

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, June 9, 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, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Assistant Fire Chief Mike Havey. IT Manager, Kevin Koenig, 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 May 26, 2020 meeting**

Alderman Loreck moved to approve the minutes of the May 26, 2020 meeting. Alderman Guzikowski seconded. On roll call: all voted aye, except Alderman Guzikowski, who abstained. Motion carried.

### **CONDITIONS AND RESTRICTIONS**

#### **APEX MOTORWERKS**

**8041 S. 13<sup>th</sup> ST.**

**TAX KEY NO. 811-9007-000**

Planner Papelbon provided an overview of the draft Conditions and Restrictions for a Conditional Use Permit for automotive sales and service within a portion of the existing commercial building at 8041 S. 13<sup>th</sup> St. (see staff report for details).

Ben Hamdia, General Manager Apex Motorwerks, 8041 S. 13<sup>th</sup> St, Oak Creek, WI, explained that one of their top concerns was bothering the neighbors or the residences across the street, so they conducted sound testing. The loudest tool that they use is an impact wrench, which is 96 Decibels (dB). After conducting tests with the garage door closed, even up to ten feet away from the garage door they found that the loudest impact noise they would be making could barely be heard. With the garage door closed at the end of their driveway before 13<sup>th</sup> Street, they conducted an airhorn test, and that was also barely heard. None of the tools that they tested were heard from the middle of their parking lot, or to the end of their parking lot. Mr. Hamdia concluded that, for buffering or anything to sound, nothing would bother the neighbors, and offered to demonstrate the sound test to anyone that would like to see. As far as the hours and changes in the Conditions and Restrictions, they agree with everything.

Commissioner Hanna asked Planner Papelbon if there is going to be a public information meeting prior to going to the Common Council.

Planner Papelbon responded that there will be no other meeting, aside from this Plan Commission meeting, before it goes to a public hearing before Council.

Commissioner Hanna then asked if, at the public hearing, they will share with adjacent neighbors what is happening at that location, and allow them the opportunity to give feedback.

Planner Papelbon answered that property owners within 300 feet of this particular address were given notice for both the prior meeting on May 26, 2020, this Plan Commission meeting, and will also be given notice for the public hearing once it is scheduled.

Commissioner Hanna followed up by asking if they were given information regarding the type of business going in, the signage, parking, and the hours of operation in order to give feedback on that.

Planner Papelbon stated that the notice included basic information, as well as how to obtain additional information. The plans were also put up on ZoningHub, which was included in the notice for people to access. Planner Papelbon noted that the Department of Community Development did not receive any comments regarding this matter, but there will be an opportunity to provide those final comments at the public hearing before the Common Council.

Alderman Loreck added that he has yet to hear any comments regarding this, outside of what he had heard prior to the first meeting, and will stay up to date prior to the next meeting to see if any more concerns are brought up. Alderman Loreck then asked if the hours of operation that are listed in the conditions and restrictions include appointment hours. For example, if the hours are Monday through Friday 9:00 AM to 8:00 PM, then they cannot have an appointment at 10:00 PM.

Planner Papelbon answered that the intention is that all operations would be conducted within those particular hours, including by appointment only.

Alderman Loreck followed up by asking Mr. Hamdia if their plan within those hours is to open 9:00 AM to 8:00 PM, or if they will open 9:00 AM to 6:00 PM and only hold appointments from 6:00 PM to 8:00 PM on weekdays.

Mr. Hamdia responded that they are planning to be open from 9:00 AM to 6:00 PM for the modification portion, and 9:00 AM to 6:30 PM for sales. He stated that they could push it back for 8:00 PM, but do not have any plans to stay open later than that.

Alderman Loreck asked Planner Papelbon if that is something they could put in the Conditions and Restrictions, or if they are okay with putting 9:00 AM to 8:00 PM versus 9:00 AM to 6:00 PM or 6:30 PM, and then 6:00 PM to 8:00 PM by appointment.

Planner Papelbon answered that the current hours listed in the Conditions and Restrictions provides the most flexibility so that they can determine whether or not they need to stay open that late or if they want to do by appointment only. It also keeps them from having to come back to the Plan Commission and ask for that to be modified should they change their hours of operation; therefore, she recommends to leave it as-is.

Alderman Loreck asked if there had been any discussion with the applicant about retrofitting any landscaping.

