

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, June 23, 2020**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Alderman Guzikowski, was excused. Also present: Kari Papelbon, Planner; Doug Seymour, Community Development Director; Laurie Miller, Zoning Administrator; and Mike Havey, Assistant Fire Chief. Kevin Koenig, IT Manager facilitated the video conference.

Planner Papelbon read the following into the record:

The City of Oak Creek is authorized to hold this public meeting remotely during the COVID-19 public health emergency under the March 16 and March 20 advisories from the Office of Open Government in the Wisconsin Department of Justice and subsequent Common Council approvals. Per the advisories and approvals, this meeting being conducted via Zoom video conference with telephone conferencing capabilities was duly noticed per the City of Oak Creek Municipal Code and Statutory notice requirements more than 24 hours in advance of the meeting. Members of the public have been advised of the options for participation via direct mailing to property owners within 300 feet of a proposal, via the COVID-19 information page on the City's website, via social media, and via the information contained on the meeting agenda. This meeting may also be viewed at the City's YouTube page, the link for which was contained in all aforementioned notice methods. The meeting recording will also be accessible on the City's YouTube page within 48 hours.

Plan Commissioners and participants are initially muted upon joining the meeting. Plan Commissioners and staff have the ability to mute and unmute their microphones throughout the meeting. Please mute at all times except for roll call, motions, voting, and when recognized by the Chair. Roll call and voting will occur per the usual and customary procedure, starting from Plan Commissioner seating positions south to north in the Common Council Chambers (e.g., Hanna, Sullivan, Carrillo, Loreck, Bukiewicz, Guzikowski, Oldani, Siepert, Chandler). The Chair will facilitate questions and comments by calling on each Plan Commissioner, or by requesting the use of the "raise hand" function in the Zoom webinar control panel. Only speak once you have been recognized by the Chair or moderator.

Applicants, their representatives, and all other participants who wish to speak will be unmuted

- When there is a direct request for information from the Plan Commission or staff;
- When the participant utilizes the "raise hand" function within the Zoom webinar control panel, and the moderator verbally indicates that they are unmuted;
- When a phone participant dials \*9 to indicate they wish to speak, and the moderator verbally indicates that their line is open.

When unmuted, all participants must state their name and address for the record, then proceed with comments or questions.

Questions and comments may also be entered into the Q&A function within the Zoom webinar control panel. Staff and/or the moderator will monitor this function during the meeting, and provide the information requested. There shall be no private messages or side conversations during the

meeting utilizing the chat or Q&A functions. Chat and Q&A messages are part of the public record.

### **Minutes of the June 9, 2020 meeting**

Commissioner Siepert moved to approve the minutes of the June 9, 2020 meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

### **CONDITIONAL USE PERMIT BRENTWOOD ANIMAL HOSPITAL 318 W. RYAN RD TAX KEY NO. 875-9994-001**

Planner Papelbon provided an overview of the Conditional Use Permit request for an animal hospital with kennel and boarding facilities at 318 W. Ryan Rd. (see staff report for details).

Brad Egan, Owner's representative, 6011 Artist Bay, West Bend, WI, stated that he hopes to get this approved.

Dr. Brad Osgood, Applicant, stated that he supports what Mr. Egan said. He would like to get the plans approved so that they can grow their business and improve the animal care in the City of Oak Creek.

Commissioner Carrillo asked about the residence to the west of the property.

Planner Papelbon responded that there is a residence in the M-1 district. She also disclosed that Brentwood Animal Hospital is her veterinary clinic.

Alderman Loreck stated that his dogs are seen there, and it is a great Oak Creek veterinary clinic. He is glad to see that they are expanding.

Commissioner Siepert questioned whether the wetland to the north of the expansion will interfere with the project.

Mr. Egan responded that they have a civil engineer working on stormwater management and will be handling the wetland conditions.

Commissioner Chandler stated that she had utilized the animal hospital last year. She would like to have more information on what the space will include in the expansion.

Dr. Brad Osgood responded that the main purpose is to expand is the hospital space. With the growing community and the pet population, additional exam rooms are needed. They currently have five exam rooms with five doctors, and it makes it difficult with having a one-to-one ratio. The building was first built in the 1960s as a one-to-two veterinary practice, and expanded in 1993 and now are limited on space. Dr. Osgood stated that the option now is to rebuild on this property with updated facility and to satisfy the growing community. The new facility will also include luxury indoor boarding to meet the increased demand for this type of boarding.

Mayor Bukiewicz stated that he is thrilled to see that they are expanding and staying in Oak Creek as they have been an asset to the community.

