

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, APRIL 22, 2014

Mayor Scaffidi called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Johnston, Alderman Bukiewicz, Mayor Scaffidi, Commissioner Correll, Commissioner Siepert and Commissioner Chandler. Commissioner Carrillo and Commissioner Dickmann were excused. Also present were Kari Papelbon, Planner; Peter Wagner, Zoning Administrator; Doug Seymour, Director of Community Development and Assistant Fire Chief Mike Kressuk.

Commissioner Siepert moved to approve the minutes of the April 8, 2014 regular Plan Commission meeting. Commissioner Johnston second. Roll call, all voted aye. The minutes were approved as submitted.

**Significant Common Council Actions**

There were no comments or concerns from the Commission.

**Sign Appeal Hearing  
Tredroc Tire Service  
Key Key No. 903-0010**

Ms. Papelbon read the public hearing notice into the record. The Mayor made three calls for public comment. Hearing no public comments, the Mayor closed the hearing.

**Sign Appeal – Tredroc Tire Service  
9810 S. Ridgeview Drive  
Tax Key No.: 903-0010**

Commissioner Correll asked what would be the benefit of an additional sign. Richard Kor, Midwest Sign and Lighting, stated that Tredroc Tire Service wants one sign to be visible from the freeway so people know that they are back there.

Commissioner Chandler asked if it was common to have signs on three sides. Mr. Wagner stated that there are buildings throughout the City that do have signs on multiple elevations. It is common to have two signs, but not three. It is up to the Commission to decide, on a case-by-case basis, if it is an appropriate location for three signs.

Commissioner Siepert stated that the Applicants have a road sign coming into their place, they have a 4' x 8' ground sign, and they also have a sign facing the freeway.

Commissioner Johnston stated that he does not see the need for a 25 square-foot sign when a building is located 100' away from the freeway.

Alderman Bukiewicz stated that the building is tucked away and asked for further explanation on the existing monument sign.

Mr. Kor explained that there is a temporary sign, and one illegal sign that must be taken down. They are trying to get the one in front, the 25 square-foot sign, so when visitors pull up to the

building there is a sign. They are looking at cost to determine whether it is cheaper to put up a 25 square foot sign or a \$5000 monument sign with brick and electrical.

Commissioner Correll moved to deny the sign appeal for 9810 S. Ridgeview Drive. Commissioner Siepert seconded. All voted aye. Motion to deny the sign appeal carried.

**Temporary Use Permit  
Zignego Company  
I-94 and Rawson Avenue**

This is a request for a temporary portable concrete batch plant within the right of way at I-94 and Rawson Avenue. All materials to be used in the production of concrete will be hauled to the site and stockpiled or stored in sealed silos / bulk containers ("pigs"). Additional materials such as rebar, dowel bar baskets, curing compound, and steel forms will also be stored onsite. Fuel tank storage will be coordinated with the Fire Department. Deliveries to the site will occur most frequently within the first 1-2 weeks of the temporary use. The Applicant estimates 150 loads/day will be hauled for stockpiling; 50 loads/day will be hauled on an as-needed basis. Three to five employees will remain onsite during the operation. The site will be fenced with a locked gate to prevent unauthorized entry.

Alderman Bukiewicz stated that he had two concerns: the safety of the truck traffic coming in and out, and also the maintenance of the site. He asked what their schedule is to clean up the area. Mr. John Zignego, Zignego Company, stated that according to the permit they received from Milwaukee County they are required to power sweep on heavy days and will also have a broom come in at night to clean the road. The permit calls for the Applicant to power sweep once a day and as needed to keep the road clean. The County will be monitoring the site. Assistant Fire Chief Mike Kressuk stated that they are required to follow all applicable fire codes for the access roads and Fire Department access to the gated portion of the site.

Mr. Zignego explained that he does not anticipate operating many Saturdays; however, extenuating circumstances may require such to maintain their schedule.

Commissioner Bukiewicz moved that the Plan Commission approves the temporary use permit for the temporary concrete batch plant within the right-of-way at I-94 & Rawson Ave., subject to the following conditions:

1. That all building and fire codes are met.
2. That any hydrant usage is approved by the Water Utility.
3. That the hours of operation be limited to Monday through Friday between 7:00 AM and 8:00 PM and Saturday between 8:00 AM and 5:00 PM.
4. That the temporary use shall expire on January 31, 2015.

Commissioner Chandler seconded. All voted aye. Motion to approve carried.

