

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, DECEMBER 14, 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, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator; Jack Kovnesky, Planning Intern; and Mike Havey, Assistant Fire Chief.

Minutes of the November 23, 2021 meeting

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

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

PUBLIC HEARING

SIGN APPEAL

FROEDTERT AND THE MEDICAL COLLEGE OF WISCONSIN

7901 S. 6TH ST.

TAX KEY NO. 813-9056-000

Zoning Administrator Miller read the public notice into the record.

Mayor Bukiewicz made the first call for public comment.

Mayor Bukiewicz made the second and third calls for public comment. Seeing none, the hearing was closed.

SIGN APPEAL

FROEDTERT AND THE MEDICAL COLLEGE OF WISCONSIN

7901 S. 6TH ST.

TAX KEY NO. 813-9056-000

Zoning Administrator Miller gave an overview of the request for variance allowing the applicant to install three (3) wall signs and twenty (20) vinyl window signs at the property of 7901 S 6th St. (see staff report for details).

Zach Wenger, Lemberg Electric and Signs on behalf of Froedtert, 4085 N. 128th St., Brookfield, informed the Commission he was available to answer any questions.

Mayor Bukiewicz told the Commission he had attended a meeting with the applicant, where the “Drexel Town Square” branding and the large “H” hospital sign were addressed. Mayor Bukiewicz said the “H” sign could only be used when a facility is designated as a hospital or emergency facility. Mr. Wenger added it is the State Department of Health which grants designation as a hospital or emergency facility. Mr. Wenger said the State required Froedtert, by law, to brand the hospital as “Froedtert Drexel Town Square”.

Alderman Loreck expressed his understanding of the importance of the number of wayfinding and directional signs on the property.

Commissioner Chandler asked about the location of the vinyl signs in relation to the other permitted signs. Mr. Wenger replied that Lemberg is not contracted to apply the vinyl signs, but his understanding was that they would go on each and every door, in order to brand the appropriate entrances. Commissioner Chandler inquired whether each door already had signage above it identifying what the entrance was for. Mr. Wenger answered that they did, but the purpose of those signs was to draw people from a distance, where the vinyl signs were meant to draw people who were right in front of them. Mr. Wenger added that several wayfinding signs that had been previously proposed, were removed from the original plan in favor of the vinyl signs.

Commissioner Siepert moved that the Plan Commission approve sign variances allowing the installation of three (3) wall signs and twenty (20) vinyl window signs at the property of 7901 S. 6th St.

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

**SIGN PLAN REVIEW
FROEDTERT AND THE MEDICAL COLLEGE OF WISCONSIN
7901 S. 6TH ST.
TAX KEY NO. 813-9056-000**

Zoning Administrator Miller gave an overview of the proposed update to the Master Sign Plan for the property of 7901 S 6th St. (see staff report for details).

Alderman Loreck moved that the Plan Commission approve the updated Master Sign Plan submitted by Zack Wenger, Lemberg Electric, for the Froedtert building at 7901 S. 6th St.

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

**PLAN COMMISSION CONSULTATION
WELLSPRING CONSTRUCTION GROUP
7221 S. 10TH ST.
TAX KEY NO. 764-9047-000**

Planner Papelbon provided an overview of the conceptual proposal for a potential office and warehouse facility with land division on the property at 7221 S. 10th St. (see staff report for details).

Planner Papelbon noted staff had several concerns with the proposed plan. Changes would be required with the laterals for sanitary, water and sewer, for the existing and proposed buildings, and the old laterals would need to be abandoned. The stormwater pond would need to be expanded to serve both properties. Code requires that each property have 30 percent open green space. If the stormwater pond were kept on the out lot, neither property would meet that requirement. A Certified Survey Map (CSM) to divide the pond in half would solve that problem. A note outlining the shared agreement of the stormwater pond would need to be included with the CSM. The pond could also be added to one or the other of the parcels, and a shared stormwater agreement could be included with the CSM.

Tim Kneprath, Wellspring Construction, 227 Sussex St., Pewaukee, told the Commission that Planner Papelbon's overview was very succinct. Wellspring is looking to determine if the Plan Commission would be in favor of them dividing the property containing the stormwater pond. Their preference would be to implement a maintenance agreement and split the stormwater pond down the middle, in order to share viable green space between the two properties and allow each to meet Code requirements.

Commissioner Sullivan said Engineering's preference would be to have the stormwater pond on an out lot, however, it was understood that option hinders some of the development potential. If the pond were to be split in half, a Stormwater Maintenance Agreement would need to be attached to one of the parcels, then an internal agreement would need to be reached between the properties and noted on the CSM.

