



PLAN COMMISSION

July 27, 2021
6:00 P.M.

Common Council Chambers
8040 S. 6th St.
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
Michael Simmons - ex-officio
Kari Papelbon - ex-officio

The City's Vision

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

Find more information on agenda items at [oakcreek.zoninghub.com](https://www.oakcreekwi.org/zoninghub).

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes – July 13, 2021
4. Significant Common Council Actions
5. Board of Housing and Zoning Appeals Actions – NONE
6. Quarterly Parks, Recreation, and Forestry Commission Actions – next report October 26.
7. Old Business
 - a. TEMPORARY USE PERMIT – Review a request for a temporary use permit submitted by Charlie DeWitt, Jim Dandy's, for outdoor event series and temporary outdoor event space, shipping container bar with elevated patio, extended ground-level patio space, concert stage, and temporary parking on the properties at 8868 & 8900 S. 27th St. (Tax Key Nos. 856-9993-000 & 856-9992-000).
ZoningHub: <https://s.zoninghub.com/R2F9QGCH10>; Twitter @OakCreekPC#OCPCJimDandys
8. New Business
 - a. CONDITIONS AND RESTRICTIONS – conditions and restrictions for a request submitted by David Decker, Decker Properties, for a Planned Unit Development on the properties at 8100 & 8146 S. 27th St. and 8100 S. Orchard Way (Tax Key Nos. 810-9012-001, 810-9005-000, & 810-9013-001).
ZoningHub: <https://s.zoninghub.com/QBOG00HVZS>; Twitter @OakCreekPC#OCPCDecker
 - b. CERTIFIED SURVEY MAP – Review a certified survey map submitted by Michael Murphy dividing the property at 10855 S. 10th Ave. (Tax Key No. 969-9029-000).
ZoningHub: <https://s.zoninghub.com/E33TUOZ5TG>; Twitter @OakCreekPC#OCPCMurphyCSM

- c. SIGN PLAN REVIEW – Review a proposed sign plan submitted by Bob Kraus, Bauer Sign & Lighting Co., Inc., for the Roots Salon tenant space in the multitenant commercial building at 7979 S. Main St. (Tax Key No. 813-9053-000).
ZoningHub: <https://s.zoninghub.com/Q51NJZ6UOO>; Twitter @OakCreekPC#OCPCRoots
- d. REZONE AND CONDITIONAL USE PERMIT – Review a request submitted by Steve Pape, Revel Investments, to rezone the property at 441 W. Ryan Rd. from B-4, Highway Business to Rm-1, Multifamily Residential with a Conditional Use Permit for a multifamily residential development (Tax Key No. 906-9028-001).
ZoningHub: <https://s.zoninghub.com/9FIQ1S9RVC>; Twitter @OakCreekPC#OCPCRevel

Announcements & Adjournment.

Dated this 21 day of July, 2021
Posted (7/21/21) (AA)

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, July 13, 2021**

Mayor Bukiewicz called the meeting to order at 6:01 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; Laurie Miller, Zoning Administrator; Doug Seymour, Community Development Director; Jack Kovnesky, Community Development Intern; and Mike Havey, Assistant Fire Chief.

Minutes of the June 22, 2021 meeting

Commissioner Siepert moved to approve the minutes of the June 22, 2021 meeting. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**TEMPORARY USE PERMIT
JIM DANDY'S
8900 S. 27TH ST
TAX KEY NO. 856-9992-000**

Zoning Administrator Miller stated that this was discussed at the previous (June 22nd) meeting, and put on hold with the hope that the owner would host a neighborhood meeting and discuss with staff. Zoning Administrator Miller stated that these items have not been met, and the applicant is requesting to have the item held until the July 27th meeting.

Commissioner Siepert moved that the Plan Commission holds item 7a for Jim Dandy's until July 27th Plan Commission meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

**REZONE/PLANNED UNIT DEVELOPMENT
DECKER PROPERTIES
8100 & 8146 S. 27TH ST & 8100 S. ORCHARD WAY
TAX KEY NO. 810-9012-001, 810-9005-000, & 810-9013-001**

Planner Papelbon provided an overview of the request to rezone the properties to Rm-1, Multifamily Residential and the establishment of a Planned Unit Development (see staff report for details).

Dave Decker, Decker Properties, 250 W. Sunnyslope Rd, Brookfield, WI, expressed his excitement about being part of the community and offered to answer any questions. Mr. Decker stated that there has been some confusion on the exterior building materials, and can be easily resolved. Mr. Decker discussed a similar apartment development, Spur 16, in Mequon, which became a benchmark and design example for the development in Oak Creek. Mr. Decker stated that this development has exceeded the benchmark, and there are many attributes that you would not see in a typical multifamily development. Mr. Decker stated that the townhouses have a three-car attached garage parking capacity, the grade-level apartments have two-car garages and there are no single-car garages. Mr. Decker stated that out of the 218 apartments, only 22 apartments will have stairs, while the rest are first/grade-level entry or accessible by an elevator. Mr. Decker stated that for their target demographic, baby boomers, having the parking and storage capacity

is important. Mr. Decker expressed his appreciation for all the efforts that went into this development and asked for approval.

Commissioner Hanna asked about the height being different from the Code requirement.

Mr. Decker responded that it has something to do with the clubhouse and its exposed basement.

Eric Draskowski, Excel Engineering, 100 Camelot Dr., Fond Du Lac, WI, clarified that it [the clubhouse] is 44 feet in the front from the roadway and with the exposed back, from the ground up, it is 56 feet. Mr. Draskowski mentioned that the property was challenging as the northwest corner of the property drops 40 feet to the wetlands. Mr. Draskowski stated that having the exposed back acts as a retaining wall and provides underground parking.

Commissioner Hanna asked about the use of the exterior building materials that are not approved by the Code.

Mr. Decker stated there may have been some miscommunications, and he thought that the vinyl siding was part of a highlight. Mr. Decker had said that the metal roofing was an upgrade, but if not allowed, it will be taken out.

Jerry Wick, JLA Architects, stated that when asked by staff to reduce the materials, they had reduced the vinyl 10-15% from the original, and also reduced the standing seam [roof]. Mr. Wick stated that he thought the update was given to staff last week, but that there may have been some miscommunication with the concerns.

Planner Papelbon stated that the elevations received removed most of the metal roofing, but not all. The elevations also included the materials breakdown. Planner Papelbon explained that per Code, 65% of any elevation must be brick, glass or decorative masonry. Planner Papelbon explained that the use of fiber cement requires a three-quarter approval by the Plan Commission, and is not necessarily considered a masonry product per Code. Planner Papelbon stated that vinyl siding was requested to be listed separately from the rest of the materials, but it does not meet Code.

Mayor Bukiewicz stated that vinyl siding does not meet Code, but on the flip side if we consider cement board a masonry product and brick, it has to be 65% or glass.

Planner Papelbon stated that the vinyl siding is not considered an approved product as an exterior building material per Code.

Mr. Wick stated that they are asking for the Plan Commission's approval to use vinyl siding, and then include the cement board siding as part of the 65% masonry product.

Commissioner Hanna asked about removing the vinyl.

Mr. Wick stated that vinyl siding is an appropriate material, and the developer thought it was something they could use for this development. Mr. Wick stated that the latest elevations showed the vinyl siding as an accent material, and it did not cover majority of the building.

Commissioner Hanna questioned the life expectancy of vinyl.

Mr. Decker stated that, in his experience, the life expectancy for vinyl is 60 years. The vinyl is proposed in areas that you cannot touch, and it is high up on the building. Mr. Decker stated that the vinyl is “not your father’s vinyl” and has come a long way. Mr. Decker stated that the buildings are beautiful, they have a lot of architectural details, and that he is proud of the development.

Commissioner Hanna asked why the phasing plan was for four (4) years.

Mr. Decker stated that there are so many supply chain bottlenecks with construction at the moment. It is taking nine months to get appliances and everything. Mr. Decker stated that he does not think it will take 48 months, and that he feels that it would be better to say it will take more time rather than coming back and asking for permission each time.

Commissioner Hanna asked about the subdivision nearby.

Planner Papelbon stated that Colonial Woods Condominiums is just south of this parcel, and south of Colonial Woods is The Seasons at Orchard Hills, which is a multifamily development that was recently approved. Planner Papelbon stated that there is no vinyl siding at these developments.

Commissioner Hanna commented that the exterior does not seem smooth, and it has different colors, architecture, and it seemed dark.

Planner Papelbon stated that color palettes are not regulated, and it does distinguish between the developments. Planner Papelbon stated that the concern is for the materials - vinyl siding is not an approved material for multifamily residential development. Planner Papelbon stated that fiber cement is a Plan Commission discretionary item approval per Code. The older condominiums farther south were constructed in the late 1990s or early 2000s, and the Code had changed in 2008 to no longer allow vinyl siding as a primary building material for developments other than single-family and duplexes, as those are not reviewed by Plan Commission.

Commissioner Sullivan asked what the acceptable percentage would be if vinyl siding would be considered as an accent by the Plan Commission.

Planner Papelbon stated that, per Code, approved acceptable accent materials can be no more than 25% per elevation, and are usually materials like stucco or something similar.

Commissioner Sullivan suggested that the Plan Commission could possibly consider vinyl siding as an accent with a benchmark of 25% or less.

Mr. Decker stated that he is surprised how controversial the vinyl siding has been. Mr. Decker stated that he felt that vinyl was an excellent material and it is not the type that [the Plan Commissioners] are thinking. Mr. Decker stated that they were trying to be cost-effective and introduce some flair and architectural design. Mr. Decker stated that they can take out the vinyl siding along with the metal roofing if it is that much of a problem.

Mayor Bukiewicz stated the Plan Commission listens and confers with staff pretty well.

Director Seymour expressed his appreciation to Mr. Decker’s willingness for acknowledging the lack of consensus about the vinyl siding. Director Seymour said that during one of the meeting several months ago, staff had brought up that vinyl siding was not allowed and stated that Mr.

Decker said himself that it would be taken out. Director Seymour is encouraging that some guidance be made on reducing the amount of vinyl siding.

Commissioner Carrillo stated that she is having a hard time approving the vinyl siding based on the plans and not having enough specification. Commissioner Carrillo stated that she feels if the Plan Commission approves vinyl siding for this development, then they would have to consider it for future developments that come to the Plan Commission as the City continues to grow.

Alderman Loreck stated that he agrees with what everyone else is saying. Alderman Loreck stated that he has gotten responses from residents that are not excited about more apartments coming in, but he is not opposed to it. It may appeal to residents if the development meets the Code. Alderman Loreck stated that he would like to either see the vinyl siding gone or reduced to an absolute minimum. Alderman Loreck stated that he is not opposed to the height, but that the sign could be reduce to match the Code so there is not a variance. Alderman Loreck questioned the two extra feet for the sign.

Planner Papelbon stated that the sign is two extra feet in height, but double the square footage.

Alderman Loreck stated that the sign could be reduced but be visible from 27th St. If the vinyl siding needs to be reduced, the sign could be reduced as well. Alderman Loreck stated that he was speaking on behalf of the residents, and the less variance there is, the better it is for the residents.

Alderman Guzikowski stated his concerns about the vinyl siding, the time to complete the project, and the sign, but that he feels the building looks good otherwise.

Commissioner Oldani asked what was being voted on.

Planner Papelbon stated that the Plan Commission will be requesting a motion for Rezone and the Planned Unit Development. The conversations and the direction from the Plan Commission about the building materials, height and setbacks variations will help staff draft what will be included in the Conditions and Restrictions for consideration at the next meeting. Planner Papelbon stated that the Plan Commission will again be requested to review the specifics for site, landscaping and lighting review.

Commissioner Oldani stated that he would rather have a discussion about the vinyl siding if it will be discussed again in two weeks, and he said that he is in favor of the rezoning. Commissioner Oldani said he trusts the recommendation and Conditions and Restrictions.

Planner Papelbon stated the staff needs the direction from the Plan Commission to draft those Conditions and Restrictions for Plan Commission's approval and consideration. Planner Papelbon stated that if staff does not know if whether or not the Plan Commission is going to support what is being presented, it can not be incorporated in the Conditions and Restrictions.

Commissioner Siepert questioned the Fire Department about the street patterns as he has concerns about the fire truck being able to navigate the area.

Assistant Fire Chief Mike Havey stated that the Fire Department had no issues with the access route, and have no concerns with navigating the area.

Commissioner Siepert stated that parking on both sides of the street could create a problem getting through.

Assistant Fire Chief Mike Havey stated that public parking stalls are usually something that is dealt with. There are not too many concerns with the egress path between the buildings.

Commissioner Siepert asked if the ladder truck would be able to fit in and reach the third floor.

Assistant Fire Chief Mike Havey stated that there are some limits to what the Fire Department can do, as with some other locations in the City, and does not present too many concerns.

Commissioner Chandler asked if there were any challenges with the reduced setbacks and safety.

Assistant Fire Chief Mike Havey stated there are no challenges.

Commissioner Hanna how accessibility would be maintained while the development is under construction and over several phases.

Assistant Fire Chief Mike Havey stated that as long as the road and water supply are in, accessibility should not be a problem.

Commissioner Hanna asked "What if the road is not there?"

Assistant Fire Chief Mike Havey stated that the road will have to be there.

Commissioner Sullivan stated that the construction of the public and private road out to 27th St. will need to be completed as part of the Development Agreement under Phase 1.

Commissioner Siepert asked about the use of metal roof on some of the buildings and not all of the buildings.

Mr. Decker stated that having metal roofs would be an improvement and change the look to the overall roof mass. Mr. Decker said that if the people do not like the metal roof, they are willing to change it to shingles.

Commissioner Siepert stated that he did not disagree with Mr. Decker on the metal roof. Commissioner Siepert also stated his agreement with Commissioner Carrillo regarding giving permission for vinyl siding for this development and then possibly future developments.

Mr. Decker stated that he thought for sure that they resubmitted updated drawings showing the change in elevations and the computations that reflected the reduction of vinyl to accent material.

Commissioner Chandler asked Planner Papelbon if the metal roof can be used.

Planner Papelbon answered that metal / standing seam roofs are not listed as acceptable building materials per Code.

Commissioner Chandler asked the applicant what kind of roofing material is shown on the revised plan.

Mr. Decker answered that it will be asphalt shingles as seen everywhere else.

Commissioner Chandler asked the applicant about what the revised plans show for vinyl siding.

Mr. Drazkowski answered that the revised plan shows that the vinyl siding was reduced well below the 25%, as an accent material. Mr. Drazkowski said that the plan will be revised again based on what is recommended.

Commissioner Chandler asked Planner Papelbon to clarify whether the accents can be no greater than 25% of the elevation.

Planner Papelbon stated that the accents can not be greater than 25%, but vinyl siding is not an approved material per Code.

Commissioner Chandler asked the applicant for more information on the setbacks.

Mr. Drazkowski responded that Orchard Way through the development needed to be a public road per the request of the Department of Transportation, and there are wetlands on the east and south portion of the property that determined the placement of the buildings.

Commissioner Chandler asked for more information on the size of the monument sign since it exceeds the size per Code.

Mr. Drazkowski stated that there is not a sign design, and the property is 24 acres and would be visible from 27th St.

Commissioner Chandler requested clarification from Planner Papelbon that the proposed sign exceeds the dimension per Code.

