

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JUNE 12, 2018**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Johnston, Commissioner Carrillo, Alderman Loreck, Alderman Guzikowski, Commissioner Siepert and Commissioner Chandler. Commissioner Hanna and Commissioner Correll were excused. Also present: Kari Papelbon, Planner; Pete Wagner, Zoning Administrator; and Doug Seymour, Director of Community Development.

Minutes of the May 22, 2018 meeting

Commissioner Siepert moved to approve the minutes of the May 22, 2018 meeting. Commissioner Loreck seconded. On roll call: all voted aye. Motion carried.

PUBLIC HEARING

SIGN APPEAL

KENWORTH

9350 S. 22ND ST.

TAX KEY NO. 827-9028-000

Zoning Administrator/Planner Wagner read the public hearing into the record.

Mayor Bukiewicz made three calls for public comment. Seeing none, the public hearing was declared closed.

SIGN APPEAL

KENWORTH

9350 S. 22ND ST.

TAX KEY NO. 827-9028-000

Zoning Administrator/Planner Wagner provided an overview of the sign appeal request. (See staff report for details.)

Steve Kruit, Wisconsin Kenworth, 9350 S. 22nd St., spoke regarding the need for this sign. He stated it would be a great benefit for the truck drivers that exit the highway to find their location. Mr. Kruit stated that Kenworth is set back from the highway and due to overgrowth of trees is no longer visible. Mr. Kruit stated that an exception should be made based on the fact that the sign is not visible for much of the City. Also, as the sign is raised, there will be less light pollution for the hotel that is nearby.

Martin Westburg, Badger Lighting & Signs, 16271 Lincoln Ave., New Berlin, stated there is a berm on the south side of the road that was not there initially.

Commissioner Siepert asked about the size of the sign. Mr. Westburg responded that the proposed design is 5'4" tall by 31'4" wide.

Commissioner Chandler asked for more information on why they are requesting an 80' tall sign. Mr. Westburg responded that they are trying to avoid trucks seeing the sign at the last moment and missing being able to safely exit the expressway.

Commissioner Chandler asked why they are going from 40' to 80' because that is such a huge difference. Mr. Kruit responded that with the trees there, the sign is not visible at 40'. In order to be above the tree line, it would have to be at a height of 80'.

Alderman Guzikowski asked how the business model has changed from when they opened and if the 40' sign is working and stated his concurrence with the other Commissioners that it is a big jump in size. Alderman Guzikowski asked if there is something that they could come to an agreement on that would work with everyone.

Commissioner Carrillo asked for an explanation as to why the large sign is needed in a day where people can GPS the location. Mr. Kruit stated that for a lot of drivers, they have GPS to get them there, but to focus on that when trying to exit the expressway might be somewhat difficult.

Mayor Bukiewicz opened the discussion about the size of signs along the expressway in Oak Creek and how many of them are grandfathered in under an older sign code. Director Seymour responded that when Arby's came in, they were at 60'. He pointed out that the 40' sign that Kenworth already has is actually 15' higher than the maximum allowable in the zoning district right now, and that the applicant had previously applied for permission to put a truck on their roof to draw attention to the business. Director Seymour stated he is having difficulty understanding how they are different than any other business in the area and that setting a future precedence has to be kept in mind when making a decision about this sign appeal. Director Seymour stated that there is a set of criteria that must be looked at when considering a sign appeal, and he does not see that that criteria is being met.

Mayor Bukiewicz asked about the height of the berms. Commissioner Johnston responded he does not know the height, but the ramp configuration is changing and you can see where that berm is coming off Ryan Road. That is where the new layout is going to be. Commissioner Johnston stated that the sign is going to be close to 1,000 feet from the expressway. It was visible coming on the ramp. It is not really visible from the expressway itself.

Mayor Bukiewicz asked about the square footage of the sign. Zoning Administrator/Planner Wagner responded that it is going to exceed 100 SF. They are proposing 167 SF, so the variance would be required to go larger than 100 SF. Zoning Administrator/Planner Wagner stated that staff has more of a concern with the height variance being requested than with the size. Mayor Bukiewicz agreed.

Comments from Commissioners and Mr. Westburg not audible due to not speaking into the mics.

The question arose about why IKEA was allowed their signage along the expressway. Director Seymour responded that each application for a sign appeal should stand on its own merits and not be compared to other uses. Also, IKEA is a national chain with only 48 stores nationwide and draws people from a long way, including upper Wisconsin and Illinois.

Mayor Bukiewicz added that the signage was allowed for IKEA because the property is in a special zoning district, the only one of its kind in the City. Mayor Bukiewicz also stated his concern about setting precedence for height variances.

Commissioner Siefert asked if they could keep the original signage they have now and just raise it up. Mayor Bukiewicz responded that they are now going to a monopole, so they will replace the base and probably get a better product.

