

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, MARCH 22, 2011

Mayor Bolender called the meeting to order at 7:00 p.m. Mayor Bolender called for a moment of silence for Police Officer Craig Birkholz of the Fon du Lac Police Department. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Cassista, Commissioner Bukiewicz, Mayor Bolender, Commissioner Correll, Commissioner Nowak and Commissioner Chandler. Commissioner Michalski arrived at 7:12 p.m. Also present Douglas 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 requested a change to the minutes of the March 8, 2011 meetings to reflect he was excused. Commissioner Bukiewicz moved to approve the minutes of the February 22, 2011 and March 8, 2011 regular Plan Commission meetings with the requested change. Commissioner Cassista seconds. Roll call, all voted aye. The minutes were approved with changes.

**Sign Appeal Hearing – Corporate Square  
7300 S. 13<sup>th</sup> Street  
Tax Key No.: 764-9011**

Mayor Bolender opened the public hearing for comments.

Ms. Alicia Wysocki, Ener Con Companies explained they were requesting two monument signs that would be 80 square feet. The current Code allows for one sign with a total of 100 square feet. She described the property and the difficulties they are having being seen from 13<sup>th</sup> Street with the traffic and the tree line. Potential lessees site the lack of signage as a problem. They would like to have two signs for the three buildings on the site, one on each side of the entrance so when people are coming from either side of 13<sup>th</sup> Street they are able to see what tenants are in the building. They are also requesting another variance to allow the signs to be 5 feet from the lot line versus the 10 feet from the lot line because of the curve of the road and again the trees.

Mayor Bolender asked for clarification if the signs the City would allow would be 100 square feet. Mr. Wagner explained they already have one sign for the three buildings located inside the entrance that meets the 100 square foot allowed. The proposed two signs will exceed the 100 square feet allowed. Ms. Wysocki commented they would be willing to take down the existing sign if they would be allowed the two new signs. It is more of a directional sign once they pull into the property and they can see the numbers on the buildings so they would know where to go once they get into the property.

Mayor Bolender confirmed they would take the sign down that is in the middle of the three buildings and put two new ones in the front. Ms. Wysocki agreed. Mayor Bolender questioned what they wanted to do with the property line. Ms. Wysocki explained they would like to be five feet off instead of the required 10 feet from the right-of-way. Mr. Wagner explained they would still be on private property and not have a problem with the County and 13<sup>th</sup> Street.

Mayor Bolender questioned if the County ever found the money to redo 13<sup>th</sup> Street what would happen with the sign. Mr. Wagner explained the sign would be right on top of the road. Ms. Wysocki would not be opposed to a condition that if the road was to be widened they would have to move the sign back. Mayor Bolender suggested moving the sign back far enough that it would not need to be moved if the road was redone. Ms. Wysocki commented if they moved the sign back further it would not be able to be seen because of the tree line.

Commissioner Dickmann commented they would be willing to take the existing sign down but it tells a lot when you pull into the site. The requested signs do not tell you what is in each building. He does not know how much the requested signs are going to help. He likes the location of the proposed signs but feels the existing signs do a better job. Ms. Wysocki questioned if they would be allowed to keep the existing sign and the requested two.

Commissioner Correll commented if they couldn't find the parking lot it doesn't matter where the buildings are. He is fine with less square footage on two signs but it would be up to them to decide what is more important. Getting them into the parking lot would be an obvious advantage.

Commissioner Chandler questioned if the proposed signs would be large enough. Ms. Wysocki commented they would serve the purpose of getting people into the parking lot and knowing where they need to go. Commissioner Chandler questioned if the signs would be the same size as what is in there today. Ms. Wysocki explained there were no signs out front at this time but there is one when you pull into the site.

