

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, JANUARY 8, 2019**

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 Siepert and Commissioner Chandler. Commissioner Correll was excused. Also present: Kari Papelbon, Planner and Zoning Administrator/Planner Pete Wagner.

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

Commissioner Siepert stated that a correction needed to be made on the bottom of Page 2. It should read "24/7" and not "27/7." Commissioner Siepert moved to approve the minutes of the December 11, 2018 meeting. Alderman Guzikowski seconded. On roll call: all voted aye, except Commissioner Loreck and Commissioner Chandler abstained. Motion carried.

**CONDITIONS AND RESTRICTIONS  
MURPHY REAL ESTATE, LLC  
7221 S. 10<sup>TH</sup> ST.  
TAX KEY NO. 764-9047-000**

Planner Papelbon provided an overview of the conditions and restrictions for this property. (See staff report for details.)

Commissioner Siepert asked how the 10-year duration was determined for the conditional use permit. Planner Papelbon responded that that was a starting point for the Plan Commission to consider at this time. She referenced the conditional use permit that was recently reviewed for 27<sup>th</sup> Street for a similar trucking operation, and that was recommended for a six-year time span. This is an opportunity for the Plan Commission to have a discussion about whether or not the time frame for ten years is appropriate, or if it should be amended at any point. Commissioner Hanna recommended starting with a five-year duration. Mayor Bukiewicz disagreed with the suggested five-year duration because he does not feel the applicant should have to come back every five years, as they may still be establishing their business, and that a ten-year mark may be more appropriate.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a freight yard/freight terminal/trans-shipment depot and outdoor storage of vehicles and equipment on the property at 7221 S. 10<sup>th</sup> St., after a public hearing. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

**FINAL PLAT  
EAST BROOK LLC (PHASE 1)  
9349 S. NICHOLSON RD. and 1200 E. RYAN RD.  
TAX KEY NOS. 873-9998-002 AND 873-9006-006**

Planner Papelbon provided an overview of the final plat for a proposed new subdivision. (See staff report for details.)

Commissioner Johnston stated that there is a building pad staked out already. As soon as this plat can be approved by the State and Common Council, there is a building permit ready to go. Street lighting is not installed yet. All of the bases and conduits are installed. Everything has been backordered and there is a holdup on that. The developer is still around and interested in developing this subdivision.

Commissioner Hanna asked where the access points would be. Mayor Bukiewicz stated that there are three entrances to this subdivision. Planner Papelbon responded that one of the public streets is already there. It will be extended to the cul-de-sac to the west, and then there is a north/south proposed road and another access off of Nicholson that runs east/west. There will be no access to Ryan Road.

Mayor Bukiewicz asked how many outlots are in this phase. Planner Papelbon responded that there are six, but three of them are proposed to be converted to building lots at a later time. Mayor Bukiewicz asked if Outlot 5 has wetland issues.

Dave Tanner, Korndoerfer Homes, 7900 Durand Avenue, Sturtevant, WI, gave an overview of the elements of the proposed development.

Mr. Tanner stated that there are four outlots that are graded. They are just waiting on the final certification from FEMA before they can officially build on those lots. At that time, the applicant would come back to the City to work out the final replatting or final CSM.

Commissioner Siefert asked if the proposed Arbor Creek Drive stops at the point where it is shown on the proposed plat as it looks like the road just comes to an end. Commissioner Johnston responded that in Phase 1 the road stops. The road is graded for Phase 2 already. Sanitary sewer and water main construction are supposed to start in January. That is going to get finished in the near future.

Commissioner Loreck asked if a homeowners association will maintain Outlot 2. Mr. Tanner responded yes, not only that outlot, but also any stormwater areas and the entry monument and landscaping areas off of Nicholson Road. Mayor Bukiewicz asked who would maintain the rest of the outlots. Planner Papelbon responded that they will still be under developer ownership until such time as they can get the FEMA approvals, so that they can become buildable lots, in which case, they will come back to the City for approval.

Commissioner Loreck moved that the Plan Commission recommends to the Common Council that the Final Plat for East Brooke Preserve (Phase I) submitted by Wolf Korndoerfer, East Brooke, LLC, be approved with the following condition:

That any technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

**TEMPORARY USE PERMIT  
KORNDOERFER HOMES  
9349 S. NICHOLSON RD.  
TAX KEY NO. 873-9998-002**

Zoning Administrator/Planner Wagner provided an overview for the request for a temporary use permit for a sales center. (See staff report for details.)

