

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, SEPTEMBER 27, 2016

Commissioner Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Carrillo, Alderman Bukiewicz, Alderman Guzikowski, Commissioner Siepert and Commissioner Chandler. Mayor Scaffidi, Commissioner Johnston and Commissioner Correll were excused. Also present: Kari Papelbon, Planner; Peter Wagner, Planner/Zoning Administrator; and Michael Kressuk, Assistant Fire Chief.

Minutes of the September 13, 2016 meeting

Commissioner Dickmann moved that the Plan Commission approve the minutes from the September 13, 2016 meeting. Commissioner Siepert seconded. On roll call: all voted aye, Motion carried.

**PUBLIC HEARING
SIGN APPEAL
FORWARD DENTAL
RLO SIGN, INC. & ARCHETYPE SIGN
7955 S. MAIN ST.
TAX KEY NO. 734-9028**

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

Commissioner Bukiewicz made first, second, third, and final calls for public comment. Seeing none, the public hearing was closed.

**CERTIFIED SURVEY MAP
RANDY AND LORI HUNT
9202 S. 8TH AVE. & 9203, 9209 AND 9213 S. 7TH AVE.
TAX KEY NOS. 869-0074, 869-0170, 869-0171, 869-0172**

Commissioner Siepert asked why the applicant wishes to combine these lots. Randy Hunt, 9443 Jasmine Court, Sturtevant, WI responded that they were looking to add on to the back of their garage (the outbuilding), and he cannot do that unless the lots are combined into one. Commissioner Siepert asked if all four lots had to be combined to do that. Mr. Hunt responded that they would get one built per year for the whole property. Commissioner Siepert stated his opinion that they would want to keep some of those lots separate.

Ms. Papelbon stated that this is an area where there are very old parcels (possibly divided in the 1920s), which is why these parcels are so small. The area of 7th Avenue is not improved at this time. There is no road, only a reservation. Development on those properties would be difficult if not next to impossible with there being no access. Combining these properties is not an issue for Planning staff. Many of these lots have been combined over the years because of their small size. It allows a little bit more flexibility for the owners to develop their properties.

Commissioner Dickmann stated that he would not have combined them all. He would have kept the lot that they could expand their garage back and just put two of the lots together. If they

have to do something at a later date, they could then come back before the Plan Commission. Ms. Papelbon responded that if they were only to combine the lot with the existing residence on it with the lot that is directly behind them, it wouldn't meet current setback requirements. They would have to at least combine three of the lots.

Commissioner Dickmann motioned that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Randy and Lori Hunt for the properties at 9202 S. 8th Ave.; and 9203, 9209, 9213 S. 7th Ave. be approved, with the following conditions:

1. That all easements are shown and clearly labeled on the map prior to recording.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

**SIGN APPEAL
FORWARD DENTAL
RLO SIGN, INC. & ARCHETYPE SIGN
7955 S. MAIN ST.
TAX KEY NO. 734-9028**

Commissioner Chandler asked for more information regarding the windows. Scott Filleul, 27 Court St., responded that they have allocated ten signs. The largest is on the east elevation. The purpose of that sign is to block the patient from public view. The other signs on the doors represent information on the practice and the doctors, which is part of a state requirement. The other signs represent the practice name and some representing graphics of what occurs inside.

Mr. Wagner stated that the applicant first proposed wall and blade signs. There were no eye-level signs at that time. At the previous meeting, Plan Commission approved one entry-level façade wall sign and blade sign. At the end of the meeting, the applicant asked about coming back for a sign appeal. The Mayor stated that they should go ahead with the appeal and it would be discussed at a later date. During that time, the applicant had some eye-level signs that they wanted to propose. Mr. Wagner told them what the regulations are regarding eye-level signs. There are a total of ten, but there are six on the entry-level side, which shows the top level. They are allowed to have a maximum of four on the east elevation, based on the linear frontage. Right now, they are asking for six. Mr. Wagner broke out the list of variance requests in the Plan Commission packet to say if you want to grant a variance for six signs, you have to have a variance for the one on the back of the building (or west elevation) because that is not an entry façade. The same with the north facing; there should be no eye-level signs on that side as well. So this request is new from the last meeting. Mr. Wagner stated that at the last meeting, there was not a whole lot of concern with the north elevation.

