

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, December 10, 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 Siefert, Commissioner Correll and Commissioner Chandler. Also present were Kari Papelbon, Planner, Pete Wagner, Zoning Administrator/Planner, Assistant Fire Chief Mike Kressuk and Doug Seymour, Director of Community Development

Commissioner Dickmann moved to approve the minutes of the November 26, 2013 regular Plan Commission meeting. Commissioner Siefert seconds. Roll call, all voted aye. Motion carries.

There were no significant Common Council actions.

Note: Items 6b, 6c and 6d were held until further notice.

**Conditions and Restrictions**  
**Dunkin Donuts – Drive-through**  
**8750 S. Howell Avenue**  
**Tax Key No. 860-9996**

Ms. Papelbon explained that this item was held at the November 26, 2013 meeting due to several concerns raised by the Commission for site circulation and safety. The Planning Department has received updated plans from the applicant. The applicant proposes to add a stop sign and speed bump at the southeast corner of the building and widen the eastern entrance to 24 feet. As mentioned at the last meeting, the southern parking stalls (8) are proposed to be moved 10 feet further south, leaving 24 feet between the end of the parking stall and the edge of the drive through lane.

Commissioner Dickmann asked about the sign package and when does that occur. Ms. Papelbon stated that would occur if there is a change to the existing signs that are on the building right now. It would be another application.

Commissioner Siefert asked about the 10 feet to the south, he stated that there is a sign there that stands in the way.

Mr. Steve Royer, Redmond Company, stated that the ground sign would be removed.

Commissioner Chandler asked about the new directional sign that was depicted on the map and asked if there was more information. Ms. Papelbon stated that the directional sign is for an entrance sign, she stated that staff has not received any detailed plans. Commissioner Chandler stated that on the print out there was an arrow. Mr. Royer stated that was just the direction of cars both entering and exiting at the curb cut. It's a two way curb cut, cars entering on the right and existing on the left. Commissioner Chandler stated that that was one of the Commission's concerns,

Commissioner Correll stated that this is the same scenario we had and that it doesn't make any sense and that it is still a problem. The Commissioners concerns are:

1. The traffic pattern including the stop sign and speed bump

2. Cars leaving the drive through
3. Speeding cars
4. Width of the drive through
5. The eight spaces on the south side
6. Concern for pedestrian traffic
7. Lack of lighting
8. Enforcing 'employee parking'
9. Deliveries
10. Relocation of the sign
11. Minimum parking

Commissioner Correll motioned that the Plan Commission deny to adopt the conditions and restrictions as part of the conditional use permit for restaurant and drive-through facilities located at 8750 S. Howell Avenue without a public hearing.

Doug Seymour, Director of Community Development, stated that the Plan Commission recommended amending the conditional use permit. We are now talking about the mechanics of moving the recommendation forward to the Common Council. The Plan Commission recommended the actual amended CUP but recommended against the conditions and restrictions. If there are certain elements of those conditions and restrictions, rather than recommending against it, the Commission should entertain changes to the document so that there would be consistency with your prior recommendation for approval.

Mayor Scaffidi asked how you see the Commission entertaining changes when there are significant struggles just to accept any kind of a traffic pattern to the left when you come in. Commissioner Correll stated that the Commission's concerns were not addressed. How do we move forward when we have a lot of reservations? Doug Seymour stated that it will go forward to Common Council, it might send mixed signals having the Plan Commission recommend for the change, but against conditions and restrictions.

John Clark, Dunkin Donuts, 210 S. Water St. Milwaukee, WI 53204, stated that looking at a drive through design layout, this is for us ideal. Looking at traffic flow, we are looking at those eight spaces as parking. He stated that this is one of the safer designs he has seen. He understands the concerns, but stated that there is no real cross traffic patterns coming directly into the line of someone walking out of a door and into a traffic pattern. The front entrance and egress in and out of the building, you basically have a patio space with a 45 degree angle before you have to walk into a traffic pattern. With a designed bump-out and make them come out and go around, but in today's design and building layouts and the desire to go in with fast food restaurants and quick service industry with drive-through, that is the only feasible manner for us to actually open any type of restaurants. Is Dunkin Donuts going to go away in a year, anything is possible. We are making great capital investments in the area. Ideally from a safety standpoint, you are not really having cross traffic patterns against traffic. Mr. Clark stated that they are saying that those 8 spaces are going to be a non-parking area, by putting in a no left hand turn.

