

**Minutes of the Plan Commission Public Hearing
Town of Lisbon Town Hall
Thursday, March 12, 2020
6:30 PM**

Roll Call: Present: Chairman Joseph Osterman, Supervisor Plotecher, Plan Commission Members Ed Nelson, Mark Meyer, and Jane Stadler. Also present: Administrator Gina Gresch, Planners Josh Langen, Attorney Michael VanKluenen. Absent: Plan Commission Member Bryan Oelhafen and Chad Samanske.

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Lisbon Plan Commission on Thursday, March 12, 2020, at 6:30pm at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089, to solicit public comments on a Conditional Use Permit request for Gas Station / Convenience Store in the B-2 Local Business District, for Kwik Trip, for the property located at W260N9579 STH 164, Colgate, WI 53017, LSBT 0161.999.004.

Chairman Joseph Osterman opened the Public Hearing at 6:30 PM and read the published notice.

Public Hearing Comments: Chairman Osterman opened the hearing to comments from the public.

Teresa Nelson, N95W25850 Riverview Drive, read her statement into the record. "It's my understanding the final Conditional Use Permit (CUP) granted to Wexford in 2016 has expired and that this proceeding starts the process anew. I have read the Application materials for the proposed Kwik Trip gas station and store located on this same property, on the southwest "corner" of the STH 164 and CTH Q roundabout; where the former Associated Bank sits. The letter from your Planning Consultant, Vierbicher, indicates this is RE: Kwik Trip Wexford Heights. (Note: this letter is dated March 13, 2020, though today is only March 12, 2020). Yesterday (March 11, 2020) I spoke with Jeff Osgood at Kwik Trip and asked if it was partnering with, or planned to rent the property from Wexford. He told me no, that Wexford is only the seller of the property and that Kwik Trip will not purchase it, if it is not allowed to have the CUP it has requested.

During the Wexford process back in 2015, I was told that substantive evidence needs to be provided to the Plan Commission. I hope that as representatives of the Citizens of the Town of Lisbon, you will also consider the first-hand accounts and concerns of those who live in the area, even if those speaking are not an expert. For example, I am a Safety expert, but I do not know how to run a gas station. That should not diminish my comments. We have not been allowed to do any research, let alone hire our own experts to address the Kwik Trip proposed development, because key data has still not been provided by Kwik Trip. Most importantly, how many "trips" does Kwik Trip anticipate on and off this property; during a 24 hour period, and during peak morning and evening rush hours. (deliveries and customer traffic; and commercial vehicles vs passenger vehicles.) There has been no traffic study presented by Kwik Trip, as noted by Vierbicher.

Mr. Osgood told me he did not complete a traffic study, but Kwik Trip knows how much traffic (customers and deliveries) it anticipates. They may give you a number later in this proceeding, but this give the citizens of the Town no chance to analyze the data or substantively comment on it. Mr. Osgood told me that WisDOT told him that it wants the driveway on STH 164 to be located further south, away from the roundabout. But he has moved it, in his plan, as far as he can because Wexford does not own the property. The Plan Commission should not simply grant this CUP to Kwik Trip because Wexford was granted one by a special board. The two proposals are remarkably different. For example:

1. The store proposed by Kwik Trip is more than 3 times bigger at 7,350 sq feet, than the store (1,700 sq) and restaurant (500 sq ft) = 2,200 sq ft in the Wexford proposal.
2. Kwik Trip, per Vierbicher wants to have canopies over its fueling stations that exceed the limits allowed in two ways: excessive height, and comprising 4.4% of total lot size, when the limit is only 3%. Per Vierbicher, Kwik Trip has not provided a final height for its canopies, but they would apparently be in excess of 15 and 18 feet. Without that information, we cannot assess the degree of light pollution, or its impact on the residential neighbors.
3. The CUP granted to Wexford was for hours of operation from 5:00 am to 10:00 pm. Kwik Trip proposes to operate 24/7. (Though Vierbicher notes that would "only" be for 12 months, all they would have to do is reapply and be granted to continue the same hours, residential neighbors next door and across the street, be damned.)

