

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, SEPTEMBER 8, 2020**

Alderman Guzikowski 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, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert. Mayor Bukiewicz and Commissioner Chandler were excused. Also present: Planner Kari Papelbon, Director of Community Development Director Seymour, and Assistant Fire Chief Mike Havey.

Planner Papelbon read the following into the record:

The City of Oak Creek is authorized to hold this public meeting remotely during the COVID-19 public health emergency under the March 16 and March 20 advisories from the Office of Open Government in the Wisconsin Department of Justice and subsequent Common Council approvals. Per the advisories and approvals, this meeting being conducted via Zoom video conference with telephone conferencing capabilities was duly noticed per the City of Oak Creek Municipal Code and Statutory notice requirements more than 24 hours in advance of the meeting. Members of the public have been advised of the options for participation via direct mailing to property owners within 300 feet of a proposal, via the COVID-19 information page on the City's website, via social media, and via the information contained on the meeting agenda. This meeting may also be viewed at the City's YouTube page, the link for which was contained in all aforementioned notice methods. The meeting recording will also be accessible on the City's YouTube page within 48 hours.

Plan Commissioners and participants are initially muted upon joining the meeting. Plan Commissioners and staff have the ability to mute and unmute their microphones throughout the meeting. Please mute at all times except for roll call, motions, voting, and when recognized by the Chair. Roll call and voting will occur per the usual and customary procedure, starting from Plan Commissioner seating positions south to north in the Common Council Chambers (e.g., Hanna, Sullivan, Carrillo, Loreck, Bukiewicz, Guzikowski, Oldani, Siefert, Chandler). The Chair will facilitate questions and comments by calling on each Plan Commissioner, or by requesting the use of the "raise hand" function in the Zoom webinar control panel. Only speak once you have been recognized by the Chair or moderator.

Applicants, their representatives, and all other participants who wish to speak will be unmuted

- When there is a direct request for information from the Plan Commission or staff;
- When the participant utilizes the "raise hand" function within the Zoom webinar control panel, and the moderator verbally indicates that they are unmuted;
- When a phone participant dials *9 to indicate they wish to speak, and the moderator verbally indicates that their line is open.

When unmuted, all participants must state their name and address for the record, then proceed with comments or questions.

Questions and comments may also be entered into the Q&A function within the Zoom webinar control panel. Staff and/or the moderator will monitor this function during the meeting, and provide the information requested. There shall be no private messages or side conversations during the meeting utilizing the chat or Q&A functions. Chat and Q&A messages are part of the public record.

There are one or more public hearings scheduled as part of this meeting after the chair announces the public hearing staff will read the Public Hearing notice into the record. State that the hearing is open and subject to the meeting procedure above and provide a brief overview of the proposal. The Chair will then proceed with the hearing by making calls for public comment. Following the third call for public comment. The Chair will close the public hearing and proceed to consideration of the remaining agenda items.

Minutes of the August 25, 2020 meeting

Commissioner Siefert moved to approve the minutes of the August 11, 2020 meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

**PUBLIC HEARING
COMPREHENSIVE PLAN AMENDMENT
JOHN SCHLUETER, FRONTLINE COMMERCIAL REAL ESTATE
9141 S. 13TH ST.
TAX KEY NO. 877-9010-000**

Planner Papelbon read the public hearing notice into the record (see Public Hearing Notice for details).

Alderman Guzikowski made the first call to speak.

John Schlueter with Frontline Commercial Real Estate, 7265 S 1st St, Oak Creek. "I'm blessed to have been a Milwaukee County resident my entire life, and I've owned commercial real estate in Oak Creek for almost 25 years. I'm married with five kids, and love calling Wisconsin home. I would like to briefly discuss what has been proposed and have permits for the property south of Steinhafel's, and then talk about the property."

