

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, February 8, 2022**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Alderman Guzikowski was excused. Also present: Kari Papelbon, Senior Planner; Jack Kovnesky, Planning Intern; Tamira Rice, Neighborhood Preservation Officer; and Mike Havey, Assistant Fire Chief.

Minutes of the January 25, 2022 meeting

Commissioner Siepert moved to approve the minutes of the January 25, 2022 meeting. Commissioner Oldani seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW

**CAITLIN KINCAID, TEXAS ROADHOUSE
1489 W. BROADWICK PLACE
TAX KEY NO. 782-9033-000**

Senior Planner Papelbon provided an overview of the site, building, landscaping, and related plans for a proposed restaurant at the address above (see staff report for details).

Emily Bernahl, 1165 W. Deerpath Lake Forest, IL 60045, consultant for Texas Roadhouse, stated she will answer any questions on behalf of the applicant.

Commissioner Hanna wanted to confirm access to the property will not be from Drexel Ave. Senior Planner Papelbon answered in the affirmative, that the only access will be from the interior development roads, via 13th Street. Commissioner Hanna also asked if the location of the 13th Street entrance had been evaluated for appropriate traffic control. Senior Planner Papelbon answered in the affirmative, explaining close coordination with Milwaukee County and the Wisconsin Department of Transportation occurred for the placement of the access roads.

Commissioner Carrillo asked if the take-out area of the restaurant will be a drive-through. Ms. Bernahl answered in the negative. Patrons will park and walk into the specific entrance, supporting the unique and established process the restaurant already has in place.

Alderman Loreck asked if there will be sidewalk access to the property from Drexel. Senior Planner Papelbon answered that a connection point is located along the east side of the parking area to the existing Drexel Avenue sidewalk.

Alderman Loreck asked the applicant what the hours of operation would be. Ms. Bernahl answered Monday – Thursday: 4 p.m. – 10 p.m., Friday: 4 p.m. – 11 p.m., Saturday: 11 a.m. - 11 p.m., Sunday: 11 a.m. – 10 p.m.

Alderman Loreck stated that he received a call from a resident from District 2 regarding the increased traffic that will be at the intersection. With the information provided by Senior Planner Papelbon about the analysis of the intersection, Alderman Loreck stated that he had no other concerns.

Commissioner Oldani voiced his disappointment in the choice of a national chain restaurant at a main entrance to the City instead of one that represents Wisconsin or Oak Creek. He stated his observation that a Texas flag is usually flown higher than the American flag at Texas Roadhouse locations.

Commissioner Siefert asked for the seating capacity of the restaurant. Ms. Bernahl stated that is around 316. Commissioner Siefert asked Senior Planner Papelbon if there will be enough space for more parking in the future, following the development of currently vacant property to the north. Senior Planner Papelbon stated that the gross square footage of the dining area and maximum number of employees working at peak shifts determines how many parking spots are required, not the seating capacity. Senior Planner Papelbon explained that an agreement has been established between the developer (Highgate) and Texas Roadhouse for future shared parking with the undeveloped parcel directly north.

Commissioner Chandler asked for more information on the request to add parking and reducing the buffer area. Ms. Bernahl answered that in needed plan revisions, all requested landscape buffers had been achieved. Texas Roadhouse real estate managers prefer to see 160-165 parking spaces. Because the proposed site plan reflects 142 spaces with accessibility to additional parking off-site, the applicant sees no issue with the proposed plan.

Mayor Bukiewicz asked if the appropriate amount of green space and the stormwater requirements had been attained and calculated on the site. Senior Planner Papelbon answered in the affirmative for both. Mayor Bukiewicz voiced his support of the proposed plan, with the recommendation to fly the American flag higher than the Texas flag.

