

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39<sup>th</sup> AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
DECEMBER 10, 2012**

**AGENDA**

1. Call to Order.
2. Roll Call.
3. Consider the Minutes of the November 12 and November 19, 2012 Plan Commission meetings.
4. Correspondence.
5. Citizen Comments.
6. New Business.
  - A. **PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS** for the request of Pastor Patricia Woods-Clark of Strait Way Ministries, Inc to use the building located at 9220 26<sup>th</sup> Avenue (f/k/a Unity Church) for church service and related activities.
  - B. Consider **Plan Commission Resolution #12-15** to initiate a zoning text amendment related to wall signs.
7. Adjourn.

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

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

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
November 12, 2012**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on November 12, 2012. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode (Alternate #2); Jim Bandura; John Braig; Larry Zarletti and Judy Juliana (Alternate #1). Also in attendance were Mike Pollocoff, Village Administrator; Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE OCTOBER 8 AND OCTOBER 15, 2012 PLAN COMMISSION MEETINGS.**

Jim Bandura:

Move for approval.

Wayne Koessler:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JIM BANDURA AND SECONDED BY WAYNE KOESSL TO APPROVE THE MINUTES OF OCTOBER 8 AND OCTOBER 15, 2012 AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? Motion carried.

- 4. CORRESPONDENCE.**

Jean Werbie-Harris:

I have none this evening.

**5. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for an item that appears for a public hearing, we would ask that you hold your comments until that hearing is held so they can be incorporated as part of the official record. However, if you're here for an item that is not a matter for public hearing, or wish to raise a question or comment on any other issue, now would be your opportunity to do so. I would ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

**6. OLD BUSINESS**

Tom Terwall:

Is there a motion, guys?

Jean Werbie-Harris:

Mr. Chairman, I would recommend that Items A, B, C and D be tabled until Monday, next week Monday. The staff spent a considerable amount of time working with the petitioner as well as their attorneys this afternoon, this morning into this afternoon, and we've just started to get a number of documents, many of which have been submitted to the staff late this afternoon. The staff has not had yet an opportunity to review all of these documents and to verify things. Their contractors were trying to reach us to get us a number of things. We have not had a chance to take a look at them. So we are asking that all four of these items be tabled until Monday of next week which is Monday, November 19<sup>th</sup> and the meeting to start at 5:00.

Michael Serpe:

So moved.

John Braig:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO TABLE ITEMS 6A THROUGH 6D UNTIL 5 P.M. ONE WEEK FROM TODAY. JOHN?**

John Braig:

Question. How is it that you just received these documents today? This has been going on for months.

Jean Werbie-Harris:

It has indeed. In fact we had a deadline of Tuesday about a week ago to receive all these documents. And apparently it wasn't clear as to all the things that we needed to have. And some of the information unfortunately they believe that contractors and others had submitted maps, plans, documents and some of the information to the staff, and none of the staff had the information. They had submitted it amongst themselves but, unfortunately, not to the staff for us to get that opportunity to review all the documents. We've just, like I said, started receiving some of those documents. We have I think negotiated our settlement agreement, and I know our attorney was busy working to try to finalize that this afternoon based on our meeting this morning, this afternoon. It's just we have not had a chance to finalize things. And I think that there's a more clear understanding now with the petitioner as to what they need to do, who needs to submit it, who's responsible, what work needs to come in as well as the answers to the questions that we need to have before we can make a recommendation.

John Braig:

Does our attorney support your recommendation?

Jean Werbie-Harris:

Yes, he does, and he's here this evening with us.

John Braig:

Thank you.

Tom Terwall:

**ANY OTHER COMMENTS? IF NOT, THERE'S BEEN A MOTION BY MIKE SERPE AND A SECOND BY JOHN BRAIG TO TABLE ITEMS 6A THROUGH 6D UNTIL ONE WEEK FROM TODAY AT 5 P.M. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

## **7. NEW BUSINESS**

**A. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Section 420-48 L of the Village Zoning Ordinance related to parking area setbacks.**

Jean Werbie-Harris:

We have a public hearing first to amend Section 420-48 L of the Village zoning ordinance related to parking area setbacks.

On October 15, 2012 the Board adopted a Resolution #12-36 to initiate some amendments to the Village ordinance as it relates to parking area setbacks. The following amendments are being proposed to section 420-48 L:

- L. Setback for parking areas which includes parking spaces, maneuvering lanes and fire lanes shall meet the following setbacks. And here is where we made some of the modifications.
  - (1) 20 feet from all adjoining street rights-of-way, private roadways and lot lines, except as provided below:
  - (2) 50 feet from any railroad right-of-way, excluding railroad spurs and parking areas in the manufacturing districts whereby the parking setback may be reduced to zero. Again, currently we have a setback of 20 feet from any parking area -- no, excuse me, 50 feet from the parking area to the railway right of way. And we are proposing specifically where there is parking areas, dock areas, loading areas that butt right up to the rail spur and right up to the railroad that that parking setback be reduced to zero. It doesn't make sense to have a strip of grass or a strip of landscaping in between a loading dock and a railway spur. And this also comes with the recommendation and support of the Fire Chief, that he'd rather not see that strip of land. Again, this is typically backs of buildings or sides of buildings in the corporate park adjacent to the railroads.
  - (3) 25 feet from any wetlands on the said property.

And then the other exceptions we just cleaned up the working a little bit with respect to how it reads. And this is shown on the overhead and you have it before you. This is a matter for public hearing. And, again, this is something that we've had considerable staff discussion with some of the businesses in the corporate park and amongst the staff that this helps to alleviate any hardships or requests for variances that businesses would be looking for in the future just because, again, that setback to the railroad and the railroad spurs.

Tom Terwall:

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

Michael Serpe:

I have a comment.

Tom Terwall:

Go ahead, Mike.

Michael Serpe:

I'll support this, Jean, but I think we also should look at other businesses that may be affected adversely by some of the green space that we force to put in place or that we allow to be put in place that may cause some problems. And I can take that up at another time and discuss it in your office at another time. But I'll support this and move approval.

Wayne Koessl:

I'll second, Chairman.

Tom Terwall:

**ANY COMMENTS OR QUESTIONS? IF NONE, THERE'S A MOTION BY MIKE SERPE AND A SECOND BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING ORDINANCE AMENDMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed?

Larry Zarletti:

No.

Tom Terwall:

One opposition, one opposed.

**B. Consider the request of Daniel Pratt of ARCO/Murray National Construction Company, Inc. for Good Foods Group LLC, an all-natural food manufacturer focusing on preservative free dips, sides, and salads, for approval of Site and Operational Plans to occupy the building located at 10100 88th Avenue in LakeView Corporate Park.**

Jean Werbie-Harris:

Mr. Chairman, members of the Plan Commission and the audience, this is a request of Daniel Pratt of ARCO/Murray National Construction Company, Inc., for Good Foods Group LLC, an all-natural food manufacturer focusing on preservative free dips, sides, and salads, for approval of site and operational plans to occupy the building located at 10100 88<sup>th</sup> Avenue in LakeView Corporate Park.

Specifically, the petitioner is requesting approval of site and operational plans to occupy the entire 56,335 square foot building with a 10,000 square foot area mezzanine located at 10110 88<sup>th</sup> Avenue in LakeView Corporate Park. The building was formerly occupied by Rolf's Patisserie.

Good Foods Group, LLC is an all-natural food manufacturer focusing on preservative free dips, sides, and salads. And I'll prefer to them as GFG. GFG is a regulated food plant under the supervision of the Wisconsin Dairy Authority. The majority of their business is mixing/blending ingredients and packaging those for both retail and food service accounts. The company has been operating successfully in Chicago for three years. The growth experienced at the Chicago plant has led the company to seek additional production capacity.

The company's manufacturing process involves the following stages.

1. Raw material procurement: They receive raw materials such as fresh produce, Greek yogurt, individually quick frozen vegetables, etc. Their top ten raw materials, at this time are Greek yogurt, spinach, raw avocado, kale, canned tomatoes, deli cups, cardboard boxes, water chestnuts, raw celery and garbanzo beans. These will be received via truck shipments, refrigerated as applicable. In order to ensure freshness of ingredients, raw materials are delivered on a daily basis.
2. Store Raw Materials: Due to good manufacturing practice considerations, the company processing occurs at 33°F -35°F. Raw materials are stored in ingredients refrigerator, awaiting processing.
3. Batch/Mix: Raw materials are combined and mixed into large batching and mixing machines, according to pre-determined recipes. The method of manufacture is very similar to a large scale assembly line style kitchen. Avocados are skinned and de-pitted by hand. Avocado meats are placed into one bin for processing. Skins and pits are placed in another bin for removal from the processing area. Other ingredients are batched and placed into stainless steel mixers for processing.
4. Package: Finished material is dispensed cold into packaging materials. This may include deli cups for retail customers or large food service bags for institutional customers.
5. Pasteurize: Food product is pasteurized on site utilizing high pressure pasteurization, no heat.
6. Packaging: Pasteurized products are placed into boxes and identified with blue shrink wrap. Pasteurized material is stored in raw ingredients refrigerator until it is shipped out.

The top three finished products are spinach dip, guacamole and humus. These three products make up for over 75 percent of their anticipated production.

The company intends to purchase the property allowing their business to expand from their current Chicago location. The existing building would be enhanced to meet the specific needs of the food processing activities as mentioned above.

Pursuant to the application their occupancy type factory F-2 Group, moderate hazard. However, the plans indicate occupancy type factory F-1, so we just have to clarify that one point.

The following alterations are proposed for the building and site and these are highlighted in red on the screen. They intend to:

- Provide a new, interior cooler with panel walls for a fresh ingredients cooler as well as enhancements to the existing cooling systems.
- Construct a new chickpea cooking room, compressor room, and maintenance room to house the process support systems.
- Upgrades and improvements will be made to the existing office facilities to support the employees including an employee break room, restrooms, office area, and test kitchen..

The existing parking lot appears to be a little bit closer than 20 feet to the west property line to the railroad tracks, but because of the proposed amendment that was approved this evening, that would not be an issue for this company because it would be a legal conforming parking lot once that is approved by the Village Board. And this is one of the many sites in the corporate park that this new ordinance that we talked about would benefit.

The facility is proposed to operate Monday through Friday. 5:00 a.m. to 7:00 p.m. encompassing two shifts of employees. Deliveries and shipments will come and go between 7:00 a.m. and 7:00 p.m. At start up, this facility is anticipated to have 50 to 75 total employees including 5 to 10 office staff in management, accounting, shipping and receiving and 45 to 70 production employees. Two shifts are planned at this point. They anticipate 75 employees per shift, including their staff. This would be within five years of opening the facility and assuming aggressive growth for them.

And assuming that this aggressive growth continues, they could serve -- or excuse me, the facility could have as many as 150 employees at once during the shift change. The site currently has 193 parking spaces in addition to six handicapped accessible parking spaces. So they have more than adequate parking for the site. As you can see on the slide, this is the building on the west side of 88<sup>th</sup> Avenue, and the slides show that there is adequate parking and shipping, and there are adequate landscaped areas on this particular site.

They use a variety of batch style food processing equipment including blenders, mixers, scales, stainless steel bowls, stainless steel work tables. Packaging equipment will be used to dispense finished product into containers. High pressure pasteurization will be utilized for their process.



Compressed air is used for packing equipment and nitrogen is used to package food products into an inert gas increasing shelf life.

Solid waste will come in the form of spent food product, such as avocado skins and pits. Currently, this material is sent to a landfill via a dumpster. And I found this to be interesting information is that they are always looking at innovative ways to continue minimizing their food waste. And one example is to use spent product and sending it to pig farmers. Avocado skins and pits are a valuable source of nutrients for pigs, and they can be used as a viable food source for them.

They will installing an alarm system as part of their building modifications including closed circuit cameras for site security. The site will be maintained. Again, as it's been adequately landscaped they will continue to maintain that landscaping.

With us this evening we have Kurt Penn from Good Foods, and he would like to make a formal presentation about the company and what they do and how their process works. And we actually have a PowerPoint. We don't have the PowerPoint? Alright, well, then I'm going to have to introduce Kurt, and he can just speak briefly about his company, what brings them to Pleasant Prairie, what they were looking for and how they've grown and some things like that about the company.

Tom Terwall:

Welcome, sir. Please begin by giving us your name and address.

Kurt Penn:

Good evening. My name is Kurt Penn from 6851 West Irving Park Road in Chicago. Again, Kurt Penn. I'm the founder and CEO of Good Foods, so thank you for having me here tonight to present our company and potential move to Pleasant Prairie. Do we have a PowerPoint?

Jean Werbie-Harris:

We can go through it once we get it up. There we go.

Kurt Penn:

Oh, there we go. So a little background on Good Foods. I started it four years ago with the idea of making all natural dips, spreads, salads and sides, selling them to some of the retailers who appreciate these types of products and consumers who are looking for these types of clean products. We do, as you've already pointed out, very specifically guacamole, Greek yogurt dips, some salads, humuses, etc. And we started with just a few employees four years ago, and today we are close to 100 employees. We have a great customer base both on the retail side with companies like Whole Foods and Trader Joe's, Costco Wholesale, BJ's Wholesale Club. And on the food service side we sell to companies like Potbelly's and [inaudible], and we do ship from coast to coast.

And so as we have grown we have been looking for a facility that can accommodate our future plans and our future growth. And a couple months ago we ran across the facility at 10100 88<sup>th</sup> Avenue, and it is a very nice facility in a really nice community. We are very excited to call this our home. And so if you have any questions or concerns I'd be more than happy to try to address them. I'd be happy to go through some more about our company and the philosophy. I've already said we do all natural products so we don't use preservatives. We don't use any kind of chemicals in the food we process.

We are like a large commissary, so the description of stainless steel bowls and mixtures and a lot of hand craftsmanship is exactly how we go about putting our products together. And what actually makes our whole process work and what makes our products ultimately very safe and work for the consumers and our customers is this high pressure pasteurization. It's an old technology but only recently has been applied to the food industry. So it's essentially instead of using heat to pasteurize food products we're actually using ultra high pressure. And this is something that a couple companies like Hormel and Tyson and Fresh Rise Foods which makes a product called Wholly Guacamole have really kind of pioneered over the last 15 years.

And the idea behind Good Foods was, in fact, this exact technology but applying it not only to those types of products but to some of the other products that are on trend today like low fat Greek yogurt dips and other products that seem to be healthy and on trend. And so that's kind of the concept behind Good Foods and where we've been. Can I get the next slide please? So, as I said, it was started about four and a half years ago. And we have grown to almost 100 employees now. And we are a facility in Chicago, and we're FDA and a USDA facility there under federal regulations. And today we are completely out of space. Hence the reason I'm here.

Can I get the next slide please? So this is a picture of our plant back in Chicago so you can actually see some of the equipment. And this is very similar to what is currently inside the building at 10100 88<sup>th</sup> is food style floors and panels. We're actually planning on dropping some new refrigeration in there as well as new HPP machines. They're pretty significant in terms of both size, scope and investment. Each system is about two to two and a half million dollars. And so we plan on having three to four of these in that facility in Pleasant Prairie.

So, as I said, here's some of our customer base. So I would say out business is about 60/40 to retail the food service. As you can see, I think some of you will recognize these companies, and they're really on the cutting edge of both food products, quality, nutrition, and that's really what our company is all about and what we intend to continue to do is really push the envelope on clean, good for you products.

Here's just some of the different types of products we make. I'm hoping everybody ate dinner and you won't get too hungry looking at the slides. We're not only doing the food service pouches as Jean pointed out, but we also are getting into the single serve convenience business. So we do little two ounce portions of guacamole or humus or four ounce portions of good for you chicken salads and so on and so forth. So it's pretty exciting times for us.

Some of the things that are nice about our product line and our whole process, this HPP process, is that we don't have to use heat to kill pathogens which, in turn, doesn't kill the nutrients that you can actually find in products in their natural state. But when they go through the heat process, for instance ultra high temperatures, it kills nutrients, etc. So this process is pretty neat

because it also extends shelf life. It guarantees food safety and keeps the nutritional value of the food products themselves in its natural state.

And here's just some of the people behind our business. We have a very seasoned staff of food professionals. John Fitzgerald is our president, and he takes care of all the operations. He's a graduate of Johns Hopkins and the Northwestern Business School. He's just moved back from London after being in the finance business for 11 years. Steven Babbington is our head chef, and he's also our head of food safety and quality assurance. He's been in the food service side of business for 25 plus years. Went to the culinary institute in New York and actually worked with Emeril down in New Orleans for many years which is always good for some good stories. We do actually have someone from Wisconsin who works for us. Danielle O'Connor is one of our sales people. She's actually here supporting our move here to Wisconsin hopefully. And then just some of the rest of the teams. Matter of fact, the gal on the bottom right, Alyse and I have worked together since 1999 selling products into the retail world.

So we definitely have a very seasoned staff. This is my second startup. And so I'm really excited about the future of Good Foods and hopefully a move to Pleasant Prairie. So I thank you for your time. If you have any questions I'd be happy to answer them.

Tom Terwall:

Approximately what PSI are you using on the food rather than heat?

Kurt Penn:

87,000 pounds of pressure per square inch. It's the equivalent of going to the bottom of the very deepest part of the ocean and then going five times deeper. So this equipment it looks very much like a submarine. And what happens is we take our packaged food products, and they're flexible in nature, whether they're bags or plastic containers. They're hermetically sealed so there's a good tight seal on them. They're put into this vessel and it's filled with cold water. It closes, and that's when the pumps turn on and actually create this massive pressure.

And the magic behind it is that if there's any bacteria or pathogens, which are the very bad things in the food industry that can naturally hurt or even kill people, are actually mitigated through the system because they can't withstand that type of pressure. And this is a federally recognized system. The USDA recognizes this process as an intervention step for pathogens.

Tom Terwall:

Are there any safety precautions required?

Kurt Penn:

There is. We have to register our equipment with your state. I believe it's the Boiler Commission, some boiler policy basically saying, hey, we have this equipment. They'll probably come out and inspect it from what I've been told once a year.

Tom Terwall:

Never blown through the wall or the ceiling yet?

Kurt Penn:

No, sir.

Tom Terwall:

Good.

John Braig:

The Village has a significant composting facility. It strikes me that rather than taking your spent food products and putting them in the landfill they might be better served going through that composting site. I don't know. Do you know anything about that, Mike?

Mike Pollocoff:

[Inaudible].

Kurt Penn:

Well, it sounds like there could be --

John Braig:

Either way I think we could avoid the landfill.

Kurt Penn:

I think so, too. Matter of fact, what's interesting is we were the first company in the United States to actually figure out how to use plastic containers that were made out of corn plastic. It's called PLA. I don't know what that exactly stands for, but I know it's a corn-based plastic. And if it reaches the right facility, composting facility with the right type of temperatures, these containers do, in fact, decompose.

Don Hackbarth:

So if you have an employee that's kind of difficult you slide him in that vessel for about ten minutes?

Kurt Penn:

This is a public hearing, isn't it? No.

Michael Serpe:

How big is the facility in Chicago, Kurt?

Kurt Penn:

It is approximately 10,000 square feet, but we are running 24 hours a day, seven days a week. And we are running basically two and a half shifts. And we have rented some temporary space in another facility that's about five or ten miles away from our current facility.

Michael Serpe:

Is anything going to be changed from Illinois to Wisconsin as far as employees?

Kurt Penn:

We are going to shift it feels like about 75 percent of our production to Pleasant Prairie from the Chicago facility. Our initial plan is to keep our USDA business in Chicago and then move our FDA products which are more of the guacamoles and the Greek yogurt dips to Pleasant Prairie and then figure it out from there. Over time we may decide to keep that facility open so we have duplicity, or potentially shut that facility down and make an entire move here. So in the beginning our plan is we have some employees who have worked for me for years and years, and I feel a sense of loyalty to them. So we are going to try to move them up here initially with some transportation that we'll provide. But we will be encouraging them to look in the area for a new residence and a new start.

John Braig:

With the tax picture in Illinois or what it's going to be I think they'd find it very nice up here in Wisconsin.

Kurt Penn:

Does that mean I have to become a Packer fan?

--:

As of last night that shouldn't be hard.

Michael Serpe:

How'd the Bears do last night?

Kurt Penn:

Not very well, yes.

Tom Terwall:

If there's nothing further, gentlemen, what's your pleasure?

John Braig:

Move approval of the site and operational plan.

Don Hackbarth:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY DON HACKBARTH TO APPROVE THE SITE AND OPERATIONAL PLANS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Welcome aboard.

