

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 27, 2015

Mayor Scaffidi called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Johnston, Commissioner Carillo, Alderman Bukiewicz, Alderman Guzikowski, Commissioner Correll, Commissioner Siepert and Commissioner Chandler. Excused: Commissioner Dickmann. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; Peter Wagner, Planner/Zoning Administrator; and Mike Kressuk, Assistant Fire Chief.

Alderman Bukiewicz moved to approve the December 9, 2014 meeting minutes. Alderman Guzikowski seconded. All voted aye, except Commissioner Chandler, who abstained. Motion carried.

Alderman Bukiewicz moved to approve the January 13, 2015 meeting minutes. Commissioner Siepert seconded. All voted aye, except Mayor Scaffidi and Commissioner Correll, who abstained. Motion carried.

Conditions and Restrictions

Autumn Creek II CQS, LLC

1326 W. Willow Drive

Tax Key No. 811-9008-002

Ms. Papelbon noted that the applicant submitted an updated proposed site plan showing that the garage and parking area was flipped from the west to the east side per the conversation at the last meeting. This was done because of the floodplain and floodway on the western side of the property.

Steven Czysz, 561 W. Field Way, Pewaukee, stated he added more parking to the facility. They originally had parking for two in the garage and two other spots in the driveway. They now are showing a total of 7 spots, which he felt is more than enough.

Commissioner Chandler mentioned putting parking on the other side of the building. Mr. Czysz stated they could park on the east side; however, they would probably have to eliminate the garage, and that would make it look more institutionalized. Mr. Czysz mentioned the possibility of putting additional parking in the floodway if the elevation is not changed. Mr. Seymour stated that this is a conditional use permit in a single-family residential zoning district, so one of the proposed conditions with regard to the setbacks is to treat it like a residential property. As such, the parking would be limited in the front to within the garage, driveway or on a spur. The goal is to not use the entire front yard as a parking lot for what is essentially supposed to blend into a residential neighborhood.

Commissioner Johnston asked if there is a minimum requirement for parking spaces for a CBRF. Ms. Papelbon responded that for residential use, it is one per bedroom. With this facility, that would mean eight bedrooms with 16 beds. Ms. Papelbon stated that staff would continue to work with the applicant during site plan review to ensure that the proposed parking meets all of the requirements of the Code and is still sufficient for the proposed use. It would still have to meet the residential requirements. Commissioner Johnston stated his concern about the parking and access (Section 3, Page 2, Item 1) being in accordance with Section 17.0403(j)(6)(f). If the parking is reduced, should that statement be changed in the conditions and restrictions? Ms. Papelbon responded that they could take off the (6)(f) requirement and change the number that is required to no less than two.

Arden Degner, 8540 S. Pennsylvania Avenue, suggested that, off the main driveway, porous brick could be installed for parking purposes

Ms. Papelbon stated that the parking requirements are based off of residential uses in the Code as the Code does not address parking in a CBRF. The Code states two spaces per dwelling unit. It would be up to the Plan Commission to determine how many spaces would be appropriate for this use as part of

the conditional use.

Alderman Bukiewicz stated he does not want parking on the street. He suggested the driveway coming up and widening out. Mr. Czysz stated he could do that and would actually prefer to just have a normal driveway.

Ms. Papelbon clarified that this is still a conceptual plan. They are still working on the driveway and parking areas. It is a matter of how many parking spaces are going to be required for this CBRF for the conditional use. Ms. Papelbon also clarified that the driveway does not have to be 30' off the street, but rather the parking must be 30' off the street.

Commissioner Correll asked what the minimum parking requirement would be. Ms. Papelbon stated that this is treated as a single family dwelling, which only requires two. If the Plan Commission wants to increase the number of spaces based on this particular use, that would be part of the conditional use permit.

Ralph Sharafinski, 8120 S. Woodridge Drive, stated that if they can't plan enough parking, then they should not be able to build this. Parking on the streets should not be allowed. Mayor Scaffidi responded that the applicant has stated that these residents are very rarely visited, and the parking spots are basically for employees.