After a lengthy discussion, the Mayor held the item, indicating that we need to have the same people in front of us at each meeting. Ms. Papelbon, suggested exploring the option of parking by talking to the owner of the Pick n' Save and come up with an agreement for off-site parking on the Pick n' Save parking lot.

**Conditional Use Permit  
SET Environmental  
9730 S. 20<sup>th</sup> Street  
Tax Key No. 903-0015**

Ms. Papelbon explained the applicant is requesting approval of a conditional use permit for an environmental contractor's yard at 9730 S. 20<sup>th</sup> Street. They will use the property as their service center for Wisconsin operations. They do environmental abatement; remediation, measurement and control work at specific job sites. All equipment and vehicles used for SET Environmental operations will be stored at their site. Occasionally they will have to have some of the materials brought back to the site in one of their containers. The maximum amount of time that it could stay on the property per Federal Regulations is 10 days. There will be no laboratory or testing facilities at the property. They anticipate 8 employees and up to 15 in a year. No waste materials will be transferred on site, it will remain in the container until it can be properly disposed of. One of the requirements in the code is that the area used for vehicle access, movement and parking as well as storage of equipment must be on a paved surface. Currently the property is partially paved; the applicant has outlined an area where they expect to have parking of their vehicles and some of their equipment that would be the part that would have to be paved. It is recommended that the areas not to be paved on the property be reestablished as grass. No stormwater plans are required at this time.

Alderman Bukiewicz asked if the property was fenced all around. It was confirmed that it was.

Alderman Michalski asked if the hatched area will be paved. Ms. Papelbon explained that this is the area that they have identified they will be parking equipment and vehicles. If that is indeed the area they will be using for parking than it is required to be paved. The recommendation is to have grass where it will not be paved.

Commissioner Correll stated that he would like to see something more defined regarding square footage on what is going to be paved.

Commissioner Chandler asked where the materials will go, where they would be stored. Ms. Papelbon stated that the waste materials would be in a container and that would be on the back of a truck. They would be stored for up to ten days. Commissioner Chandler asked if the materials that are stored on the back of the trucks, would you have multiple trucks with multiple waste materials up to ten days.

Eric Cushman, 5534 Upland Trail, Middleton, Wi, stated that was correct, as an environmental contractor, we provide the City and fire department with another means of cleaning up if there is a spill or chemicals that are left at a site. They will call us in, we will mediate, remove the materials, they are packaged in drums, 55 gallon drums, tankers, they are all sealed, casketed, containers. The drums would be on the back of a 53 foot truck. They are in sealed containers inside a van, most of what we do; we tend to take the material from the facility wherever we did the clean-up directly to the disposal site. We have our own disposal site in Houston, Texas, so we might load up the truck and it might go right down Houston with some of our over the road drivers. We do run into scenarios where we do have to bring the material back to our facility for a few days, but it will not be unloaded and put in a building; it's not going to be transferred or dumped. This is strictly a service center, there will be semis there, and there will be trucks, compressors, service vehicles. There will be no odors or emission. Commissioner Chandler asked if they were okay with paving the area. Mr. Cushman stated that he would discuss with the group, define and delineate the areas we are going to pave and make sure everyone is in

agreement with that.

Ms. Papelbon stated that the only concern with leaving the gravel there is the potential for someone thinking they can store something there in the interim. He stated that they could delineate an area, but this is something they can discuss with staff once they submit their plans saying here is the part we are going to pave.

Alderman Bukiewicz stated this was a good site and asked Assistant Fire Chief Kressuk to comment on the hazmat aspects of it. Assistant Fire Chief Kressuk stated that these are the companies we call to assist in the clean up or that the affected call to assist with the clean-up. As part of the clean-up process they are federally regulated on the methodology they use and how the materials are stored. The applicant would best be suited to answer the regulations of the storage of hazardous materials; there are Federal regulations that specify how they are stored. They need an emergency plan in case of a spill and a notification procedure. Fortunately the materials for clean-up would already be located on site. Our response plan on dealing with this firm would be a little bit unique there would be more of an open dialog as far as what's being stored there and what we can expect. The federal regulations will require and mandate them, when you store materials on site, even for a short amount of time that there is an emergency response plan in place to act as a contingency in case any situations arise.

