

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
August 10, 2009**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on August 10, 2009. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Andrea Rode (Alternate #2); Jim Bandura; John Braig; and Larry Zarletti. Judy Juliana (Alternate #1) was excused. Also in attendance were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Tom Shircel, Assistant Village Planner.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF THE JULY 27, 2009 PLAN COMMISSION MEETING.**

Larry Zarletti:

Move approval.

Jim Bandura:

Second.

Tom Terwall:

**MOVED BY LARRY ZARLETTI AND SECONDED BY JIM BANDURA TO APPROVE
THE MINUTES OF THE JULY 27, 2009 PLAN COMMISSION MEETING AS
PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

5. CITIZEN COMMENTS.

Tom Terwall:

If you're here for either--the two items on the agenda tonight are both public hearings. So if you're here for either one of those two we would ask that you hold your comments until the public hearing is held so your comments can be incorporated as part of the official record. However, if you want to raise an issue or ask a question on any other subject now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Is there 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, to consider the request of Chad Navis, of Towne Lakeview LLC, owner, on behalf of Ozburn-Hessey Logistics (OHL), tenant, for a Conditional Use Permit, including Site and Operational Plans, to fully occupy the Towne Industrial IV Building, located at 8330 107th Street in the LakeView Corporate Park, for the storage and distribution of swimming pool-related chemical products.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission and audience, the first item is a public hearing and consideration of a conditional use permit including site and operational plans to consider the request of Chad Navis, of Towne Lakeview LLC, owner, on behalf of Ozburn-Hessey Logistics, OHL, tenant, for a Conditional Use Permit, including Site and Operational Plans, to fully occupy the Towne Industrial IV Building, located at 8330 107th Street in the LakeView Corporate Park. This is for the storage and distribution of swimming pool-related chemical products.

As a part of the hearing, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request.

Findings of Fact

1. Chad Navis, of Towne Lakeview LLC, owner, on behalf of Ozburn-Hessey Logistics, OHL, tenant, is requesting a Conditional Use Permit, including Site and Operational Plans, to fully occupy the 51,540 square foot Towne Industrial IV Building for the storage and distribution of swimming pool-related chemical products. The Towne IV Building is located at 8330 107th Street in the LakeView Corporate Park. It's identified as Tax Parcel Number 92-4-122-282-0182.
2. On June 9, 2008, the Plan Commission conditionally-approved the Site and Operational Plans for the Towne IV Building. The building shell was constructed during the past year and is now complete. A photograph of the building is shown on the slides. The Towne IV Building is currently vacant and to this date has not yet had an occupant.

3. OHL plans are to store and distribute swimming pool related products from this site. The products to be stored in the building is packaged pool chemical materials, Calcium Hypochlorite greater than 50 percent, which is used in residential and commercial pool applications. This granular product will be floor stacked not to exceed 10 feet in height and will be contained in plastic containers ranging from 18 to 100 pounds.
4. The only exterior site improvements include the following:
 - a. The installation of a 20' x 20' concrete pad located at the northeast corner of the building that will support a back-up generator. The generator is proposed to be screened on three sides with a 10 foot high split-faced, integral colored, concrete block wall. The generator and screening wall will be further buffered by perimeter landscaping.
 - b. The installation of a new sign panel on the existing Primary Monument Sign identifying OHL as the tenant.
5. The major interior improvements to the Towne IV Building will include the following:
 - a. The replacement of four existing 6' x 6' windows, on both the north and south sides of the building, with exhaust louvers.
 - b. Installation of a dropped ceiling and the associated adjustment of the fire suppression system.
 - c. Installation of containment curbing at building door openings.
 - d. Caulking of all floor joints.
 - e. Installation of two new rooftop make-up air units, setback 50+ feet from building edge, for OHL HVAC requirements.
6. OHL operations will consist of 2 full-time and 3 part-time employees working one shift from 8 to 5, Monday-Friday.
7. Parking, access and landscaping on the site will remain as is except for the additional generator screening as previously noted.
8. There shall be no outside storage of materials, product, pallets, crates, etc. All materials shall be stored inside the building.
9. For further information regarding this project refer to the Site and Operational Plan materials.
10. The 3.44 acre Towne IV property is zoned M-2, Heavy Manufacturing District, and pursuant to Chapter 420-124 D.(4), the storage of chemicals requires a Conditional Use Permit.

11. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via the U.S. Mail on July 27, 2009. Notices were published in the *Kenosha News* on July 27, 2009 and August 3, 2009.
12. The petitioner was faxed and/or emailed a copy of this memo on or about August 7, 2009.
13. As information, OHL is also planning to lease and occupy the entire 240,000 square foot Liberty Property Trust-owned building located at 8691 109th Street in the LakeView Corporate Park for similar purposes. The Conditional Use Permit, including Site and Operational Plans for that building, are scheduled for the upcoming August 24, 2009 Plan Commission meeting.
14. According to Article XVIII of the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and the information that will be presented at the meeting here this evening, that the project as planned will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting the Permit. Furthermore, the Plan Commission shall not approve Site and Operational Plan application without finding in the decision that the application along with the satisfaction of any conditions of approval, will comply with all applicable Village ordinances as well as federal, State or any other local requirements.

With that I'd like to continue the public hearing, and I'd first like to introduce Chad Navis from Towne Investments, and then he will introduce a representative from the company.

Tom Terwall:

Chad, could you begin by telling us what the other guy looks like?

Chad Navis:

Let me get this out of the way first. Chad Navis, Towne Investments, 10411 Corporate Drive, Pleasant Prairie. Those OHL guys they're tough negotiators, let me tell you. You guys are lucky to have us on the front lines taking all the heat for you. As usual, staff certainly stole our thunder and described in detail this project. Towne is here along with our architect Werner Briske from Partners In Design to answer any questions you might have. Of course, we're very pleased that OHL has decided to make a commitment here in the community in this particular building among others here in the park. Both of these buildings as you'll see on the screen here. Towne III and IV were built consecutively, and we're very happy that despite tough economic times that companies are still pleased to move in here and find this location to be a viable solution.

I've asked Forest Pearce who is a Vice President with OHL to come by and fly into town tonight to tell you a little bit about OHL briefly and answer any operational questions that you might have. So with that I can turn the floor over to Forest Pearce from OHL. What I would say as Forest is walking up here is this is a very, very smart company. When you get some background on OHL you'll see how big and how sophisticated of an operation they really run. I think it's a testament to this location and everything that this area affords that they've picked this after their

exhaustive search that took us about six to eight months to complete in working with them. With that I'll turn it over to Forest.

Forest Pearce:

Thank you. My name is Forest Pearce. I reside in Charlotte, North Carolina actually, and manage all the chemical and storage and distribution operations for this particular account across the country. We do this currently in eight different locations, and we'll be consolidating into five which is what part of this move to Pleasant Prairie is. We will be leaving Indianapolis and Kansas City and consolidating here. That's just a matter of logistics and transportation and demographics of customers.

OHL is a company that was founded in 1951. We are one of the largest 3PL's, and for those of you who are not familiar with that it's third party logistics were we manage—we don't own any goods. We perform services for manufacturers where we take possession and perform the distribution and logistic services for them to get products to their customers. This company was founded as a private company by two gentlemen, Mr. Ozburn and Mr. Hessey who over the years passed on to their children the company and then have subsequently gone towards, as a matter of capital investment, gone to management groups, private equity capital to expand the business. We have experienced a 14 percent continued average growth in revenue since that time, over 58 years, and have been profitable every year.

We currently have about 5,600 plus or minus employees across the world actually. Welsh, Carson, Anderson & Stowe is the controlling shareholder who are a European based equity investment group. Our headquarters is in Brentwood, Tennessee which is just south of Nashville. We're kind of broken up into three business units, one the contract logistics which is what I'm a part of and services all, if you will, distribution and warehouse type propositions for companies. The transportation division of North America. We don't operate necessarily on equipment but we manage freight and transportation for companies. Then the global freight and logistics which includes offices in China, Singapore, UK and involves actually importing and exporting freight and transportation and the brokerage side of that. Those are the three main revenue sources and divisions.

This is just a list of some of the customers that we service now currently nationwide and worldwide. Coincidentally the Red Bull up in the right hand corner divisionally the way we're set up the group that I'm managing reports to the division that manages Red Bull for the entire country. I will say Ken Nelson is here who is our director of that and mainstay of that operation working out of Crystal Lake, Illinois. We do a lot of work for electronics companies with Apple, HP. We're just fulfilling order cycles for printers and parts and that sort of thing and Sony. I tend to not want to mention them because I'll leave one out and then I'll get my hand slapped later on. It's kind of a broad range of things we do.

