

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, OCTOBER 26, 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, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Commissioner Carrillo was excused.

Minutes of the October 12, 2021 meeting

Commissioner Siefert moved to approve the minutes of the October 12, 2021 meeting. Commissioner Oldani seconded. On roll call: Alderman Loreck abstained, all others voted aye. Motion carried.

**PUBLIC HEARING
TID PROJECT PLAN AMENDMENTS**

Planner Papelbon read the public notice into the record.

City Administrator Andrew Vickers addressed the Plan Commission and explained there were some impactful Tax Increment Financing (TIF) decisions to be made.

Assistant City Administrator/Comptroller Max Gaglin provided a history of the current Tax Increment Financing Districts (see Plan Commission Packet for details).

- TIF (Tax Increment Financing)
An economic development tool available for municipalities to expand its property tax base, where the development would not occur without public assistance
- TID (Tax Increment District)
The contiguous geographical area within a municipality identified for development using TIF
A TID consists of whole units of property assessed for general property tax purposes not including railroad right of ways, rivers or highways, or wetlands
- As of April 16, 2021, Wisconsin has 1,352 active TIDs
- There are 129 active TIDs in Milwaukee County
 - EVERY city has at least 1 TID
 - Three villages – Bayside, Fox Point, River Hills – do not have a TID
- As of January 1, 2021, the equalized value of all active TIDs in Wisconsin was \$44.0 billion
- The ONLY meaningful tool available to Wisconsin municipalities to engage in economic development
- Common misconceptions:
 - Creating TIDs will increase taxes
 - A Developer's "get-rich-quick-scheme"
 - Developer's do not pay their taxes; the City gives out "free money"
 - General taxpayers of the City are negative impacted financially by a TID

- TIF: Understanding the financial mechanism
 - Base value = the equalized value of the real and personal property located within the TID as of the valuation date
 - Increment value = the difference in equalized value between the base value and the current value of the TID
 - Ex: on a \$15,000,000 property, full tax revenue is \$326,100. The City's portion it keeps for City operations/finances is \$94,950
 - If this property was in a TID, the TID keeps the full tax revenue vs. just the City portion of taxes to repay TID expenses
 - When the TID "terminates" all taxing jurisdictions get the higher tax revenues generated by development in the TID
- General Obligation Debt Funding
 - 73% of City's debt is attributed to a TID
 - The City issues debt to make public investments to attract development
 - Rising property values generate tax revenue to pay off debt over time

City Administrator Vickers underscored that since 2010, the City has been investing significantly in its TIDs. Only 2% of the overall tax burden is paid for by the general property tax levy. The TIDs are paying for themselves.

Assistant City Administrator/Comptroller Gagin continued his summary.

- The equalized value of the new or amended TID, plus the value increment of all existing TIDs cannot exceed 12% of the total equalized value within the municipality
- The City cannot create a new TID district or amend an existing TID district until it goes below the 12% threshold.

City Administrator Vickers stated the last time the TID amendments appeared before the Plan Commission, the City was at 8% or 9% of the maximum threshold. Since then, Amazon, with a \$172,000,000 building, has become the largest taxpayer in the City. That one building put the City over the 12%. The silver lining is that the inability to create new TIDs, is a good way to control growth in the City.

Assistant City Administrator/Comptroller Gagin provided a status update on each of the City's TID's.

- TID No. 6 – Creekside Corporate Park
 - Fund Balance (12/31/202) = \$99,921
 - Outstanding G.O. Debt = \$0
- TID No. 7 – 27th St. Corridor
 - Fund Balance (12/31/202) = \$46,550
 - Outstanding G.O. Debt = \$5,750,000
- TID No. 8 – Oakview Business Park
 - Fund Balance (12/31/202) = \$(817,619)
 - Outstanding G.O. Debt = \$9,470,000

- TID No. 10 – Master Lock
 - Fund Balance (12/31/202) = \$938,824
 - Outstanding G.O. Debt = \$0
- TID No. 11 – Drexel Town Square
 - Fund Balance (12/31/202) = \$657,143
 - Outstanding G.O. Debt = \$44,470,000
- TID No. 12 – Ikea
 - Fund Balance (12/31/202) = \$2,586,438
 - Outstanding G.O. Debt = \$6,770,000
- TID No. 13 – Lakefront
 - Fund Balance (12/31/202) = \$240,875
 - Outstanding G.O. Debt = \$0
- TID No. 14 – 6th St. & Rawson Ave.
 - Fund Balance (12/31/202) = \$(21,257)
 - Outstanding G.O. Debt = \$1,020,000
- TID No. 15 – Drexel Ave. & 6th St.
 - Fund Balance (12/31/202) = \$(16,246)
 - Outstanding G.O. Debt = \$0
- TID No. 16 – Ryan Business Park
 - Fund Balance (12/31/202) = \$109,713
 - Outstanding G.O. Debt = \$1,970,000

City Administrator Vickers explained the higher-level strategy behind the proposed TID Amendments. The first goal was to update current and past project costs. When the Ryan Business Park TID was implemented, the City did not know what would be coming to the property. The infrastructure for the project came in at \$20.8 million, of which Amazon fronted 100% of the cost. The City will return the taxes Amazon pays into the TID, to repay their infrastructure investment. The TID has been updated accordingly to reflect real costs rather than speculated costs. The second goal was to identify and capture excess increment from successful TIDs as a funding source for the continued environmental redevelopment and public amenity development the City envisions for the lakefront. The ultimate goal remains to close the TIDs as soon as possible, while still being able to react to development opportunities and fund some of the more expensive lakefront projects.

