

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JUNE 26, 2018**

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

Minutes of the June 12, 2018 meeting

Commissioner Johnston moved to approve the minutes of the June 12, 2018 meeting. Commissioner Carrillo seconded. Upon discussion, Mayor Bukiewicz moved to hold the approval of the minutes until the next meeting when a voting quorum is present. Commissioner Johnston so moved. Commissioner Correll seconded. On roll call: all voted aye. Approval of the minutes will be held until the July 10, 2018 Plan Commission meeting.

PUBLIC HEARING

COMPREHENSIVE PLAN AMENDMENT

**UPDATE PLANNED LAND USE CATEGORY AND MAP 2 FROM “PLANNED BUSINESS,”
“RESOURCE PROTECTION AREA,” AND “LIMITED DEVELOPMENT AREA” TO “PLANNED
INDUSTRIAL” AND “RESOURCE PROTECTION AREA”**

9600 & 9700 S. 13th ST. and 1001 W. RYAN RD.

TAX KEY NOS. 905-9994-001, 905-9993-003, 905-9995-001

Planner Papelbon read the public hearing notice into the record.

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

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Planner Papelbon provided a brief summary of the request (see staff report for details). Mayor Bukiewicz commented that this amendment fits in with the overall Comprehensive Plan and 2020 Vision and helps in being prepared for what may come forth in the future.

Commissioner Correll moved that the Plan Commission adopts Resolution 2018-05, amending the Comprehensive Plan and Planned Land Use map to reflect the changes in land use from “Planned Business,” “Resource Protection Area,” and “Limited Development Area” to “Planned Industrial” and “Resource Protection Area” for the properties at 9600 & 9700 S. 13th St. and 1001 W. Ryan Rd. following review and adoption by the Common Council. Commissioner Johnston seconded. On roll call: all voted aye. Motion carried.

**CONDITIONS AND RESTRICTIONS
HSI PROPERTIES, LLC AND APPLE TOWER DEVELOPMENT INC., LLC
8300, 8304, 8310, & 8380 S. 27th St. AND 8370 S. ORCHARD WAY
831-0310-000, 831-9007-000, 831-9009-000, 831-9036-000, 831-9034-000**

Planner Papelbon provided an overview, and highlighted the conditions and restrictions specific to this proposed development (see staff report for details).

Commissioner Hanna asked if the Milwaukee County Parks letter had been addressed. Planner Papelbon responded that the letter refers to a wetland that is more than 100 feet away. As proposed, the general development plan shows that the parking lot is more than 20 feet from the property line, more than 120 feet way from the nearest impact potential. The County letter did not request any specific buffer, so landscaping is being planned along the east side, which will be determined at the time of site plan review.

Commissioner Hanna inquired about the encroachment or impact of properties. Planner Papelbon responded that the request is for the property to be staked so that there would be no encroachment beyond that. The applicant has indicated that they are willing to do that.

Mayor Bukiewicz referenced the clubhouse where it is stated that no other accessory building would go above 17 feet in height. There were issues with that at Drexel Ridge. Planner Papelbon explained that the issue with the Drexel Ridge clubhouse is that it was going to be an accessory structure that exceeded 17 feet in height (Code restriction). The 30-foot allowance was actually requested by the applicant at that time. This height allowance is the same as was proposed in that document as a point of conversation between the applicant and the Plan Commission. Planner Papelbon stated that she does not believe that the Drexel Ridge clubhouse exceeded 30 feet or 20 feet in height. This conditional allows the proposed clubhouse in this development to be a maximum of 30 feet in height.

Tony DeRosa, 18500 W. Corporate Drive, explained that at the time they requested 30 feet because they didn't have a design height at that point, but they knew they were going to a tower element. He stated that that building is approximately 20 feet. Mayor Bukiewicz stated that he does not have an issue with that as it fronts 27th Street.

Mayor Bukiewicz stated that a traffic impact analysis (TIA) will be done for the area and they are looking for solutions for the potential increase in traffic on Orchard Way. Commissioner Johnston responded that staff is still looking at what can be done for traffic calming. Director Seymour stated that as you come up Orchard Way to the north, there is a driveway from the two 20-unit buildings adjacent to the water tower. The City is asking that the driveway be eliminated and that the southernmost driveway between the two 15-unit buildings be eliminated. The only access to Orchard Way, aside from the individual garage units, would be from the northernmost driveway. Staff feels that will make Orchard Way a much less attractive option for those that are to use Orchard Way as a through street. Mayor Bukiewicz stated that there will be a "no left turn" sign at the northernmost driveway/roadway with the two 20-units that abut the park. Mr. DeRosa did have some reservations about this.