Planner Papelbon stated that the requested sign does exceed the allowed dimensions per Code, but there is no other information on the sign. The Seasons at Orchard Hills had received a variance for their sign, but it did not include the doubling the size of the sign. Planner Papelbon said that staff can not comment nor recommend anything until more information or some visuals on what the sign will look like have been provided. Planner Papelbon stated that the sign does not need to be part of the Planned Unit Development, and that there is a sign variance process that can be done at a later time.

Mr. Decker stated that, with the setbacks, they had made a lot of accommodations with the development. Mr. Decker said there is a municipal road that is coming south of the development and going north and ends at a park. The City, the DOT, and the development came up with a compromised solution with a new roadway pattern that will allow for an interior road grid to the southeast corner of 27th St. and Drexel, which would be accessible to the commercial properties someday.

Commissioner Chandler asked what the property is zoned today.

Planner Papelbon stated that the main and east parcel are zoned A-1, and the smaller parcel with a single-family residence is zoned at B-4.

Mayor Bukiewicz stated that he had the same questions as everyone else. Mayor Bukiewicz stated that he does not have a problem with the extra six feet with the sign, that he did not have a preference on the metal roof and it breaks it up aesthetically. Mayor Bukiewicz stated that metal

roof was not something that was used 10 or 15 years ago, and it has become a stylish material. Mayor Bukiewicz asked about the setbacks.

Planner Papelbon said the setbacks vary among the buildings, and most are just a little over 10 feet from the road.

Mayor Bukiewicz said he thinks it was a decent compromise with the roadway due to topography, the wetlands, and other variants of the property. Mayor Bukiewicz said he has no issues with the rezone and asked if there is an overlay on this property. Planner Papelbon replied that there is not an overlay district affecting the properties.

Mayor Bukiewicz mentioned parking issues on the roadway continuation of Orchard Way from The Seasons at Orchard Hills, and that no parking signs were posted.

Alderman Loreck stated that it is no parking.

Planner Papelbon clarified that the public portion of Orchard Way will not have parking and the continuation of the private road, White Oak Way, will have parking.

Commissioner Sullivan explained that there will be parking on one side of the public road, and sign "No Parking" on the other side. Commissioner Sullivan stated that he believes that from Colonial Woods' private road, there will be a switch and parking will be allowed on the west side to accommodate the A1 & A2 buildings and there will be no parking on the east side.

Mayor Bukiewicz stated he was glad that the parking situation was thought of because he did not want to have any issues like what happened with The Seasons at Orchard Hills. Mayor Bukiewicz stated that he is not in favor of having phases. Colonial Woods had phases with no benchmarks and it was never completed. Benchmarks will be needed for this development. Mayor Bukiewicz stated his agreement with Commissioner Carrillo and Commissioner Siepert in being consistent with following the Code for the vinyl siding, and that he also agrees with Commissioner Sullivan and Alderman Loreck on possibly justifying as an accent and finding the right percentage. Mayor Bukiewicz stated that he does not agree or believe that vinyl siding would last 60 years.

Planner Papelbon stated that the benchmarks for the phases will be clear and incorporated into the Conditions and Restrictions. Siding as an accent would be deviating beyond what is in the Code, but that the Plan Commission can decide the percentage. There is a three-quarter approval requirement in the Code for fiber cement.

Mayor Bukiewicz mentioned the LP siding used for the vet clinic, and stated that it is becoming a commonly-used material.

Planner Papelbon stated that staff is going to follow the Code and will recommend that there is no vinyl. If the Plan Commission considers something else, there will need to be an acceptable amount established. Planner Papelbon stated that the accent materials cannot be more than 25% per elevation, and that the Plan Commission can decide that the percentage can be smaller. Planner Papelbon stated that she did not know if the Plan Commission was concerned about the roof. Code does not mention metal roofs, and the City has not seen it used for multifamily residential developments. Planner Papelbon stated that the monument sign will not be included in the Conditions and Restrictions.

Mayor Bukiewicz stated that he would like to see the project done in less than 48 months, but if it will take that long, then benchmarks will be important.

Commissioner Hanna suggested a timeline with shorter milestones within the 48 months.

Planner Papelbon stated that the benchmarks will be similar to Commissioner Hanna's suggestion, and more towards when the building permits and occupancy permits should be obtained. Planner Papelbon stated that the Plan Commission has expressed no concerns with the reductions of the setbacks or the exceptions of the height for all the buildings. The focus will be on the benchmarks and the siding in the Conditions and Restrictions, and the sign will not be incorporated.

Commissioner Chandler asked what would happen if the benchmarks are not met and the amount of time it takes to complete a project exceeds what is allowed.

Planner Papelbon responded that usually projects are done within 18-36 months and in 2 phases. The applicant could come back to Plan Commission and Common Council to request an extension or go through the amendment process. That usually occurs because the project has not started.

Commissioner Chandler asked the applicant what other building material would be used instead of siding. Mr. Decker said it would be cement board siding.

Commissioner Chandler asked if the cement board would require a three-quarter approval.

Planner Papelbon confirmed and stated that it would be reviewed during Plan Review.

Commissioner Chandler asked if the materials would be identified in the Conditions and Restrictions.

Planner Papelbon responded that it would be per Code.

Commissioner Hanna asked if the motion would need to be changed to reflect what was discussed.

Planner Papelbon reiterated that the motion is for the Rezone with the Planned Unit Development.

Commissioner Hanna moved that the Plan Commission recommends to the Common Council that the properties at 8100 & 8146 S. 27th St. and 8100 S. Orchard Way be rezoned to Rm-1, Multifamily Residential with a Planned Unit Development after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at their next meeting (July 27, 2021).

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

**CERTIFIED SURVEY MAP
MINI-RENTALS, INC
400 E. OAK ST.
TAX KEY NO. 719-9010-000**

Community Development Intern Kovnesky provided an overview of the Certified Survey Map request to divide the property at 400 E. Oak St. (see staff report for details).

Mayor Bukiewicz asked if the 30 percent [open/green space] will be on either Lot 1 or 2.

Community Development Intern Kovnesky answered that there is no proposal at this time for either lot. Both lots must conform to the requirement.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Mini-Rentals Inc. for the property at 400 E. Oak 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 Oldani seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW
OAK CREEK COMMERCIAL PROPERTIES, LLC
7725 S. 6TH ST.
TAX KEY NO. 782-9007-001

Planner Papelbon provided an overview of the additions to the existing parking area and pavement expansion (see staff report for details).

Alderman Loreck moved that the Plan Commission approves site and building plans submitted by Robert Coleman, Oak Creek Commercial Properties, LLC, for the property at 7725 S. 6th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the plans are revised to incorporate all green infrastructure areas, landscaping, lighting (if applicable), and setbacks.
3. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

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

PLAN REVIEW
STELLA & CHEWY'S
111 W. OAKVIEW PARKWAY
TAX KEY NO. 955-1017-000

Planner Papelbon provided an overview of the proposed outdoor patio dining area on the north elevation of the building (see staff report for details).

Commissioner Hanna asked if the outdoor seating is for employees.

Planner Papelbon confirmed.

Commissioner Hanna asked how the seating area will be protected from the parking area.

Planner Papelbon stated that the seating area will be poured concrete, elevated up to the same level as the building, and there will be curb and gutter.

Commissioner Chandler asked about safety measures.

Planner Papelbon stated that the area will be poured concrete to meet the level of entry to the building, and also have an 18-inch curb on the exterior, off the drive aisle, similar to a sidewalk. Planner Papelbon said that it will be protected by the curb and gutter and the railing along the exterior perimeter of it.

Commissioner Chandler questioned if the 18-inch will be just the curb and gutter or the whole area where the employees will go.

Planner Papelbon answered that the area will be at level with the building.

Commissioner Chandler asked what is keeping the employees safe.

Planner Papelbon said existing parking stalls will be raised up to sidewalk grade, and then the railing, with beam and cable, around the perimeter so there is a visual barrier. Planner Papelbon said there is also a curb that people will bump into first before anything else.

Mayor Bukiewicz commented that it is a great amenity for the employees and it says a lot about the company.

Commissioner Oldani moved that the Plan Commission approves site and building plans submitted by Jeff Shafer, Stella & Chewy's, for the property at 111 W. Oakview Pkwy. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all detailed, final plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:29 pm.

ATTEST:

Kari Papelbon, Plan Commission Secretary

7-21-21

Date

Summary of Significant Common Council Actions

July 20, 2021

- **APPROVED** - Ordinance No. 3012, amending Section 17.0327 of the Municipal Code, which would establish standards for the Traditional Neighborhood Development Planned Unit Development District.
- **APPROVED** - Ordinance No. 3013, to rezone the property at 2121 E. Rawson Ave. from B-2, Community Business to B-3, Office and Professional Business District (NO CHANGE to existing Conditional Use Permit).



Kari Papelbon, CFM, AICP
Planner



PLAN COMMISSION REPORT

Proposal:	Temporary Use Permit Review – Jim Dandy’s outdoor event series and temporary outdoor event space including a shipping container bar, elevated patio above the shipping container, extended ground-level patio space, concert stage, and temporary parking area.
Description:	Review a request for a proposed outdoor event series and temporary outdoor event space containing an 8.5’ x 40’ shipping container converted into a bar, an elevated patio space above the shipping container bar, extended ground-level patio space, a concert stage, and temporary parking space on the properties at 8868 and 8900 S. 27 th Street.
Applicant(s):	Charlie DeWitt, Jim Dandy’s
Address(es):	8868 & 8900 S. 27 th Street
Suggested Motion:	Staff does not support approval of the request as stated in the June 22, 2021 Staff Report. Please see the staff report below for decision procedure when considering the following motion.

That the Plan Commission approves the temporary use permit allowing the outdoor event series, extended outdoor elevated and ground-level patio space, concert stage, and shipping container bar as submitted by Charlie DeWitt, Jim Dandy’s, for the properties at 8868 and 8900 S. 27th Street with the following conditions:

1. That all relevant Code requirements remain in effect.
 2. That Sections 11.26 and 17.0810 of the Municipal Code related to noise remain in effect for all outdoor events and activities. No additional hours of operation for the outdoor events and activities beyond the hours specified in these Code Sections is included in this approval.
 3. That all State and local Health Codes, including licensing and inspection requirements, remain in effect.
 4. That the site plan be revised to show the storage container bar, stage and extended patio placed solely on the property of 8900 S. 27th Street in an area approved by the **Plan Commission** prior to submission of permit applications.
 5. That all outdoor structures, event spaces, parking, and patio areas shall be located in areas per the map approved by the Plan Commission.
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6. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.
7. That all required permits (e.g., electrical, building, etc.) are approved prior to the use of all proposed structures.
8. No additional outdoor lighting is included in this approval.
9. That all signs shall comply with Section 17.0709 Temporary Banners and Construction Signs and be issued a temporary sign permit.
10. That the maximum number of all outdoor events be reduced (NUMBER TO BE DETERMINED BY THE PLAN COMMISSION)
11. That a signed authorization, including a map clearly indicating all authorized areas, for the temporary parking of vehicles on the property at 8868 S. 27th Street directly related to the Temporary Use Permit is submitted to the Department of Community Development by no later than June 24, 2021.
12. That the storage container bar, concert stage, and extended patio space shall not be erected more than 24 hours prior to an authorized scheduled event. Each date of an authorized scheduled event shall constitute a separate event.
13. That the storage container bar, concert stage, and extended patio space shall be removed within 24 hours following an authorized scheduled event. Each date of an authorized scheduled event shall constitute a separate event.
14. That the Temporary Use Permit shall expire September 5, 2021. The property shall be restored to its pre-temporary use condition by no later than September 6, 2021. Outstanding violations shall be cured per the methods and deadlines as detailed in Letters of Violation.

Owner(s):	F & S Reality, LLC	
Tax Key(s):	856-9993-000 and 856-9992-000,	
Lot Size(s):	1.494 ac and 0.553 ac	
Current Zoning District(s):	B-4, Highway Business	FW, Floodway

Overlay District(s): FF, Flood Fringe

Wetlands: Yes No

Floodplain: Yes No

Comprehensive Plan: Commercial

Background:

The Applicant is requesting approval for an outdoor event series and temporary outdoor event space including a shipping container bar, elevated patio space above the shipping container bar, extended ground-level patio space, concert stage, and temporary parking on the properties of 8868 and 8900 S. 27th Street.

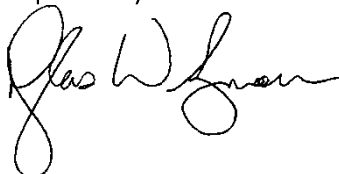
This proposal was originally presented at the June 22, 2021 meeting. Plan Commission placed the agenda item on hold to allow the applicant time to refine the proposal with the help of the surrounding neighborhood residents and City staff. The neighborhood meeting was scheduled for July 12, 2021 but was subsequently canceled because the applicant did not send out the meeting notices. The applicant requested an additional hold on July 13, 2021 to allow for more time to schedule the neighborhood meeting. The second attempt at a neighborhood meeting was scheduled for July 21, 2021 but was canceled after staff received reports from neighborhood residents on July 20, 2021 that they had not received notice for the meeting.

Staff does not support this proposal because the use of the property as an outdoor music and event space is not a permitted use in the B-4, Highway Business zoning district. Staff has concerns about the outdoor event space consuming the available parking lot space on 8868 and 8900 S. 27th Street and forcing the parking onto the public streets in the surrounding neighborhood. Staff is also concerned that the applicant has not worked with the surrounding neighboring residents to identify a realistic number of events as instructed by Plan Commission. While staff would like to see the business succeed, the outpouring of resident complaints and June 12 decibel readings indicates that the outdoor events is detrimental to the quality of life of its neighboring residents.

Please refer to the June 22, 2021 staff report for details.

