

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JULY 10, 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, Commissioner Loreck, Alderman Guzikowski, and Commissioner Siepert. Commissioner Correll 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 Siepert moved to approve the minutes of the June 12, 2018 meeting. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Commissioner Johnston moved to approve the minutes of the June 26, 2018 meeting. Commissioner Carrillo seconded. On roll call: all voted aye, except Commissioner Loreck and Commissioner Siepert abstained. Motion carried.

**ZONING TEXT AMENDMENT
CITY ZONING ORDINANCE (SECTION 17.0325)
PERMITTED AND CONDITIONAL USES IN A PLANNED UNIT DEVELOPMENT**

Planner Papelbon provided an overview of the request for this zoning text amendment as it pertains to planned unit developments. Below is the proposed language:

- (a) Permitted Uses. Uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying base zoning district, as more particularly set forth in the specific PUD Overlay District pursuant to Section 17.0325(2)(a) of the Municipal Code. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district unless otherwise modified pursuant to Section 17.0325(c)(2)a.4 of the Municipal Code. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.
- (b) Conditional Uses. Uses listed as Conditional Uses in the underlying base zoning district may be allowed as permitted uses as part of a Planned Unit Development if all of the following requirements are fulfilled:
 - (1) Uses Requested – The petitioner shall submit a written request for consideration by the Plan Commission at the time of application for a proposed Planned Unit Development that details each requested use. Only those uses listed as Conditional Uses in the base zoning district shall qualify for consideration.
 - (2) Compliance with Code – Each requested use shall comply with the Performance Standards, Conditional Use Permit requirements, and all other applicable Sections of the Municipal Code.
 - (3) Recommendation – The Plan Commission shall review and make recommendation to the Common Council for approval or disapproval of the requested uses as part of the

proposed Planned Unit Development, including any Conditions and Restrictions deemed appropriate. Any recommendation for Common Council approval of Conditional Uses to be permitted as part of the Planned Unit Development shall be by a majority vote of the Plan Commissioners present at a meeting.

Seeing as there were no comments or questions, Mayor Bukiewicz called for a motion.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that Section 17.0325 of the Municipal Code be amended as presented to specify and clarify permitted and conditional uses within a Planned Unit Development, and that subsequent subsections of the Code be renumbered, after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

REZONE/PLANNED UNIT DEVELOPMENT

RYAN BUSINESS PARK, LLC

741 (PORTION) AND 1001 W. RYAN RD. & 9600, 9700, AND 9900 S. 13th ST.

TAX KEY NOS. 905-9999-006, 905-9995-001, 905-9994-001, 905-9993-003, 925-9999-000

Planner Papelbon provided an overview of the request for a rezone of the properties to M-1 (PUD), Manufacturing Planned Unit Development (see staff report for details).

Mike Faber, Ryan Business Park, LLC, Capstone Quadrangle, N17 W24222 Riverwood Dr., Suite 160, Waukesha, WI, stated he believes this request is completely consistent with even the previous version of the Comprehensive Plan. He stated that they have been working to create and assemble this land to create this business park for about 14 years. When they finally finished negotiating the swap agreement with Milwaukee County, which is now under contract, it enabled them to be able to begin the process of the official zoning changes that they would need, as well as the TIF request in order to make the park a feasible possibility.

Mr. Faber continued that the most complicated piece was the swap with Milwaukee County. That was four years in the making, but as a completed document now, they are obligated to convey three parcels to the County. They conveyed most of their large L-shaped parcel that runs from 13th St. along the creek and down the center of what will be the business park. In that exchange, they will keep the area that is the most sensitive along both sides of the creek, except for the spot where the road will cross the creek. That will eventually be city street right-of-way. Other than this, the County will control everything they put under contract.

Mr. Faber further explained that one of the features of the swap with the County is that they were able to convince the City and the applicant that a public park be carved out and created at City expense in the southeast corner of the business park. That is the north portion of the neighborhood park. The County also controls land from that point further to the south that is in the back of the single-family subdivision on the east side between the neighborhood and the railroad tracks. Together that land will eventually go through a process with community input for how the City envisions a park being constructed there. The County will not contribute funding, but they will contribute the land, part of which they will get in the swap and part they already own.

