

**SPECIAL MEETING**

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39<sup>th</sup> AVENUE  
PLEASANT PRAIRIE, WISCONSIN**

**Monday, August 20, 2012**

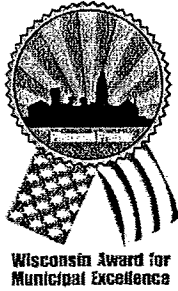
**3:00 P.M.**

**AGENDA**

1. Call to Order.
2. Roll Call.
3. Citizen Comments.
4. Old Business.
  - A. **CONTINUED PUBLIC HEARING AND CONSIDERATION OF A REVOCATION OR SUSPENSION OF CONDITIONAL USE PERMIT #01-11** that was approved by the Village Plan Commission on June 25, 2001 that allows BP Amoco to operate the gasoline station and convenience store located at 10477 120<sup>th</sup> Avenue. This hearing specifically relates to the written complaint filed by the Village Zoning Administrator regarding BP Amoco's noncompliance with the terms of said Conditional Use Permit and their violation of Village Ordinance Section 420-145 G., as it relates to "standards for conditional uses" and specifically Section 420-38 D., Water Quality Protection performance standards.
    - i. **Petition shall be read into the record by the Plan Commission Chairman.**
    - ii. **Plan Commission Chairman shall hear and receive evidence and sworn testimony.**
    - iii. **Public comments.**
    - iv. **Recommendation shall be given by the Zoning Administrator.**
    - v. **Plan Commission shall vote on an action.**
5. Adjourn.

It is possible that members and possibly a quorum of members of other governmental bodies of the municipality may be in attendance in the above stated meeting to gather information; no action will be taken by any other governmental body except the governing body noticed above.

**The Village Hall is handicapped accessible. If you have other special needs, please contact the Village Clerk, 9915 39<sup>th</sup> Avenue, Pleasant Prairie, WI (262) 694-1400.**



Office of the Village Community  
Development Director  
Jean M. Werbie-Harris

**VIA REGULAR MAIL AND CERTIFIED MAIL**

**COMPLAINT AND NOTICE  
OF CONDITIONAL USE PERMIT VIOLATION**

June 12, 2012

Mr. Dixit Patel  
VIDHYA Corp VIII, Inc.  
1491 W. Roosevelt Road  
West Chicago, IL 60185

Mr. Dixit Patel  
BP Amoco  
10477 120<sup>th</sup> Avenue  
Pleasant Prairie, WI 53158

**RE: ZONING ADMINISTRATOR COMPLAINT AND NOTICE OF CONDITIONAL USE PERMIT VIOLATION AND ORDER TO CORRECT VIOLATION for the BP Amoco Station # 3789, 10477 120<sup>th</sup> Avenue, Pleasant Prairie, WI.**

Dear Mr. Patel:

According to the Village of Pleasant Prairie/Kenosha County public access records, VIDHYA Corp VIII, Inc. is the legal owner of the property located at 10477 120<sup>th</sup> Avenue, which is further identified as Tax Parcel Number 92-4-122-302-0130 in the Village of Pleasant Prairie. Currently, the BP Amoco gasoline station operates at the referenced location but only with the expressed written approval and authority of a Conditional Use Permit #01-11 approved by the Village Plan Commission on June 25, 2001. The purpose of this letter is to document a written complaint filed by the Village Zoning Administrator regarding BP Amoco's noncompliance with the terms of the Conditional Use Permit and the violation of Village Ordinance Section 420-145 G., as it relates to "standards for conditional uses" and specifically Section 420-38 D., Water Quality Protection performance standards.

BP Amoco has been found to be in violation of the following Village Zoning Ordinance Section 420-38 D. water quality protection performance standards to be enforced:

(11) Water quality protection.

- (a) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or

Mr. Patel  
BP Amoco Violation Letter  
10477 120<sup>th</sup> Avenue, Pleasant Prairie, WI

harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant or aquatic life.

Recent inspections and photographic documentation over the past year revealed that the BP Amoco property has illicit discharges or petroleum releases into the drainage ditch adjacent to the property that have occurred and continue to occur from the property, which also drain onto the adjacent property impacting the water quality and resulting in potentially both soil and water contamination.

This complaint, having been filed on June 12, 2012, alleges ongoing noncompliance with the terms of the Conditional Use Permit for this property. You are hereby ordered to correct the outstanding zoning violations as noted in this letter within 30 days (July 13, 2012). If the ongoing contamination is not stopped and the soil and water cleaned-up within the prescribed 30-day time period, the Village will initiate the revocation or suspension of the Conditional Use Permit. As such, the Village Plan Commission will be scheduling an open hearing within 45 days of the filing of the complaint and will be conducting a hearing regarding this matter pursuant to the general outline set forth in Zoning Ordinance Sections 420-145 and 420-147. **The date for the public hearing is being set for Monday, July 16, 2012 at 5:00 p.m. at the Village Hall Auditorium, 9915 39<sup>th</sup> Avenue, Pleasant Prairie, WI. You or your representative should attend this hearing.**

**Upon a finding that the standards, regulations and conditions set forth in granting of the Conditional Use Permit has been violated, the Plan Commission may suspend the Conditional Use Permit and use of the premises as a gas station until such time as there is compliance with the standards, regulations and conditions imposed with said permit, or the Plan Commission may revoke the Conditional Use Permit.**

If you have any questions, contact me directly at the Village Hall at (262) 925-6717.

Sincerely,



Jean M. Werbie-Harris  
Village Zoning Administrator, Village Planner and  
Community Development Director

cc: Michael Spence, P.E., Village Engineer  
Fire Chief Doug McElmury  
Police Chief Brian Wagner  
Village Clerk Jane Romanowski  
Village Administrator, Michael Pollocoff  
Community Development Department  
Building Inspection Department  
Attorney Timothy Geraghty, Godin Geraghty Puntillo  
Property File

BP Amoco 10477 120<sup>th</sup> Avenue