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## PLAN COMMISSION MEETING AGENDA

**TUESDAY, June 23, 2015  
AT 6:00 PM**

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- 1) ROLL CALL
  - 2) Minutes of the June 9, 2015 meeting
  - 3) Significant Common Council Actions
  - 4) NEW BUSINESS
    - a) MINOR LAND DIVISION – Review a certified survey map submitted by Rick Barrett, Barrett Visionary Development, amending the boundaries of Lots 1 and 3 at 8001 S. 6th St. (Tax Key No. 813-9061-000). Follow this item on Twitter [@OakCreekPC#OCPCBarrett](https://twitter.com/OakCreekPC#OCPCBarrett).
  - 5) ADJOURN

### PLEASE NOTE

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MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, JUNE 9, 2015

Mayor Scaffidi called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Alderman Guzikowski, Commissioner Correll, Commissioner Siepert and Commissioner Chandler. Alderman Bukiewicz was excused. Also present: Kari Papelbon, Planner; Zoning Administrator/Planner Pete Wagner; Doug Seymour, Director of Community Development; Melissa Karls, Asst. City Attorney; Asst. Fire Chief Mike Kressuk;

Commissioner Dickmann moved to approve the May 26, 2015 meeting minutes. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**Public Hearing - Sign Appeal**  
**Water Street Brewery**  
**140 W. Town Square Way**  
**Tax Key No. 813-9043**

Zoning Administrator/Planner Pete Wagner read the hearing notice and opened the hearing.

Mayor Scaffidi called three times for public comment. Seeing none, the public hearing was closed.

Ms. Papelbon noted that the variance is required for the north side of the building because it is signage on the side of the restaurant that is not an entrance.

Paul Radermacher, Sign Me Up of Wisconsin, stated that the four raceway letter sets were approved, but the building owners put three Water Street Brewery logos on the water silo and it was only spec'd for two. Ms. Papelbon stated that the original plans showed one logo on the tank, and the Water Street Brewery raceway sign that is on the north elevation was the one that was discovered was not allowed by the PUD because it is not an entry façade.

Commissioner Dickmann asked if there are existing signs on the building that are on the same side as the water tank. Ms. Papelbon responded that the three logos on the tank will be seen from the north, east and west. Ms. Papelbon stated that the north elevation is the only issue before the Plan Commission this evening because all the signs on the other sides of the building have been approved.

Commissioner Correll asked much total square footage of signage there will be on the building. Mr. Wagner responded that on the north elevation, there is a total of 77.9 square feet.

Alderman Guzikowski asked if a precedent was being set if this variance were to be granted. Mr. Wagner explained that this is a 4-sided architecture building; therefore, there is something unique about these types of structures. Mr. Seymour added that developers in Drexel Town Square have been asked to provide 4-sided architecture. Mr. Seymour stated that a certain amount of signage is part of the architecture of the building, and is not there for the sole purpose of advertising. Mr. Seymour stated that the tank signage is an example of the architectural use of signage. Mayor Scaffidi stated that there should be leeway in the signage based on where this building is, and design and construction of this building being in keeping with the industrial look of the corner (previously Delphi.) The signage adds to the appeal and look of the building.

Commissioner Siepert asked about the monument sign on the south side. Commissioner Johnston responded that there will be no monument sign as there is a bio-swale on the south side of the building.

Commissioner Chandler asked if red neon signs have been discouraged in the past. Mr. Seymour responded that the color red only becomes an issue on electronic reader signs.

Commissioner Chandler asked what other variances have been issued so far in this development. Ms. Papelbon responded that this is the first request.

Commissioner Dickmann moved that the Plan Commission approve the variance allowing three, 30.2 square-foot logo signs on the north, east, and west elevations of the water tower located atop the building and one, 44.7 square-foot wall sign on the north elevation of the building, located at 140 W. Town Square Way. Alderman Guzikowski seconded. On roll call: all voted aye, except Commissioner Chandler, who voted nay. Motion carried.

### **Public Hearing – Sign Appeal**

#### **Chick-fil-A**

**150 W. Town Square Way**

**Tax Key No. 813-9047**

Zoning Administrator/Planner Pete Wagner read the hearing notice and opened the hearing.

Mayor Scaffidi called three times for public comment. Seeing none, the public hearing was closed.

Ben Holliday, Clayton Signs, 5198 N. Lake Dr., Lake City, GA 30260, stated that Chick-fil-A is very dependent on signage for their livelihood and the success of the business, especially when the back of the building has a street to it. With signs only on two sides of the building, especially when the back has a street to it, it puts Chick-fil-A at a severe disadvantage from being able to be seen from all vantage points.

Alderman Guzikowski stated that at the last meeting it was discussed that this would be a good recommendation because this would make the south elevation not look like the back of a building.

Commissioner Carrillo asked if this building has a monument sign. Mr. Wagner responded that it does have one along Drexel Avenue. During the site plan review, there was one proposed on the south side; however, the proposed location was in the bioswale easement, so it cannot be located there. In lieu of that, they want a wall sign on the south side to get that visibility from the interior side of the development. Commissioner Johnston stated that the monument sign in the bioswale is not being approved by Engineering, so they will not have another sign on the south side of the property.

Commissioner Correll asked if the west elevation signage could potentially be blocked. Commissioner Johnston stated that Meijer has a 100-foot vision corridor, so the buildings are not going to be tight up against there. There will still be vision access to the west side.

Commissioner Correll moved that Plan Commission approves the additional walls signs on the south and west elevations for the 150 W. Town Square way Chick-fil-A. Alderman Guzikowski seconded. On roll call: All voted aye, except Commissioner Chandler, who voted nay. Motion carried.

