

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, MAY 12, 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; Doug Seymour, Director of Community Development.

Commissioner Dickmann moved to approve the April 28, 2015 meeting minutes. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**Plan Review**

**Chick-fil-A**

**150 W. Town Square Way**

**Tax Key No. 813-9047**

Ms. Papelbon provided an overview of the project.

Commissioner Chandler asked for further explanation of the Parking section, Page 3 of the staff report. Ms. Papelbon clarified that there was originally a pedestrian connection to the sidewalk on the north side. Due to existing grades, an ADA-compliant pedestrian connection at that location was not possible. That is why there is a connection to the south.

Commissioner Dickmann asked whether cars that accidentally pull into the drive-through lanes have to wait until traffic clears to leave that lane. Joe Vavrina, HR Green, 420 N. Front Street, McHenry, IL, stated that that is correct. Asst. Chief Kressuk stated that in the event of an emergency, that vehicle would be stopped in the drive-through lane until cleared. He further stated that there are several other fast food restaurants in the immediate area that have limited drive-through access as well. Asst. Chief Kressuk stated he made contact with the Greenfield Fire Department about the Southridge location to determine if they are experiencing an increased number of incidents, but he does not have an answer yet. Jason Hill, Chick-fil-A, 5200 Buffington Road, Atlanta, GA, stated that this drive-through is what is called an isolated layout. The drive-through is isolated from the rest of the parking field. It makes it less probable that someone would get confused, enter the drive-through (located away from the entrance), and think that they can circle the building. The rest of the parking lot is available to them in a more obvious location away from the entrance to the drive-through. Also, with the clearance bar, it should be very obvious to the drivers that they are entering the drive-through.

Commissioner Dickmann asked whether employees will go out on foot and take orders to expedite the traffic in the drive-through lanes if the drive-through traffic is stacking up. Mr. Hill stated that if that situation came up, they would have employees out expediting orders, but he does not see that happening at this location.

Commissioner Siepert stated his concern about the lack of aesthetics on the south side of the building. He asked if there was a way to put a window on the back of the building to dress it up a little bit. Mr. Hill stated that because the kitchen and freezer/coolers are on the back of the building (south side), their ability to place windows on that particular façade is very limited. To help offset that on the other elevations, they incorporated faux windows, which do not work on this south elevation because of the service-oriented use of the back door.

Alderman Bukiewicz stated his concern about the dumpsters facing W. Town Square Way. His other concern is the lack of signage on the south side of the building. He stated that he would rather give up the north monument sign and put a sign on the back of the building on the south elevation. Ms. Papelbon responded that every parcel on the perimeter of a commercial district is allowed two monument signs – one as a primary and one as a secondary. What they are showing on the north is a primary monument

sign. What they are showing on the south (secondary monument sign) will have to change due to the bio-retention area. Alderman Bukiewicz suggested putting another Chick-fil-A sign on the building itself on the south side because they can't put windows in.

Discussion ensued about other possible locations for the dumpsters and delivery truck routes. Mr. Hill stated that as far as truck circulation and abilities to make deliveries without conflicts, this site is actually a great setup.

Commissioner Johnston stated that the Engineering staff will have to work with the applicant to find another location for the monument sign on the south side as the proposed location is within the bioswale easement. Commissioner Johnston stated that staff has worked with the applicant's engineer quite a bit trying to determine where this lot is going to go, how the dumpster is going to fit, and how the drive-through works. This is their best layout for the site.

Commissioner Carrillo stated that the Plan Commission should look at how the monument signs are going to look on the north side. Is every establishment going to get a monument sign, or just every other one? Shouldn't they be all aligned? Shouldn't there be some kind of standards based on rules of signage? Jerry Franke, WisPark, 301 W. Wisconsin Avenue, Milwaukee, responded that the PUD guidelines established that and was presented to the Plan Commission for review and approval. As he understands it, this is consistent with the PUD. Director of Community Development Doug Seymour concurred. Alderman Bukiewicz stated his concern about the number of monument signs if they were granted for each business along Drexel Avenue. Mr. Seymour stated that the signs have been designed integrally with the development so that they are the same size and configuration. The only thing that would differ is the sign panels themselves. Mr. Seymour did mention that the Petsmart building is right up against the easement and there is no room for a monument sign, so it would be difficult to have a consistent setback for signage.

Commissioner Carrillo asked about the safety of the outdoor seating or play area as they are right next to the lanes of traffic. Mr. Hill responded that an ornamental fence, as well as a layer of landscaping, is between that area and the driving lanes.