Mr. Cushman stated he didn't want people to think they are storing material, so if it's a bulk liquid it's a tanker, if it's in drums it's in a dry van. We aren't taking drums off a trailer and putting them in the back yard. We are heavily monitored. Our staff is 40-hour OSHA trained, we comply with Wisconsin DNR, EPA, and our insurance bill is above 6 figures. Because of what we handle our drivers have to have an impeccable record. The industry is very heavily regulated, so for us to have an opportunity to be in a location like this is very exciting and I can't express to everyone here how important it is for you to understand that our company has been around since 1979 and we take what we do very seriously.

Alderman Michalski stated that he would need to see a barrier to separate the parking area from the grass area.

Ms. Papelbon stated that if the Plan Commission wishes for staff to move forward with conditions and restrictions, we can work with the applicant to incorporate the discussion that happened tonight including phasing of parking, making sure that the revised plan shows where the asphalt would be, the barriers to be used, and the time frame.

Commissioner Dickmann stated that if they expanded and wanted to pave more would they have to come back to Plan Commission or could a decision be made at staff level. Ms. Papelbon stated that we would figure that out.

Alderman Michalski motioned that the Plan Commission recommend that the Common Council approve a conditional use permit allowing for an environmental contractor's yard located at 9730 S. 20<sup>th</sup> Street after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting. Commissioner Dickmann second. All voted aye. Motion carries.

**Amendment to Conditional Use Permit  
Woodman's Food Market  
8151 S. Howell Avenue  
Tax Key No. 813-9014-006**

Ms. Papelbon explained that the applicant is requesting approval to amend the existing conditional use permit pertaining to the gas station at 8151 S. Howell Avenue. Currently it is restricted between the hours of 7:00 a.m. to 9:00 p.m. per their conditional use permit. They would like to be able to have an attendant on staff between the hours of 7:00 a.m. and 7:00 p.m. After 7:00 p.m. customers would be allowed to pay at the pump. The pumps are set up to accommodate 24 hour service.

Alderman Michalski wanted it made clear that there would be no oil changes; the only thing that is changing is that gas can be pumped and the customer can pay at the pump. Pete Wagner stated that the way it is written implies that the gas service station would be operated 24 hours a day. He stated that it might be wise to revise the conditions and restrictions to say that the hours of the fueling station is 24/7, not necessarily the entire service station. By revising the conditions and restrictions would effectively prevent oil changes or other automotive services being performed 24-hours a day.

Commissioner Johnston stated that he would take out 'station' altogether and just say 'fuel pumps' 24 hours a day.

Commissioner Siefert asked if there was any way to monitor the station in case of an emergency. Assistant Fire Chief Kressuk cautioned that if you approve a facility that is unmonitored, that there are certain safety features that need to be put into place.

Steve Kaukl, Woodman's Food Market, 2631 Liberty Lane, Janesville, WI stated that Woodman's has 15 stations and 11 of them are operating unattended 24 hours. There is a set of guidelines that the State has and we have met them. The equipment is brand new, state of the art; there is an emergency call box on the front of the station. We also have an emergency shut off at the front of the station.

Ms. Papelbon stated that she would like to revise condition No. 6 under Maintenance and Operation. The revision would include the original language in the conditions and restrictions from the original approval. The revision would be: the hours of operation for the gasoline pumps would be operated 24/7 to make sure that there is that distinction between the service center and fuel pumps.

No. 9 under Time of Compliance we would also make sure that the language is revised to make sure that it's clear that it is fuel pumps and not the service center.

Alderman Bukiewicz motioned to recommend that the Common Council approve a conditional use permit amendment allowing the existing gas pumps located 8151 S. Howell Avenue be operated 24 hours a day after a public hearing and subject to conditions and restrictions with the amended corrections so mentioned. Commissioner Siefert second. All voted aye. Motion carries.

