

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JULY 8, 2014

Alderman Dan Bukiewicz, Acting Chair, 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, Commissioner Correll, Alderman Guzikowski, and Commissioner Chandler. Also present were Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Assistant Fire Chief Mike Kressuk.

Commissioner Dickmann moved to approve the minutes of the June 24, 2014 meeting. Commissioner Johnston seconded. Roll call: Dickmann, Johnston, Carrillo, Bukiewicz, Guzikowski, & Correll – aye; Chandler abstained.

Significant Common Council Actions

There were no comments or concerns from the Commission.

Plan Review

Suzy's Cheesecakes
9911 S. Howell Avenue
924-9008-000

The request is for site, building and landscape plan approval for a dumpster enclosure and rooftop mechanical screening for the existing building. The dumpster enclosure will be constructed of board-on-board fence and located in the landscape area between the parking lot drive and western portion of the building. This location meets all setback requirements.

Rooftop mechanicals will be screened by an 8'8" ABS plastic screen. Colors will be similar to the existing building. A 2-foot wide stone area will be around the perimeter of the building and that is per health code requirements. There is also going to be a new sidewalk along the northern portion of the building.

Commissioner Chandler asked that the landscaping plans be shared. Ms. Papelbon stated the landscaping plans have to do with the stone around the perimeter and sidewalk, but not vegetation.

Commissioner Chandler mentioned that less than 30 parking spots are shown on the plan, but there are 30 employees. Ms. Papelbon stated there is a large shared parking lot to the west.

Commissioner Chandler asked for more information on the dumpster enclosure. Ms. Papelbon stated that presently there is no dumpster onsite and the enclosure is for a new dumpster.

Commissioner Correll moved that the Plan Commission approve the site, building and landscaping plans submitted by Rich Piorkowski, Suzy's Cheesecakes, for the property located at 9911 S. Howell Avenue with the following conditions:

1. 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.
2. That all building and fire codes are met.
3. That a 10'x10' easement for light control purposes is dedicated to the City.

Ms. Papelbon asked if the representative for Suzy's Cheesecake is amenable to the easement. Jeremy Walker, Consolidated Construction, 4300 N. Richmond Street, Appleton, asked if the 10'x10' easement could be built on. Commissioner Johnston stated the purpose of the easement is for street lighting equipment for Howell Avenue. Mr. Walker stated that the owner was not going to have a problem with that.

Alderman Guzikowski seconded the motion. Roll call: all voted aye. Motion to approve carried.

Plan Review

MATC

6665 S. Howell Avenue

Tax Key No. 718-9961-002

This application is for site and building plan approval for an 8,653 square-foot OCC Protective Services storage building, which will be located on the far west portion of the property. This is currently an area where MATC conducts training exercises. The proposed building meets all setback requirements. According to Code, prefabricated steel panels are not permitted as primary exterior building materials, and are only allowed as accent material comprising no more than 25% of the visible perimeter of the building. However, due to its location, the visible perimeter diagram does not apply because there is no street frontage in this area. The primary building materials for this building are proposed to be steel panels. Because it does not necessarily meet the requirements of the Code, a $\frac{3}{4}$ majority Plan Commission approval is required.

Landscaping is currently provided in the form of trees along the property line. No additional landscaping is proposed; however, a minimum 3-foot landscape area is required adjacent to buildings. Many of the trees will remain. It will be up to the Plan Commission to determine whether this requirement is met by the current landscaping.

There is also a proposed recommendation for a two-year sunset on the use of converted impervious surface. Right now there is a 7,000 square-foot area that has been converted to grass. The sunset would allow the Applicant to change it back to impervious surface within 2 years of this Plan Commission approval.

Commissioner Dickmann asked if the Fire Department has a problem with the proposal as there will be vehicle storage within this building. Asst. Chief Kressuk stated that there have been numerous discussions with the Applicant about the Code requirements, including the potential need for a sprinkler system and egress routes. The Applicant described the types of vehicles being stored there, and they are aware of the restriction that the building will be for storage only - no repair activities.

Commissioner Chandler asked where the vehicles are presently stored. Jamie Vega, Director of Construction for MATC, stated that MATC was recently before the Plan Commission for a diesel parking lot expansion, at which time a plan was presented that included this garage. They are going to add 5,500 to 6,000 SF for a new addition in the location where these vehicles are currently stored. Since that area is cluttered, they have an opportunity to expand and put 6 - 7 trucks in the new parking structure. The remaining vehicles would be put in secured storage near where they are being used.