Alderman Guzikowski suggested giving the variance for size, but bringing it down in height to match what is required in the area.

Discussion ensued on granting sign requests.

Joe Heller, 8527 S. Braeburn, stated that if he were a truck driver coming in from out of town, he would really like to see that sign and it would help him.

Mr. Kruit stated that if they could increase the height of the sign, the need for the truck on the roof would diminish.

Mayor Bukiewicz suggested giving the applicant the ability to move the sign up 10' maximum. It is not quite a restaurant and if someone is looking for this Kenworth sign, you probably need service and are in trouble.

Zoning Administrator/Planner Wagner showed on an aerial photo where the business, berm and sign are located. Commissioner Johnston added that the berm is temporary due to the Ryan Road construction and will be going away sometime this year when the construction is done.

Commissioner Carrillo suggested waiting until the new bridge work is completed and then taking this matter up when it is over. Mr. Kruit stated that what drove the need for a new sign is that the sign needs new lighting inside.

Director Seymour stated that if the goal is to have every business have visibility from 2 miles away on the freeway, that has some very serious implications on the character of a community. Mr. Westburg responded that he is not looking for visibility from two miles away, just from the off ramp.

Alderman Guzikowski concurred with Commissioner Carrillo's earlier comment about relying on technology to find the business rather than a sign off of the expressway.

Mayor Bukiewicz summed up the Commissioner's opinion that the sign will not be 80' in height.

Director Seymour stated that if this was a new business being built today, code would be a sign at 25'. Commissioner Carrillo stated she doesn't think an extra 10' will do anything and they should just stick with the code.

Commissioner Johnston stated he is okay with the 40' height and a larger sign. Commissioner Siepert agreed.

Commissioner Johnston motioned that the Plan Commission recommends to the Common Council to grant a sign variance allowing the installation of a 40' tall and 167.11 SF in the area pole sign located at 9350 S. 22nd St. Alderman Guzikowski seconded. On roll call: all voted aye.

**PUBLIC HEARING
SIGN APPEAL
CITY OF OAK CREEK
7978 S. MAIN ST.
TAX KEY NO. 813-9050-000**

Zoning Administrator/Planner Wagner read the public hearing into the record.

Mayor Bukiewicz made two calls for public comment. .

Doug Seymour, 650 E. Deer Ridge Court, Oak Creek, WI stated that the City is the applicant on this item. Director Seymour stated that this is not a matter of having no window covers there. There is an obvious pitfall of having clear glazing going directly into a bathroom facility. Right now, there is some translucent/opaque film covering on the windows, which is in violation of the City's ordinance. However, there are obvious privacy concerns that are unique to this leased space. Director Seymour stated that this is an opportunity to provide some color or some life to the street in what otherwise could be a little bit of a sterile environment. Staff has asked the City's marketing people to see what they can do to liven up that space without a big restroom sign on the windows. The suggested covering shows images portraying the activities that take place within the entire City. It is a whimsical approach that provides color to the street while at the same time provides vital privacy.

Mayor Bukiewicz stated that this is a vast improvement and is needed. Mayor Bukiewicz suggested that it say Oak Creek somewhere.

Commissioner Carrillo stated that on behalf of all of the Farmer's market vendors and guests, they knocked this out of the park.

Commissioner Siefert asked if this is the only design that was created. Director Seymour responded that as a concept, when the City described to the marketing firm what the goals were, the danger is especially in this venue to try and graphically design a sign that can get the City into trouble sometimes. Whether reasonable people can disagree on what is good art or what is good graphics or good design, but the charge was given to the marketing people to be a little whimsical, and not wanting this to scream "restrooms" at the public. Director Seymour suggested trusting the marketing professionals that have recommended this in terms of design of the sign. Mayor Bukiewicz stated that other than wanting the City being identified with maybe the website address, he does think this is a given to put up this signage.

Commissioner Carrillo stated that she likes it. It has one basic color so you could direct people to it and that it's the City's own and not stock photography. Commissioner Johnston stated that other than rearranging the bathrooms so you don't look right into the doors, there needs to be some type of screening there. He is okay with clear glazing, and does not care for this design.

Commissioner Loreck motioned that the Commission approve a variance allowing the applicant to install whole window coverings on the south elevation of the public restroom tenant space located at 332 S. Town Square Way. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

**CERTIFIED SURVEY MAP
HSI PROPERTIES, LLC
APPLE TOWER DEVELOPMENT INC. LLC
8300, 8304, 8310, 8380 S. 27TH ST., 8370 S. ORCHARD WAY
TAX KEY NOS. 831-0310-000, 831-9007-000, 831-9009-000, 831-9036-000, 831-9034-000**

Planner Papelbon provided an overview of this certified survey map request. (See staff report for details.)

