

Town of Oak Creek Land Use Application Staff Report

PETITIONER:	Franciosi Brothers – Anthony Franciosi
PETITION:	Land Use Changes of Minor Impact Expansion of outdoor use on property located at 112 W. Main Street (Lots 3 – 4, Block 3 Original Town of Oak Creek)
PLANNING COMMISSION HEARING DATE:	June 15, 2022
TOWN BOARD HEARING DATE:	June 23, 2022
STAFF CONTACT:	David Torgler, Town Administrator/Clerk
ATTACHMENTS:	Cover letter Application Narrative and staff review Permit Set (including site plan and elevations) Warranty Deed

HISTORY AND PROJECT DESCRIPTION:

The property located at 112 W. Main Street includes a building, patio and open unbuilt land. The building houses a restaurant with a door on the east side to an adjacent patio. The petitioner is proposing to use unimproved outdoor space east of the Franciosi Brother's restaurant that is enclosed by fencing on three sides and a gate on the Main Street (south) side. The area proposed for the expansion is approximately 63-feet by 50-feet on the north end, extending from the building/patio to the eastern property line, as shown

June 15, 2022

on the attached diagram. The existing outdoor patio is located on Lot 4 and is approximately 615 square feet (15' by 41').

The total property is approximately 0.29 acres (12,500 sq. ft.) in size; the expanded use is only on Lots 3 & 4 which is approximately one-half of the total property, e.g. Lots 3 – 6.

COMPLIANCE WITH THE TOWN OF OAK CREEK COMPREHENSIVE PLAN

Section 17.01.03 (A) of the Land Use Code (Code) states that the Code is enacted to “[i]mplement the policy recommendations of the Town of Oak Creek Comprehensive Plan Update” (Plan.) Therefore any proposal should be considered in light of the applicable policies of the Plan. While the Plan contains numerous policies regarding land use, staff has selected the following checklist to highlight the policies most directly applicable to these applications. Interested parties are encouraged to review the Plan to determine if there are other policies that may be applicable to the review of these applications.

Chapter Two – Environment & Natural Resources

ENVIRONMENT - vegetation

Complies		Section	Policies
Yes	No		
<u> X </u>	<u> </u>	3.	The Town shall encourage downtown property owners to plant new street trees where feasible. <i>Staff comment: No new street trees are proposed; however the property has numerous planters installed between the sidewalk and approximately nine feet north of the sidewalk.</i>

ENVIRONMENT – Visual Character

<u> X </u>	<u> </u>	1.	Placement and height of new development within the Performance District 1 should be designed where feasible to avoid blocking scenic views from public rights of way, parks, and other public spaces. <i>Staff comment: The expansion area will encourage a vibrant outdoor eating place in downtown Oak Creek that will not block any scenic views.</i>
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June 15, 2022

CHAPTER 3. ECONOMY, LAND USE & COMMUNITY CHARACTER

Economy

Complies Yes	No	Section	Policies
<u>X</u>	_____	Economy 3.	The Town shall continue to work to support existing businesses and to identify and attract new businesses needed to meet local needs for a balanced level of commercial and light industrial activities. <i>Staff comment: The proposed expansion will encourage outdoor dining at an existing business and allow the restaurant to expand seating space for customers.</i>

Land Use & Community Character

Land Use Regulation

Complies Yes	No	Section	Policies
<u>X</u>	_____	1.	All new development shall be considered in light of compliance with existing master plans, adopted policies and guidelines. <i>Staff comment: The vision for Performance District 1 is to work to achieve an active, pedestrian-oriented district focusing on retail, civic and cultural establishments.</i>
<u>X</u>	_____	8.	Commercial development shall be encouraged to locate within Performance District 1. Commercial development may be permitted in other Performance Districts, with requirements to insure that any impacts are sufficiently mitigated. <i>Comment: This proposal to expand an outdoor use for commercial customers is located in Performance District 1.</i>

Chapter Four – Transportation & Infrastructure

Transportation - Sidewalks

Complies Yes	No	Section	Policies
<u>X</u>	_____	1.	The maintenance of sidewalks shall be the responsibility of individual property owners. <i>Comment: There is a sidewalk adjacent to this property.</i>

June 15, 2022

COMPLIANCE WITH THE TOWN OF OAK CREEK LAND USE CODE

While the Land Use Code (Code) contains numerous regulations regarding land use, staff has selected the following checklist to highlight the regulations directly applicable to these applications. Interested parties are encouraged to review the Code to determine if there are other regulations that may be applicable to the review of these applications.

