

**Village of Somers
7511 12th Street
Somers, WI 53171**

**Village Board Meeting
Agenda
Tuesday, August 23, 2022
5:30 p.m.**

Village Board Meeting:	
Item #	
1	Call to order
2	Pledge of Allegiance
3	Consent and Approval of Minutes of Regular meetings on August 10, 2022, Vouchers dated August 11, 2022 and August 18, 2022, July 2022 Building Report
4	Correspondence:
5	Citizens Comments
6	President and Trustee Comments
7	<p>Plan Commission Recommendation (Golden Oil)</p> <p style="padding-left: 40px;">a. Action on request by Somers USA, LLC, 1170 22nd Avenue, Kenosha, WI 53140 (Owner), Ted Gement, BP Kenosha Travel Plaza, 1170 22nd Avenue, Kenosha, WI 53140 (Agent); for an amendment to a previously approved Conditional Use Permit to allow alcohol consumption on the premises in the B-3 Highway Business District on Tax Parcel # 82-4-222-193-0202 located in the southwest quarter of Section 19, Township 2 North, Range 22 East, Village of Somers. For informational purposes only, this property is located on the northwest corner of the intersection of 120th Avenue (the east frontage road of I-94) and County Trunk Highway “S”.)</p>
8	Action on proposed Second Amendment to Developer’s Agreement between the Village of Somers and Golden Oil Co. and Somers USA, LLC
9	Approval of Operator’s Licenses: Madelynn Arnsmeier
10	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the August 23, 2022 Village Board Meeting & Agenda in 1 public place & on the Village website.

Dated this 19^h day of August 2022

Brandi Baker, Clerk-Treasurer

Requests from person with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at 262-859-2822 with as much notice as possible. **Notice is hereby given that members of the Village Board may participate telephonically. Notice is hereby given that members of the Town Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken**

**Village of Somers
Proceedings from the Regular Board Meeting August 10, 2022**

President Stoner called the meeting to order at 5:30p.m.

President Stoner led the Pledge of Allegiance.

Present: President George Stoner, Trustees Gregg Sinnen, Karl Ostby, Jack Aupperle, Joe Smith, Ben Harbach, and Jackie Nelson appeared via Microsoft Teams. Also present: Administrator Jason Peters, and Clerk/Treasurer Brandi Baker.

Consent and Approval of Minutes of Regular meetings on July 26, 2022, Vouchers dated July 28, 2022 and August 4, 2022

Trustee Aupperle moved to approve the Minutes of Regular meetings on July 26, 2022, Vouchers dated July 28, 2022 and August 4, 2022

Seconded by Trustee Ostby. Motion carried 7-0 vote.

Correspondence

None

Citizen Comments

None

President and Trustee Comments

President Stoner congratulated those that won in the Election. He commented on his disappointment in a decision by the County board. He expressed how he would like to sit down with the new Sheriff after the November Election. Lastly, he wanted to comment on how the Fire department did a great job with the fire at J&M's Bar.

Trustee Aupperle commented on the City of Kenosha's referendum passing. He would like to see the Labor Day cookout happen this year.

Trustee Sinnen asked Jason to get into contact about the invasive weeds. Commented on how the Village hall is now at full staff and would also like to see a social event with staff.

Trustee Ostby congratulated the Clerk on her first solo Election.

Trustee Harbach commented on the zip code project and congratulated the successful winners of the Election.

Trustee Smith commented on how nice the new Kwik trip is.

Trustee Nelson commented on working on the zip code project.

Action on Resolution 2022-012, A Resolution Establishing an Investment Policy and Designating Public Depositories

Trustee Aupperle moved to approve the Resolution 2022-012, A Resolution Establishing an Investment Policy and Designating Public Depositories.

Seconded by Trustee Ostby. Motion carried. 7-0

Trustee Nelson commented on concerns about security.

Trustee Harbach asked about the delegation of Authority.

Trustee Ostby explained the policy.

Action on Chief Andersen's request send 2003 Chevy Pickup with Plow and other assorted Fire and EMS equipment to Wisconsin surplus for auction and sale.

Trustee Sinnen moved to approve Chief Andersen's request send 2003 Chevy Pickup with Plow and other assorted Fire and EMS equipment to Wisconsin surplus for auction and sale.

Seconded by Trustee Aupperle. Motion carried. 7-0 vote

Approval of Operator's Licenses: Lilith Sorenson, Joseph Hecker, Brandy Newman, Casey DeFord, Mario Marrero, Sheila Bell, and Madison Bowman

Trustee Aupperle moved to approve the Operator's Licenses: Lilith Sorenson, Joseph Hecker, Brandy Newman, Casey DeFord, Mario Marrero, Sheila Bell, and Madison Bowman

Seconded by Trustee Ostby. Motion carried. 7-0 vote.

Discussion and possible action on request for partial payment #15 from Camosy Construction Inc. in the amount of \$64,176 for work on Lift Station 1A and Water Transfer Station

Trustee Sinnen moved to approve the request for partial payment #15 from Camosy Construction Inc. in the amount of \$64,176 for work on Lift Station 1A and Water Transfer Station

Seconded by Trustee Harbach. Motion carried. 7-0 vote.

President Stoner commented that everything is going great.

Adjourn

Trustee Harbach moved to adjourn at 5:57 p.m.

Seconded by Trustee Ostby. Motion carried. 7-0 vote

Drafted this 10^h day of August by Brandi Baker Clerk/Treasurer

These minutes are not official until approved by the Village Board.

08/11/2022 02:22 PM
 User: jmartin
 DB: Somers

CHECK REGISTER FOR VILLAGE OF SOMERS
 CHECK DATE FROM 08/11/2022 - 08/11/2022

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank POOL POOLED CASH					
08/11/2022	POOL	60656	AIR001	AIRGAS USA, LLC	362.39
08/11/2022	POOL	60657	AT&TMOB	AT&T MOBILITY	861.65
08/11/2022	POOL	60658	AYRES	AYRES ASSOCIATES INC	28,464.83
08/11/2022	POOL	60659	BADGERDIES	BADGER DIESEL	1,650.00
08/11/2022	POOL	60660	BAXTER	BAXTER & WOODMAN	47,156.99
08/11/2022	POOL	60661	BAXTER	BAXTER & WOODMAN	35,129.14
08/11/2022	POOL	60662	CAMOSY	CAMOSY INCORPORATED	64,176.00
08/11/2022	POOL	60663	CENTURYL	CENTURYLINK	17.19
08/11/2022	POOL	60664	DULANEY	CYNTHIA RENEE DULANEY	1,216.25
08/11/2022	POOL	60665	DAV001	DAVISON LAW OFFICE, LTD	9,096.00
08/11/2022	POOL	60666	FERNO	FERNO	486.90
08/11/2022	POOL	60667	FIRESAFETY	FIRE SAFETY USA INC	5,409.95
08/11/2022	POOL	60668	PETERS	JASON PETERS	332.29
08/11/2022	POOL	60669	JOHNS	JOHNS DISPOSAL SERVICE INC	1,300.00
08/11/2022	POOL	60670	MEN001	MENARDS - RACINE	517.69
08/11/2022	POOL	60671	MINUTE	MINUTEMAN PRESS	257.70
08/11/2022	POOL	60672	RICOHUSA	RICOH USA, INC	702.15
08/11/2022	POOL	60673	SAMSMC	SAM'S CLUB MC/SYNCB	2,014.88
08/11/2022	POOL	60674	STAPLEAD	STAPLES	182.43
08/11/2022	POOL	60675	USA001	USABLUEBOOK	4,243.33
08/11/2022	POOL	60676	WEE002	WE ENERGIES	1,739.04
08/11/2022	POOL	60677	WIFINANC	WI DEPT FINANCIAL INSTITUTIONS	20.00
08/11/2022	POOL	60678	WDT001	WI DEPT OF TRANSPORTATION	1,053.19
08/11/2022	POOL	60679	WIL002	WIL-KIL PEST CONTROL	168.70

POOL TOTALS:

Total of 24 Checks:	206,558.69
Less 0 Void Checks:	0.00
Total of 24 Disbursements:	<u>206,558.69</u>

