

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, AUGUST 8, 2017**

Mayor Bukiewicz called the meeting to order at 6:02 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Alderman Loreck, Commissioner Correll, Commissioner Siefert, and Commissioner Chandler. Alderman Guzikowski arrived at 6:50 for item 6c. Also present: Kari Papelbon, Planner; Pete Wagner, Zoning Administrator/Planner; Doug Seymour, Director of Community Development; Mike Kressuk, Assistant Fire Chief; and Andrew Vickers, City Administrator.

Minutes of the July 25, 2017 meeting

Commissioner Dickmann moved to approve the minutes of the July 25, 2017 meeting. Commissioner Siefert seconded. On roll call: all voted aye, except Commissioners Johnston and Chandler, who abstained. Motion carried.

PUBLIC HEARING

COMPREHENSIVE PLAN AMENDMENT

2020 VISION – A COMPREHENSIVE PLAN FOR THE CITY OF OAK CREEK

7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th ST.

TAX KEY NOS. 784-9998-000, 784-9020-000, 784-9019-000, 784-9003-000, 784-9000-000, 784-9991-000, 784-9990-000, 784-9001-000, AND 784-9993-001

Planner Papelbon read the public hearing notice into the record.

Mayor Bukiewicz made a call for public comment.

Linda Oelschlaeger, 7764 S. 13th St., Oak Creek:

Ms. Oelschlaeger stated that she lives directly across the street from the indicated properties and requested clarification on specifically what the City has in mind for the proposed "Mixed Use" area. Planner Papelbon explained that this is not a rezoning of the indicated properties, but a change to the Comprehensive Plan; the properties would still need to go through a zoning change in the future to make any changes to what is already there. She clarified that the Mixed Use designation could incorporate Commercial, Residential, or office space. Ms. Oelschlaeger added for the record that she and her husband, Dan, would be against anything that included tall lights, or anything that would lower their property value.

Dan Oelschlaeger, 7764 S. 13th St., Oak Creek:

Mr. Oelschlaeger inquired whether Costco would be moving into these properties, and expressed concern regarding big box stores, as well as small storefront operations that move in and eventually become defunct or vacant over time. Mayor Bukiewicz responded that the City had no confirmation at this time of Costco moving to the site, and reemphasized that this is just a proposed change to the Comprehensive Plan, but at present he has no idea what developers or businesses may approach the City about moving to the area. Mr. Oelschlaeger added it is his understanding that these properties were "grandfathered in" as remaining Residential. Mayor Bukiewicz stated that he has no knowledge of what Mr. Oelschlaeger may have been told in the past and could not officially respond to that.

Candi Karlson, 7828 S. 13th St., Oak Creek:

Ms. Karlson stated that she also lives across the street from the properties and inquired what originated the proposal to change the plan regarding these properties. Mayor Bukiewicz responded that the land was in receivership and the property owners wish to market the land. The Mixed Use designation would give them more options for future development. Planner Papelbon clarified that currently the properties are zoned B-3, Office and Professional Business; and some are Rs-3, Single Family Residential. As background, she further explained that in December of 2006, the City initiated discussion of amending the Comprehensive Plan for the two larger parcels as part of a rezone request. The rezone proceeded, but the Comprehensive Plan process was never completed which is partially why the item is being brought to Plan Commission now. The potential future development of these parcels would be in a PUD. The City does not have plans at this point, but this is why the City is proposing Mixed Use.

Ms. Karlson stated that she would be opposed to the change. She inquired if the properties need to be rezoned and the land owners have a plan in action, why they can't wait until the rezoning. Mayor Bukiewicz responded that there is currently no plan in action. Planner Papelbon further explained that this would be the first step that needs to be taken before the property owners can request a rezone or proceed with any proposal for redevelopment. Ms. Karlson again stated her opposition to any redevelopment of the area.

Mayor Bukiewicz made a second call for public comment.

Dennis Cieslak, 7781 S. 13th St., Oak Creek:

Mr. Cieslak stated that he would be in favor of any development in the area as he has already received an offer to purchase his land. With the widening of 13th Street and the building going on behind him, he feels he is ready to move on.

Mayor Bukiewicz made the final call for public comment. Seeing none, the public hearing was closed.

COMPREHENSIVE PLAN AMENDMENT

2020 VISION – A COMPREHENSIVE PLAN FOR THE CITY OF OAK CREEK

7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th ST.

TAX KEY NOS. 784-9998-000, 784-9020-000, 784-9019-000, 784-9003-000, 784-9000-000, 784-9991-000, 784-9990-000, 784-9001-000, AND 784-9993-001

Mayor Bukiewicz opened discussion to the Commissioners. Commissioner Correll felt that Planner Papelbon addressed all of the issues in her explanation, and agreed that moving ahead with the Comprehensive Plan Amendment would bring all of the options forward for the Commission to make decisions on future development of the land. Commissioner Dickmann reiterated Planner Papelbon's earlier explanation that the Commission is just cleaning up what should have been resolved in 2006. Planner Papelbon pointed out that the proceedings initiated in 2006 only included the two larger parcels however the development plans, which would include a PUD for potential Mixed Use, will now also include the other smaller Residential parcels as well; the City is merely adding to the initial process started in 2006.

Alderman Loreck inquired whether any future rezoning of the properties would still allow for the existing homes to remain there. Planner Papelbon responded the City would need to have a proposal from the developer to request a specific zoning classification for those properties. If the proposal is for a PUD and the houses were to remain, the developer would have to incorporate those houses into how they develop the rest of the property. The City has not yet received a specific plan, so any rezone or development plan would need to come before the Plan Commission and neighbors would then have the opportunity to review and comment on those plans. Commissioner Correll asked whether it would be up to the potential developers to work

directly with the land owners. Planner Papelbon confirmed that is correct. Commissioner Siefert agreed with the proposed amendment and feels it is a needed measure to avoid any future problems.

Commissioner Correll moved that the Plan Commission adopts Resolution 2017-06 amending the Comprehensive Plan and Planned Land Use Map to reflect the change in land use from Single Family Residential to Planned Mixed Use, with no change to the Resource Protection Area as stated in the staff report.

Commissioner Siefert seconded. On roll call: all voted aye, except Alderman Guzikowski, who was absent. Motion carried.

**PUBLIC HEARING
SIGN APPEAL
JONES SIGN CO., INC ON BEHALF OF T-MOBILE
8750 S. HOWELL AVE.
TAX KEY NO. 860-9996-000**

Zoning Administrator/Planner Wagner read the public hearing notice into the record.

Mayor Bukiewicz made a call for public comment.

Sarah Peters, Jones Sign Co., representing T-Mobile, 8750 S. Howell Ave., Oak Creek:

Ms. Peters explained that Jones Sign Co. applied for a sign appeal on behalf of, T-Mobile. The request is for two signs at 37.3 square feet and 58.4 square feet, to provide better visibility of the property. She cited that Dunkin Donuts and Qdoba, both end-unit tenants in this same building, each have two wall signs. T-Mobile will occupy an internal tenant space; the code will only permit one sign directed towards S. Howell Ave., however the main public entrance is located on the opposite (rear parking lot) side of the building. Ms. Peters indicated that due to this being a high traffic area, they are seeking better visibility for their unit. She also noted that the existing monument sign for the building is blocked by trees and difficult to see. T-Mobile would have the very bottom tenant panel in this monument sign which will further limit visibility.

