver's.

- c. Any liability issues related to possible contamination matters due to infiltration extending from BP Amoco to Culver's shall be addressed. And, again, I know that the parties are all working on these agreements, and maybe they can address those today with us this evening.

9. Signage: The monument signs and the wall signs on the site are proposed to be changed to include:

- a. New Primary Monument sign at the northwest corner of the site. There is one there now so this would be a new one. The sign is 15 feet high and the display area is about 153.8 square feet. This sign shall be revised to include the full address of 10477 120th Avenue on the base of the sign. The sign shall be set back a minimum of 15 feet from all property lines and shall not be placed in the vision triangle. In addition, landscaping shall extend a minimum of five feet in all directions from the base of the sign. The setbacks of the property lines from the sign to the property lines need to be shown on the site plan.
- b. A new Secondary Monument Sign is to be installed on the site. Currently there is one at the southwest corner of the site. The new sign is 4.5 feet high, and the display area is about 54 square feet. The sign shall be set back a minimum of 15 feet from all property lines and shall not be placed within the vision triangle. In addition, landscaping shall extend a minimum of three feet in all directions from the base of the sign. They also need to show this sign setbacks to the property lines to ensure the compliance setback. The Village has approved this location. I'm not sure if it 15 setback. So we need to find out and if it's not then it would need to be included in that PUD.
- c. Wall Signs: There is a total of 302.7 square feet of wall signage proposed for the building including the following signs. West side Dunkin Donut sign which is 58.3 square feet; a to go sign which is the main BP sign on the front of the building 46.9 square feet to remain; wall sign area for the future sandwich shop 66.6 square feet. And then there's a Dunkin Donut sign 14.3 square feet on the east side; and on the south and north sides there's 58.3 square feet as well.

After doing a complete redo of all this, we feel that the amount of signage is a little excessive for this size building. So we are going to work with them to reduce the size of some of this signage. Also, because BP the to go which is the primary function and purpose for this building, that should be the largest sign. So the Dunkin Donut signs are going to have to be brought down in size.

In addition there's going to be some type of sandwich sign that needs to be placed on the building. So we need to kind of take a look at that as well and make sure that we account for some adequate signage. That would just have signage I believe on the north elevation, not on the east, west and south elevations. So we need to address that. So as we go through the final site and operational plan process we'll need to address the amount and size of the signage so that it's adequate for the size of this building since the building is just under 5,000 square feet.

10. Zoning Text Amendment. The PUD Zoning Text amendment is being proposed for the development. Exhibit 2 is their application and Exhibit 4 for the current PUD ordinance. The amendments that are being considered include: 1) to reduce setbacks to common lot lines between BP Amoco and the Culver's Restaurant to the east, and to allow for the total aggregate wall signage for the building, gasoline canopy, modification to the minimum on-site parking as noted above which may decrease the percentage of open space. Again, we do need to get some of these things refined a little bit more with the exterior of the site. But I'm sure that we'll be able to put that together for the final site and operational plans.
11. Notices were sent to adjacent property owners via regular mail on September 22, 2016 and notices were published in the *Kenosha News* on September 26 and October 3, 2016.
12. The petitioner was e-mailed a copy of this memo on October 7, 2016.
13. According to the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials that the project as planned, will not violate the intent and purpose of the Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any Site and Operational Plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, complies with all applicable Village ordinance requirements along with federal, state or local requirements relating to buildings, development control, land division, environmental protection, sewer, water and, storm sewer service, noise, streets, highways and fire protection.

With that I would like to introduce representative from BP Amoco to go into some of the other details. Obviously we don't have everything for you this evening, but they are seeking a preliminary site and operational plan this evening. And then to come back with the details for the other pieces of the final plans for approval.

One of the other things that if you went through some of the site plan comments, one of the most critical elements just based on the history of what has been on this site is that there does need to be concurrence from the Wisconsin DNR and any and all agencies that have looked at the environmental contamination issues on this property in the past to make sure that this new work and digging up this area to do this drive through on the site does not impact or open up anything with respect to site contamination. At this time BP is in compliance with respect to their conditional use permits and the approvals of the Village. So with that I'd like to introduce representatives. I'm not sure who is going to be speaking on behalf of BP.

Tom Terwall:

Question, Jean. Is it normal that we do this preliminary process now and then the final later?

Jean Werbie-Harris:

We've done both. And just similar to what the hospital requested earlier this evening, I think before they expend a great deal of money and to confirm things with the potential users of the building, they want to make sure that the Village is on Board with respect to the overall concept. And that's why we're saying it's preliminary. They still have to come back to get their final site and operational plans. We've done this many, many times out in the Corporate Park as well as some of our other areas. They're looking for some direction from the Plan Commission and the Board before we finalize. We have a good idea of exactly how things are all going to happen, but we just want to get all the final details and the plans worked out.

Tom Terwall:

Thank you. Yes, sir?

Michael McTernan:

Attorney Michael McTernan, 6633 Green Bay Road, Kenosha, Wisconsin. I don't have much to add to Jean other than she has addressed the items that we know we're still working on. As it relates to the property owners we have met numerous times with Mr. Rich, I know he's here, and issues and concerns he has raised. Most notably addressing the repavement of the private drive and making certain that not only the two of us are on Board but also the McDonald's Corporation who owns the property across the street. We're working with them to make sure we do that work when either the Frontage Road is redone or Corporate Drive is redone. But those are ongoing discussions. And Mr. Rich has always been the man who has led the charge to make sure that private drive is maintained. But we're working on those things, but it's things that we still need to get done and addressed. And as the Village staff referenced we want to button those things up, and we will before we seek our final approval.

The important piece I guess before you is just the concept that we're here is putting in a Dunkin Donuts and bringing in a drive through in order to make it work at that site. As you can imagine, a Dunkin Donuts my client has several locations where they have a Dunkin Donuts inside their BP Amoco stations. It's a very popular business to have. The business's demands are strong, and they really want them to be able to open up this location as a Dunkin Donuts. And obviously Dunkin wants to have some understanding that we're able to this and that preliminarily understand there's a lot of details to work out. But before we can commit to Dunkin that, yes, we have taken the first step, and they understand this is the first step in the process, we're here to try to hear your questions, your comments and address whatever comments there may be.

The architects Bill Morris and Eric Carlson who have been involved in the process are here. They can give you more details than I can on the specifics of how it's laid out. But if you have any questions we're here to answer. And obviously my client Dixit Patel and Sophia are here as

well. So look forward to your input. I don't know which one of you gentlemen are going to go. Bill Morrison, I'm going to let him go.

Bill Morris:

Good evening, William Morris, 5313 87th Place, Pleasant Prairie, Wisconsin. And I will just commend Jean with the commentary that she laid out before you this evening. I think the critical item that we're requesting for your consideration is basically the conceptual support for the facility to move to that next step of actually notifying Dunkin Donuts that they are welcome into the Village with a potentially new facility to be done. They're really looking for that as they make that step.

We have, as was mentioned a moment ago, we have really kind of lined up a number of consultants, Nielsen, Madsen and Barber and a couple others of the engineering firms to follow through with the necessary site engineering, one for the reconstruction of the 105th, the drive through and everything else, the storm water management, etc., the landscaping and those improvements. And then just I'll say we took a little bit of a step backwards last year. We originally were into the Village for kind of an interior build out. I think the facility certainly warrants a cosmetic upgrade.

I think this takes it well beyond that step. It really takes the interior and for all practical purposes it will gut it. It will fire protect it under the Village ordinances. It will completely, as Jean mentioned, redo the washrooms which certainly are used very, very heavily by the mobile public. And then facilitate, as I say, the Dunkin Donuts and the sandwich shop along with the continued primary function. Of course, it does sell fuel to the public as they move either through Kenosha County or local.

And then probably lastly I know, and Mr. Patel could certainly confirm, that the intention is to upgrade the pump islands and everything else with more state of the art newer technology. As well, as was mentioned tonight, everyone nowadays looks for some of the energy conservation measures, the LED lighting versus the little bit more older type lighting which has been on this site for many, many years, that will all be a part of the project as well as fenestration upgrades, too. Kind of bring it to our current venue of where we are today rather than as it was built. And, again, we're here to answer any questions.

Tom Terwall:

Where will the Dunkin Donuts product be manufactured?

Bill Morris:

Actually they bake in house.

Tom Terwall:

So it will be onsite then?

Bill Morris:

Yes.

Jim Bandura:

Is there any canopy signage that's going to be going up also?

Bill Morris:

There is currently canopy signage there, and we need to review with the staff on what is permissible as far as both upgrading and replacement of the current signage.

Wayne Koessl:

Mr. Chairman, I'm really uncomfortable with this for numerous reasons. One, we're reducing the parking about 50 percent of what's required by our ordinances. And I think that's going to end up with a lot of parking along 105th Street when the parking gets busy there. And 105th Street is very narrow now and is heavily used. Secondly, the lighting described looks like it's going to be a casino instead of a Dunkin Donuts and a BP station. And I think it should have been a conceptual plan tonight, not a conditional use permit and a preliminary site and operational plan. That's what we gave to St. Catherine's was a conceptual plan. I think we ought to table this and make it a conceptual plan.

--:

Because it was saying 25 spots and they're only proposing 17, right, for parking?

Wayne Koessl:

Correct.

Jean Werbie-Harris:

That's correct. But it does not include also the 20 fueling island positions and the ten cars in the drive through.

--:

But it was saying that that was separate, that it should be 25. It should be 23 spaces and two for handicapped. And then the pump stations and the drive through were not included if I saw it correctly.

Jean Werbie-Harris:

The Village ordinance does not count it, but in reality they are parking spaces. So that's a consideration that the Plan Commission can make. Because people will not move their cars from where they're fueling in order to run in to get some donuts. They will leave their vehicle there just like the drive through. People if they're jumping off the interstate or going onto the interstate

they will be in that drive through lane, and that's not counted as a parking space but that's where people will be in order to get their pickup and then go.

--:

Is the sandwich shop going to use the same drive through and all that?

Bill Morris:

No, it is not intended that the drive through -- that is primarily to facilitate the Dunkin Donuts franchise.

--:

Okay, and then is there any concern about, especially during the holidays, how backed up that road goes on to getting onto 165? You know from the Pleasant Prairie Outlet Malls how that gets all backed up, now we're adding more cars that are going to be feeding out to try to get back on 94. They cut across.

Jean Werbie-Harris:

Two things. The Wisconsin DOT has proposed modifications to the Tourist Information Center and the adjacent 120th Avenue. So that right behind you if you want to look at the aerial photograph right now there's an open median. Peggy is going to mark it for you. There's an open median from 120th Avenue into this site that's going to be closed up by the State DOT. So the access to the site will be a right in coming from the south. Or if you're going eastbound on 165 south on Corporate Drive you'll have to come in from the east in order to get into the site either through Culver's or through the south. So they believe also that that will alleviate some of the congestion and some of those problems with left turns at that location.

And I think if I heard Bill correctly earlier this week or last week that the intent is -- the sandwich shop would not be opened at 5 a.m. or 6 a.m. That would not open until later in the day, maybe 10 or 11. And so as a result I don't know as many people are buying donuts as much at noon as they would be a sandwich.

Michael McTernan:

In answer to that question over 90 percent of their business is between the hours of 6 a.m. and 9 a.m. And that's the Dunkin Donuts traffic. You look at all their Dunkin Donuts they're all getting coffee and donuts first thing in the morning, and then it tapers off drastically. The facility right now as I understand it it's subject to a PUD where parking is in the PUD as it stands. There's some modification that's taking place, and there's no account for the drive through. But if you look at the parking on the site there's two ways people are traditionally going to park. When they buy donuts they're going to be getting gas, getting donuts, they're going to be in the drive through. That's the significant majority of the shoppers. That's how they operate in the Dunkin Donuts across the country.

But there are a significant amount of parking in front of the building for people to pull up. So when you look at it I do understand the strict law under the ordinance as it relates to the parking given the numbers. But we look for the Plan Commission to understand this isn't something we're trying to create a parking problem at our site otherwise it fails. That's not our goal. And Dixit has run Dunkin Donuts and other operations, and they're similarly situated, and he knows what will work and how this will operate.

Dixit Patel:

My name is Dixit Patel, and I own BP gas station, 10477 120th Avenue. I [inaudible] Dunkin Donut [inaudible], one in Chicago and one [inaudible] Chicago. Mostly Dunkin Donut [inaudible] up to 20 percent after 8 a.m. or 10 p.m. And most customers coming to the pump to fill up gas and come in. So [inaudible] gas pump and come in and buy coffee. And I'm [inaudible].

Tom Terwall:

This is a matter for public hearing so I'm going to open it up if anybody else wishes to speak. Is there anybody wishing to comment on this matter? Anybody wishing to speak? Anybody wishing to speak? Seeing none, I'll open it up from comments from Commissioners.

Wayne Koessl:

Mr. Chairman, I said earlier I don't believe we should be giving a consideration of a conditional use permit and a preliminary site and operational plan. This should have been a conceptual plan. There's too many details that we don't have that we can put our fingers on at this time. And I'm not going to vote for a conditional use permit.

Tom Terwall:

Jean?

Jean Werbie-Harris:

So the conditional use permit I believe that the staff is recommending that that be tabled and be granted at such time when the final site and operational plans are presented to you. So we're looking for just the preliminary site and operational plans to provide direction to the owner and to Dunkin Donuts and to come back with the final conditional use permit, the final site and operational plans and the PUD all at the same time, sometime after the first of the year. So, again, we are just looking for preliminary approval in order to give direction to them to allow the project to keep moving forward. If we can't give that to them I'm not sure that they want to move forward with the project because they really need to make that final investment. We do have a lot of detail here, but it's not in its final form. And that's why all we're looking for this evening is preliminary site and operational plans.

The other thing I wanted to mention is even though it will not be marked as such, from a practical standpoint this site is a little different than maybe Bulls-Eye or some of the other ones that you've looked at that along the whole west side of this site there's more than a 30 foot wide fire lane. So

people could park on that west side and along the north side. So there are some additional opportunities for probably an additional ten or more cars to be parked on the site in the event that if somebody wasn't getting gas but they just wanted to run in and get some donuts and run back out. So there is that opportunity as well.

