

REPORT OF CITY PLAN COMMISSION

Monday, July 1, 2013 – 6:00 PM  
Lincoln Center – 1519 Water Street

PRESENT: Mayor Andrew Halverson, Alderperson Jerry Moore, Commissioner Tony Patton, Commissioner Anna Haines, Commissioner Dave Cooper, and Commissioner Garry Curlless.

ALSO PRESENT: Community Development Director Michael Ostrowski, Economic Development Specialist Kyle Kearns, City Attorney Beveridge, Comptroller/Treasurer Corey Ladick, Alderperson Mary Stroik, Alderperson Slowinski, Alderperson Trzebiatowski, Brandi Makuski, Larry Lee, Cathy Dugan, Barb Jacob, Jon Okonek, Albert Walkush, Ray Shuda, Ken Kracht, Brian Suchowski, Jay Lakritz, Ward Wolff, Rick Giese, Jim Cooper, Wayne Bushman, Bill Cooper, Mike Cooper, Gabe Thomas, Fred Boehm, Tina Gwidt, Carie Bula, Reid Rocheleau, and Gene Kemmeter.

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2. Request from Ken Kracht, representing Premier Auto Body, for an amendment to their Conditional Use Permit to operate a body shop, relating to parking and fencing at **3725 Patch Street (Parcel ID 2308-03-2200-47)**.
3. Request from Ward Wolff, representing the property owner, to rezone the property located at **3500 Main Street (Parcel ID 2408-33-1001-15)** from "R-2" Single Family Residence District to "B-4" Commercial District.
4. Request from Gabe Thomas, representing Generations Property Development, to rezone the split zoned property **south of Regent Street, between Saint Paul Street and Dearborn Avenue (Parcel ID 2408-28-4001-06)** from both "R-2" Single Family Residence District and "R-3" Single and Two Family Residence District to entirely "R-2" Single Family Residence District.
5. Request from Gabe Thomas, representing Generations Property Development, for a final plat review of a thirteen (13) lot subdivision, Washington Terrace, **south of Regent Street, between Saint Paul Street and Dearborn Avenue (Parcel ID 2408-28-4001-06)**.
6. Request from Bill Cooper, representing Cooper Oil Co. Inc., for a Conditional Use Permit allow the installation of a 30,000 gallon above ground liquid propane tank at **2172 Prairie Street (Parcel ID's 2408-32-4014-13 and 2408-32-4014-15)**.
7. Adjourn.

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1. Report of the June 3, 2013 Plan Commission meeting.

**Motion by Alderperson Moore to approve the report of the June 3, 2013 meeting; seconded by Commissioner Curlless. Motion carried 6-0.**

2. Request from Ken Kracht, representing Premier Auto Body, for an amendment to their Conditional Use Permit to operate a body shop, relating to parking and fencing at **3725 Patch Street (Parcel ID 2308-03-2200-47)**.

Ken Kracht, Premier Auto Body, stated regarding the fence height condition, the southern neighbor has a six foot fence with privacy slats which he is requesting to match. Furthermore, Mr. Karcht stated there is an issue with security behind the building, and he feels the fence is a necessity, but would like to keep it

open so law enforcement can view the area. Lastly, he asked for staff to clarify the ability of tow truck drivers to drop off vehicles at the shop after hours.

Commissioner Curless asked if there are cars parked on the east side of the building currently, to which Mr. Kracht answered yes, there is parking on the east side of the building.

Director Ostrowski explained there are three conditions that the owner is requesting to amend from the prior conditional use resolution. The first being a six foot tall fence, as opposed to an eight foot tall fence; staff is fine with the request as long as the materials within the fence do not project higher than the six feet. Furthermore, Director Ostrowski stated the fence was recommended to screen what was inside the fenced area, and that is why the winged or hedge materials were required. Regarding the parking on the east side of the building, if the vehicles are operable or inoperable they have to have screening from the road, a parking lot would need to be paved with at least a five foot setback, as well as meet the parking lot landscape requirements outlined within the zoning code. Director Ostrowski continued stating the third request regarding inoperable motor vehicles, and those deposited by tow trucks is fine as long as they are stored inside within the next business day.

Mayor Halverson stated when the original conditional use was discussed, the concern at that time was the proximity of the nearby neighboring bedroom windows. Furthermore, he stated the height of the fence may not be as important as the transparency of the fence, and suggested 75-50% screening along the east side to maintain some visibility for law enforcement with however, 95% along the south side.