Commissioner Johnston questioned if the fourth building was ever added would the signs be big enough to accommodate the additional building. Ms. Wysocki stated they would be big enough. Commissioner Johnston questioned the size of the letters on the sign. Mr. Casperson stated they would be right around 6 inches minimum and 10 inches on the high side depending on the tenants' priority on the sign. It should be visible as you are passing by on the road at that speed. Commissioner Johnston expressed concern it may be on the small side at that speed with a list of names. He also pointed out it would likely be some time before 13<sup>th</sup> Street would be widened in that stretch of road.

Commissioner Bukiewicz commented it was hard to find these buildings and the proposed signs would be incredibly helpful to these businesses. He questioned if they

would allowed a directional post inside the parking lot that would direct you to each business. Mr. Wagner explained the variance requested was to allow to additional signs on the property in addition to what already exists. The second variance requested was to allow those signs to be closer than 10 feet to the lot line. If the variances are granted tonight, Corporate Square will be allowed to add two forty square monument signs five feet off of their west lot line located by the entrance of the property.

Commissioner Correll questioned if they could make it conditional that the other sign has to be removed. Mr. Wagner stated they could definitely make conditions to the approvals and one could be that the interior sign be removed. Another possibility is that the proposed sign may require masonry to try and match it with the buildings.

Commissioner Bukiewicz commented he was in favor of the signs to get some exposure for these businesses. He likes the idea of the masonry and thinks it is a nice touch.

Mayor Bolender questioned if they wanted to make them take down the interior sign. Commissioner Dickmann commented it wasn't part of this proposal. Mayor Bolender stated he did not have a problem with the existing signs being allowed.

Commissioner Dickmann commented there were two temporary signs currently on the site and he didn't think those should be allowed if the variance was approved. Mr. Wagner explained those were real estate signs that were permitted. There was not a time limit on signs for leasing.

Commissioner Chandler questioned if they have allowed such a variance in the past. Mr. Fortin explained they have not had too many for free standing signs but they have had them for wall signs and setbacks and sited some examples.

Commissioner Michalski questioned if there would any liability to the City if 13<sup>th</sup> Street were to be improved. Mr. Wagner stated there would not be any liability on the City.

Mayor Bolender requested they make the signs look nice. Ms. Wysocki stated they have nice looking buildings and they want to make the signs look nice. Mayor Bolender suggested a little brick to make it look classier. Ms. Wysocki stated if they were okay with it, it would make the sign a little larger. Mayor Bolender stated it would be a brick base that could be approved at staff level. Commissioner Michalski questioned if a design change would need to come before the Plan Commission. Mr. Fortin explained if they granted the variance to the area and the setback with the direction to staff to review the base it would not need to come back before the Commission.

Arden Degner, 8540 S. Pennsylvania Avenue, commented trying to accomplish this without numerous signs would be to put "available" on the proposed signs by the street that would indicate they have space available.

Mayor Bolender called three times for comment. Hearing no additional comments he closed the public hearing.

**Sign Appeal – Corporate Square  
7300 S. 13<sup>th</sup> Street  
Tax Key No.: 764-9011**

Commissioner Bukiewicz moved that the Plan Commission approve the proposed sign appeal for two additional ground signs at Corporate Square at 7300 S. 13<sup>th</sup> Street with the following conditions:

1. That a brick or masonry façade be incorporated into the sign design and approved by the Planning Department.
2. If 13<sup>th</sup> Street improvements come through the sign needs to moved at the owners expense.

Commissioner Michalski seconds.

Commissioner Dickmann questioned if they wanted to include the second variance to allow the five-foot setback. First and second concur.

Roll call, all voted aye. The motion to approve carries.

**Public Hearing – Project Plan Amendment for TIF District No. 6**

Mayor Bolender opened the public hearing and Mr. Wagner read the public hearing notice into the record.

Mr. Wagner explained the TIF District, which is located at 9801, 9853, 9905, and 9945 S. 13<sup>th</sup> Street, was created in 2000 with initial project costs of 1.7 million dollars and has added over 10.6 million dollars in increment since its creation. The TIF District is anticipated to be closed in 2017 or possibly sooner, at which point the taxes generated from the additional development will be distributed to the local taxing jurisdictions.

