



## PLAN COMMISSION MEETING AGENDA

**TUESDAY, November 24, 2015  
AT 6:00 PM**

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- 1) ROLL CALL
  - 2) Minutes of the November 10, 2015 meeting
  - 3) Significant Common Council Actions
  - 4) 6:00 PM PUBLIC HEARINGS
    - a) COMPREHENSIVE PLAN AMENDMENT - Hold a public hearing on a proposed amendment to the “2020 Vision – A Comprehensive Plan for the City of Oak Creek” that would update the Planned Land Use category and Map 2 in the Comprehensive Plan for the properties at 7951, 8067, 8210, 8245, 8310, and 8351 S. 20th Street; 7312 S. 27th Street; 1741R, 1830R, 1901, 2200, 2211, 2300, 2305, 2319, 2361 and 2500 W. Drexel Avenue; and 1965 W. Rawson Avenue. (Tax Key Nos. multiple). Follow this item on Twitter **@OakCreekPC#OCPCProjBadger**.
  - 5) NEW BUSINESS
    - a) COMPREHENSIVE PLAN AMENDMENT – Consider an amendment to the “2020 Vision – A Comprehensive Plan for the City of Oak Creek” that would update the Planned Land Use category and Map 2 in the Comprehensive Plan for the properties at 7951, 8067, 8210, 8245, 8310, and 8351 S. 20th Street; 7312 S. 27th Street; 1741R, 1830R, 1901, 2200, 2211, 2300, 2305, 2319, 2361 and 2500 W. Drexel Avenue; and 1965 W. Rawson Avenue. (Tax Key Nos. multiple). Follow this item on Twitter **@OakCreekPC#OCPCProjBadger**.
    - b) CONDITIONS AND RESTRICTIONS – Review Conditions and Restrictions for a licensed community living arrangement with a capacity of sixteen (16) or more persons and housing for the elderly/multiple-family dwellings in excess of four (4) dwelling units per structure submitted by Shawn McKibben, Oak Park Place, on the property at 1980 W. Rawson Ave. (Tax Key No. 736-8995-001). Follow this item on Twitter **@OakCreekPC#OCPCOakParkPlace**.
    - c) PLAN REVIEW – Review site, building, landscaping, and lighting plans submitted by Tony Mirenda, Grace Lutheran Church, for an addition to the existing building at 3381B E. Puetz Rd. (Tax Key No. 864-0062-000). Follow this item on Twitter **@OakCreekPC#OCPCGLC**.

- d) TEMPORARY USE PERMIT – Review a request submitted by Tim Frerichs, Michels Corporation, for a temporary concrete batch plant on the property located within the WisDOT right-of-way at I-94 and Rawson Ave. (exit ramp). Follow this agenda item on Twitter **@OakCreekPC#OCPCMichels**.
  
- e) PLAN REVIEW – Review site and building plans submitted by Tyler Edwards, Menard, Inc., for an addition to the existing building and an addition to the existing warehouse at 6800 S. 27<sup>th</sup> St. (Tax Key No. 737-9040-001). Follow this item on Twitter **@OakCreekPC#OCPCMenards**.

## 6) ADJOURN

### PLEASE NOTE

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 768-6511, by writing to the ADA Coordinator at the Health Department, City Hall, 8040 South 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154. There is the potential that a quorum of the Committee of the Whole will be present at this meeting. Copies of staff reports and other supporting documentation are available for review at Oak Creek City Hall, 8040 South 6<sup>th</sup> Street during operating hours. (7:30 am-4 pm weekdays).

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, NOVEMBER 10, 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 Bukiewicz, Alderman Guzikowski, Commissioner Correll, Commissioner Siefert and Commissioner Chandler. Also present: Doug Seymour, Director of Community Development; Kari Papelbon, Planner; and Assistant Fire Chief Mike Kressuk.

Commissioner Dickmann moved to approve the October 13, 2015 meeting minutes. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Commissioner Dickmann moved to approve the October 27, 2015 meeting minutes. Alderman Guzikowski seconded. On roll call: all voted aye, except for Commissioner Siefert, who abstained. Motion carried.

**Significant Common Council Actions:** Ms. Papelbon advised that the Common Council approved two Resolutions for Certified Survey Maps at 9005 S. 11<sup>th</sup> Avenue and 8380, 8400, and 8432 S. 27<sup>th</sup> Street.

**Public Hearing – Comprehensive Plan Amendment  
2020 Vision – A Comprehensive Plan for the City of Oak Creek  
Update the Planned Use category and Map 2 in the Comprehensive Plan from “Planned Industrial” to “Institutional” for the properties at 7502 and 7512 S. Howell Ave., and from “Planned Industrial” to “Planned Business” for the property at 7518 S. Howell Avenue.  
Tax Key Nos. 781-9032, 781-9031, 781-9993**

Ms. Papelbon explained that the hearing is for two requests. The first was for Kelvin Schroeder (also known as South Shore Group) for the property at 7518 S. Howell with a request for “Planned Industrial” to “Planned Business” in anticipation of purchase for a multi-tenant retail/restaurant building which would be owner occupied and would mostly cater to the bridal industry at this point.

Ms. Papelbon explained that existing zoning in the area is diverse and includes business districts, manufacturing, a combination planned unit development, residential, institutional and park. Staff feels that this mix of uses in future development of general development along Howell Avenue are appropriate for the area. A change in the land use category does not preclude specific proposals from obtaining rezoning, conditional use or other local approvals. Any property development would have to come back to this commission.

Ms. Papelbon explained that the second request is for the Sikh Temple at the request of the City and that is to reflect the existing use of the properties for institutional purposes and that there are no additional development plans at this time. This is to make sure that all of our plans reflect the current and future use of the property that is to change it from “Planned Industrial” to “Institutional”.

Ms. Papelbon explained that the State of Wisconsin Smart Growth Law requires that all local land decisions after January 1, 2010 be consistent with the objectives, goals and policies contained within the Comprehensive Plan hence why these requests are before the Plan Commission this evening.

Doug Seymour, Director of Community Development read the public hearing notice and opened the hearing. Mayor Scaffidi called for public comment.

Dimity Grabowski, 9858 S. Deerpath Drive:

"I reside in the 5<sup>th</sup> District and my question is in regards to the Comprehensive Planned Map that when the Sikh Temple purchased those lands the understanding was with the area that they are looking at to put as institutional that the Comprehensive Land Plat and Map states that that would in fact be mixed use being business. So my question to this board is; are we going to take another area of land off the tax rolls and it's going to be institutional, is that correct?"

Mr. Seymour responded that there are two separate and distinct actions that are relating to the use of property. The first is the Comprehensive Land Use Plan and that was adopted back in 2001 or 2002 and it had a future land use map attached to which guides the Council in making future decisions and that shows this entire as 'Planned Industrial'. The second component is the Zoning Map; they are similar but not the same and that is an important distinction. While the Comprehensive Plan may call for one land use it is not infrequent that the zoning may be in conflict with the Comprehensive Plan and that's what we're trying to bring together. With respect to the current "Institutional" zoned property owned by the Sikh Temple; that is not changing. They have not asked for it to be changed, the zoning will remain the same. What is changing is the Comprehensive Land Use Plan, that's changing from "Planned Industrial" to "Institutional" to reflect the actual zoning that's in place. Zoning is not changing at all.

Dimity Grabowski asked if the property in the front is listed as Residential and that it is not zoned "Institutional" at this time.

Mr. Seymour responded that it is not, and again advised that this is not a zoning action.

Dimity Grabowski asked if the zoning action would come before the commission at some point to ask for institutional.

Mr. Seymour responded no, that it is anticipated, but he did not want to speak on behalf of the applicant, but the properties that are owned by the Sikh Temple are not part of any pending rezoning petition. Mr. Seymour advised that the property out in front which is actually impetus for this land use change request at some point in time may come back and request a commercial zoning which would then be consistent with the land zone plan. Mr. Seymour reiterated that there is no plan or proposal to rezone the front portion to "Institutional" at this point in time.

Mayor Scaffidi made a second call for comment.

Rosemarie Annonson, 3920 E. Ryan Road:

"My question is where is the tax? What do we tax on, the zoning?"

Mr. Seymour responded that the tax is not on zoning, it is on value.

Rosemarie Annonson replied that Institutional property is not taxed.

Mr. Seymour responded that there is no proposal to change any zoning this evening and second of all, the property would actually be the subject of a future rezoning petition is not being

proposed to be changed to “Institutional”. It will likely be proposed to be changed to a commercial zoning.

Rosemarie Annonson: “Why are we changing the Comprehensive Map to “Institutional” and then we’re creating a disparity; why aren’t we just going for what future use is going to be?”

Mr. Seymour explained that they are not creating a disparity, they are correcting a disparity.

Rosemarie Annonson: “Well aren’t you correcting one with another?”

Ms. Seymour responded no.

Rosemarie Annonson: “I just don’t get it, why are we going towards “Institutional”?”

Mayor Scaffidi advised that Mr. Seymour can only answer the question that is presented to him.

Mayor Scaffidi made the third and final call for comment. Mayor Scaffidi closed the public hearing.

**Comprehensive Plan Amendment  
2020 Vision – A Comprehensive Plan for the City of Oak Creek  
Update the Planned Use category and Map 2 in the Comprehensive Plan from “Planned Industrial” to “Institutional” for the properties at 7502 and 7512 S. Howell Ave., and from “Planned Industrial” to “Planned Business” for the property at 7518 S. Howell Avenue.  
Tax Key Nos. 781-9032, 781-9031, 781-9993**

Commissioner Dickmann asked for clarification on the addresses and inquired which one would they be building on.

Ms. Papelbon responded that the “7518” property is the property that the Sikh Temple surrounds. The property that is proposed to have future development on it is the property that shows as “dots” on the map. Ms. Papelbon explained that the Sikh Temple property is only changing to reflect the fact that it is already an “Institutional” use is the area that is “hashed” on the map.

Alderman Bukiewicz reiterated that zoning is not being changed, the Comprehensive Plan is being changed from “Industrial” to “Institutional” and “Planned Business” so that one parcel is getting changed in there. The one with the dots is being changed. It’s that parcel where the residential home sits. So the zoning is not changing, the Comprehensive Plan is changing. We can all look at the fact there shouldn’t be a small factory sitting there on Howell Avenue. It doesn’t fit our plan. So for future planning it could be a business, it could be part of an institution. Just to make clear it’s going from “Industrial” to “Institutional” with those uses Doug so expressed.

Mr. Seymour stated that the use, zoning, on the Sikh Temple properties is not changing. The map that is adopted as part of the Future Land Use Plan is changing to reflect the zoning that’s in place. He stated that what is changing is the house in front which is 7518 S. Howell Avenue, from “Planned Industrial” to “Planned Business” which will allow them at some point in the future to come back before the City and apply for rezoning to a Commercial Zoning District.

Alderman Bukiewicz motioned that the Plan Commission adopts resolution 2015-03, amending the Comprehensive Plan and Planned Land Use map to reflect the change in land use from

Planned Industrial to Institutional for the properties at 7502 and 7512 S. Howell Ave., and from Planned Industrial to Planned Business for the property at 7518 S. Howell Ave. following a public hearing and adoption by the Common Council.

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

**Public Hearing – Comprehensive Plan Amendment  
2020 Vision – A Comprehensive Plan for the City of Oak Creek  
Update the Planned Land Use category and Map 2 in the Comprehensive Plan from  
“Single Family Residential” to “Mixed Residential” for the properties at 7721 S.  
Pennsylvania Ave., 2100 E. Drexel Ave., 2200 E. Drexel Ave., and 2280 E. Drexel Avenue.  
Tax Key Nos. 779-9991-001, 779-9006, 779-9007, 779-9008**

Ms. Papelbon read the public hearing notice and opened the hearing. Mayor Scaffidi called for public comment.

Tony DeRoso, HSI Properties 18500 W. Corporate Drive Brookfield, Wisconsin, went through the specifics of the revised conceptual plan. (Plan Modifications were presented on the screens for all to view.)

Mayor Scaffidi placed a second call for public comment.

Christine D. Smith, 7739 S. Pennsylvania Avenue:

“Hello, thank you very much for allowing me the opportunity to speak. Beautiful new building first time in here, hard to find. My concerns with this are still mostly in the area of traffic and the density. If we do decide to change the Comprehensive Plan to Multi-Use, we’re going from approximately 32 to 35 units up to what did he say, 288 units, all of that traffic. Originally on the Comprehensive Plan there were three roads in and out of this area. Back through history with the Korean Church going in and all that one of the roads got removed. It was supposed to be put back on the map after the plans in 2009 fell through. That apparently didn’t happen but I would request that that become something that we look at instead of having the two remaining roads in and out that we consider adding a third road someplace in and out of this property. The density increase I think in the number of cars that would increase along with the density I think warrants at least a look at the number of ingress and egresses out of this property. The other thing I would ask; the last time we went through this with the Korean Church there was a stipulation where if their plans fell through after the zoning was changed and everything that it would revert back. And I am wondering if the same thing can happen here. If we change the Comprehensive Plan and their plans fall through; can we change it back to residential? I realize this is a little different because this is a change in the Comprehensive Plan versus just changing zoning but that would be another thing that I would request that we maybe take into consideration as we look at this. I guess one of my fears is that we change the Comprehensive Plan, now their plans fall through, now we’ve paved the way for sure that there’s going to be multi-family homes back here and what we all really want in our neighborhood and I do think I speak for at least the people on my road, Pennsylvania, we want single family homes there. So if this falls through we don’t just want it to be a bulldozer for multi-family.”

Steve Kurkowski, Alderman 1<sup>st</sup> District: “I stood up here at the last meeting and I didn’t agree with it because my main concern was the density of the project. The residents and my

constituents in the area were opposed to it also. I think I would be up here for twenty minutes or so if I wanted to say everything based on discussions I've had so I have to minimize that. I appreciate the fact that they came back with a new plan and I appreciate that. And I sat in there on the meeting and I looked at that and I have tried to convey that to the residents on Pennsylvania and I know that you will hear from them they are adamantly opposed to that and I am not going to take a position tonight because while I have to balance the desires of the residents on Pennsylvania I also have to look at the overall picture how it's going to benefit the city and at some point I'm going to have to make that decision and I'm not going to do that tonight. I know that they have concerns about traffic on Drexel and Pennsylvania so I tried to explain to them that this is just a change in the Comprehensive Plan. Now I noticed tonight that it's listed as "Mixed" and I thought at the last meeting we had it listed as "Multi-Family". So if I'm wrong on that just let me know."

Mr. Seymour responded that the land use classification for Multi-Family is essentially "Mixed Residential".

Steve Kurkowski, Alderman 1<sup>st</sup> District: "I know that one of the concerns I heard tonight was that something other than residential would go in there. I'm sure that the concerns of something other than residential will be addressed. With regards to notices that were sent out for the meeting we had a concern that it may have been only 300 feet. Did it go past 300 feet?"

Ms. Papelbon responded that it did.

Steve Kurkowski, Alderman 1<sup>st</sup> District: "That question was raised so I wanted to ask that. So I appreciate what they've done. I appreciate the concerns from the residents. I know what we have to do as a city to try and make use of the land that we have. I know that they want it to stay single family or as is, and I know that today things are different; so make the right decision, listen to everybody and hopefully everybody will continue to have open minds and perhaps try to think outside the box as to what we're trying to do here. We're not going to please everybody I understand that, we're all trying to do the best thing. Thank you."

Thomas Sprague, 2201 E. Oak Ridge Lane:

"I would like to start out tonight by offering an apology publicly to Doug Seymour. At the September 8<sup>th</sup> meeting I attributed some comments to him that were not true and I was corrected but I don't think the record corrected itself. So I would like it to because I was wrong in what I said. The second letter I would like to cover is a letter I received from the Planning office and Tony spoke of it earlier when he said there were two options; the City Attorney offered two legal options after the tie vote. And one was to take it directly to the Common Council sans a recommendation from the Planning Commission and the second one was to change or amend the proposal and bring it back here. I read the September 8<sup>th</sup> proposal, I'm reading today's proposal; no difference. If we're talking about what Doug was just saying, all this body is worried about now is modification, amendment of the Comprehensive Plan. Then this should not be on the agenda. If they want to try and change their presentation to try and get the Common Council to accept it on their basis then I think that's the place it should go; not back here. This is a second bite at the apple. I just don't understand why we're back here."

Mayor Scaffidi responded that they applicants made that decision and that they did not have to return here. Mayor Scaffidi also explained that getting more input from the public is a good thing and ultimately the council is going to decide this either way.

Thomas Sprague: "I agree with that and I appreciate that but it just goes against the grain that we didn't get it the first time so let's go back and try again and see if we can change some minds. The second thing I want to talk about is the Comprehensive Plan. At the September 8<sup>th</sup> meeting we talked and I was told several times the Comprehensive Plan and I think Alderman Bukiewicz you talked about the fact that the Comprehensive Plan was a planning tool and strict adherence to the Comprehensive Plan wasn't required. As a matter of fact a couple places in it say you do the best for the city. But I spent a lot of time reading the Comprehensive Plan in the last two weeks and it isn't interesting reading. I will say I did find some key points in it and one of the most pressing points that I found was contained in the framework of the goals and objectives in the policies of the framers of the Comprehensive Plan. And that was this body and everybody in the city administration should be communicating to private developers when they come up with plans that hey this is our Comprehensive Plan, you try to match this. Don't ask us to amend our plan so you can build in our city. Otherwise why have a Comprehensive Plan. Everybody that comes along with a tasty tidbit where somebody gets excited about an increased tax levy and now we're just going in different directions again. A lot of money, a lot of time, a lot of people worked very hard on this Comprehensive Plan and I think that unless there is a compelling reason to change it that we should be obligated to stay as close to the terms of the Comprehensive Plan. And the last thing I'd like to say, that I did read in here, was that the Comprehensive Plan is outdated. It says we should be looking at it every ten years and I think we're a little delinquent. And maybe getting caught up in that endeavor would help with some of these conflicts. That's it. Thank you."

David Kubicek, 7911 S. Long Meadow Drive:

"Good evening I'm Dave Kubicek, 7911 S. Long Meadow Drive. I'm going to request that you reject the amendment to the Comprehensive Plan. The reason why with the notes stated today; the staff of the Planning Commission the notes, it says right here staff recommends, staff has raised concerns about utilizing land within the city that is suitable for single family residential development for other purposes. As single family residential development sites become increasingly scarce, it will become more important to think strategically about the mix of development types and densities within the community moving forward. Why not talk about it now? I mean let's bring up the idea the level of apartment buildings to single family. The last time I came up here and I told you it's 42% apartment buildings which is quite high. What is the level, the acceptable level that we need? Not only that, in this recommendation the staff makes mention about South Milwaukee's apartment buildings but they don't mention about Abendschein Park or the Oak Creek River Parkway those are resource protected areas. In the Comprehensive Plan Page 22 Section D it states District #3 is defined as a Conservation Neighborhood District which is unique to preserve the Oak Creek River Parkway Resource Protection Area. Single family housing is or will be the dominant development in these districts. Also with recommendations for natural resources it states, it refers to generally only very low density development should be allowed in or adjacent to these resource protection areas. I think we need to find out how many apartment buildings we really need in this community. It is a unique area. It's not like the rest of Oak Creek. Those areas are particular in character and they should be handled that way. I again I ask for you to reject the amendment."

Alderman Joe Bukowski – 3<sup>rd</sup> District – City of South Milwaukee:

"Thank you Mayor and Commission Members, I wish we had these kind of problems of what to do with land in South Milwaukee but we don't have too much to develop. I'm just here representing the 3<sup>rd</sup> District of South Milwaukee that borders on the other side of Pennsylvania that's going to be affected and I also have a number of constituents that have expressed concern and the only thing that I'd like to suggest, and I don't want to tell another community



what to do; but I think there's a bad traffic situation there already especially on Pennsylvania. If any of you have had the pleasure of commuting and coming home southbound on the area it's backed up tremendously. And I think we did a really good job working together from College Avenue to Rawson and it was always my understanding that we were going to do the same type of road from Rawson to Drexel there so I'm thinking that I just don't think that, I would prefer that the road infrastructure would be in place and we could work together on that and then I think we'd be better suited for development like this. Because I do feel that it is a quality of life issue for the constituents I represent as well as some of the folks I am hearing in Oak Creek. Thank you."

Mayor Scaffidi responded that he did speak with Mayor Brooks from South Milwaukee and they will be meeting in two weeks along with both cities engineers to discuss the possible expansion of Pennsylvania Avenue.

