



Via Video/Phone Conference Only

Oak Creek, WI 53154

(414) 766-7000

Daniel Bukiewicz - Chair

Dawn Carrillo

Chaucey Chandler

Donald Oldani

Chris Guzikowski

Matt Sullivan

Gregory Loreck

Fred Siepert

Christine Hanna

Michael Simmons – ex-officio

Kari Papelbon – ex-officio

PLAN COMMISSION

Via Video/Phone Conference Only

January 26, 2021

6:00 P.M.

The City's Vision

Oak Creek: A dynamic regional leader, connected to our community, driving the future of the south shore.

IMPORTANT NOTICE

This meeting will be held by video/phone conference only. Persons wishing to participate in the video conference, including applicants and their representatives, must register via <http://ocwi.org/register> prior to the meeting. The video conference will begin at 5:55 PM to allow participants to log in.

Attendees who wish to participate by phone may do so by calling the City Hall, (414) 766-7000, before 4:00 PM on the day of the meeting (January 26, 2021) to obtain a meeting call-in number. To make a public comment, press *9 on your phone. The conference moderator will state when your line has been unmuted.

Persons who wish to view the meeting live without participating may visit the City of Oak Creek YouTube page at <http://ocwi.org/livestream>.

Persons requiring other reasonable accommodations may contact the City at 414-766-7000. Requests should be made as far in advance as possible, preferably a minimum of 48 hours.

Find more information on agenda items at oakcreek.zoninghub.com.

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes – January 12, 2021
4. Significant Common Council Actions
5. New Business
 - a. CONDITIONS AND RESTRICTIONS – Review conditions and restrictions for a request submitted by David Wynn, Blain Supply, Inc., for a Conditional Use Permit for outdoor storage and display of retail merchandise (trailers) on the property at 315 W. Rawson Ave. (Tax Key No. 924-9009-001).

Visit our website at www.oakcreekwi.org for the agenda and accompanying Plan Commission reports.

ZoningHub: <https://s.zoninghub.com/R7E56TBUSZ>; Twitter @OakCreekPC#OCPCFarmFleetCUP

- b. OFFICIAL MAP AMENDMENT – Review a proposed amendment to the Official Map affecting the parcels at 8100 S. 27th St. and 8100 S. Orchard Way, part of Colonial Woods Condominium Plat recorded October 30, 2007 in the Milwaukee County Register of Deeds Office as Document No. 09516206, being part of Lot 1 and part of Lot 3 of Certified Survey Map No. 7769 recorded June 07, 2006 in the Milwaukee County Register of Deeds Office as Document No. 09248022, located in the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin being more particularly described as follows:

Commencing at the Northwest corner of said Lot 1; thence North 89°-07'-25" East along the North line of said Lot 1, a distance of 678.07 feet to the point of beginning; thence continuing North 89°-07'-25" East along said North line, a distance of 60.00 feet; thence South 00°-52'-35" East, a distance of 77.65 feet; thence Southeasterly 84.26 feet on a curve to the left having a radius of 70.00 feet, the chord of said curve bears South 35°-21'-38" East, a chord distance of 79.26 feet; thence Southeasterly 512.95 feet on a curve to the right having a radius of 581.22 feet, the chord of said curve bears South 44°-33'-42" East, a chord distance of 496.47 feet; thence Southeasterly 231.77 feet on a curve to the right having a radius of 430.00 feet, the chord of said curve bears South 03°-50'-15" East, a chord distance of 228.97 feet; thence Southwesterly 58.51 feet on a curve to the right having a radius of 180.00 feet, the chord of said curve bears South 20°-54'-54" West, a chord distance of 58.25 feet; thence South 30°-13'-36" West, a distance of 9.73 feet to the North line of Phase 1 of said Colonial Woods Condominium; thence South 88°-38'-30" West along said North line, a distance of 70.43 feet; thence North 30°-13'-36" East, a distance of 46.62 feet; thence Northeasterly 39.00 feet on a curve to the left having a radius of 120.00 feet, the chord of said curve bears North 20°-54'-54" East, a chord distance of 38.83 feet; thence Northwesterly 199.43 feet on a curve to the left having a radius of 370.00 feet, the chord of said curve bears North 03°-50'-15" West, a chord distance of 197.02 feet; thence Northwesterly 460.00 feet on a curve to the left having a radius of 521.22 feet, the chord of said curve bears North 44°-33'-42" West, a chord distance of 445.21 feet; thence Northwesterly 156.48 feet on a curve to the right having a radius of 130.00 feet, the chord of said curve bears North 35°-21'-38" West, a chord distance of 147.21 feet; thence North 00°-52'-35" West, a distance of 77.65 feet to the point of beginning.

ZoningHub: <https://s.zoninghub.com/5K1FYTNP1F>; Twitter @OakCreekPC#OCPCDeckerOMA

- c. RIGHT-OF-WAY VACATION – Review a right-of-way vacation request by David Decker, Decker Properties, Inc., for part of Orchard Way as shown on Certified Survey Map No. 7769, located in the Southeast 1/4 and the Southwest 1/4 of the Northwest ¼ of Section 18, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin being more particularly described as follows:

That part of 60-foot-wide Orchard Way as shown on Certified Survey Map No. 7769 recorded June 07, 2006 in the Milwaukee County Register of Deeds Office as Document No. 09248022, bounded on the North by the North line of said Certified Survey Map No. 7769 and bounded on the South by the North line of Phase 1 of Colonial Woods Condominium Plat recorded October 30, 2007 in said Register of Deeds Office as Document No. 09516206.

ZoningHub: <https://s.zoninghub.com/9VDWKSQNEP>; Twitter @OakCreekPC#OCPCDeckerROW

- d. MINOR LAND DIVISION – Review a certified survey map submitted by Jacob Odders, Lakeshore Veterinary Real Estate OC, LLC, combining the properties at 9430 (former) & 9472 S. 27th St. (Tax Key No. 878-9000-002).

ZoningHub: <https://s.zoninghub.com/26CYX1GFBY>; Twitter @OakCreekPC#OCPLakeshoreCSM

- e. BREAK – 5 MINUTES

- f. ZONING CODE UPDATE DISCUSSION – The Plan Commission will review and discuss draft Articles 6-9 of the proposed Zoning Code with staff and consultants from Houseal Lavigne Associates. No action will be taken.

Adjournment.

Dated this 21st day of January, 2021

Posted 1/21/2021 ad

Public Notice

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000, by fax at 766-7976, or by writing to the ADA Coordinator at the Oak Creek Health Department, 8040 S. 6th Street, Oak Creek, Wisconsin 53154.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 12, 2020**

Mayor Bukiewicz 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, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Kevin Koenig, IT Manager, facilitated the video conference.

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, Siepert, 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.

Nomination and election/appointment of Secretary

Commissioner Oldani nominated Planner Papelbon as Secretary. Commissioner Siepert seconded.

Mayor Bukiewicz made two more calls for nominations. There were none.

On roll call: all voted aye. Motion carried.

Minutes of the December 8, 2020 Special Plan Commission meeting

Commissioner Siepert moved to approve the minutes of the Special Plan Commission held on December 8, 2020 meeting. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

Minutes of the December 8, 2020 meeting

Commissioner Siepert moved to approve the minutes of the December 8, 2020 meeting. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

MINOR LAND DIVISION GONZALO COUTO-LAIN 9005 & 9010 S 11TH AVE. TAX KEY NOS. 864-9003-002 & 864-9003-003

Planner Papelbon provided an overview of a Certified Survey Map requesting to combine the properties at 9005 & 9010 S. 11th Avenue (see staff report for details).

Lisa Johnson, 9036 South Carrollton Drive:

"I'm wondering about the property being wetlands and the properties that he's looking to put on this has been wetlands for how many years? Our neighbor two doors down always get their basement flooded where he's building the house right behind them. So, that has been wetlands for how many years, and all of a sudden, we got okay to build two houses on that property. The neighbor two doors to our north has always gotten their basement flooded and that's right where the house is being built. I don't you know; how could this not be a problem with these homes?"

Mayor Bukiewicz clarified this proposal is to combine the properties into one parcel, which would prevent a second house from being built. An accessory structure could possibly be built on the property in a non-wetland area.

Planner Papelbon explained there is a single-family house currently under construction between the wetlands. Between 2013 and 2015 there was a Certified Survey Map to divide the properties into two single-family residential lots. This proposal would join the properties to create one lot, and would only allow for one single-family house, which is currently under construction. The only other items allowed to be constructed on the property would be accessory structures in conformation with Code requirements and outside of wetlands.

William Seaman, 3570 E American Ave:

"I am the homeowner south of the subjective properties. My concern is my property line.

The egress, the wetlands that might be hindered by this land owner and building of homes. I know other people are concerned about flooding and I am also because my land is abutting this land. And I know that there were certain other property owners that got away with getting rid of the conservancy and I'd like to have the conservancy maintained by the DNR and also Oak Creek."

Mayor Bukiewicz asked Planner Papelbon to confirm that by combining the properties it would limit the land owner to one single-family home.

Planner Papelbon confirmed this is correct, and clarified that the wetlands are not being amended or filled. The current construction is happening between the wetlands that were delineated by SEWRPC in conformation with DNR regulations. The wetlands will not change.

William Seaman, 3570 E American Ave:

"I'm just concerned about my lot line, that I don't want disturbed by my lot line because I have a buffer zone between my lot and also this proposed lot. So, you're saying there's only going to be one home built on this lot?"

Mayor Bukiewicz confirmed.

Planner Papelbon also confirmed and reiterated that combining the lots would allow for one single-family residence, currently under construction, with no disturbance to the wetlands.

William Seaman, 3570 E American Ave:

"And that's on the location map?"

Planner Papelbon confirmed the home under construction is in the northwest corner, between the wetlands, and north of the utility easement.

William Seaman, 3570 E American Ave:

"So, just east of the cul-de-sac?"

Mayor Bukiewicz clarified that the house would be just southwest of the cul-de-sac.

William Seaman, 3570 E American Ave:

"Okay. Well the picture I have is just east of the cul-de-sac."

Alderman Guzikowski and Mayor Bukiewicz inquired if Mr. Seaman would be able to see the house under construction.

William Seaman, 3570 E American Ave:

"No, there's too much land between mine and theirs, too many trees. Check it out if I went for a drive, but I guess I will just to make sure. I'm just concerned about my lot line, that's all I'm concerned about."

Mayor Bukiewicz estimated the house is 300 feet from Mr. Seaman's lot line.

Don Hecker 9044 S. Carrollton Dr:

"My question is, I have lived here for 30 years. Two previous owners had owned that land that wanted to build houses there and they were told they could not because it was considered a wetland. Now, why is it with this owner, he was permitted permission to build, when the other two were not?"

Mayor Bukiewicz stated that he guessed that it was dependent upon the proposed location of the homes and how the wetlands were delineated, but referred to Planner Papelbon.

Planner Papelbon stated the wetland delineation was conducted in 2015. The CSM shows pockets where the wetlands are on the property, and where there are buildable areas. The current home under construction was allowed because it does not disturb any of the wetlands. This proposal would keep it as one home on one lot.

Don Hecker 9044 S. Carrollton Dr:

"But the previous owners were trying to work with the City to find a place to build a home and they said they could not. I have talked to two previous owners prior to this."

Planner Papelbon reiterated that the previous landowner divided the property, and were aware of the wetlands. These wetlands were never placed into a conservancy program, and since the wetlands that have been delineated are not being disturbed, the current landowner is allowed to develop in conformation with Code.

Don Hecker 9044 S. Carrollton Dr:

Inaudible... "not agree with it because I just don't think it's right."

Mayor Bukiewicz stated the property owner has a right to develop it as long as they meet Code.

Gonzalo Couto-Lain, property owner, 219 N. 38th St, Milwaukee:

"So, I see that we have three questions here. I would like to answer them in order. The first one was Lisa and she was talking about my neighbors or my future neighbors' basement flooding. I understand that that's been a problem there. This house has no basement. Therefore, there will not be any basement to be flooded. The second one came from William on 3570 American, I believe, though, that he's the neighbor on the southeast corner. Right, where the monument is and the house that I'm building is approximately 570 feet from his property and there's not going to be any disturbance to any of wetlands. I actually, it is my intention to conserve the wetlands and recover some of it. There's been some invasive species, vegetation, that we're going to remedy and we're in touch with some conservancy groups that are going to give us a hand and they're volunteering to help us restore wetlands through to the pristine condition as possible. And the last one about Don Hecker I, I am not sure what previous owners before 2015 had a problem with, but the people that we bought the property from which are the ones who pay to have the cul-de-sac made was that was built then there was road access to dry lands where it's possible to build. I cannot answer for what happened in the past. Right now, there is access for a driveway that's approximately 140 feet long to get into an area where there's enough space to build a house. Yeah, if they have any other questions, I'd be glad to answer them."

Alderman Loreck stated that he believes this would be a better option for neighbors as it would

limit the number of houses that could be built on that land.

Alderman Guzikowski agreed with Alderman Loreck.

Alderman Loreck moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Gonzalo Couto-Lain for the properties at 9005 & 9010 S. 11th Ave. 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 Siepert seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT
OC HOLDINGS, LLC
10001 S HOWELL AVE
TAX KEY NO. 924-9009-001**

Planner Papelbon provided an overview of the request for a Conditional Use Permit for outdoor storage of materials (crates) (see staff report for details).

Terry Baker, 10015 S Cindy Lane:

"Hi, my name is Terry Baker my address is 10015 South Cindy Lane, directly across from the facility itself. My initial concern was I didn't know what was going to be stored there. It could have been cranes or something that was sticking up in the air. I see their building, every day, it seems to me that the location that's proposed for the storage is not going to be a detriment. When I look out there I'm not going to really see it if it's on the southwest corner and if it's screened. I don't have an issue with that then. My, my main concern was what, what was going to be proposed for, for the storage. What were they going to be storing on that property?"

Mayor Bukiewicz stated that he believes it would be large mining parts.

Terry Baker, 10015 S. Cindy Lane:

"And that's absolutely fine. I just didn't know if it was going to be completed machines, cranes, something that was gonna be, you know, be an eyesore to look at."

Planner Papelbon clarified that the request would be restricted to the proposed crates. The contents of the crates are irrelevant, as long as they are not flammable or hazardous materials. Screening would be required for the crates.

Mayor Bukiewicz inquired if the height and size of the crates would be limited.

Planner Papelbon stated the Plan Commission can limit the height of the crates and what would be visible above the fence.

Mayor Bukiewicz inquired again if the Plan Commission could limit the size of the crates.

Planner Papelbon reiterated there would be a height limitation, and the Conditional Use Permit would not allow any stacking such that the crates would be visible above the fence line.

Mayor Bukiewicz asked Mr. Baker if he had anything else.

