

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, MAY 24, 2016

Alderman Bukiewicz 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. Mayor Scaffidi was excused. Also present: Pete Wagner, Zoning Administrator; and Mike Kressuk, Assistant Fire Chief.

Commissioner Dickmann moved to approve the May 10, 2016 meeting minutes. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**Significant Common Council Actions**

Comments on the following Common Council actions were heard.

APPROVED a motion to authorize staff to take preliminary steps to create Tax Incremental Financing District No. 12 for the property at 1830R W. Drexel Avenue (2nd District).

Ann Lampe, 8436 S. Howell Avenue, asked Alderman Bukiewicz if he saw a written copy of the development agreement for this TIF District. Alderman Bukiewicz responded that they were in closed session. Ms. Lampe asked if he had a copy of the written agreement with the Common Council packet of information before the meeting. Alderman Bukiewicz responded that he did have a written copy of it before the meeting. She further stated that according to the rules, if an item is voted on in closed session, that information is supposed to be public record after the closed session. Ms. Lampe stated that she has made an official open records request for that agreement and has been told it is not available. Alderman Bukiewicz responded that he could not comment on that because it is the City Clerk's jurisdiction. Ms. Lampe stated that that is who is trying to help her with this. She stated that she just wanted it said publically that it has been a week since the meeting and the Mayor hasn't signed that TIF agreement and the public is waiting for that to be available. Alderman Bukiewicz stated that he did not have any knowledge if the Mayor has signed it or not. Ms. Lampe stated that the draft document should be available.

APPROVED Ordinance No. 2806, creating Section 2.80 of the Municipal Code to create a standing Joint Review Board.

Commissioner Dickmann asked what the purpose of the joint review board was. Alderman Bukiewicz responded that whenever the City opens up a TIF (Tax Incremental Financing District), it is made up of entities from different taxing jurisdictions that will receive benefits within the tax increment finance district. The makeup of the board includes representatives from MATC, Oak Creek-Franklin School District, Milwaukee County, an alderman appointed by the Mayor and a citizen. The joint review boards are dissolved once the TIF is up and running. In this case, the Mayor decided to go with a standing committee, which will review different TIF's, and this board will keep an eye on the financing.

Ann Lampe, 8436 S. Howell Avenue, stated that according to TIF law, it does not specify an aldermanic appointment. It is supposed to be the Mayor, the City Administrator, the City Treasurer, the person in charge of economic development, finance director or someone with very good knowledge of local government finances. The aldermanic appointee was not actually stated. Alderman Bukiewicz responded that it may not be specified, but for TIF 11, he was appointed to that board and it was dissolved once the TIF was up and running. The Mayor's judgment to appoint Alderman Gehl was because he felt he was more than capable of handling this with his financial background. Ms. Lampe stated that the City Treasurer used to be the person on the standing review board and in her opinion that is who it should be.

**Public Hearing**

**Comprehensive Plan Amendment – Kelly Gallacher, Self-Storage Ventures, LLC**

**Update the Planned Land Use category and Map 2 in the Comprehensive Plan from “Planned Business” to “Planned Industrial”**

**6304 & 6340 S. Howell Ave. and 137, 147, & 209 E. College Ave.**

**Tax Key Nos. 719-9991-001, 719-9990, 719-9992, 719-9993, 719-9994**

Mr. Wagner read the notice of public hearing.

Alderman Bukiewicz called for public comment.

Arden Degner, 8540 S. Pennsylvania Avenue, stated his concern over this proposal. The City has always maintained that the entrance to Oak Creek should be upscale. As far as he is concerned, all the CBRF's that are being put in on Pennsylvania Avenue and on Rawson would be preferable.

