



## PLAN COMMISSION

August 10, 2021

6:00 P.M.

### Common Council Chambers

8040 S. 6<sup>th</sup> 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://oakcreek.zoninghub.com).

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes – July 27, 2021
4. Significant Common Council Actions – NONE
5. Board of Housing and Zoning Appeals Actions – Next report August 24.
6. Quarterly Parks, Recreation, and Forestry Commission Actions – Next report October 26.
7. New Business
  - a. CONDITIONS AND RESTRICTIONS — Review conditions and restrictions for 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 multifamily residential dwellings in excess of four (4) units per structure (Tax Key No. 906-9028-001).  
ZoningHub: <https://s.zoninghub.com/9FIQ1S9RVC>; Twitter @OakCreekPC#OCPCRevel
  - b. ZONING CODE UPDATE DISCUSSION – The Plan Commission will review and discuss draft Articles of the proposed Zoning Code. No action will be taken.

Announcements & Adjournment.

Dated this 5<sup>th</sup> day of August, 2021

Posted 8-05-2021 dj

### 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

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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. 6<sup>th</sup> 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 27, 2021**

Mayor Bukiewicz called the meeting to order at 6:01 p.m. The following Commissioners were present at roll call: Commissioner Hanna (via Zoom), Commissioner Sullivan, Commissioner Carrillo, Mayor Bukiewicz, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Alderman Loreck and Alderman Guzikowski were excused. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator; Mike Havey, Assistant Fire Chief.

**Minutes of the July 13, 2021 meeting**

Commissioner Siepert moved to approve the minutes of the July 13, 2021 meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

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

Zoning Administrator Miller provided an overview of the request for the Temporary Use Permit 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. Zoning Administrator Miller stated that this was discussed at the previous (June 22 and July 13) meetings, and were put on hold with the hope that the owner would host a neighborhood meeting, and discuss with staff. These items have not been met. On July 13, 2021 the applicant spoke to Zoning Administrator Miller and Alderman Guzikowski about changing the plans from what was presented at the June 22 meeting. These plans have not been finalized. The City offered to hold neighborhood meeting on August 9, 2021 at 6pm in the City's Multipurpose room. The City would be responsible for creating and sending out the meeting notices. The applicant agreed.

Mayor Bukiewicz paraphrased Zoning Administrator Miller's information for the public and the residents who are attending this meeting.

Commissioner Oldani moved that the Plan Commission approves the temporary use permit for the outdoor event series, site and building plans as submitted by Charlie DeWitt, Jim Dandy's, for the properties at 8868 and 8900 S. 27<sup>th</sup> 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. 27<sup>th</sup> 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.

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. 27<sup>th</sup> 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.

Commissioner Siepert seconded. On roll call: all voted no. Motion denied.

## **CONDITIONS AND RESTRICTIONS**

### **DECKER PROPERTIES**

**8100 & 8146 S. 27<sup>TH</sup> ST. & 8100 S. ORCHARD WAY**

**TAX KEY NOS. 810-9012-001, 810-9005-000, & 810-9013-001**

Planner Papelbon provided an overview of the changes that were made to plans since the previous meeting to meet Code, and discussed the draft Conditions and Restrictions as part of a request for a Conditional Use Permit to allow for a Planned Unit Development on the properties located at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way (see staff report for details).

Dave Decker, Decker Properties, 215 N. Sunny Slope Rd., Suite 290, Brookfield, WI, expressed his appreciation for the support the City is providing and he is there to answer any questions.

Mayor Bukiewicz read into record a resident e-mail from Daniel Salon to Alderman Loreck:

*“As your neighbor and constituent, I hope you have seen the adverse effect of apartments that were added last year the proposal you will be taking up on Tuesday night will only add to the problem. 200 plus more apartments is not what we need. We have more cars, more speeding, reckless driving, even the transport van for Inspire constantly speed through on Jonathan Drive when 300 plus development was first proposed, orchard way was to be cut off from them but as the process went along it was opened up and has hurt our subdivision. Please oppose this development.”*

Commissioner Hanna mentioned that the heights of the buildings still do not meet Code requirements, and asked the reasons to exception.

Planner Papelbon stated that the heights of the buildings were not issues at the last Plan Commission meeting, so the height for “A” buildings will be 56 feet as opposed to 50 feet, and the clubhouse can be up to 36.5 feet, as opposed to 17 feet. At the last meeting the applicant’s engineer had stated that these heights are needed for the grade changes as the land slopes from the north down to the wetlands. There were some architectural design features that were incorporated into the clubhouse, and it is not uncommon for clubhouses as part of developments to exceed the height requirements.

Commissioner Hanna questioned if there are any traffic studies or safety concerns, and whether there be a Traffic Impact Analysis done for this project.

