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Common Council Chambers 8640 S. Howell Ave. PO Box 27 Oak Creek, WI 53154 (414) 768-6527

#### PLAN COMMISSION MEETING AGENDA

#### TUESDAY, November 11, 2014 AT 6:00 PM

- 1) ROLL CALL
- 2) Minutes of the October 28, 2014 meeting
- 3) Significant Common Council Actions
- 4) 6:00 PM SIGN APPEAL HEARING
  - a) SIGN APPEAL HEARING Hold a public hearing on a proposed sign appeal for the property at 1800 Ridgeview Dr. submitted by Larry Hasse, Oak Creek PB, LLC, that would allow a pole sign in excess of 80 feet in height and in excess of 200 total square feet (Tax Key No. 903-0007). Follow this item on Twitter @OakCreekPC#OCPCPeterbuilt.
- 5) 7:00 P.M. PUBLIC HEARING
  - a) TIF NO. 11 PROJECT PLAN & BOUNDARY AMENDMENT Hold a public hearing on a proposed district boundary and Project Plan amendment for Tax Increment Financing District (TIF) No. 11.
- 6) OLD BUSINESS
  - a) CERTIFIED SURVEY MAP Review a certified survey map submitted by Steve Mark for the property at 324 E. Forest Hill Avenue (Tax Key No. 814-9011) Follow this item on Twitter @OakCreekPC #OCPCMark1
  - b) CERTIFIED SURVEY MAP Review a certified survey map submitted by Steve Mark for the property at 400 E. Lily Drive (Tax Key No. 814-0256) Follow this item on Twitter @OakCreekPC #OCPCMark2
  - c) PRELIMINARY PLAT Review a preliminary plat submitted by Midwest Development Corporation for the Oakfield Village Addition #2 located at 324 E. Forest Hill Avenue and 400 E. Lily Drive (Tax Key Nos. 814-9011 & 814-0256) Follow this item on Twitter @OakCreekPC#OCPCOakFld

#### 7) NEW BUSINESS

a) SIGN APPEAL – Consider a request for sign appeal for the property at 1800 Ridgeview Dr. submitted by Larry Hasse, Oak Creek PB, LLC, that would allow a pole sign in excess of 80 feet in height and in excess of 200 total square feet (Tax Key No. 903-0007). Follow this item on Twitter @OakCreekPC#OCPCPeterbuilt.

- b) TIF NO. 11 PROJECT PLAN & BOUNDARY AMENDMENT Review and consider Plan Commission Resolution No. 2014-01 adopting the new boundaries and Project Plan amendment for Tax Increment Financing District (TIF) No. 11.
- c) CONDITIONS & RESTRICTIONS Review conditions and restrictions for a Community Based Residential Facility with a capacity of more than 15 residents submitted by Matthew Lyons, Azura, LLC, located at 8870 S. Mayhew Dr. (Tax Key Nos. multiple). Follow this item on Twitter @OakCreekPC #OCPCAzuraCUP.
- d) TEMPORARY USE Review a request for a temporary use permit submitted by Giuffre X, LLC, Mallory Properties, for a salt storage shed on the property at 9401 S. 13<sup>th</sup> St. (Tax Key No. 877-9006). Follow this agenda item on Twitter @OakCreekPC#OCPCGiuffreX.
- e) CONDITIONAL USE PERMIT Review a request submitted by Dragan Radeta, M & M Express, Inc., for a conditional use for outdoor truck parking on the property at 9840 S. 27<sup>th</sup> St. (Tax Key No. 903-9030). Follow this item on Twitter @OakCreekPC#OCPCM&M.
- f) SITE PLAN REVIEW Review site and building plans submitted by Kurt Maass, Maass Excavating and Trucking, for a salt storage shed on the property at 380 W. Ryan Rd. (Tax Key No. 875-9996-002). Follow this agenda item on Twitter @OakCreekPC#OCPCMaass.
- 8) SCHEDULING AND GENERAL ANNOUNCEMENTS
- 9) ADJOURN

#### **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 768-6511, (FAX) 768-9587, (TDD) 768-6513 or by writing to the ADA Coordinator at the Health Department, City Hall, 8640 South Howell Avenue, Oak Creek, Wisconsin 53154. There is the potential that a quorum of the Committee of the Whole will be present at this meeting. Copies of staff reports and other supporting documentation are available for review at the Department of Community Development, City Hall, 8640 South Howell Avenue during operating hours. (7:30 am-4 pm weekdays).

# MINUTES OF THE OAK CREEK PLAN COMMISSION MEETING TUESDAY, OCTOBER 28, 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, Alderman Bukiewicz, Mayor Scaffidi, Alderman Guzikowski, Commissioner Correll and Commissioner Siepert. Commissioner Chandler was excused. Also present: Pete Wagner, Zoning Administrator/Planner; Kari Papelbon, Planner; and Mike Kressuk, Assistant Fire Chief.

Commissioner Dickmann moved to approve the minutes of the October 14, 2014 meeting. Ms. Papelbon clarified Item "Certified Survey Map/One West Drexel, LLC/331 W. Drexel Avenue/Tax Key No. 813-9031-000" per Commissioner Chandler's suggestion that Mayor Scaffidi stated that multiple CSMs were submitted prior to Common Council adoption of a text amendment to the Code allowing the creation of up to 8 lots via CSM. Alderman Guzikowski seconded. On roll call: All voted aye, except Commissioner Siepert, who abstained. Motion passed.

Certified Survey Map Matthew Lyons, Azura, LLC 8870 S. Mayhew Drive Tax Key Nos. (860-1001 to 860-1208)

Commissioner Siepert stated he wanted to make sure that there are two things added onto the certified survey map; 1) 25' easement added because of the lateral, and 2) that it needs to be inspected and approved to the State's statutes prior to acceptance at the Utility. Mayor Scaffidi asked the applicant if he was in agreement with these suggestions. Matthew Lyons, 3390 S. Wadsworth Boulevard, Lakewood, CO, responded that these items were previously addressed with Ms. Papelbon in the comments to the CSM.

Ms. Papelbon stated that Commissioner Chandler asked if the comments received by the Utility were something the applicant will address. Mr. Lyons responded yes.

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the certified survey map submitted by Matthew Lyons, Azura, LLC, for the property at 8870 S. Mayhew Dr. be approved with the condition that all technical corrections are made prior to recording. Alderman Guzikowski seconded. On roll call: All voted aye. Motion passed.

Rezone and Conditional Use Matthew Lyons, Azura, LLC 8870 S. Mayhew Drive Tax Key Nos. 860-1001 to 860-1208

Ms. Papelbon noted that the Plan Commission will be asked to rule on three different requests as part of this application.

1. Whether the requested increase in density for senior housing is appropriate. As stated in the proposal, a majority of the residents will be 65+ due to the typical onset of Alzheimer's/dementia. Section 17.0311(c)(3) states as part of the allowable conditional uses in the Rm-1, Multifamily district: "Housing for the elderly provided that the density of

such housing shall not exceed twenty-seven (27) units per acre and shall meet the minimum per unit building area specified" in Sections 17.0311(d) and (g).

- 2. Whether a CBRF may be allowed within 2,500 feet of an existing CBRF. Ms. Papelbon noted that this is no longer a concern according to the City Attorney.
- 3. Whether a reduction in the minimum number of parking stalls is appropriate. The proposal calls for the construction of 42 parking stalls for employees and residents. As many of the residents will not or cannot drive, the proposal is to construct the equivalent of 1 space per 3 residents (22 stalls) and 18 spaces for the peak staff shift (18 stalls). Staff has recommended that the Applicant pursue shared future parking with the existing professional office condo building to the south, and to identify a potential future parking area on the site plan.

Commissioner Correll asked if changing the zoning to multi-family will leave the City open if this development doesn't happen. Ms. Papelbon clarified that there is a timeframe for compliance. If this development does not go forward, after a certain time, the conditional use will expire and the zoning would revert back if that is specified.

Matthew Lyons, 3390 S. Wadsworth Boulevard, Lakewood, CO, gave a presentation of the background of Azura, LLC, and their current portfolio. Their specific focus is to care for those that are affected by Alzheimer's and dementia. While they do care for people who are under the age of 65, the intent is to care specifically for those who are affected by Alzheimer's and dementia with the average age being 81.

Mr. Lyons gave an overview of the proposed site plan. They are contemplating entering into a shared access and parking agreement with the owner of the existing building to the south. There will be 14 parking stalls, which will mirror those in the parking lot of the existing building to the south. There would be shared parking for the condo office building and their facility.

The parking that they have proposed (42 stalls) is one parking stall for three residents plus one per staff at the peak shift. This mirrors what is required in Oak Creek's zoning code for nursing homes, which is the most applicable fit for this use given that most of the residents will not be driving.

Mr. Lyons is requesting the zoning change to the Rm-1 with the conditional use for community living. The elderly housing conditional use allows up to 27 units per acre. Their proposal comes out to 23 units per acre and slightly more than that on a beds-per-acre basis, and is well within the senior housing allowance.

Mayor Scaffidi asked what the anticipated timeframe is for construction and opening. Mr. Lyons responded his goal is to be in ground as soon as the frost is gone, around April or May, 2015.

Commissioner Dickmann asked about the timing of the two phases of construction. Mr. Lyons responded that their initial process would be to construct phase 1 and get it stabilized, get a good feel for the market, and increase their brand. Within one to two years, depending on the timing of all that, they would begin construction on phase 2.

Commissioner Dickmann stated that the location of this facility is appropriate because of its proximity to the new Fire Department. Asst. Chief Kressuk stated that most of the emergency

calls the Fire Department receives are from senior living facilities. For every bed of senior housing, that is one call per year.

Alderman Bukiewicz stated that the density is appropriate, he has no concerns about the proximity to other CBRFs, and that the parking is appropriate.

Arden Degner, 8540 S. Pennsylvania Avenue, stated that the City should consider an impact fee for the Fire Department for this type of facility if the calls are going to be at the expense of the remainder of the community.

Ms. Papelbon stated that Commissioner Chandler wanted to know, based on the Code requirements, how many parking stalls would be at the facility. Ms. Papelbon stated it depends on which definition would apply for the proposed use. If it is elderly housing, it would be less than what is being proposed. If is based on a multi-family unit, it would be a one space per unit requirement or 1½ spaces per unit requirement for traditional efficiency/one-bedroom multi-family. For elderly housing, it is reduced down to what Azura is proposing for spaces. When considering the opportunity for shared parking with the property to the south, that actually goes beyond what is required by Code for elderly housing.

Ms. Papelbon stated that Commissioner Chandler wanted to know why the proposed design of this building is different from the existing facilities. Mr. Lyons stated that many of the buildings they are using now are from a portfolio they acquired. That portfolio was constructed in the early 1990's. Mr. Lyons worked with their architect, staff and experts within the company in the Alzheimer's and dementia field in taking the best of all of the memory care specific homes they have, and came up with a design they feel will maximize the ability for them to care for their residents and maximize efficiencies. They have designed this building as a prototype going forward.

Ms. Papelbon asked if the applicant would be comfortable with a condition of approval at the next stage (November 11, 2014 Plan Commission meeting) that would require that all patients be 65+ years of age or meet the Code definition of "elderly." Mr. Lyons responded that currently they only have 4% of their entire portfolio under the age of 65. They would prefer not to have that condition because they want to be able to care for people with early onset dementia. The people that come to their facilities with dementia that are under the age of 65 are physically and functionally at the same level as 70- and 80-year-olds. The level of care is the same. Mayor Scaffidi asked if the applicant would be comfortable with a bottom limit of 55 years old. Mr. Lyons responded that that would be acceptable.

Mr. Lyons stated the density issue becomes a concern with the Phase II of the project. He suggested the City place a 55+ restriction on the Phase II 20 units and leaving the Phase I primary 40 units unrestricted. Mayor Scaffidi stated his concern of ending up with a facility with many people that are of younger age with dementia issues and not really representing with is being presented to the Plan Commission. Ms. Papelbon stated there are challenges in enforcing that. The Code does specify what "elderly" is. Ms. Papelbon stated that the Plan Commission would be giving an increase in density for an elderly facility that may not have any elderly patients in it.

Mayor Scaffidi asked if the majority of the residents at this facility will be over than 65 years old. Mr. Lyons responded yes. Mayor Scaffidi asked if the City needed to be concerned people under 65 will make up the majority of the patients. Mr. Lyons stated he did not believe so, as the average patient age now at their facilities is 81 years old.

Commissioner Johnston asked if the applicant would be amenable to a reversion of the Rm-1 zoning after one year, with a condition that if they did not start the project by then, they would have to come back before the Plan Commission. Mr. Lyons stated he would be comfortable with that. Commissioner Johnston suggested adding that condition to the official recommendation.

Commissioner Johnston asked Asst. Chief Kressuk if there are any access issues around the building as it is laid out. Asst. Chief Kressuk stated that 90% of the calls to this type of facility are EMS-related. The patient loading area in this building does provide some access. Asst. Chief Kressuk stated as the building permit application and a relatively complete site plan comes forward, discussions can be held regarding access around the structure.

Commissioner Correll stated he is comfortable with requiring that the majority of patients will be 65+. Ms. Papelbon stated that the Code definition of housing for the elderly is "a dwelling unit or units designed to be occupied by elderly persons and their spouses. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises." Ms. Papelbon stated that the term "elderly" is under the definition of conditional uses within the multi-family district. Ms. Papelbon has been talking to the City Attorney about whether or not the increase in density could be utilized with that definition of elderly with the proposed CBRF.

Ms. Papelbon explained that what is being proposed is a compromise. Based on this, if there is an increase in density for housing for the elderly, then technically they wouldn't be able to treat anyone under 62 years of age. The applicant is requesting that Phase II be restricted to 55 and over, whereas Phase I would have no restriction.

Alderman Bukiewicz moved that Plan Commission recommends to the Common Council that the property at 8870 S. Mayhew Dr. be rezoned from B-4, Highway Business to Rm-1, Multifamily Residential with a Conditional Use for a Community-Based Residential Facility with a capacity for more than 15 persons, after a public hearing. Commissioner Siepert seconded. On roll call: All voted aye. Motion carried.

Plan Review – Cousin's Subs 135 W. Rawson Avenue Tax Key No. 765-9018

Ms. Papelbon explained the planned renovations to the outside of the building, which does not include an addition to the building. Also, any rooftop mechanicals and equipment would have to be screened per Code.

Commissioner Johnston asked about the use of corrugated metal and his concern that it is being used a lot for this project. Brad Kropp, Perspective Design, 11525 W. North Avenue, Wauwatosa, WI, responded that they use corrugated within the restaurant. It is an exterior material that is durable and fits with the brand. He stated that this material is going to be longer lasting, especially as an enclosure around the dumpster, and also provides more of a modern look to that element.

Mr. Kropp stated there are currently four items on the roof plan. These are hoods and exhaust that exist in the building for operation and they would like them to remain as is. Ms. Papelbon stated that the rooftop units are not going to be an issue. The fact that it was called out on the

plan as rooftop equipment, which is a general term, is why the mention of the screening of the rooftop equipment was called out by staff as a condition of approval.

Commissioner Dickmann moved that the Plan Commission approves the site and building plans submitted by Joe Ferguson, Cousin's Subs, for the property at 135 W. Rawson Ave., subject to the following conditions:

1. That all building and fire codes are met.

Alderman Guzikowski seconded. On roll call: All voted aye. Motion carried.

Plan Review – Tracy Rae's 823 W. Oakwood Road Tax Key No. 954-9994

Ms. Papelbon provided an overview of the proposal, which is for an addition to the rear of the existing building. Commissioner Dickmann asked if the increase in dining capacity would result in more parking. Shawn Utphall, 3248 Shoreridge Drive, Racine, WI stated that there is an existing garage on the property that they will be tearing down. That will open up a few more spaces for parking. Re-grading will need to be done back there.

Commissioner Correll asked if there was going to be enough parking. Mr. Wagner responded that they asked the applicant to mark on the site plan the number of parking spaces based on dimensions. Based on the existing space and what is going to be added, there should be more than adequate parking. Commissioner Correll asked about the fact that there is a gravel parking lot and not a paved parking lot. Mr. Wagner stated that with an existing facility, the City has not always consistently required paved parking. Because this is the same use and same owner, paving would not be required.

Commissioner Correll moved that Plan Commission approves the site and building plans submitted by Tracy Utphall, Tracy Rae's, for the property at 823 W. Oakwood Rd., subject to the following conditions:

- 1. That all rooftop mechanicals and equipment are screened.
- 2. That all building and fire codes are met.

Commissioner Siepert seconded. On roll call: All voted aye. Motion carried.

Plan Commission Consultation Text Amendment – Section 17.0403(e) Parking Setbacks in the M-1, Manufacturing District

Ms. Papelbon explained that this was before the Plan Commission as an initial discussion only, and action is not required at this time. The purpose of this discussion was to get a general feeling from the Commission about this matter. There have been several applications recently that have been reviewed by the Commission with regard to parking in existing and proposed businesses in the M-1 District. Those concerns have to do with the parking setback to the right-of-way. Ms. Papelbon provided an overview of the issue, and stated that Staff believes that there is a suitable solution to the problem: reduce the parking setback requirement to rights-of-way from 40 feet to 30 feet.

Commissioner Correll stated he does not have a problem reducing the parking setback requirement to rights-of-way from 40 feet to 30 feet as long as it is enforced consistently.

Commissioner Johnston suggested adding the requirement that curb and gutter around the parking lot is required. Commissioner Siepert agreed.

Commissioner Carillo asked what the standards are in surrounding communities. Ms. Papelbon stated that has not been explored at this point, but it can be looked into.

Alderman Bukiewicz stated he is okay with the 30-foot setback.

Mr. Degner stated his concern about snow pile-up and to keep that in mind when setting a setback standard. Ms. Papelbon stated that with every application that comes in, staff can request a snow management plan.

Ms. Papelbon stated that staff will take the comments into consideration and come back before the Plan Commission with more information.

Commissioner Carillo moved to adjourn. Commissioner Correll seconded. On roll call: All voted aye. Motion carried. The meeting adjourned at 7:15 p.m.



### Significant Common Council Actions

ITEM:

3

DATE: Nov. 11, 2014

#### Summary of Significant Common Council Actions

Approval of professional service agreements with Smithgroup JJR for:

- Lake Vista Planning, Programming and Conceptual design
- Lake Vista Schematic Design of Lakefront Connection to Bender Park
- Lake Vista Community Park and Playground construction documents
- Lake Vista Terrace and Access to Lake Construction documents

Approval of Resolution Nos. 11555-110514 and 11556-110514 approving CSM's for the property at 7941 S. Howell Avenue.

Approval of Resolution No. 11553-110514 for TID No. 11 Development Agreements with Drexel Town Square B3 LLC and Drexel Town Square C4 LLC

Kari Papelbon, CFM, AICP

Haw Papellow

Planner



# Plan Commission Report

ITEM: 4a & 7a

DATE: November 11, 2014

**PROJECT:** Sign Appeal – Peterbilt (Larry Hasse)

ADDRESS: 1800 W. Ridgeview Drive

**TAX KEY NO:** 903-0007

**STAFF RECOMMENDATION:** Staff does not make recommendations on sign appeals.

Ownership: Oak Creek PB, LLC

Size: 2.105 acres

Existing Zoning: M-1 PUD, Manufacturing, Planned Unit Development

**Adjacent Zoning**: north – FW, Floodway District

east – M-1 PUD, Manufacturing, Planned Unit Development south – M-1 PUD, Manufacturing, Planned Unit Development

west - M-1 PUD, Manufacturing, Planned Unit Development, FF, Floodfringe District

Comprehensive Plan: Planned Business

Wetlands: No

**Floodplain**: Yes. Northeast corner of property

**Official Map:** No officially mapped streets affect this parcel

**Commentary:** The applicant is seeking a variance from Municipal Code Section 17.0706(e), which states that pole signs shall not exceed 25 feet in height, not exceed 100 square feet in area, and only be permitted in the B-4 Highway Business District.

