



Via Video/Phone Conference Only

Oak Creek, WI 53154

(414) 766-7000

## PLAN COMMISSION

Via Video/Phone Conference Only

April 27, 2021

6:00 P.M.

Daniel Bukiewicz - Chair

Dawn Carrillo

Chaucey Chandler

Donald Oldani

Chris Guzikowski

Matt Sullivan

Gregory Loreck

Fred Siepert

Christine Hanna

Michael Simmons - ex-officio

Kari Papelbon - ex-officio

### The City's Vision

*Oak Creek: A dynamic regional leader, connected to our community, driving the future of the south shore.*

### IMPORTANT NOTICE

This meeting will be held by video/phone conference only. Persons wishing to participate in the video conference, including applicants and their representatives, must register via <http://ocwi.org/register> prior to the meeting. The video conference will begin at 5:55 PM to allow participants to log in.

Attendees who wish to participate by phone may do so by calling the City Hall, (414) 766-7000, before 4:00 PM on the day of the meeting (April 27, 2021) to obtain a meeting call-in number. To make a public comment, press \*9 on your phone. The conference moderator will state when your line has been unmuted.

Persons who wish to view the meeting live without participating may visit the City of Oak Creek YouTube page at <http://ocwi.org/livestream>.

Persons requiring other reasonable accommodations may contact the City at 414-766-7000. Requests should be made as far in advance as possible, preferably a minimum of 48 hours.

Find more information on agenda items at [oakcreek.zoninghub.com](http://oakcreek.zoninghub.com).

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes – April 13, 2021
4. Significant Common Council Actions
5. Public Hearing
  - a. SIGN APPEAL - Hold a public hearing on a proposed sign appeal submitted by Paul Post, Mathnasium, that would allow the applicant to install three (3) vinyl window decals (24" x 6", 16" x 6", and 25" x 6") on the west elevation and two (2) vinyl window decals (14" x 6" and 21" x 6") on the east elevation of the Mathnasium tenant space within the existing mixed use building at 7960 S. Main St. (Tax Key No. 813-9050-000).

Visit our website at [www.oakcreekwi.org](http://www.oakcreekwi.org) for the agenda and accompanying Plan Commission reports.

ZoningHub: <https://s.zoninghub.com/4E67ODIPAV>; Twitter @OakCreekPC#OCPCMathnasium

6. New Business

- a. SIGN APPEAL - Consider a request for a sign appeal submitted by Paul Post, Mathnasium, that would allow the applicant to install three (3) vinyl window decals (24" x 6", 16" x 6", and 25" x 6") on the west elevation and two (2) vinyl window decals (14" x 6" and 21" x 6") on the east elevation of the Mathnasium tenant space within the existing mixed use building at 7960 S. Main St. (Tax Key No. 813-9050-000).  
ZoningHub: <https://s.zoninghub.com/4E67ODIPAV>; Twitter @OakCreekPC#OCPCMathnasium
- b. SIGN PLAN REVIEW - Review a proposed sign plan submitted by Paul Post, Mathnasium, for the Mathnasium tenant space within the existing mixed use building at 7960 S. Main St. (Tax Key No. 813-9050-000).  
ZoningHub: <https://s.zoninghub.com/Q998N2HAGJ>; Twitter @OakCreekPC#OCPCMathnasium
- c. CONDITIONS AND RESTRICTIONS – Review conditions and restrictions for a request submitted by Kelly Cech, Milwaukee Area Technical College – Oak Creek, for a Conditional Use Permit for solar arrays on the property at 6665 S. Howell Ave. (Tax Key No. 718-9961-002).  
ZoningHub: <https://s.zoninghub.com/OG9ZLI8YKI>; Twitter @OakCreekPC#OCPCMATC
- d. TEMPORARY USE PERMIT - Review a request for a temporary use permit submitted by Justin Kratochvil, Ozinga Ready Mix Concrete, for a temporary portable concrete plant and temporary crushing operation on the property at 841 W. Rawson Ave. (Tax Key No. 764-9051-000).  
ZoningHub: <https://s.zoninghub.com/9GD2ZKD81I>; Twitter @OakCreekPC#OCPCOzinga

Adjournment.

Dated this 21st day of April, 2021  
Posted 4/21/2021 dj

**Public Notice**

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It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, APRIL 13, 2021**

Mayor Bukiewicz called the meeting to order at 6:01 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; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Nick Sansone, Network Administrator, 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, or as determined by the Mayor. 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 March 23, 2021 meeting**

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

### **CONDITIONS AND RESTRICTIONS**

**OAK CREEK INDUSTRIAL, LLC  
150 W. OAKVIEW PARKWAY  
TAX KEY NO. 955-1041-000**

Planner Papelbon provided an overview of the draft of conditions and restrictions for the Conditional Use Permit (CUP) for freight yard / freight terminal / trans-shipment depot facilities at 150 W. Oakview Parkway (see staff report for details).

Attorney Brian Randall, Davis and Kuelthau, 111 East Kilbourn Avenue, Suite 1400, Milwaukee, WI, representing HSA Commercial Real Estate/Oak Creek Industrial, LLC, stated there were no issues or concerns with the suggested Conditions and Restrictions for the CUP.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for freight yard / freight terminal / trans-shipment depot facilities within the proposed multitenant building on the property at 150 W. Oakview Parkway.

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

### **CONDITIONS AND RESTRICTIONS**

**OAK CREEK INDUSTRIAL, LLC  
10551 S. OAKVIEW PARKWAY  
TAX KEY NO. 955-1024-000**

Planner Papelbon provided an overview of the conditions and restrictions for the Conditional Use Permit (CUP) for freight yard / freight terminal / trans-shipment depot facilities at 10551 S. Oakview Parkway (see staff report for details).

Commissioner Chandler asked for clarification from Planner Papelbon of the applicant's request for an extension to the Time of Compliance.

Planner Papelbon clarified the applicant requested 36 months instead of the Code-specified 12-months; however, Staff recommended a compromise of 24 months, and language in the suggested Conditions and Restrictions that would tie to the site and building plan review as well as to the issuance of building permits. The wording would reflect the requirement for site and building plan approval by the Plan Commission before the applicant can proceed to submission of building permit applications, and the requirement for establishment of the Conditional Use within 24 months of the Common Council's approval.

Commissioner Chandler then asked for clarification from the applicant/representative on why the request was made.

Attorney Brian Randall, Davis and Kuelthau, 111 East Kilbourn Avenue, Suite 1400, Milwaukee, WI, explained the request to extend the Time of Compliance was brought forward to allow the applicant to time to plan and design the building. The application for Conditions and Restrictions

was brought forward at this time out of efficiency and consideration of the Plan Commission's time. As the site and building plan details were not ready, having the extension of time would prevent applying for building permits before they were needed.

Alderman Guzikowski, Alderman Loreck, and Commissioner Siefert agreed to support the 24-month compromise. Commissioner Hanna raised the same question as Commissioner Chandler, and also supported the 24-month compromise. Mayor Bukiewicz also supported the compromise.

Planner Papelbon stated building permits are generally valid for two (2) years. Mayor Bukiewicz and Planner Papelbon discussed that by requesting this extension, the applicant will have more time to get site and building plans approved by Plan Commission before applying for future building permits.

Assistant Fire Chief Havey stated he sees no issues with plan review and submittal timelines with the suggested motion.

Mayor Bukiewicz opened the floor to any City residents who had questions. Nick Sansone confirmed there was one person calling in, but they chose not to participate.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for freight yard / freight terminal / trans-shipment depot facilities within the proposed multitenant building on the property at 10551 S. Oakview Parkway.

In answer to Alderman Guzikowski's question, Planner Papelbon stated the verbiage regarding the 24-month timeline will be added to the Conditions and Restrictions for Common Council approval.

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

**CERTIFIED SURVEY MAP  
TRUCK COUNTRY - MCCOY GROUP,  
9970, 10020, AND 10040 S. 20TH ST.  
TAX KEY NOS. 926-9977-001, 926-9978-001, AND 926-9979-000**

Planner Papelbon provided an overview of the Certified Survey Map (CSM) request to combine the properties at 9970, 10020, and 10040 S. 20<sup>th</sup> Street (see staff report for details).

Attorney Brian Randall, Davis and Kuelthau, 111 East Kilbourn Avenue, Suite 1400, Milwaukee, WI, explained the multi-step project and approval process. Attorney Randall stated the cul-de-sac will be built and made permanent, and clarified that they not proposing any type of connections or access to the neighbors to the south or looping through [the properties] that would affect other property owners to the north. Attorney Randall stressed that there will be no connections to 20<sup>th</sup> Street or Judith Place.

Attorney Randall suggested, with the coordination of Alderman Guzikowski, to hold a public neighborhood meeting to ensure the community has an opportunity to ask questions and get answers.

Attorney Randall stated concerns about Condition 3 of the suggested Conditions of the CSM. He informed the Commission of a pre-existing contract the billboard company has for that location,

which is preventing the condition to be fulfilled at this time. Attorney Randall stated the applicant is united with staff's interest to have the billboard removed, or at the very least moved, but asked that Condition 3 be removed from the suggested Conditions of the CSM due to that contract.

Mary Lavin, 10126 S. Judith Place, Oak Creek, WI:

*"Just wanted to comment on I think it would be a very good idea to have some type of get-together between the Truck Country, their developers, and the neighborhood of Judith Place. Also, I just want to say that after tonight's meeting these three lots turning into one lot, it's a large piece of property. Just want to remind them that the south side is the only side that's residential. It would be nice if there would be some type of a buffer, because it seems like there's going to be quite a bit of noise and lights. Truck Country actually operates seven days a week, five of those days until midnight at night. It's a little concerning. And I just wanted to make sure that they take into consideration that Light Industrial and Residential should stay separate. Also, keep in mind the wetlands. The billboard; they actually used to access and maintain the billboard at the end of Judith Place. But once they put in Ridgeview Drive, on the north end, they've been coming in and maintaining the billboard from the other direction because it's shorter."*

Mayor Bukiewicz replied that the meeting would be amenable and confirmed substantial landscape work on the south of the property had been discussed, and that light and noise pollution is being carefully considered to protect the neighborhood.

Ms. Lavin:

*"Thank you, I appreciate that. This seems to be the only business in that Light Industrial loop going seven days a week at this time. It's a little concerning because it's also going to be the closest one to our little neighborhood."*

Mayor Bukiewicz stated that was a good point of consideration.

Bob Tupper, 10218 S Judith Place, Oak Creek, WI:

*"I don't have a problem with Truck Country building a property north of our little neighborhood, here. I do agree with Mary that it would be a good idea to have a meeting between all the parties involved so we could air out everything. But my big concern is, obviously, I did hear there won't be any attachment from Judith Place to the property. It will remain a dead-end street. But it would be nice to have some kind of noise barrier or light barrier for the residents down our street, here."*

Christopher Johns, Eppstein Uhen Architects, 333 East Chicago Street, Milwaukee, WI, stated he is welcome to have a neighborhood meeting to discuss the design elements, being aware and conscientious of impacts to the community. Mr. Johns stated they are focusing on a landscape buffer on the southern property line.

Mayor Bukiewicz stated to Alderman Guzikowski that a discussion can take place regarding the possible locations for the meeting to take place. Mayor Bukiewicz stated the Council Chambers might be an appropriate location depending on the number of potential attendees.

Kailee Kujac, 10108 S. Judith Place, Oak Creek, WI:

*"I am literally the very last house on Judith Place so I would be the actual, direct neighbor. I've been very nervous, and being on this call I feel a little bit relieved. I would like to meet with all the parties because I do have young children and I want to know what their plans are, in advance, because this is affecting my life and my children's future being here at"*

*the end of Judith Place. I do have concerns about the wetland and the plans. The sooner we could do that, would be the better for some of us, if that is at all possible.”*

Mayor Bukiewicz confirmed work will be done with Alderman Guzikowski and the applicants to put a meeting together for the very near future.

Commissioner Chandler asked Planner Papelbon to explain the recommendation to remove or move the billboard.

