

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 10, 2016

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, Mayor Scaffidi, Alderman Guzikowski, Commissioner Correll, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Pete Wagner, Zoning Administrator; Doug Seymour, Director of Community Development; and Mike Kressuk, Assistant Fire Chief.

Commissioner Dickmann moved to approve the April 26, 2016 meeting minutes. Commissioner Siepert seconded. On roll call: Mayor Scaffidi and Commissioner Correll abstained. All others voted aye. Motion carried.

Conditions and Restrictions

HSI Oak Creek Partners, LLC

7721 S. Pennsylvania Ave.; and 2100, 2200, and 2280 E. Drexel Ave.

Tax Key Nos. 779-9991-001, 779-9006, 779-9007, and 779-9008

Kari Papelbon recounted that the Plan Commission recommended the rezone and Planned Unit Development for approval at the last meeting. Plan Commission is now reviewing the Conditions and Restrictions proposed by Staff. Ms. Papelbon called attention to several sections of the Conditions and Restrictions where she requested input from the Commission. First was the issue of time of compliance. Code requires that a building permit be issued within twelve (12) months of approval. Due to the multi-phase nature of this project, the applicants have requested an extension to eighteen (18) months from the time of Council approval to obtain a building permit for Phase I. In addition, the applicant is requesting 48 months from the time of Council approval to obtain a building permit for Phase II. Ms. Papelbon requested the Commission's input on the requests for extension on the time of compliance.

Alderman Bukiewicz noted that he did not have an issue with extending the time of compliance for either phase, adding that there are many factors that can affect whether or not a building project stays on schedule. Commissioner Dickmann likewise did not have an issue with the request for extension, however he expressed concern that the applicant might build Phase I and not follow through with Phase II. Ms. Papelbon confirmed that this could be the case. Commissioner Dickmann inquired whether there could be language included to prevent building Phase I only. Ms. Papelbon clarified that if the applicant does not obtain a building permit within 48 months for Phase II, they would need to return to the Plan Commission for approvals before moving forward. The majority of the project is in Phase I, including the public amenities such as the pool, clubhouse, proposed gazebo, and walking paths, as well as most of the apartment buildings. Alderman Bukiewicz pointed out that it is in the developer's best interests to complete both phases because it provides a greater capacity to meet the financial objectives of the development. Commissioner Correll commented that he did not see an issue with the extension for either phase. Commissioner Chandler inquired of the applicant why the time of compliance would not be set for twelve months, and extended if necessary.

Tony DeRosa, HSI Oak Creek Partners, LLC, 18500 W. Corporate Drive, Brookfield:

Mr. DeRosa noted that the reason they are requesting the Phase I extension to eighteen

months right away is because even though pulling together all of the phases of the planning and architecture of the project may leave them in a position to start early, commencement of the project might be affected by weather constraints. They are attempting to anticipate possible delays from the start of the project, rather than having to come back at a later point to request more time, as this may further delay the process.

Kari Papelbon raised the issue of item 7B of the Conditions and Restrictions, which addresses the maximum accessory building height of seventeen feet, as the applicant is proposing a clubhouse height that would exceed this maximum. Mr. DeRosa explained that the clubhouse would have some taller features, such as a small tower. The outside appearance of the clubhouse would resemble a two-story building, but would actually be one-story with an open-air concept. He feels that the building would definitely lack architectural interest if limited to seventeen feet. Commissioner Chandler inquired as to the actual proposed height of the clubhouse building. Mr. DeRosa indicated that the building is still in the architectural design phase, and he did not have an answer at this point. Commissioner Johnston asked whether the clubhouse height could be excepted out of the Conditions and Restrictions, leaving the seventeen-foot height language to apply to the other buildings in the development. Ms. Papelbon noted that this would be a consideration for the Plan Commission, but that the height of the gazebo might also be in question. Mr. DeRosa indicated that he did not believe the gazebo would exceed seventeen feet, but could not confirm the actual proposed height at this point. He added that he would be comfortable modifying the Conditions and Restrictions to except out the clubhouse building, keeping other accessory buildings at the seventeen feet maximum. Ms. Papelbon requested that the Plan Commission assign a maximum height of the clubhouse. This language would be included so that the Common Council has something concrete to consider.