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank POOL POOLED CASH					
08/18/2022	POOL	60681	AED	AED ESSENTIALS	1,135.00
08/18/2022	POOL	60682	AIRONE	AIR ONE EQUIPMENT INC	1,915.00
08/18/2022	POOL	60683	BAXTER	BAXTER & WOODMAN	437.50
08/18/2022	POOL	60684	BEA001	BEAR GRAPHICS INC	665.86
08/18/2022	POOL	60685	BORLAND	CARRIE BORLAND	800.00
08/18/2022	POOL	60686	SPECTRUM	CHARTER COMMUNICATIONS	139.98
08/18/2022	POOL	60687	CORE	CORE & MAIN LP	1,685.00
08/18/2022	POOL	60688	DINGES	DINGES FIRE COMPANY	1,069.19
08/18/2022	POOL	60689	DIVERESCUE	DIVE RESCUE INTERNATIONAL INC	534.92
08/18/2022	POOL	60690	FAS001	FASTENAL COMPANY	80.53
08/18/2022	POOL	60691	FIRESAFETY	FIRE SAFETY USA INC	129.00
08/18/2022	POOL	60692	KARLSTORZ	KARL STORZ ENDOSCOPY-AMERICA INC	203.93
08/18/2022	POOL	60693	KCSHERIF	KENOSHA CO SHERIFF DEPT	54,136.22
08/18/2022	POOL	60694	KWU002	KENOSHA WATER UTILITY	39,167.02
08/18/2022	POOL	60695	MEN001	MENARDS - RACINE	124.37
08/18/2022	POOL	60696	NAP001	NAPA AUTO PARTS	430.47
08/18/2022	POOL	60697	QUADIENT	QUADIENT FINANCE USA INC	645.60
08/18/2022	POOL	60698	STAPLEAD	STAPLES	451.14
08/18/2022	POOL	60699	TAP001	TAPCO	1,501.89
08/18/2022	POOL	60700	USA001	USABLUEBOOK	1,709.95
08/18/2022	POOL	60701	WEE001	WE ENERGIES	344.96
08/18/2022	POOL	60702	WEE001	WE ENERGIES	272.07
08/18/2022	POOL	60703	WES001	WESTERN CULVERT & SUPPLY INC	594.40
08/18/2022	POOL	60704	WJA001	WI MUNICIPAL JUDGES ASSOC	100.00

POOL TOTALS:

Total of 24 Checks:	108,274.00
Less 0 Void Checks:	0.00
Total of 24 Disbursements:	<u>108,274.00</u>

VILLAGE/TOWN OF SOMERS – BUILDING REPORT – JULY, 2022

FUND CODE & DESCRIPTION	NUMBER OF PERMITS	PERMIT FEES MONTHLY	NUMBER OF PERMITS YEAR TO DATE	PERMIT FEES YEAR TO DATE
101-HOUSES			12	22,204.20
101-ADDITIONS & ALTERATIONS-RES	5	491.90	17	1,750.90
101-ACCSRY BLD	4	470.00	18	2,694.00
101-OTHER PMT FEE			1	90.00
101-AGRICULTURAL			1	420.00
101-APARTMENTS-MLF			1	6,538.60
101-CONDOMINIUM				
101-COMMERCIAL BLD			2	240,290.80
101-INDUSTRIAL (COMM)			1	134,504.50
101-ADDITIONS & ALTERATIONS-COMM	1	45.00	3	720.00
101-SIGNS	2	90.00	7	725.00
101-PLUMBING	7	11,880.20	41	20,624.44
101-HEATING	1	50.00	14	1,999.00
101-ELECTRIC	5	2,896.60	50	7,872.10
101-POOLS			5	450.00
101-WRECKING	2	149.60	3	649.60
101-OCCUPANCY			4	400.00
101-FENCE	2	90.00	10	450.00
101-DRIVEWAY	1	50.00	1	50.00
101-CULVERT				
101-MOVING				
101-RIGHT OF WAY ROAD OPENING	3	150.00	23	1,150.00
101-EROSION CONTROL			2	39,557.00
101-				
101-LANDFILL PMT				
101-PUBLIC WKS			2	100.00
101-PARK FEE			9	3,870.00
101-FIRE STATION			9	9,405.00
101-WA MTR HORN			9	18,045.00
101-REFUND PERMIT				(-72.00)
SUB-TOTAL 101	33	16,363.30	245	514,488.14
603-UD SR SVC FEE	1	9,240.00	15	77,720.00
603-				
SUB-TOTAL 603	1	9,240.00	15	77,720.00
602-KR SR SVC FEE				
SUB-TOTAL 602	0	0.00	0	0.00
601-WA FEE			2	2,700.00
601-TEMP WA FEE			12	1,203.60
601-WA MTR HORN			16	1,770.56
601-WA PMT			5	200.00
601-				
601-				
SUB-TOTAL 601	0	0.00	35	5,874.16
TOTALS	34	25,603.30	295	598,082.30

**VILLAGE OF SOMERS
VILLAGE BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: August 23, 2022

TO: Village President Stoner and Village Trustees

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #7 Plan Commission Recommendation (Golden Oil)

- a. Action on request by Somers USA, LLC, 1170 22nd Avenue, Kenosha, WI 53140 (Owner), Ted Gement, BP Kenosha Travel Plaza, 1170 22nd Avenue, Kenosha, WI 53140 (Agent); for an amendment to a previously approved Conditional Use Permit to allow alcohol consumption on the premises in the B-3 Highway Business District on Tax Parcel # 82-4-222-193-0202 located in the southwest quarter of Section 19, Township 2 North, Range 22 East, Village of Somers. For informational purposes only, this property is located on the northwest corner of the intersection of 120th Avenue (the east frontage road of I-94) and County Trunk Highway "S".)

- #8 Action on proposed Second Amendment to Developer's Agreement between the Village of Somers and Golden Oil Co. and Somers USA, LLC

BACKGROUND:

As you are aware, Golden Oil has relocated their headquarters from the BP Kenosha Travel Plaza at 11800 Burlington Road to their new facility at the corner of CTH E and CTH Y. This move has created extra usable space at the 11800 Burlington Road. On March 2nd, Planning and Staff met with Golden Oil to discuss their proposed use of this space. Golden Oil would like to "remodel this space into a lounge where customers can get a pizza or other food offerings that are available at the Travel Center and be able to sit in a quiet environment and enjoy their food with an alcoholic beverage."

Staff met with Golden Oil to discuss whether this change of use would require an amendment to their Conditional Use Permit. A 2009 amendment to the Golden Oil's development agreement specifically called out that "no consumption of alcohol shall be

allowed anywhere on the premises, including the dining area”. Staff informed Golden Oil that their first step should be to request an amendment to their developer’s agreement. On March 10th, the Village received this request. The Board reviewed this request at our March 15th Work Session.

During this process Staff also reviewed Golden Oil’s 2009 Conditional Use Permit for the property. This CUP listed as a condition that “absolutely no alcohol consumption (of carry-ins or on-site package purchase) is permitted on the premises” and that “No alcohol consumption on premises”. Golden Oil was informed that they would also need to seek an amendment to their existing CUP.

PRIOR ACTION TAKEN:

As stated above the Board initially heard Golden Oil’s request for an amendment to their Development Agreement at our March 15th Work Session. At this time the Board was generally in favor of granting the request, pending the outcome of their request to the Plan Commission. The Plan Commission heard their request for an amendment to allow onsite consumption of alcohol at their August 8th meeting. The Plan Commission’s recommendation was to approve their request to amend their CUP to allow alcohol consumption on the premises.

The Board reviewed this matter at our August 16th Work Session. The Board was main concern was if this were to be granted would the Village have enough “tavern” licenses. The Village has 19 allotted and 8 have been assigned.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Attorney Davison has drafted an amendment to the CUP and an amendment to their existing development agreement. “Administration recommends approval. In the event that the Village Board agrees with the recommendation to approve applications, a suggested motion would be as follows:

#7 *“Motion to approve request by Somers USA, LLC, 1170 22nd Avenue, Kenosha, WI 53140 (Owner), Ted Gement, BP Kenosha Travel Plaza, 1170 22nd Avenue, Kenosha, WI 53140 (Agent); for an amendment to a previously approved Conditional Use Permit to allow alcohol consumption on the premises in the B-3 Highway Business District on Tax Parcel # 82-4-222-193-0202 located in the southwest quarter of Section 19, Township 2 North, Range 22 East, Village of Somers, subject to the following conditions:*

1. *Subject to the information and site plan contained in the submitted conditional use permit application dated June 22, 2022.*
2. *Subject to receiving approval of any required licenses/permits from the Village of Somers regarding the sale & consumption of alcohol on premises.*