Commissioner Loreck moved that the Plan Commission approves site and building plans submitted by Caitlin Kincaid, Texas Roadhouse, for the property at 1489 W. Broadwick Pl. with the following Conditions:

1. That all relevant Code requirements and Conditions of the Planned Unit Development (Highgate) remain in effect.
2. That all decorative roof lighting is directed downward and shielded. Lights used to illuminate flags shall be at the lowest possible levels (e.g., lumens and Kelvins) and permanently angled to only illuminate the flags to the extent required by law.
3. That all pole-mounted light sources are shielded and directed downward, that the color temperature of the fixtures are limited to a maximum of 3,500 Kelvins, and that light sources are shielded on the side of the fixture adjacent to Drexel Ave.
4. That all mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
5. That detailed plans for signage are reviewed and approved by the Plan Commission prior to submission of sign permit applications.
6. That the landscape plans are revised to meet all requirements of the Landscape Plan and Design Guidelines for the Highgate PUD prior to submission of permit applications.
7. That all detailed, final plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

Commissioner Siepert seconded. On roll call: Commissioner Oldani voted no, all others voted aye. Motion carried.

OFFICIAL MAP AMENDMENT

**1020, 1100, 1150, 1330, AND 1340 E. FOREST HILL AVE., AND 1321R E. DREXEL AVE
TAX KEY NOS. 815-9018-000, 815-9019-000, 815-9020-000, 815-9017-000, 815-9023-000,
AND 815-9021-000**

Senior Planner Papelbon provided an overview of the proposed amendments to the Official Map (see staff report for details).

David Van Rixel and Michael Mack, 11617 W. Bluemound Rd., Wauwatosa, WI 53226, Corinth Homes, representing the owner of 1340 E. Forest Hill Avenue, Cheryl Lee, explained the Official Map Amendment is the first step in the larger goal to rezone 1340 E. Forest Hill Avenue for a duplex / condominium development.

Commissioner Chandler asked if any information or feedback from the residents of this neighborhood had been collected on the impact of removing the future road. Mr. Van Rixel answered that no information or feedback had been gathered. Senior Planner Papelbon provided additional information on the proposed amendments and confirmed needed access is already established for the houses on the parcels where the removal of the future road is proposed.

Commissioner Chandler asked for clarification on what the proposed amendment looks like, and why the proposed future road ends in a cul-de-sac. Senior Planner Papelbon showed Commissioner Chandler the diagram of the proposed amendments, explaining the differences. Mr. Van Rixel further explained that the future road ends in a cul-de-sac for fire and emergency vehicles accessibility as well as to comply with Code.

Alderman Loreck asked Senior Planner Papelbon for confirmation that a section of the future road to be removed in the amendment would have gone through ten acres of Abendshein Park. He also asked if the amendment would consider moving the proposed access road to the east of where it is proposed. Senior Planner Papelbon confirmed the original layout, and answered that the proposal is utilizing an already existing driveway.

Commissioner Kiepczynski commented that the drainage easement on the property will need to be addressed as wetlands and floodplains are present on the property.

Mayor Bukiewicz commented that removing the future road on the western portion of the Official Map makes sense. Senior Planner Papelbon clarified the part of the request to remove the future public road does not limit potential development of a private road in the future, and approval of the proposed amendment does not endorse any specific future design of the properties at this time.

Mayor Bukiewicz asked for clarification of ownership, or existing right-of-way agreements, for the existing driveway that will be used for the proposed future access road. Senior Planner Papelbon stated more information about that property will have to be gathered.

Cathy Brudnicki, 1100 E. Forest Hill Ave.:

“That would be the third house down from the property. I already have a lot of drainage water sitting in the front of our house. It’s not going anywhere. Back in 1958, there was a dollar proposal

contract signed with the City that the City was gonna take care of drainage for us. That seems like all they ever do is just take care of the cul-de-sac on our driveway and the rest of the water just seems to go forward, not East, forward – it goes South. So, we have a lot of water, standing water. I’m really concerned about what this, potentially, could do to the front of my property that’s already – was wetlands – but now it’s more like a swamp-land.”

Mayor Bukiewicz asked for clarification on which property the speaker is referring to.

Ms. Brudnicki:

“I’m directly West of the property.”

Mayor Bukiewicz stated was focused on the cul-de-sac.

Ms. Brudnicki:

“Oh, okay. As far as the road that goes between 1100 and 1150, that part of the orange that goes to the back of the park? I have no problem getting rid of that. As far as the other part of it, it all depends on the amendment, to know what’s gonna happen with the building next to us before I’d wanna eliminate all that.”

Mayor Bukiewicz answered that any future or further development would have to have approved stormwater plans.

