

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 23, 2017**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Commissioner Loreck, Alderman Guzikowski, Commissioner Correll, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Pete Wagner, Planner/Zoning Administrator.

Minutes of the May 9, 2017 meeting

Commissioner Dickmann moved to approve the minutes of the May 9, 2017 meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**PRELIMINARY PLAT
GLEN CROSSING ADDITION #1
GLEN CROSSING, LLC
8400 S. NIGHTHAWK TRAIL
TAX KEY NO. 829-0061**

Planner Papelbon provided an overview of the proposal for a 2-phase subdivision south of the existing Glen Crossing subdivision (see staff report for details).

Robert Fox, 20711 Watertown Road, Waukesha, (surveyor on the project) stated this plat has been before the City some time ago and they had followed the alignment of the City's officially-mapped street pattern, which required the crossing of Oak Creek. They then had to do a revision plat to take out the crossing due to the DNR regulations and requirements at that time. This has been put on hold for some time waiting for the economy to turn around.

Mr. Fox stated that the residents in the first phase felt they would like to see larger rear yards, so they are thinking of going to a 35-foot front setback rather than 40 feet.

Don Maciejewski, 1026 W. Glen Crossing Ct., stated his concern is that the current entrance on Pilgrim Parkway serves the first phase of the subdivision, but it is also used by people in the adjoining subdivision to the south of his subdivision. The addition of this phase will add all those other properties with still only one single entrance. He suggested that the developer be required to put in the roadway right now off of 13th Street so that there is an additional way for construction, but eventually so that all these people aren't funneling by all these homes to get into the second part of the subdivision.

Mr. Maciejewski stated that the existing subdivision's declarations state that there is a 30-foot setback, and now the developer wants to change the setback. The Association's declarations and bylaws state that any subdivisions will adhere to the one's already existing. They are attempting to change the new subdivision, but the association is stating that they had to abide by those laws.

Mr. Fox stated that the issue of the setback came from the current owners within the first phase. It is nothing that they are creating on their own. The current owners are asking for the change from 40 feet to 35 feet.

John Behlke, 8506 S. 13th St., asked if this is zoned for ranch or two-story houses. Planner Papelbon responded that the zoning district does not require that there is any particular type of house, just as long as the minimum zoning requirements for the type of house are met. They could build ranch, two-story, or up to three-story as long as they met the zoning district requirements.

Mr. Behlke stated that he is the last house on the south. If they buy Dittmar's land, that's where the road would come in from behind. There is a tree line along the rear property line of the houses along 13th Street. If two-story houses are put up there, they won't be able to see that tree line anymore. They have been in Oak Creek since 1957. He thinks the people along 13th Street should have a chance to see the tree line. Mayor Bukiewicz stated that by Code, they can build the type of home they need as long as it doesn't cross the ordinance. The property owner has the right to build whatever types of homes they chose as long as it is not in violation of the City's ordinances. Planner Papelbon stated that there is nothing in the Rs-3 District that would prevent two-story or three-story homes. It would have to be in the deed restrictions.

Robert Stack, S70 W15905 Princeton Court, Muskego, WI stated that the trend today is that 90% of the homes are being built are ranch houses.

Alderman Guzikowski asked for more information about the setbacks. Mr. Fox responded that the homes in the existing subdivision are under a 40-foot deed-restricted setback, 10 feet more than what the zoning requirement states. They are thinking of going to a 35-foot rather than a 40-foot setback to give more rear yard space. Planner Papelbon stated for clarification that the original subdivision and original proposal was to have a 40-foot setback. The Code requires a 30-foot setback. The amended proposal is to reduce that original setback request of 40 feet to 35 feet. Commissioner Johnston stated that the Codes and the laws of the City are for a 30-foot setback. The City does not regulate if they change it by their own deed restrictions.

Commissioner Chandler asked for a comparison of the old and new phases of Glen Crossing. Mr. Stack responded that they made these lots larger than the ones in the first phase.

Commissioner Chandler asked about the one entrance into the subdivision. Mr. Stack responded that they don't have access to 13th Street from the other end. They have talked to the Bricklers that own the property to the south, but they have a verbal agreement with them that they will probably be able to use 13th Street for an entryway for doing the construction of Phase 1 and Phase 2, so the construction traffic is not being brought through the existing subdivision. Even if it did, they are only going to be going by a couple of the homes, but they tried to eliminate that if they could.

Commissioner Siefert asked about the timeline for the phases. Mr. Stack responded that they are ready to go. He believes there will be 22 lots in Phase 1 of the addition, and another 22 in the second phase. He is hoping to sell out the lots this year. Mr. Fox stated

they are probably looking at a month - six weeks before they can get all of their approvals back from the different governmental agencies.

Commissioner Dickmann asked if the detention basin is sized for the entire project. Commissioner Johnston responded that the original storm water pond was designed to include the lots that are being developed now.

Commissioner Dickmann asked if the Fire Department had any concerns about the one entranceway. Asst. Fire Chief Kressuk responded that they are looking at one access into the subdivision. It does present some challenges and is something that they need to work with. The access off Puetz Road and then the southern access off of 13th Street are more advantageous. The initial emergency response comes from the southeast for this area. The Fire Department is also aware that that access involves property ownership issues.

