

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 25, 2021**

Mayor Bukiewicz called the meeting to order at 6:09 p.m. The following Commissioners were present at roll call: Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siefert. Commissioner Chandler participated via Zoom. Commissioner Hanna was excused. Also present: Kari Papelbon, Planner; and Mike Havey, Assistant Fire Chief.

Minutes of the May 11, 2021 meeting

Commissioner Siefert moved to approve the minutes of the May 11, 2021 meeting. Alderman Guzikowski seconded. On roll call: Commissioner Chandler and Alderman Loreck abstained, all others voted aye. Motion carried.

ZONING TEXT AMENDMENT

Planner Papelbon provided an overview of the proposed amendment to Section 17.0327 of the Municipal Code to establish standards for the Traditional Neighborhood Development PUD District (see staff report for details).

Planner Papelbon advised the Commissioners there were several sections of the text amendment which she would appreciate feedback on, including the sections on density and permitted residential uses, dimensional standards, exterior building materials standards, ground floor glazing requirements and master lighting, landscaping (including street trees) and sign plans.

Commissioner Siefert referenced the Dimensional Standards chart on page 8, and questioned whether the Fire Department's ladder trucks would be able to reach the suggested 5 stories or 75 feet for multifamily buildings. Assistant Chief Havey stated that the ladder trucks had an aerial reach of 100 feet.

Planner Papelbon asked the Commission to keep in mind that although the number of stories and the height for multifamily buildings would be the maximum allowed, they were not necessarily the numbers that would be approved for final development.

Mayor Bukiewicz also referenced the Dimensional Standards (page 8 item c), noting the minimum side yard setbacks of 3 feet and 5 feet could potentially lead to 6 feet between homes. Planner Papelbon answered that you could have 10 feet between homes, but would typically have 8 feet. Mayor Bukiewicz asked whether the height of the buildings would be limited due to their close proximity. Planner Papelbon answered that single family detached and single family attached (3-4) units were limited to 2.5 stories or 35 feet.

Mayor Bukiewicz referenced the Architectural Standards for ground floor glazing (page 12 item 3), asking if this applied to clear glass only, rather than opaque or frosted. Planner Papelbon replied that anything opaque or frosted would be a modification request of up to 50%, and would have to meet certain standards to compensate for the reduction of clear glass.

Mayor Bukiewicz asked whether a tenant who wished for more privacy would need to do interior modifications to block their view. Planner Papelbon said an individual tenant could also request a reduction in the clear glass requirements. Reduction requirements would likely be established in the Planned Unit Development (PUD) agreement incorporating tenant space.

Planner Papelbon pointed out that even though the Commission was discussing Code requirements, they should note there will also be PUD Conditions and Restrictions which accompany the Code requirements. Whenever an applicant proposes a Traditional Neighborhood Development (TND) PUD, there will still be Conditions and Restrictions to address specific modification concerns at that time.

Commissioner Siepert referenced the Landscaping Standards regarding street trees (page 13, item a-2). Commissioner Siepert commented that some street trees shed a lot of seeds, making a mess on the streets that is difficult to clean. Mayor Bukiewicz concurred. Commissioner Siepert stated that careful thought should be given to the types of trees that are selected. Mayor Bukiewicz suggested that Forestry [Department] should be included in any discussion moving forward.

Commissioner Sullivan added that the street tree spacing needs to coincide and work with the spacing of street lighting. Mayor Bukiewicz agreed.

Planner Papelbon read the wording from the Text Amendment (page 13 item a-2), which states: *"trees may be clustered and need not be evenly spaced"*. Planner Papelbon posed the question of whether the text should be worded to read more along the lines of "1 tree per *average number* of feet".

Mayor Bukiewicz and Commissioner Sullivan stated their preference for the Code to be written to provide the greatest possible design options. Planner Papelbon asked if "an average of 80 feet" would be more appropriate wording. Commissioner Sullivan replied that 80-100 feet is closer to the typical street light spacing seen in these kinds of developments and would afford the flexibility needed to work with the developers.