Ms. Brudnicki:

“And there is a lot of houses there!”

Mayor Bukiewicz confirmed the proposed structures would be side-by-side condominiums.

Ms. Brudnicki:

“Yeah, I know, but that’s a lot of property in a small amount of area. I know this is not – this is just number one.”

Mayor Bukiewicz agreed and provided a possible explanation as to why those types of structures might be built on that property.

Ms. Brudnicki:

“Yeah, but the market of residential homes has gone away. I guess what I’m looking at – this sets a precedent. There’s a lot of other farmland down our street and that means we don’t have a road that can widen as well, because of how close a lot of the houses are.”

Mayor Bukiewicz clarified that Ms. Brudnicki meant Forest Hill Avenue, agreed the road may have to be worked on in the future, and stated that drainage is a high priority.

Ms. Brudnicki:

“We came to the City at least three times already to try to have our property fixed up and it goes to deaf ears. Either that or DNR stops it, I don’t know.”

Mayor Bukiewicz voiced his apologies and spoke to the Engineering Department's ability to improve older drainage issues while working in newer developments.

Ms. Brudnicki:

"I hope you can say that. But it hasn't gone that way for us."

Mayor Bukiewicz explained the success of the Engineering Department in rectifying old drainage issues.

Ms. Brudnicki:

"Okay. Just to let you know though, that drive that goes – partially the red one - that goes into the park and between 1150 and 1100, that red part, that should've probably gone away when they went and they put the park behind us."

Mayor Bukiewicz agreed, and Senior Planner Papelbon explained that the past oversight will be fixed with the proposed amendment.

Ms. Brudnicki:

"I agree. Alright, thank you."

Omar Barasneh, 1101 and 931 E. Forest Hill Ave.:

"I'm, I don't know if this is the setting or if this is the meeting for that, but I'm opposed to this project. I know the City is so against adding any driveways on Forest Hill. Even like my lot I could have built there but I was told you cannot be using the driveway. I have a neighbor who built back in Benjamin and Forest Hill and they forced him to put their driveway on Benjamin, even though his house is facing Forest Hill. Now you're putting 26 units with at least 26 cars, or you know, 52 – could be. All this traffic gonna go on this small street and I'm personally, you know - I don't know if my other neighbors are, but, I'm opposed to this project."

Mayor Bukiewicz stated his appreciation for the input, and explained traffic impact and safety concerns take precedent in decisions about development projects.

Mr. Barasneh:

"I know, but I'm saying that even makes it worse. So, everybody gonna go into that area and come out, are gonna come out on Forest Hill. There is no other way to like (inaudible) so we have more traffic there."

Mayor Bukiewicz confirmed all possible traffic going into the proposed development would enter and exit from Forest Hill Avenue, and asked for input from Commissioner Kiepczynski. Commissioner Kiepczynski stated there may not be a need to do a traffic study on the road.

Mr. Barasneh:

"Thank you."

Linda Lee, 1280 E. Forest Hill Ave.:

“A couple of my questions were already addressed, but I may them anyway. So, the current ditch – is that still considered – that goes along this property - it used to be considered a navigable waterway. Just wondering if the DNR has been involved and do they have to approve any changes to that?”

Mayor Bukiewicz stated the process is not far enough along to include DNR in the consideration, but asked for more insight from Commissioner Kiepczynski.

Commissioner Kiepczynski stated a wetland delineation report was completed, and outreach with the DNR was noted in the report.

Ms. Lee:

“But we can be assured it will be addressed should this proceed?”

Senior Planner Papelbon stated that the DNR will see the plans as the development plans are created.

Ms. Lee:

“Okay. My other comment slash question is; similar to the other gentleman, you have the potential for 26 new units here, if there’s 13 side-by-side units. There’s already an existing home in the back, there’s an existing home that uses this driveway too so the potential is there for 28 new units. Similarly, is there no concern that all of that access is going just to Forest Hill? That there’s – that’s the only access point is Forest Hill? For all those vehicles and all that traffic?”

Mayor Bukiewicz answered that the City’s Engineers and Fire Department will look at traffic and safety accessibility in this area if the project continues to move forward. Senior Planner Papelbon explained that the only way for Forest Hill Avenue to have access to another main thoroughfare would be to leave the Official Map as it is.