I talked to Mr. Osgood about Wexford's limited hours in its CUP, and that there is a subdivision located directly across the street. He reiterated that he needs it to be open 24/7. I point out that we were here first, and we need our sleep and the quiet use of our property. I add that per this news article, this Plan Commission did not grant Kwik Trip 24/7 hours for its location on VV and Lake Five Rd. There are MANY different types of businesses that can be placed on this property zoned B-2 Local Business that do not generate nearly the amount of short-term trips on and off the property as a gas station/convenience store, either Permitted or via CUP. For example, a Bank. A doctor's office, a fine dining restaurant, professional offices, etc. There are many permitted uses and I do not understand why some people are stuck on a gas station for this property. I would love to talk about traffic safety concerns in the roundabout and the impact on the Bark River Country Meadows subdivision. But without hard data from Kwik Trip, I am relegated to anecdotally noting that based on observations of the Kwik Trip in Pewaukee on CTH F, it's reasonable to suspect that Riverview Drive would become the "off ramp" for STH 164 when the roundabout comes to a screeching halt during rush hours, should this CUP be granted. As I told Mr. Osgood, I have no beef with Kwik Trip. But this is simply not the right location because the property is too close to the roundabout and across the street from a residential neighborhood. (whose property values would tank, without compensation.) I hope you tell Kwik Trip no, outright tonight. But I urge you at a minimum to table this proposal and require Kwik Trip to provide a traffic study with data on trips on and off this property; and allow the citizens time to analyze it and substantively respond."

Jeff Ertl, N93W24655 Bark Road, still has concerns are about traffic and safety because he owns the gas station across the street. He is concerned the STH 164 entrance isn't big enough for a 65' wheel base entrance. The Washington County Highway Department stated on December 16, 2014, their biggest concern is west bound vehicles going south backing up traffic into the roundabout. Per the October 8, 2015 traffic engineering services report, it states the roundabout may not work safety with a 65' wheel base. The traffic pattern map in the Plan Commission packet shows three different patterns, which is different from the last time this was proposed; which they would exit onto STH 164. These maps show the opposite. He's concerned about how the new traffic pattern will affect his business. There will be at least three times the volume as proposed before and now a designated area just for diesel. Kwik Trip designed it so all traffic exits onto CTH Q to make the site work. He contacted Scott Schmitt from Washington County and was told they haven't seen anything from Kwik Trip since last December. He was also told the DOT contacted Kwik Trip informing them they need to purchase the property south of them and to have the traffic flow go south and get away from the roundabout, which Washington County said they would prefer as well. Mr. Ertl stated with this new patter there will be a lot more accidents. Has anyone done an impact study on how much more semi-truck and dump truck traffic we will get to this area? When you have a business like this that is a destination, truckers will use this station because it's the easiest route. Has anyone talked to the quarries? How many trucks come in/out of there each day? He thinks there will be a problem.

Noel Geier, N95W25878 Riverview Drive, stated traffic will be crazy and safety is a concern as she has seen a number of people get rear-ended just trying to get into their subdivision. She truly likes Kwik Trip, her daughter worked for them in LaCrosse but begs the Town to not put this here. Everyone on that side of the subdivision has a well about 50 feet deep. All of the runoff will end up in the ditch on their side of the subdivision. The last time Kwik Trip was proposed they wanted a car wash which required a storm water runoff facility because the water would have to go back in the ground. While working with the DNR testing her water, she found out the DNR would require Kwik Trip to have a monitored well to test for contamination. The well water base is only six feet down so contamination will get into their well water because it won't have enough time to drain into the sand. Also, now that there's another subdivision attached to theirs, there's a lot more traffic and her mailbox has already been hit once. If the traffic exits onto STH 164, that exit point is very close to their subdivision entrance. It's going to be a mess because people will use her subdivision as a shortcut to get to Hillside Road. Please make sure to ask for a monitored well and extra provisions that anything that does go into the ground is being filtered, and the monitoring is placed where the runoff is.

Pat Ratkowski N95W25938 Rivers Hollow Court, reiterated what his neighbors stated. The Bark River is a protected area, one that will never receive water and sewer. We are constantly fighting challenges with our water no matter what. We need to protect what we have and not damage it any further. When he exits Riverview Drive, he has to go north through the roundabout to go south because the traffic backs up that much. If the traffic exists southbound, they will all end up in his subdivision. He owns the lot with the big pine tree on the corner and Kwik Trip will be in his backyard. He's made many repairs because cars veer off the road into his yard. He wants his well to keep giving him fresh water.