Tony DeRosa, HSI Properties, 18500 W. Corporate Drive, Brookfield, WI, stated that he only had a comment about Condition #5, which states that the certified survey map shall not be recorded should the sale of the properties not occur within 4 months of the date of Common Council approval. He requested that the time period of 4 months be modified to 9 months. The reason for that is that 4 months from approval of the certified survey map, which he anticipates occurring in the month of July, is the middle of the fall. He would like to avoid having to come back on November 1 on a technicality requesting more time.

Planner Papelbon explained that the 4-month suggestion was made based on conversations that occurred, and it was deemed reasonable that 120 days was acceptable and appropriate. Staff is willing to modify the condition to 6 months, which was also discussed with the City Administrator.

Mr. DeRosa gave a brief overview of the project. The project consists of approximately 20.5 acres. The back third of it is currently zoned Rm-1, PUD, which is the rezoning classification they will be requesting for the rest of the property. The other 2/3 of the property is currently zoned B-2 and B-4. The 27th Street Corridor Plan does identify this site as mixed density residential, which is consistent with this plan. General design guidelines for the 27th Street Corridor match up with their plan in terms of respecting the natural topography. Buildings were to be two stories, which they are, and buildings should be located close to the street. The proposed development is consistent with the 27th Street Corridor Plan and will be catalytic for the rest of the corridor.

Mr. DeRosa gave an overview of the market demand. They feel strongly that there is a pent up demand for modern, luxury apartment homes in Oak Creek, and will draw from empty nesters//baby boomers, young professionals and those choosing to rent.

Mr. DeRosa further described this proposed community as a development that will cater to those who are not looking to live in the typical 3- or 4-story building with common corridors. It has oversized attached garages and private entries.

Mr. DeRosa continued by stating that there will be 225 apartments. The overall parking lot will exceed the code requirements at 2.48 stalls per unit. The density is just shy of 11 units per acre. He has been in discussions with the DOT regarding access points, and preliminary feedback from WisDOT has been favorable with the conceptual plan.

Mr. DeRosa stated that there will be two-story, townhouse style buildings and went on to describe the inside apartment amenities. There will be a clubhouse, pool, fitness center and green space.

Mr. DeRosa projected the site plan of the buildings. He explained that there are different types of buildings: some with 20 units and some with 15 units.

Mr. DeRosa stated that they have incorporated, at the City's request, for Orchard Way to extend through the development as a public street. They have also been in discussions with City staff regarding a potential public/private partnership for a proposed City park, which would be adjacent to the water tower.

Mr. DeRosa stated that storm water management is regulated by the City and WDNR. Currently, there is an easement for stormwater that goes onto the County-owned land at the far northeast corner of the property. Also, there is reference in the letter from Milwaukee County that there is a high-quality wetland that is located in Falk Park. It is about 100 feet east of the property line.

There is about a 19-foot buffer from their property line to the parking lot. In total, from the area that they had any concerns about, they are roughly about a 120-foot setback. City zoning code requires a 10-foot impervious surface setback from all wetlands, so they have provided an adequate buffer to satisfy any County concerns. Milwaukee County is also requesting staking of property lines and they do not have a problem with that request.

Mr. DeRosa showed the Commission colored renderings of the buildings and site.

Commissioner Loreck asked for clarification of the connection of the road going through. Mayor Bukiewicz stated that this development cannot happen without that road. Director Seymour responded that when the City does neighborhood plans, the future streets are laid out so that when people make an investment, they hopefully do so knowing what the future plans are for the area. This street has been on the official map for some time. It is important to make this connection for efficient provision of services, whether it is plowing, garbage pick-up, or public safety. Director Seymour stated that neighborhoods need to be connected, and the DOT does not necessarily want to promote local trips having to go on 27th Street or any state highway. As part of the access management plan that they have adopted for 27th St., they have restricted access to known, logical points so that every property doesn't necessarily have to have a driveway or two on it on 27th St. It is making sense, given what they expect the development to be on both the Oak Creek and Franklin side. This is really about having connected neighborhoods and that provides long-term value to the neighborhood. It is not going to be supported by everyone, but over the long-term viability of what we do as a community, it is vitally important that there are connections between neighborhoods.

Mayor Bukiewicz invited Asst. Fire Chief Kressuk to speak regarding the Fire Department's concerns. Asst. Fire Chief Kressuk stated he was going to speak in generalities with regards to access to any new development. From the Fire Department's perspective, the issue is access to the site, multiple points of access. There are many ways to accomplish that; however, they look for the easiest access points, especially when there is a dense population base. With an apartment complex, they look for at least two access points into the complex. Ideally, they look for three access points. That gives the Fire Department a better chance of getting in there quickly and addressing emergency needs in a timely fashion. Multiple access points are for disaster planning on the Fire Department's part. Blocked access roads, increased amount of traffic, and other City services such as garbage pickup, plowing - all those can contribute to blocking access points for the Fire Department.