Commissioner Sullivan stated that Engineering [Department] has drainage and maintenance concerns with the minimum setback requirements of 2 feet and 3 described in the Dimensional Standards chart (page 8).

Planner Papelbon informed the Commission that clarification regarding the size of accessory buildings was added after Commissioners received their packets. Planner Papelbon referenced the Design Standards (page 7 item c-1), noting that the word "attached" was added to ensure any garage will be subordinate to the dwelling.

Mayor Bukiewicz raised a question regarding the Design Standards for maximum non-residential area (page 6 item 7). Mayor Bukiewicz asked if 25% of "gross acreage" of the TND applied to each phase of the development, or the PUD as a whole. Planner Papelbon replied that it was 25% of the entire PUD. Planner Papelbon stated that if a phasing plan were requested, it would need to be provided as part of the PUD.

Assistant Chief Havey stated that Fire did not have any immediate concerns with the Text Amendment.

Mayor Bukiewicz asked about sprinkler requirements for buildings that could potentially be in such close proximity, even though they would be less than four stories high. Assistant Chief Havey explained sprinkler requirements were dependent upon the type of occupancy for the building.

Mayor Bukiewicz questioned if sprinkler requirements were something that should be looked at in

PUD requirements going forward. Planner Papelbon stated she was not comfortable providing an answer at this time, expressing there may not be much support for such requirements without a Fire Code requirement to rely on. Assistant Chief Havey added that although he advocates for sprinklers in every structure, the State Code 2012 Edition does not require them.

Planner Papelbon directed the Commissioners to look at the Permitted Residential Uses table (page 5) to be sure the Commissioners were comfortable with the minimum and maximum densities being proposed. Planner Papelbon stated that there were two categories, each with two numbers next to them. The maximum density for 3-4 units is proposed to be a maximum of 12 per net acre rather than 6. The multifamily/senior housing category is proposed to be a maximum of 102 per net acre based on a 5-story maximum build. Mayor Bukiewicz indicated he would defer to the expertise of staff.

Planner Papelbon asked the Commission if there were any concerns regarding the allowance of 25% of the gross acreage requirement for a non-residential component.

Commissioner Chandler asked if there was a way for Planner Papelbon to share the information regarding the numbers 102 and 5 stories. Planner Papelbon replied that if the maximum building height allowed was 5 stories, then the developer would have to make sure they did not exceed 102 units within that.

Planner Papelbon questioned whether Commissioners had any concerns regarding the clear glazing requirements, and how staff proposes to address them in situations where the 30% requirement may not be applicable. Mayor Bukiewicz answered that he felt staff was well prepared after dealing with similar such issues in Drexel Town Square. Planner Papelbon stated that there would be additional text established to deal with those instances when reductions in clear glazing requirements were requested, and under what criteria that would be allowed.

Commissioner Chandler asked whether it was possible for the developers to include 102 units in less than 5 stories. Planner Papelbon responded that all plans would need to be approved by the Plan Commission as part of the PUD, and they would have to come back before the Commission for site and building plan review. The Plan Commission would have the discretion to determine that the plans presented were not appropriate given the context of the development. Planner Papelbon reiterated that the Zoning Text Amendment simply establishes the maximum allowances; it does not guarantee that everyone will be granted the maximum allowance.

Commissioner Chandler questioned whether the text should identify the size of the building to which the 30% glazing requirement applies. Planner Papelbon answered that the glazing requirement was actually identified as applying to the street-facing ground floor of commercial and mixed-use buildings.

Alderman Guzikowski moved that the Plan Commission recommend to the Common Council that the proposed amendments to Section 17.0327 of the Municipal Code pertaining to the Traditional Neighborhood Development PUD District are approved after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW
OAK CREEK DENTAL
8725 S. HOWELL AVE.
TAX KEY NO. 859-9016-000**

Planner Papelbon provided an overview of the site and building plan review for a proposed addition to the existing building (see staff report for details).

Russell Raposa, 12690 W. Greenbriar Lane, New Berlin, WI, identified himself as the architect for the project. Mr. Raposa explained to the Commission that as this was a very simple addition designed to match the existing building as closely as possible, the choice of vinyl siding was made.

