

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, May 26, 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 Siefert, and Commissioner Chandler. Alderman Guzikowski was excused. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; 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, Siefert, 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 12, 2020 meeting

Commissioner Siepert moved to approve the minutes of the May 12, 2020 meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

REZONE

**DAVID KANE, NORTH SHORE BANK
200 W. DREXEL AVENUE
TAX KEY NO. 782-9040-000**

Planner Papelbon provided an overview of the request to allow the rezone of this property from M-1, Manufacturing to B-2, Community Business (see staff report for details).

Alderman Loreck asked if this will be a North Shore Bank branch.

Eric Neumann, MSI General, PO Box 7, Oconomowoc, WI, representing the proposal, responded “that is the intention of the plans and schematics we are submitting.”

Commissioner Sullivan stated that the applicant should continue to work with Engineering in regards to the floodplain and other stormwater management practices that will be required.

Mr. Neumann responded “we have met with them and we understand the challenges.”

Alderman Loreck moved that the Plan Commission recommends to the Common Council that the property at 200 W. Drexel be rezoned from M1, Manufacturing to B-2, Community Business, (NO CHANGE to C1, Shortland Wetland Conservancy District), and incorporating revisions to this Special Flood Hazard Area as approved by FEMA after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Alderman Guzikowski was absent. Motion carried.

TEMPORARY USE

**LAUREN CARAVELLO, TREE-RIPE FRUIT COMPANY
501 W RAWSON AVENUE
TAX KEY NO. 765-9046-000**

Planner Papelbon provided an overview of the request for a Temporary Use Permit for the temporary sale of produce in the parking lot (see staff report for details).

Tiernan Paine, 636 N. 99th Street, Wauwatosa, WI, representing Tree-Ripe Fruit Company, stated the days of operation are June 20, 2020 and July 18, 2020 from 9:00 AM to 10:30 AM. Mr. Paine indicated that they would start earlier, at 8:30 AM, to help prevent long lines.

Commissioner Carrillo stated that the City has Covid-19 guidelines for the City Farmers Market and traffic flow. She asked whether these rules were being followed when selling products for the request.

Mayor Bukiewicz stated that the City does have the authority to provide guidelines and traffic flow for Tree-Ripe Fruit Company.

Commissioner Carrillo asked if they will be following the guidelines that were set for the City's Farmer's Market.

Mr. Paine responded that they can set the expected rules, traffic flow, and things of that nature. He stated that they are happy to follow the Farmer's Market guidelines.

Mayor Bukiewicz asked if people can place phone orders, or by the internet, and when they pick up their items, will they exit their car or will somebody approach the car and complete a credit card transaction and then load the car.

Mr. Paine responded that there are no provisions for ordering ahead of time. We expect people to queue and we'll be directing them as far as social distancing. Someone is assigned to traffic, and we do have a table which is three-and-a-half to four feet that is a barrier from staff and the customer. We use a Square terminal, so the customer can process their payment directly into the terminal. We are able to sanitize between transactions. Customers may be in contact with a couple of customers before and after them, as well as at the counter. If someone needs car service, we made it available to call in an order but we don't recommend it.

Planner Papelbon responded that she spoke with the City Sanitarian, and he provided the Farmer's Market guidelines for this particular operation.

Commissioner Carrillo asked if there is any way to provide car load, drive-up and pay at the window to help avoid the customers waiting in line.

Mr. Paine responded that this was considered, and would be difficult to execute and keep social distancing. We anticipate starting 30 to 45 minutes before [the start time advertised] to keep the lines down. We don't see a way to just provide car service.

Alderman Loreck asked if the printed material has 9:00 to 10:30, but the applicant is now requesting sales from 8:30 to 11:00.

Mr. Paine responded in the affirmative, and stated that they need set up time and are asking the window to be from 8:30 to 10:30.

Alderman Loreck asked whether there was any thought to go longer because the Staff Report states 8:00 AM to 5:00 PM.

Mr. Paine responded no, we will not be going longer than the 2 hours, that was oversight on our part.

Commissioner Siepert commented that he would prefer to see this at the City's Farmers Market.

Commissioner Chandler commented that they [the Applicant] have precautions in place. She asked how the Applicant would handle 200 customers in one-and-a-half hours and keep them safe.

Mr. Paine responded the time the customer is there is short. We'll have someone who will be vocalizing any direction that is needed, marking spots for social distancing with temporary chalk, providing signage, as well directing customers. Our precautions are listed in our marketing and brochure. We provided our policy with our submission, so that will provide you with the additional information you may need.

Commissioner Chandler stated the process will be the same for placed orders and pick up orders. She asked for the reasoning for opting out of call-in service or time set service.