3. *All other conditions contained in previously approved Conditional Use Permits for the property shall remain in effect.*
4. *Subject to Kenosha County zoning permit(s) being issued for any proposed structures including signage, new principal buildings or additions thereto, fences, accessory buildings, etc.*
5. *Subject to issuance of a revised Kenosha County Certificate of Compliance prior to opening of the bar/lounge to the public.*
6. *It is the responsibility of the applicant to assure and guarantee that the above conditions are fully complied with. This includes, but is not necessarily limited to, meeting conditions established herein, providing any applicable letters of credit, providing and following approved plans, obtaining permits prior to construction, making improvements, participating in coordination meetings with governmental officials, following established time frames, meeting deadlines, and providing additional information where deemed necessary. Any unauthorized deviation from the approved plans and conditions shall result in the issuance of a citation and/or applicable stop work order by the Village of Somers or other applicable agencies until the conditional use permit is brought back into compliance. Continued violation of the conditions as set forth herein shall result in a recommendation for revocation of the Conditional Use Permit.*
7. *Any substantial change or expansion of the submitted plan of operation shall require the applicant to re-apply for a Conditional Use Permit to the Village of Somers for its review and approval.*
8. *If property ownership and/or tenant shall happen to change it shall be the responsibility of the person(s) that signed these conditions to notify the new owner and/or tenant of all above stated conditions of approval.*
9. *It is the total responsibility of the petitioner to assure and guarantee that the above stated conditions are fully complied with. Any deviation from the approved plans and conditions shall result in the issuance of a citation and associated stop work order until the project is brought back into compliance. Continuance of the project shall result in a recommendation for revocation of the Conditional Use Permit.*
10. *Execution of a Developer's Agreement between Golden Oil Co. and Somers USA, LLC and the Village of Somers.*
11. *Conditional use permit shall not be issued until such time as Golden Oil Co. and USA, LLC have corrected parking lot lights on Tax Parcel 82-4-222-193-0202 so that they are in compliance with Village Ordinances.*

#8 *Motion to approve proposed Second Amendment to Developer's Agreement between the Village of Somers and Golden Oil Co. and Somers USA, LLC subject to the following condition;*

- 1. Village will not enter into said second amendment until such time as Golden Oil Co. and USA, LLC have corrected parking lot lights on Tax Parcel 82-4-222-193-0202 so that they are in compliance with Village Ordinances.*

ATTACHMENTS:

Planning Memo dated 07/22/2021

Plan Commission Minutes – 08/11/2022 Highlighted

CUP Application

Draft of Amended CUP

Correspondence from Golden Oil

Pleasant Springs Correspondence

Draft of Amendment to Developers agreement



COUNTY OF KENOSHA

Division of Planning & Development

Andy M. Buehler, Director
Division of Planning & Development
19600 75th Street, Suite 185-3
Bristol, WI 53104-9772
(262) 857-1895

TO: Village of Somers Plan Commission
FROM: Luke Godshall, Kenosha County Planning & Development
RPT DATE: 07-22-22
MTG DATE: 08-08-22
APPLN DATE: 06-22-22

BACKGROUND:

1. Petitioner/Agent: Ted Gement, BP Kenosha Travel Plaza
2. Property Owner: Somers USA, LLC
3. Location/Address: 1170 22nd Ave.
4. Tax key Number(s): 82-4-222-193-0202
5. Area: 15.12 acres
6. Existing Zoning: B-3 Highway Business District
7. Proposed Zoning: no change proposed

OVERVIEW:

The Petitioner wishes to amend a previously approved Conditional Use Permit which included a condition that prohibited alcohol consumption anywhere on the premises, to allow a portion of the existing building interior to be remodeled for a bar/lounge area.

PLANNER COMMENTS:

The submitted application is intended to amend a Conditional Use Permit (CUP) that was approved by Kenosha County in 2009 to allow an outdoor dining area on the property. That CUP contained a condition (condition #4e.) which noted that “absolutely no alcohol consumption (of carry-ins or on-site package purchase) is permitted on the premises”. This note on the Kenosha County CUP was meant to reinforce the Town of Somers Town Board approval motion which contained 7 conditions, with condition #7 stating “No alcohol consumption on premises”.

The subject property is zoned B-3 Highway Business District, which allows bars/taverns and wine taps as a principal use.

The submitted CUP application dated June 22, 2022 includes a floor plan detailing the area to be remodeled into the proposed interior bar/lounge space, located within the northwestern corner of the existing building. The proposed bar/lounge is shown to be a total of 854 sq. ft. in area. with seating for 32 people, located entirely inside the existing building. There are no outside dining or entertainment areas proposed in conjunction with the proposed bar/lounge. The bar/lounge area would be staffed by 2 employees, as indicated in the submitted CUP application.



COUNTY OF KENOSHA

Division of Planning & Development

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A review of existing onsite parking spaces shows there to be 106 parking spaces. The proposed 854 sq. ft. bar/lounge area would require 10 parking spaces. The remainder of the building (gas station/store and restaurant uses) would require 94 parking spaces, bringing the total to 104 spaces needed. Existing parking is enough to accommodate the proposed and existing uses.

STAFF RECOMMENDATION:

Should the Plan Commission choose to recommend approval of this application, staff would recommend the following conditions:

1. Subject to the information and site plan contained in the submitted conditional use permit application dated June 22, 2022.
2. Subject to receiving approval of any required licenses/permits from the Village of Somers regarding the sale & consumption of alcohol on premises.
3. All other conditions contained in previously approved Conditional Use Permits for the property shall remain in effect.
4. Subject to Kenosha County zoning permit(s) being issued for any proposed structures including signage, new principal buildings or additions thereto, fences, accessory buildings, etc.
5. Subject to issuance of a revised Kenosha County Certificate of Compliance prior to opening of the bar/lounge to the public.
6. It is the responsibility of the applicant to assure and guarantee that the above conditions are fully complied with. This includes, but is not necessarily limited to, meeting conditions established herein, providing any applicable letters of credit, providing and following approved plans, obtaining permits prior to construction, making improvements, participating in coordination meetings with governmental officials, following established time frames, meeting deadlines, and providing additional information where deemed necessary. Any unauthorized deviation from the approved plans and conditions shall result in the issuance of a citation and/or applicable stop work order by the Village of Somers or other applicable agencies until the conditional use permit is brought back into compliance. Continued violation of the conditions as set forth herein shall result in a recommendation for revocation of the Conditional Use Permit.
7. Any substantial change or expansion of the submitted plan of operation shall require the applicant to re-apply for a Conditional Use Permit to the Village of Somers for its review and approval.
8. If property ownership and/or tenant shall happen to change it shall be the responsibility of the person(s) that signed these conditions to notify the new owner and/or tenant of all above stated conditions of approval.
9. It is the total responsibility of the petitioner to assure and guarantee that the above stated conditions are fully complied with. Any deviation from the approved plans and conditions shall result in the issuance of a citation and associated stop work order until the project is brought back into compliance. Continuance of the project shall result in a recommendation for revocation of the Conditional Use Permit.

Attachment:

- Kenosha County Conditional Use Permit (approved Sept. 9, 2009) & Town of Somers Town Board meeting minutes (dated Aug. 11, 2009).

2. Somers USA LLC, 1840 Beloit Avenue, Janesville, WI 53546 (Owner) requesting an amendment to a Conditional Use Permit (approved March 12, 2006) to allow outdoor dining in the B-3 Highway Business District on Tax Parcel #80-4-222-193-0202 located in the southwest quarter of Section 19, Township 2 North, Range 22 East, Town of Somers. For informational purposes only, this property is located on the northwest corner of the intersection of 120th Avenue (the east frontage road of I-94) and County Trunk Highway "S".

July 15, 2009	DATE FILED
September 9, 2009	DATE OF HEARING
August 27 and September 1, 2009	DATES PUBLISHED
August 26, 2009	DATE NOTICES MAILED
\$750.00	FEE PAID
N/A	DATE SENT TO COUNTY BOARD
Somers	TOWNSHIP
September 9, 2009 – Approved	PLANNING & ZONING COMM. ACTION
N/A	COUNTY BOARD ACTION
N/A	COUNTY EXECUTIVE ACTION
September 11, 2009	DATE TOWN CLERK NOTIFIED
September 11, 2009	DATE PETITIONER NOTIFIED



COUNTY OF KENOSHA

Department of Planning and Development

George E. Melcher, Director

19600 – 75th Street, Post Office Box 520
Bristol, WI 53104-0520
Telephone: (262) 857-1895
Facsimile: (262) 857-1920

September 11, 2009

Somers USA, LLC
1840 Beloit Avenue
Janesville WI 53546

Dear Mr. Gement:

On Wednesday, September 9, 2009, the Land Use Committee of the Kenosha County Board of Supervisors approved your request for an amendment to a Conditional Use Permit (approved March 12, 2006) to allow outdoor dining in the B-3 Highway Business District on Tax Parcel #80-4-222-193-0202, located in the Town of Somers.