Pat Schaefer, 8514 S. 13th Street, stated she is concerned about 13th Street and the backup of traffic. There is a lot of truck traffic. There is a big school, church with a school, school buses going in and out across the street. She is not happy about all of that. She moved from Milwaukee to get away from all of this stuff. Oak Creek used to be a unique place that was nice, close to the City yet rather rural. It's becoming more urban. She asked if there is a plan for S. 13th Street. Mayor Bukiewicz stated that 13th Street is controlled by Milwaukee County. Commissioner Johnston stated there is nothing in the works right now for this section of road.

Commissioner Correll moved that the Plan Commission approves the Preliminary Plat for the Glen Crossing Additions submitted by Robert Stack, Glen Crossing, LLC, for the property at 8400 S. Nighthawk Trail, with the following conditions:

1. That a development agreement be entered into between the owner and the City to specify the responsibility for and the timing of public improvements.
2. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
3. That all reviewing agency comments regarding recording requirements, future street identification, monuments, curve data, tie distance, certificates per Statute, legal description, etc. are incorporated as required.

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

**CERTIFIED SURVEY MAP
ALL STAR HONDA
7008 AND 7018 S. 27TH ST. & 2500 W. RAWSON AVE.
TAX KEY NOS. 737-9989-001, 737-9988-001 AND 737-9037-001**

Planner Papelbon provided an overview of the proposal to combine the properties in anticipation of developing a car dealership (see staff report for details).

Edward Lisowski, 6988 S. 27th Street, stated his concern about the water (drainage). The land is lower so there is standing water. He also asked what the timetable is for beginning construction, and if there is going to be some kind of a buffer between his property and the dealership.

Muhammed Ahmed, 2211 W. Rawson Avenue, stated he wanted to applaud the applicant for this development. Development along Rawson Avenue between the expressway and Howell Avenue is long overdue. Mr. Ahmed asked a question about the notification map. His understanding is that his properties in question are on the north side of Rawson along 27th Street and Rawson, but there are numerous roads proposed on both sides of Rawson extending to 27th Street north of this property. Also, south of Rawson to W. Minnesota, there are numerous roads being proposed; basically through a wooded area and then seven properties. He asked if that was relevant to this proposal. Planner Papelbon responded that that is an officially-mapped street pattern, which is shown throughout the City for possible future road connections and public roads. It does not necessarily mean that there is an immediate plan for those roads to go in. It just so happens that when this property came up for development, it was affected by an officially-mapped street pattern. This is one that staff does want to see go through, and they are working with the applicant and consultants to make that happen. However, it is restricted to this property at this point. The officially-mapped street pattern can be flexible, and there is not necessarily a timetable for every single one of these roads to be put in.

Mr. Ahmed asked if the property owners would be notified if anything like that would take place. Planner Papelbon responded that the officially-mapped street pattern has been in existence for many decades. This is an old map that they are using. It doesn't necessarily mean that they have to build every single road that is on the map.

Commissioner Dickmann asked about the unplatted piece of land on the southwest corner, and that he would like to see this combined in with this CSM. Planner Papelbon stated that the State of Wisconsin currently owns and controls the property. The building is going to be razed. Whenever the State is able to, they will sell the property. It could take six months or more before they are ready to do that. Planner Papelbon stated that the developers of this project are very interested in obtaining that property.

Jerry Cousin, 1597 30th Court, Kenosha, WI stated that he has been in discussion with the DOT. The general plan for the dealership won't be affected by acquiring that land. They are the only people besides the County that the State can sell the land to.

Mr. Lisowski stated that there was a filling station on that corner and his concern is about the fuel tanks. Mayor Bukiewicz stated that the fuel tank issue will be addressed by the State.

Commissioner Johnston stated that as part of the State's ownership of that corner, and the State's construction of 27th Street, there are no access rights from Rawson or 27th Street to that property. It is landlocked. That is why it is only the State's property or only adjacent property owners can purchase it.

Mary Jo Zielinski, 2046 W. Rawson Avenue, stated her concern about the City's plans for the residential neighborhood that is currently in existence. Mayor Bukiewicz responded that the City had no immediate plans for the neighborhood.

Commissioner Siefert moved that that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Jerry Cousin, All Star

Honda, for the properties at 7008 & 7018 S. 27th St. and 2500 W. Rawson Ave. be approved with the following conditions:

1. That the CSM is revised to show the future road right-of-way as approved by Milwaukee County, WisDOT, and the City.
2. That all easements and wetlands are shown and clearly labeled on all pages of the CSM prior to recording.
3. That the signature page is updated with the current mayor's name.
4. That dedication and acceptance language for the public road is added to the signature pages.
5. That the surveyor's name and official seal are added to all pages of the CSM prior to recording.
6. 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 Chandler seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW

ALL STAR HONDA

7008 AND 7018 S. 27TH ST. & 2500 W. RAWSON AVE.

TAX KEY NOS. 737-9989-001, 737-9988-001 AND 737-9037-001

Planner Papelbon stated that staff had been working with the applicant and their consultants on the plans for this project for several months. While the plans are not complete, they are being presented for the Plan Commission to comment and provide direction to the applicant (see staff report for details).