Commissioner Correll moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit allowing a Community-Based Residential Facility (CBRF) with a capacity of at least nine (9) but no more than twenty (20) persons located at 1326 W. Willow Dr. after a public hearing. Alderman Guzikowski seconded. Ms. Papelbon asked for clarification of the number of parking spaces. Commissioner Correll added to his motion that the parking is not to exceed six (6). Mr. Seymour clarified that the motion should state a minimum of six (6).

Ms. Papelbon stated there has been communication about putting parking spaces at the rear of the property. Commissioner Chandler asked how the parking in the back would be accessed. Ms. Papelbon stated there would be an access drive to the back. Alderman Bukiewicz stated that he does not think parking in the back is a viable option.

Commissioner Johnston stated six parking spaces might be a problem with the floodplain and keeping the parking spaces out of the 30' setback.

Commissioner Correll changed his motion to state the minimum number of parking spaces is three (3), which includes the garage.

On roll call: all voted aye. Motion carried.

Conditional Use Permit Amendment
MD Holdings, LLC
7350 S. 6th Street
Tax Key No. 765-9044

Ms. Papelbon provided an overview of the proposal. Alderman Bukiewicz stated he has no issues giving this time extension given their circumstances.

Alderman Bukiewicz moved that Plan Commission recommends that the Common Council approve a conditional use permit amendment extending Section 11, Time of Compliance to a deadline of December 31, 2015 for the property located at 7350 S. 6th St. after a public hearing and subject to conditions and restrictions. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

Plan Review
Barrett Visionary Development – Emerald Row Apartments
601 W. Drexel Avenue
Tax Key No. 813-9023-002

Ms. Papelbon provided an overview of the proposal, and noted that the lighting package has changed from what is in the Plan Commission packets to comply with the Drexel Town Square specifications.

Mr. Seymour stated that this is the same plan that was approved as part of the first generation development proposal for the entire PUD. In the PUD document itself, several of these uses are prohibited in the residential areas. The City wants uses that are complementary to the scale and types of units that are being proposed for this residential community. As an amendment to the PUD document, they will be looking toward making certain commercial uses either permitted or conditional uses within that residential area. It was not the intent of the first generation development plan to prohibit those types of activities.

Chad Griswold and Justin Stuebs, Rinka Chung Architecture, 756 N. Milwaukee Street, Milwaukee, Wisconsin, represented the applicant.

Mr. Stuebs distributed material samples and described the materials being used on the building.

Commissioner Correll stated this is what was originally planned and is pleased that we stayed with the original plan.

Alderman Bukiewicz stated this will fit in very well with the rest of the project.

Alderman Guzikowski asked if anything has changed on the underground parking. Mr. Seymour responded that the footprint of the site has changed a little bit. The underground parking counts have increased. Mr. Stuebs stated they are now planning on using the entire footprint of the building for parking, so the parking has almost tripled what was originally planned.

Commissioner Siefert asked about Fire Department access to the underground parking. Asst. Chief Kressuk responded that they have been in contact with Mr. Stuebs on this. He stated they are looking for a sprinkler system. Asst. Chief Kressuk has worked a lot with the applicant on getting access to the property. As development occurs on this site, they are going to see the access increased to the north of this structure.

Commissioner Chandler asked if the tripled amount of underground parking spaces will be enough for the residents. Mr. Stuebs responded that they would be using the south parking lot as reserved parking for the residents. That is part of the 214-parking stall total (149 underground and 65 surface spots.)

Commissioner Johnston asked if there is a consensus from the Commission that the sign review needs to come back to the Plan Commission, or can the Director of Community Development approve the sign plans. Commissioner Carillo responded she would like the sign approval to come back before the Plan Commission. All agreed.

Mr. Degner stated his concern with the construction using fiber cement board. He strongly suggested that masonry be substituted. Commissioner Johnston responded that he is not concerned about the structure of this building, and that this is an approved material for the zoning requirements. Alderman Bukiewicz stated that the fiber cement board is a masonry product.

