

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, May 12, 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, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert and Commissioner Chandler. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; IT Manager Kevin Koenig, facilitated the video conference. Alderman Loreck joined the meeting at 6:17 p.m.

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. Per the advisories, 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.

There is one or more public hearing scheduled as part of this meeting. After the Chair announces the public hearing, staff will read the public hearing notice into the record, state that the hearing is open and subject to the meeting procedure above, and provide a brief overview of the proposal. The Chair will then proceed with the hearing by making calls for public comment. Following the third call for public comment, the Chair will close the public hearing and proceed to consideration of the remaining agenda items.

### **Minutes of the April 28, 2020 meeting**

Commissioner Siefert moved to approve the minutes of the April 28, 2020 meeting. Alderman Guzikowski seconded. On roll call: all voted aye. Alderman Loreck was absent. Motion carried.

### **PUBLIC HEARING**

#### **SIGN APPEAL**

#### **REQUEST FOR A VARIANCE**

#### **TIMOTHY GRAYMAN, GCMS, ON BEHALF OF BOYLAND PROPERTIES OAK CREEK**

**7020 S. 27<sup>TH</sup> ST.**

**TAX KEY NO. 737-9094-000**

Planner Papelbon read the public hearing notice into the record.

Planner Papelbon provided an overview of the request for variance allowing the applicant to install one (1) 12' 1" x 9' 4" (112.78 square-foot) wall sign, one (1) 13' 5-9/16" x 22" (24.68 square-foot) wall sign, and one (1) 18' 8-1/4" x 22" (34.26 square-foot) wall sign on the west elevation of the single-tenant building; and one (1) 8' 8-1/4" x 12' (104.25 square-foot/side) ground sign at 7020 S. 27<sup>th</sup> St. (see staff report for details). Planner Papelbon explained that the variances are requested due to the fact the signs exceed the number allowed by Code, they exceed the size allowed by Code, and the monument sign exceeds the height allowed by Code and is proposed in a utility easement.

Mayor Bukiewicz made the first call for public comment with no response. On the second call for public comment, Mark Vierck, representing Boyland Properties Oak Creek, Vancouver, WA, spoke.

*"This is Mark Vierck here from Vancouver Washington representing Boyland and Properties Oak Creek. I'm not - I was kind of background for this - for this meeting, primarily checking to see if Tim Grayman is live, and whether or not he has any comments and has been able to get his technology to work properly."*

IT Director Kevin Koenig confirmed that Tim Grayman and Tony Boyland were signed in to the meeting.

Mr. Vierck responded:

*"So, I don't have anything necessarily to address, unless you folks need to address something to me, and then Tim should be the one that leads us."*

Mayor Bukiewicz stated that the Commission may have some questions. He also noted that Alderman Loreck had joined the meeting at 6:17 p.m.

Mayor Bukiewicz made a third call for public comment. Seeing none, he closed the public hearing.

**SIGN APPEAL  
TIMOTHY GRAYMAN, GCMS, ON BEHALF OF BOYLAND PROPERTIES OAK CREEK  
7020 S. 27<sup>TH</sup> ST.  
TAX KEY NO. 737-9094-000**

Mayor Bukiewicz opened the sign appeal for discussion.

Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, and Commissioner Oldani had no questions or comments.

Alderman Guzikowski expressed his concern over the size of the monument sign.

Commissioner Siefert questioned whether the monument sign was being scratched [eliminated].

Planner Papelbon replied that it was not being scratched [eliminated]. If the Plan Commission would approve the sign dimensions, they could still consider the monument sign if it is moved outside of the utility easement, and still meets the setback requirements. Planner Papelbon requested that the Plan Commission motion specify that the sign be located outside of the easement.

Commissioner Chandler asked the applicant why the signs were so large. Commissioner Chandler also questioned who would recommend the new location for the monument sign.

Tim Grayman, 7018 S. 27<sup>th</sup> St, Oak Creek, WI, responded that the signs on the building are Buick/GMC standard and were not arbitrarily chosen. Mr. Grayman stated that his engineer chose the placement of the monument sign for its visibility and would look at relocating it.

Commissioner Chandler clarified with the applicant that the wall signs were Buick/GMC standard, but the monument sign was not.

Tim Grayman replied that GMC offered several monument sign options, and they chose the largest to provide maximum visibility.

Commissioner Chandler asked Planner Papelbon if there were any other comparable monument signs in the area.

Planner Papelbon could not recall one of a comparable height on 27<sup>th</sup> St.