Terry Baker, 10015 S. Cindy Lane:

“Yeah, that’s it. That was just I really wanted to find out what they planned what besides crates if there was anything else that they planned on storing there and I don’t have an issue with the crates and if it’s going to be screened and, you know, kept below the fence line.”

Doug Dearborn, General Manager of Distribution and Logistics, Komatsu, W7702 Hwy. 18, Fort Atkinson, explained the proposed storage could be achieved in an aesthetically-pleasing manner. There will be no hazardous or flammable materials - only parts for shipping worldwide. Mr. Dearborn also explained that the large parts shown in the photo of Komatsu’s Milwaukee location will not be coming to the Oak Creek location. The applicants are looking to work with the City of Oak Creek on contingencies to continue the expansion.

Kevin Risch, 8308 47th Avenue, Kenosha, Senior Project Engineer, Clark Dietz Inc. representing site owner and tenant, Komatsu. There is a total of about 165 employees that work at this site. Mr. Risch explained the purpose of this expansion is to allow Komatsu to consolidate its distribution capacity. Space limitations within the existing building have led to the request of outdoor storage. The applicants intend to provide all documents referenced by Planner Papelbon in her introduction. The applicants met with Alderman Gehl to go over any concerns that he has for the neighboring properties. The applicants will look to satisfy any of those concerns. The outdoor storage area will be approximately 10% of the parcel. The addition of this pavement surface is necessary for the merger of the Milwaukee facility. The recommendation of expanding the building would have a much greater impact financially. This proposal will still meet the minimum green space requirements of the Oak Creek Code. The applicants agree to place a six-foot-high curve barrier to prevent the crates from going into the grassy area. The total number of crates will vary. Some of the items may be up to 12 feet, but that would be an exception. Komatsu would like to proceed with a vegetation-type screen as opposed to fence materials. The applicants will work with staff to make sure the lighting will not exceed the foot candles. Komatsu is looking to work with Oak Creek to meet all requirements.

Christopher Farmer, Operations Manager, 2437 Mariah Lane, Oconomowoc, is willing to propose any considerations or contingencies to Komatsu leadership to meet the requirements of Oak Creek. This is a global distribution center. Materials are brought in from all over North America and then distributed all over the world. This project is in conjunction with plans to build a new facility downtown. Komatsu is hoping to engender the relationship with Oak Creek, and hoping to gain the approval through whatever means necessary.

Commissioner Chandler asked the applicants if this storage area would only include items from the Milwaukee facility.

Mr. Farmer clarified it would be a combination of items from Milwaukee and Oak Creek. Mr. Farmer stated Komatsu is reducing its production totals at the Milwaukee plant by 40%. This will reduce the total number of crates that will be coming to the Oak Creek facility.

Commissioner Chandler inquired if this would be temporary.

Mr. Farmer stated it would be for the foreseeable future with the intent to make this location a central distribution location for Komatsu.

Mr. Dearborn stated 80% of the product would be brought to the Oak Creek location, with the other 20% going to the South Shore facility. The larger items would be housed at the South Shore facility. This would be a temporary staging area for shipping, as a continuous operation.

Commissioner Chandler asked the applicant how the crates will be contained to the defined area.

Mr. Farmer explained that disciplined lines are a huge part of the process input. Mr. Farmer continued by stating the success of Komatsu's business is strictly tied to how disciplined the material is run and moved.

Commissioner Chandler inquired why these items would be stored on the outside verses on the inside.

Mr. Farmer said it is for space allocation. About 90 - 95% of the facility is fully occupied. Komatsu intends to move in a few small operations from a packing perspective into the Oak Creek facility.

Commissioner Chandler asked the applicant why the crates are stacked so high.

Mr. Farmer clarified that the crates would not be stacked 12 feet high; however, there are some exceptions of materials that are 12 feet high. Mr. Farmer reiterated that products are usually shipped out within a few days of being packed up, and will not be stored for a long period of time.

Commissioner Chandler asked to clarify that 12 feet is just a possibility and not the norm.

Mr. Farmer confirmed it would be an exception not the rule.

Commissioner Siepert asked the applicant what inventory level is maintained in the storage area. Commissioner Siepert inquired if it fluctuated every day or if it is somewhat fixed.

Mr. Dearborn stated it is a variable, and will fluctuate based on industry activity; however, the presented plan is a maximum plan. Mr. Dearborn gave a rough estimate of 100 crates.

Commissioner Siepert asked if the crates will be closed while outside.

Mr. Dearborn stated the crates will be closed and prepared for export shipping.

Commissioner Oldani asked Planner Papelbon if the applicant would need to come back for conditions on fencing, lighting, etc.

Planner Papelbon explained if this item is recommended for Council approval, it would include draft Conditions and Restrictions for Plan Commission review at the January 26, 2021 meeting. The Conditions and Restrictions would address the staff concerns and items Komatsu has stated they are willing to provide. The whole package would go before Common Council for approval.

Alderman Guzikowski applauded Komatsu for trying to bring in more business and being a great corporate citizen; however, he stated that he has concerns regarding the outdoor storage. Alderman Guzikowski asked if anyone from the Fire Department has any concerns.

Assistant Fire Chief Havey stated that he worked with the Planning staff earlier. Fire was also concerned about the combustibility of the items being stored in the crates. The proposed products

that will be stored are non-combustible. The crates should not be stored adjacent to the structure. If the crates are being stored outside the proposed area, the Fire Department might have some more issues.

Alderman Guzikowski inquired how this would fit into the updated Zoning Code.

Alderman Loreck agreed that Komatsu seems to be a great corporate partner in Oak Creek, and would like to work with them to come to a mutual agreement. Alderman Loreck stated that he has concerns about how the outdoor storage will look; however, if something can be done to limit the visibility, he would support it.

Commissioner Sullivan stated that he is concerned that allowing businesses to create additional outdoor storage because it is the most cost-effective option is not what is best for the community. Engineering is also concerned about stormwater management, but that would be addressed when the plan comes forward.

Mayor Bukiewicz asked to confirm that the additional impervious area and asphalt would be on the west and south sides of the building.

Mr. Farmer confirmed most of the storage would be on the west and southwest sides of the building, with staging for shipping on the southeast portion.

Mayor Bukiewicz stated that he is concerned about protecting the neighbors to the north. Mayor Bukiewicz stated that he is also concerned about the lighting. Mayor Bukiewicz asked who owns the land to the west of Komatsu.

Planner Papelbon stated it is Milwaukee County-owned land.

Director Seymour stated the property was part of the land deal between Milwaukee County and Ryan Business Park. That land is currently in conservancy and will remain in conservancy.

Mayor Bukiewicz asked what is the best way to protect the Fairfield neighborhood.

Mr. Farmer stated the applicant could add a berm in that area to raise vegetation. There would potentially be some light pollution; however, that could be protected against by the type of vegetation and trees that are installed. There would be a similar plan to run parallel to Howell Avenue to make sure nothing can be seen from the southeast side.

Mr. Dearborn asked Mr. Farmer if the area on the north already has a berm and vegetation.

Mr. Farmer explained there is to a point, but it recedes. The new plan would continue that berm.

Mayor Bukiewicz inquired if the area on the north is primarily for queueing up semi-trailers.

Mr. Farmer confirmed, and reiterated that the applicants are willing to meet all conditions and contingencies that are not cost-prohibitive. The applicant is willing to have conversations about removing concrete or asphalt in order to maintain a higher level of green space.

Mayor Bukiewicz asked to confirm that if this Conditional Use Permit is approved, then the applicant would come back to Plan Commission with Conditions and Restrictions.

Planner Papelbon confirmed if this application is recommended for Council approval then staff would draft Conditions and Restrictions addressing concerns that were raised. The Conditions and Restrictions would be brought to the Plan Commission for consideration on January 26, 2021.

Mayor Bukiewicz sought confirmation that Komatsu is testing the waters before putting a lot of time and money into developing plans.

Planner Papelbon confirmed, and stated there might be some considerations to have the Plan Commission review plans once they become finalized.

Mayor Bukiewicz asked the applicant if there is any intent to get Alderman Gehl's or adjacent neighbor's input.

Mr. Farmer agreed, and stated that Alderman Gehl referenced a friend or family member that lived near the property. Mr. Farmer indicated that Alderman Gehl will be taking a very close look at the potential light pollution. The applicants are willing to canvas the neighbors for input.

Mayor Bukiewicz stated that he wants to respect the neighborhood to the north. Mayor Bukiewicz stated that he would like to have staff continue to work with Komatsu, have some control over the process, and involve the Alderman and neighbors.

Commissioner Oldani inquired what would happen if the Plan Commission approves this, but when the conditions are presented, Komatsu cannot afford to complete them. Commissioner Oldani questioned if more work needs to be done with staff to come up with a plan before the Plan Commission gets stuck in the middle.

Mayor Bukiewicz agreed with Commissioner Oldani, and explained that if the Conditional Use Permit is approved, but the Conditions and Restrictions cannot be met, the Plan Commission can say no at that point. Mayor Bukiewicz stated that decision is ultimately up to the Common Council.

Director Seymour explained there needs to be balance between the business' needs and the direction Oak Creek wants to go as a community. Komatsu is willing to look at ways to lessen the impact on the neighborhood. Director Seymour stated that he is hopeful that Komatsu is willing to extend the berm and reconfigure some of the paved areas. The presented plan is a maximum plan, and the outdoor storage could potentially be reduced on the north side to lessen the impact on the neighbors to the north.

Commissioner Chandler inquired what the difference is between this proposal and a previous proposal that was brought to the Plan Commission.

Mayor Bukiewicz explained that in the previous proposal, the applicant was looking to store the items on a parcel that was zoned as Institutional, whereas this storage would be on a parcel that is zoned M-1, Manufacturing. Mayor Bukiewicz stated that he is not sure this would be precedent-setting because individual applications would come down to location. The previous proposal also wanted to store the vehicles in a field, and the project was not following the required intervals. Mayor Bukiewicz asked to confirm that the motion is made in the affirmative, and the Commissioners would vote accordingly.

Planner Papelbon confirmed the motion is made in the affirmative, and if Commissioners do not support it they would vote no.

Commissioner Chandler inquired if there is a way to identify how much product would be allowed on the property.

Planner Papelbon clarified that the site plan identifies the proposed asphalt area. The Plan Commission can discuss scaling that area back; however, limiting the number of products is more difficult in terms of enforcement - the City will not be going out and counting all the crates. Staff was seeking delineation, curbing, or other physical barrier to prevent drifting of the crates. There would be a maximum height allowed in this area. Staff is concerned about temporarily having items that are higher than the height of the fence. These items would be addressed in the Conditions and Restrictions.

Director Seymour explained this is a Conditional Use Permit, and state law allows the City to set time limits. Director Seymour suggested a time limit could be added so the Plan Commission and City can revisit this item. If Komatsu leaves the facility, the Conditional Use Permit will go away. Director Seymour believes if the Plan Commission and Common Council feel this appropriate, staff can get to a level of detail that allows the City to properly enforce it.

Mr. Farmer reiterated that the storage will be on the westernmost side and the southwest corner - the other areas will be used for staging and loading trucks.

Commissioner Oldani moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for outdoor storage of materials on the property at 10001 S. Howell Ave., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Commission's review at the next meeting (January 26, 2021). Planner Papelbon clarified that the motion should read, "...a Conditional Use Permit for outdoor storage..." Planner Papelbon also specified that materials are crates. Commissioner Oldani made the motion as amended. Alderman Loreck seconded. On roll call: Commissioner Hanna - no, Commissioner Sullivan - no, Commissioner Carrillo - aye, Alderman Loreck - aye, Mayor Bukiewicz - aye, Alderman Guzikowski - no, Commissioner Oldani - no, Commissioner Siefert - aye, and Commissioner Chandler - no. Motion failed (4 – aye, 5 – no).

**CERTIFIED SURVEY MAP
BLAIN SUPPLY, INC.
501 & 315 W. RAWSON AVE
TAX KEY NO. 765-9046-000 & 765-9994-000**

Planner Papelbon provided an overview of the Certified Survey Map request to combine the properties at 501 & 315 W. Rawson Ave. (see staff report for details).

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by David Wynn, Blain Supply, Inc., for the properties at 501 & 315 W. Rawson Ave. be approved with the following conditions:

1. That a 10-foot-wide public utility easement along the entire north property line is added to the map prior to recording.
2. That all technical corrections, including, but not limited to spelling errors, minor coordination geometry conditions [Note: the written motion states, "minor coordinate geometry corrections], and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW
BLAIN SUPPLY, INC
501 & 315 W. RAWSON AVE
TAX KEY NO. 765-9046-000 & 765-9994-000**

Planner Papelbon provided an overview of the site, building, and related plan review for proposed additions to the existing building and an expansion of the existing parking lot (see staff report for details).

Commissioner Chandler asked the applicant if the garden center will be replaced somewhere else.

David Wynn, Senior Design Manager for Blain's Supply Farm and Fleet, 10579 Chicory Ridge Way, Roscoe, Illinois, stated that this location has not had a garden center in the last four or five years. There are no immediate plans for bringing in a garden center.

Commissioner Chandler inquired if the trailers are currently being sold on the property.

Mr. Wynn confirmed they are currently being sold on the other end of the property in a fenced-in area. The applicant is hoping to move the trailers to the other end, and have a permanent area for trailer sales.

Commissioner Chandler asked Planner Papelbon to show the Plan Commission the locations of the previous and proposed trailer sales areas.

Planner Papelbon referenced the aerial photo to show the trailers moving from the west end of the lot to the east end.

Commissioner Chandler asked to confirm the trailers would be near the canopy.

Planner Papelbon confirmed this is correct.

Commissioner Chandler asked the applicant to provide more information regarding the new parking spaces.

Mr. Wynn clarified that the plan displayed by Planner Papelbon is an original submission. The landscape plan shows the revised design that includes an island with trees.

Commissioner Oldani stated that he likes the proposed plan. Commissioner Oldani suggested reversing the "in" and "out" of the proposed drive-through to accommodate more vehicles that could be in line waiting.

Mayor Bukiewicz agreed with Commissioner Oldani's suggestion.

Mr. Wynn explained that with the two-wide driveway there is quite a bit of stacking room available.

Alderman Guzikowski agreed with Commissioner Oldani, and inquired about how the tire sale would be included with this new design.

Mr. Wynn stated that the Service Center is located on the other side of the building, and typically the tires go hand-in-hand with the Service Center.

Planner Papelbon read Sara Iverson Smith's response from the Q&A box: "The reason we have the double access adjacent to the store is that we load up from the building, especially salt and bulk."

Mayor Bukiewicz stated that he believes this is a nice design and helps solve the trailer issue. Mayor Bukiewicz asked the applicant where he is going to store the trailers, and if there will be a limit.

Mr. Wynn stated that he is not certain how many trailers will be in the parking lot. He estimated that there might be 30 trailers at the most, and they would not be stacked [in the parking stalls].

Mayor Bukiewicz inquired if the trailers would be secured in any way.