Jerry Cousin, 1597 30th Court, Kenosha, WI stated that they will be putting an automobile dealership there. The way they have proposed the facility is to meet the image requirements as proposed by General Motors. They are willing to make certain adjustments. They have been working with staff to do the things that they can do and still maintain the integrity of the overall GM design program as well as try to adhere to the Code that currently exists. They understand that they will be looking for exceptions on material usage and therefore are open to input on what things they can do (whether that is the signage on the corner once they acquire that property or other things) to offset the fact that they are looking for that exception.

Commissioner Loreck stated that it sounds like they have made some modifications to what GM requires. Mr. Cousin responded that he was not referring to modifications to the GM standard, but to their proposal. One of the things they tried to do along the Rawson-facing wall would be to put in several large windows instead of just precast concrete. Also to meet the requirement, they would normally use a less expensive metal door for all the entrances for overhead doors. They have gone to all glass doors so that it is more visually appealing.

Commissioner Chandler asked for more information on what the issue was for the overhead doors. Planner Papelbon responded that it is referring to the fact that the Code does not allow overhead or dock doors to be facing a public street. That is one of the modification requests that need to be included in the applicant's submittal for the modification of standards. Staff suggested that an alternative to moving the doors would be to make them glass, so they appear as windows. That needs to be clarified in the modification and that is something that the Plan Commission will have to make the determination on. If the Plan Commission doesn't feel that the glass doors on the 27th Street side are appropriate, then the only alternative would be to move those doors off of 27th Street. Staff was working with the applicant to come up with a possible compromise on this, which are the glass doors.

Commissioner Chandler asked if there were material samples. Mr. Cousin responded that they are looking at a fair amount of precast concrete as opposed to stone or masonry. On the façade of the building, there is more metal flashing as opposed to masonry or stone. In terms of colors, it is primarily white and black. Commissioner Chandler asked what metal part was the concern. Mr. Cousin responded that it would be the part toward S. 27th Street where the All Star signage is right now. That whole area on the top is metal.

Planner Papelbon stated that the overlay district is on top of the underlying zoning requirements. The underlying zoning requirements have an accepted materials pallet. The overlay district says there is a specific type of material they want on 27th Street and in the regional retail overlay district. That is glass, brick and masonry. Anything other than glass, brick and masonry is an exception. There was a recent zoning text amendment to allow the Plan Commission a little bit of flexibility to accept an alternative if the applicant goes above and beyond in another location in another area on their plans that is acceptable. That is part of the modification of standards. The metal is not allowed in the Regional Retail or 27th Street Overlay districts. Planner Papelbon clarified that glass, brick or terra cotta is what is acceptable for primary building materials in the overlay district. The modification of standards language says that you can modify the building design standards by a $\frac{3}{4}$ majority vote of the Plan Commissioners only if supplemental design elements or improvements are incorporated into the project over and above those which are otherwise required, which compensate for the modification of a particular standard. Planner Papelbon is not sure if the two-story appearance of the building is necessarily the biggest concern. There is more of a two-story appearance to the building now. It is functionally a 1½ story. While the entire building isn't two-story, she would say that we are probably more than a majority toward meeting that standard than we are not meeting that standard.

Commissioner Dickmann asked about page 6 of 9, which states that the front façade features are only extended for approximately 30' 8¼" on the north and south facades. Commissioner Dickmann asked if that meets the requirements from all sides all the way. Planner Papelbon stated that all sides of the building are to be designed with details that complement the front façade. That façade (west) actually has the metal panels and has the GM logo. It has the display windows that wrap around. That is the 30 feet that extends on to those two elevations. Beyond that, there is a different materials pallet, which is primarily the precast panel. Planner Papelbon asked if the Plan Commission feels that the change in materials is not going against Code. Secondly, does the Commission feel

the change in somewhat of the architectural style is still in keeping with the front façade to meet that portion of the Code?

Commissioner Dickmann asked why a traffic impact analysis was not recommended by the Engineering Department. Commissioner Johnston responded that the analysis would be based on the cars coming in and out of there. The dealership is going to have a lot less traffic than a retail store that would be on that corner. Engineering staff does not have a traffic concern with this development.

Commissioner Carrillo asked if she was correct in understanding that none of the proposed materials are acceptable to the City. Planner Papelbon responded that according to the overlay district, that is true.

Commissioner Carrillo stated that the problem she has with voting on this is that she doesn't have the materials in front of her. Mayor Bukiewicz stated they are not voting on that, but providing direction to the applicant to work with staff. Commissioner Carrillo stated she needs to see these items firsthand. The design goes around all four sides, and she thinks there are two sides that don't hold that design. The black bar around it could use some more creative look on the back side of the building.

Commissioner Correll stated that the overlay district restrictions that are making this stricter do not necessarily apply as much as when it is put in at some point for this particular property. He stated the district hasn't quite evolved the way it was supposed to have at this point. This use for this particular property just kind of fits. The City has to make sure all the sidewalks and the sign front with the car display and those kind of things, work for the City. If the City gets everything needed, he is willing to bend a little bit on the materials of the building.