Mayor Bukiewicz expressed that he did not have an issue with the wall signs but was concerned about the height of the monument sign as Code limits it to eight feet. He questioned whether the base of the monument sign could be lowered.

Alderman Loreck was not concerned with the square footage of the monument sign, but was also concerned with the height.

Planner Papelbon and Mayor Bukiewicz exchanged comments about common sizes of monument bases in the City.

Alderman Loreck asked the applicant for clarification of whether he had a choice of smaller monument signs from Buick/GMC.

Mr. Grayman responded that they did have the option of a 10-foot sign, which he could forward to Planner Papelbon for her review.

Mayor Bukiewicz asked the Plan Commission for their opinion on a smaller monument sign.

Commissioner Hanna stated she found this to be a much better option. Commissioner Carrillo, Commissioner Sullivan, Alderman Loreck, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler agreed.

Commissioner Oldani questioned whether the Commission needed the exact dimensions of the smaller sign before approval.

Planner Papelbon recommended that the motion be changed to allow for one monument sign with a maximum height of 10 feet, no more than 100 square feet in area per side, 200 square feet total (which is what Code says), and that the sign be located outside of the utility easement.

Mayor Bukiewicz asked the applicant if he was clear on what the Plan Commission was going to motion and if he was amenable to that.

Mr. Grayman replied that he was.

Alderman Loreck moved that the Plan Commission approve a sign variance allowing the installation of one (1) 12' 1" x 9' 4" (112.78 square-foot) wall sign, one (1) 13' 5-9/16" x 22" (24.68 square-foot) wall sign, and one (1) 18' 8-1/4" x 22" (34.26 square-foot) wall sign on the west elevation of the single-tenant building; and one (1) ground sign not to exceed 10 feet in height and 100 square feet per side for a total of 200 square feet, located outside of the utility easement on the property at 7020 S. 27<sup>th</sup> St. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**PUBLIC HEARING  
SIGN APPEAL  
REQUEST FOR A VARIANCE  
SARAH BRUNS, LINCOLN PROPERTY COMPANY, FOR EMERALD ROW LLC  
7971 S. 6<sup>TH</sup> ST.  
TAX KEY NO. 813-9062-000**

Planner Papelbon read the public hearing notice into the record.

Planner Papelbon provided an overview of the request for variances allowing the applicant to install 48-inch-tall vinyl panels on the inside of each portion of the clear glazing on the south and east elevations, and one (1) 102" x 38" white vinyl sign each on the exterior of the clear glazing on the north and east elevations of the fitness facility on the property at 7971 S. 6<sup>th</sup> St. (see staff report for details). Planner Papelbon stated that the signs exceed the size and maximum coverage allowed by Code in Drexel Town Square, and therefore require variances.

Mayor Bukiewicz made the first call for public comments.

Becky Stumpe, S87 W17848 Edgewater Ct., Muskego, WI, Regional Property Manager of Emerald Row Apartments:

*"Thank you for allowing us to speak with you today and request this variance. As noted we, as Kari pointed out, we are requesting for the variance. One of the main reasons is to create some privacy for the people that are on the equipment. It is quite a visible corner and if the - we've had a number of residents comment to us that they didn't like using the facility, especially when it was dark outside because they felt like they were in a fishbowl. And so, this does shield them from that and create a little privacy and like let them feel more comfortable. And also, we wanted to include the name on the - on the glass, because as you probably know, there's going to be four phases with different ownership partnerships, so not all residents in all phases will get to use all facilities. So, we wanted to signify that clearly and - and indicate that it is not open for retail, that it's for the residents only. So those are the main reasons and we hope you'll consider it."*

Joseph Aizen, owner's agent at Emerald Row, 8905 N. Upper River Court, River Hills, WI:

*"A little bit of history here, and I do have Rick Barrett on the line. I'm sure he'd like to add some color to this as well when I'm done speaking. A little bit of history here, but as we're going back when we first proposed this development, we initially did not have a fitness center proposed for this project. It was, actually, we were intending to use The WAC [Wisconsin Athletic Club] as our fitness center for the Drexel Town Square complex that was going to be part of the Froedtert development. We were already in the midst of construction when the WAC decided not to move forward at the Froedtert complex, and this was originally intended to be our leasing office. We wanted obviously high visibility for our leasing agents to be able to see out in the public and be able to see, you know, people coming and going and people to be able to see that. As time went on, obviously we needed to provide a fitness center for our residents, and this location was really the only spot in the building where we could make that happen. As such, we put the fitness center in, but as Becky spoke to and the feedback we've gotten from residents since we opened in August of 2016, is that, you know, one of the biggest drawbacks to this fitness center is that they - everyone working out is really on full display and it creates a level of discomfort for people working out in the daytime or in the evenings where anyone can really look at them and watch them working out. You know, there's residents in the square all the time, there's people on the square, there's people sitting at Valentine Coffee, at Belair Cantina that can just look across the way, and you know, effectively stare into the fitness facility. It makes people extremely uncomfortable, hence the need for the frosting and the glazing and as Becky stated, we did want to identify this as being part of our properties so people do not confuse us with a commercial fitness facility and that is why our logo is on the property as well. If you guys are comfortable, Rick has dialed in to my cell phone. Rick, do you want to identify yourself and speak to this matter?"*

Rick Barrett, 3252 North Lake Drive, Milwaukee, WI:

*"Thank you for having me tonight. Obviously, from our perspective, we're trying to create a very important balance. The balance between trying to make the vitality of the project from center, but yet, we want it to be subdued so that people feel comfortable. In a pinch here, trying to figure out exactly how that could happen. We don't like the idea of closing off that glass, so what we tried to do is, is tried to get the balance in almost a like, aperture-type way such that people can feel comfortable yet it's subdued and I think this is an effort to make that happen. That's why we respectfully request consideration for the variance, but of course we are at whatever you guys think is the right thing but we just wanted you to understand that we thought about it long and hard and we did spend a lot of time with the design in an effort to accomplish that balance. With that, I'll yield to your opinion and*

*thank you for your consideration.”*

Mayor Bukiewicz made the second and third calls for public comment. Seeing none, he closed the public hearing.

**SIGN APPEAL**

**SARAH BRUNS, LINCOLN PROPERTY COMPANY, FOR EMERALD ROW LLC**

**7971 S. 6<sup>TH</sup> ST.**

**TAX KEY NO. 813-9062-000**

Commissioner Chandler commented that although the purpose of the sign makes sense, she questioned the specific reasons why it does not meet Code.

Mr. Aizen replied on behalf of Emerald Row. He explained that the amount of frosting allowed by Code does not provide the privacy that residents are looking for.

Commissioner Chandler then questioned Planner Papelbon about a similar situation with another residence in Drexel Town Square.

Planner Papelbon responded that there were a variety of different window coverings throughout Drexel Town Square, but this one differs in that it is for a residential, not a commercial, facility. Emerald Row presents a unique situation that was not necessarily thought of when the requirements for Drexel Town Square were written into the General Development Plan and Regulating Plan.

Commissioner Siepert expressed his objection to the Emerald Row logo, but not the glazing itself.

Commissioner Oldani also stated that he understood the need for privacy, but questioned whether this would be considered a sign if there were no lettering on it.

Planner Papelbon answered there were two ways to approach this: as a building modification or as a sign. Either way covering the clear glazing was not a permissible use on the building.

Commissioner Oldani stated that he had encouraged Emerald Row to provide the residents some form of privacy for the fitness center, but expressed that he is not particularly happy with the large lettering.

Alderman Guzikowski concurred with Commissioner Oldani's view of the logo, and stated that he did not want to set a precedent for the next phasing of apartments.

Alderman Loreck also agreed with Commissioner Oldani and Alderman Guzikowski, and asked Planner Papelbon if the signs were in 2 sections, one interior and one exterior.

Planner Papelbon stated that was her understanding, but that she would defer to the applicant if it were not.

Alderman Loreck stated that it does not appear the sign meets the criteria for a variance. Specifically, he stated that he saw no harm with it but did not see any particular benefit either. He expressed his opinion that more internal signage would be appropriate rather than the large lettering on the front windows, and that a simple grey stripe would be enough to deter the public from mistaking it for a retail facility.

Commissioner Carrillo asked for clarification that the signage is already established and this is not something new.

Planner Papelbon confirmed that to be the case.

Commissioner Carrillo commented that she could see the signage from her home, and that it was far more tastefully done than the plans would lead one to believe, although she acknowledged they should have asked permission first.

Commissioner Sullivan agreed with Commissioner Carrillo, but stated that he would not object to the removal of one set of Emerald Row lettering.

Commissioner Hanna also agreed that the signage looks aesthetically pleasing, and stated that she understood the need for privacy.

IT Director Koenig acknowledged Sarah Bruns, Emerald Row property manager, 525 E. Constitution Dr, Palatine, IL.