Commissioner Oldani asked Planner Papelbon whether the Commission needed to take any specific action to approve the vinyl siding. Planner Papelbon indicated a majority approval of the motion by Commissioners would suffice.

Commissioner Siepert moved that the Plan Commission approve site and building plans submitted by Dr. Saleki, Oak Creek Dental, for the property at 8725 S. Howell Ave. with the following conditions:

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

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

**PLAN REVIEW
MILWAUKEE AREA TECHNICAL COLLEGE
6665 S. 13TH HOWELL AVE.
TAX KEY NO. 718-9961-0002**

Planner Papelbon provided an overview of the proposed site, building, and related plan review for proposed amendments to the existing baseball field and dugouts (see staff report for details).

Dan Roehrdanz, 6049 S. New York Avenue, Cudahy, WI, spoke on behalf of the applicant. Mr. Roehrdanz noted that the dugouts were basically going back in the way they presently exist, with painted CMU, a dimensional shingle asphalt roof, and Hardie Board trim and fascia.

Commissioner Carrillo asked if the reason for the synthetic turf was to eliminate excessive mud and water. Mr. Roehrdanz answered in the affirmative, noting that the use of synthetic turf allows for the field to be utilized earlier in the season.

Commissioner Carrillo questioned whether the dugouts still existed and were simply being replaced. Mr. Roehrdanz explained that the existing dugouts currently project into the field roughly 10 feet, and the new dugouts would be pushed back to be even with the foul line fence.

Alderman Loreck asked whether the alternate bullpens were included in the present proposal. Mr. Roehrdanz stated they would eventually be built over the course of roughly 2 years. From a funding standpoint, it might necessitate doing the infield and dugouts this year, and the outfield, bullpens, and batting cage next year.

Commissioner Chandler asked if the dugouts were above ground or partially below. Mr. Roehrdanz replied that the dugouts would be at-grade.

Commissioner Chandler asked for details on the purpose of the storage room, which is part of the third base dugout building. Mr. Roehrdanz responded that the space would be used to store incidental baseball equipment such as bats, helmets and balls.

Commissioner Chandler asked why synthetic turf is being proposed. Mr. Roehrdanz explained the natural grass is very wet in the spring, and the synthetic turf will eliminate some of that issue.

Alderman Loreck moved that the Plan Commission approve site and building plans submitted by Ray Zukauskas, MATC, for the property at 6665 S. Howell Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. 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.

**CERTIFIED SURVEY MAP
CREEK TWO LAND, LLC
9925 S. STERN ST AND 9955 S. 13TH ST.
TAX KEY NOS. 926-9032-000 AND 926-9031-000**

Planner Papelbon provided a review of a Certified Survey Map request to combine the properties at 9955 S. 13th St. and 9925 S. Stern St. (see staff report for details).

Mike Faber, Creek Two land, LLC, N17 W24222 Riverwood Drive, Waukesha, WI, expressed agreement with staff recommendations for the CSM, and stated that he was available to take any questions.

Alderman Guzikowski asked what kind of light manufacturing may be coming to the property. Mr. Faber stated that there were no users at this time, and the building may be built speculatively before a tenant was found. Mr. Faber stated that it would be very helpful to have the building approved and ready to go were they to attract a lead tenant. Mr. Faber stated that the plans for the building orient the industrial side to the north. The office side to the south would face a significant berm and mature landscaping. Mr. Faber stated that he would only consider those uses already approved for the M-1 [Manufacturing] PUD.

Commissioner Siepert asked how the easements would be laid out on the new CSM. Mr. Faber said after discussions with the Utility and Engineering staff, the plan was to eliminate most of the easement and abandon the utilities that are currently there. Originally the [business] park was to have a road that moved all the way back out, which explains the original placement of the easements. Mr. Faber noted they will stop for sanitary [sewer] at the property as it comes in from the cul-de-sac on the north side. The water will be looped out and around to the south of the

building so it maintains its way back out to 13th St., thus removing the easements out of where the footprint of the building will go.