Mr. Wagner stated that if the Plan Commission is comfortable with what is being presented, the following variance would be granted.

- 1) Allow the installation of one 45 square-foot wall sign on the north and east elevations of the building.

The master sign plan that Blair Williams requested to be a maximum of 35'. Not only are they asking for a non-entry elevation sign, but they are also asking for the sign to be bigger than what the landlord originally agreed to.

- 2) Allow the installation of one 24"x36" blade sign on the north and east elevations of the building.
- 3) Allow the installation of three eye-level signs on the north elevation of the building.
- 4) Allow the installation of one eye-level sign on the west elevation of the building.
- 5) Allow the installation of six eye-level signs on the east elevation of the building
- 6) Allow a 30.7 square-foot eye level sign on the east elevation.

This would be the family photo shown on the windows graphics detail. That actually takes up 42% of the glazing on that side of the glass. Only 10% of the window is allowed to be covered in opaque signage. On the corner elevation, there are three signs on the same elevation. The sum of those three signs equals 14.3% of the glazing on that section of glass being covered and it exceeds the 10% rule.

- 7) Allow three eye-level signs that will cover 14.3% of the glazing on the "corner" building elevation.

Mr. Wagner further stated that variances go with the tenant space, not with the user. The next tenant would have the same ability to put the same numbers/size on the building.

Commissioner Bukiewicz stated that the City has put some heavy glazing requirements on these buildings, and the patient privacy factor is an unforeseen circumstance.

Commissioner Siefert stated he is not in favor of all of the eye-level signage. They are junking up the windows and doing a lot of advertising on the outside and he doesn't like it and it is just not right.

Commissioner Dickmann concurred with Commissioner Siefert. He stated his concern with the family photo eye-level sign, which covers 30.7 square feet. This is being done to protect patient privacy and this is not what the sign on the window should be used for. There should be adjustments made within the building for privacy purposes. He is concerned with the size of the signage and why they want to have it there.

Mr. Filleul responded that the first hygiene chair is adjacent to the long lineal section of glazing. When the patient is in the chair they are exposed to that one area. The other offertories further into the practice do not get exposure to the public. For the patient's comfort level, the window skin has been proposed. Commissioner Dickmann responded that that is the way they chose to lay it out sitting out in the open. That could have been handled in other ways. Mr. Filleul responded that at the time of the layout, they were not privy to the stipulations of the window skins and the sign ordinance had not been implemented. That has all been discovered within the last month.

Alderman Guzikowski asked if this has only been a month that this sign ordinance has been out there. Mr. Wagner responded that the sign ordinance was adopted with the Drexel Town Square mixed use planned development. However, he is uncertain if the landlord shared with the tenant the rules and regulations. Mr. Wagner stated there have been many problems with tenants with the communication between what is allowed for signage. Mr. Filleul responded that the pamphlet he received from the developer stated that window skins were allowed.

Commissioner Carrillo asked if any applications to the windows are permitted. Mr. Wagner responded yes, one eye-level sign per 12 linear feet of frontage. There is approximately 49' of frontage on the entry side. They could have up to four eye-level signs. They cannot cover up

more than 10% of the glazing. For the one on the corner, the sign company thought that as long as each sign was less than 10%, they were okay. They did not realize that it is 10% of all the window spaces that is being counted. Otherwise, there could be many 10% signs on a window and cover up 40% to 50% of the window because it is all in one area. That is why there would have to be a variance to allow the glazing on that corner elevation to exceed the 10%. It is 14.3% covered, with what is being proposed right now. The applicant could potentially shrink the new SMILES WELCOME sign so that way the sum of the new SMILES WELCOME sign, phone number, and web address and the size of the hours of operation do not exceed 10%.

