

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 22, 2012

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

Commissioner Dickmann moved to approve the minutes of the May 8, 2012 regular Plan Commission meeting. Commissioner Bukiewicz seconds. Roll call, all voted aye. The minutes were approved as submitted.

Significant Common Council Actions

There were no additional comments or concerns from the Commission.

**Sign Appeal Hearing – Oak Creek Photography
9030 S. 5th Avenue
Tax Key No.: 866-9991**

Mr. Fortin explained to the Commission the applicant was requesting a variance from the Oak Creek Municipal Code Section 17.0706(b) pertaining to projecting signs. The proposed sign does not comply with the section of code that states projecting signs shall not extend into any public right of way and shall not be less than 10 feet from all side lot lines. This parcel is unique since the existing building, which was built in 1898, is located on the lot line. Therefore any type of projection sign will encroach into the right of way.

Mayor Scaffidi opened the public hearing to the floor and made the first call for public comment.

Mr. Larry Bachmaga explained they were requesting the sign for better visibility from the north and south.

Mr. Ruslan Bachmaga also explained they would like the sign for better visibility and it would not be overly large. They removed the bar sign and remodeled the building and now would like to have a sign advertising their photography business.

Commissioner Correll questioned if the sign they were requesting was below the square footage they were entitled to for the building. Mr. Fortin stated it was a pretty small sign at 17 square feet. They would be entitled to a fairly significantly larger sign depending on where they would locate a sign. Commissioner Correll commented some type of signage is needed for the business and with the overhangs already projecting into the right of way he does not have much of a problem with the request. The building has been updated and he does not believe the historical value is being protected by the sign one way or the other. The area is going to be changing a lot going forward.

Mayor Scaffidi questioned if there was any flexibility in the design of the sign. Mr. Larry

Bachmaga stated they would be willing to work with the Planning Department on the design of the sign.

Commissioner Carrillo questioned if the sign was going to be lit. Mr. Ruslan Bachmaga stated they would like to have the sign lit. Commissioner Carrillo expressed concern for the current design of the sign and felt it looked like a walk up business. Mr. Bachmaga explained it would be changed from the current design. You can't see some of the letters because of the dark colors. Commissioner Carrillo felt a flush sign would compliment the area better and would lend it to a studio instead of a walk up video store.

Commissioner Bukiewicz questioned if they were allowed two walls signs. Mr. Fortin stated because they were allowed two wall signs since they were a corner property. Legally they are entitled to a monument or pole sign but they have no where to put it because their building is right on the lot line. Commissioner Bukiewicz suggested they consider a flush sign over the doorway. Mr. Ruslan Bachmaga stated they would like to put a sign over the door but the cars driving north would not be able to see the sign. Commissioner Bukiewicz suggested two signs on the building. Mr. Bachmaga stated they would like to have a banner or something on the door side representing the Carrollville Village.

Mr. Fortin explained they would be allowed one additional wall sign in addition to the projecting sign. They would not need a variance for a wall mounted flush sign it could be staff approved.

Commissioner Dickmann commented the sign code does not really cover an area such as the Carrollville neighborhood. With the eave projecting out into the right of way he does not have a problem with the sign. Banners are not allowed as additional signage. Mr. Ruslan Bachmaga stated they have a new logo that they would like made out of wood over the door.

Mayor Scaffidi questioned what type of work was done at this business. Mr. Ruslan Bachmaga explained they do photography and video work such as weddings, documentary, lawyers, sports, senior pictures and the also do commercials.

Commissioner Johnston questioned if there was anything about making nonconforming buildings more nonconforming with the addition of the sign. Mr. Fortin explained since it was a sign it would not fall into that category. If they were trying to add a balcony or something that would be part of the structure that would make it more non-conforming but not a sign.

Commissioner Johnston questioned if they have looked at flush mounted signs versus a projecting sign. Mr. Ruslan Bachmaga stated they did but they wanted to be able to catch the attention of customers driving by the building.

Commissioner Correll commented the second sign is something they would really benefit from. The current design is confusing to what type of business is in the building. A design change might be helpful but he also feels a projecting sign would be beneficial to the business.

Commissioner Carrillo commented the current design with the back lighting and being two

sided looks like a bar sign. Commissioner Correll comment it make it easier to see. Commissioner Carrillo explained they do not have walk up traffic. The front of the building doesn't even have an address on the front. They have other options besides a protruding double backlit sign in this new area.

Mayor Scaffidi commented the applicant has already indicated they are willing to work with the Planning Department to find a pleasing design that will promote the business. Mr. Fortin indicated staff would have Commissioner Carrillo look at the revised sign since she has design experience.

Mayor Scaffidi called a second and third time for public comment. Hearing none he closed the public hearing.

Sign Appeal – Oak Creek Photography
9030 S. 5th Avenue
Tax Key No.: 866-9991

Commissioner Correll moved that the Plan Commission grant the variance request to allow Oak Creek Photography at 9030 S. 5th Avenue to construct a 17.2 square-foot projecting sign that encroaches into the public right-of-way 31 inches and agree to work with staff on the final design of the sign.

Commissioner Chandler seconds.

Mr. Fortin requested Commissioner Carrillo to work with staff on the final design of the sign.

Roll call, Dickmann; aye, Johnston; aye, Carrillo; nay, Bukiewicz; aye, Scaffidi; aye, Correll; aye, and Chandler; aye. The motion to approve carries.