### **Preliminary Plat**

#### **Willowstone Subdivision**

**Portions of 3110, 3260 & 3300 E. Elm Road**

**Tax Key Nos. 959-9991, 960-9994, 960-9993-001**

Asst. City Attorney Melissa Karls was present to summarize her legal opinion, provide background of procedural history and the law, and why this plat is on the agenda again.

Atty. Karls explained that this item was on the May 26, 2015 Plan Commission agenda for review of a preliminary plat. Based on reviewing the extensive comments through the minutes, a number of citizens spoke regarding this proposal. Considerable discussion took place among the members of the Commission, and ultimately a motion for approval of the preliminary plat was made, seconded, and there was a tie vote. The reason the City Attorney's office in reviewing this is to determine the effect of the tie vote.

Atty. Karls explained that on a tie vote, the motion to approve was lost or failed. The question then became: "Is a motion to approve a preliminary plat that failed a denial of the application?" Atty. Karls cited a League of Wisconsin Municipalities ("the League") opinion that says no. The language from the

League is that “the ultimate effect of the vote is that the Commission is unable to recommend to the Village Board that the petition was either granted or denied because the result of the tie vote is that the Commission has in effect taken no position on the matter before it.” Atty. Karls stated that there was no position taken on this limited issue.

Atty. Karls then stated that the next question, procedurally, is whether a motion to approve that has failed can be renewed at the next meeting. According to the League of Wisconsin Municipalities legal opinion, yes it can. That is why this application is back on the Plan Commission agenda. In general, a motion may not be made a second time in essentially the same form during the same session except through a motion to reconsider or a motion to rescind. However, a motion may be renewed by any member at any subsequent session.

Atty. Karls stated that as it relates to this approval of a preliminary plat, the law is very limited. In terms of Wisconsin Statutes and by adoption in the Municipal Code, the legal standards are set forth essentially to say that unless there is some reason that this plat is not in compliance with statute, local ordinance, the comprehensive plan or some other law, the Plan Commission must approve the preliminary plat. As it relates to a preliminary plat or a final plat, the Plan Commission's role is very limited. It is approved or denied. If it is a denial, there needs to be specific reasons with specific citations to where this plat does not comply with law.

Atty. Karls stated that there is a Court of Appeals case that says: “We hold that local units of government have no discretion to reject proposed plats under Section 236.13 of the Wisconsin Statutes unless the plat conflicts with an existing statutory requirement of Chapter 236 or with an existing written ordinance, master plan, official map, or rule as provided by Section 236.13 1 A through E of the statutes.” The Plan Commission needs to take action, and the motion can be renewed by any member of the Plan Commission. From a legal perspective, Atty. Karls reiterated that fact that this is a ministerial act. From reviewing the staff report, Atty. Karls stated that the preliminary plat does comply with state and local law. Based on that, what the Plan Commission has before it would need to be an approval unless there are specific articulated reasons based on law for the denial.

Commissioner Correll asked who made the original motion. Mayor Scaffidi responded Alderman Bukiewicz. Commissioner Correll asked if the original motion had to be renewed by the person who made the original motion. Atty. Karls stated that anyone can make the motion.

Mayor Scaffidi asked for a brief description of what the applicant is looking for. Joe Bukovich, 13400 Bishop's Lane, Brookfield, stated that he is requesting approval of the preliminary plat with a temporary cul-de-sac.

Commissioner Dickmann stated that some of his concerns from the last meeting were not statutory in nature. Commissioner Dickmann feels that there is no way that all the laws could be written to cover every situation that occurs in the City. He stated that puts the City in an odd position. The proposed preliminary plat does flow with the comprehensive plan; however, the reasons he voted no are not legal reasons. If it is not written down by law, the Plan Commission has no choice but to vote for it. Atty. Karls concurred and said she recognizes that there have been a lot of extensive comments at the last meeting from interested citizens. However, the Plan Commission can only be guided by what the law is in this limited situation. Atty. Karls stated that in reading through the minutes, there are concerns expressed, but the reason for denial must be based on non-compliance of law.

Alderman Guzikowski asked if this (road in the preliminary plat) would be a cul-de-sac. Mr. Bukovich responded that it will be a temporary cul-de-sac until the lands to the east develop, and then it will be gated off. Mr. Seymour cautioned the Commission that there is nothing in their discretion with the approval of a preliminary plat which allows them to stipulate that a gate be present.

Commissioner Chandler asked for further explanation of what documents had to be adhered to in order for a plat to be in compliance. Atty. Karls responded that any statutory provision, any Wisconsin statute, any local ordinance, or anything as it relates to preliminary plats and final plats. Chapter 236 of the Wisconsin Statutes generally references plat. In the City's Municipal Code, Chapter 14 addresses plats, and Chapter 17 addresses the comprehensive plan, and as far as the installation of public improvements,

those are the general references in terms of the law. Commissioner Chandler asked what “installation of public improvements” means, and if the Commissioners are under the impression that the plat is not a public improvement, can they vote against it. Mr. Seymour responded that “public improvements” refers to streets and other public infrastructure for subdivision plats or land divisions.

Commissioner Chandler stated that what she heard from the neighbors at the last meeting was that this is not an improvement for their area. Mr. Seymour clarified that “improvement” is not a subjective term meaning something is better. “Improvement” means a physical feature such as a street, sidewalk, water main, or sewer main. It is not making value judgments as to whether or not it is better or worse for any particular situation. It is specifically referring to a physical improvement. Commissioner Johnston stated that it is the public infrastructure they are referring to, such as the sewer and water that is going in.

Commissioner Correll asked if there was more leeway during the rezoning process which took place last November. Mr. Seymour clarified that the Plan Commission’s obligation under state statute is to make zoning decisions which are consistent with the Comprehensive Plan. To deny the rezoning at that time and go against the Comprehensive Plan would have had its own legal challenges. Atty. Karls stated that there is more discretion in the rezoning process; however, that is done and approval of the preliminary plat is a ministerial act.

