

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JUNE 25, 2013

Mayor Scaffidi called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Alderman Bukiewicz, Mayor Scaffidi, Alderman Michalski, Commissioner Siepert and Commissioner Chandler. Commissioner Correll was excused. Also present were Peter Wagner Planner/Zoning Administrator and Assistant Fire Chief Mike Kressuk.

Alderman Bukiewicz moved to approve the minutes of the June 11, 2013 regular Plan Commission meeting. Commissioner Siepert seconds. Roll call, all voted aye. The minutes were approved as submitted.

Significant Common Council Actions

There were no comments or concerns from the Commission.

**Conditional Use – Kids n’ Care
6901 S. 20th Street
Tax Key No.: 737-9027**

Mr. Wagner explained to the Commission the applicant was requesting a conditional use permit for the property located at 6901 S. 20th Street that would allow for a day care center with an outdoor activity area. A day care center with outdoor activities is a conditional use in the B-3, Office and Professional Business District.

Mayor Scaffidi questioned if there was a requirement that the play area be fenced. Mr. Wagner explained the City did not require it but it may be a requirement for the state licensure. He explained they would just need to get a fence permit from the City.

Alderman Bukiewicz commented it was a nice building and location for a day care but urged the applicants to install a fence because of the speed of the traffic on 20th Street. Mr. Naser Saleh 5118 Lilac Lane, Greendale, explained they would be installing a railing to keep in the kids in place on the southwest corner of the building.

Commissioner Dickmann agreed they would need a fence and also commented there is not a lot of traffic on 20th Street but they are going fast. He feels this is a good use for the building.

Alderman Michalski questioned if there was enough parking for staff and parents dropping off their children. Mr. Wagner stated there were parking requirements for any business and they should have sufficient parking for this use.

Commissioner Siepert questioned if they would have any exterior lighting. Mr. Saleh explained they would leave that requirement up to the City. He believes there is enough lighting currently that needs some maintenance but if the City requires additional lighting they would provide it.

Commissioner Dickmann moved that the Plan Commission recommend that the Common Council approve a conditional use permit allowing for a group day care center with an outdoor activity area located at 6901 S. 20th Street after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting.

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

Conditional Use Permit Amendment – Black Diamond Firearms Academy LLC
6925 S. 6th Street
Tax Key No.: 735-9045

Mr. Wagner explained to the Commission the applicant was requesting an amendment to the existing conditional use permit for Black Diamond Group that would allow them to operate an indoor firing range, firearm and accessory sales, and training occupying the remaining 17,490 square feet available in the building.

The normal hours of operation will be 9 a.m. – 9 p.m. seven days a week. The applicant has described the operation as a state of the art indoor firing range open to both members and the general public. In addition to the firing range, the business will sell and rent firearms. The business will sell retail sporting accessories such as ammunition, clothing, holsters etc. Training facilities will include both classroom and range work. The range will include 16 lanes and be 25 yards deep.

Mayor Scaffidi questioned if there were any plans to hold or conduct competitions and if so how many people might be involved in something like that. Ms. Deb Teglia 6925 S. 6th Street, stated they would like to have competitions and clubs started at the range to encourage use and education. They will be eliminating the archery lane to make way for additional classroom space.

Mayor Scaffidi questioned what use would the lounge serve? Ms. Teglia explained the lounge would be for members to use to sit and talk with clients. Mayor Scaffidi questioned if they would be selling beverages on site. Ms. Teglia explained the plan was to have a concession area with a few small tables or a snack type bar with stools. They would provide coffee and soft drinks and packaged foods.

Commissioner Carrillo questioned how they would handle the rental of guns. Ms. Teglia explained there would be a counter near the range and all of the guns for rent would be at that location. A customer would be given the firearm and ammunition and a range safety officer would take them into the range and assist them with the firearm. Commissioner Carrillo questioned if they would be given a background check. Ms. Teglia explained with the gun rental there is no background check. Commissioner Carrillo questioned if they took any information from the person renting a firearm. Ms. Teglia stated they take their driver's license and a credit card but there is no background check unless they are actually going to purchase a firearm. Commissioner Carrillo commented Badger Gun chose to stop their rental of guns because several people rented guns and committed suicide on the premises. Commissioner Carrillo expressed concern for the renting of guns is a concern for. Anyone can rent a gun and they are not asked if they are a felon and shouldn't be having the use of a firearm.

