

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 13, 2014

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, Commissioner Correll, Alderman Guzikowski, Commissioner Siepert and Commissioner Chandler. Also present was Kari Papelbon, Planner.

Alderman Bukiewicz moved to approve the minutes of April 22, 2014, Commissioner Johnston seconded. Roll call: Dickmann abstains, Johnston, aye, Carrillo abstains, Bukiewicz aye, Scaffidi aye, Guzikowski aye, Correll aye, Siepert aye, Chandler aye.

Alderman Bukiewicz moved to approve the minutes of April 29, 2014 Special Plan Commission meeting, Commissioner Johnston seconded. Roll Call: Dickmann abstains, Johnston aye, Carrillo abstains, Bukiewicz aye, Scaffidi aye, Guzikowski aye, Correll abstains, Siepert abstains and Chandler abstains.

Significant Common Council Actions

There were no comments or concerns from the Commission.

Plan Amendment Review Stella and Chewy's 111 W. Oakview Parkway

At the Plan Commission meeting on April 22, 2014, the Plan Commission approved of site, building, and landscaping plans for the proposed manufacturing facility with office space for Stella and Chewy's ("Project Red"). It was noted in the staff report that the east and west elevations were to be comprised primarily of insulated metal panel walls 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. Metal wall panels are not acceptable as a primary building material nor do they meet the visible perimeter requirements.

Staff proposed, and the Plan Commission included in their motion, the following condition of approval:

"The prefinished metal panel walls shall be converted to a more permanent 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."

While this was intended to provide some flexibility for the needs of the business while still maintaining the spirit of the requirements of Chapter 17, concerns were raised for the interruption of production at such time this condition was to be met. Staff met with the Applicants to discuss an alternative plan, which is included in your packets. The plans now depict precast concrete walls on the east elevation (along Howell Ave.) instead of the metal wall panels shown in the previously-approved plans. The insulated metal panel walls would remain on the west elevation, but proposed landscaping would limit the view from Oakview Parkway (interior to OakView Business Park). Therefore, staff has recommended approval of the revised plans.

Commissioner Dickmann moved that the Plan Commission approves the amendment to the approved site, building and landscaping plans for the Project Red property, lot 3 of OakView Business Park with the following conditions:

1. That all building and fire codes are met.
2. That detailed lighting plans be approved by the Electrical Inspector prior to the issuance of building permits.
3. That grading, drainage and stormwater plans be approved by the engineering Department prior to the issuance of building permits.

Commissioner Siepert seconded. Roll call: all voted aye, motion to approve carried.

Conditions and Restrictions

Southeast Wisconsin Baseball Booster Club

6758 S. 13th Street

Tax Key No. 735-9044

At the April 22, 2014 meeting, the Plan Commission recommended Common Council approval of a conditional use permit for an indoor commercial recreation facility at 6758 S. 13th St. The business, The Zone, will be owned and operated by the Southeast Wisconsin Baseball Booster Club, Inc. within Suites A and B of the existing multi-tenant building on the property. No changes to the exterior of the building or property were proposed.

Staff has prepared conditions and restrictions for this conditional use permit for the Commission's review. If the Plan Commission is comfortable with the conditions and restrictions, the appropriate action would be to recommend that the Common Council adopt them as part of the conditional use permit.

The Time of Compliance requirement is standard, which is to establish the use within 12 months. If that use is not established within 12 months, the applicant would need to come back for approval.

Commissioner Correll moved that the Plan Commission recommends that the Common Council adopt the conditions and restrictions as part of the conditional use permit for an indoor commercial recreation facility located at 6758 S. 13th Street after a public hearing. Commissioner Siepert seconded. Roll call: all voted aye, motion carried.

Certified Survey Map

Jared Suminski

9345 S. 13th Street

Tax Key No. 871-9985-002

The Applicant is requesting approval of a Certified Survey Map that would split the property at 9345 S. 15th Avenue into two lots. Lot 1 is proposed to be sold to the Milwaukee Metropolitan Sewerage District Conservation Fund. As no development can or will occur on this lot, the CSM should reflect its designation as an outlot. Floodway and floodplain boundaries must be shown on the map prior to recording.

