

## AGENDA

CITY OF OAK CREEK PLAN COMMISSION  
REGULAR MEETING  
November 13, 2012  
6:00 p.m.  
Common Council Chambers  
8640 S. Howell Avenue

- 1) ROLL CALL
- 2) Minutes of the October 23, 2012 meeting
- 3) Significant Common Council Actions
- 4) 6:00 PM SIGN APPEAL HEARINGS
  - a) SIGN APPEAL HEARING – Hold a public hearing on a proposed sign appeal for the property at 8580 S. Howell Avenue submitted by Rich Duchniak/Oak Creek Community Center that would allow for a monument sign in excess of 64 square feet per side. (Tax Key No. 827-9014) Follow this item on Twitter @OakCreekPC #OCPC-CommCenterSigns
- 5) NEW BUSINESS
  - a) SIGN APPEAL – Consider a sign appeal for the property at 8580 S. Howell Avenue submitted by Rich Duchniak/Oak Creek Community Center that would allow for a monument sign in excess of 64 square feet per side. (Tax Key No. 827-9014) Follow this item on Twitter @OakCreekPC #OCPC-CommCenterSigns
  - b) CERTIFIED SURVEY MAP – Review a certified survey map submitted Peachtree Properties, LLC for the property at 100 E. Oak Street (Tax Key No. 719-9982) Follow this item on Twitter @OakCreekPC #OCPC-PeachtreeCSM
  - c) REZONE/CONDITIONAL USE – Review a proposed rezoning from B-2, Community Business to B-4, Highway Business with a conditional use permit for an Animal Hospital/Veterinary Clinic submitted by Bryan Majewski for the property at 8020 S. Howell Avenue. (Tax Key No. 814-9995) Follow this item on Twitter @OakCreekPC #OCPC-8020VetClinic

## ADJOURN

## 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, preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 768-6511, (FAX) 768-9587, (TDD) 768-6513 or by writing to the ADA Coordinator at the Health Department, City Hall, 8640 South Howell Avenue, Oak Creek, Wisconsin 53154. There is the potential that a quorum of the Committee of the Whole will be present at this meeting. Copies of staff reports and other supporting documentation are available for review at the Department of Community Development, City Hall, 8640 South Howell Avenue during operating hours. (8am-5pm weekdays)*

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. 5<sup>th</sup> 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. 5<sup>th</sup> 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 Siepert 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 27<sup>th</sup> 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 27<sup>th</sup> 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.



## Significant Common Council Actions

ITEM: 3

DATE: November 13, 2012

### Summary of Significant Common Council Actions November 7, 2012

1. **Approved:** an ordinance 2664 to amend Section 6.01 of the Municipal Code of the City of Oak Creek relating to a change in the Official Map for the southeast ¼ of section 6.
2. **Approved:** an ordinance 2663 amending the planned unit development and general development plan for the Syner G properties at 239 and 325 E. College Avenue and 6440, 6460 and 6448 S. Howell Avenue.
3. **Held:** ordinance 2645 amending the conditional use for the properties at 9000 and 9100 S. Nicholson Road to allow for a landscaping for Green Man Wood Services.
4. **Approved:** resolution No. 11295-001712 approving a warranty deed from the Milwaukee Metropolitan Sewerage District and approving a conservation easement for the property at 8920 S. Wildwood Dr.
5. **Approved:** a resolution no. 11296-110712 approving a certified survey map for the properties at 9029 and 9173 S. Shepard Avenue
6. **Approved:** resolution No. 11297-110712 approving an affidavit of correction for certified survey map no. 8439 for the properties at 8730. 8850 and 9010 S. 5<sup>th</sup> Avenue.

Jeff Fortin, AICP  
Planner



# Plan Commission Report

ITEM: 4a &5a

DATE: November 13, 2012

**PROJECT:** Sign Appeal – Oak Creek Community Center

**ADDRESS:** 8580 S. Howell Avenue

**STAFF RECOMMENDATION:** Staff does not make recommendations on Sign Appeals.

**TAX KEY NO:** 827-9014

**Ownership:** City of Oak Creek

**Size:** 2.83 acres

**Existing Zoning:** I-1, Institutional District

**Adjacent Zoning:**north – I-1, Institutional

east – I-1, Institutional District

south – B-3, Office & Professional Business, B-4, Highway Business

west – B-4, Highway Business

**Comprehensive Plan:** Institutional

**Wetlands:** None

**Floodplain:** None

**Official Map:** None

**Commentary:** The Oak Creek Community Center is seeking a variance from Section 17.0708 (c)(2), which states that ground signs in institutional and park districts shall not exceed ten (10) feet in height and 64 square feet in area on one side or 128 square feet on two sides. They are also requesting a variance from Section 17.0705 (g) which limits the size of electronic message boards to no more than 50 percent of the sign's overall area and no greater than 50 square feet. If granted this variance would allow the Oak Creek Community Center to erect a new 11-foot high sign with 100 square feet of area per side and an electronic message board in excess of 50 square feet and 50 percent of the sign area.

The proposed sign will look similar to the existing sign however the changeable copy sign will be replaced with amber colored electronic message board. In addition there would be a tenant panel on the base of the sign for Ottawa University. The sign would have an aluminum base and the electronic messageboard would be about 55 square feet and have space for four lines of text. The top panel would be the Community Center logo routed out of the aluminum face and would be internally illuminated. The overall square footage of sign area would be about 91 square feet on each side.

In their consideration of a variance, the Plan Commission must make the final decision on appeals using the following criteria:

- a. There shall be no public harm and there shall be a public benefit.
- b. Variance considerations shall include enhancement of the overall character of a neighborhood or mitigation of unusual site conditions.
- c. The sign will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs.
- d. The effect a proposed sign may have on depreciating property values of a neighborhood.
- e. The Plan Commission in its deliberation of an adjustment may consider the location of the proposed sign, the height, the size, the appearance, number, and location of other signs in the vicinity of the proposed sign, and any other factor as the Plan Commission deems appropriate.