Wayne Koessler:

Item B is misleading when you have the consideration of the conceptual use permit. I would only vote for a preliminary site and operational plan tonight, not a conditional use permit. Is that what the staff is recommending?

Jean Werbie-Harris:

We're recommending that it be tabled tonight as well just because we want to get some more of that detail. But, again, what we're trying to do is give some direction to the owners and their consultants that the preliminary site and operational plans would be approved subject -- I don't know if you went through, we have a lot of comments. So they have to address all of these comments and address all these concerns with their consultants, the plans and their neighbors. And they need to put all these back together so that they can bring all three, conditional use permit, final site and zoning map text amendment back to us at one time.

Jim Bandura:

So, Jean, what you're saying is site and -- preliminary site be approved and --

Jean Werbie-Harris:

The other items be tabled at this time.

Jim Bandura:

Okay.

Jean Werbie-Harris:

But they're looking for some direction and support from the Plan Commission before they invest that final amount and get that final approval or tenant approval from Dunkin Donuts.

Jim Bandura:

I think conceptually I think they should be able to move forward. But, again, like Mr. Koessler says the conditional I'm not sure I would go along with it, too. I'd table it.

Tom Terwall:

Mike?

Mike Pollocoff:

Mr. Chairman, I think that aside from semantics I think that staff agrees with Commissioner Koessler. Which is why in the staff report we're recommending that the hearing that would grant the conditional use permit be continued. We were struggling with being able to present a conceptual plan without the teeth of a conditional use permit which would make that site and operational plan effective. So that's why staff recommended given approval on the preliminary site and operational plans since they're conceptual. But we also wanted to be straight up with Mr. Patel and his team to know that it's going to require a conditional use permit, and these are the things that we're wanting to put into it. But the staff wasn't willing to have that be acted on tonight. We wanted the continuation of this hearing to go forward so that the hearing would not be closed and there would not be a vote on the conditional use permit until that continued hearing was done when all the completed information was done. So I think we're looking at the same thing.

Wayne Koessler:

I think we're looking at the same things, Mike.

Tom Terwall:

Let me ask you this. Given the history of this site and the problems that we've had, is the staff convinced that those issues have been resolved to the point that that's no longer an issue?

Mike Pollocoff:

The staff's received information from DNR indicating that they're comfortable with it. The Village's engineering at our last conditional use permit renewal of that went through it down to the problems have been resolved, that they have made significant progress and had alleviated the contamination that was occurring at that time. In addition, I think it's something that still we have the opportunity to go back to. Granted, it took a while for that to get squared away. But, in fact, Mr. Patel met the conditions that the Plan Commission and the Village had placed on him to bring the site into compliance, and it still is in compliance. So that's out there, but on the other hand he's done everything that the Village has asked him to do.

So I believe that the things that staff has put in place as far as the items on the conditional use permit significantly improve the situation at that site from an operational standpoint and from a conditional use permit which puts some more conditions into the site as far as the architecture and the operation of it than we had before. And as we go through this and evaluate the final design and engineering on this, I think at that point then the Village would come back to the Plan Commission and request that the hearing be opened, then bring the final approvals in. But I would be -- I think the Village's position would be less secure on this if we just acted on the conceptual plan, site and operational plan without having some of the tools that we have at our disposal for a conditional use permit to be on the table that they know what's going on.

And then when we do the final if for some reason they don't agree with the conditional use permit then at that point the Plan Commission could not approve the conditional use permit. But we should have this hearing continue on to that point in the future so at that point the Commission is in a position to make a final decision.

Jim Bandura:

So, Mike, Item B says public consideration of a conditional use permit including preliminary site, etc. So how do you want to break that out?

Mike Pollocoff:

Well, the public hearing is only for the, if I'm right, it's for the conditional use permit.

Jean Werbie-Harris:

And the zoning text amendment PUD.

Mike Pollocoff:

And the text amendment PUD.

Jean Werbie-Harris:

So we'd continue the public hearing to act on them in the spring when the final site and operational plans are brought forth for review. And then we'll continue the public hearing for the conditional use permit and the PUD, and we'll bring you the final site and operational plans.

Mike Pollocoff:

You really can't vote on it until the hearing is closed, and we're not recommending it be closed. We're recommending that it be continued.

Wayne Koessl:

If I may, Mr. Chairman, I'm going to make a motion that the Plan Commission approve the preliminary site and operational plan subject to the conditions and comments from the Village staff. And we'll look at a conditional use permit at a later date when we get all the facts and data that we need to make that decision.

Jim Bandura:

I'll second that.

Mike Pollocoff:

Sorry, Mr. Chairman, if Mr. Koessl would also in his motion request that the hearing for the conditional use permit be continued to a later date.

Wayne Koessl:

I'll add that to my motion that the hearing for the conditional use --

Mike Pollocoff:

And the zoning text amendment.

Wayne Koessl:

-- be continued for a later date.

Jean Werbie-Harris:

And if I could just add to that --

Jim Bandura:

I would second that.

Jean Werbie-Harris:

I don't have a date certain yet. We know it's going to be sometime after the first of the year. So we will re-notice all the impacted and affected property owners and the petitioner so that we then have that date certain that we're continuing that hearing to.

Mike Pollocoff:

If we continue it, it comes off the agenda until we're ready. If we table it it's there very meeting.

Jean Werbie-Harris:

Right.

Mike Pollocoff:

Until we come to some resolution.

Tom Terwall:

Are you comfortable with the verbiage in the motion?

Jean Werbie-Harris:

Yes.

Tom Terwall:

What's your pleasure? All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

--:

Thank you very much.

Tom Terwall:

Thank you. Jean, Item C? We're all done with the zoning text amendment as well?

Jean Werbie-Harris:

Yes, I need a motion.

Mike Pollocoff:

They added that.

Jean Werbie-Harris:

Okay, so we're on Item D.

**D. Consider the request of Matt Carey, P.E. with Pinnacle Engineering, for approval of the Recession of Trans 233 Restriction from Certified Survey Map 2273 related to the vacant property on the southwest corner of STH 31 and 108th Street in LakeView Corporate Park.**

Jean Werbie-Harris:

Consider the request of Matt Carey, P.E. with Pinnacle Engineering, for approval and the Recession of Trans 233 Restriction from the Certified Survey Map 2273 related to the vacant property on the southwest corner of STH 31 and 108th Street in LakeView Corporate Park. The petitioner, Matt Carey, is requesting approval of a Correction Instrument to CSM 2273 for the Rescission of the Trans 233 Restriction related to the 50 foot highway setback to State Highway 31 on the vacant property located at the southwest corner of State Highway 31 and 108th Street. Any buildings or structures and parking and maneuvering lanes on the site will be required to meet the Village Zoning Ordinance setback requirements instead of the Trans 233 requirements that were originally put into place.

Again, just as a reminder, the State has rescinded the Trans 233 requirements to the State DOT, and as a result they are requesting that these restrictions be removed from the Certified Survey Map therefore being removed from the property as a restrictive covenant. And then they would

be required to comply with just the Village ordinance requirements with respect to setbacks. The staff recommends approval of their request subject to the comments and conditions as outlined.

Tom Terwall:

What's your pleasure?

Wayne Koessl:

Move approval, Chairman.

--:

Second.

Tom Terwall:

It's been moved and seconded for a favorable recommendation to the Village Board to approve the rescission of Trans 233 restriction. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

## **6. ADJOURN.**

Wayne Koessl:

So moved.

Jim Bandura:

Second.

Tom Terwall:

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

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
October 24, 2016**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on October 24, 2016. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessl; Deb Skarda; Jim Bandura; Judy Juliana; Bill Stoebig; John Skalbeck (Alternate #1); and Brock Williamson (Alternate #2). Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; 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 26, 2016 PLAN COMMISSION MEETING MINUTES.**

Judy Juliana:

Move to approve.

Bill Stoebig:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JUDY JULIANA AND SECONDED BY BILL STOEBIG TO APPROVE THE MINUTES OF THE SEPTEMBER 26, 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 one of items on the agenda that's a matter for public hearing, we would ask that you hold your comments until a public hearing is held. However, 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 give us your name and address. Anybody wishing to speak under citizens' comments?

**6. NEW BUSINESS**

**A. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #16-11 for the request of Sabino Rodriguez, on behalf of Rodriguez Enterprise Corporation, owner of the vacant property generally located at the 11700 block of Old Green Bay Road and further identified as Tax Parcel Number 92-4-122-342-0143 as a result of the wetland delineation completed by a Wisconsin Department of Natural Resources assured biologist to amend the Village of Pleasant Prairie 2035 Comprehensive Land Use Plan Map 9.9 to change the Low Density Residential with an Urban Reserve land use designations to the Park, Recreational and Other Open Space Lands with a Field Verified Wetlands land use designations on the portion of the property identified as wetlands and to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, I'd ask that Items A and B be taken up at the same time. They're related, and I'd like to make one presentation, but separate action is required.

Tom Terwall:

Is there a motion to that effect?

Wayne Koessl:

So moved, Chairman.

Judy Juliana:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO COMBINE ITEMS A AND B FOR THE PURPOSES OF PRESENTATION REQUIRING TWO SEPARATE VOTES. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**B. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Sabino Rodriguez, on behalf of Rodriguez Enterprise Corporation, owner of the vacant property generally located at the 11700 block of Old Green Bay Road and further identified as Tax Parcel Number 92-4-122-342-0143 as a result of the wetland delineation completed by a Wisconsin Department of Natural Resources assured biologist to rezone the portion of the property that was field delineated as wetlands into the C-1, Lowland Resource Conservancy District and the remainder of the property will remain in the R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District.**

Jean Werbie-Harris:

Item A is consideration of Plan Commission Resolution #16-11 for the request of Sabino Rodriguez, on behalf of Rodriguez Enterprise Corporation, owner of the vacant property generally located at the 11700 block of Old Green Bay Road and further identified as Tax Parcel Number 92-4-122-342-0143. This is as a result of the wetland delineation completed by a Wisconsin Department of Natural Resources assured biologist to amend the Village of Pleasant Prairie 2035 Comprehensive Land Use Plan Map 9.9 to change the Low Density Residential with an Urban Reserve land use designations to the Park, Recreational and Other Open Space Lands with a Field Verified Wetlands land use designations on the portion of the property identified as wetlands and to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan.

Item B is the consideration of a Zoning Map Amendment for the request of Sabino Rodriguez, on behalf of Rodriguez Enterprise Corporation, owner of the vacant property generally located at the 11700 block of Old Green Bay Road also identified as Tax Parcel Number 92-4-122-342-0143 as a result of a wetland delineation completed by a Wisconsin Department of Natural Resources assured biologist to rezone the portion of the property that was field delineated as wetlands into the C-1, Lowland Resource Conservancy District, and the remainder of the property will remain in the R-4 (UHO), which is the Urban Single Family Residential District with an Urban Landholding Overlay District.

As I mentioned, these items are related and will be discussed at the same time. However, separate action is required by the Plan Commission.

The property owner had hired Wetland & Waterway Consulting, LLC, a Wisconsin Department of Natural Resources Assured Biologist, to complete a wetland delineation on the property that is located and identified as Tax Parcel Number 92-4-122-342-0143 at the 11700 block of Old Green Bay Road. The wetland staking was completed on August 16, 2016, and the wetlands area were identified as shown on the attached plat of survey that's also on the screen.

In accordance with the Village of Pleasant Prairie 2035 Comprehensive Plan, upon the completion of a wetland staking the Plan Map 9.9 shall be amended to reflect the results of the aforementioned wetland staking. Therefore, the Village of Pleasant Prairie Map is proposed to be corrected to change the Low Density Residential with an Urban Reserve land use designations to the Park, Recreational and Other Open Space Lands with a Field Verified Wetlands land use designations on a portion of the property identified as wetlands and to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin 2035 Comprehensive Plan.

In addition, in accordance with the Village Zoning Ordinance and upon completion of a wetland staking, the Zoning Map shall also be corrected to reflect the results of the staking. Specifically, the request is to rezone the portion of the property that was field delineated as wetlands into the C-1, Lowland Resource Conservancy District with the remainder of the property to remain as R-4 (UHO), which is an Urban Single Family Residential District with an Urban Landholding Overlay District. This is a matter of public hearing, and I'd like to continue the public hearing at this time.

Tom Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody? Seeing none I'll open it up to comments and questions from Commissioners.

Michael Serpe:

Is what's left buildable?

Jean Werbie-Harris:

The area outside of the wetland area is considered buildable. They will need to have a 25 foot setback from the wetland for the new home that they're looking to build, and they have more than adequate area for that. And they are proposing to build that new home.

Michael Serpe:

Move approval of Resolution 16-11.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY JIM BANDURA TO APPROVE RESOLUTION 16-11 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. A motion then on the second one to approve the Zoning Map Amendment.

Wayne Koessl:

So moved.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO APPROVE THE ZONING MAP AMENDMENT 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. Consider request to Change the Official Addresses of the property at 8100A Cooper Road (Tax Parcel Number 91-4-122-113-0264 owned by Mario and Angie Castillo to 8100 Cooper Road; and the property at 8100B Cooper Road (Tax Parcel Number 91-4-122-113-0262) owned by Kevin Finley to 8080 Cooper Road.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, Item C is to consider the request to change the official addresses of the property at 8100A Cooper Road identified as Tax Parcel Number 91-4-122-113-0264 owned by Mario and Angie Castillo to 8100 Cooper Road; and the property at 8100B Cooper Road identified as Tax Parcel Number 91-4-122-113-0262 owned by Kevin Finley to 8080 Cooper Road.

On October 17, 2016, the Village Board adopted Resolution #16-37 to initiate the change of the official addresses of 8100A Cooper Road owned by Mario and Angie Castillo and 8100B Cooper Road owned by Kevin Finley. The addresses assigned could create problems for emergency response personnel, deliveries and other persons trying to locate the properties since the homes

are now located on separate parcels, but actually one is in front of the other. There's a driveway that kind of wraps around the north of 8100A to get to 8100B.