Mayor Bukiewicz asked about the location of the trailer. Zoning Administrator/Planner Wagner responded that it is located four lots into the subdivision. It will not be right off of Nicholson Road. The signage will be on the outlot where they are proposing the sales center.

Commissioner Loreck moved that the Plan Commission approve a Temporary Use permit for the temporary sales center with the following conditions:

1. Hours of operation will be from 8 a.m. until 8 p.m., 7 days a week.
2. Permit is valid January 9, 2019 through October 9, 2019.
3. Signage will be limited to one two-sided, 3'x4' sign located in front of the sales center.
4. Air borne signs such as streamers, pennants, flags, or inflatable signs are prohibited.

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

**PLANNED UNIT DEVELOPMENT AMENDMENT  
TARGET CORPORATION  
8989 S. HOWELL AVE.  
TAX KEY NO. 859-9038-000**

Planner Papelbon provided an overview of the planned unit development amendment related to the elevation materials and signage changes. (See staff report for details.)

Commissioner Chandler asked what the purpose is of the increased square footage of the signage. Kevin Nowak, Kimley-Horn and Associates, 1001 Warnbill Road, responded that Target is undergoing a national rebranding movement. A lot of their stores are seeing similar changes and they want to see some consistency throughout all of their stores throughout the nation. They are adding the additional sign on the west elevation for increased exposure to Aspen Drive.

Commissioner Chandler inquired as to why there is a request for signage on the west side of the building. Mr. Nowak responded that it is because of Aspen Drive to the west. They feel with that traffic, it will offer increased exposure for Target on that elevation.

Alderman Guzikowski asked if the sign on the west elevation will be lit. Mr. Nowak responded it will not be lit.

Commissioner Hanna asked how this will impact the sign outside on Howell Avenue. Mr. Nowak responded the pylon monument sign will remain the same.

Mayor Bukiewicz stated that since this is just a refreshment of the current look, he is okay with these changes.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approve the Planned Unit Development Amendments for the property at 8989 S. Howell Ave., after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW  
ALDI  
6810 S. 27<sup>TH</sup> ST.  
TAX KEY NO. 737-9031-001**

Planner Papelbon provided an overview of the request for a plan review for an addition and exterior modifications to the existing building. (See staff report for details.)

*Commissioner Hanna's question was inaudible.* Planner Papelbon stated that there are two portions of the Code that reference use of metal paneling. Regular Code states that metal paneling cannot be used as a primary material. The metal panel that is proposed is under the 25% allowance, so that is good. However, the overlay district prohibits the use of metallic materials or colors. That is very specific. There is language, however, that would allow the Plan Commission to accept what is being proposed if there is enough in the plan to compensate for that modification.

Commissioner Hanna asked how this will affect the rest of the businesses in the area. Planner Papelbon responded that typically, a lot of metal is being incorporated into newer buildings, even along 27<sup>th</sup> Street. In fact, one of the biggest examples is the proposed GMC Buick dealership on the corner of 27<sup>th</sup> and Rawson. That is an all metal panel building, and is in the same overlay district. It is something that the City is starting to see more often, and the City's Codes do not recognize metal panels as updated building materials. This will be addressed in the upcoming zoning code update. What is being proposed will be more in line with what will be seen in the future. It also matches the architecture being proposed across the street with the new Aldi store.

Commissioner Siepert asked about the elimination of the handicap parking. Planner Papelbon clarified that they are not eliminating the handicap parking, but they are relocating it. There will be an overall net decrease in their parking total of two spaces, but they are retaining their handicap parking stalls.

Commissioner Loreck moved that the Plan Commission approves the site and building plans submitted by Tom Howald, Aldi, Inc., for the property at 6810 S. 27<sup>th</sup> St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the plans are revised to include locations for all new and relocated mechanicals, transformers, and utilities. All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
3. That the landscape plan is revised to include the heights of plants at maturity.
4. That all revised plans (site, building, landscaping, east elevation, 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 Siepert seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW  
PARTNERS IN DESIGN ARCHITECTS  
2603 W. RAWSON AVE.  
TAX KEY NO. 762-0016-001**

Planner Papelbon provided an overview of the plan review request for exterior modifications to the existing building. (See staff report for details.)

Commissioner Chandler asked for more clarification on why they are proposing these changes.

