

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

AGENDA

1. Call to Order.
2. Roll Call.
3. Consider the Minutes of the October 8 and October 15, 2012 Plan Commission meetings.
4. Correspondence.
5. Citizen Comments.
6. 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.
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.
 - 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.

- 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 in the Prairie Ridge West Commercial Development located at the southeast corner of STH 50 and 104th Avenue.
- D. Consider the request of William and Catherine Wamboldt for a **Lot Line Adjustment** between 11934 28th Avenue and 11904 28th Avenue.
- 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.

8. 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 39th 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.
October 8, 2012**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on October 8, 2012. Those in attendance were Michael Serpe; Donald Hackbarth; Wayne Koessler; Jim Bandura; John Braig; Larry Zarletti and Judy Juliana (Alternate #1). Thomas Terwall and Andrea Rode (Alternate #2) were excused. Also in attendance were 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 AUGUST 20, SEPTEMBER 10 AND SEPTEMBER 17, 2012 PLAN COMMISSION MEETING.**

Larry Zarletti:

Mr. Chairman, I'd move approval of all three.

Wayne Koessler:

Second.

Michael Serpe:

MOTION MADE BY LARRY ZARLETTI AND SECONDED BY WAYNE KOESSL FOR APPROVAL OF ALL THREE MINUTES. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

John Braig:

Comment. In those minutes, after reading them carefully, the public hearing was never closed last meeting. Just a technical point.

Michael Serpe:

Should we re-open it?

John Braig:

It's still open.

Michael Serpe:

Alright.

4. CORRESPONDENCE.

Jean Werbie-Harris:

I have none this evening.

5. CITIZEN COMMENTS.

Michael Serpe:

We have a number of items that are public hearings tonight. If there's an item on the agenda that you wish to speak on that is a public hearing, you can hold your comment until that item comes forward. If there's anything else that you wish to speak about on the agenda, or anything off the agenda, now is your time to talk. And we'd ask that you come forward and give your name and address for the record. Anybody wishing to speak? Anybody wishing to speak? We'll close citizens' comments.

Wayne Koessl:

Mr. Chairman, before we go into the agenda, I'd like to move Item J up on the agenda tonight.

Michael Serpe:

Is there a second to that?

Don Hackbarth:

Second.

Michael Serpe:

THERE'S A MOTION MADE BY WAYNE KOESSL AND SECONDED BY DON HACKBARTH TO MOVE ITEM J. THIS PERSON HAS A COMMITMENT THAT IS SUPPOSED TO BE TAKING PLACE NOW. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

7. NEW BUSINESS.

J. Consider the request of Jack Williams, VP Operations of Central Storage & Warehouse Company for approval of Site and Operational Plans for a 36,800 square foot addition to their existing facility located at 7800 95th Street in LakeView Corporate Park.

Jean Werbie-Harris:

Mr. Vice-Chairman, members of the Plan Commission and the audience, the petitioner is requesting approval of site and operational plans to construct a 36,800 square foot addition to the existing Central Storage & Warehouse Company, CSW, located at 7800 95th Street in LakeView Corporate Park.

Central Storage & Warehouse Company is a public refrigerated warehousing company based in Madison, Wisconsin. The existing facility at 7800 95th Street in Pleasant Prairie is a food storage and distribution freezer warehouse of 74,184 square feet with a 58,000 square foot freezer and 7,600 square feet of dock space and the balance split between office and machinery rooms. The building varies in height from 20 feet at the loading dock to 40 feet as a high point of the freezer. Currently CSW has 15 full-time employees at this location. CSW is proposing to add 36,800 square feet to the east side of their building consisting of 32,412 square feet of freezer space and the remainder being dock space with six loading dock doors facing south. Shipping and receiving hours for CSW will not change from their current schedule mainly from 7 a.m. to 7 p.m. Monday through Friday with occasional weekends and evenings depending on their customer demand.

CSW operates on an appointment basis for pickups and deliveries. The additional space will allow CSW to better serve their existing customers and provide the opportunity to offer their services to new customers as well. CSW anticipates hiring two additional warehouse workers and one clerical staff as a result of this expansion. CSW will operate two shifts a day overlapping midday. The maximum number of employees on the site at any given time will be 20. Currently CSW has 16 marked parking spaces with three handicapped accessible spaces closest to the office entry.

Pursuant to the ordinance the following minimum parking spaces are required:

Warehouse/distribution facility require one space for every two employees during a 12-hour period plus the required handicapped accessible parking spaces. Therefore a total of ten parking spaces shall be provided on site plus the handicapped accessible parking spaces. If parking

becomes an issue due to expansions in employment additional spaces shall be added to the site since no on-street parking is allowed on 95th Street.

It is anticipated that approximately 60 semi-trucks per day will be serviced from the 13 available after expansion dock doors. The only automobile traffic generated by the business is the arrival and departure of employees and an occasional salesperson or visitor. All of the loading and unloading equipment, forklifts and transporters etc., utilize the enclosed loading dock area and aren't visible from outside the building.

The property is zoned M-2, General Manufacturing District, and the use pursuant to the use and occupancy classification specified in Chapter 3 of the 2006 International Building Code this use is classified as Storage Group S-2 which is low Hazard. Therefor the use is a permitted use in the M-2 District. The M-2 District requires that the building addition be setback a minimum of 65 feet from the property line adjacent to 95th Street, which is an arterial street, and a minimum of 45 feet from side and rear property lines

The location of the parking lots, maneuvering lanes and the fire access lanes, including the curb and gutter, shall not be located within any easements on the property and shall be set back a minimum 20 feet to property lines. Except in this particular case there is going to be cross shared access along their east property line. CSW proposes to pave the existing fire lane along the west and the north sides of the building and will continue the paved fire lane along the addition to the north and along the east side of the building. The paved fire lane shall be a minimum of 30 feet wide, not 20 feet wide as shown on the plans. The paved fire land shall be constructed prior to occupancy of the addition as required by the fire and rescue department.

CSW intends to sell 95 feet of land to their eastern property area to the landowner to the east, Fair Oaks Farms, and then the new fire lane will come around the east side of their building, and it's intended to be shared between CSW and Fair Oaks Farms. The fire lane is proposed to be centered right on that future property line. Fair Oaks Farms will be required to connect their paved access lane on the north side of their building to the new fire lane on the CSW property. The exact timing for this fire lane connection will be discussed with Fair Oaks Farms who is also planning an expansion. A CSM is proposed to be prepared for the land transfer and to identify all the proper easements on the particular property.

The M-2 District requires that at minimum of 25 percent open space, and with all the additional vacant land to the west of their existing facility they clearly meet this requirement. No additional landscaping is going to be required adjacent to 95th Street. The site is a screen along in that particular location so we're not requesting any addition.

CSW uses Waste Management for their waste disposal needs, and they don't generate any liquid waste from any of their processes. CSW does have a small quantity of refrigeration oil on site which when drained from compressors is returned to the manufacturer for recycling. CSW's entry and exit doors and fire sprinkler system are monitored by a central station alarm system and through ADT Security. CSW is also in the process of installing exterior and interior CCTV cameras as well. They anticipate no adverse impacts to the neighboring businesses as a result of this expansion. And the additional dock doors will make it easier for CSW to turn their semi trailers in a timely fashion and lead to less congestion on the adjacent 95th Street.

We do have representatives here if you'd like to get any additional information from them. Jack Williams specifically is here if you wanted to add any additional information.

Michael Serpe:

Jack, do you have anything to add to this. Just need your name and address for the record please.

Jack Williams:

Jack Williams, 40 North Baldwin, Madison, Wisconsin. I don't really have much to add. It's fairly cut and dried mirroring what we have there in terms of finish and appearance.

Michael Serpe:

Very good. Your pleasure?

John Braig:

Comment. I go past this site rather frequently, and there is a fair amount of I shouldn't call it congestion but involvement with trucks backing in and out of the site. And, of course, that's going to be worse now. I assume we have restrictions on the width of their driveway. But in backing in, especially if there are trailers backed up to some loading dock, but there's a vacancy or somebody wants to back another trailer in there, he has to execute something of an S-curve to get his trailer in there, and he doesn't hit it all the time. If we're going to have 60 trailers in and out of that site in a 12 hour day that's one every 12 minutes. Giving them some time for backing and jockeying it means somebody is going to be exiting or entering the site rather frequently and regularly. I wonder if we should look at a wider driveway which would permit direct backing in instead of S-curves.

Michael Serpe:

Do you have a comment on that, Jack?

Jack Williams:

I think mainly a lot of the suggestion will be relieve just by having the six additional dock doors. Right now we have to stage trucks on the left side with a parking lot there. And we usually have about trucks or drop trailers there pretty much all day long. So those trailers will now be in a dock. So people arriving will come in our west driveway, be staged on the west side, and then they will be actually with the new fire lane be able to drive all the way around, and rather than go out on the street and back in from the street they'll be able to come around and get the nose of the cab out the driveway a little bit and then back in.

Michael Serpe:

So you'll be okay.

Jack Williams:

Yeah.

Michael Serpe:

Okay, any other comments or questions? Larry?

Larry Zarletti:

Are you familiar with all the terms that the staff has put on this particular project and you're good with that?

Jack Williams:

Yes.

Larry Zarletti:

Okay. Mr. Chairman, with that I would move approval.

Wayne Koessl:

I'll second, Mr. Chairman. That's subject to the conditions outlined by staff.

Michael Serpe:

YES. MOTION MADE BY LARRY ZARLETTI AND SECONDED BY WAYNE KOESSL FOR THE SITE AND OPERATIONAL PLAN FOR CENTRAL STORAGE. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you and welcome. We like expansions like that. We're going to take tabled items A, B and C and New Business Item A all together, but when we come to vote we'll have to vote on them individually. Is that correct, Jean?

Jean Werbie-Harris:

Yes.

6. OLD BUSINESS.

- A. TABLED PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #12-11 FOR AMENDMENTS TO THE COMPREHENSIVE PLAN for the request of Adam Artz P.E. of Pinnacle Engineering on behalf of Majestic Realty Co., for land owned by WISPARK LLC that is generally located on the east side of 88th Avenue and south of Bain Station Road for the development of a proposed warehouse distribution building 1) to amend the Village of Pleasant Prairie 2035 Comprehensive Land Use Plan Map 9.9 to change the low medium density residential land use designation and the Park, Recreation and Other Open Space Lands (not within any wetlands or 100 year floodplain designation) to the Industrial Land Use designation with a General Industrial category and removal of the Urban Reserve Area; and update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan to include said amendment and 2) to amend a portion of the Pleasant Farms Neighborhood Plan to remove the residential single family lots adjacent to the cemetery, to allow the entire property to develop as Industrial (except for field delineated wetlands and the 100-year floodplain) and to amend the proposed layout of proposed roadways within and adjacent to the property.**
- B. TABLED PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Adam Artz P.E. of Pinnacle Engineering on behalf of Majestic Realty Co., for land owned by WISPARK LLC that is generally located on the east side of 88th Avenue and south of Bain Station Road for the development of a proposed 1.2 million square foot warehouse/distribution facility building to be known as Majestic Center. Recommendation: Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the Conceptual Plan subject to the comments and conditions of the Village Staff Report of October 8, 2012.**
- C. TABLED PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND TEXT AMENDMENT for the request of Adam Artz P.E. of Pinnacle Engineering on behalf of Majestic Realty Co., for land owned by WISPARK LLC that is generally located on the east side of 88th Avenue and south of Bain Station Road to rezone a portion of the property that is zoned A-2, General Agricultural District into the M-2, General Manufacturing District.**

7. NEW BUSINESS.

- A. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #12-11 FOR AMENDMENTS TO THE COMPREHENSIVE PLAN for the request of Adam Artz P.E. of Pinnacle Engineering on behalf of Majestic Realty Co to amend a portion of the Pleasant Farms Neighborhood Plan to relocate the proposed future high school site to the west; to amend a portion of the Village of Pleasant Prairie 2035 Comprehensive Land Use Plan Map 9.9 to reflect the proposed location change of the future high school site; and to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan to include said amendment. Recommendation: Village staff recommends approval of Plan Commission Resolution #12-11 to approve amendments to the Comprehensive Plan as outlined in said Resolution.**

Jean Werbie-Harris:

Mr. Vice-Chairman, members of the Plan Commission and the audience, as Mr. Serpe has indicated, there are three items that are coming from our last meeting and brought forth to this meeting and one new item all related to the same project. And they relate to the tabled Plan Commission consideration Resolution 12-11 for amendments to the Comprehensive Plan as well as consideration of a conceptual plan and some zoning and text amendments. These all relate to request of Adam Artz, P.E. of Pinnacle Engineering on behalf of Majestic Realty Company, for land owned by WisPark, LLC. The property is generally located on the east side of 88th Avenue and south of Bain Station Road for the development of a proposed warehouse distribution building 1) to amend the Village of Pleasant Prairie 2035 Comprehensive Land Use Plan Map 9.9 to change the low medium density residential land use designation and the Park, Recreation and Other Open Space Lands designation not including any wetlands or floodplain area to the Industrial Land Use designation with a general industrial category and remove the urban reserve area.

Next to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan to include that amendment, and to amend a portion of the Pleasant Farms neighborhood plan to remove the residential single family lots adjacent to the cemetery and to allow the entire property to develop as Industrial, again, except for field delineated wetlands and the 100-year floodplain, and to amend the proposed layout of proposed roadways within and adjacent to the property.

Michael Serpe:

Jean, before you go any further. I erred. We have to take these three items off the table. That was John's. Next week he's going to yell at us.

John Braig:

So moved.

Wayne Koessler:

And I'll second, Mr. Chairman.

Michael Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL TO REMOVE ITEMS A, B AND C FROM THE TABLE. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? I'm sorry, Jean, go ahead.

Jean Werbie-Harris:

That's okay. And then the second item as requested by Adam Artz of Pinnacle Engineering, this relates to the modification of the Comprehensive Plan and the neighborhood plan, and it relates to changing the future high school site location as well as the related amendments of the Comprehensive Plan and the plan maps. Also, the next request is a conceptual plan, and that is to generally approve a 1.2 million square foot warehouse and distribution facility building to be known as the Majestic Center in Pleasant Prairie.

And then the last is the rezoning of the property. Again, there's just a small portion at the very north end of their referenced site that's currently zoned A-2, General Agricultural District, and that area is proposed to be rezoned into the M-2 District. And as you can see on the slide, the area identified in the blue/green area is the property that we're referring to. It's approximately 88 acres of land and, again, within the Pleasant Farms neighborhood. They're proposing a 1.2 million square foot warehouse/distribution facility to be known as the Majestic Center. So it's between the CP Railway, County Trunk Highway H. It's just south of Bain Station Road and then north of the Village's park and lake Andrea on that east side.

I've broken this up in the staff comments into four or five different areas. Again, what we are planning to do this evening is talk about the entire project at one time. And then the petitioner will also make a brief presentation about his company and what they're proposing to do. And then separate action will be needed by the Plan Commission as recommendations to the Village Board.

The first item is the conceptual plan. At this time there's no defined user for the building. So the conceptual plan indicates there will be a 1.18 million square foot warehouse/distribution center that's proposed to be built possibly in phases. The initial phase could be 750,400 square foot building with a 430,080 square foot expansion. Start up is anticipated for 2013 with approximately 100 employees. It's likely the facility could house two shifts with approximately 25 to 50 employees per shift. When a defined user is identified, the exact hours and employment information will be provided to the Village.

The next are the site and operational plans, and this is just to give some basic information for you and for the petitioner and the audience. Prior to the issuance of any permits, site and operational plan approval is required for the building and the site work proposed to be constructed. Site and operational plans must be prepared pursuant to the Village zoning ordinance. Along with these plans a traffic impact analysis known as a TIA is going to be required to be completed. And this is based on an identified scope of work that was agreed upon between the Village engineers and the Kenosha County engineer and public works director. This work needs to be completed as part of a study, and it does need to be presented back to both groups for our review and approval.

Also, depending on the use proposed, the tenants may also require a conditional use permit as well as site and operational plan approval by the Plan Commission. The Village zoning ordinance provides a process for a preliminary site and operational plan approval by the Plan

Commission. This preliminary approval would allow for a mass grading of the site. This option may be utilized if the floodplain boundary amendment is proposed to be completed prior to building on the development site. More detailed grading, drainage, storm water management plans and the floodplain boundary adjustment plans, as well as their calculations, will need to be submitted for the Village staff's review in order to complete any type of review for mass grading and a floodplain boundary adjustment for this site.

Also required for this site to develop is a certified survey map. The CSM must identify the dedication of additional right of way for the future widening of County Trunk Highway H per Kenosha County's requirements. And at this point they're looking for a 60 foot wide dedication 60 feet from center line and a dedication of the following easements: A storm water management facility retention pond easement; relocation or expansion of existing public sanitary sewer access and maintenance easement; landscape, berm and plantings access and maintenance easement basically right along the east side of County Trunk Highway H; a wetland preservation and protection easement; floodplain preservation and protection easement; as well as woodland preservation and protection easements. Again, once all these environmentals are clearly delineated in the field and have been field delineated and surveyed then they all can be reflected on the plans, the site and operational plans when they're advanced to the Village.

With respect to the 2035 Comprehensive Plan, on December 19, 2009 the Board adopted the Village of Pleasant Prairie, Wisconsin 2035 Comprehensive Plan. The land use plan map 9.9 sets forth generalized land use designations of the Village and shall be consistent with components of the Comprehensive Plan including any neighborhood plans as well as the Village zoning map. The neighborhood plans, as you know, serve as a refinement to the 2035 Comprehensive Plan map and identify the locations of any future lots and roadway configurations, proposed floodplain boundary adjustments, future storm water facilities and access to roadways pursuant to the plan map.

The Village's 2035 map is consistent currently with the multiple zoning districts on the property. The majority of the property is currently zoned M-2, General Manufacturing District. A portion of the property to the north is zoned A-2, General Agricultural District, and a portion of the property in the south and north areas are zoned C-1, which is a Lowland Resource Conservancy District, and they also have an overlay of an FPO which is a Floodplain Overlay District. Again, no new development can occur within the C-1 district or the Floodplain districts.

The next thing I'd like to talk about is the Pleasant Farms Neighborhood. And we've got a couple of boards over here that kind of show us in the middle board and also up on the screen there is the existing Pleasant Farms neighborhood plan, and then just to the right of that, and Peggy will be putting that up next, that will be the proposed neighborhood plan that we're going to be looking at this evening. The Pleasant Farms neighborhood is generally bounded by Bain Station Road to the north and Wilmot Road, County Trunk Highway C, on the north, Interstate 94 on the west, the CP Railway on the east, and approximately 93rd Street in the Prairie Springs park on the south. The neighborhood is located in U.S. Public Land Survey Sections 16, 17, 18 in Township 1 North Range 22 East in the Village.

The petitioner submitted their first amendment to the Pleasant Farms neighborhood in July of 2012. On August 10, 2012, the required 30-day notice was published in the *Kenosha News* for a September 10, 2012 public hearing before the Plan Commission. But on August 10th notices were

sent to the property owners within 300 feet of the proposed neighborhood area. What happened next was that the Plan Commission actually tabled this item at their September meeting because a second request was submitted by the petitioner in order to modify something else in this same neighborhood.

So instead of having meetings and public hearings one month after the next month, we decided to put both of their petitioned requests together along with the conceptual and other items all together on tonight's meeting. So that's why we have so many items related to the same matter on the agenda tonight. We did, in fact, send out new notices for the public hearing for this evening to all the property owners, and we published new notices in the paper so that there was no confusion. We did send out additional notices to everyone identifying the new changes to the neighborhood plan as requested.

So we have two requests that they have put forth. The first request from the petitioner is to amend the neighborhood plan and the 2035 Comprehensive Plan to allow for the development of manufacturing land uses east of 88th Avenue for the entire property. Their Tax Parcel Number is 92-4-122-162-0301. The amendment requires the reconfiguration of the proposed public streets and the lots in the property to the north and west of the development site. And I think Peggy probably already identified those areas for you. So it's the area just south of the cemetery, and then taking out the proposed public street and consolidating all of those industrial properties into one.

The second request from the petitioner is to amend the neighborhood plan and the 2035 Comprehensive Plan to identify the relocation of a proposed high school site from the west side of 88th Avenue to a more south/central location in the neighborhood. And they did this and requested this for a couple of reasons. But the primary reason was to minimize the potential for any conflicts between any future semi truck traffic from their site and the school busses/automobile traffic on 88th Avenue.

Let me also specifically say that this is not in the immediate future. Kenosha Unified School District just opened up all four grades basically of the third comprehensive high school this year. So this is not in the immediate future that a fourth comprehensive high school is going to be needed in the Kenosha Unified School District. But, as you know, we are planning for the future, and we are planning with this neighborhood plan and our Comprehensive Plan sometime between now and 2035.

The Village staff has discussed the school site location with Kenosha Unified School District staff, and they support the relocation of the future high school site further west in the south/central portion of the neighborhood. With the relocation of the school site the Village staff is recommending that a multifamily area be shown adjacent to 88th Avenue where the proposed high school site was originally located. As a result of the relocation of the school, some of the roadways and some of the single family development has been modified slightly, and there have been some additional intersections including some roundabouts that have now been shown and identified on the amended Pleasant Farms neighborhood plan. Further study and traffic impact analysis work are required when and if future roadway improvements and/or the roundabouts are being constructed.

As you can see as part of moving the school site to more of a centralized location, one of the benefits is that it's directly north now of Prairie Springs Park and where future soccer fields and other amenities would be located within our facilities and our community park that could benefit that high school site. Also, some of the other initial concerns whenever you're locating a high school is lights and sound and noise and things like that. And the further that you pull some of those larger amenities like a stadium or ball fields away from the residential single family areas that has a tendency to be better and more well received by the single family development that locates in an area.

In addition, the amendment to the neighborhood plan also shows the as built location of the Village's sanitary sewer that was constructed as part of the abandonment of the Sewer D facility. Peggy was just highlighting the red area. Again, that's where the new sewer line is. And the Village has constructed a walking/bike path over that particular area. Exhibit Number 1 in your packets of the Plan Commission Resolution 12-11 has specific details that go beyond that for the neighborhood plan amendment. In addition to the changes to the neighborhood plan, the 2035 Comprehensive Plan map is being amended to make sure that the land use plan is consistent with all of the Pleasant Farm neighborhood plan amendments as presented. Exhibit 2 also shows the amendments for the Comprehensive Land Use Plan Map 9.9.

The next matter that is needed for consideration for this project is the zoning map amendment. As you can see on the overhead the area in yellow is the only area that is being rezoned as part of this amendment because the majority of this parcel was already zoned M-2, General Manufacturing District. As required by the Village's Comprehensive Plan, the zoning map and the Comprehensive Land Use Plan map shall also be consistent. Therefore, in addition to the above noted amendments, the zoning map amendments are proposed by Majestic Realty Company. And, again, this is for Tax Parcel Number 92-4-122-162-0301.

The portions of the properties that are being rezoned this evening or requested are A-2, General Agricultural District, and that's proposed to be rezoned into the M-2, General Manufacturing District. Portions of the property within the 100-year floodplain that are zoned FPO, Floodplain Overlay District, and the C-1, Lowland Resource Conservancy District, will remain unchanged at this time. Again, upon their completion of detailed field delineations for those environmental features, at that point any modifications that are needed for those environmentals they'll need to come back at a later date and we'll make those modifications to the maps.

With respect to the wetlands, shorelands, floodplain and woodland delineations on the property, those are our four main environmentals on this site. Wetlands, the wetlands were evaluated on the site in 1999, but they do need to be re-evaluated by a certified biologist since the DNR only recognizes wetland delineations for five years. If the locations of the wetlands have changed, then the Village zoning map and land use plan map will need to be amended by them. The wetlands areas are not to be disturbed and will be required to be shown as wetland preservation, protection access and maintenance easements on the certified survey map. Legal descriptions of the Wisconsin DNR approved wetland delineations will also be required to be shown on the CSM.

The next areas are the shoreland areas. Jerome Creek is located adjacent to the property. Now north is facing toward the Plan Commission and with the railway at the bottom. The creek has been determined to be a navigable waterway. The location of the ordinary high water mark will

need to be field delineated by the Wisconsin DNR and shown in the plans with the legal description. The plans also will need to show the location of the 75 foot setback as well as the 300 foot shoreland jurisdictional area. Any work within the 75 foot setback will require a stipulated shoreland permit. And any work within 300 feet may require also additional permits such as a Chapter 30 permit from the DNR for the grading work.

With respect to floodplains on the site, the location of the 100-year floodplain associated with Jerome Creek shall be field delineated pursuant to the attached, and we have it in their packets and we've provided to the petitioner, pursuant to the DFIRM map panel 191D, and this is dated June 19, 2012 just recently adopted by the Village as well and the associated table for the Jerome Creek also identifies the 100-year floodplain elevations. The plans shall only show the 100-year floodplain as based on actual field elevations and as depicted on the DFIRM maps. According to the DFIRM maps a portion of the 100-year floodplain is located within zone A. No base flood elevation has been determined. So as a result a base flood elevation needs to be determined for this area prior to doing any floodplain boundary adjustment to assure compliance with the floodplain ordinance and the FEMA mapping.

The plans indicate that a floodplain boundary adjustment is proposed, specifically down right now it's actually in the southeast corner of their particular site. Detailed drawings, calculations and documentation must be submitted to ensure that the required compensation is being provided for the areas being filled. Again, compensation means cut and fill areas. In addition, it's required that any area proposed to be removed from the 100-year floodplain will need to be filled to two feet in order to be above the regional flood elevations by that elevation.

After the required floodplain information is received, the Village will request the Wisconsin DNR to remove the documentation on behalf of the Village. After DNR has completed its technical review and determines that the project does meet the minimum requirements, then this information will be set for a public hearing for a proposed amendment to the floodplain. And consideration of a preliminary site and operational plans to allow for mass grading of the site could occur.

The Plan Commission will hold the required public hearing and make recommendations to the Board. The Board will then consider a resolution of approval for the owner to obtain the required conditional letter of map revision based on fill which is known as a CLOMR. After the CLOMR is obtained from FEMA, an erosion control permit/NOI, can be submitted to the Village so that required permits can be issued for the initial mass grading and the work can begin. After the work is completed an as built field survey plan will be submitted to the Village and to the DNR to ensure compliance with the CLOMR and the Village's conditional approval. Upon review and approval then the DNR and the Village and the petitioner shall submit all the required documentation to FEMA.

I guess my point of going through some of this for you is that it's not impossible but there is certainly a process in order to cut and fill any type of delineated floodplain within the Village. It just requires approval by each agency from the local level up to the federal level. One of the things I did want to mention also is that once the final floodplain areas have been determined, we are going to be looking for easements to be shown on the CSM, that document where those floodplains are for permanent protection.

The last environmental area are the woodlands. The location, size and type of all existing trees and large trees along the north property line adjacent to the cemetery and east of the cemetery along the north property line need to be surveyed with a detailed tree survey. This plan shall be submitted to determine which trees can be preserved and the location of the drip line areas that should not be disturbed. In particular, when I was out walking the site, there are some areas along that very north property line east of the cemetery a lot of large black walnut trees and such, and I'd like to see those recommended for approval and preservation.

So I'm going to be recommending a little bit greater setbacks in those areas so those trees are protected. As well as there are some very large trees adjacent to the cemetery. We can see what we can do to get some of those protected as well right near the property line. At a minimum a 30-foot wide woodland preservation, protection access and maintenance easement shall be located along the north property line east of the cemetery and shall be located on the CSM as well as the engineering plans in order to protect that drip line of those trees.

With respect to the site design and layout of their proposed project, the M-2 District requires that the building meet the following minimum setback requirements. Street setback of 65 feet from County Trunk Highway H, side and rear setbacks of 45 feet, shore yard setback of 75 feet from the ordinary high water mark of Jerome Creek, wetland setback of 25 feet, separation setback distance between any buildings 45 feet, industrial area parking setback of 50 feet minimum to any future residential lot area at the north east corner of the site. And at this time there is no setback to the 100-year floodplain. However, no structures are proposed in the 100-year floodplain, and any areas that they're bringing out of the floodplain need to be raised to an elevation two feet above the regional flood elevation.

Some other minimum setback requirements, a minimum of 20 feet from County Trunk Highway H right way for any parking or drive areas; a minimum of 20 feet from other private drives or roadways to the site and rear lot lines, again, except if there's a great setback such as a tree line setback of 30 feet; a minimum of 50 feet from the north property line at the northeast end abutting any future development; and, in addition, parking areas shall not be located within any easements unless there's express written approval by the easement holder.

With respect to site access and parking, as I mentioned briefly before, a traffic impact analysis, a TIA, will be required to be prepared, reviewed and approved by the Village and Kenosha County. The detailed scope of the traffic study is set forth as an attachment to this memorandum. Improvements as referenced in this study shall be constructed and will be required as outlined in the study. Also, an examination of speed limit reduction, possibly from 45 to 35 miles per hour should be examined on Highway H when full operation of the facility is going.

Some of the general TIA requirements include an operational analysis and recommended design of a two access point development adjacent to County Trunk Highway H. This includes the need for turn lanes, passing lanes and truck turning radii. Plans for the recommended ultimate future road improvements and right of way requirements associated with the proposed development which also includes Pleasant Farms neighborhood plan, bike or pedestrian path needs or plans. Next, development impacts, operational analysis and recommended improvements at certain intersections. We have had them look at a number of intersections on Highway H including at Bain Station Road, 95th Street and Highway C as a result of this development. A dedication of about 60 feet so that there's a total of a 120 foot wide right of way on County Trunk Highway H

for future widening. And also we need to make sure to address is the five foot wide bicycle lanes to be constructed on both sides of County Trunk Highway H by Kenosha County, and they are proposing to do that in 2013.

Employee, client, visitor vehicular and secondary truck access to the site will be from two driveways as proposed on Highway H. The northern entrance will be directly south of the cemetery. A detailed tree survey will need to be submitted to verify the exact setback from the north property line. The southern driveway will be located just north of a proposed retention facility which is approximately 900 feet north of the south property line. So Peggy has identified both of these locations. And, again, if we look back at the neighborhood plan that we talked about earlier this evening, it's important to note that there were no conflicts with respect to the proposed neighborhood plan and where they are proposing to do their two new entrances on the site.

All parking areas, maneuvering lanes, fire lanes including truck court will need to be improved with concrete vertical curb and gutter. The plan includes 314 automobile parking spaces and 416 trailer spaces. The truck court faces west, 88th Avenue, and east. Pursuant to the Village zoning ordinance the minimum onsite parking for the manufacturing use would be five spaces plus one space per employee on the largest shift, and the required handicapped accessible parking spaces pursuant to the State code. For warehouse distribution it's based on one space for every two employee during any 12 hour period, and the required number of handicapped accessible spaces, again, pursuant to the State code. Once we know the exact building size, the use and the number of employees, we'll be able to determine exactly what the adequate onsite parking needs are going to be for the facility.

With respect to public sewer and water, the development shall be served by public sanitary sewer and water. Municipal water is located in 88th Avenue, and public sanitary sewer is located within an easement, and Peggy is kind of tracing that path that actually runs on a diagonal and then traverses through the east portion of this particular property. The location of the parking areas, fire lanes and maneuvering lanes may be allowed over the existing sanitary sewer easement subject to certain conditions. Easement language will be provided by the Village for the CSM. It's important to note that the Village must be able to obtain easy access to and over the sewer main for maintenance purposes at all times.

The location of the proposed building, the guard station, the retaining walls and their proximity to the sewer line shall be further evaluated along with the amount of fill being placed over the sanitary sewer line. Extensive fill over the sewer easement will not be allowed. Further discussion related to the need for additional easement area or relocation of the sewer main outside of this development area as proposed at the owner's expense will need to be further discussed. If additional easements are needed or the public sewer is required to be relocated, then modified easements will need to be shown on the CSM.

With respect to grading on the site, the proposed site grading was not reviewed in great detail due to the large drawings and scale of the project that was provided to us. Grading plans for the development shall be provided at a larger scale. The grading and elevations of the building compared to the County Trunk Highway H road elevations is unclear but appears to be quite lower than the road. The grading shall be clarified and a street view rendering shall be provided

which they have just since provided and you have as part of your packet of information. They have just provided that on Friday.

Driveway entrance details will also need to be examined as it appears that the entrance is somewhat wider than what's allowed by the ordinance. The entrance driveways/roadways will need to be located on the site to allow for the entrances that are not steeply sloped in order to allow for the transition of trucks to enter and exit the site. The owner's engineer shall use the proposed refined grading plan as a reference when preparing that traffic study that we talked about. Driveway designs to allow an entering vehicle maximum turning speed of 15 miles per hour to help reduce interface with the County Trunk Highway H through traffic.

And, finally, with respect to the open space, storm water retention and landscaping, the M-2 District requires that at minimum that there will be 25 percent of the site to be open space. As you can see, there's a great deal of green area and open space on this site due to the large amount of wetlands, floodplain and storm water basins on the site currently. The site and operational plans will need to provide the area and the percentage, however, of open space on the site to ensure that the minimum is continuing to be met. The retention basin edge shall be a minimum of 20 feet setback to the County Trunk Highway H right of way after the roadway dedication.

The truck dock areas adjacent to 88th Avenue will need to be extensively screened with a combination of berms and evergreens and other more dense-like landscaping. If adequate screening cannot be accomplished by berming, a minimum of four feet, desirably higher if we could get it, and landscaping plantings at a minimum of six feet at planting alone, then we're going to recommend some type of retaining walls or fencing but not chainlink or wood to be installed to help screen the site from the adjacent highway and the bike trail and the existing future residential to the west. All berms, fencing and landscape screening shall be installed with the adjusted property boundaries after the dedication of that additional right of way on 88th Avenue. In addition, the owner will be required to install street trees adjacent to the roadway within County Trunk Highway H per the Village's requirements.

So with that, I would like to continue our public hearings. There is a representative here from Majestic, John Semcken, and he is prepared to make a brief presentation regarding the Majestic Company and what brings them here to Wisconsin and to Pleasant Prairie.

Michael Serpe:

John, I think we'll get you up first. We'll need your name and address for the record. Thank you.

John Semcken:

Thank you Mr. Chairman, Commissioners and staff. My name is John Semcken. I'm the senior vice president of Majestic Realty, 13191 Crossroads Parkway North, City of Industry, California, 91746. My phone number is 562-948-4306. Thank you very much for giving me an opportunity to talk about Majestic. I have been one of the partners at Majestic for nearly 17 years now and have had opportunities to work in several different jurisdictions. And I wanted to praise your staff for the thorough job that they've done. And I want to thank them for giving me an opportunity to talk about Majestic.

Majestic is the largest privately held real estate development company in the country. There are about eight firms bigger than us and a bunch of firms behind us, but every one bigger than us is a public company, a stock company. We're a family company that was started in 1947 by Edward P. Roski, Sr. and now run by his son Edward P. Roski, Jr. who joined the firm shortly after getting out of the military in the '60s. We're largely a logistics company, and I'll get into some of the other things that we do. We started in Los Angeles. We have had headquartered offices in Los Angeles, Las Vegas, Denver, Dallas, Atlanta and Bethlehem, Pennsylvania. And we have buildings and opportunities in all the other states that you see there. We do show that we already have a building in Illinois, but it's one small building that Mr. Roski, Sr. built back in the '60s but it's a building, so we do include Illinois. But the center part of the country is one of the places where we have not been successful, frankly, in getting out -- it's competitive business, and it seems like people are constantly more competitive than we are. But it is a very important place for us.

Where you'll find our buildings are typically around ports, airports, rail lines and areas where significant distribution is needed to cover the population. Because mostly what we do are distribution warehouse facilities. That has changed over time in the '60s and '70s. We were building manufacturing buildings. In California you may or may not know California is not a very friendly place to have employees any longer so there's not a lot of manufacturers left in California so we've had to change our business model.

But we do have properties that we're looking at here in the Midwest and, frankly, it's our number one focus. Two of the three partners on this project are from Illinois, and third one's mom was born in Rockford, so the three of us have roots here, and that's why we've wanted to come back. Our families are here. So when we get back to the Village of Pleasant Prairie we get to see our families down in northern Illinois.

Our company started in 1948. I already gave you our offices. We do large projects, anywhere from the size of where we are now with 88 acres on up to 1,000 acres with master plan business parks much like what the WisPark park is what we would do as one company, and we've done those all over the country. We currently own about 70 million square feet of buildings, of industrial warehouse, office, retail. We have a couple of specialty buildings that I'll talk to you about in a little bit. But our predominant business of what we do is industrial. And that has led to some of the decisions that we've come to work together with on the staff about relocation of some facilities which I'll get to in the future.

This is just an example of some of the buildings. This is a building in one of our newer parks in the City of Industry, California. The one thing about Majestic Realty, and the reason we have 70 million square feet is, I don't want to say we never sell because that would be an incorrect statement, but Mr. Roski just doesn't like to sell. Those of us young guys who would like them to sell every once in a while so we can pay for our kids' college, he says, no, you live on the cash flow and you die on the cash flow. And so that's what we've been doing. And so we've become part of every community that we've ever been in, and I'll talk about our foundations and the things that we do. Because once we're here, we're here for a long time. For the most part, actually in every condition that ends up being a good thing for a community and not a bad one and we're very proud of it.

We have several different related entities, so we typically will -- Commerce Construction is a wholly owned construction company, and we typically will build our own buildings but not always. In certain areas there are special construction techniques that we are not familiar with and this may be one of them. We may use local construction companies. But our construction company will still design the buildings. We manage our own buildings. We have a retail division. And the third part there is the Majestic Realty Foundation. And what that does is every one of us, the partners when we come into a community, we donate portions of our development fees, our commissions, and all the other fees that we make as a result of the development. And then Mr. Roski matches it 100 percent, and then that money is spent in the local community. So we work with the communities to figure out where they want that money to go, and in the good days that fund is a really large fund, and in the bad years it's a small fund, but it's a constant fund and we do it every year.

We do have a second foundation that isn't related to our developments. Mr. Roski is a former Marine, I'm a former Naval Officer, and my partner Kent Valley is a former Marine, and we started the Land of the Free Foundation which is a foundation where we donate a million dollars a year between the three of us to military charities to support the men and women in the armed services who work and sacrifice every day to make sure we always live in the land of the free. And so that's our other foundation.

I had already spoken about our long-term interest. We try to do everything in house and vertically integrated. So we start with the guys like myself and Taylor and Joshua in the audience. We go find the land. We work with the entitlements of the land. We hand it over to the construction company to build the buildings and they hand it back to us to lease the buildings, and we hand it over to the property management company to manage the buildings, and they hand it back to us to lease the buildings when the tenants move out. And so we stay, and it doesn't become a difficult thing to find us because we're always there.

Because of the size of our portfolio we're turning about a billion dollars a year in loans for the construction and financing on our real estate portfolio. And about 60 percent of Fortune 500 companies are tenants in our buildings. That's how our company has grown. When we move from Los Angeles to Denver or Los Angeles to Atlanta one of our clients in Los Angeles asked us to be in Atlanta, they asked us to be Dallas, they asked us to be in Denver. And so we went there and found, and so we now have some significant client interest from our clients and the distribution who want to be in the southern Wisconsin/northern Illinois area and that's, frankly, the reason we're here.

And we're very proud of our retention rates and our tenants they grow with us. And one of the things that's interesting is when they're in a 300,000 square foot building and they need a 500,000 square foot building we build them a 500,000. We rip up the lease on the 300,000 and we lease that to somebody else. And then they need a 800,000 and we rip up the lease on the 500,000 and we move them into the 800,000 and we release that. So we've grown because our clients grow. And even though sometimes it's a little bit risky to be ripping up a lease on a very large building, it ends up you grow with your clients, and it's been very successful over the years.

This is another example. That building right there you see if every refrigerator, stove and oven for General Electric in Los Angeles comes into that building right there. It's 1.3 million square feet. You can see we started at 300,000 and we built the 600,000 and we went from 600,000 to

900,000 and we went from 900,000 to 1.3 million. So the building just grew as we went. And so those are the types of buildings we see. You can't tell the size, but that building right there you could put four Queen Mary's and seven Statute of Liberties laying down sideways in that building right there. I apologize for giving you all the California trees, palm trees, but we're a California-based company, but that's the entrance to that large building you see there. Those buildings, you can see that landscaping right there, are nearly 25 years old. So it gives you the idea that we do keep these buildings up and maintain those for the long term, and we'll always do that.

We also have a small resort and hotel division. I'm the owner along with Mr. Roski. The property you're looking at here is the Pacific Palms Resort which is in the City of Los Angeles. It is the only full service resort, golf course facility, believe it or not, in the entire County of Los Angeles. That's the only way we stay alive because we're the only one. It's 600 acres in the heart of Los Angeles County, and we're very proud of it. It has two 18 hole golf courses, meeting rooms and other facilities for corporate businesses and training.

I was also the developer of Staples Center. I'm one of the luckiest humans you've ever met, but to have flown airplanes off aircraft carriers and built Staples Center and now football, it's been a fortunate career for me. But we built the Staples Center for the Los Angeles Kings and the Los Angeles Lakers and the Los Angeles Clippers and the Los Angeles Avengers before that went under. And now I don't even know the name of the Los Angeles indoor Lacrosse Team, the Los Angeles Sparks, the WNBA team. They're all housed in Staples Center. The Staples Center has over 300 event nights of entertainment and sports a year. We also bought all of the land for what is now known as LA Live, the entertainment corporation development. And so that development, frankly, changes the face of downtown Los Angeles and has been instrumental in bringing life into what was a rather moribund downtown.

That's our football stadium. My partner here Taylor Talt and I have worked on this particular stadium in the City of Industry for the last six years. And before Taylor joined us Taylor was in the White House for Vice President Dick Cheney during the Bush administration, and then he came to join me here at the football stadium. Before this we worked for ten years to renovate the historic Memorial Coliseum, and the National Football League didn't want to go into an old building. So we had to find a new site. Hopefully this project will break ground in the next six months, and we'll bring a team from another city. Green Bay is not available, and I wouldn't have the guts to try anyway. So it's a large three million square foot project with an 80,000 square foot stadium, 172 suites and 15,000 club seats and entertainment and retail throughout. And then about 1.5 almost square feet of office development.

That's the Chairman of the Board of Majestic Realty, Ed Roski. He has run the company for the last 15 almost 20 years I guess. His dad passed away in the early 2000's. He's an incredibly philanthropic man. As I said earlier he is a former Marine. He's the Chairman of the Board of Trustees at USC. He's on the Art Museum, he's on the Natural History Museum Board, he's on the Board, as I said of USC. He's an avid explorer. What I used to tell people about Ed is when I go on vacation I like to go to a destination resort. Mr. Roski just takes off the word resort, he goes to a destination. So he's climbed to the base camp at Mt. Everest and K2. He's swum with sharks off the coasts of Australia and canoed up the Sepik River in Indonesia. I think he's crazy, but he's an incredible guy and a remarkable human. And it's his leadership, frankly, that leads us to a lot of the other things that we do outside of our real estate careers.

That's the most handsome guy in the room. Just kidding. I spent 12 years in the Navy. I got out of the Navy and was fortunate enough to have entered into the real estate business. I have worked with Majestic for the last, as I said, nearly 17 years. My projects in Houston and California and New Jersey and hopefully Pleasant Prairie, Wisconsin total about 15 million square feet and they're growing. In addition to that I do the football stadium and the public development for the company.

Next, my two partners, Taylor Talt, as I said earlier, he joined us in 2008 and started with the football project. But he actually was a senior advisor in the Bush administration and worked directly with Vice President Cheney in the 2004 re-election campaign. He's a former quarterback for the University of Southern California Trojans. We don't hold that against him. He got hit one day by Troy Polamalu in practice, and he decided to go into the real estate business. So we've really been fortunate. Taylor is the one whose mom grew up in Rockford.

And the next one is Josh Wheeler. Josh is with the company since 2005. He had started in our office division and does a lot of our office building developments and leading the asset in property management leasing for our office about 2.5 million square feet of office in Southern California. He grew up here in Chicago. His father was a real estate guy here in Chicago. We sent him back, sort of like sending the trial balloon out there, and he's the one who, frankly, came out here and has helped us find a lot of the locations to get going.

I talked a little bit about Majestic Realty Foundation. We've only had it a short period of time, and we've given away millions of dollars. And the key element is everything we make here we donate a piece of that and the company chairman matches it, and we have to spend it here. We can't take the money that we've earned in Pleasant Prairie and spend it in Dallas. And we can't take the money in Dallas and spend it in Pleasant Prairie. So our goal is to be very successful here and be part of the community, and we've gotten to know it fairly well in the last couple of months.

Why Pleasant Prairie? I started off with that. But, frankly, those of us in California felt your pain earlier this year. We looked on the television screens at your capital in Madison, and what one thing we thought was really unusual is that all of the union leaders from our community were standing in your capital. So just so you know we understand what you went through and we're your biggest supporters. So when I saw Maria Elena Durazo, the head of the AFL-CIO in Los Angeles standing right front and center screaming with a sign and to the press in Madison, Wisconsin I said, oh my goodness, maybe I don't want to go there. So on one part it shouldn't be a reason but it's a big reason why we're here.

But the second reason is, frankly, our tenants have asked us to come into this marketplace. And we're looking at projects in northern Illinois and in Wisconsin, and we plan to be here for a long, long time. The strategic location next to the freeway. The business climate both not only from the community but from the State and the economic development directors that we've been dealing with have been very positive. We can't tell you the difference we experience. We go all over the country, and the experiences that we get change in New Jersey and Pennsylvania and Houston and Pleasant Prairie and LA and Denver they're all different. They're not necessarily any easier, but they're a lot of times much more efficient and able to get things done, and we're very happy here.

The industrial real estate department vacancy rate in this part of the country is very favorable. There are tenants who need -- one of the things about the larger buildings that we do they become much more efficient on a square foot basis. They have much less traffic per square foot because of the efficiencies of the building. And we see that efficiency becoming more and more important to the tenants as they grow so they'll move from three buildings into one building for those efficiencies.

Two of the things that are in front of us that Jean asked me to speak to, and I'll answer those were the changing of the neighborhood plan and the relocation of the school. The neighborhood plan at least with respect to the zoning it seemed obvious they had a border on the north with the cemetery. And then there's a little sliver of residential that came into the site. And having residential adjacent to an industrial facility with trucks and things didn't make much sense. And the ability for us as you see on the plans that were presented earlier we lose a great deal of the site because of floodplain issues, because of wetland issues, because of other setback issues. And so to be able to take some of the site along the northern boundary there near the cemetery and the residential plan and create that as additional industrial seemed to make sense. And I think the staff agreed with that and we went through that.

Like any other real estate development we then got deeper and deeper into the weeds because the WisPark guys have been really great, and they've done a lot of work in this area obviously. They've given us a lot of information, and we've gotten a lot ourselves. But then when we got to the plan that showed the school across the street that gave us pause only because it's not like we know more than other people know, but we've built a bunch of industrial buildings and we've built them in places and we've learned lessons. And one of those big lessons is these buildings impact people and they impact facilities. And when you have those impacts, especially when it comes to kids, at the end of the day it doesn't work out very well.

You have large trucks coming in and out of facilities like this. And so we didn't think that school buses and kids racing out after school trying to get home to do their homework or racing to go see their girlfriend or getting over to the baseball game or football and trucks are good interactions. In addition, with respect to air quality and things, it's not as big of an issue here in Wisconsin as it is in southern California, but we think it may be an issue. And to have diesel trucks and schools next to each other sometimes we don't think it's a good idea. So we asked the staff if we could find a location to relocate the school. The staff recommended this location. And, frankly, it really does even work better. We knew this wasn't something that was going to happen for 20 or 25 years, but we didn't want to be addressing -- we're going to be here 25 years from now, and we didn't want to be addressing that problem then.

By putting it on the southwest corner of the site, all the lights from the ball fields and everything shine away from the community. And so that area won't be impacted with light. The area along the community park on the south could have co-usage of facilities in terms of soccer fields and those things and so it made a lot of sense. And then the kids are, most important, the students are away from the industrial uses of the warehouse facility. So that was our thinking going into this process. And, frankly, that was the last thing that changes us to have to delay last month's Commission hearing, and we apologize for that.

We want to thank the WisPark guys because they've been very patient with us. We're from California, and we get a little shell shocked the way we get treated there. And so when we come

to other places we're not used to having people be friendly to us, okay? So we wanted to make sure we had all of our ducks in a row before we went through, and that was the last change. So that's Majestic Realty, John Semcken, Taylor Talt, Josh Wheeler in a nutshell. I'm happy to answer any questions or I'll sit down because I've already spoken too long.

Michael Serpe:

Thank you, John. It's a public hearing. We'll take comments, and if we need any more we'll call you up.

John Semcken:

Thank you, sir.

Michael Serpe:

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

Don Hackbarth:

A couple of comments here. On page 2 of one of the documents, it talked about the wetland preservation. There are trees on the south side of that property I think between the Tech Academy and this property.

Jean Werbie-Harris:

Are you talking about south of the blue line?

Don Hackbarth:

South of this property.

Jean Werbie-Harris:

Yes, that's not part of this development and nothing is intended to be touched at that location.

Don Hackbarth:

Okay, I wasn't sure. The other thing, too, is the dirt that's stored there is that dirt going to be staying on property to grade the property.

Jean Werbie-Harris:

The stockpiling of fill?

Don Hackbarth:

Yes.

Jean Werbie-Harris:

Maybe that's a good question for either John or --

John Semcken:

Yes, sir. That's [inaudible].

Jean Werbie-Harris:

John, you need to come up to the microphone.

John Semcken:

That's fill in order to make the level. And there is a chance there will be a slightly greater amount of fill being brought to the site.

Don Hackbarth:

As long as you're here, will you take advantage of the railroad spur going by?

John Semcken:

We don't know is the proper answer to that. We would have to build a bridge over the floodplain and over the rail. If somebody wanted it and was willing to pay for it we have designed the buildings to be able to accommodate it. But the answer is we don't know.'

Don Hackbarth:

Okay. The other thing, too, is do you anticipate any kind of expansion here in Pleasant Prairie?

John Semcken:

Hopefully.

Don Hackbarth:

We hope so, too.

John Semcken:

We drove all around today.

Don Hackbarth:

The last comment I have it to you, Jean. Bain Station and Highway C that intersection is terrible. And I noticed on the plan that you don't have it squared off or anything. Before there's anything built I think we should think maybe squaring that off or a roundabout there or something because that is a terrible intersection.

Jean Werbie-Harris:

So at Bain Station --

Don Hackbarth:

Bain Station and C.

Jean Werbie-Harris:

And C.

Don Hackbarth:

Right there.

Jean Werbie-Harris:

That's identified as a future roundabout. Maybe our Village Engineer could answer, but it's something that Kenosha County is looking at right now.

Mike Spence:

Yes, that's part of when traffic analysis is done we're continuing to look at that intersection. I've been talking to the County, and they have identified that as a roundabout. And if that was the case they would square that off so that you don't have those odd angles like at Springbrook and 165 how they make them so that they're right angles.

Don Hackbarth:

Thank you.

John Braig:

Two comments. This area is zoned manufacturing and dates back to when there was a proposal for a power plant on this site. Since then there's an awful lot that's changed. Actually I think WisPark is a little bit out of bounds on this one. The area to the north and west of this is residential, and there was a nice barrier between WisPark and the residential areas. You had the lake, the park, the RecPlex, the Technology Academy. These all functioned as a barrier between WisPark and the residential area. Now you've got WisPark moving out into what is a residential

area. And it just seems like I mean I'd love to see them move into the Village but I'm thinking on maybe the south end of the park would probably be better or more appropriate.

The second point I want to make in the event that this does go through and we're speaking of relocation of the high school site, at first glance Central High School has all the access in the world you could ever want for a high school. It abuts Highway 50, it's fantastic. They just spent a small fortune putting in a second access out to the south of the high school. As I look at this high school site it's got somewhat limited access. And maybe my eyes aren't good, but I don't see a straight road off of Highway C, Bain Station Road or H that leads directly to the high school. And I think that should have fast and straight access.

Jean Werbie-Harris:

I'm going to answer the second question first, John, and that has to do with access to the high school site. One of the things that we looked at is possibly having a straight shot directly out to Highway H directly east of the high school site. We thought about that, but then there's already an existing connection point on the north end of Prairie Springs Park. So somehow, and I'm not sure exactly how this would work, but somehow this point needs to be that connection point going to the high school site. We don't want to have multiple access points within close proximity to one another on a county trunk highway.

John Braig:

Is that a roadway there now?

Jean Werbie-Harris:

No. This is a roadway right here, 93rd Place, and then it continues as Park Drive throughout the west side of Prairie Springs Park. But this is not. And, again, at this point we just kind of showed it as a point of connection. But somehow we want to make this connection right here so that there is an east/west connection.

The next thing is that we do have actually on the east side of the high school site a direct going direct north/south. It's actually pretty wide. It's identified as a collector street. Basically proposed as four lanes, does have some roundabout in it. But, again, that will be the main north/south road that takes you north/south from the school site. Basically it takes you to Bain Station Road, and then this is 94th Avenue that actually takes you all the way up to Highway 50.

The other thing that we'd identified is a number of other access roads or points of connection that can take you east/west from the school site. Again, we're somewhat limited from going to the west because of the fact that we've got the Des Plaines River, we've got that slew that runs through here at this angle. And we can't get anything through from that direction. Possibly we might be able to get something through to the south as well. But, again, we do have a representative here from Kenosha Unified School District, so we do have one point, two, possibly three, four, five points of connection away from the high school. And, again, they're controlled points as opposed to having every single subdivision road dead end to that location.

Again, some of our bigger concerns were noise, lights, traffic from big events. And, again, I think Unified you see more complaints from the area neighborhoods from all the different events at Ameche Field than if there was a situation where it was controlled and the lights and everything and signage were facing an opposite direction. So we have, in fact, looked at that and worked with Unified to come up with a site that could work for everyone.

The second thing that you mentioned was with respect to the manufacturing for this particular location. Actually since about 1996 or 1998 we've been thinking long and hard about having that being some type of light manufacturing or general manufacturing location. The problem being is that we've got the We Energies stacks right across the street, the cooling towers. The cooling towers are directly across the railroad tracks. And with the traffic coming north and south from the industrial park and all the environmental features right here and the railroad tracks, this really did not seem to be a good residential site for the Village. And with all the commercial development we have along Highway 50, we've got some at Highway C, we have that at very specific locations. We were starting to get somewhat limited with the type of land use that would be best suited for that particular location.

Don Hackbarth:

The gas company was wanting to go in there, too.

Jean Werbie-Harris:

Badger Generating was looking to go there in the early 2000's, and that would have been a good site for them at that location. But since you know that they abandoned that site and the property went back to the owners. And so it really seemed to be a site that warranted some type of manufacturing or in this case, which is even better, industrial warehouse.

John Braig:

I was at a facility last week which has an awful lot of traffic coming and going. And it is designed that there are three lanes entering of discharge or pickup area. Now, I know a high school won't have maybe quite as much of this traffic, but there should be a good circulation route so vehicles can come pickup or drop off and exit.

Jean Werbie-Harris:

And we've got that on this site. And actually it was laid out by -- this school was laid out by the architects for the school district. We didn't lay this out. And so they've identified traffic lanes that come in and go through the site. They've identified the drop off areas right here. They've identified a separate area and parking right here for the stadium and future ball fields. So they have taken great time to take a look at this and to lay out this layout for us so that it would work for a future site.

Michael Serpe:

Go ahead, name and address.

Daniel Johnson:

My name is Daniel Johnson, and my address is 6728 49th Avenue, Kenosha, but I have a business here in Pleasant Prairie. I just second John Braig's comments in regards to a traffic pattern for 3,200 people showing up at one time of the day and all leaving another 3,200 at another time of the day or a sports event. It just looks like the wrong corner.

Michael Serpe:

Well, it's a long way and much more detail has to be put into this thing. So we'll be working on it.

Daniel Johnson:

Wetlands won't change.

Michael Serpe:

That's true. Any other comments? Jean, anything else?

Jean Werbie-Harris:

The staff does recommend approval of all of the various requests this evening but subject to all the comments and conditions. I'm not going to read them into the record. There's several pages of them. So I just wanted to make you aware that that's one of the conditions for approval this evening.

Michael Serpe:

And the petitioner is aware of those as well?

Jean Werbie-Harris:

Yes.

Don Hackbarth:

Move approval of Plan Commission Resolution 12-11 for amendments to the comprehensive plan.

Jim Bandura:

Second.

Michael Serpe:

MOTION MADE BY DON HACKBARTH AND SECONDED BY JIM BANDURA FOR APPROVAL OF RESOLUTION 12-11. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed?

John Braig:

Aye.

Michael Serpe:

The ayes have it. You're opposed, John?

Wayne Koessl:

Mr. Chairman, I recommend approval of the zoning map amendment as presented.

Michael Serpe:

Before we get to that vote, you heard John's. And a motion for approval of the conceptual plan, is that correct?

Wayne Koessl:

Zoning map amendment.

John Braig:

Conceptual plan.

Wayne Koessl:

Okay.

Michael Serpe:

Is there a second to that?

Jim Bandura:

Second.

Michael Serpe:

MOTION MADE BY WAYNE KOESSL AND SECONDED BY JIM BANDURA FOR APPROVAL OF THE CONCEPTUAL PLAN. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed?

John Braig:

Aye.

Michael Serpe:

One opposition.

Larry Zarletti:

Mr. Chairman, I would move Item C the zoning map amendment.

Wayne Koessl

Second.

Michael Serpe:

MOTION MADE BY LARRY ZARLETTI AND SECONDED BY WAYNE KOESSL FOR APPROVAL TO THE ZONING MAP AMENDMENT. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed?

John Braig:

Aye.

Michael Serpe:

One opposition. And Item A? We don't have to vote on this again, do we Jean, because it's a new item, Item A on new business that was taken up on the tabled item so that's it, right?

Wayne Koessl:

That was discussed with the --

Michael Serpe:

Yeah, that's done. Majestic thank you. Sounds like a very interesting project.

Don Hackbarth:

Welcome to the neighborhood.

Michael Serpe:

Great presentation. We look forward to working with you. Thank you.

B. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #12-13 FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN for the request of Martin Hanley, President of Land & Lakes Development Company to amend the Village Green Neighborhood Plan and to approve the Village Green Center Sub-Neighborhood Plan.

Jean Werbie-Harris:

Members of the Plan Commission and the audience. I am going to give you a little bit of a history lesson here, where we've been and where we're going. I know many of you have heard it before, but it doesn't hurt to kind of recap kind of where things are again with respect to our history of our Village planning efforts for our Village Green Center.

In the winter of 2004, nearly 15 years since the Village's first discussions emerged regarding the creation of a Village Center, Pleasant Prairie LLC, the owner and developer of a large portion of the area contracted with Schreiber/Anderson Associates, Inc., a planning and architectural firm from Madison, Wisconsin to jumpstart the visioning process with the community in order to prepare a plan for the Village Green Center.

As a part of this Village Green Center planning effort, the Village Board re-appointed a Village Green Technical Advisory Committee comprised of Village residents, Village Board, Plan Commission, Park Commission members, and Kenosha County Highway officials, together with the assistance of the Village staff, to provide input and to develop a Village Green Neighborhood Plan and a mixed use commercial center to be known as the Village Green Center. In 2006, a new developer purchased the property and is organizing a marketing and design team to continue that planning and the development of this property.

In 2007, the Village held the first Village Green Café to assist in the conceptual planning of the Village's downtown. The first café that was held on November 15, 2007 to provide information about the Village Green planning process, to form a vision of the Village Green Center, to provide information about what makes village centers successful, to discuss places that people liked and what they didn't like and what issues and opportunities needed to be further explored.

A second café was scheduled for January 17, 2008 to discuss concepts for the future development of the Village Green Center including proposed land uses, open spaces, streets, infrastructure, and development character for the Village Green Center.

During 2009 and 2010, the developer and its consultants worked with the Village staff to prepare a master plan for the development of the Village Center; a series of workshops were held between June and September to gather input related to the transportation, architectural and landscape features and elements of the plan. The planning work continued into 2011 and 2012 which brings us to our current planning efforts.

At this time, Martin Hanley, President of Land & Lakes Development Company and agent for land owned by Pleasant Prairie LLC within the Village Green Center, is requesting approval of an amendment to the Village Green Neighborhood Plan and approval of the Village Green Center sub-neighborhood.

On December 19, 2009 the Board adopted the 2035 Comprehensive Plan. The plan map sets forth the generalized land use designations of the Village, and it needs to be consistent with the comprehensive plan, the neighborhood plan and the zoning map. The neighborhood plans serve as a refinement to the comprehensive plan.

The comprehensive plan defines the Village Green Center sub-neighborhood as a sub-neighborhood within the Village Green neighborhood. The neighborhood is generally located south of 93rd Street, west of the Kenosha County Bike Trail, which is approximately 30th Avenue. It's north of Highway 165 which is 104th Street and east of approximately 55th Avenue. It's all parts of Sections 23 and 24, Township 1 North, Range 22 East in the Village.

The Village Green Center is generally located also south of 97th Street and west of approximately 37th Avenue. It's proposed as a mixed use commercial residential development which encompasses approximately 183.5 acres. The Village Green Center is also a Smart Growth area as discussed in our comprehensive plan. The Village Green Center is intended to be the center of our community both functionally and symbolically. The Center is located, again, northeast of 165 and Springbrook Road intersection and northwest of Springbrook and Highway EZ which is 39th Avenue. It's away from the busy regional highways like Highway 31 and Highway 50.

The Village Green Center will feature more neighborhood oriented commercial and residential land uses. While the Village Green Center is located away from existing commercial corridors, it will feature a transit stop that will link to future transit services to Kenosha and other Village recreational, retail and employment areas.

The integrated mix of commercial, residential, open space uses and the variety of housing types within the Village Green Center will become a unique way to create a high quality, walkable center of Village life. While the street and open space network is established by this sub-

neighborhood plan, the future development regulations will allow some flexibility in the form and the intensity of development. It is anticipated that the Village Green Center will develop incrementally over a long period of time. Therefore, the plan is intended to permit flexibility within a predefined range of acceptable outcomes. To accomplish this, a specific and detailed regulatory framework will be developed to guide development and to ensure high quality development and that a desirable neighborhood is developed over time.

To best respond to the site's location and topography and evolving market forces for the neighborhood commercial, mixed use and residential units, the plan enables a limited range of permissible building types and uses by a block-by-block basis. While the new regulations for the Village Green Center will provide flexibility, the scale and character of the development will be tightly controlled through design standards. Due to this flexibility the Center plan provides a range of minimum and maximum acreages for commercial, mixed use and residential development.

So this evening we have the neighborhood plan Map 29a-1 in Exhibit 2 of Plan Commission Resolution 12-13. And we'll be talking in a little bit more detail about these two. At this point, though, what I'd like to do is introduce John Hoffman, and he is the consultant's architect, planner, representative that has put together a PowerPoint presentation that he'll kind of go through with for you as well as for the audience.

Michael Serpe:

John, name and address and we're all set to go.

Jon Hoffman:

My name is Jon Hoffman. I'm an Associate Planner with SmithGroupJJR. My address is 625 Williamson Street, Madison, Wisconsin, 53703. Thank you very much for spending a little bit of time this evening on a very busy, long schedule to talk about the Village Green Center. Excellent introduction by Jean on the background and the history that we've had in preparing the Village Green Center. Why all this background? It's important because we're talking about the core of the Village and the intended Village Center for civic uses, for mixed uses, for retail. So having a long period of time but also a very inclusive process is very important for this important site.

I'm going to go quickly through some of these particularly in the beginning. So I'm going to go pretty quickly through the neighborhood introduction. Talk about very quickly the policy framework which was just referenced. Talk about the planned development process. Give you some images of the outreach that has happened. And then spend most of the time talking about the vision and the principles that were created by the community for this and how those principles have been correlated into this neighborhood plan amendment. Talk about the necessary steps to enable development, what we're talking about tonight. And, more importantly, what we're not talking about tonight and what will be subjects of later Plan Commission meetings. And then spend a fair amount of time on the neighborhood plan components themselves. And then let you know about the other analysis and design that has happened that is in support of the next steps that are coming.

This is the demographic center of Pleasant Prairie. As mentioned it is between 31 and 32. It is south of 50. The important thing is that while it's in the middle of the demographic neighborhood it's not connected to any large existing commercial corridors. And that has an impact on how that is designed later on.

We are now currently in the Village Green Center on the east side of 39th. There is one error I noticed as I was going through there. The largest single landowner within the entire area is Land & Lakes Development. However, they are not the majority. The majority is comprised of various other types of land uses. Land & Lakes does own about 46 percent of the Village Green Center area. A gain, this is the existing neighborhood plan for the Village Green with the Village Green Center and the south center which shows at this point the existing neighborhood plan and the streets, the open spaces and the land uses that were proposed and are adopted at this time as of February 2006.

2006 the comprehensive plan said there was some basic minimums that need to be addressed within the Village Green Center, and that this is a community center of a gathering place, that a lot of streets and bikes need to come into this area because it's where Main Street comes in and connects with Springbrook and where 39th comes in. And so in and around where the Village Hall is and where we have an opportunity to have an open space where civic events can occur.

There were also Village Green design guidelines that were prepared in 1997 but were not adopted. And those major elements that were included in there is that this is an urban type of development, that it's more transit oriented, more traditional neighborhood. That there are key places for public places and that architectural and building design and site design are very important and need to be specifically addressed, particularly how transportation is related within the area. Just like the neighborhood plan, the design guidelines realize that this is a starting point and that it needs to be refined over time, and this is what we're doing tonight is refining both of those.

This is the whole process that we went through, lots of different steps. I'm not going to go into great detail, but the major issue is that this whole idea started in the early '90s, and that in 2004 the design really started with the previous landowner. 2007 then it was continued, and all the principles that were established with the previous process were continued with the new Land & Lakes. And it has been a process that has been very open and very transparent. It was led by the Technical Advisory Committee, members of which many are in the audience. But also lots of coordination with those that are in and around the area and those in the greater community. We're going to talk a little bit about each one of those.

So there was lots of one-on-one and small groups, interviews at the very beginning, talking with a lot of the landowners in the Village Green area, a lot of the neighbors, many if not all of the business owners that are in here as well as the nearby institutions. And I must say throughout the process there has been significant and thorough coordination with Village staff and County staff.

As Jean mentioned there was lots of public outreach that culminated in two Village Green Cafés. And the first café here images happened in this room where we really talked about what is the vision and what are the principles that need to guide any type of development. And so these principles as they came out of the community really guided all of the design, not only the land use design, but also the architectural, the open space and the transportation design.

Here are some images from the Village Green Café number two, which not only did we have a variety of different alternates of the way that open spaces and land uses and streets can be laid out, and those were all debated. And as always when you have different alternatives you never pick one, but it's always the greatest hits of all of them. It's like what do you like, what do you don't like about each one. And then at the bottom we had the same type of discussion about development character of open spaces, of residential, commercial. What are the types of images that you like and that you don't like. And out of that conversation we were able to pull the major principles that came out and were incorporated into the design guidelines that were prepared in support of this.

There were also two market studies that were completed that helped support the land use selection and design, one in 2006 and one in 2011. Very different real estate markets between the two. So you can imagine that there are some differences in the recommendations between the two. However, there are some similarities that have really driven the design of the Village Green Center. They both agree that the commercial needs to be at a neighborhood scale. We're not recreating Highway 50. We're not recreating what we can expect on Green Bay Road or out by the Interstate. This is a smaller, more neighborhood-focused retail. Also that it needs to be where the traffic is, and the traffic is at the Springbrook and 39th intersection in that area. And so grouping it near there so it has access where there's lot of cars and lots of people is important.

It also indicated that this is not going to be built next year, and it's not going to be built in five years. But this is a long-term process that will be very incremental. And what that means is if it's incremental that means we need a process that is very flexible. That we know we're going to be going through multiple business cycles before this is done. So we need to make sure that whatever process we create allows for that to happen. And then, finally, they also both agree that the character and the open spaces are not just nice to have but almost critical to have as a support to create an identity that will differentiate this area from other areas in the Village and hence make it a destination for commercial.

So out of all of the public input we pulled out the series of principles that were in five groups. I'm going to just talk about these very briefly because we've talked about these for several years, especially with the Technical Advisory Committee and the public. The first group is all about -- before we even get into what is the design happening within the Village Green Center, how does it relate to what's happening around it? So the Village Green Center really needs to sensibly transition because the Village Green Center is different than what's happening around it. It's providing an option to those that are in the Village, but that option means that it's different than what's happening around it. So we need to sensibly transition into it. And there needs to be good biking, walking and driving connections to those that are around it.

The environment is very important, and the connection and understanding that the natural amenities are not something that needs to be worked around but need to be created into amenities for the Village itself. Diversity was a big issue, and diversity meaning the diversity of land uses, the diversity of housing options, and the diversity of people. There's an expectation that this is the collection of the wide variety of people that live within the Village, and it is the place where people come and mix.

And then as indicated by the market studies is that we really need to come up with a flexible approach as we develop this to allow for different business cycles, to allow for different changes in the demand for housing, the demand for open spaces. And then finally this is a place that the Village will be proud of and will come and be a place for community gatherings and for celebrations. Out of this came the vision of the landowner itself, and that is Land & Lakes. Their vision is that the Pleasant Prairie Village Green Center is a thoughtfully designed and integrated amenity to the Pleasant Prairie community, essentially a summary of the principles that we received from the Village community.

So this is a lot of information that you are much more familiar with than even I am, but the steps that are necessary to allow for development to occur. And we're starting at the bottom where we are now, the comprehensive plan, neighborhood plan amendments allows for all of these other elements, the next one being zoning. And on top of that being conceptual plan and then all the way up to the CSM. I put this on here just to say that there are multiple steps, and we are only at the bottom. We're only considering the bottom level of the comprehensive plan neighborhood amendment. The group before, for example, looked at the first three levels. So the level of detail was much more worked out than what we have done for the Village Green Center. But what we're looking at is the bottom level.

I'm going to talk a little bit in more detail about the components of the neighborhood plan amendment. However, I do want to say that all of the neighborhood planning that we've been doing has been supported by design that will be incorporated into zoning and design standards and conceptual plans. And so that work is very far along, and so we are very comfortable with the neighborhood plan amendment and the design down to the block level of the open spaces and the street layout. So, let's take a look at that bottom level.

So there's a few things that are included as part of the neighborhood plan. One is the neighborhood plan map itself, and that shows, as you know, the general land use categories of single family, multifamily, commercial. We did create a new land use category and mixed use district that is not included in any of the other neighborhood plans that are in the comprehensive plan and then defined that as part of this neighborhood plan amendment. And then government institution and then open space both public and private.

As you know, the map shows the allocation of the various types of land uses. It shows where all of the major road connections are. And it shows where the major open spaces are. The balance there is a small amount of single family that is on the extreme eastern end of the Village Green Center. But the majority of it is in the multifamily category. And that is, as mentioned, to provide that diversity with the Village overall itself. And so the intent is that the Village Green Center will have a higher residential density that is seen in other places within the Village. But it also has the amount of neighborhood commercial. And then this purple area is this mixed use category. I'm going to go in a little bit more detail about what that means in a few slides.

The neighborhood plan describes each one of these land uses and the intent for each one of them and then talks about the general size of each of those. And for the residential and commercial it also talks about the range of residential units and then the range of commercial units. And I'm going to talk about why is there a range and why is there a minimum and why is there a maximum. It does also talk about the open spaces and all the various types of open spaces in a fair amount of detail.

Perhaps unique to this neighborhood plan is that there is an illustrative sketch to help describe in using a graphic the intents that were described in the text. And it provides a lot more of an indication of the type of character that is anticipated within the Village Green Center that can't be shown in just the general land use map. And the major things that can be drawn from this is that there is a core of commercial that is 39th, Springbrook, and that there is residential around it. But as the residential comes out and gets towards the neighborhood that the density steps down as you get to the edge of the neighborhood in all directions.

There is also an indication that there are major streets that are very important. And there is an urban approach to the way that those sites are designed in so that there is a limited front yard setback for those to create an urban neighborhood and mixed use area. And it also indicates that parking, the corollary, the other side to that, is that full parking is provided on every block, but that parking is not in the front of buildings but is in the side or to the back of buildings much as seen in traditional urban neighborhoods.

There are two illustrative sketches, and the second sketch is the exact same as the first with only one change, and that is we wanted to indicate flexibility of not only the types of housing units, and I'll get to that in a moment, but also transportation. And there's two intersections on the main street, one at Springbrook and then one at the eastern terminus of Main Street. Could you flip back? In the previous it was just shown as a typical intersection, and in the alternative sketch it shows it as potentially two roundabouts. Of course, decisions should be made later. But wanted to show that both are opportunities and both are possible.

Those are the components of the neighborhood plan. I'm going to go a little bit quicker and summarize. What are the other things that we've been doing to help support the recommendations that come with the neighborhood plan amendment itself. And so there are form based design guidelines that have been prepared that are not being reviewed and not being adopted tonight. Those will be adopted as part of the zoning step which is after the option tonight. But those pieces are the neighborhood master plan, the regulating plan, architectural and landscaping, urban design and transportation. And I'll go over those really quickly.

The neighborhood master plan talks about the general form of the entire Village Green Neighborhood. It breaks out the various housing types. And down in the right hand corner is the list of specific housing types that have been described within the neighborhood master plan, and they're designed from an urban design perspective, from a density, from a massing, from an architectural perspective. And so you could say there are these blocks that are available for the developers as they come into the future that they would be able to choose these types of housing units. And these housing units some of them are commercial, some of them are residential, and then some, for example the mixed use building and the work building, are actually a mixed use where it is commercial on the first floor and residential on the upper floors. The neighborhood master plan also talks about all the open spaces in a fair amount of detail and describe the amenities and the design within those.

There is something called a regulating plan that helps translate from the neighborhood master plan to what can actually be done on the site itself. And this looks at the Village Green Center at a block-by-block basis, actually sub block-by-sub block basis and assigns to each one of these areas what are the appropriate housing types that are available in each one of those sub block

areas. This is the crux of where this flexibility comes in. I'm going to zoom in just to explain the whole map. I'm going to zoom into one just to show. So if you could click it once. So where that red box just showed up we're going to zoom in on the next slide in that area.

So this sub area, this block F, sub area 1 of block F, you'll see that there are four different indications of the types of housing units that could occur that would be allowable on that area. A detached townhouse, a row house, a multi unit home or a court side home. Each one of these because of the design, the pretty strict design parameters for each one of these four types, would be appropriate on this area. And it would be up to the demand of the housing market, the preference of the developers and how it fits in with those that have already been developed around the area previously on what the selection of those would be. There is a difference between them. On the right hand side are more dense units; on the left hand side are less dense units. So as we calculate whether the numbers of people that could be working or living in this neighborhood, we have to imitate that sometimes there may be less dense housing units chosen, and in some cases there may be more dense. And you'll see what that means in a moment.

Also, there are some very limited areas where there is not only the density is variable but the use if variable, meaning that it could be a commercial use or it could be a mixed use or it could be a high density residential use. Because of the design standards the form is actually not all that different between those three. But it would allow -- if there is high demand for commercial it would allow for the Village Green Center to maximize the acceptance of that neighborhood commercial. However, if the neighborhood commercial market is weak, it would also allow for a smaller commercial area, but the continued development of the other areas which would be either more mixed use or strictly residential. So these are two examples of an example block.

And you'll see that there are some areas in the less commercial areas that they are guaranteed to be commercial because that's the only housing type that is allowed. But as you look further into the areas there are some building types that would allow either commercial or mixed use or strictly residential which allows for this variation of why is there a range in the amount of commercial that is available within the Village Green Center.

And then as Jean mentioned we went through a long process to talk about architectural landscaping and created very particular design guidelines for architecture, for building materials, for signage, for parking lot landscaping, etc. And these are photos from that draft, architectural and landscaping design guidelines. We looked at a lot of urban design and the way that every building type sits on its site and how it relates to accessory units, how it relates to access from streets from behind it or in front of it. We looked at every single type about what are the maximum stories, what has to happen on the first floor, what could happen on upper floors.

And then lots of detail into the transportation network. And typical cross-sections for every type of street that could occur within the Village Green Center. And then drawings of how each of the intersections could occur and how those should be designed. The intent for every intersection is that this is a -- Village Green Center has a balance among those that are driving, those that are walking and those that are biking. And so it is the street that allow for easy access for the vehicular but not at the expense of those that are biking. So there's lots of bike trails. There's always sidewalks. At intersections the crossings are designed to allow for the ease of the pedestrian particularly in the mixed use and commercial areas.

So with all that we have to have an understanding of what is the implication for development in the Village Green Center. And this is a chart that's way too detailed and I'm not going to go into. But I wanted you to know that we went at the sub block district and figured out what's the maximum that could happen on that sub block and what's the minimum for both residential and commercial.

If we go to the next slide this is the summary of it all. So we assumed scenario A. We assumed that the market and the demand in the Village at whatever year it is developing is low for both residential and so we have a low density residential. And the commercial demand is low as well. And so we would shift away from mixed use and go more towards residential. So what that would result in is about 1,200 dwelling units and about 135,000 square feet.

B is the opposite. The market is going great, everyone wants to be in Village Green Center, everyone wants to live there, everyone wants to have their store there. Then we look at all the parameters and we move everything to what could be the most dense. And that results in about 1,500 dwelling units and 264,000 square feet of commercial. Scenario D and C are other permutations of that that fall into the middle. What's important is this approach, particularly the regulating plan approach, allows for flexibility in unit type and use but with only within a very narrow design parameter. So we have very strict design guidelines that allow for flexibility. And so the Village and the residents of the Village can feel comfortable in knowing the type of land use and development that could occur but still gives landowners a wide variety, not a wide variety, but some flexibility in the types of buildings that they would construct.

And then one of the other analysis that we have been working on is to understand the amount of open space that is necessary for storm water. We did a conceptual storm water master plan for the entire area. And we also did a water and sanitary sewer study for the area to determine distribution and capacity.

So back to this slide. So the only thing that is up for adoption is the bottom line, the comprehensive plan and the neighborhood plan amendments. However, I'm here to answer questions that you have about the other elements, the zoning and design standards and conceptual plans which are largely drafted but need to be converted by Village staff into the proper zoning documents to enable the development of this area. I'm here for questions.

Michael Serpe:

This is a public hearing, Jon. We'll open it up and if there's any questions we'll call you back up.

Jon Hoffman:

Thank you.

Michael Serpe:

Open it up, Jean? This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? Come forward and give your name and address.

Jeff Stanich:

Hi, I'm Jeff Stanich, 4233 98th Street. I live in Meadowdale Farms I believe. I don't know if we're Farms or whatever. We have two names over there. But my property would -- I'm looking at this slide. In the very top center there's a large green rectangle. I live on 98th Street. So I guess my only concern is when he pulled up that highlighted slide area where he showed the density, we have the multifamily different colors all over this slide. In the southeast corner the current residential area is being buffered by what it says is residential lots I believe, right, this yellow area? And my only concern is on our little street up there, 98th Street, not a lot of home but at one time they were going to be very expensive homes. They've lost a lot of value, but it's a street that is buffered by what it looks like is a small little 60 foot green path.

I don't know how detailed this plan is being tonight, but if it's being passed as a multifamily area right behind our street I'm a little concerned about that. And I see the RH and the SH on that little screen he had about two slides ago, and I'm wondering we're buffering this area in the southeast with residential. And I know he said as you move west along Main Street it becomes less dense. My only concern is when you move north why is it multifamily or what does that mean? I guess multifamily could mean anything.

Michael Serpe:

We're going to write these things down, Jeff. Do you want to answer these at the end of the public hearing, Jean?

Jean Werbie-Harris:

Unless Jon wants to take them as we get the questions. It's up to him. We both can answer them.

Michael Serpe:

Are you writing these down, Jon?

[Inaudible]

Michael Serpe:

Why don't we get the comments. Okay, thank you.

Debbie Stanich:

Hi, Debbie Stanich, 2108 Knob Road, Burlington, Wisconsin. We are the property owner showing the retention pond farthest north. I think it shows on the comprehensive plan as actually open space public. I don't know, does the white line there just indicate separation and boundaries? Is there a road that's being proposed there. And I guess at what point, too, how is the public obtaining that property and is that -- I know we had talked about retention, but in the last plan that was put on the table I think we were considered in still some of the commercial area long there.

Michael Serpe:

Anybody else wishing to speak? Yes, sir?

Jacob Zimmerman:

Jacob Zimmerman. I live out in Paddock Lake, but my ma lives at 3841 104th Street.

Michael Serpe:

What is your address, sir?

Jacob Zimmerman:

6203 238th Avenue, Paddock Lake, Wisconsin. I eventually plan on moving back into Pleasant Prairie, so this idea of a Village Green does intrigue me. However, I struggle with the idea of so many what's designated as multifamily use homes. And I guess the concern to me is I hear multifamily use, and I envision transient residents. And if that's the case and we want to make an economic impact on the Village of Pleasant Prairie, is multifamily residence-type buildings what we're looking for? Or, are we looking for more permanent type housing.

The other thought kind of in line with the last comment was with regards to purchasing things that are for private use as in the case along 165 where you do have residential property on the north side of the road. Is it the intent for the Village to be purchasing these out or private companies purchasing these residences out? I presume right now it's designated as single family so where is the transition? How does that happen?

Michael Serpe:

We'll be able to answer that. Thank you. Anybody else wishing to speak?

Bob Fellows:

My name is Bob Fellows. I live at 4310 104th Street. We've been seeing these plans come and go, and in every one of them my house sits right on the corner of Springbrook, and every one of them it's a retention pond. Every plan that we've seen. My wife and I we plan on being here for a while. We see other people in the block that happen to leave. Unfortunate events happen, and their house basically was taken. It was purchased for pennies on the dollar, and I'm afraid that's going to happen here. The price of our house has gone down because of what you put in on 104th, that roundabout. The value of all of our land has went down, and it continues to go down more than most other places. And are you guys going to use this to purchase us very cheaply?

And then another one of my concerns is what happens if we don't want to move? If I have my house here and I don't want to be relocated and mine doesn't fit in this little multifamily home that it's designated for or it is going to be a retention pond, is that going to be taken into consideration and you're just going to wait until I pass away and do something with it? We've been dealing with Pleasant Prairie for years on issues, and it's always skirt around this or that. We need direct answers. We need, oh yeah, this is a long time, you really don't have to worry

about it. Well, I have six kids, I do have to worry about it. They are going to be around here for a long time. Basically that's it.

Michael Serpe:

Anybody else wishing to speak?

Ken Jeep:

Hi, I'm Ken Jeep, 9923 38th Avenue. I'm in the Rolling Hills Subdivision. And I believe I'm either under water there or under the big brown building. I'm not sure where. So, again, I'll mirror a little bit about what the previous gentleman said. We've seen these plans come and go, that's true. But if something is passed it's the beginning of a process that once the process is started there's no turning back from it or it's going to be implemented in the times that we're living in our homes so we don't know what's going to happen to them.

And second of all I felt the plan in general, because with the high density development Pleasant Prairie is basically a bedroom community. A lot of us go to work elsewhere. I work in Illinois. Many of the people I know that live in Pleasant Prairie they do the same thing. This is going to be a traffic nightmare trying to get to work in the morning, trying to come home at night. The roads aren't going to be set up for the way traffic moves in the area now. So that's basically what I have to say. Thanks.

Michael Serpe:

Thank you. Anybody else wishing to speak?

John Mertens:

John Mertens, 4109 Springbrook Court, Pleasant Prairie. On one of the first slides I was one of the four neighbors listed for the Land & Lakes development here. And as you all know I don't exist on this map at all. It's all gone. That's fine if we're looking 40 years out. We're probably not. But one of my real concerns is this isn't why I and other people moved to the community. We were looking at the lot sizes, and it was a community of smaller homes not high residential. If I had wanted this I would have stayed in Chicago. We're trying to make the community something that the people living here now weren't looking for. We're looking for what a developer wants to do to maximize his investment. That's fine but not at the cost of what the community has built around.

Michael Serpe:

Okay, thank you. Anybody else wishing to speak? Anybody else wishing to speak?

Eleanor Yuenkel:

Hi, I'm Eleanor Yuenkel, 4128 104th Street. I just have a concern that if at any point I would need to sell my house in this economy because you have these plans up I've been told by a realtor

that I have to disclose this. So that virtually makes my house unsellable. So how do you address us that have homes that are no longer sellable on the open market? That's my concern.

Michael Serpe:

Thank you. Anybody else wishing to speak? Yes, sir? Name and address one more time.

Bob Fellows:

Bob Fellows, 4310 104th Street, Pleasant Prairie. You guys have these forms where everybody got together and drew all these concepts of how this was going to go. I work, I couldn't make any one of them. Then I get this thing in the mail saying this is where we're possibly going. And I was kind of shocked because mine was a pond. So I called Pleasant Prairie, I called the Village, and they said, oh, we wished you were at the meeting. You need to call this Lake whatever it is. They really need to talk to you about your property. I called them up, and they said we're not even interested in your property. They said we own everything north of Old Springbrook Road, and he said that's where this development's going to go. It doesn't include you. And this would have been in '08 even though you guys had all these plans out. This Lake whoever owns that rest of the land they said they weren't even interested in anything by us.

Michael Serpe:

Okay, that will be explained. Anybody else wishing to speak? Anybody else?

Dan Johnson:

My name is Dan Johnson. My address is 6728 49th Avenue, Kenosha, but my business is located on the corner of Gordy's and Springbrook Road. I'm right behind Gordy's bar. And I hear a lot from the people of the Village as they come in as patrons of my business there. And there's a crying need for a grocery store. I mean you can call it a mixed use but, okay, let's make it mixed use. Let's put a gas station, let's put a grocery store. Let's maybe even put a bookstore in this place and a coffee shop. Let's kind of build something that people would come to, have coffee, whether bookstores are even going to be around with the internet. But I think something like this would be something that would raise the property values of people so that they don't have to run all the way to SuperValu or Pick 'n Save four miles or take their business over the border south to Illinois. So a Whole Foods or some kind of a somewhat upscale market. I can't convince a business to come in for that, but that's the kind of mixed use that I would truly support in the Village. Should think about that as one of the first developing ideas.

Michael Serpe:

Thanks, Doctor. Anybody else wishing to speak?

Jacob Zimmerman:

Jacob Zimmerman, 6203 238th Avenue, Paddock Lake, Wisconsin. Kind of going off that thought that was just made, I'm curious what kind of shops are looking to be going in here? Again, I understand that there's some desire to have economic growth inside of Pleasant Prairie,

but with what there is competing in Kenosha just going up 31 off of 50, is this going to be something that these businesses are going to be able to compete with? Or, are they going to be highly specialized such that it wouldn't be your average, if you will, big box store items? Thank you.

Michael Serpe:

Anybody else wishing to speak? Anybody else? We'll close the public hearing. Jon, you want to address the concerns?

Jon Hoffman:

I can address some of these.

Jean Werbie-Harris:

We can go back and forth.

Jon Hoffman:

And some Village staff will need to. You just want to take it from the top?

Jean Werbie-Harris:

Yes.

Jon Hoffman:

So the first one was a resident that is outside of the Village Green Center but adjacent to it, and concerned about having multifamily south of his site. And there was a question about the width of the buffer and whether the width of the buffer is appropriate for separating the existing single family house from the multifamily. The way that it has been, and sorry I didn't clarify enough, but when I indicated that the residential density steps down as it moves west it also steps down as it moves to the north and as it moves to the east. It steps down a little bit as it moves to the south but not as much because of 165 as a divider between the two. That's an issue that we'll address later about 165 current residents.

There was a concern about having multifamily not next to you but in the area connected to single family. And the way that the design guidelines have been prepared and that the neighborhood plan has indicated is that there is an intention of dividing, of separating it and to provide a very separate character differentiation between the two between what happens in the multifamily and in the single family. And I will note that multifamily there is a very wide range of types of densities that are included in that multifamily category. And as we get to the areas that are off to the edges twin homes are the most predominant uses at the very edges that allow for very low density, essentially a duplex that is at the edge to allow for that transition, to allow single family houses that are to the outside. But there is a transition and it does happen. The regular neighborhood plan indicates that that transition happen slowly but it does happen, and it does happen incrementally. And that happens at the edges except for the eastern edge where there is

single family within the Village Green Center itself. At the other edges there is a very low density but still multifamily.

There is existing or proposed Village Green open space to the northwest that does provide a buffer. And then we include an additional buffer inside the Village Green Center including the open space and then the retention.

Michael Serpe:

Would it be your idea or your recommendation that those would be owner occupied, is that correct, on the northern edge?

Jon Hoffman:

Right, that gets to another question about the concern that multifamily homes equal transient users and that people that live in multifamily homes are not permanent residents. The neighborhood plan and the guidelines do not talk about ownership at all in that it allows for a variety of different types of ownership including condos and others that are owner occupied and those that are rental. So I hear the concern about the need for permanent housing that is permitted and is encouraged within the Village Green Center, neighborhood plan and the design guidelines.

Jean Werbie-Harris:

And if I could further add, this area right here on this side of the neighborhood plan area is identified as a green space conservancy area. Also, the Meadowdale Estates area actually has an area for conservation for woodland areas. And then there's actually part of a neighborhood park in this area that also is conservation and wooded. And actually because we've been working on this for so long, when VK Development developed the Meadowdale Estates and the covenants and restrictions for this particular, for Meadowdale Estates, it was clearly spelled out that this area could be a multifamily area. Again, the only higher kind of density multifamily that we were looking in this area was possibly this area which at one point we were talking about that for senior housing or for assisted living because we had someone interested in that at one point. So that would be the type of development that would be right here.

But, again, as Jon had mentioned there's many opportunities that a lot of this housing could be owner occupied. It doesn't have to be all rental product. But as the population is aging in this community and every other community people want to stay in the community. We don't have very many options for some smaller units or rental units or condos that are smaller for seniors to occupy.

Michael Serpe:

Were the residents of Meadowdale Estates made aware of the proposed development?

Jean Werbie-Harris:

They should be every time they close on a property. Because every time you close on a property in there it's specifically set forth in there. It was written by the previous developer and I know

it's in there because I read it in there. So, again, we're not trying to have high density next to Meadowdale Estates. That's not our intent. But, again, to provide a transition, and we have quite a bit of green space, conservancy and transition area from that preservation area between the properties as well.

Michael Serpe:

Wayne, you had a question?

Wayne Koessl:

Through the Chair to Jean, on the north end there what is the width of that buffer zone roughly?

Jon Hoffman:

Within the Village Green Center it's approximately 60 to 80 feet.

Jean Werbie-Harris:

And then it's also at least 75 feet because it's the width of the We Energies easement on the north side because that was reduced from 200 --

Wayne Koessl:

So about 150 feet roughly?

Jean Werbie-Harris:

Right.

Wayne Koessl:

Thank you.

Michael Serpe:

Jon, are there any more concerns that you have to address from the residents?

Jon Hoffman:

Yes. There were a series of questions that I'll take the liberty in grouping them in that the question was about how are certain existing parcels going to be converted into what is shown on the neighborhood plan. And there's two categories. One is where it shows that it's some kind of development, and one where it shows it's some kind of open space potentially storm water. Do you want me to answer this?

Jean Werbie-Harris:

You can start and then I will respond as well.

Jon Hoffman:

Okay. So where it is shown as a future development, and this is primarily the existing residential that is on the north side of 165. And when we talked this is a very long term neighborhood plan vision. I will underscore twice particularly very long for those existing areas. Because the neighborhood plan does not require any changes to occur on the site itself. It allows for existing uses to occur for as long as they are occupied. And it is up to the owner's choice to determine when that change does occur.

When that change does occur, next year, 10 years, 25 years from now, then the neighborhood plan gives some vision and some direction about the type of redevelopment that could occur. In each of these cases it is the density that is shown on the Village Green Center master plan map is higher than what is indicated what is currently. And so more than likely the land uses will increase in value as the higher density is allowed within the neighborhood plan. But is the option of the current existing resident to make that choice at the time that that resident wants to make that choice.

For the areas that are shown in open space, particularly those that are in storm water, many of these storm water locations are necessary when development occurs. We're showing what is the maximum amount of storm water that will ever be needed if this develops to essentially its highest intensity. And so a lot of these storm water areas will not be necessary until at the time when development actually occurs.

The one storm water that was asked about is along 39th on the north central area of the master plan area. And a portion of that is required for road improvements that will be occurring. And it would be best if Village staff answered about how those properties are acquired as part of the road reconstruction.

Don Hackbarth:

John, can I go back to the 165 properties on the north side?

Jon Hoffman:

Yes.

Don Hackbarth:

Let's say three families decide that they're going to sell their property. Are you going to tear the houses down right away or what?

Jon Hoffman:

That is up to whoever they sell it to.

Don Hackbarth:

What I'm getting at here is let's say that three or four people sell their homes. The developer decides to tear their houses down. Is he going to begin to start building that high density units on the south side? Because I can see that definitely affecting the property values of the people that continue to exist.

Jon Hoffman:

While it is theoretically possible I will say that is unlikely, and here's the reason why. It's that this plan does not indicate any access from 165. And so access to these development parcels occurs within the neighborhood itself. To allow for that access to occur more than three or four parcels are going to be necessary in that it's going to be a very large area that's going to have to be consolidated by some future developer most likely to allow for not just one building or one high density next to lower densities. But it's more than likely going to be a larger sub area to allow that to occur.

Don Hackbarth:

But we say more than likely. I'd like to see it a little more definite to say that we're going to protect the neighbors on 165 as neighbors sell their homes off.

Jean Werbie-Harris:

Don, you know it's the Village's policy not to allow development to occur that would substantially negatively impact a property right next door. And the State has already told us, and we know this for a fact that there is restricted access along this except for the existing single family homes that live there now, the property owners that live there now. The State's not going to allow any additional new access along this stretch for a higher use, a more intense use, than that existing single family. They've already told us that as part of the reconstruction of 104th.

Don Hackbarth:

But, Jean, what I'm getting at here is if this gets developed and let's say half a dozen people sell their homes, they can still get access to the back if they develop the roadway that way from behind. They don't need direct access from 165.

Jean Werbie-Harris:

Right. But the way these lots are set up off of 165 it would be highly unlikely unless all of these properties got together at the same time. You know what I'm saying? They each have a certain amount of width and size on the abutting State highway, and they don't have that access going up to a northern road. And we have this in other areas of the Village as well. If the whole area has a tendency to go and move forward and want to redevelop then it does happen.

Don Hackbarth:

Again, my concern, Jean, is if there are three people left on the north side of 165 and the developer decides to tear the houses that he bought down and then build low density housing along 165, that will definitely impact the value of the remaining homes on 165.

[Inaudible]

Michael Serpe:

Please, the public hearing is closed. Please.

Jean Werbie-Harris:

Again, the Plan Commission and the Board will make that decision as a plan is advanced. If the Plan Commission and the Board feel that it's not appropriate at that time because not enough of the land is owned by one owner with respect to transitioning those land uses, then those land uses can't be transitioned. Can homes be torn down if homes are purchased? Yes, they can. But if the Plan Commission and the Board feels that it doesn't provide a good transition and there's some competing land use interest in that area, then that's what the Plan Commission and the Board -- I mean just because it's on a plan doesn't mean that it has to happen that way or at that time period. This is a guide.

And, to be honest, I think that it's the northern area of the development which I believe is probably going to happen long before anything happens down in this area. The reality is because of the housing market the way it is today, and that's what's causing housing prices to go down, not necessarily the 165 roundabouts and not necessarily what might happen with the widening of 39th Avenue. The housing market is down in Pleasant Prairie just like everywhere else in Southeast Wisconsin, and all of our housing values are down right now.

Michael Serpe:

Anything else, Jon?

Jon Hoffman:

Yes. There's a question about redevelopment for things that are shown as storm water. You want to talk about improvements to 39th and the timing?

Jean Werbie-Harris:

Right now this existing storm water basin is existing, and I think that the plan does show something small right there. Again, nothing new will happen with respect to storm water basins until such time as this area transitions. And, again, it's when and if the property owners want to sell their land for a transition or a new use. The Village is not going to be buying all of these homes throughout this area or any other area of this Village Green for the Village to develop land. That's not the intent. The market's going to have to dictate when and if land develops and when and if land sells in this particular area.

Michael Serpe:

The public hearing is closed. I'm sorry. Jon, anything else?

Mike Spence:

I was going to address the 39th Avenue corridor. The Village is initiating the process to reconstruct 39th Avenue from the roundabout at 165 north to past 97th Street. The storm water areas shown on the drawing are consistent with the topography of the area. So when we design the road we've got to provide storm water management. You want to point just to the southwest of Village Hall. That area there that's actually a lower area and there's drainage there now. So that's the most likely area for drainage for 39th. Now, as you go to the north there's also another low point where you were pointing to before there, and that's why there's a conceptual pond shown there. So those locations are driven by really the topography of the area and that's why they're located there for storm water management.

Michael Serpe:

Do you have anything else?

Jon Hoffman:

Yes, there were two questions about the types of businesses that will be located in this area. While the neighborhood plan is not specific about the exact types of businesses, whether it's a gas station or a grocery store, it is very specific about the form of what that commercial and that retail space would be. And by those design guidelines it essentially leaves out a type of retail that is most likely going to be located on Highway 50 anyway. And that's the big boxes and the things that require large parking lots in front of strip malls and those types of things.

What does fit into the types of commercial design standards that we've indicated for each of the commercial and mixed use areas are the indications of the coffee shop, the bookstore, small grocery stores could be accommodated in the types of commercial buildings that are shown within the Village Green Center. And this fits directly into the indication that we received from the community that this should be neighborhood oriented as opposed to a regionally oriented retail area.

And then there was a series of questions that is more about character and the Village itself and how this mixed use area and higher density area fits into the character of the Village itself. I would more towards the -- I know the input that was received during the community meetings that indicated that there was a desire for the Village to be a village for everyone that lived here during all of its life stages. And so when someone moved out from their parents house there was essentially very few places in the Village where they could move to because having a large house was not within their financial means. And so looking for some kind of multifamily to allow for them to stay within the community and essentially grow within the community, eventually go into a larger single family house but then retire again into something that was either senior housing, assisted living or something that provides more multifamily. And so the intent is to provide a lot of diversity of housing stock within the Village itself. At the moment there isn't a whole lot of

diversity. But the Village Green Center helps provide that change of housing types within the Village itself.

Michael Serpe:

Thank you, Jon. I'd just like to say one thing. This is just a first step in amending the plan. As this comes forward and development nears there's going to be a multitude of public hearings that everybody that's affected will be noticed and will have a say so, and your concerns will be taken into consideration and most likely favorably acted upon. That's the way it's been in the past, and I don't anticipate that being any different in the future. We have a very good Village. I think we're all proud of our Village. We like the way its developed, and we're certainly not going to do anything to detract from that, not tonight and not in the future.

Don Hackbarth:

I've got a comment. Jean, we toured, what was it, Glenview?

Jean Werbie-Harris:

We did tour the Glens project.

Don Hackbarth:

We got some ideas from that to do something here, right?

Jean Werbie-Harris:

Right, to create a commercial center.

Don Hackbarth:

Do you know how they're doing with their multi use?

Jean Werbie-Harris:

Well, with respect to commercial for the Glens I think that they're actually having some problems right now. But they're actually more of a regional type of commercial center. One of the questions that was asked was is this intended to be more of a regional or community wide commercial center like Southport Shopping Center or Highway 50? No, it's not intended to be anything like that. Its not even intended to be any type of large big box users here or anything like that. I mean it's intended to be more neighborhood commercial focused and to service this area of Pleasant Prairie. But it's not intended to be a large big box.

Don Hackbarth:

How is the housing market down there in the Glens?

Jean Werbie-Harris:

I don't know that. I don't know.

John Braig:

Just a comment or a clarification. During the public hearing there was an allegation made that the Village somehow was responsible for the roundabouts. And I think it should be clarified that the Village had nothing to do with it. It was a decision made by the State. Am I correct?

Jean Werbie-Harris:

That's correct. The Village requested signals to be placed at those two intersections, and the State felt that the roundabouts were a safer, better solution, and it was their idea. And they promoted it and we have them now.

Don Hackbarth:

They don't live on a roundabout.

Michael Serpe:

What's your pleasure, gentlemen? I need somebody to say something.

John Braig:

Move approval of Plan Commission Resolution 12-13.

Jim Bandura:

Second.

Michael Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY JIM BANDURA FOR APPROVAL OF RESOLUTION 12-13. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

Jean Werbie-Harris:

Mr. Serpe, one of the things that we hope to do is we still hope to have a third opportunity or a third café where we can sit down as we get closer into the regulating plan elements, and sit down specifically with all the residents. Some of them I don't know if they got all their questions answered or not. I know Mr. Jeep lives over on the edge over here. He wasn't even impacted, he just wasn't shown on the plan. So there might be some residents that aren't still clear exactly what is going to be impacting them directly and how they're going to be impacted. And Eleanor Yuenkel can certainly get her questions answered through our Village Assessor. He's not here this evening, but we certainly will get some answers for her with respect to that as well.

Michael Serpe:

Items C, D and E I believe we're going to take together, is that right, Jean?

Jean Werbie-Harris:

Yes.

John Braig:

Mr. Chairman, I have a financial interest in the owner of this parcel so I will refrain from discussion or voting.

Michael Serpe:

Okay. John Braig will not be participating in these three items.

C. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #12-14 FOR AMENDMENTS TO THE COMPREHENSIVE PLAN for the request of Mark Bourque, of Prudential Premiere Properties, agent for Banks of Wisconsin, owner of the property located at 11934 28th Avenue to amend the Village of Pleasant Prairie 2035 Comprehensive Land Use Plan Map 9.9 and update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan to include said amendment. Specifically, Map 9.9 is proposed to be amended to remove the Park, Recreational and Other Opens Space Lands without wetlands into the Low-Medium Density Residential land use designation from the property located at 11934 28th Avenue.

D. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Mark Bourque, of Prudential Premiere Properties, agent for Banks of Wisconsin, owner of the property located at 11934 28th Avenue to rezone the portions of the property that are zoned PR-1, Park-Recreational District and R-3, Urban Single Family Residential District to the R-4, Urban Single Family Residential District. The portion of the property zoned C-1, Lowland Resource Conservancy District will remain unchanged.

- E. Consider the request of Mark Bourque of Prudential Premiere Properties, agent for Banks of Wisconsin, owner of the property located at 11934 28th Avenue for approval of a Certified Survey Map to subdivide the property into two parcels and to withdraw the Final Plat for The Orchard Subdivision.**

Jean Werbie-Harris:

Members of the Plan Commission and the audience, these three items are related and will be discussed at the same time, however separate action is required by the Plan Commission.

The petitioner is requesting to subdivide the 15.3 acre property located at 11934 28th Avenue into two lots. As a result of the proposed land division, the petitioner is requesting to withdraw the request for approval of the final plat for The Orchard Subdivision. In addition, the petitioner is requesting to rezone the property and amend the Village's Comprehensive Land Use Plan.

Some background information related to The Orchard Subdivision. The previous property owners were proposing to develop this property into a single family subdivision with 19 single family lots to be known as The Orchard. On November 19, 2007, the Village Board conditionally approved the preliminary plat for this subdivision pursuant to Resolution #07-77. The preliminary plat approval is valid for two years; however prior to the expiration of the plat a final plat needed to be approved unless an extension was granted. On November 10, 2008, the Plan Commission held a public hearing related to the final plat, development agreement and related documents and they had approved a final plat extension basically if all the conditions were satisfied by April 10, 2009.

As you can see in the staff comments, what happens is they've requested and we extended the preliminary plat approval a couple of different times. And the staff comments list specifically the dates and times that we did that. Another two year extension was requested, and it was extended again on April 2, 2012 to April 10, 2014. Well, what happened between then and now basically is the Banks of Kenosha have taken over the property, so they're looking to market this property in a different way and in a different means. And what they are requesting now is basically to subdivide this property into two lots and to vacate the original plat. Even though so much work was done it, it was just not right for this particular area.

In the certified survey map Lot 1 is proposed to be 5.3 acres with 250 feet of frontage on 28th Avenue. There is an existing home and a detached building on this property. The property has an accepted offer to purchase from William and Kathy Wamboldt who intend to raze the house, rebuild a new single family home and keep the existing detached garage on the site. The detached garage is allowed to remain on the property subject to a variance that was granted by the Zoning Board of Appeals on September 25, 2012. The variance grant document is 12-02.

Lot 2 is proposed to be 10.1 acres with 153.88 feet of frontage on 28th Avenue. There are wetlands on a portion of this property that were delineated in 2006. If any future development is proposed within this area a new wetland delineation will need to be required. And no new structures are allowed within 25 feet of the wetlands.

Both lots are serviced by municipal sanitary sewer. New homes constructed on these lots will be required to be connected with basement gravity service. The location of a new home on Lot 2 will be limited to its location unless a variance can be obtained by the Village Board to allow for basically a grinder pump system or hung plumbing, again, because it's going to be pretty far back from 28th Avenue.

There is no municipal water within 28th Avenue; therefore both lots will be serviced by on-site wells. The attached waiver of notice special assessment and hearing shall be executed and recorded at the Register of Deeds Office at the same time the CSM is recorded. At such time that municipal water is available on 28th Avenue the homes will be required to connect to the municipal water system. Additional right-of-way is being dedicated for the future public improvements within 28th Avenue. A total of 33 feet from the roadway center line is being dedicated to the Village.

The comprehensive plan and zoning map amendments, as you know that the current documents are compliant with the original preliminary plat that was approved back in 2008. The property was also rezoned at that time to R-3, Urban Single Family Residential District, again, to reflect the 20,000 square foot lot minimums. The wetlands were put into the C-1, Lowland Resource Conservancy District. And the nonwetland areas within the outlots were put into the PR-1, Park and Recreational District.