On October 19, 2016, the Village sent a notice to the property owners related to the proposed changes noting that a public hearing will be held by the Village Board on November 21, 2016 to discuss said changes. The address of 8100A Cooper Road is proposed to be changed to 8100 Cooper Road, and the address of 8100B Cooper Road is proposed to be changed to 8080 Cooper Road. If the address change is approved by the Village Board it would then be recommended that the address changes be effective December 1, 2016.

The owners will be responsible for contacting their financial institutions, family, friends and other interested parties of their new addresses. In addition, the address on the mail box or house must be changed as well. The Village will notify the Kenosha County Land Records Office, the U.S. Post Office and the 911 emergency services offices of these proposed changes if approved by the Village Board. The staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the address changes as requested following the public hearing.

Michael Serpe:

I have a question. Where are the sewer and water services coming from on the back parcel?

Jean Werbie-Harris:

I don't know that. I would assume they're going down that driveway.

Wayne Koessl:

I think they come down that common driveway that they share.

Jean Werbie-Harris:

I think they might come down the driveway on the north side. But we can do some checking before the Board meeting.

Mike Pollocoff:

[Inaudible] the main is not that deep through there. And there's been a couple other homes that we've discovered in this area that actually pay a fee to the Village for sanitary sewer but they're not connected. So this one here I'd be surprised if it wasn't. It's still going through the original tile that it was drained into because there's not enough grade to get back to that house.

Michael Serpe:

We can't have them put a pump in, a grinder pump?

Mike Pollocoff:

We could. I mean there hasn't been a notice by the County Sanitarian that there's open sewage running anyplace.

Michael Serpe:

And how old is this parcel, very old?

Mike Pollocoff:

Yes. It's kind of scattered. In fact, I think the same thing is true for the parcel to the north of this one if you look at that one. And then you go back down farther south, and for whatever reason back whenever the Town allowed these parcels to be split with a house in the front and a house in the back. The sewer main on Cooper Road is about eight to nine feet deep.

Michael Serpe:

So there's no public road servicing 8100B?

Mike Pollocoff:

No. Well, just the frontage, that frontage on Cooper whatever that distance is.

Tom Terwall:

Any further comments or questions? Then I'll entertain a motion.

Wayne Koessl:

Mr. Chairman, I would move that the Plan Commission send a favorable recommendation to the Village Board to approve the address change as requested.

Deb Skarda:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY DEB SKARDA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ADDRESSES AS INDICTED 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.**

Michael Serpe:

So moved.

Bill Stoebig:

Second.

Tom Terwall:

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

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.

**Meeting Adjourned: 6:14 p.m.**

- A. **PUBLIC HEARING AND CONSIDERATION OF ZONING MAP AND TEXT AMENDMENTS** for the request of Mike Gingerelli, of Asphalt Restoration Inc., agent for the First United Methodist Church located at 8405 104<sup>th</sup> Avenue to rezone the property from the I-1, Institutional District to the I-1 (PUD), Institutional District with a Planned Unit Development Overlay and to create the specific Planned Unit Development Ordinance to allow for the parking lot setback to be a minimum of 5 feet from the side property line adjacent to the parcel north of the Church property rather than 20 feet.

**Recommendation:**

Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the **Zoning Map and Zoning Text Amendments** subject to the comments and conditions of the November 14, 2016 Village Staff Report.

## VILLAGE STAFF REPORT OF NOVEMBER 14, 2016

**CONSIDERATION OF ZONING MAP AND TEXT AMENDMENTS** for the request of Mike Gingerelli, of Asphalt Restoration Inc., agent for the First United Methodist Church located at 8405 104<sup>th</sup> Avenue to rezone the property from the I-1, Institutional District to the I-1 (PUD), Institutional District with a Planned Unit Development Overlay and to create the specific Planned Unit Development Ordinance to allow for the parking lot setback to be a minimum of 5 feet from the side property line adjacent to the parcel north of the Church property rather than 20 feet.

*The petitioner is requesting approval of the Zoning Text and Zoning Map Amendments for the proposed parking lot at the First United Methodist Church located at 8405 104<sup>th</sup> Street. A Zoning Map Amendment to rezone the property from the I-1, Institutional District to the I-1 (PUD), Institutional District with a Planned Unit Development Overlay is being proposed. In addition, the Zoning Text Amendment to create the specific PUD zoning regulations for this development is being proposed to allow the parking lot to be setback a minimum of 5 feet from the north property line.*

The First United Methodist Church was established in Pleasant Prairie over 100 years ago. Over time, improvements have been made to the building and site however it has been recently identified that the gravel parking lot and concrete sidewalk needed updating. This project is for the repair of the sidewalk, pavement of a parking lot, and creation of storm water management.

The following modifications from the Zoning Ordinance are included in the **attached** PUD:

- To reduce the required 20 foot setback to zero feet from the property line adjacent to 104<sup>th</sup> Street and south of the driveway.
- To reduce the required 20 foot setback to ten feet from the property line adjacent to 104<sup>th</sup> Street and north of the driveway.
- To reduce the required 20 foot setback to five feet from the north (side) property line.
- And maintain a minimum of twenty feet from the south (side) and east (rear) property line.
- Institutional uses shall provide sufficient space to accommodate the maximum number of loading and unloading areas of at least 10 feet by 25 feet per space, excluding the area to maneuver.

In consideration of these modifications to the Village Zoning Ordinance, the following is required and included in the PUD Ordinance:

- A minimum one (1) parking space per 4 seats in the principal place of worship, provided that the number of spaces required may be reduced by not more than 50% if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner(s) without charge during the time of service to make up the additional spaces required.
- The size of each parking space shall measure nine feet by 18 feet.
- The aisle widths for two way traffic within the parking lot shall be a minimum of 24 feet between the ends of the parking spaces.
- The parking lot shall include 6" concrete curb and gutter.
- A minimum of 25% of the entire parcel shall be green landscaped space and accessory landscape areas shall total no less than 5% of the parking lot surfaced area.

**Village staff recommends approval of the Zoning Map and Text Amendments subject to the above comments and the following conditions:**

1. The Plans have been reviewed for conformance with generally accepted engineering practices and Village Ordinances and policies. Although the data has been reviewed, the design engineer is responsible for the thoroughness and accuracy of plans and supplemental data and for their compliance with all state and local codes, ordinances, and procedures. Modifications to the plans, etc. may be required should errors or changed conditions be found at a future date and detailed engineering plans are prepared and reviewed. **The following information shall be submitted and noted changes shall be made to the plans. Three (3) full size sets of plans and a pdf copy of all plan sheets shall be submitted for review by the Village with a memo explaining how and where each comment was addressed.**
  - a. Improve swale drainage design.
  - b. Revise contours to ensure proper drainage.
  - c. Provide drainage for the undrained area as noted on the site plan.
  - d. Provide pavement grades and site drainage information for the proposed asphalt pavement area.
  - e. Ensure all low spots are drained properly and landscaped area has positive drainage.
2. **Upon approval Zoning Text and Map Amendments by the Village Board (to be considered at their November 21, 2016), the following is required to be submitted/completed prior to issuance of the required permits to commence construction:**
  - a. Review and approval of the revised plans.
  - b. Submittal of the required Erosion Control Permit shall be submitted for review and issuance of the required permit.
3. **Other Conditions prior to Verbal Occupancy:**
  - a. Any damage to the public infrastructure during construction of the development shall be repaired by the developer to the Village's satisfaction.
  - b. Three (3) copies and a pdf of an as-built plan stamped by a Wisconsin Registered Land Surveyor shall be submitted to the Village to verify that the all impervious surfaces meet the minimum setbacks and that all pavement markings were marked per the approve site plans and the grading of the site was completed pursuant to the approved plans.
  - c. An as-built record drawing of graphical data of all private sewer, water, and storm sewer facilities and underground irrigation system installed shall be provided to the Village for the Village to update the Village's Geographic Informational System. Information shall conform to the Village's electronic format requirements. In addition, a paper copy prepared and stamped by the Engineer of Record for the project shall be submitted.
  - d. This development shall be in compliance with the Village Land Division and Development Control Ordinance, the Village Municipal and Zoning Codes, the Village Construction Site Maintenance and Erosion Control Ordinance and the Wisconsin Statutes.

- e. All Village fees and billing incurred by the Village Community Development and the Engineering Department and/or expert assistance required by the Village throughout the development process shall be paid by the Developer. Outstanding invoices processed after occupancy shall be paid in a timely manner.

**ORD # 16-**

**ORDINANCE TO CREATE THE PLANNED UNIT DEVELOPMENT  
PURSUANT TO CHAPTER 420-137 OF THE VILLAGE ZONING ORDINANCE FOR  
THE FIRST UNITED METHODIST CHURCH DEVELOPMENT  
IN THE VILLAGE OF PLEASANT PRAIRIE,  
KENOSHA COUNTY, WISCONSIN**

**BE IT ORDAINED** by the Village Board of Trustees of the Village of Pleasant Prairie, Kenosha County, Wisconsin, that Chapter 420 Attachment 3 Appendix C Specific Development Plan be created entitled First United Methodist Church Planned Unit Development is hereby amended to read follows

**First United Methodist Church Planned Unit Development**

- a. It is the intent that the First United Methodist Church Development, on the property as legally described below is in conformity with the Village of Pleasant Prairie (Village) adopted Comprehensive Land Use Plan and the Village adopted Prairie Ridge Neighborhood Plan; would not be contrary to the general health, safety, welfare and economic prosperity of the community; and that site design, landscaping, grading and drainage and general site development will result in an attractive and harmonious site and will not adversely affect the property values of the surrounding neighborhood.
- b. Legal Description: The property is located at 8405 104<sup>th</sup> Avenue and is located in U.S. Public Land Survey Section 8, Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as Tax Parcel Number 91-4-122-083-0030 is hereinafter referred to as the "DEVELOPMENT".
- c. Requirements within the DEVELOPMENT:
  - (i) The DEVELOPMENT shall be in compliance with all Federal, State, County and Village Ordinances and regulations except as expressly modified in subsection (d) below.
  - (ii) The DEVELOPMENT, including but not limited to, the building, accessory structure garbage enclosure, sign(s), fence(s), landscaping, parking lot, exterior site lighting, monument sign etc., and the site as a whole, shall be maintained both inside and outside in a neat, presentable, aesthetically pleasing, structurally sound and non-hazardous condition. Maintenance shall be conducted on a regular basis both inside and outside of the buildings and site.
  - (iii) All buildings and site modifications (excluding general building and site maintenance) within the DEVELOPMENT shall be made in accordance with the applicable Village Ordinance and Codes at the time the modification is proposed.
  - (iv) All exterior site building and landscaping maintenance shall be performed regularly by the owners or church members of the DEVELOPMENT.
  - (v) No truck [e.g. semi cab, semi-trailer, construction vehicles (except when permitted construction activities are taking place), step vans, delivery vans (except when goods and merchandise are being delivered), business-related vehicles with advertising displayed on the vehicles, catering vehicles, other commercial vehicles, etc.] parking are allowed within the DEVELOPMENT.
  - (vi) Temporary or permanent storage containers (some having brand names such as P.O.D.S., S.A.M.S., etc.) are not allowed within the DEVELOPMENT.

First United Methodist Church  
Planned Unit Development

- (vii) The DEVELOPMENT shall be maintained in a neat, presentable, aesthetically pleasing, structurally sound and nonhazardous condition. All litter and debris shall be promptly removed.
  - (viii) The DEVELOPMENT shall design, construct, and maintain its storm water management activities so as to ensure that all low areas are properly drained and site has positive drainage that does not negatively impact abutting properties.
  - (ix) The DEVELOPMENT shall not be used for any outside parking (neither overnight nor during the day) of junked, inoperable, dismantled or unlicensed vehicles. All junked, inoperable, dismantled or unlicensed vehicles that are parked outside will be issued citations.
  - (x) The DEVELOPMENT shall comply with all applicable performance standards set forth in Section 420-38 of the Village Zoning Ordinance.
- d. Specific Modifications to the Village Ordinance and Regulations and Specific Requirements for the DEVELOPMENT:
- (i) Section 420-48 L (1) related to setback for parking areas (which includes parking spaces, maneuvering lanes and fire lanes) is amended to read as follows:
    - (a) A minimum of 10 feet from the property line adjacent the public street.
    - (b) A minimum of five feet from the north (side) property line.
    - (c) A minimum of 20 feet from the south (side) and east (rear) property lines.
- e. Amendments
- (ii) The PUD regulations for said DEVELOPMENT may be amended pursuant to Section 420-13 of the Village Zoning Ordinance.
  - (iii) The Zoning Administrator has the discretion to approve minor changes, adjustments and additions to this PUD ordinance document without the need for Village Plan Commission and Village Board review and approval.

**Adopted this \_\_\_\_ day of \_\_\_\_\_ 2016.**

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

\_\_\_\_\_  
John P. Steinbrink  
Village President

\_\_\_\_\_  
Jane M. Romanowski  
Village Clerk

Posted: \_\_\_\_\_



Filed \_\_\_\_\_ 20 \_\_\_\_\_ Published \_\_\_\_\_ 20 \_\_\_\_\_  
 Public Hearing \_\_\_\_\_ 20 \_\_\_\_\_ 20 \_\_\_\_\_  
 Fee Paid \_\_\_\_\_ 20 \_\_\_\_\_ Approved \_\_\_\_\_ 20 \_\_\_\_\_  
 Notices Mailed \_\_\_\_\_ 20 \_\_\_\_\_ Denied \_\_\_\_\_ 20 \_\_\_\_\_

**VILLAGE OF PLEASANT PRAIRIE, WISCONSIN  
 ZONING MAP AND TEXT AMENDMENT APPLICATION**

To: Village Plan Commission & Village Board of Trustees of the Village of Pleasant Prairie:

I, (We), the undersigned owner(s)/agent do hereby petition the Village Board to amend the Village of Pleasant Prairie Zoning Map as hereinafter requested.

