

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, APRIL 10, 2012

Mayor Foeckler called the meeting to order at 7:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Mayor Foeckler, Commissioner Michalski, Commissioner Correll, Commissioner Nowak and Commissioner Chandler. Commissioner Bukiewicz was excused. Also present were Jeff Fortin Planner and Battalion Chief Mike Kressuk.

Commissioner Dickmann moved to approve the minutes of the March 27, 2012 regular Plan Commission meeting. Commissioner Correll seconds. Roll call, all voted aye with the exception of Commissioners Nowak and Chandler who abstained. The minutes were approved as submitted.

**Significant Common Council Actions**

There were no additional comments or concerns from the Commission.

**Temporary Use –Westview Garden Center  
7501 S. Howell Avenue  
TKN: 782-9036**

Mr. Fortin explained to the Commission the applicant was requesting a temporary use permit that would allow them to operate a temporary garden center in the parking lot of Classic Lanes at 7501 S. Howell Avenue. The garden center would be located at the south side of the parking lot as indicated on the site plan. The garden center will consist of one hoop tent with the purpose of selling plants, flowers and produce.

Staff did receive some complaints last year related to the signage to advertise their plants. Staff recommends that no signage be allowed to be painted or affixed to the exterior of the hoop house and be limited to one, 32 square foot sign.

Alderman Dan Jakubczyk, 7441 S. Logan Avenue, explained Hannah Trailers was requesting the garden center be moved to the north side of the parking lot so it doesn't block the view of their business.

Mr. Larry Shutz, 1247 S. 51<sup>st</sup> Street, Caledonia, Westview Gardens, made no objections to moving to the north end but he would have to check with the owner of Classic Lanes to see if that would work for their business. He was surprised at Hannah Trailers complaint because he was under the impression that his business brought potential customers for their business.

Mayor Foeckler questioned if there was any problem with the sign requirements. Mr. Shutz did not have any problems with the signage.

Commissioner Michalski expressed concern for how the streets look with signs that are spray painted and questioned again if there would be a problem with the signage requirements. Mr. Shutz stated he did not have a problem now that he was made aware of the requirements he would make sure to follow them.

Commissioner Correll questioned if they were in the same location as last year would they meet all of the setback requirements. Mr. Fortin believes they would meet all requirements for a permanent structure. Commissioner Correll does not have a problem with it being located on the south side. Mr. Fortin suggested reorienting the hoop house to face north and south to allow maximum view for Hannah Trailers. The north end of the parking lot is used for parking during the volleyball season and is much lower so there is less visibility and the south side is rarely used for parking so Classic Lanes might object to relocating the garden center. This may be a solution that would work for everyone involved.

Commissioner Correll moved that the Plan Commission approve the temporary use permit for the temporary garden center at 7501 S. Howell Avenue from April 20, 2012 through July 1, 2012 with the following conditions:

1. That all building and fire codes are met.
2. That the temporary use shall expire on July 1, 2012
3. Allow one sign no larger than 32 square feet subject to staff approval.
4. That the hoop house be rotated on the site 90° to face north/south.

Commissioner Nowak seconds. Roll call, all voted aye. The motion to approve carries.

**Conditional Use – Duplex existing prior to 1995**  
**9202 S. 8<sup>th</sup> Avenue**  
**TKN: 869-0074**

Mr. Fortin explained to the Commission on March 6, 2012, at the recommendation of the Plan Commission, the Common Council approved Ordinance No. 2646 which amended the Rs-4, Single Family Zoning District to allow for duplexes existing prior to the Citywide rezoning in 1995. During the Citywide rezoning process staff had attempted to identify all non-conforming duplexes and rezone them to Rd-1, Two-family Residential. However there are some duplexes that were not identified in 1995 that are considered legal non-conforming uses because they are zoned Rs-4, Single Family Residential. This ordinance drafted by our City Attorney's Office and was adopted to provide a way for these duplexes to enjoy conforming status and be rebuilt if damaged or destroyed.

The property at 9202 S. 8<sup>th</sup> Avenue was one of the properties identified as having a duplex existing prior to 1995 so the owners are therefore requesting that a conditional use permit be issued for their existing duplex.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council issue a conditional use permit allowing a duplex existing prior to the 1995 Citywide rezoning on the property at 9202 S. 8<sup>th</sup> Avenue, after a public hearing and subject to conditions and restrictions.

Commissioner Michalski seconds. Roll call, all voted aye. The motion to approve carries.

**Certified Survey Map – Centennial Park South, LLC**  
**9029 & 9173 S. Shepard Avenue**  
**TKN: 860-9005 & 860-9006**

Mr. Fortin explained to the Commission in the fall of 2009 the Plan Commission and Common Council reviewed and approved a certified survey map for the properties 9029 & 9173 S. Shepard Avenue to facilitate a proposed expansion of the Arbors apartment complex. A final CSM was never submitted to the City so it was never recorded with Milwaukee County. The applicant has been working with its lending institution on easements and modified CSM which they are now requesting approval of.

The new CSM creates four (4) parcels. Lot 1 is the existing Arbors complex. The remaining three parcels will be for a phased construction of the Arbors expansion. It should be noted that Lots 2 and 3 are landlocked and do not have direct access to a public street.

Commissioner Correll questioned why the original CSM was never recorded. Mr. Fortin explained it was an issue with financing and market timing.

Commissioner Johnston pointed out there were some technical corrections that would need to be taken care of with the easements.

Mr. Paul Gaylord, 800 E. Park Boulevard, expressed concern with the development and drainage. They have been good neighbors but whenever there is a heavy rain they get a lot of drainage across the street.

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the certified survey map for the properties at 9029 and 9173 S. Shepard Avenue be approved subject to the following conditions:

1. Any technical correction being made prior to recording.
2. An updated wetland delineation being completed and shown on the CSM.

Commissioner Michalski seconds. Roll call, all voted aye. The motion to approve carries.

**Rezoning – S.K. Mehta (Amend C-1 Shoreland Wetland Boundary)  
200 W. Rawson Avenue & 7001 S. Howell Avenue  
TKN: 734-9023**

Mr. Fortin explained to the Commission in October of 2009 the owner of the properties at 200 W. Rawson Avenue and 7001 S. Howell Avenue applied for a rezoning of portions of the property to C-1, Shoreland Wetland Conservancy to reflect a newer wetland delineation that was submitted with a development proposal for the property at 200 W. Rawson Avenue. When the rezoning request reached the Common Council it was discovered that there was no legal description for the area that were to be rezoned from C-1 to B-4, Highway Business for the area that were no longer wetlands. The applicant has submitted the proper legal description so the Plan Commission and Common Council can now take action on this request.

Commissioner Michalski moved that the Plan Commission recommends that the Common Council amend the zoning boundaries for the C-1, Shoreland Wetland Conservancy overlay district for the property at 200 W. Rawson Avenue as proposed, after a public hearing.

Commissioner Nowak seconds. Roll call, all voted aye. The motion to approve carries.

Commissioner Carrillo moved to adjourn. Commissioner Correll seconds. Roll call, all voted aye. The meeting was adjourned at 7:23 p.m.