



PLAN COMMISSION

June 9, 2020

6:00 P.M.

Common Council Chambers

8040 S. 6TH Street
Oak Creek, WI 53154
(414) 766-7000

Daniel Bukiewicz - Chair
Dawn Carrillo
Chaucey Chandler
Donald Oldani
Chris Guzikowski
Matt Sullivan
Gregory Loreck
Fred Siepert
Christine Hanna
Vacant - ex-officio
Doug Seymour - ex-officio

The City's Vision

Oak Creek: A dynamic regional leader, connected to our community, driving the future of the south shore.

IMPORTANT NOTICE

Public meetings will be held by video/phone conference only due to the continuing response to COVID-19. Persons wishing to participate in the video conference, including applicants and their representatives, must register via <http://ocwi.org/register> prior to the meeting. The video conference will begin at 5:55 PM to allow participants to log in.

Attendees who wish to participate by phone may do so by calling the City Hall, (414) 766-7000, before 4:00 PM on the day of the meeting (June 9, 2020) to obtain a meeting call-in number. To make a public comment, press *9 on your phone. The conference moderator will state when your line has been unmuted.

Persons who wish to view the meeting live without participating may visit the City of Oak Creek YouTube page at <http://ocwi.org/livestream>.

Persons requiring other reasonable accommodations may contact the City at 414-766-7000. Requests should be made as far in advance as possible, preferably a minimum of 48 hours.

Find more information on agenda items at oakcreek.zoninghub.com.

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes – May 26, 2020
4. Significant Common Council Actions
5. New Business
 - a. CONDITIONS AND RESTRICTIONS – Review conditions and restrictions for a request submitted by Sherif Hamdia, Apex Motorwerks, for a Conditional Use Permit for automotive sales

Visit our website at www.oakcreekwi.org for the agenda and accompanying Plan Commission reports.

and service within the existing commercial building on the property at 8041 S. 13th St. (Tax Key No. 811-9007-000).

ZoningHub: <https://s.zoninghub.com/CQBJWJ63LE>; Twitter @OakCreekPC#OCPCApex

- b. SIGN PLAN REVIEW – Review a proposed sign plan submitted by Michael Kort, Tropikort LLC, for the Tropical Smoothie Cafe tenant space in the multitenant commercial building at 7940 S. 6th St. (Tax Key No. 813-9054-000).

ZoningHub: <https://s.zoninghub.com/NLXO8LMCOL>; Twitter @OakCreekPC#OCPCSmoothie

Adjournment.

Dated this 3rd day of June, 2020

Posted 6-3-2020 JF

Public Notice

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 766-7000, by fax at 766-7976, or by writing to the ADA Coordinator at the Oak Creek Health Department, 8040 S. 6th Street, Oak Creek, Wisconsin 53154.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, May 26, 2020**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Alderman Guzikowski was excused. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; Assistant Fire Chief Mike Havey. IT Manager, Kevin Koenig, facilitated the video conference.

Planner Papelbon read the following into the record:

The City of Oak Creek is authorized to hold this public meeting remotely during the COVID-19 public health emergency under the March 16 and March 20 advisories from the Office of Open Government in the Wisconsin Department of Justice and subsequent Common Council approvals. Per the advisories and approvals, this meeting being conducted via Zoom video conference with telephone conferencing capabilities was duly noticed per the City of Oak Creek Municipal Code and Statutory notice requirements more than 24 hours in advance of the meeting. Members of the public have been advised of the options for participation via direct mailing to property owners within 300 feet of a proposal, via the COVID-19 information page on the City's website, via social media, and via the information contained on the meeting agenda. This meeting may also be viewed at the City's YouTube page, the link for which was contained in all aforementioned notice methods. The meeting recording will also be accessible on the City's YouTube page within 48 hours.

Plan Commissioners and participants are initially muted upon joining the meeting. Plan Commissioners and staff have the ability to mute and unmute their microphones throughout the meeting. Please mute at all times except for roll call, motions, voting, and when recognized by the Chair. Roll call and voting will occur per the usual and customary procedure, starting from Plan Commissioner seating positions south to north in the Common Council Chambers (e.g., Hanna, Sullivan, Carrillo, Loreck, Bukiewicz, Guzikowski, Oldani, Siepert, Chandler). The Chair will facilitate questions and comments by calling on each Plan Commissioner, or by requesting the use of the "raise hand" function in the Zoom webinar control panel. Only speak once you have been recognized by the Chair or moderator.

Applicants, their representatives, and all other participants who wish to speak will be unmuted

- When there is a direct request for information from the Plan Commission or staff;
- When the participant utilizes the "raise hand" function within the Zoom webinar control panel, and the moderator verbally indicates that they are unmuted;
- When a phone participant dials *9 to indicate they wish to speak, and the moderator verbally indicates that their line is open.

When unmuted, all participants must state their name and address for the record, then proceed with comments or questions.

Questions and comments may also be entered into the Q&A function within the Zoom webinar control panel. Staff and/or the moderator will monitor this function during the meeting, and provide the information requested. There shall be no private messages or side conversations during the

meeting utilizing the chat or Q&A functions. Chat and Q&A messages are part of the public record.

Minutes of the May 12, 2020 meeting

Commissioner Siepert moved to approve the minutes of the May 12, 2020 meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

REZONE

**DAVID KANE, NORTH SHORE BANK
200 W. DREXEL AVENUE
TAX KEY NO. 782-9040-000**

Planner Papelbon provided an overview of the request to allow the rezone of this property from M-1, Manufacturing to B-2, Community Business (see staff report for details).

Alderman Loreck asked if this will be a North Shore Bank branch.

Eric Neumann, MSI General, PO Box 7, Oconomowoc, WI, representing the proposal, responded “that is the intention of the plans and schematics we are submitting.”

Commissioner Sullivan stated that the applicant should continue to work with Engineering in regards to the floodplain and other stormwater management practices that will be required.

Mr. Neumann responded “we have met with them and we understand the challenges.”

Alderman Loreck moved that the Plan Commission recommends to the Common Council that the property at 200 W. Drexel be rezoned from M1, Manufacturing to B-2, Community Business, (NO CHANGE to C1, Shortland Wetland Conservancy District), and incorporating revisions to this Special Flood Hazard Area as approved by FEMA after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Alderman Guzikowski was absent. Motion carried.

TEMPORARY USE

**LAUREN CARAVELLO, TREE-RIPE FRUIT COMPANY
501 W RAWSON AVENUE
TAX KEY NO. 765-9046-000**

Planner Papelbon provided an overview of the request for a Temporary Use Permit for the temporary sale of produce in the parking lot (see staff report for details).

Tiernan Paine, 636 N. 99th Street, Wauwatosa, WI, representing Tree-Ripe Fruit Company, stated the days of operation are June 20, 2020 and July 18, 2020 from 9:00 AM to 10:30 AM. Mr. Paine indicated that they would start earlier, at 8:30 AM, to help prevent long lines.

Commissioner Carrillo stated that the City has Covid-19 guidelines for the City Farmers Market and traffic flow. She asked whether these rules were being followed when selling products for the request.

Mayor Bukiewicz stated that the City does have the authority to provide guidelines and traffic flow for Tree-Ripe Fruit Company.

