

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, February 23, 2021**

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. Thomas Kramer, IT Assistant 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. Per the advisories, 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) or as authorized by the Mayor. 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.

Minutes of the February 9, 2021 meeting

Commissioner Siepert moved to approve the minutes of the February 9, 2021. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

CONDITION AND RESTRICTIONS DAVE DORO, OC HOLDINGS, LLC 10001 S HOWELL AVE. TAX KEY NOS. 924-9009-001

Planner Papelbon provided an overview of the draft Conditions and Restrictions as part of a request for a Conditional Use Permit to allow for outdoor storage on the property at 10001 S. Howell Ave. (see staff report for details).

Kevin Risch, 8308 47th Avenue, Kenosha, Wisconsin 53142, representing the owner Dave Durrell and Komatsu, asked to clarify the language in Condition 3(D) – would they have to go back to Plan Commission with the current plan with the landscape buffer around the property?

Planner Papelbon responded that the plans did not include a complete landscape plan. The Plan Commission does have the authority to require official approval of landscape plans, in conformance with Code requirements. If the Plan Commission directs otherwise, that condition can be amended.

Mr. Risch stated that Condition 3(F) indicates that the exterior modifications would be required to be removed if the Komatsu lease expires. We are putting in \$1.5 million worth of infrastructure. There is asphalt, 12 inches of aggregate, storm sewer, a detention pond, lighting, etc. We would like the language to be restructured to reflect future tenants would have to come back to Plan Commission for approval.

Commissioner Hanna asked to clarify the stacking limitation in Condition 3.

Planner Papelbon read Condition 3(d): “crates shall not be stacked above seven feet or vegetative screening.”

Commissioner Hanna stated that Condition 3(F) needed to be clarified that the requirement was not for the removal of all infrastructure, but the site must be ready for future tenant occupancies without requiring expenditure of public funds for restoration.

Alderman Loreck asked whether the stormwater or lighting would be included in the restoration requirement, and asked to clarify the purpose of the restoration requirement.

Planner Papelbon responded that this was the recommendation by the Plan Commission at the last meeting. The asphalt could be removed, but it does not make sense to require the removal of the underground stormwater detention when this will serve new owners or tenants. As for lighting, the concern is related to the proposed use. The proposal is limited to a lease term of five years for Komatsu. As for the details, staff would request Plan Commission direction.

Alderman Loreck stated that he can understand if there is too much asphalt per Code. They would be required just to remove the asphalt and would not require the stormwater infrastructure be removed.

Alderman Guzikowski stated his agreement with Alderman Loreck. We need to adjust the conditions to reflect that we would not require the infrastructure be removed.

Commissioner Oldani stated that, after looking at the minutes from the previous meeting, the Plan Commission and Staff had concerns regarding restoration of the property. He asked for clarification on the concerns.

Planner Papelbon stated that the Plan Commission requested restoration be included in the Conditions and Restrictions at the last meeting. The concern was with the extent of asphalt, related to the 5-year limitation and assignment of the Conditional Use Permit to Komatsu. The concern is regarding what happens at the end of this Conditional Use Permit.

Commissioner Oldani asked for the rationale to remove asphalt, other than for the sake of putting it back to its original condition.

Commissioner Sullivan stated the main concern from staff and Engineering is the fact that outdoor storage is not allowed unless it goes through the Conditional Use process. These Conditional Uses are tied to Komatsu's needs, not the landowner's needs. Since this is tied to Komatsu, a new tenant or the landowner that would like to use this space for storage would have to go through the Conditional Use process again. We are trying to eliminate the requirement to repeat the process and potential issues with Code enforcement. We are just trying to get ahead of it.

Commissioner Chandler asked whether Condition 3(D) would allow the Applicant to store crates above 7 feet if the screening was taller.

Planner Papelbon stated that the intent was for crates to be stacked at seven (7) feet or below the height of the screen. For clarification, this is along the fence line, and that screening is not intended to be a height of 30 feet. The arborvitae screening can get to maximum of 12 feet, perhaps, but they're installed at a height of eight (8) feet. The intent was to prevent stacking of crates where they could be seen above the vegetation meant to screen them. If the Plan Commission wishes restrict it to a specific height of seven (7) feet, staff will need that direction.

Commissioner Chandler asked the Applicant to clarify the maximum stacking height of the crates.

Tom Brunner, N38 W23344 Broken Hill Circle, Pewaukee, Wisconsin, stated that there is no intention of stacking the crates higher than seven (7) feet. We have crates seven (7) feet tall, and if we do stack them, they would be smaller crates that might be just a couple of feet tall. The seven-foot target is where our maximum expectations will be.

Commissioner Chandler requested that Condition 3(D) be amended to reflect that the crates would not be stacked above seven (7) feet in height.