Commissioner Chandler questioned if both buildings would incorporate office space along with manufacturing facilities, or if one building would be an office, and one building would be manufacturing space. Mr. Kneprath answered that both buildings would have office and manufacturing or warehousing, associated with them. The existing building would retain its current use, and the new building is proposed to be a warehouse with a small office.

Commissioner Siepert asked if the new facility would be enclosed with fencing. Scott Schuester, Action Express, 6023 S. Howell Ave., Milwaukee, said it would likely be fenced similar to the way in which the existing building is fenced. Commissioner Siepert questioned if there would be a separate entrance on the south side for the new facility. Mr. Schuester answered there would be.

Alderman Loreck inquired if it would cause any issues with the existing fencing if the lot line were put down the middle of the stormwater pond. Planner Papelbon replied there would not be an issue.

Commissioner Sullivan encouraged the applicants to continue to work with Water and Sewer Utility if the project moved forward.

Mayor Bukiewicz commented that it makes sense to develop the property to its fullest potential. Mayor Bukiewicz questioned if the topography of the existing site would need to change if the storm water pond were to go on only one site. Mr. Kneprath replied that he did not believe so.

Mr. Kneprath thanked the Commission for its positive feedback.

PLAN REVIEW

WE ENERGIES

4801 E. OAKWOOD RD. & 11060 S. CHICAGO RD.

TAX KEY NOS. 964-9999-001 & 965-9999-001

Planning Intern Jack Kovnesky, provided an overview of the site and building plan review for proposed additions to the Elm Road Generation Station (see staff report for details).

Commissioner Chandler questioned whether there was both a new enclosure, and an extension of an existing enclosure. Taylor Robertson, Burns & McDonnell Engineering Company, Kansas City, MO, replied that there were two separate enclosures. One existing enclosure would be expanded, and a new, larger enclosure, would be built to house new equipment.

Commissioner Chandler asked the purpose of expanding the existing enclosure. Mr. Robertson answered they will be adding new equipment to the existing wastewater equipment housed in the current building, thus the enclosure must be expanded to accommodate it.

Commissioner Siepert inquired as to what building material would be used for the new construction. Mr. Robertson replied that they were intending to use pre-cast concrete wall panels.

Mayor Bukiewicz questioned what the intended start date of the project would be. Mr. Robertson responded March, 2022.

Alderman Guzikowski moved that the Plan Commission approve the site and building plans submitted by Burns & McDonnell Engineering Company, Inc., on behalf of WE Energies, for the proposed additions on the properties at 4801 E. Oakwood Rd and 11060 S. Chicago Rd., with the following condition:

That all detailed, revised, and finalized plans are submitted in digital format to the Department of Community Development prior to submission of permit applications and construction/installation.

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

USE APPROVAL

GARY HINTZ

9555 S. HOWELL AVE.

TAX KEY NO. 906-9011-000

Planner Papelbon provided an overview of the Use Approval request to allow “manufacturing and alteration of receivers by tenants” on the property at 9555 S. Howell Ave. (see staff report for details).

Planner Papelbon informed the Commissioners that the property is subject to a 1964 Planned Unit Development (PUD), which lists approved uses on the property. Anything not on the list requires Use Approval, even though there is a Conditional Use on the property and it is zoned B-4. The applicant’s proposal is not allowed within the existing PUD because it is considered a manufacturing use.

Gary Hintz, 10065 S. McGraw Dr., Oak Creek addressed the Commission, and showed them the part he would be altering. It is bought as a flat piece, is bent with a hydraulic press, and it becomes a firearm receiver. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) requires a serial number to be etched on it. The laser etcher is already in use at Gary’s Beer and Liquor. Occasionally the piece gets coated with a light oil spray or a spray paint, to prevent rusting. Mr. Hintz said he would be operating out of the space used by his other company, Beverage Equipment Company, which sells draft beer dispensing equipment. Mr. Hintz’s is one of four pieces of property which were zoned as a unified plan development a number of years back. One of the parcels was recently changed to M-1. Mr. Hintz said that all of his operations would be done in a ten by ten office space, from the hours of 8:00 am to 5:00 pm. Mr. Hintz also said there would be no noise that would affect the other tenants.

Commissioner Carrillo questioned whether Mr. Hintz’s building was in the strip mall which was shared by other tenants. Mr. Hintz replied that it was.