It is petitioned that the following described property be rezoned from the present I-1  
 \_\_\_\_\_ District(s) to I-1-PUD District(s). The property petitioned  
 to be rezoned is located at: 8405-104th Ave and is legally described  
 as follows: United Methodist Church - Non profit  
(address)

Tax Parcel Number(s): N/A

The proposed use for this property is: United Methodist Church

Petitioner's interest in the requested rezoning: expand + improve parking lot

Compatibility with adjacent land uses: \_\_\_\_\_

I (We) are also requesting a Zoning Text Amendment to amend Section PUD of the Village Zoning Ordinance.

I (We), have contacted the Community Development Department to arrange a pre-application meeting to discuss the proposed request to determine additional information that may be needed for this request.

I, (We), hereby certify that all the above statements and attachments submitted herewith are true and correct to the best of my knowledge.

**PROPERTY OWNER:**

Print Name: Anita Lang  
 Signature: [Signature]  
 Address: 8405 104th Ave  
Pleasant Prairie WI 53158  
(City) (State) (Zip)  
 Phone: (262) 960 5095 cell  
 Fax: \_\_\_\_\_  
 Email: anitalang130@gmail.com  
 Date: 9/14/2016

**OWNER'S AGENT:**

Print Name: Michael S. Gingirelli  
 Signature: [Signature]  
 Address: 10525 88th St  
Pleasant Prairie WI 53158  
(City) (State) (Zip)  
 Phone: 847-302-3789  
 Fax: \_\_\_\_\_  
 Email: Mike@AsphaltRestore.com  
 Date: 10/6/16

Pleasant Prairie United Methodist Church  
8405 – 104<sup>th</sup> Ave  
Pleasant Prairie, WI 53158

Oct. 1, 2016

Dear Friends and Neighbors,

As you may be aware, the church is making plans to improve its parking lot. The existing gravel lot will be replaced with asphalt. New grading will not only improve the general appearance, but modify the existing rainwater runoff to eliminate the previous, long term propensity for it to flow toward you, our neighbors.

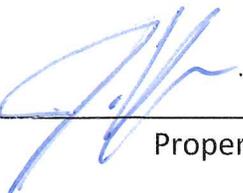
By raising the elevation, slightly on the north side, we will create an on-property swale which will direct all rainwater toward our grassy area to the east, behind the church. We expect this project to improve the drainage for all parties involved.

In order to move forward with this effort, it is necessary to receive permission from you, our neighbors. We hope that you will consider this to be an improvement to your property as well as ours.

If this is acceptable to you, the Village Board requires a signed letter indicating your approval.

Thank you for your co-operation.

Sincerely,  
The PPUMC congregation.

X  \_\_\_\_\_  
Property Owner

Pleasant Prairie United Methodist Church  
8405 – 104<sup>th</sup> Ave  
Pleasant Prairie, WI 53158

Oct. 1, 2016

Jean Werbie-Harris  
Pleasant Prairie Community Development Director

Pleasant Prairie Village Hall  
9915 – 39<sup>th</sup> Ave  
Pleasant Prairie, WI 53158

Dear Ms. Werbie-Harris,

As you are aware, the church has been making plans to improve its parking lot. The existing gravel lot will be replaced with asphalt. In previous conversations with you and your department, you indicated that this would require certain permissions and easements.

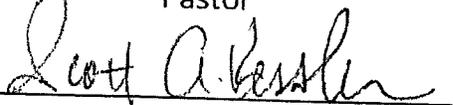
This is to inform you that we wish to vacate our request seeking such permissions. We no longer desire to have parking on the west side of the church adjacent to 104<sup>th</sup> Ave. Instead, all additional parking spaces will be added to the east end of the newly asphalted lot.

We hope that this change meets with your approval and enables us to begin the parking lot upgrade.

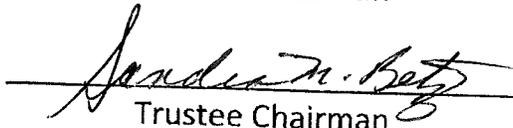
PLEASANT PRAIRIE UNITED METHODIST COUNCIL



Pastor



Council Chairman



Trustee Chairman



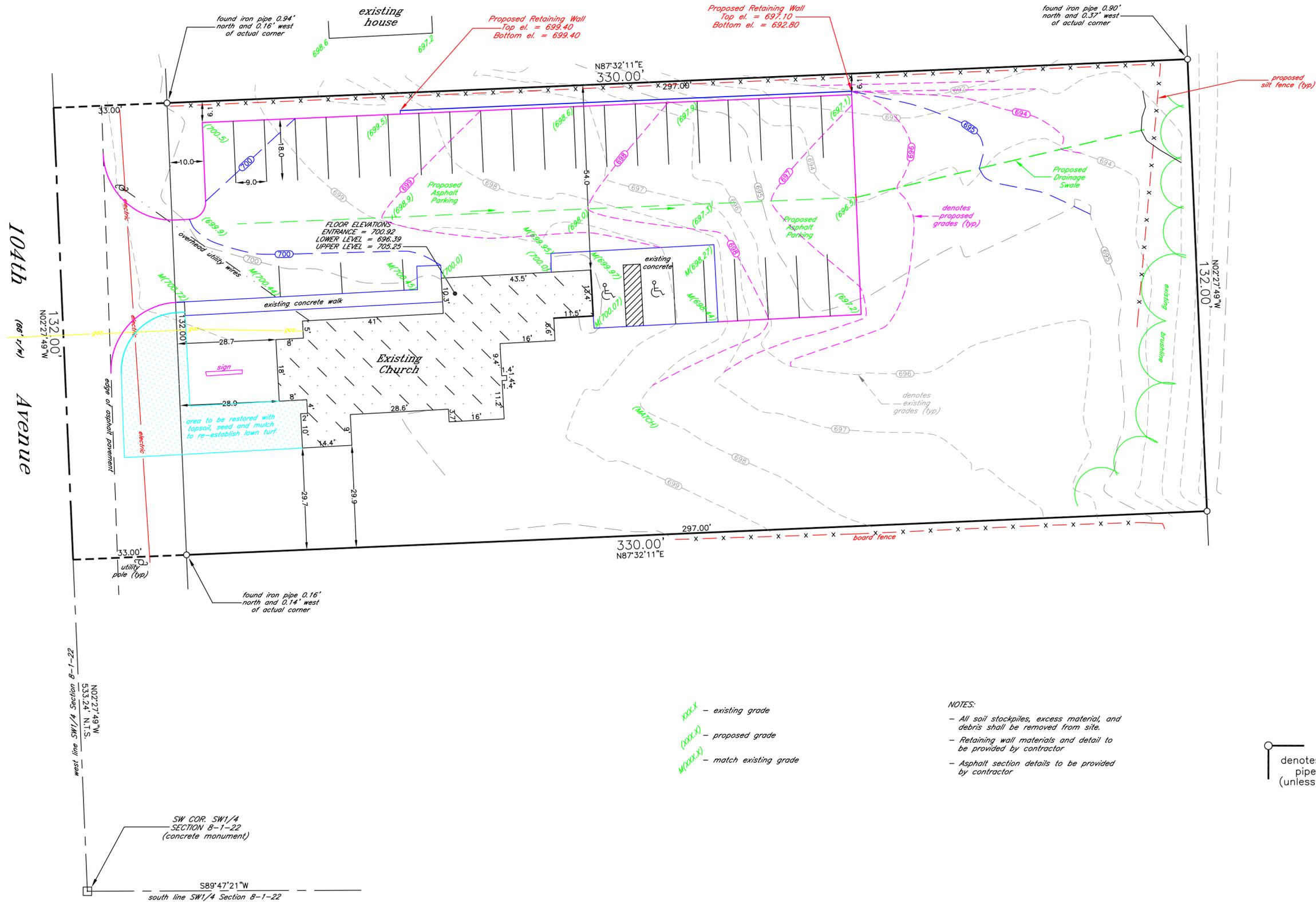
Asphalt Area



Expansion Area

<b>POBLOCKI PAVING CORP.</b> 525 South 116th Street West Allis, Wisconsin 53214 Phone (414) 476-9130 FAX (414) 476-9132	<b>TITLE:</b> Pleasant Prairie Methodist Church 8405 104th Ave. Pleasant Prairie, WI 53158		
	<b>DRAWN BY:</b> Tyler Lesjak	<b>DATE:</b> 9/30/2016	<b>DWG NO.:</b> 1 of 1
<b>DRAWING NAME:</b>			
COPYRIGHT 2016 - Drawings and Designs are protected by U.S. copyright law. Use or copy in part or in whole of these drawings and/or designs without written authority by PoblOCKi Paving Corp. is prohibited.			

SCALE: 1"=40'



XXXX - existing grade  
 (XXXX) - proposed grade  
 W(XXXX) - match existing grade

NOTES:  
 - All soil stockpiles, excess material, and debris shall be removed from site.  
 - Retaining wall materials and detail to be provided by contractor  
 - Asphalt section details to be provided by contractor

denotes iron pipe set (unless noted)

J.K.R. SURVEYING, INC.  
 8121 22ND AVENUE  
 KENOSHA, WI 53143

I hereby certify that this property was surveyed under my direction and this plat is a true representation thereof.

Reg. Land Surveyor  
 December 15, 2008  
 Revised 11/3/10  
 Revised 10/10/16  
 Revised 10/25/16

Bearings refer to grid north, state plane coordinate system south zone.

Refer to a current title report for easements or restrictions which may affect this site.

Plat of Survey of  
 PREMISES KNOWN AS TAX KEY NO:  
 91-4-122-083-0030  
 in SW1/4 Section 8-1-22  
 VILLAGE OF PLEASANT PRAIRIE  
 KENOSHA COUNTY, WIS.

-for-  
 Pleasant Prairie United  
 Methodist Church

B. **PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AMENDMENTS:** to amend Article VII of the Village Zoning Ordinance entitled Home Occupation to a new Article entitled Business Licenses; to amend Section 140.1 of the Village Zoning Ordinance related to Temporary Uses; to amend the definition for Home Occupation in Section 420-152 and to amend Section 420-27, 420-28 and 420-29 of the Village Zoning Ordinance related to zoning fees.

**Recommendation:** Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the Zoning Text Amendments as presented in the November 14, 2016 Staff Report.

## VILLAGE STAFF REPORT OF NOVEMBER 14, 2016

**CONSIDERATION OF SEVERAL ZONING TEXT AMENDMENTS:** to amend Article VII of the Village Zoning Ordinance entitled Home Occupation to a new Article entitled Business Licenses; to amend Section 140.1 of the Village Zoning Ordinance related to Temporary Uses; to amend the definition for Home Occupation in Section 420-152 and to amend Section 420-27, 420-28 and 420-29 of the Village Zoning Ordinance related to zoning fees.

*On March 23, 2015 the Plan Commission adopted Resolution #05-08 and #05-11 to initiate and petition the Village to re-evaluate the Temporary Use Permits requirements, Home Occupation requirements and associated fees or definitions and definitions of a new Business License Ordinance. The following amendments are proposed:*

**1. Article VII of the Village Zoning Ordinance (Chapter 420) is being recreated and amended (see attached). Article VII is being renamed from Home Occupation to Business License.**

There are various types of Pleasant Prairie licenses and permits that are required by various government entities at the federal, state and local levels. This zoning license is the basic type of license that is required for all home based and non-home based businesses in Pleasant Prairie.

This article is not a regulation of occupation but rather to verify locations of active business operations, to obtain emergency contact information in order to notify and provide efficient public safety services to the business, to support economic development activities and to verify compliance with the site and operational zoning regulations of the Village. The information gathered from the business license application and the annual renewal is essential to performing the community's public safety and public works related services. The information obtained from the business license application and annual renewals is also important to the community for the purposes of its overall economic development business attraction and retention strategy insofar as the Village will be able to track and maintain an accurate listing of all active businesses, relevant contact information, employment counts and anticipated employment growth projections on an annual basis.

All businesses in the Village shall obtain and maintain an annual business license for any home based or non-home based businesses operating in the Village pursuant to the requirements of this article. If more than one business is located within a building, each business is required to obtain a separate business license. Properties with more than one principal building or more than one principal building address are required to obtain a separate business license for each principal building on the property.

**Home Based Business.** A business license is required for any home based business. This section of the ordinance has been modified and updated to ensure that home based businesses located within any home within a residential, agricultural or conservancy zoning district, provided that such use conforms to the standards and conditions set forth in this section, conforms to all Village Municipal Code requirements and maintains an active and continuous Village business license.

In general, a home based business is an accessory use located on the property and conducted so that a typical neighbor would not be aware of said use other than for a sign as herein permitted. The standards and conditions for home based businesses in this section are intended to ensure compatibility with other permitted adjacent uses and to maintain the residential character of the neighborhood or underlying zoning district. A home based business and/or regularly occurring activity is a business activity which results in a product being produced or service being performed and is conducted in whole or in part in the principal or accessory building on the property and is clearly subordinate to the residential use of the dwelling and property. A

Community Living Arrangement, within a single family or two family dwelling as defined in this chapter with 15 or fewer persons, is not classified as a home based business and is exempt from this section; however is required to obtain a business license pursuant to section 420-42. [Note: Any references in the Village Ordinances to a "home occupation" shall also be referred to as a "home based business" as defined in Section 420-41. See also the **attached** amended definition of a Home Occupation (Home Based Business in Section 420-152.)]

The regulations for home based businesses have remained very similar to the existing regulations; however further clarification has been provided for vehicles and equipment associated with a home based business.

The existing requirement that reads "No construction equipment shall be parked on or about the property" has been changed to read "No construction equipment or construction related vehicles or trailers shall be parked or stored on the property." In addition, the following requirement has been added "No commercial construction or delivery vans, trucks, semi-trucks/semi-trailers, truck cabs, box trucks, buses, trailers or any vehicle licensed or rated to be in excess of 7,000 pounds shall be parked or stored on the property."