Kari Papelbon introduced item 4M of the Conditions and Restrictions, explaining that the applicant has requested some flexibility regarding completion of landscaping prior to occupancy. The applicant would like to be able to use the buildings as they are completed. Ms. Papelbon explained that she has spoken with the Inspection department, and this is doable. Staff had some concerns about this request, and would like an agreement in place regarding what landscape elements and other required improvements would be required prior to occupancy. The exact language is not yet in place, but there will be ongoing discussion with staff on this item. Mayor Scaffidi added that it seemed problematic to have residents moving in and using the space while other areas are still under construction. Ms. Papelbon noted that this would be the reason for stipulating exactly what was required prior to occupancy. Mr. DeRosa explained that at the time a portion of the project was completed and the buildings were ready for occupancy, it may be a time of year that is not conducive to installing landscape elements.

Commissioner Dickmann inquired whether a Traffic Impact Analysis was being done on the project. Mr. DeRosa answered that they are currently working on the analysis.

Mayor Scaffidi called for any public comment:

David Kubicek, 7911 S. Long Meadow Dr., Oak Creek:

Mr. Kubicek explained his issue is the additional traffic on Drexel Avenue that will be generated by these apartments, and the impact it will have on the safety of the intersection at Drexel Ave. and the proposed entrance to the apartment community, which is across the street from the entrance to his subdivision. This intersection is located just east of the crest of the hill on Drexel; he is concerned that cars traveling eastbound attempting to bypass cars making a left-hand turn into the apartment subdivision as they are approaching the crest of the hill would

naturally use the right-hand lane. Because of the proximity of this intersection to the crest of the hill, a motorist could potentially cause an accident if they are passing on the right and there is another car turning right into the subdivision across the street, especially at the posted speed of 35 mph. There is not enough time for a passing motorist to see what is coming over the crest of the hill and react appropriately. Mr. Kubicek made several suggestions to alleviate this situation. His first suggestion was to lengthen the right-hand turning lane into his subdivision to give motorists more time. Secondly, he suggested widening eastbound Drexel to three lanes to isolate one lane for left-turn only into the apartment subdivision, a second lane heading east towards Pennsylvania Ave., and a third right-turn only lane into his subdivision entrance. Lastly, he suggested that the speed limit be reduced to 25 mph. Mayor Scaffidi thanked Mr. Kubicek for his comments and added that this would be considered a Traffic and Safety issue.

Thomas Sprague, 2201 E. Oak Ridge Ln., Oak Creek:

Mr. Sprague also expressed concern with the additional traffic that would result from this development. He noted that the traffic is already excessive at rush-hour, and it is difficult for residents to exit north out of the subdivision that is across from the proposed apartment complex entrance to make a left-hand turn onto Drexel Ave. heading west. He explained that he does not know why the City hasn't done a Traffic Impact Analysis prior to consideration of this apartment complex, as he feels that this development will increase traffic to such a level that motorists exiting his subdivision will be taking risks in order to turn left out of the subdivision onto Drexel. Mayor Scaffidi noted that the City is well aware of the increased traffic on Drexel and is consistently looking at traffic impact. Mr. Sprague also suggested that the City impose a "No Right Turn on Red" for southbound motorists on Pennsylvania Ave. making a right-hand turn onto westbound Drexel Ave. He felt that this would help create larger gaps between cars heading westbound on Drexel, and allow more opportunity for cars making a left-hand turn out of his subdivision to merge with traffic on Drexel. Mayor Scaffidi noted that his suggestion was a bit outside the scope of this agenda item, but again would be a consideration for the Traffic and Safety Commission.

