

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, OCTOBER 25, 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 Carrillo, Commissioner Bukiewicz, Mayor Bolender, Commissioner Correll, Commissioner Nowak and Commissioner Chandler. Commissioner Michalski arrived at 7:10 p.m. Also present were Jeff Fortin Planner, Peter Wagner Zoning Administrator and Lieutenant Steve Jendusa.

Commissioner Dickmann moved to approve the minutes of the October 11, 2011 regular Plan Commission meeting. Commissioner Nowak seconds. Roll call, all voted aye with the exception of Commissioner Correll who abstained. The minutes were approved as submitted.

Significant Common Council Actions

There were no additional comments or concerns from the Commission.

Plan Review – McDonald’s Renovations

8800 S. Howell Avenue

Tax Key No.: 860-9018

Mr. Fortin explained to the Commission the applicant was requesting approval of a façade renovation and some minor site plan modifications for the McDonald’s restaurant located at 8800 S. Howell Avenue.

There will be an EIFS element with the McDonald’s “M” logo and a “McDonald’s” sign on the west elevation. The “M” logo already exists on the west elevation and the “McDonald’s” sign will replace the multi-colored “Playplace” sign that is on that elevation. Both of these signs already exist on the west elevation. There is another “M” logo proposed on the south elevation which will replace an existing “M” logo on the southeast corner of the building. Since the same number of signs will be on the building, no additional sign approvals or variances will be needed.

There will be new aluminum canopies installed on all of the elevations and the red mansard roof on the south elevation will be removed. There is a new white aluminum sunscreen element on the west elevation facing S. Howell Avenue. The existing split-face block will be repainted a darker shade of brick red.

There will be some minor modifications to the site plan, primarily near the drive-through menu area. The area where the menu boards are located will be expanded to the south to accommodate the installation of a tandem system where two cars can order at the same time. While some tandem systems are side-by-side, this one would allow two cars that are queued in one line to both order at the same time.

Mayor Bolender questioned if it would look similar to the McDonald's on 13th Street. Mr. Jeff Steren stated it would look similar to the McDonald's in Cudahy.

Commissioner Bukiewicz questioned if the drive-through would be two lanes. Mr. Steren explained it would be two menu boards in the same line.

Commissioner Dickmann questioned if they would only have one pick-up window, and expressed concern for a backlog in the drive-through lane. Mr. Steren explained with two order points they can increase capacity and begin preparing the order faster and keep the line moving.

Commissioner Bukiewicz moved that the Plan Commission approves the site and building changes for McDonald's, located at 8800 S. Howell Avenue, subject to all building and fire codes being met.

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

Planned Unit Development Amendment – United States Postal Service & Cobalt Partners
2201 E. College Avenue
Tax Key No.: 721-8017

Mr. Fortin explained to the Commission on October 20, 2008 the Common Council approved a Planned Unit Development for a United States Postal Service Processing and Distribution center at the southwest corner of E. College Avenue and S. Pennsylvania Avenue. The applicants had thirty-six months to begin installing public improvements and private improvements for this project and the entire project was to be completed within sixty months. The project has not commenced, therefore the PUD expires on October 20, 2011.

The applicants are requesting two changes to the PUD ordinance. The first request is extending the time of implementation by two years to sixty months to commence construction and eighty-four months to complete construction.

The second request is to allow for a change in the permitted uses to allow for an alternative general development plan in the event that the US Postal Service decides to not build this facility or to scale back the facility into a smaller building. This alternative plan would be a mixed use development with industrial, commercial, multi-family residential, and 2-family residential. Staff has added some language regarding parking requirements and building and parking setbacks under the mixed use alternative. These items would need to come back to the Plan Commission for approval of site and building plans when they are actually proposed.

The mixed use plan envisions commercial at the corner of E. College Avenue and S. Pennsylvania Avenue with multi-family and 2-family residential to the south of it to act

as transitional land uses between the commercial development and the single family neighborhood to the south. To the west of the commercial and multi-family and 2-family residential would be the planned industrial area. Stormwater would be south of the industrial area, in the same spot as it would be with the USPS facility.