Mr. Faber stated that the rezoning request and the PUD overlay will accomplish what he believes in a Class-A business park. Part of the power of that is its close proximity to the expressway. It also has multiple points of access including direct access to 13th Street as well as coming in at the main entrance, which will be a boulevard entrance, well-landscaped at a signalized point along Ryan Road. They are currently working with the Wisconsin Department of Transportation on that.

Commissioner Siepert asked what would be put in on these lots. Mr. Faber answered that they would like to have all of it be some type of light manufacturing, but they will respond to the inquires and appetite of businesses that find it interesting. Because of the TIF financing, they will make sure that the businesses seeking to go in there are of good value and that jobs will come along with the businesses. At this point, they do have a number of businesses that have expressed interest in locating in the park. None of them have signed any papers yet. They will be light manufacturing, distribution, assembly; mostly industrial rather than office.

Commissioner Siepert noted that there were two options presented, and asked Mr. Faber which one he prefers. Mr. Faber responded his preference is to be able to respond to whichever businesses come forward. He would like to land a large user because that would accomplish the goal of creating the tax base, providing jobs and allowing the applicant to develop a building more quickly. However, they will respond to whatever businesses come forward. There are two large users that have expressed interest in the site now. The site is not big enough for both of them, so he will take the first one that approaches. Mayor Bukiewicz stated that it gives the flexibility for whoever wants to relocate as well.

Mr. Faber stated they would like both of the general plans approved by the Plan Commission and Common Council because it allows him to not have to start over with city approval for a business that comes forward with a use that is not approved.

Doug Seymour, Director of Community Development, further explained that what is being requested is not without precedent. He referenced the land used by the US Postal Service on the corner of College and Pennsylvania. When that came through for a planned unit development designation, there were two alternate development plans that were submitted in accordance with that. Mr. Seymour continued that it is pretty typical to have one general development, but it is not unheard of to have multiple general development plans associated with a PUD. Mr. Faber expressed that the two options makes it possible for them to convey that the City is already okay with a large user or more, medium-sized users.

Alderman Guzikowski stated that he agreed with the zoning, and is very pleased to hear that there will be a (public) park in this part of the City.

Commissioner Loreck asked for clarification about the extent of the area that is being rezoned. Planner Papelbon responded that there are a couple of caveats. One is that there is going to be a PUD for all of the parcels. There is a parcel that is currently zoned M-1, so the base zoning for that parcel will not change, but the overlay for it will. The northeast corner will remain residential.

Commissioner Loreck asked what would happen to the possible County park if this is all rezoned M-1, and that rezoning extends into this property. Planner Papelbon responded that it can always be rezoned once the boundaries are known better.

Mayor Bukiewicz invited comments from the audience.

Robert Ray, 9773 S. 13th Street, Oak Creek, WI:

“This is a last minute thing. I left work due to the importance, I believe, I’m against this and so are my neighbors. I have been at that address for 12 years now. With the increased businesses coming into Oak Creek at such a rapid rate, especially in that vicinity, with some of the laundry facilities and stuff like that, we have had triple and quad-triple trash, basically roadway on my

driveway, broken bottles and I know it's coming from the businesses there. On a daily basis, I'm cleaning up trash. We have a beautiful 80-some acres across the street, which was a waterfowl refuge and I believe it should remain farmland. I'm totally against building up buildings that are going to take down all that natural beauty. And I think it is going to take away a lot from Oak Creek in that vicinity. Specifically, if you look at the freeway, they use 13th Street as a frontage road, a relief if there is a back-up in traffic. Now you bring in 1,500 so-called jobs in that short little corner. You're going to literally grid-lock the Police station, the freeway entrance, and I also believe crime is going to come in. And I understand it sounds good; 1,500 jobs, but are you going to get 1,500 local people from Oak Creek to fill those jobs or are you going to bring in other inner-city people and more crime to Oak Creek. That's pretty much how I feel. It's my front yard. We're doing an addition right now. Had I known this was happening, I would have moved. I've been there for 12 years and I love it there, but if I gotta stare at a bunch of businesses, I'm not going to be happy. I understand it's not what I need. It's what everyone needs, but I think it's a bad choice for Oak Creek. I think it's going to block 13th Street and Ryan Road is going to back up during certain times and we don't need the increased traffic and crime. Right now as it is on a day-to-day basis, I'm picking up broken wine bottles, beer bottles, hairnets and they are coming from those businesses. I follow these people that are throwing trash on my driveway. And I think by adding more population and more traffic, it's going to get worse. And I think it's going to be less attractive to Oak Creek in those specific areas."

