

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
June 24, 2019**

A meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on June 24, 2019. Those in attendance were Michael Serpe; Mike Pollocoff; Deb Skarda; Jim Bandura; Bill Stoebig; John Skalbeck (Alternative #1) and Brock Williamson (Alternate #2). Wayne Koessl and Judy Juliana were excused. Also in attendance were Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Aaron Kramer, Deputy Planner and Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER APPROVAL OF THE JUNE 10, 2019 PLAN COMMISSION MEETING MINUTES.**

Jim Bandura:

So moved.

Deb Skarda:

Second.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND SECONDED BY DEB SKARDA FOR APPROVAL OF THE JUNE 10TH MINUTES. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

- 4. CORRESPONDENCE.**

Michael Serpe:

Just one little item for what it's worth. The Village is celebrating its 30th year as an incorporate village. And last week we had a little celebration with our Community Development Director

Jean Werbie-Harris for 30 years on the job. And when you think back on 30 years and how this Village could have developed and how we did develop a lot of that credit goes to Jean and Mike Pollocoff as well because he hired Jean. Both visionaries, and we see what we ended up with. We could have gone a different direction had we have not had people in place like Jean and like Mike. And that gives credit to the Commission as well. The Plan Commission is the nuts and bolts of this community, of any community really. And I think we all have the same vision for the future where we want to be. So, Jean, congratulations on 30 years.

Jean Werbie-Harris:

Thank you.

Michael Serpe:

Job well done.

Michael Serpe:

Okay, now for the nuts and bolts.

5. CITIZENS COMMENTS.

Michael Serpe:

We have eight items that are public hearings. If anybody wishes to speak on a public hearing when that item is called you can hold your comments until then. If there's anything else that you wish to approach this Commission now is your time to do so. We would ask that you give your name and address for the record. Anybody wishing to speak? Anybody wishing to speak? We'll close citizen comments.

6. OLD BUSINESS.

Michael Serpe:

Item A and B will be taken together. These items are tabled. We need a motion to remove them from the table.

Mike Pollocoff:

I move.

Jim Bandura:

Second.

Michael Serpe:

MOTION MADE BY MIKE POLLOCOFF AND SECONDED BY JIM BANDURA TO REMOVE ITEMS A AND B FROM THE TABLE. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

- A. TABLE PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #19-06 FOR AN AMENDMENT TO THE VILLAGE COMPREHENSIVE PLAN for the request of Dan Szczap, agent on behalf of Mills Holdings LLC, owners of the properties (approximately 560 acres) generally located between 91st and 104th Streets and west of Sheridan Road for the proposed Barnes Prairie Wetland Mitigation Bank project. Specifically the Village 2035 Land Use Plan Map 9.9 is proposed to be amended by changing the Commercial, Low-Medium Density Residential, Governmental and Institutional, Neighborhood Park and Urban Reserve land use designations to the Park, Recreation and Other Open Space Lands. All other land uses including Primary Environmental Corridor, Isolated Natural Resources and wetland and floodplain areas will remain unchanged. In addition, Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan is proposed to be updated to reflect the above noted changes to the 2035 Land Use Plan Map 9.9.**
- B. TABLED PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENTS for the request of Dan Szczap, agent on behalf of Mills Holdings LLC, owners of the properties (approximately 560 acres) generally located between 91st and 104th Streets and west of Sheridan Road for the proposed Barnes Prairie Wetland Mitigation Bank project. Specifically, to rezone the properties from the R-5 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District, R-4 (AGO), Urban Single Family Residential District with a General Agricultural Overlay District; R-5 (UHO), Urban Single Family Residential District with a Urban Landholding Overlay District; B-2, Community Commercial District; and C-2, Upland Resource Conservancy District to the C-3, Natural and Scientific Area Resource Conservancy District. The lands currently zoned C-1, Lowland Resource Conservancy District and FPO, Floodplain Overlay District will remain unchanged.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, both Items A and B are at the request of Dan Szczap from Mills Holdings, LLC, owners of the properties. Specifically they're not quite ready to present these items at this time, so they are asking that both the tabled public hearing and consideration of Plan Commission Resolution 19-06 for an amendment to the Comprehensive

Plan, and the Zoning Map Amendments for their project that they're proposing for the Barnes Prairie Wetland Restoration Project they're asking that both of these items be withdrawn from the agenda at this time and brought back at a later date. There will be separate notification that will be sent out to all the residents at such time that this comes back to the Plan Commission.

Michael Serpe:

Looking for a motion to remove Item A.

Mike Pollocoff:

I'll move.

Jim Bandura:

Second.

Michael Serpe:

MOTION MADE BY MIKE POLLOCOFF AND SECONDED BY JIM BANDURA TO REMOVE ITEM A FROM THE AGENDA. THAT'S RESOLUTION 19-06. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Looking for a motion to remove Item B, a Zoning Map Amendment.

Brock Williamson:

So moved.

Bill Stoebig:

Second.

Michael Serpe:

MOTION MADE BY BROCK WILLIAMSON AND SECONDED BY BILL STOEBIG TO REMOVE ITEM B FROM THE AGENDA. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you. Item C is a tabled public hearing. Item C we ask that that item be removed from the table.

Mike Pollocoff:

I move we remove it from the table.

Brock Williamson:

Second.

Michael Serpe:

MOTION MADE BY MIKE POLLOCOFF AND SECONDED BY BROCK WILLIAMSON TO REMOVE ITEM C FROM THE TABLE. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

Jean Werbie-Harris:

So, Mr. Chairman and members of the Plan Commission, what I'd like to do is I'd like to take Item D under New Business up first because that is a Zoning Text Amendment for consideration before the Plan Commission that involves a public hearing. And then I'd like to come back and do Item C. The items are related, but one involves a public hearing for a change in the text of the ordinance which allows us to act on Item C. So if we could take up Item D at this time.

Michael Serpe:

I think that's not a problem.

7. NEW BUSINESS:

D. PUBLIC HEARING AND CONSIDERATION OF ZONING TEXT AMENDMENTS to Section 420-141 related to the Purpose and Findings for conditional uses; Section 420-148 B related to Conditional Use standards and Section 420-125.2 E related to Conditional Uses listed in the M-5, Production Manufacturing District.

Jean Werbie-Harris:

So Item D is a request by the Village staff for the consideration of some Zoning Text Amendments, and this is to Section 420-141 related to the Purpose and Findings for conditional uses; Section 420-148 B related to Conditional Use standards; and Section 420-125.2 E related to Conditional Uses all listed in the M-5, Production Manufacturing Zoning District.

So in June of 2013, the Board created the M-5, Production and Manufacturing District, with the intention of establishing a district to provide for uses that creating high-skill, living wage jobs and advancing or introducing clean industry or technology to the region. Therefore, the M-5 District provides for manufacturing, assembly, office, research and development uses with limited warehouse and distribution uses and allows certain uses as conditional uses. The district allows for medical office facilities, office parks, corporate campuses or individual office buildings. The M-5 District allows for ancillary uses, which may or may not include space for manufacturing, assemblies, or research and development, but provides direct services to the employees or customers or other uses in the area. In addition, the M-5 District also provides for certain uses that may be approved by the Plan Commission with a Conditional Use Permit.

On June 3, 2019, the Board adopted Resolution #19-19 to establish use and standards for the granting of conditional uses for potential distribution uses in the M-5, Production Manufacturing District, and referred the proposed changes to staff for further evaluation and to bring forward for consideration any ordinance amendments to the Plan Commission and Village Board.

Upon evaluation of uses allowed for in the M-5, District, in particular those uses that may be allowed with a conditional use permit, the following amendments are being proposed to Section 420-125.2 E related to Conditional Uses in the M-5 Production Manufacturing District.

So specifically under conditions uses we've added a sub (3), uses that further the intent of the Village Board in creating the M-5 District by creating high-skill, living wage jobs and advancing or introducing clean industry or technology to the region provided that the uses are not classified as a High-Hazard Group H pursuant to Section 307 of the 2006 IBC. These uses include the following:

- (a) Packaging fulfillment and distribution of products in the medical, pharmaceutical, pharmacy or nutrition or nutraceutical industries. To qualify as a potential conditional use, the use shall meet at least two of the following three criteria:
 - [1] The use creates high-skill, living wage jobs at the time of conditional use application.
 - [2] The use forms a regional, multi-state or national corporate headquarters; or
 - [3] The use provides significant and measurable value to the land around them and/or the Village through unique infrastructure, technology, security, branding or aesthetic contributions.
- (b) Software, cloud computing, autonomous vehicle/mobility, artificial intelligence or similar technology of the future. To qualify as a potential conditional use, the use must shall at least two of the following criteria:

- [1] The use creates high-skill, living wage jobs at the time of conditional use application.
- [2] The use forms a regional, multi-state or national corporate headquarters; or
- [3] The use provides significant and measurable value to the land around them and the Village through unique infrastructure, technology, security, branding or aesthetic contributions.

Then we made some other minor modifications to the narrative of the conditional use permit and to make it more clear as to what the permit is. And we also wanted to make sure that there was a clear statement with respect to that the uses should not create special problems or hazards or impede the realization of any zoning objectives. So we're just trying to clarify things a little bit further with respect to the zoning conditional use definition. So with that this is a public hearing, and I'd like to have the Village Plan Commission consider this matter for public hearing.

Michael Serpe:

This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? We'll close the public hearing and open it up to comments and questions from the Commission.

Mike Pollocoff:

I just think this is a really good modification to the M-5 District. And especially an M-5 District where it could be the Village utilizing our TIF financing ability, or if we allowed the developer to do it, it's one of the few resources we have as a community to incentivize quality growth. Developers will be more than happy to take that TIF ability and build warehouses with it. But I think the benefit back to the community is far greater than that. And I think that's why M-5 is a good district that excludes that.

And the types of industries that staff has identified are the kind of industries I think this community needs. They're forward looking. They're going to deal with the technologies and the type of jobs that we need to have in this community in the future if we're going to retain our children here if they want to be able to have a job here or start a family here. It's an appropriate use of the public bonding authority with TIF. So I wholeheartedly recommend that this amendment under the zoning text be amended as presented by staff.

Michael Serpe:

That's a motion, Mike?

Mike Pollocoff:

Yes.

Jim Bandura:

Second.

Michael Serpe:

MOTION BY MIKE POLLOCOFF AND SECONDED BY JIM BANDURA FOR APPROVAL OF THE ZONING TEXT AMENDMENTS. ON THE QUESTION ANYBODY HAVE A COMMENT? ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. I also like this, Jean. I think it's good that we identify this especially in the area of technology today. It's just as important as it was years ago building ramblers at AMC. So good move.

6. OLD BUSINESS:

C. TABLED PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT for the request of Mark Goode, agent on behalf of Riverview LLC owners of the property located at the northeast corner of 120th Avenue (East Frontage Road) and 122nd Street (CTH ML) for the proposed wholesale distribution of merchandise stored within a proposed 590,525 square foot building to be constructed for Fresenius Kabi, a global healthcare company specializing in lifesaving medicines and technologies for infusion, transfusion and clinical nutrition applications.

Michael Serpe:

Did we get that one off the table yet?

Jim Bandura:

Yes.