Planner Papelbon acknowledged the change.

Mayor Bukiewicz asked if the Fire Department had any concerns. Assistant Chief Mike Havey stated that there were none.

Mayor Bukiewicz commented on the restoration issue. Code reflects that it be put back to its original condition. He asked where this condition had been required in the City, and expressed concern for consistent application. Mayor Bukiewicz cited Wisconsin Granite and two other locations as examples, stating that restoration was not required in those cases. He asked again

whether previously-issued Conditional Use Permits would be required to restore the properties.

Planner Papelbon stated that, this application aside, there have been instances where the City has required restoration. While not speaking for the Plan Commission, this condition was trying to address the concern over the amount of asphalt proposed, and ensuring that it did not “creep.” With the addition of the requirements for curb and gutter and the landscaping buffer, the conditions have been crafted so that area can't expand - at least not easily and without Plan Commission being notified of it and having the ability to review and approve any expansion in the future. Also, the site is getting very close to that 30% open space requirement. So, any expansion beyond that [asphalt area] probably would put them over. We have had instances in the past, this location aside, where the storage areas have crept beyond what was approved. It does cause issues. We are looking into the history of a property where the outdoor storage area and the gravel expansion did go beyond what was approved by the Plan Commission. In that case, it expanded into the floodplain area. This is simply an example of the concern the proposed condition was addressing. Planner Papelbon stated that she is hearing from the Plan Commission that the condition is more problematic than addressing future concerns through Code enforcement. Barring further discussion, the condition has been removed.

Commissioner Chandler stated that the main concern was for the amount of outside storage. If Komatsu stays forever, not a problem. However, if they depart after a certain amount of time, we have the issue of outside storage.

Mayor Bukiewicz stated that in that case the Conditional Use Permit would expire, and nobody would technically be allowed to store items there.

Commissioner Chandler restated her concern for the assumption or the illusion that the next tenant would be permitted to store things outside based on the amount of existing hard surface.

Mayor Bukiewicz stated that such was a valid concern, but each tenant would have to apply for a Conditional Use Permit for outdoor storage.

Planner Papelbon stated that the Plan Commission is not required to approve future Conditional Use Permits. However, the presence of a hard surface does not preclude a building addition or a new building in that area in the future. If, for instance, Komatsu leaves and the next tenant would prefer to have an addition to the building, having that hard surface is not necessarily a detriment because the area is essentially prepped – there is no additional impervious surface. That is one advantage. Future redevelopment of the property would be addressed at future Plan Commission meetings.

Mayor Bukiewicz clarified that the motion would be as-is, but striking Condition [3]F.

Planner Papelbon confirmed that Condition 3(D) was amended to state “that crates shall not be stacked above seven feet.”

Mayor Bukiewicz asked for clarification.

Planner Papelbon stated that the amendment is removing the “or vegetative screening” language.

Alderman Loreck moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions amending 3(D) to state: “stacking no higher than seven

feet” and striking 3(F) as part of the Conditional Use Permit to allow outdoor storage of materials on the property at 10001 S Howell Ave.

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

**MINOR LAND DIVISION
LINDA GORENS-LEVY, GENERAL CAPITAL GROUP
9954 & 9962 S. 13TH ST.
TAX KEY NOS. 905-9007-001 & 925-9998-000**

Planner Papelbon provided an overview of the Certified Survey Map request to combine the properties at 9954 and 9962 S. 13th St. (see staff report for details).

Michael Faber, Ryan Business Park LLC, N17 W24222 Riverwood Drive, Suite 160, Waukesha Wisconsin 53188. Mr. Faber agreed with Planner Papelbon description. He stated that he believes that the two conditions for the dedication, as well as the proposed idea of an easement, are inappropriate. The easement along the south side of the berm was not a requirement of the City. When the property was rezoned to M-1 [Manufacturing] 15 years ago, we made a promise to the English Aire subdivision that we were going to build a berm. The City approved the design for the grading plan to create the berm and landscaping. We do not have a right to change the grading and landscaping without the City’s approval to a different plan. We think the City already has plenty of other mechanisms in place that can address any changes or removal of the berm by us or any future property owner. It is our responsibility to maintain the landscaping and the berm. Regarding the dedication condition, Mr. Faber explained his experience with the previous frontage dedications and stated his belief that further dedications should be compensated. If the City and County need additional frontage for necessary street improvements or widening of 13th St., at that time, we would be more than happy to cooperate with the requirements if compensated.

Commissioner Siepert asked for the height of the berm.

Mr. Faber responded that the berm’s height varies. It starts out at grade, gets up in the range of 12 feet, and probably at its highest point is 15 feet.