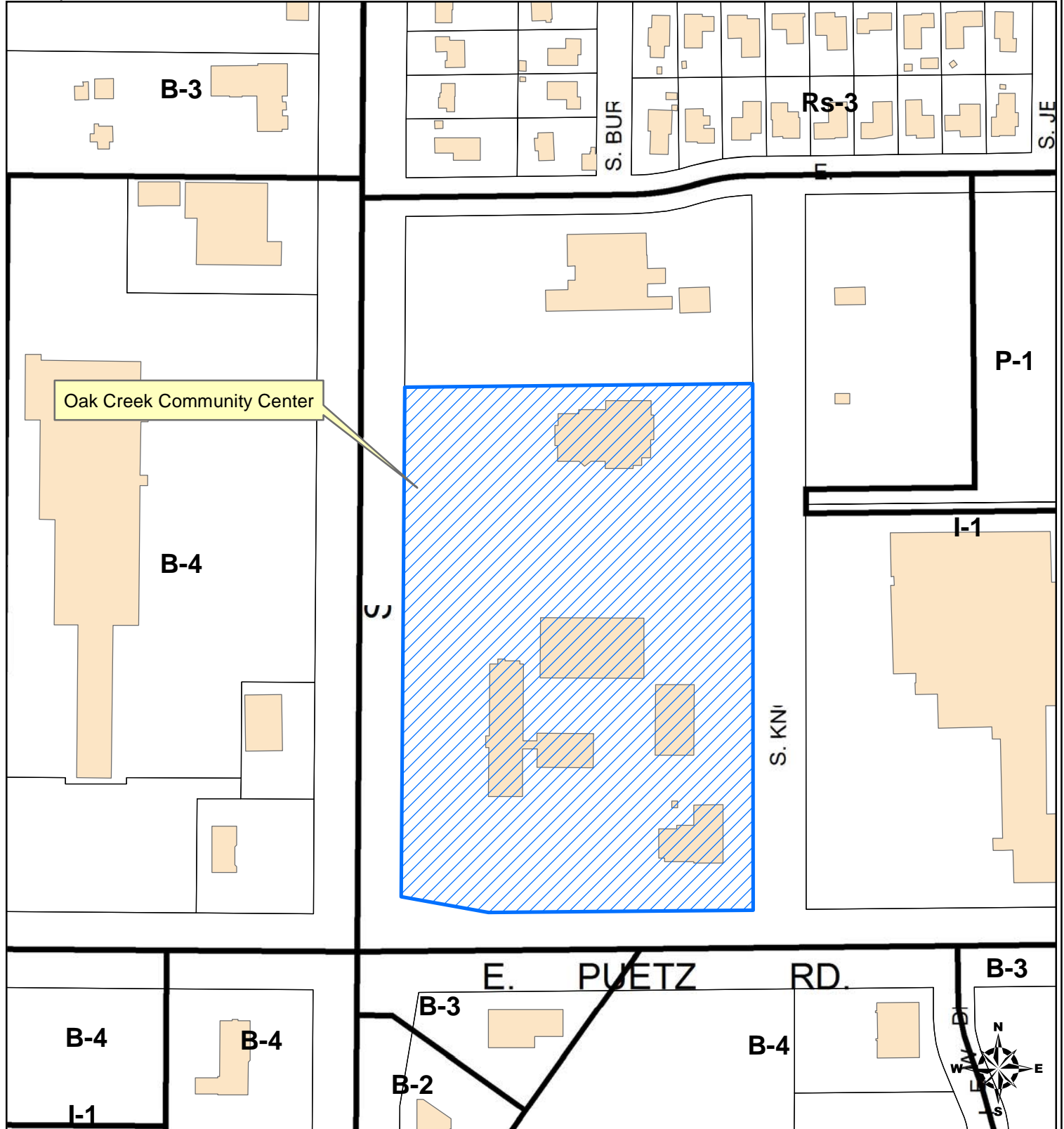
Prepared by:

Respectfully Submitted:

Peter Wagner  
Zoning Administrator/Planner

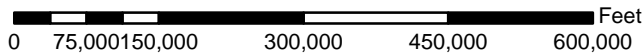
Douglas Seymour, AICP  
Director of Community Development

