

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JULY 10, 2012

Commissioner Bukiewicz 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, Commissioner Michalski, Commissioner Siefert and Commissioner Chandler. Mayor Scaffidi and Commissioner Correll were excused. Also present was Jeff Fortin Planner.

Commissioner Dickmann moved to approve the minutes of the June 26, 2012 regular Plan Commission meeting. Commissioner Johnston seconds. Roll call, all voted aye. The minutes were approved as submitted.

Significant Common Council Actions

There were no comments or concerns from the Commission.

**Sign Appeal Hearing – Auto Zone
2555 W. Ryan Road
TKN: 903-9992-001**

Mr. Fortin explained Auto Zone was requesting approval of a variance from Section 17.0706(d), which states that ground signs shall not exceed eight (8) feet in height. They would like to install a 12-foot high monument sign at their new store at 2555 W. Ryan Road. One of the conditions of approval for the new store was that they change their sign to a monument sign. The applicant does not feel that an 8-foot high monument sign will be visible so they want to increase the height by 4 feet.

Commissioner Bukiewicz opened the public hearing and made the first call for comments.

Mr. Brian Siddall with Auto Zone explained the reasoning for the larger sign was the site sits a few feet below the street grade and due to future right-of-way requirements the sign had to be moved back in between where parking spaces are going to be. They would like the larger sign so it will be clear of any vehicles that may park in the spots and block the sign.

Commissioner Michalski stated there are several other newer monument signs at the 8foot height across the street that have more than one business on them and there will also be signage on the building.

Commissioner Siefert expressed concern for approving any variances for signs until the sign code has been looked at and updated.

Commissioner Dickmann stated in a case like this it would need to be done on an

individual basis. The parking spots that are being discussed could easily be done away with because there is plenty of parking. The eight foot monument sign should be sufficient for this site.

Commissioner Michalski stated there is a sign code in place at this time and whatever the code allows somebody will come forward and ask for more space. If there were more stores in this building an eight foot high sign should be visible from the road even with a car parked in front of the sign.

Commissioner Bukiewicz commented they are getting to the point with signage that it isn't a one size fits all anymore. In this case the site sits a little bit lower than grade but he is not in favor of the 12 foot height. He would like to see them match the neighbors on the south side. He would not like to see a pole sign in the middle of the monument signs. Mr. Fortin explained there were some pole signs in the area that have been there for quite some time.

Commissioner Bukiewicz made a second and third call and hearing no additional comments closed the public hearing for comments from the floor.

**Sign Appeal – Auto Zone
2555 W. Ryan Ryan Road
TKN: 903-9992-001**

Commissioner Michalski moved that the Plan Commission deny the request for the variance from Section 17.0706(d) for Auto Zone located at 2555 W. Ryan Road.

Commissioner Siefert seconds. Roll call, all voted aye. The motion to deny carries.

**Rezone – Capstone Quadrangle
9900 S. 13th Street
TKN: 925-9999**

Mr. Fortin explained to the Commission the applicant was requesting to rezone the property at 9900 S. 13th Street from A-1, Limited Agricultural to M-1, Manufacturing. While the applicant does not have a development proposal at this time they would like to rezone the property so they can better respond to development proposals and attract potential businesses to the site. The City's Comprehensive Plan has identified this property as Planned Industrial.

At a neighborhood meeting the neighbors expressed uncertainty about rezoning the property to M-1 and not knowing what was going to go there. There were also concerns about it being incompatible with the neighborhood and the condition of S. 13th Street.

Mr. Mike Faber, Capstone Quadrangle explained they would like to rezone property to help them be effective. They have known for a long time that businesses tend to shy away from uncertainty and they wait until they have as much information about how

healthy their business is before they commit to going to a new building. In the last couple of years the process has increased. Business owners see rezoning and building approvals as highly subjective processes that could add big delays as well as the question if they get approved or not once they commit. From their standpoint they believe they need to be teed up and ready to go. They started the process four years ago and they did not think they would lose any deals but they were wrong and may be losing other potential businesses because the parcel is not zoned properly to attract the businesses. They know they have to be sensitive to their neighbors and that it needs to be compatible with a residential neighborhood. They are not a complete unknown and they have a good reputation within the City of Oak Creek. The Comprehensive Plan calls for this area to be zoned manufacturing. Until the users come forward they do not know what the size or type of building that is going to be on the site. When they do they know it has to be something that is compatible with the area.

