



AGENDA

"Special Meeting"

VILLAGE BOARD

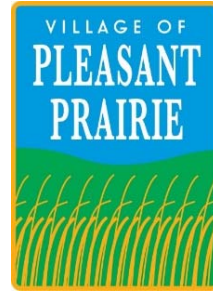
Village Hall Auditorium
9915 – 39th Avenue
Pleasant Prairie, WI
August 26, 2019

Immediately following Plan Commission Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Hearing
 - A. Consider Brinker Restaurant's Application for a Class "B" Fermented Malt Beverage License and a "Class B" Intoxicating Liquor License for Chili's Grill & Bar located at 6903 75th Street.
5. Citizen Comments (Please be advised per State Statute Section 19.84(2), information will be received from the public on items not on the agenda; however, no discussion is allowed and no action will be taken under citizen comments.)
6. New Business
7. Receive Plan Commission recommendation and consider approval of Ordinance #19-28 and Ordinance #19-29 for a Zoning Map and Text Amendment as it relates to Nexus Pharmaceuticals development of the property located at 10300 128th Avenue.
8. Village Board Comments
9. Adjournment

MEMORANDUM

To: Village President and Board of Trustees
From: Jane C. Snell, Village Clerk
Date: August 9, 2019
Re: Chili's Grill & Bar – New Retail Liquor Licenses



Office of the Village Clerk

Brinker Restaurant Corporation, a Virginia Corporation, by its President, Christopher L. Green, applied for a Class "B" Fermented Malt Beverage Retail License and a "Class B" Intoxicating Liquor Retail License for the existing restaurant known as Chili's Grill & Bar located at 6903 75th Street. Brinker Restaurant Corporation hereinafter referred to as Brinker is in the process of purchasing Chili's Grill & Bar from the current owner, ERJ Dining III, LLC. The tentative closing date of the transaction is set for September 5, 2019. Brinker's Application requested that Jennifer Justen be appointed as Agent for Chili's Grill & Bar.

Background checks on Brinker's corporate officers and proposed agent were conducted and Chief Smetana approves Jennifer Justen as the Agent for Chili's Grill & Bar. All other license requirements were satisfied.

If the Village Board approves Brinker's Application, the following conditions **must** be satisfied before the Retail Liquor Licenses are issued:

- Submit documentation showing ownership and/or lease for the premises located at 6903 75th Street.
- Payment of prorated liquor license fees and publication costs.
- Payment of any delinquent taxes, invoices, utilities, forfeitures, if applicable.
- ERJ Dining III LLC must surrender the license currently issued for the establishment.

I recommend approval of Brinker Restaurant's Application for a Class "B" Fermented Malt Beverage Retail License and a "Class B" Intoxicating Liquor Retail License naming Jennifer Justen its Agent for the restaurant known as Chili's Grill & Bar located at 6903 75th Street, Kenosha, Wisconsin 53142 effective from the date that the above-referenced conditions are satisfied through June 30, 2020.

Consider approval of **Zoning Map and Text Amendments (Ord. #19-28 and Ord. #19-29)** for the request of Michael Timko, Jr. agent on behalf of Nexus Pharmaceuticals for the development of the property located at 10300 128th Avenue to rezone the field delineated wetlands along the west property line that the US ACOE has taken jurisdiction into the C-1, Lowland Resource Conservancy District and to rezone the entire property into a PUD, Planned Unit Development Overlay District. In addition, to create the specific PUD requirements for the property.

Recommendation: Village staff recommends approval of the **Zoning Map and Text Amendments** subject to the comments and conditions of the Village Staff Report of August 26, 2019.

VILLAGE STAFF REPORT OF AUGUST 26, 2019

Consider approval of **Zoning Map and Text Amendments (Ord. #19-28 and Ord. #19-29)** for the request of Michael Timko, Jr. agent on behalf of Nexus Pharmaceuticals for the development of the property located at 10300 128th Avenue to rezone the field delineated wetlands along the west property line that the US ACOE has taken jurisdiction into the C-1, Lowland Resource Conservancy District and to rezone the entire property into a PUD, Planned Unit Development Overlay District. In addition, to create the specific PUD requirements for the property.