Kurt Penn:

Very good, thank you.

Tom Terwall:

What's your tentative time frame?

Kurt Penn:

We would like to be with some permit approval processes to just clear we look to start construction within the next 30 days hopefully. We would like to be entirely in -- I think we potentially are looking to get an early occupancy for a few very simple processes. And then ultimately we'd like to be up and operating by the middle of February.

Tom Terwall:

Great, welcome.

Kurt Penn:

Thank you. Thank you for having me here tonight, and I look forward to being a part of your community in the future. So thank you.

- C. Consider the request of Adam Smith of Foremark Real Estate Services, Ltd., agent for Cheddar's Casual Café for approval of Site and Operational Plans to construct a Cheddar's Casual Café restaurant and associated site improvements within the Prairie Ridge West Commercial Development located at the southeast corner of STH 50 and 104th Avenue.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this is the request of Adam Smith of Foremark Real Estate Services, agent for Cheddar's Casual Café for approval of site and operational plans to construct Cheddar's Casual Café restaurant and associated site improvements within the Prairie Ridge West Commercial Development located at the southeast corner of Highway 50 and 104<sup>th</sup> Avenue. And Good Foods folks, if you want to stay you might be able to service this new restaurant. The petitioner is requesting approval of site and operational plans to construct an 8,566 square foot restaurant, Cheddar's Casual Café, on a 2.4 acre property within the Prairie Ridge Commercial West Development

Cheddar's Casual Café is proposing a casual or sit down restaurant in Pleasant Prairie, the first one in Wisconsin. The property is zoned B-2 (PUD), Community Business Zoning District with a Planned Unit Development Overlay Zoning District. The B-2 District allows for the restaurant to serve alcohol, provided the proper Village liquor license is obtained. Specifically, a Class B Fermented Malt Beverage Liquor License and a Class B Regular Intoxicating Liquor License will be required to serve alcohol. Cheddar's does not heavily rely on alcohol sales, however. It's typically only 12 to 18 percent of their overall sales. Compared to other industry competitors, Cheddar's alcohol sales ratio is below average or low. A permit from and an inspection by the Kenosha County Health Department is also required for the preparation and serving of food.

Under the conceptual plan for the Prairie Ridge West Commercial Development, on August 20, 2012 the Village Board conditionally approved a conceptual plan for the development of Prairie Ridge West area and adopted the Prairie Ridge West PUD that specifically identifies and allows for cross-access for the lots as well as specific signage requirements for the monument signs for each individual lot and the for two shared signs for Lots 1 through 3 within the Prairie Ridge West. As you can see on the slide, in the very far right side is the Olive Garden location, and then there is another lot to the west of Olive Garden, and then Cheddar's is just to the far west at the corner of 104<sup>th</sup> Avenue and Highway 50. And then there's some wetlands and there's two other potential sites for this particular location.

John Braig:

Jean, there's a monument sign right in that area, isn't there?

Jean Werbie-Harris:

There is, in fact. And Peg's going to show you where it is. There's a monument sign that is actually the monument sign for the entire Shoppes of Prairie Ridge Center which is actually south of this. So specially on that sign there's probably a logo for Target as well as J.C. Penney's, I think those are the two. Maybe Dick's as well, Sporting Goods. But it's a monument sign identifying Prairie Ridge Shopping Center with those two. That monument sign will remain. And, in fact, as we learned at a previous meeting, a certified survey map will need to expand the easement area because the sign was not placed entirely within that area. so the Cheddar site really had to work around that particular location for that monument sign.

At the very north end of the site directly north of the Cheddar's building there's actually a monument sign that they are proposing at that location. And just real quickly, the two arrows, one off of 104<sup>th</sup> Avenue and one off of 77<sup>th</sup> Street, there will also be a secondary monument sign at each of those two locations that will identify Cheddar's and then at least those two other buildings as more of a directional-type secondary monument sign.

As I was about to say, the primary site access provided to this area for Cheddar's is a right in/right out access only at about the 7600 block of 104<sup>th</sup> Avenue. And then through a private roadway or interconnected parking lot system there's access down to 77<sup>th</sup> Street. And then also there's cross-access through the lot immediately to the east and then through the Olive Garden property. And then actually a shared access then is connected to 77<sup>th</sup>, again, between Famous Dave's and Olive Garden. So there's actually two or three good ways to get in and around this particular site so that you can in and out to the property.

The wetlands within the Prairie Ridge West are identified on this site as common pen space access and maintenance easement areas. Again, there is intended to be a sub-association that's created. And these four lots that are being created as part of this west area they'll all have maintenance responsibilities, including Cheddar's, for these particular wetland areas.

Lots 1, 2 and 3 will be served by public sanitary sewer, private water and private storm sewer mains which will all connect to municipal facilities in 77<sup>th</sup> Street. Again, Lots 1 and 2 are the two that are on the north end west of Olive Garden. And then 3 is adjacent to 77<sup>th</sup> Street, and Lot 4 is that individual lot at the very northeast corner of 104<sup>th</sup> and 77<sup>th</sup>. There happens to be a single family house at that location that's intended to be razed before the end of the year.

On August 13<sup>th</sup> the Plan Commission approved preliminary site and operational plans to allow for the mass grading and installation of the public and private infrastructure improvements for this Prairie Ridge West commercial area. On August 20<sup>th</sup> of this year the Board approved the development agreement for the installation of the required public improvements to serve this area.

As I mentioned, each lot is proposing to have a primary monument sign similar to the other signs in Prairie Ridge. In addition, two secondary monument signs are being proposed. Also, there is an overall Prairie Ridge Commercial Owners Association which this development area will be responsible for complying with all of those regulations and restrictive covenants. But these four lots in particular will be part of a sub-association as well. And that sub-association will have shared responsibilities for the infrastructure as well as the wetlands and a DSIS, the digital security imaging system, that is required to service this particular area.



Getting back to Cheddar's now, Cheddar's intends to operate this restaurant from 10:30 a.m. to 11:00 p.m. Sunday through Thursday, and from 10:30 a.m. to 12:00 a.m. Friday and Saturday. Deliveries to Cheddar's restaurants are typically be made between 6 and 10 in the morning or 2 and 5 in the afternoon. Cheddar's anticipates creating 210 new jobs at this location in Pleasant Prairie. There would be approximately 105 full-time employees and 105 part-time employees. Employees would be organized into 14 shifts per week, with an average of roughly 50 employees per shift. The anticipated maximum number of employees on the site at any time of the day might be 70 employees. Cheddar's anticipates guest volume per day to be approximately 1,000 guests.

With respect to site access and parking, as noted there is no direct access to Highway 50 to this development. There is none along all of Highway 50. The arrows indicate the specific directions coming north from 77<sup>th</sup>, east/west from the Olive Garden and from that other Lot 3 site, and then also the site accessing to 104<sup>th</sup> eventually with the right in/right out at that location.

Pursuant to the PUD 12-29 shared cross-access driveways are being allowed and may cross property lines. There must be a minimum of 20 feet between the side and rear property lines within the development areas, and driveways must be a minimum of five feet from any wetlands on the property. Again, this plan follows all of those regulations that we established by that previous PUD. In addition, parking lot areas including maneuvering lanes must be set back a minimum of 10 feet from the adjoining Highway 50 right of way, and parking lot areas must be a minimum of 5 feet from the wetlands in Prairie Ridge West.

Again, there's a couple of tight areas on the south end of their parking lot and the west end. And as you may know, the DOT is requesting some additional right of way at that northwest quadrant, well north and I should say just west of Cheddar's but at the southwest quadrant of that intersection. And it looks like a large portion of those wetlands may be taken by the DOT when they reconstruct Highway 50. But at this time they'll be preserved.

The Village zoning ordinance requires all restaurant to have a minimum of one space for every 100 square feet of floor area, plus one space for every two employees on the largest work shift, plus required handicapped accessible parking space. According to the Village's code they're required to have 121 parking spaces. They know better with respect to their use and their restaurant. So they are proposing a minimum here of 170 parking spaces plus 6 handicapped accessible parking spaces.

And one of the things I'm not sure if you remember from the original conceptual plan, but there is a proposed additional parking lot that could be located just to the west of that main entrance and just north of 77<sup>th</sup>. That's like an overflow lot that if, in fact, there becomes still a problem once this area starts to develop out, there's an additional 25 or so parking spaces that they can add at that location in order to accommodate the growth and the business that we hope that they anticipate at this location.

The anticipated truck trips per day is typically two trucks per day with a maximum expected of five trips per day. Using the average daily trips and based on the manual, Cheddar's will likely have about 1,430 daily trips based on the 296 seats on this restaurant.

Cheddar's lot is 2.4 acres. They have almost 23 percent open space on their site. The restaurant building meets the minimum setbacks as set forth in the PUD for this site. The building materials, and I think I've presented those to you, consist of Old Chicago brick with limestone tower elements and accents. The main roofing material would be wood shake with standing seam copper roof overhangs and bronze standing seam metal roof accents. But the main roof structure would be that wood shake.

Exterior signage, these are presentations of the tower element signage and the Casual Café signage as well as the monument signage. One of the things that I talked to Adam about today is that the other restaurants and other users on Highway 50 were given PUD modifications by the Village and variances to the covenants to allow the main monument signs along Highway 50 to be ten feet in height instead of six feet. And although theirs is designed at six, I've told them that this doesn't have the address on it, and they may want to just raise it up a little bit, about another four feet, so it's comparable to the other monument signs along Highway 50.

With respect to security, again, I mentioned that there is going to be a DSIS system. This is going to be an interconnected system that's going to serve these four lots including Cheddar's as well as Olive Garden. There will be one central DSIS room that's going to be in the lot to the east of Cheddar's. And they will have one DVR system. But, again, it's going to be an interconnected system. At this location it's going to be a system that the Village is going to own and operate, but they are going to pay for, construct it and have it inspected. And they'll be paying for the ongoing maintenance. And it will be tied into the system of the Village no different than the Shoppes at Prairie Ridge.

With respect to site and building maintenance, Cheddar's understands that the Village desires a high quality design and high quality maintenance. This lines up perfect with Cheddar's key tenants for providing customers a wonderful experience when they visit one of Cheddar's restaurants. The first key tenant for Cheddar's is to ensure that the customer is thoroughly impressed with its site design, building design and the condition of both of these items over time. Without proper maintenance the high quality design employed can be completely negated and instead provide negative connotations. And they always want to have a very positive experience for the customer.

Cheddar's has an in-house janitorial team that cares for the day-to-day cleanliness of its buildings and properties. Cheddar's also partners with professional providers for quality upkeep of its landscaping, plants, aquariums and carpets. In addition, a corporate specialist arranges for preventative maintenance of all equipment, and this specialist also assists in maintaining the physical structure and plants in tiptop condition.

Do you have the menus and those types of things? Adam is going to be handing out the restaurants and some information about Cheddar's. And then he will be doing a brief PowerPoint presentation to introduce us to Cheddar's. Again, this is the first one in Wisconsin. And you'll see that they are located in many states throughout the United States. And we're really pleased that he has chosen and they have chosen that the first one should be in Pleasant Prairie. So Adam Smith from Foremark is going to make a presentation to us. If you just do this Peggy can click.

Adam Smith:

Well, hello everybody. Thanks for being here tonight. I appreciate it.

Tom Terwall:

Give us your name and address just for the record.

Adam Smith:

Oh, sure, no problem. My name is Adam Smith. And address-wise it's 6550 Shady Brook Lane, #1321, Dallas, Texas, 75206. As I said before I'm here on behalf of Cheddar's Casual Café. And I wanted to introduce the concept to all of you all in this presentation. Okay, this slide right here is a very good representation of what exactly this restaurant will look like once it's built. The reason I say that as you can see here there is all brick on the front side in line with the Pleasant Prairie standards. Stucco and EIFS is not allowed on the first floor. So this building will be an all brick building. The rest of these items we're going to break into as we get into the presentation, but I want you all to hold this image in your mind as we go throughout this. And just keep it there in the back of your head and we'll keep going.

Cheddar's started out in 1979. It was founded by Arthur Good or Aubrey Good and Doug Rogers. And the first location was in Arlington, Texas. And as it started off the main focuses were value and a quality menu and customer service. And if you're in the restaurant business customer service is a must have. But where Cheddar's really exceeds is definitely the value aspect of its restaurant. And as you can see from the menu that you all have look at the prices on there. They're typically about 20 to 30 percent less than the competitors out there such as Chili's, Applebee's and many others as well. And it's a main focus of Cheddar's in addition to a high quality design and standards throughout the building that really brings it all together. It's something that's very, very important to Cheddar's in all aspects of its operations.

Alright, this is a national breakdown from 2011 of all the stores that exist in the United States in terms of Cheddar's Casual Café. As you can see, we were founded in Texas. And as such we have our largest base there. And, obviously, Jean already mentioned that Wisconsin is our first -- or this will be our first Wisconsin store. And we're really excited about it. As you all know, Cheddar's and Wisconsin cheese really go well together so we're really excited about it. And obviously, as you can see, the total amount of stores open here as of 2011 was 106. And you can see the ramp up in growth really has come through the corporate owned stores. Franchisee stores have really remained kind of steady, although they are expected to increase by actually ten stores in the coming 2012 year. And we're already at 117 restaurants as of June 24, 2012. That number is just steadily going up more and more as we keep going on.

This is just a quick breakdown of three key metrics in the restaurant industry. It's the average check, the daily traffic and then the average unit volumes. Average check as you can see for Cheddar's compared to a lot of its competitors is the lowest. That's something, as I said before, value is what we pride ourselves on, and it's something we maintain and are obviously hitting. In addition to the foot traffic that we typically have on a daily basis, as you can see, it's pretty high. And that translates to our average unit volumes of about \$4.45 million per store. And it's

something that we pride ourselves on and obviously try to maintain as we continue to open up new stores.

This is a quick survey here from 2009 and 2012. It shows a few key metrics that restaurants, casual sit down restaurants, are rated on. And, again, you can see the focal points for us. Value is clearly the number one aspect that we focus on and pride ourselves on. We continue to maintain even in the tough economic conditions that we faced over the past few years. Funny enough, even still with the value aspect that we focus on there are other things that are important in the restaurant industry. And, clearly, try to improving on those is something that they've really focused on over these past few years. As you can see some of them have improved vastly from the original 2009 survey.

Alright, there are four, as mentioned before, tenants or key principles that Cheddar's prides itself on, and we'll get to them on the next slide. Alright, handmade quality food, polished atmosphere, real relationships and explicit value pricing. As I told you before the two key focuses here I feel like that really separate Cheddar's apart from its competitors is definitely the value pricing, but it's also the polished atmosphere. When you go inside a Cheddar's Casual Café it feels like a Cheesecake Factory, a P.F. Chang's, that high quality design. In addition, the fact that you're paying for food that's around seven to eight bucks, and it tastes great. It's unbelievable. And it goes just a long way, I mean all the way to the bathrooms to just the little things that go into each restaurant. You will notice it immediately. And those are what really sets I think Cheddar's apart from others that are out there. And also why I think it's going to sit very well in the Village of Pleasant Prairie.

In addition to that, obviously, customer service here in the restaurant you have to focus on. If you don't do that you're not going to be operating very long. In addition to the handmade quality food as I spoke to before. It tastes great. I've eaten at over 10 to 20 Cheddar's Casual Cafés across the country. They're all pretty amazing. I have really had no complaints, and I think you'll all feel the same once this one opens.

A little bit of breakdown here. I want you to ignore the first five slides here and focus right here, right here. This is unbelievably tasty. This is called the Cheddar's Monster Cookie Sundae. My gosh, it is so good, I can't even describe it in words.

Don Hackbarth:

A sample?

Adam Smith:

Seriously I wish I had one. It's so cold outside it might have actually preserved itself. But it really is fantastic. Kids love it, adults love it, everyone loves it. Try it, it's fantastic. The ribs are great as well. Obviously the chicken tenders you can't go wrong there as well. But really the focus here is this cookie monster right here. It's amazing, amazing.

We also have drinks as well, mixed drinks, margaritas, little Texas thank goodness coming up here it's always nice to see that. But there's other drinks as well. But as I said before, and Jean pointed out in her introduction, really is not a focus of Cheddar's at all. This is more of an after

though, and the food is where the focus is at. But there are still options in case you feel like you want to have a drink with your dinner, lunch, and it's always there.

Alright, a little more focus. And if you see a pattern here feel free to speak out and tell me what it is but it's pretty obvious. It's the front of the building which is obviously the most important aspect of every Cheddar's Casual Café. As you can see, a lot of time was spent thinking about how to make this the focal part of the restaurant. It starts off with the front entrance, the copper awning that you can see right up here. And then the wall sign and then the lettering on the frame right there on the entrance. In addition to the two gas lamps as well, or gas powered lamps on the front entrance, and the Austin Chalk limestone as well. All of that goes into a very inviting environment and a very nice entrance once you see it in person. And I think some of those elevations that we had sent in actually our architect hasn't quite his elevations to match what the building actually looks like. As you can see this building looks a lot nicer than what was shown on those elevations.

As I mentioned before and Jean also touched on we have real wood cedar shakes that we put on our roof, and it's a very nice look to the building. It's kind of hard to tell in that photo. Once you actually see it in person, though, you understand why the decision was made to go with that roofing, that roofing shingle. It really look nice. And as I mentioned before there's natural gas lamps at the front entrance. We also, as mentioned by Jean, have exposed Chicago-style brick inside the building as well as outside. In the bar area you can kind of see it here, there's a fresh water aquarium which is also focused on in the bottom left slide. It's a really nice feature of the bar area. It really sets it apart I think from the others. And it's a wonderful feature of each Cheddar's Casual Café restaurant. And it's something that I think you all would enjoy, too.

And then also one focus as well is in the center dining room area there's a nice large skylight with paddle ceiling fans. It's also a nice touch. It doesn't have really a theme to it. It just feels nice and inviting and warm in that center dining area. And definitely asked to be seated there when it is open as you'll see what I'm saying when you sit there.

Some more shots here of the interior of Cheddar's, again, emphasizing the high quality of the design that Cheddar's prides itself on to make sure that the customer experience is very, very unique and very welcoming and warming. And it's something that will leave an impression on you once you've been side one. To kind of close up here I wanted to give you a few things that I think the Village of Pleasant Prairie would love to see. Obviously 210 employees at startup. It basically comes out to about roughly 105 full-time and about 105 part-time employees. This is typical in almost every restaurant that we open. In addition, too, our typical largest shift is about 70 employees in any given shift on any given day.

But in addition to all that, obviously, security seems like it's a pretty important aspect of the Village. In addition to the DSIS system we have other security measures that we've already put in place on every restaurant that we open. The first one is the reduced landscaping at the back of the building. It's very important. It seems minor but it actually does matter. Being able to see as you come out that rear entrance door allows you to feel a little bit more comfortable even at nighttime when some employees are leaving. It really does give you better visibility, and it makes you feel, again, more safe.

In addition to that we have four light poles that we typically like to keep on a little bit later until all the employees have left the building. That allows for additional safety feeling and additional lighting at night. Another thing as well is how we have the employees typically leave the building. Usually with two others, and then also if you're the last one out you're typically escorted as well with two other people. You can't leave until that's possible. There are also some other things as well as you can down at the bottom here. But basically we do not open that rear entrance door after 5 p.m. as typically all our deliveries are done for the day. So that's another thing that we typically like to do. The last slide is any questions that you all may have I'd be glad to answer them.

Tom Terwall:

Is this site going to be a franchise or is this going to be company owned?

Adam Smith:

This is going to be a company owned store.

Tom Terwall:

And that will stay that way? Is that the plan?

Adam Smith:

It will stay that way, yes.

Michael Serpe:

Out of all your employees that are going to be working here how many are you bringing in from other Cheddar's that are going to be permanent employees?

Adam Smith:

That's a great question. Specifically on the operations on that side of the training I actually really can't speak to that right now. I can definitely get you an answer for that. But I do know they have a training staff that typically goes to each store when it's about ready to be opened. And they work with whomever they're hiring locally new employee-wise to get them up to the Cheddar standard of customer service. I do not know the exact size of the team, but I do know it's a decently sized team that comes to each store and gets everyone on board for the service that we expect.

Michael Serpe:

So the vast majority would be all local employees?

Adam Smith:

I believe so, yes.

Don Hackbarth:

The name Cheddar's how did that come about?

Adam Smith:

That's a great question. I actually do not know the answer to that so I'll have to find that out. Obviously it was founded before I was even born.

