

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, NOVEMBER 13, 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 Correll, Commissioner Siefert and Commissioner Chandler. Also present was Jeff Fortin Planner.

Commissioner Dickmann moved to approve the minutes of the October 23, 2012 regular Plan Commission meeting. Commissioner Michalski seconds. Roll call, all voted aye with the exception of Commissioner Correll who abstained. The minutes were approved as submitted.

**Significant Common Council Actions**

There were no comments or concerns from the Commission.

**Sign Appeal Hearing – Oak Creek Community Center  
8580 S. Howell Avenue  
Tax Key No.: 827-9014**

Mr. Fortin explained the Oak Creek Community Center was seeking a variance from Section 17.0708(c)(2), which states that ground signs in institutional and park districts shall not exceed ten 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.

Mayor Scaffidi opened the public hearing and made the first call for public comment. Mayor Scaffidi made a second call.

Mr. Rich Duchniak, 1035 E. Stone Creek Drive, explained the reasoning behind the request for variance. They were approached by the City of Oak Creek in regards to the new electronic message center and being allowed to include informational messages from the City. In the future the City will be losing its Howell Avenue sign and would like to keep its exposure on Howell Avenue. Mr. Duchniak requested a larger message center to be able to more effectively convey the messages to the community. The extra foot on the drawing allows them to go from four lines of 6" letters to four lines of 8" letters allowing for easy readability from 30-40' farther distance. The purpose of the variance is to have a sign that will more adequately convey information not only about Community Center events but about City events as well to the community.

Mayor Scaffidi made a third and final call. Hearing no additional comments or concerns Mayor Scaffidi closed the public hearing.

**Sign Appeal – Oak Creek Community Center**  
**8580 S. Howell Avenue**  
**Tax Key No.: 827-9014**

Commissioner Johnston questioned if with the addition of the changeable message sign if it would eliminate the wood post sign. Mr. Duchniak confirmed that was the case.

Commissioner Dickmann questioned if Ottawa University was going to be on the bottom where would the address be located. Mr. Duchniak stated the address panel would appear on the west end of the base and would face Howell Avenue. Commissioner Dickmann questioned if the City would be eliminating the message sign they had. Mayor Scaffidi stated eventually they would be eliminating the City's sign.

Commissioner Michalski questioned if they had a lot of signs of this size throughout the community. Mr. Fortin explained they have a few and the square footage was going to be 91 square feet on each size and if they were a business they would get 100 square feet on each. The only real difference between this and what you would see in most commercial districts is this is a foot higher. Area wise it is less than what they would allow for a business.

Commissioner Bukiewicz commented he understood the request for the variance because the City's sign is failing and this sign will also continue to serve the City even after City Hall moves.

Commissioner Bukiewicz moved that the Plan Commission approve the request for variance from Section 71.0708 (c)(2) and Section 17.0705 (g) and allow the Oak Creek Community Center located at 8580 S. Howell Avenue 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.

Commissioner Correll seconds. Roll call, all voted aye with the exception of Commissioner Siefert who abstained. The motion to approve carries.

**Certified Survey Map – Peachtree Properties (Mini Rentals)**  
**400 E. Oak Street**  
**Tax Key No.: 719-9982**

Mr. Fortin explained to the Commission the applicant was requesting approval of a 4-lot certified survey map 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 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.

Commissioner Bukiewicz questioned what would be required for additional stormwater. Commissioner Johnston stated they would be required to add stormwater ponds. Commissioner Bukiewicz questioned if there would adequate space to add a pond if needed. Commissioner Johnston explained the biggest issue would be with Lot 1. Depending on the size of the building they would have to do stormwater and get a building which would limit the options on the site.

Mr. Frank Petelinsek, 611 E. Oak Street, questioned the zoning lines and if they represented the M-1 district. Mr. Fortin stated that was the case on the north side of Oak Street. Mr. Petelinsek questioned since when do they have trucking companies using a residential street. Mr. Fortin explained the street serves both residential and manufacturing. Mr. Petelinsek questioned if there was a load limit on the street. Commissioner Johnston stated there was a load limit and the semis were allowed to go to their final destination which happens to be on Oak Street.

