

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
October 10, 2016**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on October 10, 2016. Those in attendance were Thomas Terwall; Wayne Koessl; Jim Bandura; Judy Juliana; Bill Stoebig; John Skalbeck (Alternate #1); and Brock Williamson (Alternate #2). Michael Serpe and Deb Skarda were excused. Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Kristina Tranel, Community Development Department.

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

Tom Terwall:

If you're here for a matter that appears on the agenda as a matter for public hearing we would ask that you hold your comments until that public hearing is held. However, if you want to raise an issue that's not a matter for public hearing now would be your opportunity to do so. We'd ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Seeing none we'll move onto Item 5.

- 5. NEW BUSINESS.**
 - A. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Peter Molter, agent for St. Catherine's Hospital for an approximate 194,888 square foot expansion of the Hospital located at 9555 76th Street for an Advance Outpatient Surgical Wing for the United Hospital System.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a public hearing in consideration of a conceptual plan, and this is at the request of Peter Molter, agent for St. Catherine's Hospital for an approximate 194,888 square foot expansion of the Hospital located at 9555 76th Street for an Advance Outpatient Surgical Wing for the United Hospital System.

In 2001, a Site and Operational Plan was submitted by United Hospital System for the development of a regional medical center campus consisting of an acute-care hospital facility and medical offices on a 50 acre parcel of land in the Prairie Ridge development in Pleasant Prairie. Again, Prairie Ridge is bounded by Highway 50 on the north, and the whole Prairie Ridge

development is between 88th Avenue and 104th Avenue north of Highway C. Specifically, the St. Catherine's Hospital property is just to the west of 94th Avenue and south of Highway 50.

Through an expansion project in 2008, additional capacity was added to the hospital facility, and in 2010 a medical office building was added to the campus. Though not anticipated in the 2001 in the original plans, the Master Campus Conceptual Plan incorporates an addition to this hospital facility. This new proposal is to house the Advanced Outpatient Surgical Wing of United Hospital System.

The facility expansion for the Advanced Outpatient Surgical Wing of the Hospital System is intended to be used for same-day/ambulatory/outpatient surgical procedures and will have the full support and resources of the main acute-care hospital readily available in the event a patient experiences an unexpected emergency condition. This approach for less-than-24-hour surgery stays differs from that of a typical free-standing ambulatory surgery center where, due to lack of some sufficient resources, emergency events are usually addressed with a 911 call to summon an ambulance to transport the affected patient to a hospital or regional medical center such as the St. Catherine's Medical Center Campus.

For example, in the event a patient in the Advanced Outpatient Surgical Wing experiences a stroke or heart attack during his/her less-than-24-hour stay, emergency staff and support from the hospital will respond and immediately address the patient's needs, following which the patient will be transferred to an appropriate location within the main hospital. In reality, the expansion will combine the convenience of an ambulatory surgery center with the safety of an acute-care hospital setting.

The proposed 61,941 square foot first floor space of the expansion will feature an open-design lobby, lounge and cafe; a courtyard; registration and waiting areas; private preoperative suites with toilet rooms; at least eight new surgical suites; and recovery areas. Easy access to the Advanced Outpatient Surgical Wing will be provided via a separate entrance which features a protected patient drop-off and pick-up vehicle bay to minimize exposure to nature's elements.

In addition, easy access to the main hospital building will be available for visitors through a convenient enclosed walkway, as well as through internal corridors for staff and patients, if and when needed, to access the support services of the main hospital facility. This access allows for the direct transfer of a patient from the new Surgical Wing to the acute care/inpatient hospital without the need for ambulance transport. Support areas for the surgical facility will be housed in a 46,653 square foot new lower level along with a relocated receiving dock and trash enclosure area. The 40,448 square foot second floor, and the 22,923 square foot third and fourth floors of the building will ultimately house various outpatient services.

Staffing for this 194,888 square foot addition will likely add approximately 100 to 125 employees with full build-out. The facility addition will integrate into the existing facility architecture using the same natural materials that are used on the existing building including the brick details and the stone work. In addition, the building will use similar glass and rooflines to match up to the existing buildings.

Existing internal site roads on the campus, including those for truck traffic, will be modified as a result of this addition and additional surface parking will added. Storm water will be distributed

into the existing storm water management system for the Prairie Ridge development. On site utilities, such as water, sanitary sewers and electrical service will be rerouted but contained on site. The campus will have full fire protection throughout and include new fire hydrants, fire alarm system components and sprinkler systems. Existing security systems including access control and exterior cameras will be expanded from the current systems.

With that I'd like to continue the public hearing. And I'd like to introduce Peter Molter from the hospital. And then he can kind of go through the various renderings that we have. We'll start back to the beginning, and he can go through the perspectives for us and answer any questions that you may have regarding this hospital expansion.