Ms. Lampe concurred with Mr. Degner. She stated that the idea that any time someone wants to put something where it is previously not appropriate, they ask for a change to the Comprehensive Plan and the City changes it and the zoning. She stated her concern that this is not how this is supposed to be done. The Comprehensive Plan is a comprehensive process and should remain in place until it is reviewed in its entirety. She does not believe this use is appropriate at this location. There is a TIF district on Oakwood and Howell that is not even making payments on principle because there is not enough development there. Ms. Lampe stated that things that are acceptable in manufacturing be guided into our existing manufacturing areas first before the City changes an area to make it manufacturing for a specific use. Once the zoning is changed to manufacturing, it opens the way for any type of manufacturing use in this area.

Alderman Bukiewicz made a second and third call for public comment. Seeing none, the public hearing was closed.

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Mr. Wagner stated that as part of the summary, he did not give a staff recommendation, which is typically done at the end of a report. In this case, staff does not have a recommendation. They would like the Commission to discuss it. However, if through the discussion the Commission feels it is appropriate and that there should be an amendment to the Comprehensive Plan, staff would suggest the following language for the motion.

*“That the Plan Commission adopts resolution 2016-01, amending the Comprehensive Plan and Planned Land Use map for the properties at 6304 & 6340 S. Howell Ave. and 137, 147, & 209 E. College Ave. to reflect the change in land use from Planned Business to Planned Industrial, following a public hearing and adoption by the Common Council.”*

Commissioner Chandler asked for clarification on the text amendment option. Mr. Wagner responded that in Chapter 17 of the Zoning Code, there is a list (by zoning district) of what is a permitted and conditional use. Presently in the Zoning Code, the City only allows self-storage facilities in the M-1 Manufacturing District as a conditional use. One possible way to pursue getting this type of business at this location would be to amend the zoning code for the B-4 District. There is no permitted or conditional use in the B-4 District for self-storage facilities. The text amendment would come before the Plan Commission and Common Council (public hearing) to discuss whether or not that type of use in the B-4 District would be beneficial to the City.

Commissioner Chandler asked why a change to the Comprehensive Plan is being requested and not a rezoning request. Mr. Wagner responded that if they went for the process of rezoning first, the City would be in conflict with the Comprehensive Plan and would be susceptible to a lawsuit for any land use

decisions that the Plan Commission and Common Council makes would go to court. To prevent that, the City must go about the Comprehensive Plan change process first.

Commissioner Dickmann referenced the amount of time spent on proposals for this parcel over the years such as the hotel and parking lot proposals. Care was taken in the selection process because it is an entrance to the City of Oak Creek. Those other proposals did not work out. He agrees that this is a different looking storage unit facility, but he does not think that it fits in this area. He expressed his concern that if the zoning is changed to industrial and this proposal falls through, something may be proposed to go in of an industrial nature that the City has no control over. Commissioner Dickmann stated that the Commission should hold off and not go for this because there are so many other areas already zoned Industrial in the City where it could go.

Commissioner Siepert stated he concurred with Commissioner Dickmann. This piece of property has been before the Commission three times over the last twenty years. Each time nothing happens after the proposal is approved. Commissioner Siepert stated he wants to see a nice development on that corner because it is one of the entrances to the City. He stated he is not in favor of changing the zoning.

Commissioner Correll stated there are reasons why these other proposals have fallen through with the challenges of that site. The only way he would consider this is through a text amendment change because the concern of it going to Industrial. Commissioner Correll stated that the property is challenging and the City has to be creative about what goes in there so the property is not vacant for another 20 years. He stated he would not be in favor of going straight to Industrial zoning. A B-4 district, which seems to be consistent with neighboring communities, would be much more palatable.

Alderman Guzikowski stated he is not very much in favor of this proposal.

Commissioner Johnston stated that whatever goes in this location needs to be an upscale development as the gateway to the City. Zoning that Industrial is of concern given what has happened in the past where proposals have fallen through. The City would be opening up that area for any Industrial use. There are a lot of challenges with the site such as wetlands and access. This is a good fit for the property because there will not be a lot of people coming in and out, which is a huge traffic safety concern, and there is not a lot of access available for this site. There are a lot of environmental concerns such as wetlands that the City needs to be conscience of.

