

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 14, 2015

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

Commissioner Dickmann moved to approve the March 24, 2015 meeting minutes. Commissioner Siepert seconded. On roll call: all voted aye, except Alderman Bukiewicz, who abstained. Motion carried.

Conditions and Restrictions

Villa Healthcare

8380, 8400, 8432 S. 27th Street

Tax Key Nos. 831-9027, 831-9026, 831-9025

Ms. Papelbon provided an overview of the project. She then stated she would like the Plan Commission to make a decision on which section of Code they would like to apply regarding parking - either the minimum of 122 parking stalls or the minimum in accordance with the section for institutional and related uses, which is what has been proposed.

Commissioner Siepert asked if the neighbors' concerns mentioned at the last meeting were taken into consideration regarding a buffer separating the backyards from the parking lot. Ms. Papelbon responded that they don't have site plans at this point, but landscaping plans as part of the site plan review will be required. There is a requirement for a buffer to be shown on those plans.

Commissioner Correll asked what the number of parking stalls is for institutional and relates uses. Ms. Papelbon responded the number is 90 or 95.

Theresa Kasprzak, 8437 S. Cortland, asked what the parking lot being proposed in her back yard will do to the assessed value of her property. She requested that the employee parking lot be added to the parking lot on 27th Street so that she does not have to have a parking lot that will adjoin her backyard and have lights on all night.

Amy Schoeneman, representing Villa Healthcare, PDC Midwest, 1130 James Drive, Hartland, WI responded to the parking concerns. Ms. Schoeneman proposed that they be allowed to go with the 96 parking stalls, not the additional 30 stalls because the residents at this facility do not drive. The decision to split the parking is based on providing visitor parking and people who are interested in touring the facility to use the parking in the front. The staff parking is typically positioned around the back where there is a staff lounge and other break areas, and for deliveries. Ms. Schoeneman stated the maximum shift change would be during the day with the 7 a.m. to 5 p.m. timeslot and approximately 50 stalls would be needed. The evening shifts would be greatly reduced.

Alderman Bukiewicz asked what the buffer is from the back lot on Cortland to the west edge of the detention pond. Ms. Schoeneman stated she found no exceptions that they would need to address with the current required landscaping in the conditions and restrictions. They are fine with putting in the buffers mentioned in the current code. At the back east property line that abuts the residential houses, there is a 50-foot easement at the east end of the detention pond. There is another 60-foot-plus to reach the edge of the parking; for a total of 110 feet. Ms. Schoeneman stated this is preliminary as they have not yet officially designed the storm detention basins. Alderman Bukiewicz stated that given the neighbors' concerns, he would like to see a berm to really define that. He would really like to see some planning going into protecting those people with a berm of some sort.

Commissioner Johnston suggested the possibility of flipping the parking so that they are facing the

building rather than outside, so that all of the headlights are not shining into the houses. Ms. Schoeneman stated they would have to take the single parking and split it and angle it more toward the houses to meet the quantity. Mayor Scaffidi asked if the south section of parking could be relocated so that there is no effect on the neighbors. Ms. Schoeneman stated they would like to keep staff parking in the back because that is where staff will enter the building. There will also be deliveries to the back. Mayor Scaffidi stated they should get those spots moved. Commissioner Johnston stated that when further work is done on the storm water pond requirements, it might change the ponds a little bit, which may mean that the parking can be reconfigured. Mayor Scaffidi stated that the more distance between the residential area on Cortland and the parking lot, the better it will be.

Commissioner Dickmann stated he would prefer a parking plan that shows the headlights facing the building. He suggested putting the road behind the parking if that can be done. Commissioner Dickmann asked if the conditions and restrictions require plantings on top of the berm. Ms. Papelbon responded that there is nothing in the conditions and restrictions that specifically states the berm has to be planted. That would be part of the landscape plan reviewed at the time of site plan review. Ms. Schoeneman responded that if they were to flip the parking to the opposite side, the headlights would be shining directly into the views of the sleeping units of the residents. Then it becomes a choice of 10 feet from the residents of the building or 200 feet to the abutting property owners.

Commissioner Dickmann asked if the parking lot lights would be on all night. Ms. Schoeneman responded that they have not chosen any lighting yet, but the lighting that is chosen would reflect only on their property. It would be casting over the parking lot and not anywhere onto the green space to the east. Alderman Bukiewicz stated the spillover would probably not be great.