The proposed height of the sign will be 80 feet, and the proposed size of the sign will be 310.5 square feet. The proposed location of the sign will need to change since it is shown in the Floodway District. If granted, staff will work with the applicant to identify a suitable location.

The applicant indicated in his appeal that other businesses have pole signs in the area. Nearly all of the identified businesses are located in the B-4, Highway Business District, which permits pole signs.

The applicant is proposing to have a pole sign exceeding current height restrictions by 55 feet. Over the years, the City has changed its preferences for sign types, encouraging the installation of monument signs and amending the Code to reduce the height of pole signs.

If granted, this variance would allow the applicant to erect a pole sign 80 feet tall and 310.5 square feet in area located in a M-1, Manufacturing District at 1800 W. Ridgeview Drive.

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.

Prepared by:

Peter Wagner Zoning Administrator/Planner

Respectfully Submitted by:

Douglas Seymour, AICP

Director of Community Development

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

A public hearing for a sign appeal will be held:

Date:

Tuesday, November 11, 2014

Time:

6:00 p.m.

Place:

Oak Creek City Hall

COMMON COUNCIL CHAMBERS

8640 South Howell Avenue Oak Creek, WI 53154

Appellant:

Oak Creek PB LLC (Peterbilt)

Tax Key No.

903-0007

Property location:

1800 W. Ridgeview Drive

To Request:

A variance from Section 17.0706(e), which states that pole signs shall not exceed 25 feet in height, not exceed 100 square feet in area, and only be

permitted in the B-4 Highway Business District.

If granted this variance would allow the applicant to erect a pole sign 80-feet tall and 310.5 square feet in area located in the M-1, Manufacturing District at 1800

W. Ridgeview Drive

#### Zoning of Property:

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

Dated this 23rd Day of October, 2014

PLAN COMMISSION CITY OF OAK CREEK, WISCONSIN

/s/ Stephen Scaffidi, Chairman

#### Public Notice

For questions concerning this notice, please contact the Oak Creek Deputy Clerk at 768-6511.

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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 1800 S. Ridgeview Drive B-4 FF **FW** FW Subject Property RIDGEVIEW M-1 Department of Community Development

#### Variance Requested:

 Applicant is requesting relief from Chapter 17 Section 17.0706(e) of the Zoning Ordinance of the City of Oak Creek for the purpose of installing an 80' tall Peterbilt Oval pylon sign in the northeast corner of the property as indicated on the attached plan.

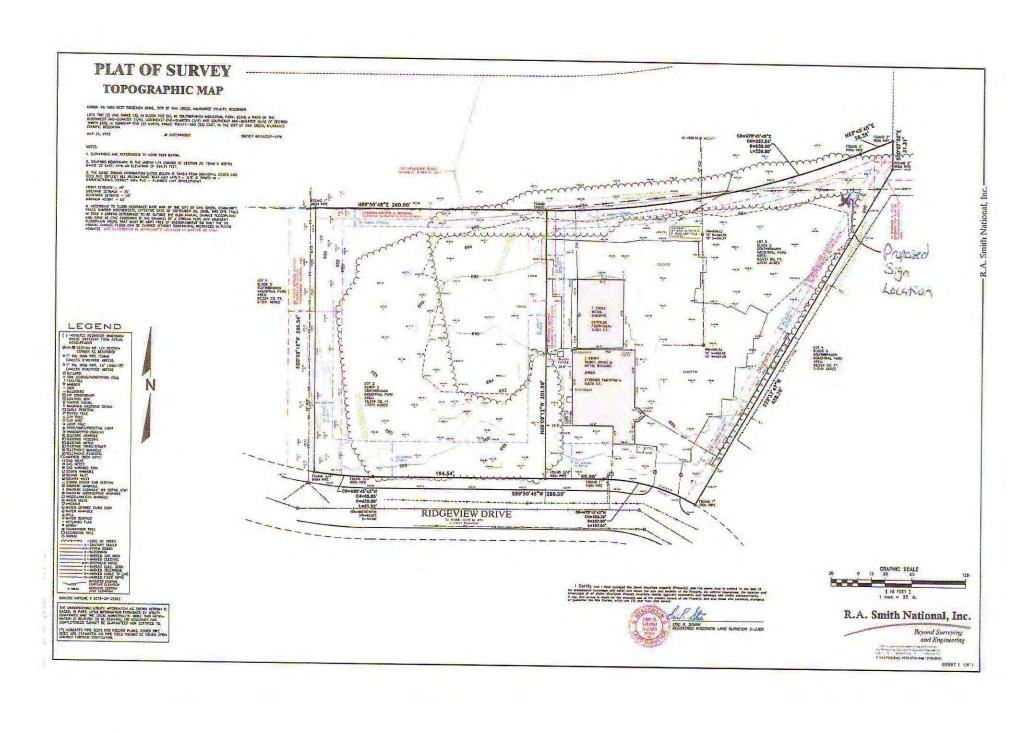
Please note our request has been revised from our initial permit application. The enclosed plan specifies an 80' tall pylon sign with 27' long Peterbilt Oval without an LED display. This is in comparison to our original permit application specifying an 80' tall pylon sign with 50' long Peterbilt Oval and a 35.2' X 11.2' LED display.

Reason for Variance Request: JX Peterbilt Inc. is a Peterbilt Truck Dealer and the Oak Creek location is a Parts and Service facility that relies on visibility to generate awareness and to attract business. Currently the facility is not visible from I-94 or from Ryan Road. Even after several years of operation at the current location, on a weekly basis we have customers tell us they were completely unaware of our presence in Oak Creek. In addition, a facility expansion project is under consideration and approval of a pylon sign with visibility from I-94 and Ryan Road has been identified as the crucial next step to justify investment in a facility expansion.

2. Special Conditions: Several special and unique circumstances exist which will cause practical difficulty or unnecessary hardship if the variance request is not granted. (1) In the Heavy Duty Truck Dealership business we rely heavily on our customers (truck drivers) to generate awareness of our facilities and generate business. The most effective way to generate this awareness with truck drivers is through highly visible signage. (2) Our facility can be difficult to find, especially for truck drivers that are not familiar with the area, and a pylon sign will help drivers safely and efficiently navigate to our facility. (3) Distracted driving is a serious safety concern and highly visible pylon sign identifying our location will help keep truck drivers from talking on the phone or searching the internet in an effort to find our Oak Creek facility. (4) A pylon sign at our current facility has been identified as the crucial next step to justify investment in a facility expansion project in Oak Creek. Should a pylon sign with visibility to I-94 and Ryan Road prove unattainable, relocation of the business to a larger and more visible location will become necessary.

- 3. Not Contrary to the Public Interest: A Peterbilt Oval pylon sign is not contrary to the public interest and will not endanger the public safety and welfare for several reasons. (1) A pylon sign at our facility will not alter the essential character of the neighborhood because our facility is in an industrial area and is adjacent to or in close proximity to several other businesses in the area with large pylon signs to include Love's Travel Stop, Colder's, Kwik Trip, Wendy's, McDonalds, Arby's, Pilot Travel Centers, Ryder, and Subway. (2) A pylon sign identifying our facility from I-94 and Ryan Road will improve safety by helping reduce distracted driving as truck drivers attempt to find our facility. (3) Additional business generated by making our facility more visible will improve the public welfare by allowing us to hire more employees and generate additional tax revenue for the municipality.
- 4. In Accord with the Spirit of the Zoning Ordinance: A Peterbilt Oval pylon sign as proposed is in accord with the spirit of the zoning ordinance. It is located properly with a minimum of a 20' setback from property lines and will be constructed to meet building code and safety standards. The sign will serve the purposes of expressing the identity and improving awareness of JX Peterbilt, an established Oak Creek business. Furthermore, this sign is consistent with surrounding land uses as there are numerous pylon signs of various sizes within close proximity.
- 5. <u>Will Cause Substantial Justice to be Done:</u> If granted, this variance will cause substantial justice to be done for several reasons.
  - JX Peterbilt will be allowed to enjoy the benefits of a pylon sign just as several neighboring businesses currently enjoy.
  - JX Peterbilt will further consideration of a facility expansion project potentially bringing additional investment and jobs to Oak Creek.
  - A pylon sign at our facility will make the location of our facility more easily identifiable and may reduce instances of distracted driving.
  - Neighboring businesses will benefit from additional traffic drawn to JX Peterbilt.
  - A pylon sign will not alter the essential character of the neighborhood.
  - Additional business realized by JX Peterbilt will generate additional tax revenue.







# Plan Commission Report

ITEM: 5a & 7b

DATE: November 11, 2014

**PROJECT:** Project Plan and Territory Amendment No. 2 for TID 11

**STAFF RECOMMENDATION:** That Plan Commission adopts Resolution No. 2014-01 adding the territory of 400 W. Forest Hill Ave. and amending the Project Plan for Tax Increment Financing District (TID) No. 11.

**Background:** Tax Increment District No. 11 was created on April 3, 2012 following Plan Commission adoption of Resolution 2012-01, Common Council adoption of Resolution 11229-040312, and Joint Review Board adoption. This District encompasses the land for and lands abutting Drexel Town Square.

Amendment No. 1 to add the property at 400 W. Forest Hill Avenue was completed in January of 2014. The purpose of tonight's review is to consider an Amendment to the territory as well as Amendments to the Introduction and Maps in the Project Plan for TID 11. The territory to be added to the TID is part of the 3.3979-acre parcel west of the Woodman's store (Lot 2) that was created via CSM this summer. While the entire lot at 400 W. Forest Hill Avenue was added in Amendment No. 1, the CSM provided some additional land from the store lot to be used for the 6<sup>th</sup> Street extension. As TID boundaries must follow property lines, Amendment No. 2 is required to reflect the new property boundaries based on the approved CSM. The right-of-way dedication for 6<sup>th</sup> Street will also be included in the Amended boundary.

Copies of the Amendment are included with your packet. Should the Plan Commission adopt Resolution 2014-01, the proposed amendment will go before the Common Council for approval on November 18, 2014.

Prepared by:

Kari Papelbon, CFM, AICP

gri Papeloon

Planner

Respectfully Submitted by:

Douglas Seymour, AICP

**Director of Community Development** 

#### **RESOLUTION NO. 2014-01**

#### A RESOLUTION ADOPTED BY THE PLAN COMMISSION APPROVING AMENDMENT NO. 2 TO THE PROJECT PLAN AND TERRITORY AMENDMENT NO. 1 FOR TAX INCREMENTAL DISTRICT NO. 11, CITY OF OAK CREEK, WISCONSIN

WHEREAS, Section 66.1105 of the Wisconsin Statutes ("Tax Increment Law") provides the authority and establishes procedures for creating tax incremental districts and approving amendments to the territory and the project plans for such districts; and

WHEREAS, the Common Council for the City of Oak Creek ("Council") on April 3, 2012, adopted Resolution No. 11229-040312 that created Tax Increment Financing District No. 11 ("District") as a mixed-use district; and

WHEREAS, the City of Oak Creek Joint Review Board on April 20, 2012, adopted Resolution No. 2012-01 that approved the creation of the District; and

WHEREAS, the Common Council for the City of Oak Creek ("Council") on April 3, 2012, adopted Resolution No. 11449-010714 that approved Amendment No. 1 to Tax Increment Financing District No. 11 ("District"); and

WHEREAS, the City of Oak Creek Joint Review Board on January 8, 2014, adopted Resolution No. 2014-01 that approved Amendment No. 1 to the District; and

WHEREAS, in order to further the goals contained in the original Project Plan for the District, the City now finds it desirable to amend the District's territorial boundaries to add additional property to the District as set forth in <u>Exhibit A</u> attached hereto and incorporated herein ("Territory Amendment"), and this is the first territory amendment to the District; and

WHEREAS, the property to be added in the Territory Amendment is contiguous to the District and will be served by improvements in the District Project Plan; and

WHEREAS, the Plan Commission for the City of Oak Creek ("Plan Commission"), after completing preliminary planning work, scheduled, gave class 2 public notice of, and on November 11, 2014, having a quorum present held a public hearing ("Public Hearing") wherein interested parties from the public were afforded a reasonable opportunity to express their views on the proposed Territory Amendment and Project Plan Amendment, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, prior to its first publication, a copy of the notice of said Public Hearing was sent via first class mail to the chief executive officer of Milwaukee County, the Oak Creek Franklin Joint School District, the Milwaukee Metropolitan Sewerage District, the Milwaukee County Technical College District, and the other entities having the power to levy taxes on

property located within the proposed District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, the Plan Commission, after due consideration following the said Public Hearing, determined that the Territory Amendment and Project Plan Amendment will provide the City with a viable method of financing the cost of needed public improvements and other project costs within the District, thereby creating incentives and opportunities for appropriate private development, including new development and improvement of existing development, which will contribute to the overall development of the City; and

WHEREAS, the Plan Commission has prepared the Project Plan Amendment attached as Exhibit B and incorporated herein, which includes the following amendments:

- a. Map 3, Conceptual Land Uses;
- b. Map 4, Proposed Improvements;
- c. An opinion of the City Attorney or of an attorney retained by the City advising the plan is complete and complies with Wisconsin Statutes, Section 66.1105(4)(f); and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, before the City Common Council may amend any tax incremental district territory or project plan, the Plan Commission must approve the amendment to the territory and the project plan for such district and submit its recommendation concerning the amendment of the territory and the project plan to the City Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Oak Creek as follows:

- 1. That the Plan Commission pursuant to the Tax Increment Law hereby adopts the Territory Amendment to amend the territorial boundaries of Tax Incremental District No. 11 in the City of Oak Creek to add and include the property set forth in the attached Exhibit A and incorporated herein; and
- 2. That the Plan Commission pursuant to the Tax Increment Law hereby adopts the Project Plan Amendment to amend the Project Plan as attached to this resolution as Exhibit B and incorporated herein; and
- 3. That the Plan Commission hereby recommends that the City Common Council adopt a resolution and thereby formally adopt the Territory Amendment and Project Plan Amendment effective as of such date, and approve the Territory Amendment and Project Plan Amendment in accordance with the provisions of the Tax Increment Law; and
- 4. The equalized value of taxable property of the District plus the value increment of all existing districts does not exceed 12% of the total equalized value of taxable property within the City.

- 5. That except as specifically amended by the Territory Amendment or Project Plan Amendment, the District territory and Project Plan remains unchanged and in full force and effect, except as amended by any and all previous amendments to the Project Plan; and
- 6. That the City Clerk is hereby authorized and directed to provide the Mayor and City Common Council with certified copies of this Resolution, upon its adoption by the Plan Commission.

Adopted this 11 <sup>th</sup> day of November, 2014.	
	Plan Commission Chair
Attest:	
Secretary of the Plan Commission	_

#### **EXHIBIT A**

#### **AMENDMENT NO. 2 TO TERRITORY**

The description of the territory to be added ("Additional Territory") is:

The description of the existing territory and Additional Territory combined is:

#### **EXHIBIT B**

#### AMENDMENT NO. 2 TO PROJECT PLAN

THIS WILL BE HANDED OUT SEPARATELY.

#### \* \* \* OFFICIAL NOTICE \* \* \*

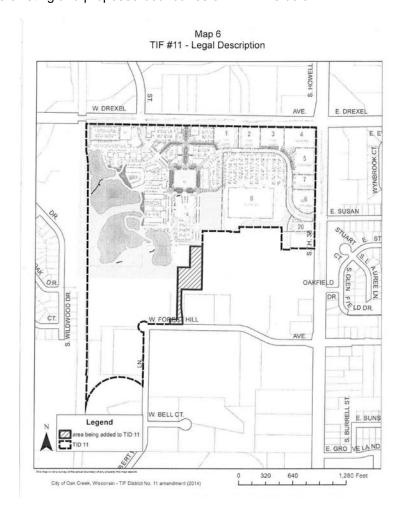
#### NOTICE OF PUBLIC HEARING TO AMEND THE TERRITORY AND PROJECT PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 11 ("TID 11") CITY OF OAK CREEK

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Oak Creek will hold a Public Hearing at 7:00 p.m. on Tuesday, November 11, 2014, at the City Hall located at 8640 South Howell Avenue in the City of Oak Creek, to consider 1) a proposal to add territory to Tax Increment Financing District No. 11 ("Territory Amendment"); and 2) a proposal to amend the Project Plan for Tax Increment District No. 11 ("Project Plan Amendment").

The existing territory and boundaries of TID 11 ("Existing Territory") are commonly known as 601 W. Drexel Avenue, 331 W. Drexel Avenue, 7941 S. Howell Avenue, 361 W. Town Square Way, 8040 S. 6<sup>th</sup> Street, 7980 W. Town Square Way, 171 W. Town Square Way, 8031 S. Howell Avenue, 8041 S. Howell Ave., 8081 S. Howell Ave., 151 W. Town Square Way, 400 W. Forest Hill Ave., 8141 S. 6<sup>th</sup> St., 500 W. Forest Hill Ave, and 535 W. Forest Hill Ave.

The description of the territory to be added ("Additional Territory") is: Lot 2 of Certified Survey Map No. 8615 (3.3979 acres). The Additional Territory is commonly known as 8142 S. 6<sup>th</sup> St.

A map showing the existing and proposed boundaries of TID 11 is below.



The Commission will consider 1) adding the Additional Territory for TID 11, and 2) adopting the Project Plan Amendment to TID 11 as necessary.

All interested parties will be given a reasonable opportunity to express their views on the Territory Amendment and the Project Plan Amendment for TID 11. A copy of the proposed Territory Amendment and Project Plan Amendment is available for viewing in the offices of the City Clerk at the City Hall located at 8640 South Howell Avenue. A copy of the proposed Territory Amendment and Project Plan Amendment will be provided on request per s. 66.1105(4)(e) Wis. Stats. Any person(s) with questions regarding the proposed amendment to Tax Increment Financing District No. 11 may call the Planning Department at 768-6527. This hearing may be adjourned from time to time.

Dated this 16th day of October, 2014 CITY OF OAK CREEK PLAN COMMISSION By: Stephen Scaffidi, Mayor

#### **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, preferable a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 768-6511, (FAX) 768-9587, (TDD) 768-6513 or by writing to the ADA Coordinator at the Health Department, City Hall, 8640 South Howell Avenue, Oak Creek, Wisconsin 53154.

#### INTRODUCTION

Tax Incremental District No. 11 (the "District") was created on April 3, 2012 as a mixed-use tax increment district. It is comprised of approximately 120 acres of primarily vacant industrial property with a base value of \$11,835,700. The current total value for 2014 is \$16,942,500.

The District is an area to the west of South Howell Avenue (STH 38) between Drexel Avenue and West Forest Hill Avenue. The District will be an important gateway to the City of Oak Creek with the 2012 completion of a freeway interchange at Drexel Avenue with Interstate 94.

The development is known as Drexel Town Square, and will include the City Hall and Library, a large-format retail store, retail shops, restaurants, apartments, a hotel, and other appropriate uses. In January of 2014, an Amendment was finalized to include an adjacent parcel, formerly known as 400 W. Forest Hill Avenue. The purpose of this 2<sup>nd</sup> Amendment is to update the boundary for the district to include a portion of 8131 S. Howell Avenue, which was reconfigured and included in a Certified Survey Map that divided the property at 400 W. Forest Hill Avenue. Part of this reconfiguration will allow for the construction of the proposed South 6<sup>th</sup> Street connection between Drexel Avenue and West Forest Hill Avenue.

