

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, June 24, 2014

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, Alderman Guzikowski, Commissioner Siepert, Commissioner Correll and Alderman Bukiewicz. Commissioner Chandler was excused. Also present were Kari Papelbon, Planner; Pete Wagner, Zoning Administrator/Planner; and Mike Kressuk, Assistant Fire Chief.

Mayor Scaffidi said a few words regarding the death of Terry Peterson who was a former Plan Commissioner.

Commissioner Dickmann moved to approve the June 10, 2014 Plan Commission minutes as revised. Commissioner Siepert seconded. Roll call: all voted aye. Motion carried.

Significant Common Council Actions

Ms. Papelbon read the council actions into the minutes.

Sign Appeal Hearing

Erv's Mug
130 W. Ryan Road
Tax Key No. 875-9001

Pete Wagner, Zoning Administrator, read the public hearing notice into the minutes. He opened the floor to public comments. Mayor Scaffidi called once.

Danielle Baerwald, 130 W. Ryan Road, Erv's Mug, stated that she was here to get the variance for her sign. She is losing her current nonconforming sign to the construction of sidewalks on Ryan Road. Her lot is not deep enough on either side to meet the 10' setback requirement. It will be 10' off the front lot line, but not 10' from the side. The proposed location is on the east side approximately one foot from the property line. Ms. Baerwald explained the constraints of the lot, including a utility pole that prevents her from meeting setbacks. A sign on the east property line will not be detrimental to traffic coming from the west side because it is 10' off the front lot line. The cars pulling out of the Erv's Mug driveway will have plenty of visibility going towards the east to check for cars. Ms. Baerwald explained that there was a concern as to where snow is placed in the winter - the plows tend to pile the snow on lot line between Walgreen's and Erv's Mug. She stated that they will not be able to put the snow there because of the sign - they will have to move the snow to the back of the lot.

Ms. Baerwald also stated that she is losing those four parking stalls to the Ryan Road construction because of the sidewalk, and there is no other location on the property where she can site the sign in compliance with setback requirements.

Mayor Scaffidi made a second call for comments. Hearing none he called a third time. Hearing none he closed the public hearing.

Sign Appeal

Erv's Mug
130 W. Ryan Road
Tax Key No. 875-9001

The applicant is seeking a variance from Municipal Code Section 17.0706(d), which states that ground signs can be located no closer than ten feet from a street right-of-way and no closer than ten feet to a side or rear lot line.

The proposed sign will be 8-feet by 8-feet in size and be 64-square feet in area which is in compliance with the sign code. Included in your packet is a graphic illustrating how the sign will look and the location

of the sign. The proposed sign will have a ten-foot setback from the front property line, but only three feet from the east lot line. Included in your packet is the applicant's rationale for the variance.

If granted this variance would allow the business to erect a 64 square-foot ground sign in the southeastern portion of the property with a side setback of three feet, located at 130 W. Ryan Road.

When considering a variance, the Plan Commission must make the final decision on appeals using the following criteria:

- a. There shall be no public harm and there shall be a public benefit.
- b. Variance considerations shall include enhancement of the overall character of a neighborhood or mitigation of unusual site conditions.
- c. The sign will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs.
- d. The effect a proposed sign may have on depreciating property values of a neighborhood.
- e. The Plan Commission in its deliberation of an adjustment may consider the location of the proposed sign, the height, the size, the appearance, number, and location of other signs in the vicinity of the proposed sign, and any other factor as the Plan Commission deems appropriate.

Alderman Bukiewicz stated he did not have any issues with the sign and fully supports the location of the sign.

Commissioner Correll asked if Walgreen's was contacted and what was their position. Mr. Wagner stated that Walgreen's was notified and did not submit any comments or concerns.

Commissioner Johnston asked if there was any consideration when talking with the DOT about relocating the driveway. Ms. Baerwald, Erv's Mug, stated that the DOT did not offer to relocate the driveway, just a temporary easement that requires them to replace what was disturbed. She stated that she would not have an objection to relocating the driveway, but doing so does not make the lot any wider such that it would allow her to place a sign in compliance with setback requirements. Commissioner Johnston stated she could move the driveway to the west side and have the parking go along Ryan Road, which would allow for setbacks to be maintained. Ms. Baerwald stated there was no offer from the Department of Transportation, so it never came up in conversation. Mayor Scaffidi asked if that wasn't already designed. Commissioner Johnston stated that it was, but to move the driveway to the other side would not be a big deal, and the request would have to come from the property owner. Doing so would increase the separation between the two driveways. Originally they were put there because there was a median opening there to get out to Ryan. That is long gone, so now if we get separation between driveways or combine this driveway, that improves safety on Ryan Road. Commissioner Johnston explained that DOT cannot request that Ms. Baerwald share a driveway. Ms. Baerwald stated that when Walgreen's was built, Walgreen's petitioned to share our driveway and the DOT, in the interest of safety, said that shared driveways are a bad idea and they shot that down. She further stated that if she moves her driveway to the other side she would lose a line of parking. Commissioner Johnston explained how the change could be accomplished to minimize parking lost while improving circulation and maintaining setbacks for the sign. Mayor Scaffidi asked if the four spots in front are due to the sidewalk. Commissioner Bukiewicz stated such was the case, and the Mayor asked how Ms. Baerwald would get those back. There was no solution.