These are the locations currently listed under our division under our contract logistics division. The circles indicate what we call campus locations where we may go into, for instance, like in Pleasant Prairie and start an operation, and from that which is our plant here we will build upon that and bring other companies in our cadre of customers into the area and expand into other buildings and kind of form a campus of buildings just for management efficiencies. The squares represent dedicated facilities, as is this one, for the initial customer. No other customers are in

here. This is totally contracted for one particular customer. That's kind of the spread and the idea of how we operate and collect businesses and properties.

Just some kind of factoid stuff, we distribute as you can see one billion three hundred ninety thousand cans of energy drink last year, three hundred seventy eight million cans and bottles of beer of various sorts, forty five million bottles of Just For Men which there's a story behind that that all of our marketing people gave me this data and I did not bring it up forward, but it involves a calculation of how often you have to use that stuff if you use it. It's like every three weeks. And if you use it every three weeks based on the number of men that would use it, the 45 million bottles is something like we serviced 1.8 million or 2.8 million men over the country last year. I'm not part of that supply chain as you can see. From our import business we do exotic fish and flowers from the far east for retail. Almost everything we do is retail oriented. It ends up in big box retailers of the world for the most part.

We have multiple operating entities that we trade under, most of it from the acquisition of other companies. You can see some other than OHL are Activayer, Barthco which was a fairly recent acquisition. It's an importer and broker of freight. Barthco Dart which is the transportation division. Turbo likewise is a transportation. Lanter Distribution was another chemical third party logistics company that was acquired several years ago. ProVenture and MHR are in-house operating companies. It's a vertical working with us. MHR is our materials handling resources is what it stands for, and they actually supply and outsource all of our forklift equipment or any type of material handling equipment in-house. They do other customers outside of OHL, but they were formed mainly to supply our needs because we have so much. There was just no way that we could effectively manage sourcing all the handling materials that we need. ProVenture, the other one, is likewise our real estate arm which made contact with Chad and his group and helps source real estate across the country.

This is one of those maps that has lots of dots and things that kind of shows where all of our international operations are from Sydney and Taipei, Phillippines, Hong King all the way through the UK and back to the States.

We have a series of stated values that are very prominent and prevalent to all of our people. Those are obviously integrity, relationships with customers, employee relationships, and within that we try to give each local division management a sense of entrepreneurialship that they can manage both with the local community and within the company's guidelines, their own business so to speak, and operational excellence. Operational excellence is not just verbiage. It's actually the name of a procedure and plan that is in the company where each division, each operation is evaluated under the operational excellence program which has quite a bit of criteria to it for performance and for reward also.

This is the current network that we have for the piece of business that we are bringing here. We're currently in Compton, California, Kansas City, Little Rock, Dallas, McDonough, Georgia, Indianapolis and Carlisle, Pennsylvania. When the star goes in for Pleasant Prairie, the Indianapolis and the Kansas City will go away. Little Rock will go away into a larger facility in Dallas that we're acquiring right now as we speak. And that will give five distribution points for this product with this company. That's under their directed game plan of a couple years now we've been working with them to consolidate their inventories.

That's pretty much the long and short of it for the company. I've been privileged to be a part of this company only a short period of time. I was a managing officer with a company that has the Arch Chemical business as was purchased by OHL and so that's how I got here.

Tom Terwall:

Before I let you sit down, I was struck by the fact that you're from Charlotte, North Carolina. I just wonder if you have any connections with Charlotte with the Lowe's Motor Speedway.

Forest Pearce:

I live not too far from it and yes I do, as a matter of fact.

Tom Terwall:

We'll talk later.

Forest Pearce:

Okay, we can probably drum up something there.

Tom Terwall:

This is a matter for public hearing. Is there anybody else wishing to speak on this issue? Anybody else? Anybody else? Hearing none, I'm going to open it up to comments and questions from Commissioners and staff.

Mike Serpe:

Forest, can I ask you a couple questions? Do I understand that all the storage that's going to take place out here is going to be all dry storage? There's no liquid chlorine?

Forest Pearce:

There are liquid product but there are no liquid chlorine products?