Chris Magnano, N95W25929 Rivers Hollow Court, much of what he wants to say has already been said. This was discussed many years ago and there many emotions. He moved here in December 2015 from Buffalo, New York so he wasn't here for the last proposal so he's not as emotionally attached to this. He has concerns about health and safety and wants to know if this will this impact his water and future children. He wants to see a DNR analysis about the impact to a water supply. He would also like to see a traffic study as he is curious how many accidents happen at STH 164 and CTH Q. Last October, his wife's car was totaled, hit at 55mph and pushed into oncoming traffic from someone coming out of the roundabout. What kind of traffic increase will this destination Kwik Trip bring? This intersection is already bad with this it will get worse, accidents will be more frequent. He can see property values going downhill. People will not want to see a gas station in their back yard. He understands why Kwik Trip wants to do build here, but there's an impact to him and his neighbors and there's no way to compensate for that. In closing, he requests certain studies be conducted and reviewed before any decision is made. If a Conditional Use were granted and studies were done on a contingent basis, he fears the results won't be discussed and reviewed by the general public. He asked that all of the data be brought to these residents' attention.

Ken Heun, N56W22164 Silver Spring Drive, emailed a statement which the Administrator read into the record. "I did not notice hours of operation, but I would be against any hours that are different from Casey's (5am to 11pm) only for fear that expanded hours at this Kwik Trip would be used by Casey's to get their hours expanded".

Michael Watson, 4900 S. Lake Road, Colgate. emailed a statement which the Administrator read into the record. "Why would our elected or assigned officials approve this project when the overwhelming opinion of the people living in the neighborhood do not want this?"

David Gay, 135 E. Lake Lane, Colgate, emailed a statement which Administrator Gresch read into the record. "I am opposed to the proposed Kwik trip development on Hwy Q and 164 and the related conditional use request for the following reasons:

1. The roundabout already has significant congestion at certain periods of the day. While I recognize the parcel is zoned for commercial/office park and thus will likely have some form of business development in the future, a gas station is a high velocity operation with significant inbound and outbound traffic which will further congest the roundabout at a level far in excess of other potential businesses.
2. There is already a gas station and convenience store directly to the North. The density of gas stations on this intersection would appear excessive. I also worry about the sustainability of the station to the North if a gas station of this size and direct access to 164 were to move in. The potential to have a different vacant parcel (with demo and environmental rehabilitation costs) in the future would appear very real.
3. I am concerned with the diesel truck stop component of the plan given the noise of semis/dump trucks starting/stopping in close proximity to residential areas, and the disproportionate impact these vehicles would have on traffic flow.
4. In an area that is generally still rural in nature (or at least low density), I see no reason for 24/7 hours of operation.

Per the Town Ordinance, the Plan Commission may deny conditional use request if it concludes, based upon the information submitted, that the proposed use and/or development would likely:

1. Materially endanger the public health, general welfare, and safety.
2. Be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, odor, or other similar factor.
3. For any other reason cause a substantially adverse effect on property values.

4. Be inharmonious with the area in which it is to be located.
5. Will not be in general conformity with the land use plan, comprehensive plan, transportation plan, environmental plan, park, and recreational plan, or other officially adopted plan.

I believe this proposed development meets the "likely" criteria of points 1-4 above and for this reason I ask the Planning Commission to deny the conditional use request, consistent with Town Ordinance."

Lisa Tomasini and Steve Zimmerman, 123 E. Lake Lane, Colgate, also submitted an email to the Administrator stating "they are in absolute agreement with my neighbor David and Jackie Gay."

Adjournment

The public hearing was adjourned at 7:13 P.M.

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, March 12, 2020
Following Public Hearing(s) beginning at 6:30 PM**

Roll Call: Present: Chairman Joseph Osterman, Supervisor Plotecher, Plan Commission Members Ed Nelson, Mark Meyer, Chad Samanske and Jane Stadler. Also present: Administrator Gina Gresch, Planners Josh Langen, Rachel Holloway, Engineer Mitch Leisses, Attorney Michael VanKluenen. Absent: Plan Commission Member Bryan Oelhafen.