Doug Krimmer, 3170 E. Lindy Lane, asked why public comment is solicited if anything they say will not be considered. Mayor Scaffidi responded that he does not have to allow public comments, but he is doing it in this case. Mr. Krimmer stated he does not understand where the public stands in the process.

Mr. Krimmer stated that when this item did go for rezoning in November of 2014, the residents were told that these types of issues would be resolved at the preliminary plat. Their neighborhood has tried to act in good faith. They have never said they do not want this property to be developed for residential. They only asked if they would have a voice to try and impact the area. There can be many solutions that are still within the law. These are the times when there should be conversation and compromising and giving positions so that they can work things together.

Mr. Krimmer stated that the Comprehensive Plan talks about having parks and neighborhoods and connecting to schools. This plat does not have that. He stated that he feels the plat does not really technically adhere to the Comprehensive Plan. There are some things that do not technically meet the law with this plan.

Mayor Scaffidi stated that the process does not stop tonight. There are things that the City is required to do per state statutes or local codes or ordinances. Comments at public meetings do not end conversations with residents and public officials or members of commissions and committees. Public officials and staff are accessible. This is not the only forum where this has to happen. Mayor Scaffidi stated that the City will be sensitive to the needs of the neighborhood. Public officials and staff have to listen to the residents, but they also have to do what the State tells the City they have to do.

Commissioner Siefert stated that people would be more for this preliminary plat if there was access from/to Elm Road. Since a road has to be constructed to get in there with the heavy equipment to develop that, why not develop a road and make it access off of Elm Road? That would take off some of the pressure going into the subdivision, and would help satisfy the people in Oakwood Lake Estates.

Commissioner Correll moved that Plan Commission approves the Preliminary Plat for the Willowstone subdivision submitted by Timothy Wallen, Oak Creek Land Investment, LLC, for portions of the properties at 3110, 3260, & 3300 E Elm Rd. with the condition that all staff and Utility comments are incorporated as required. Commissioner Johnston seconded. On roll call: Commissioner Dickmann, Commissioner Johnston, Mayor Scaffidi, Alderman Guzikowski, Commissioner Correll, Commissioner Siefert voted aye. Commissioner Chandler voted no. Commissioner Carrillo was recused and therefore abstained. Motion carried.

**Conditions and Restrictions**  
**Airoldi Brothers, LLC**  
**7350 S. 10<sup>th</sup> St.**

## **Tax Key No. 764-9054-000**

Planner Kari Papelbon highlighted specific sections of the proposed Conditions and Restrictions.

Commissioner Siefert asked how the City verifies the 14-day parking restriction in the Conditions and Restrictions. Mr. Seymour responded that if a violation is observed, staff documents when they first saw the vehicle and keeps a visual inspection on the property. The Code Enforcement Officer/Zoning Administrator Pete Wagner would start the clock at the time of observation.

Commissioner Correll inquired about the applicant's request to leave the parking area gravel as requested at the last Plan Commission meeting. Ms. Papelbon stated that the Conditions and Restrictions are strictly from the Code. The applicant is requesting to use other materials (gravel) instead of asphalt or concrete. The vote to approve the Conditions and Restrictions could allow gravel parking. Ms. Papelbon stated, however, that the staff's recommendation was to have the parking area paved as required by Code.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit allowing automobile and truck engine and body repair and storage of vehicles and equipment on a portion of the property located at 7350 S. 10th St. after a public hearing. Alderman Guzikowski seconded. All voted aye, except Commissioner Correll, who voted nay. Motion carried.

## **Plan Review Midwest Twisters 600 E. Rawson Ave. Tax Key No. 733-9009**

Ms. Papelbon provided an overview of the proposal, and stated that there are currently storage containers in the proposed location of the addition. Those must be removed as there is no outside storage of materials or equipment allowed on the parcel. Ms. Papelbon stated that the applicant has been made aware of this.

Ms. Papelbon stated that there is an existing metal panel on the north elevation. They are proposing to keep that material on the north elevation with the addition. The metal wall panels are not going to be seen from the road.

Commissioner Chandler asked for the reason for the addition. Rick Nelson, owner of Midwest Twisters, responded that they need more space.

Commissioner Chandler asked how this affects fire codes. Asst. Chief Kressuk responded that they will work with the applicant to ensure that the fire codes are met, and discuss access and hydrant placement.

Commissioner Johnston stated that they will not be able to further expand the building to the north in the future because of setbacks, so he wanted to know why the metal panel is in place. Mr. Nelson responded that it was due to cost.

Commissioner Siefert moved that the Plan Commission approves the site and building plans submitted by Midwest Twisters for the property at 600 E. Rawson Ave. with the following conditions:

1. That all building and fire codes are met.
2. There shall be no outdoor storage of materials or equipment.
3. That all mechanical equipment is screened from view.
4. That revised landscaping plans are submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
5. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of permits.

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

**Plan Review**  
**PPG Industries**  
**10800 S. 13<sup>th</sup> St.**  
**Tax Key No. 975-9999-002**

Ms. Papelbon provided an overview of the proposal.

Alderman Guzikowski moved that the Plan Commission approves the site and building plans submitted by PPG for the property at 10800 S. 13<sup>th</sup> St. with the following conditions:

1. That all building and fire codes are met.
2. That final lighting plans are submitted for final approval to the Electrical Inspector prior to the issuance of building permits.

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

**Plan Review**  
**Go Riteway**  
**7433 S. 10<sup>th</sup> St., 7480, 7460 S. 13<sup>th</sup> St.**  
**Tax Key Nos. 764-9052, 764-9012-001, 764-9007**

Ms. Papelbon provided an overview of the proposal and noted that the parking line is right up to the property line. The current Conditional Use Permit requires a 22-foot side setback for parking, so there are two options. They can either revise the plans so that the requirement is met, or they can request an amendment to the Conditional Use Permit. Ms. Papelbon stated they indicated they would be pursuing a change to the Conditional Use Permit.