Since the district was approved in 2000, a different developer has taken over and with City assistance was able to recruit Crothall Laundry Services to a 5.6 acre parcel within the TIF District. This development impacted the current layout of water and sewer utilities as it relates to the remaining parcels. As a result, Centerpoint Properties, owners of Creekside Corporate Park, is requesting financial assistance of \$356,575.00 via the TIF District to remove and relocate existing utilities within the park to better prepare it for future development of the remaining two parcels.

Mr. Seymour clarified the requested relocation of some of the utilities is due to a change that the Plan Commission and Common Council approved as part of an amendment to part of the general development plan based on the updated GDP that worked with the neighborhood to come up with a more marketable plan. It wasn't a result necessarily of Crothall but of a plan that was worked out with both the Plan Commission and Common Council.

Mr. Seymour asked that the Plan Commission in their recommendation to the Common Council consider changing the allowable sum for developer incentives or cash incentives from \$356,575 to \$600,000. He received a phone call from a perspective client who has looked at sites not only in the Milwaukee area but else where throughout the country who is proposing a relatively modest 50,000 square foot building of about 5 million dollars in value. They are asking the City what they might be able to provide in terms of incentives for development. He knows there are a lot of mixed feelings regarding development incentives these days but that is the way development happens right now. Going through this they want to be able to maintain maximum flexibility when addressing situations such as these. Recognizing that the ultimate say with the granting of cash incentives or development incentives falls with the Common Council and is subject to and secured by a development agreement with the perspective client in this case. If the Plan Commission were to move forward this amendment to the TID in that requested amount they would not have the ability to negotiate with the company with respect to additional development incentives. This would allow, should the Plan Commission concur and recommend to the Common Council, us to further investigate whether or not this is a good fit for the City. He is not asking them to make a determination as to whether a development incentive of this amount for this development is right, he is just asking them to provide the City the tools needed to further investigate whether this is a good deal. This is why he is asking for the amendment to be amended to include up to \$600,000 in cash grants or development incentives.

Commissioner Michalski questioned if they changed the amount, they had a time frame of having the changes paid off by 2014, how would the payments be handled. Mr. Seymour explained they have not gone beyond this. They have discussed this in terms of whether or not they could make this work within the time frame of the expanded TIF. He does not think there is a whole lot of interest of extending the life of this TIF district to accommodate this specific request but if the numbers work where they can provide some type of incentive within the existing frame work of the closure of the TID for Crothall and for what is being requested at this time they are probably looking at closing this down by 2014. If they can structure the frame work of any deal to coincide with that closure date he believes it will be a positive thing for the City. Commissioner Michalski questioned if the number was changed to \$600,000 would it commit them. Mr. Seymour stated it would not commit them but it would for the \$356,575.

Commissioner Bukiewicz thanked Mr. Seymour for bringing this forward and commented the timing was very fortunate. This does not commit them to \$600,000 but gives them some flexibility.

Commissioner Dickmann commented this was a good idea and would like to see the TIF closed down in 2014 if possible.

Commissioner Johnston questioned if they were looking at moving the utilities right away or are they going to come up with a plan and figure out where to move the utilities.

Mr. Paul Schmitter, CenterPoint Properties explained they plan on doing the work as soon as the weather permits. Commissioner Johnston questioned if it works out with the investors that are looking at it and any future development so they don't end up in the same situation in another ten years. Mr. Schmitter explained even if they were to come to an agreement soon with a potential build to suit user they would probably push the utility relocation up to do it quicker if necessary to allow them to start site work.

Mayor Bolender called three times for additional comments from the public and then closed the public hearing.

### **TIF No. 6 Project Plan Amendment**

Commissioner Michalski moved that the Plan Commission adopt Resolution No. 2011-01 amending the Project Plan for Tax Incremental Financing (TIF) District No. 6 with up to \$600,000.00 in cash grants for removal and relocation of existing utilities.

Commissioner Bukiewicz seconds.

