

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, SEPTEMBER 25, 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, Alderman Loreck, Alderman Guzikowski, Commissioner Correll, Commissioner Siefert and Commissioner Chandler. Also present: Kari Papelbon, Planner; Director of Community Development Doug Seymour.

**Minutes of the September 11, 2018 meeting**

Commissioner Siefert moved to approve the minutes of the September 11, 2018 meeting, as amended. Commissioner Chandler seconded. On roll call: all voted aye, except Commissioner Correll (abstained). Motion carried.

**PUBLIC HEARING**

**COMPREHENSIVE PLAN AMENDMENT**

**UPDATE PLANNED LAND USE CATEGORY AND MAP 2 FROM “PLANNED INDUSTRIAL”  
TO “MIXED RESIDENTIAL”**

**7266 & 7328 S. HOWELL AVE.**

**TAX KEY NOS. 766-0014-000 AND 766-0015-000**

Planner Papelbon read the public hearing notice into the record.

Planner Papelbon provided more details of the proposed amendment. It is a proposal to change the land use category in the Comprehensive Plan from “Planned Industrial” to “Mixed Residential.” The intention is for the properties to be developed in the future with workforce multifamily residential housing on the properties. It would also require a future rezoning and potentially a PUD or Conditional Use permit depending on the density of the development itself. To the north, there is Planned Industrial and Planned Office categories in the Comprehensive Plan. Existing uses within a ¼ mile of these two properties include a gas station, quick service restaurant with drive through, party supply store, various manufacturing uses, residential and the St. John property multi-tenant office and warehouse development to the north along Rawson Avenue. There is the Oak Creek Commerce and Industrial Park to the south, manufacturing and industrial uses, a salon and spa, bowling alley, vehicle repair center, daycare and indoor playground to the southwest. Mixed residential would allow for the future development of a variety of residential housing types including multifamily. Affordable mixed residential housing is needed in the area to provide housing options for employees for the existing and new business development in the community. Along Howell Avenue, this is a bus route and there are bus stops within ½ mile, possibly less. It is isolated from existing residential neighborhoods, although there is residential in the area. It is adjacent to the Northbranch Industrial Park and the Oak Creek Commerce Park.

Planner Papelbon further explained that the dimensions of these lots are slightly difficult for industrial development, which is what they are currently slated for conforming to the surrounding area. Although there are residential properties to the north, the area to the east is something that the Plan Commission may want to consider looking at for changing in the Comprehensive Plan in the future. The State of Wisconsin Smart Growth Plan requires that all local land use decisions after January 1, 2010 be consistent with the objectives, goals, and policies contained within the Comprehensive Plan. Approval of these changes to the Comprehensive Plan would bring the plan in line with the intent and goals for future development of the properties.

Mayor Bukiewicz made a call for public comment.

Janice Wilinski, 7240 S. Howell Avenue, inquired about what type of housing is being considered for that property. Mayor Bukiewicz responded that at this time this is a rezoning request. Multi-family would be a consideration. Ms. Wilinski stated that there is not enough room for that development. Planner Papelbon stated that this is not a rezone request. It is a request to change the future land use category in the Comprehensive Plan. A rezone would come after that. The request is for mixed residential, so they could actually include anything from single family up to multifamily. The applicant is looking to develop what is called workforce multi-family development. However, they could include a range of housing types within their development and that would be at the developer's discretion.

Ms. Wilinski asked if there is someone that is looking at having this rezoned. Planner Papelbon responded that that would be the next step following the Comprehensive Plan change if that were to be approved.

Mayor Bukiewicz invited the applicant to the podium. Hume An, Senior Vice President at MVAH Partners, developer of workforce and senior housing, gave an history/overview of his company as well as a preliminary proposal of the housing units and major employers with workers who would qualify for this housing.

Mayor Bukiewicz made a second and third call for public comments. Seeing none, the public hearing was declared closed.

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Commissioner Siepert asked about the size of the lot. Mr. An responded that it is about 2.45 acres.

Commissioner Correll asked what the density would be. Mayor Bukiewicz responded that the item being discussed is actually for the Comprehensive Plan amendment from Planned Industrial to Mixed Residential. He stated that the focus of discussion should be about if it should be kept Planned Industrial or changed to Mixed Residential.

Director of Community Development Doug Seymour stated that this "pocket" of land should be considered as a whole and the land use should be supportive of that. Given the configuration of those lots, it does not set itself up very well for Planned Industrial. It makes sense to consider workforce housing because of its proximity to substantial businesses in the Northbranch Industrial Park and Oak Creek Commerce Park.

