

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JUNE 14, 2016

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

Item #2, Approval of the Minutes was held due to some of the pages from the minutes were missing. They will be reviewed for approval at the June 28, 2016 meeting.

Significant Common Council Actions:

Ms. Papelbon provided an overview of the Significant Common Council Actions.

**Public Hearing
TID NO. 12 Project Plan & Boundaries**

Ms. Papelbon read the notice of public hearing.

Mayor Scaffidi advised audience members that if they wished to speak on this issue they would need to complete a public comment form and turn them in. Audience members were advised to keep their comments to the agenda item and that those wishing to speak would be allowed three minutes for their comment.

Prior to the Mayor opening the hearing for public comment Ms. Papelbon provided an overview of the proposal.

Tom McAvoy, 8400 S. Howell Avenue:

“It is my understanding, correct me if I’m wrong, what Ikea will get here is a twenty year tax freeze. And my question is what research has been done to make me as a resident believe that this is going to benefit this community or that my property taxes won’t go up to support the public cost of supporting that facility. That’s pretty much it. And just as a side, I would like a twenty year tax freeze too. I mean purchase services around here and eat at restaurants which I understand is kind of part of the package of why we’re doing this because of all the business they’re gonna generate. Well what research has been done to say that that is pretty much a sure thing? That’s it.”

Mayor Scaffidi advised that after all public comments are presented staff will address the questions that have been asked.

Nick Schmidt, 7842 s. 13th Street:

“Okay, I’m against the TIF District, you know you realize that and the reason for that is because of two companies really; Northwestern Mutual and Ikea. They’re not poor; they’ve got very deep pockets. And there’s no reason why Oak Creek should have to do this infrastructure at all for them. I mean Northwest Mutual are making millions of dollars on selling this property to Ikea so let them do a little infrastructure and do some of this stuff rather than Oak Creek. You know they own a lot of land in that area and they are going to make millions and millions of dollars. So let’s think about this everybody as individuals and say why do we have to pay for this, they’ve got lots of money. Thank you very much.”

Jeremy Estness, 931 W. Potomac Drive:

“I also do not support the TID. I don’t believe we should be subsidizing essentially corporate welfare to a business that has sales in excess of fifty billion dollars a year and is very profitable. Last week a council member stated they were a high end retailer. It’s not a high end retailer. It’s an affordable relatively cheap pressed wood furniture from China. That will take twenty years for us to make a dime back off this investment as a city and in the meantime every taxpayer is going to pay for that Ikea. In twenty years we don’t know if that store is going to be there. How many businesses in the last twenty years failed? Large companies in the last twenty years have failed and gone down hard. And if Ikea decides to close that store or leaves what are we left with? An investment that when nowhere and cost us a lot of money. I just don’t feel it’s in the best interest of the City or the taxpayers to publicly fund a private business. Thank you for your time.”

Edward Lisowski, 6988 S. 27th Street:

I support the last gentleman that spoke.

Amanda Schmidt, 1830 W. Drexel Avenue:

I’m also against doing this district for the fact of the school. The school is going to find zero dollars for twenty years correct? My daughter’s two she will probably be graduated from college by the time the school district sees any money from this. So I am against it and I also agree with everyone else. Northwestern Mutual has a ton of money. Let them prepare the land. Let them pay for it and I also hope that everyone up here is

really listening and taking into consideration what everyone is saying and that they didn't come with a predetermined idea of what they wanted. Thank you.

Ann Lampe, 8436 S. Howell Avenue:

Good evening commissioners. Before I start Mr. Mayor, I did time my statement. I kept it to one page and I put a lot of effort into putting in the information that I think you needed to hear but it is four minutes and Gigi said that I could have her minute.

Mayor Scaffidi advised Ann Lampe that she could go ahead with her statement.

Ann Lampe:

My name is Ann Lampe and I live at 8436 S. Howell Avenue. I am not anti-development. My past support of big box retail and the creation of Drexel Town Square proves this. After much research I believe that Oak Creek cannot afford this TID. What does Oak Creek get? Just enough to cover the administrative cost incurred and the hope that non TID development will follow. But as our sons say, hope is not a strategy. The school district gets a fence. That's it for twenty years. What does Ikea get? The ability to pay for infrastructure they need out of their property taxes instead of their pocket. Thirteen million dollars in property tax refunds. And the assurance that they won't incur any other tax burden. In effect, they're here tax free for twenty years. In the development agreement the infrastructure costs are capped at just over the anticipated cost. That means that any surprises are paid for by us. It also means that while the plan allows for costs within one-half mile there will be no room in the TID to cover those costs. There is just one entrance to this district. The Ikea generated increase of one to one and one-half million visiting cars per year is going to cause problems on Drexel. To address safety issues a third lane will be needed. We will have to pay for that. Ikea will also be exempt from special assessments so the further extension of Ikea Way to 27th Street will either be paid for by us or will become part of another non-contributing TID. Even with the Water Utility kicking in over three million dollars a year, we won't cover our yearly capital debt costs going forward. The capital reserve will decrease every year. Any new capital debt incurred because of this district will compound that problem. Right now including TIDs, Oak Creek is over ninety million dollars in debt; sixty percent of its debt limit. Any further TI debt from this or other ones will add to that. This includes whatever is needed to cover some or all of the anticipated eleven million dollar deficit in the Drexel Town Square fund at the end of 2016. This district will also impact City departments because most of the growth in the city has been in TIDs the levy has not risen enough to cover increased service needs. With the exception of the huge increase in the City Administrator's budget, the departments have been expected to do more with about the same. The police department has been expected to do more with less. The police call volume has increased to the point where we are virtually tied with

Wauwatosa for second behind West Allis among Milwaukee County suburbs. A big box retail generates 1,500 to 3,000 calls a year. This does not include customer activity such as traffic accidents outside the bounds of the property. The increased risk from increased traffic volume will affect the fire department as well. And I'm sure Ikea will expect the street to be plowed and salted, the median to be maintained, road repair to be done and the street lights to be on. They just don't think they should have to pay for it. I'm not the only one to express concern about the impacts of TIDs on the budget. I encourage you to read the City Administrator's article in the current Acorn. If Oak Creek continues to rely on this and other TIDs to bring development to the city; what will happen in the end? We will be asked to raise the levy in a referendum. Those of us that have put our taxes into the pot will be asked to pay more. We've heard a lot about how many people asked for Ikea, they just didn't know it comes with a huge price tag. This Ikea store is estimated to generate eighty to one-hundred million dollars in sales, totaling 1.6 to 2 million dollars over these twenty years. The eighteen million they expected from us equals one percent of their sales from this store in that time period. I think they can afford to build it on their own. This is regional retail; the only Ikea in Wisconsin. A new zoning classification had to be created to make it happen. Why are we being asked to bear the burden alone? Any lawful incentives need to be drawn from a much larger pool of taxpayers.

Kevin Lampe, 8436 S. Howell Avenue:

Thank you for giving Ann an extra minute. Mayor Scaffidi, Alderman Bukiewicz, Alderman Guzikowski, Commissioner Correll, Commissioner Dickmann, Commissioner Chandler she's not here today, Commissioner Johnston, Commissioner Carrillo, Commissioner Siefert; let me start by saying I am opposed to this TIF as well because of the development agreement and other things. But before I get into my statement I'd just like to add one thing to Ann's. She finished with we are about to be asked to bear the burden alone. Any lawful incentives need to be drawn from a larger pool of taxpayers, such as the one in Merriam Kansas. You know how they funded this? They funded it through sales tax. The entire state funded Ikea to come into their state. We the City of Oak Creek, 30,000 people are asked to do the same thing that entire state did. So why didn't Ikea try that with the state of Wisconsin? Well I believe years ago they tried and failed. I think Wisconsin knows better. Now what will Oak Creek do to this shiny new object Ikea? That's finishing Ann's statement. And now I have mine. As Wisconsin residents we have the right to expect uniform taxation. That is what all the laws are about as far as taxation. It should be spread evenly. Any exception to that needs to be narrow in scope and keeping with the goals of the state. The tax incremental financing statute is one of those very narrow in scope and keeping with the goals of the state. When it was created, TIF, its purpose was to take care of blight conditions to promote industrial growth and blight. Why those two things? Blight by its very nature is an area that has gone through its development lifecycle. It has paid taxes