Planner Papelbon stated that the Wisconsin Department of Transportation (WisDOT) has reviewed this proposal. She stated that she did not recall whether a Traffic Impact Analysis was done for the Seasons at Orchard Hills development in 2018. Both WisDOT and the City have reviewed the traffic patterns on 27<sup>th</sup> St. and through the developments.

Commissioner Hanna asked for clarification as to whether there will be a Traffic Impact Analysis on this development.

Commissioner Sullivan responded that he was not aware of a Traffic Impact Analysis request from the City or WisDOT.

Commissioner Hanna responded that she is concerned for the residents in this area, and would recommend to the developer to complete the Traffic Impact Analysis to show we all did our due diligence.

Planner Papelbon stated that WisDOT did review this proposal during the Official Map Amendment and a Right-of-Way Vacation processes. WisDOT was involved in the amendment to the future roadway pattern in conformance with the Access Management Plan for 27<sup>th</sup> Street, including this development and the potential redevelopment of properties to the north. As Commissioner Sullivan stated, WisDOT has not requested or required a Traffic Impact Analysis, but we had looked at the traffic pattern that goes from Puetz Road to Drexel Avenue.

Commissioner Hanna asked if WisDOT are aware of this specific development and the impact it would do to this segment.

Planner Papelbon responded that WisDOT was part of this review, and were instrumental in the review of the reconfiguration of the roadway pattern through this development.

Commissioner Siefert stated at one time they [the applicant] were asking for aluminum roofing.

Mayor Bukiewicz stated that they are now using asphalt shingles.

Commissioner Chandler requested clarification on the changes with the vinyl siding to cement board.

Planner Papelbon stated that the vinyl siding was not an acceptable building material and does not meet Code. At the last Plan Commission meeting, the Plan Commission would not support the vinyl siding. The applicant and his consultants revised the elevations and were able to make

the adjustment to fiber cement. Assuming the Conditional Use Permit is approved, the Commission would review the building materials during Site and Building Plan Review.

Mayor Bukiewicz stated that most items were covered in the last meeting. The building height is due to grading, and it is only an additional six (6) feet. Mayor Bukiewicz thanked the applicant for working with the staff to make the changes to the vinyl siding and metal roof. The streets meet City specifications, speed limits are set and the traffic patterns are meant to use 27<sup>th</sup> Street. Mayor Bukiewicz stated that he understands the neighborhood concerns, and the Commission worked to make this a smooth process and a positive part of City's Comprehensive Plan. The City strives to be inclusive in their residential projects. Residential does include apartments.

Planner Papelbon stated that impact fees paid by these developments are based on the number bedrooms, so the fees total more than an 80-unit single family subdivision would. These impact fees are assessed for parks, library, etc.

Commissioner Siepert moved that the Plan Commission recommends to the Common Council adopts the Condition and Restrictions as part of the Planned Unit Development submitted by David Decker, Decker Properties, for the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way after a public hearing.

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

**CERTIFIED SURVEY MAP  
MICHAEL MURPHY  
10855 S. 10<sup>TH</sup> AVENUE  
TAX KEY NO. 9699029000**

Planner Papelbon provided an overview of the Certified Survey Map request for the property at 10855 S. 10<sup>th</sup> Ave. (see staff report for details).

Michael Murphy, 3413 E. Elm Rd., Oak Creek, WI, thanked the Commission for their time and considerations for the project going forward.

Mayor Bukiewicz stated that they [the applicant] are going to sell the three (3) lots, and we have the [future road] easement in case anything goes back there in the future.

Carol Peters, 3440 E. Elm Rd.:

*“Okay, can I ask him again where he lives on Elm?”*

Mr. Murphy responded 3413 E. Elm Rd.

Carol Peters, 3440 E. Elm Rd.:

*“See that big mansion across the street, yeah the big house, okay. He just put a big house across the street from us, near the floodplain so nothing can be built in that floodplain area. We were told that when he was going to build this house, nothing was going to be done you know.”*

Mayor Bukiewicz clarified that when she says floodplain, she means wetlands on the map.

Carol Peters, 3440 E. Elm Rd.:

*“Yeah, when he proposed his house on that corner, we were told, the rest of us residents, that whole area was going to be undeveloped. So now he’s putting three (3) lots on that land and are they going to be put in this.”*

Mayor Bukiewicz asked whether Mr. Murphy’s house was located on the upper righthand corner of the map.

Carol Peters, 3440 E. Elm Rd.:

*“Well, I think his is on the upper left. He’s the only one on the left, on that side.”*

Mayor Bukiewicz stated that Mr. Murphy’s lot is not in any floodway or wetlands, so he had the right to build there. It also looks like the three (3) lots are not within the floodway or wetlands, so he does have the right to sell. The middle of the property is where the wetlands are marked, and he cannot build there.