Mr. Seymour commented he did not want the cash amount tied solely to the relocation of utilities if the Commission concurs it could be allowed as cash grants or development incentives.

First and second concur to allow cash grants or development incentives.

Roll call, all voted aye. The motion to approve the amendment carries.

### **Conditional Use – Tires Plus Total Car Care 8051 S. Howell Avenue Tax Key No.: 813-9021**

Mr. Fortin explained to the Commission Tires Plus Total Car Care was requesting a conditional use permit that would allow them to operate an automobile service facility at 8051 S. Howell Avenue. The conditional use permit would allow them to construct a 10-bay, 8,500 square foot tire change and auto service facility on this property. The building will be constructed primarily of brick with some split face block accent bands.

Mr. Bret Backus, Woodman's contacted the Planning Department and explained there was a deed restriction on the property that could preclude this development but they are working with the property owners and the applicants to get the deed restriction lifted. Woodman's has no problem with this item going forward to the Plan Commission. There is a restriction that limits the types of uses to not compete with certain aspects of Woodman's including their gas station facility.

Mayor Bolender stated the building will blend in with Woodman's and it should all have a nice flow.

Commission Michalski commented he wasn't sure he wanted the building to blend in with Woodman's or Sonic. Looking and that corner of Drexel and Howell and they are looking to have that be the place to be in Oak Creek he would like this building to be a buffer. He would like to see it be a little higher end than the precast that is on Woodman's. It should be similar to the auto shop on Ryan Road in Franklin architecturally to create a buffer. Mr. John Burkemper commented they in their original proposal the neighbors did like the architecture. They have come back with a new tenant but the same parent company. The architecture would be more with the site plan approval. They have taken the feed back that Mr. Fortin has given them and they have already made some changes to the elevations so it looks nice for the City of Oak Creek.

Commissioner Bukiewicz questioned if it was an all masonry building. Mr. Burkemper stated that was correct. Commissioner Bukiewicz commented it was a sharp looking building with brick bands. He did express some concern for the traffic flow coming in on the north side off of Howell Avenue. Mr. Burkemper explained they would use the service road that serves Sonic.

Commissioner Dickmann commented he liked the building and did not have concerns for the look of the building on the Sonic elevation.

Commissioner Johnston expressed concern for the driveway in front of the building showing 19 feet from the edge of the stalls into the sidewalk and 14 feet from the edge of the concrete to the edge of the stalls and it would be really tight traveling through that area. Mr. Burkemper explained it was 14 feet from the concrete apron to the parking lot because they were required by Code to have a 15 foot setback for the back of the building. With the assumption that the traffic that is going to be in front of the building mainly is going to be for employees to pulling the cars into the bays and out and parking them. Most of the traffic is going to go around the area that they are paving to the north of the property. There has been a lot of thought in terms of how this building is laid out, where the apron is, where the parking stalls are and they feel this works best with the site. Mr. Roger Franz, N3 Development explained the 10 foot apron is not necessarily for foot traffic but is operational to the way Tires Plus operates. Typically they would like a lot of distance in there but with the building set back and the 10-foot apron that they like this is the result.

Commissioner Michalski questioned if they have discussed overnight parking. Mr. Franz explained it was not Tires Plus operational standards to let people park overnight because it was a liability for them. Any cars that are brought in for service that day that they can not complete that same day are pulled into the bay and left in the bays overnight. There is no parking outside overnight. They do have a drop box for customers whose hours don't sync up with Tires Plus hours. It is strictly for early drop off.

Commissioner Dickmann moved that the Plan Commission recommend to the Common Council the conditional use for an auto service center at 8051 S. Howell Avenue be approved after a public hearing and subject to conditions and restrictions that will be

prepared for the commission at the next meeting.

Commissioner Bukiewicz seconds. Roll call, all voted aye. The motion to approve carries.

Commissioner Cassista moved to adjourn. Commissioner Correll seconds. Roll call, all voted aye. The meeting adjourned at 7:59 p.m.