

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, DECEMBER 9, 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, and Commissioner Siepert. Commissioner Chandler was excused. Also present: Kari Papelbon, Planner; Peter Wagner, Zoning Administrator; and Mike Kressuk, Assistant Fire Chief.

Commissioner Dickmann moved to approve the minutes of the November 25, 2014 meeting. Commissioner Siepert seconded. On roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Mayor Scaffidi, Alderman Guzikowski, Commissioner Siepert voted aye. Alderman Bukiewicz and Commissioner Correll abstained. Motion carried.

Sign Appeal Hearing
Plan Review
Marcus Theatre Corp.
7241 S. 13th St.
Tax Key No. 763-9018

Mr. Wagner read the public hearing notice.

Mayor Scaffidi made three calls for public comment. Seeing none, the public hearing was closed at 6:07 p.m.

Sign Appeal Hearing
Plan Review
Trattoria diCarlo & Catering
8469 S. Howell Avenue
Tax Key No. 828-9029

Mr. Wagner read the public hearing notice.

Mayor Scaffidi made three calls for public comment. Seeing none, the public hearing was closed at 6:10 p.m.

Sign Appeal
Marcus Theatre Corp.
7241 S. 13th St.
Tax Key No. 763-9018

Mr. Wagner provided an overview of the project. David Baum, Schroeder & Holt Architects, 311 E. Chicago, Milwaukee, WI asked for lighting requirements. Mr. Wagner explained that internally illuminated box signs are not allowed in multi-tenant business in the B-4 district.

Alderman Bukiewicz asked about what would be on the monument sign. Mr. Baum responded they might flash any specials that are ongoing. Alderman Bukiewicz stated the proposed monument sign is an improvement. Mr. Baum asked if the Dream Lounger sign is permitted because it is illuminated. Mr. Wagner stated because it is not a box sign, but rather channel letters, this sign is permitted.

Commissioner Dickmann stated his concern that the signs being proposed on the west elevation will not be visible from the expressway and therefore, he is not happy with the signs on the west sign. Mr. Baum stated that over time the logo and identity will start to become more prevalent, and people will see the image more so than try to read the text. Commissioner Dickmann stated he did not agree with that.

Commissioner Carillo asked about the panels on the north side of the building. Mr. Baum explained that the bigger boxes are textured block. The whole building is a split face block, but those framed are a smooth-face block. They will just be painting that texture a different color.

Commissioner Siepert asked how many entrances there are to this building. Mr. Baum stated that there is one main entrance and multiple exits.

Mayor Scaffidi stated he did not have a problem with this request because they are so set back from the road. Mayor Scaffidi stated the monument sign is a tremendous improvement.

Commissioner Johnston asked the applicant to work with Milwaukee County on the monument sign so it is far enough back that they don't have to tear it out when they expand the road. Mr. Baum responded that the existing structure has an existing monopole and will be in the exact same location. Commissioner Johnston stated he agreed with Commissioner Dickmann that the signs along the expressway will not be seen.

Alderman Bukiewicz asked if there is parking on the west side. Mr. Baum stated there is a single access row with about 20 cars on that side. It is actually for Fire Department access.

Alderman Bukiewicz moved to approve a sign request for the property at 7241 S. 13th Street that would allow the applicant to erect an 11-foot tall ground sign and install nine wall signs. Commissioner Correll seconded. On roll call: Commissioner Dickmann, Commissioner Johnston, and Commissioner Siepert voted no. Commissioner Carillo, Alderman Bukiewicz, Mayor Scaffidi, Alderman Guzikowski, and Commissioner Correll voted aye. Motion carried.

Sign Appeal
Trattoria diCarlo & Catering
8469 S. Howell Avenue
Tax Key No. 828-9029

Mr. Wagner provided an overview of the project. Alderman Bukiewicz asked if the sign would be illuminated. Carlo Pedone, appellant, responded that it would be illuminated by individual letters. Alderman Bukiewicz stated he is okay with this sign. Commissioner Dickmann agreed with Alderman Bukiewicz that it will help balance the building.

Commissioner Johnston asked where on the building the sign would be located. Mr. Pedone responded it will be facing east, but on the northern end of the building.