Commissioner Carrillo stated that another applicant (Four Points Sheraton) was required to have façade treatments on the north and south, and asked if that could be done with this restaurant. Mr. Hill stated that windows would be blocked by the dumpsters, so they don't do a lot of good as far as dressing up that side of the building. He suggested taking one of the I-beam awnings that are shown over the rest of the windows and put it over the middle door on the south side. He also suggested incorporating a smaller parapet tower in the center of the building with another Chick-fil-A sign under it. Mr. Seymour reminded the Commission that that additional sign would require a variance. Mr. Seymour also noted that when viewing the elevation renderings, the building is not being viewed in the context of the landscaping or the bio-swale retention area, which will be between this building and W. Town Square Way. There will be substantial landscaping not only in and around the dumpster location, but in the bio-retention area as well. Mr. Seymour stated he was very impressed with the level of detail in the landscaping that is being proposed. Commissioner Johnston stated there is significant landscaping that will go around the bio-swale. There will be 8 shade trees that will help screen some of the back-of-house operation as viewed from W. Town Square Way. It should be a nice decorative area that is going to draw the eye rather than the building or the parking lot.

Commissioner Chandler asked if the color of the dumpster enclosure gate could blend in more with the building. Mr. Hill stated the color would be in the earth tone family consistent with the brick on the building and the dumpster. He suggested looking into different options for colors. The gate is made of composite wood that holds up well in weather. It is difficult to paint it because it is meant to stand on its own. They will attempt to find the right color to match the brick.

Commissioner Chandler asked whether it was possible to eliminate one of the parking spaces on the northwest corner because she can foresee problems with two cars backing into each other. Mr. Hill stated that, dimensionally, they work. The soft radius shown on the plan gives it the illusion that the cars would be conflicting with one other. However, there is enough room in the landscape island to slide it all down to the east to help give it a little separation. They would be willing to do that.

Commissioner Chandler asked what kind of signage would be placed by the new walkway. Mr. Hill responded that there will be pedestrian crossing signs as shown on the sign package - red and white signs with a picture of pedestrians walking on a crosswalk with text that says "Pedestrian Crosswalk."

Alderman Bukiewicz encouraged the applicant to pursue a sign variance for the south side of the building. This truly is a four-sided building and there really is no back to it. Some people could actually consider the south to be the front of the store.

Commissioner Carrillo asked if the glazing requirements have been met. Ms. Papelbon responded that they have been met except for the south side. Staff worked quite extensively with the applicant to ensure that some treatments were added to the building – awnings, transom windows above the awnings – to fulfill up to 50% of the glazing requirement as per the PUD.

Commissioner Chandler asked what the standard is for flags just in case each property owner wants their own flag. Ms. Papelbon responded that the City does not regulate flags.

Mr. Seymour suggested leaving the placement of the monument sign on the south to the discretion of the City Engineer. Commissioner Dickmann asked if inclusion of a building sign on the south side should be a requirement. Ms. Papelbon responded that rather than making it a requirement, the applicant is encouraged to include that in their variance request. Ms. Papelbon stated that one of the suggestions was to add a parapet to accommodate that sign. Mr. Hill stated they will definitely add that to their variance.

Ms. Papelbon also noted that there is language in condition #5 to allow the City Engineer to choose the secondary monument sign location.

Alderman Bukiewicz moved that the Plan Commission approves the site and building plans submitted by Jason Hill, Chick-fil-A, for the property located at 150 W. Town Square Way with the following conditions:

1. That all building and fire codes are met.
2. That revised landscaping plans are submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
3. That all technical corrections (including, but not limited to dumpster enclosure details, sign survey, photometric, etc.) are made to the plans and submitted for review and approval by the Department of Community Development prior to the issuance of building permits.
4. That final lighting plans indicating luminaire type, pole type, color, and height are submitted for final approval by the Director of Community Development, upon written recommendation of the Electrical Inspector, prior to the issuance of building permits.
5. That the wall signs on the north and east elevations, the primary monument sign on the northwest corner of the lot, the order canopies, and vinyl decals on the entry doors as proposed are approved. The wall sign on the west elevation and the secondary monument sign on the south side of the lot are NOT approved. The applicant may submit a sign appeal request for the wall sign on the west elevation and south side at the applicant's discretion. The placement of the secondary monument sign on the south side of the lot within the bio-retention easement is subject to review and approval by the City Engineer.
6. That plans addressing grading, drainage, and stormwater quality (including the use of stormwater best management practices) be approved by the City Engineer prior to the issuance of building permits.
7. That all mechanical equipment is screened from view.
8. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.

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

**Certified Survey Map**  
**Wimmer Communities**  
**6871, 6881, 6881R, 6933, 6939 S. 13th St.**  
**736-8010-001, 736-8999-004, 736-8999-003, 736-8007, 736-8990-001**

This item was held per applicant request.