Mayor Bukiewicz stated that the item up for discussion was for a rezone, and he cannot speculate on the jobs because it is unknown at this time what is going there. Mayor Bukiewicz stated he did not know where the 1,500 jobs figure came from, but social media tends to inflate things. It is just a rezone request, so it is unknown how many jobs will be there; however, he stated that he would not speculate on crime or where the people are going to come from or judge the character of people by where they come from, so he will not comment on that.

Mayor Bukiewicz stated that as far as the trash issue is concerned, we do have those complaints and they go through the proper channels of zoning and inspections and the businesses police themselves.

Mayor Bukiewicz stated that as far as the traffic goes, there has been an increase in traffic and construction due to what is going on at Ryan Road. The City does perform traffic analysis and that is where the road improvements come in. Until Mr. Faber actually has a company in place, the study cannot be done.

Mr. Ray stated:

"That's another thing too. We have to look at pollution as well."

Mayor Bukiewicz stated that that is all covered in the zoning codes.

Mr. Ray:

"Was that specific area that was taken over, was that farmland and going to commercial or was it commercial altogether."

Mayor Bukiewicz responded that the current zoning is agricultural. Planner Papelbon noted that there are various zonings. Mayor Bukiewicz stated that the farm has been there many years, and the desire of the current owners is to relieve themselves of the property.

Mr. Ray:

"I understand that and I totally understand we gotta do what's the best interest of Oak Creek, but I'm looking at, sometimes if you're building at too much of a rapid rate, you can actually shoot yourself in the foot basically."

Mayor Bukiewicz responded that the City tries to be as prudent as they can to be as least impactful to the neighbors. When that really comes out is when something is definitely proposed.

Thomas Wolf, treasurer of Select Sites (aka, Edgerton Contractors), 545 W. Ryan Rd.:

"I was wondering, so, did I read this right and maybe this is a question, not a comment, but that this is the Amazon site that the Journal/Sentinel had in today's..."

Mayor Bukiewicz responded that that information it out there, but as Mr. Faber said there is no one signed to this deal. Mayor Bukiewicz continued that Oak View Business Park filled up rather rapidly on Oakwood and Howell. As the City looked at the Comprehensive Plan, they realized that they needed to look at other business parks. This one was being marketed as a business park by the current owners, so the City is trying to be proactive and get ahead of the curve.

Mr. Wolf:

"My only concern is traffic and if it's an Amazon distribution center, when is the appropriate time to discuss that when Amazon, a tenant comes in with a proposal?"

Mayor Bukiewicz reiterated that when there is a known user, a traffic analysis would be warranted. As soon as the user is known, an analysis would be done. Director Seymour further explained that although the user is unknown at this time, a traffic impact analysis (TIA) is required given the fact that they're looking for access onto a County highway and a State highway. That identifies potential uses, not necessarily a user. Based on the potential volume of that, recommendations are made as to what improvements need to be made. Part of that is going to factor into the project plan for the tax incremental finance district. Those likely will be projects costs that will be borne by that district. The TIF project plan for this land is scheduled to go to public hearing before the Plan Commission on July 24. That is another opportunity to learn about the district itself. The public hearing will be in the Common Council chambers at 6:00 p.m. on July 24, 2018.

Katlin Orlando, 9759 S. 13th Street:

"My mother-in-law owns the house that we live at. They've owned it for over 30 years. I mean the house has been there since the 1980s. Just to reinforce, you know, the thing is: what about the traffic? I mean, because, there is a lot of speeding down our road in general. I mean, I don't see everyone there to get pulled over and all that. I mean, people are going 60, 70 miles per hour down our road at times. And then, the peace and quiet, you know, we've been there for a while, you know we've liked looking at the scenery and now that is going to be gone. I mean, are we going to get fences then? Are we going to be able to put fences in? I mean, because you're not going to want to be seeing industrial park."

