

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, MARCH 9, 2021**

Mayor Bukiewicz called the meeting to order at 6:09 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Nick Sansone, Network Administrator, facilitated the video conference. Alderman Loreck was excused.

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.

There are one or more public hearings scheduled as part of this meeting after the chair announces the public hearing staff will read the Public Hearing notice into the record. State that the hearing is open and subject to the meeting procedure above and provide a brief overview of the proposal. The Chair will then proceed with the hearing by making calls for public comment. Following the third call for public comment. The Chair will close the public hearing and proceed to consideration of the remaining agenda items.

### **Minutes of the February 23, 2021 meeting**

Commissioner Seipert moved to approve the minutes of the February 23, 2021 meeting. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

#### **PUBLIC HEARING SIGN APPEAL CRUMBL COOKIES 160 W. TOWN SQUARE WAY TAX KEY NO. 813-9046-000**

Planner Papelbon read the public hearing notice into the record (see Public Hearing Notice for details).

Planner Papelbon provided an overview of the request for variances allowing the applicant to install two (2) 42 ½" (h) x 10' 7 ½" (l) wall signs on the north and south elevations of the existing multitenant commercial building (see staff report for details).

Mayor Bukiewicz made the first call for public comment.

Mayor Bukiewicz made the second call for public comment.

Kathryne Kippes, La Crosse Sign Group, 2242 Mustang Way, Madison, WI, offered to answer any questions.

Mayor Bukiewicz made the third, and final call for public comment. Seeing none, he closed the public hearing.

#### **SIGN APPEAL CRUMBL COOKIES 160 W. TOWN SQUARE WAY TAX KEY NO. 813-9046-000**

Planner Papelbon provided an overview of the request for a Sign Appeal allowing the applicant to install two (2) 42 ½" (h) x 10' 7 ½" (l) wall signs on the north and south elevations of the Crumbl Cookies tenant space in the existing multitenant commercial building (see staff report for details).

Wes Henrie, Crumbl Cookies, 160 W. Town Square Way Suite 400, Oak Creek, WI, explained that all Crumbl Cookies franchise signs require corporate approval, and as his request for a smaller, single line sign was denied, the only option was to request an appeal from the City. Mr. Henrie added that his goal was to elevate all of the brands currently located in the strip mall, and stated he was looking forward to making a positive addition to them.

Commissioner Carrillo asked why there were 2 different sign sizes depicted for the north and south elevations. Ms. Kippes, La Crosse Sign Group, 2242 Mustang Way, Madison, WI, clarified that one version depicted the sign as would be allowed by City ordinance with 32-inch signage and one depicted the proposed sign with a 42.5-inch backer panel.

Commissioner Carrillo commented that the proposed sign seemed a bit large and appeared to cover a good portion of the façade. Commissioner Carrillo asked if there was a middle-sized option available. Ms. Kippes explained that the corporate office determines the size and layout of the signage, so their options were limited. Ms. Kippes added that the backer panel was required, and it was the backer panel that made the sign 42.5-inch-tall, not the actual lettering.

Mayor Bukiewicz stated that although frustrating, he understood the corporate restrictions imposed on the signage.

Planner Papelbon added that all existing signage on the building, with exception of the shield for Mod Pizza, was approved in compliance with the Master Sign Plan.

Commissioner Oldani voiced his approval of the sign regardless of the size.

Commissioner Siepert moved that the Plan Commission approve sign variances allowing the installation of one (1) 42 ½" (h) x 10' 7 ½" (l) wall sign on the south elevation and one (1) 42 ½" (h) x 10' 7 ½" (l) wall sign on the north elevation of the Crumbl Cookies tenant space in the multitenant commercial building located at 160 W. Town Square Way. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

**REZONE, CERTIFIED SURVEY MAP/VARIATIONS  
MARK VERHALEN  
9330-9328 S. NICHOLSON RD.  
TAX KEY NO. 872-9013-000**

Planner Papelbon provided an overview of the request to rezone a portion of the property, shown on a proposed CSM as Lot 2, from Rs-3, Single-Family Residential to A-1, Limited Agricultural (NO CHANGE to FF, Flood Fringe District). This review included consideration of variations per Section 14.180 (see staff report for details).

Mark Verhalen, 9330 S. Nicholson Rd., Oak Creek, WI, stated that Lot 2 is currently zoned Rs-3; however, if he were to build a single-family residential home on it, the rear of the property would not have any further residential use. Since he is currently farming portions of the surrounding property, he would like the rear portion of lot 2 rezoned to a conforming use of A-1, Limited Agriculture. Mr. Verhalen stated he has ready access to the rear of the property.

