

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
December 10, 2018**

A meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on December 10, 2018. Those in attendance were Wayne Koessler; Jim Bandura; Bill Stoebig; and Brock Williamson (Alternate #2). Michael Serpe, Mike Pollocoff, Deb Skarda, Judy Juliana and John Skalbeck (Alternative #1) were excused. Also in attendance were Nathan Thiel, Village Administrator; Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Aaron Kramer, Deputy Planner and Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER APPROVAL OF THE NOVEMBER 12, 2018 PLAN COMMISSION MEETING MINUTES.**

Bill Stoebig:

So moved.

Wayne Koessler:

Second.

Jim Bandura:

**MOTION BY BILL STOEBIG AND A SECOND BY WAYNE KOESSL. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

- 4. CORRESPONDENCE.**
- 5. CITIZEN COMMENTS.**

Jim Bandura:

If you're here for an item not on the agenda now is the time to speak up and take the microphone, give us your name and address and we will hear your comments. Anybody wishing to speak? Anybody wishing to speak?

**6. NEW BUSINESS.**

Jim Bandura:

Jean, Item A and B can we take those together?

Jean Werbie-Harris:

Yes. You'll need to read both of them into the record.

Jim Bandura:

And we'll have separate motions on it, though, right?

Jean Werbie-Harris:

Correct.

Jim Bandura:

Gentlemen, what's your pleasure for Items A and B combined, separate motions?

Wayne Koessl:

Move we take them.

Bill Stoebig:

Second.

Jim Bandura:

**WE HAVE A MOTION BY WAYNE KOESSL AND A SECOND BY BILL STOEBIG, SO MOVED. ANYBODY SAY AYE?**

Voices:

Aye.

Jim Bandura:

So moved.

**A. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND ZONING TEXT AMENDMENT for the request of John Huggett with The Boldt Company on behalf of Aurora Health Care, Inc., owner of the property located at 12500 Aurora Drive related to related to the Aurora Health Center-Pleasant Prairie Ambulatory Care Center and Medical Office Building to rezone the property into a**

**PUD, Planned Unit Development Overlay District with the underlying M-5, Production Manufacturing District and C-1, Lowland Resource Conservancy District areas to remain unchanged. In addition, to create the specific PUD district requirements for the development related to signage and landscaping of the open space.**

- B. Consider the request of John Huggett of the Boldt Company for approval of the Final Site and Operational Plans (Stage 4) for the interior building plans, landscaping plans, exterior lighting plans, signage plans and the Digital Security Imaging System (DSIS) Agreement and DSIS Access Easement related to the Aurora Health Center-Pleasant Prairie Ambulatory Care Center and Medical Office Building to be located at 12500 Aurora Drive [northwest corner of 104th Street (CTH Q) and 120th Avenue (West Frontage Road)] within the Prairie Highlands Corporate Park.**

Jean Werbie-Harris:

So Mr. Bandura and members of the Plan Commission, Item A is a public hearing and consideration of a Zoning Map and Zoning Text Amendment, and this is at the request of John Huggett with The Boldt Company on behalf of Aurora Health Care, Inc., owner of the property located at 12500 Aurora Drive related to related to the Aurora Health Center-Pleasant Prairie Ambulatory Care Center and Medical Office Building. And this is to rezone the property into a PUD, Planned Unit Development Overlay District, with the underlying M-5, Production Manufacturing District, and C-1, Lowland Resource Conservancy District areas to remain unchanged. In addition, to create the specific PUD district requirements for the development related to signage and landscaping of the open space.

And then Item B, consider the request of John Huggett of the Boldt Company for the approval of the Final Site and Operational Plans or Stage 4 for the interior building plans, landscaping plans, exterior lighting plans, signage plans and the Digital Security Imaging System or DSIS Agreement and DSIS Access Easement, and this is related to the Aurora Health Center-Pleasant Prairie Ambulatory Care Center and the Medical Office Building to be located at 12500 Aurora Drive. This property is located at the northwest corner of 104th Street and 120th Avenue within the Prairie Highlands Corporate Park.

Jim Bandura:

The item is a matter for public hearing. Anybody wishing to speak on Item A?

Jean Werbie-Harris:

Actually I would like to make the presentation first.

Jim Bandura:

Okay, let's do that.

Jean Werbie-Harris:

All right, thank you. The petitioner has purchased approximately 64 acres of land located at 12500 Aurora Drive within the Prairie Highlands Corporate Park. And this is for the development of construction of the Aurora Health Center-Pleasant Prairie Ambulatory Care Center and Medical Office Building.

The proposed \$130 million development would include an approximate 100,000 square foot ambulatory care center, a three story 100,000 square foot professional office building and associated surface parking and open space. The building is situated on the site to accommodate future expansion as the health care needs of the community evolve. The planning and design of the proposed facility would preserve the site's woodlands and natural wetlands, providing care in a natural and healing environment.

The proposed health care facility would offer new and expanded services in an ambulatory care center and a professional office building. The facility is intended to meet the growing health care needs of residents in the Village and surrounding communities ensuring access to high-quality, cost effective care in a convenient location. Within the facility will be operating rooms, imaging rooms, rehabilitation equipment, prep/recovery rooms, clinic exams, food service, a laboratory, pharmacy, and sterilization equipment. The equipment used will support the previously identified departments and rooms. A generic listing of the equipment that will be within this facility will include but are not limited to CT, MRI, X-ray, bone densitometer, mammography, ultrasound, operating rooms, steam sterilizers, disinfectant, crash cart, centrifuge, stretchers, exam tables, kitchen hoods, grills, freezers and refrigerators. A screened mechanical service area will be located on the building.

It is estimated that this facility will provide for 260 full-time and 28 part-time employees working two shifts. This will include 140 new jobs. A total of 737 parking spaces including 24 handicapped accessible parking spaces are being provided with a separate entry. And there will be two dock service court areas are shown on the west side of the building. It is anticipated that the average daily automobile trips would be 2,565 per day with an average of four daily truck trips per day. Access to the development will be from an internal roadway that connects a boulevard entrance to 120th Avenue which is the West Frontage Road and extends to a boulevard entrance at 128th Avenue. There will be no direct driveway access to 104th Street which is Highway Q. A total of three access points are proposed from and to 128th Avenue.

Outlot 1 of CSM 2866 north of the property will provide for regional basins for the Prairie Highlands Corporate Park and will also handle stormwater for Aurora and the southern end of the Corporate Park. The grading of the Aurora lot and the stormwater facilities within the outlot will be completed by Aurora pursuant to the Development Agreement which specifies the obligations and other requirements of the Village and Aurora including the required public and private improvements for the Aurora development.

All public roadway improvements and public utilities serving the Aurora site have been designed and are under construction. The public improvements are intended to be installed by the Village and are anticipated to be completed by the late fall of 2019. The Village is coordinating the electrical services needed for Prairie Highlands Corporate Park street lighting, and Aurora is coordinating their onsite gas and electric service needs directly with We Energies.

As indicated, this is actually our Stage 4 for this project, and so there have been several previous approvals that have been considered by the Village Plan Commission and the Board.

- On April 2, 2018, the Board conditionally approved a Master Conceptual Plan for the Care Center and the Medical Office Building on the property.
- On June 11, 2018, the Plan Commission conditionally approved the Preliminary Site and Operational Plans, Stage 1, for the mass grading of the site, and the mass grading began after the Wisconsin NOI, the Wisconsin DNR Chapter 30 permit and the Wisconsin DOT permit were obtained and submitted as discussed in their precon meeting on June 27, 2018, and the Erosion Control Permit was issued by the Village on July 5, 2018.
- On June 18, 2018, the Board approved the Development Agreement and related exhibits that were executed by all parties on June 21, 2018.
- Also on June 18 the Board approved amendments to the Village Comprehensive Plan, Ordinance 18-25 and the Zoning Map, Ordinance 18-26, and this was to reflect the wetlands as delineated by RA Smith for the Corporate Park including the land being developed by Aurora. The wetlands on the Aurora site are being preserved and protected during site development and following the development.
- July 9, 2018, the Plan Commission conditionally approved Preliminary Site and Operational Plan, Stage 2, for the approval of final full civil plans, underground utilities and footing and foundation plans. Early footing and foundation permit was issued by the Village on August 14, 2018.
- October 22, 2018, the Plan Commission conditionally approved, again, a set of Preliminary Site and Operational Plans, Stage 3, for the building shell. Subsequently permits were issued for the building shell.

So now we're at the final stage or Stage 4. This is final plan set of plans for the development and the final of the associated site and the building improvements for the project including the interior buildout plans, the final landscape plans, lighting plans, signage and the DSIS Agreement and Access Easement. In addition, the Zoning Map and Zoning Text Amendment is being considered as part of the (PUD) Overlay, and that's specifically related to signage and landscaping on the site.

The DSIS Agreement and the Access Easement, the entire exterior of the building and site are covered by a DSIS which has a live view exterior camera view connection to the Village Police Department. The system shall be designed for external coverage for entire site including all building and parking lot entrances and exits, driveways and access locations on the site and the parking lots and access to the common open space areas, and this is pursuant to Chapter 410 of the Municipal Code. It's in accordance with the attached DSIS Agreement and the Access Easement being provided to the Village by the owner. This system shall be Village inspected, approved and operational and must be prior their occupancy.