Carol Peters, 3440 E. Elm Rd.:

*“Because every spring our yard is flooded and when it rains, their yards are being flooded. If they build more houses with higher elevation than us, we’re just stuck with all this. I don’t know what those three (3) lots look like as far as elevation, either.”*

Planner Papelbon explained that when they submit their building plans, grading and drainage plans will also have to be submitted. The Engineering Department is already aware of some of the issues, and will make sure the lots comply with local Codes. On the CSM it states that “any green infrastructure and grading that will be done must be submitted and approved by the City prior to any issuance of any building permit for any lot on this map.”

Carol Peters, 3440 E. Elm Rd.:

*“Could you tell me what side of 10<sup>th</sup> Ave those three (3) lots are on? I can’t tell from my map.”*

Commissioner Sullivan responded on the west side.

Carol Peters, 3440 E. Elm Rd.:

*“West side of 10<sup>th</sup> and they are the three (3) proposed on the bottom there, okay. What about those other ones I see lot? Those are already existing houses.”*

Commissioner Sullivan confirmed that they are existing homes. The proposed lots would be just south of Becker Rd., if Becker Rd. would be extended.

Carol Peters, 3440 E. Elm Rd.:

*“I don’t know what Becker Rd. is, I don’t recall Becker, I know 10<sup>th</sup> Avenue and that’s all the way to the road.”*

Commissioner Sullivan stated that the road that goes into that smaller subdivision to the east is Becker Road, and would be extended on the west side of 10<sup>th</sup> Ave.

Carol Peters, 3440 E. Elm Rd.:

*"To the east, okay, thanks."*

Kristine Fischer, 10991 S. 10<sup>th</sup> Ave.:

*"I guess she's a little confused and so am I. Those three (3) lots you're talking on the west side of 10<sup>th</sup> Ave. There's currently five (5) lots divided up with signs. Is that the same location that he's talking about?"*

Mayor Bukiewicz asked for the lots to be identified on the screen.

Kristine Fischer, 10991 S. 10<sup>th</sup> Ave.:

*"Okay, those are the lots that like you said with if you if Becker Rd. would continue going west, it would be onto his property. Isn't there currently five (5) lots for sale there?"*

Mr. Murphy stated his realtor suggested they put it on the market before the lots were approved. The realtor put up for four (4) signs, but they are only selling three (3) lots.

Mayor Bukiewicz restated that the realtor jumped the gun and put four (4) signs up, but they were proposing only three (3) lots.

Kristine Fischer, 10991 S. 10<sup>th</sup> Ave.:

*"I thought there were five (5) but okay, and when you were talking about extending Becker Rd. into his property."*

Commissioner Sullivan stated that it would be dedicated for future extension. At this time, the City will not be extending that road. The City wanted to take care of the easement if there ever was a need to extend the road for future development.

Kristine Fischer, 10991 S. 10<sup>th</sup> Ave.:

*"Okay, so the land then that's left over behind those three (3) lots he's gonna sell there, is there room for development back there?"*

Commissioner Sullivan stated that if Mr. Murphy chose to develop this land, there are no impacts to the floodway or wetlands in the area. Mr. Murphy could develop this, but he would still be required to submit a Stormwater Management Plan and there would be public hearings where residents could participate with their comments and concerns.

Kristine Fischer, 10991 S. 10<sup>th</sup> Ave.:

*"Okay, I don't know if I can ask ask this or I can't -- I guess I can't make him answer me - - but are you proposing future development on the land that's left behind those three (3) lots?"*



Mr. Murphy responded that he was not at this time.

Raymond Brunlinger, 10961 S. 10<sup>th</sup> Ave.:

*“Is it going to affect the value of our property?”*

Mayor Bukiewicz stated that he is not an Assessor, but this should not affect property values. Mayor Bukiewicz suggested that Mr. Brunlinger direct this question to the Assessor.

Raymond Brunlinger, 10961 S. 10<sup>th</sup> Ave.:

*“Between our property and the one he’s proposing for housing -- there’s power lines going through there.”*

Mayor Bukiewicz stated that if there are power lines there, there will be an easement with We Energies. That easement will have to stay.

Raymond Brunlinger, 10961 S. 10<sup>th</sup> Ave.:

*“Okay so it won’t affect the value of our property.”*

Mayor Bukiewicz stated most properties in Oak Creek are going up, and that in his opinion this will not cause his property value to be negatively affected. Mayor Bukiewicz directed Mr. Brunlinger to contact the Assessor with his questions.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Michael Murphy for the property at 10855 S. 10<sup>th</sup> 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.

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

**SIGN PLAN REVIEW  
BAUER SIGN & LIGHTING CO., INC. FOR ROOTS SALON  
7979 S. MAIN ST. (TENANT SPACE: 7959 S. MAIN ST.)  
TAX KEY NO. 813-9053-000**

Planner Papelbon provided an overview of the proposed sign plan for the Roots Salon tenant space (see staff report for details).

