

REPORT OF CITY PLAN COMMISSION

Tuesday, September 4, 2012 – 6:00 PM

Lincoln Center – 1519 Water Street

PRESENT: Mayor Andrew Halverson, Alderperson Jerry Moore, Commissioner Tony Patton, Commissioner Sarah O'Donnell, and Commissioner Garry Curless (Commissioner David Cooper and Commissioner Anna Haines excused).

ALSO PRESENT: Community Development Director Michael Ostrowski, Economic Development Specialist Kyle Kearns, Alderperson Andrew Beveridge, Alderperson Mary Stroik, Alderperson Mike Phillips, Alderperson Jeremy Slowinski, Brian Kowalski, Brandi Makuski, John Holdridge, Maris Rushevics, Bob Enright, Joan Enright, Jerry Tigges, Lyman Wocking, Sarah Wallace, Jeff Schuler, Ray Schmidt, Don Butkowski, Russ Dreur, Cathy Dugan, Mary Kneebone, Sue Kubley, Nick Kubley, Pat Kitowski, Romona Simons, Patricia Olson, Jim Vang, Jim Krems, MaryAnn Krems, Bill Schierl, Fritz Schierl, Ray Tierney, Sheldon Schall, Al Mertes, David Garber, Ann Garber, Jim Lundberg, Wendy Zurawski, Scott Sleeter, Bill Yudchitz, Sandy McAdams, Mary Hackett, Terry Hackett, David Wrone, Elaine Wrone, Mary Ann Laszewski, Tom Johnson, Melanie Trippe, Bill Bayba, David Pederson, Al Stemen, Gene LaRose, Joan Curless, Laurel Hoeth, Rich Sommer, P. Amman, J. T. Ford, Mike Clements, Dave Wilz, Tony Martes, Janet Wolle, Terry Prondz, and Roy Herrell.

---

INDEX:

1. Report of the August 7, 2012 Plan Commission meeting.
2. Request from Jason Glisczynski of Players' Lounge for a conditional use permit amendment to allow for a temporary premise expansion to the indoor sports area on October, 20, 2012, November 9, 2012 and July 20, 2013 at **2124 Rice Street (Parcel ID 2308-04-2006-03)**.
3. Request from Kwik Trip to rezone the property located at **5311 Old Highway 18 (Parcel ID 2408-35-2300-01)** from "R-1" Suburban Single Family Residential District to "B-4" Commercial District.
4. Request from Kwik Trip for a conditional use permit to operate a gas station and convenience store within Groundwater (Wellhead) Protection Overlay District B at **5311 Old Highway 18 (Parcel ID 2408-35-2300-01)**.
5. Request from Fritz Schierl, representing Team Schierl Companies for a conditional use permit and site plan review to operate a gas station and convenience store within Groundwater (Wellhead) Protection Overlay District B at the **northeast quadrant of the intersection of Badger Avenue and Highway 10 (Parcel ID 2408-36-1100-01 (former County Parcel ID: 020240836-02.05))**.
6. Deletion of a portion of Fourth Avenue from the Official Street Map of the City of Stevens Point. Such area starts approximately 575 feet east of Minnesota Avenue (east of 2920 Fourth Avenue) to a point where Fourth Avenue and Maria Drive extended east would intersect.
7. Adjourn.

---

Mayor Halverson addressed the commission and attendees stating since there are so many people who would like to speak, he would be imposing a three minute time limit to ensure that all persons would have the opportunity. He also stated that if there was no objection from the commission he would like to move agenda 6 to be addressed ahead of agenda item 2, there was no objection in regards to the change in agenda order.

1. Report of the August 7, 2012 Plan Commission meeting.

**Motion by Commissioner Patton to approve the report of the August 7, 2012 meeting as presented; seconded by Alderperson Moore. Motion carried 5-0.**

2. Deletion of a portion of Fourth Avenue from the Official Street Map of the City of Stevens Point. Such area starts approximately 575 feet east of Minnesota Avenue (east of 2920 Fourth Avenue) to a point where Fourth Avenue and Maria Drive extended east would intersect.

Mayor Halverson stated that this area was not constructed, but is on the official street map of the City of Stevens Point. He said that if we keep Maria Drive on the Official Street Map, this street is redundant as the backs of these lots can be served by Maria Drive.

Bill Yudchitz, 1301 Dubai Avenue, asked for clarification of where the section of Fourth Avenue, as he was concerned how the deletion would affect the church and other properties in that area. Mayor Halverson pointed out the map that was provided in the Plan Commission Packet, as well as answering that the church property would be traversed by Maria Drive if it were extended.

Mayor Halverson continued stating that the area of Fourth Avenue is mapped and comes off of Minnesota Avenue would need to be preserved to retain addresses for the two homes that are located within that area.

**Motion by Alderperson Moore to approve the deletion of a portion of Fourth Avenue from the Official Street Map of the City of Stevens Point. Such area starts approximately 575 feet east of Minnesota Avenue (east of 2920 Fourth Avenue) to a point where Fourth Avenue and Maria Drive extended east would intersect; Seconded by Commissioner Curless. Motion carried 5-0.**

3. Request from Jason Glisczynski of Players' Lounge for a conditional use permit amendment to allow for a temporary premise expansion to the indoor sports area on October, 20, 2012, November 9, 2012 and July 20, 2013 at **2124 Rice Street (Parcel ID 2308-04-2006-03)**.