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

**SIGN APPEAL
JONES SIGN CO., INC ON BEHALF OF T-MOBILE
8750 S. HOWELL AVE.
TAX KEY NO. 860-9996-000**

Zoning Administrator/Planner Wagner provided an overview of the request (see staff report for details). Mr. Wagner pointed out that in the case of multi-tenant buildings, the idea is to have signs that are similar in design to establish a cohesive look. The proposed T-Mobile sign, however, has a pink backer plate as an added feature, which gives it a different look from the other building tenant signs. He did add that the two proposed signs for T-Mobile are similar in design, differing only in their size.

Mayor Bukiewicz opened up discussion among the Commissioners.

Zoning Administrator/Planner Wagner commented that he looked at other T-Mobile locations around the city, and they do not necessarily have the pink backer plate (typically just the channel letters). Commissioner Correll inquired whether the Commission could approve the additional

sign, but with a different design from what is being proposed. Mr. Wagner indicated that the Commission could ask the applicant if they would consider modifying their proposed design to create more cohesive signage between the tenants. Commissioner Correll added that he is not necessarily opposed to the additional proposed sign, but is more concerned about the size and difference in style of the signs. Commissioner Siepert agreed. Commissioner Chandler asked to clarify if the proposed sign exceeds the size limitations of the code. Zoning Administrator/Planner Wagner answered that it is larger than the code allows, in addition to requesting an additional sign. Commissioner Dickmann inquired if the sign would meet the size requirements if the pink background plate was removed. Mr. Wagner responded that the overall size would shrink down somewhat as the sign would then be measured from the top to the bottom of the "T". Commissioner Dickmann asked if the colored background was part of their corporate branding. Mr. Wagner answered that it is part of their branding, but the sign letters could also be internally lit with the color.

Commissioner Dickmann commented that he would have liked to have a representative from T-Mobile present at the meeting, as the sign company representative is unable to make decisions regarding and changes that T-Mobile would be willing to make regarding the size and style of the sign. Commissioner Correll asked if Sarah Peters from Jones Sign Co. would be able to speak on their experience with T-Mobile. Ms. Peters indicated they would appreciate the City's willingness to work with them on reducing the sizing of the sign; however the design is part of their new standard sign package, so they would ultimately be asking to keep the backer panel. Commissioner Carrillo commented that she feels the backer is not going to match the rest of the building signage, as well as the size being too large. She also inquired whether T-Mobile would be the only tenant with a sign hanging on the rear of the building. Zoning Administrator/Planner Wagner answered that Qdoba also has a sign, but because they are an end-unit tenant, the sign is located over their northeast corner entrance. T-Mobile would be the only tenant with a full rear-facing sign. Commissioner Carrillo proposed that at a reduced cost, they could do rear signage on the glazing as opposed to an illuminated overhead sign. Mr. Wagner clarified that they can have signage on up to 25% of the glazing.

Sarah Peters inquired if the Plan Commission would allow the additional rear sign if they agreed to use a channel-letter style. Commissioner Correll indicated he would not object to the additional sign as long as the west elevation sign was of an appropriate size. Alderman Loreck indicated he would not be in favor of the rear sign, as none of the other businesses in the building have a true sign on that elevation and it would appear that the entire building was assigned to T-Mobile. He was also not in favor of the pink backer plate.

Commissioner Dickmann inquired if Verizon had applied for second sign on their east building elevation. Zoning Administrator/Planner Wagner explained that they did request a second sign and were denied, but that each new sign appeal brought before Plan Commission should be treated as an individual request and should not rely on the outcome of previous appeals that are similar in nature. Mayor Bukiewicz indicated that he was not opposed to the additional sign as long as it is size-appropriate. Regarding the west elevation signage, he would prefer to see channel lettering to match the existing building signage.

Commissioner Correll moved that the Plan Commission approve the request for two signs on the east and west elevations, both at 37.8 square feet, using channel letters and raceway to match the color of the building.

Commissioner Dickmann seconded. On roll call: Commissioners Dickmann, Johnston, Carrillo, Mayor Bukiewicz, and Commissioners Correll and Siepert all voted aye. Alderman Loreck and Commissioner Chandler voted no. Motion carried.

**REZONE
DANIEL ZIESEMER
9838 S. CHICAGO RD.
TAX KEY NO. 912-9930-000**

Planner Papelbon provided an overview of the request (see staff report for details).

A plat of survey for the property was displayed showing the proposed new single-family dwelling and accessory agricultural building. Planner Papelbon noted that the buildings themselves are not under Plan Commission review at this time; the plat is only being provided to show the proposed future use of the land for agricultural purposes.

Mayor Bukiewicz called the applicant to address the Commission.

Daniel Ziesemer, 9838 S. Chicago Rd., Oak Creek:

Mr. Ziesemer explained that at one time there was an old farmhouse in the corner of the property, which has since been razed. His request is for a rezone of the entire property to Agricultural.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the property at 9839 S. Chicago Rd. be rezoned from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural after a public hearing.

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

**AFFIDAVIT OF CORRECTION
HSA COMMERCIAL
7901 S. 6th ST.
TAX KEY NO. 813-9056-000**

Planner Papelbon provided an overview of the request (see staff report for details).

Mayor Bukiewicz invited questions and comments from the Commission.

Commissioner Chandler requested clarification of what is actually being changed in the Affidavit. Planner Papelbon explained that this is being done in lieu of recording a new CSM showing that the restriction for “no access” on W. Drexel Ave. is removed. The Affidavit is showing that there is now access granted for those specified uses.

Commissioner Dickmann inquired how they would prevent the public from using this access point. Planner Papelbon responded that this would be prevented through signage, and as part of the site plan review, HSA was required to install gates which would block access to the main parking lot and parking garage. Only emergency vehicles would be able to open this gate.

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that the Affidavit of Correction submitted by Mark TeGrootenhuis, HSA Commercial, for the Froedtert property at 7901 S. 6th St. be approved.

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

SIGN PLAN REVIEW

**CUBANITAS
7979 S. MAIN ST. (TENANT ADDRESS 7973 S. MAIN ST.)
TAX KEY NO. 813-9053-000**

Zoning Administrator/Planner Wagner provided an overview of the request (see staff report for details). The Commissioners were reminded that the Plan Commission has the authority to review all sign plans for all tenant spaces at Drexel Town Square.

Mayor Bukiewicz invited questions and comments from the Commission.

Commissioner Chandler requested that the applicant come forward to address her question regarding why the owner is requesting two signs.

Rob Hacker, Bauer Sign Company (representing Dan Schwartz, Cubanitas):

Mr. Hacker explained that there are two building elevations, one facing south and one facing east, both of which are entry facades.

Commissioner Chandler inquired of Zoning Administrator/Planner Wagner if both requested signs meet the size requirements. Mr. Wagner confirmed that both are compliant, but there is a subtle difference between the two in the width of the bottom box portion of the sign, one version of which extends out a little further than the main portion of the sign. What the applicant will be proposing when they apply for sign permits is the version of the sign where the bottom box portion lines up with the edge of the main sign.

Commissioner Siefert moved that the Plan Commission approve the sign plan for the tenant space at 7979 S. Main Street.