Planner Papelbon clarified the City is not in support of keeping the billboard on the property, but recommended that if the billboard had to move, not to move it closer to the residential properties. She stated that showing the existing easement and billboard location is accurate for the CSM. Planner Papelbon then suggested a notation be made to the CSM reflecting the easement for the billboard may be modified.

Alderman Guzikowski stated he supports the changes to the CSM and the work the applicant wants to bring in. Alderman Guzikowski also recognized the importance of discussing noise and light pollution for the community.

Mayor Bukiewicz explained the City's Engineering Department will address all wetland concerns and the stormwater plan.

Mayor Bukiewicz asked Planner Papelbon if a note should be added to Condition 3 stating “the billboard access easement is not approved and may possibly be eliminated or relocated,” or if Condition 3 should be eliminated. Planner Papelbon stated that she believes eliminating Condition 3 would be okay. Planner Papelbon explained staff is very concerned about the billboard. Staff's first preference would be to eliminate the billboard, and the second preference would be to relocate the billboard to another location on the property. This is a complicated issue that will require more conversations. Planner Papelbon stated that she is comfortable with Condition 3 being eliminated with the understanding that it will still be discussed with forthcoming plans.

Alderman Guzikowski proposed striking Condition 3 from the suggested motion, and stated he would work with Staff and the applicant to set up a meeting to discuss the information at a later time.

Assistant Fire Chief Havey stated that, upon further review, emergency access through Judith Place is not needed.

Planner Papelbon informed the Commission that Condition 4 regarding wetland delineation dates can be removed as that has been corrected.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Jim Kane, Truck Country - McCoy Group, for the properties at 9970, 10020, and 10040 S. 20<sup>th</sup> St. be approved with the following conditions:

1. That the Official Map Amendment proposal is approved by the Common Council prior to recording the Certified Survey Map.
2. That all required easements are shown on the map prior to recording.
3. 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 Siepert seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT  
MILWAUKEE AREA TECHNICAL COLLEGE - OAK CREEK  
6665 S. HOWELL AVE.  
TAX KEY NO. 718-9961-002**

Planner Papelbon provided an overview of the Conditional Use Permit (CUP) request for the installation of solar energy collectors at 6664 S. Howell Avenue (see staff report for details).

Commissioner Chandler asked the applicant what the proposed energy collectors will be used for.

Dan Steinhardt, 1237 Pilgrim Avenue, Plymouth, WI, representing Arch Electric, responded that the solar panels will be used for offsetting the existing building's energy load, as well as to be studied for classroom purposes.

Mayor Bukiewicz asked Mr. Steinhardt about the design of the mounting structures and the proposed landscaping underneath.

Mr. Steinhardt explained that the structural design, and stated that the ground underneath the collectors will be filled with white gravel rock to allow for reflectivity.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for solar energy collectors on the property at 6665 S. Howell Ave. after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (April 27, 2021).

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all present voted aye. Motion carried. The meeting was adjourned at 7:13 pm.

ATTEST:

\_\_\_\_\_  
Kari Papelbon, Plan Commission Secretary

4-21-21  
\_\_\_\_\_  
Date



## Summary of Significant Common Council Actions

April 20, 2021

- **APPROVED** – Ordinance No. 3004, rezoning a portion of the property at 9330 S. Nicholson Rd., from Rs-3, Single Family Residential to A-1, Limited Agricultural (NO CHANGE to the FF, Flood Fringe district).
- **APPROVED** – Resolution No. 12240-042021, approving a Certified Survey Map and variation request submitted by Mark and Kim Verhalen for the property at 9330 S. Nicholson Rd.
- **APPROVED** - Resolution No. 12241-042021, approving a Certified Survey Map submitted by Jim Kane, Truck Country-McCoy Group, for the properties at 9970, 10020, and 10040 S. 20th Street.



Kari Papelbon, CFM, AICP  
Planner



## PLAN COMMISSION REPORT

Proposal: Sign Appeal – Mathnasium

Description: Request for variances allowing the applicant to install three (3) vinyl window decals (24” x 6”, 16” x 6”, and 25” x 6”) on the west elevation and two (2) vinyl window decals (14” x 6” and 21” x 6”) on the east elevation of the Mathnasium tenant space in the existing mixed use building at 7960 S. Main Street.

Applicant(s): Paul Post, Mathnasium

Address(es): 7960 S. Main Street

**Suggested Motion:** Staff does not provide recommendations for sign appeals. See staff report for options.

Owner(s): DTS Mixed Use LLC/Westbrook MGMT

Tax Key(s): 813-9050-000

Lot Size(s): 1.547 ac

Current Zoning District(s): DTSMUPDD

Overlay District(s): N/A

Wetlands:  Yes  No      Floodplain:  Yes  No

Comprehensive Plan: Mixed Use

### Background:

The Appellant is requesting variances from Section 17.0334, part of the Drexel Town Square Mixed Use Planned Development District General Development Plan and Regulating Plan (“the Plan”). Per Appendix B, Section B of the DTS General Development Plan and Regulating Plan (“DTS Plan”), only one (1) eye-level sign/graphic per 12 linear feet of entry façade, covering no more than 10% of the glass is allowed.

The proposal is for the installation of three (3) vinyl window decals (24”x6”, 16”x6”, and 25”x 6”) on the west elevation and two (2) vinyl window decals (14”x6” and 21”x6”) on the east elevation. This variance request is

directly related to the proposed Master Sign Plan in Item 6b (please see staff report for additional details). Per the requests and the proposed Master sign Plan, the following signs would be installed:

West elevation signs:

- One (1) 120" x 25" (20.83 sq. ft.) channel letter wall sign
- Three (3) vinyl window decals (24"x6", 16"x6", and 25"x 6")

East elevation signs:

- One (1) 120" x 25" (20.83 sq. ft.) channel letter wall sign
- Two (2) vinyl window decals (14"x6" and 21"x6")

The Appellant has provided written responses to the variance criteria for Plan Commission consideration. In deliberation of a variance, the Plan Commission may consider the following:

- location of the proposed sign
- height
- overall size
- appearance
- number
- location of other signs in the vicinity of the proposed sign
- any other factor the Plan Commission deems appropriate, excluding content

Staff does not make recommendations regarding sign appeals. However, decisions to approve a sign variance must be made utilizing the following criteria:

1. There shall be no public harm and there shall be a public benefit.
2. Variance considerations shall include enhancement of the overall character of a neighborhood or mitigation of unusual site conditions.
3. The sign will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs.
4. The effect a proposed sign may have on depreciating property values of a neighborhood.

**Motion for consideration:** That the Plan Commission approves sign variances allowing the installation of three (3) vinyl window decals (24" x 6", 16" x 6", and 25" x 6") on the west elevation and two (2) vinyl window decals (14" x 6" and 21" x 6") on the east elevation of the Mathnasium tenant space in the multitenant mixed use building located at 7960 S. Main Street. (Note: if the Plan Commission does not determine that the variances are acceptable, the correct procedure would be to make the motion above and cast a dissenting vote referencing specific criteria upon which the disapproval was based. Should the Plan Commission wish to do so, each variance per elevation can be considered separately, in which case there could be up to 2 motions).

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**Options/Alternatives:** The Plan Commission has the discretion to approve or disapprove of the request. Should the variances not be granted, the Appellant must comply with limitation of one (1) eye-level sign/graphic per 12 linear feet of entry façade, covering no more than 10% of the glass.

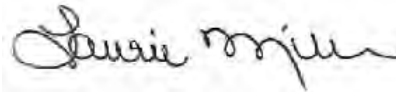
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Respectfully submitted:



Douglas Seymour, AICP  
Director of Community Development

Prepared:



Laurie Miller  
Zoning Administrator

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**Attachments:**

- Hearing Notice
- Location Map
- Request for Variance dated March 29, 2021 (1 page)
- Proposed Sign Graphics with Dimensions (2 pages)

Publish April 14, 2021

CITY OF OAK CREEK  
NOTICE OF PUBLIC HEARING  
BEFORE THE PLAN COMMISSION

IMPORTANT NOTICE

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Persons requiring other reasonable accommodations may contact the City at 414-766-7000. Requests should be made as far in advance as possible, preferably a minimum of 48 hours.

A public hearing for a sign appeal will be held:

**Date:**

April 27, 2021

**Time:**

6:00 p.m.

**Place:**

Online video conference only (see above)

**Appellant:**

Paul Post, Mathnasium

**Tax Key No.**

813-9050-000

**Property location:**

7960 S. Main Street

**To Request:**

Variances from Section 17.0334, part of the Drexel Town Square Mixed Use Planned Development District General Development Plan and Regulating Plan, which states that eye-level signage is limited to one (1) sign per 12 linear feet of store front per retailer.

If granted, the variances would allow the applicant to install three (3) vinyl window decals (24" x 6", 16" x 6", and 25" x 6") on the west elevation and two (2) vinyl window decals (14" x 6" and 21" x 6") on the east elevation) of the existing multitenant commercial building.

**Zoning of Property:**

DTSMUPDD, Drexel Town Square Mixed Use Planned Development District

All interested persons wishing to be heard are invited to be present.

Dated this 7<sup>th</sup> day of April, 2021.

PLAN COMMISSION

CITY OF OAK CREEK, WISCONSIN

/s/ Mayor Dan Bukiewicz, Chairman

Public Notice

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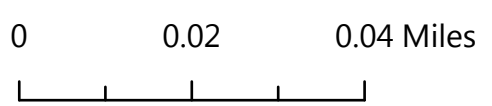
It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

# Location Map

## 7960 S Main St.



This map is not a survey of the actual boundary of the property this map depicts



### Legend

- Zoning
- Official Street Map
- Parcels
- Floodway
- Flood Fringe
- 7960 S Main St.

Paul Post  
Mathnasium of Oak Creek aka Oak Creek Learning, LLC  
1751 N 49<sup>th</sup> St  
Milwaukee, WI 53208

March 29, 2021

City of Oak Creek Plan Commission  
8040 S 6<sup>th</sup> St  
Oak Creek, WI 53154

Dear Plan Commission:

I am requesting a variance to the DTSMUPDD Development Plan and the Master Sign Plan for the Mathnasium Learning Center that will be located in Drexel Town Square, at 7960 S Main St, between Performance Running and Ly Ly Nails.

**Variance Requested:** I am requesting that the limit of *1 sign per 12 linear feet of store front* be waived in support of the proposed window cling layout and design.

**Special conditions/Unnecessary hardship:** With only 12 linear feet of store front on each side of the space, the current sign plan very strictly limits our ability to attract the attention of consumers to our business. Mathnasium franchise branding would much prefer a much more significant window signage approach featuring graphics covering the top and bottom of the windows. The proposed window cling designs are the bare minimum that I have been able to convince our corporate office to approve.

**Not contrary to public interest:** The proposed window clings are relatively small and will not obscure visibility into or out of the space. The logos are brand requirements, the hours of operation and contact information are required communication for interested consumers, and the 5 phrases provide a minimal amount of information about the services we provide.

**In the spirit of the Drexel Town Square Master Plan:** The plans for Drexel Town Square are intended to present an upscale, modern appearance with large open window spaces. The proposed window clings for Mathnasium are white and no more than 6" tall (excluding the door pieces). Our intent is to keep within the spirit of openness and high visibility, while still being able to display our brand-required messaging.

**Justice:** If granted, this variance will allow Mathnasium of Oak Creek to meet the minimum franchise brand guidelines of Mathnasium. It will also allow us to use the small amount of exterior area available to us in this space to maximum customer-attracting benefit, while maintaining the overall professional and upscale appeal of Drexel Town Square as a whole.

Sincerely,



Paul Post  
Owner, Mathnasium of Oak Creek

Attachments: Scaled Window Sign Plans, Detailed Vinyl Cut Sign Specifications



## Main Street Side

**Learn in Center or  
Live Online**

2" White Cut Vinyl Letters  
24" x 6"

**Enroll Today  
Grades 1-12**

2" White Cut Vinyl Letters  
16" x 6"

**Catch Up, Keep Up,  
and Get Ahead.**

2" White Cut Vinyl Letters  
25" x 6"

**MATHNASIUM**  
The Math Learning Center

White and Red Cut Vinyl Logo  
20" x 5"

*Changing Lives Through Math*

White Cut Vinyl Logo  
19" x 6"

## Parking Lot Side

**Get a Free  
Assessment**

2" White Cut Vinyl Letters  
14" x 6"

**Everyone Can  
Succeed in Math**

2" White Cut Vinyl Letters  
21" x 6"

**MATHNASIUM**  
The Math Learning Center

White and Red Cut Vinyl Logo  
20" x 5"

*Changing Lives Through Math*

White Cut Vinyl Logo  
19" x 6"

### **Center Hours**

**Monday – Thursday**

3:30 p.m. – 7:30 p.m.