Commissioner Correll asked if it needs to be specified what types of vehicles are allowed in this storage space. Ms. Papelbon stated the proposal is for approval of a storage building, which would be an accessory building. As far as the Fire Department requirements are concerned, there is a condition that requires all building and fire codes to be met.

Asst. Chief Kressuk stated there are size requirements which dictate when a sprinkler system is necessitated. He stated they have added fire protection features in the construction of this building.

Alderman Bukiewicz stated that he is okay with the 2/3 majority to overrule the building material requirement.

Arden Degner, 8540 S. Pennsylvania Avenue, asked where the fueling station for these vehicles will be located. Mr. Vega stated the fueling is done on the campus itself and has been there for quite a while. There will be no fuel dispensing in this building.

Commissioner Chandler asked why steel panels were chosen. Mr. Vega responded that based on the visibility and adjacent zoning, it was a cost-saving measure.

Commissioner Dickmann moved that the Plan Commission approve the site and building plans submitted by Jamie Vega, MATC, for the property located at 6665 S. Howell Ave. with the following conditions:

1. 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.
2. That all building and fire codes are met.
3. A two-year period to reuse the converted 7,000 SF of impervious surface.

Commissioner Correll seconded. Roll call: All voted aye. Motion to approve carried.

Plan Review
Steinhafel's
9191 S. 13th Street
Tax Key No. 877-9009

The Applicant is requesting site and building plan approval for façade improvements on the existing building on the property at 9191 S. 13th St. Upgrades include the addition of windows with painted metal awnings, skylights, a raised gable roof at the entrance, new decorative piers at the entrance, raised parapets, red roof coping, and painting the existing metal façade. EIFS will be added over the existing metal panels mainly on the west elevation.

Per Section 17.1009(a)(2), "EIFS products...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." Subsection (ii) specifies that the visible perimeter of commercial buildings must be comprised of a minimum of 75% glass, brick or decorative masonry. The Plan Commission may adjust this requirement, however. Staff recommends approval of the proposed building materials as additional façade improvements are proposed, and more than 50% of the visible perimeter on the West elevation will be masonry and glass. Additionally, the proposed changes will actually be slightly reducing the amount of existing metal panel covering on the building.

Landscaping is proposed to be upgraded, however those plans are currently being drafted. Steinhafel's likes to have more landscaping on their properties.

Commissioner Correll stated that he has no issue with it. The fact that the City is getting a building of that size turned over quickly is in the City's favor. Looking at their other buildings, he thinks the landscaping will definitely improve when the Applicant gets to that point.

Commissioner Chandler asked to see the paint colors. Ms. Papelbon stated there will be red coping along the roof and the awnings will be red. Al Theobald, Architect with Iconica, 901 Deming Way, Madison, Wisconsin, showed the Commission material samples.

Ms. Papelbon stated that sign approval would be coming at a later time in response to Commissioner Dickmann's question. Ms. Papelbon stated that there may be an additional application for treatments to the existing pole sign.

Commissioner Johnston asked about the parking requirements. Mr. Theobald stated there is more parking than required. Commissioner Johnston asked if there was any plan to reduce the parking. Mr. Theobald stated there is a possibility of reducing some of the parking in the future. Currently they plan to sealcoat, clean it up and stripe, and patch everything that needs to be patched.

Mr. Degner requested sidewalks be installed in the area. Alderman Bukiewicz stated that 13th Street is Milwaukee County Highway V, and the City has no control of that.

Commissioner Dickmann asked if a condition should be added that a sign package is coming at a later date. Ms. Papelbon stated that sign approval is not part of this review.

Commissioner Correll moved that the that the Plan Commission approve the site and building plans submitted by Gary Steinhafel, Steinhafel's Furniture, for the property located at 9191 S. 13th St. with the following conditions:

1. That all building and 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 permits.
3. That landscaping plans are submitted for review and approval by the Department of Community Development prior to issuance of permits.

Alderman Guzikowski seconded. Roll Call: all voted aye. Motion to approve carried.

Plan Review
Panda Express
8041 S. Howell Avenue
Tax Key No. 813-9028

This is a site, building, landscaping and sign plan review for the Panda Express restaurant.

