

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, DECEMBER 13, 2016

Mayor Scaffidi called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Alderman Guzikowski, Commissioner Correll, Commissioner Siepert and Commissioner Chandler. Commissioner Bukiewicz was excused. Also present: Kari Papelbon, Planner, and Michael Kressuk, Assistant Fire Chief.

Minutes of the November 22, 2016 meeting

Commissioner Dickmann moved to approve the minutes of the November 22, 2016 meeting. Commissioner Siepert seconded. On roll call: all voted aye, except Commissioner Correll, who abstained as he was not in attendance at the November 22, 2016 meeting. Motion carried.

**PUBLIC HEARING
COMPREHENSIVE PLAN AMENDMENT
2020 VISION – A COMPREHENSIVE PLAN FOR THE CITY OF OAK CREEK
PLANNED LAND USE CATEGORY & MAP 2 PLANNED OFFICE TO PLANNED INDUSTRIAL
331 & 401 E. OAK ST.
TAX KEY NOS. 733-0008 & 733-0009**

Planner Papelbon read the hearing notice into the record and opened the public hearing.

Mayor Scaffidi made first, second, third, and final calls for public comment. Seeing none, the public hearing was closed.

**PUBLIC HEARING
SIGN APPEAL
GIGI'S CUPCAKES
330 W. TOWN SQUARE WAY
TAX KEY NO. 813-9050**

Planner Papelbon read the hearing notice into the record and opened the public hearing.

Mayor Scaffidi made first, second, third, and final calls for public comment. Seeing none, the public hearing was closed.

**COMPREHENSIVE PLAN AMENDMENT
2020 VISION – A COMPREHENSIVE PLAN FOR THE CITY OF OAK CREEK
PLANNED LAND USE CATEGORY & MAP 2 PLANNED OFFICE TO PLANNED INDUSTRIAL
331 & 401 E. OAK ST.
TAX KEY NOS. 733-0008 & 733-0009**

Planner Papelbon provided an overview of the proposal, which, if approved, would allow for a residential style, mini-office/warehouse development. These units would be sold as condominiums and be part of an Association. The design would incorporate residential elements to blend with the mixed-zoning and uses of the existing neighborhood.

Commissioner Chandler asked if this area will be transitioned to all industrial. Ms. Papelbon responded that staff is proposing to match the existing uses to where these properties tend to be trending, which would necessitate a change to the Comprehensive Plan to Planned Industrial. It

doesn't necessarily mean the zoning would change. That would come at a later date.

Mayor Scaffidi asked for examples of what might be considered an allowed use here. Ms. Papelbon responded that the proposal is to have condominium units. In the future, an M-1 zoning would be required for these to be able to be constructed. Because it is a conditional use, there would be things to consider such as buffers, landscaping, hours of operation, and fencing. These are going to be residential in design so they would have more of a neighborhood look to them, so staff would be looking at the architectural standards whether they would meet the 75% brick, glass, masonry - those kinds of things. In the future, if these were to not be developed or if other properties in the area would be rezoned to M-1, similar uses would be allowed in the area.

Commissioner Dickmann stated he likes the concept. His concern is if this gets changed to manufacturing that the existing two residential units get grandfathered in. Ms. Papelbon responded that the use would remain until such time as a proposal would be for redevelopment. The residential nature of the properties that are currently developed would not change.

Commissioner Siepert asked if they plan to sell each one of these units or do they plan to rent them or a combination. Ms. Papelbon responded that her understanding is that they are going to be sold as condos, and that they would be part of the condominium association. All of the joint uses on the property (the access, the maintenance of the property, etc.) would all be taken care of by the association.

Commissioner Dickmann moved that the Plan Commission adopts Resolution 2016-03, amending the Comprehensive Plan and Planned Land Use map for the properties at 331 & 401 E. Oak Street to reflect the change in land use from Planned Office to Planned Industrial, following a public hearing and adoption by the Common Council. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**SIGN APPEAL
GIGI'S CUPCAKES
330 W. TOWN SQUARE WAY
TAX KEY NO. 813-9050**

Planner Papelbon provided an overview of the variance request, which, if granted, would allow the applicant to install opaque vinyl eye-level signs covering the seven windows on the north elevation, and eight windows, located right of the doorway, on the east elevation of the tenant space (non-entry façade).

