

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, OCTOBER 23, 2012

Mayor Scaffidi called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Commissioner Bukiewicz, Mayor Scaffidi, Commissioner Michalski, Commissioner Siefert and Commissioner Chandler. Commissioner Correll was excused. Also present were Jeff Fortin Planner, Peter Wagner Zoning Administrator and Battalion Chief Mike Kressuk.

Commissioner Dickmann moved to approve the minutes of the October 9, 2012 regular Plan Commission meeting. Commissioner Johnston seconds. Roll call, all voted aye with the exception of Commissioner Bukiewicz who abstained. The minutes were approved as submitted.

Significant Common Council Actions

Commissioner Dickmann questioned if the services of Bray Architects was sent out for bid. Mayor Scaffidi confirmed that was the case and they were picked from approximately ten separate submittals.

Sign Appeal – YoFresh Yogurt
8701 S. Howell Avenue
Tax Key No.: 859-9000

Mr. Wagner explained the applicant was requesting a variance from the Oak Creek Municipal Code, Section 17.0706(j)(2), which states that for multi-tenant office, retail, or manufacturing buildings each tenant with their own individual entrance shall be permitted one wall sign per tenant. If granted the variance would allow YoFresh to install two awnings with the YoFresh logo and lettering describing some of their products along the north elevation of the building.

Mayor Scaffidi opened the public hearing for comment and made three calls for public comments or concerns. Hearing none he closed the public hearing.

Sign Appeal – YoFresh Yogurt
8701 S. Howell Avenue
Tax Key No.: 859-9000

Commissioner Michalski questioned if there would be a drive-thru window. Mr. Wagner stated the windows were not for a drive-thru.

Mayor Scaffidi questioned if the bank was agreeable to the proposal. Mr. Steve Karabon, 8701 S. Howell Avenue, stated the bank was favorable of the awnings.

Commissioner Dickmann commented it was an easy way to get some exposure for the business.

Commissioner Bukiewicz questioned if those were the corporate colors. Mr. Karabon confirmed that was the case and they were magenta and a lime green colors. Commissioner Bukiewicz stated it dressed up the building and he was favorable to the request.

Commissioner Siefert questioned if the other sign was similar to this request. Mr. Karabon explained it was the same color scheme only it was white. Mr. Wagner clarified it was a channel letter sign similar to the logo on the awning.

Commissioner Chandler questioned if they have thought about having illuminated signs on the inside versus having the awnings. Mr. Karabon explained the windows were extremely darkly tinted and all of their posters had to be put on the outside of the windows because the windows are so dark.

Commissioner Michalski questioned if it was worth the effort with such small lettering. Mr. Karabon stated with the pink awning and the logo in the middle it should attract attention to his business.

Mayor Scaffidi was in support of the request because it was in a tough spot with the bank and the brick building without a lot of signage. This should be a good way to capture the Puetz Road traffic and some of the Howell Avenue traffic going southbound.

Commissioner Siefert questioned the size of the awnings. Mr. Karabon stated the awnings to cover the two windows would be 9' wide and from top to bottom would be 3'3" and the angle out would be 1'8". Mayor Scaffidi questioned if there was any concern on the size of the awning. There was none.

Commissioner Michalski moved that the Plan Commission approve the request for variance from Section 17.0706(j)(2), and allow for two canopy wall signs with the YoFresh logo and lettering for YoFresh Yogurt located at 8701 S. Howell Avenue.

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

**C&R – Automotive Service & Outdoor Storage of Rental Vehicles (Dollar Thrifty/DTG Operations, LLC)
545, 561, and 605 W. College Avenue
Tax Key No.: 718-9978, 718-9977, and 718-9975**

Mr. Fortin explained to the Commission at the October 9, 2012 meeting the Plan Commission recommended Common Council approval of a conditional use permit that would allow a Dollar Thrifty rental car service and storage facility with outdoor storage of fleet vehicles on the properties at 545, 561, and 605 W. College Avenue. Staff prepared conditions and restrictions for this conditional use permit for the Commission's review.

One thing to make note of some flexibility was allowed in using the front lot if the back lot was not completed by May 1, 2013. Some language was included to allow the Zoning Administrator to issue a temporary use permit for up to 90 days if needed. It would allow them not to have to come back before the Plan Commission if it was going to be less than 90 days. There was also some language added to include some landscaping and screening to protect the neighbors from headlights.

Commissioner Michalski expressed concern with allowing flexibility on the parking and enforcing it once they receive occupancy. Mr. Fortin explained they would not be given final occupancy until the back lot was paved. The occupancy would be tied to completing the site plan as approved by the Plan Commission. They would have a conditional occupancy until the back lot was installed.