Ms. Papelbon stated there was a last-minute adjustment to the site plan. The north access point and one of the parking spaces adjacent to that entrance included in the Plan Commission packet were removed. WisDOT has jurisdiction for the first 250 feet of W. Town Square Way from the intersection with Howell Ave. It is a much better design for this site to have that access point removed.

The dimensional requirements with this change are met, and parking requirements are exceeded. The south connection point will remain with the removal of the north access. There will be an option for traffic flow between the proposed Panda and Sonic. There will be a pedestrian connection to the existing sidewalk on Howell Ave. The landscaping plan will be updated, especially in consideration of the removal of the north access. Staff recommends enhancing the street edges to incorporate additional landscaping within the parking lot itself. The dumpster enclosure will be constructed of stone with a metal gate to match the proposed building. Mechanicals will also be screened, but that has not been finalized in the submitted plans.

There is one clarification required for signage: whether two round logos will be proposed or just one. This is relevant because the number of signs proposed will require a variance, which will be submitted at a later date. There will be Panda Express signs on the north and east elevations, a monument sign on the south, a clearance bar at the entrance to the drive-through, and a covered clearance bar at the order box. The directional sign will be moved closer to the drive-through as was discussed with the Applicant and their consultants. Landscaping is required for the monument sign as well as the address on both sides.

There is a requirement for the Drexel Town Square monument sign to be located on the site plan. The location is at the northeast corner of the property. An easement may be required at this location.

Staff has been in contact with the Applicant and consultant about upgrading the building materials. Ms. Papelbon described the materials on the different elevations; architectural tiles will replace a majority of the EIFS on the west and south elevations. Ms. Papelbon showed the Commission the color renderings of the proposed building, which do not include the architectural tiles discussed. Plan modifications are forthcoming.

It should be noted that river rock cannot be used in the pervious surface calculations. There is a requirement for additional stormwater infrastructure on the northeast side of the lot. Concerns with laterals sizes, connections and locations of meters should be coordinated with the Oak Creek Water and Sewer Utility.

Ms. Papelbon concluded that as originally submitted, the majority of the building was to be constructed with EIFS and metallic EIFS, which are not considered acceptable primary building materials. Staff and the Applicant have discussed options for modifying the building materials such that the design aesthetic did not change, but would meet the local requirements. That proposal is up for discussion, and a new plan must be submitted incorporating the reduction of the EIFS, substituting tile panel or another acceptable material.

There is also the suggestion to include conditions for the easement for the Drexel Town Square monument sign, revised plans showing the new building material and clarification that the current sign plan does not include the logo sign.

Commissioner Correll asked whether a condition would be added if the City decides to change the building material requirement, if the Commission approved the plan as-is. Ms. Papelbon stated that EIFS is not considered an acceptable primary building material per the Code. Technically, the Commission would not be able to approve this as-is because it shows more than the 25% acceptable amount. The City has to take into consideration the proximity to Drexel Town Square. Doug Seymour, Director of Community Development, stated that staff has been working with the developer on what is a very challenging and important site, as it is at the entrance to Drexel Town Square. Staff wanted to keep the same design aesthetic as in the renderings, while recognizing the importance of this location and setting precedents for other outlot development in Drexel Town Square. Staff was very insistent on the Applicant meeting the local building material requirements. Staff feels they have come up with a very good solution with the use of the tile, and is asking the Plan Commission to consider approving the revised architectural plans, or at least giving staff the ability to approve those internally as to not hold up the process. The Commission only has one meeting in July and the build schedule for this restaurant is quite aggressive. Mr. Seymour stated that if the Commission concurs that the changes discussed are consistent with the type of architectural quality and design that the City is looking for at Drexel Town Square and along Howell Avenue, they would consider architectural approval so that the Applicant may obtain building permits.

Commissioner Chandler asked the Applicant if they were okay with replacing the EIFS with another material. Jason Stucker, Klover Architects, 10955 Lowell Avenue, Overland Park, Kansas, stated that they would prefer the plan as submitted. However, the tile is very easy to apply, and does not require a lot of modifications to the structure of the building in order to incorporate it. Mr. Stucker said he would be fine proceeding forward with the alternative design.

Commissioner Chandler asked what the vision triangle requirements are. Ms. Papelbon stated the visible perimeter requirements are such that 75% of the building has to be of glass, brick or decorative masonry material as seen from Howell Avenue. In this case, it would include the entire east façade and parts of the north and south facades. Ms. Papelbon stated they would meet the City's requirements with the tile substitution.

