

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, JULY 24, 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, Commissioner Correll and Commissioner Siefert. Commissioner Chandler was excused. Also present: Kari Papelbon, Planner; Pete Wagner, Zoning Administrator; Community Development Director Doug Seymour; City Administrator Andrew Vickers; Finance Director Bridget Souffrant.

**Minutes of the July 10, 2018 meeting**

Alderman Guzikowski moved to approve the minutes of the July 10, 2018 meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

**PUBLIC HEARING  
TID NO. 16  
PROJECT PLAN AND BOUNDARIES**

Planner Papelbon read the public notice into the record.

Andrew Vickers, City Administrator began the introduction to the TID No. 16 project plan by stating that there is a lot of context and strategy and handling of logistics that has gone into this potential business park as well as the TID project plan that is not obvious in the written copy of the project plan.

Mr. Vickers stated that this is the culmination of a lot of work in a business park that has been in the making for a very long time. One of the principal developers of this business park has owned property there for about 15 years and has consistently worked at assembling the various parcels to make a cohesive master plan business park for about that same period of time. Creating an inventory of business park property in the City of Oak Creek is the strategic goal for this community. It is important to have business park land to meet demand, to have supply to meet that demand. The end game to that is to take advantage and diversify the City's tax base. The overall goal is to stabilize or even lessen the tax burden for the citizens and businesses in the community. Growth equals a stable property tax base.

Mr. Vickers stated that there has been a confluence of factors coming together all at once due to the work of many people in the public and private sector (development partners). This business park is a joint venture with two local development firms; Capstone Quadrangle and General Capital.

Mr. Vickers continued by saying that the most important factor is the land assemblage. The developer has never been at a critical mass of having all of the properties under their control to execute a business park.

Mr. Vickers stated that Milwaukee County parks department owns a strip of property through what is essentially the heart of this business park. The developer has worked on a partnership with Milwaukee County to swap lands for the benefit of the park and for the benefit of the County to make for a cohesive business park. Without that land swap, there is a very limited ability to develop this property in a cohesive and intelligent manner. The County does not divest of

property; specifically the parks department, very readily. All parties in the partnership have realized not only the economic value of jobs and tax base, but the environmental improvements that this land swap entails. They are getting a piece of property that is a little more environmentally sensitive than what is the strip of property that is an agricultural piece of property at this point. It hits the County's environmental mission as well, so this is more than just about a tax base.

As a part of that County/City/developer partnership, the City will be constructing a neighborhood park on this property. The City has been looking to site a park in this section of the community for a long time and hope that through a public process involving the immediate residents in the area, something can be done to be proud of in terms of park space. If the City does not commence these approvals and subsequent entitlements for this business park, with the County having already agreed, it is unlikely that the City can just the County in several years to have this same deal in place. So there is a bit of a sense of urgency to move forward with the business park now.

Mr. Vickers stated that they have arrived at a very good master plan and partnership with the developer. As seen in the project plan, they wanted to maintain the most flexibility in this tax increment district and how they can implement it.

Mr. Vickers explained that there are two side-by-side project plans. One utilizes a large user format that takes up a significant portion, and the other plan looks like a traditional business park in that there are multiple smaller parcels that can be marketed. This provides the ability to respond given the geography. This is an appealing piece of property for a large user. A financial feasibility study has been done on both of these models, which includes increment and the costs associated with that.

Lastly, there is not too much business park development that goes on in the State of Wisconsin (and probably a larger geographic area) that isn't the result of a public/private partnership with the host municipality being involved. Through the utilization of the tax increment financing tool, we are able to make sure this development is implemented as we see fit as a community, but control the level and quality of development for the residents.

Jolena Presti and Dan Johns, Vandewall & Associates were present to introduce the project and TIF creation requirements.

Mr. Johns stated that a TIF is a financial mechanism to spur development in a defined area that, "but for" the use of the TIF, would not otherwise see the type, magnitude or timing of development desired by the community.

It uses the taxes from increased property values to fund public projects and achieve financial feasibility of private projects. Because of the financial powers that are given to municipalities by State statute, it is the single-most powerful economic development tool that Wisconsin communities have.

As a concept, they set a base value, which is the value of the parcels within the district as of this year. The taxes that are paid on that base value continue to flow to each of the overlying taxing jurisdictions, which include the City, County, school district, technical college, sewerage district and any other special districts that might be involved. Any new value that is created on the parcels within the tax increment district flow to a special fund to pay for the project costs that are specifically outlined in the project plan.

The base value and the value increment is the new value that is created. The tax increment is the revenue that actually flows from that new value that is created over time. The Joint Review

Board is made up of representatives from each of the overlying taxing jurisdictions and they ultimately provide the blessing on the project, because they are ultimately foregoing the new taxes that are generated from the district in order to spur economic development in the hopes that in the long run the increase in tax base will benefit all parties. The TID itself is the physical area and TIF increment financing is the financial mechanism.

The project plan requires:

- Establishing TID boundaries
- Declare type of TID and term
- Determine project costs/expenditures
- Project potential development projects/values
- Perform financial feasibility
- Demonstrate “but for” finding
- Demonstrate consistency with zoning and comprehensive plan

The “But For” test includes expenditures advance one or more public purposes:

- Eliminate blight
- Diversify tax base
- Create jobs
- Remove social hazards
- Environmental clean-up
- Improve transportation/utility services

“But for” the use of TIF, development:

- Would not occur, or
- Would not occur in the manner, at the values, or within the timeframe desired by the City

Every project receiving TIF financing must meet this standard.

The purpose of TID 16:

- Advance necessary site-specific improvements and capital costs for planned Ryan Business Park
- Stimulate and capture planned near-term development growth in TID area (W. Ryan Road & 13<sup>th</sup> Street near I-94)
- Offer development incentives for large-scale, job-creating projects
- Support new, complementary industrial and commercial uses along a major arterial street

The proposed boundary is the southeast corner of Ryan and 13<sup>th</sup>. The County land is an L-shaped parcel marked number 4 that runs along either side of the Oak Creek waterway, along the northern edge of the site. It is primarily open, vacant space for parkland conservancy; it has been used for agricultural land. There are a limited amount of industrial and single-family residential uses in pockets of this that were ultimately included in the event that some time down the line, they may become available for additional development beyond the scope of the business park concepts that have been looked at.

Mr. Vickers added that the north/south piece of property (the rectangular-shaped property) is very

difficult to develop either east or west of that strip of property. We would strand a significant amount of property to the east and very likely, in perpetuity, from ever being able to develop. That is significant given the geographic location of this next to the confluence of an interstate and a major highway.

Mr. Johns explained that there are two separate development concepts that are included in the project plan and financial analysis has been run on both of these. The first of which is a multiple-user concept, which carves the area into a number of parcels and would require a loop road with a cul-de-sac to serve a number of lots. There could be as many as nine under this scenario. It would require a road bridge over the waterway. There is also an opportunity to put in a pocket park along Ryan Road and then the larger neighborhood park at the southeast corner of the district. This requires more road construction than the larger area concept.