Commission Siefert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for an animal hospital with kennel and boarding facilities on the property at 318 W. Ryan Rd. after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (July 14, 2020). Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT  
OAK CREEK INDUSTRIAL, LLC  
102 W. OAKVIEW PKWY  
TAX KEY NO. 955-1040-000**

Planner Papelbon provided an overview of the request for a Conditional Use Permit to for a freight yard/freight terminal/trans-shipment depot facility at 102 W. Oakview Pkwy. (see staff report for details).

Brian Randall, 111 E. Kilburn Ave, Milwaukee, WI, stated that that Applicant is trying to obtain tenants for this building, and have a potential tenant that may take over a third of the building and the Conditional Use will suit them. Mr. Randall mentioned that it is similar to the building at 610 W. Rawson Ave.

Commissioner Chandler asked if any future tenants would need to obtain a Conditional Use Permit if they are not doing this type of business.

Planner Papelbon responded that the M-1 district allows a wide variety of options that would be allowed as permitted uses, but if they were to request an indoor recreation facility, for example, then they would have to amend the Conditional Use Permit.

Commissioner Siefert asked what would be the daily truck traffic to the building.

Mr. Randall responded that the building is not fully occupied. He said there are currently twelve loading docks, which is less than what was proposed in 2016, and the overall number of truck trips will be dependent on the potential tenants. Mr. Randall mentioned that he had worked on the FedEx Freight building, and the extensive trucking business, and stated that this property is not designed to be at that level. Mr. Randall hopes that having the Conditional Use Permit will attract potential tenants.

Commissioner Siefert stated his concern about the traffic coming off from Elm Rd., onto Howell Ave., and going north and south.

Planner Papelbon stated that the preferred truck routes would be going north or south on Howell Avenue, and that route will be part of the Conditions and Restrictions if this Conditional Use is approved.

Commissioner Hanna asked about the type of tenant.

Mr. Randall stated that while this is an M-1 district, and it has a variety of Permitted Uses, the Conditional Use will cover the potential clients as this type of trucking business has been successful in this business park. Mr. Randall stated that this is a shell building, and they have been working with brokers to find the best tenant who can take advantage of the build-out. Often times, they are finding out that the potential tenant has a trucking component that includes a

freight yard or freight terminal type. Mr. Randall stated they want to be sure that having Conditional Use Permit will be covered for any potential tenants and with the City. The Conditional Use Permit will also help accommodate the potential tenants that could have a piece of warehousing or a piece of manufacturing, and also include some delivery or transportation of some sort.

Commissioner Hanna stated her concern about a chemical company coming in and having some sort of storage and trucking. She asked if the M-1 district will cover this type of storage.

Planner Papelbon responded that the Applicant is not requesting any storage of inflammable liquids in excess of 5,000 gallons. Storage of inflammable liquids in excess of 5,000 gallons will require additional review and approval, especially by emergency services as the Fire Department has some restrictions. If there is a proposal, it will have to come back to Plan Commission for a Conditional Use Permit Amendment.

Commissioner Hanna asked to confirm that a public hearing will let the surrounding areas know.

Planner Papelbon confirmed that parcels within three hundred feet of the proposed use will be notified of the Plan Commission and the Common Council hearing.

Alderman Loreck moved that the Plan Commission recommends that the Common Council approves the Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities on the property at 102 W. Oakview Pkwy, after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (July 14, 2020). Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

**LIGHTING PLAN REVIEW  
MODHOME, LLC  
10730 S. HOWELL AVE  
TAX KEY NO. 973-9997-000**

Planner Papelbon provided an overview of the proposed lighting plan for the single-family condo development located at 10730 S Howell Ave. (see staff report for details).

Jeremy Samatas, 670 North Park Boulevard, Glen Ellyn, Illinois, stated that he is excited to continue with the project.

Since there were no questions, Mayor Bukiewicz commented that the plan has been reviewed by the Electrical Inspector for approval of the foot candles. Mayor Bukiewicz stated that he is glad the lighting fixtures will be consistent with the rest of the City.

Alderman Loreck moved that the Plan Commission approves the lighting plans submitted by David DiSanto, Modhome, LLC, for the property at 10730 S. Howell Ave with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all conditions of approval from the April 14, 2020 Plan Commission review are in effect.

3. That final lighting plans and photometrics are submitted in digital format for review by the Department of Community Development prior to the submission of building permit applications.

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

**TEMPORARY USE PERMIT  
MARCUS THEATRES CORP./B&G REALTY  
7241 & 7261 S. 13<sup>TH</sup> ST.  
TAX KEY NO. 763-9018-000 & 763-9006-000**

Zoning Administrator Miller provided an overview of the request for a temporary use permit for the conversion of a portion of the parking lot at 7261 (7241) S. 13<sup>th</sup> St. into a drive-in theater. (see staff report for details).

Mark Gramz, 100 E. Wisconsin Ave, Suite 1900 is available for any questions.

Commissioner Hanna has no questions and appreciates the effort in accommodating during the COVID 19 condition.

