

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, NOVEMBER 24, 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 Siepert 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 November 10, 2015 meeting minutes. Commissioner Siepert seconded.

Prior to roll call, Ms. Papelbon interjected that she received a phone call from Mr. Arden Degner, requesting to clarify his public hearing comments during the November 10, 2015 Plan Commission Meeting regarding the Comprehensive Plan Amendment, affecting properties on South Pennsylvania and East Drexel avenues. Mr. Degner's concern was regarding the change in elevation shown in the Comprehensive Plan Amendment, and he wished to have his comments reflect that there is a forty foot drop, north to south, and a ten foot span between a group of homes which he felt would create a hazard in snow. Ms. Papelbon indicated that the recording of that meeting would be checked to verify if Mr. Degner's comments during the public hearing did in fact include this clarification, and if so, would have the minutes amended as such.

On roll call: all voted aye. Motion carried.

Significant Common Council Actions: Ms. Papelbon advised that the Common Council approved Ordinance No. 2777, amending Ordinance No. 2692, regarding the storage of vehicles and equipment on a portion of the property at 6925 S. 6th Street. Also approved was a motion to authorize the City Administrator to enter into a 2016 marketing contract with the Journal Broadcast Group for advertising with the Packers and Brewers Radio Network.

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 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

Ms. Papelbon read the public hearing notice into the record.

Doug Seymour explained that in 2013, the City entered into a Tri Party Exchange Agreement with Milwaukee County and Northwestern Mutual Life (NML) to transfer lands in the Falk Park area. As a result of this agreement, Milwaukee County received some additional high-value wetlands and woodlands that had previously been privately owned, NML received sixty acres of farmland along the interstate, and the City received seventeen acres which is now the site of the new elementary school currently under construction. This Comprehensive Plan Amendment reclassifies those parcels according to their proposed land use. Mr. Seymour cited the example of some of the Resource Protection lands that were part of Falk Park under the existing plan which are now being reclassified as Institutional after the transfer to reflect their planned use as

an elementary school. Many areas that are now a part of Falk Park were privately owned and previously classified as single-family residential; those parcels are being properly reclassified as a Resource Protection area. Mr. Seymour emphasized that only those parcels involved in the land exchanged are being reclassified in the Comprehensive Plan Amendment. The sixty acres of previously farmed land, which was part of Falk Park, has now been acquired by NML and is being proposed as Planned Mixed Use.

Mr. Seymour went on to explain that when the City entered into the Tri Party Exchange Agreement, it did so with the understanding that a good faith effort would be made to rezone the properties to reflect their actual usage after the closing. The City is basically doing a “cleaning up” of the Comprehensive Plan to reflect the changes that resulted from the Tri Party Agreement. Mr. Seymour noted that the State of Wisconsin Comprehensive Planning Law requires any actions taken by local governments after 2012 to be concurrent with their land use map and Comprehensive Plan. Therefore, any new development and rezoning would need to be consistent with the Comprehensive Plan.

Mr. Seymour invited any questions or comments on the proposed Comprehensive Plan Amendment to reclassify the properties involved in the Falk Park land exchange.

Arden Degner, 8540 S. Pennsylvania Avenue:

“I am unsure of exactly how much of this land is buildable, how much is floodplain, and where will the borrow pit be located to fill in areas that are in floodplain? Could you give me some information on that particular area, because I understand that was the reason why Falk Park was located there, because it was wetland.”

Doug Seymour responded that at this point, there are no detailed plans in place for the properties included in the Comprehensive Plan Amendment, aside from the school building currently under construction. At the time of submission, the City would take into consideration those environmentally sensitive areas. In addition, any environmentally sensitive areas not shown as part of the proposed land change will remain in place; the change in the Comprehensive Plan does not negate their protected status as wetland or floodplain. Plans for any new development would require identification of those wetlands, floodplains, or storm water management areas, but that is not the case at this early stage in the process.

