

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, NOVEMBER 27, 2018**

Alderman Guzikowski called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Johnston, Commissioner Carrillo, Commissioner Loreck, Alderman Guzikowski, Commissioner Siepert and Commissioner Chandler. Mayor Bukiewicz and Commissioner Correll were excused. Also present: Kari Papelbon, Planner and Zoning Administrator/Planner Pete Wagner.

Minutes of the November 13, 2018 meeting

Commissioner Siepert moved to approve the minutes of the November 13, meeting. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT
M & M TOWING
9840 S. 27TH ST.
TAX KEY NO. 903-9030-000**

Planner Papelbon provided an overview for the request for a conditional use permit for a towing, full service truck maintenance and sales facility and outdoor storage of vehicles and equipment. (See staff report for details.)

Joseph Cincotta, attorney representing the applicant, 400 E. Wisconsin Avenue, Milwaukee, WI, stated that the overlay district no longer applies and it is still in shown. He just wanted to make sure that this is the case, and that the M-1 is what applies now. Mr. Cincotta listed some of the uses that are permitted in the M-1 District such as equipment rental, farm machinery and equipment manufacturing, lawn and garden equipment manufacturing and storage, machinery equipment sales and service, and truck sales and service. He stated that the conditional use that they see most applicable is the autobody repair conditional use. With that use, there will be trucks on site and some other materials. The permitted use is the sales, so he did not think they needed a conditional use to do that. He thinks they need a conditional use for body and engine repair and so that is fine that that is being recommended for approval as a conditional use. They will move forward and work with staff on those conditions.

Mr. Cincotta referenced page 2 of 5 of the packet. The first item of concern involved the mention of a dispatch office. He thinks that the use of the term "dispatch" may not be precise. It is not a dispatch operation. It is going to be an office that would manage incoming and outgoing customers for sales and repair. It is an office facility and not like a towing operation or some kind of truck terminal. So that is not an issue, but maybe the wrong choice of words.

Mr. Cincotta stated that the second comment from staff was that the narrative they provided stated that no equipment or vehicles would be allowed that are not registered, but then states that vehicles for sale would not be registered. He thinks there is a disconnect there, because vehicles being sold that are new are not registered yet. He doesn't think those would be registered. However, customer vehicles that are being repaired would be registered. The reason for the registration requirement is so that things are not lying around there, such as older vehicles that are not moving/operational. They will be getting business coming in and then going out. There is not long term storage of trucks, so that is why the registration issue is a way to make sure they only have operational vehicles on site.

Mr. Cincotta stated that the fourth issue pertains to future tenants. Previous discussions had focused on a classic car storage tenant that was maybe going to use the facility. That is gone elsewhere, so it is not happening right now. Going forward it will just be M&M Truck Center running the site. There are no tenants lined up right now. If they do have tenants, they will come back as requested if needed to get a conditional use or whatever permit they need.

Commissioner Hanna asked how the applicant will be disposing of oil and other hazardous fluids. Dragan Radeta, owner, M & M Towing, responded that they have an agreement with a local company that they purchase the oil from and they usually take waste oil to their facility.

Commissioner Siefert asked what they would be using for screening on the south property line. Mr. Radeta stated they would screen the south and west sides of the property as well. They will attach either plastic or board on board to the existing fence. It will be probably 6' high.

Commissioner Chandler asked a question about the outdoor storage. Planner Papelbon responded that outdoor storage was a clarification item between the old staff reports and what was presented for this meeting. There will be no outdoor storage on the property. The only thing that will be stored outside will be the trailers and the tractors that are going to be worked on and are part of active service for their customers. There is an outdoor display area for the sales of 5 or 6 vehicles that is behind the fence and on that corner of the property on the west. There is also a trash enclosure, however, there is no other outdoor storage that has been requested or allowed. It is just the tractor/trailers that are going worked on actively. Planner Papelbon clarified that if the vehicles are going to be on site for a specified period of time, that would become outdoor storage. This is more of a truck parking temporary storage situation.

Commissioner Chandler asked for more information on the services that will be provided. Mr. Radeta responded that it will be a truck repair/maintenance facility.

