

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, May 11, 2021**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siepert. Alderman Loreck and Commissioner Chandler were excused. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; Laurie Miller, Zoning Administrator; and Assistant Fire Chief Mike Havey.

Minutes of the April 27, 2021 meeting

Commissioner Siepert moved to approve the minutes of the April 27, 2021 meeting. Commissioner Oldani seconded. On roll call: all voted aye.

BOARD OF HOUSING AND ZONING APPEALS ACTION (new report)

Zoning Administrator Miller provided an overview of the denied Appeal No. 21-001, 9921 S. Shepard Avenue, a request for a variance of Oak Creek Municipal Code, Section 17.0307(f)(2), (see report for details).

PLAN REVIEW

TRUCK COUNTRY – MCCOY GROUP

9970, 10020, AND 10040 S 20TH ST.

TAX KEY NOS. 926-9977-001, 926-9978-001, 926-9979-000

Planner Papelbon provided an overview of the proposed site, building, and related plans for a truck sales and service building (see staff report for details).

Ryan Spott, Davis & Kuelthau, S.C., 111 E. Kilbourn Avenue, Suite 1400, Milwaukee, representing Truck Country, introduced the presentation team that will be available to speak. Truck Country is part of McCoy Group, Inc., and is a family-owned full-service truck dealership. Truck Country has run out of space at their Oak Creek location at 2222 W Ryan Road. They are at capacity so they are looking to develop this million-dollar project at the site on 20th Street, which will create more jobs and a larger tax base. There was a neighborhood meeting a few weeks ago where we took into consideration the residents' comments, and made some adjustments to the site plan.

Christopher Johns, Eppstein Uhen Architects, 333 E Chicago Avenue, Milwaukee, representing Truck Country, provided additional images to help clarify some comments of the articulation of the building and landscaping. Truck Country will amend the lighting to the 3500 Kelvin temperature color. Mr. Johns stated that the team will be happy to answer any questions.

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

“I want to thank Truck Country for taking the meeting into consideration moving those parking spaces that makes a huge difference. What I am curious, I couldn't quite tell is happening is the berming staying the same on the South and it disappears as you get closer to the end. It is hard to tell.”

Mr. Johns stated it tapers down to the west, and this was for the drainage path.

Mary Lavin:

"It tapers down and disappears. That is what I understand, I know they say they set this up because of the way the drainage is. I do have a bit difference of opinion about that. We appreciate them relocating those truck spaces because they were just 45 feet away from Kaylee's house. And now they moved them and they the same setbacks all the way across but still the berm completely disappears. They have this beautiful berm on the South East part of the property where nobody lives, it's just an open field and the interstate. As they get closer to Judith Place where the houses are, there is no berm whatsoever and just going to be a few trees. I know they say it is because of drainage issues but this piece of property is in right between the Oak Creek water shed and Root River water shed. There are couple of different options for pooling and draining this piece of property. And I just want to say just there just nice to have a bit buffer between the industry industrial side and the residential side. I appreciate the work you have done so far and I really hope we can get I don't know it is just a lot of what we got right now, just now beautiful mature trees which blocks the noise, the odor and lights from the interstate. When this comes in they are going to wipe this out and bring in with little bit of berm, and some shrubs and it will bring a lot more noise, lights and odors from Truck County and the interstate. It would just be nice to somehow to continue the berm and I just wish they could take another look at the drainage situation and if you need some ideas or suggestions, I am willing to talk. Thank you for your time."

Kailee Kujac, 10108 S Judith Place, Oak Creek:

"I am the direct neighbor of this development and I have a question based on the picture, is the fence gonna be literally, right at the property at the line. I just speak because I like to see natural life and I might sound nick picky but staring at a fence is just like eh, you know trees would be better. I don't know if it would save them time and money to shorten it closer and allow some trees to the other side just so. I am not sitting out having coffee a weekend staring at a fence that isn't natural and not there and not the reason that I bought my house that I have now. Basically, everything that Mary said was on my list that I wanted to ask based on those pictures. I do want to thank them for moving away from my home, getting me a little more distance with my children. I am going to have a baby and a 2-year-old playing in my back yard and I just want them to have the best life. So, I just want the City to really vouch for us and really understand that this is a big big change for us and is really really deeply affecting many of us. Thank you."

