

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
June 9, 2014**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on June 9, 2014. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessler; Andrea Rode (Alternate #2); Jim Bandura; John Braig; and Judy Juliana. Donald Hackbarth and Bill Stoebig (Alternate #1) were excused. Also in attendance were Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE MAY 12, 2014 PLAN COMMISSION MEETING.**

John Braig:

Move approval.

Judy Juliana:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JUDY JULIANA TO APPROVE THE MINUTES OF THE MAY 12, 2014 MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

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

Tom Terwall:

If you're here for an item that appears in the agenda as a matter for public hearing, and I think they all do, we would ask that you hold your comments until that public hearing is held so we can incorporate your comments as a part of the official record. However, if you want to raise an issue that's not on the agenda now would be your opportunity to do so. We would ask that you come to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizen comments?

**6. NEW BUSINESS**

Wayne Koessl:

Mr. Chairman, before we get into the agenda when Item B comes up I'm going to ask that Item B through F be taken at one time with separate votes on each one.

John Braig:

Is that a motion?

Wayne Koessl:

Yes.

John Braig:

Second it.

Tom Terwall:

**BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG THAT WE COMBINE ITEMS B, C, D, E AND F FOR PURPOSES OF DISCUSSION AND PUBLIC HEARING. BUT WE'LL HAVE TO TAKE SEPARATE VOTES. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of John Oswald on behalf of Wisconsin Electric Power Company to install a new ladder track on the west side of the Pleasant Prairie Power Plant to allow a location to perform repairs of railcars on We Energies property, which will reduce the**

**number of rail cars that otherwise would have been removed from and returned to the property to be repaired at a local repair shop. The total lineal footage of new rail is expected to be approximately 2,500 feet. In addition, approximately 6 switches will be installed, plus the necessary stone ballast for rail support. A stone or concrete working pad will also be installed to aid the workers in performing rail car repairs.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Item A is the consideration of a conditional use permit including site and operational plans. And this is for the request of John Oswald on behalf of Wisconsin Electric Power Company to install a new ladder track on the west side of the Pleasant Prairie Power Plant to allow a location to perform repairs of railcars on We Energies' property, which will reduce the number of railcars that otherwise would have been removed from and returned to the property to be repaired at a local shop. The total lineal footage of new rail is expected to be 2,500 feet. In addition, approximately six switches will be installed plus the necessary stone ballast for rail support. A stone or concrete working pad will also be installed to aid the workers in performing railcar repairs.

This is a public hearing. As a part of the conditional use permit and as part of that record. the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described as part of the staff comments.

#### Findings of Fact

1. The petitioner is requesting approval of a Conditional Use Permit, including Site and Operational Plans to install a new ladder track at the Pleasant Prairie Power Plant. The track is being installed to offer a location to perform repairs of railcars on the property in Pleasant Prairie. This will reduce the number of railcars that otherwise would have been removed from and returned to the property to be repaired at a local repair shop. The total lineal footage of new rail is expected to be 2,500 feet. In addition, approximately six switches will be installed, plus the necessary stone ballast for rail support. A stone or concrete working pad will also be installed to aid the workers in performing railcar repairs. This information is provided as Exhibit 1 in your packet.
2. The subject property is located at 8000 95th Street in a part of U.S. Public Land Survey Section 16, Township 1 North, Range 22 East in the Village of Pleasant Prairie and is further identified as Tax Parcel Number 92-4-122-164-0011.
3. The property is currently zoned M-4, Power Generating District, and the operation and maintenance of an electrical generation power plant is allowed within that district with a Conditional Use Permit for each project. In addition, portions of the property are zoned C-1, Lowland Resource Conservancy District and FPO, Floodplain Overlay District.
4. Pursuant to the application, the railcars being repaired on this track will be moved by existing company employees to their repair location. The repair work will be completed and the cars will be moved back to be used in a train. The operations performed by We

Energies employees will not be changing on the property. A railcar maintenance company typically two people at a time will be on the property to repair the cars.

5. These repairs have been performed off-site in the past. The cars needing repair were sent via the Union Pacific railroad to a local repair shop in Cudahy, Wisconsin. The movement of cars off of their property and again back onto the property for the repairs will be significantly reduced thereby lessening rail traffic in the area, by performing these repairs on the property.
6. The plans indicate that there are wetlands in this area and they had been evaluated by GAI Consultants on October 29, 2010, November 9, 2010 and April 4, 2011. A copy of the wetland report and concurrence letter from either the Wisconsin DNR or the Army Corps of Engineers must be submitted prior to issuance of any permits.
7. The project will impact wetlands on the site; however the wetland impacts have been minimized through optimization of the layout and design. The three wetland areas proposed to be filled for this project total 8,856 square feet. Proper fill permits from the DNR and Army Corps of Engineers shall be submitted prior to issuance of any permits to begin construction on the project.
8. Upon completion of the project after the wetlands are filled a survey with legal descriptions of the wetlands that are remaining shall be submitted with the required applications and fees. We need to correct the zoning map and comprehensive land use plan map to reflect the location of the wetlands.
9. The plans also show impacts to the 100-year floodplain. A very small area approximately 133 cubic feet is proposed to be filled, and 160 cubic feet is proposed to be created as the required compensation. An application shall be submitted to the Village for the proposed floodplain boundary adjustment. A conditional approval from FEMA will be required prior to filling of the floodplain pursuant to the ordinance.
10. Construction at the site is scheduled to begin in the middle of September, 2014, they've modified that, and it's expected to take up to about two months to complete.
11. Notices were sent to adjacent property owners via regular mail on May 22, 2014, and notices were published in the *Kenosha News* on May 26 and June 2, 2014.
12. The petitioner was emailed a copy of this staff report on June 6, 2014.
13. According to the Village's general 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 as well as the information presented this evening that the project as planned will not violate the intent or purpose of the ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any Site and Operational Plan application unless they find that the application coupled with the satisfaction of any conditions of approval meets and complies with all applicable Village ordinance requirements as well as any Federal, State or local requirements relating to land use as well as the development of this property.

With that I'd like to continue the public hearing. There are representatives here from We Energies if there are any specific questions or if any additional information is needed regarding their railcar project.

John Oswald:

Thank you. My name is John Oswald. I'm here representing We Energies. Our address is 231 W. Michigan Avenue, Michigan Street in Milwaukee. I have other members of my project team here from our environmental group and from the constructor if there are any other questions you may have.

Tom Terwall:

Thank you. You're available to answer questions, correct?

John Oswald:

And I am available to answer questions, yes.

Tom Terwall:

Alright, this is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none I'll open it to comments and questions.

Michael Serpe:

What type of repairs are we looking at for these railcars? Should we be in fear that they're on the rail coming to Pleasant Prairie and something happened to them?

John Oswald:

For example, parts of a railcar that may wear out along the way, the wheels just like on your car.

Michael Serpe:

That's exciting.

John Oswald:

The treads wear off. The tread on your car they wear over time. The wheels on a railcar also wear over time. There's springs and shock absorbers in a railcar. We would change out wheels as necessary. We would change out the springs. If the car was in a dip on a track and it incurred some body damage we could repair that type of repair as well or make that type of repair.

Michael Serpe:

And this is going to be able to handle all those repairs out here?

John Oswald:

Unless a car was in a derailed accident where it was extremely damaged that it will not be able to handle. But general they call them run of rail repairs that handle probably 95 percent of the repairs that we would have would be that type of repair.

John Braig:

Who is doing the repair work?

John Oswald:

Right now the actual repair company is called Watco Mechanical Contractors. They have a shop in Cudahy, Wisconsin. And we would be continuing to hire them and bring their workers onto our property to do that physical labor of it. To move the cars from the location of being in the train to the repair location that those tracks show that's Wisconsin Electric or We Energies employees who move those cars.