Anthony Mirenda, 7675 S. Pennsylvania Avenue:

"Well I guess I want to reiterate what everybody has said. I believe that the plans that were laid for the City of Oak Creek should be maintained, that they should stay residential. You know you talk about the taxes that that would bring in, \$770,000, that is a lot of money but that's a gross tax number. What would it cost the City of Oak Creek to maintain an area with that type of density with 288 units. There is of course more police, more road construction crews plowing snow, garbage and all of that stuff enters into it. I think we would be hard pressed to say we don't have at least 70 homes between Oak Creek and South Milwaukee that are opposed to this. And if you take an average of \$10,000 taxes per home of 70 homes, you've got \$700,000 in which we have a voice in. Again I believe that the best use for that land the City of Oak Creek and thank you South Milwaukee we do have some land here, that we need to use it very wisely because it is a finite area of land and we will run out eventually and then what? It's just, I appreciate that they wanted to bring up this new plan but as I look at it there were more people from Drexel at the last meeting than from Pennsylvania. So what happened to that plan? Everything was pushed onto the Pennsylvania north end. If you can bring that plan up again please. Okay, I'm thinking Zone AE would be the north part of that land. I am correct? So at my house and at my son-in-law's home and my next door neighbor's home we have this huge retention pond. Correct? Is that that grey area, is that retention? Up here (points to diagram), so all of that water is going from north to south to a retention pond. The way that land drains right now is exactly that way and when we have a lot of rain that land between my house and my son-in-law's home floods. So now we're creating even more so with the retention pond being there. It doesn't make sense. So, I mean was it Walter last time you said you had apartments next door to you. Not you? Somebody said that. "You don't mind that?"

Alderman Bukiewicz responded that he had apartments next to his home and he has lived there 25 years and has not had a problem. He responded that he has had more problems with single family homes than the apartments.

Anthony Mirenda: "That's a good thing, you're very fortunate. I don't know, this just doesn't make sense it really doesn't no way. You look at it from an outsider, I understand where you gentlemen bought this land and you've got to use it but I hope you put a contingency on your offer to purchase because this isn't a good thing. This is not a good deal. It just doesn't make sense. Pennsylvania Avenue is just a mess. If you try to do this and the road at the same time you'd have a huge problem. How would we gain access to our homes, there's no other way in to Pennsylvania Avenue. I can't come in through the creek with a boat. You know it just doesn't make sense. So before we could even think about something like this I think we need to get together with South Milwaukee, make some new roads, then take another look at the situation.

As far as the land from the Korean Church, somebody brought up a great point, if that land wasn't used at that time it would be brought back. Did it revert back? Don't know. So I guess that's about it. The plan brings the stormwater down too close to that south lot line, north lot line I'm sorry. It's too dense, just doesn't make sense. Thank you."

Ald. Mark Verhalen – 3<sup>rd</sup> District: "Even though this doesn't directly involve my district; my district is right adjacent to this development. Besides reiterating what has been talked about before, I guess just a few statements. I was around Oak Creek when we did the last Comprehensive Plan. I was pretty involved in it and basically the Comprehensive Plan when the City redid it at that time was supposed to be a guide for future development. A lot of in depth study and research went into coming up with that plan, you know pretty much laid out the best type of developments for many areas in the city, if not all of them. As was stated before, this area was kind of designated for more less dense developments; single family homes maybe bigger lots and a lot of factors probably went into that. We didn't have the traffic problem on Pennsylvania at that time like we do now. That's just something that added into the mix in the last probably seven or eight years. That's one thing. So I guess Plan Commission besides looking at the tax advantages to having multi-family versus single family which at this point in time that's the only thing I see that's the big advantage to the city. More tax revenue coming in because of the development differences. Another person stated before we're already at 42% of our developments are apartments. For those of you that are not aware, and I know the commissioners are but for the audience's benefit there's three apartment complexes being proposed and built right now. Two of them by Wimmer Brothers and one by the company right next door to city hall here which is very extensive. There's a lot of units in that. Wimmer Brothers one is fairly large the other one is small but there's also other properties in the city that are zoned for apartments at this time. I guess you know at some point in time when we reach 50 or 55 percent, when are we going to say that we've got an abundance of apartments when we have to start looking at more single family and stuff to put the mix back on a more balanced type of scale.

And I do have some questions for the developers: They stated that the building materials and what not are pretty much going to stay the same but at the last meeting they said the density of the units was going to be tied to what type of amenities and what type of construction was going to be used on the buildings and they've taken more than 100 units out of that mix. Not so sure, I mean they've stated tonight that they're going to stay probably to using the same materials, amenities in the complex might remain the same but we don't know that until they come up with their final plan but that's something that's got to be considered too.

As an alderman I have to listen to my constituents and there's been a lot of people voicing opposition to this. You've got a little bit of opposition from South Milwaukee as well. So when we look at this I think we have to look past just the tax advantages to the city and look at what the Comprehensive Plan says and was stated before by somebody else, if we start amending the Comprehensive Plan for any developer that comes in whether it's somebody who wants to put a factory in here or a big commercial development in the middle of a residential neighborhood or something like that; I mean it just leads to more spot zonings and all kinds of stuff that we in the past have tried to clean up with going through the city whether it be zoning amendments and I sat through that stuff too about fifteen years ago we went through the whole

city and looked at all the zoning on every parcel of land in Oak Creek and switched it so we didn't have spot zoning and things in Oak Creek. So I hate to see us go back to that type of thing with a plan that shouldn't really be there."

Jack Hubbard, 2130 E. Green Valley Lane:

"Thank you for the opportunity to speak. I'd just like to reiterate the issue that I have daily. I have to turn off of Long Meadow left and go west on Drexel daily and my commute has changed considerably in the last few years with the volume of traffic that's on Drexel now. There's many times I have to wait a long time to get onto Drexel. The stagger just doesn't seem to work between the traffic lights on Howell and then the traffic lights on Pennsylvania to where you can get a gap to make that left hand turn. The other day, just by coincidence, after looking at my watch it took me nearly twenty minutes to go from Long Meadow Drive to the ramp that I take on 94. So the increase of rail traffic, the length of the trains that are there are backing up. The other night I was in line all the way back to Quincy as I was heading eastbound waiting for that train there. If we're going to add roughly 500 vehicles that are in that particular development area there to that daily morning and night commute it's just going to make things that just more miserable for sure.

The other thing that I had a little bit of question in, I think the developers did a fantastic job, I have a little bit of architectural background, and I think the plans look phenomenal; but I just don't think it's the place for this particular apartment complex. The comment that it's supposed to be luxury apartments, I don't know how you control that; if you control the quality of the environment by the cost of the rent or what you do. I just don't see it there. We have a perfect situation with the reconstruction of Ryan Road to handle lots of traffic very well to the interstate, to the industrial areas that are on the south side of town where I would assume we'd have a fair amount of employment. I think there's lots of property in that particular area that would be much better suited for this kind of use. Thank you."

John Greco, 2121 E. Oak Ridge Lane:

"I've just been looking over HSI's little stats form here and I noticed that between the studio and one bedroom apartments it equates to 59% of this apartment complex. And I guess my concern is, to me, studio apartments are barely one step above a rooming house. And at the last Plan Commission meeting, when HSI made their presentation they indicated that there are no income limits. This is a big concern of mine. Studio apartments, one bedroom apartments and no income limits. What type of clientele are we looking at? Thank you."

Elizabeth Senica, 2101 E. Drexel Avenue

"I was looking at the slides and while I sincerely appreciate all the modifications that were made to the property since you know I'm right across the street and I'll be looking directly at it, I appreciate all of that. The scariest thing that I saw on the slides was 625 parking spaces, 625 vehicles, 2.5 parking spaces per unit, 625 vehicles coming out of there and that doesn't include visitors and that's what's going to happen in front of my house. It's scary to me. That's all I have to say."

Rita Graeser, 7933 S. Long Meadow Drive:

“Good evening Council and attendees. I’ve been in Oak Creek for twenty years so it’s my heart. I love being in Oak Creek and I’m also concerned. A lot of people have said pretty much what I was saying or going to say to you about the 288 apartments. To me that’s like almost having 288 occupied homes. So that’s 288 then maybe you have another car, you have so many cars so it’s like double. So there again we’re at 600. I have some concern with the traffic because as of right now it’s very dense to get out in the morning and when you leave you know in the evening and stuff so I’m really concerned with that. I’m also concerned with it being an area that has been a very quiet community, very peaceful and then having just a lot of people a lot of condense in one area. It would just really change the area. And also I believe probably there’s another location for the apartments, they’re beautiful apartments and probably someplace else would be another, I think there’s other land that’s available. And I’m asking you that you keep this area for single family because that’s how when we all looked for our apartments and we found the places that we wanted to live, and we had the understanding that it was to be single residential and I’m asking you that you maintain and honor that commitment that was what you set it up for as to be single family residential. And I would just ask that you just reject the other plan.”

Arden Degner, 8540 S. Pennsylvania Avenue:

“This is an interesting proposal. Did you see the change in elevation from the north end to the south end? Just think the problems in winter with snow. And with this change in elevation, where and in what direction will the vehicles be able to go? In fact if you look at this plan, and I’m sure you’ve seen it, it’s evident that you have bottlenecks. You’ve got a bottleneck at Pennsylvania and you’ve got a bottleneck at Drexel. This will never work, it will never work! It’s already filled with traffic during the, prior to the working hour and especially after school. Turn this down please.”

Rosemarie Annonson, 3920 E. Ryan Road:

“I want to know of the 288 apartments how many of them are going to be studio, one, two, three bedroom and what the rent scales are going to be.

HSI Representative responded that it was on one of the slides but these are conceptual allocations right now; they are subject to change. Currently the slide says studios 10%, one-bedrooms 30%, one-bedroom plus dens 19%, and two-bedrooms at 41%. All subject to change.

Rosemarie Annonson asked if there will be three-bedroom units.

Tony DeRoso -HSI Representative responded no threes on the plan you see before you. The rents are going to be an average range between \$1,000 and \$2,000 approximately.

Rosemarie Annonson: “I fail to see where we will be able to fill the \$2,000 rentals. I don’t think that our \$54,000 mean income; that those people can afford it. And I don’t see people moving into Oak Creek to pay that kind of rent when you can buy a house. 7.9 units per acre would verse 2 hours on half acre lots per acre. So instead of 288 were looking at roughly 60 homes and 288 apartments would fill an elementary school. So we’d be building another school. And

right now were looking at an 8.6 tax increase on the school side so I just don't think it's a good idea.

I have a question in regards to the clubhouse. How far away from Pennsylvania Avenue would that clubhouse be because we have prevailing southwestern winds and that's going to carry that noise from the clubhouse dependent on if they're doing to use it for large parties. It's going to carry music and noise into those residences along Pennsylvania Avenue. I get it from the bar up the street. What else do I have here, I think that's all. But I didn't get the distance on the clubhouse. One more thing, their roads are wrong because in Oak Creek we have an ordinance that you may not have a road a dead end road that is longer than 500 feet. So they'd have to go back to the drawing board on the roads and that's a big problem from every aspect on this project."

Mayor Scaffidi made the third and final call for public comment, seeing none he closed the public hearing.

### **Comprehensive Plan Amendment**

#### **2020 Vision – A Comprehensive Plan for the City of Oak Creek**

**Update the Planned Land Use category and Map 2 in the Comprehensive Plan from "Single Family Residential" to "Mixed Residential" for the properties at 7721 S. Pennsylvania Ave., 2100 E. Drexel Ave., 2200 E. Drexel Ave., and 2280 E. Drexel Avenue. Tax Key Nos. 779-9991-001, 779-9006, 779-9007, 779-9008**

Alderman Bukiewicz stated that the last time this came before the commission he was in favor of adjusting the Comprehensive Plan to accommodate this type of use and he is still in favor of it. He stated that the Comprehensive Plan is a guide the City cause use and adapt from time to time in the best interest of the entire community. Advised that in a situation like this you must look at the entire picture, what will benefit the community over the long run over the next ten to twenty years. He believed a use like this would benefit the city more than single family homes. Stated that the cost to 35,000 residents and growing in this city versus the two dozen homes that abut this is just too much to give up not to change this. Stated that this is a community issue and going forward we are in a tax levy freeze. This shouldn't be based on a monetary value; we will never achieve those taxes on single family homes as there is no value for a single family home developer to put those roads in and the infrastructure to support those homes. Advised that this will happen with the developer and this is not TIF'd money. It will go right into the general fund looking to support to hire more police, fire, streets, utilities and more services. This will benefit the city from a tax base. Stated that the plowing of the roads and garbage pickup will be the of the apartment complex, not at the City's expense. Stated that a traffic impact analysis study needs to be completed not only in this area but also westbound on Drexel. Alderman Bukiewicz spoke of Camelot Trails which only has one exit in and out and asked Assistant Fire Chief Kressuk for his comments.

Assistant Fire Chief Kressuk responded that the alderman was correct with that statement but cautioned that in the past that may have been an acceptable design practice but the fire department does strive for multiple access points.

Alderman Bukiewicz addressed the various comments from the citizens pertaining to number of apartments, need for more apartments, rental prices, and number of vehicles per unit.

Alderman Guzikowski stated that he did appreciate the effort that HSI brought forward after listening to the commission and to some point the residents. Stated his biggest concern is about the traffic and until the traffic and the roads can get fixed, this will be a problem.

Commissioner Dickmann stated that at the last meeting he did vote for this project. Stated that he was part of the Comprehensive Plan committee and a lot of thought was put into it that it was a guide and he knew that if the change was made it would allow for mixed residential units; single family homes, apartments and condos under the change. Commissioner Dickmann stated that there are still too many apartment units in the development. He is also concerned about the number of children in the apartment complex and their effect on the schools. He also voiced concern over the road structure in the complex area.

Assistant Fire Chief Kressuk: Stated that this is a conceptual drawing and that the fire department has not had the opportunity to review any final site plans or plans submitted to the City. He stated that there are guidelines they must follow regarding "one way" roads and access to those northwest buildings.

Commissioner Dickmann stated that he will be making his decision based on the new plan that was brought forward. He thought when they came back it would have been more of a mix of single family, duplexes and apartments which would not have been as dense of a population.

Commissioner Correll stated that he voted in favor of this the first time with concerns and wanted to see more in the plan. He was surprised at the time and how comprehensively HSI listened by dropping the number of units by 25%. He stated that the traffic impact study is his biggest issue and until that is done nothing can really be decided. He commended Alderman Bukiewicz on his strong stand for this item. He also commented on the school concerns on apartments versus single family homes and felt that it was a wash.

Commissioner Carrillo thanked HSI for the work they had done on this plan. She advised that she is amongst a group of people looking for luxury apartments in Oak Creek. Stated that she believed there is a niche for this development in the city. She stated that over the last ten years she has not altered her path along Pennsylvania from Oakwood during her rush hour commute to the expressway. She stated she was in favor of this before and is in favor of it again.

Commissioner Siepert stated that it's great to see a new development come to the city but he is concerned about the density of it. He is concerned for the fire department and their safety with only the two exits coming into the development and it would be good to come up with another road pattern to open it up and give a little more flexibility.

Alderman Guzikowski questioned the timeline for the traffic impact study.

Commissioner Johnston responded that it would be at least a year for the design of the study. Stated that they are going out for STP funding and if they are able to procure the funding that will be for the design, the construction and the real estate acquisitions and were probably looking at a two year process before the road is done.

Alderman Guzikowski stated that whether it's for this project or residential, the infrastructure needs to be in place. He also stated a third road/entrance needs to go in.

Commissioner Johnston stated that he voted against this last time and he still is not in favor of the density and we do have traffic concerns that will need to be addressed but he believes this land will be developed as some sort of mixed use property in order to go forward. He stated

that for what the item is before them, changing the Comprehensive Plan to a “Mixed Use” zoning fits with this property.

Ms. Papelbon clarified that the request is for “Mixed Residential”, not “Mixed Use”.

Rosemarie Annonson: “First of all I think we need to talk about the math. It’s not a wash Mr. Correll. If you look at the one bedroom and the two bedroom and the one bedroom with the den; so I took roughly 55% or 56% and it would come up to 161 kids if they had one kid. You can double it if they have two. In contrast if you have sixty homes with one kid, you’ve got 60 kids. If you’ve got two you’ve got 120; so even with two kids we don’t have as many with one kid at the apartments. And Mr. Bukiewicz, I’m really disappointed I think it’s a really big problem we’re seeing with our Oak Creek Officials elected, workers, whatever. What is best for the community? I’d like to poll this audience and have those people who are not in favor of this project please stand. If you don’t support this project please stand.”

Mayor Scaffidi stated that it is appropriate for her to poll the audience.

Rosemarie Annonson: “So you’ve got all these people against it. They vote for you, you represent them, not the City remember that.”

Mr. Seymour suggested that rather than trying to figure out what the school age is per dwelling unit, that the school district can provide those numbers.

Rita Graeser, 7933 S. Long Meadow Drive: “I know they responded and I know you want to do all these different traffic patterns and all that but you know a couple years ago, three – four years ago they said let’s pass the bill before we know what’s in it. And my question is, maybe I’m not quoting that correctly, get your facts straight and then come back and if you have to pass the bill or make the changes do it then. But if we don’t have the facts with all this, you know the traffic patterns and these are important safety features here and facts that we have to have in order and that’s all I want to say.”

Tony DeRoso – HSI Rep responded that on the traffic side as it’s already an existing issue sometimes a project like this can help spur solutions to existing situations. Secondly, we still have a critical mass with the number of units on the plan and we can still provide the same level of amenities that we talked about in September the finishes interior and exterior are still the same. He stated that they have a professional management company that does both a credit and criminal background checks on all applicants that wish to live there. He stated that the clubhouse is set back 176-feet from the east property line and that it is a private facility with rules and hours of use in terms of not being a nuisance to surrounding neighbors. He advised that this is step one of many steps to amend the plan. Advised that an approval this evening does not mean we can show up tomorrow and get a building permit. He stated that an approval this evening means they can go back and refine these plans; work through engineering, work through traffic, work through architecture and we would still need to come back before you numerous times as well as the Common Council and there will be conditions put on us that if we don’t satisfy, this project will not go forward.

John Greco, 2121 E. Oak Ride Lane:

“I just want to make a reference to the millennial statement that was made. There was a Census Bureau report out and this comes from the Population Reference Bureau in Washington D.C. that 15% of the millennials between the ages of 25 and 34 live with their parents. So if you’re looking for millennials to be renting studio apartments and one bedroom apartments; I

don't think that number is supported. And secondly, there's 82-million people that were born between '81 and 2000 which puts them close to the millennial age. And their problem is with under employment and you have college graduates that are serving as coffee baristas and these people have long lasting school debt. And this is why you have millennials living at home and living with their parents. And I don't see a big draw for studio and one bedroom apartments especially when there aren't any income limits."

Al Ismaili, 2230 E. Cody Court:

"We have discussed various factors but we've never discussed the LLC failing; two – three years down the road. That's a big project thirty-four million dollars. Bank possesses the property, bank is not looking to sell it high price, sells to many different owners. Here we're becoming a luxury apartment to maybe an average or low income apartments. The owners could be from twenty buildings we could have twenty owners right? That's becoming an issue too as well. So that tax income that we're planning to generate may dwindle down significantly. So that's another risk, a risk we never talked about. Thank you."

Alderman Bukiewicz responded that the millennial statement he made was based on something he learned at the MMAC a few weeks ago on millennials and the Milwaukee rental units going on downtown. Secondly Ms. Annonson was correct that he does represent the people in the audience that mostly opposed this but he also represents the remainder of the people that chose not to attend this evening and in order to get an accurate reading he would have to poll them as well.

Mayor Scaffidi called for a motion on 6B.

Alderman Bukiewicz motioned that the Plan Commission adopts resolution 2015-02, amending the Comprehensive Plan and Planned Land Use map for the properties at 7721 S. Pennsylvania Ave., 2100 E. Drexel Ave., 2200 E. Drexel Ave., and 2280 E. Drexel Ave. to reflect the change in land use from Single-Family Residential to Mixed Residential, following a public hearing and adoption by the Common Council. Commissioner Correll seconded.

On Roll Call: Commissioner Dickmann, no; Commissioner Johnston, aye; Commissioner Carrillo, aye; Alderman Bukiewicz, aye; Mayor Scaffidi, aye; Alderman Guzikowski, aye; Commissioner Correll, aye; Commissioner Siepert, no; Commissioner, Chandler, aye. Motion passed.

**Rezone and Conditional Use**  
**Shawn McKibben, Oak Park Place**  
**1980 W. Rawson Ave.**  
**TAX KEY No: 736-899-5001**

Ms. Papelbon provided an overview of the Rezone and Conditional Use Permit request.

Alderman Bukiewicz questioned the minimum of parking for such a large development. He inquired as to how many employees will typically be working.

Mark Kruser, ADCI, 5100 East Park, Madison Wisconsin. Mr. Kruser advised that he is representing Shawn McKibben, the owner's developer for the project, who was unable to attend the meeting. Wanted to clarify that the future independent living will actually be three stories, 36 to potentially 40 units and that would have underground parking. He advised that there will



be three shifts; 1<sup>st</sup> shift will have 8 full-time and 14 part-time, the evening shift will have 8 full-time and 12 part-time, and a little less on the night time shift. He advised that the memory care people do not have cars. The other assisted living places that Oak Park operates the assisted living people have cars at the rate of 5% which means for forty units they have two cars.

Alderman Bukiewicz questioned Assistant Fire Chief Kressuk as to the layout of the property, the number of calls for service and the response.

Assistant Chief Kressuk responded that the preliminary review looked good. As the company submits formal plans, Fire will vet those and make the best determination of what fits that site. He advised when inquiring about call volume, you're looking at roughly one call per bed per year but that can fluctuate depending on the specialty and kind of care required.

Commissioner Siepert questioned about the southwest entrance/exit road onto 20<sup>th</sup> Street and how far it was from the corner of the intersection.

Mark Kruser responded that it's about 65-feet from the right property line and they have room to move that in their plans and would be happy to move it.