**Saturday**

10:00 a.m. – 2:00 p.m.

**Friday & Sunday**

Closed

Red Center Hours Cling (removable)  
12" x 12"

**414-434-1989**

[oakcreek@mathnasium.com](mailto:oakcreek@mathnasium.com)

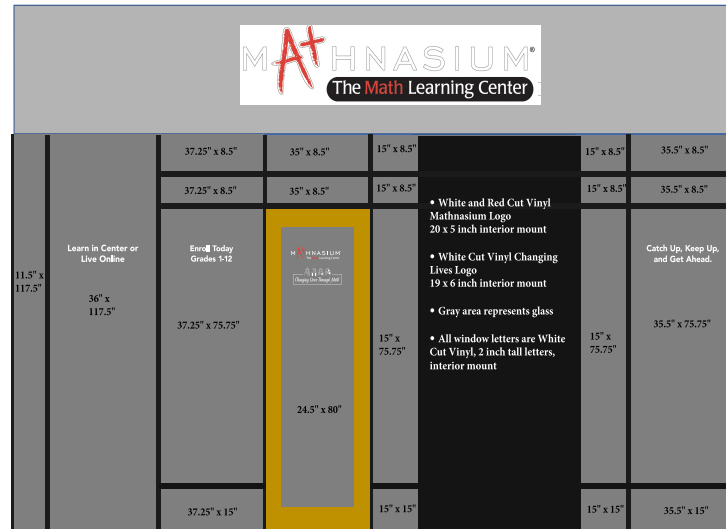
White Cut Vinyl Phone and Email  
19" x 5"

## Parking Lot Side



110 sq ft window/door

## Main Street Side



110 sq ft window/door

45 sq ft window

- White and Red Cut Vinyl Mathnasium Logo 20 x 5 inch interior mount
- White Cut Vinyl Changing Lives Logo 19 x 6 inch interior mount
- White Cut Vinyl Phone & Web 20 x 5 inch interior mount
- Red Center Hours Static Cling (removable) 12 x 12 inches
- Gray area represents glass
- All window letters are White Cut Vinyl, 2 inch tall letters, interior mount

- White and Red Cut Vinyl Mathnasium Logo 20 x 5 inch interior mount
- White Cut Vinyl Changing Lives Logo 19 x 6 inch interior mount
- Gray area represents glass
- All window letters are White Cut Vinyl, 2 inch tall letters, interior mount



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Approved by: \_\_\_\_\_

E-mail: \_\_\_\_\_

\\sarcoredata\1 CUSTOMER FOLDERS COMBINED YEARS\Mathnasium\2021\Oak Creek\Window Graphics Info

File: Parking Lot Window Dimensions.fs

N84W15787 Menomonee Ave, Ste 1., Menomonee Falls, WI 53051 (262) 251-4300

jb@SignsWithImpact.com

Date: 3/19/2021



## PLAN COMMISSION REPORT

Proposal: Sign Plan Review – Mathnasium

Description: Review the proposed Master Sign Plan for the tenant space located in a mixed use building on the property at 7960 S. Main Street.

Applicant(s): Paul Post, Mathnasium

Address(es): 7960 S. Main Street

**Suggested Motion:** That the Plan Commission approves the Master Sign Plan submitted by Paul Post, Mathnasium, for the tenant space located in the mixed use building at 7960 S. Main Street.

Owner(s): DTS Mixed Use LLC/Westbrook MGMT

Tax Key(s): 813-9050-000

Lot Size(s): 1.547 ac

Current Zoning District(s): DTSMUPDD

Overlay District(s): N/A

Wetlands:  Yes  No      Floodplain:  Yes  No

Comprehensive Plan: Mixed Use

### Background:

The Applicant is requesting approval of a Master Sign Plan for a tenant space located in the mixed use building at 7960 S. Main Street. All signage within Drexel Town Square zoning district requires Plan Commission approval prior to submitting building permits.

Per Appendix B, Section B of the Plan, the following signs are allowed:

- One primary sign per entry façade per tenant.
- 1 -2 flag signs per entry façade (max. size fabric = 10', max. size solid = 36" x 36").
- 1 eye-level sign/graphic per 12 linear feet of entry façade.

- Maximum height of primary signage – 15% of retail floor height.
- Tenants located along Drexel or Howell, an additional wall sign facing either street is permitted.
- Primary signs are permitted on special condition facades for perimeter buildings.

The applicant is requesting approval for two 120” x 25” internally illuminated channel letter signs that include a cabinet pill for a tag line. One sign will be placed on the west elevation fronting Main Street and the other sign will be located on the east elevation fronting the rear parking lot. The height and size of the signs complies with the DTSMPDD. In addition, the Master Sign Plan incorporates the requested variances reviewed in the previous agenda item which consists of three (3) vinyl window decals (24”x6”, 16”x6”, and 25”x 6”) on the west elevation and two (2) vinyl window decals (14”x6” and 21”x6”) on the east elevation. Without the variance, the tenant space would be limited to one eye-level sign per elevation. Should those variances, in whole or in part, not be approved by the Plan Commission, this Master Sign Plan shall be amended to reflect the Plan Commission’s decisions.

**Options/Alternatives:** The Plan Commission has the discretion to approve or disapprove of the plans as presented, approve with specified conditions, or disapprove the proposal. Should the request not be approved, Plan Commissioners must provide the Code Sections upon which the denial is based so that the Applicant may revise and resubmit (if necessary).

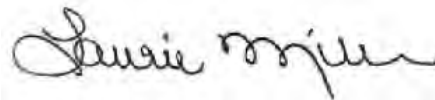
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Respectfully submitted:



Douglas Seymour, AICP  
Director of Community Development

Prepared:



Laurie Miller  
Zoning Administrator

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Attachments:

Location Map

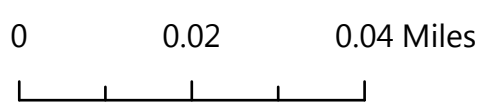
Proposed Sign Plan with Draft Rendering (4 pages)

# Location Map

## 7960 S Main St.



This map is not a survey of the actual boundary of the property this map depicts



### Legend

- Zoning
- Official Street Map
- Parcels
- Floodway
- 7960 S Main St.
- Flood Fringe





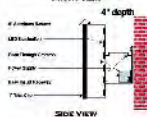
120" wide

25"

**MATHNASIUM**  
The Math Learning Center

**Front Lit Channel Letters**

**Front Lit Channel Letters (Raceway)**



Front lit channel letters, raceway mounted including logo "A" shape and lower "The Math Learning Center" 21 sq ft total



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Approved by: E-mail:

Z:\Mathnasium\2021\Oak Creek

File: oak creek channel letter concept.fs

Rodd@SignsWithImpact.com

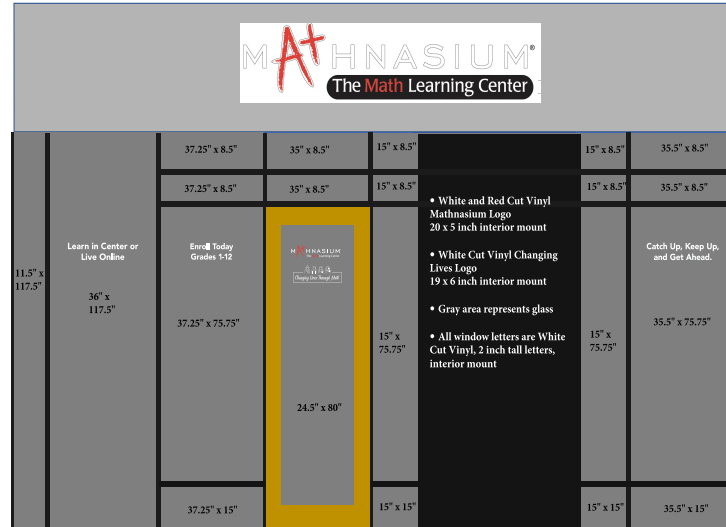
Date: 3/3/2021

## Parking Lot Side



110 sq ft window/door

## Main Street Side



110 sq ft window/door

45 sq ft window

- White and Red Cut Vinyl Mathnasium Logo 20 x 5 inch interior mount
- White Cut Vinyl Changing Lives Logo 19 x 6 inch interior mount
- White Cut Vinyl Phone & Web 20 x 5 inch interior mount
- Red Center Hours Static Cling (removable) 12 x 12 inches
- Gray area represents glass
- All window letters are White Cut Vinyl, 2 inch tall letters, interior mount

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Approved by: \_\_\_\_\_

E-mail: \_\_\_\_\_

\\sarcoredata\1 CUSTOMER FOLDERS COMBINED YEARS\Mathnasium\2021\Oak Creek\Window Graphics Info

File: Parking Lot Window Dimensions.fs

N84W15787 Menomonee Ave, Ste 1., Menomonee Falls, WI 53051 (262) 251-4300

jb@SignsWithImpact.com

Date: 3/19/2021



## Main Street Side

**Learn in Center or  
Live Online**

2" White Cut Vinyl Letters  
24" x 6"

**Enroll Today  
Grades 1-12**

2" White Cut Vinyl Letters  
16" x 6"

**Catch Up, Keep Up,  
and Get Ahead.**

2" White Cut Vinyl Letters  
25" x 6"

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The Math Learning Center

White and Red Cut Vinyl Logo  
20" x 5"

*Changing Lives Through Math*

White Cut Vinyl Logo  
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## Parking Lot Side

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**Saturday**

10:00 a.m. – 2:00 p.m.

**Friday & Sunday**

Closed

Red Center Hours Cling (removable)  
12" x 12"

**414-434-1989**

[oakcreek@mathnasium.com](mailto:oakcreek@mathnasium.com)

White Cut Vinyl Phone and Email  
19" x 5"



## PLAN COMMISSION REPORT

Proposal: Conditions and Restrictions – Solar Energy Collectors

Description: Review draft Conditions and Restrictions as part of a request for a Conditional Use Permit for the installation of solar collectors on approximately 1 acre of the property at 6665 S. Howell Ave.

Applicant(s): Kelly Cech, Milwaukee Area Technical College – Oak Creek (MATC)

Address(es): 6665 S. Howell Ave.

**Suggested Motion:** That the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for solar energy collectors on the property at 6665 S. Howell Ave.

Owner(s): Milwaukee Area Voc Tech Adult Educ District

Tax Key(s): 718-9961-002

Lot Size(s): 109.883 ac

Current Zoning District(s): I-1, Institutional FW, Floodway

Overlay District(s): CU FF, Flood Fringe

Wetlands:  Yes  No Floodplain:  Yes  No

Comprehensive Plan: Public/Semi-Public

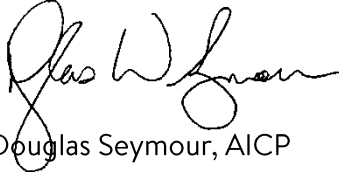
### Background:

At the April 13, 2021 meeting the Plan Commission recommended Common Council approval of a Conditional Use Permit for solar energy collectors on the property at 6665 S. Howell Ave. Staff has prepared draft Conditions and Restrictions for the Commission’s review. If the Commission is comfortable with the Conditions and Restrictions, the appropriate action would be to recommend that the Common Council approve them as part of the Conditional Use Permit.

**Options/Alternatives:** The Plan Commission has the discretion to recommend Common Council approval of, or require modifications to, the draft Conditions and Restrictions.