and is ready to contribute again. The growth of industry is an important goal because it grows a city. It brings higher paying jobs and creates wealth. Delphi is a prime example. It paid taxes for forty-five years by bringing dollars into the community. It grew Oak Creek. Investing money into that blighted area after Delphi was done only made sense. Retail development takes money out of the community. In the case of Ikea it just sucks it up and sends it to Sweden. When mixed use district was added to the TIF statute it wasn't to promote mixed use development. It was used to pull mixed use in the development to help play for blight or industrial development. Understand that they needed mixed use basically as a blood pool to fix the blight or attract industry. You're not supposed to incentivize mixed use to come here, the money's going in the wrong direction. It's supposed to come the other way to fix the blight, to attract industry. The State did not change the purpose of that statute. It brought in another tool, which is what I just said. Mixed use should be putting money into the district not taking it out. The site of the proposed district is pristine agricultural land. It has not paid its taxes yet. It has not gone through its lifecycle. Why should we the City of Oak Creek taxpayers, whether your residence or business, be paying for that? One might say if Ikea didn't come here we wouldn't get those tax dollars. Once again let me state, that's a pristine property right next to the expressway, agricultural land it's never done anything, it's never had anything blighted on it. It's right on the corridor between Milwaukee and Chicago. It's on a brand new expressway with a brand new off ramp. You mean to tell me that we don't think that Oak Creek is good enough to attract business without paying millions of dollars to bring it in. I suppose that is a question that will have to be answered on the website Mayor? Ikea brought a big bright shiny object in front of the City. The Council needs help getting its head out of the Ikea cloud and concentrate on the taxpayers of the city. I hope the Planning Commission can help them do that."

Ryan Lampe, 8436 S. Howell Avenue:

Good evening everyone, Ryan Lampe, 8436 S. Howell Avenue. I'd like to start simply by asking if who among Planning Commission or in this room for that matter are familiar and have read TIF Law, Wisconsin State Statute TIF Law. I don't expect you to but I'm just curious by a show of hands who in this room has. (At this time Ryan provided photocopies to Doug Seymour to hand out to the commission members.) Okay. Tax incremental law established I believe 1975, as previously identified clearly address issues of blight and to promote industrial use within our state. It was very clear, it was very concise and that's all it was intended for. If you turn to, I have printed out the first two pages of TIF Law for you; Wisconsin State Statute 66.1105. As I have formatted here it would be over forty pages long. You don't need to have all of it. You need only to turn stating the page of five where it talks about creation under Item #4, creation of Tax Incremental Districts and approval of project plans. So in order to implement provisions of this section the following steps and plans are required. This is not a city ordinance, this is not a city requirement, this is a Wisconsin State Statute Legislature

the very law that allows us to create TIFs. Within that section, if you go to the next page, page seven, as part of that project plan it must contain findings that, there should be a little arrow and I'll read now for everyone: not less than fifty percent by area the real property within the district is at least one of the following: A blighted area in need of rehabilitation or conservation work as defined in Section 66.13372(ma) suitable for industrial sites within the meaning of Statute 66.1101 and has been zoned industrial use or suitable for mixed use development. Okay, mixed use development is allowed, no question there. Note the and at the end of that statement. It goes on to B. The improvements of the area is likely to enhance significantly the value substantially of all real property within the district. It is not necessary to identify the specific parcels meeting that criteria. You could argue against that but it seems to be clear that Ikea is believed to increase the value of the properties. Note the and, a second time. Project costs relate directly to eliminate blight, directly to serve, rehabilitate or conserve the area or directly serve to promote industrial development consistent with the purpose for which the tax incremental district created on subdivision 4.a and it goes on. I would like to read that again for everyone that did not catch it. BM project costs relate directly to eliminate blight, directly serve to rehabilitate or conserve the area or directly serve to promote industrial development consistent with the purpose which the tax incremental district is created under subdivision 4.a. You will notice a glaring issue. And the resolution you are about to may adopt tonight, the resolution identifies project costs as going to promote mixed use. That is not an option. This is not an a, b, c, or write your own answer. This is an a, b, or c. Project costs must go to one of those. Now, I have heard that might be legislative oversight, that it might just be old language. Well mixed use in that line 4A, when it was added, was added in the 2003 Wisconsin Act 126. That is now over a decade ago. It was enacted in February of 2004. Since it was enacted there have been fifty-nine other changes to the TIF Law. Everything from adding an "s" to a "d" to a punctuation, to a grammatical error, to adding or removing whole sections. You're telling me in fifty-nine changes they mixed the fact that that line did not include mixed use. If that is not enough for you and you'd like a second opinion; Tax Incremental Financing published by our very own Wisconsin Legislative Bureau is a bi-annual paper published every two years. It has been published five times since this change was made. Within that it is a good read if you are interested in tax incremental financing. Within it as much as you read it in this tax law; once again they talk about project costs, that's the third time. The TIF project plan must list estimated project costs for improving the district. All projects costs to be repaid through the allocation of tax increments must directly relate to the elimination of blight, or directly serve to rehabilitate the area to promote industrial development; whichever is consistent with the district's purpose. Once again not to include mixed use. Now, you look at project costs, you look at what they go to. Ikea is not an industrial business. It is going towards a road to Ikea, once again not industrial business. As you already stated this land is not blighted, it does not meet those criteria. How can we create TIF? I ask you how? It does not meet the criteria in Wisconsin's own state statute."

Evan Lampe, 3240 W. Drexel Avenue, Franklin:

Hello, my name is Evan Lampe, I live at 3240 W. Drexel Avenue Franklin, Wisconsin. I'm a part of the Oak Creek-Franklin School District. So my brother Ryan covered a lot of the material that I wanted to cover. But I wanted to reinforce something. Tax increment law contains findings that project costs relate directly to blight, directly serve to rehabilitate or conserve the area, or directly serve to promote industrial development, three things. Once again none of those three are present. Blighted areas are specifically identified to not include predominately open land area that has been developed only for agricultural purposes. TIF law specifically stated this. Rehabilitation or conservation also does not apply for the proposed district. There's nothing there to rehabilitate or conserve, it's open land. So once again the only item left over that project costs could go to is industrial development. State Statute 66.1102 states, "Industrial projects do not include facilities regularly used for sales of goods or services to ultimate consumers for personal, family, or household purposes". There's no ambiguity here. Ikea is not industrial. It is exactly with what it is saying is not industrial. The only way this TIF could happen and assign costs to retail development is through once again: blight, rehabilitation or conservation or industrial. Approving Resolution 2016-02 would be indirect violation of tax increment law. Pointing to past examples of tax increment districts that have neglected to identify the requirements enabling mixed use project costs does not make the blatant disregard of the law acceptable here. Oak Creek should hold itself to higher standards than that. I strongly recommend that Resolution 2016-02 be denied violating both the letter and intent of the law out of ignorance and negligence would be inadvisable. Violating it after being made aware of a mistake would be unforgivable. Thank you."

Mayor Scaffidi made a second call for public comment on Item 4A. Third and final call on Item 4A. Seeing no other requests for comment the public hearing was closed and moved to item 5A for committee comment.

PROJECT: Project Plan and Boundaries for TID No. 12

Mayor Scaffidi asked for commission questions.

Commissioner Dickmann: I think the comments that were brought up were really great. I think everybody looked at his closely and instead of hearing just from them I would like to hear from some of the City people that sat in when this was developed like our City Administrator or City Attorney. I would like to hear their viewpoint and answer all the comments that were made this evening. I would like to thank all the people by the way. They really looked into very deeply.

Mayor Scaffidi: We are very fortunate to have the City Finance Director, City Administrator and City Attorney here so let's lead it off with the City Administrator. Let's just speak generally about the TID. You can certainly address some of the questions. I will plan on addressing them individually with the people that raised them. But go ahead and start it off.