Commissioner Siefert asked if there are any problems with the DOT and the City and the Corps of Engineers. Planner Papelbon responded that there is an acceptable road layout that was approved by the DOT, County and the City many years ago. That is what is being proposed. Staff has been working with the applicant to make sure that the alignment is correct. It does cross wetlands and there will need to be a DNR permit for that wetland fill area. This has been looked at by those three entities, and also it even included Franklin because the ultimate termination point is at the connection point with Riverwood Drive in Franklin to the north. That will be the intersection point eventually.

Alderman Guzikowski stated he does not have any objections to the look of the new building, especially where it is located on 27th Street.

Commissioner Chandler asked for more information on the landscaping and the public connections to sidewalks. Mr. Cousin stated that the architectural consultant has been working with City staff to make sure they are meeting all landscaping requirements. They have no intention of looking for modifications there.

Commissioner Chandler asked for clarification of page 4, section 17.0329(b)(2)(a) Street Trees. Planner Papelbon stated that this requirement is for street trees. Streets trees are in addition to any other trees that would be required on the property. One of the issues would be to make sure the public road has the appropriate street trees. She stated that she does not have knowledge as to whether or not those have been put in by the DOT.

There is still a requirement for street trees to be put on the property regardless if there are trees there now. This does not show trees on the street side, so that is something that would be a condition or something that the Plan Commission should give some direction to. There are trees that are pulled back from the street a little bit. Also, along Rawson Avenue they are pulled back. It is a consideration for the Plan Commission to determine whether or not the proposal with the landscaping shown is substantially in conformance.

Commissioner Correll asked about page 4, section 17.0329(c)(1)(b)(2). Planner Papelbon stated that there are no direct public connections to the sidewalks that are existing. They are not necessarily saying that there should be a whole lot of connection points to the sidewalks everywhere, but with future connection points that would happen with development possibly to the north, they would be looking for that connectivity. If there would be a way with the future public street, there would be a connection point for the sidewalk there. Also to be considered is a connection point off of 27th Street because that would be a more likely access point, rather than Rawson Avenue. The consideration should be taken for pedestrian safety within the site. Whether that be through painted crosswalks, or pedestrian way isolated from the travel way.

Commissioner Dickmann inquired about the cul-de-sac on the southwest corner of the property. Mayor Bukiewicz stated that Engineering would like to see that whole frontage road go away. Commissioner Johnston asked for an explanation of the layout in that area. Commissioner Johnston stated it seems like a big wasted chunk of asphalt and suggested it be incorporated in the overall parking field instead of a big turnaround. Mr. Cousin stated the logic was to have a turnaround spot if someone came down that way. If that is not something the City wants, he would be more than happy to make that go away and turn it into more green space. Commissioner Johnston stated that if they want to keep the frontage on Rawson, then the cul-de-sac is needed for the Fire Department turnaround; however, the logic behind why there is a row of cars out there, it seems like huge expense and a huge cul-de-sac for 15 parking spaces. Mr. Cousin stated that they will have new or used cars there for display. Mayor Bukiewicz stated the discussion went on to the Riverton entrance and getting closer to the light on 27th Street, so they wanted one entrance instead of two. Commissioner Johnston stated there is only one access point on 27th Street and Rawson Avenue. Mr. Cousin stated that the original access was farther to the west. In a meeting last summer, the discussion was, because there was also a request, for us to put an easement where that current cul-de-sac is on the far east side of the property. It does not make sense to have an entrance as well as that easement, so they just put in the frontage road.

Commissioner Johnston asked if there would be a different layout for the parking lot to incorporate the proposed cul-de-sac area. Mr. Cousin responded that he didn't see an issue extending the parking lot further toward Rawson. They do want display as close to Rawson as possible. Commissioner Johnston suggested eliminating the east two rows of parking and that gets incorporated into the area on Rawson and that parking lot gets turned around a little bit. The cul-de-sac then becomes an access road. If it is still getting through the site with travel lanes, he believes the Fire Department is okay with that. They wouldn't need the cul-de-sac and there wouldn't be such a dead space over there. Mr. Cousin stated he would be more than fine with that.

Asst. Fire Chief Kressuk stated it is just a matter of anytime you have a dead-end road, there needs to be a Fire Department-approved turnaround at the end of that roadway. This was one concept that came up. He stated he is open to a variety of ways of turning their apparatus around.

Mayor Bukiewicz stated with regard to the building that the white element of the building needs to be broken up. The quality of the panels really has to be accessed so they don't deteriorate. Mr. Cousin stated these materials are used in other dealerships and they don't want their facility to look rundown either from a business standpoint.

Mr. Cousin stated that they could look at doing something between the windows that was maybe like big black squares in between so that it breaks up the white of the precast concrete in addition to the windows.

Mayor Bukiewicz asked if this site met the 30% greenspace requirement. Planner Papelbon responded that there is a large area that is around the proposed stormwater ponds that is proposed to be native prairie. Staff has had discussions with the landscape architect stating that the use of native prairie seed requires Council approval because that is going to be native forever, once that approval gets made. If they don't wish to have that then they would be talking about using something other than prairie seed. There is going to be a portion of the property that isn't developed at all. It will remain green space and wetlands because it is east of the proposed public road. That will be incorporated into the overall 30% open space. The large use of the native prairie seed is something that the Plan Commission needs to consider.

