

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JULY 23, 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, Alderman Loreck, Mayor Bukiewicz, Commissioner Oldani, Commissioner Siepert. and Commissioner Chandler. Alderman Guzikowski was excused. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator/Planner; Andrew Vickers, City Administrator; Doug Seymour, Director of Community Development; and Dan Johns, Vandewalle & Associates, Inc.

Minutes of the July 9, 2019 meeting

Commissioner Siepert moved to approve the minutes of the June 25, 2019 meeting. Commissioner Oldani seconded. On roll call: all voted aye, except Commissioner Chandler who abstained.

PUBLIC HEARING

TID NO. 12

AMENDMENT NO. 1 PROJECT PLAN AND BOUNDARIES

Planner Papelbon read the public notice into the record.

Dan Johns, Vandewalle & Associates, Inc. provided a brief presentation of the project plan and boundary amendment (one of four that are permissible by State law) for this particular district. The purpose of this amendment is to expand the boundaries well beyond IKEA and the immediate surroundings, which will allow the district to come out to Drexel Ave., go over the expressway and capture and facilitate new projects that have been proposed in this vicinity. There is also an amended spending plan to facilitate public improvements to the roadways, initial capital costs and additional development incentives for the projects that have been proposed. This will ultimately help support the growth of this key commercial and residential gateway to the City.

Mr. Johns' presentation included the definition of a TIF, the role of the other taxing jurisdictions, definitions of key terms, State law requirements, definition of the "But For" Test, proposed TID 12 boundary amendment statistics, rendering of the commercial development concept, and TID 12 monetary statistics and eligible projects costs. (See staff report for details.)

Andrew Vickers, City Administrator, gave an overview of the proposed projects and costs. He stated that the projects are little more defined on the east side of the interstate, which is the 13th and Drexel corridor. That is really why the timing of the boundary amendment is important. There is a significant need for additional capacity on 13th and Drexel. The "after condition" that 13th Street will be in after construction will not be at the capacity that is needed to appreciably or fully build out the corridor at the northwest corner of 13th and Drexel. This was known at the time Milwaukee County undertook the improvements on 13th Street. The City did try to plan the timing of these projects with the County, however, the County was relying on STP funds to produce that project and they had to be used at a certain point in time and the City was not ready at that time.

Mr. Vickers stated that there is a \$4.9 million cost for the overall improvements that they want to make eventually at 13th and Drexel. The economics of saying that the developer should take on those costs and add that to the cost of doing business doesn't work.

Mr. Vickers stated that the second potential funder is the general taxpayers of Oak Creek. That is what is left when the tax increment tool isn't available. The taxpayers would have to try and figure out how to fund the on-site improvements as well as the intersection of 13th and Drexel. That is why the City relies on the TIF tool. It makes the properties within the district pay for the public improvements and incentives that go along with attracting development, and having the capacity from a transportation standpoint to garner those retail and commercial users.

Mr. Vickers added that there are a significant number of onsite improvements that need to be made. Typically, those are going to be private in this situation. The developer is faced with a lot of the road and sewer and water costs. It would be an exorbitant amount of cost per acre for someone to come in and build their development.

Mr. Vickers showed a graphic of the proposed projects and costs. While these are called developer incentives, those can take many forms. Those can be cash grants; however, those can also be used to defray costs for certain onsite project costs that are exorbitant - a massive stormwater pond that may benefit a larger area, a mass grading of the site, roads, sewer and water. Typically, while they are called developer incentives, they are tied to project costs that make the project feasible. One of the bigger changes from the original IKEA TID plan to the new --one of the developer-funded incentives that the City negotiated with IKEA will come in and be far less than the maximum that was available to IKEA. The original maximum for PAYGO incentives to IKEA. That is looking like it's going to come in at about \$6 million throughout the life of the TIF District. So, they reallocated some of those savings for developer incentives to the other line items below that. They increased the developer-funded incentives, which are PAYGO incentives, from about \$9.5 million up to \$11.5 million, as well as adding in a budget for up-front development incentives. There will be a mixed bag of up-front and back-end project costs, and cash incentives to attract the aspiration development that we want to see in this area. A lot of that \$11.5 million budget would go to attract those types of users. The total difference from the original project plan to the current project plans is about \$8.4 million.

Mr. Johns took over to explain the amended base value, which is approaching \$4 million and that will continue to go to the underlying taxing jurisdictions. That is about \$83,000 per year in taxes. At the end of the life of the district, there could be as much as \$3.5 million per year being thrown off, and even today, IKEA is throwing off nearly \$400,000; most of that is tied up in the development agreement that the City negotiated. Ultimately, this area is primed to see significant growth over the years.