As a result of withdrawing the subdivision plat and proposing to subdivide the property into the two lots, the property is proposed to be rezoned into just the single family districts the same of which is on the adjacent properties. The portions of the property that are zoned PR-1, Park and Recreational District, and R-3, Urban Single Family Residential District, are proposed to be rezoned into that R-4, Urban Single Family Residential District. A portion of the property that's C-1, Conservancy, will remain unchanged. And, again, the R-4 will match the adjacent residential properties as shown on the overhead.

In addition to the zoning map amendment, the Village 2035 Comprehensive Plan is proposed to be amended so that the zoning map and the land use map plan are consistent. Specifically, Map 9.9 is proposed to be amended to remove the park, recreational and other open space lands without wetlands into the low-medium density residential land use category for the property located at 11934 28th Avenue. Appendix 10-3 of the Comprehensive Plan is proposed to be updated to include the aforementioned amendments.

This is a matter of public hearing, again, because we are considering Comprehensive Plan amendments and zoning text amendments as well as the CSM.

Michael Serpe:

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

Steve Bostrom:

Hi, good evening. Steve Bostrom, 1720 75th Street, Kenosha, Wisconsin appearing on behalf of Banks of Wisconsin. I'm also agent along with Mark Bourque on this transaction. Here to answer any questions should you have them.

Michael Serpe:

Thanks, Steve. Anybody else wishing to speak? Anybody else? Hearing none, we'll close the public hearing. Now you want to talk?

John Braig:

Please. As I recall wasn't there quite a bit of opposition to The Orchard Subdivision plan?

Michael Serpe:

There was.

John Braig:

I don't sense any opposition to this idea.

Michael Serpe:

There isn't.

Don Hackbarth:

With that in mind I move approval of Resolution 12-14 for the amendment to the Comprehensive Plan.

Wayne Koessl:

Second.

Michael Serpe:

Motion made and seconded for approval of Resolution 12-14. All those in favor say aye.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. John you abstained?

John Braig:

I abstained. Thank you for your comment.

Wayne Koessler:

I'll move approval of the zoning map amendment.

Don Hackbarth:

Second.

Michael Serpe:

MOTION MADE BY WAYNE KOESSL AND SECONDED BY DON HACKBARTH FOR APPROVAL OF THE ZONING MAP AMENDMENT. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? John Braig abstained.

Larry Zarletti:

Move approval of the certified survey map, Mr. Chairman.

Judy Juliana:

Second.

Michael Serpe:

MOTION MADE BY LARRY ZARLETTI AND SECOND BY JUDY JULIANA FOR APPROVAL OF THE CERTIFIED SURVEY MAP. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. John Braig abstained. Thank you Mr. and Mrs. Wamboldt. Welcome back to the Village. They were long time residents before and they moved away and now they're coming back like a dirty penny. Thanks again.

F. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE INCLUDING SITE AND OPERATIONAL PLANS for the request of William Tucknott agent for Rust-Oleum Corporation to install a new aerosol spray-paint filling equipment that includes the installation of a 192 square foot pre-fabricated structure that will be located on a concrete pad outside rear of the facility located at 8105 95th Street that will house the required equipment that adds propellant to the cans.

Jean Werbie-Harris:

This is a matter for public hearing. And under the public hearing comments and for the hearing record the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request, and they are presented for you this evening.

Findings of Fact

1. The petitioner is requesting a conditional use permit including site and operational plans to install a new aerosol spray-paint filling equipment that includes the installation of a 192 square foot pre-fabricated structure that will be located on a concrete pad outside the rear of the facility located at 8105 95th Street that will house the required equipment that adds propellant to the cans. And this is provided as Exhibits 1 and 2.
2. The property is identified as CSM #1203 located in a part of U.S. Public Land Survey Section 21, Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-212-0355.
3. Pursuant to the application as provided as Exhibit 1:
 - a. Rust-Oleum Corporation operates a paint manufacturing facility that produces a variety of both water-based and solvent-based coatings. The plant is made up of a few main areas. The bulk raw material storage tank farm is where liquid solvents and resins are stored. Powder raw materials such as color pigments are stored in the receiving warehouse portion of the plant. These raw materials are then mixed together in tanks of varying sizes to make the finished paint product. The finished product is then filled and packaged on the plant's filling lines. The products can be filled into half pint cans, quart cans, one gallon cans, five gallon pails or aerosol spray cans.
 - b. Recently the demand for aerosol spray-paint production has increased. This has led to the need for additional aerosol filling capacity. There is existing filling equipment currently not being used at another facility. This equipment is going to

be shipped and installed at this plant in Pleasant Prairie. The equipment will be installed in the southwest corner of the facility. The majority of the filling and packaging equipment will be located inside the facility. There is a propellant charging room that will be located outside on a new concrete pad. This room is a prefabricated structure that is going to be shipped in one piece to the Pleasant Prairie facility. It contains the equipment responsible for adding propellant to aerosol cans.

- c. The existing building is 253,000 square feet, and the new charging room is 192 square feet
- d. Standard hours of operation will be 24 hours a day broken into three shifts, five days a week.
- e. Start-up of the filling line will be as soon as possible. There are currently 230 full-time employees for the entire facility. To staff the new aerosol can filling line requires an additional 16 full-time employees. These employees would be split up among three shifts, six on first shift, five on second shift and five on the third shift.
- f. The most employees in the entire plant at any given time would include all of the first shift R&D employees and all of the production staff at shift change between first and second shift which leads to 155 employees.
- g. No additional parking spaces will be required. As there will be no significant change in their operations, the vehicular traffic of any type to and from the facility will be unchanged.
- h. This new equipment will fill aerosol spray paint cans identical to the cans currently filled. The new equipment to be installed includes a depalletizer, filler, crimper, gasser, checkweigher, waterbath, tipper, labeler, capper, sticker applicator, case packer and palletizer. There will be no new waste streams from this new packaging equipment.
- i. Rust-Oleum is confident that there will be no adverse impacts to neighboring property owners or public facilities. They have sound safety and environmental procedures in place to mitigate the impact of an unforeseen issue. Rust-Oleum is in full compliance with all federal, State, and local operating permits and approvals. The facility currently has a registration air permit with the DNR.
- j. This equipment will not be operated as a public nuisance and will not violate Section 420-38 of the Village Zoning Ordinance related to performance standards.
- k. The new gashouse structure will be painted to more closely match the color of the existing facility. Security for the structure will be incorporated into the existing automated fire alarm system that protects the existing building, and the

maintenance of the new equipment will also be fully incorporated into the systems they use to maintain the existing building and the landscaping.

4. The current zoning of the property is M-2, General Manufacturing District, and such High-Hazard Group H Uses pursuant to Chapter 3 of the 2006 International Commercial Code is allowed within the District and on this property with approval of a conditional use permit.
5. Previous conditional use permits approved for this property include and, again, you can see that this facility has been in the Village I believe the first use in the Lakeview Corporate Park in 1988 if not the second use.
 - a. Kenosha County Resolution #94 was approved on July 27, 1988 for a conditional use permit to operate a manufacturing, research and development facility for Rust-Oleum Corporation.
 - b. Conditional use grant #92-009 was approved by the Village on November 11, 1992 for the storage of product on the site.
 - c. Conditional use grant document #95-017 was approved by the Village on November 6, 1995 to construct a 480 sq ft building to be used in the recovery of paint and propellant from returned/rejected aerosol containers.
 - d. Conditional use grant #96-01 was approved by the Village on April 1, 1996 to construct housing for equipment used to inject propellant into aerosol cans.
 - e. Conditional use grant document #03-03 was approved by the Village on February 10, 2003 for the installation of thermal oxidizer and relocation of maintenance office interior.
 - f. Conditional use grant #07-01 was approved by the Village on April 9, 2007 to construct a 3,320 square foot addition for testing new products with proper temperature and humidity controls. In addition, the emergency access roadway was re-routed to accommodate the addition.
6. Notices were sent to adjacent property owners via regular mail on September 12, 2012 and notices were published in the *Kenosha News* on September 24 and October 1, 2012.
7. The petitioner was e-mailed a copy of this memo on October 5, 2012.
8. According to the ordinance, the Plan Commission shall not approve a conditional use permit unless they find after viewing the findings of fact, the application, related materials and the information presented this evening that the project as planned will not violate any intent or purpose of the ordinance and meets the minimum standards for the granting of the conditional use permit, and the approval of any site and operational plan shall also be in compliance with all local, federal, State regulations and requirement 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.

With that I'd like to continue the public hearing. The petitioner has been patiently waiting all night, and we do welcome any additions that our existing manufacturers make in our corporate park.

Michael Serpe:

The memo is larger than the expansion.

Jean Werbie-Harris:

But the expansion is very important. If you would like to make any brief comments?

Michael Serpe:

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

Bill Tucknott:

One just very minor deviation from the submitted plans.

Michael Serpe:

Name and address please.

Bill Tucknott:

Bill Tucknott, 2541 Antoinette Trail, Racine. And just one minor deviation proposing compared to the submitted plans. In the plans the structure was going to be painting to match the existing building. But really this existing structure it's very small, 15 foot by 12 foot light brown aluminum structure. It's going to be set very far back off the road. And I do have pictures of the view from the road. And with the trees, particularly pine trees that are there on the property, this building in the proposed location will not even be seen from the road. So I guess we're requesting that the structure just be left as is and not painted would be the deviation requested.

Jean Werbie-Harris:

Do you want to present those to the Plan Commission?

John Braig:

What does it look like?

Michael Serpe:

Is there room for an employee in that building? Are these photos [inaudible].

Bill Tucknott:

[Inaudible] prefab structure that we'll relocate [inaudible].

Michael Serpe:

Do you have anything else? Okay, anybody else wishing to speak? Hearing none, we'll close the public hearing. What's your pleasure?

John Braig:

I'm a little uneasy or uncomfortable with approving a metal building, prefab. Granted this is a good installation. But does that set a precedent that somebody can come in with a tin prefab and say, hey, you did it for them guys, let me have one? Should we have some restrictions on that building? Should we ask for some ornamental cladding? We do it on every structure that goes up in the Village. Look at all the cell phone towers. They don't get by with a tin shed.

Jean Werbie-Harris:

And I agree. And actually one of the next items on the agenda is for it to be very clear in the zoning ordinance that there is discretion of the Plan Commission to approve a metal sided building at staff's recommendation under certain circumstances. And in this particular circumstance they are able to obtain this unique building from another one of your sites?

Bill Tucknott:

Yes.

Jean Werbie-Harris:

Another one of their sites. If you could see in the pictures you can't really see it from the road and the public can't view it. Actually you could almost view this 192 square foot building as a piece of equipment because it's smaller than some of the large silos and generator pieces of equipment that are actually out in the corporate park right now. So for that reason we looked at it very closely, and it's not in the public's view. The purpose of what it's being used for we felt that it was sufficient. And as long as they received approval from the Lakeview Corporate Park with respect to making a variance or modification to allow this small building which serves actually as a piece of equipment for them, then the Village staff would support it.

Don Hackbarth:

I move approval of conditional use including the site and operational plan without having to paint the structure.

Wayne Koessl:

I'll second it, Mr. Chairman. Can I make a comment?

Michael Serpe:

Sure.

Wayne Koessl:

That's why we do conditional use permits. We have the flexibility of looking at each one and evaluating the merit of it. Thank you.

Michael Serpe:

MOTION MADE BY DON HACKBARTH AND SECONDED BY WAYNE KOESSL FOR APPROVAL OF THE CONDITIONAL USE PERMIT INCLUDING THE SITE AND OPERATIONAL PLAN. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you for your patience.

G. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE INCLUDING SITE AND OPERATIONAL PLANS for the request of Jeffrey Risby, agent, for Verizon Wireless to install six (6) antennas on the existing tower in Prairie Springs Park at a height of 140 feet; to install related telecommunication equipment within the existing multi-tenant equipment shelter at the base of the tower and to install an emergency stand-by generator north of the existing building within a masonry wall to match the existing building.

Jean Werbie-Harris:

This is also a matter for public hearing, and so I will be reading the public hearing comments as part of the public hearing record. And we have gathered findings, exhibits and conclusions regarding the petitioner's request, and they are being presented for you below. And we are actually making a slight modification on this one based on our staff meeting and our inspections out at the site this week.

Findings of Fact

1. Verizon Wireless is requesting approval of a conditional use permit including site and operational plans to install six antennas on the existing tower in Prairie Springs Park at a height of 140 feet; to install related telecommunication equipment within the existing multi-tenant equipment shelter at the base of the tower; and to install an emergency stand-by generator north of the existing building within a masonry wall to match the existing building within Prairie Springs Park. This is located just east of the south ball fields on Village-owned property on a portion of Tax Parcel Number 92-4-122-204-0201. This building/tower will have an address of 9951 Terwall Terrace. See Exhibit 1 is a copy of additional application materials.
2. The current zoning of the property where the existing tower and equipment shelter is located and associated improvements is located is PR-3, Regional Park-Recreational District, and pursuant to Section 420-127.2 D (2) of the ordinance, a commercial communication structure and associated equipment requires a conditional use permit.
3. The facility and the proposed addition to the equipment shelter are not located within the 100-year floodplain. According to Village's floodplain mapping sources, the 100-year floodplain elevation associated with this area of Prairie Springs Park is 676 feet above sea level. According to the plans, the floor level of the equipment building is 680.5 feet above sea level. Therefore, the facility will be located outside the limits of the 100-year floodplain.
4. The wetlands in the vicinity were field delineated by Dave Meyer of Wetland and Waterway Consulting on June 10, 2010 and approved by the Wisconsin DNR on September 3, 2010.
5. On October 10, 2011 the Village Plan Commission conditionally approved a conditional use permit #11-19, Exhibit 2, and site and operational plans for American Tower to construct a 150 foot tall multi-carrier monopole commercial communication tower with six antennas attached to the tower for AT&T, and an 800 square foot multi-carrier equipment shelter and miscellaneous site improvements. In January 2012 permits were issued for this work to commence. A lease agreement was approved by the Village Board on October 17, 2011 between the Village and American Towers LLC related to the leasing of the land for this tower and associated site improvements.
6. All building code related items for the construction of the tower, including the six antennas and the multi-carrier building shell have been completed by American Tower. However, the Village staff needs to obtain some clarification that the shelter and related AT&T appurtenances have been built dimensionally pursuant to the plans; the pedestrian path needs to be replaced due to the insufficient gravel stone base and inadequate drainage between the path and the front or west side; and the groundcover grass area needs to be reseeded or mowed in various areas. These, again, are all responsibilities of American Tower.

Revised grading and drainage plans were submitted by American Tower and approved by the Village Engineering Department to correct the path and the drainage issues. The other work will need to be addressed. The construction fencing that was set up by American Tower will need to remain on the site while the work is being completed. In addition, all

outstanding site and operational plan requirements will need to be addressed. The Village will provide a detailed list of outstanding items upon completion of the zoning inspection of the project.

7. Verizon Wireless and the Village will need to enter into a land/building lease agreement for the proposed facility. The Agreement is currently being reviewed by both entities. After the Agreement is in an acceptable form for both parties, it will be placed on an upcoming Village Board agenda for review and approval. Prior to the issuance of permits the lease agreement shall be approved by the Village Board and executed by all applicable parties.
8. When the multi-carrier building was designed, the location for emergency back-up generators to be located within the tenant spaces was not considered since AT&T does not require or install back-up generators. Verizon Wireless requires that an emergency stand-by natural gas generator be installed to power their equipment in the event of a power failure. The land and building lease area for the tenant does not allow for generators to be located within the building, therefore Verizon wireless was proposing to locate the generator north of the existing building within a masonry wall enclosure to match the building. So we'd have a wall and beyond the wall.
9. Upon staff review of the plans and an on-site visit with the applicant on October 1, 2012, the Village staff is now recommending that the generator be located to the east of the building within the fenced-in area. The existing fence area is proposed to be slightly enlarged and squared off to allow for proper clearance around the generator. Due to space constraints, one of the air conditioning unit for Verizon will be located on the building's north elevation, and one the other air conditioning unit will be located on the building's east elevation. Ten feet of the existing split rail fence on the north side of the building will need to be removed to allow for the fence expansion and the north side air conditioning unit. The existing plantings below the proposed north side air conditioning unit will be relocated.

The relocation of the generator on the east side of the building instead of on the north side will not require a masonry wall to be constructed on the north side of the building. In addition, due to the location of the tower and proximity to the building, the cables are proposed to be located within an ice bridge extending from the building to the tower. Revised plans shall be submitted for final staff review and approval. And this sketch that Peggy did kind of shows you where the fence area beyond the landscaping, in between the landscaping, is going to be extended in order to accommodate their new generator.

10. The Communication Act of 1934 is the federal regulation, which governs the telecommunications industry; Section 322 of said Act, as amended by the Telecommunications Act of 1996, provides guidelines to state and local governments regarding the siting of antenna facilities. Basically, the provision states that insofar as the existing antennas pose no health or safety risks, the local zoning authorities such as the Plan Commission may not directly or indirectly consider any health or safety issues during the zoning process when considering a new telecommunications facility.

11. The petitioner and all of the abutting and adjacent property owners within 300 feet of the site were notified via U.S. Mail on September 12, 2012 of this public hearing. Notices were published in the *Kenosha News* on September 29 and October 1, 2012.
12. The Village emailed the petitioner a copy of this staff report on October 5, 2012.
13. According to the Zoning Ordinance, the Plan Commission shall not approve a conditional use permit unless they find after viewing the findings of fact, the application, the related materials as proposed as well as the information presented this evening that the plans will not violate the intent and purpose of the Village ordinance and will not violate any federal, State or County regulations, and it meets all the minimum standards for the granting of a conditional use permit. In addition, the site and operational plan application shall also comply with all federal, State, County or Village requirements. And they must satisfy all conditions of approval before the Village Plan Commission grants its final approval.

The staff recommends approval. However, this is a public hearing, and the petitioner has been very patiently waiting all night.

Michael Serpe:

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

Jeff Risby:

My name is Jeff Risby, and I represent Verizon Wireless interest in this development. I have about a two hour presentation. So if you guys have a little time.

Michael Serpe:

As soon as we shut the lights off you'll be all by yourself.

Jeff Risby:

I'll spare you. It's been a pleasure to work with both Jean and Peggy and staff members here. And we do recognize that it is a work in progress, and we intent to continue to work on this until we've met all conditions.

Michael Serpe:

Anybody else wishing to speak. Hearing none, we'll close the public hearing. I have a question. Is there a standby generator at every telecommunication tower?

Jean Werbie-Harris:

No. It depends. In the Village no.

Jeff Risby:

I can answer that question. No, not every wireless facility throughout the nation has a standby or backup generator. Most of them, yes, they do either by a standby generator on site or a generator plug that would actually plug into a temporary generator that could be located on the site. It is Verizon's policy as part of its network standards to have emergency backup power on all of its sites.

Michael Serpe:

Do you know is it AT&T's policy as well?

Jeff Risby:

I can't speak for AT&T's network. Every carrier's network has their own policies and standards for the way that their network operates.

Michael Serpe:

How big is the generator?

Jeff Risby:

This one was proposed natural gas so it's a little bit larger than our diesel generators.

John Braig:

I think I saw 50 kW somewhere.

Jeff Risby:

Well, it's actually 60 kW on a natural gas generator. It's a pretty large unit.

Michael Serpe:

The reason I'm bringing this up that building can house three companies, is that right? Four?

Jeff Risby:

Not necessarily. We've given a lot of information to the Village as far as the design of that building. No building is a cookie cutter for a wireless provider. We've discussed that with staff depending on that carrier's technology, depending on how many frequencies they operate on. Things of that nature determines what kind of equipment that they need, the size of the structure, if they need equipment at all. Some of them use outdoor equipment which are very small. Some of them, because they operate on multiple frequencies, use multiple radio racks. So it's not a cookie cutter.

John Braig:

Another question. Does We Energies have distribution in that area?

Jeff Risby:

For electric?

John Braig:

For electric service, yes.

Jeff Risby:

I'm sure it's We Energies.

John Braig:

Have you had contact with them yet?

Jeff Risby:

Time Warner for -- well, I don't coordinate our electric and telco. That's done by our architect and engineer. They coordinate all of our utilities. So, yes, we've been in contact with them in addition to Time Warner as well. They bring our fiber into the site.

John Braig:

Jean, maybe you know. The little residence that functioned as an office building in the park there, do you remember anything about electric service to that building? I don't think it's part of the park or RecPlex.

Jean Werbie-Harris:

Are you talking about the Baby U?

John Braig:

It's now Baby U, yes.

Jean Werbie-Harris:

Okay. I'm sorry, now what was the question?

John Braig:

Do you recall how electric service got to that building? Do you know anything about it?

Jean Werbie-Harris:

I don't remember.

Wayne Koessl:

I think they get electric service along Terwall Drive.

Jean Werbie-Harris:

I'm sure they do along Terwall Terrace.

Wayne Koessl:

Pardon me, Terrace.

John Braig:

Because the only real account there is the RecPlex primary account.

Jean Werbie-Harris:

We have some pretty large ball field lighting out there, too.

John Braig:

Are those separately metered, or are they on the RecPlex system? See, the RecPlex receives electric service at high voltage.

Michael Serpe:

Where is this going?

John Braig:

I don't know.

Jeff Risby:

We're separately metered.

Don Hackbarth:

Have you read the stipulations here, and do you approve of them?

Jeff Risby:

I do.

Michael Serpe:

Anything else. Close the public hearing. What's your pleasure?

Larry Zarletti:

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

Don Hackbarth:

Second.

Michael Serpe:

MOTION MADE BY LARRY ZARLETTI AND SECOND BY DON HACKBARTH FOR APPROVAL OF A CONDITIONAL USE. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you very much. You learned a lot about us tonight, right?

[Inaudible]

H. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE for the request of Cory Harpe, agent for Harpe Development to use the house located at 9985 Cooper Road in the Village Green Heights Addition #1 Subdivision as a model home.

Wayne Koessl:

Is he here?

Michael Serpe:

No. Do you want to proceed with it even if he's not here?

Jean Werbie-Harris:

She.

Wayne Koessl:

Why don't we table it. I move we table it until they're here.

Michael Serpe:

Let's get a second so we can discuss it.

Don Hackbarth:

Second.

Larry Zarletti:

On the discussion is it mandatory that the petitioner be in the audience?

Jean Werbie-Harris:

Typically we request all the petitioners to be here. I don't know if they may have called, if there was some type of family emergency or something. I'm not sure. I did not check my voice mails to see if there was a reason why they weren't here.

Larry Zarletti:

Do you know if they're time sensitive on opening the model home?

Jean Werbie-Harris:

I don't know that, but I'm sure that if they wanted to be on this agenda it must have been for a reason. So I would say that they'd probably want to have been on this agenda.

Larry Zarletti:

I don't know. I guess I kind of have a problem tabling it if, in fact, when we get to the part -- once we hear what it's about if there were questions and they weren't here to answer it I would agree you'd need to table it. But if it's a straightforward request, a no brainer and there's no rule in place in the Village that you must be present for your item, I know you normally are but.

Michael Serpe:

If we table this do we have to re-notice the next hearing?

Jean Werbie-Harris:

Not if you tabled it to a date certain.

Wayne Koessl:

Table it to our next meeting.

Jean Werbie-Harris:

But I don't have anything for that agenda at this time.

Michael Serpe:

Well, there's a motion and a second for tabling. Let's have that vote first and we'll see where that goes. On the motion to table all in favor say aye.

Voices:

Aye.

Michael Serpe:

Opposed?

Voices:

No.

Wayne Koessl:

Three to two.

Michael Serpe:

Okay, three to two. I said no. It's three to three?

Wayne Koessl:

If you said no it's four to two.

John Braig:

Do it again.

--:

Roll call vote.

Michael Serpe:

Okay, all those in favor of tabling raise your hand. One, two, three, four. Opposed? Three. Okay, it's tabled. Until the next meeting. Alright.

I. PUBLIC HEARING AND CONSIDERATION OF ZONING TEXT AMENDMENTS to amend Section 420-124 J (4) (b) related to height requirements in the M-2, General Manufacturing District; and to amend Section 420-57 H (2) related to construction design standards.

Jean Werbie-Harris:

Just to back up one meet, just for a point of clarification to the next Plan Commission, the next Plan Commission meeting is November 12, 2012, and it needs to go into the record as such so that we don't have to re-notice.

Michael Serpe:

Alright. Item I, Jean, it's all yours.

Jean Werbie-Harris:

This is a consideration of some zoning text amendments. And this relates to Section 420-124 J (4) (b) related to height requirements in the M-2, General Manufacturing District specifically as it related to Section 420-57 H (2) related to construction design standards.

On September 17, 2012 the Board adopted Resolution #12-33 to initiate some amendments to the zoning ordinance related to the height and building materials requirement allowed within the General Manufacturing Districts. The following amendments are being proposed:

Section 420-124 J (4) (b), and this relates to the height requirements in the M-2, General Manufacturing District. It is proposed to be amended as follows: The principal building height 60 feet maximum. However, the height of a principal building or part thereof may be increased to a maximum of 90 feet in height provided that for every one foot above 60 feet said principal structure shall be set back an additional 1.5 feet from all property lines.

And, again, some of the reasons that I had indicated when we initiated the resolution was that there are times when both we were working with potential companies and existing companies in the corporate park where they have certain types of equipment, manufacturing processes and other things that really would restrict us from having limited heights on a particular building. And so we wanted to be able to increase the height up to 90 feet but only if the setback is great enough in order to not pose a problem for the side setback, rear setback or street yard setback.

The second setback is one that we referenced briefly this evening. Section 420-57 H (2) related to construction design standards is hereby amended as follows: Section 420-57 H (2) (a) thru (k) to remain unchanged. However, construction design standards, in addition to any other applicable requirements or standards specified in this chapter, the following requirements or standards shall apply to construction plans unless specifically modified by the Plan Commission.

So in many circumstances now we don't have a conditional use but rather we have site and operational plans. Tonight we had a situation where we had a conditional use for Rust-Oleum. But there are other uses in our corporate park such as the We Energies Power Plan, CSW, Fair Oaks Farms. Those are three examples right now that I can think of where they have either because of the type of the use and the height of the building, or the freezer storage use within the building, that these buildings need to be constructed of a material other than block, brick or precast architectural concrete. Sometimes they have to be constructed of metal just because of the height or the type of material that's being stored inside the building. In the case of this equipment/structure that was brought down from Canada for CSW, I mean that was a very specific, unique structure that they have used at multiple facilities, and now it's coming to the in Pleasant Prairie. CSW their freezer expansion is architectural metal panels because of the material and the freezer type of component.

So what we're looking for is for the Plan Commission based on any of these elements or the height of a particular building to have discretion built into the zoning ordinance on a case-by-case basis as recommended by the Village staff. If it's a typical manufacturing or warehouse use and it's not 80 or 90 feet in height or it's not a freezer penalized section or if it's not something that's unique to that particular building, the staff's not going to recommend that it be of that type of material. But there are certain circumstances where I believe that the Plan Commission without being just a blanket statement in the zoning ordinance should have the discretion on a case-by-case basis to take a look at it and to make a determination if it makes sense because of the type of use or the height or whatever reason that is established. So that's the reason for that second amendment. This is a public hearing.

Michael Serpe:

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

Jim Bandura:

Jean, then shouldn't that read on a case-by-case basis, unless specifically modified by the Plan Commission based on a case-by-case situation? Would that clarify it a little more, or are we okay with what is presented?

John Braig:

You're creating a distinction between a generic or broad modification or a case-by-case. There is a difference.

Michael Serpe:

Are you comfortable with that, Jean?

Jean Werbie-Harris:

We can on a case-by-case basis. I can certainly say, or based on unique use of the building or specific height regulations. If you want me to get more specific I can. But I guess I was trying to say I really wanted to leave it on case-by-case basis or as determined by the Plan Commission based on -- I mean I can say based on certain circumstances.

Jim Bandura:

I mean as long as you're okay with that and that's understood then I guess we can leave it.

Michael Serpe:

Not every application that comes forward that's going to ask for this is going to come to the Plan Commission, is it?

Jean Werbie-Harris:

I'm sorry.

Michael Serpe:

Is every application that's going to request something different like an aluminum sided structure addition going to come to the Plan Commission for our approval?

Jean Werbie-Harris:

If it's steel or architectural metal panel then it will come to the Plan Commission. We have at least four existing buildings in the corporate park today. So with respect to CSW and their freezer expansion they already have a building that is, and I'm not sure if you're aware of that, but they already have a building that's architectural metal panels. So specifically I could have brought that to your attention, but it's an existing building. But this actually gives you that authority. And I will specifically cull that out for you on a case-by-case basis to make sure that you're aware of that.

Michael Serpe:

I don't have a problem with you making that decision.

Jean Werbie-Harris:

So I can say unless specifically modified by the Plan Commission on a case-by-case basis.

Wayne Koessl:

That sounds good.

Larry Zarletti:

Mr. Chairman, I would move approval then with that modification under number 2.

Michael Serpe:

Is there a second?

Judy Juliana:

Second.

Michael Serpe:

MOTION MADE BY LARRY ZARLETTI AND SECONDED BY JUDY JULIANA FOR THE APPROVAL OF THE ZONING TEXT AMENDMENT 40-124 AND 420-57 WITH MODIFICATIONS ON THE DESIGN ON NUMBER 2. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

K. Consider the discontinuance of a portion of 115th Street within the Kings Cove Subdivision.

Jean Werbie-Harris:

Members of the Plan Commission, on September 4, 2012 the Village Board approved Resolution #12-29 to initiate the discontinuance of a portion of 115th Street right-of-way west of 18th Avenue, which has been designated as a public right of way on the final plat of the Kings Cove Subdivision.

This portion of 115th Street, as shown on the slide, roadway was never constructed as a part of the development of the Kings Cove Subdivision. It was determined at that time that when and if the land to the west developed at that time that those improvements would be installed. And it has been determined through a recent floodplain study that the land within and adjacent to the 115th Street right of way is located within the 100-year floodplain. In addition, municipal sanitary sewer, water and storm sewer infrastructure were never constructed in said right of way.

Based on the environmental floodplain restrictions on the land within and adjacent to the platted 115th Street right of way, it is unlikely that further development could not occur west of the 115th Street right of way as originally anticipated. On September 17, 2012 all required property owners

were notified via regular mail; and the required Class 3 notice was published in the *Kenosha News* on September 24, October 1 and October 8, 2012 to notify the public of the public hearing being that is going to be held before the Village Board on October 15, 2012.

The land on both sides of the proposed street discontinuance is owned by Banks of Wisconsin. Therefore, upon the vacation of this portion of 115th Street the land will be split and transferred to the landowners on either side, Banks of Wisconsin. The staff recommends that the Village Board approve the discontinuance of a portion of 115th Street west of 18th Avenue within the Kings Cove Subdivision as presented. And, again, the Village Board will be holding the public hearing regarding this matter.

Jim Bandura:

Move for approval.

Judy Juliana:

Second.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND SECONDED BY JUDY JULIANA FOR APPROVAL OF DISCONTINUANCE OF A PORTION OF 115TH STREET. ALL IN FAVOR SAY AYE.

Voices:

Aye.

John Braig:

I abstain.

Michael Serpe:

Jean, one question. Tonight was a rather lengthy agenda. I don't know what the future holds, but at one time we were in two Plan Commission meetings a month. If it comes to that with agendas like this, maybe we should call for split them up a little bit.

Jean Werbie-Harris:

Actually in my budget for 2013 I do add six or eight additional Plan Commission meetings. So there will be times that we'll be going back to two meetings a month because this was a very lengthy meeting. Unfortunately, a number of the initial items were pushed back from an original meeting date. And I have to tell you that the planning staff and engineering staff is very busy right now, and we are working with many new uses in the Village. So we will likely need to be --

Michael Serpe:

I think that's a good idea.

Don Hackbarth:

I've got a comment, too. Do we have to stick by this agenda where somebody comes for a couple of cell tower antennas and waits through this whole -- can't we put him in the beginning like we did with Item J or whatever it was.

Jean Werbie-Harris:

It's up to the Plan Commission if you would like to move an item. Typically Robert's Rules of Order dictate that you hold public hearings first. But if there is a particular request made like the gentleman from CSW is made this evening, then the Plan Commission certainly can move it up.

Don Hackbarth:

I felt so bad for this guy sitting through this whole meeting.

Michael Serpe:

I agree with you, Don.

Larry Zarletti:

And the thing is I'm feeling like drastic times call for drastic measures. I totally understand that we've gone to one meeting a month. You've got a budget to have more than one meeting a month. But I think if this happens or is going to happen you could tell my looking at the agenda this was going to be a marathon. So just do two meetings in that month. I mean do you need Board approval for that? Is it such a dramatic cost for one month to do two of them? I kind of felt bad for the residents that were here. I'm kind of looking at staff feeling like it's 9:30 on a work night. It's crazy.

Jean Werbie-Harris:

Actually we do have a Plan Commission meeting on Monday. You know that, on October 15th at 3:00.

Michael Serpe:

What's that for?

Jean Werbie-Harris:

BP Amoco. So actually that Harpe item could have continued.

Michael Serpe:

This coming Monday at 3:00?

John Braig:

Yeah, this coming Monday.

Wayne Koessl:

If she's here have her come here so we can do her first.

Jean Werbie-Harris:

I can't unless you reconsider.

Larry Zarletti:

Have we adjourned yet?

Jean Werbie-Harris:

No, you'd have to go back and reconsider.

Larry Zarletti:

If we haven't adjourned can we say that based on new information at meetings end that we want to talk about it? I think it's just fair, that's all.

Michael Serpe:

That's a good question. I think we should kick that around. I think we should reconsider that.

John Braig:

I think we could rescind that previous action.

Jean Werbie-Harris:

Is there a motion?

Larry Zarletti:

I mean it still gets tabled, it just doesn't get tabled until November.

Michael Serpe:

If somebody wants to make a motion make the motion.

Wayne Koessl:

I would move we rescind the action on the Item from the November meeting --

John Braig:

Just rescind the action then we'll take --

Wayne Koessl:

I rescind the action.

John Braig:

Second it.

Michael Serpe:

That's on Item H?

Jean Werbie-Harris:

Yes.

Michael Serpe:

OKAY, MOTION MADE BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG TO RESCIND THE ACTION TAKEN ON ITEM H WHICH IS TABLING. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? Okay.

Larry Zarletti:

Now you want to re-table it, right?

Michael Serpe:

So you want to hear it now?

Larry Zarletti:

No, he wants to retable it.

Jean Werbie-Harris:

Retable it to October 15th.

John Braig:

That's a Monday and it's in the afternoon. Will that party be available during that afternoon?

Larry Zarletti:

They're going to have to be, otherwise we'll go into November.

John Braig:

One other item please.

Larry Zarletti:

Wait, we've got to vote on that, right?

Michael Serpe:

All those in favor of the rescheduling it for the October 15th Plan Commission meeting, which is this coming Monday, say aye.

Voices:

Aye.

John Braig:

My concern is what should be on the following agenda.

Jean Werbie-Harris:

No, no other such comments [inaudible].

8. ADJOURN.

John Braig:

Move adjournment.

Judy Juliana:

Second.

Michael Serpe:

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

Voices:

Aye.

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
3:00 P.M.
October 15, 2012**

A special meeting for the Pleasant Prairie Plan Commission convened at 3:00 p.m. on October 15, 2012. Those in attendance were Michael Serpe; Donald Hackbarth; Wayne Koessler; Jim Bandura; Larry Zarletti and Judy Juliana (Alternate #1). Thomas Terwall, John Braig and Andrea Rode (Alternate #2) were excused. Also in attendance were Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; and Peggy Herrick, Assistant Zoning Administrator.

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

Michael Serpe:

If there's anybody wishing to speak now would be your time since there are no public hearings today because what we have is going to be tabled.

Michael McTernan:

Michael McTernan, 6633 Green Bay Road, Kenosha, Wisconsin. I'm here just in support of postponing the item on the agenda tonight until the next Plan Commission meeting. If you have any questions I'm here. Thank you.

Michael Serpe:

Thank you. Anybody else wishing to speak? Anybody else wishing to speak? I'll close citizens' comments.

- 5. OLD BUSINESS.**
 - A. TABLED PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE for the request of Cory Harpe, agent for Harpe Development to use the house located at 9985 Cooper Road in the Village Green Heights Addition #1 Subdivision as a model home.**

Jean Werbie-Harris:

Members of the Plan Commission and the audience --

Wayne Koessler:

We have to take it off the table.

Michael Serpe:

I'm sorry.

Larry Zarletti:

Mr. Chairman, a motion to remove it from the table.

Wayne Koessl:

Second.

Michael Serpe:

MOTION MADE BY LARRY ZARLETTI AND SECONDED BY WAYNE KOESSL TO REMOVE THIS ITEM FROM THE TABLE. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Okay, Jean, I'm sorry.

Jean Werbie-Harris:

That's okay. I was just going to say that this is a tabled public hearing and does need to be removed from the table. 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 in your packets as well as presented this evening under findings of fact.

Findings of Fact

1. The petitioner is requesting a conditional use permit for Harpe Development LLC to use the house located at 9985 Cooper Road as a model home noted as Exhibit A. The subject property is known as Lot 170 in the Village Green Heights Addition #1 Subdivision, located in a part of the Southwest One Quarter of U.S. Public Land Survey Section 23, Township 1 North, Range 22 East in the Village and further identified as Tax Parcel Number 92-4-122-233-0670.
2. The single-family lots within the Village Green Heights Addition #1 Subdivision are zoned R-4, Urban Single Family Residential District. Pursuant to Section 420-108 C (1) (b) of the Zoning Ordinance, model single-family homes and related temporary real estate sales offices or marketing centers are allowed in the R-4 District with the approval of a conditional use permit from the Plan Commission.

3. On June 1, 2012, the Village issued the required zoning, building and erosion control permits, Permit No. 12-05-084, for the construction of a 2,645 square foot single family dwelling. A verbal inspection approval to occupy this property was issued by the Village on September 11, 2012. The driveway has been paved and the lawn has been hydro-seeded.
4. Pursuant to Section 420-148 (67) of the Village Zoning Ordinance, the model home and sales center may be located in a new development for a period not to exceed two years from the date of occupancy, and the Plan Commission may set specific time frames for which the model home and marketing center can be open.
5. The petitioner is proposing to have the model home open during the following hours: Monday through Friday during business hours as well as evenings and weekends. Specific times should be allowed and may be set by the Plan Commission. Village staff recommends Monday-Friday 10:00 a.m. to 4:00 p.m., Saturday and Sunday 12:00 p.m. to 3:00 p.m. or by appointment.
6. Parking shall be provided in the driveway and is allowed on Cooper Road and Main Street adjacent to the lot. Vehicular parking shall not block any driveways or fire hydrants and shall not be allowed on the street during a snow emergency and must not hinder any traffic visibility.
7. The conditions for approval of a model home, including the Village Zoning Ordinance conditional use permit standard conditions pursuant to Section 420-148 (67) of the ordinance are set forth in the staff recommended conditions of approval as identified in this Village Staff memorandum.
8. Notices were sent to adjacent property owners via regular mail on September 12, 2012 and the required notice was published in the *Kenosha News* on September 24 and October 1, 2012.
9. The petitioner was emailed a copy of the Plan Commission Memorandum for the October 8, 2012 which was since continued until this evening of October 15, 2012.
10. And the last public hearing was tabled due to the fact that the petitioner was present at the meeting. He is present here this evening.
11. The petitioner was emailed a copy of this memo on October 9, 2012.
12. According to 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 and information presented here this evening that the project as planned will not violate the intent and of the Village ordinance and meets all the minimum standards for the granting of a conditional use permit.

With that this is a public hearing, and the petitioner is here in the audience.

Michael Serpe:

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

Jim Bandura:

Just out of curiosity is the petitioner aware of all of the conditions that are set forth?

Michael Serpe:

We'll need your name and address.

Dustin Harpe:

Dustin Harpe, 7530 39th Avenue, Harpe Development. We are aware of all the conditions. Right now we're not planning on staffing it like the hours in here, but we would like the ability if we need to in the future. We're just doing it by appointment only.

Michael Serpe:

Anybody else?

Jean Werbie-Harris:

I also wanted to mention that we did not receive any calls or comments regarding this particular request.

Larry Zarletti:

Mr. Chairman, I'd move approval.

Jim Bandura:

Second.

Michael Serpe:

MOTION MADE BY LARRY ZARLETTI AND SECONDED BY JIM BANDURA FOR APPROVAL OF THE CONDITIONAL USE. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you.

6. NEW BUSINESS

Michael Serpe:

Items A, B and C I understand will remain on the table. Is that correct, Jean?

Jean Werbie-Harris:

Actually since specifically we're scheduling public hearings for these items today, we do need to table each of the Items A, B and C. And B and C are public hearings, so those are actually public hearings that do need to be continued to a date certain which will be in this case we're requesting November 12th at 6 p.m., on or after 6 p.m.

Michael Serpe:

So will remain on the table until November?

Jean Werbie-Harris:

No, two of these weren't on the table. These are new items. You have to take them up -- all three of these items you need to take them up this evening. Item one table it, second table, third table.

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.

Don Hackbarth:

Mr. Chairman, I move we table Item A.

Judy Juliana:

Second.

Michael Serpe:

MOTION MADE BY DON HACKBARTH AND SECONDED BY JUDY JULIANA TO TABLE ITEM A.

Jean Werbie-Harris:

Until November 12th.

Michael Serpe:

Until November 12th. All those in favor say aye.

Voices:

Aye.

Michael Serpe:

Opposed?

Wayne Koessl:

No.

Michael Serpe:

One no.

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.

Jim Bandura:

Mr. Chairman, I move that we table it until November 12th.

Larry Zarletti:

Second.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND SECONDED BY LARRY ZARLETTI TO TABLE THIS UNTIL NOVEMBER 12TH. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed?

Wayne Koessl:

Mr. Chairman, I'm going to vote no and if I could say something. The Village has been working on this since March, and it's making a joke out of our conditional use permit process. And it's an injustice to everyone in the business park who has to put up with this. My feeling is we ought to

just revoke the conditional use permit and put BP out of business until they comply with all of our regulations and I vote no.

Michael Serpe:

Okay, one negative.

C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP 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.

Jean Werbie-Harris:

Mr. Serpe, that should read -- there's a typo in the agenda. It should read zoning text amendment. It's not a map amendment. They currently have a PD but we're looking to modify the PD for this site, so that will be zoning text.

Michael Serpe:

That will be for the zoning text amendment instead of the zoning map amendment.

Larry Zarletti:

Mr. Chairman, I would move we table Item C and also indicate that it is a zoning text amendment and not a map amendment until the November 12th meeting.

Michael Serpe:

Is there a second?

Judy Juliana:

Second.

Michael Serpe:

MOTION MADE BY LARRY ZARLETTI AND SECONDED BY JUDY JULIANA TO TABLE ITEM C UNTIL NOVEMBER 12TH. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed?

Wayne Koessl:

No.

Michael Serpe:

And one dissenting.

7. ADJOURN.

Larry Zarletti:

Mr. Chairman, I move we adjourn.

Judy Juliana:

Second.

Michael Serpe:

Motion made and second to adjourn. All those in favor say aye.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

DRAFT

11-9-12

Items highlighted in Yellow are still unresolved. Staff has scheduled a meeting with the petitioner to discuss outstanding items on Monday November 12.

- 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.

Recommendation:

Village staff recommendations to be presented at the meeting.

- 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.

Recommendation:

Village staff recommendations will be presented at the meeting.

- 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.

Recommendation:

Village staff recommendations will be presented at the meeting.

- 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.

Recommendation:

Village staff recommendations will be presented at the meeting.

VILLAGE STAFF REPORT OF NOVEMBER 12, 2012

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.

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.

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.

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.

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 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:
 - 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. **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 existing contaminated ground water from several reported hazard substance releases at the site located at 10477 120th Avenue.
 - c. **Zoning Map Amendment** 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.

2. VIDHYA Corp, VIII, Inc. ("**Vidhya**") is the current owner of a property located at **10477 120th Avenue, Pleasant Prairie Wisconsin (the "Property")** 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 (**the "Station"**).
3. In June 1993, August 1993, December 22, 1998, September 1999, May 2006 and **February 2001, separate hazardous substance releases (the "Prior Releases")** at the Property were reported to the Wisconsin Department of Natural Resources (the "WDNR"), for which the WDNR identified BP as the responsible party ("RP"). The WDNR closed the site with GIS Registry on December 20, 2006 (**Exhibit A of Exhibit 1** contains information regarding historical releases).
4. On April 26, 2011, the Village of Pleasant Prairie reported to the WDNR what it claimed was a hazardous substance release at the Property. The WDNR subsequently identified Vidhya as the RP. 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 STH 165, adjacent to the Property (Collectively, the Prior Releases, June 2009, April 2011 and any subsequent releases at the Property are referred to as the "Releases".)
5. The Station operates at the Property under Conditional Use Permit #01-11, approved by the Village Plan Commission on June 25, 2001 (the "C.U. Permit").
6. On February 22, 2012, the Village issued a compliance order (the "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 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 (DRO) 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 6, 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 (the "Citations") to Vidhya and is also alleging that Vidhya is noncompliant with the terms of the C.U. 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 \$84,500.00 (the "Fines"). The Village has also threatened to suspend or revoke the C.U. 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 20, 2012 and at that time evidence and testimony were submitted and the hearing was closed. The Village Plan Commission

made no findings and did not act on the Petition of the Village to revoke or suspend the C.U. Permit and has since adjourned the meeting to November 12, 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 C.U. Permit, amended as provided below, to continue in effect.**
13. In accordance with the **Settlement Agreement (see 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 (delivered September 17, 2012) for pump out and ground water level control of the UST 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, naphthalene 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 6, 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 September 6, 2012, prepare a daily inspection log (to be delivered to the Village 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;
 - d. **Work with the WDNR to prepare a 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 6, 2012;**
 - e. **Prepare and submit to the Village a Remediation Plan, reasonably acceptable to the Village, by November 6, 2012; said remediation plan to include without limitation, testing and remediation for all "downstream properties" affected by any petroleum discharges from the Property;**
 - f. 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;

- g. By **November 9, 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 **December 21, 2012** 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 C.U. Permit and the PUD Ordinance affecting the Property;
- h. Consult with the WDNR and obtain WDNR comments on the planned Remedial Activities;
- i. Replace northerly outfall manhole by **November 6, 2012** and to properly dispose of any contaminated soils that may have to be excavated during said storm sewer repairs or any future repairs;
- j. Re-sod and restore the Property disturbed by implementation of Remedial Activities;
- k. Consent to the amendment of the C.U. 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 C.U. Permit, to authorize the construction of the carbon ground water treatment system and structure;
- l. Comply with the performance standards and reporting requirements of the WDNR WPDES Permit and with WDNR regulatory requirements for the investigation and remediation of any onsite and offsite discharges or releases incorporated herein by reference; and
- m. Complete implementation of all Remedial Activities by the earlier of March 1, 2013 or 100 days following the obtaining of all required approvals and permits from the Village, the State and the WDNR, (the "Compliance Date").**
- n. Vidhya agrees to pay all costs and expenses incurred by the Village arising out of, or relating to, the alleged illicit discharges at the Property or the enforcement of the Settlement Agreement, including without limitation, attorneys' fees, environmental consultant fees, reasonable fees for the Village Engineer and other Village staff, testing, sampling, and all similar costs. The Village estimates that its costs to October 7, 2012 are approximately \$39,474.40, as shown on **Exhibit E of Exhibit 1**. Vidhya agrees to pay the amount of \$39,474.40 on or before November 26, 2012 and to pay any other invoices from the Village for such expenses within ten (10) days following the date they have been notified by the Village of the amounts owed. In addition, Vidhya agrees to pay the sum of \$35,000 on or before November 26, 2012, to settle the Fines. The Village agrees to dismiss all other Citations and the Village agrees not to issue any new Citations regarding anything covered in the Settlement Agreement, subject to the ability of the Village to issue additional Citations if Vidhya violates any terms or provisions of the Settlement Agreement or Village Ordinances after the date of the Settlement Agreement.**
- o. If Vidhya completes the Remedial Activities by the Compliance Date, the Village staff shall, subject to the terms and provisions of the Settlement Agreement, recommend dismissal all previously issued Citations whose Fines**

total approximately \$84,000, and not issue any new Citations regarding anything covered in the Settlement Agreement, subject to the ability of the Village to issue new Citations if Vidhya violates any terms or provisions of the Settlement Agreement or Village ordinances after the date of the Settlement Agreement, and allow the Conditional Use Permit, as amended, to continue in effect.

- p. 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 a Wisconsin DOT Work-in-the-Right-Of-Way Permit and a Village erosion control permit (collectively, the "Remedial Activities Permit(s)"). All parties acknowledge that the C.U. 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.
 - q. The Village agrees to reasonably support and facilitate the review and approval of Vidhya's applications for the Remedial Activities Permits.
 - r. 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.
 - s. 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 (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 (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 including 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 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 C.U. 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 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. C.U. 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. C. U. Permit #01-11 (**Exhibit 3**) approved by the Village on June 24, 2001 allowed the owner to re-develop the property and construct and operate a 4,200 square foot gasoline station/convenience store with 10 fuel dispensers. Diesel fuel is allowed to be sold at the new facility only to automobiles and light trucks. The gasoline station/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 Ord. #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 area 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 (Culver's Restaurant)**. See **Exhibit 5** for a copy of the Cross-Access Easement.
19. Conditional Use Permit #03-13 (C.U. Permit #03-13) approved by the Village on July 28, 2003 (**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, the Vidhya began operating BP Amoco gasoline and convenience store under the existing C. U. Permit #01-11 and C.U. Permit #03-13 and PUD Ord. #01-32.
22. Pursuant to the terms of the Settlement Agreement, Vidhya has submitted a request to amend the C.U. Permit and the PUD Ordinance. Pursuant to the application the applicant has 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 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" the building foot print. 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 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 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 (7) days a week, but maintains expanded hours (up to 24 hours a day) during the Thanksgiving-Black Friday. 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: 5:00 a.m. to 12:00 midnight maximum; for hotels: no limit; for uses requiring a Village liquor license: as provided in § 125.68(4), Wis. Stats.; and for gasoline stations and restaurants: up to 24 hours pursuant to a conditional use permit.

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 from 5:00 a.m. to 12:00 a.m. daily. 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 the overtime services of the Police Department, a 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 am to midnight and Class A Intoxicating Liquor is only allowed to be sold from 8:00 am 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 neighboring areas (e.g., outside loading or unloading, the arrival of deliveries, idling of delivery trucks, beeping of backing vehicles, and garbage pickup), except for snow removal, is allowed only from 6:00 a.m. to 10:00 p.m.

- i. Currently, there are seven (7) full time and three (3) 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 house Thanksgiving evening/Black Friday. There are currently 23 parking spaces on the site, but with the expansion of the building, two (2) parking spaces are being removed, leaving a total of 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 requirements for a gasoline station with a convenience store is five (5) spaces per each 2,000 square feet of gross floor area plus 1 space for each employee on the largest shift plus the required handicapped accessible parking spaces pursuant to the state code. Therefore, a minimum of 13 spaces plus their required handicapped accessible parking spaces is required (5 spaces plus 3 spaces plus 5 spaces (assuming no more than five workers on site).

- j. It is anticipated that traffic volumes of 500 to 1,000 daily trips will continue, and 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 the 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 (petroleum delivery systems, coolers, ovens, and related food preparation equipment).

- 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 (DSIS) will be required to be installed in accordance with the requirements of Chapter 410 of the Village Municipal Code. The required DSIS Agreement will be 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 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 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.
 - 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 10:00-12:00 p.m. and 5:00-7:00 a.m. at least two (2) employees shall be working on-site unless the business has taken measures to protect a lone clerk such as the 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.
 - b. The owners retain landscapers to regularly maintain, replace and upgrade the landscaping that surrounds the property, including the removal of all snow and ice from the parking lots, driveways and sidewalks. In addition, employees walk the property on a regular basis to pick up 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.
 - c. The owner maintains all permits and licenses required to operate its business. Those permits and licenses allow for the sale of petroleum, alcohol, tobacco, food, and related items sold in its business, issued from the various government agencies.
24. The Village has received numerous complaints relating to the operations of the station site 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 of cars etc. These complaints were not address unless written up as violation at the yearly inspection,
25. In an email dated October 25, 2012, the Village requested additional information be submitted by November 6, 2012. (**Exhibit 8**).

26. On November 6, 2012 additional information was submitted (**Exhibit 9**) and reviewed by the Village. Upon review of the additional information. Additional information was still required to be submitted as requested in the email dated November 9, 2012 (**Exhibit 10**).
27. 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 October 15, 2012 Plan Commission meeting.
28. At the October 15, 2012 Plan Commission meeting the Plan Commission tabled the requests until the November 12, 2012 Plan Commission meeting.
29. The petitioner was e-mailed a copy of this memo on November 9, 2012.
30. 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.

RECOMMENDATIONS:

Revocation or Suspension of Conditional Use Permit #01-11: Village staff recommendation to be presented at the meeting.

Settlement Agreement: Village staff recommendation to be presented at the meeting.

Zoning Text Amendment to amend the BP-Amoco PUD Ordinance: Village staff recommendation to be presented at the meeting.

Conditional Use Permit including Site and Operational Plans: If 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 B-4, Freeway Service Business District in which it is located or the adjoining zoning districts and land uses.

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 approval of the Conditional Use Permit and Site and Operational Plan shall be approved subject to the following conditions:

1. C. U. Permits #91-001, 01-11 and 03-13 shall be released prior to recording the new Conditional Use Permit. The applicant shall submit the required \$55.00 application fee for the release documents to the prepared and \$100.00 for the documents to be recorded. Once the document is prepared the document shall be executed recorded at the Kenosha County Register of Deeds Office prior to recording the new Conditional Use Grant Document.
2. Compliance with the **attached** PUD Ordinance #12-39 being considered by the Village Board on October 15, 2012.
3. No through penetration between the new carbon room addition and the existing building shall be allowed to ensure no transfer of potentially toxic chemicals such as but not limited to carbon monoxide.
4. Compliance with the **attached** memorandum dated November 8, 2012 from the Village Fire & Rescue Department. **Pursuant to comment # 2, further information shall be submitted about the carbon treatment equipment that will be installed in the room. Additional conditions may be forthcoming upon review of the additional information being submitted.**
5. The following changes are required to be made to the Preliminary Site Investigation Work Plan dated November 5, 2012:
 - a. The sampling shall include lead as this has been present in the past;
 - b. Figure 2: Details on the clay collar or temporary extraction point or Sections A-A or B-B;
 - c. Figure 3: The proposed soil probes shall be centered on the ditch;
 - d. Figure 4: Six (6) proposed groundwater monitoring wells shall be installed as shown on the **attached in the locations previously proposed by the Village's** Environmental Consultant including an additional well appropriately located in the vicinity of the underground storage tanks and one well on the east side of the property
6. A Remedial Action Plan and Remedial Design Report that is compliant with NR 700 shall be submitted to the Village and approved by the WI DNR.
7. Compliance with the WI DNR WPDES Permit issued on November 2, 2012. A copy of said permit shall be provided to the Village.
8. A Work in the Right-of-Way Permit is required to be obtained from the Wisconsin Department of Transportation prior to any work commencing with the right-of-way of STH 165. A copy of the permit shall be provided to the Village.

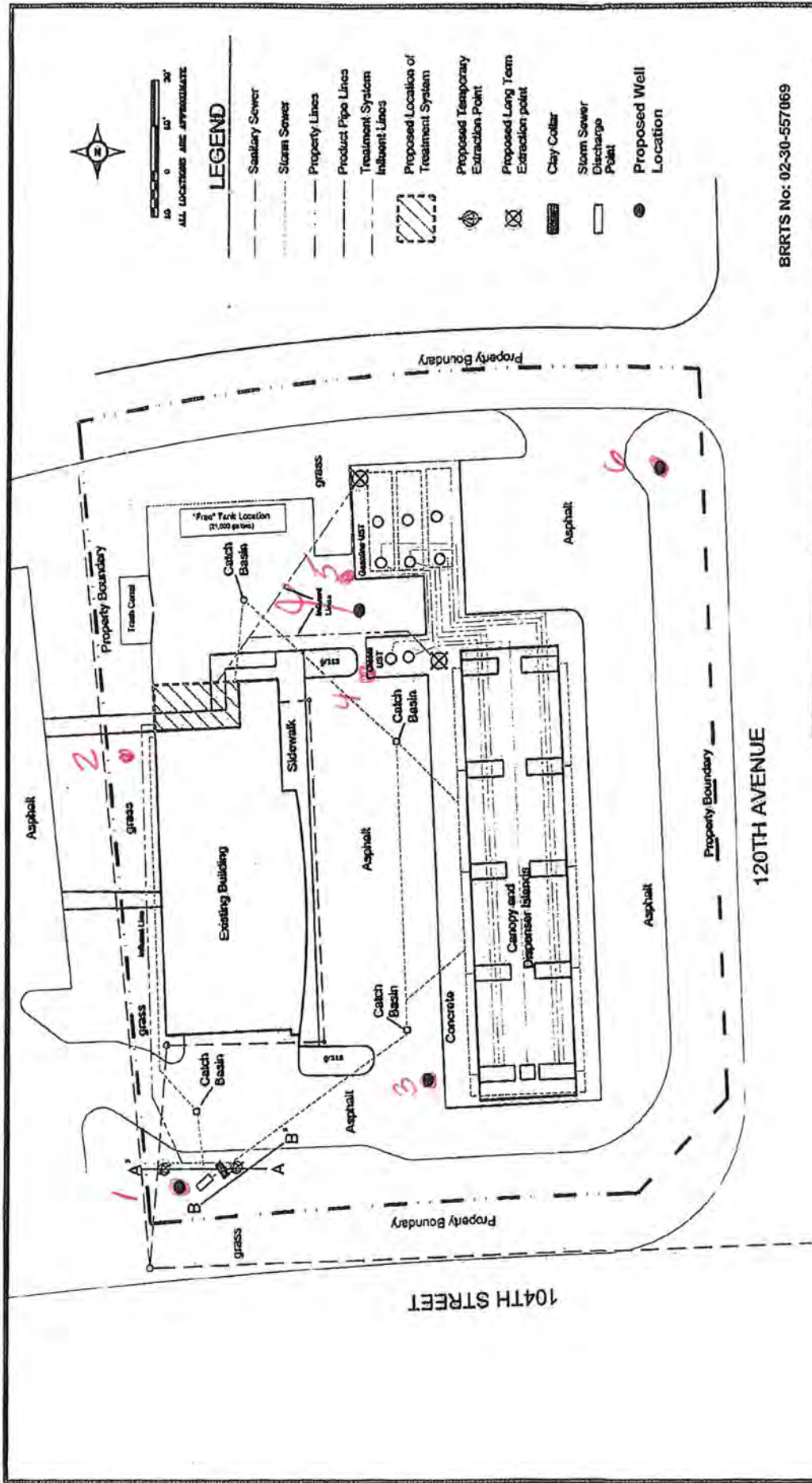
9. The facility and site shall be equipped with fully functioning and operational security cameras both inside and outside the facility at each entrance and exit and a Digital Security Imaging System (DSIS) will be required to be installed in accordance with the requirements of Chapter 410 of the Village Municipal Code. The required DSIS Agreement will be 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 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 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.
 - 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 10:00-12:00 p.m. and 5:00-7:00 a.m. at least two (2) employees shall be working on-site unless the business has taken measures to protect a lone clerk such as the 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.
10. The Site and Operational Plans shall include a Lighting Plan. The following shall be shown on the plans:
 - a. The location of the proposed lights shall be more shown on the Site Plan.
 - b. The lighting details and specifications shall be shown on the plans for parking lot and exterior building lightings.
 - c. The parking lot lights shall be silver to match the building.
 - d. Note on the plans that the lights shall be directed downward and not produce a glare or distraction to the adjacent roadways and properties.
 - e. All exterior lighting shall be of the same color and brightness.
 - f. The concrete bases shall not exceed 12 to 18 inches above grade and shall be located within landscaped areas.

- g. All lighting details shall be in good working order, properly maintained, repaired as needed, painted and well-kept.
 - h. 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.**
11. The plans do not provide information regarding the roof drainage. Downspouts shall be tied into the on-site storm sewer system and not be discharged onto existing pavement. Revise the Plans.
 12. Landscaping on the site shall be installed, watered, weeded, trimmed and maintained in good condition at all times. Litter and debris shall be removed from the landscaping on a daily basis. Damaged, dying or dead plant material shall be removed and new plantings shall be installed on a regular basis. Mulch shall be raked in place on a regular basis and replaced yearly. On the Landscape Plan identify specifically what new landscaping is proposed to be planted and when.
 13. Subject to compliance with the following conditions from the Village Building Inspection Department:
 - a. All building, plumbing, lighting and HVAC plans will need to be designed to the IBC Codes, prior to submitting (4 sets) for building permits from the Village of Pleasant Prairie. Since the total cubic footage of the accessory structure is less than 100,000 cubic ft. this can be a Municipal review. All sub-contractors will be required to apply for permits.
 - b. Halls, corridors, stairways, passageways, work aisles and other means of egress from factories, offices and mercantile buildings shall have emergency lighting and exit lighting per Article 700 of the NEC, SPS 316.46 Which requires interior and exterior lighting. The existing plans only show interior lighting. The Village Fire & Rescue Department shall be contacted for further information and requirements. Contact Fire & Rescue Chief Doug McElmury at 262-694-8027.
 - c. The architect(s)/ professional engineer(s) shall submit, to the Village and State, the compliance statement, Form SBD 9720, **prior to the final inspection with the Village Building Inspection and Fire & Rescue Departments.**
 - d. **The electrical contractor will be required to be licensed by the Village of Pleasant Prairie. The electrical contractor shall obtain a permit from the Village prior to beginning work. All contractors must be licensed or registered with the State of Wisconsin.**
 - e. All fire alarm installations require plan review and permit from the Village of Pleasant Prairie Fire & Rescue Department.
 14. All hard surfaced areas including the parking lot areas, drive lanes, paved areas adjacent to the pumps, sidewalks, etc. shall be clean, neat and free from pot holes or other cracks which present a safety risk to the pedestrians or traveling public. The hard surface areas of the site shall be maintained and free of any debris or potholes which may cause distractions or damages to vehicles. All pavement markings shall be done in yellow or white reflective paint.
 15. The gas station and convenience store shall operate in an organized, well-kept, clean, neat and professional manner. The inside of the store shall be maintained, painted, and clean for the public. Damaged or dirty walls, floors, coolers, bathrooms,


- racking, displays lighting, etc. shall be taken care of or repaired promptly. Mal-functioning gas pumps shall be repaired as soon as possible.
16. A Kenosha County Health Department permit and regular inspections will be conducted on the premises. Violations may result in the suspension or revocation of the Health Permit and the Conditional Use Permit.
 17. Hours of operation (when the public is allowed to enter or remain on site for business purposes) be limited from 5:00 a.m. to 12:00 a.m. daily. A Temporary Use Permit may be issued for 24-hour operations during any holiday period. 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 the 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 am to midnight and Class A Intoxicated Liquor is only allowed to be sold from 8:00 am to 9:00 p.m.
 18. Delivery hours or any other activities outside the principal building that might cause a disturbance to neighboring areas (e.g., outside loading or unloading, the arrival of deliveries, idling of delivery trucks, beeping of backing vehicles, and garbage pickup), except for snow removal, is allowed only from 6:00 a.m. to 10:00 p.m.
 19. All signs shall comply with Article X of Chapter 420 of the Village Municipal Code and with the BP Amoco PUD Ordinance on file with the Village. All signs shall be in good working order, properly maintained, repaired as needed, painted and well-kept.
 20. The following types of signs are prohibited and shall not be installed. For a complete listing of prohibited signs refer to the Article X of Chapter 420 of the Village Municipal Code.:
 - a. Any sign with flashing or pulsating lights.
 - b. Any inflatable sign, including but not limited to tethered balloon signs or other gas-filled figures.
 - c. Any temporary, spring-action metal advertising sign used, for example, to advertise cigarette or gasoline prices.
 - d. Any spotlights used as visual attention-getters.
 - e. Strings of lights, tinsel, pennants, pinwheels or other similar devices hanging between two points or attached to light poles, cars, landscaping or structures on the property.
 21. The use, operations, site, building and structures shall be designed, laid out, constructed and maintained in full compliance with the approved Site and Operational Plans, the Conditional Use Permit, Liquor and Tobacco Licenses and all other applicable provisions of the Village Municipal Code and all other applicable Village, County, State or federal regulations.
 22. 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.
 23. The site, building and garbage dumpster structure shall be maintained in a clean, neat, presentable, aesthetically pleasing, odor-free, structurally sound and nonhazardous condition inside and outside of the store at all times. All litter and debris outside of the structures shall be promptly removed on a daily basis. The

- garbage dumpster enclosure doors shall not be left open on garbage day and shall be promptly closed after the pick-up of garbage.
24. The handicapped parking space shall be appropriately signed, painted on the pavement and maintained pursuant to ADA requirements.
 25. All exterior mechanical units, antennae and/or satellite dishes, whether roof-mounted or ground-mounted, shall be screened from the general public's view.
 26. All required landscaping shall be installed per the plans and written verification and/or certification shall be provided to the Village by the landscape installer/designer that the landscaping has been installed in accordance with the Village approved landscape plan.
 27. On site building alterations/modifications or changes in the operations or use of the site shall be in strict conformity to the Village approved plans and the Settlement Agreement approved in connection with the petition for this Conditional Use Permit. Violations of these conditions may result in the suspension or revocation of the conditional use permit and zoning violation prosecution, or both.
 28. 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.
 29. All required permits shall be obtained from the Village prior to commencing work. All applications for permits shall provide sufficient details to understand the scope of work being performed.
 30. Operation of the use granted herein shall be in strict conformity to both 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.
 31. No changes to the exterior site, building or structures shall be made without the Village's approval. No painting of the exterior of the BP station building or garbage dumpster enclosure shall be permitted, unless expressly permitted by the Village. Colors for building trim work shall be approved by the Village.
 32. 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.
 33. 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.
 34. 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.
 35. **Upon approval, the Village will prepare the required Conditional Use Grant Document to be executed by the property owner 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.**

36. **The petitioner shall provide the Village with the name(s) and title(s) of the authorized person(s) for VIDHYA Corp, VIII, INC to sign the document so that the required Conditional Use Grant Document can be prepared.**
37. If building permits are not issued within said 180 days the Site and Operational Plan approval said approval shall be void.



BRRTS No: 02-30-557069

	Proposed Monitoring Well Locations	
	Scale: 1" = 30' +/-	Project Number: 7-121020
	10477 120th Avenue Plymouth Profit, WI	Date: 8/13/12

Notes:
Developed from Site Plan provided
by client

7-121020\autocadfiles\bp station site.dwg\site

Figure 4



VILLAGE STAFF MEMORANDUM

TO: Jean Werbie-Harris, Community Development Director
FROM: Doug McElmury, Chief Fire & Rescue Department
CC: Lt. Thomas Clark, Fire & Rescue Department
Peggy Herrick, Assistant Planner, Community Development
SUBJECT: Review BP Carbon Treatment Room
DATE: November 8, 2012

This is a review for the 450 sq. ft. addition to the BP Amoco to house the Carbon Treatment Equipment

Fire and Rescue Department comments are based on the information given by BP.

1. 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.
2. Further information shall be submitted about the carbon treatment equipment that will be installed in the room. The information shall include the operation, hazards and maintenance procedures for the equipment. The information submitted may generate additional requirements from the Fire & Rescue Department. The following information that needs to be provide to complete the review:
 - a. Per the Carbonair Operation and Maintenance Manual the Granular Activated Charcoal (GAC) in the vessels need to be replaced as part of a routine maintenance program. Is the ceiling height adequate to facilitate access to the top of the vessel safely?
 - b. How will the Carbonair system be connected into the stream of storm water once the frac tank is removed? What will be the effect on the system in flooding conditions?
 - c. Who will perform the maintenance on the Carbonair system? The vessel is a Permit Required Confined Space. The means that that whoever services the vessel must be trained in the OSHA Confined Space Entry, air monitoring with the proper meters, a permit system is in place, a trained Attendant is standing-by, a rescue service is trained and available in a minutes, etc.
 - d. Where is the contaminated GAC going to be stored?
 - e. What quantity of contaminated GAC will be on site?
 - f. What is the flash point of the GAC?

- g. Where and how will the contaminated GAC be disposed of?
 - h. What is the operational plan for replacing the GAC? The GAC is a hazardous substance in that it absorbs oxygen and creates an oxygen deficient atmosphere especially in a small room such as the room the equipment will be located in. What will be done to protect not only the person servicing the equipment, but other employees and the public?
3. Building keys to allow access into the space must be given to the Fire and Rescue Department. Keys will be secured in the Knox Box.
 4. A fire extinguisher shall meet NFPA 10 (Portable Fire Extinguishers) for the specific use of the building. The company providing the fire extinguishers shall submit a letter to the Fire & Rescue Department stating the location and size of the extinguisher are in compliance with NFPA 10.
 5. Exit and Emergency Lighting shall be provided and shall have battery backup. A combination units is acceptable and recommended. An Emergency Generator eliminates the need for battery backup. Exit and Emergency Lighting shall not be placed on electrical circuits that cannot be disturbed or interrupted, this is for test purposes. These circuits shall be clearly labeled.
 6. An Occupancy Inspection conducted jointly with the Building Inspection Department shall be conducted upon completion of construction of the room.
 7. MSDS sheets shall be submitted for all products and chemicals.
 8. Occupancy permit fee will apply, fee will be: \$ 50.00.
 9. Re-Inspection fees may apply if subsequent trips need to be made.

ORD. # 12-

**ORDINANCE TO AMEND CHAPTER 420 ATTACHMENT 3 APPENDIX C
SPECIFIC DEVELOPMENT PLANS 10
OF THE VILLAGE ZONING ORDINANCE
PURSUANT TO CHAPTER 420-137
OF THE VILLAGE ZONING ORDINANCE
FOR BP-AMOCO PLANNED UNIT DEVELOPMENT
IN THE VILLAGE OF PLEASANT PRAIRIE,
COUNTY OF KENOSHA, STATE OF WISCONSIN**

**THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN, DO ORDAIN THAT CHAPTER 420 ATTACHMENT 3
APPENDIX C SPECIFIC DEVELOPMENT PLANS 10 FOR BP-AMOCO PLANNED UNIT
DEVELOPMENT IS HEREBY AMENDED AS FOLLOWS:**

10. BP-AMOCO PUD

- a. It is the intent that the BP-Amoco development will provide for development and uses on the property as legally described below in conformity with the adopted Village Comprehensive Plan and the basic underlying zoning district; that the development will not be contrary to the general welfare and economic prosperity of the community; and that the structures, landscaping, parking areas, architectural design, lighting, general site development and signage for the facility shall be properly maintained and general site development will result in an attractive and harmonious commercial retail area, will operate as a uniform development and will not adversely affect the property values of the surrounding properties.
- b. Legal Description: The property included is known as Lot 14 of Certified Survey Map #1489, located in U.S. Public Land Survey Section 30, Township 1 North, Range 22 East in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin and is hereinafter referred to as the DEVELOPMENT.
- c. Requirements within the DEVELOPMENT:
 - (i) The DEVELOPMENT shall be in compliance with all Federal, State, County and Village ordinances and regulations except as expressly modified in Section d below. Additionally, all portions of the Village Zoning Ordinance not modified by this PUD shall apply to the DEVELOPMENT.
 - (ii) The DEVELOPMENT shall be in compliance with the LakeView Corporate Park Declaration of Development Standards and Protective Covenants and Modifications, as may be amended from time to time, as recorded at the Kenosha County Register of Deeds Office.
 - (iii) Compliance with the Reciprocal Access Easement (Recorded at the Kenosha County Register of Deeds Office on August 22, 2001 as Document #1232401). This easement allows for vehicular cross-access between the DEVELOPMENT site and the Culver's restaurant, located to the immediate east.
 - (iv) Compliance with the Settlement Agreement approved by the Village Board on [REDACTED], 2012 on file with the Village.
 - (v) Compliance with the Conditional Use Grant Document #12-10 including Site and Operational Plans approved by the Village Plan

Commission on _____, 2012 and recorded at the Kenosha County Register of Deeds Office.

- (vi) Compliance with the Digital Security Imaging System Agreement (DSIS) and recorded Access Easement as approved by the Village on _____, 2012.
- (vii) Hours of operation (when the public is allowed to remain on-site) shall be limited from 5:00 a.m. to 12:00 a.m. daily. A Temporary Use Permit may be issued for 24-hour operations during any holiday period. 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 the overtime services of the Police Department, a 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 am to midnight and Class A Intoxicated Liquor is only allowed to be sold from 8:00 am to 9:00 p.m.
- (viii) Delivery hours or any other activities outside the principal building that might cause a disturbance to neighboring areas (e.g., outside loading or unloading, the arrival of deliveries, idling of delivery trucks, beeping of backing vehicles, and garbage pickup), except for snow removal, is allowed only from 6:00 a.m. to 10:00 p.m.
- (ix) The DEVELOPMENT, including but not limited to, the building, accessory structure pump, canopy and garbage enclosure, signs, landscaping, parking lots, exterior site lighting, etc., and the site as a whole, shall be maintained both inside and outside in a neat, presentable, clean aesthetically pleasing, structurally sound and non-hazardous condition. Maintenance shall be conducted on a regular basis both inside and outside of the buildings and site.
- (x) The inside of the building shall be clean, bath rooms shall be inspected and cleaned, floors shall be swept and walls shall be re-painted and repaired as necessary.
- (xi) Parking is only allowed in designated parking spaces within the DEVELOPMENT. No parking is allowed on STH 165, 120th Avenue or shared the private roadway south of the DEVELOPMENT. In addition, the parking lot areas shall be striped with reflected white or yellow paint and all handicapped accessible parking spaces shall be clearly marked. Any pot holes or other damages to the parking lot shall be promptly repaired.
- (xii) The building and site improvements within the DEVELOPMENT shall be made in accordance with the applicable Village Ordinance and Codes, that may be amended from time to time.
- (xiii) All buildings/structures and all exterior additions, remodeling or alterations to the any buildings/structures within the DEVELOPMENT shall be constructed of the same or complimentary exterior materials, colors and architectural style.
- (xiv) Plantings, mulch/stone shall be installed and maintained pursuant to the Village approved Landscape Plan on file with the Village.

- (xv) All exterior site building and landscaping maintenance shall be performed regularly by the owners or managers of the DEVELOPMENT. Specifically garbage/litter shall be picked up on a site on a daily basis, site lighting, signage, parking lot and pumps shall be in working order and provide receipts. If improvements are damaged or not working properly shall be promptly repaired.
- (xvi) No flags, pennants, streamers, inflatable signage, spot lights, walking signs, shall be affixed to any building, landscaping vehicle, roof-top, or the ground shall be allowed unless expressly permitted by the Zoning Ordinance.
- (xvii) The DEVELOPMENT shall be maintained in a neat, presentable, aesthetically pleasing, structurally sound and nonhazardous condition. All litter or garbage on and adjacent to the site shall be picked up on a daily basis by the petitioner.
- (xviii) The DEVELOPMENT shall comply with all applicable performance standards set forth in Section 420-38 of the Village Zoning Ordinance.
- (xix) No outdoor vending machines, propane tanks, oil drums, or newspaper stands shall be allowed on the site outside of the building.
- (xx) No outside storage of merchandise or donation drop boxes for clothing, furniture or other household products permitted shall be allowed anywhere on the site.
- (xxi) The DEVELOPMENT shall not be used for any outside parking (neither overnight nor during the day) of junked, inoperable, dismantled or unlicensed vehicles. All junked, inoperable, dismantled or unlicensed vehicles that are parked outside will be issued citations.
- (xxii) No vehicular parking shall be permitted in the cross access driveways, on-site driveways, maneuvering lanes, fire lanes or landscaped areas.
- (xxiii) No semi-trucks, semi-trailers, cabs, or construction-related equipment shall be parked during the day or overnight on the site.
- (xxiv) No used vehicles "for sale" or "for lease" shall be parked on the site.
- (xxv) No semi-trailers, storage units, storage bins, roll-off storage devices (e.g. P.O.D.S., S.A.M.S.) or other trucks shall be used for storage purposes on the site. Outdoor storage of any materials, including but not limited to: products, oil, wood, windshield wiper fluids, business supplies, pallets, crates, etc., is also prohibited.
- (xxvi) The garbage dumpster gates shall be kept closed at all times, except when garbage is being collected. In addition, all garbage and recycling materials shall be stored within the garbage dumpster enclosure.
- (xxvii) All signs within the DEVELOPMENT shall comply with Article X of Chapter 420 of the Village Municipal Code and this PUD Ordinance. In addition, all signs shall be in good working order, properly maintained, repaired as needed, painted and well-kept.
- (xxviii) Owner, manager and employees shall be informed of these regulations and perform daily site inspections and shall comply with the requirements of this Ordinance.

(xxix) Semi-annual zoning inspections will be conducted for the Development to verify compliance with this PUD.

d. Specific modifications to the Village of Pleasant Prairie Zoning Ordinance for the DEVELOPMENT:

- (i) Section 420-48 L related to setbacks for parking areas is amended to read as follows:
 - L. Setbacks for parking areas (which includes parking spaces, maneuvering lanes and fire lanes). Parking areas shall be set back a minimum of 15 feet (as measured from the north property line to the back-of-curb) from all adjoining street rights-of-way and a minimum of 20 feet (as measured from the north property line to the back-of-curb) from all adjoining private roadways and lot lines.
- (ii) Section 420-121 H (4) (c) related to building setbacks in the B-4, Freeway Service Business District is amended to read as follows:
 - (c) Setbacks:
 - [1] Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.
 - [2] Side setback (to east property line): 13 feet minimum.
- (iii) Section 420-78 K (1) related to the Aggregate Permitted Background Commercial Sign Area is amended to read as follows: :
 - (1) The maximum Aggregate Permitted Background Commercial Sign Area allowed within this DEVELOPMENT is 181 square feet,

e. Amendments

- (i) The PUD regulations for the DEVELOPMENT may be amended pursuant to Chapter 420-137 of the Zoning Ordinance.
- (ii) The Zoning Administrator has the discretion to approve minor changes, adjustments and additions to this PUD ordinance document without the need for Village Plan Commission and Village Board review and approval.

Adopted this _____ day of _____ 2012.

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

John P. Steinbrink
Village President

Jane M. Romanowski, CMC
Village Clerk

Posted: _____

Effective Date: _____

92-4-122-302-0130

873824
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REGISTER'S OFFICE
KENOSHA COUNTY, WISCONSIN

AUG 30 2 31 PM '91

DONNA M. DIETMAN
REGISTER OF DEEDS

2400

VILLAGE OF PLEASANT PRAIRIE CONDITIONAL USE GRANT GRANT NO. 91-001

Before the Village Board of the Village of Pleasant Prairie, Kenosha County, Wisconsin, in regard to premises located south of STH 165 and east of 120th Avenue identified as Tax Parcel Number 92-4-122-302-0113-0 (Parcel 14, a redivision of Parcel 7 CSM #1362) in Township 1 North, Range 22 East, Kenosha County, State of Wisconsin, further described as follows:

Commencing at the Northwest corner of said Section 30, thence N89° 44' 44" East along the North line of said Northwest 1/4 Section, 1169.05 feet; thence South 02° 43' 08" East, 128.42 feet to the place of beginning of the following description;

Thence North 44° 33' 09" East, 45.74 feet to a point in the South line of STH 165 and a point in a curve; thence Northeasterly 363.41 along the South line of said highway and the arc of said curve, whose center lies to the North, whose radius is 2939.79 feet and whose chord bears North 84° 36' 06" East, 363.17 feet to the West line of 114th Avenue; thence South 12° 21' 54" East, 290.69 feet; thence South 80° 05' 08" West, 35.00 feet; thence South 23° 32' 21" West, 250.00 feet; thence South 58° 50' 27" West, 250.00 feet; thence South 89° 44' 44" West, 80.00 feet to the East line of 120th Avenue (Frontage Road); thence North 02° 43' 08" West and along the East line of said 120th Avenue, 582.78 feet to the place of beginning, a part of the NW 1/4, Section 30, T1N, R22E, in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin. Containing in all 5.027 acres of land, more or less.

WHEREAS, the Zoning Code and Zoning District Map of the Village of Pleasant Prairie, pursuant to State Statute, provide 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

Petition therefore having been made, and public hearing held thereon, and the Village Board 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, that the Premises may be used for the purpose of operating a gasoline service station with a convenience store and a proposed future car wash facility in a B-4, Planned Business Zoning District with a PUD, Planned Unit Development Overlay Zoning District.

The Conditional Use Permit is granted subject to the following conditions:

1. Wisconsin State DILHR approved plans for construction shall be submitted to the Village's Inspection Department for review and approval.
2. A WDOT permit will be required for the driveway opening onto the frontage road (120th Avenue). A copy of the permit shall be provided to the Village prior to issuance of Village zoning and building plans.
3. Sanitary sewer service can be provided from the existing 8-inch sewer along the south side of STH 165. The proposed sanitary lateral or private main shall be shown on the plans. A sanitary meter manhole will be required.
4. The size of the proposed water main and service(s) shall be shown on the plans along with valves and/or hydrants. Revised plans to include hydrant location.
5. Storm sewer and manholes/catch basins shall be identified. Sizing calculations shall be provided. Roof drain connections shall also be shown.

6. Proposed pavement and/or curb grades shall be shown. The parking lot and driveway entrances shall be paved, asphalt or concrete pads. There shall be no parking of vehicles on the grass areas.
7. Separate sign permits shall be obtained prior to construction of signs.

On July 30, 1991 Amoco Oil Company received two (2) sign setback variances from the Village Board of Appeals:

- Permits a pole sign to be located two (2) feet from the STH 165 r-o-w.
 - Permits a monument sign to be located six (6) feet from the 120th Avenue r-o-w.
8. The height of the building and the canopy shall be shown on the building construction plans. The canopy may not exceed 20 feet in height.
 9. Approval of the proposed future car wash shall be contingent on a change in the Village Zoning Ordinance which would allow car washes as a conditional use within the B-4, Planned Business District. The petitioner shall obtain Village zoning and building permits prior to construction of the car wash.
 10. Erosion control measures such as silt fencing and graveled entrances shall be utilized on the entire development site where applicable. An erosion control application and plan shall be submitted with the construction plans for review and a permit shall be issued prior to commencing construction activities.
 11. The method of exterior maintenance (site and building) shall be submitted for review and approval.
 12. All lighting shall be directed so as not to glare into the adjacent right-of-way or onto adjacent properties.

13. Any proposed new fencing shall comply with the Village's regulations. The location of any fencing, height and type shall be shown on a site plan and separate building and zoning permits shall be obtained prior to construction.
14. No outside display of products shall be allowed and merchandise may not be stored outside (i.e. salt, oil, tires etc.)
15. Use of flags and glittery streamers will be prohibited as they serve to distract drivers on the adjacent highway. No inflatable signs or portable/flashing signs are permitted. No signs shall be affixed, located on, attached to or cover any landscaping, shrubs, trees, utility poles or directional signs.
 - a. It is the owner's responsibility to sign the conditional use permit document and pay the recording and filing fees prior to obtaining zoning and building permits.
16. An acceptable method of gasoline spill mitigation shall be provided to the Fire Chief for review and approval prior to issuance of Village building and zoning permits.
17. A final approved landscaping plan shall be submitted to the Village. All landscaping shall be completed within 6-8 months of final occupancy.
18. One Knox box shall be provided on the site. Keys to the convenience store shall be kept in the Knox box.
19. There shall be no vehicles displayed on the site for sale and no outside storage of junk vehicles
20. In the existing Zoning Ordinance, search lights for advertising purposes may be permitted provided that the search light will not be located in any public right-of-way, will not be closer than 10 feet to an adjacent property and will not cause a hazard to traffic or

adjoining properties. Search light permits shall not be granted for a period of more than 12 days in any 6-month period.

21. This Grant shall become effective upon the execution and recording by the Village for the Owners of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
22. This Grant shall be void unless proper application, pursuant to the building code and zoning ordinance of the Village, for appropriate Building, and Zoning and Occupancy Permits in conformity to this Grant, is made within six (6) months of the date hereof.
23. This Grant is subject to amendment and termination in accordance with the provisions of the Zoning Ordinance of the Village.
24. Construction and operation of the use granted shall be in strict conformity to the approved site, building and operation plans filed in connection with the petition for this permit, and annexed hereto.
25. Any of the conditions of this Grant which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.

GRANTED by the action of the Village Board of the Village of Pleasant Prairie the 5th day of August, 1991.

[Signature]
(Village President)

Attest:

[Signature]
(Village Clerk)

Original filed in the Office of Planning and Zoning of the Village of Pleasant Prairie.

Signed: [Signature]
Petitioner(s) Michael P. Kocon
Project Engineer Amoco Oil Company

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) SS
Kenosha COUNTY)

Personally came before me this 29 day of August, 1991, the above named Michael P. Kocon to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

[Signature]

Notary Public Kenosha County, WI. My Commission is permanent. (If not, state expiration date: 8/23/92)

Receipt of a True Copy of this document on behalf of the petitioner(s) acknowledged the 29th day of August, 1991.

THIS INSTRUMENT WAS
DRAFTED BY:

Katherine Rowland
ASSISTANT VILLAGE PLANNER
& DEPUTY ZONING
ADMINISTRATOR

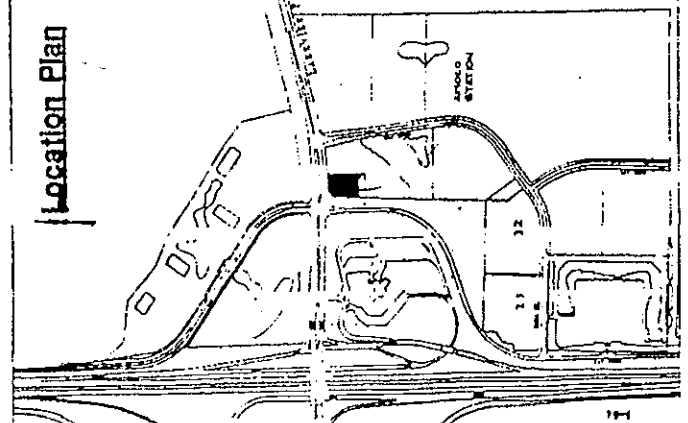
Katherine S. Rowland
Deputy Village Administrator

Original document filed in
Community Development Department
Village of Pleasant Prairie

Return this document to:
Village of Pleasant Prairie
Community Development Department
P.O. Box 89
Pleasant Prairie, WI
53158-0089

Conditional Use Permit Number: 91-001

CONDUSEGR.004



Location Plan

NOVALS

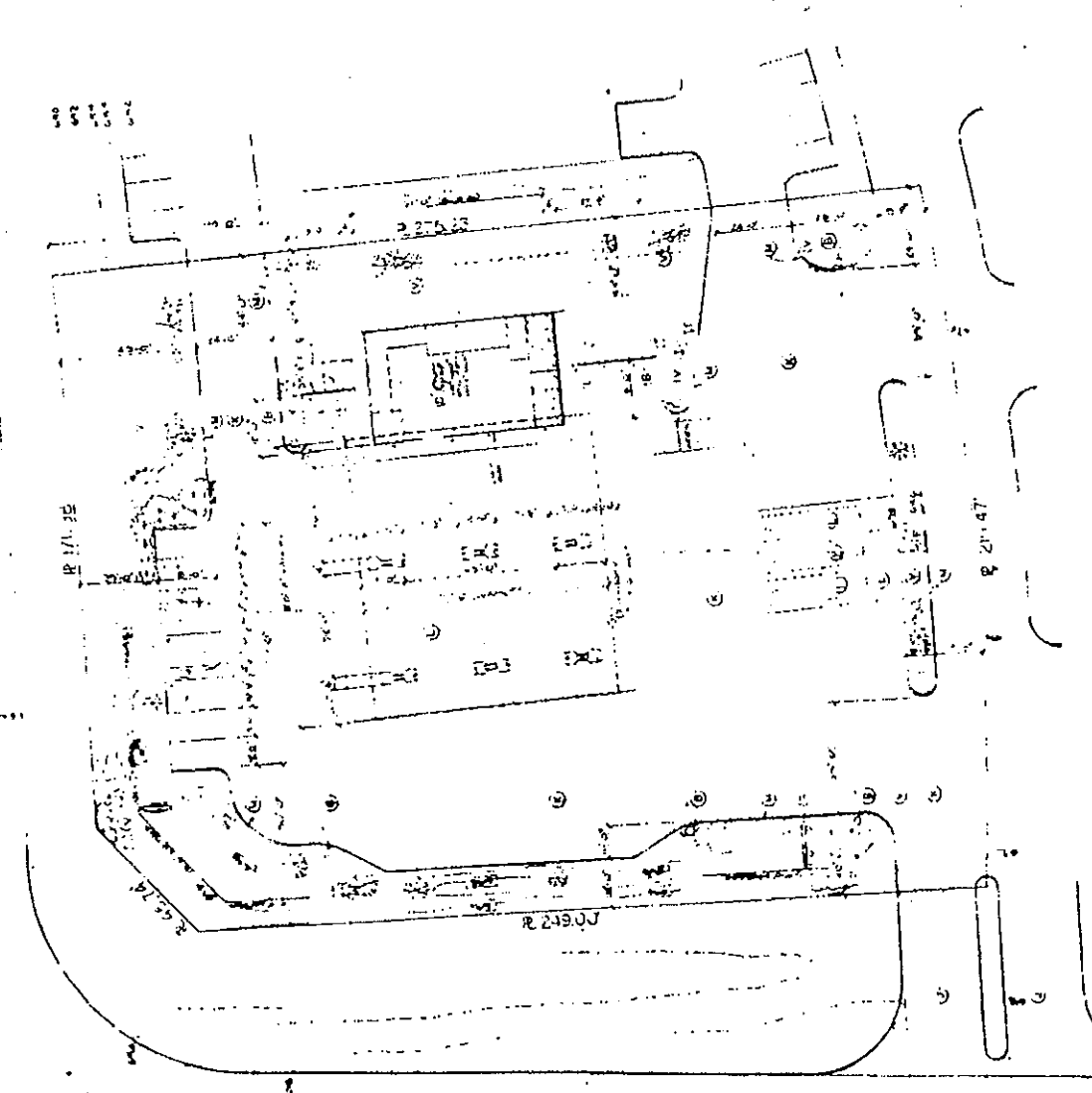
NO OIL CO.
PUMPING ROAD,
ROCK, ILL

ARK CORPORATION
LAKEVIEW PARKWAY SUITE #100
DX 180
ANT PRAIRIE WIS 53158 -180

DATE

DATE

Lakeview Parkway S.T.H. 165



Site Plan

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Legend

1	EXISTING BUILDING
2	PROPOSED BUILDING
3	EXISTING DRIVEWAY
4	PROPOSED DRIVEWAY
5	EXISTING SIDEWALK
6	PROPOSED SIDEWALK
7	EXISTING PAVEMENT
8	PROPOSED PAVEMENT
9	EXISTING CURB
10	PROPOSED CURB
11	EXISTING LANDSCAPE
12	PROPOSED LANDSCAPE
13	EXISTING UTILITY
14	PROPOSED UTILITY
15	EXISTING FENCE
16	PROPOSED FENCE
17	EXISTING SIGN
18	PROPOSED SIGN
19	EXISTING LIGHT
20	PROPOSED LIGHT
21	EXISTING TREE
22	PROPOSED TREE
23	EXISTING SHED
24	PROPOSED SHED
25	EXISTING DRIVE
26	PROPOSED DRIVE
27	EXISTING SIDEWALK
28	PROPOSED SIDEWALK
29	EXISTING PAVEMENT
30	PROPOSED PAVEMENT
31	EXISTING CURB
32	PROPOSED CURB
33	EXISTING LANDSCAPE
34	PROPOSED LANDSCAPE
35	EXISTING UTILITY
36	PROPOSED UTILITY
37	EXISTING FENCE
38	PROPOSED FENCE
39	EXISTING SIGN
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48	PROPOSED DRIVE
49	EXISTING SIDEWALK
50	PROPOSED SIDEWALK
51	EXISTING PAVEMENT
52	PROPOSED PAVEMENT
53	EXISTING CURB
54	PROPOSED CURB
55	EXISTING LANDSCAPE
56	PROPOSED LANDSCAPE
57	EXISTING UTILITY
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64	PROPOSED LIGHT
65	EXISTING TREE
66	PROPOSED TREE
67	EXISTING SHED
68	PROPOSED SHED
69	EXISTING DRIVE
70	PROPOSED DRIVE
71	EXISTING SIDEWALK
72	PROPOSED SIDEWALK
73	EXISTING PAVEMENT
74	PROPOSED PAVEMENT
75	EXISTING CURB
76	PROPOSED CURB
77	EXISTING LANDSCAPE
78	PROPOSED LANDSCAPE
79	EXISTING UTILITY
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81	EXISTING FENCE
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83	EXISTING SIGN
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91	EXISTING DRIVE
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93	EXISTING SIDEWALK
94	PROPOSED SIDEWALK
95	EXISTING PAVEMENT
96	PROPOSED PAVEMENT
97	EXISTING CURB
98	PROPOSED CURB
99	EXISTING LANDSCAPE
100	PROPOSED LANDSCAPE

Detail Sheet



Detail Sheet

DATE
DATE
DATE

Proposed Food Shop,
Pumper
LAKEVIEW PARKWAY
PLEASANT PRAIRIE
KANSAS, ILLINOIS

Site Plan

DWG. No.



COPY

DOCUMENT NUMBER

1235622

CONDITIONAL USE PERMIT
R E C O R D E D
At Kenosha County, Kenosha, WI
Louise I. Principec, Register of Deeds
on 9/28/2001 at 2:01PM
1004671 \$17.00


RECEIVED

BRND

**VILLAGE OF PLEASANT PRAIRIE
CONDITIONAL USE GRANT NO. 01-11**

Before the Village of Pleasant Prairie Plan Commission,
Kenosha County, Wisconsin, in regard to the Amoco Oil
Company property located at 10477 120th Avenue.

Return to:
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, WI 53158

 **Parcel Number:**
92-4-122-302-0130-0

Legal Description: Lot 14 of CSM 1489 f/k/a part of CSM 1362 located in a part of the Northwest ¼ of Section 30 Township 1 North, Range 22 East 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 Village Plan Commission 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. Specifically, based upon the information presented at the public hearing the project meets the following standards for granting a Conditional Use Permit in that: the project does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems 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; does not increase danger of fire--in so far as the danger of fire does not exceed the capabilities of the Village Fire and Rescue Department; the project does not create storm water flooding or drainage, create obnoxious odors, problems or otherwise endanger the public health, safety or welfare; there is no existing identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency that would endanger the public's health, safety or welfare related to the proposed use; and the proposed and applied for use on this particular parcel is not inherently inconsistent with either the B-4 (PUD), Planned Business District with a Planned Unit Development Overlay District in which it is located or the adjoining Zoning Districts or the industrial neighborhood.




NOW THEREFORE, a conditional use is granted, subject to compliance with the terms and conditions hereinafter stated for Amoco Oil Company, to redevelop/reconstruct and operate a 24-hour gasoline station and convenience store at 10477 120th Avenue.

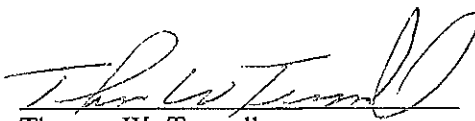
1. This conditional use permit allows the owner to replace the existing Amoco gasoline station/convenience store with a new 4,200 square foot BP-Amoco gasoline station/convenience store as a 24-hour operation. The development will have 10 fuel dispensers. Diesel fuel will be sold at the new facility only to automobiles and light trucks – no diesel fuel is to be distributed to semi trucks. The 4,200 square foot building will contain various operations which will 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. The “Wild Bean Café” restaurant and bakery will serve such items as sandwiches, soups and salads. The facility is scheduled to be a 24-hour/day operation with the 10 employees working on the largest shift. The daily number of vehicle trips is estimated to be 500 to 900, with the highest traffic volume being during the summer months. The proposed parking meets the requirements for the gasoline station with convenience store. Additionally, a cross-access agreement between Amoco and Culvers property has been recorded, which serves to be economically beneficial and convenient for the traveling public for both businesses.
2. Compliance with the specific requirements of PUD Ordinance approve by the Village Board on July 2, 2001 as Village Ordinance #01-32.
3. Compliance with the Site and Operational Plans as conditionally approved by the Village Plan Commission on June 25, 2001 as on file with the Village of Pleasant Prairie.
4. Subject to the terms of the Cross-Access Easement Agreement between Culver’s and BP Amoco as recorded with the Kenosha County Register of Deeds.
5. As a 24-hour per day operation, the facility shall meet the following requirements:
 - a. The parking lot shall be adequately illuminated.
 - b. A clear and unobstructed view of the cash registers and transaction areas shall be maintained from a public roadway or an internal 30-foot wide site circulation access roadway.
 - c. The building shall be equipped with security cameras. The location and number of cameras shall be reviewed and approved by the Village Police Chief. Said security cameras shall be inaccessible to employees. A conspicuous sign shall be posted at the entrance stating that security cameras with an inaccessible recording device are in place on the premises.
 - d. The building shall be equipped with an inaccessible drop safe and a conspicuous sign shall be posted at the entrance stating that an inaccessible drop safe is on the premises.
 - e. During the hours of 11:00 p.m. and 6:00 a.m. at least two (2) employees shall be working on-site unless the business has taken measures to protect a lone clerk such as but not limited to the installation of bullet-resistant glass or other equipment making a lone employee inaccessible as approved by Village Police Department.
 - f. Installation of a hold up alarm, which is monitored, by a UL listed central station with functioning phone service shall be installed in the building.

6. No temporary outdoor storage units shall be permitted on the site. All merchandise is to be stored inside the convenience store building or within the designated trash/recycling enclosure.
7. There shall be no outside storage of merchandise at this site. This includes, but is not limited to: soda, windshield washer fluid and other vehicle accessories, wood, bags of wood chips, charcoal, etc.).
8. The site shall not be used for any parking (neither overnight nor during the day) of semi trucks, semi trailers and junked/inoperable vehicles.
9. At no time shall the site be used to sell any vehicles that are "for sale".
10. No outdoor vending machines shall be allowed on the site.
11. No vehicular parking will be permitted in driveways, maneuvering lanes, or on landscaped areas.
12. There shall be no outside banners, pennants, flags or streamers affixed or attached to the building(s), light poles, gasoline canopy, ground or landscaping.
13. No temporary banners shall be permitted to be located on the exterior of the building, gasoline canopy or elsewhere on the site. A Grand Opening Sign may be permitted with the proper application and subsequent approval.
14. No temporary, portable signs or metal spring signage shall be permitted on the site.
15. During the demolition and re-construction of the facility no construction equipment or vehicles shall block, hinder or unreasonably disturb adjacent businesses.
16. Permits shall be obtained from the Village prior to commencing work and the Village prior to operation of this facility shall issue a Certificate of Occupancy.
17. No changes to the exterior site, building conditions, or facility operations, which are inconsistent with the Conditional Use Permit, shall be made without the Village's approval. In addition, any addition, alteration, extension, expansion, repair 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.
18. 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.
19. The Conditional Use Grant is subject to amendment and termination in accordance with the provisions of the Village Zoning Ordinance.
20. Construction and operation of the use granted shall be in strict conformity to the approved plans 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.
21. The owner of the property shall provide a copy of these conditions to the on-site manager/operator of the facility.

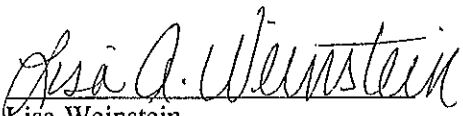
Granted by the action of the Village of Pleasant Prairie Plan Commission the 25th day of June 2001.

ATTEST:


Donald Hackbarth
Secretary


Thomas W. Terwall
Plan Commission Chairman

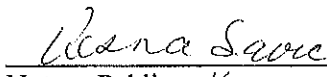
OWNER: Amoco Oil Company


Lisa Weinstein
Real Estate Project Manager

ACKNOWLEDGMENT

STATE OF Wisconsin
SS
Kenosha COUNTY)

Personally came before me this 7 day of September, 2001, the above named to me known to be the person (Lisa Weinstein) who executed the foregoing instrument and acknowledge the same.


Notary Public, Kenosha County, WI.
My Commission expires: 01-12-03.

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

ORDINANCE # 01-32

**ORDINANCE TO AMEND SECTION 12.26-4
OF THE VILLAGE OF PLEASANT PRAIRIE ZONING ORDINANCE
KENOSHA COUNTY, WISCONSIN
RELATING TO BP-AMOCO PUD**

BE IT ORDAINED by the Village Board of Trustees of the Village of Pleasant Prairie, Kenosha County, Wisconsin, that Section 12.26-4 (l) of the Village Zoning Ordinance is hereby created to read as follows:

Section 12.26-4 (l) SPECIFIC DEVELOPMENT PLANS

4. BP-AMOCO PUD

- a. It is the intent that the BP-Amoco (re)development will continue to provide for development and uses on the property as legally described below in conformity with the adopted Village Comprehensive Plan and the basic underlying zoning district; that the development will not be contrary to the general welfare and economic prosperity of the community; and that the structures, landscaping, parking areas, architectural design, lighting, general site development and signage for the facility shall be properly maintained and general site development will result in an attractive and harmonious commercial retail area, will operate as a uniform development and will not adversely affect the property values of the surrounding properties.
- b. Legal Description: The property included is known as Lot 14 of Certified Survey Map #1489, located in U.S. Public Land Survey Section 30, Township 1 North, Range 22 East in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin.
 - i. The BP-Amoco (re)development shall be in compliance with all Federal State, County and Village ordinances and regulations except as expressly modified in Section 12.26-4 (l) 4 c below. Additionally, all portions of the Village Zoning Ordinance not modified by this PUD shall apply to the BP-Amoco (re)development:

- ii. The BP-Amoco (re)development shall be in compliance with the LakeView Corporate Park Declaration of Development Standards and Protective Covenants and Modifications, as may be amended from time to time, as recorded at the Kenosha County Register of Deeds Office.
 - iii. The vehicular cross-access easement agreement between the BP-Amoco facility and the Culver's restaurant, located to the immediate east, shall be effective immediately and the cross-access shall be kept permanently open to allow for the free flow of vehicular traffic between the two properties.
Exception: the cross-access shall be allowed to be temporarily closed during the construction of the new BP-Amoco facility beginning September 4, 2001 and ending upon the opening of the new BP-Amoco facility.
- c. Specific modifications to the Village Ordinance and regulations and specific requirements:
- i. The BP-Amoco building and associated structures located at 10477 120th Street shall specifically allow for the modification of the following Sections of the Village Zoning Ordinance:
 - (1) Section 12.14-U 11 b. entitled "Aggregate Permitted Background Commercial Sign Area" shall be modified for the BP-Amoco (re)development; and the following sign requirements shall apply:
 - (a) The maximum Aggregate Permitted Background Commercial Sign Area allowed for this property shall be **181 square feet**. Specifically, the following signage shall be permitted:
 - One 6.5' x 5.5' (35.75 square feet) Wall (Building Tower) Sign;
 - One 26.0' x 3.67' (95.33 square feet) Wall ("bp connect") Sign;

- Two 3.0' x 3.0" (9 square feet per sign, 18 square feet total) Gasoline Canopy Signs;
- One 9.0' x 3.0' (27 square feet) Wall ("Wild Bean Café") Sign;
- One 2.0' x 2.0' (4 square feet) Wall (Rear Entrance) Sign.

(2) Section 12.13-3 entitled "PARKING REQUIREMENTS" shall be modified for the north side of the parking lot/paved maneuvering area and the following regulation shall apply:

(a) The north parking lot/paved maneuvering area, adjacent to 104th Street (STH 165), shall have a minimum setback of **15 feet** (as measured from the north property line to the back-of-curb) from the north property line to facilitate on-site vehicular traffic circulation.

(3) Section 12.22-4(g)5. entitled "Setbacks" shall be modified for the rear yard setback of the 4,200 square foot BP-Amoco convenience store structure and the following regulation shall apply:

(a) The 4,200 square foot BP-Amoco convenience store structure shall have a rear yard setback of **13 feet**, as measured from the closest point of the building foundation to the rear (east) property line.

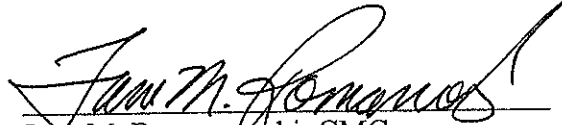
ii. Amendments

- (1) The PUD regulations for the BP-Amoco (re)development may be amended pursuant to Section 12.02-11 of the Zoning Ordinance.
- (2) An application for an amendment to this PUD shall be filed by the owner(s) of said property(ies).

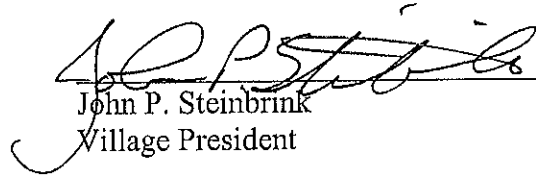
Adopted this 2nd day of July 2001.

