

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, AUGUST 22, 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, Alderman Loreck, Alderman Guzikowski, Commissioner Correll, and Commissioner Siepert. Commissioner Chandler was excused. Also present: Kari Papelbon, Planner; Mike Kressuk, Assistant Fire Chief.

Minutes of the August 8, 2017 meeting

Commissioner Dickmann moved to approve the minutes of the August 8, 2017 meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**CONDITIONS AND RESTRICTIONS
UNITED STATES CELLULAR
2330 E. RAWSON AVE.
TAX KEY NO. 731-9982-001**

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

Jennifer Wanta, 2135 E. Ash Court:

Ms. Wanta referenced the comment that was made at the last meeting that this tower is not being constructed in a highly residential area. She and her parents have lived in this area their entire life in that subdivision. There is a park and an abundance of children and school buses that travel through the area every day. She stated that to say this is not a residential area is highly offensive to her. Ms. Wanta further stated that across the street in South Milwaukee is all residential. There is an apartment building 200 feet away from the proposed location of the tower.

Ms. Wanta continued by saying that this situation just came up in Greendale and the City stated they didn't want the tower in their community, but they had no other choice. The City of Greendale made the choice to say no. They are getting sued by US Cellular. She stated that a delay could have made it so that the things that are going through the legislation to stop these cell phone towers in residential neighborhoods could have prevented this approval. Ms. Wanta stated that she feels she didn't get represented on this.

Mayor Bukiewicz concurred with Ms. Wanta in that to say this is not a residential area is incorrect. That comment was not made by the Commission, but rather the applicant. Mayor Bukiewicz further stated that it is a very high-density residential area.

Mayor Bukiewicz stated that the City does have the choice to say no. The City's legal obligations are to weigh the odds of what the chances are of winning in a court of law with this. The Commission was advised by legal that this it would be a waste of taxpayers' money, and this influenced his decision. Mayor Bukiewicz does not think this is an appropriate location, but he is very much bound by the powers that be.

Nicole Hoshi, 2240 E. Ash Ct.

Ms. Hoshi asked if alternate locations were discussed or if this was the only one.

Ms. Hoshi asked what kind of fence is going to be put around the tower.

Ms. Hoshi asked if there would be a generator.

Ms. Hoshi asked if there was any option to screen the tower.

Tod Anderson, N64 W12883 Day Lily Court, Menomonee Falls, WI stated that he did not do the site acquisition for this particular tower. He is attending this meeting for another person. He does not know if other locations were considered. They have to provide US Cellular with multiple locations to consider, so other were locations were looked at; he just doesn't know where. Commissioner Correll asked if the City had the legality to question the location. Planner Papelbon responded that the City cannot require that they be located elsewhere. Mr. Anderson stated that this was a very tight "search ring" that they are working with because the towers are working off of other towers in the area.

Mr. Anderson proposed an 8-foot-tall chain link fence with three strands of barbed wire for security concerns. Planner Papelbon responded that this would be a topic for discussion at the site plan review. The Plan Commission does have the authority to determine opacity.

Mr. Anderson stated that they are not proposing a generator on this site right now. He cannot speak to the future need for one.

Commissioner Siefert asked if there will be flashing lights at the top of the tower. Mr. Anderson responded that they would do whatever the FAA requires. The standard is 200 feet and above is lit and 199½ feet is not lit. This tower is 120 feet high and does not need to be lit. Planner Papelbon stated that in their letter, the FAA did not require that this tower be lit.

Alderman Guzikowski stated his opposition to this proposal.

Commissioner Johnston asked if the City can limit the number of services that can be placed on the tower. Planner Papelbon responded that with what is proposed, they can accommodate up to three. Planner Papelbon was uncertain if the City has the authority to specify how many carriers can be put on the tower, but she cautioned against restricting them to a certain number. Mr. Anderson added that cell towers have to be built for multi-carriers to let competition on it for fair market value.

Commissioner Dickmann stated he would still like more information on why this site was chosen and what the other options were. He would like more information to be available when this item goes before the Common Council.

Commissioner Dickmann asked if the City is going to wait until this goes before State legislation to approve this item. Planner Papelbon responded that nothing can be done until the legislation passes. No one knows when that will happen and the City cannot hold up an application based on pending legislation.

Ms. Hoshi stated that she wanted to go on record as being highly against having barbed wire there due to safety concerns with children. Planner Papelbon offered the compromise that if US Cellular is willing to put in a fence that is more opaque, and not include the barbed wire, they can go up to 10 feet. They may be able to achieve more safety by going up an extra foot from where the proposed barbed wire would end.

Planner Papelbon stated that in terms of "softening" that area, the Plan Commission does have authority to require landscaping if that is part of the screening that the Plan Commission wants to see.

Mr. Anderson stated that the representative involved in choosing locations will be available at the next meeting to go over the location choices.