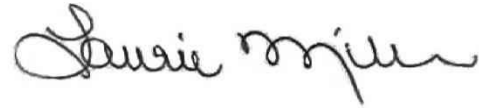
Options/Alternatives: The Plan Commission has the discretion to approve the plans as presented, approve with specified conditions, or disapprove the proposal. Should the request not be approved, Plan Commissioners must provide the Code Sections upon which the denial is based so that the Applicant may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

Respectfully submitted:



Prepared:

Douglas Seymour, AICP
Director of Community Development



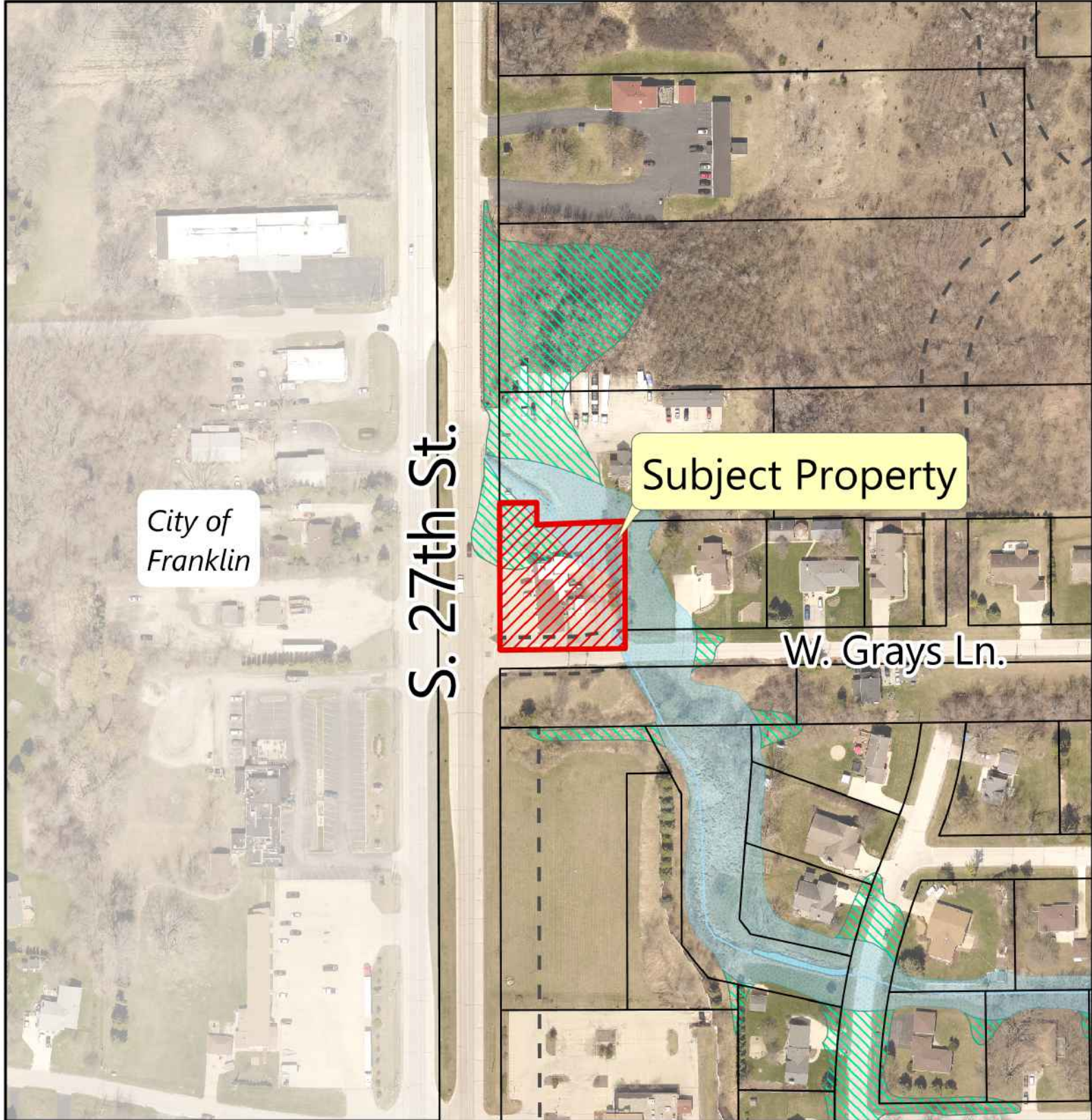
Laurie Miller
Zoning Administrator

Attachments:

Location Map (1 page)

Notification Map

8900 S. 27th St.



City of
Franklin

S. 27th St.

Subject Property

W. Grays Ln.

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



Legend

- - Official Street Map
- ▭ Parcels
- Floodway
- 8900 S 27th St
- Flood Fringe



PLAN COMMISSION REPORT

Proposal: Conditions and Restrictions – 8100 & 8146 S. 27th St. and 8100 S. Orchard Way

Description: Review draft Conditions and Restrictions for a Planned Unit Development on the properties at 8100 & 8146 S. 27th St. and 8100 S. Orchard Way.

Applicant(s): David Decker, Decker Properties

Address(es): 8100 & 8146 S. 27th St. and 8100 S. Orchard Way

Suggested Motion: That the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Planned Unit Development submitted by David Decker, Decker Properties, for the properties at 8100 & 8146 S. 27th St. and 8100 S. Orchard Way after a public hearing.

Owner(s): DM Investment Real Estate, LLC

Tax Key(s): 810-9012-001, 810-9005-000, & 810-9013-001

Lot Size(s): 20.640 ac & 3.999 ac (following consolidation)

Current Zoning District(s): A-1, Limited Agricultural B-4, Highway Business

Overlay District(s): N/A

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Multifamily

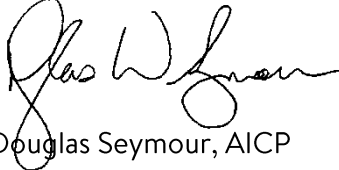
Background:

At the July 13, 2021 meeting, the Plan Commission recommended approval of a rezone and multifamily residential Planned Unit Development (PUD) for the properties at 8100 & 8146 S. 27th St. and 8100 S. Orchard Way. Based on the discussion at that meeting, the draft Conditions and Restrictions included with this report for Plan Commission consideration incorporate variations for the heights of the “A” buildings and clubhouse, requested setback variations for several buildings, and benchmarks for the phasing of the PUD.

If the Commission is comfortable with the Conditions and Restrictions as proposed, the appropriate action would be to recommend that the Common Council approve them as part of the approval for the PUD.

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

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP
Planner

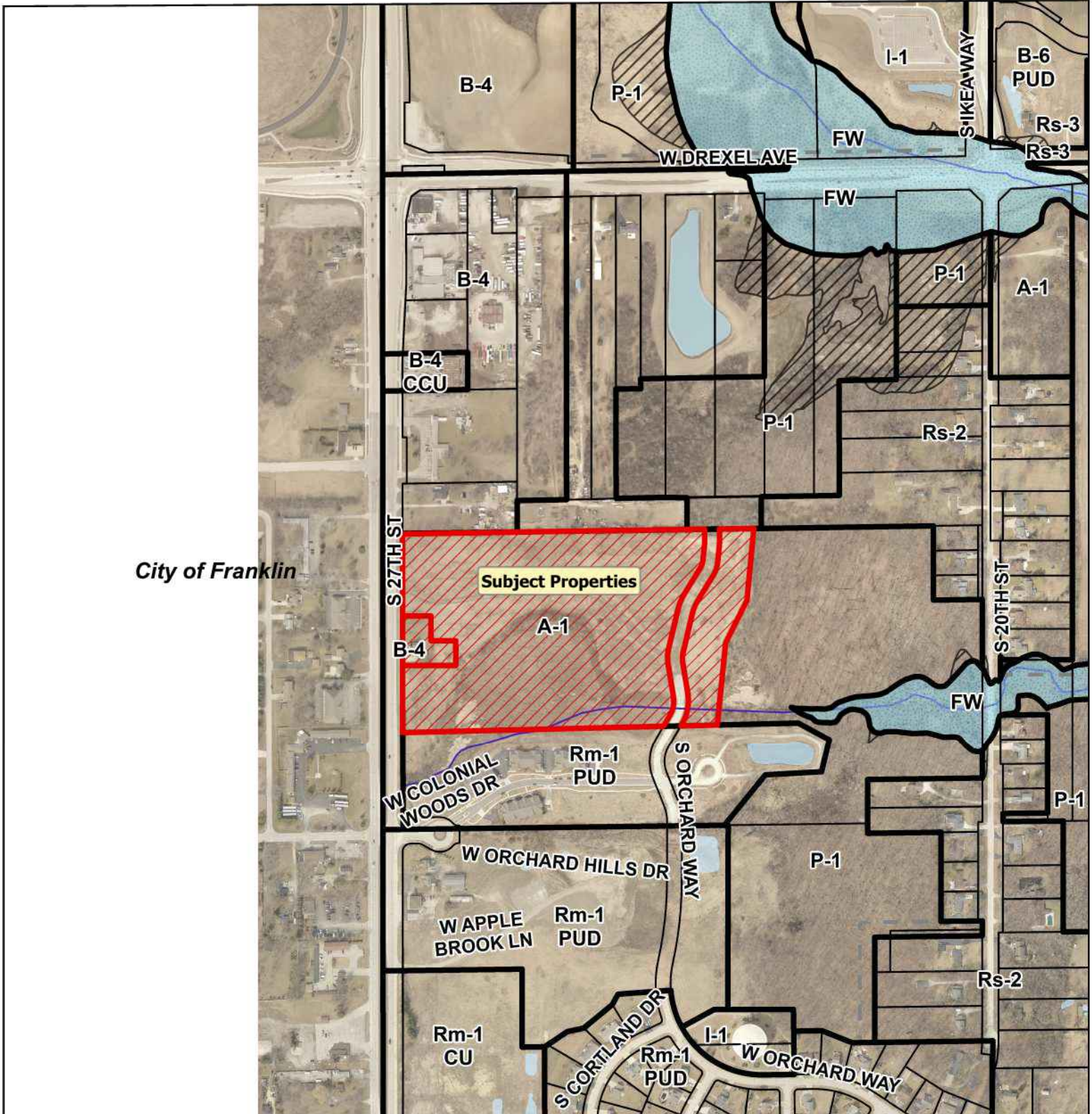
Attachments:

Location Map

Draft Conditions and Restrictions

LOCATION MAP

8100 & 8146 S. 27th St. & 8100 S. Orchard Way



City of Franklin

Subject Properties

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



0 0.04 0.07 0.15 Miles



Legend

- Parcels
- Zoning
- Official Map
- Floodway
- Flood Fringe
- Subject Properties

**City of Oak Creek – Planned Unit Development (PUD)
DRAFT Conditions and Restrictions**

Applicant: David Decker, Decker Properties
Property Address(es): 8100 & 8146 S. 27th St. and
8100 S. Orchard Way
Tax Key Number(s): 810-9012-001, 810-9005-000, &
810-9013-001

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

1. LEGAL DESCRIPTION

Part of Lots 1 & 3 of Certified Survey Map No. 7769 recorded in the office of the Register of Deeds for Milwaukee County on June 07, 2006 as Document No. 09248022, and Parcel 1 of Certified Survey Map No. 4431 recorded in the office of the Register of Deeds for Milwaukee County on March 7, 1984, as Document No. 5698638, all being part of the Southeast 1/4 & Southwest 1/4 of the Northwest 1/4 of Section 18, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin being more particularly described as follows:

Commencing at the Southwest corner of the Northwest 1/4 of said Section 18; thence North 00°-01'-54" West along the West line of said Northwest 1/4, a distance of 1,196.33 feet; thence North 89°-07'-25" East, a distance of 80.01 feet to the point of beginning, said point also being the Northwest corner of Lot 1 of said Certified Survey Map No. 7769; thence continuing North 89°-07'-25" East along the North line of said Certified Survey Map No. 7769, a distance of 1,419.90 feet to the Northeast corner of said Lot 3, thence South 05°-29'-22" West along an East line of said Lot 3, a distance of 291.18 feet; thence South 26°-35'-24" West along an East line of said Lot 3, a distance of 193.05 feet; thence South 05°-44'-21" West along an East line of said Lot 3, a distance of 333.38 feet to the North line of Phase 1 of Colonial Woods Condominium Plat recorded in the office of the Register of Deeds for Milwaukee County on October 30, 2007, as Document No. 9516206; thence South 88°-38'-30" West along said North line, a distance of 1,272.05 feet to the Easterly right-of-way line of S. 27th Street; thence North 00°-01'-54" West, a distance of 802.62 feet to the point of beginning and containing 24.596 acres (1,071,388 sq. ft.) of land more or less.

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 each area affected by the Planned Unit Development 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/phases
- 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 & type(s) of dwellings
 - iii) Number of all parking spaces
 - iv) Dimensions
 - v) Setbacks
- h) Location(s) of loading berth(s)

2) Landscape Plan

- 1. Screening plan, including parking lot screening/berming
- 2. 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

- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates
- 1. Contours (existing & proposed)
- 2. Location(s) of storm sewer (existing and proposed)
- 3. 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 permit.

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 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 (e.g., Creekside Crossing Circle, etc.) required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.

F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

G. All future land divisions shall follow subdivision plat and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).

H. Prior to the issuance of any permits for any portion of the development, the Applicant/landowner shall submit all City-approved Certified Survey Maps for recording.

I. A Master Landscaping Plan for the overall development shall be submitted to the Plan Commission for approval prior to the review of any project within the Planned Unit Development. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Landscaping, in accordance with the approved plan, shall be installed for each phase prior to the issuance of occupancy permits for that phase.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

A. There shall be a maximum of ten (10) multifamily buildings, and a maximum of 218 units. Accessory buildings, garages, a clubhouse, and a pool may be permitted so long as they are compliant with all applicable provisions of the Municipal Code and these conditions and restrictions.

B. Buildings A1, A2, A3, and A4 shall not exceed 56 feet in height. No other residential building in the PUD shall exceed 50 feet in height.

- C. The clubhouse shall not exceed 36 feet, 5 inches in height. No other accessory building in the PUD shall exceed 17 feet in height.
- D. Exterior building materials shall be provided in accordance with Section 17.1009(a). Vinyl siding shall not be utilized on any building within the PUD.
- E. Signage for the development shall be in conformance with Sections 17.0316 and all other applicable Sections of the Municipal Code.
- F. Solid waste collection and recycling shall be the responsibility of the owner. All solid waste and recycling collection units shall be screened and sited in conformance with Municipal Code requirements.
- G. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).
- H. The clubhouse, pool, public extension of Orchard Way, and all public infrastructure shall be constructed as part of the initial phase of the development. The clubhouse and pool shall be completed prior to or concurrent with the issuance of occupancy permits for any residential buildings.

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).
- B. Access to South 27th Street (STH 241) in accordance with executed agreements and access management plans is subject to the review and approval of the Wisconsin Department of Transportation. Such approval shall be provided to the City prior to the issuance of any building permits.

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sections 17.0316 and 17.0808 of the Municipal Code (as amended).
- B. Pole type, color, height, and placement in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.
- C. Fixture type and color on light poles in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.

6. IMPACT FEES

Multifamily residential buildings constructed as part of this Planned Unit Development shall be subject to the collection of impact fees as required by Section 3.40 of the Municipal Code.

7. BUILDING AND PARKING SETBACKS

	Front and Public ROW Setback	Rear Setback	Side Setback
Building A2*	16 ft	25 ft	10 ft
Building A3*	12 ft	25 ft	10 ft
Building A4*	18 ft	25 ft	10 ft
Building C3*	25 ft	25 ft	10 ft
Building C4*	10 ft	25 ft	10 ft
Building C5*	14 ft	25 ft	10 ft
All Other Principal Structures*	30 ft	25 ft	10 ft
Accessory Structure**	30 ft	10 ft	5 ft
Off-street Parking	5 ft	5 ft	5 ft

**No multifamily residential structure shall be located closer than fifty (50) feet to a single-family district line.*

***No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards. Trash enclosures shall be sited in conformance with Sec. 17.1010(e) as amended.*

7. TIME OF COMPLIANCE

The operator of the Planned Unit Development shall commence work in accordance with these conditions and restrictions as follows:

- A. Phase I of the Planned Unit Development shall commence within twelve (12) months from the date of adoption of the ordinance authorizing this Planned Unit Development. Issuance of a building permit shall constitute commencement of construction.
- B. Phase II of the Planned Unit Development shall commence within twenty-four (24) months from the date of adoption of the ordinance authorizing this Planned Unit Development. Issuance of a building permit shall constitute commencement of construction.
- C. Phase III of the Planned Unit Development shall commence within thirty-six (36) months from the date of adoption of the ordinance authorizing this Planned Unit Development. Issuance of a building permit shall constitute commencement of construction.
- D. All phases of the Planned Unit Development shall be complete, with Certificates of Occupancy issued for all buildings, within forty-eight (48) months from the date of adoption of the ordinance authorizing this Planned Unit Development.
- E. This Planned Unit Development approval shall expire
 - 1. Twelve (12) months after the date of adoption of the ordinance if a building permit for Phase I has not been issued for this use; **OR**

- 2. Twenty-four (24) months after the date of adoption of the ordinance if a building permit for Phase II has not been issued for this use; **OR**
- 3. Thirty-six (36) months after the date of adoption of the ordinance if a building permit for Phase III has not been issued for this use; **OR**
- 4. Forty-eight (48) months after the date of adoption of the ordinance if Occupancy Permits have not been issued for all buildings within the Planned Unit Development.