**Sign Appeal  
Oak Creek Community Center  
8580 S. Howell Avenue**



*OakCreek*

Department of Community Development



**Legend**

-  OCCC
-  building2012
-  Parcels
-  Existing Street Pattern

Oak Creek Community Center  
BUSINESS CUSTOMER

Rich Duchniak

Contacts  
414-768-5480

Phone

email/fax/cell

8500 S. Howel Ave.

LOCATION

CUSTOMER APPROVAL

Date



REVISIONS

1

2

3

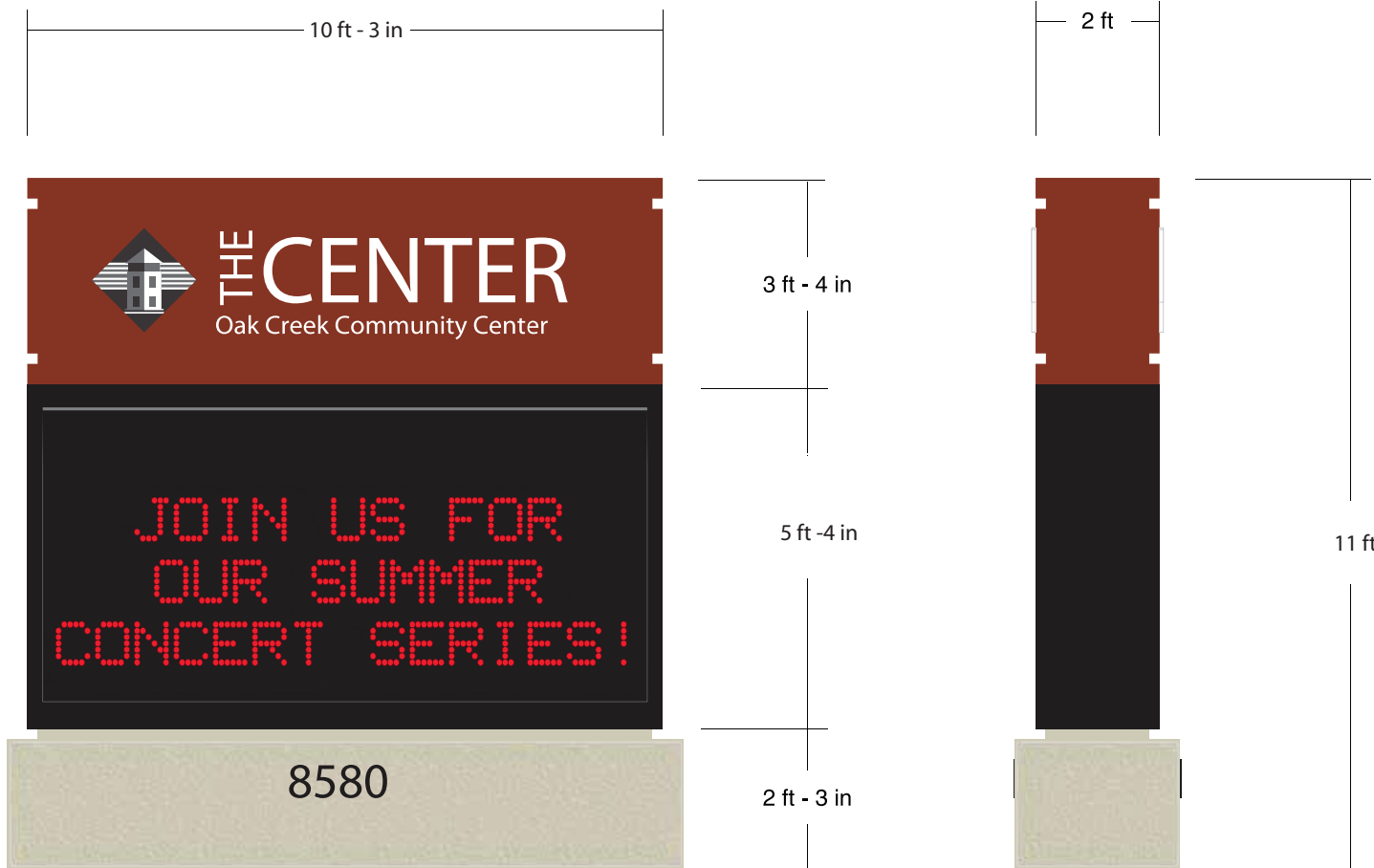
11/8/12

Date

Scale

Drawing #

SERVING  
WISCONSIN  
FOR OVER  
**20**  
YEARS



**OAK CREEK COMMUNITY CENTER**

- ONE (1) NEW DOUBLE SIDED ILLUMINATED MONUMENT SIGN W/ EMC
- FABRICATED ALUMINUM SIGN CABINET W/ ROUTED ALUMINUM FACES & 2" REVEALS
- ROUTED FACE W/ 3/4" CLEAR ACRYLIC PUSH-THRU LETTERING, BACKED W/ WHITE LEXAN ("THE CENTER" & LOGO ONLY)
- FABRICATED ALUMINUM BASE W/ 2" REVEAL & HEAVY TEXTURED PAINTED FINISH & 1/4" ALUMINUM PLATE ADDRESS NUMERALS (FLUSH MOUNT)
- INTERNAL H.O. FLUORESCENT ILLUMINATION
- PAINTED FINISH ON SIGN BODY & BASE TO MATCH BUILDING (TBD)
- 19MM WATCHFIRE LED ELECTRONIC MESSAGE CENTER, MONOCHROME AMBER 80 X 160 MATRIX DOUBLE SIDED
- UL APPROVED FABRICATION & INSTALLATION



# Plan Commission Report

ITEM: 5b

DATE: November 13, 2012

**PROJECT:** Certified Survey Map – Peachtree Properties (Mini Rentals)

**ADDRESS:** 400 E. Oak Street

**TAX KEY NO:** 719-9982

**STAFF RECOMMENDATION:** That the Plan Commission recommends to the Common Council that the certified survey map for the property at 400 E. Oak Street is approved, subject to the following conditions:

1. That any technical corrections are made prior to recording, including placing a note on the face of the CSM that says any additional development will require stormwater management.
2. That the lot line between parcels 1 and 2 is adjusted to ensure that the lateral serving the building on parcel 2 is entirely contained on that parcel.

**Ownership:** Mini Rentals

**Existing Zoning:** M-1, Manufacturing

**Adjacent Zoning:** north – P-1, Park District, B-2, Local Business & I-1, Institutional  
east – M-1, Manufacturing  
south – I-1, Institutional and Rs-2, Single Family Residential  
west – M-1, Manufacturing & I-1, Institutional

**Comprehensive Plan:** Planned Office

**Wetlands:** None Indicated

**Floodplain:** None Indicated

**Official Map:** No officially mapped streets affect this property

**Commentary:** The applicant is requesting approval of a 4-lot certified survey map (CSM) for the property at 400 E. Oak Street. The CSM is being done to split the different portions of the development off into their own parcels and create one (1) vacant parcel for future development on the corner of E. Oak Street & S. Howell Avenue. Lots in the M-1, Manufacturing zoning district are required to have 200 feet of width and 1 acre of lot area. Each of these lots meets or exceeds that requirement. They have also submitted a plan showing that each lot meets the required 30 percent greenspace.

It should be noted that any additional development on any of these lots is going to require stormwater management. Staff would like a note on the CSM indicating this so if the lots are sold the buyer is aware of this requirement. The applicant received approval for a building in 2005 and that development used up the remaining half-acre of impervious surface available without having to do stormwater.



There are a couple of other minor issues that will need to be addressed prior to recording. First, there is a sewer lateral that runs at an angle across Parcel 1 to serve Parcel two. Laterals cannot run across one private property to serve another so they will need to adjust the lot line accordingly. The applicant has been made aware of this and are working on a reconfiguration of the lot line to remedy this. Additionally there are some easements that need to be shown on the CSM both along S. Howell Avenue and E. Oak Street.