Mayor Bukiewicz asked about the buffer on the north. Planner Papelbon stated if they are looking at putting in a landscape buffer, they will have to have the applicant propose something a little bit more dense along that side such as evergreens. They would have to look at whether or not there is enough distance between what they have shown here and the property line.

Direction provided by the Plan Commission

- Having some type of a buffer on the north side.
- Continue working with staff regarding drainage.
- Redesign the area near the road (Rawson).
- Making the building more appealing on the Rawson Avenue side.
- Bring samples of the building materials before the Plan Commission.
- Clarification on access and whether or not WisDOT and Milwaukee County have had a chance to review the proposed plans and provide any approvals or permits or reviews of the plans.
- Incorporate more landscaping around the building to make the building more appealing for the surrounding neighbors.

Mr. Lisowski asked where the main entrance will be. Planner Papelbon responded that there is one entrance off of 27th Street and there is one access of Rawson Avenue, where the proposed public road is proposed to be.

Ms. Zielinski thanked the Commission for considering the different viewpoints so they are not looking at a big face of concrete. Also, she appreciates there is going to be a big buffer of greenspace. She stated her concern about sound and light pollution. Mayor Bukiewicz stated that they will have to meet all lighting Codes so the light doesn't spill over to the abutting property owners. As far as sound, it will fall within their working hours. As far as outdoor speakers, that will be addressed. Mr. Cousin stated they do not currently use outdoor speakers at their Honda facility so he doesn't see a situation where they will use them at this facility.

Steve Santoro, 2124 W. Cedar, stated his concern is with the entrance on Rawson Avenue and feels something needs to be done with the speed limit so that people turning into the dealership don't get their vehicles rear-ended.

Arden Degner, 8540 S. Pennsylvania Avenue, stated he is puzzled because in 2000, Braeger Chevrolet was going to put an expanded ¼ mile long dealership, which was turned down by the Plan Commission. He stated that is why Braeger Chevrolet went out of business because Oak Creek did not allow 27th Street to become a used car alley/new car lot. This is not what we planned for 27th Street at that time. This proposal goes back 20 years ago and he wants the Plan Commission to seriously consider the reason why Oak Creek got together with Franklin to make this 27th Street a scenic dropping area.

This item was put on hold.

**CONDITIONAL USE PERMIT/CONDITIONS AND RESTRICTIONS
AGILITY POSSIBILITIES
400 W. RAWSON AVE.
TAX KEY NO. 734-9014**

Planner Papelbon provided an overview of the proposal for dog training within an existing multitenant industrial building. She then highlighted some sections of the proposed Conditions and Restrictions (see staff report for details).

Judith Fischer, 3433 S. 61st Street, Milwaukee, stated they will be doing agility training, but it will also be a comprehensive dog training/learning facility where there will be all types of dog training.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit and adopts the Conditions and Restrictions for the Conditional Use Permit allowing a dog training/grooming/dog daycare facility on the property at 400 W. Rawson Ave., after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**SIGN PLAN REVIEW
SPORT CLIPS
7940 S. 6TH ST.
TAX KEY NO. 813-9054**

Commissioner Chandler asked why the north side is considered a special entrance, and therefore be allowed an additional wall sign. Zoning Administrator/Planner Wagner

responded that it is because it is an outlot. In the Drexel Town Square, any buildings that are facing Drexel or Howell or 6th Street would be considered a special condition façade and be allowed to have an additional wall sign.

Commissioner Siepert moved that the Plan Commission approves the sign plan submitted by Sport Clips for 7940 S. 6th Street. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**SIGN PLAN REVIEW
ORANGE LEAF YOGURT
160 W. TOWN SQUARE WAY
TAX KEY NO. 813-9046**

Zoning Administrator Wagner provided a description of what the proposed sign plan would be and how it complied with the zoning code and master sign plan for the development. Commissioner Correll moved that the Plan Commission approves the sign plan submitted by Orange Leaf Yogurt for Unit 400 of the building at 160 W. Town Square Way. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**SIGN PLAN REVIEW
ASSOCIATED BANK
7940 S. 6th Street
TAX KEY NO. 813-9054**

Zoning Administrator Wagner provided a description of what the proposed sign plan would be and how it complied with the zoning code and master sign plan for the development. Commissioner Loreck moved that the Plan Commission approves the sign plan submitted by Associated Bank for Suite 101 of the building at 7940 S. 6th Street. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**REZONE
VENTURESPACE, LLC
1901 AND 1941 E. RAWSON AVENUE
TAX KEY NOS. 768-9014 AND 768-9015**

Planner Papelbon provided an overview of the proposal to rezone the properties from B-4, Highway Business to LM-1, Light Manufacturing (see staff report for details).

