

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, MAY 27, 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 Siefert and Commissioner Chandler. Also present were Kari Papelbon, Planner and Pete Wagner, Zoning Administrator/Planner.

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

Commissioner Dickmann moved to approve the minutes of May 13, 2014 Plan Commission meeting. Commissioner Correll seconded. Roll Call: Dickmann aye, Johnston aye, Carrillo aye, Bukiewicz aye, Scaffidi aye, Guzikowski aye, Correll aye, Siefert aye and Chandler aye.

**Significant Common Council Actions**

There were no comments or concerns from the Commission.

**Plan Review**

**Sportland 2, Inc.**

**763-9025**

At the May 13, 2014 Plan Commission meeting, decision on this item was held to allow the Applicant to revise the building façade to break up the south and east elevations with items such as brick columns, windows, and decorative contrasting color bands. In addition to revising the proposed building façade, the Applicant was asked to provide a site plan depicting proposed areas for outdoor display of merchandise.

Four options for façade improvements were submitted with a rough site plan depicting proposed outdoor display areas. Staff directed the Applicant to include additional information on the site plan (dimensions and landscaping details), and recommended several façade improvements (combining two rendering options and adding a spandrel window to the east elevation, raising the brick wainscoting along the bottom of the south elevation to 4 feet instead of 3 feet). As of writing this report, requested revisions have not been received. Therefore, all submitted renderings are included with this packet.

Ms. Papelbon explained to the Commission the difference between the four renderings that were provided for the Commissions review.

Commissioner Chandler asked if the windows were still at the top, and which rendering the applicant prefers. Ms. Papelbon stated that the window line is still at the top on all four renderings.

Tom Wolf, Sportland 2, Inc. stated that it did not make a difference, but stated that he prefers to not have the awning.

Commissioner Correll stated that he did not care for the awnings, and prefers Rendering No. 3 or 4. Commissioner Bukiewicz stated that he agreed with Commissioner Correll, and preferred the version with the solid brick belt all the way around with the band going across the top.

Commissioner Dickmann agreed, and stated that he did not like the awning. He asked Ms. Papelbon whether staff heard anything regarding the staff recommendation for the brick wainscoting on the south side wall to be increased from 3 feet to 4 feet. Ms. Papelbon stated that the Applicant's preference is not to do that, and stated that if the awning is not acceptable to the Commissioners the other option is to put some tall decorative plantings along the bottom of the east elevation to break it up.

Mayor Scaffidi suggested adding another standup tree to break it up.

Commissioner Chandler asked which two renderings staff recommended combining. Ms. Papelbon stated that it was not specified, but it was recommended to give another alternative for Commission review.

Commissioner Correll moved that the Plan Commission approve the site, building and landscaping plans submitted by Thomas Wolf, Sportland 2 Inc. for the property at 7221 S. 13<sup>th</sup> Street with the following conditions.

1. That the east façade is comprised of brick or brick veneer with a contrasting band, as shown in rendering 4.
2. That all building and fire codes are met.
3. That all required stormwater, erosion control, and grading plans and impervious surface calculations are submitted for review and approval by the Engineering Department prior to the issuance of building permits.
4. That outdoor display of merchandise is limited to the areas shown on the site plan and incorporates appropriate landscaping with dimensions specified.

Commissioner Chandler seconded. Roll call: all voted aye. Motion to approve carried.

**Plan Review**  
**Oak Creek Veterinary Care**  
**8000 S. Howell Avenue**  
**Tax Key NO. 814-9047**

J & L Associates is requesting approval of a modification to their site plan for the property at 8000 S. Howell Ave. The change is limited to the configuration of the parking lot and the associated landscaping. At the April 23, 2013 Plan Commission meeting, a site plan depicting a total of 39 parking stalls (25 immediate, 14 future) was approved. The revised site plan shows 25 parking stalls with an area designated for future parking on the eastern portion of the property, which meets the minimum parking requirements. Parking will be located within the existing access easement through the property, which would be required to be moved at such time an access road is constructed to the shared property line with Chase Bank. Other than reconfigured landscape islands in the parking lot, there are no additional changes to the landscaping plan approved in 2013.

Ms. Papelbon informed the Commission the actual size of the parcel is about 1.2 acres and not the 2.8 acres stated in the staff report.

Tom Stelling, Stelling & Associates, 181 Chestnut, Burlington, stated that about a year ago there was a lot of discussion as to the access point to the new Drexel Town Center. At that point there was going to be an intersection, and there was a large push to create another circulation pattern through this particular property. A 40-foot easement was setup for traffic to go through to the Chase property, which at this point has no option because the final outcome was to move down to Susan Dr. The vet clinic property will be right in and right out. Therefore, instead of having that extra space in between that we are paving that will go nowhere, the proposal is to move the parking over until such time something else happens.