Director Ostrowski stated Jason Glisczynski, is asking for the temporary expansion for three events. The events are:

1. Saturday, October 20, 2012: Magic and Mayham
2. Friday, November 9, 2012: Rhythm and Brews Beach Bash
3. Saturday, July 20, 2013: SPASH 20<sup>th</sup> Class Reunion

Director Ostrowski stated that Players' Lounge has exceeded their four temporary events for the year and therefor need a conditional use amendment for the additional events. He stated that he would recommend approval of the events on October 20, 2012 and November 9, 2012, but would hold off on taking any action for the event on July 20, 2013 because Players' Lounge's conditional use permit will be up for review at the end of 2012. He stated that staff would recommend the following conditions:

1. Previous conditions still remain.
2. Event shall be monitored by staff, along with parking.
3. Any garbage or trash shall be removed from the property within 24 hours of the event.

4. Alcohol shall not be consumed outside of the allowable premise area.
5. DJ or band activity shall cease at 11:00 PM.

**Motion by Commissioner Curless to approve a conditional use permit amendment to allow for a temporary premise expansion to the indoor sports area on October, 20, 2012 and November 9, 2012 with the following conditions:**

1. Previous conditions still remain.
2. Event shall be monitored by staff, along with parking.
3. Any garbage or trash shall be removed from the property within 24 hours of the event.
4. Alcohol shall not be consumed outside of the allowable premise area.
5. DJ or band activity shall cease at 11:00 PM.

**seconded by Commissioner O'Donnell. Motion carried 5-0.**

4. Request from Kwik Trip to rezone the property located at **5311 Old Highway 18 (Parcel ID 2408-35-2300-01)** from "R-1" Suburban Single Family Residential District to "B-4" Commercial District.

Director Ostrowski stated that the applicant is requesting rezoning from "R-1" to "B-4". He stated that the rezoning is consistent with our comprehensive plan and would recommend approval.

Hans Zietlow, Kwik Trip, stated that that this parcel has been planned for commercial use and it would be the highest use of the property.

Bob Enright, 5753 Algoma, is opposed to the land use/zoning change because of the lack of research on the impact of rezoning on the surrounding neighborhoods.

Romona Simons, 5322 Old Highway 18, stated that she would prefer the zoning to be "B-5" due to more restrictions that could be placed on the property. She also requested the matter to be tabled for community review and input on all of Kwik Trips plans.

Pat Kitowski, 5330 Old Highway 18, stated she opposes the rezoning due to concerns of increased traffic and for the groundwater.

Harry Hoppa, 5311 Old Highway 18, is in favor of the rezoning, and pointed out that the Town of Hull and City of Stevens Point comprehensive plans both show the property as commercial development.

Patricia Olson, 1498 Nick's, is opposed to the rezoning of the property due to the increase in traffic congestion.

Gene LaRosa, 5571 Applewood, is opposed of the rezoning due to concerns for the volume of traffic.

Laurel Hoeth, 1929 Mary's, is opposed to the change in rezoning due to concerns for groundwater.

Mayor Halverson stated that the property in question is currently in the City of Stevens Point, and was annexed several years for commercial development. He stated that our future land use map

has this area slated for a commercial type use. He stated that it was also shown as commercial on the Town of Hull's comprehensive plan. Mayor Halverson also stated that if this commission and the Common Council decide that the gas stations do not rise to the level of protection that we need, it still does not remove the natural situation that these properties would and should develop commercially. He also stated that the current intersection at Highway 10 and Old Highway 18 can handle the capacity.

Alderman Moore asked Director Ostrowski why he chose B-4 instead of B-5 for the zoning. Director Ostrowski stated that with B-5 zoning there is a greater street yard setback of 40 feet. Given that the property is surrounded by Old Highway 18 and Interstate 39, it would make it difficult to develop.

Commissioner Patton then asked if the protection criteria would be similar in B-4 as B-5. Director Ostrowski said that they would because the protection standards fall under the conditional use permit, which is needed in either district.

**Motion by Commissioner Patton to approve the request to rezone the property located at 5311 Old Highway 18 (Parcel ID 2408-35-2300-01) from "R-1" Suburban Single Family Residential District to "B-4" Commercial District; seconded by Alderman Moore. Motion carried 5-0.**

5. Request from Kwik Trip for a conditional use permit to operate a gas station and convenience store within Groundwater (Wellhead) Protection Overlay District B at **5311 Old Highway 18 (Parcel ID 2408-35-2300-01)**.

Hans Zietlow, Kwik Trip, stated that the site is very typical of Kwik Trip stores, as it is on an interchange and near a controlled intersection. He stated that much of the information in the packet is about the environmental aspects and the majority of the items in the packet are already being done at other stores and are highly monitored. Mr. Zietlow stated that with the condition for eliminating the middle ingress/egress point, could likely increase traffic to the southern ingress/egress point. He also requested that Kwik Trip be allowed to have illumination levels as indicated in the plans provided. He said that the illumination is 0.5 footcandles at the property lines, except at the driveways, where they would like a little more light for safety. Mr. Zietlow also requested that there be the possibility for them to install tripled-wall as opposed to doing the liner. Also, Mr. Zietlow stated that with monitoring wells there can be a chance of contamination from the monitoring system, so he would like to see a minimal amount of monitoring wells placed to reduce that possibility.

