



PLAN COMMISSION

September 28, 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.

IMPORTANT NOTICE

This meeting will include an option for participation by video/phone conference. Persons wishing to participate in the video conference must register via <http://ocwi.org/register> prior to the meeting. The video conference will begin at 5:55 PM to allow participants to log in.

Attendees who wish to participate by phone may do so by calling the City Hall, (414) 766-7000, before 4:00 PM on the day of the meeting (September 28, 2021) to obtain a meeting call-in number. To make a public comment, press *9 on your phone. The conference moderator will state when your line has been unmuted.

Persons who wish to view the meeting live without participating may visit the City of Oak Creek YouTube page at <http://ocwi.org/livestream>.

Persons requiring other reasonable accommodations may contact the City at 414-766-7000. Requests should be made as far in advance as possible, preferably a minimum of 48 hours.

Find more information on agenda items at oakcreek.zoninghub.com.

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes – September 14, 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. Public Hearing
 - a. SIGN APPEAL - Hold a public hearing on a proposed sign appeal submitted by Neil Jarman, Visit our website at www.oakcreekwi.org for the agenda and accompanying Plan Commission reports.

Canopy Bee, on behalf of Citgo, that would allow the applicant to install four (4) signs on the existing gas pump canopy on the property at 150 W. Rawson Ave. (Tax Key No. 734-9026-000). ZoningHub: <https://s.zoninghub.com/KPC11NA55S>; Twitter @OakCreekPC#OCPCCitgo

8. New Business

- a. SIGN APPEAL - Consider a request for a sign appeal submitted by Neil Jarman, Canopy Bee, on behalf of Citgo, that would allow the applicant to install four (4) signs on the existing gas pump canopy on the property at 150 W. Rawson Ave. (Tax Key No. 734-9026-000). ZoningHub: <https://s.zoninghub.com/KPC11NA55S>; Twitter @OakCreekPC#OCPCCitgo
- b. CONDITIONS AND RESTRICTIONS – Review conditions and restrictions for a request submitted by Jessica Guzman, F Street Development Group; Edison M. Boerke Family Trust; and the City of Oak Creek to rezone to and establish a Traditional Neighborhood Development Planned Unit Development on portions of the properties at 4001 E. Lake Vista Pkwy., 9300 S. 5th Ave., and 4200 E. Lake Vista Blvd. (Tax Key Nos. 868-9996-002, 868-9994-002, & 868-9993-001). ZoningHub: <https://s.zoninghub.com/WOJVWT20QY>; Twitter @OakCreekPC#OCPLakeshore
- c. REZONE – Review a request submitted by Gary Hoeft to rezone the property at 9571 S. 15th Ave. from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural (NO CHANGE to the FW, Floodway and FF, Flood Fringe districts) (Tax Key No. 910-9996-001). ZoningHub: <https://s.zoninghub.com/U9VU3GGK0S>; Twitter @OakCreekPC#OCPCHoeft
- d. CONDITIONAL USE PERMIT – Review a request submitted by Brad McClain, University of Wisconsin Credit Union, for a Conditional Use Permit for a financial institution with drive-through facilities on the property at 7902 S. Main St. (Tax Key No. 813-9049-000). ZoningHub: <https://s.zoninghub.com/QHJMJVWPGI>; Twitter @OakCreekPC#OCPCUWCredUnion
- e. PLAN COMMISSION PRESENTATION – The Plan Commission will hear a presentation on the Drexel Avenue Streetscape Plan. No action will be taken.
- f. CANCELLATION OF MEETING - The Plan Commission will vote on a motion to cancel either the November 23, 2021 or the December 28, 2021 meeting.

Announcements & Adjournment.

Dated this 24th day of September, 2021
Posted 9-24-2021 sd

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, SEPTEMBER 14, 2021**

Alderman Loreck called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Mayor Bukiewicz and Alderman Guzikowski were excused. Also present: Kari Papelbon, Planner; and Doug Seymour, Director of Community Development.

Minutes of the August 24, 2021 meeting

Commissioner Siepert moved to approve the minutes of the August 24, 2021 meeting. Commissioner Oldani seconded. On roll call: all voted aye, except Commissioner Chandler, who abstained. Motion carried.

**PLAN REVIEW
OAK CREEK FRANKLIN SCHOOL DISTRICT
9330 S. SHEPARD AVE.
TAX KEY NO. 873-9013-000**

Planner Papelbon provided an overview of the site, building, and related plan review for a proposed accessory building at East Middle School (see staff report for details).

Andy Chromy, Finance Officer, Oak Creek Franklin School District, 7630 S. 10th Street, noted this is an opportunity for the students that are part of Knights Construction to transition to working on more of a commercial opportunity.

Commissioner Chandler asked if there will be any electricity running to the buildings.

Mr. Chromy stated that he believes there will be electricity at the East and West Middle Schools, but not at the High School. The school has a licensed journeyman electrician onsite that will be hooking up the electricity; however, the students of Knights Construction will be running the wiring.

Commissioner Siepert moved that the Plan Commission approves the site plans submitted by Andrew Chromy, Oak Creek-Franklin Joint School District, for the property at 9330 S. Shepard Ave. with the following conditions:

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

Planner Papelbon corrected the motion to read: "site and buildings plans." Commissioner Siepert amended the motion to include building plans as well.

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

**PLAN REVIEW
OAK CREEK FRANKLIN SCHOOL DISTRICT
8401 S. 13th ST.
TAX KEY NO. 830-9997-000**

Planner Papelbon provided an overview of the site, building, and related plan review for a proposed accessory building at West Middle School (see staff report for details).

Mr. Chromy explained that the back of West Middle School was regraded and reseeded to be a usable field, and will be used for West Middle School gym classes, youth programs, recreational soccer, and other events. The shed will be very helpful for storing equipment for these activities.

Commissioner Hanna asked how the shed would be secured.

Mr. Chromy stated the shed will be locked. There is a roll-up garage door that is locked from the inside, and a maintenance door that will also be locked.

Commissioner Hanna asked if there will be any lighting.

Mr. Chromy stated there is no plan to add lighting. The shed is located relatively close the building, and will be covered by some of the exterior lights from West Middle School.

Commissioner Oldani moved that the Plan Commission approves the site and building plans submitted by Andrew Chromy, Oak Creek-Franklin Joint School District, for the property at 8401 and 8461 [R] S. 13th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. 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
OAK CREEK FRANKLIN SCHOOL DISTRICT
340 E. PUETZ RD.
TAX KEY NO. 827-9028-000**

Planner Papelbon provided an overview of the site, building, and related plan review for a proposed accessory building and optional shade structure (see staff report for details).

Mr. Chromy explained that the current storage is a bit small, and the users of that storage space are needing to move equipment back and forth. The proposed shed would allow for more storage onsite and in closer proximity.

Commissioner Chandler asked if there are other storage areas onsite for other sports, and if this will only be used for tennis storage.

Mr. Chromy explained that there is currently a 10' x 10' shed that will be replaced with the proposed shed. The School District coordinated with the athletic director to ensure the shed size is what is needed.

Commissioner Oldani moved that the Plan Commission approves the site and building plans submitted by Andrew Chromy, Oak Creek-Franklin Joint School District, for the property at 340 E. Puetz Rd. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. 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.

REZONE/PLANNED UNIT DEVELOPMENT

JESSICA GUZMAN, F STREET DEVELOPMENT GROUP, EDISON M. BOERKE FAMILY TRUST, AND THE CITY OF OAK CREEK

4001 E. LAKE VISTA PKWY., 9300 S. 5TH AVE., AND 4200 E. LAKE VISTA BLVD.

TAX KEY NOS. 868-9996-002, 868-9994-002, & 868-9993-001

Planner Papelbon provided an overview of the request made by Jessica Guzman, F Street Development Group; Edison M. Boerke Family Trust; and the City of Oak Creek to rezone to and establish a Traditional Neighborhood Development Planned Unit Development on portions of the properties at 4001 E. Lake Vista Pkwy., 9300 S. 5th Ave., 4200 E. Lake Vista Blvd. (see staff report for details).

Jessica Guzman, F Street Development Group, 1134 North 9th Street, Milwaukee, thanked the Plan Commission for their time and introduced Katie Monachos of RINKA.

Katie Monachos, RINKA, 756 North Milwaukee Street, Milwaukee, presented a site plan of the proposed development, and gave an overview of the building types and building materials. Ms. Monachos briefly touched on the amenities and signage, and also stated the streetscape will be pedestrian-friendly with sidewalks and bicycle areas designated.

Commissioner Chandler inquired if the building materials are designed for higher humidity and to deal with the impacts of the water from Lake Michigan.

Ms. Monachos stated the development will be far enough away from the lake that special consideration was not taken for the adjacency to the lake.

Commissioner Siepert expressed concerns about the traffic patterns and the Fire Department having access.

Ms. Monachos stated RINKA has the same concerns. RINKA paid close attention to this, and coordinated closely with the Fire Department and the Engineering Department to make sure all accommodations were met for all public streets, private streets, and alleys. This development offers all the required access for all three phases of the project.

Commissioner Siepert asked if the developers reviewed this proposal with the Fire Department. Ms. Monachos confirmed the proposal was reviewed with the Fire Department.

Commissioner Siepert also expressed concerns regarding the amount of parking available.

Ms. Monachos explained that the single-family houses have two-, two-and-a-half, or three-car garages per house, and the townhouses have two garage spots or two surface spots behind. Ms.

Monachos continued by explaining that a lot of the parking has been moved to the first floor inside to allow for more parking for the multifamily buildings. The applicant's intention is to provide market rate expectations.

Commissioner Siefert identified a concern regarding delivery trucks being able to service the area. Ms. Monachos explained that RINKA has coordinated with the mail delivery. There will be mail delivery kiosks, and for the multifamily buildings, there will be drop-off areas and designated move-in areas.

Planner Papelbon stated the roads labeled with numbers on the street map have all been designed to Engineering requirements, and are considered public streets. Planner Papelbon also stated the alleyways will be at least 16 feet. There will also be on-street parking for visitors and required parking for mailboxes. Planner Papelbon explained the deliveries will be handled like any other residential neighborhood or apartment building.

Director Seymour explained that there is parking in both garages and street parking for the single-family homes and villas. The City has some concerns regarding parking for the multifamily buildings. The two multifamily buildings in the center of the site at this time do not meet Code requirements for parking based on the number bedrooms. The City has been working with the development team to maximize parking where available, and maximize enclosed or structured parking within the multifamily buildings. The City wants to ensure the parking is done correctly to avoid large parking lots that are not being used.

Commissioner Hanna asked if there is public street parking available.

Director Seymour stated the public streets are public parking that is not assigned. The lots with aprons will be assigned.

Commissioner Hanna inquired how public parking usage will be taken into consideration versus residential parking.

Director Seymour stated that the City knows the overlap will happen. The City and developer can only make sure there is adequate parking to not force people to park on the streets. Parking on the streets will be subject to the parking requirements that are in place for Oak Creek. Public parking should not be relied on to satisfy demand, but can be used to supplement demand.

Commissioner Hanna stated that she wants to be sure there is adequate parking to prevent overlap of resident and public parking.

Commissioner Siefert asked how the population density compares to the City standards.

Director Seymour explained that this is a denser development, in terms of units per acre, than the City has seen before, with the possible exception of Drexel Town Square. This is by design to create a more walkable neighborhood. The concept of this design is to be less maintenance-intensive for the owner. Director Seymour stated residents of this development will be sacrificing space on a parcel for a more amenity-rich environment. This will not be a typical Oak Creek subdivision, but rather a neighborhood.

Commissioner Siefert inquired if the City has requirements or regulations on the population density.

Director Seymour explained that the PUD and the Traditional Neighborhood Development zoning district allows for increased densities to achieve community and walkability. The proposed development will be in accordance with the Traditional Neighborhood Development zoning that was adopted by Common Council.

Planner Papelbon referred Commissioner Siepert to the TND PUD standards regarding minimum and maximum densities per net acre. This development is in conformance with those allowances.

Commissioner Siepert asked if the standards were written to the applicant.

Planner Papelbon explained the standards were written to be amenable to a development plan that everyone is hoping to achieve. There were discussions on the minimums and maximums to ensure the development is something everyone is comfortable with promoting.

Director Seymour stated that the regulations were based on standards that are promoted statewide with respect to traditional neighborhood developments, and based on a model ordinance that was prepared and has been in use across the state.

Planner Papelbon stated the proposal, with the exception of the multifamily buildings and maybe one other category, is not far off from the current density standards if the houses were per lot. The proposed development is condo-ized - so all the parcels involved are under common ownership - but the densities are closer to what will be allowed in the Zoning Code update as well as current Code with the one exception, possibly two, and the multifamily.

Commissioner Siepert asked if the streets will be controlled or maintained by the City.

Director Seymour explained it will be both. The major streets will be dedicated to and maintained by the City. The alleyways, one of the private streets on the southeast corner of the development, and parking lots will all be private and maintained privately. The City will not be plowing alleys or collecting garbage and recycling for the development. The City will take on some of the maintenance responsibilities under an agreement with respect to some of the common open space areas and trails, as well as some of the regional stormwater retention areas.

Commissioner Siepert asked if that is explained in the standards.

Director Seymour stated that such will be spelled out in the PUD, infrastructure agreements, and finance development agreements.

Commissioner Oldani asked how much space there is in the alleyway by the garages. Ms. Monachos stated there is four feet between the alley and the garages.

Commissioner Oldani expressed concerns regarding snow removal in the alleyway.

Ms. Monachos referenced the snow storage area diagram. Areas of snow storage are identified between the garages. If the optional fence is installed, it will be pushed back off of the alleyway to allow for collection areas between the garage spaces. The number of two-and-a-half-car and three-car garages will be limited per block to allow space for snow collection areas.

Commissioner Oldani asked for clarification if the snow storage areas would be used by individuals shoveling or plows. Ms. Monachos confirmed it would be for a plow.

Commissioner Carrillo asked if there will be basements. Ms. Monachos stated that, at this time, only the two multifamily buildings in the center of the site have basements. The basements for those buildings are exposed on the north side of the building. The single-family homes will not have basements due to the conditions of the soil.

Commissioner Carrillo asked to confirm that there is no underground parking. The two multifamily buildings in the center of the site will have the partially-exposed basements for parking. The four multifamily buildings in the southwest corner will have first-floor parking, no basements.

Commissioner Carrillo inquired if the multifamily buildings will have one spot per unit. Ms. Monachos stated that the developers are working to determine that number; however, at this time, the interior parking is maximized and there is surplus exterior parking.

Commissioner Carrillo expressed concern regarding non-tenants using the parking lots. Ms. Monachos stated all the parking stalls will be assigned, and management will have a protocol to enforce.

Commissioner Carrillo asked for more details regarding the houses already being listed on the MLS. Ms. Monachos stated it is a reservation process to make sure there is interest and the sites are being showcased.

Commissioner Sullivan reiterated that the Plan Commission does not like the “high-quality vinyl siding” as an exterior building material.

Commissioner Hanna stated she is extremely concerned about the parking situation. Commissioner Hanna asked if residents that choose not to have a fence will be responsible for storing all the snow from the alleyways. Ms. Monachos clarified that there is a datum for a fence connection. The snow will be stored between the garages. Ms. Monachos explained the snow removal will be public on the public streets and private on the private streets.

Commissioner Hanna asked who is responsible for the snow removal on the alleyway. Ms. Monachos stated it would be done privately by the Association. Commissioner Hanna asked if the homeowners are responsible for removing the snow, and whether the spaces between the garages will their designated location to store the snow. Ms. Monachos reiterated that all maintenance will be done by the Association.

Commissioner Hanna asked if the maintenance is optional for the homeowners. Ms. Monachos confirmed it is not optional.

Commissioner Hanna asked if all drainage issues have been looked at. Ms. Monachos confirmed the developers have been working closely with the civil engineer to ensure the sites during construction do not negatively affect each other, final construction is coordinated with the overall concept, and no problems will arise if construction is stopped between each phase.

Commissioner Hanna asked a question that was inaudible.

Ms. Monachos stated that there is a ton of interest; however, there is still a lot to coordinate as far as upgrade packages and the costs associated with such. At this time, the developer is building the base scheme to make sure residents can get in at a certain price, but then there are certain upgrades such as site location, exposure to the lake, etc. There is also a lot of interest with the townhomes that are less developed.

Commissioner Oldani asked what the snow storage area is used for when it is not winter.

Ms. Monachos explained the base will be grass. The area just north of the snow storage is a patio area with upgrade options that include slab-on-grade with a raised wood deck.

Commissioner Oldani asked if the snow storage area can be used for additional parking or if the area must remain empty. Ms. Monachos confirmed it must remain empty to maintain access for emergency vehicles.

Commissioner Chandler asked Planner Papelbon to confirm that the area is currently zoned for multifamily, and that the proposal is to rezone it to Traditional Neighborhood to allow a denser area for living space.

Planner Papelbon stated Commissioner Chandler is correct that there are multiple zonings for the properties. Portions of the properties would be rezoned to Traditional Neighborhood Development PUD to allow for the multiple uses and multiple types of residences that are proposed in the PUD.

Commissioner Chandler asked the applicant to provide additional information for the request to rezone from multifamily to Traditional Neighborhood Development.

Planner Papelbon clarified that portions of the properties are A-1, Rm-1, and B-4, and that this proposal would bring all properties under one zoning district to allow for multiple residential types with the potential addition of some commercial space on the first floor of some of the multifamily.

Commissioner Chandler asked for more clarification regarding the transition to Traditional Neighborhood Development.

Planner Papelbon stated the Traditional Neighborhood Development Zoning District allows for more than multifamily for the housing types. It also allows for denser neighborhood development that is mostly residential.

Commissioner Chandler inquired why it is so dense and why there is a desire to have the multifamily or multiple housing types.

Planner Papelbon explained part of the goal of this development is an attempt to achieve housing options that are missing in the City, trying to reach a specific demographic that is missing. The denser development is attempting to get at a more walkable neighborhood. This development is different than what Oak Creek has seen in recent years. The townhomes and villas options provided in this development are not seen in the rest of the City.