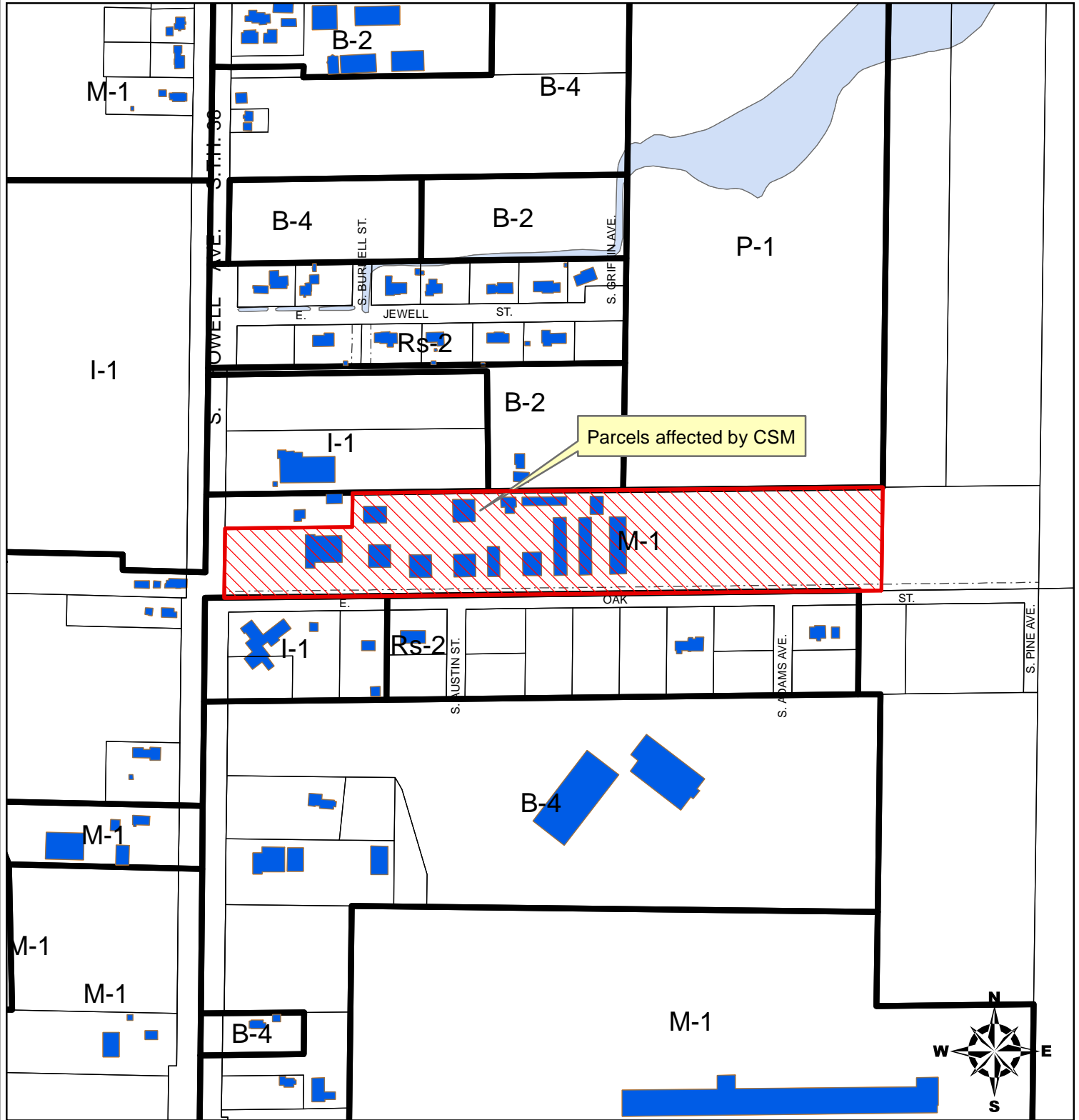
Prepared By:

Respectfully Submitted:



Jeff Fortin, AICP  
Planner

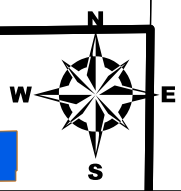
Douglas Seymour, AICP  
Director of Community Development

**Certified Survey Map**  
**Peachtree Properties, LLC**  
**400 E. Oak Street**



**Legend**

-  Parcels affected by CSM
-  Existing Street Pattern
-  Floodway

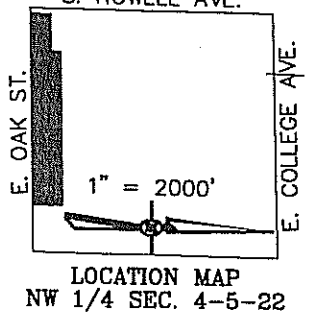
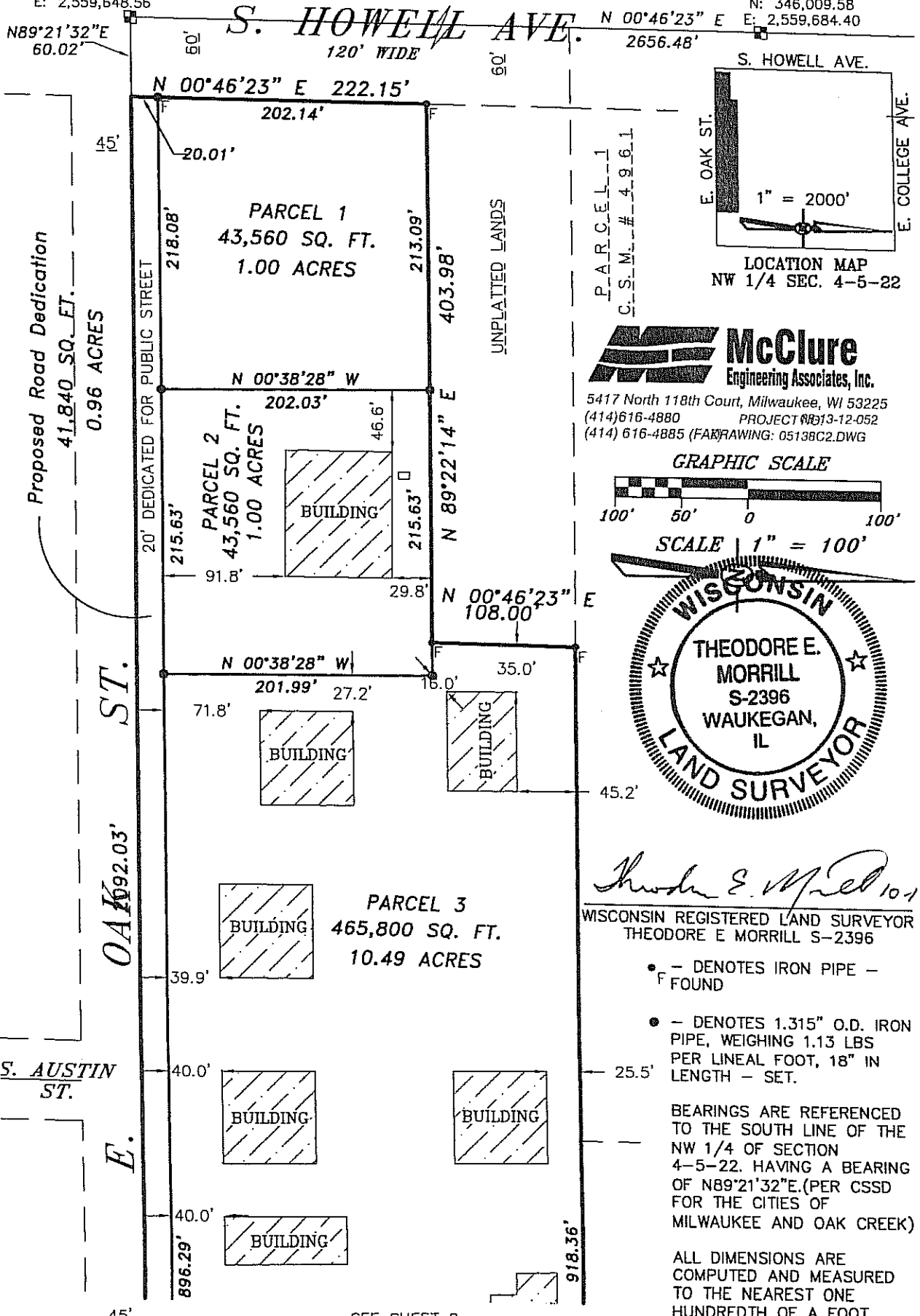