Arden Degner: “It boggles my mind to think that here we have the City Plan Commission and all these groups that are meeting and have worked out these details with the County, and they claim no knowledge of floodplain and floodways? What really concerns me is this purple area there, that may be a choice buildable lot, and I’m just afraid that we’re not getting a good trade.”

Mr. Seymour reiterated that the presence of wetland or floodplain is not at all affected by the action that the Plan Commission is taking at this meeting, or that the Council would take at a subsequent meeting. Areas identified as floodplain or wetland would still be identified as such. Mr. Seymour also responded that the land exchange was extensively reviewed by the City, County, and NML in 2012. All three parties saw the value of making the trade which expanded the boundaries of Falk Park to create a site for the new elementary school, and took farm land previously part of Falk Park to make it available for future development.

Mayor Scaffidi further commented that the City, County, and Northwestern Mutual have all said on record that they felt this agreement was mutually beneficial to all parties, and announced the second call for public comment.

Ann Lampe, 8436 S. Howell Avenue:

“I’m concerned about the Mixed Use behind the properties along Drexel Avenue, whether or not the infrastructure in place can support Mixed Use. Mixed Use is always kind of a Pandora’s Box, there’s so many different things that can go in there. To put it in there as Mixed Use without knowing exactly what’s being proposed, I think does not serve the City well. I understand everything about, you know, and that the trade and everything went in. That land was not farmed until this year actually, it was just tall grasses. I know because we have bees near there, and it was tall grasses. So if this is going to impact the road that was already just done on Drexel Avenue at great expense to the City, and the infrastructure under there cannot support whatever is going to go in there, then the City’s going to be paying for that road twice, and that’s a concern. Also concerned if the expansion of 20th that’s going on now, would be able to hold whatever that use is, that Mixed Use, if that road is going to be big enough. Putting that next to a school, whatever it is, if it’s a high traffic situation next to a school I think is a problem. I think you have to look at what’s already there and take that into consideration more than anything, because if you have conflicting uses, it doesn’t do the City any good. So that’s mostly my concern, is that impact of something high traffic, high volume at that location.”

Doug Seymour responded that the purpose of a Planned Land Use map and Comprehensive Plan is to identify areas available for future development. The Comprehensive Plan specifically calls out the area of 13th Street and Drexel Avenue as a potential area for Planned Mixed Use, bearing in mind that the Comprehensive Plan was drawn up prior to the building of the Drexel Avenue Interchange. The City understands the concerns about having the infrastructure in place to support whatever develops on those properties, and this will be addressed at the time of development. At this time, it is proper within the constraints of the Tri Party Exchange Agreement to designate those areas as Planned Mixed Use.

C.H. Schmidt, 1820 W. Drexel Avenue:

“Do we really want to rezone the houses on the west side of Drexel Avenue, and on the east side, to Manufacturing or Industrial, or Commercial?”

Mr. Seymour responded no, that there would be no zoning change, this is just a Comprehensive Land Use Plan Amendment. The only properties changing their land use designation are those involved in the Tri Party Exchange.

C.H. Schmidt: “Okay, but it’s still possible that the houses on the south side and north side of Drexel Avenue could be, if this was Mixed Usage behind these houses, it could very well be rezoned, the houses that are being there. What are the, say, the pros and cons on, say Commercial – they want to buy your property out for business; that would change this to Commercial. What would be the pros and cons of ‘hey, you don’t want to move, you want to stay there.’ Can they kick you out? Can you stay there, residential as a non-conforming?”

Mayor Scaffidi asked Mr. Schmidt to clarify who “they” refers to.

C.H. Schmidt: “Whoever would want to build - no, the City – say the City says ‘we want to rezone this to Commercial’ because right behind this is Commercial or Mixed Usage. Residential might not fall into this area of Commercial, so what I’m saying is you have this house there, you bought this property. Can you live there without being moved, say you don’t have to stay there anymore?”

Mayor Scaffidi asked if Mr. Schmidt was referring to 13th Street. Mr. Schmidt clarified that he was talking about Drexel Avenue.

