

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
May 28, 2013**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on May 28, 2013. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessl; Jim Bandura; and John Braig. Donald Hackbarth, Andrea Rode (Alternate #2), Larry Zarletti and Judy Juliana (Alternate #1) were excused. Also in attendance were Mike Pollocoff, Village Administrator; Jean Werbie-Harris, Community Development Director; Tom Shircel, Assistant Village Administrator; and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE APRIL 22, 2013 PLAN COMMISSION MEETING.**

John Braig:

Move approval.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO APPROVE THE MINUTES OF THE APRIL 22, 2013 MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE.**

Jean Werbie-Harris:

I have none this evening.

5. CITIZEN COMMENTS.

Tom Terwall:

If you're here tonight for an item that's on the agenda but is listed as a public hearing we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as a part of the official record. However, if you're here for an item that is not a matter for public hearing, now would be your opportunity to speak. We'd ask you to step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments?

6. OLD BUSINESS.

A. TABLED PUBLIC HEARING AND CONSIDERATION OF AN AMENDMENT TO CONDITIONAL USE PERMIT #12-10 for the request of Attorney J. Michael McTernan agent for VIDHYA Corp, VIII, Inc., the property owners, to allow BP Amoco to operate the gasoline station and convenience store located at 10477 120th Avenue after May 1, 2013.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a public hearing in consideration of an amendment to the conditional use permit 12-13 for the request of Attorney J. Michael McTernan, agent for VIDHYA Corp. VIII, Inc., the property owners to allow BP Amoco to operate the gasoline station and the convenience store located at 10477 120th Avenue after May 1, 2013.

As you know, this is an item that was tabled by the Village Plan Commission, or continued I should say, from their last meeting in April. And what I'd like to do is for the record I do not want to read the first six and a half pages of comments back into the record again. It has been introduced in the record previously, and it covers the findings of facts up to November 19, 2013. Again, this was made part of the record, and if I have an agreement by the Plan Commission I would agree that this information also become part of the public record. And if we do need to discuss anything, we certainly can go back to any one of those particular items.

Wayne Koessl:

You know we've had this on our agenda so much that most of the Commissioners know it almost word by word. I think we ought to just hear the engineer's report, and if the staff has any questions we can go from there. They were told last month that if they didn't have anything 100 percent they shouldn't even come back here because they weren't going to get their extension with the conditional use permit. And I think the engineer ought to tell us where they're at with that, and if they're not 100 percent it's goodbye baby.

Tom Terwall:

Jean?

Jean Werbie-Harris:

Well, I guess I don't disagree with everything that you said, but what I'd like to do is for the record since this is a conditional use under findings of fact, I would like to introduce items starting on page two 1 through items 30 on page 10. So all that information I'd like to introduce as part of the public hearing record this evening. And under findings of fact from November 19, 2012 and to the present I would like to just read that one page of staff comments. And our Village Engineer is here, he does have a staff report that I reference and I will reference as part of the findings of facts, and he can review specifically that engineer's report as well.

So continuing with the findings of fact with the previous information entered into the record:

31. A Settlement Agreement was executed between the Owners of the BP Gas Station and the Village on November 19, 2013. The Agreement stipulated conditions and milestones that the owner must be in compliance with in order to allow for continued operation and the remediation of the illicit discharges from their facility. There has been substantial progress and completion on the remediation. And, again, the engineer will read his comments into the record under the findings of fact.

The substantial completion date was extended from April st to April 22nd and then to May 20th. The second extension was as a result of a request by the owners' legal counsel to allow the diesel and gasoline sumps to be replaced. During the installation of the well piping and the electrical for the pumps, it was discovered that the condition of the existing sumps was extremely deteriorated and that replacement was the best option and additional time would be needed for this and it was granted by the staff.

32. One provision in the Settlement Agreement was to keep the groundwater levels eight feet or more below the ground surface. The Village Engineer provided a table which shows that these levels were exceeded five times for the diesel sump and twelve times for the gasoline sump. Again, we'll talk about that in a little bit more detail.
33. Communication between the owners' environmental consultant and the Village and the Village's consultant, Drake, had been sporadic and was not always timely, but is now all the parties are now communicating well. Village staff had not received timely sampling results and a required update to the site investigation plan as specified in the Settlement Agreement Amendment. We have been meeting several times since then though. And the engineer was told that Midwest, Northern Environmental and Misurelli Construction were unaware that there was an Amendment to the Agreement. The third groundwater extraction well has now been constructed as of today which was Friday, April 19, 2013. And it wasn't initially constructed but it is now constructed I should say. The engineer had called the counsel and reminded him and they, again, have worked through all of those details. Since that time all of these issues have been resolved between the parties.
34. Work that has been completed is acceptable. However, this spring submittal of required information had been inconsistent and in many instances has had to be prompted by the Village staff and our consultant. The reports are now being filed with the Village. And then in the staff comments and the information we have copies of the Settlement Agreement Amendment an exhibit of milestone dates and gas well levels.

35. Since the November meeting, the DSIS Agreement and the Easement have been executed, and the new camera system has been installed and is operational. All other exterior site work has been completed. And this pertains to the zoning and any other concerns with respect to operation from a zoning standpoint.
36. See the attached Memorandum from the Village Engineer dated May 23, 2013 which provides a spring 2013 update to the Settlement Agreement work efforts. And that's provided as Exhibit 11.
37. 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 or purpose of the Village Ordinances and meets the minimum standards for the 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, will comply with the applicable Village ordinance requirements and all other applicable federal, State or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer and water service, noise, storm water management, streets and highways and fire protection.

So with that I'd like to maybe switch it over to Mike Spence, our Village Engineer, and then he will go over the engineer's memo that he prepared this past week.

Mike Spence:

Good evening.

Tom Terwall:

Give us your name and address.

Mike Spence:

Mike Spence, Village Engineer, 9915 39th Avenue. I put together a memorandum that stipulates the conditions that were part of the Settlement Agreement and also the Amendment. And I just wanted to go through the items and indicate what the status is here. The Settlement Agreement called for the owner to conduct interim remedial activities that has been complete. They were required to submit a written plan for sampling and analytic testing that has been completed. They are supposed to submit daily inspection logs on a weekly basis on the property. Generally these have been submitted. There have been a few times where they've been a few days late. For example, I have not received inspection logs for this past week. But I do have them all through last week.

They were supposed to do a preliminary site investigation plan, and then based on the sampling results develop and implementation and remediation plan. This is still ongoing. And that doesn't mean that they haven't done what they were required. It's just a dynamic situation. They have

Alpha Terra go out to the site approximately I think about three weeks ago and do some soil probes. We haven't gotten the sample results back yet. But this is going to be ongoing as long as we're cleaning up the site. So that's not necessarily a deficiency.

They've installed groundwater monitoring wells. They have prepared a preliminary remediation plan. They've contained contaminated materials on the property. They did install some blocking recovery wells near an outfall to eliminate transmission of contaminated groundwater to the ditch. They replaced a storm manhole that was allowing contaminated water to get into the piping and discharge to the ditch. They did do some restoration of areas that were disturbed by the treatment facilities.