Wayne Modjeski, 10220 S Judith Place, Oak Creek:

"My neighbors talked about some of the parking and stuff and I know you guys switched around but I see that the 2nd row there that goes all the way down. Is there going to be a drive through there because it look likes now, it will have to go through and come back down I mean to have that is gonna be like shinning right at her house and stuff because there is going to be no way you can go through the berm over there #1 #2 we got all of these businesses in and you put in that berm over by Reinhardt for us. you got Amazon that went over there, they got a big berm and tree and stuff overt there. Is there anything else we can maybe design a little better so it is more sound proof and more of a berm than what we have here."

Mayor Bukiewicz commented they will try to address this or get some answers on this.

Commissioner Hanna and Commissioner Sullivan stated their agreement with the residents that there are not enough buffers. They stated that they appreciate the changes already made by Truck Country, but everything is aesthetically pleasing but not a buffer.

Commissioner Sullivan inquired if they could put in a driveway or remove the parking stalls on the west side of the property eliminate some of the problems.

Mr. Johns responded that they are pull-throughs, even though there are marked as stalls.

Alderman Guzikowski stated that this is his District, and that he appreciates the changes already made, but has concerns that this is not 100% what the neighbors are looking for. He stated that he agrees that the buffer still needs to be addressed.

Justin Johnson, JSD Professional Services, W238N1610 Bussey Rd, Waukesha, stated that on the southwest moving easterly you have about a five-foot berm from the top of the berm to the pavement elevation of the truck parking. The fence line will run the length of the berm, which is eight feet high. On the side of the residents, there is landscaping. On the truck side of the berm at some point has to go down to meet existing grade. There will be different types of trees planted as well, both on the berm and the residents' side. On the Truck County side there will be ornamental type of trees that will fill in the coniferous trees. The landscape plans should deflect any lighting issues. Slats or privacy fence could be added, but that would have to be cleared with their clients.

Mayor Bukiewicz stated that would make the top of the berm 13 feet.

Mr. Johnson confirmed the berm and fence will add to 13 feet. He asked if all of their questions were answered.

Kailee Kujac:

"Reinhart their berm is level the whole way. It doesn't start tapering until it makes a turn. And then it tapers down. I am 5-feet, 2inches'. Can you imagine two (2) inches shorter than me being my sound light barrier. I don't know how that is going to work. I'm very sad to hear that. I understand the fence is now going to be on top of the berm. I don't know how they could do a turn and then taper down to keep it level. Whether they can move the fence somewhat, I don't know."

Mayor Bukiewicz stated that the answer to this would get into environmental control of stormwater. He stated that he did bring it up at the meeting, and then met with the Engineering Department. Parts [of the property] drain both south and north. It is just the topography and to keep it natural. The higher the berm, the wider the berm, and they are hindered with this as well. As Commissioner Sullivan stated, they will continue to work on this. They understand and they will have to come up with a workable solution.

Kailee Kujac:

"I understand this but from the Residents side they can't have more sounds. Thank you and I appreciate that. That is all I have."

Rich Grams, Rich Grams, 980 W. Canterbury Court:

"I think there not knowing what they are in for. They put Fed Ex by me. It has to be a one-half mile away. The lights are in my backyard which I use to have a beautiful back yard. The City actually dropped my taxes five percent because of those lights and I now hear beep, beep, beep, crash, crash, crash and racing engines on big trucks. Sound travels, I don't know how far away or how many big berms you can have it's going to be a nightmare for them.