City Administrator Vickers noted the City had also updated immediate and longer-term goals in the TID Amendments. The City is currently under contract to purchase two pieces of property: Oakview Business Park Lot 1 (approximately 14 acres) and 46 acres of lakefront on the north bluff of Lake Michigan (remnant of Peter Cooper property). The Peter Cooper property is part of the continued effort to clean up the lakefront and will incur significant costs. The City is currently partnered with Wispark, who owns the property and is looking to divest. The City is under contract to purchase the property for \$891,000. The property has environmental conditions that need to be rectified. Wispark would like the City to use its TID funding to remediate the property, but the City would like to own the property first in order to control the fate of it. Controlling the City's destiny on the lakefront is a strategic priority for the City. The Oakview Business Park property is also owned by Wispark. The City is looking to combine this property with a 25-acre parcel south of it, to have one, cohesive, 40-acre parcel. The City will be very patient in looking for a

development which will provide the family sustaining, manufacturing jobs which were envisioned for the bulk of Oakview Business Park.

City Administrator Vickers noted that TID 7 is ending in April of 2022. Some of its additional capital funds will be used to re-pave Apple Creek subdivision, re-work some of the medians on Honadel Blvd., and add a park-like amenity on the parcel which shares the water tower in the Apple Creek subdivision.

City Administrator Vickers reiterated the major crux of the TID discussion is the handling of the continuing environmental clean-up, redevelopment, and public park development on the lakefront. The City owns 23 acres immediately to the east of the Peter Cooper property that serves as the bluff of the lake. The City has a situation where there is not only an unstable bluff, but environmental contamination on the bluff. The City has to spend a significant amount of money to stabilize the bluff and contain the contaminants. The choice is to approach the community with a \$9,000,000 project to put rocks at the base of the bluff, or approach the community with an incrementally larger project and provide public access to the bluff via the lakefront. The City is looking for a connective vision from the north bluff, to Lake Vista Park, and ultimately down to Bender Park. The enabling of the TID funding vehicle will allow for those significant investments in the lakefront which will make it a truly, regional asset. The Common Council budget for 2022, includes spending \$80,000 on a consultant to help create a vision of what the lakefront could look like. Without the TID Amendments, the community does not have the capacity to handle the extraordinary costs to invest in these community assets. Lakeshore Commons and a single-family residential development to the south will create forthcoming increment, but not to the excess of the \$15 to \$23 million dollars needed to handle the lakefront's environmental costs.

Scott Harrington, Vandewalle & Associates, provided a summary of the proposed Project Plan amendments to Tax Increment Financing Districts Nos. 7, 8, 10 13, & 16 (see Plan Commission Packet for details).

Mr. Harrington informed the Commission that when TIF districts are created, particular parameters are put in place as to boundary, type, length, projected costs, and projected increment. There is some flexibility within the TIF that is created, but certain changes require an amendment process such as the changes that are currently being requested. The Joint Review Board must be convened, a Plan Commission public hearing must be held, Common Council must vote, and then it all goes back to the Joint Review Board for affirmation. Because so many of the TID Amendments deal with TID 13, it was determined that bundling them together was the most efficient way to approach them.

- TID No. 7 – 27th St. Corridor (this Amendment does not affect TID 13)
 - Subdivision improvements needed
 - Add \$950,000 in new capital improvements located within one-half mile of the district boundary
 - Allowed if explicitly called out in the TIF plan and amended accordingly
 - No increase in the previously-authorized level of total district expenditures

- TID No. 8 – Oakview Business Park
 - Considerable money already spent due to rapid growth
 - Increase the overall level of district expenditures by \$25,829,400 for capital improvements, land acquisition, and cash grants
 - Large chunk of above money has already been committed

- Donate up to \$6,800,000 to TID No. 13
- District should be set to close 6 years early as revenues are beyond what was originally anticipated

- TID No. 10 – Master Lock
 - No increase in the previously-authorized level of total district expenditures
 - Donate up to \$3,600,000 to TID No. 13
 - Projects originally intended for this TID were not undertaken
 - Roughly \$1,000,000 in fund balance
 - Money intended for closing on properties already under contract
 - TIF should be on schedule to close 2-3 years early

- TID No. 13 - Lakefront
 - Increase the overall level of district expenditures by \$81,037,600 and add project costs for capital improvements, including those within a half-mile of the district, as well as cash grants
 - Expenditures outlined earlier were in original project but estimates were lower than turned out to be in reality
 - Amount of development potential has increased significantly
 - Donations from other TIFs will help with cash flow
 - Future development will carry burden of debt
 - Possibility this district will close early with an \$18,000,000 fund balance

City Administrator Vickers interjected that Mr. Harrington's summary underscored the point he was trying to make earlier. A year ago, the City had no idea how they would undertake some of their proposed projects until this TID donation strategy came into focus. The donation strategy allowed the City to put a timeline on some of these larger endeavors at the lake. The funding plan indicates these projects will eventually pay for themselves with a potential surplus increment at the end of them.

Mr. Harrington commented the proposed projects facilitate not only public access, but private development, on prime properties that should generate significant value.

Mr. Harrington concluded with his summary of the TID Amendment overview.

- TID No. 16 – Ryan Business Park (Amazon)
 - Increase the overall level of expenditures by \$22,940,700 and add project costs for capital improvements and cash grants
 - Donate up to \$12,000,000 to TID No. 13
 - TID has potential to close 6 years early due to revenue stream

Mr. Harrington stated that when a TIF closes early, the full tax value of the district is added to the general tax role, thereby decreasing the overall tax impact for all tax payers.

Mayor Bukiewicz made the first call for public comment.

Mayor Bukiewicz made the second and third calls for public comment. Seeing none, the hearing was closed.

TID PROJECT PLAN AMENDMENTS

Commissioner Hanna asked for clarification that the TID funds would be used not only for public access at the lakefront, but also for property made available to private developers. City Administrator Vickers explained it would be a balance. The City already owns 23 acres on the north bluff which could be used for park-like development along with a section of the Peter Cooper property. Considering the investment the City is making in the Peter Cooper property, there will certainly be private development activity. The type of development that would be most appropriate has not yet been decided. The City has the power to determine what that development will be if they are the owners of the property, thus the desire to purchase it from Wispark. City Administrator Vickers added that the City will be patient in finding the ideal development for the area in the long-term.