Mr. Seymour again emphasized that the purpose of this meeting is not to rezone the properties, but it would be up to the landowner to decide what their options are, and if there are concerns regarding the Land Use Plan, the City would be glad to discuss what the impacts might be with the property owner.

C.H. Schmidt: “Well, here’s the thing though too, I’m sure everybody knows that on the north side of Drexel Avenue, Northwest Mutual owns all of the houses except for maybe a lot and one house, so they kind of can do what they want - you know, they own everything along 27th Street, so you’re kind of in a little area right there, and eventually, say you don’t like it. So my big concern is I’m against all this, but I just want to know, what are our ramifications if we stayed there? I mean, you probably can’t in a way though too with Commercial going in there. I’ve lived in Oak Creek for all my life, and Oak Creek changes all the time, the City never stays the same. I suppose that’s part of it, ever since A-C moved in there, so Oak Creek City Hall moved over this way where it was, the Police Department is over on Highway 100. We always came to a lot of Common Council meetings, it’s never the same. I mean we could be in here a few more years and they might change a bunch of other things in Oak Creek, well that’s progress I guess. But it’s like I said, Northwest Mutual, they seem to run the show in that area. I think Oak Creek goes along with what they say and vice versa. Maybe not, maybe yes, but I think for the residential person that bought land in the time ago, it was all fields and everything, so now we have to go with what’s going on with society and everything with Commercial, so I don’t like it anyway.”

Ryan Maughan, 1830 W. Drexel Avenue:

“My question is, you kept talking about the 2020 Comprehensive Plan – what is that?”

Doug Seymour explained that the plan was adopted by the City in April of 2002 in response to the State mandate that every municipality have a Comprehensive Plan to guide their future growth. The State Statute required certain elements such as housing, transportation, future land use map, utilities and infrastructure. This document would help guide the Council as they make decisions regarding future land use in the community.

Ryan Maughan: “Okay, and as far as Honadel Woods, which is part of the land swap – what was that zoned for the 2020 Comprehensive Plan?”

Mr. Seymour once again explained that the Comprehensive Plan does not show zoning.

Ryan Maughan: “Sorry, what was it proposed?”

Mr. Seymour commented that it was defined as a limited development area, recognizing some of the high-quality woodlands that were in private ownership.

Ryan Maughan: “Okay, so it wasn’t near the residential end of it? Was it planned for Mixed Use, or planned for Residential?”

Mr. Seymour explained that the areas adjacent to the Honadel Woods, specifically the southern part of Drexel Avenue, were shown as predominantly Residential, with some proposals for multi-family development adjacent to that.

Ryan Maughan: “So how come, if we took Honadel Woods, which was mostly planned as Residential, why are we planning the swap as Mixed Use?”

Mr. Seymour commented that the areas planned for Mixed Use are those areas taken out of public ownership which did not contain the high-quality wetlands or woodlands as defined by the DNR. The approval of the land swap and removing these properties from Falk Park signified that these properties no longer met the criteria of what would be preserved under the Resource Protection area.

Ryan Maughan: “Okay, if you take land from one spot that was proposed to be Residential – you take it away and make that a park, don’t you need to set aside that much land to stay Residential?”

Mr. Seymour commented that no, that is not necessarily the case.

Ryan Maughan: “Okay, my second question is about the school, you got this big new school going up, and you’re going to have a lot of cars going by the new school to get back to this Mixed Use area. Are we going to have any kind of precautions? Normally schools are built in residential neighborhoods, so all the neighbors can kind of keep an eye on the schools, we are not going to have people from out of town possibly coming in, driving past every day trying to see what’s there by. So with being Mixed Use, you don’t have a real high Residential outlook.”

Mr. Seymour responded that the majority of the 128+ acre quadrant of land owned by NML between the freeway and 27th Street is still planned to be developed as Residential. The sixty acres planned as Mixed Use was designated for development. The Planned Mixed Use designation does allow for some Residential use, but this area does not meet the DNR’s criteria for a park or a Resource Protection area. Due to its proximity along the Interchange, Planned Mixed Use is an appropriate land use.