Ms. Papelbon stated a the Code requires a 25-foot easement and a 50-foot setback from the property line closest to this property. Mayor Scaffidi stated there should be nothing preventing them from putting a natural barrier of evergreen plantings significant at the time of planting (6 feet) growing up to totally screen whatever happens on the other side.

Commissioner Correll stated there are approximately 15 parking stalls on the south that they need to find another place for. He stated that if the storm water pond area is reduced, this may be a possibility.

Commissioner Johnston stated that the development agreement for the Chateau Apartments on the south side of Honadel stated that the landscape boulevards are supposed to be maintained with shared maintenance when this property gets developed. Commissioner Johnston asked if the applicant would be willing to take over the maintenance of those islands, and then that would be added to the conditions and restrictions. Ms. Schoeneman responded she could not speak to that on behalf of her client, but she agreed to present it to her client.

Alderman Bukiewicz asked where the Fire Department would gain entrance and how many Fire Department calls are anticipated to this location. Asst. Chief Kressuk stated they have worked with the applicant several times already and they have been very receptive for their request for access and layout of the structure, egress paths and evacuation points and collection points for patients in case there was an emergency there. With regard to call volume, he estimated one call per bed. Since this is a unique facility for Oak Creek, an accurate number is not available yet.

Ms. Schoeneman stated she had questions regarding the architectural portion - the façade of a manufacturing commercial office or institutional building shall be finished with an aesthetically pleasing material minimum of 75% of the perimeter shall be finished with glass, brick or decorative masonry material. That is quite a higher percentage than she has seen coming from other cities. They have tried to mimic the residential character of the homes in the back and the apartment buildings to the south. At most, they look like they have 20% masonry. They have matched the aesthetic of the one-story residential, but nothing coming close to 75%. Ms. Papelbon responded that 75% of the visible perimeter is as you see it from the road. It would be along 27th Street and Honadel Boulevard. There is a section of the code that states the Plan Commission may modify that by a $\frac{3}{4}$ majority vote. At the time architectural plans are submitted for review, the Plan Commission would have the authority to make any changes. Mayor Scaffidi stated he noted her concerns.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions with the condition that Section 3 A will state that parking requirements for this project shall be provided in accordance with Section 17.03 of the Municipal Code with a minimum number of parking stalls as stated in subsection (j)(6)(f) for Institutional and Related Uses as part of the Conditional Use Permit allowing a skilled nursing facility on portions of the properties at 8380 S. 27th St., 8400 S. 27th St., and 8432 S. 27th St. after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Plan Review

Thomas Kinnard

9867 S. Chicago Road

Tax Key No. 912-9007

Ms. Papelbon provided an overview of the project.

Commissioner Correll asked if the parking is more than is needed, as it looks like a lot of parking for that type of use. Ms. Papelbon responded it is more than is required. Commissioner Correll asked how many employees will be working at one time. Tom Kinnard, 2921 Five Mile Road, Caledonia, responded there was a 12-car minimum. Ms. Papelbon stated it is actually less than that. Mr. Kinnard stated that probably 2 employees will be working at any given time. Mr. Kinnard stated that one of the reasons they made it wider was because they couldn't get access from Highway 32. They wanted to run a loop for deliveries, so they need that lot to be a little wider so delivery vehicles can turn around.

Commissioner Dickmann asked about the basement use. Mr. Kinnard responded there will be a full basement under the residential portion only.

Alderman Bukiewicz asked about trash pickup (residential or business), and if there are separate services going in there for the residence or the business. Alderman Bukiewicz asked if they fall under the specific fire code for sprinklers. Ms. Papelbon responded that trash pickup would be private. Asst. Chief Kressuk responded that he did speak with the applicant about the structure, and they did send this in for plan review and will follow-up with those discussions on any requirements for this building.

Commissioner Chandler asked about the gap in the gates surrounding the dumpster. Ms. Papelbon explained that the gap is just on the west side. Mr. Kinnard stated that the architect probably left a gap there to place trash in there without having to open the gate. Mayor Scaffidi suggested putting in a smaller gate that matches the other side so that it closes it off so people aren't getting in there.