Commissioner Hanna inquired as to the property's zoning. Director Seymour answered the district encompasses a mix of zonings. There will probably be commercial zoning at the intersection of State Hwy. 32 and State Hwy. 100. The area south of Bender Park will likely be zoned residential. The area around Lakeshore Commons is a hybrid zoning. Director Seymour stated the zoning for the north bluff remains to be seen, but if left to the pressures of the market, it could well end up being a manufacturing site. The City has the ability to be patient in order to control their own destiny along the lakefront and has no intention of letting this become a manufacturing site again.

Commissioner Hanna said her concern is a lack of public access after investing such a large amount of capital. Director Seymour committed that ensuring public access along the lakefront is priority number one.

Mayor Bukiewicz said that was evidenced by the creation of Lake Vista Park. Mayor Bukiewicz added that this is a very strategic plan and the City is fortunate to be in this position. Well managed TIFs are the vehicle which allows this opportunity to develop the lakefront. In layman's terms, it is like pulling equity out of a home to buy an income property. Mayor Bukiewicz said it was important to prepare the infrastructure for eventual development at the lakefront. Mayor Bukiewicz offered kudos to City Administrator Vickers, Assistant City Administrator/Comptroller Gagin and Mr. Harrington, for developing the strategy that would afford the City the opportunity to reap the benefits of several well managed TIFs.

Commissioner Hanna asked about the impact on private residents in the areas where TID infrastructure projects were planned, using Amazon as an example. Director Seymour answered that a TID does not define or make changes to land use in a given area. The residents who lived near the Amazon TID did not have their land use affected by the creation of the TID. The area was already zoned and planned for exactly what it ended up being.

Commissioner Hanna questioned if there was rezoning in the Oakwood Business Park. Director Seymour replied that a good portion of that zoning called for manufacturing.

Commissioner Oldani asked for clarification about the lakefront bluffs and whether the plan was to purchase the land from Wispark before the clean-up begins. City Administrator Vickers explained that Lake Vista originally had a bluff with a legacy of environmental contamination. The City worked with the property owners, the Environmental Protection Agency (EPA), and the Department of Natural Resources (DNR) to remediate the property and have institutional controls over how the property would be developed and ensure the integrity of the environmental corrections were left intact. City Administrator Vickers stated that the north bluff is akin to where Lake Vista was eight or ten years ago.

Commissioner Oldani questioned whether the City had invested in any clean up on the land owned by Wispark. City Administrator Vickers replied that they had not.

Commissioner Oldani commented that there was probably not a lot of interest in that property from anyone other than the City. City Administrator Vickers concurred due to cost of the environmental clean-up.

Commissioner Oldani asked if there was a time frame for acquiring the property. City Administrator Vickers answered that the TID 10 amendment will provide the fund balance for the purchase of the property.

Commissioner Oldani questioned if it was possible to clean-up one section of the bluffs for public use before continuing with the clean-up of another section. City Administrator Vickers said the issue with the north bluff is its stability. The City has already invested in stabilizing and capping the top portion. Due to rising lake levels, the erosion of the bluffs must be addressed in order to maintain that stability.

Commissioner Oldani asked if the public could be on the bluff once it was stabilized, without being too close to the rest of the proposed clean-up. City Administrator Vickers stated if the community decided to keep all 60 acres as parkland, it would still need to be cleaned up to a certain standard set by the DNR.

Commissioner Siepert questioned why the original property owner was not responsible for the cost of the clean-up and whether the City knew what the contaminant was. City Administrator Vickers responded the City has a handle on what the contamination is from the work they have already done on the north bluff and from Wispark having previously done their due diligence on the property. The TIF will allow the City to pay for the remediation. City Administrator Vickers stated the City has initiated a cost recovery action against the former title holders of the property but it does not seem feasible that they will recover 100% of the remediation costs.

Commissioner Siepert asked what the contaminant was and what the actual cost of clean-up may be. City Administrator Vickers said the City will not only verify, but do their own due diligence as to the nature of the contaminants and cost of clean-up before any land transfer will occur. The nature of the development on the property will determine the standards to which the property must

be remediated. It is up to the community to determine what should be developed on the north bluff, but the City certainly does not want to see another industrial development.

Commissioner Chandler asked for more information on the increased expenditures in TID 8 and TID 16. City Administrator Vickers answered that TID 8, Oakview Business Park, allows for updating infrastructure and incentive costs, a budget to purchase lot 1 and the 25 acres south of it, and to provide a donation to TID 13. The increased expenditures in TID 16, Ryan Business Park, are due to the infrastructure investment made by Amazon and the donation to TID 13.

Commissioner Chandler asked whether the expenditures, excluding the donations, impacting TID's 8 and 16 were paid for. City Administrator Vickers answered the expenditure plan for a TID district must be financially feasible given the revenue. TID 13 would not be able to generate the money to cover the costs associated with its development without the TID donation strategy the City has developed.

Commissioner Chandler said she was trying to understand how TIDs 8 and 16 can donate to TID 13 if their costs are increasing. Mr. Harrington responded each TID plan has a cash flow projection. All of the costs are accounted for and then additional expenditures and revenue are calculated. The revenue projection is based on development that is already on the ground so the revenue is pretty much assured. All of the TID districts are paying for themselves and are able to close early with a positive fund balance. Mr. Harrington said that cash flow projections show these TIDs can pay their additional expenses including the donation to TID 13.

Commissioner Oldani asked about potential risks of the City's TID donation strategy. City Administrator Vickers answered the City needed to be sure not to hyper-extend themselves. Because the estimates are made based on what is already on the ground, the projected revenues are not speculative.