City of Oak Creek Tax Incremental District No. 11 and the supporting project plan are hereby amended to update the district boundary. Maps detailing this boundary amendment are:

- 1. Map 3 Conceptual Land Uses
- 2. Map 4 Proposed Improvements

All other sections of the original Project Plan as revised by Amendment No. 1 to the Project Plan approved by the Plan Commission on December 10, 2013; the Common Council on January 7, 2014; and the Joint Review Board on January 8, 2014 remain in full force and effect.

Map 3 TIF #11 - Conceptual Land Uses



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

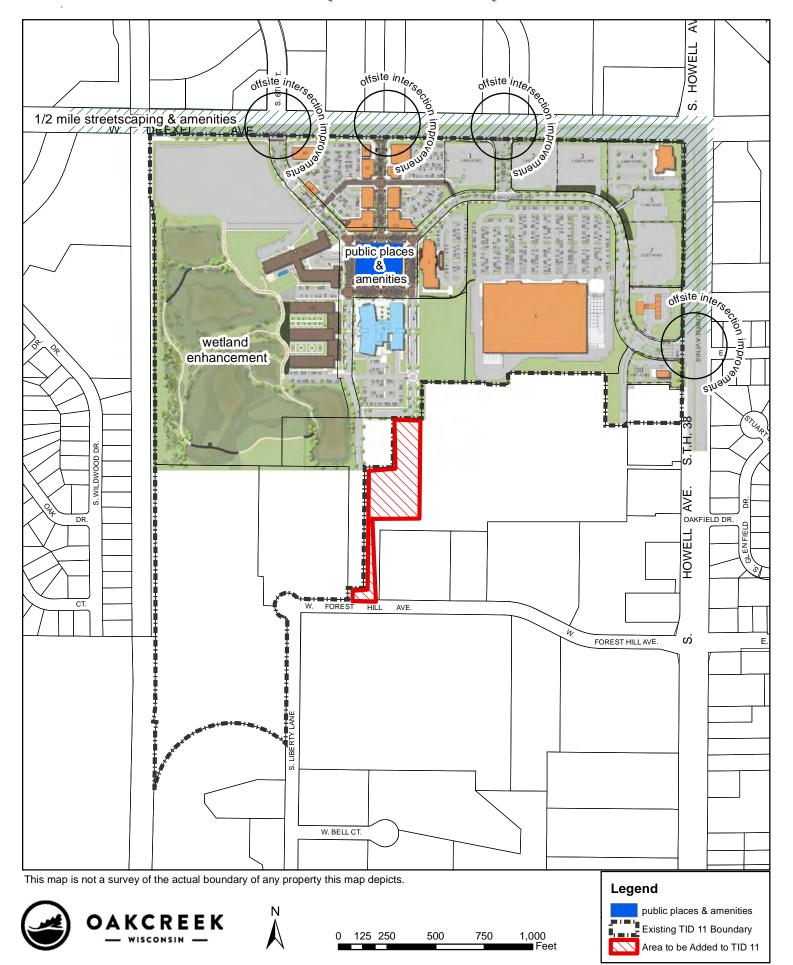








Map 4
TIF #11 - Proposed Improvements





## Plan Commission Report

ITEM: 6a

DATE: Nvoember 11, 2014

**PROJECT:** Certified Survey Map – Steve Mark, Lily Drive Developments, LLC

**ADDRESS:** 324 E. Forest Hill Ave.

**TAX KEY NO**: 814-9011

**STAFF RECOMMENDATION:** That Plan Commission recommends to the Common Council that the certified survey map submitted by Steve Mark for the property at 324 E. Forest Hill Ave. be approved with the following conditions:

1. That all technical corrections are made prior to recording.

- 2. That the utility and drainage easement along the western property line of the proposed Outlot 1 is updated per the requirements of the Water and Sewer Utility and Engineering Department prior to recording.
- 3. That a detailed grading plan is submitted for review and approval by the City of Oak Creek Engineering Department prior to recording.
- 4. That a paved turnaround area be required on all building lots.

Ownership: Lily Drive Developments, LLC, 2990 Universal Dr., Ste. B, Oshkosh, WI 54904

**Size**: Lot 1 = 0.2766 acres; Lot 2 = 0.2766 acres; Lot 3 = 0.2756 acres; Outlot 1 = 1.5708 acres (following

division)

**Existing Zoning:** Rs-3, Single-Family Residential

**Adjacent Zoning**: North – Rs-3, Single-Family Residential

East – Rs-3, Single Family Residential South – Rs-3, Single-Family Residential West – Rs-3, Single-Family Residential

Comprehensive Plan: Single-Family Residential.

Wetlands: As shown on map (Lot 2).

Floodplain: None.

**Official Map:** E. Lily Drive to the north.

**Commentary:** The Applicant is requesting approval of a Certified Survey Map (CSM) that would split the property at 324 E. Forest Hill Ave into three building lots and one outlot. Plan Commissioners will recall that this property was the subject of a CSM review in August of 2013, in relation to the proposal for the Oakfield Village Addition #2. Due to several factors, including the identification of a wetland on Lot 2/Outlot 1, the original CSM was not recorded. Therefore, the review process must be repeated.

The City's adopted Comprehensive Plan designates E. Forest Hill Avenue as a minor arterial roadway and recommends managing and controlling access on arterial and collector roadways. It goes on to state that only major facilities such as large shopping centers or other significant traffic generators should be allowed direct access to arterial roadways. Staff has historically gone on record with concerns regarding single-family lots each taking direct access to arterial streets. However, in this instance, the officially mapped street pattern leaves no realistic alternative. In this case, considering the increasing traffic on the street and its minimal cross section, Staff recommended in 2013 that a restriction be placed on the CSM requiring a paved turnaround area on each of the lots to avoid vehicles having to back out into the traffic lanes of the minor arterial street. This is depicted as a note on page 1.

Staff also recommended at the meeting in 2013 that a minimum front setback of 40 feet be illustrated on Lots 1 – 3 for consistency with the front setbacks of the adjacent parcels. This recommendation has been incorporated for the three lots along E. Forest Hill Ave.

A 10-foot-wide utility and drainage easement is depicted along the western lot line for Outlot 2. This easement may need to be widened, and Staff recommends coordinating with the Water and Sewer Utility as well as the Engineering Department to determine the width specifications.

Each proposed parcel meets the minimum lot width and area requirements for the zoning district. The Applicant has indicated that a wetland permit application will be submitted to the Department of Natural Resources for Lot 2 following local approval. This CSM will incorporate comments received from the County, and correspond to the CSM for 400 E. Lily Drive and the Preliminary Plat for Oakfield Village Addition No. 2.

Prepared by:

Kari Papelbon, CFM, AICP

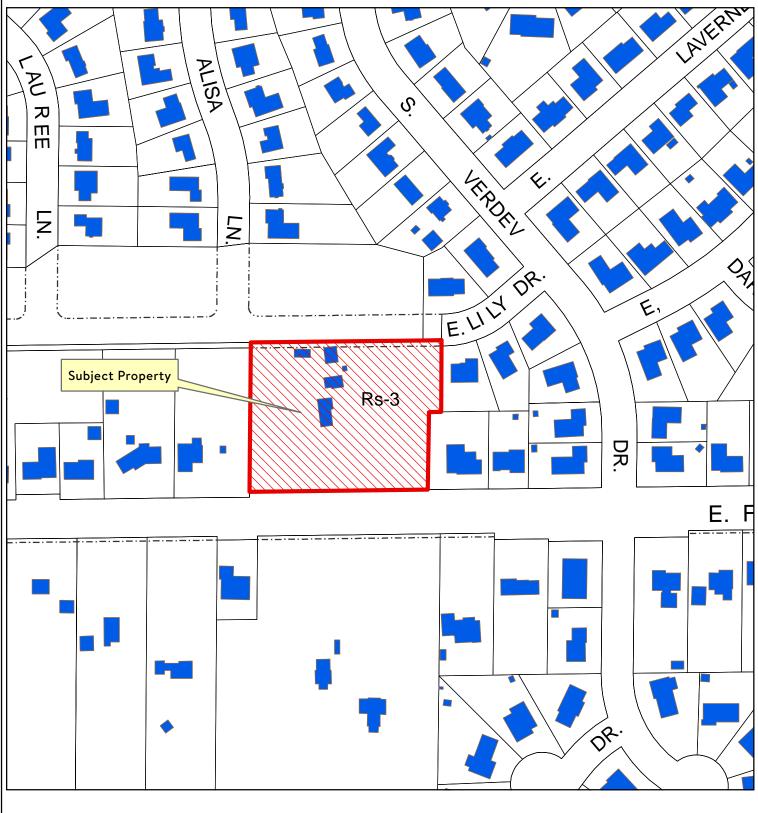
Planner

Respectfully Submitted by:

Douglas Seymour, AICP

**Director of Community Development** 

## Location Map 324 E. Forest Hill Ave.









Oshkosh, Wi 53904 (920)426—2001 NEER ENGINEERING AND SURVEYING, L.L.C. ) 651—0490 e—mail: kalpioneereng@tds.net OWNER: LILY DRIVE DEVELOPMENTS This instrument prepared by KALVII 3902 C.T.H. "B", Johnson Creek, M



# Plan Commission Report

ITEM: 6b

DATE: November 11, 2014

**PROJECT:** Certified Survey Map – Steve Mark, Lily Drive Developments, LLC

**ADDRESS:** 400 E. Lily Dr.

**TAX KEY NO**: 814-0256

**STAFF RECOMMENDATION:** That Plan Commission recommends to the Common Council that the certified survey map submitted by Steve Mark for the property at 400 E. Lily Dr. be approved with the following conditions:

- 1. That all technical corrections are made prior to recording.
- 2. That all utility and drainage easements are updated prior to recording.

Ownership: Lily Drive Developments, LLC, 2990 Universal Dr., Ste. B, Oshkosh, WI 54904

**Size**: Outlot 1 = 0.7834 acres; Outlot 2 = 2.8746 acres (following division)

**Existing Zoning:** Rs-3, Single-Family Residential

**Adjacent Zoning**: North – Rs-3, Single-Family Residential

East – Rs-3, Single Family Residential South – Rs-3, Single-Family Residential West – Rs-3, Single-Family Residential

Comprehensive Plan: Single-Family Residential.

Wetlands: N/A

Floodplain: N/A

Official Map: Yes, officially mapped roads are located through the property as shown on the location map.

**Commentary:** The Applicant is requesting approval of a Certified Survey Map (CSM) that would split the property at 400 E. Lily Dr. into two outlots. Plan Commissioners will recall that this property was the subject of a CSM review in August of 2013, in relation to the proposal for the Oakfield Village Addition #2. Due to several factors, the Applicant was unable to record the previous CSM by the deadline. Therefore, the review process must be repeated.

Each parcel meets the minimum lot width and area requirements for the zoning district; however, it should be noted that this is a required step prior to the subdivision of Outlot 2. As with the CSM for 324 E. Forest Hill Ave., comments from the County will be incorporated (e.g., updating the street labels) and both CSMs will correspond to the Preliminary Plat for Oakfield Village Addition No. 2.

Prepared by:

Kari Papelbon, CFM, AICP

and Papelton

Planner

Respectfully Submitted by:

Dòuglas Seymour, AICP

**Director of Community Development** 

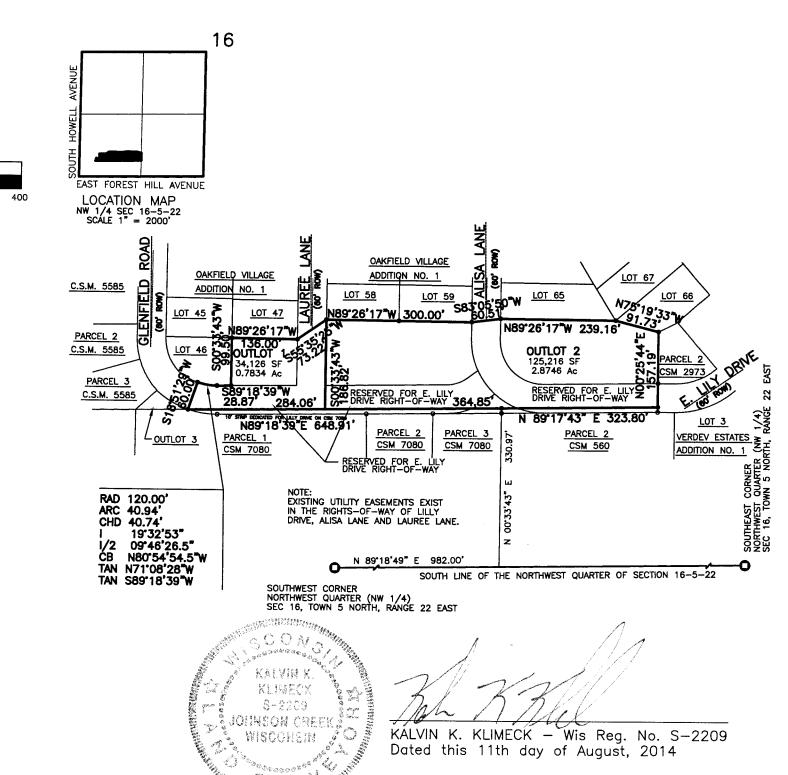
# Location Map E. STURP, CT. **STUART** B-4 REE OAKFIELD DR. :IELD Z Subject Property Rd-1 FOREST HILL AVE. B-1 B-3 Legend 400 E. Lily Dr. Existing Street Pattern Department of Community Development This map is not a survey of the actual boundary of any property this map depicts.

# QUARTER THE NORTHWEST RANGE 22 EAST V, WISCONSIN COUNTY **₹**8 QUARTER ( SOUTHWEST QUA ) OF SECTION 16 OF OAK CREEK, , P ĊĮ, b§ **PART**

south line of the Northwest Quarter (NW 1/4) and bears North 89'18'49" East REFERENCE BEARING: The as the reference bearing

200

GRAPHIC SCALE SCALE: 1" = 200



t (920)426-2001 AND SURVEYING, L.L.C. I: kalpioneereng@tds.net Universal St, (, P.E., R.L.S., 038 phone n DEVELOPMENTS
pared by KALVIN



# Plan Commission Report

ITEM: 6c

DATE: November 11, 2014

**PROJECT:** Preliminary Plat – Steve Mark, Lily Drive Developments, LLC

**ADDRESS:** 324 E. Forest Hill Ave. & 400 E. Lily Dr.

**TAX KEY NO:** 814-9011 & 814-0256

**STAFF RECOMMENDATION:** That Plan Commission recommends to the Common Council that the certified survey map submitted by Steve Mark for the property at 400 E. Lily Dr. be approved with the following conditions:

1. That all technical corrections are made prior to recording.

- 2. That all utility and drainage easements are updated prior to recording.
- 3. That comments from the Water and Sewer Utility are incorporated as required.

Ownership: Lily Drive Developments, LLC, 2990 Universal Dr., Ste. B, Oshkosh, WI 54904

**Size**: 3.658 acres

**Existing Zoning:** Rs-3, Single-Family Residential

**Adjacent Zoning**: North – Rs-3, Single-Family Residential

East – Rs-3, Single Family Residential South – Rs-3, Single-Family Residential West – Rs-3, Single-Family Residential

Comprehensive Plan: Single-Family Residential.

Wetlands: N/A

Floodplain: N/A

Official Map: Yes, officially mapped roads are located through the property as shown on the location map.

**Commentary:** The Applicant is requesting approval of a Preliminary Subdivision Plat for the properties at 324 E. Forest Hill Ave. and 400 E. Lily Dr. (Oakfield Village Addition #2). Plan Commissioners will recall that a version of this subdivision was reviewed in August of 2013. As with the CSMs for these two properties, the review process must be repeated.

Eight (8) new building lots and two (2) outlots, all in compliance with district requirements, are proposed. Stormwater infrastructure will be sited on at least one of the outlots. Comments from the Water and Sewer Utility and Milwaukee County were received, and will be incorporated into the final subdivision plat.

Prepared by:

Kari Papelbon, CFM, AICP

and Papelton

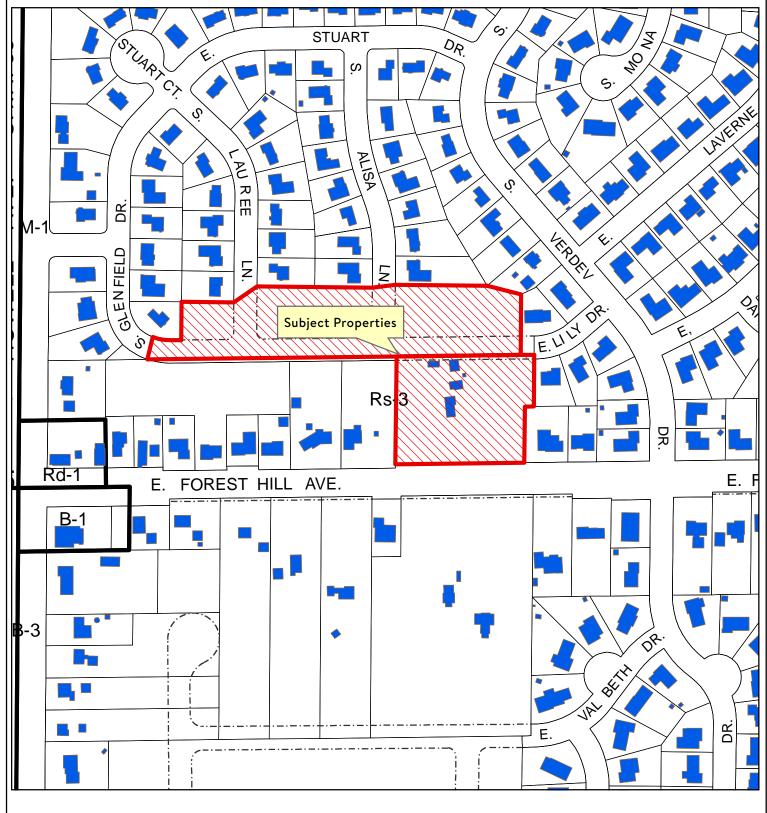
Planner

Respectfully Submitted by:

Douglas Seymour, AICP

**Director of Community Development** 

## Location Map 400 E. Lily Dr. & 324 E. Forest Hill Ave.









INDEX TO DRAWINGS:

PAGE 1 COVER SHEET

GRADING PLAN:

PAGE 1 MASTER GRADING PLAN
PAGE 2 INTERIM GRADING PLAN
PAGE 3 CUT / FILL PLAN

SANITARY SEWER PLAN:

PAGE 1 SANITARY SEWER PLAN
PAVING PLAN:

PAGE 1 PAVING PLAN

PAGE 1 WATERMAIN PLAN

PAGE 2 STORM SEWER PLAN PAGE 3 STORM SEWER BY-PASS PLAN WATERMAIN PLAN:

OAKFIELD VILLAGE ADDITION NO. 1 GLENFIELD (60' ROW) LOT 67 ALISA LOT 65 LOT 66 LOT 59 N 83'05'50' S 89°26'17" E 239.16' 60.51 S 89'26'17" E 300.00' 114.01' 150.00' 150.00 30' STORM SEWER & DRAINAGE EASEMENT LOT 78 12087 SQ FT LOT 73 13793 SQ FT LOT 71 13868 SQ FT LOT 72 13353 SQ FT OUTLOT 7 27776 SQ FT 20' STORM SEWER EASEMENT PARCEL 2 S 89°26'17" E 156.21' CSM 2973 OUTLOT 6 18799 SQ FT S 89'17'43" W 328.45' OUTLOT 1 111.44 100.00 N 89°17'43" | RESERVED 60' RIGHT-OF-WAY FOR E. LILY DRIVE S 89°34'16" E 35.00' 150.03 S 89°18'39" W 364.85' S 89'17'43" W 323.83' LOT 74 12000 SQ FT LOT 75 12021 SQ FT LOT 76 H 12019 SQ FT LOT 77 212247 SQ FT VERDEV ESTATES ADDITION NO. 1 PARCEL 2 CSM 7080 S 89'18'49" W 22.86' 92.10' S 89'18'18" W 256.33' 79.94' 00°47° 10.59° PARCEL 3 CSM 7080 OUTLOT 5 11851 SQ FT LOT 3 LOT 1 PARCEL 1 CSM 560 EAST FOREST HILL AVENUE N 89'18'49" E 982.00' SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 16-5-22

# SURVEYOR'S DESCRIPTION:

BEING A REDIVISION OF ALL OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. \_\_\_\_\_ AND ALL OF OUTLOT 2 OF CERTIFIED SURVEY MAP NO. \_\_\_\_, BEING A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 16, TOWN 5 NORTH, RANGE 22 EAST IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**REVISIONS** 

### NOTES

1) OUTLOT 5 IS OWNED AND SHALL BE MAINTAINED BY THE OAKFIELD VILLAGE ADDITION NO. 2 SUBDIVISION HOMEOWNERS ASSOCIATION AND EACH INDIVIDUAL LOT OWNER SHALL HAVE AN UNDIVIDABLE FRACTIONAL OWNERSHIP OF THE OUTLOT AND THAT MILWAUKEE COUNTY AND THE CITY OF OAK CREEK SHALL NOT BE LIABLE FOR ANY FEES OR SPECIAL ASSESSMENTS IN THE EVENT MILWAUKEE COUNTY OR THE CITY OF OAK CREEK SHOULD BECOME THE OWNER OF ANY LOT IN THE SUBDIVISION BY REASON OF DELINQUENCY. THE HOMEOWNERS ASSOCIATION SHALL MAINTAIN SAID OUTLOT IN AN UNOBSTRUCTED CONDITION SO AS TO MAINTAIN ITS INTENDED PURPOSE. CONSTRUCTION OF ANY BUILDING, GRADING OR FILLING IN SAID OUTLOT IS PROHIBITED UNLESS APPROVED BY THE CITY OF OAK CREEK. THE HOMEOWNERS ASSOCIATION GRANTS TO THE CITY THE RIGHT (BUT NOT THE RESPONSIBILITY) TO ENTER UPON THE OUTLOT IN ORDER TO INSPECT, REPAIR OR RESTORE SAID OUTLOT TO ITS INTENDED PURPOSE. EXPENSES INCURRED BY THE CITY OF SAID INSPECTION, REPAIR OR RESTORATION OF SAID OUTLOT MAY BE PLACED AGAINST THE TAX ROLL FOR SAID ASSOCIATION AND COLLECTED BY SPECIAL CHARGE BY THE CITY.

2) OWNERSHIP AND MAINTENANCE OF OUTLOT 6 SHALL BE RETAINED BY DEVELOPER.

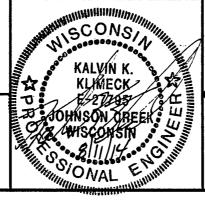
BY DATE DESIGNED BY:

SOUTHWEST CORNER

NORTHWEST QUARTER (NW 1/4) SEC 16, TOWN 5 NORTH, RANGE 22 EAST

3) OUTLOT 7 TO BE DEEDED TO THE CITY OF OAK CREEK FOR PURPOSES OF STORM WATER MANAGEMENT. MAINTENANCE SHALL RESIDE WITH THE CITY OF OAK CREEK,

		K. K. KLIMECK DRAWN BY:	SCALE: 1" = 50' HORIZ.
		K. K. KLIMECK	DATE:
		CHECKED BY:	AUGUST 11, 2014
		K. K. KLIMECK	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,





COVER SHEET FOR OAKFIELD VILLAGE ADDITION NO. 2

MUNIC. PROJ. NO.	PIONEER PROJ. NO.
CITY OF OAK CREEK APPROVED BY:	PIONEER SHT. NO. PAGE 1 OF 1
CITY ENGINEER DATE	PIONEER FILE NO.

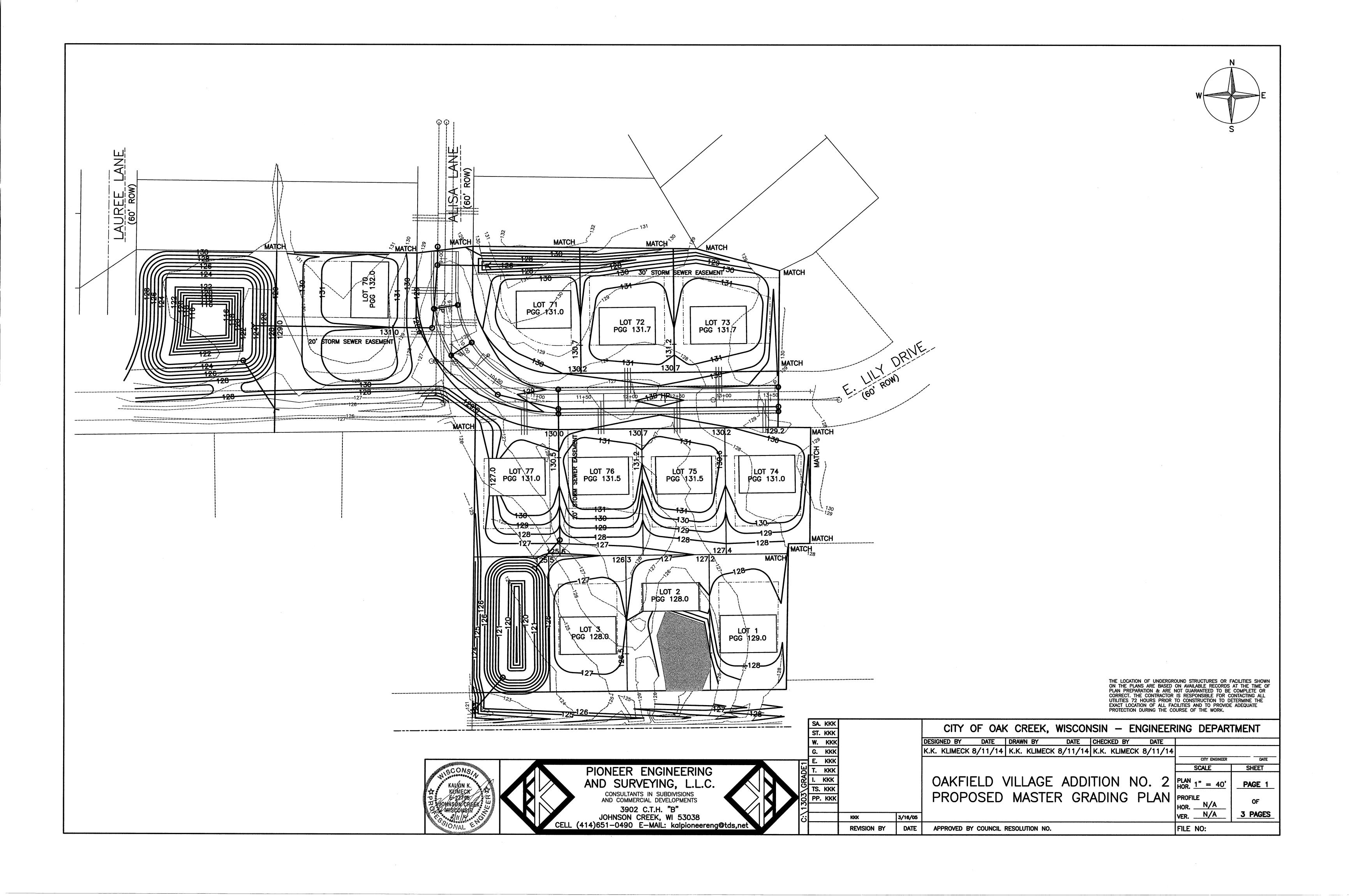
GRAPHIC SCALE

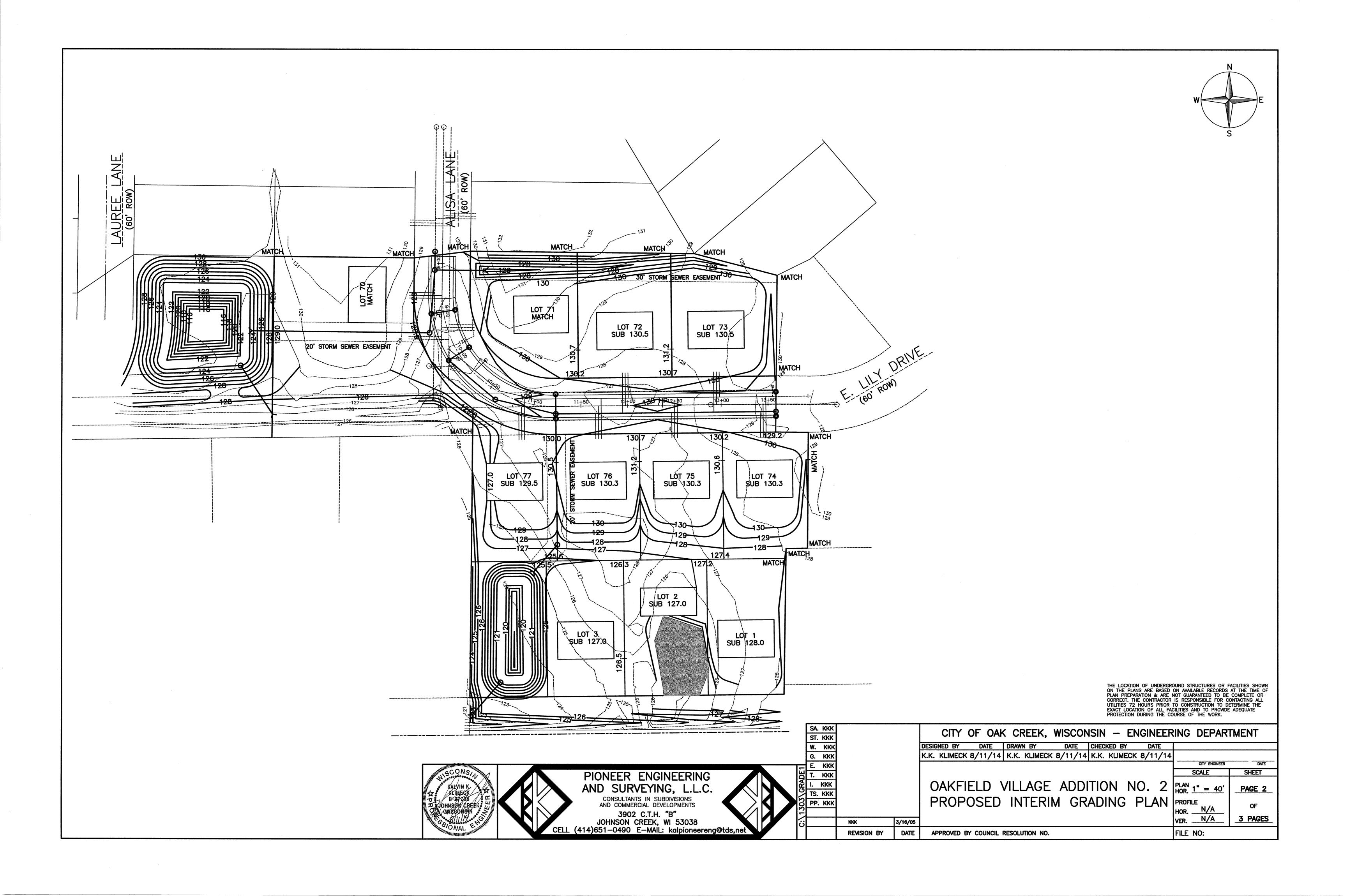
SCALE: 1" = 50'

