

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, MARCH 24, 2015

Mayor Scaffidi called the meeting to order at 6:05 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Alderman Guzikowski, Commissioner Correll, Commissioner Siefert and Commissioner Chandler. Excused: Alderman Bukiewicz. Also present: Kari Papelbon, Planner; Mike Kressuk, Assistant Fire Chief; Pete Wagner, Zoning Administrator/Planner; Doug Seymour, Director of Community Development; Lawrence Haskin, City Attorney.

Commissioner Siefert moved to approve the March 10, 2015 meeting minutes. Alderman Guzikowski seconded. On roll call: all voted aye, except Commissioner Dickmann and Commissioner Correll who abstained. Motion carried.

**Public Hearing - Sign Appeal**

**Kwik Trip**  
**7880 S. 10<sup>th</sup> Street**  
**Tax Key No. 783-9073**

Zoning Administrator/Planner Pete Wagner read the hearing notice and opened the hearing.

Mayor Scaffidi called twice for public comment.

Linda Oelschlaeger, 7764 S. 13<sup>th</sup> St., asked if there would be a tall, 70' sign such as the sign at the 13<sup>th</sup> Street Kwik Trip location. Mr. Wagner stated these will be wall signs on the canopy that say Kwik Trip in the red band, in addition to Kwik Trip being on the side of the building. The diesel canopy behind the building will have a diesel price sign. There will be no pole sign.

Mayor Scaffidi called a third time for public comments.

Seeing none, the public hearing was closed.

Mayor Scaffidi asked what the major differences are between this location and the Kwik Trip on 13<sup>th</sup> Street. Mr. Ryan Roberts, Kwik Trip, Inc., responded that this location would not have as much diesel traffic as the 13<sup>th</sup> Street location. Mr. Roberts responded that the gas canopy will have a Kwik Trip logo. There is one on the front of the store, but from certain viewpoints you can't see it. The monument sign does not allow for an additional price sign, so they wish to post the price of diesel fuel on the diesel canopy for the professional driver.

Alderman Guzikowski asked how this signage compares to the new Meijer gas station. Mr. Wagner responded that it is common for gas canopies to have these signs such as at Meijer, Kwik Trip on 13<sup>th</sup>, Philips 66; however, a variance request is required to have the additional signage.

Commissioner Dickmann stated that it is important to distinguish the diesel from the other products so that the customer does not use the wrong pump.

Commissioner Correll moved that the Plan Commission approves the request for a sign variance for two additional wall signs for the property at 7880 S. 13<sup>th</sup> Street. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**Public Hearing - Sign Appeal  
Marcus South Shore Cinema  
7241 S. 13<sup>th</sup> Street  
Tax Key No. 763-9018**

Zoning Administrator/Planner Pete Wagner read the hearing notice and opened the hearing.

Mayor Scaffidi called three times for public comment. Seeing none, the public hearing was closed.

David Baum, Schroeder & Holt Architects, 311 E. Chicago, Milwaukee, Wisconsin, stated he is there to request reconsideration of the monument sign height and to clarify the number of signs on the building. Mr. Baum stated that in the winter the snow is piled up in front of the driveway on a neighboring property, which obscures the bottom of the sign. Commissioner Chandler asked if the snow could be moved. Mr. Baum responded that the snow pile is not on the Marcus property.

Commissioner Correll stated that the new monument sign is better than the current pole sign, so he is okay with this variance.

Commissioner Dickmann stated that when this item came before the Plan Commission in December, he did not think the signs on the west side of the building were very relevant because you can barely see them from the expressway. Now the same signs are being proposed on the north side. Why not have the signs on the west side and let the signs on the north side serve even more of a purpose? Commissioner Dickmann continued by stating the monument sign is fine. Mr. Baum responded that the Marcus Corporation believes that any sign on the interstate is going to be viable signage. Commissioner Siepert stated the signage on the west side is not that visible. Mayor Scaffidi stated that when the signage is lit up at night, it will get noticed.

Commissioner Dickmann moved that the Plan Commission grant a variance allowing Marcus South Shore Cinema to erect a 16-foot-tall, 198 square-foot ground sign and install a total of 11 wall signs on the building located at 7241 S. 13<sup>th</sup> Street. Alderman Guzikowski seconded. On roll call, all voted aye, except Commissioner Chandler, who voted no. Motioned carried.

**Temporary Use  
West View Garden Center  
7501 S. Howell Avenue  
Tax Key No. 782-9036**

Zoning Administrator/Planner Pete Wagner provided a summary of the proposal.

Commissioner Chandler asked if there was a sign last year. Larry Schutz, 1247 51<sup>st</sup> Street, Caledonia, Wisconsin, responded that the Council asked him to upgrade the signage from the previous year. He had a plywood sign previously. He then went to a sign place and had a printed vinyl sign adhered to a piece of plywood. That was the only change that was made. Mr. Wagner clarified that this condition for a sign was instituted following concerns over the first year's signage, which did not improve the character of the neighborhood.