Commissioner Siepert moved that the Plan Commission recommend to the Common Council that the Certified Survey Map submitted by Mike Faber, Creek Two Land, LLC, for the properties at 9955 S. 13th St. and 9925 S. Stern St. be approved with the following conditions:

1. That the note regarding release of the existing utility easement is removed from 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.

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

PLAN REVIEW

CREEK TWO LAND, LLC

9925 S. STERN ST AND 9955 S. 13TH ST.

TAX KEY NOS. 926-9032-000 AND 926-9031-000

Planner Papelbon provided a review of site, building and related plans for a proposed multitenant industrial building (see staff report for details).

Mike Faber, Creek Two land, LLC, N17 W24222 Riverwood Drive, Waukesha, WI, addressed the Commission. Mr. Faber acknowledged Planner Papelbon's overview and stated that there were three items which he and staff were not in complete agreement on.

First, Mr. Faber said he has been working with the City's Stormwater Engineer and is hopeful they can arrive at a solution that does not require a change in the building design and site plan. Mr. Faber respectfully requested that the Plan Commission approve the plan as it stands, subject to approval by the Stormwater Engineer. Mr. Faber suggested that Planning Staff could then determine whether there would need to be design or site plan changes that needed to come back before the Commission.

Mr. Faber next addressed the architectural features on the building, explaining that the locations of the painted windows had been very carefully chosen so they would not be scrutinized or highly visible. Mr. Faber said they have proposed actual windows in places that were not typical, for example, toward the dock end of the building, because that area would be visible to members of the public and other park occupants. It is not typical to have office windows on the backside or dockside of a building.

Mr. Faber referenced the windows on the west side of the building. He stated those windows are generally only visible from the freeway and generally only the top of the building will be visible, because the freeway level is quite a bit below grade from what the building's height is. The technique of having knockout panels where windows can be added for tenants who want more and need more office space, is very common.

Mr. Faber provided handouts of images of two buildings to the Commissioners. The first was an image of the most recent building in the same business park where this building is proposed, Crothall Laundry. Mr. Faber pointed out that the Crothall Laundry building has six or seven

windows on the east side of the building, but other than very small clear story windows around the top of the building, there are no windows on the building whatsoever.

Mr. Faber explained that the other images were of the Amazon building across the street. Mr. Faber stated all of the windows on the main part of the building are painted on windows. The distance and the circumstances of how people view those is that they would never guess those were painted windows unless they got up very close to them. Mr. Faber said in his view, that is very similar to how people going along the freeway at 70 miles an hour will view the west façade of this building. Mr. Faber stated it would be very similar to how people will view the east facade that faces 13th Street because there are existing berms and landscaping already in place. As it is only a small opening where the access point comes off 13th St., someone would have to be looking at the exact right moment to catch a glimpse as they passed by.

Mr. Faber stated that when someone comes in off 13th St., they are facing what will be the warehouse area on the east façade and the drive-in doors on the north side. Mr. Faber is proposing real windows there, because someone will be facing those head on as they are driving, rather than pushing those real windows into a place that people would not notice because there are no parking spaces on the east side of the building. The few windows that are proposed to be painted on the east side will be designed structurally for cutting out should the addition of future real windows if necessitated by a tenant. Mr. Faber added that the cost of steel is making buildings horrifically expensive compared to even six months ago, so he is struggling for every \$20,000 and \$30,000 he can find to keep the cost of the building reasonable compared to what market rents are.

Mr. Faber said in the context of the immediate neighborhood where the Plan Commission has approved other buildings that have almost no windows, he would request that the Commission consider and approve the window pattern that he has suggested. Mr. Faber reiterated the windows he is proposing to be painted on will be very difficult for many people to notice or observe and real windows can always be added because the building will be designed structurally for that purpose.

The last issue Mr. Faber wished to comment on was the discrepancy in the interpretation of the language of the PUD Conditions, which asked for the drive aisle to be on the south edge of the development instead of the parking spaces. Mr. Faber stated that interpretation appeared to be in direct conflict with the actual approved development plan, which shows a single loaded corridor with parking on both sides.