Paul Ruffalo, 8486 S. Melrose Dr:

"I was listening and I must not have caught it - are only the two 20-units and the 15-unit going to have access to that or is it still all going to open to 27th St. ultimately?"

Mayor Bukiewicz responded that the farthest road to the south that ties into Cortland will go away so there would be no access there. The intersection between the two 15-units would be closed off so no one could come from the apartments west. The only way you could is on the north, and the 20-units would come out on the northern end.

Commissioner Johnston mentioned the setbacks discussed at the last meeting. He asked if these numbers show the new setback along Orchard Way. Mr. DeRosa responded that the drawing on the overhead does not reflect it. If anything, those setbacks have increased. Planner Papelbon stated that because there are changes to the general development plan in terms of access, and because there were changes to the setbacks, updated exhibit drawings are needed so there is accurate reflection of the conditions and restrictions. Mr. DeRosa stated that they would provide those. Planner Papelbon stated she would need those before the Council hearing.

Mayor Bukiewicz stated that the three 15-unit buildings will have driveways on Orchard Way, but that is only 1 unit per building. It's not like all 15-units can utilize that drive.

Commissioner Johnston moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Multifamily Residential Planned Unit Development for the properties at 8300, 8304, 8310, & 8380 S. 27th St. and 8370 S. Orchard Way, after a public hearing. Commissioner Correll seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE AMENDMENT
CAMP BOW WOW
8411 S. LIBERTY LN.
TAX KEY NO. 828-0001-000**

Planner Papelbon provided an overview of the amendment to the existing conditional use permit. (See staff report for details.)

Mayor Bukiewicz stated his concern about the proposed capacity of 137 dogs at this facility.

Leah Bouchart, 8411 S. Liberty Lane, Oak Creek, WI, camp director for the Waukesha location, stated that they are slated to have 108 dogs at their facility as there are a lot of people that need this service. The location in Oak Creek is going to be larger than the one in Waukesha. This location is going to have an additional play yard for a total of 5 indoor and 5 outdoor play yards. This will be 2,000 SF larger than the Waukesha location. Waukesha is at 108 dogs; with the additional space in Oak Creek, they can comfortably house 137 dogs. That is the maximum capacity. The number of suites for overnight care is at 70 spaces. They would never likely house over 80 dogs a night and that is at booked capacity. This number includes daycare and boarding. The capacity is often reached at the Waukesha location and that is why they are seeking additional space. The larger space in Oak Creek will allow them to accommodate more dogs as needed. Also, being close to the airport is an advantage.

Commissioner Correll asked what the capacity is based on. Planner Papelbon responded that they based it on interior space because there will not be any outdoor boarding. There will be periods of time when dogs are rotating in and out, so the interior square footage is what staff was using for calculations. The 60 SF per dog calculation came from the submitted narrative. The interior square footage is an estimate based on the general interior floorplan. The 108 came from the narrative supplied saying what was similar to Waukesha. The calculation of 62 dogs is based on the interior calculations. The calculation for that is taking the additional interior space that may

be devoted to kenneling and that is because staff does not have those calculations/measurements. The 137 number is a round-up based on the entire square footage of the facility.

Ms. Bouchart stated that they are a year-round facility. The dogs have access to the inside and outside the entire time that the facility is open. There are boarding dogs that go in the cabins for specified meal breaks and daycare dogs that are out in the play yards all day long. There are 5 play yards with roughly 25 dogs per play yard. That is corporate mandated and there is one camp counselor to every 25 dogs. The 137 capacity includes the daycare dogs.

Planner Papelbon stated that calculations are based on just interior space. The figure that she quoted for 3700 SF is probably a little bit low. That is because that was based on the number of kennels. The actual number is probably higher than that, which is why staff is comfortable with the 108 that was recommended in the Waukesha example. Planner Papelbon asked if there is inclement weather, where the 137 dogs would go. Ms. Bouchart responded that when inclement weather occurs, 99% of the time, they are not at capacity because people are choosing to keep their dogs at home because they are home. There are the cabins, and the indoor yards can get shut. There are also luxury suites, which are 8' x 7' interior rooms that have cameras in them, so the owners can check up on their dogs 24/7 to see how they are doing. There is a grooming area, the offices, the bathrooms, the lobby; it is not necessarily where they would stay without staff, but during inclement weather, they go in those places with staff. There is one staff person for every 15 dogs in the building and 1 to 25 dogs in the play yards. There is also additional staff out of the play yards helping move dogs as needed if there was an emergency or during inclement weather.