Zoning Map and Text Amendments, a PUD, Planned Unit Development Overlay, is proposed to be placed on the property with the underlying M-5, Production Manufacturing District, and C-1,

Lowland Resource Conservancy District, areas remaining unchanged. In addition, a Zoning Text Amendment is proposed to create the specific PUD district requirements.

The attached PUD, and as you can see on the slide, includes some variations to the Zoning Ordinance:

- To allow for 25 percent of the open space area excluding the wetlands and woodland areas to be allowed to be planted and maintained as prairie grasses and plants rather than manicured lawn.
- To allow for three primary monument signs and two Secondary Monument Signs within the development.
- To allow for an increase from 600 to 800 square feet of total aggregate commercial advertising signs or wall signs for the 200,000 square foot building.

Building shell construction if you've gone by has commenced recently this this past November with the approval of Stage 3, and the entire project is anticipated to be completed in the summer of 2020. So with that I'd like to continue the public hearings. If anyone has any questions related to the project we do have representatives here from Aurora and representing their consultant as well.

Jim Bandura:

Would anybody wish to speak especially from Aurora? Do a little bit of presentation, give us a little more insight? Thank you.

Brian Esswein:

So I'm Brian Esswein. I'm the construction manager for Advocate Aurora Healthcare. Thank you for your consideration tonight of the PUD. Two items that are on the table tonight for the increase in signage, the monument signage and then the landscape. So this site for us is very, very attractive because it's a welcoming natural site set deep in the lot to allow that experience from our customer base as they come to the sight. Some of the additional requests that we have from the signage and on the increased sign is to allow that visibility to our site which also helps our way finding efforts. Because we find in hospitals as everybody knows it's a little crazy at times. This is to help that visibility to our site, welcome our customers in.

At the same time the landscape plan as it was laid out with the additional prairie grass allows from some extra pathways through the site for some summer activity for our not just customer base but also our employee base. This is something that from the Advocate Aurora side the model's changed. It's more towards the perspective of healing. It's a different elevation. It's more of a welcoming environment. What you see in front tonight for, again, for your consideration are a couple variations to the ordinance to allow some additional interaction with our site for the healthy perspective that we're advocating for the community as well as some general more enhanced visibility in our signage.

Jim Bandura:

Just a quick question, the ground signs, directional signs are they going to be internally illuminated?

Brian Esswein:

So the monument signs are lit which are what you see, the large signs from the corners, all the blue. The drive signs are not, internal to the Aurora drive are not.

Jean Werbie-Harris:

But there's lighting --

Brian Esswein:

Excuse me, there is lighting, there is, again, parking lot lighting to illuminate the whole parking lot and the drive as well, that internal drive.

Jim Bandura:

So the directional signs will be visible at night.

Brian Esswein:

Absolutely. They are not internally lit, they are external from the different light poles on site.

Jim Bandura:

Okay, good. Anybody else wishing to speak on the matter? Anybody else? This is a public hearing. Closing the public hearing. I'll leave it up to the Commissioners for questions and answers.

Wayne Koessl:

With that, Mr. Chairman, I would move that the Plan Commission send a favorable recommendation to the Village Board to approve the Zoning Map and Text Amendments subject to the comments and conditions of the Village staff report of December 10, 2018.

Brock Williamson:

I second.

Jim Bandura:

**WE HAVE A MOTION BY WAYNE KOESSL AND A SECOND BY BROCK WILLIAMSON. ANYBODY READY TO SAY AYE?**

Voices:

Aye.

Jim Bandura:

Motion goes. Welcome. Next, Item B, final site and operational plans.

Jean Werbie-Harris:

I actually made one presentation and so the Plan Commission can take action.

Wayne Koessl:

I move approval.

Brock Williamson:

Second.

Jim Bandura:

**MOTION BY WAYNE KOESSL AND A SECOND BY BROCK WILLIAMSON.  
EVERYBODY READY TO SAY AYE?**

Voices:

Aye.

Jim Bandura:

So moved. We're all set on Aurora.

**C. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #18-26 FOR COMPREHENSIVE PLAN AMENDMENTS for the requests of Brian Johnson, Steven Brown, and James and Michelle Parks, Owners of Lots 15, 16 and 17 of the Countryside Estates Subdivision, respectively, to amend the 2035 Comprehensive Land Use Plan Map 9.9 to place the field delineated wetlands on Lots 16 and 17 into the Park, Recreational and Other Open Space Lands with Interpolated Wetlands land use designations and to place the non-wetland areas on Lots 15, 16 and 17 within the Low-Medium Density Residential land use designation and to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan.**

Jean Werbie-Harris:

I would ask that Items C and D be presented at the same time, one presentation and separate actions on the two items.



Jim Bandura:

Gentlemen, what's your pleasure?

Brock Williamson:

Move to approve.

Wayne Koessl:

Second.

Jim Bandura:

**MOTION BY BROCK WILLIAMSON AND A SECOND BY WAYNE KOESSL. SO MOVED. ALL IN FAVOR?**

Voices:

Aye.

**D. PUBLIC HEARING AND CONSIDERATION OF ZONING MAP AMENDMENTS for the requests of Brian Johnson, Steven Brown, and James and Michelle Parks, Owners of Lots 15, 16 and 17 of the Countryside Estates Subdivision, respectively, as a result of wetland delineations being completed on the properties. Specifically, to rezone the field delineated wetlands on Lots 16 and 17 into the C-1, Lowland Resource Conservancy District and to rezone the non-wetland areas on Lots 15, 16 and 17 into the R-4, Urban Single Family Residential District.**

Jean Werbie-Harris:

Commissioner Bandura and the other members of the Commission, Items C and D are related. And I'll be making one presentation, and we'll need separate actions on both items. Item C is the consideration of Plan Commission Resolution 18-26 for Comprehensive Plan Amendments for the request of Brian Johnson, Steven Brown, and James and Michelle Parks, owners of Lots 15, 16 and 17 of the Countryside Estates Subdivision, respectively, to amend the 2035 Comprehensive Land Use Plan Map 9.9 to place the field delineated wetlands on Lots 16 and 17 into the Park, Recreational and Other Open Space Lands with Interpolated Wetlands land use designations and to place the non-wetland areas on Lots 15, 16 and 17 within the Low-Medium Density Residential land use designation and to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan.

And then Item D is consideration of the Zoning Map Amendments also at the request of Brian Johnson, Steven Brown, and James and Michelle Parks, Owners of Lots 15, 16 and 17 of the Countryside Estates Subdivision, respectively, as a result of the wetland delineations being completed on the properties, specifically, to rezone the field delineated wetlands on Lots 16 and 17 into the C-1, Lowland Resource Conservancy District, and to rezone the non-wetland areas on

Lots 15, 16 and 17 into the R-4, Urban Single Family Residential District. As I indicated these items will be discussed at the same time but separate actions are required.

The petitioners are requesting approval of the amendments to the Village's Comprehensive Plan and Zoning Map to reflect the field delineated wetlands on their properties known as Lots 15, 16 and 17 of the Countryside Estates Subdivision. This subdivision is located just generally east of 32nd Avenue at 106th Place. And this is just west of the Kenosha County Bike Trail.

- Lot 15: On August 2, 2018 the Wisconsin DNR conducted a wetland delineation and found no wetlands as indicated in the Wisconsin DNR September 17, 2018 letter.
- Lot 16: On April 21, 2018 DK Environmental Services, Inc. completed a wetland delineation on the property that was approved by the Wisconsin DNR as indicated in the Wisconsin DNR letter dated July 6, 2018. The location of the wetlands as shown on the attached surveys are located in the rear of the property.
- Lot 17: On August 30 and September 7, 2018, Alice Thompson of Thompson and Associates Wetland Services, a Wisconsin DNR Assured Biologist completed a wetland delineation. The location of the wetlands as shown on the attached survey are located in the rear of the property.

As a result of these delineations, the Village 2035 Land Use Plan Map 9.9 is being amended to place the field delineated wetlands on Lots 16 and 17 into the Park, Recreational and Other Open Space Lands with Interpolated Wetland land use designations and to place the non-wetland areas on Lots 15, 16 and 17 within the Low-Medium Density Residential land use designation. In addition, Appendix 10-3 of the 2035 Comprehensive Plan is being updated to include these amendments.

The Land Use Map and the Zoning Map are required to be consistent, therefore, the field delineated wetland areas on Lots 16 and 17 are proposed to be rezoned into the C-1, Lowland Resource Conservancy District, and non-wetland areas on the Lots 15, 16 and 17 would be rezoned into the R-4, Urban Single Family Residential District. With that I'd like to continue the public hearing regarding these petitions.

Jim Bandura:

This is a matter for public hearing, anybody wishing to speak? Anybody wishing to speak? Please come, take the microphone and give us your name and address.

Renee Proctor:

Can I just bring forward a couple --

Jim Bandura:

Sure.

Renee Proctor:

I guess I have to give my name or something, right?

Jim Bandura:

Yes, name and address please?