John Braig:

And this contractor, this repair service, is contracting with WEPCo for repair of their cars only?

John Oswald:

Correct.

John Braig:

So it's not a function of the railroad, this whole endeavor?

John Oswald:

No, we would not have other company's cars come to our property for their repair. These would be only trains that come to bring coal to our property. If there is a repair that needs to be made we'll take the car off of that train and move it over to the other side of our plant and make repairs. We won't be doing contracting work for other company's repairs of their cars on our property.

John Braig:

Thank you.

Michael Serpe:

How many employees additional are we going to hire here?

John Oswald:

Additional hired we will just move them from one location to another. So they will be employed currently and working at the Cudahy site, we will move them to be working at our property. So I don't believe they'll be hiring new employees for this.

Jean Werbie-Harris:

How many cars at one time might be parked on the spur off the track there?

John Oswald:

I believe they're spaced for --there's two tracks for about eight cars on each of those tracks.

Tom Terwall:

Anything else?

John Braig:

Well, actually there's more than eight. What did I see here before, aren't there four tracks with about seven or eight on each one?

John Oswald:

There is. If you look at the right circle on the top right that is where the first switch is that brings the cars off of our existing track onto this newly proposed track. And you can see when you get to the second oval, the one in the middle, there is the actual working spot for eight cars there. You're right, there are two additional tracks that we could store about eight more cars on each of those tracks, you're correct. So about 32 altogether, eight that we would work on -- eight that we would work on on each track, and then about another 16 about.

Michael Serpe:

I move approval of the conditional use permit and the site and operational plan.

Wayne Koessl:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO APPROVE THE SITE AND OPERATIONAL PLAN AND CONDITIONAL USE PERMIT.**

Wayne Koessl:

Jean, and that's subject to the conditions?

Jean Werbie-Harris:

I just wanted to ask you quickly any concerns with respect to the floodplain petition for that being amended? Are you working on some type of agreement?

John Oswald:

I'm going to ask for Adam to come up and answer that.

Adam Artz:

Adam Artz, Pinnacle Engineer Group, 15850 West Bluemound Road, Brookfield, Wisconsin. We are just getting ready to submit our floodplain application to the DNR, so it would be a very similar process. We're familiar with the Village's requirements and the DNR's requirements and FEMA's requirements. So we don't anticipate a hiccup on this.

Jean Werbie-Harris:

And you're submitting to us at the same time?

Adam Artz:

Yes. This is a very simple one. This is a [inaudible] as they call it [inaudible] unfilled. So so many square feet out, put it back in in a different location. Just like a balloon just twisted in a different direction.

Tom Terwall:

Again, it's been moved and seconded to approve the conditional use permit and the site and operational plan subject to the terms and conditions outlined in the staff memorandum. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

John Oswald:

Thank you.



Tom Terwall:

We're going to combine Items B, C, D, E and F for purposes of discussion but we'll take separate votes. Jean?

- B. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #14-10 FOR AMENDMENTS TO THE VILLAGE COMPREHENSIVE PLAN** as a result of the proposed Kwik Trip gasoline dispenser, convenience store and car wash facility to be located at the southeast corner of 72nd Avenue and STH 165: a) to amend a portion of the LakeView East Neighborhood Plan 12 of Appendix 9-3 for the properties at the southwest corner of STH 31 and STH 165 for the proposed commercial development of this area including the proposed Kwik Trip facility; b) to amend the Village 2035 Land Use Plan Map 9.9 by changing a portion of the property located south of STH 165 and east of 72nd Avenue (Tax Parcel Number 92-4-122-281-0115) owned by FIAAT Investments LLC from the General Industrial land use designation to the Community Commercial land use designation and changing the properties located south of STH 165 and west of STH 31 (Tax Parcel Number 92-4-122-272-0475) owned by Richard and Dimitra Priebus, (Tax Parcel Number 92-4-122-272-0401) owned by John Felinski, a portion of the property located south of STH 165 and east of 72nd Avenue (Tax Parcel Number 92-4-122-281-0115) and all of Tax Parcel Number 92-4-122-281-0116 owned by FIAAT Investments LLC from the General Industrial land use designation to the Community Commercial with an Urban Reserve land use designation; and c) to update Appendix 10-3 of the Village 2035 Comprehensive Plan to reflect the above noted changes to the 2035 Land Use Plan Map 9.9.
- C. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN** for the request of William Morris, agent on behalf of FIAAT Investments LLC for the proposed commercial development of properties located at the southwest corner of STH 31 and STH 165 as a result of the proposed Kwik Trip gasoline dispenser, convenience store and car wash facility to be located at the southeast corner of 72nd Avenue and STH 165.
- D. Consider the request of William Morris, agent on behalf of FIAAT Investments LLC for approval of a Certified Survey Map:** to subdivide the properties located east of 72nd Avenue and south of STH 165 (Tax Parcel Numbers 92-4-122-281-0115 and 92-4-122-281-0116) owned by FIAAT Investments LLC.
- E. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT** for the request of William Morris, agent on behalf of FIAAT Investments LLC to rezone a portion of Tax Parcel Number 92-4-122-281-0115 (Lot 1 of the proposed CSM that is proposed to be developed with the a Kwik Trip gasoline dispenser, convenience store and car wash facility) from the M-2, General Manufacturing District to the B-2 Community Commercial District and to rezone a portion of Tax Parcel Number 92-4-122-281-0115 and Tax Parcel Number 92-4-122-281-0116 (Lot 2 of the proposed CSM) from the M-2, General Manufacturing

**District to the B-2 (UHO) Community Commercial District with an Urban Landholding Overlay District.**

**F. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS AND DIGITAL SECURITY IMAGING SYSTEM AND EASEMENT for the request of William Morris, agent on behalf of FIAAT Investments LLC for approval of the proposed development of a 5,700 square foot Kwik Trip gasoline and convenience store and a 2,790 square foot car wash facility at the southeast corner of STH 165 and 72nd Avenue.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, the next items on the agenda I'll read each of the agenda items, and then I'll go into the one presentation for all of the items. Again, separate action is going to be needed.

Item B is the public hearing and consideration of Plan Commission Resolution 14-10 for amendments to the Village Comprehensive Plan as the result of a proposed Kwik Trip gasoline dispenser, convenience store and car wash facility proposed to be located at the southeast corner of 72nd Avenue and Highway 165. And here are the amendments: a) to amend a portion of the LakeView East Neighborhood Plan 12 of Appendix 9-3 for the properties at the southwest corner of Highway 31 and 165 for the proposed commercial development of this area including the proposed Kwik Trip facility; b) to amend the Village 2035 Land Use Plan Map 9.9 by changing a portion of the property located south of 165 and east of 72nd Avenue. They're identified as Tax Parcel Number 92-4-122-281-0115 owned by FIAAT Investments, LLC. And we are modifying it from the General Industrial land use designation to the Community Commercial land use designation and changing the properties located south of Highway 165 and west of 31. And these are properties that are identified as 92-4-122-272-0475 owned by Richard and Dimitra Priebus; Tax Parcel Number 92-4-122-272-0401 owned by John Felinski; and a portion of the property located south of 165 and east of 72nd Avenue identified as Tax Parcel Number 92-4-122-281-0115 and all of Tax Parcel Number 92-4-122-281-0116 owned by FIAAT Investments, LLC. And, again, that area is going from the General Industrial land use designation to the Community Commercial with an Urban Reserve land use designation; and c) to update Appendix 10-3 of the Village 2035 Comprehensive Plan to reflect the above noted changes to the 2035 Land Use Plan Map 9.9.

The next item is Item C. It's a public hearing and consideration of a conceptual plan, and this is at the request of William Morris, agent on behalf of FIAAT Investments, LLC for the proposed commercial development of properties located at the southwest corner of Highway 165 and 31 as a result of a proposed Kwik Trip gasoline dispenser, convenience store and car wash facility to be located at the southeast corner of 72nd Avenue and 165.