Mr. Faber stated that he did not feel pushing the drive out to the south was going to accomplish anything positive for the surrounding neighborhood. Mr. Faber noted Community Development Director Seymour offered to look through previous meeting minutes to explain why that narrative made it into the PUD language but was unsuccessful. Mr. Faber acknowledged the General Development Plan conflicts with the PUD language.

Mr. Faber said if the drive aisle were placed to the south and the two rows of parking were placed nose to nose, he could not conceive of how that would help the neighborhood. Mr. Faber commented that the vehicles passing through the drive lane would be somewhat buffered if the parking row was full of cars. Mr. Faber felt, in his view, that he was not proposing anything that was harmful to the neighborhood.

Mr. Faber noted the conflict between the General Development Plan and the PUD language was put in place at the exact same time and it felt it was prudent for the Plan Commission to resolve

that question. Mr. Faber added if a potential amendment to the PUD was required, it would end up back before the Commission.

Yvonne Sira, 1500 W. Lois, Oak Creek, WI:

"The Plans and all the efforts that your company has gone through Mike, is phenomenal, very detailed. If you look at the freeway right now, did you notice that we have the sound barriers up but they stop at Daniel? So what's happening, there's new grid work on the freeway. Do you realize it's very noisy because of the grid work? And so everything is coming, all the noise is coming from the north now because there's no berm, or there's no sound barrier, north of Daniel. And honestly, I think this building, it's gonna like make things a little quieter is what I'm hoping for. Because, how tall is your building, do you plan it?"

Mr. Faber responded the building would be about 37 feet.

Yvonne Sira:

"37 feet high. I mean we knew there was going to be a building going up there. With the parking, it doesn't appear that there's any semi traffic coming down on the south side is that correct?"

Mr. Faber replied that was correct.

Yvonne Sira:

"Okay, so what you have, is you have people coming to work, leaving, different shifts. It looks like the parking, there's some of the parking is proposed only on the south side, not all of it is yet planned, is that right?"

Mr. Faber answered, yes, some of the parking is what is called "land banked," so it is only built if it is needed for the density of employees.

Yvonne Sira:

"Right. So as a resident of Lois Lane, I guess you know, with the proposed tenants you know, I mean I'd like you all to take into consideration what they do and when they can make noise. Because right now we just got done listening to the pile drivers for the noise things. So, we just got done with that, that was all done at night and you know, it's just banging all night long, and if no semi traffic comes down on the south side, I think that will make the people happy on Lois Lane. Your building might be tall enough to keep all of that noise coming through the gateway. I honestly, I think, maybe my heating bills, those will be less because the north wind will, some good thing, I gotta look at some good things, right? I have to, because you see, that used to be agricultural and it was just a farm and you know, there was like three lanes on the freeway. It's changed. So, I just, my husband wanted me to just make a comment, that Michael is a very good person to work with as a business person in that area of development. Thank you."

Commissioner Chandler asked if Planner Papelbon could provide more details about the ordinance conflict with regard to the double-loaded employee parking along the south side of the building.

Planner Papelbon stated the latest amendment of the Ordinance was from 2009, and it has been amended several times since the original PUD was brought before the Plan Commission and the Common Council. The text of the PUD (Section 2-E) says *“the southerly parking lot shall be designed so that the aisle is closest to the berm and that no parking spaces directly abut the south property line”*. The General Development Plan is showing the two parcels that were just combined and also shows two buildings. One of the buildings within the General Development Plan shows double-loaded parking on the south; however, the berm is in place and the berm is current. The second parcel in the General Development Plan shows a building with the orientation such that the loading docks are on the west side of the building. This was something that was never actually proposed; it was a General Development Plan Amendment that was showing this configuration. There is apparently a conflict between what is shown graphically, versus what is written in the text. The intent is for the protection, as much as possible, for that residential neighborhood to the south. Staff feels the continuous row of double-loaded parking has more potential impact to the neighbors to the south, because the berm does not completely cover the entire south property line. There is a portion where the berm ends, and that is where the swale or possibly stormwater feature is proposed. The parking continues along that side, which in the General Development Plan is not shown as parking for that second parcel on the west. That is where the conflict comes in. Staff want to make sure that the neighborhood to the south is protected as much as possible. The requirement is for the berm and the landscaping on the berm to be retained as much as possible. If the conflict is something that the Plan Commission feels strongly about, it would be something that they would want to clean up in the PUD.

