

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 24, 2017

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

Minutes of the January 10, 2017 meeting

Commissioner Siepert moved to approve the minutes of the January 10, 2017 meeting. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

SIGN APPEAL HEARING

BELAIR CANTINA

7979 S. MAIN ST. (TENANT ADDRESS: 410 W. TOWN SQUARE WAY)

TAX KEY NO. 813-9053

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

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

SIGN APPEAL

BELAIR CANTINA

7979 S. MAIN ST. (TENANT ADDRESS: 410 W. TOWN SQUARE WAY)

TAX KEY NO. 813-9053

Commissioner Siepert asked how many signs are needed to advertise the business. John Kuhnmuensch, 410 W. Town Square Way, responded that the glazing on the building is very vast. Originally, the BelAir vinyl with the website address was put up when they were building because they had vendors coming by and they could not find the business. At the time, there were a lot of things going on in the area and it was very business. After the fact, they really liked them and Mr. Kuhnmuensch asked for forgiveness for not having taken them down yet.

Mr. Kuhnmuensch stated that the exit sign on the doors are needed because people continuously come into the side doors and those need to be left open for egress. They would rather not have people come in there especially in the winter when it is cold because of the patron seating in this area. The exit signs guide people to the front door. Commissioner Siepert stated that the requested signage is overkill. Mr. Kuhnmuensch responded that it is in keeping with their concept, but appreciates Commissioner Siepert's concern.

Commissioner Chandler asked which signs were compliant/non-compliant. Zoning Administrator/Planner Wagner responded that during the initial sign plan review, staff worked with the applicant and determined that the south elevation (facing Town Square), and the southwest elevation (front door) are entry facades. The south elevation is 91'. One sign per every 12 linear feet would allow them up to seven signs. The BelAir sign is the bull, which is a sign, and then they have their web address as a separate sign. There are two "use other door" signs, there are two bull symbols, two of the internet address signs, and then there is an "hours of operation" sign, which is to the left of one of the bulls. Staff counts that as all seven signs.

They meet the 10% coverage rule, so no variance would be required for those signs that are currently facing the south elevation.

Zoning Administrator/Planner Wagner was at the site and noticed an advertisement for ice cream. That was not applied for and would be the 8th sign, which would not be allowed. What is being considered are the seven signs. No variance is required for those.

Zoning Administrator/Planner Wagner stated that on the southwest corner, there are the neon signs, bull sign and website address sign below the bull sign. That is how the 5 signs were derived at. That entry façade only has 24' of frontage. By code, there should only be 2 signs displayed there. As for the neon signs in the Drexel Town Square regulating plan, it specifically calls out that neon is not to be used as a primary use for signage. This is a secondary eye level sign. The Plan Commission does have the discretion to determine whether or not that neon is a proper sign for this district.

BelAir's narrative that was submitted with the application indicated that those signs would only be on during business hours. So far, they have been on 24/7. Mr. Kuhnmuench stated that they have cleaners that come in at 5:00 in the morning, but they could easily put those signs on a timer.

Zoning Administrator/Planner Wagner stated that on the northwest corner, there are the bull and "use other door" signs. This is not an entry façade. A variance is required to allow those three signs to be on that elevation. Those signs do meet the 10% rule so there is no variance required for the opaqueness, but for the number.

Zoning Administrator/Planner Wagner stated that the north sign, which has a complete opaque covering on the north end. The north end is not an entry façade so a variance would be required to allow any eye-level signage there. This also exceeds the 10% opacity rule.

Commissioner Bukiewicz stated he views the neon signs as a more decorative atmosphere. Given that, as long as they are appropriately timed, he would be okay with the neon signs.

Mayor Scaffidi stated he likes the neon signs. Also, the website address can be added to the other signs and does not need to be its own sign. Mayor Scaffidi stated the neon signs should be turned off when the business is not in operation.

Commissioner Carillo stated her concern is getting a tenant in that wants to do something like this and doesn't have this fun kind of neon sign. She is afraid that if we open it up that it is going to maybe apply to other tenants. Commissioner Bukiewicz stated that this needs to be reviewed on a case-by-case basis.

Commissioner Bukiewicz's comments could not be heard because he was not speaking into his microphone.

Mayor Scaffidi stated he does not have an objection. He has never looked at that and saw it as an overuse of signage. He actually likes the neon. He thinks the power of the Commission is to look at these things individually.