Chapter 17.03 – Development Applications, Review and Procedures

Section 17.03.06 – Land Use Changes of Minor Impact

These require one review each by the Planning Commission and the Board of Trustees and include:

Complies		Section	Standards
Yes	No		
<u> X </u>	<u> </u>	J.	Changes in use that are not exempt, have no impact or major impact. <i>Staff comment: The expanded use of this property is not exempted from review and does not fall into the descriptions for no impact or major impact. With the outdoor use expansion, this proposal falls into the Land Use Change of Minor Impact category.</i>

Chapter 17.10 – Community Design Standards

Section 17.10.08 – Landscaping Standards

Complies		Section	Standards
Yes	No		
<u> X </u>	<u> </u>	C.	Performance District One – Commercial, Institutional, Office and Mixed Use Landscape Standards.
		1.	Downtown landscaping is intended to provide an attractive environment for people to walk and shop. A town-approved landscape plan shall be required of all new developments in Performance District One to include one or more of the following: window boxes, planters, parking lot landscaping, street trees, sidewalk improvements or benches as appropriate to the site to enhance building entries and the streetscape. <i>Staff comment: The site is currently landscaped and the owner proposes no additional landscaping.</i>

June 15, 2022

Section 17.10.09 – Parking standards

Complies		Section	Standards
Yes	No		
<u> X </u>	<u> </u>	A.	Commercial uses in Performance District 1 are exempt from these requirements. <i>Comment: This property is located in Performance District 1.</i>

Section 17.10.010 – Lighting

Complies		Section	Standards
Yes	No		
<u> X </u>	<u> </u>	A.	Exterior lighting, except for overhead street lighting, warning, emergency or traffic signals; sports field lighting; temporary holiday lighting; or lighting required by the building or fire code, shall be installed in such a manner that the light source will not detract from the dark sky enjoyed by the residents of Oak Creek. The following shall be required of all lighting fixtures: 1) fixtures shall be cast downward to prevent glare on public streets, walkways or into residential areas. Light shields shall be placed on fixtures to prevent light “spillage” to public or residential areas; 2) lights should use the lowest wattage possible to sufficiently light the intended area. <i>Staff comment: The owner does not propose to add any lighting.</i>

Chapter 17.11 – Performance Districts**Section 17.11.01 – Performance District One**

The following regulations only govern land within Performance District One.

Complies		Section	Policies
Yes	No		
<u> X </u>	<u> </u>	A.	Character and Vision
			1. Current Use: Performance District One forms the heart of the Town of Oak Creek with a majority of its retail and commercial uses located on Main Street. The uses quickly transition to residential as one moves away from Main Street.
<u> X </u>	<u> </u>		2. Vision for the Performance District: This district should work to achieve an active, pedestrian-oriented, retail district. Auto-oriented commercial uses shall only be allowed in Performance District One as a conditional use. Auto oriented uses permitted within Performance District One shall locate parking and automobile drive-thru facilities to the rear or side

Franciosi Brothers – Outdoor Use Expansion for restaurant use & alcohol sales

June 15, 2022

of the primary structure. Commercial uses are the preferred use for the first floor of all buildings along Main Street and Moffat and Sharp Avenues. *Staff comment: There are no parking requirements for Performance District One for the types of uses proposed. The proposed use is commercial use, e.g. a restaurant serving alcohol.*

X

B.1

Permitted uses:

- a. Commercial
- b. Office
- c. Auto-oriented commercial
- d. Mobile food units

X

C.

Dimensional standards for properties within Performance District One: *Staff comment: All standards can be met on the lots as designed. See table below.*

Performance District 1	Commercial	Auto-oriented commercial uses
Minimum Floor Area/Dwelling Unit (square feet)	-	-
Setbacks (feet): Front	0 min 10 max	0 min 10 max
Side Yard	0	0
Rear Yard	0	0
Lot width (feet) Minimum Maximum	25 100	25 100
Minimum Lot Area (square feet)	2400	2400
Maximum Lot Coverage (%)	No max.	No max.
Maximum Building Height (feet)	35	35

OPTIONS

1. **Recommend approval as proposed** if it is determined that the proposal meets the standards of the Town of Oak Creek's Land Use Code and Comprehensive Plan.
2. **Recommend denial** if it is determined that the proposal changes do not meet the standards of the Town of Oak Creek's Land Use Code and Comprehensive Plan.
3. **Table action** if it is determined additional information is needed to evaluate the proposal. Specific direction must be given to applicant.
4. **Recommend approval** if it is determined that certain changes or conditions are necessary to ensure that the proposal meets the standards of the Town of Oak Creek's Land Use Code and Comprehensive Plan.

CONDITIONS OF APPROVAL: the following conditions are recommended to be included as part of the proposed Land Use Changes of Minor Impact for the Franciosi Brothers – patio expansion:

1. The existing patio has landscaping and flower boxes that will be retained and maintained.
2. All exterior lighting on the site will be down cast and only provide illumination within the site.
3. To serve alcohol on the expanded outdoor use area the liquor license must be amended to include this space.