



## PLAN COMMISSION

October 8, 2019

6:00 P.M.

### Common Council Chambers

8040 S. 6<sup>TH</sup> Street  
Oak Creek, WI 53154  
(414) 766-7000

Daniel Bukiewicz - Chair  
Dawn Carrillo  
Chaucey Chandler  
Donald Oldani  
Chris Guzikowski  
Matt Sullivan  
Gregory Loreck  
Fred Siepert  
Christine Hanna  
Vacant - ex-officio  
Doug Seymour - ex-officio

### The City's Vision

*Oak Creek: A dynamic regional leader, connected to our community, driving the future of the south shore.*

Find more information on agenda items at [oakcreek.zoninghub.com](http://oakcreek.zoninghub.com).

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes
  - a. September 10, 2019
  - b. September 24, 2019
4. Significant Common Council Actions - NONE
5. Public Hearing
  - a. SIGN APPEAL - Hold a public hearing on a proposed sign appeal for the property at 2697 S. Orchard Hills Drive submitted by HSI Orchard Hills, LLC that would allow installation of two (2) decorative entry columns 8'10" x 3'4" with a 1.5' x 2' non-illuminated cast bronze sign on the east and west sides of S. Orchard Drive, and one (1) 3.5' x 4.5' non-illuminated sign on a 11'6" x 12' guard house structure in the entry median (Tax Key No. 831-0310-00).  
ZoningHub: <https://s.zoninghub.com/DU9T0EDVWI>; Twitter @OakCreekPC#OCPCOrchardHills
6. Old Business
  - a. OFFICIAL MAP AMENDMENT – Review a proposed amendment to the Official Map for a portion of the W 1/2 of the W 1/2 of the N 1/2 of the NE 1/4 of Section 16 (mapped, unimproved right-of-way affecting the properties at 819, 819R, and 901 E. Drexel Ave.).  
ZoningHub: <https://s.zoninghub.com/EPsYXE6EO9>; Twitter @OakCreekPC#OCPCUttke
7. New Business
  - a. SIGN APPEAL - Consider a request for a sign appeal for the property at 2697 S. Orchard Hills Drive submitted by HSI Orchard Hills, LLC that would allow installation of two (2) decorative entry columns 8'10" x 3'4" with a 1.5' x 2' non-illuminated cast bronze sign on the east and west sides of S. Orchard Drive, and one (1) 3.5' x 4.5' non-illuminated sign on a 11'6" x 12' guard house structure in the entry median (Tax Key No. 831-0310-000).

Visit our website at [www.oakcreekwi.org](http://www.oakcreekwi.org) for the agenda and accompanying Plan Commission reports.

ZoningHub: <https://s.zoninghub.com/DU9T0EDVWI>; Twitter @OakCreekPC#OCPCOrchardHills

- b. LANDSCAPE PLAN REVIEW - Review landscape plans submitted by Andrew Chromy, Oak Creek-Franklin Joint School District, for the proposed parking lot at Oak Creek High School at 340 E. Puetz Rd. (Tax Key No. 827-9028-000).  
ZoningHub: <https://s.zoninghub.com/XOQMP5EOY>; Twitter @OakCreekPC#OCPCHighSchool
- c. ZONING TEXT AMENDMENT - Review amendments to Sections 17.0313(a)(6), 17.0314(a)(2), 17.03171 Paragraph 5, 17.03171(a)2.b.2., 17.0318(a)(3), 17.0403(j)(2)j., 17.0403(j)(6)a., 17.0403(j)(6)b., 17.0403(j)(6)c., 17.0403(j)(6)e., 17.0403(j)(6)f., 17.0403(j)(6)g. and 17.0808(d)(1)d.; and to create Sections 17.0315(a)(18), 17.0316(b)(19), 17.03170(d)(17), 17.03171(c)(41) and 17.1402 Specific Words and Phrases of the Municipal Code Regarding Places of Assembly and Religious Institutions.  
ZoningHub: <https://s.zoninghub.com/XH4VLMB1JS>; Twitter @OakCreekPC#OCPCTextAmend
- d. PLAN COMMISSION TRAINING – The Plan Commission will participate in a general training session on roles, responsibilities, and procedures with the City Attorney. No formal reviews or decisions will be made.

Adjournment.

Dated this 4th day of October, 2019

Posted 10-4-19 JF

**Public Notice**

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000, by fax at 766-7976, or by writing to the ADA Coordinator at the Oak Creek Health Department, 8040 S. 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, SEPTEMBER 10, 2019**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Alderman Loreck was excused. Also present: Kari Papelbon, Planner and Laurie Miller, Zoning Administrator/Planner.

**Minutes of the August 27, 2019 meeting**

Commissioner Siefert moved to approve the minutes of the August 27, 2019 meeting. Commissioner Chandler seconded. On roll call: all voted aye, except Commissioner Oldani, who abstained.

**PLAN REVIEW & MODIFICATION REQUEST  
OAK CREEK-FRANKLIN JOINT SCHOOL DISTRICT  
EDGEWOOD ELEMENTARY  
8545 S. SHEPARD AVE.  
TAX KEY NOS. 827-9028-000**

Planner Papelbon provided an overview of the proposed modifications to the screening requirements for the building's rooftop mechanical units (RTUs) (see staff report for details).

Gerard Hammernik, 1400 E. Meadowview Drive:

*"I'm on the north side of Meadowview. My remarks are probably more towards Meadowview, but since your actions on Edgewood might influence Meadowview I'll just speak one time on both of those. The rules were put in place to protect the neighbors, I see no reason why the rules should be set aside in this case. Every applicant would like to save money on building projects, but that isn't a good enough reason to eliminate these requirements that are put in place for neighborhood improvement to make things better. I don't see any reason why this should be approved, I understand it costs money, but making buildings look good does cost money. The rule is put in place and I believe it should be maintained. Thank you for your consideration and my remarks are for both A and B so I don't need to speak again."*

Planner Papelbon provided more images of what a mechanical screen looks like, as well as drawings of the school with and without the mechanical screening, for the Plan Commission's reference.

Commissioner Hanna asked the applicant explain to why the applicant wants to defer from the Code.

Brent Warren, 12700 South 12<sup>th</sup> Street, Kenosha, stated the main reason is for aesthetics. His company has installed these types of screens on other projects, and they make the units more noticeable, making the buildings aesthetically less pleasing. Mr. Warren referred to pictures included with the staff report. The screens are much larger than the units, making them more noticeable. The screens are higher than the units and can look like they are floating.

Commissioner Hanna inquired if they have the screen material just not the material that meets Code requirements.

Brent Warren clarified he is proposing no screening on the units, so the gray unit would be visible instead of the gray screening around the unit.

Commissioner Siefert inquired if screening of the units is required, how does the applicant plan to screen the units?

Brent Warren explained the screening attaches to the units so it can be added at any time. Mr. Warren also explained how the units are attached.

Commissioner Siefert asked if the screening adds height to the units.

Brent Warren confirmed it does add height.

Commissioner Siefert asked how much height would be added.

Brent Warren explained he does not have the exact specifications, but he estimates a foot or two.

Commissioner Chandler inquired if the photo on screen is an example of work Mr. Warren has done.

Brent Warren explained the photo is from the manufacturer. The other two photos with school buildings were completed by the company Mr. Warren works for. The screens are much larger than the unit by itself.

Commissioner Chandler asked if the applicant has investigated any other screening options.

Brent Warren explained there are other options on the market, but they are about the same size because the screens have to be a certain distance away from the units to allow air flow and space for service.

Commissioner Chandler asked Planner Papelbon if other types of screening have been used on other projects in the City.

Planner Papelbon explained screening is required. There are different types of screening available. The material of the screening is intended to blend in with the architectural design of the buildings. Planner Papelbon provided examples of materials and other projects in the City.

Brent Warren stated on new construction it is easier to group all the mechanical units together and screen them. However, on this remodel project, the units are more spread out.

Commissioner Chandler asked if there were any other changes to the rooftops besides the size of these units.

Brent Warren confirmed it was the size that was changing.

Commissioner Siefert asked Planner Papelbon if the screening they are recommending complies with the City's requirement.



Planner Papelbon stated that several developments have used a ribbed metal panel for mechanical screening. The color should complement the colors of the building, and makes it look like part of the building. Historically staff has recommended approval for things that are similar to this.

Commissioner Sullivan asked the applicant if there are any additional improvements on the project that will supplement this removal.

Brent Warren stated there are none planned, but can work with the owner to come up with something to propose.

Mayor Bukiewicz stated it is our Code to have every building in the City screen their mechanical equipment for consistency. The applicant can work with staff for screening options.

Commissioner Oldani moved that the Plan Commission approves the amendment to the building plans submitted by Andrew Chromy, Oak Creek-Franklin Joint School District, for the property at 8545 S. Shepard Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all conditions of approval from March 12, 2019 remain in effect except as specifically amended herein.
3. That the proposed rooftop mechanical units are not required to be screened at this time; however, any changes to the rooftop mechanical units will require screening at the time of installation.
4. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

Commissioner Siepert seconded. On roll call: all voted no. Motion failed.

**PLAN REVIEW & MODIFICATION REQUEST  
OAK CREEK-FRANKLIN JOINT SCHOOL DISTRICT  
MEADOWVIEW ELEMENTARY SCHOOL  
10420 S. MCGRAW DR.  
TAX KEY NOS. 957-9996-000**

Planner Papelbon provided an overview of the site, landscaping, and building plans for proposed modifications to landscaping and screening requirements for the building's rooftop mechanical units (RTUs). (see staff report for details).

Commissioner Chandler asked the applicant to provide more information as to why these areas and being removed, and what it will be replaced with.

Jason Christensen, Nielsen, Madsen, and Barber, Civil Consultant for the District, 1458 Horizon Boulevard, Racine, explained they would like to remove the islands and replace them with pavement. There will be no added parking spaces. They are proposing removing the islands for snow removal, maintenance, and future aesthetic purposes. There is a lot of green space surrounding the parking lot. The landscaping is not being eliminated, the trees will be placed surrounding the parking lot.

Commissioner Sullivan asked the applicant to confirm that two of the islands are already paved.

Jason Christensen confirmed two islands are already paved.

Commissioner Sullivan inquired why the third island was not paved.

Jason Christensen explained the two were paved in error by the contractor.

Commissioner Carrillo questioned if there would be any safety concerns by making the road wider by the entrance.

Jason Christensen explained the roadway would be striped out where the island currently is to prevent driving and parking in that location.

Mayor Bukiewicz asked for clarification if there were curbs on the two islands that were paved.

Commissioner Sullivan explained the two smaller islands have already been paved. The other island has been seeded.

Mayor Bukiewicz asked for clarification if the one has a curb.

Commissioner Sullivan explained it is not curbed, the island is just asphalt. On the north side it goes straight from asphalt to sidewalk and blends in at the same level.

Mayor Bukiewicz asked Planner Papelbon if the three islands with trees meets the City's Code.

Planner Papelbon explained the plan that was approved by the department meets the City's Code.

Mayor Bukiewicz agreed there is plenty of green space to the south, but to have consistency it should stay as the plans are drawn.

Jason Christensen asked Planner Papelbon to clarify that half of 5% is the requirement for the islands.

Planner Papelbon explained there are two different requirements. There is a landscaping requirement for parking lots serving more than 5 vehicles. If the parking lot is going to be serving at least 25 vehicles, at least one half of that, or 2.5%, has to be a landscaped area within the parking lot itself.

Jason Christensen stated the two inner islands are already paved, the district is willing to rip them out if this is denied, but the larger landscaped island is 4% of that parking lot so it could satisfy that 2.5% requirement.

Planner Papelbon explained if the Plan Commission wants to uphold Code, staff can work with the applicant to decide which islands may be removed.

Mayor Bukiewicz sought confirmation if the three islands are meeting Code, how would Code be met with just one island.

Planner Papelbon reiterated if the Plan Commission upholds the Code, staff would work with the applicant to ensure the plans will meet the requirements of the Code.

Jason Christensen explained the three islands together equate to 6% green space; this parking lot only requires 2.5%. If the two inner islands remain paved the larger island makes up 4% green space and the parking lot still meets the code.

Commissioner Sullivan stated the Code reads the green space must be within the parking lot. In his opinion the third island is on the outside, adjacent to the parking lot.

Mayor Bukiewicz stated the applicant can continue to work with staff, but with his vote he will stick with consistency.

Planner Papelbon read the suggested motion: that the Plan Commission approves the amendment to the site, landscaping, and building plans submitted by Andrew Chromy, Oak Creek-Franklin Joint School District, for the property at 10420 S. McGraw Dr. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all conditions of approval from March 12, 2019 remain in effect except as specifically amended herein.
3. That the proposed rooftop mechanical units are not required to be screened at this time; however, any changes to the rooftop mechanical units will require screening at the time of installation.
4. That the three (3) landscape islands in the south parking lot are not required to be installed at this time; however, any change(s) to the parking area will require landscaping in conformance with Code requirements in effect at the time of the change(s).
5. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

Alderman Guzikowski made the above motion.

Commissioner Oldani seconded. On roll call: all voted no. Motion failed.

Mayor Bukiewicz stated the applicant can work with staff to come up with a solution.

**TEMPORARY USE PERMIT  
OZINGA READY MIX CONCRETE  
841 W. RAWSON AVE  
TAX KEY NO. 764-9051-000**

Zoning Administrator/Planner Miller provided an overview of the request to operate a temporary concrete crushing process (see staff report for details).

Commissioner Hanna asked what route the trucks would be using to get to and from the facility.

Justin Kratochvil, 8356 Green Briar Road, Wind Lake, all truck traffic exits east or west on Rawson Avenue, primarily to the interstate.

Commissioner Hanna confirmed the traffic would go east or west to Highway 38 or Highway 241.

Justin Kratochvil agreed and mentioned the possibility of local deliveries. Ozinga has done work with Amazon, road projects on Rawson Avenue, 6<sup>th</sup> Avenue, and 13<sup>th</sup> Street.

Commissioner Hanna stated her concern is the trucks using 13<sup>th</sup> Street to move the crushed aggregate.

Justin Kratochvil stated they have used that route in the past, but typically the trucking route is the interstate or Highway 38.

Commissioner Hanna is concerned if the trucks are using 13<sup>th</sup> Street, would a street sweeper be traveling that route behind the trucks?

Mayor Bukiewicz explained the Plan Commission is looking at the batch plan, not the hauling routes. It is irrelevant where the trucks are hauling to.

Justin Kratochvil specified that all the trucks come equipped with a tarp system, and Ozinga has a street sweeper that comes through a couple of times a week to clean the yard and on Rawson Avenue.

Commissioner Hanna stated her question is relevant to number 8 of the suggested motion that states, "a street sweeper is [to be] utilized [a] minimum of once per day."

Justin Kratochvil reiterated the site is approximately 60% paved, a street sweeper comes through to take care of the site and on Rawson Avenue.

Mayor Bukiewicz explained it is similar to construction projects.

Justin Kratochvil stated his understanding from previous discussions with staff that per the Code, there is no Conditional Use Permit allotted by the City for permanent crushing – it would require a text amendment. The Temporary Use Permit is the route they have taken in the past. In 2017, three separate permits were issued; in 2018, there were two; and in 2019, this will be the fourth permit issued. There is some extra work this year, and allowing them to crush and recycle material helps the environment and Oak Creek.

Commissioner Siepert asked the applicant how many trucks would be entering or leaving on a daily basis.

Justin Kratochvil explained it varies on a daily basis depending on production; however, to get the most use out of the trucks, when a truck drops some material off for recycling, they take recycled material with them so it does not double up the amount of trucks.

Commissioner Siepert asked how many trucks a day does the 14 days equate to.

Justin Kratochvil explained for the 14-day window there is approximately 500 trucks hauling material out of that site; however, construction demands determine how much goes out in a given day.

Commissioner Oldani stated this is their business and business is booming. Commissioner Oldani believes as long as they are doing it responsibly, there is no reason this should not be approved.

Mayor Bukiewicz stated this has been approved in the past, and asked the fire department if there have been any issues in the past.

Assistant Fire Chief Kressuk stated route inspections are performed routinely on the property, and there are no concerns with the operation continuing.

Alderman Guzikowski moved that the Plan Commission approves the Temporary Use permit for a temporary crushing operation at 841 W. Rawson Avenue with the following conditions:

1. That all applicable building and fire codes are in effect.
2. That the hours of operation for crushing be limited to Monday through Friday between 7:00 AM and 4:00 PM.
3. That the temporary use shall expire on December 31, 2019.
4. That crushing is limited to Ozinga concrete. No materials from other properties or work sites shall be brought to the site for crushing.
5. That onsite air-born dust and debris control measures (e.g., water application) are utilized throughout the operation.
6. That the stockpiles are restricted to the locations as shown on the approved site plan, and may not exceed 30 feet in height.
7. That any truck traffic associated with the temporary use is restricted to State and County highways.
8. That a street-sweeper is utilized minimum of once per day.
9. That the property is returned to its original condition – all temporary equipment and stockpiles removed - within 14 calendar days following the expiration of the Temporary Use Permit.

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

**CONDITIONAL USE PERMIT  
MEDICAL SUPPORT SERVICES, INC.  
140 E. RAWSON AVE  
TAX KEY NO. 733-9991-001**

Planner Papelbon provided an overview of a request for a Conditional Use permit for a physical and occupational therapy clinic within the multitenant building under construction (see staff report for details).

Mayor Bukiewicz asked when the tenant is planning on occupying the building.

Dustin Atkielski, 3441 Bark Lake Road, Hubertus, stated that there have been some complications with grading and getting construction materials. The buildings are close to being complete, and he is hopeful this phase of construction will be wrapped up in a month or two.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for a clinic within the multitenant building on the property at 140 E. Rawson Ave., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (September 24, 2019).

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:50 p.m.

ATTEST:

\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

9-17-19

\_\_\_\_\_  
Date

DRAFT

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, SEPTEMBER 24, 2019**

Alderman Guzikowski called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Guzikowski, Commissioner Siefert, and Commissioner Chandler. Mayor Bukiewicz, Alderman Loreck, and Commissioner Oldani were excused. Also present: Kari Papelbon, Planner and Laurie Miller, Zoning Administrator/Planner.

**Minutes of the September 10, 2019 meeting**

The minutes were not provided in the Plan Commission packets. Approval will be held until the October 8, 2019 meeting.

**CONDITIONS AND RESTRICTIONS  
MEDICAL SUPPORT SERVICES, INC.  
140 E. RAWSON AVE.  
TAX KEY NO. 733-9991**

Planner Papelbon provided an overview of the Conditions and Restrictions for a physical and occupational therapy clinic. (See staff report for details).

Of particular note, Planner Papelbon mentioned the hours of operation. The Applicant's submittal showed hours of operation as Monday through Friday, 7:30 a.m. to 6:30 p.m. What that does not include are potential hours where staff could be onsite before and after appointments. Staff would like the Commission's consideration of amending those hours to allow for a little more flexibility, perhaps 7 a.m. to 7 p.m., or if the Commission has any other suggestions.

Planner Papelbon stated that the site is currently under construction, and, typically, the Conditional Use Permit requires the commencement of operations within 12 months of the date of adoption of the approval ordinance by the Common Council. Since there is some flexibility in when the construction for the building will be completed, that is something for the Plan Commission to decide if this should be extended - 24 months, 36 months, etc.

Commissioner Hanna asked if the hours of operation include the cleaning operations. Planner Papelbon stated that hours of operation apply to when the facility is open, and do not typically apply to cleaning/maintenance staff. However, there could be patients that arrive a few minutes early and stay a few minutes late. Allowing a little bit of flexibility would allow staff to be onsite outside of those particular hours of operation.

Commissioner Sullivan mentioned that in order to gain occupancy of the building, there are a few issues that need to be addressed, such as grading, completion of the ponds, and other things of that nature. He asked the Applicant if he will be able to get that done in 12 months.

Dustin Atkielski, 3441 Bark Lake Road, Hubertus, responded that yes, they are looking at completing the project before the end of the year for the original construction of the shell building. They are looking to submit permits for this tenant space because the shell of the building is completed already. They plan on working on the improvements for this alteration during construction of the actual site, but within 12 months. If they don't have it done in that time, they will probably not have this tenant. Commissioner Sullivan asked if that includes the third building

completion. Mr. Atkielski stated it does not. It would just be the completion of buildings B and C and the required site improvements.

Planner Papelbon stated that there is an alternate option if it looks like the completion of the site is not going to be within 12 months. The Applicant can apply for an amendment for an extension of that time period prior to the expiration of the Conditional Use Permit.

Commissioner Siepert asked Mr. Atkielski if he concurred with the 7:30 a.m. to 6:30 p.m. time element. Mr. Atkielski responded that those are the hours that the tenant provided to him, but if the Commission is willing to give them a little bit of a buffer in the hours of operation, that would be appreciated.

Alderman Guzikowski asked how the hours of operation change will be handled in the Conditions and Restrictions. Planner Papelbon responded that staff will incorporate the changes.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a clinic within the multitenant building on the property at 140 E. Rawson Ave., after a public hearing.

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

**CONDITIONAL USE PERMIT AMENDMENT  
BRIAN SCHOENLEBER  
7801 S. PENNSYLVANIA AVE.  
TAX KEY NO. 779-9010-000**

Planner Papelbon provided an overview of a request for a Conditional Use Permit Amendment to the Time of Compliance section for a Community Based Residential Facility, including the background for the previous approvals in 2016 and 2018. (See staff report for details.)

Commissioner Chandler asked for more information on the six-month extension. Joe Frederick, 1422 N. 69<sup>th</sup> St., Wauwatosa, WI, stated that six months is longer than they would need, and therefore, would be adequate.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves an amendment to the existing Conditional Use Permit extending Section 7, Time of Compliance to a deadline of six (6) months of the date of adoption of the amendment ordinance for the property at 7801 S. Pennsylvania Avenue, after a public hearing.

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

**PLAN REVIEW  
OAK CREEK-FRANKLIN JOINT SCHOOL DISTRICT  
340 E. PUETZ RD.  
TAX KEY NO. 827-9028-000**

Planner Papelbon provided an overview of the plan review for additions to the Oak Creek High School career and technical education center, parking lot, and for a performing arts & education center. (See staff report for details.)



Commissioner Siepert asked about the timetable for completing this project, and what steps they are going to take to complete it.

Andrew Chromy, Chief Business and Finance Officer, Oak Creek-Franklin Joint School District, responded that construction on this addition would start next summer through the 2020 calendar year, and finish in the summer of 2021 to be ready for the 2021-2022 school year.

Commissioner Siepert asked if they would be able to handle the parking problems because of the existing extra-curricular activities and now they are adding soccer. He asked if the parking lot will be completed prior to building the auditorium. Mr. Chromy responded that the parking lot will not be completed because some of the parking area will be used as a staging area for the construction. They will be able to operate on a day-to-day basis as far as school is concerned; however, there will be some disruption during Friday night football games.

Commissioner Siepert stated his concern for the neighborhood during the school activities and during the school day, and that the parking will extend even further into the surrounding neighborhoods. Mr. Chromy responded that this will not affect student parking whatsoever. Student parking is located on the west side of the building. The parking lot that is being affected is teacher parking and after-school activities related to football. This would amount to about 4 or 5 nights during the fall from a football standpoint.

Commissioner Chandler asked for more information about the additions. Mr. Chromy stated that they currently have an auto repair shop that does not really allow for auto repairs as the bays for cars cannot lift cars or they will crush the ceiling because of height restrictions. What they are proposing is a typical-type auto shop that you would take your car to. The students will be able to get a car off the ground and do some work on it.

Regarding CTE, they currently have about double the number of students they had when the CTE program was instituted and in high demand, in the same amount of space. They are looking to elaborate on that space so they can accommodate the number of students requesting to take those classes.

Regarding the performing arts education center, they currently have a theater at the high school that seats 200 people. The high school has 2,200 students. They are proposing 850 seats. The back is not completed. They are going to do an alternative bid for an additional 150 seats. It does not change the plan whatsoever. Those have already been sized into this. The Board had approved 850 seats with the ability to request what the 150 additional seats would cost.

The areas around that particular piece are all things that are growing. Robotics is very huge. At the last school board meeting on the 9<sup>th</sup>, there were 35 students in attendance discussing traveling all over the United States with their robotic projects.

They do not have a proper stage for 70 to 90 children that participate in drama classes. The green room and other spaces are things that a growing high school need.

Commissioner Chandler asked for information about landscaping.

Jason Christianson, Neilsen-Madsen & Barber, 1458 Horizon Boulevard, Racine, stated that right now there two landscaping plans that are part of the building addition and remainder of the parking lot. The landscaping for the other part of the parking lot was already approved. He stated that staff is looking for a plan with the proper screening. If they need to approve some additional

screening along Puetz Road, they can certainly do that. Planner Papelbon mentioned that it would be helpful if there was one landscape plan that showed the treatment for the entire parking lot. Mr. Christianson stated that that can be provided.

Planner Papelbon stated that if they can get a complete plan that shows the entirety of the parking lot, they can put this item on for the next Plan Commission meeting (October 8) so that they have Plan Commission approval for the whole thing. That way, there will be no question about what is being approved.

Alderman Guzikowski stated that it has been some time since any changes have been made to the high school. From his perspective, the performing arts and some of the other improvements are impressive and necessary.

Commissioner Chandler asked for information on the traffic safety changes that will be implemented. Mr. Chromy stated he cannot provide specifics, but Nexus and the School District's team will work with the Fire Department to ensure that everything is up to Code, and all regulations are met.

Alderman Guzikowski asked if the motion needed to include language about the landscaping plan being presented in its entirety. Planner Papelbon responded that if the Plan Commission wishes to see the entire landscape plan showing the whole parking lot in one treatment, there is one additional condition that could be added, and that is:

*"That the landscape plan includes the entire parking lot and is reviewed and approved by the Plan Commission at the October 8, 2019 meeting."*

This would be condition #6.

Planner Papelbon recited the motion as follows:

That the Plan Commission approves the site, building, and landscape plans submitted by Andrew Chromy, Oak Creek-Franklin Joint School District, for the property at 340 E. Puetz Rd. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the exterior brick veneer meets the minimum 4-inch requirement per Code.
3. That the plans are revised to include locations for all new and relocated mechanicals, transformers, and utilities. All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
4. That all water and sanitary connection requirements are coordinated with the Oak Creek Water and Sewer Utility prior to submission of permit applications.
5. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.
6. That the landscape plan includes the entire parking lot and is reviewed and approved by the Plan Commission at the October 8, 2019 meeting.

Commissioner Carrillo so moved. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

**TEMPORARY USE PERMIT  
BOYLAND PROPERTIES  
2420 W. RAWSON AVE.  
TAX KEY NO. 737-9095-000**

Zoning Administrator Miller provided an overview for the request for a temporary use permit to allow temporary storage of inventory vehicles for sale. (See staff report for details.)