The large area concept is anchored primarily by a one single large user and would be served by a cul-de-sac off of Ryan Road with the opportunity for private streets to serve that user off of 13<sup>th</sup> Street, which would be outside the scope of the project plan.

There will be 13 total parcels on about 140 acres. This district is mixed use suitable for industrial sites. The base value as of 2018 is \$1,550,800 and depending on which scenario is chosen, the estimate is that between \$85,000,000 and \$100,000,000 worth of new development value would be created in this TID area. Depending on the timing of development, that could generate over the maximum 20-year life of the tax increment district somewhere between \$35,000,000 and \$42,000,000. There is the opportunity to close the district early should things go extremely well and the City is able to finance and payoff its obligations prior to when it is anticipated.

The general types of project costs that are allowed under a tax increment plan:

- Capital costs including public infrastructure
- Property assembly/relocation costs
- Demolition/site preparation costs
- Planning/engineering/legal for preparation of project plan
- Marketing and project concepts for projects within the TID
- Cash grants to developers with appropriate development agreements
- Prorated capital and administrative costs per % necessitated by TID

Mr. Johns recapped the specific project costs that are anticipated under each scenario related to roadway improvements, site grading and business park development.

Finance Director Bridget Souffrant explained the projected TID 16 increment, multiple user \$85,000,000 increment. The City would be expecting \$60,000,000 to come in within the first few years of the district, and then it would tail through the following years. In all of the projections, they have kept a very conservative inflation factor as well as a flat tax rate.

The large user would be about a potential of \$100,000,000 in value increment with \$90,000,000 in the first few years and then the remaining \$10,000,000 the first few years.

Shifting into the cash flow analysis of the multiple users, Ms. Souffrant showed a slide of the potential sources of funds; the revenue coming in with that tax increment, anticipated investment income and the potential for debt proceeds. The City may need to bond for the infrastructure for the district. The use of funds shows the capital expenses (the money going out for the

infrastructure), annual administrative costs to the City, potential for development incentives and then the repayment of that debt service. Showing through this scenario, the district could close at the earliest in 2036.

Shifting to the large user scenario looking at the tax increment and investment income and lesser proceeds because there will be less infrastructure needed for the large user scenario. The capital expenses going out, the administrative costs, development incentives potentially and the repayment of that debt service. In the large user scenario, the district could potentially close out early in 2029.

Ms. Souffrant shared a slide showing what the overlying taxing jurisdictions are currently getting for their tax base, and what they would be receiving in the respective scenarios at the closure of the district.

Mr. Johns stated that there are a number of statutory findings that appear in the project plan, but they are also included in the resolution that is being presented for recommendation of the project plan to the Common Council. This does require the “but for” finding that the economic benefits of the TID are sufficient to cover the costs of the improvements shown in the project plan, and that the benefits of the proposals within the plan outweigh the tax increments to be paid in the overlying taxing jurisdictions. The improvements are likely to significantly enhance the value of all other real property in the district over time, and that the value of this TID (plus all others in the City) don’t exceed 12% of the overall equalized assessed value of the entire City. The City is not anywhere close to that threshold at this point. There are no residential projects anticipated under this plan, so it is easy to comply with the “no more than 35% residential” requirement. At least 50% of the area must be found suitable for mixed use and/or industrial, all of which are expected under this plan. The City estimates that up to 10% of the district might be retail. The frontage along Ryan Road is a speculative estimate and the project plan ultimately is economically feasible and in conformity with the comprehensive plan of the City. There is an amendment pending in the future land use map that will conform to what is shown under this plan.

Mr. Johns stated that as far as a timeline, this would be considered by the City Council on August 21, 2018, with final action by the Joint Review Board anticipated on September 4, 2018.

Mayor Bukiewicz made the first call for public comment.

Dale Richards, 1320 W. Lois Lane:

“I am directly across the street from this development. Let me start out by saying that I think this development is appropriate for this site. This goes back to the City’s land use plan going back at least 15 or 20 years so it is entirely appropriate. The TIF district, certainly, again, I believe it’s appropriate for some of the reasons Andrew brought up, but clearly it is the issue with trying to consolidate or coordinate the issues with the County lands and then the crossing of the Oak Creek channel, which is a biggie. There’s too many issues with that. That is not to say it couldn’t be done on its own without a TIF, but certainly that would make a much better project.

I am here to turn around and talk to you about my concerns with the Vanderwalle’s project proposal, more or less it aligns with the financing issues. I understand that this proposal, I don’t know was it 20, 30 pages I got a copy of, is, a lot of it is boilerplate. That is not uncommon, okay, but I just would advise you, you know, everybody’s got good intentions to look at the devil of the details in there because I think they are vague. I think that spending plan is riddled with the

potential for fronting the customary and ordinary developer costs that everyone else has to pay for. I'm not saying that this developer has no skin in the game, but he shouldn't have his financial risk being reduced below what all other developers are expected to pay. So, so much for my editorial.

In regards to costs, I want to get specific. I'm not asking you to turn around and tell me what's going on there. I'm just raising these concerns that in regards to cost in this written plan, if you adopt what's written in that plan, those things can happen and I don't think some of them are appropriate, like the masquerading for the entire park, removal of bad soils, soil restoration. Yeah, I'm sure that the majority of this property has always been "ag", so I'm not expecting a big deal and I'm assuming that they turned around and did a Phase 1 of this years ago. But by the old railroad bridge, there's an old bridge that I will talk about later that has the potential where there was a railroad crossing for some soils.

Capital costs – this turns around and says, hey you can put up new buildings, structures, fixtures, demolition, use sustainable green building features, acquisition of equipment to service the district, constructing new parking facilities and cash grants. I, that's a red flag to me saying that you guys give out cash grants. So I think that's too vague.

Now I know this isn't your first rodeo with developments, right Doug? So I'm going to assume that you guys already got the data to support the increased traffic on 13<sup>th</sup> Street and Ryan Road. But I would also like to jump the gun here a little bit by recommending the large parcel, okay? And, what I'm suggesting here is that by adopting the large parcel, the use of crossing the bridge is really what's the benefit here. And I'm looking for, the benefit of TIF by putting in the bridge is you're eliminating or you have the potential to eliminate some of the traffic on 13<sup>th</sup> Street and orientate that right out onto Highway 100, which is where in my opinion where it should belong. So that's a TIF benefit that not just, you know, the business park, but also to the neighborhood where I'm sure there's a lot of concerns. You know, if that's not the case, and you don't want to push the traffic out to Ryan Road and you want it to go on 13<sup>th</sup> Street, then save your money and don't build the bridge. That development can still happen with the properties on the north side of Ryan, I'm sorry, on the north side of the creek, developing and accessing off of Ryan and those properties to the south. You can just as easily put the development to the south in a horseshoe configuration no different than we did with the TIF with Creekside business park right directly to the west of that proposal.