Alderman Loreck inquired if Mr. Hintz owned the strip mall. Mr. Hintz replied that he did. He said he had spoken with the other tenants and no one had a problem with his proposal.

Alderman Loreck asked Planner Papelbon how much the Commission could do to limit the use of what could be done on Mr. Hintz's property. Alderman Loreck questioned whether the Commission could list specific pieces of equipment, or state no spraying of any paints, as conditions of the Use Approval. Mr. Hintz said a floral shop or a hobby center would use more spray than he was likely to.

Alderman Loreck stated his concern was approving something "manufacturing", then having it exceed the allowed scope. Planner Papelbon concurred with Alderman Loreck, adding the Commission needed to be as specific as possible with the conditions of the Use Approval, so a line was not crossed to a general manufacturing use in an area not appropriate for general manufacturing.

Mr. Hintz said he had a 3200 square foot warehouse area in the back, which is where he anticipates designating an area for the ATF to perform their inspections. Mr. Hintz also pointed out there are several licensed individuals in Oak Creek performing this same manufacturing alteration from their homes. Alderman Loreck expressed support for the proposal, if the Commission could attach specific enough conditions to the request in order to prohibit unintended consequences down the line.

Mr. Hintz noted that firearm laws are changing in mid-2022. Any older weapon without a serial number, must be etched with a serial number and registered. In anticipation of this change, Mr. Hintz would like to get his business started.

Commissioner Oldani stated he would rely on staff to include the appropriate conditions for any proposed use, so there was a line Mr. Hintz's receiver alteration operation could not cross.

Commissioner Siefert asked if the manufacturing process was a one-man operation. Mr. Hintz replied that it was. Commissioner Siefert questioned the volume of alterations per year. Mr. Hintz answered not more than a couple of thousand pieces a year. He anticipated gun owners being able to walk in, get their weapon etched with an ATF serial number, and returning it to them after ATF registration and approval.

Commissioner Siefert inquired how long it took to make one receiver. Mr. Hintz answered approximately an hour start to finish, after stamping, coating and spot welding. Mr. Hintz explained that he can buy the blank part as long as it is less than 80 percent finished, then a license is needed to complete it.

Commissioner Chandler requested clarification of the manufacturing process involved. Mr. Hintz said the cut-out plates are received flat, he adds two bends, spot welds two little pieces of rail, and laser etches a serial number on it. The piece is then registered with the ATF and sold to the customer. Commissioner Chandler questioned whether the pieces were then painted. Mr. Hintz said the steel pieces get an oil coating so they do not rust, while the aluminum pieces need no coating.

Commissioner Chandler said she was trying to understand what made this process "manufacturing". Mayor Bukiewicz replied the bending and welding are more in line with a manufacturing process than an assembly process. Commissioner Chandler stated she understood the M-1 district would incorporate the welding and transitioning of materials, but the

B-4 district would not. Mayor Bukiewicz concurred, adding that because Mr. Hintz owns the facility, he is asking for a variance of sorts so that he does not have to operate from another appropriately zoned facility. Mr. Hintz added that Director Seymour informed him small retail businesses are allowed to use limited manufacturing processes, such as a jeweler welding a ring, or a trophy shop doing engraving. Mr. Hintz said that Stramowski Heating, which he believes is also zoned B-4, is allowed to do sheet metal ductwork in the back of their shop.

Commissioner Chandler asked if the receivers would be the only item Mr. Hintz would be manufacturing. Mr. Hintz said the receivers are the only thing he is planning on manufacturing right now. Commissioner Chandler inquired about the building in the back where the manufacturing could be completed. Mr. Hintz answered that it is a storage warehouse used for his beverage industry and for cooler parts he packs and ships.

Commissioner Chandler questioned what the ATF inspections entailed. Mr. Hintz said they can come to inspect at any time, but they first have to approve the spot in which the manufacturing will occur, and the safe in which the pieces will be stored.

Mayor Bukiewicz addressed the list of concerns that staff had outlined in their report:

- Hours of operation did not seem to be a problem.
- Lack of detail provided to staff for proposed uses was an issue, as the process needed to be more clearly defined.
- No issue with noise levels.
- Questioned whether staff's reference to number of tenants would apply to the strip mall or the warehouse.
- Waste product would be kept to a minimum.
- Fire would probably want to ensure the proper storage of any hazardous materials.
- Suggested limiting the size and number of machines Mr. Hintz could have on site.

Planner Papelbon expressed she was not confident she could immediately provide specific conditions of approval to address all of the concerns Commissioners had raised. Mayor Bukiewicz acknowledged Planner Papelbon's point, and said although he did not intend to hold Mr. Hintz up, the decisions made tonight would affect the entire City going forward.