Commissioner Johnston stated his disagreement and that he does not like neon signs. He does not think they need to be there. He is okay with the signs on the windows because those blend in and are not obtrusive. The neon signs stand out and he does not think that that is the look the City was going for when the language for the signs was drafted. He does not think this is what the City wants to have.

Mayor Scaffidi asked if something was done with the neon signs that wasn't on the window, would that be allowed? Zoning Administrator/Planner Wagner responded that if they were moved to the interior of the restaurant, that would be permitted.

Commissioner Bukiewicz stated he does not have an issue with the directional signs.

Mayor Scaffidi clarified that these signs are not what they are looking to do. This signage is what they have already done. Zoning Administrator/Planner Wagner responded yes, but the variance is not granting these exact signs. If these signs make the 10% rule, they can make them whatever they wanted them to be.

Mr. Kuhnmuench asked if in the future they wanted to change the signs, could there be a stipulation that no changes can be made without coming before the Plan Commission first. Commissioner Bukiewicz stated that the City cannot regulate content. Zoning Administrator/Planner Wagner stated that what will happen is the City will grant a variance to be able to put up three eye-level signs on that elevation as long as it doesn't exceed three and it doesn't exceed 10% of the glazing. They do not have to come before the Plan Commission for permission. Mr. Kuhnmuench stated that they could remove the website address signs.

Commissioner Bukiewicz moved that the Plan Commission grant the variance to allow the tenant at 410 W. Town Square Way to display 5 eye-level signs on the southwest elevation, and 3 signs, not to cover more than 10% of the clear glazing on the northwest elevation as shown in Exhibit A. If neon lights are included in the five eye-level signs, that they are timed on only when the business is in operation, preferably 11 a.m. to 12 a.m. Mayor Scaffidi seconded. On roll call: Commissioner Johnston, Commissioner Carrillo, Commissioner Siefert, and Commissioner Chandler voted no. Commissioner Bukiewicz, Mayor Scaffidi, and Alderman Guzikowski voted aye. Motion failed.

The reasons for the "no" votes are as follows: Commissioner Johnston - opposed to neon signs; Commissioner Carrillo - opposed to neon signs; Commissioner Siefert - opposed to neon signs; Commissioner Chandler - opposed to neon signs as well as the quantity of signage on the southwest side.

SITE PLAN REVIEW

BELAIR CANTINA

7979 S. MAIN ST. (TENANT ADDRESS: 410 W. TOWN SQUARE WAY)

TAX KEY NO. 813-9053

Zoning Administrator/Planner Wagner stated that the north elevation contained all of the opaque glazing and is covering the back-of-house operations at the BelAir Cantina. The applicant is requesting a modification to the amount of clear glazing that can be covered with opaque glazing to hide parts of the business that might not be the best look for the street view. In the Drexel Town Square regulating plan references the amount of clear glazing toward the street. There is no minimum opaque clear glazing when it comes to service doors. This is a non-entry façade. This part of the building faces the parking lot, so it is up to the Plan Commission to modify the amount of opaque glazing on this elevation.

Mr. Kuhnmuench, 410 W. Town Square Way, stated that everything behind the glazing is all of their dry storage.

Commissioner Chandler asked if the image on the opaque glazing is considered a sign and if it was acceptable to have a picture on there. Zoning Administrator/Planner Wagner stated that in this particular case, the glazing is existing. It can be left as is or they can be instructed to remove it and put a white covering on in this particular case. In the future, when an applicant is

going to move in, they will be told they are going to have to meet with the City ahead of time and explain what they are planning to do prior to putting it up.

Mayor Scaffidi stated this glazing is preferable to anything blank that would be put on the windows, especially considering where it faces.

Commissioner Siepert asked if opaque glazing with pictures is going to be a standard for the entire Drexel Town Square. He is concerned if they start with one end and continue and he is not fully in favor of this. Zoning Administrator/Planner Wagner stated that this side of the building is facing the parking lot and not Main Street. If this was on Main Street, staff would be recommending not approving it because that is the main thoroughfare. Where this is located not in an area that is going to be facing the main drag.

Alderman Guzikowski stated that because it is the back-of-house, they are trying to keep things clean looking. Commissioner Siepert stated he agrees with glazing to cover it up, just not the use of a picture in the glazing.

Commissioner Bukiewicz stated he does not have a problem with this because it blocks the back-of-house operations.

Mayor Scaffidi stated that standards are important for everything done in Drexel Town Square. However, the City cannot live in fear of a tenant trying to do something different. The standards say no neon signs, but if there is an argument to be made that it can improve the aesthetics or creativity for an applicant, it should be considered.