Jean Werbie-Harris:

So Item C is the tabled public hearing of consideration of a Conditional Use Permit for the request of Mark Goode, agent on behalf of Riverview LLC, owners of the property located at the northeast corner of 120th Avenue or the East Frontage Road and 122nd Street which is County Highway ML. And this is for the proposed wholesale distribution of merchandise stored within a proposed 590,525 square foot building to be constructed for Fresenius Kabi, a global healthcare company specializing in lifesaving medicines and technologies for infusion, transfusion and clinical nutrition applications.

As a part of the hearing comments and for the record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request, and they'll be presented and described below and in the hearing this evening.

Findings of Fact

1. The petitioner is requesting approval of a Conditional Use Permit for the proposed wholesale distribution of merchandise stored within the proposed 590,525 square foot building to be constructed for Fresenius Kabi, a global healthcare company specializing in lifesaving medicines and technologies for infusion, transfusion and clinical nutrition applications. This information is all provided as part of the Exhibit 1 application and the related materials.
2. The properties are located at the northeast corner of 120th Avenue and 122nd Street within the Stateline 94 Corporate Park in U.S. Public Land Survey Section 31, Township 1 North, Range 22 East of the 4th Principal Meridian, in the Village of Pleasant Prairie, Kenosha County, Wisconsin. The properties are further identified as Tax Parcel Numbers 92-4-122-312-0110 and 92-4-122-312-0150.
3. The current zoning of the property is M-5, Production and Manufacturing District, with the areas zoned C-2, Upland Resource Conservancy District, and C-1, Lowland Resource Conservancy District. Pursuant to the attached proposed M-5 amendments previously discussed evening, the M-5 District is proposed to be amended to allow for the approval and certain conditions a conditional use permit for uses that further the intent of the Village Board in creating the M-5 District by creating high-skill, living wage jobs and advancing or introducing clean industry or technology to the region provided that the uses are not classified as a High-Hazard Group H pursuant to Section 307 of the 2006 International Building Code (IBC), specifically the packaging, fulfillment and distribution of products in the medical, pharmaceutical, pharmacy or nutrition or nutraceutical industries. Furthermore, to qualify as a potential conditional use, the use shall meet at least two of the following criteria:
 - The use creates high-skill, living wage jobs at the time of conditional use application.
 - The use forms a regional, multi-state or national corporate headquarters; or
 - The use provides significant and measurable value to the land around them and/or the Village through unique infrastructure, technology, security, branding or aesthetic contributions.
4. Previous approvals:
 - a. TID 7 which is Tax Increment District #7, Project Plan for Stateline 94 Corporate Park as approved by the Village Board in 2018.
 - b. Preliminary Site and Operational Plans for Fresenius Kabi to begin mass grading as conditionally approved by the Plan Commission on March 11, 2019.
 - c. Public Improvement Plans including, roadway, sewer, water and lift station were conditionally approved by the Plan Commission on May 13, 2019 and are awaiting approval by the Village Board.
 - d. A Certified Survey Map to create the parcel for Fresenius Kabi was conditionally approved by the Plan Commission on May 13, 2019 and are awaiting approval by the Board.

e. Preliminary Site and Operational Plans for Fresenius Kabi to construct site improvements and the building shell were conditionally approved by the Plan Commission on May 13, 2019.

5. Fresenius Kabi is a global healthcare company specializing in lifesaving medicines and technologies for infusion, transfusion and clinical nutrition applications. Their products and services are used to help care for critically and chronically ill patients, and the company is committed to putting essential medicines and technologies into the hands of the people who help patients find the best answers to the healthcare challenges they face. Fresenius Kabi provides high-quality products with one of the most comprehensive product portfolios for core therapeutic areas.

Fresenius Kabi is a licensed facility by governing bodies such as Board of Pharmacy, Drug Enforcement Agency and is operated as a Verified Accredited Wholesale Distributor Site, all of which require strict policies and procedures for the movement and handling of products as well as a highly trained team of associates to administer the process. The entire facility will be operated in a validated temperature-controlled environment and a Schedule II Controlled substances handling and areas which require a DEA registered vault. In addition, the facility will be a secure environment with card readers, camera systems and full-time security.

The property is zoned M-5, Production and Manufacturing District. The M-5 District provides for manufacturing, assembly, office, and research and development uses with limited warehouse and distribution uses within an enclosed structure wherein no high hazard uses are allowed. The M-5 District limits the storage and distribution areas to not more than 30 percent of the building and that not more than 25 percent of the exterior linear footage of the building be used for dock doors but for this Conditional Use Permit.

Fresenius Kabi's intended use and building design meets the requirements of the M-5 District and the building provides the following uses: Office areas, cooler storage, controlled vault, processing area for receiving, raw material and finish products for assembly packaging, processing area for packaging and assembly and circulation within the building with the square footages as noted.

At the May 13, 2019 Plan Commission meeting there were some raised regarding the assembly of materials or the distribution of the pharmaceuticals. Based on information the Plan Commission questioned whether this use met the intention of the principle use and if a conditional use permit would be required.

6. Upon further discussion, it was determined that a conditional use permit would be required and that the M-5 District be amended to specify criteria for the consideration of a Conditional Use Permit as noted above.
7. Pursuant to the Conditional Use Permit application, the petitioner believes that the user, Fresenius Kabi, meets the proposed criteria of the proposed M-5 amendment. In particular: (1) Fresenius-Kabi will be bringing a signification number of high-paying living-wage jobs to the Village; (2) the new facility will serve multi-states, at least a thirteen-state area and will be the flag-ship of its type within the company and; (3) the

facility will bring significant value to the surrounding area considering the Class A, high-quality design of the building and its connection with the surrounding conservancy areas while serving a high-value industry, namely pharmaceuticals.

8. The hours of operation will be from 4:00 am to 11:00 pm with two shifts; and it is estimated that at start up there will be, and I'm going to adjust this to 95 employees based on their most recent application, so it's 95 employees, and that the number could reach up to 164 employees by 2028. These workers will be skilled in operating equipment as well as all regulations related to cGMP, Drug Supply Chain Security and DEA requirements. They have a full electronic training system that ensures employees are trained on appropriate policies and procedures for their particular job function.
9. Notices were sent to adjacent property owners via regular mail on May 23, 2019, and notices were published in the *Kenosha News* on May 27 and June 3, 2019.
10. The petitioner was provided a copy of this memo on June 21, 2019.
11. 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 and information presented at the public hearing this evening that the project 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 in their decision that the application, coupled with the satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other applicable federal, state or local requirements as they pertain to land use, buildings, development control, land division, environmental protection, sewer and water service, storm water management, streets and highways and fire protection.

With that I'd like to continue the public hearing. And there are representatives of the company here to address any questions that you may have.

Michael Serpe:

Is a representative of Kabi have anything to add? Name and address please.

Christina Dempsey:

Christina Dempsey. My address is 617 West Surf Street, Chicago, Illinois, 60657.

Michael Serpe:

Go ahead.

Christina Dempsey:

I wanted to stress what Jean had pointed out as well about the project that we've had. I think you've seen a lot about the operational plans. We definitely have applied for and have received

incentives from the State of Wisconsin to date for the 95 jobs that we have. And that has an average annual wage of \$53,000 for those positions that we have. It's split between the operational jobs, the distribution coordinator jobs as well as site management, quality management, compliance management to meet all of those requirements of the bodies that Jean had talked about us having licenses for.

Michael Serpe:

Real quick, what is the \$53,000 annual salary equate to as far as hourly wage?

Christina Dempsey:

Yes, for the distributor coordinator positions that's \$19.95 per hour. And for the office positions and the quality management that's \$38.46 per hour.

Michael Serpe:

Thank you. Anything else? If we have any questions we'll call you back up. We'll open it up to the public hearing. This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? We'll close the public hearing and open it up to comments and questions from the Commission.

Mike Pollocoff:

I think this meets the intent of the ordinance that we just adopted. And it's clearly a solid company. I think, again, this represents especially in this area from the pharmaceutical standpoint one of sector where there's opportunity, again, for people that live here to be able to work here. And they seem to be a very solid company and the company we'd want to use the new M-5 for. With that, Mr. Chairman, I'd move that we approve Item C, the Conditional Use Permit.

Michael Serpe:

Is there a second?

Brock Williamson:

Second.

Michael Serpe:

MOTION MADE BY MIKE POLLOCOFF AND SECONDED BY BROCK WILLIAMSON THAT WE APPROVE THE CONDITIONAL USE PERMIT. ON THE QUESTION. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you and look forward to working with you. Thank you.

E. PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY PLAT for the request of Nancy Washburn, agent on behalf of Ashbury Creek LLC, owners of the property generally located east of 94th Avenue and north of Bain Station Road for approval of a Preliminary Plat for the proposed 19 single family lot subdivision to be known as Ashbury East.

Peggy Herrick:

So this is the consideration of a Preliminary Plat for the request of Nancy Washburn, agent on behalf of Ashbury Creek LLC, owners of the property generally located east of 94th Avenue and north of Bain Station Road. Again, this is for the Preliminary Plat. They are intending to have 19 single family lots, and this would be known as Ashbury East.

Previous approvals: On June 20, 2016, the Village Board conditionally approved a Conceptual Plan for the development of 19 single family lots and the adjacent Fountain Ridge Apartment development to the east. Since this approval of the Conceptual Plan, the Fountain Ridge apartments have been constructed and are nearly completed. Fountain Ridge consists of one 54-unit building, two 60-unit buildings, four 10-unit buildings and six 8-unit buildings for a total of 262 units. At the time of the Conceptual Plan the developer of Fountain Ridge owned this property. And they intended to have single family at this location.

At this time the petitioner is proposing to develop that 9.89 acres for 19 single family lots to be known as Ashbury East. The single family lots range in size from 13,180 square feet to 20,201 square feet per lot with an average lot size of 14,593 square feet. The lots shall meet the minimum requirements of the R-4.5 Urban Single Family Residential District which requires each lot to be a minimum of 12,500 square feet with 80 feet of frontage on a public street. On a curve or cul-de-sac that frontage can be reduced to 45 feet. This is the same zoning designation as the adjacent Ashbury Creek Subdivision to the west. All lots also need to have a minimum lot depth of at least 125 feet. And, again, all lots meet those requirements.

Outlot 1 is 1.71 acres. It is located at the north end of the subdivision. This outlot will be dedicated as common open space to the Ashbury East Homeowner's Association, Inc. for open space, storm water, detention, retention basin access and maintenance purposes. There shall also be an easement over the same area granted to the Village for the same purposes. In the event that the association does maintain, the Village has the right to go in and maintain, and then they would be able to assess the association if they're not being maintained. That is common practice for all ponds in the Village.

The single family lots, again, are proposed to be zoned into the R-4.5 removing the current UHO, Urban Landholding Overlay District, and the outlot is proposed to be zoned into the PR-1, Neighborhood Park and Recreation District. The Zoning Map Amendment application shall be submitted and considered at the time that the Final Plat is considered. In addition, the Village Land Use Plan Map amendment, a Comprehensive Plan Amendment, is required to show the outlot area within the Park, Recreation and Other Open Space land designation so that the Zoning

Map and the Land Use Maps are consistent. These map amendments will be considered at the same time that the final plat is considered.

All public improvements shall be made by the developer at the developer's expense. The entire development shall be provided with and serviced by municipal roadways, sanitary sewer, water and storm sewer.