VILLAGE OF PLEASANT PRAIRIE

ATTEST:



Jane M. Romanowski, CMC
Village Clerk



John P. Steinbrink
Village President

Posted: 7/5/01
Effective Date: 7/5/01

AFFIDAVIT OF POSTING

STATE OF WISCONSIN)
: SS
COUNTY OF KENOSHA)

I, CHERYL A. CLARK, of the Village of Pleasant Prairie, Kenosha County, Wisconsin, do hereby certify on July 5, 2001, I posted Ordinance No. 01-32 an "Ordinance to Amend Section 12.26-4 of the Village of Pleasant Prairie Zoning Ordinances Relating to BP-Amoco PUD" a copy of which is attached hereto and made a part hereof, in the following three public places, all located within the Village of Pleasant Prairie, Kenosha County, Wisconsin:

One at Pleasant Prairie Village Hall
9915 39th Avenue - Pleasant Prairie, WI

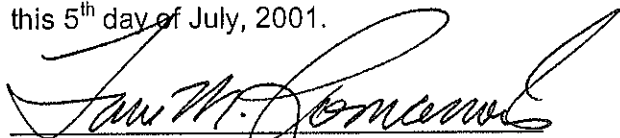
One at the Roger Prange Municipal Center
8600 Green Bay Road - Pleasant Prairie, WI

One at the Pleasant Prairie Fire Station No. 2
8044 - 88th Avenue - Pleasant Prairie, WI

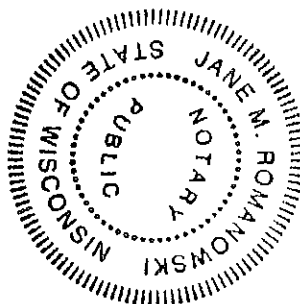
Dated this 5th day of July, 2001.


Cheryl A. Clark
Village of Pleasant Prairie

Subscribed and sworn to before me
this 5th day of July, 2001.



Notary Public - Kenosha Co., WI
My Commission Expires 7/14/02



I hereby certify that the adjacent photograph has been compared with the record on file in this office and is a true copy thereof. I have hereunto affixed my official seal

8/30/01

RECIPROCAL ACCESS EASEMENT
Title of Document

Document Number

Louise I. Principe, Register of Deeds
Kenosha County, Wisconsin

DOCUMENT NUMBER
1232401

RECORDED
At Kenosha County, Kenosha, WI
Louise I. Principe, Register of Deeds
on 8/22/2001 at 11:53AM
18044658
REGDEED2
JMK

**RECIPROCAL ACCESS
EASEMENTS**

THIS RECIPROCAL ACCESS EASEMENT ("Agreement") is declared this 10 day of August, 2001 by OMA, LLC, a Wisconsin limited liability company, ("OMA, LLC") which owns Parcel 15 ("Parcel "15") of Certified Survey Map No. 1489 being a division of Parcel 7 of Certified Survey Map No. 1362, recorded in Volume 1456 Pages 153-157 of the certified survey map records of the Kenosha County Register of Deeds, as Document No. 872365 (the "CSM") and by Amoco Oil Company, a Maryland corporation ("Amoco") which owns Parcel 14 ("Parcel 14") of the CSM. (Parcel 14 and Parcel 15 together with any lots created by the further subdivision of such Parcels collectively hereinafter referred to as the "Parcels" and individually each a "Parcel"). A copy of the CSM is attached hereto as Exhibit A.

Name and Return Address

Dennis J. McNally
McNally, Maloney & Peterson, S.C.
2600 N. Mayfair Road, Suite 1080
Milwaukee, WI 53226

44-

WITNESSETH:

92-4-122-302-0130
(Parcel Identification Number)

WHEREAS, Parcel 14 is adjacent to and immediately west of Parcel 15 on the CSM; and

WHEREAS, the Amoco Conceptual Site Plan ("Site Plan"), a copy of which is attached hereto as Exhibit "B" and made a part hereof, shows certain Cross-Access Easements for Parcel 14 across Parcel 15 and for Parcel 15 across Parcel 14 (collectively the "Cross-Access Easements"); and

WHEREAS, the Site Plan also shows two (2) sidewalk accesses for Parcel 14 across Parcel 15 and for Parcel 15 across Parcel 14 (collectively the "Sidewalk Easements"); and

WHEREAS, OMA, LLC and Amoco desire to grant the Sidewalk Easements and the Cross-Access Easements across Parcel 14 and across Parcel 15 to further the efficient and convenient use of each of Parcel 14 and Parcel 15;

NOW THEREFORE, OMA, LLC and Amoco hereby declare on behalf of themselves and their successors and assigns as owners of the Parcels as follows:

159334

1. GRANT OF CROSS-ACCESS EASEMENT AND SIDEWALK EASEMENTS.

A. Except as otherwise specifically provided herein, OMA, LLC hereby further establishes permanent nonexclusive easements over the portions of the areas designated on the Site Plan as Sidewalk Easements Numbers 2 and 4 and as Cross Access Easement Number 2 for Parcel 14 which are located on Parcel 15 (the "Parcel 15 Sidewalk Easements and Cross-Access Easement Areas") for the benefit of Parcel 14. The purpose of the Cross-Access Easement and Sidewalk Easements for Parcels 14 are to provide free rights-of-way of vehicular and pedestrian ingress and egress over such easement areas located on Parcel 15 for the benefit of Parcel 14 and for free ingress and egress between Parcels 14 and 15 and to the Frontage Road. These easements shall run with the land, appurtenant to and for the benefit of Parcel 14 and burdening Parcel 15.

B. Except as otherwise specifically provided herein, Amoco hereby establishes permanent nonexclusive easements over the portions of the areas designed on the Site Plan as Sidewalk Easements Numbers 1 and 3 and as Cross Access Easement Number 1 for Parcel 15 which are located on Parcel 14 (the "Parcel 14 Sidewalk Easements and the Cross-Access Easement Areas") for the benefit of Parcel 15. The purpose of the Cross-Access Easement and the Sidewalk Easements for Parcel 15 are to provide free rights-of-way of vehicular and pedestrian ingress and egress over such easement areas located on Parcel 14 for the benefit of Parcel 15 and for free ingress and egress between Parcels 14 and 15 and to the Frontage Road. These easements shall run with the land, appurtenant to and for the benefit of Parcel 15 and burdening Parcel 14.

2. USE OF EASEMENT AREAS. The use of the Parcel 14 Sidewalk Easements and the Cross-Access Easement Areas and the Parcel 15 Sidewalk Easements and the Cross-Access Easement Areas (collectively hereinafter referred to as the "Cross-Access and Sidewalk Easement Areas" or individually as the "Cross-Access Easement Areas" or the "Sidewalk Easement Areas") shall be limited to vehicular and pedestrian travel. There shall be no parking or storage of vehicles or other property within the Cross-Access Easement Areas. Neither Parcel owner shall obstruct or in any way materially interfere with the other Parcel owner's lawful use of the Cross-Access Easement Areas, except during construction of improvements on any parcel.

3. MAINTENANCE OF EASEMENT AREAS. The owner of Parcel 14 and the owner of Parcel 15 shall at all times keep the sidewalks and private driveways located on the Cross-Access Easement Areas and/or the Sidewalk Easement Areas located on its own Parcels in good, usable condition and repair, including, but not limited to, snow plowing, trash and dirt removal, repairing, maintaining, replacing and rebuilding the sidewalks and/or the private driveways as may be necessary. However, in the event that maintenance, repair, replacement or rebuilding of the said sidewalks and/or private driveways are required because of the use by the owner, employees or agents of the owner of such Parcel or Parcels which causes damage to the sidewalks and/or private driveway in excess of ordinary wear and tear, the owner of that Parcel or Parcels shall be solely responsible for such maintenance, repair, replacement or rebuilding and the prompt payment for such required work. The condition of the sidewalks and/or the private driveways shall be maintained in a condition customarily maintained for sidewalks and private

driveways of a similar nature. The parties shall promptly make any repairs or replacements ordered by a competent authority having jurisdiction over the respective Parcels.

4. **INSURANCE AND INDEMNIFICATION.** Except as otherwise specifically provided herein, the owner of each Parcel will maintain or cause to be maintained in full force and effect a Commercial General Liability Insurance Policy covering the Cross-Access and Sidewalk Easement Areas located on its Parcel(s) with a combined single limit of liability of not less than One Million Dollars (\$1,000,000.00) for bodily injury to or personal injury or death of any person and consequential damages arising therefrom, and for property damage arising out of any one occurrence. To the extent such Parcel owner is not self-insured, each Parcel owner shall list the name of the other Parcel owner as a "named insured" under its respective insurance coverage as required herein, as its interest may appear.

Amoco shall be self-insured under this Agreement and hereby assumes the risk of loss for property, general liability and fire with extended coverage endorsement exposures with respect to its use and occupancy of the Cross-Access and Sidewalk Easement Areas, including those for which Amoco may be contractually liable under this Agreement. Losses for which Amoco is liable under this Agreement are covered by the significant financial resources of the BP Amoco group, of which Amoco is a part and are self-administered. Amoco agrees that it will defend OMA, LLC with respect to any litigation against it arising under this Agreement to the same extent OMA, LLC would be covered as an additional insured if Amoco had procured third party liability insurance, provided, however, Amoco shall not be liable for OMA, LLC's negligent or willful acts or omissions, or that of its members, contractors, licensees, concessionaires, agents, representatives or employees.

The owner of each Parcel covenants to defend (by counsel reasonably satisfactory to the party being defended), protect, indemnify and hold harmless the owner of the other Parcel or Parcels and its respective shareholders, directors, officers, members, agents, representatives, licensees, concessionaires, contractors and employees from and against all claims, including any action or proceeding brought thereon, and all costs, losses, expenses and liabilities (including reasonable attorneys' fees and cost of suit) asserted or insured (whether or not required insurance is obtained) in connection with or arising as a result of the death of, or any injury, loss or damage whatsoever to any person, or to the property of any person, as shall occur due to the performance or failure to perform by the owner of such Parcel or Parcels of its duties or obligations under this Agreement with respect to the maintenance and operation of the Cross-Access and Sidewalk Easement Areas located on its Parcel or Parcels, except for claims to the extent cause by the negligence or by the willful act or omission of the indemnified party or its directors, officers, members, contractors, licensees, concessionaires, agents, representatives or employees.

5. **NO PUBLIC RIGHTS.** This Agreement does not create any rights of the public except as may be specifically set forth herein and shall not be construed as creating any right of public use within the Cross-Access and Sidewalk Easement Areas, including that of street or thoroughway purposes.

6. **BINDING EFFECT.** This Agreement is intended by OMA, LLC and Amoco to be a covenant running with the Parcels and shall bind and burden the Parcels, OMA, LLC, Amoco and their respective successors and assigns in interest and all successor owners of the Parcels.

7. **APPLICABLE LAW.** Each of the parties to this Agreement hereby consents to the personal jurisdiction of the courts of the State of Wisconsin located in Kenosha County, Wisconsin, and agrees not to contest such personal jurisdiction nor the proper venue in such courts of any litigation relating to disputes arising under the terms of this Agreement.

8. **AMENDMENT.** This Agreement may not be amended, modified, terminated, or released without the written consent of all the owners of the Parcels or their successors in interest. Any amendment, modification, termination or release of this Agreement shall not be effective until it is recorded with the Kenosha County Register of Deed's office.

9. **INCORPORATION OF RECITALS.** The foregoing recitals to the Agreement are true, correct, and incorporated in their entirety herein by this reference.

10. **NO DRAFTING PRESUMPTION.** This Agreement has been drafted as a joint effort between the parties after lengthy negotiations, consultations, and approval as to form. Accordingly, neither of the parties may hereafter be entitled to a presumption that any portion of this Easement should be construed either for or against a particular party or contend that this Agreement was drafted by a particular party.

11. **ATTORNEYS' FEES.** In connection with any litigation arising out of or relating to this Agreement, the prevailing party shall be entitled to recover all reasonable costs and expenses incurred, including reasonable attorneys' fees. Except as expressly provided herein, said costs, expenses, and attorneys' fees shall not be prorated between successful and unsuccessful claims but shall be awarded in full to the prevailing party. For purposes of this subsection, "prevailing party" shall mean that party who obtains any of the relief requested on any one or more claims, counterclaims, or cross-claims. If more than one party obtains relief on any one or more of their respective claims, counterclaims, or cross-claims, then costs, expenses, and attorneys' fees provided for herein shall be awarded to each party only to the extent they relate to each party's successful claim(s).

12. **NOTICE.** Any request, demand or other notice required or permitted to be given under this Agreement shall be in writing and may be, and shall be deemed, given and sent, if mailed, two (2) days after the date when deposited in the United States mail, certified mail, return receipt requested, postage prepaid, or by overnight courier service, telecopy, telegraph or telex when delivered to the appropriate office for transmission, charges prepaid, or by telecopy when received, addressed:

If to Amoco:

**Marcelo Ariola, Esq.
Real Estate Manager
28100 Torch Parkway
Warrenville, Illinois 60555
Fax: (630) 836-6381**

With a copies to:

**Richard L. Williams, Esq.
BP Amoco Corporation
Mid-Continent Business Unit
28100 Torch Parkway, Suite 300
Warrenville, Illinois 60555-4015
Fax: (630) 836-6381**

and

**Jeffrey L. Abraham, Esq.
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202
Fax: (414) 277-0656**

If to OMA, LLC:

**Edward Rich
Managing Member
OMA, LLC
3270 East Carrolton Drive
Oak Creek, Wisconsin 53154
Fax: (262) 857-6995**

With a copy to:

**Dennis J. McNally
McNally, Maloney & Peterson, S.C.
2600 North Mayfair Road, Suite 1080
Milwaukee, WI 53226
Fax: (414) 257-3223**

All parties shall acknowledge in writing the receipt of any notice delivered in person. Either party may change its address as set forth above by written notice to the other party as provided herein.

14. **AUTHORITY TO ENTER INTO AGREEMENT.** The individuals executing this Agreement on behalf of the parties herein represent and warrant that they have the authority to execute this Agreement; said representation and warranty shall survive the execution of this Agreement. The undersigned further state that they have carefully read the foregoing Agreement and know the contents thereof and sign their names of their own free will.

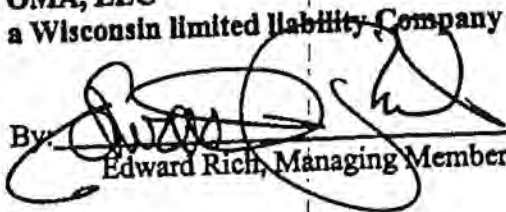
15. **TITLES AND HEADINGS.** Titles and headings of sections of this Agreement are for convenience of reference only and shall not affect the construction of any provision of this Agreement.

16. **EFFECTIVE DATE OF AGREEMENT.** This Agreement shall be effective upon the signature of this Agreement by the representatives of each party. However, the use of the Cross-Access Easements shall be suspended from the time that Amoco commences demolition for its 2001 construction of a new Amoco facility on Parcel 14 and the Cross Access Easements shall again be subject to use upon the issuance by the Village of Pleasant Prairie to Amoco of a permanent certificate of occupancy. Amoco shall notify Culver's of its receipt of the certificate of occupancy.

17. **SEVERABILITY.** Each section, subsection and paragraph of this Agreement shall be considered separable and if, for any reason, any section, subsection or paragraph herein is determined to be invalid and contrary to any existing or future laws, such invalidity shall not impair or affect those portions of this Agreement which are valid.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first written above.

OMA, LLC
a Wisconsin limited liability Company

By: 
Edward Rich, Managing Member

STATE OF WISCONSIN)
) SS
COUNTY OF KENOSHA)

Personally came before me this 15 day of August, 2001, the above named Edward Rich, who acknowledged himself to be Managing Member of OMA, LLC, and to me known to be the person who execute the foregoing instrument, by his authority and acknowledged the same.



Holly Lequia
Notary Public, State of Wisconsin
Commission: 2/2002

Amoco Oil Company, Inc.
a Maryland corporation

By: Richard L. Williams
Title: Attorney in Fact

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

Personally came before me this 9th day of August, 2001, the above named Richard L. Williams, who acknowledged himself to be Attorney in Fact of Amoco Oil Company and to me known to be the person who execute the foregoing instrument, by his authority and acknowledged the same.



Tammy L. Rambow
Notary Public, State of Illinois
My Commission: May 25, 2002

This instrument was drafted by:

Dennis J. McNally
McNally, Maloney & Peterson, S.C.
2600 North Mayfair Road, Suite 1080
Milwaukee, WI 53226-3399
Telephone: 414-257-3399
Fax: 414-257-3223

T:\CLIENTA\014482\0050\A0223813
08/08/01

EXHIBIT A

872365

VOL 1476 PAGE 153-157

REGISTERED

CERTIFIED SURVEY MAP NO. 1489
KENTON COUNTY, MISSOURI
REGISTERED UNDER THE MISSOURI SURVEYING ACT
MADE PUBLIC BY THE MISSOURI SURVEYING BOARD

AUG 5 2 23 PM '51

RONIA A. DILLMAN
REGISTER OF DEEDS



LOCATION MAP
T. 1 N. R. 22 E.
S. 30-1-22

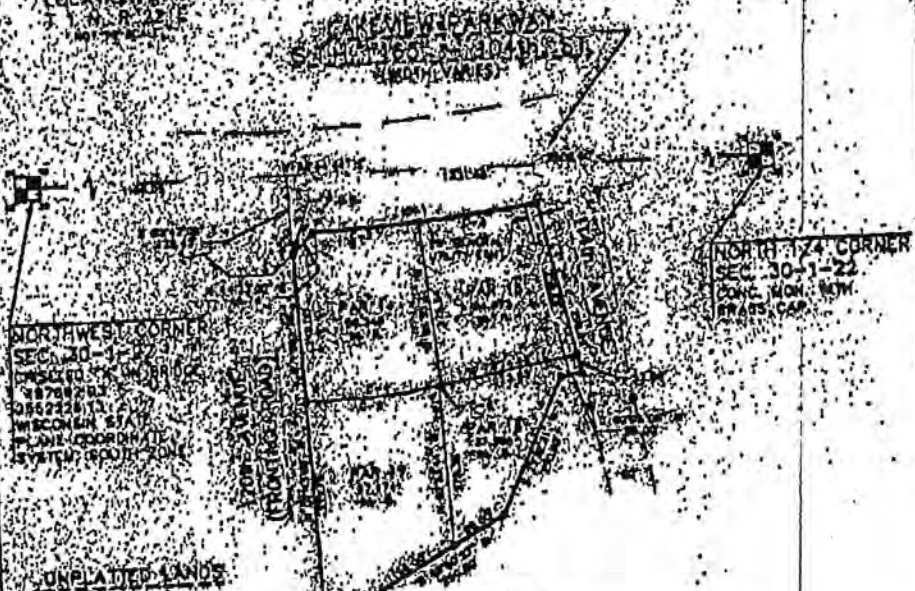
UNITED



SCALE 1" = 200'



NORTH



NORTHWEST CORNER
SEC. 30-1-22
CONC. MON. W/TH
IRONS CAP

NORTH 1/4 CORNER
SEC. 30-1-22
CONC. MON. W/TH
IRONS CAP

UNPLATTED LANDS

DRAFT 1
C.S.M. No. 1489

Table with multiple columns and rows, likely containing survey data or bearings.

- NOTES:
- INDICATES 1" X 3/4" IRON PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT.
 - INDICATES FOUND AND ACCEPTED 3/8" IRON ROD WITH PLASTIC CAP.

ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE NORTH LINE OF THE NW 1/4 OF SECTION 30-1-22 WAS USED AS N 89°44'44" E.



DATED THIS 20th DAY OF JUNE, 1951.

THIS INSTRUMENT WAS DRAFTED BY RICHARD K. WACHTER, 2-1868, JOB No. 14866, SHEET 1 OF 6

1436 155

RESURVEYED SURVEY MAP NO. 155

Being a portion of Parcel
1354, 1100' x 1100' of the NW 1/4 of
Section 30, Town 3 North, Range 22 East,
of the 5th Principal Meridian, Kenosha County,
Wisconsin.

SURVEYOR'S CERTIFICATE

State of Wisconsin

County of Waubesa

I, **RICHARD E. WAGNER**, Registered Land Surveyor, do hereby certify
that I have surveyed, divided and marked all of Parcel 1 of Certified Survey Map No. 1362, recorded on
June 13, 1990, in Volume 1198 of Records, at Pages 47 thru 500, as Document No. 844372, in the Northeast 1/4
of the Northwest 1/4 of Section 30, Town 3 North, Range 22 East, of the 5th Principal Meridian, Kenosha County,
Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said Section 30; thence N89° 41' 44" East along the North line of
said Northwest 1/4 Section, 1160.03 feet; thence South 02° 43' 08" East, 121.42 feet to the place of beginning of the
following description:

Thence North 44° 33' 10" East, 45.24 feet to a point in the South line of S.T.H. 165 and a point in a curve,
thence North 84° 41' 41" along the South line of said highway to the first of said curve, whose center lies to the
North, whose radius is 2939.79 feet and whose chord bears North 84° 16' 05" East, 363.12 feet to the West line of
114th Avenue; thence South 12° 21' 54" East, 290.69 feet; thence South 40° 03' 20" West, 35.00 feet; thence South
23° 32' 21" West, 250.00 feet; thence South 51° 40' 27" West, 310.00 feet; thence South 19° 44' 44" West, 80.00
feet to the East line of 120th Avenue (Frontage Road); thence North 02° 43' 08" West and along the East line of said
120th Avenue, 382.78 feet to the place of beginning.

Containing in all 5.027 acres of land more or less.
That I have made such survey, and divided and map by the direction of WISPAK, Corporation, owner of
said land.

That such map is a correct representation of all exterior boundaries of the land surveyed and the land division
thereof made.

That I have fully complied with the provisions of Chapter 235 of the Wisconsin Statutes and the Village of
Pleasant Prairie Subdivision Control Ordinance, in surveying, dividing and marking the same.

Dated this 20th day of June 1991.

Richard E. Wagner, R.L.S.
Registered Land Surveyor No. 1666



THIS INSTRUMENT WAS DRAFTED BY RICHARD E. WAGNER, S-1666
JOB NO. 14366

SHEET 1 OF 1

MINOR PLATS

PL 14566 JUL 15 1997

CERTIFIED SURVEY MAP NO. 14566

BEING A PART OF
CANTON 14566, A DIVISION OF PARCEL 7 OF C.S.M. No. 1342 IN THE NE 1/4 OF
THE NW 1/4 OF SECTION 30, TOWN 4 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT FRINGE,
KANSAS COUNTY, WISCONSIN.

VILLAGE PLAN COMMISSION APPROVAL

This certified survey map is hereby approved by the Plan Commission of the Village of Pleasant Fringe on
the 24th day of July 1997.

Wayne E. K...

Chairman of Village Plan Commission

VILLAGE BOARD APPROVAL

Resolved that this certified survey map being a division of Parcel 7 of C.S.M. No. 1342 in the NE 1/4 of
the NW 1/4 of Section 30, Town 4 North, Range 22 East, in the Village of Pleasant Fringe, Kansas County,
Wisconsin, having been approved by the Plan Commission being the same is hereby approved by the Village Board
of Trustees of the Village of Pleasant Fringe on this 24th day of July 1997.

John A. ...

Village President

ATTEST

Sandra L. ...

Village Clerk

DATED THIS 20TH DAY OF JUNE, 1997



Richard K. Wagoner

THIS INSTRUMENT WAS DRAFTED BY RICHARD K. WAGONER, S-14566
JOB NO. 14566

SHEET 2 OF 2

AMERICAN TITLE

EXHIBIT B

EXHIBIT



10610 STREET

11410 AVENUE

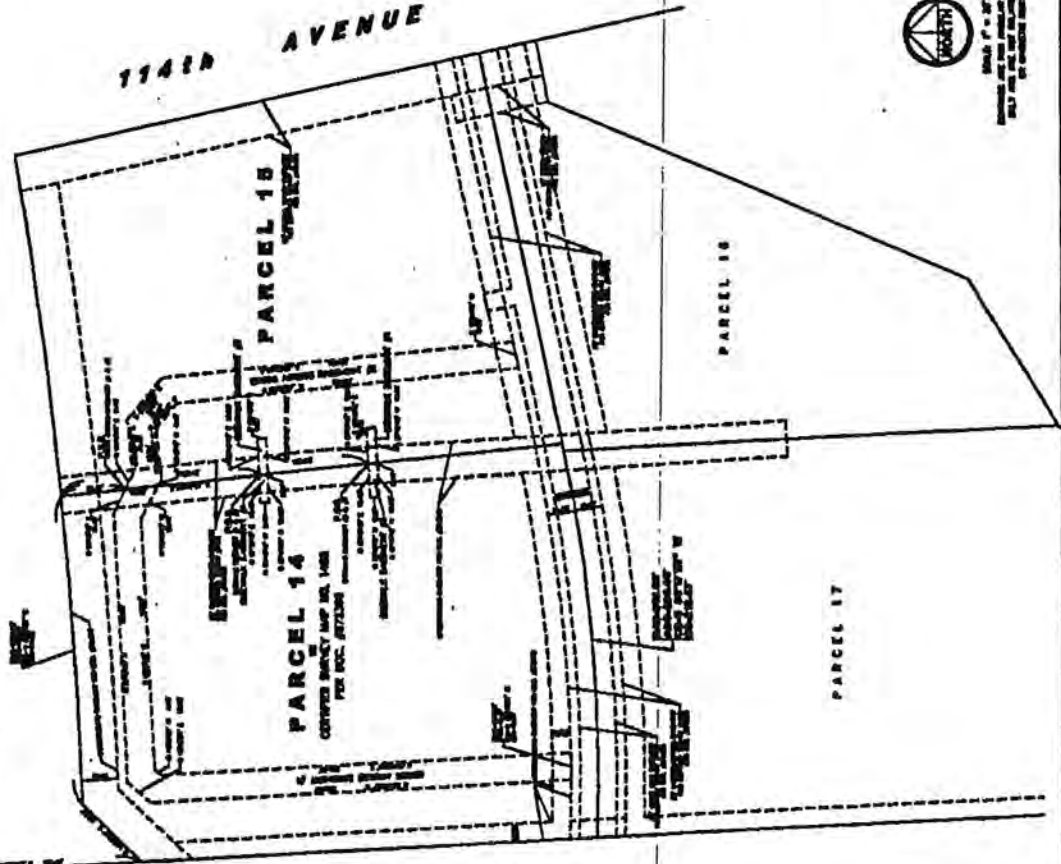
12010 AVENUE
(FRONTAGE ROAD)

PARCEL 15

PARCEL 14

PARCEL 16

PARCEL 17



Scale 1" = 20'
NORTH ARROW IS BASED ON THE
MAGNETIC DECLINATION IN THE
YEAR 2000

W-T LAND SURVEYING, INC.

LAND AND CONSTRUCTION SURVEYORS
39 E. SCULLY DRIVE SCHAUMBURG, ILLINOIS 60193
(847) 895-3840
FAX (847) 895-1854

CROSS ACCESS EASEMENT #1

THAT PART OF PARCEL 14 IN CERTIFIED SURVEY MAP NUMBER 1489 PER DOCUMENT NO 872385 BEING A DIVISION OF PARCEL 7 OF CERTIFIED SURVEY MAP NO. 1362 IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 89 DEGREES 44 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 30, 1169.14 FEET; THENCE SOUTH 02 DEGREES 43 MINUTES 08 SECONDS EAST, 128.42 FEET; THENCE NORTH 44 DEGREES 33 MINUTES 09 SECONDS EAST, 45.74 FEET TO A POINT IN ON THE SOUTH RIGHT OF WAY LINE OF 104th STREET ALSO BEING A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2939.79 FEET AND AN ARC DISTANCE OF 172.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 14; THENCE SOUTH 05 DEGREES 35 MINUTES 22 SECONDS EAST ALONG THE EAST LINE OF SAID PARCEL 14, 35.37 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 05 DEGREES 35 MINUTES 22 SECONDS EAST ALONG SAID LINE, 17.86 FEET; THENCE NORTH 62 DEGREES 43 MINUTES 12 SECONDS WEST, 20.16 FEET; THENCE SOUTH 87 DEGREES 16 MINUTES 48 SECONDS WEST, 139.91 FEET; THENCE SOUTH 42 DEGREES 16 MINUTES 52 SECONDS WEST, 4.52 FEET; THENCE SOUTH 02 DEGREES 43 MINUTES 08 SECONDS EAST, 224.04 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 900.00 FEET AND AN ARC DISTANCE OF 15.01 FEET; THENCE NORTH 02 DEGREES 43 MINUTES 08 SECONDS WEST, 229.62 FEET; THENCE NORTH 42 DEGREES 16 MINUTES 52 SECONDS EAST, 16.95 FEET; THENCE NORTH 87 DEGREES 16 MINUTES 48 SECONDS EAST, 150.15 FEET; THENCE SOUTH 62 DEGREES 43 MINUTES 12 SECONDS EAST, 14.48 FEET TO THE POINT OF BEGINNING, CONTAINING 5998.97 SQUARE FEET.

W-T LAND SURVEYING, INC.

LAND AND CONSTRUCTION SURVEYORS
39 E. SCULLY DRIVE SCHAUMBURG, ILLINOIS 60193
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CROSS ACCESS EASEMENT #2

THAT PART OF PARCEL 15 IN CERTIFIED SURVEY MAP NUMBER 1489 PER DOCUMENT NO 872365 BEING A DIVISION OF PARCEL 7 OF CERTIFIED SURVEY MAP NO. 1362 IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 89 DEGREES 44 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 30, 1169.14 FEET; THENCE SOUTH 02 DEGREES 43 MINUTES 08 SECONDS EAST, 128.42 FEET; THENCE NORTH 44 DEGREES 33 MINUTES 09 SECONDS EAST, 45.74 FEET TO A POINT IN ON THE SOUTH RIGHT OF WAY LINE OF 104th STREET ALSO BEING A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2939.79 FEET AND AN ARC DISTANCE OF 172.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 15; THENCE SOUTH 05 DEGREES 35 MINUTES 22 SECONDS EAST ALONG THE WEST LINE OF SAID PARCEL 15, 35.37 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 62 DEGREES 43 MINUTES 38 SECONDS EAST, 30.33 FEET; THENCE SOUTH 50 DEGREES 35 MINUTES 22 SECONDS EAST, 30.00 FEET; THENCE SOUTH 05 DEGREES 35 MINUTES 22 SECONDS EAST, 192.23 FEET; THENCE SOUTH 78 DEGREES 24 MINUTES 40 SECONDS WEST, 15.08 FEET; THENCE NORTH 05 DEGREES 35 MINUTES 22 SECONDS WEST, 187.66 FEET; THENCE NORTH 50 DEGREES 35 MINUTES 22 SECONDS WEST, 17.57 FEET; THENCE SOUTH 84 DEGREES 24 MINUTES 38 SECONDS WEST, 28.54 FEET; THENCE NORTH 62 DEGREES 43 MINUTES 12 SECONDS WEST, 4.13 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 15; THENCE NORTH 05 DEGREES 35 MINUTES 22 SECONDS WEST ALONG SAID WEST LINE, 17.86 FEET TO THE POINT OF BEGINNING, CONTAINING 3748.45 SQUARE FEET.

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SIDEWALK EASEMENT #1

THAT PART OF PARCEL 14 IN CERTIFIED SURVEY MAP NUMBER 1489 PER DOCUMENT NO 872385 BEING A DIVISION OF PARCEL 7 OF CERTIFIED SURVEY MAP NO. 1382 IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 89 DEGREES 44 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 30, 1169.14 FEET; THENCE SOUTH 02 DEGREES 43 MINUTES 08 SECONDS EAST, 128.42 FEET; THENCE NORTH 44 DEGREES 33 MINUTES 09 SECONDS EAST, 45.74 FEET TO A POINT IN ON THE SOUTH RIGHT OF WAY LINE OF 104th STREET ALSO BEING A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2939.79 FEET AND AN ARC DISTANCE OF 172.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 14; THENCE SOUTH 05 DEGREES 35 MINUTES 22 SECONDS EAST ALONG THE EAST LINE OF SAID PARCEL 14, 108.40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 05 DEGREES 35 MINUTES 22 SECONDS EAST ALONG SAID LINE, 5.01 FEET; THENCE SOUTH 87 DEGREES 16 MINUTES 48 SECONDS WEST, 15.68 FEET; THENCE NORTH 02 DEGREES 43 MINUTES 12 SECONDS WEST, 5.00 FEET; THENCE NORTH 87 DEGREES 16 MINUTES 48 SECONDS EAST, 15.43 FEET TO THE POINT OF BEGINNING, CONTAINING 77.79 SQUARE FEET.

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SIDEWALK EASEMENT #2

THAT PART OF PARCEL 15 IN CERTIFIED SURVEY MAP NUMBER 1489 PER DOCUMENT NO 872365 BEING A DIVISION OF PARCEL 7 OF CERTIFIED SURVEY MAP NO. 1362 IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 89 DEGREES 44 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 30, 1169.14 FEET; THENCE SOUTH 02 DEGREES 43 MINUTES 08 SECONDS EAST, 128.42 FEET; THENCE NORTH 44 DEGREES 33 MINUTES 09 SECONDS EAST, 45.74 FEET TO A POINT IN ON THE SOUTH RIGHT OF WAY LINE OF 104th STREET ALSO BEING A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2939.79 FEET AND AN ARC DISTANCE OF 172.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 15; THENCE SOUTH 05 DEGREES 35 MINUTES 22 SECONDS EAST ALONG THE WEST LINE OF SAID PARCEL 15, 108.40 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 16 MINUTES 48 SECONDS EAST, 19.96 FEET; THENCE SOUTH 02 DEGREES 43 MINUTES 12 SECONDS EAST, 5.00 FEET; THENCE SOUTH 87 DEGREES 16 MINUTES 48 SECONDS WEST, 19.96 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 15; THENCE NORTH 05 DEGREES 35 MINUTES 22 SECONDS WEST ALONG SAID LINE, 5.01 FEET TO THE POINT OF BEGINNING, CONTAINING 99.82 SQUARE FEET.

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SIDEWALK EASEMENT #3

THAT PART OF PARCEL 14 IN CERTIFIED SURVEY MAP NUMBER 1489 PER DOCUMENT NO 872365 BEING A DIVISION OF PARCEL 7 OF CERTIFIED SURVEY MAP NO. 1362 IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 89 DEGREES 44 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 30, 1169.14 FEET; THENCE SOUTH 02 DEGREES 43 MINUTES 08 SECONDS EAST, 128.42 FEET; THENCE NORTH 44 DEGREES 33 MINUTES 09 SECONDS EAST, 45.74 FEET TO A POINT IN ON THE SOUTH RIGHT OF WAY LINE OF 104th STREET ALSO BEING A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2939.79 FEET AND AN ARC DISTANCE OF 172.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 14; THENCE SOUTH 05 DEGREES 35 MINUTES 22 SECONDS EAST ALONG THE EAST LINE OF SAID PARCEL 14, 168.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 05 DEGREES 35 MINUTES 22 SECONDS EAST ALONG SAID LINE, 5.01 FEET; THENCE SOUTH 87 DEGREES 18 MINUTES 48 SECONDS WEST, 18.70 FEET; THENCE NORTH 02 DEGREES 43 MINUTES 12 SECONDS WEST, 5.00 FEET; THENCE NORTH 87 DEGREES 16 MINUTES 48 SECONDS EAST, 18.45 FEET TO THE POINT OF BEGINNING, CONTAINING 92.87 SQUARE FEET.

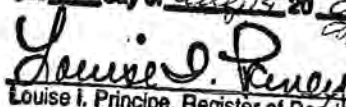
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SIDEWALK EASEMENT #4

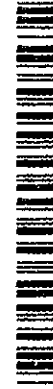
THAT PART OF PARCEL 15 IN CERTIFIED SURVEY MAP NUMBER 1489 PER DOCUMENT NO 872365 BEING A DIVISION OF PARCEL 7 OF CERTIFIED SURVEY MAP NO. 1362 IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 89 DEGREES 44 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 30, 1169.14 FEET; THENCE SOUTH 02 DEGREES 43 MINUTES 08 SECONDS EAST, 128.42 FEET; THENCE NORTH 44 DEGREES 33 MINUTES 09 SECONDS EAST, 45.74 FEET TO A POINT IN ON THE SOUTH RIGHT OF WAY LINE OF 104th STREET ALSO BEING A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2939.79 FEET AND AN ARC DISTANCE OF 172.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 15; THENCE SOUTH 05 DEGREES 35 MINUTES 22 SECONDS EAST ALONG THE WEST LINE OF SAID PARCEL 15, 168.65 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 16 MINUTES 48 SECONDS EAST, 19.96 FEET; THENCE SOUTH 02 DEGREES 43 MINUTES 12 SECONDS EAST, 5.00 FEET; THENCE SOUTH 87 DEGREES 16 MINUTES 48 SECONDS WEST, 19.96 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 15; THENCE NORTH 05 DEGREES 35 MINUTES 22 SECONDS WEST ALONG SAID LINE, 5.01 FEET TO THE POINT OF BEGINNING, CONTAINING 99.82 SQUARE FEET.

I hereby certify that the adjacent
photograph has been compared
with the record on file in this office
and is a true copy thereof. I have
hereunto affixed my official seal
this 30 day of August, 2001


Louise I. Principe, Register of Deeds
Kenosha County, Wisconsin



COPY



DOCUMENT NUMBER

1356127

RECORDED
At Kenosha County, Kenosha, WI 53140
Louise I. Principe, Register of Deeds
on 10/07/2003 at 7:07AM
30064787 \$19.00

REGDEEDS

HARP

**VILLAGE OF PLEASANT PRAIRIE
CONDITIONAL USE GRANT NO. 03-13**

Before the Village of Pleasant Prairie Plan Commission,
Kenosha County, Wisconsin, in regard to the property
located at 10477 120th Avenue.

Return to:

Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, WI 53158

Tax Parcel Number:

92-4-122-302-0130-0

19

Legal Description:

Lot "14" of Certified Survey Map No. 1489, f/k/a a part of Certified Survey Map No. 1362, located in a part of the Northeast One-Quarter of the Northwest One-Quarter of Section 30, Township 1 North, Range 22 East of the Fourth Principal Meridian, located 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 in particular circumstances as defined by the standards in the Zoning Ordinance; and

WHEREAS, such petition having been made on behalf of the property owner, Amoco Oil Company, for a 203 square foot restroom addition to the existing bp connect gasoline station/convenience store located at 10477 120th Avenue in the LakeView Corporate Park, and public hearing held thereon, and the Village Plan Commission 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. Specifically, based upon the information presented at the public hearing the project meets the following standards for granting a Conditional Use Permit including Site and Operational Plan for the specified project in that 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;
- does not impair an adequate supply of light and air to the adjacent properties;
- does not increase danger of fire, in so far as the danger of fire does not exceed the capabilities of the Village Fire and Rescue Department as shown in the Fire and Rescue Department comments dated July 25, 2003;
- does not create storm water flooding or drainage, create obnoxious odors, problems or otherwise endanger the public health, safety or welfare;
- has 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 either the B-4 (PUD), Freeway Service Business District in which it is located or the surrounding business, industrial and institutional zoned districts and surrounding neighborhood; and
- the proposed and applied for use will comply with all applicable Village ordinance requirements and all other applicable Federal, State or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, streets and highways and fire protection.

NOW THEREFORE, a Conditional Use Permit and including Site and Operational Plan approval is granted, subject to compliance with the terms and conditions hereinafter stated for a 203 square foot restroom addition to the existing bp connect gasoline station/convenience store located at 10477 120th Avenue in the LakeView Corporate Park, subject to:

1. Continued compliance with the following (as on file with the Village):
 - Zoning Text Amendment (Ordinance #01-32), creating the BP-AMOCO PUD (Planned Unit Development).
 - Year 2001 Site & Operational Plans for the redevelopment/reconstruction and operation of a 24-hour gasoline station and convenience store as the current bp connect (f/k/a Amoco).
2. Compliance with the Village Fire & Rescue Chief's comments dated July 25, 2003, as on file with the Village.
3. All exterior building colors and building materials of the addition shall match the exterior building colors and building materials of the existing structure. Some of the notes/details on Plan Sheets SB02 A.2.1 and SB02 A.2.2 are incorrect, or need to be adjusted:

Specifically, the following changes shall be made to these Plan Sheets:

- The note under the Exterior Finish table AL-1 stating "FINISH TO MATCH BRICK AS CLOSE AS POSSIBLE" shall instead read "FINISH SHALL MATCH THE BRICK ON THE EXISTING PORTION OF THE BP CONNECT STRUCTURE". Given the recent construction of the convenience store structure, it should not be difficult to find the exact same brick for the building addition.
 - The Split Face C.M.U. at the base of the restroom addition (Exterior Finish CMU-1) shall be the identical material and color as the existing Split Face C.M.U. at the base of the existing convenience store. The Split Face C.M.U. on the addition shall **not** have "Field Applied Color to Match" as noted in the Exterior Paints note C-09. The Split Face C.M.U. at the base of the restroom shall be of its natural color and shall not be painted.
 - The prefabricated continuous nailable roof ridge (#7 key) that currently exists on top of the northern brick wall (above the Wild Bean Café wall sign) shall indicate that the color is C-09, rather than the color C-06.
4. Other modifications to the plans shall be made as follows.
 - There is an unscreened rooftop vent/mechanical unit on the north side of the roof that is not depicted on the plan sets. All rooftop vents/mechanical units shall be sufficiently screened. This issue needs to be discussed and addressed.
 - Pursuant to Conditional Use Grant No. 01-11, there is to be no outside storage on this site. There is an ice machine located on the south side of the building, which needs to be permanently removed from the site. Ice can be sold from inside the convenience store.


- All galvanized downspouts, including the new galvanized downspout on the addition, shall be metal encased to be identical to the existing downspouts.
 - The existing damaged downspout metal encasement on the downspout located at the southeast corner of the building is dented/damaged and shall be repaired.
 - Concrete sidewalk shall be extended southwards, along the west side of the restroom addition and through the landscaped peninsula, to the parking lot.
 - The grass in the landscaped peninsula adjacent to the restroom addition shall be repaired.
5. All required exit and emergency lighting, toilet room facilities, and exit doors will be required to be operational at the time of occupancy.
 6. The selection, location, installation and maintenance, of fire extinguishers, fire suppression and/or detection devices, and/or fire alarms require Fire and Rescue approval. Contact the Pleasant Prairie Fire & Rescue Department at 262-694-8027.
 7. Comm 52.24 requires a separate room or designated space, within or adjacent to the building, for the separation, temporary storage and collection of recyclables.
 8. International symbols for barrier-free environments will be required at the front door and toilet room doors.
 9. The Pleasant Prairie Fire & Rescue Department requires that exit and emergency lighting be on easily identifiable local lighting circuit(s), separate circuit(s) or other pre-approved circuit(s), so that when tested will not cause disruption or inconvenience.
 10. Comm 52.21 requires that all passageways to and from the exits shall be kept in good repair and unobstructed at all times.
 11. **Building and Electrical and Plumbing permits must be issued prior to beginning work.**
 12. **This project can be reviewed by the Village through a Certified Municipal Review.**
 13. A final inspection shall be conducted by the Village Building Inspector and Fire & Rescue Department prior to occupancy of the building.
 14. Any required electrical work will require a permit to be issued by the Village to a Village licensed electrical contractor.
 15. No changes to the exterior site shall be made without the Village's approval. In addition, 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.
 16. Construction and operation of the use granted shall be in strict conformity to the approved plans 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.
 17. **Prior to commencing work and prior to occupancy, a Commercial Building/Occupancy Permit shall be applied for, the proper permit fees paid, and approved by the Village. Permits and a Certificate of Compliance shall be issued by the Village prior to operation of this facility to ensure compliance with permit requirements.**
 18. All plans shall conform to applicable Village ordinance requirements, and to all other applicable local, state and federal requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, streets and highways and fire protection; and in the event of conflicting requirements or standards, the most restrictive shall apply.

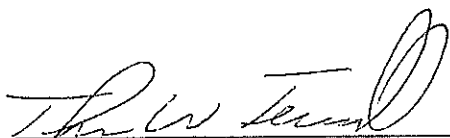
19. No use shall be conducted in such a way as to constitute a public or private nuisance or to violate any of the performance standards set out in Section 12.12 of the Village Zoning Ordinance.
20. The number of parking spaces provided for in the Zoning Ordinance are minimum requirements, and the developer/owner shall ensure that adequate on-site parking and loading areas are or can be provided for the proposed use(s) on the site operated at full capacity.
21. As information, nearly all signage requires a sign permit any new signs or changes to existing signs shall be in compliance with all Village Sign regulations.
22. All buildings, structures, site improvements and sites shall be maintained in a safe, structurally sound, neat, well-cared-for and attractive condition.
23. The Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing that the project as planned, will not violate the intent and purpose of all Village Ordinances and meets the minimum standards for granting of a Conditional 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, storm water management, streets and highways and fire protection.
24. No changes to the exterior site or building conditions shall be made without the Village's approval. In addition, any addition, alteration, extension, expansion, repair 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.
25. Prior to issuance of building permits, the property owner shall sign this Conditional Use Grant Document and this document shall be recorded at the Kenosha County Register of Deeds office prior to issuance of any permits.
26. This Conditional Use Grant shall become effective upon the execution and recording of this document and shall constitute an effective covenant running with the land. This Conditional Use Grant is subject to amendment and termination in accordance with the provisions of the Village Zoning Ordinance. Construction and operation of the use granted shall be in strict conformity to the approved plans 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.
27. For purposes of obtaining a Conditional Use Permit, erosion control permit and/or a building permit, a Site and Operational Plan approval shall be effective for a period of 180 days from the date of written notification of the decision to the applicant. If permits are not issued within said 180 days the Site and Operational Plan approval shall be void.
28. No Conditional Use Permit, erosion control permit or building permit shall be issued by the Community Development Department until Site and Operational Plan approval has been granted, and until all conditions precedent set forth in the approval have been satisfied, and until the final plans have been fully signed as required. (Note that the Chief of the Village Fire & Rescue Department has review and approval authority with respect to matters relating to fire protection, independent of the Community Development Department, pursuant to Chapter 5 of the Village Municipal Code. In a situation where review of a signage plan and/or landscaping plan has been deferred pursuant to Subsection 12.11-05(g) of the Village Zoning Ordinance no permit relating to signage and/or landscaping, respectively, shall be issued until approval of the deferred plan has been granted, and until all conditions precedent set forth in such approval have been

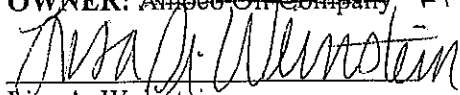
satisfied, and until the final plan has been fully signed as required by Subsection 12.11-05(h), of the Village Zoning Ordinance.

Granted by the action of the Village of Pleasant Prairie Plan Commission the 28th day of July 2003.

ATTEST:

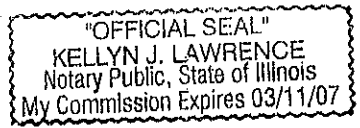

Donald Hackbart
Secretary

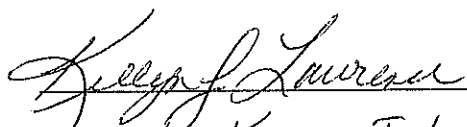

Thomas W. Terwall
Plan Commission Chairman

OWNER: ~~Amoco Oil Company~~ BP PRODUCTS NORTH AMERICA INC.

Lisa A. Weinstein
Real Estate Project Manger

ACKNOWLEDGMENT
STATE OF WISCONSIN)
SS
KENOSHA COUNTY)

Personally came before me this 25th day of August, 2003, the above named to me known to be the person (**Lisa A. Weinstein**) who executed the foregoing instrument and acknowledge the same.




Print Name: KELLYN J. LAWRENCE
Notary Public, DuPage County, IL
My Commission expires: 3/11/07

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

13 BP Connect (Restroom Add)



Filed _____ 20__ Published _____ 20__
 Public Hearing _____ 20__ _____ 20__
 Fee Paid _____ 20__ Approved _____ 20__
 Notices Mailed _____ 20__ Denied _____ 20__

**VILLAGE OF PLEASANT PRAIRIE, WISCONSIN
 ZONING MAP AND TEXT AMENDMENT APPLICATION**

To: Village Plan Commission & Village Board of Trustees of the Village of Pleasant Prairie:

I, (We), the undersigned owner(s)/agent do hereby petition the Village Board to amend the Village of Pleasant Prairie Zoning Map as hereinafter requested.

It is petitioned that the following described property be rezoned from the present B-2, PUD Community Business District(s) to B-2, Revised PUD Community Business District(s). The property petitioned to be rezoned is located at: 10477 – 120th Avenue, Pleasant Prairie, WI and is legally described

(address)

as follows: **Part of the Northeast ¼ of Northwest ¼ of Section 30, Township 1 North, Range 22 East, Lot 14 of Certified Survey Map Number 1489 in Volume 1456, Page 153.**

Tax Parcel Number(s): **92-4-122-302-0130**

The proposed use for this property is: gasoline and convenience store.

Petitioner's interest in the requested rezoning: Owner of the real estate and business.

Compatibility with adjacent land uses: McDonald's to the South and Culvers to the East.

I (We) are also requesting a Zoning Text Amendment to amend Section _____ of the Village Zoning Ordinance.

I (We), have contacted the Community Development Department to arrange a pre-application meeting to discuss the proposed request to determine additional information that may be needed for this request.

I, (We), hereby certify that all the above statements and attachments submitted herewith are true and correct to the best of my knowledge.

PROPERTY OWNER:

Print Name: Dixit Patel, VIDHYA Corp, VIII, Inc.

Signature: Dixit Patel

Address: 1491 W. Roosevelt Road

West Chicago Illinois 60185
 (City) (State) (Zip)

Phone: 630.479.1529

Fax: 630-562-3349

Email: ddwcl@sbcglobal.net

Date 9-20-2012

OWNER'S AGENT:

Print Name: Attorney J. Michael McTernan

Signature: J. Michael McTernan

Address: 6633 Green Bay Road

Kenosha Wisconsin 53142
 (City) (State) (Zip)

Phone: 262.654.8700

Fax: 262.654.8600

Email: jmm@addmlaw.com

Date: 9-17-2012



**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	20__
Preliminary Determination of Completeness on:	20__
Revised Plans Submitted:	20__
Public Hearing Required: Hearing Date:	20__
Published on: and	20__ Notices sent on: 20__
Approved by Plan Commission on	20__
Zoning Administrator on	20__
Denied by Plan Commission on	20__
Zoning Administrator on	20__

SECTION 1: GENERAL INFORMATION

NAME OF BUSINESS: BP Gas Station

SITE ADDRESS: 10477 – 120th Avenue, Pleasant Prairie, WI 53158

BRIEF PROJECT DESCRIPTION: Gasoline and convenience store.

PROPOSED NUMBER OF FULL TIME EMPLOYEES: FOUR

PROPOSED NUMBER OF PART-TIME EMPLOYEES: Three

SITE SIZE: 59,241 sq. ft. 1.36 acres

PROPOSED BUILDING SIZE: _____ sq.ft. **HEIGHT:** _____ ft.

PROPOSED ADDITION SIZE: 10 feet x 15 feet (150 sq.ft.) **HEIGHT:** 12 ft. (same as building)

LEGAL DESCRIPTION: Part of the Northeast ¼ of Northwest ¼ of Section 30, Township 1 North, Range 22 East, Lot 14 of Certified Survey Map Number 1489 in Volume 1456, Page 153.

TAX PARCEL NUMBER(S): 92-4-122-302-0130

CURRENT ZONING CLASSIFICATION(S) OF THE PROPERTY: Commercial

1. Is a zoning map amendment proposed with this project? Yes No
 - If yes, proposed Zoning Classification(s): PUD
2. 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

VPPCOMDEV-0017-F (REV. 5/11)

- 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 _____
2. Is the property serviced by Public Water? YES NO
 - If no, the closest public water is located at _____
3. Maximum number of gallons/minute of water expected to be used per day is: unchanged from current use of bathroom facilities.

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: June 25, 2001 - P.C.
 - Date of each approved amendment: July 2, 2001 - VILLAGE BOARD

SECTION 2: EXISTING USES AND BUILDINGS ON THE SITE

Are there any existing buildings on the site? YES NO

- 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:

Name: VIDHYA Corp VIII, Inc.
Mr. Dixit Patel
Signature: *Dixit Patel*
Address: 1491 W. Roosevelt Road
West Chicago, Illinois 60185
(City) (State) (Zip)
Phone: 630.479.1529
Fax: 630-562-3349
E-mail: DDWC1@SBCGLOBAL.NET
Date: September 17, 2012

APPLICANT:

Name: J. Michael McTernan, Attorney
Signature: *J. Michael McTernan*
Address: 6633 Green Bay Road
Kenosha, Wisconsin 53142
(City) (State) (Zip)
Phone: 262.654.8700
Fax: 262.654.8600
E-mail: jmm@addmlaw.com
Date: September 17, 2012

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)

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

USER OR OCCUPANT OF SITE:

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

SITE AND OPERATIONAL PLAN

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.

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 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.

The expansion of the building will measure approximately ⁴⁵⁰ square feet (³⁰ feet by ¹⁵ feet) and will simply "square" the building foot print. The same exterior building materials (brick and trim) will be used in order to match the expansion to the existing building.

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 changes in the weather.

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 carbon filters that will be disposed of using sealed drums provided and retrieved by qualified environmental disposal companies.

Moreover, the system will not alter existing operations of the gasoline station and convenience store, as those operations will continue as normal.

As currently exists, BP is currently open for business between the hours of 6am through 11pm, seven days a week, but maintains expanded hours (up to 24 hours a day) during the various peak holiday seasons. During those expanded times, additional staff is maintained in order to service the increase in

customers. Deliveries and shipments occur during those times that BP is open to the public. 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 is added when the hours are expanded. There are currently 23 parking spaces on the site, but with the expansion of the building, two parking spaces are being removed, leaving a total of 21 parking spaces (one handicapped access parking space, and twenty conventional parking spaces).

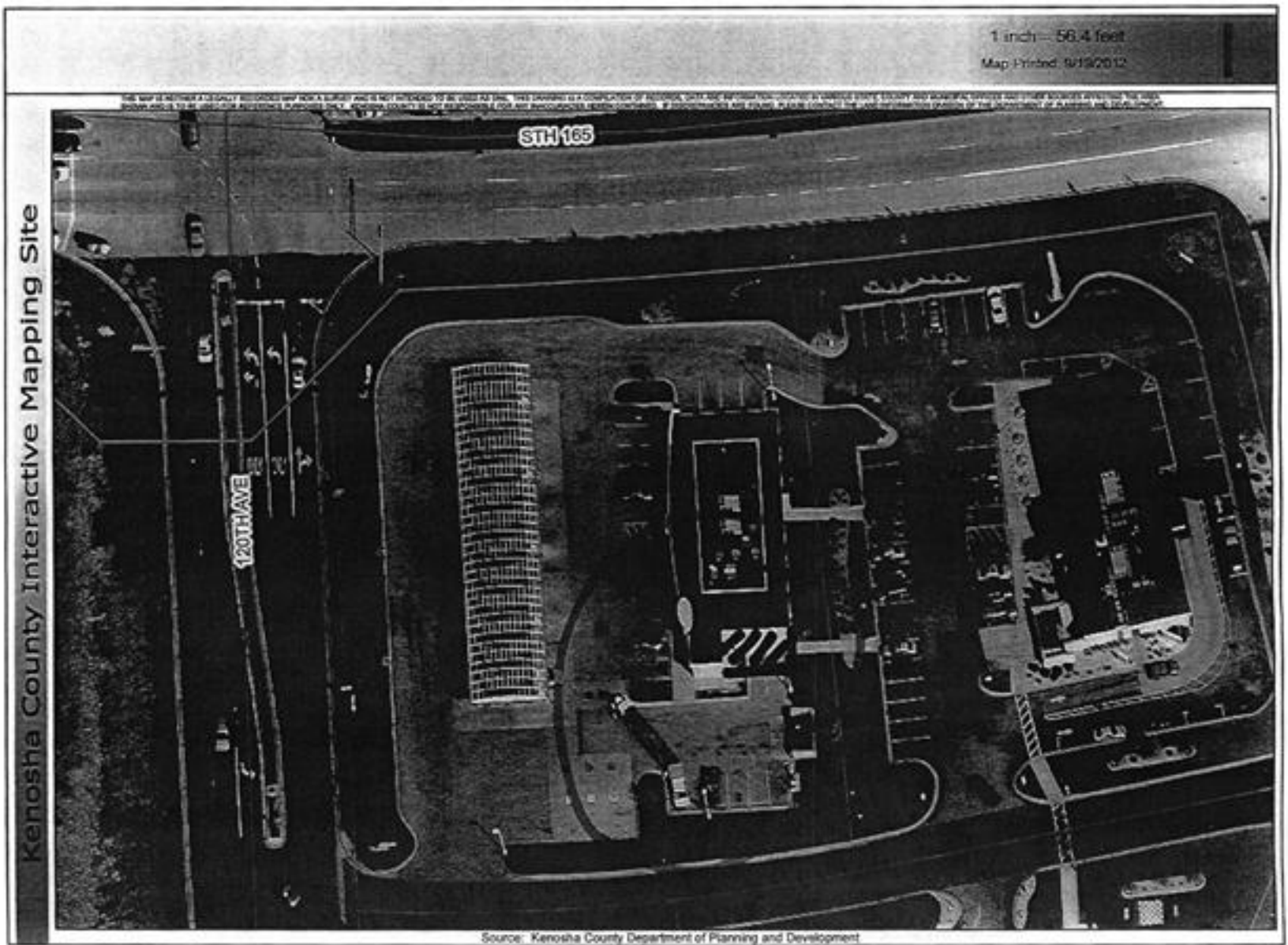
It is anticipated that traffic volumes of 500 to 1,000 daily trips will continue, and no truck trips other than deliveries of goods to the BP. The main products being sold at the BP include, but are not limited to: gasoline and diesel fuels, related automobile supplies and parts, along with food and beverages, all of which are currently being sold at the 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 (petroleum delivery systems, coolers, ovens, and related food preparation equipment).

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.

The owners have installed and maintained a fully functioning and operational security camera system. Technicians will make those modifications to the system in order to comply with the current Village ordinances.

Moreover, the owners retain landscapers to regularly maintain, replace and upgrade the landscaping that surrounds the property, including the removal of all snow and ice from the parking lots, driveways and sidewalks. In addition, employees walk the property on a regular basis to pick up 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.

The owner maintains all permits and licenses required to operate its business. Those permits and licenses allow for the sale of petroleum, alcohol, tobacco, food, and related items sold in its business, issued from the various government agencies.



Document 1, Image 11 of 17

Return to: Bruce Rabe
Kenosha Water Utility
4401 Green Bay Road
Kenosha, WI 53144
Email: brabe@kenosha.org

Date Sent: _____

Date Due: _____

**VILLAGE OF PLEASANT PRAIRIE
INDUSTRIAL WASTE SURVEY**

To be submitted to the

Kenosha Water Utility

General Information

1. Facility Name: BP Amoco Gas Station
2. Mailing Address: 1491 W. Roosevelt Road
3. City, State, Zip Code: West Chicago, Illinois 60185
4. Site Address: 10477 – 120th Avenue, Pleasant Prairie, WI 53158
5. Standard Industrial Classification Code (SIC): 5541 (Gasoline Service Station)
6. Name, Title and Telephone Number of the Authorized Representative and the Company Contact Person Responsible for Environmental Compliance.

Authorized Representative

Name: J. Michael McTernan
Title: Attorney
Phone #: 262.654.8700

Company Contact

Name: Dixit Patel
Title: President
Phone #: 630.479.1529

The authorized representative must be a president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or general partner or proprietor, or an individual designated by the aforementioned corporate official. The designated individual must meet the following criteria: (1) the person must be responsible for the overall operation of the facilities from which discharges originate, (2) the person is authorized in writing, and (3) the written authorization is submitted to the POTW.

7. List All Environmental Control Permits Held by or for the Facility.
None.

VPPCOMDEV-0009-F (REV. 9/04)

Operational Characteristics

1. Existing Number of Employees: Full Time: Seven Part Time: Three
2. Operational Schedule: Days/Wk: 7 days a week Hours/Day: 6am – 11pm # Shifts: Two
3. Describe the nature of the business conducted at this facility (if more than one type ,of business or manufacturing takes place, list all activities): Gasoline and convenience store operating under the licensed trade name BP Amoco.
4. List principal raw materials used: Regular, mid-grade and premium levels of gasoline, along with diesel fuel.
5. List products produced and the average rate of production: None.
6. List types of wastes created during production and any by-products produced: None.
7. Estimate the quantity of water to be used by the facility during a six month period. Record the gallons of water anticipated by this facility. 180,000 gallons.
Indicate the source of the facility's water: Kenosha _____ Pleasant Prairie:
Meter number or address assigned to water meter(s). Register Number: 68682280
8. Type of discharges: Continuous: Batch _____
If batch was indicated, give the average frequency and approximate volume of any batch discharges: _____
9. Describe the uses of water at this facility: Public bathrooms, coffee making and general cleaning of the inside of the convenience store.

Wastewater Information

1. A process wastewater IS any wastewater discharged other than for sanitary, non-contact cooling or boiler blow-down purposes. List activities which generate a process wastewater and the time and duration of each discharge.

Wastewater Producing Process

Time and Duration of Discharges

The owner is installing an activated carbon system to treat petroleum impacted groundwater, and will be discharged solely through the storm water system.

2. For each process wastewater stream list all the materials and pollutants which to believe may be present in the discharge.
None.
3. Contact cooling water is cooling water that during the process comes into contact with process material, thereby becoming contaminated. Non-contact cooling water does not come into contact with process materials. Does this facility utilize cooling water?
4. Water volume used and discharged to sanitary sewer. A review of previous water usage bills may be helpful in assigning values to the following flows. If sanitary flow is not metered, provide an estimate based on 20 gallons per day fir each employee (i.e. water balance).

	Gallons per Day		Type of Wastewater Discharge (Continuous, Batch, None)
	Consumed	Discharges	
Sanitary Usage	1,500	1,500	Continuous – Toilets, sinks, etc.
Process Wastewater Usage	_____	_____	_____
Cooling Water Usage	_____	_____	_____
Other Usage	_____	_____	_____
Total Volume	1,500	1,500	_____

5. Describe all locations where wastewaters enter the collection system: None.
6. Is there a sampling manhole on site? No X Yes _____
If yes, describe the locations: _____

7. Are sanitary and process wastewaters separated? No X Yes _____
8. Is boiler blowdown water discharged to the sanitary sewer? No X Yes _____
9. Does your facility haul any process wastewater? No X Yes _____

Compliance Information

1. Is there any usage of toxic compounds at the facility? No _____ Yes X
If yes, list and use check list on last page. **Gasoline and Diesel.**
2. Are there any floor drains in the manufacturing or chemical storage area? No X Yes _____
3. Is there a Spill Prevention Control and Countermeasure Plan in effect for this facility?
No _____ Yes X If yes, describe procedure: There are underground containment systems in place for subsurface spills, and if there are above ground gasoline spills, the owner has Operating and Maintenance Plan to clean any small spills with "oil dry" and store in on-site containers, but for any significant spill, notification to the fire department, Wisconsin Departments of Natural Resources and Commerce.
5. Is any form of waste water pretreatment practiced at this facility? No X Yes _____
If yes, describe: None.
6. List any specific pretreatment standards that apply to this facility: None.

VPPCOMDEV-0009-F (REV. 9/04)

7. If pretreatment standards are not being met on a consistent basis, describe what additional and maintenance or pretreatment must be performed to achieve compliance. N/A

8. State the estimated timetable (compliance schedule) for the implementation of additional operations and maintenance or for the commencement and completion of major events leading to the construction and operation of the pretreatment facilities required to achieve compliance.

N/A

Submissions

Include a schematic (print) of the facility that shows the water intake points(s), existing sanitary sewer, discharge points (connection(s) to sanitary collection system), and direction of wastewater flows at the facility. Provide a diagram of water flow through any processes that use water for any purpose.

Signatory Requirement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate this information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Dixit Patel

Dixit Patel

 Print Name: Authorized Representative
 President *PRESIDENT*

 Signature: Authorized Representative
 September 17, 2012

Title

Date

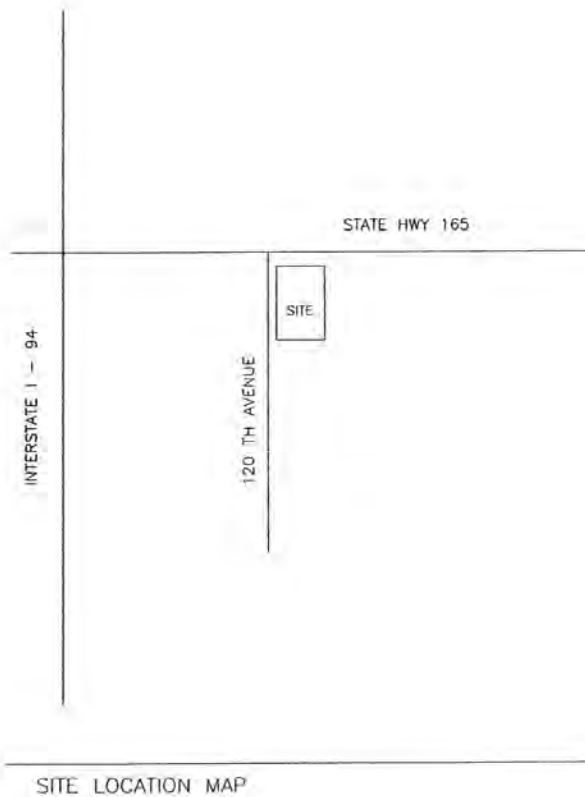
Appendix
Toxic Pollutants Listed in 40CFR 307(a)

Known Absent	Suspected Present	Known Present	Pollutant
			1 Acenaphthene
			2 Acrolein
			3 Acrylonitrile
			4 Aldrin/Dieldrin
			5 Antimony and compounds
			6 Arsenic and compounds
			7 Asbestos
			8 Benzene
			9 Benzidine
			10 Beryllium and compounds
			11 Cadmium and compounds
			12 Carbon tetrachloride
			13 Chlordane
			14 Chlorinated benzenes
			15 Chlorinated ethanes
			16 Chloroalkyl ethers
			17 Chlorinated naphthalene
			18 Chlorinated phenols
			19 Chloroform
			20 2-chlorophenol
			21 Chromium and compounds
			22 Copper and compounds
			23 Cyanides
			24 DDT and metabolites
			25 Dichlorobenzenes
			26 Dichlorobenzidine
			27 Dichloroethylenes
			28 2,4-dichlorophenol
			29 Dichloropropane & Dichloropropene
			30 2,4-dimethylphenol
			31 Dinitrotoluene
			32 Diphenylhydrazine
			33 Endosulfan and metabolites

Known Absent	Suspected Present	Known Present	Pollutant
			34 Endrin and metabolites
			35 Ethylbenzene
			36 Fluoranthene
			37 Haloethers
			38 Halomethanes
			39 Heptachlor and metabolites
			40 Hexachlorobutadiene
			41 Hexachlorocyclopentadiene
			42 Hexachlorocyclohexane
			43 Isophrone
			44 Lead and compounds
			45 Mercury and compounds
			46 Naphthalene
			47 Nickel and compounds
			48 Nitrobenzene
			49 Nitrophenols
			50 Nitrosamines
			51 Pentachlorophenol
			52 Phenol
			53 Phthalate esters
			54 Polychlorinated biphenyls (PCBs)
			55 Polynuclear aromatic hydrocarbon
			56 Selenium and compounds
			57 Silver and compounds
			58 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)
			59 Tetrachloroethylene
			60 Thallium and compounds
			61 Toluene
			62 Toxaphene
			63 Trichloroethylene
			64 Vinyl chloride
			65 Zinc and compounds

VPPCOMDEV-0009-F (REV. 9/04)

PROPOSED BUILDING ADDITION FOR VIDHYA CORP VIII 10477 120TH AVENUE PLEASANT PRAIRIE WI. 53158



INDEX OF DRAWINGS	
A1	TITLE SHEET, GENERAL NOTES, INDEX OF DRAWINGS, SITE LOCATION MAP
A2	SITE PLAN WITH PROPOSED ADDITION
A3	FOUNDATION PLAN FOR PROPOSED ADDITION & DETAILS
A4	BUILDING FLOOR PLAN SHOWING PROPOSED ADDITION
A5	BUILDING ELEVATIONS
A6	BUILDING PHOTOS

These drawings and Specifications: These Specifications and the accompanying drawings are complimentary and what is called for by one shall be binding as if called for by both the quality and quantity shall prevail.

Coordination of work: A general contract will be left for the work and successful contractor shall be responsible for all other sub-contractors and coordination of the Specifications and or dimensions of all work or where it comes in contact with others work. All details of material selections shall be reviewed and referred to the owner where questions occur. Errors due to failure to comply with this requirement shall be corrected at the expense of the contractor or contractors involved.

Codes Ordinances: All work shall comply with all local, state, and county codes and regulations as applicable.

Examination of the Site: Contractor shall visit the site and review all existing conditions. He shall familiarize himself as to the nature and location of the work and the general and local conditions that he is to perform. He shall have full knowledge as to the transportation, disposal, handling of materials, availability of water, electric power, and all other facilities in the area where work shall be performed or that having a bearing on the performance of his work. Dispose of all debris legally.

Contractor shall field verify all dimensions prior to starting work and coordinate same with all trades.

Construction is scheduled to occur while owners occupy the adjacent business. The contractor is responsible for providing safety and access at all times to the site for the owners clients as well as employees. The owner and Architect shall have no responsibility for means and methods of the work performed by contractors.

Weather conditions: Contractor shall protect all parts of their work from weather damage frost, rain, heat, ect. and shall be responsible for replacement and or repair of any damaged work to the satisfaction of the owner which in his opinion have become damaged due the above.

Responsibility of the Contractor: Each contractor is responsible for and must guarantee first class workmanship and materials that have been provided and installed by him.

Each contractor shall furnish all necessary barricades, temporary construction dust screens and scaffolding as required for completing their work in a safe workman like manner.

Surveys, Permits, and Regulations: The owner shall furnish all required surveys, contractors shall obtain and pay for all local necessary permits.

Auto Insurance: Each contractor shall maintain auto insurance for their respective vehicles used during project or on owners property.

Fire and Extended Insurance: The owner shall maintain in effect fire insurance and builders risk insurance coverage as required upon all items and materials on the property that are a part of or are necessary and stored on site for the completion of the work.

Pilferage: Each contractor shall be responsible for his own equipment, tools and materials required for construction and or including those items relating to any work furnished by the owner and delivered to the job site.

Electrical: All work shall comply with National Electrical Code, current edition, and any electrical code requirements of the local jurisdiction.

Guarantee: All contractors shall provide a one year guarantee of their work from the date of acceptance by the owner and shall leave the site in perfect and working order upon completion.

Dumpsters: General contractor shall provide all necessary dumpsters during construction and shall coordinate for all trades including that work which may be performed by the owner.

Clean up: General contractor shall at the end of the project fully broom clean all surfaces of dirt and debris and leave site in a clean unconstructive condition.

- The Contractor and its Subcontractors shall verify all dimensions and/or discrepancies in plans and report any errors to the Architect prior to commencement of the work, or be responsible for same.
- Do not scale drawings. Verify all on site dimensions and conditions by each subcontractor.
- All carpentry, plumbing, mechanical and electrical work is to be coordinated between the trades as part of their installation layout. Verify locations of plumbing and HVAC lines with Builder before installation.
- On site verification of all dimensions and conditions shall be the responsibility of each subcontractor.
- Architect shall not have control or charge of, and not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and program in connection with the work, or for the acts or omissions of the subcontractors, or other persons performing any of the work, or for the failure of any of them to carry out the work in accordance with the intent of the contract documents.
- Verify sizes and installation requirements and specifications of all items supplied by others before proceeding with work related thereon.
- The commencement of each subcontractor's work shall constitute acceptance of all sub-surfaces.
- Should unsuitable soil conditions arise, promptly advise the Architect of same before proceeding with any further work.
- Stock pile material as directed by Owner or builder. Protect all trees and wetland areas retained on site. Provide erosion control as required by the governing authority.
- Verify locations of all underground lines before proceeding with sub-slab work.
- Contact Diggers Hot line 48 hours before any underground work.
- Each Subcontractor shall obtain and provide necessary bonds, permits and necessary inspections as required by municipal, county, state, federal or other agencies having jurisdiction.
- Truss manufacturer to design and fabricate floor and roof trusses in accordance with all applicable codes.
- The minimum live load for floor shall be 100 p.s.f. and the minimum snow load for roofs shall be 35 p.s.f. The minimum dead load for floors and roofs shall be 10 p.s.f. The maximum deflection shall be L/480. All girder trusses shall be designed to accept all concentrated loads as required. Truss drawings shall be submitted to the Builder and shall be sealed by a State of Wisconsin licensed structural engineer or by the truss manufacturer engineer registered in Wisconsin. Truss Manufacturer shall outline headers and fan beams for truss bearing on all spans.
- All concrete and reinforcing work shall conform to ACI specifications and recommendations. All concrete footings shall bear on 2000 p.s.f. minimum soil capacity on virgin ground, minimum 3'-4" below grade. All concrete shall attain a 28-day compressive strength of 3000 P.S.I. for walls and basement slab; 3500 P.S.I. exterior slab use 9% air-entrainment.
- All construction lumber shall be Southern Yellow Pine 19 (SPF), 1-1/2" x 4" or better, unless otherwise noted. All wood in contact with concrete or grade shall be pressure treated. Shim all sill plates and provide sill sealer below plate and grade any gaps greater than 1/4".
- All engineered joists and beams, i.e., joists, joists, TFS, etc. shall be installed in accordance with the manufacturers specifications.
- Provide double cripples under all headers greater than 4'-0".
- All concentrated loads from headers and beams shall be solid-blocked down to foundation (and, or girder truss). No back filling of foundation shall occur until floor system is in place to brace top of concrete walls.
- All work shall be performed in a good workmanlike manner. Each subcontractor shall correct and make good at his own cost any defects and other faults in his workmanship and materials.
- Each contractor to clean up debris inside and outside the building site which has been caused by his work and place in dumpster provide by builder on a daily basis.
- All electrical work shall conform to the National Electric Code, NEC latest edition and local building code.

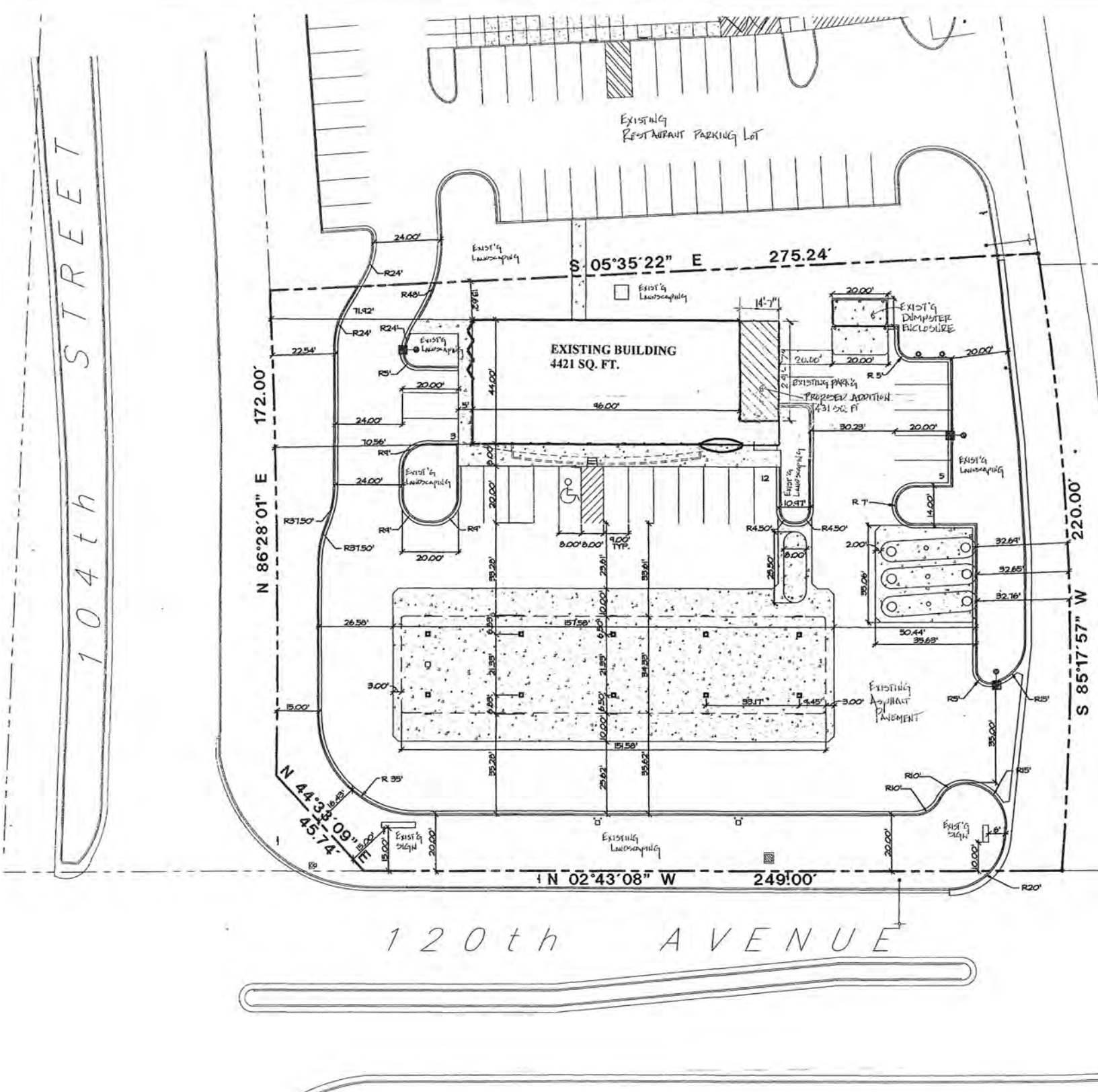
DATE 10-7-12
REVISIONS

WILLIAM A. MORRIS ARCHITECT LLC
5308 31ST AVENUE
KENOSHWA WI. 53144

PROPOSED BUILDING ADDITION FOR
VIDHYA CORP VIII
10477 120TH AVENUE
PLEASANT PRAIRIE WI. 53158

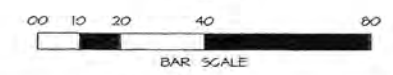
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OCT 9 - 2012
Village of Pleasant Prairie

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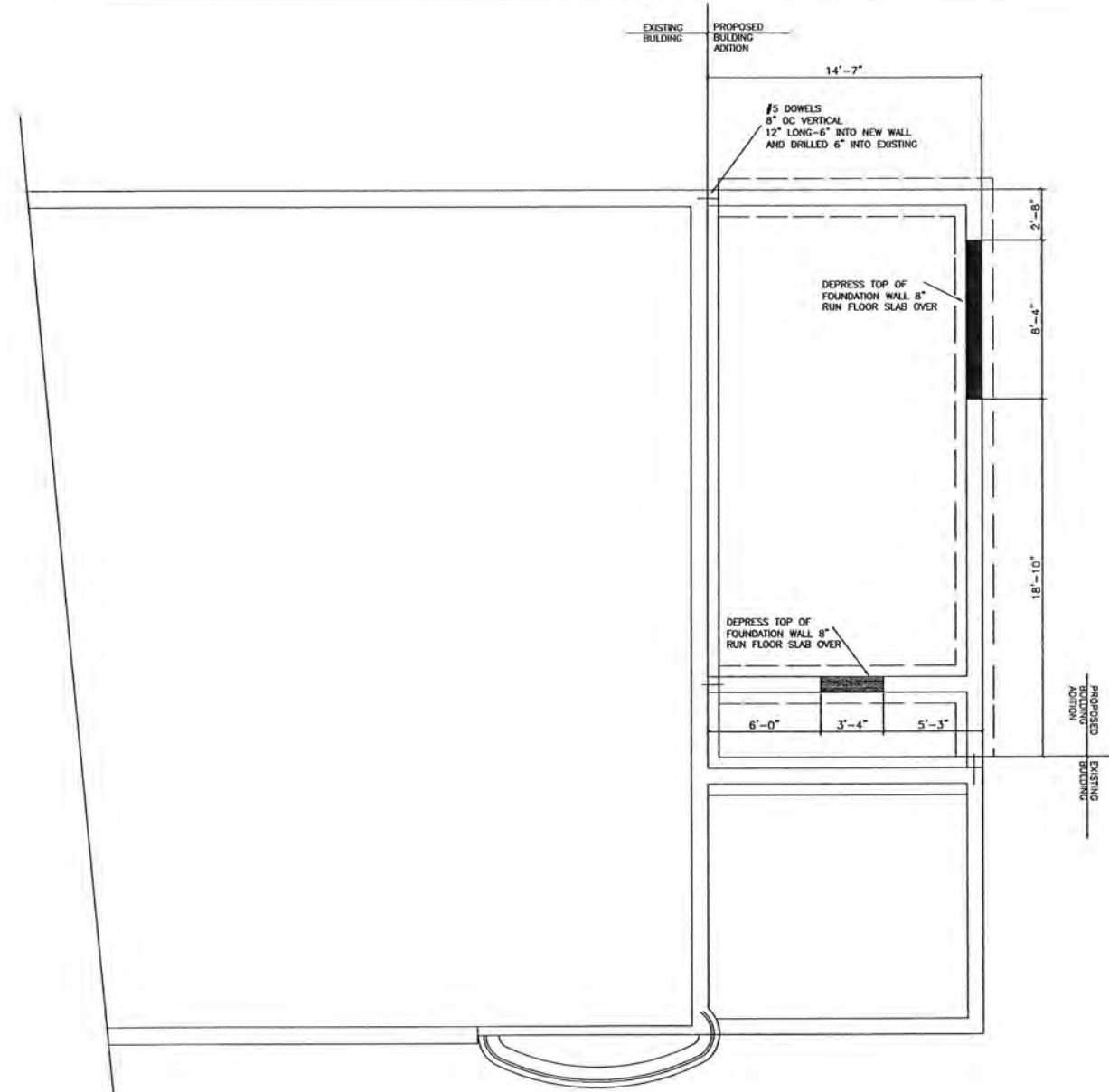
SITE CRITERIA
 TOTAL SITE AREA = 1.36 ACRE

NOTE:
 NO TEMPORARY OUTDOOR STORAGE UNITS SHALL BE PERMITTED ON THE SITE. ALL MERCHANDISE IS TO BE STORED INSIDE THE CONVENIENCE STORE BUILDING OR WITHIN THE DESIGNATED TRASH/RECYCLING ENCLOSURE.
 THERE SHALL BE NO OUTSIDE STORAGE OF MERCHANDISE AT THIS SITE. THIS INCLUDES, BUT IS NOT LIMITED TO, SODA, WINDSHIELD WASHER FLUID AND OTHER VEHICLE ACCESSORIES, HOOD, BAGS OF HOOD CHIPS, CHARCOAL, ETC.
 THE SITE SHALL NOT BE USED FOR ANY PARKING (NEITHER OVERNIGHT NOR DURING THE DAY) OF SEMI TRUCKS, SEMI TRAILERS AND JUNKED/INOPERABLE VEHICLES.

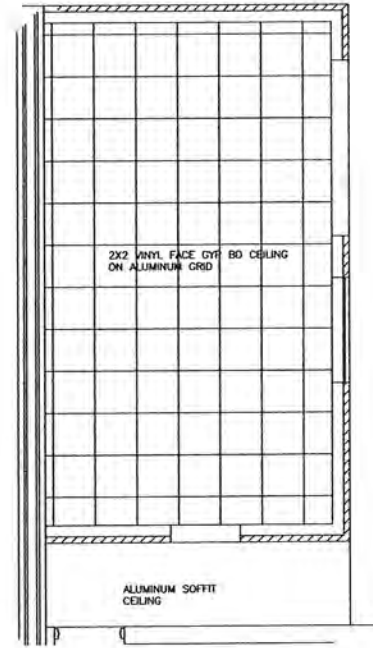


DATE 9-27-12
REVISIONS
WILLIAM A. MORRIS ARCHITECT LLC 5308 31ST AVENUE KENOSHA WI. 53144
PROPOSED CONVENIENCE STORE ADDITION FOR VIDHYA CORP VIII INC. 104 77 120 AVENUE PLEASANT PRAIRIE WISCONSIN 53158
A2

CONSTRUCTION FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



REFLECTED CEILING PLAN
SCALE: 1/4" = 1'-0"



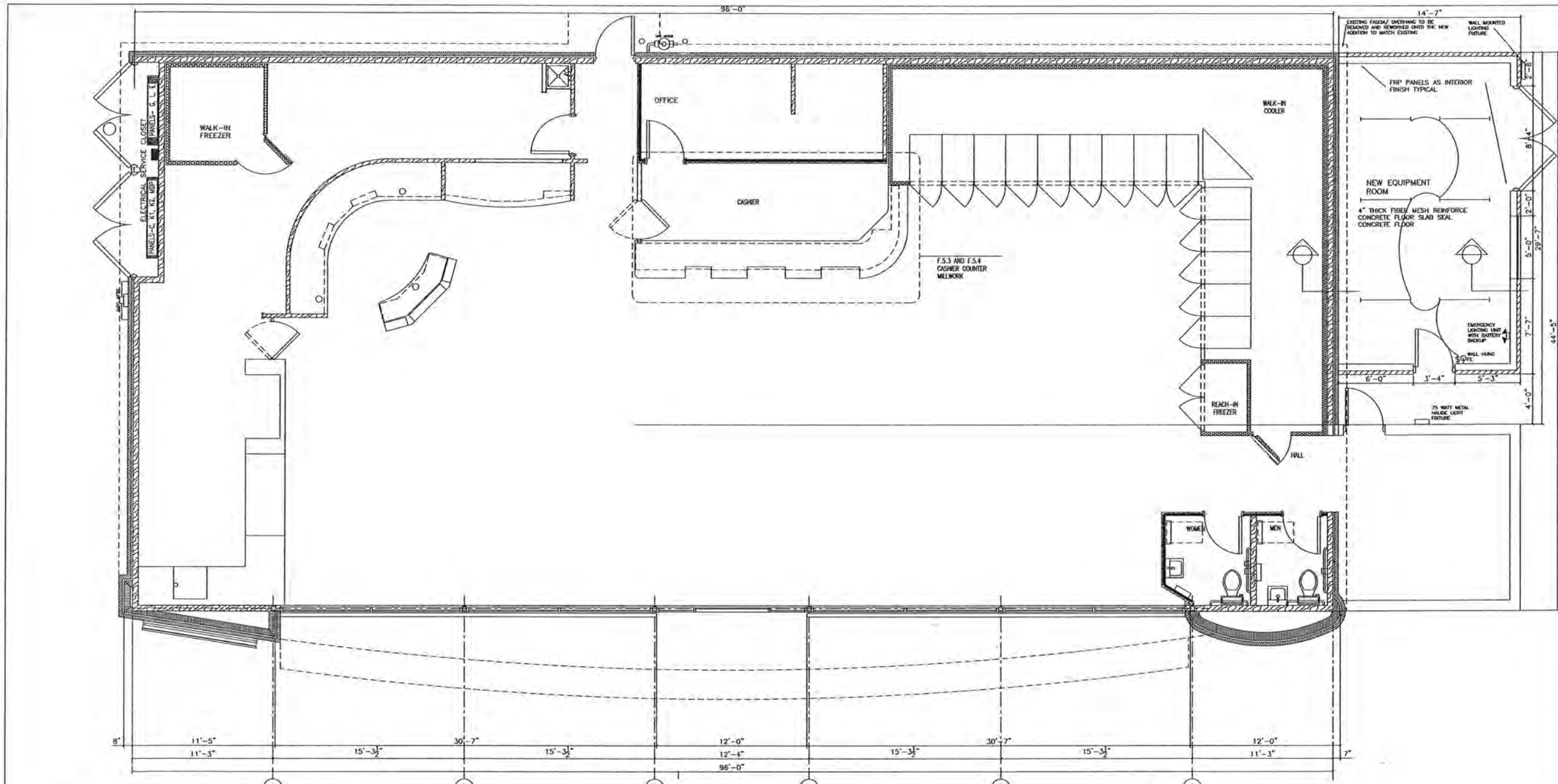
PROPOSED BUILDING ADDITION FOR
VIDHYA CORP VIII
10477 120TH AVENUE
PLEASANT PRAIRIE WI. 53158

WILLIAM A. MORRIS ARCHITECT LLC
5308 31ST AVENUE
KENOPSHA WI. 53144

REVISIONS

DATE
10-7-12

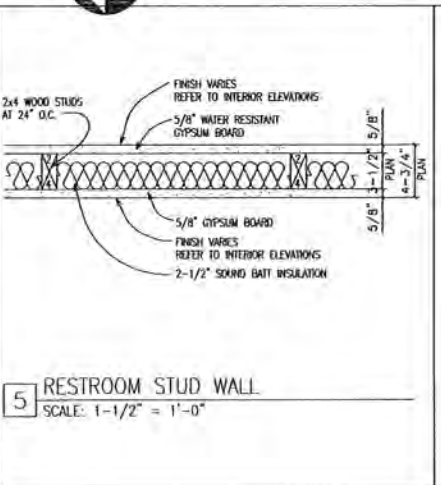
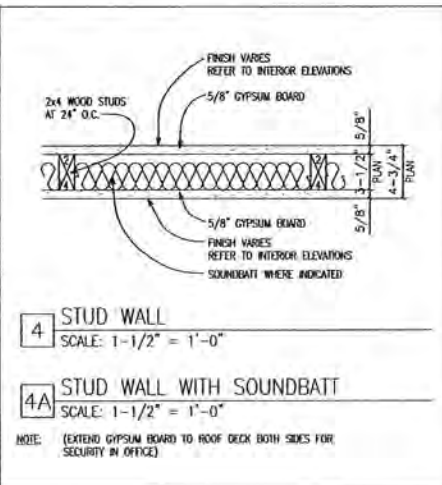
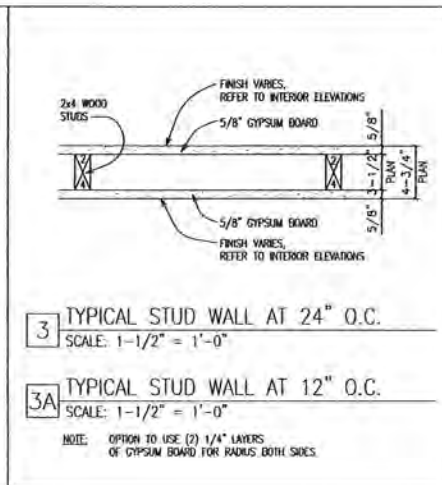
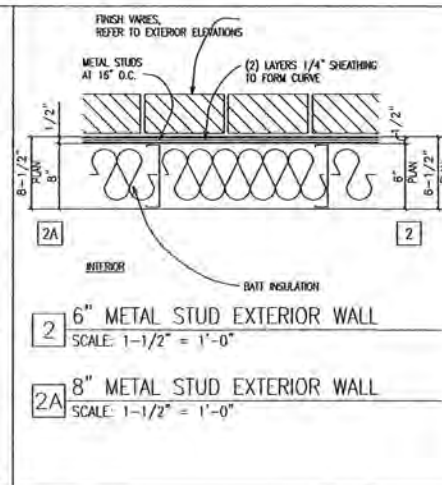
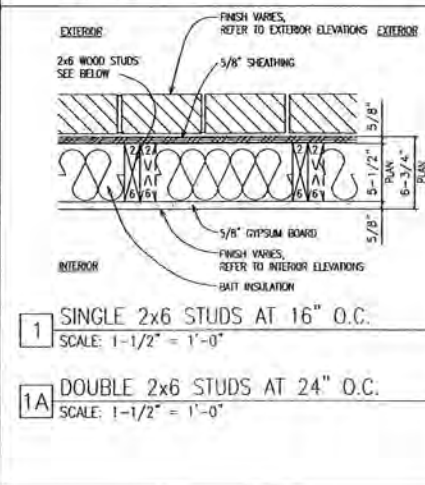
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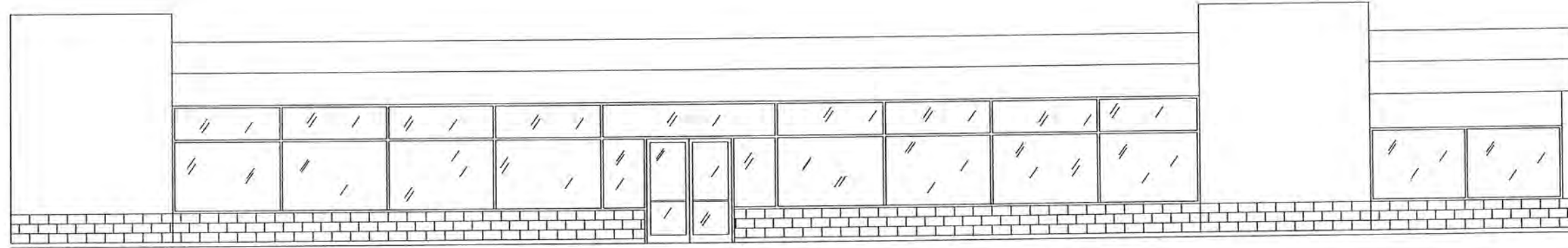
DATE: 10-7-12
 REVISIONS:
 WILLIAM A. MORRIS ARCHITECT LLC
 5308 31ST AVENUE
 KENOSHA WI. 53144

PROPOSED BUILDING ADDITION FOR
 VIDHYA CORP VIII
 10477 120TH AVENUE
 PLEASANT PRAIRIE WI. 53158

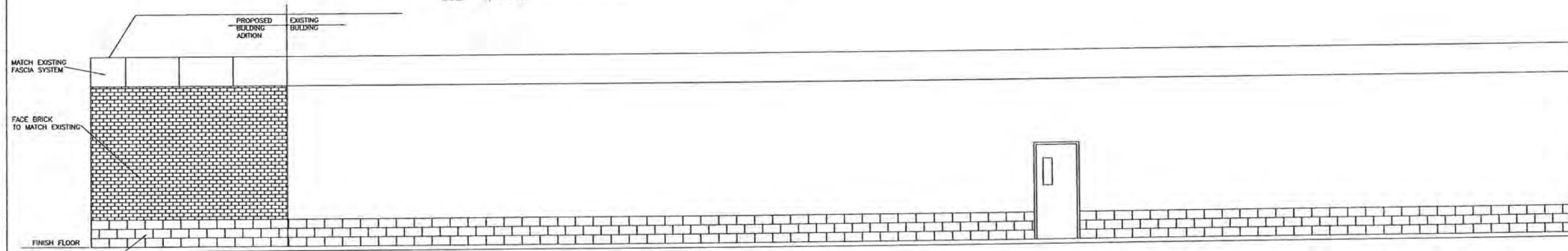
CONSTRUCTION FLOOR PLAN
 SCALE: 1/4" = 1'-0"



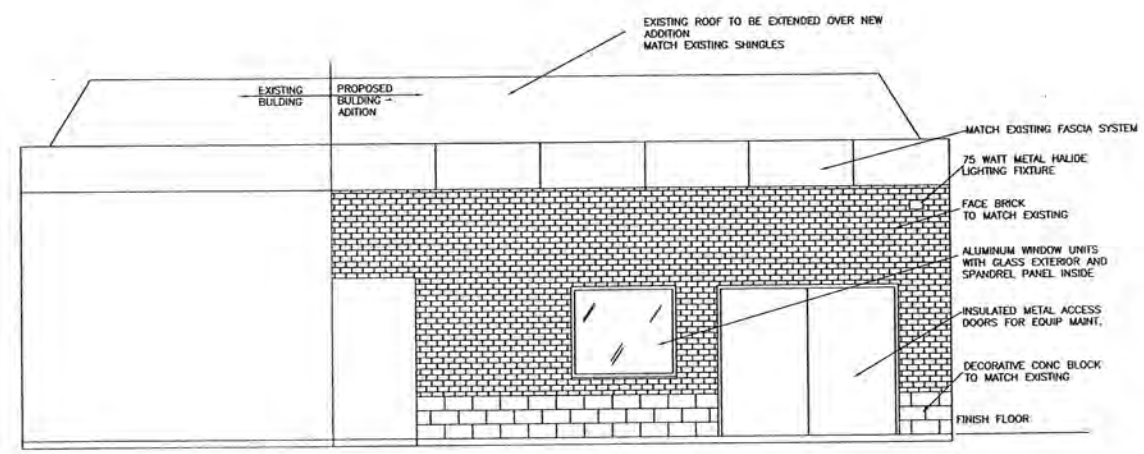
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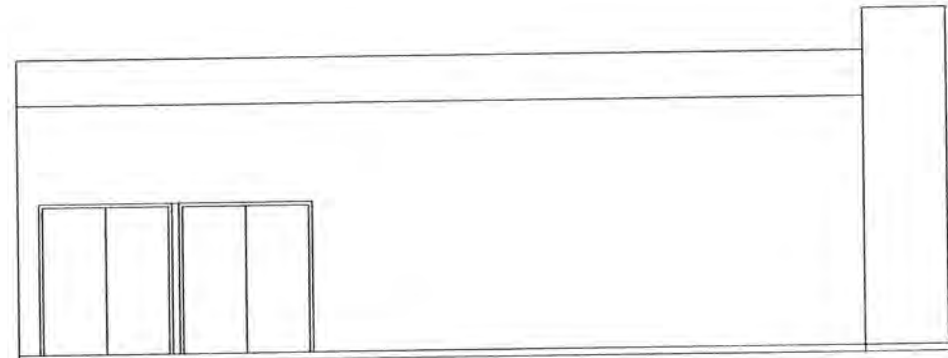
EXISTING WEST ELEVATION
SCALE 1/4" = 1'-0"



EXISTING EAST ELEVATION WITH ADDITION
SCALE 1/4" = 1'-0"



EXISTING SOUTH ELEVATION WITH ADDITION
SCALE 1/4" = 1'-0"



EXISTING NORTH ELEVATION
SCALE 1/4" = 1'-0"

DATE
10-7-12

REVISIONS

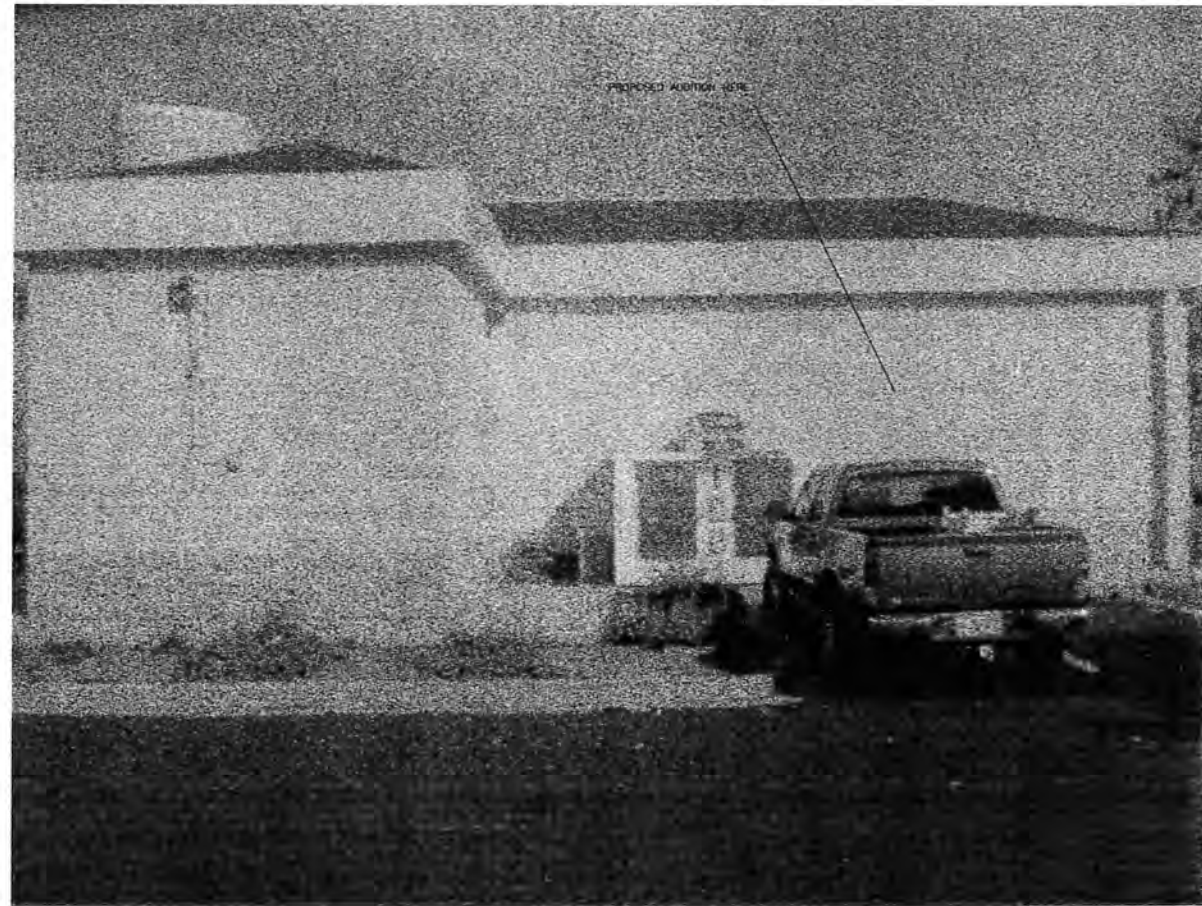
WILLIAM A. MORRIS ARCHITECT LLC
5308 31ST AVENUE
KENOSHWA WI. 53144

PROPOSED BUILDING ADDITION FOR
VIDHYA CORP VIII
10477 120TH AVENUE
PLEASANT PRAIRIE WI. 53158

A5



EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION
AT LOCATION OF PROPOSED ADDITION

DATE 10-7-12	REVISIONS	WILLIAM A. MORRIS ARCHITECT LLC 5308 31ST AVENUE KENOSHA WI. 53144	PROPOSED BUILDING ADDITION FOR VIDHYA CORP VIII 10477 120TH AVENUE PLEASANT PRAIRIE WI. 53158	A6
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Peggy Herrick

From: Peggy Herrick
Sent: Thursday, October 25, 2012 4:27 PM
To: J. Michael McTernan (jmm@odamlaw.com)
Cc: Jean Werbie-Harris; Mike Spence; Doug McElmury
Subject: BP Amoco--additional info required for BP Amoco

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Michael

The Village staff has reviewed the information submitted for the Conditional Use Permit including Site and Operational Plans and the PUD Amendment for BP Amoco. The following additional information shall be submitted as soon as possible but no later than **November 6, 2012** for Village staff review prior to the November 12, 2012 Plan Commission meeting.

1. A written narrative that explains all of the significant Remedial Activities that have been conducted by VIDHYA between April 2011 and October 25, 2012.
2. Site Investigation Plan based on the information and sampling results development during the implementation of the remediation plan.
3. Remediation Plan that includes without limitation, testing and remediation for all "Downstream properties" affected by any petroleum discharges from the property.
4. A site plan that shows the locations for all of the remediation treatment facilities including but not limited to the carbon treatment system, location of recovery/blocking wells, soil borings and monitoring wells.
5. The Fire and Rescue Department is requesting additional information be submitted about the carbon treatment equipment that will be installed in the room addition. The information shall include the operation, hazards and maintenance procedures for the equipment. The information submitted may generate additional requirements from the Fire & Rescue Department.

Eight (8) copies of the above information shall be submitted along with a pdf of each item on a disk.

Thanks

Peggy Herrick

Assistant Planner and Assistant Zoning Administrator
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, WI 53158
Phone: 262-925-6717
Fax: 262-925-6787
E-mail: pherrick@plprairiewi.com
Village website: www.pleasantprairieonline.com



Alia DuMez
Dunn & McTernan

ATTORNEYS AT LAW

6633 Green Bay Road
Kenosha, WI 53142
T: (262) 654-8700
F: (262) 654-8600
www.addmlaw.com

Exhibit 9

Gino M. Alia
Robert DuMez
Tony M. Dunn
J. Michael McTernan
Michael R. Cholak
Of Counsel

Debbie Gourdeaux
Beverly Kozerski

RECEIVED
NOV - 6 2012
Village of Pleasant Prairie

November 6, 2012

Peggy Herrick
Assistant Planner and Assistant Zoning Administrator
Village of Pleasant Prairie
9915 – 39th Avenue
Pleasant Prairie, WI 53158

RE: Mr. Dixit Patel / VIDHYA Corp VIII, Inc.
BP Station at 10477 – 120th Avenue

Dear Ms. Herrick:

On behalf of my client, VIDHYA Corp VIII, Inc., I provide for you the following:

1. Exhibit A to our proposed Settlement Agreement with the Village that provides a Chronology of Immediate and Interim Remedial Activities Conducted by my client since April 2011 to present.
2. Dated November 5, 2012, a letter from my client's consultant, Midwest Engineering Services, Inc., outlining the Preliminary Site Investigation Work Plan, which shows the remediation plan and a detailed site plan that sets forth all of the activities being proposed.
3. The Operation & Maintenance Manual and Bag Filter Operation materials from Carbonair.

If there is additional information that you need, please do not hesitate to contact me. I have enclosed 8 copies of the above materials along with a digital image of each in Adobe PDF format on the enclosed CD.

We are not proposing any testing or remediation plans for any "downstream properties" as it is not warranted as my client did not contaminate any adjoining property owners' land.