Commissioner Oldani stated that on other plans we have seen trees on top of the berm and asked whether this has been considered. He recommended pushing the fence back close to the property, and install the big pine trees that would help block lights and sound. He stated that he would prefer the trees and landscape be located outside the fence so the residents have landscaping.

Mayor Bukiewicz stated they are putting up black and white pine trees.

Commissioner Oldani asked for clarification that the trees and fence are on the berm.

Mr. Spott stated the fence will be on the berm and the trees will be on either side of the fence.

Commissioner Siepert stated concerns with the Utility access to the south and southwest, and asked whether they have any problems getting to the easement.

Mr. Spott stated that they are getting to the realm of competitive interest with Utility and residents' needs. He stated that they will work with Utility to adjust the plans to have an easement path through Truck Country's property. This will need to be reviewed with Truck Country and the Utility, including the water issues and the easement path.

Mayor Bukiewicz stated the drainage and landscaping issues need to be worked out. They also have to discuss to the east. The right-of-way, setbacks, screening and the truck ramp that Planner Papelbon has indicated. Mayor Bukiewicz stated that he has concerns with the truck ramp being one of the first things you see when coming into Oak Creek. Mayor Bukiewicz would also like to see more glazing in the front of the building where the sales are.

Director Seymour stated that he appreciates working with the Site Plan with the Commissioners, the neighbors, and the applicant regarding the rules of engagement that apply, and the two (2) different Zoning Codes vs. the Planned Unit Development. In Ordinance 1294, it states the uses permitted, and they list seven (7) or eight (8) uses. Truck sales and displays are not listed. In 1987, if the use is not listed, the Plan Commission can approve the use. At a future meeting, the Plan Commission, or if Plan Commission wants, Council, should discuss and approve those uses.

Mayor Bukiewicz called for a motion.

Alderman Guzikowski moved that the Plan Commission HOLD the site, building and related plans for a proposed truck sales and service building on these properties until a future meeting date.

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

PLAN REVIEW
THE MYGRANT LIVING TRUST C/O IMAGINE DEVELOPMENT ASSOCIATES
10501 S OAKVIEW PARKWAY
TAX KEY NO. 955-1035-000

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

Rizal Iskandarsjach, JSD Professional Services, Inc., W238N1610 Bussey Road, Pewaukee, introduced the presentation team that will be available to speak. The southeast truck trailer area will get smaller because of greenspace requirements. While working with Assistant Chief Havey on the northeast corner, we had to add a turn around for a fire truck. Now we are above the 20% greenspace, so we will lose some pavement in this trailer area. Berming and planting will be added for screening.

Mike Havey, Assistant Chief, Fire Department, stated that they worked with the developer and Engineering Department, and were able to work an acceptable turnaround.

Mayor Bukiewicz asked if there are any concerns with the pump room.

Assistant Chief Havey stated they have no concerns with the pump room.

Commissioner Sullivan asked whether there has been any consideration given to moving the driveway on the north to eliminate some of the shared entrance issues with Greco.

Mr. Iskandarsjach stated that such could be considered. They have a direct fire entrance from the north entrance for the ease of fire access and their turnaround. If it is moved south, we would have to make sure it will work for the Fire Department.

Commissioner Sullivan stated if the north driveway is for ease of fire access, Engineering would agree to the north entrance.

Mr. Iskandarsjach stated if they keep the north entrance, they would need to work out an agreement with Greco to allow a turn-around on their property.

Commissioner Sullivan responded if the north entrance was eliminated, it would eliminate other issues.

Commissioner Hanna commented that she agreed with Planner Papelbon's suggestions for landscaping, and asked how will this get worked into the motion.

Planner Papelbon responded that this area is changing, and it is up to the Plan Commission whether they wish to defer to staff or bring it back to the Commission for review and approval.

Mayor Bukiewicz asked the Plan Commission if they want to deferred to staff or bring it back to Plan Commission. Mayor Bukiewicz commented he has faith in the staff.

