

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, November 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, Alderman Bukiewicz, Mayor Scaffidi, Alderman Michalski and Commissioner Siepert. Commissioner Correll was excused. Also present was Kari Papelbon, Planner and Assistant Fire Chief Mike Kressuk.

Commissioner Dickmann moved to approve the minutes of the October 8, 2013 regular Plan Commission meeting. Commissioner Johnston seconds. Roll call, all voted aye. Commissioner Siepert abstains. The minutes were approved as submitted.

Ms. Papelbon read the summary of significant Common Council actions from October, 15, 2013.

**Certified Survey Map  
Black Bear Bottling  
9770 S. 20<sup>th</sup> and 9846 S. 20<sup>th</sup> Street  
Tax Key No. 903-9003 and 903-9013**

Ms. Papelbon explained that Black Bear Bottling, Inc. is requesting approval to combine their two parcels at 9770 and 9846 S. 20<sup>th</sup> St. in anticipation of constructing an addition onto the rear of the existing building on the property. Once combined, the parcel size will be over 2.9 acres. Below are technical corrections that are in process and must be made prior to recording the CSM.

1. The east boundary as shown, with regard to Lot 1 from CSM 623, does not coincide with local GIS data. Previous CSMs show a more square lot than the proposed CSM for Black Bear; however, County data appears to be consistent with the proposal. This issue will be resolved prior to recording and is anticipated prior to the meeting.
2. A water main easement is required along the western property boundary. The dimensions should be 175' (L) x 20' (W).

Staff also recommends that the Applicant contact either the DNR or Water Utility to discuss requirements related to Aquifer Storage and Recovery (ASR). Site and building plans will be reviewed by the Plan Commission at the December 10 meeting.

Commissioner Chandler asked for a definition on ASR. Ms. Papelbon stated that this was brought up by the Water and Sewer Utility representative who is not here this evening. Commissioner Siepert stated that the ASR is our old well that the City had and we use it for storing treated water, in that way we put the water down and when we need it we would bring it back up. We ran into a problem with the DNR because of the contamination. This is just storage of water, like a reservoir for Black Bear to have water on his existing property. It is just storage of water but it is in a clean container rather than going into the ground.

Alderman Bukiewicz moved that the Plan Commission recommends to the Common Council that the certified survey map submitted by Peter J. Caruso, Black Bear Bottling, for the properties at 9770 and 9846 S. 20<sup>th</sup> St. be approved with the condition that all technical

corrections are made prior to recording. Alderman Michalski second. All voted aye, Commissioner Siepert abstains. Motion carries.

**Plan Review – Black Bear Bottling  
2025 W. Southbranch Blvd.  
Tax Key No. 903-9034**

Ms. Papelbon explained to the Commission that Black Bear Bottling Group is requesting approval for an 18,839 square-foot addition to the southeast portion of their warehouse and production facility at 2025 W. Southbranch Blvd.

Access to the addition will be via the existing driveway, and the existing parking lot will be reconfigured and expanded by 15 spaces (total = 95). The number of proposed parking spaces appears to exceed the minimum required (1 space per 5,000 square feet plus one space per employee); however, the proposed parking along 20<sup>th</sup> Street does not meet the required setback of 40' from the right-of-way.

The proposed addition will be constructed using corrugated steel panels for the walls. As such, the materials require a  $\frac{3}{4}$  majority approval of the Plan Commission. Colors will match the existing building.

The plans show that 70% (69.99%) of the property will be impervious. This is a change from the plans submitted as three parking spaces were eliminated to meet the 30% open space requirement. Additionally, the Engineering Department questioned what the disturbance will be at the southern property line where additional grading for parking is proposed. This information is forthcoming. The Fire Department has commented that the building addition will be required to be sprinklered.