Commissioner Correll moved that the Plan Commission approves the temporary use permit for the temporary garden center at 7501 S. Howell Avenue with the following conditions:

1. That all building and fire codes are met.
2. That the temporary use shall expire on July 4, 2015.
3. Allow one sign no larger than 32 square feet.
4. That the applicant obtains a tent permit prior to opening.

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

**Certified Survey Map**  
**Oak Creek Water & Sewer Utility**  
**9175, 9235 & 9325 S. 5<sup>th</sup> Ave.**  
**3975 E. American Ave.**  
**Tax Key Nos. 869-9006, 869-9995-004, 869-9995-003 and 869-9998-003**

Planner Kari Papelbon provided a summary of the proposal.

Ron Pritzlaff, Oak Creek Water & Sewer Utility, explained that this is the natural extension of their rezoning process. They have worked with City staff (Engineering) regarding a 45' right-of-way along 5<sup>th</sup> Avenue, a 30' right-of-way along American Avenue, and an easement through a storm sewer that runs through the property. The applicant's surveyor is currently working on those issues. The wetlands cannot be delineated until the spring thaw.

Arden Degner, 8540 S. Pennsylvania Avenue, stated this is another instance of a City property that is being developed ignoring the future use and need for sidewalks. He suggested a sidewalk be installed along the City property.

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Ron Pritzlaff, Oak Creek Water and Sewer Utility, for the properties at 9175, 9235, and 9325 S. 5th Ave., and 3975 E. American Ave. be approved, with the following conditions:

1. That all wetlands are delineated and boundaries included on the map prior to recording.
2. That all easements are included on the map prior to recording.
3. That all technical corrections, including the updated bearing on Sheet 3, are made prior to recording.

Commissioner Chandler seconded. On roll call: all voted aye, except Commissioner Siepert who abstained as he is a member of the Oak Creek Water & Sewer Utility Commission.

**Plan Review**  
**Oak Creek Water & Sewer Utility**  
**9175, 9235 & 9325 S. 5<sup>th</sup> Ave.**  
**3975 E. American Ave.**  
**Tax Key Nos. 869-9006, 869-9995-004, 869-9995-003 and 869-9998-003**

Planner Kari Papelbon provided a summary of the proposal.

Mr. Pritzlaff stated there will be more landscaping and trees than is shown on the renderings. He is working with the resident who requested screening. Mayor Scaffidi asked the residents if they were pleased with the results of that meeting. They responded that they were.

Commissioner Dickmann asked about the height of the storage tank compared to the tank on 27<sup>th</sup> Street. Mr. Pritzlaff responded that the tank on 27<sup>th</sup> Street is roughly 80 feet in height, which is significantly higher than the proposed tank (45 feet tall).

Commissioner Chandler asked why the existing tank is being abandoned. Mr. Pritzlaff responded that it is being abandoned rather than removed because of cost considerations.

Alderman Guzikowski asked about cost of this project. Mr. Pritzlaff stated right now they are at \$29 million dollars. It is going to be paid for through Safe Drinking Water Loan funds through WisDNR. Mr. Pritzlaff stated that there will be no rate increase associated with this project.

Commissioner Correll moved that the Plan Commission approves the site and building plans submitted by Ron Pritzlaff, Oak Creek Water and Sewer Utility, for the properties located at 9175, 9235, and 9325 S. 5th Ave., 3975 E. American Ave., with the following conditions:

1. That all building and fire codes are met.
2. That stormwater and grading plans are submitted for approval by the Engineering Department prior to issuance of building permits.
3. That updated landscaping plans are submitted to the Department of Community Development for review and approval prior to the issuance of building permits.

Alderman Guzikowski seconded. On roll call: all voted aye, except Commissioner Siepert who abstained as he is a member of the Oak Creek Water & Sewer Utility Commission.

### **Rezone & Conditional Use Amendment**

**RJ Bast, Go Riteway**

**7433 S. 10<sup>th</sup> St.**

**7380, 7444, 7460, 7480 S. 13<sup>th</sup> St.**

**764-9052, 764-9006, 764-9020, 764-9007, 764-9012**

Planner Kari Papelbon provided a summary of the proposal. She noted that as part of the conditions and restrictions: 1) access to 13<sup>th</sup> Street shall be coordinated with Milwaukee County; 2) a buffer yard shall be created and maintained along the entire west property line for a minimum width of 20 feet, which is in addition to the required setbacks from the S. 13<sup>th</sup> Street right-of-way. This is to screen from the residential properties across the street. Page 5 includes clarification of building and parking setbacks. This is amended from the original conditional use permit giving some additional clarification as to where buffer yards are required. Also, there shall be no accessory structures in the front yard. Signs shall conform to provisions of the Code except where buffers are required. Permitted use is for the private bus, van and sedan service storage and maintenance yard.