Commissioner Haines asked if there was already a fence there, to which Director Ostrowski explained there is already a fence along the south property line, which is the neighbor's fence. The proposed fencing is for the east and west sides of the property. Commissioner Curless stressed that fencing just on the east and west side of the property doesn't protect the views to the south if the property owner to the south ever took their fence down. The suggestion was then made by Commissioner Curless for the property owner to put up a fence on the south side of the property if the current fence were ever to disappear, to which Mayor Halverson agreed.

Commissioner Haines then asked if there would be gated access, to which Mayor Halverson stated yes.

Aldersperson Slowinski said he feels the south fence is sufficient, and is for keeping the height at the same level for the east and west side fencing. He feels the need to install the south fence if the existing one is ever removed, and since the hedge slats are unable to match the structure, he would rather see privacy slats installed, as opposed to something that does not match the building.

Brian Suchowski, 2163 Strongs Avenue and business partner of Ken Kracht, stated the commission needs to consider the requested amendments, and explained they are not a body shop, but a collision repair facility that moves cars relatively quickly. Typically, they do not keep cars in the gravel area and try to keep the cars they are working on inside the building or parked in a manner that is not distracting to citizens. Lastly, he stated that they have worked with the neighbors whom have no complaints.

Commissioner Curless asked what the definition of inoperable was, to which Director Ostrowski stated operable is considered legally drivable. Commissioner Curless clarified that every car that is taken there for repair is considered inoperable, to which Director Ostrowski explained a vehicle may be operable, having only minor fender damage and may be there multiple days. Director Ostrowski stated regardless of vehicles operability, it is considered a parking area, and would have to be screened meeting the landscaping requirements. Furthermore, the parking area would have to be asphalt or concrete and striped for vehicles.

Mayor Halverson clarified that inoperable is literally that, unable to move or drive, to which Director Ostrowski added if it is an inoperable car, it would have to be in the fenced area or inside the building.

Brian Suchowski, 2163 Strongs Avenue, explained that 90-95% of the vehicles that they repair are operable, and almost nothing sits outside overnight. He continued stating he does not prefer outside storage because it may get vandalized.

Aldersperson Moore expressed his concern with putting up the screen on the east side due to the visibility issues. Mayor Halverson suggested something more transparent to lessen the impact of what is parked back there, but still maintaining some ability for police to observe. Aldersperson Moore then asked how much the fence will keep people out of the area, to which Director Ostrowski explained it would be totally enclosed with a gate. Commissioner Patton clarified it is not going to keep anyone out, to which Director Ostrowski stated it is intended to screen what is behind it as well.

Commissioner Haines stated she can see reducing the screening requirement to provide more security with increased visibility. Mayor Halverson added perhaps 75% coverage along the east side and 95% along the west side, to which Commissioner Patton asked since the building is very close the western neighboring building, would the west side need screening. Director Ostrowski responded, stating there is less than 20 feet between the buildings, and Mayor Halverson added there really is no need for any screening on the west side.

**Motion by Commissioner Patton to approve the Conditional Use Amendment to operate a body shop with the following conditions:**

- The storage area shall be fenced from the west and east with a fence at least 6' tall to block vision of the stored vehicles (if a chain link fence is used, privacy slats with at least 75% screening shall be installed on the east side only). The storage of materials located within the fenced area shall not project above the 6 foot tall fence.
- If any trees are removed within the 10' setback to the south, they shall be replaced with an 8' solid fence or chain link fence with "pipe cleaner hedge slats or "winged slats" and maintain as much of the existing foliage as possible. Trees more than 10' from the south property line may be eliminated at the owner's option.
- No parking shall be allowed in front of the storage area on the east side except for operable or inoperable vehicles deposited by towing companies. In order for parking to occur, parking, landscaping and screening requirements must be met.
- No trash containers, parts, or similar materials shall be stored outside the fenced storage area. Inoperable automobiles that are placed on the property by a towing company after hours shall be moved to a proper storage area during the next business day.
- If the southern existing neighboring fence is ever removed, the applicant shall install a 6' fence spanning from east to west with winged or hedged slats that provide 95% screening.
- The project shall be completed within one year after final approval, and may be granted a six month extension with the approval of staff.