Mayor Bukiewicz responded that he understands, but that will really come once the plans start to unfold. Once a user for a piece of lands comes before the Plan Commission, that is when the conditions and restrictions will be discussed. Notification will go out to comment on those

conditions and restrictions, where things such as fences, berms, buildings materials, hours of operations, to name a few, will be discussed.

Mayor Bukiewicz stated that this really amounts to Oak Creek being pro-active. Hopefully it will develop rapidly, given what the demand is in the area.

Commissioner Loreck moved that the Plan Commission recommends that the Common Council approves the rezoning of the properties at 741 (portion) and 1001 W. Ryan Rd. & 9600, 9700, and 9900 S. 13th St. to M-1 (PUD), Manufacturing Planned Unit Development (NO CHANGE TO FW, FLOODWAY OR C-1, SHORELAND WETLAND CONSERVANCY) after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at their next meeting (July 24, 2018). Alderman Guzikowski seconded. On roll call: all voted aye.

Mr. Ray returned to the podium.

"Are we subject to property tax increases due to this? Who is going to pay for this?"

Mayor Bukiewicz responded no, the development itself will pay for it. The TIF district property taxes go to pay down the debt for the infrastructure road improvements, and then all of that tax money comes to general tax relief of property tax when the TIF terminates.

Mr. Ray:

"If this does go through, right now, as it is, we cannot have a fence up or anything in the front yard, but rather than look at that, is there a possibility they could change that where we could have an 8' fence or something like that?"

Mayor Bukiewicz responded that that goes into the zoning text amendment.

Mr. Ray:

"We just actually started the addition a week ago, so we, it was just bam, it came all at once. I think that's probably what makes this so upsetting is because it's 12 years of looking at a beautiful field, trees. I understand where you guys are coming from, but now we have already started on this expensive addition and now we get this news. So it's not like we can just back out and move."

**CONDITIONAL USE PERMIT
BRIAN SCHOENLEBER
7801 S. PENNSYLVANIA AVE.
TAX KEY NO. 779-9010**

Zoning Administrator/Planner Wagner provided an overview of a conditional use permit request for a Community-Based Residential Facility (CBRF).

Commissioner Loreck asked if this is a health-care group home. Brian Schoenleber, 5300 S. 108th Street, Hales Corners, WI, stated that yes, this is an assisted living community-based residential facility.

Commissioner Johnston stated he does not have an issue. When this issue came before the Plan Commission last time, his issue was with the construction being 2 feet off a wetland, and how it will be constructed.

Commissioner Siepert asked if they have approval from the DNR. Mr. Schoenleber responded they received approval to build right up to the wetland boundary.

Mayor Bukiewicz stated that regarding the other CBRF on Willow, he has received nothing but complaints about the facility regarding the parking conditions and restrictions. Mayor Bukiewicz stated that he drives by the facility on Willow and the employees are supposed to be parking in the garage. When he drives by, the employees are not in there and the garage is filled with whatever. Mayor Bukiewicz stated he was going to hold him to it on this one as strict as he can, because Willow has been a mess parking-wise. They park on the road constantly. There are complaints that the cars bottleneck there also. Mayor Bukiewicz stated that the City required a larger driveway for this facility, and it does not get used by the employees or visitors. Mr. Schoenleber pledged to tighten that up and make sure everyone is using the driveway and stays off the road.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use permit allowing a Community-Based Residential Facility (CBRF) with a capacity of at least nine, but no more than twenty persons located at 7801 S. Pennsylvania Avenue after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting (July 24, 2018). Commissioner Loreck seconded. On roll call: all voted aye. Motion carried.

**CERTIFIED SURVEY MAP
BRIAN SCHOENLEBER
7980 S. CECILY DR.
TAX KEY NO. 814-0296**

Zoning Administrator/Planner Wagner provided an overview of this certified survey map request (see staff report for details).