Debbie Litzow, 2413 W. Rawson Ave.:

*"I'm right across the street from the cars that are already being stored there. Couple of weeks ago, I went out with more than four garbage bags to fill up. It's turned into kind of like a junkyard. They haven't kept the grass cut like they used to. The old owners, before they sold it, would come out there and trim, you know, and cut everything down. It was weeds, but it looked okay from the street. Um, they're not doing that, so all the trash from 27<sup>th</sup> and Rawson is getting blown up against their bushes and weeds, so it's becoming a junk yard. Now with the cars there with the weeds growing up around them and they are right up against the street, it really doesn't look good. And when we were talking and listening to when you were going through what the dealership would look like and how it's going to be one of the first of the commercial properties in that corner that we wanted it to look nice and show off the community, it is not showing off the community. It is embarrassing. So that's just from my other side of the road and I don't have real high standards. So, I thought some of those cars out there tonight were the neighborhood that is actually next to them, but apparently not. I'm sure they're not happy."*

Commissioner Carrillo saw the site and thought there was a festival going on as it was so far away from the dealership going in. She stated that yes, it does not look good. It definitely needs to be a paved surface or be moved somewhere else, but those residents cannot be happy with that.

Commissioner Siepert stated his concurrence that this does not fit the area for parking these cars temporarily. They requested a 100 to 150 vehicles, and now they're talking a maximum of 50 vehicles for the so-called conditional use. He sees this as a conflict with the people in the surrounding neighborhoods and the City. Also, as he drives along 27<sup>th</sup> Street, he sees that there are multiple properties available for parking vehicles. He believes there are other areas in the vicinity of the dealership that they could accomplish the storage of vehicles.

Commissioner Chandler asked for more information on how you would prep the area for these cars.

Tim Grayman, 7020 S. 27<sup>th</sup> St., stated that he came in front of the Plan Commission to see what was needed first off. It was not their intention to be an eyesore. They had a situation where they purchased back the All-Star Dealership Honda and have an overstock problem. They own the property so the quickest and fastest thing to do is move it there. Once they got their hand slapped, they reached out to the City and are now in the temporary use process. They understand the City's concerns, but they were hoping they had some leeway to use their own property.

Alderman Guzikowski stated that that is one way of looking at it, but he is not sure that storage of vehicles is really going to fit in that area. He stated that the applicant made some assumptions

here. Right out of the gate, they are not being a good neighbor and taking care of what is there. Mr. Grayman said they hired a lawn service once they received a notice from the City for the outer parcel. Alderman Guzikowski stated it should not have taken getting a notice from the City. They should have been out there looking at what is going on there. It shouldn't have been drawn to their attention by the City based on a concern from a neighbor. Mr. Grayman concurred and stated that they rectified it.

Debbie Litzow, 2413 W. Rawson Ave.:

*"Isn't there a standard that grass has to be cut down to. Like for the City of Milwaukee, I know I have rental properties and I get cited if the renters are not keeping it trimmed. So as of this morning, it wasn't meeting that standard from what I'm used to for the standard."*

Commissioner Chandler asked if the Applicant is before the Plan Commission to get a better understanding of what to do and the recommendations from Planning. Mr. Grayman stated they have heard the recommendations and they understand what to do.

Commissioner Chandler asked what is going to change and what their plans are going forward. Mr. Grayman responded that the City does not want the cars parked there so they are going to remove the cars.

Planner Papelbon stated that there are two options. If the Applicant wants to withdraw at this time, they can do that. Unfortunately, since they have been under review, there wouldn't be a refund possibility. The other option is for the Plan Commission to make it clear that this is not an approved use. If they are looking to make this a denial situation, the Plan Commission should provide the motion in the affirmative and then cast their votes. If nays outnumber the ayes, then that motion fails and the approval fails as well.

Commissioner Hanna moved that the Plan Commission approves the Temporary Use permit for temporary storage of inventory vehicles for sale at 2420 W. Rawson Ave. with the following conditions:

1. A minimum 15-foot setback shall be maintained from any property line adjacent to a residential district. Parking shall be located outside of all wetland boundaries and buffer areas, shall be located outside of storm drainage and utility easements, and shall maintain a 30-foot setback to all existing rights-of-way.
2. All vehicles within the approved vehicle storage area shall be parked on temporary concrete parking panels. No vehicles shall be parked on grass or gravel.
3. There shall be a maximum of 50 vehicles stored on the property in the approved vehicle storage area.
4. Delivery of vehicles shall only be via access points on W. Rawson Ave. or 27<sup>th</sup> St. only. There shall be no access from West Cedar Street or South 22<sup>nd</sup> Street. Delivery or removal of vehicles shall be between 8:00 a.m. and 5:00 p.m. Monday through Saturday.
5. There shall be no lighting, advertising, or any other signage in the approved vehicle storage area.
6. There shall be no sales of vehicles from the approved vehicle storage area.
7. The Temporary Use Permit for temporary storage of vehicles shall expire on March 31, 2019. The property shall be restored to its original condition – all vehicles and concrete pads removed, vegetation replaced/replenished – within 14 calendar days following the expiration of the Temporary Use Permit.

Commissioner Siepert seconded. On roll call: all voted no. Motion failed.

**CANCELLATION OF MEETING  
NOVEMBER 26, 2019**

Commissioner Siepert moved to cancel the November 26, 2019 Plan Commission meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:48 p.m.

ATTEST:

\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

9-25-19  
Date

DRAFT



## PLAN COMMISSION REPORT

Proposal: Sign Appeal

Description: Request for variances allowing the applicant to install three entrance structures with signage. This request includes two (2) decorative entry columns 8’ 10”x 3’4” with a 1.5’ x2’ cast bronze sign (not illuminated) located on the east and west side of S. Orchard Hills Drive, and a proposed 3.5’x4.5’ sign (non-illuminated) installed on a “guard house” 11’6x 12’ to be placed in the median at 2697 S. Orchard Hills Drive.

Applicant(s): HSI Orchard Hills, LLC

Address(es): 2697 S. Orchard Hills Drive

**Suggested Motion:** Staff does not provide recommendations for sign appeals. See staff report for options.

Owner(s): HSI Orchard Hills, LLC

Tax Key(s): 831-0310-000

Lot Size(s): 19.6436 ac

Current Zoning District(s): Rm-1, Multifamily Residential

Overlay District(s): PUD CU

Wetlands:  Yes  No Floodplain:  Yes  No

Comprehensive Plan: Mixed Residential

### Background:

The Applicant is requesting a variance from Municipal Code Section 17.0705(a) and 17.0705(d) which states that only one residential development sign not to exceed forty-eight square feet in area be located at an entrance to a subdivision or development and a ground signs shall not exceed eight (8) feet in height. The applicant is proposing to install a total of three residential development signs that exceed the height of eight feet at the entrance to 2697 S. Orchard Hills Drive.

This specific request is for two (2) decorative entry columns 8’ 10”x 3’4” with a 1.5’ x2’ cast bronze sign (not illuminated) located on the east and west side of S. Orchard Hills Drive, and a proposed 3.5’x4.5’ sign (non-

illuminated) installed on a “guard house” 11’6x 12’ to be placed in the median at 2697 S. Orchard Hills Drive. Plan Commission may recall a similar design approved April 11, 2017 for the Drexel Ridge Apartments located at 7798 S. Drexel Ridge Way.

In deliberation of a variance, the Plan Commission may consider the following:

- location of the proposed sign
- height
- overall size
- appearance
- number
- location of other signs in the vicinity of the proposed sign
- any other factor the Plan Commission deems appropriate, excluding content

Staff does not make recommendations regarding sign appeals. However, decisions to approve a sign variance must be made utilizing the following criteria:

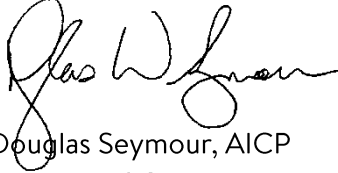
1. There shall be no public harm and there shall be a public benefit.
2. Variance considerations shall include enhancement of the overall character of a neighborhood or mitigation of unusual site conditions.
3. The sign will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs.
4. The effect a proposed sign may have on depreciating property values of a neighborhood.

***Motion for consideration:*** That the Plan Commission approves a sign variance allowing the installation of two (2) decorative entry columns 8’ 10’x 3’4” with a 1.5’ x2’ cast bronze sign (not illuminated) located on the east and west side of S. Orchard Hills Drive, and a proposed 3.5’x4.5’ sign (non-illuminated) installed on a “guard house” 11’6x 12’ to be placed in the median at 2697 S. Orchard Hills Drive. (Note: if the Plan Commission does not determine that the variances are acceptable, the correct procedure would be to make the motion above and cast a dissenting vote referencing specific criteria upon which the disapproval was based).

**Options/Alternatives:** The Plan Commission has the discretion to approve or disapprove of the request. Should the variance not be granted, the Appellant will be required to comply with current Code for ground signs.

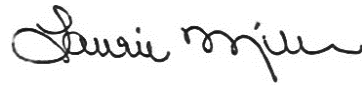
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Respectfully submitted:



Douglas Seymour, AICP  
Director of Community Development

Prepared:



Laurie Miller  
Zoning Administrator/Planner

---

Attachments:

- Hearing Notice
- Location Map
- Request for Variance (responses to criteria)
- Proposed Sign Plan (2 pages)



Publish September 25, 2019

**CITY OF OAK CREEK  
NOTICE OF PUBLIC HEARING  
BEFORE THE PLAN COMMISSION**

A public hearing for a sign appeal will be held:

**Date:** Tuesday, October 8, 2019

**Time:** 6:00 p.m.

**Place:** Oak Creek City Hall  
**COMMON COUNCIL CHAMBERS**  
8040 S. 6<sup>th</sup> Street  
Oak Creek, WI 53154

**Appellant:** HSI Orchard Hills LLC (Anthony DeRosa)

**Tax Key No.** 931-0310-000

**Property location:** 2697 W. Orchard Hills Drive

**To Request:** A variance from Section 17.0705(a) which states that one multifamily residential development sign not exceeding forty-eight (48) square feet in area on one side and ninety-six (96) square feet in area on all sides, be placed at the entrance to a subdivision or development. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.

If granted, the variance would allow the applicant to install a total of three ground signs located at the entrance to the development on the property located at 2697 W. Orchard Hills Drive.

**Zoning of Property:** Rm-1 PUD, Multi-Family Residential District, Planned Unit Development

All interested persons wishing to be heard are invited to be present.

Dated this 18<sup>th</sup> Day of September, 2019

PLAN COMMISSION  
CITY OF OAK CREEK, WISCONSIN

/s/ Mayor Dan Bukiewicz, Chairman

**Public Notice**

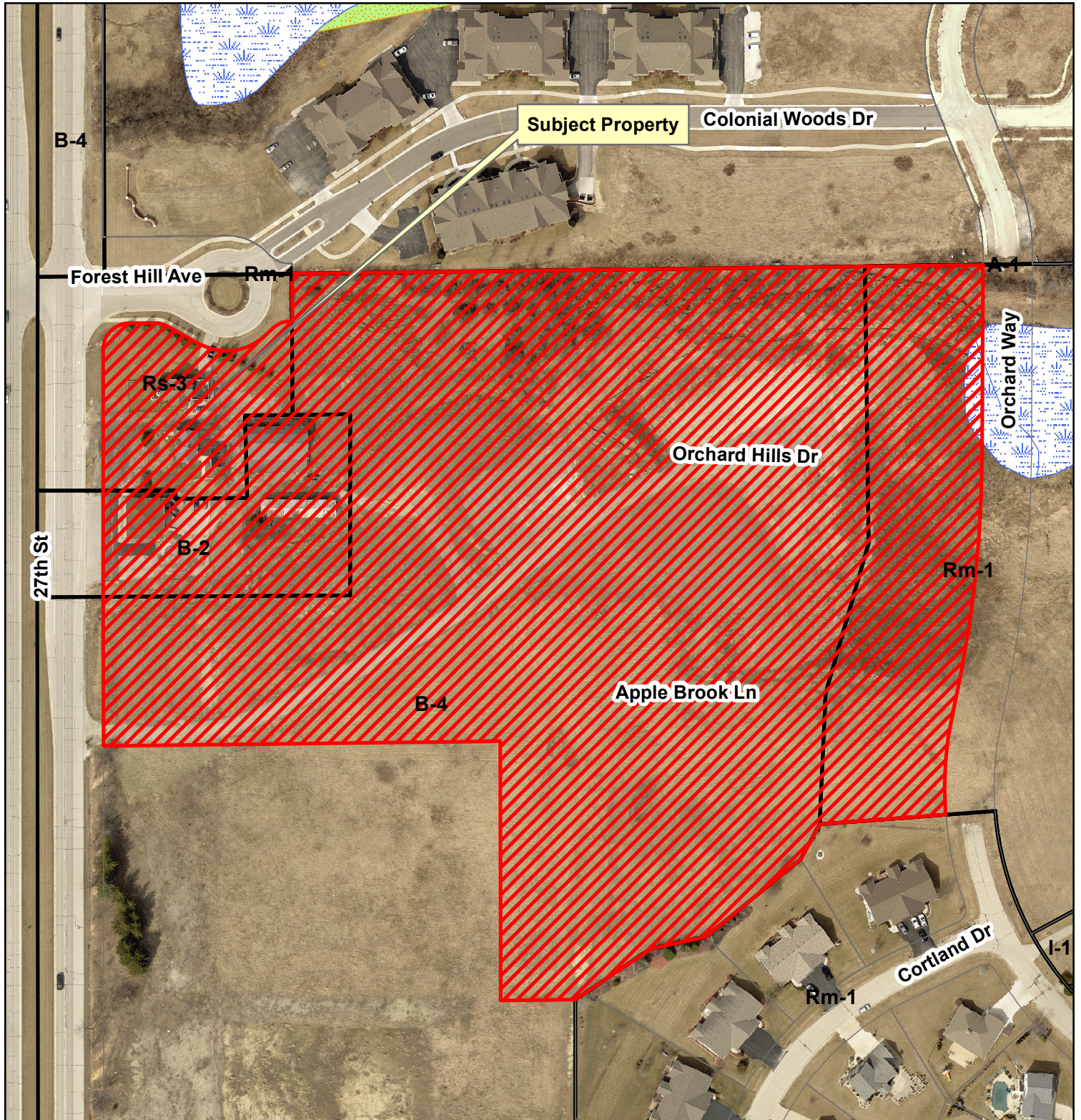
PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferable a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 414-766-7000, or by writing to the ADA Coordinator at the Health Department, City Hall, and 8040 South 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.



# Notification Map

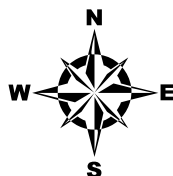
## 2697 S. Orchard Hills Dr.




This map is not a survey of the actual boundary of any property this map depicts.



Department of Community Development



### Legend

- |   |                           |   |                        |
|---|---------------------------|---|------------------------|
|  | Subject Property          |  | Floodway (2008)        |
|  | Officially Mapped Streets |  | Flood Fringe (2008)    |
|  | DNR Wetlands Inventory    |  | Environmental Corridor |





# Fiduciary

REAL ESTATE DEVELOPMENT, INC

789 N. Water Street, Suite 200, Milwaukee, Wisconsin 53202  
Phone 414.226.4535 • Fax 414.226.4523 • www.fred-inc.com

August 28, 2019

Mrs. Laurie Miller  
City of Oak Creek  
Zoning Administrator/Planner  
8040 S. 6<sup>th</sup> Street  
Oak Creek, WI 53154

**RE: Orchard Hills Notice of Sign Appeal & Application for Review Before the Plan Commission**

Dear Mrs. Laurie Miller:

We are requesting a variance from the sign ordinance for the usage of multiple signs, to increase height restrictions of sign, distance from City right-of-way and lot lines. We've worked to tie the building style and building materials into the entrance feature to create a more cohesive feel throughout the development. We do not feel that this sign has any adverse effect on public safety. Overall, we feel this sign upgrade will help to better compliment the site and give a more upscale feel to Orchard Hills.

Enclosed with this letter, please find the following items relating to the above referenced submittals:

- Scaled site plan
- Guard house & pier details
- Sign dimensions

We respectfully request to be placed on the September 24, 2019 Plan Commission agenda. Should you have any comments or questions, I can be reached at (414)246-8402. I appreciate your assistance and look forward to speaking with you soon.

Regards,

HSI Orchard Hills, LLC

Anthony DeRosa

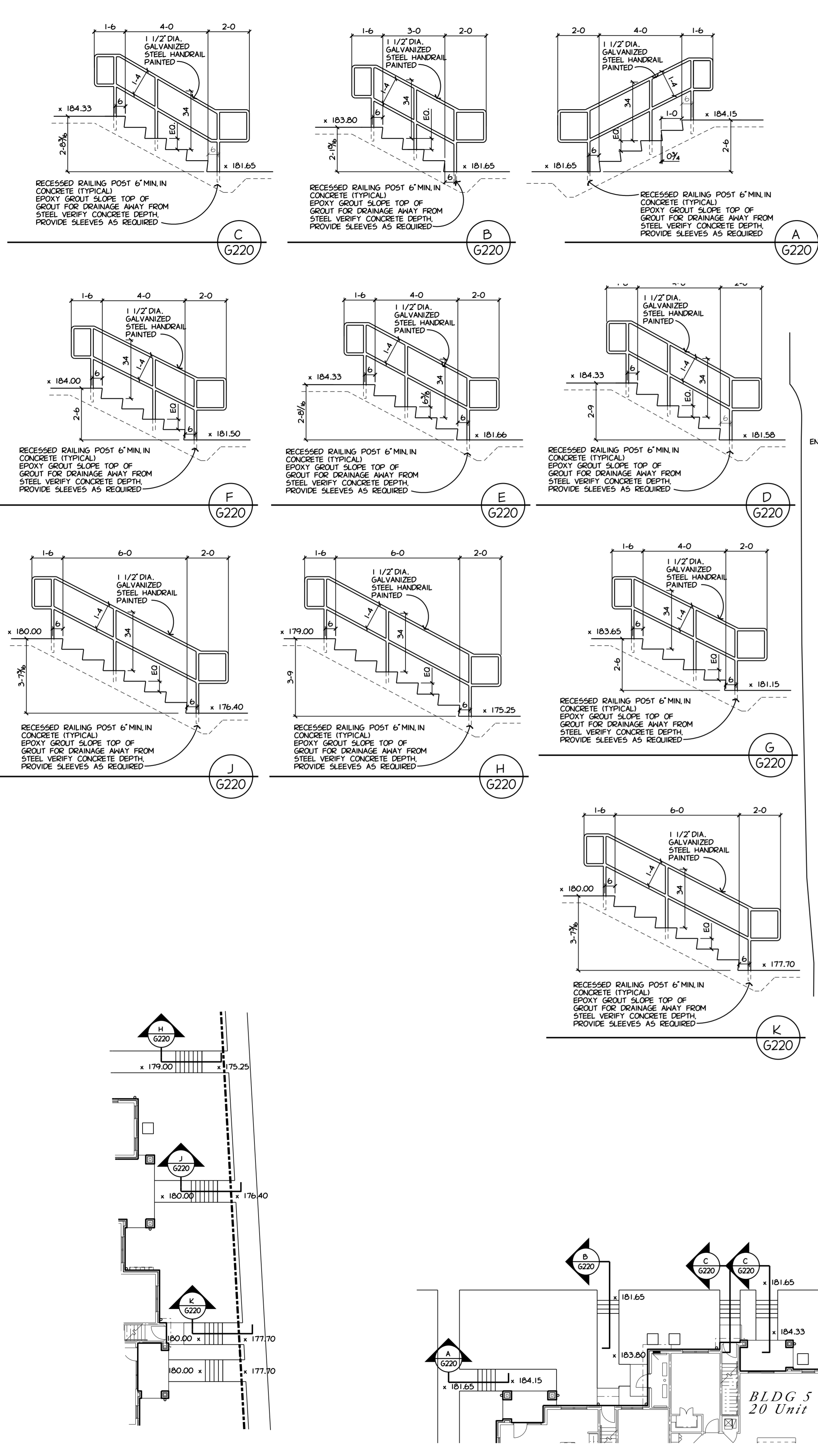
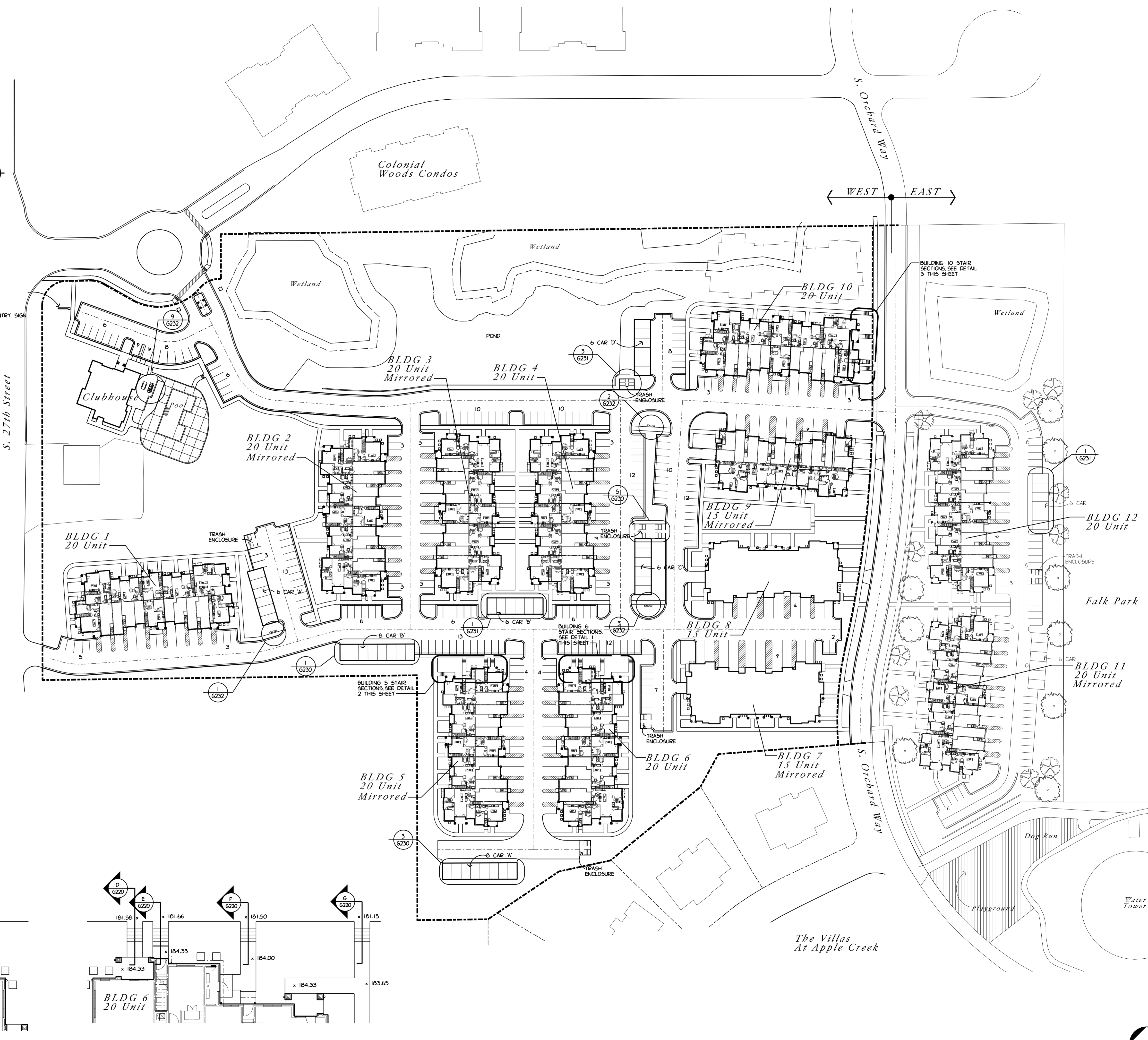


1414 UNDERWOOD AVE.  
WAUWATOSA, WI 53213  
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414.431.0331 FAX  
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Planning

REVISIONS

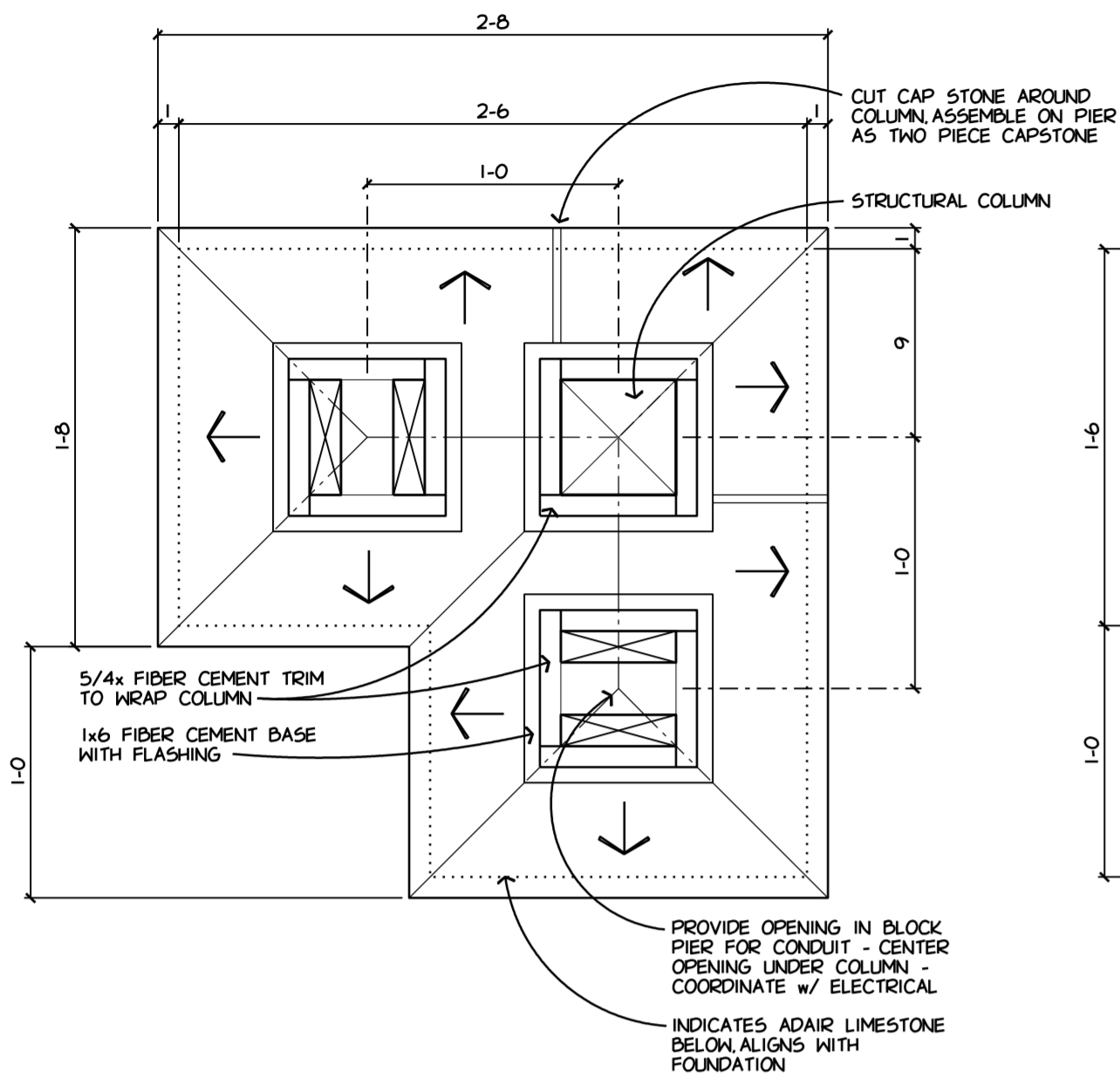
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DATE 02 NOV 2018  
PROJECT 180401  
SHEET NO. G220  
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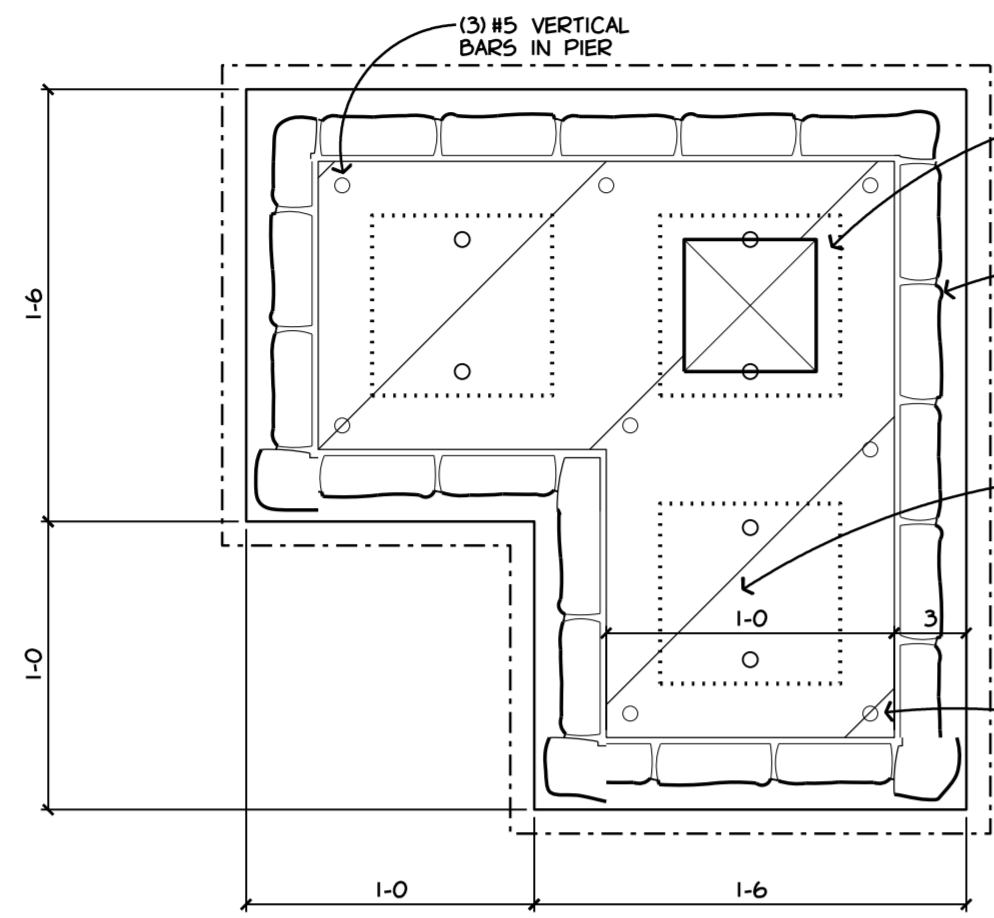
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LAST SHEET: G220T