The proposed Lot 2 is encumbered by floodway, floodplain, and a water/sewer lateral along the north boundary that serves the property at 3110 E. Ryan Rd. The floodway and floodplain

boundaries, as well as a 25-foot-wide easement for the existing lateral, must be shown on the CSM prior to recording. If this lot is anticipated for any development, a wetland delineation will be required prior to local review and approval.

Alderman Bukiewicz asked w the planned streets will be removed from the map or do they go with the CSM. Ms. Papelbon stated that the mapped street can be removed and initiated at staff level at such time that will be necessary. She stated that it is not necessary at this point because the land will never be developed.

Jared Suminski, 700 Waters Edge Road, #14, Racine, stated that he and his partner bought the land in 1977 for retirement, and for years it had been zoned single family residential. A few years back it had been changed and was all put into wetlands. When they attempted to sell a lot about a few years ago they were told they couldn't build on it but they are still paying taxes on a single family residential lot. Years ago they were going to develop lot 2 and they came to Oak Creek Planning and got a fill permit, for which they had to provide a grading plan. For some reason they put it in a floodplain. Mr. Suminski stated that he had the surveyor check the elevations and was told unequivocally that those elevations are too high to be in a floodplain. Mr. Seymour has told him that he and his staff will help them get it removed from the floodplain so that they can subdivide that into four lots that they can sell. Mr. Suminski also stated that they have a fill permit, grading plan that they followed, the certified survey map shows clearly that it is not a floodplain, and if you look at the property it's certainly not a wetland. Mr. Suminski wonders why he is required to spend \$2500 for a wetland delineation. Ms. Papelbon stated that a wetland delineation would be required at the time the property would be developed. The floodplain and floodway issue has to do with FEMA. FEMA is showing that on their maps. In order to get that designation removed you would have to go through the FEMA process in order to have that map changed. Mr. Suminski stated that Mr. Seymour said you guys would help prepare the application or whatever we have to do. Ms. Papelbon stated that staff would look into it and get back to him.

Mr. Martin Kwasny, 3203 E. Ryan Road, asked what MMSD was and what the Applicants planned to do with the land. Mayor Scaffidi stated that it stood for Milwaukee Metropolitan Sewer District and that the land sold to MMSD would be kept in its natural state. Mr. Kwasny stated that being at the bottom of the hill he gets plenty of water – it filled his front yard at one time and then the City raised the road 8" so he's back to square one and is in the process of trying to do that again. Mayor Scaffidi stated that anyone who develops the proposed Lot 2 has to come up with a plan for effective stormwater management, so that should help the situation in the area.

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the Certified Survey Map for the property at 9345 S. 15th Ave. be approved with the following conditions:

1. That Lot 1 is designated as an outlet.
2. That a note is included on the CSM stating that any further division and/or development of Lot 2 will require a wetland delineation prior to submission of any applications for review.
3. That all floodways and floodplain boundaries are depicted on the CSM.
4. That all technical corrections are made prior to recording.

Commissioner Chandler seconded. Roll call: all voted aye, motion carried.

Plan Review
Sportland 2, Inc.
7221 S. 13th Street
Tax Key No. 763-9025

Sportland 2, Inc. is requesting approval of a 4800 square-foot (120' x 40') storage building on the property at 7221 S. 13th Street. The accessory building meets all required setbacks for the B-4 district. No changes to the existing parking are proposed as the building will be located south of the outdoor storage area on the property, and will be solely for the storage of recreational vehicles and equipment.

Each side of the building is slightly different in terms of the materials used. The north wall (facing the existing store) will be constructed primarily with pro-rib steel panels. Novabrik wainscot will be provided along the bottom, extending up 36" (about halfway up the length of the service door). Two overhead doors and two service doors will provide the only access points to the building. The east wall will be brick or brick veneer from ground to roof. The south wall will be constructed with a mix of pro-rib steel panels, windows, and 36" of Novabrik wainscot along the bottom to match the north wall. Windows will provide natural light into the building on this elevation only. Finally, the west wall will be constructed primarily with pro-rib steel panels, with 35" of pro-rib steel wainscot panels along the bottom.