Commissioner Curless asked for clarification on the diagrams as to where the existing house is on the property. Mr. Zietlow said the house is about where the store would go, and that many of the trees on the south side would remain.

Commissioner Curless asked where the driveways were to be located, to which Mr. Zietlow stated the first would be north of the existing house, and the second would be about where the existing house is now. Commissioner Curless then verified that across the street would be the motel driveway, and asked where the first residential driveway would be, to which Mr. Zietlow stated correct with the motel, and Mayor Halverson stated that the first residential home would be south of the most southern driveway and across the street. Commissioner Patton asked if the driveway from US Cellular would be right across from the station driveway, to which Director Ostrowski clarified that the station driveway would line up with the hotel driveway.

John Holdridge, Town of Hull Chairperson, stated that he shared with the Plan Commission a report on spills and leaks that was put together from DNR reports. He said that four were from Kwik Trip and five from The Store stations. He said that the technology has improved dramatically in terms of the underground tanks, but he pointed out that you can't take out the accountability of human error. His concern is locating gas stations in wellhead protection areas, not only for the protection of the Town of Hull water, but for the protection of the Stevens Point water as well. Mr. Holdridge also expressed his concern for the neighborhood along the Old Highway 18 and traffic coming to the Kwik Trip from Brilowski Road. He requested that the commission to table this request and get the neighborhoods involved in the discussions.

Commissioner Curless pointed out that no matter what the development in that area, there would still be traffic using that corridor to get around the Highway 10 east area.

Bob Enright, 5753 Algoma, is opposed to the conditional use, and recommends tabling this request to also get input from the neighbors. He stated he is concerned for the risks that would outweigh the benefits as well as the costs.

Dave Wills, 1909 Mary's, stated that he opposed the request for the conditional use permit of the gas station in wellhead protection area due to the safety of the groundwater.

Romona Simonis, 5322 Old Highway 18, stated she is concerned regarding the request for conditional use permit of a gas station in the wellhead protection area due to the affect it may have on her water well, the increase of noise, the increase in traffic, and the decrease in her property value. She asked the commission to table this matter for further review.

Pat Kitowski, 5330 Old Highway 18, expressed her concern for the increase in traffic, the safety of pedestrian/biking traffic along Old Highway 18, and the concern for the wells in the area. She requested that this matter be tabled for further discussion.

Jeff Schuler, Portage County Planning and Zoning, stated that the county's concern is with the groundwater protection. He does understand that there are a lot of state and federal requirements that go into the installation of these types of things. He said he has provided a memo with some recommendations to help strengthen some of the conditions. Mr. Schuler stated that one of the things his department does want to stress is the maintenance of the facility be done regularly. He said he is in agreement with keeping the middle driveway.

Jim Krems, 5390 Clairice Circle, objects to the conditional use permit request for a gas station in the wellhead protection area due to traffic issues and thinks there are better options available for this land.

Mayor Halverson stated we have heard a great deal about the spills and the cost associated with the spills, but would like the two applicants to explain who is paying for the cost of cleaning up those spills. Mr. Zietlow stated that older spills could be covered by PECFA or by private insurance held by the owners of the facility. Mr. Zietlow stated that more importantly you want a company who will clean up the spills if they occur. Mr. Zietlow pointed out that every vehicle has approximately 20 gallons of fuel and the safest place for that 20 gallon gas tank to empty out is in the parking lot of a convenient store because it will go into a sump.

Sheldon Schall, Chief of Storage Tank Regulations for the Wisconsin Department of Safety and Professional Services, stated that his department has oversight over chemical and petroleum storage tanks and dispensing systems. Mr. Schall explained that primarily his program does plan review, periodic inspections of the facilities, handle enforcement for noncompliance, and field inspections. He continued to state that drivers for these programs are the Federal EPA rules for

underground tanks, and the UPASPC rules for above ground tanks. He said that Wisconsin has had a history of being more restrictive than federal rules when it comes to storage tanks. Mr. Schall stated he had a chance to review the packet, and in a general comparison, he feels that the many of the conditions are covered by the state regulation, however, there are some conditions that are more restrictive than the state requirements. He further stated that his office worked with the WDNR to make sure that his state regulations are consistent across state agencies, including within wellhead protection areas. The state holds the minimum requirements, but local communities can place greater restrictions on such facilities. Mr. Schall commented about the spill report from the WDNR stating that it can be misleading due to naming the party that paid the claim. He said just because one party cleans it up, does not mean that they caused it. He said the federal rule requires a secondary containment on all storage systems. However, there have been some issues with liners in the past. He said that he has found that a liner is confused with filter fabric and in some situations the hydrostatic conditions of the water can be such that the liner can cause enough of a resistance that it can shift the tanks and the piping. His recommendation is to have a hydro geologist make the call regarding a requirement a liner. Mayor Halverson asked if a triple wall tank would be a better safeguard than a liner. Mr. Schall answered that it would add another layer of protection; however, the state does not see problems with tanks leaking. The problem that he sees is with the piping and the connections. However, the state regulations have resolved most of these issues. He said that all the pipe connections need to be within a sump that is liquid tight. He said that holes within the sumps should be kept to a minimum or not at all. Mr. Schall stated that the state double wall piping and double wall tanks, as well as continuous electronic intersystem monitoring. Therefore, the inter-space between the piping and tank walls is monitored, and is a 24/7 monitoring system.