Commissioner Carrillo asked if they will be following the guidelines that were set for the City's Farmer's Market.

Mr. Paine responded that they can set the expected rules, traffic flow, and things of that nature. He stated that they are happy to follow the Farmer's Market guidelines.

Mayor Bukiewicz asked if people can place phone orders, or by the internet, and when they pick up their items, will they exit their car or will somebody approach the car and complete a credit card transaction and then load the car.

Mr. Paine responded that there are no provisions for ordering ahead of time. We expect people to queue and we'll be directing them as far as social distancing. Someone is assigned to traffic, and we do have a table which is three-and-a-half to four feet that is a barrier from staff and the customer. We use a Square terminal, so the customer can process their payment directly into the terminal. We are able to sanitize between transactions. Customers may be in contact with a couple of customers before and after them, as well as at the counter. If someone needs car service, we made it available to call in an order but we don't recommend it.

Planner Papelbon responded that she spoke with the City Sanitarian, and he provided the Farmer's Market guidelines for this particular operation.

Commissioner Carrillo asked if there is any way to provide car load, drive-up and pay at the window to help avoid the customers waiting in line.

Mr. Paine responded that this was considered, and would be difficult to execute and keep social distancing. We anticipate starting 30 to 45 minutes before [the start time advertised] to keep the lines down. We don't see a way to just provide car service.

Alderman Loreck asked if the printed material has 9:00 to 10:30, but the applicant is now requesting sales from 8:30 to 11:00.

Mr. Paine responded in the affirmative, and stated that they need set up time and are asking the window to be from 8:30 to 10:30.

Alderman Loreck asked whether there was any thought to go longer because the Staff Report states 8:00 AM to 5:00 PM.

Mr. Paine responded no, we will not be going longer than the 2 hours, that was oversight on our part.

Commissioner Siepert commented that he would prefer to see this at the City's Farmers Market.

Commissioner Chandler commented that they [the Applicant] have precautions in place. She asked how the Applicant would handle 200 customers in one-and-a-half hours and keep them safe.

Mr. Paine responded the time the customer is there is short. We'll have someone who will be vocalizing any direction that is needed, marking spots for social distancing with temporary chalk, providing signage, as well directing customers. Our precautions are listed in our marketing and brochure. We provided our policy with our submission, so that will provide you with the additional information you may need.

Commissioner Chandler stated the process will be the same for placed orders and pick up orders. She asked for the reasoning for opting out of call-in service or time set service.

Mr. Paine responded that a pre-order system would overwhelm staff. We do the same type of sales in about 200 municipalities, and we have more than 100,000 customers in the Midwest. We are in the process of developing a custom e-commerce website that would allow for pre-orders. Unfortunately, it wasn't done in time for this this summer season. Given our customers and our staff, we feel very confident that we can expedite orders and move quickly and keep lines down. I know we put the number in of 200, and that would be, I think, at the outermost limit. Over a two-hour period, you know - typically we work very fast at all of our locations, but at this location, in my experience being there - and I've been there quite a number of times - I think that we probably have been maybe 30 people in line at any one time, and that's really trying to cram all the sales into a one-and-a-half-hour window. So, if we can spread that out over the entire two-hour period, we feel like we can we can keep people safe and not interacting with other people. And it is open-air, so we feel like that kind of works in our favor, too.

Mayor Bukiewicz commented the best thing we can do because of Covid-19 is have a written plan and follow the City's Farmer's Market guidelines. He stated his support for finding a way to make this work, but asked the Applicant to work with the City Health Sanitarian to find the best protective means, mask your people, set a good example. He stated his agreement with Commissioner Siepert's comment that this should be part of our City's Farmer's Market. Mayor Bukiewicz asked whether the trucks used are refrigerated trucks or just semi-trailers.

Mr. Paine responded that they are refrigerated trucks. We have always been fully-compliant, and we are licensed by the USDA. We work with the state, many municipalities, and health departments. We are not a local grower, but we don't compete with local growers because there aren't local peach growers. It's up to the City's Farmer's Market Director or Board. We would love to discuss being a part of the City's Farmer's Market.

Mayor Bukiewicz recommended considering becoming part of the City's Farmer's Market for the following year, which would require following the same rules and guidelines. This would be helpful in a situation like Covid-19. Mayor Bukiewicz directed the Applicant to work with the City Sanitarian on the Covid-19 guidelines.

Alderman Loreck moved that the Plan Commission approves the Temporary Use Permit for outdoor produce sales within the Farm & Fleet parking lot at 501 W. Rawson Avenue with the following conditions:

1. That all operations are conducted in accordance with applicable federal, state, county, and local orders and policies regarding COVID-19.
2. That sales are limited to one (1) commercial vehicle and surrounding area necessary for the safe and effective operation in accordance with Condition 1 above.
3. That the sale of produce is limited to June 20, 2020 and July 18, 2020.
4. That sales shall occur between the hours of 8:30 AM and 11:00 AM.

Commissioner Oldani seconded. On roll call: all voted aye, except Commissioners Hanna and Chandler, who voted no. Motion carried.

**CONDITIONAL USE
SHERIF HAMDIA, APEX MOTORWERKS
8041 S. 13TH STREET
TAX KEY NO. 811-9007-000**

Planner Papelbon provided an overview of the request for a Conditional Use Permit for automotive sales and service within the existing commercial building (see staff report for details).

Ben Hamdia, Apex Motorwerks, 8041 S. 13th St., Oak Creek, WI 53154, stated a willingness to modify hours or anything else “so that we can get this going.”

Commissioner Chandler stated this is close to a residential area. She asked the Applicant how they plan to buffer the outside storage of cars, along with the different noises with modifications and customization of cars.

Mr. Hamdia responded that Apex Motorwerks installs spoilers or wheel, tire and suspension packages. For engines, as in the case of exhaust, will be all DOT legal. Our noise is not expected to be much since the work is being done inside. We don't see a need for buffering. A lot of our service will be done by appointments. If extra storage is needed for customer projects, we have a 14,000 square-foot facility at 4866 S. 13th St. (outside the City). This storage can fit about 75 cars indoors. We don't want any vehicles at the site in Oak Creek if not needed. The storage we would use are for the pre-bought cars for customers, and extra slots for the cars we obtain through auctions. Our staff isn't large and they are very skilled.

Commissioner Chandler asked whether the Applicant will be using just one slot to display vehicles even though the plans show six.

Mr. Hamdia responded that they would like to have the extra spots there if cars are obtained for stock. We want the cars there ready for when our customer arrives to pick them up.

Commissioner Chandler asked if they will or will not have a buffer for the residential area.

Ben Hamdia responded that they do not plan to have a buffer for the residential area. We won't have late night business, which would be loud or bright. We don't see the need for the buffer, but obviously we're willing to work with anything that you suggest and the landlord, it's their property.

Commissioner Chandler asked the Applicant to clarify what will be stored outside.

Mr. Hamdia responded that the spots are for cars, and there might be two cars or seven, including the employees. There will be customer cars dropped off for repair or to be modified, cars for sale, or pre-purchased cars for customers. Anything that's going to be [stored] over 24 hours for a modification will be stored indoors.