Item D, consider the request of William Morris, agent on behalf of FIAAT Investments, LLC for approval of a certified survey map, and this is to subdivide the properties located east of 72nd Avenue and south of Highway 165 owned by FIAAT Investments LLC.

Item E is the public hearing and consideration of a zoning map amendment for the request if William Morris, agent on behalf of FIAAT Investment, LLC, to rezone a portion of Tax Parcel Number 92-4-122-281-0115. This is identified as Lot 1 of the proposed CSM that is proposed to be developed with the a Kwik Trip gasoline dispenser, convenience store and car wash facility. The rezoning would be from the M-2, General Manufacturing District, to the B-2 Community Commercial District, and to rezone a portion of Tax Parcel Number 92-4-122-281-0115 and Tax Parcel Number 92-4-122-281-0116. This is identified as the Lot 2 area on the CSM)from the M-2, General Manufacturing District, to the B-2 (UHO) Community Commercial District with an Urban Landholding Overlay District.

And, finally, the last item is a public hearing and consideration of a conditional use permit including site and operational plans and a digital security imaging system known as a DSIS and a DSIS easement. And this is also for the request of William Morris, agent on behalf of FIAAT Investments, LLC for approval of the proposed development of a 5,700 square foot Kwik Trip gasoline and convenience store and a 2,790 square foot car wash facility to be located at the southeast corner of 165 and 72nd Avenue.

As part of the public hearing record, as part of the staff comments, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described for you tonight.

Findings:

1. The petitioner is requesting approval to develop a 2.4 acre site for 5,700 square foot Kwik Trip gasoline dispenser and convenience store and a 2,790 square foot car wash facility at the southeast corner of Highway 165 and 72nd Avenue. Prior to the approval of the Conditional Use Permit including Site and Operational Plans for this development, the Village does require that the development be consistent with the Village's Comprehensive Plan. So both the land use plan and the neighborhood plan are being considered this evening as well.
2. 2035 Comprehensive Land Use Plan Amendments: On December 19, 2009 the Board adopted the Comprehensive Plan. The Comprehensive Land Use Plan sets forth the generalized land use designations of the Village that need to be consistent with components of the comprehensive plan including a neighborhood plan and should be consistent with the Village's zoning map. The following amendments to the comprehensive plan are being proposed.
  - a. First is to amend the LakeView East Neighborhood Plan 12 of Appendix 9-3 for the properties that we discussed.
  - b. To amend the 2013 Land Use Plan by changing a portion of the property located south of 165 and 77nd Avenue. Again, as you can see what we're doing is we are changing the area that's identified for the Kwik Trip and the land immediately south we're putting that into a community commercial designation. And the area to the east and to the south currently that's still in that general industrial land use designation. We're pulling the whole thing at this time and we're putting it so that the comprehensive

plan reflects this area as a community commercial area with an urban reserve for the area that's not the Kwik Trip site.

So at some point when the area of land owned by the Priebuses or the land south or the remaining land owned by the FIAAT Investments when that comes forward at that time they'll remove that urban reserve off of that property and move forward with the detailed development plans. So the detailed development plans you're seeing this evening will be specifically just for the Kwik Trip property.

But one of the things that we do require in addition to amending the comprehensive land use plan map is that we do require that there be a conceptual plan put together that refines that neighborhood plan. So on the screen what we have is a conceptual plan for that southwest corner of 165 and 31. Again, the very detailed plan is being shown for the Kwik Trip site, and for the balance of the property it's a lot more generalized in nature. Specifically it does meet the minimum requirements as long as no building is greater than 25,000 square feet. It meets all the setbacks. But, again, this is a pictorial or a neighborhood plan of how the property could develop when and if it does develop.

The key point with respect to this conceptual plan is that we needed to make sure that there was interconnection between the properties to the east and the properties to the west to 72nd Avenue. At this time there is no direct commercial access that's been identified to Highway 165 to the north and no direct commercial access to Highway 31 to the east. So as a result there needs to be interconnected driveways as well as interconnections for parking and other type of cross-access not only through the Kwik Trip property but the remaining property that's owned by FIAAT Investments to the south so that everyone can gain access for this area to develop as commercial property.

One of the things I did want to point out with respect to the conceptual plan is that plans provide for the interconnection of driveways for vehicular traffic since there's a somewhat restricted vehicular access from the State highways. Currently there's one residential access point on Highway 165 that leads to the previous home that's currently there. And there is one residential AP that would get you to where Peggy is showing on the screen that would get you into that southern property. I've encouraged the owners of this property to work with the Wisconsin DOT to see if possibly a commercial access could be provided in exchange for the two residential connection points. Commercial access I think would be pretty critical for this to develop very successfully as a commercial location for an impulse type of stop. But if it's a destination commercial location I think that it would work fine. But they will need to work specifically with the DOT in order to modify any access along either stretch of State highway. We are actually showing four different points of connection on 72nd Avenue for this entire development at this time.

Public sidewalks are shown around the perimeter of the development within the right-of-way of Highway 31 and within the lots adjacent to 165 as well as 72nd Avenue. Again, we are encouraging this area and the rest of the Village to be more pedestrian and bicycle friendly, so we are encouraging and requiring all new developments to have sidewalks, bike lanes and interconnections throughout all of the developments.

The southernmost 6,000 square foot office building is located within a wooded lot. The land is currently zoned C-2, Upland Resource Conservancy District. This parcel may likely be rezoned into the B-2, Community Commercial District. However, because this is an entirely wooded piece of property we are going to be requiring that a detailed tree survey be done on the property to determine kind of where the opening might be so that a commercial business could be located within the center or adjacent to one side or the other. Again, the intent is to try to preserve as many trees as possible on the site but still allow it for some type of commercial business or development. There will also need to be some detailed preservation easements also placed on that particular property.

The western portion of the area is located within the LakeView Corporate Park. So if you divide this property in half the western portion is actually within the LakeView Corporate Park and does need to comply with any covenants and restrictions within that association. They also need to approve of the development which, in fact, I did receive an email this afternoon from Ed Harrington from Centerpointe indicating that they have, in fact, approved of the Kwik Trip development.

The eastern area is not located within an association. However, one of the concepts and ideas because of how this property area is laying out is that we do want it to work as a unified business development with respect to the shared parking lots and cross-access and some of the shared features as well as some of the architecture or complementary architecture.

Sewer, water and stormwater facilities have been shown on the Conceptual Plan. All uses need to be served by municipal sewer and water proposed to be located within a common vehicular access area throughout the area. There are five stormwater facilities that will service the development. A portion of the stormwater is directed to the existing stormwater facility north of 165. A portion is directed to the existing stormwater facility west of the Pleasant Prairie Renaissance School, and a portion to the existing storm water facility south. All three existing facilities are located in the Corporate Park.

So the area that is on the west side there are some existing basins so no new basins need to be shown for the development of that area. But the area that is just to the east they will need to provide their own stormwater management. In addition, there is no sanitary sewer or water that runs down Green Bay Road, so those services will need to come to the site either from 165 or 72nd Avenue, and they'll have to typically come through easements in order to service that area because it's not envisioned that we would be running any of those services down Green Bay Road.

4. With respect to the fourth item, the certified survey map: The CSM proposes to subdivide the property at the southeast corner for a commercial development. Lot 1 is proposed to be 2.37 acres with 266.78 feet of frontage on Highway 165 and 388.86 feet of frontage on 72nd Avenue. The parcel is proposed to be developed with a Kwik Trip. Lot 2 is proposed to be 3.51 acres with over 500 feet of frontage on 72nd Avenue.

One of the items that is not currently shown on the certified survey map is we wanted to make sure that cross-access was going to be provided into the future. So our attorney and myself drafted a separate cross-access easement document that will need to be entered

into by the property owners. So it's very clear up front that there is cross-access and there's not going to be any prohibition of free and easy movement back and forth once these uses are developed.