Ms. Monachos stated the common areas of the development creates more of a community.

Commissioner Chandler stated that she is concerned that there is a smaller number of common areas based on the number of people that will be living in the development and visitors to the lake.

Ms. Monachos referenced the concept development plan, and stated that each dot represents an amenity such as a pocket park, dog park, recreational area, garden, etc. The developer believes the plentiful amenities and access of the lake will sell the lots.

Commissioner Oldani asked if the City has explored options of adding parking around the park area to help mitigate parking concerns.

Director Seymour explained that the parking on this development will not help solve the parking issues for the Fourth of July or beer gardens. Director Seymour stated that the City is looking for opportunities adjacent to this proposal, primarily in the north bluff area.

Commissioner Siepert asked Director Seymour about the road pattern to and from the area.

Director Seymour stated that Lakeshore Commons is part of TID 13. The City has a project planned to make improvements to the other areas of TID 13, including improvements to 5th Avenue.

Commissioner Siepert stated that the City and Plan Commission also need to take into consideration the 46 acres to the north. Director Seymour explained that the City will take their time and be deliberate about what is planned for that area. What is developed there will be consistent with the vision for the lakefront.

Commissioner Sullivan stated that the Engineering Department was tasked with looking at the required dollar amount, size, and capacity of 5th Avenue as part of TID 13. The City is starting to plan for the road improvements. Commissioner Sullivan stated that the Engineering Department has also been tasked with looking for different areas in Lake Vista for parking overflow. There are issues created in that area with stormwater and environmental impacts. The options have been provided to the City Administrator.

Alderman Loreck stated that he believes there is a market for this type of development, and that it adds to the diversity to the housing in Oak Creek. Alderman Loreck stated that he understands parking is a challenge; however, it sounds like there might be more parking in this development than in a traditional city. Alderman Loreck asked to confirm that the single-family houses will have no exterior modifications by the homeowners.

Ms. Guzman confirmed that the Condo Association will have an architectural review board that will outline what exterior modifications are allowed to be made. At this time the developer is limiting the exterior paint colors and materials, and not allowing flag poles. Anything done to the exterior of the home will go through the Condo Association, and they will have full control.

Alderman Loreck asked if there is a grass- or tree-line between the sidewalk and street. Ms. Monachos stated there are landscaping requirements identified in the Traditional Neighborhood Development guidelines and the PUD, including a minimum spacing of trees, minimum parking screening, islands for parking, and shade trees. There are also nodes in the amenity spaces that will have special plantings.

Alderman Loreck requested confirmation that the multifamily buildings would be rental, and everything else will be owned. Ms. Monachos confirmed that is correct.

Planner Papelbon explained that the Conditions and Restrictions will have language about phasing. Planner Papelbon asked the Plan Commission to keep in mind that this development is about 40% single-family type development, which will cause the phasing to be lengthier than any phasing program the City has seen thus far for PUD consideration. The timing of the phases will be closer to what is seen with a single-family subdivision. Each phase will likely have benchmarks

that are similar to what is seen in other PUDs. The first phase is the largest phase of the development to include streets, infrastructure, and utilities.

Commissioner Oldani moved that the Plan Commission recommends to the Common Council that portions of the properties at 4001 E. Lake Vista Pkwy., 9300 S. 5th Ave., 4200 E. Lake Vista Blvd. be rezoned to Traditional Neighborhood Development 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 (September 28, 2021). Commissioner Carrillo seconded. On roll call: all voted aye, except Commissioner Hanna, who voted no. 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 7:22 pm.

ATTEST:

Kari Papelbon, Plan Commission Secretary

9-23-21

Date

DRAFT

Summary of Significant Common Council Actions

September 21, 2021

- **APPROVED** – Resolution No. 12266-092121, authorizing closing on the Sale of the Property at 4200 E. Lake Vista Boulevard and 4001 E. Lake Vista Parkway to F Street OCLV, LLC pursuant to the Real Estate Purchase Agreement.
- **APPROVED** – Resolution No. 12267-092121, approving the Infrastructure Development Agreement between the City of Oak Creek and F Street OCLV, LLC (Lakeshore Commons).



Kari Papelbon, CFM, AICP
Planner



PLAN COMMISSION REPORT

Proposal: Sign Appeal – 150 W. Rawson Avenue

Description: Request for variances allowing the applicant to install four wall signs on the gas pump canopy located at the property 150 W. Rawson Avenue.

Applicant(s): Neil Jarman, Canopy Bee

Address(es): 150 W. Rawson Avenue

Suggested Motion: Staff does not provide recommendations for sign appeals. See staff report for options.

Owner(s): 150 West Rawson LLC

Tax Key(s): 734-9026-000

Lot Size(s): 2.515 ac

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

Overlay District(s): N/A

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Commercial

Background:

The Appellant is requesting variances from Section 17.0706 (i)(3), which states that gasoline and/or service stations may provide one ground or pole sign displaying the name of the station and the brand and price of gasoline sold. One wall sign per street frontage may also be provide.

The proposal is for the installation of four (4) illuminated wall signs on the gas pump canopy (two (2) 25' x 4' and two (2) 100' x 4") on the property. The property fronts Howell and Rawson Avenues. The existing building does not have signage.

The Appellant has provided written responses to the variance criteria for Plan Commission consideration. In deliberation of a variance, the Plan Commission may consider the following:

- location of the proposed sign
- height
- overall size
- appearance
- number
- location of other signs in the vicinity of the proposed sign
- any other factor the Plan Commission deems appropriate, excluding content

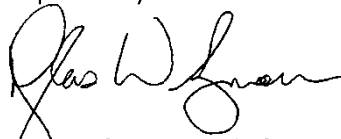
Staff does not make recommendations regarding sign appeals. However, decisions to approve a sign variance must be made utilizing the following criteria:

1. There shall be no public harm and there shall be a public benefit.
2. Variance considerations shall include enhancement of the overall character of a neighborhood or mitigation of unusual site conditions.
3. The sign will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs.
4. The effect a proposed sign may have on depreciating property values of a neighborhood.

Motion for consideration: That the Plan Commission approves sign variances allowing the installation of four (4) illuminated wall signs on the gas pump canopy (two (2) 25' x 4' and two (2) 100' x 4") on the property southeast side of the building located at 150 W. Rawson Avenue. (Note: if the Plan Commission does not determine that the variances are acceptable, the correct procedure would be to make the motion above and cast a dissenting vote referencing specific criteria upon which the disapproval was based. Should the Plan Commission wish to do so, each variance per elevation can be considered separately, in which case there could be up to 2 motions).

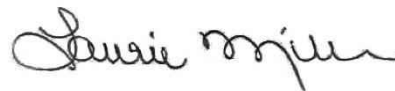
Options/Alternatives: The Plan Commission has the discretion to approve or disapprove of the request. Should the variances not be granted, the Appellant must comply with limitation of one wall sign per street frontage.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Laurie Miller
Zoning Administrator

Attachments:

Hearing Notice

Location Map

Request for Variance dated August 31, 2021 (4 pages)

Proposed Sign Graphics with Dimensions (5 pages)

Site Plan (1 page)

Publish September 15, 2021

**CITY OF OAK CREEK
NOTICE OF PUBLIC HEARING
BEFORE THE PLAN COMMISSION**

IMPORTANT NOTICE

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A public hearing for a sign appeal will be held:

Date:

September 28, 2021

Time:

6:00 p.m.

Place:

Common Council Chambers and Zoom (see above)

Appellant:

Neil Jarman, Canopy Bee

Tax Key No.

734-9026-000

Property location:

150 W. Rawson Avenue

To Request:

Variances from Section 17.0706 (i)(3), which states that gasoline and/or service stations may provide one ground or pole sign displaying the name of the station and the brand and price of gasoline sold. One wall sign per street frontage may also be provided.

If granted, the variances would allow the applicant to install four wall signs on the gas pump canopy.

Zoning of Property:

B-4, Highway Business District

All interested persons wishing to be heard are invited to be present.

Dated this 7th day of September, 2021.

PLAN COMMISSION

CITY OF OAK CREEK, WISCONSIN

/s/ Mayor Dan Bukiewicz, Chairman

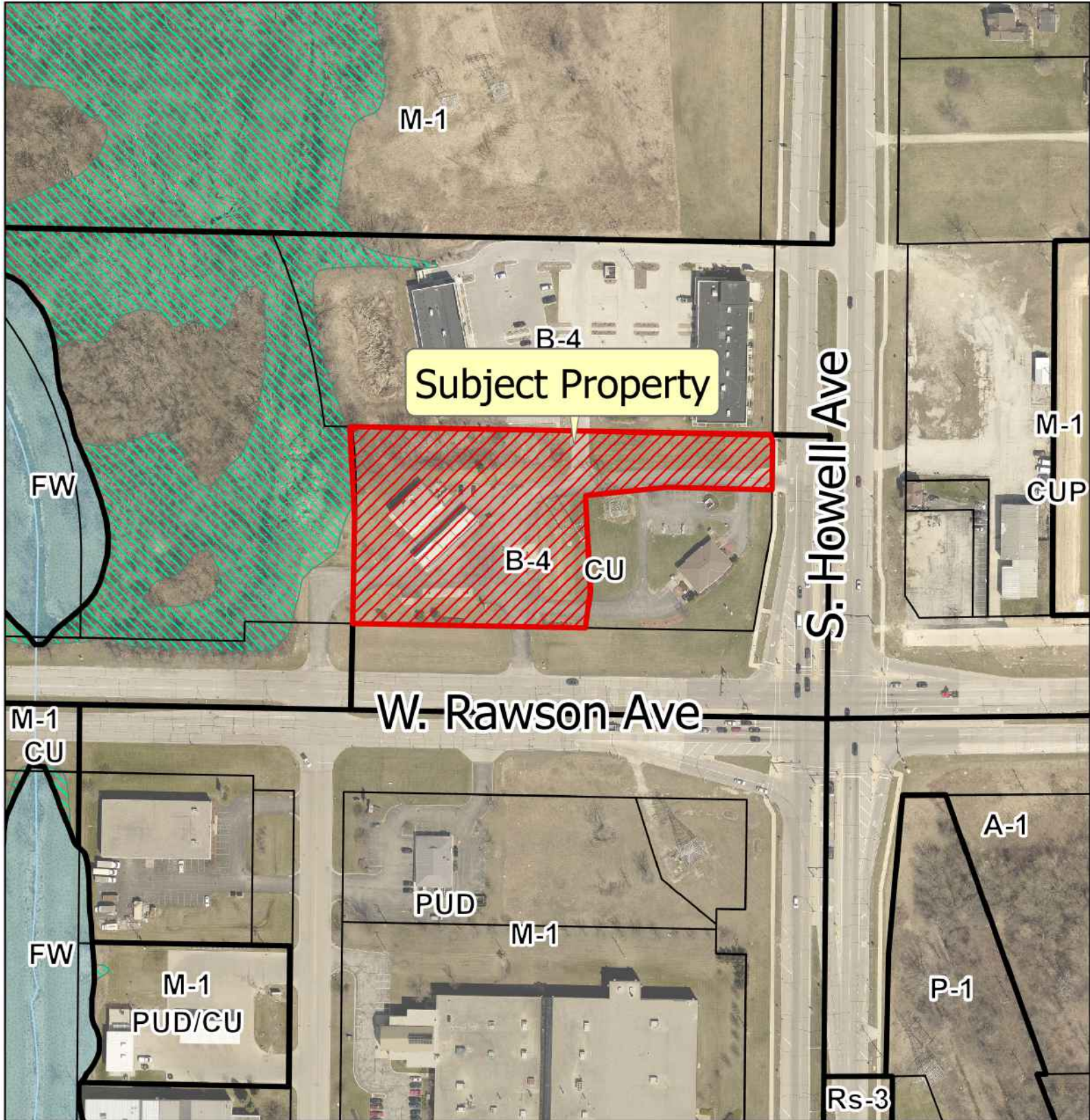
Public Notice

PLEASE NOTE: 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, or by writing to the ADA Coordinator at the Health Department, City Hall, 8040 South 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.

Location Map

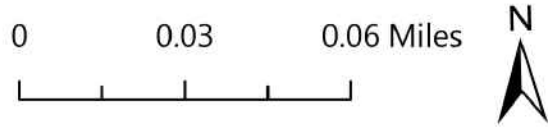
150 W Rawson Ave



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

Legend

- Zoning
- Flood Fringe
- Official Street Map
- Parcels
- Floodway
- 150 W Rawson Ave



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AUG 31 2021

CITY OF OAK CREEK

To the Oak Creek Plan Commission,

First off, thank you for taking the time to read this letter. I am the owner of the sign installation company hired to handle the rebranding of the Phillips 66 gas station located at 150 West Rawson Avenue in Oak Creek. I am writing to request a variance for the canopy image we have proposed for this location to include permission to install the materials we have proposed and which are shown on the renderings included.

I would like to begin by raising some questions about the denial we received from the Zoning Administrator, Laurie Miller, regarding our proposed scope of work to change this station over to the Citgo brand. My confusion is generally around the fact that the canopy fascia is being referred to as "wall signs", and I don't understand how this corresponds to the city code regarding signage.

The section of code referenced in the denial letter is: 17.0706 (i)(3): *"Gasoline and/or service stations may provide one ground or pole sign displaying the name of the station and the brand and price of gasoline sold. One wall sign per street frontage may also be provided."*

From the section 17.148, General Definitions:

"Sign, Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure. (See Illustration No. 36)

Sign, Canopy. Any sign or letter placed on a canopy.

Also in section 17.148, General Definitions, an outdoor canopy is defined:

Outdoor Canopy: *Shall mean a free-standing roof structure without side walls which may or may not be attached to the roof of an adjacent building and shall include but not be limited to canopies over gas stations or canopies at convenience stores.*

The term "side walls" cannot possibly refer to the canopy fascia, because gas station canopies are not produced anywhere without fascia. One will not be found by looking, they do not exist. The definition either excludes every gas canopy in existence as it expressly refers to them, or it is not referring to the fascia as "walls". The latter must certainly be the case, and this definition clearly expresses that the fascia is not a wall. This canopy, like every other gas station canopy, is "without side walls".

Furthermore, it seems as if canopy sign restrictions are clearly defined in section 17.076 (c)

Marquee, awning, and canopy signs affixed flat to the surface of a marquee, awning, or canopy are permitted provided that the sign does not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy.

In this section, the wording used is "flat surface of a marquee, awning, or **canopy**". Why not "wall"? It is certainly a flat surface for mounting signs on, but not a wall.

Otherwise the language in the zoning code would refer to it as such, and the "canopy signs" would have to be considered "wall signs".

In 17.0706 (a), a wall sign is defined as:

*(a) Wall signs placed against the exterior walls of **buildings** shall not extend more than twelve (12) inches away from a building's wall surface; shall not exceed 20% of the wall area on which the sign is located, but shall be no more than 100 square feet for buildings less than 300 feet from the right-of-way or 200 square feet for buildings more than 300 feet from the street or interstate right-of-way; shall not exceed ten (10) feet in height; shall not extend above the roof line of the structure; and shall not block a window or door opening in the structure.*

The language in this section refers to buildings, not canopies. Again, canopies are clearly defined in section 17.148 of the code as distinct from buildings and having no walls.

For these reasons, the fascia is neither a wall or a wall sign (and certainly not both). The absence of language about canopies and canopy fascia in the Oak Creek zoning code section 17.0706 (i)(3) does not lead to the conclusion that the fascia is now somehow a wall.

The canopy fascia is the "surface of the canopy", as described in section 17.076(c) and is a mounting surface for canopy signs as defined in general definitions. If it were a wall, the canopy signs must be considered wall signs, but somehow must at the same time also be defined as canopy signs, subject to two conflicting sign codes. They would also need to be the walls of a building, and they are not.

Even if the canopy fascia were to be considered a "wall sign", despite the clear language about buildings in section 17.0706 (a), then what are the proposed CITGO and Trimark signs considered? Canopy signs going onto wall signs? Or wall signs

going onto wall signs? What about the issue of the Trimark sign needing revision to stay under the canopy fascia height, as we were requested to provide? Does this restriction also refer to canopy signs placed onto wall signs, or wall signs placed onto wall signs? Or does it refer to the section of code 17.0706(c), that states:

(c) Marquee, awning, and canopy signs affixed flat to the surface of a marquee, awning, or canopy are permitted provided that the sign does not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy.

It seems that the channel letter and triangle signs are being referred to and coded as canopy signs. A canopy must have a vertical surface in order for a sign to be placed on it, but this doesn't make it a wall. And how does a canopy sign go onto a wall without then having it be defined as a wall sign at the same time, subject to conflicting portions of code?

It must be concluded that the Oak Creek zoning code does not include language for canopy fascia in section 17.0706 (i)(3), but also makes clear distinctions between walls and surfaces of canopies. To define this fascia as a wall opens up a Pandora's box of contradictions within the zoning code that cannot be resolved.

This variance we are requesting is, in my view, in harmony with the current zoning ordinances, as the Main ID sign is only being refaced and no wall signs are being proposed here.

All this hopefully considered, I'd like to speak a bit from the perspective of the owner of the station we are working with. Adail has pointed out that other stations in Oak Creek (BP and Kwik Trip) have canopies that include fascia covered with the most current brand images, showing branded colors, signs and light bar on the three prominent sides. From what I can tell, no restrictions seem to have been placed on these businesses and imposing something unfairly on the station on West Rawson Avenue would be putting them at a severe disadvantage. They are already set back far from the road and would be in competition with businesses displaying their brands, unhindered, with fully lit canopy images to draw attention. These are what I offer as special conditions, as they would certainly cause practical difficulty and unnecessary hardship for the owners of this station as they work to stay competitive against similar stations who appear to have standard-looking canopies according to their respective brands.

The owners of the station I am writing about built out their location in 1997. They have been in compliance and in good standing with the city of Oak Creek all along. They have been and remain as good neighbors and members of the surrounding community.

To hinder them from being able to display the type of branded image that their competitors are would seem unfair, and a variance to allow them this same opportunity would seem to cause substantial justice to be done.