Commissioner Hanna stated her preference to defer to the staff.

Alderman Guzikowski moved that the Plan Commission approves the site and building plans submitted by Jeremy Jensen, The Mygrant Living Trust c/o Imagine Development Associates, for the property at 10501 S. Oakview Parkway with the following conditions:

1. That all relevant Code requirements are in effect.
2. That the plans are revised to include details for the proposed screen wall, fence, and all

parking stall dimensions.

3. That the plans are revised to include locations for all mechanicals, transformers, and utilities. All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
4. That the landscape plans are revised to ensure all trees are planted outside of utility easements and to address staff comments regarding the trailer parking area.
5. That a detailed Master Sign Plan is reviewed and approved by the Plan Commission prior to submission of sign permit applications.
6. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

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

**CONDITIONAL USE PERMIT AMENDMENT
PETRICHOR HOLDINGS, LLC ON BEHALF OF CARVANA
561 W COLLEGE AVE
TAX KEY NO. 718-9002-000**

Planner Papelbon provided an overview of the request to for an amendment to the existing Conditional Use Permit to allow for 24-hour operations (see staff report for details).

John Schlueter, 7265 S. 1st St., Oak Creek, representing Carvana (via Zoom). Carvana has had challenges with deliveries of vehicles during regular business hours. They are not open 24 hours a day, so this makes for trucks waiting, parked on College Avenue, for up to 12 or more hours to deliver cars. They do want to be considerate of their neighbors on the east. These changes would make all deliveries to the west side of the property. This property is located on a county highway. There are other distribution businesses within a half-mile, and this is a heavy-use highway. Mr. Schlueter stated that they feel that their loading and unloading of cars will be minimal to what is currently going on in the area.

Mayor Bukiewicz read into the record comments for Dave Komasa, 531 W. College Avenue:

“Garbage, trucks parking next to fence by the house, car haulers all hours of the night and weekends. I get three (3) hours a night of sleep half is with my wife because of cancer and the other half is with the next door.”

Keane Kehoe, 513 W College Avenue:

“It’s been an ongoing issue with Carvana and Enterprise, you guys have seen me before. Their twenty-four-seven right from day one. There is nobody waiting on College Avenue to unload trucks. They are going out both entrances and they are unloading sometimes in the street. On both sides they are still doing what they have always doing. Major garbage problems front and back yards. They can’t even close the garbage dumpster lids to keep the garbage contained. They did clean up in back and cut some weeds down. I’d seen a guy took two (2) pickup trucks full of garbage from about accumulation of five (5) years from Enterprise and Carvana. Twenty-four-seven they are doing this now so I don’t see how this going to make our problems go away, it is going to make them worse. “

Mayor Bukiewicz responded they are going to the west in the parking lot, which puts some additional footage between you and gets trucks off the road, which both are improvements.

Keane Kehoe, 513 W. College Ave.:

“The thing is they are not going out the same entrance they are coming in because of the layout of the turnaround they go next to Dave’s house out and with those loading ramps they ride really low and it almost sounds like someone dropping garbage cans off a curb at all hours of the night. It wakes me up and I am two (2) doors over so I can imagine how bad it is for Dave and his wife. There is no limit on hours I have called and complained but nothing gets resolved.”

Mayor Bukiewicz responded that they have been around this in the past, and our option was the police and that is why we have ordinances. Hopefully the police have paid them a visit.

Keane Kehoe, 513 W. College Ave.:

“Nothing gets accomplished. I was actually surprised that they had picked up the garbage a couple of weeks ago but it was probably to prepare for this meeting. That is probably the only reason they did it.”

Mayor Bukiewicz responded that we are hoping to have a compliance officer in place this summer working on this issue with businesses.

Keane Kehoe, 513 W. College Ave.:

“It is worse in the summer because our open. There were times last year during the summer that I had to close my windows trying to get a good night’s sleep but it they still bang the car ramps and constant car horns and alarms going off. I listen to it all day long and I listen to it all night long. So, I don’t know how this is going to resolve any of our issues and I think it is just going to make it worse.”