Commissioner Chandler asked Planner Papelbon to clarify the proposed and required parking.

Planner Papelbon responded that the plans show customer and employee parking. Assuming four employees would ever be onsite at a given time, 9 stalls exclusive of the stalls for vehicle display would be required. She clarified that maintenance, servicing or repair of automotive engines, power train, suspension and exhaust system on vehicles with a gross vehicle weight of 10,000 pounds or less is excluded from allowed uses in the B-4 District. Those types of services are only allowed in the M-1 District.

Mr. Hamdia stated that the services provided are air ride suspension. We do not do machining, machine work, repair work, no painting and no frame work. We are aware of the DOT laws and further zoning. A majority of our customers get custom wheels, front lips and rear spoilers - no painting, obviously no frame work. Interior modifications like racing seats or custom interiors may have cause for some exterior bits, but everything comes pre-painted. About 99.9% is stuff that is bolted. The exhaust is solid installations like custom exhaust tips. We will also be doing engine tuning which is DOT legal and done with a laptop connected to the car.

Commissioner Chandler asked for the need to have nine spaces which is inclusive of customer and employee parking.

Mr. Hamdia stated that staff employee parking is 2 stalls, and the other 2 employees are part-time. One will be for inspections and one for disabled parking, 2 spots for customers, 3 spots for service, and 6 spots for the vehicles for sale.

Commissioner Siefert asked whether the Applicant plans to upgrade the exterior of the building.

Mr. Hamdia responded yes, around the windows, the garage door, the canopy, and the trim work will be refreshed. Inside we plan on doing a full remodel of the building - no structural work.

Commissioner Siefert asked what type of signage will be provided.

Mr. Hamdia stated that the plan is to use the previous company's sign in the current location, but updating it with our logo and website. We do not plan on installing additional signage.

Commissioner Oldani stated the Location Map reflects a larger area with the building to the back of the parking lot. Are there plans for that to be part of your lease?

Mr. Hamdia stated that is the landlord's storage. We will only be using the front of the building - what is circled in white - and the parking lot.

Commissioner Oldani asked if the Applicant will be using any of the parking in the back of the building.

Mr. Hamdia stated that there is no plan to use any of that parking in the back. We have that large facility on 13th Street for storage. The landlord gave us that option, but we do not plan on using it. We will only be using the dumpster back there.

Commission Oldani asked whether it is an option to use.

Mr. Hamdia stated that the company is really small. If we needed, we could acquire additional land, but with our budget, we don't foresee the need. Our showroom is 2,000 square feet and our service area is over 1,000 square feet.

Commissioner Oldani asked Planner Papelbon to clarify the surrounding uses and potential future uses in the area.

Planner Papelbon stated that the 2 parcels that have existing commercial buildings are owned by one entity. These are the only parcels zoned commercial within a residential zone. The Comprehensive Plan calls for the entire area to be redeveloped at some point in the next 20 years as residential.

Commissioner Oldani stated he likes this idea of this type of business. If they are leasing, and they are not the owners, the subject of this being future residential doesn't seem to be of any concern.

Alderman Loreck stated that the Applicant reached out to him, and at that time he liked and supported this idea. Since then, he has heard from 2 residents in the area that brought up some concerns. Alderman Loreck stated that there have to be items included in the conditions and restrictions, such as limiting hours of operation, whether cars are left outside at night, how bright the lights will be compared to what is existing. He asked whether there any plans to update the lighting.

Mr. Hamdia responded that they do not plan to change the lighting. They feel the existing lighting is sufficient. If there was not enough lighting to look at a car, they can pull it into the building to view. They are willing, if needed, to adjust their hours.

Alderman Loreck stated the hours of operations seems to be normal business hours. He asked whether the doors will be open with pneumatics tools going off all day - will that noise travel outside the area - or closed.

Mr. Hamdia stated that they have required interior heat and air conditioning, so they would not be opening the doors. With doors closed you will not hear much. The service bay is in the middle of the building, and it is not close to the road, so you that should not hear noises.

Alderman Loreck asked Planner Papelbon about City concerns or liability for damaged or undesirable vehicles left outside.

Mr. Hamdia stated that if it's an expensive car, it will not be staying overnight. We would store it at our other facility or inside.

Planner Papelbon responded that the City cannot regulate what types of vehicles they are working on or sell. From a zoning perspective, this as an automobile service and sales facility. From the concerns raised in the staff report, staff do not feel this is an appropriate use for this area. If the Plan Commission recommends this be approved at the Common Council level, staff would recommend that the Conditions and Restrictions address these and resident concerns. If there are exterior modifications to the building, those would require Plan Commission review and approval.

Mr. Hamdia stated that the plan is to clean up some of the trim, and the awning is very old. We have to return to the original condition. Also, we are not a huge dealership like on 27th St. We are a niche market and do not foresee a lot of traffic. Our clients are very busy, so we will do drop-off and pick-up for cars. We will work with the City and do what ever is needed. We are a niche shop, catering to a certain demographic. This should bring luxury clientele to Oak Creek.

Commissioner Carrillo stated she had patronized the former Jazzercise facility in this building, and the parking lot was very dark. She did not recall if there was any external lighting, and stated that the lighting could have changed since, but the way the parking is set up, it is difficult to see and maneuver at night.

Mr. Hamdia agreed with Commissioner Carrillo's comments, and stated that they are not using those parking spaces (angled on south) for ourselves. We are not using that front access. Every parking spot will be professionally marked.

Commissioner Hanna stated that she agrees with Planner Papelbon. She is not concerned if these are high-end or low-end cars - it is a vehicle shop. Regardless, I do not think this should be in a residential area.

Mayor Bukiewicz asked if Assistant Fire Chief Mike Havey and the Fire Department have any concerns.

Assistant Chief Havey stated that there are similar concerns as to those Planner Papelbon mentioned with the code compliance for automotive and body shop work. Those issues stand out, and also the scope of the work. Is there grinding, cutting, torching or storage of hazardous material on the site? If so, there are concerns for the collection and disposal of those materials. All of these are concerns because the scope of work is unknown.

Mayor Bukiewicz asked if the Applicant can shed some light on the hazardous materials, grinding, cutting, and torching.

Mr. Hamdia stated that fluids will be collected and disposed by contract companies. We are not doing any torching or welding at all. We will have fluids in stock in our Parts Department to sell, but those fluids will not be used in the shop. The small percentage of work that is not the bolt-on type would be computer and engine work. It is not doing fuel pumps and things like that. We do not do it, but will refer them to another shop.

Mayor Bukiewicz asked if they will be taking the south end of the building.

Mr. Hamdia responded no, there is a new vitamin shop there. With our type of business, we feel we will be there awhile, and if in the future we can expand, we would like to build our own building in the Milwaukee/Oak Creek area. We have the 13th Street storage, and we also have some on 6th and Drexel. We are not planning on using the Drexel place for this project. For this property, we don't want to have anything there that shouldn't be there.

Mayor Bukiewicz stated that the building does need some updates, and that he is not opposed to the parking because this is a very niche market. It's going to be people looking for specific vehicles. I don't think the noise is going to affect the neighbors. The lighting needs to be respectful for the neighbors. Planner Papelbon mentioned the Conditional Use will go along with the lease. Mayor Bukiewicz asked the Applicant for the length of the lease term.