Just kind of a sideline tidbits, what I would be doing if it was me, in this particular presentation here, parcels, I think it's 6 and 8, okay, that's the lumber millwork place and then there's a single-family home. I think those properties should get bought out as part of this development so you've got a clean slate, not that there's going to be some eyesores along the lines. If you want this to be a top notch, you know, development, let's make it look that way from day one.

Also, you know, for what it's worth, you were talking about having that, you know, neighborhood park. My proposal, if you will, okay, if you can visualize, what is that, the long parcel that is going north and south alongside the railroad tracks. You come down just before the park. I would extend that development all the way to the end of the TIF district and where you are proposing the park, I would push the park beyond the TIF district proposal and push that to the direct east of English Aire Subdivision and just to the south of this proposed TIF district. In other words, I would make it more accessible to the neighborhood. Right now, by turning around and putting in that park, it's not really accessible to a neighborhood. I know from a theoretical standpoint we'd like to have neighborhood parks. You really don't have one south of Ryan Road. This would be a perfect application, but tie it into that subdivision of English Aire and then allow that property

where you're talking about putting a park, make that a developable property with the property to the north, okay.

Tax increments, let me jump here slightly, there is a minor section where you're talking about that little park, pocket park, and I think there was mention of stones. I would like to bring that to your attention because I know Doug and I have had conversations over this and I think I see something in Vanderwalle's proposal over stones. Well, it's not common knowledge, but if you walk down that Oak Creek channel, back in the woods there, there is an old railroad bridge that I was talking about before. That bridge has got some beautifully cut stones that are probably four feet wide, 30 inches tall and probably 4 or 5 feet deep and they are probably 10 feet high. That old bridge, you could pull some of those stones out, put a few around City Hall or I would have liked to have seen them around Bender Park on the hillside around the boathouse or say in this pocket park. But salvage some of those stones from the history that was involved with that particular old farm.

Certainly you have different options on how you're going to fund this geo debt, it is not uncommon, but my challenge to you is, you know, the City used to turn around and have a policy of 10—year paybacks on the debt, okay. This is saying 18 at the best, so that's another reason for pursuing the large development versus the multiple developments.

And then my last little issue is in pages 24 and 25, you had shown it before, about the tax increment. You know, maybe I'm reading that particular spreadsheet wrong, but I believe you're off by a year. The tax, from the way I'm reading that last column of the tax increment, you're generating \$400,000 worth of revenues from improvements that are going to be made this year. You're not going to get \$20,000,000 worth of development in a couple of months so that you can turn around and start collecting on taxes on it in January of 2020. So maybe I'm reading that wrong, but I think that spreadsheet is off by a column. So that has an impact on your paybacks. So that's it. Good luck.”

Yvonne Siira, 1500 W. Lois Lane:

“Thank you for allowing me to speak. In fact, I have lived in the 6<sup>th</sup> district for, goodness, of at least 45 years within a half mile radius of this district that is about to be developed. I guess I want to know about a planned unit development and what kind of authority does the City have in guiding traffic on 13<sup>th</sup> Street. Do you have any ability to dissuade traffic from going south on 13<sup>th</sup> Street.”

Mayor Bukiewicz responded that right now, the item before the Plan Commission is focusing on the boundaries of the TIF district, Until a specific user comes forward, the volume of traffic generated is unknown.

“Right. So when is the right time to put in comments on a PUD relating to traffic?”

Mayor Bukiewicz responded that time would be when someone comes in with a proposal for that piece of land.

“So I know Mr. Richards was in favor of a large development because of the economics and that scares me because what it implies who could come in there with distribution centers because that is one of the allowable businesses. And because distribution centers, because they obviously have a lot of traffic especially with the park on the other side. And I think that should be taken into consideration when the park is developed. And if a large user is allowed to come down 13<sup>th</sup> Street. Okay, so everybody has their idea of how those units of how the lots should be divided up. I am of the opinion that in 2003 when that property was purchased by Capstone, that those

residents to the south of that property they were there. And in 2003 or 2004 many of us were here to discuss the zoning at the time and there's not much we could do because it was purchased and it was in the master plan. But I can tell you right now that I do not think that there is enough buffer for those people living in that subdivision. In fact, I, you know, it's not, it's not an idea of how big the berm can be. I think that it would be very nice if that piece of property was donated to the park. That whole lot or a portion of it running east and west, especially because the developers are receiving a \$6,000,000 incentive to put this deal together. That is up and beyond the money that they will be making in developing that property. So I want you to take that into consideration, possibly, working with Capstone to get some..."

Mayor Bukiewicz interjected that that would be a discussion for later when a development proposal comes forward.

"Okay, okay. Okay and so the boundaries to the park as it stands right now, a lot of that is wetland, it appears. And so that is another reason that I wanted the boundaries to be expanded to the west and allow for a bigger park with less wetland and the park is up against the railroad tracks, which to me, you know you really don't, you got to keep the kids away from the tracks, so move it towards the west. I may have some more comments. It won't be given tonight, but I may end up sending them in after hearing what other people say. Thank you for allowing me to speak."

John Behlke, 8506 S. 13<sup>th</sup> St.:

"For a disclaimer, you know my wife and I have made a commitment to leave the City because of the growth, growth, growth. That's not us. If you're going to grow, grow, but do it safely. We talked about so many stuff. I'd like to ask this gentlemen a question please. Administrator? You said TIF is good for the City. It comes back to the homeowners like myself right? When will that happen? Oak Creek has many TIFs out there. When will that actually happen?"

Mr. Vickers responded that as was explained in the presentation, once the tax increment closes, the earliest scenario was 2029 and 2036 respectively.

"Right, that one, but there's other TIFs in Oak Creek right?"

Mayor Bukiewicz responded that multiple TIF's have already closed. Oak Creek has never run a TIF to its full life.

"Okay, that's fine. When will that come back to the homeowner to lower their taxes?"

Mayor Bukiewicz responded that it all depends on how soon the land develops and the money is paid back.

"How many TIFs have we had in the past that's been open and closed? Did any of that money come back to the homeowners?"

Mayor Bukiewicz responded that the funds go to all of the taxing agencies; schools, municipality, MATC, County and so they all get their cut in the end.

"And also, you've talked about cash incentive, right? How much cash is going to these people?"

Mayor Bukiewicz responded that cash isn't going to these people. The cash is built in as Mr. Richards said. For example, say the property owners decide to do a buyout and there is a gap to buy out the homes. That gap can be constructed in multiple ways, so when you see "cash", the



City is not handing out bundles of cash. It gives the City flexibility to work within the TIF for what's needed because it is unforeseen.