Director Seymour added the City goes into these decisions with a very conservative focus to allow for some cushion. There are still available acres to develop within these TIDs, which would only increase their revenue.

Mayor Bukiewicz noted it is good fiscal management that has allowed this donation plan to emerge.

Mr. Harrington added this is a spending plan, not a budget. It will be implemented incrementally so that adjustments can be made along the way if necessary. Under TIF law, a donation cannot be made until all of the bills within the district have been paid. There are safeguards automatically built in to the plan.

Commissioner Oldani replied that it was important the public understand the TIDs were not being stretched to their limits while donating to the lakefront.

Commissioner Hanna asked whether the lakefront clean-up had been communicated to other municipalities or other public stakeholders. Mayor Bukiewicz answered that the EPA and DNR would tell the City to what standards the lakefront must be remediated.

Director Seymour added that a number of players would be involved including the EPA, DNR, WisDOT and MMSD among others. The public stakeholder involvement began several years ago after they were asked what they would like to see at the lakefront. Lake Vista is the result of an extensive stakeholder project with the community. Director Seymour expressed he has faith the Council and future Councils will stick to the vision and prioritize the public use and ownership of the lakefront. That does not mean that there will not be private development in conjunction with it. Director Seymour said he envisions public involvement with the planning of the north bluff, very similar to what occurred with the planning of Lake Vista Park.

Commissioner Hanna asked if there were any current concerns from the agencies or stakeholders involved about the City's future plans. Director Seymour replied that they currently receive a lot of supportive input.

Commissioner Hanna made a motion that the Plan Commission adopt Resolution No. 2021-01, adopting the Project Plan for Tax Incremental Financing District (TID) No. 7.

Commissioner Siepert seconded. On roll call, all voted aye. Motion carried.

Commissioner Hanna made a motion that the Plan Commission adopt Resolution No. 2021-02, adopting the Project Plan for Tax Incremental Financing District (TID) No. 8.

Commissioner Siepert seconded. On roll call, all voted aye. Motion carried.

Commissioner Hanna made a motion that the Plan Commission adopt Resolution No. 2021-03, adopting the Project Plan for Tax Incremental Financing District (TID) No. 10.

Commissioner Siepert seconded. On roll call, all voted aye. Motion carried.

Commissioner Hanna made a motion that the Plan Commission adopt Resolution No. 2021-04, adopting the Project Plan for Tax Incremental Financing District (TID) No. 13.

Commissioner Siepert seconded. On roll call, all voted aye. Motion carried.

Commissioner Hanna made a motion that the Plan Commission adopt Resolution No. 2021-05, adopting the Project Plan for Tax Incremental Financing District (TID) No. 16.

Commissioner Siepert seconded. On roll call, all voted aye. Motion carried.

**PUBLIC HEARING
SIGN APPEAL
EDUCATORS CREDIT UNION
130 W. TOWN SQUARE WAY
TAX KEY NO. 813-9044-000**

Zoning Administrator Miller read the public notice into the record.

Mayor Bukiewicz made the first call for public comment.

Mayor Bukiewicz made the second and third calls for public comment. Seeing none, the hearing was closed.

**SIGN APPEAL
EDUCATORS CREDIT UNION
130 W. TOWN SQUARE WAY
TAX KEY NO. 813-9044-000**

Zoning Administrator Miller gave an overview of the request for variance from Section 17.0334, which would allow the applicant to install one 7' 10 3/8" x 7' 0 5/8" wall sign on the east elevation and one 7' 10 3/8" x 7' 0 5/8" wall sign on the west elevation of the property (see staff report for details).

Zoning Administrator Miller provided some context for the sign appeal. The maximum sign height cannot be more than 15% of the retail floor height. In Educator's case, the retail floor height is 11' 8" which would allow for a sign measuring 1' 10" tall. The atrium height of the building is 18'. The Water Street Brewery sign is 2' tall by x 33' with a retail floor height of 16' and an overall building height of 36' 6". The Verizon sign measures 2' 9" x 12' 8" with a retail floor height of 16' and an overall building height of 24'. The Educator's building is slightly smaller than both of these buildings.

Commissioner Chandler questioned why the proposed signs exceed the allowances. Zach Wenger, Lemberg Electric, 4085 N. 128th St., Brookfield, said the Drexel Town Square (DTS) requirements would make the sign too small and ineffective from Drexel Ave. and W. Town Square Way. It was necessary to increase the size of the sign to properly brand the building from the east and west.

Commissioner Chandler asked for clarification of whether the signs were this large because of the size of the building. Mr. Wegner said the signs were made larger for visibility. Even using the 18' atrium height to calculate the size of the sign, it would only have been 2' 7" from the top of the logo to the bottom of the wording. That would make the letters approximately 8" high and not very visible from the roads. Mr. Wegner felt the design put forward was a compliment to the building and worked into the overall ratios and dimensions laid out by the architect.

Commissioner Chandler asked Zoning Administrator Miller if she had offered any feedback to the applicant. Zoning Administrator Miller stated she encouraged the applicant to significantly reduce the size of the sign.

Commissioner Chandler questioned whether Mr. Wegner had any other potential designs to present. Mr. Wegner answered that Educator's brand guidelines dictate the proportion of logo-to-letter ratio he can use. The idea is for maximum visibility from Howell Ave. and West Town Square Way. Mr. Wenger stated he did not feel the sign was overly large while still providing maximum visibility.

Commissioner Siepert expressed his approval of the proposed sign.

Commissioner Loreck commented that the sign was rather large, noting that quick math suggested it was 67% of the retail floor height. Taking the atrium into account, the sign could be 2' 8", which is more typical of the other buildings in the area. Commissioner Loreck said he also understood the size of the logo was part of the branding.