Mayor Scaffidi asked if this sign appeal request served a functional use and not a signage use. Ms. Papelbon responded that such was correct; however, anything that covers the windows completely falls under the category of signs in the Drexel Town Square MUPPD.

Commissioner Correll stated it looks like a good use and a good place for it to happen.

Larry Haase, Gigi's Cupcakes, 330 W. Town Square Way, stated that the applique is put on with water. It is an adhesive that sticks to the window and provides a layer of security as well through the window. Commissioner Correll stated it is a good use for it and where it is placed he does not have a problem with it.

Commissioner Siepert asked if this is just the first level. Mr. Haase responded yes.

Commissioner Carrillo stated she does not personally love the idea of these big, white-out areas in the new town center. She asked why there are transoms above and why they (the applicant) are not leaving them clear to let light in. Mr. Haase responded that from the parking lot, you can

still see the ones on top. Mr. Haase said they have things that are up top and are visible. Mr. Haase stated where they are showing the window is where the separation of the door is – front-of-house / back-of-house - so the front-of-house is everything glass around it, and the back-of-house is what they are trying to cover up. Commissioner Carrillo stated it seems like there is an opportunity to put a logo or something on there so it is not a big whited-out area. Commissioner Carrillo suggested having the logo on there. Ms. Papelbon responded that having the logo on there would probably not be enough to cover it completely for their back-of-house purposes, and the City cannot regulate content of signage.

Commissioner Dickmann stated there was a similar situation that came before the Plan Commission with the dental clinic. Commissioner Dickmann stated that the difference is the dental clinic was facing Main Street, whereas these signs are facing the parking lot. He stated that the dental clinic put in window blinds to accomplish this purpose. Commissioner Dickmann stated this is a good use if it is facing the parking lot, otherwise he would not agree with it.

Mayor Scaffidi stated they have a relatively small unit of operations and he understands why they need privacy for back office operations. Mayor Scaffidi asked if the color depiction of these images is what it is going to be. Ms. Papelbon responded that it is relatively close, but since they are not up, it is hard to tell. In fact, what is being shown on the screen (projected) is paper, so it (window covering) will be lighter. It will look a little different. Ms. Papelbon clarified that no matter what goes in here, this variance runs with the tenant space. In the future, if someone wanted to take down these clings and put something else in there, the City cannot regulate the content.

Mayor Scaffidi stated that to Commissioner Carrillo's point, whatever color is chosen, it should be done tastefully within the scope of the business.

Commissioner Chandler asked what back-of-house operations means. Mr. Haase responded that that is where they do the baking and decorating where their office space is located. They are trying to shield these operations.

Alderman Guzikowski asked if blinds could be put there. Mr. Haase stated they (Corporate and Health Department) do not want anything (in the food prep area) that is not washable.

Commissioner Dickmann stated that this use carries forward with the use of the property. If they were to leave and someone else comes in, could they change this and make these signs instead of opaque panels? Ms. Papelbon responded that they would be allowed to put in something that would be a substitute. Since the City cannot regulate content, she would have to err on the side that the City would not have any regulatory authority over them putting up something different. Commissioner Dickmann asked if they made it an official sign for their business, would they have to come back to the Plan Commission because then they would exceed the number of allowable signs for the property? Ms. Papelbon stated that it is a little bit of a nuanced answer, but she is going to say no with the caveat that she could be wrong. She is 60% sure that they would not be able to bring that back (for Plan Commission review).

Commissioner Correll stated his concern about the potential graphics that will be displayed on these windows. Ms. Papelbon stated that, if approved, this is a variance that would carry forward to anything put in that window, unless they put in something that is completely different. If a neon sign would appear one day that would change things. As far as actual signage, text, images and things like that, she believes that is covered in the variance.

Commissioner Siepert asked if a precedent would be set for other buildings in Drexel Town Square if this is approved. Ms. Papelbon responded that every variance is an application that is taken on its own. Commissioner Siepert stated there is a potential for other people to come in and propose this same thing.