Commissioner Chandler questioned the deliveries.

Mark Kruser responded that deliveries would be made approximately three times per week on the north side lower level of the building. Deliveries are made using a small semi. He also advised that the trash is stored inside on the lower level until pickup day.

Commissioner Chandler asked what the required number of parking spaces that should be there.

Ms. Papelbon advised that is why the Plan Commission needs to have a discussion on this matter. For elderly housing it's one stall per dwelling unit and for multi-family its 1 & ½ per efficiency or one-bedroom apartment or 2 for two-bedroom apartments. Azura was approved in April to use the nursing home.

Mark Kruser advised that the independent living apartment building hasn't been designed yet but with it having 36 to 40 units they will certainly have underground parking to cover the units and there would still be parking for visitors at grade level.

Commissioner Dickmann stated that he is in favor of this project but is concerned about the traffic situation not because of the traffic but because of the unique situation in that area. He suggested the City look into widening that section of roadway.

Mark Kruser responded that if you want to slow traffic down the roads should be kept narrow. He suggested minimizing the amount of traffic that cuts through on this road.

Commissioner Dickmann added that when heading east on Rawson and waiting to make a left turn onto 20<sup>th</sup> there is no cut in lane where you can get out of traffic so it all backs up behind the vehicle.

Arden Degner, 8540 S. Pennsylvania Avenue questioned the layout around the parking lot showing a sidewalk and where the residents can get out and go outside.

Mark Kruser responded that there is a sidewalk around the parking lot and there is also a

fenced in exterior courtyard that will be nicely landscaped.

Rosemarie Annonson, 3920 E. Ryan Road asked how many stories the building will be that houses the dementia and assisted living residents.

Mark Kruser responded that the memory care and assisted living portion, all of Phase 1, is a two story building. The future building for independent living will be a three story building.

Rosemarie Annonson asked how many dementia patients will live there.

Mark Kruser responded that they refer to it as memory care and there will be forty units and assisted living will have forty units.

Rosemarie Annonson commented about storing garbage inside with only a once a week pickup. She also asked for fire to respond on the plan to evacuate the residents from that building.

Assistant Fire Chief Kressuk responded that it would be challenging as it would be in any situation and that planning for that starts in advance. The structure would be fully sprinklered as regulated by the State of Wisconsin and local ordinances and Fire Code as it does specify evacuation routes areas of refuge and extensive planning on how residents are removed from those types of structures or protected in place if necessary. So yes it does pose a risk, a risk we assume on most projects.

Alderman Guzikowski questioned the traffic patterns and wanted to confirm that across the street on 20<sup>th</sup> Street, those are residential homes with driveways already in place and the residents have already been dealing with the traffic in the area.

Mayor Scaffidi asked if there were any further questions or comments. Seeing none he asked for a motion.

Commissioner Dickmann motioned to: That Plan Commission recommends to the Common Council that the property at 1980 W. Rawson Ave. be rezoned from Rs-4, Single Family Residential, to Rm-1, Multifamily Residential with a Conditional Use for a licensed community living arrangement with a capacity of sixteen (16) or more persons and housing for the elderly/multiple-family dwellings in excess of four (4) dwelling units per structure, after a public hearing.

Ms. Papelbon interjected that there was something missing on the recommendation: Subject to conditions and restrictions that will be prepared for the November 24, 2015 Plan Commission Meeting. Commissioner Siepert seconded.

Commissioner Johnston asked if the parking needed to be added in there as well.

Ms. Papelbon responded that staff can prepare a recommendation in the conditions and restrictions for the November 24<sup>th</sup> meeting unless the Plan Commission wants to have a further discussion tonight.

Mayor Scaffidi advised that the commissioners were comfortable with that for the next meeting.

On roll call: all voted aye. Motion carries.

Mark Kruser asked about the street right-of-way.

Mayor advised him that one of the Planning staff will assist him.

**Plan Review – Oak Creek-Franklin Joint School District  
8640 S. Howell Ave. & 340 E. Puetz Rd.  
TAX KEY NO: 827-9014-001 & 827-9026-001**

Ms. Papelbon provided an overview of the plan review/proposed site plan. This is on two properties but a draft CSM actually has been submitted and will be prepared for a future review. Ms. Papelbon advised that if there were any questions that pertained to the bus routes to ask them of the school staff that were in attendance.

Mayor Scaffidi advised that the School District had a team in attendance and asked that Superintendent Tim Culver introduce them.

Mr. Culver introduced the following: Cathy Kramer Director of Business Services, Chris Weiss who will be the principal at the new building, and Bob Vajgrt of Eppstein Uhen Architects.

Bob Vajgrt explained that he had no further presentation for the evening but did state that the goal of this project was to remove students out of the high school to free up capacity. The idea was to make a campus setting and architecturally have a cohesive plan that ties the buildings together. He also described the various building materials that would be used on the project (ex: windows, bricks).

George Krudop, 8421 S. Shepard Avenue Oak Creek had questioned the plan for arriving/departing buses at the new high school campus. He also voiced his concern over the safety for the residents in the neighborhood of Groveland and Shepard.

Chris Weiss explained that they have alleviated the need to enter and cause the buses to leave on Groveland which is to the north. This is subject to change just because of the fluctuation with bus patterns. Currently they have 14 buses that exit north on Knights Way to Groveland, which the audience in attendance were shown on the diagram. They are looking to decrease that number. Roughly one-half of the remaining buses (20-22) would stage to the north of the existing high school facing east; then the other half of the buses (roughly 20 or 22) will exit on the north side of the 9<sup>th</sup> grade building and taking a right on Howell Avenue. In conjunction with Riteway the schools believe they have worked out a plan for the dismissal bus routes.

George Krudop inquired if the buses entering the school area to pick up students would take the same route as those leaving the school.

Chris Weiss advised that the buses arrive at staggered times where as they dismiss at the same time; so that tends to be the more tricky part to work out. He advised that they all kind of leave from a central location. He suggested what they can do, but must see if it works, they can enter some off of Puetz which they currently do now from the south of the eastern most parking lot and they can get those in and staged. Advised that the problem would be presented that they can't stage the buses to the north of the existing high school until that occurs. There will still be some of that existing issue to deal with but the school will work through that with Riteway because there needs to be some coordination in order to get those buses set up because they can't just filter in as they arrive. The bus routes are specific to where they deliver being that the buses that go to the northwest have to stage in the area that releases northwest. They would still need to enter via Groveland or from a creative location. Weiss advised that they are aware

of this and that's something they will have to work through at the time but it won't be all at one time, it will be staggered as they are the first release of the day.

George Krudop asked if all the buses will be coming in relatively the same place they are going out. He stated that Groveland would not be able to handle every bus that comes to the school. He stated that it is pretty tight and narrow on Groveland with the high school kids parking there and the buses coming in to pick up the elementary school children and then if they added all the high school buses as well it would not work.

Chris Weiss responded that to they can't enter the same place they exit but they're going to try to find a way that none all of the buses come off of Groveland.

George Krudop asked for a ballpark figure on the number of buses that will come in off of Groveland.

Chris Weiss responded that he could not answer that until he spoke with Riteway.

George Krudop stated that he believed Mr. Weiss was leaving this question wide open and if the majority came in off of Groveland he did not think that would work.

Mayor Scaffidi also stated that he lives in that neighborhood and they have expressed concern over this matter. He asked how many buses currently enter and exit off of Groveland from the high school. He asked if it was more that fourteen buses.

Chris Weiss responded that a dozen or so buses come in off of Groveland as currently they have most of their buses entering off of Puetz and they stage in the opposite direction of what is depicted on the diagram to the north of the existing high school.

Mayor Scaffidi stated that he believed that the message from himself, Mr. Krudop and the neighbors is that they want to make sure all of the bus traffic is not focused on Groveland because it's not prepared for it. They already have street parking allowed on both sides of Groveland after 10:00 a.m. and there is no room for all of the buses.

Commissioner Dickmann stated that he noticed an auditorium on the drawing that was shown on the screen and that he thought the referendum did not pass to build the auditorium.

Superintendent Culver stated that the Board decided to take slightly less than \$4,000,000 out of fund balance and build the shell of the auditorium because it would be more cost effective to have it done at the same time that the rest of the school is built to ultimately save money.

Commissioner Dickmann also asked from a taxpayer's standpoint if this would increase the assessment for the schools because of it being added.

Superintendent Culver stated no.

Commissioner Dickmann asked if there would be elevators in the school.

Bob Vajgrt responded that there is one elevator near the northeast entrance. He then had his colleague point to it on the overhead screen.

Commissioner Dickmann noted that there was extra parking shown on the diagram and asked if this would reduce the parking on neighborhood streets by the school students.

Chris Weiss responded that the current plan that they are working out and the staging plan for afternoon dismissal actually alleviates some of the parking lot that is currently unusable during the day and it would free up to 125 student spots in the existing lot and then give or take an additional 50 to 75 spots with new parking for students. That would all be permitted parking. It would all be to the south and to the east of the existing building, kept separate from the busing areas which are north and to some degree northwest of the building and they would all be exiting the building primarily on Puetz Road.

Commissioner Dickmann asked if the Oak Creek Community Center has been involved and aware of any of this planning as in the past the school did utilize some rooms at the center along with some of their parking lot.

Superintendent Culver responded that they have had meetings with the community center and there are still some issues to work out in terms of specifics on the driveways. The intent is to continue working with all parties to make sure all are on board.

Alderman Bukiewicz inquired if there was an agreement in place going forward with the community center as far as shared parking goes or if spots were lost.

Superintendent Culver responded that they were actually talking about adding spots to the community center. Advised that while he's not aware of a specific agreement they have had conversation on which spots belong to the community center and which spots belong to the school and how to adequately share those.

Alderman Bukiewicz asked if there would be the need for a School Resource Officer at the 9<sup>th</sup> grade campus.

Superintendent Culver responded that there are currently two School Resource Officers that share their time between the high school and the middle schools and at this point they do not see the need to add any additional officers.

Alderman Bukiewicz asked about the length of the covered walkway between the campuses.

Bob Vajgrt responded that it covered walkway goes from the existing high school over to the 9<sup>th</sup> grade campus.

Alderman Bukiewicz inquired as to the number of times per day students would be going between the two buildings.

Chris Weiss responded that they are already in discussion and putting in some scheduling practices so they can minimize both student and teacher movement throughout the day as far as building to building goes. They will be building linked classes into scheduling to alleviate the students moving back and forth between the buildings. They are trying to coordinate these changes now so everything is in place before they move.

Alderman Bukiewicz asked if both buildings will start and end at the same time each day or will one campus be let out ahead of the other.

Chris Weiss responded that at this time the plan is to be on the same bell schedule.

Alderman Bukiewicz asked if they had looked into geothermal heating for the building.

Bob Vajgrt responded that geothermal heating is not in the project but the building does have its own floorplan with a gymnasium, lunchroom and other things.

Alderman Bukiewicz commented that the auditorium would be cheaper to do now even if it can't be completed and that it was probably cost effective to work it in.

Mayor Scaffidi stated that they will be monitoring the bus traffic and student parking in the Groveland neighborhood and will be quick to move to go to Traffic & Safety if we have to we will restrict parking on that street.

Arden Degner, 8540 S. Pennsylvania Avenue asked if the building construction would be glass from floor to ceiling and if the windows would open.

Bob Vajgrt responded that in most cases it will be brick with ribbon windows that would be operable.

Alderman Steve Kurkowski inquired if the design has taken into account the traffic flow from parents dropping off their children.

Chris Weiss responded that the parent side for student drop-off is isolated from the buses. The parent pick up currently extends to the other side of Puetz. They will stage on the other side of Puetz and then along the front side of our office area which is at the southwest corner of the building. So that is the start of the new parent pick up traffic circle there is the capability to also have parent pick up staging along the south of the new freshmen building and by freeing up the current staging on the east side of the existing high school they could also enter from Puetz and exit from Puetz as kind of a contingency plan if that happens to increase more. The student parking to the south of the 9<sup>th</sup> grade center wasn't necessarily for 9<sup>th</sup> grade students but as a way to keep other students off the street because currently they park further away and walk up. This will keep them from parking in the community center lot, the Pick N Save lot and all the way down to the fire department.

Alderman Guzikowski stated his one concern was the shared parking with the community center as they have activities going on during the day and weekends including deliveries. He stated that he hopes this all gets worked out between them. He also asked about the relocation of the district office to the site and what the plans were for the old district office building.

Superintendent Culver responded that they will be evaluating what to do with the old district office building whether to sell or lease it.

Alderman Guzikowski asked what the timeframe is for being operational.

Superintendent Culver responded that it would be August of 2017 as long as everything continued on track.

Commissioner Chandler requested further information on the flow of the students via the covered walkway.

Chris Weiss responded that it's actually better to move staff than students. He advised that there may be times that something is offered at the 9<sup>th</sup> grade center that is not offered at the other campus. There will be times that 9<sup>th</sup> grade students may move over to the main campus for classes that are considered for a mixed group of several grade levels of students.

Commissioner Chandler inquired as to the safety precautions for the walkway.

Chris Weiss responded that considerations have been made and they welcome any input that comes along. He stated that adding a vestibule to the high school side for added security and enhancing safety as far as slip hazards and airlocks have been considered. He added that there are safety measures in place for the new building. He added that safety is paramount.

Commissioner Chandler asked how many freshmen are currently enrolled at the high school

Chris Weiss replied approximately 530 students.

Commissioner Chandler inquired as to when the new campus opens what happens to the existing space at the present campus.

Chris Weiss explained that this would alleviate classroom congestion.

Commissioner Chandler questioned if there is a continuous traffic flow around the campus to include Knights Way.

Chris Weiss responded with further information on the traffic flow around the campus.

Commissioner Chandler requested information on the contractor's staging area.

Bob Vajgrt explained that the areas showing on the map are not where the staging areas will be taking place. One of the areas will now be on Knights Way.

Commissioner Siepert asked that the marked areas be removed from the print on C104 (diagram) and placed in the area that they will actually be located so there is no confusion for the contractors once they start working.

Commissioner Chandler had questions regarding mobility throughout the school and if there is a requirement to have more than one elevator.

Chris Weiss responded that there is not.

Commissioner Chandler inquired as to how many freshmen will be at the 9<sup>th</sup> grade campus and how many students per class.

Superintendent Culver responded that the average class size would probably be about the same. The infrastructure will change with the two campuses have less crowded hallways.

Commissioner Correll asked what the 2017 anticipated 9<sup>th</sup> grade total amount of students might be.

Cathy Cramer responded that the projections have been approximately 2% per year and it varies by class so it's not going to be significant they might go between 30 and 40 for each of those classes. She provided a total of approximately 800 students.

Commissioner Chandler asked if the requirements for materials being used today meet the same requirements as the present high school.

Bob Vajgrt replied that he would have to look at that.

Mayor Scaffidi asked if this had any relevance to the hearing.

Ms. Papelbon responded that they are just going for the same kind of look and would not be able to advise what the current high school has in terms of each elevations breakdown. The consideration is for the maximum amount of accent material for the metal panel which is not a primary building material that's accepted by the code. So that's a consideration for the Plan Commission to grant a waiver of that requirement.

Alderman Bukiewicz motioned that the Plan Commission approve the site and building plans submitted by the Oak Creek-Franklin Joint School District, for the properties at 8640 S. Howell Ave. and 340 E. Puetz Rd. with the following conditions:

**STAFF RECOMMENDATION:** That the Plan Commission approves site and building plans submitted by the Oak Creek-Franklin Joint School District, for the properties at 8640 S. Howell Ave. and 340 E. Puetz Rd. with the following conditions:

1. That a Certified Survey Map combining the properties at 8640 S. Howell Ave. and 340 E. Puetz Rd. is approved by the Common Council prior to issuance of occupancy permits.
2. That all revised plans (site, building, landscaping, lighting, etc.) are submitted for review and approval by the Department of Community Development prior to the submission of permit applications.
3. That all building and fire codes are met.
4. That all mechanical equipment (ground, building, and rooftop) is screened from view.
5. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of permits.
6. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
7. That the applicant provide all required reviews and approvals from the Wisconsin Department of Transportation for the proposed Howell Avenue access to the Department of Community Development and the Engineering Department prior to submission of occupancy permit applications.

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

**Plan Review – Bridgeman Foods/USA Kennedy (Wendy's)  
7940 S. Howell Ave.  
Tax Key No. 814-9036-001**

Ms. Papelbon provided an overview of the request for exterior façade modifications.

Commissioner Chandler asked why Wendy's is making the change.

Wendy's Representative responded that the Wendy's Corporation has embarked on a system wide image campaign and these changes would bring the restaurant up to the new standard.

Alderman Bukiewicz commented that it's timing appropriate given the Drexel Town Square; it gives the building a new look and fits in with the town square concept.



Commissioner Dickmann asked if the new signage on the building meets the existing requirement.

Ms. Papelbon responded that the “Wendy’s” and the little logo would be the sign. The backdrop would be part of the architectural component of the building.

Commissioner Dickmann asked if they planned on making changes to their drive-through menu board.

Wendy’s Representative responded that they had updated their outside menu boards a few years ago.

Commissioner Dickmann inquired if they had plans to have menu boards that you could actually see the worker while ordering.

Wendy’s Representative replied that they are not there yet with technology.

Ms. Papelbon asked if the Plan Commission would like to discuss any extra considerations to granting the modification in recommendation #2 as to the exterior building materials; in other words landscaping, bike rack, awnings as a supplement.

Mayor Scaffidi asked the applicant if Wendy’s would be willing to add a bike rack to the location. Mayor Scaffidi advised that the applicant indicated yes.

Alderman Bukiewicz motioned that the Plan Commission approves the site and building plans submitted by Bridgeman Foods/USA Kennedy (Wendy’s), for the property at 7940 S. Howell Ave. with the following conditions:

1. That all building and fire codes are met.
2. That plans are updated to include the bike rack and are submitted to the Department of Community Development prior to submission of building permit applications.

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

**Conditional Use Permit Amendment – Riteway Bus Service, Inc.**

**6970 S. 6<sup>th</sup> St.**

**TAX KEY NO: 734-9020-000**

Ms. Papelbon provided an overview of the request for a 30,000 gallon propane storage tank and the restrictions/conditions.

Mayor Scaffidi asked Assistant Fire Chief Kressuk if there were any concerns with a tank that large.

Assistant Fire Chief Kressuk responded that it all starts in the planning stage to reduce those risks. The installation is regulated by the State of Wisconsin and fire codes. The key to it is having protection around it. The protective features around the tank are also regulated by the State of Wisconsin and fire codes. A tank this size is not unheard of and is relatively common in the propane industry.

Commissioner Chandler asked how many gallons are on site today and why the change to such a large tank.

Jason Ebert, N1568 Lake Ridge Drive responded that there are two 1900 gallon tanks on site for a total of 3800 gallons. He explained there are several reasons for the change. Currently due to the usage demand delivery is 3-4 times per week and that would change to monthly or bi-monthly. There would be after hours delivery between 2:00 a.m. and 3:00 a.m., which would limit the down time on site and delivery would be at non-peak traffic times. Propane has proven to be a good resource for them for fueling but they have no current plans to expand the fueling for any "GO" commercial vehicle and have actually reduced their fleet of "GO" vans. The Oak Creek Franklin School District is one of their clients and they are looking at using propane buses for the district. They will be purchasing two of these buses early next year.

Commissioner Chandler asked what they will be doing for safety and if the tank is buried underground.

Jason Ebert responded that the tank is above ground in a fenced in area with posts surrounding it. The site operates 24-hours per day but will be locked after 5:00 p.m. There are security cameras on site and their dispatch must provide the key for fence to be unlocked. There is also an employee on site at all times. There are also emergency shutoffs that are required by the State.

Commissioner Chandler asked how a leak would be detected.

Jason Ebert responded that propane does give off an odor.

Commissioner Dickmann asked what the small tank is that he observed on 6<sup>th</sup> Street.

Jason Ebert responded that the tank is a "temp" tank that they are using at this time while they are waiting for final approval and once approved that tank will be removed.

Rosemarie Annonson requested information on the setbacks.

Ms. Papelbon responded that it's approximately 60-feet from the north property line and about 90-feet from the existing building.

Rosemarie Annonson asked if one of the tanks that is currently there blows, does the other one go up as well.

Mayor Scaffidi advised that there will be only the 30,000 gallon tank on the property as the others will be removed.

Assistant Fire Chief Kressuk advised that the worst case scenario would be a catastrophic failure and fire associated with that tank and although relatively rare, they do occur. A more likely scenario would be a leak during the filling process or some sort of valve failure they are more common and do create a hazard but they are usually mitigated without a great deal of harm. Advised that this is a relatively industrial area with very little residential until you get closer to Howell Avenue so it does create a wider area of uninhabited land that they would not have to worry about evacuation.

Rosemarie Annonson asked how far they would have to evacuate.

Assistant Fire Chief Kressuk responded that he would need to check on that. He stated that it should be noted that the occupancy immediately to the south of it would be Fire Station #3.

Commissioner Correll commented about more often failure would happen at delivery and with the larger tank deliveries would be less frequent.

Assistant Chief Kressuk responded that would be the positive.

Alderman Bukiewicz asked if there would be anyway to redirect the deliveries to Rawson Avenue especially the tankers and to try to keep them off of Drexel with the traffic volume that is there.

