

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
October 27, 2008**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on October 27, 2008. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessl; Jim Bandura; John Braig; Andrea Rode; Larry Zarletti; and Judy Juliana. Donald Hackbarth was excused. Also in attendance were Mike Pollocoff, Village Administrator; Peggy Herrick, Assistant Village Planner and Zoning Administrator and Tom Shircel, Assistant Village Planner and Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE OCTOBER 13, 2008 PLAN COMMISSION MEETING.**

Larry Zarletti:

Move approval, Mr. Chairman.

Wayne Koessl:

Second.

Tom Terwall:

MOVED BY LARRY ZARLETTI AND SECONDED BY WAYNE KOESSL TO APPROVE THE MINUTES OF OCTOBER 13, 2008 AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

- 4. CORRESPONDENCE.**

Peggy Herrick:

We have no correspondence tonight. However, I want to remind the Plan Commission of a special working session November 6th here at the Village Hall at 5:00 p.m. regarding the RV ordinance. I just wanted to remind everybody of that.

5. CITIZEN COMMENTS.

Tom Terwall:

If you're here tonight for Item 6, the public hearing, we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as a part of the official record. However, if you're here for anything else that is not on the agenda, now would be your opportunity to speak. We would ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments?

6. NEW BUSINESS.

A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of Dan Hernandez agent for 5 Star Gas Properties, LLC, owner to construct and operate a BP Gas Station and Car Wash on the vacant property located at 12439 Sheridan Road.

Peggy Herrick:

This is the request of Dan Hernandez, agent, for 5 Star Gas Properties, LLC, owner of the property located at 12439 Sheridan Road to construct and operate a BP Gas Station and Car Wash on this vacant property.

As a part of the hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request and I'm going to go through those right now.

1. Again, this is the request for Dan Hernandez agent for 5 Star Gas Properties, LLC, owner who is requesting approval of Conditional Use Permit including Site and Operational Plans to construct a BP Gas Station and Car Wash on the vacant property located at 12439 Sheridan Road. Exhibit 1 is a copy of the application and related materials. Just for your information, this site was previously a gas station. The building was removed about a year ago. Three pumps and a canopy remain. The subject property is located in a part of the Southeast One Quarter of U.S. Public Land Survey Section 31, Township 1 North, Range 23 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie and further identified as Tax Parcel Number 93-4-123-314-0350.
2. The property is zoned B-2, Community Business District. Pursuant to Section 420-119 D. of the Village Zoning Ordinance, a gasoline station with a convenience store and a car wash is allowed in the B-2 District with the approval of a Conditional Use Permit. This property is about 0.97 acres, has 212 feet of frontage on the Sheridan Road which is also State Trunk Highway 32. This lot is considered a legal non-conforming lot in that the lot does not meet the current two acre minimum lot size requirement of the B-2 District. So,

again, this is a legal but non-conforming lot because it doesn't meet the lot size of the B-2 District.

3. Pursuant to the application a 3,700 square foot convenience store which includes a 506 square foot fast food tenant such as a McDonalds or Subway is proposed. No alcohol will be sold on the property pursuant to the application. The three existing pumps on the site will remain and three additional pumps will be added. The canopy will be extended to cover the three new pumps. In addition, there's a 1,274 square foot touch less carwash facility with an internal recovery system which is attached to the convenience store building. The plans do not provide the minimum on-site parking spaces to allow for a fast food restaurant tenant within the building as indicated to the owner in previous reviews of the project dated August 17, 2007 and May 22, 2008. I will be discussing the minimum parking requirements further on in the staff memorandum. The building will be constructed of split face stone CMU, single score flush face CMU, brick, dimensional and asphalt shingles as shown on the plans and the color sample board as shown right below here on the table of the samples of the materials and the colors. All mechanical systems will be on the roof and shall be screened from view and the entire property is being repaved.
4. **Site Access and On-site Parking:** The two existing access points on Sheridan Road will remain. These access areas are 35 feet wide. In addition, the owner has provided for future cross access easement with the property to the south to promote safe and controlled access points for potential future commercial development to the south of this property. The Village will allow for parking space 13 and 14 on the plan to be located within the cross- access easement area until commercial development occurs to the south. The cross-access easement is shown on Exhibit 2. The site provides 23 parking spaces plus one handicapped space. Pursuant to the Village Zoning Ordinance the number of parking spaces required for a gasoline station with a convenience store including a fast food restaurant is five spaces per each 1,000 square feet of gross floor area plus one space per each employee on the largest shift, plus the required handicapped parking spaces pursuant to the State Code. Therefore, for the proposed 4,974 square foot facility requires 25 parking spaces plus one space for each employee, two employees indicated, however this does not appear to include the number of employees for the fast food restaurant, plus the required handicapped spaces. Therefore, the parking spaces are not adequate for a gas station with a convenience store and a fast food restaurant.