Mr. Paine responded that a pre-order system would overwhelm staff. We do the same type of sales in about 200 municipalities, and we have more than 100,000 customers in the Midwest. We are in the process of developing a custom e-commerce website that would allow for pre-orders. Unfortunately, it wasn't done in time for this this summer season. Given our customers and our staff, we feel very confident that we can expedite orders and move quickly and keep lines down. I know we put the number in of 200, and that would be, I think, at the outermost limit. Over a two-hour period, you know - typically we work very fast at all of our locations, but at this location, in my experience being there - and I've been there quite a number of times - I think that we probably have been maybe 30 people in line at any one time, and that's really trying to cram all the sales into a one-and-a-half-hour window. So, if we can spread that out over the entire two-hour period, we feel like we can we can keep people safe and not interacting with other people. And it is open-air, so we feel like that kind of works in our favor, too.

Mayor Bukiewicz commented the best thing we can do because of Covid-19 is have a written plan and follow the City's Farmer's Market guidelines. He stated his support for finding a way to make this work, but asked the Applicant to work with the City Health Sanitarian to find the best protective means, mask your people, set a good example. He stated his agreement with Commissioner Siepert's comment that this should be part of our City's Farmer's Market. Mayor Bukiewicz asked whether the trucks used are refrigerated trucks or just semi-trailers.

Mr. Paine responded that they are refrigerated trucks. We have always been fully-compliant, and we are licensed by the USDA. We work with the state, many municipalities, and health departments. We are not a local grower, but we don't compete with local growers because there aren't local peach growers. It's up to the City's Farmer's Market Director or Board. We would love to discuss being a part of the City's Farmer's Market.

Mayor Bukiewicz recommended considering becoming part of the City's Farmer's Market for the following year, which would require following the same rules and guidelines. This would be helpful in a situation like Covid-19. Mayor Bukiewicz directed the Applicant to work with the City Sanitarian on the Covid-19 guidelines.

Alderman Loreck moved that the Plan Commission approves the Temporary Use Permit for outdoor produce sales within the Farm & Fleet parking lot at 501 W. Rawson Avenue with the following conditions:

1. That all operations are conducted in accordance with applicable federal, state, county, and local orders and policies regarding COVID-19.
2. That sales are limited to one (1) commercial vehicle and surrounding area necessary for the safe and effective operation in accordance with Condition 1 above.
3. That the sale of produce is limited to June 20, 2020 and July 18, 2020.
4. That sales shall occur between the hours of 8:30 AM and 11:00 AM.

Commissioner Oldani seconded. On roll call: all voted aye, except Commissioners Hanna and Chandler, who voted no. Motion carried.

**CONDITIONAL USE
SHERIF HAMDIA, APEX MOTORWERKS
8041 S. 13TH STREET
TAX KEY NO. 811-9007-000**

Planner Papelbon provided an overview of the request for a Conditional Use Permit for automotive sales and service within the existing commercial building (see staff report for details).

Ben Hamdia, Apex Motorwerks, 8041 S. 13th St., Oak Creek, WI 53154, stated a willingness to modify hours or anything else “so that we can get this going.”

Commissioner Chandler stated this is close to a residential area. She asked the Applicant how they plan to buffer the outside storage of cars, along with the different noises with modifications and customization of cars.

Mr. Hamdia responded that Apex Motorwerks installs spoilers or wheel, tire and suspension packages. For engines, as in the case of exhaust, will be all DOT legal. Our noise is not expected to be much since the work is being done inside. We don't see a need for buffering. A lot of our service will be done by appointments. If extra storage is needed for customer projects, we have a 14,000 square-foot facility at 4866 S. 13th St. (outside the City). This storage can fit about 75 cars indoors. We don't want any vehicles at the site in Oak Creek if not needed. The storage we would use are for the pre-bought cars for customers, and extra slots for the cars we obtain through auctions. Our staff isn't large and they are very skilled.

Commissioner Chandler asked whether the Applicant will be using just one slot to display vehicles even though the plans show six.

Mr. Hamdia responded that they would like to have the extra spots there if cars are obtained for stock. We want the cars there ready for when our customer arrives to pick them up.

Commissioner Chandler asked if they will or will not have a buffer for the residential area.

Ben Hamdia responded that they do not plan to have a buffer for the residential area. We won't have late night business, which would be loud or bright. We don't see the need for the buffer, but obviously we're willing to work with anything that you suggest and the landlord, it's their property.

Commissioner Chandler asked the Applicant to clarify what will be stored outside.

Mr. Hamdia responded that the spots are for cars, and there might be two cars or seven, including the employees. There will be customer cars dropped off for repair or to be modified, cars for sale, or pre-purchased cars for customers. Anything that's going to be [stored] over 24 hours for a modification will be stored indoors.

Commissioner Chandler asked Planner Papelbon to clarify the proposed and required parking.