**CERTIFIED SURVEY MAP NO.**

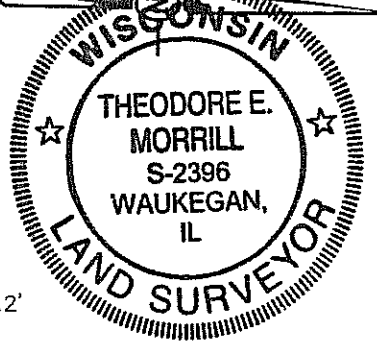
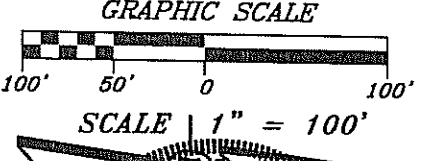
BEING A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

SW CORNER NW 1/4 OF  
SEC 4-5-22  
N: 343,353.52  
E: 2,559,648.56

NW CORNER NW 1/4 OF  
SEC 4-5-22  
N: 346,009.58  
E: 2,559,684.40



**McClure**  
Engineering Associates, Inc.  
5417 North 118th Court, Milwaukee, WI 53225  
(414) 616-4880 PROJECT #03-12-052  
(414) 616-4885 (FAR) DRAWING: 05138C2.DWG



*Theodore E. Morrill 10-10-12*  
WISCONSIN REGISTERED LAND SURVEYOR  
THEODORE E. MORRILL S-2396

- - DENOTES IRON PIPE - FOUND
- - DENOTES 1.315" O.D. IRON PIPE, WEIGHING 1.13 LBS PER LINEAL FOOT, 18" IN LENGTH - SET.

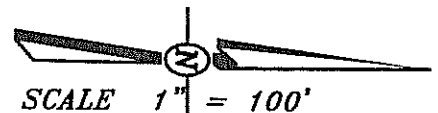
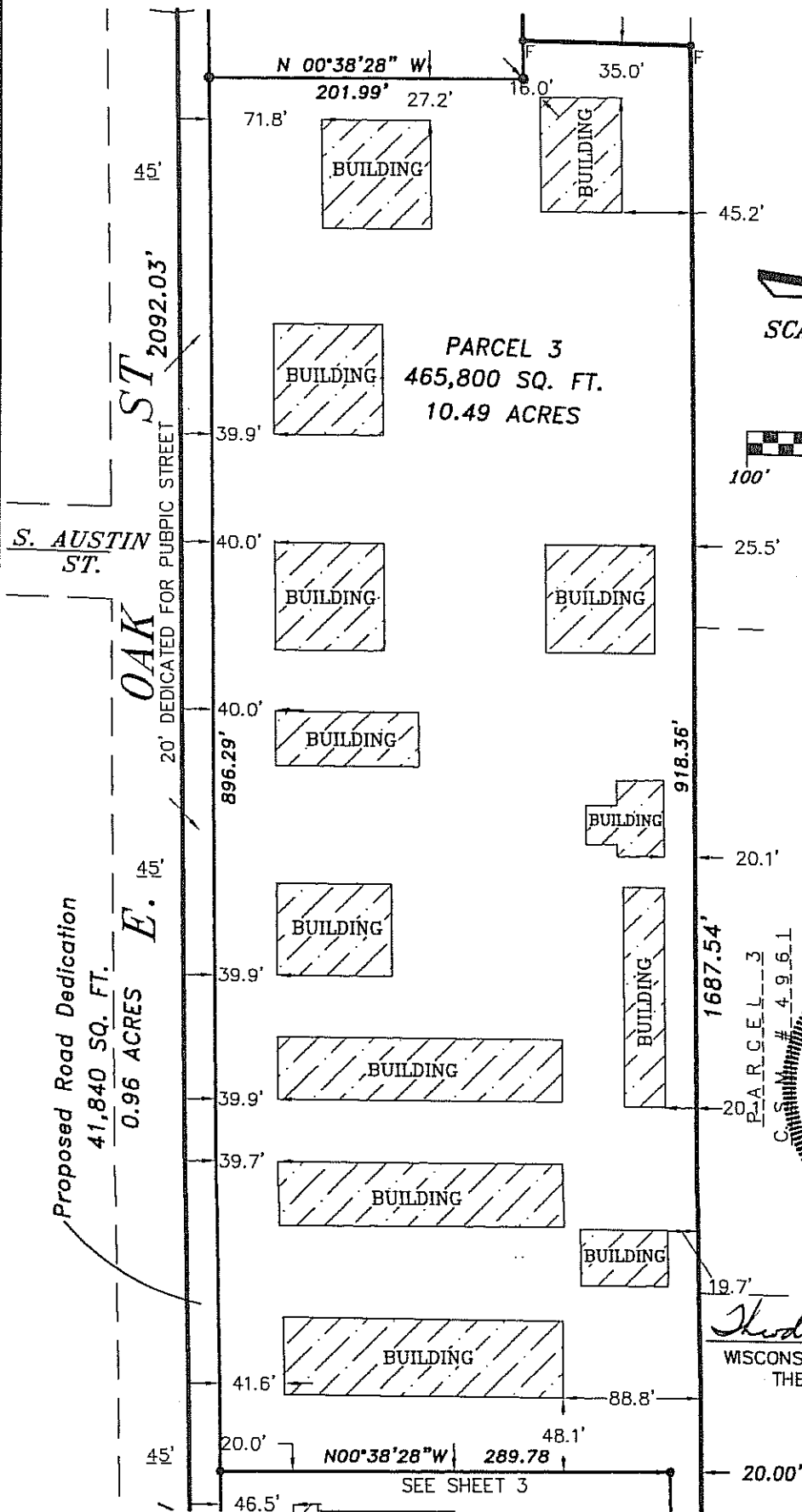
BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE NW 1/4 OF SECTION 4-5-22. HAVING A BEARING OF N89°21'32"E. (PER CSSD FOR THE CITIES OF MILWAUKEE AND OAK CREEK)