Commissioner Carrillo questioned what made her instructors certified. Ms. Teglia stated they are certified by a few different sources. They are NRA certified instructors and hunter's safety certified instructors. Commissioner Carrillo questioned if all of the employees would have to be certified. Ms. Teglia stated the range safety officers would be certified and they would encourage all of their employees to be certified and they will all be going through a strict training. Part of that training is to understand how not only how to sell a firearm but also to do the background check and also there is a certain amount of understanding not to sell a firearm to someone who is impaired beyond the employees comfort level. Part of the training involves the people from the National Sports Shooting Foundation to come in and assist in training all of the employees whether they are in the retail section or the range area.

Commissioner Carrillo questioned if the employees of this business would be armed as well. Ms. Teglia stated if the employees choose to be armed they will be armed.

Commissioner Carrillo questioned what the security plan entailed. Ms. Teglia explained it involved two things, one being the security of the employees and customers and that would be where the range safety officers came into play. They will always have a range safety officer in the range and they also have a control booth that can view all of the range at once. There will be a range safety officer in the control booth and the range safety officers will also be doing the instructing in the classrooms. Their job is to ensure that people are handling firearms safely. She added all of the ranges in the area do not employ range safety officers. They will not have their premises open without at least two range safety officers at all times.

All firearms will be in locked cases. Whether they are on display for sale they will be locked. The salesperson will open the locked container to show a firearm to someone and then relock it in the case. It will also be locked at all times when they are being looked at. At the end of every business day all firearms will be put into a vaulted area and the site will have security cameras linked to the police station. There will be alarm systems, security cameras and motion detectors. A facility of this type has to ensure to the fullest extent that there will not be theft after hours. There will be motion detectors at all levels.

Commissioner Carrillo commented Milwaukee Police Chief commented he was alarmed to hear of the renting of guns without background checks. Oak Creek Police Chief Edwards was not available for comment and Commissioner Carrillo questioned if anyone was aware of what his comments might be on this situation. Mayor Scaffidi commented Chief Edwards was involved in the initial discussion two months ago and he felt the standards met or exceeded any Federal requirements for a range of this type including all aspects of their business plan.

Alderman Bukiewicz commented he has been to neighboring shooting ranges and they do not have range officers. He liked the layout of the building and was disappointed the archery was going away. There were plenty of sportsmen in the City and you can't discharge a bow in the City of Oak Creek and it would be excellent if they could find a way to keep the archery lane. He questioned if they would be selling firearms at this location. Ms. Teglia stated they would be selling firearms but not hunting licenses at this point. Commissioner Bukiewicz felt they were serving a need and it is thought out well. The concern about guns in this day and age is very great. Background checks for renting, they don't do it for cars and people go out and do bad things in cars. As long as they are confined to the building he believes they will be okay in that regard.

Commissioner Siefert questioned what type of firearms they would allow on the range and also questioned if they would be all hand guns. Ms. Teglia stated they would allow hand guns and rifles. Commissioner Siefert questioned how big the rifles would be. Mr. Brian Cooper, Pleasant Prairie, stated the containment trap is rated up to a .50 caliber, which is a large rifle caliber or pistol so they would allow up to that. Commissioner Siefert questioned hearing protection. Mr. Cooper explained hearing and eye protection would be required at all times when entering the range itself whether they bring it with or purchase it on site.

Commissioner Dickmann commented the location for this business was good and it was a good use for the building. He questioned if someone was to bring their own firearm could they leave it in the building or would they have to take it with them every time they came and went. He also questioned if they took any form of ID from people using the range. Ms. Teglia explained when they are renting a lane they leave their ID and they get it back when they leave the range. Commissioner Dickmann questioned if the surveillance cameras were just for the off hours or would they be on all the time. Ms.

Teglia stated they would be on all the time. It was really important for within the range. It would help the range safety officer who would be in the control booth area watching the monitors to ensure that people are behaving safely. Commissioner Dickmann questioned if the information would be recorded for a period of time. Ms. Teglia stated it would be recorded all the time.

Mayor Scaffidi questioned if the video was something that would be available immediately to the Police or if it was something that they would have to go and capture. Ms. Teglia stated it was immediately available to herself offsite but she was not sure if it was immediately available to the police station but would look it to that further.

Commissioner Johnston commented he rented a shot gun at a range and it was not an uncommon practice to rent guns at a range.

Commissioner Chandler questioned where the range would be located within the building. Ms. Teglia stated it would be in the middle of the two suites that are already occupied. Commissioner Chandler questioned what would be protecting the other tenants. Ms. Teglia explained the construction would include the building of a bunker type room within the building. It would be concrete filled blocks with a concrete precast roof that would be built within the building. It would be separated from the two common walls from the other suites to protect from sound.