Renee Proctor:

My name is Renee Proctor. I live at 10691 32nd Avenue, Pleasant Prairie, Wisconsin. I reside in Countryside Estates. This is very uncomfortable to me to be here tonight. I believe the Village has put me in a difficult position with my neighbors and friends. I'm concerned that tonight's hearing, the time that's allotted, may not be enough time to address the issues. Perhaps another meeting must be set for the community at large to participate in the ongoing water concerns of Pleasant Prairie, the impact that the rezoning and possible future building on these lots will have. Because unfortunately the rezoning of these three lots is not happening in a vacuum.

I want to apologize up front to the current owners of Lots 15 and 17 of which we have now known for 16 years. I want to apologize to the builder who is listed on the public record as the owner of Lot 16 by means of a trustee's deed. So I am sure you are well aware of this whole development process more so than someone like me who has nothing to do with the real estate world. We have never met this gentleman, but to quote the Village of Pleasant Prairie he's a great guy.

Most sincerely I want to apologize to the potential new homeowner who has submitted plans to build a home on Lot 17 with a lot of significant water drainage, a lot with up until this point tonight has a sizeable portion dedicated as wetlands currently utilized by nature and the surrounding area for natural occurring stormwater drainage. This is also said to be true regarding Lot 16 to an even greater degree. And I also should include our lot, Lot 19, and backyard as it is within the wetland, and it serves as drainage for the surrounding area, a fact that I am not disputing.

Unfortunately for Lot 15 you've attached yourself to tonight's meeting due to a small portion or wetland currently on your property until the discussion and matter of tonight's hearing determines otherwise. I apologize because all of this was foreseeable. For the past ten years I have voiced to multiple Village personnel that there is an ongoing water drainage concern, one that I believe is growing in problem, not diminishing. Ten years. The fact that there are water concerns in the area, and that wetlands are currently a part of these lots is nothing new to any of the current lot owner. Nor is it news to the Village of Pleasant Prairie. Nor is it news to the DNR who I have also been in contact during this ten year period.

Ten years is a long time to try to fit in running your own life, careers, activities and events, let alone trying to ask the Village to do the right thing. I am not the Village keeper nor do I wish for the title. It is not my career or life's ambition to follow what they do. I believe it is their jobs as Village employees, and I trust that they do their jobs and will do the right thing. I want everyone to know that I have patiently, patiently tried to have the water concerns and drainage issues in our area addressed, and to date there has not been a working solution, nor has anyone from the

numerous departments gotten back to me. Ten years of trying to live life and then ask the Village to do the right thing.

Along the way I have learned a few things. I learned that a subdivision in Pleasant Prairie is built almost exclusively under the direction of the Village, and it would be difficult to move forward without the approval of Village staff or its engineers. When Countryside Estates was development, in the final subdivision approval memo, it was the Assistant Planner for the Village of Pleasant Prairie who wrote, and I summarize, stormwater detention or retention shall be located at the lowest area of the property and in those areas which now receive the natural drainage. Continuing on, one outlot will be needed for stormwater purposes south of these existing wetlands.

Again, I summarize, but the Village had knowledge that the wetlands and the addition to these detention pond are important for drainage of the area. And I will argue that the need for those wetlands in addition to the value it adds to these properties has increased from a drainage standpoint, not decreased. It is also the Village that told me when we moved in and I voiced a concern over water in the streets that the neighborhood was not yet completed, and that this will take care of itself. In hindsight those water concerns are quite minor compared to what we are looking at today. At the same time I addressed the wetlands, and I asked what was allowable to do as a homeowner. And I was told to keep the areas cut back to let the wetland vegetable grow up into our yard that portions of our yard could then be claimed as wetland.

To approve the rezoning of lots 15, 16 and 17 tonight means that these lots essentially can now be built upon. It also means in order to build on that a significant portion of the wetlands current located on these lots which I mentioned earlier served as necessary drainage for the area has to be deemed non-wetlands so that a home can be placed within the setback limitations allowable by the Village of Pleasant Prairie on these lots. So basically lots 16 and 17 were unbuildable up until the outcome of tonight's hearing assuming that the wetland boundaries can be moved. On the surface this poses a couple quick concerns both which will most likely have an adverse effect on our home, a home within the wetland, a home adjacent to the wetland, a home adjacent to potential building of a new home, the potential adverse effect to our property, the value of our home, and if our property is affected any costs involved to take care of damages to our home.

I really feel I need to include those around us as well as they, too, may be adversely affected. I have to say rezoning lots 15, 16 and 17 and rezoning it if you will of the wetlands doesn't stop with these few properties. The problem is even greater as I shared with the Village of Pleasant Prairie for the past ten years. The drainage concerns involves the stormwater runoff from the subdivision to the north of us which includes water that is coming in from outside of their subdivision, and then stormwater coming from the subdivision to the south of us. How does that affect us? Well, when there is a significant rain the extra flowage from both directions, the north subdivision and the south subdivision come to rest behind our home in the wetlands, in our backyard. We are at capacity. We can no longer pump away any more water without it affecting our home.

It is my belief that the wetlands to the north of us must be at capacity as often it looks like ours are, too. The ground can only hold so much water. I hate to tell you this. And I'm willing to be that some soils don't actually hold water as well as others do which is another issue for this area, the soil or soils in the area, and what can we really expect that nature and its ability to take care of

all this drainage. The water backup and the draining does not only occur at certain times of the year but rather year round which should also be noted, winter, spring, summer or fall.

We cannot govern Mother Nature or the ground beneath our feet to the extent that it will continue to take everything you are asking for it to do. Again, I say none of this is happening in a vacuum. It is all interconnected and it needs to be addressed together. By removing a significant portion of the natural drainage wetlands on lots 15, 16 and 17 the water has to go somewhere. Compound that with building a home or two, and in this case quite possibly three new homes, where does that water go after the home construction displacement takes place? Tell me what I'm not understanding. We remove a chunk of drainage land basically in our back yard, we build new homes next to us displacing even more water, development continues throughout the surrounding area, where is all the water going? I can tell you where.

Two years ago in the words of the Village Engineer himself we stood together, the same engineer that through emails this past week I have learned worked closely with the new builder for the home to be placed on lot 17 putting together the final specifications in regards to the grading, the placement, and the drainage. He told me as we stood in our backyard on the berm between lots 19 and 20 at the edge of the wetlands and at the edge of the detention basin that any development or any fill on those lots would then make our basement the lowest point in the neighborhood basically rendering our basement as the neighborhood retention pond. He even said he looked at the elevation map.

He was there once again at the request of our neighborhood to address water drainage concerns. His findings were that grass clippings and yard waste were clogging up the drainage path. Although none of this debris was our neighbors, he had the grass clippings and brush removed. Nothing has changed with the water drainage concerns. So you can see why I'm here voicing my opinion and objections to the rezoning of these lots plus the removal of the much needed wetlands for the potential construction of new homes. Ten years is a long time.

I also learned that I am not the only one that raised the concern over water drainage in the area. But before the subdivision was finalized Kenosha County in writing raised the same concerns with the development of this subdivision with the Village of Pleasant Prairie. Kenosha County wanted written assurances that the drainage plans were sufficient. It was all done in writing, you know, because someone wanted to keep themselves covered.

As I emailed the Assistant Village Planner who has also the title of Assistant Zoning Administrator of Pleasant Prairie back in October of this year, copying in the realtor of the new potential homeowner that water concerns and issues should all be addressed before an innocent family begins their process to build a new home. I even went so far to apologize for the harshness of my tone as I felt it was unethical and deceitful to continue without addressing all these concerns. You must have a plan is all I can say. And in that plan it must say what the plan is. And in that plan it must say who will maintain it. And in that plan it must say who will be responsible both short term and long term for the maintenance of such a plan. And in that plan it must say who is responsible for any and all costs involved in the engineering, implementation and maintenance and ongoing costs involved to carry out that plan. There must be a plan is all I can say.

After ten years if all these plans rely on the Village of Pleasant Prairie, its staff and engineers I have serious concerns. And then, by that way, I'd like that plan to include an ironclad written and legally binding document that assures not only my home but those homes that may be affected that our properties will not be affected whether it be by water damage, construction damage or ongoing maintenance costs or costs related to the lack of maintenance. For if I were a lawyer I would put all of those things in a document.

Because we purchased our home with the covenants saying something to the effect of lots 15, 16, 17 and 18 plus the outlot shall be subject to a deed restricted wetland. This restriction goes on to prohibit any buildings being placed in the marked areas. It also prohibits any filling, flooding, dumping, ditching, tilling or excavation. In addition, under the terms and effects section, it states something to the effect that these restrictions run concurrent with the land and even placing a 40 year term as part of the covenant. The covenants may also be in question here, but the Village already knows that.

I again say to move forward on any wetland conversation this evening or the redelineation of the wetlands on lots 15, 16 and 17 of which I include the wetlands in our back yard, to continue forward and render a delineation tonight is unethical and dishonest. I ask you what has changed, and I would like to argue with the DNR what has changed. If this was a vacuum and we were really here tonight to discuss the moving of the wetland boundaries, we would be discussing the wetland indicators, soil samples, the amount of samples, the depth of samples, the vegetation or now lack of vegetation now that it has been removed from lot 16 three months prior to the announcement of this evening hearing, and nearly four months before the actual hearing took place.