City Administrator, Gerald Peterson: We anticipated that we would be at a similar point that we're at today where important questions are being asked by the community about this project. So we undertook a significant due diligence process to look at similar Ikea developments and I think that we have to restrict the discussion to Ikea developments throughout the country to see what it took to get that kind of destination retailer into a community and what we found is that the low twenty million dollar, high teens, was what communities were providing to be able to support the development of that specific retailer throughout the country. Some larger urban areas where there perhaps were brownfield issues or other environmental issues the numbers could have doubled that, thirty to forty million dollars. So the Community Development Director and I researched that. We actually visited Merriam was brought up by one of the viewers. We flew to Merriam at the end of last year, beginning of this year. Spoke with our counterparts there, spoke with the Ikea folks in terms of what it took. One of the comments out there was sales tax. Some states operate very different than Wisconsin. Where sales tax on a percentage basis go directly to that local municipality so those dollars come in and on the kind of volumes of business that Ikea does those could be significant. Wisconsin has not done that process. They don't share sales tax revenues with communities. In further addressing that the Mayor and I visited with four Department Secretaries from the State asking them to address that; to have specifically the State share in the construction of the infrastructure because we wouldn't be sharing in the sales tax from here. We met with the Deputy from Administration, and these are the top people in the departments. Department of Administration, the MEDC, and the DNR and we made that request and so far we have not heard the kind of response we would have hoped to by participation by the State. We haven't completely given up on that but that is a request again as part of the due diligence process.

Mayor Scaffidi: To interrupt you for a second; that meeting was about four months ago? In the winter?

City Administrator Gerald Peterson: Something like that. And again that was something we felt was really important and we were indicating to the State that we felt it was important for them to participate in this project and we have again not gotten this participation to date.

In terms of the TIF research, the staff uses its own attorney, we use outside attorneys, we use financial advisors in terms of what is permissible under the law and what is not. I can assure you that what's in front of you today is our opinion that it is permissible under the law despite some of the comments from the public. So we believe we are on the right path. Certainly debatable in terms of whether from a public policy basis TIFs are a good thing, not a good thing, and certainly that opinions can differ in that regard.

I can tell you from the City's standpoint, I think that change projects; Drexel Town Square, Oak View Business Park, lakefront, the interchange at Drexel and 94, are going to be long term plays for the community and are going to result in significant tax value that wouldn't have otherwise been there. There was discussion about the Delco property, or the Delco business on this site. While they were running, the last year they were up and running the total assessed value of this project had a million square foot facility on it, eighty acres, was about fourteen million dollars. At the end and of course it have four to six-thousand jobs at some point. At the end of the buildout of DTS we expect two-hundred million dollars. More than tenfold, fifteen fold increase in what the value is. Not possible without some of the TIF financing. I think the same will hold true for the 94 Drexel corridor. We expect that there will be the Ikea project is really an important project to set the tone in that area. We expect significant additional development to take place in that area that will benefit the community, the taxpayers and help provide the services that the city residents have come to know and enjoy.

I'd also point out from a tax basis I think, and the Council's aware of this, our net taxes over the past ten years from the City's perspective have not gone up. So if you look at the community as a whole growth has increased our tax levy a couple of million dollars. But those two million dollars or so have not been on the backs of current taxpayers so I think the City has an absolutely excellent record in terms of maintaining a high level of services and not increasing taxes. And I think that's really somewhat unheard of you know in other communities throughout the region.

One other note in terms of tax increment districts, the City has a history of being conservative in its districts and we have generally closed out all of our districts early, earlier than we can statutorily. We provide protections, pay as you go, for instance the Ikea district, District 12 is a pay as you go. If the tax dollars aren't generated, they're not given. But there's no risk on the part of the taxpayer. And again that's part of the conservative nature that we use for districts. So we're laddering our districts up, we create new ones; we also take them off the books. We've been very effective in doing that. We provide those reports to the Council on an ongoing basis. Again, I think that's a record we can be proud of and also stand on in saying how can you be sure that these are going to happen. We often times hear that in these kinds of debates and I think what we can say is based on the successful records we have and the track record, we have pretty good idea that these will be successful and will operate as projected. Those would be some of initial comments.

Finance Director/Comptroller Bridget Souffrant: Thank you Mr. Mayor. Just a few comments in terms of some of the items that have been said tonight; when you look at the City's overall outstanding general obligation debt that is 90 million at this point. Of that 90 million, 27.2 million is related to TIF debt. So that is just thirty percent of the city's outstanding debt related to TIF.

Moving onto the next topic of equalized value. If you were to look at the City's overall equalized value including our TIF districts were at 3 billion. If you were to take out those TIFs, the TIFs are at 95 million. So that is 3.19% of value within our TIF districts that is a part of our overall equalized value. So those are the two for you tonight.

City Attorney Melissa Karls: Thank you Mayor. I can just echo some of the comments by our City Administrator and in response to the comments regarding the TIF statute. In terms of it, the resolution before the Plan Commission tonight to accept the project plans states the project cost directly related to creating a mixed use district. This is authorized. This is my opinion as City Attorney. We have conferred also with outside TIF Council for that purpose. They are confident that the Department of Revenue will accept this resolution if that is the decision of the Plan Commission because we've met the requirements under the Statute. I'm satisfied in that regard that mixed use TIFs are permitted under the statute and any costs that are expended in further developing this project are qualified project costs. So to that end I echo what's already been stated here.

Mayor Scaffidi: And I'll just say this; a lot of traction is attempting to be made by saying the City is somehow in financial trouble. We are in a better financial position today than ten years ago by every measure possible. And that's not us saying that; its independent auditors saying that and I have a stack of documents where they say it. They spent weeks looking at every transaction, everything that we do. That's the reality. We're bringing Ikea to this city because it's a significant point in time it's a company we're proud to welcome to this city. It brings jobs, it brings excitement, it brings opportunity to all of the people that live here. If you just came to meetings; Dick Bolender told me this, former Mayor Dick Bolender, if you just came to the meetings you'd have a much different opinion on what goes on in the city. Since last week's somewhat volatile and frankly upsetting meeting about this issue, I've got zero phone calls, zero emails about this. So what you often hear here is not what the mood and temperament of the city is. That's something to remember. I'm excited to bring Ikea here. I said it when they announced it in the room across the hall. It's a big day; I know that because I talk to all the mayors in this area and across the state because I chair the ICC which is every mayor in Milwaukee County and village president. They'd all love to have the opportunity to have Ikea and they're all mad they didn't get them. That's the reality of this. I understand people disagree about TIFs, that's fine. Disagreement is good; it makes this process more exciting. That's the point of doing this. If we just rammed everything through without discussion that wouldn't be right, that's not the way we do things. So I welcome disagreement but it has to be fair and it has to be real and it has to be based on something other than I don't like the idea. This is a good thing for Oak Creek. A vast majority of residents support it because they've told me. I see them every day when I'm out in the community and this building. First of all, we don't talk from the audience. Thank you. I'm in the community; I understand what the people are talking about. Those are the folks that want business to do on they don't want to come and necessary rabble rouse. I'm not interested in hearing that right now. That's the reality of it. Let me finish and then you can come up and ask your question briefly. This is a good day for Oak Creek; this is a big exciting announcement for Oak Creek. Trust me there's about one-hundred different mayors and village presidents that would love to be doing the same thing right now. That's the reality. My wife told me to take a breath after I speak so I'll do that.

Kevin Lampe: I just have one question. Actually I did meet some of the people who liked the notion of Ikea coming here. I did happen to meet some. I was just at the veterinary clinic we had to take our dog in. I was talking to the person there and she did

like that, she was excited. When we started talking about what it was going to cost her, she backed up like really. How many other people that are excited about Ikea know what the cost of that to the City of Oak Creek is going to be.

Mayor Scaffidi: I would answer that question that they understand what TIF financing is about. That it's not a property tax source, it's really a rebate of the taxes they pay.

Kevin Lampe: Excellent response Mayor. But if Ikea goes in there no other professional business can go in there so we are losing the opportunity cost for that very property.

Mayor Scaffidi: The only thing they control is the property that they're on. There's many other areas around there that will develop as a result of this development. It's a chain reaction.