**seconded by Commissioner Curless.**

Director Ostrowski emphasized that if inoperable or operable cars are parked for any period of time east of the fenced area, parking lot requirements shall be met which include paving and screening with landscaping towards the road.

**Motion carried 6-0.**

3. Request from Ward Wolff, representing the property owner, to rezone the property located at **3500 Main Street (Parcel ID 2408-33-1001-15)** from "R-2" Single Family Residence District to "B-4" Commercial District.

Ward Wolff explained that at this time there is no buyer for the property, but zoning that would allow for the highest and best use of the property would give it a better chance for sale and increase the tax base for Stevens Point.

John Okonek, 2916 Dixon Street, representing the Stevens Point Catholic Cemetery Association stated he is opposed to the rezoning. Furthermore, he explained that adding another property on that corner with egress on Wilshire Boulevard will add more traffic to an already busy and congested area. It becomes a safety concern for the kids attending Washington School as well as the residents who live in that area. Mr. Okonek also explained the Cemetery Association owns the majority of the block and had a verbal agreement that when Mrs. Haertel passed away, the association would have a chance to purchase the property and continue the cemetery. Because of the verbal agreement, the cemetery has done burials almost up to the property line on the west side and any commercial development in that area would jeopardize the people that are buried there and visitors to those sites.

Jay Lakritz, BMO Harris Bank and acting trustee for the Irene Haertel estate, stated he is trying to do the best for the beneficiaries in terms of settling the estate. He stated that the beneficiaries are in favor of the rezoning, which may be the best use for the property. He pointed out that if there had been an agreement, there is nothing that is recorded or documented in the estate.

Aldersperson Trzebiatowski stated he has concerns with the safety issues that could arise from potential development, relating to the current traffic congestion and the pedestrian and traffic concerns with the ingress/egress on Wilshire Boulevard.

Cathy Dugan, 615 Sommers Street, stated she lives in the area and has recently purchased a plot within the cemetery, and feels the rezoning is inappropriate due to the plots and cemetery being so close to the lot line. Additionally, she also has concerns for the safety of the congested intersection.

Commission Haines asked why B-4 Commercial zoning was requested, to which Director Ostrowski stated B-4 is the standard commercial zoning which you see to the south of this property across Main Street. He continued stating there are commercial uses along Wilshire Boulevard, most of them office uses, and commercial activity to the south. Commissioner Haines then suggested rezoning to B-1 Neighborhood Business District as it would involve quieter and more fitting businesses.

Commissioner Patton asked what the setback was in the B-4 district, to which Director Ostrowski answered 10 feet for rear yard and five feet for side yard. Commissioner Patton then asked if the uses would include screening, to which Director Ostrowski answered depending on the use and how the structure was set on the property. Commissioner Haines added that if it was a permitted use, we may not see it before the Plan Commission again. Commissioner Patton stated that if it was zoned B-4 Commercial and they wanted to rent the house, loud parties and noise could provide disruption to the

neighboring cemetery no matter what the zoning. Mayor Halverson agreed, but explained the difference would be the time of day for cemetery visits verses that type of activity going on. Mayor Halverson continued stating why we chose to maintain this property as single family residential in the comprehensive plan was beyond him. Mayor Halverson then expressed concern as to the appropriate commercial zoning of the property based on surrounding uses, as well as the fact that the cemetery will become a city cemetery at some point.

Aldersperson Moore stated his concern for rezoning it based off the information presented, which doesn't include an immediate development occurring on the property. Commissioner Haines added she understands the rezoning concern, but feels a transition as a neighborhood district would fit much better. Director Ostrowski explained that the Neighborhood District is less intensive. Commissioner Patton asked what in our zoning districts would be comparable to Park Ridge's commercial zoning, to which Economic Development Specialist Kearns stated similar to the B-4 Commercial.

**Motion by Commissioner Patton to approve the rezoning of the property located at 3500 Main Street (Parcel ID 2408-33-1001-15) from "R-2" Single Family Residence District to "B-4" Commercial District.**

Motion failed for lack of a second.

**Motion by Mayor Halverson to approve the rezoning of the property located at 3500 Main Street (Parcel ID 2408-33-1001-15) from "R-2" Single Family Residence District to "B-1" Neighborhood Business District; seconded by Commissioner Curless.**

Aldersperson Moore expressed his concern that if there is no interest in the property at this time, then it should not be before the Plan Commission.