**Plan Review  
Project Red  
111 W. Oakview Parkway  
Tax Key No. TBD**

Ms. Papelbon explained that this is a request for approval of site, building, and landscaping plans for a manufacturing facility with office space within OakView Business Park, temporarily

named "Project Red." Within the 164,007 square-foot building there will be approximately 24,000 square feet of office space, 20,000 square feet of dry storage, 99,000 square feet of factory (production) space, and 20,000 square feet of freezer storage. All of the loading docks are located at the rear (south) of the building, which will be accessed via drives around the building. Food production, storage, and distribution are the principal uses for the facility. All building and parking setbacks are met or exceeded in the proposed plan.

The building will primarily be constructed with a mix of precast insulated concrete wall panels and insulated metal panel walls. All rooftop mechanicals are proposed to be screened with metal panels. Two cooling towers and a nitrogen tank located at the rear of the building will not be screened and will be 45' tall (approximately 10' above the roof line). The north entrance/office façades incorporate variations in colors and building materials, windows, and canopies.

It should be noted that Section 17.1009(a)(2) states that "prefabricated steel panels are not permitted as a primary exterior building material and shall only be allowed as an accent material comprising no more than 25 percent of the visible perimeter of the building." A minimum of 75% of the visible perimeter must be constructed with materials such as glass, brick, or decorative masonry material. The building's visible perimeter is measured both from Oakview Parkway and Howell Avenue, which would require at least 3 sides of the building to be constructed with glass, brick, or decorative masonry.

Both the east and west elevations are comprised of the aforementioned blank metal panel wall sections, which are in excess of 100 feet each. These two walls are proposed to be constructed of insulated metal panels due to the refrigeration needed by the production and storage of food products, as well as the ability to expand the building to the east and west. Section 17.1009(a)(8) states that "[s]ides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building." The Applicant's consultants have proposed extensive landscaping to provide a visual buffer from both Oakview Parkway and Howell Avenue; however, the use of metal panels, particularly within the visible perimeter for the building, will require a  $\frac{3}{4}$  majority approval of the Plan Commission. Staff recognizes the need to plan for the economical expansion of the building within a reasonable period of time. However, these metal wall panels, while appropriate in the short term, should not become a long term feature of the building elevation facing the exterior of the business park along Howell Avenue. Therefore, staff has proposed a condition to convert the metal panels, at least on the Howell Avenue frontage (east side), to match the precast walls if the planned east expansion is not commenced within 5 years of the date of initial occupancy of the building.

Mayor Scaffidi asked if the Applicants were asking for more time than the proposed 5 years. Ms. Papelbon stated yes, they are saying maybe 6 to 7 years. He also asked if there was another treatment that they could use that doesn't look like metal panels. Ms. Papelbon stated that they will be painted to match the color of the precast so it will match the building. The metal wall panels are insulated so it will help with the refrigerated areas that are on both sides. And both of those areas will be expanded. It also makes economic sense to be composed of that type of material rather than a precast right away.

Commissioner Correll asked for clarification of the proposed 5-year condition. Ms. Papelbon stated that there are two ways that the Commission could address this: the Commission could keep the timeframe at 5 years and have the Applicant come back if more time is needed, or the Commission could expand the timeframe. Commissioner Correll stated that he would leave it at five and have the opportunity to extend.

Commissioner Bukiewicz asked what would happen to the metal panels if the economy tanks and the Applicants can't afford the expansion.

Jen Guzman, CEO of Stella & Chewy's, stated the reason for the request for the five- to seven-year window is because Stella & Chewy's has the option to purchase the building in five to five-and-a-half years. If that happens, Stella and Chewy's would want to start the expansion after the purchase option. Commissioner Bukiewicz asked if they would still proceed with the expansion if they chose not purchase the building. Ms. Guzman stated that they would proceed with the expansion if they did not purchase. Ms. Guzman explained that the proposed building, which is 164,000 square feet, is expandable to 280,000 square feet. They are also looking at an option to purchase the adjacent 4 acres of land, which would accommodate another 50,000 to 60,000 square feet. Commissioner Bukiewicz asked if the expansion would be for office space or refrigeration. Ms. Guzman stated that the expansion is for refrigeration on one side, and additional warehousing and freeze-drying space on the other. The office space would also be expandable.

Commissioner Bukiewicz asked staff about the percentages of metal panels. Ms. Papelbon stated the percentage of precast and metal panels for each of the elevations has been received. On the east elevation it looks like more than half would be precast concrete panels, and on the west precast concrete panels comprise 68 percent. On the other two elevations precast concrete comprise less than 15 percent of the building materials. Ms. Papelbon stated that they did add extensive landscaping to their plan along Howell Avenue.

Ms. Papelbon stated that a Council Member had received a neighbor inquiry regarding odors and asked if the Applicant's representative could address that concern. Ms. Guzman stated that no odors would be emitted from the facility.

Jerry Franke, WisPark, stated that the building has been a matter of great concern, and since the modifications have been made to the overall building design in the last two weeks, this building has improved many times over in terms of its appearance. Mr. Franke stated he believes due to the topographic difference between Howell Ave. and the final grade, combined with the extensive landscaping proposed, the east side will be very well mitigated; the west side does not impact anybody.