Commissioner Correll stated that carving out this triangle of land is difficult as the entire area potentially fitting into the Comprehensive Plan makes more sense. Maybe a mixed use development would make more sense. He personally thinks that that use does not fit there; maybe looking at the bigger parcel makes more sense. He stated that he has a hard time approving the change, even though mixed multi-family may fit, but he is not in favor of just carving out this piece.

*Commissioner Chandler comment/question inaudible.* Planner Papelbon stated that the area that goes into a point closest to Rawson Avenue is the area that is being discussed. That is not the entire area because the discussion is based on only two parcels within that triangle. The consideration would be in the future to determine whether or not those parcels going north of the subject parcels to Rawson Avenue should also be included, possibly even going a little bit outside of that triangle; specifically within that triangle area. It is not necessarily part of the discussion at hand because those areas were not part of the notice. The City is in the process of redoing the entire Comprehensive Plan and not just the triangular area.

Planner Papelbon further explained that Planned Industrial would be for things like manufacturing, so the M-1 zoning district or the LM-1 district would be appropriate. Mixed Residential allows for a variety of housing types within a development. That would include things like a mixed residential Planned Unit Development where there are a variety of single-family, possibly two-family condominiums up to an apartment complex.

Planner Papelbon stated that there are a variety of zoning districts around the proposed site. There is RS-3 and P-1, Parkland; Agricultural is to the east. There, of course, is the manufacturing, mixed zoning to the north, west and the south.

Alderman Guzikowski concurred with Commissioner Correll on not wanting to carve pieces of land out. Commissioner Loreck concurred with Alderman Guzikowski and Commissioner Correll.

Commissioner Johnston stated that this is a difficult site to development. There are several grade elevations. The south parcels have a retaining wall along Howell Avenue. The north parcels are down in the hole along Howell Avenue, so there are significant grade changes. These are going to be challenging pieces of property to develop due to the County owning the parkland to the east, the size of these lots, and the access to Howell Avenue. Commissioner Johnston further stated his concern that the Comprehensive Plan has it listed as Planned Industrial, but the sites are not big enough for this use. The highest and best use of this land is industrial just because it is the biggest in size without combining the other parcels. It is a difficult decision to make without including the rest of the "point" because without the rest of it, there is spot designation in the Comprehensive Plan.

*Commissioner Hanna questions inaudible because she was not speaking into the microphone.*

Mayor Bukiewicz concurred with Commissioner Johnston because it is a difficult piece to foster into industrial. It kind of acts as a buffer to the RS-3 zoning going forward. He does not like the idea of carving out this area. He also stated his concern about accessing the site from Howell Avenue.

Commissioner Correll stated his concern with direct access to residential from Howell Avenue.

Planner Papelbon asked if there would be the same concerns if it were a series of condos or side-by-sides or single family or if it stayed industrial and had trucking operations. Commissioner Correll stated that a lot of those things cause concern until seeing exactly how it will work. Planner Papelbon stated that access concerns are more for site plan review, possibly even conditional use, if necessary. Those are things that the applicant would have to clear with the state.

Commissioner Siefert stated that he could go either way; however, it is a very hard decision. If it is changed, the little triangle in the corner north of these lots should be taken with it. Director Seymour stated that staff will check with the City Attorney on the limitations and options available

to the Common Council with respect to enlarging the area being requested to be amended.

Commissioner Chandler asked why the applicant is requesting a Comprehensive Plan amendment rather than just a rezoning request. Planner Papelbon responded that the Comprehensive Plan must change to allow for zoning to change. The zoning in general has to match what the Comprehensive Plan says is appropriate for future land use.

Planner Papelbon stated that the sequence of approvals is first a Comprehensive Plan Amendment, second a rezoning request, and third a site plan review. Commissioner Chandler asked if that is part of the consideration to include the narrow piece of land that abuts Rawson Avenue.

Planner Papelbon clarified that the Plan Commission is being asked to take action on a request that is limited to the two parcels. If the Plan Commission directs staff to look at changing the Comprehensive Plan for additional parcels, that would be something that would be done as a separate request. The City Attorney may make a determination that the Common Council could make that extension if the Plan Commission recommends approval of this amendment.

Commissioner Hanna stated that the majority of the parcels surrounding this amendment request are either industrial, manufacturing or agriculture. Planner Papelbon responded that the parcels that are zoned A-1 to the east of a drainage area used to be a platted residential development from the 1920s. It never developed that way. It is all under one ownership and the status of the plat is unknown. That subdivision never came to be. Agricultural zoning is kind of a placeholder. It was never looked at for another development, and it is not uncommon for those types of things to be rezoned to A-1 for consideration of a future development.