Commissioner Chandler questioned if the signs being considered include the window sign.

Planner Papelbon stated that they are only proposing the channel letters.

Commissioner Carrillo stated that there is more exposure for potential clients from the backside of the building than the front side on Main St.

Commissioner Oldani moved that the Plan Commission approves sign plans submitted by Bob Kraus, Bauer Sign & Lighting Co., Inc. for the Roots Salon tenant space located at 7979 S. Main St.

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

**REZONE AND CONDITIONAL USE PERMIT  
STEVE PAPE, REVEL INVESTMENTS  
441 W. RYAN ROAD  
TAX KEY NO. 906-9028-001**

Planner Papelbon provided an overview of the 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 (see staff report for details).

Steve Pape, Revel Investments, 325 E. Chicago, Milwaukee, WI, stated that he is the lead sponsor and partnered with Altius Construction. Scott Dries and Jonathan Ward of Altius could not be at the meeting. Mr. Pape introduced architect and design partner, Eric Harmon, and thanked the Mayor, Commission and Staff for working with them to get to the presentation.

Eric Harmon, AG Architecture, Wauwatosa, WI, presented the perspectives and the proposal for the rezone with a Conditional Use Permit.

Mark Draeger, 321 E. Trillium Terrace:

*"I am on the south side. Nice presentation and I think it looks beautiful, myself. I just had a couple of questions. One of the statements is to provide ample screening between the property and the single-family neighborhood to the south, which is me and my neighbors. So, my question is: do you have anything yet or will we have the opportunity to review that, germs, trees, whatever?"*

Mayor Bukiewicz stated that there is County land between this development and the subdivision to the south.

Planner Papelbon confirmed that County land is in between the subject property and the Fairfield neighborhood, and stated that the Plan Commission will review landscaping plans during Site and Building Plan Review. There would be an opportunity for the public to comment on the proposed landscaping at that time.

Mark Draeger, 321 E. Trillium Terrace:

*"With the public, yes, then just so you know it's coming you'll see me again. Okay, so and then the other thing you can see on your map here you have some bocce courts and tennis courts and some things in the background there. The other concern I would have is whenever we get to review this is lighting because generally you see sports things with bright lights, very bright lights, and we're fairly close, you know. We can see down there to the Cummins place, you know, we see lights in the distance, but our neighborhood is, you know, the normal neighborhood type lighting. Maybe you would call it subdued. I can understand that if your building something with tennis courts you would want super bright*

*lights, but I would ask for some consideration the aiming of the lights and keeping it down and not seeing floodlights through that.”*

Mayor Bukiewicz stated that the lighting would be considered, and it would comply with our Code. The Commission has reviewed similar plans in the past, and has experience with requiring downlighting. They do not allow straight light pollution. The sports courts would probably go dark after a certain time.

Mark Draeger, 321 E. Trillium Terrace:

*“So, those were just two (2) concerns as being a name, you know, in keeping with the residential feel for the area and then I had a question just a general question. It mentioned on the back page, I hope nobody’s stressing out with these simple questions. So, this is on page four (4) where it says it’s the site is adjacent to a bus route and a proposed extension of a bikeway, and I had not heard about that. I was wondering can anybody point that out roughly where the bikeway would be going?”*

Mayor Bukiewicz stated that it was proposed to run along the west side of the train tracks.

Planner Papelbon stated that she believed a portion of the Oak Leaf Trail runs along a portion of the public sidewalk along Ryan Rd. She then stated that Commissioner Sullivan disagreed.

Mayor Bukiewicz suggested that they were trying the trail is from Ryan Road to Oakwood Road, behind FedEx on the west side of the tracks. Zoning Administrator Miller corrected that the location was on the east side of the tracks.

Commissioner Sullivan stated that there was discussion during Amazon and other developments along there was potential with future bicycle accommodation. This has not yet come to fruition.

Mayor Bukiewicz stated that these are County trails. Whenever there is development, they always try to get the easements to have the connectivity between developments. By the FedEx development, we specially designed it so there could be a bike trail to the east of the tracks but, we could not figure out how to cross the railroad tracks.

Mark Draeger, 321 E. Trillium Terrace:

*“I think that’s really nice. I was just curious because I had not heard about it. It was in the paperwork here so that’s why I brought it up. Thank you, thank you very much and this was a nice presentation.”*

Planner Papelbon stated that there are no immediate plans for an extension of the bike trail in this area.