- A municipal roadway, 84th Place, shall be extended from 94th Avenue and then extended north and south as 93rd Court pursuant to the Village's new development standards for all roadways. Public sidewalks will be installed adjacent to 84th Place on both sides of the street that connects to the existing sidewalks on 94th Avenue. In the future there will be a multi-use path within the right-of-way of Bain Station Road. Funds have already been obtained by the developer of Fountain Ridge for their fair share of the trail adjacent to this property and the Fountain Ridge Apartment development since this was all one property prior to that development occurring.
- Again, sewer and water will be extended throughout the development and will connect to the existing municipal facilities within the existing Ashbury Creek Subdivision.

The construction access will be from Bain Station Road, then north on 94th Avenue into the development on 84th Place. There will be signs placed at County Trunk Highway C and 94th Avenue indicating no truck access. In addition, if any damages occur to the existing 94th Avenue roadway, it will be the developer's responsibility to repair all damages at the developer's costs upon inspection by the Village and to the Village's satisfaction. Prior to work commencing the roadway will be photographed and videoed and inspected by the Village so we can verify what deficiencies may have occurred or what problems may have occurred during that construction.

Based on the 2010 Census information for the Village of Pleasant Prairie, the average number of persons per household is 2.71. School age children between the ages of 5 and 19 make up about 22.6 percent of the population. Therefore, based on the currently shown 19 lots it is projected that 52 persons could be added to the population upon full build-out of this development. This could include eight public school age children. The Village does continue to provide copies of proposed developments to the Kenosha Unified School District to assist them in their school enrollment projections, school facility planning efforts and school boundary adjustments.

An Ashbury East Homeowners Association will be created and Declaration of Restrictions, Covenant and Easements substantially similar to Ashbury Creek Subdivision to the west will be recorded on the property. This is a matter for public hearing. I do believe the petitioner is in the audience as well if you have further questions.

Michael Serpe:

Nancy, do you have anything to add?

Nancy Washburn:

Nancy Washburn, 7450 County Line Road. I was hiding in the corner. I'm not sure if any of our homeowners are here, so I thought that it would be nice if they are here and they have questions I would be more than happy to follow up as well as answer questions from the Commission.

Michael Serpe:

Okay, that will be fine. This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? Nobody wishes to speak.

Nancy Washburn:

So I have nothing to add other than the fact that I did as I had promised staff, Jean and Peggy and Aaron and Matt, I did meet with the abutting property owners along 94th. Ironically many of them had for sale signs in their front yards, and ironically they are planning on moving up the hill into the new development. This is a Harpe Development development, and Dustin has built many of the homes in Ashbury, the existing subdivision. And he would like to build all of the lots out in Ashbury East as well. So I am here to answer questions.

Otherwise we have received comments and are prepared to address those. We have also met with Fountain Ridge, with Carl Ambrose and the owner Jeff Marlow, so we are working with them in terms of making some grading changes and working out the agreements that are outlined in our comments. And as part of that neighborhood meeting with the homeowners I also was introduced to the homeowner association for the existing Ashbury where we have to get some grading easements and agreements together with them as well. So we're started all of those processes.

Michael Serpe:

Nancy, size of the homes, cost of the homes do you have any idea at this time?

Nancy Washburn:

Basically what Dustin's plan is to pretty much match or mirror the existing subdivision. Our covenants and restrictions the draft that we created mirrors those in home sizes. I don't remember them off the top of my head. But I'm sure that you're looking at values that are in the \$325,000 to \$425,000 range without a problem.

Michael Serpe:

Thank you. We've closed the public hearing. Comments and questions from the Commission?

Jim Bandura:

Mr. Chairman, if there are no other questions I recommend approval for the Preliminary Plat.

Deb Skarda:

I'll second.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND SECONDED BY DEB SKARDA FOR APPROVAL OF THE PRELIMINARY PLAT. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

F. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLAN AND DIGITAL SECURITY IMAGING SYSTEM AGREEMENT AND ACCESS EASEMENT for the request of Dr. Susmilch on behalf of Prairie Side Veterinary Hospital to relocate and occupy a 3,248 square foot building for a veterinary hospital located at 3910 85th Street.

Aaron Kramer:

Consideration of a Conditional User Permit including Site and Operational Plan and Digital Security Imaging Agreement and Access Easement for the request of Dr. Susmilch on behalf of Prairie Side Veterinary Hospital to relocate and occupy an existing 3,248 square foot building for a veterinarian hospital located at 3910 85th Street.

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

Findings of Fact

1. The petitioner has requested approval of a Conditional Use Permit with a Site and Operational Plan to occupy a 3,248 square foot veterinarian hospital known as Prairie Side Veterinarian Hospital to be located at 3910 85 Street. This building was formerly occupied by Dr. Weddell orthodontist office. The Prairie Side Veterinarian Hospital intends to relocate from their Kenosha site located at 5803 75 Street, Kenosha to Pleasant Prairie.
2. The subject property is located in a part of the Northeast One-Quarter of U.S. Public Land Survey 11, Township 1 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Village of Pleasant Prairie, Kenosha County, Wisconsin and further identified as Tax Parcel 91-4-122-114-0193.

3. The current zoning of the property is I-1, Institutional District. A veterinarian hospital is allowed within the I-1 with approval of a Conditional Use Permit.
4. The veterinarian clinic is proposed to operate Monday, and Wednesday through Friday from 8:00 a.m. to 5:00 p.m., Tuesdays from 8:00 a.m. to 6:00 p.m. and Saturdays from 8:00 a.m. to 12:00 p.m. The Prairie Side Clinic is proposed to be open for emergency services up to 24 hours a day only on an on-call basis only.
5. The number of employees is anticipated to remain the same with the relocation of two veterinarians and five support staff. It is anticipated that there would be between 15 and 25 customer visits per day, one to three FedEx or box truck-like deliveries a week. These deliveries occur usually around midday to the afternoon.
6. Pursuant to the Village Zoning Ordinance, the minimum required parking spaces for a veterinarian clinic is four spaces for every doctor, in this case eight, plus one space for every employee, five, plus the required handicapped accessible parking spaces dictated by the State Code, in this instance one. The minimum number of parking spaces required is 14 including one handicapped accessible space. The plan provided includes 18 parking spaces including one handicapped accessible space.
7. The existing business activity will be similar to Prairie Side Veterinarian Hospital's existing location in that they will treat cats and dogs only with services from routine to preventative care to orthopedic surgery. There will be no pet cremation on the site. Deceased animals be refrigerated and picked up by a removal company.
8. The proposed facility will store supplies including solid and liquid materials used during veterinarian services. Garbage and recyclables that require disposal will be disposed of by a waste management service in standard approved methods. Solid waste needing storage will be stored in a dumpster housed outside in an approved enclosed location. No special wastes will be generated. Some items stored onsite in the building will include: medication and medical supplies and oxygen tanks. All materials used onsite will be safely handled and stored in accordance to the manufacturer and/or supplier specifications and OSHA regulations. Equipment used onsite will include a digital x-ray machine, computers and other standard equipment required to operate a veterinarian hospital.
9. The anticipated occupancy of this facility is fall of 2019.
10. In accordance to help provide a safe and secure site, a Digital Security Imaging System, DSIS system, will be required to be installed on site per Chapter 410 of the Village Municipal Code. This system is required to be connected to the Village Police Department network via internet connection. The site shall also be adequately lit to help provide security onsite without causing lighting issues for the adjacent residential properties. The DSIS Agreement and DSIS Access Easement will be drafted and submitted of camera specifications and camera layout for Village staff review and approval.

11. Notices were sent to adjacent property owners via regular mail on May 30, 2019, and notices were published in the *Kenosha News* on June 10 and 17, 2019.
12. According to the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of facts, the application and related materials and information presented at the public hearing that the project as planned will not violate the intent and purpose of all Village Ordinances and meets the minimum standards for granting of a Conditional Permit. Furthermore, pursuant to Article IX of the Village Zoning Ordinance, 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 the approval, will comply with all applicable Village ordinance requirements and all other applicable federal, state or local requirements relating to land use, building and development control, land division, environmental protection, sewer and water services, storm water management, streets and highways and fire protection.

The Village staff has determined that based upon the foregoing information presented in the application at the public hearing and the memorandum from the Fire and Rescue Department, that the project meets the following standards for granting a Conditional Use and Site and Operational Plan approval in the project.

- does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems and that the traffic patterns on the site do not hinder, harm or distract the provisions of public services;
- does not impair an adequate supply of light and air to the adjacent properties;
- does not increase danger of fire insofar as the danger of fire does not exceed the capabilities of the Village Fire & Rescue Department;
- does not create storm water flooding or drainage, create obnoxious odors or problems or otherwise endanger the public health, safety or welfare;
- no existing identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency that would endanger the public's health, safety or welfare related to the proposed use;
- the proposed and applied for use in this particular parcel is not inherently inconsistent with either the I-1 - Institutional District in which it is located or the surrounding residential properties in the surrounding neighborhood; and
- the proposed and applied for use will comply with all applicable Village ordinance requirements and all other applicable federal, state or local requirements relating to land use, building, development controls, land division, environmental protection, sewer and water services, storm water management, streets and highways and fire protection.

Based on the foregoing information, the Village staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for granting of a Conditional Use and

Site and Operational Plan approval as specified above then approval of the Conditional Use Permit and Site and Operational Plan shall be approved subject to the following conditions.

Michael Serpe:

This is a matter for public hearing. Anybody wishing to speak? Anybody? Yes, ma'am.

Cheryl Anderson:

Hi, I'm Cheryl Anderson, and I live at 3912 85th Street. I live in the house directly west of there, and I have no issues with this type of business to locate there. I feel that I've been a good neighbor in the past with the current owner Dr. Weddell, and I see no reason that would not continue with this type of business. Thank you.

Michael Serpe:

Thank you very much. Anybody else wishing to speak? Anybody else? We'll close the public hearing and open it to comments and questions from the Commission. Is the petitioner here? Just in case we have something to ask or if you wish to give a presentation you're more than welcome. Name and address if you could.

Ed Susmilch:

Ed Susmilch, 11232 14th Avenue, Pleasant Prairie. I really don't have a whole lot to add in summary of exactly what we intend to use. I've been at the current location as a business owner for the past eight years. The veterinary hospital as it existed prior to us has been in the community for an excess of 50 years. We would certainly love to move into Pleasant Prairie and to join the community there that I've been living in for the last nine years.

Michael Serpe:

Good. Just one quick question for you. The surgeries that you may perform, orthopedic, are those overnight stays for the dogs or cats or the animals?

Ed Susmilch:

Generally we don't keep any animals overnight. There's an inherent liability to us so we like to discharge them as soon as possible. When the cases warrant a more substantial health need there are referral facilities in Oak Creek and in Racine that we can refer those out to. There are occasions where we will keep a pet overnight but they are extremely limited, usually one night every other month.

Michael Serpe:

Good, thank you. Any other comments or questions?

Brock Williamson:

So are you looking to eventually expand or you're just kind of trying to maintain what you've been doing. I know it says the same amount of employees.

Ed Susmilch:

Yeah, it's the same number of employees, but this will be over 100 percent increase in square footage from our current facility. We're currently working out of an approximately 1,200 square foot facility. The location is excellent where we are. Most of you have probably seen the sign. We have great visibility. But with the road construction, the limits on our parking, and those are two separate plots there for us to join them and merge them is cost prohibitive and then to put an additional building beyond purchasing it. So we like this facility. It gives us room to expand. I do not anticipate outgrowing this facility in the next 20 years.

Brock Williamson:

Okay, thank you.

Michael Serpe:

Any other comments or questions? What's your pleasure?