Lonnie Benning, 7254 S. Delaine Dr., president of the Camelot Trails Condominium Association. She represents 90 homeowners and the Board. Twelve of the homeowners look directly on or face this lot on the east side at the southeastern end. She stated that one of her concerns is anything that will impact their streets. It doesn't appear that it would, but she would like that clarified. The other concern is light/noise pollution, and buffers. What type of lights are going in here? What is the acreage? How many buildings? What are the hours? She stated there is no reason in this area that they need to go to any type of manufacturing, light manufacturing or other. Everything has been B-4 or Agricultural. It is all service businesses, restaurants and this area abuts the Camelot Park.

Ms. Benning stated that there is a lot of M-1 and LM-1 in the City already. Planner Papelbon responded that LM-1 is intended to be a bridge between the B-4 Highway Business District and the Manufacturing District. It is a new district designation. It is meant to serve the gap providing for some uses in the area that would not necessarily be allowed in the B-4 District, but also the City did not feel there would be a lot of uses in the M-1 district that would be appropriate. It does allow for self-storage facilities, which is one of the proposals here. It does allow for something like research parks, office parks. This will not be heavy manufacturing. There is no proposal right now that shows any site layout for these two. Right now, they are asking for a rezone. Another item on the agenda is a certified survey map to divide the properties. Usually when a conditional use permit is applied for, they have a site plan or preliminary concept for what the proposal is.

Ms. Benning stated there are a great many homes on the other side directly across on Rawson. She does not understand why they would go to light manufacturing in this area. Right now there are service areas, restaurants and those have all worked out just fine. For something to be accessible 24 hours a day in the backyards of these homes with lights on, and there isn't a lot of room for buffers. They would certainly be asking for a large buffer area. When it comes to noise and light and 24-hour access, this is not what has been in that area. This is a highly dense area. Mayor Bukiewicz stated that the property owner is the one that requested the change in zoning. Ms. Benning stated that they are definitely opposed.

Planner Papelbon stated that anybody can request a rezone be reviewed by the Plan Commission. They have proposed a self-storage facility. They don't have a layout, but they do have a proposal for the commercial condo property. Both of those are approved uses in the district for which they are requesting the rezone. From that perspective, they are requesting something that would be compliant with the rezone request. The conditional use permit usually goes along with that so that the City has more of an accurate picture of what the request is going to be and how it will look. They have chosen to separate those requests, so this is the procedure for going forward with a rezone.

Paul McBride, RFP Commercial, 330 E. Kilbourn Avenue, Milwaukee, WI stated he is working with the sellers on this as a broker. They have been trying to sell this for over two years and have tried many times to get retail establishments (landscaping businesses) to buy this property, but the demand was not there for it.

Russ Beaumont, stated he has operated the garden center there for some twenty years with a great deal of success. With regard to the objections of the neighbors, he stated that there needs to be a certain amount of commercial properties in order for the taxes from those properties to pay for the infrastructure of the City.

Ms. Benning asked what the standards are for rezoning. Planner Papelbon responded that any rezone request looks at the neighborhood, what the existing zoning/uses are in the neighborhood, and whether the Plan Commission believes the proposal to be appropriate for the area. The Common Council has the ultimate approval/disapproval authority. There will be a public hearing following this Plan Commission meeting if this moves forward. Staff looks at the Comprehensive Plan and the composition of the uses in the area.

Commissioner Correll stated that the Plan Commission's objective is to determine if this property is the right spot for light manufacturing. Planner Papelbon concurred.

Commissioner Correll asked what happens if this package is approved because they thought it was appropriate, and two years later turns into something else.

Planner Papelbon stated that the reason they are asking for LM-1 is because the City does not allow self-storage facilities in any B-4 District, and staff did not feel that M-1 was appropriate for the area. The only other district would be LM-1.

Kim Van Vore, 7263 S. Delaine Dr. stated that she believes the Plan Commission takes into consideration for approval on these rezonings, the area, the population that is being affected by this, the neighborhoods, the businesses.

Ms. Van Vore stated there is a huge safety concern because she sometimes walks her dog at 1 in the morning. A 24-hour business is a safety concern for her.

Ms. Benning stated that VentureSpace has three other facilities in Waukesha County and they are open 24 hours.

Ms. Van Vore asked if during the rezoning request if the City could require the applicant to provide information prior to the approval of the rezoning. Planner Papelbon responded that it is not a question of legality, but that the property owner has the right to request a rezoning. The Plan Commission can make a decision based on the information that is provided. If the Plan Commission feels they cannot make a determination because of lack of information, then that is their decision. Ms. Van Vore requested that the City ask for more information to make this decision. Commissioner Johnston stated that the CSM requested for this property is going to split the property into two halves. The east half they are requesting to have self-storage units. He is assuming there will be long buildings with a driveway down the middle. The west half of the lot will be the condo storage units. Ms. Van Vore stated she still wants more information.

Ms. Van Vore stated she is against anything zoned light manufacturing because that can be taken and loopholes can be found, things can be changed about. Light manufacturing scares a residential area.