Commissioner Chandler asked if there are any directional signs. Ms. Papelbon stated that one directional sign has been proposed, and that it would be located closer to the exit of the drive-through instead of as shown on the sign plan (behind the outdoor seating area). Ms. Papelbon stated that "do not enter" wording is standard for a directional sign, but the "thank you" wording is something the Plan Commission would have to approve. There is an allowance for directional signs to have 25% of the business logo, but there is no discussion in the Code regarding "thank you."

Commissioner Johnston asked if there was any consideration, with the removal of the north driveway, to adding another driveway on the southwest side. Mr. Stucker stated they are only allowed one drive, and they would prefer not to have the primary access leading right into the drive-through lane. If it does back up, the only entry point will be blocked.

Commissioner Johnston asked about the clearance signs. Mr. Stucker stated there is one unlit clearance bar at the beginning of the drive-through lane, and the order box has a canopy cover.

Commissioner Correll stated the "thank you" on the directional sign is fine. He questioned why, if the Applicant was agreeable to the tile, didn't they come forward that way. He stated the building has some definite uniqueness and he is okay with the look.

Commissioner Dickmann agreed that the architecture is very nice, but he is concerned with the number of conditions that need to be met before issuance of permits. Ms. Papelbon stated that these are standard requirements, and that including them as conditions are to ensure that everyone understands what is needed for issuance of building permits.

Ms. Papelbon further stated that Condition 1 regarding the parking is irrelevant. The revised plan shows the north access removed, so Condition 2 is not necessary. Staff did work with the Applicant on the building material issue, but with the holiday weekend, there was not sufficient time to have the plans revised for the meeting.

Commissioner Dickmann asked if Condition 3 could be eliminated. Ms. Papelbon stated that is still something that needs to be included.

Commissioner Carrillo asked if there is a corner sign to define Drexel Town Square. Jerry Franke, Wispark, 301 W. Wisconsin Avenue, Milwaukee, stated the proposed easement is where the monument sign will be located. He stated a site plan is forthcoming.

Commissioner Dickmann asked if this review included landscaping and sign plans. Ms. Papelbon responded that staff is requesting a revised landscaping plan as a condition of approval. Other than the round logo signs that may need a variance, the rest of the signs are compliant.

Commissioner Chandler asked if there are any recommendations for the parking lot since it is identified that it is too close to the right-of-way. Ms. Papelbon stated with the removal of the north access point and the adjacent parking spot, that condition is gone. Parking now meets setbacks.

Alderman Buckiewicz stated his concern that approving EIFS for this project may set a precedent for other properties. He stated that it would be nice to have another entrance to the west, and he is concerned that emergency services may not be able to get through. Asst. Chief Kressuk stated that the Fire Department prefers two access routes into any property. Getting apparatus into the development would be challenging, but it is not something they haven't dealt with before.

Dan Siebel, 2060 N. Humboldt, stated the Sonic Restaurant has not approved the access to the south, so it is not there yet. Mr. Seymour clarified that it is physically there. The Code requirements state that cross-access is required between compatible commercial developments. It is met through the private road west of both properties. Any additional access between Panda and Sonic would be a discretionary matter between the two property owners.

Ms. Papelbon asked for clarification as to where the Commissioners would like to see the proposed tile on the building. Alderman Bukiewicz asked whether minimum requirements have been met between the glass and the brick belt on the west wall. Ms. Papelbon stated that staff received the calculations of all the building materials per elevation; however, they were not included in the packets. EIFS is heavily located on the south and west sides, but the east and north sides had very little - mostly on the top along the roof. On the north side, there is a large metal panel. The panel on the west side is metallic EIFS. In the revised proposal, tile will replace EIFS on the west wall except for the northwest corner, along the roofline, and the parapet.

Ms. Papelbon pointed out that the alternate plan shows tile on the rear or west portion of the south wall (closer to the frontage road). The drive-through window wall is closer to Howell Avenue. Alderman Bukiewicz stated the brick line will run the length of the building along the bottom. Ms. Papelbon showed where the faux wood, metallic EIFS and the stone planter box were proposed. Mr. Stucker stated they could also replace that metallic EIFS on the south with alpolitic metal panel, which is aluminum in between a honeycomb plaster material. Alderman Bukiewicz stated he is fine with the metal panel.

