

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, NOVEMBER 11, 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, Mayor Scaffidi, Alderman Guzikowski, Commissioner Correll, Commissioner Siefert, and Commissioner Chandler. Alderman Bukiewicz was excused. Also present: Pete Wagner, Zoning Administrator/Planner; Kari Papelbon, Planner; Mike Kressuk, Assistant Fire Chief; and Mr. Seymour, Director of Community Development.

Commissioner Dickmann moved to approve the minutes of the October 28, 2014 meeting. Commissioner Siefert seconded. On roll call: All voted aye, except Commissioner Chandler abstained. Motion passed.

**Sign Appeal Hearing – Peterbilt
1800 W. Ridgeview Drive
Tax Key No. 903-0007**

Mr. Wagner read the public hearing notice. If granted, the variance would allow the applicant to erect a pole sign 80' tall, 310.5 SF in area, located in the M-1 manufacturing district at 1800 W. Ridgeview Drive.

Mayor Scaffidi called for public comment. Larry Haase, 2333 W. Haden Avenue, Chicago, IL, representing JX Peterbilt, general manager for Oak Creek, described the Peterbilt business and stated they cannot stay in this location without some form of facility expansion to accommodate the anticipated additional business. The Peterbilt ownership has directed him to seek a variance for a sign, which is a key component for them to move forward. If they cannot obtain a sign variance, they will have to try to look for another location. They are trying to improve their visibility in the Oak Creek area, which is key to their business.

Mayor Scaffidi called for a second and third call for public comment on this sign appeal. Seeing none, the public hearing was closed at 6:10 p.m.

**Sign Appeal – Peterbilt
1800 W. Ridgeview Drive
Tax Key No. 903-0007**

Commissioner Chandler asked for the heights of the current pole signs in the area. Mr. Wagner responded they are similar in height, but the other signs are in the B-4 District, where pole signs are allowed. Many of those pole signs in the area were constructed in the 1980s and 1990s, and at that time 40' tall pole signs were permitted. However, since then the City has changed its view of pole signs, and has amended the ordinance accordingly to reduce the size of pole signs.

Commissioner Dickmann asked how a pole sign height of 80' was chosen. Mr. Haase responded that the Love's Travel Stop sign is 80' tall. They chose the 80' height in an attempt to match that sign.

Commissioner Johnston asked if the applicant was open to a sign at a lower height. Mr. Haase responded that they are not necessarily stuck at the 80', but as part of the initial application being denied, they did reduce the sign size to 311', which is a 27' wide sign. They are trying to achieve some visibility from Ryan Road, I-94 and Route 41. He stated there may be some leeway at that 80', but they are starting at the height that is the same as the neighbors.

Commissioner Correll stated his concern for the City's position on new businesses with similar signage that if this is allowed.

Commissioner Correll asked if any adjustments could be made to fit in this area. Alderman Guzikowski stated his concern about the size of the sign, and asked if they could make it smaller. Mr. Haase stated he also needed this height to get over the height of the trees in the area.

Commissioner Chandler asked what the forecast is for additional customers to come to this facility as a result of this sign. Mr. Haase stated they plan to double the size of the business with the expansion of the facility. The owners won't approve expansion without being able to get a sign. Mr. Haase did not have an exact figure on how much business the sign would bring in. Mr. Haase stated he would probably add the sign in conjunction with the expansion.

Commissioner Johnston stated his concern about setting a precedent. He questioned the feasibility of an expansion on this site with the wetlands and floodplain that surround this property. Mr. Haase stated they own the two adjoining parcels, which are all flood fringe.

Commissioner Carillo asked if they have a sign now. Mr. Haase responded that they only have wall signs now.

Mayor Scaffidi asked if the Plan Commission could adjust the size and height of the sign if this variance were granted. Mr. Wagner responded the Plan Commission has the authority to change the dimensions.

Commissioner Carillo stated her concern that the City is going to see a lot of sign requests in the next few years with all the new construction. She stated she does not see how this business cannot thrive or grow without this massive sign. Her concern is that this request is not even close to the City code requirements for signs.

Commissioner Correll moved that the Plan Commission grant the applicant a variance to erect a pole sign 80' tall, 310.5' in area, located in the M-1 manufacturing district at 1800 W. Ridgeview Drive. Commissioner Dickmann seconded. On roll call: all voted no. Motion failed. Mr. Wagner stated they could work with the applicant should they choose to resubmit.

Certified Survey Map – Steve Mark, Lily Drive Developments, LLC
324 E. Forest Hill Avenue
Tax Key No. 814-9011

Ms. Papelbon provided an overview of the Certified Survey Map proposal, and noted that E. Forest Hill Avenue is a minor arterial roadway and requires management and control access by the Comprehensive Plan. Only major facilities should be allowed direct access to arterials. Therefore, there is a requirement for a 40-foot setback and turn-around on each of the lots so people are not backing out onto Forest Hill. Even though there were concerns with single-family lots having direct access to arterials, the officially-mapped street patterns leave no realistic

alternative. In this case, considering the increase in traffic on this street and its minimal cross-section, staff recommended in 2013 and still recommends that the restrictions just mentioned be placed on the CSM.

