

**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. 20th 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 20th 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. 20th 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:



Karl Papelbon, Plan Commission Secretary

4-27-21

Date