Commissioner Chandler asked if the white tile is being used because it is closer to the street. Ms. Papelbon stated it would be seen from Howell Avenue, and mentioned that Greendale location incorporates this tile for a portion of the drive-through window up to the awning.

Commissioner Johnston stated that according to the rendering there is a ledge along the roof. Mr. Stucker stated that was correct. Commissioner Johnston stated it makes sense to keep that as EIFS across the top. Alderman Bukiewicz stated that he agreed with Commissioner Johnston, who then pointed to potential locations for the tile to replace EIFS on the west and south elevations, stopping at the awning for the drive-through. Ms. Papelbon stated that it was her understanding that the Plan Commission is fine with the west elevation as proposed in the alternate option – tile on both sides of the metallic EIFS parapet with the northwest corner and along the roof to remain EIFS. On the southern elevation, the tile will replace all EIFS to the drive-through window. EIFS will remain above the drive-through window and along the roof. The brick belt will extend the length of the bottom of the building. Commissioner Chandler asked if that option meets the requirements. Ms. Papelbon stated it does. Mr. Stucker stated that if they did that, they would go ahead and wrap the corner with the tile the same ten feet height just to make it continuous.

Alderman Bukiewicz moved that the Plan Commission approve the site, building and sign plans submitted by Panda Restaurant Group for the property at 8041 S. Howell Ave. with the following conditions:

1. That all pedestrian crossings, walkways, and connections to existing pedestrian infrastructure along Howell Avenue are clearly delineated on the plans.
2. That revised landscaping plans incorporating staff recommendations are submitted for review and approval by the Department of Community Development prior to issuance of permits, and the changing of the building materials as discussed.
3. That details for the dumpster enclosure are submitted for review and approval by the Department of Community Development prior to issuance of permits.
4. That all mechanical equipment is screened from view.
5. That all required stormwater, erosion control, and grading plans are submitted for review and approval by the Engineering Department prior to the issuance of permits.
6. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
7. That all building and fire codes are met.
8. That the lighting plan is approved by the Electrical Inspector prior to issuance of building permits.
9. That the easement for the Drexel Town Square monument sign is included.

Alderman Guzikowski seconded. On roll call: All voted aye. Motion to approve carried.

Temporary Use

C.W. Purpero, Inc.

813 W. College Avenue

Tax Key No. 717-9999-001

Ms. Papelbon stated that this a request for a temporary concrete and asphalt recycling and crushing plant at 813 W. College Avenue. Materials will be hauled to the site from various area projects and stockpiled on the southwestern portion of the property. Crushing will be by contract companies once the stockpile reaches 25,000 cubic yard. Days and hours of operation are proposed Monday through Saturday, 6 a.m. to 6 p.m. with crushing unspecified and desire to limit Saturday work as much as possible. However, the City's noise ordinance limits hours of operation to 7 a.m. and 8 p.m. For consistency with other temporary use permits that have been granted for such operations, staff is proposing that general hours of operation be Monday through Friday, 7 a.m. to 8 p.m. and in conformance with the noise ordinance, that crushing operations would be Monday through Friday from 8 a.m. to 4 p.m. and Saturdays 8 a.m. to 3 p.m.

The recycled materials will be hauled offsite in dump trucks and semi-trailer trucks to be used on various projects. An estimated 20 trips per hour are anticipated during peak times depending on the project. While the specific projects from and for which the materials will be hauled is not yet finalized, the Applicant has supplied proposed truck routes. Westbound projects will require trucks to follow College Ave. to the I-94 on/off ramps. Eastbound projects will require trucks to follow College Ave. to Howell Ave. and turn north or south.

Erosion control measures will be installed according to WisDOT and WisDNR standards. There would be a water truck with a mechanical broom for dust control purposes. Several DNR permits, including that for stormwater, will be required and are currently in the application process. There is no plan for signage or lighting at this time.

This site will be gated with five to six vehicles stored overnight on the property. Staff is proposing an expiration date for this temporary use permit to be May 31, 2015.

As was included in the temporary use permit for this property in 2010, the site should be restored and re-vegetated upon completion of the project. Staff has included a condition that the restoration

and re-vegetation of the site be completed within 60 days of the expiration of the temporary use permit.

Commissioner Chandler asked what the purpose of the site is. Don Gallo, Attorney with Reinhart Boerner, 1386 S. Hwy. 83, Town of Erin, stated it is not for a specific project, but a variety of projects that CW Purpero has going on in the area. The crushing operation will be short-term and will only be performed when there is adequate material available.