Mr. Johns went over the projected TID 12 increment graphic. Mr. Vickers added that this TID is very strategic for the City, and there were a few strategies that were considered. The most important ones were to: 1) amend the TIF 12 boundaries, which were established for IKEA; 2) establish a new TIF district to cover the east side of the interchange; or 3) use the TIF for highway improvements within a half mile of the boundary. Ultimately what was settled on was amending the TIF 12 boundary to add parcels so as to not have to establish a new TIF. The way the IKEA deal had been structured lent to the fact that TID 12 could never be closed out early. The City has to pay them the annual property taxes that they generate, but for debts on S. Ikea Way that get paid first, all of City costs are covered and what's left over from their property tax payments is returned to them for 20 years. TID 12 cannot be closed early. It was decided not to create a new TIF, but rather amend the boundary so that all of this territory does not have to be in the TID 12 for 20 years. There is the ability, at the time project costs are paid off, to examine whether to subtract parcels or territory from TID 12, and put those tax revenue dollars back on the general fund of the City. This would be the same benefit as if the TID were closing. It operates in the

same manner, only with a little less value. Those properties within that district pay for those project costs, not property tax dollars.

Mr. Vickers gave a summary of the TID 12 cash flow analysis.

Mr. Johns reviewed the key statutory findings and how this amendment fulfills those findings.

Mr. Johns gave a timeline of event for approval of this TID amendment.

Mayor Bukiewicz made three calls for public comment. Seeing none, the public hearing was declared closed.

TID NO. 12 AMENDMENT NO. 1 PROJECT PLAN AND BOUNDARIES

Commissioner Siepert asked if the TID will be open for the same amount of time (20 years) as originally planned. Mr. Vickers responded yes, the amendment does not “reset the clock” for an additional 20 years. The statutory life is 2026.

Commissioner Siepert asked how the boundary on this amendment was determined. Mr. Vickers responded that on the west side of the highway south of the IKEA, Northwestern Mutual’s property, it was really cleanup. The only parcels in that tract of land were those single-family homes or small parcels along Drexel. On the east side of the interchange, there are two large principle parcels and an appendage parcel down to the southwest corners of 13th and Drexel. Moving from south to north, the small appendage (that has a home and an outbuilding on it) is very likely going to need to be acquired for the infrastructure improvements that are going to be made to 13th and Drexel. That parcel was included so the TID would cover the costs for acquiring and improving that parcel. The parcels to the north will contain a hospital, Summit Credit Union, and the 300 multifamily units to the north. The increment from the multifamily development to the north will help us comfortably pay off the improvements on site and the improvements on 13th and Drexel.

Commissioner Chandler’s question inaudible. Doug Seymour, Director of Community Development, responded that there is one property that is not a part of the overall development plan. The project developers have approached, and in all but one case, have agreements to acquire those properties, and in fact, have closed on several of them already. They may have been consolidated as part of a certified survey map. With the exception of one, and that was a matter of the property owner just didn’t feel comfortable at that time in being part of that development, that would be all acquired by developer and would be. Again, that’s one of those extraordinary development costs that typically could be covered through the TIF district and consolidation of those properties. As 13th Street (CTH V), even given the background traffic, that’s taking place in the last few years, I think reasonably could come to the conclusion that that’s not the best place for single-family residential development, and to accommodate those parcels and the sale of those parcels into a master planned mixed-use development is beneficial to the people who have those property because they could get potentially into a better situation, but it eliminates a lot of driveways on 13th St, where there are conflicts and it also makes for a much better development.

Commissioner Chandler asked for more details on the updates to 13th St. Commissioner Sullivan responded that the changes that were proposed were formulated from the traffic impact analysis (TIA.) The analysis was done as an entire corridor, looking at the development from Howell Ave.

all the way to 27th St., and took in consideration Highgate and Wingspan and that is how basically that intersection was developed.

Mr. Seymour added that Milwaukee County is a significant portion of the local tax bill and given the way TIF's operate, the County (who is a member of the Joint Review Board) would essentially be foregoing that incremental revenue over the life of the district. The County, as well as the School District, MATC and the City, are all partners in the development of the project plan.

Mr. Vickers stated that one of the main principles of tax increment financing is typically the local municipality takes on all of the risks and costs associated with enhancing tax base, but all of the overlying taxing jurisdictions are without any investment in that economic development and take advantage of the increased taxes. The TID manipulates that formula so that the other taxing jurisdictions agree to it knowing that for a period of time, they are going to forgo these taxes for a larger multi-tax jurisdiction investment in infrastructure improvements and tax base. It is a forgoing versus a capital outlay up front.