Commissioner Dickmann commented there had been a supermarket proposed in the area several years ago that the neighbors were opposed to and he would like to see Cobalt work with the neighbors before presenting a plan to the Commission.

Commissioner Chandler questioned why nothing has changed since 2008. Mr. Fortin explained the Post Office has suspended the plan which is why nothing has been started at the site. Now they are looking at the idea if it doesn't go forward what they can do with the land.

Commissioner Bukiewicz explained they were just looking for an extension of time at this point and they also feel with the economic situation of the Post Office they may have to brainstorm and come up with a different type of development which he feels will help the neighborhood. The second part would be a change to the comprehensive mixed use plan which they are offering up as basically business and the buffer zone with two-families to blend it in to the neighborhood.

Mayor Bolender stated he did not believe they would ever see a post office at this site. He feels there is no use for a post office at this site. They may see some kind of development in the area but not a post office. They operate under the Supremacy Act, Article 6 of the Constitution. They don't have to ask us for anything, they can do what they want. If they don't want to come here that is fine.

Commissioner Bukiewicz moved that the Plan Commission recommends to the Common Council that the planned unit development for the USPS/Cobalt Partners properties at 2201 E. College Avenue is amended to allow for an extension to the time of compliance and include the comprehensive mixed use general development concept as an alternative plan, after a public hearing.

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

**Conditional Use Amendments – Green Man Wood Services
9000 & 9100 S. Nicholson Road
Tax Key No.: 862-9991 and 872-9994-008**

Mr. Wagner explained to the Commission the applicant was requesting to amend the conditions and restrictions to allow the operation of a licensed compost facility in the area currently designated for the outdoor storage of boats, trailers, or recreational vehicles.

Commissioner Michalski questioned if the changes were something they were agreeable to. Mr. Dan Gustin stated they understood they would not be able to park trailers and RVs on the site anymore and were fine with that change. Commissioner Michalski questioned if they were going to have a berm. Mr. Gustin stated they have a berm in place at this time and also a privacy fence. The berm is six feet high as originally required by the Plan Commission. Commissioner Michalski questioned if the current berm would work to screen the proposed operations. Mr. Wagner stated the six foot berm was located abutting the right-of-way, then there is a parking lot and then there is a seven foot fence with privacy slots in it currently. It is setback from the road and there are trees and shrubs on the berm to help with the screening of the operations.

Commissioner Chandler questioned why it was being transitioned to a compost location. Mr. Gustin explained their original intentions were to park rv's and busses for some additional income but that turned out to not be a good avenue. As part of their wood recycling they were left with a couple thousand yards of wood chips. They wanted to find something that they could do with the chips.

Commissioner Dickmann questioned if the City would be able to take the trees with the Emerald Ash Borer to the site free of charge. Mr. Gustin stated that was the case and they would also be able to dump leaves on the site. Commissioner Dickmann stated that was a good feature.

Commissioner Johnston questioned what the need was for the fourteen foot height was if the rows were going to be six to eight feet. Mr. Gustin explained the rows would usually be six feet tall but he stated 16 feet because that what was asked previously. He does not have a problem if it was better at ten feet. Commissioner Johnston stated ten feet would be acceptable and then they would be down lower than the berms.

Commissioner Bukiewicz commented their letter states they have been working with the DNR and working within their guidelines but he has no idea what that entails. Mr. Gustin explained they have been working with the University of Madison, two people from Growing Power and they have gone through their training programs.

Commissioner Nowak questioned how long it would take them to deal with any odors that might pop up from the composting process. Mr. Gustin explained composting has two different elements – nitrogen and carbon. The nitrogen would be the only thing that would produce any odor. If it was capped with the carbon it works to control the odor. There should not ever be a problem with odor. Commissioner Nowak expressed concern for the neighbors if an odor existed. Mr. Gustin explained they have had several staff members visit the site with no complaints of odors from any of them.

