

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, AUGUST 13, 2019**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Alderman Loreck was excused. Also present: Kari Papelbon, Planner; and Doug Seymour, Director of Community Development.

Minutes of the July 23, 2019 meeting

Commissioner Siefert moved to approve the minutes of the July 23, 2019 meeting. Commissioner Chandler seconded. On roll call: all voted aye, except Alderman Guzikowski who abstained.

**PUBLIC HEARING
COMPREHENSIVE PLAN AMENDMENT
DECKER PROPERTIES, INC
8100 AND 8146 S. 27TH STREET AND 8100 S. ORCHARD WAY
810-9012-001, 810-9005-000, AND 810-9013-001**

Planner Papelbon read the public notice into the record.

Mayor Bukiewicz made the first call for public comments.

Alan Marcuvitz, von Briesen and Roper, stated he agreed completely with the staff report provided by the City, and is looking forward to working with staff if the item is approved.

Mayor Bukiewicz made two more calls for public comments. Seeing no more comments, the public hearing was declared closed.

**COMPREHENSIVE PLAN AMENDMENT
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8100 AND 8146 S. 27TH STREET AND 8100 S. ORCHARD WAY
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Planner Papelbon provided an overview of the request to change the future land use category and map from "Single Family Residential" to "Mixed Residential" for properties at 8100 and 8146 S. 27th St. and 8100 S. Orchard Way. (See staff report for details.)

Commissioner Siefert inquired how this would fit in to the new 2020 Comprehensive Plan.

Planner Papelbon explained the 2020 Comprehensive Plan is being drafted, and the draft takes into consideration any amendments that have been made up to that point. If this amendment passes, it would be included in the new Comprehensive Plan.

Director Seymour stated this is not one of the areas that was identified as a priority site in the Single-Family Analysis (Strategic Plan). Director Seymour predicted in the upcoming draft of the 2020 Comprehensive Plan this land would not be shown as "Single Family Residential," but would

rather be shown as “Mixed Residential,” with possibly some commercial as it was on previous plans.

Alderman Guzikowski expressed a concern about the potential density and the number of units that would be developed on this land.

Director Seymour explained this item is not approving a density. The density will be addressed at the time of a possible Planned Unit Development request. Appropriate density is determined by a number of different factors. One of those factors is the standards set by the 27th Street Plan, and what else is happening in the 27th Street corridor and other places in the City.

Alderman Guzikowski thanked Director Seymour. He also thanked Planner Papelbon for adding comparisons to the staff report.

Commissioner Carrillo’s question was inaudible.

Planner Papelbon explained the 27th Street Corridor is a plan; however, it gives some insight into what the thought process is for development up and down 27th Street. There are certain things from the 27th Street Corridor Plan that were adopted into the Zoning Code. Overlay districts were based on the 27th Street Corridor Plan. This area has been identified by the Subarea Plan and the Overlay Plan for a mix of uses. This area is suggested to have commercial along the 27th Street frontage, with possibly some mixed residential following behind. The Plan has some flexibility built into it, which allows for mix of uses.

Director Seymour explained this property would not be located in any of the overlay districts. This project would be governed by the standards adopted in those plans as general guidelines for the appearance and aesthetic design of any development along the corridor.

Alderman Guzikowski inquired if commercial would still be up against 27th Street.

Director Seymour clarified that is something that is up for discussion. The land on the corner of Drexel and 27th Street should be reserved for commercial. There will be discussion about the design and uses being proposed.

Commissioner Siefert asked Planner Papelbon what the property to the south is zoned as.

Planner Papelbon stated the property immediately to the south is zoned as Rm-1 PUD, for Colonial Woods. Planner Papelbon continued by explaining further south is the Orchard Hills PUD, an apartment development currently under construction. Next to that is Villa Healthcare nursing home facility, and south of that is Apple Creek.

Mayor Bukiewicz suggested it is probably an appropriate use of the land. This allows flexibility along 27th Street to keep everything fluid. The staff provided a great history and compassion.