Commissioner Chandler asked about the future expansion. Mr. Kinnard stated that they did position the building to the south so that if they ever considered expansion, they would have space to do it.

Commissioner Johnston asked if a truck would be picking up the trash and if there was enough room for a turnaround. Mr. Kinnard stated that the only way they would need a dumpster is if it was required. Commissioner Johnston suggested putting a concrete pad in front of the dumpster for the truck.

Commissioner Chandler asked about the status of removal of the billboard signs. Mr. Kinnard stated he drove by and they have started removing them.

Commissioner Correll moved that the Plan Commission approves the site and building plans submitted by Thomas Kinnard for the property at 9867 S. Chicago Rd. with the following conditions:

1. That all technical corrections (zoning district, scale, etc.) are made to the plans and resubmitted to the Department of Community Development for review and approval prior to the issuance of building permits.
2. That all building and fire codes are met.
3. That a letter confirming the removal of the billboards on the property is submitted to the Department of Community Development prior to the issuance of building permits.
4. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of building permits.

5. That updated landscaping plans are submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
6. That final lighting plans, including luminaire details, pole types, heights and color are submitted to the Department of Community Development for final approval, upon written recommendation of the Electrical Inspector, prior to the issuance of building permits.
7. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
8. The applicant close off the gap in the dumpster with a utility gate that matches the cedar siding on the rest of the structure so that the dumpster is completely enclosed.

Mr. Kinnard asked if he needed the 75% Plan Commission approve for fiber cement siding. Ms. Papelbon stated he is fine.

Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

Plan Review

Nucor Cold Finish WI, Inc.

400 W. Burkard Ct.

Tax Key No. 765-9048

Ms. Papelbon provided an overview of the project.

Commissioner Dickmann asked why the parking lot was being expanded. Jerry Richie, Nucor Cold Finish, 7200 S. 6th St., responded that it is strictly for their teammates. It needs to be wider for safety concerns. There is a severe drainage problem where the current handicap spots are. In the winter and spring, it becomes iced over. The elevation and drainage issues drove this project. Mr. Richie also explained that the parking spaces are too close together.

Commissioner Chandler asked for the reason for the removal of the vegetation. Mr. Richie explained that currently the rainwater from that building's roof drains out. They are putting an underground drainage system in so they had to dig up some of the vegetation to get that pipe in for the downspouts to go into. Also, from a maintenance standpoint, a nice lawn for grass cutting is a lot easier to maintain. They have no problem keeping what they have or if need be, enhancing it. It will look better than it looks today when it is done. Commissioner Chandler asked Ms. Papelbon is that was acceptable. Ms. Papelbon responded yes, just to maintain the current vegetation as much as possible. If it can be enhanced that would be great. If they can relocate some of the landscaping to keep it there, that would be good. Mr. Richie stated he plans on spreading out some of the existing trees or if need be, replacing them.

Commissioner Siepert asked if the whole parking lot will be torn up. Mr. Richie responded yes, they are replacing the asphalt with concrete due to the weight of the vehicles. The existing lights will stay.

Commissioner Chandler asked if there are any issues with Engineering if there is a separate drainage system. Commissioner Johnston stated this will be a private system for inspection purposes. Engineering has been working with them for some time so Engineering does not have any issues with it.

Commissioner Correll moved that the Plan Commission approves the site plans submitted by Gerald Richie, Nucor Cold Finish WI, Inc., for the property at 400 W. Burkard Ct. with the following conditions:

1. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of permits.
2. That updated landscaping plans are submitted for review and approval by the Director of Community Development prior to the issuance of permits.

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

Plan Review

Oak Creek-Franklin School District

2200 W. Drexel Ave.

Tax Key No. 785-9004

Ms. Papelbon provided an overview of the project.

Commissioner Chandler asked where the dumpster would be located. Ms. Papelbon responded they would be located on the west side. The dumpster enclosure will be masonry to match the building with steel substructure gates with metal wall panel facing in the same color and pattern as on the main building.

Commissioner Dickmann asked about the hard surface play area, which is used for overflow parking and if there will be anything on the ends such as a basketball standard. Dr. Sara Burmeister, Oak Creek-Franklin Joint School District, responded that most of their playgrounds have the four-square games painted on them. They are a different color of paint than the parking lot lines.