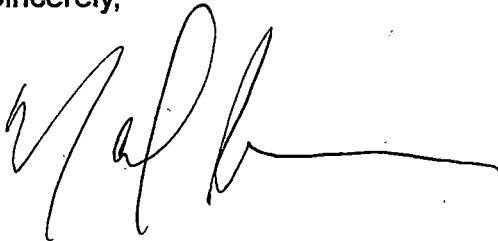
We ask that you consider these things along with the questions I've raised about interpretation of the Oak Creek zoning code and allow these business owners the same opportunity given to others under the same set of rules.

Included in this packet are:

- Canopy renderings showing elevations of the front three sides of the canopy (the rear side is the same as the front, with no canopy signs)
- Renderings of each proposed canopy sign
- A satellite view of the lot and intersection
- A closer satellite view of the canopy and proposed canopy sign placement

Thank you again for your time.

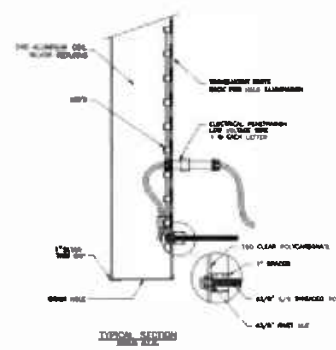
Sincerely,

A handwritten signature in black ink, appearing to read 'Neil Jarman', with a long horizontal flourish extending to the right.

Neil Jarman
Owner, Canopy Bee



28" ILLUMINATED Citgo Channel Letters
1" Offset/ Blue Option



SignResource
IDENTITY GROUP
6133 District Blvd • Milpitas, CA 95070
800.423.4283 • Fax 323.568.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	PREPARED BY	UPDATED BY	REVISION DESCRIPTION
A	06/22/16	SW	SW	INITIAL DRAWING RELEASE
B	12/13/16	DJ	KS	ADD CALL OUTS, AND UPDATE LED INFO
C	01/13/17	DJ	RC	DIMENSION REVISION

INSTALL COMPONENT LIST:

ITEM	PART NUMBER	DESCRIPTION	QTY
1		3/8" 5/8" THREADED ROD	17
2		1" SPACER	17
3		3/8" R NUT	34
4		LOCK WASHER	34
5		MOUNTING PATTERN	1

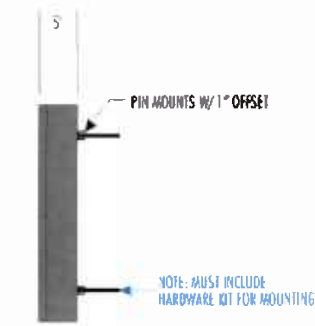
PARTS LIST:

ITEM	DESCRIPTION	QTY
1	3/8" 5/8" THREADED ROD	17
2	1" SPACER	17
3	3/8" R NUT	34
4	LOCK WASHER	34
5	MOUNTING PATTERN	1

LED ILLUMINATION



FRONT VIEW



SIDE VIEW

SECOND SURFACE DECORATION
LED ILLUMINATION
SCALE 1" = 6"

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 608 OF THE NATIONAL ELECTRICAL CODE. ANY OTHER APPLICABLE LOCAL CODES, ORDINANCES OR REGULATIONS SHALL APPLY. THE INSTALLER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

GENERAL NOTES

1. ALL ELECTRICAL WORK TO BE DONE BY A LICENSED ELECTRICIAN.
2. ALL ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL CODES.
3. ALL ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL CODES.
4. ALL ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL CODES.
5. ALL ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL CODES.

CITGO
28" LED ILLUMINATED
HALO CHANNEL LETTERS

DESIGNED BY	S. PATTERSON	DRAWN BY	L. HIBBITTS
CHECKED BY		DATE	06/22/16
CORPORATE		DATE	06/22/16
PROJECT NO.	CGO28LTRHB	REV	C
SHEET NO.		SHEET OF	1 OF 2

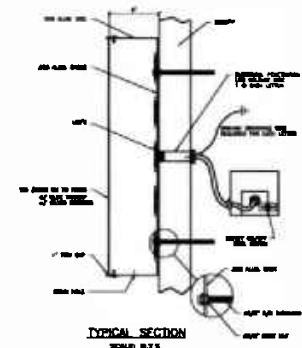
2190295

28HCL-LED-BLUE

CITGO

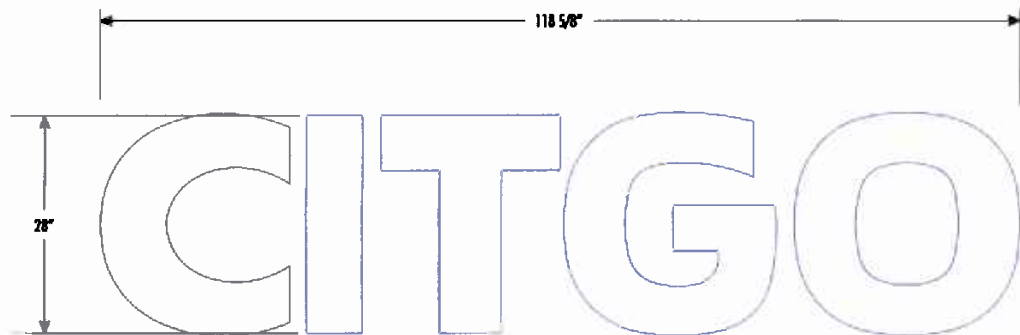
ILLUMINATION VIEW

28" ILLUMINATED CITGO CHANNEL LETTERS FLUSH MOUNTED / WHITE OPTION



PARTS COMPONENT LIST:

ITEM	PART NUMBER	DESCRIPTION	QTY
1		3/8" 5/8" THREADED ROD	17
2		3/8" RIVET NUT	17
3		MOUNTING PATTERN	1



FRONT VIEW



SIDE VIEW

LED ILLUMINATION

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statutes and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource
IDENTITY GROUP

1115 Dulness Blvd - Maywood, CA 90770
100.423.4283 - Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REVISION BY	APPROVED BY
A	11/03/20	K.A.	D.D.

INITIAL DRAWING RELEASE

PARTS LIST:

ITEM	DESCRIPTION
A	SILVER PMS 827
B	WHITE
C	
D	
E	
F	
G	

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 209 OF THE NATIONAL ELECTRIC CODE, APPROVE OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER DIMENSIONS AND NUMBER OF THE SIGN.

GENERAL NOTES

1. TOLERANCE (UNLESS NOTED)
• GRAPHICS + / - 1/32" • FACE SIDE + 1/16" - 3/4"
• CABINET + / - 1/8" • WHITE OVERLAY - 1/8" + / - 1/16"
• ALL COPY LEVEL UNLESS NOTED OTHERWISE
2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPOT/PANTONE INK SYSTEM
4. NO REPAIRS OR MATERIAL SUBSTITUTION WITHOUT COI.
5. ALL ELECTRICAL SHOPS TO COMPLY WITH UL 48

CITGO
28" LED ILLUMINATED
REMOTE CHANNEL LETTERS

ORDER BY: D DAWSON ORDER BY: X

CLIENT: CITGO

COLORS: VARIOUS

QTY: VARIOUS DATE: 11/03/20

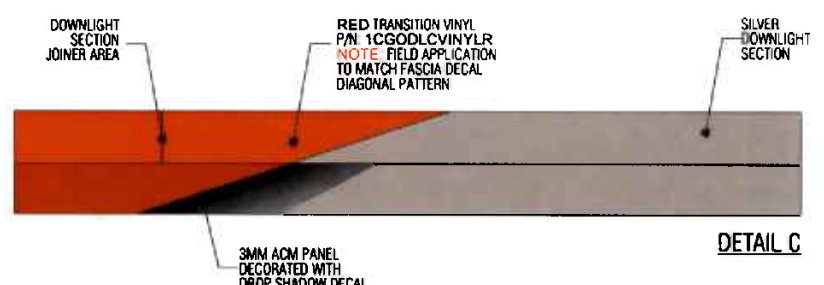
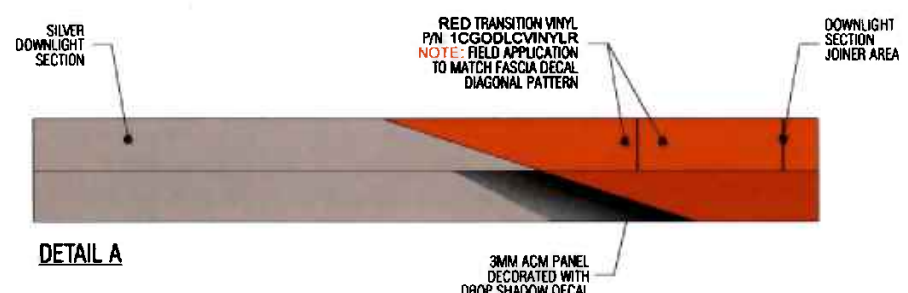
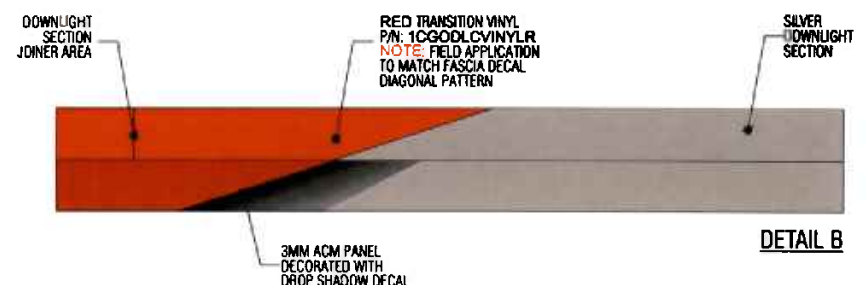
PROJECT: CGO28LTRWSR A 1 OF 1

APPROVAL SIGNATURE

DATE

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

THIS DOCUMENT IS THE PROPERTY OF SIGNRESOURCE. IT IS TO BE USED ONLY FOR THE PROJECT AND AT THE LOCATION SPECIFIED. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED WITHOUT THE WRITTEN PERMISSION OF SIGNRESOURCE.



PART NUMBER CG0DLCPY-0929	LOCATION 13351076	DESIGNED BY T. COHOON	REVISION B	UPDATED BY TC	REVISION DESCRIPTION REVISED TO CONTAINED TRIMARK	DATE 7/21/21	CHECKED BY	PAGE 3 OF 6
------------------------------	----------------------	--------------------------	---------------	------------------	--	-----------------	------------	----------------

Canopy Work

✓ Canopy Layout

✓ Pack list

Tony Edit

Tony edit 2

Individual Section

New? or Revision? Canopy1

Revision:

Fascia Height

Canopy Length

Canopy Width

Canopy1 Description

[[JUL-21-21 sara yates] sara yates] revise to contained Trimark



CITGO FULL SITE SURVEY



- Provide accurate and exact measurements to the location of the nail inch on the canopy sides.
- Please circle the applicable "P" to indicate where the Citgo Trimark or CITGO Letters are going to be located.
- Please note building location in relation to canopy > street
- Please indicate canopy level and provide the following information

• Height of existing fascia 48" • Layers of ACM 1

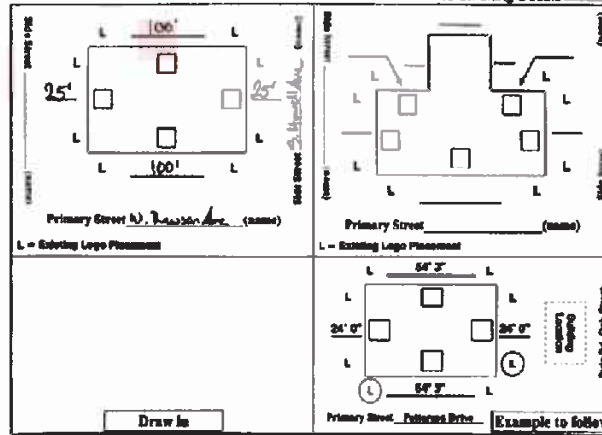
Primary Fascia



Secondary Fascia



- Canopy Condition Bowing in center, see pic Bollards: Quantity 20
Horse Shoe 13
Straight 7
- Clearance Height 14 feet 7 inches • Columns: Quantity 4
(at lowest point measured around perimeter of canopy) Round or Square Square
Cladding
- Quantity of Clearance Bars: _____ No Smoking Decals



6:09

Search

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AUG 31 2021

CITY OF OAK CREEK



Distance ?

0.00 ft

+ Add Point

continuing discussions between the Applicant and staff, the draft Conditions and Restrictions included with this report for Plan Commission consideration have been organized slightly differently from the standard to incorporate requirements and benchmarks specific to the Lakeshore Commons project.

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 may recommend Common Council approval of the proposed rezone request and PUD, or that the Common Council not approve of the proposal. Should the request not be recommended for approval, Plan Commissioners must provide the Code Sections upon which the denial is based so that the Applicant may revise and resubmit (if necessary). However, disapproval would affect previous approvals, agreements, and development plans for these critical development parcels within TID 13.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP
Planner

Attachments:

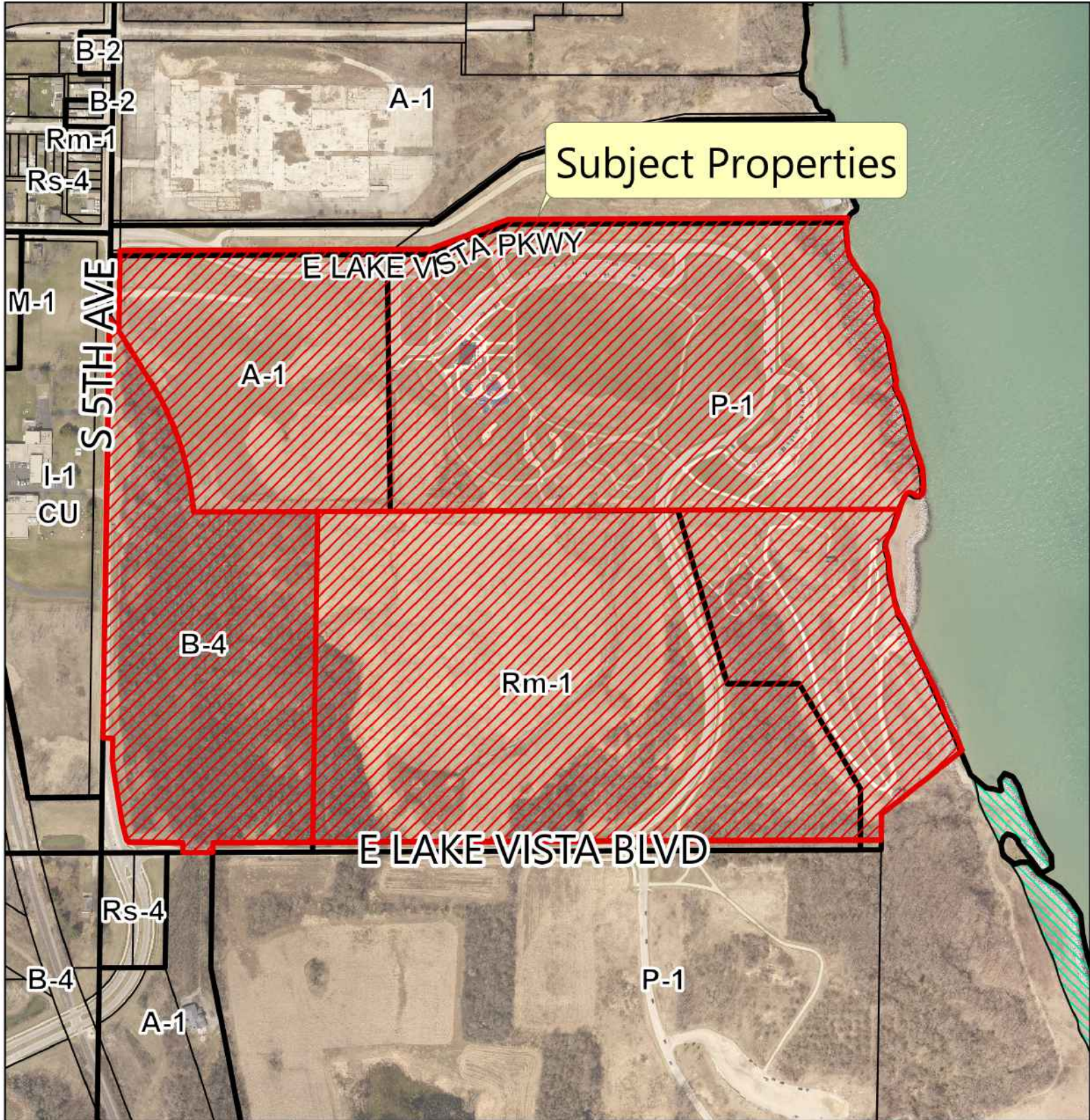
Location Map

Traditional Neighborhood Development PUD Code

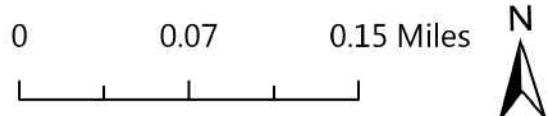
Draft Conditions and Restrictions

Location Map

4001 E. Lake Vista Pkwy, 4200 E. Lake Vista Blvd, & 9300 S 5th Ave.



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



Legend

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

SEC. 17.0327 TRADITIONAL NEIGHBORHOOD DEVELOPMENT-PUD

The Traditional Neighborhood Development (TND) District, enacted pursuant to §§ 62.23 and 66.1027, Wis. Stats. (as amended), is intended to allow the optional development and redevelopment of land in Oak Creek consistent with the design principles of traditional neighborhoods.