Mr. Schall said that if monitoring wells are required, thought should be given to their location. They should be located to prevent contamination; away snow plowing areas and areas.

Mr. Schall stated that the oil-water separator not be placed in the sumps. State regulations require a prefabricated poly type material that limits the transition points through the sump wall, and the extreme size of the oil-water separators need to take this into account.

Alderson Moore asked Mr. Schall if the restrictions and recommendations placed on these gas stations are more restrictive than the state. Mr. Schall said some are equal, some are less, and some are more restrictive. However, the state regulations would be the minimum requirements.

Commissioner Curless asked for an explanation of the liner, to which Mr. Schall stated it is similar to a pool liner that does not allow anything through, but would need to also address where the rainwater would go as well.

Mayor Halverson stated that he reviewed Mr. Schuler's memo that was provided, and their reflections are appropriate and additional suggestions for language that they have provided, would also take both sites to a level of safety that he feels he could support.

**Motion by Mayor Halverson to approve the request from Kwik Trip for a conditional use permit to operate a gas station and convenience store within Groundwater (Wellhead) Protection Overlay District B at 5311 Old Highway 18 (Parcel ID 2408-35-2300-01) with the following conditions:**

- 1. The northern most ingress/egress point shall be lined up with the ingress/egress point across Old Highway 18 (5317 Old Highway 18).**

2. All landscaping requirements shall be met and maintained as per Chapter 23 of the Revised Municipal Code. Additional screening is needed by the southern most ingress/egress point adjacent to Old Highway 18.
3. The existing vegetation along Old Highway 18, south of the southern most ingress/egress point, shall remain to provide screening for the adjacent properties.
4. All stormwater requirements shall be met as per Chapter 31 of the Revised Municipal Code.
5. There shall be no light spill over past the property line and that no lights shall be directed towards adjacent properties. All light fixtures shall be cut-off fixtures that are pointed down.
6. The screening for the refuse containers shall match the main exterior material of brick that is on the main building.
7. All piping shall be double wall flexible piping, where if product is released from the primary pipe it would be contained in a liquid tight pipe. Other type of piping, that is not flexible if it can be proven that it provides similar protection. This shall be approved by the State of Wisconsin and City Staff prior to permit issuance.
8. All piping shall be sloped to either a tank sump or a dispenser sump.
9. Sumps shall be located at the submersible head on each tank and also under each product dispenser. All sumps shall be equipped with a liquid sensor that sounds an alarm immediately if any liquid enters the sump.
10. All tanks shall be at minimum double walled with a liquid sensor that sounds an alarm immediately if any liquid is detected.
11. Electronic line leak detection shall be installed in the pipe run for each product dispensed. These units shall shut down flow to the pipe if there is a loss of pressure to the product pipe.
12. Dispenser and tank sump containment and spill buckets shall be double walled.
13. All monitoring shall be continuous monitoring, meaning that an alarm shall sound and proper authorities shall be immediately notified if a leak is detected.
14. Overfill devices shall be required to be installed to prevent the overfilling of the underground tanks from a transport truck, including installing one in the fill pipe of each tank, as well as an audible alert at 90% and an auto shut-off at 95% capacity, to ensure that overfilling will not occur.
15. Catch basins shall be installed around every fill point to catch product that may drip from the loading hose during the product transfer process.
16. Functionality tests shall be done semi-annually on all line monitors to ensure proper operation.
17. A tank bed and line liner shall be placed in the underground storage tank bed and in excavation trenches for fuel lines. This requirement can be waived if equal or greater protection is provided. If a liner is installed, a hydro geologist shall approve such liner and its ability to function correctly without causing negative impacts to the piping and tanks.
18. Monitoring wells shall be installed throughout the property at locations determined, prior to any permit issuance, by the Director of Water and the City Engineer. Sampling and analyses shall be done quarterly, at the expense of the gas station operator. City staff shall be given unrestricted access for compliance purposes.

19. Dispensing pads shall be Portland cement. Cracks and joints that open on dispensing pads shall be filled and fixed immediately to avoid the infiltration of hazardous chemicals.
20. All downspouts from the building and canopies shall be directly connected into the stormwater piping and directed to the stormwater pond.
21. The tank sump for each tank shall have the electrical conduit at the highest elevation practical above the transition points of the product piping.
22. Piping contractor shall install tracer wire on the outside of the product lines.
23. A clay liner shall be installed in the stormwater pond to eliminate infiltration of hydrocarbons and other potential groundwater contaminants.
24. All state requirements outlined in Chapter SPS 310: Flammable, Combustible and Hazardous Liquids, pertaining to this request must be met.
25. A groundwater protection plan shall be submitted to, and approved by, City of Stevens Point personnel prior to permit issuance, and implemented prior to construction, and shall cover the following:
  - a. A complete description of spill prevention and control measures for the facility. Spill prevention begins with the customer. Signs shall be posted at each dispenser instructing customers not to top off fuel tanks and to notify an employee in the event of a spill. Emergency shutoff switches shall be plainly labeled.
  - b. An estimate of the maximum quantity of fuel that could be spilled in the event of an equipment failure, along with an analysis of its fate and a plan for preventing it from reaching groundwater or surface water shall be created. The plan shall include descriptions of containment and/or diversionary structures or equipment needed in the event of a spill, and a demonstration that the needed equipment, personnel, and other resources would be available to respond to a spill.
  - c. A notification list, including the names and phone numbers of local management, remote management, fire and police, local and state agencies needing to be notified, and spill response contractors shall be created and kept readily available to gas station personnel.
  - d. Routine spot cleaning of small spills at fueling areas with dry methods. Dry methods include using rags or absorbents. Fueling areas shall never be washed down unless the water is collected and disposed of properly. The plan must specify that an adequate supply of absorbent materials be kept readily available.
  - e. Proper storage and disposal of used sorbents and/or rags. Used sorbents must be picked up prior to contact with rainwater or snowmelt, and stored for proper disposal.
  - f. Maintenance of the stormwater management system, including best management practices (BMPs).
  - g. Provisions to ensure that snow plowing and other maintenance will not interfere with the proper functioning of stormwater management, spill containment, and leak detection systems shall be provided to and approved by City of Stevens Point personnel prior to permit issuance.
  - h. Employee training: Employees must be trained (upon hiring and annually thereafter) in all aspects of routine operation and maintenance, including routine spill cleaning