Jason Ebert responded that they will be utilizing Rawson Avenue.

Commissioner Dickmann motioned that the Plan Commission recommends that the Common Council that they approve a Conditional Use Permit Amendment allowing a 30,000 gallon propane tank on the property at 6970 S. 6th St. after a public hearing.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Guzikowski seconded. On roll call: all voted aye. The meeting adjourned at 9:13 p.m.

ATTEST:

  
\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

11-19-15

\_\_\_\_\_  
Date

## Summary of Significant Common Council Actions

1. **APPROVED: Ordinance:** Consider Ordinance No. 2777, amending Ordinance No. 2692, allowing automobile and truck engine and body repair, and storage of vehicles and equipment on a portion of the property located at 6925 S. 6<sup>th</sup> Street (1<sup>st</sup> District).

**Please note that conditions and restrictions were amended prior to the Council meeting as follows:**

Existing recycled asphalt parking - storage areas may remain, provided that any expansion or alteration of those parking areas must be consistent with any deed restrictions that may affect the property.

Limit outdoor storage to vehicles and equipment used in the operation of the business

2. **APPROVED: Motion:** Consider a motion to authorize the City Administrator to enter into an amended market contract with the Journal Broadcast Group for advertising as part of the Packers Radio Network and the Brewers Radio Network to promote the City of Oak Creek for the 2016 regular season(s), in an amount not to exceed \$48,060 (by Committee of the Whole). Additional discretion/revenue was given to the Director of Community Development to advertise during playoff games.



Kari Papelbon, CFM, AICP  
Planner



# Plan Commission Report

ITEM: 4a & 5a  
DATE: November 10, 2015

**PROJECT:** Comprehensive Plan Amendment – City of Oak Creek

**ADDRESSES:** 7951, 8067, 8210, 8245, 8310 and 8351 S. 20<sup>th</sup> Street  
1741R, 1830, 1901, 2200, 2211, 2300, 2305, 2319, 2361 and 2500 W. Drexel Ave.  
1965 W. Rawson Avenue

**TAX KEY NOS:** 810-9016, 8109024, 811-9018-002, 810-9014, 930-9021, 831-9033, 810-9024, 811-9024,  
784-9021, 811-9991-002, 785-9004, 810-9992-001, 785-9005, 810-9017, 810-9020, 810-  
9022, 785-9003-001, 763-9997-001

**STAFF RECOMMENDATION:** That the Plan Commission adopts resolution 2015-04, amending the Comprehensive Plan and Planned Land Use map for the properties at 7951, 8067, 8210, 8245, 8310 and 8351 S. 20<sup>th</sup> Street, 1741R, 1830, 1901, 2200, 2211, 2300, 2305, 2319, 2361 and 2500 W. Drexel Ave. and 1965 W. Rawson Avenue to reflect the change in land use as indicated in Exhibit A, following a public hearing and adoption by the Common Council.

**BACKGROUND:**

In 2013 the City entered into a Tri Party Exchange Agreement with Milwaukee County and Northwestern Mutual to transfer an convey lands in the vicinity of Falk Park. As part of that transaction, the County received additional high value wetlands and woodlands (that were previously in private ownership), Northwestern Mutal received 60 acres of farmland along the interstate, and the City received a 17 acre parcel that it later exchanged with the School District and is now a construction site of a new elementary school. This amendment to the comprehensive plan reclassifies those parcels according to their new use. For example, those parcels that became part of Falk Park would now be classified as 'Resource Protection Area', the school parcel would become 'Institutional' and the lands now owned by Northwestern Mutual would be classified as 'Planned Mixed Use'. Portions of the properties that were designated as resource protection area due to the presence of significant wetlands or floodplain would retain their resource protection area status, regardless of whether they remain part of Falk Park.

The State of Wisconsin Smart Growth Law requires that all local land use decisions after January 1, 2010 must be consistent with the objectives, goals, and policies contained within the comprehensive plan. This comprehensive plan amendment would be the first step in the ultimate rezoning of these properties to reflect their current and planned use(s).

Prepared by:

Kari Papelbon, CFM, AICP  
Planner

Respectfully Submitted by:

Douglas Seymour, AICP  
Director of Community Development

EXHIBIT A

PROPERTIES AFFECTED BY PROPOSED COMPREHENSIVE PLAN AMENDMENT

<u>TAX KEY</u>	<u>ADDRESS</u>				<u>CURRENT LAND USE PLAN</u>	<u>PROPOSED LAND USE CHANGE</u>
810-9016	7951	S	20TH	ST	Single Family Residential	Resource Protection Area
810-9024	8067	S	20TH	ST	Single Family Residential, Limited Development Area	Resource Protection Area
811-9018-002	8210	S	20TH	ST	Limited Development Area	Resource Protection Area
810-9014	8245	S	20TH	ST	Limited Development Area	Resource Protection Area
830-9021	8310	S	20TH	ST	Single Family Residential, Limited Development Area	Resource Protection Area
831-9033	8351	S	20TH	ST	Mixed Residential, Limited Development Area	Resource Protection Area
810-9024	7312	S	27TH	ST	Single Family Residential	Resource Protection Area
811-9024	1741	R W	DREXEL	AVE	Single Family Residential, Limited Development Area	Resource Protection Area
784-9021	1830	R W	DREXEL	AVE	Resource Protection Area	Planned Mixed Use
811-9991-002	1901	W	DREXEL	AVE	Single Family Residential, Limited Development Area	Resource Protection Area
785-9004	2200	W	DREXEL	AVE	Resource Protection Area	Institutional
810-9992-001	2211	W	DREXEL	AVE	Limited Development Area	Resource Protection Area
785-9005	2300	W	DREXEL	AVE	Limited Development Area	Resource Protection Area
810-9017	2305	W	DREXEL	AVE	Single Family Residential, Limited Development Area	Resource Protection Area
810-9020	2319	W	DREXEL	AVE	Single Family Residential, Limited Development Area	Resource Protection Area
810-9022	2361	W	DREXEL	AVE	Single Family Residential, Limited Development Area	Resource Protection Area
785-9003-001	2500	W	DREXEL	AVE	Resource Protection Area	Planned Business (partial)
763-9997-001	1965	W	RAWSON	AVE	Roadway	Resource Protection Area

# Existing

# Proposed



OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK PLAN COMMISSION**

**PURPOSE:** The purpose of this public hearing is to consider an amendment to the “2020 Vision – A Comprehensive Plan for the City of Oak Creek” as it relates to the properties at 7951, 8067, 8210, 8245, 8310, and 8351 S. 20<sup>th</sup> Street; 7312 S. 27<sup>th</sup> Street; 1741R, 1830R, 1901, 2200, 2211, 2300, 2305, 2319, 2361 and 2500 W. Drexel Avenue; and 1965 W. Rawson Avenue.

**Hearing Date:** Tuesday, November 24, 2015  
**Time:** 6:00 p.m.  
**Place:** Oak Creek City Hall  
 8040 South 6<sup>th</sup> Street  
 Oak Creek, WI 53154  
 Common Council Chambers

**Proposal:** The proposed amendment would update the Planned Land Use category and Map 2 in the Comprehensive Plan for the properties listed below and depicted on the attached map. The proposed map changes are a result of recent property exchanges in the vicinity of Falk Park.

<u>TAX KEY</u>	<u>ADDRESS</u>	<u>CURRENT LAND USE PLAN</u>	<u>PROPOSED LAND USE CHANGE</u>
810-9016	7951 S 20TH ST	Single Family Residential	Resource Protection Area
810-9024	8067 S 20TH ST	Single Family Residential, Limited Development Area	Resource Protection Area
811-9018-002	8210 S 20TH ST	Limited Development Area	Resource Protection Area
810-9014	8245 S 20TH ST	Limited Development Area	Resource Protection Area
830-9021	8310 S 20TH ST	Single Family Residential, Limited Development Area	Resource Protection Area
831-9033	8351 S 20TH ST	Mixed Residential, Limited Development Area	Resource Protection Area
762-9008	7312 S 27TH ST	Single Family Residential	Resource Protection Area
811-9024	1741 R W DREXEL AVE	Single Family Residential, Limited Development Area	Resource Protection Area
784-9021	1830 R W DREXEL AVE	Resource Protection Area	Planned Mixed Use
811-9991-002	1901 W DREXEL AVE	Single Family Residential, Limited Development Area	Resource Protection Area
785-9004	2200 W DREXEL AVE	Resource Protection Area	Institutional
810-9992-001	2211 W DREXEL AVE	Limited Development Area	Resource Protection Area
785-9005	2300 W DREXEL AVE	Limited Development Area	Resource Protection Area
810-9017	2305 W DREXEL AVE	Single Family Residential, Limited Development Area	Resource Protection Area
810-9020	2319 W DREXEL AVE	Single Family Residential, Limited Development Area	Resource Protection Area
810-9022	2361 W DREXEL AVE	Single Family Residential, Limited Development Area	Resource Protection Area
785-9003-001	2500 W DREXEL AVE	Resource Protection Area	Planned Business (partial)
763-9997-001	1965 W RAWSON AVE	Roadway	Resource Protection Area





**RESOLUTION NO. 2015-04**

**A RESOLUTION ADOPTED BY THE PLAN COMMISSION AMENDING THE ADOPTED COMPREHENSIVE PLAN FOR THE CITY OF OAK CREEK, IN MILWAUKEE COUNTY, WISCONSIN**

WHEREAS, Sections 62.23 and 66.0295 of the Wisconsin Statutes establish the required procedure for a local government to adopt a Comprehensive Plan; and

WHEREAS, the City of Oak Creek Plan Commission has the authority to amend the Comprehensive plan by resolution and also to recommend that the Common Council adopt the Comprehensive Plan; and

WHEREAS, in August of 2013 the City of Oak Creek entered into a Tri-Party Exchange Agreement with Milwaukee County and the Northwestern Mutual Life Insurance Company (“Northwestern Mutual”) to transfer and convey lands in the vicinity of Falk Park; and

WHEREAS, Section 10.2 of that Tri-Party Agreement obligated the City to “use good faith best efforts to rezone the Properties to reflect their actual usage after the Closing.”; and

WHEREAS, in accordance with Sec. 66.1001(3) of Wisconsin Statutes, City zoning ordinances enacted or amended must be consistent with the adopted comprehensive plan; and

WHEREAS, the City of Oak Creek has proposed an amendment to the “2020 Vision – A Comprehensive Plan for the City of Oak Creek” re-designating those properties involved in the Tri-Party Exchange Agreement to reflect their current or planned land use as identified in Exhibit “A”; and

WHEREAS, the City has duly noticed a public hearing on the aforementioned amendment to the “2020 Vision – A Comprehensive Plan for the City of Oak Creek” and the Plan Commission has held the public hearing following the procedures in Section 66.0295(4)(d), Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Oak Creek hereby adopts the amendment to the Comprehensive Plan designating the properties identified in the Tri – Party Exchange Agreement and further depicted in Exhibit A as follows, recognizing that the Common Council must also adopt the amendment to the Comprehensive Plan for it to become effective.

<u>TAX KEY</u>	<u>ADDRESS</u>	<u>CURRENT LAND USE PLAN</u>	<u>PROPOSED LAND USE CHANGE</u>
810-9016	795 1 S 20TH ST	Single Family Residential	Resource Protection Area
810-9024	806 7 S 20TH ST	Single Family Residential, Limited Development Area	Resource Protection Area
811-9018-002	821 0 S 20TH ST	Limited Development Area	Resource Protection Area
810-9014	824 5 S 20TH ST	Limited Development Area	Resource Protection Area

830-9021	831 0	S	20TH	ST	Single Family Residential, Limited Development Area	Resource Protection Area
831-9033	835 1	S	20TH	ST	Mixed Residential, Limited Development Area	Resource Protection Area
810-9024	731 2	S	27TH	ST	Single Family Residential	Resource Protection Area
811-9024	174 1	R	W	DREXEL	AV E	Single Family Residential, Limited Development Area
784-9021	183 0	R	W	DREXEL	AV E	Resource Protection Area
811-9991-002	190 1	W	DREXEL	AV E	Single Family Residential, Limited Development Area	Resource Protection Area
785-9004	220 0	W	DREXEL	AV E	Resource Protection Area	Institutional
810-9992-001	221 1	W	DREXEL	AV E	Limited Development Area	Resource Protection Area
785-9005	230 0	W	DREXEL	AV E	Limited Development Area	Resource Protection Area
810-9017	230 5	W	DREXEL	AV E	Single Family Residential, Limited Development Area	Resource Protection Area
810-9020	231 9	W	DREXEL	AV E	Single Family Residential, Limited Development Area	Resource Protection Area
810-9022	236 1	W	DREXEL	AV E	Single Family Residential, Limited Development Area	Resource Protection Area
785-9003-001	250 0	W	DREXEL	AV E	Resource Protection Area	Planned Business (partial)
763-9997-001	196 5	W	RAWSON	AV E	Roadway	Resource Protection Area

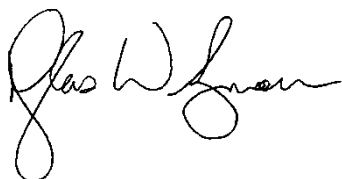
BE IT FURTHER RESOLVED that the Secretary of the Plan Commission certifies a copy of the amendment to the Common Council; and

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Common Council adopts the amendment to the Comprehensive Plan by ordinance.

Passed and adopted this 24th day of November, 2015.

\_\_\_\_\_  
Plan Commission Chair

Attest:



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Secretary of the Plan Commission

EXHIBIT A

PROPERTIES AFFECTED BY PROPOSED COMPREHENSIVE PLAN AMENDMENT

<u>TAX KEY</u>	<u>ADDRESS</u>				<u>CURRENT LAND USE PLAN</u>	<u>PROPOSED LAND USE CHANGE</u>
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810-9024	806 7	S	20TH	ST	Single Family Residential, Limited Development Area	Resource Protection Area
811-9018-002	821 0	S	20TH	ST	Limited Development Area	Resource Protection Area
810-9014	824 5	S	20TH	ST	Limited Development Area	Resource Protection Area
830-9021	831 0	S	20TH	ST	Single Family Residential, Limited Development Area	Resource Protection Area
831-9033	835 1	S	20TH	ST	Mixed Residential, Limited Development Area	Resource Protection Area
810-9024	731 2	S	27TH	ST	Single Family Residential	Resource Protection Area
811-9024	174 1	R	W DREXEL	AV E	Single Family Residential, Limited Development Area	Resource Protection Area
784-9021	183 0	R	W DREXEL	AV E	Resource Protection Area	Planned Mixed Use
811-9991-002	190 1	W	DREXEL	AV E	Single Family Residential, Limited Development Area	Resource Protection Area
785-9004	220 0	W	DREXEL	AV E	Resource Protection Area	Institutional
810-9992-001	221 1	W	DREXEL	AV E	Limited Development Area	Resource Protection Area
785-9005	230 0	W	DREXEL	AV E	Limited Development Area	Resource Protection Area
810-9017	230 5	W	DREXEL	AV E	Single Family Residential, Limited Development Area	Resource Protection Area
810-9020	231 9	W	DREXEL	AV E	Single Family Residential, Limited Development Area	Resource Protection Area
810-9022	236 1	W	DREXEL	AV E	Single Family Residential, Limited Development Area	Resource Protection Area
785-9003-001	250 0	W	DREXEL	AV E	Resource Protection Area	Planned Business (partial)
763-9997-001	196 5	W	RAWSON	AV E	Roadway	Resource Protection Area



# Plan Commission Report

ITEM: 5b  
DATE: November 24, 2015

**PROJECT:** Conditions & Restrictions – Shawn McKibben, Oak Park Place

**ADDRESS:** 1980 W. Rawson Ave.

**TAX KEY NOs:** 736-899-5001

**STAFF RECOMMENDATION:** That the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit allowing a licensed community living arrangement with a capacity of sixteen (16) or more persons and housing for the elderly/multiple-family dwellings in excess of four (4) dwelling units per structure on the property at 1980 W. Rawson Ave. after a public hearing.

**Ownership:** Legacy/Rawson, LLC, 2008 Saint Johns Ave., Highland Park, IL 60035

**Size:** 6.2955 acres

**Existing Zoning:** Rs-4, Single Family Residential

**Adjacent Zoning:** North – Rm-1 (PUD), Multifamily Residential Planned Unit Development  
East – I-94  
South – P-1, Park District  
West – Rs-4, Single Family Residential

**Comprehensive Plan:** Mixed Residential.

**Wetlands:** Yes, see map.

**Floodplain:** None.

**Official Map:** Yes, 20<sup>th</sup> Street right-of-way on west.

**Commentary:** At the November 10, 2015 meeting, the Plan Commission recommended approval of a request by Shawn McKibben, Oak Park Place, for a Conditional Use Permit for a phased development that includes assisted living units, memory care units, and independent living apartments. This property was also recommended to be rezoned from Rs-4, Single Family Residential to Rm-1, Multifamily Residential at the November 10 meeting. Site, building, landscaping, and related reviews will occur at a later date.

Staff has prepared Conditions and Restrictions for this Conditional Use Permit for the Commission's review. Plan Commissioners will be asked to issue a decision as to whether a reduction in the minimum number of parking stalls is appropriate. The proposal is to construct 55 parking stalls in the center of the property, and 9 parking stalls on the northwest below the proposed dry pond. Parking requirements for elderly housing in the Municipal Code are 1 stall per dwelling unit, and 1.5 (efficiency/1-bedroom apartments) to 2 (for 2-bedroom apartments) parking stalls per dwelling unit for multifamily residences. However, a request to use the parking ratio for nursing homes -- 1 space per 3 patient beds plus 1 space per employee -- was approved by the Plan Commission in April of this year for the Azura CBRF. Staff has recommended that the reduction in parking stalls be allowed for Phase I

only. Phase II, which will consist of independent living apartments, will be required to meet the minimum parking requirements for multifamily residences.

If the Plan Commission is comfortable with the Conditions and Restrictions, the appropriate action would be to recommend that the Common Council approve them as part of the Conditional Use Permit.

Prepared by:



Kari Papellbon, CFM, AICP  
Planner

Respectfully Submitted by:



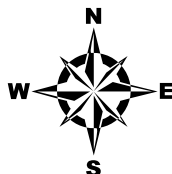
Douglas Seymour, AICP  
Director of Community Development

# Location Map


## 1980 W. Rawson Ave.



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



**Legend**

 1980 W. Rawson Ave.





City of Oak Creek – Conditional Use Permit  
**DRAFT** Conditions and  
Restrictions

Applicant: Shawn McKibben, Oak Park  
Property Address: 1980 W. Rawson Ave.  
Tax Key Number(s): 736-8995-001

Approved by Plan Commission: TBD  
Approved by Common Council: TBD  
(Ord. #xxxx)

Conditional Use: Licensed community living arrangement  
(capacity of 16 or more persons) and housing for the elderly/multiple-family dwellings in  
excess of four (4) dwelling units per structure

1. LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 6, IN TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE EAST ALONG THE SOUTH LINE OF SAID 1/4 SECTION 226.02 FEET TO A POINT WHICH IS 2432.70 FEET WEST OF THE SOUTHEAST CORNER OF SAID 1/4 SECTION; THENCE NORTH ON A LINE WHICH IS PARALLEL TO THE EAST LINE OF SAID 1/4 SECTION 229.40 FEET TO A POINT; THENCE WEST ON A LINE WHICH IS PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 50.00 FEET TO A POINT; THENCE NORTH ON A LINE WHICH IS PARALLEL TO THE EAST LINE OF SAID 1/4 SECTION 435.60 FEET TO A POINT; THENCE WEST ON A LINE WHICH IS PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 172.50 FEET TO A POINT ON THE WEST LINE OF SAID 1/4 SECTION; THENCE SOUTH ALONG THE WEST LINE OF SAID 1/4 SECTION 665.00 FEET TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM THAT PART CONVEYED TO THE STATE HIGHWAY COMMISSION OF WISCONSIN IN AN AWARD OF DAMAGES RECORDED ON JUNE 20, 1962 IN VOLUME 4250, PAGE 538, AS DOCUMENT NO. 3956131, DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE EAST ALONG THE SOUTH LINE OF SAID 1/4 SECTION 226.02 FEET TO A POINT WHICH IS 2432.70 FEET WEST OF THE SOUTHEAST CORNER OF SAID 1/4 SECTION; THENCE NORTH ON A LINE WHICH IS PARALLEL WITH THE EAST LINE OF SAID 1/4 SECTION TO A POINT 75 FEET NORTH OF AND AT RIGHT ANGLES TO THE SOUTH LINE OF SAID 1/4 SECTION; THENCE WEST AND PARALLEL WITH SAID SOUTH LINE OF SAID 1/4 SECTION TO A POINT IN THE WEST LINE OF SAID 1/4 SECTION; THENCE SOUTH ON AND ALONG THE SAID WEST LINE TO THE POINT OF COMMENCEMENT.