Don Hackbarth:

Is it Mr. Cheddar?

Adam Smith:

I'll have to get back to you on that one.

Larry Zarletti:

I see it was founded by Mr. Good. Maybe that and Good Foods can get together and it will all be good. My comment has to do with parking. You wouldn't know this not being from here, but this is probably more so staff. Every restaurant in that area is the most ridiculous parking situation I've ever seen. We've seen them all come in here with a presentation like you have that we're going to have plenty of parking and staff works it out with you, and it's according to the Village ordinance and all that is wonderful. It doesn't work. So I was thrilled to see that you have this optional 25 spaces until I did a little math. Now I'm a little concerned about that as well. So if there's 300 people approximately that you can fit into this restaurant, and I know your hopes are to have it full, and knowing our area, we all like to eat, it's going to be full. People are going to like a new restaurant and, of course, if the product is good and I see the style of this with the way it is inside people are going to love it, okay. So if it works out the way you want on any given day you could have 300 people eating there. You said you could have as many as 70 employees working there at the same time.

So here's how the math works in my mind anyway. I mean sometimes people come two in a car, sometimes they come one in a car, sometimes they come four in a car. So even if we use an average of three in a car, so now three people come in a car, you're going to have 100 cars parked out there just for the people filling the restaurant, and if 70 employees come there's not a real good chance they're going to car pool. So we could have 170 cars there like day one and day two and day three and so on.

So I'm not throwing a red flag, but the yellow flag that I'm throwing for you to bring back to your company, and I say this to staff as well, is I think sooner than later the 25 parking places, in a perfect world I'd like to see it part of the plan originally and tell 25 of the employees to park over there. But I'm just letting you know in advance the history in that strip. If you're a good restaurant and people are going to continue to come and you're going to attain the type of business that you want, you will have a parking problem and none of us will like it.

Adam Smith:

I totally understand, Larry. You bring up a good, good point. One thing I wanted to ask actually, Jean, I couldn't remember off the top of my head, is this whole development is it cross-parked or shared parking allowed? I could not remember that off the top of my head.

Jean Werbie-Harris:

It is. There is cross-parking shared and allowed. However, each tenant out there has to have the minimum of the parking that they've identified. So Cheddar's needs to have a minimum of 170. And so everyone has their own minimums.

Adam Smith:

My point is that originally it was contemplated to the east of us that it was going to be a Bob Evans. It is no longer going to be a Bob Evans. It's actually going to be I believe a strip retail. And to my knowledge it's about around 10,000 to 12,000 square feet of that strip retail which is going to be a less intensive parking use and should additionally allow Cheddar's, if there is some overflow parking, to be accommodated by that.

And it's one thing honestly, I talked to Jean about it earlier today, 170 stalls is our bare minimum. Actually we typically like to try to have more stalls onsite. But as you saw that site plan there we're constricted by wetlands on the west side, and try to accommodate that by reaching the 170 stalls that we got to. Ideally that's the optimal 170 where we do see the sales volumes meet what we're kind of ideally looking for. But, again, that's why I asked the cross parking question. Now if there's a less intensive use to the east of us there might be the opportunity to have additional stalls over there.

Larry Zarletti:

But, again, that's my point. If we know this 25 is available for the future, what I'm recommending is you bring it back to your bosses and you let them know what we're going to run up against here. I mean getting ahead of that I just don't see that as being a bad investment.

Adam Smith:

I wholeheartedly agree, I wholeheartedly agree.

Don Hackbarth:

In regard to parking, too, that southern parking lot how are the people going to -- let's say it's winter, okay? How are they going to get from that parking lot to the restaurant itself? Is there going to be a sidewalk because they really shouldn't be walking in the driveways.



Adam Smith:

I agree, and being from Texas you don't really have to worry about snow like you do up here. But, obviously, yes I do believe there is a sidewalk if I'm not mistaken --

Jean Werbie-Harris:

Yes, there is on both sides.

Adam Smith:

-- that would be required along the access from 77<sup>th</sup>.

Don Hackbarth:

Okay.

John Braig:

Is there any onsite outdoor storage permitted in a facility like this?

Jean Werbie-Harris:

No.

John Braig:

Does that apply to all those facilities there? There is a large outdoor storage unit behind J.C. Penney now.

Jean Werbie-Harris:

I saw that this weekend, and I need to talk to Inland about that. I did see it this weekend.

John Braig:

Thank you.

Tom Terwall:

Thank you. Any other comments?

Don Hackbarth:

Move approval.

Tom Terwall:

Is there a second?

Larry Zarletti:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY LARRY ZARLETTI TO APPROVE THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Welcome. When do you plan to break ground?

Adam Smith:

That's a great, great question. I think a lot of that's going to be determined upon the overall developer as part of the infrastructure that they're going to be required to install in addition to bringing out side up to the conditions that were agreed upon. But our ideal open is actually in August 2013 is our planned opening. So I'm going to have to make sure we hit that, and our construction team has got to make sure we hit that. So we're going to try out best.

Tom Terwall:

Welcome, welcome aboard.

Adam Smith:

Thank you so much everyone.

**D. Consider the request of William and Catherine Wamboldt for a Lot Line Adjustment between 11934 28<sup>th</sup> Avenue and 11904 28<sup>th</sup> Avenue.**

Jean Werbie-Harris:

Members of the Plan Commission and the audience, this is the request of William and Catherine Wamboldt for a Lot Line Adjustment between 11934 28<sup>th</sup> Avenue and 11904 28<sup>th</sup> Avenue.

The petitioners are requesting to adjust the lot lines between 11934 28<sup>th</sup> Avenue, part of Tax Parcel Number 92-4-122-361-0305, owned by William and Catherine Wamboldt and 11904 28<sup>th</sup> Avenue referred to as Tax Parcel Number 92-4-122-362-0012, owned by Erika H. Willkomm Revocable Trust. The proposed Lot Line Adjustment is to adjust the common lot line, the north side of 11934 28<sup>th</sup> Avenue by adding 73,686 square feet to the property at 11904 28<sup>th</sup> Avenue.

The property at 11934 28<sup>th</sup> Avenue is zoned R-4 and will be over 3.5 acres, and the wooded property at 11904 28<sup>th</sup> Avenue is zoned C-2, Lowland Resource Conservancy District, and will be over 9.5 acres. Both lots after the lot line adjustment, exceed the minimum lot area requirements of the zoning districts in which they are located.

The existing buildings on the properties will remain conforming with the proposed lot line adjustment and comply with the requirements set forth in the Village Zoning Ordinance and Land Division and Development Control Ordinance. The Village staff recommends approval of the lot line adjustment subject to the petitioner recording the proper transfer documents with the plat of survey for the lot line adjustment as an exhibit with the Kenosha County Register of Deed's office, and within 30 days providing a recorded copy to the Village.

John Braig:

Move approval.

Wayne Koessler:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE LOT LINE ADJUSTMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**E. Consider the request of Fair Oaks Farms and Central Storage Warehouse located at 7600 and 7800 95th Street, respectively, for approval of the Certified Survey Map to adjust the lot lines and dedicated a share fire lane access easement.**

Jean Werbie-Harris:

Members of the Plan Commission and the audience, this is a request of Fair Oaks Farms and Central Storage Warehouse located at 7600 and 7800 95<sup>th</sup> Street, respectively, for approval of the certified survey map to adjust the lot lines and dedicated a share fire lane access easement between the two.

Specifically, the petitioner is proposing to amend the lot lines between Fair Oaks Farms located at 7600 95<sup>th</sup> Street and Central Storage Warehouse located at 7800 95<sup>th</sup> Street in the LakeView Corporate Park. The purpose of the CSM is to reflect the Fair Oaks Farms purchase of 95 feet of land from Central Storage Warehouse property.

The CSM, as shown on the overhead, shows both the existing and proposed easements and restrictions on the properties. The two new easements are for shared cross-access on the south side of the properties parallel to 95<sup>th</sup> Street between the parking lots of the businesses and a shared fire lane proposed along the new common lot line. The north/south fire lane will be constructed as part of a building addition proposed to be constructed by Central Storage Warehouse. That project for Central Storage was conditionally approved by the Plan Commission on October 8, 2012. This will connect to the existing fire lane on the Central Storage Warehouse property. The fire lane access connecting the existing parking areas on Fair Oaks Farms property to the new north/south fire lane will be constructed at such time of the Fair Oaks Farms expands.

Both owners have agreed to record an agreement which defines the shared financial responsibilities pertaining to the construction and maintenance of the 30 foot' wide, paved private access fire lane which will benefit each of the properties, including the associated snow plowing related activities and adjacent landscaping improvements within the 40 foot wide easement area.

The proposed CSM complies with the Village's Land Division and Development Control Ordinance, Zoning Ordinance and the Comprehensive Plan. The staff does recommend approval of the certified survey map for this lot line adjustment subject to the comments as outlined. And we do have representatives here from Fair Oaks Farms that are seeking this approval this evening. And if you have any questions for them they'd be happy to answer those questions as well.

Michael Serpe:

Just one, Jean. Where did the name Ferguson Drive come from?

Mike Pollocoff:

When RustOleum first came it was home of the Ferguson family. And in the list of [inaudible].

Wayne Koessl:

Mr. Chairman, if there aren't any questions I would move approval.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CERTIFIED SURVEY MAP SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**8. ADJOURN.**

John Braig:

So moved.

Michael Serpe:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

We stand adjourned.

**Meeting Adjourned at: 7:13 p.m.**

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
November 19, 2012**

A special meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on November 19, 2012. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Jim Bandura; John Braig; Larry Zarletti and Judy Juliana (Alternate #1). Andrea Rode (Alternate #2) was excused. Also in attendance were Mike Pollocoff, Village Administrator; Tom Shircel, Assistant Village Administrator; and Jean Werbie-Harris, Community Development Director.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CITIZEN COMMENTS.**

Tom Terwall:

If there's anybody wishing to comment on an item that appears on the agenda that's for public hearing we would ask that you hold your comments until the public hearing is held. However, if you're here for Items either A or D we would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

- 4. OLD BUSINESS.**
  - A. Consider the Settlement Agreement between the Village of Pleasant Prairie and VIDHYA Corp, VIII, Inc. for the BP Amoco located at 10477 120th Avenue related to the remedial activities and conditions to correct the illicit discharges at the property.**
  - B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE INCLUDING SITE AND OPERATIONAL PLANS for the request of Attorney J. Michael McTernan agent for VIDHYA Corp, VIII, Inc. that would allow BP Amoco to operate the gasoline station and AM/PM convenience store and to expand the facility for the installation of a carbon treatment system that will treat existing contaminated ground water from several reported hazard substance releases at the site located at 10477 120th Avenue.**
  - C. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT for the request of Attorney J. Michael McTernan agent for VIDHYA Corp, VIII, Inc. to amend the BP-Amoco Planned Unit Development Ord. No. 01-32 to reflect the proposed new site conditions and business operations of the BP Amoco gasoline station and AM/PM convenience store located at 10477 120th Avenue.**

**D. CONTINUED CONSIDERATION OF A REVOCATION OR SUSPENSION OF CONDITIONAL USE PERMIT #01-11 that was approved by the Village Plan Commission on June 25, 2001 that allows BP Amoco to operate the gasoline station and convenience store located at 10477 120th Avenue. This matter specifically relates to the written complaint filed by the Village Zoning Administrator regarding BP Amoco's noncompliance with the terms of said Conditional Use Permit and their violation of Village Ordinance Section 420-145 G., as it relates to "standards for conditional uses" and specifically Section 420-38 D., Water Quality Protection performance standards.**

**5. NEW BUSINESS.**

**A. Consider approval of the Digital Security Imaging System Agreement and associated Access Easement for the BP Amoco gasoline station and AM/PM convenience store located at 10477 120th Avenue.**

Jean Werbie-Harris:

I'm not sure if this was tabled since the last meetings because it's been so long. So if we could just have a motion to bring all four of these items up just to make sure.

Michael Serpe:

So moved.

John Braig:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO BRING ITEMS A THROUGH D FROM TABLED TO THE ACTIVE AGENDA. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, we have four items under Old Business and actually one under new business. The four items pertain to the settlement agreement between the Village of Pleasant Prairie and VIDHYA Corp., Inc. for the BP Amoco

located at 10477 120<sup>th</sup>. This is related to the remedial activities and conditions to correct the illicit discharges on the property.

The second item, Item B, is a public hearing consideration of a conditional use including site and operational plans. Again, this is for the operation of the gasoline station and the AM/PM convenience store and to expand the facility for the installation of a carbon treatment system that will treat existing contaminated ground water from several reported hazard substance releases at the site located at 10477 120<sup>th</sup> Avenue.

The third item is Item C which is also a public hearing and consideration of a zoning text amendment. And this is for a planned unit development to reflect the proposed new site conditions and business operations for that same BP Amoco gasoline station and AM/PM convenience store located at 10477 120<sup>th</sup> Avenue.

And D, the continued consideration of a revocation or suspension of the conditional use permit, and this was initiated due to noncompliance and outstanding violations.

Under new business, the item that we have on the agenda is the digital securing imaging system agreement and associated access easement. Again, this is a security system for the BP gasoline station and AM/PM convenience store.

As part of the public hearing comments and as part of the public hearing record this evening, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request. They're presented and described below and are included as part of the record this evening.

Under findings of fact:

1. The petitioner is requesting the following approvals for the BP Amoco gasoline and AM/PM convenience store located at 10477 120th Avenue, known as Lot 14 of CSM 1489 located in a part of U.S. Public Land Survey Section 30, Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-302-0130. And as I read into the record, there are four different items:
  - a. Consider the Settlement Agreement between the Village of Pleasant Prairie and VIDHYA Corp, VIII, Inc. for the BP Amoco.
  - b. Conditional Use Permit including Site and Operational Plans that would allow BP Amoco to operate the gasoline station and AM/PM convenience store and to address the installation of a carbon treatment system that will treat the existing contaminated ground water from several reported hazard substance releases at the site located at the site.
  - c. Zoning Map Amendment to amend the BP Amoco Planned Unit Development Ordinance No. 01-32 to reflect the proposed new site conditions and business operations of the BP Amoco gasoline station.



- d. Digital Security Imaging System Agreement and associated Access Easement for the BP Amoco gasoline station and the convenience store. Again, the property is located at 10477 120th Avenue.
2. VIDHYA Corp, Inc., known as Vidhya, is the current owner of a property located at 10477 120th Avenue, Pleasant Prairie Wisconsin with the following Tax Parcel number: 92-4-122-302-0130. The property contains the BP Amoco gasoline station #3789 and AM/PM convenience store to be referred to as the Station.
3. In June 1993, August 1993, December 22, 1998, September 1999, May 2006 and February 2001, separate hazardous substance releases, referred to as prior releases, at the property were reported to the Wisconsin Department of Natural Resources, known as the Wisconsin DNR, for which the DNR identified BP as the responsible party. The Wisconsin DNR closed the site with Geographic Information Service Registry on December 20, 2006. Refer to Exhibit A of Exhibit 1 for information regarding historical releases on the property.
4. On April 26, 2011, the Village of Pleasant Prairie reported to the Wisconsin DNR what it claimed was a hazardous substance release at the property. The Wisconsin DNR subsequently identified Vidhya as the RP or responsible party. In addition, on or about June 9, 2009, We Energies and the owner of an adjacent property reported a strong gassy smell and a possible spill in a ditch line area along the south side of Highway 165 adjacent to the property.
5. The station operates at the property under Conditional Use Permit #01-11, approved by the Village Plan Commission on June 25, 2001 known as the CU Permit.
6. On February 22, 2012, the Village issued a compliance order to Vidhya to eliminate the alleged illicit discharge at the property; cease and desist the alleged discharges, practices, or operations; and/or to abate or remediate the alleged stormwater pollution or contamination hazards and restore any affected property.
7. Vidhya is of the opinion that because the site is situated in clay, the pipeline and the utility trenches with granular backfill serve as a collection system for the multiple petroleum releases which occurred during BP's ownership. Some tests results have contained high concentrations of contaminants, including diesel range organics and benzene which may indicate a more recent discharge of petroleum products on the property which could be contributing to the alleged illicit discharge at the property.
8. From April, 2011 to November 5, 2012, several remedial activities have been conducted by Vidhya. See Exhibit A of Exhibit 1.
9. The Village has alleged that Vidhya has not met the order's required actions, and has issued several citations to Vidhya and is also alleging that Vidhya is noncompliant with the terms of the Conditional Use Permit due to illicit discharges or petroleum releases into the drainage ditch adjacent to the property that have occurred and continue to occur from the property, which also drain onto the adjacent property impacting the water quality and resulting in potentially both soil and water contamination.

The citations include potential fines totaling \$84,500. The Village has also threatened to suspend or revoke the Conditional Use Permit and use of the property as a gas station until or unless there is compliance with the standards, regulations and condition imposed with said permit. Even though the Village alleges that Vidhya has not met the order's required actions, the Village stopped issuing citations as of July 22, 2012. A public hearing was held before the Village Plan Commission on August 10, 2012 and at that time evidence and testimony were submitted and the hearing was closed. The Plan Commission made no findings and did not act on the petition of the Village to revoke or suspend the Conditional Use Permit and has since adjourned the meeting to November 19, 2012.

10. Vidhya disputes that it is responsible for the releases at the property or for the environmental condition of the property. Nonetheless, Vidhya has spent approximately \$300,000 to date to address the releases and has agreed to take additional actions to further address the releases.
11. Illicit discharges at the property which violate Village ordinances continue, and Vidhya has agreed to perform remedial activities for stopping said illicit discharges from the property, and Vidhya further agrees to comply with all Village ordinances.
12. In return for Vidhya's agreement to complete and fulfill performance of certain remedial activities at the property to further address the releases, and to bring the property into compliance with Village ordinances, the Village has agreed to the terms of the Settlement Agreement and to allow the Conditional Use Permit, amended as provided below, to continue into effect.
13. In accordance with the Settlement Agreement, again provided as Exhibit 1, Vidhya and/or Vidhya's consultants or contractors on Vidhya's behalf, shall complete the following remedial activities, in accordance with applicable law:
  - a. By October 1, 2012, conduct interim remedial activities by installing a 21,000 gallon frac water holding tank, which was delivered September 17, 2012, for pump out and ground water level control of the underground storage tank field to eliminate from the north storm water ditch discharges of petroleum impacted ground water subject to reasonable permit issuance by the controlling governmental agencies. Pumping of the tank field started September 20, 2012;
  - b. Prepare and submit to the Village a written plan for sampling, and analytical testing of the storm water discharge, to include at a minimum PVOC, lead, naphalene and PAH analysis during the initial startup phase. See Exhibit B of Exhibit 1. Depending on the results of testing, additional parameters may be added or subtracted from the sampling regimen, reasonably acceptable to the Village, by November 16, 2012. In addition, the Village or its contractors shall be entitled to perform similar sampling and analytical testing, at Vidhya's expense, for purposes of confirmation of testing results and compliance monitoring;
  - c. Beginning on November 9, 2012, prepare a daily inspection log to be delivered to the Village Engineer weekly and complete daily inspections of the property, to

include the storm water discharge culvert and the road ditch and weekly checks of the tank sumps. By November 26, 2012, Vidhya agrees that the liquid level in the diesel tank sumps and the gasoline tank sumps shall be maintained at a level of eight feet or greater below the ground surface to the top of the water level in the sumps;

- d. Work with the Wisconsin DNR to prepare a Preliminary Site Investigation Plan based on the information and sampling results developed during implementation of the Remediation Plan which Site Investigation Plan will be completed and a copy delivered to the Village by November 16, 2012;
- e. By December 7, 2012, install ground water monitoring wells and soil probes pursuant to the Preliminary Site Investigation Plan;
- f. Prepare and submit to the Village a Preliminary Remediation Plan, reasonably acceptable to the Village, by November 16, 2012; said Remediation Plan to include testing and remediation in compliance with all local, state and federal laws, rules, regulations and ordinances, including without limitation, those contained in Chapter 292 of the Wisconsin Statutes;
- g. Contain any contaminated materials at the property, including but not limited to maintaining and replacing, as necessary, surface water skimmer booms and/or additional materials to capture any sheen in the road ditch area;
- h. By December 19, 2012, install a system of blocking/recovery wells near the storm water outfall and near the sanitary lateral. Also submit and obtain Village Erosion Control Permit and install a carbon treatment system on the property by January 18, 2013 to treat and control groundwater level in the tank field and construct a heated and insulated small structure that will prevent equipment from freezing. All parties acknowledge prior to construction of any recovery system Vidhya shall provide plans and elevations to the Village for Village review, and to obtain any necessary temporary or permanent amendments or changes to the Conditional Use Permit and the Planned Unit Development Ordinance affecting the property. Exhibit C of Exhibit 1 shows the location for the carbon treatment system for ground water treatment;
- i. Consult with the Wisconsin DNR and obtain Wisconsin DNR comments on the planned remedial activities;
- j. Replace the northerly outfall manhole by December 7, 2012 and to properly dispose of any contaminated soils that may have to be excavated during said storm sewer repairs or any future repairs;
- k. Re-sod and restore the property disturbed by implementation of remedial activities;
- l. Consent to the amendment of the Conditional Use Permit and the PUD Ordinance affecting the property, to provide that any violation of the terms of this Settlement Agreement will be a violation of the terms of the Conditional Use