Peter Molter:

Peter Molter, 5212 86th Place in Pleasant Prairie. Is we take a look at the screens, I see we've got screens in front of you so you can see the renderings, the upper rendering which is the northwest approach looking from the south/southwest looking really towards the northeast, you can see that we've added a tower element in the structure to kind of tie in that tower element that you see when you drive down Highway 50. It really marks the property and marks the addition. Between that tower and the main building we have the atrium which is meant to be a wide open glass area that can get plenty of sunshine, plenty of outside environment coming into the building so it makes a nice, pleasant atmosphere for our patients where they come and go.

On the rendering right below it right in the center you'll see a drop off canopy. And the canopy actually is we're working on developing that to get it enclosed. We can enclose one side, of course, with glass block, get it nice to block the wind. But we're also looking at seeing how we can have it enclosed so when the patients are picked up and dropped off they can be protected from the wind and from the elements that occur here from November through March and April. And that's one thing that we really want to pay close attention to is the comfort of our patients as they get in and out of our facilities. And the northwest wind that we can get on the site without trees and those kinds of things the wind can howl pretty strongly right through that entire area. So that's one of the nice features that we're adding to the campus.

If we look at the back side of the facility we're relocating the existing loading docks. If some of you are familiar with the campus we currently have loading docks in the back along with the oxygen tank and some of the other necessary support facilities for the existing campus. Those are all going to be moved back down to this area in the back where the loading docks will be very similar to what it is today except down on a lower level. We plan to have the trash which would be the recycling, all the other general trash and all the other different wastes that we have enclosed as they are today so they won't be visible from the road. So they'll be enclosed inside the structure similar to what it is today.

Parking will occur on either side of the loading dock. As Jean pointed out the parking will be modified to match the requirements of the Village per the ordinances. And we're finalizing those calculations as well. But inside the description is, it's a guess, as accurate as we can possibly get it today based on what we know the interior build out is going to be. So we've got those calculations. And when the final site and operational plans come we'll have much more detail, of course, when that occurs. And then you can see the overall look of the building and how it ties

together. It stands out as its own separate entity, but yet it's still tied together to the main building. With that I'll entertain any questions.

Tom Terwall:

This is a matter for public hearing. Is there anybody who wishes to raise any questions or comments? Anybody wishing to speak? Anybody wishing to speak? I'll open it up to comments and questions.

Wayne Koessl:

This is a conceptual plan. When do you think it will be finished, the total building?

Peter Molter:

We're anticipating the shell, footings, foundation and structural elements to be done this fall in terms of design. The interior build out we'll continue to work on the design right now, and that's the phase that we are currently in. We're looking to try to have submittal sometime after the first of the year. More than likely it's going to be a preliminary site and operational plan to get the footing and foundation plan in order and get the shell package underway. And then followup with the final site and operational plan once the interiors are finalized.

Wayne Koessl:

Thank you.

Tom Terwall:

Anybody else? Anybody else? Yes, sir?

--:

Do you guys plan expanding anymore, or is this kind of the max out of the site?

Peter Molter:

The site is a 50 acre site. We have an option if you look at your screen right now -- at one time we've had discussion through the Village through the years, and this is only for diagrammatic purposes only, we're not asking for this at this point, that we could put an additional medical office building and additional parking facilities that abut Prairie Ridge on that back parcel. So if you see that there that would pretty much get us to where we need to be. In terms of expanding the main footprint of the hospital probably not because our mechanical systems do have limitations. So we never say never, though, but at this point I don't think so. I think this will suffice for quite some time.

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I'm assuming there's more parking that's going to be put in as well?

Peter Molter:

Yes. right now, I don't have the numbers in front of me, but I think we're going from 756 spaces to 840 on this conceptual plan. Then you see we added some spaces in up towards the 76th Street. We have some things that we're going to have to adjust based on the staff's feedback. We have to do things such as the minimum setback, the berming, the landscaping to protect headlights from going onto 76th Street. So we've got some things to do there yet, of course. And then around the loading dock area we've added some parking spaces as well as modifying another lot near the building for the physician parking as well.

Tom Terwall:

Anybody else?

Wayne Koessl:

If not, Mr. Chairman, I'll move that we approve the conceptual plan and send a favorable recommendation to the Village Board subject to the comments and conditions of the staff report of October 10, 2016.

Tom Terwall:

Is there a second?

Jim Bandura:

Second.

Tom Terwall:

It's been moved by Wayne Koessl and seconded by Jim Bandruea to send a favorable recommendation to the Village Board to approve the conceptual plan subject to the terms and conditions outlined in the staff memorandum. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Thank you, Peter.

B. PUBLIC HEARING CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING PRELIMINARY SITE AND OPERATIONAL PLANS for the request of Dixit Patel, on behalf of VIDHYA Corp, VIII, Inc., the property owners related to a Dunkin Donuts (with a drive-thru) proposed to be located within the BP Amoco convenience store located at 10477 120th Avenue.

C. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT for the request of Dixit Patel, on behalf of VIDHYA Corp, VIII, Inc., the property owners to amend the BP-Amoco Planned Unit Development (Chapter 420 Attachment, Appendix C Specific Development Plan 10) related to the specific zoning regulations for the installation of the drive thru facility for Dunkin Donuts (proposed to be located within the BP Amoco convenience store located at 10477 120th Avenue for BP Amoco.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, the first item is the consideration of a Conditional Use Permit including Preliminary Site and Operational Plans for the request of Dixit Patel, on behalf of VIDHYA Corp, VIII, Inc., the property owners related to a Dunkin Donuts with a drive-through proposed to be located within the BP Amoco convenience store located at 10477 120th Avenue.

The second item is consideration of a Zoning Text Amendment for the request of Dixit Patel, on behalf of VIDHYA Corp, VIII, Inc., the property owners to amend the BP-Amoco Planned Unit Development, which is Chapter 420 Attachment, Appendix C Specific Development Plan 10, and this is related to the specific zoning regulations for the installation of the drive through facility for Dunkin Donuts proposed to be located within the BP Amoco convenience store located at 10477 120th Avenue for BP Amoco. These items are related and will be discussed at the same time, however separate action is required.

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

Findings of Fact

1. The petitioner is requesting approval of a Conditional Use Permit including Preliminary Site and Operational Plans for associated site improvements and building alterations related to a proposed Dunkin Donuts with a drive through and a future sandwich shop proposed to be located within the BP Amoco convenience store at 10477 120th Avenue. Exhibit 1 is a copy of the application and the plan. This preliminary approval will allow for the owner to proceed with interior building modifications at their own risk until such time that Final Site and Operational Plans are submitted to address all of the site and exterior building modifications as noted in the staff report.
2. The petitioner is also requesting approval of an amendment to the BP-Amoco Planned Unit Development related to the specific zoning regulations for the installation of the drive through facility for the Dunkin Donuts. Information related to this Text Amendment application is provided as Exhibit 2.
3. The property is known as a Lot 14 of CSM 1489 located in the Northwest One Quarter of U.S. Land Survey Section 30, Township 1 North, Range 22 East in the Fourth Principal

Meridian, lying and being in Pleasant Prairie, Kenosha County, Wisconsin. The property is identified as a part of Tax Parcel Number 92-4-122-302-0130. And this property, again, is just generally located at that southeast corner of 120th Avenue which is the frontage road and south of 104th Street which is Highway 165. And then that east/west private road which is just south of BP Amoco between BP Amoco and McDonald's this is referred to as 105th Street as a private road.

4. The operation of the gasoline station and convenience store shall continue to remain in compliance with the original Conditional Use Permit #13-03 as amended. Exhibit 3 is a copy of CUP#13-03 Amendment #4. This Conditional Use Permit approval is in addition to those requirements set forth in that existing Conditional Use Permit.
5. Dunkin Donuts is proposing to occupy the northern portion of the existing building with a drive through facility along the east and north sides of the building. The interior modifications to the building include reconfiguration of the convenience store to include the Dunkin Donuts and a future sandwich shop. In addition, the restroom facilities are being altered and updated. The exterior of the building is also being modified to add some stone tower features, painting of exterior brick, canopies, lighting and other features.

So I just wanted to make sure that you have in perspective exactly what we're looking to do here. And that is you come into the BP site off of 105th Street, that's an existing access on the southwest corner that aligns with McDonald's. And then as you come in then you would go to the right or the south side of the convenience store. And then you'd wrap or line in cars you'll go to the right, and then you'll go adjacent to the east property line and along the north. And then the actual, Peggy has just highlighted for you in yellow, the drive through window is actually on the north side of the building.

We're going to be covering some of these other details, but it's important to note that the purpose of their request this evening not only is to get some preliminary approval from the Plan Commission, but for the Plan Commission to understand that this would involve the elimination of the green space on their east side. And the only green space between BP Amoco and Culver's would be that ten foot wide green space that's on the west side of Culver's property. So the drive through then would take you right up to that property line.

When you get to the north end of the drive through there's like an escape area where you could actually bail out if you needed to. You're only two cars away from the drive through. And that drive through lane also would allow for snow to be pushed directly north as well so it can keep going and get pushed to the north side of BP. So that's the main primary work on this particular site.

Some other minor details include, obviously, some modifications to some landscapings, to lighting and the exterior modifications of the building which we will talk about as part of the site architecture. There's just some minor modifications to that cross-access between Culver's on the east and BP on the west. And then we're also proposing that there be a sidewalk that runs parallel to 105th Street just to the north side through the

north of the BP property and then through onto Culver's property. And then you can take their walkways to get north into Culver's or south into their parking lot.