Mr. Newman, employed by the property owner, responded that the building is very dated. There are a lot of gable and country-style elements on the exterior of the building and they are trying to bring the building to a more modern look.

Mr. Newman passed around sample building materials.

Paul Sterner, Partners in Design Architects, Kenosha, WI stated that they wanted to stay within one pallet of colors. They picked a red pallet that mimics a weathered barn look in an abstract way. It is a large change from a very traditional peaked roof to a more slightly sloped roof. Each of the elements will be addressed with the red color. Overall, there are wood panels, cement fiberboard and they are adding awnings on each of the different sections. They are trying to improve the overall appearance for a couple of tenants. Recently a dentist and orthodontist moved in and they are trying to upgrade the façade of their business.

Alderman Guzikowski stated this is a nice look for this building and is a welcome change.

Commissioner Loreck stated that this is a huge improvement and hopefully this will attract more traffic to this building and its businesses. Mayor Bukiewicz concurred.

Commissioner Siefert moved that the Plan Commission approves the site and building plans submitted by Mark Molinaro, Jr., Partners In Design Architects., for the property at 2603 W. Rawson Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the Master Sign Plan is updated and submitted for Plan Commission review and approval prior to the submission of sign permit applications for any tenant.
3. That all mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) are screened from view.
4. That all revised plans (site, building, landscaping, east elevation, 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.

**REZONE  
CS MILWAUKEE LLC**

**135 W. FOREST HILL AVE.  
TAX KEY NO. 813-9004-002**

Planner Papelbon provided an overview for the rezoning request to correct the zoning for its present use. (See staff report for details.)

Commissioner Siepert asked what type of manufacturing zoning classification is being proposed. Mayor Bukiewicz responded that it is being rezoned to get it there for the realtor to have the option so it is under one zoning. Planner Papelbon stated that the existing building is set up so that the front portion is all office and the back is more like flexible warehouse space.

Ann Lampe, 8436 S. Howell Avenue, stated that she remembered before Northern Computers was built, Target was actually supposed to go there. She stopped Target from going there because they were violating the rules regarding TIF districts. That is how Target wound up where it is and that is how the City got the beautiful Northern Computers building, because they went in under a TIF district. If the Comprehensive Plan now says that it should be office along Howell Avenue, then it should be kept office use along Howell Avenue and not just change the Comprehensive Plan because someone wants it to be manufacturing. Those are offices along Howell Avenue. If it is changed to an M-1 zoning, they can put in anything that is allowed under M-1 zoning. They can then change the office portion in the front to something manufacturing related. That is a beautiful building and they are maintaining it as a beautiful building as they try to sell it. The idea that the City is contemplating this rezoning so that it is not a vacant building doesn't matter. They are going to keep it maintained to sell it. The City needs to maintain the property tax base at its best. If this is changed to manufacturing, it goes under a different basis for valuation, and tax money will be lost by making this whole thing M-1. A split zoning can be done. Keep the front part office if that's what they really mean to do. Ms. Lampe stated that because she lives across the street, she wants it to stay looking the way it looks. She wants the office use to stay in that corner. It is a big corner for the city and if redevelopment is going to occur behind it, the city needs to keep it reflecting what they want to come instead of what can only go there.

Kevin Lampe, 8436 S. Howell Avenue, stated that it is currently zoned business in the front area. He wants it kept that way and split the other portion of the building that is warehouse. Split the zoning where the current warehouse area is and keep the front business, which it is currently zoned.

Mayor Bukiewicz stated that the City strives to not have split or spot zoning. Through conditions and restrictions, the City may be able to regulate some of what goes in there. He agrees that this is a beautiful building. Mayor Bukiewicz stated his opinion that it is appropriate to bring it to the M-1 zoning with the rest of the building. It was somewhat of an oversight in the early 2000s for MasterLock. It is really unfortunate they outgrew the building. Mayor Bukiewicz stated it should be put back to M-1. He feels they can still protect the integrity of the building and the frontage of Howell Avenue.

Commissioner Chandler asked what type of use will be going in there. Mike Wanasak, Colliers International, (*address inaudible*), stated he cannot disclose who the potential buyer is going to be. However, their interest in the building is because of its current layout and because of all the office area that MasterLock has already built out. They plan to use the vast majority, if not all of that, for office use.