Kevin Lampe: I'm glad you brought that up Mayor because for the next twenty years, according to the development agreement between Ikea and Oak Creek they will pay nothing. We won't be able to special assess them so any impact they have whether it's repairing the road, they will pay nothing. That's what's in the development agreement between Oak Creek and Ikea. They will not pay property taxes for twenty years. Granted they are paying the taxes and then every July 1st the City will refund every dollar except the road that they will have to pay part of. Which if it was a normal development they would have had to pay that upfront anyway; actually, maybe Northwestern Mutual would have had to pay that and that cost of the road would have gone onto the property. Mayor, you're looking at me like I'm blah, blah, blahing. I hope the rest of you are not hearing me as blah, blah, blah.

Mayor Scaffidi: I understand what the investment of infrastructure means. A lot of people are afraid of it, we're not afraid of it. That's what it is; roadways allow for development. That's what you're talking about.

Kevin Lampe: Correct.

Mayor Scaffidi: I've given you more than enough time Kevin.

Kevin Lampe: Thank you Mayor. If that's all the time I'm gonna get we've done some of our own heavy lifting and if the extra few minutes you've given us is enough to make a twenty year decision otherwise I encourage the aldermen and the commissioners to continue asking for more input before you make your final decision. Perhaps the motion should be made to delay it at least to get a better understanding of what you're gonna get into for the next twenty years that is my recommendation. Thank you Mayor.

Mayor Scaffidi: Other questions from the Commission? Hold it right now. Other questions from the Commission?

Commissioner Siepert: Maybe you can explain actually how a TIF works and what happens?

Mayor Scaffidi: I'm going to hand it off to the Finance Director or Jerry. You're much more skilled in explaining that process than I am.

City Administrator, Gerald Peterson: Where to start. Generally the concept of a TIF district is but for the development of the district either blights aren't going to be eliminated, development isn't going to occur or the kind of development a community wants isn't going to occur. We use here in Oak Creek, and other communities may have a little bit different perspectives on this, is a way to create the kind of development in the community that we think has long term benefits for the community. There's a short term basis where the taxes that are paid by the entities that are within the TIF district can be reused to support the infrastructure take care of the blight or create incentives necessary to create those projects in those districts. Those are not dollars that come from outside the district, those are not taxpayer dollars that come there, those are dollars that are generated from within that district and that without those incentives probably would not have occurred.

Current value of the fifty acres in TID 12 is \$10,700. It is agricultural land as was reported. That generates practically no tax dollars for the community. With a major destination retailer like Ikea, we expect to get land values of something like a million dollars and acre on our 94 frontage.

This is a long term play that the City did. It was part of a complex land transaction, actually two land transactions, between the City, the County, Northwestern Mutual, the School District and Wispark back in 2012. We wanted to get what had been then park land into a development format and so we exchanged land that was actually very good recreation and park land for agricultural land with the intent on purpose of creating taxable value, high taxable value along 94. At that point our goal was to seek values of about a million dollars an acres. At that point it was laughable by some people you would never get that, well that's what you're going to see out there. You're going to see a million dollars an acre. Not only for the property that is the Ikea site but the commercial property, or industrial property, or residential property that may be to the south. We expect that there is very significant acreage that's west of this property as well as on the east side of 94 that as the Mayor said will likely develop significantly. There is a real interest in development of those other sites so while there may be the incremental dollars that are generated from the Ikea project that are plowed back into that project, the new dollars that are going to be from some of the other spinoff development will come in and support services and improvements necessary in the city. So that's the strategy we have. It's generally been very effective in doing just that and then we try to close out the TIF district as early as possible. So if we have more dollars that come in than projected we could actually close the district early. That's kind of a high level discussion of TIF.

Mayor Scaffidi: Other questions?

Ald. Bukiewicz: I won't go on about the TIF. Jerry's covered it and he has far more knowledge than me. Again I don't try to be an expert in TIF law; I did not go to law school anything like that so again I won't offer my opinion on that. I trust the counsel we get at the city as being right and on. I have to applaud the Mayor, he is right. The city

is in better financial shape than it was ten years ago. We have also seen a very dynamic growth rate in the last ten years. And much of it is attributed to TIF investment. I like to call it TIF investment because that is what it is. It's an investment in the city's future. We may not reap the benefits of it at this particular time or day but future tax bases will be built upon this. I look up Ikea as a once in a lifetime impactful opportunity for the region. It landed squarely in Oak Creek. So somebody said we especially created the B-6, Business District to accommodate that. We didn't have to create that B-6 designation. We did that for really three things in my opinion. But we did it to streamline the planning process, be more efficient with the planning process, and be more transparent. We could have really just did it with B-4 or B-5 and just came through and gave exceptions on everything we had to do. We thought our plan, and this is a credit to our planning department, they came up with this designation to make it clear to the public what is going to be in B-6. I'm trying to run down my notes here very quickly. Again as I said it is a very impactful project. I do deal with some development throughout other areas of the region. Honestly, I don't want to put it out there on the same level but this is very transformational for Oak Creek much as the Bucks arena is transformational for downtown. (Audience interruption) So, please I have the floor. So you can agree or disagree, that is going to be a catalyst for other development. And the Bucks is a TIF. They won't see the worth of that off the get go. But what's going to happen around it as it ripples out, those businesses and things of that nature are going to flourish. It's going to attract people to the area. That is healthy for business, that's health for communities. Again, that's what we're really after here. You can speculate all you want on whether Ikea is going to trigger or sell more of that land and it will get better going west of 27th or if people are going to spill into Drexel Town Square and keep the lights on in these businesses. In my opinion it will. Again, schools won't see anything automatically, that statement was made. Businesses here are healthy and paying into the school tax. More people want to be near these businesses to take advantage of that foot traffic or that car traffic. We'll be better for it. And again, asking you to look at the track record of the management of the TIFs. They are well done, long before I got here and I have trust they'll be managed long after I'm here. Things change, and change is hard. The easiest thing to do is nothing, and you get nothing. Schlitz moved out of Schlitz Park back in '81. Does anybody realize that there's more employees on the Schlitz Park campus now than at the height of the brewery? That's change and there's actually a better tax base for the City of Milwaukee at Schlitz Park now than there was back in '81 when it was industrial property. So different type of job, but family sustaining jobs out there to say the least. (Audience interruption) Again, I have the floor please. You don't have to agree with me but please respect Roberts Rules of Order up here. There is a procedure for that and we ask that you respect it. Again, we appreciate you putting out your opinions but we are trying to improve the community the best way we see fit. Unfortunately this landed in an area that wasn't very popular to some people. No matter where some things go it's not always going to be popular. But again, for the greater benefit of all we really have to look at what's impactful and what the long term process of this and get up at that thirty-thousand foot level, take a look, try to have a crystal ball into the future. Now can the economy turn? Can the economy tank? Sure, it can but with the staff we have here they have safeguarded with the TIF records even through the recession we managed to close out TIFs as Jerry said, by laddering them. Greenfield is doing the same thing. They have 84th South going on; huge, huge TIF district going on in the city of Greenfield. I grew up

close to that area I don't believe any of that was blighted property. So again, don't think the City of Greenfield is making a mistake at what they're doing and I don't think we are. Thank you.

Mayor Scaffidi asked if there were any other comments from the commission.

Commissioner Siepert: I'd like to have Jerry explain how we pay off a TIF district and the period of time it takes to pay some of these things off.

Mayor Scaffidi: Briefly Jerry.

City Administrator Gerald Peterson: Typically we create development agreements if there's an arrangement with one of the businesses in a TIF district and typically that creates various terms for those incentives. They could be seven years, they could be until a certain number is reached, they could be a certain number of years, maximum of twenty. So we have a whole range of those throughout the city. We arranged for Stella & Chewy's for instance had a seven year, actually seven and a half year process. The Caterpillar project that was in TIF 10 had a two million dollar or a fifteen year timeframe on it. If we have public infrastructure in there we issue debt typically for that infrastructure. That debt is not really payable by all the taxpayers in the community. It's payable within the district. So the increment that is created from within the district typically will pay off the principal and interest on those bonds and we have different maturity schedules for those and if we accumulate excess dollars which we can to we can defease those bonds early where we essentially have the money in place to pay those bonds and we can close those districts early. That has typically been our record. We just closed last year District 4, four or five years early, that the district on Howell Avenue. We just closed 9 last year as well. We're only five or six years out of twenty years into that. The year before we had closed 5. We actually have the ability to close 6 right now and we have a fund balance of 1.8 million dollars in there and we are actually looking to use that as a donor TID for a lakefront process. So the City has conservatively and effectively used TIDs but there is a variety of tactics. We generally have developer paid increments so that the taxpayer, the city, is not at risk for the dollars. We set the districts up so that if the dollars aren't there they don't go to the end user and their not an obligation if you will on the part of the taxpayers.