There are two requirements related to exterior building materials that apply to this application. Section 17.1009(a)(2) states: "Materials such as smooth-faced concrete block, EIFS products...or 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% of the visible perimeter of the building" (see attached diagram). Subsection (ii) further states that at least 75% of the visible perimeter of a manufacturing, commercial, office, institutional, or park building "shall be finished with an acceptable glass, brick or decorative masonry material." The east wall meets both of these requirements; however, the remaining walls utilize steel panels as primary building materials. Therefore, the application will require a $\frac{3}{4}$ majority approval of the Plan Commission.

Landscaping has been proposed along the west and south sides of the storage building in conformance with Section 17.1010. There are no plans for the building to have water or sewer service, and the Fire Department has indicated that the size of the building is under the threshold for sprinkler requirements. Impervious surface calculations will be required by the Engineering Department prior to issuance of any building permits.

Currently, there are several vehicles and related retail items for sale on display at various locations outside of the existing building. Since the proposed accessory building will be for storage, many of these items will be moved inside the new building once constructed. Staff recognizes that while the business may wish to occasionally display items for sale outside, a plan depicting outdoor display area(s) should be reviewed and approved by the Plan Commission per local requirements. This will ensure that setbacks, landscaping, parking, surfacing, and other local requirements are maintained while allowing the business to continue displaying merchandise for sale outside.

Ms. Papelbon explained the visible perimeter diagram and the requirements for approval.

Mayor Scaffidi stated that 13th Street is a busy street, and that in two years it would be fully redone, dressed up, and an asset to our City. The Mayor pointed out that the building has no windows or any kind of enhancements. He asked what the reasoning was.

Tom Wolf, Sportland 2, Inc., 7221 S. 13th Street, stated there was no reason. He added that they could do an access door but thought it looked the nicest with the wainscot.

Arden Degner, 8540 S. Pennsylvania Ave., asked if the City wanted another barn on 13th Street, which is what this looks like.

Commissioner Dickmann asked if the plan depicting the outdoor display areas and landscaping would be submitted to the Plan Commission before Sportland can get their building permit. Ms. Papelbon stated that the plan for where the merchandise will be displayed is something separate. The reason it was brought up is because there is a storage building that is proposed where most of the materials will be stored inside, but items will likely continue to be displayed outside. It is an issue that needs to be addressed, but it doesn't have to be addressed tonight and it doesn't necessarily have to be addressed before the building permit is issued for this building. Commissioner Dickmann asked where the water hydrant is located for the Fire Department. Mr. Wolf stated at the front of the building.

Commissioner Correll stated that the building looks better than what is there now, he is in favor of the building, and feels that the outdoor storage should be tied to the building approval. If and when it comes back, Mr. Wolf understands that we expect him to limit the outdoor storage. Ms. Papelbon stated that the plan requirement is to make sure items are not crossing property lines or going into easements, and to make sure that the display areas comply with all the local requirements. The concern was that vehicles were being put in an area that was unsafe, or crossing into areas that they shouldn't be. While the storage building is going to be for storage of the vehicles, we understand that there is going to be occasional display outside and that's why we want to make sure we have a plan so that we avoid some of those issues.

There was a lengthy discussion on the visual appearance of the building. Some of the suggestions:

- adding a door along the east wall
- breaking up the south wall into three areas or two halves with columns
- adding a window(s) on the east and/or south to break up the space
- adding a colored band on the east wall that matches the colors of the main building
- wrapping the window around to the east wall

Commissioner Dickmann asked if the applicant could provide information on Item 3 (a plan depicting outdoor display areas and associated landscaping is submitted for review and approval by the Plan Commission) at the next meeting. Ms. Papelbon stated that staff would work with the applicant.

After a lengthy discussion, this item was held until the next meeting on May 27, 2014.

Commissioner Carrillo moved for adjournment Commissioner Siepert seconded. All voted aye. Meeting adjourned at 6:46.p.m.