Permitted Home Based Businesses include:

- Artists, sculptors or photographers.
- Arts and crafts.
- Bookkeeping or tax preparer.
- Classes of instruction in areas such as music and dance, provided that no more than two students are on the premises at any one time.
- Child or adult care with eight or fewer children or adults in the A-2, A-3, R-1, R-2, R-3, R-4, R-4.5, R-5, R-6, R-7, R-8, R-12 and C-2 Districts, subject to obtaining any required State permits/licenses.
- Dressmaker or seamstress.
- Hairdresser, provided that no more than two patrons are on the premises at any one time.
- Manicure/pedicure, provided that no more than two patrons are on the premises at any one time.
- Office facilities of a salesman, sales representative, or manufacturer representative, provided that no retail or wholesale transactions are made in person on the premises.
- Office facilities of an accountant, architect, writer, attorney, broker, engineer, insurance agent, interior designer, land surveyor, marketing analyst, or word processor or real estate sales.
- Office facilities of a minister, rabbi, priest, or other clergy.
- Office facilities to repair electronic and communication equipment.
- Telephone or mail order (including internet sales).
- Telemarketing.
- Transcriber.
- Sales and distribution of products manufactured on or off the premises where the marketing of said products is through home-oriented sales on an appointment basis only.

The home based businesses that are prohibited include:

- Restaurants/taverns.
- Clinics.
- Construction businesses with outdoor storage.
- Kennels.
- Sale of explosives or fireworks.
- Tattoo parlors.
- Taxidermy.
- Massage therapists.

- Repair, service or restoration of motor vehicles.
- Any permitted uses listed within the manufacturing districts of this chapter.

**Non-Home Based Business:** A business license is required for any business located within any business, manufacturing, institutional, park and recreational, planned development and for certain uses in the agricultural zoning districts. To clarify, a business license is specifically required for the following commercial uses within agricultural districts: boarding and riding stables (commercial); contract sorting (commercial), grading and packaging of fruits and vegetables (commercial); orchards (commercial); plant nurseries (commercial retail sales); greenhouses for the retail sales of plants and flowers (commercial retail sales); kennels; landscaping (commercial); veterinarian offices and veterinarian emergency services offices. A business license is also required for Community Living Arrangements within any zoning district pursuant to this section. Approved Temporary Uses pursuant to Section 420-140.1 of this chapter are exempt from obtaining a business license. Commercial Communication Structures and its tenants, transmission lines, electric power substation or gas metering substation, utility substations and wind energy conversion systems and cemeteries are exempt from this section.

**Annual Business License:** An annual business license is required for all home based and non-home based business in the Village.

Initial Licenses:

- All existing home based or non-home based businesses in the Village as of December 1 2016 will receive an initial application for a Village business license that shall be returned with the application pursuant to Section 420-29 of this chapter by January 15, 2017. Every year following, the business shall renew this license pursuant to subsection B below.
- Any new home based business shall complete the business license application and submit the required fee for Village review to ensure compliance with this chapter.
- Any new non-home base business requesting to obtain an occupancy permit from the Village shall complete the Business License application and submit the required fee pursuant to Section 420-29 of this chapter at the same time that the required building permit application is submitted for review to ensure compliance with this article.
- Upon receipt of a completed application, the Village will provide the applicant with an annual business license.
- An annual business license (valid during the calendar year) will be electronically provided to the applicant to print and shall be kept on file at the business to provide as proof of the required license if requested by the Village.
- A business license issued pursuant to this section is non-transferable.

Renewal of License:

- On or about November 15<sup>th</sup> of each year the Village will send a business license renewal notice via regular mail or electronically to each active home based and non-home based business within the Village. Failure to receive notice does not preclude the business from the requirement to renew the license.
- The renewal application and renewal fee pursuant to Section 420-29 of this chapter shall be submitted to the Village on or before January 15 of every year. If the business fails to renew the license by January 15 of each year then a late fee will be assessed and the business may be subject to further zoning violations, forfeitures or fines.
- When a business is no longer operating at the location as identified on the previous years' license, written notification shall be provided to the Village Community Development Department.

- If the business relocates to a new location in the Village, a new business license will be required since a business license is non-transferable.

Notice of Change: Any expanded home based or non-home based business shall submit the applicable business license application and fee pursuant to Section 420-29 at the time the required building permit application is submitted for the expanded use.

An expanded home based or non-home based business is one that modifies its business operations in such a manner which increases its building square footage and or involves remodeling or renovations so as to require the issuance of a building permit; or where there is a change in ownership and other contact information for the business; or which commences a new business activity that would substantially modify or change the total full time, part time or seasonal employment of the business which in turn may impact the business site by blocking building exiting areas, causing restrictions to the emergency access or fire lane access, or by causing vehicles to park in non-designated parking areas or on the adjacent roadways.

**2. Section 420-140.1 entitled Temporary Uses is being amended as shown in the attached ordinance (yellow highlighted for additions and red strike-thru are deletions).**

A temporary use, as defined by the Zoning Ordinance (Chapter 420) is designed to provide the Zoning Administrator with flexibility to allow uses that are short-term in nature. A temporary use shall not be inherently inconsistent with the uses allowed in a particular zoning district. The nature, character or circumstances of temporary uses are unique and dependent upon specific conditions. Therefore, specifying all temporary uses and associated standards, regulations or conditions necessary or appropriate for a temporary use permit to be granted is not practical. Applicants that obtain approval of a temporary use permit pursuant to this section are not required to obtain a business license pursuant to Article VII of this chapter.

It is recognized that it is neither possible nor practicable to list all of the temporary uses that are acceptable; however, the following temporary uses are specifically allowed with the following specific requirements:

- **Two principal dwellings on one property** (the specific requirements for this are not being modified).
- **Temporary Handicapped Ramp** section is being deleted since Section 420-139 B (1) (n) of the Village Zoning Ordinance currently allows for handicapped accessible structures to encroach into any yard, provided that said structure is a minimum of two feet from any property line.
- **On-site residential construction trailer requirements are being modified to clarify that this use is allowed** on a property during the construction of one single family or one two family house within the A-2, A-3, R-1, R-2, R-3, R-4, R-4.5, R-5, R-6, R-8, or C-2, District. [Note a construction trailer on a commercial development site does not require approval of a temporary use permit.]
- **Truck, trailer or tent product sale** (excluding sale of Christmas trees and roadside stands is being modified to reflect requirements currently imposed by the Village.
- **Christmas Tree Sales** has been added as a Temporary Use since the Village Board removed the section of the ordinance related to Christmas tree licensing. The following is being added to the zoning ordinance which were similar previous requirements in place with the license:
  1. Allowed in any zoning district except within a C-1 Lowland Resource Conservancy District, C-3 Natural and Scientific Resource Conservancy District or FPO, Floodplain Overlay District.

2. Sales shall not occur before November 15 of any given year and the temporary use permit shall automatically expire on January 10 following the issuance of the temporary use permit.
  3. No Christmas trees shall be displayed, stored or sold on any public street or in the vision triangle of two intersecting streets, as defined in this chapter or within a designated fire lane.
  4. All sales areas shall be maintained in such manner as to eliminate, in so far as possible, any fire hazard.
  5. No trees which have become dried out, so as to become a fire hazard, shall be kept on the property.
  6. At the expiration of the permit or whenever the premises shall cease to be used further for the storage, display or sale of Christmas trees, the applicant shall cause all signage, trimmings, cuttings, trees and debris to be removed from the premises and disposed of in a lawful manner.
  7. No flashing lights or spot lights are allowed, any outside lights shall not shine or glare onto adjacent properties or onto any public street.
  8. Signage shall be limited to two on-site signs no larger than nine square feet. All signs shall be placed a minimum of 15 feet from the right-of-way and shall not be placed in the vision triangle, as defined by this chapter. No off-site signs are allowed and all signs shall be removed no later than the 10th day of January following the issuance of the temporary use permit. No portable flashing signs shall be permitted.
  9. If the applicant fails to properly clean the premises or fails to maintain the premises in a manner eliminating any fire hazard as necessary, as determined by the Fire & Rescue Chief, the Fire & Rescue Chief may order the property owner to remove such hazard within 24 hours, or less depending on the hazard created. The Fire & Rescue Department is authorized to enter upon the premises and remove or destroy or cause to be removed or destroyed such Christmas trees or parts thereof, and all costs related to such action may be assessed as a special charge or tax assessment against the real estate.
  10. Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.
- **Extended Hours.** The Village has issued a number of temporary use permits for extended hours during the holiday season and grouping of businesses also have an associated Security Agreement approved by the Village Board. This section provides for the specific requirements that have been policy for a number of years. No commercial business may remain open past the specified hours of operation pursuant to the underlying zoning district except as expressly allowed by an approved Conditional Use Permit or Planned Unit Development for the purpose of conducting the commercial business activities. In addition, individual businesses shall first obtain approval of a Temporary Use Permit and enter into a minor written Security Agreement with the Village for the specified location for extended hours and shall comply with the following requirements.
    1. Allowed in any business, manufacturing, or institutional district with an active and permitted business activity being carried out within a building.

2. No more than two separate extended hour events are allowed on the property per calendar year, provided that the length of the event(s), collectively, does not exceed a maximum 6 days per calendar year.
  3. Adequate on-site parking shall be provided. The Zoning Administrator may allow off-site parking provided the location is acceptable to the Village and proper shuttles or crossing areas are provided.
  4. The applicant is responsible for site security during the event and during any extended hours. The Village is not responsible for security during this event, unless a separate written Agreement is entered into between the parties.
  5. The applicant is required to obtain a tent permit from the Village Fire & Rescue Department for any tents associated with the extended hours and Fire & Rescue Department inspections shall be requested and obtained prior to use of the tent by the general public.
  6. Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.
- **Special Events**, such as but not limited to a carnival, farmers market, fair, circus or other community wide event (excluding Village hosted or sponsored events, or neighborhood parades, or block parties or religious affiliated gatherings) without first obtaining approval of a Temporary Use Permit by completing the required application and submitting details including a site plan for the specified event and in compliance with the following requirements.
    1. The maximum number of people that may attend the special event may be limited by the Village upon review of the application and the site and facilities to be used for the special event.
    2. A fence shall be installed which completely encloses the proposed location and of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds. The fence shall have at least four gates, at least one at or near four opposite points of the compass.
    3. Potable water meeting all federal and state requirements for purity and sufficient to provide drinking water for the maximum number of people to be assembled at a rate of at least one gallon per person per day and water for bathing at the rate of at least 10 gallons per person per day.
    4. Separate, enclosed toilets for males and females meeting all state and local specifications, conveniently located throughout the grounds, and sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males, together with an efficient, sanitary means of disposing of waste matter deposited which is in compliance with all state and local laws and regulations. A lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.
    5. A sanitary method of disposing of solid waste in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 pounds of solid waste per person per day, together with a plan for holding and collecting all such waste at least once each day of the assembly and sufficient trash cans with tightfitting lids and personnel to perform the task.

6. Physicians and nurses licensed to practice in the state sufficient to provide the average medical care enjoyed by state residents for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people, together with an enclosed, covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times.
7. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
8. A parking area inside the assembly grounds sufficient to provide parking spaces for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.
9. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons.
10. If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as prescribed by the Wisconsin Administrative Code and Village ordinances, sufficient to provide camping accommodations for the maximum number of people to be assembled.
11. Security guards, either regularly employed, duly sworn, off-duty state peace officers or private guards, licensed in the state, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 persons.
12. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as prescribed in the Wisconsin Administrative Code and Village ordinances, and sufficient emergency personnel to efficiently operate the required equipment.
13. The Village may impose additional conditions and impose additional fees to ensure that all necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.
14. Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.

**3. Section 420-27 E, 420-28 and 420-29 relate to zoning fees are being amended as shown in the attached ordinance (yellow highlighted for additions and red strike-thru are deletions).**

*Specifically the following fees are being created or amended:*

1. Site and operational Plan application fee that requires a staff review only is being changed from \$50 to \$100. (This fee was reduced to \$50 during the recession and is proposed to be amended back to the original fee of \$100 prior to 2009).
2. New multiple-family building zoning fee is being increase from \$175 to \$200 per building.
3. Additions or alterations to any dwelling unit of any residential or agricultural accessory structure or building, including but not limited to an attached or detached garage, shed, pole barn, deck, porch, sport court, swimming pool, hot tub, or residential communication structure is being increased from \$40 to \$50 per structure or building.

4. Additions or alterations to an existing commercial, industrial, governmental or institutional structure or building is being increased from \$85 to \$125 per structure or building.
5. Commercial, industrial, governmental or institutional tenant changes (without alterations) or an accessory structure or building, (excluding fences) is being increased from \$40 to \$50 per structure or building.
6. Sign application fee is being increased form \$15 per sign, not to exceed \$105 per application to \$20 per sign, not to exceed \$140 per application.
7. Sign special exception permit application fee is being increased from \$20 per sign, not to exceed \$140 per application to \$25 per sign, not to exceed \$175 per application.
8. Business License Fees:
  - a. Initial Application: \$25 per business per site.
  - b. Annual Renewal Application: \$25 per business per site.
  - c. Annual Renewal Late Fee: If the business fails to renew the license by January 15 of each year then a late fee of \$10 will be assessed to the applicant.
  - d. Notice of Change: \$25 per business per site.
9. Release of waiver or other similar document fee is being increased from \$55, plus recording fees to \$100, plus recording fees.
10. Performance Bond or Cash Deposit to ensure compliance with permit inspection conditions and an administrative processing fee is being added at \$100 per site.
11. Stipulated conservancy permit fee is being increased from \$40 and renewal fee of \$25 only if the application or management plan has not changed for the original permit to \$100 and renewal fee of \$50 only if the application or management plan has not changed for the original permit.
12. Temporary use fees of \$150 per application is remaining the same, however; if a minor agreement is required then the fee is \$250 per application.
13. Any fee paid by credit card to the Village will be charged and additional finance fee for processing the transaction.