Mr. Wynn stated that he believes the trailers will be chained up.

Mayor Bukiewicz asked staff if the driveway of the existing house that Blain's is acquiring will be removed.

Planner Papelbon confirmed the driveway access will be removed.

Planner Papelbon read more responses from Ms. Iverson Smith (Q&A box):

"It's long overdue for the canopy. The double lanes were installed in the most recent store in Grand Rapids to great success. To clarify, about 10 trailers will be stored outside."

Planner Papelbon stated she did a quick count on the landscape plan, and along the east side there are 23 striped stalls and eight parallel parking stalls.

Planner Papelbon continued to read responses from Ms. Iverson Smith (Q&A box):

"There's typically not a lot more than what [they] have now. And yes, they are all chained together."

Mayor Bukiewicz asked to confirm if the existing house would be razed.

Planner Papelbon confirmed.

Mayor Bukiewicz asked Mr. Wynn if Blain's would be interested in lending it [the house to be razed] to the community for fire training purposes. Mayor Bukiewicz asked Assistant Fire Chief Havey if there would be any interest in that.

Assistant Fire Chief Havey stated it might be difficult to get the permitting to do a house burn on a main thoroughfare such as Rawson Avenue; however, for just training in general, the Fire Department would take advantage of that opportunity if available. Assistant Fire Chief Havey said he would get in touch with Farm and Fleet.

Mr. Wynn stated it is something that can be discussed.

Planner Papelbon read a comment in from Ms. Iverson Smith (Q&A box):

“We could, as long as it would be completed before we need to start construction. [They’ll] discuss it with legal counsel if interested, and if it passes, they will be able to complete the sale and follow up.”

Alderman Loreck moved that the Plan Commission approves the site and building plans submitted by David Wynn, Blain Supply, Inc., for the properties at 501 & 315 W. Rawson Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That permits are obtained for all proposed signs.
3. No outdoor storage is approved as part of this plan. All requests for outdoor storage and display of retail merchandise shall require Conditional Use Permit in conformance with applicable Code requirements.
4. That all light sources are shielded and directed downward, that the color temperature of the fixtures are limited to a maximum of 3,500 Kelvins, and that light sources adjacent to the existing single-family residence to the east are shielded on the side of the fixture adjacent to the residence.
5. That the landscape plans are revised to incorporate staff comments and Code requirements.
6. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT
BLAIN SUPPLY, INC.
315 W RAWSON AVE
TAX KEY NO. 924-9009-001**

Planner Papelbon provided an overview of the request for a Conditional Use Permit to allow outdoor display of retail merchandise (trailers) on the east side of the Farm & Fleet parking lot on the properties located at 501 & 315 W. Rawson Ave. (see staff report for details).

Commissioner Sullivan stated that he believes this is a good solution to a temporary issue the City has been dealing with for a while. Every other Farm and Fleet store in the state has some form of outdoor storage for their trailers.

Commissioner Chandler asked the applicant to provide more information about the screening.

Mr. Wynn stated the screening will be handled mostly with landscaping along the property line. The applicant will be adding trees to the existing trees.

Commissioner Chandler asked if there will be viewing of the trailers at night.

Mr. Wynn stated customers will be able to view the trailers during normal business hours.

Commissioner Chandler asked the applicant what the signage will look like to show these trailers are for sale.

Mr. Wynn stated it would be small signage on each trailer listing a price. There will not be large signage directing customers.

Commissioner Chandler asked if this is what is currently being done with the trailers for sale.

Mr. Wynn confirmed that it is.

Commissioner Chandler asked Planner Papelbon if it is acceptable to have a sign on each trailer.

Planner Papelbon explained the sign will be advertising the price and some details of the trailers for sale. She stated that she believes it would be the equivalent of a window sticker on a vehicle for sale.

Mayor Bukiewicz asked to clarify the allowed merchandise covered by this permit.

Planner Papelbon stated the permit would be specific to trailers - no other merchandise. Trailers were specified in the request.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit Amendment to allow outdoor display of retail merchandise (trailers) on the property at 501 & 315 W. Rawson Ave., after a public hearing and subject to Conditions and Restrictions that will be that will be prepared by [Note: the written motion stated "for," not "by"] the Plan Commission's review at the next meeting (January 26, 2021). Alderman Guzikowski 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 8:29 pm.

ATTEST:

Douglas Seymour, Plan Commission Secretary

1-20-21

Date

Summary of Significant Common Council Actions

January 19, 2021

- **APPROVED** – Ordinance No. 2994, approving a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities for the property at 10303 S. Oakview Parkway.
- **APPROVED** – Ordinance No. 2995, approving a rezone of the property at 7140 S. 13th St., from Rs-3, Single Family Residential to B-4, Highway Business, (NO CHANGE to the FW, Floodway District).
- **APPROVED** – Ordinance No. 2996, approving an amendment to remove the property at 9141 S. 13th St., from the existing Planned Unit Development.
- **APPROVED** – Ordinance No. 2997, approving a rezone of the property at 9141 S. 13th St. from B-4, Highway Business to M-1, Manufacturing.
- **APPROVED** – Resolution No. 11218-011921, approving a Minor Land Division (Certified Survey Map) submitted by Gonzalo Couto-Lain for the properties at 9005 and 9010 S. 11th Ave.
- **APPROVED** – Resolution No. 12219-011921, approving a Certified Survey Map submitted by David Wynn, Blain Supply, Inc., for the properties at 501 and 315 W. Rawson Ave.



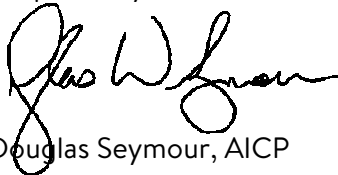
Kari Papelbon, CFM, AICP
Planner

January 12, 2021 review mistakenly stated that the minimum parking setback was 30 feet to Rawson Ave. right-of-way. The correct minimum parking setback, reflected in the Conditions and Restrictions, is 25 feet.

If the Commission is comfortable with the Conditions and Restrictions, the appropriate action would be to recommend that the Common Council approve them as part of the Conditional Use Permit.

Options/Alternatives: The Plan Commission has the discretion to approve the plans as presented, approve with specified conditions, or disapprove the proposal. Should the request not be approved, Plan Commissioners must provide the Code Sections upon which the denial is based so that the Applicant may revise and resubmit (if necessary).

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



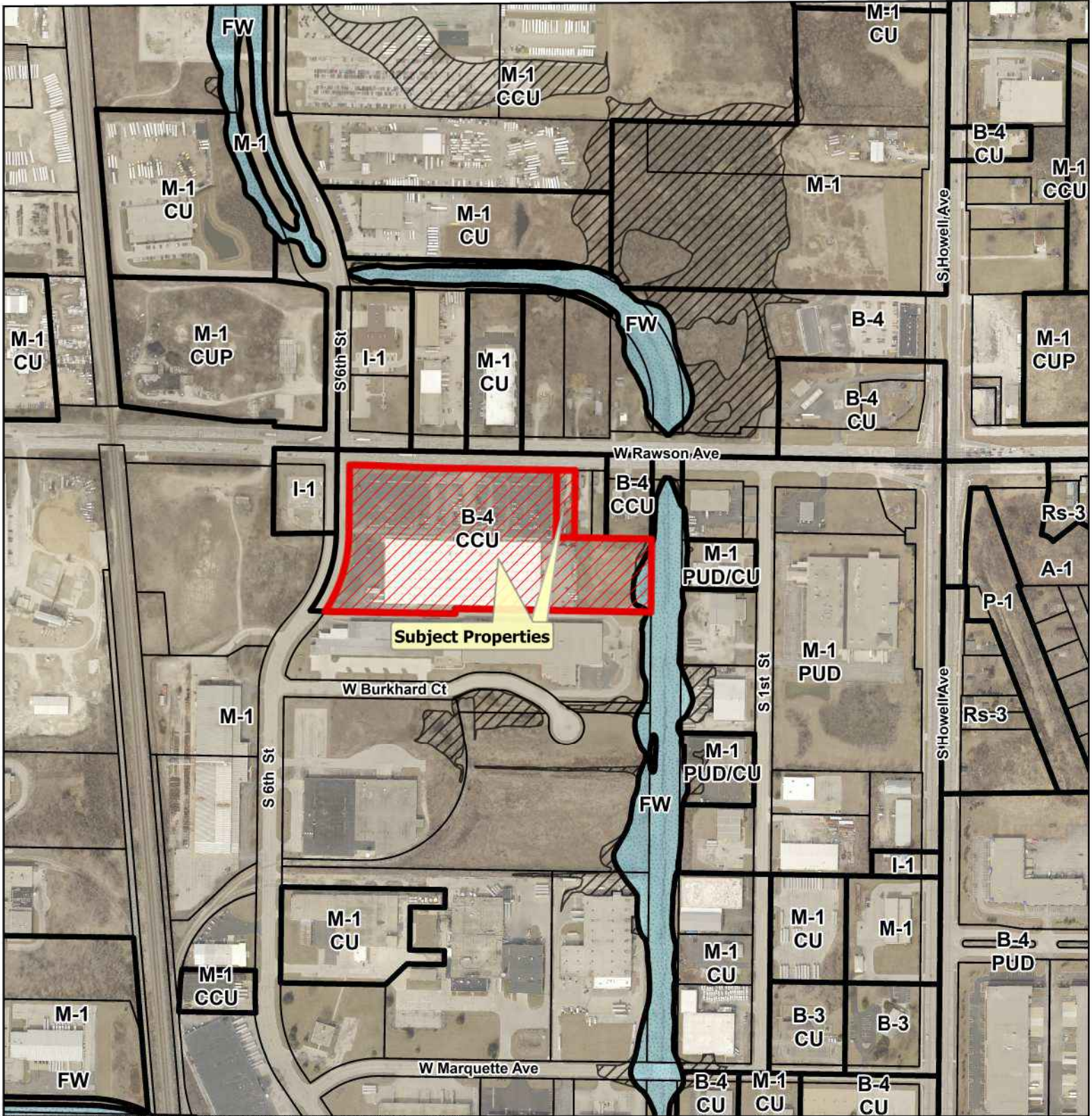
Kari Papelbon, CFM, AICP
Planner

Attachments:

- Location Map
 - Draft Conditions and Restrictions (6 pages)
-

LOCATION MAP

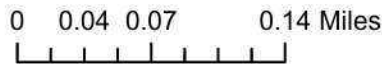
501 & 315 W. Rawson Ave.



This map is not a survey of the actual boundary of any property this map depicts.



Community Development



Legend

- Parcels
- Zoning
- Official Map
- Floodway
- Flood Fringe
- Subject Properties

City of Oak Creek – Conditional Use Permit (CUP)
DRAFT Conditions and Restrictions

Applicant:	David Wynn, Blain Supply, Inc.	Approved by Plan Commission: TBD
Property Address:	501 & 315 W. Ryan Rd.	Approved by Common Council: TBD
Tax Key Number:	765-9046-000 & 765-9994-000	(Ord. TBD)
Conditional Use:	Outdoor storage and display of retail merchandise (trailers only)	

1. LEGAL DESCRIPTION

Lot 1 of Certified Survey Map to be recorded, combining the properties at 501 & 315 W. Rawson Ave.

Parcel 1 of Certified Survey Map No. 6758, recorded as Document No. 7844390, and lands, all in the Northeast ¼ and Northwest ¼ of the Northeast ¼ of Section 8, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the North ¼ corner of said Section 8; thence South 88°55'04" East, 300.00 feet along the north line of said Northeast ¼ section; thence South 0°40'41" West, 60.00 feet to the south line of C.T.H. "BB" – West Rawson Avenue and to the point of beginning; thence South 88°55'04" East, 96.00 feet along said south line; thence South 87°27'24" East, 196.10 feet along said south line; thence South 88°55'04" East, 596.00 feet along said south line; thence South 0°40'41" West, 265.87 feet to a north line of said Parcel 1 of Certified Survey map No. 6758; thence South 88°56'07" East, 312.50 feet along said north line to the east line of said Parcel 1: thence South 0°30'34" West, 290.01 feet along said east line to the north line of Parcel 1 of Certified Survey map No. 6798; thence North 88°59'07" West, 776.34 feet along said north line; thence South 0°04'41" West, 20.00 feet along said Parcel 1; thence North 88°59'07" West, 516.06 feet along said north line to the easterly line of South 6th Street and the beginning of a 575.00 foot radius curve to the left, whose chord bears North 17°01'15" East, 323.59 feet; thence northwesterly 328.02 feet along said easterly line and the arc of said curve; thence North 0°40'41" East; 271.14 feet along said easterly line to the point of beginning.

Said parcel contains 603,696 square feet or 13.859 acres of land, more or less.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. The site and building containing this Conditional Use shall be constructed and maintained in accordance with plans approved by the City of Oak Creek Plan Commission on January 12, 2021.
- C. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1. General Development Plan

- a. Detailed building/structure location(s) with setbacks
- b. Square footage of all buildings/structures
- c. Area(s) for future expansion
- d. Area(s) to be paved
- e. Access drive(s) (width and location)
- f. Sidewalk location(s)

2. Landscape Plan

- a. Screening plan, including parking lot & utilities screening/berming
- b. Planting number, sizes, types, & details
- c. Percentage open/green space

3. Building Plan

- a. Architectural elevations (w/dimensions)
- b. Building floor plans

- g. Parking layout and traffic circulation
 - i. Location(s) and future expansion
 - ii. Number of employees and/or patrons
 - iii. Number of parking spaces
 - iv. Dimensions
 - v. Setbacks
- h. Location(s) of loading berth(s)
 - i. Sanitary sewer (existing & proposed)
 - j. Water (existing & proposed)
 - k. Storm sewer (existing & proposed)
 - l. Wetland boundaries (field verified)
 - m. Flood hazard area boundaries
 - n. Location(s) & details of sign(s)
 - o. Location(s) & details of proposed fences/gates/walls
- c. Construction materials, colors, percentages

4. Lighting Plan

- a. Types & color of fixtures, shields
- b. Mounting heights
- c. Type, height, and color of poles
- d. Photometrics of proposed fixtures

5. Grading, Drainage, & Stormwater Management Plan

- a. Contours (existing & proposed)
- b. Storm sewer (existing and proposed)
- c. Stormwater management structures and basins/green infrastructure (if required)

6. Fire Protection

- a. Locations of existing & proposed fire hydrants
- b. Interior floor plan(s)
- c. Materials of construction

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the B-4, Highway Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. One (1) area for the outdoor storage and display of retail merchandise is allowed, limited to the following:
 - i. Outdoor storage shall be limited to the parking and display of trailers for sale by the business.
 - ii. Trailers for sale shall be located in a maximum of 28 designated & striped stalls on the east portion of the property in the expanded parking lot area approved by the Plan Commission on January 12, 2021. No trailers for display/storage shall be located in the three (3) parking stalls (on the east) north of the landscape island. See Exhibit A (enlarged).
 - iii. There shall be no parking or storage of other vehicles, equipment, merchandise, parts, supplies, or any other materials in the approved outdoor storage area.
 - iv. Drive aisles shall be kept clear at all times.
- C. No pennant flags, light pole flags, permanent banners, flashing/blinking signs, or new pole signs

shall be permitted as part of this development. All other signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code (as amended).