**Right of Way**  
**Omar Barasneh**  
**931 and 1101 E. Forest Hill Avenue**

Ms. Papelbon explained that the applicant is requesting this right-of-way vacation which began in 2012 be brought forward and completed. The area to be vacated is approximately 80 feet in width at its widest and tapers toward the east, south of 1101 E. Forest Hill Avenue. Originally this right-of-way was intended to connect to Puetz Road; however, the lands are now part of the Oak Leaf Trail and were removed from the Official Map. An officially mapped north-south street

exists to the east of the applicants property that once constructed will connect E. Forest Hill Avenue to Puetz Road. Once vacated, the lands will be distributed to the property owners abutting each side of the right-of-way. Concerns were raised by staff for the location of a potential future driveway. Staff recommends that the Plan Commission include a condition that no new driveways would be allowed within the vacated area.

Mr. Iglinski, 8341 S. Benjamin Drive, asked if his taxes will increase if he accepts the small piece of land. Mr. Seymour stated that yes, but not by very much.

Commissioner Dickmann motioned that the Plan Commission recommends to the Common Council that the unimproved right-of-way of a portion of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 16 (lands between 931 and 1101 E. Forest Hill Avenue be vacated after a public hearing and with the condition that no new driveways are allowed within the vacated area. Alderman Bukiewicz second. All voted aye. Motion carries.

### **Public Hearing**

#### **TIF No. 11 Project Plan and Boundary Amendment**

Mayor Scaffidi called three times for comments hearing none he closed the public hearing.

#### **TIF No. 11 Project Plan and Boundary Amendment**

Ms. Papelbon explained the purpose of this review is to consider an amendment to the territory as well as amendments to the Project Plan for TID 11. The amendments include:

1. Map 3 – Conceptual Land Uses
2. Map 4 – Proposed Improvements
3. Section IV – Detailed list of estimated project costs
4. Section V – Economic Feasibility Study

The territory to be added to the TID is the 4.4624 acre parcel behind the Woodman's store (outlot 1, pond lot). The total size will be approximately 120 acres.

The district and project plan are being amended to reflect a refinement in project costs as it relates to potential development incentives for projects with the district.

Commissioner Dickmann questioned the benefit of this project by adding the additional areas.

Doug Seymour, Director of Community Development, explained that the 4.4 parcel is an existing property which is owned by Woodman's, we are working with them to incorporate their site as part of planning jointly with Drexel Town Square, in terms of issues such as access and stormwater management. That parcel houses their storm water management pond. Also the location of a roadway, a private roadway at this point, that provides access to Forest Hill Avenue which under the terms of an agreement they have with the City would become a public street which is 6<sup>th</sup> Street going all the way up to Drexel Avenue. The thought behind incorporating that parcel into the district was to allow for the eventual development of the remnant parcel on the east side of that which is owned by Woodman's now which is a pond. Once the roadway goes in and once we complete the stormwater improvements on the west side, then that site would be available for development.

Commissioner Dickmann also questioned the Detailed list of Estimated Project Costs and stated that it seems like an open ended deal. Doug Seymour stated that to a certain extent there is

some flexibility in terms of project costs and how much you can exceed them. We wanted to make sure that the Council had the flexibility to respond to those situations in a fiscally responsible fashion, without having to go back and amending the project plan again.

Commissioner Siepert asked what the total value was of the TIF district. Doug Seymour stated potentially it is probably between 180 and 200 million dollars. The initial improvements will be constructed beginning next year and occupancy probably in the summer of 2015 which includes the Meijer Store, the library, City Hall, the two mixed use buildings on the north part of the square, a hotel, the first phase of residential apartments, which is going to be a little smaller than anticipated about 147 units and several of the perimeter outlots, to be closely followed by potentially medical office building development. In 2015 you will see all four edges of the square all built up.

Commissioner Bukiewicz stated that one concern that Milwaukee County might have is providing public transportation and access to Drexel Town Square. It is something that we have to consider and that option had to be there.

Commissioner Dickmann motioned that the Plan Commission adopt Resolution No. 2013-03 adding the territory of 400 W. Forest Hill Avenue and amending the Project Plan for Tax Increment District No. 11. Alderman Buckiewicz second. All voted aye. Motion carries.

Commissioner Carrillo motion for adjournment, Commissioner Siepert second. All voted aye. Meeting adjourned at 7:33 p.m.