Mayor Scaffidi asked what the landscaping will look like. Tim Kneprath, MSI General, responded there will be a large berm with landscaping on it. Mayor Scaffidi stated that if he was living across the street, he would want the berm to be well-maintained because he has seen examples of the opposite. That is a very significant distance. Mr. Kneprath responded it is almost 100 feet. Mayor Scaffidi asked if he was driving down 13<sup>th</sup> Street, would he just see the berm and not the buses. Mr. Kneprath responded that is correct.

Mayor Scaffidi asked if at some point in the future if there would be two ponds. Mr. Kneprath responded that it depends on the storm water management. They are working on the grades right now. The details have not been determined.

Mayor Scaffidi asked if the expansion based on business growth or expected growth. Mr. Kneprath responded both. There is a need right now and there are future needs coming up with opportunities.

Commissioner Siepert asked about hours of operation. Mr. Kneprath stated there are mostly school buses, so the busy time will be in the morning getting the children to school and the same in the afternoon around 3:00 p.m. Commissioner Siepert stated his concern about how busy 13<sup>th</sup> Street is and asked if a traffic study has been done. Mr. Kneprath stated that he is working with Milwaukee County right now regarding the driveway permits.

Mayor Scaffidi asked how the road reconstruction of 13<sup>th</sup> Street in 2018 ties in with the discussion of the driveways. Mr. Kneprath responded that the only information he has been given so far is that they are going to widen the road to four lanes.

Commissioner Johnston stated that with a 20-foot buffer, the berm would only be 3 feet high if there is a 3:1 side slope. Ms. Papelbon clarified that the buffer is 20 feet in addition to the required setback, so it would actually be 50 feet. Mayor Scaffidi asked what the height of the berm would be then. Commissioner Johnston responded the height would be 5 feet. Mayor Scaffidi stated that is his main concern. The stretch of 13<sup>th</sup> Street is going to be redone. When someone drives down 13<sup>th</sup> Street, Mayor Scaffidi wants it to look good because it feeds into Drexel, which is the soon-to-be main street to downtown. He wants that to look good. The quality of the landscaping and the planning that goes into that is probably more important than all the rest of it. Mr. Kneprath stated he would prepare renderings

from the road there, but they have no problem putting additional landscaping on the top of the berm. Mayor Scaffidi stated that it should look as nice as possible for the residents.

Alderman Guzikowski asked if the exit driveways line up with any of the residential driveways across the street. Mr. Kneprather stated that one driveway would be lined up with the Assembly of God church.

Linda Oelschlaeger, 7764 S. 13th St., stated that a number of years ago, they fought a battle to keep the area residential and the agreement was that it would be kept residential from the creek south. They agreed to get City sewer and water and required that they were residential pipes in order to reinforce their position. She stated that she does not want a parking lot of school buses. She knows a berm is proposed, but she was told the same thing by the industrial park behind them on 10<sup>th</sup> Street. The berm is there, but they never came along and did the landscaping that would further conceal it and it has been 20 years. Ms. Oelschlaeger stated that they started their business in an industrial park and they should keep it there. Let them take their buses in and out on 10<sup>th</sup> Street.

Dennis Cieslak, 7781 S. 13<sup>th</sup> Street, stated he is against this. He stated that residential people are being squeezed from all directions and it goes back to that agreement to remain residential to the creek, but he knows things change. Watching the school buses coming off of 10<sup>th</sup> Street onto Drexel Avenue now that they have the on and off ramp there, he is waiting for an accident to happen. Whether the (traffic) lights come there or not is another thing. He does not know which way the buses would head on 13<sup>th</sup> Street, but if they are going to have to cross and go south, that is an accident looking for a place to happen. Drexel Avenue is a raceway now that the on and off ramp is there.

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that the properties at 7433 S. 10th St., 7380 S. 13th St., 7444 S. 13th St., 7460 S. 13th St., and 7480 S. 13<sup>th</sup> St. be rezoned from B-4, Highway Business, and Rs-3, Single Family Residential, to M-1, Manufacturing with a Conditional Use Amendment to expand the current bus operations, after a public hearing and subject to conditions and restrictions. Commissioner Correll seconded. On roll call: all voted aye, except Commissioner Siepert and Commissioner Chandler, who voted no. Motion carried.

Mayor Scaffidi again made the point that the people living there deserve to have that look proper because they have to look at it all the time. Mayor Scaffidi asked the applicant to consider in the next months ahead how they can make that look better.