Mike Bania, 9828 S. Deerpath Dr.:

*“A couple of questions: I’m not familiar with some of the terminology used. “Multi-family,” are these apartments? Do we have an idea of what the charge is going to be? One thing or one-bedroom, two-bedroom? Is that something that you just get? And then what was I gonna say? Other developments that you have done, maybe within the last five years - do you have a list? Do we as a community look at other developments that this company has done to find out how those properties look five (5), ten (10) years later? What was the*

*other thing I was gonna say? Storage: you said there's some parking lots, parking spaces on top and some below ground. Any limitations on storage of recreational vehicles and things of that sort that you have within your bylaws?"*

It was confirmed that the proposal for multifamily residential included apartments. Planner Papelbon stated that storage of recreational vehicles would not be allowed in a multifamily residential district per Code.

Mike Bania, 9828 S. Deerpath Dr.:

*"They would not be able to store in a multifamily residential district. Okay, good. Thanks."*

Mr. Pape, Revel Investments, stated that Altius Construction and Jonathan Ward have constructed and developed up to 1,500 units within the last five (5) years. They [Altius] also were the contractor who built the Emerald Row development, which is a testimony to the quality of the projects that they built. Rents are shown on the screen: \$1,425 for a one (1) bedroom, two (2) bedrooms up to \$2,350, and three (3) bedrooms up to about \$2,500 a month.

Mayor Bukiewicz clarified that Rick Barrett was the developer for Emerald Row, and Altius was the builder. They have done work in Menomonee Falls, Waukesha, and the Third Ward.

Mr. Pape, Revel Investments, stated that their team has a 24-unit project in the Town of Brookfield under construction at Brookfield Rd. and Bluemound Rd. (behind Kopp's Custard), opening up in November of this year.

Mayor Bukiewicz stated that when any developer comes forward planning staff does research on their completed developments, if they own it, if they flip it, etc.

Mike Bania, 9828 S. Deerpath Dr.:

*"You made a comment on the other development earlier on 27<sup>th</sup> St. - the apartments - and it's part of the total Comprehensive Plan that you have. I tried looking on the website and I can't find that plan - where would I look for that? And does the Plan Commission have kind of a percentage of what you might be dedicating to multifamily versus single family, and is it in that plan?"*

Planner Papelbon stated that the plan referenced is the Comprehensive Plan, which is on our website under the Community Development page. The multifamily residential development on 27<sup>th</sup> Street is called The Seasons at Orchard Hills. Those plans were approved in 2018, and the development is fully built-out, so plans are not on our website. Density on that site, over the two parcels, is comparative to the proposal under consideration. The City does not have an exact figure of the number multifamily versus single family residential units. Most of the developments in the last 2 years have been multifamily residential. Single-family residential subdivision expansions in recent years have been East Brooke Preserve, Carrollville Crossing, and Glen Crossing.

Mike Bania, 9828 S. Deerpath Dr.:

*"I guess my question - maybe I should be more specific - my question is, as a resident of Oak Creek, I should be able to get on the website and find out what the Planning Commission plan for Oak Creek is for residential."*

Mayor Bukiewicz reiterated that the Comprehensive Plan is available on the website.

Planner Papelbon stated that the plan referenced is the Comprehensive Plan, and it is on the website under the Community Development Department page.

Mike Bania, 9828 S. Deerpath Dr.:

*“Okay, and you said it was developed in ’18, so I have to go to that year. Is that -- because I was just I was looking through it before and I couldn’t find anything that was called a Comprehensive Plan so...”*

Zoning Administrator Miller stated that she could email Mr. Bania a link to the Comprehensive Plan.

Mike Bania, 9828 S. Deerpath Dr.:

*“Yeah, great. That’d be wonderful.”*

Planner Papelbon stated the Comprehensive Plan is on online, but the website does not contain all of the plans for every individual development approved by the Plan Commission. The only development plans available are the ones upcoming or just recently approved.

Mike Bania, 9828 S. Deerpath Dr.:

*“I understand that. I’m kind of I’m getting to the strategic plan, the strategic vision that you all have as a Planning Commission, and where is that and what does that look like? Not very specific... You know, specifics are great, but I understand it’s sensitive to....”*

Mayor Bukiewicz explained the difference between the City’s Strategic Plan and the Comprehensive Plan. The Strategic Plan identifies the City’s values, missions, and success factors that help guide the City. The Comprehensive Plan is focused more on land use, and a vision for the City to determine where developments fit best. Mayor Bukiewicz asked for clarification on how often it is updated.

Planner Papelbon responded that the last comprehensive revision was adopted in 2001, but [the Comprehensive Plan] has been updated incrementally over the years since. The last major update that is available on our website was adopted in March 2020.

Commissioner Hanna asked whether there were concerns for impact for access on Ryan Rd., and whether there would be a signalized intersection or stop sign.

Commissioner Sullivan responded that such had not yet been reviewed, but could be part of discussions with the developer to determine whether there is a need for a Traffic Impact Analysis.

Commissioner Carrillo commented that this development has a beautiful layout with the amenities, and that this is something not usually seen in Oak Creek.

Commissioner Chandler asked the applicant to explain why the location was chosen.