Commissioner Correll asked what could go in the area now as it is zoned B-4. Planner Papelbon responded they could have a fast food restaurant, an office, any number of retail business, bowling areas, recreation facilities. Commissioner Correll stated there are a lot of B-4 uses that are more intrusive than LM-1. Ms. Van Vore stated the retail establishments are more building on the economy though. They are more building on the prosperity of the area. This is not building on any prosperity. This is not a restaurant coming in and bringing in people and business and making a great area for people to have meals and stuff. This use is not going to help anybody. Alderman Guzikowski stated that they could be providing a service that is being underserved right now based upon their data and the information they have.

Commissioner Correll stated that ultimately the property owner has the right to sell their land if we find something that fits. Ms. Van Vore stated that she does not think this is appropriate for the area in which it is being asked to be in. Mayor Bukiewicz asked if it

would be appropriate if it were a McDonalds. Ms. Van Vore responded that McDonalds would not be right in the backyard of her home.

Brandan Van Vore, 7263 S. Delaine Dr. stated his concern that this bridges into his community like a road. He does not this one property becoming another because this person has already tried purchasing property in the same area. He stated he wouldn't mind a business that he could go into and see the owners, but these storage units could be anything. He stated that the ones that look like condos, they have taken out the center and turned it into a whole business.

Mr. Van Vore stated he does not want the noise at all hours of the night. He can hear the Mega Discount place when they are doing their stuff.

Planner Papelbon stated that the LM-1 district allows as a permitted use assembly production or manufacturing from previously prepared materials and packaging: apparel and things like apparel, books, brooms, canvas flags and related products, communications equipment, dental, ophthalmic, orthopedic, prosthetic, surgical equipment, earthen ware and table and kitchen articles, electrical lighting and wiring equipment, engineering lab, scientific and research instruments, furniture, garage doors, handbags. Again, these are all things that could be manufactured and assembled from previous materials. Nothing is a raw material that would be allowed to be manufactured on this site. Also, establishment of laboratories, research and product development, engineering and testing, office buildings, which would be professional, administrative and computing, photography studios and then accessory uses. Conditional uses would be animal hospitals and boarding kennels, breweries and distilleries (maximum size regulated), business parks (which exclude manufacturing, distribution, freight, shipment terminals, depots and yards and outdoor storage), commercial bakery and food production (excluding animal processing), commercial greenhouses, commercial service facilities such as restaurants, financial institutions and clinics, contractors offices and shops without outdoor storage, flavor extracts, hotels and motels, incubator or accelerator facilities, indoor commercial recreation facilities, light manufacturing parks (excluding distribution, freight, shipment terminals, depots, yards and outdoor storage), pharmaceutical processing, research and science parks, retail or wholesale operations, and self-storage facilities, which have a lot of extra requirements.

Michael Friede, VentureSpace, stated the reason why they are attempting to do the rezone and the new CSM because the property as it exists right now really isn't marketable. It really is two lots, but one of them is too narrow to actually do something with. They are looking to maintain two lots, but make them more useful. With the LM-1 zoning, it will make the property more useful and more marketable. The reason they are not coming through right now with a specific development is that VentureSpace, personally, may not develop either lot. They have a buyer that is interested in one of the lots for self-storage. Because he is a separate entity, he felt it would be more appropriate to deal with the rezoning and new CSM, and have them put forth their development plans. In terms of the other lot, they may develop it or they just might sell it. Making the lot a more appropriate size will make it more marketable and more valuable.

Commissioner Correll moved that the Commission recommends to the Common Council that the properties at 1901 and 1941 E. Rawson Avenue be rezoned from B-4, Highway

Business and A-1, Limited Agricultural to LM-1, Light Manufacturing after a public hearing. Commissioner Dickmann seconded. On roll call: all voted aye.

**CERTIFIED SURVEY MAP
VENTURESPACE, LLC
1901 AND 1941 E. RAWSON AVENUE
TAX KEY NOS. 768-9014 AND 768-9015**

Planner Papelbon provided an overview of the proposal to reconfigure the existing two lots (see staff report for details).

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Michael Frede, VentureSpace, LLC, for the properties at 1901 & 1941 E. Rawson Ave. be approved with the following conditions:

1. That the certified survey map not be recorded unless and until the zoning is changed on this property to Lm-1, Limited Manufacturing.
2. That the CSM is revised to incorporate the LM-1, Light Manufacturing zoning district requirements instead of the M-1, Manufacturing zoning district requirements.
3. That all easements and wetlands are shown and clearly labeled on the map prior to recording.
4. 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 carried.

**PLAN REVIEW
STORAGE SHOP USA
401 AND 331 E. OAK STREET
TAX KEY NOS. 733-0009 AND 733-0008**

Commissioner Correll asked about the siding materials. Zoning Administrator/Planner Wagner responded that staff's recommendation is to go with fiber cement that is an allowable material that is outlined in the code with a $\frac{3}{4}$ majority vote by the Plan Commission. The codes does have that allowance for the Plan Commission to determine any exterior materials. This would be something that the applicant would like to discuss with the Plan Commission.

Otto Satula, 400 E. Oak Street, stated he has not seen a site, grading and drainage plan for the site. He would like to see that because there is a drainage problem around there. The drainage that is coming down now is ending up on his property. He cannot develop his property because it is continuously flooded.