ALSO;

THAT PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID 1/4 SECTION; RUNNING THENCE NORTH 00°49'00" EAST ALONG THE EAST LINE OF SAID 1/4 SECTION 665.97 FEET TO A POINT IN THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID 1/4 SECTION; THENCE SOUTH 89°58'51" WEST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID 1/4 SECTION 2302.76 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; RUNNING THENCE SOUTH 00°49'00" WEST AND PARALLEL TO THE EAST LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID 1/4 SECTION 332.63 FEET TO A POINT WHICH POINT IS 332.50 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 180.44 FEET TO A POINT; THENCE NORTH 00°49'00" EAST AND PARALLEL TO THE EAST LINE OF SAID 1/4 SECTION 332.56 FEET TO A POINT IN THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID 1/4 SECTION; THENCE NORTH 89°58'51" EAST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID 1/4 SECTION 180.44 FEET TO THE POINT OF BEGINNING.

ALSO;

THAT PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID 1/4 SECTION WHICH CORNER IS 665.97 FEET NORTH OF THE SOUTHEAST CORNER OF SAID 1/4 SECTION RUNNING THENCE WESTERLY ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID 1/4 SECTION 2040.18 FEET TO THE PLACE OF BEGINNING OF THE LAND ABOUT TO BE DESCRIBED; CONTINUING THENCE WESTERLY ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID 1/4 SECTION 262.08 FEET TO A POINT; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SAID 1/4 SECTION 332.33 FEET TO A POINT WHICH IS 332.50 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION; THENCE EASTERLY AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 262.03 FEET TO A POINT; THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID 1/4 SECTION 332.46 FEET TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM THAT PART CONVEYED TO THE STATE HIGHWAY COMMISSION OF WISCONSIN IN AWARD OF DAMAGES RECORDED ON JUNE 20, 1962 IN VOLUME 4250, PAGE 538, AS DOCUMENT NO. 3956131, DESCRIBED AS PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID 1/4 SECTION; THENCE NORTH 00°49'00" EAST ALONG THE EAST LINE OF SAID 1/4 SECTION 665.97 FEET TO A POINT IN THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID 1/4 SECTION; THENCE SOUTH 89°58'51" WEST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID 1/4 SECTION 2040.18 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE SOUTH 00°49'00" WEST AND PARALLEL WITH THE EAST LINE OF SAID 1/4 SECTION 332.72 FEET TO A POINT; THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF SAID 1/4 SECTION TO A POINT LOCATED 2199.42 FEET WEST OF THE SOUTHEAST CORNER OF SAID 1/4 SECTION AND 332.50 FEET NORTH 01°04'00" EAST AND PARALLEL WITH THE WEST LINE OF SAID 1/4 SECTION; THENCE NORTHEASTERLY TO THE PLACE OF BEGINNING.

ALSO;

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE 1/4 SECTION; THENCE SOUTH 89°11'08" WEST ALONG THE SOUTH LINE OF SAID 1/4 SECTION 2432.70 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID 1/4 SECTION 75.01 FEET TO THE POINT OF BEGINNING WHICH IS THE NORTHERLY LINE OF WEST RAWSON AVENUE; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 45.05 FEET; THENCE NORTH 38°07'03" EAST 305.23 FEET; THENCE NORTH 24°07'13" EAST 22.13 FEET; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 292.54 FEET; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SAID 1/4 SECTION 103.10 FEET; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 50.00 FEET; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SAID 1/4 SECTION 154.4 FEET TO THE POINT OF BEGINNING.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. A precise detailed site plan for the area affected by the conditional use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

a) Detailed building locations with setbacks

2) **Landscape Plan**

a) Screening plan for outdoor storage

- b) Square footage of building
- c) Areas for future expansion
- d) Area to be paved
- e) Access drives (width and location)
- f) Sidewalk locations
- g) Parking layout and traffic circulation
  - i) location
  - ii) number of employees
  - iii) number of spaces
  - iv) dimensions
  - v) setbacks
- h) Location of loading berths
  - i) Location of sanitary sewer (existing & proposed)
  - j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location of wetlands (field verified)
- m) Location, square footage and height of signs

- b) Number, initial size and type of plantings
- c) Parking lot screening/berming

**3) Building Plan**

- a) Architectural elevations
- b) Building floor plans
- c) Materials of construction

**4) Lighting Plan**

- a) Types of fixtures
- b) Mounting heights
- c) Types of poles
- d) Photometrics of proposed fixtures

**5) Grading, Drainage and Stormwater Management Plan**

- a) Contours (existing & proposed)
- b) Location of storm sewer (existing and proposed)
- c) Location of stormwater management structures and basins (if required)

**6) Fire Protection**

- a) Location of existing and proposed fire hydrants
- b) Interior floor plan
- c) Materials of construction

- B. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- C. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- D. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- E. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.

**3. PARKING AND ACCESS**

**A. Parking for Phase I of this project shall be provided in accordance with Section 17.0403(j)(6)(f) of the Municipal Code. The Plan Commission has approved the request to utilize this Section based on the type of facility (memory care and assisted living). Parking for Phase II of this project (independent living) shall be provided in accordance with Section 17.0403(j)(1) of the Municipal Code.**

- B. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
- C. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.

- D. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval.
- E. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- F. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 6 of the Oak Creek Municipal Code. Any off-site improvements shall be the responsibility of the property owner.
- G. All off street parking areas shall be landscaped in accordance with Sections 17.0330 & 17.0403 of the Municipal Code.

4. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code.

5. LANDSCAPING

- A. Parking Lot Screening. Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way. All screening materials shall be placed and maintained at a minimum height of three (3) feet.
  - 1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
  - 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
  - 3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

<u>Plant Type</u>	<u>Area of Coverage Provided</u>
Evergreen Tree (>8' Dia.)	75 sq. ft.
Large Shrub (6-8' Dia.)	38 sq. ft.
Medium Shrub (4-6' Dia.)	20 sq. ft.
Small Shrub (2-4' Dia.)	12 sq. ft.
Perennial (4.5" Pot)	6 sq. ft.

\* Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

- 4. To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.
- B. Interior Landscape Area. All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands shall provide a

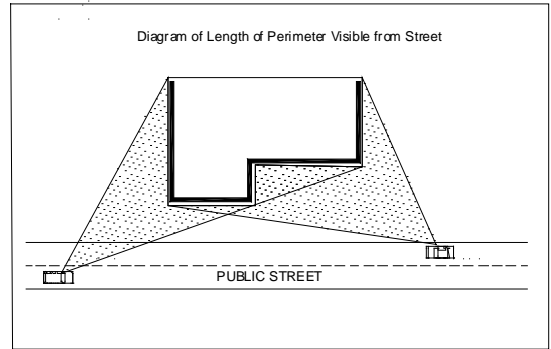
minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping.

- C. Perimeter Landscape Area. In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.
- D. Landscaping Adjacent to Buildings. There shall be a minimum three-foot landscaped area provided between the edge of pavement and the entrance elevation of the building.
- E. Screening of Trash. Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- F. Screening of Ground Mounted Mechanical Equipment. Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- G. Screening of Roof Mounted Mechanical Equipment - Roof mounted mechanical equipment shall be screened from casual view.
- H. Retaining Walls. No retaining wall shall exceed four (4) feet in height unless it has been designed and its construction supervised by a Professional Engineer. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of three (3) feet from the previous step. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties, or concrete
- I. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.
- J. Buffer Yards. Appropriate buffers shall be provided between dissimilar uses as set forth in Section 17.0205 (d) of the Municipal Code.
- K. Submittal Requirements. A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, right-of-ways and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
  - 1. A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
  - 2. The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
  - 3. The location and percent of slope of all proposed berms using one (1) foot contours.
  - 4. Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
  - 5. Methods used in staking, mulching, wrapping or any other early tree care used.
  - 6. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

## 6. ARCHITECTURAL STANDARDS

A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. These include, but are not limited to brick, stone and tinted/textured concrete masonry units (CMUs). Smooth-faced concrete block, EIFS products (such as Dryvit) or pre-fabricated steel panels are not permitted as a primary exterior building material.



**C. The facade of a multifamily residential building shall be provided with an acceptable brick or decorative masonry material that covers at least sixty-five (65) percent of the surface of the total exterior wall area of the building.**

D. Material and color samples shall be submitted to the Plan Commission for review and approval.

E. The Plan Commission has the discretion to adjust this minimum for building additions.

F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

G. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.

H. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.

I. Dumpsters and other trash receptacles shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.

J. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

**7. BUILDING AND PARKING SETBACKS**

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure*	30'	25'	10'
Accessory Structure**	30'	See Section 17.0501	See Section 17.0501
Off-street Parking	25'	15'	15'

\* Per Section 17.0311(f)(2), no multifamily residential structure shall be located closer than fifty (50) feet to a single-family district line. Rs-4 to the west extends to the centerline of S. 20<sup>th</sup> St.

\*\*No accessory structures shall be permitted in the front yard.

8. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.

9. SIGNS

All signs shall conform to the provisions of Sec. 17.0705(a) of the Municipal Code. All signs must be approved by the Plan Commission as part of the site plan review process.

10. PERMITTED USES

- A. All permitted uses in the Rm-1, Multifamily Residential zoning district.
- B. One (1) Licensed community living arrangement (capacity of 16 or more persons) and housing for the elderly/multiple-family dwellings in excess of four (4) dwelling units per structure.**
- C. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these conditions and restrictions as follows:

- A. Phase I of the conditional use shall commence within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a conditional use permit.
- B. Phase II of the conditional use shall commence within thirty-six (36) months from the date of adoption of the ordinance authorizing the issuance of a conditional use permit.
- C. This conditional use approval shall expire
  - 1. Within twelve (12) months after the date of adoption of the ordinance if a building permit for Phase I has not been issued for this use; **OR**
  - 2. Within thirty-six (36) months after the date of adoption of the ordinance if a building permit for Phase II has not been issued for this use.

**D. Upon expiration of this permit for Phase I only, the zoning for the property will revert back to Rs-4, Single Family Residential.**

- E. Upon expiration of this permit per Section (C), the applicant shall re-apply for a conditional use approval prior to recommencing work or construction for either Phase of development.

12. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, ordinances, and orders not heretofore stated or referenced, is mandatory.



13. VIOLATIONS & PENALTIES

Any violations of the terms of this conditional use permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances. If the owner, applicant or operator of the conditional use permit is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the city shall have the right to revoke this conditional use permit, subject to the provisions of paragraph 14 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this conditional use permit or to seek an injunction regarding any violation of this conditional use permit or any other city ordinances.

14. REVOCACTION

Should an applicant, his heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in Section 17.1007 of the Municipal Code.

15. ACKNOWLEDGEMENT

The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

\_\_\_\_\_  
Owner / Authorized Representative Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(please print name)



# Plan Commission Report

ITEM: 5c  
DATE: November 24, 2015

**PROJECT:** Plan Review – Tony Mirenda, Grace Lutheran Church

**ADDRESS:** 3381B E. Puetz Rd.

**TAX KEY NO:** 864-0062-000

**STAFF RECOMMENDATION:** That the Plan Commission approves the site, building, and landscaping plans submitted by Tony Mirenda, Grace Lutheran Church, for the property at 3381B E. Puetz Rd. with the following conditions:

1. That all building and fire codes are met.
2. That all mechanical equipment (ground, building, and rooftop) is screened from view.

**Ownership:** Grace Lutheran Church, 8537 S. Pennsylvania Ave., Oak Creek, WI 53154

**Size:** 0.17 acres

**Existing Zoning:** I-1, Institutional

**Adjacent Zoning:**

- North – I-1, Institutional
- East – I-1, Institutional
- South – Rs-3, Single Family Residential
- West – Rs-3, Single Family Residential

**Comprehensive Plan:** Institutional.

**Wetlands:** N/A.

**Floodplain:** N/A.

**Official Map:** N/A.

**Commentary:** The Applicant is requesting site, building, and landscaping plan approval for a 485-square-foot addition to the southwest portion of the existing building at 3381B E. Puetz Rd. The addition will contain a vestibule with guild room, new restroom, and small coat rack. Plan Commissioners should note that the Board of Zoning Appeals granted a variance to allow the building to be sited 19 feet from the west lot line and the roof overhang to be 15 feet from the side lot line. All other setbacks are met in the proposed plans.

Proposed building materials include cement board siding on the west, south, and east elevations, with windows and light fixtures on the south elevation (entrance). Per Section 17.1009(a)(2), the use of cement fiber products requires a ¾ majority approval of the Plan Commission. Staff recommends approval.

Landscaping plans have been submitted depicting west, north, and off of the southeast corner of the proposed addition. Staff recommends approval.

Prepared by:

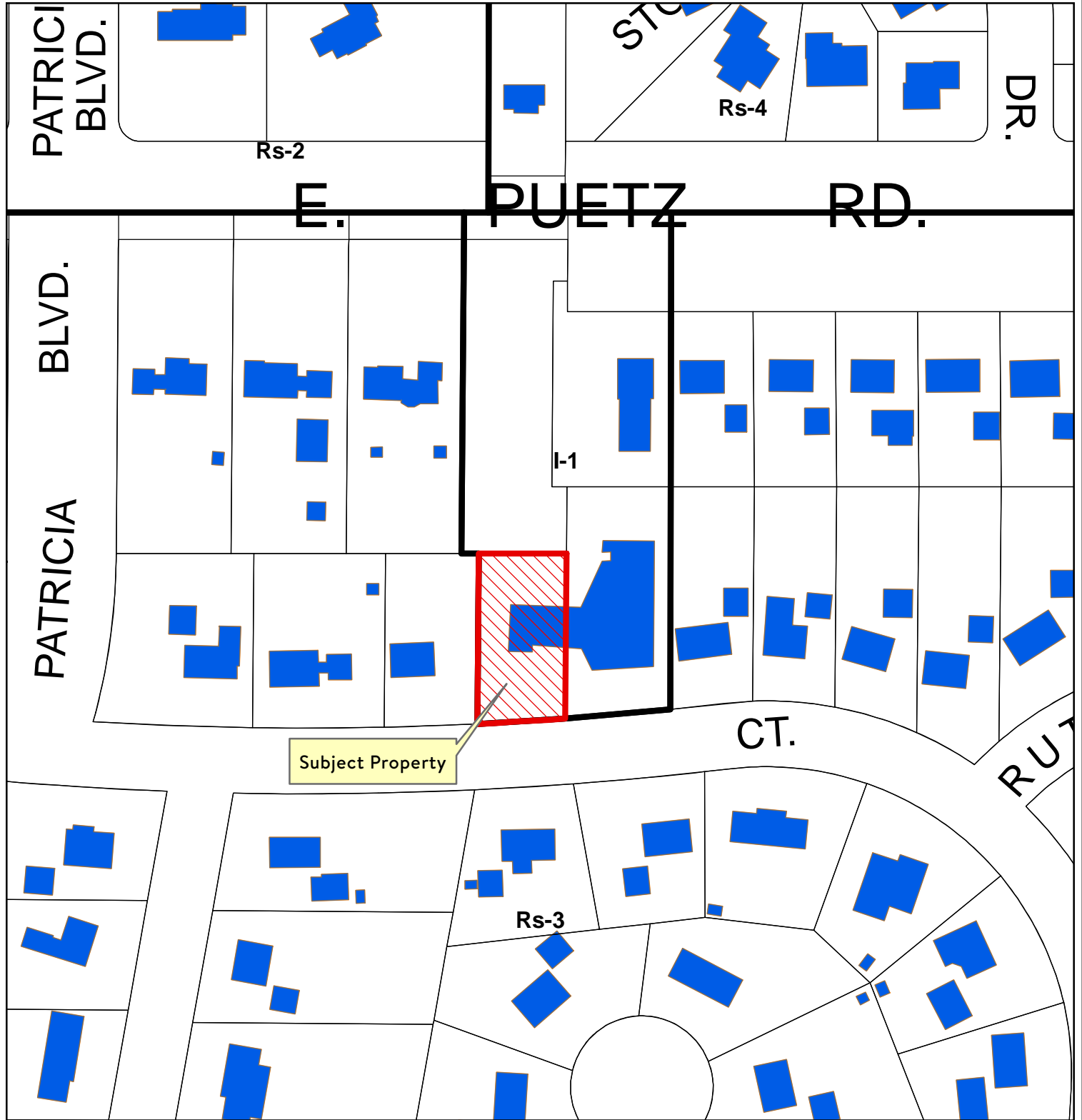
Kari Papelbon, CFM, AICP  
Planner

Respectfully Submitted by:

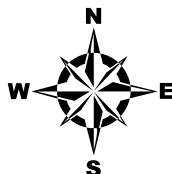
Douglas Seymour, AICP  
Director of Community Development

# Location Map


## 3381B E. Puetz Rd.

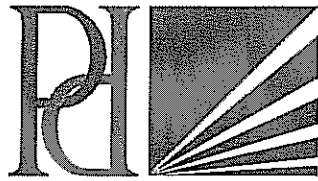


This map is not a survey of the actual boundary of any property this map depicts.



**Legend**

 3381B E. Puetz Rd.



**PERSPECTIVE  
DESIGN, INC.**

11525 W. North Avenue  
Wauwatosa, WI 53226  
Tel (414) 302-1780 Fax (414) 302-1781

**Oak Creek Planning Commission Application  
Grace Lutheran Church  
Description of Proposal**

Grace Lutheran Church is looking to improve ADA accessibility in a two phase project:

- Phase I will include a building addition to create an ADA accessible entry to the church with a new ramp to the front door, entry vestibule, a small guild room, and an ADA accessible, unisex, single user toilet room. The entire building addition will be approximately 485 square feet.
- Phase II consists of an interior alteration to improve accessibility to the chancel by removing the front pew. Additional alteration work includes adding A/C units, improving nave lighting with energy efficient lighting, and improving the chancel area.



LANDSCAPE PLAN GENERAL NOTES

\*\* PLANT MATERIAL SHOWN ON LANDSCAPE PLAN IS DEPICTED AT MATURE GROWTH. \*\*

- AT LEAST SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION, CONTRACTOR SHALL VERIFY UTILITY LOCATIONS AS GIVEN BY THE ELECTRIC, GAS, TELEPHONE, WATER, SEWER, AND CABLE TELEVISION COMPANIES, UTILITIES OR ENTITIES. REVIEW WITH OWNER'S REPRESENTATIVE, SITE MECHANICAL, ELECTRICAL AND LIGHTING, SITE GRADING AND DRAINAGE, SITE IRRIGATION AND ALL OTHER DRAWINGS PERTAINING TO UNDERGROUND UTILITY LOCATIONS. RECORD SET OF INFORMATION THE SAME AS IN POSSESSION OF OWNER'S REPRESENTATIVE. ALSO REVIEW OWNER'S "MARK SETS" OF ALL OF THESE DRAWINGS IN POSSESSION OF THE CONTRACTOR OR OWNER. MARK ALL SUCH UTILITIES ON THE SITE PRIOR TO COMMENCING. COORDINATE WITH OWNER BEFORE AND DURING CONSTRUCTION. REPAIR ANY DAMAGE TO ANY SYSTEM THAT IS CAUSED BY LANDSCAPE CONTRACTOR AT NO COST TO OWNER.
- ALL PLANTINGS SHALL COMPLY WITH STANDARDS AS DESCRIBED IN AMERICAN STANDARD OF NURSERY STOCK ANSI Z66.1 1996.
- DEVIATIONS FROM THESE PLANS SHALL BE NOTED ON THE RECORD DRAWING BY THE CONTRACTOR AND ONLY WITH PRIOR APPROVAL OF THE LANDSCAPE ARCHITECT AND OWNER'S REPRESENTATIVE. VERBAL AGREEMENTS OR REVISIONS WITHOUT A CHANGE ORDER WILL NOT BE RECOGNIZED BY LANDSCAPE ARCHITECT AND OWNER.
- ALL PLANTS MUST BE BID AND SELECTED PER THE SPECIES SPECIFIED ON THE PLANS. THE SIZES OF PLANT MATERIAL LISTED HEREIN IS A MINIMUM ACCEPTABLE SIZE. ADDITIONALLY, IF EXCESSIVE PRUNING REDUCES THE CROWN THE PLANT SHALL BE REPLACED.
- PROTECT PUBLIC FROM CONSTRUCTION WITH BARRIERS AND BARRICADES.
- ALL AREAS THAT WERE DISTURBED DURING CONSTRUCTION AND AREAS NOT COVERED WITH PAVEMENT, BUILDING, PLANTING BEDS, OR TREE PITS ARE TO BE TOPSOILED 6" DEEP (MIN.) AND SHALL BE SODED/SEEDED WITH SPECIFIED LAWN GRASS. LANDSCAPE CONTRACTOR SHALL INCLUDE COST PER SQUARE YARD FOR ADDITIONAL SEED OPERATIONS AS MAY BE POSSIBLY REQUIRED TO REESTABLISH ADJACENT TURF GRASS AREAS WHICH MAY BECOME DAMAGED DURING THE CONSTRUCTION PROCESS OR TO REPAIR DAMAGE DONE BY OTHERS.
- CONTRACTOR IS RESPONSIBLE FOR FURNISHING ALL MATERIALS, TOOLS, EQUIPMENT, LABOR, AND PLANTS NECESSARY FOR PROPER PLANTING AND INSTALLATION OF ALL LANDSCAPE MATERIAL.
- QUANTITIES ON PLANT MATERIALS LIST ARE FOR CONVENIENCE OF BIDDING ONLY. CONTRACTOR IS RESPONSIBLE FOR ALL PLANTS SHOWN ON LANDSCAPE PLANS AND COVERAGE OF ALL AREAS DELINEATED. THE PLANS ARE TO SUPERSEDE THE PLANT LIST IN ALL CASES.
- CONTRACTOR IS RESPONSIBLE FOR ALL ESTIMATING AND BIDDING, ALL AREAS, QUANTITIES MATERIALS SHOULD BE FIELD VERIFIED WITH SITE CONDITIONS.
- WHERE DISCREPANCIES OCCUR BETWEEN THE LANDSCAPE PLANS AND/OR ARCHITECTURAL AND/OR THE CIVIL DRAWINGS (AND ANY OTHER SITE DRAWINGS) THE DISCREPANCIES MUST BE BROUGHT TO THE LANDSCAPE ARCHITECT'S ATTENTION FOR COORDINATION AND RESOLUTION.
- ALL DISEASED, NOXIOUS OR INAPPROPRIATE MATERIALS SHALL BE REMOVED FROM THE PROPOSED SITE PRIOR TO THE START OF CONSTRUCTION AND DURING THE MAINTENANCE PERIOD.
- GENERAL CONTRACTOR SHALL LEAVE THE SITE FREE OF CONSTRUCTION DEBRIS.
- ALL LAWN AND PLANTING AREAS SHALL SLOPE TO DRAIN A MINIMUM OF 2% UNLESS NOTED OTHERWISE AND REVIEWED WITH OWNER'S REPRESENTATIVE FOR FINAL APPROVAL.
- FINISH GRADES FOR SHRUB AND GROUND COVER AREAS SHALL BE HELD 1" BELOW TOP OF ADJACENT PAVEMENTS AND CURBS, UNLESS NOTED OTHERWISE ON THE PLANS. REFER TO LSP1.2 FOR FURTHER INFORMATION.
- ALL PERENNIAL, ANNUAL AND GROUND COVER AREAS TO RECEIVE A BLEND OF ORGANIC SOIL AMENDMENTS PRIOR TO PLANTING. TILL THE FOLLOWING MATERIALS INTO EXISTING TOPSOIL TO A DEPTH OF APPROXIMATELY 8". A DEPTH OF 12" IN TREE PITS. PROPORTIONS AND QUANTITIES MAY REQUIRE ADJUSTMENT DEPENDING ON THE CONDITION OF EXISTING SOIL. REFER TO LSP1.2 FOR FURTHER INFORMATION.