**Recommendation:** Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the Zoning Text Amendments as presented.

**ORD. NO. 16-\_\_\_**

**ORDINANCE TO AMEND ARTICLE VII (SECTIONS 420-40, 420-41, 420-42 AND 420-43) OF THE VILLAGE ZONING ORDINANCE (CHAPTER 420) RELATED TO A BUSINESS LICENSE IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN**

**THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, DO HEREBY ORDAIN THAT ARTICLE VII (SECTIONS 420-40, 420-41, 420-42 AND 420-43) OF THE VILLAGE ZONING ORDINANCE BE RE-CREATED AND AMENDED TO READ AS FOLLOWS:**

Article VII: Business License.

420-40 Purpose. A Business License is required to operate in the Village. There are various types of Pleasant Prairie licenses and permits that are required by various government entities at the federal, state and local levels. This zoning license is the basic type of license that is required for all home based and non-home based businesses in Pleasant Prairie.

This article is not a regulation of occupation but rather to verify locations of active business operations, to obtain emergency contact information in order to notify and provide efficient public safety services to the business, to support economic development activities and to verify compliance with the site and operational zoning regulations of the Village. The information gathered from the business license application and the annual renewal is essential to performing the community's public safety and public works related services. The information obtained from the business license application and annual renewals is also important to the community for the purposes of its overall economic development business attraction and retention strategy insofar as the Village will be able to track and maintain an accurate listing of all active businesses, relevant contact information, employment counts and anticipated employment growth projections on an annual basis.

All businesses in the Village shall obtain and maintain an annual business license for any home based or non-home based businesses operating in the Village pursuant to the requirements of this article. If more than one business is located within a building, each business is required to obtain a separate business license. Properties with more than one principal building or more than one principal building address are required to obtain a separate business license for each principal building on the property.

420-41 Home Based Business.

- A. Intent. It is the intent of this section to permit home based businesses in any home within a residential, agricultural, or conservancy zoning district, provided that such use conforms to the standards and conditions set forth in this section, conforms to all Village Municipal Code requirements and maintains an active and continuous Village business license. In general, a home based business is an accessory use located on the property and conducted so that a typical neighbor would not be aware of said use other than for a sign as herein permitted. The standards and conditions for home based businesses in this section are intended to ensure compatibility with other permitted adjacent uses and to maintain the residential character of the neighborhood or underlying zoning district. A home based business and/or regularly occurring activity is a business activity which results in a product being produced or service being performed and is conducted in whole or in part in the principal or accessory building on the property and is clearly subordinate to the residential use of the dwelling and property. A Community Living Arrangement, within a single family or two family dwelling as defined in this chapter with 15 or fewer persons, is not classified as a home based business and is exempt from this section; however is required to obtain a business license pursuant to section 420-42.
- B. Requirements.
  - (1) The home based business shall be carried out by the property owner or occupant at his or her place of primary residence, and said home based business use shall be clearly incidental to the residential or agricultural use of the principal or accessory building and parcel and shall not change the essential residential

character of the dwelling and parcel. "Primary residence" shall be defined as follows:

- (a) The place where the owner's or occupant's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.
  - (b) The primary residence of a person performing the home based business is the main home that the person lives in for a majority of the year as defined by the Internal Revenue Service. A person shall not have more than one primary residence for the purposes of operating a home occupation.
  - (c) When a person's spouse and/or family resides at one place and the other spouse's business is conducted at another place, the former place establishes the place of primary residence for the purpose of determining whether a home based business may be conducted at the requested premises.
  - (d) No person gains the right to conduct a home based business at a residence while living there for temporary purposes only.
- (2) The home based business shall not be detrimental to the public health, safety and welfare.
  - (3) No more than 25% of the principal building or the accessory building area shall be used to conduct the home based business. Further, there shall be no more than two home based businesses conducted from the same premises, provided that the combined home based business usage does not exceed 25% of either the principal or accessory buildings on the premises and all other home based business requirements as set forth in this section are met.
  - (4) No outside storage or displays shall be used in connection with the home based business.
  - (5) No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment shall be used in connection with the home based business which may cause an interference, disruption or nuisance to an adjacent property owner on a regular basis.
  - (6) No machinery or equipment shall be used in connection with the home based business that causes noises or other interference in radio or television reception.
  - (7) No commercial machine repair or sharpening of equipment or machines shall be done which may cause an interference, disruption or nuisance to an adjacent property owner on a regular basis.
  - (8) No internal or external building alterations inconsistent with the residential use of the building shall be permitted.
  - (9) No construction equipment or construction related vehicles or trailers shall be parked or stored on the property.
  - (10) No commercial construction or delivery vans, trucks, semi-trucks/semi-trailers, truck cabs, box trucks, buses, trailers or any vehicle licensed or rated to be in excess of 7,000 pounds shall be parked or stored on the property.
  - (11) No more than four passenger vehicles shall be permitted at the referenced property at any one time in connection with the conduct of the home based business or regularly occurring activity.
  - (12) The home based business shall not cause parking or traffic congestion problems on the adjacent roadways or neighboring properties.
  - (13) The home based business shall be carried out by the occupant of the home; however, no more than two nonresidents may be employed and work on the property.

- (14) No display of products shall be visible from the street or the adjacent property.
- (15) Instruction in music, dancing and similar subjects shall be limited to two students at a time.
- (16) Only off-street parking facilities normal for residential use on the property shall be used.
- (17) Deliveries accepted shall be by United States mail, UPS, Federal Express or other mail carrier. Semi-truck deliveries shall not be accepted more than once a month.
- (18) Signs shall be subject to regulations in Article X.
- (19) If a state or federal license is required for the home based business, then a current and valid copy of said license shall be provided to the Village.

C. Permitted home based businesses. The following are hereby declared to be home based businesses as intended by this section. It is recognized that it is neither possible nor practicable list all of the home based businesses that are compatible with those listed below, and therefore it is intended that the aforementioned list of home based businesses be illustrative only. Any individual aggrieved by a failure to list a particular home based business in this section shall have the right to file a petition with the Zoning Administrator for a determination as to the similarity of the intended home based business with the home based businesses listed below.

- (1) Artists, sculptors or photographers.
- (2) Arts and crafts.
- (3) Bookkeeping or tax preparer.
- (4) Classes of instruction in areas such as music and dance, provided that no more than two students are on the premises at any one time.
- (5) Child or adult care with eight or fewer children or adults in the A-2, A-3, R-1, R-2, R-3, R-4, R-4.5, R-5, R-6, R-7, R-8, R-12 and C-2 Districts, subject to obtaining any required State permits/licenses.
- (6) Dressmaker or seamstress.
- (7) Hairdresser, provided that no more than two patrons are on the premises at any one time.
- (8) Manicure/pedicure, provided that no more than two patrons are on the premises at any one time.
- (9) Office facilities of a salesman, sales representative, or manufacturer representative, provided that no retail or wholesale transactions are made in person on the premises.
- (10) Office facilities of an accountant, architect, writer, attorney, broker, engineer, insurance agent, interior designer, land surveyor, marketing analyst, or word processor or real estate sales.
- (11) Office facilities of a minister, rabbi, priest, or other clergy.
- (12) Office facilities to repair electronic and communication equipment.
- (13) Telephone or mail order (including internet sales).
- (14) Telemarketing.
- (15) Transcriber.
- (16) Sales and distribution of products manufactured on or off the premises where the marketing of said products is through home-oriented sales on an appointment basis only.

D. Prohibited home based businesses/home occupations. The following are hereby declared to be prohibited home based businesses. It is recognized that it is neither

possible nor practicable to list all of the home based businesses that are prohibited, and therefore it is intended that the aforementioned list of home based businesses be illustrative only.

- (1) Restaurants/taverns.
- (2) Clinics.
- (3) Construction businesses with outdoor storage.
- (4) Kennels.
- (5) Sale of explosives or fireworks.
- (6) Tattoo parlors.
- (7) Taxidermy.
- (8) Massage therapists.
- (9) Repair, service or restoration of motor vehicles.
- (10) Any permitted uses listed within the manufacturing districts of this chapter.

E. The property shall be subject to periodic inspections to verify compliance with the home based business license.

F. An annual Business License is required pursuant to section 420-43 below.

#### 420-42 Non-Home Based Business

Intent. It is the intent of this section to require a business license for any business located within any business, manufacturing, institutional, park and recreational, planned development and for certain uses in the agricultural zoning districts. To clarify, a business license is specifically required for the following commercial uses within agricultural districts: boarding and riding stables (commercial); contract sorting (commercial), grading and packaging of fruits and vegetables (commercial); orchards (commercial); plant nurseries (commercial retail sales); greenhouses for the retail sales or plants and flowers (commercial retail sales); kennels; landscaping (commercial); veterinarian offices and veterinarian emergency services offices. A business license is also required for Community Living Arrangements within any zoning district pursuant to this section. Approved Temporary Uses pursuant to Section 420-140.1 of this chapter are exempt from obtaining a business license. Commercial Communication Structures and its tenants, transmission lines, electric power substation or gas metering substation, utility substations and wind energy conversion systems and cemeteries are exempt from this section.

A. Requirements.

- (1) The licensed use shall be a legal use allowed within the underlying zoning district or shall be a legal non-conforming use as defined in this chapter.
- (2) A valid Certificate of Occupancy/Compliance shall have been issued by the Village for the business activity to occur on the property or within a portion of the property.

C. The licensed address shall be subject to periodic inspections to verify compliance with the Village Ordinances.

D. An annual Business License is required pursuant to section 420-43 below.

#### 420-43 Annual Business Licenses Required.

A. Initial Licenses.

- (1) All existing home based or non-home based businesses in the Village as of December 1, 2016 will receive an initial application for a Village business license that shall be returned with the application pursuant to Section 420-29 of this chapter by January 15, 2017. Every year following, the business shall renew this license pursuant to subsection B below.

- (2) Any new home based business shall complete the business license application and submit the required fee for Village review to ensure compliance with this chapter.
- (3) Any new non-home base business requesting to obtain an occupancy permit from the Village shall complete the Business License application and submit the required fee pursuant to Section 420-29 of this chapter at the same time that the required building permit application is submitted for review to ensure compliance with this article.
- (4) Upon receipt of a completed application, the Village will provide the applicant with an annual business license.
- (5) An annual business license (valid during the calendar year) will be electronically provided to the applicant to print and shall be kept on file at the business to provide as proof of the required license if requested by the Village.
- (6) A business license issued pursuant to this section is non-transferable.

B. Renewal of License.

- (1) On or about November 15<sup>th</sup> of each year the Village will send a business license renewal notice via regular mail or electronically to each active home based and non-home based business within the Village. Failure to receive notice does not preclude the business from the requirement to renew the license.
- (2) The renewal application and renewal fee pursuant to Section 420-29 of this chapter shall be submitted to the Village on or before January 15 of every year. If the business fails to renew the license by January 15 of each year then a late fee will be assessed and the business may be subject to further zoning violations, forfeitures or fines.
- (3) When a business is no longer operating at the location as identified on the previous years' license, written notification shall be provided to the Village Community Development Department. If the business relocates to a new location in the Village, a new business license will be required since a business license is non-transferable.

C. Notice of Change. Any expanded home based or non-home based business shall submit the applicable business license application and fee pursuant to Section 420-29 of this chapter at the time the required building permit application is submitted for the expanded use. An expanded home based or non-home based business is one that modifies its business operations in such a manner which increases its building square footage or involves remodeling or renovations so as to require the issuance of a building permit; or where there is a change in ownership and other contact information for the business; or which commences a new business activity that would substantially modify or change the total full time, part time or seasonal employment of the business which in turn may impact the business site by blocking building exiting areas, causing restrictions to the emergency access or fire lane access, or by causing vehicles to park in non-designated parking areas or on the adjacent roadways..

D. Open Records Requests for Personally Identifiable Information. As part of the business license application, the Village may collect the names, addresses, phone numbers, emails, and other personally identifiable information for owners and emergency contacts of businesses in the Village. That information will enable the Village to quickly communicate with businesses in the event of an emergency or other circumstances requiring an immediate response. The Village recognizes that any personally identifiable information gathered may be a record subject to requests and disclosure under Wis. Stat. § 19.35. The Village has determined, in addition to the general presumption of disclosure, that the following public interests will affect all requests for personally identifiable information gathered in business license applications: (1) no public interests generally favor disclosure; (2) the public interest in preserving the privacy of private employees and business owners weighs against disclosure; and (3) the Village favors non-disclosure of the information to encourage more business license applicants to

provide the Village with the requested contact information. The Village directs the custodian in charge of its records to balance these interests, as well as any other public interests that may apply to a particular request, when determining whether to release or withhold personally identifiable information from business license applications.

- E. Other Village Ordinances. Any references in the Village Ordinances to a "home occupation" shall also be referred to as a "home based business" as defined in Section 420-41 above.
- F. Enforcement and Penalties. Pursuant to Article XIX of this chapter.

**Adopted this \_\_\_ day of \_\_\_\_\_, 2016.**

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

\_\_\_\_\_  
John P. Steinbrink  
Village President

\_\_\_\_\_  
Jane M. Romanowski  
Village Clerk

Posted: \_\_\_\_\_

\_\_\_-business license-final

CODE1609-004

Village of Pleasant Prairie, WI  
Thursday, October 27, 2016

## Chapter 420. Zoning Ordinance

### Article VII. Home Occupations

#### § 420-40. Intent.

It is the intent of this article to permit home occupations allowed in any agricultural or residential district, provided that such use conforms to the standards and conditions set forth in this article. In general, a home occupation is an accessory use located and conducted so that a typical neighbor would not be aware of said use other than for a sign as herein permitted. The standards and conditions for home occupations in this article are intended to ensure compatibility with other permitted uses and to maintain the residential character of the neighborhood. A home occupation and/or regularly occurring activity is an occupation or business activity which results in a product or service and is conducted in whole or in part in the principal or accessory building and is clearly subordinate to the residential use of the dwelling.