Commissioner Chandler asked the applicant what the plans were to eliminate this conflict within the ordinance.

Planner Papelbon responded that it was up to the Plan Commission to determine whether or not the Ordinance should be amended, or if the Plan Commission is satisfied with the double row of parking along the entire south property line. It addresses the conflict within the report if the Plan Commission makes a determination on this issue because staff's reading of the ordinance is that the double row of parking should not be allowed.

Commissioner Chandler asked if the applicant had any proposal to eliminate the conflict.

Mr. Faber answered that eliminating the parking would be a pretty severe restriction, because it would limit the kinds of tenants that would be attracted to the building. Mr. Faber expressed fear it may aim the tenancy more at pure distribution. Mr. Faber felt it was in both his and the City's interest to be able to attract users that have a higher proportion of employees. Those tenants tend to be either a little more office use or light assembly. Operations that have more employees tend to pay a little better, and Mr. Faber stated it was better for the jobs that were attracted to Oak Creek and the tax base of the City. The building cannot be pushed any further to the north to make the same quantity of parking because semi-trucks have minimum distances that they need for maneuvering at the docks. Mr. Faber said that to his mind, the solution is for the Plan Commission to be comfortable that the protection of the neighborhood is satisfied by the configuration of the building, which is better in two respects than the General Development Plan. First, the building is continuous, so instead of a gap between two buildings and noise from the back of Crothall or from Stern Street coming into the cul-de-sac, a 37-foot-tall building is blocking that noise like a barrier even better than a landscaped berm. Secondly, the General Development Plan has approved docks on the west façade, which can transmit truck noise to the south towards the neighborhood. Mr. Faber pointed out that the current plan does not have any docks other than on the north, so those are two better protections for the neighborhood. Mr. Faber stated that

in his judgement, the parking being 18 feet further away or 24 feet further away would serve virtually no betterment for the neighborhood.

Commissioner Chandler asked the applicant for details and locations of rooftop mechanicals.

Planner Papelbon stated that because the plans are for the shell of the building, there are no rooftop mechanicals identified because they don't know where the tenants are going to be at this point. Rooftop mechanical units would have to be sited such that they are screened by the parapets or with effective materials as approved by the Plan Commission or the Department of Community Development.

Commissioner Siefert expressed concern for the residents on the south side of the building over the stormwater management, and any potential water that could end up on their property. Commissioner Siefert acknowledged that the applicant is working with the City.

Mr. Faber responded that he does not have any concerns about stormwater heading in the direction of the residential neighborhood because there's a very large berm there, so the water would not travel uphill over the berm. Mr. Faber added that his civil engineer was available to answer questions. Mr. Faber said the issue yet to be resolved has to do with the standards that were in place 21 years ago when the regional stormwater pond was built on north end of the [business] park in the northwest corner. The question is whether the stormwater from the parking lots, the roof, the sidewalks, and the impervious area that goes into pipes would be too much for that existing pond, and how to handle the excess and whether to come up to current requirements. Mr. Faber stated the thinking is to try and handle the current requirements, meaning more volume than that pond was designed for, and doing that on the site in a way that is acceptable to the Stormwater Engineer and to the City's satisfaction.

Commissioner Siefert commented that he looked at the building size, and noted the permeable ground which could absorb a lot of that moisture is gone now.

Mr. Faber added he respected that concern, noting that the water eventually has to go over into the stormwater pond in the northwest corner.

Commissioner Oldani asked Planner Papelbon the difference between a "hold" of the suggested motion, as opposed to making the motion with condition number three, which basically says the applicant must work with the Stormwater Engineer.