1" = 60'-0" CAMPUS PLAN



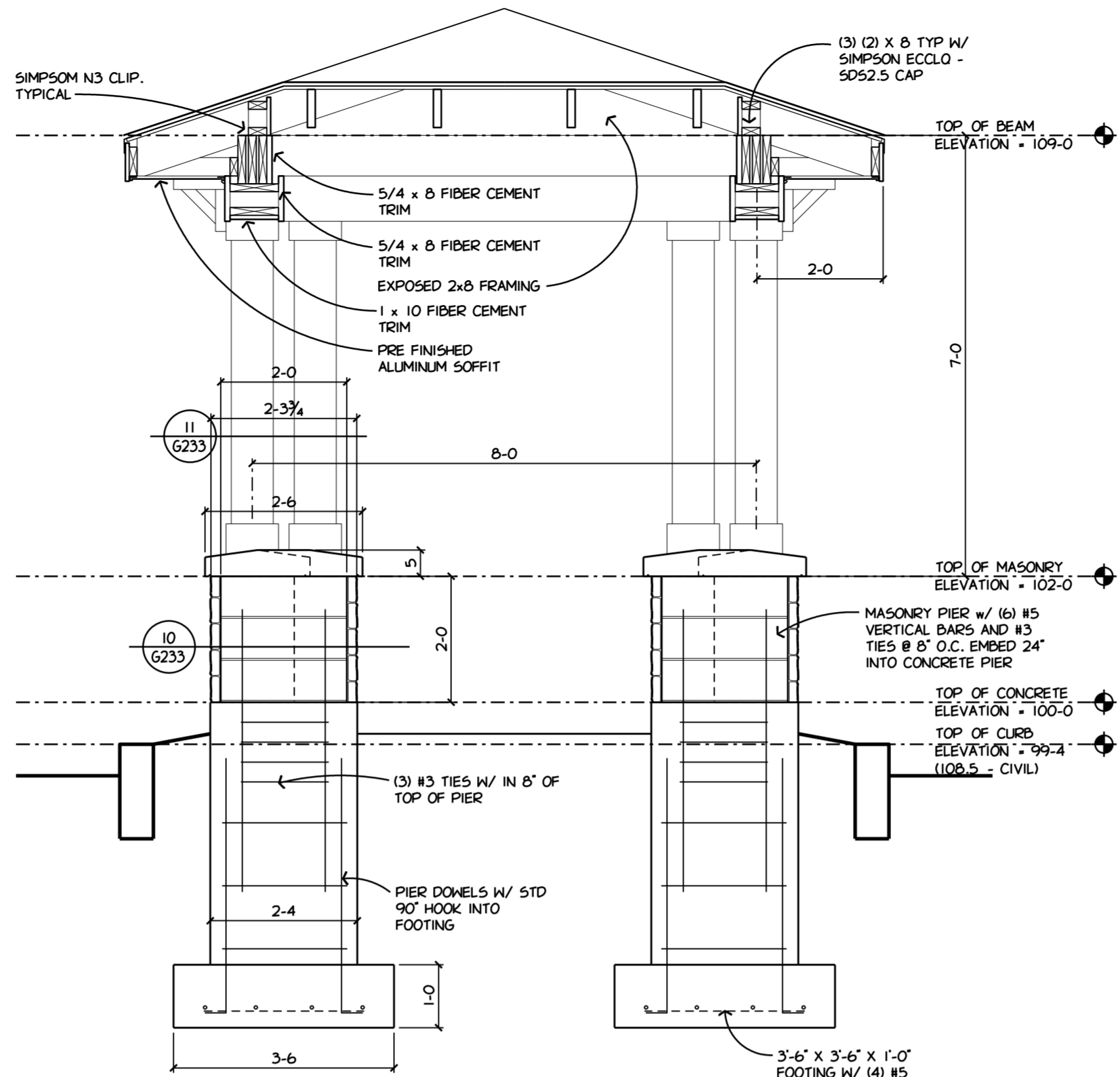
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1 1/2' - 1'-0" 11 G233



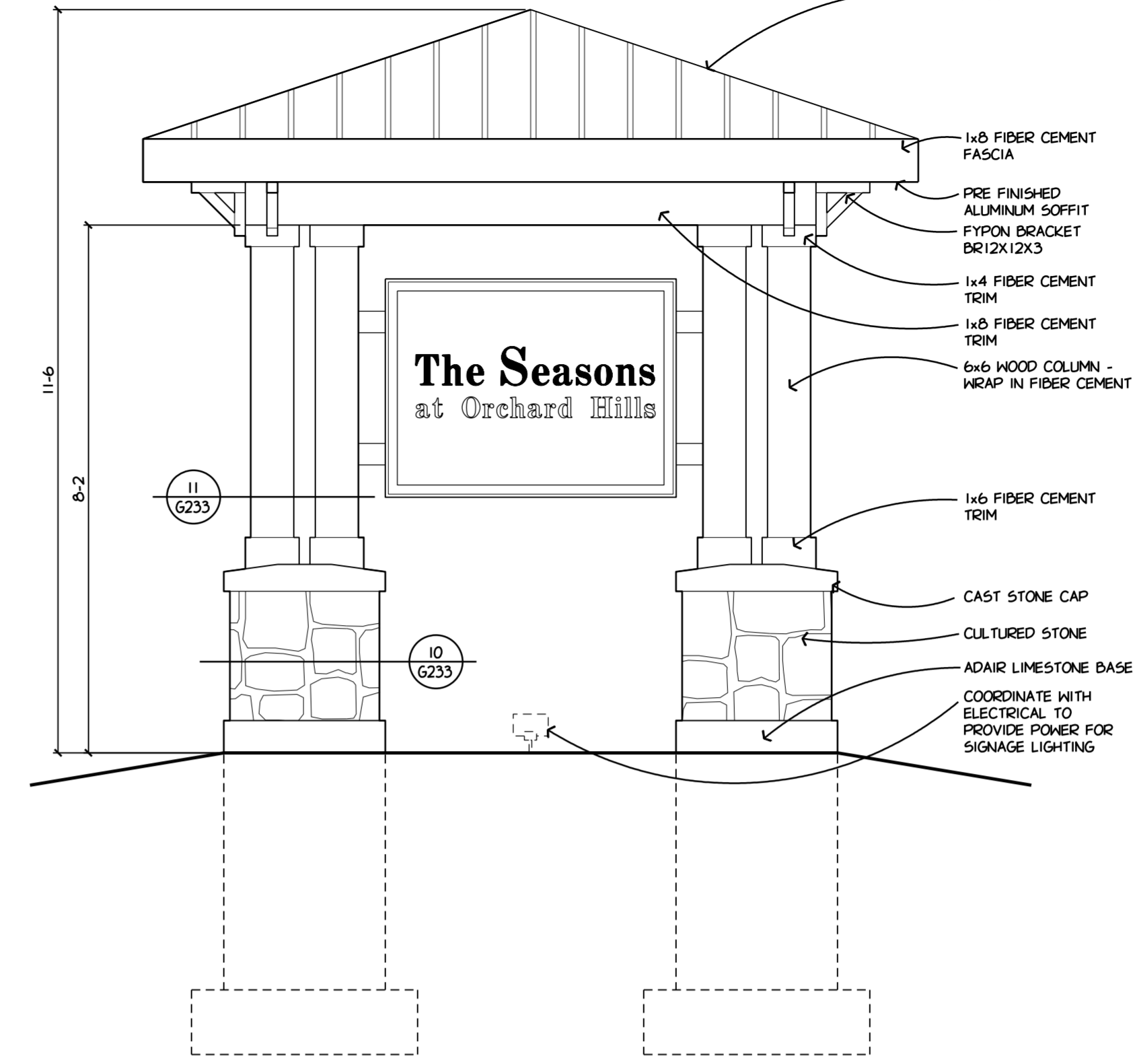
GUARD HOUSE PIER

1 1/2' - 1'-0" 10 G233



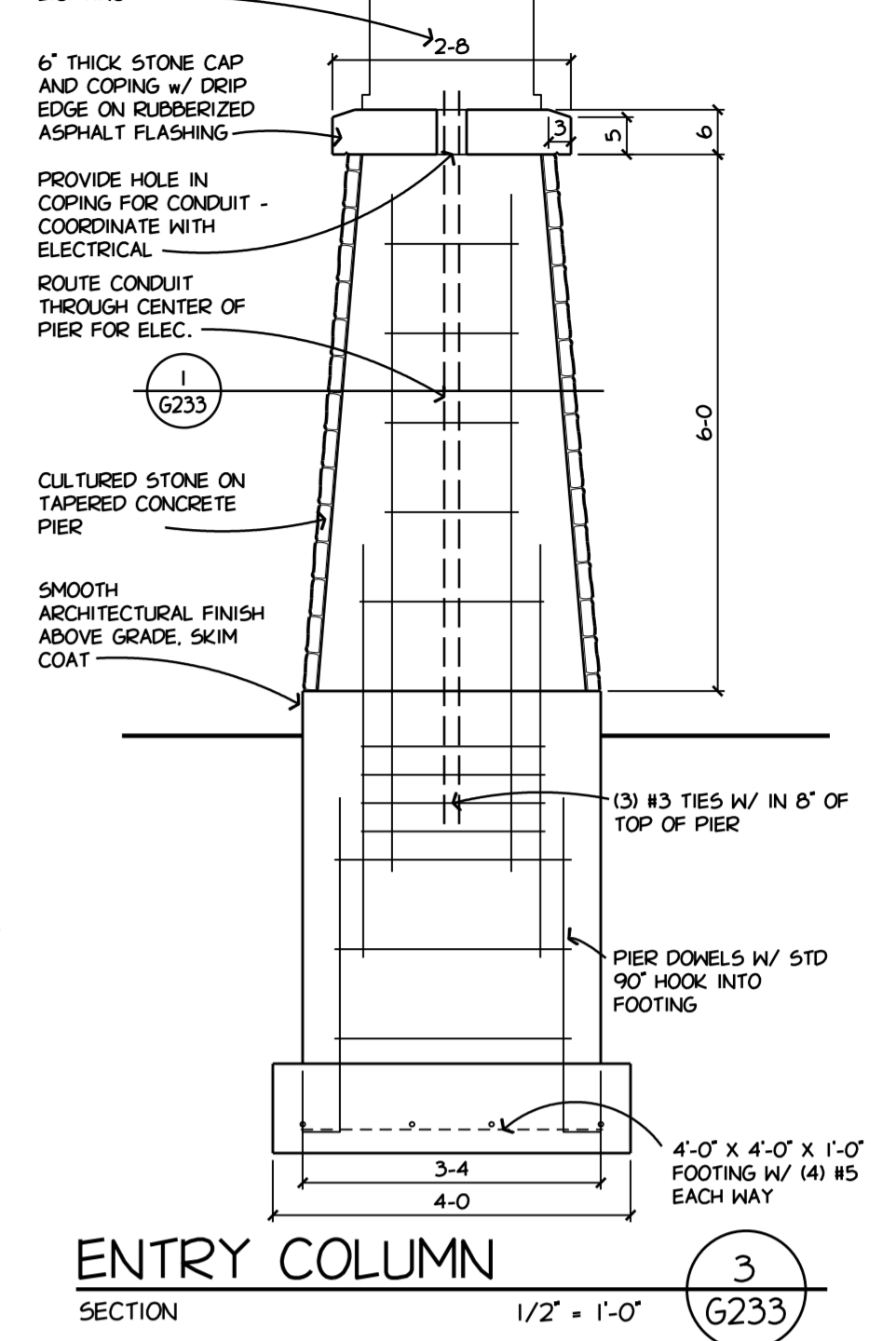
GUARD HOUSE

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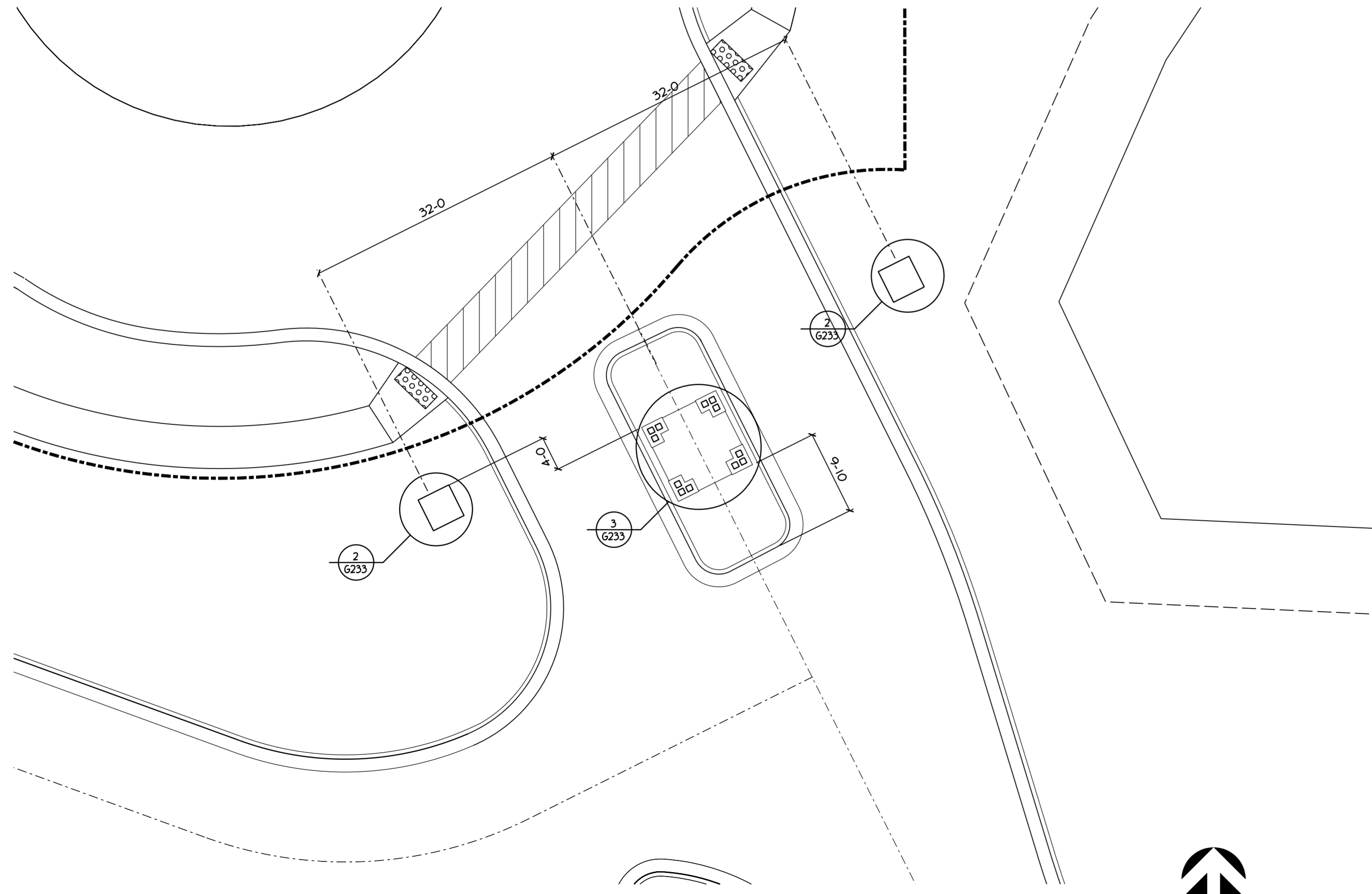
GUARD HOUSE

ELEVATION 1 1/2' - 1'-0" 6 G233



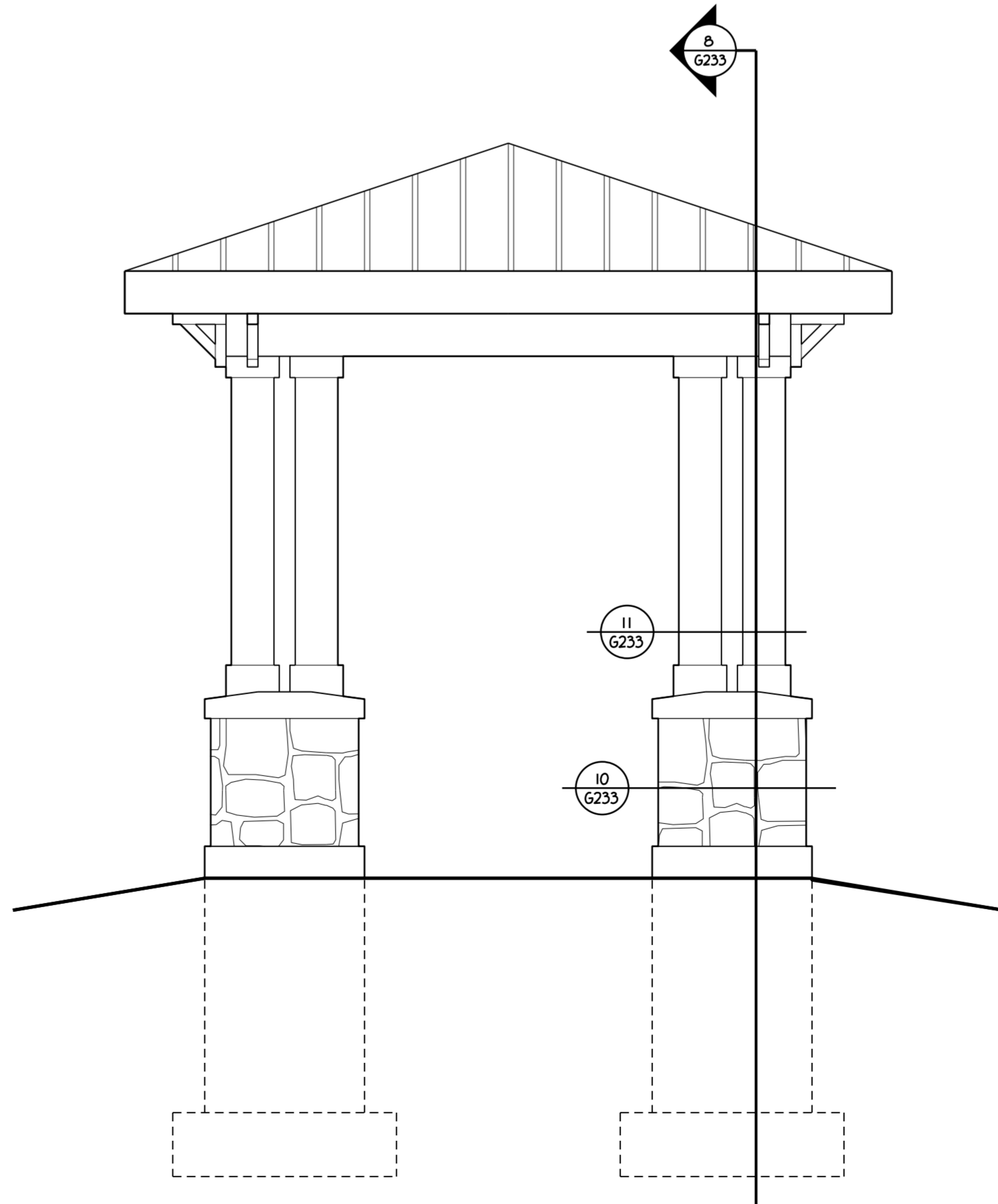
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SECTION 1 1/2' - 1'-0" 3 G233