Mayor Scaffidi: Commissioner Correll and then we'll go to Mr. Grundy.

Commissioner Correll: Just to follow up on the Administrator's comments. How many open TIF districts, currently five; so we've retired six and seven.

City Administrator Gerald Peterson: Because this would be twelve.

Commissioner Correll: So we've retired six; five open and this would be twelve. Okay and the structure in this TIF you stated the non-risk to the City where the developer bearing that burden. How is the structure of this particular proposal?

City Administrator Gerald Peterson: The way it's structured is the first dollars that come in from the increment pay the bonds for the infrastructure; the roadway and the water

and sewer infrastructure which are a little over five million dollars. The next payments that are made go to \$50,000 a year for administrative expenses to be able to support the finance, legal and administrative operations of the district. Again so those costs aren't borne by the taxpayer. The remaining dollars are payable to Ikea the entity up until thirteen million dollars are reached or up until the end of the district which is twenty years which would be 2036.

Commissioner Correll: Just a follow up comment Mayor and to Dan's comment on the legality of it; that's above my pay scale. We have to trust the City's Council on whether or not it meets the requirements and obviously we do that. I also respect the Administrator's comments that this is a point of disagreement and I think the biggest issue is when you have an extremely successful businesses like Northwestern Mutual and Ikea; there seems to be some heartburn over where that lending hand goes out to. And so with that based on everyone's comments which are very appropriate well researched I think there is a reason for us to have this discussion and varied opinions on what's the answer. Thank you.

Mayor Scaffidi: Briefly.

Ron Grundy, 9160 Nicholson Road. I don't understand all of the financial things going on here very much but I did know when they come down the road with a sewer for my place they handed Mr. Verhalen and I a bill for \$40,000.

Mayor Scaffidi: That's cuz you guys can afford it.

(Audience laughter)

Ron Grundy: But outside of that, you know I really believe the Council and the City is going in the right direction with a lot of the development we have going on; however, the Ikea is a furniture store, a retail furniture store and it seems to me that I sat in a lot of these meetings where they said we're not going to do this big box stuff anymore and you know that's one of the biggest big boxes around. Except remember American of Madison; ten or twelve years from now where is Ikea going to be? I don't know. I would rather see people concentrate on companies coming in here, maybe high tech, I know we're not going to go back to the smoke stack days and have all of these jobs. But Ikea comes here with jobs that are not family sustaining jobs and you know for \$9.00 - \$10.00 an hour that they're going to be paying the taxpayers and the people of the state wherever we wind up subsidizing insurance. We wind up subsidizing with food stamps and stuff like that because they don't pay a living wage. That's my concern as if a company comes in here you know they should be able to pay a living wage. And that's what we're missing here in this community, that's what I think. Otherwise you guys are doing a good job. Thank you.

Mayor Scaffidi: I would disagree on the living wage. I think the average salary is \$50,000. Please don't speak from the audience. Roughly \$50,000. Mr. Schmidt, Ann, I'll give you the last word please be brief. I mean like thirty seconds brief.

Nick Schmidt: Okay, the thing I'm against this proposal and the reason for that is these two companies coming in are millionaires maybe could even be billionaires. They have a lot of money so why do we have to, has anybody approached Northwestern Mutual to say hey, will you help? Don't make this a TIF district and we'll help pay for this, for Ikea going in or will Ikea leave and they won't even come here because it's not a TIF district and they won't get any money for it. Why don't we find out from them. Northwestern Mutual is going to lose a lot of money so they should be able to come in and say hey, we'll help out. We'll help out Oak Creek and give them some money so we don't have to put all this money into the TIF district.

Mayor Scaffidi: Alright thank you. Ann Lampe?

Ann Lampe: Mr. Peterson you talk about retiring TIDs early. According to the development agreement, is it true that this TID cannot be retired until Ikea gets their thirteen million dollars?

City Administrator Gerald Peterson: That's correct.

Ann Lampe: Thank you.

Mayor Scaffidi: Thank you. Any other questions from the Commission? If none I need a motion.

Alderman Bukiewicz motioned that the Plan Commission adopts Resolution No. 2016-02 approving the Project Plan boundaries for Tax Incremental Financing District (TID) No. 12.

Commissioner Siefert: Before we second I have a question. In the agreement on Item 3 on the second page it says that the district is created effective as of January 1, 2016. Is that a correct date or does that take effect once it is approved?

Mayor Scaffidi: Doug Seymour?

Community Development Director, Doug Seymour: Yes, that's a correct date. Districts that are approved by the Joint Review Board prior to a certain date; I believe its September 30th; revert back to the 1st of the year in which it was created. Anything after that would go onto the next year. So for instance, if the Joint Review Board were to approve this here resolution after September 30th date it would become effective next year. So that is correct.

Commissioner Siefert: Thank you.

Mayor Scaffidi: I need a second.

Alderman Guzikowski seconded. On roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Alderman Bukiewicz, Mayor Scaffidi, Alderman Guzikowski and Commissioner Siefert voted aye. Commissioner Correll voted no. Motion carried.

Mayor Scaffidi: Thank you. Thanks to the audience as well, good comments.

Certified Survey Map – Mark & Kim Verhalen
9330 S. Nicholson Rd.
Tax Key No. 872-9993

Ms. Papelbon explained that the intent of this CSM is to create a parcel for the existing house that is located on the southwest portion of the lot. This would carve off Lot 1 from Lot 2; both lots will be of conforming size following this division. There is a proposed condition of approval that requires a wetland and flood delineation prior to the development of Lot 2 and that has to do with the potential location of wetlands and the floodplain that has been identified on Lot 2. That is a requirement so that if there is any future redevelopment of the property that the City knows where the wetlands are and accurate review of the plans can be done. The applicants have stated that there are plans to redevelop and they are currently working with the DNR and other entities to get the natural areas delineated.

Mayor Scaffidi opened discussion to the Commission.

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Mark & Kim Verhalen for the property at 9330 S. Nicholson Rd. be approved, with the following conditions:

1. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.
2. That a wetland delineation be completed on Lot 2 by a Wisconsin DNR-approved professional prior to any development of Lot 2. Should the survey indicate the presence of wetlands, a new CSM or Affidavit of Correction shall be submitted to the City of Oak Creek for review and approval per Municipal Code. A note with this requirement shall appear on the map prior to recording.

Commissioner Siepert seconded. Roll call: All voted aye. Motion carried.

Conditional Use – Joseph Frederick, Humble Habitat LLC
7801 S. Pennsylvania Avenue
TAX KEY NO: 779-9010

Zoning Administrator Pete Wagner provided an overview of the item and explained that at the May 24, 2016 Plan Commission meeting the Plan Commission recommended that the Common Council approve a proposed Conditional Use Permit for a CBRF – Community Based Residential Facility with a capacity of more than 8 persons but no more than 20 persons. At that time staff was directed to draft the conditions and restrictions for this CUP. He explained that the conditions & restrictions are very similar to those approved on Willow Drive. All plans for buildings, additions, or exterior remodeling should be submitted to the Plan Commission for review and approval prior to the issuance of a building permit. Staff had a concern of the proximity of the

proposed building near the wetland and staff will be working with the applicant on that. Staff did contact the DNR and they concurred that there was no issue with what was being proposed but staff will continue to work with Engineering and the rest of the staff to work with the applicant for siting that facility. Under permitted uses, one (1) Community Based Residential Facility (CBRF) with a capacity of at least nine (9) but no more than twenty (20) persons.

Mayor Scaffidi called for questions from the Commission.

Commissioner Dickmann asked if the developer agrees with the time of compliance, that the twelve month time period is adequate.