Commissioner Hanna asked about the proximity of the building to the wetlands. Zoning Administrator/Planner Wagner explained that the building can be within the 50-foot-wide protective area. However, when it comes to patios, decks, pools, and swimming pools, they cannot be drained into the wetlands. They can have the home in there, but all the downspouts are connected to the storm sewer, which is connected to Cecily Dr.

Director Seymour clarified that if they develop one of these parcels, there can be no expectation for them to have a pool or a patio, etc. It is very restrictive as to what the space can be used for.

Mr. Schoenleber stated that a person can re-delineate wetlands with SEWRPC every five years. The neighbors are going to attest to the fact that there is no water. It is really dry in this area. That may even re-delineate and go even further towards the east down the road. This delineation is already 3 years old.

Commissioner Johnston stated that this is going to be a “buyer beware” type of lot. People may not read the fine print on the CSM, buy the house, and all of a sudden really realize they cannot build a deck, patio, etc. These are very challenging lots. Mr. Schoenleber stated they were bigger than the R2-1 zoning by about one and a half times. They are really nice lots on a beautiful cul-de-sac. Mr. Schoenleber stated that he is a licensed real estate broker, so the buyer would have a lot of recourse to come back after him if the information is not disclosed at the time of the purchase of the lot.

Commissioner Loreck asked if there is a shed on parcel 1. Mr. Schoenleber stated that the shed belongs to the neighbor and Mr. Schoenleber has given him permission over the years and he can leave it there. The neighbor indicated he may be taking the shed down because it is not in good condition. Mr. Schoenleber told him he can keep it on the lot line. If that lot would sell, and the new homeowner does not want it there, he would have to take it down.

Commissioner Johnston stated there is one other thing that needs to be added to the conditions of approval for this item and that is the stormwater maintenance needs to be completed on the Pioneer Estates subdivision. The stormwater in the cul-de-sac of the original development needs to be completed prior to recording of this CSM. Maintenance includes removing the trees in it and cutting the grass. There is a stormceptor that needs to be cleaned as well. Mr. Schoenleber stated that the stormceptor has never been used and should not need to be cleaned out.

Commissioner Loreck moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Brian Schoenleber, for the property at 7980 S. Cecily Drive be approved with the following conditions:

1. That a 10-foot setback along the wetland line in conformance with Section 13.106(j)3.a of the Municipal Code is depicted on the CSM prior to recording.
2. That the Mayor's name is updated on the signature page (Mayor Daniel J. Bukiewicz).
3. 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.
4. That stormwater pond maintenance needs to be completed prior to recording of the CSM.

Alderman Guzikowski seconded. On roll call: all voted aye, except Commissioner Johnston. Motion carried.

**CERTIFIED SURVEY MAP
HIGHGATE, LLC
7781, 7811 AND 7869 S. 13TH ST.
784-9991-001, 784-9990-001, 784-9993-001**

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

Mayor Bukiewicz opened up the discussion to the Commissioners. Seeing none, Mayor Bukiewicz called for a motion.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by John Thomsen, Highgate, LLC, for the properties at 7781, 7811, and 7869 S. 13th St. be approved with the following conditions:

1. That the CSM approved by the Common Council December 19, 2017 is submitted for recording prior to or concurrently with submission of this CSM for recording.
2. That the CSM is revised to incorporate the "no access" restrictions along Drexel Avenue, a portion of 13th St., and along I-94.
3. That the CSM is revised to incorporate all wetland areas on all sheets.
4. That easements (access, utilities, etc.) are depicted on the map prior to recording.

5. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), 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.

**REZONE
SOMMERSTONE, LLC
7781, 7811 AND 7869 S. 13TH ST.
784-9991-001, 784-9990-001, 784-9993-001**

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

Seeing as there were no comments and questions, Mayor Bukiewicz called for a motion.

Commissioner Siepert moved that the Plan Commission recommends to the Common Council that the properties at 7781 and 7811 S. 13th St. be rezoned from Rs-3, Single Family Residential to B-4, Highway Business, and a portion of 7869 S. 13th St. (Lot 2 of proposed CSM) from B-4, Highway Business to I-1, Institutional after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Siepert seconded. On roll call: all voted aye. The meeting was adjourned at 7:01 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

July 24, 2018

Date