Commissioner Dickmann asked if they are working with the WisDNR issues. Commissioner Johnston responded they have already met with the DNR once and they have things to work out. Dr. Burmeister stated they are not locating the school on any wetlands. It is just the road that is an issue.

Alderman Bukiewicz asked about proposed drop-off and pick-up points. Dr. Burmeister stated that would occur on the north side of the building. They are separating the bus traffic from the car traffic. Car drop-off would occur on the south side.

Commissioner Siefert asked if the road coming in is in line with 20th Street south of it. Dr. Burmeister responded that it will.

Commissioner Chandler asked about the color materials for the building. Dr. Burmeister responded that they have not chosen any colors yet, but they will be going with a brown scheme.

Commissioner Chandler asked if the color choices will come back to the Plan Commission for approval. Ms. Papelbon responded that it is up to the Plan Commission if they want to see the plans or just have them submitted to the Department of Community Development. Mayor Scaffidi and Commissioner Correll stated they were fine with Community Development approval.

Alderman Bukiewicz moved that the Plan Commission approves the site and building plans submitted by Dr. Sara Burmeister, Oak Creek Franklin Joint School District, for the property at 2200 W. Drexel Ave. with the following conditions:

1. That all technical corrections (zoning district, play area surface material, scale, etc.) are made to the plans and resubmitted to the Department of Community Development for review and approval prior to the issuance of building permits.
2. That all building and fire codes are met.
3. That details for the materials, dimensions, color, and gates to be used for the dumpster enclosure and building are submitted to the Department of Community Development prior to the issuance of building permits.
4. That updated landscaping plans are submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
5. That all mechanical equipment is screened from view.
6. That final lighting plans indicating luminaire type, pole type, color and height are submitted for final approval by the Department of Community Development, upon written recommendation of the Electrical Inspector, prior to the issuance of building permits.
7. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
8. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of building permits.

Commissioner Dickmann seconded. On roll call: all voted aye. Motion carried.

Certified Survey Map

Jamie & Sean Cook
10751 S. Nicholson Road
Tax Key No. 972-0104

Ms. Papelbon provided an overview of the proposal.

Commissioner Chandler asked the applicant why they are proposing this split. The applicant responded that they don't own the land. They would be purchasing it and building a residential home.

Kerry Schmidt, 10720 S. Nicholson Road, asked what the mains have to do with anything on this lot when this lot has to have lateral brought in from the main. He stated that sometime in the future when they divide the rest of this into individual lots which need these sewer laterals. This lot doesn't have one. Ms. Papelbon responded that such should be coordinated with the Utility. Commissioner Dickmann asked if working with the Utility would be considered part of the motion under technical corrections. Ms. Papelbon responded that it is a Utility requirement whether or not the Plan Commission calls it out in the motion.

Mike Hablewitz, 10730 S. Richard Road, asked where they are planning on building the home. Commissioner Dickmann responded that the applicant will build on Lot 1. Mr. Hablewitz stated his house is built a lot higher so when they come down they have an easement. Ms. Papelbon stated it is a drainage and utility easement. Mr. Hablewitz stated they would be building behind him on Nicholson Road. He wanted to know if they are going to raise the grade of the land due to his concerns about heavy rains and water retention. Mr. Schmidt stated that a grading plan has to be submitted so the drainage cannot be pushed to him. That lot will definitely be filled 3-4 feet.

Commissioner Johnston asked if the existing shed creates any zoning issues for the remaining outlot. Ms. Papelbon responded that that shed has been there for a very long time.

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Jamie and Sean Cook for the property at 10751 Nicholson Rd. be approved, with the condition that all technical corrections are made prior to recording. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Zoning Text Amendment
Sign Ordinance Revision
Section 17.0706(e)
Allowing Pole signs in M-1, Manufacturing District

Mr. Wagner provided an overview of the proposal. Staff does not recommend approval.

Marty Westberg, Badger Lighting and Signs, P.O. Box 510451, New Berlin, WI, stated that Peterbilt's building is closer to the highway than a lot of businesses in the B-4 district just to the north of them. He stated their request is only for a sign on the I-94 corridor, not any of the inland arterial roads for Oak Creek. Mr. Westberg stated they would only want this to impact the common border with the B-4 properties, and could narrow it down to B-4 properties on the I-94 corridor. They are not looking to do this city-wide. Mr. Westberg stated it would be a benefit because the semi trucks traveling would see this Peterbilt sign and know where to go.

