

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MARCH 12, 2013

Mayor Scaffidi called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Mayor Scaffidi, Commissioner Michalski, Commissioner Correll, Commissioner Siefert and Commissioner Chandler. Aldermen Bukiewicz arrived at 6:02 p.m.

Commissioner Michalski moved to approve the minutes of the February 12, 2013 regular Plan Commission meeting. Commissioner Siefert seconds. Roll call, all voted aye with the exception of Commissioner Dickmann who abstained. The minutes were approved as submitted.

Significant Common Council Actions

There were no comments or concerns from the Commission.

Comprehensive Plan Amendment 7929 S. Howell Avenue

Mr. Wagner explained the City is currently working on a detailed plan for the former Delphi property at 7929 S. Howell Avenue. After open houses with residents, elected officials, stakeholders and Graef the consensus was that the site would be appropriate for mixed-use development that may include institutional, retail, and multi-family residential uses.

Currently the Drexel Town Square is designated as "General Industrial," on the Planned Land Use Map, which at the time the plan was adopted was appropriate. Since the building has been razed and the consensus is that mixed use is the most appropriate future use in this area, staff would like to amend the existing Comprehensive Plan and Planned Land Use Map and designate this property as "Planned Mixed Use."

The State of Wisconsin Smart Growth Law requires that all local land use decisions after January 1, 2010 must be consistent with the objectives, goals, and policies contained within the comprehensive plan. Amending the current comprehensive plan will allow the City to move forward with planning for the future use of the former Delphi property.

Mayor Scaffidi opened the public hearing for comments and made his first call. Second call.

Mark Verhalen, 1200 E. Ryan Road, commented moving forward with some of the controversial things being proposed he would hope there are PUDs put in place on various areas of the property to make sure that any future development is conducive

and is held to a high standard so the citizens of Oak Creek at least get buildings that are of a higher grade and higher representation of what they want to see on this site.

Mayor Scaffidi made a third call for public comment and closed the public hearing.

Zoning Text Amendment – Temporary Sign Code

Mr. Wagner explained to the Commission on February 12, 2013 the Plan Commission discussed the proposed amendment. The Commission decided to hold the item so that all the Plan Commission members could contribute their opinion on the proposed text amendment.

At the October 23, 2012 Plan Commission meeting, the Commission discussed the possibility of changing the temporary sign code to allow for “feather” flags as a permitted temporary sign. Currently, the code only allows for display of this type of sign as part of a grand opening temporary sign permit. The discussion resulted in multiple options for changing the temporary sign code.

Staff has taken those suggestions and created a code subsection that specifically states that feather and tear drop designed flag signs are permitted.

Alderman Michalski questioned how many feather signs were allowed under the proposed changes. Mr. Wagner stated the amount of permits allowed is not changing. If they request to have four feather signs at one time they will be allowed to do that for 15 days, but then they would not be allowed any additional temporary signs for the year and would have to pay \$25.00 for each feather sign displayed.

Alderman Bukiewicz questioned the maximum distance from a building that a sign could be displayed. Mr. Wagner explained there is no restriction as to distance from the lot line or from the building at this point. It has to be located on their property.

Mr. Arden Degner, 8540 S. Pennsylvania Avenue, commented he liked the restrictions that were mentioned but expressed concern with 4' x 8' signs. Mr. Wagner stated they would be restricted to 20 square feet on the wind bourn signs. Mr. Degner felt that was still excessive.

Alderman Bukiewicz moved that the Plan Commission recommends to the Common Council that Section 17.0709(b)(1) is amended to allow the temporary sign height not to exceed eight (8) feet and create Section 17.0709(b)(7) to allow the display of temporary feather or teardrop signs, after a public hearing.

Commissioner Chandler seconds. Roll call, Dickmann, aye; Johnston, nay, Carrillo, aye; Bukiewicz, aye, Scaffidi, aye; Michalski, aye; Correll, nay; Siepert, aye; Chandler, aye. The motion to approve carries.

Comprehensive Plan Amendment – 7929 S. Howell Avenue

Commissioner Dickmann commented he was in favor of this change and stated the plan needs to be brought up to date. He does not feel that Mr. Verhalen's comments regarding a PUD would fit in at this time but would like to see a PUD adopted at some point to let the City have some control over the parcel. Mr. Wagner explained this was strictly to change the land use for the parcel. A PUD would be part of the rezoning process and will be done at a later date.

Alderman Bukiewicz commented this was just a necessary and logical step in redevelopment of the site and he supports this amendment.

Alderman Michalski moved that the Plan Commission adopts resolution 2013-01, amending the Comprehensive Plan and Planned Land Use map for the property at 7929 S. Howell Avenue to reflect the change in land use from General Industrial to Planned Mixed Use.

Alderman Bukiewicz seconds. Roll call, all voted aye. The motion to approve carries.