Nexus Pharmaceuticals, a privately held, U.S. based healthcare company, specializes in innovative processes to make difficult-to-manufacture specialty and generic drugs that are easier to use, less labor intensive, and more streamlined in practice is proposing to construct manufacturing facility at 10300 128th Avenue in the Prairie Highlands Corporate Park.

On August 12, 2019 the Plan Commission conditionally approved Preliminary Site and Operational Plans to begin mass grading, underground utilities and footing and foundation for the proposed three story manufacturing facility approximately 84,450 square feet.

It was discussed at the Plan Commission meeting on August 12, 2019 that there are small wetlands along the south and west property lines that are currently zoned C-1, Lowland Resource Conservancy District. In addition, there is a drainage way along the west property line that was determined by the WI DNR to be artificial wetlands, thus not regulated by the State. However, on August 5, 2019, the Village was informed that the ACOE is taking jurisdiction on the wetlands. All of the wetlands on the property are proposed to remain unchanged; therefore, the wetlands within the drainage way are proposed to be rezoned into the C-1 District. [Note: An application will be filed to correct the Comprehensive Land Use Plan Map so that the zoning map and the land use map are consistent.]

As a result of the wetland determination by the ACOE, a Planned Unit Development (PUD) Overlay District is proposed to allow for the driveway on 104th Street to be located a minimum of 5 feet from the wetlands on the southwest corner of the property so that the driveway aligns with the driveway on the south side of 104th Street. The PUD also would allow for a future parking lot expansion to be located a minimum of 15 feet from the wetlands on the south side of the property (See **attached** PUD Ordinance #19-29).

Village staff recommends approval of the Zoning Map and Text Amendments as presented.

ORD. # 19-28

**ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN
PURSUANT TO CHAPTER 420-13 OF THE VILLAGE ZONING ORDINANCE**

**BE IT ORDAINED by the Village of Pleasant Prairie Board of Trustees,
Kenosha County, Wisconsin, that the Official Village Zoning Map is hereby amended
as follows:**

The property is located at 10300 128th Avenue identified as Tax Parcel 91-4-121-
[REDACTED], known as Lot 6 of CSM 2905 and located U.S. Public Land Survey Section 24,
Township 1 North, Range 21 East of the Fourth Principal Meridian lying and being in the
Village of Pleasant Prairie, County of Kenosha, State of Wisconsin are hereby rezoned as
follows: the wetlands as shown on CSM 2905 and as legally described on **Exhibit 1** are
hereby rezoned into the C-1, Lowland Resource Conservancy District and the remainder of
the lot will remain in the M-5, Production and Manufacturing District and the entire property
is rezoned into a PUD, Planned Unit Development Overlay District.

The Village Zoning Administrator is hereby directed to record this Zoning Map Amendment
on the appropriate sheet of the Official Village Zoning Map and Appendix B in Chapter 420 of
the Village Municipal Code shall be updated to include said amendment.

Adopted this 26th day of August, 2019.

VILLAGE BOARD OF TRUSTEES

John P. Steinbrink
Village President

ATTEST:

Jane C. Snell
Village Clerk

Posted: _____

28-Nexus PUD rezone
CODE1908-001

ORD. #19-29

**ORDINANCE TO CREATE
THE NEXUS PHARMACEUTICALS
PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE PURSUANT TO
CHAPTER 420-137 OF THE VILLAGE ZONING ORDINANCE
IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN**

BE IT ORDAINED by the Village Board of Trustees of the Village of Pleasant Prairie, Kenosha County, Wisconsin, to create the Nexus Pharmaceuticals Planned Unit Development (PUD) pursuant to Chapter 420-137 of the Village Zoning Ordinance to read as follows:

NEXUS PHARMACEUTICALS PLANNED UNIT DEVELOPMENT

- a. It is the intent that Nexus Pharmaceuticals (hereinafter referred to as the "DEVELOPMENT"), will provide for buildings with enhanced architectural design features, site improvements and uses specifically allowed in the underlying M-5, Production Manufacturing District on the property as legally described below. The DEVELOPMENT conforms with the adopted Village Comprehensive Plan and in compliance with the basic underlying M-5 District with the goal of facilitating development in such a fashion that it will not be contrary to the general health, safety, economic prosperity, and welfare of the Village, and requiring proper maintenance on a regular basis for buildings and structures, landscaping, parking areas, lighting, signage, mechanical area and garbage dumpster enclosures, and overall site so as to promote a clean industrial and corporate site as well as minimizing any unreasonable adverse effects to the surrounding properties.
- b. Legal Description: The property located at 10300 128th Avenue and known as Lot 6 of CSM 2905 located in U.S. Public Land Survey Section 24, Township 1 North, Range 21 East in the Village of Pleasant Prairie.
- c. Requirements within the DEVELOPMENT:
 - (ii) The DEVELOPMENT shall be in compliance with all Federal, State, County and Village Ordinances and regulations, except as expressly modified by this PUD Ordinance.
 - (iii) The DEVELOPMENT shall be in compliance with the *Declaration of Covenants, Conditions, Restrictions and Easements for Prairie Highlands Corporate Park*, as recorded at the Kenosha County Register of Deeds Office. However, the provisions of this PUD will supersede any conflicting requirements as set forth in said Declaration.
 - (iv) All private improvements for this DEVELOPMENT are required to be installed and maintained pursuant to any approved Preliminary or Final Site and Operational Plans approved by the Village.
 - (v) The DEVELOPMENT shall be in compliance with all applicable Preliminary or Final Site and Operational Plan(s), Conditional Use Permits (if applicable), Planned Unit Development requirements, Village Licenses and Permits as required and approved by the Village.
 - (vi) All buildings and site alterations and modifications, including general buildings and site maintenance within the DEVELOPMENT, shall be made in accordance with the applicable Village Ordinances and Codes at the time the modification is proposed.
 - (vii) Irrigation and landscaping within the DEVELOPMENT shall be maintained, including the public street trees and lawn terrace area between the DEVELOPMENT and the adjacent public streets. Landscaping within the DEVELOPMENT shall be trimmed and watered on a regular basis and the public street trees shall be maintained, pruned, watered, staked in mulch beds and replaced if trees decay or die.

- (viii) The DEVELOPMENT shall be maintained in a neat, presentable, aesthetically pleasing, structurally sound and nonhazardous condition. All litter and debris shall be promptly removed.
- (ix) The DEVELOPMENT shall comply with all applicable performance standards set forth in Section 420-38 of the Village Zoning Ordinance.
- d. Specific modifications to the Village of Pleasant Prairie Zoning Ordinance for the DEVELOPMENT:
 - (i) Section 420-47 E related to setbacks for driveways is amended to read as follows:
 - E. Setback. Driveways shall be a minimum of 20 feet from the side or rear property line and a minimum of 5 feet from any wetlands on said property.
 - (ii) Section 420-48 (L) related to setbacks for parking areas is amended as follows:
 - L. Setback for parking areas (which includes parking spaces, maneuvering lanes and fire lanes).
 - (a) 25 feet from property lines.
 - (b) 15 feet from any wetlands on the property.
- 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 26th day of August, 2019.

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink
Village President

ATTEST:

Jane C. Snell
Village Clerk

Posted: _____

29-nexus pud
CODE1908-001



ZONING MAP AMENDMENT APPLICATION

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

Property Location: Northwest Corner of 128th Ave and 104th Street

Legal Description: Lot 6 of CSM No. 2905

Tax Parcel Number(s): 91-4-121-244-0603

Existing Zoning District(s): M-5

Proposed Zoning District(s): M-5 w/PUD overlay

Proposed Use: Pharmaceutical Manufacturing

Compatibility with Adjacent Land Uses:

Adjacent lands are part of the Prairie Highland corporate park and consist of the same zoning or intended uses.