F. Upon expiration of this permit per Section (C), the applicant shall re-apply for a Planned Unit Development approval prior to recommencing work or construction for any Phase of development.

8. 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.

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Planned Unit Development 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 Planned Unit Development 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 Planned Unit Development, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Planned Unit Development or to seek an injunction regarding any violation of this Planned Unit Development or any other City ordinances.

10. REVOCACTION

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 Planned Unit Development approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Planned Unit Development as set forth in Section 17.1007 of the Municipal Code (as amended).

11. 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.

Owner / Authorized Representative Signature

Date

(please print name)

EXHIBIT A: GENERAL DEVELOPMENT PLAN

(For illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)

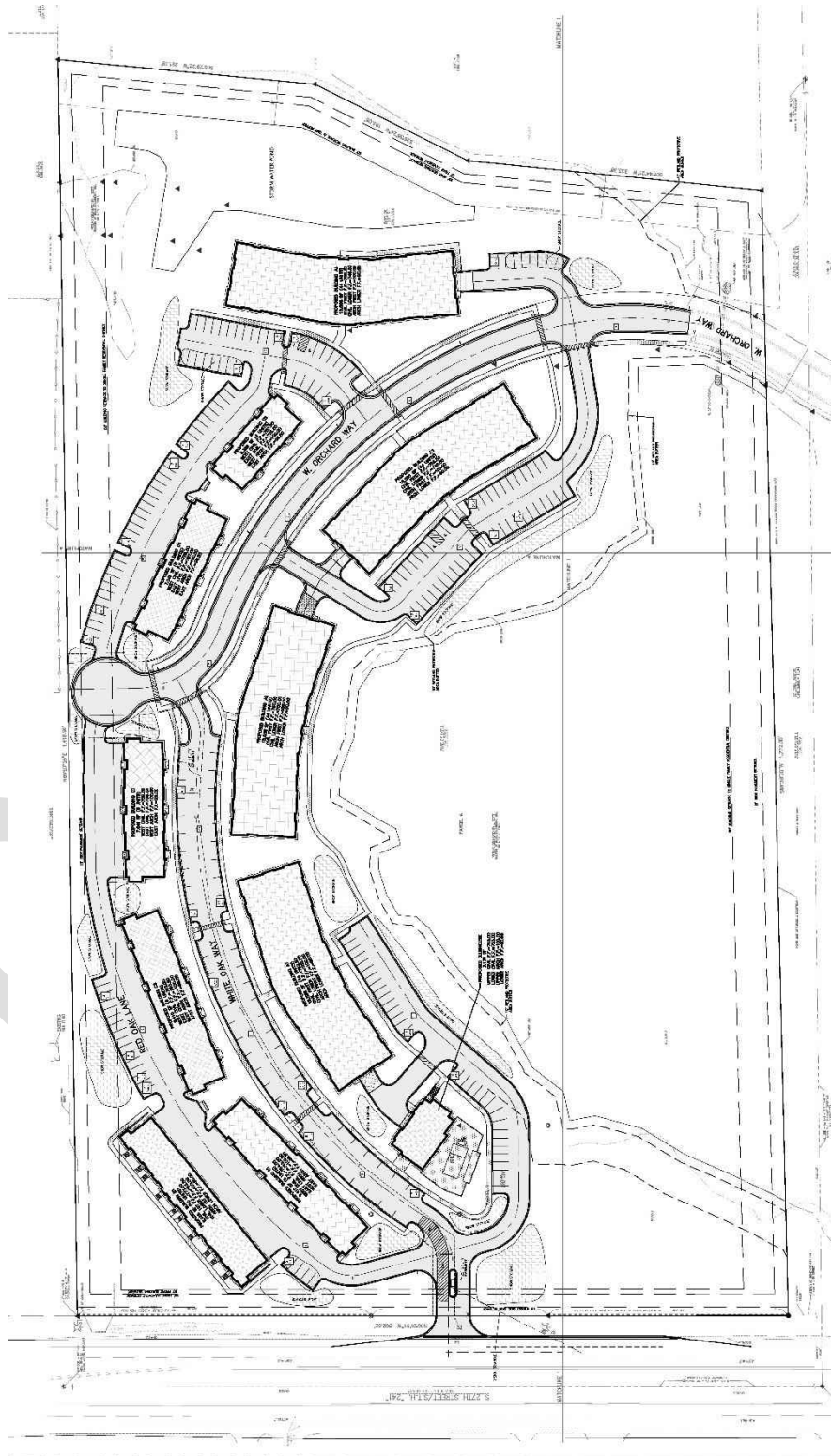
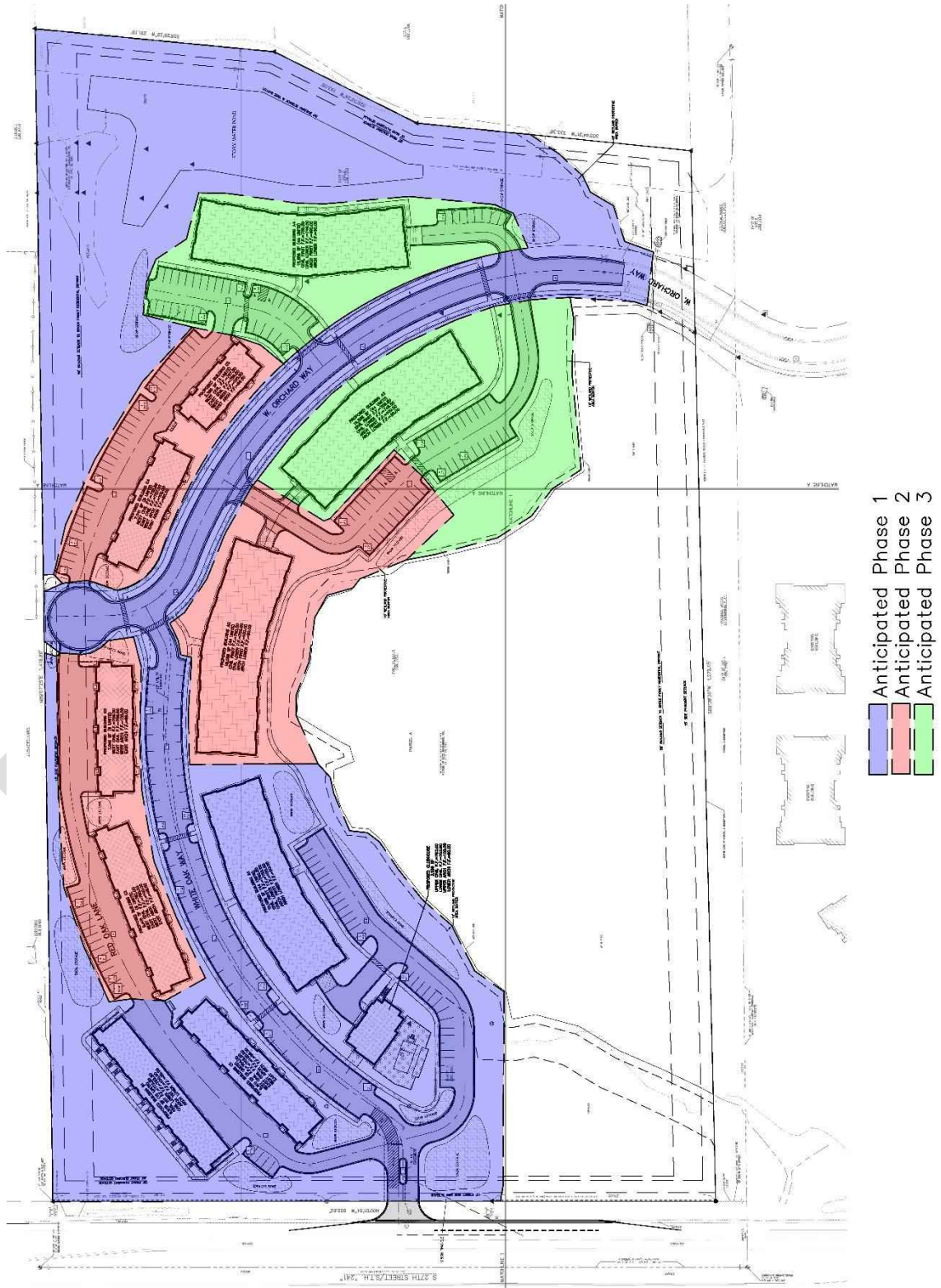


EXHIBIT B: PHASING PLAN

(For illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)





PLAN COMMISSION REPORT

Proposal: Certified Survey Map

Description: Review of a Certified Survey Map request to divide the property at 10855 S. 10th Ave.

Applicant(s): Michael Murphy

Address(es): 10855 S. 10th Ave.

Suggested Motion: That the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Michael Murphy for the property at 10855 S. 10th Ave. 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.

Owner(s): Carrie Murphy and Michael Murphy

Tax Key(s): 969-9033-000

Lot Size(s): Lot 1 = 25,900 sf; Lot 2 = 25,900 sf; Lot 3 = 25,956 sf; Outlot 1 = 30.38 ac

Current Zoning District(s): Rs-2, Single Family Residential FW, Floodway

Overlay District(s): FF, Flood Fringe

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Single-Family Detached; Floodway

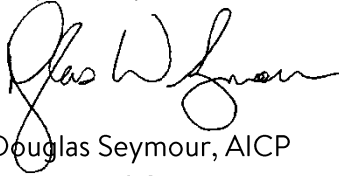
Background:

The Applicant is requesting approval of a Certified Survey Map (CSM) dividing the property at 10855 S. 10th Ave. As proposed, three (3) new single-family residential lots would be created along S. 10th Ave., all of which meet the minimum requirements for the Rs-2 zoning district. The remaining 30.38 acres containing the majority of the wetland, floodway, and floodplain areas will be an outlot. Dedication of 30 feet for the future

public extension of Becker Road just north of the proposed Lot 1 is included. The street name correction and the correction of the Plan Commission Secretary on Page 3 will be required prior to recording.

Options/Alternatives: The Plan Commission may recommend Common Council approval of the proposed Certified Survey Map with specified conditions, or that the Common Council not approve of the proposed CSM. Disapproval would affect the anticipated future development of these properties.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP
Planner

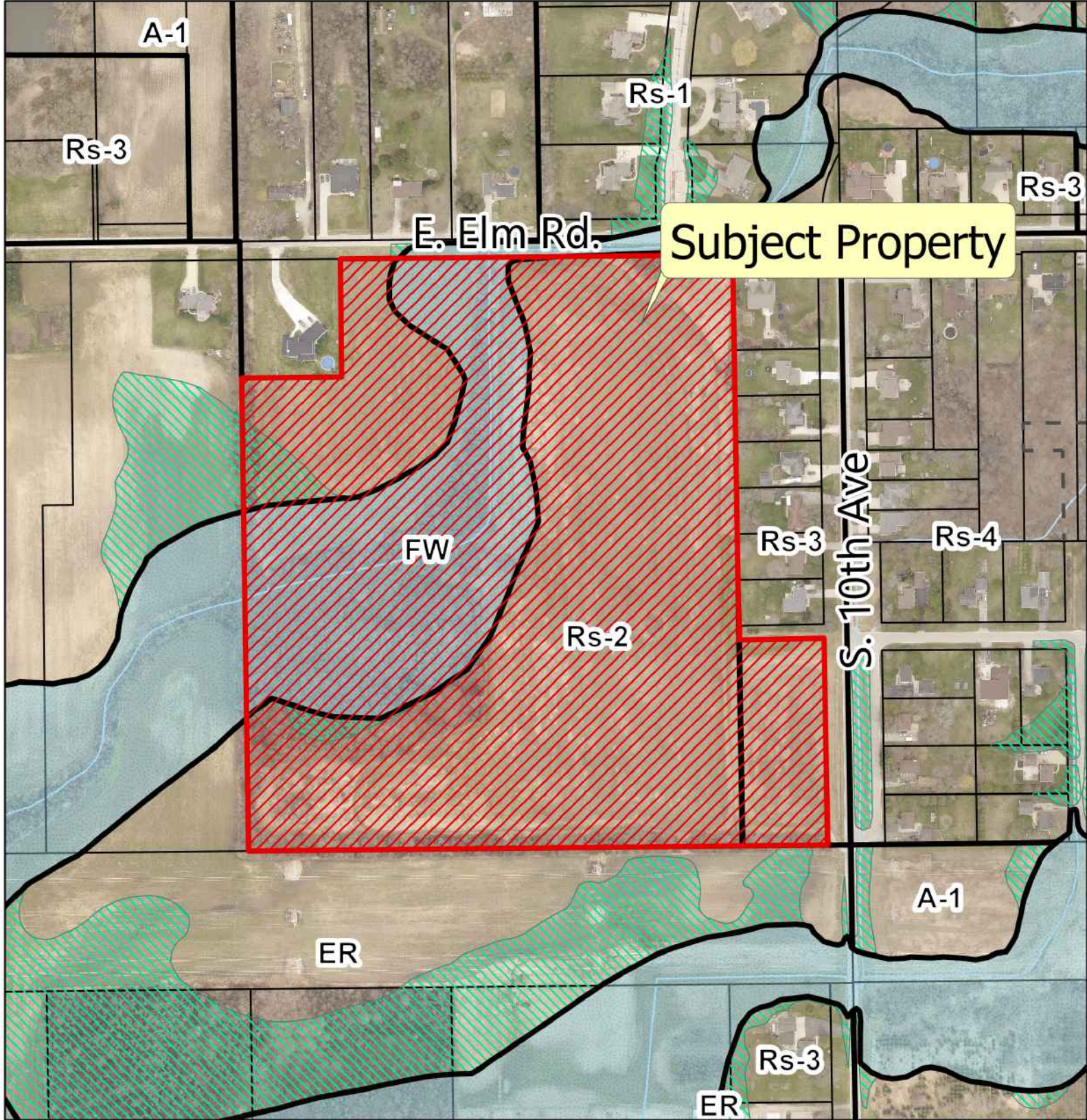
Attachments:

Location Map

Proposed CSM (3 pages)

