

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, AUGUST 12, 2014

Mayor Steve 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, Alderman Guzikowski, Commissioner Correll, Commissioner Siepert and Commissioner Chandler. Also present were Kari Papelbon, Planner, and Assistant Fire Chief Mike Kressuk.

Commissioner Dickmann moved to approve the minutes of the August 12, 2014 meeting. Commissioner Siepert seconded. Roll call: All voted aye. Motion carried.

Significant Common Council Actions

There were no comments or concerns from the Commission.

**Sign Appeal Hearing
McDonald's
8800 S. Howell Avenue
Tax Key No. 860-9018**

Mr. Wagner opened the public hearing on a proposed sign appeal for the property at 8800 S. Howell Ave. submitted by Tom Cardoso, McDonald's, that would allow a pole sign in excess of 100 square feet. He noted that staff does not make recommendations on sign appeals and that this would be the decision of the Plan Commission. If the variance should be granted, the Plan Commission would allow the business to erect a 110.4 square-foot pole sign. When considering a variance, there are five criteria on which to base the decision.

Mr. Wagner noted that there were three signs in the City that are similar to this one. However, the Code is written in such a way to discourage pole signs, and they are only allowed in the B-4 district. McDonald's is in the B-4 district. There have been businesses in the City that have changed from pole signs to monument signs.

Mayor Scaffidi made three calls for public comments on the sign appeal hearing. Seeing no one came forward, Mayor Scaffidi closed the public hearing.

**Sign Appeal
McDonald's
8800 S. Howell Avenue
Tax Key No. 860-9018**

Mayor Scaffidi asked for the purpose of this sign. Mr. Shelske, Steren Management, stated the old one was falling apart and they wanted an updated sign for the future. Mayor Scaffidi asked for confirmation that the new sign says "WiFi" and not "McDonalds." Mr. Shelske confirmed this.

Alderman Bukiewicz asked about the change in height and width. Mr. Wagner stated the sign is going to get taller. He referenced a McDonald's sign in Greenfield that has a monument sign that is larger than what is being proposed in Oak Creek. Outside of the overall size, they added

architectural treatments to the pole - such as concrete and brick - to give it a little bit more character.

Discussion ensued as to the size of the new versus old sign. Keith Alad, Integrity Sign Company, 18621 S. 81st Avenue, Tinley Park, IL stated that the old manual letter changing part of the board is 25.7 square feet. The new electronic sign is 21.4 square feet, and is narrower but taller. It was clarified that the overall measurement of the sign is the complete square around the whole sign, including the arches above the electronic sign board. Mr. Wagner stated the original sign that was there was less than 100 square feet. They have already replaced the McDonald's arches portion of the sign, but the size did not change. Commissioner Johnston clarified that the original sign was wider at the top. Because measurement is from the outside of the box, the sign now becomes taller. The entire box then becomes larger in size.

Commissioner Chandler asked if the space were eliminated between the two signs, would this sign meet code. Mr. Wagner stated it would still exceed the size limit, but the gap provides accessibility to the electronic message board.

Commissioner Chandler asked if a monument sign was considered. Mr. Shelske stated it was not.

Commissioner Siepert asked if the electronic message board was a standard size. Mr. Shelske responded that this sign is smaller than most.

Commissioner Correll asked how effective the digital sign is going to be on Howell Avenue, and questioned how many digital signs the City is willing to allow on Howell Avenue.

Commissioner Johnston stated his preference for the digital sign to not contain graphics, but rather letters. He does not want to see movies, animation and advertisement on the sign. He would prefer a sign with LED lines rather than graphics. Mr. Wagner explained that the regulations state there cannot be animation, or nothing flashing or blinking. A full color picture that will be displayed for a five to eight seconds is allowed. Mr. Wagner noted that this variance request is for the size and not the type of display on the sign. If they were to have come to the City with a smaller size (the arches portion), they would not even have to come before the City with a variance. Mr. Wagner read the five criteria listed in the staff report for considering a variance.

Commissioner Dickmann stated the electronic sign is safer for employees because they can change the sign from the inside of the building, rather than going outside manually changing the lettering. Mayor Scaffidi stated that because of the number of children that are McDonald's customers, a pole sign is probably safer than a monument sign, which might block the visibility of drivers in the parking lot. Commissioner Correll concurred with Mayor Scaffidi. He asked for confirmation that as long as an applicant is within the 100 square feet for a sign, they can switch to digital at any time. Mr. Wagner said there are other EMC signs in the City, but they are monochrome text limited and not full color.

Alderman Bukiewicz stated they are bringing their signage up to speed. As long as they observe the ordinances with LED signs, he is fine with it whether it be a picture or a scrolling message.

Alderman Bukiewicz moved that the Plan Commission approve a request for a sign appeal for the property at 8800 S. Howell Avenue submitted by Tom Cardoso, McDonald's, that would

allow a pole sign in excess of 100 square feet. Mr. Wagner clarified the motion to state that the Plan Commission grants a variance allowing the applicant to erect a 110.4 square-foot pole sign located at 8800 S. Howell Avenue. Commissioner Dickmann seconded. On roll call: All voted aye. Motion carried.