Sign Plan Review – Bellagio Salon Nail Spa (Eihab Atout) 2400 W. Ryan Road Tax Key No.: 878-9037

Mr. Wagner explained to the Commission the applicant was requesting a deviation from the agreed upon restrictions associated with the sign plan for this development. On September 26, 2006, the property owner and the City agreed to specific restrictions for signs installed on this development.

The proposed sign for the Bellagio Salon Nail Spa is 74 square feet which exceeds the maximum square footage of 50 square feet. The sign meets the remaining restrictions. Staff is concerned that if deviations from the sign plan are consistently granted, there isn't much value in requiring an approved sign plan.

Mr. Mark Marhal, Marhal Advertising, explained reasoning behind the request for a larger sign than allowed by the sign plan. They have a longer name than the previous business and would like just a few more square feet.

Commissioner Chandler questioned what the size of the letters would need to be to meet the sign plan. Mr. Marhal estimated the letters would have to be about 22" to meet the sign code and they are proposing 30" letters.

Mayor Scaffidi questioned if they had any evidence that 22" letters would not be visible from the road. Mr. Marhal stated there was not a sign at the plaza that had the 22" letters, they were all bigger and the monument sign does nothing.

Commissioner Correll commented he does not like to deviate from the plan otherwise what is the point of having it. The other tenants signs that are there are larger and the deviation that he is asking for compared to what they gave to the vet is much less. He would be in favor of allowing the sign.

Alderman Michalski questioned if they took in to account how far off the road the sign is. Mr. Wagner stated they do but in this particular case there is an approved sign plan. Those restrictions are what we have to follow for this development. Without the sign plan this sign would meet the City's sign plan.

Alderman Michalski questioned if because the owner didn't come and ask for changes to their sign plan the tenant doesn't have the ability to ask for any type of change. Mr. Wagner clarified the tenant has approval from the landlord for the proposed sign unfortunately it is the sign plan the landlord agreed to 7 years ago that they are looking for a deviation from.

Commissioner Correll pointed out they do meet the City's requirements if they looked at it on its own as a reason to consider the proposal. He agrees it is structured wrong but back in 2006 they were in a different position economically.

Commissioner Dickmann pointed out when the plan was developed they did not want a lot of large signs because they were so far off the road you wouldn't be able to see them driving by the development. The monument sign was to be used for locating a business. He believes they should change the sign plan for the development instead of reviewing every deviation from the plan.

Commissioner Carrillo questioned if there was a way to make the sign meet the specifications by redesigning the sign. Mr. Marhal commented the way the City determines their square footage is very unusual. Commissioner Carrillo suggested "stacking" the sign. Mr. Marhal stated that could not be done because the letters need to be evenly spaced and centered.

Alderman Bukiewicz commented there is a lot of dead space in the sign but who would even notice the difference in the 30" versus 22" letters. This is a business friendly move.

Commissioner Chandler questioned what the owner would have to do to change the sign plan. Mr. Wagner explained he would need to return to the Plan Commission with a new sign plan and have it approved by the Plan Commission.

Alderman Michalski commented they could approve the sign and then request the owner return to the Plan Commission with a new sign plan for the development. Mr. Wagner explained he could put a note in the file that future deviations from the sign plan would not be approved and the owner would need to have a new sign plan approved before another sign would be approved by Plan Commission.

Commissioner Michalski moved that the Plan Commission approved the proposed sign at 2400 W. Ryan Road as presented and allow Bellagio Salon Nail Spa to erect a 74 square foot sign.

Commissioner Dickmann seconds. Roll call, all voted aye. The motion to approve carries.

**Plan Review – Syner g Hotel Development
239 & 235 E. College Avenue and 6440, 6460, & 6448 S. Howell Avenue
Tax Key No.: 719-9995, 719-9007, 719-9002-001, 719-9987-002, & 719-9986**

Mr. Wagner explained to the Commission in 2012 the Common Council passed Ordinance No. 2663, approving amended conditions and restrictions and a general development plan for the Syner g hotel and airport parking proposal for the above properties. Also in 2012, the Common Council and the developer requested an amendment to the original Tax Incremental Finance request which reduced the City's financial contribution from \$4.5 million dollars to \$2.75 million.

The applicant is proposing a four-story, 108 room Four Points Sheraton hotel on S. Howell Avenue. In addition the applicant is proposing an off-premise airport parking lot (LAZ-Fly) containing 1187 spaces. The primary entrance to the parking lot will be off of S. Howell Avenue. The proposed building for the LAZ-Fly is being revised to meet our architectural standards and will be reviewed at a later date.

The proposed building will be finished primarily with fiber cement panels and brick with aluminum and stone trim. Earlier drawings showed the portion extending outward on the west elevation having brick with a stone trim matching the north elevation.