Bill Stoebig:

I'd move approval.

Jim Bandura:

Second.

Michael Serpe:

MOTION MADE BY BILL STOEBIG AND SECONDED BY JIM BANDURA FOR APPROVAL. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you and welcome. Items G, H and I will be taken together. Separate action on all three. Two of them, G and H, are public hearings.

G. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #19-08 to consider the request Mark Eberle, P.E. with Nielsen Madsen & Barber on the behalf of Branko Tupanjac, owner of the vacant

properties at 7807 and 7887 120th Avenue for the following approvals related to proposed Kings and Convicts brewery with a restaurant/event space and a future hotel to remove the Freeway Oriented Service Center designation from the Commercial Lands designation and to correctly show the field delineated wetlands within the Park, Recreation and Other Open Space Lands with a field verified wetlands land use on the Village 2035 Land Use Plan Map 9.9; and to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan to reflect the above noted change to the 2035 Land Use Plan Map 9.9.

- H. **PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND TEXT AMENDMENTS** for the request of Mark Eberle, P.E. with Nielsen Madsen & Barber on the behalf of Branko Tupanjac, owner of the vacant properties at 7807 and 7887 120th Avenue for the following approvals related to proposed Kings and Convicts brewery with a restaurant/event space and a future hotel to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District and to rezone the remainder of the property into the Planned Development District. In addition a Zoning Text Amendment to create the specific development ordinance for the project pursuant to Section 420-153 of the Village Zoning Ordinance.
- I. **Consider the request of Mark Eberle, P.E. with Nielsen Madsen & Barber on the behalf of Branko Tupanjac, owner of the vacant properties at 7807 and 7887 120th Avenue for approval of Preliminary Site and Operational Plans to begin mass grading and installation of a required retaining wall and storm water facilities for the proposed Kings and Convicts brewery with a restaurant/event space and a future hotel development.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, we have three items on the agenda this evening for you at the request of Mark Eberle, P.E. with Nielsen Madsen & Barber on the behalf of Branko Tupanjac, owner of the properties located at 7807 and 7887 120th Avenue which is the East Frontage Road. All three of the petitioner requests this evening are for the following approvals which relate to proposed Kings and Convicts brewery with a restaurant and event space and a potential future hotel.

The first item is Resolution 19-08, and this is to remove the Freeway Oriented Service Center designation from the Commercial Lands designation and to correctly show the wetlands in the Park, Recreation and Other Open Space Lands, and to identify the field delineated wetlands as appropriate on Village Land Use Plan Map 9.9 and to amend the Appendix 10-3 of the Comprehensive Plan with the noted changes.

And then we also have Zoning Map and Text Amendments related to the field delineated wetlands. And, finally, they're also requesting this evening the Preliminary Site and Operational Plans, and this is to begin the mass grading and the installation of the required retaining wall and stormwater facilities for their proposed brewery and other facilities. Again, these items are related and will be discussed at the same time, however separate actions are required.

On February 4, 2019, the Board had approved a Master Conceptual Plan for the development of 7.4 acres of land area located at the 7800 block of 120th Avenue, and this was for the development of a hotel/conference facility and a brewery. At this time the petitioner is requesting the following approvals. Again, first is the Comprehensive Plan Amendments, PC Resolution 19-08. Number two Zoning Map Amendment. Number three Zoning Text Amendment. And number four Preliminary Site and Operational plans.

Again, the Map and the Text Amendment really relate to two different things, the C-1, Lowland Resource Conservancy District which is placing the wetlands into the wetland classification. And then also to rezone the remainder of the property into a PDD which is a Planned Development zoning district. And, again, their Preliminary Site and Operational Plan approval is to begin that mass grading and installation of the retaining wall and stormwater related facilities for the site.

Under some information background, Kings & Convicts Brewery, as presented as part of the Master Conceptual Plant the name Kings & Convicts derives from the two founder's heritage, an Englishman, the King, and an Australian, the Convict, who reside on the shores of Lake Michigan with access to some of the best brewing water in the world, in a town that has a rich immigrant history with an undercurrent of anti-authority and love of the scoundrel.

The foundation for the brand's personality is the love of great beer, a fun anti-authority approach to marketing and the rich immigrant tapestry of the United States, England and Australia. Great liquid and a great story with beer that appeal to the growing craft beer market. The brand name represents who they are, it is memorable and it is different. This brand name enables growth outside of local markets with the ultimate goal to expand the brand regionally, then ultimately nationwide and internationally. The history and beer styles translate across the U.S. and will flourish in Australia, the U.K., New Zealand and Asia. The beer names capture a sense of American, English and Australian history that provides a deep well from which to draw in terms of marketing and beer styles.

The new brewery, taproom and patio, event center and brig will ensure that the essence of the brand is enhanced and carried throughout the customer experience. The exterior building will highlight the rich history of Kings sending Convicts to Australia. The exterior landscape at the back of the building will incorporate natural prairie grasslands of the region. The interior design will ensure that the brewery is always on display, that the experience is real and that the space is appealing and comfortable, yet rugged. The brewhouse and cellar tanks will be visible from the I-94 on the west side of the property through the large arched windows and the tap room, restaurant and event space will face east and overlook the natural areas of the Kilbourn ditch and the associated wetlands and Des Plaines floodplain.

The Brewery: The automated brewhouse will be the focal point situated behind the taproom bar with the towering fermenters standing immediately behind holding the attention of patrons. The fermentation tanks will be on display internally and externally, glazed walls and lights highlighting the stainless steel. Kings & Convicts Brewing Company is investing in a brand-new state of the art Brewhouse and Cellar. This \$2 million system is being designed and manufactured in Wisconsin by QTS Tanks. They will be brewing a range of ales, lagers and pilsners for sale in the taproom and via distribution into Wisconsin and the mid-west.

Taproom: The Taproom will have several Key sections, including a bar area with high tops and bar seating; dining area with classic table seating, communal picnic table seating; lounge area with more relax comfortable seating; and a patio area with fire pits, outdoor seating and family seating. The Food: Classic American fare served by the kitchen including burgers, tacos and pizza. An outdoor BBQ and smoke pit will be on the patio, adjacent to the taproom. Aussie Meat Pies and English Fish and Chips will be available periodically.

The Event Center: A 250 capacity Event Center on the second floor overlooking the Des Plaines River and adjoining the Taproom. The Brig: A 50-person capacity room adjacent to the taproom that has access to the fermentation area with a brewing focused feel will be a feature of the Brig aimed at the corporate and smaller events. This room will be capable of holding smaller gatherings that is more private yet retains the essence of the brewing experience.

Hours: Brewery operations will approximately be from 5:00 a.m. to 5:00 p.m. Monday through Friday, and the taproom will be open from 11:00 a.m. to 12:00 a.m. seven days a week. Estimated Daily Truck Trips: Brewery operations will require the delivery of goods and ingredients and the removal of finished product and waste products. The Taproom and Event space will require food deliveries. In total it is anticipated that truck trips will average at four to six per day under full operation. Employment: In the production area they will have between 13 and 25 full- and part-time staff; the taproom, kitchen and event space will generate 70 to 90 full and part time jobs for a total of 83 to 115 jobs at the site.

Type of Materials and Equipment to be stored on site: Raw materials for the production and packaging of their beers includes: ingredients: hops, grains and yeasts; packaging materials: cans, trays and kegs; cleaning materials such as: acid and caustic for CIP of their equipment; productions materials which includes carbon dioxide tanks and oxygen tanks. On site equipment includes brewing equipment, cellar tanks for fermentation, canning and kegging lines for packaging our finished goods, CO2 and O2 tanks and forklifts. The taproom will have a kitchen with ingredients dedicated to cold and dry storage areas.

The primary solid waste from the production of beer is spent grain. They will be installing a spent grain silo to capture 100 percent of the grain used in production. This grain will be physically removed from site and used as feed for local farms. Yeast and hops are the two solid waste products, and both will be disposed of offsite again with local farmers and organic recycling providers. Their primary objective with water is reuse and recycling. T they will have several systems in place to capture water used in the brewing and cleaning of their tanks. The remaining water waste will be routed into the sanitary sewer system.

Village liquor licenses for selling or consuming alcohol will be required for each use. In addition State of Wisconsin Department of Revenue permits for the brewery and wholesale sales of the beer will also be required.

With respect to their Preliminary Site and Operational Plans: As noted the petitioner is proposing to begin filling the site and installing the industrial type steel piling retaining wall to fit with the industrial building theme so that as the development and building plans are finalized building could occur in the fall and through the winter. In addition to the site filling and retaining wall the underground storm water facilities concrete ponds are being constructed and being used as support or tied-into the retaining wall.

The petitioner and the developer understands that they are proceeding at their own risk because it's just the beginning of the site and operational plan process, and this work is being completed prior to the detailed plans being finalized and reviewed by all of the required public and private improvements for the development which are required prior to the issuance of any building permits.

Site Access and Parking: Although the hotel and brewery sites may be subdivided into two parcels, they share a common access. They will have a recorded cross-access easement as you can see from 120th Avenue. They'll have some shared parking, and it's intended to be developed as a unified development. Two access points will be provided to the development from 120th Avenue. These permits will be required from the DOT. A TIA, a Transportation Impact Analysis, has been submitted to the DOT for review and approval. All required off-site improvements to 120th Avenue will be outlined in a Memorandum of Understanding or an MOU between DOT and the Village. The developer will have a corresponding agreement with the Village to financially guarantee the construction of the 120th Avenue improvements per the TIA.

Cross-access will be provided between and through both properties. The entire site provides for a total of 476 parking spaces including 16 handicapped accessible parking spaces. Parking allocated to the brewery building is about 110 parking spaces including eight handicapped accessible spaces. And the parking allocated to the hotel is 382 parking spaces including handicapped assessable ones. The amount of parking is still to be evaluated to ensure that there is adequate onsite parking provided for the uses. If it is determined that additional parking is required the staff is going to be recommending some type of underground parking in the hotel, again, as we move forward with that project.

Other required approvals for the development:

1. **Municipal Improvements and Development Agreement:** Public sanitary sewer and water will be required to be extended to service the development in 120th Avenue. The developer will be responsible to pay for their fair share to utilize the Chateau Lift Station in the amount of \$23,546.26 as previously discussed as part of their Master Conceptual Plan. This will be required to be paid prior to issuance of building permits. In addition, the DOT will require additional roadway improvements to the Frontage Road. The Village will draft the required Development Agreement to be entered into that sets forth the required public and private improvements as well as outlines the financial security including the above noted lift station fee to ensure that the work is being completed.
2. A Certified Survey Map will be required to show any land division as well as any additional dedicated right-of-way and all easements, dedications and restrictive covenants. The CSM at a minimum shall show a number of easements, and those are listed. We've got at least five different types of easements, maybe others once we get through more of the detailed engineering on the site.
3. Site and Operational Plans will be required for each individual building. This includes site plans, drainage, grading, building plans, landscape, industrial waste survey, signage plans and any other required plans and documents pursuant to the Site and Operational Plan requirements. In addition, this use will be required to submit a Digital Security

Imaging System or a DSIS system. And I'll be drafting a DSIS agreement and the access easement for this project.

Just a couple other notes that we've noted for them, that their plans need to be identical to the state approved building plans when we get to that point of the issuance of building permits. And further discussion will be warranted with respect to any other additional on-site utilities as well as footing and foundation permits. Also note that they are in the Airport Height Overlay District for the Kenosha Regional Airport, so they will be required to get the airport site plan review approval from the City of Kenosha prior to the issuance of any building permits on this site as well.