and containment of contaminated stormwater, as well as spill response and other emergency procedures.

26. The City reserves the right to establish new conditions for the purpose of protecting the groundwater supply.

27. The conditional use permit shall expire within one year after final occupancy date.

seconded by Commissioner Patton.

Director Ostrowski requested that if there is a current condition that has equal or greater protection that is deemed appropriate by the Director of Water, the state, and himself, or if any such condition is not appropriate, he requests the ability to modify such conditions. Director Ostrowski added that the condition regarding the lighting needs to be modified to allow for 0.5 footcandles at the property line and 1 footcandle at the driveways, as well as allowing for the third driveway. In addition, the canopy would need a 25 feet setback from Interstate 39. Mayor Halverson and Commission Patten agreed to the recommended changes.

Aldersperson Moore expressed that he would like to see the third driveway for ingress/egress to remain if possible for traffic flow.

Director Lemke stated that he appreciates the flexibility to make appropriate modifications to the conditions as the plans continue to develop.

**The conditions are now as follows:**

1. The northern most ingress/egress point shall be lined up with the ingress/egress point across Old Highway 18 (5317 Old Highway 18).
2. All landscaping requirements shall be met and maintained as per Chapter 23 of the Revised Municipal Code. Additional screening is needed by the southern most ingress/egress point adjacent to Old Highway 18.
3. The existing vegetation along Old Highway 18, south of the southern most ingress/egress point, shall remain to provide screening for the adjacent properties.
4. All stormwater requirements shall be met as per Chapter 31 of the Revised Municipal Code.
5. The maximum illumination levels shall be 0.5 footcandles at the property lines, except at the driveways, where it shall not exceed 1.0 footcandles. All light fixtures shall be cut-off fixtures that are pointed down.
6. The screening for the refuse containers shall match the main exterior material of brick that is on the main building.
7. All piping shall be double wall flexible piping, where if product is released from the primary pipe it would be contained in a liquid tight pipe. Other type of piping, that is not flexible if it can be proven that it provides similar protection. This shall be approved by the State of Wisconsin and City Staff prior to permit issuance.
8. All piping shall be sloped to either a tank sump or a dispenser sump.

9. Sumps shall be located at the submersible head on each tank and also under each product dispenser. All sumps shall be equipped with a liquid sensor that sounds an alarm immediately if any liquid enters the sump.
10. All tanks shall be at minimum double walled with a liquid sensor that sounds an alarm immediately if any liquid is detected.
11. Electronic line leak detection shall be installed in the pipe run for each product dispensed. These units shall shut down flow to the pipe if there is a loss of pressure to the product pipe.
12. Dispenser and tank sump containment and spill buckets shall be double walled.
13. All monitoring shall be continuous monitoring, meaning that an alarm shall sound and proper authorities shall be immediately notified if a leak is detected.
14. Overfill devices shall be required to be installed to prevent the overfilling of the underground tanks from a transport truck, including installing one in the fill pipe of each tank, as well as an audible alert at 90% and an auto shut-off at 95% capacity, to ensure that overfilling will not occur.
15. Catch basins shall be installed around every fill point to catch product that may drip from the loading hose during the product transfer process.
16. Functionality tests shall be done semi-annually on all line monitors to ensure proper operation.
17. A tank bed and line liner shall be placed in the underground storage tank bed and in excavation trenches for fuel lines. This requirement can be waived if equal or greater protection is provided. If a liner is installed, a hydro geologist shall approve such liner and its ability to function correctly without causing negative impacts to the piping and tanks.
18. Monitoring wells shall be installed throughout the property at locations determined, prior to any permit issuance, by the Director of Water and the City Engineer. Sampling and analyses shall be done quarterly, at the expense of the gas station operator. City staff shall be given unrestricted access for compliance purposes.
19. Dispensing pads shall be Portland cement. Cracks and joints that open on dispensing pads shall be filled and fixed immediately to avoid the infiltration of hazardous chemicals.
20. All downspouts from the building and canopies shall be directly connected into the stormwater piping and directed to the stormwater pond.
21. The tank sump for each tank shall have the electrical conduit at the highest elevation practical above the transition points of the product piping.
22. Piping contractor shall install tracer wire on the outside of the product lines.
23. A clay liner shall be installed in the stormwater pond to eliminate infiltration of hydrocarbons and other potential groundwater contaminants.
24. All state requirements outlined in Chapter SPS 310: Flammable, Combustible and Hazardous Liquids, pertaining to this request must be met.
25. A groundwater protection plan shall be submitted to, and approved by, City of Stevens Point personnel prior to permit issuance, and implemented prior to construction, and shall cover the following:
  - a. A complete description of spill prevention and control measures for the facility. Spill prevention begins with the customer. Signs shall be posted at each dispenser

instructing customers not to top off fuel tanks and to notify an employee in the event of a spill. Emergency shutoff switches shall be plainly labeled.