The following are citizen concerns.

Elizabeth Landrum, 8603 S. Melrose Drive:

"Our subdivision has narrow roads with no lane dividers. When larger cars or trucks park on both sides of the road, there is only enough space for one-way traffic to move through at a very limited slow speed. Our subdivision has no overhead lighting. Very few homes have lighting at night. This means that it is hard to see where the street edges are and the yards begin. There are culverts on all the properties and many of them are steep-sided. Our property at 8603 S. Melrose, quite frequently had cars driving into a culvert during the night. Ten years ago, we moved in 13 years ago, we asked the City to install those black and white posts along the edge of the culvert to alert night-time drivers to the corner of our property because they were always driving into the culvert and damaging our property as well as themselves. These have been knocked over by drivers. One of our neighbors, who is here tonight, used to bring over duct tape to repair the

damaged posts. We requested that he stop doing so so that the City could see whenever it broke. This should tell you just how dark it is in here at night.

No. 3, the size of the new subdivision to our north will house about 500 cars. From personal experience, I know that they will choose to use this subdivision, you're calling it, what are you calling it, access, this shortcut through our subdivisions to get to the grocery stores, gas stations, and other shortcuts to Howell Avenue. I do so now. I use Liberty to get to Woodman's. It saves a lot of hassle. The difference between Liberty and 6th Street to get to here and ours is that it is lighted, curbed, guttered, and has sidewalks. We have none of that. I don't have to wait through the light at Puetz and Howell and wait a long time, and sometimes multiple times at the light just to get through and then wait again to make the left into the store property. Reasonable people are going to do the same things getting out of that new subdivision and onto Puetz. You're diverting a lot of traffic into our subdivision when they're going to be 500 cars in there. They are going to quickly learn to avoid the light at Puetz and 27th too. This means not just fire trucks and police going through our subdivision, but many of the new tenants from the property to our north. The subdivision was not designed 20 years ago for that kind of traffic. Twenty years ago, there was an empty, abandoned property where Woodman's sits and where Drexel Town Square now sits. Today's situation is very different. Were any of you here on the Plan Commission when my subdivision was planned? So none of you even remember how our little bitty property became into being with that little bitty road. Today's situation is very different. We're all reasonable people. We are avoiding Drexel also after all Oak Creek has lavishly put up signs telling us about IKEA and all of its Drexel, all of the traffic on Drexel and prudent people do not want to be involved in the heavy traffic with cars not familiar to the area. The only prudent way through is through our subdivision.

Next, your 20-year old plan is now out of date with the new reality. Please, please do not let our subdivision bear the brunt of that. Please divert this new traffic into the undeveloped land to the east of our subdivision. It's currently for sale. Did you know that? Did you know that? Did you even know that? It's immediately to our east of our subdivision. But it's undeveloped. You still have a chance to move all this traffic away from what is really inadequate for what you are proposing. Please don't divert this new traffic onto the undeveloped land to the east of our subdivision on Puetz. Thank you."

Vicki Hoeller, 8527 S. Braeburn Drive:

"I want to point out that several years ago, there was an attempt to build a large condominium area where these apartments are now proposed. There was an arborist that got up and testified that even the car fumes would damage the forest. It's a designated as a rare forest due to the type of trees that grow back in that woods. And the traffic would totally destroy that within a couple of years as well as the extra traffic from people wanting to study nature, taking walks back there and just wanting to enjoy the wooded area. Also, when we moved in 15 years ago, it was wonderful. We could go out and look at things and not have to be quite so careful of traffic, which now would totally cease. There would be no more evening walks because as stated before, the roads are narrow. The traffic is going to be a lot heavier from people taking shortcuts. It just would not work out with kids, dogs, the total subdivision would suffer if this road is to go through. Even though it may not look like it on a map, individuals with health disorders that require clean area are going to soon have to leave the community because they are going to be unable to live with the air conditions that would change with this type of traffic."

Erin Eaton, 2140 W. Orchard Way:

"I have a very, very vested interest. I'm not against this development at all. Frankly, I was worried you were going to put in a Walmart or the Costco. I do want a Costco, just not here. So this is great, but Orchard Way is obviously why I am here. I guess I would ask all of you to drive by my house and tell me if you think this is reasonable. I have two small children. These are single-family homes. There are a lot of children. As I think her name is Elizabeth, there's no lane dividers, there's no sidewalks. I have neighbors begging me not to ask for sidewalks because they're going to put in \$35,000,000 and we're going to be socked with the fee on sidewalks, which doesn't seem fair to me. I get the, you need an entrance, we need to be safe. I will say there's been comments about how we should have known what the deal was. I moved in 11 years ago, so I'm kind of a newbie, and it was pretty obvious, whatever the plan was wasn't going to happen. I don't know if you know the history, but bankruptcy developers who fled the country, so I didn't know what the deal was, but it seemed like a nice neighborhood. It didn't seem like a place that people were going, 500 cars would be driving by to get to Woodman's.

