

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JUNE 12, 2012

Mayor Scaffidi 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 Scaffidi, Commissioner Michalski, Commissioner Siefert and Commissioner Chandler. Commissioner Correll was excused. Also present were Jeff Fortin Planner and Mike Kressuk Battalion Chief.

Commissioner Dickmann moved to approve the minutes of the May 22, 2012 regular Plan Commission meeting. Commissioner Johnston seconds. Roll call, all voted aye with the exception of Commissioner Siefert who abstained. The minutes were approved as submitted.

Significant Common Council Actions

Mayor Scaffidi welcomed new Commissioner Fred Siefert to the Commission. There were no additional comments or concerns from the Commission.

**Certified Survey Map – Gary Fakler
8610 S. 13th Street and 1203 W. Tiffany Lane
Tax Key Nos.: 829-9995-007 & 829-0622**

Mr. Fortin explained to the Commission the applicant was requesting approval of a two-lot certified survey map for the properties at 8610 S. 13th Street and 1203 W. Tiffany Lane. The CSM will take an unbuildable outlot and a larger parcel with a home and barn on it and create two lots. Lot 1 has the home on it and will be sold by the current owner. Lot 2 will actually be able to accommodate future land divisions along S. Wickford Drive/W. Tiffany Lane.

Each of the lots meets or exceeds the zoning requirements for the area however there is an issue with the existing barn. The barn is currently on the same property as the house and enjoys legal non-conforming status. As a result of the CSM the barn will be on Lot 2 which does not have a house on it. Typically they do not allow accessory structures on lots without a principal structure. The owner would like to retain the barn, which is in good condition.

Mayor Scaffidi questioned if the applicant intended to sell the lots and develop. Mr. Gary Fakler stated he did not intend to do that at this point but may at some time in the future. He would like to be allowed keep the barn that is between 150 and 170 years old. The City should fight to keep this type of structure instead of trying to get rid of them. Mayor Scaffidi explained the condition of the building was a factor and if it was in good repair and has some structural integrity it is not their mission to take them down.

Commissioner Siefert questioned why Mr. Fakler did not include the barn with the house and make that one lot instead of separating the barn from the house. Mr. Fakler explained it would be a big lot and he believes there are other uses down the road long term that he would like to be able to do. It would not be feasible the way the property is laid out to sell the house with the barn.

Commissioner Bukiewicz stated he looked at the barn and it is quite a bit away from the house and if he kept the barn with the house he would not be able to get buildable lots in the future. The barn has a lot of character and is in good shape for its age. The neighbors have expressed some support to keep the barn. Down the line if the barn needs to come down then we could address it at that time. He also commented they are asking for a 200 foot setback from the southwest corner of the property and he would like to motion that they give them a 60 foot access off of Puetz Road on the southeast corner of the property. It would allow access to a future lot. Mr. Fakler commented if they referenced off of the west line the State policy is a rotary has to be considered for every intersection and if they put a rotary in it would eat up his entire street frontage. He would rather have it referenced off of the east. Commissioner Bukiewicz commented it would still be 200 feet off of the north.

Commissioner Johnston stated they could change the other one to 175 feet from the northwest corner. Mr. Fakler expressed concern going north because he has a driveway that he intends to keep.

Commissioner Michalski questioned if Mr. Fakler has considered painting the barn. Mr. Fakler commented his wife does not want it painted but he has started finishing it off on the inside and is leaving the outside the way it looks with the weathered barn boards.

Commissioner Johnston commented they would include the no access off of the northwest corner and then the other question was the additional right-of-way along of 13th Street. The County has sent a letter stating they don't have any needs for future right-of-way there but this is an officially mapped street to widen it out to 45 feet. He feels that City should acquire that additional right-of-way at this time with the CSM along 13th Street. Mr. Fakler commented he was told it was the County's call on the need for the additional right-of-way. He has discussed this with the County and told them if he had to give them the 45 feet he would not do the CSM and that is why they agreed they wouldn't ask for the additional right-of-way.

Commissioner Dickmann agreed he would like to keep the barn at this time.