Commissioner Chandler asked why these lots are being split. Calvin Klimeck, Pioneering Engineering, stated that years ago Midwest Development developed all the lands to the north of this property. They were unable to secure the lots south of Lily Drive, and it would not have been possible to develop a single-sided road for any developer. Recently, the land became available, and that land was purchased by Midwest. They decided to make four lots with one being for a detention basin, conforming to the stormwater management requirements of the City. This will be the first CSM. The plan for this development is to have the stormwater meet 2014 standards, and they expect this when the development is all done. When the surrounding developments were built, there were no stormwater management requirements at all. They are sacrificing lands and working with the City to bring that into current conformance of the whole development. Mayor Scaffidi stated that essentially this finishes the neighborhood that was designed years ago.

Commissioner Siefert asked about the use of Lot 2. Mr. Klimeck stated they have been working with Engineering and Planning on Lot 2. They discovered there is a little wetland pocket. There is some emergent wetland growth that is classified as wetlands, and hydric soils and model soils that conform to wetlands. Engineering has a concern about the buildability of the house behind the wetlands, so they are proposing to divide the lots and now there is one lot to deal with for wetland. The applicant will be making a joint permit application with the City after the CSM is recorded to WisDNR to fill that wetland area. Commissioner Johnston concurred and stated the Applicant and consultant have worked extensively with Planning and Engineering to arrive at a solution to this the drainage and the impacts to everyone along the corridor. There have been drainage concerns that they are trying to deal with here.

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that the certified survey map submitted by Steve Mark for the property at 324 E. Forest Hill Avenue be approved with the following conditions:

1. That all technical corrections are made prior to recording.
2. That the utility and drainage easement along the western property line of the proposed Outlot 1 is updated per the requirements of the Water and Sewer Utility and Engineering Department prior to recording.
3. That a detailed grading plan is submitted for review and approval by the City of Oak Creek Engineering Department prior to recording.
4. That a paved turnaround area be required on all building lots.

Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

Certified Survey Map – Steve Mark, Lily Drive Developments, LLC
400 E. Lily Drive
Tax Key No. 814-0256

Ms. Papelbon provided an overview of the Certified Survey Map proposal. Commissioner Chandler asked if there have been any changes to this submittal since it was brought to the Plan Commission in 2013. Ms. Papelbon stated there have been minor changes regarding configuration of the proposed road, but there are no major differences between the submittals.

Commissioner Johnston moved that Plan Commission recommends to the Common Council that the certified survey map submitted by Steve Mark for the property at 400 E. Lily Dr. be approved with the following conditions:

1. That all technical corrections are made prior to recording.
2. That all utility and drainage easements are updated prior to recording.
3. That all comments received by the County are incorporated as required.

Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

Preliminary Plat Steve Mark, Lily Drive Developments, LLC
Oakfield Village Addition #2
324 E. Forest Hill Avenue
400 E. Lily Drive
Tax Key Nos. 814-9011 and 814-0256

Ms. Papelbon provided an overview of the preliminary plat and subdivision proposal. Mark Beaumont, 300 E. Forest Hill Avenue, asked about the use of the lot next to his property. Ms. Papelbon stated that it is an outlot, which is considered a non-building lot, so it would remain empty.

Mr. Beaumont stated his concern about the drainage as he has seen significant flooding and wanted to know how this plan helps his property. Commissioner Johnston stated that this is a lot of what the City has been working on with the developer. The plan is that the detention ponds will be slowing all the water down. They were able to capture the stormwater for the 10 acres that have already been developed into that pond. A City project is planned to bring in a storm sewer, fill in the ditch, and continue that drainage onto the south.

Tim Chamberlain, 101 E. Oakfield Drive, asked if the sewer line is going to connect to Glenfield. Commissioner Johnston stated it will pick up some of the drainage from Glenfield and pick up the west side of this development as well.

Mr. Chamberlain asked if anything will be done with the gravel road that goes back to the subdivision and connects to Glenfield Drive. Commissioner Johnston stated the purpose of that section of gravel road was a way for snow plows and garbage trucks to get around through there without having to back up. Commissioner Johnston stated that section will remain gravel and is not part of this planned development. Mr. Chamberlain stated there is a problem with the gravel road because people dump stuff in the ditch there and that affects drainage. He stated that that whole section should be taken into account to add on to this development.

Mr. Beaumont stated that the area needs to be looked at periodically by City staff (Street Department) because it is not a finished road and needs to be cleaned up. Mr. Beaumont stated that area gets overgrown and he has had to call the City to have the weeds cut. Mayor Scaffidi stated he would pass his comments on to City staff.