ALL DIMENSIONS ARE COMPUTED AND MEASURED TO THE NEAREST ONE HUNDREDTH OF A FOOT.

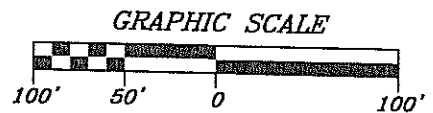
**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

**BEING A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.**

SEE SHEET 1



SCALE 1" = 100'



GRAPHIC SCALE

**PARCEL 3**  
465,800 SQ. FT.  
10.49 ACRES

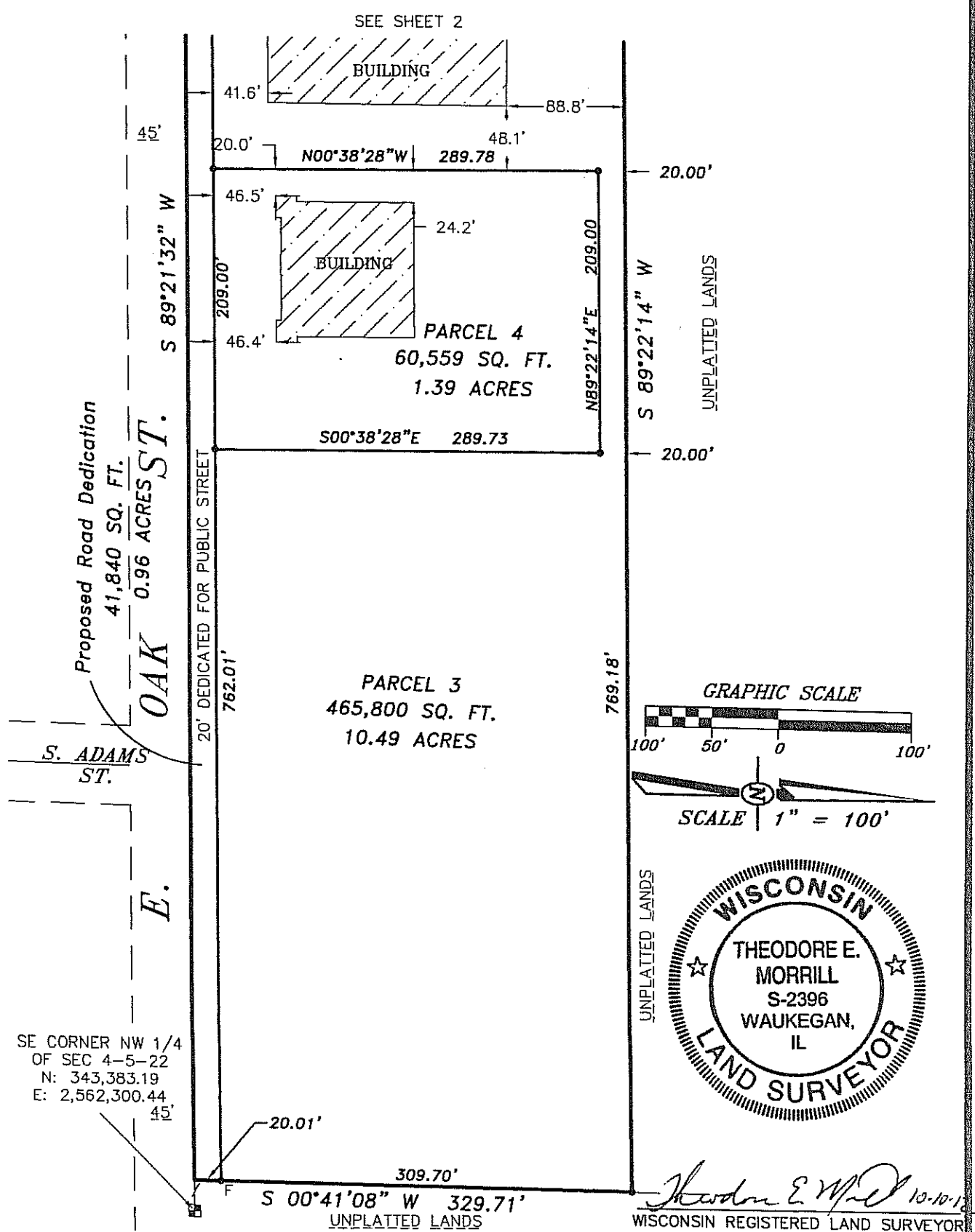


*Theodore E. Morrill* 10-10-12

WISCONSIN REGISTERED LAND SURVEYOR  
THEODORE E MORRILL S-2396

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

**BEING A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.**



**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

BEING A PART OF THE SOUTHEAST ¼ AND SOUTHWEST ¼ OF THE  
NORTHWEST ¼ OF SECTION 4, TOWN 5 NORTH, RANGE 22 EAST, CITY OF  
OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**SURVEYOR'S CERTIFICATE**

STATE OF WISCONSIN)  
MILWAUKEE COUNTY)

I, Theodore E. Morrill, Registered Land Surveyor, do hereby certify that I have surveyed, divided and mapped a part of the Southeast ¼ and Southwest ¼ of the Northwest ¼ of Section 4, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of said ¼ Section; thence N89°21'32"E along the South line of said ¼ Section 60.02 feet to the point of beginning; thence N00°46'23"E along the East right-of-way line of S. Howell Avenue 222.15 feet; thence N89°22'14"E 403.98 feet; thence N00°46'23"E 108.00 feet; thence N89°22'14"E 1687.54 feet; thence S00°41'08"W 329.71 feet to a point on the South line of said ¼ Section; thence S89°21'32"W along the South line of said ¼ Section 2092.03 feet to the point of beginning.