Mayor Bukiewicz questioned if any exhaust system would be needed for the spot welder. Mr. Hintz replied that it would not.

Mr. Hintz inquired if the City had any Light Manufacturing districts (LM-1). Mayor Bukiewicz replied that it did, but the Commission was trying to fit the parameters of the B-4 district to Mr. Hintz's needs. Planner Papelbon added that the LM-1 district would not necessarily allow for the retail uses that currently exist in the B-4 district. Planner Papelbon stated the Commission was trying to craft the conditions so Mr. Hintz could do what he was asking to do in a B-4 district, without crossing into the uses of an M-1 district, and being in conflict with the Code.

Mayor Bukiewicz asked if deliveries would be via UPS or other such carriers. Mr. Hintz answered they would, and they would be far less than what is currently being delivered to the liquor store.

Mayor Bukiewicz questioned if the Use Approval would remain with the property in perpetuity. Planner Papelbon said the approval was simply for the use and was not a Conditional Use Permit. Approval would only be terminated if there were a violation of the conditions attached to it. Mayor

Bukiewicz questioned if the use were to change, would the Use Approval then be terminated. Planner Papelbon answered that a different use would be a violation of the agreement, which would be pursued by the City. If the Commission were to approve the Use Approval, they would essentially be allowing this one, exact, specific use, into the existing PUD, but there does not appear to be a way to put a sunset on an allowed use.

Planner Papelbon asked Mr. Hintz to clarify if the spray coating would be oil, paint or both. Mr. Hintz replied it would only be oil, similar to the vegetable oil that is used in a commercial fryer. It would be applied from a mist bottle to prevent rusting of the receivers.

Mr. Hintz asked if there could be a special use just for his warehouse building. Planner Papelbon answered the use would not be limited to the building per se, but the use could be limited by square footage, regardless of whether the use was in the outbuilding or the commercial building.

Planner Papelbon questioned if it would be incorrect to call the machinery pieces “consumer grade” rather than “commercial”. Mr. Hintz replied that “consumer grade” would be fair. Planner Papelbon said the intent would be to limit “commercial” or “industrial” machinery.

Planner Papelbon summarized the Commission’s discussion of proposed restrictions for the Use Approval as follows:

- Machining – drilling, boring, turning, or forming, previously prepared typical commercial parts or products for use on or with previously prepared typical commercial parts or products utilizing consumer grade, one each, drill press, hydraulic press, spot welder. Excludes general manufacturing and metal fabrication and sale of separate components.
- Etching and/or Engraving – of previously prepared consumer grade parts, packaging of the parts, surface finishing of the parts with the application of a coating in conformance with all Fire Department and Inspection approvals and requirements.

Mayor Bukiewicz suggested including proper storage in the above restriction.

- Hours of operation: 8:00 am to 5:00 pm.
- One tenant
- Not to exceed 1500 square feet, regardless of which building or combination of buildings is occupied for use, including storage
- No new buildings to be associated with proposed use

Commissioner Oldani stated if staff is concerned with Mr. Hintz’s proposed use growing too large, perhaps a voltage limit should be placed on the equipment. Planner Papelbon said she would prefer to make the restrictions as tight as possible to avoid having Mr. Hintz come back before the Plan Commission.

Commissioner Hanna expressed concern over the tailoring of use restrictions to meet Mr. Hintz’s specific needs, stating that a commercially zoned property should be used for commercial purposes. Commissioner Hanna also noted that the visitors and delivery trucks to the business, would have an impact on the neighboring businesses and residents. Mr. Hintz reiterated that the impact of his proposed business would be minimal on the adjacent properties. Mayor Bukiewicz added that the restrictions the Plan Commission crafts, would seriously limit the ability of Mr. Hintz’s business to expand and have a larger impact on the rest of the tenants.

Mr. Hintz pointed out that a sporting goods store would be allowed in the B-4 district, and a sporting goods store could have a licensed gunsmith on the premises doing exactly what he is proposing to do.

Planner Papelbon and Commissioner Carrillo each asked Mr. Hintz whether there would be any signage for the business. Mr. Hintz replied in the negative.

Commissioner Chandler questioned if the number of employees should be limited to one in the restrictions. Planner Papelbon responded that limiting the use to one tenant, would be sufficient.

Alderman Guzikowski moved that the Plan Commission hold the Use Approval for the manufacturing and alteration of receivers by tenants on the property at 9555 S. Howell Ave.