Permit, to authorize the construction of the carbon ground water treatment system and structure;

- m. Comply with the performance standards and reporting requirements of the Wisconsin DNR WPDES Permit and with Wisconsin DNR regulatory requirements for the investigation and remediation of any onsite and offsite discharges or releases incorporated herein by reference;
- n. Substantial completion and operation of all remedial activities shall take place on or before April 1, 2013, and final completion of all remedial activities shall take place on or before May 1, 2013 which is the compliance date;
- o. Vidhya agrees to pay all reasonable costs and expenses incurred by the Village arising out of, or relating to, the alleged illicit discharges at the property or the enforcement of this agreement, including without limitation, reasonable attorneys' fees, environmental consultant fees, fees for the Village Engineer and other Village staff, testing, sampling, and all similar costs. The Village estimates that its costs up to the September 27, 2012 date are approximately \$39,099.40 as shown in Exhibit E of Exhibit 1 attached hereto and incorporated by reference. Vidhya agrees to pay the amount of \$39,099.40 on or before December 31, 2012 and to pay any other invoices from the Village for such expenses within fourteen days following the date they have been notified by the Village in accordance with Paragraph 17 of the settlement agreement of amounts owed.
- p. The Village agrees not to issue any new citations regarding anything covered in this agreement, subject to the ability of the Village to issue new citations if Vidhya violates any terms or provisions of this agreement or Village ordinances after the date of this agreement, and allow the Conditional Use Permit, as amended, to continue in effect. Nothing contained in this agreement shall affect the rights of the parties regarding any citations and fines issued prior to the date of this agreement. All such existing citations and fines shall be the subject of the pending legal action in the Village Municipal Court.
- q. Vidhya shall apply for and obtain all local, state and federal permits that are required for Vidhya to undertake the remedial activities, including but not limited to the Wisconsin DOT Work-in-the-Right-Of-Way Permit and the Village erosion control permit collectively, the Remedial Activities Permits. All parties acknowledge that the Conditional Use Permit and PUD ordinance affecting the property will need to be amended to allow the construction of the carbon ground water treatment system and structure.
- r. The Village agrees to reasonably support and facilitate the review and approval of Vidhya's applications for the Remedial Activities Permits.
- s. Except as specifically set forth in the Settlement Agreement, Vidhya agrees to indemnify and to hold harmless the Village and all of its elected officials, officers, directors, employees, agents, shareholders, attorneys, subsidiaries, successors and assigns from any and all claims, causes of action, loss, costs, expense, damage, injury, obligation, liability, penalty, fine, suit, including

without limitation attorney and consultant fees and expenses, of whatever kind or nature, known or unknown, contingent or otherwise, arising out of or in any way related to or arising out of the remedial activities and where founded upon or growing out of the acts or omissions of Vidhya.

- t. Except as specifically provided in the Settlement Agreement, there are no representations, covenants, warranties, promises, agreements, conditions, or undertakings, oral or written, between the Village and Vidhya, as to the subject matter hereof. Except as specifically provided in the Settlement Agreement, all Village ordinances apply to Vidhya and the property.
14. If Vidhya does not complete any of its obligations under the Settlement Agreement by the due date, which is referred to as the delayed completion, Vidhya agrees to pay liquidated damages to the Village in accordance with Exhibit F of Exhibit 1 and incorporated herein by reference, known as the Liquidated Damages, provided however, that Vidhya will not pay Liquidated Damages if the delayed completion is substantially caused by any of the following: (a) the Village; (b) a delay in Vidhya's Remedial Activities which delay is beyond Vidhya's reasonable control; or, (c) a Force Majeure Event. For purposes of the Settlement Agreement, a Force Majeure Event means an event or occurrence occurring without limitation, drought, flood, earthquake, storm, fire, lightning, epidemic, war, riot, civil disturbance, sabotage, explosion, strike, lockout or other labor dispute which is beyond the reasonable control of, and not due to the fault or the negligence of the party affected, and which could not have been avoided by due diligence and use of reasonable efforts. If Vidhya violates any provisions of the Settlement Agreement, the Village may also exercise all rights and remedies allowed pursuant to the Settlement Agreement and applicable law including without limitation issuing additional citations, seeking the suspension or revocation of the Conditional Use Permit, seeking injunctive relief and collecting its actual damages from Vidhya. The use of any remedy shall not preclude the use of any other remedies.
  15. The property is zoned B-4, PUD which is Freeway Service Business District with a Planned Unit Development Overlay, and a gasoline station requires a Conditional Use Permit in the B-4 District.
  16. The Conditional Use Permit #91-001, Exhibit 2, approved by the Village on August 5, 1991 allowed for the construction and operation of a gasoline station/convenience store.
  17. Conditional Use Permit #01-11, known as Exhibit 3, approved by the Village on June 24, 2001 allowed the owner to re-develop the property and to construct and operate a 4,200 square foot gasoline station and convenience store with ten fuel dispensers. Diesel fuel is allowed to be sold at the new facility only to automobiles and light trucks. The gasoline station and convenience store was allowed to be open 24 hours and to provide the following customer services: a quick service restaurant and bakery, convenience store, self-service coffee bar and soda fountain and an e-commerce area for computerized assistance with weather and traffic information.
  18. PUD Ordinance #01-32, Exhibit 4, approved by the Village on July 2, 2001 allowed for the new 4,200 square foot building to be constructed 13 feet from the rear property line; allowed the north parking lot/paved maneuvering areas adjacent to 104th Street to be

setback minimum of 15 feet to the north property line, and allowed for the total Aggregate Permitted Background Commercial Sign to be increased to 181 square feet. The flexibility provided in the PUD was allowed provided that the development comply with all other federal, state and Village ordinances; the development comply with the LakeView Corporate Park Declaration of Development Standards and Protective Covenants and Modifications; and the cross-access easement agreement between this property and the property to the east, which is the Culver's Restaurant. See Exhibit 5 for a copy of the Cross-Access Easement.

19. Conditional Use Permit #03-13 approved by the Village on July 28, 2003, it's known as Exhibit 6, allowed for a 203 square foot restroom addition to the facility.
20. On November 5, 2012, the Village Board conditionally approved a Class A fermented malt beverage license application to sell prepackaged malt beverages until November 20, 2012. The license provides that certain conditions must be satisfied including but not limited to the Plan Commission approval of a Conditional Use Permit and Site and Operational Plans, no outstanding building, fire and zoning violations and a valid occupancy permit. The petitioner is currently operating under a Class A fermented malt beverage license and a license for the sale of tobacco products.
21. In 2008, Vidhya began operating BP Amoco gasoline and convenience store under the existing Conditional Use Permit 01-11 and C.U. Permit #03-13 and PUD Ordinance. #01-32.
22. Pursuant to the terms of the Settlement Agreement, Vidhya has submitted a request to amend the Conditional Use Permit and the PUD Ordinance. Pursuant to the application and they've made the following statements. See Exhibit 7.
  - a. BP Amoco Gas Station and Convenience Store located at 10477 120th Avenue is a self-service gasoline and diesel station, selling petroleum products to consumers of passenger vehicles and light trucks. It does not service or sell petroleum products to over-the-road trucks, cabs or other specialized commercial or construction vehicles. In addition, BP operates a convenience store under the brand name AM/PM that provides various grocery store and automobile supplies and accessories, along with a quick service restaurant, bakery, self-service coffee bar and soda fountain, and an e-commerce area for computerized assistance with weather and traffic information. The quick service restaurant provides seating for approximately 12 people and quick food selections of bakery items, sandwiches, soups and salads. The facility also provides separate men's and women's washrooms and various other related convenience service amenities including but not limited to vacuum cleaners and compressed air for automobile maintenance, automated teller machine, along with the sale of alcohol and tobacco products as authorized by its license.
  - b. Due to several reported hazardous substance releases at the BP gas station dating back to 1993, the owner's consultants are developing and installing a carbon treatment system that will treat contaminated ground water. This system needs to be installed in an enclosed and heated facility. As a result, the southeast corner of the building is being expanded in order to house the filters and the pumps that

are necessary to operate the carbon treatment system. This system is detailed in a Settlement Agreement being entered into between the property owner and the Village, and the property owner will obtain all applicable permits before installing said system.

- c. The expansion of the building will measure approximately 450 square feet, 30 feet by 15 feet, and will simply square off the footprint of the building. The same exterior building materials, brick and trim, will be used in order to match the expansion to the existing building.
- d. The carbon treatment system will not create any disturbance to the surrounding property owners as it will be housed in an enclosed and insulated expansion of the building. It is anticipated that the system will operate off and on for several years, dependent on the rise of ground water due to the changes in the weather.
- e. This system will not require any additional staff to manage and operate, as it will be automated and will only occasionally require the replacement of the carbon filters that will be disposed of using sealed drums provided and retrieved by qualified environmental disposal companies.
- f. Moreover, the system will not alter existing operations of the gasoline station and convenience store, as those operations will continue as normal.
- g. BP is currently open for business between the hours of 6:00 a.m. through 11:00 p.m., seven days a week, but has maintained expanded hours up to 24 hours a day during the Thanksgiving-black Friday time period with a Village Temporary Use Permit. During this expanded time, additional staff is maintained in order to service the increase in customers.

Pursuant to the Village Zoning Ordinance, businesses in the B-4 District are allowed be open when the public is allowed to enter or remain on site for business purposes, except for hotels, uses requiring a Village liquor license or restaurants or gasoline stations whose hours are established by conditional use permit. So the typical hours are 5:00 a.m. to 12:00 midnight maximum; for hotels there is no limit; for uses requiring a Village liquor license as provided in § 125.68(4) of the statutes; and for gasoline stations and restaurants: up to 24 hours pursuant to a conditional use permit by the Plan Commission.

Village staff recommends that the BP station hours of operation when the public is allowed to enter or remain on site for business purposes be limited to 5:00 a.m. to 12:00 a.m. which is 12 midnight. A Temporary Use Permit may be issued for 24-hour operations during any holiday period subject to approval of the Village Police Chief. In addition, a 24-hour holiday operation may require the owners to enter into an agreement and pay for overtime services of the Police Department, as determined by the Police Chief. Pursuant to the zoning ordinance and liquor license requirements, the store is allowed to be open until midnight; however, Class A Beer is only allowed to be sold from 8:00 a.m. to midnight and Class A Intoxicated Liquor is only allowed to be sold from 8:00 a.m. to 9:00 p.m.

- h. Currently, deliveries and shipments occur during the time that BP is open to the public. Staff recommends that the BP station delivery hours or any other activities outside the principal building that might cause a disturbance to the neighboring areas, except for snow removal, to be allowed from 6:00 in the morning until 10:00 at night.
  - i. Currently, there are seven full-time and three part-time employees, but additional seasonal help is retained during those peak holiday seasons. Currently, there are only two shifts of employees, but a third shift has been added when the hours are expanded during the Midnight Madness hours, Thanksgiving evening and black Friday. There are currently 23 parking spaces on the site, but with the expansion of the building, two parking spaces will be eliminated, leaving only 21 parking spaces, one handicapped access parking space, and 20 conventional parking spaces. The number of parking spaces excludes the cars that can be parked at the pumps.

Pursuant to the Village Zoning Ordinance the minimum parking for a gasoline station with a convenience store is five spaces per each 2,000 square feet plus 1 space for each employee on the largest shift plus the required handicapped accessible parking space according to state code. Therefore, a minimum of 13 spaces plus their required handicapped accessible parking spaces is required, 5 spaces plus 3 plus 5 assuming no more than five workers on site. So they meet the requirements.
  - j. It is anticipated that traffic volumes of 500 to 1,000 daily trips will continue, and there will be no truck trips other than deliveries of goods to the BP. The main products being sold at the BP include, but are not limited to: gasoline and diesel fuels, related automobile supplies and parts, along with food and beverages, all of which are currently being sold at BP, which will continue after the expansion. Aside from the installation of the carbon treatment system, all of the existing equipment will continue to be utilized in the operation of the BP.
  - k. Aside from the disposal of the carbon filters, the BP only has normal household cleaners used in the maintenance of the business in order to clean the food preparation and service areas, floors and bathrooms. The only waste that is disposed of at the BP is spoiled food and drink products, grey water waste and sanitary waste from the bathrooms.
23. The owners have installed and maintained a fully functioning and operational security camera system. However, the facility and site shall be equipped with fully functioning and operational security cameras both inside and outside the facility at each entrance and exit, and a Digital Security Imaging System, per the Village, will be required to be installed in accordance with the requirements of Chapter 410 of the Village Municipal Code. The required DSIS Agreement, Exhibit 11, was drafted by the Village for review and approval of the Village Board. The location and number of security cameras shall be provided and approved by the Village Police Chief. At a minimum the DSIS Agreement will also require the following:



- a. The security cameras shall be inaccessible to employees. Conspicuous signs shall be posted at the entrance stating that security cameras with an inaccessible recording device is in place on the premises. Said system shall be maintained in working order at all times, and the Village of Pleasant Prairie Police Department shall be promptly provided with any requested video. The recording shall be kept in an archive for a minimum of two weeks, and the Pleasant Prairie Police Department shall have remote access to the system to monitor and download video. Specifically, internet access shall be provided which would allow the Police Department to have live time monitoring of the BP store and site.
  - b. The parking lot shall be illuminated to provide sufficient lighting for the public's safety and for the security cameras to operate effectively per the Village's satisfaction.
  - c. A clear and unobstructed view of the cash registers and transaction areas shall be maintained from the internal 30-foot wide on-site circulation access roadway.
  - d. The building shall be equipped with and shall use an inaccessible drop safe.
  - e. Between the hours of 10:00-12:00 p.m. and 5:00-7:00 a.m. at least two employees shall be working on-site unless the business has taken measures to protect a lone clerk such as an installation of bullet resistant glass or other equipment as approved by the Police Department, making the lone employee inaccessible.
  - f. Installation and full operation of a hold-up alarm, which is monitored by a UL listed central station with functioning telephone service, shall be used at the BP station building.
  - g. The cash register shall not be left unattended for periods of time when the convenience store is open to the public.
  - h. A height strip shall be located at each doorway entering and exiting the convenience store.
  - i. The owners retain landscapers to regularly maintain, replace and upgrade the landscaping that surrounds the property, including the removal of snow and ice from the parking lots, driveways and sidewalks. In addition, employees shall walk the property on a regular basis to pick up the debris, empty garbage cans, restock self-service washer fluids and paper towels, and to monitor the entire property in order to maintain it in a first class condition.
  - j. The owner maintains all permits and licenses required to operate its businesses. Those permits and licenses allow for the sale of petroleum, alcohol, tobacco, food, and related items sold in the business issued from the various government agencies.
24. The Village has received numerous complaints relating to the operations of the station site in the past including litter and garbage on the site; broken light standards and signs;

inoperable pumps; pumps that don't issue receipts; dead landscaping; violation of security protocol; interior building damage to walls, floors , painting, counters; garbage overflowing; illegal outside storage of product; allowing products to be stored outside; allowing a pothole to remain in the drive area causing damage to cars. These ongoing complaints must be addressed on a daily basis by the owners as a responsible business owner in the Village. The Village zoning staff will conduct inspections on a semi-annual basis to ensure compliance with these issues.

25. In an email dated October 25, 2012, the Village requested additional information to be submitted by November 6, 2012. That's Exhibit 8.
26. On November 6, 2012, additional information was submitted as Exhibit 9 and reviewed by the Village. Upon review of the additional information, more information was still required a requested in an email dated November 9, 2012 shown as Exhibit 10.
27. On November 12, 2012, the Village staff met with the petitioner and other representatives to discuss the outstanding items. Revised plans will be submitted related to the changes of the building and written responses will be provided to the Village related to the additional information requested by the Village as noted in Exhibit 10. All of this information has since been provided to the Village staff for our review.
28. Notices were sent to adjacent property owners via regular mail on September 28, 2012 and notices were published in the *Kenosha News* on October 1 and 8, 2012 related to the upcoming October 15, 2012 Plan Commission meeting.
29. Then at the October 15, 2012 Plan Commission meeting, the Plan Commission tabled the request until the November 12, 2012 Plan Commission meeting.
30. At the November 12, 2012 Plan Commission meeting, the Plan Commission then tabled the requests until a special Plan Commission meeting this evening on November 19, 2012 at 5:00 p.m.
31. The petitioner was e-mailed a copy of this draft memo on November 9, 2012, was provided a copy of the revised memo on November 12, 2012 and was emailed a copy of this updated memo for the November 19<sup>th</sup> for the hearing on November 19, 2012.
32. According to the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit until and unless they find after viewing the findings of fact, the application and the related materials and the information presented this evening that the project as planned, will not violate the intent and purpose of all ordinance and it will meet all the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with the satisfaction of any conditions of approval, will comply with all Village ordinance requirements and all other federal, state or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer and water service, noise, storm water management, streets and highways and fire protection.

With that I'd like to continue. We do have a public hearing because we have at least two items that require the public hearing this evening. There were two items that were provided to you initially. One was an email that was provided to you from the attorney for Culver's, and that's Lisa Wood. I don't think Lisa is here this evening, but she asked that this be read into the record.

This is from Lisa Wood, again, from the Law Firm McNally, Maloney & Peterson on behalf of Culver's. It says, Jean in speaking with Ed Rich this morning, he indicated that he spoke with your assistant to let her know that he would be unable to attend this evening's meeting relating to the BP contamination.

Ed requested that a statement be read into the record, and Jan indicated that that would be possible. And this is the statement: My name is Ed Rich, and I'm the managing member of OMA, LLC, the entity which owns the real estate east and adjacent to the gas station. As I have previously stated, I'm concerned about the soil contamination on my property. The contamination originated from the gas station to the west. The owners have yet to address how my property would be cleaned up. While there has been some discussion relating to the cleanup of the water, thus far there's been no discussion requiring the gas station owners to remediate the contaminated soil on my property. While I understand the Wisconsin DNR, Village of Pleasant Prairie and the current owner of the gas station are attempting to determine the origin of the contamination, I am obviously concerned about the impact on my property. At this point I am requesting that the Village require as a part of the issuance or continuation of the conditional use permit that the gas station owner be required to provide a plan for remediation of the soil and ground water on my property. The DNR required pursuant to an impermeable barrier maintenance plan dated May 9, 2006 that a surface barrier inspection and maintenance checklist was to be maintained: 1) for 30 years following the date of the deed restriction; 2) until the soil is actively remediated and removed and disposed of according to application laws; or 3) until it can be demonstrated that the soil was naturally degraded to levels below the direct contact standards at which time a request can be made to extinguish the restriction. I question whether the gas station owner has provided this information to the Village of Pleasant Prairie. I ask the Village of Pleasant Prairie to take into consideration the damage the contamination has caused not just to the gas station property but to the surrounding owners, and that cleanup of the surrounding properties may be considered as part of any mandated plan required of the gas station property owners in maintaining their conditional use permit.

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

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Mr. McTernan? Give us your name and address for the record.

John Michael McTernan:

Attorney John Michael McTernan, 6633 Green Bay Road, Kenosha, Wisconsin. I'm here with my client, Sophia and Dixit Patel, Don Gallo, the environmental attorney, and Pat Patterson our environmental engineer. And we have spent the time in the last couple months addressing all the issues that we feel are appropriate to gain your approval tonight to support the documents and the requests that we have before you. If you have any questions we're here to answer them. But I thank you for your time.

Tom Terwall:

Thank you.

Wayne Koessl:

While he's up there, Chairman, I have a question.

Tom Terwall:

Mr. McTernan, a question directed to you.

Wayne Koessl:

On the letter that Jean just read into the record regarding the adjacent properties, is that going to be addressed?