Landscaping has been proposed along S. 20<sup>th</sup> Street to screen the proposed parking in that area. Section 17.1010 requires at least 1 tree and 5 shrubs for every 35 linear feet of the perimeter of the parking area. There are no trees or shrubs proposed along the proposed parking area on the southern portion of the addition, and only six (6) shrubs total are proposed along S. 20<sup>th</sup> Street. The Plan Commission may modify the landscaping requirement with a  $\frac{3}{4}$  majority provided "supplemental design elements or improvements are incorporated into the project which compensate for the modification of the particular standard." The plan meets the requirements for landscaping adjacent to buildings per Section 17.1010(d).

Commissioner Chandler asked whether the 40' setback was agreed upon by the applicant and has he made the updates. Ms. Papelbon stated that the applicant will modify the plan to meet the 40' requirement.

Commissioner Johnston asked if the driveway in the southwest corner was going to be connected to the neighboring parcel, and if they were comfortable with backing semis through the parking stalls to get back to the loading docks.

Erik Madisen, Madisen Maher Architects, stated that he believed it would be connected and that they have reviewed the plan and believe it is feasible.

Commissioner Dickmann asked about the  $\frac{3}{4}$  majority and what have they done to compensate for the modification. Ms. Papelbon stated that the additional bushes are falling short on the plan. In other words, they have one tree that has six bushes proposed around it and another 5

or so trees with no bushes. The code states they would have to include five bushes per tree. It's a matter if the Plan Commission feels comfortable with the plans proposed saying that they don't need the additional bushes. Alderman Michalski stated that the bushes should be put in per code.

Commissioner Chandler asked about the disturbances on the southern property line. Ms. Papelbon stated that this has to do with the disturbance along the property line for the parking that engineering questioned.

Alderman Bukiewicz stated that he was familiar with the building and asked if they are going to continue using the existing docks. Mr. Madisen stated that they are going to continue using the existing docks.

Commissioner Chandler asked about the 30% open space requirement and the three parking spaces being taken away to meet a requirement. Ms. Papelbon stated that the reason the three parking spaces were eliminated was to meet the impervious/pervious threshold. So 70% on site will be impervious and 30% will be open or pervious. The three parking spaces were eliminated so that additional stormwater was not necessary.

Alderman Michalski moved that the Plan Commission approves the site, building and landscaping plan for the property at 2025 W. Southbranch Blvd. with the following conditions:

1. That all mechanical equipment is screened from view.
2. That all building and fire codes are met.
3. That stormwater plans are submitted for review and approval by the Engineering Department.
4. That detailed grading plans are submitted for review and approval by the Engineering Department.
5. That bushes are planted along S. 20<sup>th</sup> Street to meet code.

Commissioner Dickmann seconds. All voted aye. Commissioner Seipert abstains. All voted aye. Motion carries.

**Certified Survey Map  
7221 and 7223 S. 13<sup>th</sup> Street  
Tax Key No. 763-9019 and 763-9020**

Ms. Papelbon explained that Sportland 2 is requesting approval to combine their two parcels at 7221 and 7223 S. 13<sup>th</sup> St. in anticipation of constructing a proposed storage building on the property. Once combined, the parcel size will be over 2.8 acres. No changes to the existing building are proposed, and the building will be unaffected by the merger.

An 8-foot-wide easement along the northern property line is shown on the map along with an access easement. The access easement should be revised to reflect the correct full easement width (75' wide) along the eastern portion of both parcels,

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that the certified survey map submitted by Thomas Wolf, Sportland 2, Inc., for the properties at 7221 and 7223 S. 13<sup>th</sup> St. be approved with the condition that all technical corrections are made prior to recording. Commissioner Siepert second. All voted aye. Motion carries.

**Conditional Use Permit  
Pranke Holding LLC  
8750 S. Howell Avenue  
Tax Key No 860-9996**

The Applicant is requesting approval of a conditional use permit for a drive-through facility for a proposed Dunkin' Donuts at 8750 S. Howell Ave. Restaurants with drive-through facilities are conditional uses in the B-2 district. Dunkin' Donuts will be located in the southern portion of the existing building in the space now occupied by Aqua Salon and Spa.