Conveniently, 25 feet of wetland vegetation was removed to expand the lot. I remind everyone it does not remove the natural occurring stormwater from locating in this area. The water in the wetland which, by the way, a wetland does not need to be wet to be determined or deemed a wetland, we would be discussing those indicators that make up the definition of a wetland such as what has been going on over time with the land. I went back to 1963 using the Kenosha county aerial photos. It can easily be argued we are looking at Mother Nature in action here on these lots. I even found records back to the 1800s if we want to play a game.

Again, I ask what has changed. A couple years ago when the owners of lot 16 came to me offering to sell me the lot for \$50,000 and to it I would get the outlot which I was told originally was ours, I went back and forth with the Village for two days running and out of the office with multiple questions measuring the lots lines and setback as best I could searching for codes and information because they did not offer it up front. When at the end of two days of running in and out of their office was determined that the lot was unbuildable due to the wetlands I asked why didn't you just tell me at the start of all this. Their answer was plain and simple, let the buyer beware. In fact, they even told me that the footage on the street in front of this lot, lot 16, is not even keeping with the Village ordinances.

Fast forward to this past spring when the current owner on record of lot 16 put up a sign as a builder, and I stopped in the Village to say you could not in good conscience let someone thing they're about to build a beautiful home on an unbuildable lot. Not after what you told me just a couple years ago that it was unbuildable. You know what they asked me? They asked me who

was the builder? I showed a photo from my phone that I had taken of the builder's sign. Their response was, quote, oh, we like that builder. He's a great guy, end quote.

I would have liked to have been here tonight to just argue on behalf of the countless songbirds that have started showing up each spring and summer now that the wetland vegetation has grown in. Or the pair of hawks that for several years have returned to the wetland area to nest. Or any number of the plant and animal species that have continued to thrive in this wetland while it's being used as a natural occurring stormwater drainage for our area. I would have liked to have been there on behalf of all that. But that's not what honestly brought us all here tonight. I reiterate the wetlands are currently serving as a significant portion of stormwater control in the area. As building and development continues throughout the area, we have steadily in the 16 years that we have owned our home seen the water situation grow a little bit worse each year. We are at maximum capacity of holding back this water.

You are adversely affecting our home potentially. The owner of lot 15 is a voting board member of our HOA. He is also an individual doing the back and forth communication with the Village of all of this. I kind of believe there's a conflict of interest as he is the owner of one of the lots under consideration tonight. He has a financial gain to be made. I believe I already voiced my opinion regarding lot 16 being that the Village really likes him. He's a great guy, and the wetlands were already allowed to be cut back 25 feet on that lot or more before this meeting was even announced and just after new rules and regulations for the State of Wisconsin went into effect on July 1st of this year.

As for lot 17, the beginning of October, a full month before any hearing notice was ever sent, a realtor contacts our HOA through the owner of lot 15, a voting board member, with plans for approval. This board member presses that our HOA approved this home against the objection of my husband who is also one of the board members. My husband raised the question of water concerns and potentially what implications this might not only have for our home but for any potential new homeowner or for the entire association as well. He was not allowed to enter those objections into the approval of the initial plan. Three of the four board members approved the overall look and design of that home plan.

The plans then moved forward with the Village Engineer to set the grading, the drainage, the placement on the lot in a very specific cycle along with final approval. Those plans were asked to be approved last week, again, before this hearing ever took place. At my husband's urging the HOA agreed to wait until tomorrow evening to make that vote. Again, these plans were submitted before this meeting ever took place. Actions were taken by the Village of Pleasant Prairie before this meeting ever took place.

I ask again why are we really here tonight? The key is these things are not occurring in a vacuum. Ten years has given me a lot of time to see that people are people and we all make mistakes. Hopefully we're trying to do the best that we can to do the right thing not only for ourselves but for everyone involved and for potential new homeowners so that they, too, can call Pleasant Prairie their home. Who stands to gain financially from the move to reclassify and push back the current wetland boundary? I'm not a biologist, I'm not a hydrologist, I'm not a scientist or an expert by any means, and I can currently only speak to the obvious. We have water drainage problems. And to remove a portion of the current drainage plan will only knowingly compound these issues and put our home and those around is in an adverse position. Thank you.

I have pictures that show water that comes right up into that lot 17. I have pictures of our back yard which is also the wetland. Picture of our detention pond. Pictures of how the water doesn't go anywhere from behind the house. What it looks like at the subdivision south of us. What it looks like when our detention pond is filled and our back yard is also filled. What the back yard looks like from the view of the Kenosha County Bike Trail which is overflowing with water sometimes when we have rain. I've also printed off every five years of the area, an overview aerial map of the area in question here. It is clear that there is water and growth that happens naturally in all of these lots. It hasn't changed. I went all the way back to 1963.

I happen to have a copy of what may be the final approval plat for our neighborhood. And in here it actually has some of those things. It shows the lots, it shows the deed restrictions, it shows the four year terms [inaudible]. I don't know what more else I can do. I tried. I tried to do it quietly, I tried to do it without making enemies of my neighbors. I tried to do it so it's not a public forum. You're putting us under water, that's the bottom line. And you're also potentially which makes me even more angry putting at risk new homeowners who are going to build a home of their dreams and potentially put them under water without even knowing it. That's my case. There's a case to be made.

Jim Bandura:

Ma'am, I can understand that. I, too, have water issues in my subdivision. And my lot went from a drainage easement to wetlands to now a floodplain. And I really can't tell you how much the DNR sometimes creates problems. So I can sympathize with you. Mr. Koessler?

Wayne Koessler:

Mr. Chairman, I would like the Village staff to respond to this because this is not our policy of letting water run from one area into another one. Jean, would you do it or would our engineer?

Matt Fineour:

I can provide some input I guess on the stormwater of the area. So what I know is I think about three years ago I was called out there from both subdivisions actually for different reasons. This area is on the borderline of Foxmoor Estates and Countryside Estates. Foxmoor Estates has a pond right below Countryside Estates' pond there. And they both outlet to basically where the bike trail is. And there's a culvert under the bike trail. So when this subdivision was developed both those developments go to retention basins. Those retention basins discharge towards the bike trail, and there's one culvert under the bike trail that takes it from the west to the east.

When I was called out there from the Foxmoor aspect they had some problems with their pond so I looked at that pond. Countryside Estates I think a homeowner president called me out there plus a resident to look at the dry pond out there because the dry pond was not mowed. It was overgrowing with just natural vegetation. And I think at that point in time also then I believe the person who spoke tonight also said that there is some flooding back there by the bike trail area.

When I looked at it, looking at both the plans and actually walking out there, there is one culvert under that bike trail. So when that subdivision was platted it has a wetland area that was platted



around the lots there. It is expected that when drainage goes to that bike trail with that one culvert, whether that culvert's big enough or whether -- it's a three foot diameter culvert so it's going to build up three feet before the maximum capacity of the culvert is. Based on those elevations that wetland area around those areas looks like it would be inundated with water for a little bit until the whole thing drained out.

Worst case scenario in looking at it I've never seen it flood and I haven't seen these pictures. But worst case scenario when I look at like the lots being developed is that, okay, you have a huge rain, whatever the case is, and it's going to overtop that bike trail. So when we look at the subject lots that are having their wetland delineation kind of changed there, when those lots get developed they'll be high enough that even if you get a torrential rain it does overtop that bike trail that those lots are higher than the bike trail.

But I didn't see anything when I was out there that caused me any like eye raising like something is abnormal. I do expect drainage back in that bike trail area to kind of I would say inundate a little bit during that wetland area. It is a wetland, wetland there for a reason. And so I didn't see any. But, again, I didn't look at the pictures. I haven't gone out there and seen it when it floods. I think both association presidents and a couple residents out there if I said if it does flood give us a call and we can go out and at least look at it so we can determine whether it's the culvert, if it's a downstream obstruction that's blocking things up.

I did go out there three years ago and there was a lot of yard debris by the outlet so the inlet on the west side of the culvert there a lot of yard waste was being built up by that outlet. It was hard to tell if it would get clogged. If that culvert gets clogged it could back up. That yard waste was not removed, it's just basically deteriorated over the years through there. But like I said I did not see anything that raised a great concern but, again, I didn't see it flood. Regarding a wetlands itself, just so you -- when it gets redelineated it's an assured biologist that delineates that wetland. So they do look at the plants, they do look at the soils. They're an independent biologist who delineated this one, delineates several throughout the state.

And the third thing I guess I'd just point out is those lots I'd be careful of the term that they've been unbuildable. They've always been buildable. Anybody could go out there and build a home on one of those lots, it's just where the wetland line is. You have to stay out of the wetlands, so wherever that wetland line is you have to stay out of it. And I think it's just a wetland delineation to determine where that line is. And from that determination it looks like it shrunk rather than grew. They usually grow, but it shrunk in these lots, so that's where I think the wetland delineation amendment here tonight is being brought forward.