So at this point it is a public hearing, but I would like to introduce the petitioners and have them come up to make any further presentation and discussion regarding the project. It's been a few months since it's been before you, but we've been working on a lot of different things with respect to this project because of its proximity to the interstate.

Michael Serpe:

Mark, you're elected.

Mark Eberle:

Mark Eberle, Nielsen Madsen & Barber, 1458 Horizon Boulevard, Racine. We're really here today requesting permission to start on this site. As you know, you guys have probably driven by that site a thousand times out there, it's a beautiful site, very visible in a great spot on the freeway. But it does have its challenges. There's quite a bit of work to be done out there to get that site pad ready to even think about footings, foundations or any site utilities.

So we're really getting organized here to get going on an initial mass grading effort, clearing and grubbing an extensive amount of top soil that needs to be removed from that site. An extensive amount of retaining walls out there, so we've been working with the developer and his construction team to come up with obviously a solution to overcome the topography issues out there and have settled on some sheet piling type retaining walls out there. It's going to give it definitely an industrial work out there. It's going to help in the speed of construction. And I think it's going to work well out there. So there's roughly, I don't know the exact number here, but about 7,000 square feet of retaining walls that need to be installed above grade, let alone the sheet piling below grade to achieve that.

We are also in the Des Plaines River watershed out there, so we will have a fairly large underground detention system that needs to get built into that. Working with the architect and the developer we have come up with a system where we are combining the underground detention with the retaining wall structure. So the underground detention is going to be a concrete vault with a precast lid on it. The thing is going to be constructed directly adjacent to the sheet piling walls out there, and that concrete vault is going to act as the dead band or the weight to hold that sheet piling wall in place out there. So that detail is coming along nicely, and we will be working with Matt to get that finalized in the next couple days here.

So, again, really looking for permission to start, get an early start on the project as we work through the final design details of the brewery specifically and then the hotel after that. So happy

to answer any other questions you guys have. We have the developer here, his son from the construction company, the brewers, the guys from the brewery, so any questions you have we can answer those.

Michael Serpe:

Anybody wising to speak, this is a public hearing. Name and address please.

Pal Singh:

Yeah, Pal Singh, 3430 121st Place, Pleasant Prairie. My general question is just as far as the wetlands are concerned. With all the development going on around here the flooding issue of the wetlands right around 118th Avenue and 75th Street, I don't quite understand what the whole water retention program is.

Michael Serpe:

I can't answer that, but maybe Mark can or Matt Fineour, our engineer.

Mark Eberle:

So, again, to meet Village ordinance which is fairly strict here, we need to provide onsite detention out there. And since we are using every ounce of this property for buildings, parking, green space, we are proposing to use underground detention.

Jean Werbie-Harris:

Underground detention.

Mark Eberle:

Correct. I don't have the exact numbers with me today, but we're probably looking at 300,000, 400,000 gallons of water being detained at any one time during any storm event underground.

Jean Werbie-Harris:

In a tank-type system.

Mark Eberle:

Yes.

Jean Werbie-Harris:

I don't think that's what they were understanding.

Mark Eberle:

Yes, so it's an underground concrete vault. And, of course, we have to provide water quality, so the lower end of this concrete vault will have a wet pool built into it. Most of that underground vault will be dry at all times. As we have rainfall out there all the water will flow into the vault, it will run through this underground wet pool, and it will discharge slowly back to two points on that site out to the Village owned Des Plaines River lands out there. So it is a very large, very expensive system, but it does meet current Village ordinance and DNR requirements. So hopefully I answered your question.

Michael Serpe:

Thank you. Yes, sir? Name and address please.

Brian Shaha:

My name is Brian Shaha. I'm the owner of the Super 8 at 7601 118th Avenue. Frankly, this project is going to bring me more business and revenue, so from a business standpoint I do support it. My biggest concern is like Paul mentioned the water, the effectiveness of these underground tanks or concrete ponds so to speak. When you have X amount of land being taken up being replaced by concrete it's taking away from how much water is being retained by that amount of land. My biggest question is at which rate are these concrete ponds going to release back into the wetlands if that's how they function or how they evaporate. Is it going to be equal or less to the current rate of water buildup in that area? Or is it going to be adding onto it. That's really the biggest concern I have because I'm already in a spot where that wetland retains a lot of water. And any addition to that will put us in a hard spot.

Michael Serpe:

Legitimate concerns, and I have enough faith in Mark Eberle and our engineer that I hope you don't have to come back and say you have a problem. So we're hoping this will go well. Anybody else wishing to speak? Jean?

Jean Werbie-Harris:

I just wanted to highlight in your packets as part of the discussion this evening is that there's going to be a Planned Development District created for this zoning. We have very few of these. This is a zoning district that's written specifically for this particular use and it is in your packets. It outlines because of the multiple uses we have on the property that don't nicely fit into one district or another, but together as a mixed use it works very well together. So I just wanted to bring that to your attention that the ordinance is before you.

And let me just mention that our zoning ordinance does allow us to create these site specific Planned Development Districts which are unique and site specific for the purpose of accommodating, facilitating and regulating particular proposed developments and use projects. No specific criteria are set out that limits the Plan Commission or the Board's discretion in creating these districts since the nature and the project characteristics which might give rise to

desirability for a PDD cannot be all reasonably foreseen, and the uses are not practical under our traditional zoning ordinances.

This development does involve multiple land uses. So, again, we've got the brewery, we've got a hotel, and we're going to have possibly some other retail uses associated with these two buildings. And this is quite extraordinary to do this all in one district unless we provide for a specific PDD for it to allow to be built. And so that's the purpose of this zoning district. And we've gone through this and we've outlined what permitted uses we think would be appropriate with these particular principal uses, what accessory uses which include everything from brewer tours, tasting rooms, game rooms, retail uses, we talked about those.

Specifically also as it may pertain to the hotel, but they could be inside this brewery facility as well. We talk about the service area uses, some restaurants. We talk about the sale of alcohol, namely beer. We talk about outdoor event spaces that could be created between these two buildings. And I just wanted to make you aware of the fact that we also have a conditional use provision in here for some type of outdoor cabaret, whether or not alcoholic beverages are being served, but that requires a special approval by the Plan Commission. And then we also address the special licenses that would be required including obviously liquor licenses for their particular uses.

We've identified certain prohibited uses, we've identified things as it relates to lot sizes as well as the different type of accessory uses, the building character, the architecture. And we went in and wrote very specific regulations for this based on what you're seeing today. We did go into some detail with respect to the operational standards as it relates to the hours of operation, hours of delivery of materials. We have talked about everything from driveway considerations, parking requirements, minimum offsite parking requirements. We've talked about different things as it relates to signage, cross-access easements, fire lanes, landscaping, creating this historical character of this building both inside and out. We did get into a lot more detail on signage.

Again, in order for them to move forward we needed to make sure that the appropriate zoning was in place, this PDD. As things get refined in the future, as we get more and more detail over the next few months for the inside and outside of the facility, because they are going to be making some tweaks to the outside of the facility and the towers and things like that, and as they get further into the details in the inside, it might mean that they might have to come back to amend their PDD. But, again, we wanted to make sure that it was set forth and you understood that this is very unique with what they're proposing here and we don't have this. It doesn't fit in nicely to anywhere else in our other districts. So that's why we wrote this specific zoning district for this particular property with specific criteria.

So I just wanted to make sure that that was understood by the Plan Commission as well that we were not only rezoning that very small corner of wetlands that was field delineated up in that very northeast corner, that's the only wetlands on the property. There are no floodplains on this property. But we needed to make sure that this PDD was placed over the entire property.

Michael Serpe:

Thank you, Jean. Anybody else wishing to speak? Anybody else? We'll close the public hearing and open it up to comments and questions from the Commissioners. Mike?

Mike Pollocoff:

This is a question to Mark or Matt. Is sanitary sewer work -- how preliminary is the sanitary sewer work and the public water?

Mark Eberle:

This site does not have gravity sewer out there. So a lift station will be required to serve both of these developments here. We have that tentatively set on the property line between the two developments right behind the monument sign. It needs to be out front just by the nature of the beast. So we're hiding it with the monument sign and surrounding it with landscaping. So at this point we have that sanitary lift station as design built. That's one of our discussion points with our meeting with staff tomorrow morning to I guess verify that process here. So a force main will be required from the south property line back to that sanitary manhole by the gas station down here. We will be bringing water from that same location up across the front here. So the water is 95 percent designed, but the sanitary is design built at the moment.

Mike Pollocoff:

Also along the sanitary line, sometimes the breweries can run pretty high BODs. Have you come up with any -- is there going to be a required pre-treatment at the brewery?

Mark Eberle:

I don't believe we've had that discussion as of yet so we will definitely evaluate that as we get into our final design on the sanitary lines here.

Mike Pollocoff:

Because my only concern is if you're going to have a private lift station and then you're going to pump it over to the Chateau lift station, to the extent that we're holding that waste water for a long time we could end up with some sulfide issues at the Chateau station by that subdivision. So I was just curious if the process has identified any BOD level.

Mark Eberle:

Okay, we will definitely evaluate that as we work into that.

Michael Serpe:

One of the convicts wants to speak here. Name and address please.

Chris Bradley:

Chris Bradley, 688 Buena Road, Lake Forest, Illinois. As we shouted out there [inaudible], but just from the brewery side one of the key elements of we're designing in terms of the brewhouse is actual retention within the system. So from a BOD perspective all the yeast, all the hops, all

the grain is actually going to be recaptured into the system and taken away physically. So we expect a lot less than what we have in our current system because of that. But that's a key component of the whole enclosed system that we're putting together on the brewery in terms of recapturing all the organic material.

Mike Pollocoff:

Okay, good.

Michael Serpe:

Thank you.

Chris Bradley:

We've spent a lot of time on that.

Michael Serpe:

Anybody else? John?

John Skalbeck:

Well, I'm certainly excited about this project since I live somewhat in the neighborhood in River Oaks. But I'm echoing just some other questions that have been posed to me regarding the water and some other questions that have been brought up. Certainly it looks like you'll take care of things on the engineering side. But just keep in mind that going forward our water patterns are seeming to change, and sometimes we make engineering decisions on the day we have today. But given the proximity of this to the Des Plaines River and such perhaps some special caution for what future water patterns might be and building in some extra safety for what you can't predict. We've seen flooding in our neighborhood, and that was an engineered design based on what we knew at the time. But just keep that in mind. If there's any extra caution on the side there will probably be more water than you expect, so hopefully that can be built in.

Deb Skarda:

I actually have a similar comment, just try to take into account the current landowners and their comments. But my other question was target completion dates, and are you going to be doing both the brewery and the hotel expecting to be completed at the same time? Is that a hard answer or a hard question?

Mark Eberle:

I think the focus is obviously the site work for both of the developments and to get the footings and foundations and the building up for the brewery. We have a couple brewers here that have a lot of money invested in the brewhouse that they need to get delivered out there. So the focus is going to be the brewer, and we will work -- once we get through the details keep working towards

the hotel here. I don't know if it's been decided if the hotel will break ground this year or not. But I see that see that being contiguous work whether it be this fall, next spring.

Bill Stoebig:

Has the hotel franchise been identified at this stage?

Mark Eberle:

I do not believe so.