Substantial completion date was modified to April 22nd of this year, and they achieved that date. The final completion date was May 20th, and I'll go through the following items regarding that. As I just indicated the revised site investigation plan is ongoing. I've asked for as built plans of the facilities that they've constructed onsite. I have not received those as of today. Emergency action plan, power loss, they have indicated that the owner is going to sign an agreement with the consultant to provide routine operations and monitoring. I have not received that, but I think that's critical to keep them accountable. I want to make sure that somebody is monitoring. It's a system that was designed to be not real complex, but yet somebody needs to know what to do if there are problems. So I've asked for an agreement to be executed that we get a copy of that somebody would be monitoring this.

A provision in the Settlement Agreement also required the owner to pay all reasonable costs related to the remediation program. As of the 22nd of May they owed \$45,000 and change. When noticed they did pay this the following day. So to my knowledge everything that they were required to pay that they've been invoiced has been paid. The monitoring and sampling results, again, this is ongoing. The building and the fire and the electrical inspections for the treatment facilities have all passed.

In summary they have installed a treatment system to treat groundwater onsite. They've treated well over 200,000 gallons since they started the system. As we've indicated in previous meetings, there were some issues with communications. They have improved. I won't say they're perfect yet, but they are better. The system is dynamic in that we're still working on the cleanup portion. I think we've got a pretty good handle on the actual treatment system. Matter of fact, they've treated so much groundwater that they're actually going to be replacing the media in the treatment system this week which is actually sooner than I think they had anticipated.

So the main thing that's outstanding as I indicated is the overall remediation of the contaminated soils around the site. I'm expecting any day now the results of those soil probes that I mentioned earlier which will indicate hopefully the extent of the contamination and how much and where the soil should be removed. So we expect to have a plan and establish dates for that. In the audience tonight we also have the Village's environmental consultant, D.J. Burns from Drake. The owner is here as well, as well as the owners' counsel if anybody has questions that I can't answer.

My recommendation is they have made a lot of progress, and I think that the conditional use permit should be granted. However, I'm recommending that it be issued for a certain amount of time because I think they need to be held accountable because this system is still dynamic and ongoing. So with that I'll answer any questions.

Wayne Koessl:

Through the Chair to Mr. Spence, our Village Engineer. Do you think 90 days would be adequate to finish that project?

Mike Spence:

I guess when you say finish I guess you mean in terms of --

Wayne Koessl:

Mike, I don't know if they're ever going to finish.

John Braig:

Wait a minute. Break it into two sections. There's work that has to be completed and it should all be done by now. There's other work which is of an ongoing nature such as sampling and that periodic. So I guess the question would be is everything done that should be done other than the ongoing activity?

Mike Spence:

I think if I understand what you're asking, Wayne, is that when will the remediation --

Wayne Koessl:

Remediation is the main concern of mine.

Mike Spence:

Right. I don't have a schedule for that at this point. But I think once I get the report and I know the extent of the contamination, if they don't have to do any more sampling and we know the extent of the contamination in the ditch, then I think it should not be too time consuming to basically get someone in there and haul the dirt out and replace it. So I guess I'd like to defer to our consultant to answer how long he thinks the remediation would take. D.J., do you want to give you r name and address.

D.J. Burns:

Sure. D.J. Burns with Drake Consulting Group. Address is N105 W7585 Chatham Street, Cedarburg, Wisconsin, 53012. The question I think, Commissioner, that you're asking is, again, broken down into two parts. What is it going to take to get the system implemented and fully operational. I believe Engineer Spence basically gave you a rough idea that 95 to 98 percent of the actual system construction and implementation activities have already occurred.

Ongoing, though, with regard to the treatment of this site and the cleanup of the groundwater that underlies the site I believe that the owners' environment attorney, Attorney Don Gallo, at one

point equated this cleanup to attempting to get the water out of a sponge or contaminated water out of a sponge. So this cleanup effort is going to be a lengthy effort. That is, it's expected I think if I'm not mistaken, Attorney Gallo can speak to this, but the cleanup of the groundwater out there could take as long as ten plus years with this system being operational. Correct me if I'm wrong, Don.

Don Gallo:

No, that's right on.

Mike Spence:

I guess there's a couple things, Wayne. The groundwater, that system is going to be operating for quite a while. Again, as far as the remediation once we have the report it may be reasonable, and Don I don't know if you want to speak to 90 days to get that?

Tom Terwall:

Give us your name and address, Don, for the record.

Don Gallo:

Don Gallo. I'm with Rinehart, Boerner. And my address is 1386 South Highway 83, Hartford, Wisconsin.

Tom Terwall:

Thank you.

Don Gallo:

Thank you. The data is in on the north ditch, and it's surprisingly clean. There's one hot spot just north of the outlet so upstream a very short distance. And we're preparing a final report. I have the draft on my desk. I just got it. And we could complete that, in less than a month that will be done. That's going to be a job that will be hand dug. We were going to vacuum excavate, but it's so small we'll just hand dig the hot spot. But D.J. is right, the amended investigation is going to take a while. And it's real strategic. And we have done a ton of fingerprinting analysis. So we have fingerprinted the age of the contamination at various locations. And we're preparing a report from a lab in St. Louis that has analyzed the source and the age of the contamination. From that then we'll develop a remediation plan. But as D.J. pointed out I wouldn't be surprised if this system will run for ten years easily.

The way it works is we have seen some very major contamination when we put in those sumps, and that's why we needed the extra time to replace them and to do it right. And there was a massive amount of old black contamination. And that fouled the media or consumed it. And so we're replacing that. And now as the system operates it should get better and better because we're knocking down a lot of the contamination. But it still will run for years. That's the way they work. I'm happy to entertain any questions. But I'm pleased with the way it's working.

Tom Terwall:

Let us continue with the public hearing because I'm sure we're going to have questions. Is there anybody else wishing to speak on this matter? Anybody else? Mike, do you have anything else you wanted to add?

Mike Spence:

Not at this point.

Tom Terwall:

Then I'm going to open it up to Commissioners. I'm going to make a comment. I think the Commission's primary concern is that we hold the property owners' feet to the fire in that we get the ongoing results that we're looking for on a timely basis. And if that happens I'm prepared to support the continuation of the plan. But I think we need to have some teeth in the proposal so that they can't drag their feet again. Because I don't want this coming before the Commission time after time after time. Wayne?

Wayne Koessl:

Well, Mr. Chairman, as you know I've always been opposed to this remediation and the way they've been dragging their feet. I'm not going to vote for any extension unless it's in 90 day increments so we can keep holding their feet to the fire, and our Village Engineer can keep getting the data that is essential to us. I think if we give them a one year extension they're just going to lollygag again.

Jim Bandura:

Question to Spence. What are the milestones for the testing and the reports that you need. To Wayne's issue going 90 days for the conditional use permit is in my mind okay, but I would like to know what your milestones are that you need for all of the testing and having them come back to us and say, yes, they've been following this whether it's 90 days or 180 days or what have you. I'd still like to know the necessary milestones that you need to see that you could bring back to us and say, yes, they are following it.

