

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, JANUARY 24, 2012

Mayor Foeckler called the meeting to order at 7:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Commissioner Bukiewicz, Mayor Foeckler, and Commissioner Chandler. Commissioners Michalski, Correll and Nowak were excused. Also present were Jeff Fortin Planner and Battalion Chief Mike Kressuk.

Commissioner Dickmann moved to approve the minutes of the January 10, 2012 regular Plan Commission meeting. Commissioner Bukiewicz seconds. Roll call, all voted aye. The minutes were approved as submitted.

**Significant Common Council Actions**

There were no additional comments or concerns from the Commission.

**Certified Survey Map – Mark Verhalen**  
**9349 S. Nicholson road**  
**Tax Key No.: 8873-9998**

Mr. Fortin explained to the Commission the applicant was requesting approval of a certified survey map that would split off one parcel from a larger tract of unplatted land located at 9349 S. Nicholson Road. The property would be 85'x150' and is located in the Rs-3, Single Family Residential zoning district. The proposed parcel exceeds zoning requirements.

Commissioner Bukiewicz questioned if Mr. Verhalen trucked in the dirt and filled in the floodplain. Mr. Mark Verhalen explained the work on the lot was done in 2007. He did some other work on the corner this summer but that was unrelated to the lot. The lot was actually filled in and the FEMA paperwork was sent in at that time. The paperwork crossed in the mail, his paperwork came into the City April 3 and they sent their paper out on April 1 to take the properties out of the floodplain. FEMA didn't have the paperwork filed on time so he had to refile the paperwork and it is now out of the floodplain.

Commissioner Johnston clarified Engineering has received all of the paperwork from FEMA removing the parcel from the floodplain.

Commissioner Bukiewicz moved that the Plan Commission recommends the Common Council approve the certified survey map submitted by Mark Verhalen for the property at 9349 S. Nicholson Road, subject to the following conditions:

1. All technical corrections being made prior to recording.
2. That a grading plan is submitted and approved by the Engineering

Department prior to recording.

Commissioner Chandler seconds. Roll call, all voted aye. The motion to approve carries.

**Plan Review – Growing Power Hoop Houses at Green Man Wood Services  
9000 & 9100 S. Nicholson Road  
Tax Key Nos.: 862-9991 and 872-9994-008**

Mr. Fortin explained to the Commission at the October 25, 2011 meeting the Plan Commission recommended that the Common Council approve an amendment to the conditional use permit for Green Man Wood Services to allow them to do composting on the site. Green Man had already started composting without the City's approval and was requesting an after-the-fact approval. The Common Council directed this item held at the December 6, 2011 meeting until they have their DNR Composting Permit.

In addition to the composting it was discovered that they had allowed Growing Power to erect three hoop houses on the property without City approval. Growing Power is now requesting an after-the-fact approval for the existing hoop houses as well as approval to construct more of them on the property. Four of the hoop houses will be placed on existing greenspace and the remainder will be placed on existing gravel area.

Commissioner Chandler questioned the type of material to be used on the structures. Ms. Sarah Christman, Growing Power stated they would be using standard dimensional lumber and 16 and 17 gauge tubing or fence rail and a poly film over the top and a poly carbonate rigid twin wall plastic on the sides and the end walls. There will be no brick or mortar on the greenhouse structures. Mr. Fortin pointed out with a greenhouse you could not meet the standard so with the way the Code is written they will need a  $\frac{3}{4}$  majority vote to approve the structures.

Commissioner Chandler questioned the quantity of people on the grounds. Ms. Christman stated during construction there will be approximately 6 to 12 people and during maintenance there will likely be one or two people weeding, watering and harvesting. There is very minimal traffic on the site. There is a proposal that mentions potential volunteers or training that could be limited to whatever the Commission is comfortable with. At the Growing Power site in Milwaukee they host a tremendous amount of volunteers and trainees, however; if it fits better at this location they can limit the number. Commissioner Chandler questioned the security on the site. Ms. Christman stated it was a secure site and that was a standard for Growing Power that the sites are secured with fencing. Commissioner Chandler questioned their hours of operation. Ms. Christman stated in the summer time 7 or 8 pm would probably be the latest and in the winter time it would be more like 4 or 5 pm at the latest.