6. The existing Digital Security Imaging System known as the DSIS shall be upgraded from the analog to digital systems and modified to include additional cameras to monitor the drive through lane as well as the pick up window for Dunkin Donuts. The amendment to the DSIS Agreement will be considered at the time that the Final Site and Operational Plans are being considered by the staff.
7. Parking: The site reconfiguration will include 17 parking spaces which includes two handicapped accessible parking spaces. In addition, the site will provide stacking of ten cars in the drive through and 20 fueling positions. Pursuant to the Village Ordinance the number of parking spaces required is listed below:
 - a. For a gas station with convenience store and fast food restaurant it requires a minimum of five spaces for every 1,000 square feet of gross floor area plus one space for each employee on the largest shift.
 - b. In addition, to these minimum parking spaces, handicapped accessible parking spaces are required by the State Code.

The existing floor area of the building, excluding the carbon capture ground water monitoring room and the exterior electrical room is 4,588 square feet. Based on the foregoing information, the total number of parking spaces required is 23, plus the handicapped accessible parking spaces for a total of 25 parking spaces not including the ten spaces within the drive through and the 20 fueling positions. Off-street parking shall not be allowed on the adjacent public streets which is 104th Street, 120th Avenue or the Frontage Road or Corporate Drive, or the abutting private street which is 105th Street. The private street shall be designated with no parking. The PUD is proposed to be amended to specify these parking requirements.

8. Agreements are being prepared for signatures between BP Amoco and its abutting neighbors regarding some issues. I'm not sure, and they can address this evening whether or not they've reached agreement on some of these issues. But we do need to make sure that everyone is on board with respect to these.
 - a. Roadway issues pertaining to the maintenance of 105th Street, that private road, for its resurfacing including paving, signage and pedestrian pavement markings this all needs to be addressed. And right now I think there's a loose agreement between the partners of the three properties. But I think they need to formalize that agreement. In addition, ongoing road and snow plowing maintenance are also needing to be addressed in this particular agreement. Again, the Village is not a party to this agreement. This is between the private land owners.
 - b. Sidewalk matters pertaining to the extension of a four foot pedestrian sidewalk extending from BP Amoco to and through Culver's property to the Culver's driveway adjacent to 105th Street and the removal -- there currently is a sidewalk that is kind of right in the middle of the BP building. It was thought at one time

that it would be like a back door in order to get over to Culver's. And so there's actually a sidewalk there that needs to be removed as well. In addition, to the installation, ongoing sidewalk maintenance and snow removal maintenance will need to be addressed between BP and Culver's with respect to that segment of walkway, that concrete sidewalk that extends from the BP property line in the southeast corner across and into the Culver's parking lot and to the Culver's sidewalk for people to gain access to Culver's.

- c. Any liability issues related to possible contamination matters due to infiltration extending from BP Amoco to Culver's shall be addressed. And, again, I know that the parties are all working on these agreements, and maybe they can address those today with us this evening.

9. Signage: The monument signs and the wall signs on the site are proposed to be changed to include:

- a. New Primary Monument sign at the northwest corner of the site. There is one there now so this would be a new one. The sign is 15 feet high and the display area is about 153.8 square feet. This sign shall be revised to include the full address of 10477 120th Avenue on the base of the sign. The sign shall be set back a minimum of 15 feet from all property lines and shall not be placed in the vision triangle. In addition, landscaping shall extend a minimum of five feet in all directions from the base of the sign. The setbacks of the property lines from the sign to the property lines need to be shown on the site plan.
- b. A new Secondary Monument Sign is to be installed on the site. Currently there is one at the southwest corner of the site. The new sign is 4.5 feet high, and the display area is about 54 square feet. The sign shall be set back a minimum of 15 feet from all property lines and shall not be placed within the vision triangle. In addition, landscaping shall extend a minimum of three feet in all directions from the base of the sign. They also need to show this sign setbacks to the property lines to ensure the compliance setback. The Village has approved this location. I'm not sure if it 15 setback. So we need to find out and if it's not then it would need to be included in that PUD.
- c. Wall Signs: There is a total of 302.7 square feet of wall signage proposed for the building including the following signs. West side Dunkin Donut sign which is 58.3 square feet; a to go sign which is the main BP sign on the front of the building 46.9 square feet to remain; wall sign area for the future sandwich shop 66.6 square feet. And then there's a Dunkin Donut sign 14.3 square feet on the east side; and on the south and north sides there's 58.3 square feet as well.

After doing a complete redo of all this, we feel that the amount of signage is a little excessive for this size building. So we are going to work with them to reduce the size of some of this signage. Also, because BP the to go which is the primary function and purpose for this building, that should be the largest sign. So the Dunkin Donut signs are going to have to be brought down in size.

In addition there's going to be some type of sandwich sign that needs to be placed on the building. So we need to kind of take a look at that as well and make sure that we account for some adequate signage. That would just have signage I believe on the north elevation, not on the east, west and south elevations. So we need to address that. So as we go through the final site and operational plan process we'll need to address the amount and size of the signage so that it's adequate for the size of this building since the building is just under 5,000 square feet.