The other things is, and Mayor Dan you helped me with this, five years ago I was concerned about the traffic, and the small children, and there not being enough room for kids to walk down the side of the roads without being hit by cars. We had to fight to get that stop sign in. So I don't know, I don't know what the answer is. I'm just telling you, like, this is very dangerous. So I don't know if it's speed bumps. I don't know if it's stop signs. I don't know if it's sidewalks. I'm not against the development, I'm just asking you to drive by my house and kind of, like, see the absolute train wreck that is going to come when you put 500 cars driving through to Woodman's right past my house where my kids are on their tricycles. So that's it. Thank you."

Theresa Kasprzak, 8437 S. Cortland Drive:

"You're talking about my back yard. I'm the third condo in and I'm on Cortland, and if I just walk up, if I could walk up, those three properties, I'd be on Orchard Way. I am devastated, I know that I have been ill, I must have missed a meeting, I'm usually, try to be here. Orchard Way, are you not in the woods? Those woods are protected. Like the other gal said, I remembered being here and them talking that those woods were protected and they'd never be touched. Okay, well I don't like that street anyhow. But please, please don't start on our...I'm not against the development either. I've been to enough of these meetings. I liked the hospital that was going to be one story behind my house. This is going to be just in my back yard. It's just going to reach it. I'm not too happy about that. I always wanted, myself, I wanted to cut the funeral homes, because they do nice with landscaping. But if you could find another way to do that Orchard Way, it sure would be appreciated. Thank you."

Mayor Bukiewicz stated that this is part of the 27th Street Plan, and the way it is zoned in the Comprehensive Plan, it does allow for many uses. At some point in time, someone is going to want that exposure out to 27th Street, whether it is this development or something else. Regardless of what goes in there, what is being looked at is the connectivity of the road.

Regarding the traffic, Mayor Bukiewicz stated that it would increase and they will be using the street to get through.

Commissioner Johnston stated that subdivision roads average in width 22 feet to 24 feet. This subdivision does not have curbs in it, which is not uncommon - that's a rural section. The City doesn't build that section anymore. The City has an urban section that has curb and gutters and sidewalks. They also don't do lane delineations on subdivision roads, because of the low volume of traffic and 25 MPH speed limits. As far as lighting, this development didn't have lighting installed when it was developed. It is definitely something that the property owners would be

assessed for if installed. Commissioner Johnston stated that not all the traffic is going to run up and down this road. Some will use it, but not all 500 cars will be going up and down this road every day. There are other access points - there is a public road to the north and to the south. It is logical to connect those two sections together. This is where that connection point is.

Asst. Fire Chief Kressuk stated that, with regard to the comment about emergency vehicles using the side streets for emergency vehicles, the Fire Department understands that residential roads are slower speeds and narrower in width. They generally use the path of least resistance. Their response to this development would primarily occur Puetz to 27th, Rawson to 27th Street, 27th Street south and then into the complex. If an emergency does occur, as vehicles approach that scene, the access roads would be clogged. Residential roads are the last resort for entering that complex.

Mayor Bukiewicz stated that as far as this development abutting up to the back yard of Ms. Kasprzak, there will be some separation there through landscaping, berming and fencing; something to not infringe on anyone's backyard.

Commissioner Chandler asked about the safety features of the new road. Planner Papelbon responded that it will be constructed to City specifications, which will address some of the concerns.

Mayor Bukiewicz called for a motion. Planner Papelbon asked the Plan Commissioners to make a decision on the timeframe for recording of the CSM as mentioned in Condition #5.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Tony DeRosa, HSI Properties, LLC, for the properties at 8300, 8304, 8310, & 8380 S. 27th St. and 8370 S. Orchard Way be approved, with the following conditions:

1. That a wetland delineation is completed by a Wisconsin DNR-approved professional and included on the map prior to recording.
2. That all easements are shown and clearly labeled on the map prior to recording.
3. The signature page is updated to include the dedication language for the extension of Orchard Way.
4. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.
5. That the Certified Survey Map shall not be recorded should the sale of the properties not occur within 6 months of the date of Common Council approval.

Commissioner Johnston seconded. On roll call: all voted aye, except Commissioner Loreck and Commissioner Chandler. Motioned carried.

**REZONE/PLANNED UNIT DEVELOPMENT
HSI PROPERTIES, LLC
APPLE TOWER DEVELOPMENT INC. LLC
8300, 8304, 8310, 8380 S. 27TH ST., AND 8370 S. ORCHARD WAY
TAX KEY NOS. 831-0310-000, 831-9007-000, 831-9009-000, 831-9036-000, 831-9034-000**

Planner Papelbon provided an overview of this rezone/planned unit development request. (See staff report for details.)