[Inaudible]

Brad Slavin:

Brad Slavin, 236 Evolution Avenue, Highwood, Illinois. I'm the project consultant for the brewery and hotel. The answer to that question is we continue to engage with several different national chains and a couple smaller regional ones. However, we have not finalized anything. We've had some letters of intent go back and forth. However, we have nothing definitive at this time. There is also the opportunity with [inaudible] had built in and operated the Ivy Hotel in downtown Chicago which he still has some ownership interest in. That's a project that he did and had a management company do that for him. So we're still considering having him do the same here with a well known management company under a private brand. So to tell you exactly where we stand today we are still ferreting out all the answers.

Bill Stoebig:

I guess where I was going is would it be more of a boutique-y kind of feel.

Brad Slavin:

The rooms are suites as in the proposal. There's banquet space, there's other amenities. It's a full amenity hotel. To say it's boutique-y in nature to complement the design of the brewery and those considerations would be accurate. We had some interest by some of the franchises that would be much more of the couple of day stay business travel. And that really didn't seem to fit with what our goals and direction were in terms of how we want this to appear and the purpose we want it to serve.

Brock Williamson:

Interesting.

Michael Serpe:

Any other questions? Brock?

Brock Williamson:

So you guys are going to do mass grading on the whole site right now?

Brad Slavin:

That would be the object to do the mass grading on the whole site, bring in the necessary architectural fill, get the foundations -- and get the footings and foundations in for the brewery immediately. When I say immediately as quickly as possible. We are under some time constraint because we want to be able to get as much of that done before the weather hits. Hopefully we'll have summer and fall now. And the goal would be to be able to have the brewery enclosed to the point where some of the internal work can begin in the lat part of 2019 through the spring of 2020 to have that operational hopefully by this time next year at some point. The hotel obviously will not follow that time line.

Brock Williamson:

I did see Lifetime Fitness or a national fitness chain built a new facility in Northbrook. And they did the underground retaining water, and I've not heard any issues with it. So like Todd said as long as it's proportionate for your needs that's the important part.

Brad Slavin:

I agree with your concern. I deal with it on a different level in a different position I have. And working with Nielsen Madsen & Barber and Mr. Tupanjac and some of his construction background really came up with this detention that meets the purposes of what it's for. And the underground nature of it really allows us to do a lot on the site that otherwise we couldn't do while at the same time addressing those concerns to have the amount and capacity that would be more than adequate by today's standards. You know, can you predict a 150 rain? No, you can't. But we are in good conscience working with them to build a detention that's going to more than adequately serve the square footage of the land that we're taking up it for [inaudible].

Michael Serpe:

Thank you. Jim?

Jim Bandura:

Jean, you mentioned the possibility of underground parking. Do you see any issues with your underground retention in the underground retention as a possibility?

Brad Slavin:

No, because the way the detention is running along the back wall and along -- the way we have it running would still allow us if we ever had to do that that there would be room to do that at the north end of the property without affecting that. So it's feasible should it happen.

Michael Serpe:

Anybody else have any other comments or questions? Jean?

Jean Werbie-Harris:

So Peggy just highlighted in yellow where they're looking to do that underground detention.

Brad Slavin:

[Inaudible] comes somewhere between the two buildings. But right now I think we have it more than adequate where you see it highlighted.

Michael Serpe:

Thank you. Any other comments or questions? This is going to be an interesting project from a couple different aspects. The engineering part of it and Kings and Convicts. I never had a beer and a burger with a criminal, but I'm looking forward to it. Anyway, what's your pleasure on Item G, that's the Resolution 19-06.

Jim Bandura:

Recommend approval of Resolution 19-06.

John Skalbeck:

Second.

Michael Serpe:

Motion made by Jim Bandura and seconded by John Skalbeck for approval of 19-08 -- I'm sorry, 19-08, not -06. All in favor say aye.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Item H is the approval of the Zoning Map and Text Amendment.

Jim Bandura:

So moved for Zoning Map and Text Amendment.

John Skalbeck:

Second.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND SECONDED BY JOHN SKALBECK FOR APPROVAL OF THE ZONING MAP AND TEXT AMENDMENT. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. And item I is a Preliminary Site and Operational Plan.

Jim Bandura:

So moved.

Deb Skarda:

Second.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND SECONDED BY DEB SKARDA FOR APPROVAL OF THE PRELIMINARY SITE AND OPERATIONAL PLAN. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you. Looking forward to having a beer with you guys.

J. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND TEXT AMENDMENT for the request of Jean Werbie-Harris and John Steinbrink, volunteers with the Pleasant Prairie Historical Society to rezone the property located at 3875 116th Street from the I-1, Institutional District to I-1 (PUD) Institutional District with a Planned Unit Development Overlay District and to create the specific PUD Ordinance for the development.

Peggy Herrick:

This is a public hearing for the consideration of a Zoning Map and Text Amendment for the request of Jean Werbie-Harris and John Steinbrink, Sr. –

Michael Serpe:

Hang on one second, Peg. Okay.

Peggy Herrick:

So, again, this is a consideration of a Zoning Map and Text Amendment for the request of Jean Werbie-Harris and John Steinbrink, Sr., volunteers with the Pleasant Prairie Historical Society to rezone the property located at 3875 116th Street from the I-1, Institutional District to the I-1 Institutional District with a Planned Unit Development Overlay District and to create the specific PUD Ordinance for the development. The petitioners are requesting approval, again, of the Zoning Map and Zoning Text Amendment as previously noted. Basically they are looking to expand the parking area for the future Pleasant Prairie Museum at this location.

The Pleasant Prairie Historical Society, Inc. was formed in 2010 as a volunteer-based, 501(c)(3), a non-profit organization dedicated to collecting, preserving and exhibiting locally important archeological, historic and cultural materials and sites, and providing educational opportunities to promote the appreciation of Pleasant Prairie's historical significance. They continue to gather bits and pieces of our history to help preserve the past and educate the future. In 2011, the volunteer-based Society established the operational framework and policies that will guide its preservation efforts. The Society holds annual meetings, community gatherings with guest speakers, educational outings to foster deeper community engagement.

During 2012, the Society's direction changed with the announcement at the Society's annual meeting that the Elizabeth J. Riley Charitable Trust had acquired the historic Dublin School house which is located here at 3875 116th Street in Pleasant Prairie. The 1927 brick, two-room school house then became the new home of the Pleasant Prairie Historical Society. Since its construction in 1927, the building served as a school, a lodge and a development office prior to being the home of the Pleasant Prairie Historical Society. After months of site work and minor maintenance, the Dublin School building reopened its doors to the public as the new home of the Pleasant Prairie Historical Society by appointment only. As fundraising dollars are raised, the Society continues to renovate the Dublin School on the inside and is in the process of converting the building into a museum and community gathering space. The renovations are proposed to be completed by November of 2019.

The site is limited with parking which currently provides 21 spaces including one handicapped accessible parking spaces; however, with the proposed parking lot expansion the site will provide for 50 parking spaces including two handicapped accessible parking spaces on site while maintain 44 percent of the land a open space on the site. The parking lot expansion will not be any closer to 116th Street and the east property line which is 16.2 feet to 116th Street and 21.7 feet to the property to the east.. The expansion will be to the west which will be ten feet from the west property line adjacent to 39th Avenue and to the south which is 18.9 feet from the south property line which is not closer than existing asphalt access to the existing substation building that is on the property.

Attached to their packet is the PUD Ordinance which would allow for the parking lot to be a minimum of ten feet from the property lines adjacent to the street, a reduction from 20 feet that's

required, and a 15 feet from the east and south property line, a reduction from the required 25 feet. In addition, the PUD also allows for the required primary monument sign to be located five feet from any property lines and limits the size to six feet in height and 100 square feet in area. This is a matter for public hearing. If you have further questions the petitioner is sitting right here.

Michael Serpe:

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

Jennifer Hehn:

Jennifer Hehn, 3860 116th Street right across the street. I do actually have a few concerns. The first is that you will be installing four parking lights which will create light pollution. So all of those lights are going to be coming directly into my house and the surrounding houses as well. I know there are a couple of other people, neighbors here. So light pollution by definition is brightening up the night sky caused by street lights and other manmade sources which has a disruptive effect on natural cycles and inhibits the observation of stars and planets. Are you going to be doing anything to handle this?

Michael Serpe:

You want to answer now?

Jean Werbie-Harris:

Sure.

Michael Serpe:

Okay, go ahead.

Jean Werbie-Harris:

So at this point because of the size of the parking lot and the use of the building in evening hours, when the building is being used in the evening there will need to be probably up to four parking lot lights. We've looked to reduce that height at 15 feet. All the fixtures are intended to be directed downward not to glare or shine onto any adjacent property. But it's intended that the DSIS or security system on the property would be able to operate with IR cameras so that we're trying to put the parking lot lights on different sensors so they do not need to be on when there's not an event there. So many, many times the building is not being used in the evening hours so then they would not have all those different lights on. It would just still be the building lights that's currently on. But that's the intent. We're trying to set it up so it stays -- not to cause any additional concerns or problems for the neighbors.

Jennifer Hehn:

Okay, thank you. My next question is so you're expecting increased traffic obviously because you're almost tripling the size of the parking lot which is going to increase the amount of headlights that will now be shining into my home and into the surrounding homes. Typically there are car lights, headlights that shine into my home, my neighbor's home on a regular basis from the very few, headlights, car lights that come by. Will you be installing any hedged fences around the area to limit that?

Jean Werbie-Harris:

So the intent is at least for the property to the east that we intend to put in at least a three foot high berm and then put plantings on top of that on the east. And then we intend to do something on the west property line. Those are the two directions that the parking is facing. So we are going to be putting some additional landscaping, but we're really not shielding anything facing 116th Street. And facing to the south there is existing landscaping there now, and then there's an existing utility substation. So I'm not sure if you're directly to the north --

Jennifer Hehn:

I face directly to the north, and every car that does any kind of circle and comes out comes right to my house directly. And I've put up as much blockage as I can. So I understand the cars that will be driving out to be turning onto 116th Street, obviously there's nothing that we can do about that. But by you expanding hedges north on 116th Street would be greatly appreciated if you could add that in.

Jean Werbie-Harris:

On the west side of the driveway.

Jennifer Hehn:

The west side of the driveway up to where you are anticipating putting the signage. My other concern is -- thank you for indulging, sorry, I have a bunch of things since I live across the street and I see everything that happens which is very easy to do. I basically have a class of wine and sit on the doorstep, it's really entertaining. So as you mentioned about the lights that you're going to be putting into the area and they're going to be on sensor, cars love to pull into the parking lot --

Jean Werbie-Harris:

All the time.

Jennifer Hehn:

-- all the time.

Jean Werbie-Harris:

Right. I have no control over that.

Jennifer Hehn:

Right, so if they're going to be on sensor will they be going off just every time a car pulls into the parking lot?

Jean Werbie-Harris:

Oh, no, no. The intent is to have them sensed so that we can time them.

Jennifer Hehn:

Sunrise or --

Jean Werbie-Harris:

Sunset or we can set them for a specific time. So, for example, right now we host about three events at night a year. So we can actually adjust the time so that they can go on and stay on longer while the people are coming in and out of the driveway up until nine o'clock at night.

Jennifer Hehn:

Okay, I just had a followup question. And then are you expecting or anticipating increased traffic because of the additional events?