Commissioner Dickmann moved that the Plan Commission approve a variance which would allow the applicant to erect a second wall sign on the east elevation of the building located at 8469 S. Howell Avenue. Alderman Bukiewicz seconded. On roll call: all voted aye. Motion carried.

Conditions and Restrictions
Kwik Trip, Inc.
7880 S. 10th Street
Tax Key No. 783-9073

Ms. Papelbon provided an overview of the proposed Conditions and Restrictions.

Alderman Bukiewicz asked if winter salt storage would be allowed. Ms. Papelbon stated it is on a case-by-case basis whether or not the outdoor storage area for the gas station is approved. Staff's recommendation is that the salt storage not be included in the approved outdoor storage areas. The concern from staff is that if what is allowed it is not specifically stated in the conditions and restrictions, additional outdoor storage areas may pop up on the site.

Commissioner Dickmann asked what the Kwik Trip on 13th Street has for outdoor storage. Ms. Papelbon stated there is some outdoor display, but it was not specified in their conditional use permit what the approved outdoor storage areas were. Mr. Wagner stated they do have outdoor salt storage. In their conditions and restrictions, the City did not specifically state that such was allowed.

Ms. Papelbon stated that staff recommends approving outdoor storage of ice and propane. It would be up to the Plan Commission to approve other outdoor storage items. Kwik Trip did request ice machines, a propane cage, firewood in front of the store, and water softener salt at the end of the canopies.

Commissioner Siefert stated his concern about the firewood because it doesn't seem to fit that gas station type scenario.

Commissioner Siefert asked what type of lighting they will have. Ms. Papelbon stated they will have to meet the lighting requirements in the Code.

Commissioner Johnston stated he is okay with the staff recommendation of just leaving approved outdoor storage areas for propane and ice.

Commissioner Correll stated he is okay with it, but stated his concern that the requirements for this Kwik Trip and the Kwik Trip on 13th Street are different, and asked how they will be policed. Mr. Wagner stated that in this particular case, staff has tried to tighten up the conditional use permit so that when another product is being stored outside that is not approved, it can be dealt with. If it is not specified what type of outdoor storage can be done, it is difficult for the Zoning Administrator to enforce.

Mayor Scaffidi stated it is more important to keep the area around the gas pumps clutter-free, but is okay with the propane and ice storage.

Troy Mleziva, Real Estate Manager at Kwik Trip, 1626 Oak Street, LaCrosse, WI, stated that they use outdoor storage for firewood; softener salt is stored at the canopies because they are larger bags and people don't want to carry a 50-lb bag of salt from the store to their car; and propane, which cannot be stored in the store.

Alderman Bukiewicz stated he is okay with the propane and ice storage outside the store. If there are restrictions on salt and firewood at the canopies, he is okay with that. Alderman Bukiewicz stated he is opposed to storage along the perimeter of the site. Commissioner Correll stated he is okay with both of those.

Asst. Chief Kressuk stated that storage of materials around the gas pumps would have some regulation from the State of Wisconsin. Because of that, he advised the applicant to exercise some caution with the placement of items there to prevent clutter around the gas pumps.

Commissioner Dickmann asked how new technology and new products that cars require come out would be handled. Mr. Wagner responded that the conditions and restrictions would be amended.

Ms. Papelbon asked if the Plan Commission was comfortable with the 12-month Time of Compliance section, or if they wished to extend that timeframe. The applicant stated that Kwik Trip is fine with the 12-month limitation.

Alderman Bukiewicz stated if Kwik Trip really wants to use those products (firewood and salt), he would encourage them to come back and ask for approval. Alderman Bukiewicz stated he would support it.

Alderman Bukiewicz moved that Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a gasoline service station located at 7880 S. 10th St. after a public hearing, subject to the conditions that the products of propane, ice and firewood are allowed as an outside sale at the front of the building, and that softener salt is allowed at the end of the gas pump canopies if the State of Wisconsin allows. Commissioner Correll seconded. On roll

call: Alderman Bukiewicz and Commissioner Correll voted aye. Commissioner Dickmann, Commissioner Johnston, Commissioner Carillo, Mayor Scaffidi, Alderman Guzikowski, and Commissioner Siepert voted not. Motion failed.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a gasoline service station located at 7880 S. 10th St. after a public hearing, which specifically states for storage shall be limited to the ice machines and propane tank cage along the front of the building. Commissioner Johnston seconded. On roll call: All voted aye. Motion carried.