**Plan Commission Consultation**  
**Proposed Development**  
**7721 S. Pennsylvania Avenue**  
**Tax Key No. 779-9991-001**

Ryan Schultz, President, HSI Properties, stated that they have built several communities in and around the Milwaukee area. This is their first proposal in Oak Creek. Tony DeRosa, Partner, HSI Properties, 18500 W. Corporate Drive, Brookfield, and Carl Tomich, President and CEO of Westridge Builders, were also in attendance.

Mr. Schultz gave a presentation on their company and how they have developed successfully in other communities. Mr. Schultz stated that they are here to discuss a conceptual proposal for this property. They are not looking for any type of motion or approval, but more of an open session to gather feedback for what they think is a great vision for this property.

Mr. DeRosa presented the site plan. The site is currently zoned agricultural. They would be requesting a rezoning request to Rm-1 with a PUD overlay. There will be two points of access - one on Drexel Avenue and one on Pennsylvania Avenue, both of which are already officially mapped. The property is located at the northwest corner of Pennsylvania Avenue and Drexel Avenue. Life Creek Church is just to the south of the parcel.

The units they are proposing are for people who are looking for an alternative to single family homes, but still stay in the community of Oak Creek. The target demographic is people looking for an upscale community.

The proposed development includes two-story, townhouse-style buildings with direct entrances, so it has the feel of a condo/townhouse rather than a typical corridor apartment building. There will be detached and attached garages, open concept floor plans, clubhouse, pool, fitness center, business center, open/green space, and onsite professional property management.

Mr. DeRosa stated that there is a significant grade change that decreases as you go north from Drexel. The site itself sits in a "bowl" as you go further north into the site.

The church owns the access land to the east. They are in discussions and close to finalizing an agreement with the church to sell that access land, which may provide an opportunity to further expand this development.

There will be different building types that provide a strong community feel and tie in with surrounding properties.

Alderman Bukiewicz asked if this will be privately financed. Mr. Schultz responded this will be privately financed.

Alderman Bukiewicz asked if these are one- and two-bedroom units. Mr. Schultz responded that they would have yet to finalize the unit mix. It would be a mix of one and two bedrooms and potentially some three-bedroom units. Once they engage their architects, they will finalize the unit mix.

Alderman Bukiewicz asked what the term “market rate apartments” means. Mr. Schultz responded that it is pricing with what the market would bear. There are no restrictions on affordability.

Alderman Bukiewicz asked Mr. Seymour if this fits in with the Comprehensive Plan. Mr. Seymour stated that the future land use map, which was adopted as part of the Comprehensive Plan, does show it as single family residential. If this is a concept which the City is interested in pursuing, there is a course of action which would require public hearings for changes to the Comprehensive Plan, but also to the zoning.

Mayor Scaffidi stated that when Life Creek Church came before the City several years ago he voted against it because of the impact it would have on the beautiful residential single-family neighborhood. He understands that it sits in a “bowl,” and that will minimize the impact. However, the property for which they are in negotiations to buy is nearer the road. Any development on that property will have more of an impact on the neighborhood across the street. Mayor Scaffidi stated that this will cause consternation if that portion moves forward. Mr. Schultz responded that if they do acquire the property next to the church, they would propose some structures on that site. They would then balance the density out between the two. Because the northern property is the “bowl” of the two sites, it lends itself to more of the density. Mr. Schultz stated that he knows there is a potential for consternation, but feels that what they put forward will be so architecturally pleasing that it would be something people would want to see. Mayor Scaffidi stated he has no issue with the type of buildings they build, but having listened to those arguments in lengthy conversations in the past, this will be a point of contention. Mr. Schultz responded that when they get to that level, they will have elevations available, and will hold an open house on the proposal. This property is unique in that it has a lot of topography, and they would want to position the buildings where they can maximize the view corridors between the buildings because it is so rural.

Mr. Seymour stated that he thinks the best opportunity would be to balance those two sites and to slide some of the density further north to the areas which aren't as impactful. If there are two different developers, you lose a lot of that opportunity.

Commissioner Correll stated that the type and quality of development, and the fact that the developer is going to stay around and manage them, are all reasons why he favors this development. Tying this into Drexel Town Square and having more than one property that looks like that helps the whole community develop. Being sensitive to how the density breaks between the two properties is the key to how easily it gets accomplished. He also thinks that based on the other developments, it more than fits in and compliments the housing in that area.

Commissioner Chandler asked if they would be apartments, townhouses or condos. Mr. DeRosa responded they would be two-story apartments. Every unit will have its own direct entrance, so it has more of a condo-type feel rather than your typical conventional apartment building where you walk down a hallway to get to your unit. Commissioner Dickmann stated his concurrence with Commissioner Correll's comments.