Location Map

10855 S. 10th Ave.



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

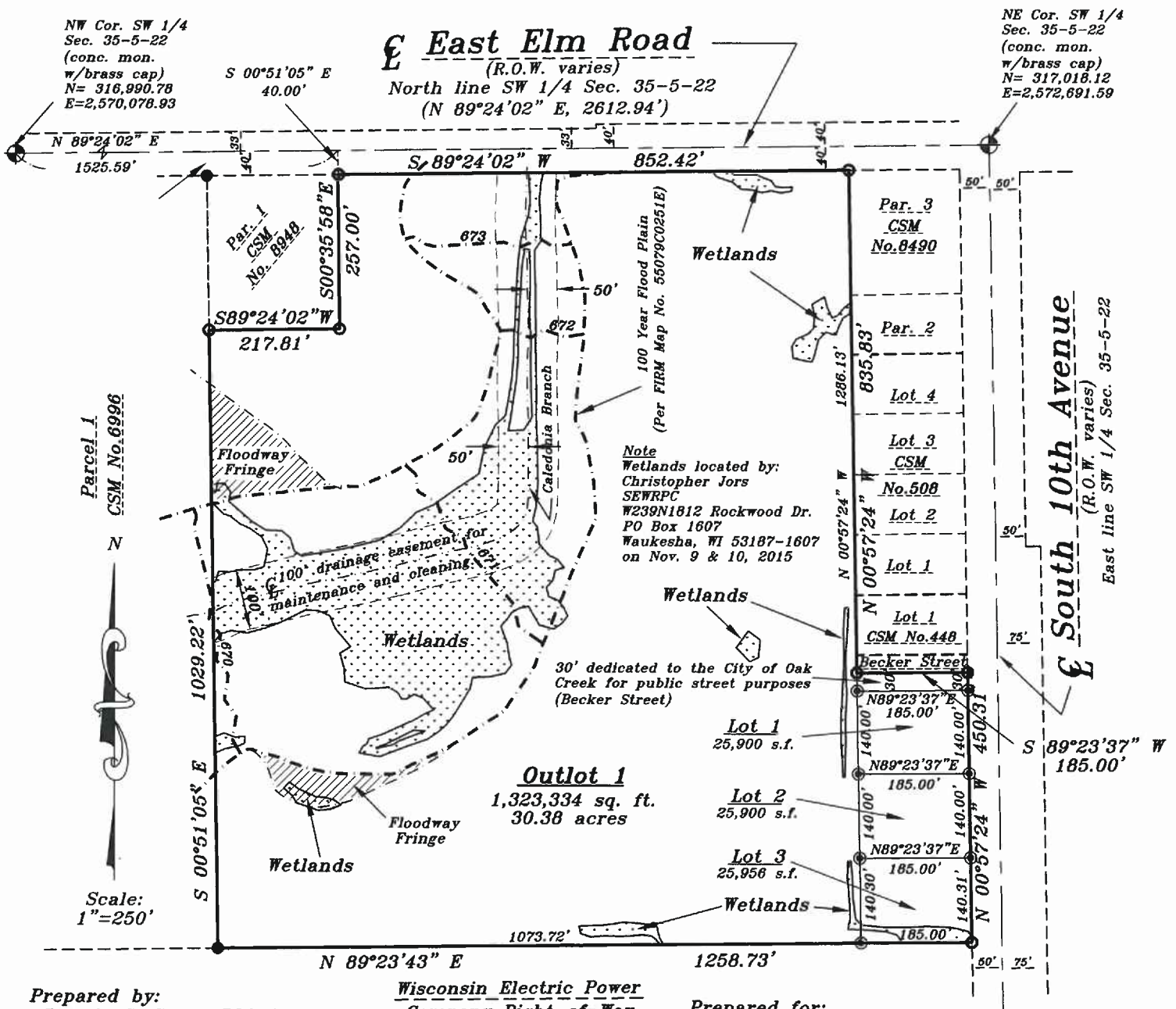


Legend

- Zoning
- Official Street Map
- Floodway
- Flood Fringe
- Parcels
- 10855 S. 10th Ave.

CERTIFIED SURVEY MAP

Being a redivision of Parcel 2 of Certified Survey Map No. 8948, being a part of the Northeast 1/4 of the Southwest 1/4 of Section 35, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.



Note
Wetlands located by:
Christopher Jors
SEWRPC
W239N1812 Rockwood Dr.
PO Box 1607
Waukesha, WI 53187-1607
on Nov. 9 & 10, 2015

Prepared by:
Dennis C. Sauer PLS 2421
Metropolitan Survey Service, Inc.
9415 W. Forest Home Ave.
Hales Corners, WI 53130

Wisconsin Electric Power
Company Right-of-Way

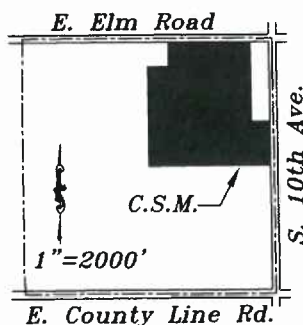
Prepared for:
Michael & Carrie Murphy
10855 S. 10th Ave.
Oak Creek, WI 53154

Note:
Green infrastructure and grading plans must be submitted to the City of Oak Creek for review and approval prior to issuance of any building permit for any lot on this map.

Map bearings refer to Grid North of the Wisconsin State Plane Coordinate System, South Zone, with the North line of the SW 1/4 of Section 35, T5N, R22E having an assumed bearing of N 89°24'02" E. (Nov. 2007 Datum)

- — Denoted 1" iron rebar found and accepted or set as noted.
- — Denotes iron pipe found and accepted
- ⊙ — Denotes iron pipe set

Public sanitary sewer and water is available on the east side of S. 10th Ave.



Graphic Scale

1"=250'

Vicinity Sketch

SW 1/4 Sec. 35-5-22

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Parcel 2 of Certified Survey Map No. 8948, being a part of the Northeast 1/4 of the Southwest 1/4 of Section 35, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

I, Dennis C. Sauer, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a redivision of Parcel 2 of Certified Survey Map No. 8948, being a part of the Northeast 1/4 of the Southwest 1/4 of Section 35, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin. Said lands containing 1,406,641 square feet. (32.29 Acres).

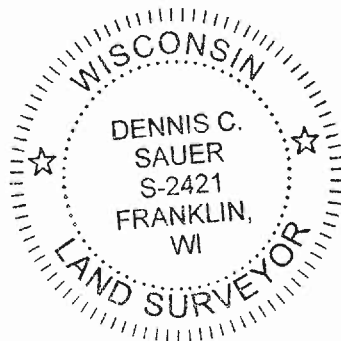
That I have made such survey, land division and map by the direction of Michael Ryan Murphy and Carrie Marie Murphy, husband and wife, owners of said land.

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

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and Chapter 14 of the Municipal Code of the City of Oak Creek in surveying, dividing and mapping the same.

June 22, 2021
Date

Dennis C. Sauer
Dennis C. Sauer
Professional Land Surveyor S-2421



PREPARED FOR:
Michael & Carrie Murphy
10855 S. 10th Avenue
Oak Creek, WI 53154

PREPARED BY: Dennis C Sauer
Metropolitan Survey Service, Inc.
9415 W Forest Home Ave, #202
Hales Corners, WI 53130

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Parcel 2 of Certified Survey Map No. 8948, being a part of the Northeast 1/4 of the Southwest 1/4 of Section 35, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE OF DEDICATION

We, Michael Ryan Murphy and Carrie Marie Murphy, husband and wife, as owners, do hereby certify that we have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236.34 of the Wisconsin State Statutes and Chapter 14 of the Municipal Code of the City of Oak Creek.

WITNESS the hand and seal of said owners this _____ day of _____, 20__.

Michael Ryan Murphy

Carrie Marie Murphy

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20__, Michael Ryan Murphy and Carrie Marie Murphy, husband and wife, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public-State of Wisconsin
My Commission Expires: _____

PLAN COMMISSION APPROVAL

APPROVED AND DEDICATION ACCEPTED by the Plan Commission of the City of Oak Creek on this _____ day of _____, 20__.

Daniel J Bukiewicz, Chairman
City of Oak Creek

Douglas W. Seymour, Corresponding
Secretary, City of Oak Creek

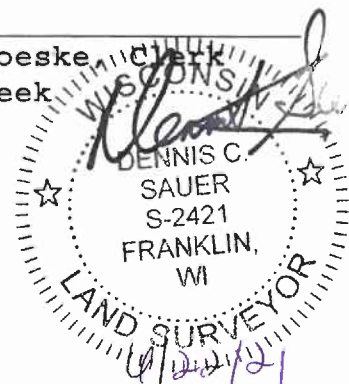
COMMON COUNCIL APPROVAL

APPROVED and DEDICATION ACCEPTED by the Common Council of the City of Oak Creek on this _____ day of _____, 20__, by Resolution No. _____.

Daniel J Bukiewicz, Mayor
City of Oak Creek

Catherine A. Roeske, Clerk
City of Oak Creek

THIS INSTRUMENT WAS DRAFTED BY:
Dennis C. Sauer, P.L.S. S-2421





PLAN COMMISSION REPORT

Proposal: Sign Plan Review – Roots Salon

Description: Review a proposed sign plan for the Roots Salon tenant space located at 7979 S. Main St. (tenant address: 7959 S. Main St.).

Applicant(s): Bob Kraus, Bauer Sign & Lighting Co., Inc.

Address(es): 7979 S. Main St. (7959 S. Main St.)

Suggested Motion: That the Plan Commission approves the sign plans submitted by Bob Kraus, Bauer Sign & Lighting Co., Inc., for the Roots Salon tenant space located at 7979 S. Main St.

Owner(s): DTS Mixed Use LLC/Westbrook Mgmt

Tax Key(s): 813-9053-000

Lot Size(s): 1.168 ac

Current Zoning District(s): DTSMUPDD

Overlay District(s): N/A

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Mixed Use

Background:

The Applicant is requesting sign plan approval for one (1) 5’ 8” x 2’ 1” wall sign on the west elevation of the Roots Salon tenant space in the existing multitenant building located at 7979 S. Main 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:

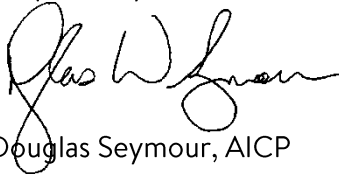
- One (1) primary sign per entry façade per tenant.
- One to two flag signs per entry façade (max. size fabric = 10 ft., max. size solid = 36” x 36”).

- 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 the Forge and Flare buildings was approved in August of 2016. The approved Master Sign Plan allows tenants to have one (1) wall sign per entry façade, which includes both the Main Street and parking lot elevations. Signs may not exceed 35 square feet or 25.2 inches in height. The proposed sign meets all dimensional criteria. A copy of the approved Master Sign Plan is included with this report for reference.

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:



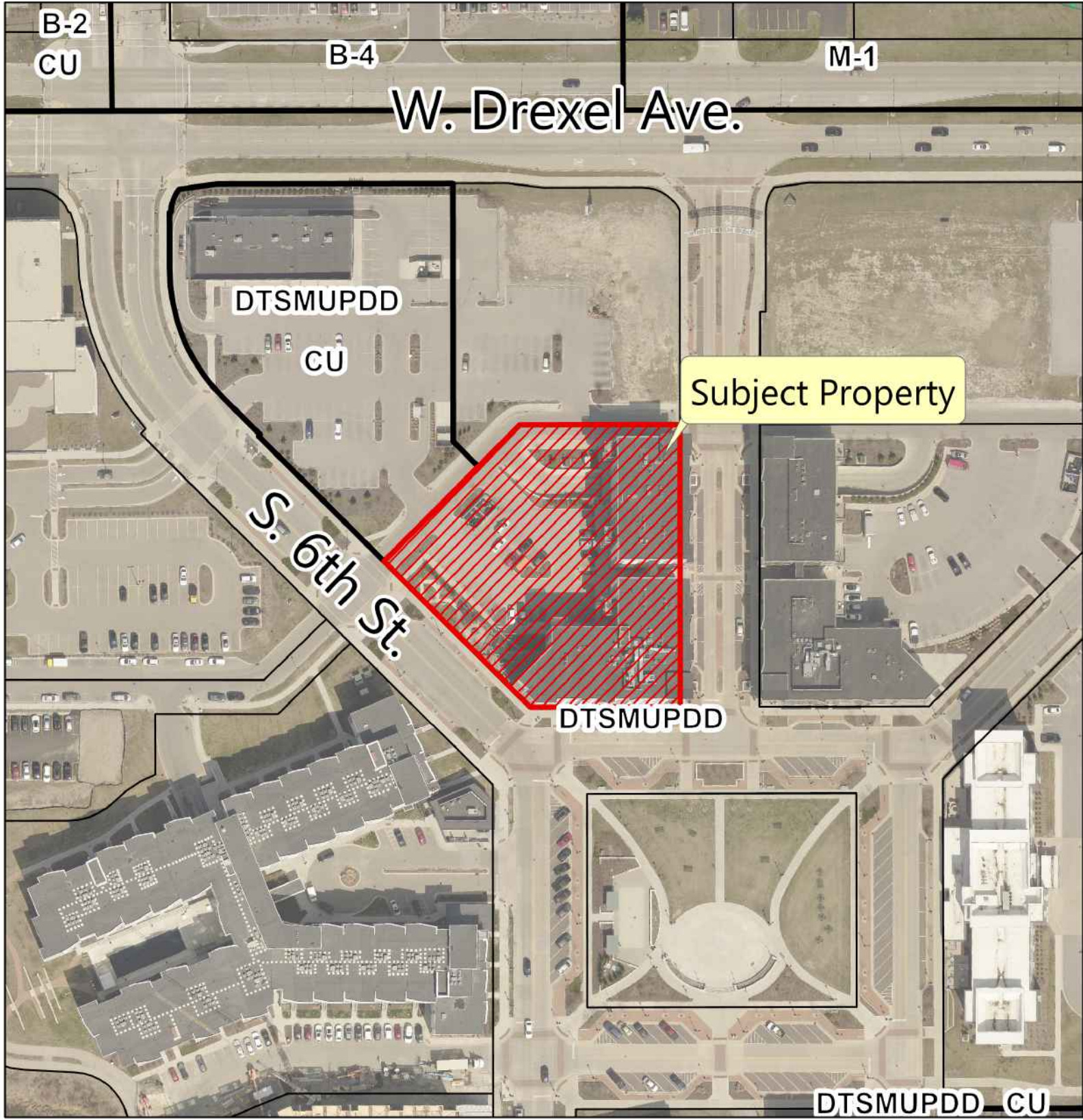
Kari Papelbon, CFM, AICP
Planner

Attachments:

- Location Map
- Approved Master Sign Plan (9 pages)
- Proposed Tenant Sign Plan (1 page)

Location Map

7959 S Main St.

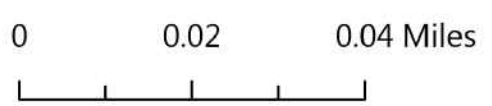


This map is not a survey of the actual boundary of the property this map depicts

DTSMUPDD CU

Legend

- Zoning
- Official Street Map
- Floodway
- Flood Fringe
- Parcels
- 7959 S Main St.



DREXEL TOWN SQUARE MAIN STREET TENANT SIGN CRITERIA

INTRODUCTION

These sign criteria provide the guidelines necessary to achieve a visually comprehensive, aesthetically balanced signage environment, consistent with the design objectives of the Drexel Town Square Mixed Use Planned Development District (DTSMUPDD). In the event that these sign criteria differ from the requirements of the DTSMUPDD and/or Municipal Code, the applicant/tenant may request variances through the City of Oak Creek sign appeal process.

GENERAL

All tenants are required to install one (1) sign on their sign fascia as herein specified before Tenant opens for business at the shopping center.