- (a) A traditional neighborhood:
 - (1) Is compact and designed for the human scale;
 - (2) Provides a mix of uses, including residential, commercial, civic, and open space uses, in close proximity to one another within the neighborhood;
 - (3) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
 - (4) Incorporates a system of relatively narrow, interconnected streets with sidewalks and access to bicycle and transit routes, offering multiple routes for motorists, pedestrians, and bicyclists; and provides for the connections of those streets to existing and future developments;
 - (5) Retains existing buildings with historical or architectural features that enhance the visual character of the community;
 - (6) Incorporates significant environmental features into the design;
 - (7) Is consistent with the City of Oak Creek Comprehensive Plan.
- (b) Applicability. This ordinance applies as an alternative set of standards for development or redevelopment on sites of 20 acres or more and is identified for Mixed Use in the Comprehensive Plan, or is contiguous to an existing mixed-use development of 20 acres or more.
- (c) Interpretation. Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, if there is a conflict between the provisions of this subchapter and other provisions of the zoning or subdivision sections of the Oak Creek Municipal Code, this subchapter shall take precedence.
- (d) Application and Approval Process.
 - (1) Pre-Application Conference. Prior to the official submission of the application for the approval of a Traditional Neighborhood Development, the Applicant shall meet with City staff to discuss the scope and proposed nature of the contemplated development.
 - (2) Zoning Map Amendment and Planned Unit Development Review. Following the pre-application conference, the Applicant shall submit a development plan with related applications and fees for Zoning Map Amendment (“Rezone”) to a Traditional Neighborhood Development District, and Planned Unit Development (PUD) approval. The requirements and review procedures in Section 17.0325 (as amended) shall apply. If there is a conflict between the provisions of this Section and Section 17.0325 (as amended), the requirements of this Section shall be in addition to Section 17.0325 (as amended) unless otherwise determined in writing by the Department of Community Development. The Plan Commission shall consider the Rezone and PUD request at a regular public meeting, and shall issue a recommendation to the Common Council for consideration at a public hearing in conformance with Municipal Code.
 - (3) Planned Unit Development (PUD).
 - (a) Development Plan Requirements. The Development Plan for the PUD shall include the following:
 - 1. A written report containing

- i. The relationship of the proposed PUD to the City's adopted Comprehensive Plan, or any adopted component thereof.
 - ii. An analysis of site conditions and development objectives.
 - iii. Total area to be included in the PUD and area(s) of open space.
 - iv. All contemplated land uses within the PUD, along with the proposed intensity of use.
 - v. Total number and types of dwelling units, including affordable units, residential density computations, demographics analysis, availability of or requirements for municipal services, and any other similar data pertinent to a comprehensive evaluation of the proposed development. (Affordable units are those in which mortgage, amortization, taxes, insurance, and condominium/association fees, if any, constitute no more than 30% of gross annual household income for a household of the size which may occupy the unit. Rental units are considered affordable if the rent and utilities constitute no more than 30% of gross annual household income for a household of the size that may occupy the unit.)
 - vi. Estimated value of structures and site improvement costs, landscaping, and special features.
 - vii. Covenants, easements, or agreements which will be used to manage and maintain the proposed development.
 - viii. Any proposed departures from the standards of development as set forth in the City zoning regulations, other City regulations or administrative rules, or other universal guidelines.
 - ix. The expected dates of commencement and completion of physical development as set forth in the proposal. If the PUD is to be developed in phases, a phasing plan setting forth the starting and completion dates of each phase shall be submitted.
 - x. A statement indicating the type of Federal or State program being used to provide a subsidy or less-than-market ("affordable") rents for the units proposed.
2. A general location map of suitable scale which shows the location of the property within the community and adjacent parcels, including locations of any public streets, railroads, major streams or rivers, and other major features within 1,000 feet of the site.
 3. Natural drainage patterns and water resources, including streams, drainage swales, ponds, lakes, wetlands, and floodplains, and proposed major changes in the above.
 4. Plans, including proposed topographic contours at two-foot intervals, with the following information:
 - i. A legal description of the property prepared by a professional surveyor.
 - ii. Identification of the developer, if different from owner(s).
 - iii. The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public and private streets or rights-of-way; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking, loading spaces, and service access; sidewalks and other walkways.

- iv. The size, type, and locations of proposed and existing structures that will remain. Gross square footage and height of existing structures shall be included.
 - v. Proposed parks, open space, recreational areas, preserved areas, and areas dedicated for public uses, and percentage of overall development dedicated to each use.
 - vi. Characteristics of soils related to contemplated specific uses.
 - vii. General location of trees, vegetation, landscaping proposed or existing to remain.
 - viii. The location of street and public pedestrian lighting, including lamp intensity and height.
5. A stormwater management plan for the site in conformance with Chapter 13 of the Municipal Code (as amended).
 6. Elevations and/or conceptual renderings incorporating building materials, color schemes, dimensions, and related information for proposed commercial and multifamily residential buildings, and typical elevations of all other residential buildings.
 7. A utilities plan showing existing and proposed (public and private) underground and above ground lines and structures for water, sanitary sewers, electricity, gas, telecommunications, etc., and easements therefor.
 8. Phasing plan (if applicable).
 9. Any other information deemed necessary by the Department of Community Development in order to evaluate plans.
- (4) Site and Building Plan Review. Detailed site, architectural, landscaping, lighting, and related plan review shall be required for the development following approval of the PUD. Architectural review shall be required for all multifamily residential dwellings with a density of four (4) or more units per structure, all mixed-use structures, and all other non-residential structures. General architectural plans detailing designs and allowed materials shall be included as part of the approved PUD for all single-family, two-family, and three-family dwellings, which do not require additional site and architectural reviews.
- (e) Ownership and Maintenance of Public Space. Provisions shall be made for the ownership and maintenance of streets, squares, parks, open space, multimodal paths, and other public spaces in a Traditional Neighborhood Development by dedication to the City or as otherwise approved by the Common Council.
- (f) Subdivision of Land. If the Traditional Neighborhood Development involves a subdivision and/or condominium plat as defined in Chapter 14 of the Municipal Code (as amended), the Applicant shall submit all required land division documents in accordance with the requirements of the Subdivision and Platting Code and Ch. 236, Wis. Stats. If there is a conflict between the design standards of the subdivision ordinance and the design guidelines of this ordinance, the provisions of this ordinance shall apply.
- (g) Amendments to the Traditional Neighborhood Development/PUD.
- (1) Major Change. Except as provided in subsection (2) below, any modifications to an approved Traditional Neighborhood Development Plan (TND) and/or PUD or any addition to or expansion of an existing TND Plan/PUD shall be considered major changes requiring separate review and approval under the provisions of Section (d) above and Section 17.0327 of the Zoning Ordinance (as amended).

(2) Minor Change. A minor change is any change in the site plan or design details of an approved TND Plan/PUD which is consistent with the standards and conditions applying to the TND Plan/PUD, and which does not alter the concept or intent of the TND Plan/PUD. A minor change shall not increase the TND Plan's/PUD's density; increase the height of buildings; reduce open space; modify the proportion of housing types; change or add new parking areas; alter alignment of roads, utilities or drainage; amend final development agreements, provisions or covenants; or provide any other change inconsistent with any standard or condition imposed by the Common Council in approving the TND Plan/PUD. Said minor change may be approved by the Department of Community Development without obtaining separate approval by the Common Council. In addition, the Common Council may, after reviewing the request for a major change made by the Applicant, direct the Department of Community Development to process the request as a minor change.

(h) TND Design Standards

(1) In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A TND shall consist of residential, mixed-use, and open space, as specified below.

a. Residential Area(s). The TND shall include one (1) or more residential area(s) to meet the housing needs of the City. For infill development, the required mix of residential uses may be satisfied by existing residential uses adjacent to the TND site.

1. Permitted residential uses:

	Minimum Density/Net Acre	Maximum Density/Net Acre
Single-Family Detached	4	11
Single Family Attached		
2 units	6	12
3-4 units	6	12
5-9 units	10	30
Multifamily/Senior Housing	NO MINIMUM	97/102

2. Required Mix. A minimum of two (2) housing types from this list must be present in any TND. Single-family detached dwellings shall constitute a **maximum** of 70 percent of the dwelling units.

3. Density Bonus. Increases over the maximum allowed density - up to 10% - may be considered on a case-by-case basis for plans that include affordable housing units as defined in subsection (d)(3)(a)(1)(v) above. A minimum of 10% of the housing type requested for the density bonus shall be affordable housing units.

b. Mixed-Use Area. A TND shall include one (1) or more mixed-use area(s) containing commercial, civic, residential, and open space uses. For infill development, this requirement may be satisfied by existing commercial, civic, and open space uses, provided that these are located within a one-half-mile radius of all proposed dwellings.

1. Commercial uses. Commercial uses listed below, up to 10,000 square feet in size, are permitted. Commercial uses exceeding 10,000 square feet in size shall require a Conditional Use Permit.
 - i. Food services (e.g., grocery stores, butcher shops, bakeries, and other specialty food stores); restaurants without drive-through facilities; cafes; coffee shops; bars, taverns, microbreweries, neighborhood scale distilleries or wineries, and tasting rooms; ice cream or candy shops; and similar uses.
 - ii. Retail, excluding adult entertainment.
 - iii. Services, including financial institutions without drive-up or drive-through facilities, day care centers, veterinary services or hospitals, self-service laundry or dry-cleaner, and similar uses.
2. Lodging Uses. Bed and Breakfast, motels, hotels, and similar uses shall require a Conditional Use Permit.
3. Residential uses as listed under subsection (a)(1) above, excluding single-family detached dwellings, but including the following:
 - i. Residential units located above commercial uses.
 - ii. Live-work units that combine a residence and workplace, provided that the residence is occupied by the owner of the business.
 - iii. Community living arrangements and assisted living facilities subject to approval of a Conditional Use Permit in conformance with Code and Statutory provisions. The status of each use in terms of density and housing type shall be determined based on the findings for the Conditional Use Permit.
4. Civic or institutional uses, with a Conditional Use Permit.
5. Open space and recreational uses:
 - i. Central square, amphitheater, promenade, or similar outdoor gathering space.
 - ii. Neighborhood park or adjacency to regional facilities (adjacent facilities are NOT included in the minimum 30% open space requirement in subsection (c) below).
 - iii. Playground, outdoor recreational facilities, and neighborhood clubhouse facilities in conformance with Code requirements.
 - iv. Natural/open space areas.
6. Density and Intensity. Density ranges and required mix of single-family and multifamily dwelling units are as specified in Section (1)(a) above.
7. Maximum Nonresidential Area. The total land area devoted to nonresidential development, including ground floor commercial or office uses, civic buildings, and parking areas, shall not exceed 25 percent of the gross acreage of the TND.
- c. Open Space Area. At least 30 percent of the gross acreage within the TND PUD shall be designated as open space. Open spaces do not include required setback areas and rights-of-way, or impervious surfaces. Open space areas may include:
 1. Wetlands and stormwater detention/retention basins.
 2. Environmental corridors, greenways, and protected natural areas.
 3. Streams, ponds, and other water bodies.
 4. Neighborhood parks, squares, plazas, and playing fields, excluding community, regional, County, or State parks.

5. At least 25 percent of the open space area must be common open space available for the development and/or public. At least 90 percent of all dwellings shall be located within one-quarter mile of such common open space.
- (2) Stormwater management. The design and development of the TND PUD should minimize off-site stormwater runoff, promote onsite filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the requirements of Chapter 13 of the Municipal Code.
 - (3) Dimensional standards. Minimum and maximum dimensions are as shown in Table 17.0327(h)(3)(d) below. These standards shall apply to both the Residential and Mixed-Use areas.
 - a. Block and lot size diversity. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.
 - b. Lot widths. Lot widths should create a relatively symmetrical street cross-section that reinforces the public space of the street as a simple, unified public space. Similar lot sizes and housing types should generally be located on opposite sides of a street. Lots are defined to include parcels, tracts, condominium lots, and other areas established by subdivision plat, Certified Survey Map, condominium plat, or other legal mechanism by which to define the boundaries of land for development.
 - c. Standards for garages. Garages may be placed on residential lots either attached to the principal building or as a detached accessory building in conformance with the following requirements:
 1. The total of all accessory buildings on a lot, including attached and detached garages, shall not exceed 1,000 square feet or 75% of the livable area of the principal structure, whichever is less, and shall meet all setback requirements. There shall be a minimum setback of 5 feet to an alley unless granted a modification by the Plan Commission as part of the TND PUD.
 2. An attached garage shall be located to the rear of or recessed behind the primary facade of single-, two-, and three-family residences.

Table 17.0327(h)(3)(d): Dimensional Standards, Traditional Neighborhood Development

	Min. lot size	Min. lot width	Front yard setback	Rear yard setback^b	Side yard setback^{b, c, e}	Height⁴
			Min-Max	Minimum	Minimum	Max
Single-family detached^a	3600 sf	40 ft	5 – 15 ft	4 ft	3 ft – 5 ft	2.5 stories / 35 ft
Single-family attached (2 units)^a	7200 sf	80 ft	10 – 16 ft	4 ft	5 ft	2.5 stories / 35 ft

Single-family attached (3-4 units) ^a	10,400 sf	116 ft	10 – 16 ft	4 ft	5 ft	2.5 stories / 35 ft
Single-family attached (5-9 units) ^a	17,820 sf	90 ft	5 – 17 ft	18 ft	10 ft	3 stories / 35 ft
Multifamily	42,000 sf	120 ft	2 - / ft	2 ft	2 ft	5 stores / 75 ft
Mixed Use	15,000 sf	100 ft	5 – 15 ft	5 – 20 ft	10 ft	50 ft
Nonresidential	5000 – 10,000 sf	75 ft	5 ft	15 – 25 ft	5 ft	50 – 55 ft
Civic (institutional, rec.) buildings	N/A	N/A	30 ft	50 ft	30 – 50 ft	55 ft

- a. For buildings incorporating a front porch, the front setback shall be measured to the nearest point of the front porch to the lot line. Maximum front setbacks shall be measured to the front plane of the principal building to the lot line.
- b. A reduction in the required setbacks to private alleys may be approved by the Plan Commission as part of the PUD.
- c. For single-family detached dwellings, a minimum side yard setback of three (3) feet shall be provided for one (1) side lot line, and a minimum side yard setback of five (5) feet for the opposite side lot line.
- d. Height modifications shall be requested in accordance with (d)(3)a(1)(viii) above and Sec. 17.0601 (as amended).
- e. Double Lot Frontage. Structures on lots abutting two (2) opposite streets shall be provided with a front setback and a rear setback. The front and side setbacks shall be determined as part of the PUD and in a manner that prohibits access to a double frontage lot from arterial streets. The selected front setback area shall be required to comply with the front setback requirements for the district in which the lot is located. The selected rear setback area shall be required to comply with the rear setback requirements for the district in which the lot is located and the rear setback area shall be screened from arterial streets with fencing or landscaping, as may be appropriate.

(4) Circulation Standards

- a. Objectives. The circulation system shall:
 1. Allow for multiple modes of transportation.
 2. Provide functional and visual links within the residential, mixed-use, and open space areas of the TND PUD.
 3. Provide multiple connections to existing and proposed external development.
 4. Provide adequate traffic capacity.

5. Provide multiple connections to pedestrian and bicycle routes, including off-street bicycle or multi-use paths.
 6. Control through traffic.
 7. Limit lot access to streets of lower traffic volumes.
 8. Promote safe and efficient mobility through the TND PUD.
- b. Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND PUD. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks in accordance with Municipal Code and Engineering Department requirements. The following provisions also apply:
1. Sidewalks in residential areas. Clear and well-lighted sidewalks at least five feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.
 2. Sidewalks in mixed-use areas. Clear and well-lighted walkways at least five feet in width shall connect all building entrances to the adjacent public sidewalk and associated parking areas.
 3. Disabled accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 4. Multimodal paths shall be designed and constructed to Municipal Code and Engineering Department requirements. Pedestrian-scale lighting of paths located outside of public rights-of-way is encouraged.
 5. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well-lit and clearly marked with contrasting paving material at the edges or with striping.
- c. Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or dedicated multimodal paths. Any existing or planned bicycle routes through the site shall be preserved or developed. Bicycle facilities may include off-street multimodal paths (generally shared with pedestrians and other non-motorized uses) and/or separate striped bicycle lanes on streets in accordance with Municipal Code and Engineering Department requirements.
- d. Transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Transit shelters, where provided, shall be well-lighted and placed in highly visible locations that provide security through surveillance.
- e. Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features, such as "queuing streets," curb extensions, traffic circles, and medians, may be used to encourage slow traffic speeds.
1. Street hierarchy and design. Table 17.0327(h)(4)(f) is provided as a general guide to street design in the TND PUD. Street and right-of-way widths shall be reviewed as part of the concept plan review and shall be approved as part of the TND PUD.
 2. Arterial streets should not bisect a TND PUD, but may border a TND PUD.
 3. Alleys may be used to provide primary access to residential garages and commercial parking areas. Unless otherwise approved by the Common Council, alleys shall be under private ownership.

Table 17.0327(h)(4)(f): Street Design Guidelines for Traditional Neighborhood Development

	Collector	Sub-Collector	Local Street	Alley
Typical Average Daily Trips	750 or more	250—750	Less than 250	N/A
Right-of-way	75 - 90 ft	50—75 ft	50—60 ft	12—16 ft
Auto travel lanes	2 @ 12 ft	2 @ ten ft	2 @ 10 ft	2 @ 8 ft or 1 @ 12 ft (1-way)
Bicycle lanes (may be required where needed)	6 ft next to parking lane	4 ft without parking* or 6 ft next to parking lane	None	None
Parking	Both sides, 9 ft	One or both sides, 9 ft	One or both sides, 9 ft	None (access to drives and garages)
Curb and gutter	Required	Required	Required	Not required
Terrace	Both sides, min. 8 ft	Both sides, min. 6 ft	Both sides, min. 6 ft	None
Sidewalks	Both sides @ 5 ft min.	Both sides @ 5 ft	Both sides @ 5 ft	None

*Not including gutter requirements.