Mr. Satula stated that they are going to have to bring the sewer for these buildings across Oak Street and into an easement on his side of the street. He is on the north side of Oak Street. The sewer problem that exists there is going to be exacerbated by the fact that they can't get gravity feed because of the West Shore pipeline is lying just parallel in a

ditch. He would like to see the City Engineer look into that because he doesn't want them disturbing the West Shore pipeline and causing problems on his land.

Commissioner Johnston responded that the drainage is shown on the plans. That is the big wetland that has been a wetland for the last 40 years. That hasn't changed. If you go back to the old aerial photos, it has been a wetland. Commissioner Johnston stated he spoke with West Shore pipeline this week. They are roughly five feet deep with the pipeline; the sanitary sewer is 15'. We will be well underneath the West Shore pipeline.

Commissioner Johnston stated that drainage now goes to that wetland. They are not adding more than a 1/2 acre impervious area so they don't need storm water management plan. It is still draining to that wetland.

Jessie Frackert, 231 E. Oak Street, asked what this property was originally zoned as and what it changed to. Zoning Administrator/Planner Wagner stated that it was single-family residential. Mr. Frackert stated that he purchased his property expecting that someday it would be developed and he would see other houses there. He is upset because now the door is open to more commercial property on this side of the street. Mayor Bukiewicz stated that it is just these two lots that got rezoned to M-1.

Frank Petelinsek, 611 E. Oak Street, stated his concern about when 401 was built, there was no holding pond installed. He didn't have to put in the holding pond because he has all the other properties and he had to put in more green space. Then the property at 401 went up for sale and they subdivided the lots on the north side of the street. 401 is a small little lot now. There is no holding pond and he would like to know where all the water will be draining to.

Commissioner Johnston responded that there is no storm sewer in this area. The drainage is handled with ditches.

Greg Thompson, Storage Shop USA, 6810 Cross Country Road, Verona, WI showed the Plan Commission materials samples of the siding material he is requesting to place on these buildings. He stated the wood siding is more economical and easier to install, and he feels this is a better product. The net effect on the building is that they are going to look the same.

Commissioner Correll asked why one product is preferred over the other. Zoning Administrator/Planner Wagner responded that if they go with wood siding, that takes out the whole design standard the City has for masonry, brick, or decorative stone and glass.

Mr. Thompson stated that the masonry product or the LP Smart Side are equal in terms of warranty. That is a 50-year warranty on that wood product.

Mayor Bukiewicz stated that approving this would be changing the standards. He stated that it is still just particle board that has been pressed with wood. He does not believe it would hold up like a masonry product over that length of time. He would opt to stay masonry product all the way through and not change the City's standards.

Commissioner Correll stated that with this use, he probably wants to keep the standard there.

Alderman Guzikowski asked if any auto repair/restoration would be going on at this site. Mr. Thompson responded that auto repair is not for commercial purposes, but there are people that would work on their car. Zoning Administrator/Planner Wagner responded that there are conditions and restrictions for this site.

Commissioner Chandler asked for clarification on vehicle storage. Mr. Thompson stated that a business owner may want to park their van there or store their equipment from their business. Also, if someone wants to change the oil on their vehicles, they can do this.

Alderman Guzikowski asked, as a rule, if are there going to be major vehicle repairs. Mr. Thompson stated no. It is in the condo rules that there is no auto repair, wood working and welding for commercial purposes. That is actually a fire concern for insurance purposes.

Asst. Fire Chief Kressuk stated these will be inspected. There are certain things that they can put in these structures and once they cross the barrier, you start to get into suppression on these buildings. They have to be very clear as to what is going in on that structure. There needs to be some caution exercised, especially when setting up the leases. The Fire Department does inspect them. They will maintain the fire codes. If the Fire Department sees anything out of bounds, it will be noted. The storage of larger commercial equipment changes the codes drastically. The owners of the building have to be very careful with the leases on how they manage their equipment.

Asst. Fire Chief Kressuk continued that the approved turnaround for fire apparatus will have to be worked on with the applicant.

Asst. Fire Chief Kressuk stated the other item that they will work with the applicant on is fire hydrant locations and distance to fire hydrants. There are two on the north side of the road that flank the property. They will get the measurements from the building owner to ensure the coverage is there.

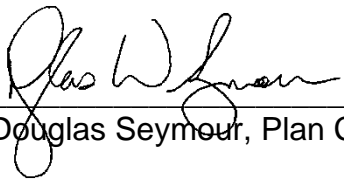
Commissioner Correll moved that the Plan Commission approves the site, building, and landscaping plans submitted by Greg Thompson, Storage Shop USA, for the properties at 331 & 401 E. Oak Street with the following conditions:

1. That the Certified Survey Map joining the two parcels is recorded prior to the issuance of building permits.
2. That all building and fire codes are met.
3. That a revised landscape plan is submitted for review and approval by the Department of Community Development prior to the submission of building permit applications.
4. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to the issuance of building permits.
5. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
6. That hardy-plank materials should be used for all building exteriors.

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

Commissioner Carrillo moved to adjourn. Commissioner Siepert seconded. On roll call: all voted aye. The meeting was adjourned at 9:30 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

6/13/17

Date