Mike Serpe:

There are liquid products?

Forest Pearce:

Right.

Mike Serpe:

To your knowledge, have you had any environmental issues in any of your other distribution area where it caused a problem?

Forest Pearce:

We have not, and we take great pains to make sure that doesn't happen.

Mike Serpe:

One last question. Kansas and Indianapolis, how long have you been at those locations?

Forest Pearce:

Indianapolis since 2001, Kansas City since 2004.

Mike Serpe:

Thank you.

Tom Terwall:

Don't sit down yet. I have a couple questions. How are orders transmitted to this warehouse? Is that a function of the chemical company or who handles, for example, the data processing side of the distribution?

Forest Pearce:

That's handled by the customer internal. We interface with them within our company. I can say this, the largest retail customer that drives this distribution is Wal-Mart. We don't ship to the Wal-Mart distribution centers. We ship to each individual store. During the summertime we have what's called two order cycles during the same week that will drop in this area probably around 850 orders. So we will service 850 individual Wal-Mart stores just on that one piece of business out of this area. To answer your question, Arch Chemical initiates that with Wal-Mart or whoever the retailer is. They electronically transmit it into Arch's system with interfaces with our system to deliver the documents and the shipping.

Tom Terwall:

So you get a pick list then for each store, is that correct?

Forest Pearce:

Each store, each individual store, that's correct.

Don Hackbarth:

Is any of the product flammable?

Forest Pearce:

No, it is not.

Don Hackbarth:

In the Chief's comments it said that there was going to be a four inch brick wall or some kind of a wall that will go around the inside perimeter or outside perimeter of the building?

Forest Pearce:

Inside.

Don Hackbarth:

What about the doors? Is there going to be some kind of a four inch bump up so that—

Forest Pearce:

The entire facility will be contained with a four inch berm as it's called.

Don Hackbarth:

Are there going to be eye wash stations in case somebody gets—

Forest Pearce:

Yes, sir, both fixed ones and portable ones. That's part of the code.

John Braig:

Could you give us an idea of the traffic flow in and out of this facility?

Forest Pearce:

This facility really will only have from a truck standpoint anywhere from two to eight, tops, trucks a day. Most of these are bulk in and small shipment out so we create a lot of small shipments on a single vehicle going out. It's about an eight to one ratio of inbound to outbound. This is only a portion of the business. The rest of the business is in this other facility that we'll be petitioning in two weeks.

Mike Serpe:

Forest, could you give me an idea of the size of the buildings that you're leaving?

Forest Pearce:

That we're leaving?

Mike Serpe:

Indianapolis and Kansas City.

Forest Pearce:

Indianapolis is 100,000 feet, Kansas City is 155,000, Little Rock is 60,000. So that will be consolidating here. Obviously if you add those numbers up it's more space than where we are here because of the efficiency of consolidating.

Don Hackbarth:

Are you going to be offering the people in Kansas City and Indianapolis a job here in Pleasant Prairie.

Forest Pearce:

We will. There's a small amount of staff there, and just by the right thing to do yes we will. In fact I have to leave tonight to go to Kansas City to talk with all them. But I think it's doubtful. That's a pretty good distance to transfer but they will be offered jobs, yes.

Don Hackbarth:

If there are no other comments I recommend approval of the Conditional Use Permit and the Site and Operational Plan.

Mike Serpe:

Second.

Wayne Koessl:

And that's subject to the conditions outlined by staff?

Don Hackbarth:

Yes.

Tom Terwall:

One final question. Where does the management for the Pleasant Prairie staff come from? How is this group managed?

Forest Pearce:

A local manager, which to answer Don's question, could contingently move here. But, again, I think our plan is to bring people in from the local. We'll be interviewing and trying to drive local management. But each one is locally managed.

Tom Terwall:

A MOTION BY DON HACKBARTH AND A SECOND BY MIKE SERPE TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

Wayne Koessl:

Mr. Chairman if I can make a comment. Forest, thank you for selecting Pleasant Prairie for your facility and, Chad, thank you for keeping us in your mind whenever you're negotiating. I'd pick on easier guys next time.

Tom Terwall:

We're hoping to see more business. That two weeks from now will obviously be a bigger building than this but keep them coming. Thank you.