Commissioner Correll asked how the City was going to ensure that the site is returned to a vegetative state when the operations cease. Ms. Papelbon stated that a condition is proposed for a 60-day period following the expiration to re-vegetate, which would require a site visit. If the site is not restored as required, it would be considered a violation, and would be referred to the Zoning Administrator's. Commissioner Correll stated he is not comfortable with that. It was suggested that a performance bond be issued.

Commissioner Correll asked how this operation compares to others in the City. Ms. Papelbon stated it is consistent with other recent approvals that have been granted by the Plan Commission. Alderman Bukiewicz asked how this compared to the crushing operation at Howell and Drexel. Ms. Papelbon stated that the noise ordinance allows the City Engineer to grant an exception if the public health and safety will not be impaired by excavation, repair of bridges, streets, water lines and sewer lines, on behalf of the County or State. The temporary use for Howell and Drexel is for City and State projects. Alderman Bukiewicz asked if the same hours are being granted to this operation as the Howell Avenue operation. Ms. Papelbon stated it is fairly similar to that except for the hauling. Attorney Gallo stated he would provide a performance bond.

Commissioner Johnston stated his concern that this request is not tied to a specific project. When these uses have been granted in the past, they have been for a project, for a specific time, and not just an annual business operation. Commissioner Johnston stated that coming back and repeatedly asking for an extension is not viable because then it is no longer a temporary business.

Attorney Gallo stated he could identify several projects that are planned, but there is no single purpose project. The last operation was a crushing concrete batch plant with Michel's, and that was for a specific project.

Commissioner Dickmann stated this same site was used two years ago, but it was for a specific project. He stated his concern about the caution signage on College Avenue.

Alderman Bukiewicz stated it would be nice to have a list of specific projects. Attorney Gallo stated he could identify those. Alderman Bukiewicz stated he would like the crushing/hauling times standardized to what we have done in the past. Alderman Bukiewicz stated he would also like a performance bond so that the site is returned to a re-vegetated state. Attorney Gallo stated that C.W. Purpero has owned this site for a number of years and it is their property. The others that have used it have leased it. This historically has been a clean fill site, so there are stormwater controls that have been in place for a number of years.

Commissioner Correll stated that the performance bond for restoration and re-vegetation be specific. Attorney Gallo stated they would be willing to work with the Engineering Department.

Bruce LePine, 9540 S. Pennsylvania Avenue, asked what the height of the piles will be. Are they selling the material to other contractors? Are they going to bring in material from other contractors and not just their own? He stated the performance bond should be tied to violations, with specific measures to be enforced for non-compliance. Mr. LePine further stated that this property has been used over so many times that it is a regular site now without a landscape plan. He wants to make sure the City can take enforcement action if necessary if the site is not re-vegetated. He stated that

these temporary plants make it hard for the permanent operations to complete because they have more restrictions. He stated his concern that the materials being hauled to this site might not even be coming from Oak Creek, but other cities.

Attorney Gallo stated this is strictly for C.W. Purpero, the majority of materials are from Purpero's own projects for their own use. He stated they would abide by the same requirements as the permanent plants. They will not sell material or be in competition with any of the businesses in the City. The purpose of this proposed operation is to be competitive on Purpero's own projects. He also added that they will prescreen any materials brought to the site.

Alderman Bukiewicz stated they do not address the height of the stockpiles, and that a condition could be set. Attorney Gallo stated they do not have a problem with that and would work it out with Engineering. They have plenty of land to keep the piles low enough.

Donna LePine, 9540 S. Pennsylvania Avenue, stated she wanted to make it clear that her operations on Saturdays are from 8 to noon, even if the temporary ones start at 7 or 8. She stated it isn't fair for someone who invested so much into their permanent property to be the most restricted property in the City of Oak Creek. She invited the Plan Commission to view the site. Alderman Bukiewicz asked Ms. LePine to talk to staff and revisit the restrictions that are placed on her permanent place of business.

Mr. LePine again stated his concern that the City is not able to enforce violations of the plant restrictions. He suggested there be a bond requirement for any temporary use plant that if they violate the requirements, they lose their bond. Mr. LePine again stated his concern that these temporary crushing operations are taking business away from the permanent plants in the City.

Alderman Bukiewicz asked Mr. LePine to contact staff when he has time to possibly work out requirements for temporary and permanent operations in the City. Commissioner Dickmann suggested this take place with the assistance of the City Attorney.