I'd be more than happy to go out there. I'd be more than happy to have a meeting with anybody who wants to talk about this drainage. But like I said I didn't see anything when I was out there. And we were out there again in October, and we walked the bike trail area just because we heard that there was some rumbling regarding the drainage again back there. And we walked it and we couldn't see anything back there that would cause any flooding, like I said, other than what I would expect it to do just because of the culvert. And I don't mean the culvert's undersized, it just means that if you have -- like I said, if the culvert is a three foot diameter culvert that water's got to build up that three feet to the top of that culvert before the culvert's at capacity. You take the top of the culvert and you basically have a plane that's going across your topography, that's where you expect the water to see.

So, again, I'd be more than happy to go back out there and look at it some more. These pictures might show something that I don't know, but that's about the input that I can provide.

Renee Proctor:

I'm sorry, your name was?

Matt Fineour:

My name's Matt.

Renee Proctor:

Hi, Matt. We met in May of that year, 2016 is the year. We met in there and I followed it up with an email to you. I also want to say I have called in when the water was flowing. I'm going all the way back to 2009 when I called the Department of Public Works after meeting with them twice. And they assured me someone would be sent out. And then we come forward and it's continued noncyclical that way, or cyclical I guess is the right word.

I would also argue that the wetlands have grown, not shrunk. The wetland delineation person did our lot as well as lot 17. She called me on the phone and said that she is a vegetative expert, and she's going to defer to the DNR because they gave the opinion of it being a hydrology thing. That the DNR also felt that wetlands ebb and flow and they grow and they shrink and they grow and they shrink.

I would argue that the course of the life of this area as shown by not only the long-term images but records back to the 1800s show that this area has been wet, remains wet and continues to grow as wet. And as the development in the area continues so does the water continue to grow. It makes sense when you displace water, whether it's one home or a building or a development or a subdivision that water has to go somewhere. I am telling you we are at capacity, and the Village knows this and has been aware of it. And it's not fair. I am, again, asking for the Village to do the right thing.

I purposely kept names for the last ten years out of all my recording for this public hearing tonight. I do not wish to throw anyone under the bus. I have purposely kept written documents between the County of Kenosha and Pleasant Prairie out of it. I purposely kept things out of this public hearing so that the Village has the opportunity to do the right thing. I'm not an engineer, but I do know the engineers have the final say in what goes on and so does the Village. And you're asking to put new homeowners potentially and current homeowners under water. It's not right.

You must have a plan. I'm going back to that argument. You must have a plan, and you must have a plan how it's going to be paid for and how it's going to be done, how it's going to be maintained, and who is going to pay for all that? And then don't all those people have the right to know that they're going to bear the brunt of some new drainage system? Don't they all have the right to speak up that it's going to affect all of their values and their homes? I think so.

I am not opposed to new homeowners coming into the neighborhood. I am opposed to what's happening with the water drainage. And really honestly I would like to keep the wetlands. But I'm not going to keep out neighbors because of the wetlands. We have a water problem. We have a water problem. And if you take away the wetlands that are currently serving as a source of retaining that water and then flowing it out, you're taking away a chunk of the water that's not coming into my basement. And by your words, Matt, in 2016 my basement becomes the neighborhood retention pond. You stood on the berm and said that.

Matt Fineour:

I don't remember saying --

Renee Proctor:

I know you don't remember.

Matt Fineour:

-- or seeing that your basement would have an issue. But like I said I haven't spoken to you since 2016, so if you have pictures or anything I'd be more than happy to look at them, more than happy to take a look at your house and compare it to where it's expected to flood in the wetland.

Renee Proctor:

And as I said in 2016 you said you looked at the elevation maps and my home would become the neighborhood retention pond if anything was to change on that lot.

Matt Fineour:

I don't recall that.

Renee Proctor:

I'm sure you don't, and I apologize for that. But I do and I have records and I have notes. And I apologize again to my neighbors who may never speak to me again, to those trying to sell their lots, to those coming in as new neighbors. I apologize deeply. I sincerely did not want to be here. I started all this nearly ten years ago quietly and patiently.

Wayne Koessl:

Mr. Chairman, a question to Jean. Did we not have water problems with this area years ago? Pardon? Yes, I'm asking you. I thought we had problems with the county with their bike trail and that drainage ditch they had under it or is that not my memory. And what happened to our ordinance where you cannot run water off of one property into another one?

Jean Werbie-Harris:

A couple of different things. This was designed as a single subdivision. So any stormwater that comes to this subdivision needs to be handled by this subdivision or released at a rate no faster than it's coming to the site right now. I mean I'm not aware of all these different things that have been said tonight, and I'm going to recommend that this be tabled so that we can get a better handle on this.

Jim Bandura:

I agree.

Wayne Koessl:

I'm going to move to table it so it can get resolved.

[Inaudible]

--:

I'm the owner of lot 17.

Wayne Koessl:

I don't care if you own 15, 16 and 17, I'm going to move to table this.

Jean Werbie-Harris:

But let me just finish --

[Inaudible]

Jim Bandura:

Let Jean answer the question please.

Jean Werbie-Harris:

So the bottom line is that we rely as a Village on the Wisconsin DNR or assured biologist to determine and to provide to us exact science information as to where wetlands are on the property. I and my staff are not experts with respect to that. So if they give us a revised delineation report that shows wetlands have either increased in size or decreased in size we have to rely on that. We rely on whatever the DNR has assured for a particular property. So I can't argue unless we challenge the delineations, and then we would have to go to SEWRPC or to the Corps of Engineers as to why all these delineators and the DNR have not appropriately identified the soils, suitability and the plant life and any of the other indicators that show that these wetlands exist on the property.

Do wetlands grow and shrink? Absolutely, all over the place they do. But we rely on experts to determine exactly where they were. Could they have shown us something else back in 1990 when this was platted? Absolutely, and it could be different today. The other things that could be going are high ground water and soil suitability with respect to those indicators. So there could be different things that are going on. When I look at this wetland map and then I look at what's on the ground based on an aerial photo it looks like there has been some possible additional grading work that was done or filling work or lawn mowing work by all of the landowners in that area based on these maps. So it really needs to be looked at what it is today, and if there's potential problems we should identify what those problems are.

Were these lots identified to be buildable when this was platted? Absolutely they were, they were. All the lots were legal as platted. And some of these that are on the cul-de-sac they can reduce their width at the setback as long as at the setback line which is 30 feet that they have the appropriate width for that district which is R-4. So all of these lots were legally platted, and they're all of legal size and they all meet the zoning ordinance requirement so that's not a question.

Jim Bandura:

When was this platted?

Jean Werbie-Harris:

It looks like it was about 1990. I'd have to go and find the recorded plat. I'm sorry, 1995. Back then copies of the recorded plat did not come back to the Village. They're down at the Register of Deeds office. So if we have to get it, the original recorded plat, we'll get a copy so that we've got that in our office.

Jim Bandura:

So that's another question.

Jean Werbie-Harris:

The other thing that is much more clear today which wasn't in '94, '95 is that property owners are the ones that are liable, responsible and have to take care of and manage the stormwater management facilities and wetlands that serve that purpose in their own subdivisions. It's not the Village's responsibility, it's the homeowners' responsible as part of an association, or in this case if they placed it as a specific lot owner's responsibility. So there's a lot of research that -- to be honest I didn't know that this was an issue until I talked to my staff right before the meeting. There's a lot of research that we can do on this. I need to talk to the Village Engineer, I'd have to talk to public works.

But, again, the property owners that want to build on these lots they've followed the procedure in having the wetlands delineated and so on and so forth. Maybe one of the things that is quite vague on this old plat as whose responsibility it is to clean and maintain those wetlands so that they serve as stormwater management basins. Today the DNR does not allow us to use wetlands as stormwater management basins. We have separate basins from the wetlands. So wetlands can

be for temporary sedimentation or storage areas, but they really are not intended to be the basins that get dredged and they get cleaned out and then they get expanded if additional stormwater is needed.

There are a number of things with respect to this that I don't have the answers to. Maybe the petitioners have some additional information or Matt or Peggy can add to that. But, again, personally I was not aware of the ongoing water problem. That doesn't mean that there isn't one, but I wasn't aware of it.

Jim Bandura:

I feel like there's too many questions right now. Go ahead, Mr. Koessl.

Wayne Koessl:

Mr. Chairman, through the Chair, I think it's incumbent upon the Village to look into this issue to make sure that everything will be right for the people that are selling property or going to build out there.

Jean Werbie-Harris:

Others are here, and I think that they would like to speak as well.

Nathan Thiel:

And just for a point of clarification it is a public hearing. I don't think the public hearing closed. So they should have the opportunity to speak.

Michelle [inaudible] Parks"

Michelle [inaudible] Parks [phonetic]. I own lot 17 with my husband Jim of Countryside Estates. We bought this lot as a buildable lot next to our former home which is also right next door to it which we've already sold. During that time, yes, it is the responsibility of the Estate, the homeowner's association to take care of this. I empathize with my former neighbors that there is water issues. Do they rise to the level of affecting my lot, no, they don't. As Matt has said these lots are buildable higher up.