Betty Kienzle, 7975 S. Wynbrook Ct., asked for an explanation on the parking lot and landscaping. Ms. Papelbon explained the proposed site plan.

Arden Degner, 8540 S. Pennsylvania Ave., asked for an explanation on the access road and stated the importance of having an access road for the future businesses.

Commissioner Bukiewicz asked if there was going to be a left-hand turn lane into the site on Howell Avenue. Commissioner Johnston stated that the outside curb lane will be as it exists now, which will be the deceleration/acceleration lane for the right-in, right-out.

Commissioner Dickmann moved that the Plan Commission approve the site and landscaping plans submitted by J & L Associates for the property at 8000 S. Howell Avenue with the following conditions:

1. That all fire codes are met.
2. That all required stormwater, erosion control, and grading plans are submitted for review and approval by the Engineering Department prior to the issuance of building permits.
3. That the lighting plan is approved by the Electrical Inspector prior to the issuance of building permits.

Commissioner Siefert seconded. Roll call: all voted aye. Motion to approve carried.

**Certified Survey Map  
One West Drexel, LLC  
8041 S. Howell Avenue  
Tax Key No. 813-9028**

The Applicant is requesting approval of a Certified Survey Map that would split the property at 8041 S. Howell Avenue into one building lot and two outlots. Lot 1 is part of Drexel Town Square and is the location for the proposed Conditional Use for a restaurant with drive-through facility on tonight's agenda. Outlot 2 and the southern part of Outlot 1 are part of a private ingress/egress road easement between Town Square Way and the properties south of Drexel Town Square.

Two additional easements are shown on the proposed CSM: a storm sewer/sanitary sewer/waterman easement, and a storm sewer easement along the northern property line of Outlot 1. A restriction on vehicular access is also depicted along the north (per Municipal Code requirements) and east (along Howell Avenue) property lines of Lot 1.

Commissioner Siefert motioned that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by One West Drexel, LLC for the property at

8041 S. Howell Ave. be approved with the condition that all technical corrections are made prior to recording.

Commissioner Correll seconded. Roll Call: all voted aye. Motion to approve carried.

**Conditional Use Permit  
Panda Restaurant Group  
8041 S. Howell Avenue  
Tax Key No. 813-9028**

The Applicant is requesting approval of a conditional use permit for a drive-through facility for a proposed Panda Express restaurant at 8041 S. Howell Ave.

The site is located in the Perimeter Commercial sub-district, described in the DTSMUPDD General Development Plan and Regulating Plan as the area which:

“fills peripheral lots and will include several small/medium format commercial buildings. These auto-oriented outlot buildings require strong pedestrian connections to other community places in the subdistrict. Enhanced and integrative landscape and streetscape will be essential within this area.”

Restaurants with drive-through facilities are conditional uses in the Perimeter Commercial sub-district of the DTSMUPDD. Site, building, landscaping, lighting, and signage plan review will occur at a later date; however, some site and building details are included in the plans submitted for conditional use review. As part of the review of site and building plans, staff will be specifically looking for (among other things) pedestrian connections to Howell Avenue as well as locations for a Drexel Town Square monument development sign.

Two potential ingress/egress points to the lot are proposed off of the private access drive on the west and off of West Town Square Way on the north. Additionally, a connection to the lot to the south through the parking aisle on the east is shown on the plans. While this connection currently exists as an access drive to the Sonic restaurant off of Howell Avenue, it is unlikely that this connection will be utilized post-construction.

The proposed 13-foot-wide drive-through is located along the south side of the lot, originating at the rear of the property. As shown on Sheet A-100, the lane can accommodate at least 8 vehicles, which exceeds the minimum queuing requirement of four vehicles in Chapter 17. Staff recommends that the Applicant consider including in future plans striping between the parking stalls and east entrance as a caution to vehicles exiting the drive-through that pedestrians may be crossing from the east parking stalls.

If the Plan Commission recommends Common Council approval of the Conditional Use Permit, staff will prepare conditions and restrictions for review at the June 10, 2014 meeting.

Commissioner Bukiewicz asked for clarification on the proposed access points. Ms. Papelbon explained that the one on the south side is actually an existing connection to Sonic, which is their main access drive out to Howell. That connection probably would not be used by many vehicles because access will be removed in the future, and any vehicles that would be going through the Sonic drive would exit through a different access point.

Jerry Franke, Wispark, LLC, 301 W. Wisconsin Avenue, stated that the road will go away. A frontage road entirely north south parallel to the Woodman's property will be utilized instead. He reminded the Commission that this property was not part of the original Drexel Town Square

properties, but when the State of Wisconsin required access at Susan, One West Drexel had to acquire this property. He also pointed out that the size of this parcel is 0.9033 acres, a very small parcel with a limited number of users that can fit on there.