Temporary Use
Wispark, LLC
8850 S. 5th Avenue
Tax Key No. 866-9001

Ms. Papelbon provided an overview of the request, and stated this crushing operation is specifically for crushing the materials that are presently on site. Ms. Papelbon stated she did receive comments from a neighbor who wishes to remain anonymous. They are concerned that there may be noise and vibration from the crushing operation, dust, and storage of the product. There is also a concern that allowing crushing might potentially delay the redevelopment of the northern lakefront. There are concerns about existing gypsum, hours of operation, noise and truck traffic. These concerns were given to Jerry Franke, representative of WisPark, and he responded that the crushing operations will not delay the lakefront redevelopment. It has to be done before any redevelopment can occur on the property. It is only expected to last throughout the winter when it will be least disruptive to the neighbor. Regarding gypsum operation, they have been directed to place all materials inside and should be close to completing that.

Mayor Scaffidi stated that this seems like an economical and efficient way to do this. He does understand the neighbors' concerns, and stated that the City really needs to be sensitive to the hours of operations, but feels this is a reasonable request.

Kevin Holkenson, AW Oakes & Sons, 2000 Oakes Road, Racine, WI, showed where the portable crushing plan will be set up, which is by the stockpile and about 500-700 feet off the road (5th Avenue).

Alderman Bukiewicz asked if any of the material will be sold and shipped off site. Mr. Holkenson stated they have only been contracted to remove the footings that the prior contractors left in the ground, and crush the material for the owner. Mayor Scaffidi stated that Jerry Franke has indicated they will use the majority of the material on the site.

Alderman Bukiewicz stated that as far as the hours of operation, most contractors work within that span of time.

Mayor Scaffidi asked if there are any security issues. Mr. Holkenson stated the company responsible for the gypsum is responsible for the security gate. AW Oakes is also going to make sure it is closed after hours.

Commissioner Siepert stated his concern about the dust. Mr. Holkenson responded that they are required by WisDNR and EPA to control the dust (particulate). The employees are certified every six months and have to turn in forms with emission report, which they are allowed very little. In the winter, they incorporate snow in with the crushing to suppress the dust. Very little escapes the plant. They monitor it quite closely.

Commissioner Johnston asked if it would be prudent to state that materials from Drexel Town Square could be hauled down there for crushing as approved by WisDNR. Ms. Papelbon responded that without having a representative from WisPark, she would be hesitant to say that could be allowed. That might cause contract issues with AW Oakes. Alderman Bukiewicz stated that there are local businesses with whom the City can contract to take care of the Drexel Town Square materials.

Alderman Bukiewicz moved that the Plan Commission approves the temporary use permit for the temporary concrete crushing operation on the property located at 8850 S. 5th Ave., subject to the following conditions:

1. That all building and fire codes are met.
2. That the hours of operation be limited to Monday through Friday between 7:00 am and 5:00 pm.
3. That crushing is limited to the footing and slabs of previously removed buildings on the property. No materials from other properties or work sites shall be brought to the site for crushing.
4. That the temporary use shall expire on July 1, 2015.

Commissioner Siepert seconded.

Cody, 8872 S. 5th Avenue, stated that from his understanding that this is not the same company that is making the noise at 5-6 in the morning and at midnight with the machines running back and forth. Mayor Scaffidi stated that that is the company that is removing the gypsum and that the City has been in contact with them about the hours of operation.

On roll call: all voted aye. Motion carried.

**Temporary Use
Zignego Company, Inc.
WisDOT ROW at I-94 and Rawson Avenue (exit ramp)**

Ms. Papelbon provided an overview of the request.

Dan Zignego, 1905 N. Water Street, Milwaukee, WI, stated that there are a few projects coming up Howell Avenue coming up in January which they hope to become the successful bidder on and 27th Street, another portion of that project will be let in February. Mayor Scaffidi asked what part of Howell Avenue he was referring to. Mr. Zignego responded it goes from the City of Milwaukee limits and goes south from there. He has not received the plans yet, but it is their type of work and they hope to be the successful bidder on this project.

Mr. Zignego stated that due to third party delays, they did not finish as much work this year as they had hoped and they have to come back in the spring and finish those.