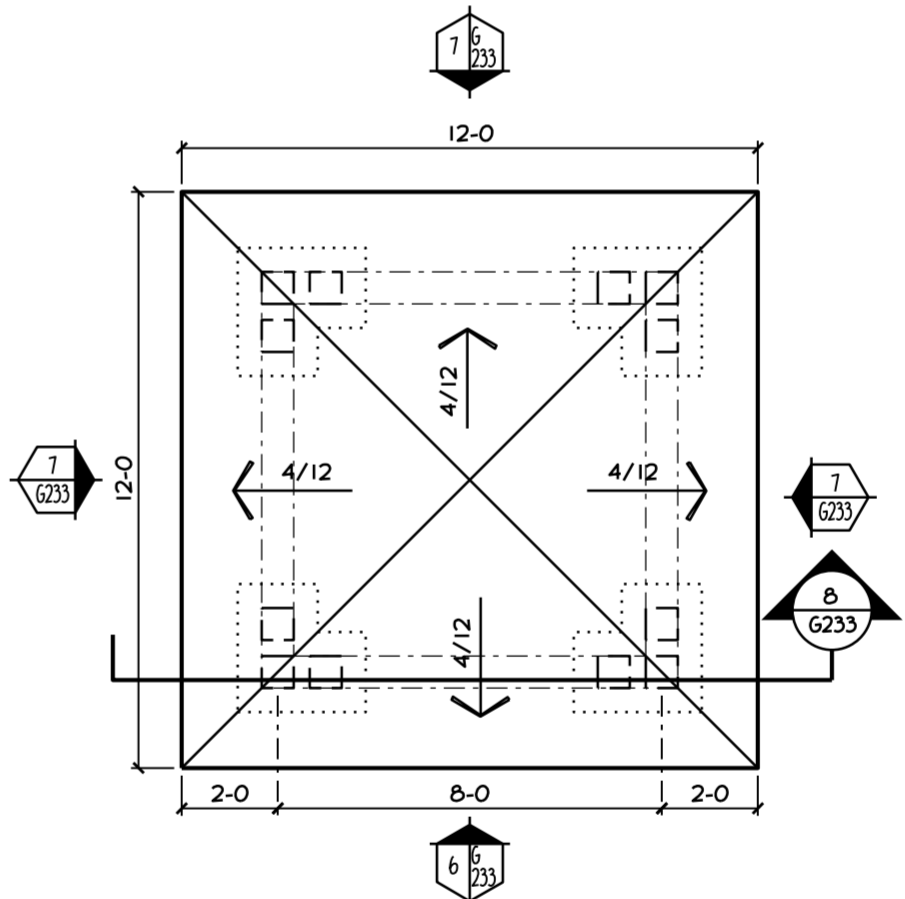
SITE PLAN

9 G233 1" = 10'-0"



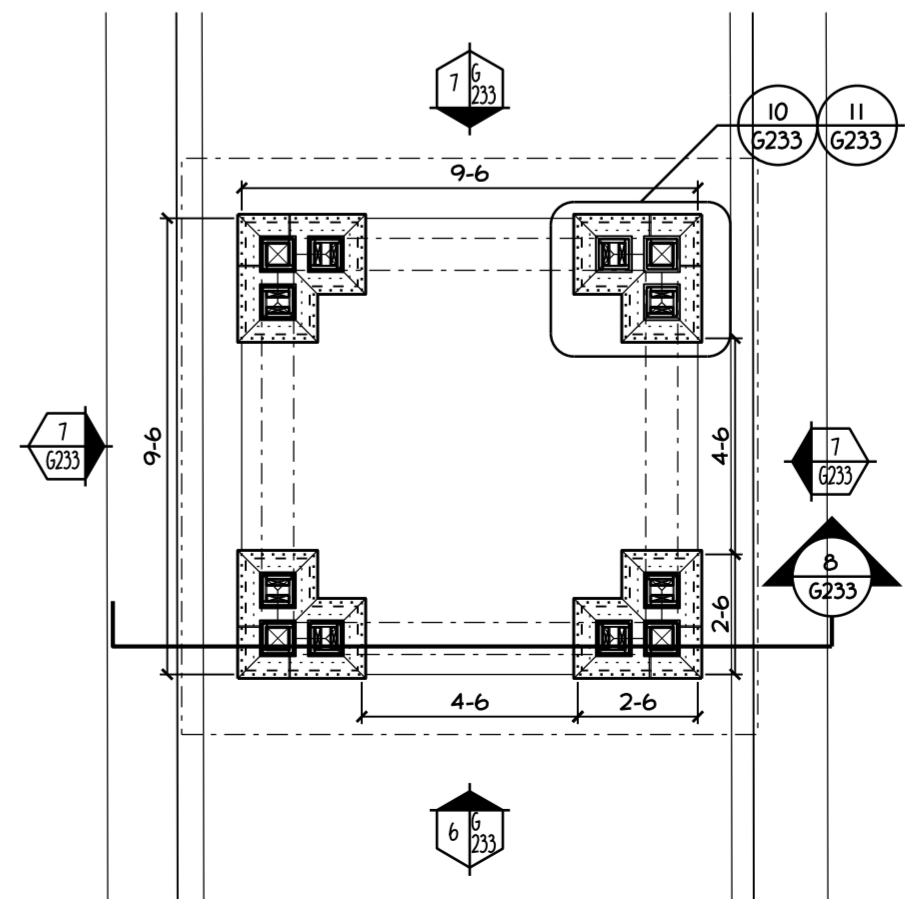
GUARD HOUSE

ELEVATION 1 1/2' - 1'-0" 7 G233



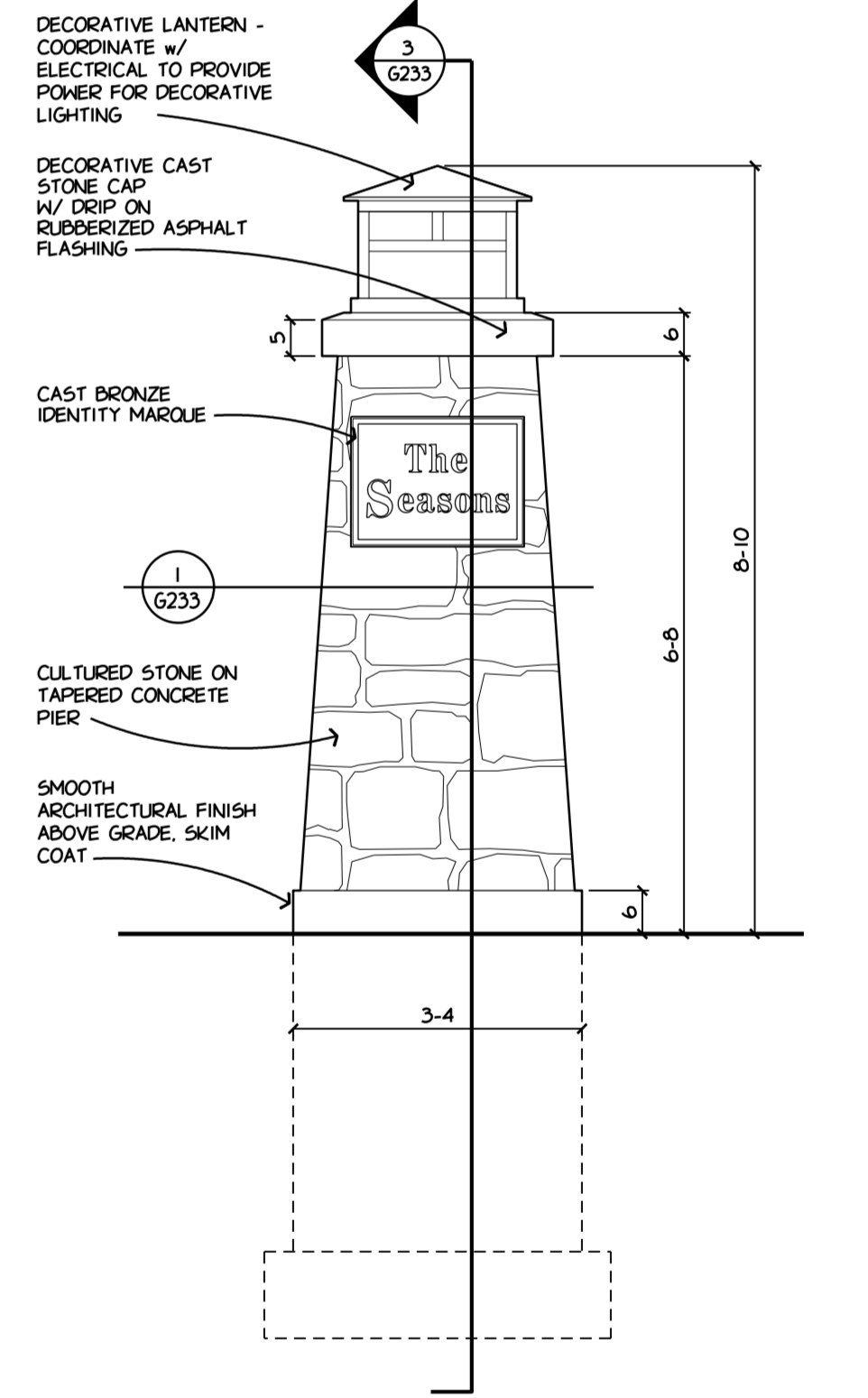
GUARD HOUSE

ROOF PLAN 1 1/4" - 1'-0" 5 G233



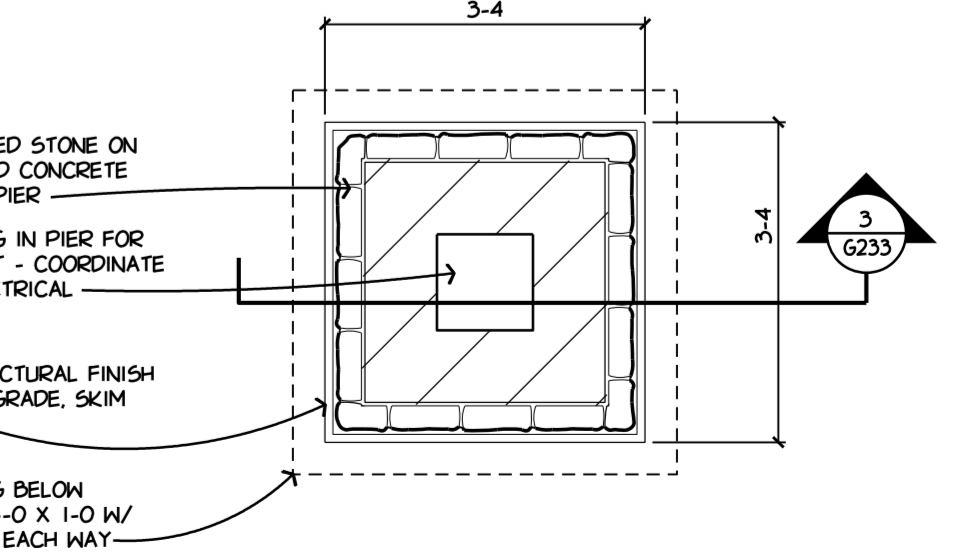
GUARD HOUSE

PLAN 1 1/4" - 1'-0" 4 G233



ENTRY COLUMN

ELEVATION 1 1/2' - 1'-0" 2 G233



ENTRY COLUMN

PLAN 1 1/2' - 1'-0" 1 G233

Orchard Hills  
Multi-Family- Housing Development  
Oak Creek  
Wisconsin



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414.431.0331 FAX  
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Architecture  
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03 MAY 2019

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DRAWN BY  
DRF  
DATE  
02 NOV 2018  
PROJECT  
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SHEET NO.

SITE DETAILS G233  
TYPICAL

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## PLAN COMMISSION REPORT

Proposal: Official Map Amendment – Section 16

Description: Proposal to amend the officially mapped streets in the NE ¼ of Section 16.

Applicant(s): Thomas Uttke

Address(es): 819, 819R, and 901 E. Drexel Ave.

**Suggested Motion:** That the Plan Commission recommends to the Common Council that the Official Map for a portion of the Northeast ¼ of Section 16 be amended after a public hearing.

Owner(s): Thomas and Patricia Uttke

Tax Key(s): 815-9024, 815-9995-002 and 815-9025

Lot Size(s): various

Current Zoning District(s): Rs-3, Single Family Residential

Overlay District(s): FF, Flood Fringe                      C-1, Shoreland Wetland

Wetlands:                       Yes     No                      Floodplain:                       Yes     No

Comprehensive Plan: Single Family Residential

### Background:

This item was held at the May 28, 2019 Plan Commission meeting. Concerns raised by residents and the Plan Commission during the meeting included, but were not limited to, the following:

- Incorporating the 2017 Official Map Amendment for the property to the south.
- Addressing the access through Abendschein Park.
- Coordination with adjoining property owners for future roadway connections/construction.

The revised proposal reconfigures the internal roadway network to avoid direct impacts to the adjacent property to the south.

Included with this report are the previous proposal, the amended proposal, and the minutes from the May 28 meeting for Plan Commission reference.

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*May 28, 2019*

The applicant is requesting an amendment to the official map to reconfigure the future road pattern for the properties at 819, 819R, and 901 E. Drexel Avenue. Originally this began as a concept drawing to prepare the property for possible sale and development. However, the existing official map did not provide direct access to this property, which would have restricted the development potential of this property. In their effort to market the property to the development community, the applicants have proposed changes to the official map that would provide direct access to this property via a new public roadway onto East Drexel Avenue.

Under both the existing and proposed official maps the subject property is served by multiple (future) access points. However, under both scenarios additional properties would need to be involved if they these roads were to be constructed. Such would be the case with the roadway on the east boundary of this property, which is part of Abendschein Community Park. Additional future streets also impact the southwest corner of the park, although part of those could be removed without impact to the overall street pattern.

While this is only at the stage of an official map amendment, it is important to note that there have been ongoing discussions regarding the development phasing of a subdivision, should it proceed at this location. Issues, such as stormwater management, floodplain and wetland impacts, and emergency access points have been briefly discussed but will need to be more thoroughly vetted at the time a formal development proposal is submitted.

When considering a proposal to amend the Official Map, the Commission should consider the impact on the ability to logically develop adjacent properties in accordance with the existing Official Map. Nearby property owners may have an interest in maintaining certain aspects of an Official map if it provides them the future opportunity to subdivide their property in a cost-effective manner. If a person is proposing to remove this opportunity, or to alter it, they need to demonstrate that any adverse effects on the property owners involved would be offset by the benefit to the neighborhood. In other words, a property owner should not be able to amend the Official Map to maximize the development potential of his or her property at the detriment of surrounding properties.

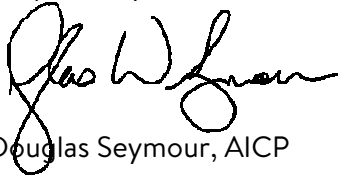
The proposed reconfiguration does raise some questions as to the impact on other properties, specifically the property at 920 E. Forest Hill Avenue. It illustrates a future roadway running through part of the home on this property. The official map for this same quarter-section was amended in 2017 to remove a future street to allow for the construction of a home at 928 E. Forest Hill Avenue.

The prospect of the current official map being implemented in its current form is unlikely. However, this proposal, while it addresses the access needs of the subject property, raises questions and concerns on the impact to the surrounding neighborhood; questions that should be addressed prior to amending the official map.

**Options/Alternatives:** The Plan Commission has the discretion to approve the plans as presented, approve with specified conditions, or disapprove the proposal. Should the request not be approved, Plan Commissioners must provide the Code Sections upon which the denial is based so that the Applicant may revise and resubmit (if necessary).

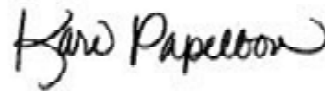
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Respectfully submitted:



Douglas Seymour, AICP  
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP  
Planner

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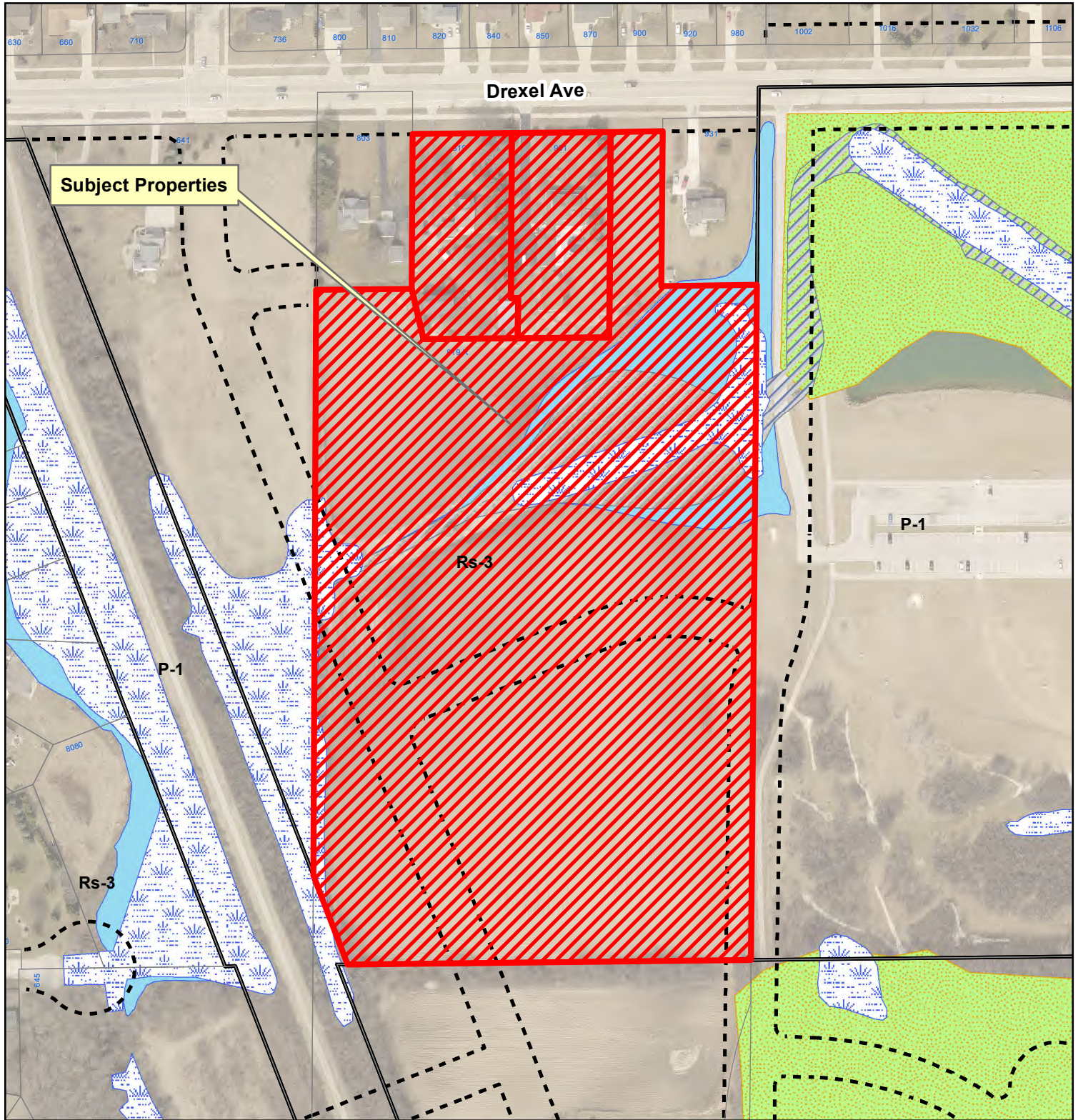
**Attachments:**

- Location Map
  - May 28, 2019 Excerpted Plan Commission Minutes
  - Current Official Map
  - May 28, 2019 Development Concepts (2 pages)
  - Revised Development Concept dated 8/21/19 (1 page)
-



# Location Map

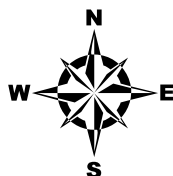
## 901 & 819 E. Drexel Ave.



This map is not a survey of the actual boundary of any property this map depicts.



Department of Community Development



Legend			
	Subject Properties		Floodway (2008)
	Officially Mapped Streets		Flood Fringe (2008)
	DNR Wetlands Inventory		Environmental Corridor

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, MAY 28, 2019**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert and Commissioner Chandler. Also present: Kari Papelbon, Planner, and Doug Seymour, Director of Community Development.

**Minutes of the April 23, 2019 meeting**

**OFFICIAL MAP AMENDMENT  
UTTKE PROPERTIES  
819, 819R AND 901 E. DREXEL AVE.  
TAX KEY NOS. 815-9024-000, 815-9995-002 AND 815-9025-000**

Planner Papelbon provided an overview of the proposal to amend the officially mapped streets in the NE ¼ of Section 16. (See staff report for details).

Commissioner Chandler asked for more information on the impact this will have on neighboring properties. Aaron Cook, Pinnacle Engineering Group, 15850 Bluemound Road, Brookfield, WI, civil engineer and planner that has been working with a realtor and owner to develop a plan, responded that initially there was a street layout that went through one of the existing single-family homes there. Whenever they do a new development that has existing homes in it, it is difficult to determine which homes are going to stay and which of them are going to get demolished or rebuilt. Given that, they came up with a layout that elected to remove one of those houses. After receiving staff comments, they came out with another layout. Now that layout is not as efficient, so whoever develops that is going to have to make some of these decisions about keeping the house or not. They reconfigured the roads in a different pattern to leave that house, and it is more similar to how the original map was.

Commissioner Chandler asked what the process is to contact the owners of property in the affected area. Mr. Cook responded that they are not proposing to eliminate a home at this time, but there is a potential future concept plan that could be affected by a developer in the future.

Director of Community Development Doug Seymour stated that there are more updated graphics that were not available at the time of the meeting. The latest exhibit does remove that Officially-Mapped Street from the existing home. The 2017 Official Map Amendment done by that property owner essentially took off that cross-street so that they could build a house in that location. Staff's concern is undoing what was done in 2017, and that that would have impacts to this property owner. Personally and professionally, Director Seymour is not in favor of the latest exhibit which shows the alignment to the south. Even if the Commission concurs with the recommendation, there is still some work to be done out there. Director Seymour continued by saying that what was done on the properties involved themselves is fine, but there still needs to be a lot of discussion when it comes to the subdivision and platting stage with respect to the final engineering of any potential subdivision there.

Director Seymour stated that the biggest and most note-worthy change to the Official Map is the roadway to Abendschein Park. The east side of this development shows an Officially-Mapped Street which essentially goes all the way down from Drexel Ave. to Forest Hill Ave., along and

entirely within Abendschein Park. As it is configured right now, there is no direct access to this property. In essence for this property to be developed, they would essentially be at the mercy of the City who would have to put in that roadway, or their neighboring property to the west would have to put in what amounts to a pretty extensive amount of roadway for the lot yield that they could get out of it. In any case, the likelihood of the neighborhood developing in accordance with the official map without substantial cooperation and investment from the City, and adjacent property owners is pretty unlikely.

So the likelihood and desirability of maintaining a public roadway connection through Abendschein Park, that runs from Drexel Ave. to Forest Hill Ave., would involve some discussion. What happens on the subject properties themselves works, but there is not the clarity that is needed for the impacts to the property to the south that staff is able to recommend approval at this point in time.

Commissioner Siepert asked if there is some cooperation between the development and the City to improve that road and extend it, or is the City sitting back and waiting to see what happens. Director Seymour responded that the City has not programmed the design and construction of that roadway. If it were done, it would be very costly and the prospect of recovering a good portion of that would be uncertain given the fact that it is entirely on the Abendschein Park property. The cost would be approximately \$800,000 for the roadway. It is a complex challenge to serve this property. Director Seymour added that this property is shown as one of the priority single-family development sites in the City's Strategic Plan. Staff and Common Council, by virtue of their review of that plan, certainly acknowledges that this makes sense for development for a single-family subdivision. The logistics are certainly more complex given the fact that it is not served by an Officially-Mapped Street that they can control. This would serve the purpose of providing a roadway connection ultimately between Drexel Ave. and Forest Hill Ave., albeit not in the most direct route or in the design that was previously suggested, for that would have been a neighborhood collector street. This would be more like subdivision streets and ultimately would make its way south.

Commissioner Sullivan pointed out that there have been improvements in Abendschein Park in the last two years such as the path that now encompasses the entire park, and the active disc golf course. These recent improvements would be impacted if the City decides to move forward with the park entrance improvements. One of Engineering staff's concerns is introducing an additional entrance onto Drexel Ave. as there already is a heavy traffic load there.

Alderman Guzikowski stated that from a Parks Commission representative standpoint, he feels the Parks Commission would have some concerns with what is being proposed here.

Director Seymour stated that he is comfortable with what is being proposed on the Uttke properties itself, but not as much with the impacts on the properties to the south.

Mayor Bukiewicz asked how wetlands play into this. Director Seymour stated that wetlands play a large part in the eventual cost of any roadway and crossing of those wetlands. At this point in time, there needs to be an awareness of those, be it on the Uttke property or the City property. That will play a large part in the cost of any roadway or any crossing of those wetlands. Without a delineation on the City property, he could not speak to how it impacts the cost of the road, other than it seems to suggest that the presence of wetlands means fill permits and crossing permits, and again calls into question the desirability of having that officially mapped roadway in that location.

Mayor Bukiewicz stated that in the southern point, they connect up to the subdivision west. Director Seymour stated that ultimately, it would be their decision to develop. He suggested that it shouldn't change given the fact that that roadway was eliminated less than a year and a half ago.

Director Seymour stated that this is complicated in the sense that this is very fresh information. He would like to give the engineer an opportunity to look at an alternative, which does not impact that future building site on that property. The original intent of the original map submittal was to eliminate that road to allow for a home. From that standpoint, if there is an opportunity to maintain that connectivity without impacting that future home site, that would be the win/win for the City and neighboring property owners.

Commissioner Sullivan stated his concern over any more access points to Abendschein Park, given the number of accidents that have occurred on that stretch of Drexel Avenue.

Mayor Bukiewicz called for a motion.

Jason Strmzek, 926 E. Forest Hill Ave., Oak Creek:

*“So the money that’s already been spent on the surveying to get that house that we are talking about building back there, I mean, if you guys decide to go with this, what happens to everything that’s already been put toward, I mean, what happens if he starts building right now? You know, because nothing’s been put in motion yet, but...”*

Mayor Bukiewicz stated that nothing has been put in motion and he doesn't see it going that far. Alderman Guzikowski stated that he could not support that either. Director Seymour stated that the City is not prepared to move on something that shows that impact with keeping that roadway in its current location knowing full well that less than a year and a half ago, the Council approved an Official Map amendment for that very purpose. In reliance upon that Official Map amendment, Mr. Strmzek certainly has moved forward with the plans for a home on that property. Even if there is a way to avoid that, the City is certainly going to take a look at that.

Mayor Bukiewicz stated that those are his feeling on the matter.

Mr. Strmseck:

*“Okay, but I mean, continuing to move on with his project. Is he allowed or is this on hold?”*

Mayor Bukiewicz responded that the applicant can come back to City staff and look at possible solutions, but would eventually have to come back before the Plan Commission for this process.

Mayir Yang, 850 E. Drexel Ave:

*“I’m a little bit concerned because my house will be directly across one of the roads that are being proposed. Since Drexel become an interstate, you know, exit, there has been a lot of accidents around the house. And so I’m just really concerned about, what are the safeguard protocols that would in place if this was to be moved forward, especially with my house being directly across from the road. I am concerned because the accident has increased recently and a couple of months ago there was, thank God for the tree in front of my house, because if not for the tree, the car would have gone through my house.”*



Commissioner Sullivan stated that there are a number of safety measures that can be put in. It is uncertain at this time exactly what is going to be done there. They will take into consideration the number of accidents and volume of traffic traveling on Drexel and what might be produced from the subdivision. Then they can look at different measures and their safety factors and try to improve that intersection in that area to make it as safe as possible.

Mr. Yang:

*"I guess the only thing that I had was is of that proposed connection to this new subdivision directly impacts myself and my neighbors. I guess we weren't really notified or give a heads up as to the directly impact that street would have on us, so I just felt that coming here we finally knew what the plans were and we would saw that hey, that street is going to affect ours because it is directly right in line for our house. I just felt that that was not communicated to me or to our property and our neighbors at 840 E. Drexel."*

Director Seymour asked them if they received a notice for this meeting. Mr. and Mrs. Yang confirmed they did.

Mr. Yang:

*"I would say for the future, any roadway that would directly impact future houses, I would say reach out to them and give them a head's up, and say, hey, instead of a last week got a notice to come here. If we didn't look at the plans, we weren't given notice that hey, that street will affect us."*

Mayor Bukiewicz stated that when public notices are sent out, the City uses the City ordinance and the notices go out to affected properties within 300 feet of the proposal, unless the Alderman of the District requests that notification go out a little further. Director Seymour stated that the Plan Commission is the first step in the process. The Common Council will be holding a public hearing at which they will be getting another notice in the mail, which would be 10 days prior to the hearing.

Alderman Guzikowski moved that the Plan Commission place on hold the Official Map amendment for a portion of the Northeast 1/4 of Section 16 to be amended after a public hearing, provided that the proposal is revised to eliminate conflicts with existing and planned homes on adjacent properties. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:45 p.m.