Commissioner Johnston stated that his concern with the text amendment if it goes to a conditional use. If that door is opened with the text amendment, it is a conditional use and any property that has Business zoning, there could be a self-storage unit facility.

Todd Farris, Friebert, Finerty and St. John, 330 E. Kilbourn Ave., Milwaukee, Wisconsin, was in attendance representing Kelly Gallacher, Self-Storage Venture, LLC, and gave background information on Mr. Gallacher/Self-Storage Venture, LLC.

Mr. Farris stated that the wetland on the property, which they had delineated, is 44,688 SF, which is more than an acre in size. In 2008, it was 23,000 SF, so it has almost doubled in 8+ years. Anyone who develops this site has to deal with stormwater detention. The large wetland/detention pond makes this site undesirable for most commercial uses. The wetland is either where you put a building or you would have a parking lot. Therefore, it really doesn't work for any type of retail or traffic intensive use. It does, however, work for a self-storage facility, which is very low traffic (8 to 12 customers per day) and a limited need for parking.

Mr. Farris stated that Mr. Gallacher usually holds onto the storage facilities he builds for 20 to 30 years. This would be a secure modern facility with a security access gate, keypad entries into the various spaces, and camera-controlled security. It fits well in this area with the traffic concerns because the driveways are both on College Avenue. It also fits in well with the other uses at that intersection. It is a challenging site, but he feels they can bring a \$5 million project to the City – an attractive storage facility that serves a need, has low traffic generation and low noise.

Mr. Farris stated that they would not be opposed to a text amendment, although that process may take a

little bit longer. Mr. Farris assured the Commission that if they recommend the Comprehensive Plan change to Industrial zoning, his client is going to develop what he is proposing. He is a cash buyer and a cash developer and this will go through.

Kelly Gallacher, 6740 Rancho Los Pavos Lane, Granite Bay, CA, stated that this site is very challenged because of the wetland/detention pond issues. He has spent \$15,000 for a wetland delineation because every five years, the WisDNR requires an update as to the status of any wetland, and it had not been done in 12 years. He had to spend the time and effort to get it to the point where he could present it to the City because no one was going to accept it if he didn't have the appropriate calculations done by a nationally-recognized firm. All of that work has been done.

Mr. Gallacher further stated that people still use self-storage. The average length of stay is 8 to 13 months. Thirty percent of his sites are rented by businesses. Sixty to seventy percent of the renters are the general public. They use it for storage following a divorce, death of a loved one, job loss/relocation. Success for self-storage is determined by saturation and the number of units that are available per square feet for the number of people that live in a defined area. This area (Oak Creek) is underserved. He stated he is going to be here for 20 to 30 years or more.

Mr. Gallacher stated that WisDOT will not allow access off of Howell Avenue and that is fine. They can utilize the access points that are available on College Avenue. As far as evaluation, they can accommodate the obstructions that exist on this site with the environmental, wetlands, retention pond and the desired landscaping. He wants it to look nice.

Mr. Gallacher stated he is a cash buyer/developer. Most of the other developers require financing. As soon as the City approvals are obtained, they are buying this property and will develop this facility.

Mr. Gallacher further mentioned that: 1) The owner of the land is not trying to mitigate any additional growth of the wetlands. It will continue to seep and creep. 2) How do you make this work for the citizens of Oak Creek and 3) not only is the facility going to be beautiful, it is a needed service to the community and a standard by which others will have to live by. They can accommodate around the wetlands issues, arrange for the retention pond and create a much more beautiful monument sign with some landscaping around it that says, "Welcome to Oak Creek." His hope is that a site that has remained vacant for years becomes an income-producing property.

Alderman Bukiewicz asked Asst. Chief Kressuk for his opinion. Asst. Chief Kressuk stated that these types of facilities are generally somewhat low impact for fire departments. When there is an event at one of these facilities, they are a little bit larger scale, but lower in occupancy, so the life hazard risk is somewhat diminished. It is more or less property damage. This is a relatively large site on a corner with some rather high traffic patterns, and this is a low traffic-generating property. Whatever would go into that location would be evaluated for impact and access and the traffic that would be developed by it.