B. PUBLIC HEARING AND CONSIDERATION OF ZONING TEXT AMENDMENTS to consider amendments to Section 420-118 K.(4), Section 420-119 K.(4) and Section 420-121 J.(3) of the Village Zoning Ordinance related to Operational Standards in the B-1, Neighborhood Business District; B-2, Community Business District; and B-4, Freeway Service Business District; respectively.

Jean Werbie:

Mr. Chairman and members of the Plan Commission and audience, now we have a public hearing in consideration of zoning text amendments to consider amendments to Section 420-118 K.(4), Section 420-119 K.(4) and Section 420-121 J.(3) of the Village Zoning Ordinance. It's related to operational standards in the B-1, Neighborhood Business District; B-2, Community Business District; and B-4, Freeway Service Business District, respectively.

On March 10th and March 17, 2008, the Plan Commission recommended approval and the Village Board approved Ordinance 08-19 which amended Section 420-119 K.(4) of the Village Zoning Ordinance, and it related to operational standards as well as amended Section 420-119 D(1)(c) of the ordinance which related to conditional uses in the B-2, Community Business District. Specifically, with the adoption of the Ordinance 08-19, gasoline stations and convenience stores zoned B-2 are now allowed to have no more than one outdoor ice storage container and no more than one outdoor liquid propane or LP gas cage for gasoline station or convenience store property

as a permitted use in the B-2 District. And it would be subject to the specific provisions as stated in 09-19.

Ordinance 08-19 only allows for outdoor ice and LP storage. No other type of outdoor storage is allowed. However, the adoption of the ordinance affected gasoline stations and convenience stores in the B-2 District only. On April 14th and 21, 2008, the Plan Commission recommended approval and the Village Board postponed the proposed text amendments related to operational standards in the B-1 and the B-4 Districts, again, pursuant to the exact same thing.

What basically happened is that the Village Board recommended that the Village staff re-look at the provisions as it would apply to all the business districts I referenced to determine exactly what type of protection or what type of barrier should be required adjacent to the LP storage containers to make sure that they were somewhat protected in the event that a vehicle went astray at the convenience store or gas station. What Tom is doing right now is he is just kind of flipping through some of the slides and some of the stores that we have in the Village, and as you can see some of them had some type of LP storage or ice and some of them want them. We're kind of showing you some of the locations where they would like them.

So over the last several months the staff has reviewed ordinances from other communities to determine what they do with respect to the LP storage and what type of barrier did they require in order to protect them from a stray vehicle. The bottom line is the ordinance that we are recommending before you is that there be a requirement in all of the business districts and they all be treated the exact same way in that certain barrier-type methods would be employed, whether it be bollards, raised curb, fencing, barrier, guardrail, but we are going to leave it up to the Village Fire Chief's discretion on a case-by-case basis because every gas station/convenience store is different in the Village depending on if it's an older gas station that may or may not have a raised curb, just has a flat entrance, or another one that has an eight or ten inch curb in front of it.

So what we've decided after reviewing the other communities and our own community that we would write provisions into the ordinance that would be applicable to all that basically says that they shall be protected by a bollard, raised sidewalk or some other acceptable means to provide protection against accidental vehicle impact or damage. The means of protection shall be reviewed and approved on a case-by-case basis by the Chief of Fire and Rescue department. The Chief of Fire and Rescue department shall determine the location, spacing and the quantity of bollards if that happens to be the means of protection. The means of protection shall not obstruct or inhibit on-site vehicular or pedestrian flow especially on the adjacent sidewalk. And this would be, again, applicable to each of the business districts that I reference.

So with that I'd like to continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'm going to open it up to comments and questions from Commissioners and staff and I'll begin. Last week we saw a tragic situation in Sheboygan where a vehicle backed right through the entrance to a—up a curb as a matter of fact and right through the wall and killed an 18 year old clerk that was working inside the store. So to say this never happens it does. In that particular case the guy was not using his

head for anything more than a hat rack but it does happen. I'll open it up to comments and questions.

Larry Zarletti:

Jean was talking about having the Fire Chief decide which protection they would need. Do we have an idea what the difference is in cost between one to the next? Is there a huge difference on the low end to the high end?