Brian Schoenleber, 5300 S. 108th Street, Hales Corners, WI, was in attendance and responded that they just completed the CBRF on Willow in about seven months from start to finish.

Ald. Bukiewicz asked Mr. Wagner how close the building is proposed to be off the wetlands. Mr. Wagner advised that the building is proposed to be ½ foot off the wetland. Mr. Wagner stated that he did contact the DNR and they had no issue with that. Mr. Wagner stated that they are still trying to clarify how one would construct a footing that is ½ foot of the wetland and not go into the wetland. They will be discussing how to proceed with that. He advised that this evening's purpose is strictly looking at whether or not a CBRF of more than 9, less than 20, is suitable for the site. Once building permits come in the Plan Commission will discuss the proximity to the wetland and how to proceed.

Alderman Bukiewicz commented that as it is impossible to put a footing in as currently designed.

Brian Schoenleber responded that they do have room that they could alter the design to get away from the delineation. He stated it is the identical design of the building that went in on Willow Drive where they went right up to the Flood Fringe and it worked out perfect.

Mr. Wagner stated that the design is not a problem with reviewing the conditional use and that it would be the developer's responsibility to make the changes to make it work.

Glen McCoy, 7739 S. Pennsylvania Avenue, asked about the ordinance that says ten feet, how can this be moved forward if it's a foot and the ordinance states it's ten?

Commissioner Johnston responded that the ordinance kicks in when they are developing more than 4,000 square feet and then there are setback requirements. He stated that their building is roughly 1,800 square feet.

Mayor Scaffidi called for a motion.

Commissioner Siepert motioned that the Planning Commission recommends that the

Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit allowing a Community-Based Residential Facility (CBRF) with a capacity of at least nine (9) but no more than twenty (20) persons located at 7801 S. Pennsylvania Avenue after a public hearing. Commissioner Dickmann seconded. On roll call: All voted aye. Motion carried.

**Rezone and Conditional Use – Brent Wampler, Custom Facilities
7008 & 7018 S. 27th St., and 2500 W. Rawson Ave.
Tax Key Nos: 737-9989-001, 737-9988-001, 737-9037-001**

Ms. Papelbon provided an overview on this request that is in anticipation of building an approximately 27,580 square foot auto dealership with service bays and car wash.

Director of Community Development, Doug Seymour thanked Ms. Papelbon for the excellent overview of the potential development. Mr. Seymour explained that this is not a review of the site plan or the conditions and restrictions; this is the first step of a process that will give the Plan Commission an opportunity to review both of those documents. At this point it is a recommendation on the zoning and it is important to note what some of these site proposals are and that staff recognizes the critical nature of this major site along 27th and Rawson and the importance of the overlay districts and design standards that were entered back in 2008 working with the City of Franklin. M. Seymour advised that it was stressed to the applicants the City's desire to have an absolute first class operation there and he has been impressed with the gentlemen involved in their willingness to work on the design issues. He stated that automobile dealerships are listed amongst the conditional uses in the overlay district as well as the B-4 district.

Mayor Scaffidi questioned if this meets the overlay design of 27th Street.

Mr. Seymour responded that the use does and that staff will continue to work with the applicants on site planning issues to bring it into better conformance with those design standards.

Mayor Scaffidi questioned if the proposed roadway is still included in this plan.

Mr. Seymour responded that the future roadway that shows on the official map at this time is not actually what the DOT had proposed for the connection to Riverwood Drive. He advised that in any case an official map amendment would be needed. The Common Council and Plan Commission will need to take a look at that roadway in its entirety as part of any official map amendment to see if the conditions still exist to ask for that as part of the official map.

Mayor Scaffidi asked if the parcel contains the DOT corner piece.

Mr. Seymour responded that it does not but when working with the applicants the importance of designing the sites in such a manner that it can be incorporated into the site at a later date should that opportunity arise.

Commissioner Dickmann responded that property has been vacant for so long and it's good that we're looking at something there. Commissioner Dickmann voiced concern of starting with one car dealership there and then developing more and start looking like 27th Street in Milwaukee. Commissioner Dickmann commented that with car dealerships the building is only a small portion of the land and from a tax standpoint the taxes come more from the building than the whole land. Lastly he commented on having a car dealership at the entrance to Oak Creek and he isn't quite convinced that the rezoning to this should happen now.

Ald. Bukiewicz stated that he is in favor of the rezoning and that this is an appropriate use. He added that we do not have a new car dealership in the city and this location is a gateway to the city and a first class auto dealership would be a great addition. He also commented that on Rawson Avenue in that area there may be room to slip in another business that would complement this area.

Rord Cousin, 1597 30th Court, Kenosha WI (Representative for car dealership)

Mr. Cousin stated that they are excited to be part of Oak Creek's development. They will be building a high end Buick GMC facility that will bring value to that counter. He advised that they are committed to building something visually acceptable and appealing to the people in Oak Creek. They have had discussions about the corner that the State currently owns and perhaps turning that in to a gateway that will feature Oak Creek. Mayor Scaffidi asked if the employees at this location will be brought from another location and Mr. Cousins responded that most will be new employees. He stated that wages will be very good between \$40,000 and \$65,000 per year and that they have very few "lower end" paying jobs.

Commissioner Siefert commented that it is a good development for the corner since it has been sitting idle for years. He asked about the far east end of the property where the wetlands are located and what the plans are for that area. Mr. Cousin responded that they do not have any plans for that part of the property nor do they anticipate ever using it.

Commissioner Dickmann inquired about Riverwood Boulevard and if it will ever be completed. Commissioner Johnston advised that in 2013 the City was working with DOT on this section. At that time they were unable to get all the property owners to come to an agreement for the land swap. DOT is still working on accomplishing this.

Ed Lisowski, 6988 S. 27th Street, stated that he pays \$13,000 in taxes per year and his property is adjacent to this location. He is concerned about the runoff water problem at this location. Alderman Bukiewicz advised that they have not entered the design phase but that his concern will be noted.

Commissioner Dickmann motioned that the Plan Commission recommends to the Common Council that:

1. The properties at 7008 & 7018 S. 27th St. be rezoned from B-2, Community Business, and B-3, Office and Professional Business, to B-4, Highway Business (no

- change to RR overlay);
2. Portions of the property at 2500 W. Rawson Ave. be rezoned from Rs-4, Single Family Residential, and Rd-1, Two-Family Residential, to B-4, Highway Business (no change to RR overlay); and
 3. That a Conditional Use Permit for automobile sales and service and a car wash is approved on the properties at 7008 & 7018 S. 27th St., and 2500 W. Rawson Ave., after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting (June 28, 2016).

Alderman Bukiewicz seconded. On roll call: All voted aye. Motion carried.

Conditional Use Amendment – John Kayser, Cave Enterprises, LLC
8081 S. Howell Ave.
Tax Key No. 813-9022

Kari Papelbon advised that this is a request to change what is currently being operated as a Sonic Restaurant to a Burger King Restaurant. Ms. Papelbon explained that the Comprehensive Plan in this area has been identified for General Industrial reflecting the former use of the property; however, it has been developed primarily with commercial uses and the proposal is to continue to use it as a quick service restaurant with drive-through facility fits within that development pattern. She explained that they are in the process of updating the Comprehensive Plan.

Ms. Papelbon explained that the existing building will remain however there is a proposal to construct an addition for interior dining space. There will also be exterior changes to include removal of the canopies and the exterior dining area will be reconfigured. There will not be any outdoor storage. Ms. Papelbon explained that that number of parking stalls will change from the current 36 to 33. She also stated that deliveries are anticipated to be 5 days per week with waste pick-up at 3 days per week.

Ms. Papelbon also provided information on the updates to the Conditions and Restrictions to the property which were included in the report. She noted that there are two items that were not included in the proposed amendments which staff felt they would like the Plan Commission to discuss: They are: Removing the driveway access on the southeast corner, and maintaining the exit only on the north driveway.

Ms. Papelbon wanted it noted that building and parking setbacks are held over from the previous conditional use, and no outdoor storage of materials and equipment and sales or service of vehicles; that was also held over from the existing Conditional Use Permit. Signs – the applicant shall submit a sign package and plan with all proposed signs including menu board, speaker box, wall signs and directional signs to the Department of Community Development prior to the submission of Sign Permit applications.