Commissioner Dickmann stated that the developer had some very good points, but wanted to know why this site was selected by the developer. Mr. Gallacher responded that it is very difficult to find a location because he needs some kind of visibility where there is some traffic count that helps gain success. The metrics he uses in selecting a property include: visibility, traffic, income in the area, rental rates for competitors, demographics and number of people. He looked at five other sites in Oak Creek that might fall into that category, but some of them were going to be going to retail and they are not going to want a self-storage facility in that location. He had to weed out the areas where he knew it would not work. It was an exhaustive process that took almost six months.

Commissioner Correll stated he thinks there is a need for this. He likes the College Avenue access and the low traffic impact, and feels the Commission should consider how to make this proposal work.

Commissioner Siepert stated he likes the idea and its fine. He is still not quite sold on that corner. It is nice to have new business come in and he is looking forward to developing this City.

Alderman Bukiewicz stated that he does not think the zoning text amendment is the way to go because if you open it up for a B-4 district, you could put one in any business district in the city including Drexel

Town Square. Alderman Bukiewicz stated there is a need for storage space. Regarding the traffic, this use would not be impactful to the area. This would not require any traffic analysis on Howell and College. As far as it being a gateway to the City, it is better than some of the other entrances to the City such as Pennsylvania/College, 27<sup>th</sup>/College, 27<sup>th</sup>/Rawson, 27<sup>th</sup>/Ryan, 32/Ryan and 13<sup>th</sup>/Ryan. They are not very inviting. He suggested the one thing he would do is dress up the corner. He would get a permanent brick wall inviting people to Oak Creek if that is the first building seen. That airport area is industrial; there is nothing really glamorous about it.

Alderman Bukiewicz further stated that as far as the lot, they are seriously challenged. He feels this is a good use, it is low impact and the City really needs to find a way to make this work for the citizens. If this property sat vacant 20 years and the Comprehensive Plan is gone over every number of years, the City missed it because this site is not moving. There is an opportunity in front of the City to make a decision that will impact the citizens and the City. Alderman Bukiewicz stated he is okay with doing this. If it does turn into an industrial plant, there are no neighbors within earshot of it, or it can be turned into impervious surface parking. That is not a very appealing option. This is probably one of the few businesses that could make it there. Alderman Bukiewicz stated that this development should be landscaped very well. It is probably the least impactful for the City going forward. He would like to see it work, but does not want to go the route of a text amendment. Alderman Bukiewicz stated that the building as proposed is about as attractive as we are going to get. It is very similar to the buildings in Mahn Court, which are very attractive buildings. If that is the type of potential manufacturing, he doesn't know who would object to that at the entrance to the City.

Alderman Bukiewicz stated he would be okay with this proposed development. He doesn't necessarily agree with changing the Comprehensive Plan, but when opportunity comes, the City has to look at the changing demographics and what is going on in the area. This makes sense for the long term. It has been 20 years. Obviously the plan that was laid out for this property is not going anywhere.

Commissioner Dickmann does not want to see a change to the Comprehensive Plan and asked how this could be approved without changing it. Mr. Wagner responded that there are two routes to go. The first one is to amend the Comprehensive Plan to allow for Planned Industrial at that location. The applicant would go for a rezoning and then go for a conditional use permit for a self-storage facility. The other option the City could consider is amending the zoning code to allow it to go into the B-4 District as a conditional use similar to some of the surrounding municipalities. Going that route opens up the opportunity for other self-storage facilities in any B-4 district throughout the City.

Alderman Bukiewicz summarized that if the Comprehensive Plan is changed, it is limited to this single property. If there is a zoning text amendment, it is open to the entire City. He feels that is too big a can of worms to open. Commissioner Correll stated that based on the performance of the applicant, leading into this where he stands and what he has done, the limited size of that corner of what industrial could come in behind it, it is probably a lesser risk than he originally felt than the zoning text amendment. Commissioner Correll stated he would be more in favor of changing the Comprehensive Plan now and allowing this, but the City Council really force that landscaping signage buffer. By far, what is being proposed is much better than anything else on the other three corners. Alderman Bukiewicz stated that the City has to make sure the landscape is taken up. He would like to see a stone wall similar to what is in Germantown.