Commissioner Chandler asked what additional landscaping information would be needed. Ms. Papelbon stated that the landscaping that they proposed does not address the entirety of the property. Landscaping should be coordinated with the Master Plan approved as part of the Conditional Use Permit. It should be enhanced so that whenever this plan moves forward with expansion to the north, that landscape buffer can continue rather than having something that looks piecemeal or may not be adequate. Mr. Seymour stated that a good deal of the landscaping being proposed falls within the areas that will be developed in the future. Staff felt that that investment would be better utilized toward something which will provide an ultimate landscape solution along 13<sup>th</sup> Street that allows that landscaping to grow in and mature before the remainder of the property is developed.

Tim Knepprath, MSI General, Oconomowoc, WI, distributed a color rendering of what the entrance would look like. Mr. Knepprath stated he will keep as much of the vegetation around the pond as possible. The proposed berm is set up so it can be expanded to go taller and longer as you go down 13<sup>th</sup> St. Right now they are screening the portions of the 13<sup>th</sup> Street property that they are developing.

Commissioner Siepert asked if they have received approval from Milwaukee County for driveways on 13<sup>th</sup> Street. Mr. Knepprath responded that they have verbally discussed it with Milwaukee County. They just finished the traffic analysis study as required by Milwaukee County. They will not pull a permit until they have that information, which they should have within the next week or so.

Commissioner Chandler asked about the issue of distance from the property line with parking. Ms. Papelbon responded that right now the plan shows the parking right up to the property line. The Conditional Use Permit requires a 22-foot setback. The applicant will be pursuing an amendment to the existing Conditional Use Permit to address that. Mr. Knepprath responded that after moving the buses around on site, they found that that section is not required for Phase 1, so they would like to proceed without that non-compliant asphalt and then come back for the Conditional Use (amendment) when they go to Phase 2 of the project. They will be revising their plans and engineering to omit the asphalt along the south lot line. Ms. Papelbon asked that the landscaping plans include the height of the trees at planting versus at maturity.

Commissioner Chandler asked about the opacity of the fence. Ms. Papelbon stated that according to the Code, the Plan Commission has the authority to determine opacity of security fences. Mr. Knepprath stated that right now they have a 7-foot-tall chain link fence with tan slats. They plan on doing the same for the new fence. The only area in question is the gate that goes across the entrance. It is 30 feet and when slats are put in there, it becomes a sail, so they would like the flexibility with the gate. When there are no slats in it, the wind goes directly through the chain link. When slats are added, it turns into a solid surface.

Commissioner Johnston suggested a wooden 7-foot privacy fence and open chain link for a gate. Mr. Knepprath stated he would like to stay with what they are proposing. If he has to put slats in the gate fencing, he will. Commissioner Johnston stated that they make gates that function as security gates that are solid, but they cost more money.

Ms. Papelbon asked if they are proposing landscaping higher than the 7-foot-tall security fence. Mr. Knepprath responded that the trees will be taller than 7 feet. The berm itself is 5 feet tall. Mr. Knepprath stated that the drive lane is so long that he does not think they will be visible from 13<sup>th</sup> Street.

Mayor Scaffidi emphasized that the portion of the fence along 13<sup>th</sup> Street really has to be maintained because there is no screen from 13<sup>th</sup> Street.

Commissioner Dickmann moved that the Plan Commission approves the site and landscaping plans submitted by RJ Bast, Go Riteway, for the properties at 7433 S. 10<sup>th</sup> St., 7480 & 7460 S. 13<sup>th</sup> St. with the following conditions:

1. That the plans are revised to meet minimum setback requirements per the Conditional Use Permit OR that an amendment to the Conditional Use Permit is requested.
2. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of permits.
3. That revised landscaping plans are submitted for review and approval by the Director of Community Development prior to the issuance of building permits or the commencement of construction.
4. That the applicant demonstrate approval from Milwaukee County on the driveway access to S. 13<sup>th</sup> Street (CTH V) prior to the commencement of construction.

Ms. Papelbon suggested that a condition be added to say that the privacy slats be added to all new portions of the proposed fence, including the gate.

Commissioner Dickmann added this as condition #5.

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

#### **Plan Review**

#### **Drexel Town Square**

**171, 320 and 361 W. Town Square Way**

**7980 S. Market Street**

**7978 – 7979 S. Main Street**

**7901 – 8142 S. 6<sup>th</sup> Street**

**400 W. Forest Hill Ave.**

**Multiple tax key numbers**

Mr. Seymour stated that in February 2014, the Plan Commission approved the signage and lighting plans for Drexel Town Square. As part of the development of infrastructure of the latter phases of the development, it was discovered that the bids for the streetscape work have been coming in considerably higher than anticipated. They tried to engineer the streetscape plan and the improvements such that we maintain the impact and aesthetic, and save money and stay in line with the budget, which is an important consideration. This is not something that the Plan Commission delves deeply into or should be concerned about, but as a point of background, we are sensitive with all of our public improvements to the cost to the taxpayer or TIF district in this case. They are looking for ways to minimize costs for the



streetscape improvements, but at the same time meet the intent and aesthetic of what the Plan Commission had originally approved in February, 2014.