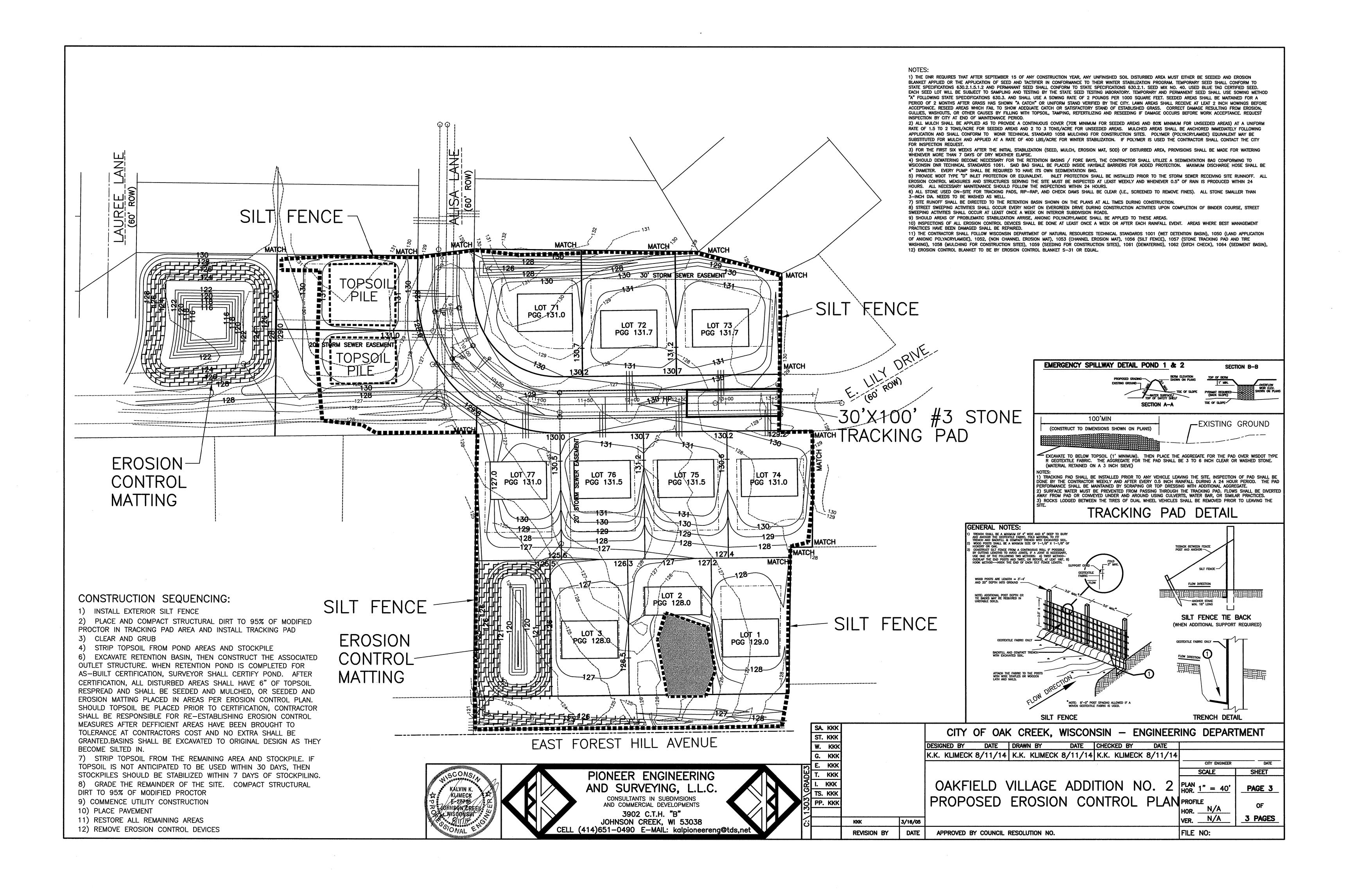
EAST FOREST HILL AVENUE

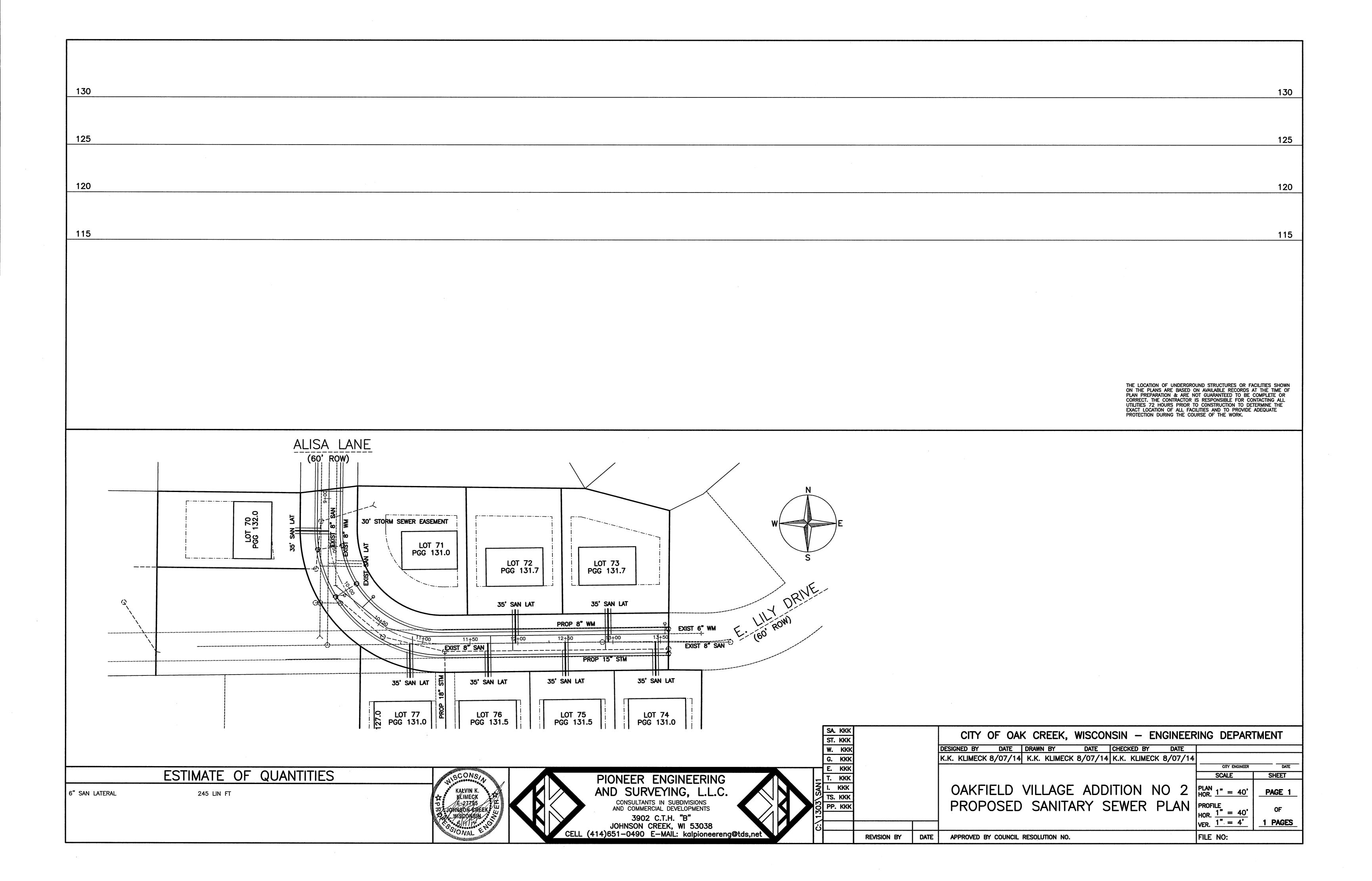
LOCATION MAP

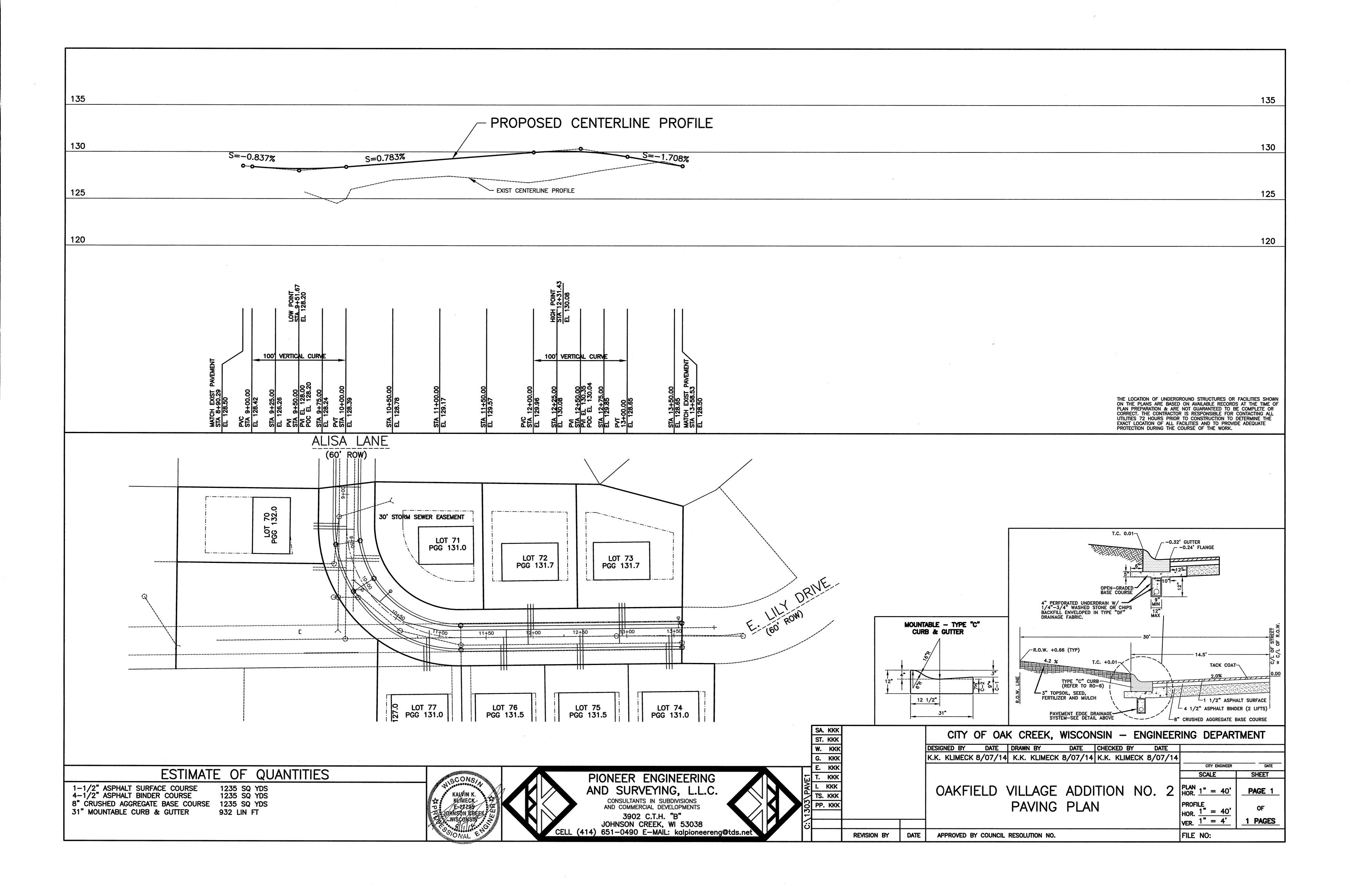
NW 1/4 SEC 16-5-22 SCALE 1" = 2000'

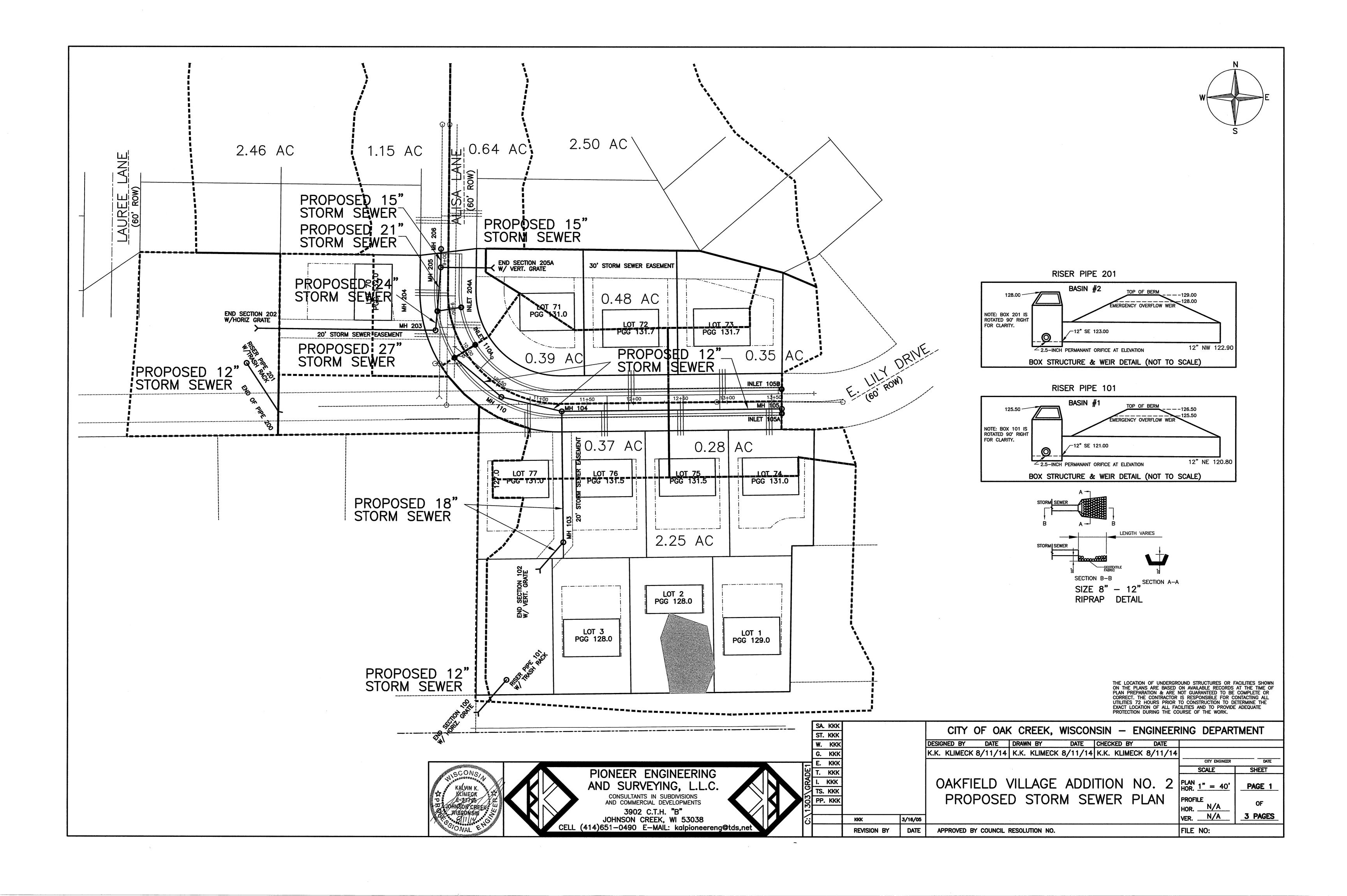


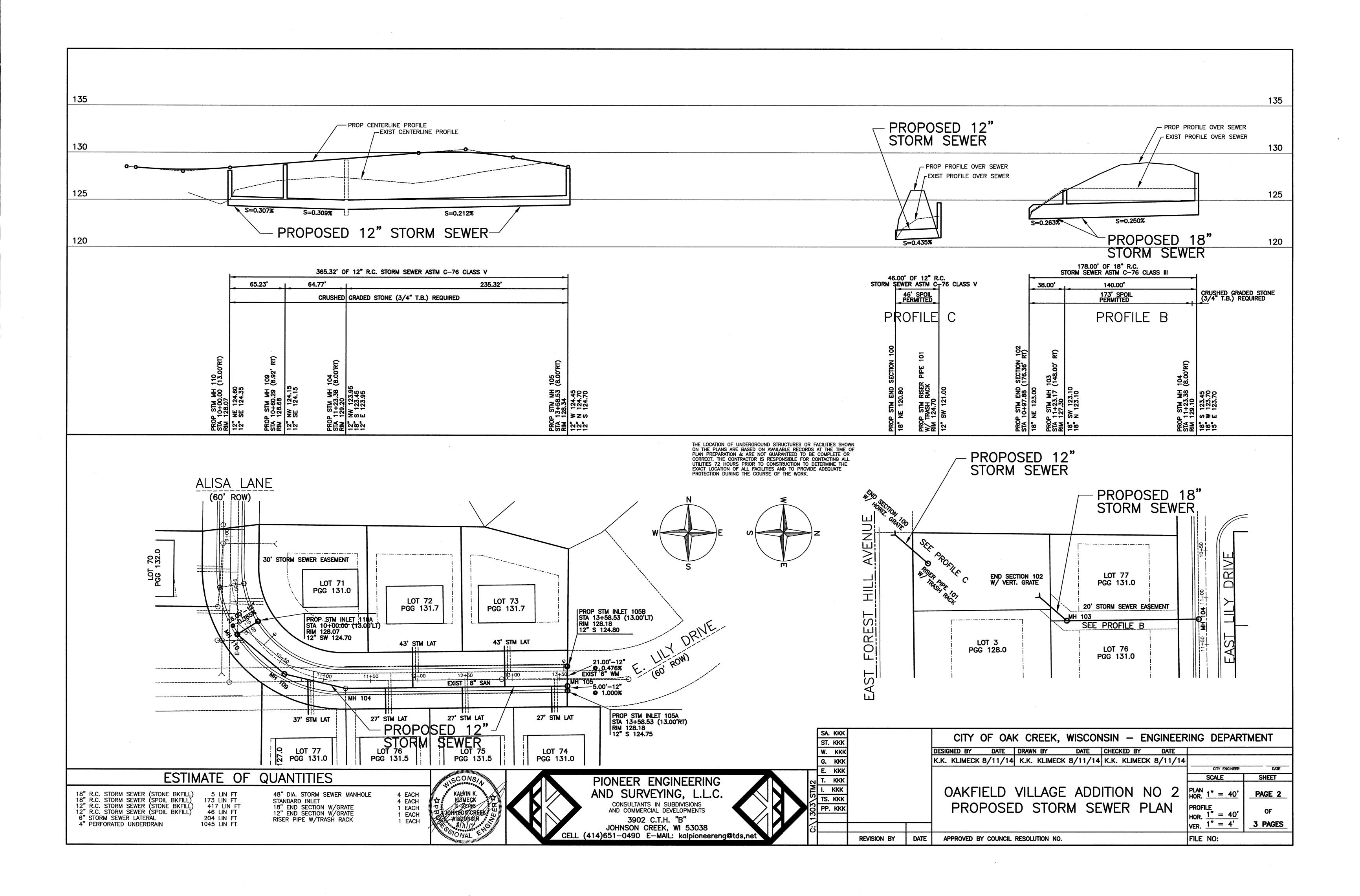


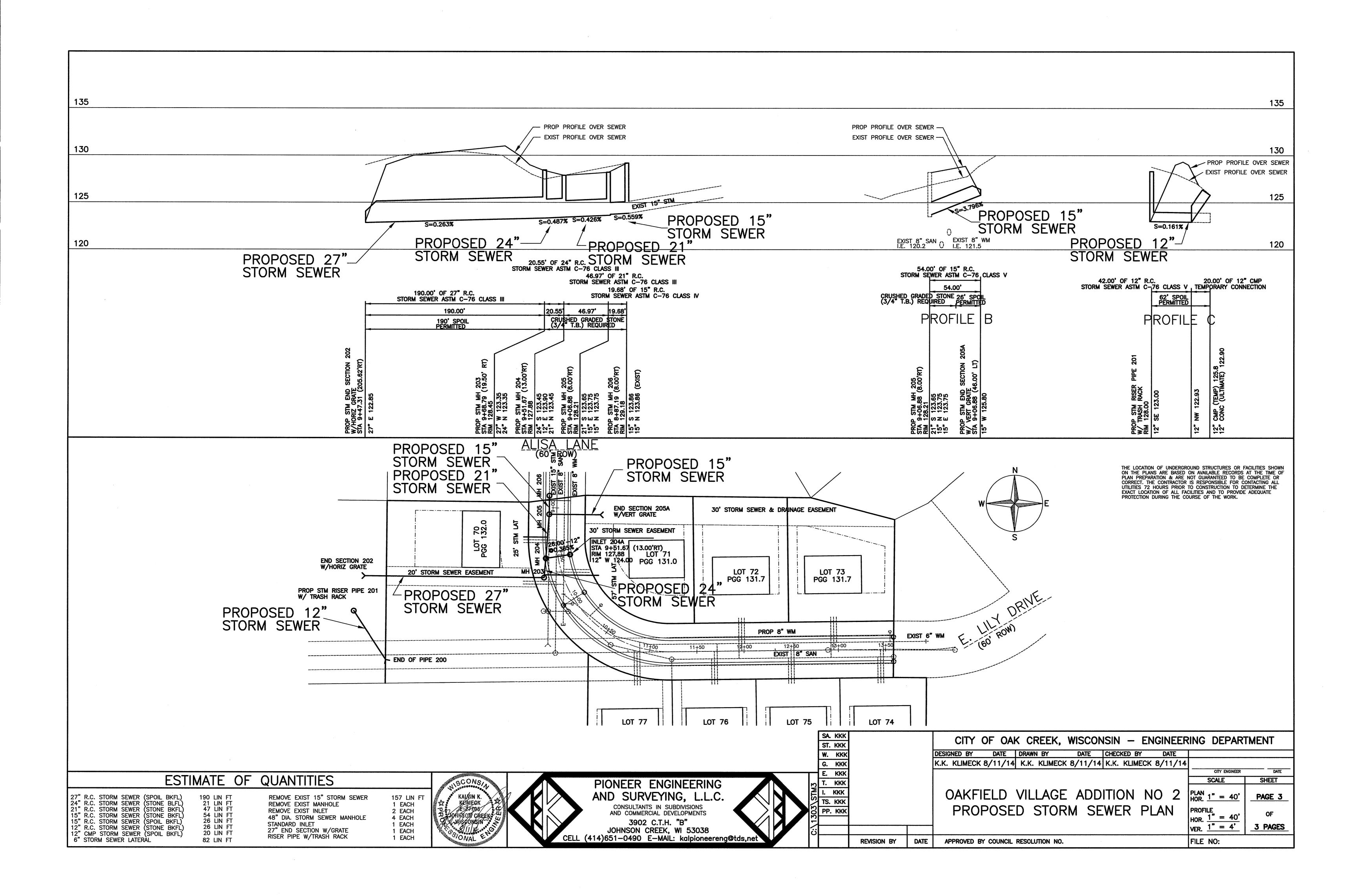


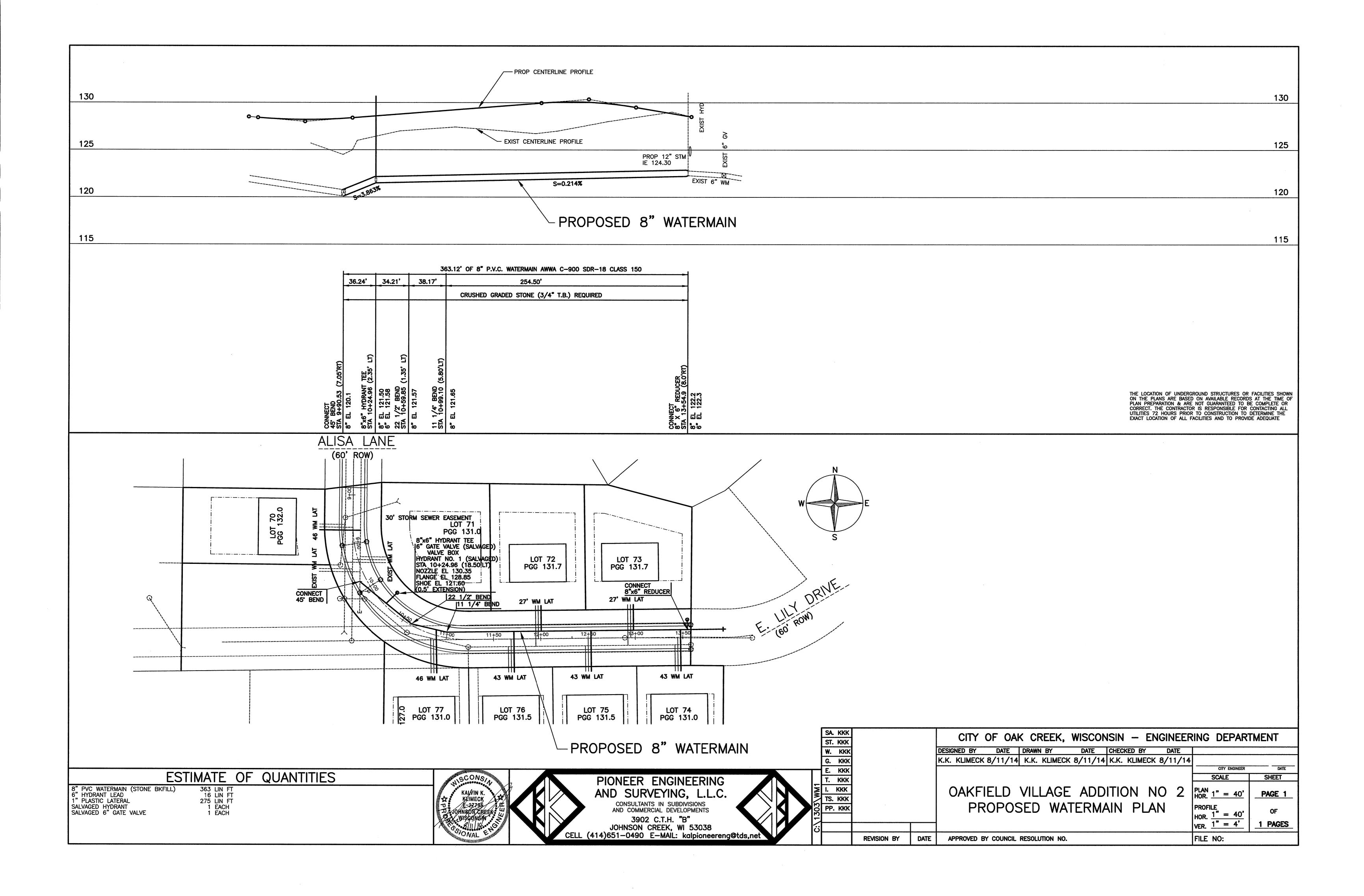














# Plan Commission Report

ITEM: 7c

DATE: November 11, 2014

**PROJECT:** Conditions and Restrictions – Matthew Lyons, Azura, LLC

ADDRESS: 8870 S. Mayhew Dr. (to become 8760 S. Mayhew Dr.)