Arden Degner, 8540 S. Pennsylvania Ave., Oak Creek:

Mr. Degner expressed his disapproval of this project, noting that it is surrounded by floodway and flood fringe. He further objected to splitting the development into phases, as he felt that HSI might defer future phases to another builder. Mr. Degner reiterated comments made at the Plan Commission meeting on April 26, 2016, wherein he requested escrow for repairs of retaining walls and interior roads, installation of traffic controls, installation of deceleration and acceleration lanes on Pennsylvania and Drexel Avenues, and the installation of desalination equipment due to the runoff of ice melt.

Kari Papelbon noted a suggestion brought forth about adding curb and gutter to the site plan, though this would not be required by Code. She inquired whether the Plan Commission would like to add that item as a recommendation or requirement for Council consideration. Commissioner Johnston stated that he felt that curb and gutter are needed in an upscale development to protect the roadways and to prevent people from parking on the grass, as well as to define the main access road into the development. He added that going back after the fact to add these elements is very difficult. Mr. DeRosa noted that HSI is comfortable with adding curb and gutter along the main streets. He noted that there may be some areas directly in front of the buildings that are not curbed, but these areas tend to be more heavily landscaped. Commissioner Dickmann inquired whether this should be added to the Conditions and Restrictions. Ms. Papelbon answered that there will be the opportunity to add this to the conditions of approval at site plan review.

Commissioner Siepert inquired as to whether the interior roadways would meet the City standards in terms of thickness, and also asked what type of material would be used. Mr. DeRosa answered that asphalt will be used. He asked Commissioner Johnston's input on any required specifications for interior roads. Commissioner Johnston clarified that Commissioner Siepert's question is actually whether or not the interior roadways would meet the public road standards. Mr. DeRosa noted that they would not be meeting those standards. Commissioner Siepert expressed concern that, at some point, the interior roads would be turned over to the City for repair which would be costly, and felt that the standards should be considered. Mr. DeRosa responded that the roadways would be privately-owned streets built to private standards, and that there is no intention of these roads ever being turned over to the City.

Mayor Scaffidi called for a motion. Kari Papelbon noted that an error had been made on the original staff report and suggested that she read the staff recommendation into the record which could then be adopted as a motion: that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the rezoning of the properties at 7721 S. Pennsylvania Ave.; and 2100, 2200, and 2280 E. Drexel Ave. to Rm-1 (PUD), Multifamily Residential Planned Unit Development after a public hearing and subject to Conditions and Restrictions. Alderman Bukiewicz moved as stated by Ms. Papelbon. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Plan Review

Mark TeGrootenhuis, HSA Commercial

7901 S. 6th St.

Tax Key No. 813-9056-000

Kari Papelbon explained this is a proposed facility for Froedtert - Drexel Town Square Health Clinic. Review of the proposal will be subject to the Drexel Town Square General Development Plan and Regulating Plan. The health clinic includes a proposed three-story building on the north and northeast corner parallel to Drexel Ave., and a proposed four-story parking garage on the west portion of the property. Access to the clinic is provided by three driveways: north from Drexel Ave., east from 6th St. (main entrance), and shared access with Emerald Row Apartments on the south side of the property. Staff has several concerns with controlling access to the north driveway, as this is intended solely for deliveries and emergency vehicle access. Ideas have been proposed to restrict access to this driveway, including a security gate at the turnaround island located between the parking garage and the main building. This is intended as an emergency turnaround. The proposed security gate only covers a portion of the drive. Staff is proposing that the gate extend across the entire driveway to the building to limit unauthorized access. They are also working with the Fire Department regarding controls for the gate. Staff has also proposed narrowing the service drive near the parking garage on the northeast side. This would help to physically deter unauthorized access.

In addition, the plans show the south access drive has six parallel on-street parking stalls, while the General Development Plan shows parallel parking along the entire access drive. Staff recommends including an option in the plans to incorporate this parking configuration. Estimated overall parking on the site is 5 spaces per 1,000 gross square feet (equivalent of 460 parking stalls). Taking into consideration planned future build-out of the property, the applicant is proposing 225 surface stalls and 425 stalls in the parking structure, for a total of 650, which exceeds the requirement.