Commissioner Michalski commented the finished product did not have an odor but expressed concern for the raw materials that may emit a smell. Mr. Gustin explained the wood chips were the carbon and as soon as they were added there would be no smell.

Commissioner Chandler questioned if there were any other compost locations within the City and how were they being handled. Mayor Bolender stated there was one at MMSD and Bruce LePine could have a composting site at his location also. Commissioner Chandler questioned if there were any complaints from the existing compost sites. Mr. Wagner explained they did receive a complaint this summer regarding the MMSD site. They were getting brewers mash to the site that was creating a smell and Green Man brought in some wood chips to correct the odor and since that time they have not had any complaints.

Mr. Mark Verhalen, 1200 E. Ryan Road, explained he was the alderman for the district when Green Man first moved into the area. He did support what they wanted to do on the site at that time. He expressed concern about this type of operation coming to the neighborhood. Green Man's facility is spot zoned M-1, and everything else around them is either park land or residential. He is currently in the process of doing a preliminary plat for his property across the street.

They were composting this summer and had a couple thousand yards of composting which was in violation of their conditional use. He brought it to the attention of staff and they talked with Green Man and they did remove a substantial amount of the composting. At this time it is all back. They were taking waste product from the County Zoo that was being hauled by a couple of trucks. That type of waste draws animals and he was concerned about that situation. He also expressed concern for turning this into an operation that was part of their business. They are using their products and wood chips. What they are asking for now would turn it into a full fledged commercial operation. They will be allowed to take product from anywhere and anybody to compost. What will keep them from making the piles bigger every year?

Their permit from the DNR is not valid until the City approves the conditional use permit for what they want to do. He does not think this particular request is conducive to what should be in the neighborhood.

The Plan Commission made Mr. LePine put up thirty foot berms for his recycling center and there are not any residents that abut his property.

Mayor Bolender questioned what the limit was on what he could have for material. Mr. Gustin provided an email that was encouraging the compost facility from the DNR. There were several hundred yards of material at their property this summer.

Commissioner Michalski questioned if they could have anything higher than 15 feet. Mr. Wagner explained some of the Commissioners comments were they would like to see it limited to ten feet to provide a better screening with the existing berm and privacy fence. They could add a condition that the outdoor storage of compost shall be limited to "x" number of cubic yards with the compost piles not to exceed ten feet in height. It would be up to the Plan Commission if they want to limit the amount of cubic yards of compost that can be on the site to address Mr. Verhalen's concern if it doesn't sell that the piles just keep growing.

Mr. Gustin stated there were guidelines from the DNR on how much he could have on site. Commissioner Michalski questioned what the DNR would allow. Mr. Gustin explained the DNR was changing their guidelines at this time but he believes they would allow 5,000 yards. Commissioner Michalski questioned if he accepted leaves would it be from the City or from individual homeowners. Mr. Gustin would prefer it be directly from the City.

Commissioner Bukiewicz commented just because there may possibly be homes across the street in the future doesn't seem fair to deny this business on the possibility of development. There are some residents in the area but with a lack of complaints going on now he doesn't see a reason to restrict this business. Mr. LePine's business with the berm was more of a rock crushing issue than with composting. The complaints from that area were about dust and noise not about the composting.

Commissioner Johnston questioned if they could put a temporary conditional use for a five year trial. Mr. Fortin explained in the past the Plan Commission has given the conditional use for one year and the business had to return to Plan Commission to see if there were any complaints from the neighbors. Commissioner Johnston did not think a one year time limit was enough time to get the business running.

Mr. Bruce LePine, 9540 S. Pennsylvania Avenue, commented it took him five years to get his permit for his recycling company. He was required to have a 30 foot berm and spend hundreds of thousands of dollars to get his permit. Mayor Bolender commented the berms were a result of complaints from the neighbors about the crushing noise. Mr. LePine questioned why Green Man did not have the same restrictions as were imposed on his business. Mr. Fortin stated there were hours of operation imposed on Green Man and the businesses were not doing similar operations so the conditions on each business were different.