- D. Solid waste collection and recycling shall be the responsibility of the owner.
- E. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

- A. Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended).
- B. Landscaping shall be provided for all parking areas in accordance with Sections 17.0403(g),(h) and 17.1010 (as amended), and all Plan Commission approvals (plans reviewed January 12, 2021).

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code (as amended), these Conditions and Restrictions, and plans approved by the Plan Commission January 12, 2021.
- B. All light sources shall be shielded and directed downward, and light sources adjacent to the single-family residence to the east shall be shielded on the side of the fixture adjacent to the residence.
- C. The color temperature of the fixtures shall be limited to a maximum of 3,500 Kelvins.

6. SETBACKS**

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	25 ft	25 ft	15 ft
Accessory Structure*	25 ft	20 ft	10 ft
Parking	25 ft	10 ft	10 ft
Outdoor Storage	25 ft	10 ft	10 ft

*No accessory structures shall be permitted in the front yard or in required buffer yards.

**See Ord. 1068 for setback requirements in addition to Sec. 17.0315(f).

7. TIME OF COMPLIANCE

The operator(s) of the Conditional Use Permit shall commence work in accordance with these conditions and restrictions for the Conditional Use Permit within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit. This Conditional Use Permit approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building, occupancy, or other required permit has not been issued for this use OR if the use has not been established prior to the expiration of this Conditional Use Permit. The applicant shall re-apply for a Conditional Use approval prior to recommencing work, construction, or establishing the use.

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to ten (10) years from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

10. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City Ordinances.

11. REVOCAION

Should an applicant, his heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in Section 17.1007 of the Municipal Code (as amended).

12. ACKNOWLEDGEMENT

The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

Owner / Authorized Representative Signature

Date

(please print name)

EXHIBIT A: SITE PLAN REVIEWED JANUARY 12, 2021

(For illustrative purposes only. Detailed plans in accordance with these Conditions and Restrictions, the City of Oak Creek Municipal Code, and Conditions of Plan Commission approval forthcoming.)

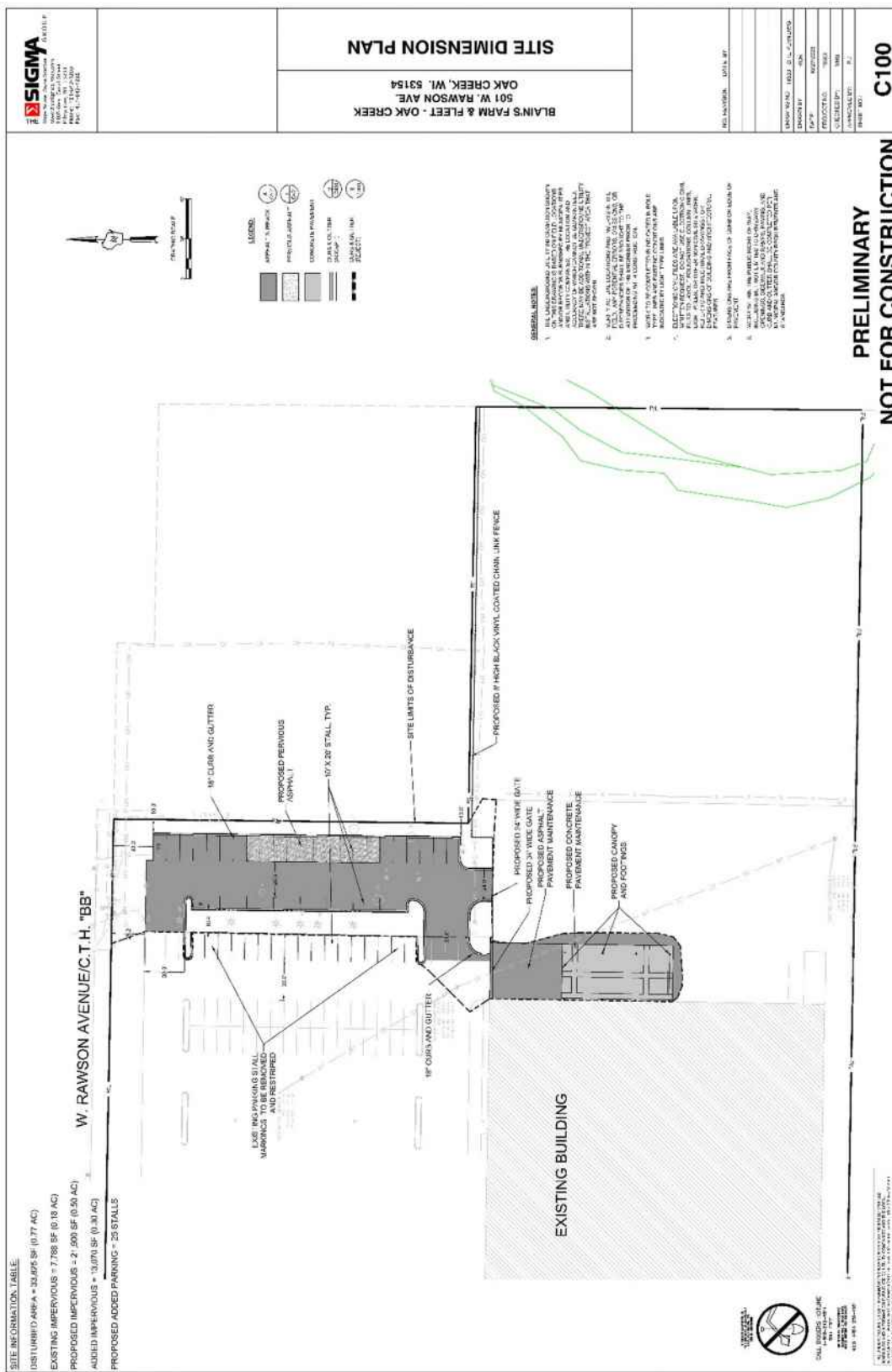
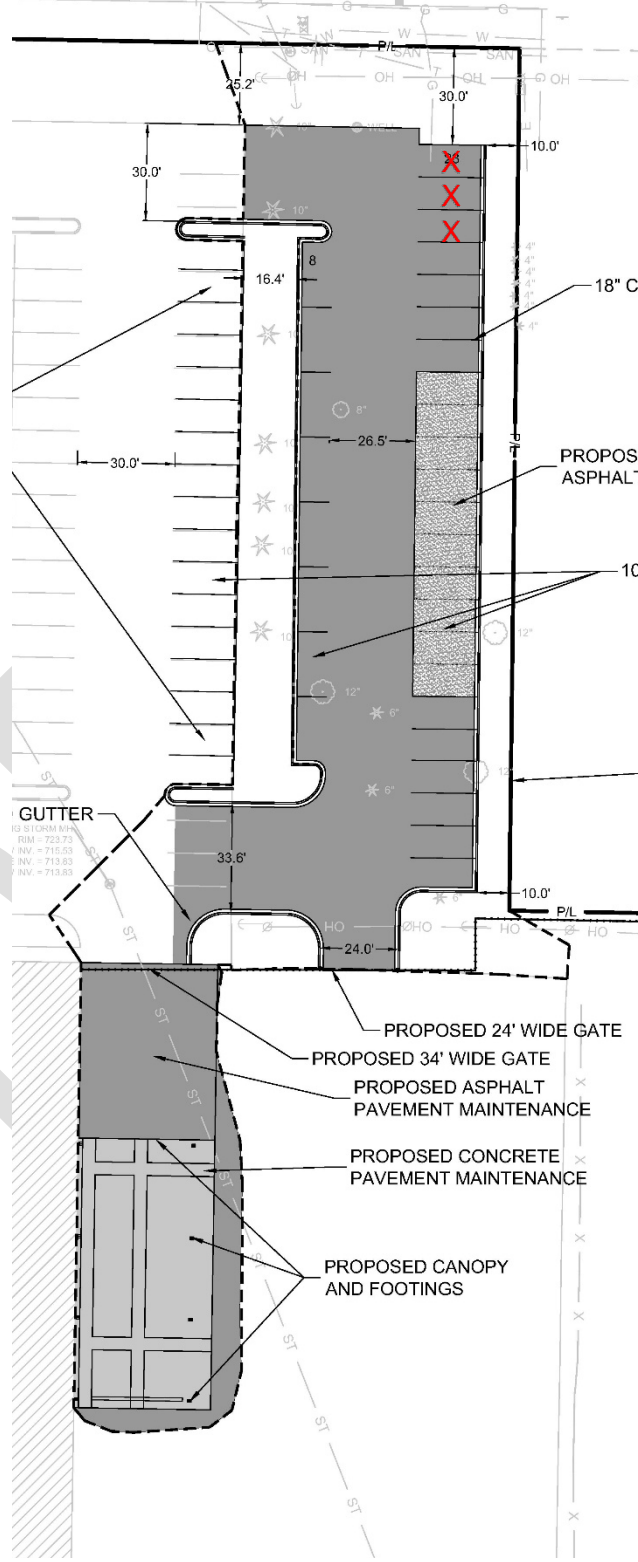


EXHIBIT A: SITE PLAN REVIEWED JANUARY 12, 2021 (ENLARGED)

(For illustrative purposes only. Detailed plans in accordance with these Conditions and Restrictions, the City of Oak Creek Municipal Code, and Conditions of Plan Commission approval forthcoming.)

AVENUE/C.T.H. "BB"



X = No trailer display or storage



PLAN COMMISSION REPORT

Proposal: Official Map Amendment – 8100 S. 27th St. and 8100 S. Orchard Way

Description: Review a request by David Decker, Decker Properties, to remove and reconfigure a portion of the future street pattern on the Official Map affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way.

Applicant(s): David Decker, Decker Properties

Address(es): 8100 S. 27th St. and 8100 S. Orchard Way

Suggested Motion: That the Plan Commission recommends to the Common Council that the Official Map for a portion of the mapped, unimproved future right-of-way affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way-be amended as illustrated, after a public hearing.

Owner(s): DM Investment Real Estate, LLC

Tax Key(s): 810-9012-001 & 810-9013-001

Lot Size(s): 20.640 ac & 3.999 ac

Current Zoning District(s): A-1, Limited Agricultural

Overlay District(s): N/A

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Multifamily

Background:

The Applicant is requesting an amendment to the future road pattern on the Official Map as it relates to the properties at 8100 S. 27th St. and 8100 S. Orchard Way. The officially-mapped street pattern, which effectively divides the two properties, shows the continuation of S. Orchard Way from the shared property line with the Colonial Woods Condominium properties on the south to the north property lines. Originally, Orchard Way was to continue north to Drexel Ave.; however, as part of the Tri Party Exchange Agreement amongst the City, Milwaukee County, and Northwestern Mutual, the properties to the north were acquired

for regional stormwater purposes. It was recognized by the Applicant, the City, and WisDOT that discontinuing that future street pattern completely was not in conformance with the Comprehensive Plan goals for connected neighborhoods, nor was it in conformance with WisDOT's 27th Street Access Management Plan. After thoughtful consideration, the plan presented for Plan Commission consideration proposes to reconfigure the future extension of Orchard Way in an arc parallel to the wetland (west) before proceeding north to the property line in (roughly) the center of the property. This more closely aligns with the WisDOT Plan for future connectivity, while achieving the goals of the Comprehensive Plan and future development of the properties. The remaining connection west to S. 27th St. would be private with a public access easement. Vacation of the right-of-way in conjunction with this Official Map Amendment request is the next agenda item for Plan Commission consideration.


While not part of the Plan Commission's consideration of this review, an additional Exhibit is included with this report depicting how the proposed future extension of Orchard Way in the Applicant's request could connect to potential future public streets in accordance with the WisDOT 27th Plan. This is purely conceptual at this point, and would require future reviews and approvals as part of a formal proposal; however, it is provided to illustrate a more holistic view of potential future connectivity for the area.

When considering a proposal to amend the Official Map, the Commission should consider the impact on the ability to logically develop adjacent properties in accordance with the existing Official Map. Nearby property owners may have an interest in maintaining certain aspects of an Official map if it provides them the future opportunity to subdivide their property in a cost-effective manner. If a person is proposing to remove this opportunity, or to alter it, they need to demonstrate that any adverse effects on the property owners involved would be offset by the benefit to the neighborhood. In other words, a property owner should not be able to amend the Official Map to maximize the development potential of his or her property at the detriment of surrounding properties.

Should the Plan Commission determine that the proposed amendment to the Official Map is acceptable, a motion is provided above.

Options/Alternatives: The Plan Commission has the discretion to recommend or not recommend Common Council approval of the Official Map Amendment request. Should the request not be recommended for Council approval, Plan Commissioners must provide the Code Sections upon which the denial is based. Alternatively, the Plan Commission may direct staff to change the proposal to incorporate specific comments.