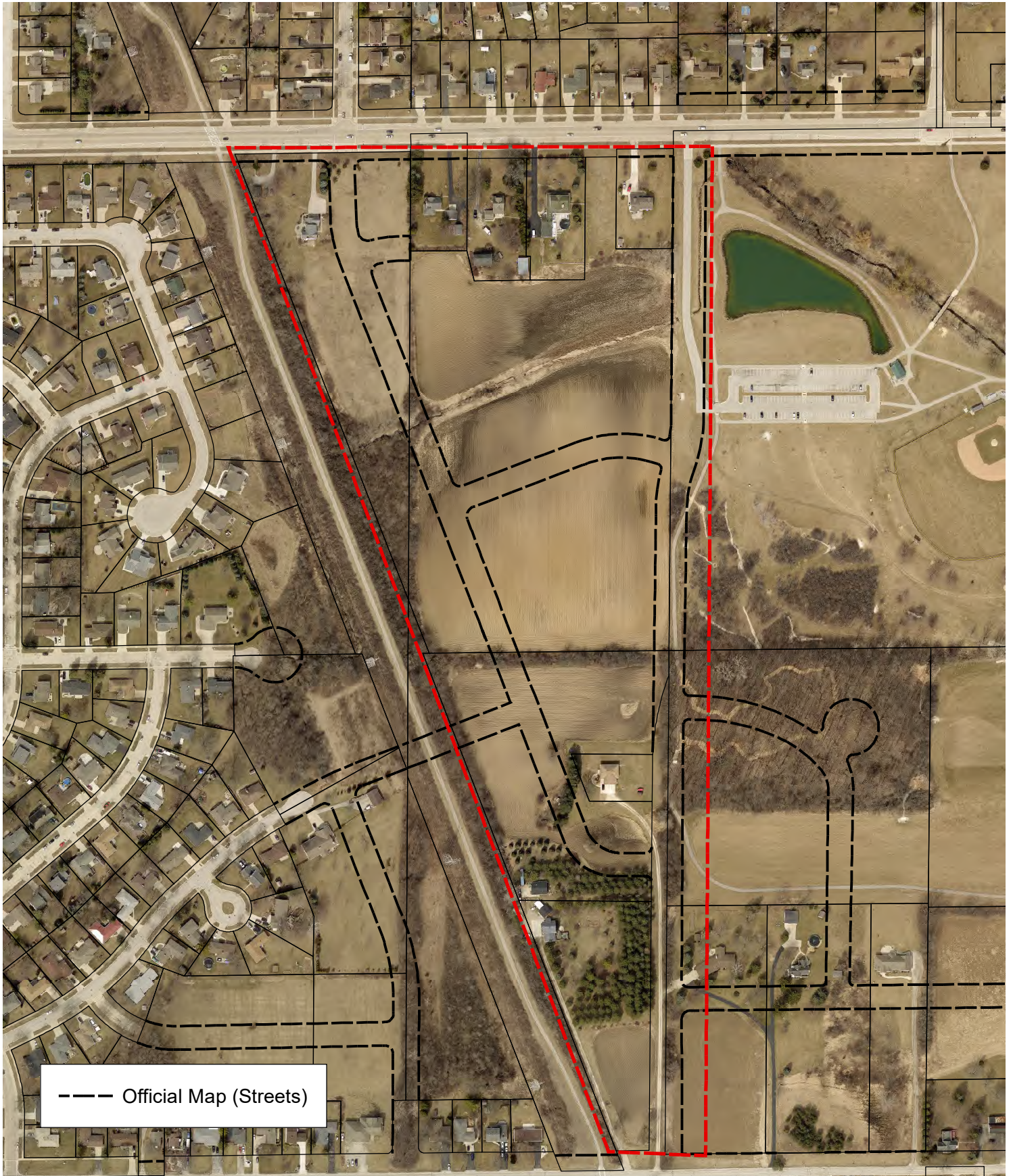
ATTEST:

  
\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

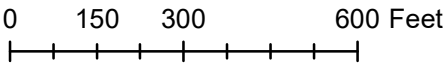
June 11, 2019  
\_\_\_\_\_  
Date



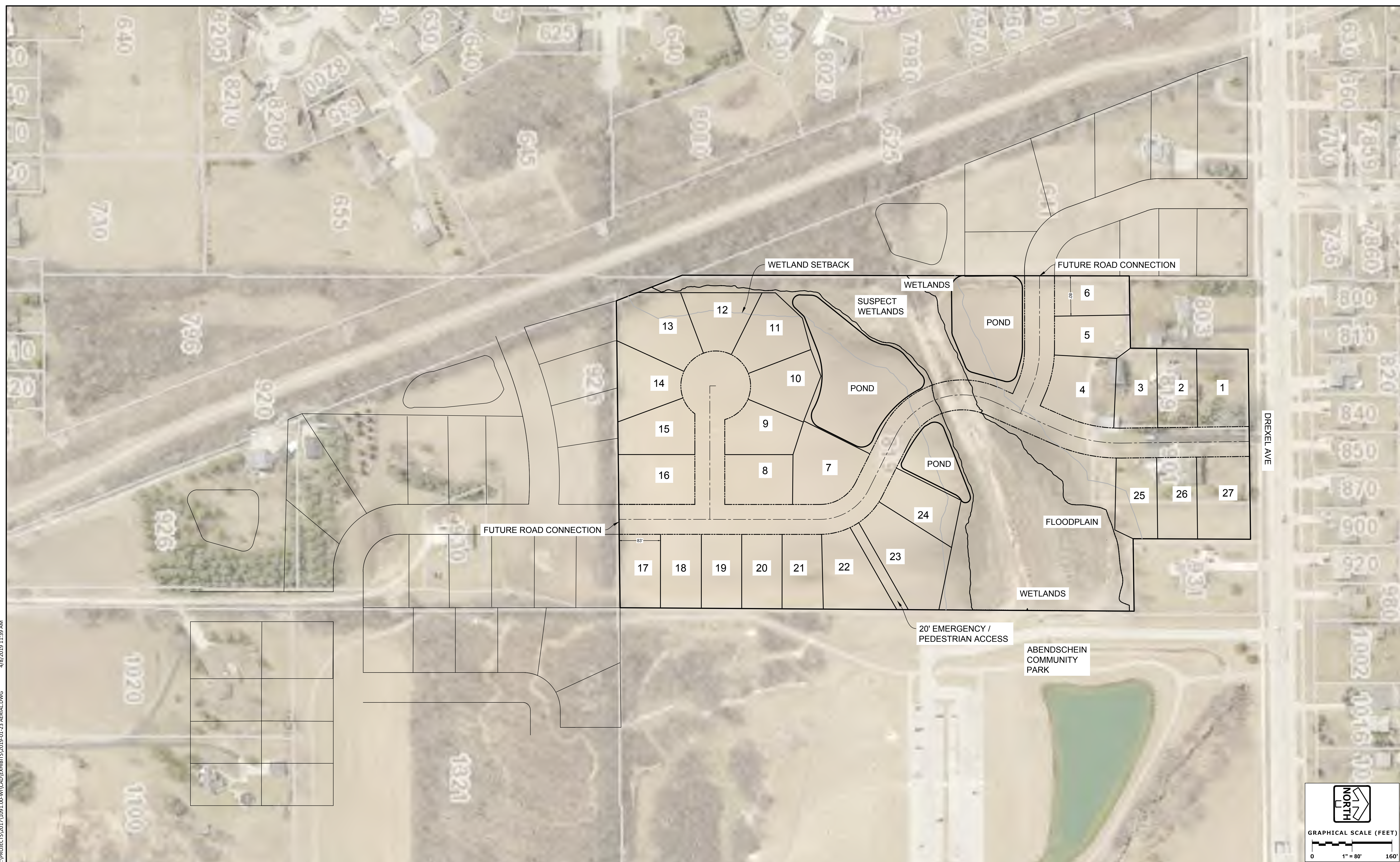
# Official Map Amendment - Section 16 (Uttke) - existing



--- Official Map (Streets)







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# UTTKE- PROPERTY - NEIGHBORHOOD MAP

**PINNACLE ENGINEERING GROUP**

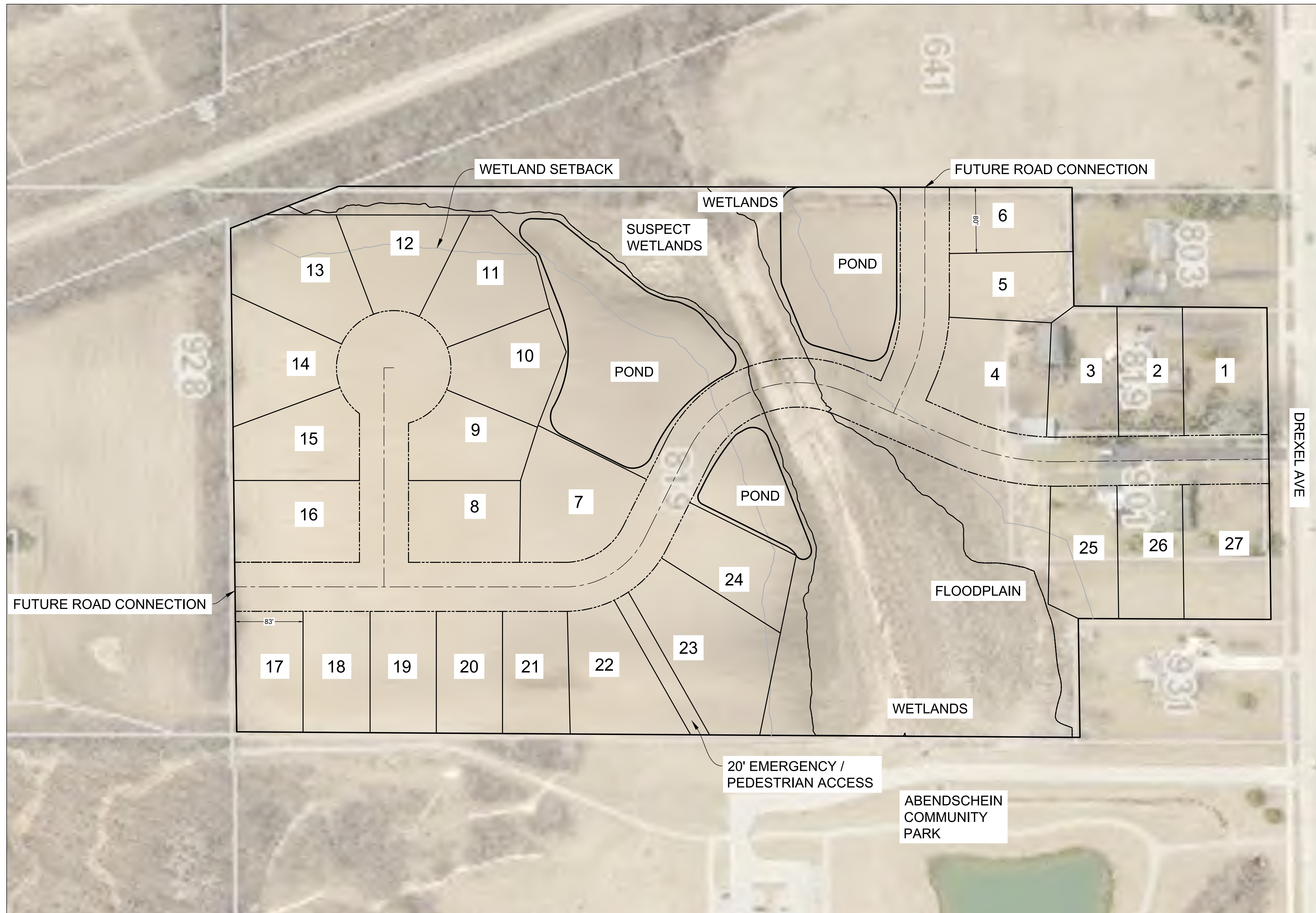
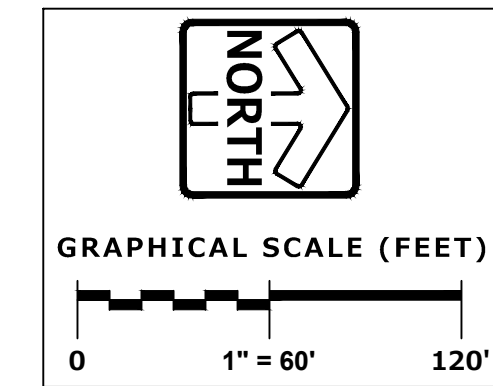
15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005 | WWW.PINNACLE-ENGR.COM |

**PLAN | DESIGN | DELIVER**

**PEGJOB# 1091.00**

04/19/19





**SUMMARY**

ASSUMED ZONING : RS-3  
 MINIMUM FRONTAGE : 80 FT  
 SETBACKS:  
 FRONT : 30  
 BACK : 30  
 SIDE : 10  
 MINIMUM LOT SIZE : 12,000 SQ FT  
 NUMBER OF LOTS : 27  
 2,025 LF OF ROAD

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# UTTKE - PROPERTY - NEIGHBORHOOD MAP

PINNACLE ENGINEERING GROUP

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PLAN | DESIGN | DELIVER

PEGJOB# 1091.00

08/21/19



## PLAN COMMISSION REPORT

Proposal: Landscape Plan Review – Oak Creek High School

Description: Landscape plan review for proposed additions to the east portion of the existing high school building and parking lot.

Applicant(s): Andrew Chromy, Oak Creek-Franklin Joint School District

Address(es): 340 E. Puetz Rd.

**Suggested Motion:** That the Plan Commission approves the landscape plans submitted by Andrew Chromy, Oak Creek-Franklin Joint School District, for the property at 340 E. Puetz Rd. with the following conditions:

1. That additional landscaping be installed along the Puetz Road and Shepard Avenue frontages adjacent to the soccer field and stormwater management pond.
2. That all landscaping be maintained in accordance with the approved landscape plan.
3. That all relevant Code requirements remain in effect.
4. That all conditions of approval from the September 24, 2019 Plan Commission review are in effect.
5. That all detailed, revised plans incorporating the requirements for heights of plants at installation and maturity, and locations and screening of mechanical units are submitted in digital format to the Department of Community Development prior to submission of permit applications.

---

Owner(s): Oak Creek-Franklin Joint School District

Tax Key(s): 827-9028-000

Lot Size(s): 58.454 ac

Current Zoning District(s): I-1, Institutional

Overlay District(s): N/A

Wetlands:  Yes  No

Floodplain:  Yes  No

Comprehensive Plan:  Planned Institutional

**Background:**

At the September 24, 2019 meeting, the Plan Commission reviewed and approved site and building plans for the proposed additions to the Oak Creek High School career and technical education center and for a performing arts and education center. Plans for a soccer stadium were reviewed and approved for the high school at the April 23, 2019 meeting, which included a portion of the overall parking lot. During the review of the additions, it was stated that the landscape plan was incomplete as it did not show the entire parking lot, and was missing details. The Plan Commission, therefore, required the landscape plan to be revised and brought back for review at this meeting.

Revised plans now show the entire parking lot, but the details are still missing the heights of proposed plants at installation and maturity. The narrative supplied by the Applicant’s consultant includes calculations for the proposed landscaping per the September 24, 2019 staff report.

Overall, the plan provides for the expanded parking areas to be well-screened from the public street. However, it falls short when it comes to landscape treatment adjacent to the soccer field and fenced-in stormwater management pond. A total of four Norway Spruce (initial and mature planting heights unknown) are proposed for the approximate 280-foot Puetz Road frontage of the soccer field, or one tree every 70 feet. No landscape treatment of any kind is proposed for the combined 650-feet of frontage of the fenced (8-foot) stormwater management pond east of the soccer field along Puetz Road and Shepard Avenue, adjacent to residential properties across the street. While there is no specific Municipal Code requirement for landscaping of fenced-in athletic fields and stormwater management ponds, Planning staff would suggest that additional landscaping (in the form of evergreens – such as the Norway Spruce) continue along the remainder of the Puetz Road and Shepard Avenue perimeters of the fenced-in pond.

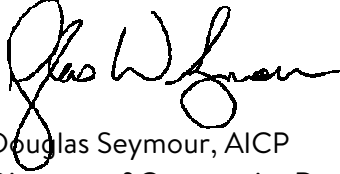
Plan Commissioners will note that the revised plans do not include locations of anticipated mechanical units. All ground, building, and rooftop mechanical units, utility boxes, and transformers must be screened per Code. This was included in the conditions of approval at the September 24, 2019 meeting, and is repeated here for reference.

**Options/Alternatives:** The Plan Commission has the discretion to approve the plans as presented, approve with specified conditions, or disapprove the proposal. Should the request not be approved, Plan

Commissioners must provide the Code Sections upon which the denial is based so that the Applicant may revise and resubmit (if necessary).

---

Respectfully submitted:



Douglas Seymour, AICP  
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP  
Planner

---

Attachments:

Location Map

Narrative (1 page)

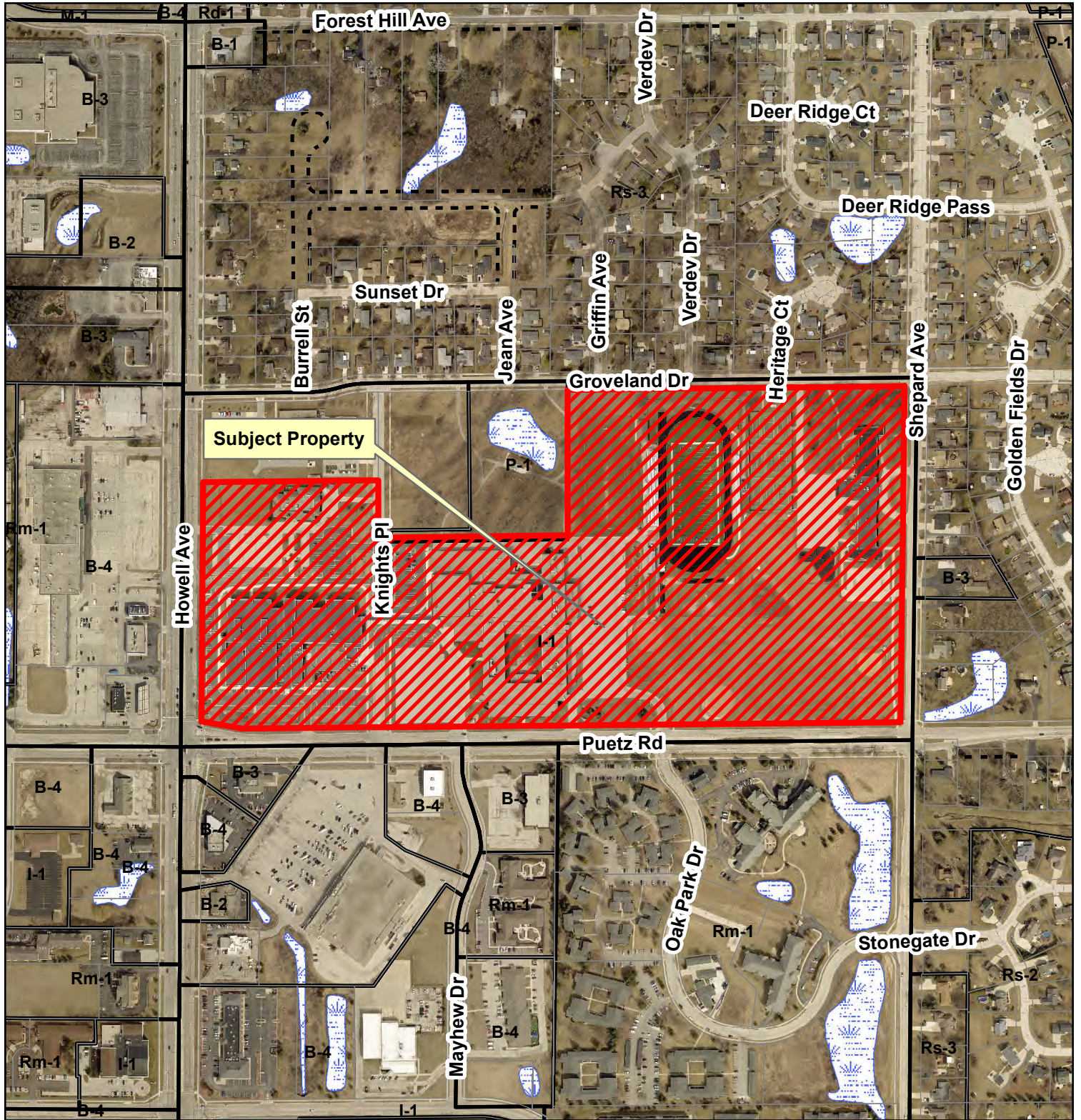
Landscape Plans L100 - 104 (5 pages)

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# Location Map

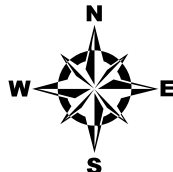
## 340 E. Puetz Rd.






This map is not a survey of the actual boundary of any property this map depicts.



Department of Community Development



### Legend

-  340 E. Puetz Rd.
-  Officially Mapped Streets
-  DNR Wetlands Inventory





Nielsen Madsen + Barber

CIVIL ENGINEERS AND LAND SURVEYORS

October 3, 2019

RE: Oak Creek Franklin Joint School District  
Oak Creek High School Building Additions & Renovations  
Plan Commission Landscaping Narrative  
Tax Key Number: 8279028000

On September 24, 2019 the Plan Commission approved the site and building plans for the additions to the career & technical education center, performing arts & education center, parking lot and traffic circulation changes at the Oak Creek High School located at 340 E. Puetz Rd.

One of the conditions of approval was to submit a landscaping plan that includes the entire parking lot for review and approval at the October 8, 2019 Plan Commission meeting.

The updated landscaping plan includes an overall landscape layout showing the entire parking lot. The landscaping plan has also been updated to satisfy the parking lot screening requirements.

The City Planner indicated the parking lot screening requirements could be satisfied by incorporating five (5) bushes with a height of at least three feet (3') and one (1) tree for every 35 linear feet of parking. The parking lot is 205' long which requires 30 shrubs and five (5) trees. The landscaping plan includes 37 Peking Cotoneaster shrubs, five (5) Ivory Silk Japanese Lilac trees, one (1) Black Hills Spruce tree and one (1) Thornless Cockspur Hawthorn tree along the South side of the parking lot.

The parking lot addition totals 140,000 square feet and includes 8,700 square feet (6.2%) of landscape area with 6,060 square feet (4.3%) located within the parking lot.

Sincerely,

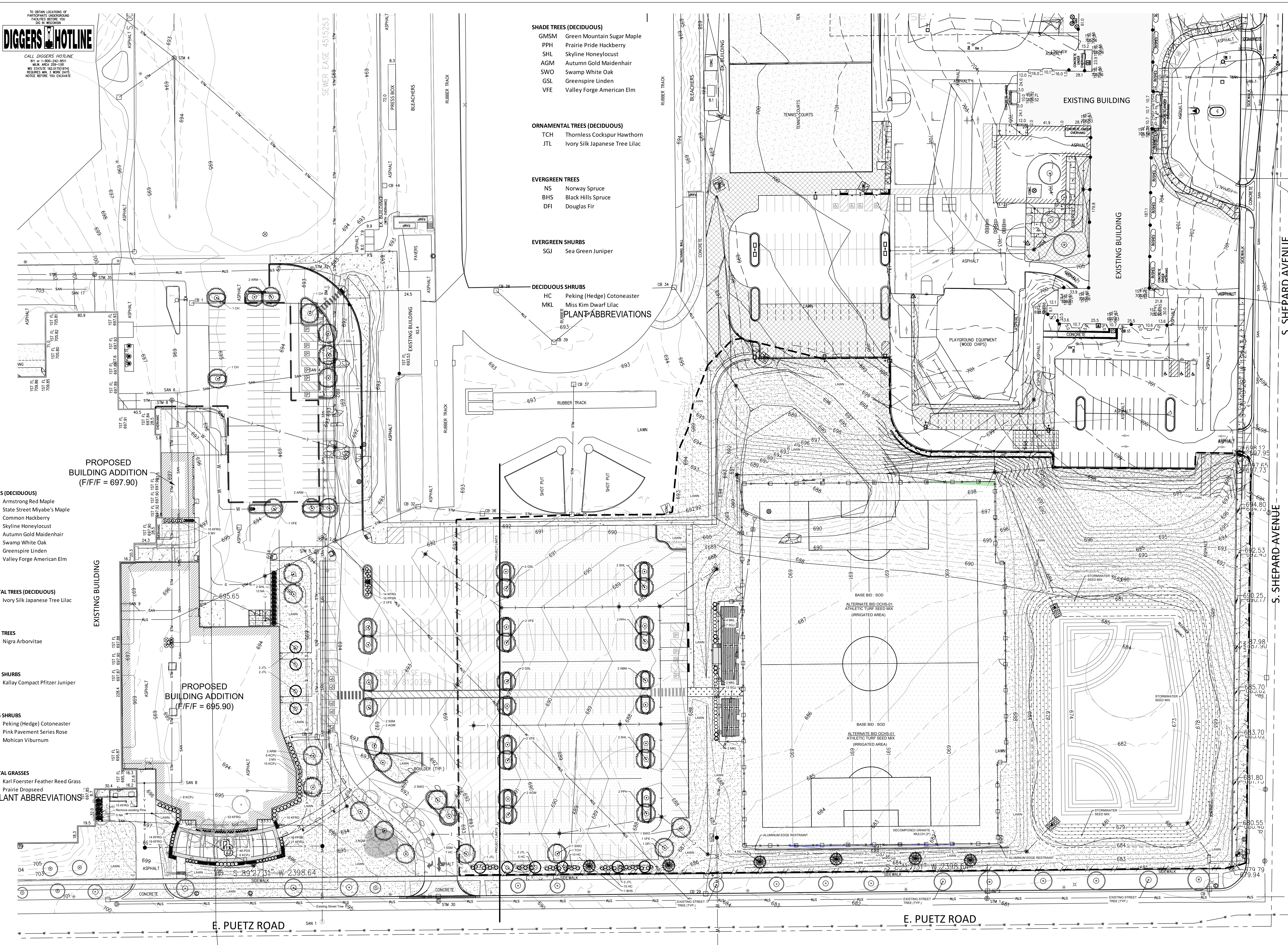
A handwritten signature in blue ink, appearing to read 'Jason Christensen'.