John Michael McTernan:

The issue that is being addressed is, and to give you some history on it, what has been discovered by Don Gallo and Pat Patterson in connection with reviewing the file is prior to Culver's acquiring their property they had obtained all the information in connection with this environmental contamination that occurred on BP's site. It has occurred, as the record shows, years prior and prior to their purchase and use of the property. They knew of the issues that occurred on the site that my client now owns years later.

In connection with that, what my client and worked with the Village Engineer and the Village consultants and our consultants, the area that we understand that we have seen a discharge in the ditch that runs adjacent to the State highway, our client and the Culver's is going to be reviewed, analyzed, and whatever steps are necessary to address where that water has flowed we will address. I don't know what contamination is on his property, that it was there prior to their ownership, but as the consultants all understand that's something that each property owner has responsibilities for. And we're not changing whatever law there is there or whatever obligations there are to the parties. What we have focused and addressed is where we have knowledge that there has been -- the ground water contamination has gone through the culvert in the ditch line we will address that.

Wayne Koessl:

To the staff, can we have his comments be part of the minutes in the record of the meeting?

Jean Werbie-Harris:

Absolutely.

Wayne Koessler:

And then I have a couple other comments. There was mention of \$300,000 that your client has paid. Were those bills ever showed to the Village that those were actual -- okay.

John Michael McTernan:

We've provided copies. After the last hearing I gave copies of what we have spent up to that point. And then since then I blush but I'm certain my client has probably either spent or is about to spend an additional \$200,000 addressing this problem.

Wayne Koessler:

Okay, thank you. And I have three other comments. Under the agreement which is Exhibit 1, Settlement Agreement, we go down to agreement 1 and the parties agree that this agreement is a compromise of a dispute without admission of fault or liability, the parties agree to the resolution contained herein. I don't think there was any dispute in my opinion. They just were violating the law. Am I wrong? [Inaudible] their conditional use permit.

And then we go onto Item 4 in the same agreement that the Village agrees not to issue any new citations. Is that giving the owner a blank check? Is this to the staff.

Timothy Geraghty:

I'd be happy to address that.

Wayne Koessler:

Could you please? Because I'm just a lay person and I get confused easily.

Tom Terwall:

Give us your name and address, sir, for the record please.

Timothy Geraghty:

Timothy Geraghty, 6301 Green Bay Road, Kenosha, Wisconsin. I'm the attorney for the Village in this matter. The citations that were issued last spring totaled about \$84,000. Part of our goal was to move forward to make sure that the property is cleaned up and that we stop the discharges. And so part of the agreement is that as long as they abide by this settlement agreement we won't issue any new citations. But if they do violate the terms of this settlement agreement the Village would certainly be allowed to issue citations at that time.

--:

Backwards, too?

Timothy Geraghty:

Well, just from the date of any violation moving forward.

Wayne Koessl:

And then while you're up here, one thing. Item 7 on the same agreement, except as specifically set forth herein you agree to identify and to hold harmless to the Village and all of its elected officials, officers, directors. Why? They haven't done anything wrong. It just falls under ordinance.

Timothy Geraghty:

That's their agreement to indemnify and hold the Village harmless. So that if in part of their remedial activities they cause any damage or create any problems they have to pay for it and not the Village.

Wayne Koessl:

Okay. And then one other item I have and then I'll let the other members talk. Is there a time limit put on the conditional use permit if we extend it?

Timothy Geraghty:

I'd have to defer to the Village on the conditional use permit. I can say in the settlement agreement there are deadlines for them to complete the remediation and then liquidated damages if they don't meet those deadlines. But I'm not sure in a conditional use permit there's any deadline.

Wayne Koessl:

There's no deadline?

Jean Werbie-Harris:

No.

Wayne Koessl:

Okay, then I'm going to put one on when we take the vote. Thank you very much.

Tom Terwall:

This is a matter for public hearing. Is there anybody else wishing to speak?

Jean Werbie-Harris:

I wanted to also mention our Village Engineer gave a copy of Exhibit F to you, the milestone dates for liquidated damages for BP Amoco gas station. At the bottom of that, note number 4,

you received a corrected copy, note number 4 should read includes without limitation testing and remediation as described in paragraph 2f of the settlement agreement. So that's a corrected statement on that particular exhibit.

Also, I just wanted to mention for the record, Mike, we have not yet received any receipts or documentation as to the \$300,000 of expenses that have been incurred out at the site. They possibly have that documentation. We have not seen that information yet.

Wayne Koessl:

Pardon me. Didn't the attorney say that he had given them to you?

John Michael McTernan:

At the public hearing the entire stack of exhibits, about 18 inches, included one stack in there was every copy of every bill that we ever paid is included in that packet, and I delivered it to the Village.

Jean Werbie-Harris:

I stand corrected. I have not looked at that recently.

Wayne Koessl:

Okay, thank you.

John Braig:

You mean you didn't look at the 16 to 18 inches of data?

Jean Werbie-Harris:

No.

Tom Terwall:

Is there anybody else wishing to speak? Anybody else wishing to speak? Seeing none, I'm going to open it up to comments from Commissioners and staff.

Don Hackbarth:

In item number 17, and I don't know what page that is. Page number?

Jean Werbie-Harris:

Six.

Don Hackbarth:

Six, okay. Item number 17, diesel fuel is allowed to be sold at the new facility only to automobiles and trucks.

Jean Werbie-Harris:

Light trucks like passenger trucks.

Don Hackbarth:

Alright, what happens if somebody wants to get a gallon of gas for their tractor or whatever? Is that eliminated.

Jean Werbie-Harris:

No, you'd be allowed to do that as well.

Don Hackbarth:

Alright. And then item number 24, I'm glad that's in there because when I've been in there it's pretty trashy. And I would recommend that rather than twice a year the inspection should be more often because that's representing the Village of Pleasant Prairie.

John Braig:

Following up on what I think was the direction of Mr. Koessler's comments, this has dragged out quite long. It looks like we're approaching a resolution. But I'd like to see some teeth in it in terms of compliance by a fixed date which includes getting the job done, payment of all fees and costs as outlined in this agreement. Failure to do such under the judgment of the Zoning Administrator would result in immediate revocation of the conditional use permit. We don't need further hearings or discussions or delays. Let's get the job done, and let's put some teeth in it.

Jean Werbie-Harris:

There are liquidated damages if they don't comply with the items as set for in the remedial action plan. Exhibit F, that does have very specific dates and liquidated damages per day that they would be responsible for if they don't meet those deadlines. If we're just talking about just specific zoning violations, the staff would need to probably go out there more than twice a year. Then we'd probably have to schedule going out there very month or every couple of months.

John Braig:

What I'm looking at is they've got to pay, make some payments. The Village is in the hole right now. We need to get that money in. They've got some construction activities which are required. They've got to get them done by a fixed date. If they fail to meet either of those two conditions I'm in favor of pulling their conditional use permit without further hearing or further discussion. This is dragging out long enough.



Timothy Geraghty:

Under paragraph 13 of the agreement, if they don't complete any of their obligations within the time lines, the Village has a lot of opportunity to enforce the agreement. In addition to the liquidated damages shown on Exhibit F, they have the right to seek the suspension revocation of the conditional use permit. They have the right to seek injunctive relief. They also have the right to collect their actual damages. And earlier in the agreement the property owner has also agreed to pay all of the Village's attorneys' fees. So any violation of this agreement would allow the Village to do all of those things.

As far as an ability to suspend or revoke the conditional use permit with no further action, my advice would be that it be subject to a petition by the Village and brought back to the Board. I think for due process reasons it would be much more enforceable and I think better for the Village if there is a violation that a petition be brought back before this Commission, and then the Commission could act on that.

John Braig:

Thank you.

Wayne Koessl:

While you're at the microphone can I ask you one question?

Timothy Geraghty:

Sure.

Wayne Koessl:

I have the Item F in front of me, and the final completion of work including site restoration is May 1, 2013. I'm going to make a motion to just extend the conditional use permit to that date, and then it would come back before this Plan Commission.

John Braig:

What you're saying is the conditional use permit expires on that date, and they would have to come back and ask for an extension and show that they've complied with all the conditions in this agreement?

Wayne Koessl:

Yes.

John Braig:

I could go along with that.

Tom Terwall:

I'd be curious to hear what the attorney has to say about it.

Timothy Geraghty:

About doing that?

Tom Terwall:

Yes. Please come back to the mic.

Jean Werbie-Harris:

Actually, if you want to just bring the mic back with you.

Tom Terwall:

Yes, take it with you.

Timothy Geraghty:

I'd have to look at the Village ordinances as far as the ability to give a conditional use permit for a time period, but I believe that that would be allowable.

Jean Werbie-Harris:

I think so. And the second meeting of April is April 22<sup>nd</sup>, so it would have to be on the April 22<sup>nd</sup> meeting because otherwise it will expire.

Wayne Koessl:

I haven't made my motion yet, but I will make that date into it, because I know we can put a time limit on a conditional use permit. I'm being lenient tonight because I've been a no vote from the beginning on this project.

Tom Terwall:

Okay, thank you. Is there anybody else? If not, I'm going to close the public hearing. We need a motion.

Wayne Koessl:

Mr. Chairman --

Tom Terwall:

Go ahead.

Mike Pollocoff:

I'd encourage the Commission just to give us a second to check that. He hasn't made the motion yet, but I guess I'd like to give you that information.

Wayne Koessl:

I'll wait until then. Thank you, Mike.

John Braig:

While the staff is working on this problem, would it be appropriate to review and approve or disapprove Items A, B and C and hold off on Item D until the staff has completed their review.

Tom Terwall:

What I'm looking for now is a motion on Item A only.

John Braig:

Comment from the staff? Jean?

Jean Werbie-Harris:

I'm not seeing anything right now that specifically says that the Plan Commission can or cannot set a specific time frame for a conditional use permit. What I can tell you is we have done that for model homes and a number of other types of uses in the Village. So to be consistent on how we've handled other situations and conditional uses we have issued time frames and/or expirations or periods of time for which they were valid.

Tom Terwall:

Mr. Koessl just pointed out to me that his intention is to include that in Item D. If we're going to take that action --

John Braig:

So we could proceed with A, B and C.

Tom Terwall:

Correct. And Item A is the one I'm looking for a motion on to accept the settlement agreement up or down.

Jean Werbie-Harris:

With the modification to Exhibit F this evening?

Tom Terwall:

Correct. Is there a motion to that effect?

Don Hackbarth:

So moved.

Tom Terwall:

Is there a second?

Michael Serpe:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN THE VILLAGE AND VIDHYA SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM, AS WELL AS THE REVISION THAT WE RECEIVED TONIGHT. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Item B then is consideration of a conditional use including site and operational plans. We don't need to reopen a public hearing, do we Jean, or do we?

Jean Werbie-Harris:

I would say there needs to be a public hearing scheduled for April 22 of 2013 if you're looking to only have this valid until May 1<sup>st</sup> to give the operator an opportunity to be heard before the Plan Commission. And that would be the second Plan Commission meeting of April.

Wayne Koessl:

Through the Chair to the staff, the motion I make for April 22<sup>nd</sup> is this under Item B?

Jean Werbie-Harris:

Yes.

Wayne Koessl:

Okay. Then, Mr. Chairman, I'd move under public hearing and consideration of a conditional use including site and operational plan that we extend the conditional use permit for Vidhya until April 22<sup>nd</sup> of 2013.

John Braig:

I'll second that.

Tom Terwall:

Just a question. Jean, when a conditional use permit is issued, that will be issued by us, not by the Village Board, correct?

Jean Werbie-Harris:

Correct.

Tom Terwall:

So that date is okay?

Jean Werbie-Harris:

That's correct, because that would be a Village Plan Commission night. It's the fourth Monday of April. There will be two Plan Commission meetings starting in April.

Tom Terwall:

Mr. McTernan, do you have a comment you wanted to make on that item.

John Michael McTernan:

If you didn't mind.

Tom Terwall:

Go ahead.

John Michael McTernan:

We have no objection to the date with the only caveat being is that under the settlement agreement there are substantial completion obligations between the Village and the property owners, and we just want to be understood. I mean who knows what may happen. The WDNR may delay us on something.

Tom Terwall:

Understood.

John Michael McTernan:

And all we ask for is that we are proceeding under the agreement with substantial completion as allowed for under the agreement.

Tom Terwall:

Okay.

John Michael McTernan:

So if we hit that date and there's something that is hung up, we're more than happy to continue that even until those items are completed, because that May 1, 2013 date is our agreed date that we're shooting for, but as we all know there may be something that's outside of the Village's control and our control that may delay that. So that's all I ask.

Tom Terwall:

And if there's an issue that will come up at the April 22 meeting, and we can extend or take whatever extenuating circumstances into account that night. So that's our intent.

John Michael McTernan:

That is fine, and we have no objection to that. Thank you.

Wayne Koessl:

Mr. Chairman, I think this Plan Commission has been pretty responsive to all of the requests, so I can see we'll do the same thing at that date.

Tom Terwall:

Okay.

John Michael McTernan:

Thank you.

Tom Terwall:

Thank you. There's a motion and a second then to extend the conditional use permit -- go ahead, Jean.

Jean Werbie-Harris:

I'm sorry to interrupt. So they would need to make an application to have a conditional use permit beyond April 22<sup>nd</sup>. But what I want to make sure is part of the motion is that this new conditional use permit supersedes all the previous ones.

Tom Terwall:

That's correct.

Jean Werbie-Harris:

And from this point forward we'll be moving forward with just this new and single conditional use permit on the property.

Wayne Koessl:

That is correct.

Tom Terwall:

**UNDERSTOOD? WE HAVE A MOTION BY WAYNE KOESSL AND A SECOND BY JOHN BRAIG THEN TO APPROVE SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Item C is the public hearing and consideration of the zoning text amendment.

Don Hackbarth:

Move approval.

Tom Terwall:

Wait. Jean, go ahead.

Jean Werbie-Harris:

I just want to clarify that they were initially requesting a 24-hour operation as part of the B-4 District. The staff is not recommending 24 hours. They have not technically operated a 24-hour operation since they've taken over in 2008. So we're recommending that their hours of operation, just to clarify in the PUD, are from 5 in the morning until midnight. And with that opportunity, just like the surrounding businesses near Premium Outlets, that they have that opportunity to apply for a temporary use permit to be open 24 hours similar to the other businesses. And they've actually applied for this for this Thursday, Friday already.

Wayne Koessler:

Mr. Chairman I'll approve the Item C subject to the conditions outlined by staff.

Tom Terwall:

Is there a second?

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Item D, continued consideration of the revocation or suspension of conditional use permit.

Wayne Koessler:

I think that one's almost null and void now, isn't it?

Tom Terwall:

We just need to approve it, though, right? Go ahead, Jean.

Jean Werbie-Harris:

The staff is recommending that Item D based on your previous decisions this evening be withdrawn from the agenda.

Wayne Koessler:

I would so moved.

Michael Serpe:

Second.



Tom Terwall:

**MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO APPROVE ITEM D. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Then to New Business, consider the approval of the DSIS system.

Jean Werbie-Harris:

The staff recommends approval of the DSIS system. Our attorney has reviewed it, and I gave their attorney a new version, a couple tweaks of some wording changes this evening. And so we're looking for the Plan Commissions recommendation of approval of the DSIS and the access easement agreement. And, again, the owner will need to work specifically with the police department, IT department and myself in order to get things finalized out there with respect to updating their security system a little bit.

Larry Zarletti:

Mr. Chairman, I would move approval of under New Business A, subject to the terms and conditions outlined by staff.

Jim Bandura:

And I second.

Tom Terwall:

**IT'S BEEN MOVED BY LARRY ZARLETTI AND SECONDED BY JIM BANDURA TO APPROVE THE DSIS IMAGING AGREEMENT AND THE ASSOCIATED EASEMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So carried.

**6. ADJOURN.**

John Braig:

Move adjournment.

Michael Serpe:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. We stand adjourned.

**Meeting Adjourned at 6:08 p.m.**

**VILLAGE STAFF REPORT OF DECEMBER 10, 2012**

- A. **PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS** for the request of Pastor Patricia Woods-Clark of Strait Way Ministries, Inc to use the building located at 9220 26<sup>th</sup> Avenue (f/k/a Unity Church) for church service and related activities.

**Recommendation:** Village staff recommends approval of the Conditional Use Permit subject to compliance with the Village Staff Report of December 10, 2012.

## VILLAGE STAFF REPORT OF DECEMBER 10, 2012

**CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS** for the request of Pastor Patricia Woods-Clark of Strait Way Ministries, Inc to use the building located at 9220 26<sup>th</sup> Avenue (f/k/a Unity Church) for church service and related activities.

### ***PUBLIC HEARING COMMENTS:***

*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 to use the building located at 9220 26<sup>th</sup> Avenue (f/k/a Unity Church) for church services and related activities. See **Exhibit 1** for a copy of the application and related materials. The property is known as Lot 86 of the Brookside Gardens Subdivision located in a part of U.S. Public Land Survey Section 13, Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as Tax Parcel Number 91-4-122-134-0670.
2. Unity of Kenosha Inc., is the current owner of a property. Strait Way Ministries, Inc., intends to purchase the property upon approval of the Conditional Use Permit.
3. The property is zoned I-1, Institutional District and a church and related activities is allowed with the approval of a Conditional Use Permit in the I-1 District.
4. Conditional Use Permit #99-02 (recorded as CUP 00-02) approved by the Village on November 8, 1999 allowed for Unity Church to use the existing building as a church. (**Exhibit 2**)
5. Pursuant to the application, Strait Way Ministries, Inc. proposes to use the facility as a church to promote religious, charitable and educational purposes. Worship Services will be conducted on Sundays with other church related activities during the week. The current schedule includes

10:00 a. m. Adult Believers Education Class on Sundays

10:00 a.m. Kids Sunday Camp/Nursery

12:00 noon Sunday Worship Service

7:30 p.m. Tuesday Night Bible Class

7:30 p.m. Thursday Night (Intercessory Prayer)

7:30 p.m. Friday Night Live Youth Service (every 3<sup>rd</sup> Friday of the Month)

Saturdays will only be used for special services or events throughout the year as needed.

The vision of Strait Way Ministries, Inc. includes other outreach ministries and not limited to the following: Early Childhood Educational Christian Development Center, Food Pantry, Adult Enrichment Program, School-Aged After-School Program, etc. These programs are under the guidelines of the ministry and compliance to State Licensure and Regulations. These outreach programs shall be implemented into the program as the church development and grows.

The existing floor plan of the facility will remain unchanged at this time. There are over 30 parking spaces on the site and one (1) handicapped accessible parking space.

Currently there are no employees hired by the ministry. The pastors are voluntarily placed and operate as the sole agents for the ministry and rely on the volunteering of its members and board to assist in the function of the church.

6. Garbage and recycling is currently picked up by the Village.
7. Since the facility has a kitchen, the Village requires that the building be brought up to code and a sanitary sewer sampling manhole is required to be installed prior to occupancy pursuant to the detail shown in **Exhibit 3**. The location shall be approved by the Village prior to issuance of the permit and installation of the sanitary sewer sampling manhole.
8. Notices were sent to adjacent property owners via regular mail on November 15, 2012 and notices were published in the Kenosha News on November 26 and December 3, 2012 related to this Plan Commission meeting.
9. The petitioner was emailed a copy of this memorandum on December 7, 2012.
10. According to the Article XVIII of the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials that the project as planned, will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with 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.

**RECOMMENDATION:** The project meets the following standards for granting a Conditional Use Permit including Site and Operational Plan approval in that the project:

- The project does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems and the traffic patterns 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 & 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 are 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 on this particular parcel is not inherently inconsistent with the I-1, Institutional District in which it is located or the adjoining residential zoning districts and land uses.