Planner Papelbon responded that the plans show customer and employee parking. Assuming four employees would ever be onsite at a given time, 9 stalls exclusive of the stalls for vehicle display would be required. She clarified that maintenance, servicing or repair of automotive engines, power train, suspension and exhaust system on vehicles with a gross vehicle weight of 10,000 pounds or less is excluded from allowed uses in the B-4 District. Those types of services are only allowed in the M-1 District.

Mr. Hamdia stated that the services provided are air ride suspension. We do not do machining, machine work, repair work, no painting and no frame work. We are aware of the DOT laws and further zoning. A majority of our customers get custom wheels, front lips and rear spoilers - no painting, obviously no frame work. Interior modifications like racing seats or custom interiors may have cause for some exterior bits, but everything comes pre-painted. About 99.9% is stuff that is bolted. The exhaust is solid installations like custom exhaust tips. We will also be doing engine tuning which is DOT legal and done with a laptop connected to the car.

Commissioner Chandler asked for the need to have nine spaces which is inclusive of customer and employee parking.

Mr. Hamdia stated that staff employee parking is 2 stalls, and the other 2 employees are part-time. One will be for inspections and one for disabled parking, 2 spots for customers, 3 spots for service, and 6 spots for the vehicles for sale.

Commissioner Siepert asked whether the Applicant plans to upgrade the exterior of the building.

Mr. Hamdia responded yes, around the windows, the garage door, the canopy, and the trim work will be refreshed. Inside we plan on doing a full remodel of the building - no structural work.

Commissioner Siepert asked what type of signage will be provided.

Mr. Hamdia stated that the plan is to use the previous company's sign in the current location, but updating it with our logo and website. We do not plan on installing additional signage.

Commissioner Oldani stated the Location Map reflects a larger area with the building to the back of the parking lot. Are there plans for that to be part of your lease?

Mr. Hamdia stated that is the landlord's storage. We will only be using the front of the building - what is circled in white - and the parking lot.

Commissioner Oldani asked if the Applicant will be using any of the parking in the back of the building.

Mr. Hamdia stated that there is no plan to use any of that parking in the back. We have that large facility on 13th Street for storage. The landlord gave us that option, but we do not plan on using it. We will only be using the dumpster back there.

Commission Oldani asked whether it is an option to use.

Mr. Hamdia stated that the company is really small. If we needed, we could acquire additional land, but with our budget, we don't foresee the need. Our showroom is 2,000 square feet and our service area is over 1,000 square feet.

Commissioner Oldani asked Planner Papelbon to clarify the surrounding uses and potential future uses in the area.

Planner Papelbon stated that the 2 parcels that have existing commercial buildings are owned by one entity. These are the only parcels zoned commercial within a residential zone. The Comprehensive Plan calls for the entire area to be redeveloped at some point in the next 20 years as residential.

Commissioner Oldani stated he likes this idea of this type of business. If they are leasing, and they are not the owners, the subject of this being future residential doesn't seem to be of any concern.

Alderman Loreck stated that the Applicant reached out to him, and at that time he liked and supported this idea. Since then, he has heard from 2 residents in the area that brought up some concerns. Alderman Loreck stated that there have to be items included in the conditions and restrictions, such as limiting hours of operation, whether cars are left outside at night, how bright the lights will be compared to what is existing. He asked whether there any plans to update the lighting.

Mr. Hamdia responded that they do not plan to change the lighting. They feel the existing lighting is sufficient. If there was not enough lighting to look at a car, they can pull it into the building to view. They are willing, if needed, to adjust their hours.

Alderman Loreck stated the hours of operations seems to be normal business hours. He asked whether the doors will be open with pneumatics tools going off all day - will that noise travel outside the area - or closed.

Mr. Hamdia stated that they have required interior heat and air conditioning, so they would not be opening the doors. With doors closed you will not hear much. The service bay is in the middle of the building, and it is not close to the road, so you that should not hear noises.

Alderman Loreck asked Planner Papelbon about City concerns or liability for damaged or undesirable vehicles left outside.

Mr. Hamdia stated that if it's an expensive car, it will not be staying overnight. We would store it at our other facility or inside.

Planner Papelbon responded that the City cannot regulate what types of vehicles they are working on or sell. From a zoning perspective, this as an automobile service and sales facility. From the concerns raised in the staff report, staff do not feel this is an appropriate use for this area. If the Plan Commission recommends this be approved at the Common Council level, staff would recommend that the Conditions and Restrictions address these and resident concerns. If there are exterior modifications to the building, those would require Plan Commission review and approval.

Mr. Hamdia stated that the plan is to clean up some of the trim, and the awning is very old. We have to return to the original condition. Also, we are not a huge dealership like on 27th St. We are a niche market and do not foresee a lot of traffic. Our clients are very busy, so we will do drop-off and pick-up for cars. We will work with the City and do what ever is needed. We are a niche shop, catering to a certain demographic. This should bring luxury clientele to Oak Creek.