Planner Papelbon stated that if the addition is roughly 5100 SF and the luxury suites are 8' x 7' and there are going to be six of those, that means there is approximately 5,487 SF for an addition for dog space, interior only. When divided by the 60 SF required per dog, the number is already up to 91 dogs. That is only interior space devoted to dogs.

Ms. Bouchart stated that the 137 number corporate is comfortable with. She stated she would contact corporate and get another letter about those facilities.

Planner Papelbon stated that there is one more update to the math. If the outdoor play areas are included, that adds some square footage, and 126 dogs would be allowed for the interior and exterior space for the dogs only.

Commissioner Hanna stated she would only be comfortable with 108 regardless of square footage. Unfortunately for all of us we live in Wisconsin, so there are only three months out of the year, maybe four that the weather would be nice and people travel. Even if the weather is inclement, people travel so they are not at the luxury of coming home and picking up their dogs.

Commissioner Johnston stated there might be some confusion as to space for overnight and space for dogs during the daytime. If the 60 SF per dog is boarding space, we're talking a maximum of 80 dogs to board there. The 137 is feasible is corporate is okay with that and the dogs are running around in play spaces.

Ms. Bouchart stated that they have no problem if they see inclement weather coming shutting down the daycare portion of their business and just accepting the boarding dogs. Commissioner Johnston stated that there are 70 kennels plus the inside areas that they can be using to accommodate that amount of dogs.

Planner Papelbon explained that if the Plan Commission wanted to split out the number of dogs that can be there for a daycare facility as opposed to boarding, staff can do that with direction of the Plan Commission.

Commissioner Correll asked if there is a boarding number. Ms. Bouchart responded that if there are 70 cabins with one in every cabin, there are 70 boarding dogs. There are families that have more than one dog and they want them boarding together, so there may be three in a cabin.

Planner Papelbon stated that based on the kennel sizes, the 60 SF is a general daytime and not a kenneling situation.

Commissioner Correll stated the location is right for this type of use and the City has a need for this.

Commissioner Correll asked Planner Papelbon if he were to propose a change to the restrictions, where would they include the daytime and boarding numbers. Planner Papelbon responded on page 2 of 5 of the conditions and restrictions under Section 3, Site and Use Restrictions Maintenance and Operation Requirements, letter D there shall be no more than 108 dogs at the facility at any one time. Ms. Bouchart stated that it is difficult to do a boarding/daycare number because if she only has 20 boarding dogs, then they can take 110 daycare dogs. If she has 80 boarding dogs, they can take way less daycare dogs. Ms. Bouchart stated she would be comfortable with a maximum number for both the boarding and the daycare. Planner Papelbon stated that if they give her the maximum boarding and the maximum total, she will say that the Plan Commission has changed the conditions and restrictions. It isn't necessary to specify that in the motion as long as everyone is clear on what D is going to say. Commissioner Correll stated his proposal would be a maximum number of 80 boarded dogs or 125 dogs total on a daily basis. Commissioner Correll stated he is okay with the 85 boarded dogs and a maximum of 125 dogs.

Commissioner Hanna stated that she is not okay with stuffing dogs in cabins just because they want to get numbers. Ms. Bouchart stated that that is not what they do. She majored in animal behavior at Carroll University, has four dogs of her own and safety is number one. All dogs go through the interview process so there are not aggressive dogs. It is not the place for every dog. Of her four dogs, one of them doesn't do well at camp. They are not about the money. It is about dogs having fun and the owners having a safe place for the dogs to go. They have live web cams that owners can watch their dogs while they are there. They want to be able to provide an environment that they can do that and give owners a place that they can trust. She does not have a problem dismissing dogs from camp if they start to develop behavior problems or if they start to get extra nervous. She doesn't want them there because it stresses them out. They are all about safety and she would never cram dogs in nor will they be shoved in random places. When there is inclement weather, they will shut down and make sure that there are spaces to monitor everyone. She is not putting dogs in cabins just so that she can reach their maximum capacity. The dogs are not just put in cabins to get them in the door so they can make money.