Commissioner Correll asked if there could be a variance in the M-1 district. Zoning Administrator/Planner Pete Wagner responded that since the sign is not permitted in the M-1 district, the appeal should never have occurred. Variances are not used for things that are not allowed in a particular district. Staff then directed the applicant to go through the zoning text amendment per legal counsel. What is being requested is amending the Code to be specific to only allow M-1 along the expressway. That would be very much picking and choosing who gets signs and who doesn't. If there is going to be an amendment, it should be for the zoning district and not for zoning districts abutting the expressway. There would be two different rules for different parts of the M-1 district. Commissioner Correll stated he does not see how this could work. Mr. Wagner stated it is up to the Plan Commission, and ultimately the Common Council, to decide whether restricting pole signs to only the B-4 district in 1999 was overreaching and whether the

City should readdress it. Staff feels there is nothing that really benefits the manufacturing districts as a whole. Mr. Wagner stated that in the nine years he has been with the City, he has never had a manufacturing business request a pole sign. Mr. Wagner stated that the variance that was previously denied for Peterbilt was for height/size of a pole sign. However, that variance was being requested for something that was not even allowed in the district, which was a pole sign.

Mayor Scaffidi asked what the business-related problem was for Peterbilt that this was being requested. Cindy Campbell, General Manager, Peterbilt, 1880 Ridgeway Drive, Oak Creek, stated that highway visibility for a dealership is critical for them. She stated they want to grow the business to enable them to invest in that property and beautify it. Because of the tree line, people don't even know they are there.

Mayor Scaffidi asked if there was a possibility to partner with one of the existing signs on I-94. Mr. Wagner stated that would be in violation of the off-premise sign ordinance.

Ms. Campbell stated if there was a way to do this with the I-94 corridor, they would love to stay in Oak Creek. Mr. Wagner stated that there are property owners in Northbranch and Southbranch that are considerably further away from I-94. Without having the definition of how far away from I-94 one has to be in order to be included could be construed as arbitrary. This may open up legal concerns regarding the permitting of pole signs in the M-1 district.

Commissioner Dickmann stated that if we allow one sign, then someone else will want to put up a sign a little higher and a little bigger.

Alderman Guzikowski asked what could be done to help the applicant achieve their goal. Commissioner Correll stated that the amendment change will not work. He asked if there was a way to define that exception to give the Plan Commission something to consider. Ms. Papelbon stated at this point, she does not see an opportunity for this to work in the current Code. Mayor Scaffidi stated his concurrence with Commissioner Correll that staff should look at a way to make this work. Alderman Bukiewicz stated we need to bring these people back and help them out.

Mr. Westberg suggested rezoning their property to B-4. Mr. Wagner stated that truck engine repairs are only permitted in the M-1 district. Mayor Scaffidi stated his concern about changing the rules for one business in zoning and signs, and the effect that will have on the City. Mr. Wagner stated that holding this item and discussing alternatives, such as creating this corridor to allow pole signs, does not resolve anything. Alderman Bukiewicz suggested finding a height that might be acceptable. They asked for 50 feet last time, and the Plan Commission wasn't good with it. Mr. Wagner stated that a lot of the signs that are excessive in height are legal non-conforming, and if they are taken down, those business owners would have to comply with the new requirements.

Alderman Bukiewicz asked about the possibility of a billboard. Ms. Campbell stated the cost of renting a billboard would be cost-prohibitive over time.

Commissioner Johnston stated that this addition to the overall city M-1 zoning is not feasible. This is a matter of legal opinion to come up with something. He does not believe the City can do spot-zoning for one lot. If we change the zoning, then they don't fit into the manufacturing use for truck repairs.

Mayor Scaffidi directed staff to work with the applicant where the City can go with this sign issue.

Commissioner Correll moved that the Plan Commission not recommend amending Section 17.0706(e) allowing pole signs in the M-1, Manufacturing District as proposed. Alderman Guzikowski seconded. Mayor Scaffidi asked that staff work with the applicant to make sure that we can try to work forward on this issue. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:45 p.m.