Mayor Scaffidi clarified this was something that might happen and they would be giving them 90 days temporary and if it went longer than that he would like to see something written in that they have to come back to the Plan Commission. Mr. Fortin explained it was written in Section 8c that the Zoning Administrator may authorize the temporary parking for up to 90 days. Any request longer than 90 days would require Plan Commission approval.

Commissioner Bukiewicz questioned how many cars could fit in front parking lot. Mr. John Schlueter, 1755 N. Hubbard, Milwaukee, stated approximately 40 cars would fit in the front lot. They are certainly going to complete the back lot and he understands the Commission's concern. His only concern would be the weather in the spring and if they have a wet spring they would like to have the flexibility to have some vehicles until the back was completed.

Mr. Fortin suggested as part of the permit they should write something that there would be no storage of cars on grass or unpaved areas to make sure they were not parking in other areas.

Mr. Schlueter stated at this time it was a gravel lot and if they were having challenges getting the area in back completed on time they would certainly be having that same challenge in the front. They were hoping to be able to use the gravel lot. Mr. Fortin clarified it would be the existing lot. They don't want to see any parking on the grass or on the back area that isn't improved.

Commissioner Bukiewicz moved that the Plan Commission recommend that the proposed conditions and restrictions for the outdoor storage of rental cars at 545, 561, and 605 W. College Avenue be adopted as part of the conditional use permit, after a public hearing with the addition of no parking beyond the existing lot until paved and being done in 90 days with a temporary use permit.

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

**Certified Survey Map – DTG Operations, LLC
545, 561, and 605 W. College Avenue
Tax Key No.: 718-9978, 718-9977, and 718-9975**

Mr. Fortin explained to the Commission the applicant was requesting approval of a certified survey map that would combine 545, 561, and 605 W. College Avenue into one parcel.

Commissioner Dickmann questioned what the status of the water and fire protection for the lot. Mr. Fortin explained there plan was to remove the existing well and do a new one. Battalion Chief Mike Kressuk explained they addressed the water supply question with the architect and the most recent plan did have a car wash inside the structure and they were curious what kind of water flows they would have that would be supportive of a sprinkler protection system but they informed us of the type of car wash that would be in place. They are certainly aware of the challenges with water to that location and they have been in discussions with the architect with building features that may able to offer some fire protection. Obviously not to the level that they would desire with the sprinkler system but certainly there are some building features and construction features that may be something that they could entertain as a possible resolution to this.

Commissioner Bukiewicz questioned if a commercial building could be non-sprinkled in the state. B.C. Kressuk explained because of the location and the AHJ's (Authority Having Jurisdiction) ability to offer a variance it is possible.

Commissioner Chandler questioned if they would be adding a screening fence. Mr. Schlueter believed it was added to the development plan currently.

Mr. Fortin commented as part of the plan review they will make sure the fence is part of the plan.

Commissioner Dickmann moved that the Plan Commission recommend that the Common Council approve the certified survey map for the properties at 545, 561 and 605 W. College Avenue, subject to any technical corrections being made prior to recording.

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

**Affidavit of Correction – Certified Survey Map 8439
8730, 8850, 8940 and 9010 S. 5th Avenue
Tax Key Nos.: Multiple**

Mr. Fortin explained to the Commission in May of 2012 the City approved and recorded a certified survey map that created four parcels of land out of the property at 9006 S. 5th Avenue. After it was recorded it was discovered that there was an error in the areas and notes section for Lot 4. The recorded CSM stated that the area for Lot 4 contained

629,451 square feet and that area excluded lands between the meander line and the edge of the water. It should have read that Lot 4 contained 971,551± square feet (22.30± acres) and that area includes lands between the meander line and the edge of water.

Commissioner Bukiewicz moved that the Plan Commission recommends to the Common Council that the affidavit of correction correcting the areas and notes for Lot 4 to reflect the inclusion of the areas between the meander line and the edge of water.

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

Plan Commission Discussion – Temporary Sign Code

Mr. Wagner explained to the Commission they were being asked to discuss the regulation of temporary signs and whether any changes should be made to allow for the feather flag or sail flag. The problem with the flags is often times they exceed the current temporary sign code which only allows for a 6' high limit and a 32 square foot area limit.

Currently the temporary sign code allows each business to have four temporary sign permits. Each permit is good for one sign for fifteen days. In addition, a new business is allowed a grand opening permit. The grand opening permit does allow for the sail flags as well as pennants and streamers, and inflatables.

Mayor Scaffidi explained there are concerns among the businesses especially those located in a mall that they don't have the exposure some of the other places do. YoFresh is an example of that and they are located on a corner. A business located in the middle of a strip mall is not afforded that same exposure to capture some of the drive-by traffic. Mayor Scaffidi stated he was a fan of the feather flags with the disclaimer he would only be in favor of one and not year round.