Commissioner Siefert asked about the 27th Street corridor in regards to the relationship with Franklin, and if the area would be more commercial or residential.

Planner Papelbon explained that Franklin adopted the same corridor plan as Oak Creek; both sides of 27th Street are treated the same.

Director Seymour explained on 27th Street, south of Drexel it is more mixed in the uses. The corridor plan was less descriptive as to what happens in that area. The mixed residential designation would be consistent with the discussions had with Franklin when the plan was created. Franklin approved a mixed residential use of their own.

Mayor Bukiewicz was speaking off mic. Mayor Bukiewicz stated there is a Kinder Care in front of the new housing on the Franklin side of 27th Street. This is an example of them keeping the flexibility.

Director Seymour explained it is hard to talk density without context. The City is not afraid of density when it has a purpose and helps the site layout. Density is a means of being creative to get the best use of the site and have a great product, but preserve open space and create buffers.

Mayor Bukiewicz asked for confirmation that regardless of what type of development goes in on the parcel, a retention pond would be necessary to manage the stormwater.

Planner Papelbon explained all reviews will have to come back to the Plan Commission and go through staff for review, stormwater included.

Mayor Bukiewicz clarified that all streets and easements would be included in those reviews.

Planner Papelbon confirmed streets and easements would have to come back for review as well.

Commissioner Siefert asked if the Plan Commission was making a motion based on strictly rezoning and no projects.

Planner Papelbon clarified that the Plan Commission is voting strictly on the Comprehensive Plan Amendment, not rezoning or any plans.

Commissioner Siefert requested confirmation that the Plan Commission is not approving a development or plan.

Planner Papelbon reiterated the Plan Commission is not approving anything other than a change from "Single Family Residential" to "Mixed Residential" and or "Mixed Residential" with "Planned Business" in the Comprehensive Plan. This is not a rezone or an approval of any plan.

Planner Papelbon asked for clarification of how the Plan Commission would like to proceed: with "Mixed Residential" over the entirety of all properties, or a combination. The suggested motion includes a combination of "Mixed Residential" and "Planned Business," but it does not indicate what section of the property would be considered "Planned Business." Staff is requesting clarification if the Plan Commission would like to move ahead with the 500 feet westerly as identified in the previous plans, or something else.

Mayor Bukiewicz asked if it had to identified that rigidly.

Planner Papelbon explained the staff needs to know where the Comprehensive Plan is being amended.

Mayor Bukiewicz explained he is not that skilled at saying that is the appropriate footage for a business lot.

Planner Papelbon stated it would be in line with what the previous corridor and subarea plans called for.

Mayor Bukiewicz asked if that was consistent with the 27th Street Corridor Plan.

Director Seymour stated there is no standard, but 500 feet has been considered an appropriate lot depth for commercial. Given the type of commercial you are likely to see in that part of 27th Street, 500 feet might be excessive. The businesses would be neighborhood-supporting. The example given was Kinder Care in front of housing on the Franklin side. State law requires that the Plan Commission decision be consistent with the Comprehensive Plan, and the future land use map; however, the Comprehensive Plan and future land use map are not a zoning map. There is some deference given to the Plan Commission and the Common Council when interpreting where exactly that boundary should be.

Mayor Bukiewicz inquired if 500 feet is excessive, maybe it should be changed to 350 feet.

Commissioner Oldani asked for confirmation that 500 feet was used in the past.

Director Seymour explained that is what scales off the earlier version of the plan.

Commissioner Oldani asked if the distance can be amended in the future.

Planner Papelbon stated it does not have to be as proscriptive as Director Seymour stated, but there is a difference between saying 500 feet or 300 feet. This is meant to give an idea of what the Plan Commission is thinking for land use. There is some flexibility, but it is more a matter of will the development include "Planned Business" or not. This will be a line on the map that will not be scaled exactly.

Alan Marcuvitz, von Briesen and Roper, suggested the Plan Commission set the line where they think it should be, and the developer would work with the staff to come up with a plan to be presented to the Plan Commission. If the plan requires moving a line in order to accommodate what the Plan Commission thinks is the best, it can be done.