Ryan Maughan: “Alright, my biggest concern is Planned Mixed Use, like a person said before, is it’s a very broad spectrum, you can put just about anything in there. How do you stop things from going in there that shouldn’t be, such as a big huge box store, or something that’s going to draw a lot of traffic, to the tune of thousands per day.”

Mr. Seymour commented that when and if a rezoning petition was presented to the Common Council, they would act in the best interests of the City.

Mayor Scaffidi added that the City has been accused of focusing too much on business and not enough on green space despite the fact that many acres of City parks are being built, as compared with other communities in the region. The City has an understanding of the need for balance, but property owners have a right to approach the City with regard to development of their land. He emphasized the City’s sensitivity to the location of the new school, adding that Mixed Use is important so that the City does not have any single type of development dominating the area.

Ryan Maughan: “Okay, and then as far as the properties in front of that 1830R parcel, once that is deemed Mixed Use, how easy would it be for somebody to come in and then change that to Commercial?”

Doug Seymour commented that if the area develops, given the proposed changes to the Comprehensive Plan, it is reasonable that there may be some changes from Residential to Nonresidential land uses.

Mayor Scaffidi added that it is not uncommon to see that kind of development along an interstate. In consideration that Drexel is the only new interchange within Milwaukee County in the last forty years, there is a great deal of interest in the area. Mayor continued with the second call for public comment.

Christine Struebing, 8562 S. Cortland Drive:

“Last night we just got a map from the Oak Creek School District. We had just learned that our students are going to be redistricted to the new school, which is wonderful, but I also have the same concern about whatever is going on with the redistricting and the roads, like if we are going to be changing that to business, mixed business, is there going to be two separate entryways to this, or are they going to be having the same roadway coming in past the school to get to these businesses?”

Mayor Scaffidi mentioned that he was not at liberty to comment on the redistricting of the schools.

Christine Struebing: “I understand, I guess my direct question is will there be two separate entrances?”

Doug Seymour explained that what was planned as part of the Tri Party Exchange Agreement is a roadway connecting Drexel Avenue through to 27th Street. The City is currently working on trying to speed up the development of that roadway, resulting in two connections to the school.

Christine Struebing: “So the main traffic would be going through a different road to get to those places that are being built up?”

Mr. Seymour noted that the roadway infrastructure would be designed to meet the needs of whatever develops there. Regardless of the type of development, traffic will be passing through the school area.

Mayor Scaffidi pointed out that several of the existing Oak Creek schools are located on busy streets, but the City would be sensitive to this issue and efforts will be made to ensure that the area is safe.

Christine Struebing: “Thank you.”

Mayor Scaffidi made the third and final call for comment. Hearing none, Mayor 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 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

Mayor Scaffidi opened up discussion of the Comprehensive Plan Amendment to the Commission.

Alderman Bukiewicz opened the discussion, noting that as this issue is within his district, he had received calls from some concerned residents. He reiterating that while the City will be sensitive to the type of new development moving in with respect to the residential areas, property owners have the right to develop those areas. He suggested that this issue might be addressed by building some sort of buffer or berm to separate residential areas from any business development. With respect to other commentary about NML "running the City", Alderman Bukiewicz commented that he sees their relationship with the City as more of a partnership, with NML looking for positive change within the City, and may pursue purchasing more of the properties along Drexel Avenue. He explained that when the Interstate was built, the State dealt with property owners for land acquisitions under eminent domain because the land was needed to construct the freeway ramps. In the case of NML acquiring any additional properties along Drexel Avenue, he thought there would be no need to use the eminent domain process and that NML would work directly with residents.

Doug Seymour confirmed that while the City has the ability to use eminent domain under certain circumstances, this would not be the case with the properties on Drexel Avenue.

Alderman Bukiewicz added that the road going through on 20th Street would be designed to sustain anticipated traffic to the school as well as any future development. He added that this is a fluid situation, but fits in with the overall Comprehensive Plan. With the City's obligation to keep that plan up to date, he is in favor of the amendment.