---

Respectfully submitted:



Douglas Seymour, AICP  
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP  
Planner

---

Attachments:

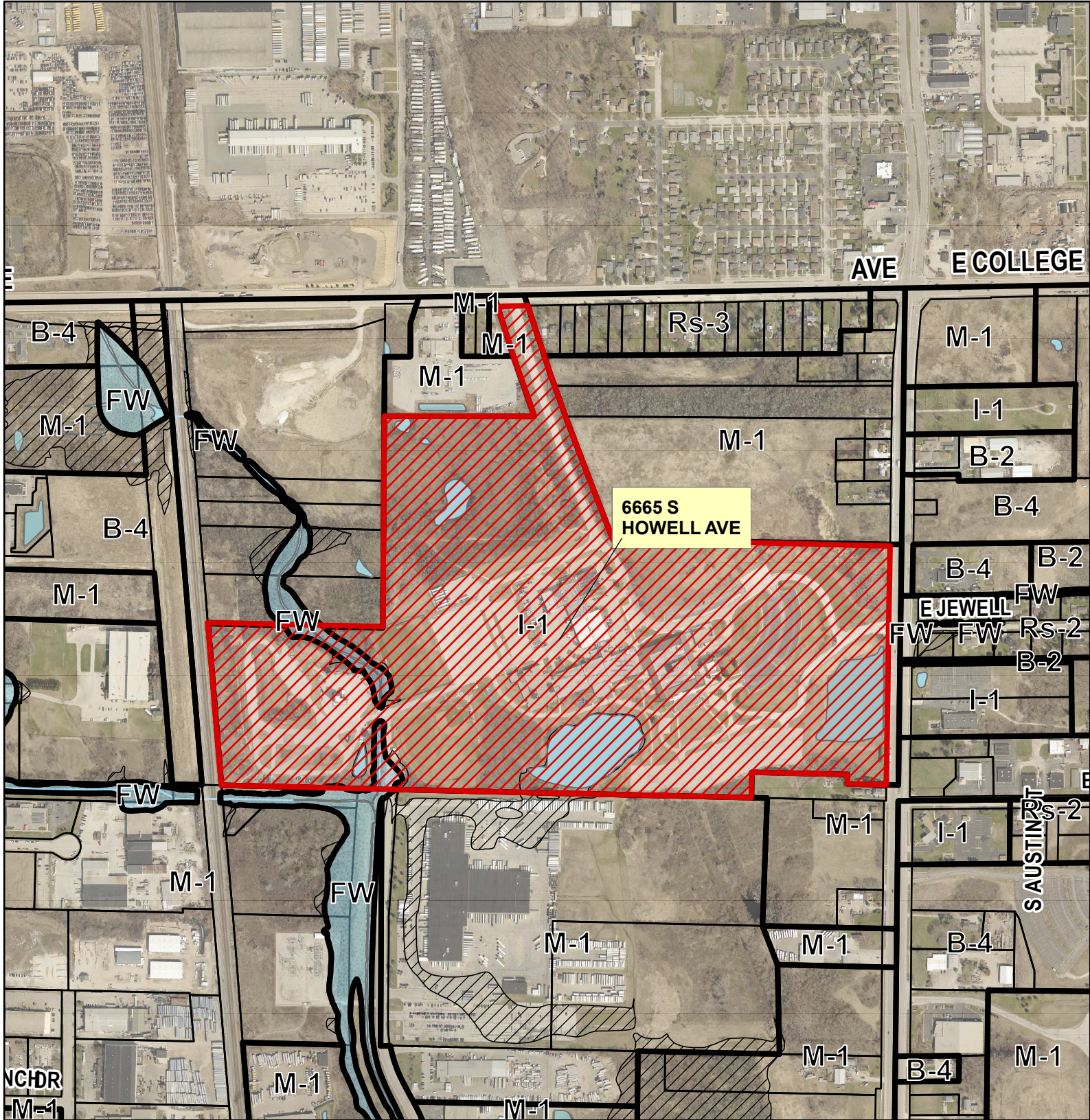
Location Map

Draft Conditions and Restrictions

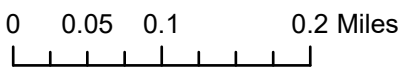
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# Location Map

## 6665 S. Howell Ave.



This map is not a survey of the actual boundary of the property this map depicts



### Legend

- Zoning
- Official Map
- Floodway
- Parcels
- 6665 S. Howell Ave.
- Flood Fringe

**City of Oak Creek – Conditional Use Permit (CUP)**  
**DRAFT Conditions and Restrictions**

**Applicant:** Milwaukee Area Tech. College  
**Property Address:** 6665 S. Howell Ave.  
**Tax Key Number(s):** 718-9961-002  
**Conditional Use:** Solar Energy Collectors

**Approved by Plan Commission:** TBD  
**Approved by Common Council:** TBD  
(Ord. TBD, Amend. Ord. 2542)

1. LEGAL DESCRIPTION

MATC S1/2 OF NE1/4 SEC. 5-5-22 EXC COM SE COR OF SD1/4 SEC TH W 759 FT N 132 FT E 495 FT S 49.5 FT E 264 FT TH S 82.5 FT TO BEG & EXC E 60 FT FOR AVE ALSO: S 40 ACS OF N1/2 OF NE1/4 SEC 5-5-22 LYING WLY OF ELY LI OF FORMER CNS&M RR ROW ALSO: 150 FT FORMER CNS&M RR ROW IN THE 40 ACS OF NE1/4 SEC 5-5-22 ALSO: S 50 ACS OF NW1/4 SEC 5-5-22 LYING E OF CMSTP&P RR ROW EXEMPT.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.

**B. Solar energy collectors shall be installed per the plans approved in Ord. 2542 and these Conditions and Restrictions.**

C. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
  - i) Location(s) and future expansion
  - ii) Number of employees
  - iii) Number of all parking spaces
  - iv) Dimensions
  - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of outdoor storage area(s)
- m) Location(s) of wetlands (field verified)
- n) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) **Landscape Plan**

- a) Screening plan, including parking lot / truck parking screening/berming
- b) Number, initial & mature sizes, and types of plantings
- c) Percentage open/green space

3) **Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Building floor plans (w/dimensions)
- c) Materials of construction (including colors)

4) **Lighting Plan**

- a) Types & color of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

5) **Grading, Drainage and Stormwater Management Plan**

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction
- d) Materials to be stored (interior & exterior)

D. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping

shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building or occupancy permit.

- E. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- F. Landscaping shall be installed in accordance with plans approved by the Plan Commission and all applicable Codes and policies.
- G. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- H. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

### 3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the I-1, Institutional zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. There shall be no outdoor storage of equipment, parts, or other materials not directly associated with the operation of the solar energy collectors within or adjacent to the enclosed area(s) in the approved plans.
- C. Solar energy collectors shall be constructed and maintained in accordance with these Conditions and Restrictions and all applicable sections of the Municipal Code (as amended).
- D. All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code (as amended).
- E. Any change to the occupancy of the site or building shall conform to all Building, Fire, and Municipal Code requirements (as amended).
- F. Solid waste collection and recycling shall be the responsibility of the owner.
- G. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

### 4. PARKING AND ACCESS

Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended).

### 5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code (as amended).
- B. All light sources shall be shielded and directed downward.

6. BUILDING AND PARKING SETBACKS\*

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure(s)	40 ft	20 ft	20 ft
Accessory Structure(s)*	40 ft	20 ft	20 ft
Off-street Parking	30 ft	5 ft	5 ft
Solar Energy Collectors**	40 ft	20 ft	20 ft

*\*No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards.*

*\*\*Increased setbacks, buffers, and/or screening may be required as part of Plan Commission reviews and approvals.*

7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the ordinance if building or occupancy permits have not been issued for this use.

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to ten (10) years from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

10. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use Permit is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City ordinances.

11. REVOCAION

Should an applicant, their heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

12. ACKNOWLEDGEMENT

The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

\_\_\_\_\_  
Owner / Authorized Representative Signature

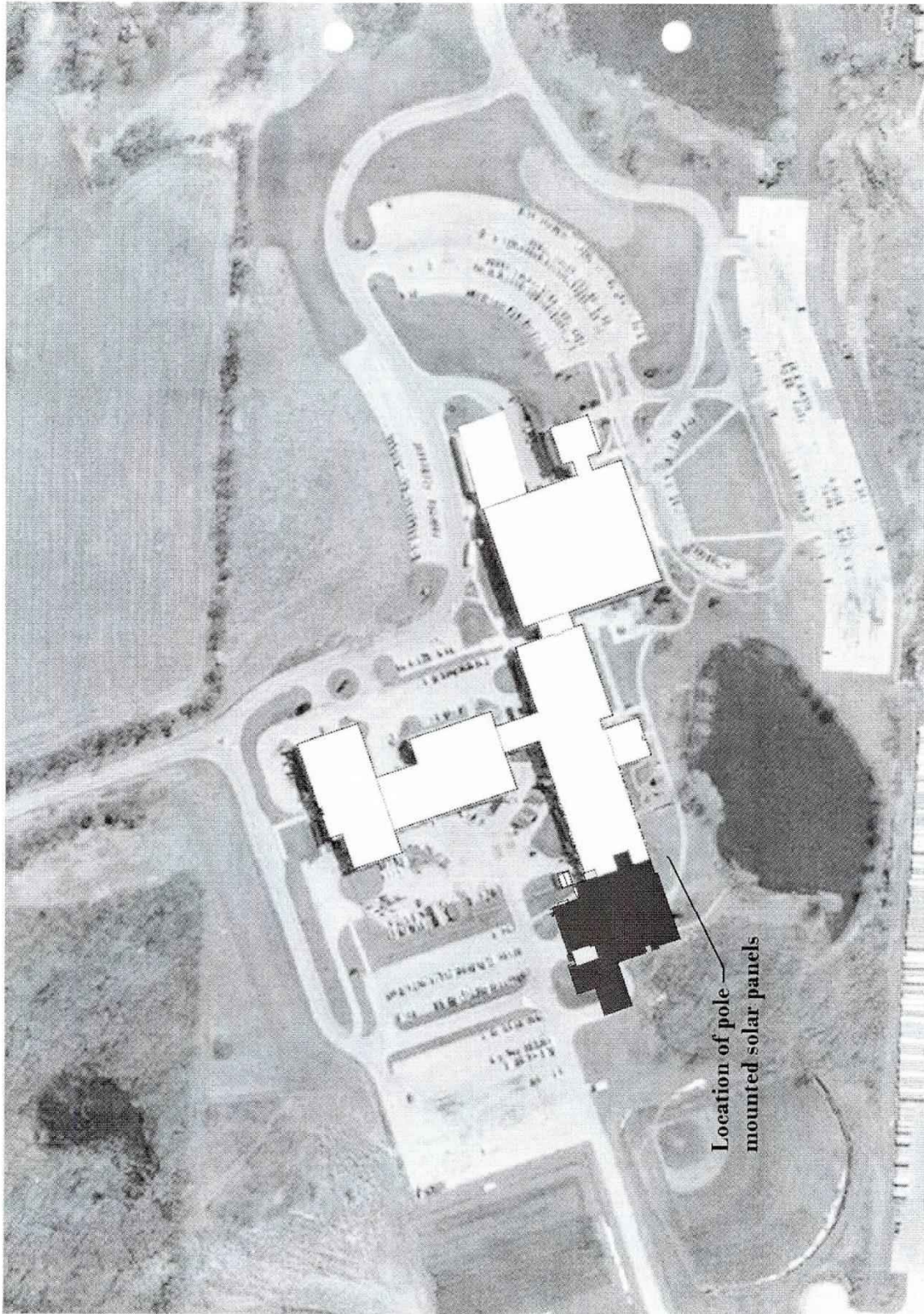
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Date

\_\_\_\_\_  
(please print name)