Commissioner Bukiewicz also felt the feather flags were an acceptable form if done correctly. He questioned if a business flew their corporate flag if it would be considered a temporary sign. Mr. Wagner confirmed that was the case, any other temporary advertising media intended to identify, convey information or direct attention to a product, service, place, activity or business.

Commissioner Bukiewicz questioned if a business could fly their company flag under the American flag. Mr. Wagner explained they would need a variance from the sign code to allow an additional sign. Commissioner Bukiewicz commented non-profit events are allowed to have one temporary display sign per private property with the owners consent. The groups are allowed to display the sign for 30 days prior to the event and there is no limit to the number of events they can hold in a calendar year. We restrict businesses and let non-profits do what they want year round. A church could have a craft fair every weekend in their basement and fly that feather flag all the time

out by the road. Mr. Wagner stated technically they should not be, it is illegal. Commissioner Bukiewicz stated they should be a little less restrictive for business. When you are grouped in the mall it is hard to find all of the signage.

Mr. Wagner explained the goal when they came up with the temporary sign permit was to keep the visual clutter from the roadways to a minimum. There is always a concern if you have a strip mall and you allow them all to have four feather flags you could have 16 flags. Commissioner Bukiewicz stated height wise he is okay as long as it doesn't obstruct public safety. Fifteen feet is too high and could be an obstruction on driving.

Commissioner Siefert express concern for the signs obstructing traffic and felt there should be some limit or control to the size of the signs. Mr. Wagner explained they were currently limited to 32 square feet and they do need to be located on their property but there are no setback requirements.

Mayor Scaffidi stated he did not necessarily have a problem with the feather flag but he didn't want to see multiples, one would be okay with a height limit.

Commissioner Dickmann stated he did not want to see temporary signs in the vision triangle and questioned if the feather flags were taken down at night or if they were left up. Mr. Wagner stated it was about equal with businesses taking them down and leaving them out. Commissioner Dickmann questioned if there has been any businesses requesting to have a grand re-opening. Mr. Wagner has not had many businesses requesting that type of permit.

Commissioner Carrillo questioned if businesses would be able to use the feather flags temporarily for direction. Mr. Wagner stated there should not be any businesses using the feather flags and they should not be using temporary signs every weekend especially without notifying the City. Commissioner Carrillo questioned if the sidewalk signs were a temporary sign that could be used four times a year. Mr. Wagner stated that was the case.

Commissioner Michalski questioned if the feather sign ever had to be anchored to the ground in a manner that would require a call to digger hotline. Mr. Wagner stated that would be something the applicant would have to determine and it is not a requirement of permitting.

Commissioner Michalski questioned if they wanted a lot of clutter or where they looking to say they are business friendly. He might be able accept a little more clutter than one feather sign. Mayor Scaffidi stated you would have a lot of clutter with all of the businesses on Howell and Ryan put up a feather flag. Commissioner Michalski stated a business should be aware of the sign code before they put their business in a strip mall. It is not the best spot for visibility and they would be going on word of mouth or advertising in other ways. There are other avenues available for businesses to advertise beside signage.

Commissioner Johnston commented if you are in a strip mall you are going to be aware that you have limited visibility going in to that and that is where a lot of these signs are coming from. He is not a fan of the inflatables or the feather signs because you are going to end up with a row of the down the road even if you have one per store. That is not the appearance that we want for the downtown center.

Commissioner Chandler questioned if there have been a lot of requests for signs that don't meet the temporary sign code and what are the specifics for the majority of the requests are they based on size or time. Mr. Wagner stated he does not get requests for signs typically larger than what the code allows. Often times businesses are aware what the code can allow and they go for what they can afford. Often times the signs are put up without the owner knowing about the temporary sign code and then they have to remove them. We have one business that has always been asking for more signage and typically the business would get feather flags as part of their corporate advertising package. The request has been for the feather flag but for the most part businesses are fine with the 32 square foot size. The only time when it doesn't suit them is when they are opening a business and would like additional signage.

Commissioner Chandler questioned if the business owners were requesting to have the feather flags out year round or more times a year. Mr. Wagner felt they would like to have more permits and more time along with a bigger sign. Commissioner Chandler stated it seems businesses are not requesting large signs but more time or more temporary permits. Her recommendation would be to stay with the temporary sign code they currently have but maybe add a little more time. Mayor Scaffidi questioned if she would be agreeable to the feather flag. Commissioner Chandler felt it would fall under that category.

