

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 10, 2017

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, Commissioner Bukiewicz, Alderman Guzikowski, Commissioner Correll, Commissioner Siefert and Commissioner Chandler. Also present: Kari Papelbon, Planner; Pete Wagner, Planner/Zoning Administrator; Doug Seymour, Director of Community Development.

Minutes of the December 13, 2016 meeting

Commissioner Dickmann moved to approve the minutes of the December 13, 2016 meeting. Commissioner Siefert seconded. On roll call: all voted aye, except Commissioner Bukiewicz, who abstained as he was not in attendance at the December 13, 2016 meeting. Motion carried.

OLD BUSINESS (HELD FROM DECEMBER 13, 2016 MEETING)

SIGN APPEAL

GIGI'S CUPCAKES

7978 S. MAIN ST. (TENANT ADDRESS: 330 W. TOWN SQUARE WAY)

TAX KEY NO. 813-9050

Mr. Wagner summarized that at the last meeting there was concern that the content of the window vinyl clings would not be able to be regulated by the City. Staff was asked to work with the City Attorney to determine exactly what authority the City does have.

After conferring with the City Attorney, it has been determined that the City does not have the authority to regulate content on any sign. If an opaque vinyl film would be approved as a sign, the City would have no control after that point when it comes to content.

Mr. Wagner stated that there is a lot of glass on Main Street. There are going to be businesses with back-of-house type of operations that should be screened from public view. It was decided that the proper course of action would be to go for a site plan review looking at architectural standards. The Plan Commission does have the authority to change the required percentages of glazing. In order to accommodate all of the tenants, applicants should be coming before the Plan Commission asking for a change in materials of the exterior part of the tenant space. As far as a sign appeal, the City does not have the ability to regulate it if the variance is granted for the opaque film.

Mayor Scaffidi summarized that each time a tenant wanted to cover a back-of-house operation, they would go through the plan review for that specific site. Mr. Wagner stated that was correct. If that tenant moves out and another tenant moves in, they would have to come before Plan Commission for approval every time.

Commissioner Dickmann asked if it got turned over to another and they started using it to advertise, would the City still be in the same situation. Mr. Wagner stated that once they add content, they are not changing the materials from clear glazing to opaque glazing. They are changing it from opaque glazing now to a sign. That they cannot do. This way the City is dealing with materials and not signs and content.

Commissioner Correll moved that the Plan Commission deny the request for a sign appeal at

7978 S. Main Street. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried – variance denied.

PLAN REVIEW

GIGI'S CUPCAKES

7978 S. MAIN ST. (TENANT ADDRESS: 330 W. TOWN SQUARE WAY)

TAX KEY NO. 813-9050

Commissioner Siepert asked if the glazing would be on the outside or inside. Mr. Wagner stated it would be on the inside.

Commissioner Bukiewicz asked if they could put a “use other door” sign on the window glazing on the north elevation. Mr. Wagner stated that that would be considered a directional sign. If that is all opaque, he does not think someone will be walking into an unmarked door.

Christina Haase, 330 W. Town Square Way, stated she is comfortable with this compromise of opaque glazing versus a sign appeal, and that it serves the needs of the back-of-house space.

Alderman Guzikowski stated that this is a good compromise and he appreciates the differentiation between that and Main Street.

Arden Degner, 8540 S. Pennsylvania Avenue, stated that this is a problem in society today that these big expanses of glass are taking the place of sturdy building materials. He would like to see a building that is not going to be torn down in 20 years be constructed with solid brick instead of thin glass. He suggested that the City considers filling this in with a solid masonry material instead of glass, which could be used for some industries, some businesses, but for this particular case especially where it faces a parking lot. Why not make it a solid structure?

Mayor Scaffidi stated that the structural integrity of buildings built now is way beyond what was built in the past. Glass maintains structural integrity and it looks better. Using glass avoids vast expanses of concrete block or brick. To staff’s credit and to the applicant’s credit, they have figured out a compromise that works. Mayor Scaffidi stated this is a good compromise.

Commissioner Correll moved that the Plan Commission approve the proposed building modification changing the clear glazing to white opaque glazing for the windows illustrated in Exhibits B & C for 7978 S. Main Street. Commissioner Dickmann seconded. On roll call: all voted aye. Motion carried.