- b. An estimate of the maximum quantity of fuel that could be spilled in the event of an equipment failure, along with an analysis of its fate and a plan for preventing it from reaching groundwater or surface water shall be created. The plan shall include descriptions of containment and/or diversionary structures or equipment needed in the event of a spill, and a demonstration that the needed equipment, personnel, and other resources would be available to respond to a spill.
  - c. A notification list, including the names and phone numbers of local management, remote management, fire and police, local and state agencies needing to be notified, and spill response contractors shall be created and kept readily available to gas station personnel.
  - d. Routine spot cleaning of small spills at fueling areas with dry methods. Dry methods include using rags or absorbents. Fueling areas shall never be washed down unless the water is collected and disposed of properly. The plan must specify that an adequate supply of absorbent materials be kept readily available.
  - e. Proper storage and disposal of used sorbents and/or rags. Used sorbents must be picked up prior to contact with rainwater or snowmelt, and stored for proper disposal.
  - f. Maintenance of the stormwater management system, including best management practices (BMPs).
  - g. Provisions to ensure that snow plowing and other maintenance will not interfere with the proper functioning of stormwater management, spill containment, and leak detection systems shall be provided to and approved by City of Stevens Point personnel prior to permit issuance.
  - h. Employee training: Employees must be trained (upon hiring and annually thereafter) in all aspects of routine operation and maintenance, including routine spill cleaning and containment of contaminated stormwater, as well as spill response and other emergency procedures.
26. The canopy shall meet the zoning district setback of 25 feet from Interstate 39 property line.
27. The City reserves the right to establish new conditions for the purpose of protecting the groundwater supply.
28. If any equal or superior alternative exists over any of the conditions, as determined by the Director of Water, the state, and the Director of Community Development, City Stevens Point personnel shall have the ability to modify such condition(s).
29. The conditional use permit shall expire within one year after final occupancy date.

**Motion carried 5-0.**

- 6. Request from Fritz Schierl, representing Team Schierl Companies for a conditional use permit and site plan review to operate a gas station and convenience store within Groundwater (Wellhead) Protection Overlay District B at the **northeast quadrant of the intersection of Badger Avenue and Highway 10 (Parcel ID 2408-36-1100-01 (former County Parcel ID: 020240836-02.05))**.

Fritz Schierl, Team Schierl Companies, stated that he would like to clear up some misinformation about the development. He said that they are not clear cutting 18 acres of trees, but rather only impacting about 1.46 acres. He stated that his company has discussed the environmental impact and the technology available on installation. He has brought in experts in the field to address the commission in the delineation of the wetlands.

Jim Lundberg, Point of Beginning, stated his company was hired to do the topographic survey of the property and in turn a third party was hired to prepare the wetland delineation of the entire 18 acres. Gary Starzinski, Star Environmental, went out and flagged the exterior of the wetlands on the property and from that the area was mapped, showing that the development would not be in the wetlands. Point of Beginning would also be addressing the stormwater management for the site, making sure to address runoff before it discharges into the wetlands.

Mr. Schierl pointed out that there would be no negative impact to the wetlands. He also said that the wetlands are low grade wetlands that have already been inhabited by a very invasive species of weed canary grass. He stated Ray Tierney would address the concerns about private wells for the Town of Hull residents to the east and south.

Ray Tierney, hydro-geologist with SCSBT Squared, explained the groundwater concepts typically found in Wisconsin and the way in which the water would flow. He stated that groundwater is everywhere at some depth below the ground surface. He explained that the groundwater moves very slowly through the soils and the bedrock below the soils, so groundwater is basically water that is below the ground and will often discharge to a surface water body such as a lake, river, or stream. Mr. Tierney pointed out that many private wells are shallow and may just be drilled into the soil above the bedrock, where some of the deeper wells such as municipal wells can go into the bedrock where they are drawing much more water. He then explained a map of the water table elevation in the area of Stevens Point and the Town of Hull, and showed that the water would flow east to west. He indicated that there is about 9,000 feet from the closest municipal well (Well #5) and with groundwater flow, the development is mapped within the five year well protection, but realistically is 7-8 years away.

Mr. Schierl, Team Schierl Companies, explained that the reason they asked Ray to present is to show that they are aware and concerned of the private wells and groundwater. He wanted to put some science to the concerns. He stated in reality with the groundwater flow even in the very unlikely event of some sort of release, that the contamination will go west and not south or east to the Town of Hull.

Commissioner Patton asked if Team Schierl owned the whole 18 acres, to which Mr. Schierl answered no, they only purchased 2.7 acres, of which 1.46 acres will be developed. The rest would be unchanged.