PER EVERY 100 SQUARE FEET ADD:

- ONE -2 CUBIC FOOT BALE OF PEAT MOSS,
- 2 POUNDS OF 5-10-5 GARDEN FERTILIZER,
- 1/4 CUBIC YARD OF COMPOSTED MANURE,
- PLANT STARTER OR OTHER COMPOSTED, ORGANIC MATERIAL,

- ALL SHRUBS TO BE POCKET PLANTED WITH A 50/50 MIX OF PLANT STARTER AND EXISTING SOIL. INSTALL TOPSOIL INTO ALL BEDS AS NEEDED TO ACHIEVE PROPER GRADE. REMOVE ALL EXCESSIVE GRAVEL, CLAY AND STONES. REFER TO LSP1.2 FOR FURTHER INFORMATION.
- PLANT ALL TREES SLIGHTLY HIGHER THAN FINISHED GRADE AT ROOT FLARE. BACK FILL HOLE WITH 2/3 EXISTING TOPSOIL AND 1/3 PEAT MOSS. AVOID ANY AIR POCKETS. DISCARD ANY GRAVEL, CLAY OR STONES. REFER TO LSP1.2 FOR FURTHER INFORMATION.
- ALL TREES TO BE INSTALLED, STAKED AND GUYED ACCORDING TO DETAILS. REFER TO LSP1.2 FOR FURTHER INFORMATION.
- PROVIDE A 4'-0" - 5'-0" DIAMETER MULCH RING ALL LAWN TREES.
- ALL PLANTINGS TO BE WATERED AT THE TIME OF PLANTING, THROUGHOUT CONSTRUCTION AND UPON COMPLETION OF PROJECT AS REQUIRED.
- WHERE SPECIFIED, ALL PLANT BEDS, PITS AND TREE RINGS ARE TO RECEIVE A MINIMUM OF 2'-3" DRESSING OF SHREDDED HARDWOOD OAK BARK MULCH SHAVINGS (OR BROWN ENVIRO-MULCH) FREE OF GROWTH, WEEDS, FOREIGN MATTER DETRIMENTAL TO PLANT LIFE OR GERMINATION INHIBITING INGREDIENTS. LANDSCAPE CONTRACTOR TO PROVIDE A SAMPLE TO OWNER FOR APPROVAL. CONTRACTOR TO TAKE CARE WITH INSTALLATION NOT TO DAMAGE OR COVER PLANTS. REFER TO LSP1.2 FOR FURTHER INFORMATION.
- LAWN INSTALLATION: CONTRACTOR TO FURNISH AND PREPARE TOPSOIL (3" MIN) AND SEED BED (REMOVE ALL STONES 1" OR LARGER), APPLY STARTER FERTILIZER AND SEED UNIFORMLY. PROVIDE A MULCH COVERING SUITABLE TO GERMINATE AND ESTABLISH TURF. EROSION CONTROL MESH SHOULD BE USED IN SWALES AND STEEP GRADES WHERE APPLICABLE. METHODS OF INSTALLATION MAY VARY AT THE DISCRETION OF CONTRACTOR. IT IS HIS/HER RESPONSIBILITY TO ESTABLISH AND GUARANTEE A SMOOTH, UNIFORM, QUALITY TURF. IF STRAW MULCH IS USED AS A COVERING, A TACKIFIER MAY BE NECESSARY TO AVOID WIND DAMAGE.

RECOMMENDED SEED MIX:

PREMIUM 60 GRASS SEED MIX REINDEER'S (242) 786-3300	NO-MOW LOW GROW GRASS SEED MIX REINDEER'S
20% AMERICAN KENTUCKY BLUE GRASS	45% SPARTAN HARD FESCUE
20% ALPINE KENTUCKY BLUE GRASS	40% AZAY SHEEP FESCUE
20% LANGARA KENTUCKY BLUE GRASS	15% TRANSIT ANNUAL RYE GRASS
20% VICTORY CHEWINGS FESCUE	APPLY AT A RATE OF 175 POUNDS PER ACRE.
10% FIESTA II PERENNIAL RYE GRASS	REFER TO SUPPLIER'S SPECIFICATIONS AND
10% CUTLER PERENNIAL RYE GRASS	INSTALLATION CUT SHEETS FOR FURTHER
APPLY AT A RATE OF 175 POUNDS PER ACRE.	INFORMATION
REFER TO SUPPLIER'S SPECIFICATIONS AND	
INSTALLATION CUT SHEETS FOR FURTHER INFORMATION	

- DURING THE INITIAL "30 DAY MAINTENANCE PERIOD" THE LANDSCAPE CONTRACTOR IS REQUIRED TO PROVIDE AND ON-GOING PLEASANT VISUAL ENVIRONMENT WHEREAS ANY PLANT WHICH IS NOT RESPONDING TO TRANSPLANTING OR THRIVING SHALL IMMEDIATELY BE REPLACED. NEW LAWNS SHALL WATERED AND REPAIRED AND WEEDS MUST CONSTANTLY BE REMOVED, NO EXCEPTIONS WILL BE GRANTED.
- LANDSCAPE / SITE DEMOLITION CONTRACTOR TO VERIFY LOCATIONS OF EXISTING TREES AND SHRUBS BE SALVAGED AND CLEARLY TAG THEM WITH MARKING TAPE AND CONSTRUCTION FENCE.
- LANDSCAPE / SITE DEMOLITION CONTRACTOR TO VERIFY LOCATIONS OF EXISTING TREES AND SHRUBS TO BE RELOCATED. ALL PLANT MATERIAL TO BE RELOCATED IS TO BE CLEARLY TAGGED WITH MARKING TAPE MOVED BEFORE AND SITE DEMOLITION IS TO BEGIN.
- DESIGN IRRIGATION SYSTEM TO BE DESIGNED FOR AN OVERLAPPING ZONED SPRINKLER HEAD SYSTEM IN ALL LAWN & ISLAND AREAS AND A DRIP SYSTEM FOR ALL FOUNDATION PLANTING AREAS.

CONTRACTOR NOTE:

BEFORE SITE GRADING AND DEMOLITION IS TO BEGIN FOR PROPOSED NEW PAVEMENT, THE AREA IS TO BE STAKED AND ALL TREE AND SHRUBS THAT ARE TO BE PRESERVED ARE TO BE TAGGED BY LANDSCAPE ARCHITECT AND RELOCATED BY LANDSCAPE CONTRACTOR. IF REQUIRED A TREE PRESERVATION PLAN WILL BE PRODUCED AND COORDINATED WITH CITY STAFF. DEMOLITION CONTRACTOR TO COORDINATE W/ LANDSCAPE ARCHITECT, OWNER AND LANDSCAPE CONTRACTOR.

TO OBTAIN LOCATION OF PARTICIPANT'S UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN

**DIGGERS HOT LINE**

WISCONSIN STATUTE 182.0175 (1974) REQUIRES A MINIMUM OF 3 DAYS NOTICE BEFORE YOU EXCAVATE (NOT INCLUDING SATURDAY, SUNDAY OR LEGAL HOLIDAYS)

UNDERGROUND SEWER AND UTILITY INFORMATION AS SHOWN IS OBTAINED FROM THE RECORDS OF MUNICIPALITY AND LOCAL UTILITY COMPANIES. THE ACCURACY OF WHICH CAN NOT BE GUARANTEED OR CERTIFIED TO.

TO OBTAIN LOCATION OF PARTICIPANT'S UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN CALL THE MILWAUKEE UTILITY ALERT NETWORK (800) 242-5511, (262) 452-7910 (877) 500-3999

**811**

Know what's below. Call before you dig.

www.DiggerHotline.com



INSITE LANDSCAPE DESIGN  
Landscape Architecture and Master Planning Design Consulting  
11525 W. North Avenue Suite 1B  
Wauwatosa, WI 53226  
Tel (414) 476-1204  
www.insitelandscape.com  
mdavis@insitelandscape.com

Project:  
**GRACE LUTHERAN CHURCH**  
3381 East Puetz Road  
Oak Creek, WI 53154

Issuance and Revisions:

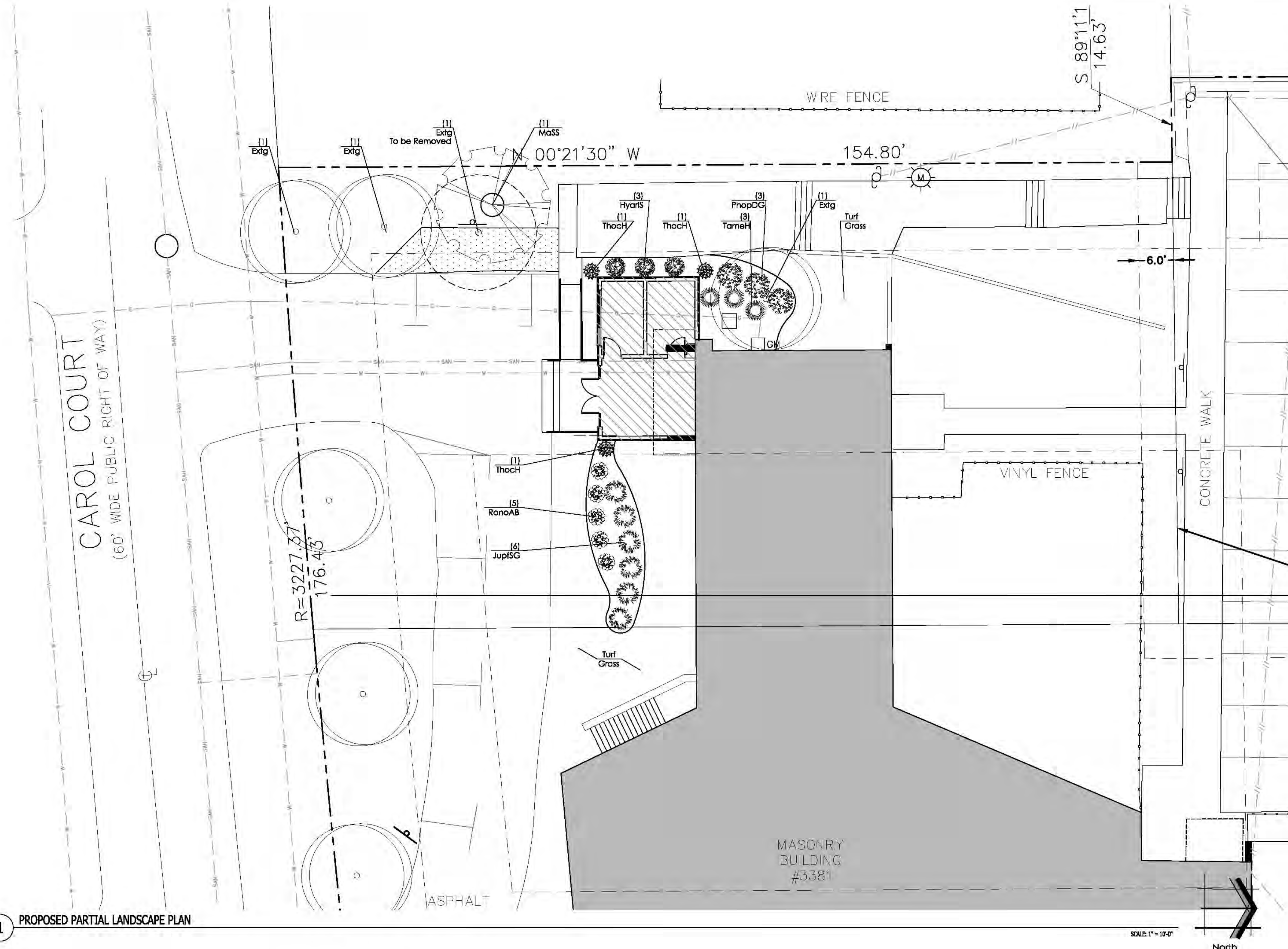
Date	Number	Description
08/06/15		Client Review Submittal
08/10/15		Plan Commission Submittal

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Sheet Title:  
PROPOSED LANDSCAPE PLAN,  
GENERAL NOTES,  
AND PLANT MATERIAL TABLE

Date of Drawing: 08/10/15  
Scale: 1" = 10'-0"  
Drawn By: MCD  
Job Number: L15-018  
Sheet Number:

LSP1.1



1 PROPOSED PARTIAL LANDSCAPE PLAN

Proposed Plant Material Table

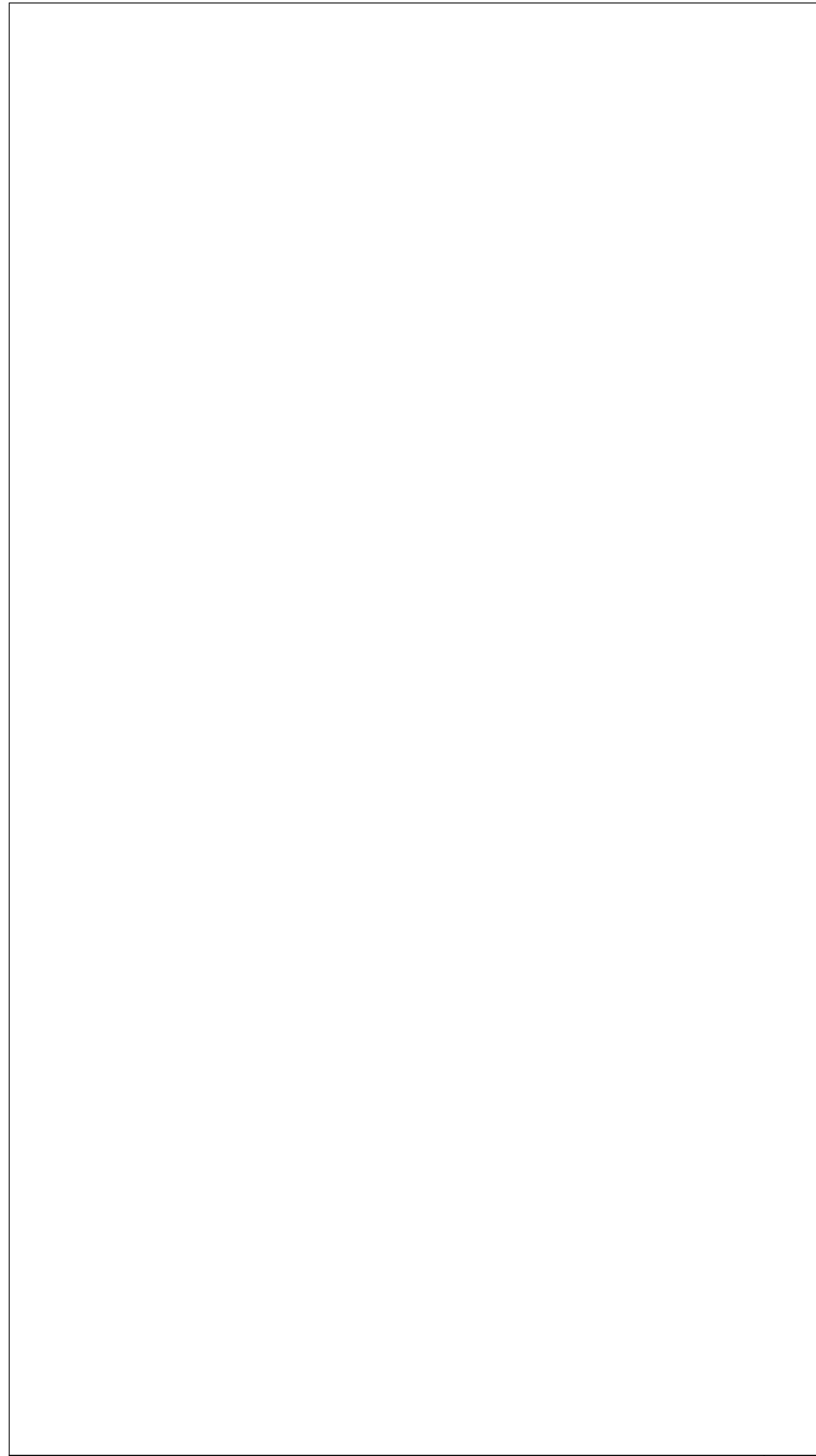
Quantity	Code Name	Symbol	Scientific Name	Common Name	Planting Size	Comments
<b>Broadleaf Deciduous Tree</b>						
1	MaSS		Malus x 'Spring Snow'	Spring Snow Crabapple	2 1/2' - Cal - B&B	
-	Extg		Existing	Existing	Existing	
<b>Broadleaf Deciduous Tree to be Removed</b>						
1	Extg		Existing to be Removed	Existing to be Removed	Existing to be Removed	
<b>Broadleaf Deciduous Shrub</b>						
3	HyarS		Hydrangea arborescens 'Invincible Spirit'	Invincible Spirit Hydrangea	18" - 24" - Cont	
2	PhopDG		Physocarpus opulifolius 'Dart's Gold'	Dart's Gold Ninebark	2' - 3' - Cont	
5	RonoAB		Rosa x 'Noamel'	Flower Carpet Appleblossom Rose	18" - Cont	
<b>Conifer Evergreen Shrub</b>						
6	JupISG		Juniperus x pfitzeriana 'MonSan'	Sea of Gold Juniper	18" - 24" - B&B	
3	TameH		Taxus x media 'Hicksii'	Hick's Yew	24" - 30" - B&B	
3	Thoch		Thuja occidentalis 'Holmstrup'	Holmstrup Dwarf Arborvitae	3' - 4' - B&B	