Commissioner Chandler stated that it sounds like there will be sales also and wanted to know what the link is between repairs and sales. Mr. Radeta responded that the sales and repair will be in a separate area on the property.

Commissioner Chandler asked about the required number of parking stalls. Planner Papelbon responded that there will be more parking stalls than will be used by employees of the facility. The reason the comment is in the conditional use permit is because of the nature of the building and warehouse aspect. There may be 20 to 30 employees there at one time, so this would actually address that issue, but a little bit more if they were to lease out the tenant space. Staff does not have any concerns about the number of parking stalls being proposed.

Alderman Guzikowski asked if the building is sprinklered for fire suppression. Mr. Radeta stated it is not. Asst. Fire Chief Kressuk stated that occupancy takes hold in that building, depending on the type of occupancy and nature of work, that through code dictates the need for some type of suppression system in the building. There are some challenges leading up to that structure and the Fire Department is aware that the applicant is working toward solving those. There was a meeting several months ago where the need for detection or suppression systems based on the use and occupancy type were a requirement in that structure. At that time, there was no hesitation or disagreement with that. Given the water situation and there are no formal plans for this structure makes it difficult to say the exact specifics of the type of system, but it is being worked on in that direction.

Commissioner Siepert asked if 1,000 gallons of oil will be stored inside. Mr. Radeta responded yes. Alderman Guzikowski clarified that it is oil they are going to use on new vehicles.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for automobile and truck engine and body repair, outdoor storage of vehicles and equipment, and semi-truck/trailer parking on the property at 9840 S. 27th St. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

PRESENTATION – ABENDSCHEIN PARK MASTER PLAN

Zoning Administrator/Planner Wagner explained that in 2017, the Common Council approved the strategic plan that identified the need to update the master plan for Abendschein Park as a key initiative and authorized staff to update the Abendschein Park Master Plan. In May of 2018, the Common Council approved a contract hiring a consultant, Stantec, to update the Abendschein Park Master Plan.

No action is required, as this is for informational purposes only. The Common Council will review this master plan at their December 4, 2018 meeting.

Sarah MacDonald, Stantec, gave an overview of the plan which included the process, timeline, site inventory and analysis, public engagement, concept alternatives and the final master plan.

Ms. MacDonald explained that this was a 5-phase process. They started with background, context and vision where it is established what was done in the past. They did a detailed analysis and programming assessment to understand what the specific amenities would be in the park. They worked with the public in this aspect to get public engagement.

The third phase is the draft of updated master plans. They reviewed three different alternatives and then defined that master plan into one design. Now they are moving into the report and documentation of the entire process. There were public engagement sessions in May through July, which included a public information meeting.

The site inventory analysis looked at both regional and site scale context. They looked at programs, parks and adjacent trails to try to optimize and connect the park system as a whole. They look at infrastructure, such as roads, trails, water hook ups and things along that line. The site is pretty constrained based on the creek, the floodplain, and the floodway. Since those areas cannot be built in, they are limited in what can be built.

Ms. MacDonald went on to describe the public engagement events Stantec put together to solicit the public's preferences, the surveys and a public open house where they previewed the three different concept alternatives.

The three concepts are:

Sports – team sports and recreation

Lifestyle – personal fitness and community

Health – restorative concept focusing on health, mind, body and environment

There was overwhelming public support for the Sports concept. Some of the amenities requested included:

1. New synthetic turf baseball field
2. Vertical element splash pad
3. Permanent structure beer garden
4. Keep existing baseball diamond
5. Pond lighting
6. Disc golf course
7. Children's agility course
8. Nature based playground
9. Teen/adult agility course
10. Exercise stations

One of the frequent concerns mentioned was the lack of a clearly marked entrance. The west entrance is a little bit challenging so it was proposed to widen it and make it safer. The east side will have some defined sense of entry into the park, as well as the Forest Hill entry to the south.

Ms. MacDonald described in more detail the amenities requested in the Sports concept.

Commissioner Siepert asked if the bike/skateboard area on the east side of the park will be tied in with this plan. Ms. MacDonald stated that it is already part of the park. Zoning Administrator/Planner Wagner responded that the proposed plan is to enhance it and actually replace it by making it larger and installing concrete ramps rather than the existing wooden ramps.