Arden Degner, 8540 S. Pennsylvania Ave., asked if sidewalks would be a part of this development. Commissioner Johnston responded that the City is planning on putting in sidewalks along Lily Drive to tie the two subdivisions together.

Jodi Hazen, 410 E. Lily Drive, asked if the gravel road could be filled in as regular land. Commissioner Johnston stated that is what they are hoping for. Commissioner Johnston showed on the map what the plans are to eliminate this problem. Commissioner Correll asked if removal of the gravel road could be part of this Plan Commission approval. Mayor Scaffidi asked if the gravel road bed could be naturalized. Mr. Klimeck stated that that is all going to be done and will be filled in with grass.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the preliminary plat submitted by Steve Mark for the properties at 324 E. Forest Hill Avenue and 400 E. Lily Drive be approved with the following conditions:

- 1) That comments from the Water and Sewer Utility are incorporated as required.

Commissioner Dickmann seconded. On roll call: all voted aye. Motion carried.

TIF No. 11 Project Plan & Boundary Amendment Public Hearing

Ms. Papelbon read the public hearing notice. Mayor Scaffidi asked for three calls for public comment. Seeing none, the public hearing was closed at 7:10 p.m.

TIF No. 11 Project Plan & Boundary Amendment

Ms. Papelbon provided an overview of the TID 11 Amendment. Doug Seymour, Director of Community Development, stated that with the cooperation of adjacent property owner Woodman's, the City was able to secure right-of-way for S. 6th Street. There were some realignments of the stormwater ponds in that area, making a part of one lot suitable for development. It was not large enough to do anything with. In the process of reconfiguring their parcel, they made that lot bigger. State law says that the parcels in a TIF district have to be contiguous and they have to be whole parcels. A TID boundary cannot bisect a property. The purpose of this amendment is to make sure the TID parcels encompass whole parcels.

Commissioner Chandler asked what the financial advantage would be to adding this land. Mr. Seymour responded that while the financial impact is minimal, it is positive. Whatever is developed in that parcel would be included in the TIF district.

Commissioner Correll moved that Plan Commission adopts Resolution No. 2014-01 adding the territory of 400 W. Forest Hill Avenue and amending the Project Plan for Tax Increment Financing District (TID) No. 11. Commissioner Dickmann seconded. On roll call: all voted aye. Motion carried.

Conditions and Restrictions

Matthew Lyons, Azura, LLC

8870 S. Mayhew Drive

Tax Key Nos. Multiple (860-1001 to 860-1208, new key TBD)

Ms. Papelbon provided an overview of the conditions and restrictions for the proposed conditional use. Matthew Lyons, 3190 S. Wadsworth, Lakewood, CO asked for clarification on the age restrictions. Ms. Papelbon stated the reason it wasn't clarified in the conditions and restrictions was because, after discussions with the City Attorney, restricting one building versus another to a certain age would be inappropriate and difficult, if not impossible, to enforce. Ms.

Papelbon stated it was not noted because of the understanding that this facility is primarily going to be treating Azheimers and dementia residents who are, primarily, of an elderly age.

Mr. Lyons stated it may be necessary to note this information especially since item 10b refers to a section of the code that states the age of an elderly person is 62+. Ms. Papelbon responded she would clarify the condition.

Commissioner Correll moved that Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a Community Based Residential Facility with a capacity of more than 15 residents located at 8870 S. Mayhew Drive after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Temporary Use – Giuffre X, LLC Mallory Properties
9401 S. 13th Street
Tax Key No. 877-9006

Mr. Wagner provided an overview of the proposal. Commissioner Chandler asked who the salt storage is for. Mr. Wagner responded Winter Services, Inc. They are a tenant at 9401 S. 13th Street. This is a salt storage facility for the snow removal at the Wheaton Hospital on 27th Street.

Don Gotzi, Director of Operations, Winter Services, 2700 S. 116th Street, West Allis, stated that the storage facility building is roughly 900 square feet total and 20' in height. The building can store approximately 400 tons.

Commissioner Chandler asked if they had any long-term plans of staying at this location. Mr. Gotzi responded they would leave this location. They don't lease any space for the property. They don't keep any equipment there. It is simply to refill a truck that maintains the Wheaton Hospital parking lot.

Commissioner Dickmann asked what would happen to the remaining salt at the end of the season. Mr. Gotzi stated if there is any it would be taken to their West Allis location.

Commissioner Correll stated he does not have an issue with this temporary use.

Commissioner Chandler asked if grading and drainage is an issue that needs to be addressed. Mr. Gotzi responded that the overhang of the dome would alleviate any direct contact with moisture. This will eliminate any drainage of salt.