Commissioner Curless asked if the property would meet all the setbacks for the city for the future and if there was a frontage road proposed, to which Mayor Halverson stated yes the development meets the setbacks, but there is not a frontage road proposed for this particular side of the road at this time. Mayor Halverson continued to state that this zoning district does have the greater setback.

Commissioner Patton asked if there were any different type of protections for this site that the location by Crossroads Commons, to which Fritz Schierl stated that the other store was built four or so years ago and it is a simple double wall tank and piping. There are more protections with either the triple wall tank or the liner, but they will comply with whatever is the most appropriate, so the protection would be heightened at this location.

Ray Schmitt, Portage County Planning and Zoning Water Quality Specialist, pointed out that the groundwater does not flow dew west, but he can assure the commission it does not flow to the east, but a slightly northwest or slightly southwest direction with the bedrock underneath, it is not a flat bedrock table.

Bob Enright, 5753 Algoma, is opposed to the request for a gas station within the groundwater protection area. There is a risk of stormwater runoff contaminating the wetlands and the groundwater. He feels that the City of Stevens Point is in violation of its comprehensive plan in working in conjunction with the Town of Hull and urges the commission to table this request and have a joint meeting with the Town of Hull and the Town of Stockton to have a joint understanding of the land use and avoid any future conflicts.

Cathy Dugan, 615 Somers, opposes the request for a gas station within the groundwater protection area for the reasons that include the impacts on the natural area, the risk to the drinking water, and feels that it is urban sprawl.

Mary Kneebone, 5718 Sandpiper, is opposed to the request for a gas station within the groundwater protection area due to her feeling of lack of notice, reduction of the natural area, increased vehicle traffic, safety for pedestrian/bike traffic, and lighting from the business affecting the neighborhood.

Terry Hackett, 5954 Melrose, is opposed to the request for a gas station within the groundwater protection area due to the concern for groundwater, the lack of discussion regarding the issue, increased traffic, and the uncontrolled intersection. He feels that the city needs to act more proactively in land use planning and less reactively.

David Garber, 5893 Clark, is concerned for the timing and how quickly this project is happening. He feels the city should slow down and discuss this more.

Jeff Schuler, Portage County Planning and Zoning, stated that he did have some comments on conditions as in the prior agenda item, and that those same comments apply to this request as well. He did question that in the plans that were in the packet there was no description of a stormwater pond, but condition number 27 does call for one, so he asked for clarification. Mayor Halverson stated that stormwater plans are approved by Engineering and the clay liner will specifically be a requirement for that. Mr. Schuler finished with that continuity in operations and upkeep is key for the preservation.

Mayor Halverson stated he finds it alarming that there is a misrepresentation regarding this site in terms of how it was planned, what was agreed to, the amount of transparency, and the fact that we are building a gas station within a park. Ultimately, we have a comprehensive plan, as well as an agreement with the Town of Hull specifically stating on how the entire area would develop.

As the city grows, the need to grow with tax base is vital. New growth is not only vital to add services, but to continue to fund the ones we currently provide. There was a very specific intergovernmental agreement that called for B-5 Highway Commercial on this site, as part of it an allowed use is a gas station. If this area was not in a wellhead protection district right now, this parcel would already be under construction because it is an allowed use.

**Motion by Mayor Halverson to approve the request for a conditional use permit and site plan review to operate a gas station and convenience store within Groundwater (Wellhead) Protection Overlay District B at the northeast quadrant of the intersection of Badger Avenue and Highway 10 (Parcel ID 2408-36-1100-01 (former County Parcel ID: 020240836-02.05)) with the following conditions:**

1. Wetlands shall be identified and preserved as natural areas.
2. All landscaping requirements shall be met and maintained as per Chapter 23 of the Revised Municipal Code, and the 1998 Intergovernmental Agreement.
3. All stormwater requirements shall be met as per Chapter 31 of the Revised Municipal Code.
4. There shall be no light spill over past the property line and that no lights shall be directed towards adjacent properties. All light fixtures shall be cut-off fixtures that are pointed down.
5. An illumination / lighting plan shall be submitted prior to construction. The maximum illumination levels shall be 0.5 footcandles at the property lines, except at the driveways, where it shall not exceed 1.0 footcandles. All light fixtures shall be cut-off fixtures that are pointed down.
6. The screening for the refuse containers match the main exterior material of brick that is on the main building. The access gates shall not face south.
7. The diesel canopy to the north will need to be at least 10 feet from the side property line. However, if a street is installed, the setback would be increased to 40 feet. In addition, the parking lot will need a 10 foot setback from the north property line. However, if a street is installed, the setback would be increase to 20 feet.
8. Sidewalks, at least 5 feet in width, shall be installed along the property on both Highway 10 and Badger Avenue. In addition, if the proposed drive to the north is installed, sidewalks shall be added within one year at the owner's expense.
9. A landscape base shall be provided per Chapter 25 of the Revised Municipal Code for the freestanding sign.
10. All piping shall be double wall flexible piping, where if product is released from the primary pipe it would be contained in a liquid tight pipe. Other type of piping, that is not flexible if it can be proven that it provides similar protection. This shall be approved by the State of Wisconsin and City Staff prior to permit issuance.
11. All piping shall be sloped to either a tank sump or a dispenser sump.
12. Sumps shall be located at the submersible head on each tank and also under each product dispenser. All sumps shall be equipped with a liquid sensor that sounds an alarm immediately if any liquid enters the sump.
13. All tanks shall be at minimum double walled with a liquid sensor that sounds an alarm immediately if any liquid is detected.