*Commissioner Hanna comments inaudible.*

Mayor Bukiewicz stated that there will be conditions and restrictions on a normal M-1. It won't be treated any differently. Planner Papelbon mentioned that the M-1 zoning district has a list of allowed uses, and it is split between permitted and conditional. If what is to come in were to require a Conditional Use Permit, there would be greater control over conditions and restrictions for that use. Otherwise, they would be required to comply with the existing Code as currently written. It is hard to say what the Conditional Uses would be unless there is a Conditional Use Permit is applied for. Planner Papelbon stated that the building itself lends itself to a certain kind of user. It is set up for office use with a warehousing component. It used to be a computer lab, so it is not set up for anything like a freight terminal. It is more set up for light manufacturing. Mayor Bukiewicz added that it wasn't built like AC Delco with heavy means.

Commissioner Hanna mentioned her concerns about the potential buyer being able to modify anything outside and the impact to the surrounding area. She also wanted to know how this will impact traffic. Planner Papelbon responded that any exterior building modifications to the site itself would have to go back before the Plan Commission. The City does have the ability to add conditions of approval and restrictions, if necessary.

Commissioner Siepert stated that he would like it to stay the way it is with the current zoning. Once this is open to manufacturing, it could create some problems. He does not think that manufacturing zoning is necessary along Howell Avenue. Planner Papelbon asked if it is possible to give an idea of what type of tenants they are looking to attract. Mr. Wanasak responded that the existing use of the building is the main attraction. This building and the layout is what attracted this potential tenant to the site. The zoning split right now is in the middle of the manufacturing space. It is not merely cut off at the office portion. It is literally cut off in the middle of what is currently used by Honeywell for light manufacturing and storage space today. They are only looking to match what Honeywell is doing and what MasterLock previously did and what this buyer wants to do for the building. The vast majority of their jobs are high-paying and there are office use jobs.

Ms. Lampe stated that if that is true, then they should be fine with split zoning. The office stays office and the part that is used for manufacturing that is currently zoned office becomes manufacturing. They are already under split zoning. Mayor Bukiewicz stated that from staff's perspective, this split zoning was not correct in the first place.

Ms. Lampe: "Well, was it or did they just use it the way it was. And now we're going to make it what they were using that they just didn't. If they made a mistake, correct it to what it should be and that is office in the front and manufacturing in the back."

Mayor Bukiewicz stated that the split should not have been done in the first place. Ms. Lampe responded that there is split zoning in other places in the City. This reflects what they say they want, protects people, protects the building because even though it has to come before the City, if it is allowed under M-1, it is allowed. If they meet the Code as far as setbacks, it is allowed and all you have control of is what the finish of the building is, not what they do with their property. If it turns out that works, they can come back again, but they are able to sell the building and the City can get what it wants and not give up the value of that office to M-1. Mayor Bukiewicz stated again that this action is merely seeking to make corrections of something that was overlooked years ago.

Planner Papelbon clarified that there are two separate parcels, and the zoning district line is actually on the parcel line. The split zoning is actually for the building, which is a problem for staff when trying to enforce the rules with regard to the building itself, because the building crosses

district and property lines. The CSM to combine the properties is going to solve one issue. The rezone portion will solve the other concern, which is the use of the building, which was restricted in 2001 and was allowed to change that computer lab portion for Northern Computers when MasterLock and Honeywell went in. That became more of the parts assembly and warehouse storage function. The zoning didn't change at that time due to an oversight. The building component, the usage of the building, is not being proposed at this time. It is proposed to reflect the use of the building as it was for MasterLock and Honeywell. If there are any changes to the building to the use, the City would still have some options as to what is being proposed on that property in terms of usage and also the site. There is stormwater infrastructure that affects that property as well.

Commissioner Loreck moved that the Plan Commission recommends to the Common Council that the property at 135 W. Forest Hill Ave. be rezoned from B-3, Office and Professional Business district to M-1, Manufacturing district after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye, except Commissioner Siepert, who voted no. Motion carried.

### **CANCELLATION OF JANUARY 22, 2019 MEETING**

Planner Papelbon stated that no applications or review items were submitted for this meeting, and asked the Plan Commission whether they would like to cancel the meeting or retain the meeting date for discussion purposes.

Mayor Bukiewicz stated that if there are no applications, a motion should be made to cancel the January 22, 2019 meeting.

Commissioner Siepert moved to cancel the regularly-scheduled January 22, 2019 Plan Commission meeting. Alderman Guzikowski 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 7:27 p.m.

ATTEST:

  
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Douglas Seymour, Plan Commission Secretary

February 12, 2019  
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Date