Comments from citizens present pertaining to items on the agenda. None.

Teresa Nelson, N95W25850 Riverview Drive, stated a filling station should not deposit water into the water table. Because the waste water is hazardous it has to be trucked off. Thankfully the people at Kwik Trip are not talking about a car wash so that further negates the need to put that runoff into the water table. Petroleum runoff in water table is a serious concern. Traffic is a huge issue and asks the Plan Commission to require a traffic study and give the people time to analyze and comment on that.

Discussion and necessary action on February 13, 2020 Plan Commission Public Hearing & Meeting minutes.

Motion by Commissioner Nelson to approve the February 13, 2020 Plan Commission minutes. Seconded by Supervisor Plotecher. Motion carried, 5-0.

Unfinished Business.

New Business.

Discussion and necessary action on the requests for Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, LSBT 0280.992, to allow a Temporary Plan of Operation to allow night operations.

Planner Langen stated Stark is requesting expanding their hours through construction season. WISDOT is requiring work to be done during off-peak hours and Stark is contracted for the I-94 work. They received similar approval from the Plan Commission last year. Commissioner Meyer asked if the Plan Commission can amend their Plan of Operation since this is their fourth or fifth year doing this and we haven't received any complaints. Planner Langen stated circumstances can change every year. While the hours may be the same, conditions of projects may change from year to year, so this gives the Town the chance to review the conditions of each request. Carl Johnson, Stark VP stated he doesn't have any reservations about coming in yearly for this. He just wants to be a good neighbor. They are contracted for the STH 83 to the county line so it makes more sense to use this plant's location

Motion by Chairman Osterman to approve the request for Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, LSBT 0280.992, to allow a Temporary Plan of Operation to allow night operations, subject to the following conditions:

1. *Standard Hours of operation shall be from Monday-Friday 6:00 AM to 6:00 PM, Saturday 6:00 AM to 2:00 PM, and Sunday 7:00 AM to 5:00 PM.*
2. *Temporary 24-Hour continuous operation hours shall terminate on November 30, 2020, or at the completion of the scheduled US Interstate 94 work, whichever occurs first.*
3. *Trucks hauling into and out of the site will be routed forward as much as possible to eliminate potential noise from back up alarms.*

4. *The loaders feeding the plant will be equipped with low frequency back up alarms that utilize a "squawking" sound instead of emitting a high-frequency type sound that carries a further distance.*
5. *Trucks will not be allowed to bang their tailgates.*
6. *Nighttime truck routes will utilize state and county roads only. There will be no trucking on any Town roads at night.*
7. *All the truck drivers hauling from the facility will be instructed to follow all highway safety rules and regulations including the use of engine brakes (especially at night) as they travel to and from the plant.*
8. *Truck drivers will be reminded that the use of this facility at night is a privilege and not a right, and they need to respect our neighbors and follow all traffic regulations as they travel through Lisbon.*
9. *Maintain radio contact with the trucks hauling from our facility and address any complaints immediately.*
10. *Any truckers that do not abide by the rules will be removed from the job.*
11. *There shall not be any processing (crushing or washing) of aggregates at night.*
12. *No jake-brake usage.*
13. *Non-objection from any Waukesha County reviewing agencies, including, but not limited to Waukesha County EHD.*

Seconded by Commissioner Nelson. Motion carried, 5-0.

Discussion and necessary action on the request from Kwik Trip, for the property owned by Wexford Heights, LLC, property located at W260N9579 STH 164, Colgate, WI 53017, LSBT 0161.999.004, for a Conditional Use Permit for a Gas Station / Convenience Store in the B-2 Local Business District and recommendation to the Town Board of the same.