5. Zoning Map Amendment: Lot 1 of the proposed CSM is proposed to be rezoned from M-2, General Manufacturing District, to the B-2, Community Commercial District. Lot 2 of the proposed CSM is proposed to be rezoned from M-2 to the B-2 with a UHO. And, again, because we don't have a specific use yet identified for Lot 2 it's going to have that urban landholding overlay placed on it. With respect to the properties to the east at this time since we don't have any specific identified users we are not recommending that those parcels be rezoned at this time. And then the property to the south that looks like it's in the grayish color currently that's C-2, again, for that to develop for any other purpose other than one single family home which is not what we're encouraging here. They would need to rezone that property as well.
6. With respect to the conditional use permit including site and operational plans and a digital security imaging system, DSIS, agreement and easements:
  - a. The petitioner is requesting approval to develop the site to construct a gasoline dispenser and a convenience store and a car wash. And that particular use is recommended and required to have a DSIS pursuant to the Village staff and the Village Plan Commission.
  - b. The property is proposed to be rezoned from the M-2 to B-2 which requires a conditional use permit for the operation of a gasoline dispenser with a car wash.
  - c. The hours of operation when the public is allowed to enter or remain on site for business purposes is proposed from 5:00 a.m. to midnight which is required and allowed for by our ordinance. This complies with our district requirements. These regulations do prohibit 24 hour pumps or 24 hour unattended car wash.
  - d. Pursuant to the B-2 District and liquor license requirements the business is allowed to be open until midnight; however, Class A Beer is only allowed to be sold from 8:00 a. m. to midnight, and Class A Intoxicated Liquor is only allowed to be sold from 8:00 a.m. to 9:00 p.m. A liquor license shall be requested and obtained from the Village Board.
  - e. The owner shall obtain and maintain all permits and licenses required to operate the business. Those permits and licenses allow for the sale of petroleum, alcohol, tobacco, food, and related items sold in its business that are issued by various government agencies. They'll need to contact the Village Clerk Jane Romanowski for liquor or tobacco license applications and to discuss the process and to obtain those licenses through the Village Board. They will also need to contact the Kenosha County Health Department regarding any food related licenses.
  - f. Pursuant to the B-2 District requirements, deliveries and shipments or any other activities outside of the principal building that might cause a disturbance to

neighboring areas such as outside loading or unloading, the arrival of deliveries, idling of delivery trucks, beeping of backing vehicles, and garbage pickup, except for snow removal, is allowed only from 6:00 a.m. to 10:00 p.m. They have requested as part of the conditional use permit to modify that to allow deliveries to begin at 4:00 a.m. And the staff in speaking with the police department and the Police Chief they would also support deliveries from 4 a.m. to 10 p.m. based on the location of where this is in the Village.

- g. As a condition of this conditional use permit, Kwik Trip site shall be equipped with fully functioning and operational security cameras outside of the building covering each entrance and exit, all public areas including the dispenser area, the parking lots and the driveway entrance to the site. Again, this DSIS system will need to be installed in compliance with Chapter 410 of the municipal code. The agreement will also require the following. And we've had a couple of meetings already with Kwik Trip, and we've been able to kind of work through all the details with respect to the camera system. And they have been very cooperative, and we're very pleased that they were able to put everything together with our IT department and our police department. So the different things with respect to the security system?
  - i. The IR security cameras shall be inaccessible to employees. Conspicuous signs shall be posted at the entrance stating that security cameras with an inaccessible recording device is in place on the premises. The system shall be maintained in working order at all times and the Village of Pleasant Prairie Police Department shall be promptly provided with any requested video recordings. The recording shall be kept in an archive for a minimum of two weeks, and the Pleasant Prairie Police Department shall have remote web access to the system to monitor and download video. And also in your packets is the copy of the detailed DSIS agreement and the easement that we've worked through with Kwik Trip over the last several weeks.
  - ii. The parking lot, gas dispensers area, building entrances, driveway access areas between the buildings shall be illuminated in such a manner to provide sufficient lighting for the public's safety and for the security cameras to operate effectively per the Village's satisfaction.
  - iii. A clear and unobstructed view of the cash registers and transaction areas shall be maintained from the internal 30-foot wide on-site circulation access roadway. Note that no more than 30 percent of the total window area shall be blocked by any signage. Products, displays and equipment shall not block viewing to the cash register check out area.
  - iv. The building shall be equipped with and shall use an inaccessible drop safe.

- v. Between 10:00 and 12:00 p.m. and 5:00 and 7:00 a.m. at least two employees shall be working on-site unless the business has taken measures to protect a lone clerk such as the installation of some type of bullet resistant glass or other equipment as approved by the police department, making the lone employee inaccessible.
  - vi. Installation and full operation of a hold-up alarm, which is monitored by a UL listed central station with functioning telephone service, shall be used at the station/store.
  - vii. The cash register shall not be left unattended when the convenience store is open to the public.
  - viii. A height strip shall be located at each doorway entering and exiting the convenience store.
  - h. Pursuant to the application 27 employees, 11 part-time and 16 full-time employees will be employed at this facility. The facility will operate in three shifts with five employees per shift with the maximum number of employees on-site at any time of the day would be eight.
  - i. Gasoline station with a convenience store requires a minimum of five spaces per each 2,000 square feet of gross floor area plus 1 space for each employee on the largest shift along with their handicapped accessible parking. A minimum of 30 spaces not including the spaces for the fueling pumps plus the required handicapped accessible spaces are being required.
  - j. The plan indicates 30 parking spaces including two handicapped accessible parking spaces adjacent to the main entrance. The parking on-site provides two less parking spaces than required; however, this parking does not include the spaces at the pump. And the staff feels that we could probably count at least two of those spaces at the pump. Therefore, the staff recommends that the parking that is shown is adequate and acceptable based on other Kwik Trip facilities that they own.
  - k. Pursuant to the application, it is anticipated that one fuel truck per day and one grocery truck per day outside delivery of one per day but never on weekends.
  - l. The plans show two exterior ice storage bins along the east side of the building. The ordinance currently limits them to one, but the staff is recommending that there be allowed two at this location. Also, the LP tank must meet the minimum requirements, and as shown it does. They also had some type of outside I don't know if it was video or something like that, video storage unit, and they're actually going to place that inside because we don't allow for any other types of outside storage or any type of outside display.
7. The property owner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on May 9, 2014 and notices were published in the *Kenosha*



*News* regarding the hearing for the comprehensive plan. Notices were also published, and all the hearings have been set in accordance with the Village ordinance requirements. In addition, the petitioner received a copy of the staff report via email on June 6th. I'm not sure if you did get it on June 6th, but we did send it again to you today.

8. According to the Village Zoning Ordinance, the Plan Commission shall not approve a conditional use on a site and operational plans until they view the findings of fact, the application, the related materials and the information presented at the public hearing this evening 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. And all of those same conditions do apply with respect to the approval of a site and operational plan.

The long-term discussion has been that a gas station and convenience store would be an ideal use at this intersection in the Village. It seems like it's a long time coming, but Kwik Trip is a good company, and we're very excited to bring them to the Village. They had presented a very short video that they would like to have us watch. So we'll watch that real quick and then I'll introduce Troy.

[Video Shown: Kwik Trip, Inc. is one of the largest independently held convenience store chains in the United States. The family owned company opened its first door in 1965. Kwik Trip now owns and operates over 450 locations in Wisconsin, Minnesota and Iowa and employs more than 12,000 co-workers. The clean, bright and conveniently located retail centers serve five million guests per week. As part of its [inaudible] integrated business model Kwik Trip operates its own commissary, bakery and dairy production facilities. These along with the support center, distribution center, transportation and store engineering make up their campus located in LaCrosse, Wisconsin.]