10. Zoning Text Amendment. The PUD Zoning Text amendment is being proposed for the development. Exhibit 2 is their application and Exhibit 4 for the current PUD ordinance. The amendments that are being considered include: 1) to reduce setbacks to common lot lines between BP Amoco and the Culver's Restaurant to the east, and to allow for the total aggregate wall signage for the building, gasoline canopy, modification to the minimum on-site parking as noted above which may decrease the percentage of open space. Again, we do need to get some of these things refined a little bit more with the exterior of the site. But I'm sure that we'll be able to put that together for the final site and operational plans.
11. Notices were sent to adjacent property owners via regular mail on September 22, 2016 and notices were published in the *Kenosha News* on September 26 and October 3, 2016.
12. The petitioner was e-mailed a copy of this memo on October 7, 2016.
13. According to the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials that the project as planned, will not violate the intent and purpose of the 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, complies with all applicable Village ordinance requirements along with federal, state or local requirements relating to buildings, development control, land division, environmental protection, sewer, water and, storm sewer service, noise, streets, highways and fire protection.

With that I would like to introduce representative from BP Amoco to go into some of the other details. Obviously we don't have everything for you this evening, but they are seeking a preliminary site and operational plan this evening. And then to come back with the details for the other pieces of the final plans for approval.

One of the other things that if you went through some of the site plan comments, one of the most critical elements just based on the history of what has been on this site is that there does need to be concurrence from the Wisconsin DNR and any and all agencies that have looked at the environmental contamination issues on this property in the past to make sure that this new work and digging up this area to do this drive through on the site does not impact or open up anything with respect to site contamination. At this time BP is in compliance with respect to their conditional use permits and the approvals of the Village. So with that I'd like to introduce representatives. I'm not sure who is going to be speaking on behalf of BP.

Tom Terwall:

Question, Jean. Is it normal that we do this preliminary process now and then the final later?

Jean Werbie-Harris:

We've done both. And just similar to what the hospital requested earlier this evening, I think before they expend a great deal of money and to confirm things with the potential users of the building, they want to make sure that the Village is on Board with respect to the overall concept. And that's why we're saying it's preliminary. They still have to come back to get their final site and operational plans. We've done this many, many times out in the Corporate Park as well as some of our other areas. They're looking for some direction from the Plan Commission and the Board before we finalize. We have a good idea of exactly how things are all going to happen, but we just want to get all the final details and the plans worked out.

Tom Terwall:

Thank you. Yes, sir?

Michael McTernan:

Attorney Michael McTernan, 6633 Green Bay Road, Kenosha, Wisconsin. I don't have much to add to Jean other than she has addressed the items that we know we're still working on. As it relates to the property owners we have met numerous times with Mr. Rich, I know he's here, and issues and concerns he has raised. Most notably addressing the repavement of the private drive and making certain that not only the two of us are on Board but also the McDonald's Corporation who owns the property across the street. We're working with them to make sure we do that work when either the Frontage Road is redone or Corporate Drive is redone. But those are ongoing discussions. And Mr. Rich has always been the man who has led the charge to make sure that private drive is maintained. But we're working on those things, but it's things that we still need to get done and addressed. And as the Village staff referenced we want to button those things up, and we will before we seek our final approval.

The important piece I guess before you is just the concept that we're here is putting in a Dunkin Donuts and bringing in a drive through in order to make it work at that site. As you can imagine, a Dunkin Donuts my client has several locations where they have a Dunkin Donuts inside their BP Amoco stations. It's a very popular business to have. The business's demands are strong, and they really want them to be able to open up this location as a Dunkin Donuts. And obviously Dunkin wants to have some understanding that we're able to this and that preliminarily understand there's a lot of details to work out. But before we can commit to Dunkin that, yes, we have taken the first step, and they understand this is the first step in the process, we're here to try to hear your questions, your comments and address whatever comments there may be.

The architects Bill Morris and Eric Carlson who have been involved in the process are here. They can give you more details than I can on the specifics of how it's laid out. But if you have any questions we're here to answer. And obviously my client Dixit Patel and Sophia are here as

well. So look forward to your input. I don't know which one of you gentlemen are going to go. Bill Morrison, I'm going to let him go.

Bill Morris:

Good evening, William Morris, 5313 87th Place, Pleasant Prairie, Wisconsin. And I will just commend Jean with the commentary that she laid out before you this evening. I think the critical item that we're requesting for your consideration is basically the conceptual support for the facility to move to that next step of actually notifying Dunkin Donuts that they are welcome into the Village with a potentially new facility to be done. They're really looking for that as they make that step.

We have, as was mentioned a moment ago, we have really kind of lined up a number of consultants, Nielsen, Madsen and Barber and a couple others of the engineering firms to follow through with the necessary site engineering, one for the reconstruction of the 105th, the drive through and everything else, the storm water management, etc., the landscaping and those improvements. And then just I'll say we took a little bit of a step backwards last year. We originally were into the Village for kind of an interior build out. I think the facility certainly warrants a cosmetic upgrade.