Planner Langen stated Kwik Trip, Inc., on behalf of Wexford Heights LP, is proposing to construct a new 7,350 square foot convenience store and gas station with gasoline and diesel canopies at the southwest corner of County Line Road (CTH Q) and State Highway 164. The site is approximately 3.1 acres in size and is zoned B-2 Local Business. The site plan includes: 7,350 square foot, single-story building with a 4,800 square foot gasoline canopy and a 1,200 square foot diesel canopy; 31 standard parking stalls (including two (2) ADA accessible stalls with loading zone); one (1) loading area for large trucks; outdoor storage of two (2) ice merchandisers for inside overstock, firewood at front of store, and softeners at the gas canopy; the business will be served by septic system and private well; outdoor seating for eight (8) spots at picnic tables. Kwik Trip anticipates 28 to 35 full/part-time employees at the site, with operations running seven (7) days a week, 24 hours per day. The Plan of Operation notes the desire to sell liquor, beer, wine, and food, but closed container with no open service.

There are a few details that need to be worked out. The Town's Zoning Code has high and unreasonable parking stall requirements which would require 221. The parking they proposed is adequate. The site is a little constrained due to a 100' right-of-way. They are required to install three storm water detention ponds. Between those, the driveway and septic tank location, their landscape buffers are going to be a little thin. Per the lighting plan, lighting appears to be hooded and there will not be any light spill beyond the boundaries. Pole heights need to be indicated yet and their sign approvals will be forthcoming. The canopies over the pumps also exceed what is allowed. The heights aren't indicated but it appears to exceed 15' when measuring by scale. There are 27 conditions to meet, including concerns by the Fire Chief, Building Inspector and Waukesha County Parks and Land Use. He also suggested allowing 24/7 operating hours to allow the town to study police reports on these operating times at other Kwik Trips.

Troy Mleziva, 1626 Oak Street, Kwik Trip Real Estate Manager, responded to comments made at public hearing. Kwik Trip has many of those same concerns and they want to run a quality operation. They are working on a DOT and Washington County review process for driveways as well as a DOT traffic study.

Regarding the traffic flow, they are trying to keep the truck traffic separate from regular customers. There will be dump trucks using the site but it is not a full service truck facility. Kwik Trip also agrees this isn't the proper site for a car wash. All of their food preparation and coffee brewed will use well water, so the water quality is very important to them too. The whole site will have curb and gutter and a storm water system. Catch basins will be installed and separate storm water from debris before it gets into the storm water. Engineers design best practices into the site so they make sure water isn't running through the parking lot. Kwik Trip has many of the same concerns as the neighbors. They want to see a well-run, clean, safe business, which they have a reputation for. They want to be a part of the community. Regarding the canopies, the minimum height is 15 feet; maximum 19 feet. There is substantial room for greenspace and right-of-way, so they will install trees and landscaping where they can survive. Most of Kwik Trip's stores are open 24/7, however they want to be a good neighbor and will keep the same hours as the other store on Silver Spring; 5am to 11pm. As for the pole heights, they are 18 feet and will have cutoff fixtures designed to cast light. The light measures at a half candle foot so the light doesn't leave the property.

Plan Commission members asked questions about bioretention plantings, hours, lighting, traffic flow inside the site and conducting a DOT traffic study. Mr. Mleziva responded the water is separated before anything goes into the ground; it's treated more efficiently with bioretention plantings. Those plantings break up the materials they don't want going into the ground water. This method was created and is regulated by the DNR. Regarding the store itself, he would prefer being open 24 hours but is comfortable with the same hours as the Silver Spring store; 5am to 11pm for customers and 4am to midnight for employees. The picnic table outside is for a couple of customers to sit down and have coffee, or eat, or to get some fresh air while traveling. It will mainly be out in the summer. The table is right by the door so if there are any issues they are addressed quickly.

Commissioner Stadler stated she has concerns about the number of large trucks coming in, especially dump trucks and the size of the entrances. The property doesn't seem big enough to handle the tight entrances. She too would like to see a DOT traffic study conducted and reviewed before deciding on this. Traffic in that area is horrendous and is concerned about the entering/exiting into the roundabout. Chairman Osterman questioned the buffer area, which is about 20 to 30 feet from the right-of-way and that is 100 feet. What happens to the buffer if STH 164 and the roundabout is expanded? Planner Langen stated the buffer would not work at 30 feet from the right-of-way because they would lose pumps and parking spaces.