Commissioner Carillo asked where the visitor and retail parking spaces are being planned. Mr. Stuebs responded that currently they do not have on the site any deeded stalls to visitor parking or retail functions. Commissioner Carillo stated her concern that they would fill up the parking lots with the Library and City Hall being there. Mr. Stuebs stated there is some flexibility on the circle drive. There are some stalls around that that the developer may use at his discretion. Commissioner Correll stated that he does

not recall any other apartment projects coming before the Plan Commission without making provision for visitor spaces. Mr. Seymour stated that typical stand-alone residential communities do have some set aside for visitor parking. Given the unique nature of this residential community and its relationship with the public streets and shared parking facilities throughout the western mixed-used portion of Drexel Town Square, the parking friction is a built-in design of the more urban nature of this proposal.

Commissioner Chandler asked about outdoor/rooftop mechanicals. Mr. Stuebs stated they are set back on the roof as far as they can on the footprint of the building. The nearest condensing unit is no closer than 23' to the building edge.

Commissioner Chandler asked if there will be a green roof on the building. Mr. Stuebs responded no, it will be a rubber membrane roof.

Alderman Bukiewicz moved that the Plan Commission approves the site and building plans submitted by Rick Barrett, Barrett Visionary Development, for the property located at 601 W. Drexel Ave., with the following conditions:

1. That all building and fire codes are met.
2. That the plans are updated to incorporate the public access easement and sidewalk on the south side of the parking lot (wetland park connection) as part of Phase I.
3. That all landscaping plans are submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
4. That updated detailed lighting plans are submitted for review and approval by the Department of Community Development, upon recommendation of the Electrical Inspector, prior to the issuance of building permits.
5. That detailed plans for signage are reviewed and approved by the Plan Commission.
6. That plans addressing grading, drainage, and stormwater quality (including the use of stormwater best management practices) be approved by the City Engineer prior to the issuance of building permits.
7. That all mechanical equipment is screened from view.
8. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Conditional Use Permit
Chick-fil-A
150 W. Town Square Way
Tax Key No. 813-9047

Ms. Papelbon provided an overview of the proposal.

Mr. Seymour stated this is part of the plan to have this type of business on the outer side of the Drexel Town Square development. Any properties to the east of Delco Drive are part of the perimeter commercial portion of Drexel Town Square. They were envisioned as some of the more suburban retail that you see throughout the community. Early on in the Drexel Town Square design process, the emphasis was on creating two distinct zones as part of this mixed use. One of the goals was to bring in uses and retail that were not presently in Oak Creek. Mr. Seymour stated that it is new to the marketplace, and has been very well received. It is consistent with the goal of bringing in new businesses that are not necessarily in the community right now.

Water Street Brewery had their site plans approved on the corner of Howell and Drexel, and one of their requirements for securing a business of that stature was that the lots on either side of them would be restricted so that there would not be a similar type of sit-down restaurant. The proposed use by Chick-fil-A has been vetted through the owners of the Water Street Brewery and they have made an exception to that.

Jerry Franke, WisPark, 301 W. Wisconsin Avenue, Milwaukee, Wisconsin, stated that Water Street Brewery did not approve this; rather they knew about this before they bought their property. They were interested in that type of use being adjacent to them.

Mr. Franke stated there are two remaining parcels in this area that will have to be restaurants by default. The plan is to have all of the retail west of Delco Drive. He stated there are at least four restaurants looking at the Main Street properties. Mr. Franke stated that although he said there would be no McDonald's or Burger King restaurants, Chick-fil-A was not in the marketplace at that time. Chick-fil-A has been very well received in Brookfield and in Greenfield. He feels this is going to be a positive aspect of Drexel Town Square.

Commissioner Correll stated that this is a quick service restaurant (QSR) and QSR's were not going to be allowed. It is new to the market and a great concept, but he stated this is going in at the wrong spot. Traffic will be brought in for a drive-through and there will be queuing issues. He noted that the last item on the agenda (Emerald Row Apartments) was compared to the Third Ward; however, there are not any Chick-fil-As in the Third Ward. He stated he does not see how it fits and with the traffic concerns, and he foresees some problems.