Your request is approved, subject to the conditions as signed by you at the meeting. A copy of these conditions is enclosed, and it is your responsibility to see that they are complied with.

Should you have any questions or comments, please feel free to contact Mr. John F. Roth of this office.

Sincerely,

GEORGE E. MELCHER, Director
Planning and Development

GEM:JFR:aa
Enclosure
cc: Somers Town Clerk



COUNTY OF KENOSHA

Department of Planning and Development

George E. Melcher, Director

19600 - 75th Street, Post Office Box 520
Bristol, Wisconsin 53104-0520
Telephone: (262) 857-1895
Facsimile: (262) 857-1920

CONDITIONS OF APPROVAL

**SOMERS USA LLC (OWNER), TED GEMENT (AGENT),
REQUESTING AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT
TO ALLOW OUTDOOR DINING
IN THE B-3 HIGHWAY BUSINESS DISTRICT
TAX PARCEL #80-4-222-193-0202
SOUTHWEST QUARTER OF SECTION 19
TOWN OF SOMERS**

1. **All other conditions of approval (Exhibit A, attached) remain in effect.**
2. Subject to the application stamped received by the office of Planning and Development on July 15, 2009 and all corresponding plans and attachments.
3. Subject to that approved by the Town of Somers Town Board on August 11, 2009 (Exhibit B, attached).
4. Subject to the conditions present in the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Section 12.29-8(b)106(a) a thru e; Restaurants with outdoor dining in the B-3 District (shown below):
 - a. A site plan shall be submitted showing all proposed outdoor use areas including parking, landscaping and the location of existing structures.
 - b. Hours of use may be limited to prevent disturbance to abutting property owners.

Note: Use of the approved outdoor dining area is approved for the following hours:
5 AM - 10 PM (Sunday through Thursday)
7 AM - 11 PM (Friday through Saturday)

- c. Lighting may be limited to prevent disturbance to abutting property owners.

Note: No outside lighting other than that lighting previously approved for the premises shall be incorporated into the site.
- d. There shall be no outside music speakers or live music.
- e. Any approval granted must be in conformance with the restrictions of the liquor license issued for the establishment.

Note: Absolutely no alcohol consumption (of carry-ins or on-site package purchase) is permitted on the premises.

5. Any change of the submitted plan of operation, change in use, and/or proposed addition(s) to any existing principal building(s), or proposed new principal building(s) shall require the petitioner to reapply for a Conditional Use Permit to the Kenosha County Land Use Committee for its review and approval.

- 6. It is the total responsibility of the petitioner to assure and guarantee that the above stated conditions are fully complied with. Any deviation from the approved plans and conditions shall result in the issuance of a citation and associated stop work order until such time as the project is brought back into compliance. Continuance of the project shall result in a recommendation for revocation of the Conditional Use Permit.
- 7. If property ownership shall happen to change then it is the responsibility of the person(s) that signed these conditions to notify new owner of all above stated conditions of approval. Any changes or deviations from the above referenced approved plans will require additional review and approval and will be subject to additional fees by Planning and Development.

I have read and understand the above conditions and hereby agree that I am willing to comply with them.

PRINT NAME: Y TED GEMENT DATE: 9-9-09

SIGNATURE: *Ted Gement*

PRINT NAME: _____ DATE: _____

SIGNATURE: _____

- EXHIBIT "B"

TOWN OF SOMERS
DRAFT MINUTES of the REGULAR MEETING
August 11, 2009

The Regular Meeting of the Somers Town Board was called to order at 7 p.m. by Chairman James Smith.

Present: Chairman James Smith, Supervisors Fred Loomis, Vern Wienke, Ben Harbach & Al Ferber. Also present: Administrator William Morris, Attorney Jeff Davison & Clerk-Treasurer Timothy Kitzman.

All stood for the Pledge of Allegiance.

Minutes & Vouchers

Motion by Sup. Ferber to approve Minutes of Work Sessions on July 9 & 21, 2009, Town Board meeting on July 28, 2009; Building Report, Financial Reports & Vouchers for payment, seconded by Sup. Wienke. Motion carried 5-0.

Correspondence

Chairman Smith placed the following correspondence on file:

- a) WI Department of Revenue re Notice of July 27 State Aid Payments
- b) KABA Legislative Breakfast on August 21
- c) KABA Reception on August 26 for UW-Parkside Chancellor Dr. Deborah Ford

Citizen's Comments

Supervisor's Comments

The Board took up item #12.

Authorize SOARR (Supporting Opportunities in Advancing Renewable Resources) Project at Fire Station #2

Motion by Sup. Wienke to accept SOARR project at Fire Station #2 subject to review and acceptance of documents by Town Attorney before execution, second by Sup. Harbach. Motion carried 5-0.

Review Plan Commission Recommendations:

- a) Public hearing and action on request by Town of Somers, P.O. Box 197, Somers, WI (Sponsor), Berwick Properties, Inc. 4011 80th Street, Kenosha, WI (Owner) to rezone from R-9 Multiple Family Residential District to I-1 Institutional District on part of tax parcel #80-4-222-151-0560, located in the northeast quarter of Section 15, Township 2 North, Range 22 East, Town of Somers, Kenosha County, Wisconsin. For informational purposes only, this property is located on the south side of CTH "E" (12th Street) approximately ¼ mile west of STH 31 (Green Bay Road) and just east of the Pike Creek.

Motion by Sup. Loomis to concur with the Plan Commission and approve rezoning, second by Sup. Harbach. Motion carried 5-0.

b) Monument Sign approval for Dejno's, Inc., 5670 Green Bay Road, Kenosha, WI 53144. This property is located on the north side of County Trunk Highway "S" (38th Street) approximately ½ mile east of the intersection of County Trunk Highway "EA" (72nd Avenue).

No action as this item was tabled by the Plan Commission.

c) Public hearing and action on request from Golden Oil-Somers USA LLC, 1840 Beloit Avenue, Janesville WI, (Owner), requesting an amendment to current Conditional Use Permit to allow outdoor dining on Tax Parcel #80-4-222-193-0200 located in the southwest quarter of Section 19, Township 2 North, Range 22 East, Town of Somers, Kenosha County, Wisconsin. For informational purposes only, this property is located on the northeast corner of the intersection of I-94 and CTH "S".

Motion by Sup. Harbach to concur with the Plan Commission and approve amendment to current Conditional Use Permit subject to the following 7 conditions: 1. Dining area to will be enclosed by a wrought-iron fence. 2. 3 to 4 planters on the outside of fence or integrated with fence containing flower or shrubs with a minimum size of 30" in diameter. 3. No outside music. 4. No outside lighting. 5. No backing into parking stalls if front of dining area. 6. 4' access between tables for wheel chair accessibility. 7. No alcohol consumption on premises; second by Sup. Loomis. Motion carried 5-0.

Approve appointment of Barb Willkomm to the Park Commission

Motion by Sup. Ferber to approve appointment of Barb Willkomm to the Park Commission, second by Sup. Harbach. Motion carried 5-0.

Approve Amended Developer's Agreement between Town of Somers and Developer for Willow Creek Condominiums

Motion by Sup. Harbach to approve Amended Developer's Agreement between Town of Somers and Developer for Willow Creek Condominiums, second by Sup. Ferber. Motion carried 5-0.

Action on proposed Resolution No. 09-012 Acceptance of Bradford Corporation/ Somers Market Center Infrastructure

Motion by Sup. Wienke to adopt Resolution No. 09-012 Acceptance of Bradford Corporation/ Somers Market Center Infrastructure, second by Sup. Loomis. Motion carried 5-0.

Action on proposed Resolution No. 09-013 Budget Resolution 2009

Motion by Sup. Harbach to adopt Resolution No. 09-013 Budget Resolution 2009, second by Sup. Wienke. Motion carried 5-0.

Award Bid for Public Works Marshalling Yard Fence

Motion by Sup. Wienke to award bid to American Fence in the amount of \$14,877.00, second by Sup. Harbach. Sup. Wienke & Harbach withdrew their motion. Motion by Sup. Wienke to table for 2 weeks, second by Sup. Harbach. Motion carried 5-0.

Action on Proposed Ordinance No. 09-007 to Repeal & Recreate Section 5.14 of the Code of Ordinances of the Town of Somers Relating to Rescue Squad Fees Established

Motion by Sup. Loomis to waive the first reading, second by Sup. Wienke. Motion carried 5-0. Motion by Sup. Loomis to adopt Ordinance No. 09-007 to Repeal & Recreate Section 5.14 of the Code of Ordinances of the Town of Somers Relating to Rescue Squad Fees Established, second by Sup. Wienke. Motion carried 5-0.