Mike Spence:

Alright. Well, right now the most immediate milestone is the submission of the sampling results from the site investigation activities that the owners' consultant performed on the north ditch. That was to determine the extent of the contamination. So Attorney Gallo had indicated that that report is there. I guess I would like to see that report within a week. And then we're going to probably need, my consultant and I will need probably a week to review it. And then if everything is satisfactory, and it is supposed to include a soil remediation plan, so at that point an actual remediation would take place. In other words they'd take contaminated soil from the ditch and remove it to an approved landfill.

Jim Bandura:

So in Wayne's issue of 90 days that seems to be reasonable?

Mike Spence:

In my estimation yes it is.

Jim Bandura:

So that's a three month conditional use permit in effect. So I guess I'm not opposed to that. This way we would now the progress, and if there is anything that comes about we can bring it back to staff and figure out whatever else is needed going forward on that.

Michael Serpe:

Mike, even if we granted a one year extension, wouldn't you continue to be doing checks on that site for contamination?

Mike Spence:

Yes, this is correct. To me this was obviously an important enough issue that I have had one of my staff go out there on a daily basis to check the site, to check the water that's in the ditch. He pulls the manhole lids to check the levels in the monitoring wells. So at some point those checks have revealed that everything's been compliant. They're keeping the groundwater level low. At some point I'll probably back off a little bit, but I do plan on continuing to monitor that because that's important.

Michael Serpe:

Our biggest thing here, and correct me if I'm wrong, the leaking of the tanks has totally stopped, correct?

Mike Spence:

Correct.

Michael Serpe:

Okay, and that was the biggest concern going in along with the contamination of the soil going east.

Mike Spence:

Correct.

Michael Serpe:

And now measures have been put in place to correct that and a lot of money has been spent.

Mike Spence:

Correct.

Michael Serpe:

I guess if we approve this for 90 days does that affect their liquor license as well?

Mike Pollocoff:

For their liquor license they need to be in compliance with all Village ordinances as a first indicator, and they're on their way. I believe they also have an outstanding property tax issue that they're going to need to resolve in order to secure their liquor license. I know the staff is recommending that the conditional use permit be extended for a one year period. And we are, as Mike indicated, sending personnel out there to monitor this. I think one of the things that we want to achieve in a one year period, and for my mind it becomes critical because from a staff perspective we don't have any faith that the applicant is going to monitor the system and maintain it adequately. That's why I think one of the key points that Mike had brought up is we need to have a contract with someone, see the contract that someone is going to be taking care of the system, monitoring it, that it's going to be sampled and taken care of since that hasn't happened in the past. We need to be able to evaluate that through a year.

I believe if the Plan Commission was to extend the -- grant the permit for a one year period, and if there was violations in the interim, the existing agreement would take ahold, and we would issue fines related for violation of that agreement. We can probably have our counsel, Tim Geraghty, describe for you what the one year period means, and is that going to resolve the issues at hand. There has been a lot of progress that's been made, but I think a couple things that need to be taken care of is going to give us some certainty.

I think if we keep coming back in 90 day increments it's going to allow the Commission to have a closer look at what's happening, but we're at a point now where we have quite a bit of data, and once we're certain that the monitoring is going to continue and the maintenance continues maybe we can forestall that. We want this place to operate clean, and even though they're paying for our time to do this it's still public resources that are diverted away from doing what they're normally doing to go out and monitor to make sure the station is operating right. We need to move away from that situation.

Michael Serpe:

I think as long as we're able to monitor what's going on over there and get the reports and fines in place when they don't want to comply, I really don't want them to come back here in 90 days. I think we've had enough of this for about the last year and a half. And I might add that this is all done without the help of the DNR.

Tom Terwall:

That's the point that I was going to raise. My frustration lies with the fact that we're even addressing this issue. Where the hell has the State been? They certainly haven't been doing their job, and they pulled a Pontius Pilate on us and washed their hands and said, here Pleasant Prairie, this is your problem. It's not our problem. But as I see it we have two options. We can either say, no, we're going to pull the permit and that shuts them down, and then you know we're going to go to court, and we're going to be there longer than you and I are ever going to live before the thing finally gets put to bed. So I'm in favor of granting the one year extension with teeth so that everybody knows what's required. And if they don't want to follow that then let's go to court.

John Braig:

How many times have we've going to do something and then grant them an extension with teeth. I'm going to read something that we've got here that's from our findings of fact. We hear it many times, so much so that I think we're trying to almost ignore what it really says. But it says, according to Article XVIII of the Village zoning ordinance, we shall not grant conditional use permits unless findings of fact, the application and related materials, etc., comply with all Village, federal, State, local requirements. In other words we can't approve it unless we have the confidence it complies. We know it doesn't. We know it hasn't. We know for a while it won't.

Michael Serpe:

But I think to this point we've finally got them to where it's being acceptable. And as Mr. Gallo said and the consultant it could be up to ten years before that soil is clean. So what you're saying is we shouldn't grant it for ten years. that's a little -- as long as we have the ability to monitor, and they're going to continue to clean, and they're subject to fines, I think we're okay with a year.

John Braig:

But do you have --

Michael Serpe:

And then it will correspond with the issuing of the liquor license as well.

John Braig:

But do you have the confidence that they will monitor and will keep the equipment operational through it? We've seen indications that they haven't done it.

Michael Serpe:

Let's put it this way. I don't think that company wants to go through again what they went through with us. I don't think that they want to go through that again. At least I don't want to go through it again, and they're spending the money, and I don't think they want to do it either.

Jim Bandura:

I really don't want to see them here every 90 days either. I guess the Village attorney as long as he's looking at it and he has the teeth in the agreements that we're all looking for that's fine. A one year is okay with me because then he can come back and say this wasn't really completed, they didn't follow this or they were late in reports or whatever. So my dime is going to lay on the attorney to look this through and come up with something.

Tom Terwall:

Do you have a recommendation for us, Mr. Geraghty?

Tim Geraghty:

Yes. Tim Geraghty, 6301 Green Bay Road, Kenosha. The agreement itself contains liquidated damage clauses that apply if they don't do certain things. They're generally daily fines that can be assessed. In addition, the agreement says that any violation of any terms of the agreement also violate the conditional use permit. And so under general Village ordinances they would be out of compliance subject to fines and, obviously, subject to another revocation hearing if that were the case. So we've tried to build a lot of things in there. The liquidated damages were added to the agreement primarily to simplify the process of collecting fines if they don't live up to what they're supposed to do. But the other key point is if they're not their conditional use license could be revoked as well as those fines and the liquidated damages.

Tom Terwall:

Wayne?

Wayne Koessl:

Through the Chair to Mr. Geraghty, how long have they been violating the original conditional use permit?

Tim Geraghty:

I can't remember the time before the Village started the revocation proceedings, but I think our first hearing was probably in July last year on the petition to revoke.

Wayne Koessl:

And all they do is make a travesty of every conditional use permit we have issued because they just keep dragging it out and dragging it out, and his cash register keeps ringing selling gasoline. And he doesn't care about any of our ordinances. That's why I thought a 90 day review would be a lot better than giving them a one year extension. Give them a challenge that they have to work at.

Tom Terwall:

Mike, if we were to grant the one year extension that doesn't preclude us from revoking in the meantime, right?