Representatives from the Airport have contacted the City and would like to work with the applicant to find ways to mitigate wildlife attraction. The City was also contacted by the Airport indicating they did not receive a notice of determination allowing for the proposed height of the building from the FAA.

Alderman Bukiewicz questioned the FAA approval on height restrictions. Mr. Eric Nordness, stated this was news to them and they would look into this right away. Mayor Scaffidi questioned if this was done yet. Mr. Wagner stated the developer was made aware of the situation back in 2008 and was to take care of it at that time. There may be approvals but the letter is not on file at this time.

Alderman Bukiewicz questioned the vegetation over the sanitary sewer line. Mr. Wagner explained they could approve the general landscape plan at this time with the condition that the City Forester and the Planning department could do final review which would take into account the revised buffer.

AlderMr. Jeremy Schwartz, Kupor and Associates, explained they are putting in a bio-retention facility and will essentially be dry after time. There may be a few hours of

standing water in the facility after a 100 year storm event while it drains but, 98% of the time it will be dry. Alderman Bukiewicz questioned if it would improve the drainage of the entire area. Mr. Schwartz explained it would slowly drain out the water and would improve drainage in the area and the adjacent areas.

Alderman Bukiewicz questioned if they were good with the 6-foot berms for screening. Mr. Wagner explained the conditions for the PUD were amended to remove the 6-foot minimum. The reason they had the 6-foot berm to begin with was because they were abutting residential with the inclusion of the Stramowski property, which is no longer included. The screening at this point accomplishes the original intent but is being done in a way that uses the existing topography to their advantage.

Alderman Bukiewicz pointed out there was no screening of the rooftop mechanicals and that would need to be addressed. The applicant explained there was a limited amount of rooftop equipment on the building and they were relatively small. They would not be visible from the street level and felt screening was not necessary.

Commissioner Siefert questioned the amount of the proposed parking. Mr. Nordness explained they did reduce the total amount originally proposed and are sensitive to the size of the parking.

Alderman Michalski commented he would like to see the mechanicals on the roof fenced off in some way as opposed to just saying they can't be seen. He also questioned if they would be discussing the bio-retention facility with the airport? Mr. Nordness stated they would be working with the airport as soon as possible. Alderman Michalski questioned the removal of the brick from the side of the building from the original submittal. Mr. Quinell stated it was not a budget concern but a requirement from Four Points to meet their brand standards. Their brand standard is mostly EIFS which the City does not want to see. They really wanted the stair towers to read as a more vertical element and they specifically asked that the brick at the base of the stair towers be removed. The other subtle difference is they linked the vertical windows on the stair tower so that rather than being punched openings within the tower they are connected as more of a curtain wall look with glass and metal panel in between.

Alderman Michalski expressed concern for the view from Howell Avenue. Mr. Quinell stated they consider this a design element. They are using nichiha panels which are a more commercial version of hardy plank.

Commissioner Johnston questioned if they would need a development agreement for the public infrastructure. Mr. Nordness stated he was aware that would need to be in place. Commissioner Johnston stated he spoke with the DOT and they have concerns with access onto Howell so there needs to be a TIA completed and DOT approval for the access onto Howell. Mr. Nordness questioned the details of their concerns. Commissioner Johnston stated they do not want full access to the site, no left turn out, and no median cut. Also he expressed concern for the greenspace requirements and for the storm sewer running through the contaminated area. Mr. Schwartz explained

having contamination on a site is not uncommon. Typically since they are creating a conduit for the contamination to travel they put a benonite dam on both sides of the contamination to prevent the contamination from traveling. For the pipes they use a special type of gasket. Commissioner Johnston recommended the Commission hold the item because there are more issues than approvals.

Commissioner Dickmann questioned if the hotel had to be completed before the airport parking. Mr. Wagner explained before they could be granted the occupancy for the parking the building permits had be pulled for the hotel. Commissioner Dickmann questioned if the emergency access road was finalized at this point. Mr. Nordness stated they have discussed fully paving the access road so there is access for fire. When and if the second part is developed they would look at what the uses are and adapt to it. They are planning to build out the road.

Commissioner Correll commented they were very specific in their notes that there is no airport parking lot until a hotel was built. Mr. Nordness stated that was their understanding also.

Mayor Scaffidi commented he agreed the project should be held because there are still to many questions at this point. It is appalling at this point they are discussing a 55 foot high hotel in an area that maybe can't allow that high of a building. There are significant other questions and these things have to be fixed. This does not make sense to move forward.

Mayor Scaffidi directed the item held.

Alderman Bukiewicz questioned if the greenspace and contamination issues weren't covered in the conditions for approval. Commissioner Johnston stated they would fall under the landscape approval and the Engineering approvals.

Mr. Wagner commented the greenspace requirement has been met and those calculations were provided to staff.

Commissioner Carrillo moved to adjourn. Commissioner Michalski seconds. Roll call, all voted aye. The meeting was adjourned at 7:17 p.m.