Director of Community Development Doug Seymour stated that the project plan is a blueprint. The fact that something is listed as a project cost in the project plan is not a guarantee that it will be spent. Each one of the project costs needs to be approved by the Common Council. The estimated costs are in the plan to allow for the greatest amount of flexibility. Unless those project costs are approved by the Common Council for each one of those projects, it's just a blueprint of how this could potentially be developed. The numbers in the project plan are for planning purposes for unforeseen scenarios that involve some uncertainty, and that is to allow for the greatest flexibility to make for the best project and the most financially feasible project. The likelihood of the TID and project costs playing out exactly as written in the project plan is probably unlikely. There will always be some variation in terms of the projects that the Council chooses to actually implement.

Mr. Vickers added that the City's charge is to include the costs that *may be* encountered. Like Ms. Siira mentioned a \$6,000,000 incentive to the business park developer; there is no \$6,000,000 incentive to the business park developer. If something were to materialize that would need to be incentivized, the City would be able to react to that. In the worst case scenario, if the City were to encounter all of the costs that may be faced, it is still financially feasible for the district to repay, and not the general taxpayers in the community.

Licia Rivas, 9759 S. 13<sup>th</sup> St:

"My questions have to do with how will this be affecting the houses, like mine, that are directly across the street on 13<sup>th</sup> Street as far as traffic, as far as just everything. It just."

Mayor Bukiewicz reiterated that the discussion for approval before the Plan Commission is about the boundaries of the TIF and conditions and restrictions will be discussed when a particular development comes up for approval.

"My house and my next door neighbor's house and then there is Colders and that's it. So how would our properties be affected? Whether it's a single user or a multi, it's still going to be bad either way."

Mayor Bukiewicz responded that this is all speculation. Until there is a business model proposed, it is hard to project what any traffic is going to be.

Mr. Vickers added that it is safe to say that the business park is in a good geographic location for a business park at the intersection of 13<sup>th</sup> and Ryan Road. There are going to be traffic impacts to 13<sup>th</sup> Street. It is how that increased traffic onto 13<sup>th</sup> Street is controlled and what has to happen to 13<sup>th</sup> Street to handle that capacity that is the important question. 13<sup>th</sup> Street is a Country trunk highway and arterial roads are set up to move traffic. Maybe the direction of where that traffic goes can be controlled and this can be self-contained back out to the Ryan Road interchange.

Maureen Willms, 991 W. Leeds Ct.:

"I have a few specific concerns about initially about why a TID district in this area. The property value alone of this location being looked at we've already heard Amazon and those companies are large enough to financially cover infrastructure costs, pay their taxes up front and not defer all these to a later date and time so that the City would see a more immediate impact from the tax

increases. We talked that the TID would have a fund that would help us offer more control of the development. Does that mean we get a say who goes in? What it looks like? What the boundaries will look like so that there's buffers between the neighborhoods? What kind of say would we get in if the City is offered more control through the TID?"

Mayor Bukiewicz responded that as far as the land values go, regardless of who comes in, the infrastructure is going to have to go in. Most people, whether it is a multi-million dollar company or a smaller machine shop are not going to foot that bill. It is too competitive these days. The incentive is that the City puts in the infrastructure. Infrastructure is going to benefit the City in the end.

As far as control of it, it starts right here. It comes with public input depending on who comes forward and how they orientate their building, and it determines where the traffic goes. The landscape, buffers and fences and things like that can be decided upon. The City's ordinances hold in check also as to what the standards are.

"What if the fund ends up with an excess? What happens with that money?"

Mayor Bukiewicz stated that the excess is used to pay down the TID early.

"Okay. So essentially the TID is being used as a lure for companies to come in."

Mayor Bukiewicz stated that it is an investment in the City to make it marketable.

"Even though that property is, I mean it should be a bidding war over this property."

Mayor Bukiewicz added that if the land was that valuable, it would have been snapped up a long time ago, however, there are challenges with the creek going through there, the bridge is expensive, and there are other DNR things going on there. It is not an easy thing to assemble. It takes a long time and a lot of money to make it feasible. But this is what is helping the City keep its level of services where they are at and the property taxes stable.

"As in term of wetlands where the park is going to be located and then anything south of that area is more or less like floodplain runoff. I mean it runs directly behind my house and so are there going to be any protections for those areas because the cranes mate in that area every spring and so it is a very happening animal place. I would hate to see us lose all of that."

Mayor Bukiewicz stated that the County did want to do a land swap to preserve those lands for the exact reason you said. They are very conscience of that. They are interested in wetlands.

Omar Farooki, 10140 S. Windsor Dr.:

"We're wondering by what percentage will the property taxes go up? For example, I got the total value up on the screen for 20 years between \$35 to \$42 million, but what does that mean to me as far as individual property taxes going up? By what percentage, say for example, 2018, 2019, 2020?"

Mayor Bukiewicz responded that none of these costs hit the City's tax bill because it is all being paid for in the TID. The development is paying down the costs.

“So probably taxes aren’t going up?”

Mayor Bukiewicz responded not due to this.

Anne McClurg, 10353 S. Mockingbird Lane:

“I have two concerns. One has to do with the property value of my house after you build. We will be surrounded by business parks or industrial parks. Now, we’ve got property going, we’ve got the business center going in on Oakwood and Howell and I am on the southeast corner of Oakwood and we’ve got something going on on Ryan Road and we’ve got PPG behind up and we’ve got air property, air products, okay. So I have some concerns about my property value. The other things I have concerns about has to do with the traffic. I live off of Oakwood. I ride my bike there a lot. We have a lot of people who have decided that Oakwood is 50 miles an hour, so those are my two concerns.”

Mayor Bukiewicz responded that something has to be done about connectivity to the existing bike trails, as the City has invested extensively in them. We hope people use them versus the roads. As the roads are being reconstructed, they are becoming more bike friendly.

“We will have four subdivisions that will be surrounded by so-called business parks so I have a lot of concerns there. And having one bike lane is not enough. Because again, I will say this, is you want to go on Oakwood, walk there, ride your bike and we’ve got people going in both directions at 50 miles an hour.”

Mayor Bukiewicz stated that that is unacceptable, however, hopefully when they redesign the roads, they design them out properly with the width. They don’t have to go 50 because there are two lanes. There are wider lanes to pass in the appropriate settings when it comes to that.

“In order for me to get to the bike trail, I have to go on Oakwood.”

Mayor Bukiewicz stated that as of right now, this does fit the master plan and she can always review the master plan and see where it is projected to be. This has always been projected to be developed at one point. It just took this long to assemble.

Brad Wenka, 9962 S. 13<sup>th</sup> St.:

“I just want to say that when I met Mike quite a few years back already, I’ve always know that this property is going to be developed and I’ve been behind it 100% because it’s going to happen. Oak Creek is expanding and I’m not going to be somebody knocking on the walls and everything else saying that you know what I don’t want to sell, I don’t want to see anything back there or anything else. I’ll just give you guys a good note to end on and that was it.”