DRAFT

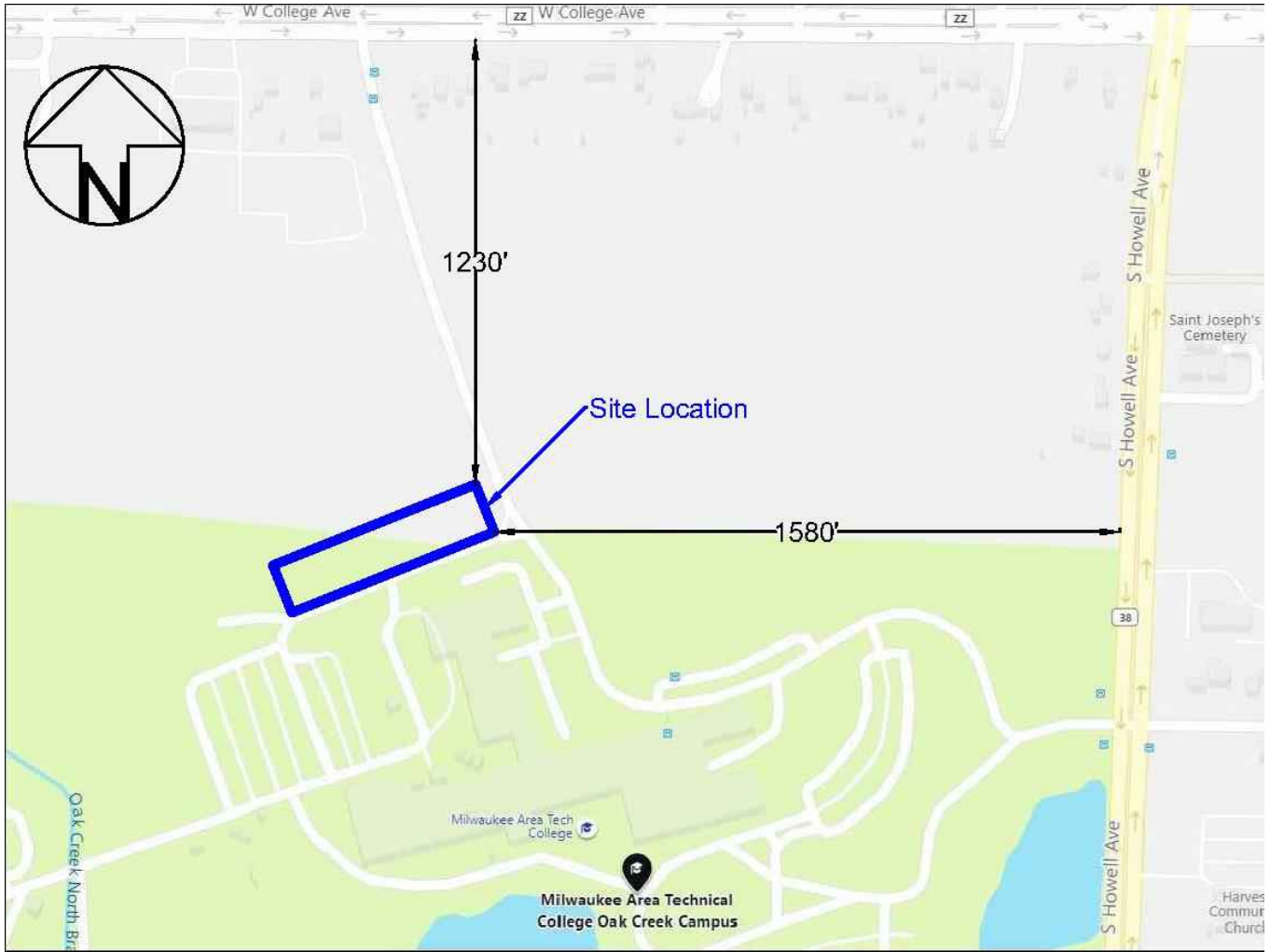


**EXHIBIT A: SITE PLAN APPROVED PER ORDINANCE NO. 2542**



**MATC Oak Creek  
Oak Creek, Wi**

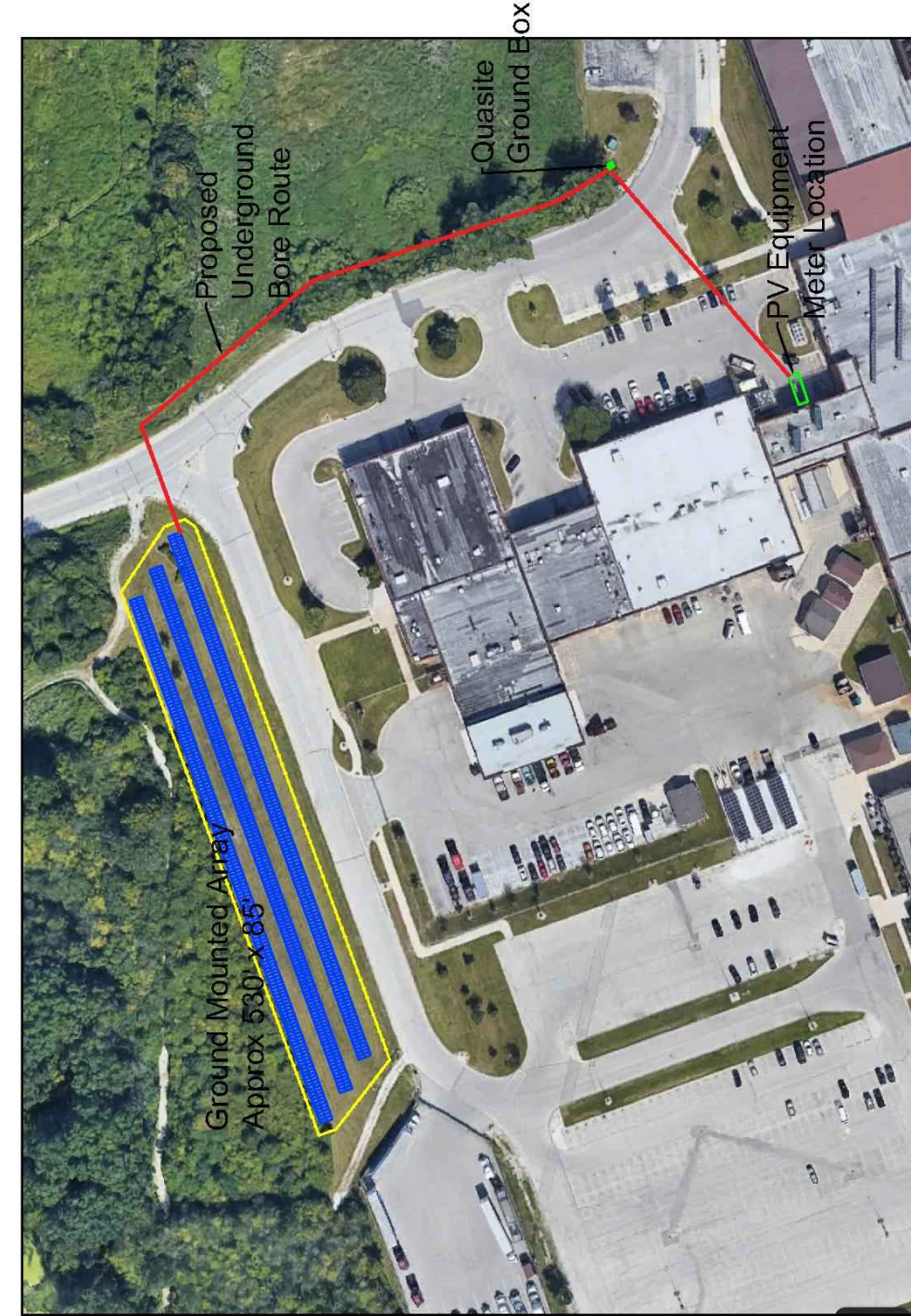
**EXHIBIT B: LOCATION MAP FOR 2021 SOLAR ENERGY COLLECTORS**



**EXHIBIT C: SITE PLAN FOR 2021 SOLAR ENERGY COLLECTORS**

Array #	Array Pitch	True Azim.	Mod. Count	Array Tilt
1	25	160°	936	25°

Parcel Number: 7189961002      Approximate Square Footage of Site: 45,000sf

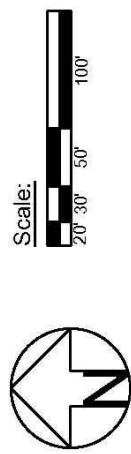


**Install Notes:**  
 The proposed system will be grid-tied at the meter via underground bore. Approximate distance: 850'

**ARCH ELECTRIC**  
THE SOLAR + ENERGY STORAGE EXPERTS

Customer: MA TC - Oak Creek Campus  
 Address: 6885 S. Howell Ave  
 City: Milwaukee  
 State: WI  
 Zip Code: 53154  
 Contact: Kelly Czech  
 Phone: (414) 315-3433  
 Email: cczech@archelec.com

Project Number: PV 20 046    System Size: 346.32KW  
 Designer: Rebecca Nicholson  
 Site Overview  
 Revision: 2    Date: 3.16.21  
 Page A.3





## PLAN COMMISSION REPORT

Proposal:	Temporary Use Permit
Description:	Request approval to operate a temporary concrete crushing process located at 841 W. Rawson Avenue.
Applicant(s):	Justin Kratochvil, Ozinga Ready Mix Concrete Inc.
Address(es):	841 W. Rawson Avenue
<b>Suggested Motion:</b>	<p>That the Plan Commission approves the Temporary Use permit for a temporary crushing operation at 841 W. Rawson Avenue with the following conditions:</p> <ol style="list-style-type: none"><li>1. That all applicable building and fire codes are in effect.</li><li>2. That the hours of operation for crushing be limited to Monday through Friday between 7:00 AM and 4:00 PM.</li><li>3. That the temporary use shall expire on December 31, 2021.</li><li>4. That crushing is limited to Ozinga concrete. No materials from other properties or work sites shall be brought to the site for crushing.</li><li>5. That onsite air-born dust and debris control measures (e.g., water application) are utilized throughout the operation.</li><li>6. That the stockpiles are restricted to the locations as shown on the approved site plan, and may not exceed 30 feet in height.</li><li>7. That any truck traffic associated with the temporary use is restricted to State and County highways.</li><li>8. That a street-sweeper is utilized minimum of once per day.</li><li>9. That storm drain protection be utilized to minimize suspended solids from entering the City's drainage system.</li><li>10. That the property is returned to its original condition – all temporary equipment and stockpiles removed - within 14 calendar days following the expiration of the Temporary Use Permit.</li></ol>

---

Owner(s): Ozinga Ready Mix Concrete Inc.

Tax Key(s): 764-9051-000

Lot Size(s): 14.066 acres

Current Zoning District(s): M-1, Manufacturing

Overlay District(s): N/A

Wetlands:  Yes  No Floodplain:  Yes  No

Comprehensive Plan: Planned Industrial

**Background:** Ozinga Ready Mix Concrete Inc. is requesting a Temporary Use Permit that would allow for a concrete crushing operation on their property located at 841 W. Rawson Avenue until December 31, 2021. Ozinga anticipates that they will crush less than 110 days in 2021. Plan Commissioners may recall that a similar request for temporary crushing at this property was reviewed and approved with conditions on March 13, 2018, September 10, 2019, and February 11, 2020. The previously approved Temporary Use Permit expired on December 31, 2020. Ozinga requested two consecutive 14-day permits (valid March 29 to April 27) to allow them to meet demand and continue crushing operations. The purpose of the current request would allow Ozinga to have temporary on-site recycling capabilities of returned concrete for the remainder of the year. The returned material will primarily be Ozinga’s product except approximately 4,000 tons of material which will be received from a concrete parking lot project in Oak Creek. The non-Ozinga crushed material will be used as a base for the project, eliminating the need for the material to be crushed on site and trucked to a landfill. The Temporary Use Permit request will also allow the applicant and city staff the ability to avoid the need for short-term extensions on 14-day Temporary Use Permits due to weather delays.

The recycling process consists of a company mobile crushing crew, where product is run through one of two portable crushers and stockpiled up to a 30’ stockpile height by a stacking conveyor for consumption as needed for future use such as road base and fill. The proposed location for the operation and stockpiles is in the center of the property, which is more than 600 feet from Rawson Ave. All surrounding properties are zoned M-1, Manufacturing.