Approve Claims Policy

Motion by Sup. Wienke to approve Claims Policy, second by Sup. Loomis. Motion carried 5-0.

Approval of Temporary "Class B" Fermented Malt Beverage & Wine licenses for Hawthorn Hollow Nature Sanctuary, 880 Green Bay Road, on August 14 & September 5, 2009 and waiver of fees

Motion by Sup. Harbach to grant Temporary Class B Fermented Malt Beverage & Wine Licenses to Hawthorn Hollow Nature Sanctuary, 880 Green Bay Road, on August 14 & September 5, 2009 and waive the fees, second by Sup. Ferber. Motion carried 4-1 with Chairman Smith voting nay.

Public Hearing & Action on Original "Class B" Combination Fermented Malt Beverage & Liquor License application for Lakeside Lounge, 1091 Sheridan Road, Kenosha, WI 53144, Samira Gonzales, Agent

Motion by Sup. Loomis to deny based the following 5 reasons:

Approval of Operator licenses: Amanda J. Fellows, Stephanie A. Koser, Benjamin Michaelis, Justin D. Traughber. Temporary: Joe Fonk

Motion by Sup. Loomis to grant operators licenses to Amanda J. Fellows, Stephanie A. Koser, Benjamin Michaelis, Justin D. Traughber, and a Temporary license to Joe Fonk, second by Sup. Harbach. Motion carried 5-0.

Adjournment

There being no further business, the meeting was adjourned at 7:58 p.m.

Submitted by
Timothy Kitzman, Clerk-Treasurer

These minutes are not official until approved by the Town Board



**Village of Somers
Proceeding from the Village Plan Commission Meeting
August 8, 2022**

1. Call to Order

Chairman Stoner called the meeting to order at 5:30 p.m.

Present: Chairman George Stoner, as well as Commissioners Aiello, Boxx, Lee, and Grimes. Commissioners Fredrick and Gardinier had excused absences.

Staff Present in person: Assistant to the Administrator Cassandra Bodenbach and Administrator Jason Peters via Teams

Kenosha County Planners: Luke Godshall via Teams

2. Pledge of Allegiance

Chairman Stoner led everyone in stating the Pledge of Allegiance.

3. Approve Minutes of July 11, 2022

Commissioner Boxx moved to approve to the Minutes from the July 11th Meeting. Seconded by Commissioner Aiello. Motion carried. 5-0 vote.

4. Correspondence

None.

5. Citizen Comments

None.

6. Conditional Use Permit:

Public Hearing and Action on Request by: Somers USA, LLC, 1170 22nd Avenue, Kenosha, WI 53140 (Owner), Ted Gement, BP Kenosha Travel Plaza, 1170 22nd Avenue, Kenosha, WI 53140 (Agent); requesting an amendment to a previously approved Conditional Use Permit to allow alcohol consumption on the premises in the B-3 Highway Business District on Tax Parcel # 82-4-222-193-0202 located in the southwest quarter of Section 19, Township 2 North, Range 22 East, Village of Somers. For informational purposes only, this property is located on the northwest corner of the intersection of 120th Avenue (the east frontage road of I-94) and County Trunk Highway “S”.

Public Hearing was opened at 5:31 p.m.

Public Comment:

None.

Public Hearing was closed at 5:31 p.m.

Commissioner Boxx moved to approve an amendment to a previously approved Conditional Use Permit to allow alcohol consumption on the premises in the B-3 Highway Business District. Seconded by Aiello.

Commissioner's Discussion:

The lights surrounding the building were mentioned as they are not shielded enough on the property and are blinding from the north. The owner of the property reassured the commission that it will be taken care of

He also wanted to point out that the serving of alcohol will not change the environment of the establishment. It will be low-key, have limited hours, and not a typical bar atmosphere.

Motion passed 5-0 vote.

7. Site Plan Review & Exterior Fenestration:

Action o request by: **RCG SOMERS LLC, 3060 Peachtree Rd NW Ste 400, Atlanta, GA 30305 (owner), Jeana Kedrowski, ISG, Inc., 7900 International Drive, Ste 550, Bloomington, MN 55425 (Agent), requests approval of a site plan and exterior fenestration for a proposed car wash on Tax Parcel 82-4-222-271-0339, located in the NE ¼ of Section 27, T2N, R22E, Village of Somers.**

Commissioner Boxx moved to approve site plan and exterior fenestration for a proposed car wash. Seconded by Aiello.

Commissioner's Discussion:

All of the commissioners agreed there is concern for the traffic patterns and flow. However, Commissioner Boxx stated the development fits nicely in that area and is a good use of the property.

Commissioner Stoner and Administrator Peters pointed out the issues we have had in maintaining the roads and easements and they will not be an issue in the future. RCG must maintain the property.

Motion passed 5-0 vote.

8. Adjourn

Commissioner Boxx moved to adjourn at 5:43 p.m. Seconded by Aiello.

Motion carried. 5-0 vote.

Drafted this 9th day of August 2022. These minutes are not official until approved by the Plan Commission. Submitted by Cassandra Bodenbach, Assistant to the Village Administrator



May 2015

VILLAGE OF SOMERS

Department of Planning & Development

RECEIVED

JUN 22 2022

Kenosha County
Planning and Development

CONDITIONAL USE PERMIT APPLICATION

(a) Property Owner's Name:

Parveen Bhardwaj

Print Name: Parveen Bhardwaj

Signature: 

Mailing Address: 1170 22nd Ave

City: Kenosha

State: WI

Zip: 53140


Phone Number: 262-425-1675

E-mail (optional): paul@goldenoilcompany.com

Note: Unless the property owner's signature can be obtained in the above space, a letter of agent status signed by the legal property owner must be submitted if you are a tenant, leaseholder, or authorized agent representing the legal owner, allowing you to act on their behalf.

(b) Agent's Name (if applicable):

Print Name: Ted Gement

Signature: 

Business Name: BP Kenosha Travel Plaza

Mailing Address: 1170 22nd Ave

City: Kenosha

State: WI

Zip: 53140

Phone Number: 262-554-1085

E-mail (optional): ted@goldenoilcompany.com

(c) Architect's Name (if applicable):

Print Name: _____

Signature: _____

Business Name: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Phone Number: _____

E-mail (optional): _____

(d) Engineer's Name (if applicable):

Print Name: _____

Signature: _____

Business Name: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Phone Number: _____

E-mail (optional): _____

CONDITIONAL USE PERMIT APPLICATION

(e) Tax key number(s) of subject site:

82-4-222-193-0202

Address of the subject site:

11800 Burlington Road, Kenosha, WI. 53144

(f) Plan of Operation (or attach separate plan of operation)

Type of structure:

Brick Building

Proposed operation or use of the structure or site:

Lounge for food and drink consumption. No food will be made in this area. It will be made in the kitchens in other areas of the store and delivered back to the lounge. Limited selection of liquor and beer as well as limited hours

Number of employees (by shift): 2

Hours of Operation: TBD

Any outdoor entertainment? If so, please explain: no

Any outdoor storage? If so, please explain: no

Zoning district of the property: B-3

(g) Attach a plat of survey prepared by a professional land surveyor or site plan drawn to scale and approved by the Kenosha County Department of Planning & Development showing all of the information required under section 12.05-1(h)3 for a zoning permit. In addition, the plat of survey or site plan layout shall show the location, elevation and use of any abutting lands and the location and foundation elevations of structures within 50 feet of the subject site; soil mapping unit lines; ordinary high water mark, historic high water marks and floodlands on or within 50 feet of the subject premises, existing and proposed gravel, asphalt and concrete surfaces, existing and proposed signage, existing and proposed buildings, and existing and proposed landscaping.