Mr. Hamdia stated that they have a 10-year lease, but the option to renew is at 5 years.

Mayor Bukiewicz asked Planner Papelbon to clarify the customary effective timeframe for Conditional Use Permits.

Planner Papelbon responded that Conditional Use Permit limitations have been for 3, 5 and 10 years. As far as this turning into a residential neighborhood, it is already a residential neighborhood, which is why it was listed as such in the Comprehensive Plan. We can't tell the Applicant what type of vehicles they can work on or sell, so what we need to determine is whether this use is appropriate for this parcel. In regards to the exterior of the building, we need the Applicant to provide us with some conceptual plans prior to submitting for a building permit to determine whether the changes need Plan Commission review. As far as lease time, staff will discuss and include a recommendation in the Conditions and Restrictions.

Commissioner Oldani stated that this is car service - we don't know when it will become residential, and if they [Apex Motorwerks] do not go in, who will or will it just remain vacant?

Commissioner Siefert agreed with Commissioner Oldani. I would hate to see this as vacant unless the owner plans to tear this building down.

Mayor Bukiewicz stated that if we do the motion, please be clear on the Conditions and Restrictions for hours of operations, lighting. Am I stating this right?

Planner Papelbon clarified that the motion is just for recommendation of Common Council approval for the Conditional Use Permit. Staff will draft Conditions and Restrictions for review at the next Plan Commission meeting. Those Conditions and Restrictions will incorporate lighting, hours, exterior updates, signage, and parking requirements.

Alderman Loreck stated that he did hear from 2 residents, and that he anticipates more if these proceeds. Am I correct in that at the next Common Council meeting there will be the public hearing?

Planner Papelbon stated that the Conditions and Restrictions will be reviewed at the June 9, 2020 Plan Commission meeting. The public hearing before the Common Council will be scheduled following that meeting. Residents will have an opportunity to participate in the public hearing.

Alderman Loreck stated that if this proceeds, he would like to see stricter Conditions and Restrictions.

Commissioner Oldani moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for automotive sales and service within a portion of the existing commercial building on the property at 8041 S 13th Street., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (June 9, 2020). Alderman Loreck seconded. On roll call: all voted aye, except Commissioner Hanna and Commissioner Chandler, who voted no. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Siefert seconded. On roll call: all voted aye. The meeting was adjourned at 7:56 p.m.

ATTEST:

Douglas Seymour, Plan Commission Secretary

6-2-20

Date

Summary of Significant Common Council Actions

June 2, 2020

- **APPROVED** Ordinance No. 2975, approving a Conditional Use Permit for freight yard / freight terminal / trans-shipment depot facilities in the multi-tenant building on the property at 10650 S. Oakview Parkway.
- **APPROVED** Ordinance No. 2976, amending Ordinance No. 2973 to correct typographical errors regarding the original zoning district.



Kari Papelbon, CFM, AICP
Planner



PLAN COMMISSION REPORT

Proposal: Conditions and Restrictions – Apex Motorwerks

Description: Review draft Conditions and Restrictions for a Conditional Use Permit for automotive sales and service within a portion of the existing commercial building at 8041 S. 13th St.

Applicant(s): Sharif Hamdia, Apex Motorwerks

Address(es): 8041 S. 13th St.

Suggested Motion: That the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for automotive sales and service within a portion of the existing commercial building on the property at 8041 S. 13th St. after a public hearing.

Owner(s): Douglas C. Mayr & Greg W. Mayr

Tax Key(s): 811-9007-000

Lot Size(s): 1.037 ac

Current Zoning District(s): B-4, Highway Business

Overlay District(s): N/A

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Single Family Detached

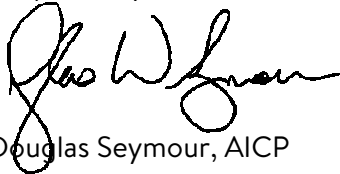
Background:

At the May 26, 2020 meeting, the Plan Commission recommended approval of a Conditional Use Permit for automotive sales and service within a portion of the existing commercial building at 8041 S. 13th St. Staff has prepared draft Conditions and Restrictions for the Commission’s review. If the Commission is comfortable with the Conditions and Restrictions, the appropriate action would be to recommend that the Common Council approve them as part of the Conditional Use Permit.

The adopted Comprehensive Plan advises that the City consider the development of retrofit standards to ensure appropriate reinvestment in existing industrial and commercial properties as uses change. These proposed Conditions and Restrictions incorporate language requiring the Applicant to make improvements to the property (e.g., landscaping, lighting, signage) to bring this property closer to compliance with current commercial standards.

Options/Alternatives: The Plan Commission has the discretion to recommend Common Council approval of, or require modifications to, the draft Conditions and Restrictions.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP
Planner

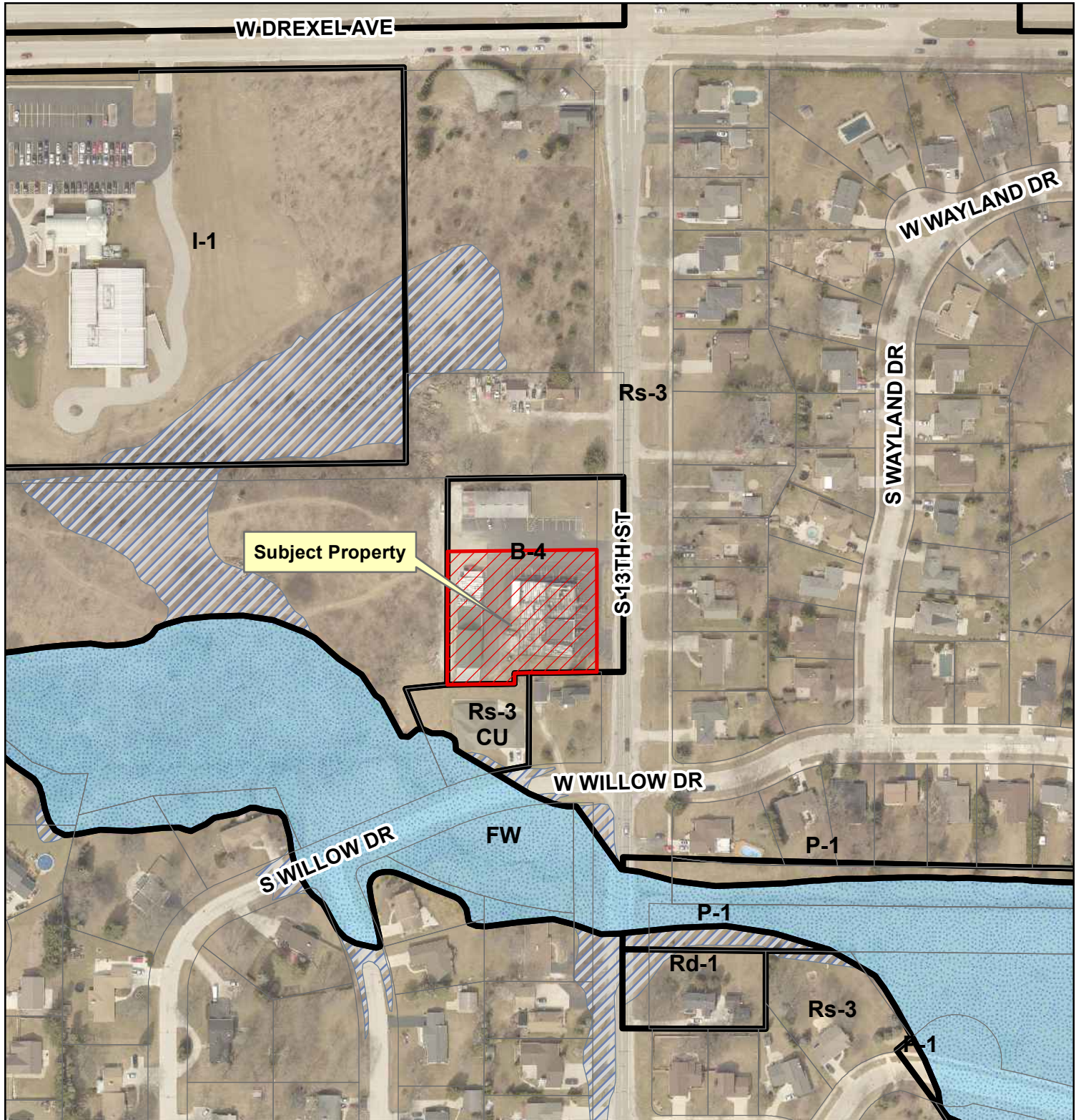
Attachments:

Location Map

Draft Conditions and Restrictions (6 pages)

Location Map

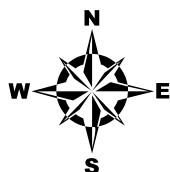
8041 S. 13th St.



This map is not a survey of the actual boundary of any property this map depicts.



Department of Community Development



Legend	
	8041 S. 13th St.
	Flood Fringe 2008
	Floodway 2008

**City of Oak Creek – Conditional Use Permit (CUP)
Conditions and Restrictions**

Applicant: Apex Motorwerks
Property Address: 8041 S. 13th St.
Tax Key Number(s): 811-9007-000
Conditional Use: Automotive sales and service

Approved by Plan Commission: TBD
Approved by Common Council: TBD
(Ord. TBD)

1. LEGAL DESCRIPTION

CSM NO. 3119 PARCEL 2 EXC THE E 7 FT FOR STREET NE 1/4 SEC. 18-5-22 CONT. 1.037 ACS.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees
 - iii) Number of all parking spaces
 - iv) Dimensions
 - v) Setbacks
- h) Location(s) of loading berth(s)
 - i) Location of sanitary sewer (existing & proposed)
 - j) Location of water (existing & proposed)
 - k) Location of storm sewer (existing & proposed)
 - l) Location(s) of outdoor display area(s), if permitted
 - m) Location(s) of wetlands (field verified)
 - n) Location(s) and details of sign(s)
 - n) Location(s) and details of proposed fences/gates

2) **Landscape Plan**

- a) Screening plan, including parking lot / truck parking screening/berming
- b) Number, initial & mature sizes, and types of plantings
- c) Percentage open/green space

3) **Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Building floor plans (w/dimensions)
- c) Materials of construction (including colors)

4) **Lighting Plan**

- a) Types & color of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

5) **Grading, Drainage and Stormwater Management Plan**

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction
- d) Materials to be stored (interior & exterior)

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building or occupancy permit. **This may include retrofitting the area impacted by the Conditional Use to better reflect current architectural requirements.**

- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of

any building permits.

- E. A landscaping plan must be submitted for review and approval by the Plan Commission prior to the issuance of a building or occupancy permit. Landscaping, in accordance with the approved plan must be in place prior to the issuance of an occupancy permit.
- F. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- G. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. One (1) automotive sales & service facility for Apex Motorwerks in accordance with these Conditions and Restrictions is allowed on the property. Other uses allowed on this property shall be limited to those allowed by the B-4, Highway Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. Automotive sales and service includes “the display and sale of new or used automobiles, pickup trucks or vans, lawn and garden implements, trailers, boats, or other recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.” The following are prohibited:
 - 1. Automotive Body Repair - Activities involving the repair, painting or undercoating of the body or frame of vehicles with a gross vehicle weight of 10,000 pounds or less.
 - 2. Automotive Mechanical Repair - Activities involving the maintenance, servicing or repair of automotive engines, power train, suspension and exhaust system on vehicles with a gross vehicle weight of 10,000 pounds or less.
- C. Hours of operation shall be in accordance with the following:

	Monday – Friday	Saturday	Sunday
Office, Sales, & Showroom	9:00 AM – 8:00 PM	9:00 AM – 7:00 PM	None
Service & Parts	9:00 AM – 8:00 PM	9:00 AM – 7:00 PM	None

- D. There shall be no outdoor storage of equipment, junk/unlicensed/non-inventory vehicles, non-operational (except those actively being serviced) vehicles, parts, supplies, or any other materials. Outdoor storage shall be limited to the following:
 - 1. Areas for the display of inventory vehicles for sale in designated and striped stalls as approved by the Plan Commission.
 - 2. The temporary parking of vehicles actively being serviced.
 - i. These vehicles shall be located in designated & striped stalls as approved by the Plan Commission.
 - ii. Storage of non-inventory vehicles for sale (e.g., those vehicles actively being serviced)

shall not exceed fifteen (15) days.

- E. There shall be no storage of flammable or hazardous materials except those minimum quantities necessary for the operation of the permitted principal use. All materials shall be stored inside the building or in an area approved by the Plan Commission and Fire Department.
- F. No pole signs, pennant flags, light pole flags, permanent banners, or flashing/blinking signs shall be permitted as part of this development. All proposed signs shall be reviewed and approved by the Plan Commission prior to issuance of permits. **This may include retrofitting the area impacted by the Conditional Use to address current signage requirements.**
- G. All parking areas shall be striped and landscaped in accordance with approved site plans and applicable Codes. **This may include retrofitting the area impacted by the Conditional Use to address current landscaping requirements.**
- H. Any change to the occupancy of the site or building shall conform to all Building, Fire, and Municipal Code requirements (as amended).
- I. Solid waste collection and recycling shall be the responsibility of the owner.
- J. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

- A. Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and these Conditions and Restrictions (see Section 3 above).
- B. Access to S. 13th St. (CTH V) in accordance with executed agreements and access management plans is subject to the review and approval of Milwaukee County. Any approvals modifying the existing access shall be provided to the City prior to the issuance of any building permits.

5. LIGHTING

All plans for new **or replacement** outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Section 17.0808 of the Municipal Code (as amended).

6. **BUILDING AND PARKING SETBACKS***

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure(s)	25 ft	25 ft	15 ft
Accessory Structure(s)*	25 ft	See Section 17.0315(f)(4)	See Section 17.0315(f)(4)
Off-street Parking**	10 ft	5 ft	5 ft

**No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards.*

***This property borders a single-family residential district line. Buffer yards in accordance with Section 17.0205(d) as amended are required.*

7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the ordinance if building or occupancy permits have not been issued for this use.