- f. Parking requirements. Parking areas for shared or community use should be encouraged and designed in conformance with the following:
 - 1. In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided per Code requirements.
 - 2. A surface parking lot or detached parking garage shall not be located adjacent to or opposite a street intersection.
 - 3. In the mixed-use area, a parking study shall be required for all proposed commercial uses to determine parking requirements. Parking may be provided in shared or community lots within 1,000 feet of the site.
 - 4. On-street parking directly adjacent to a community amenity may apply toward the minimum parking requirements for that amenity as part of an approved TND PUD.
 - 5. Parking setbacks shall be in conformance with Code requirements unless modified by the Plan Commission and Common Council as part of an approved TND PUD.
 - 6. Surface parking lots or garages shall provide bicycle parking areas in conformance with NACTO standards. Bicycle parking areas are encouraged in community areas.
- g. Service access. Direct access to service and loading dock areas for service vehicles should be provided, while avoiding movement through parking areas to the greatest extent possible. Alleys may be used to provide service access. Loading docks and overhead doors shall not face up on a street right-of-way.

- h. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for surface parking areas.
- (5) Architectural Standards. A variety of architectural and design features and building materials is encouraged to give each building or group of buildings a distinct character, as well as sensitivity to the surrounding context.
- a. Standards for existing structures.
 - 1. Existing structures, if determined to be historic or architecturally-significant, shall be protected from demolition as part of a traditional neighborhood development. The National Register of Historic Places and/or the Wisconsin State Register shall be utilized to determine protections under this Section. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally-significant structures.
 - 2. Additions to existing structures shall adhere to all requirements of this Section, applicable Sections of the Municipal Code, and TND PUD approvals.
 - b. Standards for new structures. All new structures shall meet the dimensional requirements in 17.0327(h)(3)(d) above and the following:
 - 1. Building height. To create a visually unified streetscape, buildings should be no more than 30 percent taller or shorter than the average building height on the block in mixed-use areas.
 - 2. Entries and facades.
 - i. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.
 - ii. Exterior building materials shall be traditional, time- and weather-tested materials and techniques.
 - a. Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
 - b. Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as EIFS, stone veneer systems, or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.
 - iii. The front or principal facade of the principal building on any lot shall face a public street and shall not be oriented to face directly toward a parking lot.
 - iv. Buildings of more than 30 feet in width shall be divided into smaller regular increments through articulation of the façade. This can be achieved through variations in materials, detailing, roof lines, and elements, such as arcades, awnings, windows, and balconies.
 - v. The ground level of any multi-story, commercial, and mixed-use structure shall be visually distinct from the upper stories through the use of an intermediate cornice line, sign band, awning or arcade, or a change in building materials, texture, or detailing.
 - vi. Porches, pent roofs, roof overhangs, hooded front doors, or similar architectural elements shall be used to define the front entrance to all residences or multifamily buildings.

3. Transparency for commercial and mixed-use buildings. For commercial or mixed-use buildings, a minimum of **30 percent** of the front facade on the ground floor, excluding service entries, shall be transparent, consisting of window or door openings allowing views into and out of the interior. A modification of up to 50% of the transparent glazing requirement in this Section may be granted by a majority approval of the Plan Commission as part of Site and Building Plan review:
 - i. If supplemental design elements or improvements are incorporated into the project over and above those which are otherwise required which compensate for the modification. In support of the modification request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the modification is requested.
 - ii. Supplemental design elements or improvements may include:
 - a. Increased percentage of brick, stone, or decorative exterior building materials.
 - b. Sustainable building materials/elements (e.g., green roof, recycled materials, etc.).
 - c. Awnings and/or canopies.
 - d. Decorative lighting fixtures (pedestrian-level).
 - e. Hanging planters, landscaped planter beds, free-standing moveable planters.
 - f. Benches and/or landscaped seating areas.
 - g. Electric vehicle charging stations, bicycle parking and repair stations, and other alternative transportation enhancements.

(6) Site Design Standards.

- a. Lighting standards. All plans for lighting within the TND PUD shall be designed in conformance with Section 17.0808 of the Municipal Code (as amended).
- b. Standards for exterior signage. Sign number, size, height, and location in the TND PUD shall meet the requirements of Chapter 17 (as amended). A Master Sign Program shall be developed for the entire TND PUD that establishes a uniform sign theme.
- c. Landscaping and screening standards. A Master Landscape Plan shall be developed for the common areas of the TND PUD in accordance with landscaping and screening requirements in Sections 17.0403 and 17.1010, and the following:
 1. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger well-placed contiguous planting areas shall be preferred to smaller disconnected areas.
 2. Street trees. A minimum of one deciduous canopy tree per 80 feet of street frontage or fraction thereof shall be required. Trees may be clustered and need not be evenly spaced. Trees should preferably be located within a planting strip between the sidewalk and the curb, within a landscaped median strip, or in tree wells installed in pavement or concrete.

Lakeshore Commons –
Traditional Neighborhood Planned Unit Development (PUD)
General Development Plan and Conditions and Restrictions **DRAFT (9-20-21)**

Applicant: F Street Development Group
Project: Lakeshore Commons Development
Property Address: 4200 E. Lake Vista Blvd and 4001 E. Lake Vista Pkwy
Tax Key Number: 868-9993-001 and 868-9996-002

Approved by Plan Commission:
Approved by Common Council:
Ord #:

This planned unit development is being developed within the Traditional Neighborhood Development District zoning in accordance with Section 17.0327 of the Municipal Code and is subject to the following conditions of approval.

Lakeshore Commons is a development that envisions an active, walkable and inclusive community located along the shores of Lake Michigan. Rooted in progressive urban design principals and a vision for a more sustainable future, this document serves as a detailed roadmap for the development ensuring key factors are incorporated in its creation.

Lakeshore Commons is projected to have primarily residential, mixed-use, and community compatible uses. Residential will include a range of housing types from Single Family units, Townhomes, and Multi-Family buildings with mixed-use ground floors. Standalone Community Amenity buildings will also be incorporated into the Masterplan.

1. Required plans, documents, easements, agreements and public improvements

- a. A project narrative describing, at a minimum:
 - i. the mix of uses, housing types and densities within the PUD
 - ii. an overall statement regarding ownership structure and common area maintenance
 - iii. the substance of covenants, easements and other restrictions to be imposed on the use of the land including common open space, and buildings or structures.
 - iv. A schedule of development showing the approximate date for beginning and completion of each phase of the planned development.
 - v. An analysis setting forth the anticipated demand on City services
 - vi. A statement identifying each site development allowance requested from Municipal Code standards including how each allowance would be compatible with surrounding development, is in furtherance of the stated objectives of a Traditional Neighborhood Development and is necessary for proper development of the site.
- b. A general development plan (**Exhibit 1**) for the entire area to be regulated within the PUD shall be approved by the Common Council upon recommendation by the Plan Commission and shall include:
 - i. Lot, block and building locations with setbacks
 - ii. square footage of buildings and number of units (multifamily)
 - iii. public street locations including general cross-section and ROW width
 - iv. private alleys and access drives (width and location)
 - v. sidewalk and path-trail locations and connections
 - vi. proposed public and private recreational amenities
 - vii. parking layout and traffic circulation
 - viii. location
 - ix. number of spaces
 - x. dimensions

- xi. setbacks
- c. location of utility infrastructure (existing and proposed)
 - i. sanitary sewer
 - ii. water
 - iii. storm sewer
 - iv. detention/retention basins
 - v. green infrastructure plans
 - vi. location of wetlands (field verified)
 - vii. location of regulated soil management areas
- d. Schematic drawings (**Exhibits 2.1 through 2.10**) illustrating the design and character of all building typologies. The drawings shall also include a schedule showing the unit sizes and number of bedrooms proposed within all multifamily structures of four or more units.
- e. A master landscape design guide for streetscapes and common areas within the PUD. This shall include minimum landscaping requirements for the single family and multifamily villa housing types with standards established for landscaped streets, trails, front, side and rear yards. No landscaping or disturbance will be permitted in such a location or manner as may be contrary to these conditions and restrictions, deed restrictions or established soil management plans.
- f. For each phase 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. Said landscape plans shall be in conformance with the master landscape design guide approved for the PUD.
- g. A professional traffic study showing the proposed circulation pattern within and in the vicinity of the planned development, including the location and description of public improvements to be installed, and any streets and access easements.
- h. Precise detailed plans for each phase of the PUD shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits for that phase. These plans shall be in substantial conformance with the adopted General Development plan and shall include the following:
 - i. Site Plan
 - ii. Architectural Plan
 - iii. Landscape Plan
 - iv. Lighting Plan
 - v. Grading Plan, Drainage and Stormwater Management Plan
 - vi. Master Sign Plan
 - vii. Fire Protection Plan
 - viii. Contingent parking plan for multifamily buildings
- i. All plans for new buildings or additions shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit. This requirement shall not apply to single-family structures or two/three-unit multifamily villas.
- j. The Plan Commission shall approve architectural plans for all of the different models proposed for the single-family and two/three-unit multifamily villas. Plan Commission review of individual site and building plans is not required for the single-family and two/three-unit multifamily villas provided they substantially conform to the approved models and general development plan as depicted in **Exhibits 1 and Exhibits 2.1 through 2.7**.

- k. For any new buildings or structures and additions, 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.
- l. A Development Agreement shall be completed between the owner and the City so as to ensure the construction or installation of public or other improvements required in the adopted General Development Plan, detailed phase plans or as specified by these conditions and restrictions. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- m. A qualified environmental professional (“QEP”) hired by the City shall be responsible for reviewing compliance with the Barrier Management Plan (“BMP”) and SMP under the COC”.
- n. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- o. If there are any future land divisions, a subdivision or condominium plat or certified survey map shall be prepared, submitted for approval and recorded. All future land divisions shall comply with the Deed Restriction and COC requirements imposed by the WDNR under the Voluntary Party Liability Program (“VPLE”)”.
- p. The City shall approve the condominium plat and deed restrictions within this planned unit development in accordance with Chapter 14.42 of the Municipal Code. The City has the right, but not the obligation to enforce those restrictions, particularly as they relate to existing environmental documentation and agreements.
- q. The Plan Commission shall approve the Declaration of Condominium and the Condominium ByLaws to ensure that there is compliance with the State of Wisconsin Department of Natural Resources (“DNR”) Certificates of Completion (“COC”) dated November 20, 2014, which require that in the Clean Cover Soil Area (“CCSA”) for any condominium and residential development the land should be under common ownership where there is an oversight body responsible for enforcing compliance with the Barrier Management Plan (“BMP”) and Soil Management Plan (“SMP”) that are part of the Institutional Controls under the COC and are a requirement of the Deed Restrictions imposed by both E.E. DuPont de Nemours and Company and EPEC Polymers, Inc., both dated December 1, 2014.

2. Traditional Neighborhood Development Use and Design Standards

- a. Permitted Uses - In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A traditional neighborhood development should consist of a mix of residential uses, a mixed-use area and open spaces. The following uses are permitted within this Traditional Neighborhood PUD subject to Chapter 17.0327 of the Municipal Code, deed restrictions, the adopted General Development Plan and uses established for designated soil management areas:
 - i. Single family detached (not permitted within Clean Cover Soil Area – CCSA)
 - ii. Two- and three-unit multifamily villas
 - iii. Multifamily Townhomes
 - iv. Multifamily buildings of four or more units
 - v. Neighborhood commercial uses up to 10,000 square feet in size, as further restricted by recorded deed restrictions, including:

- Food services (grocery stores, butcher shops, bakeries and other specialty food stores without drive-through facilities), cafes, coffee shops, bars and taverns, microbreweries, neighborhood scale distilleries or wineries, tasting rooms, ice cream or candy shops.
 - Retail, excluding adult entertainment.
 - Services, including financial institutions (without drive-ups or drive-throughs), day care centers, veterinary services, self-service laundry, dry cleaners
- vi. Home occupations, where not excluded by Municipal Code or deed restriction.
- vii. Public and private recreational and open space uses.
- b. **Conditional Uses** - The following uses require conditional use permits within this Traditional Neighborhood PUD subject to Chapter 17.0327 of the Municipal Code, deed restrictions, the adopted General Development Plan and uses established for designated soil management areas:
- i. Permitted neighborhood commercial uses exceeding 10,000 square feet in size
 - ii. Lodging uses, including bed and breakfast, motels or hotels.
 - iii. Civic or institutional uses
- c. **Development Units and Density** – The maximum density and number of residential dwelling units and the amount of nonresidential development shall be determined in accordance with the adopted general development plan and **Exhibit 3** - Lakeshore Commons Unit Types & Density Standards by Phase.
- i. The Director of Community Development is authorized to permit variations to the unit mix in any given development phase provided that the total number of units and density does not exceed the maximum for that phase as identified in **Exhibit 3** - Lakeshore Commons Unit Types & Density Standards by Phase provided that no single-family homes shall be permitted in the CCSA.
- d. **Mixed-Use Areas** – Neighborhood Commercial uses, as defined by Section 17.0312 of the Municipal Code, or further restricted by recorded deed restrictions shall be permitted on ground floors of multifamily structures
- e. **Open Space and Neighborhood Amenities** – There shall be an interconnected network of public and private open space as depicted in **Exhibit 4** – Open Space & Neighborhood Amenities. All amenities for a given phase must be constructed in accordance with approved Finance Development Agreement and Escrow agreement. Maintenance of private amenities and facilities shall be the responsibility of the property owner(s).
- f. **Stormwater Management** – The properties within the planned unit development shall be subject to a storm water management practices maintenance agreement with the City. Areas designated for stormwater management green infrastructure shall be consistent with the adopted general development plan for this planned unit development.
- g. **Lot and Block Standards** – Although it is anticipated that development will take the form of a condominium plat without individual lots, the following standards apply to structures within this planned unit development as depicted in **Exhibit 1** & TND Table 17.0327(h)(3)(d).
- h. **Circulation and Parking Standards** – The circulation system shall allow for different modes of transportation. It shall provide functional and visual links between areas within the planned unit development and shall connect to existing or proposed external development. The circulation system shall provide adequate traffic capacity, and promote safe and efficient mobility for pedestrian and bicycles throughout the planned unit development. Roadway sections are depicted in **Exhibits 6.1, 6.2, and 6.3**.

- i. **Pedestrian Circulation** – Pedestrian circulation should minimize pedestrian-vehicle conflicts.
 - Sidewalks shall connect all dwelling entrances and entrances to commercial or mixed-use buildings to the adjacent public sidewalk.
 - Sidewalks shall comply with applicable requirements of the Americans with Disabilities Act.
 - Crosswalks shall be clearly marked with contrasting paving materials or striping and may include other traffic calming measures.
 - ii. **Bicycle Circulation** – Bicycle circulation shall be accommodated on collector streets and/or multiuse paths. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, 4-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width shall be a minimum of 13.5 feet. Bicycle parking shall be provided for all multifamily buildings as well as the private community building and recreation space.
 - iii. **Motor Vehicle Circulation** – Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming measures are encouraged to slow traffic speeds.
- i. **Street Hierarchy** – The design intent of the street hierarchy and cross section design within the traditional neighborhood development is illustrated in **Exhibits 6.1, 6.2, and 6.3**. Motor Vehicle Circulation and Road Cross Sections, and shall be classified as follows:
- i. **Collector (public)** – Collector streets provide regional access to neighborhood as part of the City’s major street network. Individual driveways are not permitted to directly access collector streets. South 5th Avenue and East Lake Vista Boulevard are designated as collector streets within this planned unit development.
 - ii. **Subcollector (public)** – Subcollector streets provide primary access to residential, commercial and mixed-use areas of the planned unit development. Only consolidated and shared driveways for multifamily and mixed-use parking facilities may directly access subcollector streets. Additional parking is provided within buildings or lots to the side or rear of buildings. Road 1 is designated a subcollector street.
 - iii. **Local Street (public)** – Local streets provide primary access to individual properties (although vehicular access to off-street parking is limited to alleys). Roads 2, 3, 4, 5, 6, 8, and 9 are designated as public local streets.
 - iv. **Local Street (private)** – Road 7, 10 are designated as private local streets.
 - v. **Alley (private)** – These streets provide access to residential properties where the streets are designed with a narrow width to provide limited on-street parking. Alleys may also provide delivery access or access to alternate parking for commercial or mixed-use properties.

j. Parking and Driveway Requirements

- i. Minimum off-street parking requirements for this project shall be provided at the rate of:
 - Single-family, multifamily villas, and multifamily townhomes two (2)

attached spaces per dwelling unit.

- Multiple family buildings of more than four units shall provide a minimum of 1.4 dedicated parking spaces per dwelling unit. Design intent to include as many stalls as possible provided within an enclosed or attached garage within a reasonable vicinity of the dwelling unit.
 - A contingent parking plan shall be provided as part of the precise detailed site plans required by Section 1h illustrating those areas on the site set aside for additional parking should actual parking demands exceed the minimum parking requirements established by these conditions and restrictions.
- ii. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
 - iii. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
 - iv. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval.
 - v. Surface parking lots or garages for multifamily structures of four or more units shall provide bicycle parking areas in conformance with NACTO standards.
 - vi. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
 - vii. All driveway approaches to this property shall comply with the standards set forth in Chapter 23 of the Oak Creek Municipal Code. Any off-site improvements shall be the responsibility of the property owner.
 - viii. All off-street parking areas shall be landscaped in accordance with Sections 17.0403(g) & (h) of the Municipal Code, the adopted Master Landscape Design Guide and these conditions and restrictions.
 - **Landscape Area.** All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. For parking lots designed for twenty-five (25) parking spaces or more, at least one-half of the minimum five- (5) percent landscaped area shall be within the parking lot.
 - **Parking Lot Screening.** Those parking areas for five (5) or more vehicles if adjoining a public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet.

k. Single Family and Attached Multifamily Villa Fencing Requirements

- i. Private fenced rear yards are optional within the development at single family and attached multifamily villas. Fencing is allowed at backyard and side yard conditions only. Fencing shall be a minimum of three (3) feet from the rear yard alley line and should extend no more than fifty (55) feet from the alley line. Any deviations that arise shall be brought to the Plan Review Department - staff level, for consideration. Fencing shall be held tight to the demising site lines. Fence materials shall meet the TND requirements.