Mr. Gramz commented they are anxious to try to get customers going to the movies in a safe environment.

Alderman Loreck said that he did visit one of these in a neighboring community and is excited that it is coming to Oak Creek. He did question if there were any concerns of Police and Fire Department about the screen facing 13<sup>th</sup> street. And if there were any concerns about the cars passing by might slow down or stop in the side of the road. Alderman Loreck asked if Marcus has any concerns with people stopping on the sidewalk to watch the movie.

Zoning Administrator Miller said that the Police Department have talked to the neighboring community regarding the stopping of cars and traffic flow. The neighboring community did not experience any issues with vehicles slowing down or stopping in the streets.

Alderman Loreck asked if Marcus have any plans to shield in any way or leave it wide open.

Mr. Gramz said it will be wide open. The screen is quite a way from 13<sup>th</sup> street and does not think there will be any issues or people will notice that it is playing.

Commissioner Oldani feels it is a great addition to bring back a drive-in theater and his kids are excited to have it back.

Commissioner Siepert questioned about staff being available at the end of the movie to help move the traffic.

Mr. Gramz mentioned that staff will be available for traffic at the end of the features and will also be handling the parking of the individual vehicles.

Commissioner Chandler asked about a plan in place for the parking.

Mr. Gramz replied that there is a plan and pinstripe with six-foot distances between each vehicle so the social distancing is maintained. Smaller vehicles will be up front with SUV types in the

middle while trucks or larger vehicles towards the back so that people have good visibility but ample space to meet the guidelines.

Commissioner Chandler asked about how the traffic flow before and after the movie.

Mr. Gramz explained the vehicles will enter the main entrance to the theater and once they get towards the building, the vehicles will kind of make a turn. The vehicles will meet up ticket attendant that will scan the phones or paper as costumers have to sign up for the movies. Other staff will be handing out menus and staff directing each vehicle to a specific parking space in the parking lot. At the end of the movie, vehicles will proceed to the two exits out of the parking lot. Mr. Gramz mentioned that the lanes between the parking spots will be two-way traffic.

Commissioner Chandler asked how the employees will be protected if tickets will be scanned from each car and people are only required to wear a mask if they are leaving the car.

Mr. Gramz said that employees will ear mask and each car will show their phone or paper ticket to the attendant which they will be able to see six feet away. Then the cars will be directed to a space by all of the employees while keeping ample distance from each other and the vehicles.

Commissioner Chandler asked how they will keep the public safe if the public are not wearing mask since there will be some interaction.

Mr. Gramz reiterated that the employee will be wearing mask and they are asking that the public wear a mask during interactions such as getting food, using the restrooms, and sitting outside in front of their vehicles. Mr. Gramz stated customers can choose to wear a mask while in the vehicles.

Commissioner Chandler was wondering what kind of movies will be playing.

Mr. Gramz said most movies will be family attractions. The opening attraction will be Fast and Furious and Fast Selling, a PG rated movie. Other examples Mr. Gramz provided will be ET, Jurassic Park, and Indiana Jones movies.

Commissioner Chandler asked if it could be verified that the large screen will not impact the drivers as Alderman Loreck was concerned about earlier.

Mr. Gramz stated that when the large screen is erected initially, they will test it in the evening.

Zoning Administrator Miller said the screen will be set on the building, which is very far from the road. The landscaping along 13<sup>th</sup> Street and the church just to the south, should help minimize the light emitted from the screen.

Mr. Gramz described the digital billboards, along the interstate, are running in a measurement of nits and these billboards are approximately five hundred nits. The movie screens are running at about 34 nits. Mr. Gramz said that because of this very low light, the movies will start at ducks since the screen cannot be seen during the day.

Commissioner Chandler was wondering if any test were conducted to verify the lighting will not impact the drivers passing by. She would like to make sure that it is safe and not causing distraction.

Zoning Administrator Miller noted that it has not been addressed. She shared that she travels by the Brookfield's Majestic Theatre, which is next to the interstate and operating an outdoor theater. Zoning Administrator Miller noted that the pictures can be barely seen as you are driving along the interstate due to the low light they are admitting. Since the Oak Creek theater is far away from 13<sup>th</sup> street, it should not impact the drivers.

Mr. Gramz mentioned that when he was working on the approval process in the Town of Brookfield, he spoke with the Southeast Regional Director of Department of Transportation. When Mr. Gramz described to the Director of the terms of nits as he described earlier, the Director knew the screen would not impact the traffic at that distance. Mr. Gramz said no test was needed.

Mayor Bukiewicz asked Assistant Fire Chief Mike if there would be any issue with fire access in the parking lot.

Assistant Fire Chief Mike Havey said they dealt with it before with the traffic coming in and out of the parking lot. The FTC connections is not obstructed so they don't have any issues with what they normally access.