**Rezone and Conditional Use Amendment  
Villa Healthcare  
8380, 8400 and 8432 S. 13<sup>th</sup> Street  
Tax Key Nos. 831-9027, 831-9026, 831-9025**

Planner Kari Papelbon provided a summary of the proposal.

Mayor Scaffidi asked about the people that would be living in this facility. Edward Johnson, PDC Midwest, responded that this is a skilled nursing facility. Residents would be a little bit further along with their needs similar to memory care, but require additional help from staff. Regarding the parking requirements, most of them can no longer drive. This will be parking for staff and visitors.

Commissioner Correll asked if there is any vision or plan left from the 27<sup>th</sup> Street corridor plans and if approval of this application will affect the plan. Ms. Papelbon responded that most of the property at 8380 S. 27<sup>th</sup> Street will not be affected by this proposal. We have not seen an overall development plan for all three properties at this point. Mr. Kneprath stated that is not part of the proposal. They are looking at 8.79 acres and what is happening with the other parcels is not in the scope of work. Mr. Seymour stated that that part of 27<sup>th</sup> Street called for three distinct zones. This was an area that was planned for a mixed use/mixed residential area. The proposal for a skilled nursing facility here is entirely consistent with that concept.

Commissioner Johnston inquired about the north side of this property. There is an existing driveway that they are using for the filling operations. He thought that is where the connection would be available for

27<sup>th</sup> Street and not up to Forest Hill. Ms. Papelbon responded it is actually just north of the proposed rezone. Commissioner Johnston stated it is shown on the site plan with a dashed line for a possible road going to the north. Mr. Kneprath responded that that gravel road is not on the property in the proposal. Commissioner Johnston asked if they could require a stipulation for a cross access easement from the internal drive to the gravel road. Ms. Papelbon stated that would be relayed to the property owners.

Therea Kasprzak, 8437 S. Cortland Dr., asked if the parking lot is going to be on 27<sup>th</sup> Street or in her back yard. Ms. Papelbon responded that there is a storm water pond between Ms. Kaspersak's property and the single row of parking about 100 feet from the property line. Amy Schoeneman, PDC Midwest, recognizes the parking is on the rear side. She stated they worked with the seller to acquire that additional 30-foot sliver on the third parcel to the east to provide that landscape buffer. Also, knowing that they had the storm water pond to the south and the easement, they would be able to provide sufficient landscape buffering to the neighborhood.

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that portions of the properties at 8380 S. 27<sup>th</sup> St., 8400 S. 27th St., and 8432 S. 27th St. be rezoned from B-4, Highway Business, to Rm-1, Multifamily Residential, with a Conditional Use for a skilled nursing facility, after a public hearing and subject to conditions and restrictions. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

### **Conditions and Restrictions**

#### **Chick-fil-A**

#### **150 W. Town Square Way**

#### **Tax Key No. 813-9047**

Planner Kari Papelbon provided a summary of the proposal. She stated that there will be some language added to the appropriate sections where the Plan Commission has the authority to make adjustments to minimum requirements at the site plan review level.

Mayor Scaffidi asked the City Attorney to attend this meeting to preface the discussion with the specifics of what the Common Council did in their actions of the previous week, and what the roll of the Plan Commission is concerning conditions and restrictions.

Lawrence Haskin, City Attorney, stated that the public hearing was held at the March 17, 2015 Common Council meeting for a conditional use permit. The Common Council voted 5-0 to adopt the ordinance to approve the conditional use permit. By Code, the authority to make a decision on whether or not the conditional use permit is approved or denied rests with the Common Council. Because the Plan Commission recommendation was against approval of the conditional use permit, the conditions and restrictions were not reviewed or approved by the Plan Commission. This is now being referred back to the Plan Commission to review the conditions and restrictions, to prepare them in a manner for similar uses in the City, and refer them back to the Common Council. The ordinance will then go back to the Common Council on April 6, 2015, and they will take up the ordinance with the conditions and restrictions. This is the procedural status of the matter.

Commissioner Dickmann asked what specific areas were modified in these particular conditions and restrictions. Ms. Papelbon responded that because this is the first conditional use to be submitted for Drexel Town Square, the entire document has been created from scratch. It was using the conditions and restrictions template that staff normally has as a base, and then modified to incorporate the appropriate portions of the Drexel Town Square General Development Plan and Regulating Plan.

Commissioner Correll asked why the Common Council is not reviewing the conditions and restrictions since they approved the conditional use permit. Mr. Haskin responded that the ordinance states the Plan Commission must make a recommendation on the conditions and restrictions.

Commissioner Correll moved that the Plan Commission recommends that the Common Council adopt the Conditions and Restrictions as part of the Conditional Use Permit allowing a restaurant with drive-through facilities located at 150 W. Town Square Way after a public hearing. Alderman Guzikowski seconded. All voted aye. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Correll seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:30 p.m.