Zoning Administrator Laurie Miller stated that they have been working with Officer Haggerty (Police Department) to correct these situations with Carvana, and explained the efforts that have been made. They have not received complaints, and Mr. Kehoe emails state the problems have stopped.

Commissioner Carrillo asked Planner Papelbon if the Commission could require any changes, such as adding a berm or something to help with the issues.

Planner Papelbon stated that this is manufacturing next to manufacturing, zoned as an M-1 District, including the existing residential components of these properties, and are allowed to operate as a manufacturing district. This property has been operating like this for some time, and efforts were made to improve the area, including a fence and landscaping. To tell them now to put up a berm would not be feasible.

Commissioner Oldani stated that pulling all of the stops for a 24/7 delivery service is not a solution. Providing 24/7 delivery only helps the applicant with scheduling. He stated that he has concerns for the middle of the night deliveries for unloading in just the specific areas as indicated in the packet.

Commissioner Siefert stated his agreement with Commissioner Oldani.

Mayor Bukiewicz stated that he likes that they are regulating the unloading to the West side and put some distance on the property. Mayor Bukiewicz asked if there is a way to control deliveries from using the east entrance.

Planner Papelbon asked Mr. Schlueter to confirm that the property is divided with a fence to separate the businesses so that Carvana can not use the east driveway.

Mr. Schlueter stated the fence is in the back only, and that they are happy to divide it in the front so they would be forced to use the entrance on the west.

Mayor Bukiewicz asked if there are any concessions that could be made for the hours, and how many deliveries would be made.

Mr. Schlueter responded that all of their [Carvana's] business uses 24/7 deliveries. He stated that he does not have the information on deliveries. Looking at the other businesses in the area which use the county highway (College Ave), he feels their use would be light compared to the other uses. Mr. Schlueter said that they would agree to conditions making them use the west side driveway, by inserting a fence in the front and to make unloading on the west side.

Commissioner Oldani asked the applicant if they use the same group of drivers, and whether they are coming from the same places.

Mr. Schlueter responded that the drivers do vary somewhat, but the company is the same. If the concerns on how the driver will know where to unload, I have considered signs and will be installing some in the near future. He would be happy to make this part of the conditions to put a sign up.

Commissioner Oldani stated his concern for driver turnover, and that drivers being paid by the hour do not follow signs. His concern is not the use of the property, but the noise.

Alderman Guzikowski stated that some of the challenges are having a commercial next to a residential property, and how you resolve them co-existing. We could ask them to respect their neighbors when they are there.

Commissioner Sullivan suggested one of the conditions be that they can only unload the cars on the west side of the building, using the building to shield the neighbor from some of the noise. Commissioner Sullivan asked if the City has any other type of businesses like this running 24/7 operations.

Planner Papelbon stated that there were several. M-1 Districts are not restricted for hours of operation, and the City has several distribution companies that operate 24/7. In Oakview Business Park, for example, they have several distribution centers that operate 24/7.

Mayor Bukiewicz stated his agreement with Commissioner Sullivan's suggestions.

Planner Papelbon stated that as part of a Conditional Use Permit, the Plan Commission does have the authority to add conditions that are for just this site.

Keane Kehoe, 513 W. College Avenue:

“There is actually an ordinance in the City of Oak Creek for car haulers but I do not have the code with me and I could probably look it up and find it again. For having certain hours for deliveries that is one of the things I was trying to stress and it seem no one wants to do anything about it.”

Zoning Administrator Miller stated that she is familiar with the Code Section referenced, but she does not have the specific information. That Code he is referencing is for commercial districts and not for manufacturing districts.

Commissioner Hanna stated that she has concerns to allow Carvana to legally operate 24/7. Not all M-1 District properties are the same, so we cannot treat them all the same. So, they need to handle each situation individually.