Mr. Schlueter discussed the approval to construct a 95-room Avid hotel on the southern parcel (9315 S. 13th St.). Mr. Schlueter provided an update on the parcel, including the intent to begin construction this spring. However, with COVID-19, it was thought it might be a little crazy to do. Mr. Schlueter stated that he is pleased to say that he has been in discussion every month with his two partners on the development, and plan to break ground in the spring of next year. He described the current assessment is approximately \$500,000. Mr. Schlueter and his partners believe that it will be assessed in the \$13 million range once complete. Three years after opening, they hope to build a second hotel on the site, increasing the value to \$20 to \$25 million. They are hoping to start building next year.

Mr. Schlueter explained the request to change the *Comprehensive Plan* from Commercial to Industrial. He stated that the site has a pretty long history of underutilization and, unfortunately, in some cases, mistreatment. American TV purchased this property in the mid-80s and stripped the clay out of the site to use at a different location where their retail and warehouse location was. The stripping of the topsoil from the middle three quarters of the property, and reducing many feet of clay, created water issues. Also, there was quite a bit of nuisance - dumping hundreds of tires and tree debris. When they purchased the property, they cleaned it, have been working with the Department of Transportation with bringing in clean structural fill, and plan to restore the property very close to its original elevation. It is their hope to amend the Land Use Plan from Commercial to Industrial. What is being intended for the site, if allowed, would be a warehouse for clean manufacturing with a corporate headquarter. They believe this would be an excellent use of the property for a number of reasons. It would increase tax rolls from the current \$420,000 to an

estimated \$16 to \$18 million. We believe that the Land Use Plan of Industrial would allow for long-term success. Oak Creek is currently blessed with significant competing retail along Howell Ave., the beautiful Drexel Town Square center, IKEA and surrounding IKEA. Additionally, because of COVID-19, the Amazon effect and internet retail competition in general, they are concerned about the viability of this site as retail. They hope to add a very attractive addition to the I-94 corridor, proposing construction materials of masonry and glass with significant architectural detail. They do believe industrial designation could allow for higher paying jobs than what retail could possibly offer. They are also trying to be cognizant of the needs the neighbors. Looking at the proposed site plan, with the additional fill in the northeast corner of the property, where it is adjacent to a couple of homes, the property will be ten feet below grade of the road and that will allow a very nice buffer and visual break for the neighbors. They intend to have double the landscape that you might expect for a building of this type, once again to create a welcoming environment. Per recommendations and discussion Mr. Schlueter had with some officials of Oak Creek, the lighting will be limited and the access driveway will be to employee vehicles only. Mr. Schlueter stated that he would like to share his thanks for the input that he received from members in the planning committee and certainly can answer any questions.

Alderman Guzikowski made a second call for public comment.

Dave Long stated that he has lived in Oak Creek a long time -- since the early 90 -- and grew up in South Milwaukee. He stated that he has been around here his whole life, and the land once belonged to a relative back in the 1850s. He stated that he supports it [the proposal] because he recently sold a business, which was a display business, and they supplied retail locations with fixtures and the like. The industry has changed quite a bit with what they would call the "Amazon Effect," and a lot of the retail environment has change tremendously. The number of locations of stores and stores closing - Amazon is a perfect example of what is going on in that. He stated that he was lucky to sell his business and get out of it. He stated his support because he thinks it would be a good move, it would be good for our citizens, would be good for jobs, and he is not sure if it would be a viable retail spot. The chances of that happening are less than it would have been even five years ago. He thanked the Plan Commission for their time.

Alderman Guzikowski asked if Mr. Long could state his address for the record. Mr. Long replied:"10110 S Oak Lane, Oak Creek and just down the road."

Alderman Guzikowski made a third call for public comment. There were no further comments. The hearing was closed.