8. DURATION AND ASSIGNMENT OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to five (5) years from the date of issuance of the Conditional Use Permit or the term of the lease with Apex Motorwerks, whichever is less. Apex Motorwerks, with the consent of the property owner, may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended). At such time Apex Motorwerks ceases operations at the property, this Conditional Use Permit shall expire.

9. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

10. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use Permit is convicted of two or more violations of these Conditions and Restrictions or any other municipal ordinances within any 12-month period, the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of Paragraph 11 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City ordinances.

11. REVOCAION

Should an applicant, their heirs, successors or assigns, fail to comply with the Conditions and Restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

12. ACKNOWLEDGEMENT

The approval and execution of these Conditions and Restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these Conditions and Restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns subject to Paragraph 8 above.

Owner / Authorized Representative Signature

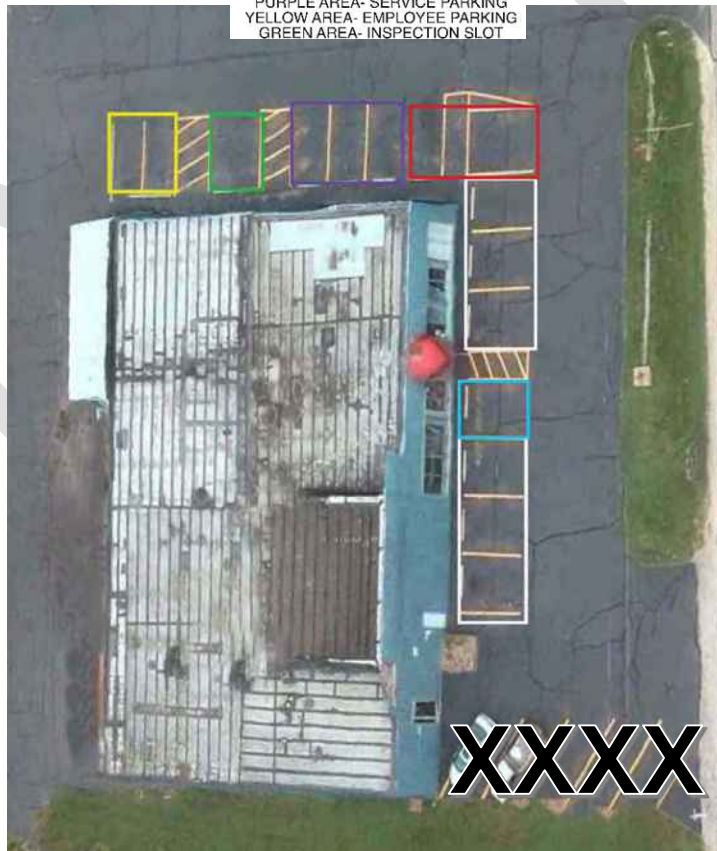
Date

(please print name)

EXHIBIT A: SITE PLAN & PARKING / VEHICLE DISPLAY AREAS



WHITE AREA- SALE CARS
 BLUE AREA- HANDI-CAP PARKING
 RED AREA- VISITOR PARKING
 PURPLE AREA- SERVICE PARKING
 YELLOW AREA- EMPLOYEE PARKING
 GREEN AREA- INSPECTION SLOT





PLAN COMMISSION REPORT

Proposal: Sign Plan Review – Tropical Smoothie Café

Description: Review a proposed sign plan for the Tropical Smoothie Café tenant space located at 7940 S. 6th St.

Applicant(s): Michael Kort, Tropikort, LLC

Address(es): 7940 S. 6th St.

Suggested Motion: That the Plan Commission approves the sign plans submitted by Michael Kort, Tropikort, LLC, for the Tropical Smoothie Café tenant space located at 7940 S. 6th St.

Owner(s): MD2 Oak Creek-MD, LLC

Tax Key(s): 813-9054-000

Lot Size(s): 1.489 ac

Current Zoning District(s): DTSMUPDD

Overlay District(s): CU

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Mixed Use

Background:

The Applicant is requesting sign plan approval for wall signs on the Tropical Smoothie Café tenant space in the existing multitenant building located at 7940 S. 6th St. All signage within Drexel Town Square (DTS) requires Plan Commission approval prior to submission of permit applications. Per Appendix B, Section B of the DTS General Development Plan and Regulating Plan (“DTS Plan”), the following signs are allowed:

- One (1) primary sign per entry façade per tenant.
- One to two flag signs per entry façade (max. size fabric = 10 ft., max. size solid = 36” x 36”).

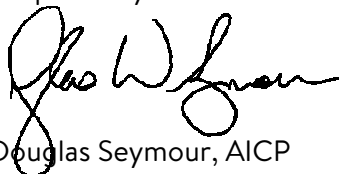
- One (1) eye-level sign/graphic per 12 linear feet of entry façade, covering no more than 10% of the glass.
- Maximum height of primary signage = 15% of retail floor height.
- Tenants located along Drexel Ave. or Howell Ave. may have one (1) additional wall sign facing either street (special condition façade).

Plan Commissioners may recall that the Master Sign Plan for this building was amended in December of 2019 to incorporate the signs for a fifth tenant, which became Tropical Smoothie Café. The approved Master Sign Plan allows tenants to have one (1) wall sign on the south (entry) elevation, and one (1) wall sign on the north (special condition façade) elevation. Each sign must not exceed 75% of the linear frontage of the leased tenant space (up to a max. of 30 feet), and cannot be any taller than 15% of the retail floor height (up to a max. of 2' 6"). A copy of the approved Master Sign Plan is included with this report for reference.

The proposal includes one (1) 24.8" x 117" (20.15 sf) wall sign on the south elevation (entry façade) and one (1) 24.8" x 117" (20.15 sf) wall sign on the north elevation (special condition facade). Both signs are currently installed on the building. Each sign as proposed is compliant with the Master Sign Plan and the DTS Plan. Plan Commissioners will note that the proposed sign package does not include eye-level window signs. Should the Applicant wish to add window signs to the tenant space, approval by the Plan Commission in accordance with the approved Master Sign Plan and DTS Plan will be required.

Options/Alternatives: The Plan Commission has the discretion to approve or disapprove of the plans as presented, approve with specified conditions, or disapprove the proposal. Should the request not be approved, Plan Commissioners must provide the Code Sections upon which the denial is based so that the Applicant may revise and resubmit (if necessary).