Commissioner Correll asked for guidance on the performance bond issue. He stated the City cannot keep looking at this as a temporary site, and suggested setting full restrictions as if it were a permanent operation. He asked how the City was going to put the bond in place, and how the bond is tied to following restrictions or violations. Mr. Seymour stated that the Plan Commission does have the ability to place conditions on the issuance of a temporary use permit.

Alderman Bukiewicz suggested the terms of the performance bond be approved by the Engineering Department and City Attorney. Commissioner Johnston suggested the wording be that the performance bond is approved by the City Attorney.

Alderman Bukiewicz moved that the Plan Commission approve the temporary use permit for the temporary concrete and asphalt recycling and crushing plant at 813 W. College Ave., 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.
3. That the temporary use shall expire on May 31, 2015.
4. That the site be restored and re-vegetated within 60 days following the expiration of the temporary use permit (by July 30, 2015).
5. That a performance bond is issued as determined by the City Attorney.

Commissioner Dickmann seconded. On roll call: All voted aye. Motion to approve carried.

Plan Review
Village Green, LLC
502 E. Centennial Drive
Tax Key No. 860-9027

This request is for site and building plan approval for a carport covering for one handicap accessible parking stall in accordance with the Americans with Disabilities Act (ADA) purposes on the west side of the existing Town Square Court parking lot. The carport needs to be located completely outside of the existing 20' sanitary sewer easement. All setbacks will be met in the proposed location.

Shingles to match the existing apartment buildings will cover the 393 square-foot cantilevered carport roof. Painted tube steel columns will be anchored in concrete bollard/piers. Other than typical maintenance and restriping of the parking lot, there are no additional site modifications proposed.

Commissioner Chandler asked why they are installing just one carport. Scott Kaska, 5300 S. 108th Street, Hales Corners, stated they recently refinanced and it is a HUD requirement. Alderman Bukiewicz asked if they have to install one per unit or just for this particular apartment building. Mr. Kaska stated there is a percentage requirement of parking spaces (2% of total parking). They have 60 spaces, so that equals one carport.

Commissioner Correll moved that the Plan Commission approve the site and building plans submitted by Village Green, LLC for the property located at 502 E. Centennial Drive with the condition that all building and fire codes are met. Alderman Guzikowski seconded the motion. On roll call: All voted aye. Motion to approve carried.

Plan Commission Resolution
Woodman's Food Market
8131 S. Howell Avenue
Tax Key No. 813-9014-006

Mr. Seymour explained that originally when the Woodman's site was developed, given the size of the building and municipal code requirements, a certain number of parking stalls was required for the site. The City works with applicants to make sure the number of parking spaces is right for their development. The Plan Commission, as part of the approved site plan, set aside an area to the west of the property that could accommodate the additional parking should the demand arise. The City, in developing Drexel Town Square, is extending S. 6th Street to Forest Hill Avenue. The right-of-way was provided by Woodman's as part of a right-of-way transfer agreement. As part of that agreement, Woodman's would like to make use of that additional property, and is looking for an official release of that parking restriction. It has been established that the present number of parking spaces is sufficient for Woodman's customers and employees. Staff feels comfortable that the parking restriction can be released and as part of the right-of-way transfer agreement, would like to make that decision official via a Plan Commission resolution.

Commissioner Dickmann moved that the Plan Commission approve Resolution No. 2014-01, modifying a future parking restriction for Woodman's Food Market, Inc. for the property at 8131 S. Howell Avenue. Commissioner Johnston seconded. On roll call: all voted aye. Motion carried.

Plan Review
AAA Service & Engineering

6960 S. 10th Street
Tax Key No. 735-9006-003

At the June 24, 2014 Plan Commission meeting, site, building, and landscaping plans for a 5,500 square-foot single-story addition to the west side of the existing building on the property at 6960 S. 10th St. were reviewed and conditionally approved. One of the conditions was for all required stormwater, erosion control, and grading plans to be submitted for review and approval by the Engineering Department prior to the issuance of building permits.

In the course of working with the Applicant's consultants to meet this condition, it was discovered that the gravel outdoor storage area had been expanded sometime between 2007 and 2010. This caused the open space on the property to be reduced below the 30% required in Section 17.1009(a)(21). Both the expansion of the storage area and the reduction in the open space were never reviewed and approved by the City.