Very truly yours,

J. Michael McTernan

Enclosures

JMM/jm

cc: Mr. Dixit Patel, VIDHYA Corporation VIII, Inc. (via email w/ enclosures)
Mr. Donald P Gallo, Reinhart Boerner Van Beuren, S.C. (via email w/ enclosures)
Mr. Patrick J. Patterson, Midwest Engineering Services, Inc. (via email w/ enclosures)

EXHIBIT A

Chronology of Immediate and Interim Remedial Activities Conducted by VIDHYA Corp VIII, Inc. November 6, 2012

- 4/26/11 - Fire chief reports petroleum observed in storm sewer catch basin on north side of property. Frank Bennett, Retail Petroleum Inspector, requires tightness testing of dispenser sumps, repair of leaking union under diesel dispense and pumping of one inch layer of diesel product from diesel sump. Two booms to absorb petroleum were installed.
- 6/1/11 - Tanknology conducted tank testing identified gas and diesel releases but they were contained in annular space and did not escape double wall system and did not impact the environment.
- 6/9/11 - Moraine and Interstate Pump and Tank met on site to identify issues and solutions. Moraine sampled soil and surface water in north drainage ditch area and identified diesel constituents as being six (6) times more prevalent than those of gasoline.
- 7/8/11 - Moraine conducted further sampling and recommended inspecting the interior lining of the catch basins and storm sewers. They also recommended excavation of contaminated soils in the north drainage ditch area. Moraine concluded that the impacts are the result of on-going incidental spillage from daily fueling that run off into the two down gradient catch basins which then travels through the discharge pipe or surrounding backfill into the north drainage ditch.
- 11/17/11 - Quality Environmental Solutions (QES) and representatives from Anderson Pump and Graham Enterprise (fuel supplier) attended a meeting with the Village. QES disagrees with Moraine's conclusions that the source of the impacts in the north ditch are from surface runoff from fueling operations but rather from weathered petroleum products from overfills in the 1990's into the tank field via the piping utility trenches' granular fill. High precipitation resulting in higher groundwater table has mobilized the weathered petroleum via the utility trench backfill. QES recommended removal and disposal of all impacted materials in the drainage ditch area, installation of engineered controls to prevent migration to off-site properties and installation of new booms and an oil/water separator.
- 3/27/12 - Petroleum products were pumped from tank field backfill and containment pans near the pump islands.
- 5/12 - Unipump removed flexible piping and replaced it with fiberglass piping and continue to pump from tank field, backfill, containment pans and dispensers. A second set of booms were installed. QES conducted second soil sampling along the pipe lines. Excess soils from pipe replacement were disposed of at a landfill.
- 6/12 - Three (3) on-site inspections were conducted and no observations of a sheen in the north drainage ditch.

- 7/5-12/12 - Impacted soils (124 tons) were removed from north drainage ditch area and disposed. QES then collected soil samples indicating some residual contamination in the excavation area. QES concluded from soil sampling in piping area that the release is historic. Sod was placed over the excavation area.
- 8/7/12 - Midwest Engineering Services (MES) sampled ditch surface water.
- 8/13/12 - MES was retained to conduct remedial actions to prevent further migration of residual petroleum contamination offsite.
- 8/20/12 - MES provided a draft Remedial Activities and Schedule.
- 8/28/12 - Future Environmental cleaned the onsite stormwater system and removed accumulated sludge. DeBelak Plumbing used sewer camera scope to evaluate the integrity of the existing stormwater sewer system. The northwestern catch basin was the only defective section of the system.
- 9/14/12 - VIDYHA attended a meeting with Village, consultants, and legal representation.
- 9/17/12 - Northshore Environmental positioned a 21,000-gallon "frac" tank onsite.
- 9/20/12 – The proposed groundwater treatment system was ordered from Carbonair.
- 9/26/12 – Northshore Environmental pumped petroleum-impacted water from gas basin into “frac” tank.
- 10/1/12 – Northshore Environmental pumped petroleum-impacted water from diesel basin into “frac” tank. A total of 19,000 gallons of petroleum-impacted water has been pumped into “frac tank.
- 9/26/12 - MES submitted the WPDES General Permit application for discharge of contaminated groundwater from remedial action operations to WDNR.
- 10/9/12 – MES collected a water sample from gas basin and submitted to laboratory for analytical testing for VOCs and PAHs per WDNR request.
- 10/19/12 – MES collected water sample from diesel basin and submitted to laboratory for analytical testing for VOCs and PAHs.
- 11/2/12 - WDNR approved the WPDES Permit.
- 11/5/12 - MES prepared a Preliminary Site Investigation Workplan, a revised Remedial Activities plan, and a treatment system sampling analysis plan for submittal and approval from WDNR.



midwest engineering services, inc.

geotechnical • environmental • materials engineers

821 Corporate Court
Suite 102
Waukesha, WI 53189-5010
262-521-2125
FAX 262-521-2471
www.midwesteng.com

November 5, 2012

Mr. Dixit Patel
VIDHYA Corporation VIII, Inc.
1491 W. Roosevelt Road
West Chicago, IL 60185

RE: PRELIMINARY SITE INVESTIGATION WORK PLAN
Existing BP Station/Former Amoco Station #3789
10477 120th Avenue
Pleasant Prairie, WI 53158
MES Project No. 7-121029
WDNR BRRTS No: 02-30-557069

Dear Mr. Patel:

Introduction

Midwest Engineering, Services, Inc., (MES) is pleased to submit this preliminary work plan for an underground storage tank (UST) site investigation at the above-referenced location. The site is currently an existing gasoline service station. It was originally developed as an Amoco Station in 1991. The parcel was originally part of a larger agricultural property. It is located at 10477 120th Avenue, in the Village of Pleasant Prairie, Wisconsin. A general site location map is provided as the attached Figure 1.

The scope of services described herein has been developed based on information obtained from existing site conditions, past environmental activities performed by other consultants, and recently performed surface and subsurface water sampling events. The data used for the preparation of this preliminary workplan was collected from geoprobe borings, monitoring wells and soil excavation activities performed on the site in the late 1990s and early 2000s by Delta Environmental (Delta). In addition, data collected by Moraine Environmental (Moraine) and Quality Environmental Services (QES) from approximately May 2011 to July 2012 were reviewed for this workplan. Further, recent test results of surface and subsurface water samples collected by MES were used to prepare this workplan.

Responsible Party and Consultant

Site Name and Location: Existing BP Station/Former Amoco Station #3789
10477 120th Avenue
Village of Pleasant Prairie, WI 53158

Site Operations: The property is currently an existing BP gasoline station.

Responsible Party: Mr. Dixit Patel
VIDHYA Corporation VIII, Inc.
1491 W. Roosevelt Road
West Chicago, IL 60185
Phone: (630) 479-1529

Consultant: Midwest Engineering Services, Inc.
821 Corporate Court, Suite 102
Waukesha, WI 53189
Phone: (262) 521-2125

Project Manager: Patrick J. Patterson P. E., P.G.
Department Manager
Environmental Services

Authorization

Authorization to prepare this Preliminary Site Investigation Work Plan and other ongoing consulting services was provided in the form of a signed acceptance copy of MES Proposal No. 7-12246, dated August 13, 2012, and authorized by Mr. Dixit Patel on August 14, 2012.

Site Features

The Patel parcel is located on the southeast corner of the intersection of 120th Avenue and STH 165 (104th Street), and encompasses approximately 1.4 acres. The site lies within the northeast ¼ of the northwest ¼ of Section 30, in Township 1 North and Range 22 East of Kenosha County. A site diagram is included herein as Figure 2. Currently the site is an existing gas station with a large canopy over the dispenser islands and an asphalt-covered parking area. The topography of the subject site is relatively flat, with a downward slope from south to north. The stormwater collection system consists of four (4) catch basins that collect surface stormwater and roof runoff and diverts the water to the northeast corner of the property to a discharge point into the northern grass-lined ditch.

Background

The site was developed as a gas station in 1991 by Amoco. Prior to this development, it was part of a larger agricultural property. A petroleum release was initially detected by Amoco in 1999 and the site was placed on the LUST list (BRRTS No. 03-30-242791). Petroleum contaminants were detected within samples collected from around the tank system and within

the northern drainage ditch line. Their environmental consultant (Delta Environmental) completed a site investigation and remedial activities at the site. The Delta investigative activities included advancing six soil probes, the installation of nine groundwater monitoring wells, the collection of soil samples, and the collection of groundwater samples and surface water samples near the existing northern stormwater discharge point. All collected soil and water samples were analyzed for the presence of PVOCs, naphthalene, GRO and DRO.

It is understood that redevelopment of the site occurred in 2001. This redevelopment consisted of the razing of the former station building and canopy and the removal of the former dispenser islands and product lines. The Delta remedial activities were generally performed during the redevelopment of the site and included the pumping and disposal of gasoline-impacted water from within the existing gasoline tank basin and in the area of the former canopy footings, and the excavation of approximately 2,807 tons of gasoline-impacted soil from beneath the old piping runs, former canopy pillar, former building footings, and the diesel UST basin. It was not indicated if confirmation soil samples were collected in these areas following the removal of the gasoline-impacted soils. The information indicated that only the diesel UST was replaced and relocated to its current location, while the three (3) gasoline USTs were not removed and are currently in-use on the site.

Additional groundwater monitoring services were performed until 2004, when the site was closed by the Department of Commerce (DCOMM). At the time of site closure, MW-4, which was a former monitoring well near the existing stormwater discharge point, was significantly impacted with gasoline contamination. Further, the investigative activities performed by Delta also included soil borings and well installation on the eastern adjoining Culver's site. Test results indicated that petroleum contamination from the Amoco station had impacted the Culver's parcel and it was placed on the GIS Registry in 2006 as a property that has been impacted by an off site source. Tables of the soil and groundwater analytical test results are attached.

In April 2011, a Village of Pleasant Prairie Fire Department representative observed a petroleum-like sheen within a stormwater catch basin present in the northern portion of the site. In addition, distressed vegetation and a petroleum-like sheen were observed immediately down-gradient of the northern stormwater discharge point. The WDNR was notified of the observed conditions present on the site by the Village and the site was placed on the ERP database as an open case (BRRTS No. 02-30-557069).

In June and July 2011, Moraine Environmental (Moraine) collected a soil sample and a surface water sample from the northern ditch line in the area of the observed sheen. Moraine also advanced eight soil probes and installed one temporary groundwater monitoring well in the probe advanced near the stormwater discharge point and former monitoring well DELTA's MW-4. They analyzed collected soil samples for the presence of PVOCs, naphthalene, GRO, DRO, total lead and polynuclear aromatic hydrocarbons (PAHs). A collected water sample was analyzed for the presence of GRO and PVOCs. The results of Moraine's investigation indicated that the only area of the site with detectable petroleum levels above WDNR standards were detected in soil and water samples collected from their temporary well and the northern ditch line. In addition, no PAHs were detected in the soil samples, with the exception of the soil sample collected from the probe placed in the area of MW-4. Moraine submitted a site investigation report to the WDNR in November 2011. Tables of the soil and groundwater

analytical test results are attached.

From May 2012 to July 2012, Unipump removed the failed flexible piping that was installed by Amoco in 2001 and replaced it with fiberglass piping. During these activities soil samples were collected by Quality Environmental Services (QES) from along the piping runs and submitted for the presence of petroleum contaminants. The test results indicated that contaminants were present in several of the sample locations above current NR 720 RCLs. On July 12, 2012, QES observed the excavation of gasoline-impacted soils from along the northern ditch line. QES collected five soil samples within the ditch line. Two were in the excavated area, while the remaining samples were collected further to the east. The test results of these samples indicated residual petroleum-impacted soils remain within the ditch line.

MES was retained by the responsible party in August 2012. On August 7, 2012, MES collected a surface water sample from the northern ditch line and it was tested for the presence of PVOCs plus naphthalene. A 21,000 gallon "frac" tank has been stationed on the site and groundwater present within the gasoline tank and diesel tank basins has been pumped into this "frac" tank in an attempt to lower the water level within the basins, which is believed to be hydraulically connected to the granular material present along the stormwater system lines and the northern discharge point. MES also collected samples of the water present within the tank basins and they were analyzed for the presence of VOCs and PAHs. The results of the analytical testing of the ditch line samples and tank basin samples are shown on the attached tables.

In conjunction with the ongoing site investigation activities, the responsible party is in the process of installing a groundwater treatment system to remove the known petroleum contaminants present within the gasoline tank and diesel tank basins and also within the granular material associated with the stormwater line immediately up-gradient of the northern stormwater discharge point.

Regional Geology *

The regional soil type in the area of the subject site is the Elliott Silty Clay Loam. The series consists of level to slightly sloping, somewhat poorly-drained loamy soils that developed from a thin silt mantle overlying clay loam and silty clay loam glacial till. Typically, the soils consist of silty clay loam and silty clay. Permeability is moderately slow, and available water capacity is very high.

* United States Department of Agriculture Soil Conservation Service "Soil Survey of Milwaukee and Waukesha Counties, Wisconsin"

Regional Hydrogeology

A review of the United States Geological Survey (USGS) Pleasant Prairie Quadrangle Map indicated that the subject site is relatively flat, with a gentle slope down from west to east. A surface elevation of approximately 700 feet above mean sea level (MSL) was indicated on the subject site. Generally, the topography in the surrounding vicinity slopes from the west towards the east, toward a large wetland area and the Des Plaines River located approximately 3,900 feet east

of the site.

PRELIMINARY WORK PLAN

Purpose

The initial purpose of the proposed preliminary site investigation will be to evaluate the presence of petroleum-impacted soils and groundwater quality at four (4) specific locations on the subject site. In addition, the proposed site investigation will evaluate the vertical and horizontal extent of petroleum-impacted soils potentially present within the northern ditch line and to evaluate the groundwater quality, if encountered. If this initial phase is not sufficient in determining the subsurface conditions or extent of the affected zones within the ditch line, it may be necessary to perform additional exploratory work, in order to fully evaluate site conditions. Based upon the subsurface conditions and review of the analytical data, it may be possible to formulate remedial alternatives, if site conditions warrant.

Field Exploration Scope

The initial field exploration within the northern ditch line will include the advancement of 6 to 8 soil probe borings to a depth of approximately 6 feet below grade. The approximate locations of the proposed soil probes are shown on the attached Figure 3. It is also proposed to install four (4) groundwater monitoring wells, to a depth of about 20 feet below grade. One well will be located in an area generally located between the gasoline and diesel USTs. Another well will be located to the northeast of the dispensers, while another well will be located in the immediate vicinity of the stormwater discharge point, near the northeast property corner. The remaining well will be located near the southwest property corner. These proposed well locations are also shown on the attached Figure 4.

The soil borings will be advanced with a truck mounted drill rig, and samples will be secured continuously throughout the depth of the borings. The soil samples obtained will be subjected to testing in the field with an Hnu Photoionization Detector (PID) with a 11.7 electron volt (eV) lamp, to test for the presence of volatile organic vapor emissions. Selected discrete, companion samples from the most highly impacted zone, from the capillary fringe (smear zone), and/or from an underlying less impacted or non-impacted zone will be submitted for analytical testing. However, this will be adjusted as appropriate to best aid in evaluating the vertical extent of the affected zone.

Monitoring Well Installation

The monitoring well construction will consist of a 10 to 15 foot section of 2-inch diameter, machine slotted PVC screen placed at or near the bottom of the borehole. This will be surrounded by a properly graded granular filter medium in the annular space, with unslotted riser pipe extending from the screened section to about 6 inches below the ground surface. The

remaining annular space above the granular filter medium will be filled to the ground surface with bentonite chips. Locking, compression caps will be used to close the PVC pipe, and flush mounted or stick-up protective covers will be used to protect the wells.

MES will develop the monitoring wells by alternately surging and purging with a bailer, or a low flow pump. The wells will be bailed/pumped until the wells are dry, or until they produce relatively sediment-free water. The development water will be placed into drums until after receipt of the testing results of the wells. Reusable well development tools will be cleaned with a detergent solution and potable water followed with multiple rinses of distilled water prior to development of each well. Water samples for laboratory analysis will be obtained from each well utilizing a single use disposable polyethylene bailer.

Laboratory Analytical Testing

Based upon past analytical test results, the soil samples will be submitted to an analytical laboratory to determine the levels of petroleum volatile organic compounds (PVOCs) and naphthalene. In addition, several of the soil samples will be tested for the presence of polynuclear aromatic hydrocarbons (PAHs).

Based upon past analytical test results, the groundwater samples obtained from each of the monitoring wells will be submitted for analytical testing for the presence of petroleum volatile organic compounds (PVOCs) and naphthalene. In addition, the initial groundwater samples will be tested for the presence of PAHs. Testing will also be performed on one trip blank for quality control purposes.

Groundwater Elevations

Groundwater elevations and the top of casing elevation at each monitoring well will be established using conventional surveying techniques. At this time it is anticipated that the elevations may be referenced to a temporary benchmark, which will be established on site, or will be surveyed to Mean Sea Level. Static groundwater levels within the wells will be measured to the nearest 0.01 feet, prior to obtaining the samples for analysis.

General

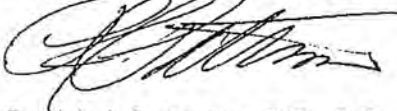
The installation of the monitoring wells, and the sample collection and analysis will be performed in general accordance with the guidelines and codes utilized by the WDNR for such site assessments. The samples for chemical analysis will be properly collected and preserved in containers provided by the laboratory. The samples will be placed on ice and standard chain-of-custody procedures will be utilized. A project engineer or geologist will be on site during the performance of the fieldwork. Following the completion of the field activities and receipt of the analytical results, a report will be prepared in general accordance with NR 716.15 requirements.

Preliminary Site Investigation Workplan
Existing BP Station/Former Amoco Station #3789
Village of Pleasant Prairie, Wisconsin
MES Project No. 7-121029
Page 7 of 7

If you have any questions or comments regarding this site investigation workplan, please contact us at (262) 521 2125.

Sincerely Yours,

MIDWEST ENGINEERING SERVICES, INC.



Patrick J. Patterson, P.E., P.G.
Department Manager
Environmental Services

Attachments: Figure 1: Site Location Map
Figure 2: Existing Site Features Diagram
Figure 3: Proposed Soil Probe Locations
Figure 4: Proposed Monitoring Well Locations
Summary of Soil Sample Analysis Results – DELTA/Moraine
Summary of Groundwater Sample Results – DELTA
Summary of Surface Water Sample Results – VOCs
Summary of Surface Water Sample Results – PAHs

cc: WDNR – Southeast District



Source: USGS Pleasant Prairie Quadrangle Map, Dated 1958 and Photo-Revised 1971

Site: Northwest 1/4 of Section 30, Township 1 North and Range 22 East, Kenosha County



Existing BP Station/Former Amoco Station
10477 120th Avenue
Pleasant Prairie, Wisconsin

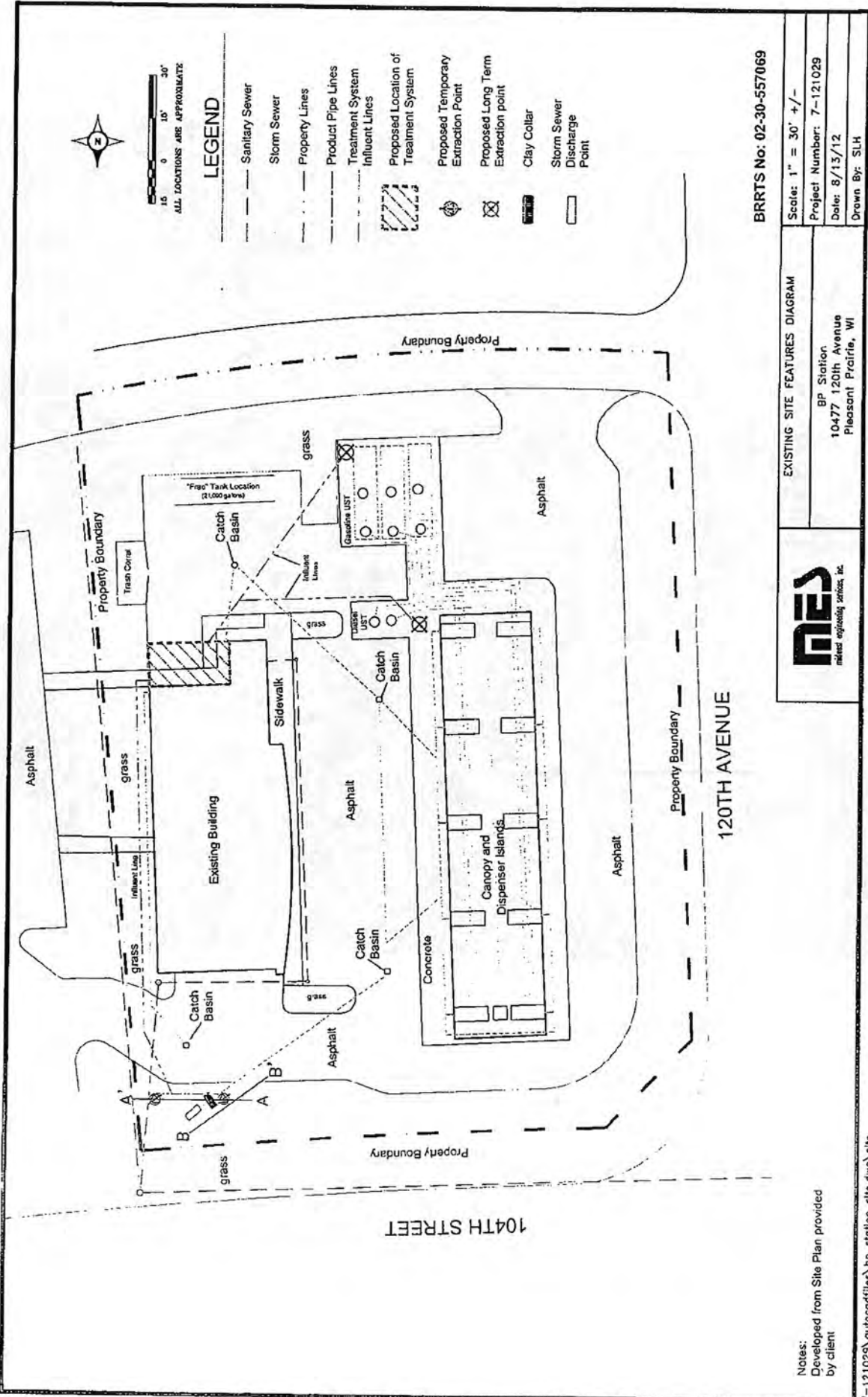
SITE LOCATION MAP

Scale: 1" = 2000' ±

Project No.: 7-121029

BRRTS:02-30-557069

Figure 1



BRRTS No: 02-30-557069

Scale: 1" = 30' +/-
Project Number: 7-121029
Date: 8/13/12
Drawn By: SLH

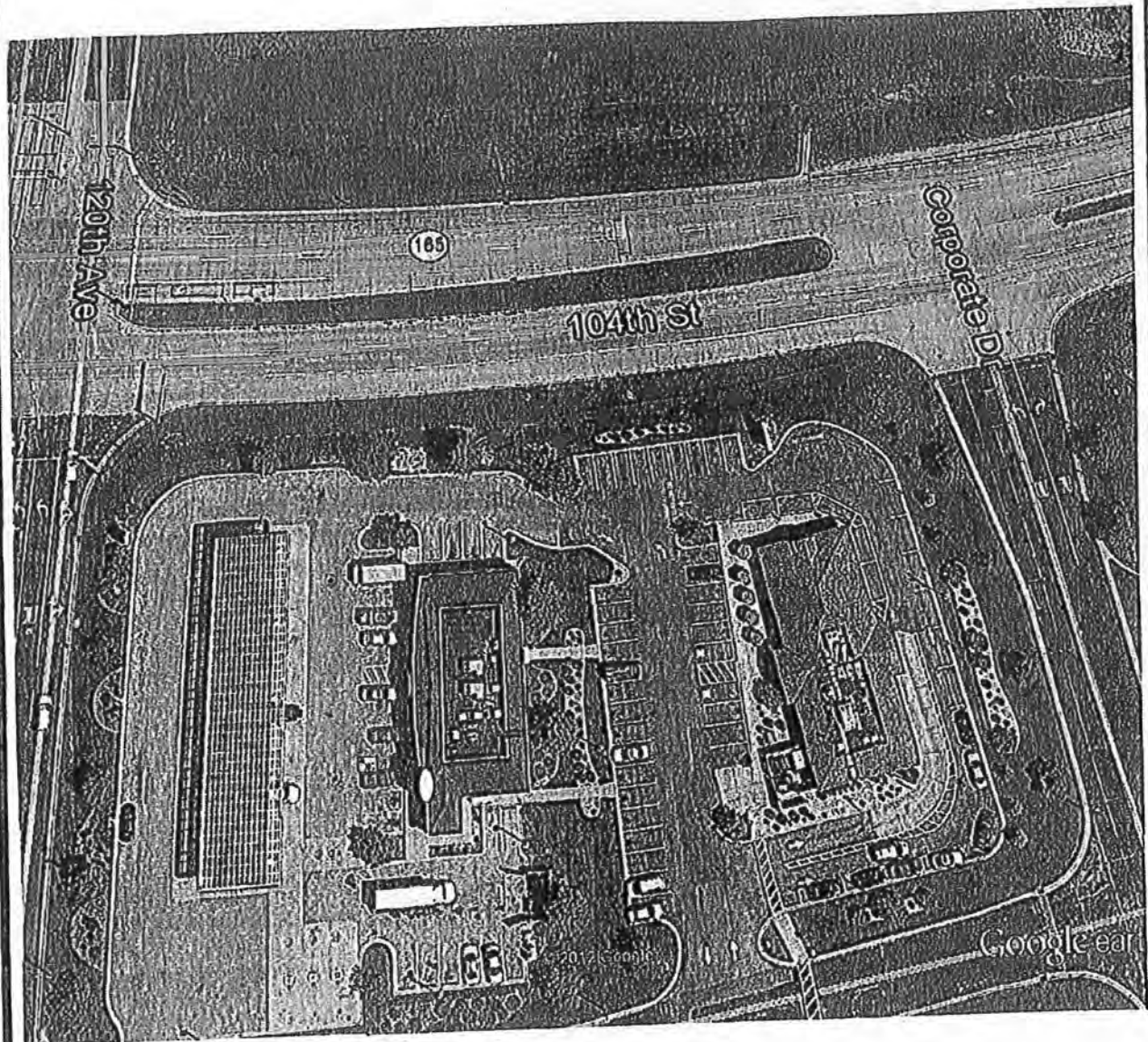
EXISTING SITE FEATURES DIAGRAM
 BP Station
 10477 120th Avenue
 Pleasant Prairie, WI



Notes:
 Developed from Site Plan provided
 by client

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Figure 2



Legend:

●: Approximate Location of Proposed Soil Probe

Intended for the purpose of establishing general site conditions.
 May not be representative of current site conditions.




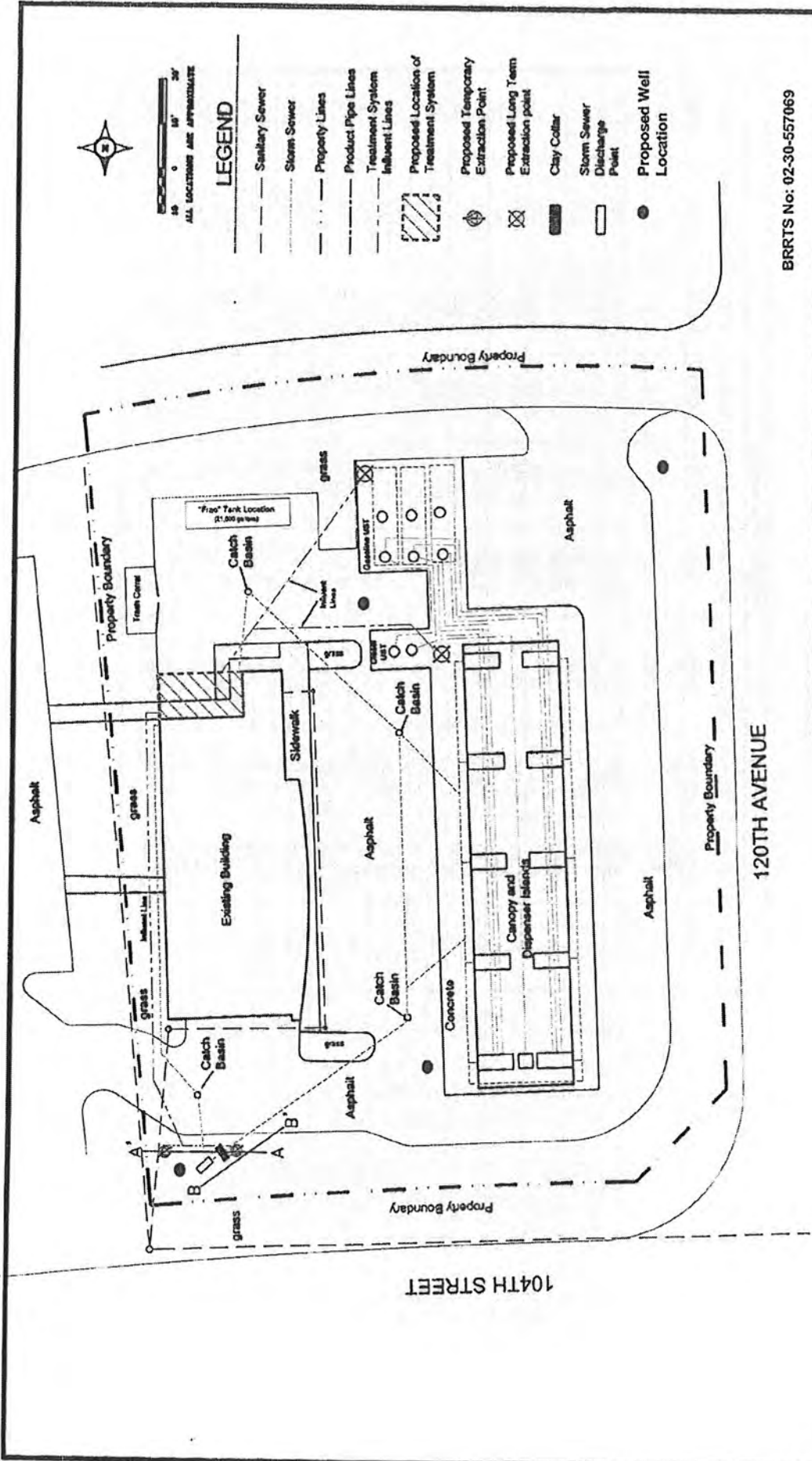

	BP Station/Former Amoco Station #3789 10477 120th Avenue Pleasant Prairie, Wisconsin	Project No. 7-121029
	PROPOSED SOIL PROBE LOCATIONS	BRRTS:02-30-557069

Figure 3



BRRTS No: 02-30-557069

Proposed Monitoring Well Locations	
Scale: 1" = 30' +/-	Project Number: 7-121029
GP Station 10477 120th Avenue Menomonee Falls, WI	
Date: 8/13/12	
Drawn By: SLH	



MEY
MEY Engineering & Construction, Inc.

Notes:
Developed from Site Plan provided
by client

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Figure 4

Table 1
Soil Sample Analytical Results
 BP Service Station No. 3789
 10477 120th Avenue
 Pleasant Prairie, Wisconsin
 Delta Project No. G0-2CB

Boring	Sample Date	Sample Depth Feet	PID IUs	GRO mg/kg	Analytical Parameters									
					Benzene mg/kg	Toluene mg/kg	Ethylbenzene mg/kg	Xylenes mg/kg	1,2,4-TMB mg/kg	1,3,5-TMB mg/kg	MTBE mg/kg	Naphthalene mg/kg	Lead mg/kg	
				100	0.0055	1.5	2.9	4.1	83	11	--	--	--	50
				--	8.5	38	4.6	42	--	--	--	--	--	--
				--	1.1	--	--	--	--	--	--	--	--	--
				175	6.12	19.1	1.63	6.52	7.68	1.93	<0.469	NA	NA	NA
Basin Backfill3	09/09/99	3	NM	9.1	<0.030	0.061	<0.030	<0.090	0.095	<0.030	<0.030	NA	NA	11
MW-1A	06/23/00	5 - 7	0	6.6	<0.031	0.050	<0.031	<0.094	0.053	<0.031	<0.031	NA	NA	12
MW-1B	06/23/00	7 - 9	0	8.1	0.050	0.380	0.062	0.245	0.196	0.032	<0.031	NA	NA	13
MW-2A	06/23/00	5 - 7	0	6.4	<0.031	0.052	<0.031	<0.093	0.057	<0.031	<0.031	NA	NA	12
MW-2B	06/23/00	7 - 9	0	<6.0	<0.030	0.077	<0.030	<0.091	<0.030	<0.030	<0.030	NA	NA	16
MW-3A	06/23/00	5 - 6	0	9.2	0.039	0.307	0.053	0.209	0.184	<0.031	<0.031	NA	NA	12
MW-3B	06/23/00	6 - 8	0	124	3.85	14.9	1.61	7.690	6.08	1.74	<0.031	NA	NA	15
MW-4A	06/23/00	3 - 5	240	7.0	0.064	0.326	0.054	0.145	0.110	<0.030	<0.030	NA	NA	18
MW-4B	06/23/00	7 - 9	100	155	2.5	11.8	1.79	8.57	8.33	2.62	<0.119	NA	NA	NA
GP-1	11/09/00	8 - 10	27	<6.0	<0.030	<0.030	<0.030	<0.090	<0.030	<0.030	<0.030	NA	NA	NA
GP-2	11/09/00	8 - 10	0	<6.1	<0.031	<0.031	<0.031	<0.092	<0.031	<0.031	<0.031	NA	NA	NA
GP-3	11/09/00	8 - 10	0	<5.7	<0.028	<0.028	<0.028	<0.085	<0.028	<0.028	<0.028	NA	NA	NA
GP-4	11/09/00	8 - 10	0	<6.0	<0.030	<0.030	<0.030	<0.090	<0.030	<0.030	<0.030	NA	NA	NA
GP-5	11/09/00	8 - 10	0	<6.4	<0.032	<0.032	<0.032	<0.096	<0.032	<0.032	<0.032	NA	NA	NA
GP-6	11/09/00	8 - 10	0	<5.7	0.792	<0.029	<0.029	<0.041	<0.029	<0.029	<0.029	<0.029	NA	NA
CF-3	10/11/01	3	0	<5.8	<0.029	<0.029	<0.029	<0.041	<0.029	<0.029	<0.029	<0.029	NA	NA
CF-5	10/11/01	3	25	18	0.037	0.087	<0.031	0.123	0.895	0.429	<0.031	0.135	NA	NA
CF-7	10/11/01	3	287	<5.9	<0.029	<0.029	<0.029	<0.041	0.089	0.036	<0.029	<0.029	NA	NA
CF-11	10/11/01	3	0	<6.2	<0.031	<0.031	<0.031	<0.043	<0.031	<0.031	<0.031	<0.031	NA	NA
CF-13	10/11/01	3	0	<5.8	<0.059	<0.059	<0.059	<0.18	<0.059	<0.059	<0.059	<0.30	NA	NA
MW-5	06/07/04	11 - 13	0.1	<6.0	<0.061	<0.061	<0.061	<0.18	<0.061	<0.061	<0.061	<0.31	NA	NA
MW-6	06/07/04	9 - 11	0.7	<6.1	<0.061	<0.061	<0.061	<0.18	<0.061	<0.061	<0.061	<0.30	NA	NA
MW-7	06/08/04	5 - 7	1.0	<5.9	<0.059	<0.059	<0.059	<0.18	<0.059	<0.059	<0.059	<0.30	NA	NA
MW-8	06/08/04	15 - 17	0.4	<6.1	<0.060	<0.060	<0.060	<0.18	<0.060	<0.060	<0.060	<0.30	NA	NA
MW-9	06/09/04	15 - 17	0.0											

Table 1

Soil Sample Analytical Results

BP Service Station No. 3789
 10477 120th Avenue
 Pleasant Prairie, Wisconsin
 Delta Project No. G0-2CB

NOTES:

- < = Not detected at or above the laboratory method detection limit
- GRO = Gasoline Range Organics
- IUS = Instrument Units
- J = Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit
- mg/kg = milligrams per kilogram (equivalent to parts per million)
- MTBE = Methyl Tertiary Butyl Ether
- NA = Not Analyzed for the indicated parameter
- NM = Not Measured
- PID = Volatile organic vapor level as measured with a photoionization detector
- TMB = Trimethylbenzene
- NR 720 RCL = Wisconsin Administrative Code Chapter NR 720 Non-Industrial Generic Residual Contaminant Level
- NR 746 SSL = Wisconsin Administrative Code Chapter NR 746 Table 1 Soil Screening Level
- NR 746 Direct Contact Std = Wisconsin Administrative Code Chapter NR 746 Table 2 Direct Contact Standard (0 - 4 ft)
- "BOLD TYPE"** = The indicated concentration exceeds the NR 720 RCL
- "UNDERLINED TYPE" = The indicated concentration exceeds the NR 746 Table 2 Direct Contact Standard (0 - 4 ft)

BP Connect
10477 120th Avenue
Pleasant Prairie, WI
Table 1 - Soil Results

BRRTS #03-30-242791000000
 Moraine Project #5138

Bore Hole Data				GRO DRO P _b PVOC+Nap											
Bore Hole ID	Date	Sample Depth (feet bgs)	Analysis	DRO	GRO	Total Lead	Benzene	Ethyl-benzene	Methyl-Nit-butyl-ether	Naphthalene	Toluene	1,2,4-Trimethyl benzene	1,3,5-Trimethyl benzene	Total Xylenes	
Unit of Measure:				mg/kg	mg/kg	mg/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg
WDNR NR 720 RCLs/ Lowest PAH Objectives:				250*	250*	50	5.5	2,900	NSE	400	1,500	NSE	NSE	4,100	
WDNR NR 748 SSLs:				NSE	NSE	NSE	8,500	4,600	NSE	2,700	38,000	83,000	11,000	42,000	
North Stormwater Ditch	06/09/11	1-2	DRO GRO PVOC+Nap, PAH Pb	<u>29,700</u>	<u>5,050</u>	42.4	<u>28,400</u>	<u>19,100</u>	<2000	<u>192,000</u>	<u>100,000</u>	<u>581,000</u>	<u>163,000</u>	<u>222,100</u>	
B-1 (SE of Tanks)	07/08/11	11-12	DRO GRO PVOC PAH	<0.98	<3.1	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
		19-20	DRO GRO PVOC PAH	1.8J	<3.0	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
B-2 (E of Tanks)	07/08/11	13-15	DRO GRO PVOC PAH	1.8J	<3.0	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
		18-20	DRO GRO PVOC PAH	2.5	<3.0	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
B-3	07/08/11	13-15	DRO GRO PVOC PAH	3.1	<2.9	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
		16-20	DRO GRO PVOC PAH	2.2	<3.1	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
B-4	07/08/11	14-15	DRO GRO PVOC PAH	3.1	<3.0	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
		18-20	DRO GRO PVOC PAH	3.3	<3.1	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
B-5	07/08/11	7-9	DRO GRO PVOC PAH	<0.88	<3.1	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
		17-20	DRO GRO PVOC PAH	2.7	<3.0	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
B-6	07/08/11	10-11	DRO GRO PVOC PAH	8.8	178	---	<u>963</u>	<u>1,990</u>	108 J	---	183	12,900	4,070	<u>6,122</u>	
		17-20	DRO GRO PVOC PAH	2.9	<3.0	---	<25.0	<25.0	<25.0	---	<25.0	56.9J	<25.0	<75.0	
B-7 Behind Bldg. North	07/08/11	11-13	DRO GRO PVOC PAH	1.4J	<3.0	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
		21-25	DRO GRO PVOC PAH	2.2	3.8	---	<25.0	<25.0	<25.0	---	<25.0	35.2J	<25.0	<75.0	
B-8 Behind Bldg. South	07/08/11	12-13	DRO GRO PVOC PAH	<0.82	<3.0	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	
		18-20	DRO GRO PVOC PAH	3.0	<3.0	---	<25.0	<25.0	<25.0	---	<25.0	<25.0	<25.0	<75.0	

Key:
 mg/kg = milligrams/kilogram (equivalent to parts per million or ppm)
 ug/kg = micrograms/kilogram (equivalent to parts per billion or ppb)
 GRO = Gasoline Range Organics
 DRO = Diesel Range Organics
 Blank Spots or NA = Not Analyzed
 RCL = Remedial Contaminant Level (NR 720.09)
 250* = RCL in Non-permeable soil (NR 720.09 (4))
 SSL = Soil Screening Level (NR 748.08)
 NSE = No Standard Established.
 PAH Objectives: Soil Cleanup Levels for Polycyclic Aromatic Hydrocarbons (PAHs) Interim Guidelines, WDNR Publication #RRS19-97, April 1997.
 Underlined results exceed NR 720 RCL/PAH Objectives
 Bold and Underlined results exceed NR 748 SSLs
 J - Compound detected below the Limit of Quantitation (LOQ) and quantity is estimated.
 Estimated quantities (J) that exceed a regulatory limit are not enforceable.

BP Connect
10477 120th Avenue
Pleasant Prairie, WI
Table 1 - Soil Results

BRTS #03-30-242791000000
 Moraine Project #5138

Bore Hole Data				PAHs										
Bore Hole ID	Date	Sample Depth (feet bgs)	Analysis	1-Methyl naphthalene	2-Methyl naphthalene	Acenaphthene	Acenaphthylene	Anthracene	Benzo(a)anthracene	Benzo(a)pyrene	Benzo(b)fluoranthene	Benzo(ghi)perylene	Benzo(k)fluoranthene	Chrysene
Unit of Measure:				ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg
WDNR NR 720 RCLs/ Lowest PAH Objectives:				23,000	20,000	39,000	700	3,000,000	17,000	48,000	380,000	8,800,000	870,000	37,000
WDNR NR 746 SSLs:				NSE	NSE	NSE	NSE	NSE	NSE	NSE	NSE	NSE	NSE	NSE
North Stormwater Ditch	08/09/11	1-2	DRO GRO PVOC+ <u>NR</u> PAH Pb	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B-1 (SE of Tanks)	07/08/11	11-12	DRO GRO PVOC PAH	<3.1	<3.1	<2.9	<3.3	<4.8	<2.9	<3.3	<3.5	<2.7	<3.8	<3.7
		19-20	DRO GRO PVOC PAH	<3.1	<3.1	<2.9	<3.2	<4.7	<2.9	<3.3	<3.5	<2.7	<3.8	<3.7
B-2 (E of Tanks)	07/08/11	13-15	DRO GRO PVOC PAH	4.1J	8.0J	<2.8	<3.2	<4.7	<2.9	<3.3	<3.5	<2.7	<3.8	<3.7
		18-20	DRO GRO PVOC PAH	<3.1	<3.1	<2.9	<3.2	<4.7	<2.9	<3.3	<3.5	<2.7	<3.8	<3.7
B-3	07/08/11	13-15	DRO GRO PVOC PAH	<3.0	<3.0	<2.8	<3.1	<4.8	<2.8	<3.2	<3.4	<2.6	<3.6	<3.8
		18-20	DRO GRO PVOC PAH	<3.1	<3.1	<2.9	<3.3	<4.8	<2.9	<3.4	<3.6	<2.7	<3.8	<3.7
B-4	07/08/11	14-15	DRO GRO PVOC PAH	18.5J	22.6	<2.8	<3.2	<4.7	<2.9	<3.3	<3.5	<2.7	<3.7	<3.7
		18-20	DRO GRO PVOC PAH	3.7J	5.2J	<2.9	<3.3	<4.8	<2.9	<3.3	<3.5	<2.7	<3.8	<3.7
B-5	07/08/11	7-9	DRO GRO PVOC PAH	<3.1	<3.1	<2.9	<3.3	<4.8	<2.9	<3.3	<3.5	<2.7	<3.8	<3.7
		17-20	DRO GRO PVOC PAH	<3.0	<3.0	<2.8	<3.2	<4.6	<2.8	<3.3	<3.4	<2.6	<3.7	<3.8
B-6	07/08/11	10-11	DRO GRO PVOC PAH	379	846	<9.6	<10.9	<15.9	<9.7	<11.2	<11.8	<9.0	<12.7	<12.4
		17-20	DRO GRO PVOC PAH	<3.1	<3.1	<2.8	<3.2	<4.7	<2.8	<3.3	<3.5	<2.6	<3.7	<3.6
B-7 Behind Bldg. North	07/08/11	11-13	DRO GRO PVOC PAH	5.9J	10.7J	<2.8	<3.2	<4.7	<2.9	<3.3	<3.5	<2.7	<3.8	<3.7
		21-25	DRO GRO PVOC PAH	<3.1	<3.1	<2.8	<3.2	<4.7	<2.9	<3.3	<3.5	<2.7	<3.8	<3.7
B-8 Behind Bldg. South	07/08/11	12-13	DRO GRO PVOC PAH	<3.1	<3.1	<2.8	<3.2	<4.7	<2.9	<3.3	<3.5	<2.7	<3.8	<3.7
		18-20	DRO GRO PVOC PAH	3.5J	4.0J	<2.8	<3.2	<4.7	<2.9	<3.3	<3.5	<2.7	<3.7	<3.7

Key:
 mg/kg - milligrams/kilogram (equivalent to parts per million or ppm)
 ug/kg = micrograms/kilogram (equivalent to parts per billion or ppb)
 GRO = Gasoline Range Organics
 DRO = Diesel Range Organics
 Blank Space or NA = Not Analyzed
 RCL = Residual Contaminant Level (NR 720.09)
 250' = RCL in Non-permissible soil (NR 720.09 (4))
 SSL = Soil Screening Level (NR 748.06)
 NSE = No Standard Established.
 PAH Objectives: Soil Cleanup Levels for Polycyclic Aromatic Hydrocarbons (PAHs) Interim Guidance, WDNR Publication #RR519-97, April 1997.
 Underlined results exceed NR 720 RCLs/PAH Objectives
 Bold and Underlined results exceed NR 746 SSLs
 J - Compound detected below the Limit of Quantitation (LOQ) and quantity is estimated.
 Estimated quantities (J) that exceed a regulatory limit are not enforceable.

BP Connect
10477 120th Avenue
Pleasant Prairie, WI
Table 1 - Soil Results

BRRTS #03-30-242791000000
 Moraine Project #53138

Bore Hole Data				PAHs						
Bore Hole ID	Date	Sample Depth (feet bgs)	Analysis	Dibenz (ah)anthracene	Fluoranthene	Fluorene	Indeno (123cd) pyrene	Naphthalene	Phenanthrene	Pyrene
Unit of Measure:				ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg
WDNR NR 720 RCLs/ Lowest PAH Objectives:				38,000	500,000	100,000	880,000	400	1,800	8,700,000
WDNR NR 748 SSLs:				NSE	NSE	NSE	NSE	2,700	NSE	NSE
North Stormwater Ditch	06/09/11	1-2	ORO GRO PVOC+Nap, PAH Pb	NA	NA	NA	NA	NA	NA	NA
B-1 (SE of Tanks)	07/08/11	11-12	ORO GRO PVOC PAH	<5.8	<10.2	<5.1	<2.9	<3.8	<4.5	<3.7
		19-20	ORO GRO PVOC PAH	<5.5	<10.2	<5.1	<2.9	<3.8	<4.5	<3.7
B-2 (E of Tanks)	07/08/11	13-15	ORO GRO PVOC PAH	<5.5	<10.1	<5.0	<2.9	21.3	<4.5	<3.7
		18-20	ORO GRO PVOC PAH	<5.5	<10.1	<5.0	<2.9	<3.6	<4.5	<3.7
B-3	07/08/11	13-15	ORO GRO PVOC PAH	<5.3	<9.8	<4.9	<2.8	<3.4	<4.3	<3.6
		16-20	ORO GRO PVOC PAH	<5.8	<10.3	<5.1	<2.9	5.3J	<4.5	<3.8
B-4	07/08/11	14-15	ORO GRO PVOC PAH	<5.5	<10.1	<5.0	<2.9	<3.5	4.6J	<3.7
		18-20	ORO GRO PVOC PAH	<5.6	<10.2	<5.1	<2.9	18.5J	5.1J	<3.7
B-5	07/08/11	7-9	ORO GRO PVOC PAH	<5.8	<10.2	<5.1	<2.9	<3.6	<4.5	<3.7
		17-20	ORO GRO PVOC PAH	<5.4	<10	<5.0	<2.8	<3.5	<4.4	<3.6
B-6	07/08/11	10-11	ORO GRO PVOC PAH	<18.6	34.2	<17.0	<9.7	11.180	<15.1	<12.5
		17-20	ORO GRO PVOC PAH	<5.4	<10	<5.0	<2.8	<3.5	<4.4	<3.7
B-7 Behind Bldg. North	07/08/11	11-13	ORO GRO PVOC PAH	<5.5	<10.1	<5.0	<2.9	7.3J	<4.5	<3.7
		21-25	ORO GRO PVOC PAH	<5.5	<10.1	<5.0	<2.9	<3.5	<4.4	<3.7
B-8 Behind Bldg. South	07/08/11	12-13	ORO GRO PVOC PAH	<5.5	<10.1	<5.0	<2.9	<3.5	<4.5	<3.7
		18-20	ORO GRO PVOC PAH	<5.5	<10.1	<5.0	<2.9	<3.5	<4.4	<3.7

Key:
 mg/kg = milligrams/kilogram (equivalent to parts per million or ppm)
 ug/kg = micrograms/kilogram (equivalent to parts per billion or ppb)
 GRO = Gasoline Range Organics
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 Blank Space or NA = Not Analyzed
 RCL = Residual Contaminant Level (NR 720.09)
 250' = RCL in Non-permeable soil (NR 720.09 (4))
 SSL = Soil Screening Level (NR 748.06)
 NSE = No Standard Established
 PAH Objectives: Soil Cleanup Levels for Polycyclic Aromatic Hydrocarbons (PAHs), Interim Guidance, WDNR Publication #RR519-97, April 1997.
 Underlined results exceed NR 720 RCL/PAH Objectives
 Bold and Underlined results exceed NR 748 SSLs
 J - Compound detected below the Limit of Quantitation (LOQ) and quality is estimated.
 Estimated quantities (J) that exceed a regulatory limit are not enforceable.

Table 3
Groundwater Analytical Results
 BP Service Station No. 3789
 10477 120th Avenue
 Pleasant Prairie, Wisconsin
 Delta Project No. G02CB

MW-1											
Date Sampled	Analytical Parameters								Biodegradation Parameters		
	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO	DO	REDOX	Dissolved Iron
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	ppm	mV	ppm
NR 140 ES	5.0	1,000	700	10,000	480	60	40	No Standard			
6/30/2000	DRY WELL										
3/22/2001	<0.13	<0.20	<0.22	<0.23	<0.29	<0.16	<0.46	<50	0.9	013	NM
6/18/2001	<0.13	<0.20	<0.22	<0.23	<0.29	0.18	NA	<50	6.5	200	NM
9/4/2001	<0.13	<0.20	<0.22	<0.23	<0.29	<0.16	NA	<50	1.1	114	NM
7/12/2002	<0.13	<0.20	<0.22	<0.23	<0.29	<0.16	NA	NA	1.6	149	NM
7/22/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<4.0	NA	NA	1.8	022	NM
10/15/2004	<5.0	<5.0	<5.0	<15.0	<5.0	<5.0	<5.0	NA	3.8	023	NM

MW-2											
Date Sampled	Analytical Parameters								Biodegradation Parameters		
	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO	DO	REDOX	Dissolved Iron
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	ppm	mV	ppm
NR 140 ES	5.0	1,000	700	10,000	480	60	40	No Standard			
6/30/2000	<0.10	<0.10	<0.25	<0.25	<0.10	<0.25	<0.25	<50	3.4	190	0.2
6/30/2000 D	<0.10	<0.10	<0.25	<0.25	<0.10	<0.25	<0.25	<50			
3/22/2001	<0.13	<0.20	<0.22	<0.23	<0.29	<0.16	<0.46	<50	1.7	066	NM
6/18/2001	<0.13	<0.20	<0.22	<0.23	<0.29	<0.16	NA	<50	1.4	113	NM
9/4/2001	<0.13	<0.20	<0.22	<0.23	<0.29	<0.16	NA	<50	1.0	120	NM
7/12/2002	<0.13	<0.20	<0.22	<0.23	<0.29	<0.16	NA	NA	2.6	156	NM
7/22/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<4.0	NA	NA	1.7	005	NM
10/15/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	NA	3.4	-012	NM

MW-3											
Date Sampled	Analytical Parameters								Biodegradation Parameters		
	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO	DO	REDOX	Dissolved Iron
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	ppm	mV	ppm
NR 140 ES	5.0	1,000	700	10,000	480	60	40	No Standard			
6/30/2000	<0.10	<0.10	<0.25	<0.25	<0.10	10	<0.25	<50	7.8	135	0.4
3/22/2001	<0.13	<0.20	<0.22	<0.23	<0.29	4.6	<0.46	<50	1.5	80	NM
6/18/2001	1.2	<0.20	0.39	1.4	2.32	8.7	NA	<50	1.2	100	NM
9/4/2001	<0.13	<0.20	<0.22	<0.23	0.46	9.4	NA	<50	1.0	110	NM
MW-3 was removed during the station rebuild in September 2001											

Table 3
Groundwater Analytical Results
 BP Service Station No. 3789
 10477 120th Avenue
 Pleasant Prairie, Wisconsin
 Delta Project No. G02CB

MW-4											
Date Sampled	Analytical Parameters								Biodegradation Parameters		
	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO	DO	REDOX	Dissolved Iron
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	ppm	mV	ppm
NR 140 ES-->	5.0	1,000	700	10,000	480	60	40	No Standard			
6/30/2000	15,000	37,000	1,300	6,800	3,040	<200	1,300	95,000	NM	NM	10+
3/22/2001	8,800	31,000	1,300	7,700	4,470	<32	1,600	80,000	NM	-035	NM
3/22/2001 D	8,800	30,000	1,200	7,300	3,700	<32	1,500	NA			
6/18/2001	6,700	20,000	1,200	6,500	3,450	<32	1,400	52,000	1.1	-047	NM
6/18/2001 D	5,800	19,000	1,200	6,300	3,320	<32	1,400	50,000			
9/4/2001	4,900	18,000	970	5,700	3,250	<64	1,500	54,000	0.8	092	NM
9/4/2001 D	4,800	15,000	900	5,200	3,010	<64	2,000	NA			
7/12/2002	4,100	10,000	1,200	6,100	4,490	<39	NA	NA	0.8	148	NM
7/12/2002 D	3,700	8,600	910	4,800	3,420	<16	NA	NA			
7/22/2004	3,900	8,000	1,100	5,900	4,400	<500	NA	NA	1.0	-100	NM
7/22/2004 D	3,300	6,000	930	5,000	3,900	<400	NA	NA			
10/15/2004	2,380	3,150	835	4,530	3,021	<100	1,080	NA	4.1	-083	NM
10/15/2004 D	2,800	6,100	1,110	6,180	4,287	<100	1,730	NA			

MW-5											
Date Sampled	Analytical Parameters								Biodegradation Parameters		
	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO	DO	REDOX	Dissolved Iron
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	ppm	mV	ppm
NR 140 ES-->	5.0	1,000	700	10,000	480	60	40	No Standard			
7/22/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<4.0	NA	NA	5.4	082	NM
10/15/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	NA	2.7	094	NM

MW-6											
Date Sampled	Analytical Parameters								Biodegradation Parameters		
	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO	DO	REDOX	Dissolved Iron
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	ppm	mV	ppm
NR 140 ES-->	5.0	1,000	700	10,000	480	60	40	No Standard			
7/22/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<4.0	NA	NA	5.4	092	NM
10/15/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	NA	3.1	094	NM

Table 3
Groundwater Analytical Results
 BP Service Station No. 3789
 10477 120th Avenue
 Pleasant Prairie, Wisconsin
 Delta Project No. G02CB

MW-7											
Date Sampled	Analytical Parameters								Biodegradation Parameters		
	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO	DO	REDOX	Dissolved Iron
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	ppm	mV	ppm
NR (40 ES)	5.0	1,000	700	10,000	480	60	40	No Standard			
7/22/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<4.0	NA	NA	3.8	083	NM
10/15/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	NA	2.5	087	NM

MW-8											
Date Sampled	Analytical Parameters								Biodegradation Parameters		
	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO	DO	REDOX	Dissolved Iron
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	ppm	mV	ppm
NR (40 ES)	5.0	1,000	700	10,000	480	60	40	No Standard			
7/22/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<4.0	NA	NA	5.7	094	NM
10/15/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	NA	2.3	099	NM

MW-9											
Date Sampled	Analytical Parameters								Biodegradation Parameters		
	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO	DO	REDOX	Dissolved Iron
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	ppm	mV	ppm
NR (40 ES)	5.0	1,000	700	10,000	480	60	40	No Standard			
7/22/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<4.0	NA	NA	5.2	091	NM
10/15/2004	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	NA	3.0	088	NM

GP-1									
Date Sampled	Analytical Parameters								
	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO	
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	
NR (40 ES)	5.0	1,000	700	10,000	480	60	40	No Standard	
11/10/2000	6,100	5,800	1,000	5,000	2,360	<6.4	NA	46,000	

Table 3
Groundwater Analytical Results
 BP Service Station No. 3789
 10477 120th Avenue
 Pleasant Prairie, Wisconsin
 Delta Project No. G02CB

GP-2								
Analytical Parameters								
Date Sampled	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L
NR 140 ES	50	1,000	700	10,000	480	60	40	No Standard
11/10/2000	50	87	150	260	234	<0.16	NA	2,000

GP-3								
Analytical Parameters								
Date Sampled	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L
NR 140 ES	50	1,000	700	10,000	480	60	40	No Standard
11/10/2000	0.36	<0.20	<0.22	0.40	0.46	0.21	NA	<50

GP-4								
Analytical Parameters								
Date Sampled	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L
NR 140 ES	50	1,000	700	10,000	480	60	40	No Standard
11/10/2000	<0.13	<0.20	<0.22	<0.23	<0.29	<0.16	NA	<50

GP-5								
Analytical Parameters								
Date Sampled	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L
NR 140 ES	50	1,000	700	10,000	480	60	40	No Standard
11/10/2000	<0.13	<0.20	<0.22	<0.23	<0.29	<0.16	NA	<50

GP-6								
Analytical Parameters								
Date Sampled	Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMBs	MTBE	Naphthalene	GRO
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L
NR 140 ES	50	1,000	700	10,000	480	60	40	No Standard
11/10/2000	<0.13	<0.20	<0.22	<0.23	<0.29	<0.16	NA	<50

Table 3
Groundwater Analytical Results
 BP Service Station No. 3789
 10477 120th Avenue
 Pleasant Prairie, Wisconsin
 Delta Project No. G02CB

Drainage Ditch 9/9/1999		Analytical Parameters						
Sample ID	Benzene µg/L	Toluene µg/L	Ethylbenzene µg/L	Total Xylenes µg/L	Total TMBs µg/L	MTBE µg/L	Naphthalene µg/L	GRO µg/L
NR 140 ES	510	1000	700	10,000	480	60	40	No Standard
Catch Basin 3	312	1,840	64.2	697	428.4	59	NA	5,840
Drainage Ditch 1	507	591	19.8	234.9	267.8	412	NA	3,420
Drainage Ditch 2	216	12	15.2	14.56	9.37	<0.300	NA	357

NOTES:

< = Not detected at or above the indicated laboratory method detection limit
 µg/L = micrograms per liter
 D = Duplicate sample
 DO = Dissolved Oxygen
 GRO = Gasoline Range Organics
 MTBE = Methyl Tertiary Butyl Ether
 mV = millivolts
 NA = Not Analyzed for indicated parameter
 NM = Not Measured
 NR 140 ES = Wisconsin Administrative Code Chapter NR 140 Enforcement Standard
 NS = Not Sampled
 ppm = parts per million
 REDOX = Reduction/Oxidation potential
 TMBs = Trimethylbenzenes
 "BOLD TYPE" = Indicated concentration exceeds the NR 140 ES

TABLE
BP Service Station No. 3789
BRRTS # 03-30-242791 and # 02-30-557069
MES Project Number 7-121029
SUMMARY OF GRAB WATER SAMPLE ANALYSIS RESULTS (VOCs)

Location	Date Collected	Volatile Organic Compounds (ug/L)									
		Benzene	Ethylbenzene	MTBE	Isopropylbenzene	p-Isopropyltoluene	Naphthalene	n-Propylbenzene	Trimethylbenzenes	Toluene	Total Xylenes
NSWD(a)	6/9/11	2970	414	<19	na	na	na	na	5820	5400	3490
TW-6(a)	7/8/11	1250	130	<7.6	na	na	na	na	1697	1990	1685
North Ditch	8/7/12	74.4	22.8	<0.76	na	na	155	na	364	52	688
Gas Basin	10/9/2012	181	62.2	<2.4	10.9	3.2	108	43.7	630.7	7.5	65.5
Diesel Basin	10/19/2012	1700	34.9	<6.1	<5.9	<6.7	<i>16.4J</i>	<8.1	<i>120.7</i>	93.8	207.5
<i>WDNR PAL (1/2012)</i>		<i>0.5</i>	<i>140</i>	<i>12</i>	--	--	<i>10</i>	--	<i>96</i>	<i>160</i>	<i>400</i>
WDNR ES (1/2012)		5	700	60	--	--	100	--	480	800	2000

NOTES:

WDNR PAL = NR140 Preventive Action Limit

WDNR ES = NR140 Enforcement Standard

NSWD = North Storm Water Ditch

ug/L = micrograms per liter = parts per billion (ppb)

Italicized number indicates concentration exceeds the DNR PAL

Bold number indicates concentration exceeds the DNR ES

na = Not Analyzed

(a) = Grab samples collected by Moraine Environmental

TABLE

BP Service Station No.3789

BRRTS # 03-30-242791 and # 02-30-557069

MES Project No. 7-121029

SUMMARY OF GRAB WATER SAMPLE ANALYSIS RESULTS (PAHs)

		Detectable Polynuclear Aromatic Hydrocarbons (ug/L)									
Location	Date	Acenaphthene	Anthracene	Fluoranthene	Fluorene	1-Methyl naphthalene	2-Methyl naphthalene	Naphthalene	Phenanthrene	Pyrene	
Gas Basin	10/9/12	1.1	<0.52	<0.64	1.0	64.8	8.0	61.1	<1.6	<0.82	
Diesel Basin	10/19/12	<0.15	0.14J	0.38J	<0.15	3.4	4.3	13.1	0.50J	0.34J	
WDNR PAL		--	600	80	80	--	--	10	--	50	
WDNR ES		--	3000	400	400	--	--	100	--	250	

NOTES:

WDNR PAL = NR140 Preventive Action Limit

WDNR ES = NR140 Enforcement Standard

-- = no standard established

Italicized number indicates concentration exceeds the DNR PAL

Bold number indicates concentration exceeds the DNR ES

ug/L = micrograms per liter = parts per billion (ppb)

J = Laboratory estimated concentration



Operation & Maintenance Manual

Carbonair Model MPC-7

Pressurized Carbon Vessel

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1.0 SAFETY PRECAUTIONS

Failure to observe these precautions could result in serious bodily injury and/or property damage.

Be sure to read and understand this O & M manual before beginning operation. If you have any questions, please call Carbonair Environmental Systems, Inc. at (800) 526-4999.

Always wear gloves, eye protection & protective clothing when working with the equipment.

Obtain an activated carbon Material Safety Data Sheet (MSDS) for more detailed safety & handling information (available upon request).

WARNING: *Never enter the MPC-7 vessel without adequate ventilation, proper atmospheric testing and safety equipment. The activated carbon depletes the air of oxygen. Entering the vessel without sufficient ventilation could be fatal. The vessel is considered a confined space and therefore OSHA confined space entry safety procedures must be followed. (29 CFR 1910.146).*

Take time to record your specific operating parameters on page 12.

2.0 EQUIPMENT DESCRIPTION

The Carbonair model MPC-7 carbon adsorber is exceptionally durable and high performing. Its welded steel construction offers superior strength and reliability under all operating conditions. The under drain collection system consisting of a main hub and slotted laterals enables full use of the carbon bed. The interior is double coated with a corrosion resistant epoxy, tested and approved in accordance with AWWA, FDA, and EPA regulations, making the MPC-7 suitable for most industrial, municipal, and potable water applications.

Figure No. 1 - Typical MPC-7 Unit

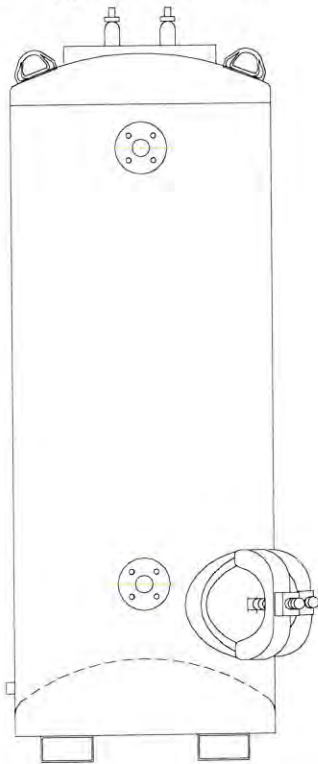


Table No. 1 - MPC-7 Structural Specifications

Design Parameter	Specification
Dimensions	36" dia. X 7' 3" H
Bed Area	7 sq. ft.
Flow Range	4 - 50 gpm
Carbon Capacity	1,000 lbs
Max Operating Pressure	90 psi
Empty Weight	980 lbs
Loaded Weight	1,980 lbs
Operating Weight	3,670 lbs
Spent & Drained Wgt.	3,230 lbs

3.0 PROCESS DESCRIPTION

Carbonair's MPC-7 liquid phase carbon adsorber is designed to provide an efficient and economical means of removing organic contaminants from water. The MPC-7 is a pressurized vessel that holds an appropriately sized bed of granular activated carbon (GAC).

Water is pumped through the vessel containing the

GAC. The contaminants in the water are removed by adsorption as the water moves through the GAC bed. Several types of GAC are available for a variety of applications.

Granular activated carbon is highly porous and has a large surface area for adsorption. Adsorption is the process by which compounds adhere to the carbon surface. The portion of the carbon bed where adsorption occurs is referred to as the "mass transfer zone." The zone moves downward from the top of the bed as the carbon becomes saturated with organic compound. When the bed becomes completely saturated, some or all of the contaminants in the water will "breakthrough." Breakthrough occurs when the contaminant being treated is detected in the water flowing out of the vessel at levels approaching the discharge limit. The carbon should be replaced before this happens to prevent discharge permit violations.

Contaminated water is introduced into the vessel through the inlet connection is distributed evenly over the top of the carbon bed. The pressure created by the influent pump forces the contaminated water down through the carbon bed. Once the water reaches the base of the carbon bed the contaminants have generally been removed. The cleaned water is then collected through a series of slotted lateral pipes and exits the vessel through the outlet connection.

The MPC-7 is a pressurized vessel and is completely filled with water during operation (no air should be in the vessel).

4.0 INSTALLATION

Be sure to carefully read all installation instruction before beginning the installation of the MPC-7 pressurized carbon vessel.

4.1 Inspection

1. Upon receiving the vessel, inspect the tank, fittings, and piping for structural or cosmetic damage.

2. Inspect the vessel interior and exterior for chipped and/or cracked paint. If chipped or cracked paint is identified, particularly on the interior surface, document the location and contact Carbonair immediately.
3. Before the vessel is set vertically in place, an inspection of the internals should be performed. This is necessary because it is possible that during transportation some of the internal piping and/or nuts and bolts may have loosened.

Open both the top and side manway and inspect the inside of the tank using care to not impact any of the internal fittings.

WARNING: *Never enter the MPC-7 vessel without adequate ventilation, proper atmospheric testing and safety equipment. The activated carbon depletes the air of oxygen. Entering the vessel without sufficient ventilation could be fatal. The vessel is considered a confined space and therefore OSHA confined space entry safety procedures must be followed (29 CFR 1910.146).*

4. Check all nuts and bolts to ensure that they are tight and also check each of the laterals.
5. Once this is completed, reinstall the manways. The manway gasket and the manway cover must be centered so it provides a sufficient seal. Tighten both hold-down lugs on the manway before lifting vessel to its designated location. **DO NOT** over tighten. Over tightening the manway cover may cause the gasket to extrude.

NOTE: *Do not operate any pressure vessel that has been structurally damaged. Operation of a damaged pressure vessel could result in personal injury or further damage to the carbon adsorber.*

4.2 Loading & Unloading Vessel

Be sure to follow proper safety procedures when loading & unloading the PC unit.

The MPC-7 adsorber should be unloaded and placed by an appropriately sized crane or forklift operated by an experienced operator. An empty vessel weighs approximately 980 pounds and a loaded one weighs approximately 1,980 lbs – excluding external piping. The carbon adsorber base should be bolted to the concrete pad prior to filling with carbon and operating.

The MPC-7 must be placed on a level concrete pad designed to handle the full operating load of the vessel (refer to Table 1). The carbon adsorber base should be bolted to the concrete pad prior to filling with carbon and operating.

4.3 Connections

Assemble and mount all of the external piping, valves, and instrumentation after the vessel is in place. Make sure that the piping is adequately supported so that excessive load or torque is not placed on the vessel fittings.

5.0 START-UP

If carbon must be added to the vessel, refer to Section 8.1 for specific carbon loading procedures. Fill the vessel with clean water prior to use. Open the bleed air valve to allow all of the air to escape during filling operations.

To ensure optimum performance of the carbon adsorber, the carbon should be thoroughly backwashed prior to its initial use. The backwash will remove most of the carbon fines to allow for better water distribution and reduce pressure drop through the carbon during normal operation. Refer to Section 8.3 for detailed backwashing procedures.

The operating flow range for the vessel is 4-50 gallons per minute. At initial start-up, the pressure drop through the vessel should be approximately 1-5 psi, depending on the flow rate.

6.0 OPERATION

During operation, the pressure drop through the vessel may begin to increase. The differential pressure should be monitored on a regular basis, and should not be allowed to exceed 15-20 psi. If the differential pressure reached 15-20 psi, the vessel should be taken off line and a backwash should be initiated.

Operating the vessel at differential pressures greater than 20 psi may cause damage to the vessel's interior components.

For proper operation, and to prevent possible damage to the vessel, it is important that the vessel remain completely filled with water during operation and temporary shutdown. Bleed any air from the vessel by slowly opening the bleed valve at the top of the unit. The discharge piping configuration should be designed to maintain the level in the tank, and to ensure that a vacuum does not develop in the pressure vessel.

Note: *Be sure never to exceed the maximum design flow rate of 50 gpm or damage to the unit may result.*

7.0 TROUBLE SHOOTING

There are a few situations that may arise while operating the MPC-7 which can adversely effect the performance of the unit and/or result in abnormally high maintenance costs. If these situations cannot be resolved using the following trouble shooting guide contact Carbonair at (800) 526-4999.

Situation #1:

Water cannot be pumped through the vessel at the design flow and pressure. (Pressure drop build up across the vessel).

Probable Cause:

If this occurs, the water flow is being restricted somewhere between the inlet opening and the outlet opening of the vessel (assuming there are no restrictions on the downstream side of the outlet). The most common causes for this pressure drop build up are:

- Sediment/solids in the water stream have clogged the pores in the carbon bed restricting water flow
- Chemical or biological fouling has occurred forming an encrusted layer at the top of the carbon bed
- The slotted lateral pipes at the base of the vessel are clogged with some foreign material

Solution:

- When pressure drop approaches the maximum recommended pressure drop listed in the manual, the system should be shut down and vessel drained to relieve the pressure. Also relieve the pressure on the influent line and check the inlet pressure gauge to ensure the pressure has been relieved. Open the top manway and visually inspect the top of the carbon bed. Be sure not to let the manway gasket fall into the vessel.
- If the top of the carbon bed appears encrusted or has a layer of foreign material on top of it, probe the top of the bed with a rod or chisel. If the bed is encrusted you will need to break up the encrusted layer into granular form prior to backwashing.
- While the vessel is open inspect the influent piping for obvious signs of wear and inspect the walls of the vessel for signs of corrosion or chips in the paint.

-
- Replace the manway cover being sure to remove any carbon from the gasket material as this may cause channels in the seal around the manway and allow some water to leak out.
 - Proceed with the backwash procedure as outlined in Section 8.3 of this manual. This will normally remove the solids from the bed and allow you to resume normal operation.

Note: *If the pressure drop during backwash exceeds the maximum listed in Section 8.4 immediately stop the backwash and call Carbonair for input.*

Situation #2:

Breakthrough occurs much sooner than anticipated.

Probable Cause:

Premature breakthrough can be caused by several factors assuming you are operating at or near the design flow rate:

- Actual concentrations of contaminations may be higher than the design contaminant concentrations.
- Additional contaminants may be present in the water stream that was not taken into account in the design.
- Air in the vessel or flow restrictions may be causing the water to "channel" in the bed, effectively bypassing a portion of the GAC and thereby reducing the bed life.

Solution:

- Sample and analyze your influent water system to determine if the design contaminants are present at or near the design concentrations and that no additional contaminants are present.
- If the contaminants and/or concentrations are significantly different from the design criteria, contact Carbonair for input and a recommended solution.
- If the influent water chemistry is the same as or close to the design criteria, check to make sure that

there are no air pockets in the vessel during operation. Air pockets will cause the water to channel in the carbon bed and may cause premature breakthrough.

- Also, check for encrustation of the carbon. Chemical fouling may cause sections of the bed to become impermeable, which causes channeling. If you discover the carbon is becoming encrusted, be sure to perform frequent maintenance checks of the carbon during operation and break up the encrusted areas. You may also need some type of pretreatment to remove the hardness from the water before it enters the vessel. Call Carbonair if you have any questions.

Situation #3:

GAC in the effluent water.

Probable Cause:

If GAC is detected in the effluent water the under drain laterals have probably been damaged.

Solution:

- Stop the operation immediately. Drain the vessel and remove enough carbon to visually inspect the under drain system. This inspection can best be accomplished through the side manway.

WARNING: *Never enter a carbon vessel without adequate ventilation, proper atmospheric testing and safety equipment. The activated carbon depletes the air of oxygen. Entering the vessel without sufficient ventilation could be fatal. The vessel is considered a confined space and therefore OSHA confined space entry safety procedures must be followed. (29 CFR 1910.146).*

- Inspect the under drain system for cracks or other damage. Replace any damaged pipes and make sure replacement laterals are properly installed. Call Carbonair with any questions.

Situation #4:

Water dripping from the base of the vessel.

Probable Cause:

Water leaks may occur at the inlet and outlet connections on the vessel. In addition, because the water being treated is often 55° F or lower temperatures, significant condensation may occur on the sides of the vessel in hot, humid environments.

Solutions:

- If you detect water draining from the base of the vessel check all connection points and fittings for leaks. Remember that carbon granules on the manway gaskets may cause leaks.
- Also, determine if significant condensation is occurring due to high humidity in the area around the vessel. If extensive condensation is a problem you can either adjust the humidity in the area around the vessel or make sure there is a drain under the vessel to receive the condensate water.

8.0 MAINTENANCE

There are several maintenance tasks that must be performed periodically to ensure continued, trouble free operation. These tasks are discussed in subsequent sections.

8.1 Fresh Carbon Loading - Dry Method

Dry carbon will typically be delivered in 1,000 pound supersacks. Each supersack will have four (4) lifting straps on the top and two drawstring openings on the bottom. The exterior drawstring opening will expose the interior shut with drawstring, which will allow carbon to exit the bag when opened. A quality dust mask and protective clothing should be worn when handling dry, granulated carbon.

Please follow recommended procedure for ease of loading the dry carbon:

1. Confirm that all of the valves on the vessel are closed. Remove the manway on the top of the unit.
2. Fill the vessel approximately 1/4 full of fresh water prior to loading the carbon. This will protect the vessel internals from the falling carbon, and also help limit the carbon dust created during the loading process.

Note: *Loading carbon without water in the vessel may cause damage to the vessel internals.*

<p>When loading carbon, workers must be protected from breathing the fine carbon dust particles - a particle mask is usually sufficient. In addition, eye goggles and protective coveralls are required.</p>
--

3. Lift the supersacks using a crane or forklift, making sure that all of the lifting straps are used. Lift the supersack and position it approximately 6-12 inches above the top manway opening.
4. Untie the exterior drawstring on the bottom of the sack and pull out the carbon chute.
5. Loosen the interior drawstring from the carbon chute and allow the carbon to fall from the sack into the vessel.
6. Repeat until vessel is full.
7. Reinstall the manway and any other equipment.
8. Open air bleed valve and fill vessel with clean water, making sure that no air remains in the vessel..
9. Proceed to the "Backwash Procedure" section in manual.

Note: *If any foreign material begins to come out of the supersack during the carbon loading*

procedure, make sure that the foreign material does not enter the adsorber.

8.2 Spent Carbon Removal – Vacuum Method

Periodically, the spent carbon will have to be removed and replaced to optimize the contaminant removal performance of the unit. The spent carbon must be removed and replaced with new virgin or reactivated carbon.

WARNING: *Before attempting to remove the carbon from the vessel it must be understood that the material may be considered hazardous waste. Consequently, the use of respirators and protective clothing is strongly recommended.*

The spent activated carbon can be sent to Carbonair for reactivation or a licensed reactivation facility for recycling. However, before the contaminated material can be shipped, a "Spent Media Profile" must be completed and sent to Carbonair. Other forms may also be required depending on the hazardous/non-hazardous classification of the contaminants adsorbed. Carbonair will not accept spent carbon until all the necessary forms have been completed.

1. Shut off all water to the tank and open the air bleed valve to relieve any pressure in the tank.
2. Remove the top manway cover.
3. Using a vacuum blower, suck all of the media from the vessel and containerize in DOT approved containers.
4. Inspect the interior walls and piping for chips, crack, or leaks.

8.3 Backwash Procedure

Be sure to read this section completely and understand the procedure before conducting a backwash on the MPC-7 pressurized carbon vessel.

Your pressure vessel will need to be backwashed to eliminate carbon fines prior to start-up, or to eliminate other sediment that may build up in the carbon during normal operation. Backwashing is accomplished by pumping **SEDIMENT-FREE** water from a **CLEAN SOURCE** into the effluent line and out through the influent line at the specified flow rate.

It is critical that sediment-free water be used to prevent clogging inside of the laterals. Clogging of the laterals could cause damage to the vessel internals. It is recommended that the water be filtered through a 100-micron or smaller filter prior to use.

Prior to backwashing you must open the top fitting of the vessel to inspect the top of the carbon bed. Once the top fitting is removed, it is recommended to probe the top of the carbon bed to determine if the top layer of the carbon has hardened or become encrusted due to biological fouling. If the top of the bed is encrusted or hardened, it should be broken up into granular form prior to conducting a backwash. This can be accomplished by piercing the top of the bed repeatedly with metal rod or chisel.

The following guidelines must be followed when conducting a backwash.

Note: *Failure to follow these instructions may result in severe damage to the carbon vessel.*

If the encrusted carbon cannot be broken up in a granular form, DO NOT CONDUCT A BACKWASH. Please call Carbonair immediately for direction (800) 529-4999

1. Connect a water line from your filtered clean water source to the effluent line of the carbon adsorber. Also, you must configure the piping to the influent line so that it is possible to view the discharge of the backwash that will be discharged from the influent line.

Remember to use only clean, sediment-free water for backwash. The water should be virtually free from suspended solids and preferably should be filtered prior to introduction to the vessel. Filtration can be accomplished by using a bag filter (100 micron or smaller).

2. It is very important that the pressure differential (DP) between the effluent and influent line be closely monitored during backwash. This pressure differential can be monitored by reading the pressure gauges on the influent line and effluent lines.

The DP between the effluent and influent lines must not exceed 20 psi. DP greater than 20 psi may cause damage to the internal piping assembly in the carbon vessel.

If you have any questions about monitoring the pressure differential, please call Carbonair for input prior to conducting a backwash. Carbonair can provide you with pressure gauges if your system is not currently equipped with gauges.

If the pressure differential exceeds 20 psi at any time during the backwash, the pump should be

immediately shut down to avoid damage to the vessel internals.

3. The recommended backwash flow rate for your vessel is 8-12 gpm per square foot surface area, which is a flow rate of 55-85 gpm for a MPC-7. When initiating backwash, the flow rate to the vessel should be started very low and then gradually increased to the recommended flow rate as the pressure differential allows. The flow should be regulated by a manual valve prior to the effluent port of the vessel. The DP should be closely monitored during this increase in flow rate.

Note: If there are any questions regarding any of these instructions, please call Carbonair before initiating backwash.

Carbonair will not be held liable for damage to the vessel, personal injury, or other damages to property or body caused by improper operation during backwash or normal operation

8.4 Vessel Inspections

Inspect the internal pipes for cracks and other signs of wear. Also inspect the tank sidewalls for signs of corrosion or chips in the paint. If signs of wear or damage are present, contact Carbonair for recommended service procedures.

WARNING: *Never enter a carbon vessel without adequate ventilation, proper atmospheric testing and safety equipment. The activated carbon depletes the air of oxygen. Entering the vessel without sufficient ventilation could be fatal. The vessel is considered a confined space and therefore OSHA confined space entry safety procedures must be followed. (29 CFR 1910.146).*

Continued use of a damaged vessel may cause other problems. Carbonair will not be responsible

for any damage caused by operation of a damaged vessel.

8.5 Gasket Replacement

The manway gasket should last many years before needing to be replaced. If the gasket is damaged and a new gasket is required, call Carbonair for assistance.

8.6 Waste Disposal

Proper disposal of spent carbon is essential. Be sure to follow all local, state and federal regulations for handling, storing, transportation, disposal and reactivation of spent carbon.

9.0 SPARE PARTS

When ordering spare parts, refer to the drawings at the end of the manual. Be sure to provide the vessel model and the complete description of the part.

10.0 PRESSURE DROP CHART

The pressure drop chart (below) shows the pressure drop in inches of water at different liquid flow rates through the MPC-7 liquid-phase pressurized carbon vessel with 1,000 pounds of virgin CECA GAC 30 Carbon @ 55°F.

11.0 DRAWINGS

An assembly drawing has been included to simplify the parts identified and ordering process. A parts list is included.

Figure No. 2 - MPC-7 Pressurized Carbon Vessel - Pressure Drop Chart

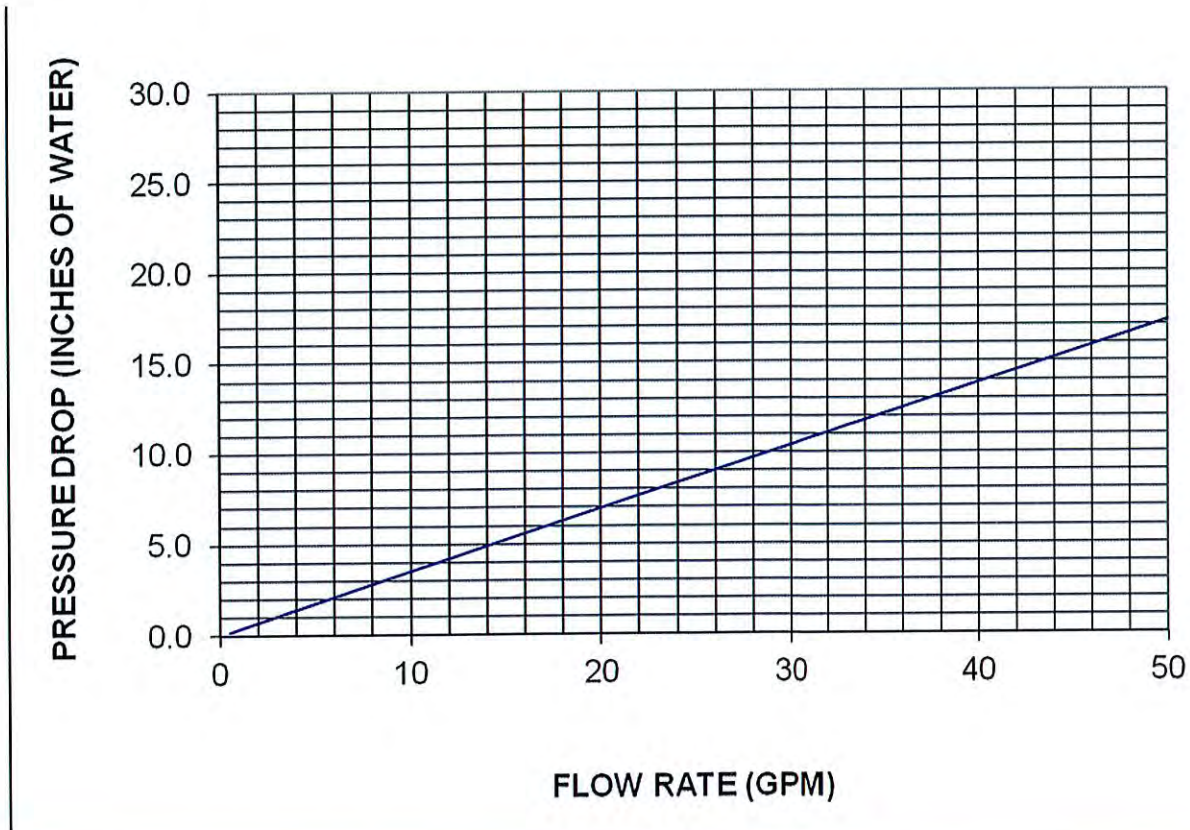


Figure No. 3 MPC-7 Assembly Drawing

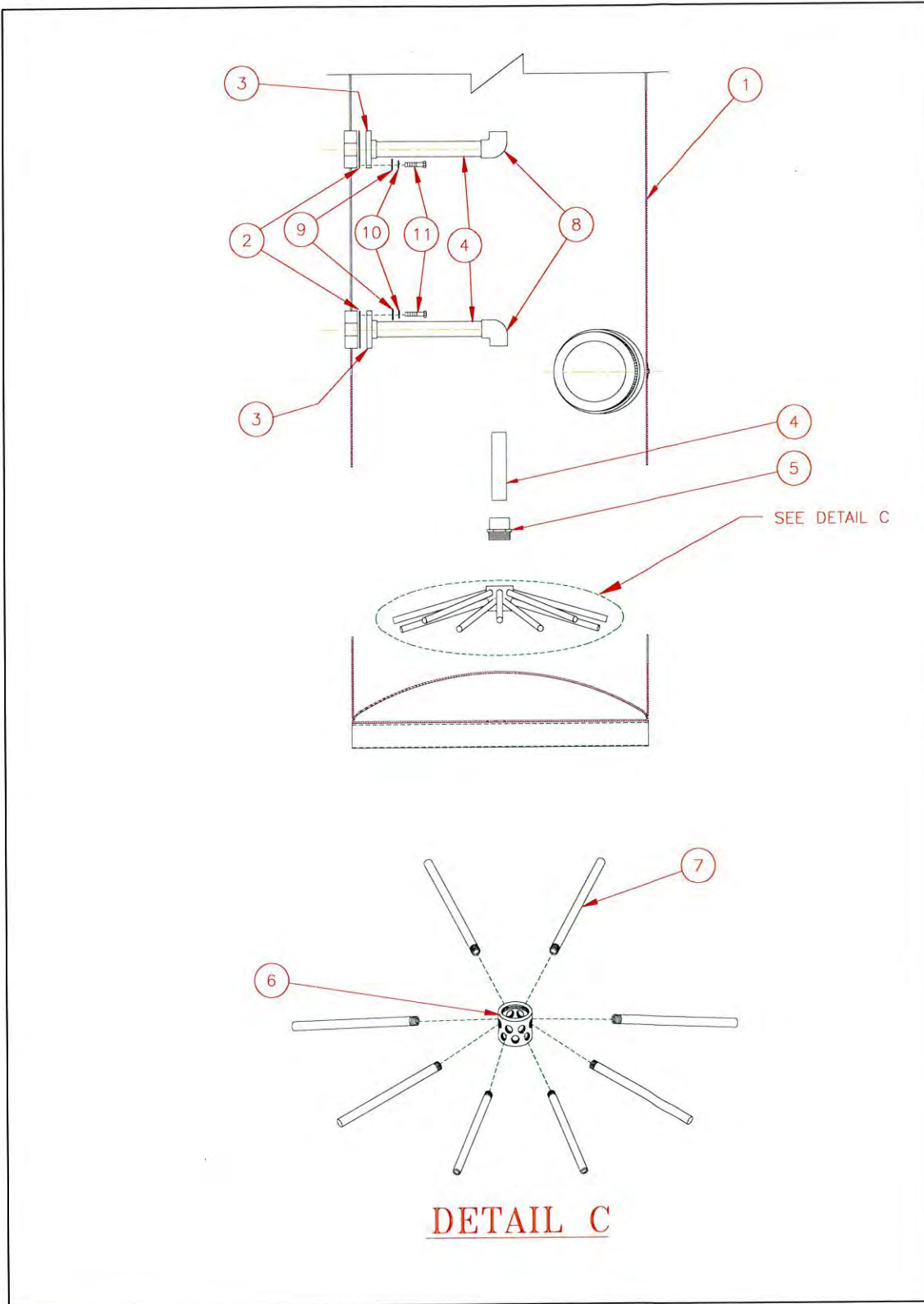


Table No. 2 MPC-7 Assembly Drawing Parts List

#	Description	Part No.	#	Description	Part No.
1	Pressure Vessel MPC-7	214115	7	Lateral 3/4" NPT x 15" PVC	127013
2	2" Flange Gasket	107552	8	2" PVC elbow	107422
3	2" PVC flange	107390	9	Flat Washer 5/8"	111167
4	2" PVC Pipe	107406	10	Lock Washer 5/8"	111150
5	2" Socket x MPT adapter	108146	11	Hex Head Bolt SST 5/8"	111175
6	Distribution Hub 2" 8 Out PVC	214263			

12.0 SPECIFIC OPERATING PARAMETERS

Record Operating Parameters at start-up.

Water Flow Rate: _____

Inlet Water Pressure: _____

Outlet Water Pressure: _____

Water Temperature: _____



Bag Filter Operation

Warning – Safety Information

1. The housings can cause serious damage if improperly used.
2. Housing are rated for 150 psi, but hosing and piping may not be rated this high.
3. Do not open housing when the system is under pressure. Always relieve all pressure in the housing before opening the housing lid (this can be done by using the air bleed valve on top).
4. Stop all flow of liquid before opening lid.

Start Up/Operation

1. Select and install the correct size micron filter bag. To install, open lid and slide filter bag inside the metal filter basket. Make sure the filter bag is “seated” to the top of the basket and tightly close the lid.
Note: We normally recommend a 25 micron or less filter bag to protect carbon adsorbers.
2. Make sure all water connections are made and valves are open or closed as necessary.
3. Open vent plug on lid to allow air to escape from housing.
4. When housing body is full, liquid will escape from the vent. Close the vent.
5. Open the outlet connection and fully open the inlet connection. Housing is now operating properly.

Removal of Spent Filter

1. When the differential pressure (this is the difference between the inlet and outlet pressure gauges) across the housing reaches approximately 20 psi, the filter bag(s), need to be changed.
Note: It may take days or weeks for the differential pressure to reach 20 psi, but the differential pressure will rise very quickly when it approaches 20 psi. You may also need to change the filter bag before 20 psi because of reduced water flow rates.
2. Relieve pressure through the sample tap on lid and drain using valve near the bottom of housing.
3. Loosen eye nuts on housing, and swing the lid to gain full access to the inside of the housing.
4. Pull the filter out of the basket and discard the filter in accordance with all local and federal laws.
5. Remove filter baskets and clean thoroughly.
6. Debris and sludge should be removed from the housing, to prolong filter efficiency.
7. Install filter basket and new filter bag in housing and follow the start up procedure.

Replacement Bag Filters	Carbonair Part Number	Replacement Bag Filters	Carbonair Part Number	Replacement Parts	Carbonair Part Number
1 Micron	210118	50 Micron	210027	Oil Removing	166980
5 Micron	210019	75 Micron	210029	Lid O-ring	214737
10 Micron	210020	100 Micron	210030	Basket O-ring	214738
25 Micron	210025	250 Micron	211548		

For Technical Support or to place an order call Carbonair Environmental Systems.

Minnesota 800-526-4999

Virginia 800-204-0324 Texas 800-893-5937 Florida 800-241-7833

Peggy Herrick

From: Jean Werbie-Harris
Sent: Friday, November 09, 2012 4:02 PM
To: J. Michael McTernan (jmm@addmlaw.com); 'Donald P. Gallo'; Tim Geraghty (tgeraghty@wi.rr.com); 'Linda Sicilia (linda@ggplawyers.com)'; 'Priti Patel (ddwc1@sbcglobal.net)'; 'Pat Patterson (ppatterson@midwesteng.com)'; Mike Pollocoff; Mike Spence; Tom Shircel; Peggy Herrick; DJ Burns (djburns@drakecg.com)
Subject: FW: Additional Information needed for BP
Attachments: Figure 4-Ground water Monitoring well locations.pdf; Fire Comments BP Carbon Treatment Room 11-8-12.pdf; VPP-EC-1B Commercial EC App.pdf
Importance: High

The Village has reviewed the additional information submitted on November 6, 2012 regarding BP Amoco and the following additional information shall be submitted for Village staff review. The Village staff would like to discuss this information with you on Monday, November 12 at 11:00. (Due to the time constraints given to review the materials, please note that this email is being sent by the Community Development Department based upon information available to us today, additional comments or concerns not contained in this email may be part of the Monday's discussion).

Additional information needed:

1. Compliance with the **attached** memorandum from the Fire & Rescue Department dated November 8, 2012. The additional information requested by the Fire Chief shall be submitted.
2. The following changes are required to be made to the Preliminary Site Investigation Work Plan dated November 5, 2012:
 - a. The sampling shall include lead as this has been present in the past;
 - b. Figure 2: Details on the clay collar or temporary extraction point or Sections A-A or B-B;
 - c. Figure 3: The proposed soil probes shall be centered on the ditch;
 - d. Figure 4: Six (6) proposed groundwater monitoring wells shall be installed as shown on the **attached** in the locations previously proposed by the Village's Environmental Consultant including an additional well appropriately located in the vicinity of the underground storage tanks and one well on the east side of the property
3. Your letter indicated that the Remediation Plan was included in the Preliminary Site Investigation Work Plan. This Work Plan does not provide the required information. A Remedial Action Plan and Remedial Design Report that is compliant with NR 700 shall be submitted to the Village and approved by the WI DNR.
4. Compliance with the WI DNR WPDES Permit issued on November 2, 2012. A copy of said permit shall be provided to the Village.
5. A Work in the Right-of-Way Permit is required to be obtained from the Wisconsin Department of Transportation prior to any work commencing with the right-of-way of STH 165. A copy of the permit shall be provided to the Village.

Additional items that are required as part of the Conditional Use Permit (CUP) including Site and Operational Plans and Planned Unit Development (PUD) include:

1. 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 (DSIS) will be required to be installed in accordance with the requirements of Chapter 410 of the Village Municipal Code. The required DSIS Agreement will be 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 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 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.
 - 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 10:00-12:00 p.m. and 5:00-7:00 a.m. at least two (2) employees shall be working on-site unless the business has taken measures to protect a lone clerk such as the 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.
2. The Site and Operational Plans shall include a Lighting Plan. The following shall be shown on the plans:
- a. The location of the proposed lights shall be more shown on the Site Plan.
 - b. The lighting details and specifications shall be shown on the plans for parking lot and exterior building lightings.
 - c. The parking lot lights shall be silver to match the building.
 - d. Note on the plans that the lights shall be directed downward and not produce a glare or distraction to the adjacent roadways and properties.
 - e. All exterior lighting shall be of the same color and brightness.
 - f. The concrete bases shall not exceed 12 to 18 inches above grade and shall be located within landscaped areas.
 - g. All lighting details shall be in good working order, properly maintained, repaired as needed, painted and well-kept.
 - h. 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.
3. The plans do not provide information regarding the roof drainage. Downspouts shall be tied into the on-site storm sewer system and not be discharged onto existing pavement. Revise the Plans.
4. Landscaping on the site shall be installed, watered, weeded, trimmed and maintained in good condition at all times. Litter and debris shall be removed from the landscaping on a daily basis. Damaged, dying or dead plant material shall be removed and new plantings shall be installed on a regular basis. Mulch shall be raked in place on a regular basis and replaced yearly. On the Landscape Plan Identify specifically what new landscaping is proposed to be planted and when.

In order to obtain the required erosion control permit to replace the northerly outfall manhole and to properly dispose of any contaminated soils that may have to be excavated during said storm sewer repairs the following needs to be submitted:

1. The **attached** Erosion Control Permit Application.
2. A drawing with specifications of the proposed work (which should be part of the Remedial Action Plan and Remedial Design Report).
3. Explanation of how the contaminated soils will be monitored and removed and where they will be taken (which should be part of the Remedial Action Plan and Remedial Design Report).
4. WI DNR approval of the Remedial Action Plan and Remedial Design Report that is compliant with NR 700.

The permits for the footing and foundation permit/building addition cannot be issued until all of the items above are addressed and the Plan Commission and Village Board approves the CUP including Site and Operational Plans, PUD and Settlement Agreement.

Jean

Jean M. Werbie-Harris

Community Development Director

Village of Pleasant Prairie

9915 39th Avenue

Pleasant Prairie, WI 53158

Telephone: 262-925-6717

Facsimile: 262-925-6787

Email: jwerbie-harris@plprairiewi.com

Web site: www.pleasantprairieonline.com



VILLAGE STAFF MEMORANDUM

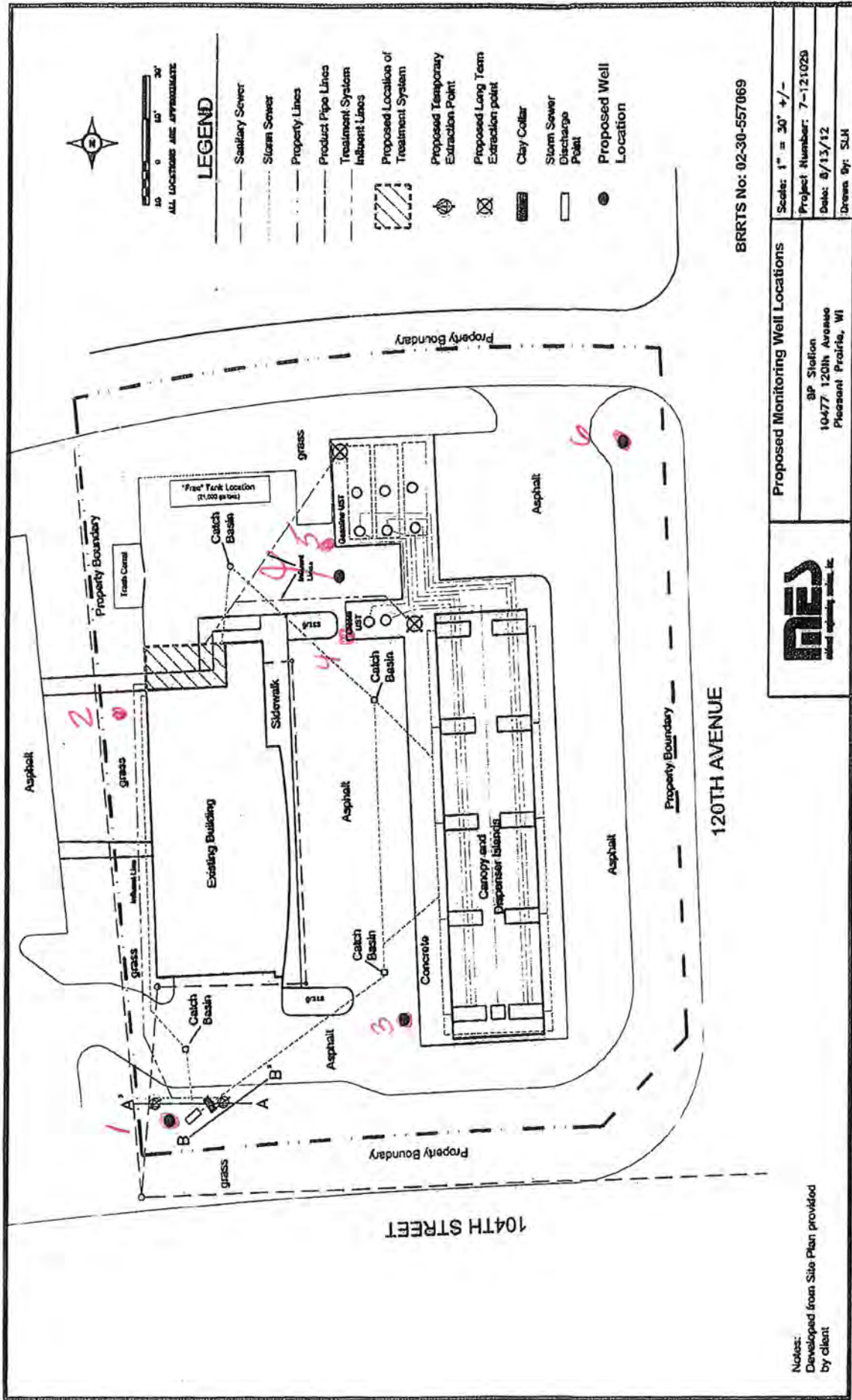
TO: Jean Werbie-Harris, Community Development Director
FROM: Doug McElmury, Chief Fire & Rescue Department
CC: Lt. Thomas Clark, Fire & Rescue Department
Peggy Herrick, Assistant Planner, Community Development
SUBJECT: Review BP Carbon Treatment Room
DATE: November 8, 2012

This is a review for the 450 sq. ft. addition to the BP Amoco to house the Carbon Treatment Equipment

Fire and Rescue Department comments are based on the information given by BP.

1. 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.
2. Further information shall be submitted about the carbon treatment equipment that will be installed in the room. The information shall include the operation, hazards and maintenance procedures for the equipment. The information submitted may generate additional requirements from the Fire & Rescue Department. The following information that needs to be provide to complete the review:
 - a. Per the Carbonair Operation and Maintenance Manual the Granular Activated Charcoal (GAC) in the vessels need to be replaced as part of a routine maintenance program. Is the ceiling height adequate to facilitate access to the top of the vessel safely?
 - b. How will the Carbonair system be connected into the stream of storm water once the frac tank is removed? What will be the effect on the system in flooding conditions?
 - c. Who will perform the maintenance on the Carbonair system? The vessel is a Permit Required Confined Space. The means that that whoever services the vessel must be trained in the OSHA Confined Space Entry, air monitoring with the proper meters, a permit system is in place, a trained Attendant is standing-by, a rescue service is trained and available in a minutes, etc.
 - d. Where is the contaminated GAC going to be stored?
 - e. What quantity of contaminated GAC will be on site?
 - f. What is the flash point of the GAC?

- g. Where and how will the contaminated GAC be disposed of?
 - h. What is the operational plan for replacing the GAC? The GAC is a hazardous substance in that it absorbs oxygen and creates an oxygen deficient atmosphere especially in a small room such as the room the equipment will be located in. What will be done to protect not only the person servicing the equipment, but other employees and the public?
3. Building keys to allow access into the space must be given to the Fire and Rescue Department. Keys will be secured in the Knox Box.
 4. A fire extinguisher shall meet NFPA 10 (Portable Fire Extinguishers) for the specific use of the building. The company providing the fire extinguishers shall submit a letter to the Fire & Rescue Department stating the location and size of the extinguisher are in compliance with NFPA 10.
 5. Exit and Emergency Lighting shall be provided and shall have battery backup. A combination units is acceptable and recommended. An Emergency Generator eliminates the need for battery backup. Exit and Emergency Lighting shall not be placed on electrical circuits that cannot be disturbed or interrupted, this is for test purposes. These circuits shall be clearly labeled.
 6. An Occupancy Inspection conducted jointly with the Building Inspection Department shall be conducted upon completion of construction of the room.
 7. MSDS sheets shall be submitted for all products and chemicals.
 8. Occupancy permit fee will apply, fee will be: \$ 50.00.
 9. Re-Inspection fees may apply if subsequent trips need to be made.



BRRTS No: 02-30-557069

Proposed Monitoring Well Locations



Notes:
 Developed from Site Plan provided
 by client

7-121020\autocadfiles\bp station site.dwg\site

Figure 4

- 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.

Recommendation:

Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the **Ordinance Amendment** as presented in the November 12, 2012 Village Staff Report.

VILLAGE STAFF REPORT OF NOVEMBER 12, 2012

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

On October 15, 2012 the Village Board adopted Resolution #12-36 to initiate amendments to the Village Zoning Ordinance related to parking area setbacks. The following amendments are proposed to section 420-48 L:

- L. Setback for parking areas (which includes parking spaces, maneuvering lanes and fire lanes). Parking areas shall ~~be set back~~ **meet the following minimum setbacks:**
- (1)** ~~a minimum of~~ 20 feet from all adjoining street rights-of-way, private roadways and lot lines, **except as provided in subsection (2), (3) and (4) below;**
 - (2)** ~~a minimum of~~ 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 (0);** and
 - (3)** ~~a minimum of~~ 25 feet from any wetlands on ~~the said~~ property.
 - (4) Other Exceptions:**
 - (a)** ~~However,~~ For parking areas on abutting properties, the parking area setback to internal, nonstreet lot lines may be reduced to a minimum of 10 feet in order to achieve a minimum twenty-foot-wide separation between parking areas upon the development of both properties. In no case shall the distance between abutting parking areas be less than 20 feet. Parking areas shall not encroach into easement areas without written approval.
 - (b)** ~~Also,~~ If a commercial parking area abuts any residential district, no vehicle shall be allowed to travel on a driveway or park closer than 25 feet to the abutting residential ~~use~~ property ~~lot~~ line.

These required setback areas shall be used for an open green space with plantings, sidewalks, if required, or signage, provided that it meets the minimum setback requirements for said sign.

Village staff recommends approval of the zoning text amendment as presented.