Plan Review

AAA Sales and Engineering

1120 W. Northbranch Drive

Tax Key No. 735-9020-001

Ms. Papelbon stated the Applicant is requesting site and building plan approval for two lean-tos on the north side of the existing building at 1120 W. Northbranch Dr. The lean-tos will be 1600 square feet (northwest) and 1120 square feet (northeast), and will provide covering for materials currently stored outside of the building. All setbacks will be met in the proposed location. Following construction the total floor area ratio will be 69.3% (max = 80%). No changes to the existing parking or landscaping are proposed.

The lean-to structures will be attached to the existing building via 8" steel beams. A 26 gauge white panel atop a 9" purlin will serve as the roof, which will be anchored to 8" x 10" columns encased in concrete footings.

Staff recommends that Plan Commission approves the site and building plans submitted by AAA Sales & Engineering for the property located at 1120 W. Northbranch Dr. with the condition that all building and fire codes are met.

Commissioner Correll asked if outdoor storage is allowable. Ms. Papelbon responded that it is a non-conforming, pre-existing use.

Commissioner Chandler asked why this is being added. Paul Seul, N60 W14361 Kaul Avenue, Menomonee Falls, stated the company already has product stored outside and they want to keep it out of the elements as much as possible. They are storing machine parts for Caterpillar and Case, and larger parts on pallets.

Commissioner Johnston asked if there are any issues with the neighbors on that side. Ms. Papelbon stated she did speak with a neighbor and he did not express any concerns.

Commissioner Chandler asked if there was available storage on the inside for these materials. Mr. Seul stated there is storage on the inside, but it is full.

Commissioner Siepert asked if there will be any heating or electrical for the lean-tos. Mr. Seul stated these will just be lean-to buildings with no utilities.

Mayor Scaffidi asked what materials would be used for the roofs. Mr. Seul stated they would be metal building panel and supports. Commissioner Dickmann asked about the pitch of the roof. Mr. Seul stated it does have a slight pitch.

Commissioner Chandler asked if there had been any recommendations to get rid of the non-conforming outdoor storage. Ms. Papelbon responded that there had been an application for an addition to the building in 2008 where the outside storage was questioned. It was not included in the conditions of approval that they move the materials inside.

Mayor Scaffidi asked about proximity to any roads. Ms. Papelbon responded that it is about 30 feet from the northern property line.

Commissioner Chandler asked if a recommendation could be made that this is temporary storage since this is non-conforming. Ms. Papelbon responded that this is a permanent addition to the building. The lean-tos will be integrated into the building structure. The outdoor storage has been there since before 2008, and she was not sure if they received an approval in the past.

Alderman Bukiewicz moved that the Plan Commission approve the site and building plans submitted by AAA Sales & Engineering for the property located at 1120 W. Northbranch Dr. with the condition that all building and fire codes are met. Commissioner Siepert seconded. Dickmann, Johnston, Carillo, Bukiewicz, Scaffidi, Guzikowski and Siepert voted aye. Correll and Chandler voted no. Motion approved.

Temporary Use

Deere & Company

1125 E. College Avenue, 1214, 1328 & 1500 E. Rawson Avenue

Tax Key Nos. 720-9999-001 and 732-9997 – 9999

Ms. Papelbon stated that John Deere will be doing a private event in which they will be launching new products for dealers. They will also be incorporating some training on site. They are working with the County; however, the City is reviewing the site plan. This is all on County-owned property. All activities will be set back at least 900' from the College Avenue right-of-way. They will be using College Avenue as their main travel route. Parking is going to be provided for approximately 30 vehicles. The buses are for the invitees only, and personal vehicles will be limited to John Deere employees.

Portable toilets will be supplied by the Applicant for the duration of the event. There will be no lighting or fencing. Private security will be provided when John Deere personnel are not present.

Site restoration will be coordinated with Milwaukee County and the City. They are going to bring some gravel to the site, as well as a concrete pad for their equipment. Both will be removed once the event is over. The County will be using some of that gravel to repair the existing access road. The applicant and the County are aware that no gravel or concrete can be left behind due to stormwater management regulations.

Staff recommends that the Plan Commission approve the temporary use permit for the temporary John Deere Product and Education Event at 1125 E. College Ave., 1214 E. Rawson Ave., 1328 E. Rawson Ave., 1500 E. Rawson Ave., subject to the following conditions and an added requirement for the restoration as noted:

1. That all building and fire codes are met.
2. That the hours of operation be limited to 7:00 AM and 6:00 PM.
3. That the temporary use shall expire on September 15, 2014.

Timothy Karaskiewicz, Deputy Airport Director and Airport Counsel at General Mitchell International Airport stated the County is working with the Applicant and has issued a permit for the event.