Mayor Bukiewicz made a second call for public comment.

Brian Gallett, 1090 W. Dover Dr.:

“My backyard actually abuts number, lot number 7 there. Big concern, like they said, since this is about borders and everything, is there anything you could put into the project that would ensure borders before the borders are made to add extra buffer to whatever your setbacks are already?”

Mayor Bukiewicz responded that there are setbacks and depending on when a particular

development comes in, we can look at that. If he is within 300 feet of the project, he will get notice and that is where conditions and restrictions are discussed.

“Right, just seeing if there is anything you can do in between that for extra like everyone’s saying.”

Mayor Bukiewicz responded not here tonight, but the City is trying to make this as least impactful to the neighborhood as possible when a business park is going in.

“Okay, because speaking for a lot of my neighbors too, I mean, just like what was already said, obviously, traffic, blah, blah, blah, but noise during the build, dust blowing through our backyards, I mean, quite a big project, quite a big undertaking here and so.”

Mayor Bukiewicz responded that this is something that has been dealt with in other neighborhoods too where large developments have gone through and the City tries to protect the neighborhood as best we can.

Mayor Bukiewicz made a third call for public comment.

Angie Markwald, 10047 S. Hampton:

“Looking at page 27 of draft date June 28, someone else had referenced cash flow, so, hopefully I’m looking at this right, but there’s a column for TID balance, so the money we’re all going to make, which is great, it accumulates over time as of \$6.2 million and some change. Looking at a difference page, roughly in the contingencies, so not guaranteed, \$350,000 for the neighborhood park investments, and \$260,000 for trail connections. So I’m just curious how the cash flows incoming and the expenditures might work if the cash all needs to be there before we can start investments in the park, in which case we’re looking at 2020, 2023, 2024 maybe before we residents might see something there, or if you might start building on it a little bit early and as all of this fun dust and things are going on, we might at least get some extra use out of that spot on *(inaudible on mic)*”

Mayor Bukiewicz stated that one good example is Emerald Row park. The park is in and we’re still in a TIF so we didn’t wait for it.

Mr. Vickers stated he doubts that the County is going to let the City wait until 2023 to make good on our part of the cooperative agreement reached on this land exchange. The City does fully intend to construct that after the first public process. The trail connections are going to come a little bit later on. Those are not as far along in discussions on where we might connect them, but the City’s goal is to construct the neighborhood park as soon as possible in the district. There are other financial strategies that we can employ to not rely on tax increment financing for that.

“So, just to clarify on that, is there any chance that the neighborhood park or trails would come out of the contingency classification into the, I cannot remember the exact wordage, but the required bucket based on what you’re saying or will it remain a contingency and we kind of hope for the best here?”

Mr. Vickers responded that there may be a misnomer on contingency. As part of the City’s agreement with the County, the construction of the park has to take place. He would not put too much stock on those being labeled contingency items when cash accrues because the City has other sources to start the park soon.

Rachel Martinezdelacotera, 10149 S. 13<sup>th</sup> St.:

“So, just for the next following steps, so all of us should be here again on August 21<sup>st</sup> and then we’re going to discuss something else and then September, what’s the next steps?”

Mayor Bukiewicz responded that what you see tonight if this body decides to approve it, it will move on as it’s proved here to the Common Council.

“So then are we all going to get a letter again when you’re starting to talk about boundaries and all this fun landscaping?”

Mayor Bukiewicz responded that any time this project moves through, the City ordinances read that notification is for properties up to 300 feet from the boundary of the proposed development.

Director Seymour clarified that this was a public hearing. Based on the public hearing results, this will go to the Joint Review Board. The Joint Review Board represents each of the taxing jurisdictions. While it is a public meeting and the City will notice that accordingly, it is not the same setting as the Common Council. Anyone is welcome to attend. The City’s process will likely include when this comes back for site plans for whoever chooses to build there. By the City’s rules, notification is to within 300 feet of the property. In this case, by each of the alderman’s request, they asked the City to go well beyond that to include the entire English Aire Subdivision and even the Armann Heights Subdivision and some of the properties in Oakwood Terrace as well. Director Seymour stated that he believes that the City will be using the same mailing labels to notify people whenever there is a site plan or an individual user in the park.

Amy Loberger, 10150 S. Hampton Dr.:

“I just wanted to go on record and echo some of the people have said and just kind of list them. I’m concerned about my property value going down. I’m also concerned about the number of semi trucks that this, this addition will potentially add to our neighborhood, especially 13<sup>th</sup> St. with the addition of FedEx and the other, the new business park areas is already been additional semis and noise pollution and additional, I’m sure, actual pollution going on there, so I’m not a big fan of that. It would be great if we had more of a buffer between us, the English Aire Subdivision, and whatever does go in there. I think that would make me feel a hundred million times better. But definitely we’re going to have to do something about 13<sup>th</sup> Street. It kind of already is a death trap at 13<sup>th</sup> and Ryan, in and out of Kwiktrip especially, and Wendy’s, I mean, everyday drive through there and somebody’s almost getting you know, an accident, every single day, so it’s pretty nasty, but yeah, property values especially, is my main concern. So, just wanted to go on record. Thank you for listening.”

Maureen Wilms, 991 W. Leeds Ct.:

“Just a question, when the FedEx depot went in, who paid for the infrastructure costs for that?”

Mayor Bukiewicz responded that FedEx covered that.

“And did they not buy up the TIF for that location so that it would bring it to full?”

Mayor Bukiewicz responded what they did is fall within the TIF district so they added value to it, which will help pay it off and make it financially feasible soon.

“Okay, so their property which is not as good a location was good enough for them to pay for the

infrastructure cost, but this one which I would feel would be more valuable, we're worried about a company paying infrastructure."

Mayor Bukiewicz responded that these are two different scenarios. There you had a dedicated user that had purchased the property. Again, there was a TIF scenario there and a traffic analysis was done. On this property, there isn't any one to negotiate with at this time, so the City is investing in the infrastructure to attract development. With FedEx, the TIF was already in place. Mr. Vickers clarified that Opus Drive was already in place for that FedEx. In order of magnitude they needed to improve that (half a million dollars), and in this case, this is eleven and a half million, so the situations are different.

"Thank you for the clarification."

Seeing no other comments, Mayor Bukiewicz declared the public hearing closed.

**TID NO. 16**  
**PROJECT PLAN AND BOUNDARIES**  
**RESOLUTION NO. 2018-06**

Mayor Bukiewicz opened up discussion to the Commissioners.

Commissioner Hanna stated that even though it is not known what business is coming in, there should be some sort of projection to see the impact on 13<sup>th</sup> Street. Definitely the impact would increase the volume of traffic. That would impact the number of lanes and therefore, the impact of right-of-way. That should have been done regardless of what type of business is coming in. Mr. Vickers responded that traffic impact analysis (TIA) numbers should be back mid-August at the latest. The DOT/developer/County and the City have been involved in the creation of the data inputs into that TIA.