Commissioner Johnston moved that the Plan Commission recommend to the Common Council that they approve the certified survey map for the properties at 8610 S. 13th Street and 1203 W. Tiffany Lane subject to the following conditions:

1. That access is restricted to the eastern 60 feet of lot 2 along W. Puetz Road and to the northern 175' of Lot 2 along S. 13th Street, except the existing 12' driveway on 13th Street.
2. Any technical corrections being made prior to recording.
3. The barn can remain on Lot 2 until further development.
4. The existing driveway may remain as an access point on S. 13th Street.

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

Plan Review – Clean Energy
2031 W. Ryan Road
Tax Key No.: 903-9036

Mr. Fortin explained to the Commission the applicant was requesting approval of site and building plans to allow for the construction of two (2) 18,000 gallon liquefied natural gas tanks and fueling station at the Pilot Travel Center property located at 2301 W. Ryan Road. Clean Energy will lease the space from Pilot. The tanks will be for truck customers.

Mr. Mike Robinson, Clean Energy, explained this would be a new way of fueling. Clean Energy is the largest distributor of retail natural gas for the trucking industry. They are trying to build out 150 liquid natural gas stations across the country to replace dirty old diesel trucks with new clean running liquid natural gas trucks. The liquid natural gas trucks operate about 50% cleaner and have less polluting gasses than diesel. They offer the same gas mileage and liquid natural gas is at about \$1.50 per gallon as compared to \$4.00 for diesel. This is a completely American made product. The tanks and the product are all produced in America. This would be the first station in Wisconsin and we see this as the wave of the future.

Commissioner Siepert questioned the safety requirements and concerns with the liquid natural gas. Battalion Chief Mike Krussuk explained with a project like this there are some safety concerns with the type of materials that are being used and transferred. From the research that has been done on liquid natural gas (LNG) it has a remarkably good safety record. Most of the failures are due to component failure. These are regulated by the NFPA as far as the construction and installation so there is significant safety issues that take place to make sure there is not a catastrophic failure of the tanks. If there are failures it is usually with the smaller components such as the filling components or the components that are used during the transferring from the semi to the tanks itself. From the fire departments perspective the biggest concerns would be the cryogenics. It is a very low temperature and if there is a risk involved with this it could be thermal type burns due to the cryogenic storage system.

The other concern they would have would be with the detection and monitoring system in place. This is not run by Pilot but leased by Clean Energy. The fire department would have a vested interest in having someone available 24/7 that could answer any system concerns and help them with any type of shut downs or trouble shooting on the premises. Any type of monitoring system that is put in is governed by NFPA and there is not an odorant in the LNG. Mr. Robinson stated there is an odorant placed in the LNG for safety reasons. Battalion Chief Kressuk explained if odorant was used would add an extra layer of protection. Mr. Robinson also explained there was a national company that would be available 24/7 for technical assistance. The material is cooled down to -190° and that allows it to be transported as a liquid at atmospheric pressures. So, it is not under any pressurized system at all. It is trucked in by a tank and the truckers themselves are certified and trained in the handling of the equipment and the material. You have to have a key card in order to access the material. The certification must be maintained as part of the NFPA.

Commissioner Dickmann questioned what type of vehicles would be using this material. Mr. Robinson explained this program was specifically for large diesel trucks to help retire the old technology and bring in the new trucks and the new technology. However; there has been talk in the future about providing compressed natural gas (CNG). There has also been some discussions about providing LNG services to the cities.

Commissioner Chandler questioned how many other locations there were. Mr. Robinson stated they have a goal of 75 locations to be permitted by August 15, 2012. They currently have 50 in some form of construction. Commissioner Chandler questioned if all of the tanks were going to be located above ground. Mr. Robinson responded they all were above ground because it was a safety requirement with LNG tanks. They can't be stored underground because if there is any seepage from the tank and it's caught in the ground, you don't want that.

Commissioner Bukiewicz questioned if the tanks were filled by hose or if there were underground pipes. Mr. Robinson explained they were filled by a hose from the truck to the tank and underground dispensers from that point. Commissioner Bukiewicz questioned if the nearest fire hydrant was going to be close enough. Mr. Robinson stated if the hydrant was within 300 feet they would meet the code. Battalion Chief Mike Kressuk stated it would be referenced by the code and they would follow whatever the code suggested. From the perspective of this project he was never going to say no to extra fire protection or a hydrant in closer proximity to the project. That is certainly something they would be interested in discussing.

Commissioner Johnston stated they are technically within the 300 feet but they would be going through a wooded area.