Mayor Scaffidi stated that when they approved the Sonic Restaurant they had actually asked them to build a small interior space. Alderman Bukiewicz commented that yes they had asked Sonic to do that years ago. He added that is it sad when a business fails but it is positive that there is another viable business that can come in. He stated that he is in favor of it.

Commissioner Dickmann had questions regarding the signs and if they would be going to the Plan Commission for review. Alderman Bukiewicz commented that perhaps it should come back to the Plan Commission. Ms. Papelbon stated that this could be done. Commissioner Dickmann asked if this location would be replacing the Burger King at 13th & Rawson. He was advised that they will have two locations in Oak Creek.

Commissioner Siepert asked about the number of parking stalls. Ms. Papelbon advised there will be 33 or 34 stalls and they won't be losing many.

Alderman Bukiewicz motioned that the Plan Commission recommends that the Common Council approves the amendments to the Conditional Use Permit for the property located at 8081 S. Howell Ave. after a public hearing and subject to conditions and restrictions. Commissioner Siepert seconded.

Commissioner Dickmann asked if #9 in the Conditions and Restrictions can be amended regarding the signs. Ms. Papelbon states. Alderman Bukiewicz added with amendment to condition #9 that signage comes back to the Plan Commission. Commissioner Siepert agreed to the change and seconded again. Roll call. All voted aye. Motion carried.

Mayor Scaffidi asked the timeline for the project and the representative advised in 2016.

**Plan Review – John Kayser, Cave Enterprises, LLC (Burger King)
8081 S. Howell Ave.
TAX KEY NO: 813-9022**

Kari Papelbon provided an overview of the Plan Review. She advised that signage is not part of this review and that all signs must come back to the Plan Commission for review.

Commissioner Johnston commented that there needs to be additional landscaping between the driveways in the area along the private drive. He added that they need to maintain the vision triangle on the driveway coming off of Howell where it meets in with the north/south driveway. He advised that Sonic had removed the trees to improve the vision triangle.

Alderman Bukiewicz commented that the updated plan for the drive-through is a good improvement.

Commissioner Johnston inquired if language pertaining to the stone needed to be added to the conditions. Ms. Papelbon responded that she was about to ask the Plan Commission for a recommendation. She stated that it currently is stone and staff would recommend that it remains stone at the drive-through parapet.

Jay Jeschke, 1930 Camphill Circle, Inverness, IL, stated that they wanted to keep the Nichiha there if possible as it still meets the approved 75%. He advised that he did submit that information for review. Ms. Papelbon stated that they did receive it but

wanted to know the reason for the change. Mr. Jeschke stated that the reason for the change on the east elevation, or main entry, was to exceed the 75%; otherwise that would have remained a cedar blend Nichiha. Mr. Jeschke advised that he brought a sample board of the material for the Plan Commission to view. Mayor Scaffidi asked for clarification on the reasoning for the change. Mr. Jeschke advised that's why they wrapped the east side all in the stone so that they could meet the required 75%. Ms. Papelbon asked why the change from the stone that's already existing on the drive-through parapet? Mr. Jeschke stated that this is a Burger King Corporation decision. (Mr. Jeschke's commentary was not picked up on the recording as he was at the front of the dais showing the commissioners his sample board.)

Director of Community Development, Doug Seymour: Mr. Seymour responded that he can appreciate Burger King's corporate brand standards for their new design and would suggest and hope that the Plan Commission would feel the same way. Mr. Seymour also wished to note that the sign plans will go back to the Plan Commission. He stated that there are several areas on the sides of the wall that show a merchandising area, which is another word for signs. He wanted the Plan Commission to know that these will be signs and need to be calculated into the signage allowance for the zoning code.

Mr. Jeschke added that they are modifying the drive-through window as it does not fit the requirements of the kitchen. So this is why the tower with the stone is being changed to the Nichiha cedar blend. Mayor Scaffidi responded that he did not have a problem with it.

Alderman Bukiewicz motioned that the Plan Commission approves the site and building plans submitted by John Kayser, Cave Enterprises, LLC, for the property at 8081 S. Howell Ave., with the following conditions:

1. That the exterior stone and brick veneer meets the minimum 4-inch thick requirement per Code.
2. That all revised plans (site, building, landscaping, lighting details, 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.
3. That all mechanical equipment (ground, building, and rooftop) is screened from view.
4. That detailed plans for signage are reviewed and approved by the Plan Commission.
5. That all building and fire codes are met.
6. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of permits.
7. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
8. That final lighting details are submitted for final approval by the Electrical Inspector prior to the issuance of building permits.
9. That revised landscaping plans, pertaining to the southwest and west areas of the property, will be submitted to the Department of Community Development for approval prior to the issuance of building permits.

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

**Plan Review – Blair Williams, Wired Properties (on behalf of Pizza Man)
7978 S. Main St.
TAX KEY NOs: 813-9050-000**

Kari Pabelbon providing an overview of the concept plan for the outdoor dining portion of the Pizza Man establishment as the original plan did not include the details for outdoor seating, the awnings or the overhead doors that are now proposed. Ms. Pabelbon noted that there is a requirement that the exterior string lights that are proposed must be at least ten feet from grade and that height must be maintained. Also in the public sidewalk space there must be a minimum width of five feet between the dining areas as that is public space. The applicant must also obtain a specific permit before any public dining space becomes operational.

Mayor Scaffidi inquired if the deck is completely removable in the wintertime.

Ryan Pliszka of Rinka Chung, 756 N. Milwaukee Street, Milwaukee WI, responded that the deck will be completely removable in the winter months.

Commissioner Dickmann inquired if the establishment is going in Building A or Building B. Mr. Pliszka responded that it will be going in Building B. Ms. Pabelbon explained that the paperwork in the packets may overlap as they had before/after proposals.

Alderman Bukiewicz noted that it is a unique use of space and giving up the parking spots seasonably is ok and he is good with it.

Commissioner Johnston stated that he liked the concept but does not like how it's being executed. He stated that it does not meet the standards for the city's road designs to keep it out of the clear zone of the road and that it's too close to the back of curb. He also stated that another issue would be that the storm sewer porous pavers that are underneath the road need to be inspected and cleaned and asked when they would be removing the deck.

Mr. Pliszka responded that the deck would be up from May 15th to October 15th. Commissioner Johnston responded that eliminates the need to plow around it but they will need to find a location to store it. Mr. Pliszka responded that they are working that out with their contractor. Commissioner Johnston stated that while he likes the outdoor seating he would like to get rid of the boardwalk and make it an actual sidewalk and install curb and gutter to include moving the catch basin and street lighting. He would like it to fit the intent of the ordinance for sidewalk dining rather than a temporary structure. Commissioner Siepert stated that he agreed with Commissioner Johnston and was concerned about the safety aspect of the design and the potential for problems.

Mayor Scaffidi inquired as to how this could be done. Commissioner Johnston explained that the two parking stalls would be eliminated, add a new curb line, and move the catch basin so that picks up the road drainage. That alleviates the need to

get under the deck to get to the porous pavers to get to the street lighting. The street lights would then be moved out to get to the clear zone. They could then put in some planters that would delineate the clear zone and put the seating back behind that. This would separate the public from the roadway traffic. This would be there permanently.

Mayor Scaffidi asked how this would be any different than the outdoor dining sitting at tables on the street. Commissioner Johnston added that we do not allow seating on the street. Mr. Pliszka responded that this design does have a guardrail with planters and there is that protection aspect of it. Commissioner Johnston responded that it's within two feet of the back of curb which is inside the clear zone for the traveling public on that road. Mayor Scaffidi asked Commissioner Johnston if he is asking the applicant to change the roadway to include storm sewer and curb for a six month time usage. Mayor Scaffidi suggested that staff try to work out a compromise with the applicant.

Commissioner Carrillo inquired if there will be enough room for foot traffic to pass through between the building and the outdoor dining area. Ms. Carrillo voiced concern that foot traffic may think that they cannot walk through that area because of the business. Mr. Pliszka responded that there is the five foot buffer area for people to utilize the sidewalk in that area.