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

**PLAN REVIEW
HSI-OAK CREEK PARTNERS, LLC
DREXEL RIDGE APARTMENTS, PHASE II
7721 S. PENNSYLVANIA AVE.
TAX KEY NO. 779-9991-001**

Planner Papelbon provided an overview of the request (see staff report for details), noting that this would be the second and final phase of this project. The Phase II buildings will look similar to the buildings in Phase I using the same kinds of materials (fiber cement siding, vertical fiber cement panels, brick, cultured stone, and asphalt shingles).

Mayor Bukiewicz invited questions and comments from the Commission.

Commissioner Chandler inquired whether the exterior colors are the same as Phase I.

Tony DeRosa, HSI Properties, 18500 W. Corporate Dr., Brookfield:

Mr. DeRosa answered that the exterior design and building materials of the Phase II buildings are identical to Faze I.

Commissioner Johnston had one request for the forester for some adjustments to the straight line of trees that line Drexel Ave. Mr. DeRosa indicated that he would discuss this with the forester. Mayor Bukiewicz inquired if Assistant Fire Chief Kressuk had any concerns with the proposed plans. Mr. Kressuk indicated that he did not have any concerns with emergency access. He

explained that he met with the applicant at the beginning of the process for both phases to discuss water and access roads. Nothing has changed since the early planning stages, so all plans are acceptable to the Fire Department.

Mayor Bukiewicz called for a motion.

Commissioner Correll moved that the Plan Commission approves the site and building plans for Phase II of the multifamily residential development located at 7721 S. Pennsylvania Ave., subject to the following conditions:

1. That all building and fire codes are met.
2. That the exterior stone veneer and brick veneer meet the minimum 4-inch thick requirement per Code.
3. That all public utility easements are shown on the plans.
4. That all revised plans (site, building, landscaping, lighting details, etc.) are submitted in digital format for review and approval by the Department of Community Development **prior to the submission of building permit applications.**
5. That all mechanical equipment (ground, building, and rooftop) is screened from view.
6. That the final site grading, drainage, erosion control, and stormwater management plans are approved by the Engineering Department.
7. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
8. That the final photometric and lighting plan is approved by the Electrical inspector prior to the issuance of building permits.

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

PLAN REVIEW

TESLA MOTORS, INC. (VEHICLE CHARGING STATION ON MEIJER PROPERTY)

171 W. TOWN SQUARE WAY

TAX KEY NO. 813-9027-000

Planner Papelbon provided an overview of the request (see staff report for details).

Mayor Bukiewicz invited questions and comments from the Commission.

Commissioner Siefert asked for the applicant to answer questions regarding how the charging station works, and how patrons pay for the service.

Susan Faber, Black & Veatch on behalf of Tesla, 900 Oakmont Ln., Westmont, IL:

Ms. Faber explained that each of the five superchargers will tie into two parking stations. Drivers will back into the charging stalls. Charging a vehicle takes approximately 35 minutes and equals about 335 miles. There is no charge at the time that they pull in. Commissioner Siefert inquired about the safety of the charging station and potential fires. Ms. Faber answered that they are safe, but upon request, she has provided a first responder guide for emergency professionals to understand how the equipment works.

Alderman Loreck asked if the charging stations can only be used to charge Tesla vehicles, or other electric cars as well. Ms. Faber responded that the technology is designed to work only with Tesla vehicles. Alderman Loreck also inquired if there was a reason why the stalls designated for the charging stations are the farthest stalls from the store. Ms. Faber was not certain, but believes it was just the placement that was chosen between the property owner and Tesla.

Commissioner Siefert again questioned how patrons pay for the charge. Ms. Faber answered that there is no cost at the time of the charge; she believes a credit is given to Tesla vehicle owners at the time of purchase.

Commissioner Correll asked if these charging stations are branded specifically for Tesla cars, how long it will be before other electric vehicle manufacturers begin putting in similar charging stations that are specific to their cars. Mayor Bukiewicz commented that he believes that most electric cars have pretty standard charging technology based on the amperage. Commissioner Correll inquired whether it might become a Police issue if resident complain that there are non-Tesla cars parked in the charging stations. Ms. Faber answered that the stalls are marked for Tesla charging, so she does not believe this will present an issue.

Alderman Guzikowski asked if there were any safety concerns for the Fire Department. Assistant Fire Chief Kressuk indicated that the Fire Department will address this technology with the Tesla Corporation in the same way it did with other types of fueling systems that are new to the City.

Commissioner Dickmann asked what the protocol is for drivers who are charging their vehicles, i.e., do they need to remain with the vehicle while they are charging, or if they can do their shopping while they wait. Ms. Faber explained that the Tesla vehicles are designed with a navigation system that will direct drivers to the nearest charging stations. They do not have to remain with the vehicle they can do their shopping or other errands during the charging process.

Mayor Bukiewicz indicated that he does not have any concerns about the equipment, but for safety reasons, would encourage working with the Planning Department for placement of bollards or guard rails to protect the equipment.

Commissioner Dickmann asked Planner Papelbon to clarify item 3 on the suggested motion stating that all mechanical equipment and utility boxes (ground, building, and rooftop) is screened from view. Planner Papelbon explained that there are no rooftop or building mechanicals (other than the enclosure) in this case; the only equipment would be the utility transformer which will be screened using vegetation or an enclosure.

Mayor Bukiewicz called for a motion.

Commissioner Dickmann moved that the Plan Commission approves the site, building, and landscape plans submitted by Tesla Motors, Inc., for the property at 171 W. Town Square Way with the following conditions:

1. That all building and fire codes are met.
2. That all final plans (site, building, lighting, etc.) are submitted in digital format for review and approval by the Department of Community Development **prior to the submission of permit applications.**
3. That all mechanical equipment and utility boxes (ground, building, and rooftop) are screened from view.
4. That final lighting plans indicating luminaire type, pole type, color, and height as required by the Drexel Town Square Mixed Use Planned Development District are submitted for final approval by the Electrical Inspector prior to issuance of permits.
5. That grading and erosion control plans are submitted for final approval by the Engineering Department prior to issuance of permits.

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

CERTIFIED SURVEY MAP

**HENKEL CORPORATION
500 W. MARQUETTE AVE.
TAX KEY NO. 765-9045-000**

Planner Papelbon provided an overview of the request (see staff report for details).

Mayor Bukiewicz invited questions from the Commission.

Commissioner Dickmann inquired whether the “technical corrections” in the staff recommendation would cover the change in the Mayor’s name from former Mayor Scaffidi to current Mayor Bukiewicz. Planner Papelbon confirmed that it would cover that change.

Hearing no other comments, Mayor Bukiewicz called for a motion.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Richard Beck, Henkel Corporation, for the property at 500 W. Marquette Ave. be approved, subject to 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.

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

**SIGN PLAN REVIEW
SPORT CLIPS
7940 S. 6th ST. (TENANT PORTION OF BUILDING)
TAX KEY NO. 813-9054-000**

Zoning Administrator/Planner Wagner provided an overview of the request (see staff report for details).

Mayor Bukiewicz invited questions and comments from the Commission. Hearing none, he called for a motion.

Commissioner Siepert moved that the Plan Commission approves the Sign Plan submitted by Sports Clips for Suite 103 of the building at 7940 S. 6th St.