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

PLAN REVIEW CITY OF OAK CREEK AND GRAEF DREXEL AVENUE STREETSCAPE

Planner Papelbon provided an overview of the Master Development Plan review for the Drexel Avenue Streetscape Project between Ikea Way and Howell Ave. (see staff report for details).

Craig Huebner, 275 W. Wisconsin Ave., Milwaukee, introduced himself and his colleague, Joe Pepitone, on behalf of Graef.

Mr. Huebner presented a brief overview of the conceptual streetscape plan to the Commission. The boundaries of the streetscape, span Drexel Avenue, from Ikea Way to Howell Avenue. There will be no change to the existing roadway or lane configuration. The approach is meant to identify one has arrived in Oak Creek, so the design palette is meant to mimic that of other City landmarks such as Lake Vista Park and Drexel Town Square. The plan divides the street corridor into three main components: west, central and east. The main treatments are focused within the medians. The recommendation for the railroad underpass, is to focus on streetscaping the two sides that flank the underpass in order to detract from it. Gateway signage is a key component of the streetscape, along with sculptural elements. Some earthwork, stone walls, and Corten steel, are also being proposed throughout the corridor. Low maintenance plantings and ground cover are incorporated, along with quaking aspen trees. The proposal retains the existing lighting, although decorative lighting could be added if the City so desires. Specific wall lighting, and lighting for the monument elements, is incorporated along the corridor. Programmable lighting is still an alternative, but is not a core recommendation. The monument elements are divided between primary, secondary and tertiary. Primary elements are meant to convey a sense of arrival, with added branding opportunities. Secondary monuments are for wayfinding and have an internally lighted element, and tertiary monuments are elements that could be incorporated City wide. Sculptures would require interaction with local artists to find ways to incorporate into the streetscape. Next steps include design development, understanding budgets and funding, and specifically identifying which core elements should be included in the project.

Commissioner Hanna asked if there were any concerns with visibility, given the density of landscaping. Mr. Pepitone said the idea is to have a minimalist approach to the plantings, which would include perennials and ornamental grasses with high salt tolerance. The visual movement

the streetscape hopes to achieve, works best when large masses of plantings are adjacent to each other.

Commissioner Hanna inquired about maintenance, and whether the plantings would be easy to remove or replace without causing damage to underground utilities. Mr. Pepitone said there is always a risk when enhancing a median, however, they are very conscious of the durability of the materials and plantings being used, such as Corten steel and stone, to avoid future issues.

Commissioner Carrillo, Alderman Loreck, and Alderman Guzikowski, expressed their enthusiasm for the plan.

Commissioner Siefert questioned whether there would be sidewalks on both sides of Drexel Avenue. Mr. Pepitone answered that although the roadway project is outside of his scope, he believes it is planned to add sidewalks on Drexel Avenue where there are currently none.

Commissioner Siefert asked if there would be lighting on the islands as is there currently. Mr. Huebner responded the existing light poles could be used, and the only additional proposed lighting was an ambient, programmable, aesthetic lighting, as part of the walls along the medians.

Commissioner Chandler asked if the taller landscape items would block the existing street lighting, and if so, how would more light be created. Mr. Pepitone, said he would guess there are double headed fixtures almost every hundred feet along Drexel Avenue already, which are necessary for safety and functionality. The ambient lighting of the enhancements is meant to be very subtle, and to catch your eye with its beauty, rather than its brightness.

Commissioner Chandler said her concern was more with large trees that may be blocking the light. Mr. Pepitone said the quaking aspens are not necessarily large trees, as you would think of a shade tree. They are meant to have multiple trunks and fluttering leaves of green and silver, to enhance, rather than overwhelm, the corridor.

Commissioner Chandler questioned if streetlight maintenance would be easily upkept with the landscaping in place. Commissioner Sullivan answered that the City has its own bucket truck and maintenance would be no different than it currently is. Commissioner Sullivan noted that the arms on the streetlights can be extended from 8 feet, to 10 or 12 feet, if getting enough light on the road becomes an issue.

Mayor Bukiewicz commented that he approved of the overall plan, but noted a large sign for Froedtert was just added to the corner of 6th St. and Drexel Ave., so that should be kept in mind going forward. Mayor Bukiewicz added he would like to see a wall camouflaging the homes on the south side of Drexel Ave., between 13th St. and 10th St.

Mayor Bukiewicz addressed the issue of the difficulty of hiding the railroad trestle. Mr. Pepitone acknowledged that working with the railroad was very challenging, and adding eye catching elements before the bridge will be key to making the bridge seem secondary and less of an eyesore.