Ms. Donna LePine, 9540 S. Pennsylvania Avenue, commented when their business came to the City five years earlier they were told there was no one to compare them too and they would have to start from scratch. They have made an example and abided by every rule that was imposed on them and now when someone else comes in they should be abiding by the same rules that were imposed on their business.

Mr. Del Nirode, 3121 E. Ryan Road, expressed concern for how the Plan Commission could control the conditions and restrictions that would be placed on the site.

Mr. Mark Verhalen stated he was going to put in a subdivision in the future. He also stated there was the potential for runoff into the creek in the future from the composting operations. He did not feel this was a good fit for the neighborhood.

Ms. Catherine Roeske, 9025 S. Nicholson Road, stated Green Man has violated almost every restriction since they have been there. Her husband gives them business pretty frequently however; she still has concerns for the smell and the noise from the

business. She also expressed concern for the truck traffic created from the business and the hours of operation.

Mr. LePine would like them to delay the action and take a look at what is going to be in neighborhood twenty years from now.

Mr. Gustin clarified the zoo was dropping off their bedding which had less than 1% manure content. They do not bring in semi loads as was stated. They have had less than five semis delivering logs to them in the entire three years that they have been there. The trucks that were delivering from the zoo are the same trucks that the City uses to pick up garbage. He doesn't know what restrictions the City has put on Mr. LePine but he would like to keep the two separate.

Mr. Peter Gustin stated they respect and work with all of their neighbors and want to be a good neighbor to the entire community. Urban farming is the wave of the future.

Commissioner Chandler questioned what Green Man would do if a problem came up with a smell. Mr. Gustin explained there is no smell but if there was a complaint they would take care of it by adding the wood chips which work to filter out any smells.

Commissioner Michalski questioned if they would allow private citizens to drop off their leaves. Mr. Gustin explained he did not have the man power to allow individual citizens to come in and drop off their leaves and he was sure the neighbors would not appreciate the extra traffic in the area.

Commissioner Chandler questioned what the differences were between the two companies. Mr. Fortin explained there were a bunch of restrictions in LePine Enterprises but he also is a completely different business than the Green Man. Some of his restrictions were the berm that had to be landscaped in order to screen the piles. His piles are allowed to be twenty feet in height where as Green Man will only be allowed a ten foot high pile. Keep in mind Mr. LePine does have the option to come back to the Plan Commission and Council to ask for amended conditions. You want to treat businesses equal but to compare the two is difficult. They have different elements, different truck traffic, and different types of trucks. Mr. Fortin also reminded Mr. LePine that the City ad worked with him to loosen his restrictions including allowing up to 110 days of crushing instead of the original 20 days and allowing Mr. LePine to defer construction of his office building.

Commissioner Dickmann commented when the original conditional use was granted they talked quit extensively and where concerned about the outdoor storage or boats, trailers and recreational vehicles to make sure that they were not seen to readily from the street.

Commissioner Michalski motioned that the Plan Commission recommend to the Common Council that the amended conditions and restrictions are adopted as part of a

conditional use permit for the Green Man Wood Services located at 9000 & 9100 S. Nicholson Road, after a public hearing with the following changes:

1. 8C No compost piles shall exceed ten (10) feet in height.
2. The amount of compost on the site is limited to 5,000 cubic yards.
3. They shall return to the Plan Commission in one year to discuss and correct any problems with the composting operation.
4. The limited hours of operation shall apply to customers or deliveries and there will not be any customers or deliveries on Saturdays.

Commissioner Correll seconds.

Roll call, Dickmann; nay, Johnston; aye, Carrillo; aye, Bukiewicz; aye, Bolender; aye, Michalski; aye, Correll; aye, Nowak; nay, Chandler; nay. The motion to approve carries.

Commissioner Carrillo moved to adjourn. Commissioner Nowak seconds. Roll call, all voted aye. The meeting adjourned at 8:50 p.m.