The site currently contains a single-lane access 11 feet wide around the western portion of the building. Chapter 17 requires queuing space for a minimum of four vehicles per drive-through service lane. The proposal exceeds this queuing requirement. As of writing this report the plans are being revised with the following:

1. Raceway signs will be used instead of internally-illuminated plastic face box signs.
2. Directional signs without the logo will be used.
3. The awnings and clearance canopy will not contain business info.
4. The clearance canopy will be relocated to the beginning of the drive-through lane. This is in response to staff concerns related to the lack of a "bail-out" lane for those vehicles who may not meet clearance requirements, as well as the originally-proposed location.
5. Existing conditions will be reflected on a revised survey.

Staff also has concerns for the illuminated clearance canopy as it is proposed along Howell Avenue. This adds to the visual clutter along a major arterial street and cannot be screened due to its proposed height. The Comprehensive Plan calls for excessive signage along Howell Avenue to be avoided. However, there are clearance bars for similar establishments in the area that are not illuminated. If a clearance bar is necessary, staff recommends removing the illuminated canopy and replacing it with a standard clearance bar.

As shown, the drive-through window will be on the southern portion of the building. Customers will place orders near the proposed menu board on the western side of the building. Ginkgo trees and several bushes are proposed on the property along Howell Avenue to screen the menu board and the queuing lane.

Preliminary sign plans have been submitted; however, only one wall sign is permitted in multi-tenant buildings. The Plan Commission may approve one additional sign for end-cap tenants at such time site, building, and landscape plans are reviewed (following Conditional Use approval).

If the Plan Commission recommends Common Council approval of the Conditional Use Permit, staff will prepare conditions and restrictions for review at the November 26, 2013 meeting.

Alderman Michalski commented that the when you go behind the building it didn't seem like there was enough room back there for vehicles to get through. Ms. Papelbon stated currently there is enough space for an 11' wide drive, which is shown on the plan. The clearance canopy will be relocated to the beginning of the drive through lane. This is in response to staff concerns related to the lack of a "bail out" lane. Alderman Michalski raised the issue of the outside gas and electric meters - does that cause a concern for staff or fire department in regards to a safety perspective? Ms. Papelbon stated that the utilities are connected to the building and are screened using a wooden fence type material. Assistant Mike Kressuk stated that with the screening and buffer, the Fire Department is comfortable with the utilities being there. It is a

relative low speed area, although it is a narrow road, it is not a Fire Department access road and we could not commit any apparatus in that area.

Commissioner Chandler had a question on which signage would be allowed. She stated that the material she had didn't reflect what was being shown. Ms. Papelbon stated that there were new revisions that had just come in.

Several Commissioners expressed concern over the tight space with the turning radius and the parking on the south side.

Commissioner Chandler asked if the lighting was sufficient in this area, especially in the evening. Ms. Papelbon stated that the only lighting that has been proposed is for the menu board and for the canopy, which would be illuminated underneath. There are plans for illuminated signage on the building, but that is not part of this review.

Mayor Scaffidi asked if the Howell Avenue menu boards could be kept at a lower height, so that they may be obscured by the landscaping. The applicant stated that he did not know what sizes the menu boards came in - the one shown is about 6' tall and they are proposing some tall arborvitaes to be planted along Howell Avenue.

Alderman Bukiewicz moved that the Plan Commission recommends that the Common Council approve a conditional use permit allowing for restaurant with drive-through facilities located at 8750 S. Howell Ave. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting (November 26). Commissioner Siepert seconds. All voted aye. Motion carries.

**Sign Plan Review – Meijer  
171 W. Town Square Way and 8031 S. Howell Avenue  
Tax Key No. Part of 813-9023-005**

Ms. Papelbon explained that the applicant is requesting approval for several signs on the main store building as well as on the fuel center parcel. Signs are subject to review under Sections 17.0701-17.0715 of the Municipal Code and the DTSMUPDD General Development Plan and Regulating Plan ("the Plan").