Mayor Bukiewicz concluded by saying the goal was to make Oak Creek a destination city, and the streetscape and the art within in it, will help define it.

Alderman Loreck moved that the Plan Commission approve the Master Development Plan for the Drexel Avenue Streetscape Project with the following conditions:

1. That all plans for structures are submitted for Plan Commission review and approval prior to submission of permit applications and construction/installation.
2. That all detailed, revised, and finalized plans (including landscaping plans) are submitted in digital format to the Department of Community Development prior to submission of permit applications and construction/installation.

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

**CONDITIONAL USE PERMIT AMENDMENT
LAKE VIEW MOTORS, LLC.
9543 S. CHICAGO RD.
TAX KEY NO. 912-9993-000**

Planner Papelbon provided an overview of the Conditional Use Permit Amendment (CUP) request to allow outdoor storage and display of retail merchandise (vehicles) and additional hours of operation for Lake View Motors on the property at 9543 S. Chicago Rd. (see staff report for details).

Planner Papelbon stated there had been conversations with the applicant to clarify violations of the existing CUP, including landscaping requirements, the prohibition of outdoor storage of marine vehicles, and the prohibition of parking unlicensed vehicles on the property.

The applicants Abdel Ali, 1420 W. Foster Ave., Milwaukee, Fare Fare, 147 W. Armor Ave., Milwaukee, and Nathan Peet, 1020 Ostergaard Avenue, Racine, spoke by phone.

Commissioner Chandler asked why outdoor storage was now necessary. The applicants answered they have outgrown their indoor showroom, and stated they would like to display vehicles that have been serviced and prepped for sale, outdoors. Mr. Ali added that all of their vehicles were currently marketed online, and parking inventory outdoors, would attract potential buyers who do not see their online presence.

Commissioner Chandler asked how the business transitioned from selling to specific customers by appointment, to selling to any and all customers. The applicants answered that they were trying to expand their outreach. When the business started, it was focused on the logistics of moving vehicles. The indoor showroom began with selling more high-end vehicles. Currently, it can only house eight vehicles, and now that they have a better idea of what is selling, they would like to have more vehicles in stock for customers to choose from.

Commissioner Siepert asked if there was a state law prohibiting the sale of automobiles on Sundays. The applicants said they would not be selling on Sundays, only showing. The Sunday hours were geared toward having employees on site detailing cars and such. The applicants added that test drives are not prohibited on Sundays, so they would like to be open for business and complete any pending sales on the following Monday.

Planner Papelbon asked the applicants to clarify what they meant by “detailing” vehicles. The applicants replied it meant a general wipe down of the vehicle, making sure the windows and interior were clean, and a light vacuum. The vehicles are wiped down after every test drive.

Commissioner Siepert expressed his concern that it still amounted to selling cars on a Sunday.

Alderman Loreck referred to the Conditions and Restrictions, and asked if the number of outdoor vehicles was limited to the number of striped stalls on the premises. Planner Papelbon said the Commission should specify the number of vehicles that would be allowed. The request is currently for 11 vehicles. Code requires two customer stalls for every one sales person. The applicants are allotted 18 stalls per their lease agreement. There is only one sales person on the premises at any given time, so seven stalls would be reserved for employees and customers, allowing the other 11 stalls to be used for outdoor display.

Alderman Loreck asked if the same person owned Lake View Motors and Wake Zone LLC. Planner Papelbon answered in the affirmative.

Alderman Loreck asked the applicants where they would be storing the Wake Zone marine vehicles. The applicants stated they have been working to select a new dock system which would allow the watercraft to be kept at the boat launch area at Bender Park, however, the timeline has been pushed back to 2022. An alternative storage area has been leased outside the City of Oak Creek.

Commissioner Carrillo questioned if there would be exterior lighting to showcase the cars. Planner Papelbon stated there were currently two exterior light poles in the parking area and no additional lighting was requested.

Planner Papelbon made clear per the Conditions and Restrictions, no new signage would be included in the CUP Amendment, and the parking areas for outdoor vehicles would be required to be screened.

Mayor Bukiewicz asked about the status of the existing landscaping violation. Planner Papelbon said the landscaping would be required for the vehicle parking areas, and the landscape plan would have to be brought back to the Plan Commission for approval.

Mayor Bukiewicz asked for clarification of the number of parking stalls available to Lake View Motors. Planner Papelbon answered of the 39 stalls on site, 18 were assigned to Lake View Motors. The remaining stalls are for two other tenants on the site.