Respectfully submitted:



Douglas Seymour, AICP

Prepared:



Kari Papelbon, CFM, AICP

Director of Community Development

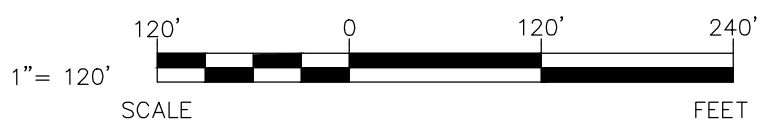
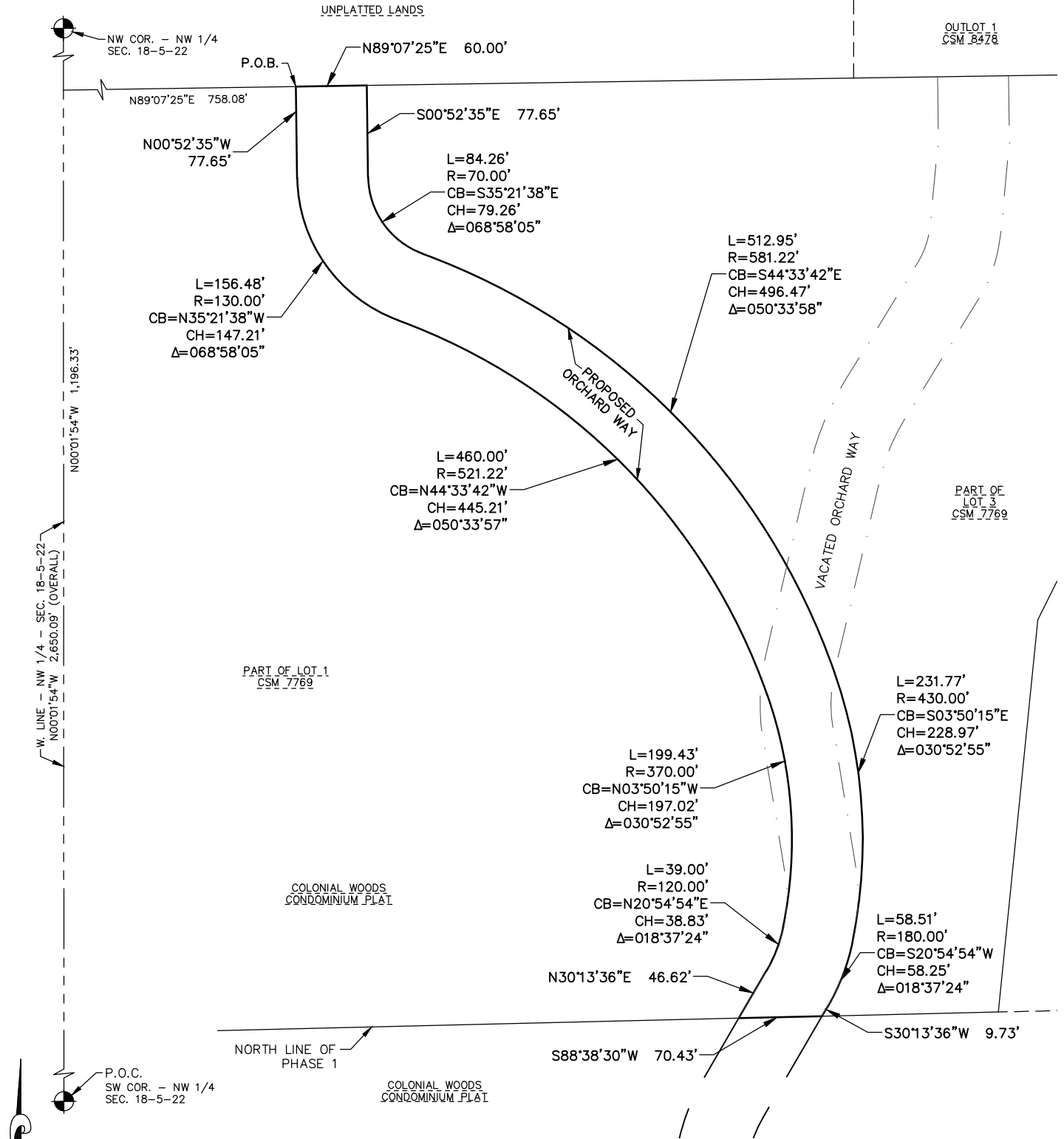
Planner

Attachments:

Location Map

Exhibits

EXHIBIT





EXCEL
ARCHITECTS • ENGINEERS • SURVEYORS

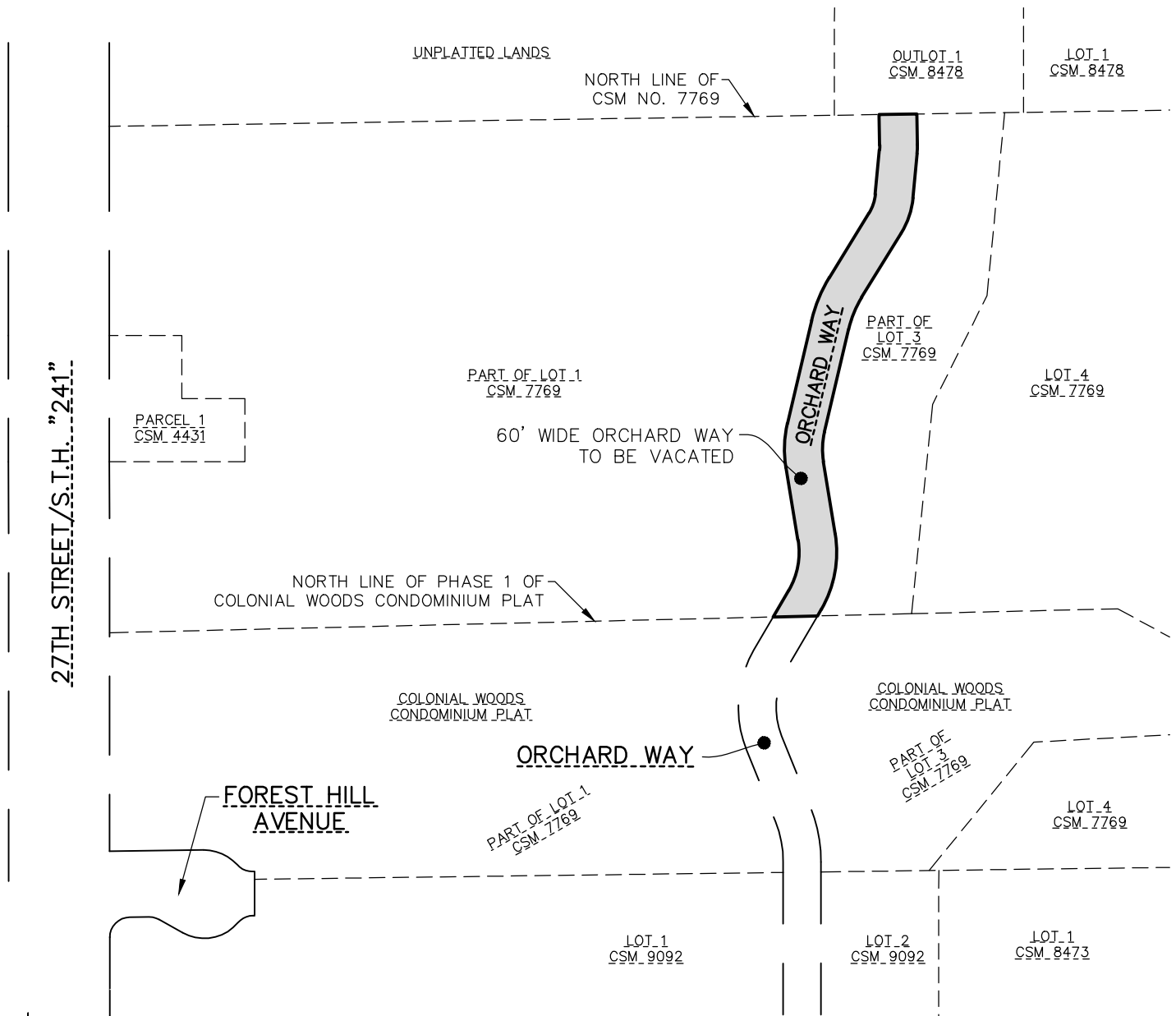
100 Camelot Drive
Fond Du Lac, WI 54935
Phone: (920) 926-9800
www.EXCELENGINEER.com

Always a Better Plan

JOB NO. 1927520

ORCHARD WAY VACATION EXHIBIT

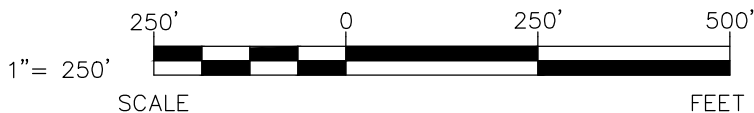
PART OF CSM NO. 7769

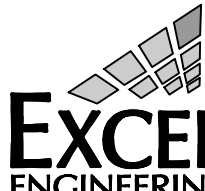


Orchard Way Vacation Legal Description

Part of Orchard Way as shown on Certified Survey Map No. 7769, located in the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin being more particularly described as follows:

That part of 60 foot wide Orchard Way as shown on Certified Survey Map No. 7769 recorded June 07, 2006 in the Milwaukee County Register of Deeds Office as Document No. 09248022, bounded on the North by the North line of said Certified Survey Map No. 7769 and bounded on the South by the North line of Phase 1 of Colonial Woods Condominium Plat recorded October 30, 2007 in said Register of Deeds Office as Document No. 09516206.



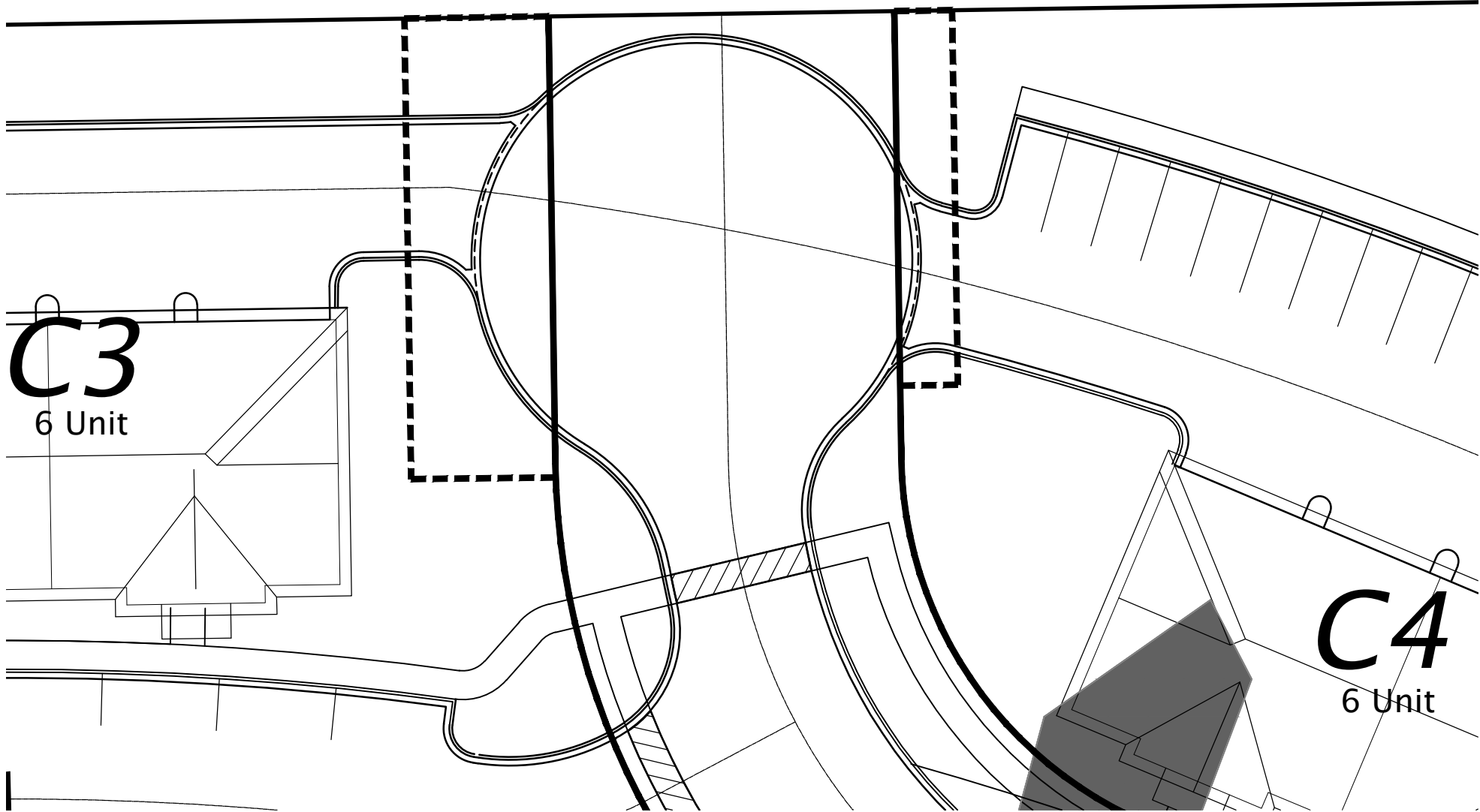


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FOND DU LAC, WI 54935
PHONE: (920) 926-9800
FAX: (920) 926-9801

**EXCEL
ENGINEERING inc.
SURVEYING GROUP**

PROJECT NO. 1927520



W. Drexel Avenue

north-south road to line up with Drexel Avenue median opening and turn lane per WisDOT 27th Street Access Management Plan

S. 27th Street (STH 241)

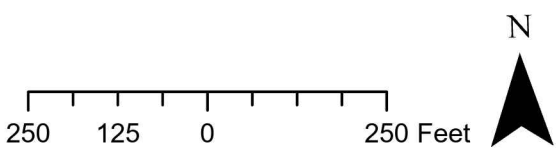
Falk Park

W. Villa Drive

east-west street aligns with Villa Drive full intersection per WisDOT Access Management Plan

Exhibit A Proposed Official Map

--- Proposed Officially Mapped Street



S. Orchard Way

W. Forest Hill Avenue

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



PLAN COMMISSION REPORT

Proposal: Right-of-Way Vacation – 8100 S. 27th St. and 8100 S. Orchard Way

Description: Review a request by David Decker, Decker Properties, to vacate a portion of the existing mapped, unimproved future right-of-way and approve the concept plan for the relocated future public right-of-way affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way.

Applicant(s): David Decker, Decker Properties

Address(es): 8100 S. 27th St. and 8100 S. Orchard Way

Suggested Motion: That the Plan Commission recommends to the Common Council that the 60-foot-wide unimproved right-of-way (Orchard Way) dedicated on CSM No. 7769 and affecting a portion of the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 18 (between 8100 S. 27th St. and 8100 S. Orchard Way, see Exhibit A) be vacated after a public hearing, subject to the following condition:

That the future public right-of-way as shown in Exhibit B is dedicated by CSM prior to or concurrent with the Common Council hearing for the right-of-way vacation.

Owner(s): DM Investment Real Estate, LLC

Tax Key(s): 810-9012-001 & 810-9013-001

Lot Size(s): 20.640 ac & 3.999 ac

Current Zoning District(s): A-1, Limited Agricultural

Overlay District(s): N/A

Wetlands: Yes No **Floodplain:** Yes No

Comprehensive Plan: Multifamily

Background:

In April of 2006, the Common Council approved CSM No. 7769 (see attached), which dedicated the northern extension of Orchard Way between the properties at 8100 S. 27th St. and 8100 S. Orchard Way for

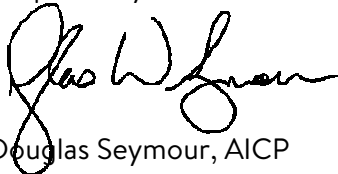
public street purposes. As was mentioned in the report for the Official Map Amendment, Orchard Way was originally intended to continue north to Drexel Ave.; however, as part of the Tri Party Exchange Agreement amongst the City, Milwaukee County, and Northwestern Mutual, the properties to the north were acquired for regional stormwater purposes. Rather than eliminate the public right-of-way altogether, the concept plan proposes to reconfigure the future public extension of Orchard Way in an arc parallel to the wetland (west) before proceeding north to the property line in roughly the center of the property (see attached Exhibits). Included with this report, as with the previous report for the Official Map Amendment, is the Exhibit showing the potential future public street pattern in relation to the proposed relocated Orchard Way extension (for conceptual illustrative purposes only).

