

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 26, 2021**

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, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Kevin Koenig, IT Manager, 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 January 12, 2021 meeting

Commissioner Siepert moved to approve the minutes of the January 12, 2021 meeting. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

CONDITIONS AND RESTRICTIONS

BLAIN SUPPLY, INC.

315 W. RAWSON AVE

TAX KEY NO. 924-9009-001

Planner Papelbon provided an overview of the draft Conditions and Restrictions as part of a request for a Conditional Use Permit to allow outdoor display of retail merchandise (trailers) on the east side of the Farm & Fleet parking lot on the properties located at 501 & 315 W. Rawson Ave. (see staff report for details).

Commissioner Siepert inquired what the parking stalls can be used for if the trailers are not parked there.

Planner Papelbon stated these parking stalls would be the only area approved for the display of trailers. Besides the trailers, the parking stalls would only be used for parking vehicles of patrons.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit to allow outdoor display of retail merchandise (trailers) on the property at 501 & 315 W. Rawson Ave. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

OFFICIAL MAP AMENDMENT

DECKER PROPERTIES

8100 S. 27TH ST. & 8100 S. ORCHARD WAY

TAX KEY NOS. 810-9012-001 & 810-9013-001

Planner Papelbon provided an overview of the request to remove and reconfigure a portion of the future street pattern on the Official Map affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way (see staff report for details).

Commissioner Chandler asked the applicant if he received any feedback from neighbors.

Dave Decker, 250 North Sunny Slope Road, Brookfield, stated they have not.

Alderman Loreck inquired if the road no longer ending near Falk Park would affect any future public use of the park.

Planner Papelbon stated there are trails throughout Falk Park in this area; however, she stated that she does not have any future development information from Milwaukee County. The County has not contacted Planner Papelbon regarding any concerns with this proposal.

Alderman Loreck stated his concern regarding access to Falk Park if this proposal is approved.

Planner Papelbon stated that she believes this roadway was never intended to provide access to Falk Park from the subject property. Access is gained from Drexel Avenue.

Director Seymour stated that the Tri- Party Agreement with the County and Northwestern Mutual was meant to preserve a high-quality environmental area and add-on to Falk Park. The County currently has no plans for physical development of these areas.

Commissioner Hanna referenced the presented potential future layout, and asked Planner Papelbon if the road will be going through a property.

Planner Papelbon confirmed that is being shown; however, the diagram is just conceptual, and is not anything that is proposed. The diagram is showing how the connectivity in the area would be or could be maintained with this proposed change that is affecting the two properties owned by the applicant.

Commissioner Hanna asked if the actual changes to adopt the conceptual connectivity would need to come back to the Plan Commission.

Planner Papelbon confirmed that is correct.

Alderman Loreck moved that the Plan Commission recommends to the Common Council that the Official Map for a portion of the mapped, unimproved future right-of-way affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way be amended as illustrated, after a public hearing. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

**RIGHT-OF-WAY VACATION
DECKER PROPERTIES
8100 S. 27TH ST. & 8100 S. ORCHARD WAY
TAX KEY NOS. 810-9012-001 & 810-9013-001**

Planner Papelbon provided an overview of the request to vacate a portion of the existing mapped, unimproved future right-of-way and approve the concept plan for the relocated future public right-of-way affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way (see staff report for details).

Alderman Loreck inquired if the new dedicated right-of-way would remain 60 feet wide.

Planner Papelbon confirmed that was the request and the design.

Commissioner Hanna moved that the Plan Commission recommends to the Common Council that the 60-foot-wide unimproved right-of-way (Orchard Way) dedicated on CSM No. 7769 and affecting a portion of the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 18 (between 8100 S. 27th St. and 8100 S. Orchard Way, see Exhibit A) be vacated after a public hearing, subject to the following condition:

That the future public right-of-way as shown in Exhibit B is dedicated by CSM prior to or concurrent with the Common Council hearing for the right-of-way vacation.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**MINOR LAND DIVISION
LAKESHORE VETERINARY REAL ESTATE OC, LLC
9430 (FORMER) & 9472 S. 27TH ST
TAX KEY NO. 878-9000-002**

Planner Papelbon provided an overview of the Certified Survey Map request to combine the properties at 9430 (former) and 9472 S. 27th St. (see staff report for details).

Commissioner Chandler asked the applicant to provide more information regarding the reason for combining the properties.

Jacob Odders, Lakeshore Veterinary Specialists, 9472 S. 27th St., explained the smaller lot used to contain a bar that was torn down by the applicant after the land was acquired. The lot is too small to build on under the current zoning requirements. In order for anyone to build anything on the land, parking would need to be granted or leased to them from the neighboring lot, Lakeshore Veterinary Specialists' parcel. There are no plans to build on it at this time. The applicant stated that he felt that combining the two parcels made the most sense due to the small size of the second parcel.