Per Appendix B, Section B of the Plan, the following signs are allowed:

- One primary sign per entry façade per tenant.
- 1-2 flag signs per entry façade.
- 1 eye-level sign/graphic per 12 linear feet of entry façade.

All sign square footage calculations below incorporate the "dead space" between sign components per Section 17.0714.

Main Store:

Signs on large-format retail buildings should be of varying scale according to their placement (brand/primary, secondary, eye-level/pedestrian-scale). Appendix B, Section F-3 of the Plan depicts recommended signage placement and orientation for large-format retail buildings.

1. Meijer logo sign – internally-illuminated channel letters totaling 800.22 square feet.

2. "fresh/home" signs – internally-illuminated raceway signs on the glass entranceway towers. Each sign will be approximately 76 square feet and 73 square feet respectively.
3. "pharmacy drive up" – this will be a non-illuminated sign on the east parapet wall. This sign will be 63 square feet.
4. "welcome" signs – there will be a 6.84 square-foot white vinyl window sign applique above each of the entrances.
5. "licensee" signs – there are no licensees currently included in the proposal; however, such signs will be wall-mounted and located on the eastern side of each of the entrances. Each sign is estimated at 10 square feet and will match the licensee's logo.

The signs above appear consistent with the recommendations in Appendix B of the Plan.

#### Fuel Center:

1. Meijer logo sign - internally-illuminated channel letters totaling 32.21 square feet. This sign will be located on the rear of the convenience store (facing the main store).
2. Monument sign – approximately 108.13 square feet, including the logo, price cabinets, and brick. The sign will be located on the southeast corner of the lot outside of the 25-foot building setback. As measured from grade, the tallest point of the monument sign will be 10 feet. At its widest, the monument will be less than 12 feet. These meet the dimensional requirements of Section E-1 in Appendix B.

Four areas of the price cabinet will be LED, totaling approximately 16.4 square feet. The Meijer logo sign above the price cabinet will be approximately 21 square feet. Per Section E-4 of Appendix B and Section 17.0706, less than 50% of the sign area may be LED and no more than 50% of the LED display may be red. The proposed sign meets these requirements. The address will be required on the sign as well.

3. Canopy signs – the Meijer logo will appear on three (3) sides of the fuel canopy: facing Howell Avenue, on the north, and on the south. The logo will not appear on the canopy connecting the convenience store to the fuel canopy. Each internally-illuminated logo will be approximately 36 square feet from the top of the dots to the bottom of the "j." The blue band will not be illuminated.

The signs above appear consistent with the recommendations in Appendix B of the Plan.

Commissioner Dickmann stated that he would like to see the fuel center set back more, and had concerns about the location of the monument sign for the gas station.

Commissioner Johnston asked if the sign could be moved to be more centrally located in the middle of the lot. He stated that the Applicant would have the visibility from Howell, but it would not be the first thing you would see when you pulled into Drexel Town Square.

Emily Bernahl, GreenbergFarrow Architecture, stated that the sign was incorporated into the wall as an entrance feature. Meijer takes a considerable amount of time in market research and how they want their fuel centers laid out and where the signage should go. It's usually at an

intersection of streets so that it directs people into the fuel center. She also commented that utilities will probably be located in the middle of that area. The monument sign will be avoiding any conflicts with utilities with being placed there and incorporated into the wall.

Commissioner Johnston asked what the sign ordinance, outside the PUD, allows for a building sign (size wise). Ms. Papelbon stated that she believed the Code allows for a building set back 300 feet or more from the road to have a sign no more than 200 square feet. For a building that is 100 or 200 feet back from right of way then it is 100 feet. Within the DTSMUPDD document, that language is not carried forward so there is more flexibility within DTS. Commissioner Johnston was making the point that this is an 800 square-foot sign, which is a significantly larger sign than we would allow in the City. It fits on the building, but it's just a large sign.