Commissioner Carrillo stated she had patronized the former Jazzercise facility in this building, and the parking lot was very dark. She did not recall if there was any external lighting, and stated that the lighting could have changed since, but the way the parking is set up, it is difficult to see and maneuver at night.

Mr. Hamdia agreed with Commissioner Carrillo's comments, and stated that they are not using those parking spaces (angled on south) for ourselves. We are not using that front access. Every parking spot will be professionally marked.

Commissioner Hanna stated that she agrees with Planner Papelbon. She is not concerned if these are high-end or low-end cars - it is a vehicle shop. Regardless, I do not think this should be in a residential area.

Mayor Bukiewicz asked if Assistant Fire Chief Mike Havey and the Fire Department have any concerns.

Assistant Chief Havey stated that there are similar concerns as to those Planner Papelbon mentioned with the code compliance for automotive and body shop work. Those issues stand out, and also the scope of the work. Is there grinding, cutting, torching or storage of hazardous material on the site? If so, there are concerns for the collection and disposal of those materials. All of these are concerns because the scope of work is unknown.

Mayor Bukiewicz asked if the Applicant can shed some light on the hazardous materials, grinding, cutting, and torching.

Mr. Hamdia stated that fluids will be collected and disposed by contract companies. We are not doing any torching or welding at all. We will have fluids in stock in our Parts Department to sell, but those fluids will not be used in the shop. The small percentage of work that is not the bolt-on type would be computer and engine work. It is not doing fuel pumps and things like that. We do not do it, but will refer them to another shop.

Mayor Bukiewicz asked if they will be taking the south end of the building.

Mr. Hamdia responded no, there is a new vitamin shop there. With our type of business, we feel we will be there awhile, and if in the future we can expand, we would like to build our own building in the Milwaukee/Oak Creek area. We have the 13th Street storage, and we also have some on 6th and Drexel. We are not planning on using the Drexel place for this project. For this property, we don't want to have anything there that shouldn't be there.

Mayor Bukiewicz stated that the building does need some updates, and that he is not opposed to the parking because this is a very niche market. It's going to be people looking for specific vehicles. I don't think the noise is going to affect the neighbors. The lighting needs to be respectful for the neighbors. Planner Papelbon mentioned the Conditional Use will go along with the lease. Mayor Bukiewicz asked the Applicant for the length of the lease term.

Mr. Hamdia stated that they have a 10-year lease, but the option to renew is at 5 years.

Mayor Bukiewicz asked Planner Papelbon to clarify the customary effective timeframe for Conditional Use Permits.

Planner Papelbon responded that Conditional Use Permit limitations have been for 3, 5 and 10 years. As far as this turning into a residential neighborhood, it is already a residential neighborhood, which is why it was listed as such in the Comprehensive Plan. We can't tell the Applicant what type of vehicles they can work on or sell, so what we need to determine is whether this use is appropriate for this parcel. In regards to the exterior of the building, we need the Applicant to provide us with some conceptual plans prior to submitting for a building permit to determine whether the changes need Plan Commission review. As far as lease time, staff will discuss and include a recommendation in the Conditions and Restrictions.

Commissioner Oldani stated that this is car service - we don't know when it will become residential, and if they [Apex Motorwerks] do not go in, who will or will it just remain vacant?

Commissioner Siefert agreed with Commissioner Oldani. I would hate to see this as vacant unless the owner plans to tear this building down.

Mayor Bukiewicz stated that if we do the motion, please be clear on the Conditions and Restrictions for hours of operations, lighting. Am I stating this right?

Planner Papelbon clarified that the motion is just for recommendation of Common Council approval for the Conditional Use Permit. Staff will draft Conditions and Restrictions for review at the next Plan Commission meeting. Those Conditions and Restrictions will incorporate lighting, hours, exterior updates, signage, and parking requirements.

Alderman Loreck stated that he did hear from 2 residents, and that he anticipates more if these proceeds. Am I correct in that at the next Common Council meeting there will be the public hearing?

Planner Papelbon stated that the Conditions and Restrictions will be reviewed at the June 9, 2020 Plan Commission meeting. The public hearing before the Common Council will be scheduled following that meeting. Residents will have an opportunity to participate in the public hearing.

Alderman Loreck stated that if this proceeds, he would like to see stricter Conditions and Restrictions.

Commissioner Oldani moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for automotive sales and service within a portion of the existing commercial building on the property at 8041 S 13th Street., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (June 9, 2020). Alderman Loreck seconded. On roll call: all voted aye, except Commissioner Hanna and Commissioner Chandler, who voted no. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Siefert seconded. On roll call: all voted aye. The meeting was adjourned at 7:56 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

6-9-20

Date