Jean Werbie-Harris:

You know what, I think there will be more traffic than almost nothing, what we have now except for the construction workers. So there will be more, but it's whenever the lower level is being used by our organization or the Women's Club. I mean I can't tell you how many that's going to be at this point. But it could be four or five or six times a month that someone might be there in the evening.

Jennifer Hehn:

So my segue off of that is the intersection there is a little bit of a dangerous intersection. There are frequent accidents there. There's a lighted stoplight if you are driving northbound on 39th but not on southbound, and usually it's the drivers southbound that at times will blow through the stoplight. So maybe just a consideration, and I know this is slightly off topic, would be to maybe add a flashing stop sign --

Michael Serpe:

I agree with you on that.

Jennifer Hehn:

-- on 39th for the travelers that are driving southbound.

Michael Serpe:

I think we could look into that.

Jennifer Hehn:

Like I said I know it's a little off topic, but especially if we're going to be adding some increased traffic to the area that might just be a safety issue. That's all I have.

Jean Werbie-Harris:

We can bring it up to Kenosha County.

Michael Serpe:

My feeling on any major thoroughfare with the stop signs and dark intersections they should be lighted stop signs. I agree with you 100 percent on that.

Jennifer Hehn:

There's only one street light at that intersection so maybe just for [inaudible] next meeting.

Michael Serpe:

They're expensive, but I think they're well worth it.

Jennifer Hehn:

Especially at that intersection.

Michael Serpe:

Thank you.

Jennifer Hehn:

We frequently have cars end up in all of our yards at least once a month probably. I'm sure you can get that data from the police department.

Michael Serpe:

We'll look into that.

Jennifer Hehn:

Maybe something like I said for consideration at another meeting.

Michael Serpe:

Thank you.

Jennifer Hehn:

Thank you for your time. Thank you for answering my questions.

Michael Serpe:

Anybody else wishing to speak?

Jurga Petkus:

Jurga Petkus, and I'm a neighbor right on the south side, 11629 39th Avenue. Very close to the building, and I was wondering if there will be any fencing or anything from the south side.

Jean Werbie-Harris:

We weren't planning on it. What type of fencing were you looking?

Jurga Petkus:

I don't know, I see the lights, they're very close. As you can tell my property is right on the south side. I don't know how that can be helped, but if there will be four or five events a month I'm a little bit concerned.

Michael Serpe:

The events are usually in the building, not outside.

Jurga Petkus:

Right.

Jean Werbie-Harris:

So the parking lot lights would be in the front of the parking lot so are you concerned about somebody trespassing on your property? Or are you concerned about the front 15 foot high poles in the parking lot.

Jurga Petkus:

Sure, sure. So probably we have to build a fence, I don't know. I'm a little bit concerned because I'm really close to the building from the back of the building.

Jean Werbie-Harris:

We can certainly look at it. I'm not sure exactly what type of fencing.

Michael Serpe:

I don't either, and I really don't even see a need for it.

Jean Werbie-Harris:

The building hasn't seen much activity over the last 15 years.

Michael Serpe:

This isn't a tavern. It's going to be social functions for history. You're not going to have people running all through the neighborhood because of this building. So if that's your concern I don't think that's going to happen.

Jurga Petkus:

All right, thank you.

Michael Serpe:

Anybody else wishing to speak? Anybody else wishing to speak? We'll close the public hearing and open it up to comments and questions.

Deb Skarda:

I have a question. Jean, for any of the events you're going to have can you give us an idea as far as typically what time you think people will be out of there? By 9 p.m. at the latest, 10 p.m.?

Jean Werbie-Harris:

Most events are from 5 p.m. until about 8:30 in the evening. And that's what I pretty much envision will go on right now. At the maximum we've had right now has been five events for the entire year. And so I'm not sure how it's going to move going forward because it will be a gather space in the evening. But there could be a couple of events occasionally on the weekends. I mean the history museum will be open during the day but during designated hours. I don't think that it will be open in the evening for the museum. We haven't worked through all of those details yet. It's kind of driven by volunteers and use of the building. Right now the Historical Society and the museum are the only two uses in the building. Nothing else has been committed for use in the building yet.

Deb Skarda:

So we don't anticipate it going -- I mean just thinking about some of the questions, it doesn't seem like it would be used late into the evening to make it loud, a lot of traffic, noise, things like that.

Jean Werbie-Harris:

I can't imagine that it would if it's anything like we've had before. And the open house was the biggest event that we had back in 2013, and at that time we had 350 people, but it was from 7 in the morning until 8:30 at night. So at any one point in time -- I mean that was a huge event because it was the grand opening and the ribbon cutting and we will have one of those. But I mean there's still only 50 parking spaces so I don't envision that there will be that many people at that location. But as we start to program and look at things if it becomes an issue or concern I think we do need to look at it. I don't know if it will be or not because it's a pretty quiet building actually.

Michael Serpe:

With the additional 30 spaces I think you're pretty much assuring that not too many people are going to be parking on 39th Avenue or 116th and that's key. There's going to be functions there that's going to have some overflow, but for the most part I think this expansion will pretty much take care of that problem.

Mike Pollocoff:

A landscaping plan after the lots' been completed?

Jean Werbie-Harris:

We have not completed that yet.

Mike Pollocoff:

There might be some opportunities to screen not the exit and entrance but the other areas. And then I noticed that even though the parking lot is not being expanded to the south and the east we're still reducing the setback for the south and east.

Peggy Herrick:

The existing parking lot is nonconforming. It was built prior to any zoning ordinance so it doesn't meet today's current requirements.

Mike Pollocoff:

So you're reducing it to meet what's there already.

Peggy Herrick:

Correct.

Mike Pollocoff:

And that includes a new curb going in?

Peggy Herrick:

Correct.

Michael Serpe:

Any other comments or questions?

Deb Skarda:

No, I'll just say that I know you're doing a lot of improvements out there and I think overall doing a nice job of it in enhancing everything. I think when it's all done it's going to be a really nice addition to the Village.

Michael Serpe:

Make a motion?

Deb Skarda:

And with that I will make a motion to approve the Zoning Map and Text Amendment.

Jim Bandura:

Second.

Michael Serpe:

MOTION MADE BY DEB SKARDA AND SECONDED BY JIM BANDURA FOR APPROVAL OF THE ZONING MAP AND TEXT AMENDMENT. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you.

K. PUBLIC HEARING AND CONSIDERATION OF THE 7th AMENDMENT TO CONDITIONAL USE PERMIT #13-03 for the request of Dixit Patel on behalf of VIDHYA Corp, VIII, Inc., the property owner, for re-approval of the Conditional Use Permit extension, to remove condition #54 and allow the BP Amoco gasoline station and convenience store located at 10477 120th Avenue to remain open without having to obtain a yearly Conditional Use Permit.

Aaron Kramer:

Consideration of the 7th Amendment to the Conditional Use Permit 13-03 at the request of Dixit Patel on behalf of Vidhya Corp, VIII, Inc., the property owner, for reapproval of the Conditional Use Permit extension, to remove condition #54 and allow the BP Amoco gas station and convenience store located at 10477 120th Avenue to remain open without having to obtain a yearly Conditional Use Permit.

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

Findings of Fact:

1. The petitioner is requesting a 7th Amendment to Conditional Use Permit #13-03 to allow the BP Amoco gas station and convenience store located at 10477 120th Avenue to remain open past June 14, 2019. Note the application was submitted on June 7, 2019, and the required hearing could not be scheduled until today, June 24th, for the renewal of the Conditional Use Permit to allow the facility to remain open.
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 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 gas station requires a Conditional Use Permit to operate in this B-4 District.
4. Previous Approvals:
 - a. On November 19, 2012, the Plan Commission approved a Conditional Use Permit #12-10 including site and operational plans to allow BP Amoco to operate a gas station and convenience store and to install a carbon treatment filtration system that treats existing contaminated ground water from several reported hazardous substance releases at the BP site. This Conditional Use Permit was and still is subject to compliance with the Settlement Agreement approved by the Village Board on November 29, 2012 and the 53 additional conditions. The Conditional Use Permit was valid until May 1, 2013.
 - b. On May 28, 2013, the Plan Commission approved Conditional Use Permit #13-03 to allow BP Amoco to operate a gasoline station and convenience store and to install a carbon treatment filtration system that will treat any contaminated

ground water from several reported hazardous substance releases on 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 approved by the Village Board on April 1, 2013 and the 53 additional conditions. The Conditional Use Permit was valid until June 10, 2014.

- c. On January 13, 2014, the Plan Commission approved the 1st Amendment to Conditional Use Permit #13-03 to allow BP Amoco to operate as a gas station and convenience store with the approval of Settlement Agreement Amendment #2 which addresses the request for a modified analytical test parameters, discharge water standards and reporting requirements of the carbon treatment filtration system that is used to treat existing contaminated ground water from several reported hazard substance releases at the site. This approval is 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 the 2nd Amendment to the Settlement Agreement approved by the Village Board on February 3, 2014 and the 53 additional conditions. The Conditional Use Permit was valid until June 10, 2014.
- d. On June 9, 2014, the Plan Commission approved the 2nd Amendment to Conditional Use Permit #13-03 to allow BP Amoco to continue to operate the gas station and convenience store. 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, the 2nd Amendment to the Settlement Agreement approved by the Village Board on February 3, 2014 and 53 additional conditions. The Conditional Use Permit is valid until June 10, 2015.
- e. On June 8, 2015, the Plan Commission approved the 3rd Amendment to Conditional Use Permit #13-03 to allow BP Amoco to continue to operate as a gas station and convenience store. This approval was subject to compliance with the Settlement Agreement and Amendments thereto approved by the Village Board and 53 additional conditions. The Conditional Use Permit, the 3rd Amendment, was valid until June 10, 2016.
- f. On June 15, 2015, the Village Board approved a 3rd Amendment to the Settlement Agreement, and on May 2, 2016 the Village Board approved a 4th Amendment to the Settlement Agreement
- g. On May 23, 2016, the Plan Commission approved the 4th Amendment to Conditional Use Permit #13-03 to allow BP Amoco to continue to operate the gas station and convenience store. This approval was subject to compliance with the Settlement Agreement and amendments thereto approved by the Village Board and 53 additional conditions.
- h. On June 12, 2017, the Plan Commission approved the 5th Amendment to Conditional Use Permit which allowed it to continue to operate and was valid until July 14, 2018.

- i. On June 11, 2018, the Plan Commission approved the 6th Amendment to Conditional Use Permit to allow BP Amoco to continue to operate as it has under the same 53 additional conditions and was valid until June 14, 2019.

So as was kind of stated, we've kind of done this several times, and there hasn't been any substantive addition to those 53 conditions for the past few years.