**COMPREHENSIVE PLAN AMENDMENT
JOHN SCHLUETER, FRONTLINE COMMERCIAL REAL ESTATE
9141 S. 13TH ST.
TAX KEY NO. 877-9010-000**

Planner Papelbon stated that she wanted to add some staff remarks regarding the *Comprehensive Plan* Amendment consideration. The current zoning for the property is B-4, and is part of a PUD. The proposal, as we mentioned, is to change the Land Use category from Commercial to Industrial for future speculative multi-tenant industrial development that Mr. Schlueter had presented. If this is approved, this is not an endorsement of that concept plan. Future reviews would be necessary. Approval does require a majority of the entire Plan Commission. Planner Papelbon noted that there are two Plan Commissioners that are absent, and the approval will need at least five members to vote "yes" to pass this *Comprehensive Plan* Amendment.

Planner Papelbon stated that there is a bit of history of the property in terms of approvals. She mentioned that these previous approvals do not preclude any future amendment, particularly in light of some of these changes that the applicant and Mr. Long provided, regarding neighborhood and market changes. The previous approvals do provide some insight into how the Land Use Plan in the current *Comprehensive Plan* was determined. Starting in 1979 with Ordinance 805, that affected the property at 9141 (the subject property), 9191 (Steinhafel's property), and the proposed hotel property at 9315 S. 13th Street. Those permitted uses in that what used to be called an Industrial Plan Development, or IPD, included manufacturing. However, the ordinance was superseded in 1986 by Ordinance 1151, which changed the zoning of the properties at 9141 and 9191 to Commercial Planned Development. This removed the manufacturing component of the two (2) mentioned properties in that ordinance. Then in 2020, reviewed by the Plan Commission at the end of 2019, Ordinance 2961 allowed for that hotel property to be developed. It did not remove any requirements from the previous ordinances, and requirements from Ord. 1151 apply to this property. The previous *Comprehensive Plan* (2002) identified this property for Planned Business.

Planner Papelbon provided an overview of the existing context of both the property and the surrounding area. There is currently commercial on the west side of 13th Street going all the way down to Ryan Road. Within the *Comprehensive Plan* there are two important identification definitions: Commercial is partially identified and defined as "having commercial structures with businesses selling goods and services," and Industrial "allows for a mix of warehousing distribution manufacturing and processing." The full text definition of the whole category is in the report. Planner Papelbon also pointed out that there is a significant single-family residential neighborhood that is to the north and northeast, including a couple of residential properties that are immediately across the street on that northeast corner as mentioned by Mr. Schlueter. The existing industrial on the east side is for Aldi.

Planner Papelbon described the current *Comprehensive Plan* Land Use Plan for the area (See staff report), which went through an entire review and approval process. Planner Papelbon stated that just south of Ryan Rd. is also Commercial and further south is Business Park, which includes Ryan Business Park and Creekside Corporate. The uses in the surrounding area include commercial to the south towards the intersection, Steinhafel's, the tire shop, United Rentals, the granite store, and McDonalds. To the north of the subject property is vacant land and one residence, which is zoned residential and B-3, Office and Professional Business. Planner Papelbon stated that to the east and northeast is a single-family residential neighborhood going up to Drexel, which includes Riverview Estates that has some two-family residential located kitty corner to this property. Also, Aldi located to the east and southeast. The west side of 13th Street is all zoned B-4, with parcels subject to one or more PUD agreements.

Planner Papelbon provided the staff evaluation of the *Comprehensive Plan* Amendment request to change the Land Use Plan from Commercial to Industrial (See staff report), including an alternate consideration for Business Park.

Commissioner Hanna stated that she has some concerns regarding the traffic as it is close to the Ryan Rd. and 13th Street intersection. Commissioner Hanna stated that due to the current businesses and incoming businesses in the area, there will be a significant increase in traffic in regardless of the change. She stated that she feels that it will need to be closely looked at. She also expressed that it could possibly affect the residential area to the north. Commissioner Hannah stated that she will make her decision based on that.

Commissioner Carrillo expressed concerns regarding the change and traffic. She stated that she feels since the Plan Commission took so much time reviewing the *Comprehensive Plan*, changing it would not be a good idea. She also stated that there is an industrial park nearby that would be slated for this change. She said Commercial would bring in mostly car traffic, but with I-94 and the other businesses already bringing in a lot of trucks in the area, she does not support the change unless she hears more information.