So with that I'd like to introduce Troy from Kwik Trip to see if he has any other information he would like to present about Kwik Trip or their history or what brings them here.

Troy Mleziva:

Thank you, Jean. Again, my name is Troy Mleziva, real estate development manager with Kwik Trip. Address 1626 Oak Street, LaCrosse, Wisconsin. Thank you Plan Commission members for your time this evening and thank you for hearing our application this evening. Just a quick introduction. We have two members of our design team here as well tonight. Mr. Riz Iskandarza [phonetic], civil engineer and surveyor with JSD Professional Services. And also Mr. William A. Morris our architect on the project who helped us with the master plan and design of this site as well.

As the video mentioned, Kwik Trip has been in business since 1965. Started out kind of as a little neighborhood grocery store to sell some grocery products. Over the years stores have evolved, the product offerings have evolved, and today we're kind of a modern definition of the old neighborhood store with products that people need on a daily basis or weekly basis and can kind of stop in and get good values on products in a timely manner with good customer service and clean facilities.

Kwik Trip employs over 12,000 co-workers through Wisconsin, Minnesota and Iowa. We produce as the video mentioned our own commissary where we make sandwiches, soups, pizza. And we have our own bakery to provide daily bakery products from bread, donuts and other sweet goods. We also provide hot food such as soup, sandwiches, pizzas, things along that nature for quick lunch or dinner items. And then also we also provide now a new thing. We've been working on providing fresh quality meat. We're rolling out a new meat program in our stores where you can purchase anything from pork chops to chicken breasts, hamburgers and hot dogs and things like that to incorporate into picnics or grill outs, things like that.

We're proud to be noted as a top workplace in Southeast Wisconsin. The last four years the Journal Sentinel awarded Kwik Trip either first or third in the top workplaces category for large employers. Kwik Trip is focused on quality products, quality facilities, hiring quality people and providing quality service at a fair price. With that, we humbly ask for your support on Items B, C, D, E and F on tonight's agenda, and we'd be happy to answer any questions you might have. Thank you.

Tom Terwall:

I'll open it up to the public hearing, but you're available to answer questions, correct?

Troy Mleziva:

Yes, sir.

Tom Terwall:

Thank you. This is a matter for public hearing. Is there anybody wishing to speak on this matter? Yes, sir?

Terry McMahon:

My name is Terry McMahon. I live at 6407 107th Street in Pleasant Prairie, Wisconsin. As in the past the Village has made an attempt in working with other people in trying to bring a convenience store of this nature to our area. My biggest concern right now, and Jean you did comment on the fact of the conditions set by the State for access to Green Bay Road or State Highway 31. Is that condition going to change in the future? Because I know efforts of people I have met with in the past and been involved with have tried to develop property along that stretch. Giving access to Green Bay Road south of 165 is not going to happen in any distance time frame that I'm aware of. And, secondly, one question is the new development that's going in, the Kwik Trip store, it's going to face 72nd Street, correct?

Jean Werbie-Harris:

They will actually have the front of their store facing 165, and it looks like it fronts also 72nd Avenue.

Terry McMahon:

Okay. The only thing was Green Bay Road is going to be an issue for anything future at all. The way it stands from what I've talked to the State of Wisconsin is that right now there's going to be no access because of the speed limits south of 165. Thank you.

Tom Terwall:

Thank you.

Jean Werbie-Harris:

If I can respond. I understand that. I never say never. There are two existing points of access that are currently allowed by their State plat. So it would be up to the current landowners or future developers to determine whether or not there is any accommodations that can be made if they would modify those two points of connection or relocate or consolidated. So that's really in the hands of the DOT and the developers or the future property.

Tom Terwall:

Anybody else wishing to speak? Anybody else? Hearing none I'm going to turn it over to the Commission and staff. I have two points. Number one, the car wash will have municipal sewer and water is that correct, and it won't operate unless it does?

Jean Werbie-Harris:

Yes, that's correct.

Tom Terwall:

What's the distance that has to come in now from where it currently exists?

Jean Werbie-Harris:

Currently right now sewer and water is in 72nd Avenue.

Tom Terwall:

Oh, it is, okay, so that's not going to be an issue?

Jean Werbie-Harris:

No.

Tom Terwall:

Secondly, and I don't want to put you on the spot, but can you give me a ballpark as far as what percentage of your customers are petroleum customers versus customers that are for your grocery operation?

Troy Mleziva:

That's a good question. I guess it's probably fairly equal percentage. We've got folks that shop at our store purely for lunch items. We've got folks who shop our stores purely for grocery items. We have folks who shop our stores for fuel, but a lot of folks buy both of those. I would say it's fairly close to 50 percent each.

Tom Terwall:

You use whatever refinery has got gas this week? You don't have your own refineries, correct?

Troy Mleziva:

No, we don't. We purchase fuel on the market. We deliver it ourselves, but we don't own refineries or anything upstream other than the trucks.

Tom Terwall:

So I can't hold you accountable for this \$3.89 a gallon?

Troy Mleziva:

No, we don't drill it, we don't refine it. We sell it. Actually believe it or not when the price is lower we pay less in credit card fees so when the price is higher we're actually not as happy either. A gallon of gas is a gallon of gas, and if the price is lower there's less credit card fees. So we're in it with everybody else.

Michael Serpe:

I feel good about this. I have to say that the Kwik Trips that I've patronized are all clean, professionally run. They set the standard for how gasoline and convenience stores should operate in this area. I'm glad to have them come into Pleasant Prairie. I just have one item, and it's not related necessarily to the Kwik Trip.

But on 165 and 31 I think we have to notify the State and ask them to consider a left turn arrow for traffic going south on 31 and turning left on 165. And the reason I say that is this facility is going to attract more traffic coming from all directions. The semi trucks that come into LakeView Corporate Park are many. And when they're stuck in the left turn lane to go west on 165 the cars that had the green light to turn left on 165 from 31 the truck blocks their view, and we've had some close accidents. And I think we've had some accidents as a result of that. If we can clear some of that lane out by putting a left turn arrow in that would certainly help. And I know it's wired for it, all we have to do is ask them to connect the wires.

As far as the Kwik Trip goes I welcome them into Pleasant Prairie. I think it's a good move, and it's going to be good for us and good for the neighbors.

Tom Terwall:

Jean, you had something you wanted to add?

Jean Werbie-Harris:

Two things. First, I just want to mention real quickly that this is not a truck fueling facility but this is an automobile fueling facility, and they will also offer diesel for automobiles. But I wanted to introduce our Village Engineer Mike Spence. We're in the process of doing a TIA, transportation impact analysis, and it covers from 31 all the way out to the interstate. And maybe he can address some of the concerns on the turn movements.

Mike Spence:

Thank you, Jean. Mike Spence, 9915 39th Avenue. As Jean indicated there currently is a traffic impact analysis being performed for all of the LakeView Corporate Park. The Village a number of months ago hired a firm to evaluate all the major roads within the Corporate Park of which this is one. So they will be looking at the intersection of State Highway 31 and 165. That process is moving along. Actually Jean and I have the draft report which we haven't been able to get to review to see what the recommendations are. But typically that report will look at the traffic projections, and then they will look at if there's any operational or geometrics for the intersection like extra travel lanes, they'll recommend whether that should occur. So it is being studied. And we'll note that. And if there isn't a left turn signal we'll probably ask for justification as to why not so that we can let you know.

Tom Terwall:

Anybody else? I'll second what you said, Mike. I've frequented the one at 158 and Green Bay Road, and that's a very top shelf place.

Wayne Koessler:

If there are no further comments, Mr. Chairman, I'd approve Item B, the public hearing and consideration of Plan Commission Resolution #14-10 for amendments to the Village Comprehensive Plan.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO ADOPT THE COMPREHENSIVE PLAN AND RESOLUTION 14-10 SUBJECT TO THE TERMS AND CONDITIONS OUTLINED.**

Wayne Koessl:

All of our motions will be subject to the conditions by the staff.