Mr. Franke responded that the suburban portion of this development is the part that is easy to do. The stuff that is on the west side of Delco is very difficult. They could have done the whole parcel as a suburban outlot development. They could not have done this whole parcel as a town center. What they are trying to do is get uses that generate traffic. He said the biggest complaint with this proposal is that they are not open on Sunday because they want as much traffic coming in here as possible. Commissioner Correll responded he understands the traffic needs, but increased traffic through a drive-through is different than what he envisioned and what he thought the plan originally showed.

Mr. Seymour stated there are going to be different opinions as to what fits there and what doesn't. Mr. Seymour stated that the real estate agreement with Water Street Brewery restricts the types of restaurants that can go on those parcels. The choice is between a high-quality use that is not currently in the market, or having more of a multi-tenant retail, which is more out of character with what they are trying to accomplish there. Commissioner Correll stated it is an excellent concept and well-received and will create traffic, so much so that there may even be traffic issues initially.

Mayor Scaffidi stated that in the history of the City's Facebook page, the post on Chick-fil-A is most viewed post ever with an estimated 27,000 views. He stated that they need to be open that on this part of Drexel Town Square, it is much different than the square itself and west.

Commissioner Carillo stated that they went over the plans extensively to make this town center the focal point of the City. She stated that this drive-through is not the high-quality use that was envisioned for this area. Even though many people want it (in the City of Oak Creek), she does not believe this is the place for it. She is also concerned about the back-up in traffic. Commissioner Carillo stated that the parking lot is twice of what is needed. She stated that the Plan Commission does not know what agreement was made with Water Street Brewery as far as what can and cannot go in there.

Mr. Seymour asked what would be a good use there knowing now that a sit-down restaurant will not go on parcels 3 and 5. Commissioner Carillo stated if they go back to the original plan, there must be a list of 50 things that can go in there. Mr. Seymour stated that yes, retail could go in there. Mr. Franke said it would be horrible because what they want is for retail to be walkable. They don't want people to have to move their car. Mr. Franke stated the development team has told the broker to focus retail on the west side of Delco. They have turned down buyers for those parcels who are willing to pay more than anyone else.

Commissioner Chandler asked if there is a pass lane at the pick-up window in case a car stalls. Todd Richards, HR Green, 420 N. Front Street, McHenry, IL, stated that there is not. Chick-fil-A has looked

into this throughout their history, and they have never had a need for a pass-through lane. All the team members are taught what to do and have plans in place if a car should stall.

Alderman Bukiewicz stated he was caught by surprise because he was under the impression when they did the master plan that no drive-throughs were approved for Drexel Town Square. Alderman Bukiewicz stated the Drexel Town Square plan was amended in March, 2014 with Ordinance No. 2713 and that was in connection with the hotel. Buried within that was allowance of drive-throughs at Drexel Town Square. Ms. Papelbon stated that such was not the case. Mr. Seymour stated that that was part of the original plan approved by the Common Council.

Commissioner Correll stated that they received correspondence before the meeting that the original plan was no Wendy's and McDonald's along with an explanation of why we have evolved from that. Mr. Seymour stated that that was a memo from Jerry Franke. Mr. Franke stated that there would be no McDonald's or Burger King, he never said there would be no establishments with drive-throughs, but he can see why people could interpret it that way. Commissioner Correll stated that it is a great concept, a great operator, they deliver a great product, but the spot is wrong based on the overall plan. He did not feel the guests of Chick-fil-A are going to be frequenting the rest of Drexel Town Square. They will be coming in at one of the two entrances, working their way into that queue to get their food, and will be moving on their way. Mr. Franke stated that they will be able to see a lot of the other businesses as they pass through the drive-through.

Mayor Scaffidi asked Mr. Richards to go back to the people at Chick-fil-A and rethink this, because there are questions from the Commission about whether this is appropriate. He stated he has questions about where the drive-through lanes are situated on the lot. Alderman Bukiewicz referred to the Drexel Town Square plan which states on page 8 that drive-up windows and lanes shall not be permitted on the Main Street side or on the side of the building facing Drexel Town Square, which this development does. Alderman Bukiewicz suggested the lanes be moved from east to west. Mr. Richards stated they oriented the site to provide enough stack in the drive-through lane. Also, when queuing up to get to the drive-through lane, they separated that from the main portion of the parking lot. They feel this already is one of the better layouts.