#### § 420-41. Requirements.

- A. The home occupation shall be carried out by the property owner or occupant at his or her place of primary residence, and said home occupation use shall be clearly incidental to the residential use of the principal or accessory building and parcel and shall not change the essential residential character of the dwelling and parcel. "Primary residence" shall be defined as follows:  
[Amended 5-20-2013 by Ord. No. 13-17]
- (1) The place where the owner's or occupant's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.
  - (2) The primary residence of a person performing the home occupation is the main home that the person lives in for a majority of the year as defined by the Internal Revenue Service. A person shall not have more than one primary residence for the purposes of operating a home occupation.
  - (3) When a person's spouse and/or family resides at one place and the other spouse's business is conducted at another place, the former place establishes the place of primary residence for the purpose of determining whether a home occupation may be conducted at the requested premises.
  - (4) No person gains the right to conduct a home occupation at a residence while living there for temporary purposes only.
- B. The home occupation shall not be detrimental to the public health, safety and welfare.
- C. No more than 25% of the principal building or the accessory building area shall be used to conduct the home occupation. Further, there shall be no more than two home occupations conducted

from the same premises, provided that the combined home occupation usage does not exceed 25% of either the principal or accessory buildings on the premises and all other home occupation requirements as set forth in this section are met.

[Amended 5-20-2013 by Ord. No. 13-17]

- D. No outside storage shall be used in connection with the home occupation.
- E. No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment shall be used in connection with the home occupation.
- F. No machinery or equipment shall be used in connection with the home occupation that causes noises or other interference in radio or television reception.
- G. No commercial machine repair or sharpening of equipment or machines shall be done on the property.
- H. No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- I. No construction equipment shall be parked on or about the property.
- J. The home occupation shall not cause parking or traffic congestion problems on the adjacent roadways or neighboring properties.
- K. The home occupation shall be carried on by the occupant of the building; however, two nonresidents may be employed in conjunction with the home occupation.
- L. No display of products shall be visible from the street.
- M. Instruction in music, dancing and similar subjects shall be limited to two students at a time.
- N. No more than five vehicles shall be permitted at the referenced property at any one time in connection with the conduct of the home occupation or regularly occurring activity.
- O. Only off-street parking facilities normal for residential use and located on the premises are used.
- P. Deliveries accepted shall be by United States mail, UPS, Federal Express or other mail carrier. Semi-truck deliveries shall not be accepted more than once a month.
- Q. Signs shall be subject to regulations in Article X.

## § 420-42. Permitted home occupations.

- A. The following are hereby declared to be home occupations as intended by this article:
  - (1) Artists, sculptors or photographers.
  - (2) Arts and crafts.
  - (3) Bookkeeping or tax preparer.
  - (4) Classes of instruction in areas such as music and dance, provided that no more than two students are on the premises at any one time.
  - (5) Child or adult care with eight or fewer children or adults.  
[Amended 4-10-2006 by Ord. No. 06-19]
  - (6) Dressmaker or seamstress.

- (7) Hair dresser, provided that no more than two patrons are on the premises at any one time.
  - (8) Manicure/pedicure, provided that no more than two patrons are on the premises at any one time.
  - (9) Office facilities of a salesman, sales representative, or manufacturer representative, provided that no retail or wholesale transactions are made in person on the premises.
  - (10) Office facilities of an accountant, architect, writer, attorney, broker, engineer, insurance agent, interior designer, land surveyor, marketing analyst, or word processor or real estate sales.
  - (11) Office facilities of a minister, rabbi, priest, or other clergy.
  - (12) Office facilities to repair electronic and communication equipment.
  - (13) Telephone or mail order.
  - (14) Telemarketing.
  - (15) Transcriber.
  - (16) Sales and distribution of products manufactured on or off the premises where the marketing of said products is through home-oriented sales on an appointment basis only.
- B. It is recognized that it is neither possible nor practicable list all of the home occupations that are compatible with those listed above, and therefore it is intended that the aforementioned list of home occupations be illustrative only. Any individual aggrieved by a failure to list a particular home occupation in this section shall have the right to file a petition with the Zoning Administrator for a determination as to the similarity of the intended home occupation with the home occupations listed above.

## § 420-43. Prohibited home occupations.

- A. The following are hereby declared to be prohibited home occupations:
- (1) Restaurants/taverns.
  - (2) Clinics.
  - (3) Kennels.
  - (4) Sale of explosives or fireworks.
  - (5) Tattoo parlors.
  - (6) Taxidermy.
  - (7) Massage therapists.
  - (8) Repair or restoration of motor vehicles.
  - (9) Any uses permitted within the manufacturing districts of this chapter.
- B. It is recognized that it is neither possible nor practicable to list all of the home occupations that are prohibited, and therefore it is intended that the aforementioned list of home occupations be illustrative only.

ORD. # 16-\_\_\_\_

**ORDINANCE TO AMEND THE DEFINITION  
OF HOME OCCUPATION IN SECTION 420-152  
OF THE VILLAGE ZONING ORDINANCE**

**IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN**

**THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE,  
KENOSHA COUNTY, WISCONSIN, DO HEREBY ORDAIN THAT THE DEFINITION  
OF HOME OCCUPATION IN SECTION 420-125 OF THE VILLAGE ZONING  
ORDINANCE BE AMENDED TO READ AS FOLLOWS:**

HOME OCCUPATION **(HOME BASED BUSINESS)**

**For the purpose of this chapter, any reference to a home occupation shall mean a home based business under Article VII in this chapter. ~~Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no outside display, no stock in trade and no outside storage of equipment upon the premises.~~**

**Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.**

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

\_\_\_\_\_  
John P. Steinbrink  
Village President

\_\_\_\_\_  
Jane M. Romanowski  
Village Clerk

Posted: \_\_\_\_\_

\_\_\_ definition-home occupation

CODE1609-004

ORD. # 16-\_\_\_\_

**ORDINANCE TO AMEND SECTION 420-140.1  
OF THE VILLAGE ZONING ORDINANCE (CHAPTER 420)  
RELATED TO TEMPORARY USES**

**IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN**

**THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE,  
KENOSHA COUNTY, WISCONSIN, DO HEREBY ORDAIN THAT SECTION 420-140.1  
OF THE VILLAGE ZONING ORDINANCE BE AMENDED TO READ AS FOLLOWS:**

§ 420-140.1 Temporary uses.

- A. Purpose and intent. A temporary use, as defined by this chapter, is designed to provide the Zoning Administrator with flexibility to allow uses that are short-term in nature. A temporary use shall not be inherently inconsistent with the uses allowed in a particular zoning district. The nature, character or circumstances of temporary uses are unique and dependent upon specific conditions. Therefore, specifying all temporary uses and associated standards, regulations or conditions necessary or appropriate for a temporary use permit to be granted is not practical. Applicants that obtain approval of a Temporary Use Permit pursuant to this section are not required to obtain a business license pursuant to Article VII of this chapter.
- B. The Village Board has authorized the Zoning Administrator, at his/her discretion, the authority to approve, impose reasonable conditions and issue a temporary use permit, provided that such temporary use complies with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.
- C. Permits and procedures for the issuance of a temporary use permit shall be pursuant to Article IV of this chapter.
- D. The issuance of a temporary use permit does not waive any other requirements which are imposed by the Village's Zoning or Land Division Ordinances or Building or Municipal Code.
- E. Any violations of the terms and conditions of a temporary use permit is a violation of the Village Zoning Ordinance and is subject to Article XIX of this chapter.
- F. Specified temporary uses. It is recognized that it is neither possible nor practicable to list all of the temporary uses that are acceptable; however, the following temporary uses are specifically allowed:
  - (1) Two principal dwellings on one property. No person shall begin construction on a second principal structure wherein they intend to live in the existing structure while the second structure is being constructed without first obtaining approval of Temporary Use Permit by completing the required application and submitting details including a site plan at a specified location and in compliance with the following requirements.
    - (a) A new single-family dwelling is allowed to be constructed on an existing lot, provided that the underlying zoning district allows for a single-family dwelling and further provided that the existing old dwelling is razed upon completion of the new single-family dwelling.
    - (b) The occupant(s) of the existing dwelling is allowed to live in the existing dwelling while the new single-family dwelling is being constructed on the property. However, only one dwelling shall be occupied at any given time.

- (c) The new single-family dwelling shall comply with all setback requirements of the underlying district. In addition, the new single-family dwelling shall be located a minimum of 10 feet from the existing dwelling, including decks and porches.
- (d) The new single-family dwelling shall comply with all Village, county and state regulations and ordinances.
- (e) Within 60 days of obtaining a verbal to occupy the new single-family dwelling, the following shall be completed, unless a time extension is granted pursuant to § 420-22J(2)(f) of the Village Zoning Ordinance:
  - [1] The property owner shall completely remove the old dwelling. Prior to razing the existing old dwelling, the property owner shall submit and obtain the required razing permits from the Village.
  - [2] The property owner shall completely remove or relocate any other accessory structures on the property that are or would be classified as nonconforming structures after the old dwelling is removed. Prior to razing or relocating any existing accessory structure, the property owner shall submit and obtain the required permits from the Village.
  - [3] The property owner is responsible to remove all debris, restore and stabilize the area occupied by the old dwelling and comply with any other requirements or conditions of the razing or relocation permits.
- (f) In no case shall any structures located on the property be classified as a nonconforming structure once the new single-family dwelling is constructed.
- (g) The temporary use permit does not waive any other requirements which are imposed by the Village's Zoning or Land Division Ordinances or Building or Municipal Codes.
- (h) A written occupancy shall not be issued by the Village until all the conditions of the temporary use permit, the new single-family dwelling permit, the razing permit and any other permits associated with the application are satisfied.
- (i) Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.

- ~~(2) Temporary handicapped ramp. A temporary handicapped ramp is allowed to be constructed to provide access to a residential unit that does not meet the requirements of § 420-87 of this chapter, provided that the following be satisfied:~~
  - ~~(a) The temporary handicapped ramp shall be used solely for the purpose of handicapped accessibility to the residential units. Any additional uses other than handicapped accessibility are prohibited.~~
  - ~~(b) The property owner is responsible for removing the temporary handicapped ramp when it is no longer required by the occupants of the dwelling unit.~~
  - ~~(c) Additional conditions may be imposed to ensure compliance with the provisions of the chapter, its purpose and intent and all other applicable federal, state, county and local requirements.—relocated to deck requirements?~~

- (3) On-site residential construction trailer. No person shall place an on-site construction trailer on a property to be used during the construction of one single family or one two family house without first obtaining approval of a Temporary Use Permit by completing the required application and submitting details including a site plan at a specified location and in compliance with the following requirements.
- (a) Allowed on any lot zoned A-2, A-3, R-1, R-2, R-3, R-4, R-4.5, R-5, R-6, R-8, or C-2, District. [Note a construction trailer on a commercial development site does not require approval of a temporary use.]
  - (b) A construction trailer shall be located on the property which it relates and shall not be used as a temporary dwelling unit.
  - (c) The site on which the construction trailer is proposed to be located shall have an active building, zoning or erosion control permit issued by the Village.
  - (d) The construction trailer shall meet the following setbacks:
    - [1] Street setback: minimum of 30 feet from arterial streets or highways and a minimum of 15 feet from nonarterial streets or private roads.
    - [2] Shore setback: 75 feet minimum.
    - [3] Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.
    - [4] Side setback: 15 feet minimum.
    - [5] Rear setback: 15 feet minimum.
    - [6] Separation between structures: 10 feet minimum.
  - (e) The construction trailer shall be located in an area which is accessible for emergency vehicles to the construction trailer and the building under construction.
  - (f) The construction trailers shall be comply with all OSHA requirements.
  - (g) The construction trailer shall be removed from the property prior to issuance of written occupancy for the house building or a maximum of two years from the date of the permit was issued for construction of the house, whichever comes first. ~~and/or related site improvements for which on which. Furthermore, a written occupancy shall not be issued by the Village until the all conditions of the temporary use permit, the new single-family dwelling permit, the razing permit and any other permits associated with the application are satisfied.~~
  - (h) Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.
- (4) Truck, trailer or tent product sale (excluding sale of Christmas trees and roadside stands). No person shall conduct a truck, trailer or tent product sale on any property without first obtaining approval of a Temporary Use Permit by completing the required application and submitting details including a site plan at a specified location and in compliance with the following requirements. Note: roadside stands within agricultural district are allowed pursuant to Section 420-88.1 of this chapter.
- (a) Allowed only in a business or manufacturing district.

- (b) ~~No more than two sales or 14 calendar days per calendar year are allowed.~~ No more than two separate sales are allowed on the property per calendar year, provided that the length of the sale(s), collectively, does not exceed a maximum 6 days per calendar year.
  - (c) The truck, trailer or tent and associated parking for the product sale shall be located within a paved parking lot, unless otherwise approved by the Zoning Administrator.
  - (d) The truck, trailer or tent shall be set back a minimum of 20 feet from all property lines, shall not be located within any designated fire lanes and shall not block or obstruct traffic visibility on any public street.
  - (e) The product sale shall be limited to ~~10:00~~ 8:00 a.m. until 8:00 p.m. Monday through Saturday and 8:00 a.m. until 5:00 p.m. on Sunday.
  - (f) Adequate on-site parking shall be provided.
  - (g) The applicant is responsible for the security of the merchandize during the event and during any overnight hours. The Village is not responsible for security during this same event.
  - (h) The truck, trailer or tent, signage and all trash/recycling receptacles shall be removed for the site within 24 hours of completion of the sale.
  - (i) The applicant is required to obtain a tent permit from the Village Fire & Rescue Department and proper Fire & Rescue Department inspections shall be obtained prior to use of the tent by the general public.
  - (g) Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.
- (5) Christmas Tree Sales. No person shall open, maintain, operate or conduct any place for the purpose of storing, selling or displaying for sale any Christmas trees without first securing approval of a Temporary Use Permit, by completing the required application and submitting details including a site plan for the specified location and in compliance with the following requirements.
- (a) Definitions. For the purpose of this section, words and phrases shall mean as follows:
    - [1] CHRISTMAS TREES. Real or artificial trees of the varieties and kinds used for decorative purposes and related items such as wreathes, tree stands, tree bags, etc., for use during the holiday season.
    - [2] PUBLIC STREET. All that property set aside for street purposes or street rights-of-way, including: sidewalks, curbs and gutters, shoulders, parking strips and parkways.
  - (b) Allowed in any zoning district except within a C-1 Lowland Resource Conservancy District, C-3 Natural and Scientific Resource Conservancy District or FPO, Floodplain Overlay District.
  - (c) Sales shall not occur before November 15 of any given year and the temporary use permit shall automatically expire on January 10 following the issuance of the temporary use permit.
  - (d) No Christmas trees shall be displayed, stored or sold on any public street or in the vision triangle of two intersecting streets, as defined in this chapter or within a designated fire lane.
  - (e) All sales areas shall be maintained in such manner as to eliminate, in so far as possible, any fire hazard.