Commissioner Patton pointed out if the zoning is left at single family, the property is much cheaper than if the zoning was commercial.

**Motion carried 4-2, with Aldersperson Moore and Commissioner Patton voting in the negative.**

4. Request from Gabe Thomas, representing Generations Property Development, to rezone the split zoned property **south of Regent Street, between Saint Paul Street and Dearborn Avenue (Parcel ID 2408-28-4001-06)** from both "R-2" Single Family Residence District and "R-3" Single and Two Family Residence District to entirely "R-2" Single Family Residence District.

**Motion by Mayor Halverson to approve the rezoning of the split zoned property south of Regent Street, between Saint Paul Street and Dearborn Avenue (Parcel ID 2408-28-4001-06) from both "R-2" Single Family Residence District and "R-3" Single and Two Family Residence District to entirely "R-2" Single Family Residence District; seconded by Aldersperson Moore.**

Commissioner Patton asked if the sidewalks would be required to be continued by the church rectory, to which Mayor Halverson answered that would be addressed at the Department of Public Works meeting. Commissioner Patton then asked what steps are required for the continuation of this subdivision, to which Director Ostrowski answered approval from Common Council, then the state approvals for the final plat and the approval of plans for the utilities, which would be an office review.

**Motion carried 6-0.**

5. Request from Gabe Thomas, representing Generations Property Development, for a final plat review of a thirteen (13) lot subdivision, Washington Terrace, **south of Regent Street, between Saint Paul Street and Dearborn Avenue (Parcel ID 2408-28-4001-06).**

Director Ostrowski explained this is the approval of the final plat, and staff would recommend approval with staff conditions outlined in the staff report, with the exception of the condition regarding the installation of a fire hydrant. He recommended that the fire hydrant condition not identify an exact corner at the intersection for installation as it may be dependent upon utilities at that location.

**Motion by Mayor Halverson to approve for a final plat review of a thirteen (13) lot subdivision, Washington Terrace, south of Regent Street, between Saint Paul Street and Dearborn Avenue (Parcel ID 2408-28-4001-06) with the following conditions:**

- a. Minor grammatical errors on the final plat, identified by staff, shall be corrected.
- b. Sidewalks shall be installed along all sides of the development between the swales and street.
- c. Swales meeting all City Department of Public Works and Utility Department specifications, as well as those outlined in Chapter 31, shall be installed on all sides of the development to control stormwater.
- d. A stormwater management plan shall be submitted and reviewed by all applicable departments.
- e. A hydrant shall be installed at the intersection of Jordan Lane and Saint Paul Street.
- f. Utilities (sewer and water) shall be installed west of the property on Saint Paul Street at the owner's expense, at which point upon completion will be dedicated to and maintained by the City.
- g. A utility plan identifying all requirements above shall be submitted and reviewed by all applicable departments to ensure certain criteria and specifications are met.
- h. A grading plan shall be submitted and reviewed by all applicable departments.
- i. A park fee shall be submitted to the City of Stevens Point in the amount of \$250.00 per lot.
- j. Any objections from reviewing agencies shall be satisfied before the plat shall be recorded. If there are no objections, the final plat shall be approved once the reviewing agencies have reported their findings.
- k. The final plat shall conform to the provisions of Chapter 20 of the Revised Municipal Code and Chapter 236 of the Wisconsin Statutes.
- l. All applicable permits from Portage County, the Wisconsin Department of Natural Resources, the City, and any other authorizing agencies shall be obtained.
- m. A development agreement shall be entered into by the subdivider and the City relating to all infrastructure improvements for the project.

**seconded by Alderperson Moore. Motion carried 6-0.**

6. Request from Bill Cooper, representing Cooper Oil Co. Inc., for a Conditional Use Permit to allow the installation of a 30,000 gallon above ground liquid propane tank at **2172 Prairie Street (Parcel ID's 2408-32-4014-13 and 2408-32-4014-15).**

Commissioner Cooper abstained from this agenda item.