Ms. Lee:

“My last comment is, while this is premature – I understand that but, the map – she’s already shown the map that kind of shows what a future development could look like, and the narrative that was included in that has the zoning going from Rs-3 to Rm-1. And Rm-1, as I look at the definition of that, is multi-family residential / efficiency 1-bedroom, 2-bedroom, 3-bedroom. My concern, living right on Forest Hill there, could that mean that should this development not come through, or even if it does, that these could be an apartment complex versus side-by-side condominiums.”

Senior Planner Papelbon stated that the correct zoning request for the property would be Rd-1.

Ms. Lee:

“Excellent. Last question, and this is very minor, just making sure that these – should the development come through – and this may be more of a question for you guys; is this owner occupied or rentals?”

Mr. Van Rixel stated that they would be owner-occupied.

Ms. Lee:

“Okay. Thanks.”

Assistant Fire Chief Havey commented that, based on the proposed plan, fire suppression and emergency service considerations are met. Mayor Bukiewicz asked if a hydrant would be needed for the development. Assistant Fire Chief Havey answered in the affirmative.

Commissioner Hanna voiced her concern regarding traffic access and the width of the access road should there be a vehicle accident resulting in the road being blocked. Mayor Bukiewicz agreed. Senior Planner Papelbon stated consideration to widen the access road could be made later in the process, as there is a right-of-way along the side. Commissioner Hanna provided a strong recommendation to the applicant to include the extra space on the road in possible future plans.

Mayor Bukiewicz stated that any property owner within 300 feet of the proposed project will be notified of any further activity. Senior Planner Papelbon added that the public hearing for this proposal will likely be the first meeting in March, and notice of the meeting will be sent in the mail.

Mr. Barasneh:

“I know there was rezoning - Are we District 1 or District 6? With Steven (inaudible).”

Mayor Bukiewicz confirmed that the area is in Aldermanic District 1, and stated that the Alderman is present at the meeting.

Commissioner Siepert moved that the Plan Commission recommends to the Common Council that the Official Map for a portion of the mapped, unimproved future right-of-way affecting the properties at 1020, 1100, 1150, 1330, and 1340 E. Forest Hill Ave., and 1321R E. Drexel Ave. be amended as presented after a public hearing.

Commissioner Hannah seconded. On roll call: Commissioner Chandler voted no, all others voted aye. Motion carried.

**CERTIFIED SURVEY MAP
PHIL PURPERO, C.W. PURPERO, INC.
7030 S. 13TH ST. AND 1190 W. RAWSON AVE.
TAX KEY NOS. 735-9000-000 AND 735-9041-000**

Planning Intern Jack Kovnesky provided an overview of a certified survey map combining and reconfiguring the properties at the addresses above (see staff report for details).

Chris Van Ells, 1190 W. Rawson Avenue, Oak Creek, WI 53154, representing C.W. Purpero, stated the proposal is preliminary to get a parking lot east of their building located on 7030 S. 13th St. C.W. Purpero engineers and City staff have been working together on this proposal.

Commissioner Hanna asked for clarification on the reason to combine the two (2) properties. Mr. Van Ells stated that the request is to be able to add a parking lot to the east of the existing building,

and then have direct access to 13th St. Commissioner Hanna requested further clarification, which Mr. Van Ells provided.

Commissioner Siefert asked what the zoning would be after combining the properties. Senior Planner Papelbon stated that once the properties are combined and reconfigured, Lot 1 will be B-2, Community Business and B-3 Office & Professional Business. Intern Kovnesky stated that Lot 2 will be M-1, Manufacturing and B-3 Office & Professional Business. The property will be zoned to not conflict with the zoning district lot requirements and to maintain the use of the current property. Senior Planner Papelbon added the probable zone for Lot 2 would be M-1, Manufacturing after a rezone request.

Commissioner Oldani moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Phil Purpero, C.W. Purpero, Inc., for the properties at 7030 S. 13th St. and 1190 W. Rawson Ave. be approved with the following conditions:

1. That each of the proposed lots is rezoned into a single zoning district prior to submission of applications for development or redevelopment.
2. 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 Siefert seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT
TRACEY ERICKSON, PEAK CAR WASH
140 W. PUETZ RD
TAX KEY NO. 828-9016-000**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for a car and pet wash facility at the address above (see staff report for details).