Alderman Guzikowski stated these parcels are in his district, and he has not received any calls or emails regarding this item.

Commissioner Hanna moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Jacob Odders, Lakeshore Veterinary Real Estate OC, LLC for the properties at 9430 (former) and 9472 S. 27th St. 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 Siepert seconded. On roll call: all voted aye. Motion carried.

ZONING CODE UPDATE DISCUSSION

Jackie Wells, Houseal Lavigne Associates provided the following information:

- The following draft articles were scheduled to be discussed:
 - Article 6 Sign Standards (the remaining portions that were not covered at the December 8, 2020 Plan Commission meeting)
 - Article 7 Planned Unit Development Standards
 - Article 8 Administration and Enforcement Standards
 - Article 9 Non-conforming Uses, Structures, and Lots
- Article 6 Sign Standards
 - Standards for Permanent Signs Requiring a Permit
 - Projecting Signs
 - Proposing projection sign maximums to ensure pedestrian scaled signs
 - Six square feet is the proposed maximum.
 - On-Site Traffic Directional Signs
 - No proposed change to maximum sign area
 - The City will still be able to regulate based on content because the signs are for public health, safety, and welfare
 - Proposing to reduce maximum sign height to four feet
 - Standards for Temporary Signs Requiring a Permit
 - Would allow three 14-day display periods per calendar year
 - One display period per tenant of multi-tenant building per calendar year

- Extensions may be granted
 - Less than 30 days, by Community Development Director
 - More than 30 days, by Plan Commission

The following points were discussed by the Plan Commission:

- Exceptions may be made for City sponsored events.
- It is believed that there is a connection between the Temporary Use Permit for special events and temporary signs.
- It is proposed to disallow the use of feather flags in the City.

Ms. Wells continued presenting proposed items of the Zoning Code update:

- Article 6 Sign Standards
 - Standards for Temporary Signs Requiring a Permit
 - Wall Mounted Banner Signs
 - Proportional sign area allowed with absolute minimum.
 - One sign permitted per lot frontage.
 - Ground Mounted Banner Signs
 - Proposed sign area maximum of 32 square feet with a maximum height of six feet.
 - One sign permitted per lot.
 - Standards for Temporary Signs Not Requiring a Permit
 - Sidewalk Signs
 - A proposed maximum sign area and location restrictions to ensure pedestrian safety.
 - Window Signs
 - Proposing to limit displays to ground floor windows and prohibiting signs on transom windows.
 - Yard Signs
 - New sign type to include
 - Real estate signs
 - Election campaign signs
 - Rummage/garage sale signs
 - Displays will be limited to two signs per lot in residential districts and one sign per lot in nonresidential districts.

The following points were discussed by the Plan Commission:

- These signs will be limited to two signs (in a residential district) without restrictions on content.
- Concerns were raised regarding enforcement of the yard sign limits.
- There would no longer be a time limit for election signs. Temporary signs that do not require a permit will not have a duration of display restriction.
- Sidewalk signs would only be permitted to be displayed during the operating hours of the business to which the sign is associated.
- If you have to read a sign to enforce a regulation it would contradict the Supreme Court ruling regarding signs.
- Yard signs will not be allowed in the public right-of-way.
- These updates will provide a starting point for a discussion about how the City can achieve the desired aesthetic and how to maintain safety of neighborhoods and roadways.
- Signs on apartment balconies that are displayed year-round are not allowed.

- There will be maintenance requirements applicable to all signs including temporary signs.
- Tear drop signs or feather flag signs are proposed to not be permitted moving forward.
- The Zoning Administrator enforces the Zoning Code.
- Concerns were raised about how enforcement is performed.
- Consideration may be given to feather flags on festival grounds.

Ms. Wells continued presenting proposed items of the Zoning Code update:

- Article 6 Sign Standards
 - General Sign Regulations
 - The following signs are proposed to be prohibited pole/pylon signs, roof signs, vehicle signs, and outline lighting.

The following points were discussed by the Plan Commission:

- During the Planned Unit Development approval process the City is allowed deviate slightly; however, it is not recommended to allow for a sign that is prohibited.
- If the signs are prohibited as proposed there would be no mechanism to allow for those types of signs.
- Many communities are moving towards prohibiting pole/pylon signs.
- Current pole/pylon signs would become legal non-conforming signs, but moving forward, if approved, no new pole/pylon signs would be erected.
- If approved, the prohibition of outline lighting is an item that is more immediately enforceable.
- There are standards for out lots that have front and back access to the building. It would allow for a second wall sign on the back of the building facing a parking lot.
- Multi-tenant buildings will require Master Sign Plan Reviews, giving Plan Commission approval authority of sign placement.