ORD. NO. 12-_____

ORDINANCE TO AMEND
THE VILLAGE ZONING ORDINANCE (CHAPTER 420)
RELATED TO SETBACKS FOR PARKING AREAS
IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN

THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, DO HEREBY ORDAIN THAT SECTION 420-48 L RELATED TO SETBACKS FOR PARKING AREAS (WHICH INCLUDES PARKING SPACES, MANEUVERING LANES AND FIRE LANES) IS HEREBY AMENDED AS FOLLOWS:

- L. Setback for parking areas (which includes parking spaces, maneuvering lanes and fire lanes). Parking areas shall ~~be set-back~~ **meet the following minimum setbacks:**
- (1) ~~a minimum of~~ 20 feet from all adjoining street rights-of-way, private roadways and lot lines, **except as provided in subsection (2), (3) and (4) below;**
 - (2) ~~a minimum of~~ 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 (0);** and
 - (3) ~~a minimum of~~ 25 feet from any wetlands on **the** ~~said~~ property.
 - (4) **Other Exceptions:**
 - (a) ~~However,~~ For parking areas on abutting properties, the parking area setback to internal, nonstreet lot lines may be reduced to a minimum of 10 feet in order to achieve a minimum twenty-foot-wide separation between parking areas upon the development of both properties. In no case shall the distance between abutting parking areas be less than 20 feet. Parking areas shall not encroach into easement areas without written approval.
 - (b) ~~Also,~~ If a commercial parking area abuts any residential district, no vehicle shall be allowed to travel on a driveway or park closer than 25 feet to the abutting residential ~~use~~ property ~~lot~~ line.

These required setback areas shall be used for an open green space with plantings, sidewalks, if required, or signage, provided that it meets the minimum setback requirements for said sign.

Adopted this _____ day of _____, 2012.

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

John P. Steinbrink
Village President

Jane M. Romanowski
Village Clerk

Posted: _____

- 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.

Recommendation:

Village staff recommends that the Plan Commission approve the **Site and Operational Plans** for the Good Foods Group, LLC to occupy the building located at 10100 88th Avenue subject to the comments and conditions of the Village Staff Report of November 12, 2012.

VILLAGE STAFF REPORT OF NOVEMBER 12, 2012

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.

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 88th Avenue in LakeView Corporate Park. (The building was formerly occupied by Rolf's Patisserie.)

Good Foods Group, LLC (GFG) is an all-natural food manufacturer focusing on preservative free dips, sides, and salads. GFG is a regulated food plant under the supervision of the Wisconsin Dairy Authority. The majority of GRG's business is mixing/blending ingredients and packaging those for both retail and food service accounts. GFG has been operating successfully in Chicago for three (3) years. The growth experienced at the Chicago plant has led GFG to seek additional production capacity.

The GFG manufacturing process involves the following stages.

1. Raw material procurement: Receive raw materials such as fresh produce, Greek yogurt, IQF (individually quick frozen) vegetables etc. Thier top 10 raw materials, at this time are Greek yogurt, IQF Spinach, raw avocado, IQF Kale, canned tomatoes, deli cups, cardboard boxes, IQF 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 GMP (good manufacturing practice) considerations, GFG 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. Skin and pits are placed in another bin for removal from 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 (ie, 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 (3) finished products are spinach dip, guacamole and hummus. These three (3) products make up for over 75% of anticipated production.

GFG 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 mentioned above.

Pursuant to the application the occupancy is classified as Occupancy Type Factory Group F-2 (Moderate-Hazard) however, the plans indicate Occupancy Type Factory Group F-1 (Moderate Hazard) pursuant to the Chapter 3 of the 2006 International Commercial Code. Both classes are a permitted use in the M-2 District; however, clarification of the Occupancy Type shall be provided.

The following alterations are proposed for the building and site:

- Provide a new, interior cooler with panel walls for a fresh ingredient's 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 employee break room, restrooms, office area, and test kitchen. See plans for reference.

The existing parking lot appears to be located closer than 20 feet to the proposed west property line adjacent to the railroad tracks. If the parking area is closer than 20 feet it is considered non-conforming since it does not meet the current minimum parking setback requirements. However, as discussed earlier tonight the setback of parking areas adjacent to railroads in a Manufacturing District may be reduced to zero (0) feet (see **attached** proposed amendment to Section 420-48 K of the Village Zoning Ordinance.) If this amendment is approved by the Village Board, this parking area will no longer be non-conforming.

The facility is proposed to operate Monday – Friday. 5:00 a.m. to 7:00 p.m. encompassing two (2) 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 50-75 total employees including 5-10 office staff in management, accounting, ship/receiving and 45-70 production employees. Two (2) shifts are planned at this point. At maximum, GFG anticipates 75 employees per shift, including office staff. This would be within five (5) years of opening the facility, and assumes aggressive growth.

Assuming aggressive growth, the facility could have as many as 150 employees on site at once, during the change of shift. The site currently has 193 parking spaces including six (6) handicapped accessible parking spaces. This exceeds the minimum requirement of the Village Zoning Ordinance of 80 parking spaces (5 spaces + 1 space per employee on the largest shift).

GFG anticipates that at start up, five (5) trucks will enter the site and leave the site per day. At maximum capacity, 10 trucks will enter the site and leave the site each day.

GFG uses a variety of batch style food processing equipment. This includes blenders, mixers, scales, stainless steel bowls, stainless steel work tables. Packaging equipment will be used to dispense finished product into containers. HPP (High pressure pasteurization) will be utilized to preserve food materials without the use of chemical preservatives. Packaging equipment will take the food product from the HPP machine and into boxes or pallets for distribution to customers. Compressed air is used for packing equipment and nitrogen is used to package food products in an inert gas, increasing shelf life.

Solid waste will come in the form of spent food product, such as avocado skins/pits. Currently, this material is sent to a landfill via a dumpster. GFG is investigating innovative ways to continue minimizing food waste. One example is using spend product to send to pig farmers. Avocado skins/pits are a valuable source of nutrients for pigs and can be used as a viable food source.

Liquid waste will come in the form of wash down water. The plant will be washed down to ensure cleanliness and compliance with applicable regulatory agencies. Wash down water will be limited to low concentrations of the raw materials, diluted with a significant amount of washdown water. The current facility has a triple catch basin installed to remove the fats/oils/greases and sampling manhole prior to entry into the public waste water system.

GFG will install an alarm system as part of the building's modifications, including closed circuit cameras to provide site security. This system will be provided, maintained, and connected to a third party security vendor.

The site will be maintained by a landscaping service to ensure the vegetation is maintained regularly. Similarly, a building engineer will provide routine maintenance to both the exterior and interior of the building to keep the property in working order.

RECOMMENDATION:

Village staff recommends conditional approval of the Site and Operational Plans subject to the following conditions.

1. The plans have been reviewed for conformance with the Village Ordinances and generally accepted engineering practices and Village policies. Although the data has been reviewed, the design engineer is responsible for the thoroughness and accuracy of plans and supplemental data and for their compliance with all state and local codes, ordinances, and procedures. Modifications to the plans, etc. may be required should errors or changed conditions be found at a future date. **The following changes shall be made to the Site and Operational Plans and three (3) revised plans shall be submitted for final staff review and approval prior to issuance of any permits to commence construction.**
 - a. In the Site Data Table on sheet correct the zoning designation to M-2, General Manufacturing.
 - b. Show the setback from the parking area to the west property line and the truck access area to the south property line.
 - c. There is a "Drive-In Door" along the south side of the building. If this door is to be used, then additional hard-surface paving needs to be added to provide vehicular access to this door.
 - d. The plans shall include a cross section detail of the enclosure area and color samples and materials shall be submitted for review and approval. In addition, not the materials and colors on the plans.
 - e. Pursuant to the application the occupy is classified as Occupancy Type Factory Group F-2 (Moderate-Hazard) however, the Sheet T1.1 of the plans indicate Occupancy Type Factory Group F-1 (Moderate Hazard) pursuant to the Chapter 3 of the 2006 International Commercial Code. Both classes are a permitted use in the M-2 District; however, clarification of the Occupancy Type shall be provided. Revise the plan sheet if applicable.
 - f. Subject to compliance with the **attached** comments in the October 30, 2012 memorandum related to the review of the Pleasant Prairie Utility Department.
2. The parking lot spaces shall be clearly striped on the pavement in the lot.
3. Compliance with the conditions of the attached memorandum dated October 23, 2012 from the Village Fire & Rescue Department. **Pursuant to condition #2 a letter shall be submitted to the Fire & Rescue Department prior to obtaining building permits (on GFG letterhead) stating that the project will comply**

with all requirements of this memo. A copy of this letter shall also be provided to the Community Development Department.

4. Compliance with the following conditions from the Village Building Inspection Department:
 - a. All building, plumbing, and HVAC plans will need to be designed to the IBC Codes, Wisconsin Plumbing Code and be State Approved if over 100,000 sq. ft., or apply for Village Municipal Approval if under 100,000 sq. ft., prior to submitting (2 sets State) (4 sets Municipal) for building permits from the Village of Pleasant Prairie. Any plumbing over 15 fixtures will require State approval.
 - b. The Ansul hood system must have State approval prior to installation.
 - c. Installation of Nitrogen tank and piping may require State approval and Village of Pleasant Prairie Fire & Rescue approval. Check with appropriate Departments for specific requirements.
 - d. As of September 1, 2000 Lighting plans are no longer reviewed at the State level. However, the Village will continue to review plans. The Lighting Worksheets L-1 through L-5 are required for municipal level review.
 - e. Halls, corridors, stairways, passageways, work aisles and other means of egress from factories, offices and mercantile buildings shall have emergency lighting and exit lighting per Article 700 of the NEC, SPS 316.46. The Village Fire & Rescue Department should be contacted for further information and requirements. Contact Fire & Rescue Chief Doug McElmury at 262-694-8027.
 - f. If water main is to serve both domestic and fire protection combined, the plans will need Department of Commerce approval and Village Fire & Rescue Department approval prior to obtaining permits and commencing work.
 - g. The existing sanitary sewer sampling manhole has deteriorated and a new manhole is required pursuant to Municipal Ordinance Section 285-18 C is required.
 - h. This parcel and building must comply with all requirements of Barrier-Free Design.
 - i. The architect(s)/ professional engineer(s) shall submit to the Village and State, the compliance statement, Form SBD 9720, prior to the final inspection by the Village Building Inspection and Fire & Rescue Departments.
 - j. The electrical contractor will be required to be licensed by the Village of Pleasant Prairie. The electrical contractor shall obtain a permit from the Village prior to beginning work.
 - k. All mechanical contractors shall obtain a permit from the Village prior to beginning work.
 - l. Building plans will need to show detail on fire stopping of all penetrations through fire rated walls and fire separation walls as required by emergency rule that took effect on January 28, 1998.
 - m. Sprinkler plans are required to be submitted to, reviewed and approved by the Village Fire & Rescue Department.
 - n. Any and all fire alarm installations require plan review and permit from the Village of Pleasant Prairie Fire & Rescue Department.

5. Written approval of the Site and Operational Plans from LakeView Corporation Commercial Association shall be submitted to the Village prior to obtaining building permits. Contact Mr. Jerry Franke, President, WISPARK LLC at 414-274-4604.
6. **Upon approval of the revised Site and Operational Plans, and prior to the issuance of the required permits an electronic pdf of all plan sheets shall be provided to the Village.**
7. **Prior to work commencing site and building improvements all required permits shall be issued by the Village.**
8. **A Sign Permit is required to be obtained prior to changes to any the exterior signs. The Primary Monument Sign shall be changed prior to occupancy.**
9. The hours of construction activity, operating heavy machinery or equipment associated with the grading, erosion control device installation, and overall site development shall be limited to Monday through Friday from 7:00 a.m. to 10:00 p.m. and Saturday and Sunday from 7:00 a.m. to 6:00 p.m.
10. There shall be no construction parking permitted on 88th Avenue. On-site (off-street) parking shall be designed to accommodate all construction related workers and site visitors.
11. The Village shall approve of the location of any construction trailers that may be parked on the site during construction activities. No construction trailers shall be parked in Village rights-of-way. All construction related signage shall be approved and permitted by the Village.
12. The site shall not be used for any parking (neither overnight nor during the day) of junked/inoperable/dismantled/unlicensed vehicles. All junked/inoperable/dismantled/unlicensed vehicles that are parked overnight will be issued citations.
13. The owner shall comply with all provisions of the Site & Operational Plan approvals, including compliance with the Village Performance Standards.
14. At no time shall the site be used to sell or advertise any vehicles that are "for sale".
15. No vehicular parking will be permitted in driveways, maneuvering lanes, fire lanes or on landscaped areas.
16. There shall be no outside banners, strings of pennants, flags, inflatable devices or streamers affixed or attached to the building(s), light poles, ground or landscaping, etc.
17. There shall be no long-term semi-truck/trailer or box truck storage parking permitted on the site that is not used in the regular operations of the facility.
18. There shall be no outdoor storage or display of materials, goods or equipment on this site, unless as approved by the Village.
19. The use of semi-trailers, storage units, storage bins, roll-off storage devices (e.g. P.O.D.S., S.A.M.S.) or other trucks, for storage purposes is prohibited. Outdoor storage of any materials, including but not limited to: raw materials, business supplies, pallets, crates, etc., is prohibited. (The proposed food processor will be allowed adjacent to the screen wall.)
20. No use 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.

21. Each handicapped accessible parking space shall be appropriately signed and painted on the pavement pursuant to ADA requirements.
22. Prior to occupancy a copy of the Department of Agriculture, Trade and Consumer Protection for food processing plant license shall be submitted to the Village.



Office of the Village
Utilities Analyst
Thomas Hupp

To: John Steinbrink Jr.
From: Tom Hupp
Subject: 10100 88th Ave.
Date: October 30, 2012

Purpose

The purpose of this memo is to discuss the operational plan review for Good Foods to occupy the vacant building at 10100 88th Ave.

Summary

The Pleasant Prairie Utility Department is aware of several deficiencies at this vacant building. These deficiencies will need to be addressed as part of any future plans for the use of this facility.

1. *The sanitary sampling manhole is in need of repair/replacement.*
A recent inspection of the sanitary sampling manhole has shown that the concrete is severely corroded and in need of rehabilitation or replacement.
2. *Backflow prevention on eyewash sink.*
A backflow preventer or similar device must be installed on the water line supplying the eyewash sink. Proof of installation and test results if applicable must be forwarded to Aqua Backflow.
3. *Backflow prevention on fire system must be tested.*
There is no evidence of a current backflow preventer test for the double check valve on the fire system water feed. These must be tested annually; the results will need to be submitted to Aqua Backflow as well.

Recommendations

I am recommending that the Village requires these deficiencies be repaired as part of any modifications approved for this facility.

Aqua Backflow
977 Elizabeth Street
Elgin, IL 60120

Phone: 847-742-2296 Fax: 847-214-9696

Completed Surveys Report

Printed on October 29, 2012

Site

Address: **10100 88th Ave.**

Site ID: **1005915**

Company: **Rolfs Patisserie, Inc**

Survey2: **10/02/22**

City: **Pleasant Prairie, WI 53158**

Last Survey

After Corrections

Survey Date **10/02/12**

After / /

After **Fail**

After

After **1**

After

Violations **2**

After **0**

After **4 Rich**

After

Cust Rep

Cust Rep 2

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Notes

1) There is no evidence of a current backflow preventer test for the Double Check Valve (DC) on the fire system water feed. Backflow preventers must be tested annually and the results submitted to Aqua Backflow by 12/31/12.

2) Install Vacuum Breaker (VB) or similar on eye wash sink hose. Forward proof of installation and test results if applicable to Aqua Backflow by 12/31/12.





Office of the Village
Fire & Rescue Chief
Doug McElmury

VILLAGE STAFF MEMORANDUM

TO: Jean Werbie-Harris, Community Development Director
FROM: Douglas McElmury., Chief, Fire & Rescue Department
CC: Peggy Herrick, Assistant Planner, Community Development
Lt. Thomas Clark, Fire & Rescue Department
SUBJECT: Review of the Site and Operational Plan for Good Foods Group
DATE: October 23, 2012

This is a review of the Site and Operational Plan for the proposed tenant for the 56,335 square foot vacant building located at 10100 88th Avenue. The building will be used for specific food processing needs.

The facility is classified under the Wisconsin Administrative Code and the Wisconsin Enrolled Commercial Building Code.

The Fire & Rescue Department will be responsible for providing fire prevention inspections of these facilities, twice annually.

The concerns of the Fire & Rescue Department are as follows:

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. The building and modifications shall be constructed in accordance with the State of Wisconsin, COMM. 61, the IBC as Modified by Chapter COMM 62, the IECC as Modified by Chapter COMM 63, the IMC as Modified by Chapter COMM 64, the IFC as Modified by Chapter COMM 65, applicable NFPA codes, Village of Pleasant Prairie Ordinance Chapter 180 Fire and Rescue and in particular those items that pertain to fire protection and life safety.

4. 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.

Upon review of the plans submitted the Fire & Rescue Department has the following concerns:

- Due to the change of occupancy, the existing fire sprinkler system will need to be evaluated by a fire protection engineer. The evaluation will need to include the proper fire protection of the storage, manufacturing processes and manufacturing areas.
- The fire alarm system is in place, but shall be made compliant with the current fire alarm code, and ordinance. The existing system shall be evaluated that it will be able to accept additional devices.
- The Fire & Rescue Department requires an annual test and inspection of the fire sprinkler and fire alarm systems respectively. These inspections shall be performed in accordance with NFPA 25 (sprinkler), and NFPA 72 (fire alarm); both tests are past due. Any noted discrepancies discovered during testing shall be repaired prior to occupancy.
- Fire hydrants: Shall always be visible and accessible, in particular in any area where trailer trucks will be parked or staged.
- Truck staging shall not decrease the width of the fire lanes, maintain a fire lane width of 30 feet.
- AED. Because of the overall building size the owner shall install one or more 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.
- Rack storage: If it is the intent to use rack storage, that rack storage configuration must be reviewed by the fire protection contractor to assure adequate fire sprinkler protection. Rack storage shall not adversely effect the maximum exit distance requirements. This process needs to begin immediately to assure no interruption in the construction timeline and to assure the opening date will be met.

- 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.
- Fire exit and emergency lights shall be evaluated after occupancy.
- Fire hose standpipe locations must be made current to Village Ordinance 180.16 G (2).

5. Fire and Rescue Department Review and Comments:

A. Site and Operational Permits

- | | |
|-------------------------|----------------------------------|
| 1. Site accessibility | In place |
| 2. Pumper Pad | In place, see note above. |
| 3. Fire hydrant spacing | In place, see note above. |

B. Conditional Use and Operational

1. Standpipe outlet locations
2. Fire alarm pull stations
3. Emergency and Exit Lighting
4. Fire extinguishers

6. Required Licenses: A Wisconsin licensed fire protection contractor and Wisconsin licensed sprinkler fitters must install underground fire mains and aboveground fire protection. Periodic inspections of the job site will be made by fire inspectors to assure compliance.

7. Pre-Construction Meeting: A pre-construction meeting shall take place with the general contractor, the fire protection contractor, the Fire & Rescue Department and any other sub-contractor prior to the installation of any underground fire protection. The purpose of this meeting is to assure that the requirements of the State of Wisconsin that only a Wisconsin licensed sprinkler fitter shall perform the installation of all devices, etc. All parties will be asked to initial this document and or permit. Any violation of the installing requirements will be reported in writing to the State of Wisconsin Department of Commerce.

8. Plan Review, Permits and Fees: If needed, five (5) sets of plans for the fire protection aboveground and fire alarm system shall be submitted for review a minimum of four (4) weeks before installation is scheduled to begin. The Village will use an independent fire safety consultant for the review of all fire protection plans submitted. A satisfactory review must be completed before any permits will be issued and before construction can begin.

9. The following information must be submitted with the sprinkler plans for review:

Building height:

Number of stories/floors:

Mezzanines:

Clear space:

Elevators:

Hazard class:

Commodity:

Maximum storage height:

Square footage, office space:

Square footage, Manufacturing including maintenance and equipment:

Square footage, receiving space:

Square footage, shipping space:

Square footage, warehouse space:

Exterior storage:

Fire protection:

10. The following Fees and Permits are generated directly from the Fire & Rescue Department.

- Bulk Water permit.
- Water Usage, water used during any flushing and or testing.
- Fire Protection Plans for Underground and Aboveground
- Fire Alarm System Plans
- Kitchen Hood Systems Plans

An invoice for permit fees will be issued upon achieving a satisfactory review. Work cannot begin until all permits have been issued. A typical review turnaround is four weeks.

11. Sprinkler System: The existing building is equipped with an “automatic fire sprinkler system”. Any changes to the fire protection systems shall be designed and constructed to the current edition of NFPA 13, Automatic Fire Sprinklers and the Village of Pleasant Prairie Ordinance 180-16, Automatic Fire Sprinklers.

14. Storage: The Owner needs to be aware of the restrictions that apply to the storage of pallets, cardboard, finished products, etc. Maximum height, width and aisle ways must be maintained and will be enforced. The same concerns apply to the storage of large quantities of combustibles (plastics, plastic wrap and cardboard) such as those used in packaging and storage.

NOTE: Dependant upon storage configurations and the possible use of in rack storage; in rack sprinkler protection may be required.

15. **Fire Flow Tests:** A current water flow test results must be provided when the fire protection plans are submitted for review. Fire protection contractors must schedule water flow tests with Pleasant Prairie Water Utility Department by calling 262-694-1403.
16. **Plan Review (Underground):** **If changes are made to the underground water supply main, a review of the changes is required, along with the fire protection drawings before a permit will be issued by the Fire & Rescue Department.** This requirement is in addition to any reviews and permitting by the Village of Pleasant Prairie Building Department. Underground plans shall be submitted a minimum of four (4) weeks before installation begins.
17. **Fire Hydrant Acceptance:** Completed, in place.
18. Any changes to fire hydrants or underground water mains, will require the underground to be flushed.
19. **Standpipes: See note above.** At such time a portion of the building or the entire building is used for storage fire standpipes are required. In lieu of 1.5 inch hose stations, the building shall be equipped with standpipes that shall consist of 2-½ inch NST valve, capable of delivering 250 GPM, at 75 PSI measured at the standpipe valve, when supplied by the fire department pumper, in the event no fire pump is needed. The standpipes shall be wet and placed adjacent to all exterior exit doors, same side as the door handle/knob.
20. **Fire Hydrants:** In place, however, please read. Fire hydrant locations have been discussed previously in this document. As many hydrants as possible shall be supplied directly by municipal water. The distance from the finished grade line to the lowest discharge shall be no less than 18 inches and no more than 23 inches. The Fire Department connections shall be located, and of sufficient height where typical snow fall or snow removal operations will not obstruct access. Fire hydrants supplied directly from municipal water shall be painted red, with reflective silver caps per the village water utility specification. Fire hydrants supplied by a private fire pump shall be painted all red.
21. **Pumper Pad:** In place. Pumper Pad (hydrant and FDC) must be provided for this building. There shall be dedicated space for a fire engine to have unobstructed access to the Pumper Pad. This fire hydrant shall be painted red with silver reflective caps.

22. **Bollards:** Shall be placed near fire hydrants, remote post indicator valves (PIV) and Fire Department connection(s) to prevent damage. Bollards shall not obstruct charged fire hoses. It is recommended that the Fire Department approve the location of the bollard(s) before final placement is made.
23. **Strobe Light:** A strobe light shall be provided for each riser and installed vertically above each sprinkler water flow bell. The strobe light shall operate for a sprinkler water flow. The lens color shall be RED. The strobe light shall meet Village specifications as found in section 180-16 K of the Sprinkler Ordinance.
24. **Fire Alarm System:** In place, see notes above.
- a. **Manual Fire Alarm Pull Stations:** Shall be located at a minimum, immediately adjacent to each exterior door. Any additional exterior doors will be required to meet this requirement. The pull station shall not be placed in the area of the door, but immediately adjacent to the door jamb.
 - b. **Pull Stations and Audiovisual Alarms:** Shall be installed per ADA requirements.
 - c. **Smoke, Heat and Infrared Detection:** Shall be installed per NFPA.
 - d. **Tamper Switches:** Tamper switches shall be placed on all sprinkler valves and be identified on the annunciator panel.
 - e. **Fire Alarm Control Panel: NOTE: In the event a new Fire Alarm Control Panel is needed, that panel shall be addressable. In place.** The annunciator panel type shall be approved by the Fire & Rescue Department. The Fire Alarm Control Panel shall be located in an area agreeable by both the owner and the Fire & Rescue Department. The panel shall identify a fire sprinkler water flow by riser, and the specific locations of the fire alarm pull stations and any other fire detection devices that may be installed in this building. Remote annunciator fire alarm panels may be needed at different areas of the building.
 - f. **Central Station:** The Fire Alarm Control Panel shall transmit all fire alarm, tamper, trouble and supervisory signals to a central station that is certified by Underwriters Laboratories (UL) and/or Factory Mutual (FM) and approved by the Fire & Rescue Department. The owner shall provide such documentation for approval. It is recommended that the owner consult with the Fire & Rescue Department prior to signing any contracts with the Central station.

- 1) The central station shall be provided with this information regarding the geographical location of this alarm:

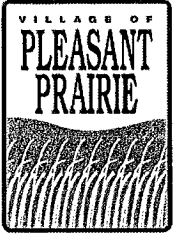
Village of Pleasant Prairie, County of Kenosha, State of Wisconsin

Fire: Pleasant Prairie Fire & Rescue
Medical: Pleasant Prairie Fire & Rescue

Phone numbers:
Emergency: (262) 694-1402
Non-emergency: (262) 694-7105
Business: (262) 694-8027

25. **Knox Box: In place.** Knox Boxes shall be provided for the building, a determination of the exact number required will need to be made. The Knox Boxes shall be Model 4400. Two sets of all keys (Master, fire alarm pull station, annunciator panel, elevator, etc.) shall be placed within the box, as well as a copy of the pre-fire plan.
26. **MSDS Knox Box:** A minimum of One (1) Knox Box(s) designed for Material Safety Data Sheet storage shall be provided for each tenant to contain the data sheets on all products that are considered hazardous within the facility. The MSDS Box(s) shall be installed within the Fire Pump Room.
27. **Fire Extinguishers:** Shall meet NFPA 10 (Portable Fire Extinguishers) for the specific use of the building and be in sufficient number. Final approval, of fire extinguisher locations and quantity, will not be given until occupancy is taken, to see how a tenant furnishes the space. The company providing the fire extinguishers shall submit a letter to the Fire & Rescue Department stating the locations and size of the extinguishers are in compliance with NFPA 10.
28. **Emergency and Exit Lighting:** Exit and Emergency Lighting shall be provided and shall have battery backup. Combination units are acceptable and recommended. An Emergency Generator eliminates the need for battery backup. Exit and Emergency Lighting shall not be placed on electrical circuits that cannot be disturbed or interrupted, this is for test purposes. These circuits shall be clearly labeled. The Fire & Rescue Department will evaluate this lighting prior to occupancy during the evening hours after sunset.

29. **Final Inspection:** For each building the General Contractor shall provide the following documentation to the Fire & Rescue Department at the time the Final Inspection takes place and before a building occupancy certificate will be issued.
- a. The fire protection contractor shall provide the owner with a letter (upon completion of the sprinkler work) stating the sprinkler system, or portion thereof, is “100% operational and built according to the design”, Village Ordinance, 180-16 N.
 - b. Copy of contract with fire alarm central monitoring station.
 - c. Copy of UL and/or FM certificate(s) for the fire alarm central monitoring station.
 - d. Copies of the fire protection underground flushing documents, if modified.
 - e. Copies of the underground and fire sprinkler hydrostatic test certificates, if modified.
 - f. Copies of the fire sprinkler operational test certificates.
 - g. Copies of the fire alarm test documents.
 - h. Copies of other test documents such as, hood/duct, smoke, infrared, etc.
 - i. The Pleasant Prairie Fire & Rescue Department shall have all information needed for our pre-fire plan prior to occupancy.
 - j. Provide two- (2) CD’s, one for the property owner and one for the Fire & Rescue Department. The disks shall include all Floor plans and fire protection plans for the building in an as-built condition.
 - k. 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.
 - l. Maps of the fire alarm and fire sprinkler system shall be placed in the fire pump room, near the fire alarm control panel; the maps shall be hung on the wall, with a waterproof covering and accessible to firefighters wearing bulky clothes and equipment.
 - m. AED, shall be prior to the tenant taking occupancy.
 - n. All emergency contact information needed for after hours use.
 - o. Occupancy inspection fee and re-inspection fee will be assessed at the final inspection in accordance with ordinance 180-17.
30. **Occupancy:** All fire and life safety requirements must be in place prior to any building being occupied.



**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	20
Preliminary Determination of Completeness on:	20
Revised Plans Submitted:	20
<input type="checkbox"/> Public Hearing Required: Hearing Date: _____, 20__	
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: GOOD FOODS GROUP, LLC

SITE ADDRESS: 10100 88th AVENUE, PLEASANT PRAIRIE, WI 53158

BRIEF PROJECT DESCRIPTION: THE EXISTING BUILDING WOULD BE ENHANCED TO MEET THE SPECIFIC FOOD PROCESSING NEEDS TO PRODUCE SPINACH DIP, GUACAMOLE, AND HUMMUS. THIS PROCESS INCLUDES RAW MATERIAL PROCUREMENT, STORAGE, BATCH/MIXING, PACKAGING, PASTEURIZING, AND PACKAGING.

PROPOSED NUMBER OF FULL TIME EMPLOYEES: 150

PROPOSED NUMBER OF PART-TIME EMPLOYEES: 0

SITE SIZE: 1- 277,932 sq. ft. 6.38 acres

PROPOSED BUILDING SIZE: 56,335 sq.ft. HEIGHT: 26 ft.

PROPOSED ADDITION SIZE: — sq.ft. HEIGHT: — ft.

LEGAL DESCRIPTION: FOOD GRADE FACILITY INDUSTRIAL WAREHOUSE CONTAINING COOLERS AND FREEZERS.

TAX PARCEL NUMBER(S): 92-4-122-204-0653

CURRENT ZONING CLASSIFICATION(S) OF THE PROPERTY: INDUSTRIAL

- 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) 56,335 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 _____
2. Is the property serviced by Public Water? YES NO
 - If no, the closest public water is located at _____
3. Maximum number of gallons/minute of water expected to be used per day is: 15 gal/minute average
100 gal/minute maximum.

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: _____

SECTION 2: EXISTING USES AND BUILDINGS ON THE SITE

Are there any existing buildings on the site? YES NO

- 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:

Name: _____
 (Please Print)
 Signature: _____
 Address: _____

 (City) (State) (Zip)
 Phone: _____
 Fax: _____
 E-mail: _____
 Date _____

APPLICANT:

Name: DANIEL PRATT
 (Please Print)
 Signature: *D. Pratt*
 Address: ONE OAKBROOK TERRACE, SUITE 300
OAKBROOK TERRACE, IL 60181
 (City) (State) (Zip)
 Phone: 630.599.9100
 Fax: 630.599.9101
 E-mail: dpratt@arcomurray.com
 Date: 10/12/2012

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 (c.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. **SEE ATTACHED LETTER OF AUTHORIZATION.**

DEVELOPER (if Applicable)

Name: _____
 (Please Print)
 Signature: _____
 Address: _____

 (City) (State) (Zip)
 Phone: _____
 Fax: _____
 E-mail: _____
 Date _____

USER OR OCCUPANT OF SITE:

Name: John w Fitzgerald
 (Please Print)
 Signature: *J W Fitz*
 Address: 6851 W. Irving Park
Chicago IL 60634
 (City) (State) (Zip)
 Phone: 773-853-2929
 Fax: 773-853-2930
 E-mail: JFitzgerald@goodFoods.com
 Date: 10/12/2012



Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, WI 53158

cc: Kurt Penn, Good Foods Group
John Fitzgerald, Good Foods Group

RE: Letter of Authorization
Good Foods Group Tenant Improvement
10100 88th Avenue
Pleasant Prairie, WI 53158

To Whom It May Concern,

Please accept this letter as authorization to allow Good Foods Group and ARCO/Murray National Construction Company to apply for zoning review for the property at 10100 88th Avenue, Pleasant Prairie, WI and Tax Parcel number 92-4-122-204-0053.

We understand that Good Foods Group and ARCO/Murray National Construction Company will be acting on their own behalf and solely responsible for the application process, submittals, and any associated fees.

Thank you,

OWNER: American Real Estate Investments no. 10 LLC
By First American Bank its manager

Signature: 

By: John M. Lee

Title: Vice President

OPERATIONAL PLAN

(1) Operational plan requirements. The applicant shall prepare and file as part of the application for site and operational plan approval an operational plan which shall include at least the following information or materials:

(a) A detailed narrative description of the operations, processes and functions of the existing and proposed uses to be conducted in or on the real property constituting the site, together with any diagrams, maps, charts or other visual aids that are helpful in understanding the operations and any potential adverse impacts on neighboring properties.

Good Foods Group, LLC (GFG) is an all-natural food manufacturer focusing on preservative free dips, sides, and salads. We will be a regulated food plant under the supervision of the Wisconsin Dairy Authority who, at our invitation, has already visited the plant in preparation of our purchase. The majority of our business is mixing/blending ingredients and packaging those for both retail and food service accounts. This business has been operating successfully in Chicago for three (3) years. The growth experienced at the Chicago plant has lead Good Foods to seek additional production capacity.

Our process, briefly involves the following stages.

- 1. Raw material procurement: Receive raw materials such as fresh produce, Greek yogurt, IQF (individually quick frozen) vegetables etc. Our top ten (10) raw materials, at this time are Greek yogurt, IQF Spinach, raw avocado, IQF Kale, canned tomatoes, deli cups, cardboard boxes, IQF 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 GMP (good manufacturing practice) considerations, our 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 depitted by hand. Avocado meats are placed into one bin for processing. Skin and pits are placed in another bin for removal from 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 (ie, 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 hummus. These three products make up for over 75% of anticipated production.*

(b) A detailed description of the proposed project or activity giving rise to the need for site and operational plan approval and a detailed explanation of how such project or activity relates to the site and to the existing or proposed operations to be conducted in or on the real property constituting the site.

Good Foods Group has the intent 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 mentioned above.

The Scope of Work includes providing a new, interior cooler with panel walls for a fresh ingredient's cooler as well as enhancements to the existing cooling systems. A new chickpea cooking room, compressor room, and maintenance room will be constructed to house the process support systems. Upgrades and improvements will be made to the existing office facilities to support the employees including employee break room, restrooms, office area, and test kitchen. See plans for reference.

(c) Gross floor area of the existing building(s) and/or proposed addition.

Existing Building Area: 56,335 SF

Existing Mezzanine Area: 10,000 SF

Internal Area Modifications in Scope of Work:7,000 SF

(d) Anticipated hours of operation, hours open to the public, and hours of deliveries or shipments.

Monday – Friday. 5am – 7pm encompassing two shifts of employees.

This facility will NOT be open to the public.

Deliveries and shipments will come and go between 7am and 7pm.

(e) Anticipated startup and total number of full- and part-time employees.

At start up, this facility is anticipated to have 50-75 total employees including 5-10 office staff in management, accounting, ship/receiving and 45-70 production employees.

(f) Anticipated number of shifts and the anticipated number of employees per shift.

Two shifts are planned at this point. At maximum, we will have 75 employees per shift, including office staff. This would be within 5 years of opening the facility, and assumes aggressive growth.

(g) Anticipated maximum number of employees on site at any time of the day.

Assuming aggressive growth, the facility could have as many as 150 employees on site at once, during the change of shift. The site currently has 193 parking spaces including six (6) ADA, which is more than required for the five (5) spaces + one (1) space per employee on the largest shift (Source: Pleasant Prairie Zoning Ordinance for Manufacturing Use). Currently at Good Food Groups Chicago location a large percentage of production employees carpool to work.

(h) Number of anticipated students, participants or persons to be gathered in places of assembly, if applicable.

N/A.

(i) Number of parking spaces required per this chapter and the method used to calculate such number.

Parking ordinance requires that one (1) parking spot is provided for each employee, plus five (5) additional spots. This is per the Pleasant Prairie Zoning Ordinance for Manufacturing Use. Based on the fact that 75 employees will be the largest shift, 80 parking spots should be required.

(j) Number of existing and proposed on-site parking spaces to be provided (conventional spaces and handicapped spaces to be stated separately).

The site has 193 spaces provided including six (6) ADA spaces. See attached site plan.

(k) Anticipated daily average and maximum potential number of automobile trips to and from the site (excluding trucks).

Employees will arrive in the morning and leave at the end of their shift. Currently, over 95% of the employees each lunch on site.

(l) Anticipated daily average and maximum potential number of truck trips to and from the site.

At start up, five (5) trucks will enter the site and leave the site per day. At maximum capacity, ten (10) trucks will enter the site and leave the site each day.

(m) Types of goods and materials to be made, used or stored on site.

Our top ten (10) raw materials, at this time are Greek yogurt, IQF Spinach, raw avocado, IQF Kale, canned tomatoes, deli cups, cardboard boxes, IQF water chestnuts, raw celery and garbanzo beans. (n) Types of equipment or machinery to be used on site.

(o) Types of equipment or machinery to be used on site.

Good Foods will use a variety of batch style food processing equipment. This includes blenders, mixers, scales, stainless steel bowls, stainless steel work tables. Packaging equipment will be used to dispense finished product into containers.

HPP (High pressure pasteurization) will be utilized to preserve food materials without the use of chemical preservatives. Packaging equipment will take the food product from the HPP machine and into boxes or pallets for distribution to customers.

Fork lifts will be used for movement of pallets.

Compressed air will be utilized for packing equipment.

Nitrogen will be used to package food products in an inert gas, increasing shelf life.

(o) Types of solid or liquid waste materials which will require disposal.

Solid waste will come in the form of spent food product, such as avocado skins/pits. Currently, this material is sent to a landfill via a dumpster. Good Foods is investigating innovative ways to continue minimizing food waste. One example is using spent product to send to pig farmers. Avocado skins/pits are a valuable source of nutrients for pigs and can be used as a viable food source.

Liquid waste will come in the form of wash down water. The plant will be washed down to ensure cleanliness and compliance with applicable regulatory agencies. Wash down water will be limited to low concentrations of the raw materials, diluted with a significant amount of washdown water. The current facility has a triple catch basin installed to remove the fats/oils/greases and sampling manhole prior to entry into the public waste water system.

(p) Method of handling, storing and disposing of solid or liquid waste materials.

Solid waste materials will be sent to landfill or recycled as per above.

Liquid waste materials will be sent down the drain, through a triple catch basin and into the public sanitary sewers.

(q) Methods of providing site and building security other than the Village Police Department.

A burglar alarm will be installed with this building's modifications, including closed circuit cameras to provide site security. This system will be provided, maintained, and connected to a third party security vendor.

(r) Description of the methods to be used to maintain all buildings, structures, site improvements and sites in a safe, structurally sound, neat, well cared for and attractive condition.

The site will be maintained by a landscaping service to ensure the vegetation is maintained regularly. Similarly, a building engineer will provide routine maintenance to both the exterior and interior of the building to keep the property in working order.

(s) Description of potential adverse impacts to neighboring properties or public facilities and measures to be taken to eliminate or minimize such adverse impacts.

We do not anticipate any potentially adverse impacts to neighboring properties or public facilities.

(t) A list of all local, county, state and federal permits or approvals required for the project or activity giving rise to the need for site and operational plan approval and copies of such permits and approvals that have been obtained.

Site and Operation Plan and Condition Use Zoning Approval

Building Approval including Architectural, Structural, Mechanical, Electrical, Plumbing, Fire Alarm, Fire Protection State Approved Plans

Approval from Department of Agriculture, Trade and Consumer Protection for food processing plant license

(2) Operational plan standards. In addition to any other applicable requirements or standards specified in this chapter, the following requirements or standards shall apply to the operational plan:

(a) No use shall be conducted in such a way as to constitute a public or private nuisance.

We agree that no use shall be conducted in such a way as to constitute a public or private nuisance.

(b) No use shall be conducted in such a way as to violate any of the performance standards set out in § [420-38](#) of this chapter.

We agree that no use shall be conducted in such a way as to violate any of the performance standards set out in § [420-38](#) of this chapter.

(c) (reserved)

(d) No owner, occupant or user of real property shall conduct a use so intensively that there is inadequate provision of on-site parking spaces and/or loading spaces to accommodate the needs of such use.

We agree to not conduct a use so intensively that there is inadequate provision of on-site parking spaces and/or loading spaces to accommodate the needs of such use.

(e) All buildings, structures, site improvements and sites shall be maintained in a safe, structurally sound, neat, well cared for and attractive condition.

We agree that all buildings, structures, site improvements and sites shall be maintained in a safe, structurally sound, neat, well cared for and attractive condition.

(f) Within a building, any provision of live entertainment in connection with a business or club use involving the selling or service of alcoholic beverages shall comply with the following restrictions:

[1] Live entertainment shall be provided only on a raised platform that is not less than 23 inches higher than the elevation of the surrounding floor surfaces where customers, members or their guests are sitting, standing or dancing;

We agree that live entertainment shall be provided only on a raised platform that is not less than 23 inches higher than the elevation of the surrounding floor surfaces where customers, members or their guests are sitting, standing or dancing.

[2] Customers, members or their guests shall at all times be separated from the raised platform on which live entertainment is being provided by a distance of not less than four feet and a physical barrier to mark and enforce such separation distance; and

We agree that all customers, members or their guests shall at all times be separated from the raised platform on which live entertainment is being provided by a distance of not less than four feet and a physical barrier to mark and enforce such separation distance.

[3] There shall be no touching of any kind between entertainers and customers, members or their guests.

We agree that there shall be no touching of any kind between entertainers and customers, members or their guests.

(g) No proposed new or expanded use shall be permitted to create or significantly exacerbate unsafe traffic conditions on any street or highway in the Village.

We agree that no proposed new or expanded use shall be permitted to create or significantly exacerbate unsafe traffic conditions on any street or highway in the Village.

(h) Indoor pyrotechnic displays are prohibited.

We agree that indoor pyrotechnic displays are prohibited.



ALL
natural

NO PRESERVATIVES

ALWAYS ALWAYS ALWAYS
ALWAYS ALWAYS
ALWAYS ALWAYS

FRESH

NEVER FROZEN

ECO-FRIENDLY

MADE WITH A
SOCIAL CONSCIENCE 

GOODNESS

TASTY

INTEGRITY

 savory 
piquant 

LIP-SMACKING

DELICIOUS

wholesomeness

— HIGH **QUALITY**

DEVELOPING
PARTNERSHIPS

GODFATHERS™
GROUP

BUSINESS PLANNING



PROJECT DESCRIPTION

Good Foods Group, LLC is looking for a new home as we are at 100%+ capacity within our current infrastructure. Our goal is to buy the facility now on the market at 10100 88th Avenue, Pleasant Prairie, WI, and spend \$1.5 million upgrading the building. We will also be purchasing \$2.75 million worth of equipment. In addition, we are moving all senior management and substantially all production to this facility, which will become our headquarters.

PROJECT DETAILS

- Move equipment from our Illinois facility to Pleasant Prairie (this includes mixing, filling, sealing equipment)
- Install a newly purchased High Pressure Pasteurization (HPP) system
- Install new refrigeration into main production rooms
- Build a 2,500 sq. ft new cooler
- Update the offices, locker rooms, and overall appearance
- Buildout of a new test kitchen and workout room

GFG PROCESS OVERVIEW

We are makers of refrigerated dips, salsas, salads and sides. There should be no environmental concerns from our operations as we are not generating any significant solid waste or negatively impacting air quality.

GFG PROCESS OVERVIEW

- Source raw materials for batching.
[Most of the ingredients we purchase are ready to incorporate into our batching process.]
- Mixing-Filling-Sealing-HPP-Ship
- We will recycle as much of the waste we can (paperboard, plastics, metals, glass, etc)
- Water discharge has a triple catch basin
- Only diluted cleaning solutions will be kept onsite.



PHILOSOPHY



We're about being a part of something

The movement to create delicious foods as they should be - natural.



Did your mom cook with sodium benzoate? We didn't think so. Neither do we.

We create delicious, natural foods that are free of preservatives, artificialities and head-scratching chemicals. We're a kitchen, not a lab



Handcrafted in small batches.

Our pantry es su pantry. Homemade goodness with ingredients you know.



Better pasteurization.

High Pressure Processing (HPP) harnesses the power of water to give us a preservative-free way to keep our food fresher, longer.



We're about the good stuff in life.

Cheers to good foods and good folks. Enjoy life, it's delicious.

HISTORY

The Good Foods Group was started in 2007 by the Penn family, longtime pioneers in the natural and organic food industry. Calling on over 20 years of expertise, the goal was to create a new type of fresh food company – one that put real value on respecting both people and the planet.

As the company grows, we continue to champion these causes, utilizing new environmentally friendly technologies such as high pressure processing and biodegradable packaging. We use only fresh, all-natural ingredients and stand behind our products at every turn.

- **Started production with High Pressure Processing (HPP) Technology in November 2008.**
- **We have grown from 2 employees to 80+ employees.**
- **GFG continues to push the limits of high quality, hand-crafted food.**
- **We have challenged the conventional store-bought guacamole in order to deliver a better quality product with home-made taste and feel.**
- **GFG is honored to partner with forward thinking retail stores, committed to the highest quality of food.**

HIGH PRESSURE PASTEURIZATION - HPP

How HPP Works

HPP is a new, energy-saving technology that uses water pressure to destroy pathogens such as listeria, E. coli and salmonella. Other problem organisms can't take the pressure either, so foods stay fresher, longer.

By eliminating the potentially damaging effects of high temperature pasteurization methods, foods retain more of their true taste, texture, color and nutrients. HPP also diminishes the need for unappealing chemical preservatives.



Benefits

Ensured food safety

Extension of shelf-life and quality

No decrease in sensory properties as product nears end of shelf-life

Improved product texture

No preservatives, chemical or bacteriocins

The pressure is like going to the deepest part of the Atlantic trench... and then going 5 times deeper!

GFG PARTNERSHIPS

Good Foods Group has national distribution to several retail store chains and food service facilities.

RETAIL STORES

COSTCO

BJ'S

WHOLE FOODS

TRADER JOE'S



COSTCO
WHOLESALE



BJ'S
WHOLESALE CLUB



WHOLE
FOODS
MARKET



TRADER JOE'S

FOOD SERVICE

POTBELLY'S

PRET-A-MANGER

ROTI

MOE'S SOUTHWEST GRILL



Potbelly's
SANDWICH WORKS



PRET



rōti
MEDITERRANEAN GRILL



MOE'S
southwest grill™

CURRENT REVOLUTIONARY GFG CATEGORIES

DAIRY-BASED DIPS & CHICKEN SALADS

Made with Greek-style yogurt, these mouthwatering dips and chicken salads have all the flavor without all the fat.

DIPS:

CHUNKY GUACAMOLE

GARLIC & HERB

RUSTIC ITALIAN

SPINACH DIP

TOMATO FETA

CHICKEN SALADS:

CAESAR

CRANBERRY ALMOND

SOUTHWEST

THAI

VINEYARD



SINGLE SERVES



CONVENIENT
ON-THE-GO
DELICIOUS DIPS

TABLESIDE GUACAMOLE

The experience of handmade, restaurant-quality guacamole...right from your fridge, without the wait! Hand scooped avocados, chunky veggies & fresh lime juice combine to create a fiesta on a chip.



HUMMUS

HOT GIARDINIERA

PLAIN

CHIPOTLE

CUCUMBER DILL

JALAPENO

RED PEPPER

SUN-DRIED TOMATO



GOOD FOODS GROUP GUARANTEE

- **Increased Food Safety**

Allergen Programs • FDA/USDA Inspected Facilities • Pasteurized Products • Alleviate Cross-Contamination Issues

- **Confidence in Product Claims**

All Natural • Allergen Statements • Freshness • Extended Shelf Life

- **Reduce Shrink**

Open Only What's Needed

- **Culinary Consistency**

Consistent tastes, colors, textures • Continuously Meet Customer Expectations

- **Reduced Food Service Labor Expense**

Spoilage & Waste Control • Reduce Preparation Time

GOODFOODS TEAM



kurt PENN

Oh Captain, our Captain! A visionary in all things food and business. A protein lover at heart, our Chief Executive Officer has embraced the challenge of bringing whole, natural, preservative free, delicious food into the hearts and homes of thousands. Besides being an incredible entrepreneur, he's also got an impressive golf game and stays busy raising four children.

- Arizona State University
- 24 yrs experience in the food industry
- Started Penn Vally Farms 1994, sold in 2003 - now part of Perdue Farms, Delaware
- Good Foods Group, LLC - Founder & CEO



john FITZGERALD

Nothing gets past this guy, and he's not afraid to give it to you straight. Our Chief Operating Officer and master negotiator runs Good Foods with the efficiency of a naval captain. Having lived in London for 11 years, he has an appreciation for good food and wine.

- BA John Hopkins
- MM North Western University: Finance & Mgmt
- 23 yrs experience in finance industry -including 2 of the world's largest hedge funds: Citadel & Apollo
- Good Foods Group - 2 yrs



stephen BABINGTON

Executive Chef extraordinaire, Stephen is constantly creating, revising, and perfecting recipes. A true southern sweet potato, he creates with a smile on his face and the newest band playing in the background.

- BA Spring Hill College
- Culinary Degree New York Restaurant School
- 25 yrs experience in the food industry - including Commander's Palace in New Orleans & Sodexo
- Good Foods Group - 3 yrs



danyel O'CONNOR

A core member of our sales team, Danyel's competitive nature has made her an amazing salesperson and revealed her hidden talents in tennis & assembling furniture. This family girl loves throwin' down in the kitchen and spending time with her little boy.

- BS St. Cloud State University
- MBA University of Wisconsin: Marketing
- 10 yrs experience in the food industry
- Good Foods Group - 3 yrs



mandy BOTTOMLEE

Queen of all things creative, Mandy keeps Good Foods looking its best! From packaging to marketing and beyond, she makes sure we always look good. She must love what she does because when she's not here she is often designing and creating for friends and family...or embracing her true foodie self and taking that creative energy to the kitchen.

- BA St. Bonaventure University
- AA Visual Communications/Graphic Design
- 6 years experience in design/marketing field
- Good Foods Group - 2 yrs



charles HERRIG

Resident Excel master, Charles is also fluent in sarcasm and Spanish. He works hard to stay on top of everything coming in or going out of Good Foods. He often rewards all this hard work with a visit to his favorite place, Taco Burrito King.

- BS Northeastern Illinois University:
- 8 years experience in food industry
- Good Foods Group - 3 yrs



elisa ALLAN

A vivacious spirit on our sales team, Elisa has an unparalleled enthusiasm for life, her 3 little people and great food! She's a lyrical genius who's great at making up her own songs and her own dance moves! In her free time, she volunteers at her local community garden.

- BS University of Illinois
- 15 yrs experience in the food industry - including working with Kurt Penn for 12 yrs: Penn Valley Farms, Coleman, Good Foods
- Good Foods Group - 4 yrs

THANK
you

100%
fresh &
NATURAL

good foods and good business

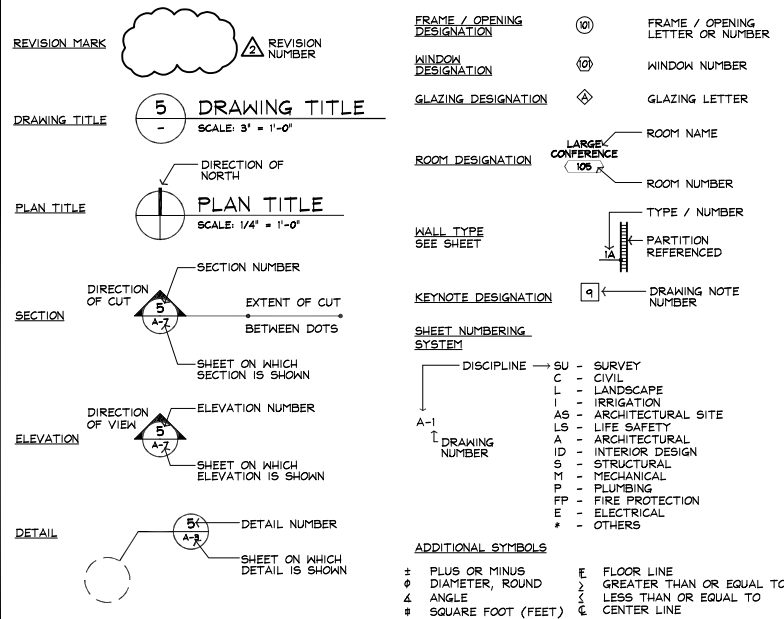
By staying true to our mission and our passion about food we will continue to stay profitable and drive our business forward. We look forward to growing in Wisconsin.

Eat safe. Eat smart. Eat well.

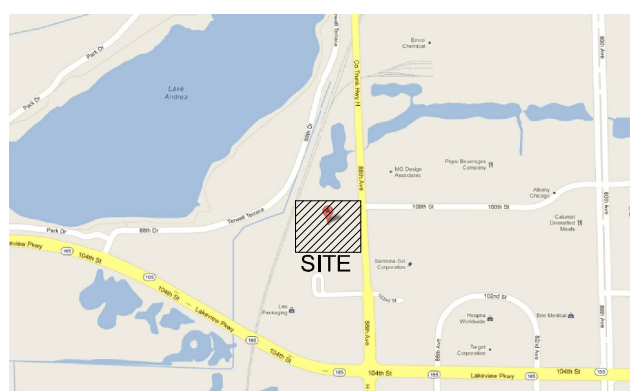
ABBREVIATIONS LEGEND

AFF ABOVE FINISHED FLOOR	HM HOLLOW METAL
ACOU ACOUSTICAL	IN INCH
ADJ ADJACENT	INT INTERIOR
ALUM ALUMINUM	JAN JANITOR
ALT ALTERNATE	MAINT MAINTENANCE
APPR APPROVE, APPROVED	MAT'L MATERIAL
APPROX APPROXIMATE	MAX MAXIMUM
ARCH ARCHITECT, ARCHITECTURAL	MECH MECHANIC, MECHANICAL
A/E ARCHITECT/ENGINEER	MTL METAL
AVG AVERAGE	MEZZ MEZZANINE
BD BOARD	MIN MINIMUM
BLVD BOULEVARD	MISC MISCELLANEOUS
BLKG BLOCKING	MTD MOUNTED
BLDG BUILDING	N/A NOT APPLICABLE
CPT CARPET	NTS NOT TO SCALE
CLG CEILING	OC ON CENTER
CT CERAMIC TILE	OPP OPPOSITE
COL COLUMN	OH OVERHEAD
CONC CONCRETE	PLAM PLASTIC LAMINATE
CMU CONCRETE MASONRY UNIT	PLBG PLUMBING
CONT CONTINUOUS, CONTINUE	PREFAB PREFABRICATE, PREFABRICATED
CJ CONTROL JOINT, CONSTRUCTION JOINT	PREFIN PREFINISH, PREFINISHED
CORR CORRIDOR	PRF PRESSURE TREATED
CTL DETAIL	QTY QUANTITY
DIM DIMENSION	REF REFERENCE
DR DOOR	REINF REINFORCE, REINFORCED, REINFORCING
DN DOWN	REQ'D REQUIRED
DS DOWNSPOUT	RD ROOF DRAIN
DWG DRAWING	SCH SCHEDULE
ELEC ELECTRIC, ELECTRICAL	SIM SIMILAR
ELEV ELEVATION	SHT SHEET
EMER EMERGENCY	SC SOLID CORE
EQ EQUAL	STC SOUND TRANSMISSION COEFFICIENT SPECIFICATION
EQUIP EQUIPMENT	SF SQUARE FOOT, SQUARE FEET
EXIST EXISTING	SS STAINLESS STEEL
EJ EXPANSION JOINT	STD STANDARD
EXT EXTERIOR	STL STEEL
EIFS EXTERIOR INSULATION FINISH SYSTEM	STR STRUCTURE, STRUCTURAL
FIN FINISH, FINISHED	TEMP TEMPORARY
FE FIRE EXTINGUISHER	THK THICK, THICKNESS
FEC FIRE EXTINGUISHER CABINET	TYP TYPICAL
FLR FLOOR, FLOORING	UNO UNLESS NOTED OTHERWISE
FT FEET, FOOT	VERT VERTICAL
FTG FOOTING	VEST VESTIBULE
GA GAGE, GAUGE	VCT VINYL COMPOSITION TILE
GALV GALVANIZED	VWC VINYL WALL COVERING
GC GENERAL CONTRACTOR	WH WATER HEATER
GL GLASS, GLAZING	W/ WITH
GYP GYPSUM	W/O WITHOUT
HT HEIGHT	WD WOOD

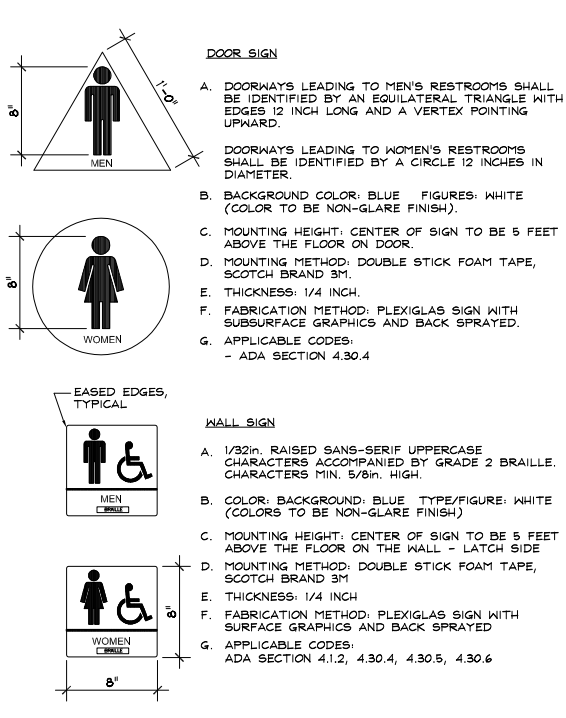
SYMBOLS LEGEND



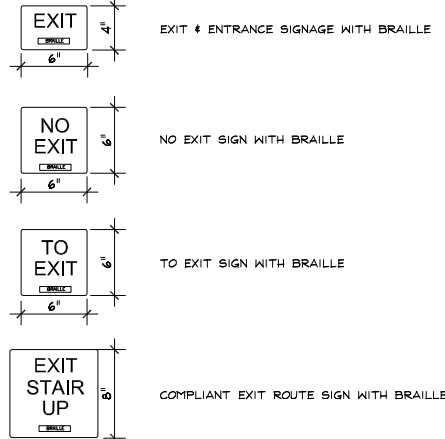
LOCATION MAP



BUILDING REQUIRED SIGNAGE AND NOTES



LAVATORY DOOR AND WALL SIGNS



NOTE 1: THE INTERNATIONAL SYMBOL OF ACCESSIBILITY SHALL BE THE STANDARD USED TO IDENTIFY FACILITIES THAT ARE ACCESSIBLE TO AND USABLE BY PHYSICALLY DISABLED PERSONS AS SET FORTH IN THE AMERICAN WITH DISABILITIES ACT (ADA).

NOTE 2: WHERE PERMANENT IDENTIFICATION IS PROVIDED FOR ROOMS AND SPACES, SIGNS SHALL BE INSTALLED ON THE WALL ADJACENT TO THE LATCH SIDE OF THE DOOR. WHERE THERE IS NO WALL SPACE TO THE LATCH SIDE OF THE DOOR, INCLUDING AT DOUBLE LEAF DOORS, SIGNS SHALL BE PLACED ON THE NEAREST ADJACENT WALL. MOUNTING HEIGHT SHALL BE 60" TO THE CENTERLINE OF THE SIGN ABOVE FINISHED FLOOR.

PROJECT DATA

PROJECT INFORMATION

INTERIOR RENOVATIONS FOR GOOD FOODS GROUP LOCATED IN PLEASANT PRAIRIE, WISCONSIN.

BUILDING CODE INFORMATION

BUILDING CODE:	2009 INTERNATIONAL BUILDING CODE WISCONSIN COMMERCIAL BUILDING CODE (1981-1986)
FIRE CODE:	2003 INTERNATIONAL FIRE CODE
LIFE SAFETY:	2003 LIFE SAFETY CODE
ENERGY CODE:	2009 INTERNATIONAL ENERGY CONSERVATION CODE
MECHANICAL CODE:	2009 INTERNATIONAL MECHANICAL CODE
ELECTRICAL CODE:	2008 NATIONAL ELECTRIC CODE
PLUMBING CODE:	WISCONSIN PLUMBING CODE (1984-1987)
AMERICAN WITH DISABILITIES ACT:	WISCONSIN BARRIER FREE DESIGN

CHAPTER 3, SECTION 304
USE GROUP: F-1 - FACTORY (EXISTING NO CHANGE)

CHAPTER 5 - BUILDING HEIGHT & AREA	
FIRST FLOOR:	56,335 SF (EXISTING - NO CHANGE)
MEZZANINE:	10,000 SF (EXISTING - NO CHANGE)
TOTAL BUILDING:	66,335 SF (EXISTING - NO CHANGE)
PROPOSED AFFECTED AREA:	+/- 40,000 SF
ALLOWABLE BUILDING HEIGHT:	2 STORY
EXISTING BUILDING HEIGHT:	1 STORY

CHAPTER 6, TABLE 601
EXISTING CONSTRUCTION TYPE: TYPE IIB

NO WORK TO BE PERFORMED TO EXISTING BUILDING RATINGS AND STRUCTURE

STRUCTURAL FRAMING:	0 HOURS
BEARING WALLS:	0 HOURS
EXTERIOR:	0 HOURS
INTERIOR:	0 HOURS
NON-BEARING WALLS:	0 HOURS
FLOOR CONSTRUCTION:	0 HOURS
ROOF CONSTRUCTION:	0 HOURS

CHAPTER 9
FIRE PROTECTION SYSTEMS: FULLY SPRINKLERED (EXISTING TO REMAIN - MINOR RELOCATION OF SPRINKLER HEADS)

CHAPTER 10
OCCUPANT LOADS PER TABLE 1004.1.1

OCCUPANT LOAD: BUSINESS = 1 PER 100 SF = 11,780 SF / 100 = 118 PEOPLE MAXIMUM
COMM. KITCHEN = 1 PER 200 SF = 44,555 SF / 200 = 223 PEOPLE MAXIMUM

REQUIRED / PROVIDED EGRESS WIDTHS PER TABLE 1005.1

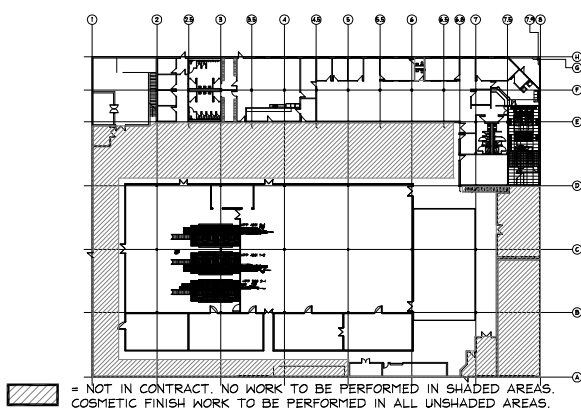
REQUIRED EGRESS WIDTH = BUSINESS = 118 X 0.20' = 23.6'
COMM. KITCHEN = 223 X 0.20' = 44.6'
TOTAL REQUIRED FOR BUILDING = 68.2'

PROVIDED EGRESS WIDTH = 5 EXITS @ 36' EACH

COMMON PATH OF EGRESS TRAVEL, TABLE 1015.3
WITH SPRINKLER SYSTEM 100 FEET

EXIT ACCESS TRAVEL DISTANCE, TABLE 1016.1
MAXIMUM TRAVEL DISTANCE WITH SPRINKLER SYSTEM 250 FEET

BUILDING KEYPLAN



LIST OF DRAWINGS

SHEET # DESCRIPTION

T1.1 COVER SHEET

ARCHITECTURAL

A1.0 SITE PLAN
A1.1 OVERALL FLOOR PLAN

ELECTRICAL
NAME: _____
ADDRESS: _____
CITY / STATE / ZIP: _____
CONTACT INFO: _____

PLUMBING
NAME: _____
ADDRESS: _____
CITY / STATE / ZIP: _____
CONTACT INFO: _____

FIRE PROTECTION
NAME: _____
ADDRESS: _____
CITY / STATE / ZIP: _____
CONTACT INFO: _____

CONSULTING ENGINEERS
NAME: _____
ADDRESS: _____
CITY / STATE / ZIP: _____
CONTACT INFO: _____

STRUCTURAL
NAME: _____
ADDRESS: _____
CITY / STATE / ZIP: _____
CONTACT INFO: _____

MECHANICAL
NAME: _____
ADDRESS: _____
CITY / STATE / ZIP: _____
CONTACT INFO: _____

CONTRACTOR
ARCO/MURRAY
ARCHITECTURAL LAMINATE, INC.
ONE CAMBROOK TERRACE, SUITE 200
CAMBROOK TERRACE, IL 60181
(708) 959-9940
WWW.ARCOMURRAY.COM

ARCHITECT
GMA
ARCHITECTS, INC.
808 NORTH ROCK HILL ROAD
ST. LOUIS, MISSOURI 63119
(314) 482-2391 (F) 314 482-2390
WWW.GMAARCHITECTS.COM

TI RENOVATION FOR:
**GOOD FOODS GROUP
PLEASANT PRAIRIE WI**
10100 88TH AVENUE
PLEASANT PRAIRIE, WI 53158

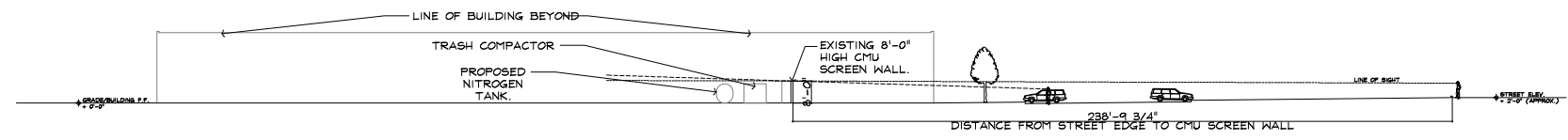
JOB NO : SJ1237

MEM
DATE : 10.12.2012

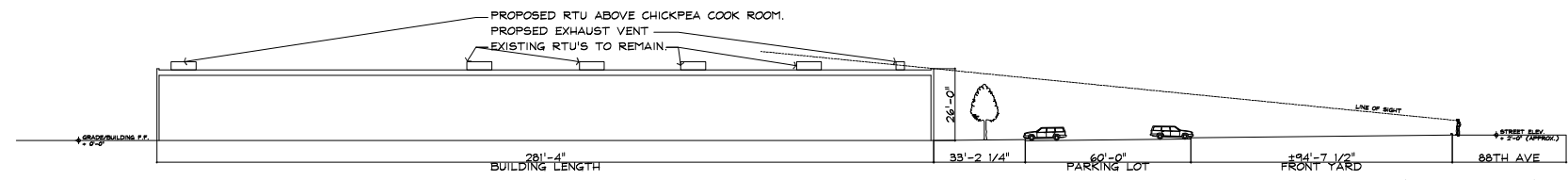
REVISIONS

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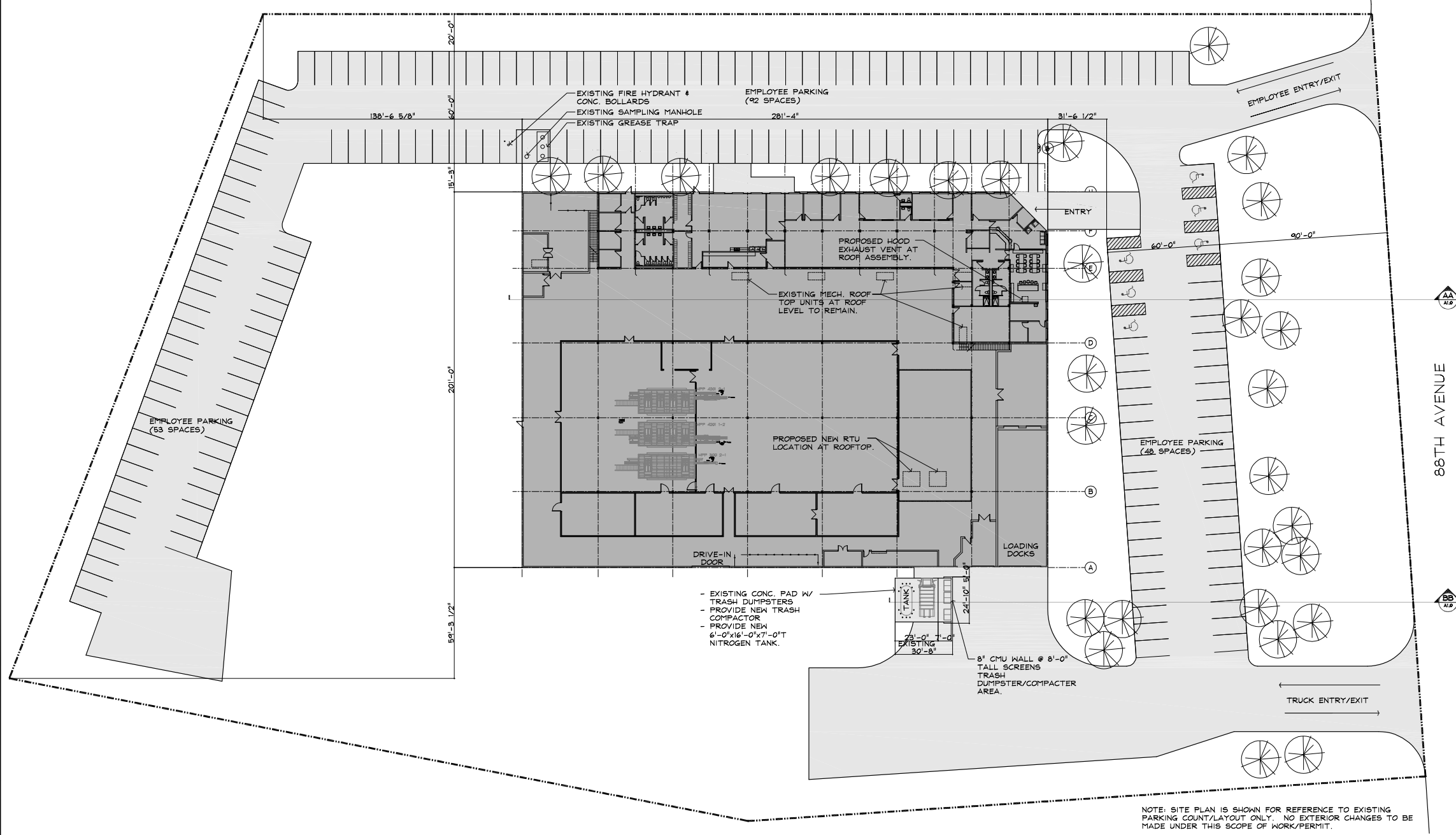
SHEET NUMBER
T1.1
COVER SHEET



BB
A1.0 **SITE SECTION @ TRASH SCREEN WALL**
SCALE: 1" = 30'-0"



AA
A1.0 **SITE SECTION - TYPICAL**
SCALE: 1" = 30'-0"



SITE PLAN
SCALE: 1" = 30'-0"

SITE DATA TABLE

ZONING SUMMARY:	
CURRENT ZONING:	INDUSTRIAL (GENERAL INDUSTRIAL)
PROPOSED ZONING:	INDUSTRIAL (NO CHANGE)
SITE SUMMARY:	
SITE AREA:	+/- 277,932 S.F. (6.38 ACRES)
BUILDING SUMMARY:	
BUILDING AREA:	56,335 S.F.
EXISTING MEZZANINE:	10,000 S.F.
SQUARE FOOTAGE AND PERCENT OF SITE COVERAGE WITH BUILDINGS:	56,335 S.F. (20.2%)
SQUARE FOOTAGE AND PERCENT OF SITE COVERAGE WITH PAVEMENT:	87,029 S.F. (31.3%)
SQUARE FOOTAGE AND PERCENT OF SITE COVERAGE WITH LANDSCAPING:	134,568 S.F. (48.4%)
PARKING SUMMARY:	
PARKING REQUIRED:	5 SPACES PLUS 1 SPACE PER EMPLOYEE ON THE LARGEST SHIFT (PER PLEASANT PRAIRIE ZONING ORDINANCE FOR MANUFACTURING USE)
PARKING PROVIDED:	193 SPACES (INCLUDES 6 ADA SPACES)
INTERIOR DOCKS:	
48" HIGH (DOCK):	2 SPACES

SITE LEGEND

- = BUILDING AREA
- = PAVING AREA
- = LANDSCAPE AREA

ELECTRICAL:
NAME: _____
CITY/STATE/ZIP: _____
CONTACT INFO: _____

PLUMBING:
NAME: _____
CITY/STATE/ZIP: _____
CONTACT INFO: _____

FIRE PROTECTION:
NAME: _____
CITY/STATE/ZIP: _____
CONTACT INFO: _____

CONSULTING ENGINEERS:

CIVIL:
NAME: _____
CITY/STATE/ZIP: _____
CONTACT INFO: _____

STRUCTURAL:
NAME: _____
CITY/STATE/ZIP: _____
CONTACT INFO: _____

MECHANICAL:
NAME: _____
CITY/STATE/ZIP: _____
CONTACT INFO: _____

CONTRACTOR:
ARCOCOMURRAY
NATIONAL CONTRACTORS CORPORATION
ONE CAMBROOK TERRACE, SUITE 200
CAMBROOK TERRACE, IL 60181
(708) 658-9999
WWW.ARCOCOMURRAY.COM

ARCHITECT:
GMA
ARCHITECTS, INC.
800 NORTH ROCK HILL ROAD
ST. LOUIS, MISSOURI 63119
(314) 482-2591 (F) 314 482-2774
WWW.GMAARCHITECTS.COM

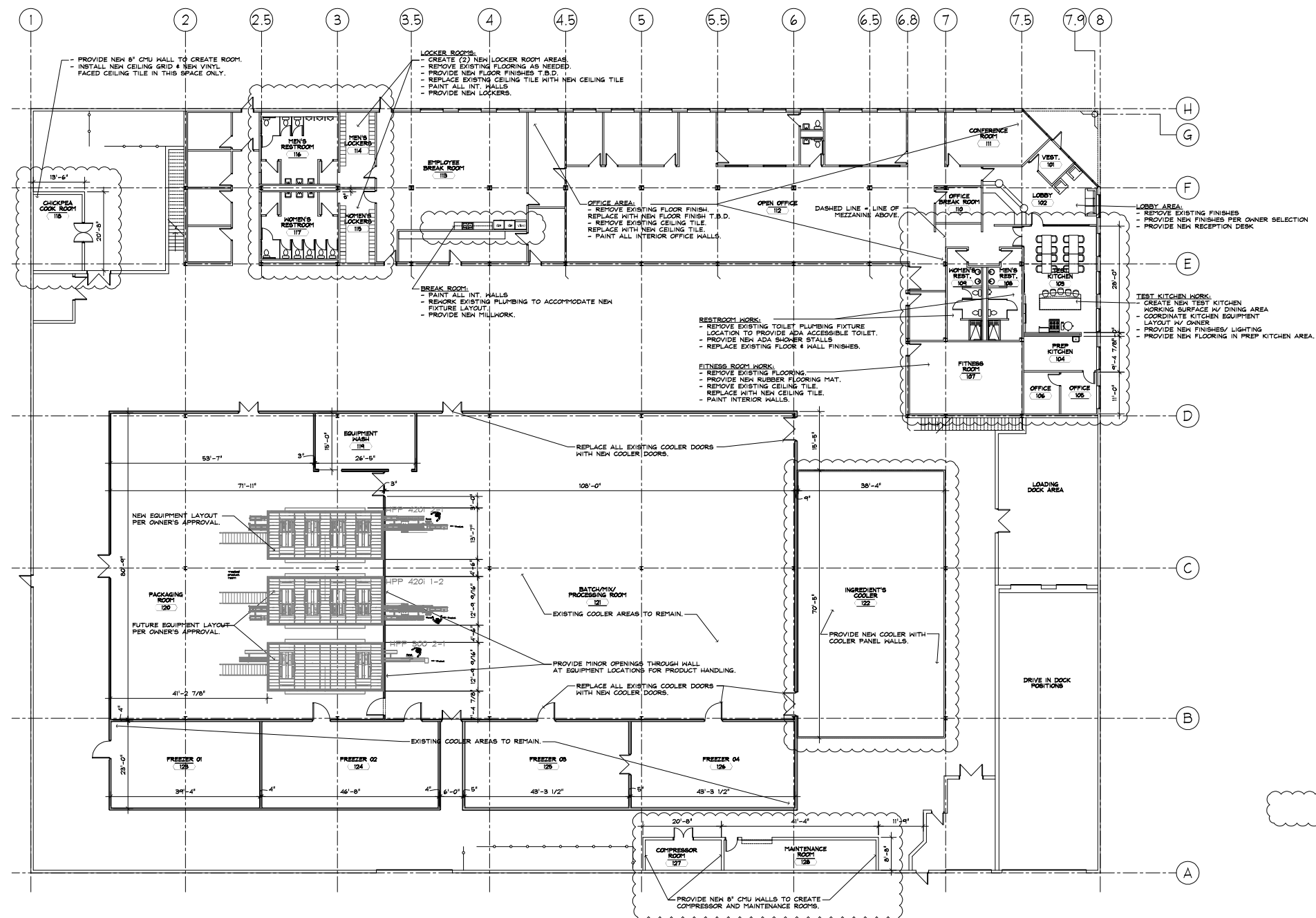
TI RENOVATION FOR:
GOOD FOODS GROUP
PLEASANT PRAIRIE WI
10100 88TH AVENUE
PLEASANT PRAIRIE, WI 53158

JOB NO : SJ1237
MEM
DATE : 10.12.2012

REVISIONS △

SHEET NUMBER
A1.0
SITE PLAN

NOTE: SITE PLAN IS SHOWN FOR REFERENCE TO EXISTING PARKING COUNT/LAYOUT ONLY. NO EXTERIOR CHANGES TO BE MADE UNDER THIS SCOPE OF WORK/PERMIT.



1
A1.1
PROPOSED FLOOR PLAN
 SCALE: 1/16" = 1'-0"

ELECTRICAL
 NAME _____
 CITY / STATE / ZIP _____
 CONTACT INFO _____
PLUMBING
 NAME _____
 CITY / STATE / ZIP _____
 CONTACT INFO _____
FIRE PROTECTION
 NAME _____
 CITY / STATE / ZIP _____
 CONTACT INFO _____

CONSULTING ENGINEERS
CIVIL
 NAME _____
 CITY / STATE / ZIP _____
 CONTACT INFO _____
STRUCTURAL
 NAME _____
 CITY / STATE / ZIP _____
 CONTACT INFO _____
MECHANICAL
 NAME _____
 CITY / STATE / ZIP _____
 CONTACT INFO _____

CONTRACTOR
ARCOR/MURRAY
 National Architectural Contractors
 ONE CAMERON TERRACE, SUITE 200
 CAMERON TERRACE, IL 60181
 (773) 650-9940
 WWW.ARCORMURRAY.COM

ARCHITECT
GMA
 ARCHITECTS, INC.
 800 NORTH ROCK HILL ROAD
 ST. LOUIS, MISSOURI 63119
 (314) 825-5191 (F) 314-895-0714
 WWW.GMAARCHITECTS.COM

TI RENOVATION FOR:
GOOD FOODS GROUP
PLEASANT PRAIRIE WI
 10100 88TH AVENUE
 PLEASANT PRAIRIE, WI 53158

JOB NO : SJ1237
 MEM
 DATE : 10.12.2012

REVISIONS	DATE

SHEET NUMBER
A1.1
 FLOOR PLAN

Return to: Bruce Rabe
Kenosha Water Utility
4401 Green Bay Road
Kenosha, WI 53144
Email: brabe@kenosha.org

Date Sent: _____

Date Due: _____

**VILLAGE OF PLEASANT PRAIRIE
INDUSTRIAL WASTE SURVEY**

To be submitted to the

Kenosha Water Utility

General Information

1. Facility Name: GOOD FOOD GROUP
2. Mailing Address: 10100 88th AVENUE
3. City, State, Zip Code: PLEASANT PRAIRIE, WI 53158
4. Site Address: 10100 88th AVENUE
5. Standard Industrial Classification Code (SIC): 2000
6. Name, Title and Telephone Number of the Authorized Representative and the Company Contact Person Responsible for Environmental Compliance.

Authorized Representative

Name: John W. Fitzgerald
Title: President
Phone #: 773-853-2929

Company Contact

Name: Charles Herrig
Title: Operations Manager
Phone #: 773-853-2929

The authorized representative must be a president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or general partner or proprietor, or an individual designated by the aforementioned corporate official. The designated individual must meet the following criteria: (1) the person must be responsible for the overall operation of the facilities from which discharges originate, (2) the person is authorized in writing, and (3) the written authorization is submitted to the POTW.

7. List All Environmental Control Permits Held by or for the Facility.

N/A

Operational Characteristics

- 1. Existing Number of Employees: Full Time 150 Part Time ✓
- 2. Operational Schedule: Days/Wk 7 Hours/Day 14 # Shifts 2
- 3. Describe the nature of the business conducted at this facility (if more than one type ,of business or manufacturing takes place, list all activities): ALL-NATURAL FOOD MANUFACTURER
OF PRESERVATIVE FREE DIPS, SIDES, AND SALADS.
- 4. List principal raw materials used: GREEK YOGURT, ZOF SPINACH, RAW AVOCADO,
IDF KALE, CANNED TOMATOES, DELI CUPS, CARBOARD BOXES, ZOF CIFESTNUTS,
RAW CELERY, AND GARBANZO BEANS.
- 5. List products produced and the average rate of production: PRODUCTS PRODUCED:
SPINACH DIP, GUACAMOLE, AND HUMMUS.
- 6. List types of wastes created during production and any by-products produced: SOLTD WASTE:
SPENT FOOD PRODUCT SUCH AS AVOCADO SKINS/PLTS. LZOUED WASTE: WASH
DOWN WATER WITH LOW CONCENTRATIONS OF RAW MATERIALS.
- 7. Estimate the quantity of water to be used by the facility during a six month period. Record the gallons of water anticipated by this facility. 2,500,000 gallons.
Indicate the source of the facility's water: Kenosha _____ Pleasant Prairie X
Meter number or address assigned to water meter(s). 10100 88th AVENUE,
PLEASANT PRAIRIE, WI 53158
- 8. Type of discharges: Continuous _____ Batch X
If batch was indicated, give the average frequency and approximate volume of any batch discharges: ONCE A DAY FOR WASH DOWN.
- 9. Describe the uses of water at this facility: WATER IS USED FOR DAILY WASH DOWN
OF PRODUCTION AREAS

Wastewater Information

- 1. A process wastewater IS any wastewater discharged other than for sanitary, non-contact cooling or boiler blow-down purposes. List activities which generate a process wastewater and the time and duration of each discharge.

Wastewater Producing Process	Time and Duration of Discharges
<u>DAILY WASHDOWN.</u>	<u>ONCE A DAY - ONE HOUR</u>
_____	_____
_____	_____
_____	_____

2. For each process wastewater stream list all the materials and pollutants which to believe may be present in the discharge.

WASH DOWN WATER COULD HAVE LOW CONCENTRATIONS OF RAW MATERIALS.
THE BUILDING CURRENTLY HAS A TRIPLE CATCH BASIN INSTALLED TO REMOVE
FATS/OILS/GREASES PRIOR TO ENTRY IN PUBLIC WASTE WATER SYSTEM.

3. Contact cooling water is cooling water that during the process comes into contact with process material, thereby becoming contaminated. Non-contact cooling water does not come into contact with process materials. Does this facility utilize cooling water?
4. Water volume used and discharged to sanitary sewer. A review of previous water usage bills may be helpful in assigning values to the following flows. If sanitary flow is not metered, provide an estimate based on 20 gallons per day for each employee (i.e. water balance).

	Gallons per Day		Type of Wastewater Discharge (Continuous, Batch, None)
	Consumed	Discharges	
Sanitary Usage	<u>1,500</u>	<u>1500</u>	<u>CONTINUOUS</u>
Process Wastewater Usage	<u>14,000</u>	<u>14,000</u>	<u>BATCH</u>
Cooling Water Usage	<u> </u>	<u> </u>	<u> </u>
Other Usage	<u> </u>	<u> </u>	<u> </u>
Total Volume	<u> </u>	<u> </u>	<u> </u>

5. Describe all locations where wastewaters enter the collection system: SANITARY CONNECTION
AND PROCESS CONNECTION THROUGH GREASE TRAP.

6. Is there a sampling manhole on site? No Yes X

If yes, describe the locations: SAMPLING MANHOLE LOCATED AT NORTHWEST
CORNER OF BUILDING BEYOND GREASE INTERCEPTOR.

7. Are sanitary and process wastewaters separated? No Yes X

8. Is boiler blowdown water discharged to the sanitary sewer? No X Yes

9. Does your facility haul any process wastewater? No X Yes

Compliance Information

1. Is there any usage of toxic compounds at the facility? No X Yes

If yes, list and use check list on last page.

2. Are there any floor drains in the manufacturing or chemical storage area? No Yes X

3. Is there a Spill Prevention Control and Countermeasure Plan in effect for this facility?

No X Yes If yes, describe procedure:

5. Is any form of waste water pretreatment practiced at this facility? No _____ Yes X

If yes, describe: EXISTING FACILITY CURRENTLY HAS A TRIPLE CATCH
BASIN INSTALLED TO REMOVE FATS/OILS/GREASES PRIOR TO
ENTRY IN PUBLIC WASTE WATER SYSTEM.

6. List any specific pretreatment standards that apply to this facility: N/A

7. If pretreatment standards are not being met on a consistent basis, describe what additional and maintenance or pretreatment must be performed to achieve compliance.
N/A

8. State the estimated timetable (compliance schedule) for the implementation of additional operations and maintenance or for the commencement and completion of major events leading to the construction and operation of the pretreatment facilities required to achieve compliance.
N/A. GREASE TRAP INSTALLED AND EXISTING.

Submissions

Include a schematic (print) of the facility that shows the water intake points(s), existing sanitary sewer, discharge points (connection(s) to sanitary collection system), and direction of wastewater flows at the facility. Provide a diagram of water flow through any processes that use water for any purpose.

Signatory Requirement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate this information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

John W. Fitzgerald
Print Name: Authorized Representative

JW Fitz
Signature: Authorized Representative

President
Title

12/12/2012
Date

Appendix
Toxic Pollutants Listed in 40CFR 307(a)

Known Absent	Suspected Present	Known Present	Pollutant
			1 Acenaphthene
			2 Acrolein
			3 Acrylonitrile
			4 Aldrin/Dieldrin
			5 Antimony and compounds
			6 Arsenic and compounds
			7 Asbestos
			8 Benzene
			9 Benzidine
			10 Beryllium and compounds
			11 Cadmium and compounds
			12 Carbon tetrachloride
			13 Chlordane
			14 Chlorinated benzenes
			15 Chlorinated ethanes
			16 Chlorinalkyl ethers
			17 Chlorinated naphthalene
			18 Chlorinated phenols
			19 Chlorofoffil
			20 2-chlorophenol
			21 Chromium and compounds
			22 Copper and compounds
			23 Cyanides
			24 DDT and metabolites
			25 Dichlorobenzenes
			26 Dichlorobenzidine
			27 Dichloroethylenes
			28 2,4-dichlorophenol
			29 Dichloropropane & Dichloropropene
			30 2,4-dimethylphenol
			31 Dinitrotoluene
			32 Diphenylhydrazine
			33 Endosulfan and metabolites

Known Absent	Suspected Present	Known Present	Pollutant
			34 Endrin and metabolites
			35 Ethylbenzene
			36 Fluoranthene
			37 Haloethers
			38 Halomethanes
			39 Heptachlor and metabolites
			40 Hexachlorobutadiene
			41 Hexachlorocyclopentadiene
			42 Hexachlorocyclohexane
			43 Isophrone
			44 Lead and compounds
			45 Mercury and compounds
			46 Naphthalene
			47 Nickel and compounds
			48 Nitrobenzene
			49 Nitrophenols
			50 Nitrosamines
			51 Pentachlorophenol
			52 Phenol
			53 Phthalate esters
			54 Polychlorinated biphenyls (PCBs)
			55 Polynuclear aromatic hydrocarbon
			56 Selenium and compounds'
			57 Silver and compounds
			58 2,3,7,8-Tetrachlorodibenzo- p-dioxin (TCDD)
			59 Tetrachloroethylene
			60 Thallium and compounds
			61 Toluene
			62 Toxaphene
			63 Trichloroethylene
			64 Vinyl chloride
			65 Zinc and compounds

* NONE OF THESE SUBSTANCES LISTED ABOVE ARE INTRODUCED IN THE FOOD PRODUCTION PROCESS; THEREFORE, WE HAVE NO REASON TO BELIEVE THESE WILL BE BY-PRODUCTS OF THE SITE.



PHOTOGRAPHS



Northeast building entry looking Southwest

Photograph taken 10/10/2012



East face building entry looking West (View of Building from 88th Avenue)

Photograph taken 10/10/2012



**South portion of East building face looking Southwest
(View from 88th Avenue)**

Photograph taken 10/10/2012



**Southeast corner of building; camera looking northwest
(Loading dock area and dumpster screen)**

Photograph taken 10/10/2012



**Eastern face of South Elevation; camera looking North
(Loading dock area and dumpster screen)**

Photograph taken 10/10/2012



**Southwest corner of building; camera looking northeast
(View from meat packing plant)**

Photograph taken 10/10/2012



Northwest corner of building; camera looking southeast

Photograph taken 10/10/2012

- 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.

Recommendation:

Village staff recommends that the Plan Commission approve the **Site and Operational Plans** for the Cheddar's Casual Café subject to the comments and conditions of the Village Staff Report of November 12, 2012.

VILLAGE STAFF REPORT OF NOVEMBER 12, 2012

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 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.

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 (at the southeast corner of 104th Avenue and STH 50).

Cheddar's Casual Café is proposing a casual (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 from the Village Board to serve alcohol. Cheddar's does not heavily rely on alcohol sales as it typically is 12% to 18% of overall sales. Compared to other industry competitors, Cheddar's alcohol sales ratio is below average or low. A permit from and inspection by the Kenosha County Health Department is also required for the preparation and serving of food.

Conceptual Plan for the Prairie Ridge West Commercial Development (PR West). On August 20, 2012 the Village Board conditionally approved a Conceptual Plan for the development of PR West and adopted the PR West PUD (Ord. #12-29) that specifically allows for shared cross access for the lots as well as specific signage requirements for monument signs for each individual lot and the for two (2) shared signs for Lots 1-3 within the PR West.

The Conceptual Plan for PR West encompasses 9.2 acres located at the southeast corner of STH 50 and 104th Avenue within the Prairie Ridge Development. The property is proposed to be subdivided into four (4) lots for commercial development--two (2) restaurants and two (2) other commercial retail or office buildings. Cheddar's is proposed to be constructed on Lot 1 within PR West.

The primary site access provided to the PR West area is a right-in, right-out only access (at about the 7600 block) from 104th Avenue and an access through a private roadway extending from the lot to 77th Street. Lots 1, 2 and 3 also have cross access easements as shown on the CSM to allow for access between the sites and to the east through the Olive Garden and Famous Dave parking lots which leads to another access connection to 77th Street. There is no direct access permitted to STH 50 from any of the lots.

The wetlands within PR West are located within a "*Common Open Space, Access and Maintenance Easement*" area. The wetlands are proposed to be preserved and protected with the exception of 2,578 square foot wetland area which is allowed to be filled by the WI DNR for the construction of the access from 104th Avenue.

Lots 1, 2 and 3 will be served by public sanitary sewer, private water and private storm sewer mains which all connect to municipal facilities in 77th Street. On August 13, the Plan Commission approved Preliminary Site and Operational Plans to allow for the mass grading and installation of public and private infrastructure improvements for PR West. On August 20, 2012 the Village Board approved the Development Agreement for the installation of the required public improvements for PR West.

Each lot is proposed have an individual primary monument sign similar to the other signs in the Prairie Ridge Development. In addition, two (2) secondary monument signs are proposed to be located in PR West. One (1) secondary monument sign is proposed at the PR West entrance on 104th Avenue and one (1) secondary monument sign is proposed at the 77th Street entrance.

A Prairie Ridge West Commercial Development Owner's Sub-Association to manage the shared maintenance responsibilities of all internal commonly owned improvements will be established for the lots within PR West. This Sub-Association intends to record the *Declaration of Covenants and Restrictions for the Prairie Ridge West Commercial Development*. The lots within PR West shall conform to these restrictions, in addition to the original Prairie Ridge *Prairie Ridge Commercial Development Declaration of Development Standards and Protective Covenants*, which may be amended from time to time.

Site and Operational Plans for Cheddar's Casual Café. 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 6:00 a.m. to 10:00 a.m. and/or 2:00 p.m. to 5:00 p.m. [Note: Village Ordinance allows deliveries in between 6:00 a.m. to 10:00 p.m. daily.] 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-site at any time of the day is about 70 employees. Cheddar's anticipates guest volume per day to be approximately 1,000 guests.

Site Access and Parking: As noted above, there is no direct access from STH 50 to the site. Access to Cheddar's will be from 104th Avenue and from a private roadway leading to 77th Street. In addition, when land to the east develops, further cross access will be provided to the east with connections through the Olive Garden and Famous Dave's parking lots, which will provide another access point to 77th Street. Prior to occupancy, the access to 104th Avenue and 77th Street shall be installed and paved, along with the access along the east property line that is partially on Lot 2.

Pursuant to the PUD (Ord. #12-29) shared cross-access driveways are allowed and may cross property lines within PR West, however, there must be a minimum of 20 feet between the side and rear property lines within the PR West development area and driveways must be a minimum of five (5) feet from any wetlands on said property. In addition, parking lot areas including maneuvering lanes must be set back a minimum of 10 feet from the adjoining STH 50 public street right of way and parking lot areas must be a minimum of five (5) feet from any wetlands within PR West. [No setbacks are required between all interior lot lines within PR West due to their nature of having "shared" improvements].

The Village Zoning Ordinance requires a restaurant to have: a minimum of one (1) space for each 100 square feet of floor area plus 1 space for every 2 employees on the largest work shift, plus the required handicapped accessible parking spaces. Therefore, a minimum of 121 parking spaces plus the required six (6) handicapped accessible parking spaces are required. $[(8,566 / 100 * 1) = 86 \text{ spaces} + (70 \text{ employees on largest shift} / 2) = 121 \text{ spaces}]$.

While the Zoning Ordinance only requires 121 spaces, Cheddar's has studied the required amount of stalls it needs on-site for the location to perform optimally. For this location, Cheddar's will have approximately 170 parking spaces including six (6) handicapped accessible parking spaces.

The anticipated truck trips per day is typically two (2) trucks per day with a maximum expected to be approximately five (5) truck trips per day. Using the average daily total generated trips and based upon the ITE 8th edition manual, Cheddar's will likely have approximately 1,430 daily trips based on their 296 seats.

Building and Design: The Cheddar's lot is 2.4 acres and has 22.7% or (23,734 sq. ft.) of open space on the site. (Overall the PR West commercial area exceeds the minimum open space requirements).

The restaurant building meets the following minimum setback requirements: 65 feet from property line adjacent to STH 50 and 104th Avenue; 30 feet from all other property lines; and 25 feet from wetlands.

The building materials consist of Old Chicago Brick with limestone tower element and accents. The main roofing material will be wood shake with standing seam cooper roof overhangs and bronze standing seam metal roofs accents.

Exterior Signage: Based on the size of the building, the aggregate permitted background commercial advertising signage allowed is 150 square feet. The proposed signage includes: two (2) wall signs (9 feet by 6.8 feet or a total of 61.2 square feet) and a 9 sq. ft. sign at the front entrance on the tower element. The total building signage area is 70.2 square feet.

A primary monument sign is proposed to be installed adjacent to STH 50 that is 60 square feet and six (6) high. The primary monument sign shall be revised to include the full address (in a similar letter font and color) on the Cheddar's sign (10366 76th Street). The address shall be at least 3" in height and placed a minimum of 18" above grade to ensure that the required landscaping at the base of the sign does not block the building address.

As noted above, two (2) secondary monument signs are also proposed to be located at each entrance to the PR West (104th Avenue and 77th Street) that will be shared by the owners of Lots 1, 2 and 3 of PR West. These signs shall meet the requirements of the PUD Ord. #12-29 and permits shall be obtained prior to issuance of the required sign permits.

Security. As part of the PUD, a Digital Security Imaging System (DSIS) is required and will be installed pursuant to the Village Ordinance requirements and the executed DSIS Agreement for the PR West development. Cheddar's shall execute the DSIS Agreement and Access Easement for the Cheddar's site with the Village. Pursuant to the Agreement, the DSIS shall be operational prior to the Village providing Cheddar's a written Certificate of Compliance (Certificate of Occupancy).

In addition to the DSIS, Cheddar's will implement the following other security measures. The first security measure in place is the reduced height of landscaping around the rear employee entrance door. This reduced height landscaping provides substantial visibility for each employee exiting the building at night. In addition, four (4) light poles near the building are typically kept on until all employees have left the building. The opening manager of the day also is required to enter the building only when a minimum of two (2) other employees (typically janitors) are present, and they are required to leave with the closing employees (anywhere from 6-10 people) for safety reasons. Cheddar's does not open its rear entrance door after 5:00 p.m. and requires employees that leave after nightfall to do so in groups of two (2) or more, or be escorted to their vehicles.

Waste Disposal: Typically the restaurant receives raw food and beverage products that will be stored and sold on-site. Standard cooking and refrigeration equipment is used to store the food and beverages. As is typical with most restaurants preparing food for consumption there is waste that needs to be handled. Typically this waste for Cheddar's consists of food and beverage waste, packaging plus other waste associated with deliveries and used cooking oil. It is very important to Cheddar's that this waste is disposed of properly.

Solid waste is typically bagged and disposed of in an 8 yard trash compactor with 5 day a week pickup. Used cooking oils are stored in a tank in the exterior dock and are regularly removed by a third party oil removal service (usually Darling).

Site and Building Maintenance. Cheddar's understands that the Village desires a high quality design and high quality maintenance. This lines up perfectly with Cheddar's key tenants for providing customers a wonderful experience when they visit one of the Cheddar's restaurants. The first key tenant for Cheddar's is to ensure that the customer is thoroughly impressed with the 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 for a visiting 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 the 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 tip-top condition.

Impacts. Considering the nature of the complimentary surrounding commercial development and the wetlands/woodlands which provide an environmental buffer from the adjacent residential neighborhood to the west across 104th Avenue, Cheddar's anticipates being a very compatible use in the Prairie Ridge Development.

RECOMMENDATION:

Village staff recommends conditional approval of the Site and Operational Plans subject to the following conditions.

1. **Prior to issuance of building permits, the CSM, Development Agreement and related Documents including the DSIS Agreement for the Prairie Ridge West Commercial Development shall be executed and the DSIS Access Easement must be recorded at the Kenosha County Register of Deeds.** Cheddar's shall be a party to and execute the DSIS Agreement and Access Easement. The DSIS shall be inspected and operational for the Cheddar's site prior to the Village issuing a written Certificate of Compliance for the restaurant.
2. The plans have been reviewed for conformance with the Village Ordinances and generally accepted engineering practices and Village policies. Although the data has been reviewed, the design engineer is responsible for the thoroughness and accuracy of plans and supplemental data and for their compliance with all state and local codes, ordinances, and procedures. Modifications to the plans, etc. may be required should errors or changed conditions be found at a future date. **The following changes shall be made to the Site and Operational Plans and three (3) revised plans shall be submitted for final staff review and approval prior to**

issuance of any permits to commence construction. USE THIS MEMORANDUM AND PLACE NOTES IN THE MARGIN AS TO HOW EACH COMMENT IS BEING ADDRESSED AND RETURN THIS MEMO AND REVISED PLANS TO THE VILLAGE.

- a. Place the following note on the cover sheet. "Prior to construction, a pre-construction meeting (Owner's Architect/Rep, Owner's Engineer, General Contractor, Village Engineer, Village Building Inspector, Fire & Rescue Inspector, IT/DSIS Inspector and Zoning Administrator) must be scheduled with the Village. The pre-construction conference shall be coordinated and moderated by the designing Engineer of Record." (Sheet SHT-1)
- b. Add the CSM # to all sheets that included the Legal Description of the property.
- c. On Plan Sheet SHT-2 lightly shade the parcels that are not being developed by Cheddars so that it is clear the boundaries of Cheddar's site improvements.
- d. On Plan SHT-2 add a note that the house and shed on Lot 4 are proposed to be razed by December 31, 2012.
- e. On Plan Sheet SHT-3, dimension the setback of the Primary Monument Sign to the STH 50 right-of-way line. This sign shall not be located within any existing easements.
- f. On Plan Sheet SHT-3, the information in the right hand column within the "SITE DATA" box shall be shifted upwards to align appropriately with the headings in the left hand column. Insert the Tax Parcel Number after the CSM is recorded and the new parcel number is assigned by Kenosha County. Change the Existing Flood Zone: from "N/A" to "Not in a Flood Zone".
- g. On Plan Sheet-3 show and label the location of the possible future right-of-way acquisition by WI DOT. Show the setback of the parking areas and sign to the proposed property line.
- h. The proposed parking light poles located within the parking areas (1 in the northern lot and 2 in the eastern lot) shall either be relocated within proposed landscaped parking lot areas, or parking lot islands/peninsulas of sufficient size shall be created to accommodate these light poles. Change all applicable plan sheets such as the site plans, electrical plans and photometric plan sheets.
- i. The two (2) proposed "striped" parking lot "islands" located in the southernmost tier of parking shall be converted to "curbed, guttered and landscaped peninsulas".
- j. On Sheet SHT-3 show the setback from the back of curb of the parking area to the wetland areas. This shall be a minimum of five (5) feet pursuant to the PUD.
- k. In addition to the silt fence around the wetlands, orange construction fence shall be placed on the non-wetland side of the silt fence to protect the wetlands from disturbance from heavy equipment and machinery during construction. Show on Plan SHT-4.
- l. Due to the location of this development site, the Village will require that the site be surrounded by a six (6) foot high chain-link fence with one access gate entry point. Show on Plan SHT-4. Prior to the installation of the temporary fence a fence permit is required from the Village. Any job construction trailers shall be located within the fenced area—not parked in the public right-of-ways.

- m. Provide a detail and cross-section of the proposed retaining wall along the west and south side of the site.
- n. Will the retaining wall block the site visibility of the existing Shoppes of Prairie Ridge retail monument sign located on the property? Please comment.
- o. On Plan SHT-5 through SHT-9 correct the reference to the Village Land Division and Development Control Ordinance. This correct Ordinance is Chapter 395 of the Village Municipal Code not Chapter 18--remove the reference to the revision dates.
- p. The primary monument sign shall be revised to include the full address of Cheddar's on the sign (10366 76th Street). The address shall be similar in font and color to the sign lettering, at least 3" in height and placed a minimum of 18" above grade to ensure that the required landscaping at the base of the sign does not block the building address.
- q. The proposed topographic contours on sheet 5 do not correspond with pavement grades shown on sheet 6. The proposed contours shall be revised or updated as needed so they correspond with sheet 6. Also, show proposed contour tie-ins along the project perimeter.
- r. The sanitary sewer sampling manhole shall have the following specifications as noted:
 - i. Sampling manhole shall meet the standards of a typical minimum 48-inch diameter sanitary manhole, with eccentric cone as specified in Chapter 405 of the municipal code with a primary flow measuring device installed.
 - ii. Primary flow measuring device shall be a palmer-bowlus flume with integral approach section. Flume size shall be based upon lateral pipe size and shall be installed per manufacture specifications and tolerances.
 - iii. No horizontal alignment changes shall be allowed at the sampling manhole.
 - iv. Frame and grate shall be Neenah R-1580 with type "B" non-rocking frame and cover. Manhole casting shall have an external chimney seal.
 - v. The sampling manhole shall be located to allow easy access for utility crews.
- s. Storm sewer CB 3.1.5 is mislabeled as CB 3.1.4 on sheet 9.
- t. Fire hydrant locations and placement for fire protection shall be revised. See Fire & Rescue Chief memorandum dated October 26, 2012.
- u. Add a note to the Landscape Plans that all foundations planting below the windows shall be at least 24 inches in height at planting.
- v. Add two dormers/windows on the rear elevation. This building has a four-sided front.
- w. Will there be any wall lighting to highlight building features proposed similar to other Cheddar restaurants? Include all exterior lighting on the plans (locations and cut sheets).

- x. Compliance with the **attached** memorandum dated October 31, 2012 from the Village Public Works and Utility Department. Revise the plans accordingly and submit the requested information with the revised plans.
3. Compliance with the conditions of the attached memorandum dated October 26, 2012 from the Village Fire & Rescue Department. ***Pursuant to condition #2 a letter shall be submitted to the Fire & Rescue Department prior to obtaining building permits (on Cheddar's letterhead) stating that the project will comply with all requirements of this memo. A copy of this letter shall also be provided to the Community Development Department.***
4. Compliance with the following conditions from the Village Building Inspection Department:
- a. All building, plumbing, lighting and HVAC plans will need to be designed to the 2009 IBC Codes, Wisconsin Plumbing Code and be State Approved prior to submitting (2 sets) for building permits from the Village of Pleasant Prairie.
 - b. Halls, corridors, stairways, passageways, work aisles and other means of egress shall have emergency lighting and exit lighting per Article 700 of the NEC. The Village Fire & Rescue Department should be contacted for further information and requirements. Contact Fire & Rescue Chief Doug McElmury at 262-694-8027.
 - c. If water main is to serve both domestic and fire protection combined, the plans will need Department of Safety and Professional Services approval and Village Fire & Rescue Department approval prior to obtaining permits and commencing work.
 - d. Complete erosion control measures, silt fence and gravel access drives must be installed per Wisconsin Construction Site Best Management Practice Handbook and be inspected within 24 hours of any land disturbing activity.
 - e. The site and building shall comply with all requirements of Barrier-Free Design.
 - f. The electrical contractor will be required to be licensed by the Village. The electrical contractor shall obtain a permit from the Village prior to beginning work. Low voltage electrical contractors must obtain permits, but a Village license is not required.
 - g. Building plans shall show a detail on fire stopping of all penetrations through fire rated walls and fire separation walls.
 - h. Sprinkler plans are required to be submitted to and reviewed by the Village Fire & Rescue Department.
 - i. Any and all fire alarm installations require plan review and permits directly from the Village of Pleasant Prairie Fire & Rescue Department.
 - j. General contractor and all sub-contractors must be registered with the State of Wisconsin Safety and Professional Services.
 - k. The Ansul Hoods and Systems require WI Department of Safety and Professional Services approval and Village Fire & Rescue Department approval.
 - l. Contact Kenosha County Health Department for a health department permit and requirements for occupancy as a restaurant.