Alderman Guzikowski voiced concern that this type of seating could occur in other spots of Drexel Town Square. Ms. Papelbon added that there is a requirement from the association that the two areas that are north of the existing Main Street building (Fore and Flare) that those permanent parking spaces be installed prior to using this for outdoor seating.

Mayor Scaffidi asked Ms. Pliszka to explain the safety measures that will be in place. Mr. Pliszka responded that there will be heavy timber posts and a steel structure. The planter will be in there and cable rails will be installed like a guardrail. The steel frame will create the removable sections and the planter boxes will be attached to those.

Mayor Scaffidi asked Commissioner Johnston what the speed limit is for this street. Mr. Johnston responded with 25 miles per hour.

Commissioner Correll added that he thinks the five feet of sidewalk seems tight when there is activity on both sides of it. Commissioner Johnston replied that in the ordinance it states it must be a minimum of five feet.

Assistant Fire Chief, Mike Kressuk responded on the safety aspect of this plan. He stated that the speed limits are slower and there will be a lot of pedestrian traffic which generally slows traffic down. He added that from a safety perspective, a barrier device is better than having the tables close to the roadway.

Mayor Scaffidi asked the applicant if there is some way to ensure that stormwater is not impacted by this temporary situation. Mr. Pliszka advised that the water would go down on pedestals, like a sleeper system with wood decking. The intent is not to damage the pavers. Mayor Scaffidi inquired if the rep knew the size of each piece of decking. Mr. Pliszka responded that they are working with the contractor right now. Mayor Scaffidi

asked if they would be willing to work with staff on the safety aspect of the outdoor dining. Mr. Pliszka responded that they will be providing drawings with all of the details.

Commissioner Dickmann inquired about the mechanicals being screened from view. Mr. Pliszka responded that they built in shafts for the mechanicals that will be placed on the roof of the building and they will be screened.

Commissioner Correll questioned examples of curbside dining that do not use parking as a barrier. Mr. Pliszka advised that the Pub Club by the Bradley Center has outdoor dining right on the street. Mayor Scaffidi advised that he does not have a problem with the plan as long as safety is insured and the stormwater is not impeded. Mayor Scaffidi asked how many feet long will the outdoor dining be. Mr. Pliszka advised that it is fifty plus feet.

Alderman Bukiewicz motioned that the Plan Commission approves the site and building plans submitted by Blair Williams, Wired Properties, for modifications to a portion of the building and exterior dining area at 7978 S. Main St., with the following conditions:

1. That lighting in the exterior dining area be reduced or turned off during non-business hours.
2. 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.
3. That all mechanical equipment (ground, building, and rooftop) is screened from view.
4. That all building and fire codes are met.
5. That updated detailed lighting plans are submitted for review and approval by the Department of Community Development, upon recommendation of the Electrical Inspector, prior to the issuance of building permits.
6. That detailed plans for signage are reviewed and approved by the Plan Commission.
7. Work closely with staff on stormwater and safety considerations on the south side of the entire dining area.

Commissioner Carrillo seconded. On roll call: Commissioner Dickmann, Commissioner Carrillo, Alderman Bukiewicz, Mayor Scaffidi, Alderman Guzikowski, and Commissioner Siepert voted aye. Commissioner Johnston and Commissioner Correll voted no. Motion carried.

Certified Survey Map – City of Oak Creek

7880 S. 13th St.

TAX KEY NO: 783-9997

Ms. Papelbon explained that Milwaukee County is currently designing the planned 2018 reconstruction of 13th Street and there is a need to acquire right-of-way at the northeast corner of Drexel Ave. and 13th Street. This property is owned by the City and is currently the right-turn lane for westbound Drexel to northbound 13th.

Mayor Scaffidi asked if this will impact the cemetery. Ms. Papelbon replied that it does not and explained that the remaining parcel out lot 1 is between this portion and the cemetery which is a buffer area. Commissioner Siepert questioned the ownership of the outlot. Ms. Papelbon responded that the City owns the outlot.

Sue Schroeder, 1210 W. Drexel Ave., commented that she will lose representation once that lot is given to the County and that she has traffic concerns in this area. She asked that staff keep the safety of the roadway in the best interest. Mayor Scaffidi responded that is the goal to improve the roadway to make it safer and a little larger.

Commissioner Correll motioned that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by the City of Oak Creek for the property at 7880 S. 13th St. be approved, with the condition that all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording. Commissioner Siepert seconded. On roll call: All voted Aye. Motion passed.

**Rezone and Conditional Use – Kelly Gallacher, Self Storage Ventures, LLC
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**

Ms. Papelbon provided an overview of this request. She recounted that the Comprehensive Plan Amendment to allow manufacturing/ industrial uses was approved on May 24th and the Common Council approved that on June 7th, 2016.

Mayor Scaffidi commented that this has been a challenging property and that the usage is appropriate for the corner that it will sit on. Mayor Scaffidi commented that he liked the idea of using the corner piece of that property at College & Howell as a frame with two gateway signs. Commissioner Correll responded that it is a good use and likes the fact that the parking will be minimized. Alderman Bukiewicz was in agreement with Commissioner Correll. Mr. Dickmann liked the idea of a sign showing entering Oak Creek.

Alderman Bukiewicz motioned that the Plan Commission recommends to the Common Council that the properties at 6304 & 6340 S. Howell Ave. and 137, 147, & 209 E. College Ave. be rezoned from B-4, Highway Business to M1, Manufacturing, with a Conditional Use for a self-storage facility, after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting (June 28, 2016). Alderman Guzikowski seconded. On roll call: All voted aye. Motion carried.

Plan Review – Drexel Partners, LLC
600 W. Drexel Ave.
TAX KEY NOs: 782-9000-000

Ms. Papelbon recounted the that Plan Commission approved site and building plans for this two-tenant building on this property at the March 22, 2016 meeting. Ms. Papelbon explained that one of the conditions was that the exterior stone be a minimum of 3 inches. Unfortunately the stone is not produced in such a way that would allow the applicant to meet that requirement and the Plan Commission's condition. Ms. Papelbon was able to provide a material board that had the sample material on it.

Alderman Bukiewicz asked the applicant if they were unaware of the City's standard when the building was designed if the footing didn't go in properly.

Peter Damsgard, 4500 N. Marlboro Avenue, Shorewood, stated that they were unaware of the true dimension, the range of the stone. He advised when they showed the sample to the Plan Commission at an earlier meeting they approved it with the thought that it did go up to the 3 inches. He also wanted to clarify that they would be using Nichiha for the wood panels that have already been approved. He stated it is a composite wood panel.

Commissioner Siefert stated that the commission has set a standard and everyone seems to meet it and now they come up with a foundation that can't hold it. He stated that he thinks something is wrong with the design and footing if it can't take it. Mr. Damsgard replied that it's the thickness of the foundation and that it is fully engineered and stamped to hold the wait. He stated that it would require them to add 50% more to thickness to the foundation to provide a ledge for the material to sit on. Commissioner Correll commented that it is not a support it's a dimension to sit on.

Mayor Scaffidi commented that staff has recommended that the commission approve this.

Mr. Damsgard added that the exterior appearance will not change.

Mayor Scaffidi responded that his recommendation would be to approve.

Commissioner Johnston commented that it is less than what the standard 4 inch brick is and that's half of it and he is not in agreement.

Alderman Bukiewicz motioned that the Plan Commission approves the building plans submitted by Drexel Partners, LLC, for the property at 600 W. Drexel Ave., with the following conditions:

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

3. That all building and fire codes are met.
4. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of permits.
5. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
6. That final lighting details are submitted for final approval by the Electrical Inspector prior to the issuance of building permits.

Alderman Guzikowski seconded. On roll call: Commissioner Carrillo, Alderman Bukiewicz, Mayor Scaffidi, Alderman Guzikowski and Commissioner Correll voted aye. Commissioner Dickmann, Commissioner Johnston and Commissioner Siepert voted no. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Dickmann seconded. Roll call: All voted aye. The meeting adjourned at 8:45 p.m.

ATTEST:

Douglas Seymour, Plan Commission Secretary

Date