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:

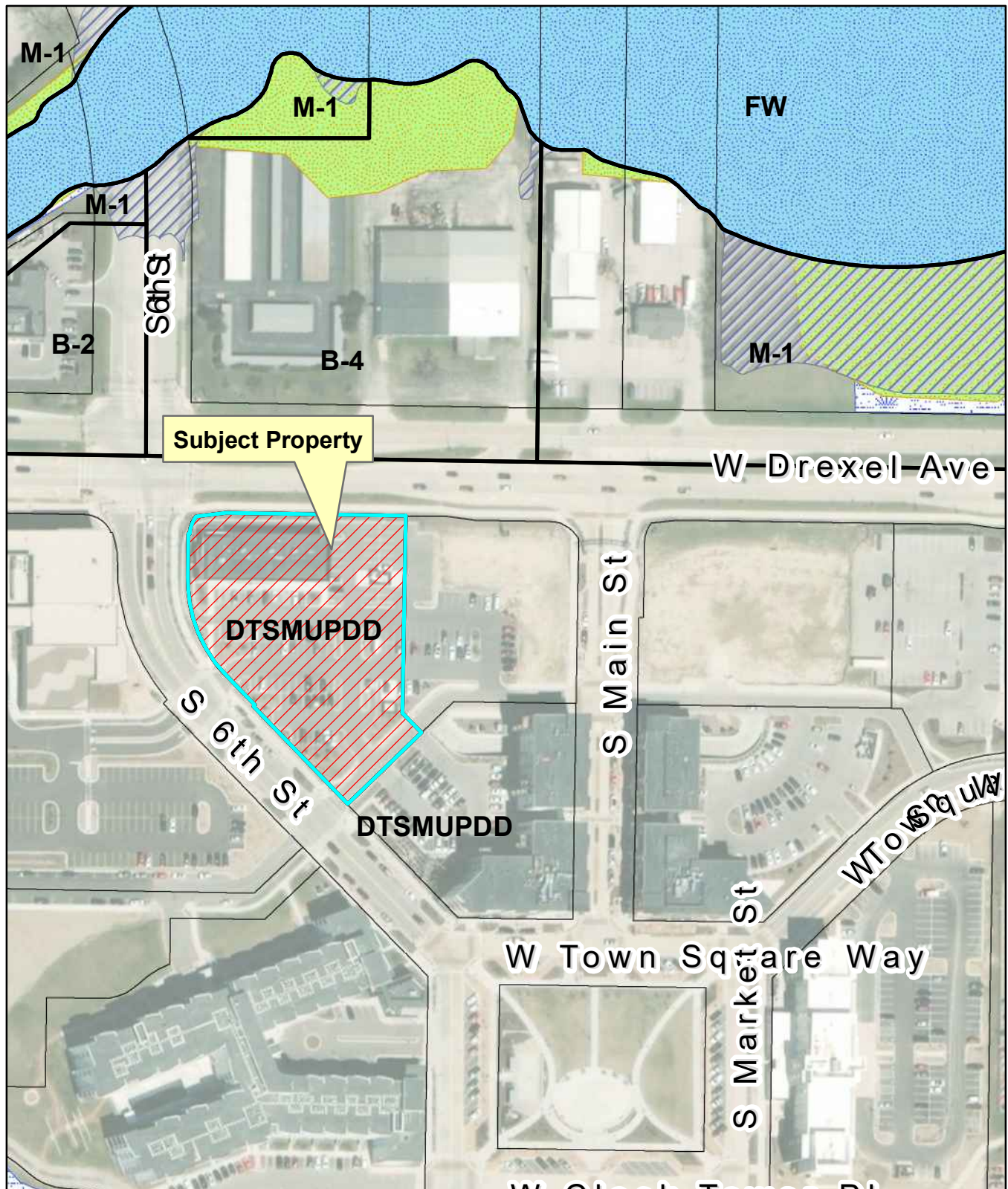


Kari Papelbon, CFM, AICP
Planner

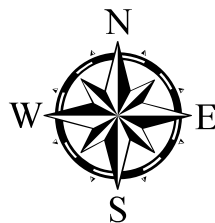
Attachments:

- Location Map
- Approved Master Sign Plan (1 page)
- Proposed Tenant Sign Plan (2 page)

Location Map
7940 S. 6th St



This map is not a survey of the actual boundary of any property this map depicts



Legend

-  7940 S. 6th St
-  DNR Wetlands Inventory
-  Floodway (2008)
-  Flood Plain (2008)
-  Environmental Corridor

APPROVED

PC Review Date: 12-10-19.