Commissioner Johnston inquired about the zoning. Ms. Papelbon stated that the zoning is Rs-1. The usage may be agricultural and it may be classified that way for assessor's purposes.

Commissioner Johnston stated that there is floodway on the property that takes care of the “bowl” on the north side, and potential wetlands. Mr. DeRosa responded that they would be getting a wetland delineation.

Commissioner Johnston asked that when the applicant is working through the storm water design they keep in mind that the property to the north is all owned by Milwaukee County. The manner in which the discharge is handled will need agreements with Milwaukee County.

Commissioner Chandler inquired about the need for this type of housing in Oak Creek. Mr. DeRosa stated they target communities where there is growth, such as new businesses and jobs. They also look at how the existing apartments are performing and their vacancy rates. Right now, they see a small percentage of vacant units within the community. Then they look at where there is opportunity. The rental housing stock in Oak Creek skews older, so there is opportunity to provide something that is first-class, luxury, and brand new. People are looking for something new. It is going to be different than what is at the Drexel Town Square. They don't want to compete with that - they want to be different. Mr. Schultz stated that because of their significant financial investment, they really like to make sure that their developments are going to be successful. They hire a third-party market study group out of Chicago as part of the financing package. They do a market study and take inventory.

Tony Mirenda, 7675 S. Pennsylvania Avenue, stated that he has lived in his home for 38 years. It is a very rural area. His son-in-law and daughter own half of the creek and have riparian rights to the creek. If there is any drainage that is going to go through that creek, they would have to deal with his family. If they go further to the west, that is county land. But then they are going to be running into the bike path and railroad tracks. His expectation was that someday when this area was developed, it would be single family. Two-story dwellings do not fit the area. They are concerned about the people in homes on Drexel looking over to that.

Mr. Mirenda stated his concern about the increase in traffic as there is already a substantial amount of traffic in the area, and the tiny road system going into the development.

Christine Smith, 7739 S. Pennsylvania Avenue, stated that everyone in the audience for this item is from Pennsylvania Avenue, not Drexel Avenue. Mr. Seymour stated the people on Drexel Avenue are outside of the notification area. Ms. Smith stated that the proposal is very impressive. She has lived in her house for 20 years and the neighborhood is a community. They had always hoped that when the land was developed behind them, it would be Rs-1. She stated that the proposal is palatable, but there are so many issues such as wetlands, traffic patterns and volume, and the fact that the road that goes from Pennsylvania Avenue into the subdivision on the north side of her house.

Ms. Smith stated that some of the things she would think about if she was a homebuyer are: it is right next to the railroad tracks, right next to the extension of 794, right in the flight plan. Are we risking putting in these multi-family dwellings into a single-family neighborhood only to have them not do as well as hoped because of the surrounding area? That being said, Ms. Smith stated her concern is saying no to something only to have something less desirable come along. She stated that if the applicant is open and willing to work with everyone in the neighborhood to come to agreeable solutions, this could potentially work.

Mr. Schultz stated that in every development he has worked on there have been challenges. He stated that the floodway and wetlands on this site make this development not feasible. They have checked into the zoning. The seller has reached out to several homebuilders and there is not an interest in that. Fire Department and access are things they will work/design around.

Asst. Chief Kressuk stated that currently there are two access roads identified for this project - one onto Drexel Avenue and one on Pennsylvania Avenue. Generally, the access roads will be a point of contention and a disruption to the area. Asst. Chief Kressuk wanted to make it clear that the Fire Department will pursue two access roads.

Alderman Bukiewicz concurred with Ms. Smith's statement that this development is palatable if worked out with the developer and the neighbors, and if this works financially due to the wetland situation.

Glen McCoy, 7739 S. Pennsylvania Avenue, asked if this development meets the density of population for the acreage. Mr. McCoy asked about the planned exits, and if there were to be two off of Drexel Avenue. Asst. Chief Kressuk stated the previously planned road access into the cul-de-sac was considered for single-family residential. As far as multi-family, there will be two access points, but they are open to discussion on the location of those access points. Asst. Chief Kressuk stated they are working on the premise that the applicant was planning two access roads. If there is a modification to the access roads, the Fire Department would still pursue another access road. If one was eliminated, they would look for another location.

Commissioner Johnston stated that it is anticipated that Pennsylvania Avenue will be widened to four lanes, but the timeframe is unknown. It has to do with South Milwaukee obtaining their funding to share their portion of the construction costs. The stretch from Drexel Avenue to Rawson Avenue would be the next section to go to four lanes.

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