Mayor Bukiewicz stated that they are just trying to have some consistency for the M-1 District. He asked if the homes are M-1 and not just nonconforming.

Planner Papelbon responded there is history with the approval of these properties for operations and residences.

Keane Kehoe, 513 W. College Avenue:

“There are signs already in the front delivery saying that times are these hours. They don’t read the signs. One of the biggest issues with the car alarm going off. I do have a car lot that people drop off their cars. I wake up in the middle of the night thinking that maybe someone is breaking into customer cars so I look outside my window ok that’s Carvana. It’s bad all the way around.”

Commission Hanna stated that the Commission would like consistency within the M-1 District, but not all M-1 properties are the same. Providing them [Carvana] with 24/7 access would only provide them the legal way to do business as they are now.

Director Seymour stated that, while not a solution, the Commission should be aware that he and the applicant have been working with Milwaukee County regarding the property to the west. The property was transferred from the County to the City with the Condition that it be used for roadway purposes. At one point in time, S. 6th Street was going to extend through Oak Creek. We have been trying for months to get a response back from the County as to whether they would waive that restriction, and the property would be available for this property owner to help resolve some of these issues. It is not a solution for now.

Commission Hanna asked if S. 6th Street is a local street.

Director Seymour stated that it is a local street, but it does not go through Oak Creek. At one point, it was supposed to go through, and Milwaukee County acquired this property and transferred it to the City with this condition. They are trying to clear the title so it would be the City’s disposition for its uses. This is for consideration at a future meeting.

Commission Hanna questioned if this would become a route for oversized/overweight [vehicles], and whether they could be told it could not be used in the future.

Director Seymour stated that this is only going to be a driveway. It will never become a road.

Commissioner Oldani moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit Amendment to allow operations 24 hours per day, 7 days per week on a portion of the property at 561 W. College Ave., after a public hearing.

Mayor Bukiewicz seconded. On roll call: Commissioner Sullivan, Commissioner Carrillo, Mayor Bukiewicz, and Alderman Guzikowski voted aye. Commissioner Oldani, Commissioner Siepert, and Commissioner Hanna voted no. Motion carried.

**TEMPORARY USE PERMIT
TREE-RIPE FRUIT COMPANY
501 W RAWSON AVENUE
TAX KEY NO. 765-9046-000**

Zoning Administrator Miller provided an overview of the request to temporary sale of produce within a portion of the parking lot located at 501 W. Rawson Avenue (see staff report for details).

Lauren Caravello, 8001 W. Norwich Street, Milwaukee, Managing Director of Tree-Ripe Fruit Company stated that she would be happy to answer any questions.

Mayor Bukiewicz asked if they have ever considered selling at Farmers Markets.

Ms. Caravello stated that we sell bulk fruit in 25-pound boxes, and bring 200-300 customers with their vehicles for easy loading. They do sell 4-pound bags of fruit at Farmers Markets. They are two (2) separate operations.

Commissioner Siepert stated his opposition to selling merchandise out of a truck in a parking lot because of the image it gives the City. He stated that he would prefer to see it at the Oak Creek Farmers Market.

Commissioner Oldani stated he does not have a problem with it.

Alderman Guzikowski stated we have done this in the past.

Commissioner Carrillo stated she manages the Farmers Market. She stated that she would like to see them sell at the Farmers Market, not in a booth, but selling like they do now maybe in the back location behind City Hall. The Farmers Market can share the community resources. Some of the logistics and the space Tree-Ripe Fruit Company would need to be discussed.

Mayor Bukiewicz stated that he understands the logistic issues, and would encourage Tree-Ripe Fruit Company to work with Commission Carrillo. The City would love to see an additional 200 people going through Oak Creek's Farmers Market.