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

**CONDITIONAL USE PERMIT
UNITED STATES CELLULAR OPERATING COMPANY, LLC
2330 E. RAWSON AVE.
TAX KEY NO. 731-9982-001**

Mayor Bukiewicz introduced the item and indicated there were several audience members that wished to speak. Doug Seymour, Director of Community Development, asked if he could first address some general statements to the Commission that may impact their review of the proposal. Mr. Seymour noted that there have been numerous proposals for locating cellular towers in various surrounding communities, however due to changes in the State legislature, he wanted to emphasize to the Commission and to residents who may be affected, that the local communities are severely limited in their ability to choose the locations for cellular equipment.

Mayor Bukiewicz invited anyone who wished to speak to the podium.

Dick Rogers, representing United States Cellular Operating Company, 100 W. Henry Clay St., Whitefish Bay, WI:

Mr. Rogers stated he was present to answer any questions from the Plan Commission on their proposed site plan.

Erald Hoshi, 2240 E. Ash Ct., Oak Creek:

Mr. Hoshi explained he received a notice of the proposed tower because his family's home is within 300 feet of the proposed site and is part of the Rawson Village Estates subdivision consisting of twelve homes. He reached out to the homeowner's association president and started a petition which now has thirteen signatures. The petition states that the signers do not support the construction of the cellular tower as they believe it will reduce their property values, the success of their neighborhood, and their quality of life. Mr. Hoshi also cited the home in his subdivision that has recently completed construction by the Oak Creek High School. He reached out to the potential buyers who are currently under contract, and also are not in favor of the cellular tower.

Mr. Hoshi indicated that he had reviewed the Wisconsin State Statute on cellular towers which states that towers exceeding 60 feet in height should be set back at least 100 feet from any adjoining properties. Rawson Village Estates currently owns the adjoining property which is a wetland, and the proposed site does not adhere to the 100 foot minimum. He requested any assistance that the City can offer as to placement of the tower.

Tom Pappalardo, 2255 E Village Dr., Oak Creek:

Mr. Pappalardo explained that his back yard faces the proposed tower site. He is concerned that the presence of the tower in his neighborhood will affect the property values of all of the homes in the area, as well as negatively affect the natural beauty of the wetland area that abuts his back yard.

Mayor Bukiewicz thanked Mr. Pappalardo for his comments, and noted that he received two resident emails that were requested to be read into the record.

Jennifer Wanta, 2135 E. Ash Ct., Oak Creek:

In Ms. Wanta's email, she noted that her home is located approximately 600 feet west of the proposed cell tower site. She has huge concerns about the health impact of a cell tower located so close to her home and other homes closer than hers, particularly the closest home built by Knights Construction. Ms. Wanta cites various studies indicating cellular towers should not be placed within 1500 feet of a residential area. Her subdivision has seventeen young children that will be exposed to the RF waves from the proposed tower. This does not include the neighboring streets outside of their subdivision which are within 1500 feet, nor the homes on the South Milwaukee side of Pennsylvania Avenue. Her research has shown that the presence of cellular towers within 1500 feet of a residential home can lower property values as much as 10-20 percent, which she feels is unacceptable. Ms. Wanta is urging the Commission to thoughtfully consider the potential impact a cell tower might have on the health of their families and on their property values if it were placed in their own neighborhood, and vote against the proposed conditional use permit.

Steven Kurkowski (1st District Alderperson), 1110 E. Milwaukee Ave., Oak Creek:

In his correspondence, Alderman Kurkowski states that he is unable to attend the Plan Commission meeting but would like to voice his opinion. He does not support the presence of

the cell tower and inquires whether United States Cellular has explored alternate nearby locations for the proposed tower, such as County-owned property. He suspects that the dog park located west of the proposed site may present an FAA issue, but suggested the commercial property closer to Howell Avenue.

Mayor Bukiewicz invited discussion from the Commission.

Alderman Loreck inquired of the applicant why there is a need for a cellular tower at that location. Mr. Rogers responded that currently US Cellular's network (as well as other cellular carriers) is sufficient for telephone usage, but with the addition of text messaging, sending photographs, data, and large documents, the spectrum of coverage has shrunk. The existing sites become overloaded and cannot carry the signal, which presents a need for a capacity site such as this, and the need will only become greater over time. There are currently fifteen sites being built around Milwaukee County, and this particular location ties in with the rest of the network they have in South Milwaukee, Oak Creek, and Cudahy. Alderman Loreck asked if any other sites have been researched. Mr. Rogers responded that the location they need to be is fairly specific. For example, if the proposed site were to move even a half mile, the rest of the sites in the network would also need to be moved so that the network is not compromised.

Commissioner Dickmann repeated Alderman Loreck's question as to whether or not other nearby locations had been researched. Mr. Rogers answered that they have looked at other sites within the search area, and this is the only site that was available that is not wetland or heavily residential. Commissioner Dickmann disagreed with Mr. Roger's statement that the area is not "heavily residential", and also noted that to the north of this site is a piece of land currently for sale. He inquired who would be willing to develop this piece of land knowing there is a cell tower in close proximity. Mr. Rogers noted that with the growing use of wireless networks, it is difficult to develop commercial and even residential areas if there is not good wireless service. Referring back to Doug Seymour's opening statements about the local governments having little control over the location of cell towers, Commissioner Dickmann inquired what control, if any, the City will have in this decision. Mr. Seymour answered that anything in our local City ordinances that is in conflict with the state statutes is basically null and void. There are proposals at various levels of state government that would help the situation somewhat; however these proposals have been stalled in the legislative process. His suggestion to those concerned with the proposed location of the cell tower is to look at any pending legislation with the Assembly and Senate. Mr. Seymour deferred comments to Planner Papelbon to address the issue of what the City can and cannot regulate. Ms. Papelbon stated that according to statute:

- the City may not impose environmental testing, sampling, or monitoring requirements or other compliance measures for radiofrequency emissions on mobile service facilities or mobile radio service providers.
- we cannot enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the City.
- we cannot enact or enforce an ordinance related to radiofrequency signal strength or the adequacy of mobile service quality.
- we cannot disapprove an application based solely on the height of the service support structure or on whether the structure requires lighting. (This proposal does not require lighting).
- we cannot disapprove an application based on an assessment by the City of the suitability of other locations for conducting the activity.
- we cannot impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.

In regard to the last point above, Ms. Papelbon elaborated that US Cellular has submitted a fall zone analysis but the City cannot require an additional setback for that fall zone analysis. The

City would need to abide by the setbacks that would be allowed for any commercial business in the B-2 district. The proposal is for a 120-foot tall wireless telecommunications monopole with a 6-foot lightning rod and the associated equipment. They have provided letters from the FAA and the county airport indicating no objection to the placement of the tower. US Cellular would construct the tower and the enclosure. Ms. Papelbon displayed a rendering of the proposed site location, noting specifics about the structure, equipment, and enclosure included in the staff report. She emphasized that a recommendation for approval of this conditional use permit by the Plan Commission does not automatically constitute an approval of the site plan. The applicant is aware that the item would have to come back and appear before the Plan Commission for approval.