Mayor Scaffidi asked Mr. Richards if he would be willing to pull back and readdress this at a future meeting. Mr. Richards responded that he would like to get all of the comments and questions.

Mr. Richards stated they do have quite a bit of landscape area adjacent to the drive-through on the north. He stated they could definitely enhance that along there to protect that view from the traveling public.

Alderman Bukiewicz asked if the majority of their business is drive-through or sit-down. Mr. Richards responded that 65% of their business is drive-through.

Mr. Seymour stated that the City does have concerns about the visual impact of this development. Given the fact that there are multiple easements in Drexel Town Square, there are some concerns about having appropriate areas for landscaping. As you go west from the corner, there are grade changes that work in the City's favor in terms of the site lines of this proposed parking lot or drive-through. Mr. Seymour stated there are ways to minimize the visual impact by working with the applicant.

Commissioner Johnston stated that this is a conditional use permit and the use runs with the land. All they are saying is that this is a restaurant with a drive-through.

Commissioner Johnston mentioned the grade difference is 3-5 feet from where that drive-through is. There are going to be a lot of lights shining with the oncoming traffic on Drexel Avenue. There needs to be some way to screen that with landscaping. With the easements and the sloping there, that is going to be a huge challenge with how this is laid out right now.

Alderman Guzikowski stated he is a big fan of Chick-fil-A. He thinks it is a good fit for Oak Creek. He is, however, concerned about the location. He has spent some time at the 76th Street location to specifically

view how the drive-through works. He understands the stacking concept and trying to make this work, however his concern is that the cars would be backing out of the parking lot and out onto Town Square Way. While some may say that is good for business, it is going to cause a traffic headache that is not conducive to the images that the City was once thinking of for this area. Alderman Guzikowski stated he is for Chick-fil-A coming to Oak Creek and if it stays here, the location. He likes the idea of pushing it as far north as they could up against Drexel to try to keep it away from the rest of Drexel Town Square.

Mr. Franke stated that they will be able to stack 40 cars without going out to the public right-of-way.

Mayor Scaffidi placed this item on hold, and asked the applicant to come back to the Plan Commission after hearing comments and concerns from the Commissioners.

**Temporary Use Permit
WE Energies
9000 S. Nicholson Road
Tax Key No. 862-9991**

Mr. Wagner provided an overview of the proposal.

Linda Sodemann, WE Energies, stated that they will be using this as a lay-down area for utility poles as it is a centralized location for their work.

Mark Verhalen, 1200 E. Ryan Road, stated his concern that this area has to be cleaned up before they can store their poles at this location. Mr. Verhalen stated he was representing the neighborhood, and that they would like to see a sunset date for how long they are going to be there. He also stated his concerns about hours of operation, the number of vehicles going in and out of the area, and the house opposite one of the driveways. Ms. Sodemann stated this temporary use is only until November, 2015. She also stated that using the gate to the north is not a problem. Ms. Sodemann stated there would be about 12 trucks coming in and out, and they would be heading south on Nicholson Road. Ms. Sodemann stated the hours of operation will be between 6:30 / 7:15 a.m. and 4:00 p.m., Monday through Friday.

Commissioner Johnston asked if there will be any internal fencing to mark off the area. Ms. Sodemann responded no.

Commissioner Siepert asked what happens to the property after they are done using it. Ms. Sodemann responded that they are leasing the property from the bank, and could be asked to leave at any time the property is sold.

Commissioner Siepert moved that the Plan Commission approves the temporary use permit for the outdoor storage of equipment and materials in the specified locations as illustrated on the site plan until December 31, 2015. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**Zoning Text Amendment
Section 17.0403(e) Zoning Ordinance Parking Setback
M-1 Manufacturing District**

Ms. Papelbon provided an overview of the proposal.

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the M-1, Manufacturing parking setback to street rights-of-way section of the Zoning Ordinance, Section 17.0403(3), be amended as proposed following a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Commissioner Carillo moved to adjourn. Commissioner Correll seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:00 p.m.