Commissioner Loreck stated that this is in his district. He feels that it is much more appropriate to have multifamily development versus the current zoning, B-4 Business, knowing what could be built in a B-4 district. The few residents he spoke to about this also agree. As far as the design, it is very nice. His only concern right now would be with all of the talk about increased traffic coming into the neighborhood and going down Orchard Way, the driveway where the water tower is emptying the parking lot for two buildings directly into the area of concern. He stated his concern about the headlights shining into homes directly in front of that. As far as the rezone itself, Commissioner Loreck stated he is definitely in favor of it.

Commissioner Johnston stated that the driveway comes out of the intersection, so it could be a way to get a street light at that intersection. That corner is then lit for the people that are driving off into the culvert (as stated above). There will not be lights shining into houses either because it is going to an intersection. It will be more like a typical street pattern at that point. Commissioner Johnston mentioned that there will be street lights along Orchard Way as well.

Commissioner Chandler inquired about the park that was mentioned in the staff report. Planner Papelbon responded that there was a letter from Milwaukee County Parks regarding the wetlands that are in Falk Park to the east. They are requesting there to be some consideration for that. Whether that includes a landscape buffer or additional space is something that would be up for discussion. However, there are no landscape plans at this time, but there are plans to have landscaping along the perimeter. There is quite a bit of distance between the HSI property and the delineated wetland. Runoff is going to be considered in the storm water plans, and the integrity of that wetland must be protected. For the PUD, it is premature because there is no landscape plan to look at; however, there does appear to be adequate space to address some of those concerns.

Mayor Bukiewicz advised the applicant to respect the 20-foot buffer with regards to the parks.

Mayor Bukiewicz asked if the section along the water tower right-of-way is going to be dedicated parkland. Planner Papelbon responded that that is not actually part of the rezone request. That is City-owned property there, so it is already zoned I-1. It could be rezoned to P-1, but there really is no reason to do that - parks are allowed in an institutional district.

Mr. DeRosa stated that the letter from Milwaukee County Parks does not request a 20-foot buffer. They were requesting to stake the property line to prevent encroachments. As part of this development plan, they would be providing a buffer that would be beneficial to all parties.

Commissioner Johnston stated that Lot 2 of CSM 7769 (just south of Forest Hill) is not part of this CSM or rezoning that parcel as well in this PUD. Planner Papelbon stated that that lot is included in this. Commissioner Johnston stated it is not included in the CSM, but is included in the rezoning. Planner Papelbon stated they are proposing it to be part of Lot 1. It is identified as the former Lot 2 of CSM 7769.

Commissioner Loreck moved that the Plan Commission recommends that the Common Council approves the rezoning of the properties at 8300, 8304, 8310, & 8380 S. 27th St. and 8370 S. Orchard Way to Rm-1 (PUD), Multifamily Residential Planned Unit Development after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at their next meeting (June 26, 2018). Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**TEMPORARY USE
TREE-RIPE CITRUS COMPANY
501 W. RAWSON AVE.
TAX KEY NO. 765-9046-000**

Zoning Administrator/Planner Wagner provided a review of the temporary use request. (See staff report for details.)

Commissioner Loreck asked if the items are sold by the pound or pre-boxed. Tiernan Payne, 636 N. 99th St., Wauwatosa, WI responded that everything is sold by bulk pack, so volume-filled.

Commissioner Siepert stated he is not in favor of this use because it does not set a good example of the City.

Commissioner Carrillo asked how the sales went last year. Mr. Payne responded very well. The sales increased throughout the course of the winter. Customers are very happy to have a location in Oak Creek. To address Mr. Siepert's concerns, Mr. Payne stated that they do run a very professional operation, good equipment, new equipment with tasteful signage.

Commissioner Carrillo asked about insurance and City permits and if they are applicable to him. Zoning Administrator/Planner Wagner responded that the insurance is on the land owner. Mr. Payne responded that they do carry their own insurance, which is provided to Farm and Fleet.

Commissioner Loreck motioned that the Plan Commission approve the temporary use permit for the outdoor produce sales in the parking lot of 501 W. Rawson Avenue. Commissioner Johnston seconded. On roll call: all voted aye, except Commissioner Siepert. Motion carried.

Zoning Administrator/Planner Wagner noted that there was no date mentioned in the motion.

Commissioner Loreck amended his motion to include dates of 6/23/18, 7/21/18 and 8/11/18. Commissioner Johnston seconded. On roll call: all voted aye, except Commissioner Siepert. Motion carried.