**TAX KEY NOs:** Multiple (860-1001 to 860-1208; new key TBD)

**STAFF RECOMMENDATION:** That Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a Community Based Residential Facility with a capacity of more than 15 residents located at 8870 S. Mayhew Dr. after a public hearing.

Ownership: 8870 Mayhew Drive, LLC, c/o Keystone Development, 420 S. Koeller St., Oshkosh, WI 54902

Size: 2.571 acres

**Existing Zoning:** B-4, Highway Business

**Adjacent Zoning**: North – B-3, Office and Professional Business

East - Rm-1 (PUD), Multifamily Residential

South – I-1, Institutional; B-4 (PUD), Highway Business; Rm-1 (PUD), Multifamily Residential West – B-4, Highway Business; B-4 (CU), Highway Business; B-4 (PUD), Highway Business

Comprehensive Plan: Planned Mixed Use.

Wetlands: N/A.

Floodplain: None.

Official Map: N/A.

**Commentary:** At the October 28, 2014 meeting the Plan Commission recommended Common Council approval of a Conditional Use Permit for a Community Based Residential Facility (CBRF) with a capacity of more than 15 residents at 8870 S. Mayhew Drive. This will be a new facility on Lot 1 of the CSM recommended for approval on this property. Site, building, landscaping, lighting, and signage plans will be reviewed at a later date.

Plan Commissioners will recall that this CBRF will serve Alzheimer's and dementia residents, a majority of whom will be over the age of 62. Due to the prominence of the disease in older adults, the Plan Commission approved of the request to increase the density allowed for the proposed CBRF based on housing for the elderly. The Plan Commission also approved of the request to utilize parking requirements for nursing home facilities – one (1) space per three (3) resident beds plus one (1) space per employee on the largest shift – based on the fact that residents of the facility will not be driving due to the illness. Finally, the Plan Commission approved of the location of the proposed CBRF within 2,500 feet of an existing CBRF.

Staff has prepared Conditions and Restrictions for this Conditional Use Permit for the Commission's review. If the Plan Commission is comfortable with the Conditions and Restrictions, the appropriate action would be to recommend that the Common Council approve them as part of the Conditional Use Permit.

Prepared by:

Kari Papelbon, CFM, AICP

are Papellon

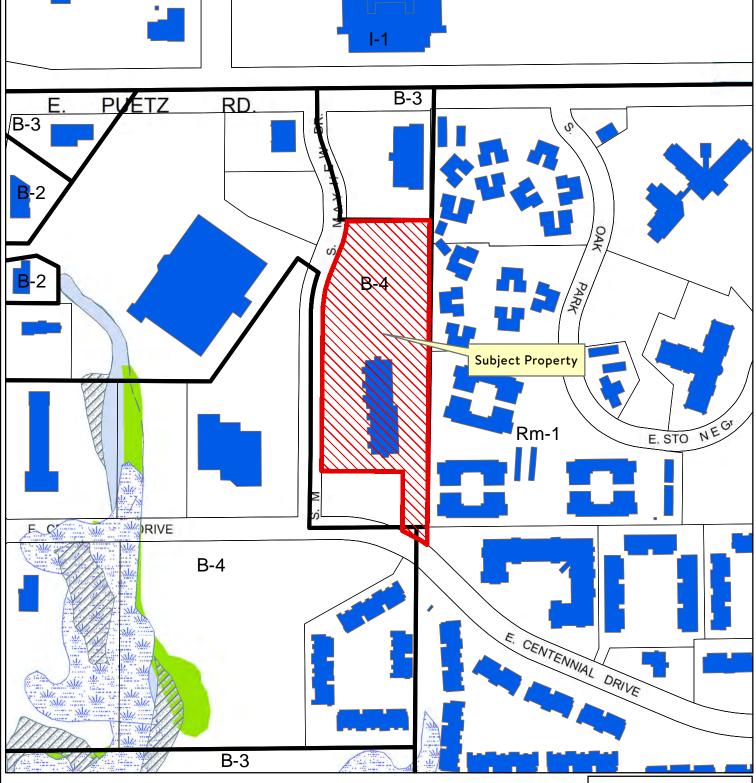
Planner

Respectfully Submitted by:

Douglas Seymour, AICP

Director of Community Development

# Location Map 8870 S. Mayhew Dr.







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

Legend

Wetland

Floodway

Flood Fringe (FF)

Shoreland Wetland Conservancy (C-1)

Lakefront Overlay District (LOD)

Mixed Use Neighborhood Overlay (NO)

Mixed Use Office Overlay (OO)

Regional Retail Overlay District (RR)

#### City of Oak Creek – Conditional Use Permit Conditions and Restrictions

Applicant: Azura, LLC

Property Address: 8870 S. Mayhew Dr.

Tax Key Number:

Conditional Use: Community-Based Residential Facility

Approved by Plan Commission: TBD Approved by Common Council: TBD

(Ord. #TBD)

#### 1. LEGAL DESCRIPTION

Part of Lot 2 of Certified Survey Map No. 8121 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on December 18, 2009 as Doc. No. 9681598 being a redivision of Parcel 4 of Certified Survey Map No. 6866 and part of Parcel 3 of Certified Survey Map No. 6766 located in part of the Northeast 1/4, Northwest ¼, and Southwest ¼ of the Northwest ¼, Section 21 Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, described as follows: Beginning at an iron pipe stake found marking in the Northeast corner of said Lot 2; thence South 00°25'12" West 379.83 feet; thence North 89°58'24" West 320.04 feet to the Easterly right of way line of Mayhew Drive; thence along said road, North 00°24'58" East, 97.84 feet; thence continuing along said road, 120.99 feet along the arc of a curve to the right having a radius of 330.00 feet and a chord which bears North 10°57'49" East 120.31 feet; thence continuing along said road, North 21°26'33" East, 100.81 feet; thence continuing along said road, 69.13 feet along the arc of a curve to the left having a radius of 180.00 feet and a chord which bears North 10°27'58" East 68.71 feet to the Northwest corner of said Lot 2; thence North 89°28'08" East 249.91 feet to the point of beginning.

#### 2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. A precise detailed site plan for the area affected by the conditional use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

#### 1) General Development Plan

- a) Detailed building locations with setbacks
- b) Square footage of building
- c) Areas for future expansion
- d) Area to be paved
- e) Access drives (width and location)
- f) Sidewalk locations
- g) Parking layout and traffic circulation
  - i) location
  - ii) number of employees
  - iii) number of spaces
  - iv) dimensions
  - v) setbacks
- h) Location of loading berths
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- I) Precise location of outdoor storage
- m) Location of wetlands (field verified)
- n) Location, square footage and height of signs
- A description of the vehicles, materials and equipment to be stored at the site

#### 2) Landscape Plan

- a) Screening plan for outdoor storage
- b) Number, initial size and type of plantings
- c) Parking lot screening/berming

#### ) Building Plan

- a) Architectural elevations
- b) Building floor plans
- c) Materials of construction

#### ) Lighting Plan

- a) Types of fixtures
- b) Mounting heights
- c) Types of poles
- d) Photometrics of proposed fixtures

## 5) Grading, Drainage and Stormwater Management Plan

- a) Contours (existing & proposed)
- b) Location of storm sewer (existing and proposed)
- Location of stormwater management structures and basins (if required)

#### 6) Fire Protection

- a) Location of existing and proposed fire hydrants
- b) Interior floor plan
- c) Materials of construction

- B. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- C. 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.
- D. 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.
- E. 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.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. For each stage 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.

#### 3. PARKING AND ACCESS

- A. Parking requirements for this project shall be provided in accordance with Section 17.0403(j)(6)(f) of the Municipal Code. The Plan Commission has approved the request to utilize this Section based on the type of facility (CBRF for Alzheimer's/dementia patients) and the ability to utilize shared parking with the property to the south.
- B. 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.
- C. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- D. 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.
- E. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- F. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 6 of the Oak Creek Municipal Code. Any off-site improvements shall be the responsibility of the property owner.
- G. All off street parking areas shall be landscaped in accordance with Sections 17.0330 & 17.0403 of the Municipal Code.

#### 4. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code.

#### 5. LANDSCAPING

- A. Parking Lot Screening. Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or 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. All screening materials shall be placed and maintained at a minimum height of three (3) feet.
  - 1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
  - 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
  - For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature atgrade coverage area.

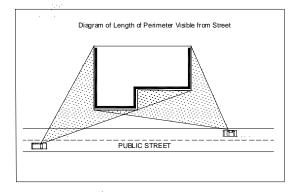
Plant Type	Area of Coverage <u>Provided</u>
Evergreen Tree (>8' Dia.)	75 sq. ft.
Large Shrub (6-8' Dia.)	38 sq. ft.
Medium Shrub (4-6' Dia.)	20 sq. ft.
Small Shrub (2-4' Dia.)	12 sq. ft.
Perennial (4.5" Pot)	6 sq. ft.

- \* Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.
- 4. To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.
- B. Interior 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. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping.
- C. Perimeter Landscape Area. In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.
- D. Landscaping Adjacent to Buildings. There shall be a minimum three-foot landscaped area provided between the edge of pavement and the entrance elevation of the building.
- E. Screening of Trash. Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- F. Screening of Ground Mounted Mechanical Equipment. Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- G. Screening of Roof Mounted Mechanical Equipment Roof mounted mechanical equipment shall be screened from casual view.

- H. Retaining Walls. No retaining wall shall exceed four (4) feet in height unless it has been designed and its construction supervised by a Professional Engineer. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of three (3) feet from the previous step. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties, or concrete
- I. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.
- J. Buffer Yards. Appropriate buffers shall be provided between dissimilar uses as set forth in Section 17.0205 (d) of the Municipal Code.
- K. Submittal Requirements. A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, right-of-ways and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
  - 1. A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
  - 2. The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
  - 3. The location and percent of slope of all proposed berms using one (1) foot contours.
  - 4. Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
  - 5. Methods used in staking, mulching, wrapping or any other early tree care used.
  - 6. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

#### 6. ARCHITECTURAL STANDARDS

- A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. These include, but are not limited to brick, stone and tinted/textured concrete masonry units (CMUs). Smooth-faced concrete block, EIFS products (such as Dryvit) or pre-fabricated steel panels are not permitted as a primary exterior building material.



- C. The facade of a manufacturing, commercial, office, institutional, or park building shall be finished with an aesthetically pleasing material. A minimum of seventy-five (75) percent of the visible perimeter (see diagram) shall be finished with glass, brick or decorative masonry material.
- D. Material and color samples shall be submitted to the Plan Commission for review and approval.

- E. The Plan Commission has the discretion to adjust this minimum for building additions.
- F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- G. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- H. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.
- I. Dumpsters and other trash receptacles shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.
- J. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

#### 7. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	30'	25'	10'
Accessory Structure*	30'	See Section 17.0501	See Section 17.0501
Off-street Parking	25'	15'	15'

<sup>\*</sup> No accessory structures shall be permitted in the front yard.

#### 8. MAINTENANCE AND OPERATION

- A. 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. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.

#### 9. SIGNS

All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code. All signs must be approved by the Plan Commission as part of the site plan review process.

#### 10. PERMITTED USES

- A. All permitted uses in the Rm-1, Multifamily Residential zoning district.
- B. One (1) Community-Based Residential Facility (CBRF) with a capacity for more than fifteen (15) persons. Density for this CBRF is approved at a maximum of 27 units per acre in accordance with Section 17.0311(c)(3).
- C. Usual and customary accessory uses to the above listed permitted uses.

#### 11. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these conditions and restrictions for the conditional use within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a conditional use permit. This conditional use approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building permit has not been issued for this use. Upon expiration of this permit, the zoning for the property will revert back to B-4, Highway Business. The applicant shall reapply for a conditional use approval, prior to recommencing work or construction.

#### 12. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, ordinances, and orders not heretofore stated or referenced, is mandatory.

#### 13. VIOLATIONS & PENALTIES

Any violations of the terms of this conditional use permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances. If the owner, applicant or operator of the conditional use permit is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the city shall have the right to revoke this conditional use permit, subject to the provisions of paragraph 14 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this conditional use permit or to seek an injunction regarding any violation of this conditional use permit or any other city ordinances.

#### 14. REVOCATION

Should an applicant, his heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in Section 17.1007 of the Municipal Code.

#### 15. 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 / Authorized Representative Signature	Date	
(please print name)		



# Plan Commission Report

ITEM: 7d

DATE: November 11, 2014

**PROJECT:** Temporary Use – Salt Storage Building (Winter Services Inc.)

**ADDRESS:** 9401 S. 13<sup>th</sup> Street

**TAX KEY NO**: 877-9006

**STAFF RECOMMENDATION:** That the Plan Commmission approves the temporary use permit for the outdoor salt storage building located on the property at 9401 S. 13<sup>th</sup> Street with the following conditions:

- 1) That all building and fire codes are met.
- 2) That the permit expires May 1, 2015

Ownership: Giuffre X LLC

Size: 8.1 acres

Existing Zoning: B-4 PUD, Highway Business District, Planned Unit Development

**Adjacent Zoning**: north – B-4 PUD, Highway Business District, Planned Unit Development

east - M-1 PUD, Manufacturing, Planned Unit Development

south – B-4 PUD, Highway Business District, Planned Unit Development

west - I-94

Comprehensive Plan: Planned Business

Wetlands: No

Floodplain: None

**Official Map:** No officially mapped streets affect this parcel

**Commentary:** The Applicant is requesting approval of an outdoor salt storage building located at 9401 S. 13<sup>th</sup> Street until May 1, 2015. The applicant was unaware of City requirements and is seeking a temporary use permit through this winter season. Included in your packet is a map of the property showing where the temporary building is currently located.

The building walls consists of large concrete blocks and the roof is a dome, constructed of metal poles and plastic sheathing. Illustrations of the building are included in your packet. The applicant intends to store only salt in this building.

According to City Code, principle and accessory buildings in commercial and manufacturing districts are required to meet architectural standards of 75% stone, masonry and glass. Since this structure will be temporary, it is not required to meet this standard. The applicant has indicated that this would likely be the only year this building will be located at this site due to the building not meeting architectural standards for a permanent accessory building.

Staff has concerns that the building does not meet architectural standards established in the code, however, due to statements made by the applicant, staff feels that a one-time temporary use permit is acceptable.

Prepared by:

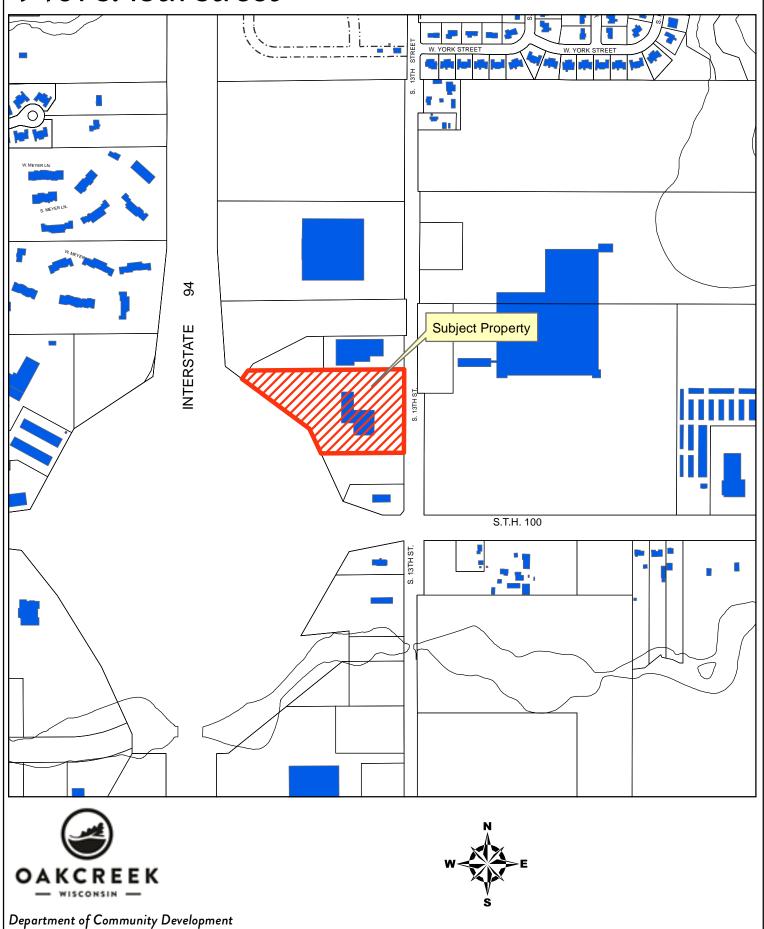
Peter Wagner //
Zoning Administrator/Planner

Respectfully Submitted by:

Douglas Seymour, AICP

Director of Community Development

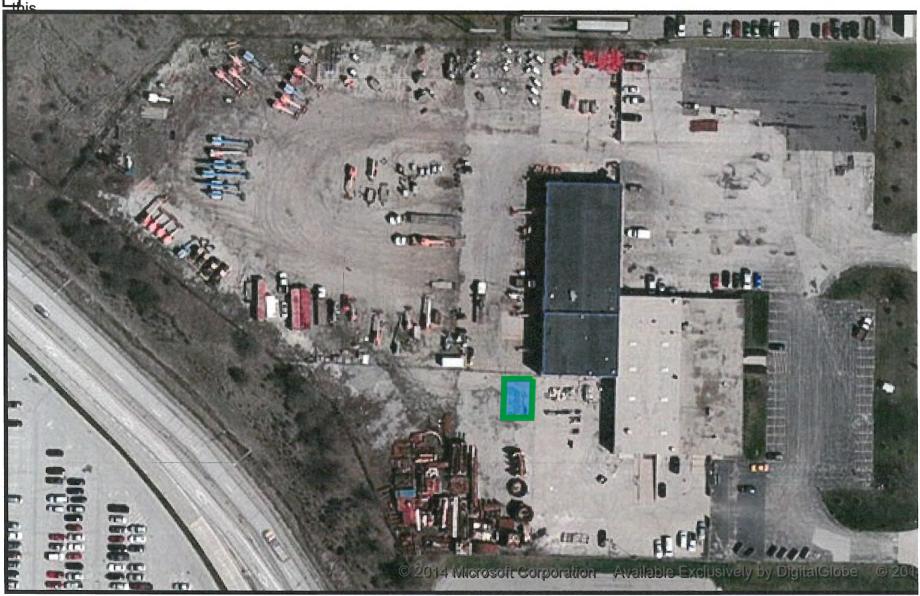
# Location Map 9401 S. 13th Street





# 9401 S. 13th SKROOK ON Creek, W1. 53154

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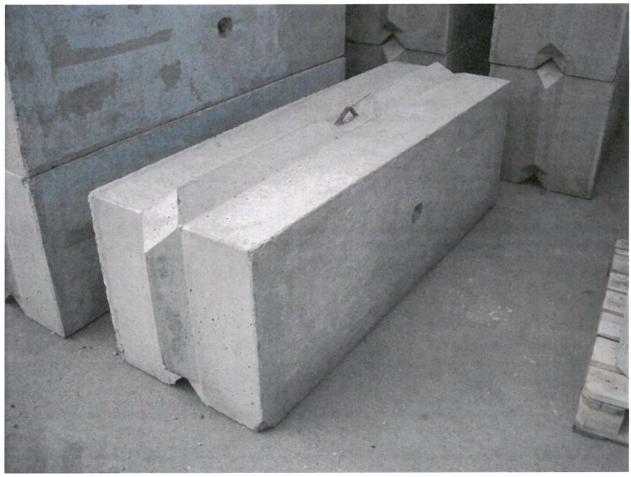
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# INTERLOCKING CONCRETE BLOCK