Director Seymour stated that in the Comprehensive Plan, this shows up as Planned Office and the basis for that is that these areas fall within certain noise contours from the airport from the runway approaches such that it is heavily suggested that no single family residential development takes place there. That is why when the Comprehensive Plan showed this as Planned Office, it was curious given the fact that there is no office market and certainly not along East Rawson Avenue that deep. It was something that was accounting to the fact that single family residential was not appropriate in the eyes of the Common Council at that point in time given the proximity to the airport.

Commissioner Loreck moved that the Plan Commission adopts Resolution 2018-07, amending the Comprehensive Plan and Planned Land Use map to reflect the changes in land use from "Planned Industrial" to "Mixed Residential" for 7266 & 7328 S. Howell Ave. following review and adoption by the Common Council. Commissioner Correll seconded. On roll call: Commissioner Hanna, Commissioner Johnston, Alderman Guzikowski, Commissioner Siefert, and Commissioner Chandler voted no. Commissioner Carrillo, Commissioner Loreck, Mayor Bukiewicz, and Commissioner Correll voted aye. Motion denied.

Director Seymour stated that the Common Council could still review this given the Plan Commission recommendation to not change the land use.

**PLAN REVIEW**  
**PPG INDUSTRIES**  
**10600 S. 13<sup>TH</sup> ST.**  
**TAX KEY NO. 954-9996-006**

Planner Papelbon provided an overview of the plan review for an addition to an existing parking lot. (See Staff report for details.)

Brian Schroeder, 910 W. Finch Court, stated his concern is that the proposed parking is getting very close to 13<sup>th</sup> Street. It is not consistent with the rest of their parking. He recommended that they do an expansion of the main parking lot to push out toward their visitor parking so that they can keep a consistent parking line.

Mr. Schroeder stated another concern is the people parking in this portion of the parking lot. He recommended that something be adopted that would allow a few spots where their employees can park and smoke cigarettes. Currently the employees are parking on 13<sup>th</sup> Street, which is a very busy road, and it is a safety and littering issue.

Joe Ehlinger, Plan Engineer, PPG Industries, 10800 S. 13<sup>th</sup> Street, stated that the smoking situation brought up by Mr. Schroeder is a fair assessment and they will consider making an improvement.

Mr. Ehlinger stated that as far as the suggestion of moving it to another location, they do have wetlands and physical requirement/barriers in other areas off of that parking lot. That is why this was the one location deemed most easily accessible from a construction standpoint. They are working with the stormwater planners to address the stormwater runoff on the small parcel.

When asked why this expansion is being requested, Mr. Ehlinger answered that this expansion is necessary because the company is growing.

Commissioner Siefert asked what is located north of the parking lot. Planner Papelbon stated it is open land that PPG owns. There are residential portions surrounding the site. However, this expansion is located in the southwest corner of the property.

Commissioner Hanna asked if the number of trucks traveling to this facility will increase due to the company's growth. Mr. Ehlinger responded that the project going on right now is an IT project, so there are a lot of visitors coming in. The production is slowly growing, but will not increase the number of trucks on the road.

Commissioner Loreck asked if there will be enough room for any right-of-way if they do redo 13<sup>th</sup> Street and add sidewalks along that portion of 13<sup>th</sup> Street. Director Seymour responded that the minimum required setback for parking for manufacturing districts is 40 feet. This should present plenty of space to do that. Planner Papelbon stated that the parking setback is 30 feet to where the pavement is going. Commissioner Johnston clarified that the right-of-way is 40 feet wide, and the setback from the right-of-way to the parking lot is 30 feet.

Commissioner Siefert moved that the Plan Commission approves the site plans submitted by Joe Ehlinger, PPG Industries, for the property at 10600 S. 13<sup>th</sup> St. with the following conditions:

1. That landscape plans incorporating perimeter and interior landscape elements in conformance with Code requirements are submitted for review and approval to the Department of Community Development prior to the submission of building permit applications.
2. That stormwater plans are submitted for review and approval by the Engineering Department prior to the submission of building permit applications.

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 Chandler seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW**  
**CROISSANT, ETC. CORP.**  
**7195 S. 1<sup>ST</sup> ST.**  
**TAX KEY NO. 765-9037-000**

Planner Papelbon provided an overview of the request for an addition to an existing building. (See staff report for details.)

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

Commissioner Correll moved that the Plan Commission approves the site plans submitted by Mark Carollo, Croissant Etc. Corp., for the property at 7195 S. 1<sup>st</sup> St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. 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.

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

**REZONE**  
**M & M TRUCK CENTER, INC.**  
**9840 AND 9872 S. 27<sup>TH</sup> ST.**  
**TAX KEY NO. 903-9030-000 AND 903-9989-000**

Planner Papelbon provided an overview of the rezoning request from M-1 Manufacturing and OO, Mixed Use Office Overlay to M-1 Manufacturing. (See staff report for details.)