**REZONE/CERTIFIED SURVEY MAP/VARIANCE REQUEST
LAVERNE BOERS
3280 E. OAKWOOD RD.
TAX KEY NO. 919-9991-005**

Planner Papelbon provided an overview of this rezoning/certified survey map/variation request. (See staff report for details.)

Monica Perkins, 3408 E. O'Brien Rd:

"I have lived there since 1988 and ever since I've lived there, that parcel has been mowed grass. My question, I guess, is okay, why was that parcel of land that this other person has cut for all these years been residential and right next to it is agricultural and another house resident. Why haven't they been taxed on this as residential? Why was it just this one parcel that was, you know, niched out all these years? Plus, on that map where it was all red, that floods every single year. I don't know if you guys are familiar with Oakwood Road. We've had people and kids that are in canoes catching carp. I'm not kidding, pictures, this big, when it floods. There is a water

drainage there. My concern is if they start building houses there, where is that water going to go? We already have major issues in our basement when it floods. The gentleman that house sits there. His backup generator built on the outside of his house. His house will never flood. Unfortunately, we don't have that luxury. And they say, no development at this time for the other parcel. What does that mean? It's a floodplain. Does that mean you fill it up and the water comes into our old subdivision? I have major concerns with it, not so far as, you know, the little inch. My concern is the extra water that's going to be displaced. And what are the future plans. When I bought the house, I inquired, are there going to be sidewalks. What's the use for that area over there? It's floodplain. They'll never be able to use it. A few years back, we had an engineer comes in for something on our property. We talked to him. He said no, because it's a floodplain. They'll have to constantly pump the water out of it. We're not going to do anything with it. And now I hear that, not at this time. Well I intend on staying there until they put me in the grave. So what does "not at this time" mean as far as a timeframe. I don't want that floodplain filled up with fresh dirt, because I know you can't dig into it. Those are my concerns. You know, why was it agricultural all these years, and now, all of a sudden they want to just sell that part off. Why we're they taxed as residential if that is what it was going to be now."

Director Seymour explained that the terminology "at this time" is because the purpose of this proposal is just for that lot. There is no intention to develop the remainder of the property. In fact, they have been talking about preserving that property. In the event that someone would propose any additional development for the remainder of those unplatted lands, the City would have the same concerns. Director Seymour reiterated that there is no proposal at this time to change any of that. This is only affecting the small piece of property on the east end of the property.

Director Seymour continued by saying that taxes are based on the use of the property. If the property was used for agricultural, and they applied for the agricultural use exemption, they received that. If they qualified under agricultural, then they would be treated to that exemption. Mayor Bukiewicz stated that agricultural use was what they declared.

Monica Perkins:

"My thought was, in that little slot there, that's, that's their house. And the other side where you want to change it now, just cuts the lawn. There's nothing growing there, but grass. Same as on the other side. It looks like a park."

Director Seymour responded that it is all part of the same property.

Monica Perkins:

"Right, I understand that. I just don't want the floodplain to be filled in."

Director Seymour stated that this is not changing the floodplain at all.

Monica Perkins:

"Yeah, because I looked at the DNR paperwork, or went on their website, and it's like, this would not be a pretty thing if they filled it in. Because we know where the water would all go."

Commissioner Johnston stated that the owner is not looking at filling in the wetlands or floodplain at this time. With this lot, it is one single family home that's being built there. The City would definitely have concerns if anyone wanted to come in and fill in those wetlands. There is a lot of

water that is down there that needs to go someplace. The City does not want to see that filled in. Commissioner Johnston stated he has not seen a grading plan yet. The lot itself is fairly flat and it splits and drains to the back. There is a swale that comes off that row of homes that is off of Oakwood. That drains to the west. Commissioner Johnston stated he assumes that is how this house is going to be designed that it's draining to that swale and all that water is going to drain to the west.

Sharon DeWitt, 3380 E. Oak Lane:

"My mother, Laverne Boers, is the owner of this property. And I have some answers for Monica's concerns. First of all, the, this particular lot has been zoned agricultural, however, it is, as you can see on the map, surrounded by three residential properties and the force side is Oakwood Road. It is not conducive to get farm equipment in there. So all these years, my brother, who lives just to the west of lot no. 1, has been cutting the grass there to maintain it as a groomed lot for the City because we can't use it as agricultural because you can't get in there. So that's why it has been maintained as cutting the grass. Our family is aging and it's very difficult for us to maintain that property now and so that's why we're requesting to have that split off by one lot. The variance according to the survey company who did the survey is 3/8 of an inch short of the 80'. And my question for Monica was, you said the person that lives the next lot has a backup generator outside. Is that what you were saying? The property...to the west of this lot no. 1? Yes, that's not a backup generator - that is just an automatic generator. So when he's not home, it will go on if the power goes out. So it's not necessarily a backup generator. So those are my answers for Monica's questions and I'm available if anyone else has any questions."