Planner Papelbon responded that they have not had a direct conversation yet; however, the retrofitting standards are included as part of the Conditions and Restrictions that were provided for the Plan Commission's consideration. That would be to bring that property more in line with what current Code requires, and that is what is called for in the Comprehensive Plan as the uses are transitioning. It also provides deference to the residential neighborhood that is across the street. Planner Papelbon also noted that there is a noise ordinance that is in effect and needs to be followed at all times. Anything outside of 7:00 PM or 8:00 PM for usual and customary noises within a neighborhood would have to cease until 7:00 AM, and the usual and customary noise level at the property line is 56 dB. That is something for the applicant to keep in mind as they consider the work that is going to be done within the building itself. If the roll-up door has to be up during operations, the dB level has to be no greater than 56 at the property line.

Commissioner Siepert asked if all of the repairs and activities will be held inside the building.

Mr. Hamdia responded that all of the repairs and modifications will be conducted inside.

Planner Papelbon also responded by saying it would be a requirement for all of the repairs and service to be conducted inside the building. There would be no repairs allowed in the parking lot itself.

Commissioner Chandler asked the applicant if there were plans to add lighting to the property.

Mr. Hamdia replied that there are no plans to add additional lighting. There are lights where the sign is, there is also a light by the entrance and on top of their garage door. They do not see any need to add more lighting at this time.

Commissioner Chandler followed up by asking Planner Papelbon for clarification as to whether Section 3(B) prohibits automotive mechanical repairs or modifications.

Planner Papelbon responded that what is going to be allowed for this Conditional Use would be under the automotive sales and service definition from Code. What would be prohibited would be body repair and mechanical repair. She added that in the last meeting where that was discussed neither of those two options would be included in the services provided for the modifications that would occur on the custom cars.

Commissioner Chandler then asked the applicant if there would be any painting of these vehicles.

Mr. Hamdia responded that there would not be any painting of any vehicles onsite as they use a body shop in Illinois for custom paintwork, and there will be no painting done inside of the building either, as the building is not set up for that. Mr. Hamdia added that they have no intentions to do any painting, frame, or body work.

Mayor Bukiewicz asked Assistant Fire Chief Havey if the Fire Department had any concerns on any of the Conditions and Restrictions, and whether the building will need to be sprinkled since it is automotive.

Assistant Fire Chief Havey responded that they have not received any plans or modifications, but after the last meeting, the Code that they are following for an automotive shop meets the criteria.

Mayor Bukiewicz then asked Planner Papelbon whether they need to include the garden implements, trailers, boats and recreational vehicles that are listed on page two of five, number three item b, under automotive sales service.

Planner Papelbon responded that is the definition from Code of what is included in automotive sales and service. If the Plan Commission wishes to modify that to limit it to the sale of new or used automobiles, they can do so, and she would recommend striking everything after automobiles up to recreational vehicles and then keep the rest.

Mayor Bukiewicz replied that he does not think Apex Motorwerks intends to sell used lawnmowers, and that is not a part of their business. He stated that they should keep the business directed where it should be, and asked Mr. Hamdia if he had any problems with that.

Mr. Hamdia responded no problems at all. As far as recreational vehicles, sometimes they deal with motorcycles on rare occasion, but that is the only thing on the list that is under recreational vehicles. Everything else they do not deal with.

Mayor Bukiewicz asked if they deal dune buggies or anything similar.

Mr. Hamdia stated they do, but rarely.

Planner Papelbon added that the definition of recreational vehicles typically includes camper trailers, but if they wish to include motorcycles, and all-terrain vehicles (ATVs) they can include that but strike everything else.

Mayor Bukiewicz asked the commissioners to weigh in on that.

Commissioner Hanna stated that she agreed with Mayor Bukiewicz, as it would make it clear as to what is being done at the facility.

Planner Papelbon stated to incorporate Mayor Bukiewicz's comment, Section 3(B) would be modified to state "automotive sales and service includes the display and sale of new or used automobiles and motorcycles, and including any warranty repair work and any other repair service conducted as an accessory use."

Alderman Loreck asked if it mattered if they took out pickup trucks, or if they are selling any custom pickup trucks.

Mayor Bukiewicz responded that he thinks that would fall under automotive.