Commissioner Correll motioned that the Plan Commission adopts resolution 2016-01, amending the Comprehensive Plan and Planned Land Use map for the properties at 6304 & 6340 S. Howell Ave. and 137, 147, & 209 E. College Ave. to reflect the change in land use from Planned Business to Planned Industrial, following a public hearing and adoption by the Common Council. Alderman Bukiewicz seconded. On roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carillo, Alderman Bukiewicz, Alderman Guzikowski and Commissioner Correll voted aye. Commissioner Siefert and Commissioner Chandler voted no. Motion carried.

**Temporary Use**  
**Outdoor Trailer Display (Farm & Fleet)**  
**501 W. Rawson Ave.**  
**Tax Key No. 765-9046**

Commissioner Chandler asked why the location of the trailers has changed from that in years' past. Matt Sauer, 3469 S. 113<sup>th</sup> St., West Allis, WI responded that it is for exposure to the public just to see that they are in business. The other major concern is that area across from the service bays is usually where they park customer vehicles when they are done being serviced. During the weekend, that area gets very congested with customer vehicles. The section of the parking lot that they are asking to be approved for is rarely used.

Commissioner Chandler asked what the purpose of the showing the trailers is. Mr. Sauer responded that it is for display purposes to let customers know they have them.

Commissioner Siepert stated he prefers the former location for the trailers out of the way a little bit.

Commissioner Correll stated that if the applicant doesn't have a concern over this site, he doesn't either.

Alderman Guzikowski stated he does not have a problem with this.

Commissioner Johnston stated that he does not prefer outdoor storage of equipment.

Commissioner Dickmann stated he would like to see it stay where it was to the south. If he keeps them close to the entrance coming in to the lot off of that street, people will be looking at them anyways because there is a lot of traffic coming in there.

Alderman Bukiewicz stated he is not opposed to this, especially if there is a sunset date sometime in September.

Commissioner Chandler asked if the equipment will be moved indoors at the end of every day. Mr. Sauer stated that it was going to remain outside overnight.

Commissioner Dickmann motioned that the Plan Commission recommends approval of the temporary use permit for the outdoor display of eight (8) trailers on the parking lot across from the automotive repair bays along 6<sup>th</sup> Street, which will expire on September 30, 2016. Commissioner Correll seconded. On roll call: all voted aye. Motion carried.

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

Commissioner Siepert asked what would be done inside this facility. Jack Morso, 10245 S. Camden Court, Oak Creek, responded that PPG is expanding the Can-Coat area, which is production of coatings for primarily beverage and food cans due to increase in the volume of business.

Asst. Chief Kressuk stated that if there was any issue related to public safety and/or something that would go outside of the capabilities of the Fire Department, they would advise the Commission of that. The Fire Department does not have any concerns regarding this project.

Alderman Bukiewicz stated that regarding the architectural standards and the Plan Commission's need to overrule them, given where PPG is located, as secure as it is, and for what the building is being used for, he does not have a problem with metal-clad siding and matching the existing structure.

Commissioner Correll motioned that the Plan Commission approves the site and building plans submitted by Joe Ehlinger, PPG Industries, for the property at 10800 S. 13<sup>th</sup> Street, with the condition that all building and fire codes are met. Commissioner Siepert seconded. On roll call: all voted aye.

**Conditional Use – Joseph Frederick, Humble Habitat LLC**  
**7801 S. Pennsylvania Avenue**  
**Tax Key No. 779-9010**

Commissioner Chandler stated that there were concerns about the size of the building as well as the location and getting feedback from the WisDNR. She wanted to verify that the applicant is open to those discussions and potentials. Brian Schoenleber, 5300 S. 108<sup>th</sup> Street, Hales Corners, WI, responded absolutely and that he has spoken to the DNR and there are no setbacks from the wetland. You can build right up to the delineation.