Commissioner Johnston moved that the Plan Commission recommends to the Common Council:

1. That a portion of the property at 3280 E. Oakwood Rd. shown as Lot 1 on the proposed Certified Survey Map be rezoned from A-1, Limited Agricultural to Rs-3, Single Family Residential; and
2. That the Certified Survey Map and variation requests submitted by LaVerne Boers for the property at 3280 E. Oakwood Rd. be approved with the following conditions:
 - a. That the 7-foot-wide storm sewer easement along the southern property line is included on the map prior to recording.
 - b. That a note is included on the map indicating that the remaining unplatted lands are to remain agricultural or conservation. Any change to the use or development of the property will require additional review and approval by the City, including but not limited to a wetland delineation.
 - c. That the floodplain boundary is included on the map prior to recording.
 - d. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE AMENDMENT
SELF-STORAGE VENTURES, LLC
275 E. DREXEL AVE.
TAX KEY NO. 814-9038-000**

Planner Papelbon provided an overview of this request for a time extension for the existing Conditional Use Permit. (See staff report for details.)

Attorney Brian Randall, Davis and Kuelthau, 111 E. Kilbourn Ave., Milwaukee, spoke on behalf of the developer, Kelly Gallacher. Mr. Randall stated that in the spring of 2017, Mr. Gallacher had a pair of Phase II environmental site assessments completed. Consultant number one found some stockpiled construction debris on this site. Consultant number two verified that there was, indeed, some contamination. In July, 2017, 37 tons were trucked off the site and disposed of properly. Mr. Gallacher submitted the documentation (No Further Action Request) to the DNR in September, 2017 identifying in the reports what was found on the site. It was construction debris put there by someone else. There is one stockpile there today that is clean. There is another stockpile that they took care of and that is what this is time extension request is really about. Unfortunately, the DNR denied the No Further Action Request in October, 2017. In doing that, the DNR asked for additional information. When a submission goes in, the DNR has 60 days to respond. They have typically been experiencing a response time from the DNR of day 57, 58 or 59 from the date the requests are being submitted. That resets the 60-day clock. Mr. Gallacher has been responding to the DNR requests within 7 to 10 day, but then the DNR takes sometimes another 60 days to respond to him.

Mr. Randall continued that what the DNR did in this instance in January 2018 is indicate that they were going to hold this site to a standard that was higher (residential standard.) Mr. Gallacher was proposing capping the site, covering it with buildings and pavement, but because there is adjacent residential, the DNR asked them to make sure it is done to a higher standard. There is no groundwater contamination and that has been documented, but the other residual contaminates they want to make sure are dealt with to a residential standard. The DNR requested additional information and those documents were submitted after the DNR did that in January 2018. In March 2018, another information request came from the DNR, and seven days later Mr. Gallacher submitted that. Right now, they are on the clock. They hope, with the site investigation report they submitted, that the DNR will provide the concurrence and the response. Then Mr. Gallacher has to do the full building plans because he is holding onto that five-figure commitment for the engineers and architect to finalize the building permit level plans. Until they know the DNR will permit the site layout exactly as shown on the screen, Mr. Gallacher is holding back on letting the engineer go and that is about a 10- to 12-week process. Mr. Gallacher is well invested in the site (the purchase price of the land, the legal fees, and the environmental consultants). Because the delays have not been due to his doing, they would like the full amount of 12 months so as to avoid having to ask the City for another extension.

Eric Hayes, 7955 S. Wynbrook Ct:

“We’re one of the properties that face his property that we are just glad to see it happen someday. There was other proposals and we’re glad to see a storage unit and they did respond to all our requests as far as views and landscaping and everything else. And then we saw the “for sale” sign up again and we thought this whole thing went away. And we were just here to see what’s going on. And then we got a little notice in the mail and so we just wanted to make sure that this actually ends up as originally proposed and all his work to make us satisfied does actually happen. When we saw the signs up for sale again, we thought, okay, here we go again. What’s up?”

Mayor Bukiewicz asked for Commissioners opinion on length of time extension.

Commissioner Johnston stated he was good with the time extension of 6 months. Mayor Bukiewicz said he is good with 9 months. Commissioner Carrillo concurred with Mayor Bukiewicz.

Planner Papelbon asked the Commissioners to change the reference to Section 11 in the suggested motion to read Section 12.

Commissioner Johnston moved that the Plan Commission recommends that the Common Council approve a conditional use permit amendment extending Section 12, Time of Compliance to a deadline of six (6) months of the date of adoption of the amendment ordinance for the property at 275 E. Drexel Ave., after a public hearing. Commissioner Loreck seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Siefert seconded. On roll call: all voted aye. The meeting was adjourned at 8:34 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

July 10, 2018

Date