Mayor Scaffidi commented that based on NML's presence in Franklin and downtown, he has complete faith that they will act in the best interests of the City, adding that that the City's goal is not just to "fill properties", but rather to have development that looks and feels as if it belongs within the City.

Commissioner Dickmann commented that as a member of the original group that developed the Comprehensive Plan for the City in 2002, the whole objective was to continue updating the plan to reflect changes in the City as required by the State, and that over time there would be continued changes to the plan.

Mayor Scaffidi agreed, and called for a motion.

Alderman Bukiewicz motioned 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. 20th Street, 1741R, 1830R, 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.

Alderman Guzikowski seconded.

On roll call: all voted aye. Motion carried.

Plan Review
Tyler Edwards, Menard, Inc.
6800 S. 27th St.
Tax Key No. 737-9040-001

Kari Papelbon gave an overview of the request for approval of a building addition and minor changes to the existing garden center.

Commissioner Chandler asked whether there were any modifications for fire safety or HVAC for the extended warehouse.

Tyler Edwards (Real Estate Representative, Menards), 5101 Menard Drive, Eau Claire, WI. Mr. Edwards noted that no, there would be no changes as it is a small addition for trucks to back in and load materials out of the warehouse.

Commissioner Chandler asked whether there were any City requirements for changes to the fire safety system.

Assistant Fire Chief Kressuk responded that the Fire Department would work with the applicant once detailed drawings of the addition are received, and specific ordinances would be addressed at that point. He added that generally the City's ordinances will line up with the State and national codes. His concern was that an exit was being eliminated and whether this change to the building design would support estimated occupant loads. This would need to be calculated by the architects in the rendering process to assure there are enough remaining exits to handle occupant loads.

Tyler Edwards noted that they are making these changes to all of their stores and have consulted with architects and the International Building Code to make sure that closing off an exit complies with regulations. The new addition will have a sprinkler system in place.

Commissioner Chandler inquired whether there would be trucks in the overhang area.

Mr. Edwards answered that there would not be trucks in this area.

Commissioner Chandler asked what would be in the overhang area.

Mr. Edwards explained that the purpose of the project, which will be companywide, is to add more covered storage. It is basically taking former open-air storage areas and closing them in with a garage door. There may be forklift activity, but no trucks.

Commissioner Dickmann expressed concern over the elimination of the garden center entrance, noting that this would be an inconvenience for customers to transport large or heavy items to the front checkouts.

Mr. Edwards responded that the garden center exit is being eliminated because it is only used a few weeks out of the year, during the weekends in the springtime. During other times of the year this exit would be locked so customers would have to use the main entrance anyway.

Alderman Bukiewicz agreed with Commissioner Dickmann, and asked to clarify whether or not they intended to use the firegate on the north end of the building for truck traffic.

Mr. Edwards responded no, that truck traffic would continue to use the same yard that is currently be used.

Mayor Scaffidi called for a motion. Commissioner Correll motioned that the Plan Commission approves the site and building plans submitted by Tyler Edwards, Menard, Inc., for the property at 6800 S. 27th 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.

Commissioner Siepert seconded.

On roll call: all voted aye, motion carried.

Conditions and Restrictions
Shawn McKibben, Oak Park Place
1980 W. Rawson Ave.
Tax Key No. 736-8995-001

Kari Papelbon reviewed this item recommended for approval at the November 10, 2015 Plan Commission Meeting, adding that Commissioners will be asked to rule on the issue of parking at the facility. Staff is recommending a reduction in the number of allowed parking stalls for Phase I of the project, which includes the memory care unit and excludes the independent living unit which is part of Phase II.

Commissioner Dickmann explained his understanding was that both parts of the facility were for elderly residents.

Shawn McKibben (Oak Park Place) 719 Jupiter Drive, Madison, WI. Mr. McKibben noted that this facility would be only for seniors.

Commissioner Dickmann inquired whether this could be stated in the documents.

Mayor Scaffidi noted yes, it could be specifically stated that the facility is only for seniors.

Commissioner Dickmann also asked about the location of the driveway on the south end of the property that exits onto 20th Street.