Alderman Loreck asked if the new base that's created with the boundaries is only taking into account the new parcels. It is not taking into account the development in the original boundaries that's happened since 2016. Mr. Johns stated that is correct. The IKEA parcel itself was frozen prior to that being constructed, so the base value of that parcel is only about \$10,000. All of the value that is being added is 2019 value for just the parcels being added.

Mayor Bukiewicz stated this is really going to serve the City in a long run. Strategically, they looked at it in a number of ways and this is the best way to move forward on this. The City is well aware of what is going on and it's seems rather redundant that the City just finished up an intersection and it is not where it needs to be. Because of grant deadlines, the City was not able to coordinate with the County to include the upcoming modification to the intersection of 13th and Drexel.

Commissioner Siefert moved that the Plan Commission adopts Resolution No. 2019-02 approving the territory addition (boundaries) and amending the Project Plan for Tax Incremental Financing District (TID) No. 12. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

**MINOR LAND DIVISION
SIMON KRIZAN
9834 AND 9878/80 S. NICHOLSON RD
TAX KEY NOS. 909-9010-000 AND 909-9009-000**

Planner Papelbon provided an overview of this request for a minor land division. (See staff report for details.)

Commissioner Siefert asked if all properties are owned by the same person. Planner Papelbon responded yes, they are the same owner.

Simon Krizan, 9834 S. Nicholson Rd., stated that there needs to be two entrances to a property in the back in order to do any development. This would be one of the two. The second one will be on Fitzsimmons. This gives him a little bit wider entrance without affecting the two neighbors that are there. Mayor Bukiewicz reiterated that his plan was to set himself up for the future for development. Mr. Krizan concurred. Mayor Bukiewicz stated that any development would have to come back before the Plan Commission. Planner Papelbon noted that both properties are zoned residential.

Alderman Loreck moved that the Plan Commission recommends to the Common Council that the Certified Survey Map (Minor Land Division) submitted by Simon Krizan for the properties at 9834 and 9878/80 S. Nicholson Rd. be approved with the following condition:

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

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

REZONE

GENERAL CAPITAL GROUP

1001, 1199 & 1203 W. RYAN RD. AND 9600 S. 13TH ST.

TAX KEY NOS. 905-9995-001, 905-9993-004, 905-9992-001, 905-9010-000

Planner Papelbon provided an overview of the rezoning request. (See staff report for details.) Planner Papelbon noted that staff would like the suggested motion to incorporate language that the properties would be rezoned north of The Creek. She suggested that after "9600 S. 13th St." the wording, "*north of The Creek*" be inserted.

Commissioner Siepert moved that the Plan Commission recommends to the Common Council that the properties at 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St., north of The Creek, be rezoned to B-4, Highway Business (NO CHANGE to FW, Floodway or FF, Flood Fringe districts) after a public hearing. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW

VIVERE FINE FOOD, INC.

1000 E. RAWSON AVE.

TAX KEY NO. 732-9988-000

Planner Papelbon provided an overview of this plan review for an outdoor dining patio addition. (See staff report for details.)

Commissioner Chandler asked if the proposed patio will be in the existing parking lot. Jeton Rusidovski, 2120 E. Oakridge Lane, Oak Creek, WI, responded that it is the front of the parking lot. Right now, there are two guard rails. They will be cutting those out and moving them into the front if that is safe. Otherwise, they will be talking to the Plan Commission about buying new ones to put in because by Code, there has to be something in front of them in case cars come in. Mr. Seymour added it may not be Code, but is certainly a good idea.

Mayor Bukiewicz asked if this will be seasonal or permanent. Mr. Rusidovski responded that it is permanent.

Commissioner Hanna's question inaudible. Planner Papelbon stated that there are 43 parking spaces dedicated to the restaurant, not 43 onsite. There are more than 43 on the parcel. Commissioner Hanna asked if the neighbor is okay with this. Mr. Rusidovski responded, yes, they are fine with it. The landlord lives across the street from the restaurant, and has given them permission to build it.

Commissioner Hanna asked about construction of the patio, and if it would be safe in the event a car would hit the fencing around the patio. Mr. Rusidovski responded that there are concrete poles in the front right now where it is supposed to be. There are two of them and they want to move those back, but two or three more could be added on the other sides for extra security.

Commissioner Carrillo's comments inaudible.

Mayor Bukiewicz stated this is a great idea and he is all for it. Mayor Bukiewicz suggested the applicant continue to work with Engineering on safety issues.