As far as the Forward Dental signs, those are all less than 10% or very close. The new SMILES WELCOME sign is 40' in height and also the BIG SMILES circle is 30" in height. The wall sign requirements state 25". These dots are going to be even taller than Forward Dental (their permanent channel letters.)

Mr. Wagner stated that this is not going to be the only tenant that is going to want to put in eye-levels signs at their business.

Commissioner Bukiewicz stated he does not have a problem with the blade signs. He is okay with the façade signs as long as they fit the Drexel Town Square scope.

Commissioner Bukiewicz stated that as far as the family photo skin to block the patient, he is not going to talk about design and what the applicant did or did not know. The place is built. It is designed and laid out this way. There are efficiencies that go into this and where they are putting it. The windows have to be opaqued one way or another to protect patient privacy. From his point of view, when it comes to that particular window, the Plan Commission is going to have to deal with that on a case-by-case basis. As these tenant spots were constructed, by the time the City put in the glazing requirements, they had no idea what use was going in here. There will be many different uses. As these tenant spots change, this won't be permanent. This signage will go with this tenant space. Mr. Wagner stated that the variance does not go with the tenant. It goes with the property.

Commissioner Bukiewicz stated that as far as the other ones go, Forward Dental has a corner spot. They are covering a lot of space. He can see why they want something to break it up. He thinks the new SMILE signs are a little big as Mr. Wagner pointed out. He does not have a lot of issues on the Forward Dental on the east-facing side. Again, the NEW SMILES sign should be reduced in size. Commissioner Bukiewicz stated that all of the signage has to be reduced in size. There is going to be tenant spots with all of this glazing and they need to come to a consensus as to how to handle these.

Commissioner Carrillo stated that this being the first one, the Plan Commission needs to stick to the parameters that the City has set. The wall sign is already bigger and then there is a second wall sign and the blade sign. She stated there are others ways to achieve patient privacy such as blinds from the inside. St. Mary's Hospital has used movable partitions. Commissioner Carrillo stated that by putting a picture up of this family; whatever family is chosen, that sets a precedent and she would like to stay away from that. As far as any of the wall signs, for sure stick with 10%. Any of the signs covering the windows, they need to stick to the rules that the City has established. As proposed every couple of feet, there is a sign on the window.

Mr. Filleul stated that they do have shades in the windows and leave it down all the time. They would do that if it helps form a decision for approval. Commissioner Bukiewicz stated that he would rather see the sign. Mr. Wagner stated that by law, the City cannot regulate the content. Right now, they are showing a family, but they could put anything in there as long as it is not

obscene or indecent. Mr. Wagner stated that the City can regulate size, number and location of signage, but not content. Commissioner Bukiewicz stated he is not in favor of blanking out the window with shades or a partition inside the office.

Commissioner Bukiewicz stated that there is definitely a problem with them conducting business because of the privacy factor. Mr. Filleul stated they have used this same type of window skin with a graphic. It is semi-perforated. It allows light to penetrate through it. It is not a solid material. Mr. Filleul stated that if it helps the decision, they would alter or omit some of the other graphics in appeasement to allow this particular graphic.

Mr. Wagner stated that there are two things for that east elevation that are being considered.

- 1) Allow more than the 4 (which is allowed), and let them have the six
- 2) Eye-level sign that is going to cover 42%, which is the family picture, and then on the corner elevation, which is 14.3%.