Mr. Verhalen questioned whether, if the rezoning occurred, he would still be able to build a residence on the property as the frontage requirements differ from Rs-3, Residential to A-1, Limited Agricultural. Planner Papelbon stated that farm dwellings are allowed to be built in the A-1 district, although the setbacks are slightly different than on a residential lot. Planner Papelbon offered to discuss those setbacks with Mr. Verhalen at another time.

Mr. Verhalen offered to answer any questions that the Commissioners had.

Commissioner Chandler asked Planner Papelbon whether the failure to meet the lot width and acreage requirements of A-1, Limited Agricultural district would be problematic for either farming

or the construction of a farm dwelling. Planner Papelbon answered that most of the implications would be with regards to setbacks and use as all A-1 district requirements for setbacks and number and type of structures would apply to the lot.

Commissioner Hanna questioned the impact of the rezone on the wetland and flood fringe indicated on the Certified Survey Map (CSM). Planner Papelbon replied there was no impact on either the flood fringe or the wetland, and they would not be changed as part of the rezone. The wetland and flood fringe would only come into play if there were a future development proposal.

Commissioner Hanna moved that the Plan Commission recommend to the Common Council

1. That a portion of the property at 9330 S. Nicholson Rd. shown as Lot 2 on the proposed Certified Survey Map be rezoned from Rs-3, Single-Family Residential to A-1, Limited Agricultural (NO CHANGE to FF, Flood Fringe District); and
2. That the Certified Survey Map and variation requests submitted by Mark & Kim Verhalen for the property at 9330 S. Nicholson Rd. be approved with the following conditions:
  - a. That the floodplain boundary is included on the map prior to recording.
  - b. That existing buildings are shown on the map prior to recording.
  - c. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

**PLAN REVIEW**  
**BLAESER CONSTRUCTION**  
**9503 S. 13<sup>TH</sup> ST.**  
**TAX KEY NO. 904-9004-002**

Planner Papelbon provided an overview of the proposed exterior modifications to the existing Wendy's restaurant (see staff report for details).

Alderman Guzikowski stated that this project was in his District, and was a welcome update.

Michael Blaeser, Blaeser Construction, 6289 S. State Hwy 60, Hartford, WI, noted that this was a very basic renovation project.

Mayor Bukiewicz expressed his approval for the proposed improvements.

Commissioner Guzikowski moved that the Plan Commission approve the building plans submitted by Mike Blaeser, Blaeser Construction LLC, for the property at 9503 S. 13<sup>th</sup> St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That permits are obtained for proposed wall signs.
3. Parking for semi-trucks shall be for active restaurant patrons only. No overnight parking shall be allowed on this property.
4. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

Commissioner Siepert seconded.

Mr. Blaeser asked for clarification of the property address before the motion was made final. Planner Papelbon confirmed that 9503 S. 13<sup>th</sup> St. was the correct address.

On roll call: all voted aye. Motion carried.

## **PLAN REVIEW**

### **ASTRONAUTICS**

**135 & 195 W. FOREST HILL AVE.**

**TAX KEY NOS. 813-9004-002 & 813-9005-000**

Planner Papelbon provided an overview of the site, building, and related plan review for a proposed addition and modifications to the existing building and site modifications (see staff report for details).

Stuart LaRose, MSI General, P.O. Box 7, Oconomowoc, WI, clarified Planner Papelbon's overview, stating they were proposing the wider version of the fencing shown around the nitrogen tank in order to provide more access. Mr. LaRose also stated the windows on the south elevation were proposed as a future project. The number of proposed windows, three versus six, would be dependent upon the extent of the second-floor infill within the existing plant (14,000 square feet or 35,000 square feet).

Commissioner Hannah stated her concerns over the chain link fence had been addressed.

Commissioner Chandler asked if the nitrogen tank was already on site and simply being enclosed, or if a new tank was replacing it. Mr. Blaeser replied that a new tank was being installed in place of the old one, and the fence would enclose it.

Commissioner Chandler asked the size of the new tank. Mr. LaRose stated it was approximately 8 feet in diameter and 34 feet high.

Commissioner Chandler questioned why the height of the fence was only six feet. Mr. LaRose explained the fence was simply to prohibit access to the tank itself. The tank cannot be manipulated or unlocked from the outside - the fence and gate would allow access to a truck for filling.

Commissioner Chandler asked Assistant Fire Chief Havey if any additional protective measures would need to be put in place. Assistant Fire Chief Havey expressed that he had no concerns with the product being stored.