Mr. Mleziva stated the biggest concern is the storm water and Waukesha County handles that so we know it will be done properly. If Kwik Trip contaminates their own well, they will be out of business, so it's most advantageous to keep the water clean. There will be more traffic than what was proposed the last time. It is on the intersection of a state and county road so it really is the best place to put something like this, especially since two banks, a doctor and dentist office have failed there. Chairman Osterman agreed he would like to see a DOT traffic study. Regarding the hours, he is agreeable to the same hours. As far as 24 hours goes, the Sheriff's Department has been any to present any evidence that there would be more issues/crime being open that long. Also, the Conditional Use laws have changed since the last presentation, and if they really wanted 24 hours, there isn't any substantial evidence that would allow the Plan Commission deny the 24 hours request. Attorney Van Klunen stated that is correct; if there isn't substantial evidence to deny then the request has to be approved. Chairman Osterman stated simply stating this will lower your property value isn't substantial enough. You have to actually show how that would change values, go through water studies, etc.

Mr. Mleziva stated the DOT traffic study is being conducted and should be done in a month. They do not have official dates to break ground yet, but it will be sometime in 2021. Other than the traffic study and buffer area, there aren't any other issues to address. Plan Commission members again discussed the buffer area and how to possibly block noise from the neighbors. Chairman Osterman stated they will see what they can do with the east side's plantings.

Motion by Chairman Osterman to postpone the request from Kwik Trip, for the property owned by Wexford Heights, LLC, property located at W260N9579 STH 164, Colgate, WI 53017, LSBT 0161.999.004, for a Conditional Use Permit for a Gas Station / Convenience Store in the B-2 Local Business District to the April 9, 2020 Plan Commission meeting to allow time for a traffic study to be submitted and reviewed by the next meeting. Seconded by Commissioner Stadler. Motion carried, 5-0.

Discussion and necessary action on the Annual Mobile Home Park License Renewal for American Mobile Home Communities and recommendation to the Town Board of the same.

Administrator Gresch stated the American Mobile Home Communities has paid their annual license fee in full, \$662 (331 lots @ \$2/lot) received on Wednesday, February 12, 2020, and recommends approval.

Motion by Chairman Osterman to approve the Annual Mobile Home Park License Renewal for American Mobile Home Communities and recommendation to the Town Board of the same. Seconded by Commissioner Nelson. Motion carried, 5-0.

Assign Quarry Inspections.

Commissioner Nelson - Payne & Dolan & Genesee Aggregate
Commissioner Stadler – LaFarge
Commissioner Meyer – Stark
Commissioner Samanske – Lannon Stone

Packets and inspection sheets will be ready sometime next week. We will email you when they are ready.

Town Planner Report.

Planner Langen stated Hillside Ridge will be before the Plan Commission in April or May. Stark will be coming back with a site plan amendment and Conditional Use for a grading permit.

Request from members to request items on future agendas.

Adjournment.

Motion by Commissioner Meyer to adjourn the Thursday, March 12, 2020 Plan Commission Meeting at 8:26 P.M. Seconded by Supervisor Nelson. Motion carried, 5-0.

Respectfully submitted,

Gina C. Gresch, MMC/WCPC
Town of Lisbon Administrator

2020-03-12 PLAN COMMISSION PUBLIC HEARING COMMENTS SIGN IN SHEET

	NAME (PLEASE PRINT)	ADDRESS	PUBLIC HEARING
1	Chris Magnano	N95W25929 Rivers Hollow Ct Colgate WI 53017	CTH Q & STH 164 KWIK TRIP CONDITIONAL USE REQUEST
2	JEFF ERTZ	1093 W24655 BANK RD LISBON	CTH Q & STH 164 KWIK TRIP CONDITIONAL USE REQUEST
3	Teresa Nelson	N95W25850 Riverview Dr Lisbon	CTH Q & STH 164 KWIK TRIP CONDITIONAL USE REQUEST
4	Noelle Geier	N95W25878 Riverview Dr	CTH Q & STH 164 KWIK TRIP CONDITIONAL USE REQUEST
5	TROYMBERVA	1626 oak st La Crosse WI	CTH Q & STH 164 KWIK TRIP CONDITIONAL USE REQUEST
6	PAT RATHKOWSKI	N95W25938 RIVERS HOLLOW CT. COLGATE WI 53017	CTH Q & STH 164 KWIK TRIP CONDITIONAL USE REQUEST
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