Commissioner Carrillo stated that it is a large sign on the front of the building. She also commented that there has not been anything discussed about having a DTS monument inviting people. It would be a main entrance to anyone who lives to the south. There isn't anything that's going to identify that's how we get into the town center. Ms. Papelbon stated that she has not seen detailed plans for the monument sign. There is a parcel just south of the entrance and there are plans, albeit in the working stages, for a sign there. Mayor Scaffidi cautioned that this was not an agenda item and therefore it is not to be discussed.

Commissioner Siepert asked whether the sign was 40 feet back from the edge of the road. Ms. Papelbon stated that it is in excess of 25 feet from Howell, shown on the plans about 30 feet from Howell because there is a 25-foot building setback and there is a no-build zone (easement).

Commission Siepert inquired about the fuel center canopy and asked if there is going to be a Meijer's logo and whether that adds to the total signage. Ms. Papelbon stated yes and that the logo will be on three sides of the fuel canopy.

Lynne Broderick, Lynne Broderick Group, commented that at a prior meeting there was a great deal of discussion and detail that we went into this plan regarding the wall - how tall it was going to be and the landscaping and the mound that is behind it. During that discussion we also discussed the location of the sign, and that's when we sort of solidified where that monument sign was going to be. There was also a lot of discussion about the lot that the City purchased on the opposite side. It was considered that there was also going to be a wall on that lot, and there would be some kind of signage introducing Drexel Town Square. There was a great deal of discussion about this. Mayor Scaffidi stated that was correct and that we asked them to make a gas station look less like a gas station from the Howell Avenue visibility. Because of that, we have to accept a sign that is going to be a little more outstanding on that corner because you can't truly hide every aspect of a fuel station and expect a fuel station to do any kind of business. This is a request that we made to move that station away from street and to be more landscaped. Ms. Broderick also stated there was consideration about the size of that based on the fact that Drexel Town Square needed a similar size so that it would be reflective of each other. Ms. Papelbon stated that there were discussions at staff level that the garden wall and landscaping would mirror on the southern side.

Commissioner Dickmann stated that he was happy with the discussion and that he is satisfied with the location of the fuel center sign.

Alderman Bukiewicz moved that the Plan Commission approve the sign plan for Meijer's for the properties at 171 West Town Square Way and 8031 South Howell Avenue. Commissioner Dickmann second. All voted aye, except Carrillo - no. Motion carries.

**Certified Survey Map - Opus North Corp.  
500 W. Opus Drive  
Tax Key No. 924-9011**

This request was originally reviewed by the Plan Commission on November 10, 2009. Although the CSM was recorded, the County noticed "several distance errors regarding the road that is being dedicated" as well as "a reference to Outlot 1 of Certified Survey Map No. 7843." These errors were corrected on the submitted CSM dated March 28, 2011; however, the Engineering Department notes that the wetland delineation conducted on Lot 1 (and Lot 1 for CSM 7843) is outdated.

Opus North Corporation is requesting approval of a certified survey map that will dedicate improved right-of-way for W. Opus Drive within the Oakwood Crossings Business Park. Currently the City has the right-of-way for the north-south segment of this road and a portion of the east west. The extended right-of-way will allow for development on the western end of the business park. This certified survey map will not create any new lots and is only being done for the purpose of road dedication.

Alderman Michalski moved that that the Plan Commission recommends to the Common Council that the certified survey map submitted by Opus North Corp. for the property at 500 W. Opus Dr. be approved with the condition that all technical corrections are made prior to recording. Commissioner Dickmann second. All voted aye. Motion carries.

Commissioner Carrillo moved to adjourn at 7:22 p.m. Alderman Bukiewicz seconds. All voted aye Meeting adjourned.