Commissioner Sullivan noted the wording itself is a little less than 2' 5", which is equivalent to the Water Street and Verizon lettering. Neither of those buildings have logos. The increase in the size of the sign is simply due to the logo. Commissioner Sullivan said although the logo was

large, he did not think it looked awful, adding that any concession in the size of the logo would be appreciated.

Mayor Bukiewicz commented that although the sign is a little bigger than most, proportionally, the logo-to-letter ratio makes sense. The building is primarily glass and there are few places on which to place the sign.

Director Seymour said that when considering a variance, one should ask the minimum variance necessary to accomplish what is being requested, both from the City's perspective and the applicant's perspective. By design, the buildings in DTS have a front facing elevation and appropriate signage is necessary. Director Seymour said his concern is with brand standards that do not consider the surroundings and context of their placement. The variance could be reduced to the minimum required to satisfy both parties, so that a sign need not be 67% of a building's floor height.

Mayor Bukiewicz commented that he did not think the sign was that bad proportionally speaking. He questioned the size of the Amazon sign and whether or not it should have been granted a variance. Director Seymour replied that the danger in saying "we did this down the road" is that the building in question is not in DTS. Director Seymour stated there is intentional thought as to how those buildings and their signs present to the rest of the community.

Mr. Wegner added that because the majority of the building façade is glass, there is very little area in which to place the sign. Mr. Wegner expressed his appreciation of the Commission's comments and consideration.

Mayor Bukiewicz asked the height of the lettering on the Water Street Brewery water tower. Planner Papelbon replied (inaudible). Zoning Administrator Miller added that the Chick-fil-A sign was 5', the tallest Froedert sign was 3' and the Meijer sign was 17"

Commissioner Oldani made a motion that the Plan Commission approve sign variances allowing the installation of one 7' 10 3/8" x 7' 0 5/8" wall sign on the east elevation and one 7' 10 3/8" x 7' 0 5/8" wall sign on the west elevation of the building located at 130 W. Town Square Way.

Commissioner Siepert seconded. On roll call: Commissioners Loreck and Chandler voted no, all others voted aye. Motion carried.

LANDSCAPE PLAN REVIEW

DAVID DECKER, DECKER PROPERTIES, INC

8100 & 8146 S. 27TH ST. AND 8100 S. ORCHARD WAY

TAX KEY NOS. 810-9012-001, 810-9005-000 & 810-9013-000

Planner Papelbon informed the Commission that Decker Properties had hired a landscape architect to assist in finalizing their Master Landscape plans.

Alderman Loreck moved that the Plan Commission hold action on the proposed Master Landscape Plan submitted by David Decker, Decker Properties, for the properties at 8100 & 8146 S. 27th St. and 8100 S. Orchard Way.

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

PLAN REVIEW

DAVID DECKER, DECKER PROPERTIES, INC

8100 & 8146 S. 27TH ST. AND 8100 S. ORCHARD WAY

TAX KEY NOS. 810-9012-001, 810-9005-000 & 810-9013-000

Planner Papelbon advised the Commission that the Plan Review should be held pending submission of the Master Landscape Plan.

Alderman Loreck moved that the Plan Commission hold action on the site, building, and related plans submitted by David Decker, Decker Properties, for the properties at 8100 & 8146 S. 27th St. and 8100 S. Orchard Way.

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

PLAN COMMISSION CONSULTATION

CR DEVCO, LLC

1933 & 2231 W. PUETZ RD., 8843R S. 13TH ST., AND 8950 S. 20TH ST.

TAX KEY NOS. 857-9993-000, 856-9999-001, 857-9992-000, 857-9991-000

Planner Papelbon provided an overview of the conceptual proposal for a residential development on the properties at 1933 & 2231 W. Puetz Rd., 8843R S. 13th St., and 8950 S. 20th St. (see staff report for details).

Planner Papelbon indicated that the discussion would mostly center on Zone 1 of CR Devco's proposed plan, which encompassed the property from Puetz Rd. and along the I-94 freeway.

Ryan Swingruber, 228 Raymond Ave., Barrington, IL introduced himself and his partner Josh Wohlreich, representing CR Devco.

Mr. Swingruber provided the Commission with Cr Devco's vision to develop single story, low density, multifamily housing, that lives and feels like a single-family home. Oak Creek was deemed a prospective market for this product type and CR Devco reached out to Community Development to discuss several sites. CR Devco is proposing to develop, low density, single story, craftsman style apartments with two car direct-access garages. The absence of more typical surface parking allows for the creation of usable private and public open spaces called garden courtyards. The units will be larger than traditional apartments and provide traditional laundry rooms, additional storage options, and two-car direct access garages. The buildings are energy efficient; they have been designed per national green building standards bronze level certification. Most importantly, the apartments are universally designed, which means they are ADA compliant. They include stepless entrances, single floor living and all passageways and doors are 32" or greater, allowing for proper approaches.

Mr. Swingruber explained the target demographic is baby boomers, active seniors and downsizers who would like to remain in their community with the efficiencies afforded to multifamily residences such as snow removal, landscaping, etcetera. CR Devco believes that this type of apartment will also be highly desired by millennials who are saving to make Oak Creek their future home.

Josh Wohlreich, 313 Surrey Lane, Lake Forest, IL, presented the site plan to the Commissioners. The development is divided into two zones. Zone 2 is not scheduled for development at this point, but CR Devco imagines that it would be developed under its current zoning, of which a portion is single family residential and a portion is commercial.

Mr. Wohlreich explained they are proposing 136 units which will consist of one, two- and three-bedroom market rate units. The one bedroom will rent from approximately \$1400 a month and the three bedrooms for approximately \$2600 a month. The average size of these units is 1361 square feet, which lends itself to the designation of being single-family. 90% of the units will have two-car attached garages. The smallest one-bedroom units will have a single-car attached garage. Each unit will also have a 22-foot parking apron making the dedicated parking 3.7 spaces per resident. There will also be designated parking areas throughout the development for public parking as well.