Mr. Pape, Revel Investments, responded that the number of job creators built in the past five (5) years - from Milwaukee to the state line - drew them to the site, as Ryan Road is at the “front

door” of those jobs. Additionally, proximity to I-94 and getting to those jobs, forward-thinking leadership at the City, and a strong school system were major contributing factors.

Commissioner Chandler asked if there any other residential neighborhoods in the area.

Mayor Bukiewicz stated that the Fairfield subdivision is 350 feet lot line to lot line from the site. That is over County-owned land.

Planner Papelbon identified the County-owned land and the Fairfield subdivision on the screen, and stated that there are residential neighborhoods to the north of Ryan Rd.

Mayor Bukiewicz stated that Edgerton Contractors was immediately west of the site, and that the Comprehensive Plan identified the parcel with a flex overlay due to the unknown development potential for the site.

Planner Papelbon advised Mayor Bukiewicz that she did receive an e-mail from a resident of Fairfield:

*“Hello. We are unable to attend the Plan Commission meeting on July 27<sup>th</sup>, 2021. We are residents in the Fairfield neighborhood and the property in question is near our home. We are against the change of rezoning in the Conditional Use Permit for this property. The area does not need additional apartments. Ryan Road is a busy and crowded road. The additional traffic lighting and possible safety concerns do not fit in this area of the City. Thank you, Sandy Krueger.”*

Assistant Chief Havey, Fire Department, stated that they did look at some of the access roads, and are requesting a secondary access. On the northwest corner of the building, they are looking for a turnaround point or a radius where they can maneuver their vehicles to get back out on the northwest corner.

Mayor Bukiewicz stated that, in meeting with the developers, he thought they were extending Eagle Summit and getting the requested secondary access. Assistant Chief Havey responded that such had been included in their discussions, and that he believes they can achieve what is needed to be done there.

Commissioner Hanna moved 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).

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siefert seconded. Motion carried. The meeting was adjourned at 7:22 pm.

ATTEST:

\_\_\_\_\_  
Kari Papelbon, Plan Commission Secretary

7-27-21

\_\_\_\_\_  
Date



## PLAN COMMISSION REPORT

Proposal: Conditions & Restrictions – Multifamily Residential Development

Description: Review draft Conditions and Restrictions as part of a request for a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure on the property at 441 W. Ryan Rd.

Applicant(s): Steve Pape, Revel Investments

Address(es): 441 W. Ryan Rd.

**Suggested Motion:** That the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure on the property at 441 W. Ryan Rd.

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:

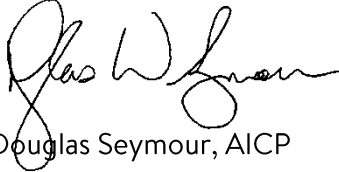
At the July 27, 2021 meeting, the Plan Commission recommended Common Council approval of a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure on the property at 441 W. Ryan Rd. Staff has prepared draft Conditions and Restrictions for the Commission’s review.

If the Commission is comfortable with the Conditions and Restrictions, the appropriate action would be to recommend that the Common Council approve them as part of the Conditional Use Permit.

**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.

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Respectfully submitted:



Douglas Seymour, AICP  
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP  
Planner

