

**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. 27<sup>TH</sup> ST  
TAX KEY NO. 856-9992-000**

Zoning Administrator Miller stated that this was discussed at the previous (June 22<sup>nd</sup>) 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 27<sup>th</sup> meeting.

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

**REZONE/PLANNED UNIT DEVELOPMENT  
DECKER PROPERTIES  
8100 & 8146 S. 27<sup>TH</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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 revise 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 27<sup>th</sup> 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 27<sup>th</sup> 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 Siefert 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. 27<sup>th</sup> 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 Siepert 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. 6<sup>TH</sup> 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. 6<sup>th</sup> 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 Siepert 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:

  
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Kari Papelbon, Plan Commission Secretary

7-27-21  
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Date