Tom Terwall:

Exactly. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Now we need a motion to send a favorable recommendation to the Village Board -- yes, sir, do you wish to speak? Please do.

Frank Trecroci:

My name is Frank Trecroci, 1218 42nd Avenue in Somers, sorry. I'd like to just thank the members of the Plan Commission, and I would like to thank Jean for all the hard work. We are the owners of the property there, and we've been waiting a very long time for this. Jean did not have to approve this and the Plan Commission did not have to approve this, but obviously we're very delighted that you did. And I just want to say from the bottom of our hearts thank you for supporting us.

Michael Serpe:

We haven't voted on all of them yet, Frank.

Frank Trecroci:

I'll be back.

Wayne Koessl:

If I may, we're always looking for more development in Pleasant Prairie so thank you.

Frank Trecroci:

Thank you.

Tom Terwall:

And I think we're looking for a ten cent reduction in the price of gas.

John Braig:

Ten cents? Twenty cents.

Michael Serpe:

I move approval of the conceptual plan.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDRUA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Now we need a motion to send a favorable recommendation to the Village Board for approval of the certified survey map.

Judy Juliana:

So moved.

Jim Bandura:

Second.

Tom Terwall:

**MOVED BY JUDY JULIANA AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM 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:

Move approval of the zoning map amendment.

Wayne Koessl:

Second.

Tom Terwall:

**MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. And finally a motion to send a favorable recommendation to the Village Board to approve the operational plans for DSIS.

Andrea Rode:

So moved.

Wayne Koessl:

Second.

Tom Terwall:

**MOVED BY ANDREA RODE AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE OPERATIONAL PLANS FOR THE DSIS. ALL IN FAVOR SIGNIFY BY SAYING AYE.**



Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**G. PUBLIC HEARING AND CONSIDERATION OF AN AMENDMENT TO CONDITIONAL USE PERMIT #13-03 AS AMENDED JANUARY 13, 2014 for the request of Attorney J. Michael McTernan agent for VIDHYA Corp, VIII, Inc., the property owners, to remove condition #54 and allow the BP Amoco gasoline station and convenience store located at 10477 120th Avenue to remain open after June 10, 2014 since the property's groundwater treatment system is fully operational and is in compliance with the Settlement Agreement.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, Item G is a public hearing and consideration of an amendment to conditional use permit 13-03 as amended January 13, 2014. And this is for the request of Attorney J. Michael McTernan agent for VIDHYA Corp, VIII, Inc., the property owners, to remove condition #54 and allow the BP Amoco gasoline station and convenience store located at 10477 120th Avenue to remain open after June 10, 2014 since the property's groundwater treatment system is now fully operational and is in compliance with the settlement agreement.

As a part of the hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request, and they're described and presented as part of the packets.

#### FINDINGS OF FACT

1. The petitioner is requesting a 2nd Amendment to Conditional Use Permit #13-03 to allow the BP Amoco gasoline and convenience store located at 10477 120th Avenue to remain open past June 10, 2014. This is provided as Exhibit 1.
2. The subject property is known as Lot 14 of CSM 1489 located in a part of U.S. Public Land Survey Section 30, Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-302-0130.
3. The property is zoned B-4, PUD Freeway Service Business District with a Planned Unit Development Overlay and a gasoline station requires a Conditional Use Permit in the B-4 District.
4. Now there have been a number of previous approvals for the BP station.
  - a. On November 19, 2012, the Plan Commission approved a Conditional Use Permit #12-10, Exhibit 2, including site and operational plans to allow BP

Amoco to operate a gasoline station and convenience store and to install a carbon treatment system that will treat existing contaminated ground water from several reported hazard substance releases at the site. This approval was subject to compliance with the settlement agreement approved by the Village Board on November 29, 2012 and 53 additional conditions. The Conditional Use Permit was valid until May 1, 2013. A full copy of the settlement agreement is on file with the Village.

- b. On May 28, 2013, the Plan Commission approved Conditional Use Permit #13-03, Exhibit 3, to allow BP to continue to operate a gasoline station and convenience store and install that carbon treatment system that will treat existing contaminated ground water from several reported hazard substance releases at the site. This approval was subject to compliance with the settlement agreement approved by the Village Board on November 29, 2012, the 1st Amendment to the settlement agreement approved by the Village Board on April 1, 2013 and 53 additional conditions. The Conditional Use Permit was valid until June 10, 2014. Again, a full copy of the settlement agreement and 1st amendment is on file with the Village.
  - c. On January 13, 2014 the Plan Commission approved the 1st amendment to Conditional Use Permit 13-03, Exhibit 4, to allow BP to continue to operate with the approval of a settlement agreement amendment #2 which addressed the request for modified analytical test parameters, discharge water standards and reporting requirements of the carbon treatment system that will treat existing contaminated ground water from several reported hazard substance releases at the site. This approval was subject to compliance with the settlement agreement approved by the Board in 2012, the 1st amendment that was approved in 2013 and the 2nd amendment which was approved by the Board on February 3, 2014, as well as the 53 additional conditions. The Conditional Use Permit is valid until June 10, 2014. Again, the purpose of this public hearing and the conditional use request this evening is for an extension of that conditional use permit so that the company can continue to operate at that location.
5. Pursuant to the Village Engineer the owners are currently in compliance with the settlement agreement and its amendments referenced above. Continued monitoring is being done by the Village to ensure continued compliance is being maintained.
  6. The Village staff is recommending approval of the 2nd amendment to Conditional Use Permit subject to all of 53 conditions with a condition #54 to be modified to read:
    54. This Conditional Use Permit is valid until June 10, 2015. In order for this facility to continue to operate after June 10, 2015, an application for an extension to this conditional use permit shall be reconsidered by the Plan Commission at a regularly scheduled public hearing prior to June 10, 2015.
  7. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on May 22, 2014 of this hearing. Public hearing notices were also published in the *Kenosha News* on May 26, 2014 and June 2, 2014.

8. The petitioner was sent a copy on June 6, 2014 of these conditions.
9. According to the Village zoning ordinance the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials that the project as planned will not violate the intent and purpose of all Village ordinance and meets the minimum standards for granting of a Conditional Use Permit. Further, the Plan Commission shall not approve any modified site and operational plan without finding in the decision that it meets with all applicable Village ordinance requirements and all other applicable federal, State or local requirements regarding land use, buildings, development control, environmental protection, sewer service, water service, noise, streets and highways and fire protection.

So with that I'd like to introduce Mr. McTernan. He's representing VIDHYA Corp. for the BP Amoco for a one year extension for the conditional use permit.

Michael McTernan:

Hello. Michael McTernan, 6633 Green Bay Road, Kenosha, Wisconsin, 53142. On behalf of BP and Mr. Patel is here in person we kindly request the support of the recommendation of allowing us to continue for one year. As I'm sure Mr. Spence can provide information on the details that are a little bit over my pay grade on some of the technical stuff that's still going on there, we still continue to address matters as they come up by the Wisconsin Department of Natural Resources and also in concurrence with the Village including the continued work that's going on out on the site as it relates to the issues that we have on the site and the treatment of the site that's going to be going on for quite some time. I appreciate your time and appreciate the one year extension of the conditional use.

And obviously more work will take place in the next year, and prior to the conditional use being up in a year from now we'll be back [inaudible] any other upgrades or modifications of whatever work that comes up between now and then. But if you have any questions or details regarding what we're doing we're happy to answer it for you. I appreciate your time. Thank you.

Tom Terwall:

This is a matter for public hearing. Is there anybody else wishing to speak on this matter? Anybody else? Hearing none I'm going to call on Mr. Spence and ask him to step to the microphone.