The purpose of this Sign Criteria is to inform tenants of the framework within which the Landlord will review and approve all tenant signs to be erected at Drexel Town Square for tenants within buildings located on Main Street. Specific limits or requirements are stated herein. Landlord expressly reserves the right to require modifications to signs prior to Landlord approval and may modify these sign criteria at any time, at Landlord's sole discretion.

The City of Oak Creek Plan Commission shall review all signs prior to the submission of permit applications. All signs must comply with applicable City ordinances, including the Drexel Town Square Mixed Use Planned Development District zoning and design guidelines. **Acceptance of tenant signage by Landlord does not relieve the obligation of the Tenant to secure all necessary approvals and permits from the City of Oak Creek, including any required variances.**

A copy of the sign permit and certificate of insurance of the sign installation company designating Landlord as additional insured must be provided to Landlord prior to the installation of any sign.

Landlord retains the right to approve the sign installation company. All costs associated with re-fabrication or re-installation of Tenant's sign and fascia repair caused, in whole or in part, by failure to follow Landlord guidelines shall be the sole responsibility of the Tenant.

Signage that identifies the entrances to the residential areas shall be permitted in accordance with Exhibit A.

FASCIA SIGNS

- 1) **NUMBER OF SIGNS:** One sign per entry façade is permitted per store. Exceptions, as further described below, may require variances from the City of Oak Creek prior to issuance of permits.
 - a) When a store is at the intersection of two outside storefront walls and each wall is adjacent to a driveway or public street, Landlord will permit one sign on each fascia.
 - b) One (1) sign per tenant is allowed on the building facade of their respective buildings facing Main Street, and one sign shall be allowed on the fascia facing the public parking fields.
 - c) Endcap tenants of premises that face both Main Street and the alley to the north or West Town Square Way to the south shall be allowed three (3) signs with one (1) sign on each elevation facing a street or alley and one (1) sign facing Main Street.
- 2) **LOCATION OF SIGNS:** Identification confined to Tenant's leased frontage within the neutral strips separating two tenants. All signs to be located on building fascia as determined and approved by Landlord and the governing local municipality. The centerline of all signs to be mounted vertically at 12'-4" above the finished building floor elevation of the base building.

- 3) MOUNTING OF SIGNS:
 - a) All signs shall be constructed and mounted in conformance with applicable codes and so that all fasteners, hangers, brackets, transformers, light leaks, conduit, cabinets, and wiring will be concealed from public view.
 - b) All fasteners will be of non-corrosive material such as aluminum, stainless steel, or cadmium plated so as not to stain the fascia. All holes and fasteners will be fully filled and covered with silicone caulk to aid in rust prevention and prevent water penetration through the fascia. The proper number and size of fasteners are to be used to support each mounted sign. Care is to be taken during installation to minimize damage to the fascia and other adjacent materials and surfaces.
- 4) SIZE OF SIGN: Except as otherwise specifically limited herein, the size of the sign and letters shall not exceed the following limits:
 - a) Maximum Area: 35 (per PC Approval) Square Feet
 - b) Minimum Height of letters: For signs with a single line of letters, vertical dimensions to be at least 16" in height except for letters used integrally to a logo. For signs with two lines of letters, vertical dimensions of the letters to be at least 5" in height.
 - c) Depth of letters: 4" from back of letter to the letter face
 - d) Depth and width of raceway: 2"x6" with secondary wiring; T'xT' with transformer
 - e) Length of raceway: Raceway shall not extend past any portion of the lettering text unless such raceway is integrated into the sign as a design element (i.e. used to 'underline' the text).
 - f) Trade Insignia/Logo: Maximum area to be 4 square feet with a maximum height of 25.2", unless the logo is used as the sign itself, in which case the sign shall otherwise comply with area requirements herein.
 - g) Height of sign: The sign shall not be more than 25.2" in height as measured from the elevation of its lowest point to the elevation of its highest point.
- 5) SIGN TEXT: Text shall be limited to store name or Tenant's trade name and limited product, service or goods sold if important to identifying the business, excluding the use of text within a logo.
- 6) TYPES OF SIGNS PERMITTED:
 - a) Individual letters mounted on raceway painted to match the fascia upon which the sign is located or as otherwise approved in writing by Landlord and as approved by the City of Oak Creek.
 - b) Connected Script letters without background, customarily used at Tenant's other places of business mounted on a raceway.
 - c) Channel signs that describe Tenant's product, service or goods sold as long as the size and location properly coordinate with the main tenant sign. May be used only as a supplement to the main tenant sign. Approval granted by Landlord and City of Oak Creek. No Box Signs are allowed.
 - d) Hanging neon sign displayed from within the tenant space that promote tenant services or specific products with a maximum sign height that does not exceed 5% of the retail storefront. One (1) eye level sign/graphic is allowed per 12 linear feet of entry façade. Vinyl applied to glazing may not cause more than 10% of the glazing to be opaque, and the total sign height is limited to 5% of the retail storefront. Applicants may apply for a variance from the City of Oak Creek for signs that do not meet these criteria. Not more than 25% of a window shall be covered by signage and illuminated window signs advertising the name of the business or principal services offered shall count toward the maximum number or area of signs. No flashing or animated signs are allowed.
 - e) Special event banners such as "Coming Soon "or "Grand opening" in accordance with City of Oak Creek requirements.
- 7) MATERIALS AND COLORS OF SIGN LETTERS:
 - a) Letter faces to be a minimum of 1/8" acrylic for center conformity and overall appearance.

- b) Letters to be made of a minimum of .063 aluminum backs and returns with a painted finish to be specified by Landlord, trimmed with 1" trim around the acrylic edge. All aluminum surfaces inside letters will be painted.
- c) Raceway made of galvanized sheet metal a minimum of .063, color to match fascia wall color.
- d) Other materials may be submitted subject to Landlord and City written approval.

8) TYPES OF ILLUMINATIONS:

- a) All signs on fascia must be lighted. Letters must be either internally illuminated neon or LED (with translucent faces and with light sources completely concealed) or halo illuminated with LED backlighting that is fully concealed. Illumination levels shall comply with City of Oak Creek Municipal Code.
- b) Specialty straight arm exterior lighting of blade signs is allowed at anchor / end cap tenants at the discretion of the landlord. Remote transformers will be mounted behind fascia wall surface. Front lighting of signs must be approved by Landlord and City and must be otherwise in compliance with these Signage Criteria.

9) ELECTRICAL INFORMATION:

- a) Electrical service, wiring, and time clock to be furnished and installed by Tenant at Tenant's cost.
- b) All electrical service charges to be paid for by the Tenant.
- c) All components and their installation to comply with all applicable ordinances and codes.
- d) All signs must be UL approved.
- e) All electrical work must be performed by a licensed electrician.

10) SPECIFIC PROHIBITIONS

- a) Interior and exterior flashing, rotating, audible and/or moving signs.
- b) Light leaks of any kind; exposed lamps or tubing unless approved by Landlord and City of Oak Creek.
- c) Portable signs located within one (1) mile of Shopping Center. No off-premise signs or portable signs (except for the existing Drexel Town Square development signs and easel/A-frame signs as provided in (d) below) are permitted within the development.
- d) Easel / A-frame signs are allowable on a daily basis, and must be taken in nightly by retailers. A-frame signs must be constructed of heavy-duty, quality materials to ensure stability. These signs may not exceed 4' in height and 2'-6" in width (no more than 10 square feet per side).
- e) Visible sign company names or permits.
- f) Decals on door or show window glass (unless required by Code or approved by Landlord). These limitations may be waived by written permission of Landlord and approval of the City of Oak Creek on a case-by-case basis through the Sign Plan Review process for window skins or signs that are installed prior to a retailer opening for business or for spaces not currently rented.
- g) Painted lettering.
- h) All temporary signs or banners that are attached on any part of the building without express written permission of Landlord and as approved by the City of Oak Creek Plan Commission on a case-by-case basis in accordance with Municipal Code requirements for Temporary Use.

11) DRAWING SUBMISSION FOR APPROVAL PROCESS: Three complete sets of sign construction drawings must be submitted to the Landlord for approval BEFORE fabrication. The Landlord shall review and initial sign drawings submitted by Tenant and will return two (2) sets to Tenant, indicating Landlord's approval provided such drawings conform to the criteria specified herein. Landlord shall not be responsible for the cost of signs fabricated, ordered or constructed that do not conform to such sign criteria not specifically approved in writing by Landlord. Tenant's sign drawings must include the following:

- a) Elevation view of sign (drawn to accurate scale) with dimensions of height of letters and length of sign.
- b) Notations of the specific manufacturer, sizes and colors of the lens and letter materials and the neon tubing and transformers.
- c) Cross-section view through sign letter and raceway showing materials and the dimensioned projection of the face of the letter from the face of the raceway and the size of raceway.
- d) Scale drawing of location of sign on fascia.

STOREFRONT SIGNS OR LETTERING

- a) No signs or lettering shall be painted on or attached to the glass of storefronts, windows, or doors, except as herein specified.
- b) Temporary graphic window skins used to obscure areas within a vacant Tenant's premises may be allowed with express written consent of the Landlord and approval from the City of Oak Creek provided that such window skins do not obscure more than 25% of the total square footage of storefront glass fronting such Tenant's premises (a reduced size may be required by the City of Oak Creek Plan Commission). All window skins shall be reviewed by the City of Oak Creek Plan Commission through the Sign Plan Review and/or variance process.
- c) Vinyl lettering may be allowed with a maximum 10% coverage and maximum text height equal to 5% of retail storefront height with Landlord's written permission and approval by the City of Oak Creek Plan Commission (prior to submission of permit applications).
- d) Neat lettering, consisting of letters not exceeding 2" in height, may be placed on the inside of the window adjacent to the front door for the purpose of identification, address and information such as store hours and emergency telephone numbers.
- e) No signs such as billboards, sales, specials, etc., can be attached to interior or exterior face of storefront, windows or doors except as otherwise provided for in these Signage Criteria and approved by Landlord and City of Oak Creek in writing.
- f) Any interior storefront decorations or decals that are part of a national branding campaign will be allowed but must be approved by landlord and City of Oak Creek subject to applicable City ordinances and review processes.

BLADE SIGNS

- a) Tenants with leased premises on an endcap facing either the alley to the north or West Town Square Way to the south shall have the right to install one (1) blade style sign in addition to the signs otherwise allowed in this Plan. All blade signs must be reviewed and approved by the City of Oak Creek Plan Commission prior to submission of permit applications. Applicants/tenants may request variances through the City of Oak Creek sign appeal process for blade signs that are NOT on entry facades.
- b) Inline retail tenants shall have the option of installing a Blade Sign instead of a Fascia Sign to which they are entitled under this plan.
- c) The blade sign shall generally conform with all of the requirements set forth in the FASCIA SIGNS requirements above except as follows:
 - a. The sign shall be no more than 3 feet in height and 2 feet in width
 - b. The sign shall project no more than 2'-6" from the face of the building

- c. The sign shall be located with no sign element lower than 8' above sidewalk grade and with no element higher than 12'4" above sidewalk grade. The sign shall be located within the area defined by the Premises.
- d. Fabric flag signs may not be greater than 10 feet in height, must maintain a vertical proportion, may not extend greater than 4 feet from the façade, and may not be less than 8 feet above grade.

MISCELLANEOUS SIGNS

- a) Any and all signs which, in Landlord's opinion, are not covered by the requirements set forth above shall be reviewed on their individual merits and would require separate landlord and City approval, including, but not limited to, Plan Commission Sign Plan Review and Sign Appeal processes.
- b) There shall be no exterior freestanding or pylon signs except as allowed in the sections above.
- c) Tenant is required to obtain all Landlord and City approvals in writing; oral approvals are insufficient and do not satisfy approval requirements herein.
- d) In no event shall Landlord's approval of any sign be deemed or construed as a warranty or guaranty by Landlord that such sign shall satisfy or be approved by any applicable governmental agency or authority; Tenant hereby acknowledges that it shall be solely responsible for obtaining any and all governmental approvals at its sole costs and expense.
- e) Tenant shall comply with both governmental and Landlord requirements pertaining to Tenant's sign. In the event of a conflict, Tenant shall present Landlord with proof of such conflicting requirements and request Landlord consent to deviate from those items of Landlord's criteria that make compliance with both impossible. Tenant shall be solely responsible to obtain Landlord's consent in accordance with these sign criteria.
- f) **PYLON SIGNS:** Availability of signage to Tenants on the Drexel Town Square monument and/or Pylon signs shall be determined by the DTSMUPDD and shall be governed by the Association.
- g) **LEASING SIGNS:** Except for signage otherwise allowed by these Signage Criteria, the shopping center will be allowed up to two retail (2) leasing signs; the locations shall be approved by the City of Oak Creek Department of Community Development in conformance with the DTSMUPDD and Municipal Code requirements. The signs will have a maximum display area of thirty-two (32) square feet. The signs' design will allow for the display of the corporate name and logo along with a phone number in a color scheme that represents corporate or company colors. The residential units may be marketed using banner signage affixed to balcony rails if determined to be acceptable by the City of Oak Creek Plan Commission on a case-by-case basis in accordance with Municipal Code requirements for Temporary Use. Such signage shall not exceed the size of such balcony rail (a reduced size may be required by the City of Oak Creek Plan Commission), and each building is limited to one sign per elevation.

EXHIBIT A



FORGE - AWNING ELEVATION

EXHIBIT A



FORGE - AWNING PERSPECTIVE

EXHIBIT A



FLARE - AWNING ELEVATION

EXHIBIT A



FLARE - AWNING PERSPECTIVE

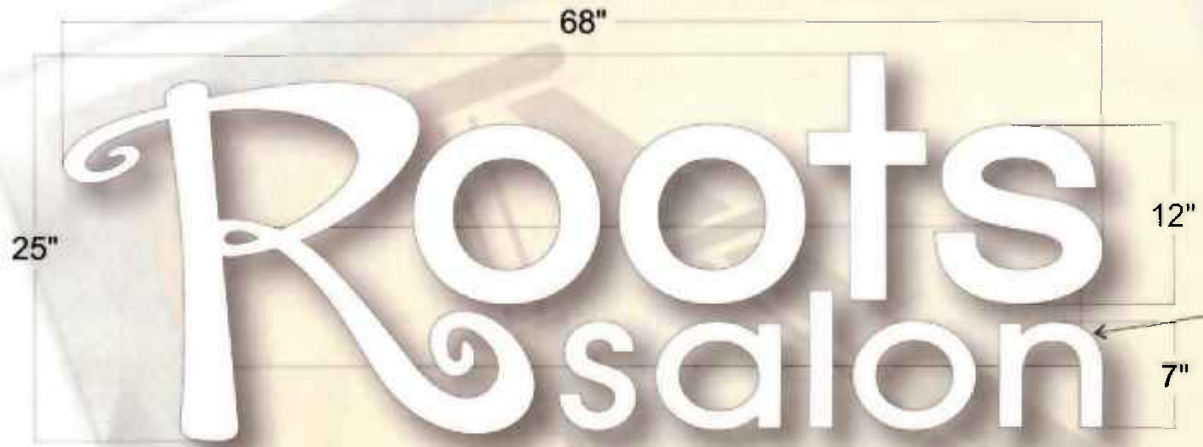
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File	JUN 29 2021	Roots Salon
Location		Oak Creek Wi
Client	CITY OF OAK CREEK	
Sales rep		Bob Kraus
Date		19 July 16
Revision	24 Aug 16, cb 19 Oct 20, cb 10 Nov 20	



Weather-proof electrical box
Primary Power by Others

SPECIFICATIONS

FABRICATE AND INSTALL (1SET) INTERNALLY ILLUMINATED, FABRICATED RACEWAY MOUNTED CHANNEL LETTERS.