Commissioner Chandler asked how often trucks would come in. Mr. Gotzi responded that, subject to the weather conditions, probably one truck once a day in the worst case scenario.

Commissioner Dickmann moved that the Plan Commission approves the temporary use permit for the outdoor salt storage building located on the property at 9401 S. 13th Street with the following conditions:

- 1) That all building and fire codes are met.
- 2) That the permit expires May 1, 2015

Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**Conditional Use – Dragan Radeta, M & M Express, Inc.
9840 S. 27th Street
Tax Key No. 903-9030**

Ms. Papelbon provided an overview of the proposal, explained that the overlay district does not allow for the truck terminal and warehouse uses, and stated that staff did offer the applicant the opportunity to withdraw the application. The applicant chose to speak with the Plan Commission.

Dragan Radeta, S71 W16575 Glencoe Court, Muskego, stated that the property in West Allis where his current operation is located is not big enough, so they are looking to buy another location which is bigger. He stated he also has a towing business with a repair shop, where they do repairs for the company equipment and outside service as well. Mr. Radeta was planning on using the property for truck repair and parking for his trucks and trailers.

Ms. Papelbon asked for clarification of what the storage of trailers would be. Mr. Radeta stated it would be parking for a short period of time. Ms. Papelbon stated that off-street parking is allowed as an accessory use to a business use in the overlay district. Mr. Seymour stated that off street parking as an accessory use is permitted in the overlay district, but not truck terminals. Mr. Seymour stated that the off-street parking refers to the cars that would be patrons or workers within those permitted uses in the district. Mr. Seymour stated that the City of Oak Creek and City of Franklin have established standards of what they wish to see on 27th Street, and created an overlay district. Based on some very good research and analysis, both communities choose not to allow those types of uses along 27th Street.

Jim Larkin, Colliers International, 1243 N. 10th Street, Milwaukee, listing broker representing the owner, asked if they deem this as just simply a truck repair facility, would the City allow them occupancy under permitted uses from 1995. Ms. Papelbon stated that truck storage is not allowed. The office, the truck repair, equipment repair and sales are all allowed. Truck terminal and warehousing would not be allowed, nor would the trailer storage.

Mr. Larkin asked if they could resubmit their application as an inside truck repair facility. Ms. Papelbon stated that based on the 1995 original approval and the current overlay district, they would come back for site plan review, if necessary to continue the use of that property under the 1995 approval and overlay district.

Alderman Guzikowski stated that he is not in favor of this. The City is trying to clean up 27th Street; there is a lot of work that needs to be done. He is not in favor of outdoor storage.

Commissioner Chandler what the purpose was for outdoor storage of trucks and trailers. Mr. Larkin stated that this is a three-party logistics company moving items from one company to another similar to a truck terminal. Commissioner Chandler asked if they are pulling items from the warehouse. Mr. Larkin responded that originally that is what they were asking, but they are being told they cannot do that. Part of the business is a truck repair.

Asst. Chief Kressuk stated that the fire suppression in that building is generally non-existent. He would encourage the seller and any potential occupants to contact the Fire Department well in advance because certain occupancies will require fire suppression. That is something that any potential occupant of this building should consider.

Mr. Seymour suggested allowing the applicant to withdraw this request and thus being entitled to getting a good portion of their application fee back. Mayor Scaffidi asked the applicant if they wished to withdraw their request. The applicant responded yes.

**Site plan review – Kurt Maass, Maass Excavating and Trucking
380 W. Ryan Rd.
Tax Key No. 875-9996-002**

Mayor Scaffidi stated that this item is held.

Scheduling and General Announcements

Ms. Papelbon mentioned that there are two more meetings left in 2014 – November 25, 2014 and December 9, 2014. There is no scheduled December 23, 2014 meeting. The Plan Commission concurred.

Ms. Papelbon stated that the kickoff meeting for Focus 2035 for updating the Comprehensive Plan will be held at City Hall on November 12, 2014 at 6:00 p.m. Ms. Papelbon stated this is not a formal public participation event, but more of an informational event. The City is going to launch an online public participation application as part of additional public participation opportunities.

Ms. Papelbon stated they will be asking for some participation on a sub-committee level to assist with reviewing certain sections of the Comprehensive Plan update, and possibly drafting new sections as they can. Ms. Papelbon stated they will still be presenting to the whole Plan Commission, but this will assist them in moving forward so that the Plan Commission can have a more complete version rather than trying to sort through some working documents.

Mr. Seymour stated there will be opportunities in the very near future for Plan Commissioners to take a much more active role in the implementation of the Lake Vista plan, specifically on two projects that Ms. Papelbon and Mr. Wagner are overseeing. These are the development of the active recreational fields on the DuPont properties as well as some of the lakeshore park and terrace areas that are being developed on the south the City's public park.

Commissioner Carillo moved to adjourn. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:06 p.m.