Commissioner Correll stated that other locations in Oak Creek where cellular towers are currently located have not necessarily seen a reported decline in property values. He cited his own neighborhood where We Energies currently has towers located. This development is full to capacity and features some very nice homes at high values; he feels the towers in other locations are more distracting than this proposed one would be. He inquired where the other cellular sites are within the City. Mayor Bukiewicz stated that there is a facility located at the Street Department with the closest subdivision directly across the road on Puetz, and also to the north at Glen Crossing subdivision, which features homes in the \$300,000 range within approximately a quarter mile of the tower. Other locations are near the Little League Park in an industrial area, near the Legion post, as well as near the storage facility on Ryan Rd. Commissioner Siepert added there is another location at the Fire Department, and Planner Papelbon mentioned the tower located on 27th Street near Pick 'n Save.

Mayor Bukiewicz stated that he does not feel this is an appropriate location for a cellular tower, that it is too close to the residential developments nearby, but acknowledges that our communities depend on the technology the towers provide. Unfortunately, with local control being taken away, the City is powerless to make decisions that are in opposition with the state.

Alderman Guzikowski inquired how the wetland area within Rawson Village Estates subdivision is affected. Planner Papelbon answered that the tower is not proposed to be in the wetland, but on existing impervious surfaces. The City has no control over its location in proximity to the wetland.

Mayor Bukiewicz commented that although he does not devalue the effect on the immediate neighborhood, but over time, the tendency is for the structure to become less noticeable. As a former 2nd District Alderperson, he recalls that residents of Glen Crossing subdivision were extremely upset about the construction of a cellular tower near their neighborhood, but over time, it became more of an issue of how to make it blend in with the existing landscape and there has been no additional opposition since that point. He again emphasized that the City has very little control over this decision and invited Mr. Rogers to again address the Commission. Mr. Rogers stated that US Cellular does not wish to make any enemies among the residents living in the area; they do not like to build towers if they can avoid it. His initial job was to find an existing structure that was tall enough to support cellular activity, but in this case there were no existing facilities that would be workable. He cited several analogies: our forefathers probably did not want a telephone pole every 200 feet, but they wanted the telephone service; people complain about the sewer covers in the roads that do damage to our vehicles, but we need the sewer system – this is a similar scenario. He referred to US Cellular as a “quasi-utility” at this point; someday cellular providers may be considered utility companies. They do not want to put up additional towers, but they are a necessity to make the network function properly.

Commissioner Chandler inquired if the height of the tower and distance from the residents are within the City's control. Planner Papelbon answered that the City has no control over these items. Doug Seymour added that at the appropriate time when the Plan Commission is reviewing

the site plan, the City will have the authority on to make decisions about anything in our local ordinances that are not specifically addressed in the state statutes, though he cannot speculate at this time on what those items might be.

Alderman Loreck asked what the consequence would be if the Plan Commission were to deny the conditional use request – would they just be overruled by the state. Mayor Bukiewicz responded that the state would not do this, but we would be subjected to a lawsuit.

Commissioner Chandler questioned whether there are any records supporting or denying what the residents are saying with regard to health issues or impact to real estate values. Planner Papelbon stated that the City has no reports that would support or deny those claims; she can only refer to the state statute that says we have no control over the radiofrequency requirements. Property values are not specifically addressed by the state, but Planner Papelbon reported that while any development has the potential to affect property values to some extent, she has no data to illustrate any specific impact on property values by the presence of cellular towers.

Tom Pappalardo, 2255 E Village Dr., Oak Creek:

Mr. Pappalardo inquired whether there was any picture of what the tower would actually look like. Planner Papelbon displayed a series of renderings showing views of the site on Rawson Avenue from the west, and on Nicholson Avenue from the south.

Commissioner Correll reiterated Mr. Rogers' comments that the cellular companies are considered utilities to some extent and he understands how little control we have over the placement of facilities. Commissioner Dickmann referred to other appeals for cellular towers at past Plan Commission meetings, and recalls that the Commission was provided with information as to signal strength, signal patterns, the areas that would be covered. In short, the Commission was made part of the planning. Planner Papelbon displayed a rendering of the coverage boundaries for the new tower. Commissioner Correll asked what opportunities there are for co-location with other providers. Mr. Rogers noted that there are master lease agreements with among carriers stating which companies can access the cell towers of other companies, but all of the towers constructed by US Cellular are a minimum of three-carrier towers, but can go up to five carriers depending on the height. The standard height for a cellular tower is 150 feet; this tower at 120 feet is relatively low but provides space for two other carriers and can make it three if the commission recommends it. Commissioner Correll inquired at what point that decision would be made. Mr. Rogers answered that it could just be made a stipulation of the conditional use permit. Mr. Seymour added that it would be part of the Conditions and Restrictions when it comes back to be readdressed by the Plan Commission.

Nicole Hoshi, 2240 E. Ash Ct., Oak Creek:

Ms. Hoshi indicated her understanding is that she is the only resident that was notified of the hearing and is probably the closest house to where the tower is proposed to be built. At this point, her family has a beautiful view of the wetland area and she feels that the tower will detract from the natural beauty of the area. She inquired whether it will be taken into consideration that the tower would be located less than 100 feet from the HOA wetlands. Doug Seymour reiterated that per state statute, the City cannot impose any setback regulation greater than that which would be imposed on any other commercial structure in that zoning district (he believes it is 25 feet), therefore the City cannot enforce the prior ordinance.

Commissioner Carrillo inquired whether the City would have any choice in what type of fencing material was used around the structure to improve the appearance for the neighbors (i.e., something other than a Cyclone fence). Planner Papelbon indicated she would check into it, but did not believe the City had any leeway with regard to aesthetics. Doug Seymour added that the

City recently required a masonry enclosure for the equipment around the cell tower at the Fire Department.

Erald Hoshi, 2240 E. Ash Ct., Oak Creek:

Mr. Hoshi expressed stated that the presence of this cell tower of this height would set a precedence for other towers to be constructed around the City and is concerned about the overall aesthetic impact on the City. Mayor Bukiewicz encouraged Mr. Hoshi to contact his State Representative to address the issue.

Commissioner Dickmann asked when the tower was expected to be constructed after final approval – whether it would be a long or short-range project. Mr. Rogers indicated that they are at the early stage of approval. There are various levels of approval that must be met, and they are in the process of applications for approval at these various levels, but he anticipates construction would be during the fourth quarter of this year if possible.

Mayor Bukiewicz called for a motion.

Commissioner Correll moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit allowing a wireless telecommunications pole and associated facility on the property at 2330 E. Rawson Ave. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting (August 22, 2017).

Commissioner Johnston seconded. On roll call: all voted aye except Alderman Guzikowski who voted no. Motion carried.

PLAN REVIEW
BARRETT LO VISIONARY DEVELOPMENT, EMERALD ROW PHASE II
8001 S. 6th ST.
TAX KEY NO. 813-9060-000

Planner Papelbon noted that she would reserve the majority of her commentary until after the applicant's presentation.

Matt Rinka, 756 N. Milwaukee St., Milwaukee:

Mr. Rinka, along with Rick Barrett of Barrett-Lo Visionary, expressed their excitement to present Phase II of Emerald Row to the Plan Commission. Mr. Rinka gave an overview with renderings of the various amenities of Phase II including the fitness center at the northeast corner, front entry court, ground floor breezeway and upper floor sky bridges connecting the north and south buildings, wraparound balconies on the corner units, north courtyard pool, landscaped south courtyard featuring outdoor kitchen and seating, reflecting pools and private walkways, club room, and underground parking which will be accessed from the north entry drive.