Tracey Erickson, 1611 Waterberry Dr., Bourbonnais, IL 60914, stated that he would answer any questions.

Commissioner Chandler asked for more information about the location of the proposed pet wash service. Mr. Erickson stated that there will be two (2) designated rooms located inside the building to wash pets.

Commissioner Chandler asked about the hours of operation for the car wash service. Mr. Erickson stated that both pet and car wash services will be open from 7 a.m. to 8 p.m., with staff onsite.

Commissioner Siefert asked if there will be a buffer around the outside of the car wash area. Mr. Erickson stated that there will be curbing throughout the property to direct traffic appropriately. Commissioner Siefert asked how big the curbs will be. Mr. Erickson stated that they would be six (6) inches high and 12 inches wide.

Commissioner Siefert stated his concern about the vehicular traffic flow of the proposed car wash in relation to the larger commercial parking lot on the north and east sides. Senior Planner Papelbon stated the proposed plans are conceptual, and that the traffic flow would have to be approved later in the development process.

Commissioner Oldani suggested that the applicant work with the traffic layout to find a more efficient entrance than the concept proposed. Senior Planner Papelbon stated that the entrance on Puetz Rd. is existing, that staff had recommended the building be located closer to the road, but agreed that the surrounding lot should be taken into consideration during plan development.

Alderman Loreck stated his support of the project, and asked the applicant if he had developed a car wash before. Mr. Erickson stated that he has developed and owns three (3) other car washes in the region. Alderman Loreck asked if there are any queuing problems when the three (3) payment lanes funnel into the single wash lane as proposed. Mr. Erickson answered in the negative, explaining that there will be automatic gates at each payment lane to organize the flow of cars into the wash tunnel.

Alderman Loreck asked for clarification of the building's orientation, whether the patrons using the pet wash services will have to cross the car wash traffic to enter the building, and what the price of a pet wash will be. Mr. Erickson stated that customers will not have to cross traffic, that the dog wash service entrance will face the interior parking lot and the price will be \$7.00.

Commissioner Carrillo stated her opinion that the project is great for the space.

Commissioner Hanna stated that is important to closely review the traffic flow of the project.

Mayor Bukiewicz stated is opinion that the project will be a great use of that space, but the traffic flow in and around the site will need attention.

Alderman Loreck moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for a car wash on the property at 140 W. Puetz Rd., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (February 22, 2022).

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

PLAN COMMISSION PRESENTATION

Neighborhood Preservation Officer (NPO) Rice provided an overview of on the Neighborhood Preservation Program "Creek Code." Beginning in July of 2021, NPO Rice has fielded and processed resident complaints including trash and debris on properties, vehicles parked on grass, commercial vehicles on residential properties, RVs parked on front lawns, tall grass / weeds, junk vehicles, and chickens and other illegal animals within the City limits.

Below is a table comparing the number of cases, and their different statuses when NPO Rice began her position to January 2022.

Status	Date	Total Beginning	Date	Total Ending
Open	7/31/2021	209	1/17/2022	50
Pending	9/8/2021	78	1/17/2022	32
Violations	9/23/2021	42	1/17/2022	35

Letters	9/23/2021	10	1/17/2022	1
Citations	9/23/2021	8	10/4/2021	0
“Blank”	10/5/2021	134	1/17/2022	76

The majority of cases remaining open must be handled by the Inspection Department.

Since November of 2021, NPO Rice has also been tracking the number of calls received for residential cases, with the calls for commercial cases being handled by Zoning Administrator Miller. NPO Rice has also been working with the Engineering Department and the Department of Public Works (Forestry) to solve snow complaints and disperse information regarding encroachment, snow plows, and dead/diseased trees to residents. More recently, NPO Rice has been working on finding a solution for the increased coyote activity in the City.

Mayor Bukiewicz and Alderman Loreck commended and thanked NPO Rice on the work that’s been done for the City, and stated it has made a considerable, positive difference for the City.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:43 pm.

ATTEST:

Kari Papelbon, Plan Commission Secretary

2-16-22 _____
Date