Commissioner Johnston inquired about the size of the letters. Mike McDonald, Innovative Signs, stated that it was a changeable LED message center. The owner can program it and can get two lines of 8-inch text. Mr. Wagner stated that the size of the letters is based on the speed of the freeway. When sign permits are submitted, the requirement would be indicated; however, despite the speed limits, there is a minimum of 6" or 8" letters, which has been discussed with the sign company. Commissioner Johnston indicated that because Ryan Road is a 45 mph zone, larger letters (8") are required. Mr. Wagner corrected a discrepancy in his report with regard to the public hearing notice - if a variance is granted, the sign would have a 1-foot setback not a 3-foot setback. It gives the applicant a little bit more leeway for placement of the sign. If the Commission chooses to grant the variance, he recommends clarifying their approval of a 1-foot setback.

Commissioner Dickmann asked about the vision triangle and whether Walgreen's that piled snow

between the two lots. Ms. Baerwald stated that their plow puts the snow there. Mr. Wagner stated that they are meeting the setback from the right-of-way, and Walgreen's was notified of this situation, but they did not respond to any correspondence regarding this variance request.

Commissioner Siepert asked if they looked at any other types of signs, maybe a pole sign or something that would give you a little more flexibility. Ms. Baerwald stated that they had proposed a pole sign, but it still has to meet the 10-foot setback. Mr. Wagner clarified that they would have to locate a pole sign 20' from the right-of-way.

Commissioner Johnston asked Assistant Chief Kressuk about the address size and whether it was an issue placing it at the bottom of the monument sign. Assistant Chief Kressuk stated that it would not be an issue for the Fire Department.

Alderman Bukiewicz moved that the Plan Commission approve a request for a sign appeal for the property located at 130 W. Ryan Road, it will be a monument sign to be located 1' (one) from the side lot line. Commissioner Correll seconded. Roll Call: all voted aye. Motion carried.

Plan Review

AAA Sales and Engineering Inc.

6960 S. 10th Street

Tax Key No. 735-9006-003

The Applicant is requesting site, building, and landscaping plan approval for an addition to the existing building on the property at 6960 S. 10th St. The proposed 5,500 square-foot single-story addition will be located on the southwestern portion of the existing building and meets all required setbacks.

Currently, there are 40 employees at this location, with 56 dedicated parking stalls depicted on the plans. No additional employees are anticipated as a result of the new construction, although the company expects to add up to 15 employees over the next 3-5 years. Based on the size of the addition, a total of 22 new parking stalls would be required. The plans show an area for overflow employee parking behind the existing building rather than the addition of the required stalls. The Plan Commission may approve of a reduction in the required parking per Section 17.0404 if the site plan includes "sufficient open space on the subject site to accommodate the additional parking space otherwise required." However, there is also a requirement for such areas to be paved and be separate from loading and service areas. The proposed location is currently a gravel outdoor storage area. Staff has proposed a condition of approval for the area to be designated and paved prior to use for parking.

The plans indicate that the addition will be constructed mainly of 4-inch brick veneer, fiber cement architectural wall panels, and windows. Fiber cement products require a ¾ majority approval of the Plan Commission per Section 17.1009(a)(2). As the colors, architectural design, and materials are intended to match the existing building, Staff recommends approval of the use of fiber cement wall panels.

The existing stormwater is out of compliance and needs to be designed to standards prior to any new development. Engineering staff continue to work with the Applicant to resolve these stormwater issues.

Landscaping is proposed adjacent to the addition. This includes the addition of five (5) trees, several shrubs and perennials, and a 3' – 4' tall decorative brick accent wall between the existing building and the proposed addition. The plans appear to be in conformance with landscaping requirements.

Kevin Wahlgren, Wahlgren Schwenn, speaking on behalf of the applicant, stated that the courtyard area to the left is the existing building. This building is comprised of 1978 construction, primarily face brick, bronze glass, and some exposed concrete sono tubes. The only element that will remain on the existing building when complete will be a portion of the face brick. All the glazing products and sono tubes will be gone. The entire building will have a unified design with updated glazing systems using architectural wall panels in two complementary colors. Some brick will be used on the addition to marry the two buildings, creating a much more contemporary up-to-date emphasis for it. They are working with Mr. Beiermeister, Oak Creek Environmental Engineer, regarding a couple of storm sewer issues which appear to be wrapped up. They are looking forward to applying for the permit later this week and get the project under construction.

Commissioner Siepert asked if they have any problems about specifying parking in the back or identifying it. Mr. Wahlgren stated that at such time that parking is utilized, we would have to pave it and we are comfortable with that. Obviously we would have to plow that during the winter season. The proposed future parking area is located just to the rear of the building, which is a stone area, and they don't anticipate having a need for that.