- m. The architect(s)/ professional engineer(s) shall submit, to the Village and State, the compliance statement, Form SBD 9720, prior to the final inspection with the Village Building Inspection and Fire & Rescue Departments.
5. Written approval of the Site and Operational Plans from both the Prairie Ridge Commercial Owners Association and the Prairie Ridge West Commercial Association shall be submitted to the Village prior to obtaining building permits.
6. **Upon approval of the revised Site and Operational Plans, and prior to the issuance of the required permits an electronic pdf of all plan sheets shall be provided to the Village.**
7. **Prior to work commencing site and building improvements all required permits shall be issued by the Village.**
8. Impact fees shall be paid prior to issuance of the building permit. (Based upon \$1.94 per \$1,000 of valuation as determined by the Village Assessing Department's Marshall & Swift analysis).
9. Municipal connection fees shall be paid prior to the connections to the sanitary sewer system.
10. The hours of construction activity, operating heavy machinery or equipment associated with the grading, erosion control device installation, and overall site development shall be limited to Monday through Friday from 7:00 a.m. to 10:00 p.m. and Saturday and Sunday from 7:00 a.m. to 6:00 p.m.
11. There shall be no construction parking permitted on 104th Avenue, STH 50 of 77th Street. On-site (off-street) parking shall be designed to accommodate all construction related workers and site visitors.
12. The Village shall approve of the location of all construction trailers parked on the site during construction activities. No construction trailers shall be parked in Village rights-of-way. All construction related signage shall be approved and sign permits must be issued by the Village.
13. After footings and foundations are installed and prior to framing or construction of walls, an as-built survey stamped by a Wisconsin Registered Land Surveyor shall be submitted to the Village to verify that required building setbacks have been met.
14. Hours of operation (when the public is allowed to enter or remain on site for business purposes), except for hotels, for veterinarian emergency services with an approved conditional use permit, and uses requiring a Village liquor license: 5:00 a.m. to 12:00 midnight maximum; for hotels: no limit; for uses requiring a Village liquor license: as provided in § 125.68(4), Wis. Stats.
15. 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, idling of delivery trucks, beeping of backing vehicles, and garbage pickup), except for snow removal: 6:00 a.m. to 10:00 p.m. maximum.
16. Prior to selling alcohol all required licenses shall be obtained.
17. Prior to obtaining occupancy, a copy of the required Kenosha County Health Department permit shall be submitted to the Village.
18. Prior to occupancy all required public and private improvements required to be installed pursuant to the Development Agreement and related documents for the

- Prairie Ridge West Commercial Development shall be completed, tested and accepted by the Village.
19. Prior to occupancy of a building on Lot 1, the access from 104th Avenue and 77th Street shall be paved along with the access along the east property line that is partially on Lot 2.
 20. Prior to occupancy, each handicapped accessible parking space shall be appropriately signed and painted on the pavement pursuant to ADA requirements.
 21. All exterior mechanical units, antennae and/or satellite dishes, whether roof-mounted or ground-mounted, shall be screened from the general public's view.
 22. All required landscaping, screening and retaining walls shall be installed prior to occupancy. A written letter of verification and certification shall be provided to the Village by the landscape designer that all building and signage landscaping has been installed in accordance with the approved landscape plan prior to the issuance of a certificate of compliance/occupancy. However, if weather conditions prevent installation of all or portions of the landscape materials, the developer, owner or occupant shall enter into a written agreement with the Village that specifies the date by which all approved landscaping shall be completed and grants the Village a temporary easement to complete the landscaping if not timely completed and shall deposit with the Village Clerk a cash deposit, an irrevocable letter of credit, or other financial assurance approved by the Zoning Administrator to ensure timely completion of all required landscaping; the amount of the financial assurance shall be equal to 110% of the contracted amount to complete the landscaping improvements in order to reasonably compensate the Village for the cost of completion of any landscaping improvements not completed within the specified time.
 23. Prior to written occupancy, three (3) copies of a building and site as-built plan, stamped by a Wisconsin Registered Land Surveyor, shall be submitted to the Village to verify that required building, above ground structures and all impervious surfaces meet the minimum setbacks and that all signage and pavement markings were installed per the approved site plans and the grading of the site was completed pursuant to the approved Site and Operational Plans. In addition, written certification from the signage companies that the signage was installed pursuant to the Village approved Signage Plans shall be submitted.
 24. Prior to written occupancy, an as-built record drawing of graphical data of all private and public sewer, water, and storm sewer facilities and underground irrigation systems installed shall be provided to the Village for the Village to update the Village's Geographic Informational System. Information shall conform to the Village's electronic format requirements. In addition, a paper copy prepared and stamped by the Engineer of Record for the project shall be submitted.
 25. All exterior mechanical units, antennae and/or satellite dishes, whether roof-mounted or ground-mounted, shall be screened from the general public's view.
 26. No site within the development shall be used for any parking (neither overnight nor during the day) of junked/inoperable/dismantled/unlicensed vehicles. All junked/inoperable/dismantled/unlicensed vehicles that are parked overnight will be issued citations.
 27. Real Estate Marketing Signs and/or Temporary Development Signs are permitted only by permit pursuant to the requirements of Article X of Chapter 420.
 28. At no time shall any site within the development be used to sell or advertise any vehicles that are "for sale".

29. No vehicular parking will be permitted in driveways, maneuvering lanes, fire lanes or on landscaped areas.
30. There shall be no outside banners, strings of pennants, flags, inflatable devices or streamers affixed or attached to the building(s), light poles, ground or landscaping, etc. on the site.
31. There shall be no semi-truck/trailer or box truck parking permitted on the site that is not used in the daily operations.
32. There shall be no outdoor storage or display of materials, goods or equipment on the site, unless as approved by the Village.
33. The use of semi-trailers, storage units, storage bins, roll-off storage devices (e.g. P.O.D.S., S.A.M.S.) or other trucks, for storage purposes is prohibited. Outdoor storage of any materials, including but not limited to: raw materials, business supplies, pallets, crates, etc., is prohibited.
34. No trucks, trailers or cars shall be parked in a manner that would constitute advertising of a business on the properties.
35. No sign walkers – persons with costumes or signs strapped, hung, affixed or over their clothes shall walk the property or public right-of-ways advertising the business, sales or special offers.
36. No use 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.
37. This site shall be in compliance with the Village Land Division and Development Control Ordinance, the Village Municipal and Zoning Codes, the Village Construction Site Maintenance and Erosion Control Ordinance and the State of Wisconsin Statutes.
38. All Village fees incurred by the Village Engineer, Village Inspectors and/or expert Assistants required by the Village throughout the development process will be billed directly to the Developer. Such fees shall be paid in a timely manner.
39. All Village fees incurred by the Village Community Development Department and/or expert Assistants required by the Village throughout the development process will be billed directly to the Developer. Such fees shall be paid in a timely manner.



Office of the Village
Utilities Analyst
Thomas Hupp

To: John Steinbrink Jr.
From: Tom Hupp
Subject: Cheddar's Casual Cafe
Date: October 31, 2012

Purpose

The purpose of this memo is to discuss the Industrial Waste Survey and Site Plans for the proposed Cheddar's Casual Café to be located in the Village of Pleasant Prairie. This is to be a (sit down) casual restaurant within the Prairie Ridge Outlots development.

Summary

I have reviewed the Industrial Waste Survey and Site Plans for the facility and am requesting that we receive some additional information on the project, as well as a few changes to the Utility Site Plan.

1. *Estimated BOD/TSS/PHOS/FOG's.*
I would like to see the estimated test results from their effluent in order to set up testing intervals for our sanitary surcharge program.
2. *Maintenance schedule for grease interceptor.*
Is there a maintenance schedule Cheddar's has in place for the grease interceptors?
3. *What is the maximum flow estimated for the water service.*
In order to properly size the water meter, I would need to know the maximum flow in gallons per minute required for the facility.
4. *Sanitary lateral connects to main in wrong location.*
The plans show the sanitary lateral connecting to the sewer main. The Village would like to see the lateral connect into the manhole.
5. *Sampling manhole specifications.*
There are no specifications for the sampling manhole in the plans.

Recommendations

I am recommending that the Village requires this information before approval of the plans for this facility.



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: Lt. Thomas Clark, Fire & Rescue Department
Peggy Herrick, Assistant Planner, Community Development
SUBJECT: Review of the Site and Operational Plan for the Cheddar's Causal Café
DATE: 26 October 2012

This is a review of the Site and Operational Plan for the proposed restaurant known as Cheddar's Causal Café. This building is classified as an assembly occupancy with a proposed 8,566 square feet. The restaurant will be located at 10366 77th Street.

The Fire & Rescue Department will be responsible for providing fire prevention inspections of this facility, twice annually. The concerns of the Fire & Rescue Department are as follows:

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 and or Village when applicable.

Upon review of the plans submitted, we have the following concerns:

- This is a review of the Final Site and Operational plan, however, it is understood, that typical and customary fire protection features have not been shown of the plans, dated: 10/12/12.
- AED. Because of the overall building size the owner shall install one or more 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.

- Fire Alarm Control Panel: The main FACP shall be placed in the fire sprinkler riser room. Plan E1.2 currently show the FACP in the manager's office, the FACP will need to be relocated. The remote annunciator panel location at the front lobby is acceptable.
- Fire safety system plans, such as fire sprinkler and fire alarm plans, will need to be submitted to the State of Wisconsin Department of Safety and Professional Services and also to this fire department for review. No installation of any fire protection system is allowed until a satisfactory review is obtained from both departments.
- Fire hydrants: Does not meet the Village Ordinance of a maximum distance of 350 feet apart on the west side of the building. Hydrants shall always be visible and accessible, in particular in any area where trailer trucks will be parked or staged.
- Truck staging shall not decrease the width of the fire lanes.
- Rack storage: If it is the intent to use rack storage, that rack storage configuration must be reviewed by the fire protection contractor to assure adequate fire sprinkler protection. Rack storage shall not adversely affect the maximum exit distance requirements. This process needs to begin immediately to assure no interruption in the construction timeline and to assure the opening date will be met.
- Severe Weather Shelter: The architect shall identify the area within the building that can be used as a "severe weather shelter" or "safe haven" during severe weather such as a tornado. That area will be identified with signage.
- Landscaping shall not obstruct the view or access to any portion of the fire protection system, such as hydrants, strobe lights, control valves etc.
- Access around the building is provided with driving widths as narrow as 24 feet, which must be maintained at all times.
- The Mechanical/Electrical room must be a large enough room to support the equipment installed, the sprinkler riser, MSDS box, and FACP must be accessible.
- A Knox Box is indicated at the rear door, this location is not approved. The Fire and Rescue Department will require a Model 4400 at the mechanical room and at the front entrance.
- Dumpster enclosure access will be required by the Fire and Rescue Department.
- Fire Department Connection (FDC) plans are not current. Plan SHT-13. The Fire and Rescue Department now require only a 5 inch Storz fitting with the 30 degree bend, the Siamese has been eliminated.
- Fire alarm pull stations will need to be provided at each exterior door. This is not shown on the current plans.

4. Fire and Rescue Department Review and Comments:

A. Site and Operational Permits

- Site accessibility
- Fire Pump Location
- Pumper Pad
- Fire hydrant spacing

B. Conditional Use and Operational

- | | |
|--------------------------------|--------------------------------|
| 1. Fire alarm pull stations | Not shown at this time. |
| 2. Emergency and Exit Lighting | Not shown at this time. |
| 4. Fire extinguishers | Not shown at this time. |

5. **Plan Review, Permits and Fees:** The plans for the fire protection underground, aboveground and fire alarm system shall be submitted for review a minimum of four (4) weeks before installation is scheduled to begin. The Village will use an independent fire safety consultant for review of all fire protection plans submitted. A satisfactory review must be completed before any permits will be issued and before construction can begin.
6. **Insurance Carrier:** The Owner of this project shall submit to the insurance carrier for review the plans for both underground water distribution and fire protection prior to construction. The Fire & Rescue Department shall receive a copy of the comments when plans are submitted for review.
7. **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.
8. **The following information must be submitted with the sprinkler plans for review:**
Building height:
Number of stories/floors:
Mezzanines:
Clear space:
Elevators:
Hazard class:
Commodity:
Exterior storage:
Fire protection:

9. **The following Fees and Permits are generated directly from the Fire & Rescue Department.**

NOTE: Permits are required from the Fire & Rescue Department for the installation of water main in addition to any permits required by other Village of Pleasant Prairie Departments.

Bulk Water

- Water Usage
- Fire Protection Plans for Underground and Aboveground
- Fire Alarm System Plans
- Kitchen Hood Systems Plans
- Occupancy Permit & Re-Inspection fees

An invoice for permit fees will be issued upon achieving a satisfactory review. Work cannot begin until all permits have been issued. A typical review turnaround is four weeks.

10. **Required Licenses:** A Wisconsin licensed fire protection contractor and Wisconsin licensed sprinkler fitters must install underground fire mains and aboveground fire protection. Periodic inspections of the job site will be made by fire inspectors to assure compliance.
11. **Pre-Construction Meeting:** A pre-construction meeting shall take place with the general contractor, the fire protection contractor, the Fire & Rescue Department and any other sub-contractor prior to the installation of any underground fire protection. The purpose of this meeting is to assure that the requirements of the State of Wisconsin that only a Wisconsin licensed sprinkler fitter shall perform the installation of all devices, etc. All parties will be asked to initial this document and or permit. Any violation of the installing requirements will be reported in writing to the State of Wisconsin Department of Safety and Professional Services.
12. **Site Access:** Access shall be provided around the perimeter of the site for all Fire Department apparatus, and must comply with the State of Wisconsin and the International Building Code, 2009 edition. A minimum wall-to-wall turning radius of 45'-0" shall be allowed for apparatus movement.
- a. All exterior exit pathways as well as access to the Fire Pump Room shall have a hard surface, leading to a hard surface.
 - b. An exterior personnel door shall be located in close proximity to each fire sprinkler riser.
13. **Sprinkler System:** The building shall be equipped with an "automatic fire sprinkler system". The systems shall be designed and constructed to the current edition of NFPA 13, Automatic Fire Sprinklers and the Village of Pleasant Prairie Ordinance 180-16, Automatic Fire Sprinklers.

14. **Water Service:** If it is determined that the building will be serviced by a combination municipal water and fire protection main, that main must be sized by the fire protection (sprinkler) contractor. No main is allowed to travel underground, under the building.
15. **Plan Review (Underground):** A review of the underground drawings is required along with the fire protection drawings before a permit will be issued by the Fire & Rescue Department. Underground plans shall be submitted a minimum of four (4) weeks before installation begins.
16. **Fire Hydrants:** Fire hydrants shall be spaced no more than 350 feet apart around the perimeter of the building, per Village Ordinance 180-16. The west side of the property does not meet this ordinance requirement. As many hydrants as possible shall be supplied directly by municipal water. The distance from the finished grade line to the lowest discharge shall be no less than 18 inches and no more than 23 inches. The Fire Department connections shall be located, and of sufficient height where typical snow fall or snow removal operations will not obstruct access. NOTE: Drawing dated 10/12/12 does not meet this requirement, west side of the building.
17. **Fire Hydrant Acceptance:** This project will include the installation of water mains for domestic and fire protection use. Prior to the fire sprinkler system connection to any new water mains (including water mains, fire hydrants, laterals leading to the building and risers) must be hydrostatically tested flushed according to National Fire Protection Association (NFPA–National Fire Code) Standard 24 and witnessed by the Fire Chief and or the Chief’s representative, the installing contractor and the fire sprinkler contractor at a minimum.
18. Fire hydrant and water main flushing can be disruptive to the job site and requires significant coordination of all sub-contractors by the General Contractor. Nonetheless flushing is an essential part of assuring public safety.
19. The General Contractor is highly encouraged to coordinate the flushing of all new water mains, fire hydrants, laterals leading to the building and risers with both the sub-contractors responsible, the Village of Pleasant Prairie Engineering Department, Fire & Rescue Department and the Water Utility Department, prior to seeking a ‘clean water sample’ on this site.

NOTE: The Fire Protection Designer must meet with the Fire & Rescue Department before the underground drawings are submitted for review to finalize the placement of the hydrants.

20. **Pumper Pad:** There shall be dedicated space for a fire engine to have unobstructed access to the Pumper Pad. Both the Fire Department Sprinkler connection and the fire hydrant shall be installed remote from the building and located a minimum distance from the building equal to the highest wall. The fire hydrant shall be located no more than five (5) feet from the roadway and the Fire Department sprinkler connection shall

be placed no more than five (5) feet from the fire hydrant. The Fire Department connection shall be constructed along with an underground drain with access for inspection. A guideline detail is attached and is meant to illustrate the requirements needed to meet the requirements stated in Village Ordinance 180-16.

- *NOTE: The Fire Department Connection riser shall include a single five (5) inch Storz fitting.*
- A hard surface pad will be provided four feet around the pumper pad. If a berm is proposed, it shall be designed not to impair the footing of a firefighter working at the fire hydrant(s).

21. **Bollards:** Shall be placed near fire hydrants, remote post indicator valves (PIV) and Fire Department connection(s) to prevent damage. Bollards shall be 6 inches in diameter. Bollards shall not obstruct charged fire hoses. It is recommended that the Fire Department approve the location of the bollard(s) before final placement is made. Six inch bollards will be provided as protection.

22. **Strobe Light:** A strobe light shall be provided for each riser and installed vertically above each sprinkler water flow bell. The strobe light shall operate for a sprinkler water flow. The lens color shall be RED. The strobe light shall meet Village specifications as found in section 180-16 K of the Sprinkler Ordinance.

23. **Fire Alarm System:** **The system shall be fully addressable so that detailed information will be received about the device in alarm.** Utilizing a fire pull station, sprinkler water flow, or any other fire detection device that maybe installed in this building shall activate the internal fire alarm system. **The Fire Alarm Control Panel shall be located in the sprinkler riser room. A remote annunciator will need to be provided at the front door.**

- a. **Manual Fire Alarm Pull Stations:** Shall be located at a minimum, immediately adjacent to each exterior door. Any additional exterior doors will be required to meet this requirement. The pull station shall not be placed in the area of the door, but immediately adjacent to the door jamb.
- b. **Pull Stations and Audiovisual Alarms:** Shall be installed per ADA requirements.
- c. **Smoke and Heat Detection:** Shall be installed as required.
- d. **Tamper Switches:** Tamper switches shall be placed on all sprinkler valves and be identified on the annunciator panel.
- e. **Fire Alarm Control Panel: Shall be addressable.** The annunciator panel type shall be approved by the Fire & Rescue Department. The Fire Alarm Control Panel shall be located within the Fire Pump Room. The panel shall identify a fire sprinkler water flow by riser, and the specific locations of the fire alarm pull stations and any other fire detection devices that may be installed in this building.
- f. **Annunciator Panel: Shall be addressable.** The annunciator panel type shall be approved by the Fire and Rescue Department. The panel shall identify a fire sprinkler water flow by riser, and the specific locations of the fire alarm pull stations and any other fire detection devices that may be installed in this building.

g. **Central Station:** The Fire Alarm Control Panel shall transmit all fire alarm, tamper, trouble and supervisory signals to a central station that is certified by Underwriters Laboratories (UL) and/or Factory Mutual (FM) and approved by the Fire & Rescue Department. The owner shall provide such documentation for approval. It is recommended that the owner consult with the Fire & Rescue Department prior to signing any contracts with the Central station.

- 1) The central station shall be provided with this information regarding the geographical location of this alarm:

Village of Pleasant Prairie, County of Kenosha, State of Wisconsin

Fire: Pleasant Prairie Fire & Rescue
Medical: Pleasant Prairie Fire & Rescue

Phone numbers:
Emergency: (262) 694-1402
Non-emergency: (262) 694-7105
Business: (262) 694-8027

24. **Knox Box:** Knox Boxes shall be provided for the building, one will be placed at the mechanical room door and one will be placed at the front entrance. The Knox Boxes shall be Model 4400. Two sets of all keys (Master, fire alarm pull station, annunciator, elevator, etc.) shall be placed within the box, as well as a copy of the pre-fire plan.
25. **MSDS Knox Box:** A minimum of One (1) Knox Box(s) designed for Material Safety Data Sheet storage shall be provided for each tenant to contain the data sheets on all products that are considered hazardous within the facility. The MSDS Box(s) shall be installed within the Fire Pump Room.
26. **Hood Systems (Cooking):** The hood system plans will be reviewed prior to installation. 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 tie into the fire alarm system, and send a signal when activated to the Central Station.
27. **Fire Extinguishers:** Shall meet NFPA 10 (Portable Fire Extinguishers) for the specific use of the building and be in sufficient number. Final approval, of fire extinguisher locations and quantity, will not be given until occupancy is taken, to see how a tenant furnishes the space. The company providing the fire extinguishers shall submit a letter to the Fire & Rescue Department stating the locations and size of the extinguishers are in compliance with NFPA 10.
28. **Emergency and Exit Lighting:** Exit and Emergency Lighting shall be provided and shall have battery backup. Combination units are acceptable and recommended. An Emergency Generator eliminates the need for battery backup. Exit and Emergency Lighting shall not be placed on electrical circuits that cannot be disturbed or interrupted, this is for test purposes. These circuits shall be clearly labeled. The Fire & Rescue

Department will evaluate this lighting prior to occupancy during the evening hours after sunset. An Emergency light shall be placed within the fire pump room. Emergency and Exit lighting will be inspected after sunset to assure it is adequate and meets the Code.

29. **Exits:** All exterior exit pathways shall have a hard surface from the exit to another hard surface.
30. **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 fire protection contractor shall provide the owner with a letter (upon completion of the sprinkler work) stating the sprinkler system, or portion thereof, is "100% operational and built according to the design", Village Ordinance, 180-16 N.
 - b. Copy of contract with fire alarm central monitoring station.
 - c. Copy of UL and/or FM certificate(s) for the fire alarm central monitoring station.
 - d. Copies of the fire protection underground flushing documents.
 - e. Copies of the underground and fire sprinkler hydrostatic test certificates.
 - f. Copies of the fire sprinkler operational test certificates.
 - g. Copies of the fire alarm test documents.
 - h. Copies of other test documents such as, hood/ duct, smoke, etc...
 - i. The Pleasant Prairie Fire and Rescue Department shall have all information needed for our pre-fire plan prior to occupancy.
 - j. Provide two- (2) CD's, one for the property owner and one for the Fire & Rescue Department. The disks shall include all Floor plans and fire protection plans for the building in an as-built condition.
 - k. Severe Weather Shelter: The architect shall provide for both the Owner and the Fire & Rescue Department the area within the building that can be used as a "severe weather shelter" or "safe haven" during severe weather such as a tornado.
 - l. Maps of the fire alarm and fire sprinkler system shall be placed in the fire pump room, near the fire alarm control panel; the maps shall be hung on the wall, with a waterproof covering and accessible to firefighters wearing bulky clothes and equipment.
 - m. AED, in place at such time a tenant takes occupancy.
 - n. A copy of the tenants Emergency Plan must be submitted to the Fire & Rescue Department before occupancy.
 - o. Occupancy inspection fee and re-inspection fee will be assessed at the final inspection in accordance with ordinance 180-17.
31. **Occupancy:** All fire and life safety requirements must be in place prior to any building being occupied.



RECEIVED
OCT 15 2012
Village of Pleasant Prairie

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	10/15	20	12
Preliminary Determination of Completeness on:	10/15	20	12
Revised Plans Submitted:	20		
<input type="checkbox"/> Public Hearing Required: Hearing Date:		20	
Published on:		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: Cheddar's Casual Cafe

SITE ADDRESS: 10366 - 77th Street

BRIEF PROJECT DESCRIPTION: Construction of an 8,566 S.F. Family Style Restaurant complete with all necessary site improvements

PROPOSED NUMBER OF FULL TIME EMPLOYEES: 110

PROPOSED NUMBER OF PART-TIME EMPLOYEES: 100

SITE SIZE: 104,697 sq. ft. 2.40 acres

PROPOSED BUILDING SIZE: 8566 sq.ft. **HEIGHT:** 24' 4" ft.

PROPOSED ADDITION SIZE: NA sq.ft. **HEIGHT:** NA ft.

LEGAL DESCRIPTION: Lot 1, Proposed Certified Survey Map (Northwest 2.4 acres of Lot 1, Certified Survey Map 2666)

TAX PARCEL NUMBER(S) : Part of 91-4-122-082-0203

CURRENT ZONING CLASSIFICATION(S) OF THE PROPERTY: B-2 (PUD)

- 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

VPPCOMDEV-0017-F (REV. 3/10)

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 _____
2. Is the property serviced by Public Water? YES NO
 - If no, the closest public water is located at 77th Street (Private watermain to be extended
 THIS APPLICATION IS FOR A: (check one) from public main into the site)

- 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: _____

SECTION 2: EXISTING USES AND BUILDINGS ON THE SITE

- Are there any existing buildings on the site? YES NO
- 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? Partially developed commercial parcel

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:

Name: Water Street Land, LLC
 (Please Print)
 Signature: Soo Redevelopment Agreement
 Address: 770 North Water Street NW
Milwaukee WI 53202
 (City) (State) (Zip)
 Phone: (414) 765-7747
 Fax: (414) 765-7410
 E-mail: _____
 Date: 10/15/12

APPLICANT:

Name: Adam Smith
 (Please Print)
 Signature: [Signature]
 Address: 8235 Douglas Ave, STE 945
Dallas TX 75225
 (City) (State) (Zip)
 Phone: (214) 561-6509
 Fax: (214) 561-6565
 E-mail: smith@foremark.com
 Date: 10/15/12

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)

Name: _____
 (Please Print)
 Signature: _____
 Address: _____

 (City) (State) (Zip)
 Phone: _____
 Fax: _____
 E-mail: _____
 Date: _____

USER OR OCCUPANT OF SITE:

Name: Cheddar's Casual Cafe
 (Please Print)
 Signature: [Signature]
 Address: 2250 W. John Carpenter Fwy, STE 560
Irving TX 75063
 (City) (State) (Zip)
 Phone: 214-596-6700
 Fax: 972-871-0679
 E-mail: spayne@cheddars.com
 Date: 10/15/12

Cheddar's

Prairie Ridge Outlots Pleasant Prairie, Wisconsin Operational Plan

Cheddar's Casual Café, a casual (sit down) dining concept, would like to construct a brand new 8,566 (gross) square foot restaurant within the Prairie Ridge Outlots development in the Village of Pleasant Prairie, WI. This project requires a Site & Operational submittal due to the fact that Cheddar's serves liquor, wine and beer in addition to its delicious food offerings. As such a "Class B" Village Liquor License and a "Class B" Beer License will be needed from the Village of Pleasant Prairie as well as an approval from the Kenosha County Health Department. Cheddar's does not heavily rely on alcohol sales as it typically is 12% to 18% of overall sales and compared to other industry competitors, Cheddar's alcohol sales ratio is below average or low. However, the team has provided a multitude of operational details to satisfy the Village of Pleasant Prairie's requirement concerning the operations of this brand new restaurant.

Cheddar's is likely to operate this store during 10:30 am to 11:00 pm every Sunday through Thursday and from 10:30 am to 12:00 am every Friday and Saturday. Cheddar's would also like to request for the Village's approval of deliveries from 6:00 am to 10:00 am and/or 2:00 pm to 5:00 pm. As for parking, the Village Ordinances require this site to provide at a minimum 1 space for each 100 square feet of floor area plus 1 space for every 2 employees on the largest work shift. $(8,066 / 100 * 1) = 80 \text{ spaces} + (70 \text{ employees} - \text{largest shift} / 2) = 115.66 \text{ spaces}$ **or 116 spaces**. Typically, Cheddar's greatly exceeds the parking required per code as it has studied the optimal amount of stalls needed on-site for the location to perform optimally. For this location, Cheddar's will have approximately 170 parking stalls. Of these 170 stalls, 6 are handicap stalls and 164 are standard type parking spaces. As for truck trips per day, typically 2 trucks per day visit our sites with a maximum expected to be approximately 5 truck trips. As for average daily total generated trips, using the ITE 8th edition manual, Cheddar's will likely have approximately 1,430 daily trips based on 296 seats. One thing that Cheddar's wants to make the Village of Pleasant Prairie aware of is the benefits that accrue to a jurisdiction when a new Cheddar's is opened.

210 new jobs are created, of which approximately 105 are full-time employees and 105 are part-time employees. After these employees are hired, they are organized into 14 shifts per week, with an average of roughly 50 employees per shift. The anticipated maximum number of employees on-site at any time of the day is about 70 employees. Likewise, to ensure all employees feel secure, each restaurant location maintains a high level of security. Security measures are implemented in multiple ways. The first security measure in place is the reduced height landscaping around the rear employee entrance door. This reduced height landscaping provides substantial visibility for each employee exiting the building at night. In addition, 4 light poles near the building are typically kept on until all employees have left the building. The opening manager of the day also is required to enter

the building only when a minimum of 2 other employees (typically janitors) are present, and they are required to leave with our closing employees (anywhere from 6-10 people) for safety reasons. Cheddar's does not open its rear entrance door after 5pm and requires employees that leave after nightfall to do so in groups of 2 or more, or be escorted to their vehicles. Finally, the Village has required a security system in addition to the typical security measures Cheddar's provides and Cheddar's will install the security cameras required as part of the Village's Ordinance. As these security measures indicate, employees are an extremely valuable asset for Cheddar's. The processes and methods in place to manage the food that is prepared is another item of extreme importance to Cheddar's.

Typically the restaurant receives raw food and beverage products that will be stored and sold on-site. In addition standard cooking and refrigeration equipment is used to store the food and beverages. As is typical with most restaurants preparing food for consumption there is waste that needs to be handled. Typically this waste for Cheddar's consists of food and beverage waste, packaging plus other waste associated with deliveries and used cooking oil. It is very important to Cheddar's that this waste is disposed of properly. Solid waste is typically bagged and disposed of in an 8 yard trash compactor with 5 day a week pickup. Used cooking oils are stored in a tank in the exterior dock and are regularly removed by a third party oil removal service (usually Darling). Cheddar's also understands that the Village desires a high quality design and high quality maintenance. This lines up perfectly with Cheddar's key tenants for providing customers a wonderful experience when they visit one of our restaurants. The first key tenant for Cheddar's is to ensure that the customer is thoroughly impressed with the 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 for a visiting 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 the quality upkeep of its landscaping, plants, aquariums, and carpets. In addition, a corporate specialist arranges for preventative maintenance of all our equipment and this specialist also assists in maintaining the physical structure and plants in tip-top condition. However it is worth mentioning that there are other benefits beyond the high quality design that is typically associated with our brand.

Cheddar's anticipated guest volume per day is approximately 1,000 guests. Considering the nature of the surrounding development (all commercial) and wetlands blocking our project from the residential neighborhoods to the west across 104th Avenue, the adverse impacts of this development are next to none. Cheddar's will only further solidify the Prairie Ridge Outlots as being one of the premier developments within the Village of Pleasant Prairie.

Operational plan.

(1) Operational plan requirements. The applicant shall prepare and file as part of the application for site and operational plan approval an operational plan which shall include at least the following information or materials:

(a) A detailed narrative description of the operations, processes and functions of the existing and proposed uses to be conducted in or on the real property constituting the site, together with any diagrams, maps, charts or other visual aids that are helpful in understanding the operations and any potential adverse impacts on neighboring properties. **Refer to the Operational Plan narrative that is included with the Site & Operational plan submittal.**

(b) A detailed description of the proposed project or activity giving rise to the need for site and operational plan approval and a detailed explanation of how such project or activity relates to the site and to the existing or proposed operations to be conducted in or on the real property constituting the site. **This project consists of a Cheddar's Casual Café restaurant that serves liquor, wine and beer. As a result the Village of Pleasant Prairie requires Cheddar's to file for a Site & Operational approval. Refer to the Operational Plan narrative that is included with the Site & Operational plan submittal concerning Cheddar's operations.**

(c) Gross floor area of the existing building(s) and/or proposed addition. **This project will consist of a total 8,566 gross square feet including the dumpster area. The partitioned area is 8,066 square feet.**

(d) Anticipated hours of operation, hours open to the public, and hours of deliveries or shipments. **Cheddar's hours will very likely be 10:30 am to 11:00 pm Sunday-Thursday, and 10:30 am- 12:00 am Friday-Saturday. Deliveries will occur between 6 am to 10 am, and/or 2 pm to 5 pm.**

(e) Anticipated startup and total number of full- and part-time employees. **210 employees at startup, roughly 105 full time and 105 part-time employees.**

(f) Anticipated number of shifts and the anticipated number of employees per shift. **Cheddar's will likely have 14 shifts per week, with an average of about 50 employees per shift.**

(g) Anticipated maximum number of employees on site at any time of the day. **The maximum anticipated number of employees on-site at any time of the day is 70 employees.**

(h) Number of anticipated students, participants or persons to be gathered in places of assembly, if applicable. **N/A**

(i) Number of parking spaces required per this chapter and the method used to calculate such number. **Village Ordinances require Cheddar's to provide at a minimum 1 space for each 100 square feet of floor area plus 1 space for every 2 employees on the largest work shift. $(8,066 / 100 * 1) = 80$ spaces + $(70$ employees – largest shift / 2) = 115.66 spaces or 116 spaces.**

(j) Number of existing and proposed on-site parking spaces to be provided (conventional spaces and handicapped spaces to be stated separately). **Cheddar's will have approximately 170 parking stalls. Of these 170 stalls, 6 are handicap stalls and 164 are standard type parking spaces.**

(k) Anticipated daily average and maximum potential number of automobile trips to and from the site (excluding trucks). **Using the ITE 8th edition manual, Cheddar's will likely have approximately 1,430 daily trips based on 296 seats. Cheddar's will also have 139 AM hour trips generated and 121 PM hour trips generated.**

(l) Anticipated daily average and maximum potential number of truck trips to and from the site. **As for truck trips per day, typically 2 trucks per day visit our sites with a maximum expected to be approximately 5 truck trips.**

(m) Types of goods and materials to be made, used or stored on site. **Cheddar's will receive raw food (i.e. chicken, vegetables, flour, shortening, beef, seafood, pork, French fries and dry goods) and beverage products and Cheddar's will produce food and beverage products that will be stored and sold on site as well.**

(n) Types of equipment or machinery to be used on site. **Standard cooking and refrigeration equipment-equipment used to produce and store food and beverages**

(o) Types of solid or liquid waste materials which will require disposal. **As is typical with most restaurants preparing food for consumption there is waste that needs to be handled. Typically this waste for Cheddar's consists of food and beverage waste, packaging plus other waste associated with deliveries and used cooking oil.**

(p) Method of handling, storing and disposing of solid or liquid waste materials. **Solid waste is typically bagged and disposed of in an 8 yard trash compactor with 5 day a week pickup. Used cooking oils are stored in a tank in the exterior dock and are regularly removed by a third party oil removal service (usually Darling).**

(q) Methods of providing site and building security other than the Village Police Department. **The first security measure in place is the reduced height landscaping around the rear employee entrance door. This reduced height landscaping provides substantial visibility for each employee exiting the building at night. In addition, 4 light poles near the building are typically kept on until all employees have left the building. In addition the opening manager of the day is required to enter the building only when a minimum of 2 other employees (typically janitors) are present, and they are required to leave with our closing employees (anywhere from 6-10 people) for safety reasons. Cheddar's also does not open its rear entrance door after 5pm. Cheddar's requires employees that leave after nightfall to do so in groups of 2 or more, or be escorted to their vehicles.**

(r) Description of the methods to be used to maintain all buildings, structures, site improvements and sites in a safe, structurally sound, neat, well cared for and attractive condition. **Cheddar's has a daily in house janitorial team that cares for day to day cleanliness of building and property. We also partner with professional providers for the quality upkeep of our landscaping, plants, aquariums, carpets. We have a corporate facilities specialist that arranges preventative maintenance of equipment, and this specialist also assists in helping maintain the physical structure and plant in tip-top condition.**

(s) Description of potential adverse impacts to neighboring properties or public facilities and measures to be taken to eliminate or minimize such adverse impacts. **No one on the Cheddar's team could come up with any negative or adverse impacts on the surrounding properties. If any anything the anticipated guest volume should prove to have a positive effect.**

(t) A list of all local, county, state and federal permits or approvals required for the project or activity giving rise to the need for site and operational plan approval and copies of such permits and approvals that have been obtained. **Cheddar's will be responsible for obtaining a Class B Liquor License and Class B Beer License as part of its approvals. In addition Cheddar's will also need a Kenosha County Health Department approval.**

(2) Operational plan standards. In addition to any other applicable requirements or standards specified in this chapter, the following requirements or standards shall apply to the operational plan:

(a) No use shall be conducted in such a way as to constitute a public or private nuisance. **Cheddar's use shall not be a public or private nuisance.**

(b) No use shall be conducted in such a way as to violate any of the performance standards set out in § [420-38](#) of this chapter. **Cheddar's has reviewed the performance standards and will not violate these standards.**

(c) (reserved)

(d) No owner, occupant or user of real property shall conduct a use so intensively that there is inadequate provision of on-site parking spaces and/or loading spaces to accommodate the needs of such use. **Cheddar's always exceeds the parking required per code as it has done studies to determine the amount of parking stalls it needs to operate at in optimal setting. That number is 170 stalls and this site will have exactly that amount.**

(e) All buildings, structures, site improvements and sites shall be maintained in a safe, structurally sound, neat, well cared for and attractive condition. **Cheddar's will maintain its building, structures, and site improvements in a safe, structurally sound, neat and well cared for and attractive condition.**

(f) Within a building, any provision of live entertainment in connection with a business or club use involving the selling or service of alcoholic beverages shall comply with the following restrictions:

[1] Live entertainment shall be provided only on a raised platform that is not less than 23 inches higher than the elevation of the surrounding floor surfaces where customers, members or their guests are sitting, standing or dancing; **Cheddar's does not have live entertainment and should easily comply here.**

[2] Customers, members or their guests shall at all times be separated from the raised platform on which live entertainment is being provided by a distance of not less than four feet and a physical barrier to mark and enforce such separation distance; and **Cheddar's does not have live entertainment and should easily comply here.**

[3] There shall be no touching of any kind between entertainers and customers, members or their guests. **Cheddar's does not have live entertainment and should easily comply here.**

(g) No proposed new or expanded use shall be permitted to create or significantly exacerbate unsafe traffic conditions on any street or highway in the Village. **This new restaurant will not create or significantly exacerbate unsafe traffic conditions on any street or highway in the Village.**

(h) Indoor pyrotechnic displays are prohibited. **Cheddar's will easily comply with this as it does not have or want pyrotechnic displays.**

Return to: Bruce Rabe
Kenosha Water Utility
4401 Green Bay Road
Kenosha, WI 53144
Email: brabe@kenosha.org

Date Sent: _____

Date Due: _____

**VILLAGE OF PLEASANT PRAIRIE
INDUSTRIAL WASTE SURVEY**

To be submitted to the

Kenosha Water Utility

General Information

1. Facility Name: Cheddar's Casual Cafe
2. Mailing Address: 2250 W. John Carpenter FWY, STE 560
3. City, State, Zip Code: Irving, TX 75063
4. Site Address: 10366 77th Street, Pleasant Prairie, WI 53158
5. Standard Industrial Classification Code (SIC): 5812
6. Name, Title and Telephone Number of the Authorized Representative and the Company Contact Person Responsible for Environmental Compliance.

Authorized Representative

Company Contact

Name: Adam Smith
Title: Project Manager
Phone #: (214) 561-6509

Name: _____
Title: _____
Phone #: _____

) TBO

The authorized representative must be a president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or general partner or proprietor, or an individual designated by the aforementioned corporate official. The designated individual must meet the following criteria: (1) the person must be responsible for the overall operation of the facilities from which discharges originate, (2) the person is authorized in writing, and (3) the written authorization is submitted to the POTW.

7. List All Environmental Control Permits Held by or for the Facility.

N/A

Operational Characteristics

1. Existing Number of Employees: Full Time 105 Part Time 105
2. Operational Schedule: Days/Wk 7 Hours/Day 12-13.5 # Shifts 14
hrs/day
3. Describe the nature of the business conducted at this facility (if more than one type of business or manufacturing takes place, list all activities): This is a restaurant, It is a sit down, high turnover, casual dining restaurant
4. List principal raw materials used: Chicken, vegetables, flour, shortening, beef, seafood, pork (ribs, bacon), french fries & dry goods, such as pasta, seasonings, etc.
5. List products produced and the average rate of production: Products produced are those on the menu. The average rate of production depends on guest flow, but tends to average (at peak) around 200 guests per hour.
6. List types of wastes created during production and any by-products produced: WASTE IS TYPICAL OF A RESTAURANT'S OPERATION: SANITARY BLACK WATER FROM RESTROOMS & GREASY WASTE GREY WATER FROM KITCHEN
7. Estimate the quantity of water to be used by the facility during a six month period. Record the gallons of water anticipated by this facility. 2,040,000 gallons.
Indicate the source of the facility's water: Kenosha _____ Pleasant Prairie X
Meter number or address assigned to water meter(s): _____
8. Type of discharges: Continuous X Batch _____
If batch was indicated, give the average frequency and approximate volume of any batch discharges: _____
9. Describe the uses of water at this facility: WATER USAGE IS TYPICAL FOR A RESTAURANT OPERATION.

Wastewater Information

1. A process wastewater IS any wastewater discharged other than for sanitary, non-contact cooling or boiler blow-down purposes. List activities which generate a process wastewater and the time and duration of each discharge.

Wastewater Producing Process	Time and Duration of Discharges
<u>N/A</u>	
_____	_____
_____	_____
_____	_____

2. For each process wastewater stream list all the materials and pollutants which to believe may be present in the discharge.

N/A

3. Contact cooling water is cooling water that during the process comes into contact with process material, thereby becoming contaminated. Non-contact cooling water does not come into contact with process materials. Does this facility utilize cooling water? **NO**

4. Water volume used and discharged to sanitary sewer. A review of previous water usage bills may be helpful in assigning values to the following flows. If sanitary flow is not metered, provide an estimate based on 20 gallons per day for each employee (i.e. water balance).

	Gallons per Day		Type of Wastewater Discharge (Continuous, Batch, None)
	Consumed	Discharges	
Sanitary Usage	11300	5700	CONTINUOUS
Process Wastewater Usage	-	-	
Cooling Water Usage	-	-	
Other Usage	-	-	
Total Volume	11300	5700	

5. Describe all locations where wastewaters enter the collection system **THE SANITARY BLACK WATER & PRE-TREATED GREASY WASTE GREY WATER (VIA ON SITE GREASE INTERCEPTOR) ARE COMBINED TO A SINGLE**

6. Is there a sampling manhole on site? No Yes

If yes, describe the locations: **DOWNSTREAM OF THE GREASE INTERCEPTOR**

SANITARY LATERAL CONNECTION TO THE UTILITIES

7. Are sanitary and process wastewaters separated? No Yes
8. Is boiler blowdown water discharged to the sanitary sewer? No Yes
9. Does your facility haul any process wastewater? No Yes

Compliance Information

(GREASE FROM SANITARY GREASE INTERCEPTOR)

1. Is there any usage of toxic compounds at the facility? No Yes

If yes, list and use check list on last page.

2. Are there any floor drains in the manufacturing or chemical storage area? No Yes

3. Is there a Spill Prevention Control and Countermeasure Plan in effect for this facility?

No Yes If yes, describe procedure: **TYPICAL FOR RESTAURANT OPERATION**

5. Is any form of waste water pretreatment practiced at this facility? No _____ Yes X
 If yes, describe: GREASE INTERCEPTORS THAT COLLECT GREY WATER FROM THE KITCHEN.
6. List any specific pretreatment standards that apply to this facility: TYPICAL FOR RESTAURANT OPERATION
7. If pretreatment standards are not being met on a consistent basis, describe what additional and maintenance or pretreatment must be performed to achieve compliance.
N/A
8. State the estimated timetable (compliance schedule) for the implementation of additional operations and maintenance or for the commencement and completion of major events leading to the construction and operation of the pretreatment facilities required to achieve compliance.
N/A

Submissions

Include a schematic (print) of the facility that shows the water intake points(s), existing sanitary sewer, discharge points (connection(s) to sanitary collection system), and direction of wastewater flows at the facility. Provide a diagram of water flow through any processes that use water for any purpose.

Signatory Requirement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate this information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.



Print Name: Authorized Representative

Signature: Authorized Representative

Project Manager

Title

Date

Appendix
Toxic Pollutants Listed in 40CFR 307(a)

Known Absent	Suspected Present	Known Present	Pollutant
			1 Acenaphthene
			2 Acrolein
			3 Acrylonitrile
			4 Aldrin/Dieldrin
			5 Antimony and compounds
			6 Arsenic and compounds
			7 Asbestos
			8 Benzene
			9 Benzidine
			10 Beryllium and compounds
			11 Cadmium and compounds
			12 Carbon tetrachloride
			13 Chlordane
			14 Chlorinated benzenes
			15 Chlorinated ethanes
			16 Chlorinated ethers
			17 Chlorinated naphthalene
			18 Chlorinated phenols
			19 Chloroform
			20 2-chlorophenol
			21 Chromium and compounds
			22 Copper and compounds
			23 Cyanides
			24 DDT and metabolites
			25 Dichlorobenzenes
			26 Dichlorobenzidine
			27 Dichloroethylenes
			28 2,4-dichlorophenol
			29 Dichloropropane & Dichloropropene
			30 2,4-dimethylphenol
			31 Dinitrotoluene
			32 Diphenylhydrazine
			33 Endosulfan and metabolites

Known Absent	Suspected Present	Known Present	Pollutant
			34 Endrin and metabolites
			35 Ethylbenzene
			36 Fluoranthene
			37 Haloethers
			38 Halomethanes
			39 Heptachlor and metabolites
			40 Hexachlorobutadiene
			41 Hexachlorocyclopentadiene
			42 Hexachlorocyclohexane
			43 Isophrone
			44 Lead and compounds
			45 Mercury and compounds
			46 Naphthalene
			47 Nickel and compounds
			48 Nitrobenzene
			49 Nitrophenols
			50 Nitrosamines
			51 Pentachlorophenol
			52 Phenol
			53 Phthalate esters
			54 Polychlorinated biphenyls (PCBs)
			55 Polynuclear aromatic hydrocarbon
			56 Selenium and compounds
			57 Silver and compounds
			58 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)
			59 Tetrachloroethylene
			60 Thallium and compounds
			61 Toluene
			62 Toxaphene
			63 Trichloroethylene
			64 Vinyl chloride
			65 Zinc and compounds

Contacts

VILLAGE OF PLEASANT PRAIRIE
 MICHAEL SPENCE
 VILLAGE ENGINEER
 OFFICE: 262-948-8931
 EMAIL: mspence@plprairiewi.com

MATTHEW FINEOUR
 ASSISTANT VILLAGE ENGINEER
 OFFICE: 262-925-6778
 EMAIL: mfineour@plprairiewi.com

JOHN STEINBRINK JR.
 PUBLIC WORKS SUPERINTENDANT
 OFFICE: 262-925-6768
 EMAIL: jsteinbrink@plprairiewi.com

JEAN WERBIE-HARRIS
 COMMUNITY DEVELOPMENT DIRECTOR
 OFFICE: 262-925-6717
 EMAIL: jwerb@plprairiewi.com

DEPARTMENT OF NATURAL RESOURCES
 PETER WOOD
 WATER RESOURCE SPECIALIST
 OFFICE: 262-884-2360
 EMAIL: peterwood@wisconsin.gov

TIME WARNER CABLE
 STEVE CRAMER
 UTILITY COORDINATOR
 OFFICE: 414-277-4045
 EMAIL: steve.cramer@twcable.com
 EMERGENCY NUMBER: (800) 627-2288

AT&T
 MIKE TOYEK
 OFFICE: 262-636-0549
 EMAIL: mt1734@att.com

TDS TELECOM
 SOUTHEAST WISCONSIN
 OFFICE: 877-483-7142

WE-ENERGIES
 ROGER KESSEL
 KENOSHA SOUTH
 OFFICE: (262) 552-3228
 EMAIL: roger.kessel@we-energies.com

NATURAL GAS EMERGENCY: (800) 261-5325
 ELECTRICAL EMERGENCY: (800) 662-4797

Sheet Index

Plan Sheet	Sheet No.
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SITE IMPROVEMENT PLANS

for



PLEASANT PRAIRIE

RESTAURANT #900

10366 77TH STREET

PLEASANT PRAIRIE, WI 53158

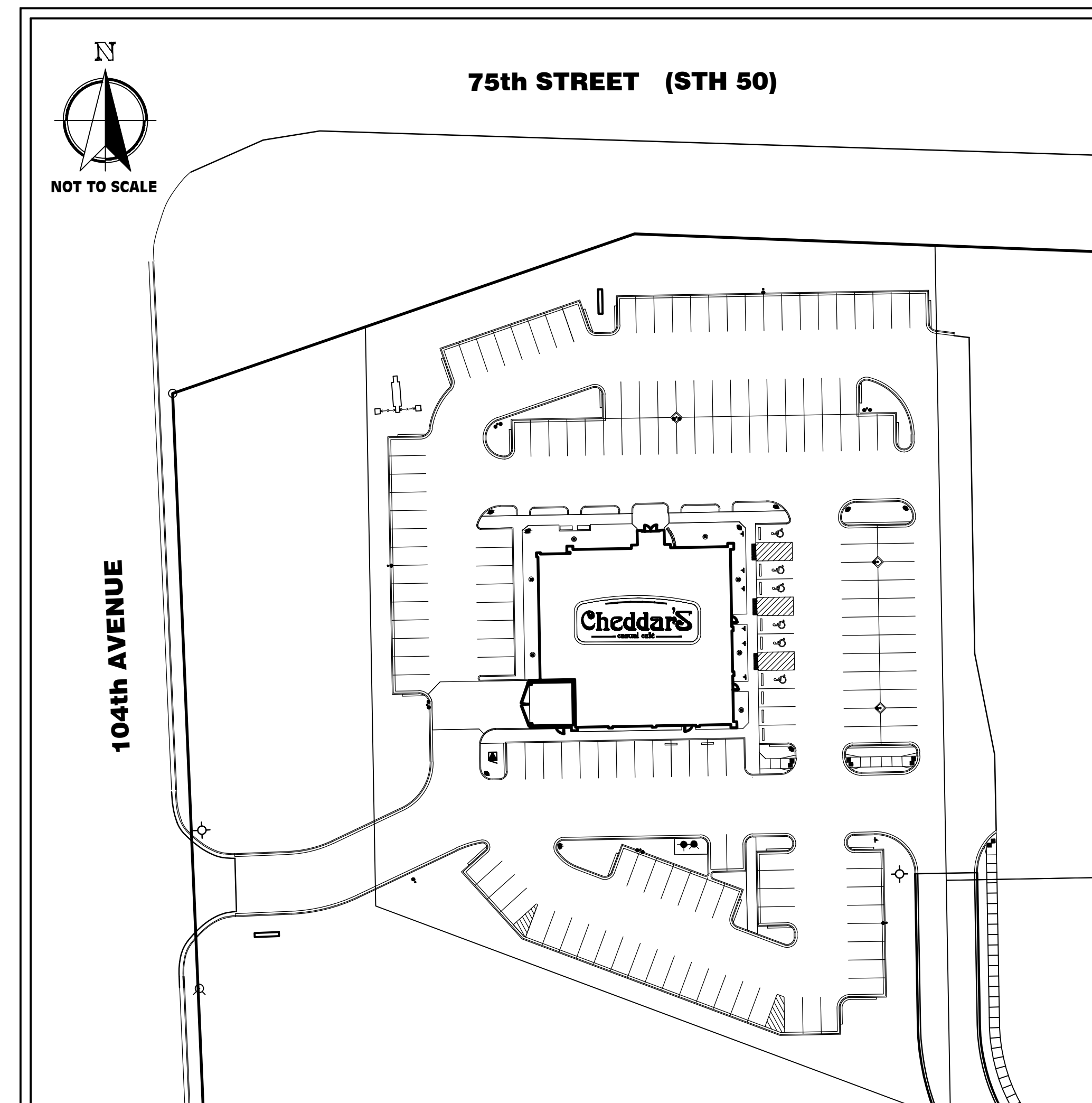
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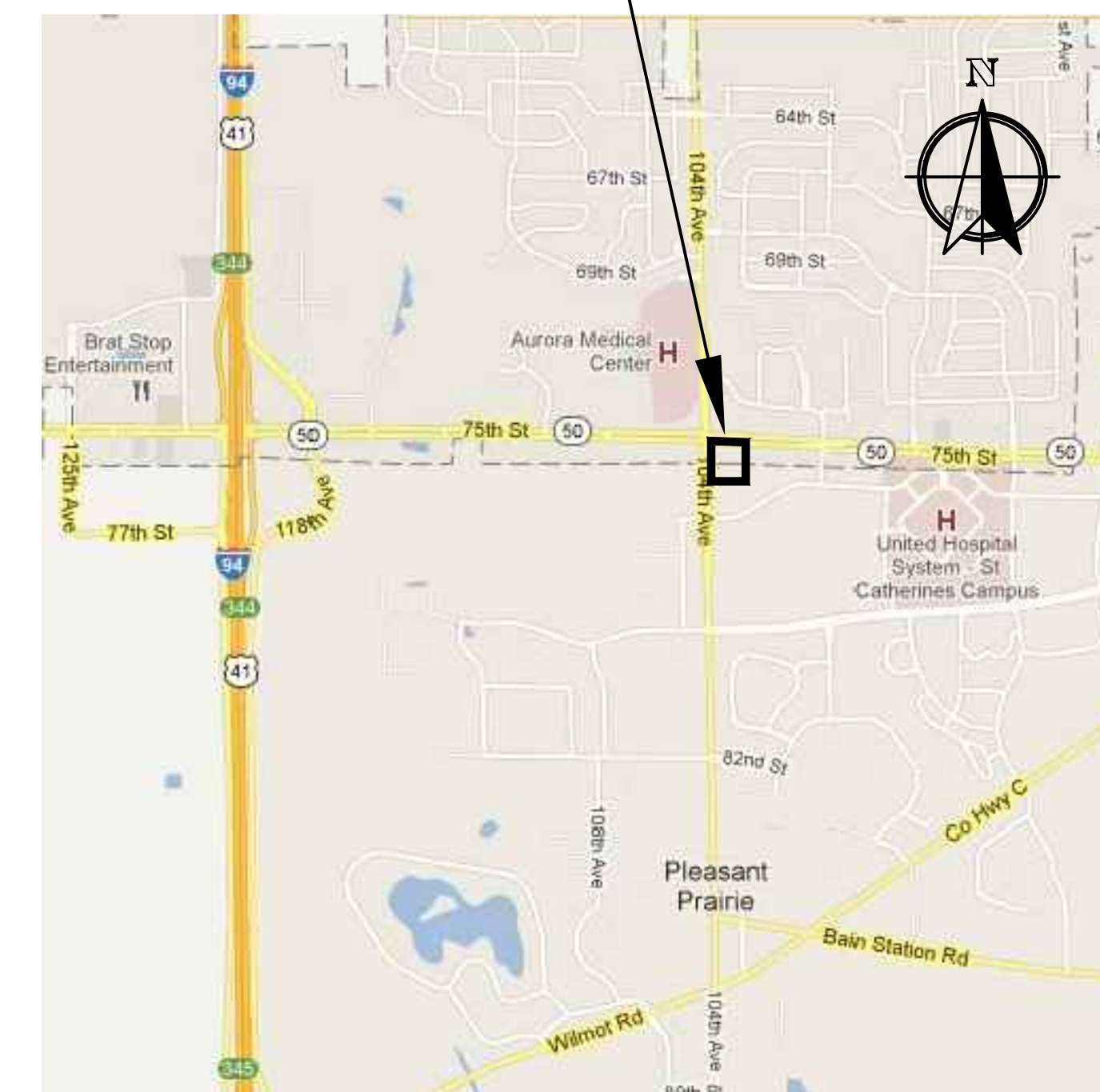
Cheddar's Casual Cafe, Inc.

2250 West John Carpenter Freeway - Suite 560

Irving, Texas 75063



PROJECT LOCATION



LOCATION MAP

NOT TO SCALE

Landowner:

WATER STREET LAND, LLC
 770 N. WATER STREET
 MILWAUKEE, WI 53202
 (414) 765-7742

Applicant / Developer:

FOREMARK REAL ESTATE SERVICES, LTD
 8235 DOUGLAS AVENUE
 DALLAS, TX 75225
 SMITH@FOREMARK.COM

Note:

CONTRACTORS SHALL NOT CALL ENGINEER, ARCHITECT OR OWNER DURING THE BIDDING PROCESS



Nielsen Madsen & Barber S.C.
 Civil Engineers and Land Surveyors
 1458 Horizon Blvd. Suite 200, Racine, WI 53406
 Tele: (262)634-5588 Fax: (262)634-5024
 Website www.nmbssc.net

CHEDDAR'S
SITE IMPROVEMENT
PLANS
 FOR
CHEDDAR'S CASUAL CAFE, INC.
 2250 WEST JOHN CARPENTER FREEWAY - SUITE 560
 IRVING, TEXAS 75063 · SMITH@FOREMARK.COM

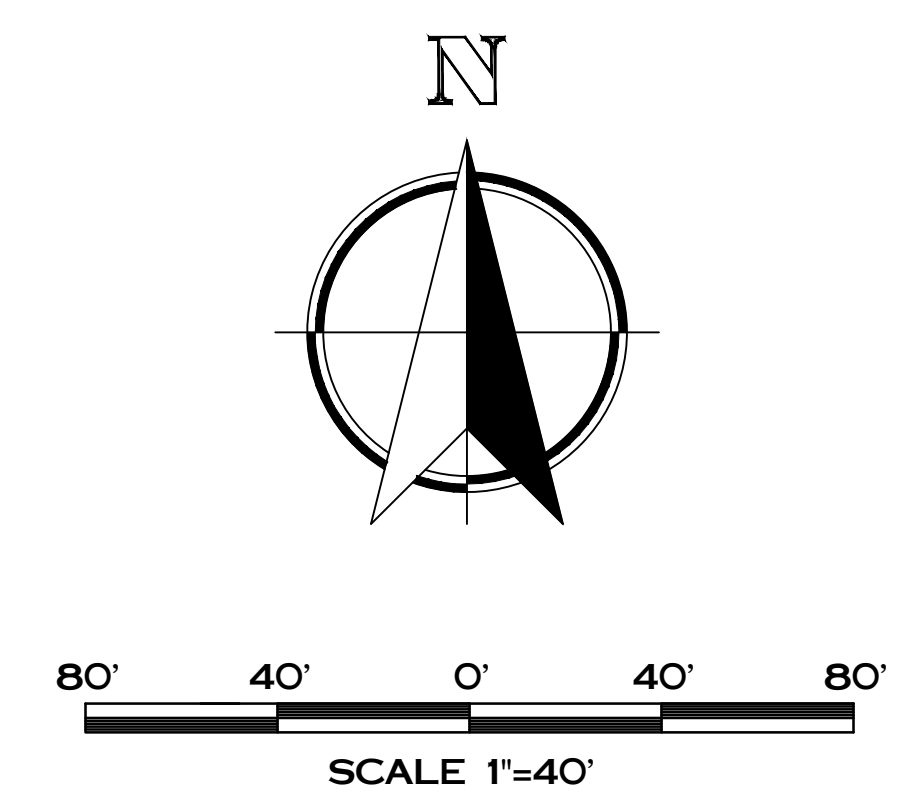
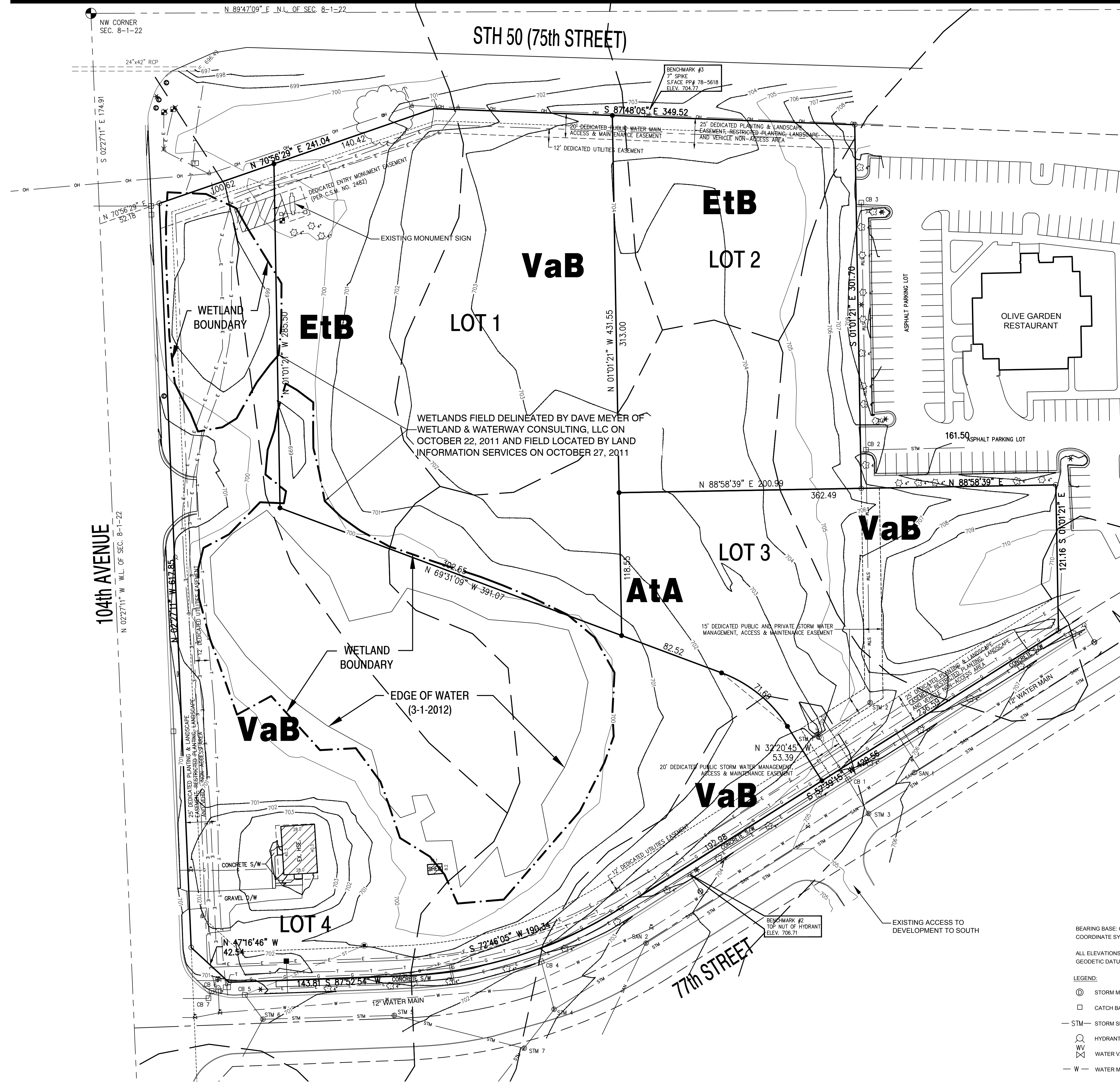


TITLE SHEET

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1	10/12	Issue for Review

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 SHEET

SHT - 1



EXISTING UTILITY DATA

STM 1.0 RIM 705.39 IE. 24" NW&E 701.39 IE. 24" NE 701.39	CB 1.0 RIM 705.17 IE. 24" NW&E 700.87	SAN 1.0 RIM 706.21 IE. NE&SW 691.86
STM 2.0 RIM 705.94 IE. 24" N 701.54 IE. 24" SW 701.54	CB 2.0 RIM 706.75 IE. 24" S 702.65 IE. 18" E 703.05 IE. 12" N 703.05	SAN 2.0 RIM 703.44 IE. NE&SW 689.19
STM 3.0 RIM 705.59 IE. 24" NW 698.94 IE. 42" NE&SW 698.94	CB 3.0 RIM 707.27 IE. 12" S 703.72 IE. 8" SE 703.87	
STM 4.0 RIM 702.54 IE. 15" NW 697.34 IE. 42" NE 696.04 IE. 48" SW 696.04	CB 4.0 RIM 702.07 IE. 15" SSE 698.12	CB 5.0 RIM 700.25 IE. 12" SE 697.25
STM 5.0 RIM 701.79 IE. 15" E&W 696.69	CB 6.0 RIM 699.87 IE. 15" S 695.37	
STM 6.0 RIM 700.94 IE. 15" E 694.71 IE. 15" NW 695.26	CB 7.0 RIM 700.21 IE. 15" W 694.71 IE. 15" N 695.26	
STM 7.0 RIM 702.84 IE. 42" NE&SW 695.84 IE. 15" NW 695.99		

SOILS / GROUND COVER DATA

Existing Ground Cover - Woodlands / Unmowed Meadow

Existing Site Soils

- Varna Silt Loam (VaB) - 4.54 Acres
- Elliott Silty Clay Loam (EtB) - 2.13 Acres
- Ashkum Silty Clay Loam (AtA) - 2.49 Acres

LEGAL DESCRIPTION

LOT 1, CERTIFIED SURVEY MAP NO. _____ A RECORDED MAP, BEING PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

UTILITY NOTE

THE EXACT LOCATION OF UNDERGROUND STRUCTURES OR FACILITIES SHOWN ON THE PLANS ARE BASED ON AVAILABLE RECORDS AT THE TIME OF PREPARATION AND ARE NOT GUARANTEED TO BE COMPLETE OR CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL UTILITIES 72 HOURS PRIOR TO CONSTRUCTION TO DETERMINE THE EXACT LOCATION OF ALL FACILITIES AND TO PROVIDE ADEQUATE PROTECTION DURING THE COURSE OF THE WORK.



BEARING BASE: GRID NORTH, WISCONSIN COORDINATE SYSTEM, SOUTH ZONE.

ALL ELEVATIONS REFER TO NATIONAL GEODETIC DATUM OF 1929.

LEGEND:

⊕ STORM MANHOLE	⊕ ELECTRIC PEDESTAL	⊕ SANITARY MANHOLE	⊕ DECIDUOUS TREE	GtB SOIL CLASSIFICATION
□ CATCH BASIN	⊕ ELECTRIC METER	— SAN — SANITARY SEWER	⊕ CONIFEROUS TREE	— OH — OVER HEAD ELECTRIC
— STM — STORM SEWER	— E — ELECTRIC LINE	⊕ ELECTRIC PEDESTAL	○ FOUND IRON PIPE	— T — TELEPHONE LINE
⊕ HYDRANT	⊕ ELECTRIC MANHOLE	⊕ GAS VALVE	● SET IRON PIPE	— G — GAS MAIN
⊕ WATER VALVE	⊕ POWER POLE	⊕ SIGN	⊕ TELEPHONE PEDESTAL	△ MON. WELL
— W — WATER MAIN	← GUY WIRE	⊕ LIGHT POLE	■ PAD MOUNT TRANSFORMER	

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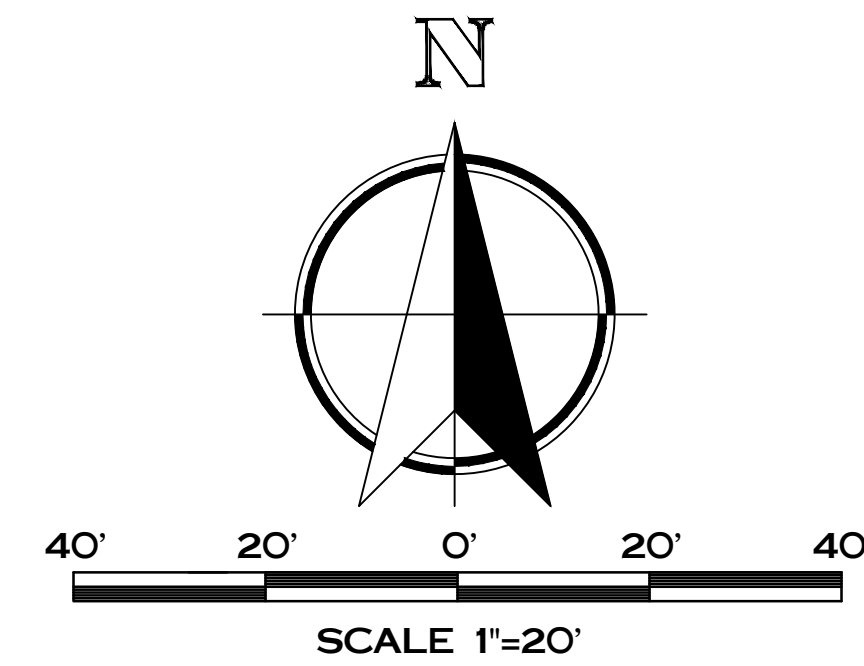
EXISTING CONDITIONS SURVEY

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SHEET

SHT - 2

104th AVENUE

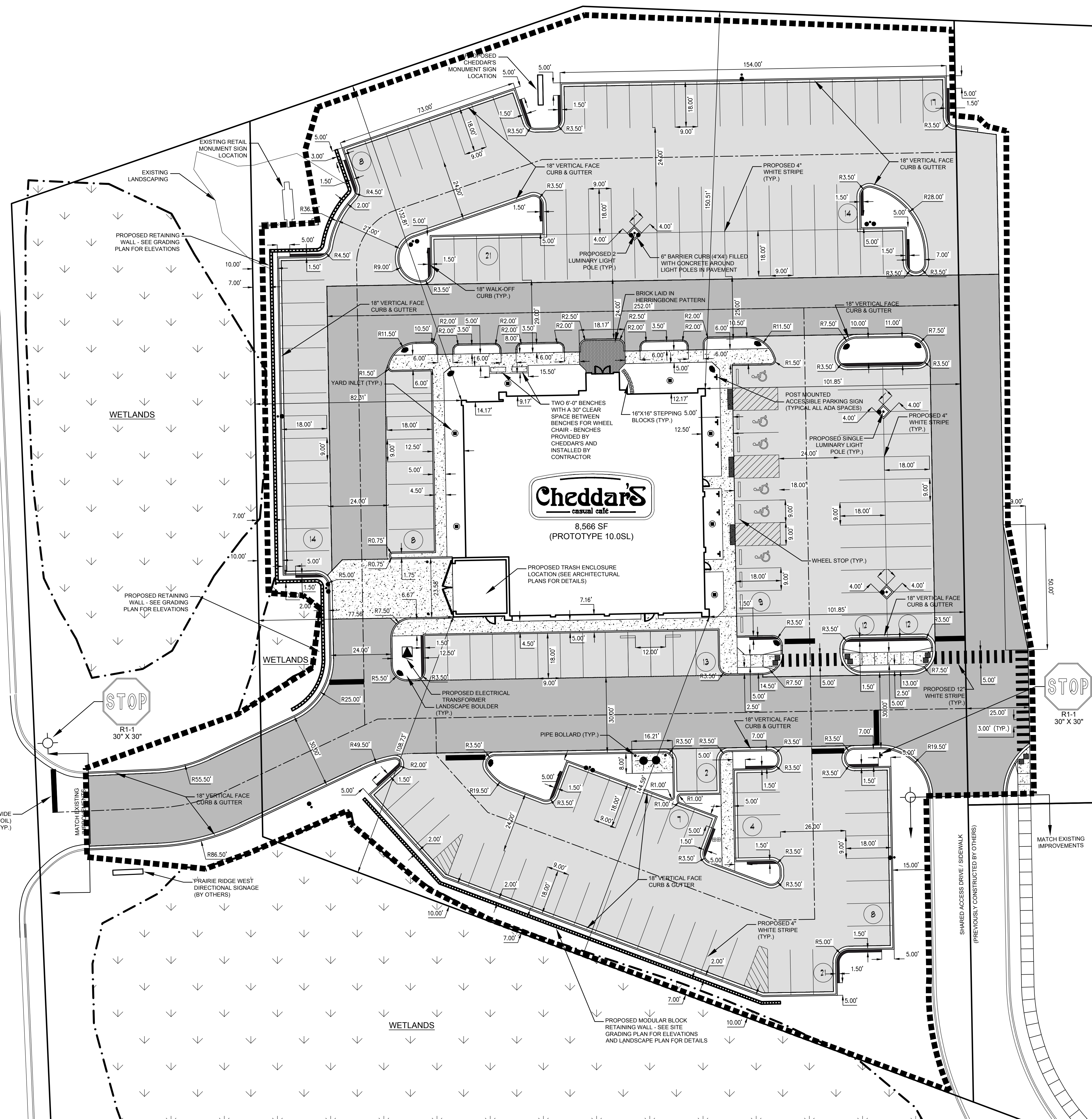


SITE PLAN LEGEND

- CONCRETE PAVEMENT
- 18" CONCRETE WALK-OFF CURB
- ASPHALT PAVEMENT (HEAVY DUTY)
- ASPHALT PAVEMENT (AUTO PARKING)
- DETECTABLE WARNING FIELD
- YARD INLET
- SIGN AND POST
- LANDSCAPE BOULDER
- LIGHT POLE
- PARKING COUNT
- RETAINING WALL
- DRIVE AISLE CENTERLINE
- 18" CURB & GUTTER
- EXISTING CURB & GUTTER
- PROPERTY LINE
- WETLAND BOUNDARY
- FIRE HYDRANT
- REMOTE FIRE DEPARTMENT CONNECTOR
- PIPE BOLLARD
- LIMITS OF CONSTRUCTION

SITE DATA

PARCEL ID NUMBER:		91-4-122-_____
ZONING CLASSIFICATION:		B-2 (PUD)
EXISTING LAND USE:		VACANT
EXISTING FLOOD ZONE:		N/A
DEVELOPMENT TYPE:		COMMERCIAL
BUILDING USE:		RESTAURANT
PARKING CALCULATIONS		
REQUIRED PARKING:		116 SPACES
TOTAL PROVIDED PARKING:		170 SPACES
PROPOSED IMPERVIOUS SURFACE		
BUILDING/ENCLOSURE	8,566 S.F.	
PROPOSED CONCRETE	11,257 S.F.	
PROPOSED ASPHALT	61,142 S.F.	
TOTAL IMPERVIOUS SURFACE AREA	80,965 S.F. = 1.86 AC (77.3%)	
TOTAL GREEN SPACE AREA	23,734 S.F. = 0.54 AC (22.7%)	
REQUIRED GREEN SPACE AREA	20,940 S.F. = 0.48 AC (20.0%)	
TOTAL PARCEL AREA	104,699 S.F. = 2.40 AC	
TOTAL DISTURBED AREA	104,699 S.F. = 2.40 AC	
LANDOWNER:		WATER STREET LAND, LLC 770 N. WATER STREET MILWAUKEE, WI 53202 (414) 765-7742
APPLICANT/DEVELOPER:		FOREMARK REAL ESTATE SERVICES, LTD 8235 DOUGLAS AVENUE DALLAS, TX 75225 (214) 561-6509
SURVEYOR / CIVIL ENGINEER:		NIELSEN, MADSEN & BARBER, S.C. 1458 HORIZON BOULEVARD SUITE 200 RACINE, WI 53406 (262) 634-5588



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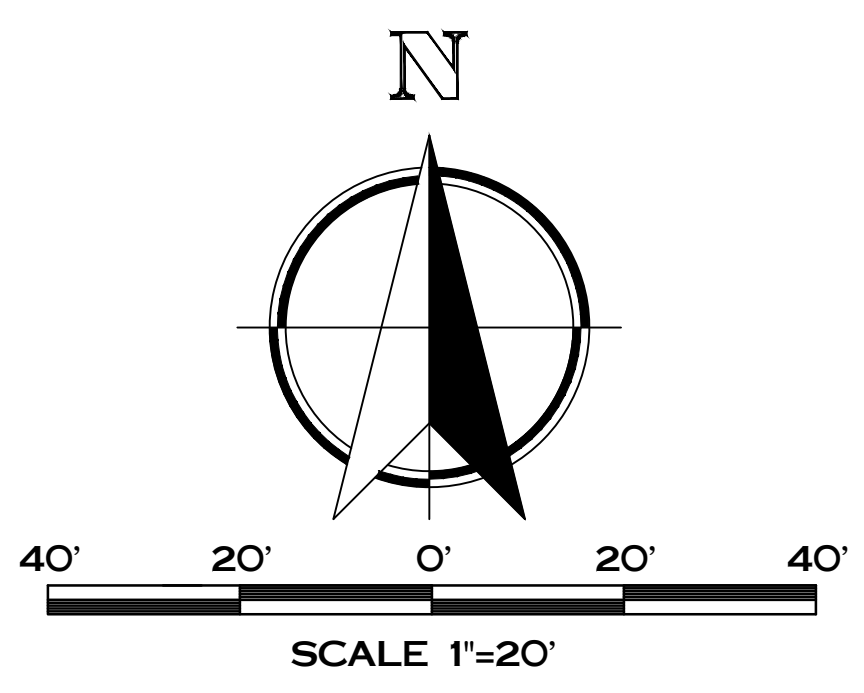
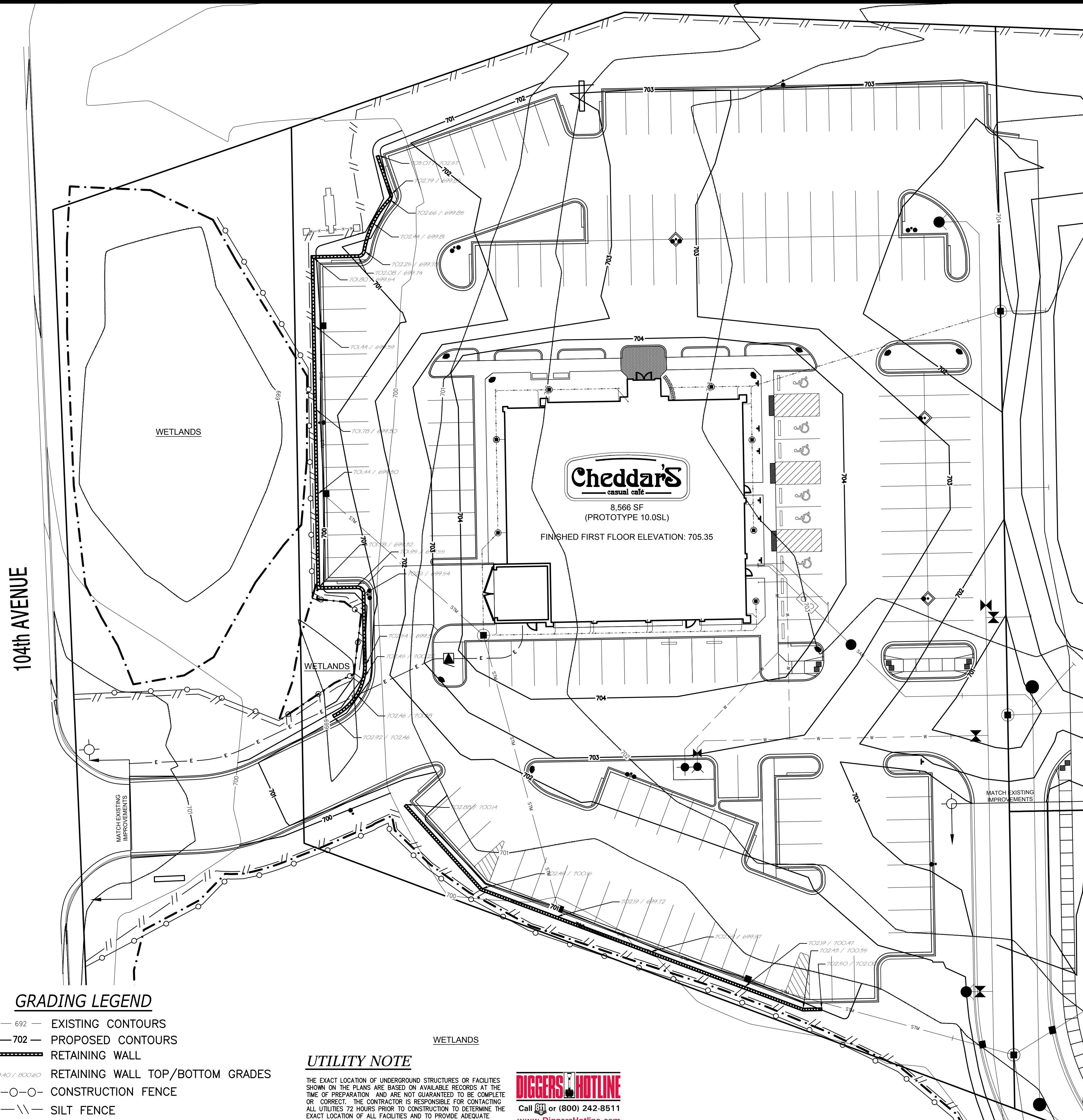
SITE PLAN

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SHT - 3





REFERENCES

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CHAPTER 405 OF THE VILLAGE OF PLEASANT PRAIRIE MUNICIPAL CODE "PUBLIC IMPROVEMENT PROJECTS", DATED DECEMBER 20, 2004, INCLUDED HEREIN REFERRED TO AS "VILLAGE SPECIFICATIONS."

ALL EROSION CONTROL, EARTHWORK, SITE GRADING, BASES, PAVEMENTS AND INCIDENTAL CONSTRUCTION ITEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE "STATE SPECIFICATIONS" AND "VILLAGE SPECIFICATIONS".

- WHENEVER THE "STATE SPECIFICATIONS" AND THE "VILLAGE SPECIFICATIONS" DIFFER, THE "VILLAGE SPECIFICATIONS" SHALL GOVERN.
- WHENEVER THE "STATE SPECIFICATIONS", "VILLAGE SPECIFICATIONS" OR CONSTRUCTION PLANS DIFFER, THE "VILLAGE SPECIFICATIONS" SHALL GOVERN.

GENERAL NOTES

CONTRACTOR SHALL CONTACT DIGGER'S HOTLINE A MINIMUM OF 72 HOURS BEFORE THE START OF CONSTRUCTION TO IDENTIFY ANY UNDERGROUND UTILITIES PRESENT AT THE SITE. THE LOCATION OF EXISTING PRIVATE UTILITIES MAY NOT BE SHOWN ON THE PLANS AND SHOULD BE LOCATED BY THE OWNER PRIOR TO CONSTRUCTION.

ANY AND ALL EXISTING SIDEWALKS, CURBS OR PAVEMENTS DISTURBED DURING CONSTRUCTION SHALL BE SAWCUT AT THE NEAREST JOINT AND REPLACED IN KIND PER VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS.

AT THE COMPLETION OF THE PROJECT THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL ABANDONED, EXCESS, WASTE, STOCKPILED AND SPOIL MATERIAL IN ACCORDANCE WITH SECTION 205.3.12 OF THE "STATE SPECIFICATIONS". THIS WORK SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.

SITE GRADING & SUB-GRADE PREPARATION

ALL EXISTING TOPSOIL AND OTHER NON-STRUCTURAL MATERIAL WITHIN THE PROPOSED BUILDING PADS, PAVEMENT SECTIONS AND STRUCTURAL FILL AREAS SHALL BE STRIPPED AND STOCKPILED AT THE LOCATION SHOWN ON THE MASTER EROSION CONTROL PLAN OR A DIFFERENT LOCATION DETERMINED BY THE CONTRACTOR AND OWNER.

EXCAVATE, GRADE & SHAPE SUBGRADE TO THE LINES AND GRADES SHOWN ON THE PLANS. SEE TYPICAL SECTIONS FOR PAVEMENT THICKNESS AND MATERIALS.

FOR STRUCTURAL FILL DEPTHS LESS THAN 20 FEET, THE DENSITY OF THE STRUCTURAL COMPACTED FILL AND SCARIFIED SUBGRADE AND GRADES SHALL NOT BE LESS THAN 95 PERCENT OF THE MAXIMUM DRY DENSITY AS DETERMINED BY STANDARD PROCTOR (ASTM D-698) WITH THE EXCEPTION OF THE TOP 12 INCHES OF PAVEMENT SUBGRADE WHICH SHALL HAVE A MINIMUM IN-SITU DENSITY OF 100 PERCENT OF MAXIMUM DRY DENSITY, OR 5 PERCENT HIGHER THAN UNDERLYING FILL MATERIALS.

THE MOISTURE CONTENT OF COHESIVE SOIL SHALL NOT VARY BY MORE THAN -1 TO +3 PERCENT AND GRANULAR SOIL ±3 PERCENT OF THE OPTIMUM WHEN PLACED AND COMPACTED OR RECOMPACTED, UNLESS SPECIFICALLY RECOMMENDED / APPROVED BY THE SOILS ENGINEER MONITORING THE PLACEMENT AND COMPACTION. COHESIVE SOILS WITH MODERATE TO HIGH EXPANSIVE POTENTIALS (PI:15) SHOULD, HOWEVER, BE PLACED, COMPACTED AND MAINTAINED PRIOR TO CONSTRUCTION AT A MOISTURE CONTENT OF 3±1 PERCENT ABOVE OPTIMUM MOISTURE CONTENT TO LIMIT FUTURE HEAVE.

THE FILL SHALL BE PLACED IN LAYERS WITH A MAXIMUM LOOSE THICKNESS OF 9 INCHES. THE COMPACTION EQUIPMENT SHOULD CONSIST OF SUITABLE MECHANICAL EQUIPMENT SPECIFICALLY DESIGNED FOR SOIL COMPACTION. BULLDOZERS OR SIMILAR TRACKED VEHICLES ARE TYPICALLY NOT SUITABLE FOR COMPACTION.

UPON COMPLETION OF THE GRADING AND COMPACTION OF THE SUBGRADE, A PROOF ROLL SHALL BE CONDUCTED BY THE CONTRACTOR ON ALL SUBGRADES TO RECEIVE DENSE AGGREGATE BASE COURSE. THE CONTRACTOR SHALL PROVIDE A FULLY LOADED TAD-AXLE TRUCK (18 TON MINIMUM LOAD) TO PERFORM THE PROOF ROLL. CONTRACTOR SHALL COORDINATE THE PROOF ROLL WITH THE OWNER OR HIS REPRESENTATIVES.

TEMPORARY SEEDING IS REQUIRED FOR ALL STOCKPILES AND OTHER EXPOSED LAND AREAS IF NOT UTILIZED WITHIN 30 DAYS. AT THE COMPLETION OF THE PAVEMENT WORK, RE-SPREAD SALVAGED TOPSOIL OR IMPORT TOPSOIL AS NECESSARY TO PROVIDE A MINIMUM SIX-INCH (6") LAYER IN ALL LANDSCAPE AND LAWN AREAS. ALL DISTURBED AREAS SHALL BE SEEDED, FERTILIZED AND MULCHED IN ACCORDANCE WITH SECTIONS 627, 629 AND 630 OF THE "STATE SPECIFICATIONS" OR RESTORED PER SPECIFIC DETAILS IN THE PROJECT LANDSCAPE PLAN.

GRADING LEGEND

- 692 — EXISTING CONTOURS
- 702 — PROPOSED CONTOURS
- — — RETAINING WALL
- 808.40 / 800.60 — RETAINING WALL TOP/BOTTOM GRADES
- ○ — CONSTRUCTION FENCE
- \ — SILT FENCE

UTILITY NOTE

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DIGGERS HOTLINE
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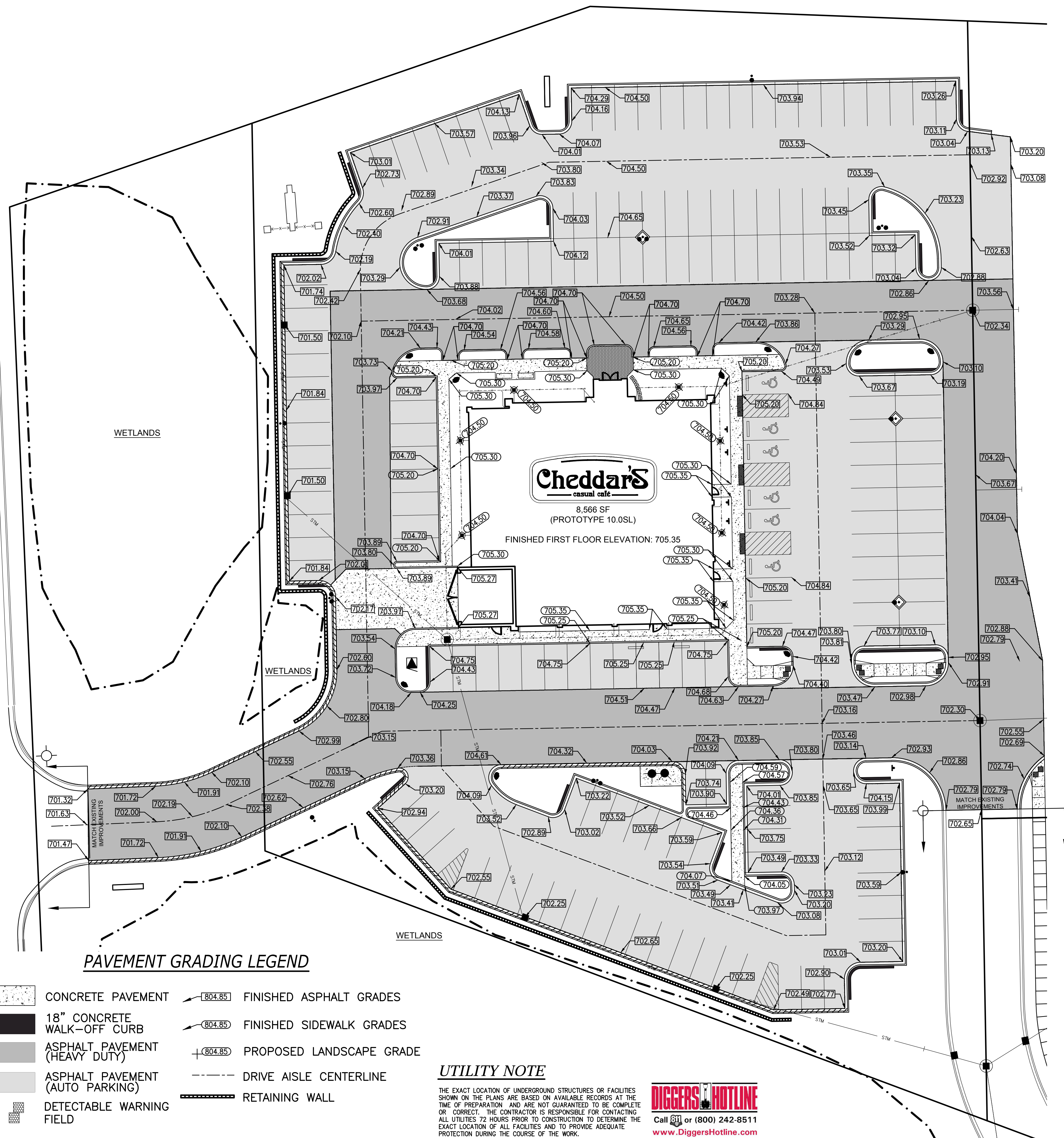
SITE GRADING PLAN

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NMB PROJECT : 2012.0009.04
 SHEET

SHT - 5

104th AVENUE



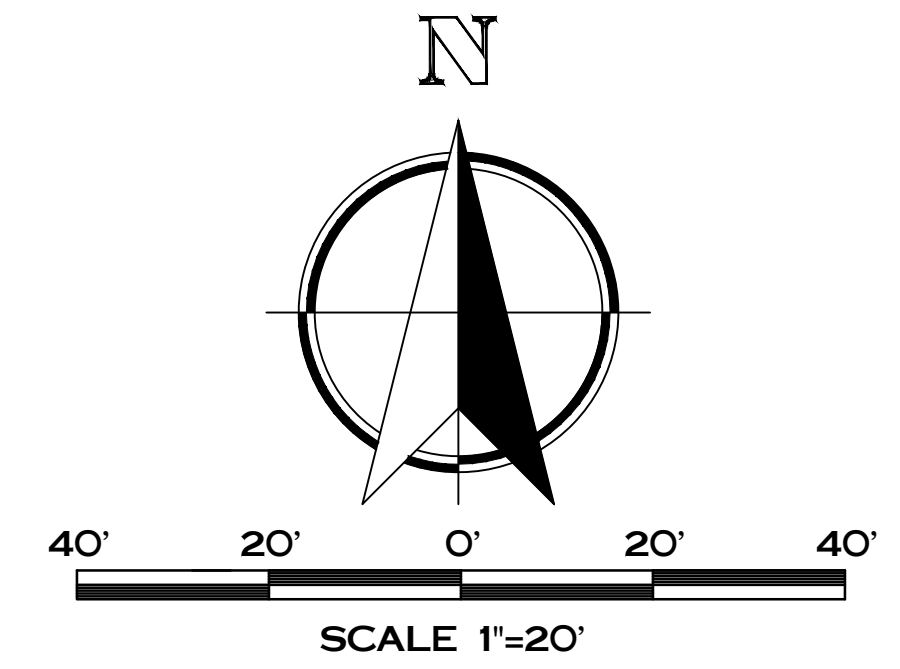
PAVEMENT GRADING LEGEND

- CONCRETE PAVEMENT
- 18" CONCRETE WALK-OFF CURB
- ASPHALT PAVEMENT (HEAVY DUTY)
- ASPHALT PAVEMENT (AUTO PARKING)
- DETECTABLE WARNING FIELD
- FINISHED ASPHALT GRADES
- FINISHED SIDEWALK GRADES
- PROPOSED LANDSCAPE GRADE
- DRIVE AISLE CENTERLINE
- RETAINING WALL

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- AT THE COMPLETION OF THE PROJECT THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL ABANDONED, EXCESS, WASTE, STOCKPILED AND SPOIL MATERIAL IN ACCORDANCE WITH SECTION 205.3.12 OF THE "STATE SPECIFICATIONS". THIS WORK SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.

PAVEMENT SPECIFICATIONS

- DENSE AGGREGATE BASE COURSE SHALL MEET THE REQUIREMENTS OF SECTION 305 OF THE "STATE SPECIFICATIONS". THE COMPLETED BASE SHALL BE IN ACCORDANCE WITH THE "TYPICAL SECTIONS & CONSTRUCTION DETAILS" SHEET(S) OF THE PLAN SET AND SHALL BE CONSTRUCTED IN FOUR-INCH (4") LIFTS AND COMPACTED ACCORDING TO SUBSECTION 305.3.2.2 OF THE "STATE SPECIFICATIONS".
- ASPHALTIC CONCRETE PAVEMENT SHALL BE WISCONSIN DOT TYPE E-0.3 MEETING THE REQUIREMENTS OF SECTION 460 OF THE "STATE SPECIFICATIONS". PAVEMENT SHALL BE INSTALLED IN TWO (2) LIFTS IN ACCORDANCE WITH THE "TYPICAL SECTIONS & CONSTRUCTION DETAILS" SHEET(S) OF THE PLAN SET. A TACK COAT SHALL BE INSTALLED BETWEEN THE LOWER AND UPPER COURSES IN ACCORDANCE WITH SECTION 455.3.2 OF THE "STATE SPECIFICATIONS".
- CONCRETE FOR SIDEWALKS, CURB & GUTTER AND DRIVEWAY APRONS SHALL BE GRADE A-FA, AIR-ENTRAINED, AS SPECIFIED IN SUBSECTION 501.3.1 OF THE "STATE SPECIFICATIONS". ALL EXTERIOR CONCRETE SHALL BE "READY-MIXED" AND RECEIVE A BROOM FINISH. ALL CONCRETE WORK SHALL BE CURED IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION 415.2.4 OF THE "STATE SPECIFICATIONS".
- CONCRETE SIDEWALKS SHALL BE FIVE INCHES (5") IN THICKNESS ON FIVE INCHES (5") OF DENSE AGGREGATE BASE COURSE AND BE CONSTRUCTED IN ACCORDANCE WITH THE "TYPICAL SECTIONS & CONSTRUCTION DETAILS" SHEET(S) OF THE PLAN SET.
- CONCRETE PAVEMENT (TRASH ENCLOSURE / APRON) SHALL BE EIGHT INCHES (8") IN THICKNESS ON SIX INCHES (6") OF DENSE AGGREGATE BASE COURSE IN ACCORDANCE WITH THE "TYPICAL SECTIONS & CONSTRUCTION DETAILS" SHEET(S) OF THE PLAN SET.
- ALL CONCRETE CURB AND GUTTER SHALL BE 18" VERTICAL FACE CURB CONFORMING TO THE "TYPICAL SECTIONS & CONSTRUCTION DETAILS" SHEET(S) OF THE PLAN SET AND SECTION 601 OF THE "STATE SPECIFICATIONS". ALL CURB & GUTTER SHALL BE "REVERSE PAN CURB" OR "STANDARD CURB" AS INDICATED BY THE LEGEND BELOW AND INSTALLED IN A MANNER TO SHED ALL STORM WATER RUNOFF TOWARDS THE DRAINAGE STRUCTURES.

- 18" VERTICAL FACE (REVERSE PAN) CONCRETE CURB & GUTTER
- 18" VERTICAL FACE CONCRETE CURB & GUTTER

- CONTRACTION JOINTS SHALL BE AT TEN-FOOT (10') INTERVALS FOR CURB AND GUTTER AND FIVE-FOOT (5') INTERVALS FOR FIVE-FOOT (5') WIDE SIDEWALK.
- EXPANSION JOINTS SHALL BE PLACED AS OUTLINED IN SUBSECTION 601.3.6 OF THE "STATE SPECIFICATIONS". FILLER MATERIAL FOR EXPANSION JOINTS SHALL BE 1/2" FIBER MATERIAL.
- CONTRACTOR SHALL ADJUST AND/OR RECONSTRUCT ALL UTILITY COVERS (SUCH AS MANHOLES, VALVE BOXES, ETC.) TO MATCH THE FINISHED GRADES OF THE AREA AFFECTED BY THE CONSTRUCTION.

PARKING LOT STRIPING, STOP BARS / WORDS, CROSSWALKS AND HANDICAPPED ACCESSIBLE SYMBOLS SHALL BE INSTALLED WITH WISCONSIN DOT APPROVED TRAFFIC PAINT (WHITE) IN ACCORDANCE WITH SECTION 646 OF THE "STATE SPECIFICATIONS". ALL PARKING STALL STRIPING SHALL BE FOUR INCHES (4") IN WIDTH AND SHALL BE INSTALLED AT THE LOCATIONS SHOWN ON THE PLANS OR AS DIRECTED BY THE OWNER. SEE THE TYPICAL SECTIONS AND CONSTRUCTION DETAILS SHEET(S) OF THE PLAN SET FOR ADDITIONAL DETAILS ABOUT THE STOP BAR AND CROSSWALK MARKINGS.



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 Website www.nmbssc.net

CHEDDAR'S
 SITE IMPROVEMENT
 PLANS
 FOR
CHEDDAR'S CASUAL CAFE, INC.
 2250 WEST JOHN CARPENTER FREEWAY - SUITE 500
 IRVING, TEXAS 75063 · SMITH@FOREMARK.COM

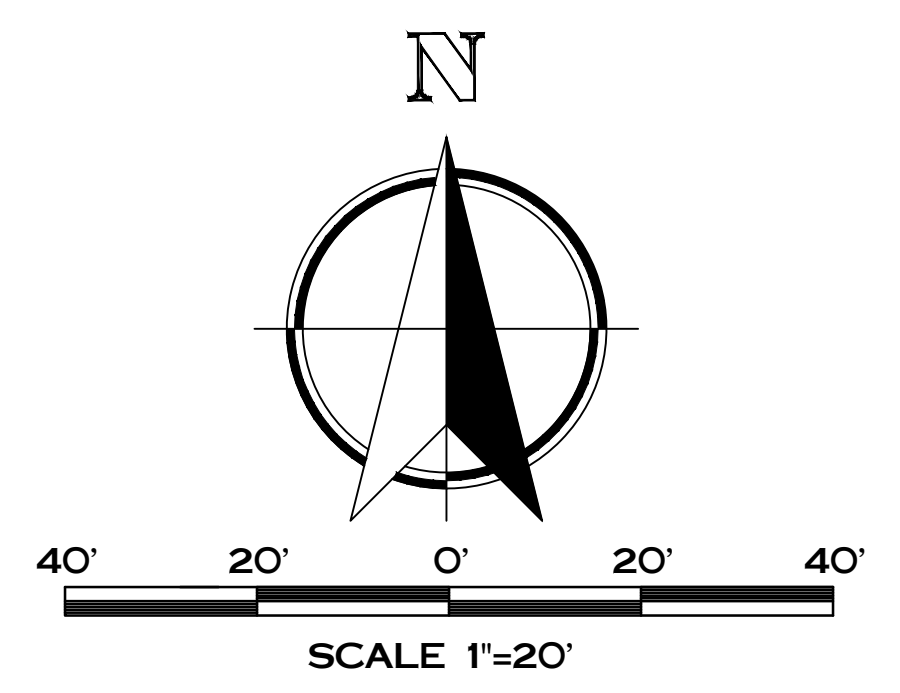
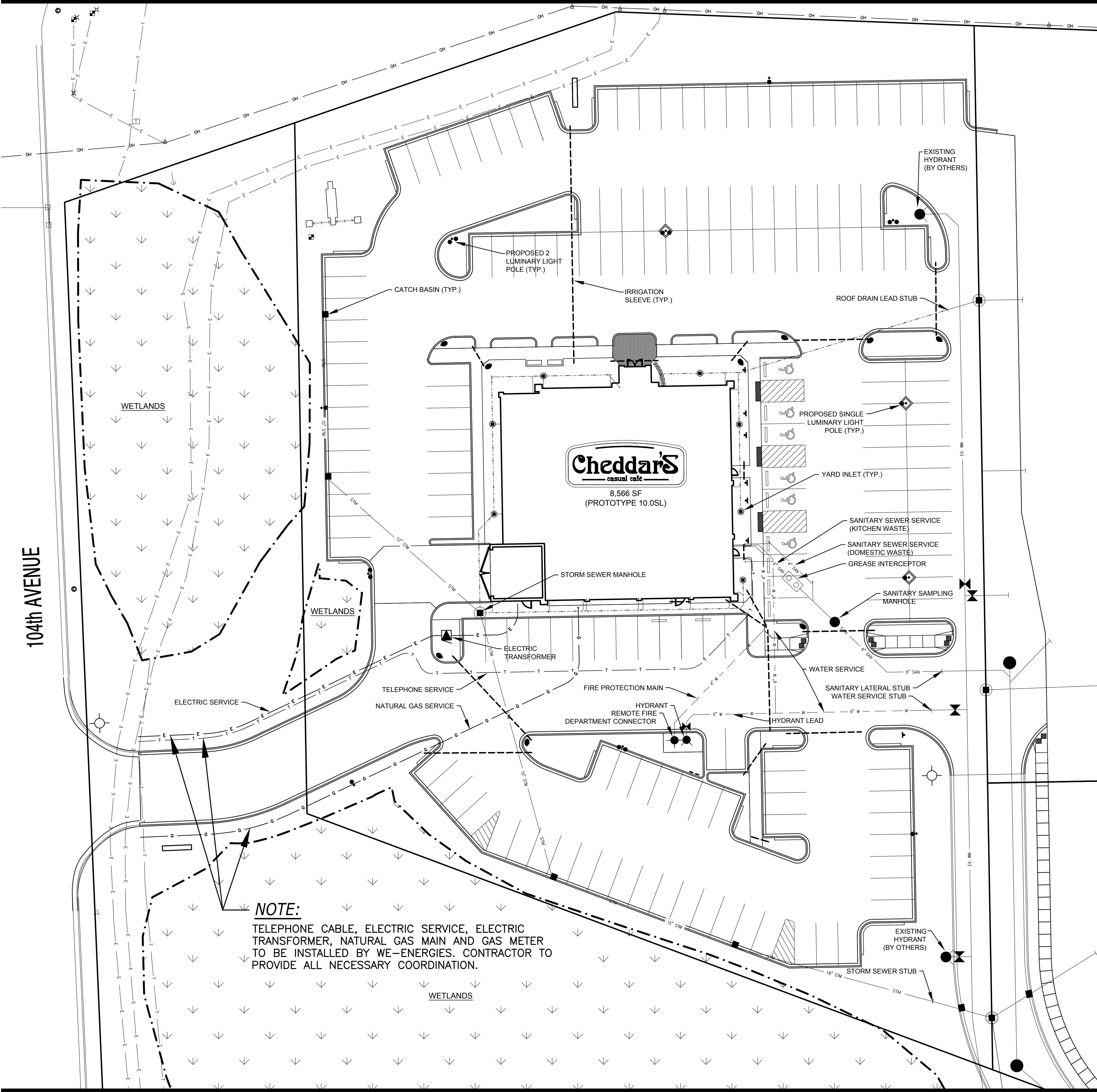


PAVEMENT GRADING PLAN

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NMB PROJECT : 2012.0009.04
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REFERENCES

ANY OR ALL OF THE FOLLOWING REFERENCE DOCUMENTS THAT ARE APPLICABLE TO THE PROPOSED ITEMS OF WORK ARE INCLUDED IN THIS CONTRACT:

STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, SIXTH EDITION, DECEMBER 22, 2003 WITH ADDENDA NO. 1 AND NO. 2, HEREIN REFERRED TO AS "STANDARD SPECIFICATIONS."

STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, 2012 EDITION, HEREIN REFERRED TO AS "STATE SPECIFICATIONS." THE CURRENT VERSION OF THE "STATE SPECIFICATIONS" IS AVAILABLE ON THE WISDOT WEBSITE AT <http://roadwaysstandards.dot.wi.gov/standards/stndspec/index.htm>

LAND DIVISION ORDINANCE OF THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, CHAPTER 18, VILLAGE CODE OF ORDINANCES, JUNE 1998, REVISED EDITION MAY 21, 2001.

CHAPTER 405 OF THE VILLAGE OF PLEASANT PRAIRIE MUNICIPAL CODE "PUBLIC IMPROVEMENT PROJECTS", DATED DECEMBER 20, 2004, INCLUDED HEREIN REFERRED TO AS "VILLAGE SPECIFICATIONS."

ALL SANITARY SEWER AND WATERMAIN IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE "STANDARD SPECIFICATIONS" AND "VILLAGE SPECIFICATIONS".

- WHENEVER THE "STANDARD SPECIFICATIONS" AND THE "VILLAGE SPECIFICATIONS" DIFFER, THE "VILLAGE SPECIFICATIONS" SHALL GOVERN.
- WHENEVER THE "STANDARD SPECIFICATIONS", "VILLAGE SPECIFICATIONS" OR CONSTRUCTION PLANS DIFFER, THE "VILLAGE SPECIFICATIONS" SHALL GOVERN.

ALL PRIVATELY OWNED STORM SEWERS (MAINS, LATERAL AND CONNECTING STRUCTURES) SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE "STANDARD SPECIFICATIONS" AND THE "SPECIAL PROVISIONS" ON THE STORM SEWER PLAN.

GENERAL NOTES

CONTRACTOR SHALL VERIFY ALL ELEVATIONS, LOCATIONS AND SIZES OF EXISTING SANITARY AND STORM SEWERS, WATER MAINS, GAS & ELECTRIC LINES OR OTHER UTILITIES PRIOR TO STARTING CONSTRUCTION. AS-BUILT (FIELD) DATA SHALL BE USED TO CHECK ALL PROPOSED UTILITY CROSSINGS FOR CONFLICTS.

CONTRACTOR SHALL CONTACT DIGGER'S HOTLINE A MINIMUM OF 72 HOURS BEFORE THE START OF CONSTRUCTION TO IDENTIFY ANY UNDERGROUND UTILITIES PRESENT AT THE SITE. THE LOCATION OF EXISTING PRIVATE UTILITIES MAY NOT BE SHOWN ON THE PLANS AND SHOULD BE LOCATED BY THE OWNER PRIOR TO CONSTRUCTION.

ANY AND ALL EXISTING SIDEWALKS, CURBS OR PAVEMENTS DISTURBED DURING CONSTRUCTION SHALL BE SAWCUT AT THE NEAREST JOINT AND REPLACED IN KIND PER VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS.

AT THE COMPLETION OF THE PROJECT THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL ABANDONED, EXCESS, WASTE, STOCKPILED AND SPOIL MATERIAL IN ACCORDANCE WITH SECTION 205.3.12 OF THE "STATE SPECIFICATIONS". THIS WORK SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.

PUBLIC UTILITY NOTES

TELEPHONE SERVICE INSTALLATION TO BE COORDINATED WITH THE ELECTRICAL SERVICE.

ELECTRICAL SERVICE TO BE COORDINATED WITH WE ENERGIES. EXACT LOCATION OF THE SERVICE ENTRANCE / METER TO BE COORDINATED WITH WE ENERGIES, THE MECHANICAL DESIGNER AND THE ARCHITECT.

UTILITY PLAN LEGEND

- SAN — SANITARY SEWER SERVICE
- WM — WATER/FIRE PROTECTION SERVICE
- STM — STORM SEWER MAIN
- RDS — ROOF DRAINAGE SYSTEM
- E — ELECTRIC SERVICE
- T — TELEPHONE SERVICE
- G — NATURAL GAS SERVICE
- I — IRRIGATION SLEEVE

UTILITY NOTE

THE EXACT LOCATION OF UNDERGROUND STRUCTURES OR FACILITIES SHOWN ON THE PLANS ARE BASED ON AVAILABLE RECORDS AT THE TIME OF PREPARATION AND ARE NOT GUARANTEED TO BE COMPLETE OR CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL UTILITIES 72 HOURS PRIOR TO CONSTRUCTION TO DETERMINE THE EXACT LOCATION OF ALL FACILITIES AND TO PROVIDE ADEQUATE PROTECTION DURING THE COURSE OF THE WORK.



NOTE:
TELEPHONE CABLE, ELECTRIC SERVICE, ELECTRIC TRANSFORMER, NATURAL GAS MAIN AND GAS METER TO BE INSTALLED BY WE-ENERGIES. CONTRACTOR TO PROVIDE ALL NECESSARY COORDINATION.



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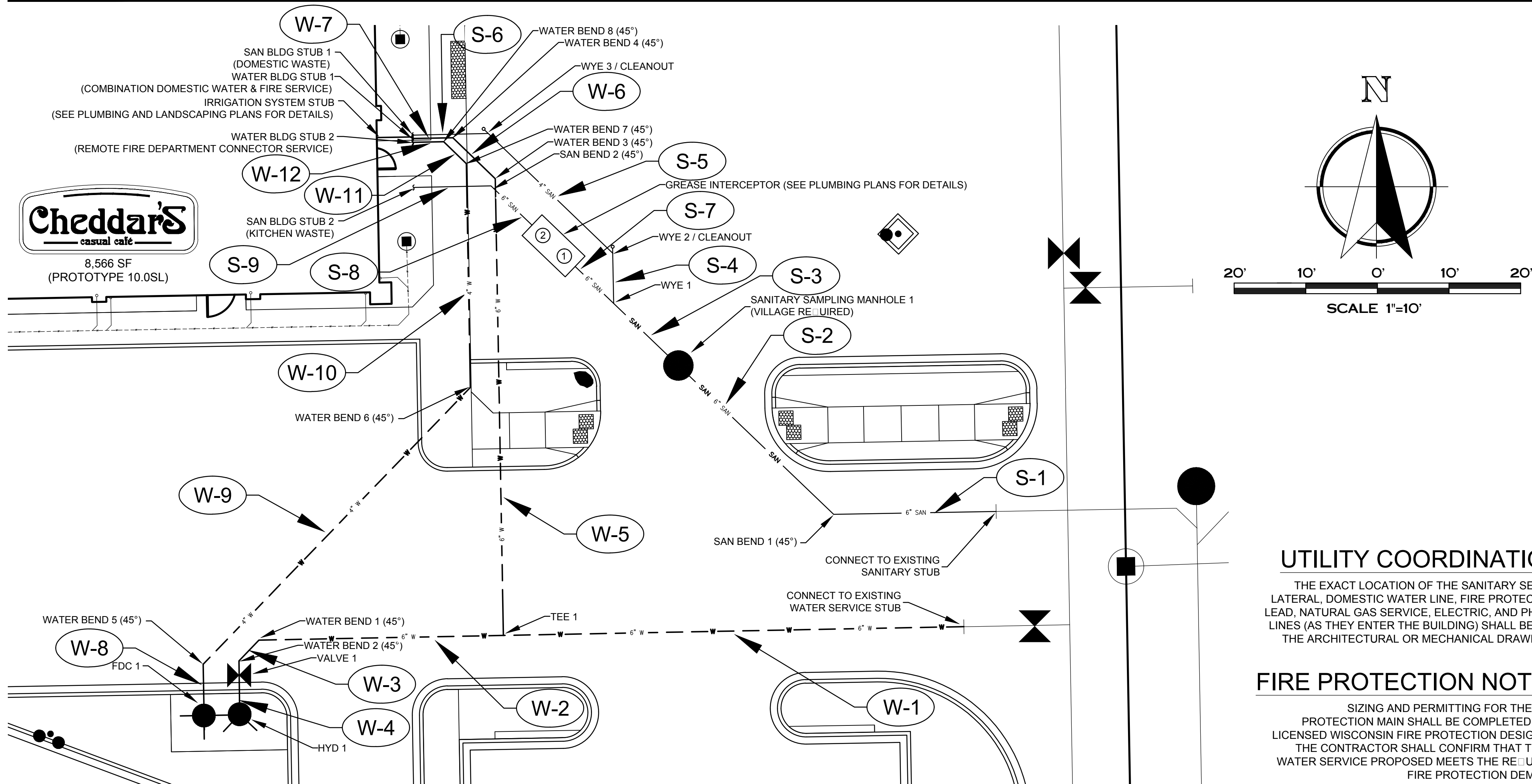
SITE
UTILITY
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SANITARY LATERAL INSTALLATION NOTES

LOCATE AND EXPOSE EXISTING 6" SANITARY LATERAL STUB NEAR EAST PROPERTY LINE.

CONNECT TO EXISTING LATERAL AND INSTALL 23± L.F. OF 6" SANITARY LATERAL AT 3.60% SLOPE TO SANITARY BEND 1.

INSTALL SANITARY BEND 1 AND 30± L.F. OF 6" SANITARY LATERAL AT 3.60% SLOPE TO SAMPLING MANHOLE 1.
SET SAMPLING MANHOLE 1 AND INSTALL 13± L.F. OF 6" SANITARY LATERAL AT 3.60% SLOPE FROM SAMPLING MANHOLE 1 TO SANITARY WYE 2 / CLEANOUT.

INSTALL WYE 2 / CLEANOUT AND 7± L.F. OF 4" SANITARY LATERAL AT 3.60% SLOPE TO SANITARY WYE 3 / CLEANOUT.

INSTALL WYE 3 / CLEANOUT AND 24± L.F. OF 4" SANITARY LATERAL AT 3.60% SLOPE TO SANITARY BUILDING STUB 1 (DOMESTIC WASTE).

CONNECT TO SANITARY WYE 2 INSTALL AND 11± L.F. OF 6" SANITARY LATERAL AT 3.60% SLOPE TO THE GREASE INTERCEPTOR.

INSTALL GREASE INTERCEPTOR PER THE MANUFACTURER'S SPECIFICATIONS AND THE DETAILS ON THE CONSTRUCTION PLANS.

CONNECT TO NORTHWEST SIDE OF THE GREASE INTERCEPTOR AND INSTALL 8± L.F. OF 6" SANITARY LATERAL AT 3.60% SLOPE TO SANITARY BEND 2.

INSTALL 11± L.F. OF 6" SANITARY LATERAL AT 3.60% SLOPE TO SANITARY BUILDING STUB 2 (KITCHEN WASTE).

WATER SERVICE INSTALLATION NOTES

LOCATE AND EXPOSE EXISTING 6" WATER SERVICE STUB NEAR EAST PROPERTY LINE.

CONNECT TO EXISTING SERVICE AND INSTALL 64± L.F. OF 6" WATER SERVICE AT 2.00% SLOPE TO TEE 1.

INSTALL TEE 1 AND 34± L.F. OF 6" WATER SERVICE AT 2.00% SLOPE TO WATER BEND 1.

INSTALL WATER BEND 1 AND 4± L.F. OF 6" WATER SERVICE AT 2.00% SLOPE TO WATER BEND 2.

INSTALL WATER BEND 2, 6" GATE VALVE (VALVE 1) AND 7± L.F. OF 6" WATER SERVICE AT 2.00% TO HYDRANT 1 AND SET HYDRANT.

CONNECT TO TEE 1 AND INSTALL 64± L.F. OF 6" WATER SERVICE AT 2.25% SLOPE TO WATER BEND 3.

INSTALL WATER BEND 3 AND 8± L.F. OF 6" WATER SERVICE AT 2.25% SLOPE TO WATER BEND 4.

INSTALL WATER BEND 4 AND 9± L.F. OF 6" WATER SERVICE AT 2.25% SLOPE TO WATER BUILDING STUB 1 (COMBINATION DOMESTIC WATER & FIRE SERVICE).

SET FIRE DEPARTMENT CONNECTOR 1 AND INSTALL 9± L.F. OF 4" FIRE PROTECTION MAIN AT 1.00% TO WATER BEND 5.

INSTALL WATER BEND 5 AND 54± L.F. OF 4" FIRE PROTECTION MAIN AT 1.00% TO WATER BEND 6.

INSTALL WATER BEND 6 AND 31± L.F. OF 4" FIRE PROTECTION MAIN AT 1.00% SLOPE TO WATER BEND 7.

INSTALL WATER BEND 7 AND 4± L.F. OF 4" FIRE PROTECTION MAIN AT 1.00% SLOPE TO WATER BEND 8.

INSTALL WATER BEND 8 AND 4± L.F. OF 4" FIRE PROTECTION MAIN AT 1.00% SLOPE TO WATER BUILDING STUB 2 (REMOTE FIRE DEPARTMENT CONNECTOR SERVICE).

WATER MAIN DATA

W-1:	64' - 6" WM	2.00
W-2:	34' - 6" WM	2.00
W-3:	4' - 6" WM	2.00
W-4:	7' - 6" WM	2.00
W-5:	64' - 6" WM	2.25
W-6:	8' - 6" WM	2.25
W-7:	6' - 6" WM	2.25
W-8:	9' - 4" WM	1.00
W-9:	54' - 4" WM	1.00
W-10:	31' - 4" WM	1.00
W-11:	4' - 4" WM	1.00
W-12:	4' - 4" WM	1.00

CONNECT TO EXISTING WATER SERVICE STUB
I.E. 6" 695.18

TEE 1
I.E. 6" (E) 696.47
I.E. 6" (N) 696.47
I.E. 6" (W) 696.47

WATER BEND 1 (45°)
I.E. 6" 697.15

WATER BEND 2 (45°)
I.E. 6" 697.23

VALVE 1
I.E. 6" 697.27

HYDRANT 1
FLANGE ELEVATION - 704.75
CENTER OF LARGE COUPLING - 706.50
I.E. 6" 697.39

WATER BEND 3 (45°)
I.E. 6" 697.91

WATER BEND 4 (45°)
I.E. 6" 698.09

WATER BUILDING STUB 1 (COMBINATION DOMESTIC WATER & FIRE SERVICE)
I.E. 6" 698.22

FIRE DEPARTMENT CONNECTOR 1
FLANGE ELEVATION - 704.80
CENTER OF LARGE COUPLING - 706.55
I.E. 4" 697.25

WATER BEND 5 (45°)
I.E. 4" 697.34

WATER BEND 6 (45°)
I.E. 4" 697.88

WATER BEND 7 (45°)
I.E. 4" 698.19

WATER BEND 8 (45°)
I.E. 4" 698.24

WATER BUILDING STUB 2 (REMOTE FIRE DEPARTMENT CONNECTOR SERVICE)
I.E. 4" 698.29

SANITARY SEWER DATA

S-1:	23' - 6" PVC	3.60
S-2:	30' - 6" PVC	3.60
S-3:	13' - 6" PVC	3.60
S-4:	7' - 4" PVC	3.60
S-5:	24' - 4" PVC	3.60
S-6:	11' - 4" PVC	3.60
S-7:	7' - 6" PVC	3.60
S-8:	8' - 6" PVC	3.60
S-9:	11' - 6" PVC	3.60

CONNECT TO EXISTING SANITARY STUB
I.E. 6" 693.38

WYE 3 / CLEANOUT
I.E. 4" 697.03

SANITARY BUILDING STUB 1 (DOMESTIC WASTE)
I.E. 4" 697.41

SAMPLING MANHOLE 1
RIM 704.11
I.E. 6" (SE) 695.28
I.E. 6" (NW) 695.38

GREASE INTERCEPTOR
RIM 1 704.67
RIM 2 704.78
I.E. 6" (SE) 696.10
I.E. 6" (NW) 696.10

WYE 1
I.E. 6" (SE) 695.83
I.E. 4" (N) 695.91
I.E. 6" (NW) 695.83

SANITARY BEND 2 (45°)
I.E. 6" 696.38

SANITARY BUILDING STUB 2 (KITCHEN WASTE)
I.E. 6" 696.77

UTILITY NOTE

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REFERENCES

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WHENEVER THE "STANDARD SPECIFICATIONS", "VILLAGE SPECIFICATIONS" OR CONSTRUCTION PLANS DIFFER, THE "VILLAGE SPECIFICATIONS" SHALL GOVERN.

GENERAL NOTES

ALL APPLICATIONS AND CONNECTION FEES FOR SANITARY SEWER AND WATER SERVICES MUST BE SUBMITTED AND PAID PRIOR TO CONNECTION TO THE EXISTING SYSTEMS.

CONTRACTOR SHALL VERIFY ALL ELEVATIONS, LOCATIONS AND SIZES OF EXISTING SANITARY AND STORM SEWERS, WATER MAINS, GAS & ELECTRIC LINES OR OTHER UTILITIES PRIOR TO STARTING CONSTRUCTION. AS-BUILT (FIELD) DATA SHALL BE USED TO CHECK ALL PROPOSED UTILITY CROSSINGS FOR CONFLICTS.

CONTRACTOR SHALL CONTACT DIGGER'S HOTLINE A MINIMUM OF 72 HOURS BEFORE THE START OF CONSTRUCTION TO IDENTIFY ANY UNDERGROUND UTILITIES PRESENT AT THE SITE. THE LOCATION OF EXISTING PRIVATE UTILITIES MAY NOT BE SHOWN ON THE PLANS AND SHOULD BE LOCATED BY THE OWNER PRIOR TO CONSTRUCTION.

ANY AND ALL EXISTING SIDEWALKS, CURBS OR PAVEMENTS DISTURBED DURING CONSTRUCTION SHALL BE SAWCUT AT THE NEAREST JOINT AND REPLACED IN KIND PER VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS.

AT THE COMPLETION OF THE PROJECT THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL ABANDONED, EXCESS, WASTE, STOCKPILED AND SPOIL MATERIAL IN ACCORDANCE WITH SECTION 205.3.12 OF THE "STATE SPECIFICATIONS". THIS WORK SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.

MATERIAL FOR SANITARY SEWERS AND WATER MAINS SHALL BE IN ACCORDANCE WITH THE STATE OF WISCONSIN DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES (SPS) AND VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS.

ALL SANITARY SEWER, WATER MAIN AND FIRE PROTECTION LATERALS INSTALLED IN EXISTING OR PROPOSED PAVED AREAS SHALL BE BACKFILLED WITH COMPACTED GRANULAR MATERIAL IN ACCORDANCE WITH TABLE 37, CHAPTER 8.43.4 OF THE "STANDARD SPECIFICATIONS". BACKFILL MATERIAL SHALL EXTEND A MINIMUM OF FIVE FEET (5') OUTSIDE OF THE PAVEMENT LIMITS. TRENCHES RUNNING PARALLEL TO AND LESS THAN FIVE FEET (5') FROM THE EDGE OF PAVEMENT SHALL ALSO REQUIRE COMPACTED GRANULAR BACKFILL.

PROVIDE FIVE FEET (5') OF COVER OVER ALL SANITARY SEWERS AND SIX AND ONE HALF FEET (6-1/2') OF COVER OVER ALL WATER MAINS. MINIMUM HORIZONTAL SEPARATION OF UTILITY MAINS IS EIGHT FEET (8'). PROVIDE VERTICAL SEPARATION OF UTILITIES PER CODE.

SANITARY SEWER AND WATER MAIN SPECIFICATIONS

THE CONTRACTOR SHALL PROVIDE 7 DAYS NOTICE TO THE VILLAGE OF PLEASANT PRAIRIE UTILITY DEPARTMENT BEFORE COMMENCING CONSTRUCTION ON ANY SEWER OR WATER MAIN IMPROVEMENTS.

THE CONTRACTOR SHALL CONTACT THE OWNER 24 HOURS PRIOR TO PROPOSED WATER MAIN SHUTDOWNS OR ANY WORK THAT MAY INTERFERE WITH EXISTING WATER SERVICE. ALL EXISTING VALVES, HYDRANTS, AND OTHER WATER INFRASTRUCTURE SHALL BE MAINTAINED AND OPERATED BY OR IN THE PRESENCE OF THE OWNER.

A 10-GAUGE TRACER WIRE SHALL BE INSTALLED THE ENTIRE LENGTH OF ALL PRIVATE SANITARY SEWERS AND LATERALS PER SPS 382.30(1)(h). THE TRACER WIRE SHALL BE EXTENDED TO THE SURFACE WITHIN THE PROPOSED STRUCTURES. FOR THE SANITARY SEWER LATERALS, THE TRACER WIRE SHALL BE EXTENDED TO THE SURFACE AT THE BUILDING WALL AND ALL OTHER SYSTEM LIMITS (FOR EACH SYSTEM INSTALLED) AND ENCLOSED IN A RISER BOX WITH "SEWER" ON THE COVER.

A 10-GAUGE TRACER WIRE SHALL BE INSTALLED THE ENTIRE LENGTH OF ALL PRIVATE WATER MAINS, HYDRANT LEADS, FIRE DEPARTMENT CONNECTION LEADS AND LATERALS PER SPS 382.40(8)(k). THE TRACER WIRE SHALL BE EXTENDED TO THE SURFACE AT THE BUILDING WALL AND ALL OTHER SYSTEM LIMITS (FOR EACH SYSTEM INSTALLED) AND ENCLOSED IN A RISER BOX WITH "WATER" OR "FDC" ON THE COVER.

SANITARY SEWER MAIN AND LATERAL PIPE MATERIAL SHALL BE 4" AND 6" PVC CLASS SDR-35 WITH INTEGRAL BELL TYPE ELASTOMERIC JOINTS CONFORMING TO THE REQUIREMENTS OF ASTM D3034, ASTM D3212 AND F-789/FP546 WITH RUBBER GASKETS. LATERAL CLEAN-OUT RISERS SHALL BE 4" DIAMETER WITH 6" DIAMETER FROST SLEEVE CONSTRUCTED OF THE SAME MATERIAL. THE CLEANOUT RISERS SHALL TERMINATE FOUR INCHES (4") BELOW FINISHED GRADE WITH A SCREW ON CAP. THE FROST SLEEVE SHALL BE BROUGHT UP TO FINISHED GRADE AND COVERED WITH A SCREW ON CAP IF WITHIN A LANDSCAPED AREA OR A NEENAH R-3487 FRAME WITH A SOLID LID IF WITHIN A PAVED AREA.

SANITARY SEWER MANHOLES SHALL BE 48" DIAMETER PRECAST STRUCTURES, CONFORMING TO ASTM C478, WITH A NEENAH R-1580 TYPE "B" FRAME & COVER IN ACCORDANCE WITH VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS. MANHOLES LOCATED WITHIN PAVEMENTS SHALL BE CONSTRUCTED WITH TYPE I FRAME/CHIMNEY JOINTS PER VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS. ALL OTHER MANHOLES SHALL BE CONSTRUCTED WITH TYPE II FRAME/CHIMNEY JOINTS PER VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS.

WATER MAIN AND LATERAL PIPE MATERIAL SHALL BE 4"-6" PVC PIPE CLASS 150, DR 18 (AS SHOWN) MEETING THE REQUIREMENTS OF AWWA STANDARD C-900, IN ACCORDANCE WITH VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS. HYDRANT LEADS SHALL BE 6" POLY-ENCASED DUCTILE IRON PIPE CLASS 53 (AS SHOWN) MEETING THE REQUIREMENTS OF AWWA STANDARD C-151 / ANSI 21.51 IN ACCORDANCE WITH VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS.

RESILIENT WEDGE SEATED GATE VALVES CONFORMING TO AWWA C-509 SHALL BE USED FOR 4"-8" APPLICATIONS. GATE VALVES SHALL BE WATEROUS "SERIES 500" AS MANUFACTURED BY AMERICAN FLOW CONTROL, CLOW F-6100 OR MUELLER A-2370-22 WITH A MINIMUM PRESSURE RATING OF 200 PSI. ALL VALVES SHALL BE MADE WITH STAINLESS STEEL NUTS AND BOLTS AND SHALL CLOSE CLOCKWISE WITH NON-RISING STEMS (GATE VALVE ONLY) AND A 2" SQUARE TAPERED OPERATING NUT.

VALVE BOXES SHALL BE THREE-PIECE CAST-IRON SHAFT SCREW TYPE WITH A CAST IRON VALVE BOX COVER CLEARLY MARKED "WATER" AND SHALL BE NORTH AMERICAN, SIGMA OR STAR MADE ONLY PER VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS. VALVE BOX ADAPTERS SHALL BE MANUFACTURED BY ADAPTOR, INC., OR APPROVED EQUIVALENT.

HYDRANTS SHALL CONFORM TO AWWA C-502 FOR DRY BARREL FIRE HYDRANTS AND SHALL BE RED IN COLOR WITH SILVER NOZZLE CAPS AND OPERATING NUT. HYDRANTS SHALL BE EITHER MUELLER SUPER CENTURION 200 OR KENNEDY GUARDIAN WITH A 5-1/4 INCH VALVE OPENING, TWO 2-1/2 INCH NOZZLE CONNECTIONS AND ONE 4-1/2 INCH KENOSHA STANDARD PUMPER CONNECTION.



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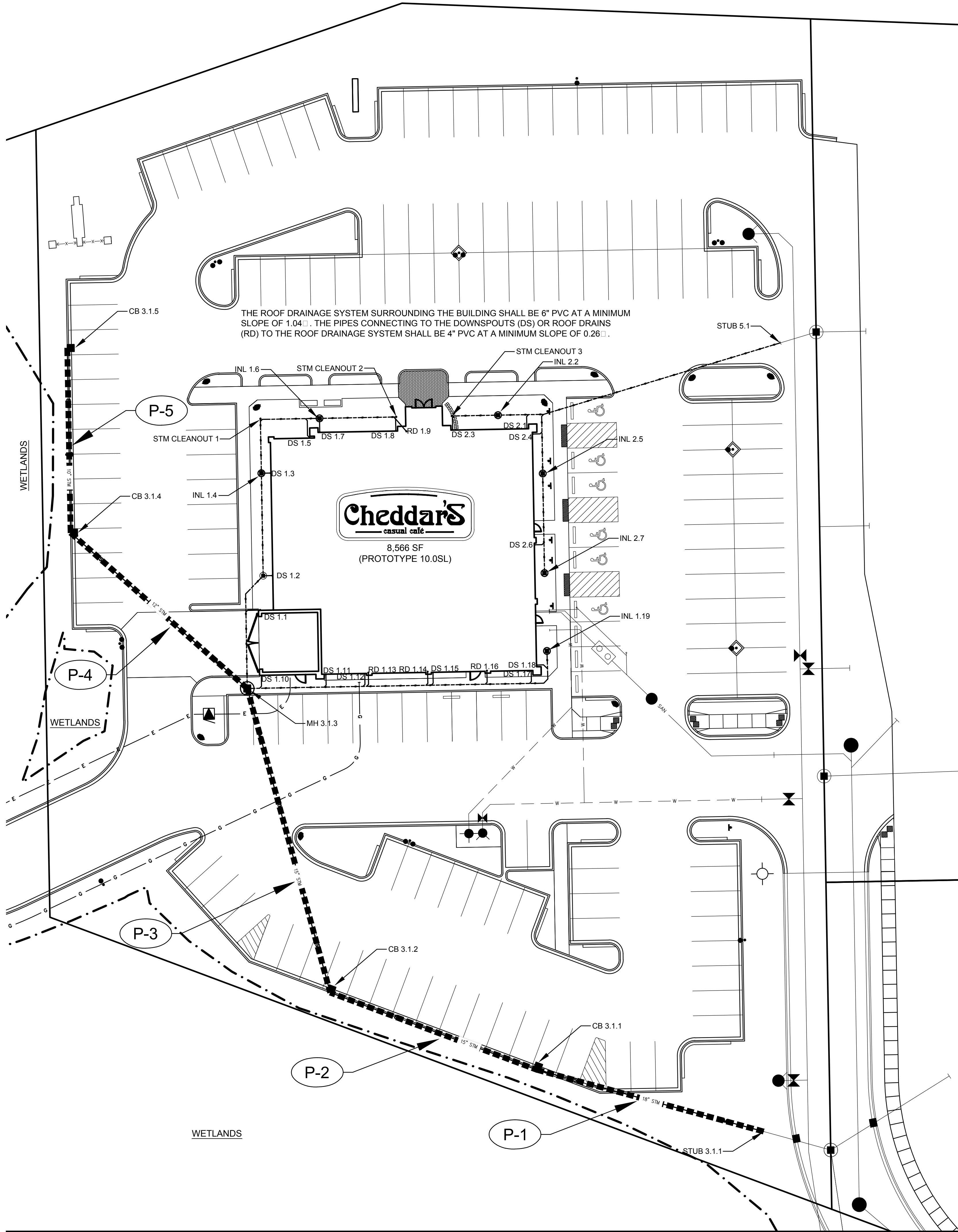
SEWER & WATER PLAN

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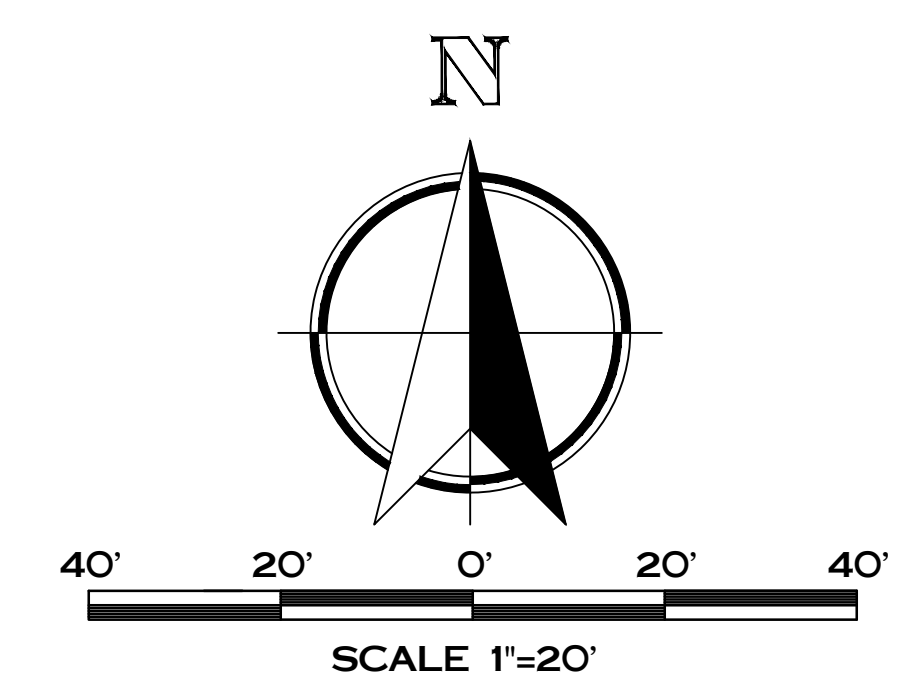
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THE ROOF DRAINAGE SYSTEM SURROUNDING THE BUILDING SHALL BE 6" PVC AT A MINIMUM SLOPE OF 1.04%. THE PIPES CONNECTING TO THE DOWNSPOUTS (DS) OR ROOF DRAINS (RD) TO THE ROOF DRAINAGE SYSTEM SHALL BE 4" PVC AT A MINIMUM SLOPE OF 0.26%.

Cheddar's
casual cafe
8,566 SF
(PROTOTYPE 10.0SL)



STORM SEWER DESIGN

- P-1: 85' - 18" STM @ 0.26%
- P-2: 80' - 15" STM @ 0.26%
- P-3: 114' - 15" STM @ 0.26%
- P-4: 85' - 12" STM @ 0.26%
- P-5: 67' - 10" STM @ 0.26%

STUB 3.1.1 I.E. 18" (NW) 697.22	INLET 1.6 RIM 704.80 I.E. 6" (W) 699.53
CB 3.1.1 (24"x36") FLANGE 702.25 I.E. 18" (SE) 697.44 I.E. 15" (NW) 697.44	I.E. 4" (S) 699.61 I.E. 6" (E) 699.53
CB 3.1.2 (24"x36") FLANGE 702.25 I.E. 15" (SE) 697.65 I.E. 15" (NW) 697.65	STM CLEANOUT 2 RIM 705.29 I.E. 6" 699.88
MH 3.1.3 RIM 705.32 I.E. 15" (SE) 697.95 I.E. 6" (N) 698.33 I.E. 6" (E) 698.33 I.E. 12" (NW) 697.95	INLET 1.19 RIM 704.80 I.E. 6" (S) 699.58
CB 3.1.4 (24"x36") FLANGE 701.50 I.E. 10" (N) 698.17 I.E. 12" (SE) 698.17	STUB 5.1 I.E. 6" (W) 698.08
CB 3.1.4 (24"x36") FLANGE 701.50 I.E. 10" (S) 698.35	INLET 2.2 RIM 704.80 I.E. 6" (E) 699.18 I.E. 6" (W) 699.18
STM CLEANOUT 1 RIM 705.26 I.E. 6" 699.37	STM CLEANOUT 3 RIM 705.26 I.E. 6" 699.36
INLET 1.4 RIM 704.80 I.E. 6" (S) 699.17 I.E. 4" (E) 699.25 I.E. 6" (N) 699.17	INLET 2.5 RIM 704.80 I.E. 6" (N) 699.24 I.E. 6" (S) 699.24
	INLET 2.7 RIM 704.80 I.E. 6" (N) 699.61

STORM SEWER LEGEND

- STORM SEWER
- - - - ROOF DRAINAGE SYSTEM
- DOWNSPOUT / ROOF DRAIN LEAD

UTILITY NOTE

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REFERENCES

- ANY OR ALL OF THE FOLLOWING REFERENCE DOCUMENTS THAT ARE APPLICABLE TO THE PROPOSED ITEMS OF WORK ARE INCLUDED IN THIS CONTRACT.
- STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, SIXTH EDITION, DECEMBER 22, 2003 WITH ADDENDA NO. 1 AND NO. 2, HEREIN REFERRED TO AS "STANDARD SPECIFICATIONS."
- STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, 2012 EDITION, HEREIN REFERRED TO AS "STATE SPECIFICATIONS." THE CURRENT VERSION OF THE "STATE SPECIFICATIONS" IS AVAILABLE ON THE WisDOT WEBSITE AT <http://roadwaysstandards.dot.wi.gov/standards/stndspec/index.htm>
- LAND DIVISION ORDINANCE OF THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, CHAPTER 18, VILLAGE CODE OF ORDINANCES, JUNE 1998, REVISED EDITION MAY 21, 2001.
- CHAPTER 405 OF THE VILLAGE OF PLEASANT PRAIRIE MUNICIPAL CODE "PUBLIC IMPROVEMENT PROJECTS", DATED DECEMBER 20, 2004, INCLUDED HEREIN REFERRED TO AS "VILLAGE SPECIFICATIONS."

ALL PRIVATELY OWNED STORM SEWERS (MAINS, LATERAL AND CONNECTING STRUCTURES) SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE "STANDARD SPECIFICATIONS" AND THE "SPECIAL PROVISIONS" ON THIS PAGE.

GENERAL NOTES

CONTRACTOR SHALL VERIFY ALL ELEVATIONS, LOCATIONS AND SIZES OF EXISTING SANITARY AND STORM SEWERS, WATER MAINS, GAS & ELECTRIC LINES OR OTHER UTILITIES PRIOR TO STARTING CONSTRUCTION. AS-BUILT (FIELD) DATA SHALL BE USED TO CHECK ALL PROPOSED UTILITY CROSSINGS FOR CONFLICTS.

CONTRACTOR SHALL CONTACT DIGGER'S HOTLINE A MINIMUM OF 72 HOURS BEFORE THE START OF CONSTRUCTION TO IDENTIFY ANY UNDERGROUND UTILITIES PRESENT AT THE SITE. THE LOCATION OF EXISTING PRIVATE UTILITIES MAY NOT BE SHOWN ON THE PLANS AND SHOULD BE LOCATED BY THE OWNER PRIOR TO CONSTRUCTION.

ANY AND ALL EXISTING SIDEWALKS, CURBS OR PAVEMENTS DISTURBED DURING CONSTRUCTION SHALL BE SAWCUT AT THE NEAREST JOINT AND REPLACED IN KIND PER VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS.

AT THE COMPLETION OF THE PROJECT THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL ABANDONED, EXCESS, WASTE, STOCKPILED AND SPOIL MATERIAL IN ACCORDANCE WITH SECTION 205.3.12 OF THE "STATE SPECIFICATIONS". THIS WORK SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.

MATERIAL FOR STORM SEWERS AND ROOF DRAIN LEADS SHALL BE IN ACCORDANCE WITH THE STATE OF WISCONSIN DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES (SPS) AND VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS.

ALL STORM SEWER AND ROOF DRAIN LEADS INSTALLED IN EXISTING OR PROPOSED PAVED AREAS SHALL BE BACKFILLED WITH COMPACTED GRANULAR MATERIAL IN ACCORDANCE WITH TABLE 37, CHAPTER 8.43.4 OF THE "STANDARD SPECIFICATIONS". BACKFILL MATERIAL SHALL EXTEND A MINIMUM OF FIVE FEET (5') OUTSIDE OF THE PAVEMENT LIMITS. TRENCHES RUNNING PARALLEL TO AND LESS THAN FIVE FEET (5') FROM THE EDGE OF PAVEMENT SHALL ALSO REQUIRE COMPACTED GRANULAR BACKFILL.

STORM SEWER SPECIFICATIONS

A 10-GAUGE TRACER WIRE SHALL BE INSTALLED THE ENTIRE LENGTH OF ALL PRIVATE STORM SEWERS, ROOF DRAINS AND STORM BUILDING SEWER LATERALS PER SPS 382.36(7)(d)10. THE TRACER WIRE SHALL BE EXTENDED TO THE SURFACE WITHIN THE PROPOSED STRUCTURES. FOR THE ROOF DRAIN LEADS, THE TRACER WIRE SHALL BE EXTENDED TO THE SURFACE AT THE BUILDING WALL.

THE STORM SEWER SYSTEM (PIPES P-1 - P-5) WAS SIZED ACCORDING TO SPS TABLE 382.36-4 "MAXIMUM CAPACITY OF STORM WATER HORIZONTAL CONVEYANCE PIPING FOR CONCRETE, ASTM C76 AND ASTM C14". ANY MATERIAL APPROVED BY THE VILLAGE OF PLEASANT PRAIRIE AND THE WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES MAY BE USED AT THE SLOPES AND SIZES DESIGNED.

THE ROOF DRAINAGE SYSTEM SURROUNDING THE BUILDING SHALL ALL BE 6" PVC AT A MINIMUM SLOPE OF 1.04%. THE PIPES CONNECTING TO THE DOWNSPOUTS (DS) OR ROOF DRAINS (RD) SHALL ALL BE 4" PVC AT A MINIMUM SLOPE OF 0.26%. GREATER SLOPES THAN THOSE LISTED ABOVE MAY BE USED PROVIDED THAT A MINIMUM OF FOUR FEET (4') OF COVER IS MAINTAINED OVER THE TOP OF THE PIPE.

STORM SEWER, ROOF DRAIN AND STORM BUILDING SEWER PIPE AND TUBING MATERIALS SHALL CONFORM TO SPS 384.30 OF THE WISCONSIN ADMINISTRATIVE CODE. REINFORCED CONCRETE PIPE (RCP) AND POLYVINYL CHLORIDE (PVC) MATERIALS SHALL BE SELECTED FROM TABLE 384.30-6. CORRUGATED HIGH DENSITY POLYETHYLENE (HDPE) PIPE MATERIAL (IF SELECTED) SHALL MEET THE REQUIREMENTS OF AASHTO M-252 FOR 4'-10" DIAMETER SIZES AND AASHTO M294 FOR 12'-48" DIAMETER SIZES.

BEDDING AND COVER MATERIAL SHALL BE SAND, CRUSHED STONE CHIPS OR CRUSHED STONE SCREENINGS CONFORMING TO CHAPTER 8.43.2 OF THE "STANDARD SPECIFICATIONS".

STORM SEWER MANHOLES (MH) SHALL BE 42" DIAMETER REINFORCED CONCRETE STRUCTURES IN ACCORDANCE WITH VILLAGE OF PLEASANT PRAIRIE SPECIFICATIONS. MANHOLES SHALL BE FURNISHED WITH A NEENAH R-1580 FRAME & GRATE.

STORM SEWER CATCH BASINS (CB) INSTALLED WITHIN CURB & GUTTER SECTIONS SHALL BE 24" X 36" RECTANGULAR REINFORCED CONCRETE STRUCTURES FURNISHED WITH A NEENAH R-3067, TYPE "DL" FRAME & GRATE IN ACCORDANCE WITH THE DETAIL SHOWN ON THE "TYPICAL SECTIONS AND CONSTRUCTION DETAILS" SHEET(S) OF THE PLAN SET.

STORM SEWER INLETS (INL) SHALL BE 18" NDS 1800 CATCH BASINS, OR APPROVED EQUIVALENT, WITH A 6" EXTENSION RISER, AS NEEDED, TO REACH THE RIM ELEVATION AS SHOWN ON THE PLANS. EACH INLET STRUCTURE SHALL BE FURNISHED WITH AN NDS 1891 DOME GRATE (GREEN), INSTALLED UPSIDE DOWN AND COVERED WITH 3" TO 4" RIVER ROCK AS SHOWN ON THE DETAIL ON THE "TYPICAL SECTIONS AND CONSTRUCTION DETAILS" SHEET(S) OF THE PLAN SET.

ALL CATCH BASINS, SHALL BE FURNISHED WITH A MINIMUM 12" SUMP.

ALL STORM SEWERS, MANHOLES, CATCH BASINS AND INLETS SHALL BE CONSTRUCTED WITH WATER AND GAS TIGHT JOINTS IN CONFORMANCE WITH SPS 384.40.



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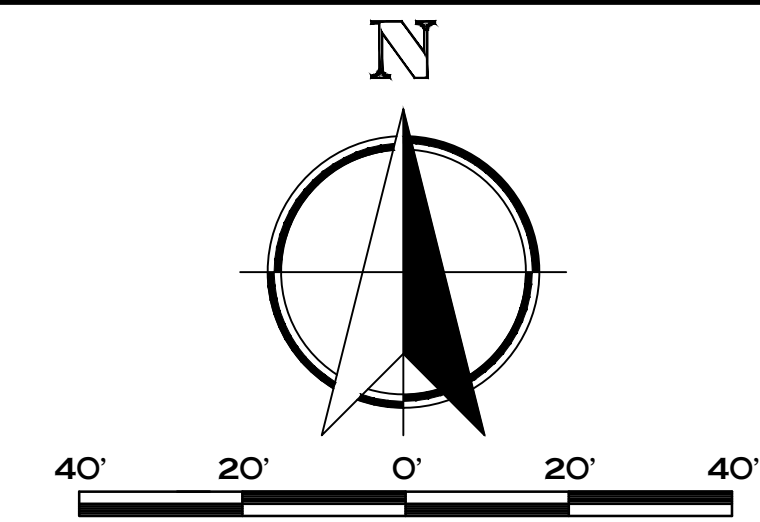
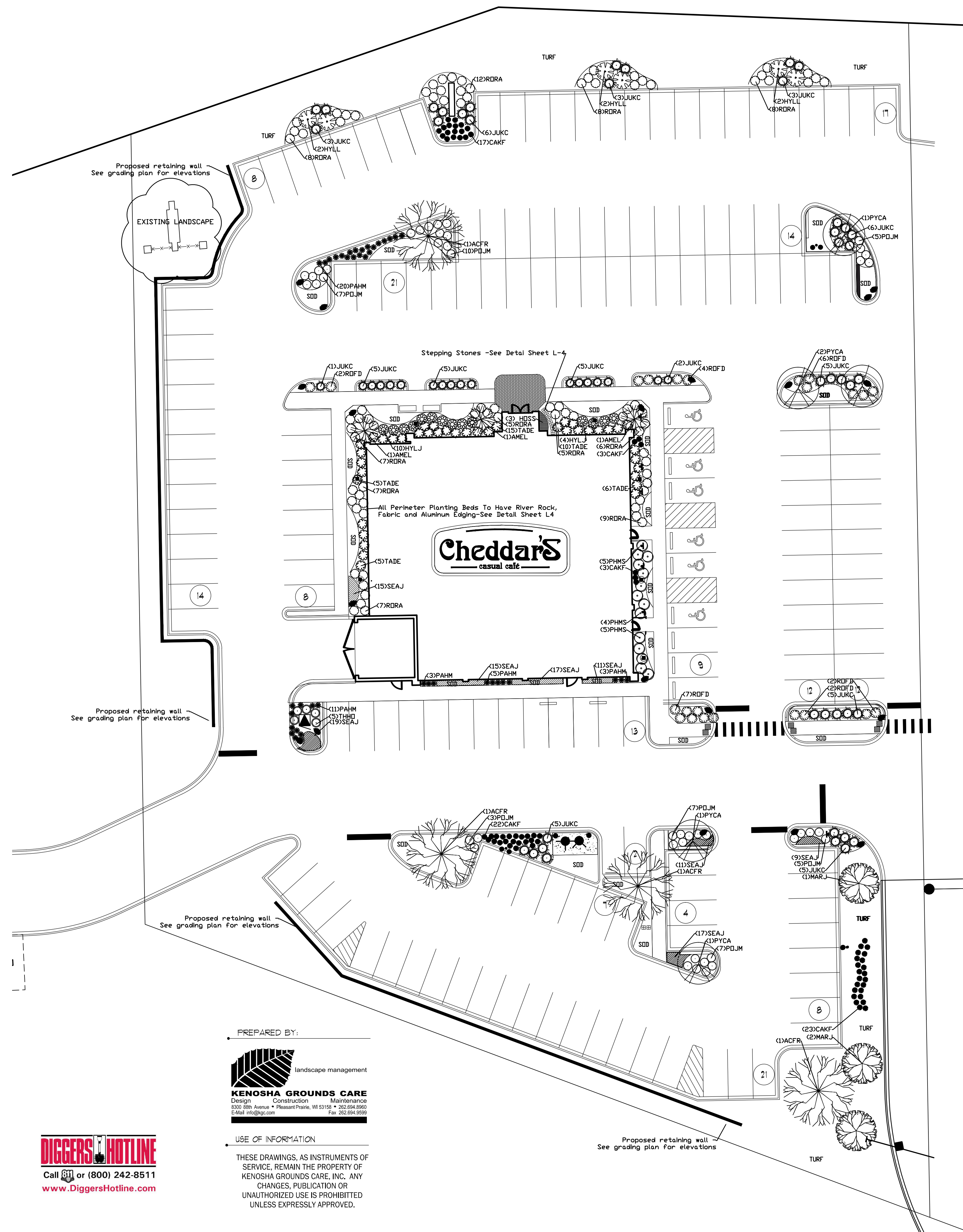
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STORM SEWER PLAN

REV.	DATE	DESCRIPTION
1	10/12	Issue for Review

NMB PROJECT : 2012.0009.04
SHEET



PLANT SCHEDULE

TREES

CODE	SCIENTIFIC NAME	COMMON NAME	TY.	PLANTING SIZE
ACFR	Acer freemanii 'Aut. Blaze'	Aut Blaze Maple	4	3" Cal. B&B
AMEL	Amelanchier 'Aut. Brilliance'	Serviceberry Aut Brilliance	3	6" B&B
MARJ	Malus 'Red Jewel'	Red Jewel Flowering Crab	3	2" Cal. B&B
PYCA	Pyrus calleryana 'Chanticleer'	Chanticleer Pear	5	2" Cal. B&B
THHO	Thuja occidentalis 'Holmstrup'	Holmstrup Arborvitae	5	5" B&B

SHRUBS

CODE	SCIENTIFIC NAME	COMMON NAME	TY.	PLANTING SIZE
HYLJ	Hydrangea 'Little Jane'	Dwarf Limelight Hydrangea	14	18" - 3 gal
HYLL	Hydrangea 'Limelight'	Hydrangea 'Limelight'	6	24" - 5 gal
JUKC	Juniperus chinensis 'Kallay Compact'	Compact Kallay Juniper	59	5 gal
PHMS	Philadelphus 'Miniature Snowflake'	Dwarf Mock Orange	14	3 gal
POJM	Potentilla fruticosa 'Jackmannii'	Jackman's Potentilla	44	5 gal
ROFD	Rosa 'Frau Dagmar'	Frau Dagmar Rose	23	3 gal
RORA	Rosa 'Radtko'	Rose Dbl Knockout-Red	83	3 gal
TADE	Taxus media densiformis	Densiformis Yews	44	24" B&B

PERENNIALS

CODE	SCIENTIFIC NAME	COMMON NAME	TY.	PLANTING SIZE
CAKF	Calamagrostis 'Karl Forester'	Feather Reed Grass	68	1 gal
HOSS	Hosta 'Sum&Substance'	Sum&Substance Hosta	3	3 gal
PAHM	Panicum 'Heavy Metal'	Blue Switch Grass	42	1 gal
SEAJ	Sedum spectabile 'Autumn Joy'	Autumn Joy Sedum	77	1 gal

GENERAL LANDSCAPE NOTES:

- NOTIFY DIGGERS HOTLINE, GENERAL CONTRACTOR, AND OWNER PRIOR TO THE COMMENCEMENT OF ANY DIGGING/CLEARING OPERATIONS FOR LOCATIONS OF PRIVATE AND PUBLIC UTILITIES.
- ALL FINISH GRADES TO BE FLUSH WITH TOP OF CURBS, RETAINING WALLS AND PAVEMENT. (UNLESS OTHERWISE NOTED IN SPECIFIC DETAIL DRAWINGS.)
- ALL PLANT MATERIAL SHALL CONFORM TO AMERICAN STANDARD FOR NURSERY STOCK AS PREPARED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.
- ANY PLANT OR MATERIAL SUBSTITUTIONS TO BE APPROVED BY OWNER PRIOR TO INSTALLATION.
- ALL PLANTS TO BE LOCATED ACCORDING TO THE PLAN AND PLANTED IN HOLES AT LEAST TWICE THE SIZE OF THE PLANT ROOT BALL. IF PLANT SYMBOL COUNT VARIES FROM PLANT TABLE, THE SYMBOL COUNT WILL BE USED.
- ALL OUTLYING PLANTING BEDS TO BE TOPDRESSED WITH THREE INCHES OF SHREDDED HARDWOOD MULCH. MULCH TO BE A NATURAL SHREDDED HARDWOOD BARK. COLOR AND TYPE TO BE APPROVED BY CHEDDAR'S CONSTRUCTION MANAGER PRIOR TO INSTALLATION.
- ALL PLANTING BEDS AROUND THE FOUNDATION TO HAVE RIVER ROCK, FABRIC AND EDGING WHERE APPLICABLE. SEE DETAIL SHEET. ALL DRAINS TO HAVE RIVER ROCK MOUND ON TOP.
- AMEND PLANTING BEDS WITH A MINIMUM OF 2" OF FULLY DECOMPOSED COMPOST AND TILL TO A MINIMUM DEPTH OF 6" PRIOR TO PLANTING.
- TOPSOIL BACKFILL SHALL BE TOPSOIL THAT IS FERTILE, FRABLE, NATURAL LOAM SURFACE SOIL REASONABLY FREE FROM SUBSOIL, CLAY LUMPS, BRUSH, WEEDS, LITTER, AND FREE OF ROOTS, STUMPS, STONES LARGER THAN 1", AND OTHER EXTRANEOUS OR TOXIC MATERIAL HARMFUL TO PLANT GROWTH.
- ALL AREAS DISTURBED DURING CONSTRUCTION AND INDICATED AS 'TURF' SHALL BE FINE GRADED, FERTILIZED, SEEDED, AND HYDROMULCHED UNLESS OTHERWISE INDICATED OTHERWISE ON THE PLAN.
- ALL AREAS INDICATED AS 'SOD' SHALL BE FINE GRADED, FERTILIZED, AND SODDED WITH FULLY DEVELOPED TURF ON MINERAL BASE SOIL, AND MAINTAINED THROUGH AND INCLUDING THE FIRST MOWING AND ACCEPTED BY THE OWNER UNLESS OTHERWISE INDICATED OTHERWISE ON THE PLAN.
- GUARANTEE ALL PLANT MATERIAL INCLUDING PERENNIALS, SEED, AND SOD FOR A PERIOD OF NOT LESS THAN ONE FULL GROWING SEASON FOLLOWING PROJECT COMPLETION.
- WATER ALL PLANTINGS, INCLUDING SOD, IMMEDIATELY AFTER INSTALLATION AND CONTINUE TO WATER AS NEEDED UNTIL PROJECT IS COMPLETED AND ACCEPTED BY OWNER.
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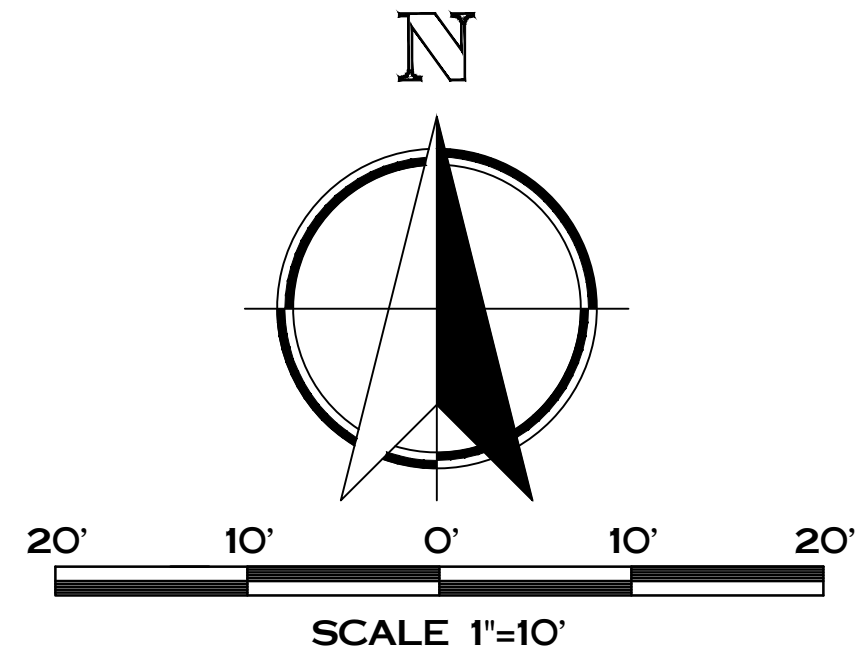
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LANDSCAPE PLAN
SCALE AS NOTED

REV.	DATE	DESCRIPTION
1	10/12	Issue for Review

NMB PROJECT : 2012.0009.04
SHEET



PLANT SCHEDULE

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12. ALL PLANTS TO RECEIVE 3 YEAR SLOW RELEASE FERTILIZER PACKETS (OR E-UAL) AT A RATE OF 2 PER CALIPER INCH OF TREE AND 3 PER SHRUB.
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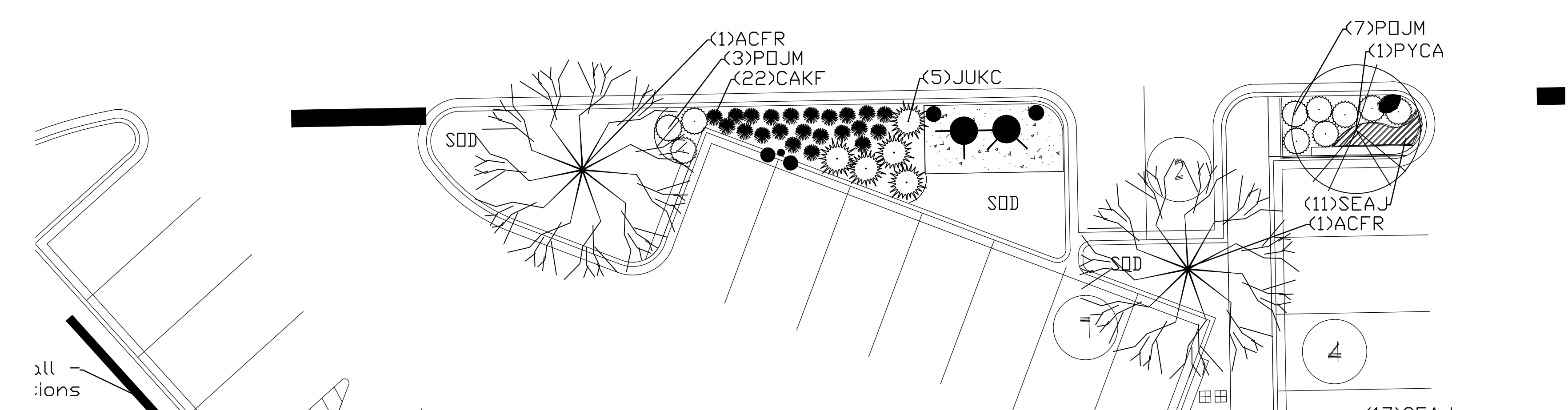
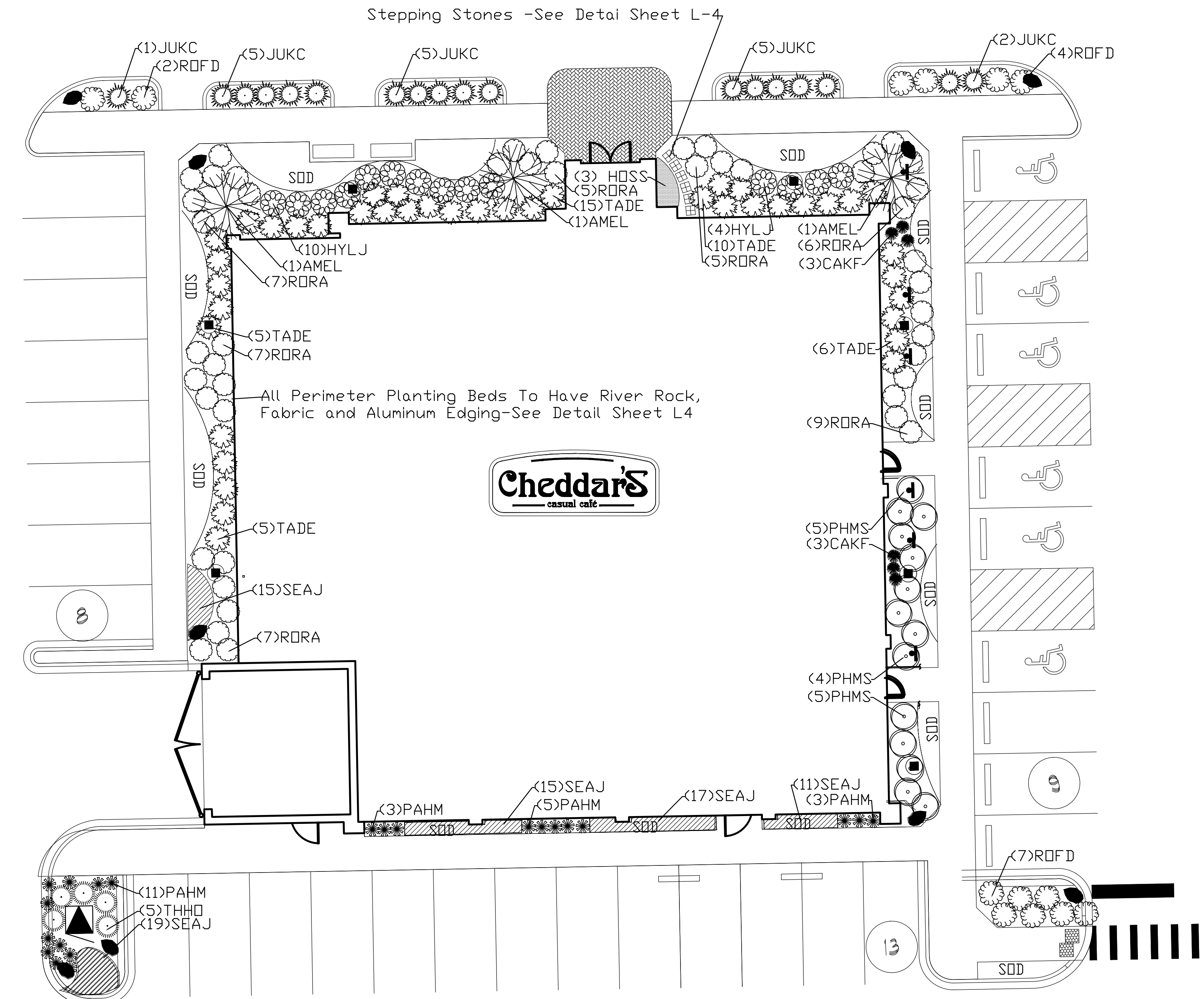
PREPARED BY:

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Design Construction Maintenance
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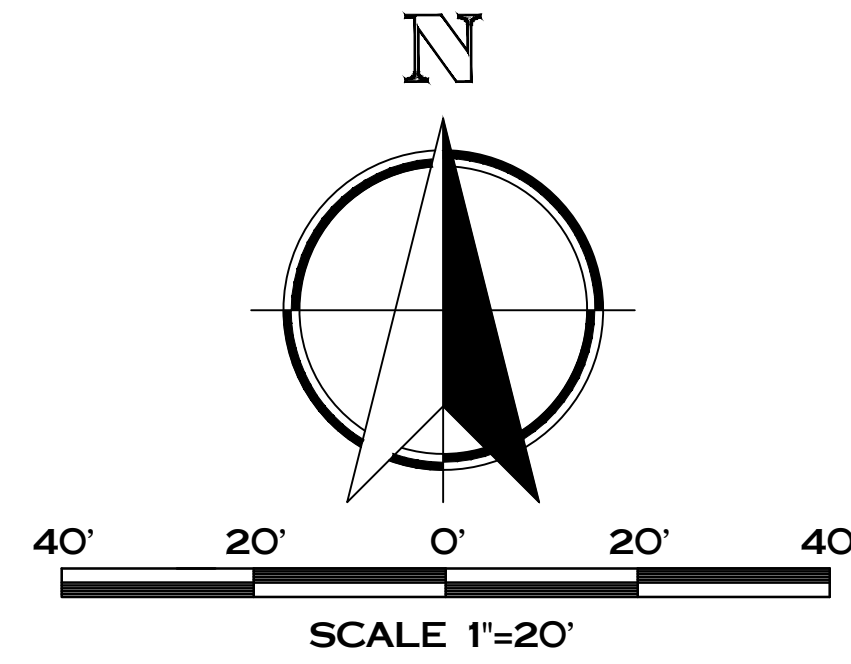
CHEDDAR'S
FOR
SITE IMPROVEMENT PLANS
CHEDDAR'S CASUAL CAFE, INC.
2250 WEST JOHN CARPENTER FREEWAY - SUITE 500
IRVING, TEXAS 75063 • SMITH@FOREMARK.COM



LANDSCAPE PLAN
SCALE AS NOTED

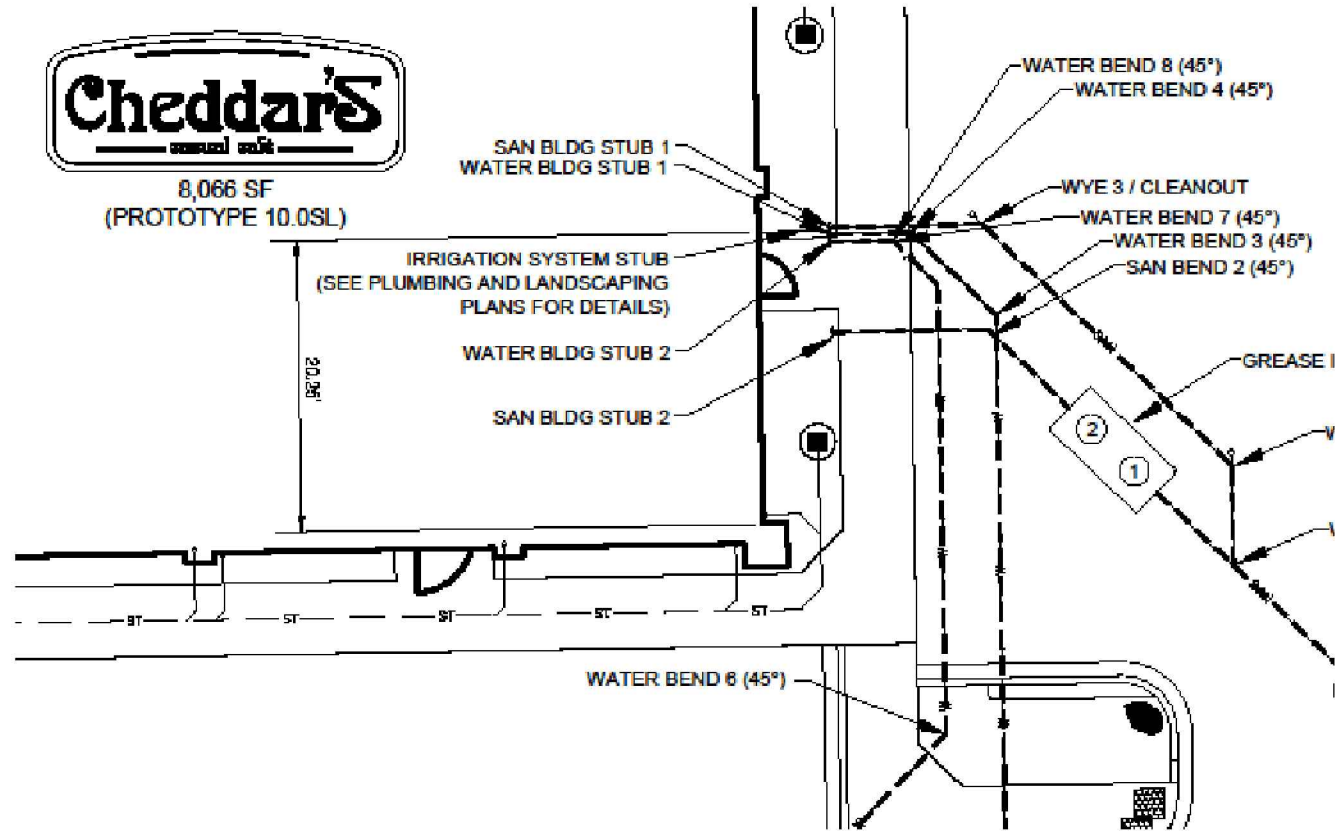
REV.	DATE	DESCRIPTION
1	10/12	Issue for review

NMB PROJECT : 2012.0009.04
SHEET

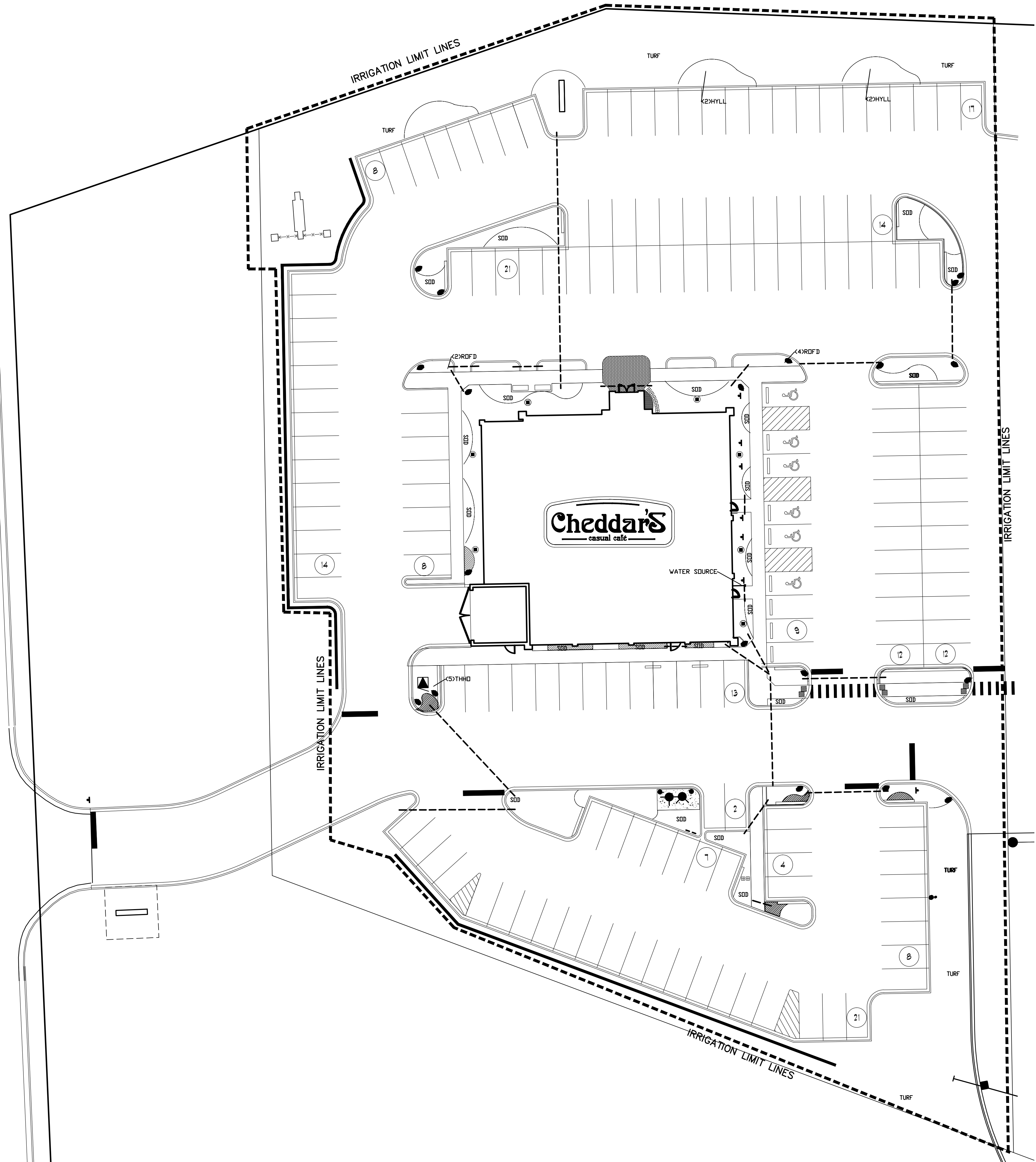


GENERAL IRRIGATION NOTES:

1. DESIGN AND BUILD LAWN IRRIGATION SYSTEM, USING ACCEPTED INDUSTRY STANDARDS.
2. NOTIFY DIGGERS HOTLINE, GENERAL CONTRACTOR, AND OWNER PRIOR TO THE COMMENCEMENT OF ANY DIGGING OPERATIONS FOR LOCATIONS OF PRIVATE AND PUBLIC UTILITIES.
3. ALL SPRINKLER MAIN LINES, ZONE LINES, AND WIRING WILL BE INSTALLED IN PVC SLEEVES WHERE THEY WILL BE UNDER A HARD SURFACE. ALL SLEEVES WILL BE INSTALLED AS PART THE DESIGN BUILD AND BACKFILLED TO THE SUBGRADE SURFACE WITH GRANULAR MATERIAL APPROVED BY GENERAL CONTRACTOR.
4. ALL SPRINKLER WIRING WILL ALLOW FOR A MINIMUM OF 3 SPARE WIRES AT ANY POINT ALONG THE MAIN LINE, BE INSTALLED IN PVC OR POLY CONDUIT, AND ALL CONNECTIONS WILL BE WATER TIGHT AND WITHIN VALVE BOXES. WIRE COLOR CODING AND/OR MARKINGS WILL REMAIN CONSISTANT THROUGHOUT THE SYSTEM.
5. SPRINKLER VALVES WILL BE RAINBIRD PGA OR APPROVED EQUAL AND WILL BE INSTALLED WITHIN VALVE BOXES.
6. SPRINKLER ROTARY HEADS WILL BE HUNTER I 20 OR APPROVED EQUAL. ALL ROTARY AND SPRAY SPRINKLER HEADS WILL INSTALLED WITH A DOUBLE CLAMPED INSERT "T" AND SWING PIPE OR APPROVED SWING JOINT.
7. SPRINKLER HEADS WILL BE LOCATED IN A PATTERN WHICH WILL PROVIDE "HEAD TO HEAD" COVERAGE WITHOUT PUTTING WATER ONTO HARD SURFACES OR EXCESSIVELY WATERING PLANTING BEDS. OVERSPRAY ONTO PLANTING BEDS SHALL NOT EXCEED 30% OF THE TURF PRECIPITATION RATE.
8. ALL PLANTING BEDS SHALL HAVE DRIP IRRIGATION INSTALLED.
9. GUARANTEE ALL SPRINKLER MATERIAL INCLUDING INSTALLATION FOR A PERIOD OF ONE YEAR, BEGINNING THE SPRING FOLLOWING PROJECT COMPLETION.
10. PLUMBING SCOPE TO INCLUDE PROVIDING AND INSTALLING A "T", DEDUCT METER, VALVE(S), PIPE, MASTER VALVE, VACUUM BREAKER OR RPZ, RELATED FITTINGS, AND PERMITS AS NEEDED, TO SERVICE THE LAWN IRRIGATION SYSTEM. IRRIGATION SERVICE PIPE SHALL END WITH A HORIZONTAL MALE ADAPTER OUTSIDE THE WALL, 18" 24" BELOW GRADE. IRRIGATION CONTRACTOR SHALL PROVIDE THE PLUMBER, AT NO COST, THE MASTER VALVE, VACUUM BREAKER OR RPZ, AND INSTRUCTION AS NEEDED FOR THE INSTALLATION.
11. ELECTRICAL SCOPE TO INCLUDE PROVIDING AND INSTALLING A DEDICATED 120 VOLT CIRCUIT TO POWER THE LAWN IRRIGATION CONTROLLER WHICH WILL BE MOUNTED ON THE OUTSIDE WALL IN CLOSE PROXIMITY TO THE WATER SERVICE OR PUMP ROOM. CIRCUIT SHALL HAVE AN OUTDOOR RATED ON/OFF SWITCH IMMEDIATELY BEFORE THE CONTROLLER.
12. SPRINKLER DESIGNER WILL CONSULT WITH OWNER'S REPRESENTATIVE WITH REGARD TO ZONE WIRING SEQUENCE.



104th AVENUE



PREPARED BY:



USE OF INFORMATION

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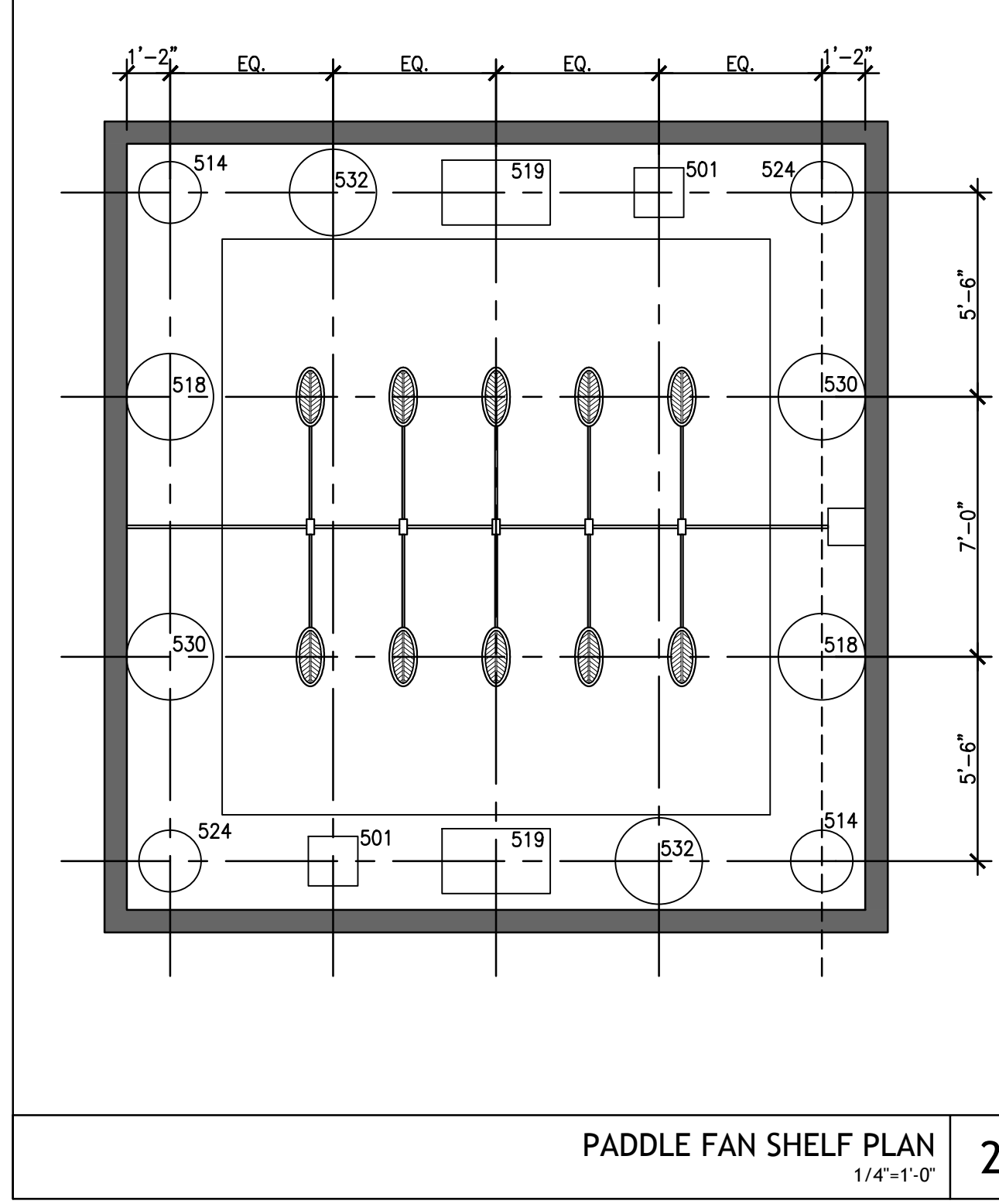
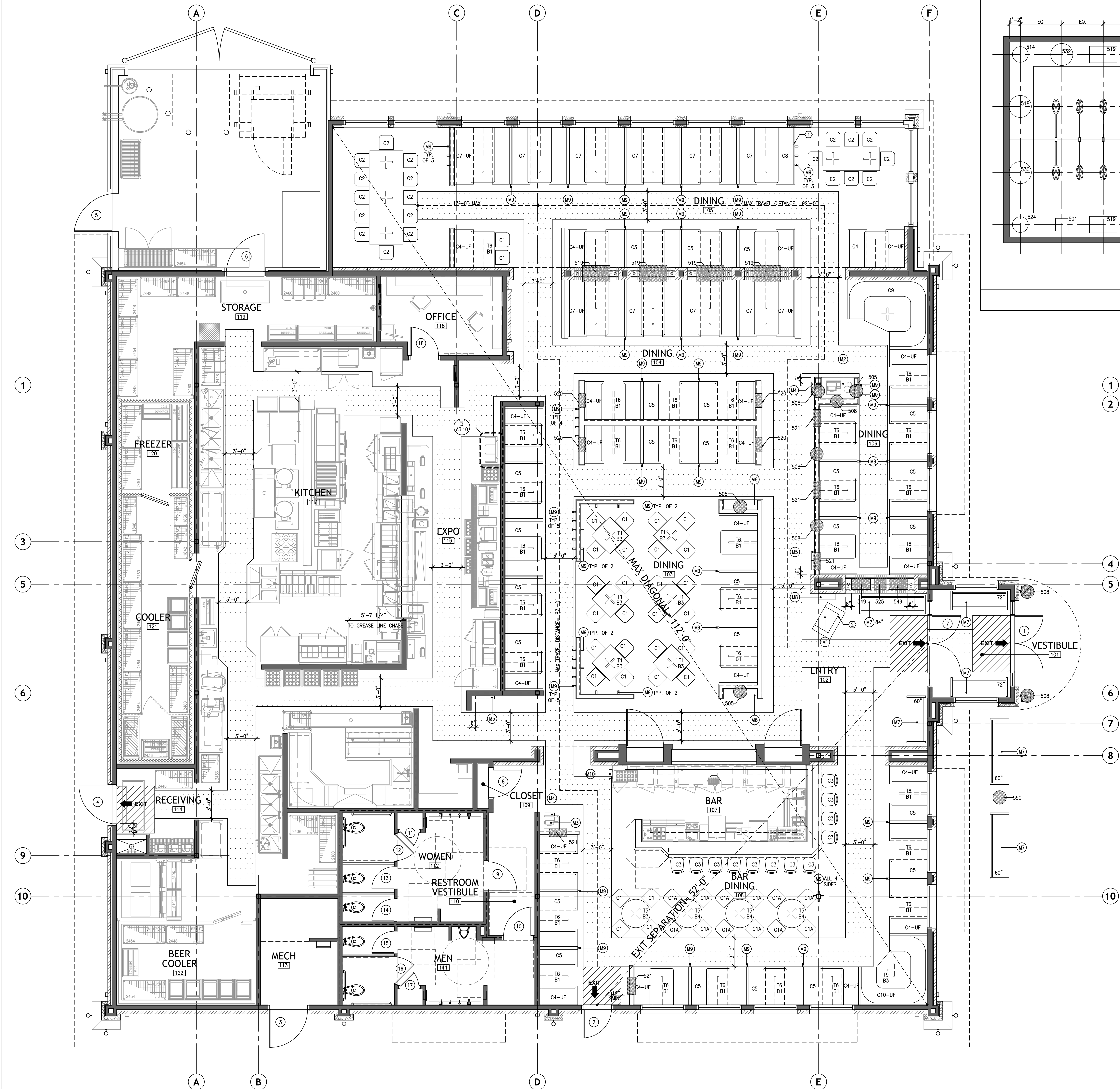
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FOR
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IRRIGATION PLAN
SCALE AS NOTED

REV.	DATE	DESCRIPTION
1	10/12	Issue For Review

NMB PROJECT : 2012.0009.04
SHEET



GENERAL NOTES

- ALL DIMENSIONS ARE SHOWN TO FACE OF STUD UNLESS NOTED OTHERWISE.
- REFER TO FINISH SCHEDULE AND DETAILS FOR APPLIED FINISHES.
- WALLS TO STRUCTURAL DECK MUST BE THOROUGHLY SEALED AROUND PENETRATION.

KEY NOTES:

- INSTALL CHAIR RAIL ON BACK OF BOOTH ONCE INSTALLED
- LOCATE HOST STAND DIRECTLY UNDER LIGHT FIXTURE

BUILDING DATA

GROSS BUILDING AREA	8,066 SQ. FT.
DUMPSTER ENCLOSURE	500 SQ. FT.
TOTAL:	8,566 SQ. FT.

SEATING COUNT

4 TOP TABLE x	10	=	40
4 TOP BOOTH x	37	=	148
6 TOP BOOTH x	10	=	60
8 TOP TABLE x	1	=	8
8 TOP BOOTH x	2	=	16
1/2 TOP TABLE x	1	=	12
BARSTOOL CHAIRS x		=	12
TOTAL DINING:		=	296

H.C. SEATING REQUIRED
49' x 1.05' = 2 SPACES REQ'D

EGRESS LAYOUT NOTES

- TACTILE EXIT SIGNS SHALL BE PROVIDED AT THE FOLLOWING LOCATIONS.
 - A) EACH GRADE LEVEL EXTERIOR DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORD "EXIT"
 - B) EACH EXIT ACCESS DOOR FROM AN INTERIOR ROOM OR AREA TO A CORRIDOR OR HALLWAY THAT IS REQUIRED TO HAVE A VISUAL EXIT SIGN, SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS, "EXIT ROUTE"

EGRESS CALCULATION

REQUIRED	68	IN.
PROVIDED	156	IN.

OCCUPANCY LOAD CALCULATION

USE	SQUARE FOOTAGE	OCCUPANT LOAD FACTOR	OCCUPANCY AMOUNT
DINING ROOM	-	-	218
BAR DINING	-	-	76
BAR	312	200	2
ENTRY / VESTIBULE	162	5	33
KITCHEN	2262	200	12
MECHANICAL	116	200	1
OFFICE	121	100	2
TOTAL			344

EXIT OCCUPANCY LOADS

DOOR	EGRESS WIDTH	OCCUPANCY LOAD
#1	68 IN.	170
#2	34 IN.	159
#4	36 IN.	11

FURNISHING NOTES

- HEIGHT OF TABLES AND COUNTERS SHALL BE 28" MINIMUM-34" MAX.
- MANUEVERING CLEARANCE SHALL BE 30"X48"
- KNEE CLEARANCE SHALL BE 27" HIGH, 19" DEEP AND 30" WIDE

*FIXED SEATING DETERMINED USING FOLLOWING FORMULA:
24 LINEAR INCHES=1 OCCUPANT

FURNITURE SCHEDULE

TAG	SIZE	DESCRIPTION	
SUPPLIED BY OWNER, INSTALLED BY G.C., ALL BOOTHS, C4-C10, 48" HIGH			
TABLE TOP			
T1	33x33	DINING TABLE	
T2	42x120	DINING TABLE	
T3	30x72	DINING TABLE	
T4	-	NOT USED	
T5	36" ROUND	DINING TABLE- HIGH TOP	
T6	30x48	BOOTH TABLE	
T7	30x72	BOOTH TABLE	
T8	60x44- CUSTOM	BOOTH TABLE	
T9	44x46- CUSTOM	DINING TABLE	
SEATING			
C1	LOOSE SEATING	DINING CHAIR	
C1A	LOOSE SEATING	DINING CHAIR- HIGH TOP	
C2	LOOSE SEATING	FAMILY TABLE CHAIR	
C3	LOOSE SEATING	BAR STOOL	
C4	48" LENGTH	SINGLE BOOTH- FINISHED BACK	
C4-UF	48" LENGTH	SINGLE BOOTH- UNFINISHED BACK	
C5	48" LENGTH	DOUBLE BOOTH	
C7	72" LENGTH	DOUBLE BOOTH	
C7-UF	72" LENGTH	SINGLE BOOTH- UNFINISHED BACK	
C8	72" LENGTH	SINGLE BOOTH	
C9	175" ROUND LENGTH	SINGLE BOOTH	
C10-UF	146" ROUND LENGTH	SINGLE BOOTH	
B	LOOSE SEATING	BOOSTER SEAT	
H	LOOSE SEATING	HIGH CHAIR	
BASES			
B1	36" LENGTH	CANTILEVERED BASE, RE: 15/A3.11	
B2	TABLE SUPPORT	B1 BASE WITH SUPPORT LEG	
B3	LO-TOP SPIDER	--	
B4	HI-TOP SPIDER	--	
PLANT POT LEGEND			
TAG	SIZE	DESCRIPTION	QUANTITY
501	16.5"x16.5"x12"H	NO PLANTS IN PADDLE AREA	2
505	17.5"x11.5"H		4
508	16.5"x13.5"H	FILL WITH SAND AT EXTERIOR	4
514	20"x36"H	NO PLANTS IN PADDLE AREA	2
518	29.5"x20"H		2
519	35"Lx21"Dx15"H		4
530	17.5"Lx9"Dx9"H		4
521	22"Lx10.5"Dx10"H		5
524	21"x36"H	NO PLANTS IN PADDLE AREA	2
525	14"Dx14"Lx12"H		1
530	27.75"x14"H		2
532	27.75"x16.5"H		2
549	24"Lx13"Dx10.5"H		2
550		CIGARETTE POT	1
PLANT POT NOTES			
1	POTS ON WOOD ARE SECURED WITH A LARGE SCREW AND FENDER WASHER INTO THE WOOD CAP		
2	POTS ON GRANITE OR BRICK ARE TO BE PERMANENTLY SECURED WITH EPOXY CONSTRUCTION ADHESIVE		
3	POTS IN THE FAN AREA ARE TO BE PLACED AS FAR FORWARD AS POSSIBLE TO ALLOW WATERING ACCESS BEHIND THE POTS		
4	ALL STICKERS ARE TO BE REMOVED FROM POTS		
5	POTS 519 (4 TOTAL) AT DINING #2 AND #3 ARE NOT TO BE SECURED IN PLACE UNTIL 5:00PM ON SUNDAY OF TRAINING WEEK		
6	EXTERIOR FILTER FABRIC IN DRAIN HOLE SECURE TO CONCRETE AND FILL WITH PLAY SAND FOR EXTERIOR POTS 508 (2 TOTAL)		
MILLWORK SCHEDULE			
TAG	DESCRIPTION		
M1	HOSTESS STATION, BY OWNER, GRANITE TOP BY G.C., RE: 4/A3.11		
M2	POS STATION, RE: 1/A3.11		
M3	POS STATION, RE: 6/A3.11		
M4	MENU HOLDER, RE: 11/A3.11		
M5	DOUBLE MENU HOLDER, RE: 11/A3.11		
M6	DINING SHELF, RE: 12/A3.11		
M7	LOBBY BENCHES, SIZES AS NOTED ON PLAN		
M8	GLOSTER CABINET, RE: 16/A3.11		
M9	COAT HOOK, RE: 10/A3.11		
M10	TRAY HOLDER, RE: 5/A3.11		

ARCHITECT: **DAVID SCOTT WINDLE, AIA**

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DATE: 10/12/12

CLIENT: **CHEDDAR'S CASUAL CAFE**

10366 77TH STREET
PLEASANT PRAIRIE, WI 53158

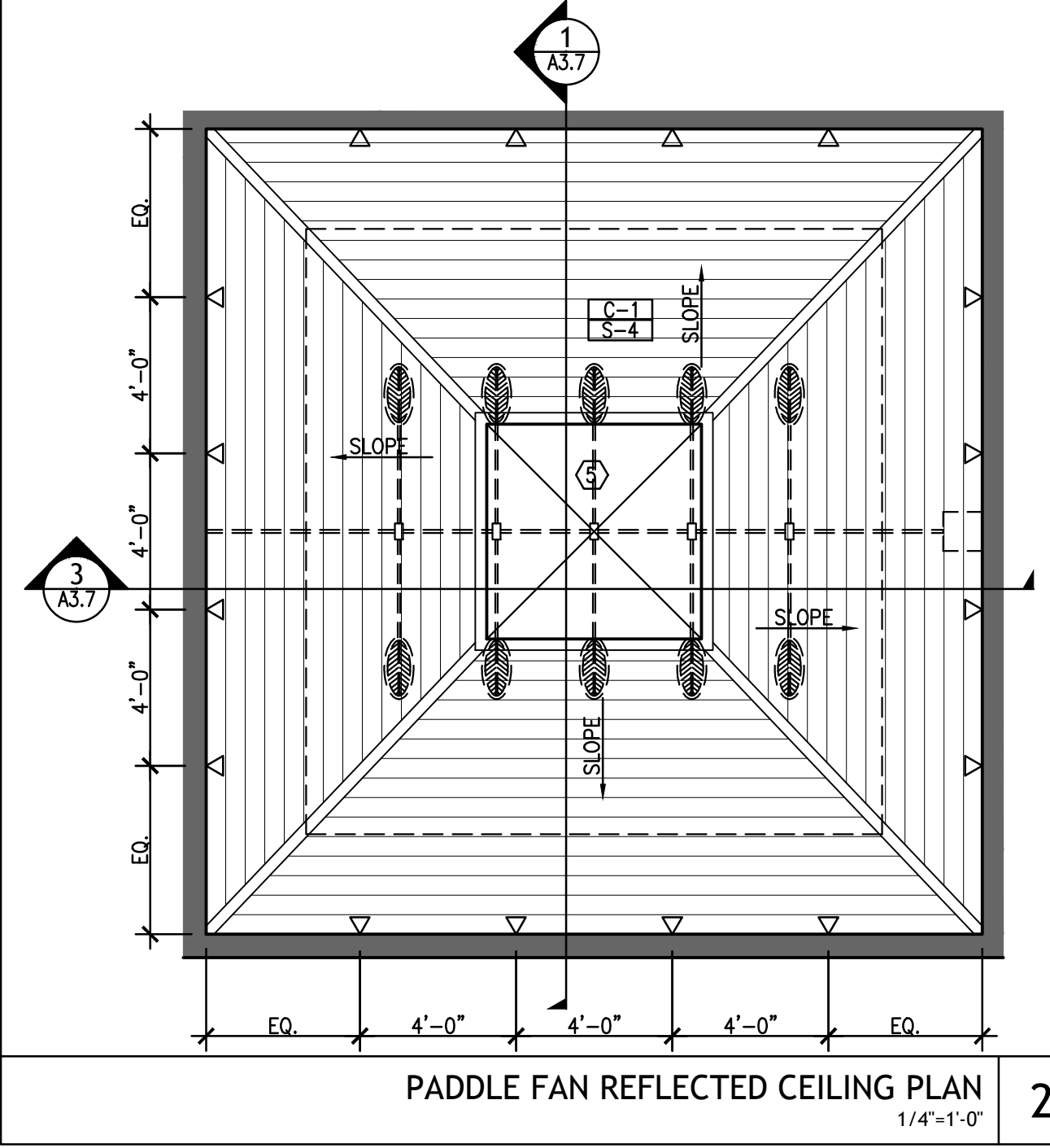
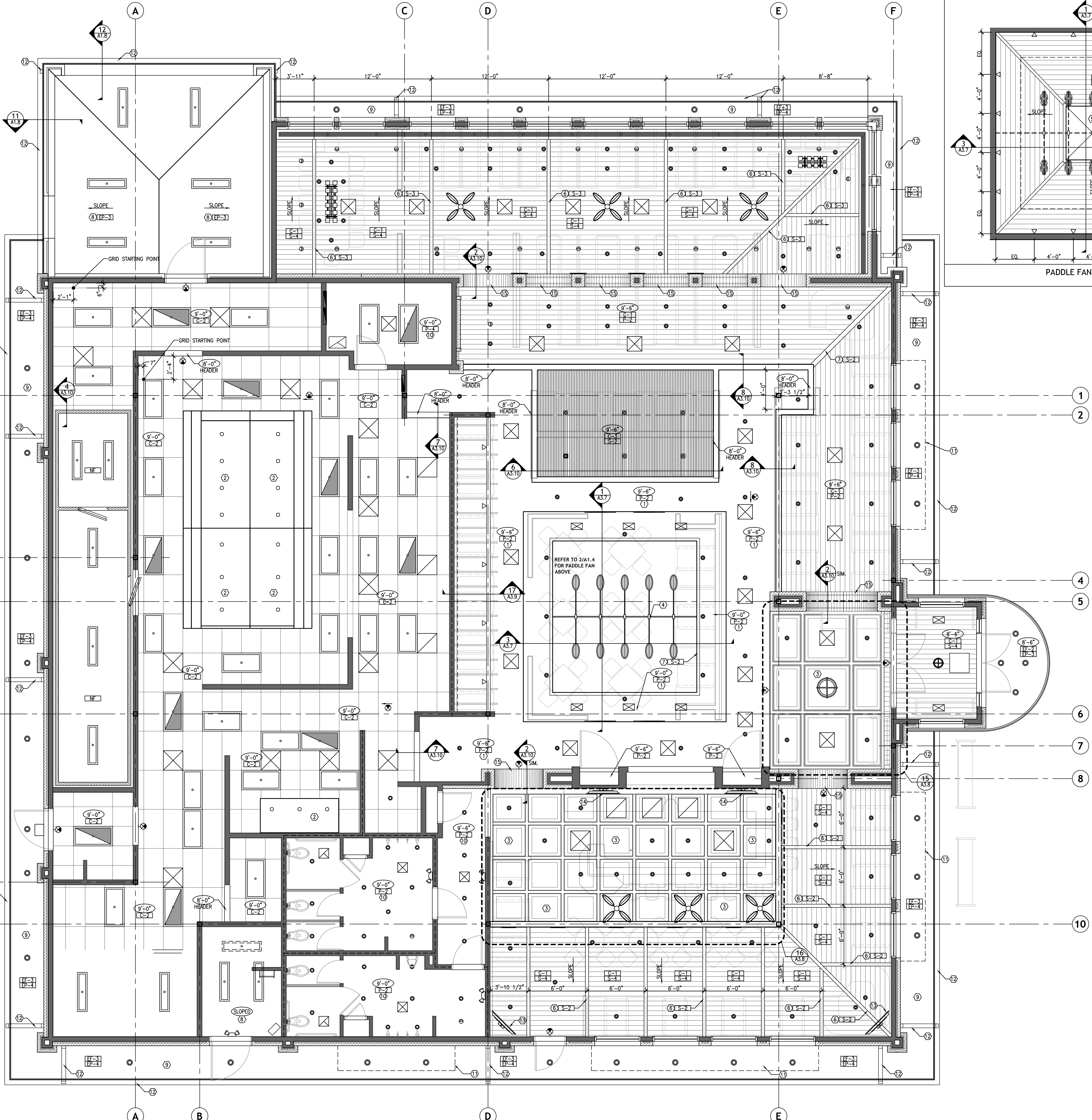
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Cheddar's

FURNISHING/ EGRESS FLOOR PLAN

A1.2

PROJECT NUMBER: **CCC12007**



GENERAL NOTES:

- 1 ALL EXTERIOR SURFACE MOUNTED EMERGENCY FIXTURES TO BE PAINTED TO MATCH ADJACENT WALL FINISHES.
- 2 RECESSED SPRINKLER HEADS IN DINING TO BE FLAT BLACK CONCEALED HEADS
- 3 REFER TO ELECTRICAL DRAWINGS FOR ALL ELECTRICAL FIXTURES.