Mr. Wohlreich noted the density is very low. The first part of the development will encompass approximately 50 acres, 30 acres of which is to remain open space. All wetlands and existing tree vegetation will be kept in place. On site stormwater detention and a berm to mitigate freeway noise will be created along the I-94 corridor. The open, undeveloped space, will create sizable setbacks from neighbors. Plantings will be added to protect breakthrough views from Grays Lane and 20th St. as much as possible.

Mr. Wohlreich described the community amenities that would be included with the development. In addition to the conservation and open space, the distance between the units is close to 80 feet, allowing each unit to have front door garden courtyards. The parking garages and aprons are rear loaded so front doors open to green space. Each unit will have a covered private porch on the front and a private patio on the side, so each unit really has two dedicated outdoor spaces. A dog park and a playground will also be included on the property. A walking path that traverses the entire development will provide an opportunity for exercise and also connectivity between the units.

Mayor Bukiewicz read the first question from Katherine Koehn, 8930 S 21st St. into the record:

1. Is Oak Creek receiving federal funds to build high density housing?

Mr. Wohlreich answered that they are not.

Mayor Bukiewicz read the second question from Ms. Koehn into the record:

2. Subsidized housing?

Mr. Wohlreich answered these are market rate apartments and are not subsidized.

Mayor Bukiewicz read the third question from Ms. Koehn into the record:

3. Apartment unit ratio to single-family home ratio in Oak Creek?

Director Seymour answered that it is typically a 60:40 ratio. That has changed over the years as the economics of single-family development have become more difficult. That number is probably currently closer to a 55:45 ratio. The definitions of single-family and multifamily are evolving. As new types of housing styles make their way into the fabric of the community they are indeed multifamily, but they are laid out very similar to a single-family residential community. It is part of the City's Comprehensive Plan to allow for diversity in housing types.

Mayor Bukiewicz read the first question from Ellen Lichte, 1911 W. Puetz Rd., into the record:

1. Who is assuring wetlands will not be negatively affected – DNR, MMSD?

Mr. Swingruber answered that they have already done a wetland delineation to determine project feasibility. There are parameters for when it must be updated and filed. The wetland delineation will be then be reviewed by the appropriate agencies. The City also has a list of setbacks and standards. Sigma Engineering has run the analysis and is taking into consideration the City, State and Federal standards.

Mayor Bukiewicz read the second question from Ellen Lichte, 1911 W. Puetz Rd., into the record:

2. What is the density and will this increase our taxes?

Mayor Bukiewicz said that usually these developments are self-sufficient for trash collection and snow removal, so it remains to be seen how it will affect taxes.

Director Seymour added that taxes are the value of the community versus the budget of the community. The value of this this community versus the demands it would place on City resources needs to be weighed. Single-family homes are the biggest drivers of demand in terms of City services. Because this type of residential living uses some private services, the impact on City services is lessened while still adding value to the tax base.

Mr. Swingruber noted it would be their preference that the majority of the roads in the community would be private. Snow removal, trash removal and maintenance of said roads would be covered through rent and through capital reserves and remain the responsibility of the developer.

Mayor Bukiewicz said that Ms. Lichte had a density question and asked Mr. Swingruber to reiterate the numbers.

Mr. Wohlreich stated the density for the development is 2.72 units per acre which is consistent with single family detached as opposed to multifamily in terms of density. The goal is to make these feel like a single-family home and attract a specific type of demographic.

Mayor Bukiewicz read the questions from Debbey Fishcer, 1861 W. Puetz Rd., Oak Creek into the record:

1. Are these garden apartments government subsidized?
2. How will the development affect our current tax base?

Mayor Bukiewicz stated these questions had been previously answered.

Barbara Linder, 2411 W. Puetz Rd., Oak Creek:

“You’re not addressing our property. They are only addressing further down, not addressing ours tonight. I came to ask them what they’re going to build there, because he said that they’re not addressing that.”

Mayor Bukiewicz asked if Ms. Linder was speaking about Zone 2.

Barbara Linder:

“We are the first ones off 27th St.”

Mayor Bukiewicz acknowledged the developer does own four parcels, but right now there is nothing planned from 27th St. south.

Barbara Linder:

“My question was, what are you planning to build next to our property, because our property would be affected on two sides: the whole length of the property and the whole back. We went through this years ago with a different developer and it was not good. So, we went and that's what we were interested in, but you're not discussing that now because you're not doing it now.”

Mayor Bukiewicz said there are no plans to develop Zone 2 at this time and the developers have said the zoning will remain single family attached.

Barbara Linder:

“All right, that's all I was interested in.”

Mr. Swingruber corrected the Mayor, saying the property is zoned for single-family detached, not attached. CR Devco does not develop single-family homes and has no intention of changing the zoning.

Adam King 2315 W. Vista Bella Dr., Oak Creek:

“The apartments you're planning on building, they're going to stay permanent apartments? They're not going to go to “for sale” at any point?”

Mr. Swingruber replied that was correct.

Adam King:

“what kind of time frame, are you looking at for breaking ground if everything goes correctly?”

Mr. Swingruber answered that it would hopefully be mid-December of next year, but there are lot of things in play. This consultation is an important first step in working collaboratively.

Patrick Jetaime, 2021 W. Grays Ln., Oak Creek:

“And since my property is directly involved in this, I have a few questions. First off, the tree line. What's going to happen to all the maple trees, which is the state tree, in in here?”

Mr. Swingruber replied they have worked with staff to date. Current zoning requires a 60- or 80-foot setback. Those setbacks must be honored and the goal would be to preserve as much natural vegetation as possible.

Patrick Jetaime:

“Okay, and how much, well if somebody can blow that up. How much of it, are you going to get there, because, you've got a line right there (Mr. Jetaime indicated the location of his home). So with that, how far are you going to come in? How far, what are you going

to be doing there? What's the setbacks going to be? You going to go right from the property line and go east? Are you going to come west on there?"