Mr. Seymour stated that one of the ways the cost savings were identified is through the use of street lights. The street lighting plan called for the use of two distinctly different street lights. One was the Gardco Pureform (25 feet tall), and was primarily designed for parking lot lighting or public street lighting. This lighting was originally planned for S. Delco Drive and West Town Square Way from S. Delco Drive to Howell Ave. The Cyclone light was more pedestrian scale (14 feet tall) that was to be used predominately through the pedestrian-oriented areas of Drexel Town Square. When the streetscape plan was originally developed, we thought that the costs would be acceptable and appropriate. Given the fact that the costs at this point are out of alignment with the budget for the streetscape portion, there were opportunities sought to reduce that cost. One of the ideas was to curtail the use of the pedestrian scale lighting in favor of the Gardco lighting. The proposal that was presented was to reduce the use of pedestrian lights only to that short section along Main St. and the northern part of West Town Square Way (north of the Town Square), and Staff was not comfortable with that because it compromised the aesthetic that we were trying to achieve and the walkability of the area surrounding Town Square. Staff has been working with Engineering to see what options may be available to value engineer this so that we can stay aligned with the budget, but preserve the very important pedestrian aesthetic of Drexel Town Square.

Mr. Seymour stated that at this time it is Planning staff's recommendation to seek the use of more pedestrian-oriented lighting on both sides of Main St. as well all sides of the Town Square. This would still curtail the use of that fixture quite a bit toward the south of Clock Tower Place and the library, as well as east of the Square itself. It allows the City to save costs where appropriate, but it does not compromise the aesthetic we are trying to achieve at Drexel Town Square.

Mayor Scaffidi asked about the transition areas where the two types of lighting meet. Mr. Seymour stated that 6<sup>th</sup> Street is more of a collector street within the development. Mayor Scaffidi stated that the light transitioning does distinguish the pedestrian (Town Square) area. Mayor Scaffidi added that there are budget realities that the City has to face so these decisions have to be made. Commissioner Correll stated that they agreed on a vision of what that was going to look like and now they are scaling that back. He wanted to know where the budget considerations are coming from. Mr. Seymour stated that there was a budget proposed for those infrastructure improvements in totality with all the other improvements at Drexel Town Square: the wetlands park, streets, water, sewer, sanitary and landscaping. Street lighting is one part of that entire package. Unfortunately, this is at the end of the bidding cycle, and there won't be an opportunity to make up for those deficiencies. Mr. Seymour stated that the City Administrator and Finance Director have been working diligently to make the numbers work.

Jerry Franke, WisPark, 301 W. Wisconsin Avenue, Milwaukee, stated that the first two plus years, the budgets came in very well. However, inflation has hit the construction industry. This is an opportunity for hundreds of thousands of dollars of lighting that can be saved. It affects two things; how soon the TIF District is paid back; and secondly, if they go through a budget, they have to go through an approval process to exceed that budget. It doesn't affect the developer - it affects the TIF district's viability.

Alderman Guzikowski stated he would not be in favor at all of reducing the original look. Commissioner Correll stated that \$300,000 is a lot of money, but they are being asked to look at one piece of the entire project at the end. Mr. Franke stated that this is a community decision. The developer will live with whatever the City wants. Mr. Seymour stated that there were other decisions made to achieve cost savings along the way, such as reduction of colored concrete with the logo inserted. This is not the only design change resulting in a cost savings that the City has contemplated. Mayor Scaffidi stated that things are being redesigned and re-engineered to be less expensive, but still look very good. Mr. Franke added that some items will be phased-in rather than constructed immediately.

Commissioner Johnston stated that one of the concerns Engineering has had with this design is that with the shorter pole, there won't be light throw covering the road, so the spacing for the lights gets very condensed. There are 206 lights total in the original design that will have to be powered and maintained forever on this development. What they are looking at doing is reducing this in the first alternate by half by cutting out 100 lights by going to the taller pole.

Commissioner Carrillo inquired about the aesthetics that can be created with the flags being on all of the light poles throughout our area. She assumes that the taller poles would not be able to have a flag. Mr. Seymour stated that there will be banners on some of the larger light poles on Howell Avenue. It is a much different aesthetic when you have a banner at 20 feet versus a much more appropriately-scaled banner on a 14-foot pole. Commissioner Carrillo stated that the Cyclone poles with banners to define our area would make it much more dramatic to look at. There will be more of them in a row and it will define the way we see other streets, whether we are in more retail areas or Main St. There will still be the look and feel of where Meijer is and that they are still part of this. She stated that street poles are probably the only way that we are going to be able to do that. Commissioner Carrillo stated that there will be more Cyclone lighting fixtures and there can be double-sided flags on the poles. It will definite like a dotted line where our area is. The Meijer and Chick-fil-A areas will still be part of the town center because they will have those flags and those same street lights that will define the whole area. Mayor Scaffidi concurred that those definitions are important.

Commissioner Carrillo stated she would like to see the lights around the entire area. Mr. Franke stated that they never were identified on W. Town Square Way. Commissioner Johnston stated that Delco Dr. and Town Square Way originally had the Gardco lights. The thinking was to leave Main St. intact because that is kind of a special area as well. If we do the Square, that leaves that area intact as the pedestrian area. It also impacts the potential for the residents that are along there. The tall poles can be used for the rest of it.

Mr. Franke stated that S. 6<sup>th</sup> Street is really going to be high traffic. Mr. Franke stated that he can see defining the City Hall property, Town Square, and Main St., and perhaps eliminating it on the other two streets. It kind of creates this envelope.

Mr. Seymour stated that the lights for the City Hall parking lot are the Cyclone fixtures in anticipation that we wanted them to match the fixtures and poles on the adjacent streets. A possible alternative is to keep the Cyclone fixtures on Main St., Town Square Way, and looping around the City Hall/Library, which is also adjacent to all of the phases of the Barrett residential development (Emerald Row). A cost savings would include eliminating them on the northern portion of 6<sup>th</sup> Street before it enters the Town Square and the portion below Market Street, eliminating them on the northern portion of Town Square Way as it enters the Town Square.