Planner Papelbon summarized that that the Plan Commission is being asked to consider taking the overlay district off of these two parcels. The M-1 PUD zoning would remain. It would no longer be in the overlay district.

Director Seymour stated that the office overlay district in this area is one of four different overlay districts that were adopted as part of the 27<sup>th</sup> Street area planning in conjunction with the City of Franklin in approximately 2006 or 2007. In recognition of what everyone thought would be a very vibrant corridor and one that offered a great deal of potential (and still does), the timing of development along the corridor has been challenging given the events that have occurred in the economy easily subsequent to the adoption of the overlay districts. The thought was that with the office overlay that it would transition, where possible, away from some of the older, more storage, outdoor storage and display-intensive industrial uses towards that which was more office oriented. It was more prevalent and directed at those areas which were Greenfields and didn't have a lot of investment already on the property. It is certainly a lot more challenging where you have existing brick and mortar that would need to transition over to that use. It is not an easy transition

to make from 1960s-style manufacturing to an office district. This request does not throw out the overlay district. However, it recognizes the existing realities of those brick and mortar businesses within the Southbranch Industrial Park. There is some merit with reevaluating the office overlay district in light of where it makes sense given the existing development versus Greenfield development. For example, the Liberty Trust buildings south along Corporate Preserve Drive are suitable candidates and have been developed for offices. We are not suggesting that there is no room for offices along S. 27<sup>th</sup> Street. We are providing some insight as to the fact that it will be challenging to make a transition from the types of brick and mortar businesses that are within the Southbranch Industrial Park to an office overlay under the standards that are in the code. The City strives to work with the property owners to make that transition, but at the same time to not allow those uses which are within the base zoning districts. Certainly it causes some questions and challenges for those people who own those properties.

Planner Papelbon stated that the two properties are owned by the applicant for which there is a request to be changed out of the office overlay district. Staff is asking the Plan Commission to direct them to take those additional properties to the north (two properties straddling Southbranch Boulevard) out of the office overlay district as well, because those are being used currently for industrial manufacturing uses. The one that is immediately north is a self-storage facility and it is part of the Southbranch Industrial Park. The properties to the south have been developed with some office uses, so the potential for those properties to the south to further develop that way still has merit so the overlay district would not be changed in those areas.

Alderman Guzikowski stated that by removing this in these areas, it makes it more restrictive potentially for what they would like to do at some of these properties.

Commissioner Johnston thought it might be an issue if gaps are created in the overlay, but suggested looking at the properties to the north and then continue everything to the south.

Planner Papelbon stated that those areas have to be rezoned if they are taking out of the overlay district, but at last the Comprehensive Plan will provide some idea of what they would think would develop along that southern corridor. It would inform the decision for moving forward with rezoning.

Commissioner Carrillo asked if the City of Franklin is going through these same changes. Planner Papelbon stated that on a case-by-case basis they are rezoning in a similar manner to Oak Creek. Director Seymour stated the City of Franklin's uses are different that occur on the east side of the street so it is difficult to make the comparison of the individual actions and requests that each of the Council's will be faced with. The City of Oak Creek is still invested in the Corridor and with making good development happen in the Corridor. The City of Oak Creek wants to make sure there are policies that encourage investment rather than disinvestment. This has the potential in certain situations to encourage disinvestment given that it really did remove from the spectrum a lot of the things that could be done with existing properties.

Mayor Bukiewicz does like the idea of the overlay having consistency and requested staff to look at this going north. He would like to maintain the front of the building. Planner Papelbon responded that an appropriate conditional use permit (put on hold by the Plan Commission to review the proposed trucking business) would allow the Plan Commission to declare where the trucks will be parked such as behind a fence or other appropriate screening. There will still be setback requirements in the M-1 District.

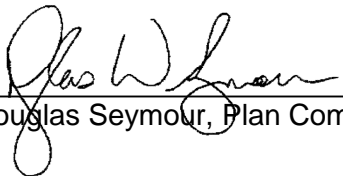
Joe Cincotta, attorney for the trucking business, stated it was a pleasure to work with staff on this

project and the conditional use is the next step. They will be able to manage with the M-1 regulations and with the conditional use on top of that and it should be good.

Commissioner Siepert moved that the Plan Commission recommends to the Common Council that the properties at 9840 and 9872 S. 27<sup>th</sup> St. be rezoned from M-1 (PUD), Manufacturing and OO, Mixed Use Office Overlay district to M-1 (PUD), Manufacturing after a public hearing. Commissioner Correll seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:11 p.m.

ATTEST:

  
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Douglas Seymour, Plan Commission Secretary

October 9, 2018  
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Date