**Village staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for granting of a Conditional Use Permit and Site and Operational Plan approval as specified above; then the Conditional**

**Use Permit and Site and Operational Plan shall be approved subject to the following conditions:**

1. Conditional Use Permit #99-02 (recorded as #00-02) shall be released prior to recording the new Conditional Use Permit. The applicant shall submit the required \$55.00 application fee for the release document to be prepared, and \$30.00 for the document to be recorded. Once the document is prepared the document shall be executed and recorded at the Kenosha County Register of Deeds Office prior to recording the new Conditional Use Grant Document.
2. Strait Way Ministries, Inc. is allowed to use the facility as a church to promote religious, charitable and educational purposes. Worship Services will be conducted on Sundays with other church related activities during the week. There shall be no overnight sleeping allowed on the site at any time.
3. Compliance with the **attached** memorandum dated November 22, 2012 from the Village Fire & Rescue Department. ***Pursuant to comment # 2, a letter (on Strait Way Ministries letterhead) shall be submitted to the Fire & Rescue Department prior to obtaining building permit stating that the project will comply with all requirements of the November 22, 2012 memo. Also, a copy of this letter shall be provided to the Community Development Department.***
4. Prior to occupancy, a sanitary sewer sampling manhole shall be installed on the property pursuant to the **attached** detail. The location shall be approved by the Village prior to issuance of the permit and installation of the sanitary sewer sampling manhole.
5. Subject to compliance with the following conditions from the Village Building Inspection Department:
  - a. Prior to occupancy, a permit shall be obtained from the Village and the Village shall issue a Certificate of Compliance.
  - b. A joint occupancy inspection with the Village Fire & Rescue Department, Community Development Department (for zoning compliance) and the Building Inspection Department is required prior to occupancy.
  - c. Any future alterations will require permits to be obtained prior to commencing construction.
  - d. Leasing of any area to another entity or business will require permits and approval of the Village.
6. Prior to occupancy, a water sample shall be taken to ensure the well is safe. Contact Village Public Works Department at 262-925-6764 to schedule.
7. Prior to occupancy, a sign permit shall be obtained to change the existing primary monument sign. All signs shall comply with Article X of Chapter 420 of the Village Municipal Code. All signs shall be in good working order, properly maintained, repaired as needed, painted and well-kept.
8. Prior to occupancy, the driveway entrance potholes shall be filled/patched, the weeds in the parking lot shall be removed and the cracks sealed and the parking lot parking spaces shall be striped and handicapped accessible spaces shall be clearly marked and signed.
9. Prior to occupancy, the brush/pine needles at the west end of the parking lots shall be removed; all of the tall grasses and weeds on the site shall be cut and manicured, all of the building foundation landscaping shall be trimmed and weeds pulled. In

addition, the landscaping on the site shall be watered, weeded, trimmed and maintained in good condition at all times. Litter and debris shall be removed from the landscaping regularly. Damaged, dying or dead plant material shall be removed and new plantings shall be installed.

10. Hours of operation (when the public is allowed to enter or remain on site for business purposes): 5:00 a.m. to 12:00 midnight.
11. Hours for deliveries, or any other activities outside the principal building that might cause a disturbance to neighboring residential areas (e.g., outside loading or unloading, the arrival of deliveries, the idling of delivery trucks, the beeping of backing vehicles, and garbage pickup), except for snow removal: 6:00 a.m. to 10:00 p.m.
12. No outside storage or display of materials is allowed unless specifically approved by the Village Zoning Administrator.
13. The building and site shall operate in an organized, well-kept, clean, neat and professional manner without any disturbance to the adjacent residential property owners.
14. The use, operations, site, building and structures shall be conducted in such a way as to constitute a public or private nuisance or to violate any of the Performance Standards set out in Section 420-38 of the Village Zoning Ordinance.
15. Any exterior mechanical units, antennae and/or satellite dishes, whether roof-mounted or ground-mounted, shall be screened from the general public's view.
16. Violations of these conditions may result in the suspension or revocation of the Conditional Use Permit and zoning violation prosecution, or both.
17. All uses shall conform to applicable Village Ordinance requirements, and to all other applicable local, County, State and Federal requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water discharges and storm water management, noise, streets and highways and fire protection; and in the event of conflicting requirements or standards, the most restrictive as determined by the Village shall apply.
18. Operation of the use granted herein shall be in strict conformity to both the plans and documents filed and approved in connection with the petition for Site and Operational Plan approval. Any violation of these conditions may result in the revocation of the approval or zoning violation prosecution, or both.
19. No changes to the exterior site, building or structures shall be made without the Village's approval. No painting of the exterior of the building shall be permitted, unless expressly permitted by the Village.
20. Any addition, alteration, extension, expansion or other proposed change in the approved operation shall be subject to the Village's Conditional Use procedures as if such use were being established anew.
21. The Conditional Use Grant shall become effective upon the execution and recording of said document and shall constitute an effective covenant running with the land.
22. The Conditional Use Grant is subject to amendment and termination in accordance with the provisions of the Village General Zoning and Floodplain/Shoreland Zoning Ordinance.

23. **Upon approval, the Village will prepare the required Conditional Use Grant document to be executed by the property owner and the tenant prior to issuance of the required permits. After the document is executed, it shall be recorded at the Kenosha County Register of Deeds office at the owner's expense. The petitioner shall provide the Village with the name(s) and title(s) of the authorized person(s) for owner and the tenant to sign the document so that the required Conditional Use Grant document can be prepared.**
24. If the building occupancy permit is not obtained within said 180 days the Site and Operational Plan approval said approval shall be void.





Office of the Village  
Fire & Rescue Chief  
**Doug McElmury**

## VILLAGE STAFF MEMORANDUM

TO: Jean Werbie-Harris, Community Development Director  
FROM: Doug McElmury Chief, Fire & Rescue Department  
CC: Peggy Herrick, Assistant Planner, Community Development  
Lt. Thomas Clark, Fire & Rescue Department  
SUBJECT: Review of Strait Way Ministries

DATE: November 22, 2012

The existing 2,997 square foot building located at 9220 26<sup>th</sup> Avenue, will be continued to be used as a church and assembly occupancy.

The Owner and Fire Protection contractors need to review Village of Pleasant Prairie Ordinance Chapter 180 Fire and Rescue prior to submitting any plans for review. The Fire & Rescue Department will be responsible for providing fire prevention inspections of this facility, twice annually.

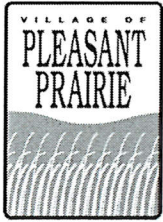
The building is classified under Wisconsin Administrative Code, Wisconsin Enrolled Commercial Building Code, in particular those items that pertain to fire protection and life safety. In the event a conflict in code(s) is identified, or a conflict with the insurance carrier criteria occurs, the more stringent shall apply. In the event this conflicts with any codes adopted by the State of Wisconsin, the owner must petition the State directly for a variance. The Owner must demonstrate that they will provide materials or design equivalent to the code or that they will exceed the code when petitioning the State.

The concerns of the Department are as follows:

- AED. The Fire & Rescue Department would like the Owner to install a public access Automatic External Defibrillator (AED) onsite for employee use in the event of a sudden cardiac arrest. The Fire & Rescue Department can provide the training necessary to perform CPR and to operate the AED.

1. **Distribution of Comments:** *the person who obtains the building permit to all Contractors and Subcontractors affected by this document shall distribute Copies of these comments. This document outlines critical times and deadlines. All recipients of this document need to become familiar with the contents.*
2. **Compliance:** A letter shall be submitted to the Fire & Rescue Department prior to receiving a building permit, stating that the project will comply with all requirements addressed within this document.
3. In the event a conflict in code(s) is identified, or a conflict with the insurance carrier criteria occurs, the more stringent shall apply. In the event this conflicts with any codes adopted by the State of Wisconsin, the owner must petition the State directly for a variance. The Owner must demonstrate that they will provide materials or design equivalent to the code or that they will exceed the code when petitioning the State.
4. **Place of Refuge:** The architect shall provide for both the Owner and the Fire & Rescue Department the area within the building that can be used as a “place of refuge,” “Severe Weather Shelter” or “safe haven” during severe weather such as a tornado.
5. **Hood Systems (Cooking):** In the event a fire suppression system is added within the existing kitchen area, the hood system plans shall be reviewed prior to installation, by the Fire & Rescue Department. Any cooking that produces a “grease laden vapor” will require and suppression system. Plans should be submitted a minimum of four (4) weeks prior to installation. A permit fee applies to the hood system, as well. Hood systems must to incorporated into the fire alarm system, and send a signal when activated to the Central Station.
6. **Fire Extinguishers:** Shall meet NFPA 10 (Portable Fire Extinguishers) for the specific use of the building and be in sufficient number, this will also include a K type extinguisher for kitchen use. The architect should show fire extinguisher locations on the final plans. The company providing the fire extinguishers shall submit a letter to the Department stating the locations and size of the extinguishers are in compliance with NFPA 10.
7. **Emergency and Exit Lighting:** In addition to the required Exit lighting, Emergency Lighting shall also be provided. Combination units are acceptable and recommended. Both the Exit and Emergency Lighting shall have battery back-up. Exit and Emergency Lighting shall not be placed on electrical circuits supplying other devices or fixtures, this is for test purposes. These circuits shall be clearly labeled on each circuit breaker panel.

8. **Exits:** All exterior exit pathways shall have a hard surface from the exit to another hard surface.
  
9. **Final Inspection:** The General Contractor shall provide the following documentation at the time the Final Inspection takes place and before a building occupancy certificate will be issued.
  - a. The Pleasant Prairie Fire & Rescue Department shall have all information needed for our pre-fire plan prior to occupancy.
  - b. Place of Refuge: The architect shall provide for both the Owner and the Fire & Rescue Department the area within the building that can be used as a “place of refuge” or “safe haven” during severe weather such as a tornado.
  - c. AED, in place.
  - d. Occupancy inspection fee and re-inspection fee will be assessed at the final inspection in accordance with ordinance 180-17.
  
10. **Occupancy:** All fire and life safety requirements must be in place prior to this building being occupied.



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OCT 24 2012

BY: \_\_\_\_\_

VILLAGE OF PLEASANT PRAIRIE  
SITE AND OPERATIONAL PLAN  
AND CONDITIONAL USE PERMIT ZONING APPLICATION

**USE THIS FORM FOR:**  
Tenants/Use changes proposing to occupy 50% or more of an existing commercial/industrial building.  
  
To construct a new or addition to principal or accessory structure.  
  
Use requires a Conditional Use Permit.

FOR OFFICE USE ONLY	
Application Filed on	10/24 20 12
Preliminary Determination of Completeness on:	10/24/2012
Revised Plans Submitted:	20
Public Hearing Required: Hearing Date:	12/10, 20 12
Published on: and	, 20 Notices sent on: , 20
Approved by <input type="checkbox"/> Plan Commission on	20
<input type="checkbox"/> Zoning Administrator on	20
Denied by <input type="checkbox"/> Plan Commission on	20
<input type="checkbox"/> Zoning Administrator on	20

SECTION 1: GENERAL INFORMATION

NAME OF BUSINESS: Strait Way Ministries Inc.  
 SITE ADDRESS: 9220 26th Avenue Pleasant Prairie, WI 53158  
 BRIEF PROJECT DESCRIPTION: Strait way Ministries Inc. is requesting to use the existing building, which is currently used as a church. Strait way Ministries Inc. is proposing to purchase this property and continue use as a church.  
 PROPOSED NUMBER OF FULL TIME EMPLOYEES: 0  
 PROPOSED NUMBER OF PART-TIME EMPLOYEES: 0  
 SITE SIZE: 130 X 204 sq. ft. 0.61 acres  
 PROPOSED BUILDING SIZE: 2,997 sq.ft. HEIGHT: \_\_\_\_\_ ft.  
 PROPOSED ADDITION SIZE: N/A sq.ft. HEIGHT: N/A ft.  
 LEGAL DESCRIPTION: Lot 86 Brookside Gardens Subdivision, located in the South east 1/4 of Section 13, Town 1 Range 22 East and being in the Village of Pleasant Prairie  
County of Kenosha, State of Wisconsin  
 TAX PARCEL NUMBER(S): 91-4-122-134-0670-0  
 CURRENT ZONING CLASSIFICATION(S) OF THE PROPERTY: I-1

- Is a zoning map amendment proposed with this project?  Yes  No
  - If yes, proposed Zoning Classification(s): \_\_\_\_\_
- Is a zoning text amendment proposed with this project?  Yes  No
  - If yes, provide a copy of the proposed text amendment with this application

3. If property is zoned M-1 or M-2, indicate the Occupancy Type pursuant to the Use and Occupancy Classification specified in Chapter 3 of the 2006 International Building Code (2006 IBC). Include all that apply and associated square footage for each classification:

- Factory Group F-1 (Moderate-hazard) \_\_\_\_\_ sq ft
- Factory Group F-2 (Low-hazard) \_\_\_\_\_ sq ft
- Storage Group S-1 (Moderate-hazard) \_\_\_\_\_ sq ft
- Storage Group S-2 (Low-hazard) \_\_\_\_\_ sq ft
- Business Group B \_\_\_\_\_ sq ft
- High-Hazard Group H\* \_\_\_\_\_ sq ft
- Other \_\_\_\_\_ sq ft
- Other \_\_\_\_\_ sq ft

*\*If Use and Occupancy Classification is High-Hazard Group H please provide a detailed written narrative that explains the specific use, quantity of storage and handling of the high hazard materials along with appropriate MSSD sheets with this application.*

**PUBLIC SERVICES:**

1. Is the property serviced by Public Sanitary Sewer?  YES  NO
  - If no, the closest public sewer is located at Municipal Sewer
2. Is the property serviced by Public Water?  YES  NO private well on the grounds
  - If no, the closest public water is located at \_\_\_\_\_
3. Maximum number of gallons/minute of water expected to be used per day is: only water use  
bathtubs

**THIS APPLICATION IS FOR A: (check one)**

- Preliminary Site and Operational Plan: An applicant may apply for preliminary site and operational plan approval in connection with an erosion control permit application for early mass grading, or in connection with an early foundation permit, or for other good cause shown
- New Site and Operational Plan
- Amendment to an existing Site and Operational Plan
  - Date of initial site and operational plan approval: \_\_\_\_\_
  - Date of each approved amendment: \_\_\_\_\_

domestic use

**SECTION 2: EXISTING USES AND BUILDINGS ON THE SITE**

- Are there any existing buildings on the site?  YES  NO existing building has been used as church
- If yes, provide an attachment that explains the current uses on the property and current uses in each building and if the use(s) is proposed to continue; and the gross floor area and height of each building.
  - If no, what is the current use of the property? \_\_\_\_\_

**SECTION 3: PHOTOGRAPHS**

**Standard-sized photographs** (not Polaroid) showing all aspects of the site (e.g. locations of proposed improvements, bodies of navigable water, wetlands, wooded areas, etc.) and of the exterior of structures or other site improvements, together with a statement regarding each photograph, which includes the date the photograph was taken, the location from which it was taken, the direction in which the camera was pointed, and a description of what is shown in the photograph. With respect to all existing signs, the applicant shall file photographs of all existing signs and shall specify in the written statement accompanying each such photograph and show the dimensions of such sign. Digital images are acceptable.

**SECTION 4: CONDITIONAL USE**

1. **Does the proposed project require a Conditional Use Permit?**  YES  NO
  - **If no** then skip to Section 5.
  - **If yes**, then continue with this Section.
  
2. **Are you amending an existing Conditional Use Permit?**  YES  NO
  - **If yes**, provide a copy of the Conditional Use Grant Document you are proposing to amend.
  - **If no**, continue with this Section.
  
3. If you answered **YES** to either question 1 or 2 above then this application shall include information as to how the proposed project will not impair an adequate supply of light and air to adjacent properties; increase danger of fire; cause traffic congestion or traffic circulation problems; create storm water flooding or drainage; create obnoxious odors, problems or otherwise endanger the public health, safety or welfare; will not hinder, harm or distract the provision of public services; and that the proposed project is not inherently inconsistent with either the district in which it is located or adjoining districts or neighborhoods as required pursuant to the Village Zoning Ordinance.

**SECTION 5: NON-CONFORMING USE**

1. **Is any use on the site a nonconforming use?**  YES  NO
  - **If no**, then skip to Section 7.
  - **If yes**, then continue with this section.
  
2. If you answered **YES** to question 1 above, prima facie proof of each element of legal nonconforming use status shall be submitted to the Village with this application (i.e. that the nonconforming use was legal in its inception, that the use was active and actual and not merely casual, occasional, incidental or accessory when it became nonconforming, that the use has been continuous with no gap of 12 or more consecutive months since it became nonconforming, that no building or structure housing the nonconforming use has been structurally repaired or altered to the extent of fifty (50) percent or more of its assessed value since the use became nonconforming, and that the use has not been changed in nature or physically extended or expanded since becoming nonconforming).

**SECTION 6: PERFORMANCE STANDARDS**

Pursuant to the Village Zoning Ordinance, any application for a permit under this ordinance or any use subject to the regulations and standards set forth in the Village Zoning Ordinance shall be accompanied by a sworn statement by the owner of the subject property that said property and use will be operated in accordance with the performance standards set forth in Section 420-38 of the Village Ordinance. Continued compliance with the regulations and standards is required. Violations of such standards shall be remedied as required by the Village Zoning Ordinance.

No land or building in any district shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; water pollution; electrical, radioactive or other disturbances; glare; or other substance, condition or element (referred to herein as "dangerous or objectionable elements") in such amount as to adversely affect the surrounding area or premises; provided that any use permitted by this ordinance may be undertaken and maintained if it conforms to the regulations of this subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.

The Village may require additional information be submitted to ensure that the Village Performance Standards are being met.

**SECTION 7: PLAN COMPONENTS**

The application shall include a list of all documents, materials or information that are attached to and a part of the application form. Submit eight (8) full-sized and one (1) set reduced to 11” x 17” of all plans and other attachments shall be included as part of this application, except if a component has been waived or deferred in writing by the Village Zoning Administrator. **For specific details related to each of the required information and plans see the attachment entitled “Plan Components and Related Standards” in Section 420-57 of the Village Zoning Ordinance.**

- Application—Applicant, Site, Use, Project and Plan Information
- Application fee
- Operational plan
- Title sheet
- Survey
- Site plan
- Grading and drainage plan
- Building and fire protection plans
- Lighting plan
- Landscape and open space plan
- Signage plan
- Industrial/commercial waste survey
- Performance standards compliance
- Additional requirements, as determined by the Village Zoning Administrator, other appropriate Village staff members, or the Village Plan Commission, as appropriate.

Two or more plans may be combined, provided that all of the information submitted on the combined plan is clearly legible, but in no case shall the combined plans fail to show any of the information required for each individual plan as described below, unless such information is waived or deferred pursuant to the Zoning Ordinance.

**SECTION 8: SIGNATURES**

I, (We), hereby certify that all the above statements and all attachments submitted herewith are true and correct to the best of my knowledge. In addition I, (we) understand the requirements and procedures for Site and Operational Plan/Conditional Use Permit approval.

**PROPERTY OWNER:**

**APPLICANT:**

\*

Name: Nancy Kollman  
 (Please Print)  
 Signature: Nancy Kollman  
 Unity Church @ Kenosha  
 Address: P.O. Box 580723  
Pleasant Prairie, WI 53158  
 (City) (State) (Zip)  
 Phone: 1-262-914-0080  
1-847-302-7622  
 Fax: \_\_\_\_\_  
 E-mail: nkollman@wi.pp.com  
singer.sue@gmail.com  
 Date 10-24-2012

Name: Patricia Woods-Clark  
 (Please Print)  
 Signature: Patricia A. Woods-Clark  
 Address: 7417 22nd Avenue  
Kenosha WI 53143  
 (City) (State) (Zip)  
 Phone: (630) 935-8555  
 Fax: \_\_\_\_\_  
 E-mail: StraitWaywi@yahoo.com  
 Date: 10/24/12

**Is the applicant the owner of the property?  YES  NO**

If no, then either proof of the applicant's legal interest in the subject real property (e.g. accepted offer to purchase, lease, etc., which may be appropriately redacted to preserve confidential information) or written authorization signed by the owner for the applicant to act as the owner's agent in connection with the application shall be included with the application.

**DEVELOPER (if Applicable)**

**USER OR OCCUPANT OF SITE:**

Name: \_\_\_\_\_  
 (Please Print)  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 (City) (State) (Zip)  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_  
 Date \_\_\_\_\_

Name: Same As Applicant  
 (Please Print)  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 (City) (State) (Zip)  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_  
 Date: \_\_\_\_\_



RECEIVED  
OCT 24 2012

BY: \_\_\_\_\_

Strait Way Ministries Inc.  
Site and Operational Plan for Conditional Use Permit Zoning  
For  
Present site of  
Unity Church Of Kenosha Inc.  
9220 26<sup>th</sup> Avenue  
Pleasant Prairie, WI 53158

Pastors: Patricia Woods-Clark  
Pastor Alexander Clark





Operational Plan Information for

Strait Way Ministries Inc.