The Engineering Department has been working closely with the Applicant's consultants to design a temporary cul-de-sac on the property until such time as Orchard Way would be extended in compliance with the WisDOT Plan. The remaining connection west to S. 27th St. would be private with a public access easement. Dedication of the new public street configuration would be via a forthcoming CSM. Due to the presence of public utilities on the south, a condition of approval has been recommended for Plan Commission consideration requiring the dedication of the future right-of-way prior to or concurrent with the Common Council hearing for the proposed vacation. In effect, this would prevent the loss of dedicated public right-of-way should the dedication of the reconfigured future public right-of-way not occur.

Should the Plan Commission determine that the proposed Right-of-Way Vacation and concept plan for the future public right-of-way are acceptable, a motion is provided above.

Options/Alternatives: The Plan Commission has the discretion to recommend or not recommend Common Council approval of the Right-of-Way vacation request. Should the request not be recommended for Council approval, Plan Commissioners must provide the Code Sections upon which the denial is based. Alternatively, the Plan Commission may direct staff to change the proposal to incorporate specific comments. Denial would affect the anticipated multifamily residential development, and may result in the existing vacant and underutilized conditions of the properties to remain.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



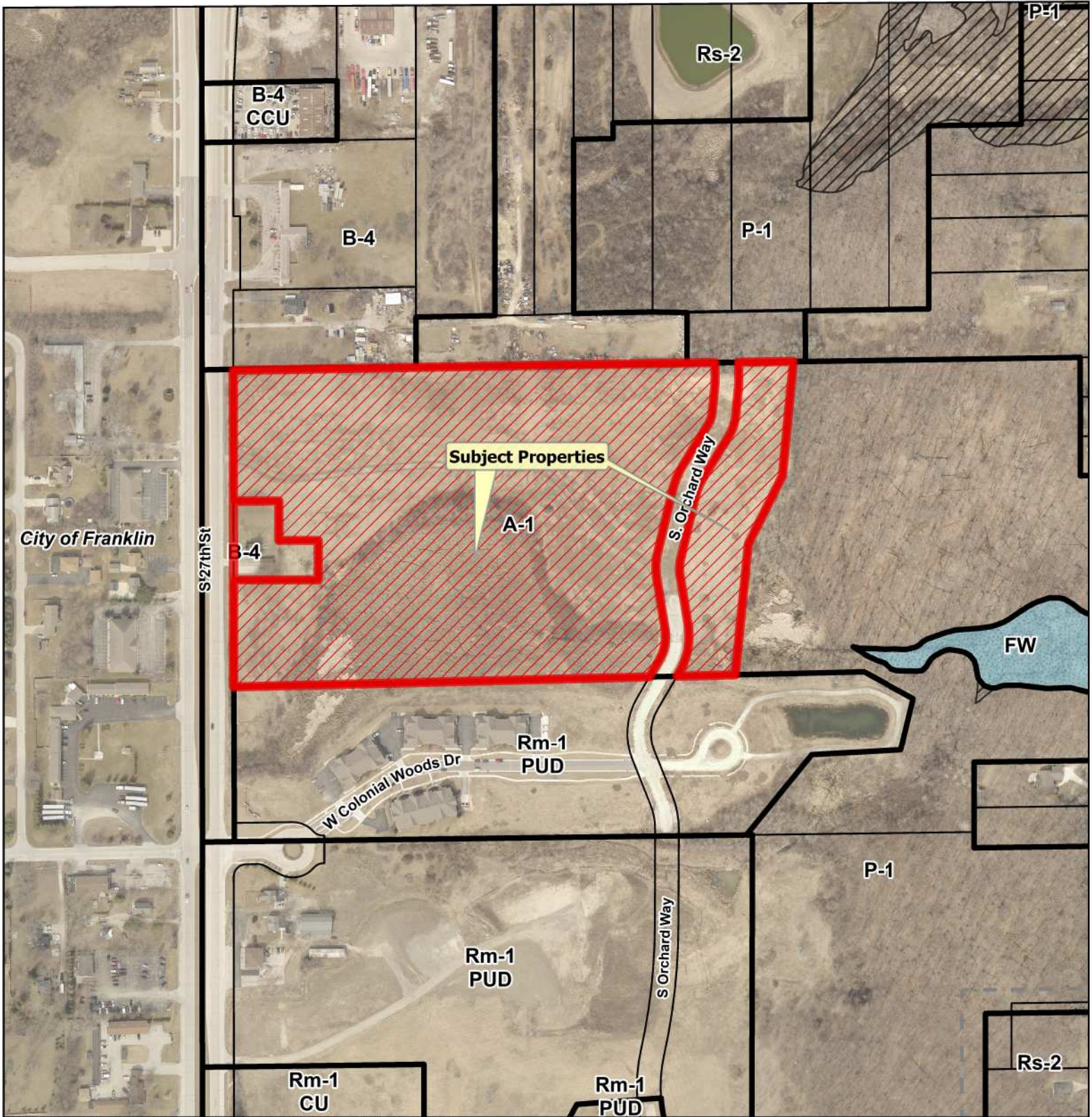
Kari Papelbon, CFM, AICP
Planner

Attachments:

- Location Map
- Exhibits (4 pages)

LOCATION MAP

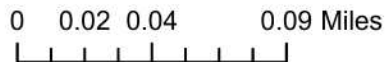
8100 S. 27th St. and 8100 S. Orchard Way



This map is not a survey of the actual boundary of any property this map depicts.



Community Development

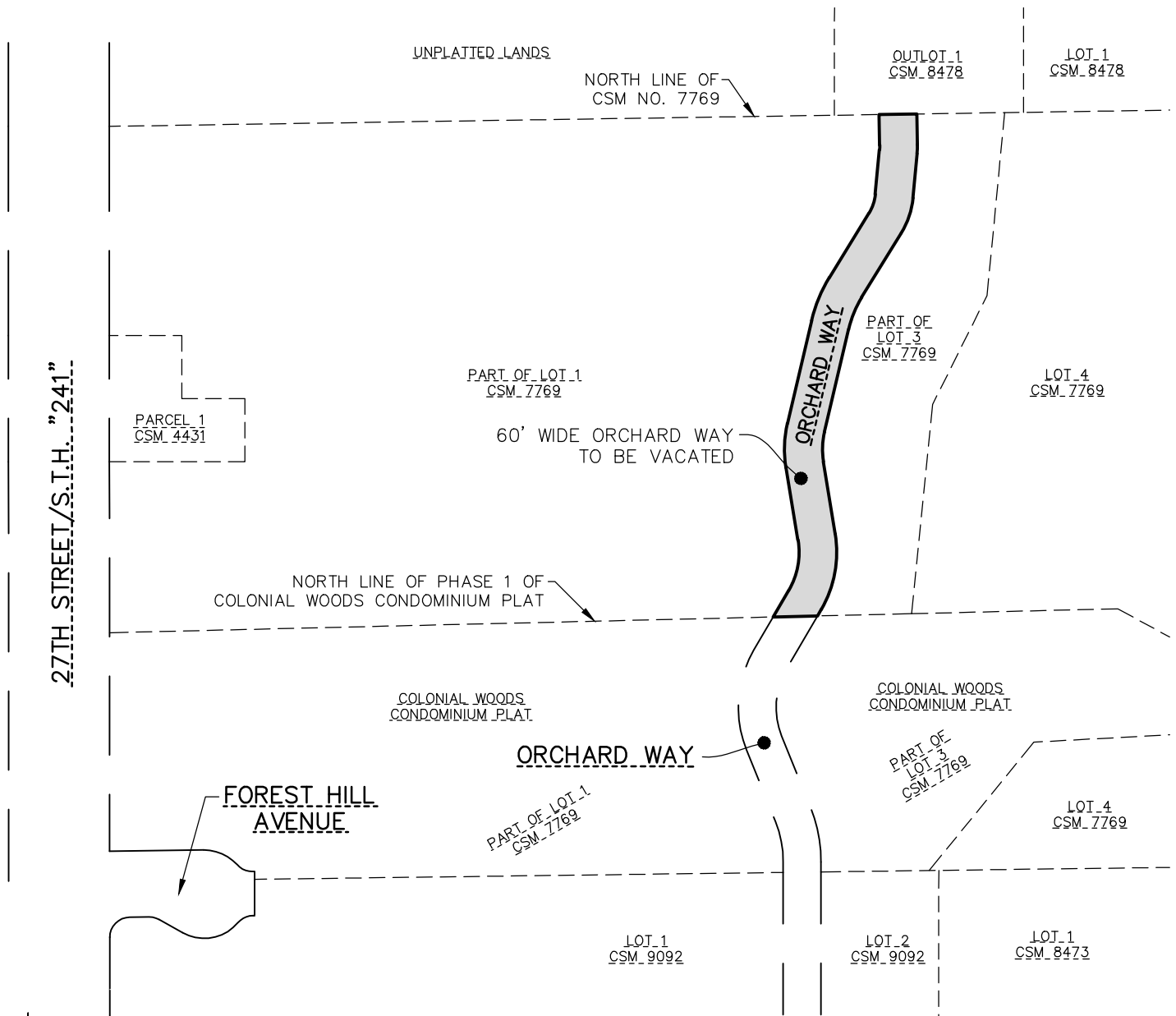


Legend

- Parcels
- Zoning
- Official Map
- Floodway
- Flood Fringe
- Subject Properties

ORCHARD WAY VACATION EXHIBIT

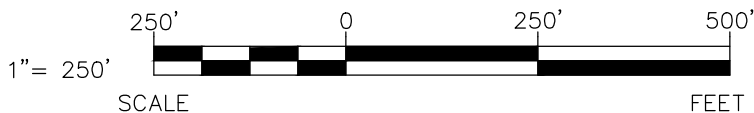
PART OF CSM NO. 7769




Orchard Way Vacation Legal Description

Part of Orchard Way as shown on Certified Survey Map No. 7769, located in the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin being more particularly described as follows:

That part of 60 foot wide Orchard Way as shown on Certified Survey Map No. 7769 recorded June 07, 2006 in the Milwaukee County Register of Deeds Office as Document No. 09248022, bounded on the North by the North line of said Certified Survey Map No. 7769 and bounded on the South by the North line of Phase 1 of Colonial Woods Condominium Plat recorded October 30, 2007 in said Register of Deeds Office as Document No. 09516206.





EXCEL

ENGINEERING INC.

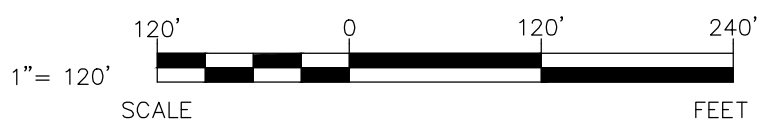
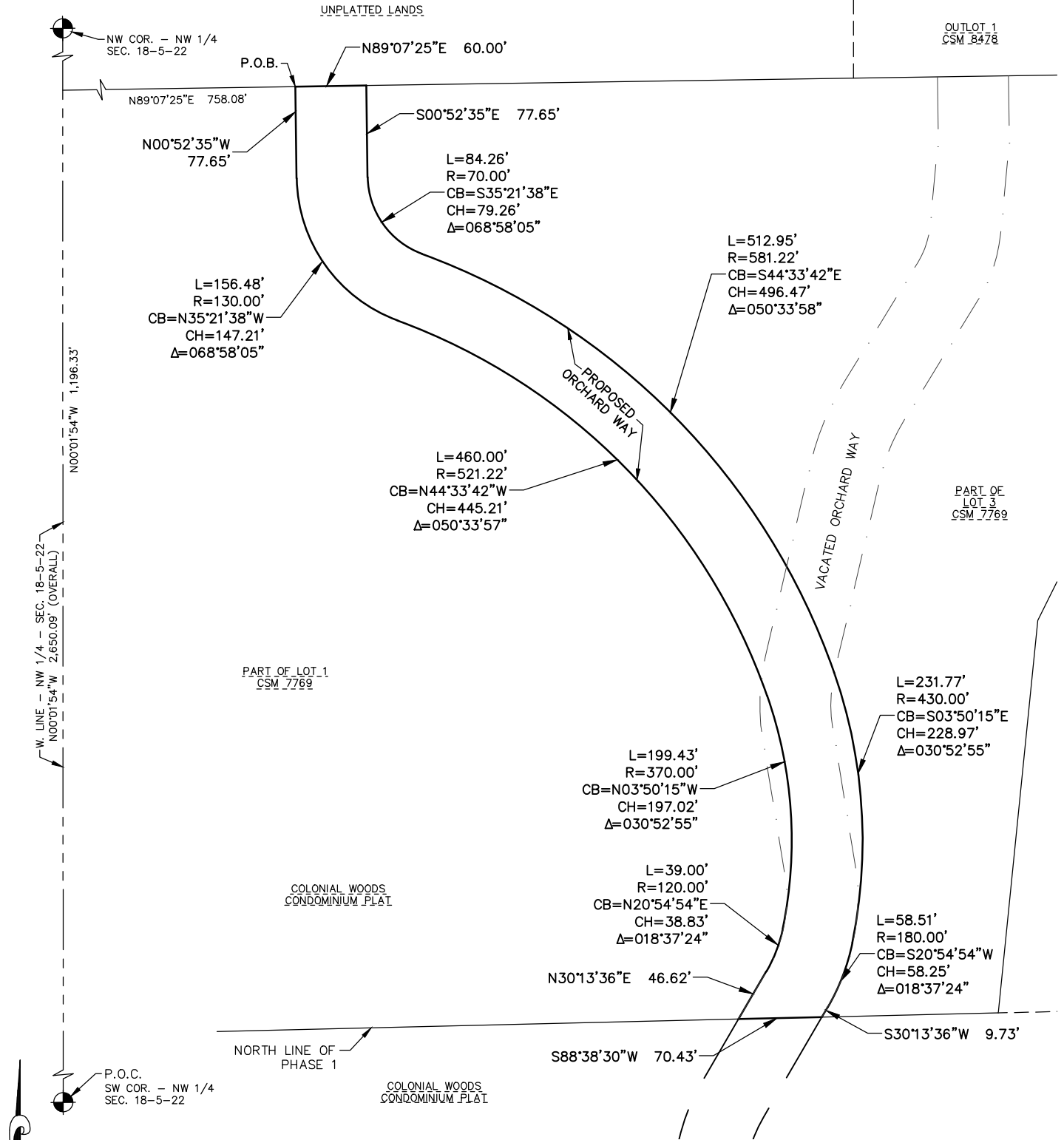
SURVEYING GROUP

PROJECT NO. 1927520

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FOND DU LAC, WI 54935
PHONE: (920) 926-9800
FAX: (920) 926-9801