If the property is being zoned into multiple zoning classifications or only a portion of the property is being rezoned (i.e. wetlands area) then submit an exhibit with complete legal description of each zoning classification.

I (We), have contacted the Community Development Department to arrange a pre-application meeting to discuss the proposed request to determine whether additional information 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: Village of Pleasant Prairie **APPLICANT/AGENT:**

Print Name: Thomas Shiral

Signature: [Signature]

Address: 9915 39th Ave

Pl. Prairie WI 53158

(City) (State) (Zip)

Phone: 694-1400

Fax: _____

Email: _____

Date: 8/6/19

Print Name: Michael J. Timko, Jr.

Signature: [Signature]

Address: 400 Knightsbridge Parkway

Lincolnshire IL 60069

(City) (State) (Zip)

Phone: 224-377-4132

Fax: _____

Email: mtimko@nexuspharma.net

Date: 06 August 2019

Community Development Department, 9915 39th Avenue, Pleasant Prairie WI 53158

262-925-6717



ZONING TEXT AMENDMENT APPLICATION

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

Property Location: Northwest Corner of 128th Ave and 104th Street
Legal Description: Lot 6 of CSM No. 2905
Tax Parcel Number(s): 91-4-121-244-0603
Amend Section(s): 420 of the Village Zoning Ordinance

Purpose of Zoning Text Amendment:

Reduction of wetland setback

If a Planned Unit Development is proposed include a letter indicting the dimensional variations being requested a statement of Community Benefit as required by Chapter 420 of the Village Municipal Code

If another type of Zoning Text Amendment is being proposed, then include the proposed language of the Zoning Text Amendment being requested.

I (We), have contacted the Community Development Department to arrange a pre-application meeting to discuss the proposed request to determine whether additional information 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: Village of Pleasant Prairie

Print Name: Thomas Shirvel

Signature: [Signature]

Address: 9915 39th Ave

P1. Prairie WI 53158
(City) (State) (Zip)

Phone: 694-1400

Fax: _____

Email: _____

Date: 8/6/19

APPLICANT/AGENT:

Print Name: Michael J. Timko, Jr.

Signature: [Signature]

Address: 400 Knightsbridge Parkway

Lincolnshire IL 60069
(City) (State) (Zip)

Phone: 224-377-4132

Fax: _____

Email: mtimko@nexuspharma.net

Date: 06 August 2016

08/05/2019

Ms. Jean Werbie-Harris
Ms. Peggy Herrick
Village of Pleasant Prairie
9915 39th Ave
Pleasant Prairie, WI 53158

NEXUS-PLEASANT PRAIRIE ZONING MAP & TEXT AMMENDMENT REQUEST
Village of Pleasant Prairie, Kenosha County, WI
PEG Job No. 897.00B

Dear Ms. Werbie-Harris & Ms. Herrick,

On the behalf of Nexus Pharmaceuticals, we are requesting that the Village of Pleasant Prairie approve the proposed Zoning map and Text amendment for the proposed Nexus Pharmaceutical manufacturing facility located at the northwest corner of 128th Ave and 104th Street in the Village of Pleasant Prairie.

The purpose of the proposed zoning text and map amendment would be to relax current zoning code as it pertains to wetland setbacks. Current zoning code states a 25' setback to any impervious surface must be maintained. Our proposal would reduce the setback to 5' for the existing wetland located along the west property line. In addition, the wetland setback would be reduced to 16' along the existing wetland located along the south property line. Both setbacks modifications are imperative for Nexus pharmaceuticals as they prepare to break ground on a state-of-the-art manufacturing facility.