Commissioner Carrillo confirmed that already they are getting two walls signs instead of one; and now they are asking for so much more of the glazing signage. She would like to see what it would look like if they held to the rules that are in place. Mr. Wagner stated that if the applicant were to reduce the number of signs underneath the NEW SMILES WELCOME (there is a phone number and web address), and incorporate it into the door sign, that would take off some square footage. Mr. Wagner stated they could work with the applicant so that the NEW SMILES sign and the door sign don't cover more than 10%. It is at 14% right now. Mr. Filleul stated they are willing to omit the NEW SMILES WELCOME on the east face corner and the KEEP ON SMILING sign from the same east elevation.

Commissioner Chandler asked why with the two FORWARD DENTAL signs on the wall and the blade sign there a need for additional FORWARD DENTAL signs on the windows. Mr. Wagner stated that the applicant did offer to strike out KEEP ON SMILING and NEW SMILES WELCOME signs. He would be allowed to have four eye-level signs stretched out along his linear frontage, which would be the family one, FORWARD DENTAL and door sign and phone number and web address. He would be in compliant with the number. Even if by him proposing to reduce those down to four signs, he would put an eye-level sign there. He could make it KEEP ON SMILING or FORWARD DENTAL.

Commissioner Bukiewicz stated that what is proposed right now is the family photo (which is a variance), KEEP ON SMILING sign would be out, FORWARD DENTAL sign would stay, NEW SMILES WELCOME would go, below that the phone number and web address would stay, and the information on the door would stay. Commissioner Bukiewicz stated that the FORWARD DENTAL sign is allowed and could be something else. It is the applicant's choice as to content. This is the east elevation.

Commissioner Dickmann asked how temporary signs would work in Drexel Town Square. Mr. Wagner responded that each tenant is allowed to have one A-frame sign to be put out daily, as long as it is brought in at the end of the night. It doesn't require any permits. It is permitted use by right per that zoning district. They can also apply for a temporary sign permit, which is one permit per sign for 15 days. That sign is up to 32 square feet.

Commissioner Siepert stated the standards should be adhered to. Why have standards if they keep getting modified?

Commissioner Carrillo stated that she believes the Plan Commission should stick to the rules

that the City has in place.

Commissioner Chandler stated she would recommend no signage on the north per code.

Commissioner Carrillo stated that she does not feel they have control over the family photo sign and feels apprehensive in granting it, not just to the current applicant, but whoever is in the current facility. It is large, it has great impact, it is east-facing and there are other alternatives to protect patient privacy. Commissioner Bukiewicz stated that any alternatives such as shades and blinds are going to ruin the look of Main Street. Mr. Filleul stated that the proposed screening is per HIPPA code. Mr. Wagner stated that the Plan Commission's authority is whether or not there is a variance to the code, not based on use. The rules the applicant has to follow are not the same as ones the applicant has to follow.

Mr. Wagner recapped the following tentative conditions of approval.

1. The installation of one 45 square-foot wall sign on the north and east elevations of the building.
2. The installation of one 24"x36" blade sign on the north and east elevations of the building.
3. The installation of one eye-level sign on the west elevation of the building.

Mr. Wagner recapped that that would allow the applicant to put up four signs, as long as those four signs on the east elevation did not exceed 10% coverage, would allow the applicant to put one eye-level sign on the west elevation, 45 square foot channel letter wall sign on the east and north, and a blade on the east and north elevations.

Commissioner Dickmann motioned that the Plan Commission look at a variance based on the sign appeal for the property for Forward Dental, 7979 S. Main Street. Mr. Wagner changed the motion slightly to say that the Plan Commission approve the following variances for the tenant space located specifically at 7955 S. Main Street. Commissioner Dickmann amended his motion to concur with Mr. Wagner with the following variances:

1. The installation of one 45 square-foot wall sign on the north and east elevations of the building.
2. The installation of one 24"x36" blade sign on the north and east elevations of the building.
3. The installation of one eye-level sign on the west elevation of the building.

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

**PLAN REVIEW
THE DICKMAN COMPANY
10450 S. OAKVIEW PARKWAY
TAX KEY NO. 955-1019**

Ms. Papelbon stated that there is a condition in the staff recommendation for the north façade to have some additional treatments. That was prior to receiving revised plans. It will be up to the Plan Commission whether or not there are additional requirements for the north in terms of treatment or if that condition can be stricken.