Pursuant to the Village Zoning Ordinance the number of parking spaces required for a gas station with a convenience store excluding a fast food restaurant requires five spaces per each 2,000 square feet of gross floor area plus one space per each employee on the largest shift, plus the required handicapped parking spaces pursuant to the State Code.

Therefore, the proposed 4,974 square foot gasoline station and convenience store excluding a fast food restaurant requires a minimum of 15 parking spaces including a required handicapped parking space. Furthermore, the parking spaces are adequate for the facility without a fast food restaurant. The building plans shall be revised to exclude the fast food restaurant tenant space.

5. The next item I'm going to discuss is the storm water. Due to the size of the site and the amount stormwater required to be detained on the site and developer is proposing to

install underground storage facility to handle the storm water. Specifically the storm water will be managed by a combination of:

- 1) Storm sewers and catch basin inlets,
- 2) A water quality system,
- 3) An underground detention system, and
- 4) Pervious asphalt.

The storm water management practices utilized for the redeveloped site was designed to reduce peak discharges in accordance with Village standards.

In general, storm water from the parking lot and gasoline station areas will be collected by catch basins and storm sewers then conveyed to an underground detention system. Prior to entering the detention system, the storm water runoff is routed through a water quality manhole to help remove any floating debris, particulate solids, and floating oils. This helps reduce debris from entering the designed detention system, in addition to providing a level of water quality control for the storm water ultimately being discharged from the site.

The underground detention system was designed after several attempts at providing a conventional retention pond. Due to the site's size constraints and the inability to provide adequate grading for a conventional pond, an underground detention system was designed. The underground detention system is comprised of a manifold pipe network with an outlet control manhole. The system functions in a similar fashion as a dry detention pond, however, the storm water storage is below ground within a designated pipe network. The detention system outlet device and storm sewer discharges runoff at a controlled rate to the south-east corner of the site.

The site design also provides for the rear car wash access drive to be constructed with pervious asphalt to help minimize the amount of generated runoff from the site. Pervious asphalt helps water to infiltrate through the pavement, reducing the amount of generated runoff from the site.

6. The next item is open space. 34 percent of the site will remain in open space. Again, 30 percent is required in the B-2 District. A number of trees on the site will need to be removed to accommodate the stormwater facilities and the site development. Additional landscaping will be planted and a six foot height cedar board on board fence will be constructed along the north property line adjacent to the existing and future residential development that will occur to the north.
7. According to the written narrative the facility will be open from 5:00 am to 12:00 pm and deliveries from 6:00 am to 12 pm. These hours comply with the Village Ordinance. However, the plans indicate that the pumps will be open 24 hours for payment at the pumps from midnight to 5:00 am. This is not allowed and this note should be removed from the plan set.
8. Employees: The property will be staffed with two full-time employees and three part time-employees as well as a full-time manger. In addition, the owners will have a maintenance man to maintenance the site.