Bill Cooper, 1320 Phillips Street, presented his request to install a 30,000 gallon propane bulk tank at their existing petroleum facility. Furthermore, Mr. Cooper stated the intent for this request is due to the changing environment of the business. In order to stay competitive, propane must be offered. He stated the company was unaware of the local ordinances. The land is zoned heavy industrial, they have state approval, and the Fire Department was aware of the propane tank installation. Additionally, he explained this expansion is creating more revenue and jobs for the City, and the financing is from a local bank. The business has been at this location since 1957 and he would like to continue. Mr. Cooper then individually addressed the standards of review in the staff report. Regarding the first standard he explained that propane is a highly regulated business, extremely safe and quiet. Increases in truck traffic shouldn't be more than one truck a week. He used Lakes Gas on West River Drive as an example and pointed out that the propane tank is not 40 feet from the property line. He continued stating they are also asking for a front yard setback variance. The State of Wisconsin recognizes the street as a setback, and requires the tank to be completely guarded with steel bollards and concrete dead men, which make it impossible for vehicles to hit directly. In regards to the second standard, the reason the land was purchased in 2009 was because of the current Heavy Industrial zoning which would allow for growth of the company and use. He stated regarding standard three, this and other surrounding industrial uses have been there for many years, and are not disappearing. Regarding standard four, the tank does not fit into the architectural appeal, Mr. Cooper stated he can paint the tank to make it more appealing to the neighborhood. Mr. Cooper explained regarding standard six, the ingress/egress and traffic is mainly on Wood Street and would only increase traffic by one or two trucks a week. He addressed standard eight which he is requesting a variance to the 40 foot setback requirement. Furthermore, he explained the state and national regulations allow the use of the street as a setback, and the existing location was chosen to maximize safety and the use of their land. He also addressed standard thirteen, stating landscaping and fencing facing the residential areas would not be a problem as trees already exist along the north side of the lot. Lastly, Mr. Cooper displayed his concern regarding the 7:00am-7:00pm restrictions for truck traffic, which are unfavorable to his business, as others don't have to follow operating restrictions. He continued to explain the smaller tanks which are stored there are for sale and not filled on site.

Commissioner Curless asked if there were more posts to be installed around the tank, to which Mr. Cooper answered he can install more if recommended, however, the state had recommend either the posts or dead men. They have not been installed because he was told to stop work until permits and variances were obtained. The tank is empty at this time and will remain so until the state inspector comes back, and the bollards or dead men are placed around the tank.

Wayne Bushman, 2240 and 2160 Wood Street, is in favor of the tank and propane operation as Cooper Oil has been invested in the city for a long time, the zoning is appropriate for this type of business, and traffic in the area is not an issue.

Rick Giese, 2133 Prairie Street, has been living in the area for sixty years and has watched the business grow and evolve and through the process they have improved the aesthetics and cleanliness of the property and business. He explained the trucks have not and will not be a nuisance, and is in favor of the conditional use.

Tina Gwidt, 2108 Prairie Street, is concerned for the property values. Furthermore, she does not believe fencing will improve the aesthetics, has a concern for the risk to the neighborhood, and possible health issues if there is a leak. She asked that the commission have the tank removed.

Paul Adamski, 3117 Della Street, assures this is a very well run business, and feels this should work for them as they are a local business. He challenges the Engineering and Community Development departments to do additional research on how to make this happen rather than to stop a local longtime business from growing and contributing to our economy.

Bill Cooper explained that the tanks which store petroleum underground hold more gallons than this propane tank, which would be constantly monitored. Commissioner Haines asked why this could not be stored underground, to which Mr. Cooper answered it would be a greater expense.

Carrie Bula, 2116 Prairie Street, stated she has no problem with a business expanding, but currently the 1000 gallon tanks are right up to her back yard and the large tank points directly at her property. She cannot imagine any type of fencing that would shield the tank enough for anyone to ever buy her property and does not feel the location of the tank is appropriate.

Cathy Dugan, 615 Sommers Street, explained this is not the first time there has been conflicting uses in this area and feels a larger discussion about relocation needs to occur, but not to encourage people to build more heavy industrial. She does not feel this is the appropriate place for a propane tank.

Mike Cooper, 1396 Sommerset Drive, explained the smaller tanks are required to be purchased in bulk, and in the winter months there will be fewer on the property. He continued stating they can put up more landscaping and fencing in the area to screen the property. Mr. Cooper also pointed out that not every heavy commercial area has a transitional zone, and that the large tank itself would only hold 24,000 gallons as it is required to only hold 80% to leave room for expansion.

Wayne Bushman, 2240 Wood Street, feels that the 7:00am-7:00pm time frame would not be an issue most months, but in the winter if someone has run out of gas, it may be a necessity to have hours that are more flexible. Furthermore, he stressed that there is a need to have all the smaller tanks on site so they are available for new customers.