Mayor Bukiewicz agreed with Mr. Marcuvitz.

Commissioner Hanna inquired if a range could be entered.

Planner Papelbon also suggested not entering any distance, and leaving it simply that "Planned Business" would be in the westerly portion of the land.

Director Seymour stated that something would have to be put on the map.

Mayor Bukiewicz agreed the plan would come forward, and the development would dictate what is needed and the owner is going to have to do what he is going to because he does not want to sit with a ruminant property. *Mayor Bukiewicz continued, but the sound was inaudible.*

Director Seymour stated 200 feet to 300 feet would make a good starting point.

Mayor Bukiewicz explained it is a starting point and the Plan Commission is willing to work once a plan shows up.

Planner Papelbon suggested the Plan Commission adopts Resolution 2019-03, amending the Comprehensive Plan and Planned Land Use map to reflect a change in land use from “Single Family Residential” to “Mixed Residential” and “Planned Business” for the westerly 300 feet of the properties at 8100 and 8146 S. 27th St. and 8100 S. Orchard Way following review and adoption by the Common Council.

Alderman Guzikowski made a motion as stated by Planner Papelbon above.

Commissioner Hanna seconded. On roll call, all voted aye. Motion carried.

USE APPROVAL AMENDMENT

GIUFFRE X LLC

9401 S. 13TH STREET

877-9006-000

Planner Papelbon provided an overview of the request to amend the existing Use Approval to remove the condition that restricts the height at which vehicles and equipment may be stored. (See staff report for details.)

Commissioner Hanna stated she agrees with Planner Papelbon that this is the entrance of Oak Creek, and does not agree with the proposed height of the equipment being displayed there. Commissioner Hanna continued by stating this is not an acceptable approach, especially being consistent with other businesses to abide by that height.

Commissioner Chandler asked if the current acceptable height is 13 feet 6 inches.

Planner Papelbon explained that all equipment must be stored at its lowest level per the condition of approval for this use. If the equipment can be stored at a height of 10 feet, it is required to be stored at a height of 10 feet. During the initial review it was stated that most of the cranes could be stored at a height of 13 feet 6 inches, which is what they are at when they are being moved around.

Commissioner Chandler asked the applicant to provide more information on the height the company is looking to store equipment at.

Craig Hammond, 9401 S. 13th Street, Branch Manager for United Rentals, explained he is aiming to get equipment nested to allow for maximum density on the property. The business has grown and the fleet has grown by over 50%. In the given space, safety is becoming a concern as equipment can be damaged while trying to move it around the yard. In the past, pieces of equipment have been damaged. This is dangerous because the equipment is used to lift people into the air.

Commissioner Chandler asked the applicant the maximum height for which he is looking to store equipment.

Mr. Hammond explained the staff report shows photos of a 20-foot ceiling that would allow more nesting.

Commissioner Chandler asked how the equipment would be screened at that height.

Mr. Hammond explained the fencing along the property line on 13th Street is all slatted; equipment is not stored over the fence height in that location. On the west side of the property, near the park and ride, there is standard freeway fencing that is not screened.

Commissioner Chandler thought the fencing was eight feet high. Commissioner Chandler asked for clarification if the fencing was 20 feet high.

Mr. Hammond stated the fencing is not 20 feet high.

Commissioner Chandler asked the applicant if he is going to add screening. She asked the applicant for more clarification about the process of screening the 20-foot-tall equipment.

Mr. Hammond stated he does not know if it would be feasible or possible to screen the equipment at 20 feet tall around the perimeter.

Commissioner Siepert asked the applicant: how many square feet of storage would be needed for the units; the number of units the company would like to store; and if the top portion could be removed to limit additional height or crowding of the units.

Mr. Hammond explained the entire property is approximately five acres. Mr. Hammond continued by explaining the company has around 1,000 different pieces of equipment ranging from small towable light towers or generators up to the aerial lifts. The baskets are not removable.