KEY NOTES:

- 1 PAINTED GYPSUM BOARD CEILING TO BE CONSTRUCTED WITH A LEVEL 5 FINISH ON METAL CEILING JOIST
- 2 EXHAUST HOOD, RE: MECHANICAL
- 3 COFFERED MILLWORK CEILING, RE: A3.8
- 4 DECORATIVE PADDLE FAN
- 5 ATRIUM SKYLIGHT
- 6 DECORATIVE 4x8 BEAMS, RE: 7/A3.7
- 7 1x4 WOOD TRIM
- 8 1/2" PLYWOOD
- 9 STAINED PLYWOOD SOFFIT
- 10 PAINTED GYPSUM BOARD CEILING
- 11 COPPER AWNING DASHED, RE: 1/A3.6
- 12 PREFINISHED GUTTER AND DOWNSPOUT, RE: 5/A3.2
- 13 TELEVISION WITH WALL MOUNTING BRACKET, RE: 9/A3.11
- 14 TELEVISION IN BAR MOUNTED TO WALL, RE: 2/A1.9
- 15 BRICK ARCH ABOVE, RE: 2/A3.10
- 16 LED STRIP LIGHTING, RE: ELECTRICAL

LIGHT FIXTURE LEGEND

	2x4 FLUORESCENT FIXTURE
	2x4 FLUORESCENT EMERGENCY FIXTURE
	1x4 FLUORESCENT FIXTURE
	RECESSED CAN LIGHTS
	PENDANT FIXTURES
	GAS WALL SCONCE
	CEILING MOUNTED FIXTURE
	EXIT SIGN
	EMERGENCY LIGHT
	SUPPLY DIFFUSER
	RETURN GRILL
	EXHAUST GRILL

FINISH SCHEDULE

PAINT

- P-1 LOGGIA
- P-2 TAVERN TAUPE
- P-3 RED BARN
- P-4 IBIS WHITE
- P-5 FLAT BLACK

STAIN

- S-1 CHARWOOD
- S-2 CHEDDAR'S JAVA #2
- S-3 CLEAR SEALER
- S-4 FLAGSTONE

WALL COVERING

- WC-1 SHIP-LAP PLANKING (1x8) TYPE A
- WC-2 STAINLESS STEEL PANEL
- WC-3 WHITE F.R.P.
- WC-4 CERAMIC TILE - RANDOM TILE PATTERN
- WC-5 COPPER METALLIKA
- WC-6 V-GROOVE PANEL (1x6)
- WC-7 6x6 DIABLO RED SMOOTH QUARRY TILE
- WC-8 BLACK F.R.P.
- WC-9 SEABROOK WALL COVERING

BASE

- B-1 DOME CHARCOAL
- B-2 QUARRY TILE BASE

STONE

- ST-1 1" AUSTIN CHALK LIMESTONE
- ST-2 2" AUSTIN CHALK LIMESTONE
- ST-3 IVORY MOUNT STACK
- ST-4 HONEY ONYX SPLITFACE

CEILING

- C-1 V-GROOVE PANEL (1x6)
- C-2 WHITE 2x4 VINYL CEILING TILE
- C-3 2x2 WOOD SLATS WITH BLACK ACOUSTIC FABRIC BACKING

FLOORING

- F-1 16x16 DOME CHARCOAL
- F-2 CARPET "A" FLOORING
- F-3 MISHNO KIBOTO
- F-4 16x16 DOME WALNUT
- F-5 6x6 ABRASIVE QUARRY TILE
- F-6 NOT USED
- F-7 8x8 DOME CHARCOAL
- F-8 6x6 DOME CHARCOAL
- F-9 SEALED CONCRETE
- F-10 CARPET "B" FLOORING
- F-11 WALK OFF CARPET TILE

GRANITE/SOLID SURFACE

EXTERIOR PAINT

- EP-1 SAHARA SAND
- EP-2 MISSISSIPPI BRONZE ENAMEL
- EP-3 IBIS WHITE
- EP-4 CHARWOOD

EXTERIOR FINISH

- EF-1 OLD CHICAGO BRICK (EXTERIOR AND INTERIOR)
- EF-2 INTEGRAL COLOR EIFS
- EF-3 STAINED PLYWOOD
- EF-4 CMU WITH EPOXY PAINT EP-3

ROOFING

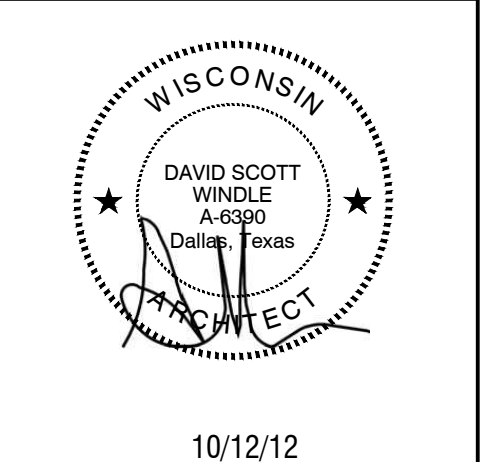
- R-1 WOOD SHAKE SHINGLES
- R-2 STANDING SEAM COPPER
- R-3 SINGLE PLY ROOFING
- R-4 STANDING SEAM METAL ROOFING - BRONZE

NO FINISH, DRYWALL TAPE AND BED ONLY

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10/12/12

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10366 77TH STREET
PLEASANT PRAIRIE, WI 53158

CLIENT: CHEDDAR'S CASUAL CAFE

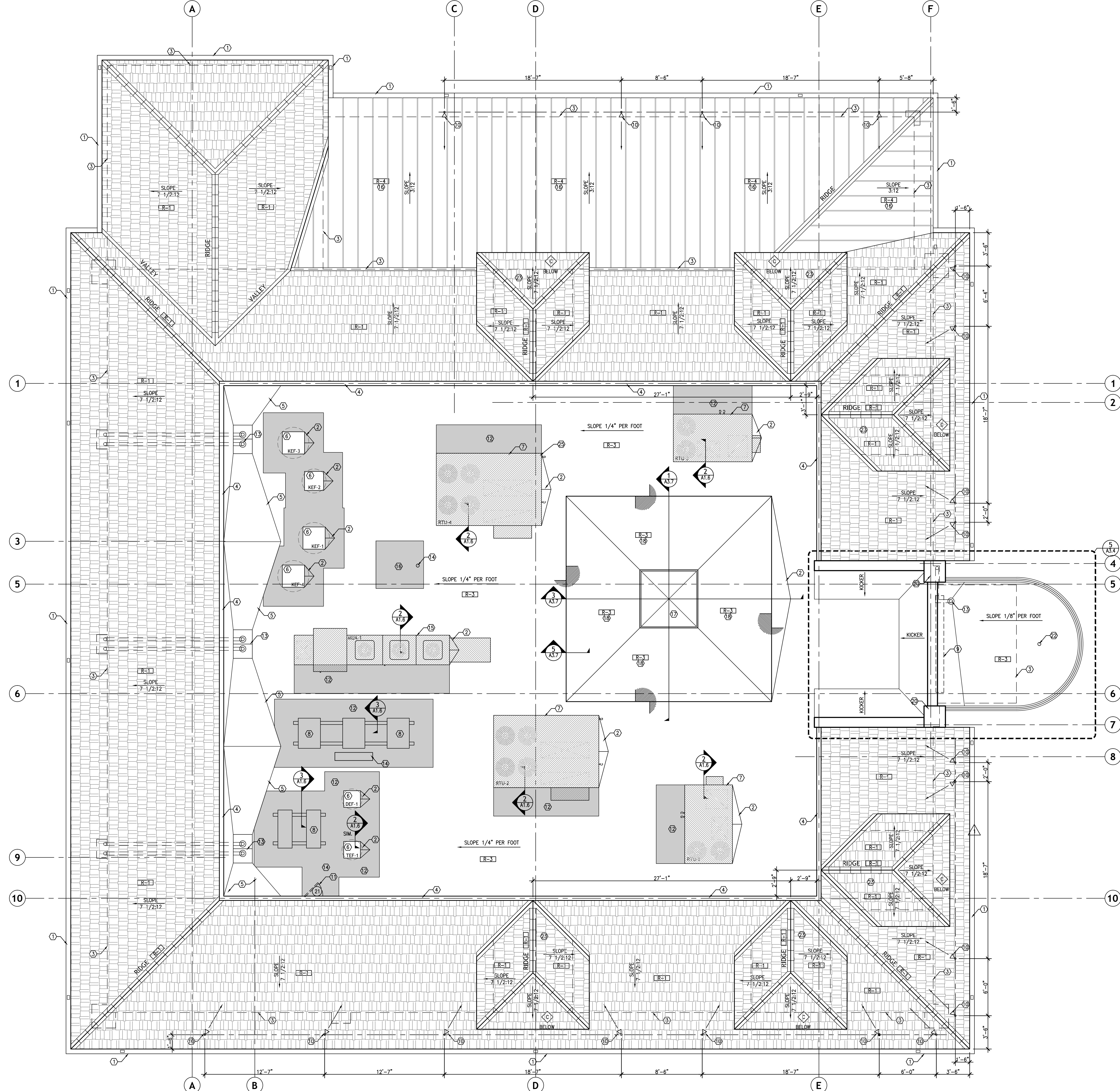
DATE: 10.12.12
DESCRIPTION: SITE OPERATIONAL SUBMITTAL

NO.	DATE	DESCRIPTION
1	10/08/12	ISSUE FOR CONSTRUCTION

SHEET TITLE:
REFLECTED CEILING PLAN

SHEET NUMBER:
A1.4

PROJECT NUMBER:
CCC12007



KEY NOTES:

- 1 PRE-FINISHED GUTTER AND DOWNSPOUT, RE: 5/A3.2
- 2 CRICKET, MIN 1/2" SLOPE, TYPICAL
- 3 LINE OF WALL BELOW
- 4 PREFINISHED METAL CAP FLASHING, DARK BRONZE
- 5 SLOPE TO DRAIN WITH TAPERED INSULATION
- 6 EXHAUST FAN, RE: MECHANICAL
- 7 FACTORY/ CURB MOUNTED AIR CONDITIONING UNITS ON 14" CURB, RE: MECHANICAL
- 8 ROOF MOUNTED REFRIGERATION RACK, RE: FOOD SERVICE
- 9 SIGNAGE BELOW, RE: EXTERIOR ELEVATIONS
- 10 ROOF TOP LIGHT FIXTURE, ARROW INDICATES DIRECTION FIXTURE TO BE POINTED, RE: ELECTRICAL
- 11 IN-WALL ACCESS DOOR
- 12 ROOF WALKWAY PAD, RE: SPECIFICATIONS
- 13 ROOF AND OVERFLOW DRAIN, RE: 4/A3.6
- 14 ROOF JACK FOR REFRIGERATION LINES, RE: MECHANICAL
- 15 MAKE UP AIR UNIT, RE: MECHANICAL
- 16 5'x5' WALKWAY PAD FOR SATELLITE DISH AND WIRING
- 17 SKYLIGHT
- 18 TAPER INSULATION TO PROVIDE POSITIVE DRAINAGE OFF OF RAISED ROOF
- 19 CAST STONE WALL CAP, RE: 3/A3.4
- 20 CAST STONE WALL CAP, RE: 4/A3.4
- 21 ALL VENT PIPES TO PENETRATE ROOF ON REAR SLOPED ROOF, RE: MECHANICAL
- 22 WEATHER HEAD FOR "CASUAL CAFE" SIGNAGE, 10" H, RE: ELEC
- 23 REFER TO 4/A1.6 FOR DORMER PLAN
- 24 WEATHER HEAD FOR SATELLITE TV CONNECTION, 18" H
- 25 PHOTOCELL UP THROUGH THIS UNIT

FINISH SCHEDULE

EXTERIOR PAINT

- EP-1 SAHARA SAND
- EP-2 MISSISSIPPI BRONZE ENAMEL
- EP-3 IBIS WHITE
- EP-4 CHARWOOD

EXTERIOR FINISH

- EF-1 OLD CHICAGO BRICK (EXTERIOR AND INTERIOR)
- EF-2 INTEGRAL COLOR EIFS
- EF-3 STAINED PLYWOOD
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ROOFING

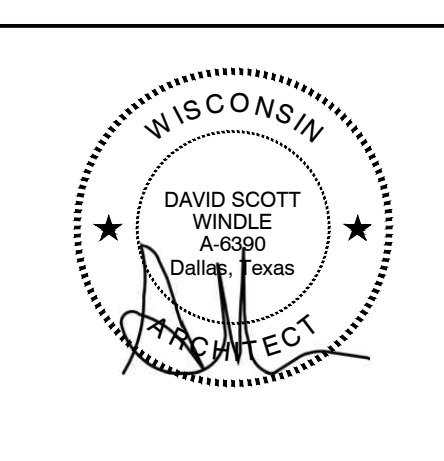
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ARCHITECT: **DAVID SCOTT WINDLE, AIA**

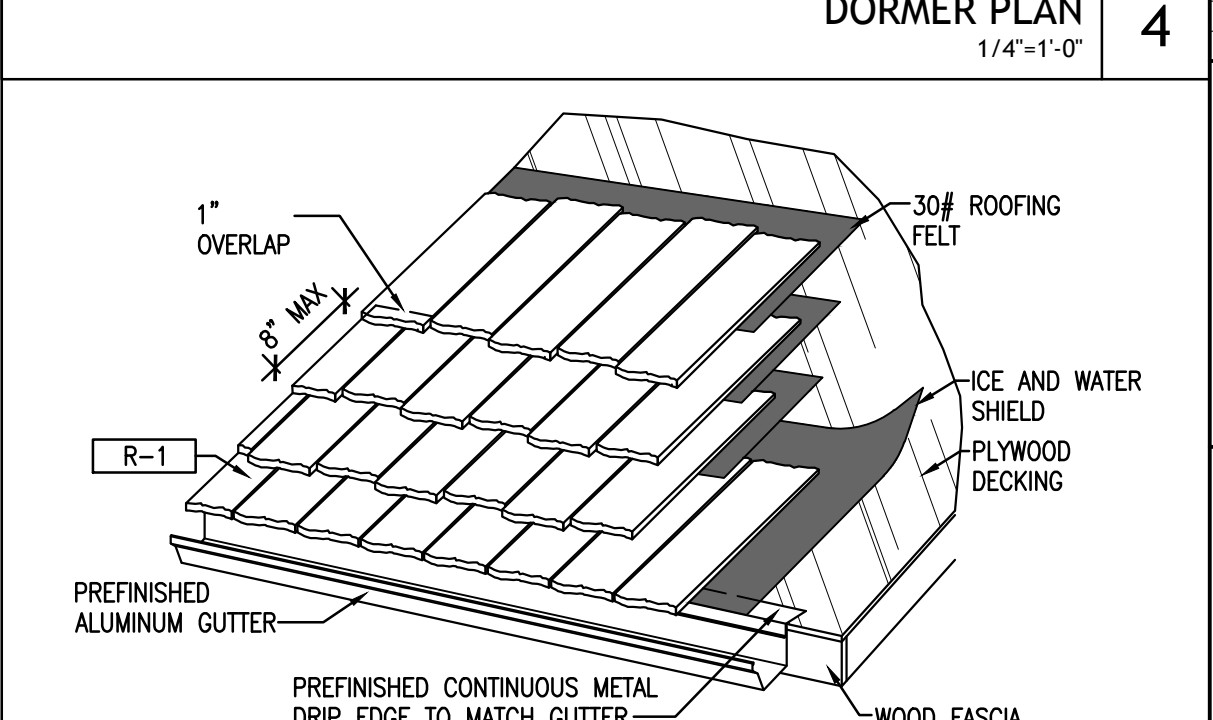
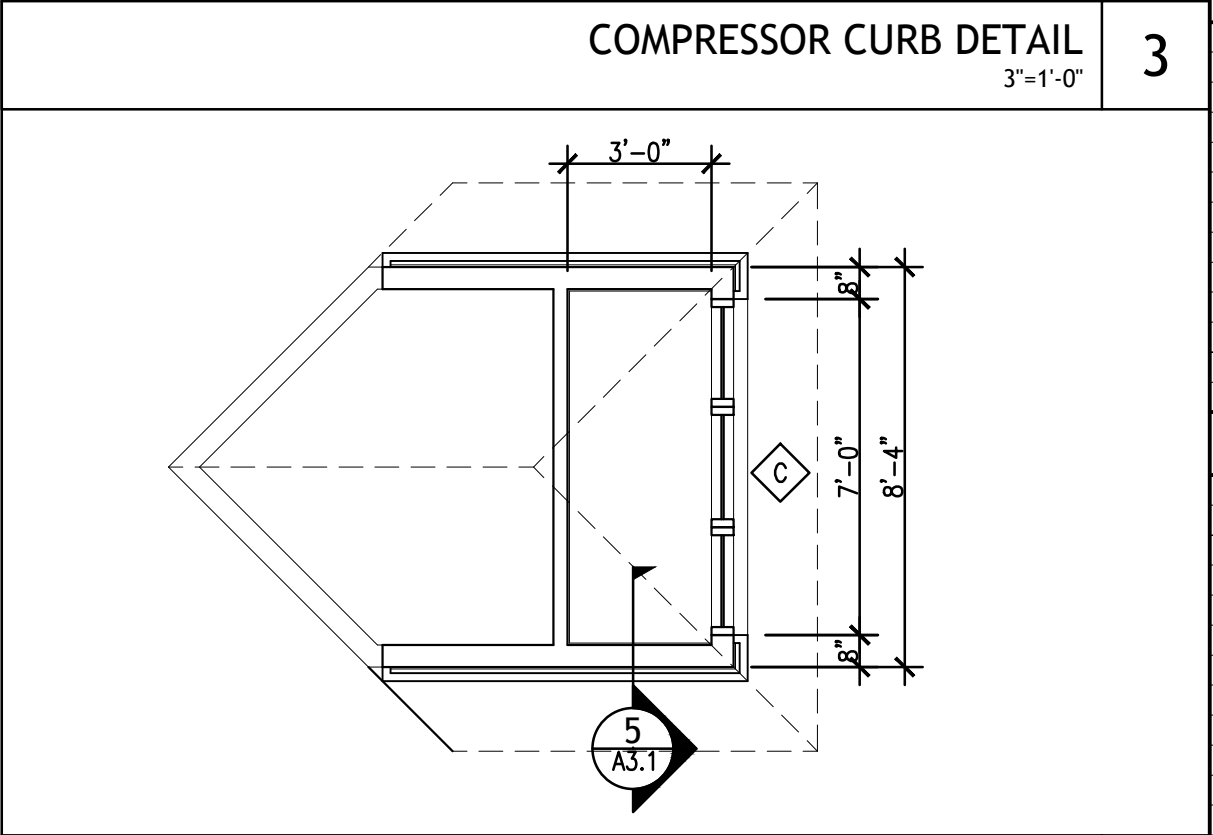
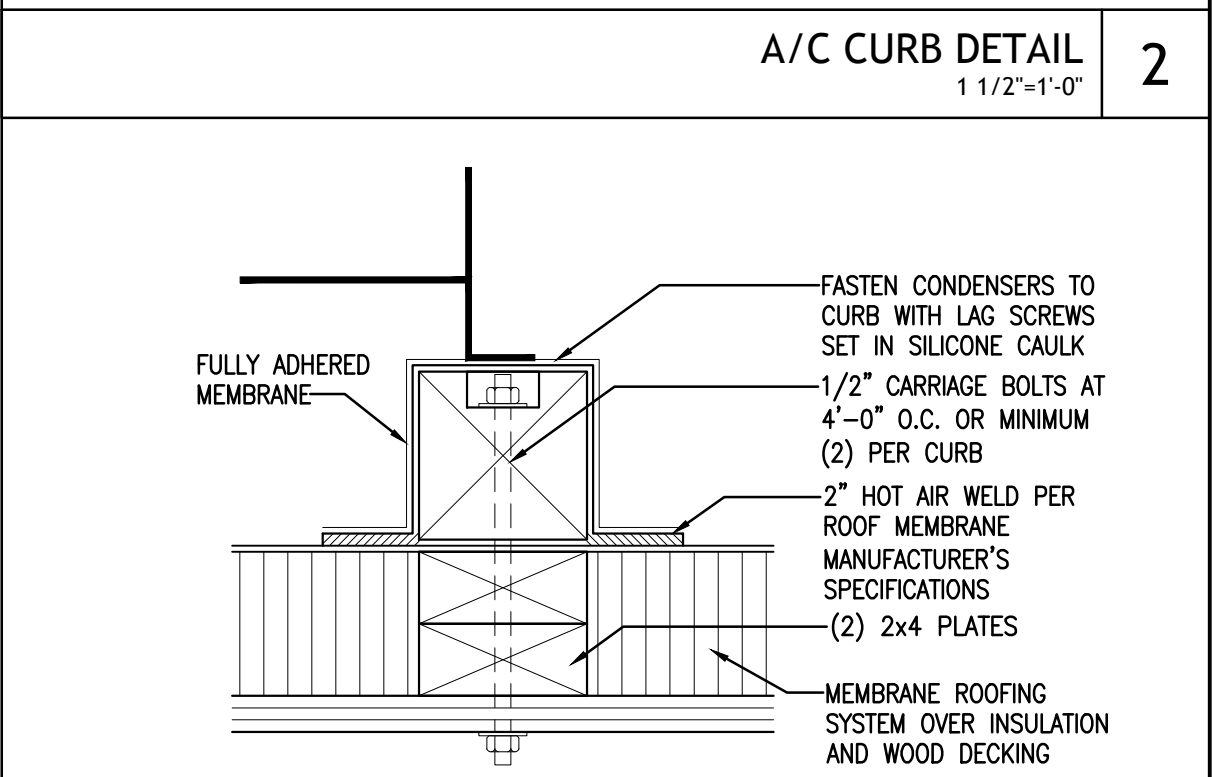
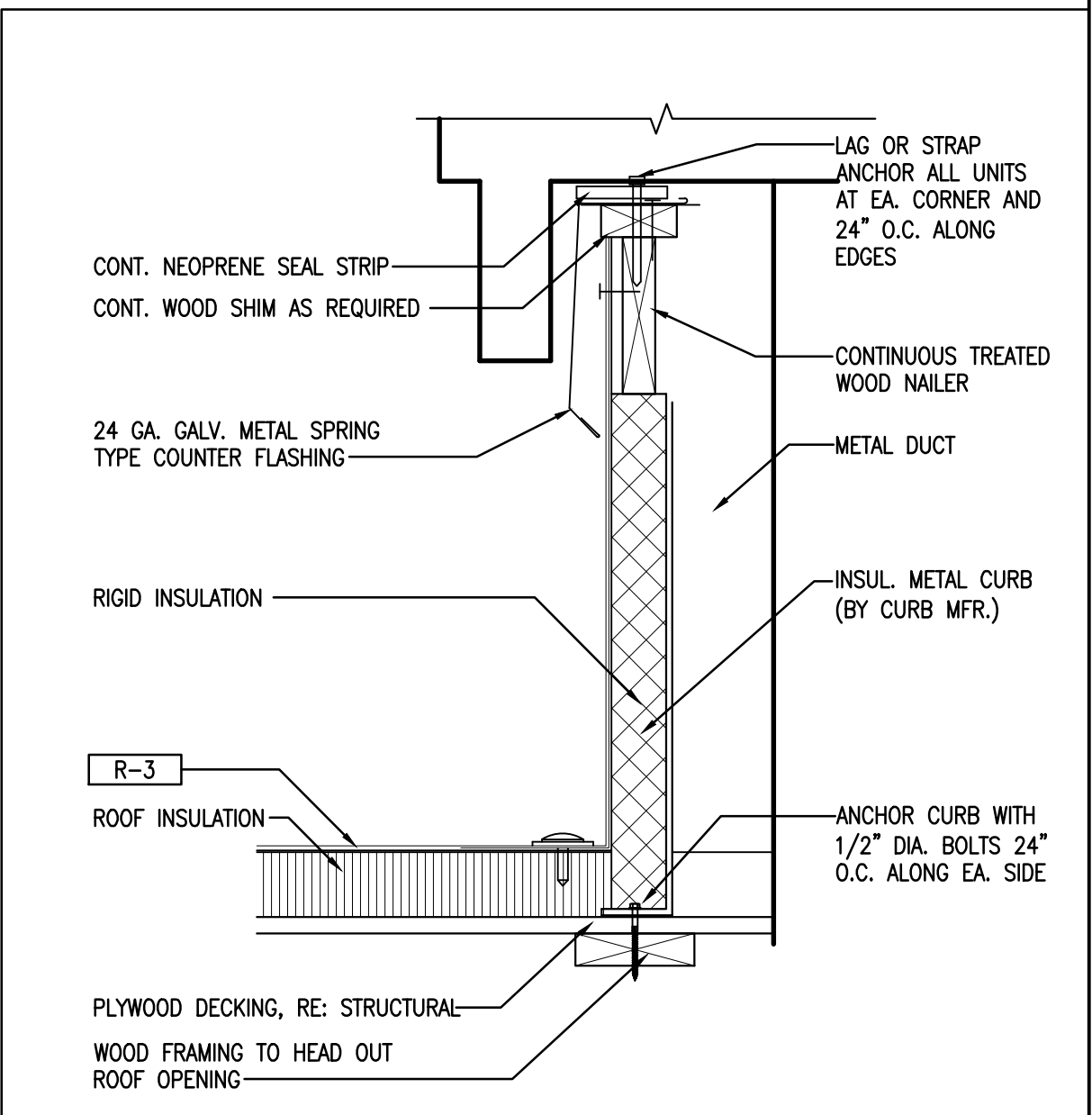
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DATE: 10/12/12



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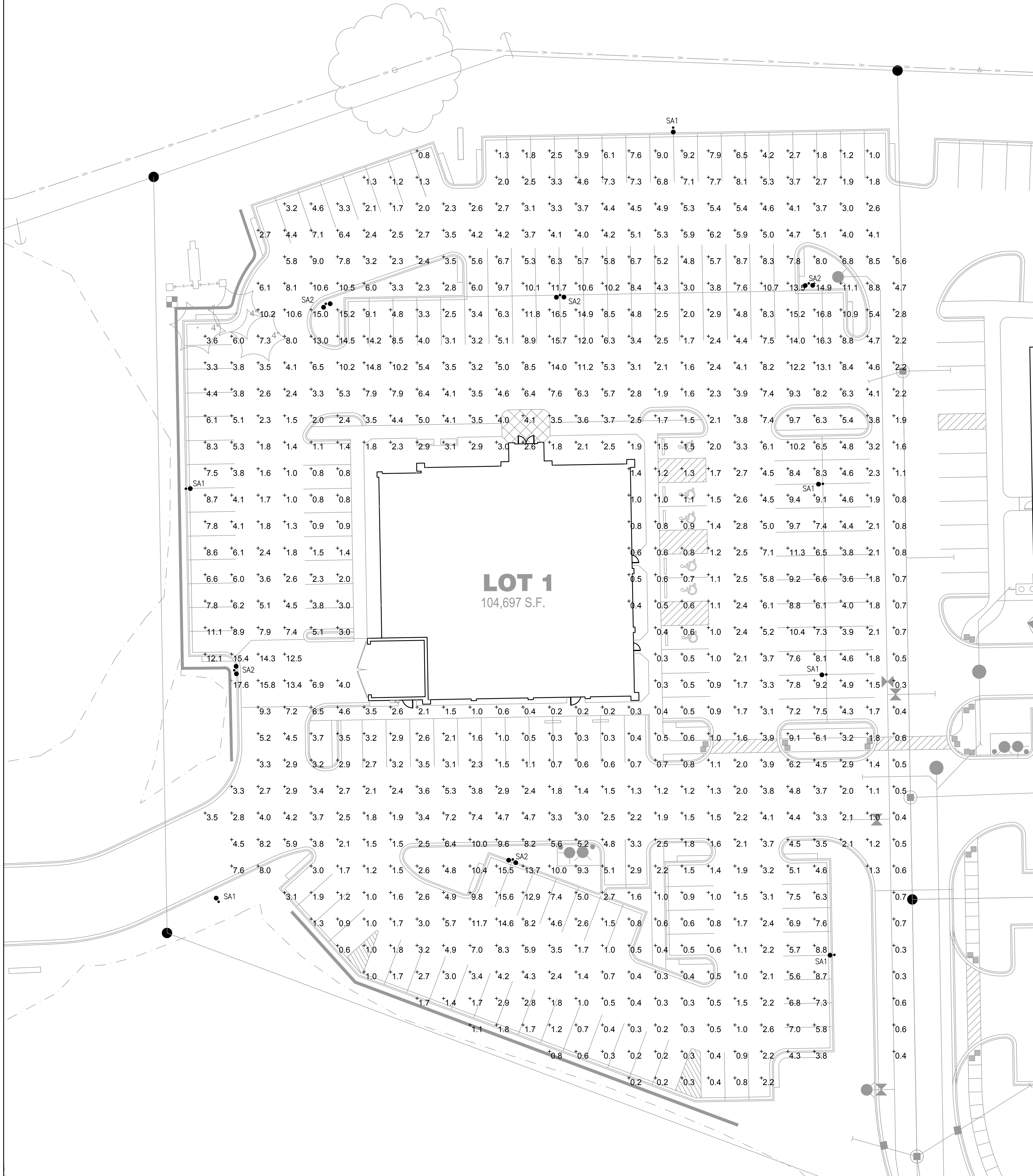
Cheddar's

DATE	DESCRIPTION
10.02.12	SITE OPERATIONAL SUBMITTAL
10.09.12	ISSUE FOR CONSTRUCTION

ROOF PLAN

SHEET NUMBER: **A1.6**

PROJECT NUMBER: **CCC12007**



KIM LIGHTING
RA 25° Era Series
 International Design Luminaire
 revision 11/13/10 • 1421.pdf

Type: No Option
 Job: No Option
 Date: No Option

Page 1 of 6

Specifications

RA25
 25" Diameter
 150 to 400 Watt

RA25
 with optional
 Glow Ring and
 Convex Lens

Mounting: See RA 25° Era Series Mounting Guide for complete details and explanation of optical system features.

Reflector: See the Kim Lighting website for complete details and explanation of optical system features.

Electrical Module: See the Kim Lighting website for complete details and explanation of optical system features.

Finish: See the Kim Lighting website for complete details and explanation of optical system features.

Lighting and Ratings: See the Kim Lighting website for complete details and explanation of optical system features.

KIM LIGHTING
RA 25° Era Series
 International Design Luminaire
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 Job: No Option
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Optional Features

Wall Mounting: See the Kim Lighting website for complete details and explanation of optical system features.

Glow Ring: See the Kim Lighting website for complete details and explanation of optical system features.

PhotoCell: See the Kim Lighting website for complete details and explanation of optical system features.

Convex Glass Lens: See the Kim Lighting website for complete details and explanation of optical system features.

Polycarbonate Lens: See the Kim Lighting website for complete details and explanation of optical system features.

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RA 25° Era Series
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Page 2 of 6

Standard Features

Mounting: See the Kim Lighting website for complete details and explanation of optical system features.

Reflector: See the Kim Lighting website for complete details and explanation of optical system features.

Electrical Module: See the Kim Lighting website for complete details and explanation of optical system features.

Finish: See the Kim Lighting website for complete details and explanation of optical system features.

KIM LIGHTING
RA 25° Era Series
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Page 5 of 6

Optional Features

Household Shield: See the Kim Lighting website for complete details and explanation of optical system features.

Neighbor Friendly Shield: See the Kim Lighting website for complete details and explanation of optical system features.

Flushing: See the Kim Lighting website for complete details and explanation of optical system features.

Poles and Arms: See the Kim Lighting website for complete details and explanation of optical system features.

KIM LIGHTING
RA 25° Era Series
 International Design Luminaire
 revision 11/13/10 • 1421.pdf

Type: No Option
 Job: No Option
 Date: No Option

Page 3 of 6

Standard Features

Electrical Module: See the Kim Lighting website for complete details and explanation of optical system features.

Finish: See the Kim Lighting website for complete details and explanation of optical system features.

Lighting and Ratings: See the Kim Lighting website for complete details and explanation of optical system features.

KIM LIGHTING
RA 25° Era Series
 International Design Luminaire
 revision 11/13/10 • 1421.pdf

Type: No Option
 Job: No Option
 Date: No Option

Page 6 of 6

Arm Options

Post Top Coak: See the Kim Lighting website for complete details and explanation of optical system features.

Side Pole Coak: See the Kim Lighting website for complete details and explanation of optical system features.

Post Top Swept Cast Arm: See the Kim Lighting website for complete details and explanation of optical system features.

Side Pole Swept Cast Arm: See the Kim Lighting website for complete details and explanation of optical system features.

Side Pole Non-Ceiling Arm: See the Kim Lighting website for complete details and explanation of optical system features.

Side Pole Non-Ceiling Arm w/Top Bracket: See the Kim Lighting website for complete details and explanation of optical system features.

Side Pole Ribbon Arm w/Top Bracket: See the Kim Lighting website for complete details and explanation of optical system features.

Side Pole Ribbon Arm w/Top Bracket & Bottom Bracket: See the Kim Lighting website for complete details and explanation of optical system features.

Side Pole Ribbon Arm w/Top Bracket & Bottom Bracket w/Top Bracket: See the Kim Lighting website for complete details and explanation of optical system features.

FOOTCANDLE CALCULATION SUMMARY

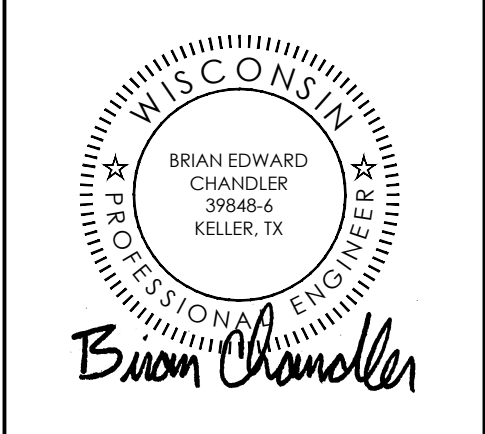
AVERAGE	MAXIMUM	MINIMUM
4.1	17.6	0.2

SITE LIGHTING FIXTURE SCHEDULE

TYPE	SYMBOL	DESCRIPTION	COMPANY	POLE/MOUNTING BRACKET CATALOG NO.	LUMINAIRE CATALOG NO.	LAMP
SA1		POLE MOUNTED AREA LIGHT, TYPE 2 DISTRIBUTION.	KIM LIGHTING	(30") LTRA30 SERIES POLE-DB (1) HA11 SERIES BRACKET-DB	(1) 1A-RA252-400PMH208-DB-HS-HA11	(1) 400W MH
SA2		POLE MOUNTED AREA LIGHT, TYPE 2 DISTRIBUTION.	KIM LIGHTING	(30") LTRA30 SERIES POLE-DB (2) HA11 SERIES BRACKET-DB	(2) 1A-RA252-400PMH208-DB-HS-HA11	(2) 400W MH

BRIAN EDWARD CHAMBERLAIN
 1431 GREENWAY DRIVE
 SUITE 150
 IRVING, TX 75038
 PHONE: 972.70.1288
 E-MAIL: brian@brianedward.com

CLIENT:
CHEDDAR'S CASUAL CAFE
 2230 W. JOHN CARPENTER FWY, SUITE 560
 IRVING, TX 75063
 PHONE: 214.596.6777
 EMAIL: www.cheddars.com



CHEDDAR'S CASUAL CAFE
 10346 77TH STREET
 PLEASANT PRAIRIE, WI 53158
CLIENT: CHEDDAR'S CASUAL CAFE

Cheddar's

DATE	DESCRIPTION
10.12.12	SITE OPERATIONAL SUBMITTAL

SHEET TITLE:
SITE PHOTOMETRIC PLAN

SHEET NUMBER:
ES.1

PROJECT NUMBER:
CCC12007



Design #

12-1737r3

Sheet 1 of 9

Client

Cheddar'S casual café

Address

10366 77th STREET

PLEASANT PRAIRIE, WI

Account Rep. R.JOURNAGAN

Designer SDM

Date 7/20/12

Approval / Date

Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	

Revision / Date

r1 RMS 9-25-12: Rev. monument
r2 RMS 09-28-12 Delete sign "F"

r3-MAB/10-9-12: Revise address
& front elevation



FRONT ELEVATION

SCALE: 3/32" = 1'-0"



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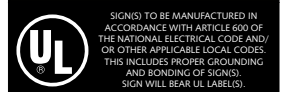
1335 Park Center Drive, Unit C
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760-967-7003 Fax 760-967-7033

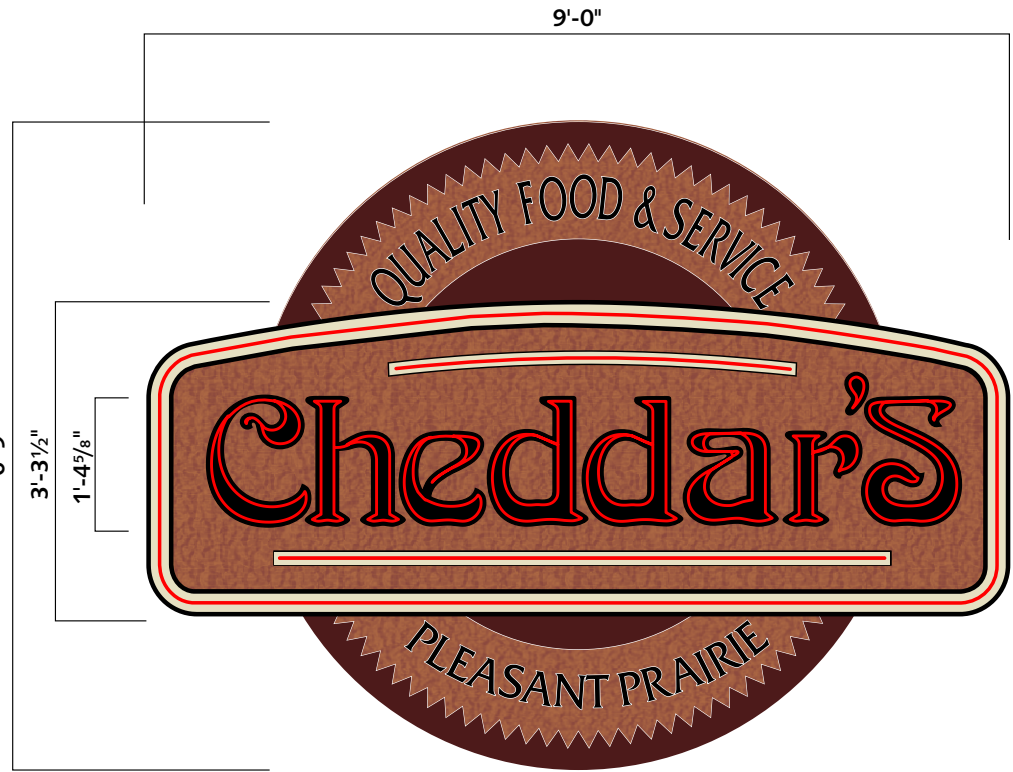
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**FINAL ELECTRICAL
CONNECTION
BY CUSTOMER**





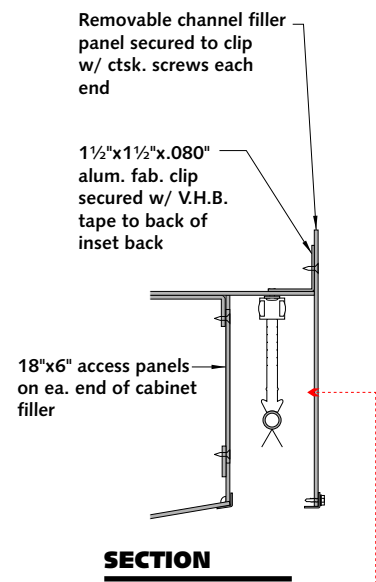
A S/F WALL SIGN ELEV. - MAIN I.D. SCALE: 1/2"=1'-0"
 (1) REQUIRED - MANUFACTURE AND INSTALL



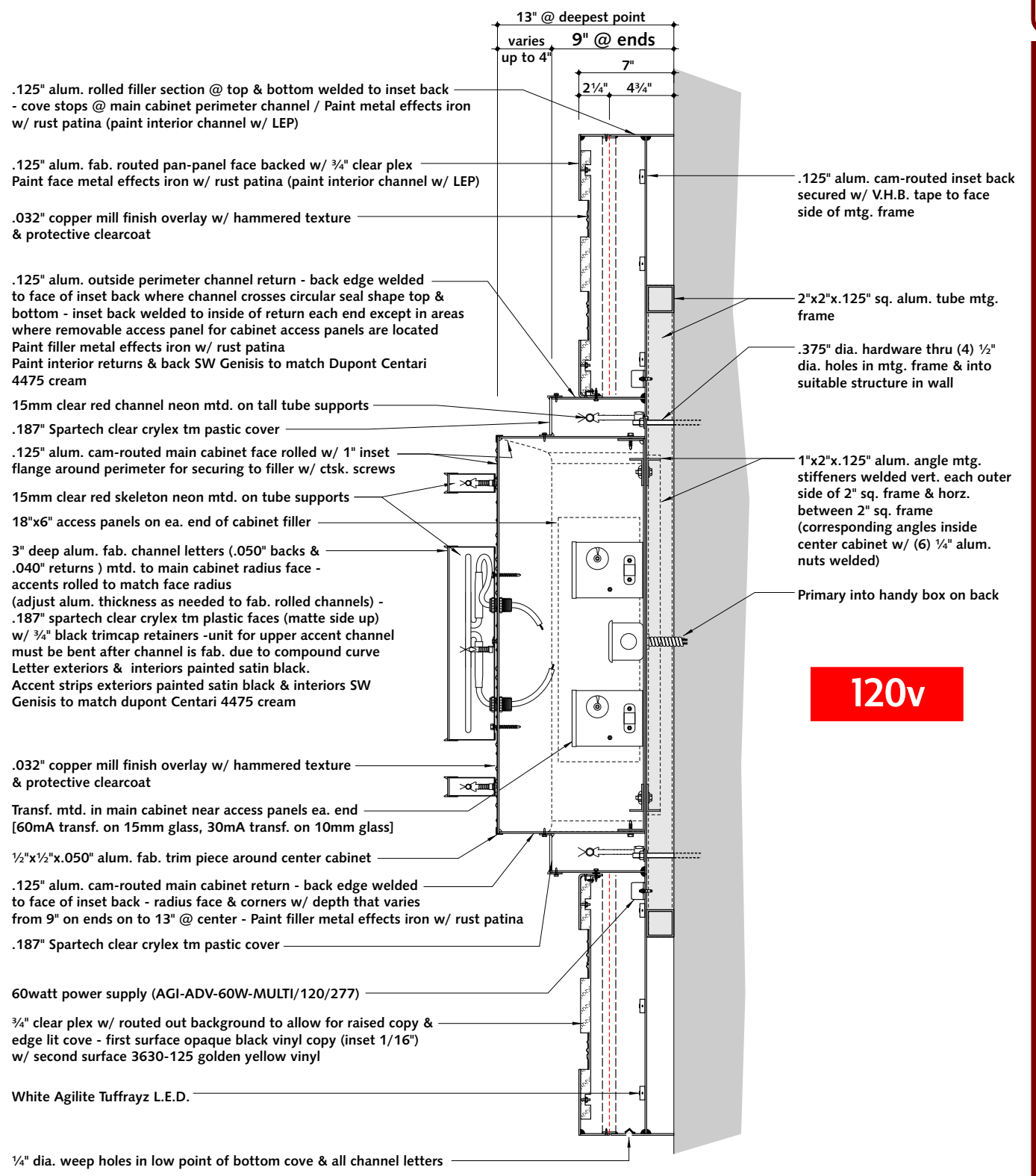
TOP VIEW SCALE: 1/2" = 1'-0"



A NIGHT VIEW N.T.S.



SECTION



A SECTION

- .125" alum. rolled filler section @ top & bottom welded to inset back - cove stops @ main cabinet perimeter channel / Paint metal effects iron w/ rust patina (paint interior channel w/ LEP)
- .125" alum. fab. routed pan-panel face backed w/ 3/4" clear plex Paint face metal effects iron w/ rust patina (paint interior channel w/ LEP)
- .032" copper mill finish overlay w/ hammered texture & protective clearcoat
- .125" alum. outside perimeter channel return - back edge welded to face of inset back where channel crosses circular seal shape top & bottom - inset back welded to inside of return each end except in areas where removable access panel for cabinet access panels are located Paint filler metal effects iron w/ rust patina Paint interior returns & back SW Genisis to match Dupont Centari 4475 cream
- 15mm clear red channel neon mtd. on tall tube supports
- .187" Spartech clear crylex tm pastic cover
- .125" alum. cam-routed main cabinet face rolled w/ 1" inset flange around perimeter for securing to filler w/ ctsk. screws
- 15mm clear red skeleton neon mtd. on tube supports
- 18"x6" access panels on ea. end of cabinet filler
- 3" deep alum. fab. channel letters (.050" backs & .040" returns) mtd. to main cabinet radius face - accents rolled to match face radius (adjust alum. thickness as needed to fab. rolled channels) -
- .187" spartech clear crylex tm plastic faces (matte side up) w/ 3/4" black trimcap retainers -unit for upper accent channel must be bent after channel is fab. due to compound curve Letter exteriors & interiors painted satin black. Accent strips exteriors painted satin black & interiors SW Genisis to match dupont Centari 4475 cream
- .032" copper mill finish overlay w/ hammered texture & protective clearcoat
- Transf. mtd. in main cabinet near access panels ea. end [60mA transf. on 15mm glass, 30mA transf. on 10mm glass]
- 1/2"x1/2"x.050" alum. fab. trim piece around center cabinet
- .125" alum. cam-routed main cabinet return - back edge welded to face of inset back - radius face & corners w/ depth that varies from 9" on ends on to 13" @ center - Paint filler metal effects iron w/ rust patina
- .187" Spartech clear crylex tm pastic cover
- 60watt power supply (AGI-ADV-60W-MULTI/120/277)
- 3/4" clear plex w/ routed out background to allow for raised copy & edge lit cove - first surface opaque black vinyl copy (inset 1/16") w/ second surface 3630-125 golden yellow vinyl
- White Agilite Tuffrayz L.E.D.
- 1/4" dia. weep holes in low point of bottom cove & all channel letters
- 13" @ deepest point varies up to 4"
- 9" @ ends
- 7"
- 2 1/4"
- 4 3/4"
- .125" alum. cam-routed inset back secured w/ V.H.B. tape to face side of mtg. frame
- 2"x2"x.125" sq. alum. tube mtg. frame
- .375" dia. hardware thru (4) 1/2" dia. holes in mtg. frame & into suitable structure in wall
- 1"x2"x.125" alum. angle mtg. stiffeners welded vert. each outer side of 2" sq. frame & horz. between 2" sq. frame (corresponding angles inside center cabinet w/ (6) 1/4" alum. nuts welded)
- Primary into handy box on back



Design #	12-1737r3
Sheet	2 of 9
Client	Cheddar'S casual café
Address	10366 77th STREET PLEASANT PRAIRIE, WI
Account Rep.	R.JOURNAGAN
Designer	SDM
Date	7/20/12

Approval / Date
Client
Sales
Estimating
Art
Engineering
Landlord

Revision / Date
r1 RMS 9-25-12: Rev. monument
r2 RMS 09-28-12 Delete sign "F"
r3-MAB/10-9-12: Revise address & front elevation



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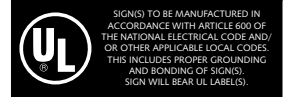
1335 Park Center Drive, Unit C
 Vista, CA 92081
 760-967-7003 Fax 760-967-7033

400 Banner Trail
 Florissant, CO 80816
 719-687-2507 Fax 719-687-2506

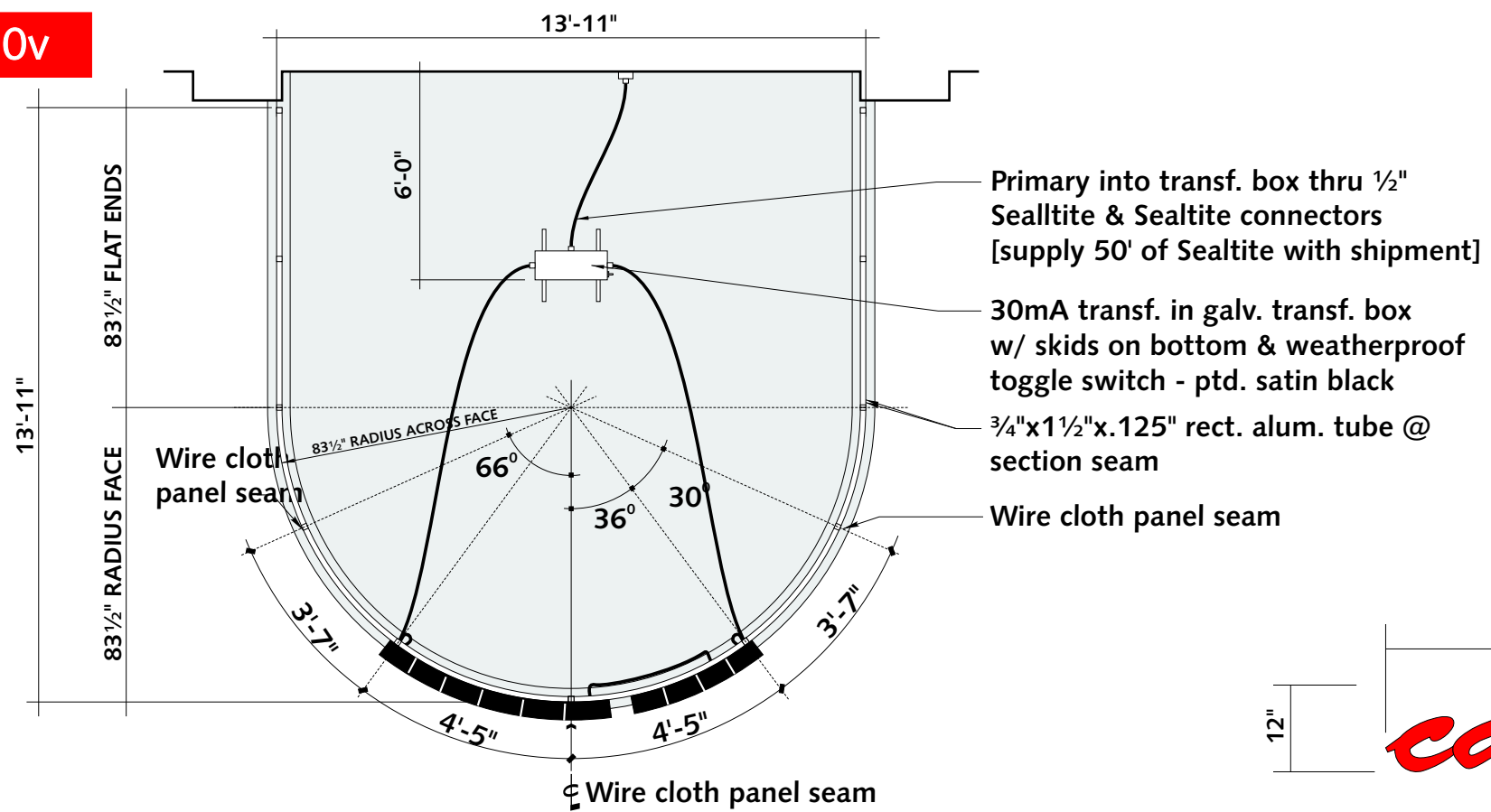
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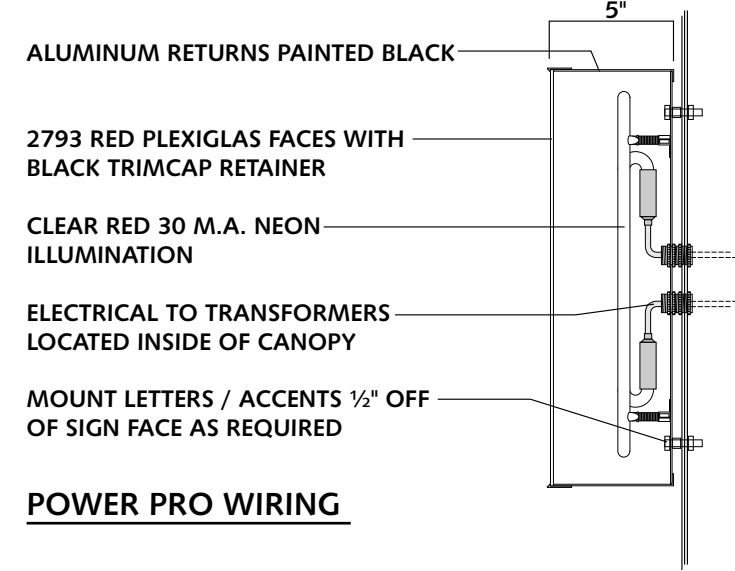
FINAL ELECTRICAL CONNECTION BY CUSTOMER



120v



B PLAN VIEW SCALE: 1/4"=1'-0"

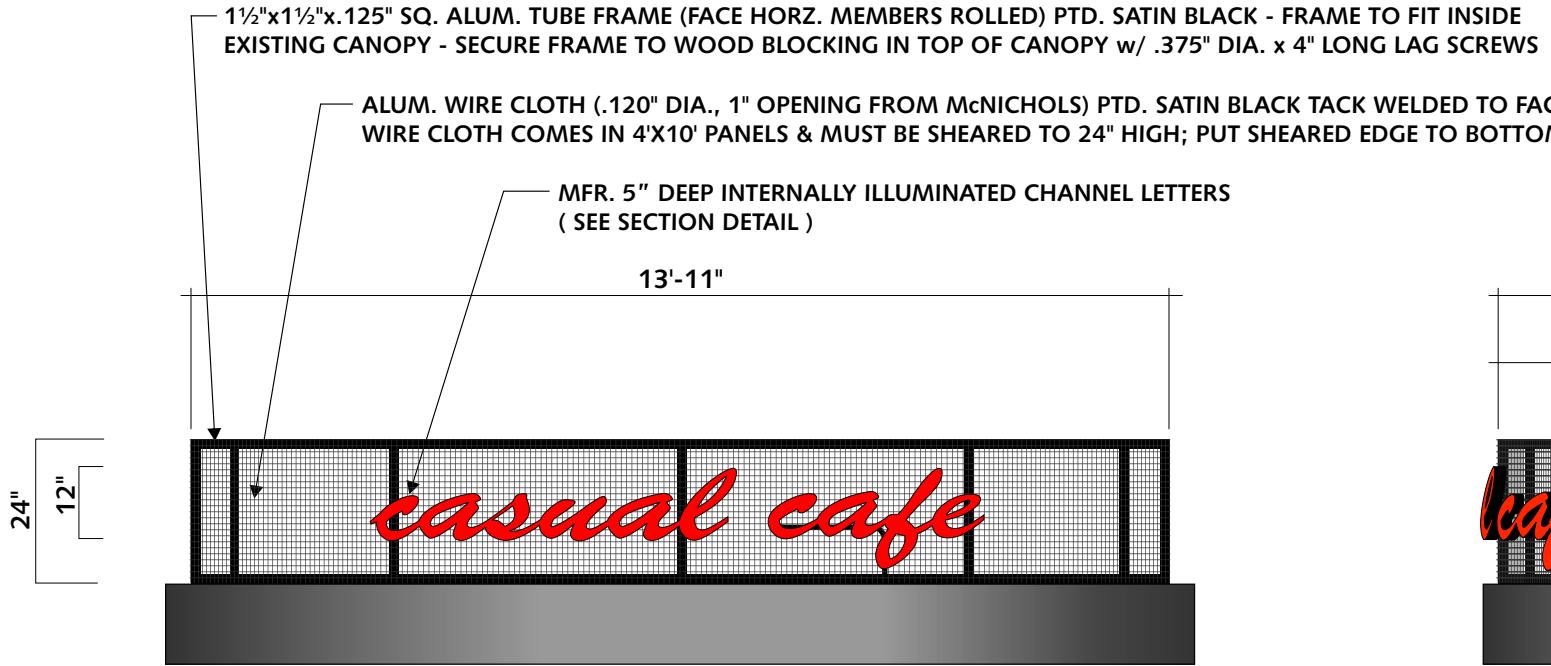


B LETTER DETAIL N.T.S.



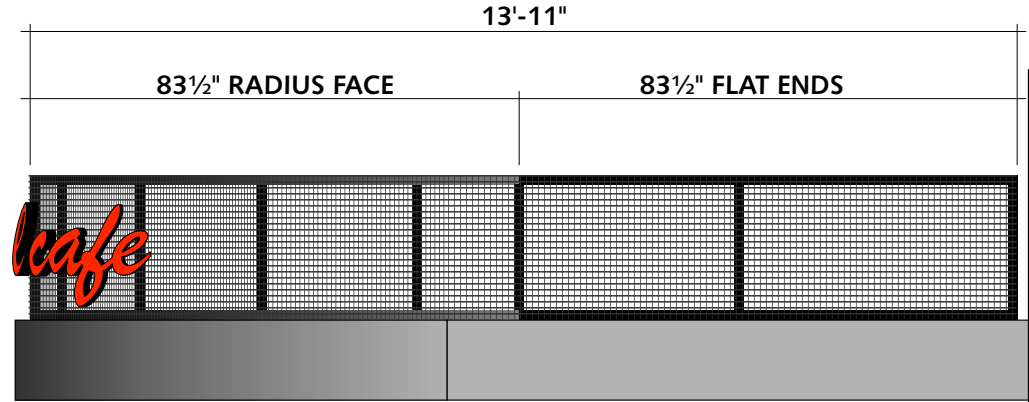
B CHANNEL LETTER LAYOUT (FLAT VIEW)

MFR. 5" DEEP INTERNALLY ILLUMINATED CHANNEL LETTERS MOUNT TO ALUM. WIREMESH PANEL. (SEE SECTION DETAIL)



B FRONT VIEW (SKEWED VIEW) SCALE: 3/8"=1'-0"

MANUFACTURE AND INSTALL (1) SET OF ILLUMINATED CHANNEL LETTERS ON RADIUS METAL GRID



B SIDE VIEW SCALE: 3/8"=1'-0"



Design #	12-1737r3
Sheet	3 of 9
Client	Cheddar'S casual café
Address	10366 77th STREET PLEASANT PRAIRIE, WI
Account Rep.	R.JOURNAGAN
Designer	SDM
Date	7/20/12

Approval / Date	
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Revision / Date	
r1 RMS 9-25-12: Rev. monument	
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r3-MAB/10-9-12: Revise address & front elevation	



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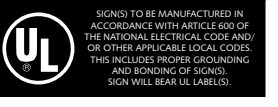
400 Banner Trail
 Florissant, CO 80816
 719-687-2507 Fax 719-687-2506

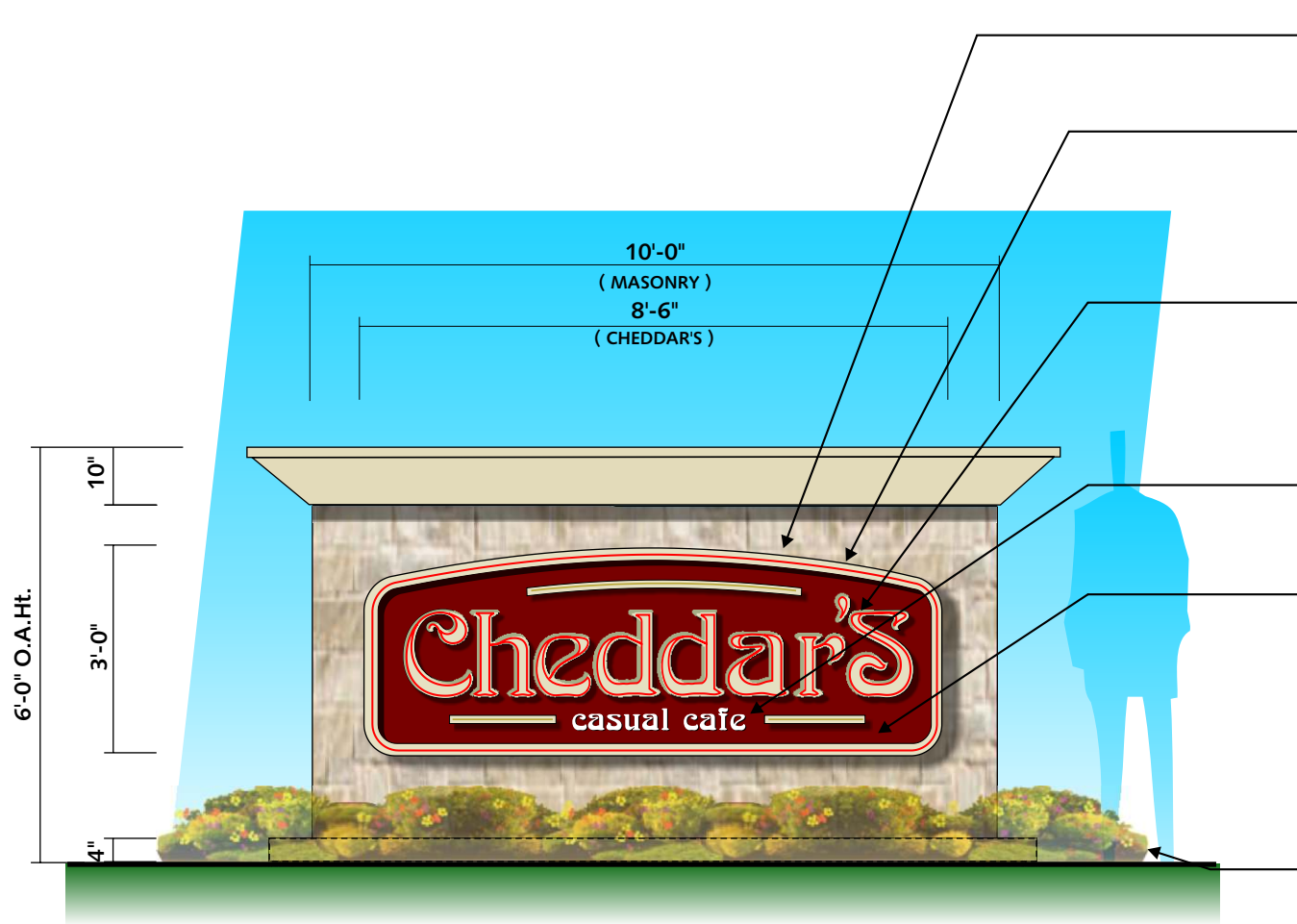
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120v

FINAL ELECTRICAL CONNECTION BY CUSTOMER





ALUMINUM FABRICATED S/F CABINETS - (HINGED FACE)
PAINT FILLER SW GENESIS SATIN BLACK -
PAINT FACES W/ DUPONT 143 RED

3" DEEP ALUMINUM CHANNEL BORDER
PAINTED SW GENESIS TO MATCH DUPONT
CENTARI #4775 CREAM - SINGLE TUBE
15MM 04 CLEAR RED NEON
BORDER - 30 M.A.
CLEAR ACRYLIC FACE W/ 3/4" BLACK
TRIMCAP RETAINERS

3" DEEP ALUMINUM FAB. CHANNEL LETTERS
"Cheddar'S" - PAINT INSIDE SW GENESIS TO
MATCH DUPONT CENTARI #4775 CREAM -
PAINT OUTSIDE RETURNS SATIN BLACK -
ILLUMINATED WITH CLEAR RED EXPOSED
NEON (1 OR 2 AS REQUIRED) - 30 M.A.
MATTE CLEAR ACRYLIC FACES (MATTE SIDE
OUT) w/ 3/4" BLACK JEWELITE

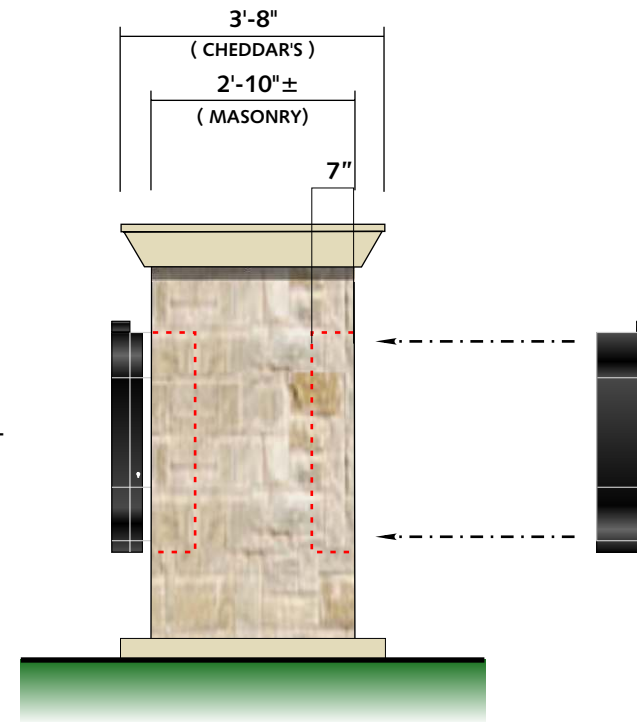
ROUTED COPY "casual cafe" BACKED UP
WITH .125" #7328 WHITE PLEXIGLAS -
INTERNALLY ILLUMINATED WITH WHITE
#6500 NEON-30 M.A.

ALL ACCENTS TO BE 3" DEEP ALUM. FAB.
PAN CHANNELS - PAINT INSIDE SW GENESIS
TO MATCH DUPONT CENTARI #4775 CREAM -
PAINT OUTSIDE RETURNS SATIN BLACK -
ILLUMINATED WITH ILLUM. WITH SINGLE
TUBE 15MM EGL CASINO GOLD - 30 M.A.
NEON CLEAR ACRYLIC FACES w/ 3/4" BLACK
JEWELITE

LANDSCAPE BY OTHERS

UNDERGROUND ELECTRICAL SERVICE TO SIGN
BY CUSTOMER'S ELECTRICIAN -
COORDINATE W/ CHANDLER SIGNS AS TO
REQUIREMENTS & LOCATION

CUSTOMER'S MASONRY CONTRACTOR TO
PROVIDE & INSTALL ALL BRICK & STONE &
CONCRETE PAD
SIZES & DEPTH DETERMINED BY ENGINEERING
& LOCAL CODES & CONDITIONS
COORDINATE W/ CHANDLER SIGNS



END VIEW

G D/F MONUMENT SIGN - WITH S/F SIGN CABINETS
(1) REQUIRED - MANUFACTURE & INSTALL SCALE: 3/8" = 1'-0"



PROPOSED NIGHT ILLUMINATION

277 VOLT



Design #	
12-1737r3	
Sheet	4 of 9
Client	
Cheddar'S casual café	
Address	
10366 77th STREET	
PLEASANT PRAIRIE, WI	
Account Rep.	R.JOURNAGAN
Designer	SDM
Date	7/20/12

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Sales	
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r1 RMS 9-25-12:	Rev. monument
r2 RMS 09-28-12	Delete sign "F"
r3-MAB/10-9-12:	Revise address & front elevation



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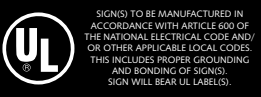
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Vista, CA 92081
760-967-7003 Fax 760-967-7033

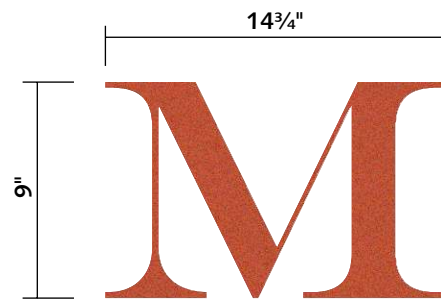
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FINAL ELECTRICAL CONNECTION BY CUSTOMER

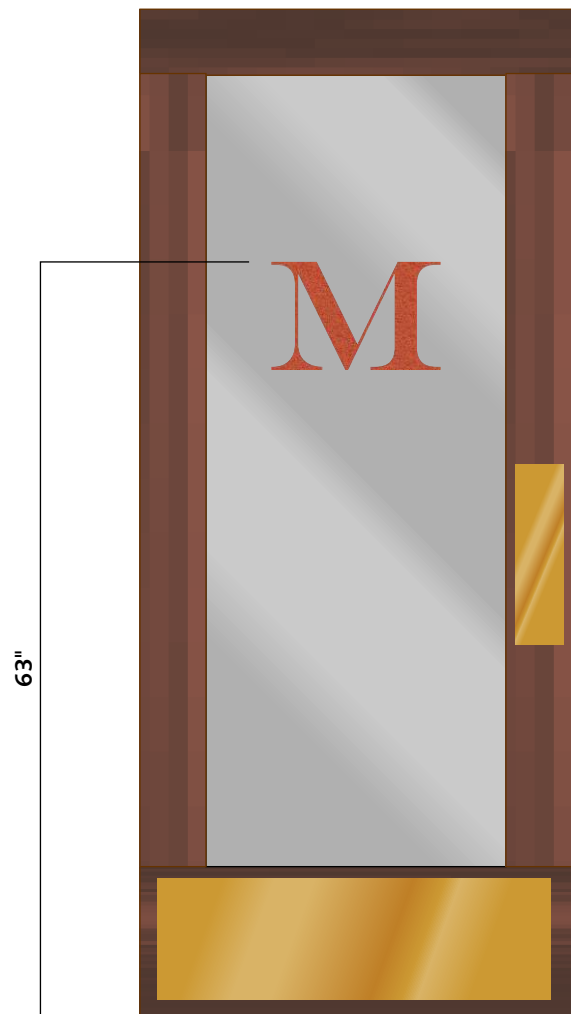




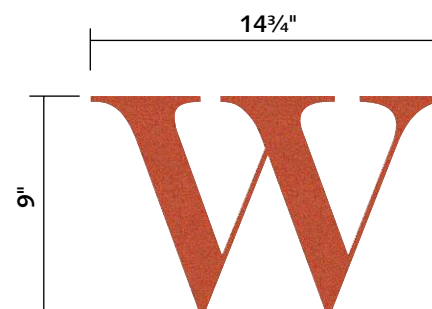
D VINYL LETTER SCALE: 1 1/2" = 1'-0"

(1) REQUIRED - MANUFACTURE AND INSTALL

#UC 900-932 M COPPER (AVERY) VINYL LETTER APPLIED TO FIRST SURFACE OF FROSTED GLASS



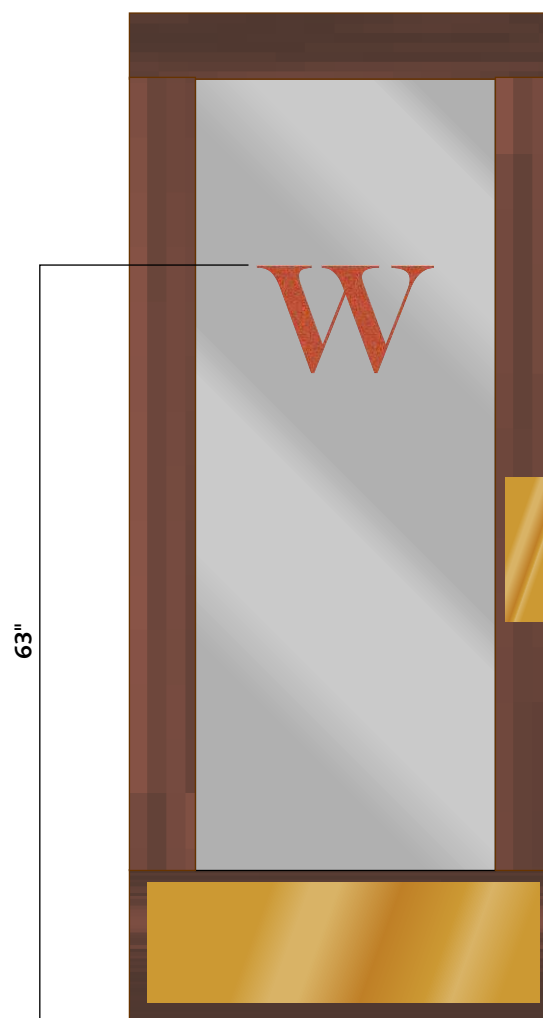
DOOR ELEVATION 3/4" = 1'-0"



E VINYL LETTER SCALE: 1 1/2" = 1'-0"

(1) REQUIRED - MANUFACTURE AND INSTALL

#UC 900-932 M COPPER (AVERY) VINYL LETTER APPLIED TO FIRST SURFACE OF FROSTED GLASS



DOOR ELEVATION 3/4" = 1'-0"



Design #

12-1737r3

Sheet 8 of 9

Client

Cheddar'S casual café

Address

10366 77th STREET

PLEASANT PRAIRIE, WI

Account Rep. R.JOURNAGAN

Designer SDM

Date 7/20/12

Approval / Date

Client	
Sales	
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Revision / Date

r1 RMS 9-25-12: Rev. monument
r2 RMS 09-28-12 Delete sign "F"

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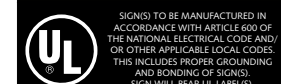
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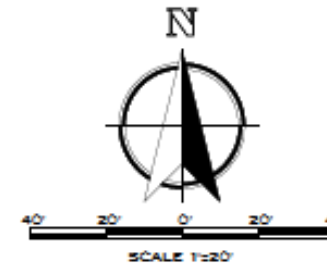
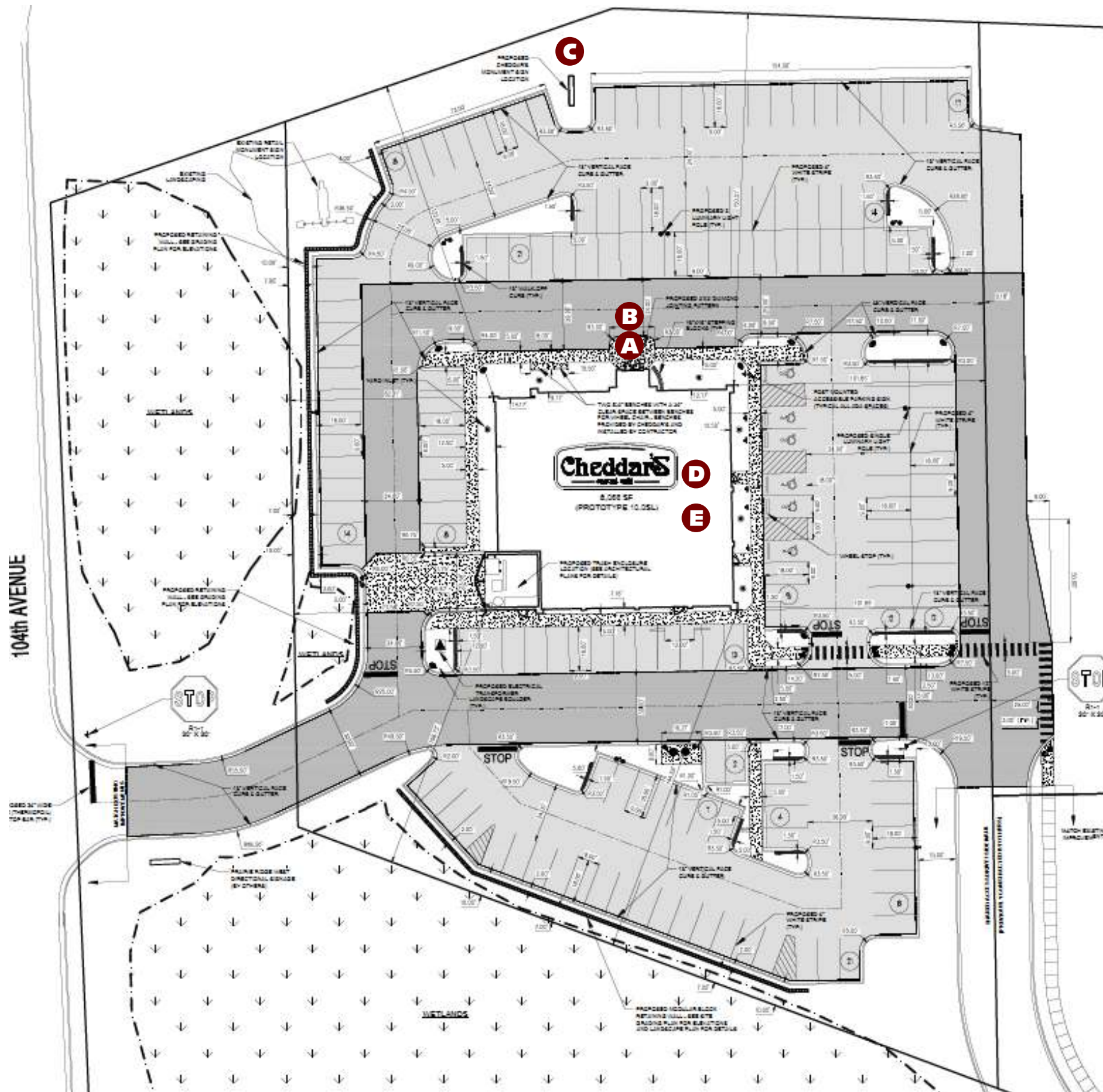
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FINAL ELECTRICAL CONNECTION BY CUSTOMER



SIGNS TO BE MANUFACTURED IN ACCORDANCE WITH ARTICLE 680 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF SIGNS! SIGN WILL BEAR UL LABEL(S).



Design #

12-1737r3

Sheet 9 of 9

Client

Cheddar'S casual café

Address

10366 77th STREET

PLEASANT PRAIRIE, WI

Account

Rep. R.JOURNAGAN

Designer

SDM

Date

7/20/12

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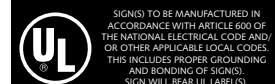
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UL
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ACCORDANCE WITH ARTICLE 680 OF
THE NATIONAL ELECTRICAL CODE AND/
OR OTHER APPLICABLE LOCAL CODES.
THIS INCLUDES PROPER GROUNDING
AND BONDING OF SIGNS!
SIGN WILL BEAR UL LABEL(S).



Front Elevation



Left Elevation



Rear Elevation



Right Elevation



*Cheddar's Casual Cafe Project - June 4, 2012
Looking West*



*Cheddar's Casual Cafe Project - June 4, 2012
Looking Southwest*



*Cheddar's Casual Cafe - June 4, 2012
Looking Northwest*



*Cheddar's Casual Cafe Project - June 4, 2012
Looking East*

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

Recommendation:

Village staff recommends that the Village Plan Commission send a favorable recommendation to the Village Board to approve the **Lot Line Adjustment** subject to the comments and conditions of the November 12, 2012 Village Staff Report.

VILLAGE STAFF REPORT OF NOVEMBER 12, 2012

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

The petitioners are requesting to adjust the lot lines between 11934 28th Avenue (part of Tax Parcel Number 92-4-122-361-0305) owned by William and Catherine Wamboldt and 11904 28th Avenue (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 (north side of 11934 28th Avenue by adding (73,686 square feet) to the property at 11904 28th Avenue.

The property at 11934 28th Avenue is zoned R-4 and will be over 3.5 acres and the wooded property at 11904 28th 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 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 Deeds Office within 30 days of final Village approval.

RECEIVED
OCT 26 2012

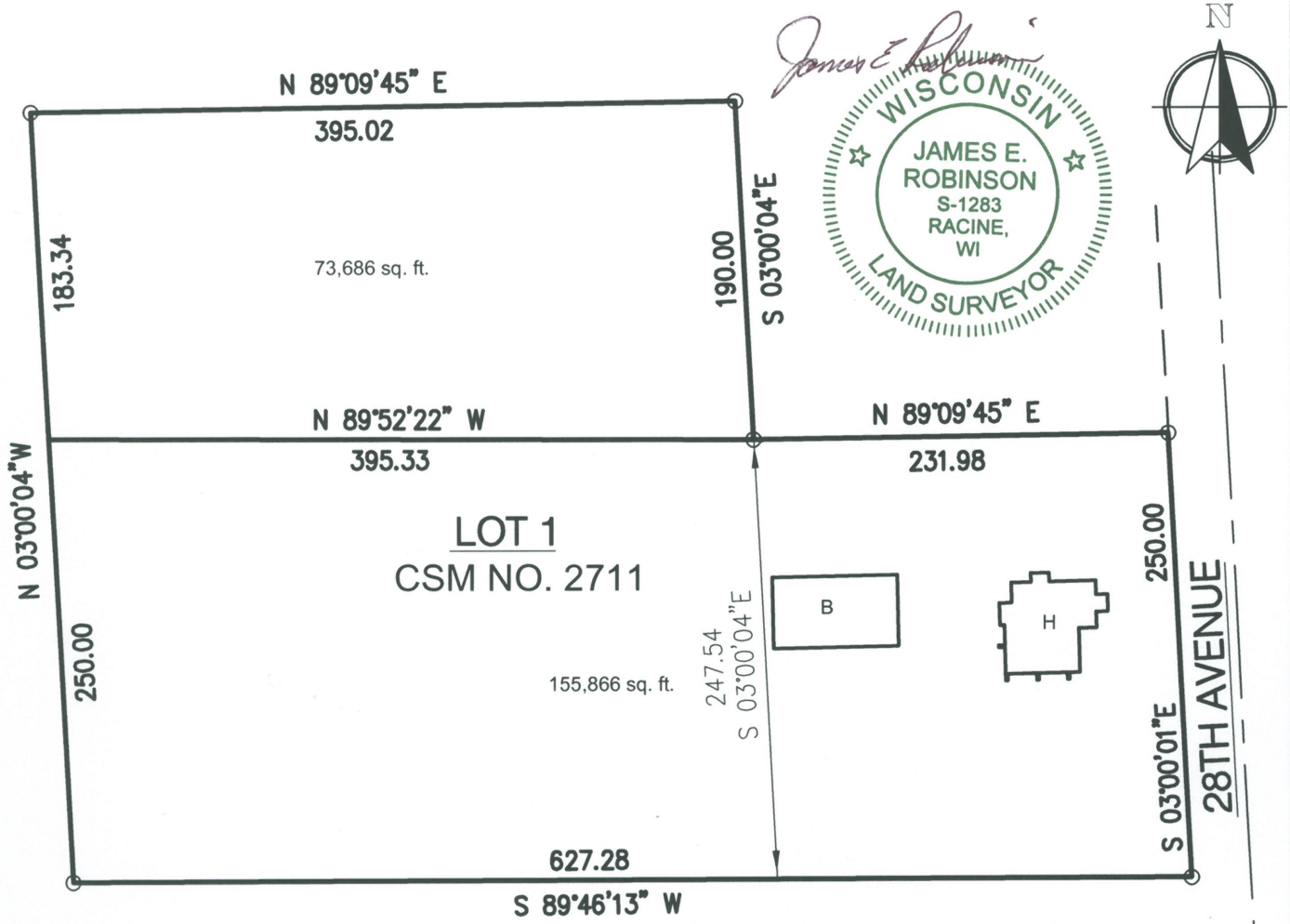
BY: _____

WE ARE REQUESTING APPROVAL TO SELL A
PORTION OF OUR NEWLY PURCHASED PROPERTY AT
11934-28th AVE. TO OUR NEIGHBOR MICHAEL
WILLKOMM. THE 73,686 SQ. FT. OF ACRESAGE WILL
BE ADDED TO MR. WILLKOMM'S PARCEL #
92-4-122-362-0012. A DRAWING AND LEGAL
DESCRIPTION IS ATTACHED.

Bill & Cathy Dumbold
10-26-2012

W220 NIPPERSINK RD
GENOA CITY, WI 53128
262-279-9810 (hm)

DRAWING AND DESCRIPTION FOR Bill and Cathy Wamboldt of lands to detached from that part of Lot 1 of Certified Survey Map Number 2711, as recorded in Document Number 1685242, in the Office of the Register of Deeds for Kenosha County Wisconsin and being in the Northeast 1/4 of Section 36, Township 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin and described as follows: Begin at the Northwest corner of Lot 1, said CSM; run thence N89°09'45"E 395.02 feet along the North line of Lot 1; thence S03°00'04"E 190.00 feet; thence N89°52'22"W 395.33 feet to the West line of said Lot 1; thence N03°00'04"W 183.34 feet along said West line to the point of beginning. Said lands to be added to Parcel 92-4-122-362-0012



This Drawing and description for lot line adjustment is hereby submitted to and approved by the Village Board of the Village of Pleasant Prairie as being in compliance with the Village Land Division and Development Control Ordinance on this _____ day of _____, 2012.

Plan Commission Chairman _____
 Thomas W. Terwall, Chairman

Village President _____
 John P. Steinbrink

Village Clerk _____
 Jane M. Romanowski

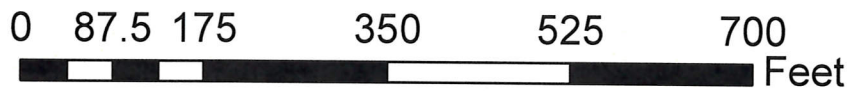
- LEGEND**
- = SET 1" IRON PIPE
 - = IRON STAKE FOUND
 - ⊙ = P.K. NAIL
 - ⊖ = SET CHISEL "V"

NOTES

BEARING BASE: GRID NORTH, WISCONSIN COORDINATE SYSTEM, SOUTH ZONE. BASED UPON NAD 1927.

FIELD WORK --- BY ---
 DRAWN 10-23-12 BY JER
 SCALE 1" = 100'
 SHEET 1 OF 1 SHEETS
 JOB NO. 2012.0071.02

Village of Pleasant Prairie Zoning Map (portion of)



Source: Village of Pleasant Prairie
Zoning: October 2012
Aerial Photograph: 2010

- 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.

Recommendation: Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the **Certified Survey Map** subject to the comments and conditions of the Village Staff Report of November 12, 2012.

VILLAGE STAFF REPORT OF NOVEMBER 12, 2012

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.

The petitioner is proposing to amend the lot lines between Fair Oaks Farms located at 7600 95th Street and Central Storage Warehouse located at 7800 95th 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.

The CSM 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 95th 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 (which was conditionally approved by the Plan Commission on October 8, 2012) that 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 the time of the Fair Oaks Farms expansion.

Both owners have agreed to record an agreement which defines the shared financial responsibilities pertaining to the construction and maintenance of the 30' wide, paved private access fire lane which will benefit each of the Parcels, 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 Comprehensive Plan.

Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the **Certified Survey Map** subject to the above comments and the following conditions:

1. The original CSM shall be submittal to the Village to be executed by the Village.
2. Any outstanding taxes or special assessments shall be paid prior to recording the CSM.
3. Receiving written approval from the LakeView Commercial Owner's Association and providing a copy of the approval letter to the Village.
5. Upon Village Board approval of the CSM and within 30 days of said approval the owners shall be responsible for recording the CSM at the Kenosha County Register of Deeds Office and providing proof of recording to the Village.



Filed 10/24 2012
 Fee Paid 10/24 2012
 PC Meeting Date 11/12 2012
 VB Meeting Date 11/19 2012
 Approved _____ 20____
 Denied _____ 20____

**VILLAGE OF PLEASANT PRAIRIE
CERTIFIED SURVEY MAP APPLICATION**

To: Village Plan Commission & Village Board of Trustees of the Village of Pleasant Prairie:

I, (We), the undersigned owner(s)/agent do hereby petition the Village Board to amend the Village of Pleasant Prairie Zoning Map as hereinafter requested.

It is petitioned that the following described property be ^{added to Owner's property (lot line adjustment)} subdivided with a Certified Survey Map (CSM)
 The property petitioned to be ^{added to Owner's property} subdivided is located at: 7800 95th Street, Pleasant Prairie, Wisconsin and
 and is legally described as follows: the easterly 95ft or approximately 57,703 SqFt of Parcel 47 of CSM No. 1499, Document No. 874775.

Tax Parcel Number(s): CSW Parcel 47 Tax Key No. 92-4-122-211-0108

Property Owner parcel 48 of CSM No. 1499, Document No. 874775, Tax Key No. 92-4-122-211-0115.

- The property abuts or adjoins a State Trunk Highway Yes No
- The property abuts or adjoins a County Trunk Highway Yes No
- Municipal Sanitary Sewer is available to service said properties Yes No
- Municipal Water is available to service said properties Yes No

I (We), have contacted the Community Development Department to arrange a pre-application meeting to discuss the proposed request with the Village staff to determine additional information that may be needed to consider the request.

I, (We), hereby certify that all the above statements and attachments submitted herewith are true and correct to the best of my knowledge.

PROPERTY OWNER:

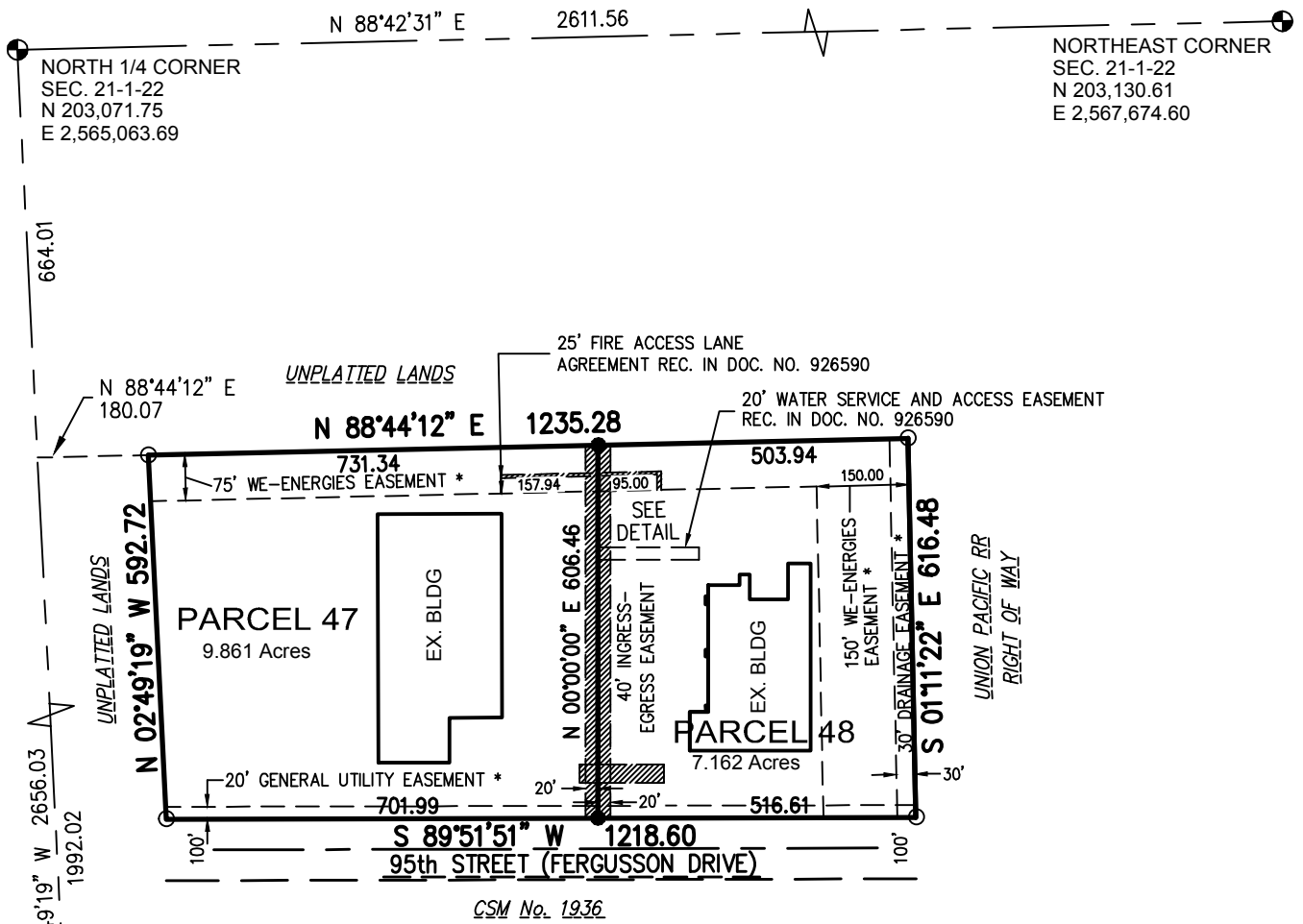
Print Name: Fair Oaks Farms, LLC
 Signature: [Signature]
 Joe Beredetti, Vice President
 Address: 7600 95th Street
Pleasant Prairie, Wisconsin 53158
 (City) (State) (Zip)
 Phone: (262) 947-0320
 Fax: (262) 947-0346
 Date: 10-24-2012

OWNER'S AGENT:

Robert A. Dudek
 Print Name: Gonzalez Saggio & Harlan LLP
 Signature: _____
 Address: 111 E. Wisconsin Avenue, Suite 1000
Milwaukee, Wisconsin 53202
 (City) (State) (Zip)
 Phone: (414) 277-8500
 Fax: (414) 277-8521
 Date: _____

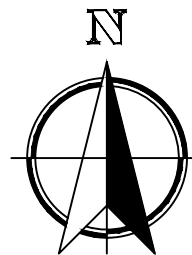
CERTIFIED SURVEY MAP NO. _____

THE REDIVISION OF C.S.M. 1499 IN THE NE 1/4 AND THE NW 1/4 OF THE NE 1/4 OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.



* REFERS TO EASEMENTS DEDICATED ON CSM 1499 RECORDED IN V. 1461 ON PAGES 187-190 AS DOC. NO. 874775

CENTER OF SEC. 21-1-22 (NOT MONUMENTED)
N 200,418.94
E 2,565,194.45



SCALE 1"=300'

NOTES:

ZONING OF PARCELS IS M-2 GENERAL MANUFACTURING DISTRICT

OWNERS: FAIR OAKS FARMS, LLC & CENTRAL STORAGE & WAREHOUSE CO.

SURVEYOR: NIELSEN MADSEN & BARBER, S.C. 1458 HORIZON BLVD. SUITE 200, RACINE, WI 53406

ALL ELEVATIONS REFER TO NATIONAL GEODETIC DATUM OF 1929.

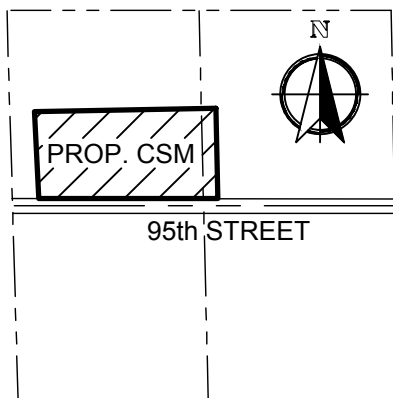
BEARINGS BASE: GRID NORTH, WISCONSIN COORDINATE SYSTEM, SOUTH ZONE.

BASED UPON NAD 1927. THE WEST LINE OF THE NE 1/4 OF SECTION 21-1-22 IS ASSUMED TO BEAR N 02°49'19" W.

LEGEND:

- 1" O.D. IRON PIPE FOUND
- 1.315" O.D.x18" IP - 1.68LBS/LIN FT. SET
- ⊙ 6" CONC. MON. W / BRASS CAP FOUND

LOCATION MAP



NE 1/4 SEC. 21-1-22

CERTIFIED SURVEY MAP NO. _____

THE REDIVISION OF C.S.M. 1499 IN THE NE 1/4 AND THE NW 1/4 OF THE NE 1/4 OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, James E. Robinson, Registered Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a redivision of Certified Survey Map (CSM) No. 1499 as recorded in Document # 874775 in the NE 1/4 and NW 1/4 of the NE 1/4 of Section 21, Township 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, described as follows: Commence at the North 1/4 corner of said Section 21; thence S02°49'19" E along the West line of the Northeast 1/4 of section 21, 664.01 feet; thence N88°44'12"E, 180.07 feet to the Northwest corner of said CSM No. 1499 and the point of beginning of this description; run thence N88°44'12"E 1235.28 feet along the North line of said CSM; thence S01°11'20"E 616.48 feet along the East line of said CSM; thence S89°51'51"W 1218.60 feet along the South line of said CSM and the North line of 95th Street; thence N02°49'19"W 592.72 feet along the West line of said CSM to the point of beginning. Containing 17.023 acres.

THAT I have made this survey, land division and map by the direction of the Owner.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and Chapter 18 of the Village Municipal Code, Land Division and Development Control Ordinance of the Village of Pleasant Prairie. October 10, 2012

James E. Robinson, R.L.S. #1283
Nielsen Madsen & Barber, S.C.
1458 Horizon Blvd. Suite 200
Racine WI 53406
(262)634-5588

Prepared for:
Fair Oaks Farms LLC
7600 95th Street
Pleasant Prairie, WI 53158
Central Storage & Warehouse Company
7800 95th Street
Pleasant Prairie, WI 53158

VILLAGE PLAN COMMISSION APPROVAL

Approved by the Village Plan Commission, Village of Pleasant Prairie on this ____ day of _____, 2012.

Thomas W. Terwall, Chairman

VILLAGE BOARD APPROVAL

Approved by the Village Board, Village of Pleasant Prairie on this ____ day of _____, 2012.

John P. Steinbrink, Village President

Attest: _____
Jane M. Romanowski, Village Clerk

CERTIFIED SURVEY MAP NO. _____

THE REDIVISION OF C.S.M. 1499 IN THE NE 1/4 AND THE NW 1/4 OF THE NE 1/4 OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

CORPORATE OWNERS' CERTIFICATE OF DEDICATION

Fair Oaks Farms LLC, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, Michael L.Thompson, President and CEO, does hereby certify that said corporation caused the land described on the this CSM to be surveyed, divided, mapped and dedicated as represented on this plat. Fair Oakes Farms LLC does further certify that this CSM is required by Section 236.10 or Section 236.12 to be submitted to the following for approval or objection: Village of Pleasant Prairie.

IN WITNESS WHEREOF the said Fair Oaks Farms LLC has caused these presents to be signed by Michael L.Thompson, President and CEO of Fair Oaks Farms LLC and its seal affixed hereunto this _____ day of _____, 2012. In the presence of:

Fair Oaks Farms LLC

WITNESS:

Michael L.Thompson, President and CEO

STATE OF WISCONSIN)

) ss

COUNTY OF RACINE)

Personally came before me this _____ day of _____, 2012, Michael L.Thompson, President and CEO of the above-named corporation to me known to be the person who executed the foregoing as said President and CEO and acknowledged the same.

Signed: _____

Notary Public, State of Wisconsin

My commission expires/is permanent: _____

CORPORATE OWNERS' CERTIFICATE OF DEDICATION

Central Storage & Warehouse Company, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner, does hereby certify that said corporation caused the land described on the this CSM to be surveyed, divided, mapped and dedicated as represented on this plat. Central Storage & Warehouse Company does further certify that this CSM is required by Section 236.10 or Section 236.12 to be submitted to the following for approval or objection: Village of Pleasant Prairie.

IN WITNESS WHEREOF the said Central Storage & Warehouse Company has caused these presents to be signed by John Winegarden, CEO, and its seal affixed hereunto this _____ day of _____, 2012. In the presence of:

Central Storage & Warehouse Company

WITNESS:

John Winegarden, CEO

STATE OF WISCONSIN)

) ss

COUNTY OF RACINE)

Personally came before me this _____ day of _____, 2012, John Winegarden, CEO of the above-named corporation to me known to be the person who executed the foregoing as said CEO and acknowledged the same.

Signed: _____

Notary Public, State of Wisconsin

My commission expires/is permanent: _____

Date: October 10, 2012

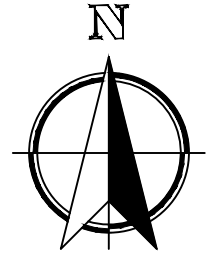
This Instrument was drafted by James E. Robinson

2012.0033.01.DWG

CERTIFIED SURVEY MAP NO. _____

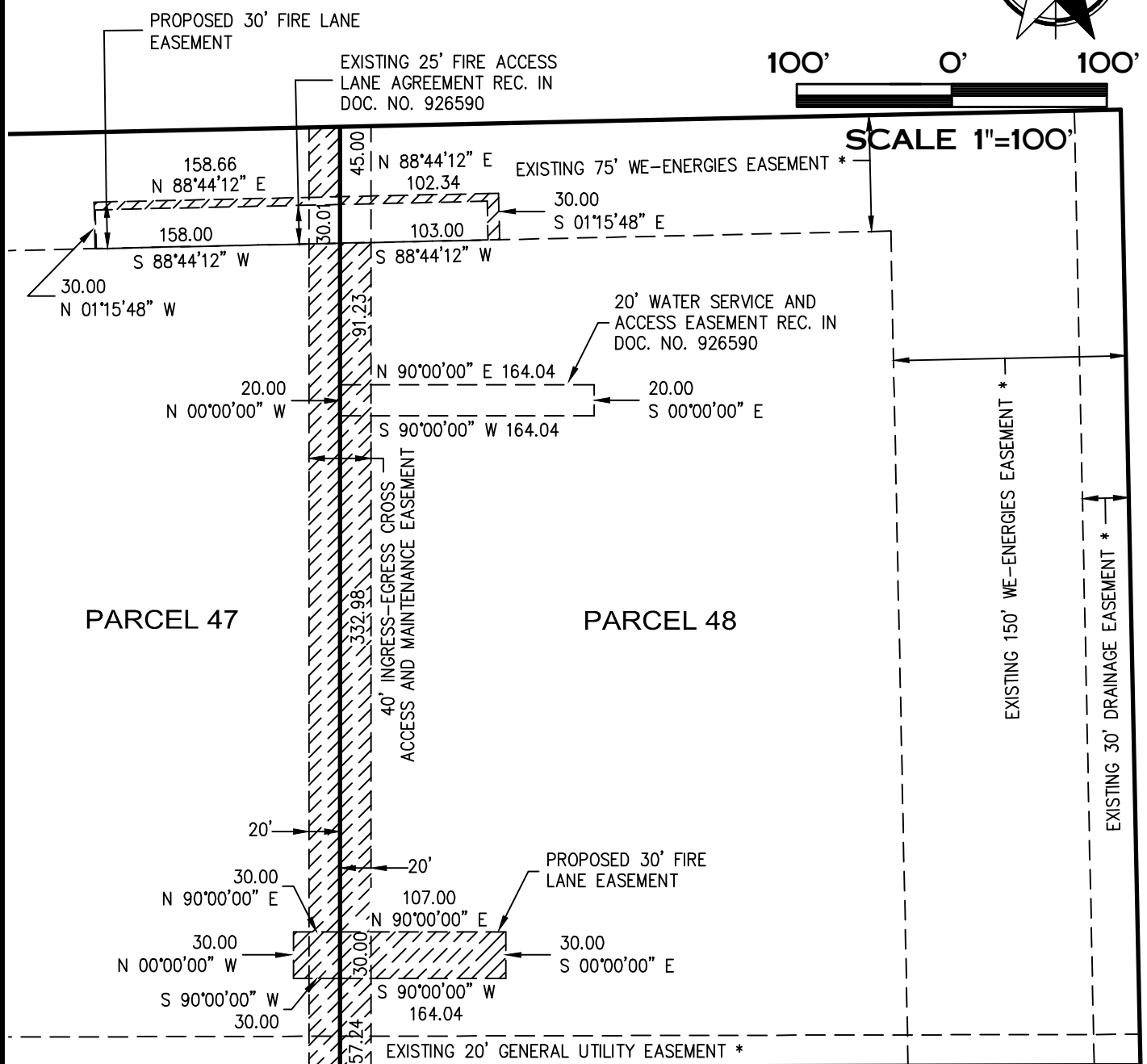
THE REDIVISION OF C.S.M. 1499 IN THE NE 1/4 AND THE NW 1/4 OF THE NE 1/4 OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

EASEMENT DETAILS



100' 0' 100'

SCALE 1"=100'



* REFERS TO EASEMENTS DEDICATED ON CSM 1499 RECORDED IN V. 1461 ON PAGES 187-190 AS DOC. NO. 874775

40' Ingress-Egress, Cross Access and Maintenance Easement
 A non-exclusive easement coextensive with the area shown as a 40' Ingress-Egress, Cross Access, and Maintenance Easement on Parcels 47 and 48 of this Certified Survey Map is hereby dedicated, given, granted and conveyed from the land-divider(s) to the Owners of Parcels 47 and 48 and the Village of Pleasant Prairie for ingress-egress, cross access and fire-lane easement purposes. The Owners of Parcels 47 and 48 shall record an agreement which defines the shared financial responsibilities pertaining to the construction and maintenance of the 30' wide, paved private access fire lane which will benefit each of the Parcels, including the associated snow plowing related activities and adjacent landscaping improvements within the 40 foot wide easement area.

PRIVATE SHARED ACCESS AND FIRE LANE AGREEMENT

THIS PRIVATE SHARED ACCESS AND FIRE LANE AGREEMENT (the "Agreement"), is made and entered into this ___ day of _____, 2012, by and between **Central Storage & Warehouse Company, a/k/a Central Storage & Warehouse Co., Inc.** having an address of 4309 Cottage Grove Road, Madison, Wisconsin 53716 ("Central Storage"), and **Fair Oaks Farms, LLC** having an address of 7600 95th Street, Pleasant Prairie, Wisconsin 53158 ("Fair Oaks").

Recitals:

A. Central Storage is the owner of certain land and improvements located in the Village of Pleasant Prairie, Kenosha County, Wisconsin ("Village"), more particularly described as Parcel 47 in Certified Survey Map No. 1499, and commonly referred to as 7800 95th Street, Pleasant Prairie, Wisconsin ("Parcel 47"); and

B. Fair Oaks is the owner of certain land and improvements located in the Village that adjoins Parcel 47 to the east, more particularly described as Parcel 48 in Certified Survey Map No. 1499, and commonly referred to as 7600 95th Street, Pleasant Prairie, Wisconsin ("Parcel 48"); and

C. Fair Oaks has received approval from the Village ("Village Approval") for its application for a lot line adjustment whereby Fair Oaks has acquired the east 95' of Parcel 47 from Central Storage pursuant to a Purchase and Sale Agreement entered into between the parties dated September 6, 2012.

D. Village Approval required the preparation and filing of a new Certified Survey Map recorded in the Office of the Register of Deeds of Kenosha County, Wisconsin on _____, 2012, as Document No. _____ ("New CSM"), reflecting the lot line adjustment as well as certain other conditions, including the parties entering into an agreement for the construction and maintenance of a private shared service drive, access and fire lane intended to promote improved vehicular access and circulation for the parties as well as for local law enforcement, fire and emergency personnel, and which shall be located within the 40' wide, non-exclusive Ingress-Egress Cross Access and Maintenance Easement (the "Easement") running along and on either side of the property line of Parcel 47 and Parcel 48 (the "Easement Area"), all as depicted on the New CSM.

E. In satisfaction of the condition set forth in Recital D above by the Village Approval, the parties wish to enter into this Agreement immediately following the recording of the New CSM for the construction and maintenance of a private shared access and fire lane within the easement area of the Easement.

NOW THEREFORE, for and in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Central Storage and Fair Oaks agree as follows:

1. Central Storage is the owner of Parcel 47 under the New CSM as more fully described in **Exhibit A** attached hereto, and Fair Oaks is the owner of Parcel 48 under the New CSM as more fully described in **Exhibit B** attached hereto.

2. Central Storage and Fair Oaks agree to construct or cause to be constructed within the Easement Area a 30' wide, paved roadway (the "Access and Fire Lane") substantially in accordance with the Site Plan attached hereto as **Exhibit C**, to serve as an internal service drive for passage of vehicles used by the parties, including their respective officers, directors/members, employees, and their contractors and invitees (but which shall not serve as a public driveway or access way), and which Access and Fire Lane may also be used at any and all times by local law enforcement, fire and emergency personnel. The Access and Fire Lane shall remain open and accessible at all times.

3. The Access and Fire Lane shall be constructed in 2012, weather permitting and otherwise as soon as practicable in 2013, in accordance with those plans and specifications developed by Central Storage which shall be approved by Fair Oaks ("Plans"). Central Storage shall oversee and manage the construction of the Access and Fire Lane and otherwise secure all permits and requisite approvals of all local, state or federal governmental authorities (each a "Governmental Authority" or more than one, the "Governmental Authorities") necessary for the construction of the Access and Fire Lane. Fair Oaks shall approve in advance the construction schedule and completion date for the Access and Fire Lane. Fair Oaks shall provide all necessary approvals that may be required by or requested of, and otherwise reasonably cooperate with, any Governmental Authorities.

4. Fair Oaks shall pay to Central Storage one-half (1/2) of all documented costs incurred by Central Storage in the planning, design and construction of the Access and Fire Lane. Upon completion of the Access and Fire Lane, Central Storage shall furnish to Fair Oaks an invoice reflecting Fair Oaks' share of such costs, and which shall include a detailed schedule of all supporting documents and information (form and content reasonably satisfactory to Fair Oaks). Provided the invoice is in a form reasonable satisfactory to Fair Oaks, it shall remit payment to Central Storage within ten (10) days of receipt of the invoice.

5. Fair Oaks and Central Storage shall each, at their sole cost and expense, add to and otherwise include in their existing policies with limits of coverage that are at levels customarily maintained by businesses similar to those operated by the parties by endorsement or other proper wording, general liability insurance for bodily injury, personal injury and property damage, those portions of the improvements consisting of the Access and Fire Lane and other improvements as located on their respective parcels. Each party shall be an "additional insured" under each other's policy for any casualty occurring within the easement area of the Easement and each shall provide the other with a waiver of subrogation.

6. Fair Oaks and Central Storage shall maintain, or cause to be maintained, the Access and Fire Lane and any other improvements (such as grass, trees and landscaping) within the Easement Area with materials equal to the materials contemplated in the Plans and in a proper, safe condition and good state of repair. The maintenance and repair obligations ("Maintenance Obligations") shall include, but not be limited to,

- a. Maintaining all paved surfaces in a smooth and evenly covered condition, including, without limitation, filling and sealing any holes, repair and replacement of base, skin patch, resealing and resurfacing (an overlay of the Access and Fire Lane shall be considered a maintenance item);
- b. The regular and periodic removal of snow and ice

- c. Maintaining any and all lighting, if any, and paying the utility cost for such lighting.
- d. The periodic removal of paper, litter, trash, and broom sweeping of the roadway surface to keep it free from the buildup of stones, dirt or mud and otherwise keep same in a clean and orderly condition.
- e. Periodic grass cutting, weed control, the placement or replacement of mulch/ground cover, bushes, flowers and other landscape features as the parties may decide or as may be required by Government Authorities.

Notwithstanding the foregoing, any replacement, resurfacing or overlay of the Access and Fire Lane shall be subject to the prior approval of both of the parties hereto, which approval shall not be unreasonably withheld.

All costs associated with the Maintenance Obligations shall be shared equally. Unless otherwise agreed to by the parties, upon the completion of the construction and installation of the Access and Fire Lane and any other improvements, Central Storage shall be responsible for the Maintenance Obligations for 2013 and every other year thereafter. Fair Oaks shall be responsible for the Maintenance Obligations of the Access and Fire Lane and any other improvements for 2014 and every other year thereafter. The party responsible for Maintenance Obligations shall submit a detailed invoice to the other party (which form and content shall be to the reasonable satisfaction of the other party) on a semi-annual basis for its share of such costs. The party responsible for payment shall remit payment directly to the other party within ten (10) days of receipt of the invoice. Central Storage and FOF shall pay any third party vendor on a timely basis and shall not allow any lien to be placed on either parcel for non-payment or breach.

7. Each party agrees to defend, protect, indemnify and hold harmless the other from and against all claims or demands, including any action or proceedings brought thereon, and all costs, losses, expenses and liability of any kind relating thereto, including reasonable attorney's fees, arising out of or resulting from injury to or death of any person or damage to the property of any person located on the parcel owned by each indemnifying party; provided, however, the foregoing obligation shall not apply to claims caused by the negligence or willful act or omission of such other parcel owner, its officers, directors, shareholders/members, employees, or other invitees.

8. Central Storage and Fair Oaks shall each pay prior to delinquency, all taxes and assessments with respect to their respective parcels, which shall include that portion of the Easement located on that party's parcel.

9. In the event either party shall default hereunder or otherwise breach a term or obligation required under this Agreement, the non-defaulting party shall notify the other party in writing of such default. The defaulting party shall have ten (10) days to cure the default. If a cure is not made within such 10-day period to the reasonable satisfaction of the party claiming default, the non-defaulting party shall have the right, but not the obligation, to cure such default by the payment of money or the performance of an action for the account of and at the expense of the defaulting party. In the event the default shall constitute an emergency condition, the non-defaulting party, acting in good faith, shall have the right to cure such default upon such advance notice as is reasonably possible under the circumstances or, if necessary, without advance notice, so long as notice is given as soon as possible thereafter. To effectuate any such cure, the non-

defaulting party shall have the right to enter upon that portion of the easement area within the Easement located on the other party's parcel to perform any necessary work, repairs or maintenance.

10. All notices, demands or requests required or permitted to be given under this Agreement must be in writing and sent by hand delivery, US certified mail, courier service or by facsimile as follows:

If to Central Storage: Central Storage & Warehouse Company
4309 Cottage Grove Road
Madison, Wisconsin 53716
Attn: Chief Executive Officer

Phone: (608) 221-7600
Facsimile: (608) 221-7615

If to Fair Oaks: Fair Oaks Farms, LLC
7600 95th Street
Pleasant Prairie, Wisconsin 53158
Attn: President

Phone: (262) 947-0320
Facsimile: (262) 947-0346

11. Nothing herein contained shall be deemed to be a gift or dedication by either party of their portion of the Easement located on their respective parcels to the general public or to any Governmental Authority, or for public use or purpose or use by any Governmental Authority other than as set forth herein.

12. The rights and responsibilities set forth in this Agreement and the Easement granted under the New CSM shall constitute covenants running with the land and shall bind the real estate described herein and inure to the benefit of and be binding upon the signatories hereto and their respective heirs, successors and assigns. This Agreement shall be recorded.

13. Invalidation of any provision of this Agreement shall in no way affect any of the other provisions hereof and the same shall remain in full force and effect. This Agreement may be executed in counterparts, each of which shall be deemed an original.

14. This agreement shall be governed by the laws of the State of Wisconsin.

(signatures on following page)

Exhibit A
Legal Description of Property of
Central Storage & Warehouse Co., Inc.

Exhibit B
Legal Description of Property of
Fair Oaks Farms, LLC

Exhibit C
Access and Fire Lane Site Plan