Commissioner Siepert questioned if they had any idea of the type of manufacturing they would be looking at. Mr. Faber explained there are a lot of kinds of heavy manufacturing that in their view would be incompatible. Such as if they make noise late into the night or create smells. If they didn't want to live next door to it they wouldn't even bother bringing those kinds of businesses to the City. They are aware that other businesses have been turned down because they seem to be too intensive for the neighborhood. Commissioner Siepert expressed concern for not knowing what was going in before they rezoned the area. There are 15 buildings in the industrial parks that are sitting empty at this time and he can't be supportive of this request. Mr. Faber stated if he built a building so they would know what it was going to look like it would not prevent another kind of manufacturer from renting the space. The businesses are controlled by the zoning code. Commissioner Siepert expressed concern for the building getting sold in the future and not being able to control what goes on the site. Mr. Faber expressed concern for his company having purchased the property with the belief that the City wanted it to be industrial.

Commissioner Dickmann has confidence in the current owner but expressed concern if they sell the land in the future to another owner who may not be as sensitive to the neighborhood.

Mr. Fortin pointed out throughout the City there are several areas of vacant land that are zoned manufacturing. This is not the only site where there is uncertainty. It is not unique thing to have properties that are zoned without anything on it. He understands the concern of what could go there but anything that is going to go there has to come before the Plan Commission for site approval as well.

Commissioner Chandler questioned if the area was deemed for rezoning prior to today. Mr. Fortin explained in the Comprehensive Plan it is slated for planned industrial. That is the reason for staff's support of the request.

Commissioner Michalski pointed out one of the problems with the market is that businesses don't want to look at existing businesses and want build their own building.

In his district there are five empty houses. Using the logic from Commissioner Siefert does that mean they don't allow anymore houses to be built in the City until these houses and any others are sold or demolished? With this developer who has a proven track record in the City of Oak Creek with the Fed Ex building. This Commission has a proven track record of turning down developments that work against the neighborhoods. Not only this panel, but the Common Council turned down McLane Trucking and Firestone that wanted to come in. This is a board that will look at what is proposed to be built and within the guidelines make sure it is a good development for the area.

Commissioner Carrillo questioned if all of the concerns that were expressed by the neighbors could be addressed by the Plan Commission when the building was presented to the Plan Commission. Mr. Fortin explained the appropriate time to address the concerns would be when it came in for site plan review. You can't add conditions to a rezoning approval.

Commissioner Michalski requested clarification that before any building goes in they will have the ability to make a decision if it should be a PUD. Mr. Fortin stated that was the case. Such as if they wanted to add four buildings and there was some flexibility needed with side yard setbacks. At that time they might decide they need a PUD to make the site work and within that PUD they get some leeway and the City can get more power to control other things such as the way the loading docks face and requiring additional screening features like landscaping and berms.

Commissioner Michalski also commented if the development comes they may be able to force the County to find the funding to improve 13th Street in the area.

Commissioner Siefert stated he was not against development but believes the public would like a more definite plan of what was going to transpire before the City makes a decision.

Commissioner Johnston stated he was for the M-1 zoning because that is what the Comprehensive Plan calls for in this area but expressed concern for rezoning at this time.

Commissioner Dickmann commented when the Comprehensive Plan was done there were certain areas of the City that they kept agricultural until somebody came in and said they wanted to rezone it. In this particular area they went ahead and made it manufacturing. He would like to see more and understands where the applicant is coming from. He needs more to work with in order to get something in that area. Looking at the whole picture he is comfortable with the M-1 zoning.

Commissioner Bukiewicz commented Mr. Faber purchased the land that was A-1 with the intention of changing it to M-1 as the Comprehensive Plan states. He purchased the land to put in a manufacturing business and not farm it and the City needs to be a good business partner and go with the Comprehensive Plan. The City has complete control over what type of business goes in. The Plan Commission can work with the

applicants and get what will work well with the neighborhood. He supports this request and feels it is a proactive move on the part of the City.