Days of operation for crushing is proposed to be Monday – Friday between the hours of 7:00 am and 4:00 pm when crushing is necessary. Due to the infrequent need to crush returned product, Ozinga proposes no more than 110 crushing days for the remainder of 2021. The operation will comply with noise standards set forth under the Municipal Code. Included with this report are graphics illustrating where on the parcel the stockpiles would be located. Dust and debris control measures must be maintained onsite throughout the operation. The Applicant should coordinate with the Water and Sewer Utility for hydrant or other water needs.

Staff became aware that there has been an increase in “white-milky” suspended solids in the City’s drainage system adjacent to the property. Staff suspects that some of the run-off from the crushed material may be

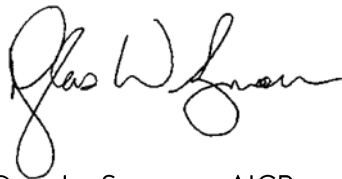
entering the inlets located on the property. Staff recommends that inlet protection be installed to minimize the run-off from entering the drainage system.

The proposed use is suitable at this location given the fact that the existing permanent use of the property is a concrete manufacturing plant and has been approved previously with no Code violation complaints received by staff, the number and duration of Temporary use Permits is no longer temporary. Staff have been exploring incorporating this use into the zoning code update as a Conditional Use.

**Options/Alternatives:** The Plan Commission has the authority to deny the request for this type of use as it temporarily increases the size of a non-conforming use. If denied, the applicant will need to determine a location where this type of operation would be allowed elsewhere in the city or outside city limits.

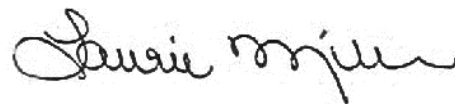
---

Respectfully submitted:



Douglas Seymour, AICP  
Director of Community Development

Prepared:



Laurie Miller  
Zoning Administrator/Planner

---

Attachments:

Location Map

Narrative

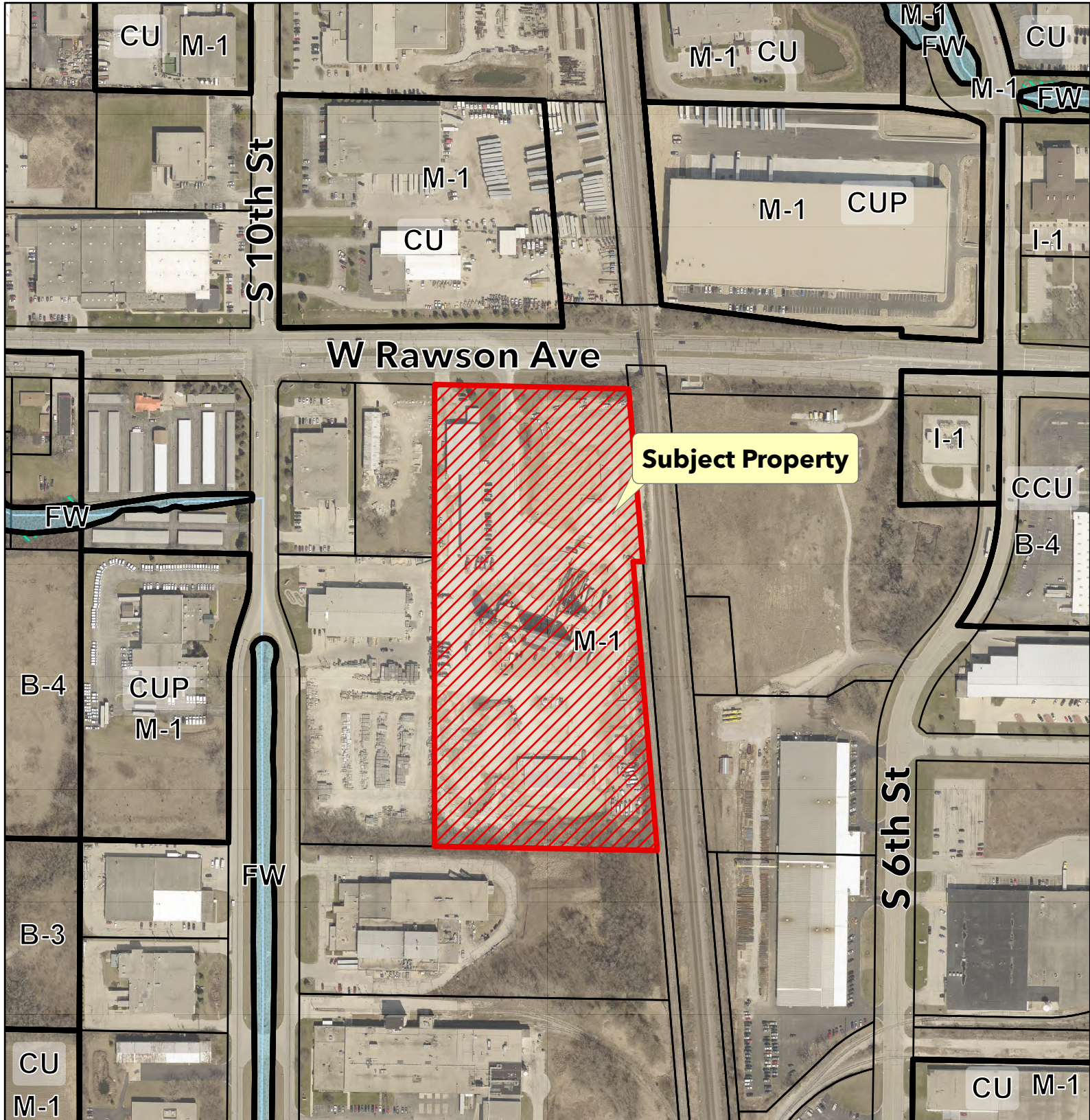
Crushing Activities Pictures and Map (5 Pages)

Perimeter Pictures (9 Pages)

Title Survey

# Notification Map

## 841 W Rawson Ave



This map is not a survey of the actual boundary of the property this map depicts



### Legend

- Zoning
- Flood Fringe
- Official Street Map
- Parcels
- Floodway
- 841 W Rawson Ave



Ozinga Ready Mix Concrete, Inc.  
9000 West Chester Street, Suite 350, Milwaukee, WI 53214  
414.258.7800

March 19, 2021

City of Oak Creek  
Attn: Plan Commission  
8040 S. 6<sup>th</sup> Street  
Oak Creek, WI 53154

RE: Temporary Use Permit Application  
Ozinga Ready Mix concrete, Inc. – Oak Creek Plant

Ozinga Ready Mix Concrete, Inc. owns and operates a Ready-Mix Concrete Plant located at 841 W. Rawson Ave. in Oak Creek, WI. The site manufactures Ready Mix Concrete, a perishable product that is delivered by truck based on customer's demand to local jobsites.

Part of the Ready-Mix process includes the occasional return of ready-mix concrete to the plant. This concrete is ribboned out in a designated area on the plant site, hardened and then stockpiled. Once enough stockpile has accumulated, a recycling process is then initiated to crush the hardened concrete. The recycling process consists of a company mobile crushing crew, where product is run through a track mounted crusher and stockpiled by stacking conveyor for consumption as needed, utilized in several ways, including road base, and fill.

Ozinga Ready Mix Concrete, Inc. politely requests the approval of a Temporary Use Permit for 2021 to crush only the returned concrete to the plant as part of the Ready-Mix Concrete process (no greater than 110 crushing days for 2021).

Please refer to information herein that outlines a detailed site and business plan.

If you have any questions, please feel free to contact me directly at 414-788-6753.

Respectfully,  
Ozinga Ready Mix Concrete, Inc.

Justin J. Kratochvil  
Regional Manager  
Safety / Environmental & Human Resources



## **SITE DETAIL**

Ozinga Ready Mix Concrete, Inc.  
Oak Creep Plant #717  
841 W. Rawson Ave.  
Oak Creek, WI 53154

Current Zoning: M-1  
Tax Key Number: 764-9051

Part of the Northwest Quarter of Section 8, Township 5 North, Range 22 East, in the City of Oak Creek (Milwaukee County), Wisconsin

### Current Property Use:

Industrial activities at the facility include concrete batching and loading of ready-mix trucks. Trucks are parked along the west perimeter of the site. Spare trucks are parked on the southeast portion of the site. Production (use) aggregate stockpiles are stored to the north of the plant in designated bins and areas on site. Recycled material is stockpiled in locations east of the plant. The site has a private drive for access and is comprised of (approximately) 14 acres and is estimated at 60% paved surface (concrete). There are two fuel tanks located on site, immediately south of the primary batch-plant. One 10,000 gallon on road diesel tank and a 500 gallon off road diesel tank. All fuel is utilized by Ozinga Ready Mix concrete operations and the site is not a retail fuel facility. All tanks have been appropriately permitted and installed by a (WI) licensed vendor. A Spill Prevention Control and Countermeasure Plan has been developed for the site.

The site operates based on the demands of our customer base. Hours of operation run typically from 5:30 am to 7:00 pm Monday through Friday with occasional Saturday work. The site has 26 full time employees consisting of 20 ready mix truck drivers, 2 batchmen, 2 mechanics, one end loader / plant operator and a quality control representative. Other management access the site as needed for business demands. Employee parking is available in designated areas to the immediate east and west of the garage and in the front office parking area.

The property has a locked gate (private drive access off of Rawson Ave.) and is surrounded by an 8-foot chain link fence along the West, East and south property lines.

The site utilizes a City Water source and is on a sanitary system. There is a City of Oak Creek hydrant located immediately south of the primary batch-plant. There are no delineated wetlands on the site, but there is a man-made water retention area located just south of the reclaimer building on the south property area. (Rain) Water and production related washdown water is diverted by site gradation and impervious surface to this area and utilized (recycled into the process) for truck washdown needs. In addition, a former "French drain" was installed in 2002 by previous owner (Meyer Material / Aggregate Industries) in the southwest portion of the yard to prevent runoff to the adjacent property owner.

There are eight (8) Storm Sewers located on site. The site has two general permits issued by the Department of Natural Resources – Concrete Product Operations and Storm Water. Both permits require best management practices and guidelines which are carried through, including wet and dry weather monitoring, water sampling, site inspections and annual reporting to the State of Wisconsin Department of Natural Resources. There have been zero concerns with the operations of Ozinga Ready Mix Concrete by the State of WI DNR.

## OPERATIONAL PLAN – CRUSHING OPERATIONS

### **Overview**

In December 2016, Ozinga Ready Mix Concrete, Inc. prepared an operational plan for the crushing of returned concrete and applied for a Conditional Use Permit. This plan was submitted to the City of Oak Creek for review and discussion of the Plan Commission. However, due to reasons out of the control of Ozinga Ready Mix Concrete, the request was removed from the Plan Commission docket. In conversations with Pete Wagner of the City of Oak Creek, there was apparent legislation that was the cause for removal. Mr. Pete Wagner informed Ozinga Ready Mix Concrete, Inc. personnel that we could apply for independent 14-day temporary requests for the ability to crush returned concrete on site. From 2017 through present, Ozinga Ready Mix Concrete, Inc. has applied for and been granted such requests and has completed operations without concern or complaints by neighbors or the City of Oak Creek.

During July 2019, Ozinga Ready Mix Concrete, Inc. personnel met with City of Oak Creek (staff) officials to review the status of activities on site including crushing operations. It was recommended by City of Oak Creek (staff) officials to apply for a temporary use permit for the remainder of 2019. Previously in 2019, Ozinga has applied for four (4) temporary requests (2/4 – 2/21, 3/4 – 3/21, 6/17 – 7/8 & 7/25 – 8/13) including one four-day extension (7/9 – 7/12) due to inclement weather. In addition, on December 27, 2019, a three (3) consecutive 14-day temporary use permit to crush was approved for the beginning of 2020, to permit crushing activities in advance of the February 2020 Plan Commission Meeting, allowing our business to continue to provide for local projects. In all previous approvals, please note that Ozinga Ready Mix Concrete, Inc. has not performed crushing activities outside of the permit timeframes.

During 2020, a temporary use permit was approved by the City of Oak Creek for use of crushing for a total not to exceed 110 crushing days. While crushing days were substantially lower than the approval by the Plan Commission, there were no complaints of the activities by the City of Oak Creek, residents, or general community. All permit guidelines were adhered to.