9220 26<sup>th</sup> Avenue

Pleasant Prairie, WI 53158

This building is previously owned and set up as a church; it will continue to be used as a church. It is organized for and shall promote religious, charitable and educational purposes and share the same accordence given to the principals and policies of the teaching of Jesus Christ by referenced to by the Bible and whose goals are to provide the atmosphere or environment of unconditional Love and Acceptance.

This church shall operate as a nonprofit organization exclusively for religious, charitable and educational purposes within the meaning of Section 501 (c) 3 of Internal Revenue Code of 1954, as from time to time amended.

**Worship Services will be conducted as listed below:**

**Sunday Morning**

10:00 a.m. Adult Believers Education Class

10:00 a.m. Kids Sunday Camp/Nursery

12:00 noon Sunday Worship Service

7:30 p.m. Tuesday Night Bible Class

7:30p.m. Thursday Night (Intercessory Prayer)

7:30 p.m. Friday Night Live Youth Service (Every 3<sup>rd</sup> Friday Monthly)

Saturdays will only be used for special services or events throughout the year as needed.

There will be moderately flow of traffic scheduled on Sunday morning services and varies programs that would not obstruct traffic in the area. There shall be no proposed use of this facility to create or significantly exacerbate unsafe traffic conditions on any of the surrounding streets.

There will be absolutely no solid or liquid waste materials handled or stored on the grounds at any time.

The building and grounds shall be taken care of by the church members, who are well trained maintenance workers. We will keep the building and grounds in a neat, clean, and attractive condition.

Strait Way Ministries will rely on the security by Village Police department and Elders of the church.

The vision of Strait Way Ministries Inc. shall include other outreach ministries and not limited to the following, Early Childhood Education Christian Development Center , Food Pantry, Adult Enrichment Program, School-Aged Afterschool program etc. These programs shall be under the guidelines of the ministry and compliance to State Licensure and Regulations. These outreach programs shall be implemented into the program as the church develops and grows.

Currently there are no employees, hired by the ministry at this time. The pastors are voluntarily placed and operate as the sole agents for the ministry, and rely on the volunteering of its members and board to assist in the functioning of this church.

There are 30 plus conventional parking spaces located on the premises with one handicapped accessible parking space.

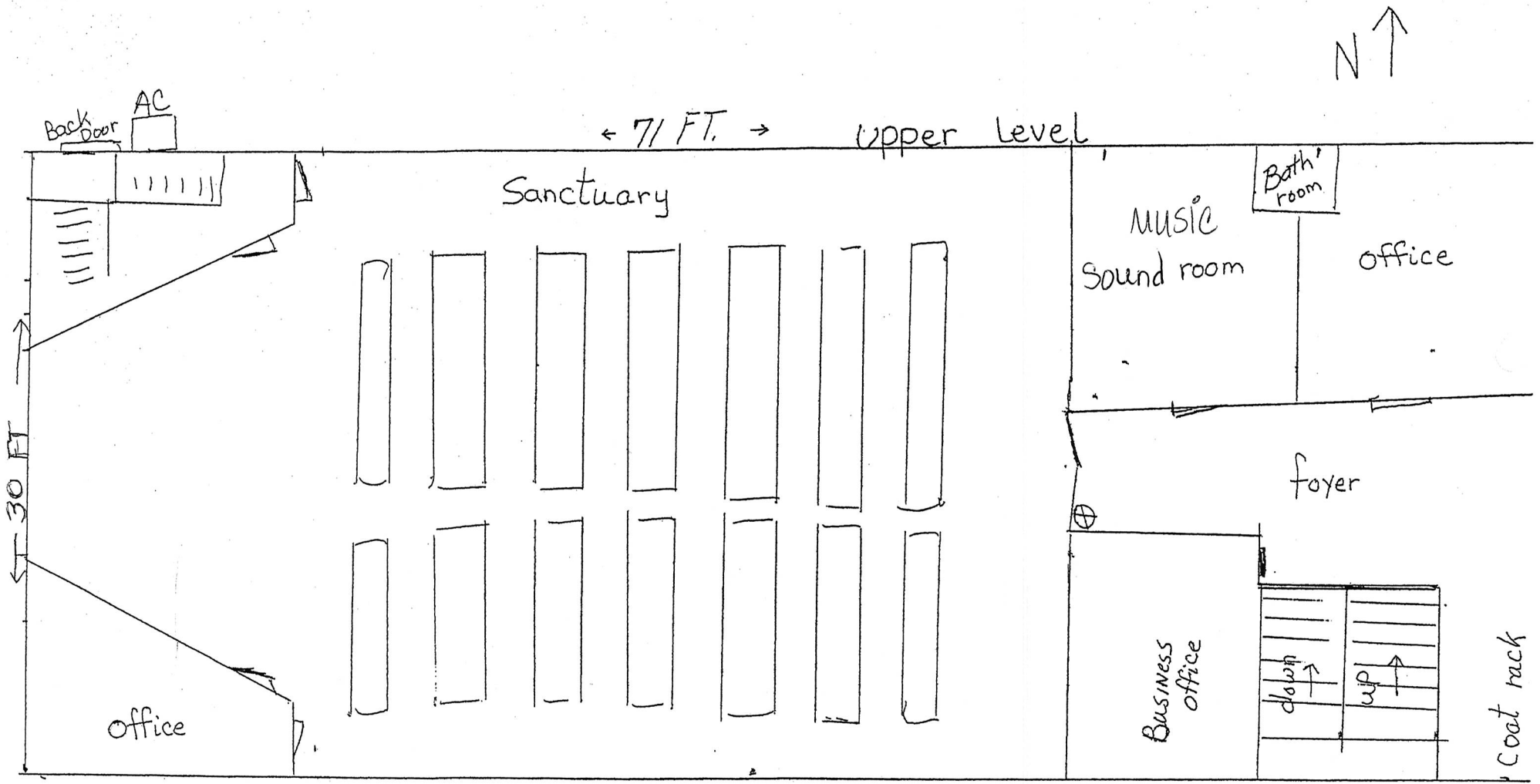
The number of adults, children, and members attending each of the services will vary, depending on what program they choose to participate in.

The existing floor plan of the facility will remain same: See on the attachments  
There will not be any proposed alteration to the building structure itself, at this time.

Strait Way Ministries will use the pre-existing sign structure located on the property, recently used as Unity Church. The proposed sign change will be to replace the lettering on the removable panels, with Strait Way Ministries Logo. A sample picture of sign is included in this operational plan. We will not replace the pole or outer structure.

Strait Way Ministries Inc. is here to serve and build up our community. Our purpose is to bring together families, communities, by showing forth the love of Christ, through the teaching and demonstration of the Word OF God.

Genesis: 26:22 For now the Lord hath made room for us and we shall be fruitful in the land.



Parking Lot

STRAIT WAY MINISTRIES INC

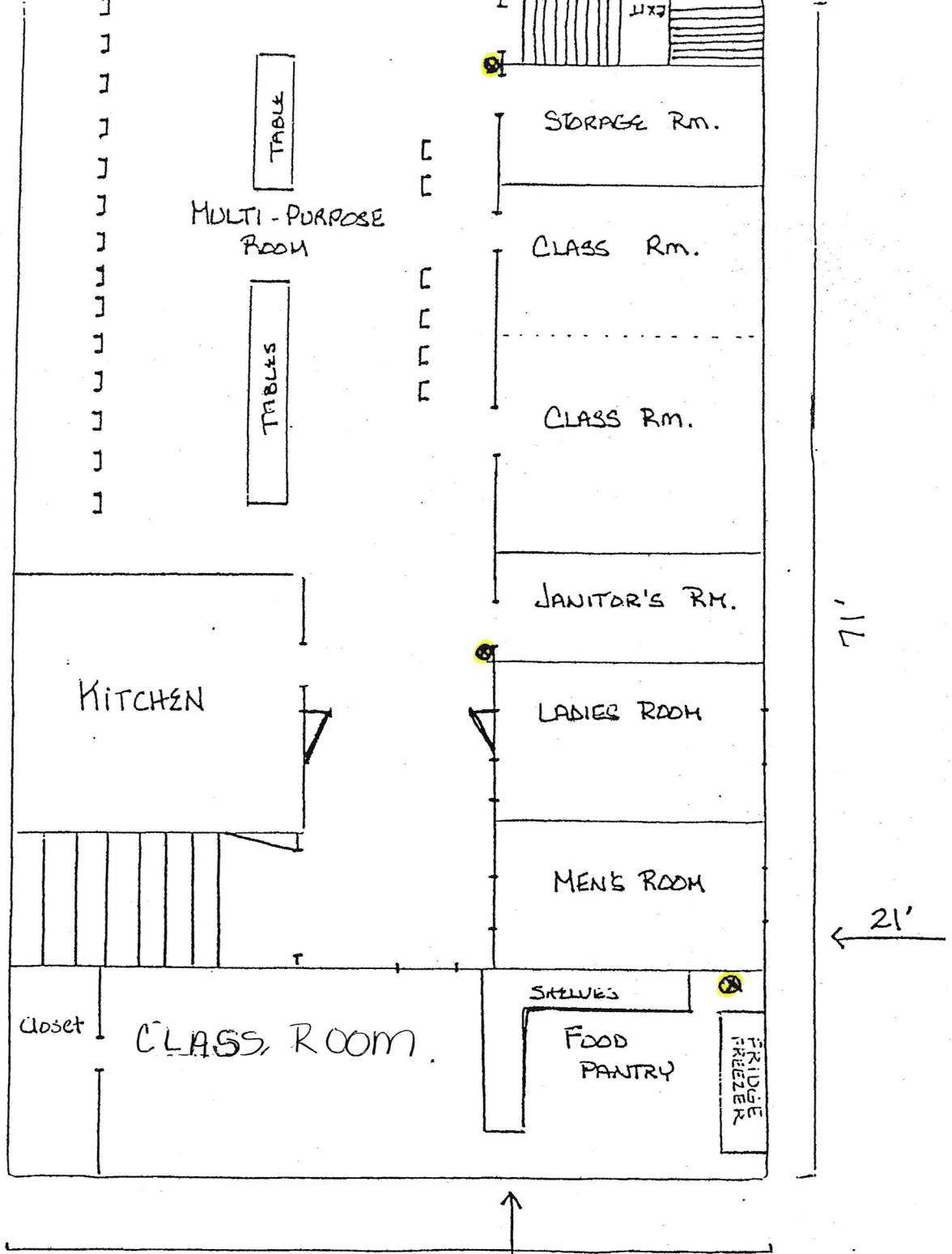
9220 26<sup>th</sup> AVE

Pleasant Prairie, WI. 53158

⊗ fire EX.  
 | Smoke alarm

30 FT to R  
 26<sup>th</sup> Ave

drawing not to scale



Parking Lot  
Lower Level

Strait Way Ministries - 9220 26<sup>th</sup> Ave 30'  
MENOSHA, WI

26 AVE. DRAWING NOT TO SCALE  
FIRE EXT

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BY: \_\_\_\_\_

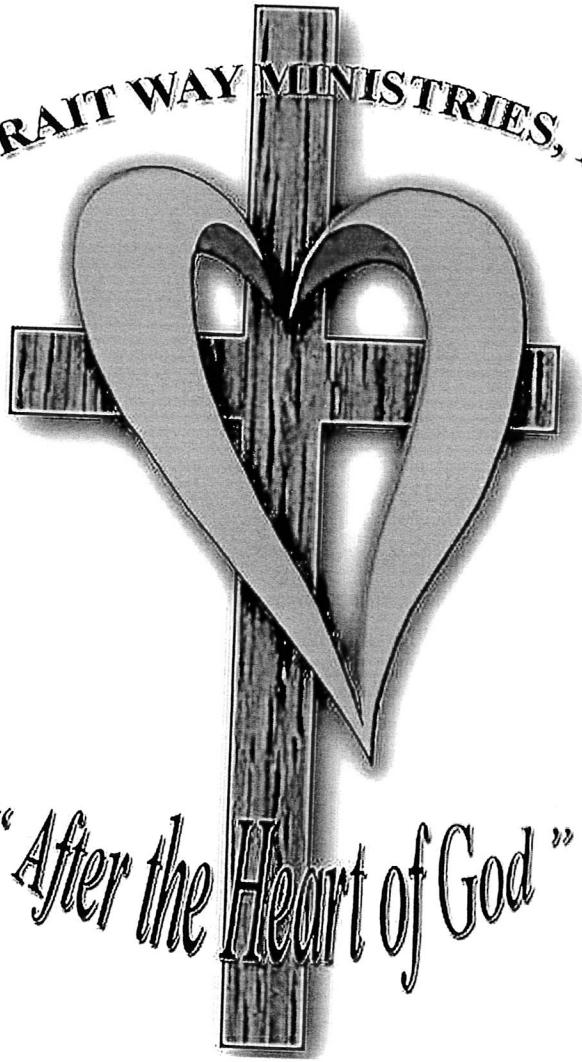


\* Note: The sign structure and poles,  
will not be changed. The sign has  
removable panels, that unscrew and  
replaced with a different lettering.  
Strait Way Ministries Inc. will  
replace only the lettering and  
phone number.

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OCT 24 2012

BY: \_\_\_\_\_

STRAIT WAY MINISTRIES, INC.



*"After the Heart of God"*

Address: 9220 26th Ave Pleasant Prairie, WI 53143-6655 County: Kenosha

MLS #: 1223799



Property Type: Comm/Industrial  
 Status: Active  
 Taxes: \$0  
 Tax Year: 2010  
 Tax Key: 91-4-122-134-0670

List Price: \$89,900  
 For Sale/Lease: For Sale Only  
 Zoning: Comm  
 Days On Market: 352

Sq. Ft.: 2,997  
 Lot Size: 130 x 204  
 Flood Plain: Unknown  
 Occ. Permit Required: N

Year Built:  
 Year Established:  
 Parking: 30  
 Occupied: Y

Bus/Com/Ind: Commercial  
 Name of Business:  
 Industrial Park Name:  
 Lease Amount: \$ /  
 Avg Rent/SqFt: \$0

Sched. Gross Income: \$0  
 Gross Operating Inc: \$0  
 Net Operating Income: \$0  
 Total Operating Exp: \$0  
 Vacancy Allowance: \$0

Directions: Hwy 50 to 39th ave, south to 93rd st, east to 26th ave, north to property on left.

Coordinates: 281S 45E PIN/PR ID: S6863

Type Commercial:	Special Purpose	Heating/Cooling:	Natural Gas; Central Air; Hot Water/Steam
# of Acres:	1/2 less than 1	Water/Waste:	Municipal Sewer; Private Well
Type Industrial:	Special Purpose	Municipality:	Village
Location:	Other	Miscellaneous:	Pole Sign; Fixtures; Furniture; Carpeting; Rest Rooms; 220 Volt Power
# of Stories:	2	Occupied:	Owner Lease Back
Proximity to HWY:	0-1 Miles	Basement:	Full
Road Frontage:	Town/City Road; Paved Road; Paved Lot	Expenses Include:	Other
Exterior:	Brick	Documents:	Seller Condition; Other
Roofing:	Composition	Estimated Age:	41-60 Years
Avg Ceiling Height:	11'-15'	Occupancy:	See Listing Broker
Truck Door Height:	No Truck Door		

Remarks: Originally the Salvation Army. All brick traditional church design. Very affordable and efficient layout for a growing church group. Worship area on main floor w/several other multi-use rooms, approx 3,000 sq ft. Finished lower level with full kitchen, large meeting hall plus 4 additional multi use rooms. Over 5,000 sq ft of heated finished space. The the lot allows the church to expand plus there is approximately 30+ paved parking spaces.

Listing Office: RE/MAX Elite: 30138





## Full Report

Property Location : 9220 26TH AVE

## Owner :

Unity Of Kenosha Inc  
Po Box 580732  
Pleasant Prairie, WI 53158-8101

Owner Occupied:  
Property Address :  
9220 26TH AVE MYI  
Pleasant Prairie, WI 53143-6655

County: Kenosha  
Taxed by: Village Of Pleasant Prairie  
Taxkey # 91-4-122-134-0670

## Assessments

Assessment Year	Property Class	Land Assessment	Improvement Assessment	Total Assessment	Percent Of Change	Acres	Ratio
2011	Commercial				0.000 -		1.015938900
2010	Commercial				0.000 -		0.985189012
2009	Commercial				0.000 -		1.019077928
2008	Commercial				0.000 -		0.991799300
2007	Commercial				0.000 -		0.970256313
2006	Commercial				0.000 -		1.013082171
2005	Commercial				0.000 -		0.944341472
2004	Exempt - Other				0.000 -		1.040658336
2003	Exempt - Other				0.000 -		0.936823927

## Taxes

Tax Year	Total Tax	First Dollar	Lottery Credit	Net Tax	Special Taxes	Special Assessment	Special Charges	Full Pay Amount
2011						\$264.06		\$264.06
2010						\$264.06		\$264.06
2009						\$264.06		\$264.06
2008								
2007								
2006								
2005								
2004								
2003								

## Assessor

Building Square Feet : 2997	Year Built : 1967	Township : 1N
Bedrooms :	Year Remodeled :	Range : 22E
Full Baths :	Effective Year Built :	Section : 13
Half Baths :	Air Conditioning :	Quarter :
Total Rooms :	Fireplace :	Pool :
Number of Stories :	Number of Units :	Attic :
Building Type : Commercial	Basement : No Bsmt/none	Heat :
Exterior Wall :	Garage :	School District : 2793 Kenosha
Exterior Condition :	Historic Designation :	
Land Use : COMM Commercial Gen		
Zoning :		

## Legal Description

1706-D Lot 86 Brookside Gardens Sub Sec 13 T1 R22 Doc #1169310

## Sales

Information is supplied by seller and other third parties and has not been verified.  
Copyright 2012 by Multiple Listing Service, Inc. See copyright notice.  
Prepared by Leo J Schuch on Tuesday, September 11, 2012 10:57 AM

# 9220 26th Avenue

1 inch = 100 feet

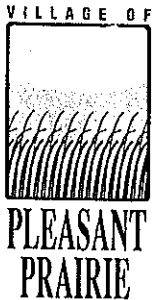
Map Printed: 10/30/2012

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT THE LAND INFORMATION DIVISION OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT.

Kenosha County Interactive Mapping Site



Source: Kenosha County Department of Planning and Development



DOCUMENT NUMBER

1175977

CONDITIONAL USE PERMIT

RECORDED

at Kenosha County, Kenosha, WI 53144  
Louise I Principe, Register of Deeds  
on 3/15/2000 at 3:12 PM

\$18.00

9893

RECORDED

**VILLAGE OF PLEASANT PRAIRIE  
CONDITIONAL USE GRANT NO. 00-02 99-02**

Before the Village Plan Commission of  
the Village of Pleasant Prairie, Kenosha County,  
Wisconsin, in regard to the property  
located at 9220 26<sup>th</sup> Avenue.

**Return to:**

Village of Pleasant Prairie  
9915 39<sup>th</sup> Avenue  
Pleasant Prairie, WI 53158

18

**Parcel Number:**

91-4-122-134-0670-0

**Legal Description:**

Lot 86 Brookside Gardens Subdivision, Located in the Southeast 1/4 of Section 13, Town 1  
Range 22 East and being in the Village of Pleasant Prairie, County of Kenosha, State of  
Wisconsin.

**WHEREAS**, the Zoning Code and Zoning District Map of the Village of Pleasant  
Prairie, pursuant to State Statute, provides that the premises may not be used of right for the  
purpose hereinafter described but that upon petition such use may be approved by the Village  
of Pleasant Prairie as a Conditional Use Grant in particular circumstances as defined by the  
standards in the Zoning Ordinance; and

**WHEREAS**, such petition having been made, and public hearing held thereon, and the  
Plan Commission of the Village of Pleasant Prairie having determined that by reason of the  
particular nature, character and circumstances of the proposed use, and of the specific and  
contemporary conditions, grant of such use upon the terms and conditions hereinafter  
prescribed would be consistent with the requirements of the Zoning Ordinance;

**NOW THEREFORE**, a conditional use is granted, subject to compliance with the  
terms and conditions hereinafter stated for the Unity of Kenosha, Inc. to operate the Unity  
Church at 9220 26<sup>th</sup> Avenue and further identified as Tax Parcel Number 91-4-122-134-0670-0  
in the Village. The Unity Church will use the existing building as a church. The Unity  
Church is proposing to hold services at 9:00 am and 11:00 am each Sunday. Other church  
related activities will also occur at the site such as, but not limited to, pot-luck dinners,  
afternoon meetings, evening vespers services, bible study, workshops and other social events.