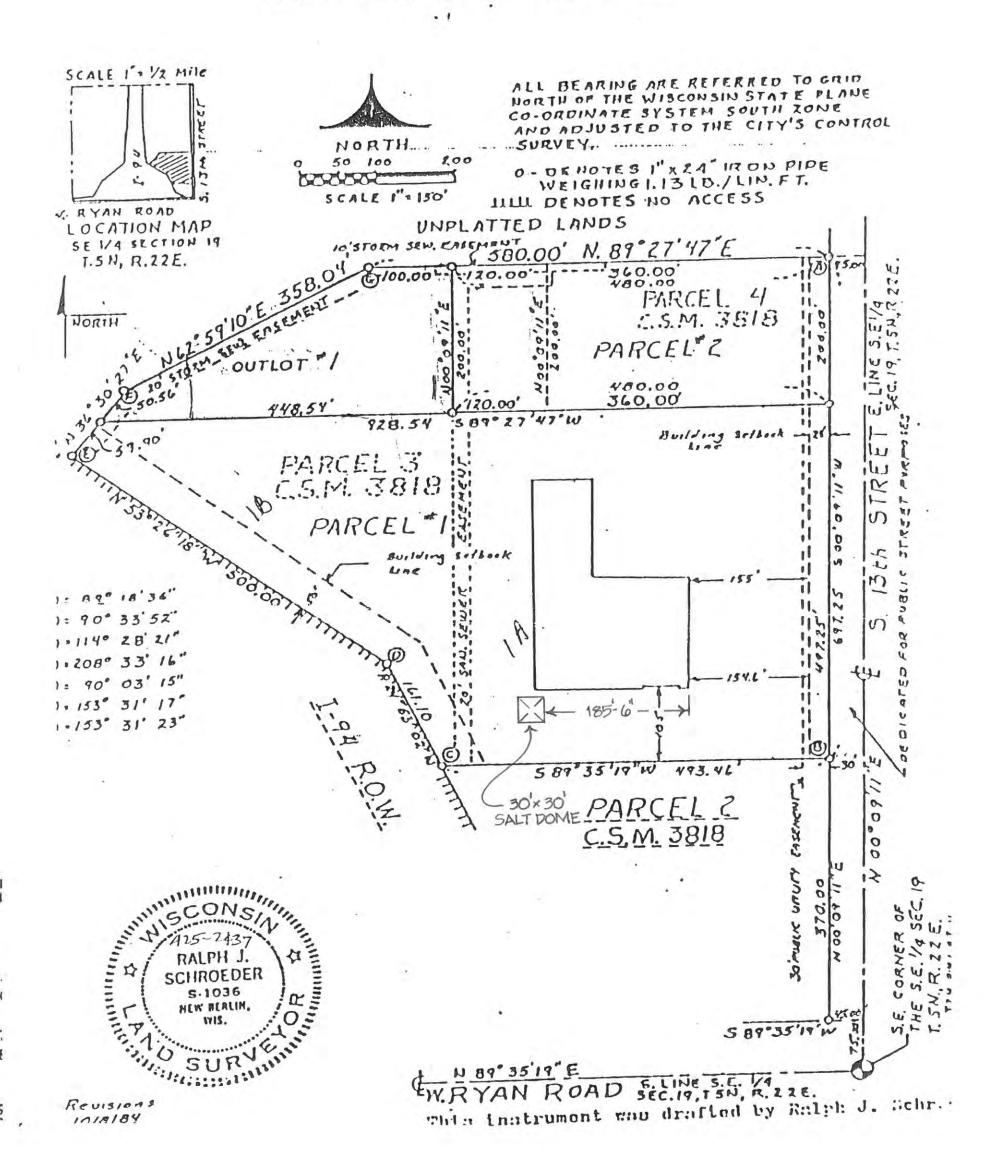






# "O" tidinx3

Being a Redivision of Parcel'3 and 4 of Certified Hap No. 3818, which is a Resubdivision of Certified Survey Map No. 667 and lands in the S.E. 1/4 of Section 19; T.5, N., R. 22, E., in the City of Oak Creek, Milwaukee County, Wisconsin





# Plan Commission Report

ITEM: 7e

DATE: November 11, 2014

**PROJECT:** Conditional Use – Dragan Radeta, M & M Express, Inc.

**ADDRESS:** 9840 S. 27<sup>th</sup> St.

**TAX KEY NOs:** 903-9030

**STAFF RECOMMENDATION:** That Plan Commission does not recommend that the Common Council approves a Conditional Use Permit allowing a truck terminal and warehouse on the property at 9840 S. 27<sup>th</sup> St.

Ownership: Dyer Pogo, LLC, 1350 Avenue of the Americas, 9th Floor, New York, NY 10019

**Size**: 4.117 acres

**Existing Zoning:** M-1 (PUD), Manufacturing; OO, Mixed Use Office Overlay

Adjacent Zoning: North – M-1 (PUD), Manufacturing; OO, Mixed Use Office Overlay

East – Rm-1 (PUD), Multifamily Residential

South – M-1 (PUD), Manufacturing; OO, Mixed Use Office Overlay

West – S. 27<sup>th</sup> St. & City of Franklin

Comprehensive Plan: Planned Industrial.

Wetlands: N/A.

Floodplain: None.

Official Map: N/A.

**Commentary:** The Applicant is requesting approval for outdoor truck parking in addition to the use of the property for a truck terminal, warehouse, cross docking, office, and full truck repair and towing service facility at 9840 S. 27<sup>th</sup> St.

No additions to the existing building on the property are proposed at this time; however, the plans indicate that trash and scrap steel containers will be located on the west side of the property. All refuse and recycling containers must screened with an enclosure. Fire access at a minimum width of 20 feet must also be maintained between the building and the proposed refuse container enclosure(s).

Truck and trailer storage is proposed along the south and east property lines. Although there is a zero setback to side and rear property lines, staff recommends including landscaping along the west and south to screen the proposed parking and trash containers from the existing house to the west of the property and from traffic traveling northbound on S. 27<sup>th</sup> Street.

Proposed hours of operation are Monday through Friday from 6:00 AM to 11:00 PM, and Saturdays from 6:00 AM to 4:00 PM. The Applicant has indicated in their submission that although these are regular hours of operation, some trucks may return to the site outside of those hours. The operation includes 30 fleet semi-trucks, 10 office staff, 3 mechanics, and 35 drivers.

In 1995, Ninneman Trucks & Equipment was granted a use approval for truck and equipment sales and repairs on this property with a condition that no outdoor storage was allowed. Although freight yards, terminals, and trans-shipment depots, truck parking lots, and storage of vehicles and equipment are considered Conditional Uses in the M-1, Manufacturing district, the Mixed Use Office Overlay district does

not allow truck terminals, warehouses, truck repair or towing facilities. Staff has conferred with the City Attorney to determine that the use granted in 1995 runs with the land.

Based on the fact that a special use was granted for truck and equipment sales and repair with no outdoor storage as a permitted use, truck and equipment sales and repair without outdoor storage could be allowed along with the office and off-street parking and loading areas. The request for a truck terminal and warehouse cannot be approved as the uses are not allowed in the Mixed Use Office Overlay district.

Prepared by:

Kari Papelbon, CFM, AICP

Planner

Respectfully Submitted by:

Douglas Seymour, AICP

**Director of Community Development** 

Location Map 9840 S. 27th St.



# AMENDMENT TO CONDITIONS AND RESTRICTIONS WELLINGTON RETIREMENT COMMUNITY 701 E. Puetz Road (continued)

they sold off part of it as a planned development. How many acres are in the parcel that they sold? She was advised that there are approximately 22 acres.

Mr. Seymour advised that these conditions and restrictions are basically just being updated to the standards which are in effect today. One of those, as a matter of fact, is the time of compliance provision for commencing and completing this particular development.

Commissioner Nirode asked if there is a map to show where Oak Park Drive is ending. Mr. Seymour advised that he does not have that information with him, but when the plans were approved for this particular development it did connect up opposite Stonegate Drive. Commissioner Nirode said he heard it mentioned earlier that it wasn't going through to Shepard. Mr. Seymour clarified that the individual lot access will be off of Oak Park Drive as opposed to Shepard. But Oak Park Drive will go through to Shepard Avenue.

Commissioner Siepert asked if the original owners have any problem meeting these new requirements and restrictions and he was told no.

Commissioner Rottel made a motion that the Commission recommend to the Council that Resolutions 563-030663 and 592-041663 be amended as noted and also that the attached conditions and restrictions be adopted to regulate this planned development after an appropriate public hearing. Motion was seconded by Commissioner Siepert.

Mr. Seymour advised that instead of the word "amended", the word "repealed" should be used for this particular development. Mr. ? clarified that if they go through and have a new resolution repealing the original resolution and the amendment to the original resolution it will clarify public records.

Commissioner Kopplin asked why it is 48 months for completion when in other cases it has been 2 years. Mr. Seymour explained that they had already envisioned that 2 years would not be adequate to complete this development and requested the additional time at the time they had those conditions and restrictions.

On roll call, all voted aye. Motion passed-

# USE APPROVAL - MINNEMAN TRUCKS & EQUIPMENT 9840 S. 27th Street

Ninneman Trucks & Equipment is requesting that the Plan Commission approve truck and equipment sales and repairs as a permitted use for the property at 9840 S. 27th Street in the Southbranch Industrial Park. Resolution 986 imposed conditions and restrictions upon properties within the Industrial Park. Section 4 of that resolution states that operations on the site insofar as uses are concerned shall be subject to prior approval of the Plan Commission of the City Oak Creek, except that the following uses shall be permitted without such prior approval. Truck and equipment sales and repair are not listed among those permitted uses and would require prior approval by the Commission under the terms of this resolution.

This type of facility typically involves outdoor storage and in fact is treated as a special use in the M-1 Limited Manufacturing zoning district which is the underlying zoning district for the Southbranch Industrial Park. Outdoor storage is permitted under the terms of the resolution; however, it does state that the storage must be in the rear yard and properly screened.

# USE APPROVAL - NINNEMAN TRUCKS & EQUIPMENT 9840 S. 27th Street (continued)

The Southbranch Industrial Park was developed to accommodate highway oriented uses and there are several other similar businesses already operating near this property in the park, including two truck stops which are currently operating on the periphery of the park. This location would be appropriate for a truck and equipment sales and repair facility and would be subject to the same requirements concerning screening and outdoor storage that would be imposed on any property seeking a special use approval for the same type of use.

It is staff's recommendation that the Commission approve truck and equipment sales and repair as a permitted use for the property at 9840 S. 27th Street in the Southbranch Industrial Park with the condition that a landscaping plan which includes outdoor storage is submitted and approved by staff prior to the issuance of occupancy permits.

Commissioner Siepert asked how many trucks will be in storage at any one time. Ms. Debra Ninneman replied that the majority of the work that they do is always inside the building and they do not store customer vehicles outside of the building. With the type of business that they do, they do not sell used trucks so they will not have trucks outside. They install dump bodies, lift gates, snow plows, salt spreaders, and sell the equipment itself. Everything is in-house as they are working on it. Trucks that they take in are in their facility anywhere from 2 days to 2-3 weeks, so they have a limited amount of trucks that they take in and they do not leave them sit outside.

Mr. Seymour asked what kind of outdoor storage we could expect from this operation. Ms. Ninneman explained that there may be 1 or 2 vehicles outside for a 24 hour period and there might be 1 or 2 trailers outside. The Mayor said if it is strictly based on that, and looking at the parcel, it is quite a big parcel. He asked if the entire parcel is available for outside storage. Mr. Seymour suggested that we would need to have a plan identifying those areas which are approved for outside storage and make that part of the approval of the landscaping plan. Approving outdoor storage for that entire parcel would be excessive.

Commissioner Kopplin asked where Ninneman Trucks and Equipment is located now and she was told they are located at 7948 S. 27th Street, which is 27th and Drexel, in the old Oak Creek Motorsports building. They occupy the south portion of that building in the warehouse. They have been in there since October and it is just not the size they need and Hank has been looking to sell the property.

Commissioner Dickmann asked if there are any other future plans for the southern portion of the property, as it sounds as if it is quite large. Ms. Ninneman advised that they are not purchasing the acreage at this time. They are looking at a lease/purchase just on the 4.4 acres for the building itself at this time.

Mr. Seymour explained that there is some discrepancy because the two parcels are tied together under one tax key number. In essence the whole property has the address of 9840 S. 27th Street. When the application came in for 9840 S. 27th Street, that is the area they had highlighted as requesting the approval for the truck sales as a permitted use. If it is their intention to only have a portion of that, then there needs to be a legal document recorded which splits off that portion. Mr. Seymour stated that they would have to check with the assessor because there are two identifiable properties there, albeit under one tax key number, and they need to clarify what mechanism needs to be used in order to split that lot.

Commissioner Dickmann asked Ms. Ninneman which portion is their property, and she stated it is just the little L-shaped piece at the top corner which is approximately 4 acres. The Mayor asked if they are buying the entire parcel or just the 4 acres; Ms. Ninneman replied just the 4 acres. The Mayor said there would be a division of the property then at that time.

# USE APPROVAL - NINNEMAN TRUCKS & EQUIPMENT 9840 S. 27th Street (continued)

The Mayor stated that his only concern is that there is a revision of the plan in regard to berming or landscaping and in regard to outside storage for that particular parcel. Mr. Seymour asked if it is Commission's desire to have that brought back before the Commission and he was told yes.

Commissioner Dickmann asked if we can do anything with this tonight since it was written addressing the whole property. Mr. Seymour said they could attach a legal description to it just identifying the north part of the property. At one time it did exist as a separate property so he was sure there is a legal description out there.

The Mayor said he is concerned that they have not purchased the property as of yet. Ms. Ninneman advised that the papers are drawn up and they are just waiting for the signatures to be drawn up and the acceptance of occupancy. The Mayor is concerned that if we approve this, we have run into situations where the deal did not go through and yet the Plan Commission is on record as given the approval and the use goes with the property, not with the property owner. Therefore, somebody else could come in here with this outside storage and create some other potential problems that we might not be aware of that we might potentially like to scrutinize. The Mayor said that we could probably buy into this in concept, but he would recommend that we not proceed with this until the property changes hands and it just fits that tax key. At that point in time, they could come back up with a landscape plan. Mr. Seymour suggested that they could come back with a landscape plan prior to the change in property and if the Commission buys into that particular plan, it shouldn't matter who is in there doing the outside storage.

Mr. Holden suggested that if this were to be approved with no outdoor storage, then regardless of who purchases the property if they want outside storage they would have to come back with a landscape plan for the Plan Commission to approve the outside storage.

Commissioner Larson made a motion that the Commission approve truck and equipment sales and repairs as a permitted use for the northerly 4-plus acres of the property at 9840 S. 27th Street in the Southbranch Industrial Park with the condition that no outdoor storage be allowed. Commissioner Dickmann seconded the motion. On roll call, all voted aye with the exception of Commissioner Kopplin, who voted no.

# ARCHITECTURAL AND LANDSCAPING REVIEW - KMIEC STORAGE 3859 E. Addison Lane and 8465 S. Fifth Avenue

Mr. Kmiec is requesting Plan Commission approval of architectural and landscaping plans for the recently approved storage buildings. The site plan for this development was previously approved by the Commission in February of this year. At that time, Mr. Kmiec had indicated that this would be a masonry building with a metal roof and that there would be "a lot of landscaping". At that time, Mr. Kmiec was also informed that details of any fencing would need to be approved as part of the landscaping plan.

The plans which were submitted illustrate a metal building of unknown color. The landscaping plan does not show any details for the proposed fence. The proposed landscape plan indicates that 10 of the existing trees will remain, and that a total of 6 additional plants will be added; this is certainly not what staff would consider a great deal of landscaping.

Staff recommends that the Commission deny the architectural and landscaping plans for Kmiec Storage at 3859 E. Addison Lane and 8465 S. Fifth Avenue.

#### Description of proposal:

We are over the road trucking company currently located at 4600 W. Burnham Street, West Milwaukee, WI 53219. We would use property as truck terminal, warehouse, cross docking, truck parking, office, full truck repair facility and towing services. Hours of operation in office are 06:00 AM until 11:00 PM, Monday thru Friday and 6:00 AM until 16:00 on Saturday. It might happen that trucks that are coming back from the road or leaving will come in and leave our facility any time of day including night and weekend.

In our fleet we have 30 semi trucks but most of the trucks are out on the road for 2 weeks when they leave our yard. We also have 5 trucks that are doing local pick up and deliveries and they would use our yard every day.

At this time we have 48 employees, 10 people in office, 3 mechanics and 35 drivers. Some drivers are from out of states and they don't use our yard at all. Office people would use parking lot in front of the building, drivers would use same parking spot where they park their trucks.

As for outside storage, we would have regular garbage container, container for non usable steel and all other would be for truck parking.

At this time we would not do any interior or exterior modification.

As far as front sign we would just do face change with our company logo.

We would not do any landscaping change unless it is required by City.

# Legend MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE County Boundary County Parks 8k ☐ Municipal Subdivisions 25k ☐ Tax Parcels 1:620

THIS MAP IS NOT TO BE USED FOR NAVIGATION

103

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Notes

Enter Map Description

WDNR Wetland Points Excavated pond

SEWRPC Wetlands Forested

Highways, to 8k

Red: Band\_1 Green: Band\_2 Blue: Band\_3

Railroad 8k Water 8k Rivers 8k Landmarks 8k

Street Centerlines, 0k to 8k

AERIAL PHOTO 2013 HIGH R

Emergent/wet meadow Scrub/shrub Open water Filled/drained wetland Aquatic bed FEMA Floodplain 100YR 100-year Floodplain Area 100-year Floodway Area

Filled wetland too small to delineate Wetland too small to delineate

# MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE

222

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Legend

WDNR Wetland Points

Filled wetland too small to delinea

SEWRPC Wetlands

Welland too small to delineale

Emergent/wet meadow

Scrub/shrub Open water

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FEMA Floodplain 100YR

100-year Floodplain Area 100-year Floodway Area

☐ County Boundary Highways, to 8k

Street Centerlines, 0k to 8k

Railroad 8k

Water 8k

Rivers 8k Landmarks 8k

County Parks 8k

Municipal Subdivisions 25k

Tax Parcels AERIAL PHOTO 2013 HIGH R

图 Red: Band\_1

Green: Band\_2

Blue: Band\_3

1:1,330

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## Plan Commission Report

ITEM: 7f

DATE: November 11, 2014

**PROJECT:** Plan Review – Kurt Maass, Maass Excavating and Trucking

ADDRESS: 380 W. Ryan Rd.

**TAX KEY NO:** 875-9996-003

**STAFF RECOMMENDATION:** That Plan Commission does not approve the site and building plans submitted by Kurt Maass, Maass Excavating and Trucking, for the property at 380 W. Ryan Rd until such time as a detailed site plan is approved by the Plan Commission to regulate the outdoor storage on this property, and that grading and drainage plans are submitted for review and approval by the City Engineer prior to the issuance of any permits

Ownership: D & A Holdings, S79 W16151 Bay Lane Place, Muskego, WI 53150

**Size**: 1.261 acres

**Existing Zoning:** M-1 (CCU), Manufacturing

Adjacent Zoning: North – P-1, Park District

East - M-1 (CCU), Manufacturing

South – I-1, Institutional West – P-1, Park District

Comprehensive Plan: Planned Business.