I think this takes it well beyond that step. It really takes the interior and for all practical purposes it will gut it. It will fire protect it under the Village ordinances. It will completely, as Jean mentioned, redo the washrooms which certainly are used very, very heavily by the mobile public. And then facilitate, as I say, the Dunkin Donuts and the sandwich shop along with the continued primary function. Of course, it does sell fuel to the public as they move either through Kenosha County or local.

And then probably lastly I know, and Mr. Patel could certainly confirm, that the intention is to upgrade the pump islands and everything else with more state of the art newer technology. As well, as was mentioned tonight, everyone nowadays looks for some of the energy conservation measures, the LED lighting versus the little bit more older type lighting which has been on this site for many, many years, that will all be a part of the project as well as fenestration upgrades, too. Kind of bring it to our current venue of where we are today rather than as it was built. And, again, we're here to answer any questions.

Tom Terwall:

Where will the Dunkin Donuts product be manufactured?

Bill Morris:

Actually they bake in house.

Tom Terwall:

So it will be onsite then?

Bill Morris:

Yes.

Jim Bandura:

Is there any canopy signage that's going to be going up also?

Bill Morris:

There is currently canopy signage there, and we need to review with the staff on what is permissible as far as both upgrading and replacement of the current signage.

Wayne Koessl:

Mr. Chairman, I'm really uncomfortable with this for numerous reasons. One, we're reducing the parking about 50 percent of what's required by our ordinances. And I think that's going to end up with a lot of parking along 105th Street when the parking gets busy there. And 105th Street is very narrow now and is heavily used. Secondly, the lighting described looks like it's going to be a casino instead of a Dunkin Donuts and a BP station. And I think it should have been a conceptual plan tonight, not a conditional use permit and a preliminary site and operational plan. That's what we gave to St. Catherine's was a conceptual plan. I think we ought to table this and make it a conceptual plan.

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Because it was saying 25 spots and they're only proposing 17, right, for parking?

Wayne Koessl:

Correct.

Jean Werbie-Harris:

That's correct. But it does not include also the 20 fueling island positions and the ten cars in the drive through.

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But it was saying that that was separate, that it should be 25. It should be 23 spaces and two for handicapped. And then the pump stations and the drive through were not included if I saw it correctly.

Jean Werbie-Harris:

The Village ordinance does not count it, but in reality they are parking spaces. So that's a consideration that the Plan Commission can make. Because people will not move their cars from where they're fueling in order to run in to get some donuts. They will leave their vehicle there just like the drive through. People if they're jumping off the interstate or going onto the interstate

they will be in that drive through lane, and that's not counted as a parking space but that's where people will be in order to get their pickup and then go.

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Is the sandwich shop going to use the same drive through and all that?

Bill Morris:

No, it is not intended that the drive through -- that is primarily to facilitate the Dunkin Donuts franchise.

--:

Okay, and then is there any concern about, especially during the holidays, how backed up that road goes on to getting onto 165? You know from the Pleasant Prairie Outlet Malls how that gets all backed up, now we're adding more cars that are going to be feeding out to try to get back on 94. They cut across.

Jean Werbie-Harris:

Two things. The Wisconsin DOT has proposed modifications to the Tourist Information Center and the adjacent 120th Avenue. So that right behind you if you want to look at the aerial photograph right now there's an open median. Peggy is going to mark it for you. There's an open median from 120th Avenue into this site that's going to be closed up by the State DOT. So the access to the site will be a right in coming from the south. Or if you're going eastbound on 165 south on Corporate Drive you'll have to come in from the east in order to get into the site either through Culver's or through the south. So they believe also that that will alleviate some of the congestion and some of those problems with left turns at that location.

And I think if I heard Bill correctly earlier this week or last week that the intent is -- the sandwich shop would not be opened at 5 a.m. or 6 a.m. That would not open until later in the day, maybe 10 or 11. And so as a result I don't know as many people are buying donuts as much at noon as they would be a sandwich.

Michael McTernan:

In answer to that question over 90 percent of their business is between the hours of 6 a.m. and 9 a.m. And that's the Dunkin Donuts traffic. You look at all their Dunkin Donuts they're all getting coffee and donuts first thing in the morning, and then it tapers off drastically. The facility right now as I understand it it's subject to a PUD where parking is in the PUD as it stands. There's some modification that's taking place, and there's no account for the drive through. But if you look at the parking on the site there's two ways people are traditionally going to park. When they buy donuts they're going to be getting gas, getting donuts, they're going to be in the drive through. That's the significant majority of the shoppers. That's how they operate in the Dunkin Donuts across the country.

But there are a significant amount of parking in front of the building for people to pull up. So when you look at it I do understand the strict law under the ordinance as it relates to the parking given the numbers. But we look for the Plan Commission to understand this isn't something we're trying to create a parking problem at our site otherwise it fails. That's not our goal. And Dixit has run Dunkin Donuts and other operations, and they're similarly situated, and he knows what will work and how this will operate.