- (f) No trees which have become dried out, so as to become a fire hazard, shall be kept on the property.
  - (g) At the expiration of the permit or whenever the premises shall cease to be used further for the storage, display or sale of Christmas trees, the applicant shall cause all signage, trimmings, cuttings, trees and debris to be removed from the premises and disposed of in a lawful manner.
  - (h) No flashing lights or spot lights are allowed, any outside lights shall not shine or glare onto adjacent properties or onto any public street.
  - (i) Signage shall be limited to two on-site signs no larger than nine square feet. All signs shall be placed a minimum of 15 feet from the right-of-way and shall not be placed in the vision triangle, as defined by this chapter. No off-site signs are allowed and all signs shall be removed no later than the 10th day of January following the issuance of the temporary use permit. No portable flashing signs shall be permitted.
  - (j) Order for compliance. If the applicant fails to properly clean the premises or fails to maintain the premises in a manner eliminating any fire hazard as necessary, as determined by the Fire & Rescue Chief, the Fire & Rescue Chief may order the property owner to remove such hazard within 24 hours, or less depending on the hazard created. The Fire & Rescue Department is authorized to enter upon the premises and remove or destroy or cause to be removed or destroyed such Christmas trees or parts thereof, and all costs related to such action may be assessed as a special charge of tax assessment against the real estate.
  - (k) Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.
- (5) Extended Hours. No commercial business may remain open past the specified hours of operation pursuant to the underlying zoning district except as expressly allowed by an approved Conditional Use Permit or Planned Unit Development for the purpose of conducting the commercial business activities. In addition, said business shall first obtain approval of a Temporary Use Permit and enter into a minor written Agreement with the Village for the specified location for extended hours and shall comply with the following requirements.
- (a) Allowed in any business, manufacturing, or institutional district with an active and permitted business activity being carried out within a building.
  - (b) No more than two separate extended hour events are allowed on the property per calendar year, provided that the length of the event(s), collectively, does not exceed a maximum 14 days per calendar year.
  - (c) Adequate on-site parking shall be provided. The Zoning Administrator may allow off-site parking provided the location is acceptable to the Village and proper shuttles or crossing areas are provided.
  - (g) The applicant is responsible for site security during the event and during any extended hours. The Village is not responsible for security during this event, unless a separate written Agreement is entered into between the parties.
  - (h) The applicant is required to obtain a tent permit from the Village Fire & Rescue Department for any tents associated with the extended hours and Fire & Rescue Department inspections shall be requested and obtained prior to use of the tent by the general public.
  - (g) Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable

federal, state, county and local requirements.

- (6) Special Events. No property owner may hold a special event, such as but not limited to a carnival, farmers market, fair, circus or other community wide event (excluding Village hosted or sponsored events, or neighborhood parades, or block parties or religious affiliated gatherings) without first obtaining approval of a Temporary Use Permit by completing the required application and submitting details including a site plan for the specified event and in compliance with the following requirements.

(a) Requirements.

- [1] The maximum number of people that may attend the special event may be limited by the Village upon review of the application and the site and facilities to be used for the special event.
- [2] A fence shall be installed which completely encloses the proposed location and of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds. The fence shall have at least four gates, at least one at or near four opposite points of the compass.
- [3] Potable water meeting all federal and state requirements for purity and sufficient to provide drinking water for the maximum number of people to be assembled at a rate of at least one gallon per person per day and water for bathing at the rate of at least 10 gallons per person per day.
- [4] Separate, enclosed toilets for males and females meeting all state and local specifications, conveniently located throughout the grounds, and sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males, together with an efficient, sanitary means of disposing of waste matter deposited which is in compliance with all state and local laws and regulations. A lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.
- [5] A sanitary method of disposing of solid waste in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 pounds of solid waste per person per day, together with a plan for holding and collecting all such waste at least once each day of the assembly and sufficient trash cans with tightfitting lids and personnel to perform the task.
- [6] Physicians and nurses licensed to practice in the state sufficient to provide the average medical care enjoyed by state residents for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people, together with an enclosed, covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times.
- [7] If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
- [8] A parking area inside the assembly grounds sufficient to provide

- parking spaces for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.
- [9] Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons.
  - [10] If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as prescribed by the Wisconsin Administrative Code and Village ordinances, sufficient to provide camping accommodations for the maximum number of people to be assembled.
  - [11] Security guards, either regularly employed, duly sworn, off-duty state peace officers or private guards, licensed in the state, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 persons.
  - [12] Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as prescribed in the Wisconsin Administrative Code and Village ordinances, and sufficient emergency personnel to efficiently operate the required equipment.
  - [13] The Village may impose additional conditions and impose additional fees to ensure that all necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.
  - [14] Additional conditions may be imposed to ensure compliance with the provisions of this chapter, its purpose and intent and all other applicable federal, state, county and local requirements.
- (b) An application shall be filed that contains at a minimum, the following information:
- [1] Explanation of the event.
  - [2] Dates and hours of the event.
  - [3] Estimate of the number of persons which can reasonably assemble at the location or the maximum number of persons allowed to sleep within the boundaries of the location of the event if the event is to continue overnight.
  - [4] Maximum number of tickets to be sold, if any.
  - [5] Explanation of how the applicant plans to limit the maximum number of people permitted at the event.
  - [6] Explanation of how the applicant will supply potable water, including the source, amount available and location of the outlets.
  - [7] Number of toilet and lavatory facilities, including the source, number, location and type and the means of disposing of waste deposited.
  - [8] Explanation of how the applicant will be holding, collecting and disposing of solid waste material.
  - [9] Explanation of how the applicant will provide medical facilities including the names, addresses and hours of availability of physicians and nurses and provision for emergency ambulance service.

- [10] Explanation of how the applicant will provide telephone service, including the source, number and location of telephones.
- [11] Explanation if the applicant intends to allow any camping or housing facilities during the event and number of people intending to stay overnight.
- [12] Explanation of how the applicant will provide for security, including the number of guards, their deployment and their names, addresses, credentials and hours of availability.
- [13] Explanation of how the applicant will provide for fire protection, including the number, type and location of all protective devices, including alarms and extinguishers, and the number of emergency fire personnel available to operate any such equipment.
- [14] Explanation of how the applicant will provide for food concessions and concessionaires, who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.
- [15] Additional information which may be required to explain the application.

(c) A detailed plan, drawn to a recognizable scale, shall be included that shows the following information:

- [1] The area of the event shall be fenced with specified entrance and exit gates.
- [2] Location of event activities within the fenced event activity.
- [3] Location of toilet and handwashing facilities.
- [4] Locations for holding, collecting and disposing of solid waste material.
- [5] Location of on-site medical facilities.
- [6] Location of any proposed on-site lighting including the source and amount of power and the location of lamps.
- [7] Location of parking for vehicles, including the size and location of lots, the points of road access and the interior routes between road access and parking lots.
- [8] If overnight camping or housing facilities are proposed, show the location.

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

\_\_\_\_\_  
John P. Steinbrink  
Village President

\_\_\_\_\_  
Jane M. Romanowski  
Village Clerk  
Posted: \_\_\_\_\_

\_\_\_ temporary use permit

CODE1609-004

ORD. #16-\_\_\_

**ORDINANCE TO AMEND  
THE VILLAGE ZONING ORDINANCE (CHAPTER 420)  
RELATED TO ZONING PERMIT AND APPLICATION FEES  
IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN**

**THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, DO HEREBY ORDAIN THAT THE FOLLOWING SECTIONS OF THE VILLAGE ZONING ORDINANCE BE AMENDED AS FOLLOWS:**

1. **To amend section 420-27 E entitled Other Application Fees is hereby amended to read as follows:**

E. Other application fees.

(1) An application fee of \$100 shall be paid when any of the following applications are submitted to the Village for review. This application fee covers the costs of preapplication staff conferences with the applicant and his representatives, site visits if necessary, providing copies of applications and related ordinances, and telephone calls with the applicant related to the Village requirements for the proposed project prior to submitting the application.

(a) A minor amendment to a site and operational plan previously approved by the Plan Commission.

(b) Extension of site and operational plan approval that required Plan Commission approval.

(c) Site and operational plan application that requires staff review only.

~~(2) An application fee of \$50 shall be paid when the following application is submitted to the Village for review. This application fee covers the costs of preapplication staff conferences with the applicant and his representatives, site visits if necessary, providing copies of applications and related ordinances, and telephone calls with the applicant related to the Village requirements for the proposed project prior to submitting the application.~~

~~(a) Site and operational plan application that requires staff review only.~~

2. **To amend Section 420-28 entitled Zoning permit and sign fees is hereby amended to read as follows:**

420-28 Zoning permit and sign fees.

A. The following zoning review and inspection permit fees shall be paid to the Village Treasurer at the time any such permit is approved:

(1) New single-family building: \$125 per building.

(2) New two-family building: \$150 per building.

(3) New multiple-family building: \$200 ~~\$175~~ per building.

(4) New principal commercial, industrial, governmental or institutional structure or building: \$200 per structure or building.

(5) Additions or alterations to any dwelling unit: \$50 ~~\$40~~ per structure or building.

(6) Residential or agricultural accessory structure or building, including but not limited to an attached or detached garage, shed, pole barn, deck, porch, sport court, swimming pool, hot tub, or residential communication structure: \$50 ~~\$40~~ per structure or building.

- (7) Addition or alteration to an existing commercial, industrial, governmental or institutional structure or building: ~~\$125~~ \$85 per structure or building.
- (8) Commercial, industrial, governmental or institutional tenant change (without alterations) or an accessory structure, ~~excluding fences~~, or building, (excluding fences): ~~\$50~~ \$40 per structure or building.
- (9) Any residential or commercial fence: \$50.
- (10) Any driveway (new, extend or replace): \$50 per entrance.

B. Sign fees:

- (1) Sign application: ~~\$20~~ \$15 per sign, not to exceed ~~\$140~~ \$105 per application. ~~including temporary signs:~~
- (2) Sign special exception permit application: ~~\$25~~ \$20 per sign, not to exceed ~~\$175~~ \$140 per application.
- (3) Freestanding sign permit: \$55 per sign for first two signs plus \$15 for each additional sign. No sign permit fee for any of the following temporary signs: coming soon sign, community banner sign, special event sign or device, or temporary banner sign.
- (4) Nonfreestanding sign or changing the display area of an existing freestanding sign: \$40 per sign for first five signs plus \$10 for each additional sign. No sign permit fee for any of the following temporary signs: coming soon sign, community banner sign, special event sign or device, or temporary banner sign.

3. **To amend Section 420-29 entitled Other fees is hereby amended to read as follows:**

420-29 Other fees. Other fees are established as follows:

- A. ~~Home occupation: \$40 per application.~~ **Business License:**
  - (1) Initial Application: \$25 per business per site.
  - (2) Annual Renewal Application: \$25 per business per site.
  - (3) Annual Renewal Late Fee: If the business fails to renew the license by January 15 of each year then a late fee of \$10 will be assessed to the applicant.
  - (4) Notice of Change: \$25 per business per site.
- B. Zoning information request: \$100 per parcel.
- C. Parcel information/review letter: \$155 per parcel.
- D. Release of waiver or other similar document: ~~\$100~~, \$55 plus recording fees.
- E. **Performance Bond or Cash Deposit to ensure compliance with permit inspection conditions and an administrative processing fee: \$100 per site.**
- F. Stipulated conservancy permit: ~~\$100~~ \$40 and renewal fee of ~~\$50~~ \$25 only if the application or management plan has not changed for the original permit.
- G. Recording fees: actual cost to record a document at the Kenosha County Register of Deeds office plus ~~an~~ a Village administrative processing fee of \$10.
- H. Special fees. The applicant/property owner shall pay to the Village Treasurer, upon presentment of an itemized statement, a fee equal to the actual cost incurred by the Village for all engineering, attorney and/or other special expert consultation or review conducted by or on behalf of the

Village in connection with the review of an application or request for information; meeting with the applicant/property owner of a project or other engineering, attorney and/or special expert consultation or review services; or review, meeting, research of information for speculative development proposals incurred by the Community Development Department as the Village Zoning Administrator, Plan Commission and/or the Village Board may deem necessary to assure that the proposed application or existing plans or request is in compliance with the provisions of this chapter and the approved plans and specifications.

I. Temporary use Permit: \$150 per application, if a minor agreement is required then the fee is \$250 per application.

J. Commercial communication structure application and permit.

(1) A Class 1 co-location or the siting and construction of a new mobile service support structure and facilities: application fee of \$2,500 to be submitted at the time the application is filed, and a permit fee of \$500.

(2) A Class 2 co-location or any other modifications to a mobile service facility not classified as a substantial modification: application fee of \$100 to be submitted at the time the application is filed, and a permit fee of \$40.

K. Any fee paid by credit card to the Village will be charged and additional finance fee for processing the transaction.

4. **All fee changes in this ordinance shall be effective on December 1, 2016.**

**Adopted this \_\_\_ day of \_\_\_\_\_, 2016.**

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

\_\_\_\_\_  
John P. Steinbrink  
Village President

\_\_\_\_\_  
Jane M. Romanowski  
Village Clerk

Posted: \_\_\_\_\_

\_\_\_-zoning fee changes-business lic and commercial fees