Ms. Papelbon also mentioned the proposed pedestrian walkways located on the east adjacent

to the outdoor patio area, on the north side of the main entrance on 6th St., as well as internal walkways. Deliveries will be made to the single-lane loading dock. Dumpsters and a generator will be located behind a wall designed to match the building, however there is a gap between the end of the wall and the building which leaves a portion of the loading dock exposed. Staff recommendation is to conceal this area by either increased landscaping or by extending the wall to close the gap. Conditions of approval suggest that the final landscaping plans be subject to approval by the Director of Community Development.

Ms. Papelbon discussed the building design guidelines for each elevation as outlined in the Plan Commission Report, making the correction that the south elevation has precast panels at 40%, aluminum panels at 27%, gray tinted glass at 23%, clear glass at 5%, and spandrel glass at 5%. Renderings of the future build-out areas were displayed.

Mayor Scaffidi asked Ms. Papelbon to clarify the parking along S. 6th Street in front of the building. Ms. Papelbon responded that the parking is actually on the access street between the property and the Emerald Row Apartments. Mayor Scaffidi inquired how many parking spots this would be and why we would want street parking there. Ms. Papelbon responded that six spots are shown on the rendering, but the plans in the PUD show parking along the entire access drive. Mayor Scaffidi's concern was that motorists or emergency vehicles traveling down that access road would not have enough room alongside parked cars, and called upon Assistant Fire Chief Mike Kressuk for comment.

Chief Kressuk noted that access roads are regulated by Code, and are clearly marked in facilities such as these. He indicated that this access road may not be the designated Fire Department access road, but would still need to meet any width requirements. The Fire Department would work with the developer to ensure that any access roads would meet the proper standards. Commissioner Dickmann expressed concern over the proximity of the access road to the railroad trestle. Chief Kressuk noted that the Fire Department would advocate for as much access as possible to both the facility and the parking structure, and that this access road would give emergency personnel an additional point of access to the Urgent Care center on the west end of the building. Commissioner Johnston added that there should be more than enough space for emergency vehicles even with parked cars present. He felt that the access off Drexel Ave. for emergency vehicles and deliveries is concerning, but access by medical center staff or people exiting the parking structure would be discouraged. His other concern is that motorists traveling east toward the railroad trestle would not expect to have vehicles turning right onto the access road off Drexel Ave. prior to 6th Street, and may not have enough reaction time. Commissioner Correll questioned how the City would control that access. Commissioner Johnston replied that gating the entrance is one solution, but not the most desirable as it would also impede any emergency traffic.

Commissioner Chandler requested that the applicant provide more information on the screening of the loading dock and rooftop mechanicals.

T.J. Morley, Eppstein Uhen Architects, 333 E. Chicago St., Milwaukee:

Mr. Morley explained that the screening for these areas is pre-cast concrete panels designed to match the building. The gap referred to earlier by Kari Papelbon is basically an emergency egress. If the gap were to be closed off, there would only be one way to get out of that access area. He reiterated that there has been discussion to add landscaping to that area to conceal the gap while still providing access to these service areas. With regard to screening of the rooftop mechanicals, Mr. Morley explained that the panels are constructed out of ribbed aluminum resembling the appearance of louvers, which provides some visual interest. That

same material is used as accent in other areas to provide a cohesive look.

Alderman Guzikowski raised the issue of the access road with a right-turn only coming off eastbound Drexel Ave. into the facility. He inquired whether there would also be a corresponding left-turn only lane on westbound Drexel Ave. Ms. Papelbon responded that there would not as there is no gap in the existing island. Alderman Guzikowski then asked what would be the easiest way to access the facility approaching westbound on Drexel Ave. Chief Kressuk noted that any westbound traffic would need to bypass the facility and make a U-turn to enter from the south using that emergency access drive. Emergency vehicles would need to follow this same protocol for south entry to that access point.

Alderman Bukiewicz asked about snow removal – whether plowed snow would be removed by truck from the location, and with the site being approximately 95% impervious with no retention ponds, how the applicant plans to manage stormwater.