Mike Spence:

Michael Spence, 9915 39th Avenue. I can give you a little bit of update of where things are at with BP. They continue to make progress on the environmental remediation of this site. Most recently about two weeks ago they actually removed all the contaminated soil that was in the ditch along State Highway 165. That process involved -- they used a vector type truck, a slurry to remove the contaminated soil. While that was going on there were environmental people out there including a member of my staff monitoring the activities to make sure that they were getting

to the limits of the contamination. That was completed after a couple days of work. And then after that the site was restored with clean topsoil and grass seed.

In addition to that they continue to monitor as per the settlement agreement. They've also installed three groundwater monitoring wells on the east side of their property. They're going to be looking at any contamination potential on the Culver's site. So, again, this is a dynamic process. But they have made good progress in doing what they need to do. Furthermore, they've been good about notifying the Village as far as their activities out there. Their consultants have done a good job. So at this point they're not in violation of any of the items in their settlement agreement, and I think they've made good progress. I'd be able to answer any questions.

Tom Terwall:

Mike, do you feel confident that there's no further leakage going on out there? I mean is what they're finding now the result of years of failure, or can they still be having leaks and we wouldn't know about it?

Mike Spence:

There still is a potential, however we've done a lot of steps to address that. I mean they've got monitoring wells where they have to pump the levels down so that the groundwater doesn't leach and get into the soil -- I mean the whole problem is the site is contaminated so groundwater when it comes in contact with that will pick up the contaminants. So what we've done is we've lower the level by treating the groundwater on the site. Also I think probably since the last time you addressed this they actually put in another treatment step. It's a final polishing of the effluent to get any residual petroleum out of the groundwater. So I feel reasonably confident that what they've installed should continue to clean the site.

It should be noted that this whole effort is still going to be going on for a long time. And I think the owner and everybody realizes that. So we've put in place a number of steps to make sure that if there's a hiccup that it's caught right away. For example, there's an alarm on site if the wells get higher. There's a whole protocol that the owners have a number to call, and there's somebody on call at all times to come out and address the issue if there is a high groundwater level. The other thing now that we have some experience any time we have wet whether the potential for additional stormwater or groundwater they set the pumping so that it pumps more frequently into the treatment system, again, to eliminate any potential for discharge into the ditch.

Tom Terwall:

Thank you. Mike?

Michael Serpe:

Mike, number one I'm glad to hear what you just reported. I'm curious as to I know we spent a lot of money on resources with our own people. What did BP spend on putting this whole thing where it's at right now?

Mike Spence:

Maybe that's best answered by their attorney. I mean I've heard a lot of different numbers. I know it's a large amount.

Michael Serpe:

Are you willing to share that, Mike?

Tom Terwall:

Not including your fees, Mike.

Michael McTernan:

The issue that, just to give some context to it, is when my client purchased the property and encountered that he had a problem with the site the contamination that occurred on the site predated his ownership. He bought the property as a known contaminated site. Obviously everyone understood, the DNR included, that the site as structured and rebuilt as it is today encapsulated would not pose a problem to the health and welfare of the community, and they indicated that nothing needed to be done.

Since then, and I give you numbers, and I've filed with the Village and I know I've given it to Jean, an enormous amount of details of the monies that have been spent ever since we first noted there was a problem, when Mr. Spence has presented there was issues with the sheen in the ditch. Mr. Patel the first steps he took he spent over \$200,000 redoing all the lines to the gas pumps and the tanks believing there must be a bigger problem here because where else could this be coming from, not thinking into great detail that it was an old contaminated site.

We've done a DNA/forensics analysis, I don't know the exact term, but they finger print analysis the gasoline to determine where is this from. And those reports show how old the gasoline is. It's like doing carbon dating on product, and you could figure out within a very close margin. And it all predates my client's ownership back in the day when there was leaded gas.

But if you tag all the numbers up from his consultants up to the improvements he's getting close to spending \$1 million out there in trying to address this with his ownership. So it's no small number, and sadly as Mr. Spence indicated this isn't something we're going to just walk away from because there's continuing reporting, continuing work that we need to do and continue to manage this site. Just managing the tests and managing the filters and the bags and restoring the three massive drums that are on site to treat the water is -- the Village knows what it costs to treat water. It's just a little mini water treatment center there, and we have the same costs on a smaller scale than the community does, but it's continuing.

Michael Serpe:

When this whole thing started and came forward it was contentious, very contentious between the Village and BP. And then, Mike, you got involved. And I have to give you credit when you got involved things started changing and pressure was put on in the right way. And I give you credit

for working with us the way you did. I'm glad we're at the point where we're at. I think prior to Mike becoming involved I think every one of us were ready to revoke that conditional use permit on the information we had. And you convinced us that wasn't the case. I'm glad it's where it's at. I still have a little bit of animosity towards the DNR for not getting involved in this thing until the eleventh hour. I think it's shame on them. But at least we're moving in the right direction.

Jim Bandura:

Is there any recourse that the current owners can take against BP?

Tom Terwall:

He bought it as is.

Michael McTernan:

There are some legal issues we're looking at now that we have arms around it in the sense of having the DNR engaged and having identified the history of it. So there's a lot of work we've done not only to try to figure out where did this come from but also when did it happen. Not at liberty to get into too many details, but we're pursuing some potential avenues. They're potential avenues, but nothing that is concrete that says we'll be able to restore my client and make him whole. That's not going to happen. But making the best as we can. And honestly it's a two way street. Some of the consultants my client had hired, and we take the blame, if my client had engaged better consultants from the get go I'm sure the Village would have been -- probably wouldn't have been as contentious without my involvement, but we've gotten to where we've got to go. And I believe with the Village staff's consent and approval we're heading in the right direction. We're going to be here again in another year so we're not going anywhere.

Tom Terwall:

You don't see a 20 cent a gallon reduction then?

Michael McTernan:

No, sorry.

Tom Terwall:

Thank you.

Michael McTernan:

Thank you very much.

Tom Terwall:

What's your pleasure, guys?

Michael Serpe:

Mr. Chairman, I'd move approval of the conditional use to 2015.

Wayne Koessl:

I'll second.

Tom Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO APPROVE THE CONDITIONAL USE PERMIT EXTENSION TO JUNE 15, 2015 SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Jean Werbie-Harris:

June 10th that would be, not June 15th.

Tom Terwall:

With that correction. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Mike, it looks like you've got enough work for another year yet.

**H. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #14-11 FOR AMENDMENTS TO THE VILLAGE COMPREHENSIVE PLAN: for the request of Mark Molinaro, Jr. of Partners In Design Architects, agent on behalf of the Hospice Alliance Foundation, Inc. owners of the property located at 10220 Prairie Ridge Blvd and a portion of the vacant property to the east for the future expansion of the Hospice facility: 1) to amend the Village 2035 Land Use Plan Map 9.9 by changing the land use designation of the property from the Community Commercial land use designation to the Government and Institutional land use designation to ensure that both the Zoning Map and the Comprehensive Land Use Plan are consistent; and 2) to update Appendix 10-3 of the Village 2035 Comprehensive Plan to reflect the above noted changes to the 2035 Land Use Plan Map 9.9.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this is a public hearing and consideration of Plan Commission Resolution 14-11 for amendments to the Village Comprehensive Plan. And this is at the request of Mark Molinaro, Jr. of Partners In Design Architects, agent on behalf of the Hospice Alliance Foundation, Inc., owners of the property located at 10220 Prairie Ridge Blvd and a portion of the vacant property to the east for the future expansion of the Hospice facility: 1) to amend the Village 2035 Land Use Plan Map 9.9 by changing the land use designation of the property from the Community Commercial land use designation to the Government and Institutional land use designation to ensure that both the zoning map and the Comprehensive Land Use Plan are consistent; and 2) to update Appendix 10-3 of the Village 2035 Comprehensive Plan to reflect the above noted changes to the 2035 Land Use Plan Map 9.9.