Pam Jones, Deere & Company, Moline, IL, stated the program will run from August 18 through August 29, 2014. They have been onsite for three weeks getting things set up. Overall the program will involve about 4,800 people, but they will come in different waves, so they won't be there all at the same time. This location was chosen to maintain a presence in the Midwest area to get the most dealership participation.

Alderman Bukiewicz asked if the Fire Department will be inspecting this event. Asst. Chief Kressuk responded that the Fire Department would check out the site as per normal protocol for a large outdoor event. Based on the plans and dealing with Milwaukee County Fire Department, he does not have any additional concerns with that site.

Commissioner Chandler asked if the equipment will remain on site for the duration of the event. Ms. Jones responded yes. The event will run Tuesday through Friday for both weeks of the program.

Alderman Bukiewicz asked about fuel supply. Ms. Jones responded they have contract with a local diesel supplier to take care of their fuel needs.

Commissioner Correll moved that the Plan Commission approve the temporary use permit for the temporary John Deere Product and Education Event at 1125 E. College Ave., 1214 E. Rawson Ave., 1328 E. Rawson Ave., 1500 E. Rawson Ave., subject to the following conditions:

1. That all building and fire codes are met.
2. That the hours of operation be limited to 7:00 AM and 6:00 PM.
3. That the temporary use shall expire on September 15, 2014.
4. That the site be restored to its previous condition, including the removal of all concrete and gravel, in accordance with County and City requirements following the event.

Commissioner Dickmann seconded. All voted aye. Motion carried.

Text Amendment

Section 14.82 Requirements for Certified Survey Maps

Ms. Papelbon explained the request for the text amendment due to a change in Section 236.34 of the Wisconsin Statutes, which was amended to allow municipalities to enact an ordinance or resolution that specifies a maximum number of parcels divisible by CSM. Presently, the maximum number of parcels divisible by CSM is four (4). The increase in parcels to six (6) is being proposed for industrial, commercial and mixed use development zoned areas. It allows more flexibility and efficiency in the subdivision of property such as in Drexel Town Square and OakView Business Park as they move along in the process to define those boundaries.

There are two sections of the code that would be proposed for the amendment.

SEC. 14.40(c) - This would clarify that the requirements for CSM's would have to be in compliance with all requirements of the chapter or in compliance with all applicable City regulations. It is a matter of which nomenclature the Plan Commission prefers.

SEC. 14.82 – (e) A maximum of six parcels or outlots may be divisible by certified survey map within properties that are zoned for commercial, industrial or mixed use development subject to the applicable provisions of this Chapter and Wisconsin Statutes.

The staff recommendation is that Plan Commission recommends to the Common Council that Sections 14.40(c) and 14.82 of the Municipal Code be amended to specify a maximum of six parcels or outlots that may be divided by certified survey map for properties that are zoned for commercial, industrial or mixed use development after a public hearing.

Commissioner Chandler asked why the number 6 was selected. Ms. Papelbon responded that 6 seems a reasonable number because once you get beyond six parcels, it really does need to go before subdivision approval because subdivision standards come into play.

Commissioner Johnston asked if, since there is more flexibility, this will allow the City to reduce the PUD requirements and hold them closer to more green space requirements per lot. Mr. Seymour stated the requirements of PUDs are established upon recommendation of the Plan Commission and, ultimately, approval by the Common Council. If these bodies wish to pursue more green space, they can do that. However, this text amendment does not speak to this. It is a separate discretionary action.

Mr. Seymour further explained the proposed text amendment. In large pieces of land, which are defined by the road pattern, a developer does not know what the final boundaries of the lot are going to be until a sale is made. This allows the lots to be created as the developer proceeds rather than having to officially amend them later. Lots that are greater than 1.5 acres do not count toward that maximum, so the larger lots won't fall under the amendment anyway.

Mayor Scaffidi stated he welcomes the flexibility this text amendment brings for businesses, but emphasized that the Council needs to continue to hold developers to high standards of landscaping.

Alderman Bukiewicz asked how this flexibility will benefit the Drexel Town Square development, especially on the north and east side. Mr. Seymour stated that currently that corner is one big piece of property. If an initial CSM was done, someone like Water Street Brewery may come in and want less or more of the current lot size. Then another CSM would have to be done, and, in extreme cases, this area would have to be re-platted. This text amendment allows for the bigger building blocks to divide as they go and not have to worry about that 4-lot limit. Mr. Seymour stated the CSM would be done ahead of time because it is not a lot until it is recorded.

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that Sections 14.40(c) and 14.82 of the Municipal Code be amended to specify a maximum of six parcels or outlots that may be divided by certified survey map for properties that are zoned for commercial, industrial or mixed use development after a public hearing. Ms. Papelbon asked which language in Section 14.40 they preferred using "...and in compliance with all requirements of this Chapter" or "...in compliance with all applicable City regulations..." Mayor Scaffidi stated he preferred the second language. Commissioner Dickmann amended his motion to include the language "...in compliance with all applicable City regulations..." Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Ms. Carillo moved to adjourn. Commissioner Siepert seconded. Roll call: all voted aye. Motion carried. The meeting was adjourned at 6:54 p.m.