Mike Pollocoff:

Within that one year if the staff felt that they were in violation of the permit we'd bring them back in here on a revocation to have the permit taken away. I think, and I appreciate and understand Commissioner Koessl's frustration in this, and we share it, too, but in one perspective they've made significant progress, and we're walking a line between taking away the conditional use permit or making it onerous, and we have nobody operating the pollution control equipment at that point. And given the fact that the State's not going to step in and do anything, this is the one remedy we have to make sure that the environment underneath that station and that area gets cleaned up and resolved. I don't know how long they're going to be able to operate the station under the limits we placed on them because they're fairly onerous from a cost standpoint and an operation standpoint.

Mike Spence:

Mr. President, can I make a comment?

Tom Terwall:

Please do.

Mike Spence:

To address John Braig's comments, that's why I've asked for an signed agreement with the owner and an environmental manager to manage this. And I can assure you that I want to take the responsibility to make sure that that agreement covers everything that needs to be covered so that we do have some level of confidence. And so I plan on insisting that that agreement have reporting requirements, that the person that's there checking the site and all that that he reports to me on an agreed to frequency. So I think that's one way to allay your concerns about responsibility.

John Steinbrink, Jr.:

Could you expand a little bit? You say you'd hire a manager or consultant to direct operate or control the monitoring system? You want to expand on that?

Mike Spence:

Yes. I mean basically it's not real technical, but there is a system out there that requires some monitoring. We think that it's probably in the best interest of the owner to have someone with technical knowledge that can be on call, for example, if an alarm goes off. I mean we've already set the groundwork for these things, and we set up the system to be able to address things that might occur. So, for example, if the alarm goes off, I've talked to the counsel for the owner and

all that, and we're trying to craft an agreement that gives a certain amount of time for the manager or the environmental consultant to come on site and address the issue. And we're talking like within an hour or two.

John Braig:

But that agreement does not exist at this time?

Mike Spence:

Correct.

Tom Terwall:

And what's the status of its development? Who is developing that agreement?

Mike Spence:

My understanding -- I've talked to the counsel, I've asked for this, and my understanding is that they're working on it. The company that I believe they're thinking about hiring is called North Shore Environmental. So there have been discussions, just I have not seen anything yet. I don't know if Mr. Gallo can comment on that.

Tom Terwall:

Please do.

Don Gallo:

I think that's the key that this company is an environmental response contractor. So they have 24/7 responding to spills all over the State. So this agreement is really important. That's the heart of the agreement because, as Mike says, it's not really complex but there's a lot of factors that can go wrong there. There's three different pumps, there's a lot of different issues. The other thing that I would include is like a two month escrow so that there's money and there's funds to continue the operation. But I think you're right the worst is over. The biggest concentration of contamination has been addressed. But the continuing operation is really important.

Tom Terwall:

Will you be the author of this?

Don Gallo:

Yeah.

Tom Terwall:

You will?

Don Gallo:

Yeah.

Tom Terwall:

Can you give us approximately how much time that you're going to need?

Don Gallo:

I can have an agreement in two weeks, but it's a three way negotiation. So the owner, the contractor and the Village have to all review it. So it's going to take probably --

Tom Terwall:

A month?

Don Gallo:

A month or six weeks at the most. But that's the key. This agreement is what will provide performance for you. It's not the -- the north ditch is a real simple issue. That's not the most important thing. This agreement is.

Michael Serpe:

I have one question not of you, Mr. Gallo, the owner. I'd like to ask the owner a question if I could.

Tom Terwall:

Need your name and address, sir.

Dixit Patel:

Yes, my name is Dixit Patel.

Michael Serpe:

Address?

Dixit Patel:

Address I'm at 1386 White Oak Lane, Illinois, Chicago.

Michael Serpe:

You've been listing to this, you've been a part of this since the beginning except when your father passed away, I'm sorry to hear that. Do you have any comments about what you're hearing tonight?

Dixit Patel:

Yeah, just I spend this kind of money and still I have times, now it's three more months. I [inaudible] I hired all the companies monitoring everything. So now just somebody [inaudible] for a year, three months is a problem. So [inaudible].

Michael Serpe:

We're talking a year's extension here.

Dixit Patel:

Yeah.

Michael Serpe:

And you're okay with this.

Dixit Patel:

I already have a company for monitoring.

Michael Serpe:

And you're okay with everything you've heard tonight?

Dixit Patel:

Yeah, fine.

Tom Terwall:

Thank you.

Mike Spence:

Again, can I make another comment? Mr. Gallo mentioned an escrow or whatever as part of the agreement. I think that's a key component, and I guess I'd just like to encourage that that be part of the agreement.

Tom Terwall:

Will Mr. Geraghty be representing the Village in this negotiation?

Mike Pollocoff:

Yes, he will.

Tom Terwall:

Because we're not counting on the State to do anything.

Michael Serpe:

Yeah, amen to that.

Tom Terwall:

What's your pleasure?

Wayne Koessl:

Jean wants to make a comment.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, if you choose to approve the conditional use permit for one year I would recommend that it be approved until June 10, 2014. We have a Plan Commission June 9th. So then it would be approved up to basically that Plan Commission night and that next day. If it was extended at that time we would have that one full year so we don't have to worry about not meeting the proper dates. The other thing is that the staff would be willing to provide just a status update report to the Plan Commission every 90 days just as a discussion item or just an informational item on the Plan Commission agenda.

Tom Terwall:

Appreciate it.

Jean Werbie-Harris:

So that you would know what would be going on. So that would be four times over that time period so that you would know what is taking place with respect to the monitoring, that the development agreement is moving forward, and other things have been taking place pursuant to what Mr. Spence had been talking about. So those things I just wanted to make sure were part of your motion. And I wasn't sure if we had closed the public hearing or not.

Tom Terwall:

I'm going to do that right now. Close the public hearing.

Michael Serpe:

We did already, that's why we commented. Mr. Chairman, I'd move approval of the conditional use permit number 12-10 to expire June 10, 2014 with the conditions wet forth by Mr. Spence and Ms. Werbie-Harris.

Jim Bandura:

Including the escrow.

Michael Serpe:

Yes, that was a good move, Don, including the escrow.

Tom Terwall:

And subject to completion of the agreement, correct?

Michael Serpe:

Yes, correct.

Jean Werbie-Harris:

And all the comments and conditions as outlined and discussed this evening.

Michael Serpe:

Yes.

Wayne Koessl:

Mr. Chairman, as you know the way I would like to vote on this. But I have complete confidence, faith and trust in our staff. BP I have no faith in, but I'm going to vote for the one year extension and take Jean up on the 90 day report to the Plan Commission. This has to end sometime, and this is getting to be [inaudible]. Alright, I'll second the motion.

Tom Terwall:

I NEVER THOUGHT WE'D SEE THAT. PROGRESS IS BEING MADE. IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO GRANT THE ONE YEAR EXTENSION OF THE CONDITIONAL USE PERMIT TO EXPIRE ON JUNE 10, 2014 SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE

STAFF MEMORANDUM INCLUDING A TWO MONTH ESCROW AND A COMPLETION OF THE AGREEMENT BETWEEN THE PARTIES.

Wayne Koessl:

And the conditions outlined by staff.

Jean Werbie-Harris:

And discussion this evening.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed?