CONDITIONAL USE PERMIT APPLICATION

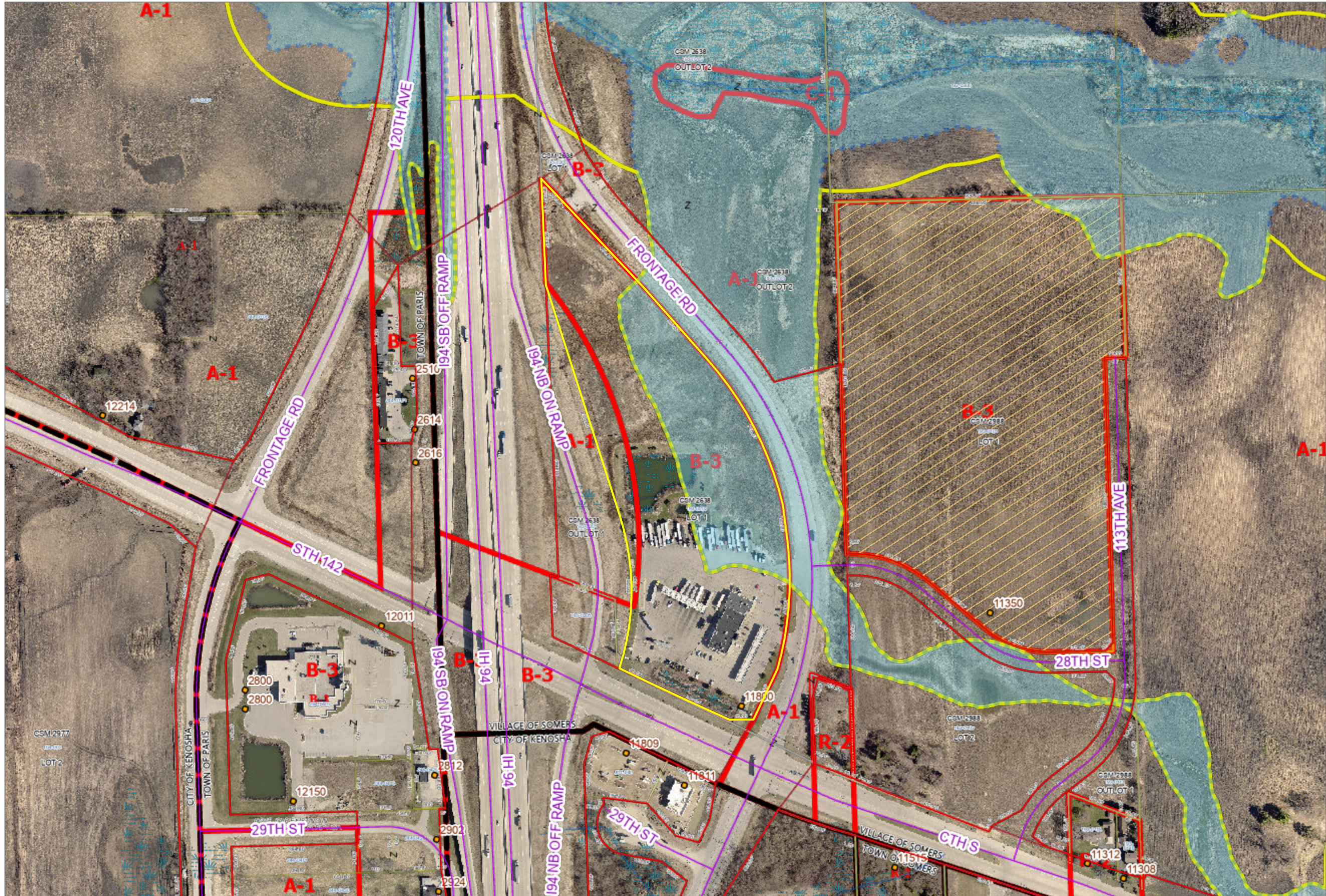
For conditional use permit applications that are made within shoreland and floodland areas, such description shall also include information that is necessary for the Village Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human, animal or aquatic life. This additional information may include plans, certified by a registered professional engineer or professional surveyor, showing existing and proposed elevations or contours of the ground; fill or storage elevation; basement and first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets water supply and sanitary facilities; aerial photographs, and photographs showing existing surrounding land uses and vegetation upstream and downstream; soil types and any other pertinent information required by either the Village of Somers Planning & Development office, Village Plan Commission or Village Board:

(h) The Kenosha County Department of Planning & Development may ask for additional information.

(i) The fee specified in Section 12.05-8 of this ordinance.

Request for Conditional Use Permit (payable to "Kenosha County") \$1,350.00

(For other fees see the Fee Schedule)



1 Inch = 300 Feet



PROPOSED REMODEL FOR -- KENOSHA TRAVEL PLAZA

SOMERS

WISCONSIN

SHEET INDEX

SHEET	SHEET TITLE
A1.0	FLOOR PLAN, INDEX, TITLE

PROJECT INFORMATION

APPLICABLE BUILDING CODE

2015 INTERNATIONAL BUILDING CODE (W/WI AMENDMENTS)
2015 IBC EXISTING BUILDING CODE

WORK AREA

CHANGE OF USE
PROPOSED REMODEL 854 SF
NET AREA 703 SF
OCCUPANT LOAD @ 15SF 47 OCC

NEW OCCUPANCY

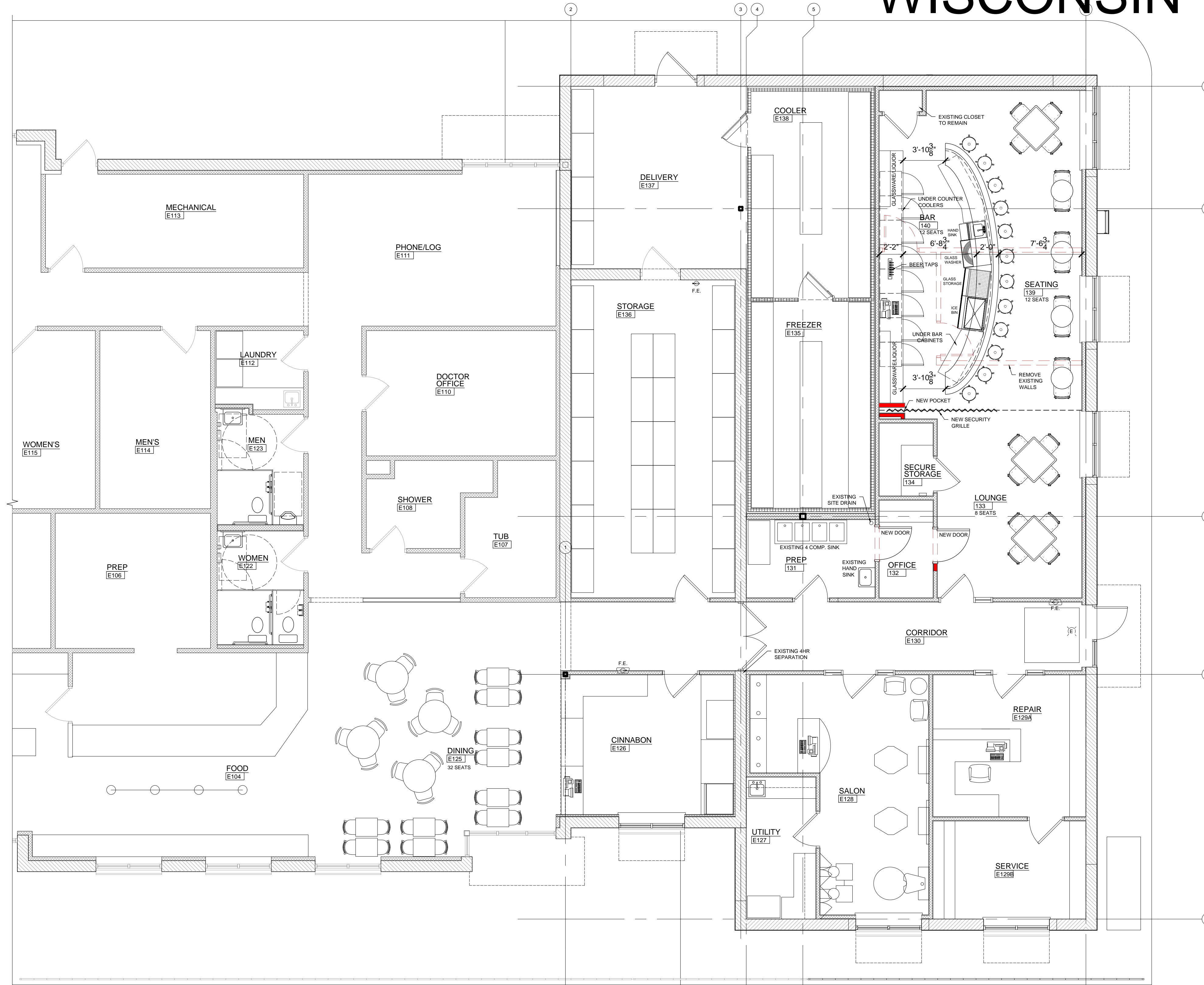
TAVERN/BAR - PER IBC 303.1 (1) LESS THAN 50 OCC
IS B-OCCUPANCY

CONSTRUCTION CLASSIFICATION

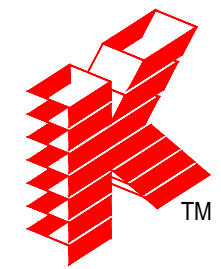
TYPE 3B CONSTRUCTION
NON-SPRINKLED
FIREWALL SEPARATION

EXITING

IBC 1015.1 ALLOWS ONE EXIT



PLANNERS | ARCHITECTS | BUILDERS



Keller
PLANNERS ARCHITECTS BUILD

FOX CITIES
N216 State Road 55
P.O. Box 823
Kaukauna, WI 54130
Phone (920)766-5795
1-800-236-2534
Fax (920)766-5004

MADISON
3308 Nursery Drive
Madison, WI 53762
Phone (608)445-2245

MILWAUKEE
W204 N11509
Cokindale Rd
Germanstown, WI 53022
Phone (262)250-9710
1-800-236-2534
Fax (262)250-9740

WAUSAU
5605 Lisc Ave
Wausau, WI 54901
Phone (715)849-3141
Fax (715)849-3181

www.kellerbuilds.com

PROPOSED REMODEL FOR:
KENOSHA TRAVEL PLAZA

WISCONSIN
SOMERS

"COPYRIGHT NOTICE"
This design, drawing and detail is the copyrighted property of KELLER, INC. No part hereof shall be copied, duplicated, distributed, disclosed or made available to anyone without the expressed written consent of KELLER, INC.

