

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, DECEMBER 13, 2022**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

Minutes of the November 22, 2022, meeting

Commissioner Siefert moved to approve the minutes of the November 22, 2022, meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW

**MICHAEL FABER, CREEK TWO LAND, LLC
9955 S. 13TH ST.
TAX KEY NO. 926-9037-000**

Senior Planner Papelbon provided an overview of site, building, and related plan review for a proposed multitenant industrial building on the property at 9955 S. 13th St. This plan was originally reviewed on May 25, 2021 under the previous Code (see staff report for details).

Mike Faber, Capstone Quadrangle and Creek Two Land, LLC, N17 W24222 Riverwood Drive, Waukesha, WI, informed the Commissioners that the stormwater and window revisions staff requested in 2021 have been addressed in the current plans. Mr. Faber stated that his perspective on the parking drive aisle conflict between the approved General Development Plan and the Planned Unit Development (PUD) language is that the intent of the PUD has been satisfied by the creation of the berm on the south property line.

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

“So, our house is just to the south of the development, and yes, the berm is very thick. I guess I just want to clarify: is the reason for the change in the PUD, possible change, is that because the road is now further south? I’m trying to understand why there would be an amendment.”

Senior Planner Papelbon stated there is essentially a conflict between the language of the PUD and the actual proposal. It is up to the Plan Commission to interpret whether the plans as presented pose enough of a conflict with the PUD to warrant an amendment. Section 2 (E) of the PUD states: “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 berm that is currently on the south property line was required by the same PUD.

Yvonne Siira:

“Well, the Department of Transportation stopped the noise wall, or whatever you want to call it, before Daniel (Lane). So honestly (inaudible) because there is a gap, and if you all know that the texture of the freeway has been changed it’s very noisy, so because we don’t have a wall, a noise wall to the west of us, I’m thinking (inaudible) will really quiet things down. So honestly, I’m ok with it and no one else is here so they must be ok with it.”

Commissioner Hanna asked to be shown an overview of the truck entrances. Senior Planner Papelbon provided a view of the internal and 13th St. entrances/exits. Commissioner Hanna expressed concern that there is the potential for delays on 13th St. if trucks are using it as an entrance, and 13th St. is only two (2) lanes.

Mr. Faber corrected Commissioner Hanna and explained that 13th St. is four (4) lanes where the entrance is located, and narrows to two (2) lanes farther south of the proposed location. Mr. Faber stated that his engineers have assured both northbound and southbound trucks have enough turning radius to maneuver the 13th St. entrance. Most trucks leaving the facility will be heading north to Ryan Rd., and most trucks entering the facility will be using the Stern St. access to the cul-de-sac.

Alderman Loreck asked whether Stern Street connected to 13th St. in a loop. Mr. Faber stated that such was the original intent, but the park developer abandoned the idea. Because the utilities were connected through the intended loop, a Development Agreement will be required to remove the public portion of sewer and water running through a portion of the site.

Alderman Loreck asked whether future parking to the west was required (inaudible). Mr. Faber answered that the proposed future parking on both the south and west is important for prospective tenants who may require more employee parking. If the parking is not required at the time of the building’s completion, it will be left as greenspace until such time as it may be needed.

Alderman Loreck asked if there was a berm which afforded any protection to the residents of 15th St. and Settlers Way if trucks circled the building. Mr. Faber answered that where there is no berm at the west end of the southern lot line, there will be a rain garden fully planted with trees. There are no homes directly south of this area.

Alderman Loreck asked whether there were any plans to post signage preventing trucks from turning south on 13th St. Mr. Faber replied that he would be opposed to no right turns at all as he was hopeful residents working at the facility would be using this entrance/exit. Mr. Faber stated that he would not object to a sign prohibiting semi-trucks from turning south.

Commissioner Siepert asked how many trucks would be using the facility daily. Mr. Faber replied that as this was a speculative building, he did not know what kind of tenant it would attract, and could not know how many trucks may be using the facility on a given day. Mr. Faber stated that market trends suggest the building would likely be housed by one (1) tenant, hopefully a manufacturing tenant, which would have less truck traffic in general.

Commissioner Chandler asked Senior Planner Papelbon if the Commission needed to take any action on the public sewer and water relocation. Senior Planner Papelbon stated that once the Water Utility reviews the plans, there will need to be a Development Agreement for the removal of the old and installation of the new utilities.

Yvonne Siira:

"I just want to confirm: so, one of the Commissioner's had mentioned (inaudible), you had mentioned the traffic wrapping around the building. So, am I correct in just saying that's just car traffic, or is there any proposed truck traffic?"

Mayor Bukiewicz answered that it should be just cars, but it could become a concern for trucks.

Yvonne Siira:

"Right, right. It's a tight angle, isn't it?"

Mayor Bukiewicz replied that it was a very tight angle (inaudible).

Yvonne Siira:

"Living on the south side I would prefer that there not be any truck traffic. I think that was part of the PUD and that it was just going to be employee traffic and employee parking and I just don't want to hear..."

Mayor Bukiewicz said he believed the building was designed for employee traffic and (inaudible).

Yvonne Siira:

"Let it be said: Yvonne does not want truck traffic. Honestly, I do not. I've been there since 1992 and I really don't want, I have got the freeway, which is a lot different when I first moved in. The freeway is a lot noisier. As you well know, there's many more lanes and I understand that I know, chose to live there, but things are changing. And if I can prevent truck traffic from coming in and riding out my mom having a little picnic outside and seeing all the noise and all that, I would appreciate it."