Commissioner Chandler asked what type of equipment will be in the building. Ms. Guzman stated that there will be grinding equipment, patty making or forming equipment, freeze drying and packaging equipment.

Assistant Fire Chief Kressuk stated that at this time there are no special needs outside of the standard Fire Department pre-plan program and familiarization with the structure.

Commissioner Siefert asked about the dog run and if it was visible from the highway. Ms. Guzman stated that it was for the office dogs and will not be visible from the highway.

Commissioner Chandler asked what the times would be for truck deliveries and pickup. The Director of Operations stated that deliveries would occur during first- and second-shift operation (any time between five or six in the morning through five in the afternoon) Monday through Friday. Occasionally deliveries would occur on Saturday if they have to get a truck out.

Larry Godager, 10144 S. Warwick Dr., stated that he has a concern regarding odors. The Director of Operations for Stella and Chewy's explained that all of the food products are high-quality, raw, and frozen. No rendering will be conducted onsite.

Jim Potter, 10656 S. Howell Avenue, stated that he didn't hear where the dog runs are. The dog run will be on the east side, and there currently are about six dogs that come to work with employees in the office space.

Alderman Bukiewicz moved that the Plan Commission approve the site, building, and landscaping plans for the Project Red property, Lot 3 of OakView Business Park, with the following conditions:

1. The prefinished metal panel walls shall be converted to a more appropriate material (e.g., precast concrete) if the planned east expansion is not commenced within 5 years of the date of initial occupancy of the building.
2. That all building and fire codes are met.
3. That detailed lighting plans be approved by the Electrical Inspector prior to the issuance of building permits.
4. That grading, drainage, and stormwater plans be approved by the Engineering Department prior to the issuance of building permits.

Commissioner Siefert seconded. All voted aye. Motion to approve carried.

**Certified Survey Map**  
**City of Oak Creek and Black Bear Bottling Group**  
**9750 and 9770 S. 20<sup>th</sup> Street**  
**Tax Key No. 903-9002-001 and 903-9003-001**

Black Bear Bottling Group is requesting approval of a Certified Survey Map combining the two properties at 9750 and 9770 S. 20<sup>th</sup> St. Black Bear is currently in the process of acquiring the property at 9750 S. 20<sup>th</sup> St., which is owned by the City of Oak Creek (Water Utility). As the property is no longer used or needed for the Water Utility, they have indicated their intention to sell and are considered co-applicants for this request.

This CSM is required in anticipation of relocating the approved parking for the Black Bear facility, which is on tonight's agenda for the Plan Commission's consideration. The Water Utility has indicated that there is an existing hydrant that will need to be removed or relocated. Staff recommends that Black Bear representatives coordinate with the Water Utility and the Fire Department with regard to onsite hydrants.

Mayor Scaffidi informed the Commission that Doug Seymour suggested this option.

Commissioner Correll moved that the Plan Commission recommend to the Common Council that the the Certified Survey Map for the properties at 9750 and 9770 S. 20th St. be approved with the condition that any technical corrections are made prior to recording.

Alderman Bukiewicz seconded. All voted aye except Commissioner Siefert, who abstained. Motion to approve carried.

**Plan Review**  
**Black Bear Bottling**

**9750 and 9770 S. 20<sup>th</sup> Street**  
**Tax Key No. 903-9002-001 and 903-9003-001**

Black Bear Bottling Group is requesting approval of a relocation of the approved parking for the facility at 9770 S. 20<sup>th</sup> Street. As mentioned in the previous report for the CSM, the Applicant is in the process of acquiring the City-owned property at 9750 S. 20<sup>th</sup> St.

The parking that was approved by the Plan Commission on November 26, 2013 will be relocated from the south side of the property to the north and east. Reconfigurations of the existing parking at the front of the building will result in 10 parking stalls on the north and 12 parking stalls on the east, as well as a new 5-foot-wide concrete sidewalk and concrete patio. The previously-approved site plan showed 4 existing parking stalls at the front entrance (north) and 10 new parking stalls at the rear addition (south). Both plans exceed the parking requirements of Chapter 17. Additional landscaping is proposed around the concrete patio and reconfigured parking on the north.

Following the combination of the two lots there will be three existing drives for the property. The middle driveway will be removed per the plan. Staff recommends incorporating additional landscaping in this area.

Commissioner Chandler asked if there were any issues relocating the parking. Ms. Papelbon stated not with this configuration.

Alderman Bukiewicz motioned that the Plan Commission approves the site and landscaping plans for the properties at 9750 and 9770 S. 20<sup>th</sup> St. with the following conditions:

1. That all building and fire codes are met.
2. That the plans are revised to include additional landscaping in place of the middle driveway.