NOT FOR CONSTRUCTION - PRELIMINARY - FOR ESTIMATING AND REVIEW ONLY - DO NOT SCALE THESE DRAWINGS

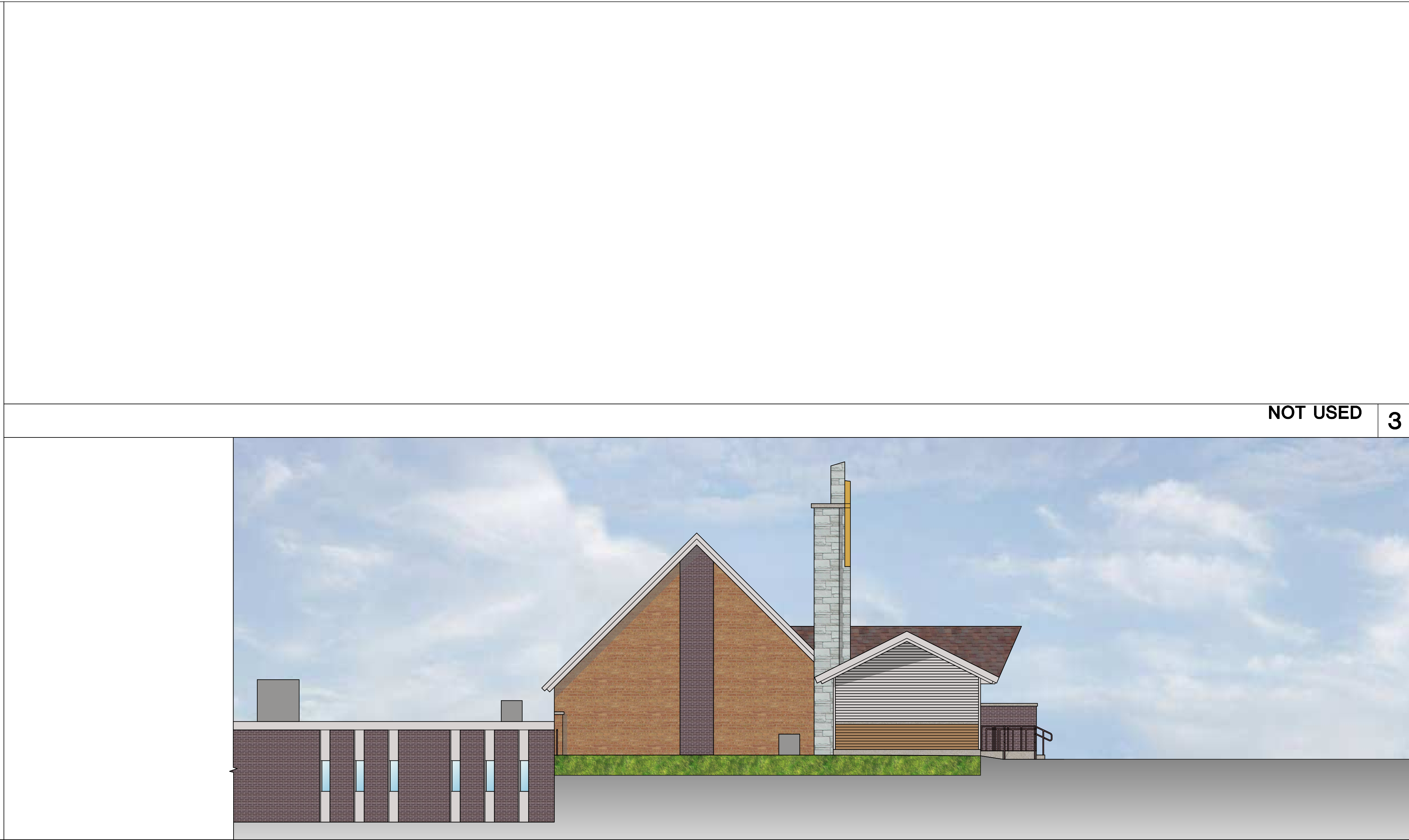
LSP-018 - Grace Lutheran Church - 08/10/15



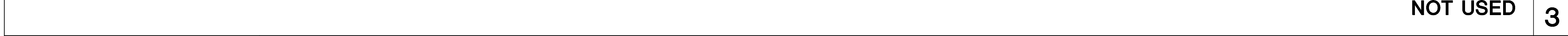
**PROPOSED SOUTH COLORED ELEVATION**  
SCALE: 1/8" = 1'-0" **1**



**NOT USED** **4**



**PROPOSED WEST COLORED ELEVATION**  
SCALE: 1/8" = 1'-0" **2**



**NOT USED** **3**

FULL SIZE PRINT = 24" x 36" SHEET

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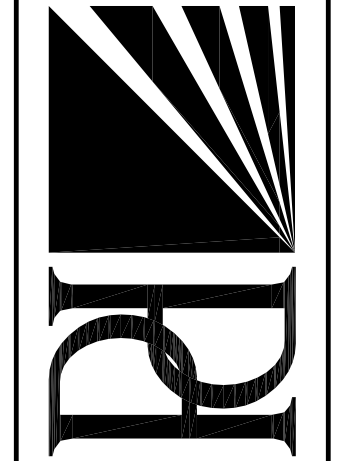
**Drawing Title:**  
**COLORED EXTERIOR ELEVATIONS**

**Date:** 08/11/15  
**Scale:** NOTED  
**Drawn:** KBJ  
**Job:** 15-055  
**Sheet:**

**R2.1**

THIS BOX IS 1/2" x 1/2"

**PERSPECTIVE DESIGN, INC.**  
11525 W. North Avenue  
Wauwatosa, WI 53226  
Tel: (414) 302-1780 Fax: (414) 302-1781



**Accessibility Upgrade Project for:**  
**Grace Lutheran Church**  
3381 East Puetz Road  
Oak Creek, WI 53154

REV. #	REV. DATE	DESCRIPTION	REV. BY:
	02/11/15	PLAN COMMISSION SUBMITTAL	PJO

- PRELIMINARY -  
FOR ESTIMATING AND REVIEW ONLY

**NOT FOR CONSTRUCTION**



# Plan Commission Report

ITEM: 5d  
DATE: November 24, 2015

**PROJECT:** Temporary Use – Concrete Batch Plant – Tim Frerichs, Michels Corporation

**ADDRESS:** I-94 & Rawson Ave. (right-of-way, off-ramp)

**TAX KEY NO:** N/A

**STAFF RECOMMENDATION:** 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 the use is limited to approved WisDOT projects in the area, and that truck traffic is limited to State and County highways.
3. That the hours of operation be limited to Monday through Friday between 7:00 AM and 8:00 PM and Saturday between 8:00 AM and 5:00 PM.
4. That the temporary use shall expire on October 15, 2016.

**Ownership:** State of Wisconsin DOT (right-of-way, off-ramp)

**Size:** N/A

**Existing Zoning:** Rs-4, Single Family Residential

**Adjacent Zoning:** North – Rm-1 (PUD), Multifamily Residential  
East – Rs-4, Single Family Residential  
South – P-1, Park District  
West – Rs-4, Single Family Residential

**Comprehensive Plan:** N/A

**Wetlands:** Yes\*

**Floodplain:** None

**Official Map:** N/A

**Commentary:** The Applicant is requesting approval to allow the existing temporary, portable concrete batch plant within the right-of-way at I-94 and Rawson Avenue (off-ramp) to remain in place through the completion of the 27<sup>th</sup> Street project, anticipated for September 30, 2016. Plan Commissioners will recall that a temporary use permit was issued to the Zignego Company on April 22, 2014 and extended through December 1, 2015. Michels Corporation has been awarded the State contract for the 27<sup>th</sup> Street project and has been operating under the current temporary use permit issued to Zignego Company.

The request is for a temporary concrete batch plant for mixing and producing concrete. No crushing will occur on this property. Stockpiling of concrete aggregates, transported to the site by dump trucks and semi-trailer trucks, will occur on a daily basis in the southwest portion of the property. Staging of miscellaneous construction materials and overnight parking of concrete trucks



will also occur on the property. Tankers will haul cement to the property throughout the project, the mix of which will be hauled to the paving site as needed (approximately 30 trips/hour). Dust control and road cleanliness will be maintained using a water truck and mechanical broom. It is estimated that 4-5 employees will be onsite daily, with hours of operation between 6:00 AM – 6:00 PM Monday through Friday. It is requested that these hours be extended to Saturday as the project requires. Staff recommends that the same hours of operation approved for Zignego be applied to this request, and is included in the proposed conditions of approval above.

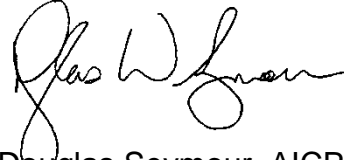
Truck routes, erosion control, and additional operations details are included in the attached supplements. Water will be drawn from a metered hydrant to the north, which has been reviewed and coordinated with the Water and Sewer Utility. Staff recommends that the extension request be approved subject to conditions 1-5.

Prepared by:



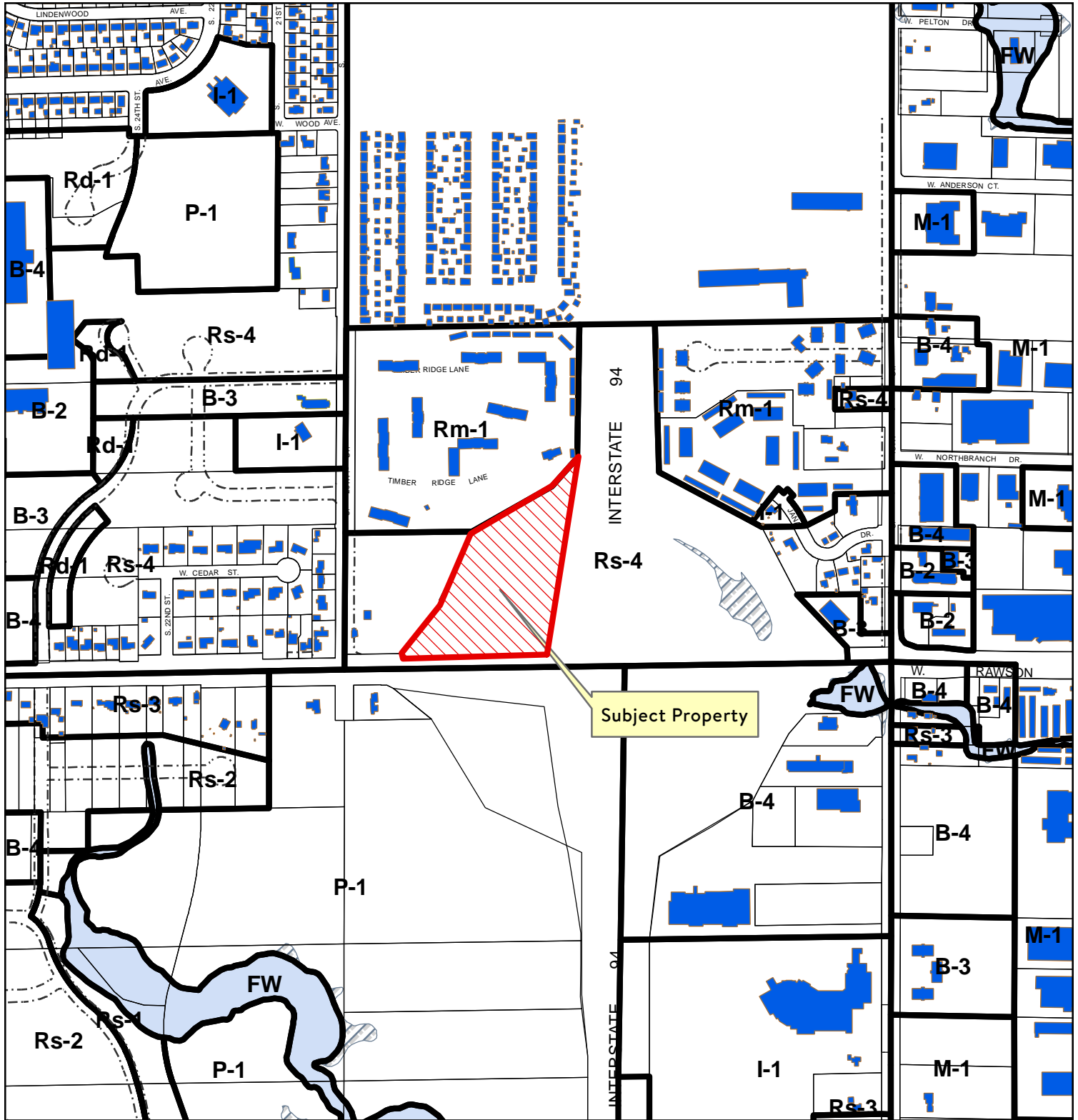
Kari Papelbon, CFM, AICP  
Planner

Respectfully Submitted by:

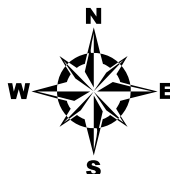


Douglas Seymour, AICP  
Director of Community Development




# Location Map I-94 Right-of-Way



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



**Legend**

-  Location of Temp Use
-  Floodfringe
-  Floodway



October 9, 2015

City of Oak Creek  
Community Development  
8640 S. Howell Avenue  
Oak Creek, WI 53154

Re: Project ID 2265-16-70 WISC 2015 006  
27<sup>th</sup> Street, City of Franklin/Oak Creek  
West Drexel Avenue to College Avenue  
Milwaukee County

Dear Sir/Madam:

Michels Paving, a division of Michels Corporation located in Brownsville Wisconsin, would like to request the city of Oak Creek issue a Temporary Use Permit for the property located at the WisDOT Right-Of-Way on I94 and Rawson Avenue, legal description SW ¼, SE ¼, Sec 6, T5N, R22E, from here on known as the WisDOT Right-Of-Way.

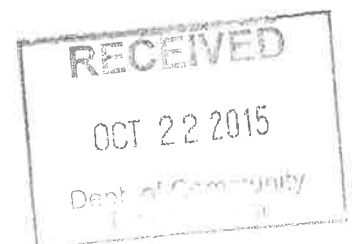
The purpose of the permit would be for Michels Paving to erect and operate a temporary concrete batch plant on site for the sole purpose of mixing and producing concrete during the construction of the above mentioned project.

Please review the following documents provided to include the description of site operations, site layout, time frame, hours of operation, truck routes, site maintenance, erosion control, dust control, WDNR permits, SWPPP, and spill response plan.

Michels looks forward to working with the city of Oak Creek during the construction of the 27<sup>th</sup> Street project. If you have any questions or would like to discuss this matter further please feel free to contact me at (920) 901-8707 or email me at [tfrerich@michels.us](mailto:tfrerich@michels.us).

Sincerely,

Tim Frerichs  
Project Manager  
Michels Paving





## Exhibit A

### Description of Operations

The purpose of the WisDOT Right-Of-Way site located on the corner of I-94 and Rawson Avenue will be to erect a temporary concrete batch plant on site to produce concrete for the 27<sup>th</sup> Street Project. The site would also serve as a staging area for the above mentioned project. The daily activities will include the hauling of concrete aggregates by dump trucks and semi-trailer trucks and stocked piled on the southwest portion of the property. Tankers will haul in cement to be pumped into storage pigs located directly in front of the concrete plant. This will usually happen one to two days prior to the start of the paving operation and continue while concrete is being produced. Dump trucks and agitator mixer trucks will be used to haul the mixed concrete to the paving site. The amount of truck activity is determined by the size of the paving run to be constructed, and approximately 30 trips per hour could be expected during mainline construction. Along with 4-5 workers onsite at the batch plant.

A water truck and mechanical broom will be on site to control dust and maintain clean and safe roadways so as to not endanger the traveling public during operations. The site will also serve as a staging area for miscellaneous construction materials as well as an evening parking site for the concrete trucks. Michel's prides itself on maintaining a neatly organized and well maintained staging and production site.





## Exhibit B

### Time Frame

The project is scheduled for a completion date of September 30, 2016. There is an existing Temporary Use Permit for the Temporary Concrete Batch Plant that will expire on December 1, 2015. With a completion date of September 30, 2016, Michels will need to use the site to continue with concrete production for the remainder of the project.

Concrete mixing operations will be ongoing periodically throughout the summer as the project has been designed to be built in stages. There may be down periods of a week or more between stages throughout the project, at which time little or no activity may take place at the site. During this time the site will be gated to limit entry. It is anticipated the plant will come down and the site restored to its' original shape and form upon completion of this project.





## Exhibit C

### Hours of Operation

It is anticipated the hours of operation for the WisDOT Right-Of-Way site will be from 6:00 AM to 6:00 PM Monday through Saturday. At this time the intent is to not perform work on Saturdays, however the project may dictate otherwise when taking into consideration adverse weather conditions, the project schedule, or other unforeseen delays. Michels will comply with all city noise ordinances, trucking restrictions, or other local ordinances that may apply and adjust the hours of operation accordingly.





## Exhibit D

### Site Layout

It is anticipated the hours of operation for the WisDOT Right-Of-Way site will be from 6:00 AM to 6:00 PM Monday through Saturday. At this time the intent is to not perform work on Saturdays, however the project may dictate otherwise when taking into consideration adverse weather conditions, the project schedule, or other unforeseen delays. Michels will comply with all city noise ordinances, trucking restrictions, or other local ordinances that may apply and adjust the hours of operation accordingly.





## Exhibit E

### Truck Route

The proposed truck route for concrete batch trucks will be to exit the WisDOT Right-Of-Way site located on the corner of I-94 and Rawson Avenue and proceed west on Rawson Avenue to 27<sup>th</sup> Street, turn right on 27<sup>th</sup> Street for the north side of 27<sup>th</sup> Street and turn left for the south side of 27<sup>th</sup> Street. The return trip for the north side of 27<sup>th</sup> Street would be go north on 27<sup>th</sup>, turn right onto College Avenue, proceed east until I-94, merge into traffic on I-94. Take I-94 ramp south to Rawson Avenue exit and turn right onto Rawson Avenue. The return tip for the south side of 27<sup>th</sup> Street would be go south on 27<sup>th</sup> Street, turn left onto Drexel Avenue, proceed east until I-94 North exit. Merge into traffic on I-94. Take I-94 north to Rawson Avenue, exit and turn left onto Rawson Avenue.







## Exhibit F

### Erosion Control

Site prep will include erosion control to be installed and maintained by Michels Paving. All erosion control will be installed to Wisconsin department of transportation and the Wisconsin department of Natural Resources standard specifications. Erosion control will include but is not limited to installation of silt fence around the site, salvage stripped topsoil, temporary seed, grading for storm water drainage, truck tracking pad at entry point, and truck cleanout containment area. An SWPPP (Stormwater Pollution Prevention Plan) will be on site located in the plant site at all times.





## Exhibit G

### Potential Wetland Areas

Michels is aware of potential wetland areas located on and around the WisDOT Right-Of-Way. The areas highlighted in the yellow are identified as Wetlands in the Wisconsin Surface Water Data Viewer. The area highlighted in purple are identified as Wetland Indicators in the Wisconsin Surface Water Data Viewer. The area outlined in green is the potential batch plant site. Michels will protect these areas using erosion control methods as shown previously on Exhibit F.





## Exhibit H

### Concrete Batch Plant

The concrete batch plant is state of the art and meets all of the Department of Transportation and Department of Natural Resources dust control specifications. Michels also has the necessary permitting from the Wisconsin Department of Natural Resources as shown in Exhibit I and Exhibit J for Plant V-0133.





*Embracing the Future.  
Celebrating the Past.*

# EXHIBIT I

July 24, 2009

Tom Tewes  
Wisconsin Department of Natural Resources  
28984 Shawano Avenue  
Green Bay, WI 54313-6727

RE: Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit for Concrete Product Operations, (Permit # WI-0046507-5), Michels Paving

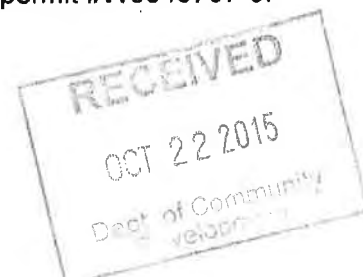
Dear Mr. Tewes:

Michels Paving, a division of Corporation (hereafter referred to as "Michels"), operates several portable concrete batch plants throughout Wisconsin to produce concrete for highway and other construction projects. The plants are temporary in nature and are assembled at various construction sites throughout Wisconsin. As you are most likely aware, the Wisconsin Department of Natural Resources (WDNR) administered WPDES general permit (GP) for Concrete Product Operations (WPDES# WI-0046507-4) expired March 31 2009. While Michels did not receive a letter explaining continued coverage under the new GP for Concrete Product Operations (WPDES # WI-0045607-5), we understand that GP coverage for already permitted facilities (and portable plants) continues under the existing permit until re-issuance of the subsequent GP. The last correspondence from WDNR regarding this GP for Michels facilities was in an August 15, 2006 letter sent by yourself. Currently, Michels is requesting confirmation of statewide coverage for all the portable batch plants operated by Michels under the new GP. Furthermore, Michels is providing WDNR with new information about the current fleet of Michels operated portable batch plants (new plants) and requesting termination of coverage for plants no longer owned by Michels. The status of each plant and request for coverage or termination is summarized below

## Michels Paving, Portable Concrete Batch Plants, Status 2009

Michels Identifier	WDNR FIN	WDNR FID	Michels Request
V-0104	32200	399041060	Plant sold, terminate GP coverage
V-0108	32203	399040950	Continue new GP coverage
V-0112	32205	399040840	Plant sold, terminate GP coverage
V-0122			Requesting GP coverage for new plant
V-0131	29273	399039080	Continue new GP coverage
V-0132*	29275*	399041170*	Continue new GP coverage*
V-0133	26226	399029620	Continue new GP coverage
V-0134	3467	998270570	Plant sold, terminate GP coverage
V-0175			Requesting GP coverage for new plant
V-0176			Requesting GP coverage for new plant

\* = Note: For a 2009 highway project in Kenosha County, the regional WDNR requested application for coverage under the new GP, even though the plant was previously permitted statewide and per section 5.14 of the GP: coverage extends until the permit is re-issued. Therefore, plant V-0132 already has new coverage under permit #W0046707-5.



817 W. Main Street  
P.O. Box 128  
Brownsville, WI 53006

920.583.3132  
Fax 920.583.3429

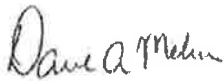
www.michels.us

Attached are the WDNR Request for Coverage forms for new plants. Michels will also be providing WDNR stormwater staff with a similar letter as this to update or terminate coverage under the Tier 2 industrial stormwater permit (WPDES Permit #W-S067857-2) as appropriate. We trust this information meets your needs. Please issue an updated coverage letter for our records. Contact us if you have any questions.