Mr. Petelinsek stated the trucking company on Oak Street added additional concrete and were now parking two more trucks in front. He questioned if they needed a holding pond now that they added the additional concrete. Mr. Fortin was not sure and would need to look and see the amount of impervious surface on the site.

Mr. Petelinsek questioned why the businesses on Oak Street could not enter directly from Howell Avenue. Mr. Fortin explained there was a significant grade change and the way it has been developed it would be almost impossible to have trucks enter from Howell. Mr. Petelinsek questioned if the property was in a TIF district. Mr. Fortin stated it was in a TIF but there was no development being proposed at this time, just a land division.

Mr. Petelinsek stated Oak Street was an emergency exit for the Milwaukee County Airport and with the semis and cars parked on Oak Street you can't get through. The division of this property would make it harder to police this area. He questioned if the conditions and restrictions on the buildings were still being followed. Mr. Fortin explained this in not a conditional use area but a straight M-1 zoning so there are no conditions and restrictions on these buildings. Mr. Petelinsek questioned if the one acre lot size met the zoning requirements. Mr. Fortin stated that was correct the zoning ordinance requires one acre lots with 200 feet of width.

Commissioner Correll moved 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 recoding, 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.

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

**Rezone & Conditional Use Permit – Animal Hospital/Veterinary Clinic**  
**8020 S. Howell Avenue**  
**Tax Key No.: 814-9995**

Mr. Fortin explained to the Commission the applicant was 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. Staff is encouraging them to approach the bank about using the existing access drive as an additional means of access.

Commissioner Correll expressed concern about the southern portion of the lot but was in favor of what was being proposed at this time.

Mayor Scaffidi questioned if they could restrict the use on the southern portion of the property away from restaurant. Mr. Fortin explained if someone wanted a drive-thru they would have to come through the conditional use process so it would come back for approval. A regular restaurant would be allowed at this time under the current zoning.

Commissioner Dickmann stressed he would like to see them to talk to the neighbors about using the access road to keep the traffic off of Howell Avenue if possible.

Commissioner Bukiewicz expressed concern for the south property and it not being developed and he appreciates that they have cleaned up the property and would like it to stay that way. He would not be in favor of the shared access with the bank. Mr. Fortin clarified they would have their own access off of Howell but they were looking for the additional cross access easement so customers would not need to re-enter Howell Avenue if going north to the bank or restaurant.

Mr. Kurt Klapperich, CBRE, explained how they could get another business on the south portion of the lot and still have a buffer between the neighborhoods.

Ms. Betty Kienzle, 7975 S. Wynbrook Court, requested clarification on what was going to be going on the lot. Mr. Fortin explained the animal hospital would be going on the north portion of the lot and there may be something on the south in the future. Ms. Kienzle questioned if the animal hospital required a highway business zoning. Mr. Fortin confirmed that was the case. Ms. Kienzle questioned if it was rezoned to highway business would the City have any power to say they don't want the next

business that comes forward. Mr. Fortin explained the difference between the B-4 and B-2 zoning. The B-4 zoning expands the conditional uses that people can apply for. Anything that would cause a negative impact such as a restaurant with a drive-thru or an auto repair shop would need a conditional use permit before being allowed to move forward. A restaurant would be allowed under the current zoning. Ms. Kienzle questioned what would happen if the animal hospital changed their mind and did not build would the site go back to the B-2 zoning. Mr. Fortin explained the conditional use permit would have an expiration date and the underlying property would be zoned B-4; however the City would have the opportunity to rezone it back after a public hearing if that is the way the Council wanted to go with the zoning.

Commissioner Dickmann moved 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 veterinary clinic be issued, after a public hearing.

Commissioner Siepert 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 6:52 p.m.