Jason Christensen, P.E.  
Senior Design Engineer



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- SHADE TREES (DECIDUOUS)**
- GMSM Green Mountain Sugar Maple
  - PPH Prairie Pride Hackberry
  - SHL Skyline Honeylocust
  - AGM Autumn Gold Maidenhair
  - SWO Swamp White Oak
  - GSL Greenspire Linden
  - VFE Valley Forge American Elm

- ORNAMENTAL TREES (DECIDUOUS)**
- TCH Thornless Cockspear Hawthorn
  - JTL Ivory Silk Japanese Tree Lilac

- EVERGREEN TREES**
- NS Norway Spruce
  - BHS Black Hills Spruce
  - DFI Douglas Fir

- EVERGREEN SHRUBS**
- SGJ Sea Green Juniper

- DECIDUOUS SHRUBS**
- HC Peking (Hedge) Cotoneaster
  - MKL Miss Kim Dwarf Lilac

**PLANT ABBREVIATIONS**

- SHADE TREES (DECIDUOUS)**
- ARM Armstrong Red Maple
  - SSM State Street Miyabe's Maple
  - CH Common Hackberry
  - SHL Skyline Honeylocust
  - AGM Autumn Gold Maidenhair
  - SWO Swamp White Oak
  - GSL Greenspire Linden
  - VFE Valley Forge American Elm

- ORNAMENTAL TREES (DECIDUOUS)**
- JTL Ivory Silk Japanese Tree Lilac

- EVERGREEN TREES**
- NA Nigra Arbovitae

- EVERGREEN SHRUBS**
- KCPJ Kallay Compact Pfitzer Juniper

- DECIDUOUS SHRUBS**
- HC Peking (Hedge) Cotoneaster
  - PPSR Pink Pavement Series Rose
  - MV Mohican Viburnum

- ORNAMENTAL GRASSES**
- KFRG Karl Foerster Feather Reed Grass
  - PDS Prairie Dropseed

**PLANT ABBREVIATIONS**

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CIVIL ENGINEERS AND LAND SURVEYORS  
1458 Horizon Blvd, Suite 200, Racine, WI 53406  
Tel: (262)634-5588 Website: www.nmbcs.net

OAK CREEK FRANKLIN  
JOINT SCHOOL DISTRICT  
OAK CREEK HIGH SCHOOL BUILDING  
ADDITIONS AND RENOVATIONS

BID PACKAGE #  
340 E PUETZ RD  
OAK CREEK, WI 53154

Date	Revision Description
9-30-2019	City Comments

**CITY REVIEW SET**

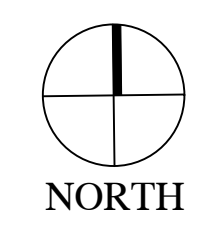
DATE	08-26-2019	PROJECT #	W52-PM3
DRAWN BY	PCA	CHECKED BY	WDH

DRAWING TITLE  
**OVERALL LANDSCAPE PLAN**

DRAWING NUMBER  
**L100**  
OCHS  
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**HELLER & ASSOCIATES, LLC**  
LANDSCAPE ARCHITECTURE

P.O. Box 1359  
Lake Geneva, Wisconsin 53147-1359  
ph 262.639.9733  
david@wdavidheller.com  
www.wdavidheller.com

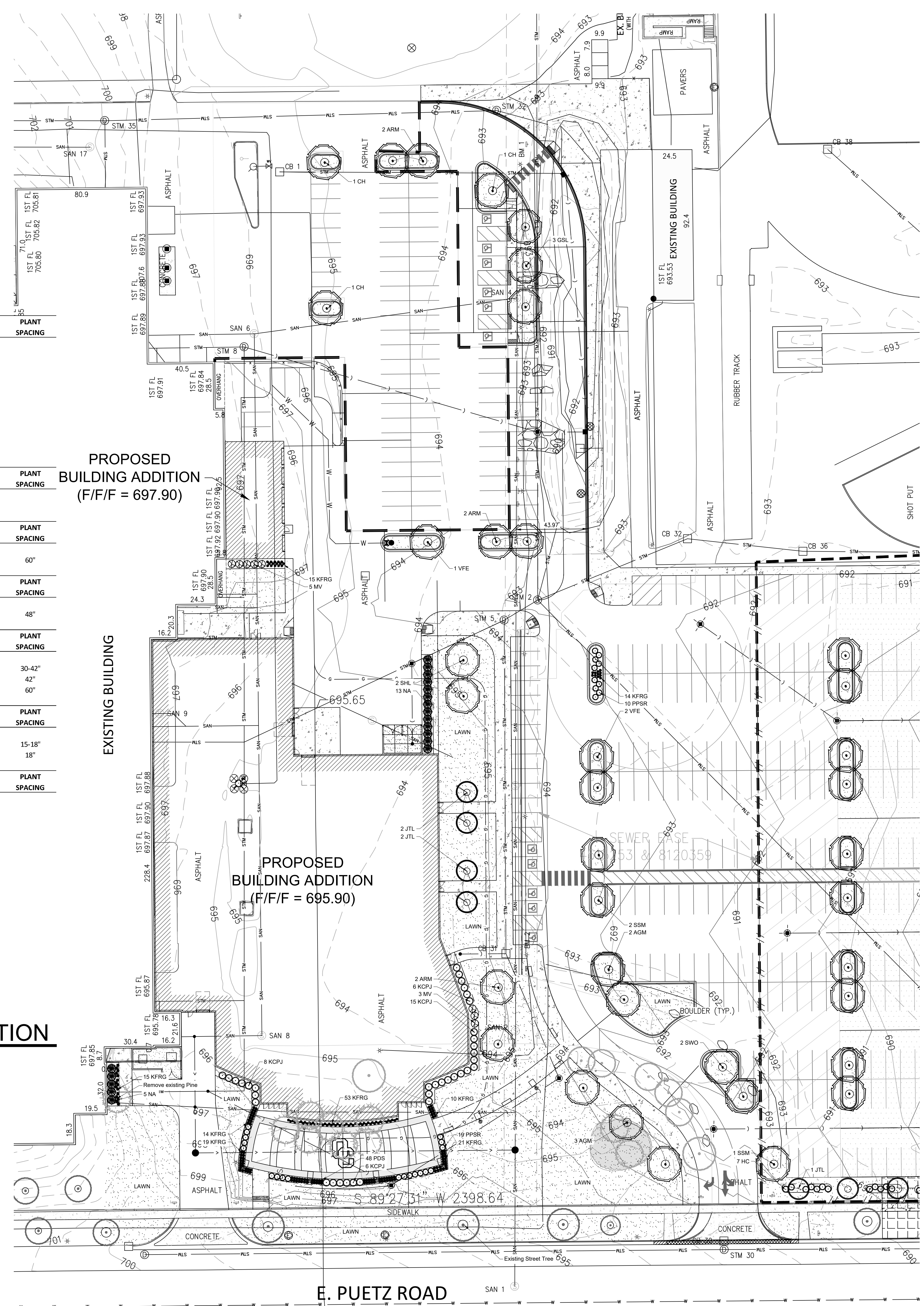


**OVERALL LANDSCAPE PLAN**  
Scale: 1" = 40'0"





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PLANT KEY	QUANTITY	PLANT MATERIAL PROPOSED		CAULIPER/HEIGHT	ROOT	SPECIFICATION / NOTES	PLANT SPACING
KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE			
<b>Proposed Landscape Materials</b>							
<b>SHADE TREES (DECIDUOUS)</b>							
ARM	6	Acer xfreemanii 'Armstrong'	Armstrong Red Maple	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting	
SSM	3	Acer miyabei 'Morton'	State Street Miyabe's Maple	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting	
CH	3	Celtis occidentalis	Common Hackberry	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting	
SHL	2	Gleditsia triacanthos 'Skyline'	Skyline Honeylocust	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting	
AGM	5	Ginkgo biloba 'Autumn Gold'	Autumn Gold Maidenhair	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting	
SWO	2	Quercus bicolor	Swamp White Oak	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting	
GSL	3	Tilia cordata 'Greenspire'	Greenspire Linden	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting	
VFE	3	Ulmus americana 'Valley Forge'	Valley Forge American Elm	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting	
<b>ORNAMENTAL TREES (DECIDUOUS)</b>							
JTL	5	Syringa reticulata 'Ivory Silk'	Ivory Silk Japanese Tree Lilac	2.0"	B&B	Straight central leader, full and even crown. Prune only after planting	
<b>EVERGREEN TREES</b>							
NA	18	Thuja occidentalis 'Nigra'	Nigra Arborvitae	72"	B&B	Evenly shaped tree with branching to the ground	60"
<b>EVERGREEN SHRUBS</b>							
KCPJ	35	Juniperus chinensis 'Kallay'	Kallay Compact Pfitzer Juniper	24"	Cont.	Full rounded well branched shrub	48"
<b>DECIDUOUS SHRUBS</b>							
HC	7	Cotoneaster acutifolia	Peking (Hedge) Cotoneaster	42"	B&B	Full, well rounded plant with moist rootball and healthy appearance	30-42"
PPSR	29	Rosa rugosa 'Pink Pavement'	Pink Pavement Series Rose	18"	Cont.	Full, well rooted plant, evenly shaped	42"
MV	8	Viburnum lentana 'Mohican'	Mohican Viburnum	42"	B&B	Full, well rounded plant with moist rootball and healthy appearance	60"
<b>ORNAMENTAL GRASSES</b>							
KFRG	161	Calamagrostis acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	#1	Cont.	Full, well rooted plant	15-18"
PDS	48	Sporobolus heterolepis	Prairie Dropseed	#1	Cont.	Full, well rooted plant	18"
<b>LAWN</b>							
LAWN	4115	Lawn Establishment Area / Grading Area			SY	Reinder's Deluxe 50 Seed Mix (800-785-3301)	
	36980	Erosion Matting for sloped seeded areas			SF	EroTex D575 Erosion Control Blanket (or approved equal)	
<b>Hardscape Materials</b>							
	52	Shredded Hardwood Mulch (3" depth)		Area: 5,630 SF	CY	Bark Mulch; apply Preemergent after installation of mulch	
	35	Soil Amendments (2" depth)		Area: 5,630 SF	CY		
	114	Pulverized Topsoil (Lawn Area)		Area: 36,980 SF	CY		
	35	Pulverized Topsoil (2" over bed areas)		Area: 5,630 SF	CY		

\*Landscape counts & quantities are provided as a service to the Landscape Contractor. Landscape Contractor is responsible for verifying these counts and quantities in order to provide a complete landscape installation as outlined on this Landscape Master Plan. In the event that a discrepancy occurs between this schedule and the Landscape Master Plan, the Landscape Master Plan including the graphics and notations depicted therein shall govern.

**Seed Compositions:**  
 Reinder's Deluxe 50 Seed Mix (800-785-3301):  
 20% Kentucky Bluegrass (Sod Quality)      15% Quebec Perennial Ryegrass  
 15% Newport Kentucky Bluegrass          10% Fiesta III Perennial Ryegrass  
 15% Ken Blue Kentucky Bluegrass  
 25% Creeping Red Fescue

Seed at rate of 150-200# per acre

### PLANT & MATERIAL SCHEDULE: OCHS ADDITION

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OAK CREEK FRANKLIN  
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9-30-2019	City Comments

**CITY REVIEW SET**

DATE	08-26-2019	PROJECT #	W52-PM3
DRAWN BY	PCA	CHECKED BY	WDI

DRAWING TITLE  
**ENLARGED LANDSCAPE PLAN**

DRAWING NUMBER  
**L101**  
 OCHS  
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**HELLER & ASSOCIATES, LLC**  
 LANDSCAPE ARCHITECTURE

P.O. Box 1359  
 Lake Geneva, Wisconsin 53147-1359  
 ph 262.639.9733  
 david@wdavidheller.com  
 www.wdavidheller.com

**ENLARGED LANDSCAPE PLAN**  
 Scale: 1" = 30'0"





CALL DIGGERS HOTLINE  
811 or 1-800-242-8811  
MILWAUKEE (201-118)  
WISCONSIN (608-785-7243)  
REQUIRES AN 11 HOUR LEAD  
NOTICE BEFORE YOU EXCAVATE

- SHADE TREES (DECIDUOUS)**
- ARM Armstrong Red Maple
  - SSM State Street Miyabe's Maple
  - CH Common Hackberry
  - SHL Skyline Honeylocust
  - AGM Autumn Gold Maidenhair
  - SWO Swamp White Oak
  - GSL Greenspire Linden
  - VFE Valley Forge American Elm

- ORNAMENTAL TREES (DECIDUOUS)**
- JTL Ivory Silk Japanese Tree Lilac

- EVERGREEN TREES**
- NA Nigra Arborvitae

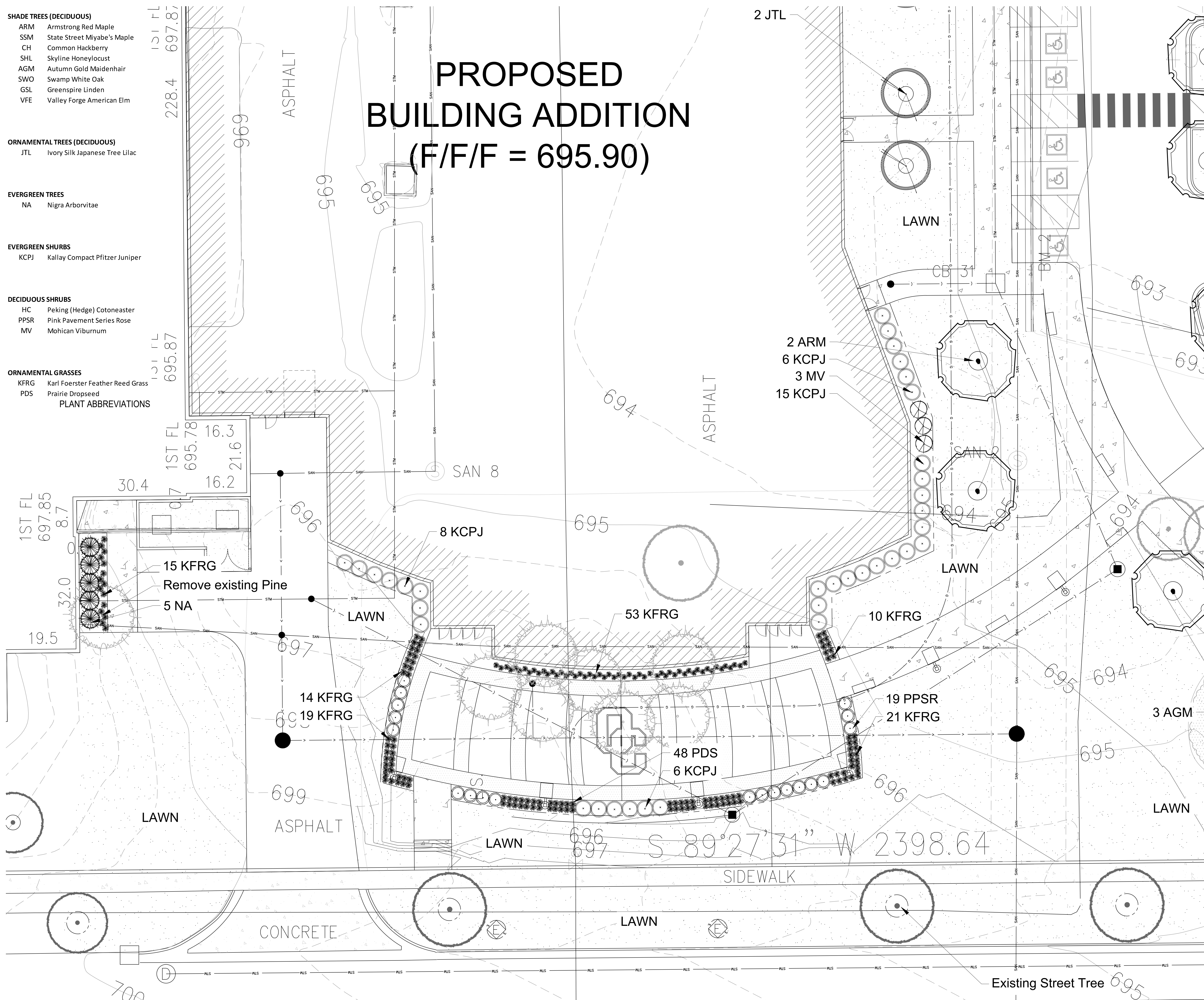
- EVERGREEN SHRUBS**
- KCPJ Kallay Compact Pfitzer Juniper

- DECIDUOUS SHRUBS**
- HC Peking (Hedge) Cotoneaster
  - PPSR Pink Pavement Series Rose
  - MV Mohican Viburnum

- ORNAMENTAL GRASSES**
- KFRG Karl Foerster Feather Reed Grass
  - PDS Prairie Dropseed

PLANT ABBREVIATIONS

# PROPOSED BUILDING ADDITION (F/F/F = 695.90)



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1458 Horizon Blvd, Suite 200, Racine, WI, 53406  
Tele: (262)634-5588 Website: www.nmbc.net

OAK CREEK FRANKLIN  
JOINT SCHOOL DISTRICT  
OAK CREEK HIGH SCHOOL BUILDING  
ADDITIONS AND RENOVATIONS

BID PACKAGE #  
340 E PUETZ RD  
OAK CREEK, WI 53154

Date	Revision Description
9-30-2019	City Comments

**CITY REVIEW SET**

DATE	08-26-2019	PROJECT #	W52-PM3
DRAWN BY	PCA	CHECKED BY	WDH

DRAWING TITLE  
**ENLARGED LANDSCAPE PLAN**

DRAWING NUMBER  
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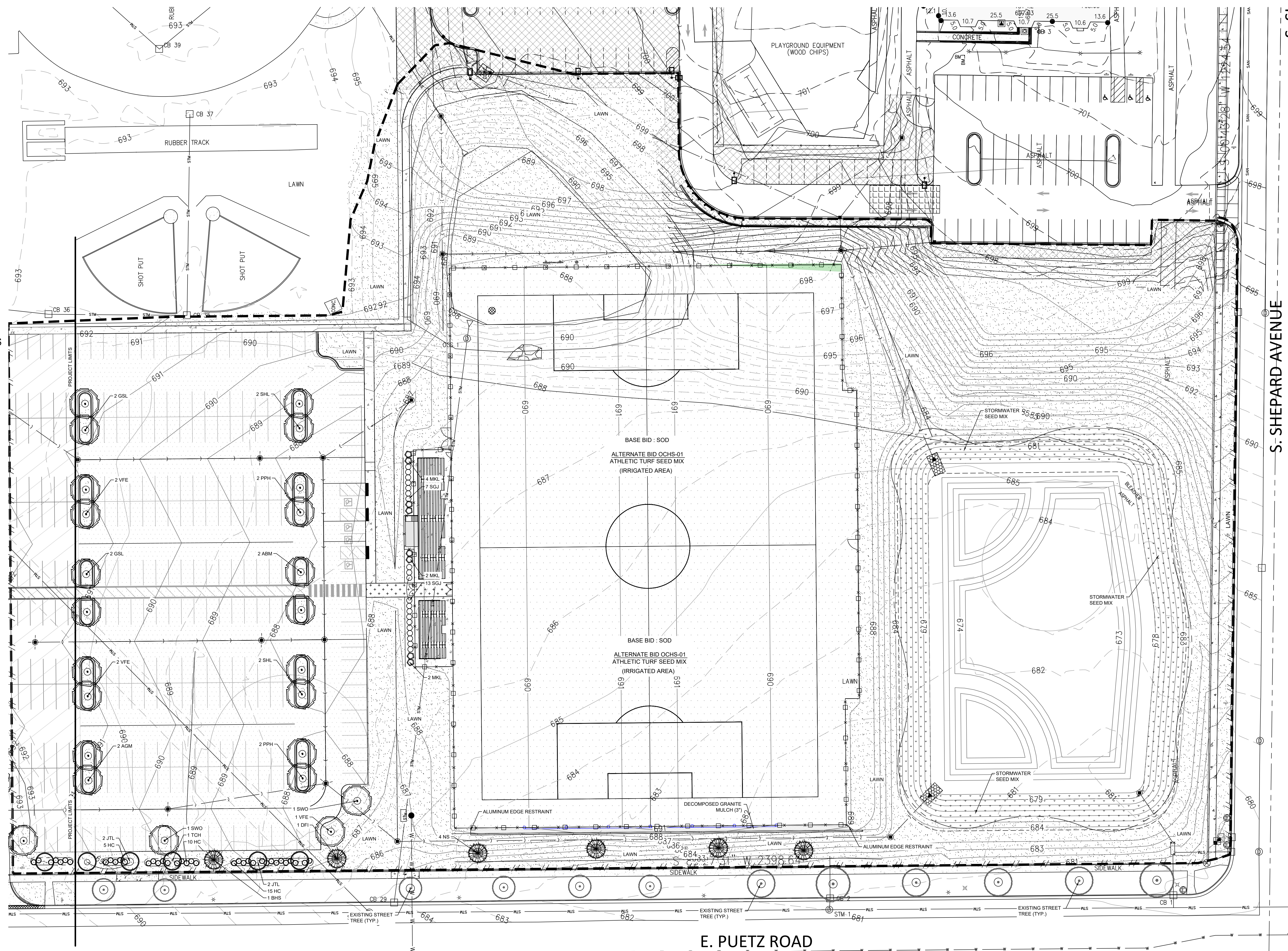
**ENLARGED LANDSCAPE PLAN**  
Scale: 1" = 10'0"  
NORTH





CALL DIGGERS HOTLINE  
811 or 1-800-242-8811  
MILWAUKEE 226-1181  
MS STATUTE 182.07(2)(b)  
REQUIRES MIN. 2 WORK DAYS  
NOTICE BEFORE YOU DIG/AWAY

- SHADE TREES (DECIDUOUS)**
- GMSM Green Mountain Sugar Maple
  - PPH Prairie Pride Hackberry
  - SHL Skyline Honeylocust
  - AGM Autumn Gold Maidenhair
  - SWO Swamp White Oak
  - GSL Greenspire Linden
  - VFE Valley Forge American Elm
- ORNAMENTAL TREES (DECIDUOUS)**
- TCH Thornless Cockspur Hawthorn
  - JTL Ivory Silk Japanese Tree Lilac
- EVERGREEN TREES**
- NS Norway Spruce
  - BHS Black Hills Spruce
  - DFI Douglas Fir
- EVERGREEN SHRUBS**
- SGJ Sea Green Juniper
- DECIDUOUS SHRUBS**
- HC Peking (Hedge) Cotoneaster
  - MKL Miss Kim Dwarf Lilac
- PLANT ABBREVIATIONS**



# ENLARGED LANDSCAPE PLAN

Scale: 1" = 30'0"

SEE IRRIGATION PLANS WITHIN THIS SET FOR AREAS PROPOSED TO BE IRRIGATED

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OAK CREEK FRANKLIN  
JOINT SCHOOL DISTRICT  
OAK CREEK HIGH SCHOOL  
ATHLETIC FIELD UPDATES  
BID PACKAGE #10  
340 E PUETZ RD  
OAK CREEK, WI 53154

Date	Revision Description
7-08-2019	ADDENDUM #2
9-30-2019	City Comments

## CONSTRUCTION DOCUMENTS

DATE	PROJECT #	W52-PM3
6-14-2019		

DRAWING TITLE  
**ENLARGED LANDSCAPE PLAN**

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- Contractor responsible for contacting Diggers Hotline (811 or 800-242-8511) to have site marked prior to excavation or planting.
- Contractor to verify all plant quantities shown on Plant & Material List and landscape planting symbols and report any discrepancies to Landscape Architect or Construction Manager.
- All plantings shall comply with standards as described in American Standard of Nursery Stock - Z60.1 ANSI (latest version). Landscape Architect reserves the right to inspect, and potentially reject any plants that are inferior, compromised, undersized, diseased, improperly transported, installed incorrectly or damaged. No sub-standard "B Grade" or "Park Grade" plant material shall be accepted. Plant material shall originate from nursery(ies) with a similar climate as the planting site.
- Any potential plant substitutions must be approved by Construction Manager, Landscape Architect and Owner. All plants must be installed as per sizes indicated on Plant & Material Schedule, unless approved by Construction Manager, Landscape Architect and Owner. Any changes to sizes shown on plan must be submitted in writing to the Construction Manager, Landscape Architect, and Owner prior to installation.
- Mulching: All tree and shrub planting beds to receive a 3" deep layer of high quality shredded hardwood bark mulch (not pigment dyed or enviro-mulch). All perennial planting areas (groupings) shall receive a 2" layer of shredded hardwood bark mulch, and groundcover areas a 1-2" layer of the same mulch. Do not allow mulch to contact plant stems and tree trunks.
- Edging: All planting beds shall be edged with a 4" deep spade edge using a flat landscape spade or a mechanical edger. Bedlines are to be cut crisp, smooth as per plan. A clean definition between landscape beds and lawn is required. Pack mulch against lawn edge to hold in place.
- Lawn Installation for all sodded turf grass areas: Landscape Contractor to furnish and prepare blended topsoil (2" minimum) and sod bed. Use only premium sod blend according to TPI (revised 1995) and ASPA Standards. Sod is to be installed using 6" (72") wide sod rolls. Install sod uniformly with staggered joints, laid tightly end to end and side to side. Roll sod with a walk behind roller and water immediately upon installation to a 3" depth. Stake any sod installed on slopes steeper than 1:3, and in all swale applications. Contractor is responsible to provide a smooth, uniform, healthy turf, and is responsible for the first two mowings of the newly installed turf grass.
- Installation preparation for all seeded areas: remove/kill off any existing unwanted vegetation prior to seeding. Prepare the topsoil (if adequate or provide as in item #6 above) and seed bed by removing all surface stones 1" or larger. Provide seed and fertilizer specifications to Landscape Architect and Owner prior to installation. Erosion control measures are to be used in all seeded areas. The Construction Manager and Owner must inspect and approve the finished topsoil surface prior to any sodding or seeding operations.

Methods of installation may vary at the discretion of the Landscape Contractor on his/her responsibility to establish and guarantee a smooth, uniform, quality turf. A minimum of 2" of blended, prepared and non-compacted topsoil is required for all seeded lawn and native seeded areas. Marsh having containing reed canary grass is NOT acceptable as a mulch covering.

An acceptable quality seed installation is defined as having:  
 No bare spots larger than one (1) square foot  
 No more than 10% of the total area with bare areas larger than one (1) square foot  
 A uniform coverage throughout all turf areas

- Native Prairie Seed Mix and/or Stormwater Seed Mix: Native seed mixes as listed on the Plant and Material List or other seeding schedules outlined on the landscape plan set. Seed mixes available from Prairie Nursery 608-296-3679 or JF New 608-848-1789 or approved equivalent mix from a reputable seed mix provider. Apply at rates specified herein, or per supplier recommendation. Prepare soil and seed bed as in item #8 above.
- Warranty and Replacements: All plantings are to be watered thoroughly at the time of planting, through construction and upon completion of project as required. Trees, Evergreens, and Shrubs (deciduous and evergreen) shall be guaranteed (100% replacement) for a minimum of one (1) year from the date of project completion. Perennials, groundcovers, and ornamental grasses shall be guaranteed for a minimum of one (1) growing season. Perennials, groundcovers, and ornamental grasses planted after September 30th shall be guaranteed through May 31st of the following year. Only one replacement per plant will be required during the warranty period, except for losses or replacements due to failure to comply with specified requirements. Watering and general ongoing maintenance instructions are to be supplied by the Landscape Contractor to the Owner upon completion of the project.
- The Landscape Contractor is responsible for the watering and maintenance of all landscape areas for a period of 45 days after the substantial completion of the landscape installation. This shall include all trees, shrubs, evergreens, perennials, ornamental grasses, sod, turf grass, no-mow grass, and native prairie seed mix / stormwater seed mix. Work also includes weeding, edging, mulching (only if required), fertilizing, trimming, sweeping up grass clippings, pruning and deadheading.
- Project Completion: Landscape Contractor is responsible to conduct a final review of the project, upon completion, with the Landscape Architect, Client or Owner / Client Representative, and the General Contractor to answer questions, provide written care instructions for new plantings and turf, and insure that all specifications have been met.