Commissioner Oldani asked for clarification on the right-of-way dedication condition.

Commissioner Sullivan stated that he wasn’t actually part of the project, but he can speak to past history and practice. When there is a development, the land that being developed provides the right-of-way needs. In this case, the developer was required by the Traffic Impact Analysis to improve 13th St. and Ryan Road, which necessitated a significant amount of right-of-way from other properties that were impacted by this development. So, the developer under his, or their, development, and needs for the development, were required to purchase that right-of-way. This would be a normal practice for any development within the City.

Mayor Bukiewicz added that a lot of this was driven by the Traffic Analysis because of the traffic in and out of that new business park.

Alderman Loreck stated he understands the request for right-of-way along 13th St., and supports staff’s request. He stated that he believes we did a couple CSMs or a CSM along Drexel for a private residence, and they were required also to give that right-of-way. He stated that he believes that’s just normal practice on what we’ve done in the past. As far as the easement on the berm, as long as we’re 100% certain that the City has other mechanisms in place to prevent that berm

from being removed...we know that the residents right there are extremely happy that it's there. We need to make sure the landscaping and berm are not going to get moved for another development.

Commissioner Sullivan stated that this is just general practice for us to request - it's not required under the CSM as far as right-of-way. The easement came out of our Engineering Department, and it was more of a suggestion. There was an agreement, that Mr. Fabor did adhere to, with the berm and all the landscaping. With this development, landscaping has some maintenance there.

Planner Papelbon confirmed that if there is an approved landscape plan, the requirement is for it to be maintained as approved. If there's not, then the requirement is for compliance with all landscape requirements per Code. If, and until, that property ever gets developed in some way, the landscaping must be maintained until new plans are reviewed.

Commissioner Hanna asked whether Highway V or 13th Street is a County road.

Mayor Bukiewicz confirmed that it is a County road.

Commissioner Hanna asked if the County has been coordinated with for that dedication.

Planner Papelbon stated that, unfortunately, the City has not heard anything from the County as we do not have a direct contact to review CSMs. We do know that whenever a CSM is proposed, and there is an area where there could be dedication based on previous dedications, that's where the request usually comes from. And it is dedicated to the City on the CSM regardless of whether it's a State or County highway.

Commissioner Hanna asked whether maintenance responsibilities would be assumed by the City with the dedication.

Planner Papelbon stated that the dedication is for public street purposes, but does not specify maintenance responsibilities.

Commissioner Hanna asked for clarification for maintenance responsibilities.

Planner Papelbon stated that unless there is a specific project where the City might be involved in some way, the City does not maintain 13th Street.

Commissioner Sullivan stated that per Municipal Code, the landowner is required to maintain their ditch or any area from the front of their property to the road, such as mowing and maintaining and clearing the sidewalks. Municipal Codes states that maintenance is the responsibility of the landowner.

Commissioner Hanna stated that she agrees with Condition 2. Landscaping and the berm should be maintained for protecting their neighbors.

Alderman Loreck asked the applicant confirm that there currently is no intention of moving the berm, since it was promised to the neighbors, unless he is able to persuade the City. He asked whether the intentions for developing the parcel included modifications to the berm.

Alderman Guzikowski asked if the berm is permanent.

Mr. Faber responded the intention is not for this berm to ever be changed. It is too expensive to build and it was a promise to the neighboring homeowners. We already built the berm in anticipation of what we are going to do. Our request is not to have an easement. The City already has mechanisms in place for people to maintain their approved landscaping. We're never going to change that berm, we love it and our neighbors love it.

Director Seymour stated that there are no staff concerns for the berm, and if the City needs the assurance that it will remain, it can be included as part of the landscape plan review. Chapter 14 requires right-of-way or future right-of-way shown on the Official Map be dedicated when a land division – in this case, a consolidation – is proposed. There are some properties on Drexel Avenue that had contested that being a requirement of Chapter 14. The Council could grant relief on that and not necessarily the Plan Commission.

Alderman Loreck asked the Plan Commission to confirm the motion would include Conditions 1 & 3, and strike Condition 2.

Commissioner Hanna stated she would like to include the easement. It is not just for landscaping - it is for the maintenance of it and controlling it in that area. I would favor having it still here.

Mayor Bukiewicz asked for staff input regarding City maintenance and responsibility.

Planner Papelbon responded that if the proposed condition was not included, the Code requirements would apply. At such time the property comes up for development or redevelopment, the City would have the opportunity to review those plans.

Commissioner Hanna asked whether an easement allows the City to go on the land and maintain it - having the opportunity to to fix whatever needs to be fixed.

Director Seymour stated the purpose of the easement and the rights associated with it are described in the easement itself. Maintenance can be addressed in future site and landscaping plans brought before the Plan Commission.