Commissioner Siepert inquired how many units have booms that would go up 20 feet.

Mr. Hammond explained it varies based on market needs; equipment is moved to different company-owned branches throughout the state. If a number is required, approximately 80 are routinely parked in the yard; not all 80 are in the air, approximately 30 units in the air.

Commissioner Siepert asked if the other equipment is below the five-to-eight feet height range.

Mr. Hammond confirmed the other equipment is stored at its lowest possible height.

Commissioner Siepert inquired if these units could be lowered to eight feet or 10 feet to meet the City's standards.

Mr. Hammond explained they currently are lowered. It is the industry standard to store the booms in the air for safety reasons. The applicant provided photos of the equipment at 20 feet high to the Commissioners to review.

Director Seymour explained the City has a compelling interest in keeping the entrance corridors and properties adjacent to them consistent with community standards. Director Seymour continued by saying the property owner could do things to make the property more appealing overall. This is a legacy use from many years ago; new developments would be subject to much more stringent design standards in regards to storage locations and methods. Director Seymour also asked the applicant if there are any creative ideas that would mitigate for the request to alleviate that height restriction.

Commissioner Siepert asked the applicant how much of the facility is utilized at the present time.

Mr. Hammond explained the facility is about 70% filled. He continued to explain that safety is a concern as the company grows.

Alderman Guzikowski explained he understands safety is a concern, but many residents have contacted him about the appearance of the property with cranes extended in the air. He inquired if the company needs to create a plan to move the equipment out before there is too much equipment onsite causing problems.

Commissioner Carrillo stated that she is surprised there is not a fence around the whole property, and inquired if there should be a fence where the property meets the park and ride.

Planner Papelbon explained there is a requirement for a portion of the property to have a fence with slats. There is some Department of Transportation (DOT) fencing there, but it is chain link.

Mr. Hammond explained the entire property is fenced in. The western portion is fenced with a DOT fencing that was recently put back into place following construction.

Commissioner Carrillo explained that in other parts of the City, property owners would have been required to have fencing with slats around the entire property.

Planner Papelbon continued to explain the Plan Commission has the authority to determine opacity of fencing, landscaping, or berms when there is a proposal for something that requires screening. In this particular case, there was a requirement for a specific area of the property to have fencing with slats, but not for the entire property. Planner Papelbon also stated that United Rentals does not occupy the whole property - they are a tenant on a portion.

Commissioner Hanna inquired if the applicant has ever considered adding tall trees or landscaping to help shield some of the visual from the outside.

Mr. Hammond stated he has not thought about it, but he is not opposed to it.

Commissioner Oldani asked for clarification from the applicant at what point the company would take on a larger footprint.

Mr. Hammond explained there are currently discussions about it because they do not occupy the whole space.

Commissioner Oldani would like to see where those discussions go before the Plan Commission allows them to raise up the equipment.

Mayor Bukiewicz explained they are sensitive of the gateways to the City. The City has dealt with this corridor in the past in terms of height requirements and signage. Mayor Bukiewicz believes everyone agrees that they want the City to look and feel a certain way. He continued to explain that he is not supportive of having the booms up in the air, but does understand the safety aspect. There are defined standards in place, and Mayor Bukiewicz believes the Plan Commission should not vary from them.

Commissioner Oldani moved that the Plan Commission approves the amendment to the existing Use Approval for United Rentals for a leasing and sales office with outdoor storage of equipment and vehicles, subject to the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all conditions of approval from November 22, 2005 remain in effect except as specifically amended herein.
3. That cranes, lifts, and similar equipment may be stored with the booms upright. All other equipment must be stored below the height of the fence.
4. Cranes, lifts, equipment, or other storage materials shall not be used for advertising or signage.

Commissioner Hanna seconded. On roll call, all voted no. Motion failed.

Mayor Bukiewicz suggested the applicant come back and work with planning staff to see if an agreement can be made.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:54 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

8-27-19

Date