Commissioner Michalski questioned what the biggest safety hazard was with this

project. Explosion? Mr. Robinson stated explosion was not a concern because it was not under pressure. The material can only ignite between 5-15% air to volume mixture. Even if there was a catastrophic failure of the tank by being cut in half. It is a double walled tank with an 1 ½ " of stainless steel on the inside and 1 ½ " steel on the outside and a protective layer around it. The compound itself is also dug down a little into the ground and can contain 110% of the material. So if for some chance a plane hit the tank and it was spilled in the containment area the material is lighter than air and would rise up and the possibility of asphyxiation maybe could occur at that time.

Commissioner Michalski also questioned if only people who are certified will have access to the property. Mr. Robinson stated you have to have a key card to release the material and you have to be certified and trained to get the card. The other danger would be cryogenic burns which come from cold material.

Commissioner Chandler questioned if there were any trucking companies signed up to start this program. Mr. Robinson was not sure if there were any locally but they have signed up 40 UPS trucks in Las Vegas. They also have a deal with FedEx and some Wal-mart trucks as well. They are trying to get fleets to convert over on mass.

Mayor Scaffidi stated they should keep in mind this is a future thinking technology which is cleaner than what is out there now and it is significant that the first one that is in Wisconsin will be in Oak Creek.

Mr. Robinson mentioned there are only about 2,000 LNG vehicles in the entire country at this time so there would not be a massive migration of trucks to the community at this time. They see it over a timeline of 5-10 years growing incrementally 5% or so a year. Until they build the stations there is no reason for them to convert their fleets over so they are building the stations first in an effort to attract them to try the product. Commissioner Chandler then questioned if they don't have customers for a while can the gas sit in the tanks or would it need to be cleaned out. Mr. Robinson explained they would have to bring a truck in and remove it but he was not sure of the shelf life of the gas.

Commissioner Johnston stated from the center of the tank to the fire hydrant it was roughly about 500 feet. They are within 300 feet of the property but not to the center of the tank. He also questioned if there was any concerns with freezing with the winters in Wisconsin. Mr. Robinson stated the product was kept at -190° so it is a cryogenic occupancy that they have built to so it would be part of the design and would meet the standards set as part of the local building code.

Commissioner Dickmann questioned how the conversion for the trucks worked. Mr. Robinson explained there was a conversion kit available but he was referring to a complete swap out of the truck. The newer engines are the ones that would burn cleaner and he was not sure about the conversion kits.

Commissioner Michalski moved that the Plan Commission approves the site, building, and landscaping plans for the Clean Energy Liquefied Natural Gas fueling station located at 2031 W. Ryan Road, subject to the following conditions:

1. That all building and fire codes are met.
2. That the final site grading, drainage, and stormwater management plans are reviewed and approved by the Engineering Department prior to the issuance of building permits.
3. That the final utility plans are approved by the Water & Sewer Utility.

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

Conditional Use – Karl’s Event Services
400 W. Bell Court
Tax Key No.: 828-9024

Mr. Fortin explained to the Commission the applicant was requesting approval of a conditional use permit that would allow them to create a fenced-in 85’x50’ outdoor storage area behind the tenant space they are leasing at 400 W. Bell Court. They have submitted a letter from the property owner/landlord stating that they are supportive of this request. The area will be used to store lengths of aluminum that get delivered to the site until they can be brought inside for machining. The area will have a 7-foot tall fence with mesh inserts to screen from adjacent properties.

Mayor Scaffidi questioned if the parcel to the north had any concerns or questions about this request. Mr. Fortin explained they were notified and he has not heard any complaints or concerns from them. They have significant outdoor storage on their site at this time.

Commissioner Dickmann commented there is material stored on site already and questioned the purpose of the outdoor storage. Mr. Boyd Coleman explained they want it to look better and they also want it fenced in for theft reasons. Even though there is a fence they would like to keep the larger pieces out because moving them around inside the facility is difficult. They bring them in to machine them and then take them back out until they can get them on a truck again. Everything will be stored within the fenced in area.

Commissioner Bukiewicz stated he has seen the site and it is very isolated.

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that a conditional use permit for the outdoor storage of materials and equipment be issued, after a public hearing and subject to the attached conditions and restrictions.

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

Commissioner Carrillo moves to adjourn. Commissioner Siepert seconds. Roll call all voted aye. The meeting adjourned at 7:38 p.m.