Certified Survey Map – AutoZone
2555 W. Ryan Road
Tax Key No.: 903-9992-001

Mr. Fortin explained to the Commission the applicant was requesting approval of a two-lot certified survey map for the property at 2555 W. Ryan Road. The survey map is being proposed to accommodate a potential AutoZone location on an undeveloped portion of this lot. The CSM will create two lots in the B-4, Highway Business Zoning district. Lots in this district require a minimum lot area of 30,000 square feet in area and 150 feet of lot width. Each lot exceeds the area requirement however the proposed lot 2 only has 128.72 feet of width at the building setback line.

In 2014 the State of Wisconsin DOT will begin reconstruction of Highway 100/W. Ryan Road from S. 27th Street to S. Howell Avenue. As part of this project they will be acquiring additional right-of-way. Staff is recommending that the applicants dedicate the additional 20 feet of right of way needed for this project along the front of both parcels as part of this CSM. Chapter 14 (the City's Land Division and Platting Ordinance) allows the city to require right-of-way dedications as part of the approval of a certified survey map.

Commissioner Dickmann questioned if the cross access easements are shown on the

certified survey map. Mr. Fortin pointed out where they were located on the map. There is a cross access easement with the Mobil it was just never put in.

Mr. Gary Kaufmann explained there was a written document that allows cross access it was just never put into place with Mobil. Mr. Fortin stated this would be the time to install the cross access. Mr. Kaufmann stated they can't make them install the cross access but it is in place. Mr. Fortin stated it would be a benefit for both businesses.

Mr. Andy Heinen stated he prepared the civil engineering document and they looked at the cross access. They have a concern with the grade elevation because it is about two and a half to three feet high in the Mobil side. If they had to connect to Mobile it would raise their parking lot and building which would be a substantial cost in material. The grades on the site fall from the north down to the south lot line there is about a seven foot grade drop along that stretch. If they were constrained to the elevation it would keep it quit a bit higher versus the existing grades of the bank building.

Mr. Kaufmann questioned if the Mobile could connect with the AutoZone in the future. Mr. Heinen state in the future if they connected it would be a substantial grade of about 10 percent or plus. Mr. Kaufmann stated they have given Mobile the ability to connect but they can't dictate they are going to but if they want to they can engineer their site to connect to the AutoZone.

Mayor Scaffidi questioned if it had to be done at this time. Mr. Fortin explained the time to do it is when it is under construction instead of coming back. We can't force someone on another property to do something as part of a Plan Commission approval, we can ask Auto Zone to build a driveway up to the property line for future connection. Even better would be to have them work with the owner of the Mobile station to come up with a plan that will work for both of them.

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that the certified survey map for the property at 2555 W. Ryan Road be approved, subject to the following conditions:

1. That any technical corrections are made prior to recording.
2. That 20 feet of right-of-way for W. Ryan Road be dedicated as part of this CSM.

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

**Plan Review – AutoZone
2555 W. Ryan Road
TKN: 903-9992-001**

Mr. Fortin explained to the Commission the applicant was requesting approval of site, building, and landscaping plans for a proposed AutoZone store on part of the property at 2555 W. Ryan Road. The propose building is 7,340 square feet in area and will be finished primarily with red brick. There will be a beige EIFS band along the top of the building that wraps around the north and east facades and a beige cornice around the entire perimeter of the building. The applicant has revised the building design based on staff comments on the initial proposal.

Mr. Jeff Kauerz, AutoZone, explained they submitted a taller monument sign. They would like to have the taller sign. Mr. Fortin explained if the sign doesn't meet the height requirements he would have to come back before the board for a sign appeal hearing. Sign appeals require a public hearing for which a notification is required. Mr. Kauerz stated he could agree to a lower monument sign and then if corporate would like a larger sign they can come back in later.

Commissioner Johnston pointed out the sign would need the address shown on the sign and typically they would require a sidewalk be installed but due to the DOT construction they won't have the sidewalk put in now.

Mayor Scaffidi questioned if the building was similar to the one already located in Oak Creek. Mr. Kauerz stated it was similar with materials but it was a different prototype building. It is narrower and longer building that would be mostly brick with some EIFS over the store front. Mr. Fortin pointed out some architectural changes they made after receiving comments from staff on the design of the building.

Commissioner Bukiewicz moved that the Plan Commission approves the site, building, and landscaping plans for the AutoZone located at 2555 W. Ryan Road, subject to the following conditions:

1. That all building and fire codes are met.
2. That the final site grading, drainage, and stormwater management plans are reviewed and approved by the Engineering Department prior to the issuance of building permits.
3. That the final utility plans are approved by the Water and Sewer Utility.
4. That the lighting plan is reviewed and approved by the Electrical Inspector prior to the issuance of building permits.
5. That the site plan is modified to reflect the new right-of-way and that no landscaping is in the future right-of-way.
6. That the applicant changes the sign to a monument/ground sign which shall meet the requirements for monument signs under Section 17.0705(d) of the City's zoning ordinance.
7. That the final landscaping plan, incorporating additional landscaped island(s) is reviewed and approved by the City Forester and Department of Community Development.
8. That the applicant receives approval for any modification to onsite wetlands prior to the issuance of building permits.

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

Commissioner Carrillo moves to adjourn. Commissioner Correll seconds. Roll call, all voted aye. The meeting was adjourned at 7:40 p.m.