Commissioner Hanna stated that 80 is her maximum for boarding and 125 total. Commissioner Correll suggested leaving it at 80 and 125.

Commissioner Correll moved that the Plan Commission recommends the Common Council approve a Conditional Use Permit Amendment for the property at 8411 S. Liberty Lane, after a public hearing. Commissioner Johnston seconded. On roll call: all voted aye. Motion carried.

**CERTIFIED SURVEY MAP
R.W. HOWELL, LLC
8355 S. HOWELL AVE.
TAX KEY NO. 828-9997-000**

Planner Papelbon provided an overview of this certified survey map request. She noted that all of the Commissioners should have had a copy of the latest version of this CSM at their stations. (See staff report for details.)

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Richard Ruvin, R.W. Howell, LLC, for the property at 8355 S. Howell Ave. be approved, with the condition 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 Correll seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW
BAY VIEW INDUSTRIES, INC.
7821 S. 10TH ST.
TAX KEY NO. 783-9032-001**

Planner Papelbon provided an overview of the plan review of the proposed addition. (See staff report for details.)

Red Klausegger, 1160 W. Drexel Ave., stated that he has three concerns.

One of his concerns is the light pollution coming off the factory. He has trees in his yard that are 40-45 feet tall. He has done a lot to try to screen it, but there are gaps. He does have a light shining into his living room window, which is kind of obnoxious at night. He is concerned that any development going north behind him is well screened with landscaping and additional direction of the light to put it down where it needs to be. Mayor Bukiewicz stated that they did have a light there, but a few years ago changed it to LED and it was literally shining across Drexel Avenue. Mayor Bukiewicz stated that when he was alderman, he addressed this issue by having them put a cutoff shade on it. Mr. Klausegger stated that as it currently exists, those lights don't have any shade on the building itself. The parking lots are not an issue; it is the lights on the building.

Mr. Klausegger stated that his second concern is that his wife walks to work. With the additional parking spaces and employees, he is concerned about being able to walk to the crosswalk at 10th & Drexel so she can safely cross the street. Right now, she has to cut through their parking lot and she is concerned that there is a safety issue. He stated there should be a sidewalk along there. They have sidewalks in front of their property. They can just extend that to the corner.

Mr. Klausegger stated that the last issue is the drainage. On his survey map, the back corner of their yard is considered a wetland. As it is now, the berm area that is on their property; all the water kind of drains towards them. When they get more than 2 inches of rain, that wetland area fills and that is not a concern. It's a wetland. That's what it's supposed to do. However, any development might increase the drainage to the point where their yard is going to be constantly flooded. In addition to that, he has spent up to \$10,000 and four seasons' worth of work landscaping his yard and does not want any storm drainage to affect them.

Commissioner Johnston responded that the way this is graded out, they are just adding a building there. It is already an impervious area. They are just adding a building on top of it. Mr. Klausegger asked if they are doing anything to that property north of him. Commissioner Johnston stated that the only thing they are doing is building on the southwest corner of the existing site.

Commissioner Johnston stated that sidewalks may be a little challenging given the utilities that are out there, but they can look into it.

Mayor Bukiewicz stated that the City's Electrical Inspector can go out and look at the lighting to see if something can be done. Mayor Bukiewicz asked Commissioner Johnston to take a look at the lighting proposal.

Jeff Hook, Briohn Building Corp., stated that this is the first he has heard about the lighting and he will address the problem. He extended his contact information to Mr. Klausegger so they can discuss the situation.

As far as the sidewalk, Mr. Hook stated it makes sense, but he doesn't have any kind of a budget for that.

Mr. Hook stated that the expansion they are doing was in some plans from 1995, so it was always in the plan. They are cleaning up the storm water, but they are not adding anything in the back area. Mr. Hook asked Mr. Klausegger to contact him regarding his issues.

Commissioner Correll moved that the Plan Commission approves the site and building plans submitted by Geno Plitt, Bay View Industries, Inc., for the property at 7821 S. 10th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the plans are revised to include locations for all mechanicals, transformers, and utilities (if added). All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
3. That the landscape plan is revised to include the heights of plants both at installation and maturity.
4. That all revised plans (site, building, landscaping, etc.) are submitted in digital format for review and approval by the Department of Community Development prior to the submission of building permit applications.