Alderman Guzikowski thanked the members of the community from the 6<sup>th</sup> District for being in attendance and providing their input. He added that City staff and the City's partners have worked hard to bring as much valuable information as they can.

Alderman Guzikowski stated he is really still "on the fence" on this right now. Alderman Guzikowski stated he is in support of the larger user project first if all of the truck traffic is brought out to Ryan Road and not 13<sup>th</sup> Street. In regards to the property owners outside of the TIF, he wanted to know if Empire Millwork has been contacted. Mr. Vickers stated that the developer has worked with many years in cultivating a relationship with those property owners and recently has communicated and reached out several times. Alderman Guzikowski stated that he wanted to go on the record that the attempts have been made. Mr. Vickers stated that we would appreciate the goals that Mr. Richards had expressed as well. Alderman Guzikowski stated the other part is keeping those properties there and along with the English Aire Subdivision to make sure as development does happen that the berming is such it is attractive and beneficial for the neighbors. Alderman Guzikowski stated that traffic on 13<sup>th</sup> Street is his big concern right now.

Alderman Guzikowski stated that one way of potentially saving costs is not having a through street and avoiding going over the creek, which would save money by turning that road around and bringing it back.

Alderman Guzikowski reiterated that he is hoping for one larger user to come in and hopes that the traffic could be mitigated to the best interests of the surrounding residents.

Mayor Bukiewicz stated that the City realizes there are going to be traffic impacts. The complex of 13<sup>th</sup> and Ryan is going to change and he wanted to minimize that. Once it is known what type of use is going in there, the appropriate steps will be taken to try to manage that and be at least impactful to the area residents as possible. Mayor Bukiewicz stated that the City is in growth mode and are trying to be very proactive to make sure we have an inventory of what the markets are looking for. The City is also tasked with keeping the City services running and things have changed. He further stated that this is vacant land and there is a master plan.

Commissioner Johnston moved that the Plan Commission adopts Resolution No. 2018-06 approving the Project Plan and boundaries for Tax Incremental Financing District (TID) No. 16. Commissioner Hanna seconded. On roll call. All voted aye. Motion carried.

**PUBLIC HEARING  
SIGN APPEAL  
7700 S. IKEA WAY  
TAX KEY NO. 784-9024-000**

Zoning Administrator/Planner Wagner read the public hearing notice into the record. He further stated that the applicant has requested to withdraw their variance request at this time. They would like to make some modifications and bring this back before the Plan Commission at a future date. Therefore, this public hearing will not be taking any public testimony, the public hearing will be closed and no motion needs to be taken.

**PLAN REVIEW  
WALDEN OC, LLC  
7700 S. OKEA WAY AND 1816 W. DREXEL AVE.  
TAX KEY NOS. 784-9024-000 AND 784-9994-001**

Planner Papelbon provided an overview of the plan review request. (See staff report for details.) Planner Papelbon clarified that condition of approval #2 would be revised to say:

- 2. The CSM approved by the Common Council November 21, 2017 is submitted for recording prior to submission of applications for Plan Commission review.*

Mr. Schmidt, 7842 S. 13<sup>th</sup> Street:

"I own the property right adjacent to where they want to put that road in. So, has anybody physically gone over there on the off-ramp and seen where that road's going to go? Did anybody physically have gone there? You have? Yes? I thought maybe the other four guys that aren't here they may be over looking at that right now. But, that, the off-ramp, if you look at it, you know when you make, it's like a 45, you're coming around over there, and that, that right turn is going to be really close so you got people coming across the expressway probably doing 40 miles an hour and it's only a two lane right now, so it's straight. There's no right hand turns at all. So you're gonna, so you got this guy coming, he wants to make this right-hand turn and all of a sudden he says, that's there so he slams on his brakes and he gets rear-ended about five cars behind him over there. So I want to know if engineering part of it have they really looked at this area to see that coming off this off-ramp that this road is really close. When you make that 45 on

there, by the time you straighten out, that road's going to be there to the right. And it's just like, it's not as bad as 13<sup>th</sup> and Rawson that business place that's right over there that's right on a, right by the intersection on the northwest corner, you see that one there. So what I'm saying is, you know, has anybody really, well okay, maybe it's wide open right now, but I think somebody, engineering, somebody should check that. I don't know what the zoning what it is for that turnoff, you know, the exit, to make this right hand turn too close. And I think they'd have to make another lane to come right into it because there's going to be all kinds of accidents coming up because people are really ripping over that expressway. And to make that right hand turn is going to be very close."

Commissioner Johnston stated that engineering staff has met with the DOT on that and the traffic impact analysis addressed this issue. The traffic engineers, DOT and City staff has looked at that and covered that. It is tight coming around there. The way it functions coming around that corners because of the acceleration lane that comes off the freeway ramp serves as the merging lane with the two lanes of traffic through there. Once through there, there is a right-turn lane that is going to be out of the traffic for this access.

"So there will be when you have that south, you're going west, you're coming west over there. It's two lanes right now, straight, but it's going to be like a right-hand turn lane all the way?"

Commissioner Johnston responded not right away. Vehicles will merge into traffic first into the two lanes that are flowing west. Then there is a right turn lane to make this maneuver to that driveway.

"Oh, so that's a lot of stuff going on in that short span right there. And that's all been okayed, you know, it's going to work and that?"

Commissioner Johnston responded that all of the models say it is going to work.

"Well, if it works, it works. I just don't want somebody to sneak this in, you know, because what's going on in that area anyway, a lot of stuff sneaks in."

Commissioner Johnston moved that the Plan Commission approves the site access plans submitted by Kevin Kennedy, Walden OC, LLC, for the properties at 7700 S. Ikea Way and 1816 W. Drexel Ave with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the CSM approved by the Common Council November 21, 2017 is submitted for recording prior to submission of applications for Plan Commission approval
3. 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 Hanna seconded. On roll call: all voted aye. Motion carried.

## **CONDITIONS AND RESTRICTIONS**

### **RYAN BUSINESS PARK, LLC**

**9600, 9700, & 9900 S. 13<sup>TH</sup> ST. AND 741 & 1001 W. RYAN RD.**

**905-9999-006, 905-9995-001, 905-9994-001, 905-9993-003, 925-9999-000**

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



Planner Papelbon noted that on page 2 of 8 the highlighted section under 2 A states that all requirements of the City of Oak Creek Municipal Code as amended are in affect. That statement is another reminder that just because it is not stated in these conditions and restrictions, the code is still applied.

Planner Papelbon pointed out the specific conditions and restrictions as it relates to this business park.

Mike Faber, Capstone Quadrangle, stated that staff's presentation of conditions and restrictions meets with everything they had requested. Mr. Faber clarified that item 2 b that states a precise detailed site plan for the area affected by the planned unit development and that applies to each parcel as they come forward with development of individual buildings. However, the general development plans remains in place. All of the rest of the detailed landscape plans, building plans, lighting plans and so forth will be per parcel.