Wetlands: N/A.

Floodplain: N/A.

Official Map: N/A.

**Commentary:** The Applicant is requesting approval of a proposed 33' x 30'x 15' (900 square feet) salt storage shed at 380 W. Ryan Rd. The proposed location is behind the existing residence on the property. All setback requirements are fulfilled in the proposed location.

Examples of the proposed type of shed have been submitted; however, a final selection has not been determined by the applicant. Building materials may consist of concrete blocks set on top of a concrete slab, and a fabric cover supported by galvanized steel tubes to serve as the roof. There is no door or wall proposed on the east side of the building. These materials do not meet the architectural standards of Section 17.1009(a)(2), and will require a ¾ majority approval of the Commission.

Staff has concerns for the type and durability of construction materials, especially the fabric cover, as well as setting a precedent for future requests. Although the proposed structure would be located behind an existing residence at a lower elevation than the road, it would not be screened and could still be visible to vehicles traveling on Ryan Road. Section 17.1010 also requires landscaping for all new or expanded buildings. In 2008, staff expressed similar concerns for two salt storage buildings on the property at 824 E. Rawson Ave. (KEI Enterprises).

Additionally, staff has expressed concerns regarding potential runoff. No plans that address how runoff would be prevented have been submitted to date, although State standards for salt storage must be followed.

Under the terms of Ordinance 1327 (November 1988) a site grading and drainage plan shall be submitted to the City Engineer prior to the issuance of any building permits. Additionally, this ordinance, which established a conditional use permit on the property for cartage and express, requires a precise detailed site plan to be submitted to and approved by the Plan Commission. One of the ongoing operational concerns with outdoor storage uses in the City is that many of them (including this one) do not have approved detailed site plans and thus it is difficult to monitor the extent of these

operations over time. In fact, recent imagery for this property appears to indicate that the outdoor storage use has spread onto adjacent County property. There appears to be considerable outdoor storage already taking place within the area designated for this salt shed. Staff would like additional information as to where this displaced storage would be relocated to on the property. The plans that were submitted do not meet the criteria for a precise, detailed site plan, and are not of sufficient detail for staff to make a positive recommendation at this time.

Prepared by:

Kari Papelbon, CFM, AICP

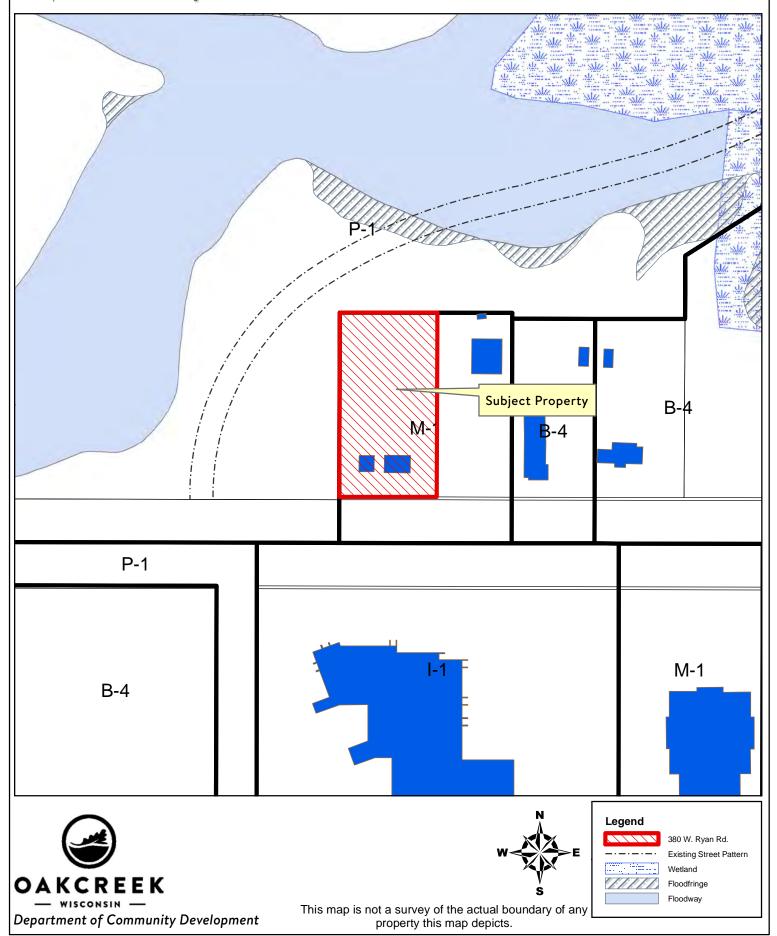
Planner

Respectfully Submitted by:

Douglas Seymour, AICP

**Director of Community Development** 

# Location Map 380 W. Ryan Rd.



### CITY OF OAK CREEK Official Notice

ORDINANCE NO. 1327 BY Ald. Daily
AN ORDINANCE AUTHORIZING AND APPROVING THE REQUEST FOR A M-2 SPECIAL USE - CARTAGE & EXPRESS

(Robert Bartz) (320 W. Ryan Road) (6th Aldermanic District)

WHEREAS, Robert Bartz has petitioned the Common Council of the City of Oak Creek for a M-2 Special Use-Cartage & Express for a parcel of land located at 320 W. Ryan Road, Oak Creek, Wisconsin; and,

WHEREAS, more specifically, the petitioner has requested the following described parcel of land, which is currently located in a M-2 General Manufacturing District, be granted a M-2 Special Use-Cartage &

Express: The South 300 feet except the East 130 feet of a parcel of land in the South East 1/4 of Section 20, in Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, which is bounded and described as follows: Commencing at a point in the South line of said 1/4 Section which is 1286.03 feet West of the South East corner of the said 1/4 Section; running thence Northerly 1452.26 feet to a point which is 1286.60 feet West of the East line of said 1/4 Section; thence Westerly 299.17 feet to stone monument; thence Southerly 1451.45 feet to a point in the South line of said 1/4 Section and thence Easterly along the South line of said 1/4 Section 299.30 feet to the place of beginning, except that part conveyed in Document 453.21 (#4432317).

AND: That part of Parcel "B" hereinafter described in the South East 1/4 of Section 20, in Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, lying Southerly of a line whose Westerly point is in the West line of said Parcel "B" and is 300.00 feet North of the South line of said 1/4 Section and whose Easterly point is in the East line of said Parcel "B" and is 356.57 feet North of the

South line of said 1/4 Section.

PARCEL B: All except the East 130 feet of that part of the South East 1/4 of Section 20, in Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: Beginning at a point in the South line of said 1/4 Section, 1286.03 feet West of the South East corner of said 1/4 Section; thence Northerly 1452.26 feet to a point which is 1286.80 feet West of the East line of said 1/4 Section; thence Westerly 299.17 feet to a stone monument; thence Southerly 1451.45 feet to a point in the South line of said 1/4 Section; thence Easterly along the South line of said 1/4 Section, 299.30 feet to the point of beginning, excepting therefrom the South 300 feet.

WHEREAS, in accordance with Section 17.52 of the Oak Creek Municipal Code the Common Council had referred the request to the Plan Commission for its recommendation and report and the City Clerk had advertised the matter for a public hearing;

WHEREAS, the Common Council held a public hearing on said matter on October 18, 1988 at which time all persons interested appeared and were heard; and,

WHEREAS, the Plan Commission had recommended to the Common Council that the application for a special use be approved subject, however, to the imposition of certain conditions and restrictions upon the construction, location and operation of the special use pursuant to Section 17.52(6) of the Municipal Code of the City of Oak Creek which conditions and restrictions are as

1. REQUIRED PLANS, EASEMENTS. AGREEMENTS AND PUBLIC IMPROVE-MENTS

A. A precise detailed site plan shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building permits for new construction. This plan shall show and describe the following:

1. Detailed locations, shapes and dimensions of all existing or proposed buildings or

structures.

2. Proposed building elevations.

3. Off-street parking arrangements. Proposed pedestrian and vehicular

circulation within the special use. 5. Proposed utility services.

6. Areas proposed for hard surfacing.

7. Points of access (i.e. driveways) to the special use.

B. Signs.

H. All plans for new buildings, additions or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.

C. For any new buildings or structures. and additions, a site grading and drainage plan shall be submitted to the City Engineer for approval. The City Engineer's approval must be received prior to the issuance of any

building permits.

D. 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 Item 1E and/or as specified by these conditions and restrictions.

E. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, watermain, storm sewer, etc.) shall be subject to approval by

the City Engineer.

F. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer, and watermain 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.

G. If there are any future land divisions, a plat or certified survey map shall be prepared, submitted for approval and recorded. If required by the Common Council, a development agreement also shall be completed between the owner and the City prior to approval of said land division document, so as to ensure the construction or installation of public improvements required in these conditions and restrictions and Chapter 18 of the Municipal Code.

H. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this

I. For each stage of development a precise plan shall be submitted to the Plan Commission for approval showing detailed building locations, proposed building elevation drawings, and off-street parking arrangements.

J. For each stage of new development, architectural drawings or sketches showing the exterior elevations, floor plan and materials of construction of all principal and accessory buildings shall be submitted to the Plan Commission for approval.

K. For each stage of development, detailed landscaping plans showing locations, types, and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, artforms, water foundations, retaining walls, etc., shall be submitted to the Plan Commis-

sion for approval.

2. PARKING AND ACCESS

A. 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 set forth in Section 17.43(6) of the Municipal Code.

B. 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. All parking areas and private drives, within a phase, shall be in place prior to the issuance of an occupancy permit for any building in that phase.

C. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for

approval.

D. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 23 of the Municipal Code and the standards of State of Wisconsin; since Ryan Road (STH 100) is a State highway.

E. Storage areas shall be acreened from view of the street and adjoining buildings by barrier or trees and shrubs. Buildings may be erected for storage purposes aubject to approval of site and plan architectural plans as required for principal buildings.

3. LIGHTING

A. All plans for outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector. For each stage of the development, the plan shall show the location of all lights, type of fixture, mounting height and photometrics of the fixture and shall be in accord with the following:

1. All designated parking areas, access drives and the approach aprons from the public right-of-way shall be illuminated when natural light value is reduced to one

(1) candela.

2. Illumination shall be maintained on the surface at an average of one (1.0) candela with a minimum uniformity ratio of 5 to 1 through the access drives and a minimum of 0.05 candela/square foot in the parking area.

3. All luminaires shall be designed and mounted at a sufficient elevation above the surface to insure adequate control of glare, interflected and relective light to abutting property, the abutting public roadways, access drives and to maintain the minimum uniformity ratio. A luminaire controlled cutoff of 72 degrees will effectively minimize glare which interferes with vision and cause eye discomfort.

4. Plans shall be submitted for approval with the manufacturers descriptive literature showing photometrics and design of proposed luminaire. Plans shall include location of poles, foundations, wire size, circuit protection, controller, equipment grounding and luminaire elevation above grade.

#### 4. LANDSCAPING

A. As a part of the site plan mentioned in Item 1A, a landscape plan indicating the size, location and type of plantings shall be submitted to the Plan Commission for approval and shall address the following concerns:

1. The outdoor vehicle storage area shall be screened from casual view from adjacent properties and from West Ryan Road by using a combination of coniferous and deciduous trees and shrubs. Tree spacing to be ten (10) feet on center; shrub spacing to be five (5) feet on center.

2. All landscaping shall be installed prior to the issuance of an occupancy permit, unless a financial guarantee such as a cash deposit, bond, or other acceptable method has been deposited with the City of Oak Creek. Said financial guarantee shall be returned upon completion of landscaping in

accordance with approved plans.

3. All grass, trees and shrubbery must be maintained at all times. Grass must be cut whenever necessary or the City may serve notice to perform the work needed.

5. BUILDING AND PARKING SET-BACKS

Front Setback: Rear Setback: Side Setback:

Principal Structure, 40 ft., 40 ft., 20 ft. Accessory Structure, 40 ft., 20 ft., 15 ft. Surface Parking, 40 ft., 20 ft., 15 ft. Outdoor Storage, Not Allowed, 20 ft., 15 ft. Minimum Separation Between Struc-

tures: 25 feet 6. OPERATION

All waste by-products shall be disposed of off premises at appropriate facilities licensed and/or approved by the State of Wisconsin. On-site disposal of solid, liquid, noxious, toxic or hazardous wastes is prohibited.

#### 7. SIGNS

A. One (1) free standing business sign, having a maximum area of 48 square feet shall be permitted within the front setback area; but not less than twenty (20) feet from the right-of-way line of any street.

B. Plans for all signs shall be submitted to the Plan Commission for their approval prior to the issuance of any building permit

for said signs.

C. All applicable regulations for business signs as set forth in Section 17.39(5) shall be incorporated by reference.

8. PERMITTED USES

Uses permitted in this Special Use area shall be limited to the following:

A. Cartage and Express Facilities. (An operation where vans and trucks are loaded from semi-trailers for inter- and intra-state delivery of goods.)

B. All permitted uses in the M-2 General

Manufacturing District.

C. All accessory uses usual and customary to the above permitted uses.

9. SPECIAL USE AREA

The special use approval for this property is limited to the area north of a line that is 110 feet north of the Ryan Road right-of-way containing approximately .55 acres.

10. OTHER REGULATIONS

Compliance with all other applicable City, State and Federal regulations, not heretofore stated or referenced, is mandatory.

11. REVOCATION

Should an applicant, his heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Special Use may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Special Use as set forth in Section 17.52 of the Municipal Code. WHEREAS, following said public hearing

and upon the favorable recommendation of the Plan Commission, the Common Concil is of the opinion that the best interests of the City would be served if a special use were authorized for the lands hereinbefore described subject, however, to the imposition of those conditions and restrictions hereinbefore setforth and upon the construction, location and operation of the special use.

NOW, THEREFORE, the Common Council of the City of Oak Creek do hereby ordain

as follows:

SECTION 1. To promote the general welfare, public safety and general planning within the City of Oak Creek the M-2 Special Use-Cartage & Express for the lands bereinabove described is hereby authorized and approved.

SECTION 2: The hereinabove described lands are subject to conditions and restrictions hereinabove set forth for the design, location, construction and operation of the special use.

SECTION 3. All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 4: In all other respects, except as above amended, said Chapter 17 together with amendments and map thereto shall

remain in full force and effect.

SECTION 5: The several sections of this ordiance are declared to be severable. If any section shall be declared by decision of a court of competent jurisdiction to be invalid such decision shall not effect the validity of other provisions of this ordinance.

SECTION 6: The authorization and approval of the Special Use-Cartage & Express shall take place contemporaneously with the enactment of this ordinance which shall take effect immediately upon its

passage and publication.

Passed and adopted this 1st day of November, 1988.

/s/Elizabeth J. Kopplin President, Common Council Approved this 2nd day of November, 1988. /s/Christine B. Bastian

Mayor

ATTEST: /s/Beverly A. Burettn

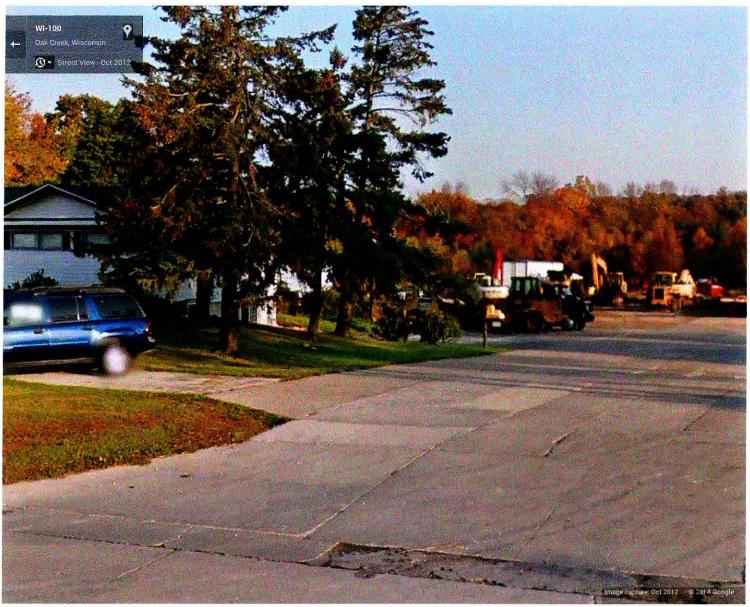
City Clerk VOTE: Ayes 5 Noes 1



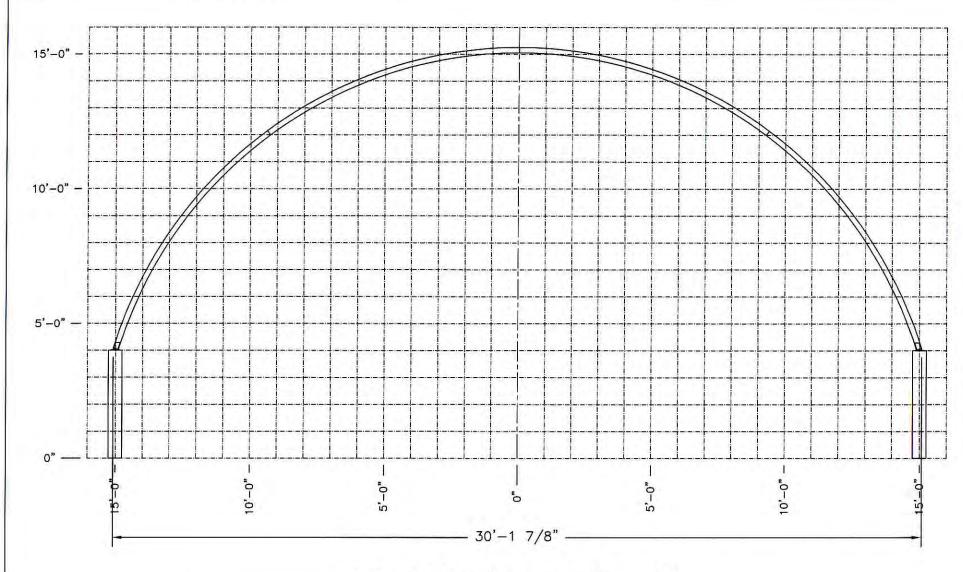


Center of Drive (114.3)

10/15/2014 Google Maps







NOTE: WALL HEIGHT SHOWN AS 4'-0"

# $\square$ GRID = 1' x 1'

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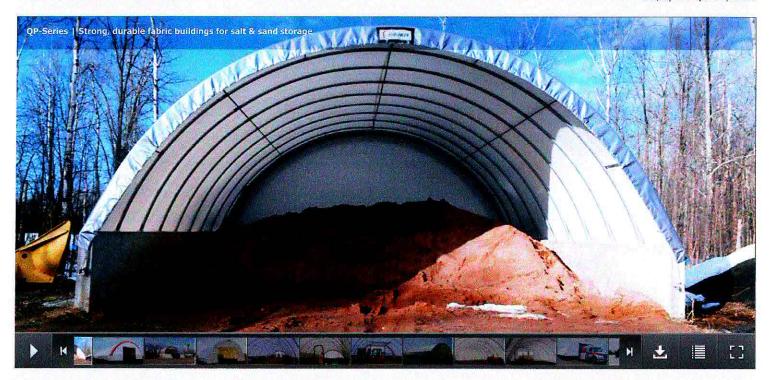
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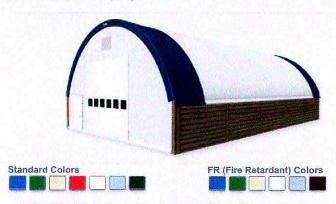
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• 14 gauge, 2 3/8" diameter round steel tube

#### **Building Widths**

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#### Installation Video