

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 11, 2011

Mayor Bolender called the meeting to order at 7:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Cassista, Commissioner Bukiewicz, Mayor Bolender, Commissioners Michalski, Commissioner Nowak and Commissioner Chandler. Commissioner Correll was excused. Also present Doug Seymour Director of Community Development, Jeff Fortin Planner, Peter Wagner Zoning Administrator, and Assistant Fire Chief Tom Rosandich.

Significant Common Council Actions

There were no comments or concerns from the Commission.

Commissioner Dickmann moved to approve the minutes of the October 26, 2010 and November 9, 2010, regular Plan Commission meetings. Commissioner Nowak seconds. Roll call, all voted aye. The minutes were approved as submitted.

**Planned Unit Development Amendment – Ashbury Woods
8435 S. Chicago Road
823-9019-001**

Mr. Fortin explained to the Commission the applicant, Art Sawall was looking to purchase the property and develop it in accordance with the approved general development. The applicant had indicated he would like to upgrade the interior of all new units to include such amenities as ceramic tile, hardwood floors, upgraded fixtures, and upgraded woodwork.

The most significant change the applicant is requesting is to amend Section 1.A.1 which currently states that *“The multifamily units in this development shall be condominium units. Owners of individual units shall not lease individual units to the developer, its successors, assigns or agent.”* The applicant does not believe there is any demand for condominiums in this area and therefore requesting that this restriction be changed to allow this to be developed as higher end, condo-style rental units.

Mayor Bolender questioned if the PUD expired in 2009 wouldn't they need to start over. Mr. Fortin explained if the Plan Commission was comfortable with the current plan in the past they have allowed them to restart. It would be the same plan with the exception of the rental portion. They would be given individual tax key numbers and have the ability to be sold as condos when the market recovers. They are not intending to keep them as apartments. Mayor Bolender stated procedure is procedure and if they need to start over again then that will have to be the case. They can't pick and choose who gets the breaks and who doesn't, that doesn't set well with him. Mr. Seymour explained since it was a PUD the conditions if the ordinance allows the Common Council to go in and

revoke the PUD or it expires it would revert back to the underlying zoning which is Rm-1 Multi-family. It would be in everyone's best interest to come up with a site plan and to agree as to what the City, the neighborhood and the developer feel is appropriate for the site so we can move forward. If the general development plan is one that everyone can agree to then everyone is best served by moving forward. If there are issues that come up and the Plan Commission, Council and community feel that they need to be addressed with respect to the general development plan with the PUD and its restrictions now would be the time to bring those up. This is an unusual situation where the market has let the PUD lapse without having completed the project. This is the normal process of doing things and is not being tailor made to any one developer. What you don't see is the number of developers that actually have come forward to this Planning Department and wanted to change things with the PUD and we said no there is a process that needs to be followed. This is a process and a chance to make changes to the PUD if you so desire.

Mayor Bolender explained he had no problem with the houses and the setbacks when this went through but it is going from condos to apartments. The neighborhood was not thrilled with it to begin with and fought very hard for the original PUD and he is going to stick up for the neighborhood. He does not believe in allowing the apartments. Mr. Seymour stated that was fine but they needed to differentiate that through your feelings and professional opinions as Plan Commissioners aside from the process.

Mr. Fortin explained the Plan Commission has many choices not only that they have to approve this proposal. It is up for discussion and the Commission's recommendation for what they want to see happen with this development.

Commissioner Cassista questioned the new plan for the development. Mr. Sawall explained it was his proposal to build the units and sell them over time because the vision he has is not to be a landlord for a long period of time. He would like to continue to build them as condos and rent them out until such a time as the market turns around and sell them. He would like to increase the value of them with upgrades such as granite countertops and change the layout of the bathrooms and kitchens. He would like to change the garages slightly to enhance the appearance. Commissioner Cassista questioned the possible rents for the units. Mr. Sawall did some studies and was looking between \$1200 to \$1250 rent.

Commissioner Dickmann commented the reasoning behind the original PUD was to limit the buildings to condos and not apartments. He suggested only extending the date to complete the PUD and not allowing apartments.

Commissioner Nowak questioned if the Commission was to vote no what would the process be after that would they need to start all over again. Mr. Fortin explained one option would be to have it revert back to the Rm-1 zoning. Commissioner Nowak questioned if Mr. Sawall could come back and request a new PUD. Mr. Fortin stated he could get a new plan and go through the process before Plan Commission and Common Council.