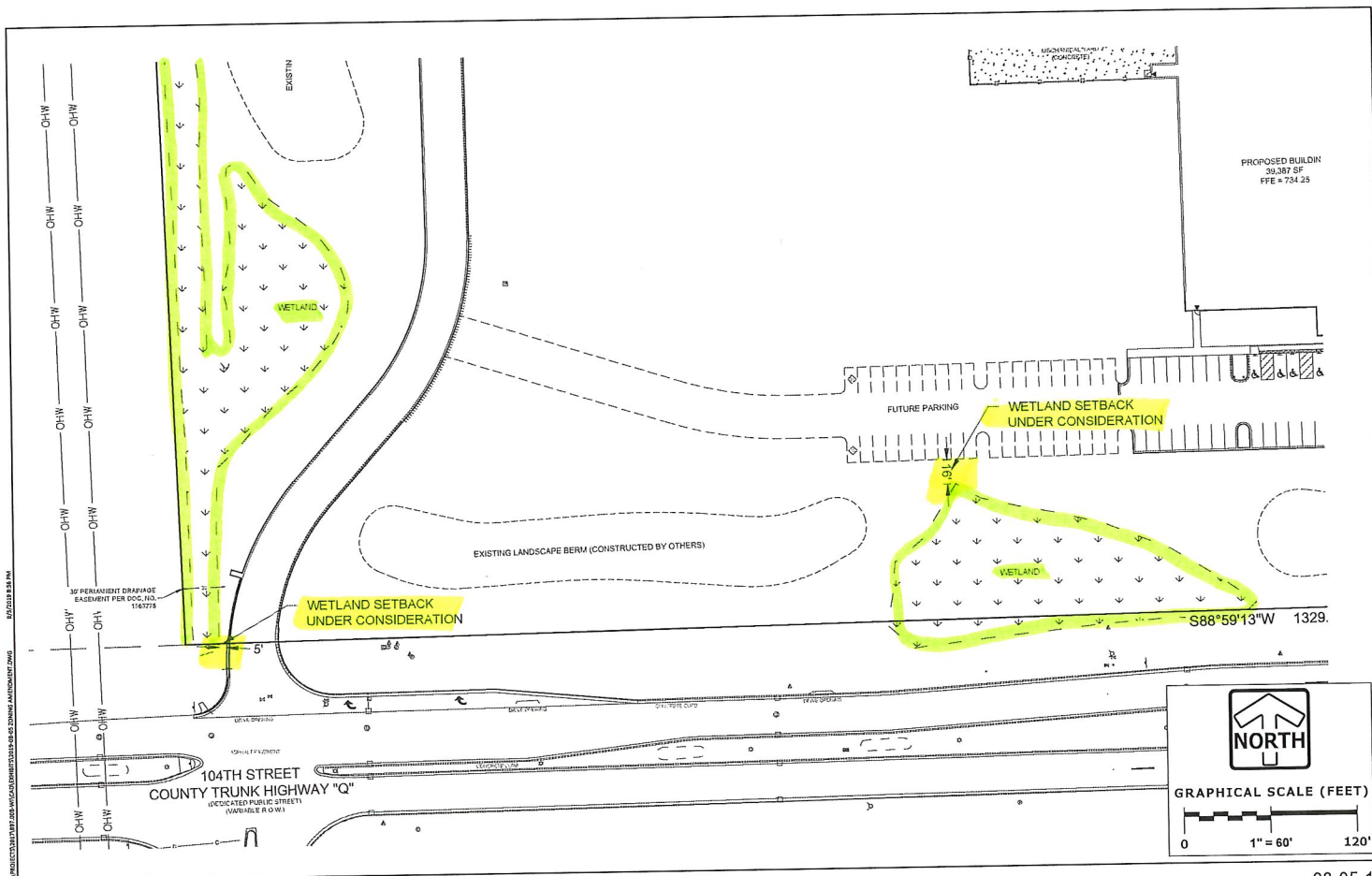
Thank you for your review of this matter, please let me know if you have any questions or would like additional information.

Sincerely,



PINNACLE ENGINEERING GROUP

Mark T. Seidl, PE
Project Manager



08-05-19