Dixit Patel:

My name is Dixit Patel, and I own BP gas station, 10477 120th Avenue. I [inaudible] Dunkin Donut [inaudible], one in Chicago and one [inaudible] Chicago. Mostly Dunkin Donut [inaudible] up to 20 percent after 8 a.m. or 10 p.m. And most customers coming to the pump to fill up gas and come in. So [inaudible] gas pump and come in and buy coffee. And I'm [inaudible].

Tom Terwall:

This is a matter for public hearing so I'm going to open it up if anybody else wishes to speak. Is there anybody wishing to comment on this matter? Anybody wishing to speak? Anybody wishing to speak? Seeing none, I'll open it up from comments from Commissioners.

Wayne Koessl:

Mr. Chairman, I said earlier I don't believe we should be giving a consideration of a conditional use permit and a preliminary site and operational plan. This should have been a conceptual plan. There's too many details that we don't have that we can put our fingers on at this time. And I'm not going to vote for a conditional use permit.

Tom Terwall:

Jean?

Jean Werbie-Harris:

So the conditional use permit I believe that the staff is recommending that that be tabled and be granted at such time when the final site and operational plans are presented to you. So we're looking for just the preliminary site and operational plans to provide direction to the owner and to Dunkin Donuts and to come back with the final conditional use permit, the final site and operational plans and the PUD all at the same time, sometime after the first of the year. So, again, we are just looking for preliminary approval in order to give direction to them to allow the project to keep moving forward. If we can't give that to them I'm not sure that they want to move forward with the project because they really need to make that final investment. We do have a lot of detail here, but it's not in its final form. And that's why all we're looking for this evening is preliminary site and operational plans.

The other thing I wanted to mention is even though it will not be marked as such, from a practical standpoint this site is a little different than maybe Bulls-Eye or some of the other ones that you've looked at that along the whole west side of this site there's more than a 30 foot wide fire lane. So

people could park on that west side and along the north side. So there are some additional opportunities for probably an additional ten or more cars to be parked on the site in the event that if somebody wasn't getting gas but they just wanted to run in and get some donuts and run back out. So there is that opportunity as well.

Wayne Koessl:

Item B is misleading when you have the consideration of the conceptual use permit. I would only vote for a preliminary site and operational plan tonight, not a conditional use permit. Is that what the staff is recommending?

Jean Werbie-Harris:

We're recommending that it be tabled tonight as well just because we want to get some more of that detail. But, again, what we're trying to do is give some direction to the owners and their consultants that the preliminary site and operational plans would be approved subject -- I don't know if you went through, we have a lot of comments. So they have to address all of these comments and address all these concerns with their consultants, the plans and their neighbors. And they need to put all these back together so that they can bring all three, conditional use permit, final site and zoning map text amendment back to us at one time.

Jim Bandura:

So, Jean, what you're saying is site and -- preliminary site be approved and --

Jean Werbie-Harris:

The other items be tabled at this time.

Jim Bandura:

Okay.

Jean Werbie-Harris:

But they're looking for some direction and support from the Plan Commission before they invest that final amount and get that final approval or tenant approval from Dunkin Donuts.

Jim Bandura:

I think conceptually I think they should be able to move forward. But, again, like Mr. Koessl says the conditional I'm not sure I would go along with it, too. I'd table it.

Tom Terwall:

Mike?

Mike Pollocoff:

Mr. Chairman, I think that aside from semantics I think that staff agrees with Commissioner Koessler. Which is why in the staff report we're recommending that the hearing that would grant the conditional use permit be continued. We were struggling with being able to present a conceptual plan without the teeth of a conditional use permit which would make that site and operational plan effective. So that's why staff recommended given approval on the preliminary site and operational plans since they're conceptual. But we also wanted to be straight up with Mr. Patel and his team to know that it's going to require a conditional use permit, and these are the things that we're wanting to put into it. But the staff wasn't willing to have that be acted on tonight. We wanted the continuation of this hearing to go forward so that the hearing would not be closed and there would not be a vote on the conditional use permit until that continued hearing was done when all the completed information was done. So I think we're looking at the same thing.

Wayne Koessler:

I think we're looking at the same things, Mike.

Tom Terwall:

Let me ask you this. Given the history of this site and the problems that we've had, is the staff convinced that those issues have been resolved to the point that that's no longer an issue?

Mike Pollocoff:

The staff's received information from DNR indicating that they're comfortable with it. The Village's engineering at our last conditional use permit renewal of that went through it down to the problems have been resolved, that they have made significant progress and had alleviated the contamination that was occurring at that time. In addition, I think it's something that still we have the opportunity to go back to. Granted, it took a while for that to get squared away. But, in fact, Mr. Patel met the conditions that the Plan Commission and the Village had placed on him to bring the site into compliance, and it still is in compliance. So that's out there, but on the other hand he's done everything that the Village has asked him to do.