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

1. That sales are limited to one (1) commercial vehicle conducting outdoor produce sales.
2. That the sale of produce is limited to two (2) dates of June 26, 2021 and July 17, 2021.
3. That sales shall occur between the hours of 8:30 AM and 11:00 AM (**or as determined by the Plan Commission**).

Alderman Guzikowski seconded. On roll call: all voted aye, except Commissioner Siefert, who voted no. Motion carried.

**PLAN REVIEW
THE CELLAR
812 W OAKWOOD RD
TAX KEY NO. 925- 9005-000**

Planner Papelbon provided an overview of the proposed site, building, and related plans for an outdoor patio and covered pavilion on the property (see staff report for details).

William Nelson, 811 E Elm Road, Oak Creek, stated the pavilion will be west of their existing patio.

Commission Hanna asked the applicant how the residents are responding to the noise, traffic or parking since it is mainly a residential neighborhood.

Mr. Nelson stated that they have not received any complaints. Since they have been there for 21 years, most of the customers are from the neighborhood. In the early days, The Cellar was mainly a bar but now it is more of a restaurant - 60% of our sales is in food. They are a casual family-friendly place, looking for more space for people to be outside. The parking is sufficient, and utilize an adjacent lot for event parking through an agreement with the landowner.

Rich Grams, 980 W. Canterbury Court:

“My bedroom is within 200-300 feet of your building; what type of structure is it going to be. With footings 4ft deep and what are you going to use this for. Will there be bands “

Mr. Nelson stated that it is going to be steel columns. This is going to be used for an expansion of the business. We are not going to have bands.

Rich Grams:

“Last summer you had bands in a tent all of the time. For everybody in this room you are telling me that you are not going to have any bands.”

Mr. Nelson stated they may have a single act band (acoustic only), they would have music in the background, but nothing for entertainment. They have a golf outing in June, and this is the type of event we would use the pavilion for.

Rich Grams:

“I think it is going to be a pavilion with bands based on the submission. This is what you did all last summer.”

Shirley Nelson, 811 E Elm Road, stated that there is going to be music, but it will comply with the noise ordinance.

Rich Grams:

“There are going to be bands or music.”

Ms. Nelson confirmed that there will be music. They will comply with the 10:00 p.m. noise ordinance, and stated that they have not had complaints.

Rich Grams:

"I have complained because they were still going at 11pm. He was told by the police dept any noise from 10:01pm he can call and has a problem."

Ms. Nelson stated that they have always tried to be respectful of the neighbors.

Rich Grams:

"I know Mr. Nelson and have a good relationship with him. Last summer my wife has become ill and our bedroom is right in the corner, it's been rough and obviously we like fresh air in the summer."

Mr. Nelson asked Mr. Grams to call him directly if he has any kind of problems. He will handle them for him.

Rich Grams:

"The only reason I sat here all night, I don't want to hear music. It sure is going to hit me now because they are moving even closer to me than the tent was. The other thing I thought you were going into wetlands."

Commissioner Siefert asked for the hours of operations.

Mr. Nelson stated that people use the patio throughout the night - it is not restricted. Our business is open until 2:00 a.m. The pavilion will be open and people will be allowed to sit out there, but we will comply with the 10:00 p.m. noise ordinance.

Ms. Nelson stated that the pavilion will be used mostly for events. They are filling a need for clients who want to be outside. In the past, the weather has caused them to rent tents, so this pavilion will replace this need.

Mayor Bukiewicz asked the applicant if this is going to be on a cement slab with picnic tables.

Mr. Nelson stated that this is going to be on a slab a little bit higher, looking down to a water feature.

Commissioner Siefert moved that the Plan Commission approves site and building plans submitted by William Nelson, Cellar Pub, for the property at 812 W. Oakwood Rd. with the following conditions:

1. That all relevant Code requirements are in effect.
2. That the plans are revised to include locations and screening for any new mechanical equipment, transformers, and utilities (if applicable).
3. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

Alderman Guzikowski 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 8:08 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

5-25-21

Date