Ms. Wells continued presenting proposed items of the Zoning Code update:

- Article 7 Planned Unit Development (PUD) Standards
 - Proposed outline of PUD standards
 - Intent and Purpose
 - General Provisions
 - Standards for Review
 - Site Development Allowances
 - Procedures
 - Application Requirements
 - Effect of Approval or Denial
 - Amendments and Alterations to Approved Planned Developments
 - Standards for Review
 - Applicant would need to provide written information to Plan Commission and Common Council regarding required findings
 - Required Findings
 - How the proposal aligns with the Comprehensive Plan, how it protects public welfare, impact on Public Facilities and Resources, impact on Archaeological, Historical, or Cultural amenities, parking and traffic, and adequate buffering.
 - Modifications Standards used to judge and have standards for review of requests for deviations from underlying Zoning requirement.
 - Integrated Design
 - Beneficial Common Open Space
 - Location of Taller Buildings

- Functional and Mechanical Features
- Visual and Acoustical Privacy
- Energy Efficient Design
- Landscape Conservation and Visual Enhancement
- Drives, Parking, and Circulation
- Surface Water Drainage

The following points were discussed by the Plan Commission:

- Green energy efforts were discussed.
- Energy efficient design can be used as a justification for a modification.
- Other communities are asking to include some type of requirements for electric vehicle charging stations as a part of parking lot if:
 - The parking lots are over a certain size.
 - The designer would like to go over the maximum allowed parking spaces.

Ms. Wells continued presenting proposed items of the Zoning Code update:

- Article 8 Administration and Enforcement
 - Proposed Outline
 - Administration – responsible parties
 - General Application Provisions – standards for all applications brought before Plan Commission, Common Council, or City staff
 - Administrative Review and Approval – items that go in front of City staff only.
 - Legislative Review and Approval – items that go in front of Plan Commission or City Council
 - Enforcement standards
 - Administrative Review Procedures
 - Administrative Adjustment
 - Up to a ten (10) percent reduction in one (1) of the required yard setbacks where the adjustment is the only adjustment required for the structure.
 - Reduction of the applicable off-street parking or bicycle parking requirements by not more than one (1) space.
 - Increase of the maximum building height by not more than five (5) percent beyond the limitations of the applicable regulations.
 - Certificate of Zoning Compliance
 - Proposed to be required
 - When new use occupies existing building
 - Before a building permit or certificate of occupancy is issued.
 - Ensures compliance with all applicable zoning regulations.
 - Improves communication/coordination between City departments.
 - Building Permit
 - Certificate of Occupancy
 - Permanent Sign Permit
 - Temporary Sign Permit
 - Temporary Use Permit

The following points were discussed by the Plan Commission:

- Currently the Planning Department is not always given the opportunity to review new tenants in existing buildings.

- The Certificate of Zoning Compliance would add a step before occupancy is reviewed to allow the Planning Department to bring forward Zoning Code concerns.
- The Certificate of Zoning Compliance could also be used to help fulfil requests from title companies when there is a change of ownership.

Ms. Wells continued presenting proposed items of the Zoning Code update:

- Article 9 Non-conforming Uses, Structures, and Lots
 - Existing Nonconforming Uses
 - Conforming Structures and Nonconforming Lots
 - Nonconforming Structures on a Conforming or Nonconforming Lot
 - Nonconforming Signs
 - New language added to address nonconforming signs.
 - Other revisions to this section have been made to ensure that everything matches.
 - Existing Nonconforming Lots
 - Wetland Nonconforming Uses
 - Floodland Nonconforming Uses
 - Interpretation and Proof of Uses
- Next Steps of the update process
 - Currently in step 5, Development Standards and Administration
 - The next steps will be draft and final Ordinance followed by the adoption process.
 - A full draft Ordinance will be presented to the Plan Commission and the public for comments.
 - The adoption process will begin after the public comment period.

The following points were discussed by the Plan Commission:

- Existing parking lots would look a lot different under the new Code. There would be a lot more landscape islands and landscape buffers required.
- When a non-residential property is next to residential parcels there will be a much larger buffer requirement under the new Code.
- Parking lots will also have a maximum number of parking stalls in addition to the minimum number of parking stalls requirements.
- Requests for variances in the number of parking stalls will go to the Director of Community Development or Plan Commission, depending on request for approval.
- Reconstruction of parking lots may require updates to meet Code.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:48 pm.

ATTEST:



 Kari Papelbon, Plan Commission Secretary

2-9-21

 Date