Commissioner Bukiewicz asked about the glazing mentioned in condition 2. Dominic Ferrante, Briohn Building, 3885 N. Brookfield Rd., responded that they had a different version, which they worked with staff on. They have addressed it with the windows that they added and the bit of articulation on the façade. They bumped it out a few feet from where it was before.

Commissioner Siefert asked if they are planning on a retention pond to take the storm water runoff. Mr. Ferrante responded that there is a regional pond for the park.

Commissioner Siefert asked if the berm on the east side will be high enough to shield some of the truck parking. Mr. Ferrante responded that it is a little bit elevated, but they are working within the constraints of the grade ratios that they have to maintain. However, there is a slight elevation. They are limited by the water main easement in that area. They have increased the landscaping on the north and the south. That is more the visibility point than it is on the east side.

Commissioner Chandler asked why there were so many loading docks. Mr. Ferrante responded they are for potential users based on previous experience and what the developer and landlord is looking at as far as bringing in potential tenants.

Commissioner Dickmann asked if the applicant was willing to work with staff to come up with a more durable product for the dumpster enclosure. Mr. Ferrante responded he had no problem with that.

Arden Degner, 8540 S. Pennsylvania Avenue, stated this is a very involved concept with 116 tenants. He is always for safety, particularly when there is snow and ice. He noticed that a 20' easement is given to accommodate sidewalks and yet sidewalks are not shown on the plans. He asked if this going to be planned, which would mean this would have to reach out to the Oakwood Road area. He did see a listing of a type of asphalt that is supposed to meet the sidewalk path. He would like to see this kind of development available safely for people to traverse from Oakwood Road into these large 40 semi-trailer parking stalls. That is going to have a lot of traffic there and he suggested sidewalks be included instead of just an easement for sidewalks in both directions. Ms. Papelbon responded that there are public sidewalks included as part of the public road project. It is part of the infrastructure that currently exists. Ms. Papelbon further stated that as far as where the driveways cross, staff will make sure that the standards that are in place are adhered to.

RoseMarie Annonson, 3920 E. Ryan Road, stated that it looks like this lot is directly behind Giefer's farm. Commissioner Bukiewicz confirmed this. Ms. Annonson asked if the detention pond would be right there. Ms. Papelbon responded that it is on the east side. Ms. Annonson referenced the land to the south and that there will be a City park and possibility 68 semis coming and going right next door.

Ms. Annonson stated that if the City allows a building to be built without knowing what is going in there, does the City have any control in the future of what is manufactured at that site. Commissioner Bukiewicz responded that the City does have ordinances that control what goes in there, however, it is zoned industrial. If the potential tenant needs special permits for chemicals or something of that nature, he would have to defer to the assistant fire chief. Ms. Papelbon responded that there are conditional uses. Certain businesses would have to come back for a conditional use.

Ms. Annonson asked if this was one of the deals where Dots will be able to help them find tenants. Commissioner Bukiewicz responded that Gary Billington is on the lookout for business always, as that is his contract with the City.

Ms. Annonson stated that this is a TIF District. She asked if the City was going to deal with any more deals like Masterlock. Commissioner Bukiewicz responded that to his knowledge, there is

no TIF money involved in this building.

Connie Olson, 10520 S. Howell Avenue, stated she welcomes the construction of this building. She thinks it is good. Her concern is if there will be adequate lighting on the east side by all of the docks. Adequate lighting all the way around is important because of crime. She wants to make sure this doesn't welcome any kind of crime because of the darkness behind the building. Commissioner Bukiewicz responded that electrical code governs that. They need a certain amount of foot candles per square foot of parking lot. The applicant also wants to protect their property. The City's electrical inspector will figure that out for them and tell them what they need. Mike Burn, Briohn Building Corp., 3885 N. Brookfield Road, Brookfield, WI explained the proposed lighting plan.