Zoning Administrator/Planner Wagner stated that they are working on identifying phases of work to be done due to economic reasons. Right now, staff is working with Ms. MacDonald to identify potential phases. The Parks, Recreation and Forestry Commission will review and make proposals for the Common Council to consider for future development.

Commissioner Siepert asked if the additional parking is going to include the existing park on the east side. Ms. MacDonald responded that they did not add any additional parking on that side because of the space constraints.

Commissioner Loreck stated that the top response for the online survey was a pool. He wanted to know if a pool or a splash pad is being proposed. Zoning Administrator/Planner Wagner responded that the model that people were referring to in the survey was Hoyt Park where there is a community building and a pool. Because there is so much floodplain, a lot of the eastern and northern end of the park is undevelopable. Ms. MacDonald put the pool where there would be enough parking to accommodate that facility. It pretty much eliminates the existing ball diamond and most of the disc golf course. The concern was that this was not really a viable location for a community pool. They are taking the information that they got from the public and putting it on the "wish list" for a potential new park features. Abendschein Park is just not a viable space. What is being proposed for Abendschein Park is a good sense of community gathering and improving the existing sport facility.

Commissioner Hanna asked if there will be an impact on wildlife as of a result of this development. Ms. MacDonald responded that that was not included in the study. However, the amount of new amenities is exclusive to the parking lot and the cluster just to the south of it that includes the splash pad, pavilion, and agility course. The rest of the park is going to remain largely natural, and they are actually encouraging wildlife by restoring the prairie there. Zoning Administrator/Planner Wagner added that the proposed pavilion area is just flat grass that gets mowed for disc golf, so it is not as if they are taking down any natural habitat. On the east end where the skate park is, it already exists. To the south, there is a gazebo and an existing

playground. Nothing has been done to reduce the woodland or any kind of natural areas as part of this proposal. That is something that they tried to balance. The initial sports proposal did reduce the natural area because it turned it from grass to artificial turf.

Arden Degner, 8540 S. Pennsylvania Ave., stated that in the past, parks were considered a leisure place, and voiced his concern that this plan seems to be too sports-centered. He feels that the sporting uses are going to be replacing the natural grass areas. He feels a park is supposed to be a place for families and young people to enjoy. This is a sports field paid for by the City with accommodations for food and a beer garden. He questioned what happened to Miller Park and if it will be phased out. This used to be the idea of a park is a few sports facilities. He also questioned how people that don't participate in sports fit in?

Alderman Guzikowski responded that there are many things that can be done at Abendschein that do not involve sports. The proposed plan is to enhance what is there. Zoning Administrator/Planner Wagner stated that they are not proposing adding any new sports fields as part of this master plan. Everything that is there will be enhanced, but there will be no new sports fields. The only thing that is being added is parking stalls and a beer garden (rental pavilion.) There are still three miles of trails that people can walk and 10-acre high-quality woods. Zoning Administrator/Planner Wagner stated that this park has a balance of active and passive recreation.

Commissioner Hanna asked how this will increase the maintenance costs. Zoning Administrator/Planner Wagner responded that the City's DPW department has hired a contractor that does cleanup for pavilions at the new Lake Visa Park. This same contractor would be used for this facility. There was talk of charging for admission to the splash pad; however, those programming details will need to be worked out.

Ms. MacDonald stated that the cost to build all of this currently would be about \$4 to \$5 million dollars. There are things that have not been vetted yet. There is a huge range in costs for playground equipment. Those kinds of details haven't been "fleshed" out quite yet, but the number that was provided is realistic, and can be used for capital improvement budgeting purposes.

Zoning Administrator/Planner Wagner stated that Abendschein Park has had three development phases since 2008 and each of them have been funded from park impact fees. There are pieces of the plan that can be implemented in the near future with the money collected so far.

Commissioner Chandler stated that based on the survey, it looks the activities were summer-based. She wanted to know if there are any activities identified for the winter. Ms. MacDonald responded that they did look for different alternatives. More of the ideas lended toward the programming side of things. There were discussions about potentially using the trails as cross country ski trails and maybe doing some ice sculpting. No additional infrastructure would have to be constructed for these types of activities. Ice skating is a bit more complicated because refrigeration is required and that costs a substantial sum of money.