Planner Papelbon clarified the 11 outdoor vehicles for sale, would be displayed in the north parking area. There are six stalls east of the building and the remaining stalls are on the north side, one of which will be reserved for an employee.

Mayor Bukiewicz added that he wanted to be sure the zoning violations incurred on the property in the spring were corrected.

Alderman Loreck asked staff if their recommendation was still to deny the CUP Amendment after receiving additional information from the applicants. Planner Papelbon answered it was a matter of whether the Plan Commission feels that an expanded car dealership in this area is appropriate. Staff still have concerns, especially considering past violations and misunderstandings of what was previously allowed on the property. If the CUP Amendment moves forward, continued monitoring may be needed to ensure all parties are aware of what is, and is not, allowed. Alderman Loreck concurred with Planner Papelbon's assessment.

Mayor Bukiewicz questioned if any outdoor work on the vehicles was permitted. Planner Papelbon said it was not. Planner Papelbon noted it was within the Plan Commission's purview to reduce the number of vehicles allowed for display on the property.

Mayor Bukiewicz asked if the cars would not be allowed to be displayed, until the landscaping was put in place and signed off on. Planner Papelbon said the Landscape Review needed to come before the Plan Commission no later than June 1, 2022, before any cars could be parked outdoors, as stated in the Conditions and Restrictions.

Commissioner Oldani asked the applicants what the next steps in growing their business would look like. The applicants answered that their goal was to supply those vehicles to the community which match the community's needs, by offering entry level luxury and electric vehicles on a brokerage scale. The applicants added the potential of the building they occupy is limited and cannot accommodate much more than they are asking for. The focus would be to leverage this location to its maximum, in order to expand to another location. The space is currently being leased, but purchasing the building in the future is also part of the long-term goal. It could eventually be rebuilt and turned into a dealership if the City would allow it.

Mayor Bukiewicz stated the current Conditional Use Permit (CUP) would expire after five years. Mayor Bukiewicz asked whether the Commission could state that after a certain number of violations, the CUP would be cancelled. Planner Papelbon directed attention to subsection 10, Violation and Penalties. Planner Papelbon added there is a process whereby continued violations of a CUP can cause it to be revoked.

The applicants said they are working at getting a compliance officer involved with their firm who would stay on top of making sure compliance with the City was met. The applicants took responsibility for their violations, saying they struggled to find a solution to storing their Wake Zone water vehicles when working with Milwaukee County took longer than anticipated. The applicants thought that because they were granted their occupancy permit, all conditions of the CUP, including the landscape requirements, had been met. They do not anticipate any further violations moving forward.

Zoning Administrator Miller stated the first code violation was noted in March of 2019, although it was not taken care of until last month.

Planner Papelbon reiterated, if Commissioners wanted to amend the number of outdoor vehicles allowed for display, it was within their purview. Mayor Bukiewicz added he would like to see the stalls striped, and Commissioner Carrillo added there should only be one vehicle be allowed per stall.

Commissioner Hanna moved that the Plan Commission recommend that the Common Council approve a Conditional Use Permit Amendment to allow outdoor storage and display of retail merchandise (vehicles) and additional hours of operation for Lake View Motors on the property at 9543 S. Chicago Rd., after a public hearing.

Mayor Bukiewicz seconded. On roll call: Commissioners Hanna, Sullivan, Oldani, Siefert, and Aldermen Loreck and Guzikowski voted no, all others voted aye. Motion denied.

**PLAN REVIEW
LAKE VIEW MOTORS, LLC.
9543 S. CHICAGO RD.
TAX KEY NO. 912-9993-000**

Planner Papelbon noted the CUP Amendment directly related to this Plan Review was denied.

Commissioner Hanna moved that the Plan Commission approve site plans for the outdoor storage and display of vehicles for Lakeview Motors on the property at 9543 S. Chicago Rd.

Alderman Loreck seconded. On roll call: all voted no. Motion denied.

ZONING CODE UPDATE DISCUSSION

Jackie Wells, Houseal Lavigne Associates, facilitated the Zoning Code update discussion.

Ms. Wells addressed the Attached Garage standards that were of concern to the Commission.