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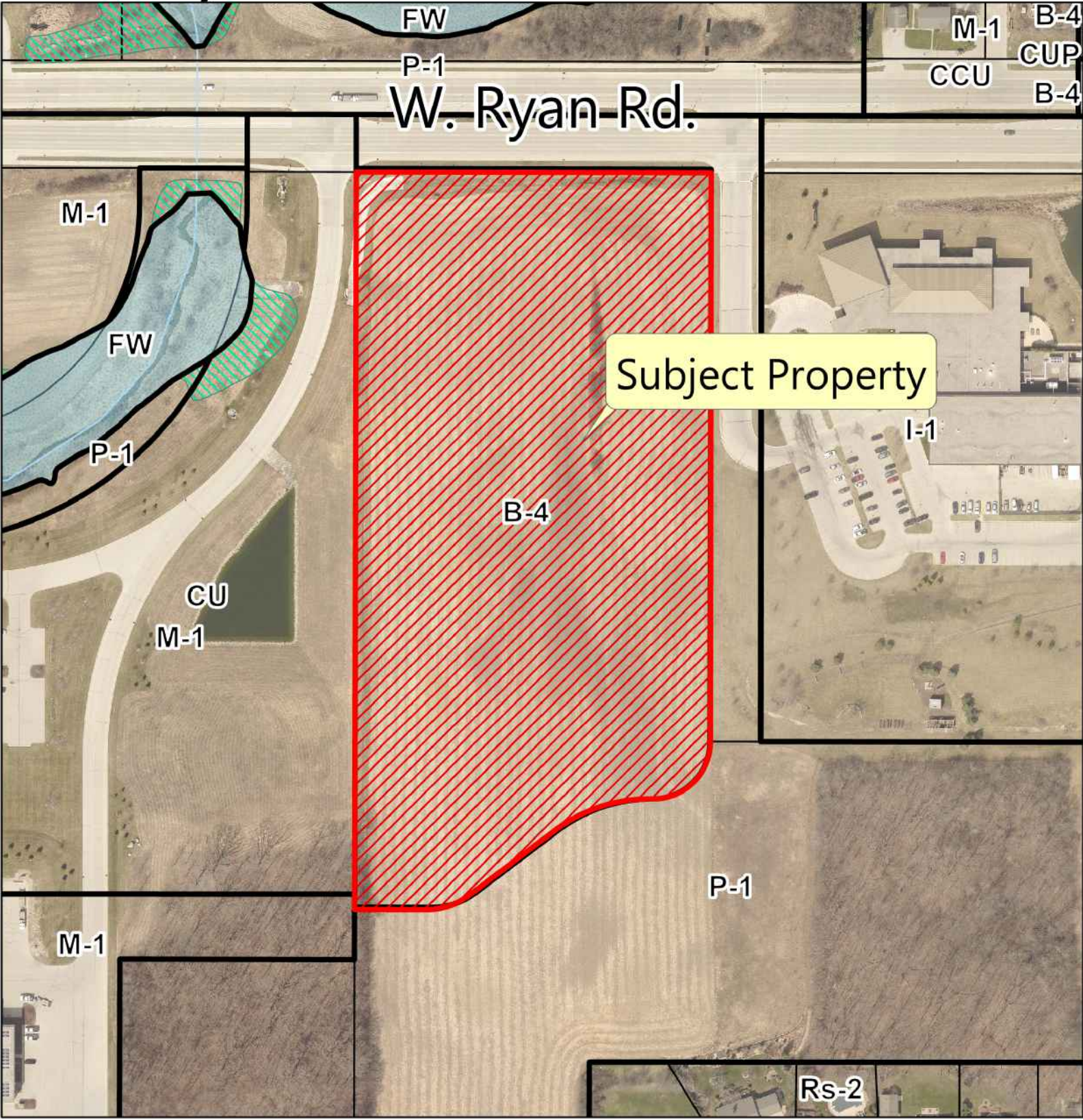
Attachments:

- Location Map
  - Draft Conditions and Restrictions (6 pages)
-

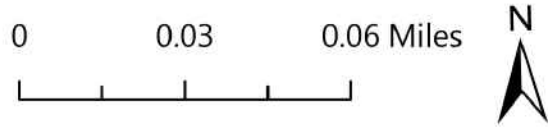


# Location Map

## 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.

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

<b>Applicant:</b> Steve Pape, Revel Investments	<b>Approved by Plan Commission:</b> TBD
<b>Property Address(es):</b> 441 W. Ryan Rd.	<b>Approved by Common Council:</b> TBD
<b>Tax Key Number(s):</b> 906-9028-001	(Ord. #TBD)
<b>Conditional Use:</b> <b>Multifamily Residential Dwellings In Excess of Four (4) Dwelling Units per Structure</b>	

1. LEGAL DESCRIPTION

CSM 7361 PARCEL 2 NE 1/4 SEC 29-5-22 (10.840 ACS) EXC N 5 FT CONV TO DOT IN DOC NO 10319022 FOR ST.

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)
  - 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

**2) Landscape Plan**

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

**3) Building Plan**

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

**4) Lighting Plan**

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

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

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

**6) Fire Protection**

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

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building 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 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).

### 3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. There shall be a maximum of four (4) multifamily buildings, and a maximum of 118 units. Accessory buildings and structures, a clubhouse, and other amenities may be permitted so long as they are compliant with all applicable provisions of the Municipal Code and these Conditions and Restrictions.
- B. Exterior building materials shall be provided in accordance with Section 17.1009(a).
- C. Signage for the development shall be in conformance with Sections 17.0316 and all other applicable Sections of the Municipal Code.
- D. 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.
- E. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).
- F. The clubhouse, pool, public extension of Eagle Summit Drive, and all public infrastructure shall be constructed as part of the initial phase of the development. The clubhouse and amenities as approved by the Plan Commission during Site and Building Plan Review 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 Ryan Road along the north property line is prohibited. Access to the property shall be from Eagle Summit Drive.

### 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
Principal Structure(s)*	30 ft	25 ft	10 ft
Accessory Structure(s)**	30 ft	See Sec. 17.0501	See Sec. 17.0501
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.*

8. TIME OF COMPLIANCE

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

9. OTHER REGULATIONS

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

10. VIOLATIONS & PENALTIES

Any violations of the terms of this 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.

11. 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).