Mr. John Bilandzija, 1050 W. Dover Drive, stated neighbors expressed the possibility of building a park in the area and if they rezone they will never be able to get a park. Mr. Fortin explained that was not necessarily the case. There could be an agreement with the developer and the City to leave some part of the property for park. Mr. Bilandzija expressed concern for Mr. Faber getting the rezone and then selling the property.

Mr. Paul David Cales, 1130 W. Dover Drive, stated he did not have a problem with the plan as long as it is compatible with the neighborhood. He also expressed concern for what was going to go on the property.

Mr. Gerald Krist, 1020 W. Dover Drive, questioned the plan for the rest of the property on 13th Street going towards Ryan Road. Mr. Fortin explained the lands directly north were slated for planned industrial, which would be a similar zoning of M-1 for maybe a business park or something similar. North of the planned industrial would be commercial, highway business. There could be big box retail or smaller commercial businesses. There is also an environmental corridor that runs the length of 13th Street from Ryan Road. Mr. Krist also questioned if there was an opportunity to put some sort of buffer zone in between the development and the neighborhood. They would be happy with a bike path or some other type of green space. He was concerned there was no public park in this section of Oak Creek. His children can't ride their bikes outside of their street. He questioned if there was a way to add conditions to the rezone so if Capstone sold the property it would have to come back before the Plan Commission. Mr. Fortin explained it was not the City's policy to attach conditions to a rezoning request.

Commissioner Dickmann requested the applicant address the concerns of the neighbors. Mr. Faber stated it was not their intention to put it up for sale right away. They have owned it for nine years and they have no intentions of selling it out right. They are developers they are not land speculators. They have never sold vacant land, they want to build buildings.

Commissioner Michalski moved that the Plan Commission recommends to the Common Council that the property at 9900 S. 13th Street be rezoned from A-1, Limited Agricultural to M-1, Manufacturing after a public hearing.

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

Plan Commission Meeting Start Time

Mr. Fortin explained to the Commission they would be discussing and taking action on the option of moving the start time of the meetings up to 6:00PM.

Commissioner Dickmann questioned why the subject came up and also questioned if the Common Council was going to move their time up also. Commissioner Bukiewicz comment the Council meetings in the last month or so have been starting at 6:30 because they have been getting presentations and the agendas are starting to get heavy and the meetings are going 3 to 4 hours. He personally is for moving up the start time.

Commissioner Siefert questioned about the people who come to the meetings and was there a concern that they might not be able to make it. Commissioner Bukiewicz explained most people would be able to come right after work and still be able to participate in the meeting.

Commissioner Dickmann commented they went through this about 8 or 9 years ago and at that time it was decided not to move the time because the residents were not able to make it home and back to the meeting before 7. The other point would be the Council and Plan Commission should start at the same time so residents know what time to start watching the television for the meetings. Commissioner Bukiewicz stated it has been going that way. Planning has been kind of light for the last couple of years with just a few items that don't take very long. In the future when the Delphi property starts moving there is going to be a lot of things coming through the Plan Commission. When the lakefront starts to get going and we also have 27th Street. The meetings could get long in the future. The start time does not matter to him either way but it would be nice to get started earlier in the winter.

Mr. Fortin explained if people want to see the meeting they can watch it on television or DVR it where as in the past if you had to come to City Hall if you wanted to see a meeting.

Commissioner Dickmann would like to see consistency in the time of the meetings.

Commissioner Michalski explained the Council meetings have been starting at 6:30 and questioned if that start time would work for all of the Commissioners. He did express some concern for the Commissioners not being able to make an earlier start time.

Mr. Chuck Koehler, 901 W. Ryan Road, stated the 6:00 start time was not new. It was brought up in the past and it worked for a while. There was a veteran Council member who did not like the earlier start time so it was changed back.

Commissioner Michalski moved to adjourn. Commissioner Siefert seconds. Roll call, all voted aye. The meeting was adjourned at 8:17 PM.