Mayor Bukiewicz concurred with Mr. LaRose's choice of the wider fencing perimeter around the tank. Mayor Bukiewicz also stated he had no preference for either three or six windows in the future renovation. Mayor Bukiewicz asked Planner Papelbon if the number of windows needed to be addressed in the motion. Planner Papelbon replied in the negative, and added that the applicants would not have to appear before Plan Commission regardless of the number of windows they decided on.

Alderman Guzikowski moved that the Plan Commission approve the site and building plans submitted by Shawn Weilep, Astronautics, for the properties at 135 & 195 W. Forest Hill Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
3. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

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

**CERTIFIED SURVEY MAP  
DECKER PROPERTIES  
8100 & 8146 S. 27<sup>TH</sup> ST. AND 8100 S. ORCHARD WAY  
TAX KEY NOS. 810-9012-001, 810-9005-000, & 810-9013-001**

Planner Papelbon provided a review of a Certified Survey Map request to combine and reconfigure the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way (see staff report for details).

Dave Decker, Decker Properties, 250 N. Sunnyslope Rd., Suite 290, Brookfield, WI, made himself available to answer any questions.

There were no questions from the Commissioners.

Commissioner Siefert moved that the Plan Commission recommend to the Common Council that the Certified Survey Map submitted by David Decker, Decker Properties, Inc., for the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way be approved with the following condition:

That all technical corrections, including but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW  
FRONTLINE COMMERCIAL REAL ESTATE  
9141 S. 13<sup>TH</sup> ST.  
TAX KEY NO. 877-9010-000**

Planner Papelbon provided an overview of the site, building, and related plan review for a proposed multitenant industrial building (see staff report for details).

John Schlueter, Frontline Commercial Real Estate, 7265 S. 1<sup>st</sup> St., Oak Creek, WI, stated that he was available to answer any questions from the Commissioners.

Commissioner Hanna asked whether there was adequate storage for vehicles turning left into the building. Commissioner Sullivan explained that improvements required under the Traffic Impact Analysis (TIA) were incorporated into the plan set, one of which was extending two lanes in the north direction past the north entrance. This would allow the bypass prior to the next intersection, creating enough storage heading north for left turns. Commissioner Sullivan stated a pullout was required at the southbound entrance, and double lanes were extended approximately 200 feet north of the southbound entrance to accommodate vehicles turning right.

Commissioner Hanna asked how the intersections were to be controlled for left-turning traffic. Commissioner Sullivan indicated there were no other improvements identified in the TIA, and compared the situation to turning left into a subdivision from a four-lane roadway, noting there are several of those throughout the City.

Commissioner Sullivan stated the Engineering Department did not have any concerns, but echoed he shared some of the same landscaping concerns as outlined by Planner Papelbon in the overview.

Alderman Guzikowski pointed out that the development's lighting needed to be designed mindfully of the neighbors, and concurred that the landscaping needed to be beefed up and an effort made to make amends for some of the trees that were previously cleared. Alderman Guzikowski expressed disapproval for the ten-foot-wide truck parking stalls and stated that he felt they should be at least 12 feet wide.

Commissioner Oldani asked for clarification of whether the 12-foot-wide stalls were parking stalls or associated with the loading docks. Planner Papelbon clarified the reference was to the 52 truck/trailer parking stalls on the south side of the building, and that every other site plan the City has reviewed has included 12-foot truck parking stalls.

Commissioner Oldani asked the reason why the truck parking stalls were so narrow. Mayor Bukiewicz replied that it allowed for the creation of extra parking stalls, and stated that he was not in favor of the 10-foot stalls. Commissioner Oldani agreed that the stalls seemed tight and expressed his preference that they be widened.

Commissioner Siepert agreed with Commissioner Oldani that the truck trailer parking stalls seemed tight. Commissioner Siepert also questioned whether the stalls were used for longer-term trailer storage.

Mr. Schlueter answered that the trucks were in and out, and there was no long-term parking. He also expressed that he had already approved the 12-foot stalls in the final plans, and apologized that the Commission did not yet have a copy of an updated rendering.

Commissioner Chandler asked the applicant how he planned to address the landscaping screening issues brought forth in the staff report.

Mr. Schlueter stated that he was happy to work with Planner Papelbon to address any landscaping concerns. He pointed out that what was identified as a dock on the western freeway side in Planner Papelbon's presentation is a ramp up to the level of the floor, the docks being approximately four feet lower than that. Mr. Schlueter also acknowledged he understood that some of the native grasses being proposed could be mistaken for weeds, and he would make modifications as necessary.

Commissioner Chandler asked Mr. Schlueter whether the entrance coverings were going to be castings or canopies. Mr. Schlueter answered that they are canopies which extend beyond the façade of the buildings.