Mayor Scaffidi clarified that members could not leave their guns overnight in the lockers. Ms. Teglia stated that was correct.

Alderman Michalski questioned how long it would take for a person to purchase a gun to get the approval or denial. Ms. Teglia stated it was forty-eight hours in the State of Wisconsin from the time they get cleared. Alderman Michalski questioned if someone wanted to rent a gun would they have to get prequalified. If there was something added to the conditional use permit that stated people who wanted to rent guns, then people would have to come two days before and get preapproved to use a gun and then come back. Mayor Scaffidi cautioned the background check requirement because those were Federal regulations and he didn't know if they had the authority to add something like that in the conditions and restrictions. Mr. Wagner agreed they could not include a business operational condition. They are looking at the use and if a firing range was appropriate. They cannot control how they do business but they can allow the business to be located there. The permitted use would allow for an indoor firing range, the selling of firearms and accessories and the training of firearms and self-defense. Alderman Michalski was not proposing adding the condition he was just questioning if it was instantaneous then to him he felt they may need to have this but if it takes two days to get this done then maybe it makes sense not to even discuss this.

Mr. Cooper clarified it was a Federal regulation by the ATF as a Federal firearms license holder they are required to go through the NICS background check. In the State of Wisconsin they are required to hold the firearm for forty-eight hours for a pistol prior to the purchaser coming and picking it up. For a rifle or shot gun it is nearly immediate, it could take place within ten minutes to one hour, once the background check is completed. However, it is regulated you cannot run background checks unless there is an actual intent to purchase the firearm.

Commissioner Carrillo commented it doesn't have rental in the staff recommendation. Mr. Wagner explained rental would be an accessory part of the business and they don't go into the detail of the business operation. The principal use being permitted would be the firing range. If they choose to rent or only allow people to bring their own they can't get into that type of detail of regulations. They are looking specifically at permitting a firing range, the firearms accessory sales and the training.

Commissioner Carrillo questioned the Commission if they had any concern that it was not even a year since their shooting and they were bringing in firearms. Mayor Scaffidi stated he always has concerns about that but at the end of the day you have to realize it is a Second Amendment right and it is the right of the business to operate. This is a legal use once it goes through all of its approvals through the Plan Commission and Common Council. He thinks about it all day but at the same time he can't tell people that they should use their firearms responsibly and encourage them to get training on how to use those weapons and understand how they work if they discourage the places that actually provide that service. This is a market that does not have a place like that currently. He thinks in this case it does make sense for this business to operate here. Commissioner Carrillo commented in one of the three places where gun violence took place, Oak Creek, Sandy Hook, Aurora, and now we are bringing a gun range not even a year later. Can't it be in a different city and not in the City of Oak Creek?

Commissioner Bukiewicz commented gun violence is everywhere. Just because they are in Oak Creek they are not in a bubble. Unfortunately it happened, but they still sell ammunition at other stores. He wishes it would go away but it doesn't. If people are going to carry guns around then they should be properly trained to use them. There have been instances where it has paid off when people are properly trained. We can't deny business because of an unfortunate incident of one individual.

Ms. Teglia commented in her view these tragedies should compel us all to promote and practice firearm safety and responsible use. The mission of this particular business is to promote firearm safety and responsible ownership, to educate and train and to practice the shooting sports and to do it in a clean, nice, upscale, secure environment. This is the type of facility that we don't have in the area and that is what compelled her to bring this business. There are all these people obtaining conceal carry permits and carrying firearms and not getting the proper training. She recently obtained the concealed carry and wasn't satisfied with the training she received to get the permit. Her goal is to provide that kind of training so people are comfortable and know how to own a firearm and protect it in their home and have the safe use of the firearm.

Alderman Bukiewicz moved that the Plan Commission recommend to the Common Council that the proposed amendment to the conditional use permit including an indoor firing range, firearms and accessory sales and training operations for firearms and self-defense not within 1,000 feet of a residential district be approved after a public hear, subject to the attached conditions and restrictions.

Commissioner Siepert seconds. Roll call, Dickmann; aye, Johnston; aye, Carrillo; nay, Bukiewicz; aye, Scaffidi; aye, Michalski; aye, Siepert; aye, Chandler nay. The motion to approve carries.

Commissioner Carrillo moved to adjourn. Commissioner Bukiewicz seconds. Roll call, all voted aye. The meeting was adjourned at 6:43 p.m.