Alderman Guzikowski asked if the Cyclone lights are available in a taller fixture. Commissioner Johnston responded that there are two different sections; the Gardco is on a 25-foot pole and the Cyclone light is on a 14-foot pole. That 14-foot pole was decided on to keep it shorter for a more pedestrian feel. There is a 17-foot Cyclone pole. You can spread the spacing out a little bit with that light, but you can't put it on top of a 25-foot pole and still achieve the same lighting standards. Alderman Guzikowski likes the aesthetics of it. If going to a taller pole might help lessen the number, that may be a possibility because that just screams what we have been trying to promote the whole time which is that urban concept when you're walking down the street. Commissioner Johnston stated that they are very limited because they have to position the lights so that they are falling on a stall line. You don't want them in the middle and somebody opening up another car door and running into it. So you have them on the end of the parking and on a stall line. With all the parking on the street, it is very tight and limited on where they are going to place the street light poles.

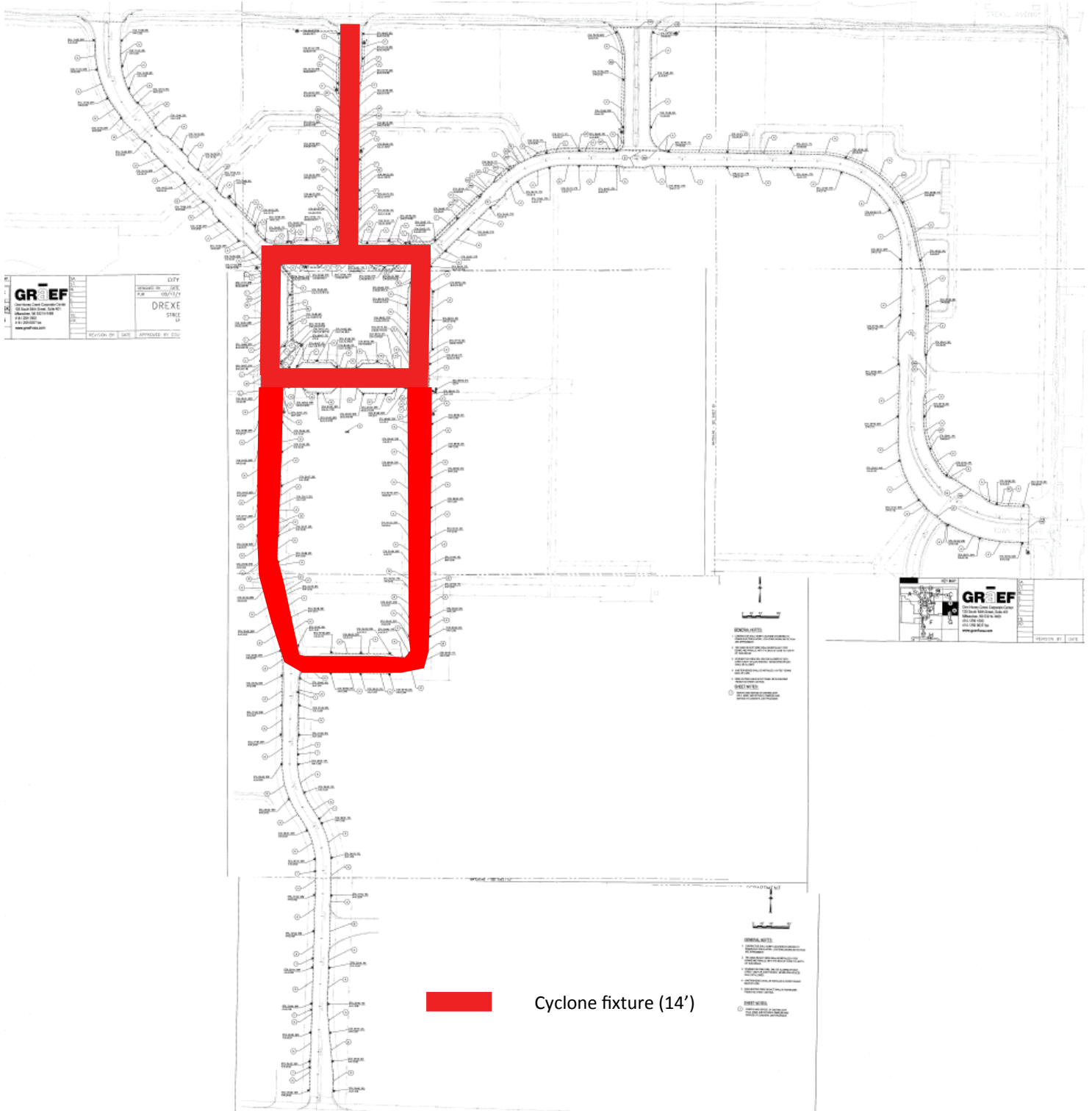
Mayor Scaffidi suggested that the Cyclone lights be used around the City Hall complex square and Main St., and eliminating northwest 6<sup>th</sup> St. and Town Square Way northeast of the Town Square, and 6<sup>th</sup> Street south of Town Square Way. Mr. Seymour responded that this won't get them into budget on this, but it is a good start.

Mr. Franke stated that 6<sup>th</sup> St. off of Drexel to the Town Square will be a very heavy traffic entrance into the medical complex, including the emergency room. You are going to want good lighting there. If you put the lower lighting level at Town Square, it will have a calming effect and will slow people down because it is not as bright. That goes right by the Barrett apartments, City Hall/Library, and Town Square. You get a lighting effect of slowing you down a little bit. To the south there is industrial and wetlands where people won't be walking on the street as much.

Commissioner Johnston moved that the Plan Commission approve revisions to the plans for street lighting and town square improvements within Drexel Town Square such that the Cyclone fixture and 14-foot pole will be on Main St., around the Town Square, and around the City Hall and Library along 6<sup>th</sup> St., Market St., and Clock Tower Way (see attached schematic). Commissioner Siepert seconded. On roll call: all voted aye, except Commissioner Carrillo and Commissioner Chandler, who voted nay. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Alderman Guzikowski seconded. On roll call: all voted aye. The meeting was adjourned at 8:03 p.m.