Planner Papelbon stated that the difference was that in previous reviews where there was a development that includes stormwater management, staff have been informed by the Engineering Department that the plans are far enough along to the point where they feel comfortable that they will work and can be approved with some minor modifications. Planner Papelbon stated that this plan is not there yet. Staff is not comfortable moving forward until those stormwater concerns have been addressed, and the plans have gotten to the point where they are satisfactory to meet those requirements with some minor modifications. The "hold" would allow for those conversations to continue to the point where both parties are in agreement on the requirements, and what the plans will be, so that they can be brought to the Plan Commission for final approval. Without having that confidence by the Stormwater Engineer, staff is recommending a "hold." Planner Papelbon added that if the Commissioners wished to proceed, they should know that staff are not comfortable with the plans as they are presented at this point. Until staff gets notification from the Stormwater Engineer that these plans can be approved, staff is recommending a hold.

Commissioner Oldani asked if the Plan Commission would make a variance with regards to the outside lane, or if it was something Staff was talking about changing permanently. Planner Papelbon explained the Plan Commission does not issue variances. At issue is the interpretation of the Ordinance [PUD] language. Commissioner Oldani said he understood.

Planner Papelbon stated that it was not even a modification request at this point. It is rather a Plan Commission interpretation as to whether or not the PUD, as worded, needs to be amended to allow for this plan to move forward. Planner Papelbon noted the current plan does show a continuation of the parking to the west that the General Development Plan did not anticipate. Substantial screening materials would be required to ensure that the residences are not affected by headlights that are coming down from vehicles that are turning and may affect those properties. Staff needs to ensure that if those parking stalls are allowed to remain there, they are not negatively impacting the existing residences. Planner Papelbon reiterated it is an interpretation of the PUD that the Plan Commission needs to make a determination on.

Commissioner Oldani asked whether all parking stalls would be eliminated if the applicants were to push the lane to the outside, or whether there was a new configuration.

Planner Papelbon indicated that any new parking configuration would be up to the applicant to propose.

Commissioner Oldani replied that it seems impractical, and agreed with the applicant that having those parking spaces would be attractive to the type of tenant they would like.

Planner Papelbon agreed, and stated that that is exactly the conflict. Planner Papelbon added she did not think anybody was suggesting the parking needs for the tenant spaces should be eliminated or somehow disregarded. The issue is: there is a conflict within the PUD. Planner Papelbon questioned whether it was enough, if the Commission let it remain, they suddenly have something that is a conflict between a site plan and requirements. Should the plans be redesigned such that they meet the requirements of the PUD, or should the PUD be amended to reflect what is being proposed in the plans?

Alderman Guzikowski said he agreed with the stormwater concerns of staff and the other Commissioners. Alderman Guzikowski expressed appreciation that the plan that was brought forward has the loading docks on the north side and parking for the cars on the south side. Alderman Guzikowski commented he felt the building may actually be a sound barrier of sorts for the neighborhood.

Alderman Loreck stated he had no concerns with the windows on the far west side against the freeway; however, he would support staff's concerns with the windows on the southeast corner where there are real windows and then some painted windows around the main entrance.

Alderman Loreck said his immediate thought upon seeing the drive aisle and the parking was whether there was an effect on the neighborhood with cars pulling in throughout the evening into those spots and headlights going into homes.

Alderman Loreck stated he would support staff's decision on the stormwater issues.

Planner Papelbon explained that what staff was proposing with regard to the windows was consistent with all the other developments that have recently come forward, particularly when it

comes to the front. Planner Papelbon used the recent Frontline building as an example. The tenant spaces were made to mirror each other, even along the freeway, and recognizing the building may not be entirely visible from the freeway. The building design standards were still applied, and staff's recommendations for this building would be consistent with those recent approvals.