This review is intended to provide clarification and resolution to these matters. Several options exist to achieve this end:

1. The Applicant can remove the expanded storage area and reestablish it with vegetated open space to meet the 30% requirement.

This is the option supported by staff.

2. The Plan Commission can grant approval after the fact for the expanded gravel outdoor storage area and/or a reduction in the 30% open space requirement. Approval of this would require a $\frac{3}{4}$ majority of the Plan Commission "only if supplemental design elements or improvements are incorporated into the project which compensate for the modification." This is left to the Plan Commission's discretion; however, the supplemental design changes can include, for example, increased vegetation elsewhere on the site.

This option is not supported by staff.

3. A combination of 1 and 2, which is proposed by the Applicant's consultant.

The Applicant is in the planning stages for a 40,000 square-foot crane bay manufacturing addition to the east side of the existing building with a goal to begin construction next spring. With that in mind, the proposal is for AAA to request Plan Commission review and approval for the addition prior to April 1, 2015. Part of that application will include a request for a reduction in the 30% green space requirement. Should an application not be approved by that deadline, a portion of the outdoor stone storage area would be removed and reestablished with vegetation to meet the minimum 30% open space requirement (see the attached proposed site plan).

Should this option be chosen by the Plan Commission, staff recommends including a deadline for the reestablishment of vegetation on the property as well. The Zoning Administrator, as matter of procedure, will also send a Notice of Violation with a deadline to coincide with the proposed addition approval deadline of April 1, 2015.

4. Additional options as determined by the Plan Commission during meeting discussion.

As all options above do not impact the addition to the west portion of the existing building approved by the Plan Commission on June 24, building permit review processes will not be affected.

Kevin Wahlgren, Wahlgren-Schwenn, Inc., stated the addition approved last month is part of the overall growth plan. They plan to come back to the Plan Commission this winter with expansion plans to the east. As part of that expansion, AAA would need that space to operate their business. If they do not get approvals by April 1, 2015 for the addition, AAA would come into compliance with the 30% green space by converting the southeast corner to a green space, possibly by July 1, 2015.

Commissioner Chandler asked for details on the expansion that didn't go through planning approval. Mr. Wahlgren explained that the last addition to the project was in 2004. In 2007, 2008 or 2009, Karl's Rental Service owned both the properties to the north and south, and needed a conveyance across the east portion of the property to avoid going on City streets. The owners understand that they should have coordinated with Karl's and the City to get proper permits at that time.

Commissioner Dickmann asked if AAA will go over the whole area with the planned expansion. Mr. Wahlgren stated they would go over a portion of it. They will have a more detailed site development plan for that east portion of the site.

Commissioner Dickmann asked if they own the property. Dean Cimpl, President of the operating company, stated the company name used to be called AAA Sales & Engineering. Just in the last month, they restructured the company and as a result, they renamed the company. The new name is Precision Rail and Manufacturing.

Alderman Bukiewicz stated he liked Option 3 because it gives the business and the City some flexibility regarding the 30% green space and allows them to plan for their 40,000 sq. ft. expansion. An advantage to this option is the language that holds the owner to putting the 30% back to the way it should be. Alderman Bukiewicz stated that as long as they are working with staff to determine how much land they have to work with, how much needs to be green space, and are working with staff on stormwater, he is in favor of this option.

Commissioner Chandler asked if there would be repercussions for the violation. Ms. Papelbon stated they are not authorizing a violation. There is an option to require compliance right now, however staff is not recommending this option. Option 3 is a compromise stating that there is a violation now, but in consideration of the current use of the property, understanding that there are some necessities for the use of the property, and in the interest of the development project moving forward, a violation order is not being pursued. However, if the expansion does not happen, the violation will be addressed by a deadline.

Ms. Papelbon recommended the wording for the motion to be:

That the Plan Commission requires that the applicant submit an application for review and approval for an addition to the building and a reduction in the 30% green space prior to April 1, 2015. Should the application not be received or approved by April 1, 2015, a portion of the outdoor stone storage area, as depicted in the submitted site plan, shall be removed and re-established with vegetation to meet the minimum 30% open space requirements by July 1, 2015.

Commissioner Dickmann made the recommended motion. Alderman Guzikowski seconded. On roll call: All voted aye. Motion carried.

Commissioner Carillo moved to adjourn at 8:28 p.m. Commissioner Correll seconded. On roll call: All voted aye. Motion carried.