Alderman Bukiewicz stated that he liked the idea of a frontage road.

Commissioner Dickmann asked if the building for Panda Express would be under the same restrictions. Ms. Papelbon stated that they would be required to comply with the DTSMUPDD, the Drexel Town Square Mixed Use Planned Development District. The plans for the building will be reviewed at a later time.

Commissioner Carrillo asked for the stipulations on drive-throughs within the DTSMUPDD. Ms. Papelbon stated the DTSMUPDD labels restaurants with drive-through facilities as conditional uses in two of the subdistricts. This is a commercial perimeter outlot within one of the subdistricts where restaurants with drive-throughs are allowed.

Commissioner Siepert questioned if there was enough space for the drive-through. Ms. Papelbon stated that the drive isle is proposed to be 24 feet wide, which is 2 feet more than the required 22-foot width in Chapter 17 of the Municipal Code.

Commissioner Johnston stated that the drive-through is a big piece of this business, and that there will not be a lot of parking at the restaurant. He stated that he would be more concerned with people driving through there as a frontage road with the drive on the north end that close to Howell.

Commissioner Correll stated that closing that access point has to happen, and asked if that will be done at these proceedings. Ms. Papelbon stated that this location has been identified as being abandoned, and the connection to Sonic is the area that Mr. Franke said would also be abandoned as an access point. This can be addressed at site plan review.

Alderman Bukiewicz moved that the Plan Commission recommends that the Common Council approve a conditional use permit allowing for a restaurant with drive-through facilities located at 8041 S. Howell Avenue after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting.

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

**Temporary Use  
Concrete Recycling Plant  
Superwestern, Inc.  
331 W. Drexel Avenue  
Tax Key No. 813-9031**

The Applicant is requesting approval of a temporary concrete recycling plant at 331 W. Drexel Avenue. Recycled pavement materials from work at Drexel Town Square and the Howell Avenue Project will be used as trench backfill or roadway base course within Drexel Town Square. Materials associated with this temporary use permit will not be sold or used offsite for any other purpose, and no materials will be brought to the site from other projects.

All activities will be conducted onsite in accordance with existing erosion control, clean-up, and restoration plans and the Drexel Town Square contract. There is no plan for adding fencing or

signage to the site as the use will occur within the existing construction zone and is for non-public use.

Proposed days and hours of operation are as follows:

	<b>Days</b>	<b>Hours</b>
<b>General</b>	Monday through Friday	7:00 AM to 8:00 PM**
<b>Crushing</b>	Monday through Friday	7:00 AM to 4:00 PM**
<b>As needed</b>	Saturdays	7:00 AM to 3:00 PM**

*\*\*Noise ordinance limits hours of operation to between 7:00 AM and 8:00 PM unless “the City Engineer determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways...” Additionally, exceptions can be made for “[e]xcavations or repairs of bridges, streets, highways, waterlines or sewer lines by or on behalf of the City, the county or the state, during the nighttime when the public welfare and convenience renders it impracticable to perform such work during the day.”*

The Applicant has stated their intent to avoid Saturday operations as much as possible.

The plant will recycle materials approximately twice between June 1 and September 30, 2014. Each recycling period would last an estimated 5 days. An average of 30 truckloads per day for 25 working days are anticipated. Only three employees are expected to be onsite.

Bruce LePine, 9540 S. Pennsylvania Avenue, owner of LePine Enterprises, spoke to the Commission regarding the history of his company, and expressed his dismay on City procedures. He also informed staff that this request is not for a batch plant, but for crushing and recycling.

Commissioner Siefert asked about controlling the dust and noise levels during the operation. Mr. Kosewski, Superwestern, Inc., stated that they follow DNR guidelines with water suppression, and noise is within the tolerances allowed by the State. No noise complaints were received last year during crushing at the Drexel Town Square property.

Commissioner Correll stated that he is aware that there were a lot of restrictions for crushing that were put on Mr. LePine’s business, and they were held to a very high standard. He asked about the perceived lack of consistency in the crushing hours for similar requests. Mr. Wagner spoke to the crushing issue, and stated that LePine’s conditional use allows them to crush from 7:00 a.m. to 5:00 p.m. The proposed crushing times match Mr. LePine’s operation, but the general operation start times differ (LePine ends at 5:00 p.m. and this applicant’s temporary use would end at 8:00 p.m.). Mr. Wagner also explained that Mr. LePine’s business is a permanent operation.

Commissioners encouraged Mr. LePine to submit a formal request to Plan Commission to amend his conditional use permit.