John Braig:

I can't quite bring myself to voting in favor but I'll abstain.

Jean Werbie-Harris:

And just for the record we needed four affirmative votes by the Plan Commission, of the majority of the Plan Commission for this to pass.

Tom Terwall:

You got four, yeah.

Jean Werbie-Harris:

So let the record show we do have four affirmative votes.

Tom Terwall:

I want to thank staff, Mike, thank the attorneys, Mr. Gallo and Mr. Geraghty. We need your continued involvement in this thing because we've got to get this thing put to bed once and for all.

John Braig:

A comment I made before this meeting started referred to 95 percent of the work in politics and in government is accomplished by staff, and we do appreciate it.

7. NEW BUSINESS

A. A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE for the request of Toni Howland, agent for Harpe Development LLC to use the house located at 10382 Cooper Road in the Village Green Heights Subdivision as a model home.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, as part of the public hearing record, this is a request of Toni Howland, agent for Harpe Development LLC, to use the house located at 10382 Cooper Road in the Village Green Heights Subdivision as a model home.

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

Findings of Fact

1. The petitioner is requesting a Conditional Use Permit for Harpe Development LLC to use the house located at 10382 Cooper Road as a model home. It's referred to as Exhibit A. The subject property is known as Lot 64 in the Village Green Heights Subdivision, located in a part of the Southwest One Quarter of U.S. Public Land Survey Section 23, Township 1 North, Range 22 East in the Village and further identified as Tax Parcel Number 92-4-122-233-0164.
2. The single-family lots within the Village Green Heights Subdivision are zoned R-4, Urban Single Family Residential District. Pursuant to Section 420-108 C (1) (b) of the Village zoning ordinance, a model single-family home and related temporary real estate sales office or marketing centers are allowed in the R-4 District with the approval of a Conditional Use Permit issued by the Village Plan Commission.
3. On February 13, 2013, the Village issued the required zoning, building and erosion control permits, Permit No. 13-02-008, for the construction of a 2,676 square foot single-family dwelling. Prior to use of the house as a model home, a verbal to occupy shall be issued by the Village. The required final plat of survey shall be submitted with verification that the property has been graded in accordance with the approved grading plans. In addition, the property shall be completely landscaped, and the driveway shall be paved by prior use of the home as a model home or sales center.
4. Pursuant to Section 420-148 (67) of the Village zoning ordinance, the model home and sales center may be located in a new development for a period not to exceed two years from the date of occupancy, and the Plan Commission may set specific time frames for which the model home and marketing center can be open.

5. The petitioner is proposing to have the model home open during the following hours: Monday through Friday by appointment and Saturday and Sunday from 9:00 a.m. to 4:00 p.m. Village staff recommends model hours of 9:00 a.m. to 4:00 p.m. or by appointment.
6. Parking shall be provided on the driveway and is allowed on Cooper Road adjacent to the lot. No parking is allowed on STH 165 or 104th Street. Vehicular parking shall not block any driveways or fire hydrants and shall not be allowed on the street during a snow emergency and it should not hinder any traffic visibility.
7. The conditions for approval of a model home, including the zoning ordinance Conditional Use Permit standard conditions pursuant to Section 420-148 (67) are set forth in the staff recommended conditions of approval and are identified as part of the staff memorandum.
8. Notices were sent to the adjacent property owners via regular mail on May 9, 2013, and the required notice was published in the *Kenosha News* on May 14 and 21, 2013.
9. The petitioner was emailed a copy of the Plan Commission memorandum for the May 28, 2013 meeting on May 24, 2013.
10. 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, related materials and any information presented at the hearing this evening that the project as planned will not violate the intent and purpose of any of the Village ordinances and it meets the minimum standards for granting of a Conditional Use Permit.

With that I'd like to continue the public hearing.

Tom Terwall:

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

Jean Werbie-Harris:

Just let the record know that the petitioner is in the audience.

Tom Terwall:

Does the petitioner care to add anything?

Dustin Harpe:

Dustin Harpe, 7530 39th Avenue, Kenosha. More than likely we won't have any set hours. Typically it's by appointment. We just put the weekend in there just in case we choose to do that. But generally we just do it by appointment only so we don't have large amounts of cars in the front or anything. Usually it's one or two cars that will be able to park in the driveway.

Tom Terwall:

Any problems or questions regarding the conditions set forth by the staff?

Dustin Harpe:

None at all, no sir.

Tom Terwall:

Thank you. Go ahead, Mike.

Michael Serpe:

This house is going to be built or is built?

Dustin Harpe:

It's in the process of being built.

Michael Serpe:

Okay. Did you build a couple homes in Ashbury?

Dustin Harpe:

Yes.

Michael Serpe:

And we had a couple complaints. I don't know if you knew about this about some of your construction workers not being the neatest people in the world.

Dustin Harpe:

We haven't really built any in the last two years. I've had one under construction this year, only one this year.

Michael Serpe:

Okay, I just wanted to let you know that please keep an eye on this.

Dustin Harpe:

Yes, sir.

Michael Serpe:

Very exclusive neighborhood out there, and we don't want any problems.

Dustin Harpe:

Absolutely.

Jean Werbie-Harris:

Dustin, is this home going to be used in the parade of homes?

Dustin Harpe:

It's going to be in our fall tour of homes but not the parade of homes. So we do our own show now where we have -- I think we'll have three that will be in this neighborhood. But, yes, this will be in our show at the same time.

Jean Werbie-Harris:

So with that statement I guess I'd still put in the hours as we recommended them because it could be just outside of just the appointment hours if, in fact, you're in a parade or a local tour.

Dustin Harpe:

And that will be Saturday and Sunday. Our show is just Saturday and Sunday for two weekends, and we wouldn't have it open outside of those hours.

Tom Terwall:

Thank you. Anybody else wishing to speak? Anybody else? Hearing none I'll close the public hearing. Comments and questions from Commissioners?

John Braig:

Move approval.

Wayne Koessl:

Subject to the conditions by staff?

John Braig:

Affirmed.

Tom Terwall:

Is there a second?

Wayne Koessl:

I'll second.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL TO GRANT THE CONDITIONAL USE PERMIT 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. Jean, you want to discuss B and C at the same time?

Jean Werbie-Harris:

Yes.

Tom Terwall:

I need a motion to combine Items B and C for purposes of discussion.

John Braig:

So moved.

Michael Serpe:

Second.

Tom Terwall:

MOTION BY JOHN BRAIG AND A SECOND BY MIKE SERPE TO COMBINE ITEMS B & C. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- B. Consider the request of John Holborow of EVO Development for approval of Site and Operational Plans for the proposed 9,000 square foot multi-tenant building to be known as The Plaza at Prairie Ridge generally located at the northwest corner of STH 50 and 104th Avenue within the Prairie Ridge West Commercial Development.**
- C. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT for the request of John Holborow of EVO Development to amend The Prairie Ridge West Commercial Development Planned Unit Development for signage modifications for the proposed 9,000 square foot multi-tenant building to be known as The Plaza at Prairie Ridge.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, item B is to consider the request of John Holborow of EVO Development for approval of site and operational plans for the proposed 9,000 square foot multi-tenant building to be known as The Plaza at Prairie Ridge generally located at the northwest corner of STH 50 and 104th Avenue within the Prairie Ridge –

Tom Terwall:

Is that correct?