Mayor Scaffidi questioned if a solution to the feather flag would be to add a restriction to how far away from the business they could be, such as five feet from the building so it doesn't clutter up the roadway. They all have an area adjacent to the building where they could stick a flag.

Commissioner Carrillo felt they should limit the number of flags allowed and add it to the temporary sign code. There is a reason why businesses are asking for these because they are more cost effective.

Commissioner Dickmann questioned if there was a height restriction on the feather flag. Mr. Wagner stated it would be good to have a height restriction because they can't limit the content or color.

Mayor Scaffidi questioned if there was a consensus on an acceptable height or if there were any thoughts on restricting how close to the road they should be allowed. Commissioner Bukiewicz commented it wasn't so much the road but the intersection.

Mayor Scaffidi questioned how many complaints they were getting from businesses. Mr. Wagner stated there was only one business that was repeatedly requesting the

feather flags. Mayor Scaffidi commented he would be agreeable to amend to allow one feather flag, not multiples, to a maximum of 8 feet in height and staying same fifteen days.

Mr. Wagner clarified the Commission was leaning towards keeping the four temporary sign permits for 15 days, adding a section of code allowing for a feather flag temporary sign no taller than 8 feet in height and no larger 16 square feet in area.

Mayor Scaffidi commented he would prefer the feather signs over the banner type signs that businesses are getting off the internet and hanging off of the buildings.

Plan Commission Discussion – Updating the City’s Vision Statement & Issues and Opportunities Section of the Comprehensive Plan

Mr. Fortin explained to the Commission in 2002 the City adopted its Smart Growth Comprehensive Plan. While the Plan is a 20 year plan designed to serve the City until 2022, it is important to look at the plan and make adjustments along the way. A lot has changed since the plan was adopted. Oak Creek’s population has grown by almost 6,000 people and the area around S. Howell Avenue has seen a significant increase in the number of businesses. In addition new opportunities have opened up with the potential redevelopment of the lakefront and Drexel Town Square and a new freeway interchange at I-94 and W. Drexel Avenue.

Staff will be seeking Plan commission input about their vision for the City. Staff will also be taking input from the 2011 Citizen Engagement and Priority Assessment Survey, online comments on our facebook page, and meeting minutes from other planning efforts such as the Delphi and Lakefront redevelopment public meetings held in 2010 and 2011 as part of updating the City’s vision.

Mr. Fortin presented the Commission with some questions to think about and provide their input.

1. What are some of the strengths of Oak Creek or attributes that make a desirable place to live?

Diversity, balanced, attractive community, permanent preservation of open and greenspace, green and accessible space, adding additional park space, new city hall library complex has a significant public space in the middle, adding bike access, walkways, connectivity through sidewalks, expansion of Drexel interchange, expansion of Drexel to 27th Street, lakefront, opening up 250 acres of lakefront to mixed use development, opportunities for animal preserves, citizen involvement, clean and open government, encourages residents participation in every level of the planning process on almost every large project, city leaders both past and present, sewer system that can handle the growth, water department, industrial parks to contain industrial business, forward thinking community, invest heavily in their people, move towards green technology, education,

2. What are some of the weaknesses or issues facing Oak Creek?

Industrial parks developed are not owned by the City makes it a little more difficult to develop, so many opportunities and not being able to afford to do them all at once, roads within the City that they do not have primary responsibility to maintain, connectivity of neighborhoods by sidewalks, winter recreation, fiscally responsible and moving forward without the ability to raise taxes and still improve the roads within the City, water and flooding issues, school and space needs, mindset of the residents that this not a rural community but an urban community, financial challenges for the future,

3. What opportunities does Oak Creek have that we may not have taken advantage of yet?

Have not gone to departments to find their strengths and weaknesses, transportation such as trains to Chicago, a temporary route such as busses to Racine for the train, busses so workers have access to the businesses,

4. What are some threats or concerns that may impact Oak Creek in the future?

Lack of private capital holding back development, relationships with other government entities or municipalities, having a presence in the Public Service Commission, having a good balance of businesses, boarder wars, consolidation of services for a healthy region, business improvement districts, sharing of information and feedback,

5. What is your vision for the City over the next 10-15 years?

Water a key factor going forward, plan growth with Delphi site being the key in the next 15 years, sections of 27th Street and sections of the park are built up, the city become a destination area for its green technology and water, slow planned out progression of businesses so the City is sound financially, ground breaking and unique library

Commissioner Dickmann pointed out the City Center needs to be changed to reflect the Drexel Town Center and Bender Park and talk about the golf course needs to be update.

Mr. Fortin explained he would take all of the comments he received and update the vision section for the next meeting.

Commissioner Carrillo moved to adjourn. Siepert seconds. Roll call, all voted aye. The meeting was adjourned at 7:55 p.m.