Commissioner Bukiewicz moved that the Plan Commission approve the proposed building modification changing the clear glazing to opaque for the windows illustrated in Exhibit A for the building at 410 W. Town Square Way. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

CONDITIONS AND RESTRICTIONS

KWIK TRIP, INC.

2040 W. RYAN RD

TAX KEY NO. 878-9003

City Planner Kari Papelbon provided a summary of the Conditional Use Permit and proposed Conditions and Restrictions.

Mayor Scaffidi asked if this is consistent with the outdoor storage of the other two Kwik Trip locations in the City. City Planner Papelbon responded that the Conditions and Restrictions for the location at 10th and Drexel are the same. The Conditional Use Permit for the other locations may be silent on outdoor display. Technically, per Code, outdoor display of retail merchandise would need a Conditional Use. If one does not exist, there should be.

Commissioner Bukiewicz stated it looks good and the location is great. It is not in front of the building and it is appropriately set where it should be.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council adopts Conditions and Restrictions as part of the Conditional Use Permit allowing outdoor storage and display of ice and propane retail merchandise on the property at 2040 W. Ryan Road after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE AMENDMENT
BADGER BUS
6819 S. HOWELL AVENUE
TAX KEY NO. 734-9997**

Zoning Administrator/Planner Wagner provided an overview of the proposal.

Asst. Fire Chief Kressuk stated that this is a large HAZMAT installation to a certain degree. In the past, they have talked about the refueling of the vehicles and the filling of these tanks is generally where there are problems as far as incidents that require Fire Department services. Having a little bit of a larger tank on site reduces the amount of filling operations for that tank. There is a little bit of comfort with a larger installation going in than a smaller one that might require more tankers on site. This will be regulated by the State of Wisconsin as far as the tank and any additional fire codes. There are no additional concerns outside the normal code regulations.

Commissioner Chandler asked a question that *could not be heard because she was not speaking into the microphone.*

Doug Fosnow, 6819 S. Howell Avenue, 7612 S. 70th Street, responded that they get a better rate for fuel if they have a larger tank.

Commissioner Bukiewicz asked if there is adequate space for a tanker to turn around. Mr. Fosnow responded that there is plenty of room for them. They can go around the back of the building and make a U-turn or just back up.

Commissioner Bukiewicz asked if there was any problem getting fire equipment back there. Asst. Fire Chief Kressuk responded that there was a preliminary discussion regarding access and turn-arounds and they meet the Fire Department's needs. Commissioner Bukiewicz asked if there are any hydrant needs. Asst. Fire Chief Kressuk responded that this is strictly a HAZMAT issue. The Fire Department has explored water supply solutions for this. In cases like this, they like the hydrants a little bit further away.

Arden Degner, 8540 S. Pennsylvania Avenue, stated he is surprised that there is a carte blanche approval listed for this installation. Every other installation in a filling station states in international code that removal after a certain period of time is required. That leads to two questions: How many of these above-ground tanks will we have in this City? He has endured years of empty tanks around the city. All they have to do is have a garage be replaced or a fire or something and there will have an empty tank just like on the corner of the railroad tracks and Rawson Avenue for years. He believes they were empty for at least 15 years. He objects to having these empty tanks visible in the City. Why isn't this underground? Is it because they do not want to conform to the State codes because they are more restrictive like the FedEx? FedEx put them underneath the ground.

Mayor Scaffidi stated that the empty tank issue is not related to this discussion. He does not believe these tanks are stored underground typically. As far as the approval, discussion is centered on if it is appropriate, and a safe and correct use of the tank on the property. Mayor Scaffidi stated he believes it is and he believe the Fire Department believes it is.

Commissioner Bukiewicz stated that above ground tanks are more easily inspected and maintained. There are a number of above-ground propane tanks. Commissioner Bukiewicz has maintained tanks like this around the airport. They are common with larger vehicles that

they go above ground. Commissioner Bukiewicz stated that if properly maintained and taken care of, he thinks it is fine. As far as it being within sight, this one is screened by the garage.

Commissioner Bukiewicz moved that the Plan Commission recommends that the Common Council approve a Conditional Use Permit allowing the storage of inflammable gas in excess of 5,000 gallons at 6819 S. Howell Avenue after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

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

ATTEST:



Douglas Seymour, Plan Commission Secretary

1/25/2017

Date