Historically, this site would not permit material other than then that manufactured by Ozinga Ready Mix. However, as part of this submittal, Ozinga is politely requesting for the availability to accept on a one time basis only for (April / May 2021), approximately 4,000 ton of material from a contractor that is planning work in the City of Oak Creek that is taking out an existing concrete parking lot. The intended plan is for the material to be brought into the Ozinga Oak Creek location to be crushed and then replaced as base for the project. This eliminates the need to potentially crush on site by a third party or truck to a landfill.

### **Activity**

It is the intent of Ozinga Ready Mix Concrete to crush returned concrete at the Oak Creek facility. Crushing is performed by a portable crusher. Ozinga has two portable units for recycling of returned concrete. Either unit has the capability to satisfy the demand based on the plants demand, and only one portable crushing unit will be used on site. If only one specific unit can be utilized by the temporary use permit guidelines, Ozinga will only utilize Unit 2 listed below.

Unit 1: 2014 Kolberg Pioneer (KPI-JCI) FT4250CC  
Track Mounted Crusher – Serial Number 414095

Unit 2: 2017 Kolberg Pioneer (KPI-JCI) FT4250CC  
Track Mounted Crusher – Serial Number 416898

**Stockpile**

Stockpile of material is conducted by a 40' stacking conveyor – stockpile height of 30'. Ozinga proposes stockpile of recycled material not to exceed local limits proposed by the Plan Commission. Where deemed appropriate, a wetting operation will be utilized to prevent dust from being blown off the property, and in conjunction with the existing Ozinga fugitive dust control plan in place at the plant. Stockpiling is allocated for two areas on site – a primary location and secondary location. It is intended to use only the primary location, based on current business needs.

**Hours of Operation**

Days of operation for crushing is proposed to be Monday – Friday with NO Saturday or Sunday crushing with hours of crushing to be conducted between 7:00 am and 4:00 pm when crushing is necessary. Due to the infrequent need to crush returned product, Ozinga proposes no more than a total of 110 crushing days for calendar year 2021.

**Production Log**

All crushing production will be detailed through a log that identifies the specific days and hours during which materials were crushed and will make this information available to the City of Oak Creek in a timeframe specified by the City, if so requested.

**Noise**

The operation will comply with noise standards set forth under the Municipal Code.

**OZINGA<sup>®</sup>**

Mobile Crushing

Oak Creek, WI

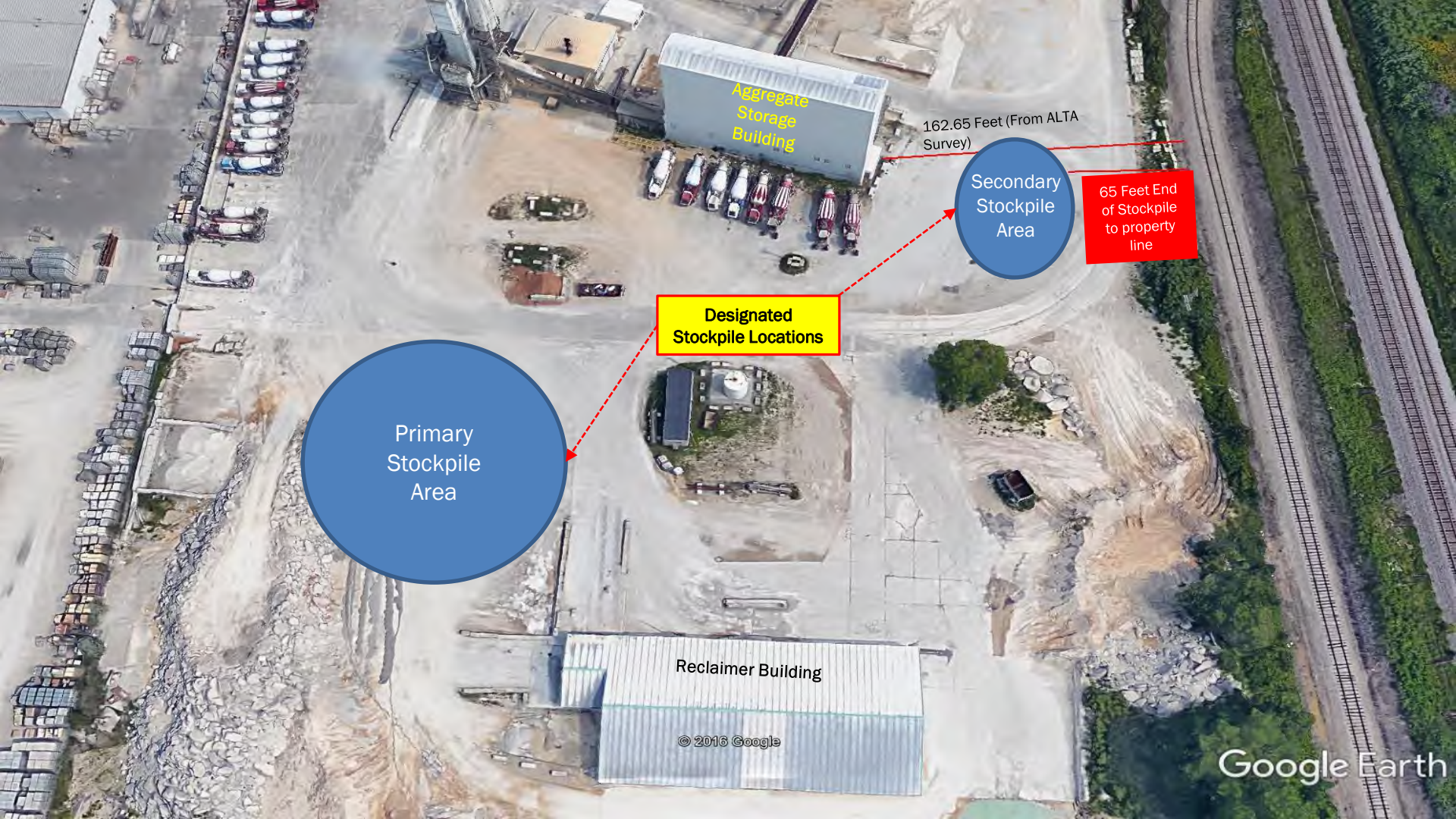
Milwaukee BB

BB

S 10th St

W Burkhard Ct

Ozinga Ready Mix Concrete, Inc.  
841 W. Rawson Ave.  
Oak Creek, WI 53154



Aggregate  
Storage  
Building

162.65 Feet (From ALTA  
Survey)

Secondary  
Stockpile  
Area

65 Feet End  
of Stockpile  
to property  
line

Designated  
Stockpile Locations

Primary  
Stockpile  
Area

Reclaimer Building

© 2016 Google

Google Earth

## Crushing Plant



## Stockpiles



## Equipment



## Stockpiles and Access







**OZINGA**













**OZINGA**









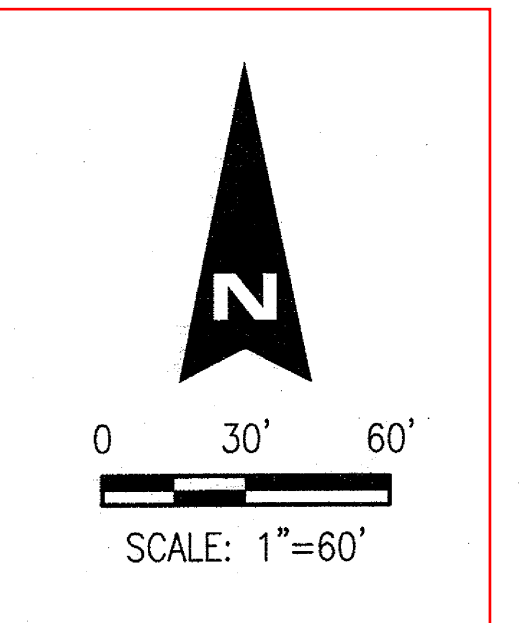


# A.L.T.A./A.C.S.M. LAND TITLE SURVEY

841 RAWSON AVENUE  
 OAK CREEK, WI 53154  
 TAX ID NO. 764-9051  
 DOCUMENT NO. 8311204

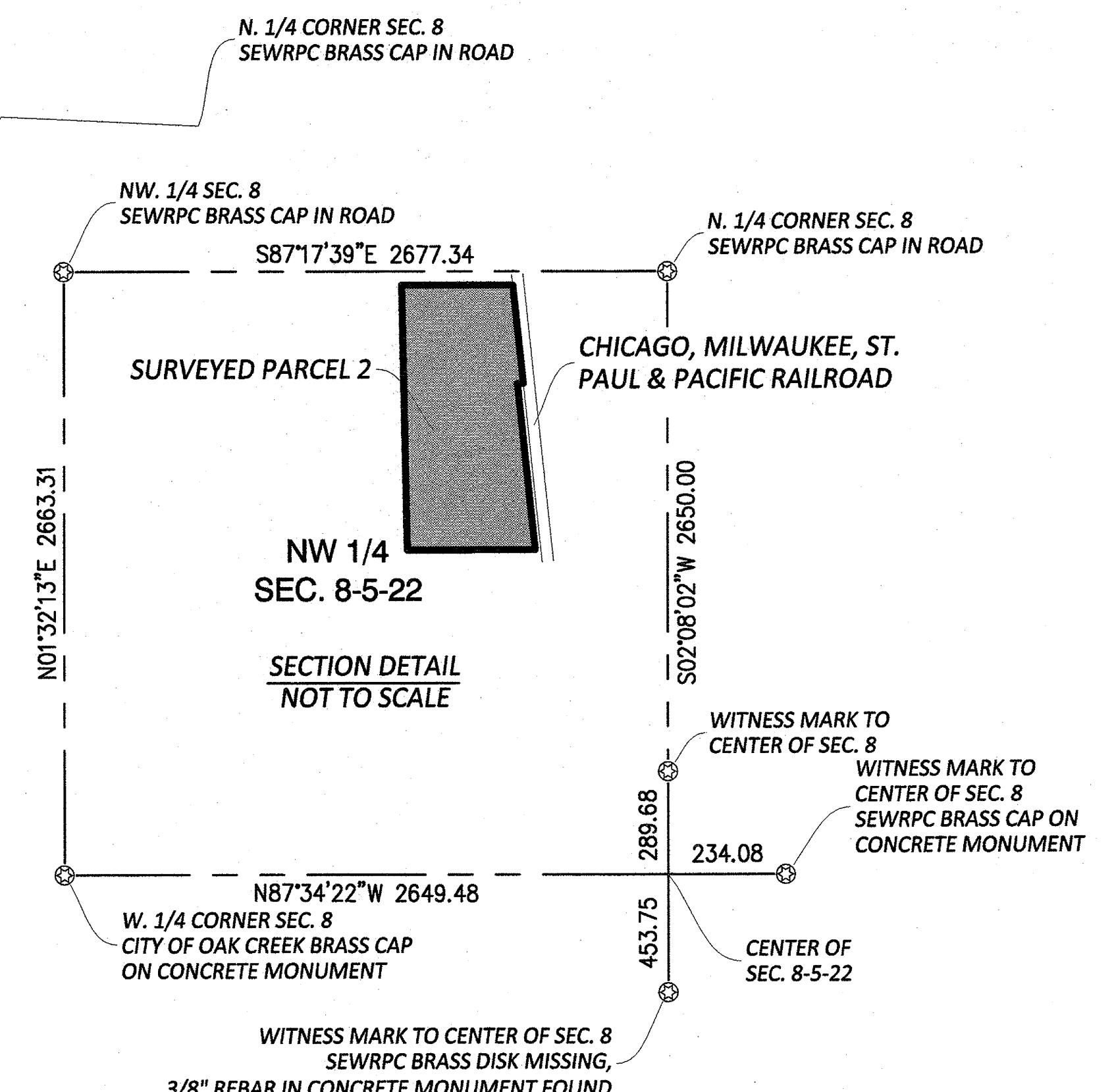
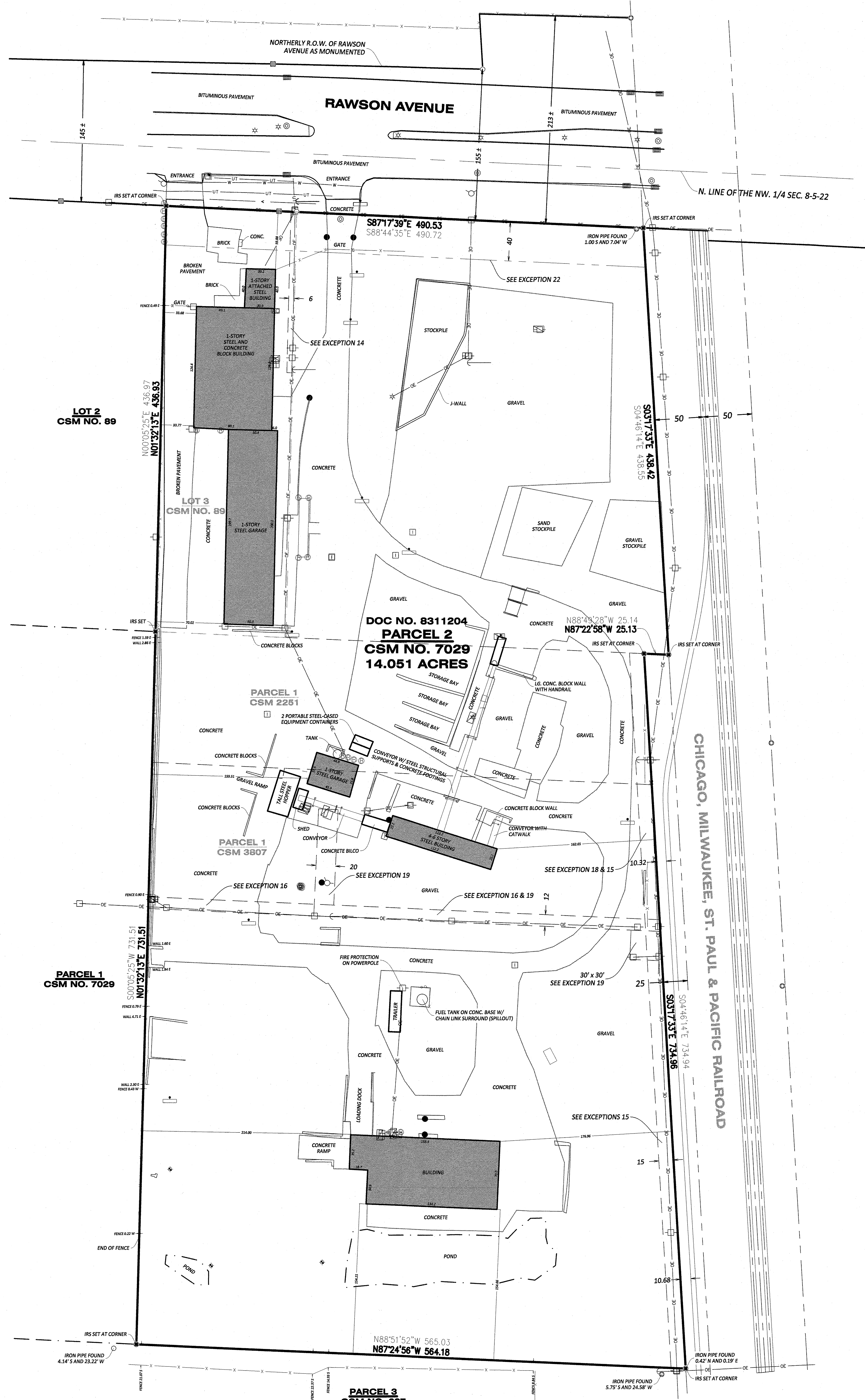
PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH,  
 RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