Ms. Papelbon noted that site plan review is not part of the conditional use permit, and that the Commission should wait until the plans are received to discuss the location of the driveway.

Mr. McKibben interjected that he is aware that the driveway needs to be moved further north. He also added with respect to the parking issue, only a very limited number of residents living in Phase I of the project would have vehicles. It would be mostly family visitors and staff that would require parking, and they are confident the plan include more than adequate parking.

Arden Degner, 8540 S. Pennsylvania Avenue asked whether there would be sufficient visitor parking.

Mayor Scaffidi responded that the applicant has indicated there is visitor parking.

Alderman Guzikowski asked whether there would be any issues with the adjacent concrete plant operating at the same time, as far as getting in and out of the building.

Mayor Scaffidi noted that the concrete plant is a temporary use.

Ms. Papelbon agreed, noting that the concrete plant would be accessing from Rawson, whereas the facility would be accessing from 20th Street. Ms. Papelbon clarified that the word "*elderly*" would be added to the staff recommendation for the motion, as well as item 10B of the Conditions and Restrictions under Permitted Uses, language would be changed to "licensed *elderly* community living arrangement".

Commissioner Siepert asked for clarification on Item 11B, regarding the reference to thirty-six months from the date of adoption, whether it was Phase I adoption, or thirty-six months after the completion of Phase I.

Ms. Papelbon explained that Phase II would start within thirty-six months of the ordinance approving this conditional use.

Beverly Buretta, 3736 E. Oakwood Rd. Ms. Buretta inquired whether this facility qualifies as a CBRF.

Mr. McKibben responded that the memory care units are CBRF, the assisted living units are RCAC.

Ms. Buretta asked for an explanation of RCAC.

Mr. McKibben explained that in terms of code requirements and State requirements, the CBRF is more restrictive and challenging in terms of requirements, RCAC is more like apartment living.

Mayor Scaffidi reiterated Ms. Buretta's question regarding the definition of RCAC and what the difference is between the two.

Ms. Buretta explained that her understanding of the CBRF requirements is that they could not be restricted to a specific type of individual to reside there. She asked if the development did not proceed as planned, if it could be turned into something else, for instance, a halfway house.

Ms. Papelbon explained that they would have to comply with State law, which requires certain things with the operation of a CBRF. They would be restricted to the conditional use as allowed by the City in terms of the type of development that would be there. She further explained that a halfway house is not the same thing as a CBRF.

Ms. Buretta inquired whether the conditions and restrictions pass along to the new owners if there was an ownership change.

Ms. Papelbon explained that yes, the conditions and restrictions run with the land use.

Commissioner Chandler inquired whether there should be a reference to Phase II as well as Phase I in item 11D, as throughout the document, it refers to both phases.

Ms. Papelbon explained the reason for this is that Phase I has to occur within twelve months. If that doesn't happen, they cannot continue with Phase II.

Alderman Bukiewicz asked about the definition of "elderly" as it relates to a younger individual who may need the services of this facility.

Ms. Papelbon stated that this applicant stated in their proposal that they specifically cater to the elderly.

Alderman Bukiewicz also addressed the issue of parking and stated that he would be comfortable going forward provided there is sufficient visitor parking. He added that there would be limited interest in developing a subdivision in this particular area due to its proximity to the freeway onramp, so he felt that it was a good fit for the area as long as the driveway could be placed off of 20th Street to minimize the traffic impact.

Mayor Scaffidi called for a motion. Alderman Bukiewicz motioned that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit allowing a licensed elderly 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.

Alderman Guzikowski seconded.

On roll call: all voted aye. Motion carried.

Plan Review

Tony Mirenda, Grace Lutheran Church

3381B E. Puetz Rd.

Tax Key No. 864-0062-000

Kari Papelbon explained the applicant is requesting site, building, and landscaping plan approval for a 485-square-foot addition to the southwest portion of the existing building.

Mayor Scaffidi asked if there were questions from the Commission. Hearing none, he called for a motion. Commissioner Dickmann motioned 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.

Commissioner Siefert seconded.