Commissioner Correll stated that as far as screening is concerned, the City would be looking for a fence with opacity, a higher height without use of barbed wire, accompanied by landscaping to conceal it as much as possible. Mr. Anderson stated that as tight as this is for space, they were hoping the fence would suffice. Planner Papelbon requested that the applicant provide plans that show the opaque fence and the details for the fence and that will be a discussion at a later time.

Commissioner Siefert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a wireless

telecommunications pole and associated facility on the property at 2330 E. Rawson Ave. Commissioner Dickmann seconded. On roll call: all voted aye, except Alderman Guzikowski, who voted nay. Motion carried.

**MINOR LAND DIVISION/CERTIFIED SURVEY MAP
WESLEY SCHAEFER
3607 E. FITZSIMMONS RD AND 10028 S. HILLVIEW AVE.
TAX KEY NOS. 918-9986-001 AND 919-005-000**

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

Mr. Schaefer stated he is requesting the combining of parcels to save money. The roadwork is the expensive part. If they have to cutting into the road to bring sewer and water up to the house he is building. When he found out the laterals already existed, he talked to the Water and Sewer Utility and they said he could use them, but he would have to combine the parcels. Getting the CSM was less expensive than cutting into the road.

Commissioner Dickmann inquired about changing the address. Planner Papelbon responded that that would be taken care of internally at staff level.

Commissioner Johnston mentioned that the wetland delineation needed to be shown on the CSM. Mr. Schaefer asked about the timeline for doing that because all of the companies that specialize in wetland delineation are completely booked because of the time of year. Commissioner Johnston responded that the wetland delineation has to be shown on the CSM in order for it to be recorded. That is part of City ordinance.

Mr. Schaefer asked what the zoning would be for the new parcel. Planner Papelbon responded that the zoning would not change with the CSM. Once the parcels are combined through the CSM, the one parcel would then have split zoning.

Planner Papelbon clarified that this proposal this does not include another driveway off of Hillview Lane. This is merely to tap into those existing laterals. The access is still going to remain off of Fitzsimmons.

Ted Bratanow, 10060 S. 11th Avenue, stated that other property owners have added their driveway access off of 11th Avenue, even though that area had reached its capacity for homes/access in that area. He wanted to know if he can now do the same. Mr. Schaefer stated he has no plans of putting a driveway on 11th Avenue.

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Wesley Schaefer for the properties at 3607 E. Fitzsimmons Rd. and 10028 S. Hillview Ave. be approved, subject to the following conditions:

1. That all unused laterals are abandoned at the main in conformance with Oak Creek Water and Sewer Utility requirements.
2. That the landowner and mortgagee signature page is updated in conformance with the requirements of Wis. Stats. 236.34(1)(dm).
3. That a wetland delineation be completed on the property by a Wisconsin DNR-approved professional with all wetlands shown and clearly labeled on all pages of the CSM prior to recording.
4. That the signature page is updated to remove redundancies and to reflect the current Plan Commission Chair and Mayor's name.
5. That dedication and acceptance language for the public right-of-way (Fitzsimmons Rd.) is updated in the Common Council approval block.

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.

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

CONDITIONAL USE PERMIT AMENDMENT

SSV I OAK CREEK, LLC

6304 AND 6340 S. HOWELL AND 137, 147 AND 209 E. COLLEGE AVE.

TAX KEY NOS. 719-9991-001, 719-9990, 719-9992, 719-9993, 719-9994

Planner Papelbon provided an overview of the request to extend the Time of Compliance section of the existing Conditional Use Permit by one year due to delays related to the wetlands and discovery of foundry sand on the property (see staff report for details.)

Mayor Bukiewicz stated he is not against the extension, but he does request that the weeds be taken care of on the lot. Kelly Gallacher, 3114 E. Hunters Ridge Way, Heber, Utah, had the same observation earlier in the day and stated that it will be taken care of.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council approve a conditional use permit amendment extending Section 11, Time of Compliance to a deadline of one (1) year of the date of adoption of the amendment ordinance for the properties at 6304 & 6340 S. Howell Ave. and 137, 147, & 209 E. College Ave., after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye.

PLAN REVIEW

SELF STORAGE VENTURES, LLC

275 E. DREXEL AVE.

TAX KEY NO. 814-9038

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

Art Maes, 7955 S. Wynbrook Ct., asked for clarification of the required percentages of building materials. Planner Papelbon responded that Buildings E and A on the east side incorporate the masonry and brick. Mayor Bukiewicz stated that Building B does as well. Planner Papelbon stated that C, D and F (south side) do not. Building F faces internally to the stormwater pond. Mayor Bukiewicz stated that as far as the view seen from Mr. Maes' residence, they will see brick.

Planner Papelbon summarized that east side of Building A has textured, insulated metal panels, the two masonry columns, storefront glass on the northeast side, efface accent on the northeast side, masonry wainscot is the horizontal delineation on the bottom and textured metal panels on the southeast.