Mayor Scaffidi asked if this would be finished up this year. Mr. Zignego stated that if his company is not the successful bidder on any more projects, they would have no use for this plant. Mayor Scaffidi stated his concern that this not be a permanent fixture as projects keep getting awarded to Zignego. Mayor Scaffidi stated he does not want it sitting at one of Oak Creek's major interchanges.

Asst. Chief Kressuk stated that during the last operation, Zignego used water from the apartment complex to the west from a City hydrant. They did make prior arrangements that the hose connected to that hydrant would be disconnected for fire suppression needs. Asst. Chief Kressuk asked that the Fire Department be involved in the planning process for the upcoming year with regard to the fire hydrant and access road (eastern road of the Timber Ridge Apartments).

Commissioner Johnston stated that, as a reminder, they keep their broom available onsite next year to keep the road swept up.

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

1. That all building and fire codes are met.

2. That any hydrant usage is approved by the Water Utility and Fire Department, and that road access is coordinated with the Fire Department.
3. That the use is limited to approved WisDOT projects in the area, and that truck traffic is limited to State and County highways.
4. That the hours of operation be limited to Monday through Friday between 7:00 a.m. and 8:00 p.m. and Saturday between 8:00 a.m. and 5:00 p.m.
5. That the temporary use shall expire on December 1, 2015.

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

**Rezone and Conditional Use
Oak Creek Water and Sewer Utility
9175 and 9235 S. 5th Avenue
Tax Key No. 869-9006, 869-9995-004, and 869-9998-003**

Ms. Papelbon provided a brief overview of the project and stated that a representative from the Water and Sewer Utility will be making a presentation.

Ron Pritzlaff, Oak Creek Water and Sewer Utility, 170 W. Drexel Avenue, Oak Creek, WI, stated that this rezone and conditional use request is to bring their chlorine contact tank into compliance according to WisDNR regulations.

They currently conserve up to 35 million gallons per day. The ultimate build-out will be 75 million gallons per day. This would be Phase I to the project. Phase II would be to add a second tank.

Commissioner Siepert recused himself from commenting and voting on this item as he is a member of the Oak Creek Water and Sewer Commission.

Commissioner Dickmann asked if a certified survey map would have to be received before they can start. Ms. Papelbon explained that the purpose of the certified survey map is to combine the parcels into one with the existing property. That allows the applicant some flexibility with the placement of the tank and pump station as it benefits the way they need to run the operation.

Commissioner Johnston moved that Plan Commission recommends to the Common Council that the properties at 9175 S. 5th Ave., 9235 S. 5th Ave., 3975 E. American Ave. be rezoned from B-2, Community Business to I-1, Institutional with a Conditional Use for water storage and high service distribution pump facilities, after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting (January 13, 2015).

Jacob Piontek, 3953 E. American Avenue, asked if there was going to be a fence line, as his house is very close to the property line. He stated his concern about the view from his property when all of this is completed. Mr. Pritzlaff stated there will be security measures and certainly there are some landscaping features that can be added. Mr. Pritzlaff stated he has been in discussion with staff about landscaping, and showed on the screen where they will be landscaping.

Alderman Guzikowski seconded. On roll call: all voted aye, except Commissioner Siepert who abstained. Motion carried.

**Plan Review
PPG Industries
10800 S. 13th Street
Tax Key No. 975-9999-002**

Ms. Papelbon provided an overview of the project.

Asst. Chief Kressuk stated that because of the nature of PPG's business, they have to use the materials they use for a reason. As they upgrade components, it is a benefit as to the safety of the plant overall. The Fire Department will work very closely with the applicant on the project. The Fire Department has no concerns about the integration of this project.

Commissioner Correll moved that Plan Commission approves the site and building plans submitted by David Williams, PPG Industries, for the property at 10800 S. 13th St., with the condition that all building and fire codes are met. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Sign Plan Review
Mike McDonald
9875 S. Stern Street
Tax Key No. 904-9017

Mr. Wagner provided an overview of the project.

Commissioner Correll moved that the Plan Commission approves the proposed sign plan at 9875 S. Stern Street as presented. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carillo moved to adjourn. Commissioner Correll seconded. On roll call: all voted aye. The meeting was adjourned at 7:32 p.m.