Mayor Bukiewicz commented that Commissioner Oldani brought up that this pandemic is bring the outdoor theater back. Mayor Bukiewicz used to go to Twin 41 before they were shut down. This is bringing it back for generations that have not experience anything like this. Mayor Bukiewicz is acknowledging Marcus for being creative and conducting business as normal as possible. Mayor Bukiewicz is looking forward to seeing people get out and do some family bonding as this is a family event.

Alderman Loreck is wondering, since this will expire September 30<sup>th</sup>, if there is any plan to become a year to year permanent summer activity after this year for Marcus.

Mr. Gramz is hoping this will not be the case as they would like to utilize the indoor theaters and try to get people back in the building. The sound and picture quality are not the same outdoor as it is indoor. Mr. Gramz said that doing the outdoor theater was a compromise to provide entertainment to people in a safer environment. Mr. Gramz said that should we still be living under this current situation next year or people still don't feel safe in an indoor group environment, they will come back for the Temporary Use again.

Alderman Loreck was curious what the price will be per car load.

Mr. Gramz believed that it is \$25 Friday, Saturday and Sunday and \$20 during the weekdays.

Commissioner Hanna asked what is a car load as she has never experience this.

Mr. Gramz explained it is one admission price for a car load of people that legally sits in a vehicle.

Alderman Loreck moved that the Plan Commission approves the Temporary Use permit for the drive-in movie theater with the Marcus Theatres – South Shore Cinema park lot at 7261 (7241) S. 13<sup>th</sup> St. with the following conditions:

1. That all operations are conducted in accordance with applicable federal, state, county and local orders and polices regarding COVID-19.
2. That all operations adhere to the site plan submitted in the proposal.

3. That no more than 120 cars shall be permitted per showing.
4. That all operations shall comply with the noise ordinance.
5. That no outdoor speakers and PA systems will be permitted.
6. That no alcohol sales will be permitted.
7. That all food preparation shall occur within the theater building.
8. That there shall be no advertising or any other signage added to the premises.
9. That there shall be no additional lighting added to the site.
10. That fire hydrants shall remain readily accessible with an adequate clearance of 10' around the appliance and drive isles must remain clear.
11. That the operations shall occur seven days a week, between the hours of 7:30 PM and 1:00 AM (or as determined by the Plan Commission).
12. That the temporary use shall expire on September 30, 2020.

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

#### **ZONING CODE UPDATE DISCUSSION ITEM**

Planner Papelbon provided an update on the status of the Zoning Code Update project. Planner Papelbon is asking the Commission to provide any input based on their reviews, of issues that are missing or should be included in the Code, and on things that could be done better. Staff is working with representatives from Houseal Lavigne Associates and making good progress with the first three Articles. Planner Papelbon mentioned that there will be a table of the individual Districts showing particular uses as permitted, conditional, or not allowed. There will also be illustrations. Planner Papelbon said that a presentation of a draft to the Plan Commission will occur later this summer or early fall.

Mayor Bukiewicz mentioned that it has been a very long time since the Zoning Code has been updated.

Planner Papelbon said that the last major update was in 1995, with several case-by-case updates since then.

Mayor Bukiewicz encouraged the Plan Commission to come up with questions and/or concerns from their experience, and from neighbors and friends. He also encouraged Commissioners to talk with staff to get an understanding of the struggles with preparation of reports. Mayor Bukiewicz would like the articles to keep in line with City standards, and make it streamlined and clear for the residents and builders.

Director Seymour stated that the Zoning Code is difficult to interpret. He pointed out how things were in 1995, and stated the Commission should think about what they would like the community



to be in the next 10-20 years. Director Seymour said the update would make the Zoning Code easy to interpret, clear, and concise so that the City continues to have great developments. Planner Papelbon said that staff have started a database of issues they have been struggling with, or questions they have when applying the Code to plans and building permit reviews. Planner Papelbon said that the goal is to make the Code user-friendly to prevent searching and cross-referencing in other parts of the Code. She let the Commissioners know that when they pass along any issues, staff can add them to the database as they may not catch everything.

Commissioner Hanna was wondering if the Code revision would include the percentage of green space in an industrial or commercial development.

Planner Papelbon said that was part of the recently updated Comprehensive Plan. The preservation of green space, parkland, wetlands, floodplains, etc. were considered in the Comprehensive Plan, and will translate into the Zoning Code update. Planner Papelbon stated that the 30% green space requirement is still required for commercial and manufacturing, along with stormwater standards and setback requirements. Staff do want to preserve the agricultural and open areas, and try to maintain the quality of life that is connected with these types of land uses and assets to the City.

Mayor Bukiewicz reiterated the goal to keep the Zoning Code update clear and simple for the next generations.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:21 p.m.

ATTEST:

  
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Douglas Seymour, Plan Commission Secretary

7-14-20  
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Date