Mark TeGrootenhuis, HSA Commercial, Chicago, IL:

Mr. TeGrootenhuis answered that stormwater from the site is managed by the existing detention pond to the south. Commissioner Johnston added that the site was incorporated as part of Drexel Town Square, so all stormwater goes to the existing ponds, but added that staff is working with the applicant to resolve issues with the access drive off Drexel Ave., as this area has historically been prone to flooding. The intent is to keep stormwater within the site rather than running off into the street, which could tax the existing system. With regard to Alderman Bukiewicz's question on snow removal, Mr. TeGrootenhuis noted that snow removed from the parking deck would be stacked between the railroad and the western edge of the parking structure. To the south, they anticipate stacking snow at the north edge of the detention pond.

Commissioner Chandler inquired whether the parking structure was open to the general public. Mr. TeGrootenhuis stated his understanding is that the parking deck is public. Doug Seymour noted that the agreement with the property owner states that the parking structure would be available for public use for special events upon written request by the City.

Mayor Scaffidi called for a motion. Alderman Bukiewicz made a motion that the Plan Commission approves the site and building plans submitted by Mark TeGrootenhuis, HSA Commercial, for the property at 7901 S. 6th St. with the following conditions:

1. That all building and fire codes are met.
2. That the screen wall be connected to the building or that additional landscaping is provided to screen the loading dock.
3. That staff comments regarding the north (gate extension, width reduction) and south (parallel parking) access drives are incorporated into revised plans.
4. That all revised plans (site, building, landscaping, etc.) are submitted in digital and paper formats for review and approval by the Department of Community Development prior to the submission of building permit applications.
5. That detailed plans for signage are reviewed and approved by the Plan Commission prior to submission of permit applications.
6. That the wall sign location on the south elevation as proposed is approved. The wall sign location on the east and west elevations are NOT approved. The applicant/tenant may submit a sign appeal request for wall signs on the east and west elevations.
7. That all mechanical equipment (ground, building, and rooftop) is screened from view.
8. That final photometric and lighting plans indicating the approved luminaire type, pole type, color, and height for Drexel Town Square are submitted for final approval by the

Director of Community Development, upon written recommendation of the Electrical Inspector, prior to the issuance of building permits.

9. That plans addressing grading, drainage, and stormwater quality (including the use of stormwater best management practices) be approved by the City Engineer prior to the issuance of building permits.
10. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.

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

Mayor Scaffidi noted that he would be turning the meeting over to Alderman Bukiewicz at 7:40.

Zoning Text Amendment 17.0316, B-6, Interchange Regional Retail District

Kari Papelbon explained the reason for this text amendment proposal is to create a new zoning district to recognize the regional draw created by destination retailers, the requirements of which may differ from the City's existing Zoning Code. Many of the elements of this proposal apply only to destination retailers in excess of 250,000 square feet. These types of retailers may require greater visibility for customers to provide appropriate and safe access to those locations.

Commissioner Siefert inquired whether the City has looked at other existing areas which might qualify for the proposed new B-6 zoning. Ms. Papelbon noted that, at this time, the B-6 designation is specific to this location. Other areas might be considered in the future, but Doug Seymour reiterated that the only properties which would be considered for this zoning classification would be regional destination retailers at 250,000 square feet or more. The City would not pre-emptively zone properties B-6.

Ann Lampe, 8436 S. Howell Ave., Oak Creek:

Mrs. Lampe raised a concern about the minimal setbacks in this zoning district, leaving the surrounding property owners with less privacy. She also noted her attendance at a prior meeting in November of 2015 which addressed changes to the strategic plan (sic) to make this area Mixed Use, which would also include residential areas. This is a departure from the strategic plan (sic) which was accepted by the City in December. She does not feel that this zoning change is appropriate relative to the new elementary school positioned across the street. She pointed out that in spite of an entrance to the proposed IKEA site from 27th St., visitors traveling to Oak Creek from out of town are going to be exiting off the freeway west on Drexel, and will use the first point of access to the store, which will be the 20th St. entrance between the school and the retailer site. She also expressed concern that the residential uses along Drexel Ave. might not remain residential, as they are predominantly rental properties owned by the same entity that owns the retailer site.