John Braig:

Northwest?

Jean Werbie-Harris:

Oops, that's southeast.

Tom Terwall:

What's the correct location?

Jean Werbie-Harris:

Southeast corner of Highway 50 and 104th Avenue within the Prairie Ridge West Commercial Development. And the next item, Item C, which is a public hearing, in consideration of the zoning text amendment, and this is also at the request of John Holborow of EVO Development to amend the Prairie Ridge West Commercial Development planned unit development for signage modifications. Again, this is for the proposed 9,000 square foot multi-tenant building to be known as The Plaza at Prairie Ridge and the southeast corner of Highway 50 and 104th Avenue. Again, these items are related and will be discussed at the same time, but separate action will be required by the Plan Commission.

The petitioner is requesting approval of site and operational plans and an amendment to The Prairie Ridge West Commercial Development PUD for the development of an approximate 9,000

square foot multi-tenant commercial building on a 1.42 acre property within the Prairie Ridge Commercial West Development, again, at that southeast corner of 104th Avenue and Highway 50. This is generally located between Olive Garden and the new Cheddar's Casual Café that's under construction in the Village. The property is zoned B-2 (PUD), Community Business Zoning District with a Planned Unit Development Overlay. The B-2 District allows for the retail uses within a multi-tenant building.

With respect to the Prairie Ridge West Commercial Development known as PR WEST, on August 20, 2012, the Board conditionally approved a conceptual plan for the development of this particular area that specifically allows for cross shared access of the lots as well as specific signage requirements for monument signs for each individual lot and the for two shared signs for Lots 1 through 3 within the Prairie Ridge West development.

The conceptual plan for Prairie Ridge West encompasses 9.2 acres as shown on the slide. It's located at that southeast corner. The property was at that time subdivided into four lots, Lots 1 through 4, including the Plaza, Cheddar's Casual Café, a potential multi-tenant building adjacent to 77th Street, and then another lot, Lot 4, that's at the corner of 104th and 77th Street.

The primary site access provided to the site is a right-in, right-out only that is at about the 7600 block of 104th Avenue. A secondary access to the site is off of 77th Street from the south. There is actually a private cross-access that provides access to each of the sites internally. In addition, there is cross-access that has been recorded to the east through the Olive Garden and the Famous Dave's property which, again, reaches back down to 77th Street. And the certified survey map was previously approved, and so this will be just the development of one of those lots.

The Plan Commission also approved preliminary site and operational plans to allow for the mass grading and the installation of public and private infrastructure improvements within the Prairie Ridge West. The Village Board also approved a development agreement for the installation for any of the public improvements such as the sanitary sewer and some sidewalk improvements within this area.

A Prairie Ridge West Commercial Development Sub Owner Association to manage the shared maintenance responsibilities of all internal commonly owned improvements was established with the four lots, and that declaration of covenants and restrictions was recorded on these properties. In addition, there is a second declaration of restrictions as you may know for the Prairie Ridge commercial development that was recorded a number of years ago. So these four properties are basically subject to both sets of declarations.

For the site and operational plans being presented this evening for the Plaza at Prairie Ridge, EVO Development is a Wisconsin based commercial real estate development firm who is proposing to construct a new, estimated 9,000 square foot, multi-tenant, retail building which would have between three and five retail tenants.

Tenants in the retail building are likely to operate between the hours of 8 a.m. to 10 p.m. daily, although specific hours shall be determined by each store owner. However, no tenant shall be allowed to operate on a 24-hours basis. Typical deliveries will take place during normal business hours and scheduled for off-peak times as to not disrupt normal shopping and traffic patterns for

customers and neighbors in the adjacent Prairie Ridge developments. Some tenants may require deliveries to be made earlier or later, but that needs to be coordinated by the management.

Pursuant to the district regulation the hours of operation could be between 5 in the morning and 12 at night. Again, it's not intended that these particular retail users will go beyond the original posted hours as indicated by John. With respect to deliveries between 6 in the morning and 10 p.m. are the typical hours for delivery. However, snow plowing, emergency type of services for the building can occur at any time.

The Plaza at Prairie Ridge hopes to generate approximately 30 to 35 start up jobs. Full and part-time employees should range from 15 to 25 depending on the final tenant lineup. Each owner and tenant will be responsible for the hiring of its employees.

And, again, with respect to site access I think we've covered that with respect to access to the site. With respect to parking the Plaza is required to have a minimum of one parking space per 200 square feet of floor area plus one space for each two employees plus the required handicapped accessible parking spaces. So they have 45 spaces plus the 10 spaces and 55 spaces are required. And the site is providing 75 parking spaces. So they're providing more than adequate space in parking on their particular lot. The average daily truck trips and total average truck trips generated will depend on the final tenant lineup, however it would be consistent with any other 9,000 square foot small retail center in the Village.

With respect to building and design, again, the Plaza is on a 1.42 acre parcel. It has 23.2 percent of open space within the Prairie Ridge West development there. There is a much greater amount of open space, again, because of the wetlands and other common open space areas that are shared amongst all of the lots in that location. The retail building meets the following minimum setbacks as stated by the ordinance. Again, 65 feet from the property line on Highway 50 and 30 feet from all other property lines. The building materials consist of natural stone veneer, brick and stone bandings and EFIS accents at the upper levels. In addition, there will be a combination of fabric awnings.

With respect to security, as you know as part of the PUD for this particular development they entered into an agreement a digital security imaging agreement with the Village, and that agreement has been executed, and the access easement has been recorded. They are in the process of, again, completing one of the next buildings which is Cheddar's, but the actual location of the DSIS head room, the main room that holds the DVR, will be in this particular building. And it will need to be completed and fully operational prior to their occupancy. And, again, that will bring Cheddar's, the Plaza as well as Olive Garden all online at the same time because Olive Garden is also tied to this DSIS agreement.

With respect to waste disposal, the Plaza at Prairie Ridge will include a shared recycling/refuse area which will be maintained regularly to prevent any concerns with respect to storage of garbage. In addition, the shopping center will be regularly monitored for all other typical maintenance items, trash pickup and general cleanliness. All of these users that we're working with take great pride with respect to how clean their site is kept, and especially the other users out in Prairie Ridge. So I think that that will be maintained without any concerns.

With respect to the text amendment, again, they are requesting a modification to the PUD. One is for the primary monument sign that's proposed to be installed adjacent to Highway 50. They're requesting that it be 160 square feet and 16 feet in height similar to the other primary monument sign for the Prairie Ridge Commons multi-tenant building just down the street within the Prairie Ridge development.

The amount of allowable commercial advertising signage allowed per tenant is proposed to be the same as Prairie Ridge. Specifically that criteria is sign size 50 square feet maximum per building, facade per tenant store space. And the sign site three feet maximum, and then in compliance with all the other requirements as set forth in the wall sign requirements in the ordinance. It's hard to tell, but actually in the drawings and some of the illustrations there's actually a specific designated area where the signage can be located. So we're not crossing any architectural features, we're not crossing into the next tenant space. So it's clearly defined as to where their sign banding can be located.