9. The property security will include a DVR camera system as well as an alarm system.
10. Signage: The existing monument sign on the property will be removed and replaced with a new primary monument sign. The height of the primary monument sign shall not exceed 10 feet. The sign details in the plan need to be verified. One shows a 10 foot and one shows a 9 foot 8, so that needs to be clarified on the plan. And the display area is proposed to be 60 square foot per side. The base will be constructed of brick and stone to match the building and the sign will be internally illuminated and the complete address as required will be provided on the base. The sign shall be set back a minimum of 15 feet from the property line adjacent to Sheridan Road and a minimum of the height of the sign to the south property line. The wall signs on the building and canopy cannot exceed 75 square feet per the ordinance. Prior to the installation of any of these signs proper permits shall be obtained from the Village. The primary monument sign shall be installed prior to issuance of an occupancy permit.
11. Notices were sent to adjacent property owners via regular mail on October 7, 2008 and notices were published in the *Kenosha News* on October 13 and 20, 2008.
12. The petitioner was emailed a copy of this memo on October 23, 2008, not 22nd as indicated as indicated in the memo.
13. According to the Village's Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented tonight at the public hearing that the project as planned will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve the Site and Operational Plan application without finding in its decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other applicable Federal, State or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, noise, storm water management, streets and highways and fire protection.

With that, this is a public hearing.

Tom Terwall:

Is there anybody wishing to speak in this matter? Give us your name and address.

Bruce Spangler:

Bruce Spangler, 12408 Sheridan Road. I live kitty corner from the proposed station. I did have a couple things that I was looking at. Now, the operations of operation will be 5 a.m. to midnight?

Peggy Herrick:

Correct, that's what's allowed by the ordinance.

Bruce Spangler:

And that would include the station and the car wash?

Peggy Herrick:

Correct. That is the time when any public is allowed to be on site would be from 5 a.m. until midnight.

Bruce Spangler:

Car washes do make a lot of noise. One thing I didn't hear is the number of customers a day that would be using or that they propose would be using the facility. Does anybody—

Peggy Herrick:

We could ask the petitioner when you're finished.

Bruce Spangler:

Okay. I've lived in my house for close to 15 years now. The traffic has increased on Sheridan Road, and the traffic will definitely increase with a station and possibly fast food and car wash there. Has there been any consideration given to putting in turn lanes into the station? Because as of right now the speed limit is 35 at that particular area but, like I said, living there for as long as I have most of the vehicles are traveling 45 to 50 plus. Possibly we could start looking at moving that 35 mile an hour zone back maybe to the book store. That will at least give two tenths of a mile for things to slow down a little bit.

I've lived there for I think three different owners of the original station that was there. One of the benefits when the station did close there was a lot less garbage blowing around, lottery tickets and everything else that was produced from the station. I guess the only other comment that I have, if this is approved I would request some non invasive lighting to lessen the light pollution for the surrounding areas.

Tom Terwall:

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

John Braig:

A couple questions. Is this facility served by the municipal sewer, sanitary sewer?

Peggy Herrick:

Yes, and water.

John Braig:

Where does the car wash water go? Does that go into the sanitary?

Mike Pollocoff:

Sanitary.

John Braig:

Who will double check--will the Village Engineer double check the design of the storm water retention?

Mike Pollocoff:

He has. Their engineer is going to need to license or put their seal on it. He's looked at it and it meets the design requirements. But, again, we're going to rely on the design engineer's license to verify that it's going to perform as he's designed it.

John Braig:

That's good enough for me. The third item is lighting. Of all the lighting installations and service stations in the Village I think this one looks like one of the better ones I've seen both as far as canopy lighting which is recessed, lighting on the building is shielded, parking lot-type lighting is shoe box type with minimum glare or waste. We do have an installation out on Highway 50 which glares for miles around. I think if you look at the two you're going to see this one is a significant improvement.