Commissioner Correll stated that it doesn't sound like traffic will be a concern because of the low volume of employees, and the fact that the residents will not be driving their own vehicles. Mr. Schoenleber added that they will have a three-car wide driveway so they have extra parking for family members.

Commissioner Dickmann asked about the potential for the wetlands to grow in size after the facility is built. Mr. Wagner responded that with the construction of the building, they should be running their stormwater off into the stormwater system and not into the wetland. The only information they can use is the information that is available today and not what might potentially happen.

Commissioner Johnston pointed out that the City ordinance for stormwater does require a 10' setback for the wetlands. That requirement was just approved January 1, 2016. Mr. Schoenleber stated he was not aware of that.

Alderman Bukiewicz stated that the applicant will have to work out the wetland issue, but other than that, he is okay with this proposal

Asst. Chief Kressuk stated this is the third project with this group, and he has no concerns with the other two CBRF properties in the City. Both facilities are meeting typical response call numbers and are not overly used for emergency services.

Mr. Degner stated that here we have 20 residents, no facilities for them to leave for anybody to visit them because you only have one large driveway that is used by all the help and the supply delivery people and there is no sidewalk even for them to take the disabled people. This should be required. No. Only that, but he has the feeling that these people will require more than one with this latest housing of the mental, with the closing up of the mental facility. They are putting those into the facilities. Is this the type of facility now that they are putting in. No, this is a nice appearing residential structure that should be on the entrance to the City instead of a storage area.

Commissioner Dickmann motioned that the Plan Commission recommends that the Common Council approves a Conditional Use permit allowing a Community-Based Residential Facility (CBRF) with a capacity of at least nine, but no more than twenty persons located at 7801 S. Pennsylvania Avenue after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting (June 14, 2016). Commissioner Correll seconded. On roll call: all voted aye. Motion carried.

**Sign Plan Review**  
**Steinhafel's, Inc.**  
**9191 S. 13<sup>th</sup> Street**  
**Tax Key No. 877-9009-001**

Commissioner Correll stated that the Plan Commission goes through this all the time about how signs are measured. If this is measured according to what Commissioner Correll thinks is the correct way, it would fit within the standards without even getting to Plan Commission. He doesn't have a problem with it. Aesthetically with the size of the pole and looking up at, he thinks the Steinhafels sign looks better with something underneath it rather than just the two poles going all the way up. He stated he has no issue with this whatsoever, and the City should look at the way signs are measured.

Mr. Wagner stated that in order to make the EMC sign to come into acceptable size range, the sign would have to be moved up on the pole, so there would be less of a gap and possibly shrink the size of it a little bit. At this point, however, the problem is how signs are measured and the size of the proposed EMC.

Commissioner Chandler asked the applicant why the EMC board was not moved up on the pole. Dirk Stallman, 9300 N. Fairway Drive, Bayside, WI responded that they can try to get it a little bit closer, but because the poles “step in”, they need to anchor it a little bit further down on the thicker pole to make the sign more stable.

Commissioner Dickmann stated that the added part of the sign works and seems to blend in. If it was outside of the poles, it wouldn't look that good. Mr. Stallman stated they worked really hard to make the sign aesthetically pleasing.

Alderman Guzikowski stated that the City needs to take another look at how signs are measured. This sign, however, is very aesthetically pleasing. He likes the way it looks and it looks better than what is installed a little bit north of there on the interstate. He stated he is in favor of it.

Alderman Bukiewicz stated that no matter how this is measured, there is no perfect method to it. He feels that the Plan Commission has to take each one based on its merit, where it's going to be located and what it looks like.

Commissioner Correll motioned that the Plan Commission approves the sign plan submitted by Gary Steinhafel on behalf of Steinhafels for the property at 9191 S. 13<sup>th</sup> Street. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:54 p.m.

ATTEST:

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Douglas Seymour, Plan Commission Secretary

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5/27/16