- Ms. Wells presented a graphic demonstrating that in 2020-21, 46 homes were built with the garage set behind the front façade, 37 homes were built with the garage set ahead of the front façade, and 23 homes were built with the garage quasi in-line with the front façade.
- Ms. Wells proposed that the standards be revised to vary the percent of the façade that could be occupied by a garage, based on whether the garage was set ahead, in line, or set behind the front façade, as follows:
 1. Attached garage set ahead: up to 45% of front façade width
 2. Attached garage in-line: up to 50% of front façade width
 3. Attached garage set behind: up to 55% of front façade width
 4. Maximum projection of five (5) feet in front of any element of the home
 5. Keep proposed minimum set back of one (1) foot to ensure the garage is set behind the home.

Planner Papelbon shared Director Seymour's comments with the Commission: that side entry garages be allowed and not necessarily held to the 45 percent requirement, the garage door maximum width be changed to 25 feet instead of 24 feet, and that there would be clear language to define "subordinate".

Ms. Wells explained that these standards would only apply to front entry garages, not side entry garages.

Commissioner Loreck asked whether a side entry garage needed to be behind the primary façade. Ms. Wells expressed that the intent of the Code was to avoid having front facing garage doors be the predominant feature of the home. Planner Papelbon shared several images of recent plans submitted for building permit applications which demonstrated quasi-inline garages, set ahead garages and set behind garages.

Commissioner Loreck asked if the size limits applied only to forward-facing garages. Ms. Wells replied in the affirmative.

Planner Papelbon noted any garage would still be limited by the overall living space of the home, regardless of whether it faced the front or the side.

Mayor Bukiewicz brought up the situation of a home on an odd shaped lot. Planner Papelbon and Commissioner Sullivan agreed that the front of the home is dictated by its orientation and the street address assigned to it.

Ms. Wells added there would always be one-offs for which the Ordinance cannot account, which is what the variance process is for.

Planner Papelbon requested that Ms. Wells include images of garages in the Code update.

Ms. Wells provided an overview of the public comments received with regards to the Code update:

- Adopt Night Sky Public Policy
- Clarify sign regulations
- Allow small businesses to have larger signs
- Fine companies and business owners that put up signs without permits
- Townhomes with 3-10 attached units should be distinguished from multifamily
- Maximum height of accessory building should not be restricted based on the height of the primary building

Mayor Bukiewicz questioned whether the townhome comment referred to single or multi-story buildings. Planner Papelbon responded there was no definition for number of stories. Single-family attached townhomes are technically one building. Currently, anything in excess of two consecutive units, is considered multifamily and requires a Conditional Use Permit. The suggestion is to consider single-family, individually owned row or townhomes of three or more, to be considered residential, rather than multifamily.

Ms. Wells said the current draft ordinance has a proposed two story maximum. Planner Papelbon Used the example of Lakeshore Commons. There will be two story, attached townhomes, up to eight in a building. That would be allowed with a Conditional Use Permit under the new Zoning Code, as single family.

Alderman Loreck asked if the classification as single family or multifamily, had any effect on City services. Planner Papelbon said it would need to be clarified in a conversation with the Department of Public Works (DPW).

Planner Papelbon asked the Commissioners if they were comfortable with Accessory Dwelling Units as addressed in the Code. Mayor Bukiewicz reiterated they were a stand-alone unit, such as a mother-in-law suite, which made for two dwelling units on a single lot. Planner Papelbon added there could be no separate exterior entry, if the unit were attached to the primary dwelling. These are not meant to be rental units; they must be owner occupied or occupied by a member of the family. The units still have to meet all of the applicable building codes.

Planner Papelbon stated that RV parking would be limited to one vehicle in the Code update, and asked if there were any comments. Mayor Bukiewicz said it would be difficult to grandfather people with multiple RV's in. Planner Papelbon noted that comments on social media caused a lot of residents to reach out to the City, but there had been no specific input about RV parking received since the Code was posted for public comment.

Alderman Loreck asked if the number of RV's was limited to one, even if they were parked on a paved surface. Planner Papelbon responded that the limit was still one. Mayor Bukiewicz asked for the definition of a hard, paved surface. Commissioner Sullivan stated that gravel was not an acceptable surface, but ribbon or brick paving would be acceptable.

Planner Papelbon noted one of the Code subsections reads “one recreational vehicle may be stored outside in the rear or side yard of an occupied residential or agricultural lot”. Commissioner Sullivan commented you could store any number of RV’s inside, but only one, outside.

Planner Papelbon told Commissioners an executive summary of the Code update would be posted on the website, and encouraged them to read it before the January 11th Plan Commission meeting. Planner Papelbon asked that any comments, questions, or concerns, be brought to her attention by December 31st or January 3rd at the latest.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 9:18 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

1-11-22

Date