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Officials cite risk fuel pump spills pose to nearby wetlands in denying conditional-use permit

The Village of Saukville's Plan Commission slammed the door last week on plans for a Kwik Trip store at the northeast corner of Highway 33 and Foster Street.

Store representatives appeared before the commission Thursday seeking a conditional-use permits for a gas station and car wash. The existing commercial zoning already allows the convenience store included in the proposal, but the other elements of the business require village approval.

In denying the conditional-use permits, commission members cited concerns that the intended gas pumps posed a threat to nearby wetlands.

Kwik Trip eliminated a fueling station for diesel trucks that was included in an original concept previously rejected by the village. Officials contended serving trucks so close to the community's key retail corridor would cause unwanted traffic congestion.

A 90-minute public hearing preceded last week's commission deliberations on the revised plan, with much of the focus on how the development would infringe on access to the adjacent Beck's Green Bay Avenue Mart Exxon Mobil gas station and McDonald's restaurant.

Opponents stressed the threat the Kwik Trip would pose to existing businesses.

The planning body never got around to considering those issues.

According to village code, fueling stations are not allowed within 600 feet of a wetland or navigable body of water without a special waiver. That ordinance was revised last year, reducing the environmental buffer from 1,000 feet.

Village Attorney Gerald Antoine spelled out the implications of the ordinance and the commission's authority to grant a conditional-use permit if deemed appropriate.

"The traffic concerns become an issue only if you get past the environmental issues. Without a waiver, they can't get a conditional-use permit," Antoine said.

According to county maps, the site is within 385 feet of a navigable waterway and 175 feet of a wetlands.

Under the village ordinance, Antoine said it was within the commission's power to decide whether those distances are acceptable.

Sheldon Schall, director of underground fuel tank inspections for the state, said the state-of-the-art system proposed by Kwik Trip would minimize any significant environmental

risk.

“Kwik Trip is planning on installing a Cadillac system when a Chevrolet system would meet the state requirements,” Schall said.

With the current state standards, which Schall said are among the most stringent in the country, there hasn’t been a catastrophic fuel pump failure that has resulted in environmental contamination in the past 10 years.

Tom Beck, owner of the Exxon station, said it made little sense to create even a minimal risk for the environment.

“You are talking about a piece of land that is surrounded by wetlands. You always have the possibility of fuel leaking when the public is involved,” Beck said.

Dominic Aliota, owner of the Mid City Quick Mart Citgo station in Saukville, said it is almost impossible to prevent fuel spills at self-serve stations.

“I’ve seen 10, 20 gallons of gas get spilled as customers sit in their cars talking on their cell phone,” Aliota said.

With a handful of gas stations already in the village, he said allowing the Kwik Trip would hurt existing businesses.

“There isn’t enough business here. Someone will be put out of business, and the village will end up with a boarded-up building,” Aliota said.

When the debate turned to traffic patterns and the possibility of improvements being needed at the Foster Street intersection, Village President Barb Dickmann brought the discussion back to the issue of wetland setbacks.

“The environmental issue is more important,” Dickmann said.

Saying he was relying on the favorable analysis from the state inspector, Trustee Robert Hamann made a motion to allow Kwik Trip the environmental waiver for the site.

That motion failed by a vote of 4-2.

Without the waiver, Kwik Trip representatives asked that a conditional-use permit for the car wash and a proposed certified survey map creating two parcels at the site be tabled.

Kwik Trip purchased the parcel from 4333 LLC, a branch of Ansay Development Corp., at the end of 2012.

Although Ansay no longer owns the parcel, Neil Tiziani, general manager of Ansay Development, couldn’t hide his frustration following the commission vote.

“Saukville has nearly zero buildable single-family lots available. They have no growth in their interstate corridor, they have a rising tax environment, and few, if any net jobs are being created. How is this protecting the future of the community?” Tiziani asked.

“Businesses like Kwik Trip help to drive interest from other high-quality interstate tenants — the type of businesses that draw people into the community and that help support other surrounding businesses collectively. The types of businesses that create jobs and a sustainable tax base.

“Kwik Trip waits, as does the potential for $8 million to $12 million in tax base on the 5.5 acres of buildable land that exists on the Kwik Trip parcels.”

Tiziani said the future of the Kwik Trip parcel and the remaining nine undeveloped acres around the Pick ’n Save is now clouded.

“Let’s hope the village can help attract a user that can produce a proportionate tax base to that which the Kwik Trip development would provide on the other side of the freeway, and not simply a user that needs a bunch of land along the freeway without much building and therefore without much tax base,” he said.