Seeing as there were no comments from the Commissioners, Mayor Bukiewicz called for a motion.

Commissioner Johnston moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Manufacturing Planned Unit Development for the properties at 741 (portion) and 1001 W. Ryan Rd. & 9600, 9700, and 9900 S. 13<sup>th</sup> St. after a public hearing. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

## **CONDITIONS AND RESTRICTIONS**

**BRIAN SCHOENLEBER**  
**7801 S. PENNSYLVANIA AVE.**  
**TAX KEY NO. 779-9010-000**

Zoning Administrator/Planner Wagner provided an overview of the conditions and restrictions for a proposed community residential based facility. (See staff report for details.)

Mayor Bukiewicz asked for Fire Department comments. Asst. Fire Chief Kressuk, stated that his experience with CBRFs generally are limited in nature. Depending on the cycle of the type of people that are at that residence, a call per bed comes in maybe every couple of months. The Fire Department will work closely with the developer to make sure that there are conditions in place that specify where the ambulances would normally pull up, where they would park, and what should be maintained as a clear space to allow for that access. Historically, they have had very good luck with these facilities. Generally, there are open spaces where the Fire Department is able to get their apparatus there as necessary. I would anticipate that working with the owner of the building, they will be able to maintain that.

Mayor Bukiewicz stated that even though they have a legal right to park on the street, he would like to see the parking in the driveway and in the garage to alleviate traffic problems on the street.

Commissioner Hanna asked if the wetland has been coordinated with the DNR. Zoning Administrator/Planner Wagner responded that they have submitted a footprint of where the building is and they have gotten communications from the DNR that as long as they stay out of the wetlands, they are fine. They have convinced the DNR that they will put up an erosion fence as well as a secondary fence so that the wetland is delineated to ensure there is no construction equipment that will go there. That is part of the building permit application and when the

inspectors go out there and see that, he has to be able to prove that they are doing it. Otherwise, the City will call the DNR and the developer will have to explain the concerns to the DNR as far as the size of building that he is proposing. Commissioner Johnston stated that there is no way to access the backside of this building. There are two feet on one side, four feet on the other side and he has not seen construction equipment that is less than 4' wide. Commissioner Johnston stated that that is a building permit issue and not a conditional use issue.

Asst. Fire Chief Kressuk stated that Pennsylvania Avenue is "no parking" so that parking will have to occur in that driveway. That is also their main point of access. Street access to those buildings off of Pennsylvania Avenue is very difficult for the Fire Department even under the best conditions. As part of that site plan review process, he will ensure they have adequate coverage for access to that site.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit allowing a Community-Based Residential Facility (CBRF) with a capacity of at least nine (9) but no more than twenty (20) persons located at 7801 S. Pennsylvania Avenue after a public hearing. Commissioner Carrillo seconded. On roll call: all voted aye. Motion carried.

**SIGN PLAN REVIEW  
VERIZON  
120 W. TOWN SQUARE WAY  
TAX KEY NO. 813-9045-000**

Zoning Administrator/Planner Wagner provided an overview of this sign plan review. (See staff report for details.)

Tina Lewis, Lemberg Electric, 4085 N. 128<sup>th</sup> St., representing Verizon was in attendance to answer any questions.

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

Alderman Guzikowski moved that the Plan Commission approve the sign plan for Suite 100 located at 120 W. Town Square Way. Commissioner Johnston seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW  
KRISTINE FISCHER  
ACCESSORY STRUCTURE  
10991 S. 10<sup>TH</sup> ST.  
TAX KEY NO. 969-9027-000**

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

Commissioner Hanna asked about the impact on neighbors. Zoning Administrator/Planner Wagner responded that the setback would be no different than if they were to put a garage up. There is the house to the north and south. To the west there is all floodplain, so the visual impact to the neighbors is minimal. Mayor Bukiewicz stated that the applicant submitted a letter stating that not only are the neighbors okay with it, they are offering to help do the work to build it.

Commissioner Johnston stated he is okay with the structure itself; however, his concern is the building materials. It is a metal building in an Rs-3 zoning area and that concerns him.

Mayor Bukiewicz stated that the building could be more attractive, but he is taking into account that it is pretty isolated where it will be located. Zoning Administrator/Planner Wagner stated that right now, they cannot build a metal shed. Usually when they are this size, they turn into more of a wooden structure with siding and shingles, however, in this particular case, they are going with metal, which is within code.

Commissioner Hanna asked what the use of the building would be. Zoning Administrator/Planner Wagner responded that they have a barn for the horses. This structure would be to store equipment and food for their horses, and residential upkeep equipment such as lawnmowers. Right now, their other existing structures are located in a floodplain. If there were to be a flood event, they would not be able to rebuild in the floodplain. This accessory structure is on the high ground and they would be able to maintain this in a flood event.

Alderman Guzikowski moved that the Plan Commission approves the site and building plans for the third accessory structure for the property at 10991 S. 10<sup>th</sup> Avenue, subject to all codes being met. Commissioner Hanna seconded. On roll: all voted aye, except Commissioner Johnston, who voted no. Motion carried.

**CONDITIONAL USE PERMIT  
M & M TOWING  
9840 S. 27<sup>TH</sup> ST.  
TAX KEY NO.903-9030-000**

Planner Papelbon requested a motion to hold review of this item until the August 14, 2018 meeting (per Applicant request).

Alderman Guzikowski moved that the Plan Commission hold the conditional use permit until August 14, 2018. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

**CERTIFIED SURVEY MAP  
RYAN BUSINESS PARK, LLC  
741 W. RYAN RD  
TAX KEY NO. 905-9999-006**

Planner Papelbon provided an overview of the request for a certified survey map. (See staff report for details.) Planner Papelbon drew attention to the fact that it appears on the surface that Lot 2 would be landlocked by the CSM. However, this is a temporary condition as can be seen with CSM No. 4 for further reconfiguration. Lot 2 will be part of a larger consolidation and therefore, access will be from 13<sup>th</sup> Street. Staff has requested a condition of approval for this CSM to include a notation that this is part of another CSM that reconfigures the property. This is to avoid any concern about access for this lot.

Mike Faber, Capstone Quadrangle, stated he is happy with the staff's recommendation.