With that, I'd like to continue the public hearing for the zoning text and map amendment and any other discussion that we'd like to have with respect to the site and operational plans for the Plaza.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak in this matter? Yes, sir?

John Holborow:

Good evening Commissioners and staff. My name is John Holborow from EVO Development, Inc. My address is 5375 North 118th Street in Milwaukee, Wisconsin. I'd just like to add a few things. Obviously we hope that you're as excited as we are about talking about actual development to finish out the Prairie Ridge development that's taking place out there. Obviously, as you guys are well aware, Cheddar's is under way. I was the consultant that worked with Water Street Land to entitle the property and put in the public and private infrastructure that has allowed the development to move forward.

On a specific note I just wanted to add that in addition to the DSIS system that will be housed in this building specifically that we'll be bringing online Cheddar's and Olive Garden. There will be conduits that will be installed at this time that will lead to the future Lot 3 which is the lot that's to the south that faces 77th Street. So that in the future as that lot is developed they will already have the infrastructure and the ability to tie into the DSIS system that will be in our building.

Outside of that we have no issues and no problems complying with staff recommends and with staff comments and look forward to breaking ground here shortly. To that note our financing is approved. I'm working on finalizing leases with tenants. I'm sure you'd all like to know specifically who my tenants are but I don't have signed leases yet. So I'd be remiss to announce anything tonight. But I'm hoping to sign leases this week and potentially have my full occupancy. I'd have 100 percent occupancy before we break ground, all of the leases signed, and we hope to break ground by the end of June or early July depending on finalizing our construction drawings, getting them submitted to the State for permitting and review and obviously the Village for their review.

Tom Terwall:

So you're already dealing with five potential clients, is that correct?

John Holborow:

Three potential tenants would take 100 percent of the space. It was set up so that we could have a maximum of five, and we ended up with three tenants that I've negotiated letters of intent with and within days of lease execution.

Tom Terwall:

And that will fill the entire building?

John Holborow:

Yes, sir.

Tom Terwall:

Thank you very much. This is a matter for public hearing. Is anybody else wishing to speak? Anybody else wishing to speak? Hearing none I'm going to close the public hearing and open it to comments and questions from Commissioners.

Michael Serpe:

I was just going to move approval of the site and operational plan.

Jim Bandura:

I'll second it.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA TO APPROVE THE SITE AND OPERATIONAL PLANS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? Now I need a motion to send a favorable recommendation to the Village Board.

Wayne Koessl:

I would so move, Chairman.

Michael Serpe:

Second.

Tom Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT 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.

Michael Serpe:

Are any of these places chains?

John Holborow:

Yes, they're national tenants, yes.

Michael Serpe:

Any fast food restaurant?

John Holborow:

I will go on record we're not negotiating with any food users currently.

D. Consider the request of Michael Kinstle of Meijer Distribution, Inc., applicant for the property located at 7400 95th Street for approval of Final Site and Operational Plans for the construction of a 245,792 square foot distribution building addition for Meijer Distribution, Inc.

Jean Werbie-Harris:

Members of the Plan Commission and the audience, this is the request of Mike Kinstle of Meijer Distribution, Inc., applicant for the property located at 7400 95th Street for the approval of final site and operational plans for the construction of a 245,792 square foot distribution building addition for the Meijer Distribution, Inc.

The petitioner purchased the property previously occupied by SuperValu located at 7400 95th Street for a wholesale grocery distribution center for Meijer Distribution, Inc., and a plan to construct a 245,792 square foot distribution center addition with a high bay automated storage and retrieval system building, welfare areas and associated docks.

The site was previously developed as a wholesale grocery distribution center, supporting retail grocery stores in Southeast Wisconsin or southern Wisconsin and northern Illinois. Packaged dry groceries, frozen food, meat dairy and produce were shipped to the facility from suppliers throughout the country and temporarily stored in non-refrigerated and refrigerated warehouse buildings until such time as they are selected and loaded onto trucks and shipped to retail grocery stores. The site was originally planned to be developed in phases with various types of buildings and pavement additions. Operation and use of the facility referred to as the Meijer Western Distribution Center, I think that's the correct name, will not be significantly different other than increases in volume, significant increases in volume, due to the proposed additions and future conversion of a portion of the freezer storage to refrigerated storage.

A lot of the next information I've actually presented in its entirety at the time of the preliminary site and operational plan. So I'm just going to go over and highlight some of them for you again. You've heard this information before. But now we're at the final site and operational plan stage. They've actually already received their footing and foundation. They're well under way with that, but now they're looking for the final site and operational plans.

Again, the property is zoned M-2, General Manufacturing District. There are no environmentals on the property such as wetlands, shorelands or 100-year floodplain on the property. The property does meet all of the requirements of the Village zoning ordinance including the M-2 height restrictions as modified recently by the Village Plan Commission and the Village Board. And with their modified height for their ASRS building basically they meet all of the required setbacks for the Village. The location of the parking lots, maneuvering lanes and the fire access lanes, including the curb and gutter detail, shall not be located within any easements on the property without express written approval of any easement holders and shall meet all of the minimum setbacks. All of their plans do meet all of the minimums from that respect.

With respect to hours of operation, this facility is a 24-hour operation seven days per week and varying degrees of activity. The office will operate daily in conjunction with the distribution business flow. The facility will not be open to the general public. Meijer trucks making deliveries to retail stores will depart throughout the day, seven days a week via a south entrance to 95th Street. These loads will depart over a daily 24 hour period with peaks being from 10 at night and 3 in the morning. These trucks and third party trucks will return throughout the 24 hour daily period, seven days a week via the Highway 31 or Green Bay Road entrance. That is the one modification. And they're actually going to be coming back with a significant set of modifications to the existing facilities.

And one of the things I just wanted to bring to your attention is that instead of all of the their truck traffic coming in and out of Green Bay Road, it is now actually going to be split between Green Bay Road and 94th Street with the understanding that the 95th Street access that's going to be Meijer trucks in particular that are bringing their product to their Meijer grocery stores. Their third party vendors and others will be going in and out of the Green Bay Road access.

With respect to the anticipated startup date and employee count, again, this information was provided to you previously. The only thing that we have modified is that the existing facility is going to be opening much sooner than what the Village staff originally had anticipated. But the intend to operate their new -- to start their new operations, excuse me, by March 31, 2014. So they'll be starting a little bit earlier. Originally we thought it was going to be the end of summer, but now it will look like mid spring.

The staff comments also outline the number of team members that they're going to have over first shift, second shift. At any time of the day it's anticipated that the maximum number of employees on the site will be 316. Again, I just discussed some of the site access and parking. And, again, on the slide incoming/outgoing trucks on Highway 31, Meijer outgoing trucks through a future access on 95th that will align to the SC Johnson access on the south.

Office workers will all enter and exit from 95th Street. Existing parking 411 for office spaces, 75 for truck driver parking, 60 for tractor parking and 120 for trailer parking. And additional parking configurations, as you can see, 42 truck driver parking, 40 tractor parking, 330 trailer parking, 50 bullpen parking and 61 Witron parking. So they are going to be making, as you can see, a number of modifications in the very north end of their site with respect to accommodating parking for their drivers and their vendors and for everyone else with respect to the facility. So the anticipated average and maximum daily truck traffic counts then, the average daily truck traffic is projected to be approximately 320 per day and 416 on peak. Future estimated totals, average daily truck traffic is projected to be about 480 per day and 624 on peak.