Mayor Bukiewicz asked if Planner Papelbon had additional comments. Ms. Papelbon reviewed the details of the project, which are included in the staff report. Mayor Bukiewicz then called up a resident who wished to speak about the project.

Sharon Armstrong, 7013 S. 13th St., Oak Creek:

Ms. Armstrong asked to read into the record a letter which was sent to Doug Seymour, Director of Community Development, on behalf of the Oak Creek Library Board of Trustees. The letter explained the Library Board's concern with elimination of the five parking spaces on S. 6th St. that

heavily used by library patrons. The letter goes on to explain that most frequently voiced complaint among library patrons to the staff and board members is the lack of easily accessible parking space, particularly from our elderly and disabled patrons. They are anxiously awaiting the addition of parking spaces but they will still be a fair distance from the library building, which ultimately will not alleviate the parking complaints. The letter emphasizes the Library Board does not wish to hinder any future development within the area, but wants City staff to be aware of their concerns and is requesting that the Library Director be kept apprised of new development and how this will impact library services.

Following the letter, Ms. Armstrong added her own commentary stating that the parking lot side of the building offers only four handicap parking spaces, but even from those designated spaces, it is still a great distance to get into the library. There are several handicapped patrons that no longer visit as they are unable to walk the distance from the handicapped parking stalls to the building and they cannot find spaces to the west. There are two west spaces which are five-minute parking, and five spaces that are two-hour parking on the east side of 6th St. An additional twelve spaces on the west side of 6th St. are two-hour parking, five of which could be eliminated. Ms. Armstrong noted that library staff has been monitoring the two-hour parking stalls on the west side of 6th St., and they have often observed many of the same cars each day parked in excess of five hours. Their assumption is that these vehicles belong to either individuals who work in the area, or are residents of the apartments. The Library Board feels that all of the parking to the west should be designated exclusively for library patrons during library hours. In addition, the Library Board did a strategic planning session last fall. One of their goals is to offer programming for people of all ages. When they host programs that are offered for senior citizens, the few handicap spaces to the south and 6th St. parking is not sufficient. Her other concern is that if there are additional parking spaces eliminated, it will be the library staff that is left to field questions from the public regarding where to park. The board feels the library is already at a disadvantage with the current parking available, and cannot afford to lose any additional spaces.

Mayor Bukiewicz acknowledged Ms. Armstrong's comments and stated that parking is at a premium, but did not necessarily feel it would be fair to residents to designate an entire street for library patrons only. He offered that if the City were to eliminate the five proposed spaces, there are four spaces next to the handicap spaces that could be designated for library parking only (for elderly, expectant mothers, etc.) but it would be up to library staff to monitor.

Mayor Bukiewicz opened up discussion to the Commissioners.

Alderman Loreck mentioned that other than the driveways, the renderings do not show any parking in front of the buildings and he inquired if the design incorporates any street parking. Mr. Rinka answered that the renderings displayed vehicles in the driveway basically to show that this area would be used for picking up, dropping off, deliveries, etc. While they are attempting to minimize the impact the project will have on street parking, ultimately those five spots would be eliminated to allow space for cars to enter and exit. There is the potential for some of those stalls to be added, but they would be to the south of the buildings. Doug Seymour added that the City is working to rectify some of those issues, but that it needs to be treated as an overall issue for the entire Drexel Town Square area.

Commissioner Correll noted that the Phase II plans allowed for additional parking per resident (1.36 stalls per apartment) as compared with Phase I (1.15 per apartment) so there has been some attempt to address this issue, but it does not change the street parking that is already being used by residents. Mayor Bukiewicz noted that there are several factors leading to the parking issues. First, it is a highly successful development that is 100% occupied, which may have exceeded the expectation of a potential 5-7% vacancy rate. In addition, there are families moving in to Emerald Row, so within a two or three-bedroom unit you could possibly have four adults each with their own vehicle. The presence of area businesses is also impacting the amount of

available parking space. As the area is still being built out, there are areas along Main Street that could provide additional parking.

Andrew Vickers emphasized that this is more of a timing issue rather than an issue of lack of parking, as the City has not yet fully executed all of the solutions to the parking shortage. The larger solution is the parking ramp at Froedtert (approximately 420 spaces), which will contractually be available to the City for large events, but will not be utilized until next summer. Most days, the available parking is sufficient, with the exception being parking for special events and programming. He noted that the five spots that will be lost with the development of Phase II will be gained back somewhere else on 6th St., but not across from the library. The next two Common Council meetings will address the development to the south. The business moving into that space will require the typical 9-5 work day, allowing for 100 additional spots that would be available after hours. The space is programmed for approximately fifty employees plus visitor traffic, leaving additional parking availability even during working hours. The lot would include signage indicating that it is available for public use. In addition, there will be a parking field closer to Drexel Ave. as there is further development of multi-tenant mixed use buildings. Mayor Bukiewicz commented that the road entering Froedtert on the south side also added eleven more parking spaces.

Lastly, Mr. Vickers commented that the City has been working with Rick Barrett on a small triangular lot that would provide 62 private spaces to Emerald Row Phase I tenants, and the City would take the remaining stalls (approximately 30). Ultimately the question is if the Commission is comfortable with the parking ratio, or would they prefer Emerald Row to claim all 92 spots for its residents.

Commissioner Dickmann inquired if the existing fifty stalls for Emerald Row Phase I are included in the proposed 62 spaces, or if these are additional. In addition, his concern is that according to the renderings, the density of Phase II is higher than Phase I, but there are fewer additional stalls available. Commissioner Correll asked for clarification of Commissioner Dickmann's first question. Mr. Vickers replied that the 62 (possibly all 92) spaces would be in addition to the existing fifty. Commissioner Correll added that because the tenants would still have street parking available to them, he would prefer to see the extra thirty stalls designated for public use rather than exclusively assigned to Emerald Row residents.

Commissioner Siepert inquired what the ratio is of Phase I tenants to vehicles. Mr. Barrett turned over discussion to the leasing manager who confirmed there are scenarios where a two-bedroom unit may have three vehicles. Two underground stalls would be provided, with the third vehicle parking in a surface lot. They are doing their best to monitor the parking in the surface lot, but the bigger issue is the employees of the Drexel Town Square businesses who absorb the surface lot parking stall, which then pushes the tenants out to the street parking spaces. Alderman Guzikowski inquired whether parking permits are issued to the tenants to use the surface parking. The leasing manager indicated there are permits issued, but it is still difficult to monitor, but ticketing the vehicles has not seemed to solve the issue.

Commissioner Carrillo commented that as a resident of Drexel Town Square (not of Emerald Row), her observation is that at 6:00 in the morning, there are approximately twenty residents parking in the square. She is hoping that the additional parking provided with Phase II will alleviate some of the existing parking issues with Phase I, whether through numbered spots in the surface lots, or some other solution to shift the tenant cars that are using the street parking back to the designated surface lot parking locations.