Commissioner Johnston spoke to the asphalt millings that will come from the Howell Avenue project. Howell Avenue is a DOT project for which the milling operation and paving operation is scheduled to be conducted at night. The State is doing that to keep more lanes open during the day so they can close down two lanes at night. Mr. Kosewski, Superwestern, Inc., stated his company proposes to take the millings onsite, Payne and Doylan are doing the milling, and that he didn’t know whether it would occur at night or partially during the day. Commissioner

Chandler questioned what time would that would occur. Mr. Kosewski stated probably after 8:00 p.m.

Commissioner Chandler asked about transporting materials from one location to another. She stated that from the documents, everything is on-site, but asked for clarification. Mr. Kosewski stated that the material would be reused on the Drexel Town Square site. We propose hauling broken pavement in from the Howell Avenue project, which we are the contractor on, to the Drexel Avenue site. We will process that and reincorporate that into the Drexel Town site.

Commissioner Correll stated that he is confused whether the trucking will occur after 8:00 p.m. He asked whether the Commission can impose limitations on timing if the DOT does not. Commissioner Johnston stated that the DOT can do the millings at night; the issue is what they do with the millings - are they delivered on site at night? Commissioner Correll asked if the Commission has any control. Mr. Wagner stated that he believes we can have some sort of control if it's on private property, compared if it's in the right-of-way. Mayor Scaffidi stated that we have to do everything we can to get the roads back into production, we need Howell Avenue fixed and back up. Ultimately it's their highway and we will assist them anyway we can.

Mr. Kosewski stated that they are a subcontractor to Payne and Doylan, this is a fast-track job, there is a lot of work to get done, it's a moving target, it could be day or nighttime operations. Ms. Papelbon asked whether they or the DOT would be doing the trucking. Mr. Kosewski stated that Payne and Doylan would be doing the trucking of the materials, and he would be doing the handling of materials on site. Commissioner Johnston stated that it would defeat the purpose not to truck material in at night – they are milling this off, depositing it into a dump truck, and going to the site. There is a cost-benefit for everyone to do it that way.

Alderman Bukiewicz moved that the Plan Commission approve the temporary use permit for the temporary concrete recycling plant at 331 W. Drexel Avenue, subject to the following conditions:

1. That all building and fire codes are met.
2. That the hours of operation be limited to:
  - a. General Operation - Monday through Friday between 7:00 AM and 8:00 PM, and Saturday between 8:00 AM and 3:00 PM.
  - b. Crushing – Monday through Friday between 8:00 AM and 4:00 PM.
  - c. That trucking of DOT material is based on DOT schedule and regulations.
3. That no materials are sold or used offsite, and no materials are brought to the site from projects other than Howell Avenue and Drexel Town Square.
4. That the temporary use shall expire on December 31, 2014.

Commissioner Dickmann seconded. Roll call: all voted aye. Motion to approve carried.

**Certified Survey Map  
Woodman's Food Market  
8131 S. Howell Avenue and 400 W. Forest Hill Avenue  
Tax Key Nos. 813-9014-006 and 813-9014-005**

Woodman's is requesting approval of a Certified Survey Map to divide the properties at 8131 S. Howell Avenue and 400 W. Forest Hill Avenue for the 6<sup>th</sup> Street extension and related improvements for Drexel Town Square. Lot 1 is currently 21.778 acres and the location for the Woodman's store, fuel center, vehicle service center, and car wash. This lot will be reconfigured and reduced in size to 18.5163 acres. Lot 2 will be comprised of a portion of Lot 1 as well as a portion of 400 W. Forest Hill

Avenue. Outlot 1 will be formed from the northwestern portion of 400 W. Forest Hill Avenue and the 6<sup>th</sup> Street extension. Outlot 2 will be formed from the remainder of 400 W. Forest Hill Avenue. All proposed lots meet the minimum lot size requirements for the B-4 district.

Commissioners will note that wetlands do appear on the western portion of the proposed Outlot 1. None of the proposed S. 6<sup>th</sup> Street improvements will affect the existing wetlands. Two easements will affect Lots 1 & 2 and Outlot 1 in the CSM: an east-west storm sewer easement across Outlots 1 and 2 for the benefit of Lot 1, and a sanitary sewer & water main easement along the eastern side of the proposed 6<sup>th</sup> Street extension.

Commissioner Johnston stated that outlot 1 is part of the new detention pond that was built for DTS, and also outlot 2 will be another detention pond that was originally part of Woodman's facility. This will all become part of Oak Creek's road system, with 6<sup>th</sup> Street being extended. One technical correction that will need to be made is that the easement is not shown for the sanitary and water.

Mayor Scaffidi stated that this will allow Woodman's to fully develop lot 2.

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Bret Backus, Woodman's Food Market, Inc., for the properties at 8131 S. Howell Ave. and 400 W. Forest Hill Ave. be approved with the condition that all technical corrections are made prior to recording.

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

Commissioner Carrillo moved for adjournment. Alderman Bukiewicz seconded. All voted aye. Meeting adjourned at 7:26 p.m.