Containing 14.84 acres more or less.

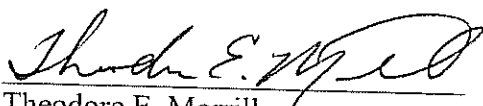
That I have mapped such survey, land division and this map by the direction of Otto G. Satula and Joan P. Satula, his wife, owners of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and Chapter 18 of the Municipal Code of the City of Oak Creek in surveying, dividing and mapping the same.

Dated this 10<sup>th</sup> day of October, 2012.



  
Theodore E. Morrill  
Registered Land Surveyor S-2396

This instrument was drawn by Theodore E. Morrill

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

BEING A PART OF THE SOUTHEAST ¼ AND SOUTHWEST ¼ OF THE  
NORTHWEST ¼ OF SECTION 4, TOWN 5 NORTH, RANGE 22 EAST, CITY OF  
OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**OWNER'S CERTIFICATE OF DEDICATION**

As owners, we hereby certify that we have caused the land described herein to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 18 of the Municipal Code of the City of Oak Creek.

Witness the hand and seal of said owners on this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Otto G. Satula

\_\_\_\_\_  
Joan P. Satula

STATE OF WISCONSIN)  
COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2012, Otto G. Satula and Joan P. Satula, his wife, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission \_\_\_\_\_

**PLAN COMMISSION APPROVAL**

Approved by the Plan Commission of the City of Oak Creek this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Chairman

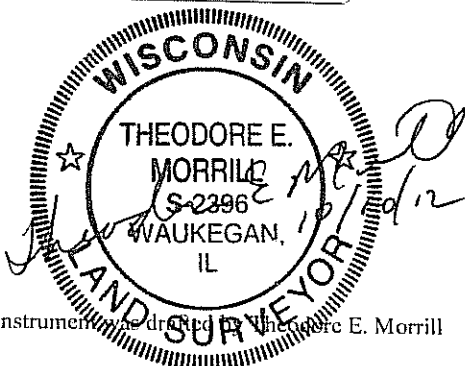
\_\_\_\_\_  
Secretary

**COMMON COUNCIL APPROVAL**

Approved by the Common Council of the City of Oak Creek this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



This instrument was drafted by Theodore E. Morrill



# Plan Commission Report

ITEM: 5c

DATE: November 13, 2012

**PROJECT:** Rezone & Conditional Use Permit – Animal Hospital/Veterinary Clinic

**ADDRESS:** 8020 S. Howell Avenue

**TAX KEY NO:** 814-9995

**RECOMMENDATION:** That the Plan Commission recommends to the Common Council that the property at 8020 S. Howell Avenue be rezoned from B-2, Community Business to B-4, Highway Business and that a conditional use permit be issued for an animal hospital and veterinary clinic be issued, after a public hearing.

**Ownership:** Rushan Sinani

**Size:** 2.5 acres

**Existing Zoning:** B-2, Community Business

**Adjacent Zoning:** north – B-2, Community Business  
east – B-2, Community Business  
south - Rs-3, Single Family Residential  
west – M-1, Manufacturing

**Comprehensive Plan:** Planned Business

**Wetlands:** None

**Floodplain:** None

**Official Map:** No officially mapped streets affect this property.

**Commentary:** The applicant is requesting that the property at 8020 S. Howell Avenue be rezoned from B-2, Community Business to B-4, Highway Business and that a conditional use permit be issued for an animal hospital/veterinary clinic. The applicants intend on constructing a clinic on the northern portion of this property

They anticipate this will be a 1-story building between 6,500-8,000 square feet. There would be no outdoor kennels or cages and there will be no boarding of animals. They anticipate about 15 employees. They have also indicated they would be seeking Wisconsin Department of Transportation approval to create a curb cut (right-in, right-out only) in the middle of this property and closing up the two existing cuts at the north and south end of the property. Staff would encourage them to approach the bank about using the existing access drive as a means of access.

Lots in the B-4, Highway Business Zoning District require a minimum lot width of 150 feet and 30,000 square feet in area. This parcel exceeds that requirement; however should the applicant wish to divide this land in the future they would require a variation from the 150-foot requirement since the property only has 297 feet of frontage. The applicant has been made aware this requires a  $\frac{3}{4}$  majority vote of the Plan Commission for approval.



While staff is supportive of this rezoning and the use of the property as a veterinary clinic, we do have some concerns about how the southern portion of the property would develop if it is divided off. Our zoning ordinance requires a 20 foot buffer yard in addition to any required setbacks (which in this case are 15 feet) which means that any building would need to be setback 35 feet from the southern property line. We have made the property owner and the real estate broker aware that the southern parcel may be difficult to develop, depending on who the end user is. However they don't seem to feel this will hinder any attempts to market and sell the property since they indicated they would be seeking a similar small scale office or medical clinic building for the southern portion.

If the Plan Commission is comfortable with the rezoning and conditional use, staff will prepare conditions and restrictions for review at the next meeting. Additionally, the applicant will need to return to the Plan Commission for any site, building, or landscaping plans.