Commissioner Dickmann questioned where the open beds would be located if they would be utilizing those beds in the future. Mr. Fortin explained they would only need to inform City staff of any type of future non structural site improvements such as raised

beds, unless the Plan Commission wanted them to, would not need Plan Commission approval. Commissioner Dickmann questioned what an “outrageous” number of staff on the site was. Ms. Christman was willing to limit the number of people on the site to a number the Commission was comfortable with. Commissioner Dickmann questioned if they had a long term lease and what the plan was if the lease was terminated. Ms. Christman explained they are able to install a hoop house in one day and the take down process is just as quick. They will return the space to its original beauty at the end of the lease. Commissioner Dickmann questioned if they intended to move the hoop houses out of the easement. Ms. Christman stated they would not have a problem moving them if they could not get a letter from WE Energies.

Mr. Fortin requested that Growing Power submit a calculation of the greenspace before and after the buildings are up on the site.

Commissioner Johnston questioned if they needed clarification on the sizes of the hoop houses that would be on the site. Mr. Fortin stated if the Commission wanted to specify they could add it to the motion. Commissioner Johnston questioned if they had plans for putting in any pathways or anything in the greenspace areas to get to the buildings. Ms. Christman explained they maintain a twenty foot wide “road” so to speak between each row of hoop houses and ten feet of space between each hoop house.

Commissioner Johnston questioned if they planned on having any educational facilities on the site. Ms. Christman explained there will be training on site but the trainee will take the place of a staff member so there should not be a shift in the amount of people on site.

Commissioner Bukiewicz commented he toured the Milwaukee site and it was basically a greenhouse operation that the schools could take advantage of for field trips. He did express concern for the hoop houses being in the easement and suggested they move them out of the easement.

Commissioner Chandler questioned how often the poly film would need repair or replacement. Ms. Christman explained they have an unusual method of reusing equipment and will reuse the poly that farmers normally discard. They will have up to five layers of poly film on the houses that they use to patch any holes or damage.

Mayor Foeckler commented the City was lucky to have Growing Power as part of their community. Will Allen is an inspiration and his work is a benefit to the City and a nice compliment to a city that has a long history of farming.

Commissioner Bukiewicz also commented the hoop houses could not be seen from the road.

Mr. Mark Verhalen 1200 E. Ryan Road commented the entire property was not fenced to the lot line. There is a joint easement between the houses and Green Man’s property and if they decide to expand the operation he would like to see them move the fence to

encompass the whole property. He also suggested if in the future they expand they do not use the easement as a regular point of access so as not to disturb the neighbors.

Mr. Dan Gustin 3249 S. New York Avenue did not have a problem with limiting access to the easement.

Commissioner Bukiewicz moved that the Plan Commission approve the site and building plans for no more than eighteen (18) hoop houses on the Green Man Wood Services property at 9000 & 9100 S. Nicholson Road, subject to all building and fire codes being met and the following conditions:

1. That the hoop houses are moved out of the WE Energies easement along the east property line or provide the City with documentation that We Energies will allow these structures to be placed within their easement.
2. That the existing fence be relocated to the south to provide screening if the outdoor growing areas go further south than the existing fence line.
3. That new overall property greenspace calculations incorporating the proposed structures are submitted to the City prior to the issuance of building permits.
4. That all building and fire codes are met. You will need to demonstrate to the Inspection Department that the hoop houses (structure and materials) meet the requirements for membrane structures in the 2009 IBC codes.
5. That the easement along the southwest property line shall only be used for emergency and site maintenance. All traffic should use the main driveways off of S. Nicholson Road.
6. The approval is for up to 18 structures; eleven (11) 96'x20' hoop houses and seven (7) 48'x20' hoop houses.