EXHIBIT

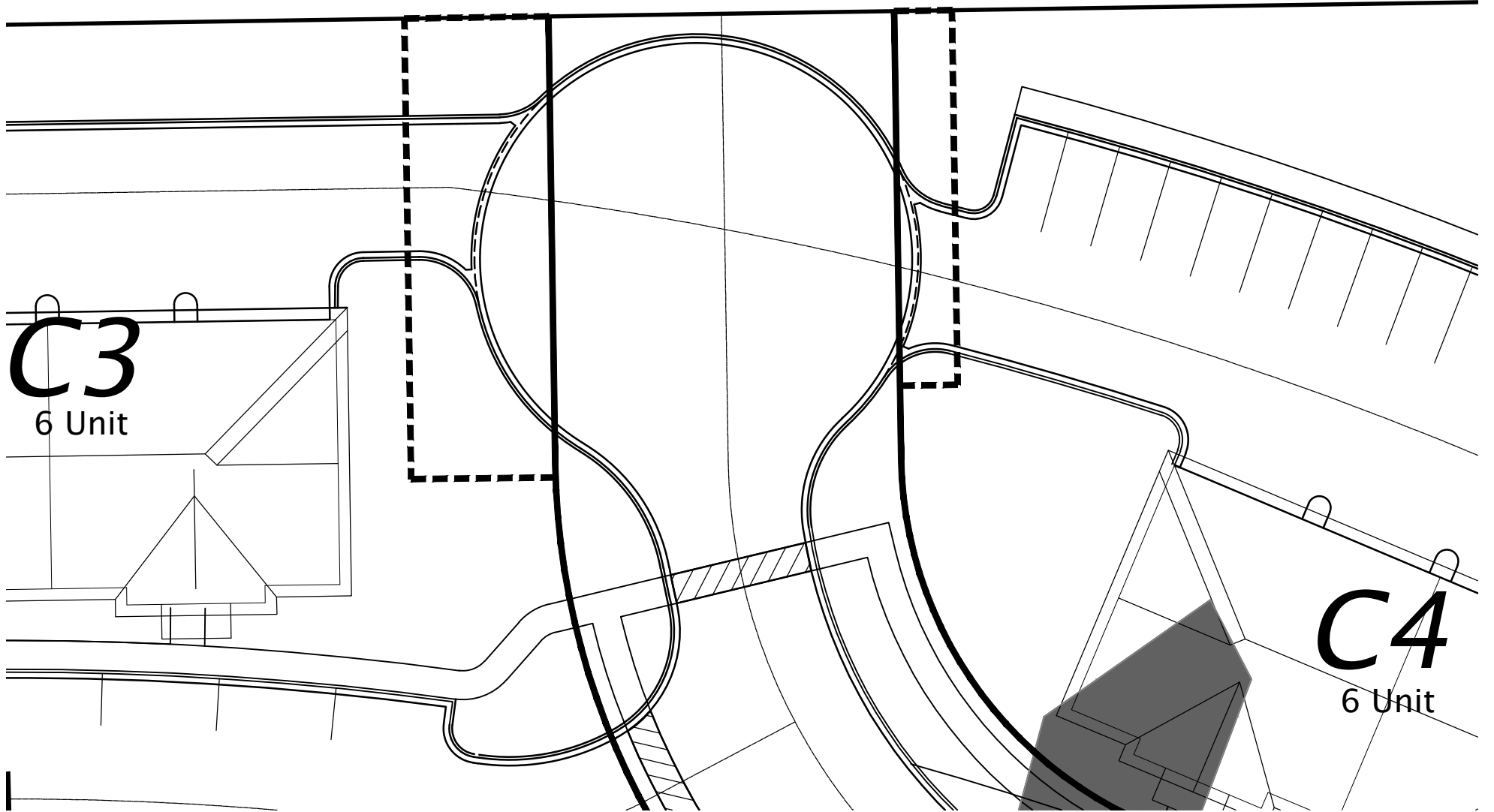




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Always a Better Plan **JOB NO. 1927520**



W. Drexel Avenue

S. 27th Street (STH 241)

W. Villa Drive

east-west street aligns with Villa Drive full intersection per WisDOT Access Management Plan

north-south road to line up with Drexel Avenue median opening and turn lane per WisDOT 27th Street Access Management Plan

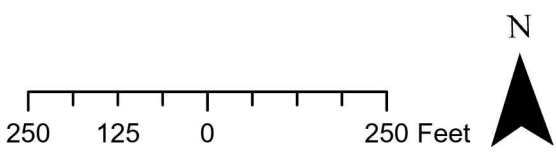
Falk Park

S. Orchard Way

W. Forest Hill Avenue

Exhibit A Proposed Official Map

--- Proposed Officially Mapped Street



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



PLAN COMMISSION REPORT

Proposal: Minor Land Division

Description: Review of a Certified Survey Map request to combine the properties at 9430 (former) and 9472 S. 27th St.

Applicant(s): Jacob Odders, Lakeshore Veterinary Real Estate OC, LLC

Address(es): 9430 (former) and 9472 S. 27th St.

Suggested Motion: That the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Jacob Odders, Lakeshore Veterinary Real Estate OC, LLC for the properties at 9430 (former) and 9472 S. 27th 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.

Owner(s): Lakeshore Veterinary Real Estate OC LLC

Tax Key(s): 878-9000-002

Lot Size(s): 3.800 ac (following consolidation)

Current Zoning District(s): B-4, Highway Business

Overlay District(s): CU NO, Mixed-Use Neighborhood

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Commercial

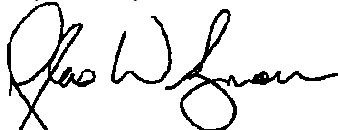
Background:

The Applicant is requesting approval of a Minor Land Division (Certified Survey Map) combining the properties at 9430 (former) and 9472 S. 27th St. Plan Commissioners will note that the parcels were consolidated in a deed acquiring the property with a former address of 9340 S. 27th St. However, local

requirements are to combine properties via Certified Survey Map. Staff have been working closely with the Applicant to complete the local process, culminating in this review. Following combination, the parcel will be 3.80 acres in size and meets all dimensional requirements for the B-4, Highway Business district. Wetlands, easements, and access restrictions are shown on Pages 1-3 of the map. As of writing this report, revisions incorporating minor corrections are in progress. Staff have no objections to the proposal.

Options/Alternatives: The Plan Commission may recommend Common Council approval of the proposed Certified Survey Map with specified conditions, or that the Common Council not approve of the proposed CSM. Disapproval would conflict with the existing and recorded deed for the properties.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP
Planner

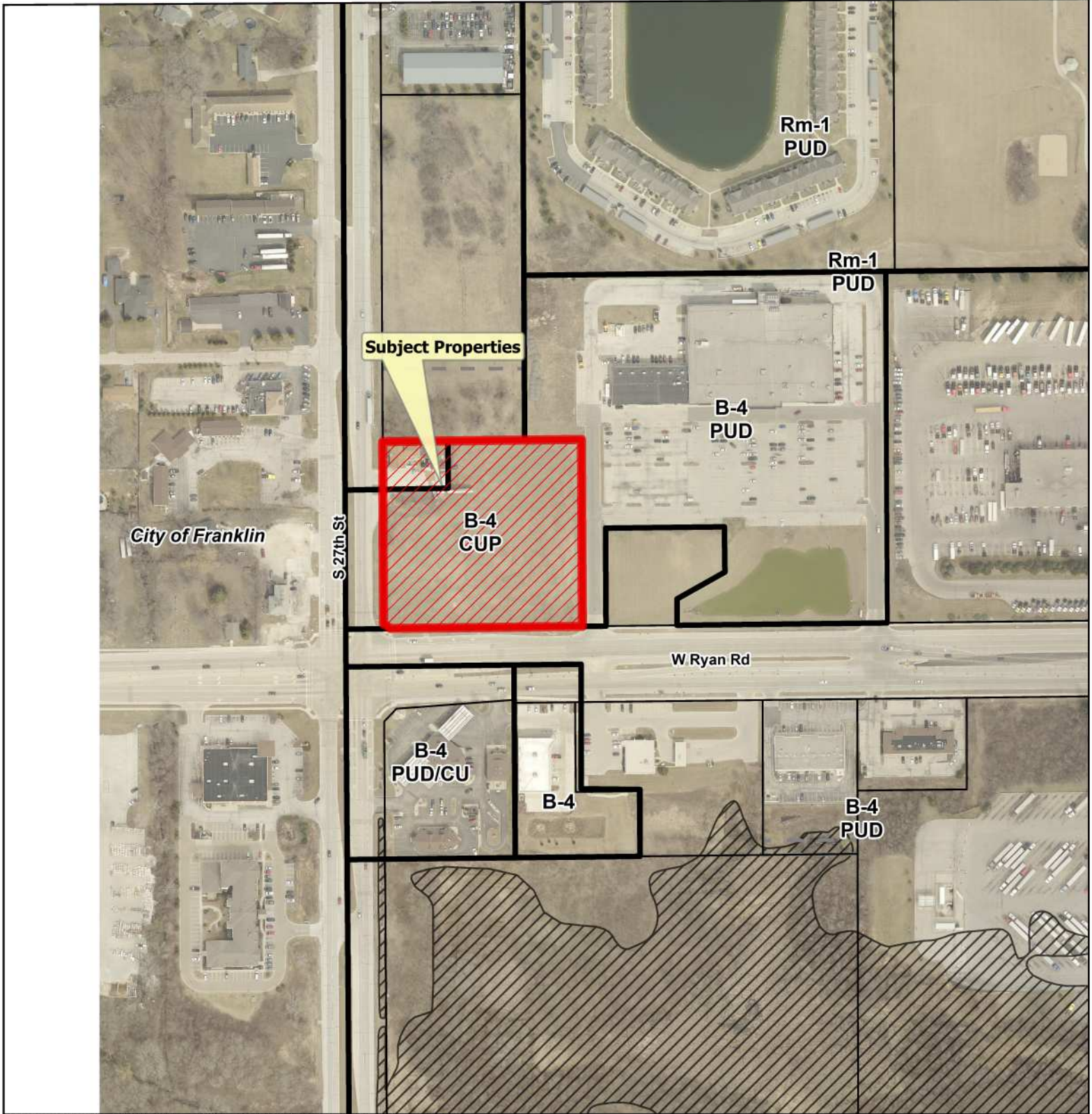
Attachments:

Location Map

Proposed CSM (6 pages)

LOCATION MAP

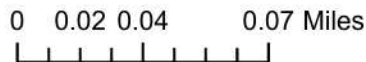
9430 (former) & 9471 S. 27th St.



This map is not a survey of the actual boundary of any property this map depicts.



Community Development



Legend

- Parcels
- Zoning
- Official Map
- Floodway
- Flood Fringe
- Subject Properties

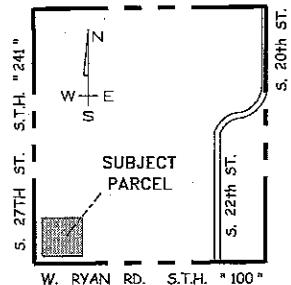
CERTIFIED SURVEY MAP NO. _____

BEING PARCEL 1 OF CERTIFIED SURVEY MAP NO. 3916, RECORDED SEPTEMBER 25, 1980, REEL 1325, IMAGES 10 TO 12, AS DOCUMENT NO. 5426904, AND ALSO THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

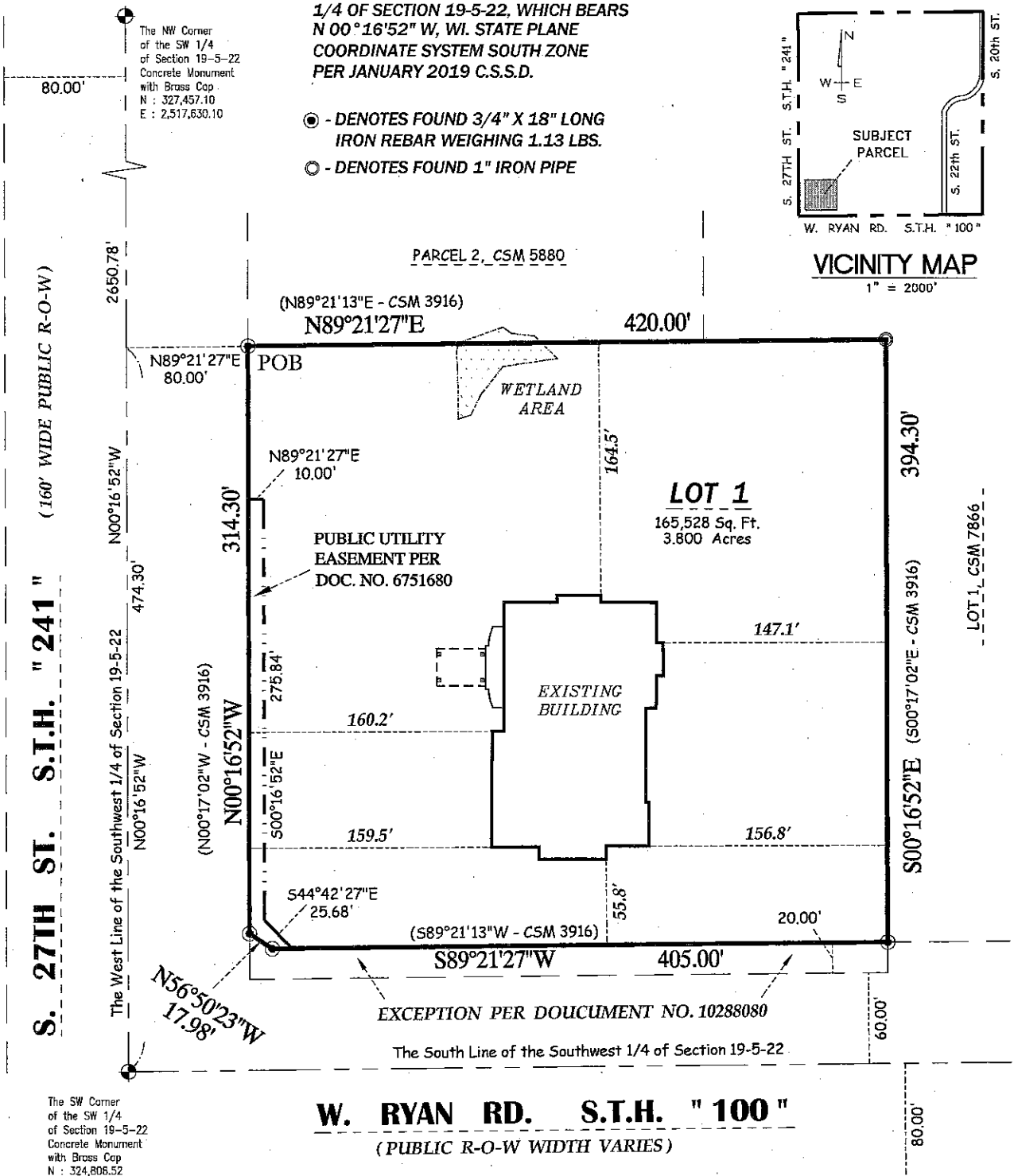
ALL BEARINGS ARE REFERENCED TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 19-5-22, WHICH BEARS N 00°16'52" W, WI. STATE PLANE COORDINATE SYSTEM SOUTH ZONE PER JANUARY 2019 C.S.S.D.