Mayor Scaffidi interrupted roll call to have the applicant state their name and address for the record: Peter Ogorek (Architect, Perspective Design), 11525 W. North Avenue, Wauwatosa, WI.

Mr. Ogorek noted he appreciated the quick approval of the item, but wished to comment on Condition 2 relative to the screening of the rooftop equipment, noting that there will be a struggle to screen the equipment on the north side of the existing building. These are condensing units for small air conditioning systems. Mr. Ogorek noted that the screening for such units would be obtrusive and would create a heavy snow load on the existing roof and therefore respectfully requested that the equipment on the north side of the building not be required to be screened. Other rooftop units would be screened.

Mayor Scaffidi inquired whether Mr. Ogorek had made this request of staff prior to this meeting.

Mr. Ogorek replied that yes, he had.

Mayor Scaffidi asked whether staff was willing to work with Mr. Ogorek on the screening issue.

Ms. Papelbon indicated yes, staff would work with Mr. Ogorek.

Mayor Scaffidi asked whether the Commission would be comfortable with that. Commissioners responded they were.

On roll call: all voted aye. Motion carried.

**Temporary Use Permit
Tim Frerichs, Michels Corporation
Concrete Batch Plant, Exit Ramp at I-94 and Rawson Ave.**

Kari Papelbon explained the applicant is requesting approval to allow the existing temporary concrete batch plant within the right-of-way at the I-94 and Rawson Avenue off-ramp to remain in place through the completion of the 27th Street project, anticipated for September 30, 2016.

Mayor Scaffidi asked when the concrete batch plant would cease operation and the City would see this area returned to a green space.

Ms. Papelbon explained that the temporary use was requested because there was a delay in the 27th Street project. Assuming the 27th Street project completes as projected (end of September, 2016), the site would be restored hopefully by the end of November, 2016.

Commissioner Dickmann expressed concern that cars coming off the freeway heading east would be at increased risk for accidents given the high volume of truck traffic coming from the plant.

Mayor Scaffidi responded that he was not aware of any increase in accidents in the area.

Alderman Bukiewicz felt that permitting and associated fees should be adjusted depending on the length of time the plant is using the space, as their presence affects our traffic levels and the heavy equipment impacts the condition of our roads.

Commissioner Correll responded that the alternative to using a temporary batch plant is hauling more trucks over more space, rendering more damage to the City's roadways.

Commissioner Siepert inquired about the noise level made by the equipment.

Tim Frerichs (Michels Corporation), 517 W. Main Street, Brownsville, WI. Mr. Frerichs commented that with regard to the noise level, the equipment at the plant is state-of-the-art, and is difficult to hear at a distance of about one hundred feet. Mr. Frerichs also noted that they have taken steps to replace beeping back-up alarms on their equipment with a buzzer sound that is muffled, so there is no disruption to the local residents. As far as progress on the project, the first phase is already completed for this year, and the upcoming projects for 2016 will span approximately a 5-week period which will vary during the summer months due to the project staging, so there will be limited activity at the plant in the coming year. With regard to the earlier comment about "thirty trucks per hour" coming from the plant, Mr. Frerichs added that the actual count would probably be closer to about twenty trucks per hour.

Ms. Papelbon requested to have the Commission consider adding a statement to Condition 4 of the proposal that the site would be restored by October 31, 2016. Furthermore, Ms. Papelbon requested to add a fifth condition stating that there would be no crushing on-site.

Mayor Scaffidi asked Ms. Papelbon to clarify the timeframe for restoring the site, noting that a two-week time frame might not be long enough for cleanup. Ms. Papelbon proposed a date of November 30th for completion of site restoration.

Mr. Frerichs confirmed that this would be acceptable.

Mayor Scaffidi called for a motion to be made.

Alderman Bukiewicz motioned 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 with site restoration completed by November 30, 2016.
5. That there shall be no on-site crushing of materials.

Commissioner Chandler seconded.

On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Correll seconded.

On roll call: all voted aye. The meeting adjourned at 7:23 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

Date