So I believe that the things that staff has put in place as far as the items on the conditional use permit significantly improve the situation at that site from an operational standpoint and from a conditional use permit which puts some more conditions into the site as far as the architecture and the operation of it than we had before. And as we go through this and evaluate the final design and engineering on this, I think at that point then the Village would come back to the Plan Commission and request that the hearing be opened, then bring the final approvals in. But I would be -- I think the Village's position would be less secure on this if we just acted on the conceptual plan, site and operational plan without having some of the tools that we have at our disposal for a conditional use permit to be on the table that they know what's going on.

And then when we do the final if for some reason they don't agree with the conditional use permit then at that point the Plan Commission could not approve the conditional use permit. But we should have this hearing continue on to that point in the future so at that point the Commission is in a position to make a final decision.

Jim Bandura:

So, Mike, Item B says public consideration of a conditional use permit including preliminary site, etc. So how do you want to break that out?

Mike Pollocoff:

Well, the public hearing is only for the, if I'm right, it's for the conditional use permit.

Jean Werbie-Harris:

And the zoning text amendment PUD.

Mike Pollocoff:

And the text amendment PUD.

Jean Werbie-Harris:

So we'd continue the public hearing to act on them in the spring when the final site and operational plans are brought forth for review. And then we'll continue the public hearing for the conditional use permit and the PUD, and we'll bring you the final site and operational plans.

Mike Pollocoff:

You really can't vote on it until the hearing is closed, and we're not recommending it be closed. We're recommending that it be continued.

Wayne Koessl:

If I may, Mr. Chairman, I'm going to make a motion that the Plan Commission approve the preliminary site and operational plan subject to the conditions and comments from the Village staff. And we'll look at a conditional use permit at a later date when we get all the facts and data that we need to make that decision.

Jim Bandura:

I'll second that.

Mike Pollocoff:

Sorry, Mr. Chairman, if Mr. Koessl would also in his motion request that the hearing for the conditional use permit be continued to a later date.

Wayne Koessl:

I'll add that to my motion that the hearing for the conditional use --

Mike Pollocoff:

And the zoning text amendment.

Wayne Koessl:

-- be continued for a later date.

Jean Werbie-Harris:

And if I could just add to that --

Jim Bandura:

I would second that.

Jean Werbie-Harris:

I don't have a date certain yet. We know it's going to be sometime after the first of the year. So we will re-notice all the impacted and affected property owners and the petitioner so that we then have that date certain that we're continuing that hearing to.

Mike Pollocoff:

If we continue it, it comes off the agenda until we're ready. If we table it it's there very meeting.

Jean Werbie-Harris:

Right.

Mike Pollocoff:

Until we come to some resolution.

Tom Terwall:

Are you comfortable with the verbiage in the motion?

Jean Werbie-Harris:

Yes.

Tom Terwall:

What's your pleasure? All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

--:

Thank you very much.

Tom Terwall:

Thank you. Jean, Item C? We're all done with the zoning text amendment as well?

Jean Werbie-Harris:

Yes, I need a motion.

Mike Pollocoff:

They added that.

Jean Werbie-Harris:

Okay, so we're on Item D.

D. Consider the request of Matt Carey, P.E. with Pinnacle Engineering, for approval of the Recession of Trans 233 Restriction from Certified Survey Map 2273 related to the vacant property on the southwest corner of STH 31 and 108th Street in LakeView Corporate Park.

Jean Werbie-Harris:

Consider the request of Matt Carey, P.E. with Pinnacle Engineering, for approval and the Recession of Trans 233 Restriction from the Certified Survey Map 2273 related to the vacant property on the southwest corner of STH 31 and 108th Street in LakeView Corporate Park. The petitioner, Matt Carey, is requesting approval of a Correction Instrument to CSM 2273 for the Rescission of the Trans 233 Restriction related to the 50 foot highway setback to State Highway 31 on the vacant property located at the southwest corner of State Highway 31 and 108th Street. Any buildings or structures and parking and maneuvering lanes on the site will be required to meet the Village Zoning Ordinance setback requirements instead of the Trans 233 requirements that were originally put into place.

Again, just as a reminder, the State has rescinded the Trans 233 requirements to the State DOT, and as a result they are requesting that these restrictions be removed from the Certified Survey Map therefore being removed from the property as a restrictive covenant. And then they would

be required to comply with just the Village ordinance requirements with respect to setbacks. The staff recommends approval of their request subject to the comments and conditions as outlined.

Tom Terwall:

What's your pleasure?

Wayne Koessl:

Move approval, Chairman.

--:

Second.

Tom Terwall:

It's been moved and seconded for a favorable recommendation to the Village Board to approve the rescission of Trans 233 restriction. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

6. ADJOURN.

Wayne Koessl:

So moved.

Jim Bandura:

Second.

Tom Terwall:

Moved and seconded we adjourn. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.