**The Village approved the Conditional Use Permit subject to the following conditions:**

1. The existing Projection Sign that reads "The Salvation Army" shall be removed in total, including the actual sign and supporting brackets, and the existing wall sign that reads "Corps Community Center" and associated shield/logo shall be removed from the front facade of the building. **Permits are required for any new signs and any new sign(s) shall be installed prior to final occupancy.**

On November 8, 1999, the Village Plan Commission approved a 6 foot tall and 3.33 feet by 6 feet (for a total of 20 square feet) Ground Monument Sign for the Unity Church site subject to the following conditions:

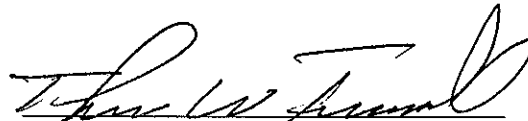
- ▶ The sign shall be lit by a spot light that does not glare unto the adjacent roadway.
  - ▶ The sign shall be located a minimum of 15 feet from the property line adjacent to 26<sup>th</sup> Avenue.
  - ▶ Proper sign permits shall be obtained and the required staking inspection and a final inspection shall be scheduled with the Village.
  - ▶ The sign shall be installed prior to occupancy of the building.
2. The dumpster in the parking lot shall be screened from view from the adjacent residential properties as well as from the public right-of-way.
  3. The parking lot shall be resurfaced and appropriately striped (minimum 9' x 18' spaces) and one (1) handicapped parking space shall be appropriately striped and signed per ADA requirements. **(May be deferred until May 31, 2000, until weather permits)**
  4. The garbage and miscellaneous debris located at the northwest corner of the exterior of the building shall be cleaned-up.
  5. The hole at the driveway entrance needs to be patched with asphalt. If the damaged driveway approach is located in the 26<sup>th</sup> Avenue right-of-way, a permit to "work in the public right-of-way" shall be required. **(May be deferred until May 31, 2000, until weather permits).**
  6. Compliance with the outstanding items in the attached Fire Inspection Report which includes outstanding Building issues.

7. This Conditional Use Grant shall become effective upon the execution and recording by the Village for the Owners of the premises and shall constitute an effective covenant running with the land.
8. This Conditional Use Grant is subject to amendment and termination in accordance with the provisions of the Village Zoning Ordinance.
9. Construction and operation of the use granted shall be in strict conformity to the approved Site and Operational Plans and this Conditional Use Permit Grant filed in connection with the petition for this permit. Violations of these conditions may result in the revocation of the conditional use permit or zoning violation prosecution, or both.
10. **THE BUILDING AND PROPERTY SHALL NOT BE USED AS ANY KIND OF SHELTER, INCLUDING BUT NOT LIMITED TO; A HOMELESS PERSONS SHELTER OR DRUG AND ALCOHOL REHABILITATION CENTER.**

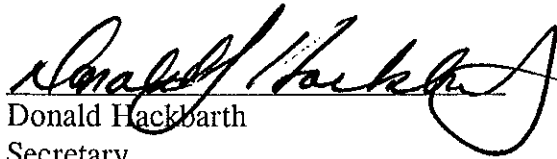
Granted by the action of the Village of Pleasant Prairie Plan Commission the 8<sup>th</sup> day of November, 1999.

**VILLAGE OF PLEASANT PRAIRIE**

ATTEST:

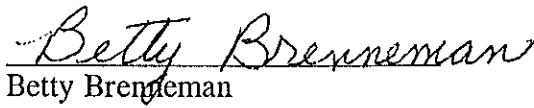


Thomas W. Terwall  
Plan Commission Chairman



Donald Hackbarth  
Secretary

OWNER:



Betty Brenneeman  
Unity of Kenosha, Inc.

ACKNOWLEDGMENT

STATE OF Wisconsin  
SS  
Racine COUNTY)

Personally came before me this 24<sup>th</sup> day of February, 2000, the above named to me known to be the person (Betty Brenneman) who executed the foregoing instrument and acknowledge the same.

Marcia J. Jones  
Notary Public, Racine County, Wi.  
My Commission expires: 3-23-2003.

THIS INSTRUMENT WAS DRAFTED BY:  
Jean M. Werbie, Community Development Director  
Village of Pleasant Prairie  
9915 39<sup>th</sup> Avenue  
Pleasant Prairie, Wisconsin 53158

1999/UnityChurch



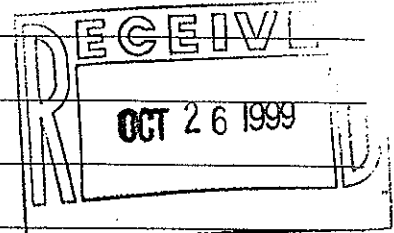
Fire Inspection Report

Pleasant Prairie Fire & Rescue Department  
8044 - 88<sup>th</sup> Avenue  
Pleasant Prairie, WI 53158-2015  
(414) 694-8027

PAGE 5 OF 5  
Date of Inspection: 10/26/99 <sup>PT</sup>  
~~5/20/99~~  
Business Phone: 414 694 1333  
Time of Inspection  
Start: 1455  
End: 1535

Address: 9220 - 26<sup>th</sup> AVE  
Name of Business: The Salvation Army  
Key Holder #1: \_\_\_\_\_  
Key Holder #2: \_\_\_\_\_

Owner of Business: \_\_\_\_\_  
Owner of Building: \_\_\_\_\_  
Key Holder #1 Phone: \_\_\_\_\_  
Key Holder #2 Phone: \_\_\_\_\_



This inspection was done with the permission of the occupant and the following violation(s) were found and reported:

- 2nd (second) Special Inspection - 1st - 5/20/99
- ① Northwest exit way blocked, exterior by wheelbarrow and trash.
  - ② Flammable liquid storage in furnace room.
  - ③ Fire extinguishers shall be no higher than 48" from ground. Date 6/99 - okay
  - ④ Exit lights at organ, northwest corner of sanctuary and north exit not working. North exit EM lights - one bulb <sup>burned</sup> out.
  - ⑤ Review sprinkler ordinance.
  - ⑥ All other items of May 20, 1999 have been corrected.
  - ⑦ Correction date 11/15/99, Mr Polk will call when complete.
  - ⑧ Need combustion air for furnace room - Comm 64
  - ⑨ Need to seal all openings in furnace room.

Correction(s) shall be made before: November 15, 1999  
Even though a compliance date has been issued for the above noted violations; it does not relieve you of the responsibility for any fire damage, injury, etc., which these violations might cause. GUILBERT

Michael R Polk  
Owner/Manager/Representative

Paul M. Guilbert, Jr., Chief  
Inspecting Officer

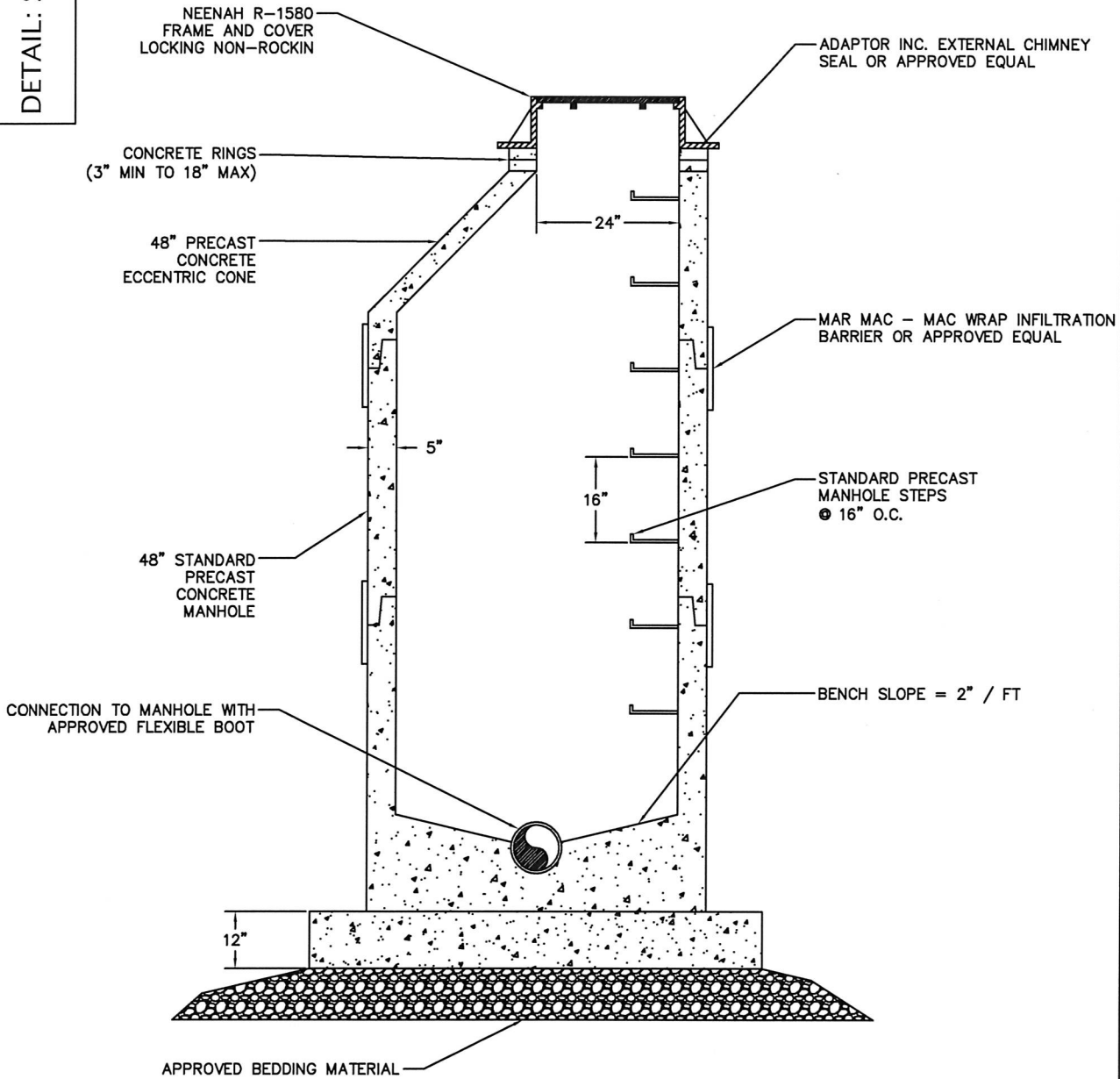
Top Copy - Fire Dept. Middle Copy - Folder Bottom Copy - Owner

Station #1  
694-4066  
Station #2  
694-8027

Michael Polk,

# Exhibit 3

DETAIL: SAN - 5



**NOTES:**

1. STANDARD SAMPLING MANHOLE SHALL HAVE A PALMER-BOWLUS FLUME WITH INTEGRAL APPROACH INSTALLED.
2. VILLAGE OF PLEASANT PRAIRIE DPW SHALL BE CONTACTED FOR FINAL INSPECTION OF SAMPLING MANHOLE.
3. SEE DETAIL SAN-6A AND SAN-6B FOR PALMER-BOWLUS FLUME DETAILS.

DRAWN BY: STEVE WLAHOVICH

APPROVED BY:

CREATED: 11-21-12  
REVISED:

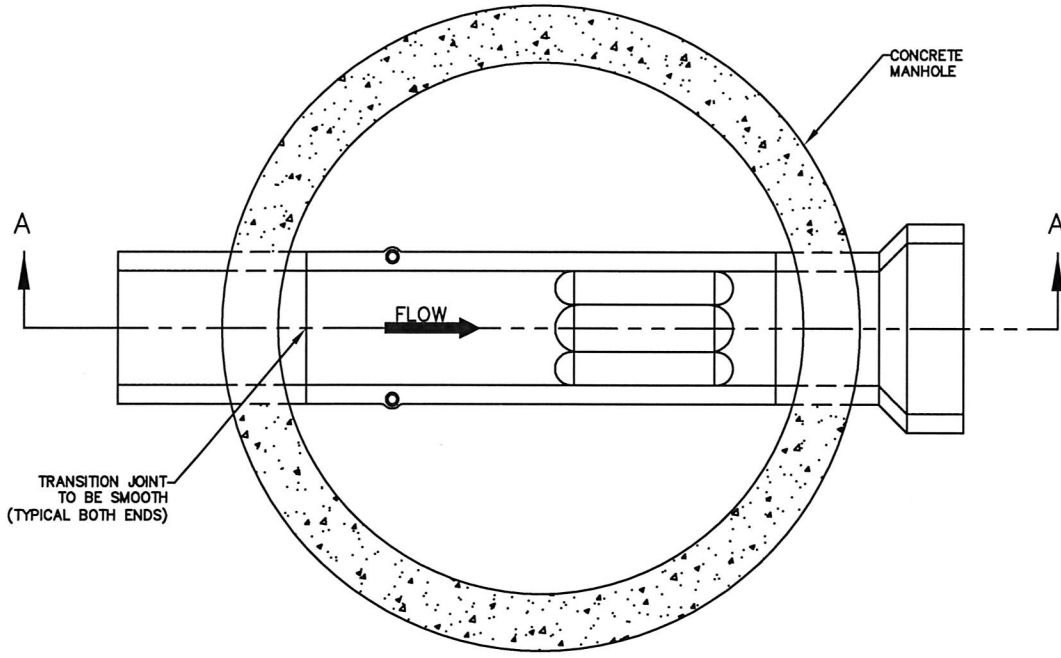
SCALE: NTS

VILLAGE OF PLEASANT PRAIRIE

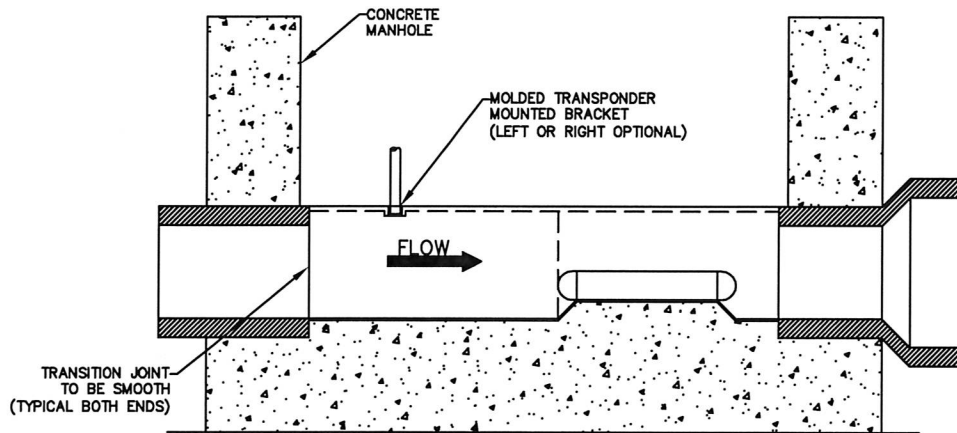
STANDARD SAMPLING MANHOLE DETAIL



DETAIL: SAN - 6A



TOP VIEW OF MANHOLE WITH FLUME



SECTION A - A ENLARGED

DRAWN BY: STEVE WLAHOVICH

APPROVED BY:

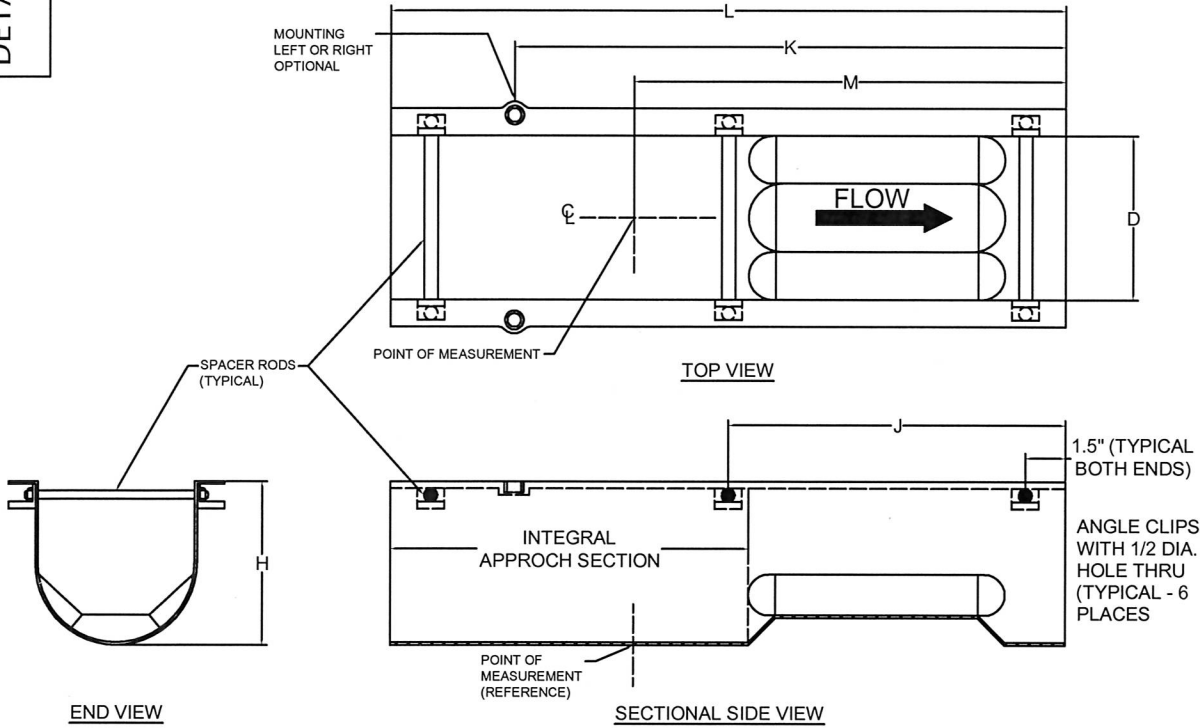
CREATED: 11-21-12  
REVISED:

SCALE: NTS

# VILLAGE OF PLEASANT PRAIRIE

PALMER-BOWLUS FLUME DETAIL 1

DETAIL: SAN - 6B



DIMENSIONS TABLE

PIPE SIZE	D	H	M	K	J	L
4	4	6	11	15 7/16	6 1/2	17
6	6	8	16	20 7/16	12 1/2	25
8	8	10	21	25 7/16	16 1/2	33
10	10	12	26	30 7/16	20 1/2	41
12	12	14	31	35 7/16	24 1/2	49
15	15	17	38 1/2	42 15/16	30 1/2	61
18	18	20	46	50 7/16	36 1/2	73
21	21	23	53 1/2	57 15/16	42 1/2	85
24	24	26	61	65 7/16	48 1/2	97
27	27	29	68 1/2	72 15/16	54 1/2	109
30	30	32	76	80 7/16	60 1/2	121

NOTES:

1. DIMENSIONS ARE IN INCHES, UNLESS OTHERWISE SPECIFIED.
2. DIMENSIONS PROVIDED FOR REFERENCE ONLY.

DRAWN BY: STEVE WLAHOVICH

APPROVED BY:

CREATED: 11-21-12  
REVISED:

SCALE: NTS

# VILLAGE OF PLEASANT PRAIRIE

PALMER-BOWLUS FLUME DETAIL 2

**VILLAGE OF PLEASANT PRAIRIE  
PLAN COMMISSION  
RESOLUTION #12-15  
TO INITIATE A ZONING TEXT AMENDMENT**

**WHEREAS**, the Plan Commission may initiate a petition for an amendment of the Zoning Ordinance, which may include rezoning of property, change in Zoning District boundaries, or changes in the text of said Ordinance.

**WHEREAS**, the Village staff is proposing to re-evaluate and amend the wall signage requirements.

**NOW THEREFORE, BE IT RESOLVED**, by the Village Plan Commission, as follows:

1. That the Village Plan Commission hereby initiates and petitions to re-evaluate and amend the wall signage requirements; and
2. That the proposed changes in the Zoning Text are hereby referred to the Village staff for further study and recommendation; and
3. That the Village Plan Commission is not, by this Resolution, making any determination regarding the merits of the proposed changes in the Zoning Text, but rather, is only initiating the process by which the proposed changes in the Zoning Ordinance Text can be promptly evaluated.

**Adopted this 10<sup>th</sup> day of December 2012.**

ATTEST:

VILLAGE OF PLEASANT PRAIRIE

\_\_\_\_\_  
Donald Hackbarth  
Secretary

\_\_\_\_\_  
Thomas W. Terwall  
Plan Commission Chairman