Commissioner Siefert expressed concerns regarding the traffic and traffic patterns as well. He stated that a lot of changes have been made at the intersection of Ryan Road and 13th Street, and thinks it may create more confusion.

Commissioner Oldani asked who the owns the property.

Planner Papelbon replied Frontline Commercial Real Estate are the owners.

Commissioner Oldani stated that there will be an increase in traffic regardless of what type of use it is. He understands the concern with the residential being close, and major trucks in the area would be a bit of an issue. He stated that 13th Street has been talked about before, and now, and expressed that it probably needs to be modified. Commissioner Oldani asked Planner Papelbon to explain how the Business Park category might be a better option than Industrial.

Planner Papelbon explained that Business Park has a range of options in terms of what could be developed, and it would not be just Industrial. It could be a mix of uses such as offices, headquarters, manufacturing, research and development, or warehousing. Business Parks are reviewed for the overall development of the entire site, as well as each of the individual buildings. This ensures that the Business Parks are developed in a way that would consider the impact on the neighborhood from an aesthetic and functionality point of view. Planner Papelbon stated that the development will be reviewed in terms of the landscape and buffering, reduced lighting, the building design, the characteristics, and the site layout. She stated that this is done with all of the reviews, but Business Park will take all those details into consideration for the overall site. She stated the property could potentially be developed similarly to Creekside Corporate Business Park, across from Ryan Business Park, because it is a smaller-scale business park and a little bit larger than the subject property. These business parks tend to have multiple parcels, sometimes larger parcels, but there are no minimum lot size requirements for a Business Park designation. There is no regulatory aspect of the *Comprehensive Plan* for lot size.

Commissioner Oldani asked if the concept plan would be appropriate for the Business Park Land Use.

Planner Papelbon responded that it would be up to the Plan Commission to consider, and staff mentioned Business Park as an option in case Industrial was too much of a change. She stated that Industrial tends to include uses that could be considered “heavy” industrial, but it is not necessarily what is being proposed and would require Conditional Use Permit review. That use might be not be allowed with future reviews, but the Land Use category would allow for “heavy” industrial. Planner Papelbon stated that the Business Park category does allow that mix of uses as she mentioned before.

Commissioner Oldani asked whether any request for a change in land use would notify residents within 300 feet of the property. He also wondered if there has been any feedback from any residents.

Planner Papelbon answered yes to the notification question, and stated that she has one contact from someone inquiring what was being done.

Community Director Seymour provided additional clarification on why the staff offered Business Park as an option instead of Industrial. The recognition of the City-stated goals for a different caliber of use that differentiates itself from an industrial classification - like Southbranch and Northbranch, for example - and the newer design characteristics desired for business parks. It is important from the staff perspective there would be an understanding by the applicant, owners, future owners or developers of the caliber of development the City is seeking. Director Seymour stated that the Business Park designation to the south – Amazon – is a large user, and a big truck user. Staff would discourage pure logistics users at this property given locational differences in the two sites. He stated that the Business Park category would be better suited for the type of building they [the Applicants] are proposing.

Alderman Guzikowski said that everyone is aware of the traffic in the area, and it will not change. He mentioned that plans for development would have to find ways to work with the County and the State on traffic impacts. He was unsure if the TIA was requested.

Commissioner Carrillo asked why it is not left as commercial.

Planner Papelbon replied that is for the Plan Commission to consider – is it appropriate to change from Commercial. Planner Papelbon stated that the Business Park category is an option if the Commission does not feel that Industrial is an appropriate Land Use category for this particular property. If the Plan Commission does recommend this for approval, it will go to the Common Council, and that will provide another opportunity for residents and anybody in the area to provide input.