- ⊙ - DENOTES FOUND 3/4" X 18" LONG IRON REBAR WEIGHING 1.13 LBS.
- - DENOTES FOUND 1" IRON PIPE

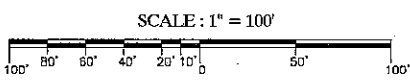
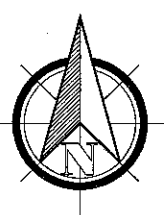
THE SW 1/4 OF SECTION 19-5-22



VICINITY MAP
1" = 2000'



PREPARED FOR:
LAKESHORE VETERINARY
REAL ESTATE OC, LLC.

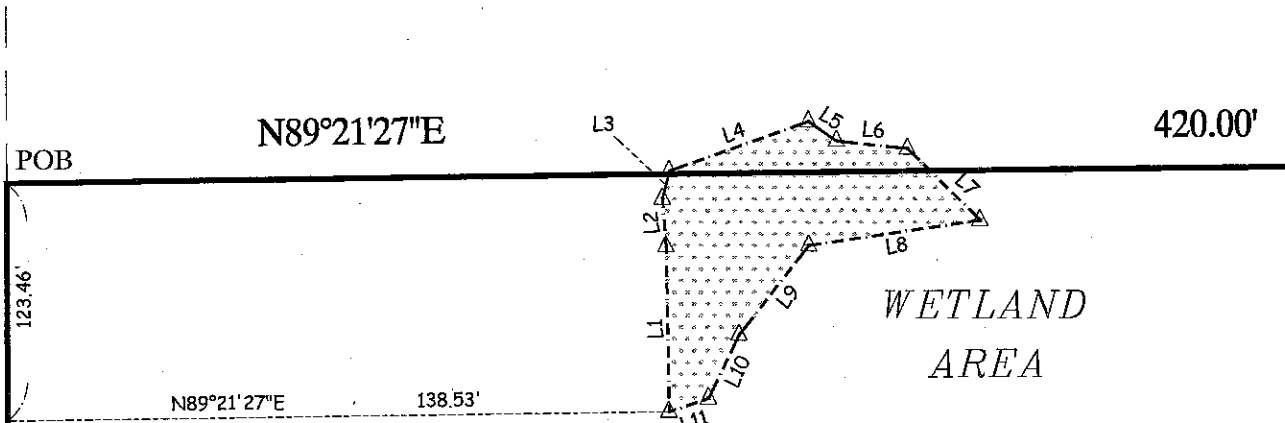


735 NORTH WATER STREET, SUITE 510
MILWAUKEE, WI 53202
414.224.8300 (tel) - 414.224.8383 (fax)

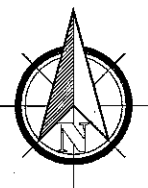
INSTRUMENT DRAFTED BY: MARC C. PASSARELLI P.L.S. # 2817
JOB NO. 35161CSM DATE: 12/29/2020

CERTIFIED SURVEY MAP NO. _____

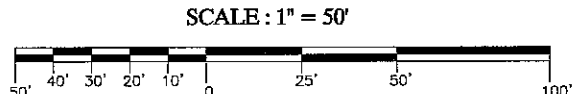
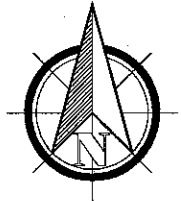
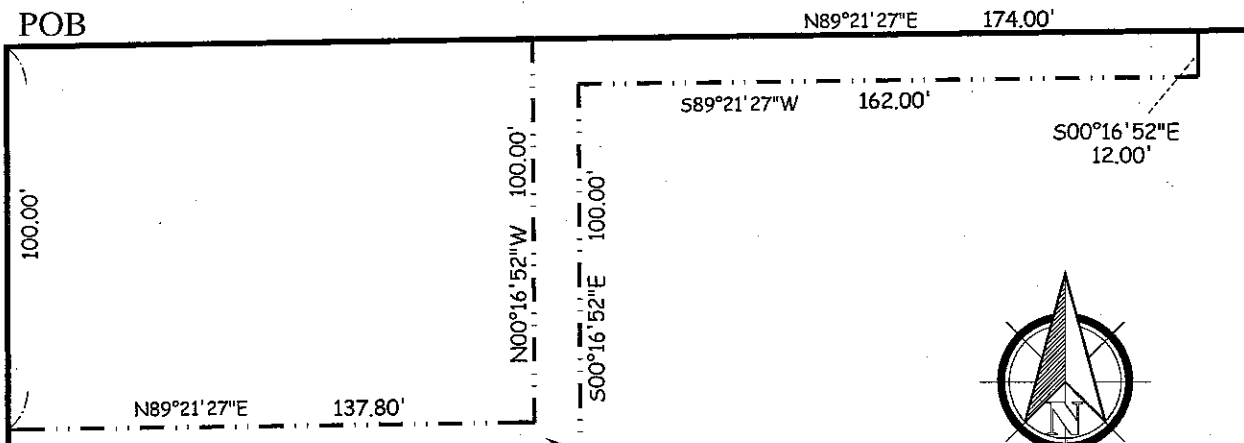
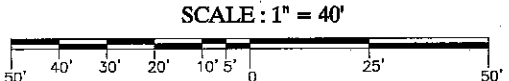
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Wetlands Marked by:
**WETLAND & WATERWAY
 CONSULTING, LLC.**
 Delinated May 24, 2018
 Δ - Denotes Wetland Flag



WETLAND LINE TABLE		
LINE	LENGTH	BEARING
L1	34.31'	N00°58'52\"W
L2	9.98'	N04°30'14\"W
L3	5.90'	N14°01'03\"E
L4	30.85'	N70°36'37\"E
L5	7.16'	S55°37'45\"E
L6	14.91'	S83°43'32\"E
L7	21.28'	S45°46'02\"E
L8	36.21'	S81°40'19\"W
L9	23.64'	S38°10'01\"W
L10	14.59'	S26°08'41\"W
L11	8.72'	S71°30'56\"W

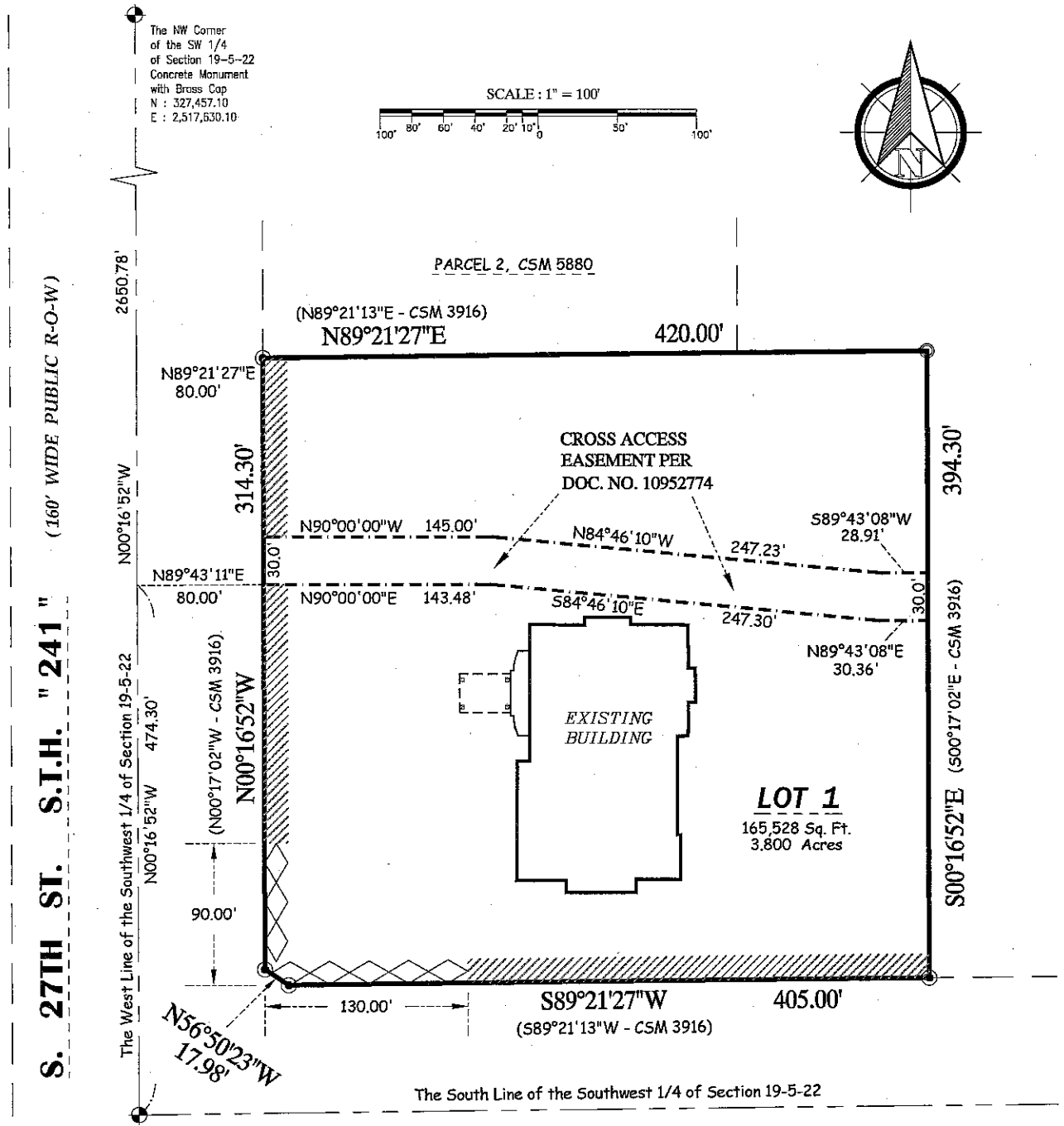


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 414.224.8300 (tel) - 414.224.8383 (fax)

INSTRUMENT DRAFTED BY: MARC C. PASSARELLI P.L.S. # 2817
 JOB NO. 35161CSM DATE: 12/29/2020

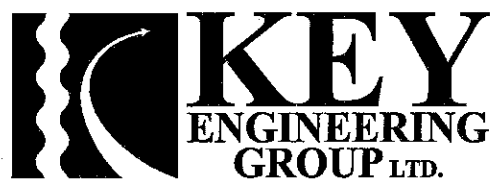
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W. RYAN RD. S.T.H. "100"
(PUBLIC R-O-W WIDTH VARIES)

- ◊ - DENOTES NO ACCESS AS PLATTED ON STATE R-O-W PROJECT NO. 2040-01-20
- ▨ - DENOTES NO ACCESS



735 NORTH WATER STREET, SUITE 510
MILWAUKEE, WI 53202
414.224.8300 (tel) - 414.224.8383 (fax)

INSTRUMENT DRAFTED BY: MARC C. PASSARELLI P.L.S. # 2817
JOB NO. 35161CSM DATE : 12/29/2020

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SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

I, Marc C. Passarelli, a Professional Land Surveyor do hereby certify:

That I have surveyed, divided and mapped Parcel 1 of Certified Survey Map No. 3916, recorded September 25, 1980, Reel 1325, Images 10 to 12, as Document No. 5426904, and also that part of the Southwest ¼ of the Southwest ¼ of Section 19, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at the Southwest corner of the Southwest ¼ of Section 19; thence North 00° 16' 52" West along the West line of the Southwest ¼ of Section 19, 474.30 feet; thence North 89° 21' 27" East, 80.00 feet to the point of beginning of the lands to be described; thence North 89° 21' 27" East 420.00 feet; thence South 00° 16' 52" East, 394.30 feet to the North right-of-way line of West Ryan Road; thence South 89° 21' 27" West along said North line, 405.00 feet; thence North 56° 50' 23" West, 17.98 feet to a point on the East right-of-way line of South 27th Street; thence North 00° 16' 52" West along said East line, 314.30 feet to the point of beginning.

That I have made such survey, land division and map by the direction of the Lakeshore Veterinary Real Estate OC, LLC, a limited liability company, owner of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and Chapter 18 of the Municipal Code of the City of Oak Creek in surveying, dividing and mapping the same.

Dated this 29th day of December 2020.

Marc C. Passarelli S-2817
Wisconsin Professional Land Surveyor

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CORPORATE OWNER'S CERTIFICATE:

STATE OF WISCONSIN)
COUNTY OF _____)SS

As owner Lakeshore Veterinary Real Estate OC, LLC , a limited liability company, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said company caused the land described on this map to be surveyed, divided and mapped as represented on this map.

In consideration of the approval of the map by the Planning Commission and the Common Council of the City of Oak Creek, the undersigned agrees:

- a. That all utility lines to provided electric power and telephone services and cable televisions or communications systems lines or cables to all lots in the subdivision shall be installed underground in easements provided therefore, where feasible.

This agreement shall be binding on the undersigned and assigns.

The County of Milwaukee does further certify that this map is required to be submitted to the following for approval or objection: City of Oak Creek.

IN WITNESS WHEREOF, the Lakeshore Veterinary Real Estate OC, LLC has caused these presents to be signed by, Jacob W. Odders its Manager at _____, Wisconsin on this day of _____, 2021.

Lakeshore Veterinary Real Estate OC, LLC

Jacob W. Odders, Manager

STATE OF WISCONSIN)
COUNTY OF _____)SS

Personally came before me this _____ day of _____, 2021, the above named Jacob W. Odders, of the above named company to me known to be Manager said company, and acknowledged he executed the foregoing instrument as such officer as the deed of said company, by its authority.

PRINT

(Seal)
Notary Public, State of Wisconsin
My Commission expires _____
My Commission is permanent.

CERTIFIED SURVEY MAP NO. _____

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CERTIFICATE OF MILWAUKEE COUNTY TREASURER:

STATE OF WISCONSIN)
COUNTY OF _____)SS

I, David Cullen, being the duly elected, qualified County Treasurer of the County of Milwaukee, certify that in accordance with the records of the office of the County Treasurer of the County of Milwaukee, there are no unpaid taxes or unpaid special assessments on the land included in this Certified Survey Map.

Date: _____

David Cullen, County Treasurer

PLANNING COMMISSION APPROVAL

Approved by the Planning Commission of the City of Oak Creek on this _____ day of _____, 2021.

Daniel Bukiewicz, Chairman

Douglas Seymour, Secretary

COMMON COUNCIL APPROVAL

Approved and Accepted by the Common Council of the City of Oak Creek in accordance with Resolution Number _____, adopted on the _____ day of _____, 2021.

Daniel Bukiewicz, Mayor

Catherine A. Roeske, City Clerk