CONDITIONS AND RESTRICTIONS

ARLENE BUTTKE, WE ENERGIES

JERRY FRANKE, WISPARK

10861 S. HOWELL AVENUE (PORTION)

TAX KEY NO. 955-1014

City Planner Papelbon provided a summary of the request for a WE Energies substation reviewed at the previous meeting. She stated that she received an email that afternoon from Milwaukee County (an abutting property owner). There is a concern that there would be power infrastructure that may affect the parkland property. The email was provided to the applicant for their information to coordinate with Milwaukee County. Staff is recommending that if there are any approvals, easements, access requirements or anything that is necessary after those conversations, that they be provided to the City. It is basically a standard requirement. Mayor Scaffidi asked if the applicant was made aware of that request. City Planner Papelbon responded that she forwarded the email. Mayor Scaffidi stated the applicant nodded yes.

Mayor Scaffidi had to leave the meeting at this point to fulfill another obligation, but stated that he is in support of this item as proposed. He thinks it is the proper use and all of the restrictions and items listed are appropriate for that use. He does not have any objections.

Mayor Scaffidi handed the meeting over to Commissioner Bukiewicz.

Commissioner Dickmann asked if the contents of the email from Milwaukee County needed to be included in the conditions and restrictions. City Planner Papelbon responded that she did not think so because it is really an abutting-property owner issue. If there are going to be easements or reviews necessary, those are going to be through the County and requested by the applicant. It should be treated as access is on Howell Avenue. Copies of any approvals, permits and/or easements should be provided to the City prior to seeking any local permits.

Jerry Franke, WisPark, pointed out that once the parcel is created, it will no longer be adjacent to Milwaukee County parkland. If they are going through and doing the parcel ahead of time, this wouldn't be an issue.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit allowing a WE Energies substation on a portion of the property at 10861 S. Howell Ave. after a public hearing. Commissioner Siefert seconded. On roll call: all voted aye, except Mayor Scaffidi (absent). Motion carried.

**CONDITIONAL USE PERMIT
KWIK TRIP, INC.
2040 W. RYAN RD.
TAX KEY NO. 878-9003-004**

City Planner Papelbon provided an overview of the request for a conditional use permit for outdoor storage and display of ice and propane on the south elevation of the convenience store. To be consistent with other approvals in the City for similar uses, staff is recommending that the outdoor storage and display of retail merchandise be expressly limited to ice within a storage container and propane within a locked cage in the location identified on the submitted plan. No other retail merchandise will be allowed to be stored or displayed outside of the retail store, including, but not limited to, under the fueling canopies.

Commissioner Chandler asked what items they are interested in storing outside. Mark Clark, 2040 W. Ryan Road, responded that they are only interested in outside storage of ice and propane. They may ask for a firewood display at some point. City Planner Papelbon stated that staff talked to the applicant prior to their submission for this conditional use request. Staff has recommended against any other outdoor storage. They are limiting outdoor storage to propane and ice. Mr. Clark stated he would be fine with that.

Commissioner Siefert asked if the south side of the building is the best location for that rather than the west. Mr. Clark responded that the south side of the building is facing Ryan Road. However, there is going to be some landscaping, which won't be seen from Ryan Road. Mr. Clark stated that these items are the least visible for the guests as they approach the store.

Alderman Guzikowski (Alderman for this district) stated that he doesn't have any opposition to this.

Commissioner Dickmann asked if each gas station is restricted to only what was approved at Plan Commission. City Planner Papelbon responded that there are some gas stations that may be doing things as part of their typical operations but may not have permission to do so. Conditional

use permits going forward state the specific things that can be displayed outside, and the locations where they can be displayed. Displaying merchandise under the fueling canopies is also a concern for the Fire Department.

Commissioner Bukiewicz stated that he is fine with the location of the outside storage. He is fully in support of it.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for outdoor storage and display of ice and propane retail merchandise on the property at 2040 W. Ryan Rd. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting (January 24, 2017). Commissioner Chandler seconded. On roll call: all voted aye, except Commissioner Correll, who abstained. Motion carried.