Mr. Wohlreich indicated the property line is designated as a red dash on the plan. The required setbacks would be honored, existing vegetation would be maintained and plantings would be added to create a buffer if the existing vegetation proved insufficient.

Planner Papelbon stated the minimum setback for multifamily residential buildings to a single-family residential district line is 50 feet.

Patrick Jetaime:

"Okay, then you could possibly keep the trees that are there right now. Also, you have down 2.7 yeah, 2.75 houses per acre-that's kind of tight as far as I'm concerned. Then you also have in here, you have plans for, well you have Grays Road wherever that is I do not know, it's Grays Lane and 20th Street, that you're going to connect sidewalks to the adjacent properties. Okay, how much, are you going to go on there?"

Mr. Wohlreich answered the current site plan does not connect to either Grays Lane or 20th St. The sidewalk is internal to the property and does not connect to Grays Lane or 20th St.

Patrick Jetaime:

"There are no sidewalks there."

Mr. Wohlreich reiterated there would be no connectivity to either Grays Lane or 20th St.

Patrick Jetaime:

"Good, because if you go with sidewalks you're going to be buying my house. I have an 82-foot lot line, so if you come anything south on Grays Lane, you're buying my house. And plus, the people that moved out there, when we moved on to like Grays because we like the quiet. Even though on Saturdays and Sundays we get 17 cars per hour down the road on a dead-end street. And also, on 20th, the dead-end street we like that for the serenity that's around there. You have that would be connecting 20th. Where would you be connecting 20th?"

Mr. Swingruber said they are not connecting 20th St.

Patrick Jetaime:

"You're not connecting 20th. So the way Grays Lane and 20th St. are going to stay that way."

Mr. Swingruber answered that was correct.

Mayor Bukiewicz stated that in all transparency, if this development came to fruition, it would require two entrances for emergency vehicles, so one of the two roads would need to connect.

Mr. Wohlreich said they would be fine with an emergency connection, but questioned whether it need be a permanent one.

Assistant Fire Chief Havey concurred with Mayor Bukiewicz that a secondary access route would be necessary, noting there is still time to examine what that option might look like.

Patrick Jetaime:

“Okay, so if you're requiring a secondary access to the site, if you can take your cursor and move it down along, no just keep it up big please if you can. Okay. If you can bring your screen up so we get the southern edge of your property that you're doing. Yeah. Okay, if you could bring your road in and connect to your two buildings that's right there at the bottom, you see what I'm talking about, no down further. Yes. And if you could bring it in through there, it would be greatly appreciated. It would keep the drunks out of my yard and off my house. Which my house has been hit several times.”

Mayor Bukiewicz said this is all very conceptual and the developer would need to work through options with Fire.

Patrick Jetaime:

“And these are all going to be apartments.”

Mr. Wohlreich responded yes. Mr. Wohlreich asked Mr. Jetaime whether he thought the density was too much or too little when he mentioned it being tight.

Patrick Jetaime:

“Well, put it this way in the spirit of a very good person that everybody in Oak Creek knows, Dick Bolender, take it to Franklin.”

Rhonda Koenig, 2125 W. Puetz Rd., Oak Creek:

“So that road there is going to be the main road going in, the primary road?”

Mr. Wohlreich replied that was correct.

Rhonda Koenig:

“So what does that do for me? What is that, is that a building you got on the road though, over there? What is that?”

Mr. Wohlreich answered it was a leasing office.

Rhonda Koenig

“Isn't that right by the wetlands, though?”

Mr. Wohlreich said it was honoring the setbacks of the wetlands.

Rhonda Koenig:

“See my problem is, we moved from Milwaukee here six years ago with our autistic grandson that has no regard for cars, no matter how many times you tell him. He has no

regard; he will run into the road. It's hard enough for us to keep him off of NASCAR road Puetz. Because you know that ditch and everything, we have to be on him like that, and we're older now you know, and it's hard to get him. So, I'm just concerned about a road right next to my house. Now, I have two roads I have to watch with him. And he's also nonverbal so, I mean, I've seen the wetland guys come in with the truck and I was cutting grass and my grandson was there. He ran right up to that moving truck. He climbed in the truck just about. I can't you know, what is going to be done about that. Is there gonna be any way to shelter that road or am I gonna have to pay for that so he don't run down there. You're gonna buying my house too."

Mayor Bukiewicz commented that is was an officially mapped street.

Rhonda Koenig:

"It's not marked though."

Director Seymour said it is shown on the official map. They are ways to work with whoever may develop the property in future, to minimize the impact of the road through landscaping or fencing. At some point that will likely be a public street although the City would like to be cognizant of homeowner concerns.

Rhonda Koenig:

"Right. We moved here from the city, not to move to another city, you know what I'm saying?"

Director Seymour said he understood.

Rhonda Koenig:

"We needed our grandson to have room to run, that's the only reason we left Milwaukee."

Director Seymour said that road has been on the map for more than six years.

Rhonda Koenig:

"Well then like the gentleman said, you developers might be buying my house too."

Jeff Koenig, 2125 W. Puetz Rd., Oak Creek:

"So what is the green area between the house and the road, or the property?"

Mr. Wohlreich clarified the area Mr. Koenig was talking about, saying they would work with the City to have a vegetative buffer and then evaluate a fence if that was a concern. The current plan shows new plantings, trees, bushes and vegetation, to create a buffer.

Jeff Koenig:

"Yeah I don't think that's big enough. There's no way."

Mayor Bukiewicz reminded Mr. Koenig that this was just conceptual.

Rhonda Koenig:

“We’re just saying our views to take into account. Thank you.”