Ken Papillon

CITY OF OAK CREEK

NOV 12 2019

RECEIVED

DREXEL TOWN SQUARE B5 BUILDING



SOUTH ELEVATION - PRIMARY FACADE



EAST ELEVATION - ENTRY FACADE



NORTH ELEVATION - SPECIAL CONDITION FACADE



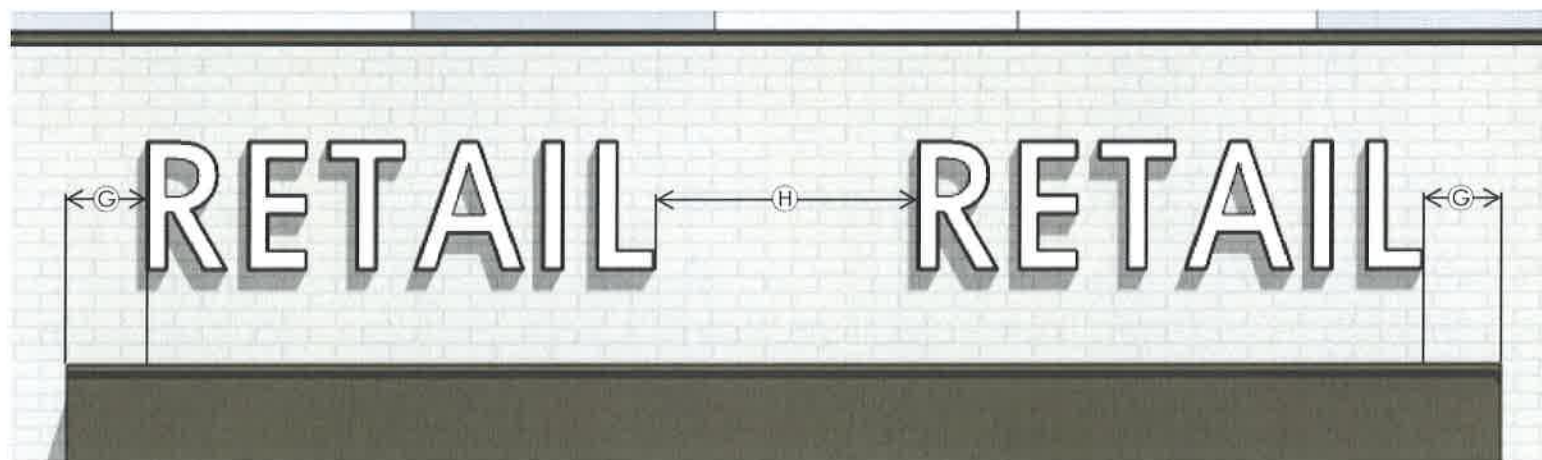
WEST ELEVATION - SPECIAL CONDITION FACADE



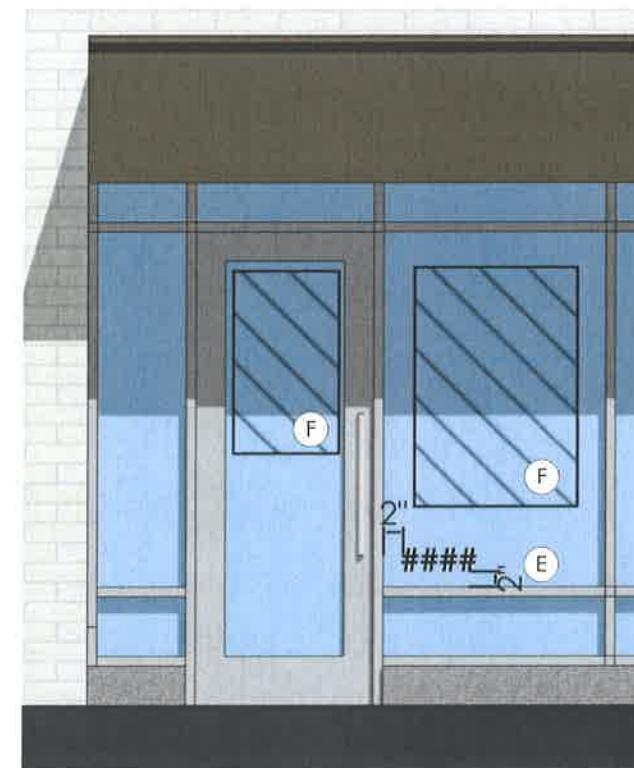
1 - LANDMARK CORNER SIGNAGE



2 - PRIMARY SIGNAGE



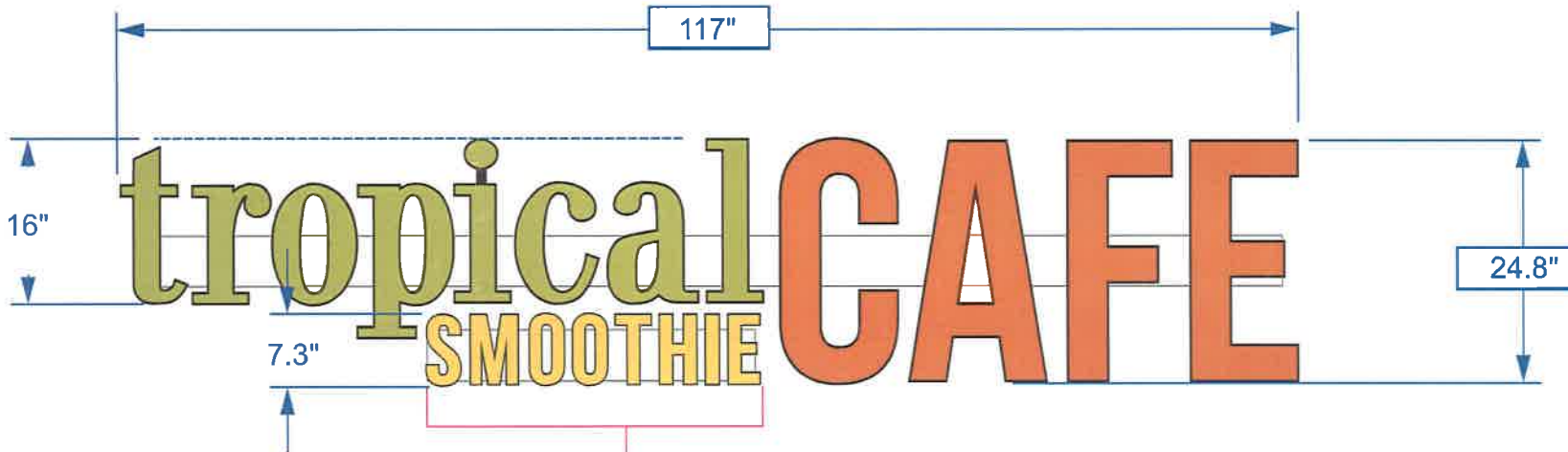
4 - PRIMARY SIGNAGE



3 - ADDRESS SIGNAGE

- (A) LANDMARK CORNER SIGNAGE AT STEEL SIGNAGE FRAME MAY BE A MAXIMUM OF 34'-0" WIDE, INCLUDING LETTERS & LOGOS
- (B) LANDMARK CORNER SIGNAGE AT STEEL SIGNAGE FRAME MAY BE A MAXIMUM HEIGHT OF 15% OF RETAIL FLOOR HEIGHT MAXIMUM (2'-6" MAX.)
- (C) MAXIMUM LENGTH OF TYPICAL PRIMARY SIGN TO BE 75% OF OVERALL LEASED WALL LENGTH, BUT NO GREATER THAN 30'-0"
- (D) MAXIMUM HEIGHT OF TYPICAL PRIMARY SIGN TO BE 15% OF RETAIL FLOOR HEIGHT MAXIMUM (2'-6" MAX.)
- (E) VINYL ADDRESS SIGN ON WINDOWS. HEIGHT AND COLOR TBD BY AHJ. HOLD 2" OFF OF ADJACENT MULLIONS. MAX. HEIGHT OF TEXT TO BE 5% OF RETAIL STOREFRONT
- (F) WINDOW / EYE-LEVEL SIGNAGE MAY BE IN STOREFRONT. MAY NOT OBSCURE MORE THAN 10% OF CLEAR GLAZING
- (G) DIMENSION FROM OUTSIDE EDGE OF TENANT SIGNAGE TO EDGE OF STOREFRONT OPENING TO BE EQUAL AT BOTH SIGNS. SIGNAGE MAY NOT EXTEND PAST WIDTH OF STOREFRONT OPENING BELOW.
- (H) PROVIDE ADEQUATE DISTANCE BETWEEN SIGNAGE TO PREVENT VISUAL CROWDING

MASTER SIGNAGE PROGRAM



Note: Minimum Stroke width = 1.4"

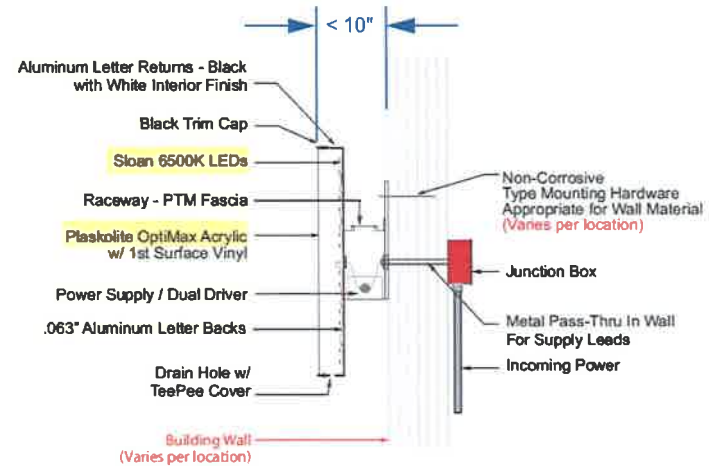
Channel Letter Logo

Exterior raceway mounted

COLOR KEY

- 3M VT Tropical Green 20635
- 3M VT 3630-25 Sunflower
- 3M VT Café Orange 20634
- 3M VT 3630-22

*Special Order Material
to be furnished by DM*



FACE LIT CHANNEL LETTER - RW (EXTERIOR)

Drawing Date: 10-4-19
 Client: Tropikort LLC
 Project Name: Tropical Smoothie Café
 Location: 7940 S. 6th St., Suite 104, Oak Creek, WI 53154





Front Elevation @ 6th st



Location Map



Rear Elevation @ Parking lot

Drawing Date: 10-4-19
 Client: Tropikort LLC
 Project Name: Tropical Smoothie Café
 Location: 7940 S. 6th St., Suite 104, Oak Creek, WI 53154

 Underwriters Laboratories Inc.