3. Architectural Standards

- a. **Materials:** Materiality is a critical component within the architecture of Lakeshore Commons. The following guidelines describe levels of quality and general locations of building materials. The Exterior materials, and their colors, shall be complementary to each other for a cohesive and refined aesthetic. The use of high quality and durable building materials shall be used on all facades. The use of sustainable building materials is strongly encouraged. Materials examples are illustrated in **Exhibits 7.1 and 7.2.**

- i. **Single Family Homes, Multifamily Villas, and Townhomes (Exhibit 7.1)** - Examples of high-quality materials shall include:
Stone, Brick, Burnished Block, Commercial grade architectural metal panel, Wood, Fiber cement plank or panel, Stucco, Photovoltaic systems, engineered wood systems, Phenolic cladding system, High quality Vinyl siding, Wood look aluminum metal plank system.
- ii. **Multi Family Buildings and Clubhouse (Exhibit 7.2)** - Examples of high-quality materials shall include:
Stone, Brick, Burnished Block, Commercial grade architectural metal panel, Wood, Fiber cement plank or panel, Stucco, Photovoltaic systems, engineered wood systems, Phenolic cladding system, High quality Vinyl siding, Corrugated metal paneling, Wood look aluminum metal plank system.
- i. **Locations of High-Quality materials:** High quality materials shall take precedence on facades that face main roadways or any other frontages that will be in direct contact with the public realm.
- ii. **Accent Materials:** Accent materials are defined as high quality materials that shall not make up the primary composition of a façade. They selectively highlight architectural features and are intended to harmonize within the overall design expression.

Examples of recommended Accent materials include:

- Exposed concrete (variety of colors and textures are acceptable)
- Fritted glazing (variety of patterns are acceptable)
- Translucent Materials (variety of styles are acceptable)
- Corrugated Metal Panel
- Metal and/or vinyl trim and fascia

- iii. **Material examples** – Example images of acceptable materials are depicted on **Exhibits 7.1 and 7.2** Material examples and requirements stated above shall apply to all proposed building typologies within Lakeshore Commons.

- b. **Building Façade Composition** - Buildings at Lakeshore Commons are intended to harmonize

with each other and create a uniform and understandable design identity without limiting building style and expression. The community experience is enhanced with visually interesting building facades. All building typologies and facades shall demonstrate a timeless design aesthetic.

- c. **Scale:** A building's composition shall include a hierarchy and variety of elements such as entries, windows, roof elements, structural bays, etc., all of which create neighborhood identity. These elements shall work in harmony with building height and massing emphasizing character and pedestrian comfort.
- d. **Height:** In order to achieve a dense urban character, building heights within Lakeshore Commons shall be maximized following their building. Proposed buildings shall follow the guidelines set forth in the Traditional Neighborhood Development document.
- e. **Depth:** Buildings shall utilize techniques to avoid flat façade treatments. Visually capturing layering and depth includes intentional design and material approaches with windows, roof extensions, and various other façade expressions.
- f. **Glass:** Glazing is an important component in a building's design. Appropriate glazing amounts enhance interior living conditions with natural daylight, outside views, and better air flow depending on window types. All of these components contribute to the health and wellness of all residents. Glazing along pedestrian corridors at the ground level shall be maximized here to promote retail engagement and street edge activation while also providing safety, allowing unobstructed views into and out of buildings.
 - i. Tinted glazing and Spandrel glazing should be minimized to small areas on the facades and used primarily as back of house façade treatments at service locations.
 - ii. All building typologies noted below shall meet glazing amount guidelines as stated in the Traditional Neighborhood Development document.
 - iii. **Single Family structure and multifamily two- and three-unit villas glazing guidelines:** Glazing locations, amounts, sizes, and window specifications shall promote the health and wellness of the residents as much as possible.
 - iv. **Multifamily structure of four or more units glazing guidelines:** Ground floor glazing amounts shall serve to activate the street front as much as possible.
 - v. **Commercial & Amenity Building Glazing Guidelines:** Commercial glazing design should be maximized at the ground level to encourage street activation and shall incorporate adequate visibility into the tenant spaces.

4. Landscaping Standards

- a. For each phase 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. Said landscape plans shall be in conformance with the overall master site landscape plan approved for the PUD (refer to Overall Master Site Plan).

5. Lighting Standards

- a. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission or their designee and shall conform with the standards in Section 17.0808 of the Municipal Code.

6. Signs

- a. A master sign plan shall be submitted for review and approval by the Plan Commission and shall include requirements for lettering, base materials, form, landscaping and lighting. Signage, provided that it is in accordance with the approved master sign plan, shall not require additional Plan Commission approval. Refer to **Exhibit 8** Development Signage for additional information. The plan shall include signage requirements for –
 - i. Wayfinding – Not shown in exhibit. To be individual wayfinding markers, one overall at central amenity space, one at each amenity station. Design intent to match development signage- design, color, and material. Sizing to be fifty-four (54) inches tall by twelve (12) inches wide.
 - ii. Development signage
 - iii. Multifamily buildings of four or more units and mixed-use buildings
 - iv. Clubhouse and amenity spaces

7. Maintenance and Operation

- a. Areas for snow storage on private property shall be provided outside of public rights of way as depicted in **Exhibit 9**. Removal of snow from roads (private), alleys, off-street parking areas, sidewalks and access drives shall be the responsibility of the owners.
- b. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan(s). Garbage and recycling containers may not be stored outside unless screened. Solid waste collection and recycling shall be the responsibility of the owners.
- c. The maintenance of stormwater management and green infrastructure facilities is the responsibility of the property owner unless otherwise agreed to and documented by the City.

8. Time of compliance

The operator of the PUD use shall begin installing or constructing the public infrastructure and amenities for Phase 1 as required in these conditions and restrictions for the PUD within twelve (12) months from the date of adoption of the ordinance authorizing the planned unit development. Phase 1 public infrastructure and amenities must be completed, and building permits issued for initial structures therein within forty-eight (48) months from the date of adoption of the ordinance. The time of compliance for future phases shall be as prescribed in the Purchase and Sale Agreement and/or Finance Development Agreement.

In the event that the time of compliance provisions are not complied with, the applicant shall re-apply for a PUD approval, prior to recommencing work or construction.

9. Other regulations

- a. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- b. Compliance with all other applicable City, State and Federal regulations not heretofore stated or referenced, is mandatory.
- c. Impact fees shall apply to all development within this planned unit development in accordance with Section 3.40 of the Municipal Code.
- d. The development shall fully comply with all conditions of the COC and the Deed Restrictions. A post closure modification for mass grading of the development in some limited areas of final grading has been approved. A Post Closure Modification (“PCM”) may be necessary for some

areas of Phase I and for any future Phases. Compliance with the COC and Deed Restrictions is mandatory and shall be enforced by the condominium association

10. Sequencing of regulatory approvals, land divisions, infrastructure development, building permits and occupancy permits.

- a. Variation from Chapter 14 Requirements – The following sequence represents a variation of Chapter 14 Subdivision and Platting Requirements pursuant to Section 14.180(d) of the Municipal Code.
- b. Certified Survey Map – A certified survey map shall be approved and shall be recorded concurrently with the closing of the sale of the City property.
- c. Infrastructure Development Agreement – A development agreement as required under Section 1L shall be approved and executed prior to the closing of the sale of the City property.
- d. Rezoning and Planned Unit Development – The properties shall be rezoned to Traditional Neighborhood Development Planned Unit Development. A copy of the signed conditions and restrictions shall be returned to the Department of Community Development.
- e. Commencement of Infrastructure Development- Following approval of the infrastructure development agreement, closing on the property, and approval of the rezoning and PUD, construction may commence in accordance with the conditions set forth in this document, the Deed Restriction and COC requirements imposed by the Wisconsin Department of Natural Resources (“WDNR”) under the Voluntary Party Liability Program (“VPLE”) and the Post Closure Modification (“PCM) approved by the WDNR.
- f. Preliminary Plat – A preliminary plat shall be submitted for review and approval by the Plan Commission. As part of that submittal, the applicant shall identify and justify any variations that are being requested to the platting procedures as identified in Section 14.180 of the Municipal Code.
- g. Final Plat – Upon approval of the preliminary plat, the applicant may submit a final plat for review and approval by the Plan Commission and Common Council in accordance with the procedures established in Chapter 14 of the Municipal Code or those variations recommended thereto by the Plan Commission. The Plan Commission shall make a recommendation to the Common Council, who in turn may approve the final plat and any variations requested therewith. The final plat may not be recorded, and no new parcels or public rights of way may be created until the conditions of the Post Closure Modification (“PCM”) have been satisfied, unless there is written approval of the WDNR.
- h. Condominium Plat - A condominium plat shall be submitted for review and approval by the Plan Commission and Common Council in accordance with Section 14.42 of the Municipal Code. As part of that submittal, the applicant shall identify and justify any variations that are being requested to the platting procedures identified in Section 14.180 of the Municipal Code.
- i. Conditions Precedent to Issuance of Building Permit – No building permit shall be issued until such time as plans have been approved by the Plan Commission if required by Section 1.1 of these conditions and restrictions and until water, sanitary sewer, storm sewer and an accessible roadway have been provided to access the location of said building permit. The extent to which these improvements are deemed acceptable is at the sole discretion of the City Engineer.

- j. Completion, Acceptance and Dedication of Public Improvements and Issuance of Certificate of Occupancy – No occupancy permits may be issued for structures within a phase until such time as all public improvements for that phase have been completed, accepted and dedicated to the City in accordance with the infrastructure development agreement.

11. Revocation

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 PUD approval may be revoked, and the lands may be rezoned to the TND – Traditional Neighborhood Development district. The process for revoking an approval shall generally follow the procedures for approving a PUD as set forth in Section 17.1007 of the Municipal Code.

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’s authorized representative

Date

(please print name)

List of Exhibits for Lakeshore Commons PUD

Exhibit 1 – Proposed Development Site Plan

Exhibits 2.1 through 2.10 – Design and Character of Building Typologies

Exhibit 3 – Lakeshore Commons Unit Types & Density Standards by Phase

Exhibit 4 – Proposed Open Space and Neighborhood Amenities

Exhibit 5 – Page Intentionally Left Blank

Exhibits 6.1 , 6.2, & 6.3– Circulation and Road Cross Sections

Exhibits 7.1 & 7.2. - Material Samples

Exhibit 8 – Development Signage

Exhibit 9 – Snow Storage Areas



PLAN COMMISSION REPORT

Proposal: Rezone

Description: Review of a request to rezone the property at 9571 S. 15th Ave. from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural (NO CHANGE to the FW, Floodway and FF, Flood Fringe districts).

Applicant(s): Gary Hoeft

Address(es): 9571 S. 15th Ave.

Suggested Motion: That the Plan Commission recommends to the Common Council that the property at 9571 S. 15th Ave. be rezoned from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural (NO CHANGE to the FW, Floodway and FF, Flood Fringe districts) after a public hearing.

Owner(s): Gary Hoeft and Lynne Nevers-Hoeft

Tax Key(s): 910-9996-001

Lot Size(s): 10.44 ac

Current Zoning District(s): Rs-3, Single Family Residential A-1, Limited Agricultural
FW, Floodway

Overlay District(s): FF, Flood Fringe

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Floodway, Single-Family Detached

Background:

The Applicant is requesting recommendation of approval to rezone the property at 9571 S. 15th Ave. from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural (NO CHANGE to the FW, Floodway and FF, Flood Fringe districts). Although utilities are available in limited areas, the lot is not currently served by water and sewer, and there is some question as to whether it can support onsite systems. The parcel itself is unique in the sense that there are existing homes adjacent to and contained

within the property whose sole access is through a private road (Forest Lane), which is also contained within this property.

Per the email received September 22, 2021, the Applicant intends to use the property for agricultural purposes. Parcels in the area are zoned similarly to the subject property: Rs-3 to the north, east, and southeast; FW to the northwest, north and east; and A-1 to the south and west. The Land Use Plan in the *Comprehensive Plan, City of Oak Creek (adopted March 3, 2020)* identifies the area for Floodway purposes and Single-Family Detached residential development.

The A-1, Limited Agricultural district is “intended to provide for the continuation of general farming and related uses in those areas of the City that are not yet committed to urban development. It is further the intent of this district to protect lands contained herein from urban development until their orderly transition into urban-oriented districts is required.” The western portion of the property is currently zoned A-1, which is consistent with the adjacent properties to the west and south. P-1 properties are identified northwest of the property across Ryan Road and southwest of the property.

Utilizing the property for agricultural purposes if and until such time it can be served by water and sanitary sewer would be consistent with the A-1 purpose statement above, while maintaining the future intent of the Land Use Plan in the *Comprehensive Plan, City of Oak Creek (adopted March 3, 2020)* for single-family detached development. Given that this irregularly-shaped property is also heavily impacted by a primary environmental corridor delineated by the Southeastern Wisconsin Regional Planning Commission, wetlands, and floodplain, its proposed use for limited agricultural activities is appropriate. Therefore, staff have no objections to the proposal. However, future development – be it a greenhouse, pole barn, or any other structure - would be significantly impacted by environmental issues, and would require additional reviews, onsite delineations, and approvals/permits in accordance with the regulations affecting those areas.

Should the Plan Commission determine that rezoning the property at 9571 S. 15th Ave. from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural (NO CHANGE to the FW, Floodway and FF, Flood Fringe districts) is appropriate, a motion recommending Council approval is provided above.

Options/Alternatives: The Plan Commission may recommend Common Council approval of the proposed rezone, or that the Common Council not approve of the proposed rezone. Disapproval of the rezone would leave the existing lands open for both residential and agricultural uses outside of the environmentally-sensitive areas and regulatory floodway.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP
Planner

Attachments:

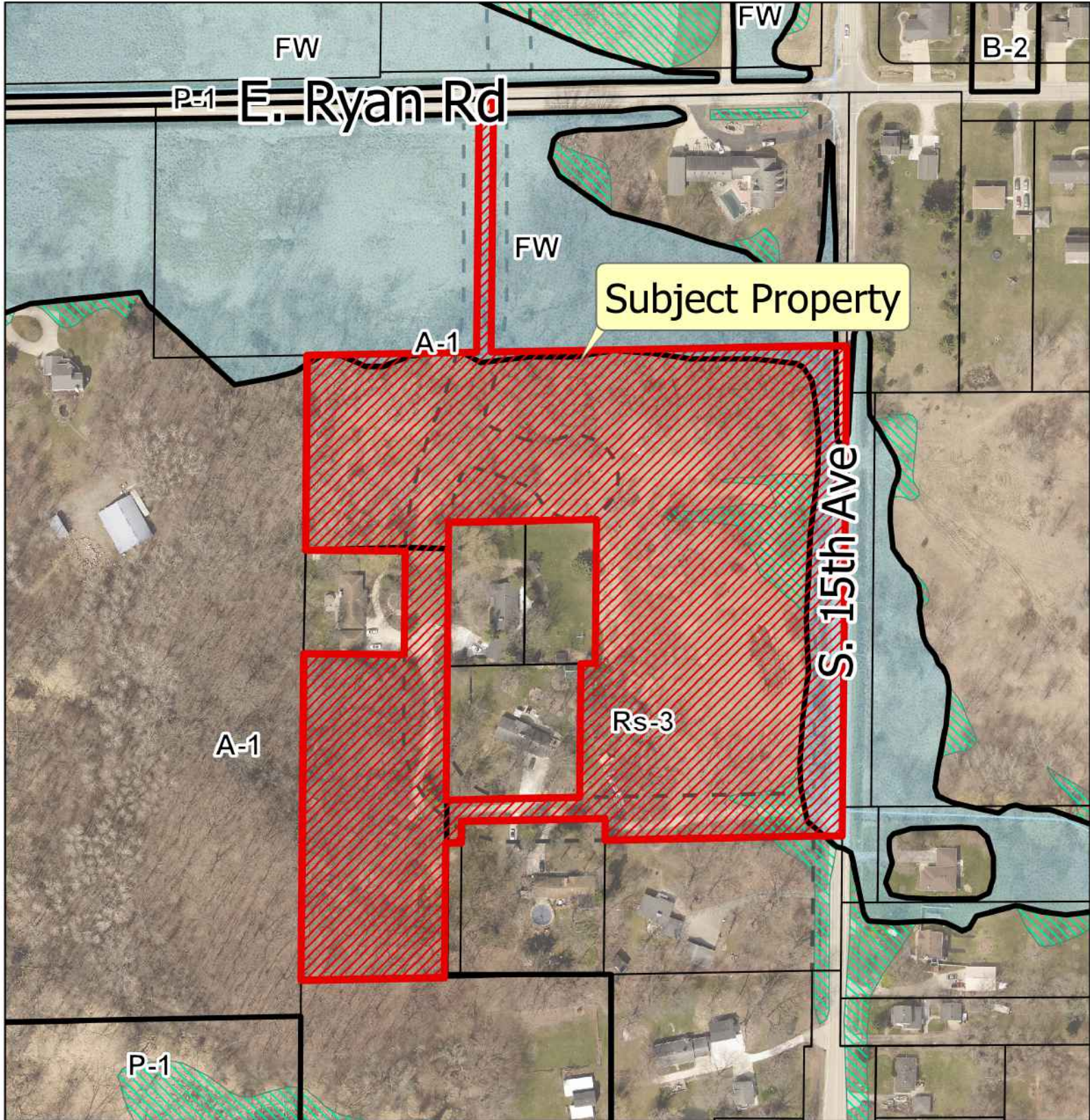
Location Map

Email dated September 22, 2021 (1 page)

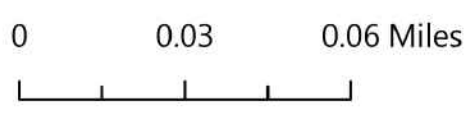
Environmental Corridor Map (1 page)

Location Map

9571 S 15th 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
- 9571 S 15th Ave

Kari Papelbon

From: Lynne Hoeft <ghoeft90@gmail.com>
Sent: Wednesday, September 22, 2021 10:21 AM
To: Kari Papelbon
Subject: [EXTERNAL] RE: Oak Creek Plan Commission Application

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Kari,

We are big nature lovers and this property is ideal for support of nature. Here is a brief narrative of our planned use of the property. We want to plant Wisconsin native plants. There are currently old growth hickory and oak trees and we plan to use the seeds to grow more of these trees. We also plan to have some fruit trees. There is currently 2 patches of Milkweed plants. We want to grow more of those to help support the butterfly population and other insects. We would like to have bees. To help with growth of native plants and milkweed, we want to have a green house. We plan to restore a portion of the native pond that was filled in. We want to have a small flock of chickens. We want to have a pole barn.