Mayor Scaffidi asked what the Plan Commission is granting them the right to do. Are they being given carte blanche to do whatever they want? Could the applicant specifically state that they are restricting their request to an opaque covering on the windows? Commissioner Dickmann asked if a condition could be put on it. Ms. Papelbon responded that she is a little concerned that that would be regulating content. Since this is a sign appeal, that points to this application as a sign.

Mayor Scaffidi asked the applicant if this item could be held until the January meeting. Mr. Haase stated yes.

Mayor Scaffidi recommended this item be held until the first meeting in January of 2017.

PLAN REVIEW
JIM MARRIOTT
MARRIOTT OAKVIEW
300 W. OAKVIEW PARKWAY
TAX KEY NO. 955-1031

Planner Papelbon provided an overview of the proposal for a ±120,000 square-foot multitenant industrial building on a portion of the property, reflected as Lot 1 from the CSM approved November 22, 2016 (see staff report for details).

Mayor Scaffidi stated that he liked that the trucks were put behind the building.

Commissioner Siepert asked if there are any plans for traffic signals on Elm and Howell Avenue. There is going to be additional traffic coming out as more businesses are added to that area. He thinks that intersection should be controlled. Mayor Scaffidi stated that is outside the scope of the subject of this Plan Commission item. However, Mayor Scaffidi added that the City will always look at the traffic counts on all major streets, and if they warrant that, then changes are made. Commissioner Johnston stated that there was a TIA (Traffic Impact Analysis) done for this development. It went through WisDOT. It was approved for the development, and this design fits into what was laid out for the concept plan for the park. It was determined that a traffic signal is not warranted at Elm and Howell.

Commissioner Chandler asked if the materials and amount of windows meet the City's requirements. Ms. Papelbon responded that precast concrete wall panels and windows are part of the accepted materials in the Code. It does meet the requirements.

Commissioner Dickmann stated he concurred with the Mayor that he likes it that the loading docks are going to be on the west side because this could be split into six tenants or could just be one tenant. He asked if the 28 docks will be put in now or wait until the tenant space fills up.

Dirk Debbink, MSI General, Oconomowoc, representing the Applicant, stated that the intention at this time is not to put in all the docks at once. The minimum is four per the three larger areas so that would be 12 minimum, 28 maximum.

Alderman Guzikowski stated it is a good-looking building.

Commissioner Correll moved that the Plan Commission approves the site and building plans submitted by Jim Marriott, Marriott Oakview, for a portion of the property at 300 W. Oakview Parkway with the following conditions:

1. That all building and fire codes are met.

2. That the plans are revised to incorporate a more durable material, such as composite or metal, for the gate on the dumpster enclosure.
3. That all parking areas are installed in accordance with Section 17.0404.
4. That a revised landscaping plan be submitted to the Department of Community of Development for approval prior to the submission of building permit applications.
5. That all final plans (site, building, 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.
6. That detailed plans for signage are reviewed and approved by the Plan Commission prior to submission of sign permit applications for the multitenant building. If the building is revised to accommodate only one (1) tenant with no possibility of future tenants, a sign plan will not be required prior to issuance of sign permits.
7. That all mechanical equipment (ground, building, and rooftop) is screened from view.
8. That final lighting plans indicating luminaire type, pole type, color, and height are submitted for final approval by the Director of Community Development, upon written recommendation of the Electrical Inspector prior to submission of building permit applications.
9. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of permits.
10. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.

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

SIGN PLAN REVIEW

KEVIN KHUONG

LY LY NAIL

7978 S. MAIN ST (TENANT ADDRESS: 7964 S. MAIN ST.)

TAX KEY NO. 813-9050

Planner Papelbon provided an overview of the proposal for one compliant wall sign on the west side of the building for the tenant space (see staff report for details).

Commissioner Dickmann moved that the Plan Commission approves the sign plan submitted by Kevin Khuong, Ly Ly Nails, for the Ly Ly Nails commercial tenant portion of the property at 7978 S. Main St. (tenant address: 7964 S. Main St.) with the following conditions:

1. That all revised plans be submitted for review and approval by the Department of Community Development prior to the submission of sign permit applications.
2. That a permit application for the sign is submitted to the Inspection Department.

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

CONDITIONAL USE PERMIT

WE ENERGIES & WISPARK

ELECTRIC SUBSTATION

10861 S. HOWELL AVENUE

TAX KEY NO. 955-1014

Planner Papelbon provided an overview of the proposal for a WE Energies electrical substation on a portion of the property (see staff report for details).