Commissioner Johnston asked Ms. Papelbon to pull up the aerial view of the property. He stated that staff doesn't have an issue with the building, but the issues are with the storm water plans. In reference to your (Mr. Wahlgren) comment, they are not close to being complete. He talked to Phil Beiermeister, and what is being proposed has no way to get the stormwater to the detention ponds. There is a huge area that has been graveled that puts the site out of compliance. That needs to be taken care of before we can move this forward. If we can't get the storm water to work, we are out of compliance with MMSD, DNR, and our own City requirements. That is a big issue for this. Mr. Wahlgren stated the issue for the stormwater is not the addition that is proposed, but it's trying to take a look at some of the work that has been done over the years in the back. Commissioner Johnston pointed out that the area in the back has all been surfaced with gravel, but it is considered an impervious area and that is all outside what was approved when the building addition went in in 2004. Taking out the grassy area and now adding the building addition to the west means that that elevation cannot get back to the existing pond. The storm sewer that we have in 10th Avenue has limited capacity to it, and adding this additional land does create problems for us. Mr. Wahlgren stated that the net gain is about 4,000 square feet of impervious with the addition. We propose to use a flow control roof drain, looking at about 80 gallons per minute of additional water flow. So, in the scheme of things, it's something we would have to take a look at. Mr. Wahlgren stated that we aren't talking about thousands or tens of thousands of gallons - it's relatively a small area about the size of a typical residential driveway. Commissioner Johnston stated that this all needs to be looked at as well. Mr. Wahlgren stated that they are in the process of doing that.

Commissioner Dickmann inquired about holding this item. Mr. Wagner explained that there is a recommended condition of approval for the applicant to submit stormwater plans for approval by the Engineering Department prior to issuance of building permits.

Commissioner Correll asked about the language not addressing that back area lot - that wasn't really talked about other than what Commissioner Johnston brought up. He asked whether that needed to be addressed specifically in the conditions. Commissioner Johnston stated that it needs to be specified as storm water for the entire site, and must include impervious area and green space calculations as well. Commissioner Correll inquired about the percentages of green space. Mr. Wagner stated that in this case they don't meet the green space, they never did, and then they made it worse by putting stone in the back end. Until now, the City wasn't necessarily aware that this occurred. Commissioner Correll asked if we shouldn't be looking at that back area at this point. Mr. Wagner explained what will happen when the applicant submits his building permits is that stormwater management plans will be required, and they will be required to restore some pervious surface to that site. They are going to have to meet what was pervious prior to the time of expansion. We will have to look at those plans; I believe they are at 20%. So they would have to get back to 20%, presumably by adding a good percentage of green space back to the site.

Commissioner Dickmann moved that the Plan Commission approves the site, building, and landscaping plans submitted by Michael Mazur/Emjay Corp., for the property located at 6960 S. 10th St. with the following conditions:

1. That all future parking areas be delineated and paved in conformance with Sections 16.08 and 17.0403(f)(1) of the Municipal Code prior to use.
2. That all required stormwater, erosion control, and grading plans for the entire site are submitted for review and approval by the Engineering Department prior to the issuance of building permits.
3. That all building and fire codes are met.
4. That all mechanical equipment is screened from view.
5. That the lighting plan is approved by the Electrical Inspector prior to the issuance of building permits.

Commissioner Bukiewicz seconded. Roll call: all voted aye. Motion carried.

Plan Review
Black Bear Bottling, Inc.
9770 S. 20th Street
903-9004, 903-9003-001

Black Bear Bottling Group is requesting approval of an expansion of the approved parking for the facility at 9770 S. 20th Street. Plan Commissioners will recall that the parking was relocated from the south to the northwest portion of the building in anticipation of acquiring the City-owned property at 9750 S. 20th St. earlier this year.

The plans call for the addition of 11 parking stalls on the north in the approximate location of the existing utility building that will be demolished. All setback requirements are met in the proposal. Following the expansion there will be a total of 33 parking stalls on the property, which exceeds the parking requirements of Chapter 17.

Staff is working with the Applicant's consultants to ensure that all landscaping requirements are met. If the Plan Commission is comfortable with the proposed condition above, final landscaping plans will be reviewed and approved by the Department of Community Development.

Commissioner Dickmann indicated that the landscaping plan had been sent out to the Plan Commissioners, and asked whether the Commission could approve it tonight. Ms. Papelbon stated that they could, but the recommendation must be amended to state that the Plan Commission approves the site and landscaping plan as submitted.

Commissioner Correll moved that the Plan Commission approves the site and landscape plan for the property at 9770 S. 20th St. with the following conditions:

1. That all building and fire codes are met.
2. That all required stormwater, erosion control, and grading plans are submitted for review and approval by the Engineering Department prior to the issuance of permits.

Commissioner Guzikowski seconded. Roll call: all voted aye. Motion carried.

Cancellation of Meeting

Mayor Scaffidi explained that this motion is to cancel the July 22, 2014 meeting.

Alderman Bukiewicz moved that the Plan Commission cancel the July 22, 2014 meeting as scheduled. Commissioner Correll seconded. Roll call: all voted aye. Motion carried.

Commissioner Carrillo moved for adjournment. Commissioner Siepert seconded. All voted aye. Meeting adjourned at 6:34 p.m.