Mayor Bukiewicz stated his agreement.

Alderman Loreck moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Linda Gorens-Levy, General Capital Group, for the properties at 9954 & 9962 S. 13th St. be approved with the following conditions:

1. That the right-of-way along County Highway V, 13th Street is dedicated for public street purposes and included on the map prior to recording.
2. 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.

Alderman Guzikowski seconded. On roll call: all voted aye except Commissioner Chandler, who voted no. Motion carried.

**PLANNED UNIT DEVELOPMENT AMENDMENT
LINDA GORENS-LEVY, GENERAL CAPITAL GROUP
9962 S. 13TH ST.**

TAX KEY NO. 925-9998-000

Planner Papelbon provided an overview of the request for a Planned Unit Development (PUD) Amendment to include the property at 9962 S. 13th St. (see staff report for details).

Alderman Loreck moved that the Plan Commission recommends that the Common Council approve the Planned Unit Development Amendment adding the property at 9962 S. 13th St., after a public hearing.

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

PLAN REVIEW

GLENN BRUSKY, EDUCATORS CREDIT

130 W. TOWN SQUARE WAY

TAX KEY NO. 813-9044-000

Planner Papelbon provided an overview of the site, building, and related plan review for a proposed financial institution with drive-through facilities on the property at 130 W. Town Square Way (see staff report for details).

Ryan Schmitz, Plunkett-Raysich Architects, LLC, 209 S. Water St., Milwaukee, 53204 stated he was present to answer any questions.

Commissioner Chandler asked for clarification of traffic flow to and within the site.

Mr. Schmitz stated that there are two (2) access points to the site. On the south, where there is double-loaded parking, would be for two-way traffic until the end of the parking lot. At that point, it becomes one-way around the building to that drive through the ITN canopies.

Mayor Bukiewicz asked whether the road to the north is a shared entrance at a connected lot with Water Street [Brewery].

Mr. Schmitz stated that is his understanding, yes.

Commissioner Chandler asked for further clarification on entrance and exit points.

Mayor Bukiewicz stated that traffic could potentially enter and exit through the shared connection with Water Street [Brewery] and to the south.

Mr. Schmitz confirmed that there are two points of access to the north and the south.

Commissioner Chandler asked about safety measures in the area between the ATM and cross traffic.

Mr. Schmitz stated that it is two-way through the access, and it could be signed accordingly for pedestrian crossings.

Commissioner Chandler asked if there will be any speed bumps.

Mr. Schmitz stated that the plans include a traffic calming element at the exit of the of the ITM area, indicated by a solid dark line. That would provide notice that vehicles are entering that access drive.

Commissioner Chandler asked for further clarification regarding onsite traffic patterns. Mr. Schmitz confirmed that two-way traffic turns into one-way traffic at the easternmost portion of the south parking area, and that vehicles cannot enter the drive-through from the north.

Commissioner Chandler asked whether additional safety measures for pedestrians and the crosswalk could be added.

Mr. Schmitz stated that traffic calming or signage could be added.

Commissioner Siefert asked whether a wall sign would be requested on both the east and the west ends of the building.

Mayor Bukiewicz asked Planner Papelbon to confirm that the signs are placeholders in the renderings.

Planner Papelbon confirmed that staff have not yet received sign plans, which would have to come back before the Plan Commission.

Alderman Guzikowski asked whether the Ryan Road location would be closed or sold.

Glenn Brusky, W295 S5256 S. Holiday Oak, Genesee, WI, stated that Educators Credit Union has not yet decided, but the intent would be to sell the building.

Mayor Bukiewicz stated his opinion that the building was nice, and that this is the last lot within DTS.

Planner Papelbon clarified that this is the last remaining perimeter lot.

Commissioner Hannah moved that the Plan Commission approves the site and building plans submitted by Glenn Brusky, Educators Credit Union, for the property at 130 W. Town Square Way with the following conditions:

1. That all relevant code requirements are in effect.
2. There shall be no paving or grading within the bioswale easement.
3. That the details plan for signage are reviewed and approved by the Plan Commission prior to submission of sign permit applications.
4. That all light sources are shielded and directed downward and that the color temperature of the fixtures are limited to a maximum of 3500 Kelvins.
5. That the landscape plans are revised to incorporate staff comments and Code requirements.
6. That the exterior stone veneer meets the minimum of 4-inch requirements per Code.
7. That the plans are revised to include locations for all mechanicals, transformers and utilities boxes (ground, building, and rooftop) shall be screened from view.
8. That all details revised and finalized plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

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

Mayor Bukiewicz asked whether the applicant knew the target date to being construction.

Mr. Brusky stated that the plan is to start in spring/April once the weather breaks.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:33 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

3-9-21

Date