Seeing as there were no more questions or comments, the meeting proceeded to the next item on the agenda.

**TEMPORARY USE PERMIT
HOUSE OF HARLEY DAVIDSON & ONE HEADLIGHT POWER SPORTS, LLC
9725 S. 13TH ST.**

TAX KEY NO. 904-9011-001

Zoning Administrator/Planner Wagner provided an overview of the request for a temporary use permit for the operation of a motorcycle safety course. (See staff report for details.)

Commissioner Siepert asked how many motorcycles they will have during one class. Tom Mills, House of Harley-Davidson, responded that there will be a total of 12 stored in the cargo container, but there will be 11 on the range if there is a full class.

Alderman Guzikowski stated that he (as alderman of this district) has received zero complaints during the operation of this course earlier this year.

Commissioner Siepert moved that the Plan Commission approves the Temporary Use permit for the operation of a motorcycle training course with the following conditions:

1. That operations can be conducted seven days a week between 7:00 a.m. and 8 p.m.
2. That signage is limited to two, 32 square-foot signs attached to the cargo container.
3. That the permit is valid between March 29, 2019 and November 4, 2019.

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

CERTIFIED SURVEY MAP

OAK CREEK RAWSON INDUSTRIAL, LLC

c/o HSA COMMERCIAL REAL ESTATE

7001 & 7045 S. 6TH ST. AND 610 W. RAWSON AVE.

TAX KEY NOS. 734-9019-001, 734, 9001-002, 735-9990-000

Planner Papelbon provided an overview of this certified survey map request. (See staff report for details.) Since the WI DNR provided a determination letter stating that the wetlands on the property were manmade, the condition requiring them to appear on the final CSM was suggested to be removed from the approval.

Commissioner Loreck moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Oak Creek Rawson Industrial, LLC, c/o HSA Commercial Real Estate, for the properties at 610 W. Rawson Ave., and 7001 & 7045 S. 6th St. 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 Johnston seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW

OAK CREEK RAWSON INDUSTRIAL, LLC

c/o HSA COMMERCIAL REAL ESTATE

7001 & 7045 S. 6TH ST. AND 610 W. RAWSON AVE.

TAX KEY NOS. 734-9019-001, 734, 9001-002, 735-9990-000

Planner Papelbon provided an overview of the plan review request. (See staff report for details.) She explained that the Board of Zoning Appeals granted variances for the parking setback and overall greenspace on the property; therefore, Conditions 2 and 5 are no longer valid.

Commissioner Johnston stated that the overall height of this building is 38 feet to the top of the parapet. Planner Papelbon responded that the maximum height allowed in the M-1 district is 50 feet or 55 feet, so the height of this building is acceptable. Commissioner Johnston stated he does not have an issue with the building, but he wanted to point out that this is going to seem like a very large building on this corner, especially compared to what is there now.

Attorney Brian Randall, Davis Kuelthau, 111 E. Kilbourn Ave., Milwaukee, WI spoke on behalf of the applicant. Mr. Randall gave the following history of this site and where this project is at present day. It has been under separate ownership for most of its years until very recently when HSA bought it. Under that prior ownership, there were a variety of site activities that essentially polluted and contaminated the site. Through Common Council action, the City has created a tax incremental finance district to assist with the clean-up and redevelopment as is being proposed. The State of Wisconsin has a site assessment grant that they are actively working with on the Sigma team to investigate the site and ultimately remediate what is needed with what has been on that site for many years. HSA, prior to that, had to work through the lender, which was foreclosing on the site. That prior owner tried to make this a long process to get to where we are today.

There were several meetings with City staff as the test results were coming in. There was a Board of Zoning Appeals meeting last night, wherein variances were granted specific to the unique circumstances at this site; the heavy contamination and their approach to cap and remediate it with having the paved areas to really be a functional area for the employees and visitors to park as well as the truck loading.

There are no tenants yet for the building, but given the market and quality of the building, they are very excited to start with the construction. With this approval, the remediation of the site will be continuing. They look forward to opening this building as soon as possible in 2019.