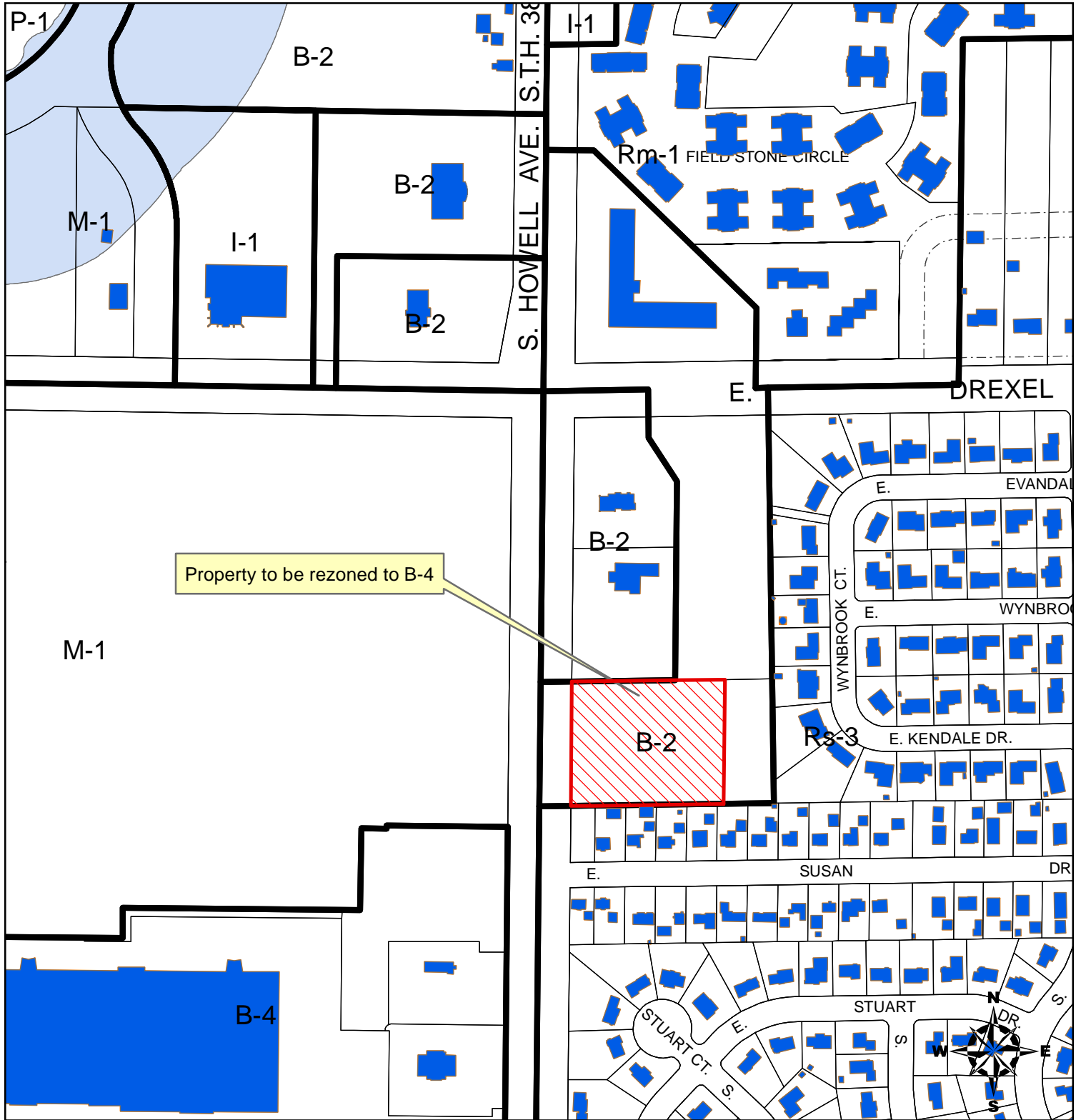
Prepared by:

Respectfully Submitted:

Jeff T. Fortin, AICP  
Planner

Douglas W. Seymour, AICP  
Director of Community Development

# Animal Hospital Rezone & Conditional Use Rezone from B-2 to B-4 8020 S. Howell Avenue



OakCreek

Department of Community Development

**Legend**

-  Parcels 2012 selection
-  Existing Street Pattern
-  Floodway

Daniel J. Habeck

SUITE 200  
1601 EAST RACINE AVENUE  
POST OFFICE BOX 558  
WAUKESHA, WISCONSIN 53187-0558  
TELEPHONE (262) 542-4278  
FACSIMILE (262) 542-4270  
E-MAIL [djh@cmhlaw.com](mailto:djh@cmhlaw.com)  
[www.cmhlaw.com](http://www.cmhlaw.com)

October 26, 2012

**VIA HAND DELIVERY**

Mr. Jeff Fortin, Planner  
City of Oak Creek  
Department of Community Development  
8640 S. Howell Avenue  
PO Box 27  
Oak Creek, WI 53154

Re: 8020 South Howell Avenue -- Mr. Bryan Majewski

Dear Mr. Fortin:

Thank you for your time on the telephone this week.

Again, I represent Mr. Bryan Majewski who is proceeding under an accepted Offer to Purchase with respect to the property located generally at 8020 South Howell Avenue in the City.

Following our call and on behalf of Mr. Majewski, I submit:

1. Check payable to the City of Oak Creek in the amount of \$875.00.
2. City of Oak Creek Plan Commission Application.
3. Application for a Change of the Zoning Map of the City of Oak Creek – Bryan Majewski.
4. Application for a Change of the Zoning Map of the City of Oak Creek – Rushan Sinani.
5. Application for Conditional Use Approval in the City of Oak Creek.
6. Rough site plan.

At present the intention of the parties is that the entire existing parcel would be rezoned to the B-4 district. Mr. Sinani's signed application is accordingly enclosed. Mr. Sinani is represented by Kurt Klapperich at CB Richard Ellis who I have copied with this letter. I do not represent Mr. Sinani.

We anticipate making an appropriate CSM filing in the immediate future and have engaged Jahnke & Jahnke to prepare the survey and the map. We anticipate the boundaries will approximate those shown on the site plan.

It is anticipated that Mr. Majewski will form a limited liability company to own the real estate, and that there will be a business corporation formed to operate the animal hospital.

We believe this is an appropriate anticipated use for this parcel given that Howell Avenue at this address is State Hwy 38 and further given the provisions of § 17.0315(c)(2) of the City Code.

It is anticipated that there will be a one-story building with between 6500 and 8000 square feet.

There is no anticipated accessory building, outside of a potential dumpster enclosure.

There is no anticipated exterior kennels or cages. We estimate that the maximum employees on site at any one time would be 15, and that this business would bring more jobs than that to the City.

Parking areas will likely be divided between customer parking and staff parking with parking sufficient to meet the Code's requirements.

Please let us know if there is other or further information we should provide. We expect to be in touch shortly when Jahnke & Jahnke has been out to the site. We acknowledge and understand the scope of the applications we have made and the requirements for further City approvals including for the certified survey map, site plan, architectural plans and the like. We look forward to taking this first step and then continuing to work through the remainder of the process.

Very truly yours,



Daniel J. Habeck

DJH:mw

Enclosures

cc: Bryan Majewski (via email only) (w/ enclosures)  
Kurt Klapperich (via email only) (w/ enclosures)