Commissioner Johnston invited Chuck Koehler, 901 W. Ryan Road, to the podium. Commissioner Johnston asked Mr. Koehler if this parcel is going to remain in his possession when this is all split. Mr. Johnston pointed out that per Chapter 13 regulations, the floodway is not contained along this channel. Commissioner Johnston stated that there are always issues with this channel, drainage, maintenance and everything else, and asked Mr. Koehler would consider

an easement on Parcel 1 on the north side of the creek. Mr. Koehler stated no, he would not. Mr. Faber stated that in his conversation with Planner Papelbon, she requested that he approach the County about the south side having an easement for the City to perform any maintenance on the creek. He stated he is amenable to ask the County.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Michael Faber, Ryan Business Park, LLC, for the property at 9900 S. 13<sup>th</sup> St. be approved with the following conditions:

1. That a label indicating the acreage for Lot 2 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.
3. 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.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**CERTIFIED SURVEY MAP  
RYAN BUSINESS PARK, LLC  
9900 S. 13<sup>TH</sup> ST.  
TAX KEY NO. 925-9999-000**

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

Planner Papelbon explained that as with the previous CSM, it appears that Lot 2 is landlocked, but this is temporary and will be reconfigured as part of the CSM No. 4 that will be discussed. That access will be from 13<sup>th</sup> Street for the larger reconfiguration of Lot 2. Seeing as there were no comments or questions, 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 Michael Faber, Ryan Business Park, LLC, for the property at 9900 S. 13<sup>th</sup> St. be approved with the following conditions:

1. That a label indicating the acreage for Lot 2 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.
3. 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.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**CERTIFIED SURVEY MAP  
RYAN BUSINESS PARK, LLC  
9600 S. 13<sup>TH</sup> ST.  
TAX KEY NO. 905-9994-001**

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

Commissioner Hanna stated her concern that this is going to impact the traffic analysis for the entire parcel. Mike Faber, Capstone Quadrangle, stated that they have retained a traffic consultant to perform a study and provide all of the traffic projections for both the large user and multi-user scenarios. Those will be submitted to the DOT, County and City for analysis and approvals for the impacts to both Ryan Road and 13<sup>th</sup> Street. The individual parcel configurations won't affect it because both scenarios were taken into consideration.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Michael Faber, Ryan Business Park, LLC, for the property at 9600 S. 13<sup>th</sup> St. be approved with the following conditions:

1. That a label indicating the acreage for Outlot 4 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.
3. 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.

#### **CERTIFIED SURVEY MAP**

**741 W. RYAN RD., AND 9600, 9700, & 9900 S. 13<sup>th</sup> St.  
905-9999-006, 905-9994-001, 905-9993-003, 925-9999-000**

Planner Papelbon provided an overview of this certified survey map request. (See staff report for details.) Planner Papelbon also explained that there were some staff concerns, but there was not enough time between drafting of the staff report and the Plan Commission meeting to get comments back. However, they are listed in the report.

Mr. Faber circulated a small drawing to the Commissioners to supplement the information for this CSM. Mr. Faber explained that this CSM essentially creates five 5 parcels. They had to choose whether they wanted to do the CSM's to knit this all together choosing the large user approach or the multi-user approach. They chose the large user approach and that is what this final CSM No. 4 (not the official number, but of the 4 that they have requested) is for. Number 5 is the small connection that they have up to Ryan Road that will be the main entrance. It is not part of the CSMs at the moment because it's already a stand-alone parcel and doesn't need to be subdivided. It will be added in in a future CSM when they create the public street that comes through for the crossing over of the creek.

Commissioner Hanna asked for clarification that the main entrance will be onto Ryan Road. Mr. Faber responded that yes, it is their intent that the primary entrance to the business park will be a signalized boulevard access point coming off Ryan Road.

Commissioner Johnston asked that the City be provided with an overall exhibit for this CSM. Mr. Faber stated he would ask the surveyor to do that as soon as possible.

Mr. Faber stated his concern with easements being on the CSMs is that there are a lot of small easements along the edges and it could get very difficult to see them on a map. He suggested having an easement exhibit, which has the same standing as a CSM when it is recorded. Commissioner Johnston stated that would be fine, and it can also be shown on the overall exhibit.

Commissioner Johnston brought up the trail easement extending through the Milwaukee County lands. Mr. Faber stated that the trail pass always uses public streets. The trail easements on the far east side along the railroad tracks will connect to the part of passing alongside the creek that is already their land. They do not need an easement on their own land and they can't record the trail easement until they own the properties. So they will have access across their path there. Then when they dedicate the finished street from that point crossing the creek and back out to Ryan Road, discussions with the City have included that that road will have a sidewalk. Since the County trail system uses public sidewalks, municipal sidewalks in many locations, the County said they don't need an easement there. They will just be using public access at that point and that will get them onto Ryan Road.

Commissioner Johnston stated his concern is who owns and maintains the easements or the trail itself. If Milwaukee County is installing that and maintaining it, it is on their land and then the City doesn't need an easement. If the City is owning and maintaining that, the City needs an easement to cover itself through the property. Mr. Faber stated that the trail belongs to the County so their thinking is that they will have to maintain the trail on the actual proposed easement along the east side along the railroad tracks and through any property they own. They have envisioned a boardwalk across the wetlands at the south end into this new proposed neighborhood park. At the north end, their access is just to connect to what will be a City sidewalk, they didn't envision that they needed an easement to let the public ride their bikes or walk along a City sidewalk. Commissioner Johnston reiterated that as long as they maintain it, the City does not require an easement.

Commissioner Johnston mentioned the road easement between outlots 3 and 4 for the construction of the bridge. Mr. Faber stated that his preference would strongly be to have that road easement not be an easement, but a dedicated public street. Commissioner Johnston stated that it is construction of that bridge on Milwaukee County property. Mr. Faber stated at that point, the bridge would be constructed on property he still owns until he completes it and conveys it to the City.

Commissioner Johnston asked when the land transfer happening for outlots 3 and 4. Mr. Faber responded that there is no land transfer. Milwaukee County retains the ownership that they currently have with those two outlots.

Commissioner Johnston asked if they are going to be able to construct this bridge within that 70' wide swath. However, he also has construction easements in his agreement with the County to be able to work within that 140' wide swath, both for any purpose related to the road and bridge, as well as their intent to shrink the flood fringe and reconfigure once they come up with the engineering to show that it works and get all the necessary approvals.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Michael Faber, Ryan Business Park, LLC, for the properties at 741 W. Ryan Rd., and 9600, 9700, & 9900 S. 13<sup>th</sup> St. be approved with the following conditions:

1. That all easements are shown on the map prior to recording.

2. 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. Commissioner Johnston asked if there needs to be a mention of the overall exhibit being added to the CSM as a condition. Commissioner Hanna stated yes. Planner Papelbon drafted the following condition #3 as follows.

3. That an exhibit showing the overall division is included on the map prior to recording.

Alderman Guzikowski concurred. Commissioner Hanna seconded.

Commissioner Johnston asked to include the easement exhibits as well. Planner Papelbon rewrote condition number 1 to read as follows:

1. That all easements are shown on the map in an exhibit prior to recording.

Alderman Guzikowski concurred. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Hanna seconded. On roll call: all voted aye. The meeting was adjourned at 8:29 p.m.

ATTEST:

  
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Douglas Seymour, Plan Commission Secretary

August 14, 2018  
\_\_\_\_\_  
Date