## LANDSCAPE GENERAL NOTES

CARDNO / JF New, Inc.		
www.cardnojfnw.com	Common Rush	1
Juncus torreyi	Torrey's Rush	0.25
Walkerton, Indiana 46574	Rice Cut Grass	1
Ph: 574-586-3400	Switch Grass	8

### Stormwater Seed Mix

For Use on Stormwater Management Ponds (SMP) side slopes to Normal Water Line (NWL)

Botanical Name	Common Name	PLS Ounces/Acre
<b>Permanent Grasses/Sedges/Rushes:</b>		
<i>Carex cristatella</i>	Crested Oval Sedge	1.00
<i>Carex frankii</i>	Bristly Cattail Sedge	1.00
<i>Carex lurida</i>	Bottlebrush Sedge	2.00
<i>Carex sparganioides v. cephaloides</i>	Rough-Clustered Sedge	2.00
<i>Carex vulpinoidea</i>	Brown Fox Sedge	6.00
<i>Eleocharis ovata</i>	Blunt Spike Rush	0.50
<i>Elymus virginicus</i>	Virginia Wild Rye	12.00
<i>Glyceria striata</i>	Fowl Manna Grass	1.25
<i>Juncus effusus</i>	Common Rush	1.00
<i>Juncus torreyi</i>	Torrey's Rush	0.25
<i>Leersia oryzoides</i>	Rice Cut Grass	1.00
<i>Panicum virgatum</i>	Switch Grass	2.00
<i>Scirpus atrovirens</i>	Dark Green Rush	1.00
<i>Scirpus cyperinus</i>	Wood Grass	0.50
<i>Scirpus fluviatilis</i>	River Bulrush	0.25
<i>Scirpus validus</i>	Great Bulrush	6.00
<b>Total</b>		<b>45.75</b>

### Temporary Cover:

<i>Avena sativa</i>	Common Oat	360.00
<i>Lolium multiflorum</i>	Annual Rye	116.00
<b>Total</b>		<b>476.00</b>

### Forbs:

<i>Alisma spp.</i>	Water Plantain (Various Mix)	4.25
<i>Asclepias incarnata</i>	Swamp Milkweed	1.50
<i>Bidens spp.</i>	Bidens (Various Mix)	2.00
<i>Helenium autumnale</i>	Sneezeweed	3.00
<i>Mimulus ringens</i>	Monkey Flower	1.00
<i>Penthorum sedoides</i>	Ditch Stonecrop	0.50
<i>Polygonum pensylvanicum</i>	Pinkweed	4.00
<i>Rudbeckia subtomentosa</i>	Sweet Black-Eyed Susan	1.00
<i>Sagittaria latifolia</i>	Broad-Leaf Arrowhead	1.00
<i>Senna hebecarpa</i>	Wild Senna	1.00
<i>Thalictrum dasycarpum</i>	Purple Meadow Rue	2.00
<b>Total</b>		<b>21.25</b>

<b>Approximate area of coverage:</b>	
Total area (SF) of coverage surrounding SWM ponds:	17,810
Total area (acres) of coverage surrounding SWM ponds:	0.41

## STORMWATER SEED MIX

PLANT KEY	QUANTITY	PLANT MATERIAL PROPOSED		CALIPER/HEIGHT SIZE	ROOT	SPECIFICATION / NOTES
		BOTANICAL NAME	COMMON NAME			
<b>Proposed Landscape Materials</b>						
<b>SHADE TREES (DECIDUOUS)</b>						
GMSM	4	Acer saccharum 'Green Mountain'	Green Mountain Sugar Maple	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting
PPH	4	Celtis occidentalis 'Prairie Pride'	Prairie Honey Hackberry	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting
SHL	4	Gleditsia triacanthos 'Skyline'	Skyline Honeylocust	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting
AGM	2	Ginkgo biloba 'Autumn Gold'	Autumn Gold Maidenhair	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting
SWO	2	Quercus bicolor	Swamp White Oak	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting
GSL	2	Tilia cordata 'Greenspire'	Greenspire Linden	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting
VFE	5	Ulmus americana 'Valley Forge'	Valley Forge American Elm	2.5"	B&B	Straight central leader, full and even crown. Prune only after planting
<b>ORNAMENTAL TREES (DECIDUOUS)</b>						
TCH	1	Crataegus crus-galli 'Inermis'	Thornless Cockspur Hawthorn	7-8" H	B&B	Well balanced multi-stemmed tree with minimum four canes, and full appearance
JTL	4	Syringa reticulata 'Ivory Silk'	Ivory Silk Japanese Tree Lilac	7-8" H	B&B	Well balanced multi-stemmed tree with minimum four canes, and full appearance
<b>EVERGREEN TREES</b>						
NS	4	Picea abies	Norway Spruce	7-8"	B&B	Evenly shaped tree with branching to the ground
BHS	2	Picea glauca 'densata'	Black Hills Spruce	7-8"	B&B	Evenly shaped tree with branching to the ground
DFI	1	Pseudotsuga menziesii	Douglas Fir	6-7"	B&B	Evenly shaped tree with branching to the ground
<b>EVERGREEN SHRUBS</b>						
SGJ	17	Juniperus chinensis 'Sea Green'	Sea Green Juniper	#5	Cont.	Full rounded well branched shrub
<b>DECIDUOUS SHRUBS</b>						
HC	30	Cotoneaster acutifolia	Peking (Hedge) Cotoneaster	42"	B&B	Full, well rounded plant with moist rootball and healthy appearance
MKL	7	Syringa patula 'Miss Kim'	Miss Kim Dwarf Lilac	24"	Cont.	Full, well rooted plant, evenly shaped
<b>LANDSCAPE MATERIALS</b>						
LAWN	14890	Lawn Establishment Area / Grading Area			SY	Reinder's Landscape 40 Lawn Seed Mix (800-785-3301)
ATHLETIC	12689	Athletic Turf Grass Seed Mix (Alternate Bid OCH5-01)			SY	Reinder's Thermal Sports MVP 80/20 (800-785-3301)
	151814	Erosion Matting for LAWN and STORMWATER areas	see plan for area delineation		SF	EroTex D575 Erosion Control Blanket (or approved equal)
	114200	Erosion Matting (Alternate Bid OCH5-01)	see plan for area delineation		SF	EroTex D575 Erosion Control Blanket (or approved equal)
SWM	1980	Stormwater Seed Mix	see plan for area delineation		SY	Cardno/JF New Stormwater Seed Mix
<b>Decomposed Granite Surface (Rust/Brown)</b>						
15		Decomposed Granite Surface (Rust/Brown)	Area: 1,085 SF		TN	3" depth
<b>Aluminum Edge Restraint (gravel areas)</b>						
16		Aluminum Edge Restraint (gravel areas)	Permaloc ProSlide 3/16"x5.5" Black Duraflex Finish		LF	
<b>Landscape Fabric</b>						
1085		Landscape Fabric	Area: 1,085 SF		SF	
<b>Shredded Hardwood Mulch (3" depth)</b>						
21.5		Shredded Hardwood Mulch (3" depth)	Area: 2,300 SF		CY	Bark Mulch; apply Preemergent after installation of mulch
<b>Soil Amendments (2" depth)</b>						
14		Soil Amendments (2" depth)	Area: 2,300 SF		CY	
<b>Pulverized Topsoil (Lawn/Stormwater Mix)</b>						
1025		Pulverized Topsoil (Lawn/Stormwater Mix)	Area: 151,814 SF		CY	
<b>Pulverized Topsoil (Alternate Bid OCH5-01)</b>						
351		Pulverized Topsoil (Alternate Bid OCH5-01)	Area: 114,180 SF		CY	
<b>Pulverized Topsoil (2" over bed areas)</b>						
14		Pulverized Topsoil (2" over bed areas)	Area: 2,300 SF		CY	

\*Landscape counts & quantities are provided as a service to the Landscape Contractor. Landscape Contractor is responsible for verifying these counts and quantities in order to provide a complete landscape installation as outlined on this Landscape Master Plan. In the event that a discrepancy occurs between this schedule and the Landscape Master Plan, the Landscape Master Plan including the graphics and notations depicted therein shall govern.

### Seed Compositions:

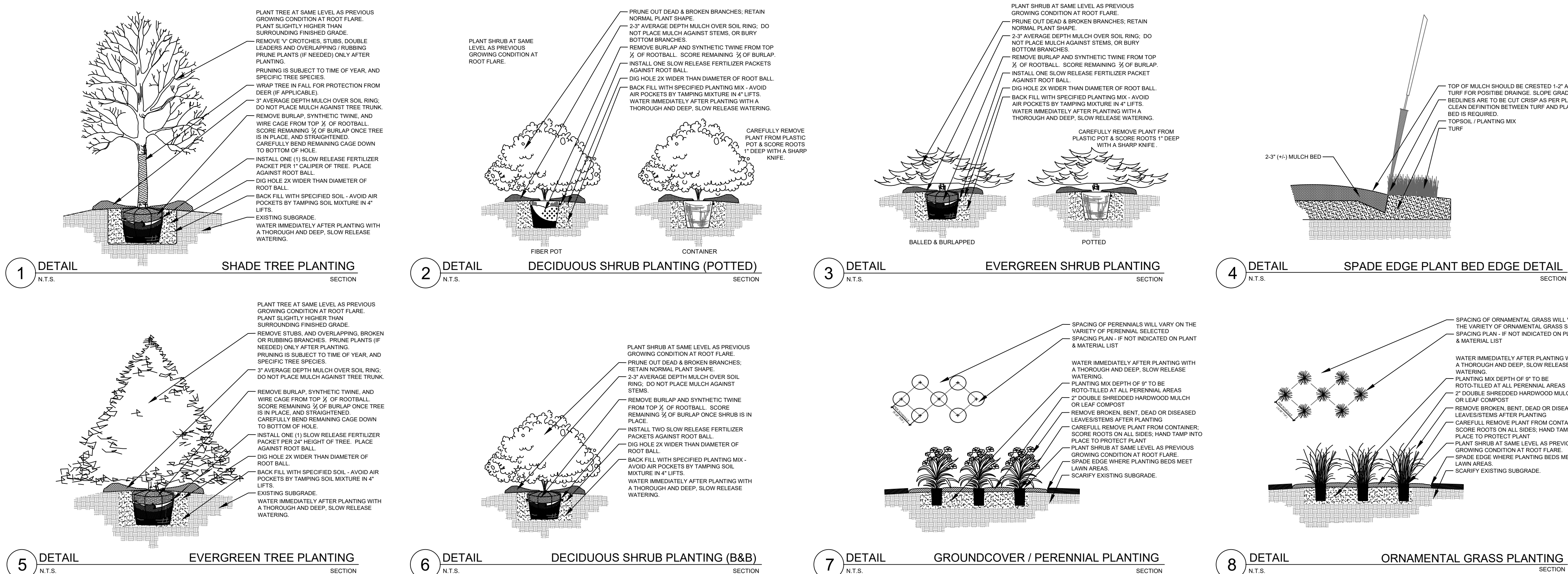
**Reinders Thermal Sports MVP 80/20 (seed at rate of 6# per 1,000 SF)**

15% SPF Kentucky Bluegrass	15% Fullback Kentucky Bluegrass
15% Midnight Kentucky Bluegrass	20% Benchmark Perennial Ryegrass
20% Shannon Kentucky Bluegrass	15% Hampton Kentucky Bluegrass

**Reinders Landscape 40 Lawn Seed Mix (seed at rate of 150-200# per acre)**

28% Kentucky Bluegrass
6% Bluebonnet Kentucky Bluegrass
6% Kenblue Kentucky Bluegrass
25% Creeping Red Fescue

## PLANT & MATERIAL SCHEDULE: OCHS ATHLETIC FIELDS



## PLANTING & HARDSCAPE DETAILS

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OAK CREEK FRANKLIN  
 JOINT SCHOOL DISTRICT  
 OAK CREEK HIGH SCHOOL  
 ATHLETIC FIELD UPDATES

BID PACKAGE #10  
 340 E PUETZ RD  
 OAK CREEK, WI 53154

Date	Revision Description
7-08-2019	ADDENDUM #2
9-30-2019	City Comments

### CONSTRUCTION DOCUMENTS

DATE	PROJECT #	WSP-PM3
6-14-2019		

DRAWN BY	CHECKED BY
WDH	WDH

DRAWING TITLE

**ENLARGED LANDSCAPE PLAN**

DRAWING NUMBER

**L104**

OCHS

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## PLAN COMMISSION REPORT

Proposal: Zoning Text Amendments – Religious Institutions & Places of Assembly

Description: Amendments to the Zoning Code related to religious institutions and places of assembly. These amendments are proposed throughout the Zoning Code.

Applicant(s): City of Oak Creek

Address(es): N/A

**Suggested Motion:** That the Plan Commission recommends to the Common Council that the proposed amendments to Section 17 of the Municipal Code pertaining to religious institutions and places of assembly are approved after a public hearing.

Owner(s): N/A

Tax Key(s): N/A

Lot Size(s): N/A

Current Zoning District(s):

Overlay District(s): N/A

Wetlands:  Yes  No

Floodplain:  Yes  No

Comprehensive Plan: N/A

### Background:

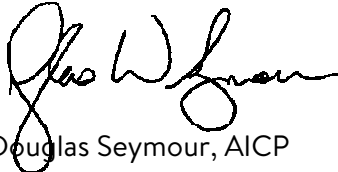
Staff is proposing several amendments throughout the existing Zoning Code pertaining to religious institutions and places of assembly. The changes are being proposed as updates to more closely align the Code with the most recent federal requirements for the Religious Land Use and Institutionalized Persons Act (RLUIPA). Specifically, legacy language (e.g., church, club, etc.) is being updated to “religious institutions” or “places of assembly,” and other Sections are amended to ensure that religious institutions and other places of assembly are reviewed similarly. Definitions for both have also been updated for clarity.

Staff have worked closely with the City Attorney to ensure compliance with federal requirements, and are taking this opportunity to amend the Code as an integral step to the Zoning Code update process. Changes included in the proposal will be incorporated into the overall update anticipated to be adopted next year.

**Options/Alternatives:** The Plan Commission may recommend Common Council approval of the proposed Zoning Text Amendments, recommend approval with changes, or that the Common Council not approve of the proposed amendments. Recommendation against approval will result in existing Code Sections not aligning with federal requirements.

---

Respectfully submitted:



Douglas Seymour, AICP  
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP  
Planner

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Attachment:

Proposed Code Changes (15 pages)

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permanent building with a minimum size of 1,500 square feet. (3) The restaurant shall provide an outdoor dining area and adequate parking to accommodate the outdoor dining area. (4) Permanent restroom facilities shall be provided.

- (3) Funeral homes provided all principal uses and structures are not less than twenty-five (25) feet from any side or rear lot line.
- (4) Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service station canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line or no closer than fifty (50) feet from any residential district boundary line.
- (5) Group day care centers.
- (6) Temporary uses.
- (7) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
- (8) Solar energy collectors erected as an accessory structure.
- (d) Lot Area and Width: Lots shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.
- (e) Building Height and Area:
  - (1) No principal building or parts of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed seventeen (17) feet in height.
  - (2) The maximum building floor area shall be 5,000 square feet.
  - (3) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.
- (f) Setback and Yards:
  - (1) There shall be a minimum building front setback of twenty-five (25) feet from the right-of-way of all streets.
  - (2) There shall be a side setback on each side of all principal buildings of not less than fifteen (15) feet. However this may be increased upon the recommendation of the City Engineer in order to accommodate the required grading between properties.
  - (3) There shall be a rear setback of not less than twenty (20) feet.
  - (4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential dis-

trict, the setback provided shall be at least what the appropriate side or rear setback for a principle building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.

*Ordinance 2392, A 2/7/06, Sec. 17.312(a)(2) & (c)*  
*Ordinance 2549 A 4/6/09, Sec. 17.0312(c)2*

#### **SEC. 17.0313 B-2 COMMUNITY BUSINESS DISTRICT**

The B-2 Community Business District is intended to provide for the orderly and attractive grouping at appropriate locations of businesses offering a wider range of retail products and services than are provided in B-1 Local Business Districts. The character, appearance, and operation of any business in the district should be compatible with any surrounding areas.

- (a) Permitted Uses: The following are permitted uses, provided that there is no outdoor storage of merchandise:
  - (1) Any use permitted in the B-1 Local Business District.
  - (2) Antique and collectors stores.
  - (3) Art galleries.
  - (4) Art supply stores.
  - (5) Catering services.
  - (6) ~~Clubs, fraternities, and sororities~~ Place of Assembly.
  - (7) Coin and philatelic stores.
  - (8) Confectioneries and ice cream stores.
  - (9) Currency exchanges.
  - (10) Dog obedience training facilities when conducted entirely within an enclosed structure.
  - (11) Electronic equipment sales, service, and repair.
  - (12) Fish markets.
  - (13) Fruit stores.
  - (14) Interior decorators.
  - (15) Janitorial supplies and services.
  - (16) Laundries and dry cleaners, not employing more than five (5) persons on any one work-shift.
  - (17) Meat markets.
  - (18) Neighborhood food store.
  - (19) Paint, glass, and wallpaper stores.
  - (20) Photography and art studios.
  - (21) Physical fitness centers.
  - (22) Printing services, limited to no more than 2,000 square feet of floor area.
  - (23) Public utility offices.
  - (24) Radio and television broadcast or recording studios, not including transmitting towers.
  - (25) Taverns and cocktail lounges.
  - (26) Testing laboratories.
  - (27) Upholstering.
  - (28) Vegetable stores.
- (b) Permitted Accessory Uses:

- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner, not exceeding the floor area used for business purposes, and located on a ground or non-ground level in the same building as the business and provided that there shall be a minimum lot area and floor area as provided below:

	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Living Area per Dwelling Unit (square feet)
Efficiency Unit	2,400	350
1-bedroom	2,400	500
2-bedroom or larger unit	3,000	700

The minimum lot area required per dwelling unit shall be in addition to the land area required to meet the building area, setback, and parking and loading area requirements for permitted business uses.

- (4) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
  - (5) Solar collectors attached to the principal structure.
- (c) Conditional Uses:
- (1) Any conditional use permitted in the B-1 Local Business District.
  - (2) Any permitted use in the B-2 Community Business District with a building area 60,000 square feet.
  - (3) Outdoor display of retail merchandise.
  - (4) Public passenger transportation terminals, such as bus and rail depots, but not including airports, airstrips, and landing fields. Any such use shall be located not less than 500 feet from any residential district boundary.
  - (5) Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, health clubs, miniature golf facilities, pool and billiard halls, and indoor skating rinks.
  - (6) State of Wisconsin certified adult day care facilities.
  - (7) Licensed tattoo and/or body piercing studios

- (d) Lot Area and Width: Lots in the B-2 district shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.
- (e) Building Height and Area:
  - (1) No principal building or parts of a principal building shall exceed forty-five (45) feet in height. No accessory building shall exceed seventeen (17) feet in height.
  - (2) The maximum building floor area for any permitted use shall be 60,000 square feet.
  - (3) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.
- (f) Setbacks:
  - (1) There shall be a minimum front setback of twenty-five (25) feet from the right-of-way of all streets.
  - (2) There shall be a side setback on each side of all principal buildings of not less than twenty (20) feet.
  - (3) There shall be a rear setback of not less than twenty-five (25) feet.
  - (4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principle building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.

*Ordinance 2372, A 9/20/05, Sec. 17.0313(c)(2) & (e)(2)*

*Ordinance 2392, A 2/7/06, Sec. 17.0313*

*Ordinance 2425, A 9/5/06, Sec 17.0313(c)(6)*

*Ordinance 2858, A 6/20/17, Sec. 17.0313(c)(7)*

**SEC. 17.0314 B-3 OFFICE & PROFESSIONAL BUSINESS DISTRICT**

The B-3 Office and Professional Business District is intended to provide for individual or groups of buildings limited to office, professional, and special service uses where the office use would be compatible with other adjacent uses.

- (a) Permitted Uses:
- (1) Administrative and public service offices.
  - (2) Professional offices of an architect, engineer, landscape architect, lawyer, accountant, doctor, chiropractor, ~~Christian science practitioner~~, dentist, optometrist, clergy, or other similarly recognized profession.
  - (3) Studios for photography, painting, music, sculpture, dance, pottery and jewelry.

- (4) Banks, savings and loan, and other financial institutions with no drive-through facilities.
  - (5) Barber shops and beauty shops.
  - (6) Group day care centers with no outdoor activity areas.
  - (7) Interior decorators.
  - (8) Medical and dental clinics.
  - (9) Real estate and insurance sales offices.
  - (10) Video productions.
  - (11) Licensed massage therapy and body work as certified by the State.
- (b) Permitted Accessory Uses:
- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
  - (2) Cafeterias, delicatessens, and restaurants accessory to and located within the same building as a permitted use.
  - (3) Off-street parking and loading areas.
  - (4) Residential quarters for the owner, not exceeding the floor area used for business purposes, and located on a ground or non-ground level in the same building as the business and provided that there shall be a minimum lot area and floor area as provided below:

	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Living Area per Dwelling Unit (square feet)
Efficiency Unit	2,400	350
1-bedroom	2,400	500
2-bedroom or larger unit	3,000	700

The minimum lot area required per dwelling unit shall be in addition to the land area required to meet the building area, setback, and parking and loading area requirements for permitted business uses.

- (5) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
  - (6) Solar collectors attached to the principal structure.
- (c) Conditional Uses:
- (1) Banks, savings and loan associations, and other financial institutions with drive-through facilities.
  - (2) Group day care centers with outdoor activity areas.
  - (3) Public passenger transportation terminals, such as bus and rail depots, but not in-

cluding airports, airstrips, and landing fields. Any such use shall be located not less than 500 feet from any residential district boundary.

- (4) Radio and television transmitting and receiving stations, and studios.
  - (5) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
  - (6) Solar energy collectors erected as an accessory structure.
  - (7) State of Wisconsin certified adult day care facilities.
- (d) Lot Area and Width: Lots shall have a minimum area of 10,000 square feet and shall have a lot width of not less than seventy-five (75) feet. Corner lots shall have a lot width of not less than eighty-five (85) feet.
- (e) Building Height and Area:
- (1) No principal building or parts of a principal building shall exceed fifty-five (55) feet in height. No accessory building shall exceed seventeen (17) feet in height.
  - (2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.
- (f) Setbacks:
- (1) There shall be a minimum front setback of twenty-five (25) feet from the right-of-way of all streets.
  - (2) There shall be a side setback on each side of all principal buildings of not less than twenty (20) feet.
  - (3) There shall be a rear setback of not less than twenty-five (25) feet.
  - (4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principal building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.

*Ordinance # 2261 A 8/4/03 Sec. 17.0314(a)11*  
*Ordinance 2392, A 2/7/06 Sec. 17.0314(z)(4) &(c)(1)*  
*Ordinance 2425, A 9/7/06, Sec. 17.0314(c)(7)*  
*Ordinance 2564, A 8/3/09, Sec. 17.0314(e)(2)*

**SEC. 17.0315 B-4 HIGHWAY BUSINESS DISTRICT**

The B-4 Highway Business District is intended to provide for the orderly and attractive grouping at appropriate locations along federal, state and county



highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the need of such traffic.

(a) Permitted Uses:

- (1) Any use permitted in the B-2 Community Business District.
- (2) Appliance stores.
- (3) Bowling alleys.
- (4) Building supply stores; excluding lumber yards.
- (5) Department stores.
- (6) Equipment rental with only inside storage facilities.
- (7) Funeral homes.
- (8) Furniture stores.
- (9) Indoor tennis and racquetball courts, physical fitness centers and health clubs.
- (10) Garden centers.
- (11) Grocery stores.
- (12) Hardware stores.
- (13) Mail order service stores.
- (13) Restaurants, without drive-in or drive-through facilities.
- (14) Theaters and other amusement places.
- (16) Utility offices.
- (17) Automotive parts and accessories without installation.

(18) Place of Assembly

(b) Permitted Accessory Uses:

- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner, not exceeding the floor area used for business purposes, and located on a ground or non-ground level in the same building as the business and provided that there shall be a minimum lot area and floor area as provided below:

	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Living Area per Dwelling Unit (square feet)
Efficiency Unit	2,400	350
1-bedroom	2,400	500
2-bedroom or larger unit	3,000	700

The minimum lot area required per dwelling unit shall be in addition to the land area required to meet the building area,

setback, and parking and loading area requirements for permitted business uses

- (4) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (5) Solar collectors attached to the principal structure.

(c) Conditional Uses:

- (1) Any conditional use permitted in the B-2 Community Business District.
- (2) Animal hospitals.
- (3) Automotive, motorcycle, recreation vehicles, marine, and aircraft sales and service.
- (4) Car washes.
- (5) Contractor's offices and shops, provided that there shall be no outdoor storage of equipment and materials.
- (6) Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service station canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line.
- (7) Hotels and motels
- (8) Lumber yards, millwork, saw mills, and planing mills.
- (9) Radio and television transmission towers, receiving towers, relay and microwave towers, and broadcast studios.
- (10) Restaurants with drive-in or drive-through facilities. No drive-in restaurant shall sell or dispense alcoholic beverages. No drive-through restaurants shall sell alcoholic beverages through a drive-through window. All drive-in/drive-through restaurants must also have indoor dining areas unless they meet the following criteria: (1) The restaurant must be located on lot no less than one (1) acre in size, (2) The restaurant shall be located in a permanent building with a minimum size of 1,500 square feet, (3) The restaurant shall provide an outdoor dining area and adequate parking to accommodate the outdoor dining area. (4) Permanent restroom facilities shall be provided.
- (11) Licensed massage therapy and body work as certified by the State of Wisconsin.
- (12) Licensed tattoo and/or body piercing establishments.

(d) Lot Area and Width: Lots shall have a minimum area of 30,000 square feet and shall be not less than 150 feet in width.

(e) Building Height and Area:

- (1) No principal building or parts of a principal building shall exceed fifty (50) feet in

height. No accessory building shall exceed seventeen (17) feet in height.

- (2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.
- (f) **Setback and Yards:**
  - (1) There shall be minimum front setback of twenty-five (25) feet from the right-of-way of all streets.
  - (2) There shall be a side setback on each side of all principal buildings of not less than fifteen (15) feet.
  - (3) There shall be a rear setback of not less than twenty-five (25) feet.
  - (4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principle building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.

*Ordinance #2185 A 8/20/02 Sec. 17.0316 Repealed*

*Ordinance # 2386, A 12/20/05 Sec. 17.0315(a)(15) and 17.0315(c)(9)*

*Ordinance 2392, A 2/7/06, Sec. 17.0315*

*Ordinance 2489, A 1/15/08, Sec. 17.0315(a)&(c)*

*Ordinance 2536, A 12/16/08, Sec. 17.0315(c)(11)*

*Ordinance 2549, A 4/6/09, Sec. 17.0315(c)(10)*

*Ordinance 2567, A 10/20/09, Sec. 17.0315(c)(10)*

**SEC. 17.0316: B-6 INTERCHANGE REGIONAL RETAIL DISTRICT** – The B-6 Interchange Regional Retail District is intended to provide for the orderly and attractive grouping of high-intensity retail, commercial and mixed uses along the federal interstate highway system. Areas that may be designated as part of the B-6 district shall be limited to contiguous premises that abut the federal interstate highway system, and at least one (1) premises shall include a Destination Retail building with a gross floor area of 250,000 square feet or more. The zoning regulations applicable to the B-6 District set forth in this Section 17.0316 override and supersede any and all contrary provisions in Chapter 17 of the Municipal Code. In the event that any other provisions of Chapter 17 are contrary to any provisions in this Section 17.0316, the provisions of this Section 17.0316 shall control.

a. Definitions:

- (1) **Destination Retail.** A type of store that attracts regional customers as their ultimate destination.
- (2) **High-intensity uses.** Uses which (a) are logically dependent upon, and can offer regional access within, one-half mile of freeway interchange entrances and exits, (b) draw cus-

tomers from a trade area that extends beyond the Seven-County Southeastern Wisconsin Region, and (c) incorporate Destination Retail.

- (3) **Seven-County Southeastern Wisconsin Region.** The region of Wisconsin comprised of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha counties.

b. Permitted uses:

- (1) Appliance Stores.
- (2) Banks, savings and loan associations, and other financial institutions.
- (3) Confectioneries and ice cream stores.
- (4) Delicatessens.
- (5) Department stores.
- (6) Electronic stores.
- (7) Furniture stores.
- (8) Hardware stores.
- (9) Interior decorators and home interiors.
- (10) Private indoor physical fitness centers and health clubs.
- (11) Offices including medical office buildings.
- (12) Restaurants, without drive-in or drive-through facilities.
- (13) Specialty food stores.
- (14) Theaters.
- (15) Shoe stores.
- (16) Clothing stores.
- (17) Jewelry stores.
- (18) Hospitals and day surgery clinics.
- (19) Place of Assembly.

c. Permitted accessory uses:

- (1) Cafeterias, delicatessens, bistros, and restaurants accessory to and located within the same building as the permitted use.
- (2) Cart storage areas and enclosures.
- (3) Customer pickup areas used in conjunction with the operation of business.
- (4) Garages used for storage of vehicles used in conjunction with the operation of the business.
- (5) Garden centers attached to and primarily accessed from the principal structure.
- (6) Grocery stores within and accessory to a Destination Retail building.
- (7) Off-street parking and loading areas used in conjunction with the operation of the business.
- (8) Solar collectors attached to and only serving the principal structure.
- (9) Supervises and unsupervised children's play areas located within the same building as the permitted Destination Retail use.
- (10) Warehouse and office uses accessory to and located within the same building as a permitted Destination Retail use, provided that such uses may occupy greater floor area than

## LIGHT MANUFACTURING ZONING DISTRICT

### SEC. 17.03170 LM-1 LIGHT MANUFACTURING ZONING DISTRICT

The LM-1, Light Manufacturing District is intended to provide for a mix of low-impact (of a limited nature and size) manufacturing, industrial, wholesaling, limited warehousing, research and development, engineering and testing, and related service facilities and uses which occur within enclosed buildings, and which will not have an adverse effect upon the district in which the use is located.