On April 21, 2014, the Village Board approved a Conceptual Plan, Zoning Text and Map Amendment and Certified Survey Map for the property located at 10220 Prairie Ridge Boulevard and the vacant 8.6 acre property to the east for the future expansion of the Hospice facility and future commercial development. In addition, on April 14, 2014, the Plan Commission approved Site and Operational Plans for Hospice Alliance to expand the parking lot for their existing facility at 10220 Prairie Ridge Boulevard.

As a condition of the above noted approvals, the owners were required to submit and request for an amendment to the Village's Comprehensive Land Use Plan by July 1, 2014 for the required amendment. They have done so, and during the April 14, 2014 public hearing, the Village Comprehensive Land Use Plan will be required to be updated to correctly identify that Lot 1 of the CSM 2751 should be located within the Government and Institutional land use designation to ensure that both the zoning map and the Comprehensive Land Use Plan Map are consistent. Currently the Land Use Plan indicates this property is in the Community Commercial land use designation.

So as outlined in Plan Commission Resolution #14-11 before you they are requesting the Village Land Use Plan Map amendment by changing the designation of that property from the Community Commercial to Government and Institutional land use designation; and amending Appendix 10-3 to reflect the noted changes to the 2035 Land Use Plan Map 9.9. This is a matter for public hearing.

Tom Terwall:

The grading that's going on there currently is strictly for an extension of the parking lot, is that correct?

Jean Werbie-Harris:

That's correct.

Michael Serpe:

That's an awful big area.



Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff.

Wayne Koessler:

Move approval, Mr. Chairman.

Jim Bandura:

Second.

Tom Terwall:

**MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO APPROVE RESOLUTION 14-11 FOR THE AMENDMENTS TO THE VILLAGE COMPREHENSIVE PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**I. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #14-12 FOR AMENDMENTS TO THE VILLAGE COMPREHENSIVE PLAN: 1) to amend the Village 2035 Land Use Plan Map 9.9 of the Village's 2035 Comprehensive Plan. Specifically, the land use designation of property located at the southeast corner of CTH EZ (39th Avenue) and Springbrook Road is being changed from the Mixed Use Lands (Village Green Center) with an urban reserve land use designation to the Government and Institutional land use designation for the relocation and construction of Fire Station #1; and 2) to update Appendix 10-3 of the Village, 2035 Comprehensive Plan to reflect the above noted changes to the 2035 Land Use Plan Map 9.9.**

Jean Werbie-Harris:

Mr. Chairman, members of the Plan Commission and the audience, this is a public hearing and consideration of Plan Commission Resolution 14-12 for amendments to the Village Comprehensive Plan: 1) to amend the Village 2035 Land Use Plan Map 9.9 of the Village's 2035 Comprehensive Plan. Specifically, the land use designation of property located at the southeast corner of County Trunk Highway EZ, 39th Avenue, and Springbrook Road is being changed from the Mixed Use Lands, Village Green Center, with an urban reserve land use designation to the

Government and Institutional land use designation for the relocation and construction of Fire Station #1; and 2) to update Appendix 10-3 of the Village 2035 Comprehensive Plan to reflect the above noted changes to the 2035 Land Use Plan Map 9.9.

On May 19, 2014, the Village Board has approved a Master Conceptual Plan, Zoning Text and Map Amendment for the redevelopment of the Village Campus located at 9915 39th Avenue including the relocation of Fire & Rescue Station #1 to the north side of the Village Hall in a new building. In addition, on May 12, 2014, the Plan Commission approved Site and Operational Plans for the construction of a new Fire & Rescue Station #1, and for renovations of the existing Fire & Rescue Station #1 for Village Hall purposes.

As discussed at the May 12, 2014 Plan Commission meeting, when discussing the zoning map amendment subsequently approved by the Village Board, amendments to the Comprehensive Land Use Plan were required to ensure that the zoning map and the land use plan map are consistent. The property was rezoned by the Village Board on May 19, 2014 to I-1 (PUD), Institutional District with a Planned Unit Development Overlay Distrust, and the portion of the property for Fire Station #1 is located within the Mixed Use Lands, Village Green Center, with an Urban Reserve land use designation pursuant to the Comprehensive Plan. The entire Village Campus property is proposed to be located within the Government and Institutional land use designation so that the entire Village Campus is located in the same land use designation.

Specifically, Resolution 14-12 has the following amendments proposed. Number 1, to amend the 2035 Land Use Plan Map 9.9 to change the Mixed Use lands with Urban Reserve land use designation for the property at the southeast corner of 39th Avenue and Springbrook Road to the Government and Institutional land use designation for the relocation and construction of Fire Station #1. And, second, to update Appendix 10-3 of the Village of Pleasant 2035 Comprehensive Plan to reflect the noted changes in the land use plan map 9.9. Staff recommends approval as presented.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak on this matter? The fire department is not here tonight. Yes, ma'am?

Cecilia Jeep:

Hi, I'm Cecilia Jeep. I'm at 9923 38th Avenue right behind here. My husband and I attended the last public hearing. My husband spoke, he couldn't be here tonight so I'm taking his place. We voiced a concern at the last public hearing about the drainage issues from the property here. We're one of the most directly affected by the change here. When it rains the water runs downhill. The problem that my husband voiced is because of the drainage issue we have a pond in our yard. We were promised somebody was going to talk to us and nobody has. We're very apprehensive about this, and we would like somebody to talk to us about what design issues are going to resolve the drainage issues.

We just don't want any pats on the back saying now, now everything is going to be okay because there are some issues on the hill in the property as it stands right now. We were told that not all the property on the hill is the Village's, and we know darn well that's not the truth. We know

where our property line is. We would like to be a little bit more involved in or at least talk to somebody about what the design is because what we heard a month ago is not what we know to be the case. And i was just wondering if somebody could be in touch with us because this not knowing is bothering both my husband and myself.

Jean Werbie-Harris:

Cecilia, can I get your phone number? We'll need to have the Village Engineer sit down and meet with you and your husband. I'm sorry, I wasn't there at the meeting on May 12th. So let me get your contact information, the best time for you to meet with the Village staff, and then they will sit down with the plans and go through everything with you, the drainage plans and everything else.

Cecilia Jeep:

After the meeting here?

Jean Werbie-Harris:

Let's wait five minutes when we're off the record.

Tom Terwall:

Anything further?

John Braig:

Move approval of Resolution 14-12.

Michael Serpe:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO ADOPT RESOLUTION 14-12 SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM AND URGE A DISCUSSION BETWEEN THE CONCERNED PROPERTY OWNER WITH BOTH THE VILLAGE ENGINEER AND THE VILLAGE ADMINISTRATOR. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**7. ADJOURN.**

John Braig:

Move adjournment.

Michael Serpe:

Second.

Wayne Koessl:

Before we adjourn, I live on 83rd Street west of Cooper Road. In between 80th Street and 82nd Street during the winter the City of Kenosha Water Utility dug up --

Michael Serpe:

Terrible.

Wayne Koessl:

-- three services that they repaired. I've called them to repair them again. They don't do anything. And it just deteriorates more and more on the east side. And also on the west side of Cooper Road just north of 82nd Street the Village did some work there I think it was on a storm sewer during the heavy rains we had, and that has a big hole there. They have a block north about gravel. There's no gravel there, it's just a big hole. And I think the City of Kenosha does not react, they don't know how to fix potholes or streets.

John Braig:

There was an article in the paper about it today.

Wayne Koessl:

What did they do, hire a contractor to do it?

Michael Serpe:

Can we adjourn now?

Wayne Koessl:

Now we can adjourn.

Tom Terwall:

Motion and a second to adjourn. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**Meeting Adjourned: 7:26 p.m.**