Jean Werbie:

Yes, there is. I guess the least expensive is if it's a newer gas station facility and they already have an eight to ten foot curb that has been placed around the front of the facility. That would be the cheapest. The most expensive that we're finding is the bollards, and they can range anywhere from \$500 to \$1,500 depending on where they want to place the LP storage and how they want to space the bollards around the gas station. So it ranges and it varies, and really we felt that the Fire Chief in his ability can make a decision on a case-by-case basis to employ whichever means that he feels would protect the station and its patrons the best.

Tom Terwall:

Jean, do you see a not to exceed date when this is going to have to be accomplished? For the people that don't have anything now or for the people that do have something and it's deemed by the Chief to be inadequate, how long are we going to give them to—

Jean Werbie:

I'm not sure, but we will be working in a reasonable manner and fashion with the commercial owners to have their sites be accommodated in a timely manner. We'll meet with them and we'll give them a reasonable period of time to have it completed.

Don Hackbarth:

I think that's a good way to handle this, because I don't think we should be setting standards for the fire department. Because if there is an incident they're the ones that are going to have to respond. So I think it would be the best to do the judgment call on what to put in there because they have to respond.

Tom Terwall:

You're just saying that because you're a Commissioner and a member of the fire department.

Wayne Koessl:

Mr. Chairman, I'm going to support this. I think it's been a long time in coming and I'm glad that we're finally getting some ordinances to pursue this.

John Braig:

I support it, too. I can't conceive how this group here sitting here with nothing to look at can make a better judgment than a well trained, experience Fire Chief who's out at the site looking at what there is to see and what there is to evaluate. So I totally support that. With that, if there are no other comments, I would move approval. Move approval.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO ADOPT THE ZONING TEXT AMENDMENTS AS INDICATED SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. JEAN, IS THERE ANYTHING IN HERE ABOUT THE GUY THAT WON'T DO IT? WHAT'S THE ENFORCEMENT? CAN WE TAKE AWAY HIS RIGHT TO SELL PROPANE?

Jean Werbie:

Well, the situation is at this time it's not legal for anybody to be selling propane or ice without permission from the Plan Commission through their Conditional Use Permit. So I would think that they would likely comply in order to have valid conforming uses on their sites.

Tom Terwall:

Or we'll remove it, right?

Jean Werbie:

We would order them to remove it, yes.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. With that, a motion to adjourn is in order.

Larry Zarletti:

Mr. Chairman. If I could just make a comment about a couple of things. One at Ace Hardware and ask the staff if they'd take a look at it. Along the back of Ace Hardware where you had them put in those metal gates that enclose the garbage dumpsters and whatever, looked really great until their trucks come and go and rip them down. Some of them are just hanging there. I think we should be talking to them about some maintenance.

And the other is maybe I look at it harder than you would because I live so close by, but Ayra's gas station on 75th Street is just starting to look a little shabby. I don't know what authority we have or if there are, in fact, any violations there, but the island around the front where the gas pumps sit are all rusted along the bottom. I don't know if that's a metal strip around there. On the pumps themselves where it used to say Shell Oil or whatever we have decals half ripped off, half on. It just isn't looking the way it was when he put it up.

John Braig:

In that same vein, haven't we got a control on putting merchandise out on the sidewalk in front of these stores and having general merchandise in places other than totally enclosed places. I don't know if it's permanent, but I did see apparently a semi truck unloading something near the front entrance to the Town and Country Shopping Center last week. Maybe it's temporary or maybe it's there for the summer. But while you're out there take a peek.

Tom Terwall:

Before we close, at the meeting that we granted a one year extension for the gas station on south Sheridan Road, didn't somebody make the point that night that that some owner owns the gas station on 39th Avenue and 67th Street, was that you?

Jean Werbie:

Yes, it is.

Tom Terwall:

Because I see that that gas station is now closed? No. It doesn't look good? Oh, is that right?

Jean Werbie:

Tom, we actually did speak with the owner today, as a matter of fact, and we outlined again for him what needs to be done on South Sheridan Road to get the site cleaned up. It's currently fenced but we do need to get some junk and debris items and some old sign standards taken care of out there. He agreed to send his contractor workers out there to start looking at taking care of all that.

7. ADJOURN.

Larry Zarletti:

Mr. Chairman, motion to adjourn.

Tom Terwall:

We already had a motion and a second so all we need to do is vote. All we need to do is vote.
All in favor say aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.