PLAN COMMISSION DISCUSSION 27TH STREET OVERLAY DISTRICT

City Planner Papelbon stated that this discussion affects all of 27th Street. There are several overlay districts that affect portions of 27th Street. Those were adopted as part of the 27th Street Corridor Plan that was a joint effort with the City of Franklin done in 2005. They established certain standards and criteria for those properties along 27th Street.

There are four specific districts and general overlay standards – RRO, UVO, NO and OO. They establish overlay districts on top of the underlying zoning districts. They have their own permitted accessory and conditional use allowances, as well as minimum requirements for setback, building heights and those kinds of things. Everything on 27th Street in the overlay district has to abide by the general standards, and fall into the specific overlay district in one of these subsections. The City has received several requests for development along 27th Street on a couple of parcels. There are some challenges to these proposals having to do with uses that are allowed in the overlay or not the underlying zoning, so there is an inconsistency issue there. There are some building and site standards that don't match what is being proposed. In other words, the overlay district standards are very specific and don't allow any kind of modifications to those standards. It does not allow the Plan Commission the ability to grant waivers to those standards or modifications.

There are some options with these overlay districts and possibly amending them.

- 1) Amend the district allowed uses and standards;
- 2) Amend the district boundaries. That would have some implications for each of the districts themselves; or
- 3) Removing the district boundaries in whole or part (staff is not recommending this option).

Staff would like to bring before the Plan Commission Option 1, amending the standards themselves. The City of Franklin has district language that Oak Creek does not have. They allow Plan Commission modifications with certain requirements. The other part to consider is amending the district allowing certain uses. One of the particular uses is an institutional (religious) use. That proposal is in an underlying zoning district identified for business use. The overlay district is also a retail district. A church use has not been identified as one of the allowable uses in that overlay district. Even if the underlying zoning were amended for that parcel, the overlay district would prohibit the use in that district.

Other considerations include specific building and site standards. The easiest thing that made the most sense was to try and align Oak Creek's standards with Franklin's. When comparing the

two, there seems to be a lot that overlaps, but differences are due to the way Franklin's Code is organized - they have what is called a "unified development ordinance."

City Planner Papelbon stated that staff's recommendation would be to incorporate at least one of the sections that Franklin has. For example, page 3-96, Subsection C (2) includes a Waiver of Standards for non-residential buildings greater than 20,000 square feet. It states: *The Plan Commission may waive any of the following standards by a ¾ vote of members in attendance, but only if supplement design elements or improvements are incorporated into the project (over and above those which are otherwise required) which compensate for the waiver of the particular standard. In support of the waiver request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the waiver is requested.* This is similar to Oak Creek's modification language, but it is specific to the overlay districts.

Commissioner Correll stated that based on the other development areas - the lakefront, Drexel Town Square - 27th Street overlay district modifications are needed.

Commissioner Dickmann stated that on Page 3-84, Section 4, of the Franklin ordinance it says, allow *"the Plan Commission to waive any of the South 27th Street Standards by 5 votes of all the members of the Plan Commission,"* whereas the section just referenced states ¾ of the members in attendance. City Planner Papelbon responded that that is where the Franklin Code differs because they have this modification in their general standards. They had another modification under the buildings 20,000 square feet and above. City Planner Papelbon stated that her recommendation would be to have one modification standard language for basically any of the modifications that would be included.

Commissioner Chandler asked what the difference was between the two options. City Planner Papelbon responded that Option 1 is where staff believes the City should be going. Oak Creek should be looking at allowing another use to be added into the permitted or conditional use category for these district, and amending the standards to incorporate similar language to Franklin's ordinance. Amending the district boundaries is tricky, and City Planner Papelbon stated that she would not necessarily recommend doing it because then there are considerations of where that district boundary ends and begins. Those distinctions have already been made, and the overlay districts have been established since 2005. City Planner Papelbon stated her recommendation would be to not amend the boundary, but amend the regulations.

Commissioner Correll stated that Option 1, which he is in favor of, allows some modifications; whereas right now, there are no options for the other uses. City Planner Papelbon responded that when uses are brought up, they will be considered for inclusion on a case-by-case basis.