Proposed Alternate  
(Recommended by Plan Commission at the 6-9-15 meeting)



 Cyclone fixture (14')

## Summary of Significant Common Council Actions

1. **Approved:** Resolution No. 11623-061615, approving the Second Amendment to the Tax Incremental District No. 11 Finance Development Agreement (Oak Creek Hotel Group, LLC) (2<sup>nd</sup> District).



Kari Papelbon, CFM, AICP  
Planner



# Plan Commission Report

ITEM: 4a

DATE: June 23, 2015

**PROJECT:** Minor Land Division – Rick Barrett, Barrett Visionary Development

**ADDRESS:** 8001 S. 6<sup>th</sup> St.

**TAX KEY NO:** 813-9061-000

**STAFF RECOMMENDATION:** That the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Rick Barrett, Barrett Visionary Development, for the property at 8001 S. 6<sup>th</sup> St. be approved with the following conditions:

1. That all easements are included on the map prior to recording.
2. That all technical corrections are made prior to recording.

**Ownership:** Barrett Visionary Development & Emerald Row, LLC, 260 E. Highland Ave., Ste. 401, Milwaukee, WI 53202

**Size:** Lot 1 = 8.5763 acres; Lot 3 = 4.9711 acres

**Existing Zoning:** DTSMUPDD, Drexel Town Square Mixed Use Planned Development District

**Adjacent Zoning:** North – DTSMUPDD, Drexel Town Square Mixed Use Planned Development District  
East – DTSMUPDD, Drexel Town Square Mixed Use Planned Development District  
South – DTSMUPDD, Drexel Town Square Mixed Use Planned Development District  
West – DTSMUPDD, Drexel Town Square Mixed Use Planned Development District

**Comprehensive Plan:** Mixed Use.

**Wetlands:** N/A.

**Floodplain:** N/A.

**Official Map:** N/A.

**Commentary:** Barrett Visionary Development is requesting approval of a Minor Land Division/Certified Survey Map that will amend the existing boundaries of Lot1 and Lot 3 at 8001 S. 6<sup>th</sup> St. No new lots will be created by this CSM. The adjustment provides frontage for Lot 3 along S. 6<sup>th</sup> Street. Adjustments to the easements in this area have been reviewed and approved by the Engineering Department and the Water and Sewer Utility.

Prepared by:

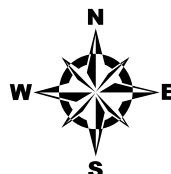
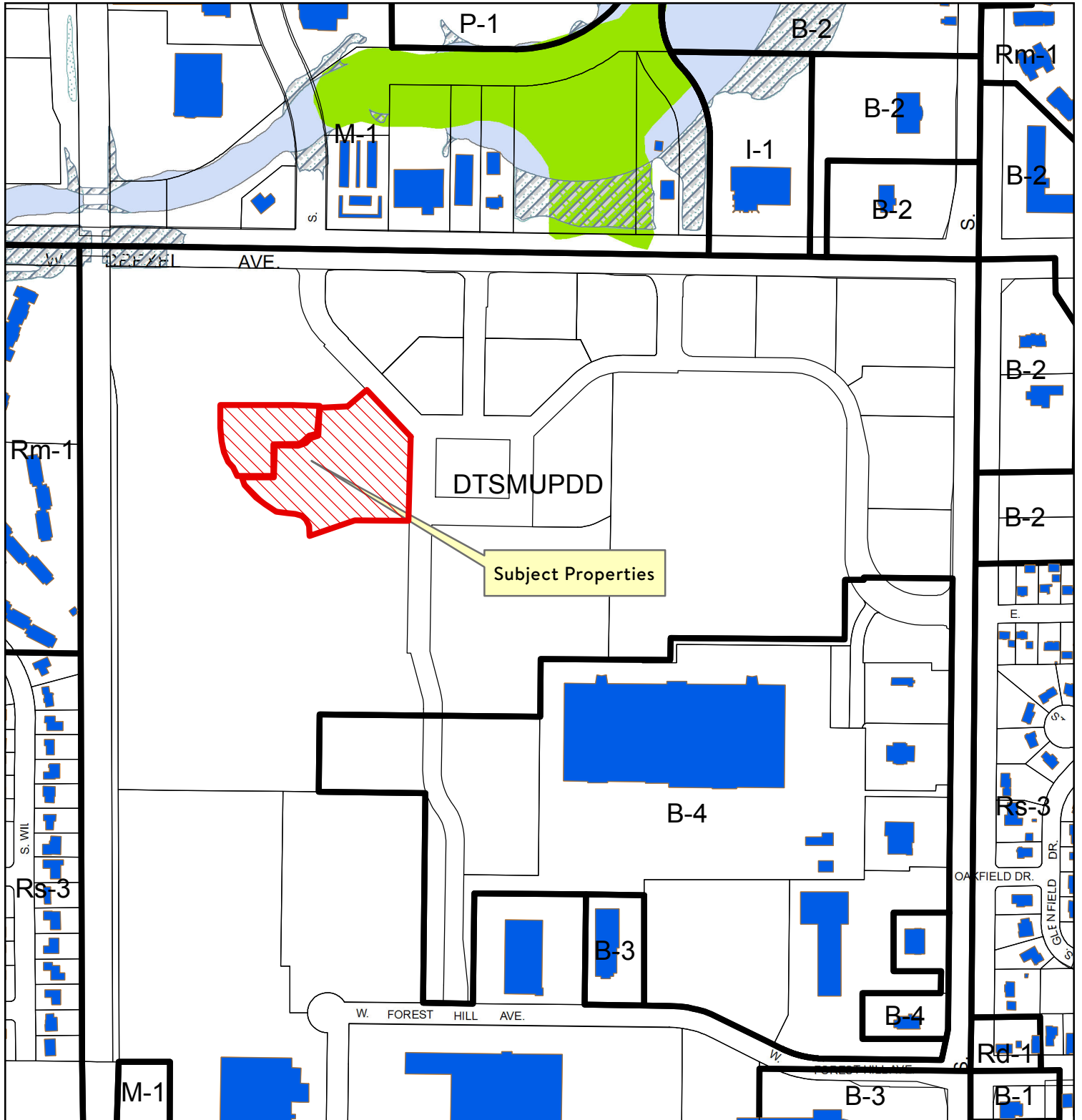
Kari Papelbon, CFM, AICP  
Planner