Commissioner Dickmann seconds. Roll call, all voted aye. The motion to approve carries.

### **Zoning Text Amendment – Non-Conforming Duplexes in Carrollville**

Mr. Fortin explained to the Commission at the January 10, 2012 meeting the Plan Commission discussed some options to address the issue of several duplexes in the Carrollville neighborhood that are located on parcels zoned as single-family residential. At the meeting the Plan commission seemed to prefer rezoning the affected properties to Rd-1, Two-Family residential. Even though many of these lots do not meet the dimensional requirements nor do the structures meet the setback requirements, it would at least have the result of eliminating the non-conforming use.

The City Attorney's office provided another alternative. The properties would remain zoned Rs-4, Single-Family Residential but we would amend the Zoning Ordinance to make duplexes constructed prior to the 1995 Citywide rezoning a conditional use. The properties that would have a conditional use for the existing duplexes would be permitted to rebuild them as duplexes if they were damaged or destroyed. Section 17.0310 could be amended to add subsection (8).

Commissioner Bukiewicz commented he did not feel these individuals should have to pay a fee because the City changed and he also felt waiting on a group could really hold people up. They should be allowed to come forward individually. Mr. Fortin explained they would not be waiting on a whole group to apply but send them a notice explaining that they would be doing a rezoning where everyone would be issued a conditional use permit that meets the criteria. It would be the same process and the same time period. People could opt out of it if they did not want to do it but it would be an option and then everyone in this type of situation could be issued a conditional use at the same time.

Deborah Grenke 8222 S. 85<sup>th</sup> Street, Franklin, commented it was passed as a duplex years ago. Mr. Fortin explained there was a citywide rezoning and they tried to notify all property owners that they found was a duplex. Some people did not respond so the City had no way of knowing if they were still operating as a duplex and this is one of the few that fell through the cracks at that time. Ms. Grenke stated they probably received a notice and her mother threw it away. Mr. Fortin then explained had she responded they would have been rezoned as duplex and there would not be an issue. What they are suggesting is to keep the zoning as Rs-4 and change the ordinance to add a conditional use for duplexes erected before November 20, 1995. They would then have a conforming property and if something happened they would be able to rebuild as a duplex.

Mayor Foeckler questioned if the building would burn would they then be able to rebuild as a duplex or would it become nonconforming because it was built after 1995. Mr. Fortin stated the conditional use would go with the land and they would be able to replace the structure as a duplex.

Commissioner Chandler questioned how long the process was going to take. Mr. Fortin explained it could go to the Common Council at the second meeting in February. Depending on the decision of the Plan Commission he would contact the City Attorney and they would draft an ordinance and he will send it to the Council for the second meeting in February after a public hearing. If everything is good to go at that point the Council will have to decide if they are going to waive the fees for these properties. Then they would apply and go to Plan Commission and Common Council and they would be set. It will take a little bit of time but all of the scenarios would take time because there are legal requirements for public hearings.

Mr. Henry Nitecki 9300 S. 8<sup>th</sup> Avenue, questioned how long the process was going to take because they have accepted an offer on their property. Mr. Fortin stated again it would be on the second Council agenda in February and then there is another step for the property owners to apply for the conditional use. It would take approximately a little more than two months with the way the laws are written.

Commissioner Dickmann moved that the Plan commission recommend to the Common Council that Section 17.0310 of the Zoning Ordinance be amended after a public hearing, to create Subsection (8) which would read: "Two-family dwellings existing

before November 20, 1995. Two-family dwellings existing before November 20, 1995, provided that said conditional use shall not be required to comply with the lot area and width requirements of subsec. (d), if the lot area and width do not meet the requirements under the zoning code.”

Commissioner Bukiewicz seconds. Roll call, all voted aye. The motion to approve carries.

Commissioner Carrillo moved to adjourn. Commissioner Chandler seconds. Roll call, all voted aye. The meeting was adjourned at 7:45 p.m.