Mike Serpe:

A couple of things. I think what Mr. Spangler brought up about the turn lanes is a possibility, not a possibility but I think we should look at that if not right now at some time in the future. If this is going to generate that type of customer count I think some safe passage while people are trying to make a left turn going south is a concern. Another concern I have, what's the distance from the end of the--let me correct that. The car washers enter from the east and exit to the west, is that correct? Does somebody know that?

Peggy Herrick:

You enter the car wash on the north side of the building and you come around the back of the building and you exit towards the west. You enter on the east and exit towards the west.

Mike Serpe:

Okay, that's what I thought. What's the distance from the end of that car wash approximately to Sheridan Road? Less than 100 feet?

Peggy Herrick:

Probably 80.

Mike Serpe:

80 feet. My only concern is—

John Braig:

Four cars.

Mike Serpe:

Four cars. My only concern on this is the exit during the winter months the water that will be carried to Sheridan Road as they exit freezing on the premise and who is going to be responsible for keeping the cars from sliding right out into Sheridan Road for what Bruce just said 45 to 50 mile an hour traffic?

Peggy Herrick:

It would be the owner's responsibility on his property to make sure that it's safe.

John Braig:

You said the entry is westbound, enter on the east and exit on the west?

Peggy Herrick:

Correct. The queuing is behind the building.

Mike Serpe:

That will take them right to Sheridan Road.

Peggy Herrick:

The queuing is behind the building for this car wash.

Jim Bandura:

It circles around the back.

Mike Serpe:

And it comes out towards—

John Braig:

You think there's still water dripping by the time they get to Sheridan?

Mike Serpe:

Exiting the car wash, sure. They're existing.

John Braig:

They're exiting on the west end.

Mike Serpe:

That's right. They're carrying the water—did you ever leave a car wash and—

John Braig:

My point is they're going to have to drive around the back side of the building and swing all the way around to the front and by then most of the water is going to be dripped off.

Peggy Herrick:

No, the other way around.

Mike Serpe:

No, they enter from the east and leave to the west.

Peggy Herrick:

Tom will show on the overhead.

Larry Zarletti:

How much distance is between the end of the car wash and I suspect there's a blow dryer in there? Yes. So from the end of the car wash where your car is all the way out to the street how much—

Peggy Herrick:

About 80 to 100 feet.

Larry Zarletti:

I don't see that as a problem. I mean it has a potential of doing that.

Mike Serpe:

And what I'm getting to is I want it on the record that I want the owners of this property to maintain a safe exit for people leaving that car wash. I've been to enough car washes Larry, and so have you. I know you have. The Scrub 'N Suds is slippery all the way to 75th Street in the wintertime but it's salted.

Larry Zarletti:

If they put some salt out there you'll be back sooner to get your car washed.

Mike Serpe:

All I'm trying to do is prevent a bad accident from happening. And if we could put a condition on here that that has to be maintained. That's going to be a problem.

Tom Terwall:

Mike, if you look at the car wash at the Mobile station in front of Menards, from the exit point from that car wash to the street is less than 80 feet I'm sure, and that's usually where I have my car washed. By the time you get outside there is no water. Very little, put it that way.

Mike Serpe:

I hope you're right, Tom. But I witnessed myself where I go is 75th and 30th it's icy all the way to 75th Street but they do salt it. It's slippery.

Mike Pollocoff:

One of the questions was raised about turning or bypass lanes or turn lanes on Sheridan Road. Since that's a State highway this is one of those things that normally if we were going to—if it's a brand new use we would require those to be put in and I think the State would as well. But they're not going to require a permit from the State on an existing use. So the access is as it is. It's grandfathered.

Larry Zarletti:

I think typically if you work with the police department at the opening of that station and they start to run some radar there and show a little presence. People are creatures of habit. I understand, sir, you've lived there a long time so you see what the flow is. But certainly the first approach to that would be to try to follow that up with some law enforcement presence so people would get the idea that they need to be slowed down.