Respectfully Submitted by:

Douglas Seymour, AICP  
Director of Community Development

# Location Map

## 8001 S. 6th St.



This map is not a survey of the actual boundary of any property this map depicts.

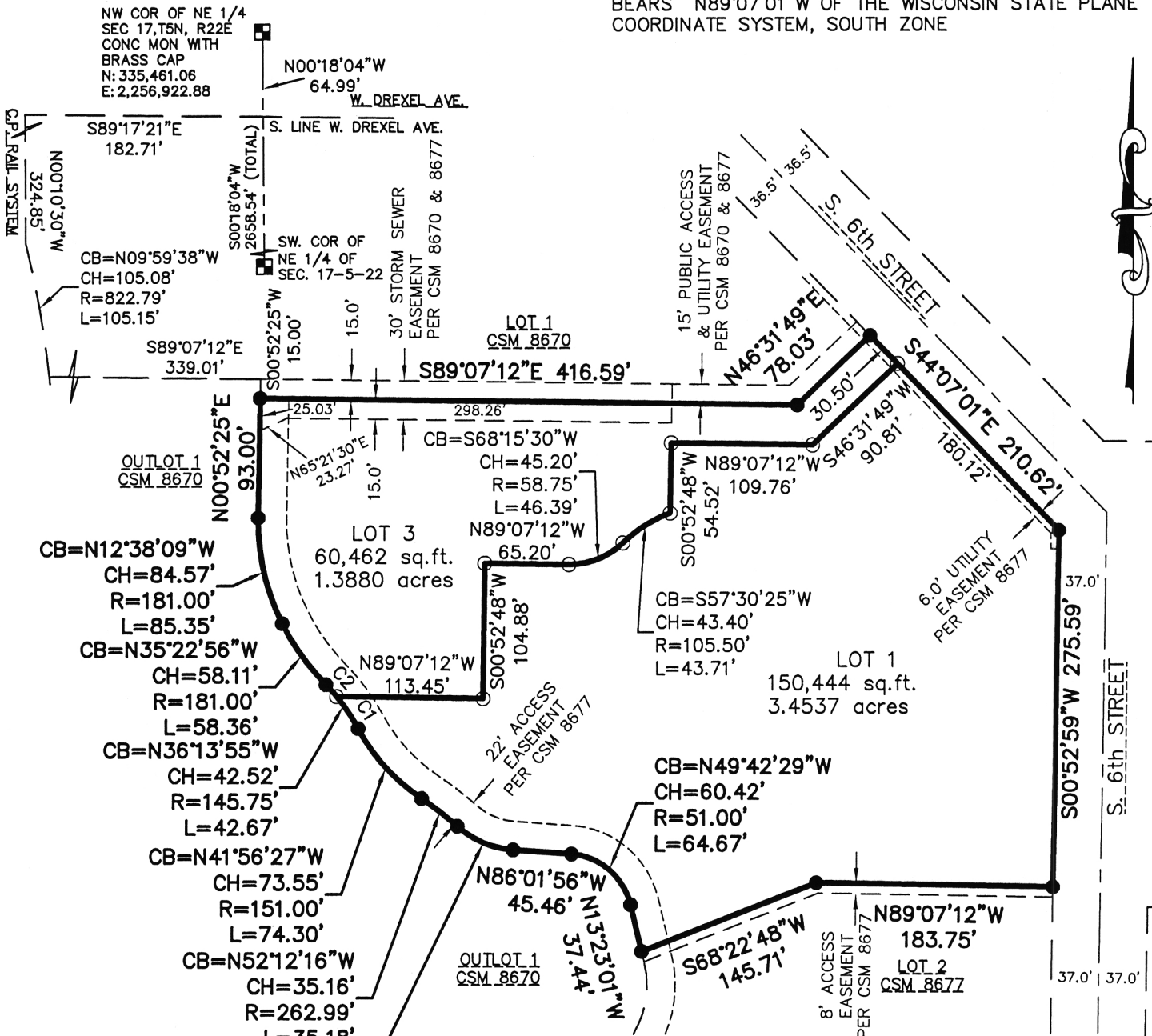
Legend	
	8001 S. 6th St.
	Floodfringe
	Floodway
	Flood Fringe (FF)
	Shoreland Wetland Conservancy (C-1)
	Lakefront Overlay District (LOD)
	Mixed Use Neighborhood Overlay (NO)
	Mixed Use Office Overlay (OO)
	Regional Retail Overlay District (RR)

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Lot 1 and Lot 3 of Certified Survey Map No. 8677, being a part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

- INDICATES 1" IRON PIPE (FOUND), UNLESS NOTED
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.  
 ALL BEARINGS ARE REFERENCED TO THE N. LINE OF THE NE 1/4 OF SECTION 17, T 5 N, R 22 E, WHICH BEARS N89°07'01"W OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE



Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord
C1	30.22	145.75	N33°47'08"W	30.17
C2	12.45	145.75	N42°10'22"W	12.44



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