Please contact us with questions. Thank you.

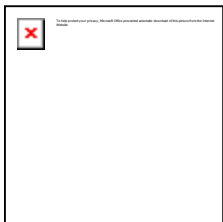
Lynne and Gary Hoeft

Sent from [Mail](#) for Windows

From: [Kari Papelbon](#)
Sent: Wednesday, September 15, 2021 9:17 AM
To: ghoeft90@gmail.com
Subject: Oak Creek Plan Commission Application

Mr. Hoeft,

We received your application to rezone the property at 9571 S. 15th Ave. to A-1, Limited Agricultural. However, we did not receive sufficient information as to the proposed use of the property. Can you please provide a brief narrative that details your planned use of the property? Please also keep in mind that rezoning the property does not remove or amend any overlay districts (e.g., floodplains), future road patterns, or any other Code requirements.



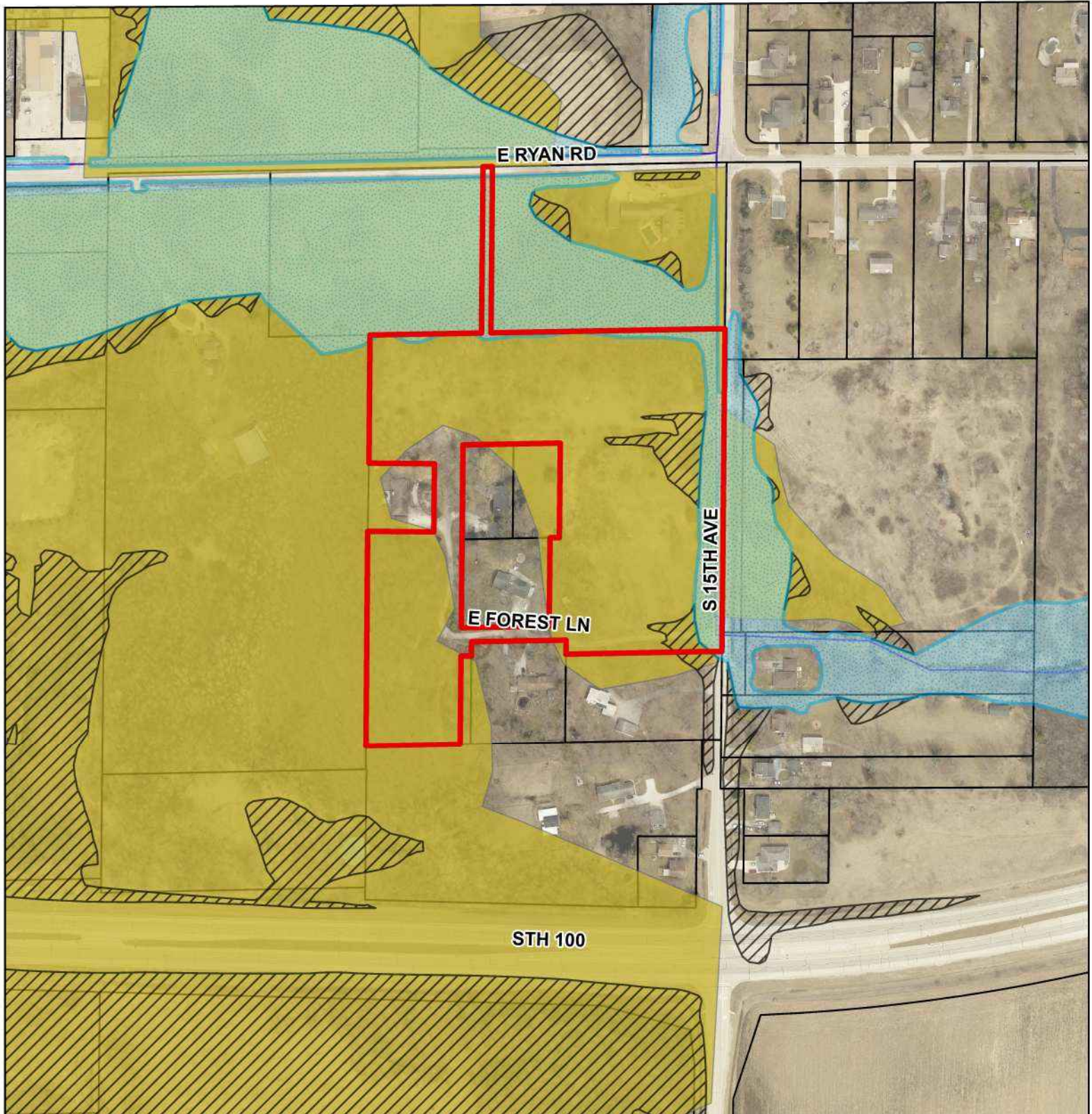
Kari Papelbon, CFM, AICP • Planner
City of Oak Creek • Community Development

8040 South 6th Street • Oak Creek, WI 53154
Direct: 414-766-7027
Email: kpapelbon@oakcreekwi.gov



LOCATION MAP

9571 S. 15th Ave. Environmental Corridors



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



Community Development



- 9571 S. 15th Ave.
- Floodway
- Flood Fringe

Legend

- Environmental Corridors
- CRITICAL
 - ISOLATED-NATURAL-AREA
 - NATURAL-AREAS
 - PRIMARY-ENV-CORR
 - SEC-ENV-CORR



PLAN COMMISSION REPORT

Proposal: Conditional Use Permit – Financial Institution with Drive-Through Facility

Description: Conditional Use Permit review for a proposed financial institution with drive-through facility on the property at 7902 S. Main St.

Applicant(s): Brad McClain, University of Wisconsin Credit Union

Address(es): 7902 S. Main St.

Suggested Motion: That the Plan Commission recommends that the Common Council approves a Conditional Use Permit for a financial institution with drive-through facility on the property at 7902 S. Main St., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission’s review at the next meeting (October 12, 2021).

Owner(s): DTS C1 LLC

Tax Key(s): 813-9049-000

Lot Size(s): 1.454 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 recommendation of Conditional Use approval for a proposed University of Wisconsin Credit Union with a drive-through facility on the property at 7902 S. Main St. Review of the Conditional Use Permit request is governed by the General Development Plan and Regulating Plan (GDPRP) for the Drexel Town Square Mixed Use Planned Development District (DTSMUPDD) and Chapter 17 of the Municipal Code. As a reminder, this lot is located in the Mixed Use Sub-District, which is described in the regulating plan as the portion of Drexel Town Square that

... is conceived as an urban mixed-use sub-district with a variety of residential, commercial, and mixed-use buildings. The vision for the area is to create a vertically and/or horizontally integrated mixed-use concept where the interaction of housing types and commercial uses provide the opportunity for an interesting urban experience and economically viable commercial enterprises. The southern portion of this area is occupied by a town square that will attract pedestrian traffic from all across the site. Hospitality buildings or a larger commercial office building may fit the northwest portion of this area. The southeast corner (between the city Hall and large format-retail) has the opportunity to accommodate additional development consistent with the character of the Mixed-Use Subarea.

Drive-through and drive-up facilities are Conditional Uses in the DTSMPDD, and may be allowed in the B5, B1, B2, C1, and C2 buildings in the Mixed Use Sub-District only if they are consistent with the site plan for the First Generation Development Proposal, and are consistent with the goals of active and walkable streets described in the DTSMPDD.

Project

The proposal is for a 6,000 gross square-foot (gsf) financial institution with drive-through facility on the east side of the building. It is anticipated that up to 12 employees may be onsite during business hours. This location will also utilize Interactive Teller Machines (ITMs), rather than the traditional drive-up lanes. Initially these ITMs will function much like ATMs, but may incorporate video features in the future. Hours of operation are proposed as follows:

	Lobby	ITM
Monday – Friday	9:00 AM – 5:30 PM	24/7
Saturday	9:00 AM – 1:00 PM	24/7
Sunday	Closed	24/7

Direct access is prohibited from Drexel Avenue and Main Street. The proposal includes one (1) access point off of the private drive between the subject parcel and the existing mixed-use building (Forge & Flare). Conceptual site plans provided as part of the proposal depict 77-84 total parking stalls for the site, which will connect to the existing parking lot for the MattressFirm and PetSmart building to the east. Three (3) lanes in the center of the parking lot will be for access to the ITMs.

Additional details are included in the narrative and plans included with this report.

Staff Analysis

Parking

In evaluating the parking requirements for a site within Drexel Town Square, an analysis of parking supply and demand is required as each project is developed. The GDPRP identifies the approximate parking supply and demand requirements for commercial office/retail as 3.5 – 5 stalls per 1,000 gross square feet. Of the 6,000 gross square feet (gsf) proposed for the building, only 4,000 gsf will be accessible to the public. This equates to between 14 and 20 parking stalls for the UWCU building. Incorporating the additional stalls required for the maximum number of employees that could be onsite (12) brings this range to 26-32 stalls.

Plan Commissioners will note that the First Generation Development Proposal depicts a unified parking lot between the subject lot and the MattressFirm/PetSmart property to the east. This creates a single circulation pattern as if the properties were one site, and provides clear visual cues for both vehicles and pedestrians as to the circulation expectations. The concept plan proposes an additional 84 stalls to be combined with the existing parking lot in conformance with the First Generation Development Proposal.

Drexel Town Square Development Goals and Requirements

This is a significant building site at the main entrance to Drexel Town Square, and one of the last two (2) parcels to develop. It is especially important that the design of this site and building(s) is in conformance with the First Generation Development Proposal (shown below) and addresses the key elements of the DTSMUPDD.

FIGURE 1 : FIRST GENERATION DEVELOPMENT PROPOSAL (revised)



Plan Commissioners will note that the First Generation Development Proposal:

-
1. Depicts two (2) buildings along the entire Main Street frontage/BTZ (C1 and C2). The C1 building is shown as a large building either for a single tenant or multiple tenants. The C2 building is shown as a smaller building with an entrance on the southwest corner. Orientation of both buildings is toward the public street, particularly Main Street, with the intent of creating a full block and sense of enclosure for pedestrians that is continued south to the Square itself. Plan Commissioners may recall that plans for this parcel were approved in 2016 that included a multitenant commercial building extending along the full BTZ for Main Street.
 2. Does not provide for a drive-through or drive-up facility in this area. Plan Commissioners may recall that plans for this parcel were approved in 2016 that did not include drive-up or drive-through facilities. However, the GDPRP allows drive up windows and lanes for buildings B5, B1, B2, C1 and C2 in the Mixed Use Sub-District with a Conditional Use Permit.

Although Build-to Zone (BTZ) requirements were not specifically mentioned within the submitted narrative, the concept plan depicts the building, bike parking area, and “community use.” While the BTZ would be specifically addressed at a future Plan Review stage, staff would like to clarify that the GDPRP states that “[a]t least 60%-90% of the linear edge shall be **building façade**” (emphasis added). The BTZ requirement for principal buildings on corner lots is within 0-5 feet of the property line. The property line along Main Street requires at least 128 linear feet of building façade to meet the minimum BTZ requirement. Although there are no dimensions on the concept plan, as currently depicted, the building’s massing is oriented along the western portion of the property. Entrances are currently depicted on the east (main) and south (secondary), which are not within the BTZ. Further activation of the street will occur within the reserved community space as mentioned below. Staff will continue to work with the Applicant’s consultants to explore design options to meet the goals of the BTZ; however, due to the operational needs of the financial institution, it may not be feasible to incorporate a dedicated entrance on the west.

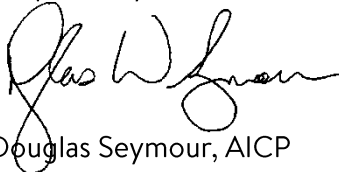
With regard to the goals for active and walkable streets, staff commends the preliminary plans including the large community use space and bike parking area. Programming for the community use area, which may incorporate interactive art and/or gathering spaces, will ensure additional activation and passive recreation opportunities for visitors and the general public. Connection points to the public sidewalks from the north, west, and south provide many opportunities for pedestrian and multimodal access to the site. Per the GDPRP, “[d]rive-up lanes shall be designed to minimize their impact upon pedestrian circulation systems. Drive-up lanes, including the required queuing space may not impede pedestrian access to public building entrances.” The location of the proposed ITMs in the center of the parking lot are somewhat isolated from the remainder of the parking lot, and removed from the direct access to the building. Therefore, the potential for pedestrian and vehicle conflict is reduced.

As was mentioned in the 2016 staff report for review of the multitenant building, design choices made on this site and for this building will have impacts beyond this parcel. The significant investments that have been and continue to be made within Drexel Town Square rely upon the remaining developments to uphold the same design standards, address the same key elements, and meet the same goals of the DTSMUPDD.

For the above reasons, Planning staff have no objections to the Conditional Use Permit request for a financial institution with drive-through facility on the property. Should the Plan Commission determine that the request is appropriate for the location, staff will prepare Conditions and Restrictions that for review at the October 12, 2021 Plan Commission meeting.


Options/Alternatives: The Plan Commission has the discretion to recommend or not recommend Common Council approval of the Conditional Use Permit request. Should the request 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 (3 pages)

Concept Plans

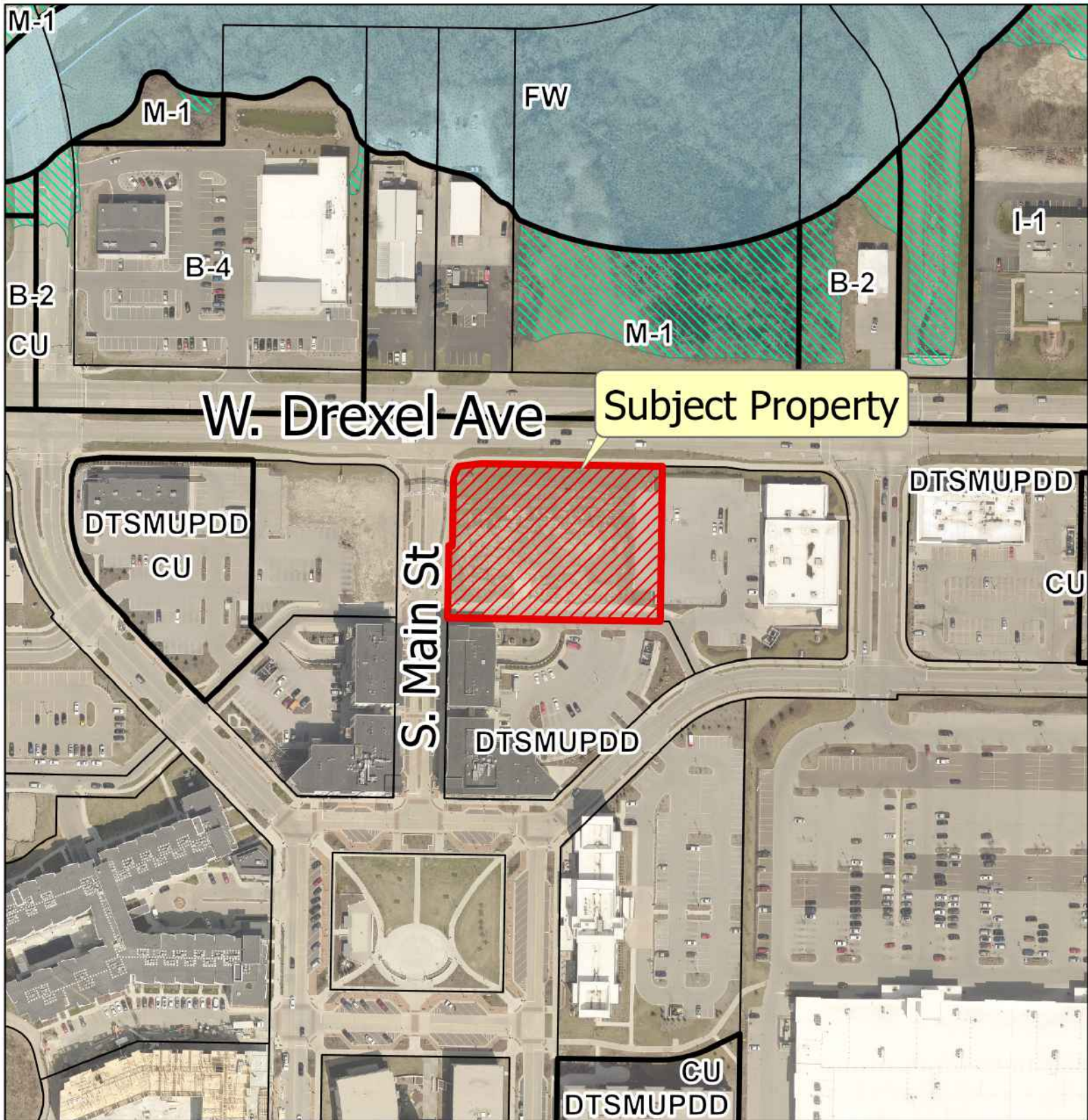
Site Plan (1 page)

Floor Plan & Renderings (1 page)

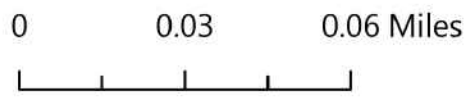
Elevations and Materials (1 page)

Location Map

7902 S Main St



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
- 7902 S Main St



KEE Architecture, Inc.
3220 Syene Road, Suite 102
Madison, Wisconsin 53713
(608)255-9202

PROJECT NARRATIVE DESCRIPTION

September 10, 2021

To: City of Oak Creek
Community Development
8040 South 6th Street
Oak Creek, Wisconsin 53154

RE: **Conditional Use Application**
UW Credit Union - Drexel Town Square
Oak Creek, Wisconsin

Community Development Staff:

We are submitting the attached **Conditional Use** application materials for review and approval on behalf of University of Wisconsin Credit Union, who have entered into an agreement to purchase property in the Drexel Town Square development in Oak Creek. We request that this application be considered at the Plan Commission meeting on October 12, 2021, or on an expedited basis if an earlier date is available.