Mr. Faber stated that it will be his intent to post wayfinding signs at the entrances to direct semi-trucks away from the auto parking.

Michael Havey, 1321 W. Lois Ln., Oak Creek, WI:

"Like Yvonne, I live in the neighborhood. I've been there since 1975. So, historically, that sight was planned to be a business site for years, so it is not a surprise that there is a proposed sight coming on there. The traffic concerns, I will tell you, I experience that every day. The business to the east that you spoke about on 13th St. [has] much less semi traffic - it's pretty much employee traffic. I would say that most of the neighborhoods have been accustomed to what we see on the development side of it, so I'm not opposed to it as a resident. It's an expected, proposed business that was going to be at some point in time. There was something going to be there."

Assistant Fire Chief Havey noted Code requires access points with a 20-foot-wide clearance and unimpeded access around the building for emergency vehicles. Truck traffic is anticipated to be concentrated in the loading dock area. Fire has no specific concerns other than Code compliance with fire suppression systems. Emergency access and adequate water supply are sufficient.

Mayor Bukiewicz expressed solidarity with Ms. Siira that there should be no trucks on the south side of the building. Mayor Bukiewicz also stated he would like to see the applicant do whatever possible to prevent trucks from heading south on 13th St., and, in particular, from queuing up on 13th St.

Mr. Faber stated that there is nothing to prevent the trucks from entering Helm St. and Stern St. were they to arrive at a time when their shipment could not be received, so there would be no need for them to queue on 13th St.

Senior Planner Papelbon stated that the Plan Commission must decide whether the PUD should be amended to eliminate the conflicting language.

Mayor Bukiewicz asked Senior Planner Papelbon which option gave the City the most flexibility given that the building's future occupant is unknown. Senior Planner Papelbon replied that amending the PUD just cleans it up.

Commissioner Chandler asked what would happen to the proposed parking area if the PUD were not amended. Mr. Faber answered that he did not anticipate changes to the project, but rather the City would face a situation where they had approved a PUD and development plans which were in conflict. Mr. Faber suggested that it was in the Commission's best interest to eliminate the PUD language specifying the drive aisle should be closest to the berm.

Senior Planner Papelbon explained there were two scenarios. If the Plan Commission approves the plans before them, there is a conflict with the PUD. If the Plan Commission denies the plans before them, the plans would need to be revised to be in conformance with the PUD as written. However, since there are conflicts within the PUD, cleaning it up would eliminate any conflict with the given plans should the Commission wish to approve them.

Commissioner Oldani asked if there was a downside to amending the PUD. Senior Planner Papelbon replied that it would need to go through a public hearing process, which would cause a minor delay. Commissioner Oldani asked if the change would affect the intent of the original PUD. Senior Planner Papelbon stated that correcting the inconsistencies would provide an opportunity to establish what has already happened within the PUD, and establish future requirements moving forward.

Mr. Faber asked if the plans could be approved subject to changing the PUD. Senior Planner Papelbon replied that they could.

Commissioner Oldani moved that the Plan Commission approve the site and building plans submitted by Michael Faber, Creek Two Land, LLC, for the property at 9955 S. 13th St. with the following conditions:

1. That all relevant Code requirements are in effect.
2. That the plans are revised to incorporate staff comments regarding stormwater, utility locations and details, setbacks, and retaining walls.
3. That the plans are revised to include locations for all mechanicals, transformers, and utilities. All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
4. That all light sources are shielded and directed downward, that the color temperature of the fixtures are limited to a maximum of 3,500 Kelvins, and that light sources adjacent to single-family residential areas are shielded on the side of the fixture adjacent to the residential area.
5. That the landscape plans are revised and resubmitted for review and approval by the Director of Community Development prior to the submission of permit applications.
6. That the trash enclosure gates are revised to a non-chain link and Code compliant material.
7. That a detailed Master Sign Plan is reviewed and approved by the Plan Commission prior to submission of sign permit applications.
8. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.
9. That an amendment to the Planned Unit Development is reviewed and approved by the Common Council prior to submission of permit applications.

Alderman Guzikowski seconded.

Senior Planner Papelbon clarified that a Master Sign Plan would only be required for tenants in excess of two (2).

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

TEMPORARY USE PERMIT

MARK MCCLAIN, ONE HEADLIGHT POWER SPORTS, LLC dba HOUSE OF HARLEY-DAVIDSON

9725 S. 13th ST.

TAX KEY NO. 904-9011-001

Senior Planner Papelbon provided an overview of the request to operate a Wisconsin motorcycle training site within the Colder's parking lot at 9725 S. 13th St. (see staff report for details).

Commissioners had no questions for the applicant.

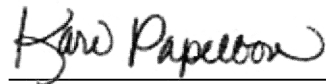
Alderman Loreck moved that the Plan Commission approve the Temporary Use Permit request submitted by Mark McClain, One Head Light Power Sports, LLC (dba House of Harley-Davidson), for the operation of a motorcycle operator training site on the property at 9725 S. 13th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all course activities shall be located within the south portion of the parking lot as per the proposed map.
3. That operations related to the training course be limited to between 7:00 AM and 8:00 PM Monday through Sunday.
4. That there shall be one (1) cargo container for the temporary storage of the course equipment and materials within the south portion of the parking lot as per the proposed map. The cargo container shall be removed within seven (7) days of the last training course.
5. That signage for the operation is limited two (2) 4' x 8' (32 square feet each) temporary signs on the cargo container.
6. That the Temporary Use Permit shall be valid between March 21, 2023, and November 9, 2023.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:00 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

1-24-23

Date