Joe Netzler, 9031 S. 20th St., Oak Creek:

“I’ve lived here 40 some years. And I started out on a dead-end road and all of a sudden, you know, we have apartments down to the south of us. Now we’re going to have apartments to the north of us. I understand your TIDs and your TIFs and all the development we’re doing, but I have some problems with this development. Like you said, you’re gonna have to have two entrances. Nobody wants it on Grays Lane and nobody wants it on 20th St. I speak for all my neighbors. Why don’t you go out back on their property on Puetz Rd. for your second exit?”

Mayor Bukiewicz replied that you could not get through the wetlands.

Joe Netzler:

“I’m talking about this up here. That’s not part of the wetlands.”

Mayor Bukiewicz said the City always look to connect neighborhoods for public safety.

Joe Netzler:

“Years ago when this was supposed to be developed, that was the major thing they talked about it: they would not make 20th St. a main thoroughfare. So that’s my objection I guess. If they can put a road in on their own property to make two entrances and exits that’s great, but they shouldn’t make all the rest of us suffer because they want to make some money.”

Elwood Faucett, 9040 S. 20th St., Oak Creek:

“I just kind of have a couple of questions. First of all, I want to say I’m not totally opposed to the property being developed. And I fully understand the need to consolidate the development into a smaller area because of the parameters of the wetland and everything else. But I am opposed to any zoning change that will take place. I can point to a development just to the south of this area, Virginia Place. It’s zoned very similar. It’s zoned two-family and was developed with a PUD, with a high density on the west half of the development and a very low density on the east half, but all within the existing zoning. And I wouldn’t be opposed to that. I, at this point, I would have to be opposed to this. The other question is on the access. You have said there has to be a secondary access, the fire department has said there has to be a secondary access, except my understanding is the Official Map doesn’t provide for secondary access. It provides for internal streets with no access to 20th St. and to Hilltop or Grays Lane. Is a secondary access only because it’s multifamily?”

Director Seymour offered to clarify. The Official Map does show a potential future right of way acquisition to connect Grays Lane and 20th St. even though the City may not yet have the right of way.

Elwood Faucett:

“The background that you show on these drawings shows the street pattern. Is that from the official map?”

Director Seymour answered he was not sure what the developers were showing and stated he would be happy to share the Official Map with Mr. Faucett. The need for a second point of access is as great for the residents of Grays Lane, as it is for the potential new development.

Elwood Faucett:

“I just find it odd that the preliminary development plan for this area that was developed at the time the water main went in, and the sanitary sewer went in, was for one and two family. Basically, two-family condo, I believe, on the eastern part and that provided for no secondary access. And again, that was permanent, but it was never brought up then.”

Director Seymour said he would look at that.

Elwood Faucett:

“The proposal did not (contain secondary access). It was developed by Norb Theine and at that point it was not, so there's a change. Thank you.”

Sam Lenda, 1701 W. Puetz Rd., Oak Creek:

“Good evening, ladies and gentlemen of the Plan Commission. I kind of mirror Craig's thing that I don't stand in the way of development. I believe development is good for the City. We fought this battle many years ago but you said no at the time. And Yogi Shah, they wanted to put, was it 600 some units there, the high density residential. And I'll remind the Plan Commission we served a protest petition on the Council where every affected property owner signed it and said we are not in favor of the rezoning. Develop with the zoning that's there, nobody had a problem with that, but we didn't want it rezoned. And that's what we're looking for. If you can do it under R-1, what it is right now, that's not a problem. We didn't care about it. The problem is, a high density residential I believe, scares people. The other fact that it's apartments. Could be condos, I don't think anybody would be here right now, they wouldn't care. I think they'd be saying, hey you got a vested interest in the property that you own. Thank you.”

Commissioner Sullivan said he appreciated the time taken by all of the residents to come out. Commissioner Sullivan commented there could be potential stormwater issues with the first three buildings off of Puetz Rd. and also questioned whether there would need to be an amendment to the Comprehensive Plan.

Alderman Loreck noted that his district was just north of Puetz and he appreciated how early the developers had come to the Plan Commission.

Alderman Guzikowski stated this development was in his district. Alderman Guzikowski said he currently supports the proposal but acknowledges there is a long way to go. If these were condos and not rentals, there would be more of a vested interest.

Commissioner Siepert questioned if the entrance road would be private. Mr. Swingruber stated the preference was that it be a private road, although that would need to be determined after working more thoroughly with Engineering and the City.

Commissioner Siepert questioned whether the internal roads would also be private. Mr. Swingruber answered they would be private.

Commissioner Siepert brought up the flooding problem on Puetz Rd., stating that the development's entrance road would need to be high enough to handle that. There could also be problems with some of the small creeks in the development.

Commissioner Siepert asked whether the development would have basements. Mr. Swingruber said they would not.

Commissioner Chandler questioned if the residences would be elevated because of potential water issues. Mr. Swingruber said that parcels 3 and 4 have significant topography running west to east, so the detention ponds are at the lowest point and should prevent any issues with the dwelling units.

Commissioner Chandler asked how the developers would make sure the surrounding properties were not affected by run-off. Mr. Swingruber answered the storm system would be designed to move all the water to the detention ponds with underground pipes.

Commissioner Sullivan said under Chapter 13, the developers are required to capture all water within their property and manage that. They are also required to treat any water that gets onto their site from offsite, so there are very strict regulations within our Storm Water Maintenance Code.

Mayor Bukiewicz stated the property owners have the right to ask for a rezone although it can be a sensitive issue for the neighbors. The developers have said there will be neighborhood meetings if they move ahead with the project. Staff will also work very diligently behind the scenes.

Adam King:

“With all of us here, maybe next time, can we schedule this to be first in the line of things just because we all have stuff to do tomorrow?”

Mayor Bukiewicz said he would take that into consideration and offered his apologies for the long night.

Adam King:

“It's concerning for all of us as residents of the area, so just waiting two and a half hours...thank you.”

Commissioner Siepert moved to adjourn the meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:47 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

11-9-2021

Date