Commissioner Michalski questioned what would determine the time they would turn around from apartments to condos. Would it be a time frame or what would be the determining factor? Mr. Sawall explained it would be the market and he can not determine what that time would be.

Commissioner Bukiewicz expressed concern they would never be turned over to condos but left as apartments and what would happen with the association and when would it be taken over by the association? Would it be determined by a certain percentage of sales? Mr. Sawall explained he would own the units that would be rented and would be responsible for the units being rented and their responsibility to the association. Mr. Fortin explained that is the situation the current owners are in, the previous developer went into foreclosure and there is no association. Commissioner Bukiewicz commended the applicant for trying to develop the site but thinks the neighbors should have the right to decide if these should be apartments.

Commissioner Cassista commented to her they would really be apartments and doubted they would be converted to condos in the near future.

Commissioner Chandler questioned if he has run into this particular situation before where he would have to transition from rentals to condos. Mr. Sawall stated he has not had this situation before.

Mayor Bolender commented he applauded what was trying to be done here but the neighborhood would not appreciate these units be rentals. He would like to see them as condos only.

Commissioner Nowak moved that the Plan Commission recommend to the Common Council that the proposed amendments to the Ashbury Woods Planned Unit Development conditions and restrictions not be approved, after a public hearing.

Commissioner Cassista seconds. Roll call, all voted aye. The motion to deny carries.

Mr. Chet Skrobis, 3545 E Oakshire Drive, expressed concern for who would be taking care of any repairs that need to be done on the road due to construction damage. Mayor Bolender directed him to speak with M & I as the owners of the site and staff to make sure the repairs needed on the road were covered.

Conditional Use Amendment – Hanna Trailer Sales Area
7575 S. Howell Avenue
Tax Key No.: 782-9034

Mr. Fortin explained to the Commission in April of 2009 Hanna Trailers requested, and received, Plan Commission and Common Council approval of a conditional use permit amendment that would allow them to display seven trailers or recreational vehicles out in front of their building at 7575 S. Howell Avenue from March 1 through November 1 of

every year. The only condition placed on this amendment was that the applicant had to return to the Plan Commission and Common Council to review the storage to see if there were any issues or complaints. In spring of 2010 they returned to the Plan Commission for this review and staff had recommended that if they were to continue they should be required to pave the area where the trailers were being displayed.

Hanna Trailer is returning to the Plan Commission with a proposal to pave a 60'x140' area north of their building to display trailers. However they are also now requesting an amendment to their conditional use permit that would allow them to display trailers year-round and would like to eliminate the limit of seven total trailers being displayed, thus allowing them to display as many trailers as would fit on this paved area.

Mayor Bolender commented two years ago they allowed the display of trailers because sales were bad and they wanted some help through the tough times and that was allowed. We did not want a permanent display on Howell Avenue. Mr. Paul Downs, 7575 S. Howell Avenue wants to grow the business and they are still in a recovery mode. The plan as requested is to pave the surface for a permanent display. They would like to get the ball rolling and get approval for a permanent display to expand the business.

Alderman Michalski commented other RV centers have paved areas and are able to stay in business. He understands they need to grow but couldn't they have a display center paved behind the store. Mr. Downs explained that would not work because they need to take advantage of the traffic count on Howell Avenue. Alderman Michalski suggested anything displayed in the back would be able to be seen from Howell Avenue due to the elevation. Mr. Mark Green was concerned they would not be able to differentiate between what was for sale and what was for service.

Mr. Downs explained they were trying to put together a plan that would not require them to return each year for approval. The definition of an RV needs to be determined because they would like to be able to sell motor homes versus the travel trailers. The motor homes are larger and to be properly displayed they would need the larger space. Alderman Michalski expressed concern for it looking like a car lot as opposed to the store they started out with. Mr. Downs did not think anyone had any objection to the four they had displayed. Commissioner Michalski stated he did have objections to the outdoor display.

Commissioner Bukiewicz stated they have done everything they were asked to by the Commission and now the Commission is asking for additional restrictions. He sited other businesses that don't look particularly appealing. He doesn't feel this will hurt Oak Creek. Mr. Downs explained they will not be displaying their entire inventory. They would like to do it and make it look nice with landscaping. Commissioner Bukiewicz supports the request if they can keep it clean and nice and he is investing in Oak Creek and his business and supports the project.