Mr. Hamdia added that they do deal with some pickup trucks on rare occasions, but they do have some customers that want pickup trucks. Under the modification side some people do ask for truck accessories such as truck wheels, and if a customer requests it they would like to offer the service for that. He also noted that the trucks are non-commercial.

Planner Papelbon stated that the revised section would state: "automotive sales and service includes the display and sales of new or used automobiles, motorcycles, and non-commercial pickup trucks, including any warranty repair work, etc."

Alderman Guzikowski stated that he was fine with the wording that they had prior to making the changes. He believes it is an honest business, and by making those changes they are inhibiting them from doing what they need to do. Alderman Guzikowski then recommended they leave the wording as it was.

Mayor Bukiewicz responded that he wanted to draw the Commissioners' attention to what Planner Papelbon had brought up - that staff went with the Comprehensive Plan, and it is important that they [Plan Commission] try to follow that Comprehensive Plan as it is laid out as they get properties like that that are transitioning and repurposing, to try to keep the integrity of the neighborhood. Mayor Bukiewicz went on to compliment staff for incorporating that Plan, and sticking to the City of Oak Creek's overall Plan, as they have been successful development-wise sticking to that long-term Plan. This is especially helpful in situations like this as the building is repurposing itself from one use to another, particularly with the zoning.

Planner Papelbon responded that staff would like to have the Plan Commission's full opinion on the rewording of Section 3(B) per Mayor Bukiewicz's recommendation. She acknowledged Alderman Guzikowski's previous objection to changing the wording.

Commissioner Hanna answered that she recommends they keep it with the latest revision in order to be more specific about what type of service is provided.

Commissioner Sullivan responded that he is in favor of the latest revision.

Commissioner Carrillo responded that she is in favor of the latest revision.  
Alderman Loreck responded that he is in favor the change.

Commissioner Oldani added that he is thinking with the non-commercial trucks, they might as well keep the vans in there as well as it is a vehicle that can be customized as well. Aside that he is fine with the revision.

Mayor Bukiewicz responded that they would have to add vans in there as well.

Commissioner Siefert responded that he is in favor of the changes.

Commissioner Chandler responded that she agrees with the changes.

Mayor Bukiewicz added that he is also in favor, and a majority favored the revisions on the Code language as well.

Commissioner Chandler asked if they will be adding vans into the wording, or if they will be taking it out.

Mayor Bukiewicz asked Planner Papelbon if they would be able to keep the word “van” in.

Planner Papelbon responded that it is up to the Commission how they would like to modify the language.

Mayor Bukiewicz added that he would like to keep the word van in as it is still part of Code.

Alderman Loreck moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for automotive sales and service within a portion of the existing commercial building on the property at 8041 S. 13<sup>th</sup> St. after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**SIGN PLAN REVIEW**  
**TROPIKORT, LLC**  
**7940 S. 6<sup>th</sup> ST.**  
**TAX KEY NO. 813-9054-000**

Planner Papelbon provided an overview of the proposed sign plan for the Tropical Smoothie Café tenant space located at 7940 S. 6th St. (see staff report for details).

Commissioner Chandler asked the applicant if he is planning to have any eye-level signs on the windows.

Michael Kort, owner of Tropical Smoothie Café, 7940 S. 6<sup>th</sup> St. Suite 104, Oak Creek, WI, responded that they have promotional window clings they put up on a couple of windows, and asked if that was allowed.

Planner Papelbon responded that window signs have to be included as part of a Plan Commission review, and as previously mentioned, there is a maximum allowed in the Master Sign Plan and PUD - no more than 10% of the glass can be covered. Planner Papelbon added that if they have one area where they will be changing out the window clings, they would just be looking at the area of that window, not the sign itself.

Mr. Kort asked how he would apply for that.

Planner Papelbon responded that it is the same application and the same review as they are currently doing.

Commissioner Siepert asked if the signs are the same as what was included in the Plan Commission packet.

Planner Papelbon responded that the signs that were included in the Plan Commission packet are the same signs that are on the building currently.

Commissioner Carrillo added that she drives past it every day, and it [the sign] looks very nice up there against the white background.

Alderman Loreck moved that the Plan Commission approves the sign plans submitted by Michael Kort, Tropikort, LLC, for the Tropical Smoothie Café tenant space located at 7940 S. 6<sup>th</sup> St. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:48 p.m.

ATTEST:

  
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Douglas Seymour, Plan Commission Secretary

6-23-20

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Date