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT MANAGER:

D.UTTECH

DESIGNER:

R.LINDSTROM

DRAWN BY:

RGL

EXPEDITOR:

.....

SUPERVISOR:

.....

PRELIMINARY NO.:

.....

CONTRACT NO.:

.....

DATE:

02 APRIL 2022

SHEET:

A1.0

CONDITIONAL USE PERMIT

Document Number

Document Title

Effective Date: _____

The Village Board of the Village of Somers, Kenosha County, Wisconsin, hereby grants to the owners and lessees of the following referenced parcel, described with more particularity on the legal description attached hereto and incorporated herein by reference, the right for the owners, their lessees, agents or representatives, to utilize the real property known as 11800 Burlington Road, Kenosha, Wisconsin 53144, for all allowed uses in the B-3 "Business District" and to operate an outside dining area, subject to the following conditions:

1. This Conditional Use Permit is subject to the application of the owner, Somers USA, LLC, for such purpose on file in the office of the Clerk/Treasurer for the Village of Somers dated the 15th day of July, 2009.
2. There shall be no outside storage of any kind.
3. All tires, equipment and other personal property shall be stored inside a building.
4. Any expansion of the conditional use granted herein shall occur only following review by and by consent of the Village Board.
5. Subject to the conditions present in the Village of Somers General Zoning and Shoreland/Floodplain Zoning Ordinance including the following:
 - (a) All servicing and repair work shall be within an enclosed structure. Repair materials, new, used or junk parts shall not be stored outside unless the storage area has a solid masonry enclosure matching the building with solid gates. Fences shall be of uniform design and height and be properly maintained for aesthetic purposes.
 - (b) Lights shall not be beamed directly onto adjoining property.
 - (c) The hours of use may be limited to prevent disturbance to abutting property owners. The undersigned agrees to limit the hours of operations of the outdoor dining area of the premises to Sunday through Thursday from 5:00 a.m. to 10:00 p.m. and Friday through Saturday from 7:00 a.m. to 11:00 p.m.

Recording Area

Name and Return Address

Davison Law Office, Ltd.
1207 55th Street
Kenosha, WI 53140

82-4-222-193-0202

Parcel Identification Number (PIN)

- (d) There shall be no outside music speakers or live music.
 - (e) Any approval granted must be in conformance with the restrictions of any liquor license issued for the establishment.
6. This Conditional Use Permit (CUP) shall replace and supersede all prior CUPs for the Property including, but not limited to, that certain CUP issued by Kenosha County on September 9, 2009.
 7. Subject to Section 12.08-2 of the Village of Somers General Zoning and Shoreland/Floodplain Zoning Ordinance; Site Plan Review.
 8. Subject to Section III.G. of the Village of Somers General Zoning and Shoreland/Floodplain Zoning Ordinance; General Land Use Regulations, Traffic, Parking and Access.
 9. Subject to compliance with Chapter 18 of the Village of Somers municipal code.
 10. All existing landscape components shall be kept in a neat and trimmed condition. If components of said landscaping plan become damaged, destroyed or dead then said component(s) shall be replaced within thirty (30) business days.
 11. Subject to any dumpster locations being appropriately enclosed by a masonry matching the building and/or screened from view from street right-of-ways and adjacent residential uses per Section 12.08-2(a)15 of the Village of Somers General Zoning and Shoreland/Floodplain Zoning Ordinance.
 12. A zoning permit shall be applied for and issued by the Department of Planning and Development prior to commencing construction of any structures (building, fences, decks, signage, etc.).
 13. Pursuant to Section 12.29-5(k) of the Village of Somers General Zoning and Shoreland Floodplain Zoning Ordinance, this Conditional Use Permit shall not be valid unless recorded with the office of the Kenosha County Register of Deeds within five (5) days after the issuance of the permit. Any recording fees shall be paid by the applicant.
 14. It is the responsibility of the petitioner to assure and guarantee that the above conditions are fully complied with. This includes, but is not necessarily limited to, meeting conditions established herein, providing any applicable letters of credit, providing and following approved plans, obtaining permits prior to construction, making improvements, participating in coordination meetings with governmental officials, following established time frames, meeting deadlines, and providing additional information where deemed necessary. Any unauthorized deviation from the approved plans and conditions shall result in the issuance of a citation and/or applicable stop work order by the Village of Somers or other applicable agencies until such time as the Conditional Use Permit is brought back into compliance.

Confirmed violation of the conditions, as set forth herein shall result in a recommendation for revocation of the Conditional Use Permit.

15. Any substantial change or expansion of the submitted plan of operation, i.e. new buildings and/or change in use, shall require the petitioner to reapply for a Conditional Use Permit to the Village of Somers for its review and approval.
16. The undersigned shall fully cooperate with any law enforcement personnel performing inquiries or investigations. Any substantial change or expansion of the submitted plan of operation (i.e. expansion of the proposed outside dining area or addition of new outside dining areas) shall require the applicant to reapply for a Conditional Use Permit to the Village of Somers for its review and approval.
17. There shall be no alcohol on any portion of the premises which comprises the exterior seating area as depicted on the attached Exhibit "B" or on any other portion of the premises which is not licensed for alcohol consumption or sale.
18. No person under the age of 21 shall be allowed to be in the alcohol licensed portion of the subject premises unless accompanied by their parent or by their spouse who is 21 years of age or older. Security measures for the premises to be approved by the Village Building Inspector and Kenosha County Sheriff's Department.
19. The area to be utilized for outdoor seating area shall be as depicted on the attached Exhibit "B" which is incorporated by reference. This area shall be enclosed by a fence approved by the Village Administrator and shall be accessible only from the interior of the licensed premises. Provisions shall be made for an emergency exit from the enclosed area, which access shall be kept closed at all times other than in an emergency.
20. If the property ownership and/or tenant shall happen to change, then it is the responsibility of the person(s) that signed these conditions to notify the new owner and/or tenant of all above-stated conditions of approval. Any new owner and/or tenant must contact the Village of Somers to discuss use and obtain a certificate of compliance.
21. That this Conditional Use Permit shall be construed as a covenant running with the land and shall be binding upon the undersigned owners, lessees, and/or their successors and assigns. In the event that property ownership and/or ownership of the business of the lessees changes, then it shall be the responsibility of the person(s) that executed these conditions to notify such new owner(s) and/or lessee(s) of all of the conditions stated herein.
22. In the event that there are any violations of the conditions stated herein, or other violations of the Village of Somers General Zoning and Shoreland/Floodplain Zoning Ordinances, then, upon written notice to the undersigned, the Village Board shall review such alleged violation(s) and may revoke, modify or amend the conditions stated herein.

EXHIBIT "A"

Lot 1 of Certified Survey Map No. 2638, recorded in the Kenosha County Register of Deeds office on September 2, 2008 as Document No. 1566900; Together with Affidavit of Correction recorded in said Register's office on March 13, 2009 as Document No. 1582100; being located in a part of the fractional Northwest 1/4 and fractional Southwest 1/4, Section 19, Town 2 North, Range 22 East of the Fourth Principal Meridian; said land lying and being in the Village of Somers, Kenosha County, Wisconsin.

Address: 11800 Burlington Road
Tax Key No. 82-4-222-193-0202

Jason Peters

From: Ted <ted@goldenoilcompany.com>
Sent: Wednesday, March 9, 2022 12:55 PM
To: Jason Peters
Cc: Paul Bhardwaj
Subject: FW: BP Kenosha Travel Plaza
Attachments: Class B license request.pdf; Letter for Golden Oil standing.pdf

Jason,

Can you please distribute this to all your board members and please contact me when they are ready to move forward.