Rick Barrett commented that ultimately this is a good problem to have, but it is a growing pain that needs to be addressed. He introduced the CFO of Barrett-Lo Visionary, Joel Eisen, to address the parking strategy for Phase II. Mr. Eisen stated that they have addressed the answer

to Phase II with the parking they currently have. He stated they have a number of one-bedrooms, which tend to target couples who have two cars. They transition to the junior one-bedroom as a strategic move to try and solve some of the parking issues in Phase I. They anticipate those units to have an average of 1 to 1.15 cars per unit. They increased their parking ratio from Phase I to Phase II to 1.36. They believe that the addition of 242 units to Drexel Town Square will help scale down the demand for Phase I to maybe a 95% level of occupancy. If they are at 95% in Phase I and Phase II, they believe they have more than enough parking between the two projects. Phase II has more than enough parking for the junior one-bedrooms. The two bedrooms have been scaled down a little bit. They have a number of smaller two bedrooms, which will tend to go toward couples who want to use one of the bedrooms as an office as opposed to having a family residence. He stated this is going to address a number of the parking issues being faced in Phase I. They have added additional parking beyond that and a higher ratio of parking into the Phase II project.

Mr. Barrett stated that they wanted to Phase I to be occupied by people with dual income and no kids for the one bedrooms. The junior one-bedroom creates an affordable unit at less than \$1,000 per month. It is going to create additional interest within a new demographic and activate that demographic, which is more of a single person with a single car. With that type of price point, that is why they are doing those 97 units. People that are in that demographic in that type of income level are going to be highly interested in this project and these units because it gives them all of these amenities in this marketplace.

Mayor Bukiewicz stated that there is a parking problem and until these apartments are fully built out, where the needs fall won't be realized. Mayor Bukiewicz asked about the parking restrictions last winter and asked if they would be enforced. Mr. Vickers stated that while things are being built, it doesn't make a lot of sense to be enforcing the restrictions. Mayor Bukiewicz stated that the long-term answer is to take a look at the Phase III triangular lot in the future. It helps take the pressure off of Phase I, whether all of it or a portion of it goes City. Phase II will have to be addressed at some point. Commissioner Correll stated he is okay with the fact that they've added more parking. They moved the overall project down the road to get to addressing Phase III.

Commissioner Dickmann stated that he is not as concerned about the residents as he is the visitors that they will have and questioned where they will park. Commissioner Dickmann referenced item #15 that the plans for the north parking lot are designed for a minimum of 85 parking stalls are reviewed and approved by the Plan Commission, and that the lot is installed by the developer prior to the installation of footings. Commissioner Dickmann asked if the footings being referenced are for Phase II? Mr. Seymour responded that during the construction, with the reconfiguration of some of the parking areas, staff is concerned about the displacement of the parking stalls. That is why they wanted an interim solution in place before they brought in another several 100 construction workers, or displace those current residents from those stalls, given that the construction of Phase II is imminent. Mr. Barrett stated that the construction of Phase II is imminent, and they just acquired the property just south of the Emerald Preserve, which may be able to be used for parking for construction workers.

Commissioner Johnston stated his concern is the construction site. The residents in Phase I have to be helped so they are not displaced as far as parking is concerned. The City needs to find a home for the residents that are parking around the square now. That is where this Phase II parking comes into play. It will be very beneficial for solving some of the issues that exist now if they can get that done prior to the construction of Phase II building. Mayor Bukiewicz stated that with the density of Phase II, it will not solve the problems of Phase I.

Commissioner Correll stated that while he is comfortable with the planned parking for the density of Phase II, the construction is going to cause a much more immediate and bigger problem. Mayor Bukiewicz concurred.

Mayor Bukiewicz raised the question about which direction the construction traffic will be coming in on S. 6th Street - Drexel or Forest Hill.

_____ stated that they have the Phase I problem because of what happened with enlarging the site for the medical office building. That happened after the PUD and master plan was approved and completed. _____ stated that they can't tie the two sites together. Mayor Bukiewicz stated that he thought Phase III could take the overflow from Phase I. _____ stated that if they put a parking lot on Phase III, they will not be able to see that cost paid back. They actually had the same exact ratio with the parking for Phase I at 1.4 as they are proposing for Phase II. When that squeeze happened because of the need for more land for the medical office, they actually lost 45 stalls, which is the exact number needed to get to the 1.4..

Asst. Fire Chief Kressuk stated that there were three items that came into play and they all roll together. The first was the FDC location. The FDC supports the sprinkler system for this structure. It is not unusual for a project in this phase to not have that location decided yet. There are a variety of things that will occur to help select that location; water into the building, and a sprinkler relocation if there is a fire pump involved. He wants to make sure this discussion stays active because this is somewhat of a limited access site. There are some buildings out there where there is a lot of flexibility with the placement of the FDC. In an urban/metro type structure like this, the Fire Department wants to carefully meter where that FDC actually goes.

Asst. Fire Chief Kressuk stated that there are a certain amount of hydrants to support the water supply for an event at this structure. Because of the access challenges, they want to be "hands on" with that to make sure the hydrants are effectively and efficiently placed.

Asst. Fire Chief Kressuk stated that the last piece was the turnaround at the south drive. There is basically a one-way road. There needs to be some type of turnaround so if an emergency vehicle approaches and drives to the west, they have a way to turn around. That is something that can be worked out with the development team. Asst. Fire Chief Kressuk does not have a lot of concerns that they won't come up with a solution for. Right now for Phase I, the park path serves as an emergency access for the Fire Department.

Mayor Bukiewicz asked Commissioner Johnston to address the issue of the shared path. Commissioner Johnston responded that along with that on the south parking lot, there is no way to back out of the far west stall without doing a 15-point turn if you can get out of it at all. Commissioner Johnston stated that he has seen cars backing out of the parking lot in Phase I into the intersection onto 6th Street because it is packed. There is nowhere to turn around at the end. It is easier for them to back out and that is not a good situation onto 6th Street. Something needs to be done at that end to alleviate that problem with Phase II.

Commissioner Johnston stated that there is a pathway that is the main access into the park. Because it is going right up the property line with the pathway, this pathway is going to be reconstructed. Commissioner Johnston posed the following two questions.

- 1) How can the path be maintained to provide access to the park throughout the construction, or minimize that impact and loss of use of pathway during construction?
- 2) Currently, it is a 10'-wide path. The concern is the slope on that straight path that drains (it is a 2% grading coming across) nice and works well. With the new proposal, there will be warped pavement and flat spots. To match in with the parking lot drainage that is needed to get that to function. Discussion has taken place to narrow the pathway to an 8' path, so that the

parking lot would stay the same. The 2% cross slope can remain on that pathway and create some type of buffer area between the path and the parking lot.

Mayor Bukiewicz asked about the back slope on the existing lot going into the park entrance. Planner Papelbon stated that the path on the north is going to be changed. The easement needs to be changed because the location of the sidewalk is going slightly outside of the existing easement due to the proposed garage access. It makes a 90 degree turn rather than going straight to the west side or the path to the west side. Commissioner Johnston stated that on the west end of the parking lot on Phase I, there was an area that was to be addressed in the future. Landscaping features have been talked about being put in there. A decision has not been made yet as to what to do in there, so just grass was planted there. Commissioner Johnston stated that that needs to be addressed with the Fire Department as an access coming through there. Also, the sidewalk is going through there. How is that area landscaped and maintained? Mr. Seymour stated that the original proposal called for an orientation of that pathway that would have resulted in a net loss of two or three parking spaces. Staff was able to work with the development team to reconfigure that so that netted back two or three spaces. The public access to Emerald Row is still maintained.