12. ACKNOWLEDGEMENT

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

\_\_\_\_\_  
Owner / Authorized Representative Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(please print name)

DRAFT

# EXHIBIT A: CONCEPTUAL SITE 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.)

## 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
<b>OVERALL UNIT COUNT</b>	<b>118</b>

SITE AREA : 10.78 ACRES (10.95 UNITS/ACRE)

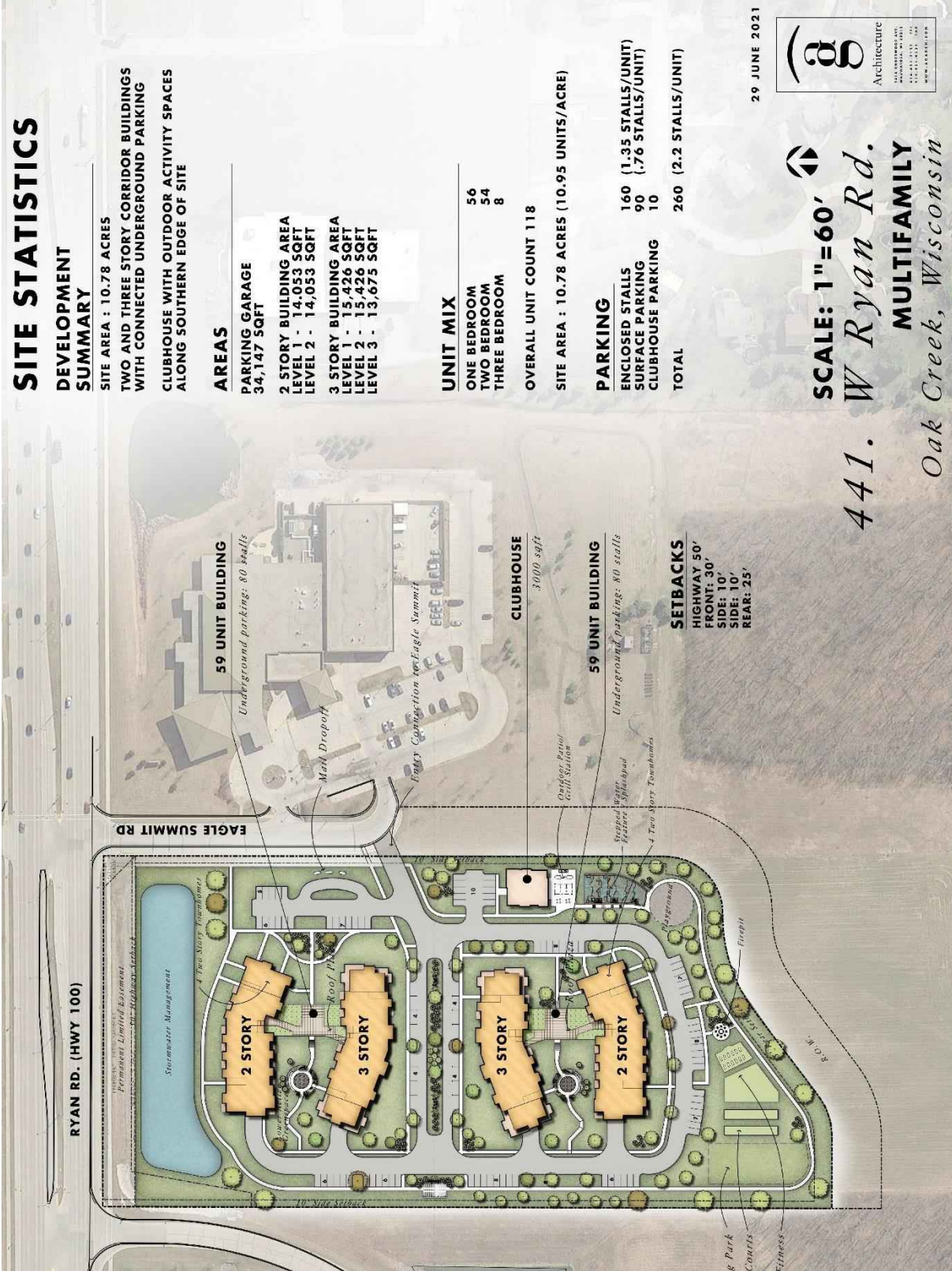
### PARKING

ENCLOSED STALLS	160 (1.35 STALLS/UNIT)
SURFACE PARKING	90 (.76 STALLS/UNIT)
CLUBHOUSE PARKING	10
<b>TOTAL</b>	<b>260 (2.2 STALLS/UNIT)</b>

29 JUNE 2021



**SCALE: 1" = 60'**  
**441. W Ryan Rd.**  
**MULTIFAMILY**  
*Oak Creek, Wisconsin*



# EXHIBIT B: ENLARGED CONCEPTUAL SITE PLAN