Aaron Koch, Pinnacle Engineering Group, 20725 Watertown Rd, Brookfield, WI, responded to the concerns regarding traffic. He stated that they have had a traffic consultant prepared a TIA that will be shared with the City staff once the County completes their review. He stated that industrial is typically the lowest generator of traffic compared to residential or commercial. Mr. Koch stated that changing from Commercial to Industrial would reduce the proposed traffic. The recommendation from the TIA is to continue the widening of the 13th Street, and that is part of the County's overall plan. Mr. Koch stated that the property has been zoned commercial for 25 years. The demand for commercial has fallen, while the demand for industrial has increased. He stated that he feels that it will be vacant for a long time because of the property size.

Mr. Schlueter stated that American TV had tried to sell the property as a commercial site, and had no luck because of the competition in the area. Mr. Schlueter stated that commercial traffic is usually greater than industrial and busiest evenings and weekends. Initially, the concept plans showed trucks on the northern portion of the property, but it was changed so that the trucks are 300 feet from the nearest house, and about 800-900 feet from York Street (which is the entrance to the subdivision). Mr. Schlueter stated that he would like to see a gorgeous building on the property, and is more than willing to work with the City to make it happen.

Alderman Loreck stated many of his questions and concerns had been raised by other Commissioners, and that he agrees that Industrial may not be appropriate. Considerations in his evaluation include proximity to residential, a large shift to Industrial, and his recollection of the Land Use goals in 2020 *Comprehensive Plan* to eliminate “piecemealing” of different land uses by parcel rather than cohesive land uses. He stated that while he would like to see commercial, he recognizes that such may not be feasible on the parcel. He stated that he would consider

Business Park, but that it may still be “piecemealing” one specific parcel versus keeping a cohesive commercial designation in the corridor.

Commissioner Oldani commented that while the comment was made that the parcel has been undeveloped for many years, he has seen other properties sit around longer than 26 years and now are being developed with successful commercial uses. He stated that while he feels the time is right for commercial, that is not to say that the Applicant does not have a good plan. Commissioner Oldani asked whether the staff suggested option (#2) would have been made part of the Applicant’s official request.

Planner Papelbon stated that it doesn’t necessarily be a part of the Applicant’s request, but they should provide their input as to whether they agree or support the option. From the discussion, Planner Papelbon stated that she thinks the applicant is willing to work with the Business Park destination.

Commissioner Oldani asked who decides what will go into the motion.

Planner Papelbon suggested that the Plan Commission have a conversation about which designation would be appropriate for the property before making the motion. If there is no consensus on the designation, then the motion will be made with either Industrial or Business Park, and that is what the decision will be based on.

Commissioner Oldani stated that he is honestly quite torn on all three. He agrees with Alderman Loreck that Commercial would bring some benefit for the residents. He stated that if Frontline has a plan that could bring jobs – it’s a tough decision. He stated that the Business Park designation could also be a benefit for the residents.

Commissioner Carrillo stated her comments are similar to Commissioner Oldani’s. She stated the intersection is completely different in the last six months. There may be a need to have commercial or restaurant uses to support Amazon that also have exposure to I-94. She stated that she thinks it is too early to change from Commercial because of all the recent changes in the area, and there are other options within walking distance of the property that would be suited better and match the *Comprehensive Plan*. Commissioner Carrillo stated that she is not in favor of either of the designations.

Alderman Loreck asked how long the land south of Steinhafel’s sat empty before the approval for the new hotel. Alderman Loreck questioned that if this property could possibly have a hotel if it stays as Commercial.

Planner Papelbon said that there are a couple of considerations. The property was zoned Commercial in 1986, and 13th street property did not get rezoned as part of the same PUD (but could be mistaken). She stated she cannot provide an exact timeframe for how long the property was vacant. The existing PUD would have to be amended to allow for another hotel, and the recent PUD amendment for the property at 9315 [S. 13th St.] allowed for one (1) hotel. Within the PUD, which includes this property under consideration, would have to be amended to allow a hotel on this property. But it is zoned for that kind of Commercial use. Planner Papelbon mentioned there would have to be further reviews and considerations for any future commercial developments within the PUD for the 3 parcels.