Description of potential adverse impacts to neighboring properties, there will be an increase in truck traffic and its associated impact to traffic on Green Bay Road as well as on 95th Street. The existing inbound truck entrance has two lanes wide and queue length to gate arms at the existing guardhouse which is roughly three trucks per lane. One of the things that they're also going to be doing is removing that existing guard station and shifting it further to the west in order to allow for many more trucks to be queued and to get the trucks to what they need to do in the staging areas and in the bullpen areas. And then going out they'll roughly have two 100 foot in length queuing areas for outbound traffic which will be released slowly to exist security procedures. So two trucks every five minutes.

An increase in truck traffic and its associated impact on 95th Street is anticipated. A future new outbound truck driveway will align with the entrance to the south. One of the things that I'm not sure if I had mentioned previously or if Mr. Spence had mentioned previously is that the Village is undertaking a traffic analysis, a TIA, that will cover this part of Highway 31 down to Highway 165, and then 165 all the way out to the intersection, as well as examining all of those intersections in that whole route. So we are going to be working later this spring and this summer on updating and preparing a TIA. I believe that the Board just approved a contract to hire a consultant to do that study with the engineering department.

Wayne Koessl:

Through the Chair to Jean if I may. Will that TIA include the north two lanes of 165?

Jean Werbie-Harris:

Yes.

Wayne Koessl:

Very good, thank you.

Jean Werbie-Harris:

And maybe Mike wants to expand on that.

Mike Spence:

Yes, we're actually having our kickoff meeting on Friday on that project. There's a number of intersections. I think they total 14 that we're going to be evaluating. They include intersections on 95th Street at 31, at 80th Avenue where Meijer's is looking at that other access point. We're looking at the intersection of 95th and H, all the intersections along 165 from 31 to the interstate. And then we're also looking at the potential for adding the two remaining lanes on 165 over the Des Plaines River. So that's all part of that as well as on the west side for potential development on the east frontage road, too. So it's pretty comprehensive.

Wayne Koessl:

Thank you.

Jean Werbie-Harris:

With respect to open space, landscaping and stormwater facilities, the M-2 District requires a minimum of 25 percent open space. This site greatly exceeds this requirement. Currently 68.3 percent of the site is open space, and with the proposed addition including the additional parking and maneuvering lanes the site will still have almost 45 percent open space. Upon completion of any additional future paving this site will still remain at 27 percent open space.

The existing stormwater management basin will be maintained and retrofitted to control stormwater quantity and improve stormwater quality in accordance with the current State and local standards. The existing basin in the southwest corner of the site is also proposed to be modified in the future to accommodate the future newer Meijer truck access to 95th Street. Existing screening on the east side of the site is currently being provided by earthen berms and landscape trees. The existing screening will be maintained. The existing berm and landscaping will also help to block noise and any glare that might come from internal truck traffic.

With respect to the preliminary site and operational plans they were approved by the Village Plan Commission on January 14, 2013 to allow for mass grading and early footings and foundation and for the initial construction support for the building of this addition. On April 3, 2013, a permit was issued, and work has commenced to being that mass grading and footing and foundation. So they are requesting then the final site and operational plans this evening. There are representatives for Meijer here with us from out of town. And if you have any questions I'm sure they'd be happy to answer any of those questions regarding construction and the development on the site.

Tom Terwall:

Anything you'd like to add before I turn it over for questions?

Michael Serpe:

Jean, I understand the Meijer delivery trucks are going to leave from 95th Street, and the delivery trucks to the warehouse are going to come in off of 31. Are those two access points interchangeable from the site?

Jean Werbie-Harris:

I would say no based on their logistics, but maybe we could have a representative.

Michael Serpe:

And the only reason I ask that is if there's ever a reconstruction project going on 95th Street or 31 are we going to hamper their effort?

Tom Terwall:

Give us your name and address, sir.

Terry Shaw:

Terry Shaw, 1100 Hunter Drive, Lancaster, Kentucky, 40444. And I'm a civil engineer. I'm responsible for site planning, permitting and design. So everything outside the building I've been coordinating and helping with that.

Michael Serpe:

Did you hear my question?

Terry Shaw:

Yeah. If something happened, if there was an accident or construction or whatever, those could be used interchangeably to go back and forth. There's not going to be anything prohibiting movement from one direction to the other.

Tom Terwall:

Thank you. Anything further?

Michael Serpe:

Move approval of site and operational plan.

Wayne Koessl:

I'll second, Mr. Chairman.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO APPROVE THE FINAL SITE AND OPERATIONAL PLANS 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. Jean, when will SuperValu be totally out of the facility, do you know? Do you guys know?

Terry Shaw:

[Inaudible] on the distribution side they're out. They're still using the office. I think they're supposed to be out by August 1st.

Wayne Koessl:

Also, thank you for locating in Pleasant Prairie.

John Braig:

Looking forward to your new store also.

E. Consider the request of Deborah Lemay owner of the property at 3300 99th Street and the adjacent property (92-4-122-243-0145) with a detached garage for approval of the Lot Line Adjustment.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a request by Deborah Lemay, owner of the property at 3300 99th Street and the adjacent property identified at 92-4-122-243-0145 that has a detached garage for approval of the lot line adjustment. The properties located at 3300 99th Street, and the adjacent property is located just to the east. And the adjacent property has a detached garage located at the corner basically of 33rd Avenue and 99th Street. It's owned by Deborah Lemay who is requesting to adjust the common property line.

The rear approximately 46.25 feet of the property with the existing detached nonconforming garage is proposed to be added to the property at 3300 99th Street. The detached garage is nonconforming in that a home is not located on the property. Therefore, after the lot line adjustment the nonconforming garage will become a conforming use on the property with the existing home. So they're intending to detach it from the corner parcel and attach it to the lot that has the existing home.

Both properties are zoned R-4, Urban Single Family Residential District, which requires lots to be a minimum of 15,000 square feet, and the detached garage is required to be 10 feet from the side and rear property lines. The proposed lot line adjustment and all the structures on the property after the lot line adjustment comply with the requirements set forth in the zoning ordinance as well as the land division and development control ordinance.

The staff recommends approval of the lot line adjustment subject to the petitioner recording the proper transfer documents with the plat of survey for the lot line adjustment as an exhibit with the Kenosha County Register of Deeds office and providing the information back to the Village within 30 days.

Tom Terwall:

Is Deborah Lemay the owner of both parcels?

Jean Werbie-Harris:

Yes.

Tom Terwall:

You are?

Jean Werbie-Harris:

I'm not sure she's here.

Tom Terwall:

So you don't know if she owns both parcels?

Jean Werbie-Harris:

She does. She does own both properties.

Tom Terwall:

Okay, thank you. What's your pleasure?

John Braig:

A no brainer, I move approval.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE LOT LINE ADJUSTMENT 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.

8. ADJOURN.

Jim Bandura:

So moved.

John Braig:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Thank you.

Meeting Adjourned: 7:27 p.m.