I do believe that the drainage issue should be addressed. I'm not doubting that. I think there are culvert issues. I do agree with the vegetation being dumped in there. We have many a neighbors dumping grass, all kinds of stuff in those areas. I do think it should be looked at. I think those issues, though, are separate and apart from what we did here which was legally go about going through -- I not only had an assured biologist come through, I took the most conservative path protecting my neighbors with an assured biologist who also then had the DNR come out a second time to make sure she was doing it all correctly. We followed every letter of the law in having this delineation done. And quite frankly our delineation didn't really move all that much. It just shortened it a bit.

Our lot was always buildable. It still is regardless of where that is. And, again, I think these are separate and apart. To table this I think is the wrong thing to do. There's pending sales out there. I think there's interference with those sales that are going on. But I don't know why we should be looking at potentially devaluing our properties as well here without having any say whatsoever. Thank you.

Jim Bandura:

Anybody else wishing to speak?

Renee Proctor:

The final delineation of the wetland was done in 1998 by SEWRPC. I have been in discussion with SEWRPC both by email, and to my knowledge they did not delineate it at this time. It was all done. I had the same wetland expert come out and do our lot that did Michelle's, lot 17. She's the one who called me and said after she met with the DNR she would defer to the DNR because they were -- I don't know, I'm not putting words in her mouth but hydrologists, their expertise in vegetation. I paid a great deal of money for that delineation as I'm sure Michelle and Jim did as well.

I also said in my email which I'm positive I copied Michelle in it I have no means of hindering or holding up their sale of their home. But I also am not going to roll over after ten years of addressing this issue and let our home go under water. And I apologize for that. I also apologized up front. I apologized when Michelle approached me this past spring or this past year and said they were going to fill in their lot. Which I said to her you can't fill it in. This isn't a surprise to anybody. This isn't a what if. This is ongoing. And, again, it was not my intention to make this a big public problem. That wasn't my intent.

[Inaudible]

Jim Bandura:

Anybody else wishing to speak? Anybody else?

--:

I'm Michelle's husband. And first of all as far as I'm concerned and I think not to speak for my wife I'm not going to not talk to people over this, Renee. I understand you're trying to protect your house. I get that. I am an engineer but I'm not a civil engineer or an environmental engineer, so I don't know anything about wetlands. But that is exactly why we got the assured biologist that we paid a lot of money for to make sure that this was done right. Even knowing that the lot, again, as my good wife as said was buildable before we even got the assured biologist. The person who was the buyer requested that be done. It makes sense they wanted to know where that delineation was. And so we went through that process. And we've done everything I think that we legally have needed to do.

I'm a little disturbed that there's these things going on potentially for years that weren't addressed. But I guess I don't get it. I don't understand. You've got professionals here. There's

one thing I would say, an issue, the builder that is looking at our lot has never been in contact with your engineers. Has never. Well, he might have been in contact, but they have no relationship before this even happened. And so the idea that there was something nefarious going on between the builder who wants to build on our lot and the Village I think is a bit ridiculous.

Jim Bandura:

Thank you.

[Inaudible]

Jim Bandura:

Please take the microphone.

[Inaudible]

--:

[Inaudible] even announced that plans were already in place for the development of those lots. That the wetland was already cut down before this wetland delineation took place, a portion of that wetland on lot 16. But before this meeting ever came to place tonight our HOA was asked to approve a preliminary house plan. And then this last week an email comes through that they were in works with the Village Engineer closely to get the final home plans approved. That all happened before this meeting ever took place. I'm not saying it's nefarious. I'm not saying it's underhanded. I'm not saying whatever. I'm saying these are the facts as I know them, and I don't think they're right. Not when I've spent, guess how many years, ten years politely asking for this to be addressed. Please feel free if there's more to add to this.

[Inaudible]

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So, again, we put our lot up for sale. A buyer came forward.

Jean Werbie-Harris:

Refer to the lot numbers.

--:

So that's 17. They were talking about 16, we're 17. We put our lot up for sale. We have a pending offer. They asked for the delineation to be done. I believe, I could be corrected, but I believe that their house can be built regardless of the delineation. They submitted their house plans. There's nothing nefarious about that whatsoever. They submitted their house plans. They've been working with the Village to see if those house plans can be approved. That's it.

Our neighbors did contact the real estate agent for our buyer, sent them emails. I was not copied on those. I was forwarded them during that time and said, you know, they shouldn't even be



building on their property. That did happen which is why we're here tonight. Because we have followed everything, again, to the letter of the law. So did our potential buyers of this house. We have a sale pending. That's it. Thank you.

Nathan Thiel:

So can I just add a few points of clarification because I'm trying to catch up. Just for clarification of tonight's meeting, what's being reviewed tonight is the delineation of the wetlands.

Jim Bandura:

Correct.

Nathan Thiel:

Sixteen and 17 they have submitted plans. It will come to the Plan Commission at some point in time, grading, verifying and making sure that there's no water that's being pushed onto other peoples' properties, things of that nature. That's not being brought forward tonight. So anything that's --

Jean Werbie-Harris:

And that would only go to the staff.

Nathan Thiel:

That will go to the staff, correct, okay. But I guess the point that I just want to clarify is that it was implied that we've just approved things, and we're coming here asking you to rubber stamp something and that is not correct and inappropriate. I don't appreciate that being thrown at any of my staff. And so the point is that if the Plan Commission would like us to go back and verify with DNR and verify with this biologist to make sure that everything is appropriate and adequately addressed we can do that.

Having said that I have confidence that due diligence that that's taken place. And our staff will be, as they review plans they'll be making sure that water is not being pushed onto other properties as we always do. So I feel bad that there's not a significant level of confidence in the staff. There was voices of skepticism in our efforts. That's disappointing to me. But at this point I don't know if we're going to be able to fix that.

So what's before the Board this evening, and if you want us to go back we can, but what's before you is a delineation was done. DNR has responded. I will say that wetlands do change over time, they do ebb and flow. This time it was to the benefit of the property owners. Sometimes that is not always the case. The majority of times that is not always the case, but that's what's before the Plan Commission this evening.

Brock Williamson:

Can I just ask two questions, real quick two questions? In our agenda there's a picture on Exhibit 2 that shows a detention pond. But that picture is an aerial shot, there's no water in it. Does water ever go into that detention pond and what is the purpose of that? And then it looks like two culverts going through the bike trail. What happens with that water? I mean is there any concern east of the bike trail as well?

Matt Fineour:

So the detention facilities there the Countryside's detention pond is a dry basin so it's not a wet pond. I think when I visited out there like I said it was -- no one mowed it or anything, it was just growing natural vegetation pretty tall. So drainage from that subdivision enters that pond, goes through that vegetation. There's an outlet to that detention facility. And that outlet it's directed towards the bike trail. And then there's a pond just south of Countryside Estates, it's Foxmoor Estates pond, that is also a dry basin in there, and that discharges towards the bike trail. There's one culvert under that bike trail.

And so the wetland area that is being discussed here this evening is not in a detention basin, it's not a stormwater management basin or anything like that. It's just kind of an extended low area from that bike trail that when water builds up along that bike trail area it's going to enter that wetland. So that wetland when you look at the grading plans through the subdivision grading was basically carved around that wetland to avoid it. And that wetland is really adjacent to the bike trail. So that's kind of how that works, but there's only one culvert under that bike trail. And there's a storm sewer from that cul-de-sac on the north that discharges towards that bike trail as well. It goes down the bike trail area to that one culvert that crosses it.

When we looked at that culvert, like I said, on the upstream side on the Foxmoor and Countryside Estates, there was at that time when I was out there in 2016 there was a lot of yard waste being thrown back there. When we went out there again this fall that yard waste was kind of just naturally rotted. I mean you could still tell it was there. Then on the other side of the bike trail there's a natural creek there. You can only walk so far on a typical day, but whether there's a beaver dam somewhere downstream or something like that that backs water up that could potentially be a case, too, at some point in time.

Brock Williamson:

Would the detention pond help her case? I mean is that intended to relieve water from your property?

Renee Proctor:

I'll go back to the detention fills when it rains as well as the wetlands. And if I go back to when the County of Kenosha for the development questioned whether the drainage with consideration [inaudible] in their letter if that drainage was sufficient for this new division, Countryside Estates, they had to go back to an engineer. And it's not the Village Engineer but an engineer that [inaudible] plans of the neighborhood. That engineer came back and said per the Village Engineer requirements it's going to be sufficient.

Again, after all of that it was the Village Assistant Planner who said that in addition to, as I said earlier, in addition to the wetlands, in addition to those low areas, this detention pond was needed. So the two things are needed to sufficiently drain our neighborhood. Both fill up. I'm not kidding, they both fill up. And then they overflow when we end up with the extra overflow from the north subdivision and the subdivision from the south. I didn't catch the gentleman's name [inaudible]. I'm in front of the outlot. So I know there was another point I was going to back. I feel badly, but this isn't new news. The outlot fills up, the detention pond fills up. It's meant to slowly release the water as part of nature. That's what I can tell you.

[Inaudible]

Jim Bandura:

Please take the microphone.

--:

It was cut at one time. It hasn't been cut ever since so it is full of vegetation, full. So I don't know what would happen if it was actually cleaned and cleared. So I think that is part of the hindrance, too.