- **FACES TO BE #7328 WHITE PLEXIGLASS**
- **RETURNS TO BE .050X5" AND BACKS TO BE .063 ALUMINUM**
- **TRIMCAPS TO BE 3/4" BLACK**
- **EXTERIORS TO BE BLACK**
- **INTERIORS TO BE WHITE**
- **ILLUMINATED WITH WHITE LEDs**
- **POWERED WITH APPROPRIATE LOAD REMOTE POWER SUPPLIES**
- **RACEWAY TO BE 9"x 3.5" x 58" AND PAINTED NEPTUNIA GRAY MP13915**

Roots Salon
channel letters
REAR ELEVATION



Printed artwork colors are not always representative of final product colors. Please refer to specifications for call out or salesman for samples.

These drawings are the exclusive property of Bauer Sign Company. Not to be duplicated in any way without expressed written permission!

FINAL ELECTRICAL CONNECTION IS CLIENT'S RESPONSIBILITY

our products are certified by Underwriters Laboratories, Inc.

This sign shall be manufactured to meet or exceed the Article 605 of the National Electrical Code and/or the applicable local code. This includes proper grounding and bonding of the sign. Sign shall bear correct UL Labels.

Scale: 1" = 1'



PLAN COMMISSION REPORT

Proposal: Rezone and Conditional Use Permit – Multifamily Residential Development

Description: Review a request to rezone the property at 441 W. Ryan Rd. from B-4, Highway Business to Rm-1, Multifamily Residential, with a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure.

Applicant(s): Steve Pape, Revel Investments

Address(es): 441 W. Ryan Rd.

Suggested Motion: That the Plan Commission recommends to the Common Council that the property at 441 W. Ryan Rd. be rezoned from B-4, Highway Business to Rm-1, Multifamily Residential, with a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure, after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission’s review at the next meeting (August 10, 2021).

Owner(s): Parkside Land Group, LLC

Tax Key(s): 906-9028-001

Lot Size(s): 10.840 ac

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

Overlay District(s): N/A

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Single-Family Attached, Flex Overlay

Background:

The Applicant is requesting that the property at 441 W. Ryan Rd. be rezoned from B-4, Highway Business to Rm-1, Multifamily Residential in anticipation of constructing a multifamily residential development.

Multifamily residential dwellings in excess of four (4) dwelling units per structure are Conditional Uses in the Rm-1, Multifamily Residential district.

The Land Use Plan within the Comprehensive Plan identifies this parcel as appropriate for future Single-Family Attached development. However, this parcel is also subject to a Flex Overlay, which does allow the City to consider a variety of future potential land uses. Those land uses must still meet the “intended character and intensity of future development” identified in the Housing and Neighborhoods Framework section of the Comprehensive Plan. In this case, staff have identified the Medium Density Multifamily Residential category (described below) within the Housing and Neighborhoods Framework as applicable to the concept.

These areas consist of proposed neighborhoods of medium density multifamily development. These locations are primarily proposed for areas that are adjacent to lower-density residential areas or existing medium density multifamily developments. The City should ensure that new development of this type is adequately screened from single-family detached neighborhoods and well connected to surrounding roadways and uses.

Per the submitted narrative, the proposal includes two (2) two-story buildings and two (2) three-story buildings with underground parking, a clubhouse, water feature/splash pad, playground, and outdoor recreation amenities. Of the total 118 units proposed, 56 will be one-bedroom units, 54 will be two-bedroom units (including townhomes), and 8 will be three-bedroom units. Overall density for the site is proposed to be 10.95 units/acre.

Access to Ryan Rd. is prohibited along the entire north property line; however, the proposal includes a driveway off of the public Eagle Summit Drive opposite the southern access to the Police Department. Staff have received comments from the Fire Department that a second access drive should be incorporated into plans should the rezone and Conditional Use Permit be approved. The Applicant is aware of the request.

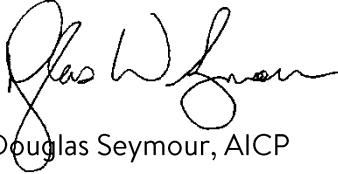
Each building will have access to underground parking in a shared configuration. A total of 160 underground stalls, 90 surface stalls, and 10 clubhouse stalls are included in the proposal. Minimum parking requirements per Code are based on bedrooms. Studio/efficiency and one-bedroom units require 1.5 parking stalls. Two-bedroom units require 2 parking stalls. Three-bedroom units require 2.5 parking stalls. Therefore, a total of 196 parking stalls, including garage spaces, is required. The concept plan as proposed exceeds the minimum requirement.

Additional details are included in the narrative and conceptual plans provided with this report. Staff have no objections to the proposal as presented.

Should the Plan Commission determine that the request for rezoning the property with a Conditional Use Permit for multifamily residential development is appropriate, staff will prepare Conditions and Restrictions that for review at the August 10, 2021 meeting.

Options/Alternatives: The Plan Commission has the discretion to recommend or not recommend Common Council approval of the rezoning and Conditional Use Permit requests. Should the requests not be recommended for Council approval, Plan Commissioners must provide the Code Sections upon which the denial is based, and the Applicant may choose to request Council approval without recommendation. In that case, the Council would have the authority to approve the request, and remand the proposal back to the Plan Commission for Conditions and Restrictions.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



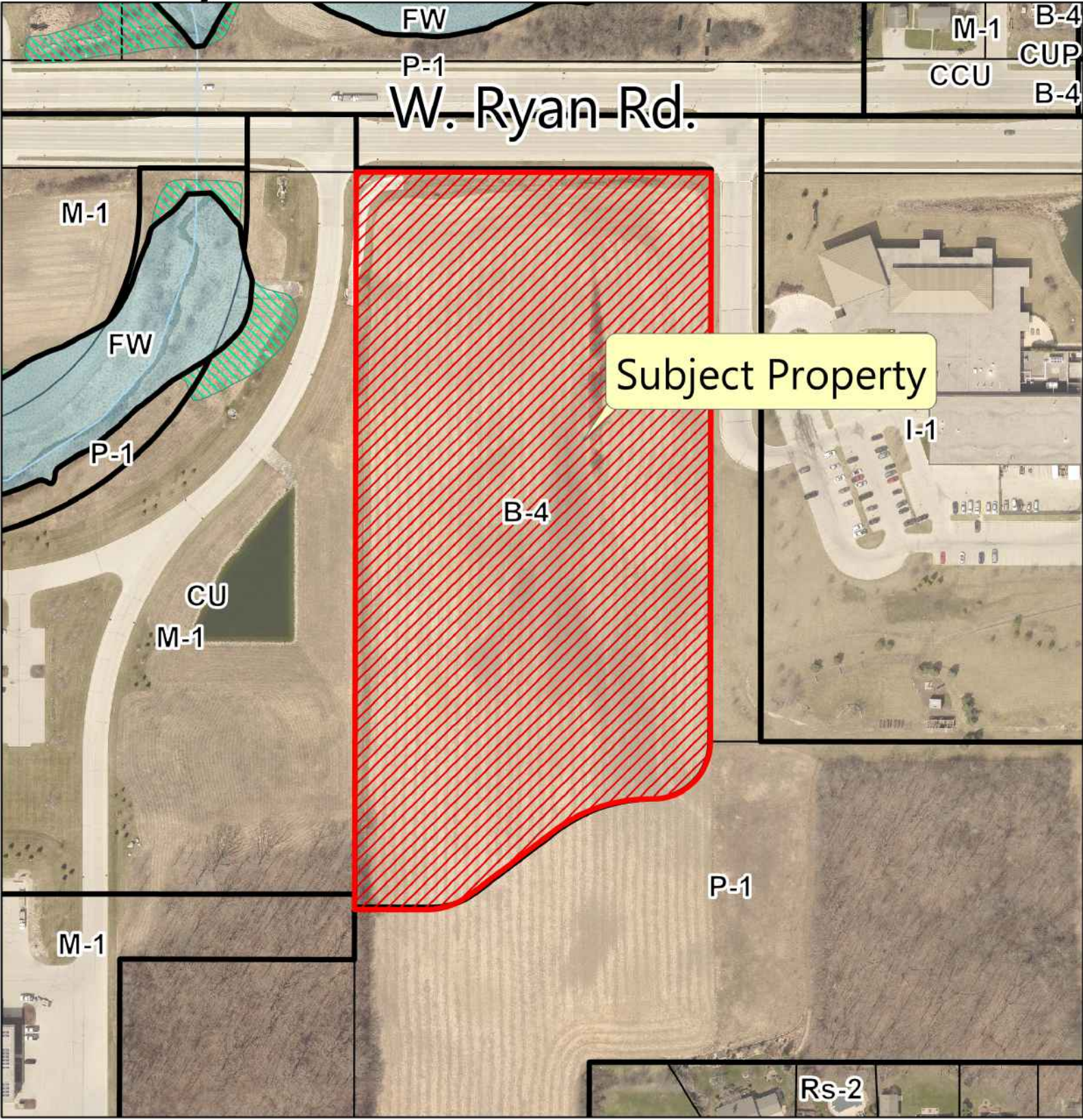
Kari Papelbon, CFM, AICP
Planner

Attachments:

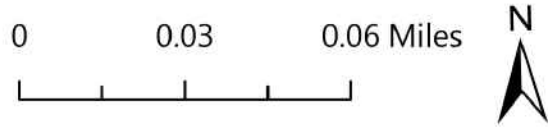
- Location Map
 - Narrative dated June 28, 2021 (4 pages)
 - Plans (6 pages)
-

Location Map

441 W. Ryan Rd



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



Legend

- Zoning
- Official Street Map
- Floodway
- Flood Fringe
- Parcels
- 441 W. Ryan Rd.



R E V E L
— REAL ESTATE —
I N V E S T M E N T S

RECEIVED
JUN 29 2021
CITY OF OAK CREEK

June 28, 2021

Plan Commission
City of Oak Creek
8040 S. 6th Street
Oak Creek, WI 53154

RE: Request for Rezoning and Conditional Use permit to develop Townhomes and Apartments at 441 W. Ryan Road

Dear Commission Members:

Revel Investments is pleased to provide you this request for a rezoning and conditional use permit to develop medium-density townhomes and apartments at 441 W. Ryan Road. The property is 10.84 acres of undeveloped land and is currently used for agriculture. The parcel is directly across Eagle Summit Drive from the police station on the south side of Ryan Road. It is currently zoned B-4 Highway business, and we are requesting a rezoning to Rm-1 Multifamily Residential with a conditional use permit for multiple-family dwellings in excess of four (4) dwelling units per structure per Sec. 17.0311 (c)(1).

Project Description

We are proposing a new community of townhouses and apartments in four buildings with underground parking ranging from two to three stories with gabled roofs for a residential character and look. The development will also provide a clubhouse, stepped water feature & splash pad, fire pit, and outdoor recreation areas with landscaping especially along the south property line to provide ample screening between the property and the single-family neighborhood about 350' to the south on the other side of the undeveloped Milwaukee County property. Other features will include solar panels and car charging stations to reduce the building's environmental impact and meet the needs of tenants with electric cars. A pond will also be constructed along Ryan Road for on-site stormwater retention. Site access will be from Eagle Summit Drive and no new curb cuts along Ryan Road are proposed.

We will have a mix of 8 townhouses attached to and alongside three-story apartment buildings with 56 one-bedroom units, 32 two-bedroom, 14 two-bedroom with dens and 8 three-bedroom units for a total of 118 units or 10.89 units/acre. For comparison, the Seasons at Orchard Hills development on 27th Street contained 225 units on 20.56 acres (2 parcels), with an overall density of 10.94 units/acre. That development was identified in the Housing and Neighborhoods Framework as Medium Density Multifamily Residential.

Unit amenities will include in-unit washers and dryers, solid-top counters, stainless steel appliances and smart thermostats. The exterior will consist of stone veneer, cement board siding or similar, and asphalt shingled roof. Varying color schemes will be used for the buildings.

Density Requirements

Max Density	441 W. Ryan Road, Oak Creek						
Our Proposal							
The Lesser of:					Proposed Units		% of Units
Total Acres	10.84				1 bed	56	47%
Less _____	0	No ROW, wetland & unusable			2 bed	54	46%
Net Acres	10.84				3 bed	8	7%
Net S.F.	43560	472,190			Total	118	
					Units/Net Acre	10.89	
1. Min Lot Area	Lot Area Req'd.	Net Acres	Max Units		Proposed Units	Lot Area Req'd	
1 bed	3,000	10.84	157		56	168,000	
2 bed	4,500	10.84	105		54	243,000	
3 bed	6,000	10.84	79		8	48,000	
			total		118	459,000	
					Net Acres (in s.f.)	472,190	
					Lot Area Req'd	459,000	
					Difference	13,190	OK
2. Floor Area							
			Net Acres			10.84	
			Net S.F.	43,560		472,190	
			Max S.F.	50%		236,095	
			Proposed S.F.			213,560	
			Difference			22,535	OK
3. Unit Densities Sec. 17.0311 (g)							
For projects with all building in the project designed to be within the same parcel of land and under the same ownership:							
			Max Units/Acre		Proposed Units	Acres Req'd	
		Eff & 1 bed	18.2		56	3.08	
		2 bed	14.5		54	3.72	
		3 bed	9.7		8	0.82	
					Total Required	7.63	
					Net Acres	10.84	
					Difference	3.21	OK

As shown above, the development density is below all of the code requirements: minimum lot area, floor area and unit densities. 160 underground parking spaces will be provided with another 100 surface parking spaces for 260 total or 2.2 per unit. Public water and sanitary sewer in W. Ryan Road will be accessed. The property will have on-site staff and maintenance personnel. Dumpster enclosures will be provided inside the underground parking areas.

Comprehensive Plan Compliance

The Land Use Plan within the Comprehensive Plan identifies this parcel as appropriate for future Single-Family Attached development. However, this parcel is also subject to a Flex Overlay, which does allow the City to consider a variety of future potential land uses. Those land uses must still meet the "intended character and intensity of future development" identified in the Housing and Neighborhoods Framework section of the Comprehensive Plan. We are proposing to a Medium-

Density Multifamily Residential community in compliance with the Medium Density Multifamily Residential category within the Housing and Neighborhoods Framework:

“These areas consist of proposed neighborhoods of medium density multifamily development. These locations are primarily proposed for areas that are adjacent to lower-density residential areas or existing medium density multifamily developments. The City should ensure that new development of this type is adequately screened from single-family detached neighborhoods and well connected to surrounding roadways and uses.”