Reid Rocheleau, 408 Cedar Street, feels the problem is the zoning of this property, and staff should look at rezoning the residential properties to something that would increase their value for resale.

**Motion by Commissioner Patton to approve a Conditional Use Permit allowing the installation of a 30,000 gallon above ground liquid propane tank at 2172 Prairie Street (Parcel ID's 2408-32-4014-13 and 2408-32-4014-15) with additional screening of trees to be added around the property; seconded by Alderperson Moore.**

Mayor Halverson pointed out that the Plan Commission can not absolve a zoning ordinance by not accepting a condition, which is in regards to the setback of the tank itself. A separate variance from the zoning code will have to be obtained for the reduced setback. Director Ostrowski added the Board of Zoning Appeals would be the governing body over that decision, as the Plan Commission does not have that power.

Mayor Halverson clarified the motion to grant the conditional use permit for the propane tank with a condition. Commissioner Patton asked how that is different from any other variance that is granted by the Plan Commission, to which Director Ostrowski answered there are certain instances within the zoning code that allow the Plan Commission to reduce setbacks, but those are specifically outlined within the code. He continued stating that any variance from a standard within the zoning code is governed by the Board of Zoning Appeals, so if it is not written within the code, the Plan Commission does not have authority.

Alderson Moore asked how this was able to pass the State and Federal regulations, and why it comes down to the City to make the final decision. Director Ostrowski explained that our zoning code requires certain setbacks for certain structures which may be different from the state. One of the conditions within the state approval is that the applicant must receive all local permits and approvals, therefore, we review it based on our conditional use standards within the zoning district. Director Ostrowski continued stating that petroleum storage requires a conditional use permit under our zoning code within that district. Alderson Moore confirmed they meet the side and rear yard setbacks so the one setback they don't meet is between the tank and the road, to which Director Ostrowski stated correct. The recommendation from staff however is based off of the conditional use standards and whether or not this use is appropriate on this site. The plan commission can establish greater setback requirements, but can't establish lesser setbacks, therefore, requiring a variance from the board of zoning appeals.

Mayor Halverson emphasized he is not comfortable making a decision for or against this and feels he needs more time. He feels this is too intricate with the single family homes directly adjacent, and the sensitivity to the Cooper family and their long standing tradition. Additionally, Mayor Halverson stated we have to be sensitive to a 30,000 gallon propane tank and the aesthetics of it, along with the dangers. Lastly, Mayor Halverson wants to talk further with the Fire Department and other experts.

Commissioner Haines stated this brings up a question regarding land use with heavy industrial uses right next to single family homes. Director Ostrowski added the current zoning of the Cooper property is M-2 Heavy Industrial, the single family homes directly north are zoned M-1 Light Industrial, and the homes farther north along Water Street are part B-4 Commercial, R-2 Single Family, and R-3 Two Family. Mayor Halverson explained the other important difference with the other businesses such as Lakes Gas is that they had operated well before this particular zoning code, and at that point these were not conditional uses. He continued stating the balance to this is whether or not the expansion of a new fueling establishment on the same site is appropriate based on the adjacency to the existing single family homes or whether or not the zoning as such is enough to warrant this use. Commissioner Haines pointed out that to deny this project, is it enough to push this business someplace else. Mayor Halverson replied, stating this business already exists and this tank project is already 95% built.

Alderson Moore asked if the city has ever had a propane tank explode, to which Mayor Halverson stated in the 1950's there was a major fire and explosion not even a block from this location. Alderson Moore pointed out that today there are improved safety measures and does not see an issue with this tank at this location.

Mayor Halverson feels in terms of the motion, he would vote no because of needing more time to research and discuss the details of such a large tank so close to seven houses, furthermore, how to insulate the impact whether by aesthetics and the safety concerns with the proximity of the tank to the road.

Commissioner Patton stated that if a car is going that fast and out of control the distance from the road doesn't really matter and also asked for the Mayor to clarify when further information would be obtained. Mayor Halverson stated some of that can be mitigated with the barriers and it is definitely a concern, however, the request could still go to council without a recommendation, as the hearing is already scheduled and noticed.