Director of Community Development Doug Seymour asked the applicant to clarify whether the canopies were over each of the main entrances. Mr. Schlueter stated his understanding was that they were over the entrances at either end, but he was not sure about the middle entrance.

Matt Mano, Project Architect, 215 N. Water St. Suite 250, Milwaukee, WI, answered that the canopies would be over the east and west entrances, and that there would be a larger canopy over the glass element of the middle entrance.

Director Seymour asked for clarification of the structural elements of the proposed dock screening.

Mr. Mano stated that a 10-foot to 12-foot precast screen wall would be erected adjacent to the drive-in door drive lane on 13<sup>th</sup> St. Additional landscaping was added to this area with trees that would fill out in less than 10 years.

Assistant Fire Chief Mike Havey stated that the turnarounds were adequate for his department's equipment, and that he had no other concerns.

Mayor Bukiewicz asked to see a rendering of the glass element in the middle of the building. Mr. Mano could not directly provide one, but explained it was roughly 32 feet of glass on the north elevation.

Mayor Bukiewicz asked where the dumpsters would be located. Mr. Mano replied they were on the backside of the building, to the west of the drive-in doors. The dumpsters would be below grade and well-concealed from 13<sup>th</sup> St.

Mayor Bukiewicz asked Planner Papelbon about regulations for screening of dumpsters in a Business Park. Planner Papelbon said because the dumpsters are in the middle of the loading dock, they would be difficult to see unless there was a gap in the landscaping on the south side. The precast walls around the dumpsters should blend in with the rest of the building.

Mr. Mano added that the gate to the dumpster enclosures was a poly-wood opaque surface to hide the dumpster corrals.

Mayor Bukiewicz asked the purpose of the screen wall facing 13<sup>th</sup> St. Mr. Mano stated it was a request of Director Seymour to provide additional screening of the loading docks from 13<sup>th</sup> St.

Mayor Bukiewicz addressed the applicant and reiterated how much heartburn they had caused him by clearing the property before the building was approved. He referenced the number of complaints from residents that their actions had generated. Mayor Bukiewicz made clear that he needed to be confident in the Landscape Plan before he would give his approval, and asked the applicant to convince him that the City would get the adequate landscaping they desired.

Director Seymour acknowledged the sensitivity of the landscaping, and suggested that the applicant appear before the Plan Commission for approval of their revised Landscape Plan. Mayor Bukiewicz expressed his support for the idea.

Commissioner Hanna asked if a public hearing could be held for the Landscape Plan. Planner Papelbon replied that it would be a public meeting, not a public hearing; however, the public would have the opportunity to voice their concerns and comments.

Mr. Mano provided that he and Mr. Schlueter had worked diligently with Staff to modify their designs, and would continue to do so moving forward. Mayor Bukiewicz directed the applicants to continue working with Staff before coming back before the Plan Commission.



Alderman Guzikowski concurred with Mayor Bukiewicz regarding the sensitivity of the landscaping, and agreed that bringing the Landscape Plan back before the Commission was the best course of action.

Planner Papelbon suggested that a date would need to be set for the future Landscape Plan review. Mayor Bukiewicz responded that Staff should schedule it as their workload permitted.

Mr. Mano and Mr. Schlueter agreed to work with Planner Papelbon and Director Seymour to set a date.

Director Seymour added that in order to expedite the process, the applicants should provide complete information regarding the easements that exist along 13<sup>th</sup> St., and what can and cannot be planted within them.

Commissioner Oldani asked if the requested increase in the size of the truck stall parking from 10 feet to 12 should be added to the motions. Planner Papelbon replied in the affirmative.

Alderman Guzikowski moved that the Plan Commission approve the site and building plans submitted by John Schlueter, Frontline Commercial Real Estate, LLC, for the property at 9141 S. 13<sup>th</sup> St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the landscape plans are revised to incorporate staff comments regarding screening, legibility, and Code compliance.
3. That the plans are revised to include canopies over tenant entrances.
4. That the plans are revised to include locations for all mechanicals, transformers, and utilities. All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view
5. That all light sources are shielded and directed downward, that the color temperature of the fixtures are limited to a maximum of 3,500 Kelvins, and that light sources adjacent to single-family residential areas are shielded on the side of the fixture adjacent to the residential area.
6. That a detailed Master Sign Plan is reviewed and approved by the Plan Commission prior to submission of sign permit applications.
7. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.
8. That all truck stalls shall be a minimum of 12 feet wide
9. That the Landscape Plan shall be revised and brought for Plan Commission review and approval prior to submission of building permits.

Commissioner Hanna 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 7:55 pm.

ATTEST:

  
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Kari Papelbon, Plan Commission Secretary

3-23-21  
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Date