Then the other point I wanted to make is the gentleman that talked about the 35 mile an hour being backed up a little bit, that's not a bad idea to take a look at if, in fact, the radar enforcement and kind of training people to slow down there isn't working. You might want to give them a little bit longer to be in a slower zone.

Tom Terwall:

Where is that 35 mile speed limit sign right now?

Mike Pollocoff:

It's right by the site. So you're coming from 45 to 35.

Tom Terwall:

The County would have to make that determination?

Mike Pollocoff:

No, the State could. We could ask the State to reduce that speed limit. Bring it back to whatever point. If we wanted to make it 116th or whatever.

Tom Terwall:

That's not a bad idea.

Mike Pollocoff:

Ultimately it's their call.

Jim Bandura:

I kind of agree with that, that's not a bad idea having it reduced and pull it back. My other question is does the petitioner realize that this is going forward without fast food?

Wayne Koessl:

He's saying yes.

Mike Serpe:

Is there any time in the future going to be a request for a beer license?

(Inaudible)

Mike Pollocoff:

We need him to come to the mic.

Tom Terwall:

Give us your name and address, sir.

Dan Hernandez:

Dan Hernandez, 4615 Vettelson Road, Hartland. I'm the representative for the owner. As far as the liquor license no. I guess not right now is the best we can give you.

Peggy Herrick:

While you're up here, how many customers are anticipated per day? Do you have an estimate based on other stations that you have?

Dan Hernandez:

Per day, unless his gas is the cheapest, we've got six pumps, 12 cars at one time and then maybe a couple people in the store. So that maybe 20 cars maximum at one time.

Jim Bandura:

Do we know the car count on Sheridan by chance?

Peggy Herrick:

Not in my head.

Mike Pollocoff:

We don't have it in front of us, no.

Tom Terwall:

The three existing pumps are operational, you're going to keep those or you're going to replace those? The pumps that are there now?

Dan Hernandez:

They're getting replaced.

Tom Terwall:

But the three underground tanks are good?

(Inaudible)

Tom Terwall:

Okay, thank you. Anything further? What's your pleasure?

Wayne Koessler:

Mr. Chairman, just refresh my memory. There's not going to be a fast food place?

Peggy Herrick:

Correct.

Wayne Koessler:

We're going to have the owner control the exit by the car wash to make sure it's not icing up. Okay. I'll so move, Mr. Chairman.

Judy Juliana:

Second.

Tom Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM OR MENTIONED TONIGHT AS AN OFFICIAL RECORD OF THIS PUBLIC HEARING. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. How soon do you plan on starting? This fall yet or next spring?

Dan Hernandez:

We still have to go through the permit process, the State review. That's going to be going forward tomorrow. We'll make the recommended changes that you have in here, make an appointment with the State for the review which could probably take a week. And then bring the plans to Pleasant Prairie to get our permit.

Tom Terwall:

Thank you. Mike?

Mike Serpe:

Could I ask one more question. How many gas stations do you own now?

(Inaudible)

Mike Serpe:

Which ones are they?

(Inaudible)

Mike Serpe:

Come up please.

Mike Donah:

Mike Donah, a part of 5 Star Properties, LLC. We do own about five gas stations in town, either leased or operational. One of them, the newest one is 1515 30th Avenue. We just added the car wash over there. We just started operation back in March of this year. We do have 6623 39th Avenue. That's a Shell Gas Station. We do have 3806 30th Avenue. That's right on Washington and 30th Avenue. We had 1401 75th Street. That's a Shell Gas Station. And we do have another one at 2207 60th Street. That's right in Kenosha.

Tom Terwall:

Thank you very much. What's your pleasure?

Wayne Koessl:

We've got a motion and a second.

Tom Terwall:

All in favor signify by saying aye.

Wayne Koessl:

We did that, too.

Voices:

Aye.

7. ADJOURN.

Larry Zarletti:

Would you entertain a motion to adjourn, Mr. Chairman? So moved.

Judy Juliana:

Second.

Tom Terwall:

All in favor say aye.

Voices:

Aye.