James Kelnow, WE Energies, responded to a question about the height of the fence and the use of barbed wire. He stated that the proposed fence is the standard fence that they put in virtually all of their substations. There is an error in the text of the application. They called for 14 feet (height). It is actually 8 feet, 6 inches in total (height). That is including the barbed wire in the

top. Mayor Scaffidi asked if barbed wire was standard. Mr. Kelnow responded that there is extremely high voltage inside the substation, so it is a public safety concern. Every station has it.

Mayor Scaffidi asked how visible this is from the road. Mr. Kelnow responded that they would be set back as far as they can against the pond. WisPark, the developer, does plan on retaining and selling the entire front property, so there will eventually be something built in front of them.

Mayor Scaffidi asked where there is a need for this substation. Mr. Kelnow responded that this whole area is served from that same branch substation over on Rawson and 6th St., or the Pennsylvania substation part of the east. With all the development in the area, that is about five miles from the branch substation. The longer the run to get to the customers, the lower the voltage gets to the customers. Between IKEA and Drexel Town Square, and a few other customers, there will be load growth nearby.

Commissioner Dickmann asked if there are cameras monitoring for security purposes, and is there something that shows when a motion sensing light goes on at a remote location to indicate something is going on? Mr. Kelnow responded there are motion-sensing cameras, so the lights and camera come on, and that is monitored downtown at the central security location. They get an alarm and can see what is happening.

Commissioner Siefert asked if the distribution of power is above or below ground. Mr. Kelnow responded that the distribution will be underground south to Howell and north to 13th Street in their (ATC) existing transmission right-of-way.

Commissioner Johnston stated his concern that the driveway does cross over the pathway that ties into the Oak Leaf Trail. It is the location for the ATC line now. This will be a gravel access path all the way back to the substation. Currently there is no pathway back there. It is the old farm entrance that is there now.

Jerry Franke, WisPark, 301 W. Wisconsin Avenue, Milwaukee, stated that at some point there is going to be a user on this property that generates a lot more traffic than the maintenance of a substation. They are trying to maintain maximum flexibility in the location of that driveway. WE Energies has agreed that they will relocate it based upon what the ultimate user of that property needs. In his best opinion of what could happen there, he would like to see a data center developed here because of its proximity to the high voltage ATC transmission line and the substation and the Root River where there can be some green cooling.

Commissioner Johnston stated that currently there really is not a gravel access even in this location coming off Howell Avenue. It just opens up a door for someone driving back and that is where the gate comes in as a possible option.

Commissioner Correll moved that that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for a WE Energies substation on a portion of the property at 10861 S. Howell Ave. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting (January 10, 2017). Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

SIGN PLAN REVIEW
PAUL BOUCHARD
MODE OAK CREEK, LLC
7979 S. MAIN ST. (TENANT ADDRESS: 7965 S. MAIN ST.)
TAX KEY NO. 813-9053

Planner Papelbon provided an overview of the proposal for two compliant wall signs (one each on the west and east entry facades), and a compliant flag sign on the east entry façade corner for the tenant space (see staff report for details).

Commissioner Dickmann asked if there should be a condition that states the sign be mounted at least 8 feet from grade. Ms. Papelbon responded that it is a requirement in the Code itself. It does not necessarily need to be a part of the approval - it just needs to be noted on the plans so that everyone is aware of it.

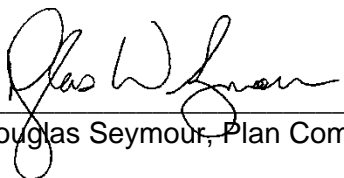
Commissioner Dickmann moved that the Plan Commission approves the sign plan submitted by Paul Bouchard, MOdE Oak Creek, LLC, for the MOdE commercial tenant portion of the property at 7979 S. Main St. (tenant address: 7965 S. Main St.) with the following conditions:

1. That all revised plans be submitted for review and approval by the Department of Community Development prior to the submission of sign permit applications.
2. That a permit application for the sign is submitted to the Inspection Department.

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

Commissioner Carrillo moved to adjourn. Commissioner Correll seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:59 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

1/10/16

Date