Ms. Bruns addressed the composition of the signage, explaining it was all on the outside, and the white was simply a cutout of the grey frosted portion. She also added that there have been several incidents of the public trying to enter the facility, and the signage is meant to convey that this is not public property.

Alderman Guzikowski questioned why, when it became evident that privacy was an issue in the fitness center, the signage was not brought to Plan Commission before installing it.

Mayor Bukiewicz stated that he agreed with need for privacy in the fitness center and expressed his support for the lettering.

Commissioner Oldani also wondered why the Plan Commission was not consulted before the frosting was installed.

Ms. Bruns replied that they did not know installing the frosting was anything that would require approval.

Planner Papelbon made the point that the Supreme Court does not allow regulation of sign content; that is, the Emerald Row lettering. The Plan Commission can regulate the size, number, location, and, to some extent, the aesthetic, but not the actual content.

Mr. Aizen offered to enter into a voluntary agreement stating the sign content would remain "Emerald Row," rather than a sign advertising "apartment for rent" or anything else of that nature.

Mayor Bukiewicz wondered if separate agreement like Mr. Aizen suggested could be reached.

Planner Papelbon reiterated that sign content is not a matter for Plan Commission, and directed attention back to the application and motion at hand.

Alderman Loreck asked about other internal privacy measures such as curtains or blinds.

Ms. Stumpe confirmed that other options had been explored, but they opted for the frosting as a more permanent, consistent looking solution.

Director of Community Development Doug Seymour offered his opinion that the lettering actually provides more enhancement than a simple grey band of frosting would.

Mayor Bukiewicz moved that the Plan Commission approve sign variances allowing the installation of 48-inch-tall vinyl panels on each portion of the clear glazing on the north and east elevations, and one (1) 102" x 38" white vinyl sign each of the clear glazing on the north and east elevations of the Emerald Row fitness facility located at 7971 S. 6<sup>th</sup> St. Commissioner Hanna seconded. Alderman Loreck, Alderman Guzikowski, and Commissioner Chandler voted no. On roll call: all others voted aye. Motion carried.

### **CERTIFIED SURVEY MAP**

**MICHAEL FABER, RYAN BUSINESS PARK, LLC**

**9540 & 9700 S. 13<sup>TH</sup> ST., and 1001, 1199, & 1203 W. RYAN RD.**

**TAX KEY NOS. 905-9010-000, 905-9995-001, 905-9993-004, 905-9992-001, 905-9008-000**

Planner Papelbon provided an overview of the request to reconfigure the properties at 9540 & 9700 S. 13<sup>th</sup> St., and 1001, 1199, & 1203 W. Ryan Rd. (see staff report for details). Planner Papelbon stated the Wisconsin Department of Natural Resources (DNR) indicated the wetland identified on Lot 7 was not regulated, so it did not have to be considered by Plan Commission.

Michael Faber, Ryan Business Park LLC, N17 W24 222 Riverwood Dr., Pewaukee, WI, commented that he was happy to explain the three reasons for the Certified Survey Map to the Plan Commission.

Commissioner Hanna, Commissioner Sullivan. Commissioner Carrillo, Alderman Loreck, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siepert had no questions.

Commissioner Chandler asked for more information on the requested changes.

Mr. Faber responded that the reason is three-fold. The first is to consolidate parcels that were acquired from individual, separate ownership into parcels that will make more sense moving forward. Lot 7 on the proposed certified survey map is a consolidation of three different parcels, some of which were acquired from a private owner, some of which were acquired from Milwaukee County. They are also segregating Lot 6, which contains all of the land that will be dedicated to the City of Oak Creek when the construction of the new Bartel Court is completed. Lot 6 will be split into three separate parcels at the request of the City Engineer: the right-of-way for the road, which is Bartel Court; a separate parcel for us; a stormwater pond and a separate parcel for the historical marker in a pocket park. State law requires that only four parcels be included in a certified survey map, so it has to be done in two steps.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Michael Faber, Ryan Business Park, LLC, for the properties at 9540 & 9700 S. 13<sup>th</sup> St., and 1001, 1199, & 1203 W. Ryan Rd. be approved with the following condition:

That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Commissioner Oldani seconded. On roll call: all voted aye. Motion carried.



Mayor Bukiewicz thanked everyone for their participation, and stated that the City was working to get things back to normal in a safe and timely fashion. He also mentioned the first Farmer's Market would be occurring on June 6<sup>th</sup>.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:27 p.m.

ATTEST:

  
\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

5-26-20  
\_\_\_\_\_  
Date