14. Electronic line leak detection shall be installed in the pipe run for each product dispensed. These units shall shut down flow to the pipe if there is a loss of pressure to the product pipe.
15. Dispenser and tank sump containment and spill buckets shall be double walled.
16. All monitoring shall be continuous monitoring, meaning that an alarm shall sound and proper authorities shall be immediately notified if a leak is detected.
17. Overfill devices shall be required to be installed to prevent the overfilling of the underground tanks from a transport truck, including installing one in the fill pipe of each tank, as well as an audible alert at 90% and an auto shut-off at 95% capacity, to ensure that overfilling will not occur.
18. Catch basins shall be installed around every fill point to catch product that may drip from the loading hose during the product transfer process.
19. Functionality tests shall be done semi-annually on all line monitors to ensure proper operation.
20. A tank bed and line liner shall be placed in the underground storage tank bed and in excavation trenches for fuel lines. This requirement can be waived if equal or greater protection is provided. If a liner is installed, a hydro geologist shall approve such liner and its ability to function correctly without causing negative impacts to the piping and tanks.
21. Monitoring wells shall be installed throughout the property at locations determined, prior to any permit issuance, by the Director of Water and the City Engineer. Sampling and analyses shall be done quarterly, at the expense of the gas station operator. City staff shall be given unrestricted access for compliance purposes.
22. Dispensing pads shall be Portland cement. Cracks and joints that open on dispensing pads shall be filled and fixed immediately to avoid the infiltration of hazardous chemicals.
23. All downspouts from the building and canopies shall be directly connected into the stormwater piping and directed to the stormwater pond.
24. The tank sump for each tank shall have the electrical conduit at the highest elevation practical above the transition points of the product piping.
25. Piping contractor shall install tracer wire on the outside of the product lines.
26. A clay liner shall be installed in the stormwater pond to eliminate infiltration of hydrocarbons, and other potential groundwater contaminants.
27. All state requirements outlined in Chapter SPS 310: Flammable, Combustible and Hazardous Liquids, pertaining to this request must be met.
28. A groundwater protection plan shall be submitted to, and approved by, City of Stevens Point personnel prior to permit issuance, and implemented prior to construction, and shall cover the following:
  - a. A complete description of spill prevention and control measures for the facility. Spill prevention begins with the customer. Signs shall be posted at each dispenser instructing customers not to top off fuel tanks and to notify an employee in the event of a spill. Emergency shutoff switches shall be plainly labeled.
  - b. An estimate of the maximum quantity of fuel that could be spilled in the event of an equipment failure, along with an analysis of its fate and a plan for preventing it from reaching groundwater or surface water shall be created. The plan shall include

descriptions of containment and/or diversionary structures or equipment needed in the event of a spill, and a demonstration that the needed equipment, personnel, and other resources would be available to respond to a spill.

- c. A notification list, including the names and phone numbers of local management, remote management, fire and police, local and state agencies needing to be notified, and spill response contractors shall be created and kept readily available to gas station personnel.
  - d. Routine spot cleaning of small spills at fueling areas with dry methods. Dry methods include using rags or absorbents. Fueling areas shall never be washed down unless the water is collected and disposed of properly. The plan must specify that an adequate supply of absorbent materials be kept readily available.
  - e. Proper storage and disposal of used sorbents and/or rags. Used sorbents must be picked up prior to contact with rainwater or snowmelt, and stored for proper disposal.
  - f. Maintenance of the stormwater management system, including best management practices (BMPs).
  - g. Provisions to ensure that snow plowing and other maintenance will not interfere with the proper functioning of stormwater management, spill containment, and leak detection systems shall be provided to and approved by City of Stevens Point personnel prior to permit issuance.
  - h. Employee training: Employees must be trained (upon hiring and annually thereafter) in all aspects of routine operation and maintenance, including routine spill cleaning and containment of contaminated stormwater, as well as spill response and other emergency procedures.
29. The City reserves the right to establish new conditions for the purpose of protecting the groundwater supply.
30. If any equal or superior alternative exists over any of the conditions, as determined by the Director of Water, the state, and the Director of Community Development, City Stevens Point personnel shall have the ability to modify such condition(s).
31. The conditional use permit shall expire within one year after final occupancy date.

seconded by Alderperson Moore.

Commissioner O'Donnell asked about the traffic plan for that area. Mayor Halverson stated that with the actual presence of this gas station it could push that intersection to be addressed by the DOT to potentially install signals. Mayor Halverson stated that it would be determined by the DOT because they have full jurisdiction on that particular highway.

Commissioner Patton asked if there was any thought or talk of reducing the speeds in that area. Mayor Halverson stated that has not been a part of the conversation; however, from Badger Avenue to the east there has been some talk about lowering the speed limit and using traffic calming measures on the highway to slow the traffic prior to getting into the city limits. Right now they are going through a detailed analysis of that entire corridor specifically to the east.

**Motion carried 5-0.**

7. Adjourn.

**Meeting adjourned at 8:00 PM.**