Sincerely,



Clint W. Wendt  
Environmental Compliance Specialist



David A. Melum  
Manager, Michels Environmental Resource Group

cc: File  
Jeff Brauer, WDNR Central Office



# Plan Commission Report

ITEM: 5e  
DATE: November 24, 2015

**PROJECT:** Plan Review – Tyler Edwards, Menard, Inc.

**ADDRESS:** 6800 S. 27<sup>th</sup> St.

**TAX KEY NO:** 737-9040-001

**STAFF RECOMMENDATION:** That the Plan Commission approves the site, building, and landscaping plans submitted by Tyler Edwards, Menard, Inc., for the property at 6800 S. 27<sup>th</sup> St. with the following conditions:

1. That all building and fire codes are met.
2. That all mechanical equipment (ground, building, and rooftop) is screened from view.

**Ownership:** Menard, Inc., 4777 Menard Dr., Eau Claire, WI 54703

**Size:** 32.866 acres

**Existing Zoning:** B-4 (CU), Highway Business; RR, Regional Retail Overlay; Rd-1 (PUD), Two-Family Residential; Rs-4, Single Family Residential; Rd-1, Two-Family Residential; B-2, Community Business

**Adjacent Zoning:**

- North – B-2 (CU), Community Business; Rd-1 (PUD), Two-Family Residential; P-1, Park District; Rs-4, Single Family Residential; B-4, Highway Business
- East – P-1, Park District; Rs-4, Single Family Residential; Rm-1 (PUD), Multifamily Residential
- South – B-3 (CU), Office & Professional Business; B-2, Community Business; B-4 (CCU), Highway Business; B-4, Highway Business; RR, Regional Retail Overlay
- West – B-4, Highway Business; RR, Regional Retail Overlay

**Comprehensive Plan:** Planned Business, Two Family/Townhouse Residential, Single Family Residential.

**Wetlands:** Yes, see County map.

**Floodplain:** N/A.

**Official Map:** Officially-mapped streets exist on the southeastern portion of the property, behind the existing retail buildings.

**Commentary:** The Applicant is requesting site and building plan approval for a covered storage area overhang addition (54' x 180') with new recessed loading dock area (960 sf), and a shipping center addition onto the existing warehouse at 6800 S. 27<sup>th</sup> St. Both additions are behind existing fencing on the property on the east and southeast portions of the property. Minor changes to the existing garden center—removal of the west entrance and south elevation doors/canopy, new south garden center wall – will also occur with the additions. All setbacks are met in the proposed plans.

Proposed building materials for the addition on the east elevation include steel pro-rib panels in green to match the existing panels, and loading dock materials to match the existing doors. Like the addition to the east elevation of the main building, the warehouse addition is proposed to be constructed of green pro-rib steel siding with white pro-rib steel roof.

While the proposed materials do not meet the requirements for acceptable exterior primary building materials per Section 17.1009(a)(2), they do match the existing building materials in the respective areas. Additionally, the proposed modifications and additions do not lie within the visible perimeter of the building and therefore will not

be seen from public streets. The Plan Commission may approve of the proposed building materials with a ¾ majority. Staff recommends approval.

Prepared by:



Kari Papelbon, CFM, AICP  
Planner

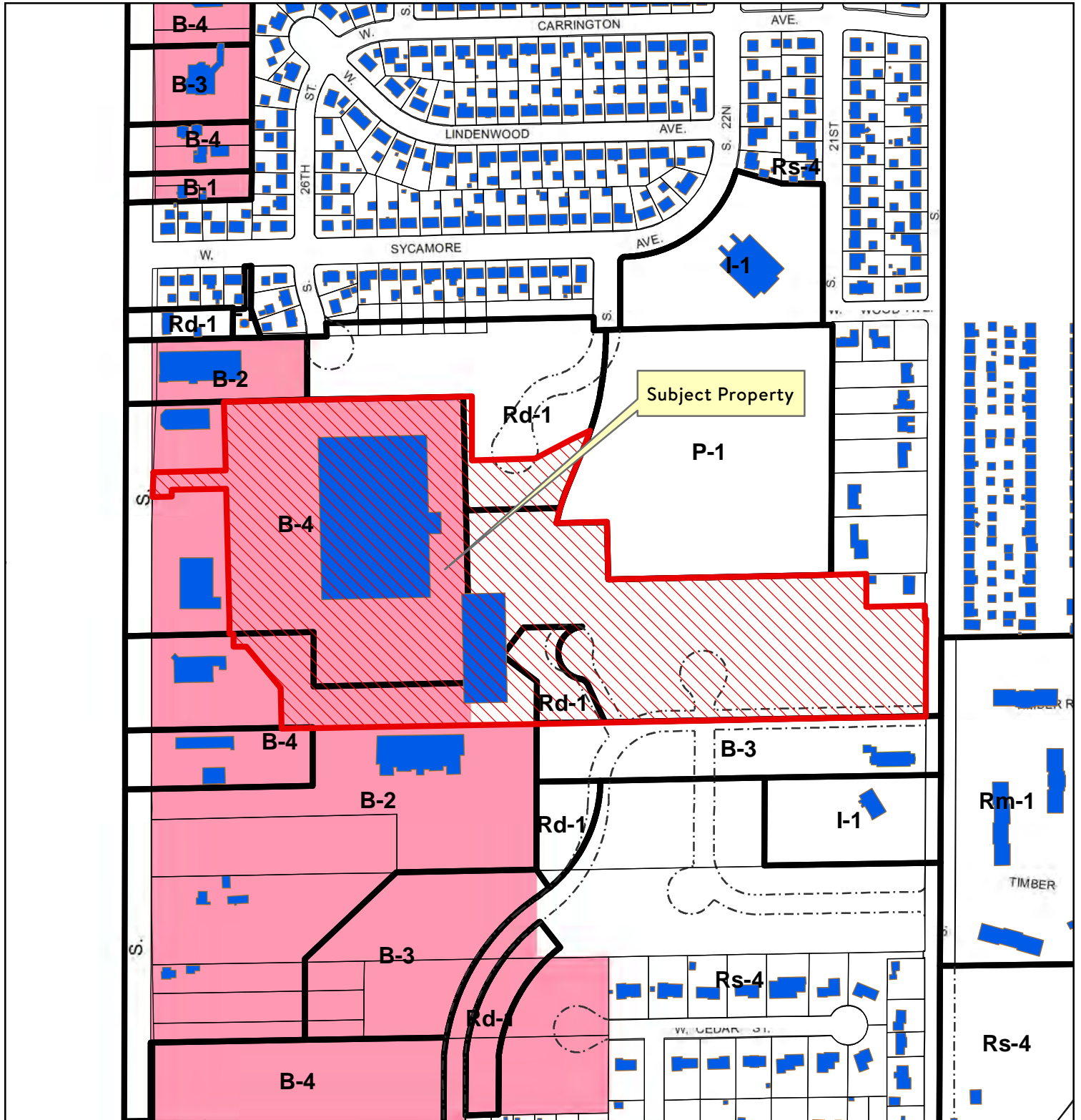
Respectfully Submitted by:



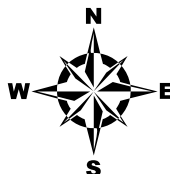
Douglas Seymour, AICP  
Director of Community Development








# Location Map

## 6800 S. 27th St.



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

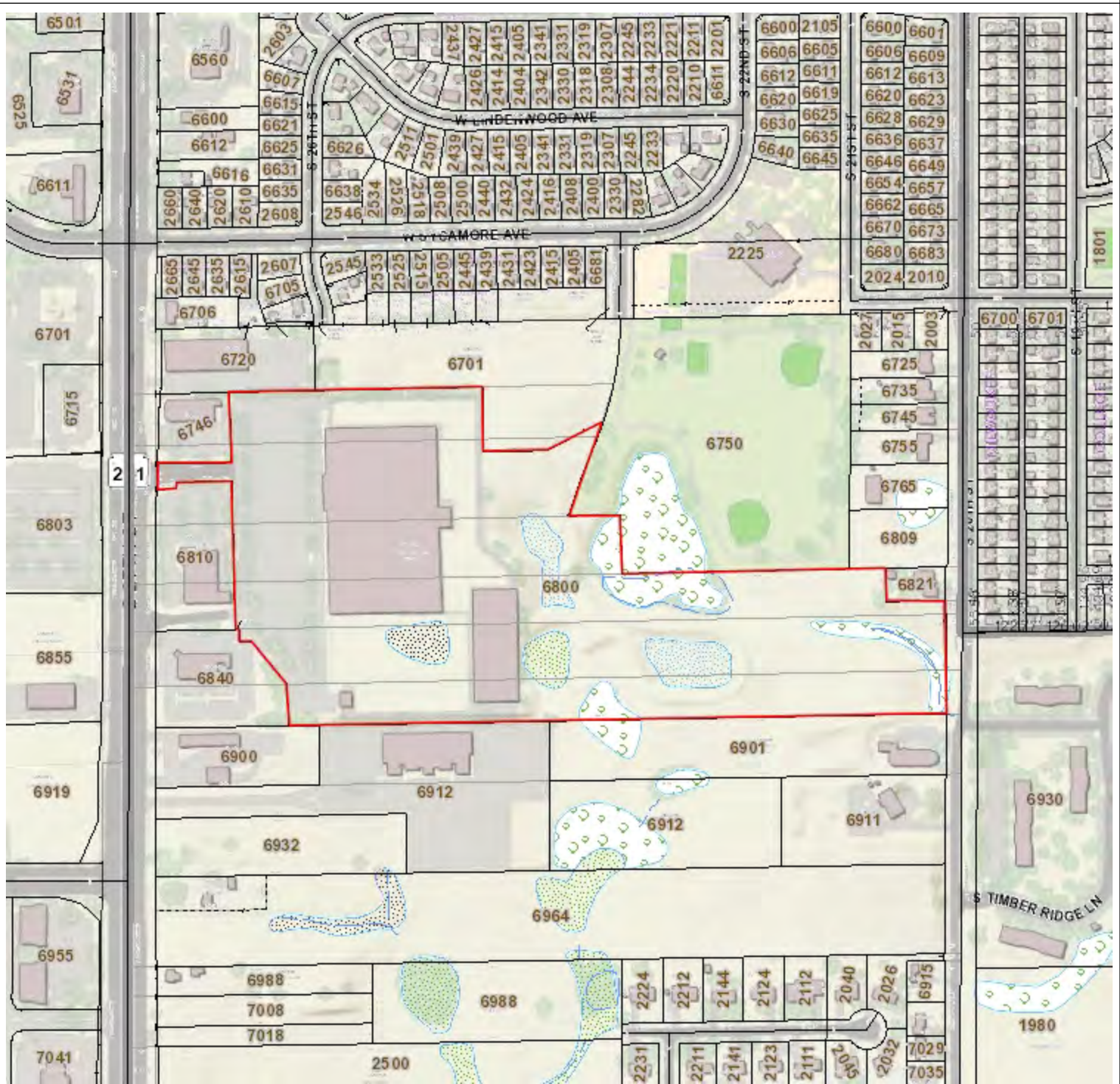


Legend	
	6800 S. 27th St.
	Flood Fringe (FF)
	Shoreland Wetland Conservancy (C-1)
	Lakefront Overlay District (LOD)
	Mixed Use Neighborhood Overlay (NO)
	Mixed Use Office Overlay (OO)
	Regional Retail Overlay District (RR)





# MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE

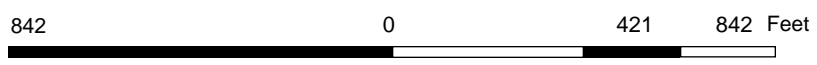


Projection  
 NAD\_1927\_StatePlane\_Wisconsin  
 South\_FIPS\_4803

THIS MAP IS NOT TO BE USED FOR NAVIGATION © MCAMLIS

**DISCLAIMER:** This map is a user generated static output from the Milwaukee County Land Information Office Interactive Mapping Service website. The contents herein are for reference purposes only and may or may not be accurate, current or otherwise reliable. No liability is assumed for the data delineated herein either expressed or implied by Milwaukee County or its employees.

Notes



**Legend** 1 : 5,053

- Tax Parcels
- Taxparcel Boundary
  - ParcelLine
  - ExtParcelLine
- ROW
  - Right of Way
  - Railway
- Carto Line
  - Extended Tie Line, Hook, or PT
  - Dimension, Identification, or Note Arrow

# MENARD, INC.

October 20, 2015

RE: Menards Expansion Plans

Dear Ms. Papelbon,

Menards is requesting a site plan review for our expansion at the Oak Creek store. We are in the process of expanding many of our stores to ensure all locations offer the same level of service to our guests. The changes we are proposing are relatively minor and all take place within our lumberyard behind our fences. The site plan attached to this application shows the expansion areas in red with details about the project.

The first addition we would like to make is a rear overhang between the loading dock and garden center. This is a covered storage area that many of our new stores have to help keep some of our products protected from the elements. The overhang extends along the back of the store and is supported by steel beams. It is covered with a sheet of green steel on the outside to protect it from the elements. This area is for storage only and will not increase the size of our sales floor.

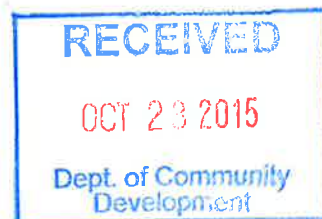
The second part of this project is the addition of the shipping center on the warehouse. This area is dedicated to staging products that will be shipped from the store to jobsites. This is an addition that will go right on the front of the existing warehouse. All of the materials used to construct this addition will match the existing warehouse. There will be no change to the parking lot, or the stormwater as this area is already a paved surface.

We appreciate your consideration of our request and if you have any questions please let me know. Thanks.

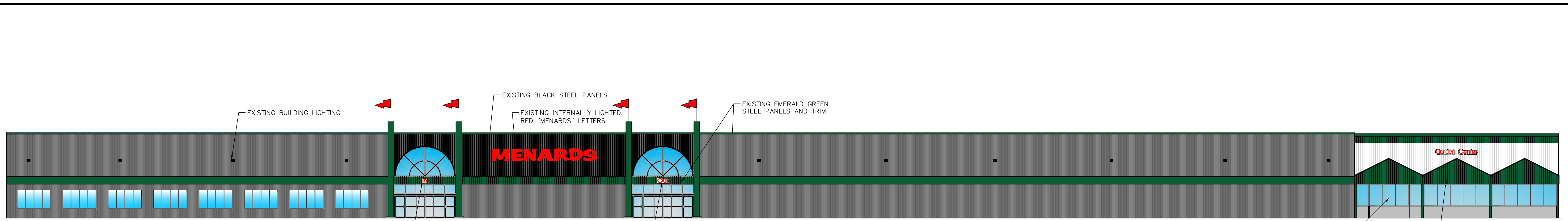
Sincerely,  
Menard, Inc.



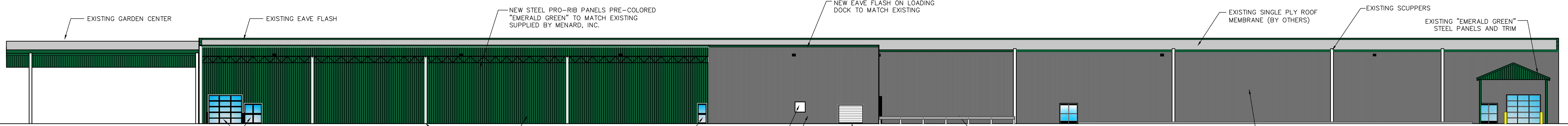
**Tyler Edwards**  
Real Estate Representative  
Menard, Inc. – Properties  
5101 Menard Drive  
Eau Claire, WI 54703  
P: 715-876-2143  
C: 715-579-6699  
F: 715-876-5998  
tedwards@menard-inc.com



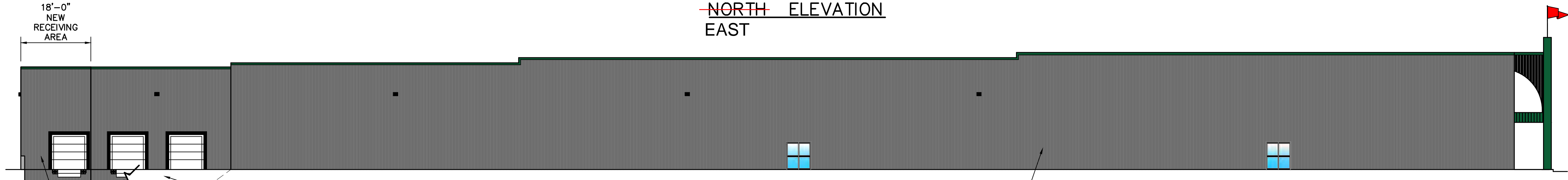




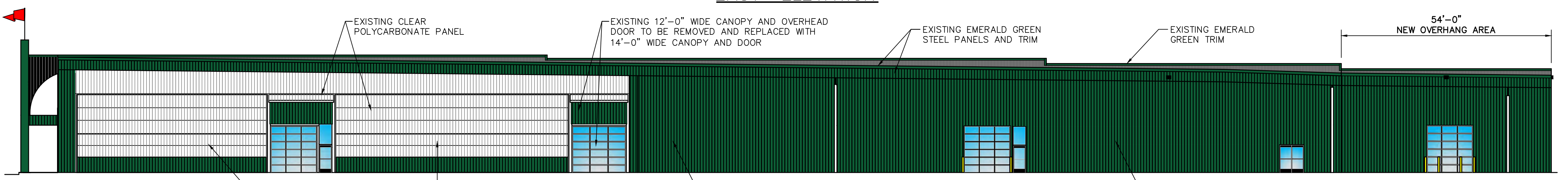
**WEST SOUTH ELEVATION**



**NORTH EAST ELEVATION**



**NORTH EAST ELEVATION**



**WEST SOUTH ELEVATION**

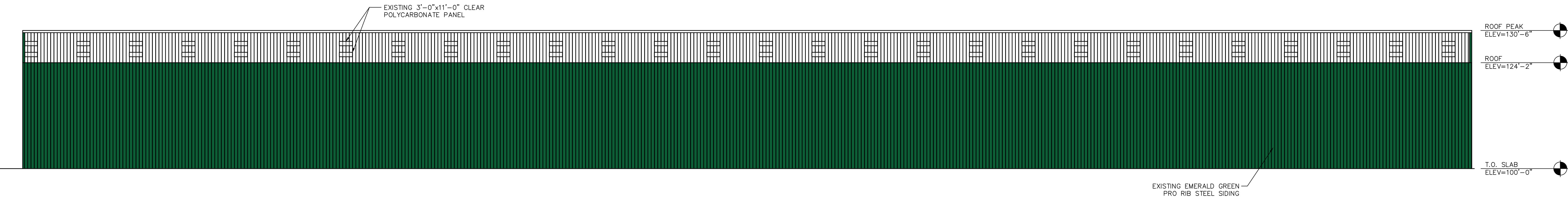


Tyler Edwards  
 Real Estate Representative  
 Menard, Inc.  
 5101 Menard Drive  
 Eau Claire, Wisconsin 54703

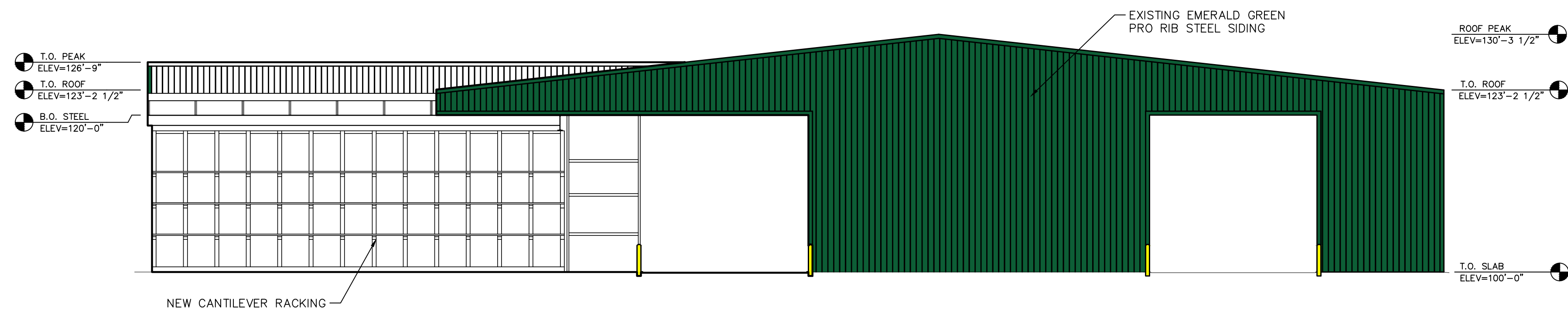
Oak Creek, Wisconsin  
 Building Elevations  
 October 13, 2015  
 Scale: 1/16" = 1'-0"



1. PROPOSED FRONT WAREHOUSE ELEVATION



2. EXISTING REAR WAREHOUSE ELEVATION



3. PROPOSED RIGHT WAREHOUSE ELEVATION



4. PROPOSED LEFT WAREHOUSE ELEVATION



Tyler Edwards  
 Real Estate Representative  
 Menard, Inc.  
 5101 Menard Drive  
 Eau Claire, Wisconsin 54703

Oak Creek, Wisconsin  
 Warehouse Elevations  
 October 13, 2015  
 Scale: 3/32" = 1'-0"