(a) Definitions:

- (1) **Business Accelerator.** Organizations that provide cohorts of selected nascent ventures seed-investment, usually in exchange for equity, and limited-duration educational programming, including extensive mentorship and structured educational components. These programs typically culminate in “demo days” where the ventures make pitches to an audience of qualified investors (International Economic Development Council. [Accelerating Success: Strategies to Support Growth-Oriented Companies](#) (pdf). 2012, pg. 11.)
- (2) **Business Incubator.** A mechanism used to encourage and support young companies until they become viable. These are typically multitenant buildings developed by local economic development entities to help “grow” new businesses by providing them with inexpensive space and common business services (International Economic Development Council).
- (3) **Incubator (alternate definition).** A space, building, or facility dedicated for providing technical, financial, managerial, technological, legal, and other support or assistance to start-up and/or growing businesses.
- (4) **Light Manufacturing.** The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

- (5) **Self-Service Storage / Mini-Warehouse.** A facility consisting of a building or a group of buildings where individual units are leased or rented to the general public for dead storage. The use of the premises shall be limited to storage only, and shall not be used for any auction (except where required by law), sales (except as provided below), or any other commercial or industrial activity; for the assembly, fabrication, processing, servicing, or repair of any vehicle, boat, trailer, appliance, or similar item; for practice (music) rooms, meeting rooms, residential purposes, or kennels; or for the operation of power tools, compressors, kilns, spray painting equipment, table saws, lathes, welding equipment, or other similar equipment. Limited sales to tenants of products and supplies incidental to the principal use (e.g., packing materials, identification labels, rope, locks, tape, etc.) may be allowed within the retail/leasing office as approved by the Plan Commission. The storage of combustible or flammable liquids, combustible or explosive materials, salvage or toxic/hazardous materials are expressly prohibited.

(b) Permitted uses

- (1) Assembly, production, or manufacture, from previously prepared materials & packaging, of the following:
  - a. Apparel, buttons, findings, fabrics, footwear, and related products.
  - b. Blank books, loose-leaf binders, binding devices, envelopes, greeting cards/stationery, packaging products.
  - c. Brooms and brushes.
  - d. Canvas, flags/pennants, and related products.
  - e. Communications equipment.
  - f. Dental, ophthalmic (including lenses), orthopedic, prosthetic, and surgical instruments/equipment and supplies.
  - g. Earthenware, table, and kitchen articles (excluding appliances or electronics).
  - h. Electric lighting and wiring equipment.
  - i. Engineering, laboratory, scientific, and research instruments and related equipment.
  - j. Furniture.
  - k. Garage doors.

lic street or right-of-way as a modification ONLY:

- i. If a ¾ majority vote of those Commissioners present at a meeting approves of the orientation; AND
- ii. If it is proven to the satisfaction of the Plan Commission that no practical alternative exists; AND
- iii. if screening through vegetation, architectural walls, fencing, or a combination thereof is approved; AND
- iv. If supplemental design elements or improvements are incorporated into the project which compensate for the modification.

f. All other applicable requirements as defined in the Municipal Code.

(17) Place of Assembly.

- (e) Lot area and width. Lots shall have a minimum area of 1 acre (43,560 square feet), and shall not be less than 150 feet in width. Lots shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, required setbacks and buffer yards, and minimum green/open space areas.
- (f) Building height and area:
  - (1) No principal building or parts of a principal building shall exceed fifty (50) feet in height. No accessory building shall exceed seventeen (17) feet in height, subject to regulations and permitting requirements under the jurisdiction of the Federal Aviation Administration and Milwaukee County.
  - (2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed sixty (60) percent of the lot area.
- (g) Building setbacks and yards:
  - (1) There shall be a minimum front setback of twenty-five (25) feet from the right-of-way of all public streets.
  - (2) There shall be a side setback on each side of not less than fifteen (15) feet.
  - (3) There shall be a rear setback of not less than twenty-five (25) feet.
  - (4) Side and rear setbacks shall not be less than thirty (30) feet to a residential, institutional, or park district line, and subject to buffer requirements in Section 17.0205(d).
- (h) Loading. All provisions of Section 17.0402 of the Municipal Code are applicable to this subsection.

(i) Parking. In addition to the provisions of Sections 17.0403 and 17.0404 of the Municipal Code, the following shall apply in the LM-1, Light Manufacturing District:

- (1) There shall be a minimum setback of ten (10) feet from the right-of-way of all public streets.
- (2) Buffers, landscape areas and screening for parking lots shall be approved by Plan Commission.
- (3) Parking for self-service storage/mini-warehouse premises shall be in accordance with the following:
  - a. (1) space per employee;
  - b. (1) space per 1,000 gross square feet of retail/leasing office space;
  - c. (1) space for every 10 units for interior/controlled-access buildings. Units accessed via exterior overhead/roll-up doors may count one (1) space in front of each unit as a parking stall. All travel aisles and emergency access areas shall remain completely unobstructed at all times.
- (4) The Plan Commission may modify these requirements in accordance with Section 17.0404.
- (j) Site plan and architectural review. All provisions of Section 17.1009 of the Municipal Code are applicable to this subsection.
- (k) Landscaping. All provisions of Sections 17.1010 and 17.0205 of the Municipal Code are applicable to this subsection.

*Ordinance #2848 A 4/3/17 Sec. 17.03170*

*Ordinance #2893, A 12/19/17, Sec. 17.03170(g)(1)*

*Ordinance #2919, A 11/20/18, Sec. 17.03170(i)(1)*

## MANUFACTURING DISTRICT

### SEC. 17.03171 M-1 MANUFACTURING DISTRICT

The M-1 Manufacturing District is intended to provide for manufacturing, industrial, and related uses of a limited nature and size which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the City as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors.

It is the intention of the Common Council of the City of Oak Creek to enact regulations for the purpose of promoting health, safety, and general welfare of its citizens.

Pursuant to the City of Oak Creek's authority, it is the intent of the Common Council to adopt by ordinance regulations restricting the location of adult entertainment businesses as defined herein to promote the City of Oak Creek's interest in protecting and preserving the quality of its neighborhoods, commercial districts, and quality of urban life through effective land-use planning.

It has been the experience of other cities including Seattle and Renton, Washington and Detroit, Michigan that adult entertainment businesses can contribute to the impairment of the character and quality of a surrounding residential neighborhood; and contribute to a decline in the value of surrounding properties.

Adult entertainment businesses in proximity to residential areas, churches, religious institutions, parks, schools and day care centers may lead to an increase in criminal activities in the surrounding areas and the City desires to protect the youth of the community from the deleterious effects such businesses can have on adjacent areas by restricting their close proximity to places of worship, schools and residential areas.

The Common Council has reviewed studies distributed by the National Obscenity Law Center in a three volume set that documents the secondary effects of adult entertainment businesses that affect property values, contribute to physical deterioration and blight, have a deleterious effect on both existing business around them and surrounding areas, including increased transiency, increased levels of criminal activities including prostitution, rape, assaults and other sex related crimes. The Common Council is also aware that similar studies have been conducted in other communities across the United States such as St. Paul and Minneapolis, MN; Indianapolis, IN; Hil-

ton Head, SC; Austin, TX; Phoenix, AZ and Los Angeles, CA.

The Common Council believes that the experiences and studies from other communities set forth herein are relevant in addressing the secondary effects adult entertainment businesses can have upon areas surrounding such establishments in the City of Oak Creek.

A reasonable regulation of the location of adult entertainment businesses will provide for the protection of the image of the community and its property values and protect the residents of the community from the adverse secondary effects of an adult entertainment business, while providing to those who desire to patronize adult entertainment businesses, such an opportunity in areas within the City which are appropriate for the location of adult entertainment businesses.

The United States Supreme Court in the case of City of Renton vs. Playtime Theaters, Inc., 475 US 41, 106 S. Ct., 925, 89 L. Ed., 2d, 29 (1986) and Young vs. American Mini Theaters, 427 US 50, 96 S. Ct., 2440, 49 L. Ed., 2d, 310 (1976) have approved efforts by local government to regulate the location of adult entertainment businesses through land-use plans.

The Common Council of the City of Oak Creek conducted a public hearing and heard testimony from proponents and opponents of the proposed ordinance.

The Plan Commission has the adoption of the proposed ordinance as an amendment to our existing zoning code.

The proposed ordinance serves a substantial government interest and does not unreasonably limit alternative avenue of communication.

The Common Council of the City of Oak Creek, Milwaukee County, Wisconsin do ordain as follows:

#### (a) Permitted Uses:

1. Assembly, processing, manufacturing, and/or storage of the following:
  - a) Apparel and findings, and related products.
  - b) Automatic temperature controls.
  - c) Automotive, marine, and aircraft manufacturing.
  - d) Automotive parts manufacturing.
  - e) Automotive upholstery and automotive accessories.
  - f) Beverage manufacturing and bottling.

to give appropriate weight to the factors set forth above as well as other factors considered depending on the particular facts and circumstances of each application.

3. Adult entertainment material means any books, magazines, cards, pictures, periodicals, or other printed matter, or photographs, films, motion pictures, video tapes, slides, or other photographic reproductions, or visual representations, CD roms, DVDs, disks, electronic media, or other such media, or instruments, devices, equipment, paraphernalia, toys, novelties, games, clothing or other merchandise or material, which are characterized, by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."
4. Booths, cubicles, rooms, compartments or stalls means enclosures as are specifically offered to the public or members of an adult entertainment business for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth", "cubicle", "room", "compartment" or "stall" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee.
5. City means the City of Oak Creek, Wisconsin.
6. Specified anatomical areas means:
  - a) Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus, or female breast below a point immediately above the top of areolae; or

- b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

7. Specified sexual activities means:

- a) The caressing, touching, fondling or other intentional or erotic touching of male genitals, female genitals, pubic region, buttocks, anus, or female breasts of oneself or of one person by another; or
- b) Sex acts, normal or perverted, actual or simulated, including masturbation, intercourse, oral copulation, flagellation, sodomy, bestiality, or any sexual acts which are prohibited by law; or
- c) Human genitals in a state of sexual stimulation, arousal or tumescence or visual state of sexual stimulation, arousal or tumescence, even if completely and opaquely covered.

b. Location of Adult Entertainment Businesses. Adult entertainment businesses as defined in paragraph (1) are prohibited in all zones except the M-1 Manufacturing District, subject to the following restrictions:

1. No adult entertainment business shall be permitted within 1,000 feet of another adult entertainment business.
2. No adult entertainment business shall be permitted with 1,000 feet of any hospital, church, religious institution, school, library, park, museum, playground, day care center, restaurant or any other public or private building or premises likely to be utilized by persons under the age of eighteen (18) years.
3. No adult entertainment business shall be permitted within 1,000 feet of any area zoned residential.

c. Standards of Measurement. The distances provided in this section shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult entertainment business to the nearest point of the parcel of property or land use district boundary relined from which the proposed land use is to be separated.

*Ordinance #2185 A 8/21/02 Sec. 17.0317(a)*

(b) Permitted Accessory Uses:

- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading areas.
- (3) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.
- (4) Residential quarters for the owner or caretaker; provided that there shall be no more than one such dwelling unit on an industrial site.
- (5) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (6) Solar collectors.
- (7) Retail sales of products produced on the premises or products related thereto; provided the square footage of this retail space does not exceed 1,250 square feet.

(c) Conditional Uses:

- (1) Airports and commercial heliports, including aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings and other auxiliary facilities.
  - (2) Any manufacturing buildings which exceed fifty-five (55) feet in height.
  - (3) Animal hospitals and boarding kennels, provided that any outdoor animal facilities are located not less than 300 feet from a residential district.
  - (4) Asphalt and concrete plants.
  - (5) Automobile and truck engine and body repair.
  - (6) Candy and confectionery products.
  - (7) Car wash facilities.
  - (8) Chemicals.
  - (9) Commercial service facilities, such as restaurants, financial institutions, and clinics.
  - (10) Contractor's offices, shops, and yards with outdoor storage.
  - (11) Freight yards, freight terminals, and trans-shipment depots.
  - (12) Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service station canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line.
  - (13) Government structures, such as fire and police stations.
  - (14) Hotels and motels.
  - (15) Inflammable gas and liquids storage in excess of 5,000 gallons, which is accessory to a permitted use, or an approved conditional use.
  - (16) Lawn and garden equipment manufacturing and storage.
  - (17) Lumber yards, millwork, saw mills, and planing mills.
  - (18) Moving and storage services.
  - (19) Packaging and assembly of products made from fur or animal skins; and animal hide tanning.
  - (20) Private bus service storage yards.
  - (21) Processing of grain and feed for animals and fowl, and processing of animal health products.
  - (22) Public passenger transportation terminals, such as bus and rail depots, and heliports.
  - (23) Public utility power plants, storage yards, and service centers.
  - (24) Solar energy collectors erected as an accessory structure.
  - (25) Smelting of metals.
  - (26) Storage of animal feeds, fertilizer, seeds, and animal health products.
  - (27) Temporary uses.
  - (28) Transmitting towers, receiving towers, and relay and microwave towers and broadcast facilities or studios.
  - (29) Truck parking lots.
  - (30) Utility substations, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
  - (31) Storage of vehicles and equipment.
  - (32) Building restoration contractor.
  - (33) Machinery cleaning.
  - (34) Plumbing contractor.
  - (35) Environmental contractor.
  - (36) Food processing and locker plants, provided that no slaughtering of animals is permitted.
  - (37) Self-service storage facilities (mini-warehouse).
  - (38) Indoor firing range, firearms and accessory sales and training operations for firearms and self-defense not within 1,000 feet of a residential district.
  - (39) Indoor commercial recreation facilities.
  - (40) Outdoor commercial recreation facilities.
  - (41) Place of Assembly.
- d. Lot Area and Width: Lots shall have a minimum area of 43,560 square feet and shall have a lot width of not less than 200 feet.
- e. Building Height and Area:



## INSTITUTIONAL AND PARK DISTRICTS

### SEC. 17.0318 I-1 INSTITUTIONAL DISTRICT

The I-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public, public-related or private ownership and where the use for public purpose is anticipated to be permanent. Uses permitted shall generally serve the public benefit.

(a) Permitted Uses:

- (1) Public or private primary and secondary schools.
- (2) Colleges, and universities, excluding fraternity and sorority houses, firing ranges, and outdoor "burn buildings" used for fire fighting instruction.
- (3) Churches ~~Religious Institutions~~.
- (4) Hospitals, sanatoriums, and nursing homes.
- (5) Libraries, community centers, museums, and public art galleries.
- (6) Public administrative offices, and public service buildings, including fire and police stations; but excluding firing ranges and outdoor "burn buildings" used for fire fighting instruction.
- (7) Public utility offices.

(b) Permitted Accessory Uses:

- (1) Residential quarters for caretakers, clergy or institutional staff.
- (2) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- (3) Service buildings and facilities normally accessory to the permitted use.
- (4) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (5) Roof-mounted solar collectors.
- (6) Municipally-owned wells, pumping stations, water towers and reservoirs and municipally owned telecommunications towers and antenna, provided they are located not less than fifty (50) feet from any lot line.
- (7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:

- (1) Cemeteries and crematories.
- (2) Housing for the elderly provided that the density shall not exceed 27 units per acre, and provided that there shall be a minimum living area of 500 square feet for a

one-bedroom dwelling unit and a minimum living area of 750 square feet for a two-bedroom or larger dwelling unit.

- (3) Firing ranges and outdoor "burn buildings" associated with a fire station, police station, or college.
  - (4) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
  - (5) Transmitting towers, receiving towers, and relay and microwave towers, and broadcast studios.
  - (6) Public utility treatment facilities.
  - (7) Solar energy collectors erected as an accessory structure.
- (d) Lot Area and Width: Lots in the I-1 district shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.
- (e) Building Height and Area:
- (1) No principal building or part of a principal building shall exceed fifty-five (55) feet in height.
  - (2) Residential uses permitted in the I-1 district shall comply with the building area requirements of the Rs-2 Single-Family Residential District.
- (f) Setbacks:
- (1) There shall be a minimum front setback of thirty (30) feet from the street right-of-way.
  - (2) There shall be a side setback and rear setback for all principle buildings of not less than fifty (50) feet.
  - (3) Accessory buildings and structures shall not exceed thirty-five (35) feet in height and shall be provided with a side and rear setback of not less than five (5) feet if it is 720 square feet in area or less; and fifteen (15) feet if it is greater than 720 square feet in area or greater than seven-teen (17) feet in height.

*Ordinance #2069 A 5/16/00*

*Ordinance #2102 A 12/5/00 Sec. 17.0318(b)(6) & (7)*

*Ordinance # 2455, A 5/1/07, Sec. 17.0318(b)(7)*

### SEC. 17.0319 P-1 PARK DISTRICT

The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the City of Oak Creek can be met without undue disturbance of natural resources and adjacent uses.

(a) Permitted Uses:

- (1) Public botanical gardens and arboretums.
- (2) Public historic monuments or sites.

- a. Manufacturing, Processing, and Fabrication Operations, one (1) space per employee for the work shift with the largest number of employees.
  - b. Wholesale Business - one (1) space per 2,500 sq. ft. of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
  - c. Warehousing - one (1) space per 5,000 sq. ft. of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
  - d. Mini-Warehousing, one (1) space per 10 storage cubicles, plus one (1) space per employee for the work shift with the largest number of employees.
- (6) Institutional and Related Uses:
- a. ~~Churches~~ Religious Institutions, one (1) space per 150 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees ~~three (3) seats based on the maximum capacity of the facility.~~
  - b. Libraries, one (1) space per 2150 square feet of gross floor area ~~or one (1) space per four (4) seats based on maximum capacity, whichever is greater~~, plus one (1) space per employee for the work shift with the largest number of employees.
  - c. Museums, one (1) space per 2150 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
  - d. Rooming and Boarding Houses, Fraternity and Sorority Houses, and Dormitories, one (1) space per bed.
  - e. ~~Convents, Rectories and Monasteries~~, one (1) space per three (3) residents, plus one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per five (5) chapel seats if the public may attend.
  - f. Nursing Homes, one (1) space per three (3) patient beds, plus one (1) space per employee for the work shift with the largest number of employees.
  - g. Hospitals, two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor, plus one (1) space per employee, excluding doctors, for the work shift with the largest number of employees.

hg. Schools:

1. Elementary Schools, Middle Schools, and High Schools, one (1) space for each teacher and staff member, plus one (1) space for every 5 students 16 years of age or older.
2. Colleges, Universities and Trade Schools, one (1) space for each teacher and staff member, plus one (1) space for every two (2) students during the highest attendance period.
3. Children's Nursery Schools and Day-Care Centers, one (1) space per employee for the work shift with the largest number of employees, plus one space for every six (6) students at the highest class attendance period.

*Ordinance #2002 A 6/1/99 Sec. 17.0403(e)  
Ordinance #2078 A 6/20/00 Sec. 17.0403(e)  
Ordinance #2756 3/03/15 Sec. 17.0403(e)*

**SEC. 17.0404 ADJUSTMENTS TO REQUIRED PARKING**

The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of excess off-street parking facilities is intended to provide for more cost-efficient site development, to eliminate constructing more impervious surface than necessary, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on commercial and industrial sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this section.

- (a) Adjustments. In all districts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Commission that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:
  - (1) Evidence That Actual Parking Demands Will Be Less Than Ordinance Requirements. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the operation will require less parking than the Chapter requires.
  - (2) Availability of Shared Parking. The petitioner shall submit written documentation

- c. Any outdoor lighting fixture installed on a parking lot or parking structure shall use either high-pressure sodium or metal halide lamps or LED fixtures, however new lighting technology may be used as a substitute for high-pressure sodium or metal halide lamps or LED fixtures, upon approval by the Inspection Department.
  - d. The lighting system shall be extinguished or reduced to fifty percent no later than thirty minutes after the close of business for the day. The fifty percent reduction shall be applied to the entire lot or structure.
  - e. All lamp types utilized for search lighting and/or spot lighting for advertising purposes shall not be operated past 11:00 PM. Outdoor lighting fixtures used to illuminate sportsfields and tennis courts shall not be operated past 10:00 PM.
  - f. Flashing, flickering, and other distracting lighting, which may distract motorists is prohibited.
  - g. Light fixtures shall not be permitted within required buffer yards.
  - h. Any lighting complaints against existing installations shall be in the written form. They shall include the name and address of the property that is the subject of the complaint and a description of the complaint. The name and address of the person filling the complaint shall be optional.
- (2) All outdoor fixtures installed prior to adoption shall be exempt from this section except as follows:
- e. If any modifications, construction or changes to an existing outdoor lighting fixture system is proposed to affect fifty percent or more of the total number of fixtures, then all fixtures shall comply with the provisions of this section.
  - f. All outdoor lighting fixtures installed on residential sites shall conform to subsection (2)(c) herein.
- (3) All outdoor lighting fixtures shall be maintained according to approval by the inspection division plans. New lighting technology may be used as a substitute for high-pressure sodium or metal halide lamps or LED fixtures, subject to approval by the Inspection Department.
- (4) Trees and shrubbery shall not be located where they significantly reduce or block parking lot or roadway lighting.
- (5) Outdoor lighting fixtures may be used to illuminate buildings and structures; recreational areas, sports fields and tennis courts, parking lots, parking structures, garages or ramps, landscape areas, product display areas, building overheads and open canopies. Outdoor lighting fixtures may be installed to provide building and parking lot security.
- (d) Specific Design Requirements
- (1) A lighting system for parking facilities and outdoor merchandising areas in commercial, industrial, institutional, agricultural, and recreational areas shall be designed to provide the lighting intensities and uniformities described as follows:
- a. Open Parking Facilities. The illumination requirements of an open parking facility depends on the amount of usage the facility receives. Three levels of activity shall be established as High, Medium, and Low, reflecting both traffic and pedestrian activity. The following examples are nonexclusive and include:
  - b. High Activity Facilities: for athletic events or major cultural or civic events.
  - c. Medium Activity: shopping centers, retail parking areas, hospital and clinic parking, transportation parking (commuter lots, etc.) cultural civic or recreational events and fast food facilities.
  - d. Low Activity: employee parking, educational facility, office parks and ~~church~~religious institution— parking.

**Horizontal Illumination for Parking Facilities**  
**Open Parking Facilities**

Level of Activity	General Parking & Pedestrian Area			Vehicle Use Area (Driveway)			
	Minimum Foot-candle* (FC) on pavement	Maximum Average F-C on pavement	Maximum Uniformity Ratio* (Ave./Min)	Maximum Watts/Sq Foot Light Loss**	Min. Foot-candles* on pavement	Max. Ave. Foot-candles on pavement	Maximum Uniformity Ratio* (Ave./Min)
High	0.8fc	3.75fc	5:1	0.12	67fc	2.5fc	5:1
Med	0.4fc	2.5fc	5:1	0.1	33fc	1.5fc	5:1
Low	0.2fc	1.5fc	5:1	0.08	125fc	1.0fc	5:1

**Modification.** A departure from the rules and regulations set forth in this Chapter where a particular use is not required to meet the stated requirements of the Ordinance. Examples would include not requiring steeples and antenna to comply with the stated building height requirements for principal buildings; or not requiring roof overhangs, fences, or accessory buildings to comply with side or rear setback requirements for principal buildings. The Ordinance may limit the amount of modification from the stated requirements for given structures or uses.

**Modular Unit.** A factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.

**Motor Home.** A vehicle designed to be operated upon a highway or as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

**Municipality or Municipal.** The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

**NGVD or National Geodetic Vertical Datum.** Elevations referenced to mean sea level datum, 1929 adjustment.

**Navigable Water.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.

**Neighborhood Food Store.** A retail establishment of at least 3,000 square feet in area, but less than 25,000 square feet in area, where food products and related household products are sold.

**New Construction.** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

**Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

**Nonconforming Use.** An existing lawful use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the

floodplain which it occupies. (Such as a residence in the floodway.)

**Nudity.** The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaqued covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.

**Nursing Home.** Any facility which provides twenty-four- (24) hour services, including room and board, to three (3) or more unrelated residents; who because of their mental or physical condition require nursing care or personal care in excess of seven (7) hours a week.

**Obstruction to Flow.** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

**Official Floodplain Zoning Map.** That map, adopted and made part of this ordinance, as described in Section 17.0321(e)(2), which has been approved by the Department and FEMA.

**Open Space Use.** Those uses having a relatively low flood damage potential, such as agriculture, recreation, parking or storage yards and not involving structures.

**Ordinary Highwater Mark.** The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

**Parking Lot.** An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. Parking lots include rows of parking spaces, the aisles from which motor vehicles enter and leave the spaces. Ingress and egress drives from the parking lot to the public street are not part of the parking lot.

**Performance Standard.** A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare or heat, and lighting intensity or spill-over generated by or inherent in uses of land and buildings.

**Place of Assembly.** A building or outdoor area where in individuals or groups of people gather for an attraction or service, such as but not limited to, community centers, fraternal or civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions.

**Premises.** A lot, parcel, tract or plot of land together with the buildings and structures thereon.

**Principal Use.** See "Use, Principal."

**Private Sewage System.** A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as

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the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

**Professional Home Offices.** Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office use is incidental to the residential use of the premises.

**Public Utilities.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

**Publishing House.** A facility where books, magazines, periodicals, maps, etc. are printed and issued.

**Rear Setback.** A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the rear internal lot line and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 12)

**Rear Yard.** A regulated area on a developed parcel of land. The yard area bounded by the rear lot line, the side lot lines and the rear foundation wall of the principal structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 13)

**Reasonably Safe From Flooding.** Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

**Recreation, commercial outdoor.** A recreational facility conducted for commercial purposes and outside of a building including uses such as, but not limited to, athletic fields, miniature golf, outdoor skateboard park, laser tag field; swimming, bathing, wading, and other therapeutic facilities; tennis, handball, basketball courts, batting cages, and trampoline facilities, not including firing and archery ranges.

**Regional Flood.** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

**Religious Institutions.** A place of worship or religious assembly including churches, synagogues, mosques, temples, and similar designations, with related facilities such as offices for administration of

the institution, fellowship halls, parish halls, and similar buildings used for meetings, religious education, and similar functions, but excluding licensed child or adult daycares, playgrounds, or cemeteries.

**Right-of-way.** A strip of land acquired by a public entity and intended to accommodate a specific public purpose or use.

**Rummage Sale.** The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this Section, are not rummage sales.

**Seat and Seating.** Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.

**Setback.** The minimum required horizontal distance between an internal lot line or the street right-of-way and the regulated structure or item. (See also "front setback," "side setback," and "rear setback")

**Sexual Conduct.** Acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

**Shopping Center.** A group of commercial establishments planned, constructed, and managed as a total entity with ample customer and employee parking provided on-site, with provision for goods delivery separated from customer access, and with aesthetic considerations and protection from the elements.

**Shorelands.** Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use. (See Illustration No. 14)

**Side Setback.** A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the side internal lot line and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 15)

**Side Yard.** A regulated area on a developed parcel of land. The yard area bounded by the side lot line, the side foundation wall of the principal structure, excluding uncovered steps and stoops, gutters and awnings, the front yard and the rear yard. (See Illustration No. 16)

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