Mike Krilick, Kapur & Associates, 7711 N. Port Washington Road, Glendale, WI stated that at the end of the Phase I parking lot, the intent is to remove the grass and install pavers. It was installed with a mountable curb to provide fire truck access. The slope is also a little less than 5% to make easy access to the fire lane. The intent would be the same with the south parking lot with Phase II; again installing a mountable curb relatively flat slope. Mr. Krilick continued by stating that the intent of the west end of the south lot is the same as the other lot to the north and that is to provide a mountable curb. They could also look at increasing the pavement in that area to match the access that was provided to the north so that it is capable of handling fire trucks as well as ambulances that need to turn around in that location.

Mr. Krilick stated that he knows there are concerns about the westernmost parking stall on the southern lot. They are working through the placement of the islands. He does have the ability to slide the entire parking lot approximately 2' further to the east so they could pick up a little space at the end of the lot to enhance the ability of that last vehicle to turn around. The intent is for that to be permitted parking, so the hope would be that residents would have a designated spot. In doing so, it would limit the number of vehicles that would come in there and be forced to back up or find a way to turn around.

Mr. Krilick stated that they need to discuss with the Fire Department the placement of fire hydrants. They do not know the FDC location yet, but with the southern lot, they will have a fire hydrant at the end of it and possibility another one intermediate.

Mr. Krilick stated that there was also some discussion about the southern path and maintaining access during construction. It is more of a construction management issue, but he could see constructing it maybe one half at a time. Since it is 10' wide, he would look at cutting half of it out and getting the new curb and gutter installed for the new parking lot, paving that portion and then opening that up to residents and paving the southern half. The path on the south from 6th Street going west pitches toward the pond. Further to the west, it rotates and starts to pitch to the north to the wetland area to the west. The path right now is tabletop flat from one end to the other. They will work with the Engineering Department to get the pitch on the curb and gutter so they can drain that lot appropriately.

Mr. Krilick stated that the stubs that were provided in 6th Street for storm sewer are located mid-block. There are two 15' storm sewers that were stubbed out. They will serve the building adequately for the roof drainage, however, the closest storm sewer to the southern lot is located where the crosswalk is at the southeastern corner of the building. There is an existing storm catch

basin there, however, the pipe from that basin to the trunk line in 6th Street is only sized for that catch basin. It is not sized to handle the additional water from the parking lot.

In addition to that, the storm sewer is too high for them to actually be able to drain to it. He states that staff recommended moving the discharge that is going directly into the pond further to the east because the outlet pipe is further to the west.

Commissioner Johnston asked if they are planning on installing some fencing to the fire access path during construction to keep part of the path open. Commissioner Johnston asked if that was an issue for the Fire Department. Mr. Krilick responded that there will be construction fencing along that path a couple of feet in from the eastern edge of that path. They want to keep it open for residents to use and fire trucks can still access that path. Asst. Fire Chief Kressuk stated that the expectation is that that path does remain accessible to the Fire Department. The Fire Department will work closely with the general contractor to make sure that if there is a temporary shutdown, that the Fire Department is aware of it.

Commissioner Chandler asked about item #6 that they have to relocate the existing fiber infrastructure at the garage. Mr. Krilick responded that the garage entrance is located at the very western edge of the Phase I lot to the north. The grade drops off and they don't need as long of a ramp to get down into the underground parking. However, there is an existing fiber line that runs along the south side of the Phase I building. As they create that ramp to go in to the underground parking for Phase II, they are going to need to lower that fiber a little bit more.

With regard to the 5 parking spaces that will have to be moved, Mr. Seymour stated that a development agreement will be required, and that is outside of the bounds of what the Plan Commission typically does. It is the expectation that those five parking spaces will be replaced in kind elsewhere along the public right-of-way.

Mr. Vickers stated that item #15 will not be done, #16 make sure we get back the five that will be lost in front of this building and their building, and #17 should be discussed further.

#17, all surface stalls shall be numbered and assigned to lessees, a minimum of one parking stall shall be assigned to each apartment unit. Commissioner Correll stated that #17 should be kept in place. Commissioner Dickmann stated that the City cannot tell them how to run their business. Mr. Vickers stated that in lieu of a much more comfortable parking ratio, the City is recommending to put in the record the expectation that the stalls are to be assigned to the lessees. Mr. Seymour stated that with assigned parking spaces, there is a reasonable expectation that that each lessee's spot will be available to them. The second advantage is that it may prohibit patrons of area businesses to park there if they see the spots numbered. They may then assume that these are assigned spaces. Mr. Eisen concurred with this recommendation.

Commissioner Siepert asked for a definite answer on how the construction worker parking is going to be handled. Planner Papelbon responded that this is a coordination issue between the Engineering Department, Inspection Department and general contractor. Commissioner Johnston stated that Commissioner Siepert's concerns are legitimate, but these are the same issues present when Phase I was constructed. They will be in the travel lanes and parking stalls at times during construction.

Commissioner Carillo asked when Phase II will be open. Mr. Barrett responded that they are showing a 24-month build and they would like to start in February.

Commissioner Dickmann asked if any changes are needed to the conditions. Planner Papelbon responded that unless there is an objection to #17, there are no more revisions necessary. Planner Papelbon stated that what is labeled as #16 can be eliminated.

Commissioner Correll motioned moved that the Plan Commission approves the site and building plans submitted by Richard Barrett, Barrett-Lo Visionary Development, for Emerald Row Phase II on the property located at 8001 S. 6th St. with the following conditions:

1. That all building and fire codes are met.
2. That a revised easement for the north public sidewalk is provided to the Engineering Department and the Department of Community Development prior to submission of building permit applications.
3. That the redesign of the south public pedestrian path on City property be coordinated with the Engineering Department with a final design to be approved prior to the issuance of building permits.
4. That a plan for ensuring uninterrupted public access to Emerald Preserve and the public path on the west is coordinated with and approved by the City prior to submission of building permit applications.
5. That plans for the landscape area in the northwest portion of the north parking lot and public access to Emerald Preserve are coordinated with and approved by the City prior to submission of building permit applications.
6. That plans for the relocation of the existing fiber infrastructure at the garage access are coordinated with and approved by the City prior to submission of building permit applications.
7. That all Fire Department requirements regarding hydrant and FDC placement, as well as a turnaround for the south parking lot, are met.
8. All plans addressing grading, drainage, and stormwater quality (including the use of stormwater best management practices) shall be approved by the City Engineer prior to the issuance of permits.
9. That final photometric and lighting plans indicating the approved luminaire type (Cyclone), pole type, color, and height for Drexel Town Square are submitted for final approval by the Director of Community Development, upon written recommendation of the Electrical Inspector, prior to the issuance of permits.
10. That all mechanical equipment (ground, building, and rooftop) and utility boxes/transformers are screened from view.
11. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
12. That all required Development Agreements are coordinated with the Engineering Department.
13. That a shoring plan for the development along 6th Street is submitted for review and approval by the Engineering Department prior to the issuance of permits.
14. 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.
15. All surface parking stalls shall be numbered and assigned to lessees. A minimum of one parking stall shall be assigned to each apartment unit.

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

Commissioner Carrillo moved to adjourn. Commissioner Siefert seconded. On roll call: all voted aye. The meeting was adjourned at 9:42 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

8/22/17

Date