Renee Proctor:

The detention pond was cut for many years until the neighborhood decided to stop paying their association fees. When the association stopped paying their fees, a few of the neighbors, is when our neighborhood went through a change. We brought that before the Village of Pleasant Prairie as well. When the neighbors that chose to hold back their association fees the subdivision owner who was maintaining that and all of the pieces that needed to be maintained per all the plats, per all the rules, per all the regulations that they had to jump through for this subdivision to be made, it stopped being maintained and then the cattails grew in. The cattails over time I was told were part of nature's vegetation and part of drainage. I questioned that. I was told that was wrong, I was wrong to question that.

Two years ago when Matt came out he cited a whole different rule, one about noxious weeds, we could fine you guys for noxious weeds. Every turn it like a whole other rule that they could cite us or fine us or give us another ruling on what they could do. But I agree the vegetation is there. If that's a hindrance, great, it's not the hindrance. The water has been there. This is a ten year ongoing problem. It gets a little bit worse every year, and that water problem didn't start when the cattails came, it was prior to that.

Jim Bandura:

Ma'am, we understand that, and we'd like to move forward on this.

Bill Stoebig:

Can I ask one more question? What was your name again?

Renee Proctor:

Renee Proctor.

Bill Stoebig:

Renee. So I'm looking at the plat that you provided us, or not provided us but that you presented. And just looking to me it almost looks like this area that's green in your yard is all wetland so --

Renee Proctor:

In fact, as ten years has afforded me I've learned a whole lot more that maybe the Village shouldn't have allowed my home to be built because in this plat, and really I'm going to share it now --

Bill Stoebig:

Well, so you didn't build on the wetland.

Renee Proctor:

I get that, but this plat which the Village approved or something very similar to it our lot which is lot 19, let me go around the corner here, the staking of SEWRPC's 1998 wetland encompasses over half of our lot. So it would have been pretty difficult to build our lot but it was built. And that same SEWRPC 1998 delineation has been in effect until just this year. So there are things that I say are questionable. I came for ten years patiently and quietly. The Village has chosen to let this be a public issue instead of let's just do the right thing. I want [inaudible] to be able to sell [inaudible]. I want new homeowners to move into the neighborhood. I want for things to be done right. But if you agree to move forward with the wetlands delineation as the DNR is [inaudible] it with the Village, I can't help but I know you say I'm kind of leaning that way to assume things, how could all of that building or approval of home plans or the working in conjunction with the builder to make plans --

Bill Stoebig:

So my point, though, why I bring this up is so you didn't build in the wetland, but what you're arguing tonight is that a delineation should not be changed according to what a biologist has deemed--

[Inaudible]

Bill Stoebig:

But yet letting your property go back to a wetland state or a vegetative state to take on that water there appears to be a little bit of I don't want to use a condescending term but --

Renee Proctor:

Go ahead, say it [inaudible] --

Bill Stoebig:

There's just a little bit of a disconnect in the sense that you're making the claim and asking your neighbors who the biologist is saying that it's not wetland, and you're saying they can't claim that property. But yet at the same time there's property in your own yard that technically is probably wetland, and yet you're not maintaining it like wetland. Do you follow what I'm saying --?

Renee Proctor:

[Inaudible] what I'm telling you also is what you just pointed out that the land that looks green in our yard which goes up to almost the back of our deck would be wetlands. And when you approved the home lot --

Jean Werbie-Harris:

We didn't have setbacks of 25 feet at the time.

Renee Proctor:

Oh, we did because when we moved in [inaudible] they told us we had a 25 [inaudible].

Jean Werbie-Harris:

No.

Renee Proctor:

How do you know this now?

Jean Werbie-Harris:

Because I've been here for 30 years.

[Multiple Conversations]

Renee Proctor:

[Inaudible] because I have emails.

Jean Werbie-Harris:

I don't anything about your emails, but I'm just telling you the rules were not always the same. At the initial point we didn't have setbacks to wetlands. It wasn't until after we learned about the significance and the encroachment that residents were going into the wetlands that we started to

look at it a lot more seriously, and the Plan Commission and the Board created a defined 25 foot setback.

Renee Proctor:

Okay, so then you're saying our house is built basically in a wetland because --

Jean Werbie-Harris:

No, no, no. What I'm saying is that you're not maintaining a 25 foot setback to what was identified as wetlands on that plat. I'd have to go pull out all your original documents to see. But just looking at that and just looking at what the area looks like today --

Renee Proctor:

Well, our house [inaudible].

Nathan Thiel:

Your home would be what we call legal nonconforming.

Jean Werbie-Harris:

Right.

Nathan Thiel:

Meaning that it was built -- I'm presuming, I wasn't here at the time, but I'm presuming that your house was built outside of the wetlands. And that what policy came later on is that there would be a 25 foot setback. If we had had that policy in place when your home was built then it would have changed the dynamics of your house.

[Inaudible]

Jean Werbie-Harris:

You would have to look it up, she would have to look it up. But how did all your back yard get graded and green, I mean how did it become a manicured lawn if that was all wetland?

Renee Proctor:

You can argue this. [Inaudible] conversations here before this so I understand where this is coming from. I'll tell you this --

Nathan Thiel:

No, there have been no conversations prior to this. This is me looking at your plat that you presented tonight. This is the first time I've heard of this issue. So, again, for the record I want

to be very, very clear, I want to be very, very clear that this was me observing it tonight and bringing up these points.

Renee Proctor:

When we purchased our home in 2002 we were told there was a 25 foot setback. So we purchased our home in 2002, we did not build it, it was built. We purchased it as it was being built. So we knew when we purchased our home that there was a 25 foot rule where that house could go to. So we knew that the end of our stair steps if you will was at the 25 foot mark or within the right to be built with 25 feet at least to the wetlands. When I went to the Village Hall in 2002 I asked what we could do with the wetlands. I was told to keep it cut back so that it would not encroach into our yard. And so the wetlands [inaudible]. But when it has flooded over the last 15 years it has flooded up to the almost exact lines and levels of elevations that you will see on all the coming history. It floods right up into our yard --

Jean Werbie-Harris:

Because it was natural floodplain or natural wetland.

Renee Proctor:

[Inaudible] it's almost scary that something from 25, 30, 40 years ago is exactly where that water is going. It's still there. It's not going away. It's nature. You can't govern nature.

Jean Werbie-Harris:

It's a natural wetland area because of the soils.

Renee Proctor:

[Inaudible] the documents I have say that the Kenosha County questioned it and that the Village knew of it. And that in some of the runs of finalizing this subdivision they knew that the wetlands needed to be used as a natural occurring drainage, and in addition a detention pond had to be there. It's all in the 17,000 revisions of the subdivision being [inaudible]. And I also understand that a developer just doesn't make these plans up themselves. I believe after reading through years of information that a poor developer has to jump through all kinds of hoops. And even in one of the memos it said it couldn't be approved unless it approved by the staff and the engineers of the Village of Pleasant Prairie.

[Inaudible]

Jean Werbie-Harris:

It's designed by the engineer of the subdivision. And then they will review it, but they don't redesign it.

Renee Proctor:

Okay, and then I'll say to that one of the letters that came back from an engineer on behalf of the developer was that they were going to the specifics of the Village of Pleasant Prairie. That the developer's engineer, I believe it's the developer's engineers, don't quote me, I don't know this information verbatim, but one of the letters that I read said that that engineer also put it back in [inaudible] to say that they were conforming or meeting the requirements of Pleasant Prairie's engineers. So now not only does Kenosha County have it in writing because they wanted to cover something clearly, an engineer working on behalf of the developer needed to make sure that it was in writing that a Village engineer mandated the flowage or out flowage or the side of the culvert. And then that's a question because now you got me going, Matt, I'm going to ask you where does all the water flow from the Countryside Estates? Where does the design flow because I've gotten several answers to this over the years?

Matt Fineour:

Well, the drainage that we're talking about goes to the culvert that crosses the bike trail. So you can see the creek right in that photograph in the lower right hand corner that's where it kind of goes to.

Renee Proctor:

That's where the retention -- the detention pond drains. Where does the [inaudible] water go?

[Multiple Conversations]

Matt Fineour:

The cul-de-sac has a storm sewer that discharges towards the bike trails.

Renee Proctor:

And where does that water go to?

Matt Fineour:

It goes south to that creek to that culvert.

Renee Proctor:

[Inaudible] go north. Is it designed to go north?

Matt Fineour:

No, it goes south.



Renee Proctor:

The public departments of works or public works department one time we sat down, and they explained to me how a detention pond works and how the flowage is designed in our neighborhood. One of those discussions is the water flows south to the creek that runs out. Another portion of the discussion is that runs north and runs out and everything goes under the bike trail. So I guess, again, there's questions. Where is the water designed to flow? Who is maintaining it? One of the earlier things I even raised was, gosh, maybe we just need to dig the ditch along the back of the bike trail which [inaudible] you'd have to discuss that with Kenosha County. I never got an answer for that. I don't know. I'm trying really hard, I'm trying really hard.

Jean Werbie-Harris:

And I can just add one more piece of information is that when this home was built the application was submitted in May of '01, the project was put on hold at that time so a new wetland delineation could be done by SEWRPC. And it was approved by the Village in July, July 9th of '01 when a new wetland delineation was done that pushed the wetland delineation marking and the wetland boundary I should say further to the east.