Applicant

University of Wisconsin Credit Union (UWCU)
3500 University Avenue
Madison, Wisconsin 53705
Attn: Brad McClain

Current Owner

DTS C1 LLC
622 N Water Street, Suite 200
Milwaukee, Wisconsin 53202

Site Address

7902 South Main Street

Legal Description of Property

Lot 2 Certified Survey Map No. 8640, recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on November 19, 2014 as Document No. 10413367, being a division of Lot 1 Certified Survey Map No. 8573, in the Northwest 1/4 and Northeast 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

RE: Conditional Use Application
UW Credit Union – Drexel Town Square
7902 South Main Street
Oak Creek, Wisconsin 53154
September 10, 2021

Lot Size

63,357 square feet (1.4545 Acres)

Parcel Number

8139049000

Zoning of Property

DREXEL TOWN SQUARE MIXED USE PLANNED DEVELOPMENT DISTRICT
(DTSMUPDD)

Current Use of Property

The property is currently vacant.

Proposed Use

The property will be used as a retail financial institution (credit union) with four drive-through ITM (automatic teller) lanes.

Proposed Parking

UWCU proposes to provide 83 parking stalls on the site.

Parking will be contiguous with the existing parking lot to the west (serving PetSmart and Mattress Firm) and will be available for use as part of the development-wide shared parking.

Building Floor Area

Gross Area = ±6,000 square feet (including ±4,000 SF open to the public)

Number of Employees

Minimum Employees: Two
Maximum Employees: Twelve

Days of Retail Operation

Monday through Saturday

Hours of Retail Operation

Branch Lobby: Monday through Friday – 9:00 AM – 5:30 PM
Saturday – 9:00 AM – 1:00 PM

Signage

UW Credit Union is working with Adrenaline Agency to design signage for the project, for site and building, which will be submitted under a separate application.

Project Schedule

Construction of the new UWCU branch building is anticipated to be complete in Spring 2023.

RE: Conditional Use Application
UW Credit Union – Drexel Town Square
7902 South Main Street
Oak Creek, Wisconsin 53154
September 10, 2021

This application is for **Conditional Use** only, with the understanding that separate applications will be made for Site and Building plan reviews.

Please review the attached application and other supporting documents and contact us if you have any questions.

Sincerely,
KEE Architecture, Inc.

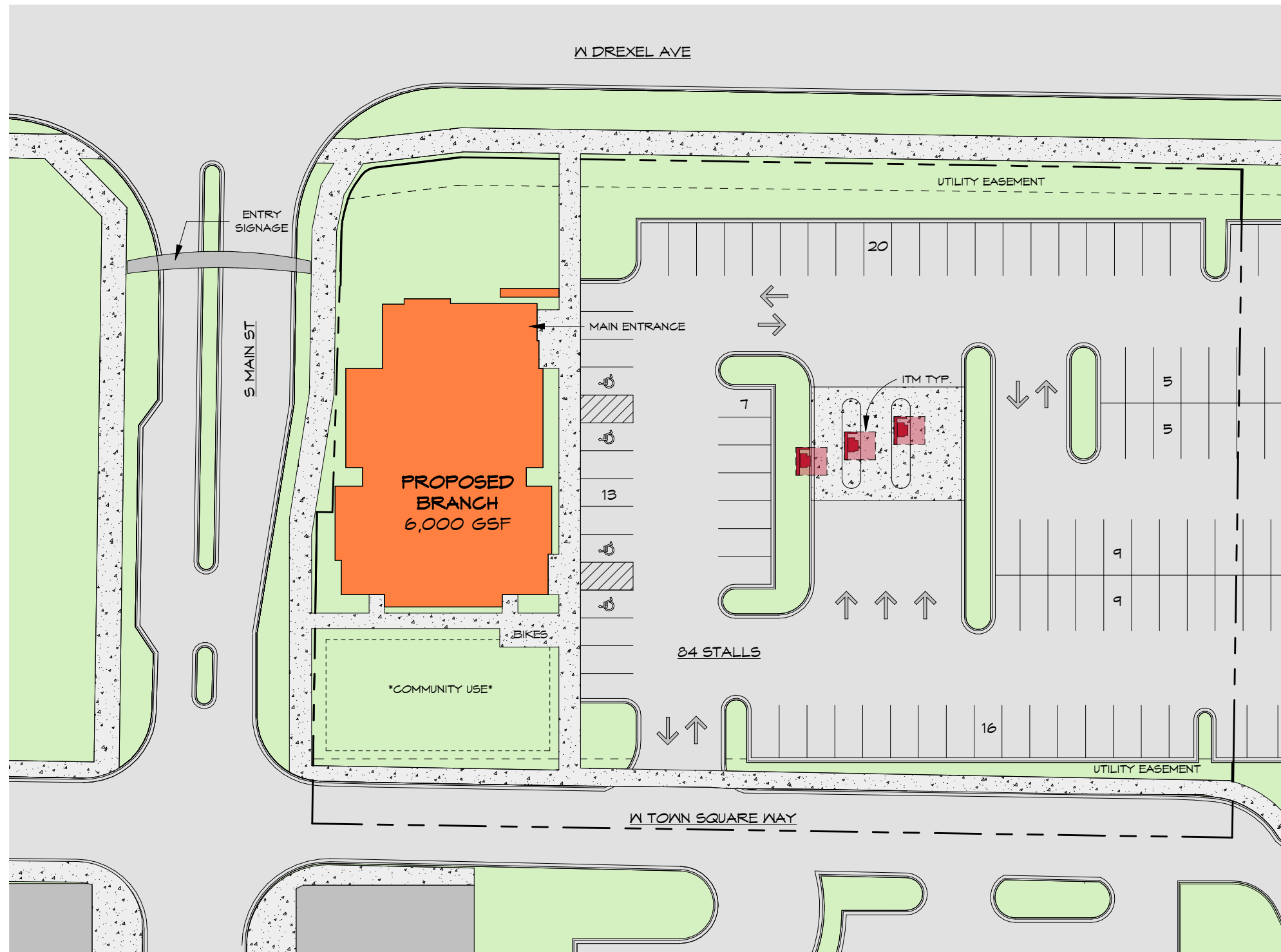
A handwritten signature in black ink, appearing to read 'D. Ewanowski', with a long horizontal flourish extending to the right.

David J. Ewanowski AIA

Attachments*:

- **Plan Commission Application** (two pages)
- **Application Fee:**
 - Conditional Use Permit (Expedited Review) - \$1,875.00
- **Conditional Use Permit Application** – signed and notarized (one page)
- **Conceptual Site Plan** (one sheet)
- **Conceptual Building Plan** (one sheet)
- **Building Elevations** (one sheet)

**Note that copies of these documents have also been submitted in electronic (PDF) format to kpapelbon@oakcreekwi.org.*

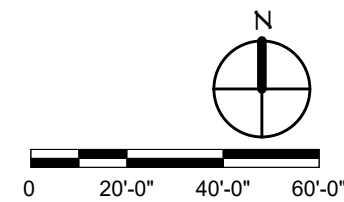


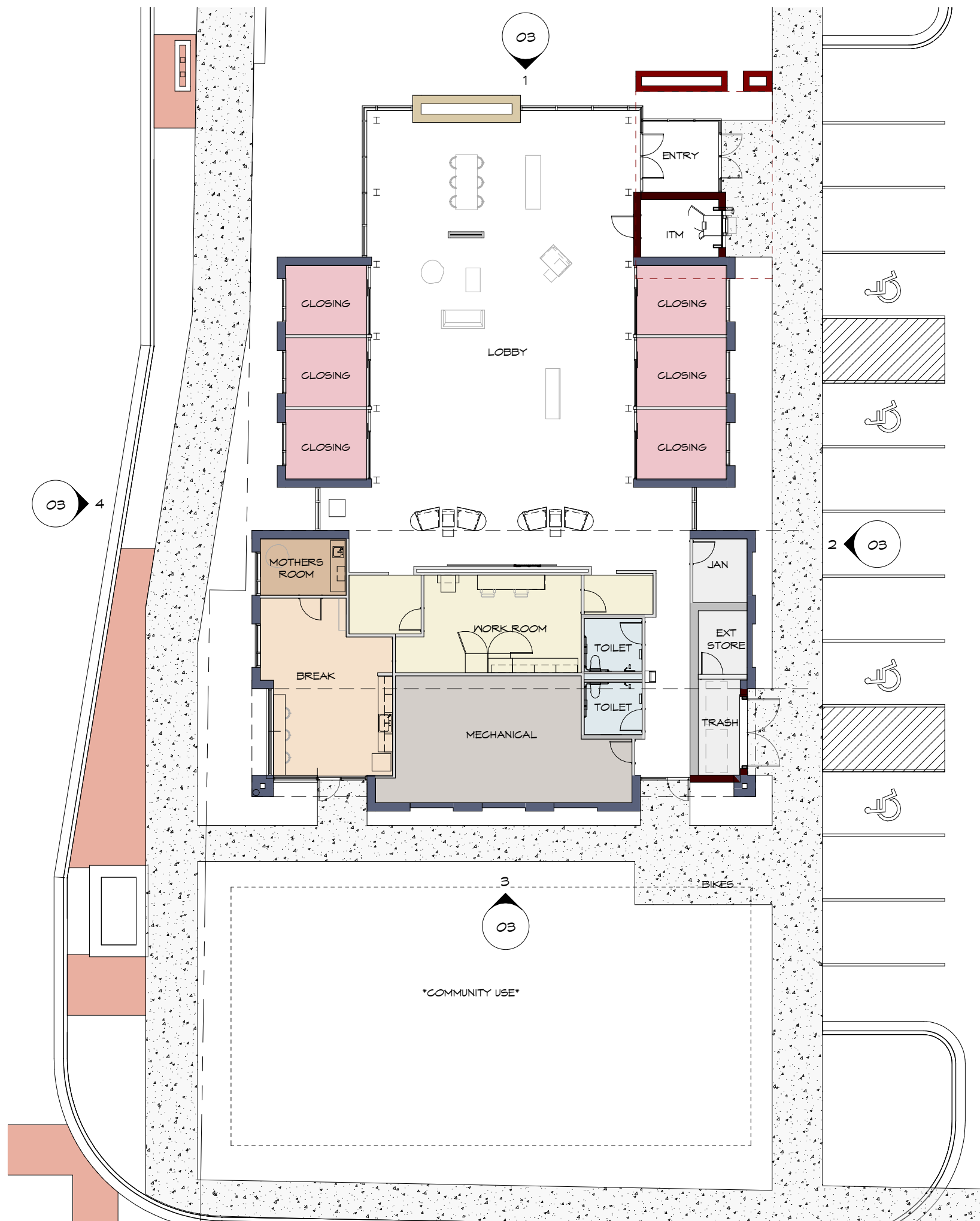
CONCEPTUAL SITE PLAN

UW Credit Union
Oak Creek Branch

KEE Project #ZF11E

09/10/21





VIEW FROM EAST



VIEW FROM WEST

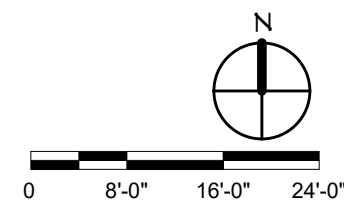
CONCEPTUAL BUILDING PLAN

UW Credit Union
Oak Creek Branch

KEE Project #ZF11E

09/10/21

KEE
architecture



1 [blue brick pattern] = FACEBRICK TYPE 1

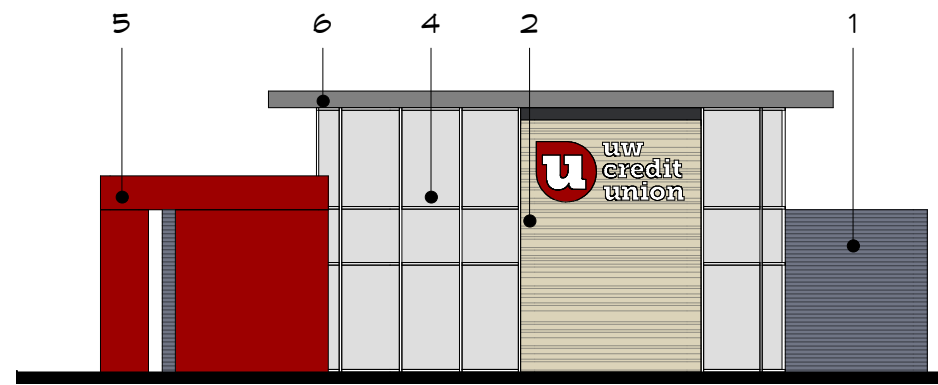
2 [stone pattern] = STONE VENEER TYPE 1

3 [brown wood pattern] = LAMINATE PANEL TYPE 1

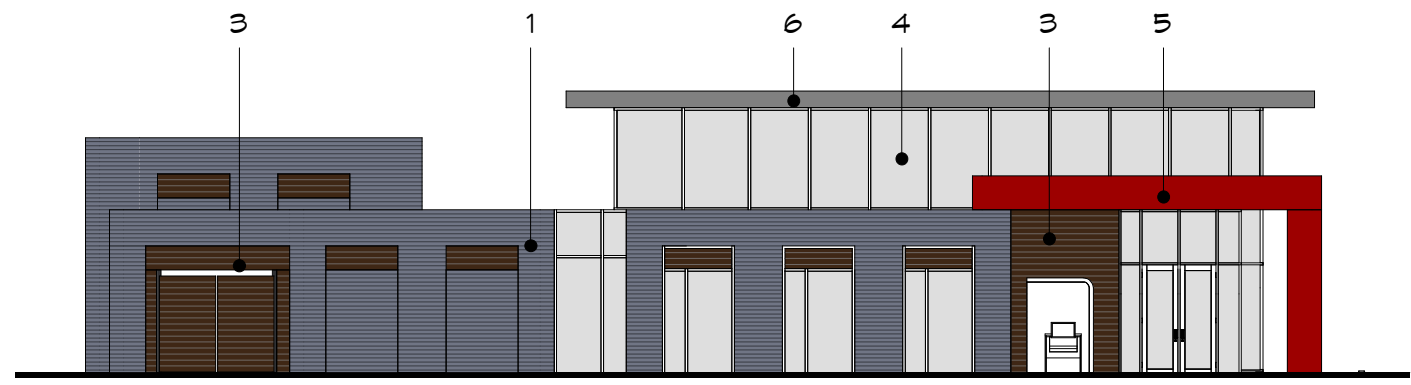
4 [light grey square] = INSULATED GLASS TYPE 1

5 [red square] = COMPOSITE METAL PANEL TYPE 1

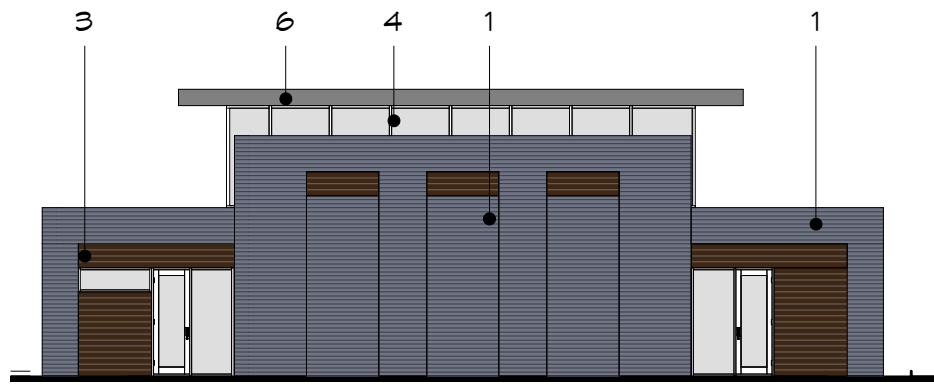
6 [dark blue square] = COMPOSITE METAL PANEL TYPE 2



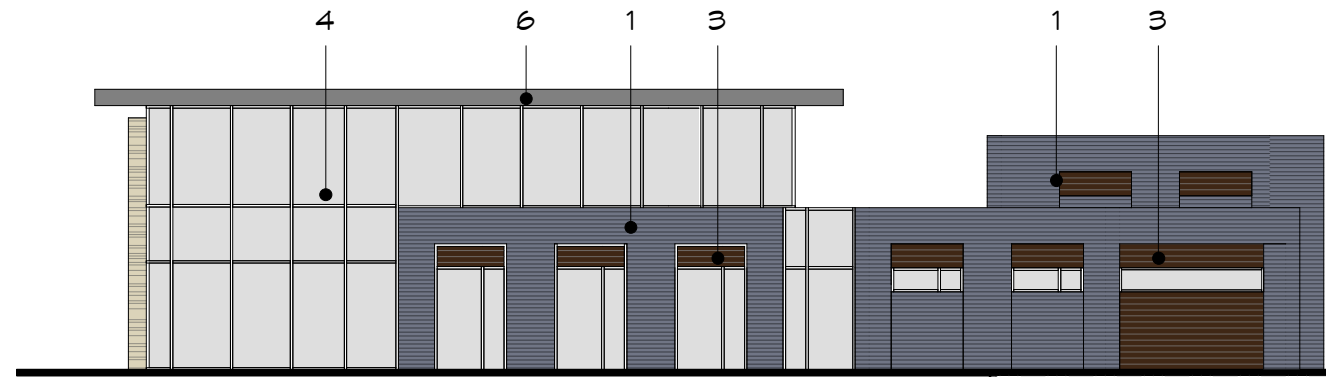
1 North Elevation



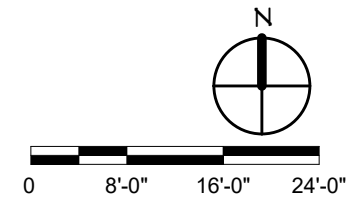
2 East Elevation



3 South Elevation



4 West Elevation



BUILDING ELEVATIONS

UW Credit Union
Oak Creek Branch

KEE Project #ZF11E

09/10/21

KEE Architecture 3220 Syene Road | Madison, WI | 608-255-9202