Commissioner Bukiewicz motioned that the Plan Commission approves the site and building plans submitted by Sam Dickman, Jr., The Dickman Company, for the property at 10450 S. Oakview Parkway with the following conditions:

1. That all building and fire codes are met.
2. ~~That the elevations are revised to incorporate glazing from the entrance elevation on the west around the northwest corner.~~

Ms. Papelbon asked if condition #2 would be stricken as revised plans were submitted. Commissioner Bukiewicz stated the applicant clarified this issue and this condition could be stricken. Condition #2 was stricken.

2. That the plans are revised to incorporate a more durable material, such as composite, for the gate on the dumpster enclosure.
3. That all revised plans (site, building, landscaping, etc.) are submitted in digital and paper formats for review and approval by the Department of Community Development prior to the submission of building permit applications.
4. That detailed plans for signage are reviewed and approved by the Plan Commission prior to submission of sign permit applications for the multitenant building. If the building is revised to accommodate only one (1) tenant with no possibility of future tenants, a sign plan will not be required prior to issuance of sign permits.
5. That all mechanical equipment (ground, building, and rooftop) is screened from view.
6. 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 submission of building permit applications.
7. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of permits.
8. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.

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

**SIGN PLAN REVIEW
WIRED PROPERTIES
7979 S. MAIN ST & 7978 S. MAIN ST.
TAX KEY NOS. 813-9053 & 813-9050**

Commissioner Dickmann stated that the rule that decals can be in place for two years as "temporary" is too long. Ms. Papelbon responded that that is part of the City's municipal code in a section dealing with development signage. Commissioner Dickmann suggested that maybe

giving one year approval and then have the applicant come back after one year to see if any progress has been made to attract new tenants. Commissioner Siepert concurred and stated one year would be adequate. Ms. Papelbon suggested wording that states "shall not be in place past December, 2017." That gives them a little bit more than a year, but not the full two years. Ms. Papelbon also suggested wording that states "no more than one year from the date of approval." Commissioner Dickmann stated he liked the second suggestion better.

Commissioner Carrillo stated she loves this idea. It is what everyone does. This covering hides the construction taking place inside. It is great for an unveiling when it is all ready to go. She did research and found many images that were more to her liking than these stock images, and suggested incorporating local pictures. It would be unique to the environment and pleasing to look at. Alderman Guzikowski reminded the Plan Commission that they cannot dictate what is in the graphic.

Commissioner Chandler asked if there is a distinction on the signs per building. Andrew Prater, Mid America Real Estate, responded that they would incorporate something dealing with Forge and Flare for the buildings and then his company's (Mid America Real Estate) information. They have not determined what the pictures will be yet.

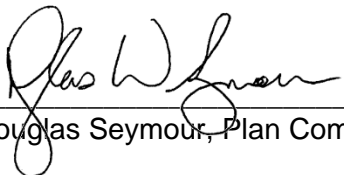
Alderman Guzikowski concurred with Commissioner Dickmann on the one-year recommendation. Mr. Prater stated he hoped they would be leased in three months. Commissioner Bukiewicz stated he would prefer to stick to the two-year code, because they are obviously going to take them down much sooner if they can rent.

Commissioner Dickmann motioned that the Plan Commission approves the sign program for the mixed-use buildings at 7979 and 7978 S. Main St. with the following conditions:

1. That the temporary vinyl decals for the windows specified in the submitted plans be removed prior to tenant occupancy. Decals shall not be in place for more than one year from the date of approval.
2. That all other signs be reviewed and approved by the Plan Commission in conformance with the requirements of the approved sign program and the Drexel Town Square Mixed Use Development District General Development Plan and Regulating Plan.

Commissioner Carrillo moved to adjourn. Commissioner Guzikowski seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:51 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

10/11/16

Date