Planner Papelbon noted with regard to the Crothall development, the building was for a single tenant and was approved before Planner Papelbon's time with the City. Planner Papelbon also made clear that is not something staff would be recommending in the future. The approval of the Amazon building was a specific special modification request with regard to the interior operations of the building for a specific tenant. To be consistent with developments like Frontline or the Milwaukee Yard, the Commission does have window requirements that have been incorporated into those reviews and approvals. Planner Papelbon explained this was so the design of those buildings looks more like a business park, and has the aesthetic feel of a corporate headquarters, even though the operations may not be headquarters themselves. The tenant spaces are something staff are very concerned with. In some instances, staff have required specific design elements to be wrapped around the corners of the building. Planner Papelbon noted staff were applying that exact same concept here, so that the most likely tenant locations incorporate those windows, not just for the aesthetics, but for the employees of the office spaces.

Planner Papelbon pointed out that the windows are a requirement of the PUD, (section 5-H) which states: *"windows, awnings, and arcades must be an integral part of the facade abutting a public street. This provision applies to building facades abutting S. 13th Street, I-94 and the main interior private street"*. If the Plan Commission wishes to adjust this requirement as part of a PUD amendment, it can be discussed.

Commissioner Sullivan acknowledged that although Mr. Faber and his staff have been working with City Engineers, they have not yet reached a point where they are comfortable with the plans. Commissioner Sullivan explained that some of the confusion has been either the developer meets the new ordinance of Chapter 13 [of the Municipal Code], or they meet the parameters that were given under the original Stormwater Management Agreement prior to Chapter 13.

Commissioner Sullivan commented that the drive aisle and the windows were clearly in conflict with the PUD, and if he understood, the Commission would have to amend the original PUD if they wanted to move forward with this site plan and building layout simply because of the differences.

Commissioner Sullivan stated that he has been on this site, and the berm is very well vegetated and mature, so he does not see the drive aisle as a huge concern.

Commissioner Sullivan said the windows were more problematic to him, noting the Commission had recently turned away Truck Country for not meeting the standards for windows and canopies facing the freeway. Commissioner Sullivan said the Commission should be consistent in their approach.

Assistant Fire Chief Havey stated he had no significant concerns with either the drive aisle or the parking.

Commissioner Chandler asked the applicant whether or not an existing monument sign would remain, or if a proposed monument sign was included on the plans.

Mr. Faber answered that the site plan shows a proposed new monument sign that would identify the building. The existing signage identifies the business park, and there is no intent to modify that.

Mayor Bukiewicz told Mr. Faber that although he did not think he and the Commission were very far from where they needed to be, the Commission needed to be consistent. Mayor Bukiewicz informed Mr. Faber he would respect staff's stormwater recommendations.

Mayor Bukiewicz stated that he agreed with Planner Papelbon regarding the issue of painted windows versus glass windows, and the need for consistency amongst tenant spaces.

Mayor Bukiewicz supported Commissioner Sullivan's assessment that the berm would provide protection for the residents to the south if the drive aisle were to remain in the proposed location, but acknowledged it presented a conflict with the PUD. Mayor Bukiewicz stated that, overall, he felt it was a well-thought-out plan.

Mr. Faber commented that he hoped the building would become a single tenant building. It was designed with more architectural interest around it than many of the other buildings in the vicinity, including Crothall and Amazon. Mr. Faber noted the existing building next door was designed with three entrances, including the central entrance, and has ended up with only two tenants throughout the course of its 17-year life. Mr. Faber noted the vast majority of Amazon's 2,300 current employees work on the first floor where there are no windows, saying many industrial tenants prefer no windows at ground level in their warehouse space.

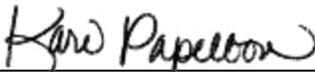
Mayor Bukiewicz said he understood, but with Amazon, the City knew who the tenant was and we knew it was a single user. Mayor Bukiewicz stressed the need work with staff and to try to maintain consistency.

Mr. Faber explained the reason for the building's window design was to afford flexibility for future tenants to pop real windows in as necessary.

Alderman Guzikowski moved that the Plan Commission hold the review of site, building and related plans for a proposed multitenant industrial building to a future meeting date. Alderman Siepert 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 8:09 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

6-8-21

Date