Alderman Loreck stated that from what the other Commissioners are saying, it sounds like Industrial would be hard to approve. Perhaps Business Park would be difficult to approve as well,

but Alderman Loreck stated that he feels that Business Park would have a better chance for approval than Industrial.

Alderman Guzikowski stated that he agrees with Alderman Loreck, and asked whether the rest of the Plan Commission agreed.

Commissioner Siepert stated his agreement.

Commissioner Sullivan stated that he supports what has been discussed by the Commission, and stated that there are large tracts of land due east and due north slated for single family residential in the *Comprehensive Plan*. A *Plan Amendment* requires a holistic approach, not just one parcel. Commissioner Sullivan asked how the change would affect those other parcels - would they also have to be amended in the future? Would industrial be appropriate directly adjacent to residential? Commissioner Sullivan stated that there have been a number of traffic, noise, and related complaints received from areas where industrial have been allowed adjacent to residential noise. He stated that he has concerns for a change to Industrial.

Alderman Guzikowski asked Commissioner Sullivan if he would support the change to Business Park. Commissioner Sullivan feels that such would be easier to handle, but he is undecided regarding support.

Alderman Guzikowski stated that he has received three (3) phone calls regarding the property, and those callers were not opposed to the proposal.

Mr. Schlueter stated that he is supportive of the Business Park designation and additional oversight. He stated that he owns a company that manufactures fabrics for tents, necessitating an exceptionally clean environment with no outdoor activities. The plan is for this headquarters to be located at this location. Mr. Schlueter compared the anticipated truck traffic to current levels at Oakview Business Park, stating that use of the City and County streets would be less for the subject site. He stated that he has the support of Gary Steinhafel, owner of Steinhafel's. Mr. Schlueter stated that his understanding was that the United Rentals property, with outdoor storage of heavy equipment, was an industrial designation. He stated that he is not proposing nor interested in having any user that would include outdoor storage, and would support the restriction in future approvals for a business park. Mr. Schlueter stated his intent for a beautiful building.

Commissioner Sullivan stated that he would be more supportive of the Business Park concept for the added City controls and owner responsibility for aesthetics, building materials, and similar considerations.

Commissioner Hanna moved that the Plan Commission adopts Resolution 2020-01, amending the Land Use Plan category in the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020) from Commercial to Business Park for the property at 9141 S. 13th St., following review and adoption by the Common Council. Commissioner Siepert seconded. On roll call: Alderman Loreck, Alderman Guzikowski, and Commissioner Siepert voted aye; Commissioner Hannah, Commissioner Sullivan, Commissioner Carrillo, and Commissioner Oldani voted no. Motion failed.

PLAN REVIEW
WILLIAM NELSON, CELLAR PUB
812 W. OAKWOOD RD.
TAX KEY NO. 925-9005-000

Planner Papelbon provided an overview of the plan review request for modifications/additions to the existing building (See staff report for details).

Commissioner Hanna asked if the change would be increasing size or modifying the existing space, and whether there was enough parking.

Planner Papelbon stated that the change is increasing the size a little for ADA-compliant restrooms. It will not increase the square footage of the restaurant. The open porch could possibly be a three-season room, but it will not increase the capacity of the actual restaurant. Planner Papelbon stated that staff have no concerns with traffic or parking, and the restaurant is not anticipating any more employees.

Alderman Guzikowski stated that it is long overdue, and that he thinks that many people will appreciate the change, including some accessibility.

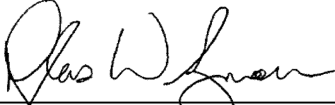
Commissioner Siepert moved that the Plan Commission approves site and building plans submitted by William Nelson, Cellar Pub, for the property at 812 W. Oakwood Rd. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the plans are revised to include locations and screening for any new mechanical equipment, transformers, and utilities (if applicable).
3. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

Alderman Loreck 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 7:22 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

9-22-20

Date