Commissioner Haines added the other thing we are talking about is this business and agrees we want this to be a viable business which continues, but we also want these people with homes there to have fair property values, and to feel safe. Commissioner Patton stated he had lived in the neighborhood for 20

years and the area has always been that way, with homes that have always resold. Commissioner Haines explained the homes have resold without seeing a big tank there, unlike now. Commissioner Curless stated the tank probably would have no affect on the value of the property based on looking at the neighborhood, the area, and the trains and traffic. Furthermore, after speaking with some of the neighbors in the area who did not see a problem with the large tank, but didn't like seeing all the smaller tanks lined up Commissioner Curless would like to see them screened.

Director Ostrowski asked for specifics to the screening required in the motion, to which Commissioner Patton pointed out a fence is immediate, but trees take a few years to grow to obtain needed coverage, so a possible screening plan should be submitted and reviewed by the commission. Mayor Halverson moved to amend the motion to add specifically concrete barriers not bollards be installed to completely surround the tank which are anchored to the ground and at a distance protecting the tank if ever struck by vehicles, to which Commissioner Patton agreed and placed into his motion.

**Motion by Commissioner Patton to approve a Conditional Use Permit allowing the installation of a 30,000 gallon above ground liquid propane tank at 2172 Prairie Street (Parcel ID's 2408-32-4014-13 and 2408-32-4014-15) with the following conditions:**

- a) **Screening in the form of fencing and vegetation shall be installed on the property to screen the large 30,000 gallon tank and smaller storage tanks. A screening and landscaping plan shall be submitted and reviewed/approved by staff.**
- b) **Concrete barriers (not bollards) shall be installed to completely surround the tank, which are anchored to the ground, and placed in a location to protect the tank if struck by vehicles.**

**seconded by Alderperson Moore.**

Commissioner Haines then asked if Cooper Oil wanted to expand, could they start buying the homes, to which Mayor Halverson stated yes. Director Ostrowski added most are M-1 and would require a conditional use just like with his current zoning of the M-2. He also added that barbed wire fencing is not allowed per our code and the motion should include a statement that the Board of Zoning Appeals must approve a variance for a setback less than 40 feet, and if the board doesn't approve the appeal, then the tank must be shifted.

Mayor Halverson added that he will be looking more closely at the technology changes specifically relating to propane and the explosive nature of propane, along with the history of incidents. Further, he will be discussing these concerns more with the Fire Department as well.

Commissioner Patton asked about the Board of Zoning Appeals, to which Director Ostrowski stated if the Board of Zoning Appeals denies this request, the applicant will have to push it back to meet the setback requirements, which may in turn push it closer to residential homes. Turning the tank sideways may prevent further impediments to adjacent homes. Commissioner Patton then asked for clarification if the landscaping plan was to come back before the commission, to which director Ostrowski stated staff could be given powers of review and approval.

Mayor Halverson expressed his preference to let staff make the determination as they see the plan, with the intent of thicker foliage and evergreen trees. Director Ostrowski added if you don't want this to come back after the Board of Zoning Appeals, it must be included in the motion that the tank must meet the district setbacks if an approved variance is not granted. He clarified if the variance is granted; they are allowed to build it within that distance to the road, but if it is denied, the tank will have to be shifted

and put somewhere else on the property, and if that impacts your decision regarding your motion, you may want to see it come back before the Plan Commission.

Commissioner Patton then amended his motion to the following:

**Motion by Commissioner Patton to approve a Conditional Use Permit allowing the installation of a 30,000 gallon above ground liquid propane tank at 2172 Prairie Street (Parcel ID's 2408-32-4014-13 and 2408-32-4014-15) with the following conditions:**

- a) Screening in the form of fencing and vegetation shall be installed on the property to screen the large 30,000 gallon tank and smaller storage tanks. A screening and landscaping plan shall be submitted and reviewed/approved by staff.
- b) Concrete barriers (not bollards) shall be installed to completely surround the tank, which are anchored to the ground, and placed in a location to protect the tank from vehicles.
- c) The 30,000 gallon propane tank shall meet the zoning district setback requirements if a variance for a lesser setback is denied by the Board of Zoning Appeals.

**seconded by Alderperson Moore.**

Alderperson Moore asked for clarification that this approval no longer has the 7:00am-7:00pm restriction, to which Mayor Halverson stated that had been excluded.

**Motion carried 4-1, with Commissioner Haines voting in the negative, and Commission Cooper abstaining.**

7. Adjourn.

**Meeting Adjourned 7:50 PM.**