The east side of Building E is textured metal panel and masonry wainscot. The horizontal line along the bottom is masonry.

Planner Papelbon summarized that there are two areas that the Commission needs to consider.

- 1) Are the buildings as proposed acceptable (use of metal panels as an acceptable building material?)
- 2) Is the Plan Commission okay with the percentages as shown for the visible perimeter?

Brian Randall, Friebert, Finerty & St. John, 330 E. Kilbourn Ave., Milwaukee, stated that they did add a lot of glass on the Drexel side, and a significant amount of brick. The north elevation is 63%. Overall that building is at 51.6% as compared to the zoning ordinance requirement of 75%.

With regard to Building E, which does face the residential area, there is 34.3%, which is the wainscoting band all along the building with the textured metal insulated panel above.

Mr. Randall stated that the east elevation of Building E has 30 feet of space that they are proposing a lot of landscaping for. The neighbors did not want to see that building, and yet they are still showing 34% of the premium materials. With the landscaping plan, they have significant landscaping along that 30-foot-wide area. They incorporated the requests of the neighbors and City Forester and have made those changes. The enhanced landscaping in those areas is the tradeoff they are providing to make up for not having the 75% on that side. On the front side, they are set back because of the stormwater pond. They have made the efforts to have significant glass and brick on Buildings A and B.

Mr. Randall stated that they can work with all ten of the staff conditions, including the 4' brick minimum. He would ask that under condition #2 that the minimum 75% of the visible perimeter for Building A be 50%, and 34% for Building E.

Mr. Randall asked that the Plan Commission find their proposed parking plan and counts sufficient. They have proposing six striped parking stalls. They also have temporary parking spaces throughout in front of the roll-up doors, the overhead units and Building A as well. He asked that an 11th condition be added that the six parking stalls, plus the temporary parking throughout would be sufficient.

Commissioner Johnston stated that there is one chain link fence that goes across the access drive on the south. There is another chain link fence on the south side by the detention pond. Commissioner Johnston asked if the gate that goes across the main entrance is a chain link fence. Mr. Gallacher responded that it is a vertical, decorative metal fence with pickets that are about 4 inches wide. It is about 5½ feet tall. Commissioner Johnston asked if there was any possibility of changing the chain link fence on the south side to more of a decorative fence. That is the one that faces the street. Asst. Fire Chief Kressuk, stated that as far as the gate, they have options they can work with in making it decorative in nature. It will be strictly an emergency access, not a routine access for the customers.

Asst. Fire Chief Kressuk stated that as far as access, they have 25-foot lanes throughout, and inherently the standard is a 20-foot access road. Asst. Fire Chief Kressuk stated that the applicant is going to be providing the Fire Department with their final calculations. As long as they are meeting their lane requirements, those radiuses tend to make themselves work out. Tight access for the Fire Department is not unusual for this type of development.

Commissioner Dickmann asked for clarification of the parking issue. Mr. Randall stated that they are proposing four stalls outside of the gate where the handicap access stall is located. There are two stalls just to the east of that on the inside of the gate. They have six striped dedicated parking stalls on the site and throughout the site in front of each building where the roll-up doors are. Someone could park for the few minutes they are using that site. Code requirements for the LM-1 district are 48 parking stalls throughout the site. If they use that number, it would be too many parking spaces for this type of use. They would be empty most of the time.

Planner Papelbon stated she would rather not use a percentage in condition #2. She would rather refer to the material coverages that were provided. She would like to see approval of these specific material breakdowns.

Alderman Guzikowski asked what type of fencing is going around the rest of the property (other than the east side.) Mr. Gallacher responded that it would be vinyl-coated chain link. The opaque fence was a direct request from the neighbors to prevent headlights from shining into their backyards.

Commissioner Loreck moved that the Plan Commission approves the site and building plans for the self-storage development located at 275 E. Drexel Ave., with the following conditions:

1. That all building and fire codes are met.

2. That the exterior buildings materials, as proposed in the June 19, 2017 material coverage breakdown, are approved.
3. That the exterior brick veneer meets the minimum 4-inch thick requirement per Code.
4. That the privatization of the existing public storm sewer easement on the east side of the property is completed prior to the submission of building permit applications.
5. That all revised plans (site, building, landscaping, lighting details, fence 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.
6. That all mechanical equipment (ground, building, and rooftop) is screened from view.
7. That the final site grading, drainage, and stormwater management plans are approved by the Engineering Department.
8. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
9. That the final photometric and lighting plan is approved by the Electrical inspector prior to the issuance of building permits.
10. That final landscape plans be submitted for review and approval by the Department of Community Development prior to submission of building permit applications.
11. That the six (6) striped and temporary parking stalls in front of each exterior overhead door are approved. No additional parking stalls are required at this time.
12. That the fencing on the west property line is decorative and meets all fire codes.

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 7:22 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

9/12/17

Date