Doug Seymour responded that the IKEA store is just one element of the overall Mixed Use area, which does not necessarily have to include residential. At the time of the school was zoned Institutional and the Comprehensive Plan was changed, there were sixty acres of land planned for a substantially different use than the previous park use. Those sixty acres have the potential to generate a significant amount of traffic. Mr. Seymour acknowledged that the access road to the retail site would not be the type of access road that one would typically see in the vicinity of a school; however, the Traffic Impact Analysis being done for the entire Drexel Avenue Corridor will take into account the allowable range of uses for that area to provide safe access to all of

the planned uses. Mr. Seymour displayed an aerial rendering showing the location of the IKEA store relative to the school, noting that the IKEA site is approximately 1,000 feet north of the school driveway. The peak times of business will not coincide with peak times for school traffic, with the heaviest traffic for the IKEA store occurring during the weekends.

Dan Bukiewicz commented that the school district is working with the City to install a fence to protect the school areas from traffic. He added that pickup, whether by bus or car, will be in the school parking lot. There will not be street pickup as seen at other elementary school locations.

Mayor Scaffidi also noted that as a measure to keep students safe, the City is absorbing the \$20,000 expense to construct a fence around the school property. He added that the school Superintendent has been involved in discussions about the IKEA from the very beginning, and was comfortable with the location of the store relative to the school.

Ryan Maughan, 1830 W. Drexel Ave., Oak Creek:

Mr. Maughan feels that putting an IKEA at this site is in conflict with the Mixed Use designation in the 2020 Comprehensive Plan. He also commented that the maps released to the public (on display during the meeting) do not show the houses along Drexel Ave. He felt that this is a misrepresentation of what is actually located in that space, and gives the impression that this development will not impact a residential area. Mayor Scaffidi responded that the City did not release those maps, but that the Commissioners are well aware of the seven houses located south of the store site. Mr. Maughan also expressed concern that all traffic has to travel past the school to get to the IKEA site, and even though the peak times for each building do not overlap, there are after-school activities at the school that he felt would be impacted by traffic to the store site.

Nick Schmidt, 7842 S. 13th St., Oak Creek:

Mr. Schmidt expressed his opinion that Oak Creek is growing too fast, and urged members of the Commission to do their due diligence in making major decisions that will benefit the City. Mayor Scaffidi responded that the Commissioners spend a great deal of time reviewing Plan Commission materials prior to meetings.

Mayor Scaffidi called for a motion. Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that Section 17.0316 of the Municipal Code be amended to create a new Interchange Regional Retail Zoning District, after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Mayor Scaffidi turned the meeting over to Alderman Bukiewicz.

**Rezone
Walden OC (Northwestern Mutual)
1830R W. Drexel Ave.
Tax Key No. 784-9021-000**

Kari Papelbon displayed a rendering of the area proposed to be rezoned to the new B-6, Interchange Regional Retail District.

Commissioner Correll inquired if the zoning for this property were to stay at its present classification, what type of development would be excluded by the zoning change. Ms.

Papelbon responded that the zoning district specifically outlines what will and will not be allowed in the proposed zoning district. This takes into account large destination retailers such as IKEA that are in excess of 250,000 square feet, as well as other uses below that threshold.

Nick Schmidt, 7842 S. 13th St., Oak Creek, commented that the area in question, as well as most of the surrounding property, is owned by Northwestern Mutual, and again urged the Commissioners to uphold the best interests of the City, rather than Northwestern Mutual. Alderman Bukiewicz responded that he feels this development, as well as many of the land deals done in the past, will greatly benefit the residents of Oak Creek.

Alderman Bukiewicz called for a motion. Commissioner Correll moved that the Plan Commission recommends to the Common Council that the property at 1830 R W. Drexel Ave. be rezoned from P-1, Park District, to B-6, Interchange Regional Retail District, after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye, with the exception of Mayor Scaffidi (who was not present for the vote).