THE SIZE OF THIS DRAWING HAS BEEN REDUCED. IT IS NO LONGER AT A SCALE OF 1" = 60'-0". USE THIS GRAPHIC SCALE.



### LEGAL DESCRIPTION:

PARCEL 2 OF CERTIFIED SURVEY MAP NO. 7029, RECORDED ON OCTOBER 29, 2011, ON REEL 5189, IMAGES 858 TO 860, AS DOCUMENT NO. 8158811, BEING A REDIVISION OF LOT 3, CERTIFIED SURVEY MAP NO. 89, PARCEL 1, CERTIFIED SURVEY MAP NO. 2251, PARCEL 1 CERTIFIED SURVEY MAP NO. 3807, AND LANDS LOCATED IN THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, AS AMENDED BY AFFIDAVIT OF CORRECTION, RECORDED ON DECEMBER 19, 2001, ON REEL 5225, IMAGES 2196 TO 2198, AS DOCUMENT NO. 8187905.



### LEGEND

- FIRE HYDRANT
- IRON ROD SET
- IRON ROD FOUND
- MONITORING WELL
- BOLLARD
- BUSH
- TREE (CONIFEROUS)
- TREE (DECIDUOUS)
- AIR CONDITIONER
- INLET/CATCHBASIN
- MANHOLE
- WELL
- DOWNSPOUT
- GATEPOST/POST
- LIGHT POLE
- IRON PIPE FOUND
- GAS METER
- WATER VALVE
- GAS VAULT
- ELECTRIC HANDHOLE
- ELECTRICAL METER
- GUYWIRE
- ELECTRICAL BOX
- POWERPOLE
- TELEPHONE BOX
- MAILBOX
- SIGN
- FENCILINE
- OVERHEAD ELECTRIC
- RIGHT OF WAY

### SCHEDULE B SECTION TWO EXCEPTIONS:

11. THE SURVEYED PARCEL MAY BE SUBJECT TO RIGHTS CONTAINED IN AN EASEMENT GRANTED TO THE MILWAUKEE ELECTRIC RAILWAY AND LIGHT COMPANY BY INSTRUMENT RECORDED DECEMBER 4, 1925 AS DOCUMENT NO. 1337874. (AS DESCRIBED RELATIVE TO TREE CLEARANCE FOR OVERHEAD WIRES AT RAWSON AVENUE)
  12. THE SURVEYED PARCEL MAY BE SUBJECT TO RIGHTS CONTAINED IN AN EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY BY INSTRUMENT RECORDED ON JUNE 28, 1947 AS DOCUMENT NO. 2728452. (AS DESCRIBED RELATIVE TO TREE CLEARANCE FOR OVERHEAD WIRES)
  13. THE SURVEYED PARCEL MAY BE SUBJECT TO RIGHTS CONTAINED IN AN EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY BY INSTRUMENT RECORDED ON JANUARY 25, 1955 IN VOLUME 3391, PAGE 184, AS DOCUMENT NO. 363842. (AS DESCRIBED RELATIVE TO TREE CLEARANCE FOR OVERHEAD WIRES)
  14. EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY BY INSTRUMENT RECORDED ON MARCH 8, 1972 IN REEL 639, IMAGE/415, AS DOCUMENT NO. 4657853.
  15. EASEMENT GRANTED TO CITY OF OAK CREEK RECORDED ON MARCH 27, 1969, IN REEL 470, IMAGE 1554, AS DOCUMENT NO. 4453028.
  16. EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY BY INSTRUMENT RECORDED ON JULY 20, 1981, IN REEL 1390, IMAGE 177, AS DOCUMENT NO. 5489297.
  18. 15 FOOT WIDE STORM DRAINAGE EASEMENT AS SHOWN ON CERTIFIED SURVEY MAP NO. 3807.
  19. EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY BY INSTRUMENT RECORDED ON NOVEMBER 18, 1988 IN REEL 2276, IMAGE 1373, AS DOCUMENT NO. 6229317.
  22. 40 FOOT BUILDING AND PARKING SETBACK LINE AS SHOWN ON CERTIFIED SURVEY MAP NO. 7029.
- ITEMS 1 - 9 INCLUSIVE, 17, 20, 21, 23, 24 AND 25 ARE NOT SURVEY RELATED

### SURVEYOR NOTES:

- 1) THIS SURVEY WAS PREPARED USING COMMITMENT FOR TITLE INSURANCE NO. NCS-703435-12, DATED FEBRUARY 20, 2015 AT 7:30 A.M. BY FIRST AMERICAN TITLE INSURANCE COMPANY.
- 2) BASIS OF BEARINGS IS WISCONSIN COORDINATE REFERENCE SYSTEMS (WICRS) MILWAUKEE COUNTY COORDINATES. ALL DISTANCES ARE SHOWN IN SURVEY FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED.
- 3) BEARINGS AND DISTANCES HAVE BEEN SHOWN PER RECORD LEGAL DESCRIPTION AND AS OBSERVED IN THE FIELD.
- 4) NO ENCRANCHING DRIVEWAYS, ALLEYS, OR OTHER WAYS OF ACCESS FROM ADJOINING PROPERTIES ONTO THE SURVEYED PROPERTY WERE OBSERVED DURING THE PROCESS OF CONDUCTING THE SURVEY.
- 5) NO EVIDENCE OF ACCESS TO AND FROM WATERS ADJOINING THE SURVEYED PROPERTY, SUCH AS PATHS, BOAT SLIPS, LAUNCHES, PIERS AND DOCKS WAS OBSERVED DURING THE PROCESS OF CONDUCTING THE SURVEY.
- 6) NO EVIDENCE OF POSSESSION OR OCCUPATION ALONG THE PERIMETER OF THE SURVEYED PROPERTY, BOTH BY THE OCCUPANTS OF THE SURVEYED PROPERTY AND BY ADJOINERS, WAS OBSERVED DURING THE PROCESS OF CONDUCTING THE SURVEY.
- 7) NO ENCRANCHING STRUCTURAL APPURTENANCES AND PROJECTIONS WERE OBSERVED DURING THE PROCESS OF CONDUCTING THE SURVEY.
- 8) EXISTING STREET ACCESS TO THE SITE IS APPARENT FROM RAWSON AVENUE, ADJOINING THE NORTH LINE OF THE SURVEYED PARCEL.
- 9) 5/8" IRON RODS WERE SET (IRS) AT ALL CORNERS UNLESS OTHERWISE NOTED.

THE SIZE OF THIS DRAWING HAS BEEN REDUCED. IT IS NO LONGER AT A SCALE OF 1" = 60'-0". USE THE GRAPHIC SCALE IN THE UPPER RIGHT-HAND CORNER OF THIS DRAWING.

STATE OF ILLINOIS )  
 COUNTY OF DUPAGE )  
 TO: AGGREGATE INDUSTRIES MANAGEMENT, INC.; MEYER MATERIAL COMPANY, LLC; FIRST AMERICAN TITLE INSURANCE COMPANY; AND OZINGA READY MIX CONCRETE, INC.:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 4, 7a, 8, AND 11a OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 25, 2015.

DATED AT LISLE, ILLINOIS, THIS 26TH DAY OF MARCH, 2015

SCOTT A. LUTZ  
 WISCONSIN PROFESSIONAL LAND SURVEYOR  
 LICENSE NO. 3023-8  
 LICENSE EXPIRES JANUARY 31, 2016

S:\AGGREGATE INDUSTRIES\21407081 ALTA SURVEYS\REDMIX\_SITES\10\_SURVEY\10\_4\_DRAWINGS\OAK CREEK\_21407081.DWG

REV. #	DATE	DESCRIPTION

**PATRICK ENGINEERING**  
 PROFESSIONAL DESIGN FIRM LICENSE NO. 184-000409

4970 Varsity Drive  
 Lisle, Illinois 60532-4101  
 TEL: (630) 795-7200  
 FAX: (630) 724-1681  
<http://www.patrickengineering.com>

**AGGREGATE INDUSTRIES**

ALTA/ACSM LAND TITLE SURVEY  
 841 W. RAWSON AVENUE  
 OAK CREEK, WISCONSIN

SCALE	1"=60'	DATE	1/30/15
FIELD CREW	BTS	PROJECT	21407.081
DRAWN BY	CD/RJP	SHEET No.	
CHECKED BY	SL	<b>1</b>	
APPROVED BY	SL	1 OF 1 SHEETS	

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