Commissioner Correll second. All voted aye, motion to approve carries.

**Conditional Use Permit**  
**Southeast Wisconsin Baseball Booster Club, Inc.**  
**6758 S. 13<sup>th</sup> Street**  
**Tax Key No. 735-9044**

The Applicant is requesting approval of a conditional use permit for an indoor commercial recreation facility at 6758 S. 13<sup>th</sup> St. The Southeast Wisconsin Baseball Booster Club, Inc. will occupy a portion (Units A & B = 15,000 sf) of the existing building as an indoor baseball and softball team training facility to be known as The Zone. Indoor facilities will include padded turf and netted infield, batting cages/pitching tunnels, pitching machines, and a soft toss and tee work area.

Indoor commercial recreation facilities are considered conditional uses in the M-1, Manufacturing District. The proposal does not include any changes to the exterior of the building or site. No outdoor storage is requested.

The facility will accommodate a maximum of 2 teams at a time (max. 40 players and coaches) during assigned two-hour blocks. Parents may stay at the facility during the assigned time. General hours of operation are below:

- Weekdays - 4:00 PM to 10:00 PM
- Weekends – 8:00 AM to 10:00 PM

Currently, the parking lot is striped for approximately 40 stalls in the front of the building to be shared by all tenants. Based on the proposed use, at least one parking stall is required for every four patrons plus one space for each employee during the largest work shift. As the plan will only allow two teams totaling 40 people using the facility at any given time, this equates to 10 parking stalls. It is unknown how many parents would remain at the facility; however, an additional 30 stalls at the front of the building would be available. No employees will staff the facility. Instead, the facility will operate much like a fitness facility with an access card and code provided to coaches.

Trash receptacles currently exist on the property. No new trash receptacles are proposed. No sign details have been included as part of this proposal. Should the applicant wish to add a monument or wall sign a permit will be required.

If the Plan Commission recommends Common Council approval of the Conditional Use Permit, staff will prepare conditions and restrictions for review at the May 13, 2014 meeting.

Commissioner Correll stated he had concerns regarding the key entry and asked if there was room for expansion. Mr. Foeckler appearing by remote access stated that only the managers will have key codes. He stated that the other 15,000 square feet could be available; currently it is being used by Eder Flag as storage.

Alderman Bukiewicz asked if there was first aid available in case someone gets hurt. Mr. Foeckler stated that liability wise; he carries a first aid kit with his team and did state that there should be a first aid kit available and that is something that they will provide.

Commissioner Chandler asked what are the age groups that would be using the facility. Mr. Foeckler stated that the ages start at 8U and up to high school. It will also be opened up to other communities.

Commissioner Siepert asked how will the teams schedule time for the facility and would he work with the Oak Creek Park and Recreation Department. Mr. Foeckler stated that they will have a website and everything will run through himself. It will be first come first serve. It will also be soft ball. They have not contacted the Park and Recreation department but stated it would be something they would be open to.

Commissioner Chandler asked if there was a system in place to eliminate teams booking multiple times. Mr. Foeckler stated no. It will cost about \$200 for a year's membership per child so it would become costly to book a team for the whole year.

Mr. Foeckler stated that they may want to run some clinics during the weekday. Mayor Scaffidi stated that would be an item for the conditions and restrictions.

Commissioner Correll motioned that the Plan Commission recommends that the Common Council approve a conditional use permit allowing an indoor commercial recreation facility located at 6758 S. 13<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 (May 13, 2014).

Commissioner Siepert second. All voted aye, motion to approve carries.

**Plan Review**  
**MATC**  
**6665 S. Howell Avenue**  
**Tax Key No. 781-9961-002**

MATC is requesting approval of a parking lot expansion northwest of the building complex and existing parking lot. An additional 35,232 square feet of impervious surface will be added. The Applicant has been working with the Engineering Department on grading, stormwater, and erosion control requirements. The proposed location for the expanded parking lot meets all setback requirements for the I-1, Institutional district.

Commissioner Chandler asked what the parking would be used for. Jamie Vega, director of construction, MATC, stated that the additional parking would be used to consolidate the tractor trailer units that serve the driving training facility as well as the diesel repair shop.

Commissioner Siepert asked if the parking lot would be lit. Mr. Vega stated yes.

Commissioner Bukiewicz motioned that the Plan Commission approves the site plan for the property at 6665 S. Howell Ave. with the condition that all required stormwater, erosion control, and grading plans are submitted for review and approval by the Engineering Department. Commissioner Chandler second. All voted aye, motion to approve carries.

Commissioner Correll motioned to adjourn. Commissioner Siepert second. All voted aye, meeting adjourned at 7:10 p.m.