Commissioner Hanna asked about lighting. Mr. Rusidovski stated they will be putting some lighting on the outside rails and bright bulbs in the front so people can see exactly where the patio is. Commissioner Hanna stated that lighting will play a big part in the safety factor. Planner Papelbon added that a lighting plan will have to be approved by the Electrical Inspector, and Planning Department will need a copy of that plan.

Commissioner Oldani suggested using concrete bollards that have lighting already in them.

Commissioner Oldani moved that the Plan Commission approved the site plans submitted by Jeton Rusidovski, Vivere Fine Food, Inc., for the property at 1000 E. Rawson Ave., with the following conditions:

1. That all relevant Code requirements remain in effect.
2. 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 Siefert seconded. On roll call: all voted aye. Motion carried.

**SIGN PLAN REVIEW
DIESEL BARBERSHOP
120 W. TOWN SQUARE WAY, SUITE 300
TAX KEY NO. 813-9045-000**

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

Commissioner Chandler asked for more detail about the decals being proposed. Tom Dietrich, 8625 S. County Road K, Merrill, WI, responded that they would be cut white vinyl, opaque for design and appeal. Commissioner Chandler asked what the purpose was of the decals. Mr. Dietrich responded that there are different symbols that represent barbershops.

Commissioner Chandler asked why the decal is continuous around the building. Mr. Dietrich stated that it is being proposed that way just for appeal.

Commissioner Siefert asked if this would be considered one sign. Planner Papelbon responded that the way staff has been approaching this is different because the images are so small. In other developments, it's been one decal per frontage, so this to staff, because it's broken up, could be several different decals and of course, there is the door. When she spoke to the applicant's representative from the sign company, she explained that staff's recommendation is to go forward with a sign appeal or reduce the number, because they are requesting this on both

elevations. Unless the Plan Commission has a different interpretation, that is what staff will be recommending.

Mayor Bukiewicz stated his concurrence with Planner Papelbon that the applicant come back on appeal.

Mr. Vickers asked how the Plan Commission would feel if they came back with a design and a faint line backing the decals (one contiguous decal.) Mayor Bukiewicz responded it would have to go over the metal.

Planner Papelbon responded that staff has been viewing the diesel logo on the door along with the hours of operations as being informational. Then there are the decals on the bottom of the door, as well as all separate elements that could be considered different graphics. So, is it just that they get shrunk down and they get multiples, and that is how the rest of the developments are going to be? Staff is coming from a standpoint of one per frontage. It is not that they are for or against it, it is how the Code is written that they would appeal.

Alderman Loreck moved that the Plan Commission approves the site plans submitted by Desi Varsel, Signs Unlimited, for the Diesel Barbershop tenant space on property at 120 W. Town Square Way, Ste. 300 with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That one (1) 19.96 square-foot wall sign on the west elevation and one (1) 19.96 square-foot wall sign on the east elevation are approved.
3. That one (1) eye-level window sign/graphic covering no more than 10% of the glass per elevation is allowed (west and east). The Applicant may submit a Sign Appeal for any additional window signs.
4. That all revised plans are submitted in digital format for review and approval by the Department of Community Development prior to the submission of permit applications.

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

PLAN REVIEW
TAKE 5 OIL CHANGE
6900 S. 27TH ST.
TAX KEY NO. 737-9025-000

Planner Papelbon provided an overview of the plan review for exterior building modifications. (See staff report for details.) Signs, although a major component of the building modifications, are not part of the Plan Commission's review for this agenda item.

Commissioner Siepert stated that the signs that they have for the oil change and car wash should be somewhat the same, rather than having them be different and standing out.

Commissioner Chandler asked what the black and white checkered pattern on the building was for. Tom Dietrich, 8625 S. County Road K, Merrill, WI, responded that they are there as a decorative element with no lighting.

Mayor Bukiewicz stated he would prefer the smaller oil can image (on the car wash building).

Alderman Loreck moved that the Plan Commission approves the site plans submitted by Michael LeBreton, Take 5 Oil Change, for the property at 6900 S. 27th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all revised plans are submitted in digital format for review and approval by the Department of Community Development prior to the submission of permit applications.

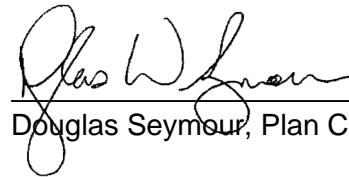
**SIGN PLAN REVIEW
PURE BARRE
120 W. TOWN SQUARE WAY, STE 400
TAX KEY NO. 813-9045-000**

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

Seeing as there were no questions or comments, Commissioner Siepert moved that the Plan Commission approve the sign plan for Suite 400 located at 120 W. Town Square Way, Suite 400. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:21 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

8-13-19

Date