Commissioner Cassista questioned if they would be open to the fencing that was

requested by staff. Mr. Downs stated the fencing would cause problems for them. Mr. Fortin explained they would like to see a decorative fencing around the enclosed area as a way to get landscaping around the slab to make it look nice. They should come up with a design that worked best for them to get trailers in and out of the area. Mr. Downs stated they wanted it to look nice and look like the rest of the building. Commissioner Cassista questioned if they have had any problems with the trailers being displayed outside and would the fence add any security value.

Commissioner Nowak commented the conflict was you didn't want to see this from the street but yet the purpose of doing this was to see the product from the street. The issue is they want to change from a seasonal display to all year and the other issue is the size of the display. Mr. Fortin explained they thought they would return with a pad that would allow them to display what was already being allowed and not this large expanded area. The screening is not to block it from the street but similar to what is required for parking lots and more of a decorative purpose.

Commissioner Nowak questioned why they couldn't live with the size of the pad that was originally discussed and why can't they leave it with the same time parameters. Mr. Downs explained they would be plowing the area and they are open all year. He would like a larger selection available for display all year. Commissioner Nowak commented they needed to have continuity within the City and they are opening up a door here with other situations in the City. They have to be consistent with what they do.

Commissioner Dickmann expected when the plan was coming the area to be paved would be the area they were currently displaying on the grass. The plan is much more comprehensive and the large RVs displayed on grass would not be a good idea. He also expected they would no longer display trailers on the sidewalk with larger display area. Mr. Downs would still like to be able to display utility trailers on the sidewalk all year.

Commissioner Johnston commented he did not care for the plan of just paving the entire area. If the fence was an issue would it be possible to put a drive in off of the service drive and add some decorative fencing on two sides with landscaping and maybe extend the sidewalk so customers have a sidewalk to walk to the paved area. Mr. Downs responded he liked what he originally proposed because of the functionality of it and how it would work for them.

Commissioner Bukiewicz commented he did not have an issue with them not putting in a fence if they landscaped the area. He did not want them to go out of business because they could display their product.

Mr. Wagner expressed concern with code enforcement of the motor homes. If this was a car dealer asking to display cars out front would the same considerations be made? Previously they were asking to display non-motorized trailers such as pop-ups and utility trailers. Requesting to display RVs is basically a car sales lot on Howell Avenue. There have been proposals for car sales lots on Howell and Rawson Avenues. If they are

allowing RV motor homes on Howell Avenue then if someone else wants a used car lot is that something they want to start seeing on Howell Avenue.

Mayor Bolender suggested compromising on the size of the pad to make it palatable to everyone. Perhaps moving the pad back even with the building and making the pad about 60' x 60'. Mr. Downs stated he wanted to be able to open the slide outs on the RVs and display them properly so he would need the original proposed pad. Mayor Bolender stated they would still be able to see the trailers from Howell Avenue. Mr. Downs questioned if they could live with 100 x 60? Mayor Bolender suggested they make it look more subtle.

Commissioner Michalski suggested they return to the Commission with a plan as to how far back they would be comfortable with. Mr. Downs explained he didn't do that because he knew this was what was going to be discussed at this time.

Mr. Ron Grundy, 9160 S. Nicholson Road, commented Hanna Trailer has a clean operation and does a good job. He commented some of the new operations on Howell Avenue were unsightly and feels they should let them do what they are proposing.

Mayor Bolender directed the item held.

Delphi & Civic Center Redevelopment Concept Plans – Initial Presentations

The City has received seven proposals for the Delphi & Civic Center Redevelopment Concept Plans. Upon discussion with the mayor it was determined that each consultant would be allowed 15 minutes to present their proposal in front of the Plan Commission.

Each of the following seven consultants presented their proposal to the Plan Commission:

Collins Engineering
Houseal Lavigne Associates
Vanderwalle & Associates
Schreiber Anderson Associates, Inc.
Foth Infrastructure and Environment
Graef
Plunkett Raysich Architects

No action was taken at this time. Plan Commissioners were directed to review each proposal and rank them. The top three ranked consultants will be invited back to the Plan Commission for a more extensive interview.

Commissioner Cassista moved to adjourn. Commissioner Johnston seconds. Roll call, all voted aye. The meeting was adjourned at 10:25 p.m.