Renee Proctor:

Okay, so SEWRPC this year did not have that on record to give me so just so you know.

Jean Werbie-Harris:

They provided it to us.

Renee Proctor:

They had the 1998 one. So that's why I say there's so many questions.

Jean Werbie-Harris:

So it changed significantly.

--:

So [inaudible] what's actually built --

Renee Proctor:

But also to go to what you're saying is what I believe after I've lived here 16 years the wetland as nature had provided is literally up to our deck.

Jean Werbie-Harris:

Well, the soil, the groundwater --

Renee Proctor:

Right.

Jean Werbie-Harris:

The groundwater storage, that's different.

Renee Proctor:

So when you're asking that and you're asking to push away more water our basement is the lowest point in the neighborhood.

Jim Bandura:

Okay, we understand what the issue is here. However, the Village has gotten all of the information from the wetland staking. And, again, as I mentioned earlier the DNR can create some problems for a lot of people. So this is something that I think needs to move forward with the stipulation that working with the Village, and if the wetlands need to be redelineated so be it.

Jean Werbie-Harris:

The wetlands all have been delineated on Renee's property and the Parks' property. Everyone has got the new delineations. The problem is that they're either very saturated soils, high groundwater or some type of drainage problem that needs to get resolved as part of the building [inaudible].

Jim Bandura:

But they still could question the DNR, am I correct?

Renee Proctor:

I am then questioning the delineation done this year on all the properties. That's what it is. I'm questioning it.

Jim Bandura:

We understand. We've got one more gentlemen here.

Brian Johnson:

I thought I should talk, too. Thanks for the opportunity.

Jim Bandura:

Your name and address please.

Brian Johnson:

My name is Brian Johnson, 3132 106th Place, and I'm the owner of lot 15. So with all due respect to the Proctors I do understand their concerns, and I do think they should be addressed. However, I think what Nathan said a few minutes ago is where we're really at. It's either do we trust the DNR then we should move forward and approve. If we don't trust the DNR then it's a whole other issue. Thank you.

Jim Bandura:

Thank you.

Brock Williamson:

Like you I kind of have some water issues, and Matt has come out and looked at that. And, again, it's putting trust and faith in Matt. We had a really severe storm years ago, and the water did actually come up over the road in front of us. It ran down through the ditch down to the area behind us. Our sump pump runs frequently when we have heavy rains. But on the other side of it that's just kind of what we know living where we live. And then it gets to a certain point and I don't hear our sump pump for months. So it is a very challenging situation. But, again, water has to go somewhere, and it seems like it is designed to go up and over the path if it's beyond capacity of the culvert at the time.

Jim Bandura:

Moving forward if there are no other comments I'm going to close the public hearing, questions and comments, and move it to the Commissioners for their questions and comments.

Wayne Koessl:

Mr. Chairman, unless the other Commissioners have some comments I'm ready to make a motion.

Brock Williamson:

I have another quick other. Is there any way to add some riprap to the east side of the bike path to kind of keep that more an open flow to make sure that that's not in any way impeded when we get these high volumes of rain?

Matt Fineour:

On the east side, yeah, we can take a look at it. I think on the east side we can take a look and make sure that that area is clean. We walked a decent portion of it, but then again we didn't go walking the whole creek. So we can take a look at the east side if there is riprap or there needs to be more riprap in there.

Jim Bandura:

Jean, did you have a comment?

Jean Werbie-Harris:

Yes. I just wanted to mention that this is a Plan Commission recommendation this evening. So if the Plan Commission chooses to conditionally approve subject to any conditions, we can either at this point do some further research before it goes to the Village Board, or move it to the Village Board and conditionally approve it again. So, again, it goes to the Plan Commission tonight just as a recommendation, but it's the Board that has the final say or final approval on this consideration.

Jim Bandura:

Understood. And I think that needs to be looked at, and I'm in agreement with that. Mr. Koessl?

Wayne Koessl:

There's been a lot of comments back and forth about this issue. And I've always had complete faith in the Village staff. I think the petitioners have followed the letter of the law and know what they had to do to get their delineation done. And I think that I'm going to make a motion that the Plan Commission approve Resolution #18-26 and send a favorable recommendation to the Village Board to approve the Comprehensive Plan Amendments as presented. But I want to add a subject to it that the Village will look into the cause of the water problem in this area and see if they can find a basis for resolving it.

Jim Bandura:

As your statement, Jean.

Jean Werbie-Harris:

And it may involve lots 15, 16 and 17 looking and participating with us in making sure that their stormwater is being handled appropriately.

Jim Bandura:

I understand and I hope the Commission understands that that a full discussion with all of the owners needs to --

Brock Williamson:

Right, the homeowners association needs to be more involved --

Jim Bandura:

Correct.

Brock Williamson:

-- in focusing on that area to make it move through.

Jim Bandura:

Gentlemen we have an approval. Do we have a second?

Brock Williamson:

Second.

Jim Bandura:

**THERE'S BEEN A MOTION BY WAYNE KOESSL AND A SECOND BY BROCK WILLIAMSON. GENTLEMEN, WHAT'S YOUR PLEASURE, YEA OR NAY?**

Voices:

Aye.

Jim Bandura:

It's been approved to move forward with the discussion pending.

Wayne Koessl:

And we have one more, don't we?

Jim Bandura:

Yes, we do. We have Item D, public hearing and consideration for the Zoning Map Amendments. This is a public hearing. Anybody wishing to speak on it? Anybody wishing to speak? No one else?

[Inaudible]

Jean Werbie-Harris:

If we could just clarify --

Jim Bandura:

Then I'll close the public hearing now.

Jean Werbie-Harris:

Are you looking for the staff to work on this before it goes to the Village Board and be conditionally approved by the Plan Commission and then staff sit down with the affected property owners and work on resolving this before it goes to the Village Board.

Jim Bandura:

I would say yes because -- would we have time?

Wayne Koessl:

Would you have time to review that before it goes to the Board on Monday?

Jean Werbie-Harris:

Well, the problem is is that there needs to be drainage plans that get put together for 15, 16 and 17. Fifteen they were working with the Village Engineer -- 17 was working with the Village Engineer. Fifteen and 16 we have not put together, and I don't think the property owners or builders have put together drainage plans yet.

Jim Bandura:

Do you think that would be feasible?

Jean Werbie-Harris:

In the next two days no.

Jim Bandura:

So staff recommendations are to approve?

Jean Werbie-Harris:

We can't issue building permits until we have drainage plans for the affected lots. I don't know without talking to Matt whether or not one lot will affect the next. Typically they do. And so I don't know if he's looked at all three of them together at this point or if he's just looked at the drainage plan for 17, I don't know. I'll defer to Matt.

Matt Fineour:

Lot 17 has started a grading plan so they were kind of looking at how to grade the lot for it. So 17 does affect the adjacent lot. But I did call the property owner to see what kind of house they were thinking of placing there. So I think 17, 16 and 15 can be kind of -- normally they would submit individual grading plans because their houses are going to be developed at different times. So as far as the drainage to me I think the wetland issue is separate. We can address the drainage as a separate entity. I can certainly work with our Administrator and planning staff here to go

over the situation out there that I know of. And then kind of get a little bit more information from anybody who is out there that's experienced flooding or seen it and come up with something different. But I don't think the development of those lots is going to affect the outcome as far as any kind of solution or anything like that about cleaning the drainage way back there or anything else.

Wayne Koessler:

That was the intent to my motion that we were to approve the Resolution 18-26 which would include those three lots. Because they have gone through all the steps of getting them done. But the added part was that the Village should look into the issue of that water problem in that area.

--:

But they can still do that with the Village Board approval, right?

Jim Bandura:

Right.

--:

So it's a matter of, again, there's a lot of things at play that still need to move forward that we have the commitment of the Village staff to look into it.

Jim Bandura:

So in the interim the Village staff can meet with the owners prior to the Village meeting?

Nathan Thiel:

I think at this point Matt and I will reach out to the HOA, and we can look into the drainage issues. At this point I think it would be prudent for us to bring this forward, the recommendation forward to the Village Board at the next Village Board meeting. And we'll also have staff address kind of our next steps as far as discussing drainage with the HOA. I don't think that tying the wetland to the drainage issue is going to -- it's going to delay things and probably not resolve very quickly.

Jim Bandura:

**OKAY, WE HAD A MOTION BY WAYNE KOESSL AND A SECOND BY BROCK WILLIAMSON ON IT. SO WE SHOULD MOVE FORWARD --**

[Inaudible]

Nathan Thiel:

It's closed right now.

Jim Bandura:

We closed it.

[Inaudible]

Jim Bandura:

I closed it. Thank you.

Wayne Koessl:

We're ready for a vote.

Jim Bandura:

We're ready for a vote then for that. And you made the motion.

Brock Williamson:

And I seconded it.

Jim Bandura:

All right, moving forward we're all set.

Voices:

Aye.

Jim Bandura:

So moved.

## **7. ADJOURN.**

Bill Stoebig:

I would move to adjourn.

Brock Williamson:

Second.

Jim Bandura:

All in favor?



Voices:

Aye.

Jim Bandura:

So moved. We're adjourned.

**Meeting Adjourned: 7:44 p.m.**