Thanks Ted,

To all board members

My name is Ted Gement and I am acting as an agent for BP Kenosha Travel Plaza at 11800 Burlington Road. We currently have about 900 square feet of empty space that used to be occupied by our corporate offices that moved to 22nd Ave & Hwy E when we completed our new building. We would like to remodel this space into a lounge where customers can get a pizza or other food offerings that are available at our Travel Center and be able to sit in a quiet environment and enjoy their food with an alcoholic beverage. This is not an effort to open a bar at our location just a place for people to relax and enjoy their meal. It will have limited refreshments available and will also have limited hours. Both of our competitors on Hwy 20 and I-94 currently enjoy this benefit. We are a responsible business that has not had any major problems in the 13 years that we have been open. We are requesting that the board modify our Developers Agreement where it references no alcoholic beverages be served on the property so we would be able to apply for a class B license in order to proceed with our project. I have included a copy of the Class B request as well as a letter from Pleasant Springs addressing our status as a good neighbor in their community. Any questions please feel free to contact me

Thanks Ted,

Ted Gement

Sales Manager
Golden Oil Company

Direct 262-425-1500 Ext 2005

Cell 262-554-1085

Fax 262-854-5036

Email ted@goldenoilcompany.com

Web www.goldenoilcompany.com



DAVID PFEIFFER, Town
Chairperson
1838 Oakview Dr
Stoughton WI 53589
Ph: 608-873-0880

DANA STADLER, Supervisor 1
1813 Skyline Dr
Stoughton WI 53589
Ph: 608-492-0095

ERIC OLSON, Supervisor 2
3044 Shadyside Dr
Stoughton WI 53589
Ph: 608-873-1834

TOWN OF PLEASANT SPRINGS

Dane County

Pleasant Springs Town Hall
2354 County Rd N
Stoughton WI 53589-2873
Tel. (608)873-3063
Fax: 877-9444

Email: clerktreasurer@pleasantsprings.org

JAY DAMKOEHLER, Supervisor 3
2663 CTH B
Stoughton WI 53589
Ph: 608-205-8578

JANIECE BOLENDER, Supervisor 4
1970 Rinden Road
Cottage Grove, WI 53527
Ph: 608-877-1936

MARIA HOUGAN, Clerk/Treasurer
2354 County Rd N
Stoughton WI 53589
Ph: 608-873-3063

March 8, 2022

Village & Town of Somers
P.O. Box 197
Somers WI 53171

To Whom It May Concern,

Golden Oil developed a commercial property in 2018 in the Town of Pleasant Springs. Since then, there have been no complaints or problems that have been presented to the township.

Sincerely,

Laura Trotter
Deputy Clerk/Treasurer

**SECOND AMENDMENT TO DEVELOPER'S AGREEMENT
BETWEEN THE VILLAGE OF SOMERS
AND GOLDEN OIL CO., INC. AND SOMERS USA, LLC**

WITNESS THIS AGREEMENT made and entered into this ____ day of April, 2022, by and between the VILLAGE OF SOMERS, Kenosha County, Wisconsin, the VILLAGE OF SOMERS UTILITY DISTRICT ("District") and the VILLAGE OF SOMERS WATER UTILITY ("Utility") (the Village of Somers, the Utility and the District are hereinafter collectively referred to as the "Village") and GOLDEN OIL CO., INC., a corporation duly organized and existing under the laws of the State of Wisconsin and SOMERS USA, LLC, a limited liability company duly organized and existing under the laws of the State of Wisconsin (collectively referred to herein as the "Developer").

WHEREAS, the Town of Somers, now Village of Somers, and the Developer have entered into a Developer's Agreement dated August 15, 2008, which Agreement was recorded in the office of the Register of Deeds for Kenosha County, Wisconsin, on September 16, 2008, as Document No. 1567975 for the development of certain real property described with more particularity as follows:

INSERT NEW LEGAL DESCRIPTION

Tax Key No. 82-4-222-193-0202

WHEREAS, the Developer has requested a second amendment to the current uses at the subject property so as to allow for the issuance of a "Class B" and Class "B" Liquor License ("a Tavern License") for the sale and consumption of liquor on a certain portion of the subject property as is specified herein to be leased to a new tenant (a second tenant); and

WHEREAS, the Developer's tenant (the first tenant) currently has been issued by the Village a Class "A" Beer License "Class A" Liquor License for a portion of the subject property (a "Carryout License") for the sale of fermented malt beverages and intoxicating liquors on a portion of the subject property which is separate and apart from the area which is the subject of the Developer's request for a licensee (the second tenant) to be allowed to obtain a Tavern License; and

WHEREAS, the Village Board hereby approves the amendment to the uses to be allowed on the subject property subject to the following terms and conditions:

- (1) Use of the area sought to be utilized for the sale and consumption of any alcoholic beverages shall be subject to the issuance of appropriate licenses by the Village Board annually. Nothing in this Amendment grants to the Developer any license for the sale or consumption of alcohol beverages on any portion of the subject property. Any applicant utilizing any portion of the subject property shall be subject to the laws and regulations imposed by the State of Wisconsin and the

Developer's Initials _____

Village of Somers concerning the issuance, operation and renewal of any such License(s) including, but not limited to, Chapter 125 of the Wisconsin Statutes, regulations promulgated by the Wisconsin Department of Revenue and Chapter 11 of the Code of Ordinances of the Village of Somers; and

- (2) In the event that a Lessee of the Developer obtains a license for the sale and consumption of “Class B” Alcoholic Beverages for the subject property, the area where alcohol beverages shall be dispensed and consumed shall be only that area which is described in the attached Exhibit “A” which is incorporated herein by reference. The storage of alcoholic beverage shall be confined to that area described on the attached Exhibit “A”; and
- (3) If at any time alcohol beverages are sold and consumed on the subject property a licensed operator (“Licensed Bartender”) who is an employee of the licensee shall be personally present within the area so designated. It will not be sufficient to have a licensed operator present elsewhere within the building. Each licensee must have personally present within the area granted a license a licensed operator. For purposes of clarification, a licensed operator who is overseeing the sale of fermented malt beverages under the Carryout License issued to the subject property would not constitute the personal presence of a licensed operator in the Tavern License portion of the property and visa versa; and
- (4) No live music shall be allowed at any time. No cabaret license is issued to any portion of the subject property by virtue of this Second Amendment; and
- (5) The Developer may place proper signage advertising the sale and consumption of alcoholic beverages within the interior of the building. However, any signage on the subject property which is on the exterior of either the building or elsewhere on the property must comply with all elements of the Village Code of Ordinances pertaining to signs; and
- (6) No consumption of alcohol beverages of any type shall be allowed anywhere on the subject premises including the outdoor dining area other than in a licensed area; and
- (7) Upon violation of any law or ordinance adopted State Statute which results in the suspension, revocation or non-renewal of one or more alcohol beverage licenses issued to the subject property, the Village may, upon ten (10) days written notice, immediately revoke this Second Amendment to the Developer’s Agreement.

In all other respects, all provisions of the Developer’s Agreement between the parties hereto dated August 15, 2008 and the First Amendment to the Developer’s Agreement between the parties dated August 18, 2009 shall remain in full force and effect as if fully stated herein; and

Developer’s Initials _____

DEVELOPER
Golden Oil Co., Inc.

By: _____
Printed Name: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me this _____ day of _____, 2022, the above _____
_____ on behalf of Golden Oil Co., Inc., to me known to be the
person who executed the foregoing instrument and acknowledged the same.

Printed Name: _____
Notary Public; _____ County, WI
My commission expires _____.

Somers USA, LLC

By: _____
Printed Name: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me this _____ day of _____, 2022, the above _____
_____ on behalf of Somers USA, LLC, to me known to be the
person who executed the foregoing instrument and acknowledged the same.

Printed Name: _____
Notary Public; _____ County, WI
My commission expires _____.

Developer's Initials _____



**VILLAGE OF SOMERS
VILLAGE BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: August 23, 2022

TO: Village President Stoner and Village Trustees

PREPARED BY: Brandi Baker, Clerk/Treasurer

AGENDA ITEM: #9 Action on recommendation to approve operator licenses

BACKGROUND:

Madelynn Arnsmeier has applied for operators' licenses for the Village of Somers. No discrepancies with the applications.

PRIOR ACTION TAKEN:

None.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Staff recommends approval. In the event that the Village Board agrees with the recommendation to approve applications, a suggested motion would be as follows:

“Motion to approve Operator Licenses: Madelynn Arnsmeier”

ATTACHMENTS:

NONE