Commissioner Siepert asked Mr. Randall if they have any idea what type of business will be going in there. Mr. Randall responded that they do not have that information yet. HSA does a very soft approach to marketing it. They have some good brokers, so with what is going on in the market with transportation and logistics, this is relatively close to the freeway. To begin with, they showed rail dock doors to begin with because they thought maybe there would be a demand for that and a tenant that might emerge. That would still be a costly add to do the spur line, so they have dropped that for the time being. It could be a one tenant building that could take the full 180,000 square feet and have some type of light assembly and manufacturing or logistics or a combination. They do recognize under the M-1 zoning, there may be tenants that require their own conditional use permit, so they will be prepared to go through that on an individual basis.

Commissioner Hanna voiced her concern about the close proximity of the driveway entrances to the intersection. Asst. Fire Chief Kressuk gave his perspective from the Fire Department's plan review perspective as well as a future neighbor of this facility. The main access point is 6th Street for the Fire Department. They have been able to co-exist with Riteway and UPS. That road has three lanes; southbound on 6th St. to Rawson Ave., left-turn lane, and somewhat informally a middle lane and then a right-turn lane. He stated that it would be important for the City to anticipate or ensure that that traffic flow is well maintained and that the intersection is maintained and does allow for the appropriate disbursement of vehicles. Whatever can be done to that

intersection to allow the Fire Department to proceed through it safely and efficiently would be appreciated. Commissioner Hanna stated that since this is a manufacturing district, this will result in the increase in truck traffic. Asst. Fire Chief Kressuk stated that with their experience with Riteway and UPS, the drivers are very good. There is that awareness that there is a Fire Department and there have not been significant issues. They just want to make sure that the intersection and roadway are designed for that in the future.

Commissioner Chandler asked how they incorporate that into the conditions of approval. Planner Papelbon responded that there is going to be an impact in traffic with the entrance regardless of whether or not there are two entrances in those exact locations. The issue is going to be one of maintenance and it is going to be on the City and County to maintain that intersection. Planner Papelbon mentioned that they already made the applicant aware that they need to be diligent with their tenants so that they understand the impacts that they have on that intersection. They need to be aware that there is a fire department in close proximity to this entrance. It is going to be on the three entities to make sure this intersection has traffic flow that is adequate. Commissioner Hanna suggested that they could also do a traffic analysis and adjust the signal timing based on the traffic analysis.

Commissioner Loreck moved that the Plan Commission approves the site and building plans submitted by Oak Creek Rawson Industrial, LLC, c/o HSA Commercial Real Estate, for the properties at 610 W. Rawson Ave., and 7001 & 7045 S. 6th St. with the following conditions:

1. That all relevant Code requirements are in effect.
2. ~~That all parking areas meet all required setbacks.~~

Planner Papelbon asked that conditions 2 and 5 be stricken from the motion. Commissioner Loreck so concurred and continued with his motion.

2. That the plans are revised to include locations for all mechanicals, transformers, and utilities (see Condition 5 below).
3. That all mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) are screened from view (see Condition 5 below).
4. That details for the final retaining wall design, including guard rails/fencing, are provided to the Department of Community Development prior to submission of building permit applications (see Condition 5 below).
5. That all revised plans (site, building, landscaping, 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
CHARLES SCHWAB
7940 S. 6TH ST.
TAX KEY NO. 831-9054-000)**

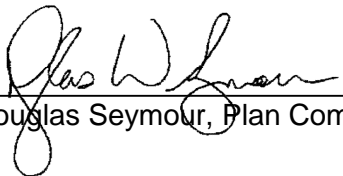
Zoning Administrator/Planner Wagner provided an overview of this sign plan review. (See staff report for details.)

Commissioner Chandler mentioned that the wall signs are not to be internally illuminated. But this sign will be internally illuminated. Zoning Administrator/Planner Wagner responded yes, but code states that eternally lit box sign are not allowed. In this case, channel letters are an acceptable design even if they are internally lit. The idea is to not have a big box that a sign just gets slid out and a new one replacing it when the tenant changes.

Commissioner Siepert moved that the Plan Commission approve the sign plan for Suite 105 located at 7940 s. 6th St. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:25 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

December 11, 2018

Date