Plan Commission Consultation Discussion of Code Requirements and Applicable Zoning Districts Craft Distilleries, Wineries, and Breweries

Pete Wagner opened discussion, noting that with the growth of the City, one thing that has not been addressed is microbreweries and distilleries. Currently, our Code allows for brew pubs, such as Water Street Brewery, which allow patrons to purchase and consume the manufactured product on-site. The Code, however, does not allow for a distillery or brewery that manufactures and sells the products elsewhere. Mr. Wagner is looking for the Plan Commission's view on whether the City should pursue making additions to the Code to allow for this type of operation. Mr. Wagner commented that the Planning Department currently has an intern who did a great deal of research on how business around the state and other parts of the country regulate and define these types of establishments. Her findings were that there are no consistent regulations. The terms "micro" and "artisan" are discretionary terms that are not well-defined from one community to the next.

Mr. Wagner pointed out that there is some interest in bringing a microdistillery to the City. Mr. Wagner noted that staff is comfortable with identifying microbreweries and microdistilleries based on the facility size and production quantity. This would deter larger manufacturers from wanting to settle on small sites in Oak Creek. The smaller manufacturers, however, have a purpose in our commercial districts as destination establishments that gather a favorable response from a community wanting to patronize their local manufacturers. Mr. Wagner noted that in an effort to control the quantity of product being manufactured, facilities would be limited to using no more than fifty percent of the site for production. The remaining portion would be used for retail operations or tasting rooms.

Commissioner Correll felt that limiting the size of the overall operation is the easiest way to keep production levels in check, rather than by number of barrels produced. Mr. Wagner commented that there is no continuity between the term "microbrewery" and the allowed number of barrels produced. He agreed with Commissioner Correll that the best way to limit the level of production at a local distillery is by controlling square footage. If a larger facility is required as a company grows, they might be forced to move their operations to a manufacturing district. Commissioner Carrillo commented that many of the local microdistilleries around the City are limited by the amount of production as opposed to square footage. If a facility is manufacturing their product around the clock, there could be other, larger impacts to the surrounding area,

such as unpleasant smells, or a high volume of truck traffic. Limiting their production is going to cut down on those types of nuisances. Mr. Wagner responded that limiting by production quantity would be difficult to enforce. Using square footage parameters in tandem with quantity restrictions will go a long way to ensuring that these types of businesses do not get too large that they pose other logistical issues in our commercial districts. Kari Papelbon added that existing microbreweries/distilleries limited by quantity have the capacity to manufacture their product up to a certain amount, but that does not necessarily mean that they will reach that limit. Imposing that threshold would allow a business room for expansion before they would need to move from a commercial to a manufacturing district. Alderman Guzikowski and Commissioner Siepert voiced their support of using both square footage and production limitations in the Code requirements. Pete Wagner added that other communities limit the square footage based on a percentage of the overall size of the facility. For instance, production might be limited to no more than fifty percent of the building, with the remaining portion used for retail operations or a tasting room.

Adam Murphy, 9843 S. 27th St., Franklin:

Mr. Murphy is interested in opening a distillery in Oak Creek. He explained that one of the reasons why there are differences in regulations from state to state is that distilleries are controlled at the federal level, while tasting rooms are controlled at the state level. The State of Wisconsin requires that a tasting room for a distillery be on-site, while other states allow tasting rooms off-site. Wisconsin uses a three-tier distribution format - sales outside of the tasting rooms need to go through distributors, then retailers. He feels that a tasting room is critical to the success of a microdistillery – approximately 10-32% of sales are generated through the tasting rooms. In this case, there is a 100% return on the product as there is no distributor or retailer taking a portion of the profits. His concern in bringing a microdistillery to Oak Creek is where the City would allow it to be located. He mentioned several sites as possibilities, but those locations would not necessarily draw customers in, particularly in an industrial area.

Alderman Bukiewicz added that discussion on this topic is timely as there is great interest in bringing these types of businesses to the area. His opinion is to limit by square footage, but that it is important to allow for expansion. Pete Wagner noted that at this point, the Staff's objective is to provide information to the Commission for consideration prior to any requests for Conditional Use.

Commissioner Carrillo moved to adjourn. Commissioner Correll seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:11 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

5/24/16