Given the proposed plans meet these conditions, the Community Development Department has determined that no amendment to the Comprehensive Plan is required. Our aim has been to propose to you an attractive, desirable community that complies with, and advances Oak Creek’s community development goals in the comprehensive plan, including:

- 1) Achieving the multifamily vision by developing multifamily housing along major transportation corridors and increasing housing diversity. (p. 23) We will be providing a range of housing options including walk-up entry townhouses, one-, two-, and three-bedroom apartments and two-bedroom apartments with dens to accommodate a growing need for work-from-home housing.
- 2) Working within the stated goal of the flex overlay to allow developers to best respond to future market conditions by developing medium-density multifamily rather than just the Attached Residential identified in the comprehensive plan (p. 25). With the new Amazon facility and other large employers expanding nearby, there is increased demand for housing in the area.
- 3) Helping the City retain attainable housing by increasing housing supply to meet the increased demand created by the influx of new employment nearby. While our rents are projected to range from \$1,400- \$2,500 and would not meet the definition of “attainable” in the plan (rents below \$1,000/month as of 2017), the creation of this community will help the City retain its existing affordable housing providing additional housing supply and competition to alleviate soaring prices from a housing shortage. (p. 29)
- 4) Helping the City capture more of the local workforce to live and work in the City to retain their economic impact and reducing traffic congestion by eliminating or shortening commutes. (p. 29)
- 5) Targeting residential development according to the Land Use Plan: This project complies with the residential use called for in the plan rather than higher intensity business uses permitted under its current zoning. This project achieves the goals of concentrating new multifamily on currently undeveloped parcels that would act as a buffer between single-family detached neighborhoods and commercial and employment areas along Ryan Rd. (p. 28)

- 6) Encouraging increased density where appropriate including along key corridors (p. 31) and nearby proposed transportation improvements—the site is adjacent to the proposed expansion of the bikeway and is less than ½ mile from the proposed extension of Bus Route 80. (p. 55)

Construction is projected to begin in the Spring of 2022 and will be completed in approximately fifteen months. A conceptual site plan and architectural renderings are attached. Detailed plans will be submitted at a later date for site, landscaping and architectural review pending approval of the rezoning and conditional use permit.

Thank you for your consideration of our proposal and we look forward to working with you to make these new homes in Oak Creek a reality!

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Pape". The signature is fluid and cursive, with the first name "Steven" and the last name "Pape" clearly distinguishable.

Steven Pape
Managing Partner

VIA EMAIL

City of Oak Creek
8040 S. 6th Street
Oak Creek, WI 53154
Attn: Mr. Doug Seymour, Director of Community Development
Email: dseymour@oakcreekwi.org

RE: 441 W. Ryan Road, Oak Creek, Wisconsin
Tax Parcel No. 9069028001

Dear Mr. Seymour:

I am a representative of Parkside Land Group, LLC ("Seller"), which is under contract to sell the above-referenced property to Revel Investments, LLC or its assigns ("Buyer"). Provided Buyer closes on its purchase of the above-referenced property, Seller supports Buyer's redevelopment of the property.

Very truly yours,



Mark S. Reinders
Manager

441. W. RYAN R.D

Oak Creek, WI

DEVELOPER

REVEL INVESTMENTS

ALTIUS BUILDING COMPANY



DATE: 29 JUNE 2021

CONCEPTUAL DEVELOPMENT SUBMISSION

 **Architecture**
A Sense of
Community

1414 UNDERWOOD AVE. WAUWATOSA, WI 53213 414.431.3131 TEL 414.431.0531 FAX WWW.AGARCH.COM

RENDERING IS REPRESENTATIVE ONLY... SEE DOCUMENTS FOR SPECIFIC DETAILS

REVEL INVESTMENTS
ALTIUS BUILDING COMPANY
ARCHITECTURE
441 W. RYAN RD
OAK CREEK, WI 53151
DATE: 29 JUNE 2021

SITE STATISTICS

DEVELOPMENT SUMMARY

SITE AREA : 10.78 ACRES

TWO AND THREE STORY CORRIDOR BUILDINGS WITH CONNECTED UNDERGROUND PARKING

CLUBHOUSE WITH OUTDOOR ACTIVITY SPACES ALONG SOUTHERN EDGE OF SITE

AREAS

PARKING GARAGE
34,147 SQFT

2 STORY BUILDING AREA
LEVEL 1 - 14,053 SQFT
LEVEL 2 - 14,053 SQFT

3 STORY BUILDING AREA
LEVEL 1 - 15,426 SQFT
LEVEL 2 - 15,426 SQFT
LEVEL 3 - 13,675 SQFT

UNIT MIX

ONE BEDROOM	56
TWO BEDROOM	54
THREE BEDROOM	8

OVERALL UNIT COUNT 118

SITE AREA : 10.78 ACRES (10.95 UNITS/ACRE)

PARKING

ENCLOSED STALLS	160	(1.35 STALLS/UNIT)
SURFACE PARKING	90	(.76 STALLS/UNIT)
CLUBHOUSE PARKING	10	

TOTAL 260 (2.2 STALLS/UNIT)

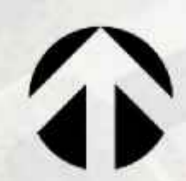
SETBACKS

HIGHWAY 50'
FRONT: 30'
SIDE: 10'
SIDE: 10'
REAR: 25'

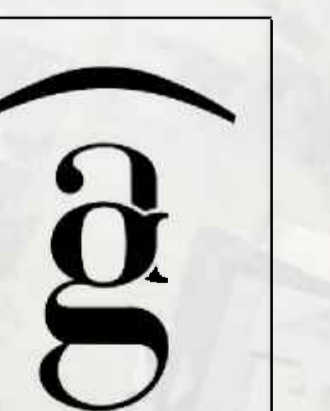


29 JUNE 2021

SCALE: 1"=60'



441. W Ryan Rd.
MULTIFAMILY
Oak Creek, Wisconsin



Architecture
1414 UNDERWOOD AVE.
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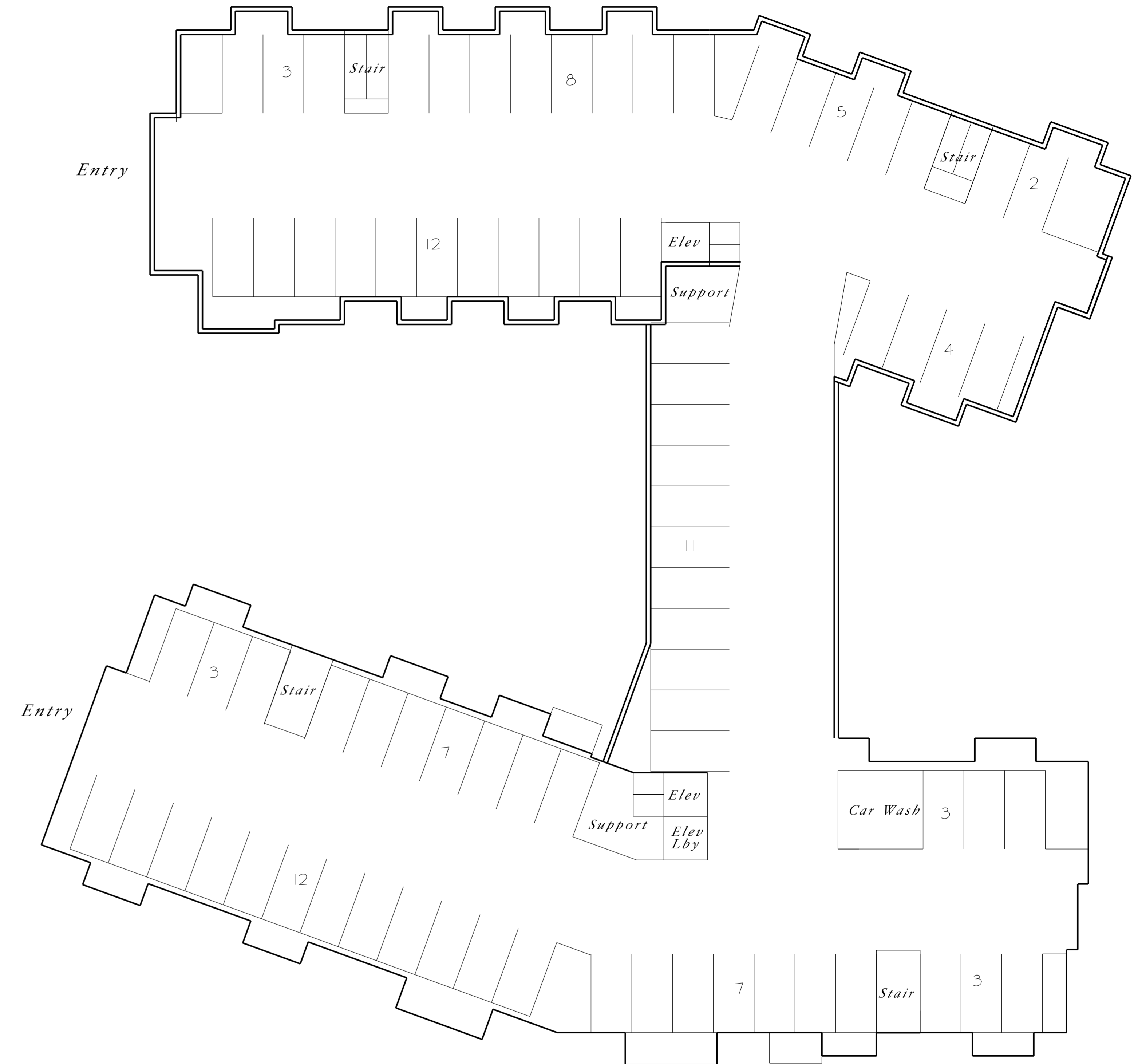


Townhomes are Designed as Two Story Residences



FIRST AND SECOND FLOOR

*50 Residences
(100 Total with Two Buildings)*



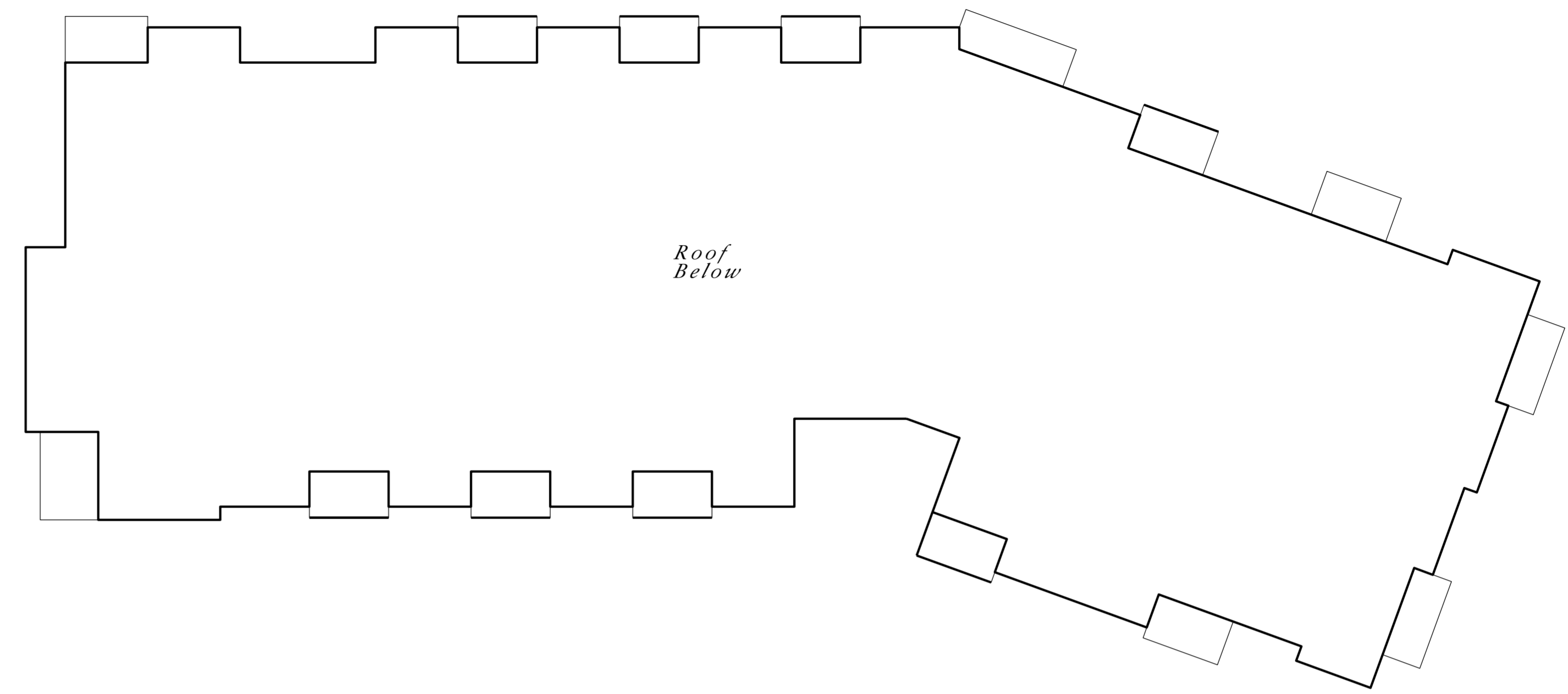
LOWER LEVEL PARKING

*80 Parking Stalls + Car Wash Station
(160 with Two Buildings)*

1/16" FLOOR PLANS
441. W Ryan Rd.
MULTIFAMILY
Oak Creek, Wisconsin

29 JUNE 2021





THIRD FLOOR
9 Residences
(18 Total with Two Buildings)

29 JUNE 2021

1/16" FLOOR PLANS
441. W Ryan Rd.
MULTIFAMILY
Oak Creek, Wisconsin



MATERIAL LEGEND

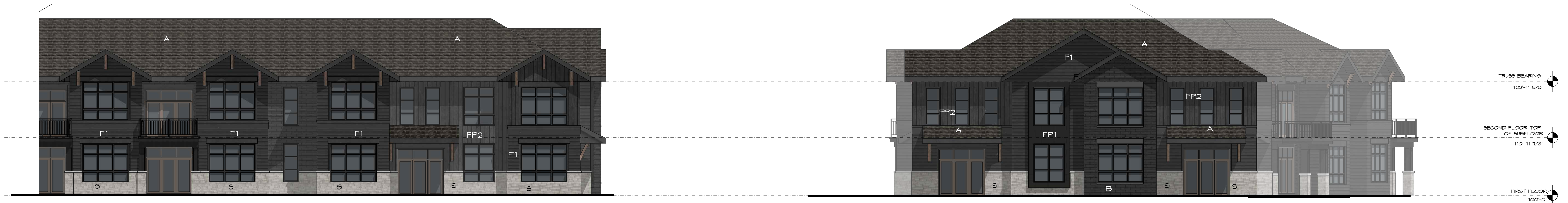
- A - THREE DIMENSIONAL ASPHALT SHINGLES
- S - SHADOW STONE
- B - BRICK
- F1 - FIBER CEMENT SIDING WITH 6" EXPOSURE
- FP1 - FIBER CEMENT PANEL
- FP2 - VERTICAL FIBER CEMENT PANEL BATTENS AT 16" O.C.

441. W. Ryan Rd.
 Multi-Family Development
 Oak Creek
 Wisconsin



4
A500
1/8" = 1'-0"
THREE STORY ELEVATION TYPICAL BAY

3
A500
1/8" = 1'-0"
3 STORY END ELEVATION



2
A500
1/8" = 1'-0"
TWO STORY ELEVATION - TYPICAL BAY

1
A500
1/8" = 1'-0"
TWO STORY END ELEVATION



1414 UNDERWOOD AVE.
 WAUWATOSA, WI 53213
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 WWW.AGARCH.COM

Architecture
 Engineering
 Planning

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DATE
 PROJECT
 SHEET NO.