Alderman Guzikowski stated that if the City can take a look at this for a better opportunity, overall use or however it's going to be, he agrees that the City should look at Option 1.

Commissioner Dickmann asked will both Franklin and Oak Creek will bring different proposals to the discussion. City Planner Papelbon responded that she and Community Development Director Doug Seymour had an initial discussion with two representatives from the City of Franklin. Staff got an idea of how they were applying the 27th Street overlay district standards. Franklin has just one district for all of 27th Street. Oak Creek has four, plus the general overlay district. Franklin has also amended their district. Staff was trying to determine how Oak Creek could bring our standards more in line with theirs, addressing some of these issues, and also seeing how they went through the process to change their Code. Franklin was receptive to what staff was proposing. Staff did mention specifically that one of the requests received was for a church on 27th Street. Franklin did not really have much of an opinion one way or the other on including churches in the overlay district.

Commissioner Bukiewicz stated that it would be healthy to get back in contact with Franklin to make sure both communities are using the same standards and still going in the same direction. City Planner Papelbon stated that both communities adopted the 27th Street Corridor Plan and everyone is still moving forward with that. It is just the regulations that were adopted in compliance with that plan are a little bit different. Franklin's Unified Development Ordinance combines all regulations into one Code, so they don't have standards under each district like Oak Creek does.

Commissioner Bukiewicz stated that the plan was laid out. Oak Creek is a little bit more complicated. We do have different districts. Nobody could foresee some of the uses coming, particularly when existing businesses sit within that overlay and then change. Oak Creek has been able to change and adapt. It has been successful in the past and it can be in the future. Commissioner Bukiewicz stated that staff is going down the right path and has the right suggestions. Commissioner Bukiewicz stated he does not believe in removing the district boundaries or to amend them. Commissioner Bukiewicz wants to see the City having the most leeway to be able to make changes on a case-by-case basis.

Doug Seymour, Director of Community Development, stated that the road (27th Street) has taken quite a bit longer to complete than anticipated. They (WisDOT) will finish up next spring with some of the streetscape elements that were part of the 27th Street Corridor Plan. This was a contributing factor toward the lack of activity along the corridor, along with the economics, which have changed over the last decade. There have been opportunities for the City to focus elsewhere. Mr. Seymour stated that getting back to 27th Street is a good idea and there is a lot of potential there. There is still a really unique opportunity to shape that corridor, and using many of the same concepts in the corridor plan and streetscape plan in working with the City of Franklin.

Mr. Seymour stated that one of the "silver linings" of the slowdown due to the economic factor was that it allowed Oak Creek to hold those properties back until the market was ready for them. Now that the City has some developments like IKEA and Drexel Town Square, like NML and Wheaton on the Franklin side, there is the ability to move forward with maintaining those high standards. They are not the same standards as those back in 2005. He thinks a lot of things looked at in 2005 were very well thought out, but ignoring some market realities, particularly in terms of the amount of office space that was thought would be along that corridor.

Commissioner Bukiewicz thanked the Planning Department for putting this together in a form that the Plan Commission members could really understand (because the original plan is so large), and giving the members clear options so that this discussion could take place. He stated that a lot of work went into that. Mr. Seymour stated that City Planner Papelbon did a good job.

PLAN COMMISSION DISCUSSION IBEW SITE TOUR

City Planner Papelbon asked if the Plan Commission wanted to take up an offer to tour an IBEW location. It is their training facility. Commissioner Bukiewicz stated that the IBEW is the International Brotherhood of Electrical Workers. They train electricians and run apprenticeship classes and are located in Wauwatosa on 110th and Watertown Plank Road. They have been reaching out to all municipalities, school boards and planning commissions so they have a better understanding as to when they're approving projects with buildings and roads, what goes into the training. This is self-funded. They train on everything from basic wiring to fire alarms, solar to high voltage switch gear. Commissioner Bukiewicz stated they perform classroom work as well as hands-on training. City Planner Papelbon stated the City received an invitation for the Plan Commission to tour the facility. If the Plan Commission wants to tour the facility, it would have to be posted as a special meeting. The Plan Commission indicated their interest in touring the facility.

Commissioner Carrillo moved to adjourn. Commissioner Correll seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:58 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

1/24/2017

Date