5. Site Status: Over the past several years, Vidhya and their consultants have taken actions in order to comply with the Settlement Agreement and aforementioned amendments to the Settlement Agreement and have made progress in addressing illicit discharges. The following broad scope items have been completed to date:
 - During early 2012, the BP Amoco station was ordered to stop an ongoing illicit discharge of petroleum products into the drainage ditch adjacent to the property. Station owners were also ordered to develop and implement a plan to remove the contamination from the surrounding soils and groundwater. During September of 2012, station owners presented an acceptable plan to stop the illicit discharge and remediate the contamination, and monitor the surrounding soils and groundwater. The system operated for three years ending in 2016.
 - On May 2, 2016, the Village Board approved the 4th Amendment which includes a plan for Vidhya Corporation to shut down a groundwater pumping and treatment system which included an outlined strategy to monitor the site and system which has been operating within the limits of a Wisconsin Pollutant Discharge Elimination System permit they received..
 - The groundwater treatment system was shut down on August 15, 2016 with quarterly groundwater sampling continuing through December of 2017. This groundwater sampling includes nine wells and testing of several chemical compounds. The continued sampling shows that two of the nine wells have some contamination, however the sampling sites are showing a stable or decreasing trend over time. Based on the monitoring results, the Wisconsin DNR has at this time indicated that BP may submit for a site closure review.
 - BP, through their attorneys are working with AIG to obtain approval of their estimates to prepare their NR 726 Case Closure submittal. Once they have the cost approval of their insurance, they will then proceed with completing the case closure work.
 - No illicit discharges have been observed by over the past several years.
6. Vidhya remains in substantial compliance with the Settlement Agreement and related Amendments. That being said, the Village Engineer has recommends approval of the 7th Amendment to Conditional Use Permit #13-03 and the removal of condition 54 of the Conditional Use Permit.

7. There are no special assessments due on the property due. However, as of June 20th there are Outstanding Real Estate Taxes of over \$10,000 payoff good until the end of July of this year, 2019. In addition, there is an outstanding and overdue invoice for \$416 for Weights & Measures Inspections for 2018 that shall be paid off prior to receiving a liquor license at the end of the month, of June.
8. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on June 7, 2019 of this hearing. Public hearing notices were also published in the *Kenosha News* on June 11 and 17, 2019.
9. The petitioner and the property owner were emailed a copy of this memorandum on June 21, 2019.
10. According to the Article of the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of facts, that the application and related materials that the project as planned, will not violate the intended and purpose of all Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any site and operational plan without finding in the decision that the application coupled with satisfaction of any conditions of approval, will comply with all 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 service, water service, noise, storm water management, streets and highways and fire protection.

The Village staff has determined that based upon the foregoing information presented in the application and related materials, adherence to the Settlement Agreement and Amendments, that the payment of outstanding invoices, and the comments received at public hearing, that the proposed use would meet the following standards for granting a Conditional Use Permit in that:

- The project does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems on the site do not hinder, harm or distract the provisions of public services;
- The project does not impair an adequate supply of light and air to the adjacent properties;
- The project does not increase danger of fire in so far as the danger of fire does not exceed the capabilities of the Village Fire and Rescue Department;
- The project does not create storm water flooding or drainage, create obnoxious odors, problems or otherwise endanger the public health, safety or welfare;
- There is no existing identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency that would endanger the public's health, safety or welfare related to the proposed project; and
- The proposed and applied for use on this particular parcel is not inherently inconsistent with the B-4, Freeway Service Business District in which it is located or the adjoining districts or neighborhoods.

Based on the foregoing information and the comments received during the public hearing, the Village staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for the granting of a Conditional Use Permit, as specified above, then approval of the 7th Amendment to Conditional Use Permit #13-03 shall be approved subject to the following conditions.

Michael Serpe:

Thank you, Aaron. This is a matter for public hearing. Anybody wishing to speak? Mr. McTernan?

Michael McTernan:

Michael McTernan, 6633 Green Bay Road, Kenosha, Wisconsin, 53142. I'm here seeking approval for my client as outlined in the memorandum. If you have any questions I'm here to answer them. Thank you.

Michael Serpe:

Matt, if this is approved tonight what's the future going to bring.

Matt Fineour:

So s the report was stating, as far as the illicit discharge what's gone on out there is there hasn't been an illicit discharge that we know of in several years. The property owner has one last item to really take care of and that's the DNR site closure. And that's something that in my opinion they should do for their own benefit. But that also closes out the settlement agreement that we have. So the settlement agreement is still open until they kind of get that DNR site closure. But as long as things are going well out there I mean it's --

Michael Serpe:

So this should be the last time we should here this?

Matt Fineour:

Yes.

Michael Serpe:

Praise the Lord. This is a matter for public hearing. We'll close the public hearing and open it up for comments and questions from the Board.

Jim Bandura:

Just a quick one. Mr. McTernan, is your client aware of the conditions set forth?

Michael McTernan:

Yes, and they have already been working on them. There were some other items that had come up prior, and my client's working with the Village on those. And these are on their agenda to take care of. Even though they were brought up today they will be resolved.

Deb Skarda:

What about the real estate tax?

Michael McTernan:

They're paid through their vendor and bank. And most corporations they get paid in installments, and they'll just get paid as they are very year based on the installment payment plan. They're due on the last installment, I believe their payments amount to every three months. So I'm sure if you look at the record they probably had a \$10,000 payment in January, another one in April and the final one in July. That's the way I believe.

Peggy Herrick:

Right, that payment is not delinquent. They have until the end of July to pay that like everybody has their property taxes that need to be paid by then.

Michael McTernan:

So it's just an installment, the last installment is due, right?

Peggy Herrick:

Right, by the end of July.

Michael McTernan:

And that just gets funded through --

Michael Serpe:

There's just a \$416 invoice that needs to be paid.

Michael McTernan:

They know they have to pay that.

Deb Skarda:

Has there been any discussion with Culver's or McDonald's because I remember some of the hearings in the past there was various discussion as far as payments and things.

Michael McTernan:

They're working on doing some projects out there. I mean the road that splits between Culver's, McDonald's and my client is a private road that they maintain. The owners of Culver's drives that and oversees it and just sends us bills whenever they need to do maintenance or improvements to it. That's ongoing and it hasn't changed.

Michael Serpe:

What's your pleasure? Somebody make a motion.

Jim Bandura:

I recommend approval.

Brock Williamson:

Second.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND SECONDED BY BROCK WILLIAMSON FOR APPROVAL OF PERMIT #13-03. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

Jean Werbie-Harris:

Could I just ask a quick question? Do you know if your client is in compliance with paying all their bills and settling everything with Ed Rich from Culver's? Because he calls me periodically saying that there are some outstanding bills, snow plowing bills and landscaping bills, and then these that haven't been paid.

Michael McTernan:

As far as I know they are. If there's something specific tell him to call me. I'll take care of it immediately.

Jean Werbie-Harris:

Direct him to you?

Michael McTernan:

Absolutely, not a problem.

Jean Werbie-Harris:

Okay, thank you.

Michael Serpe:

Thank you.

- L. Consider the request of Matthew Fineour, P.E., Village Engineer, agent for the Village of Pleasant Prairie for approval of Site and Operational Plans for the construction of the Prairie Highlands Corporate Park water tower to be located on the west side of 128th Avenue cul-de-sac area north of Goldbear Drive.**

Aaron Kramer:

Consider the request of Matthew Fineour, agent for the Village of Pleasant Prairie, for the approval of Site and Operational Plans for the construction of the Prairie Highlands Corporate Park water tower to be located on the west side of 128th Avenue cul-de-sac area known as the north side of Goldbear Drive.

The Village of Pleasant Prairie is requesting approval of Site and Operational Plans for the construction of a 750,000 gallon single pedestal waterspheroid tank within the Village of Pleasant Prairie Highland Corporate Park to service the water customer needs on the west side of I-94.

The 750,000 gallon, 125 foot high water tower is proposed to be located on south side of Outlot 2 of CSM# 2849, will be owned and operated by the Village of Pleasant Prairie Water Utility. A five foot high berm will be constructed on the north side of the property adjacent to the existing residential homes on 128th Avenue in the Village of Bristol. In addition, the site will be surrounded with an eight foot tall high black aluminum fence. The water tower will be being designed and allow for the co-location of communication antennas and a location of a proposed future equipment building which is also shown on the plans.

All required approvals from the Wisconsin Department of Natural Resource and the Public Service Commission have been obtained for the construction of the water tower which is anticipated to begin construction possible in fall of 2019, but far more likely in the spring of 2020 and to be completed and operational by fall of 2021. The Village staff recommends conditional approval of the Site and Operational Plans subject to the above comments and the following conditions.

Michael Serpe:

What's your pleasure?

Mike Pollocoff:

Does this design look like the rest of our tanks?

Matt Fineour:

Yes, it's going to be exactly the same.

Mike Pollocoff:

Okay, could we put that into the conditions so that at some point somebody doesn't come and try to come and bargain to have it look like a Jelly Belly or a Goldbear or something else? The problem is they put that stuff in, and then when you go to replace it or paint it then you've really increase the utility's cost. We can raise money by the cell towers, but there's always a real estate developer who is going to put the arm on somebody. And I think if they want that changed then it's got to come back to Plan Commission, and our Site and Operational approval plan should be that it looks like all the other Village towers until somebody convinces us others.

Michael Serpe:

As long as you're on a roll why don't you make the motion.

Mike Pollocoff:

I move that the Plan Commission approve the Site and Operational Plan as amended for the water tower construction.

Deb Skarda:

Second.

Michael Serpe:

MOTION MADE BY MICHAEL SERPE AND SECONDED BY DEB SKARDA FOR APPROVAL OF THE SITE AND OPERATIONAL PLAN FOR THE CONSTRUCTION OF THE PRAIRIE HIGHLANDS CORPORATE PARK WATER TOWER. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

M. Consider the discontinuance of a portion of 128th Avenue north of 104th Street in the Prairie Highlands Corporate Park.

Peggy Herrick:

This last item is consider the discontinuance of a portion of 128th Avenue north of 104th Street in the Prairie Highlands Corporate Park. On May 6, 2019, the Village Board adopted Resolution #19-15 to initiate the discontinuance of a portion of 128th Avenue north of 104th Street adjacent to Lot 1 of Certified Survey Map CSM #2866 within the Prairie Highlands Corporate Park pursuant to Section 66.1003 of the Wisconsin State Statutes.

These small portions of the 128th Avenue right-of-ways that are proposed to be vacated. Generally shown on the overhead there's three little portions. They're also shown more specifically and described on these attachments that are shown on the screen above. These segments of right-of-way were dedicated by CSMs 2849 and 2866, and they were never constructed and are no longer needed because the proposed shared use path is being eliminated and is being replaced with a sidewalk, and Goldbear Drive will not be extended west of 128th Avenue. So these little portions are no longer needed.

Upon vacation of these portions of 128th Avenue rights-of-way, the vacated rights-of-way will be transferred and attached to Lot 1 of CSM #2866 as further identified as Tax Parcel Number 91-4-121-244-0603, and this parcel is currently owned by the Village of Pleasant Prairie. The Village Board will hold the required public hearing regarding this request on July 1, 2019. On June 6, 2019, all required property owners were notified via regular mail, and the required Class 3 notice was published in the *Kenosha News* on June 10, June 17 and again today to notify the public of the Public Hearing being held by the Village Board at their next meeting of July 1st. The Village staff recommends approval of these vacations of the portions of 128th Avenue as presented.

Michael Serpe:

Thank you, Peg. What's your pleasure?

Mike Pollocoff:

Move approval.

Deb Skarda:

Second.

Michael Serpe:

MOTION MADE BY MIKE POLLOCOFF AND SECONDED BY DEB SKARDA FOR APPROVAL OF THE DISCONTINUANCE OF A PORTION OF 128TH AVENUE. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

8. ADJOURN.

Bill Stoebig:

Move to adjourn.

Michael Serpe:

Is there a second?

Mike Pollocoff:

Second.

Michael Serpe:

Motion made and seconded to adjourn. All in favor say aye.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you.

Meeting Adjourned: 8:10 p.m.