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

**CERTIFIED SURVEY MAP
AY LIN SOK
6616 & 6622 S. 27TH ST.
TAX KEY NO. 715-9981-003 AND 715-9980-001**

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

Cynthia Kalman, 2610 W. Sycamore, stated that she has a few concerns about this. They removed the very first house and they never cleaned up. Since they put in the traffic lights, they have a lot of traffic that comes into the subdivision, where there are a lot of little children. The motorists come into her driveway and back out of her driveway. She stated that she bought that

property because it is very private with shrubs and trees all around it and the neighbors are not visible. She stated she put a jungle gym there for her grandchildren so they can feel safe. If it is a commercial property that is going to abut up to the back of her lot, she will no longer feel safe being the only person that lives in this house; or if her grandchildren come over and there are consistent strangers at the back of her lot. She questioned what that is going to do to the value of the houses?

Mayor Bukiewicz stated that all they are doing is combining lots. At this time, he does not know of anyone who is interested in buying the properties on Sycamore.

Ms. Papelbon stated that this is a B-1 zoning district, and any kind of business district that abuts a residential district has to comply with the buffer requirements. The buffer requires them to be even further away from Ms. Kalman's property. If they do propose something, they would have to meet the setback requirements. For example, if there is a 10-foot setback, they will be required to have a 20-foot buffer on top of that. Parking lots and everything else also have to conform to setback requirements. There would also be vegetation or a screened fence as part of that buffer to that residential district, which includes the three homes on Sycamore. Whenever that proposed commercial development happens, that would all have to come back before the Plan Commission. It would not require a rezone, but depending on what is proposed, a conditional use may be required.

Don Kleineider, 6612 S. 27th St., asked if the combining is also taking the zoning and making the whole lot B-1. Planner Papelbon responded that the current zoning is B-1 for the entirety of what will be Lot 1. Nothing needs to change in terms of zoning.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Ay Lin Sok and Sotthy Koeling for the properties at 6616 and 6622 S. 27th St. be approved with the condition 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 Hanna seconded. On roll call: all voted aye. Motion carried.

**TEMPORARY USE
HOUSE OF HARLEY-DAVIDSON & ONE HEADLIGHT POWER SPORTS, LLC
9725 S. 13TH ST.
TAX KEY NO. 904-9011-001**

Zoning Administrator/Planner Wagner provided an overview of a temporary use for a motorcycle safety course. (See staff report for details.)

Commissioner Hanna stated she is very concerned about the noise. Tom Mills, House of Harley instructor, stated the level of noise will be no louder than what he is speaking now and the motorcycles cannot be heard about the road traffic on I-94. They have not had anyone complain about the noise. This is one of two locations that they operate. The other one is at the Loomis Road park and ride. There is a residential home approximately 100 yards from the training site and they have not had any neighbors complain of noise. They will be using 500 cc motorcycles and basically, they sound like a sewing machine.

Zoning Administrator/Planner Wagner asked what type of motorcycle they would be using. Mr. Mills responded that they use a Harley-Davidson Street 500 cc. It is a mid-sized motorcycle, but it is available for the general public to buy. Mayor Bukiewicz stated there would be more noise

from I-94, and there would not be noise off the loud pipes in these classes. Most importantly, they want people to learn properly how to ride them and get the feel of them.

Zoning Administrator/Planner Wagner stated that they did operate last summer.

Commissioner Johnston asked if the plan is to have only one container. Zoning Administrator/Planner Wagner responded yes, there is one container that will store the motorcycles and paperwork.

Commissioner Johnston asked where the container will be located. Mark McClain, House of Harley, 6221 W. Layton Avenue, stated that the container would be located in the far northwest corner. That is required by the State of Wisconsin. There has to be a minimum of 20 to 40 feet runoff from where the actual bikes operate to where any kind of obstacle would be.

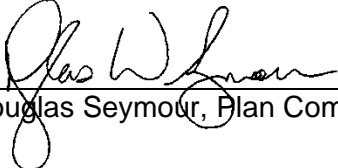
Commissioner Correll moved that the Plan Commission approves the Temporary Use permit for the operation of a motorcycle training course with the following conditions:

1. That operations can be conducted seven days a week between 7:00 a.m. and 8 p.m.
2. That signage is limited to two, 32 square-foot signs attached to the cargo container.
3. That the permit expires October 31, 2018.

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

Commissioner Carrillo moved to adjourn. Commissioner Correll seconded. On roll call: all voted aye. The meeting was adjourned at 7:31 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

July 10, 2018

Date