

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, APRIL 12, 2022**

Mayor Bukiewicz called the meeting to order at 6:03 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Chandler. Commissioner Siepert was excused. Also present: Kari Papelbon, Senior Planner; Laurie Miller, Zoning Administrator; and Mike Havey, Assistant Fire Chief.

**Minutes of the March 8, 2022 meeting**

Commissioner Oldani moved to approve the minutes of the March 8, 2022, meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

**Minutes of the March 22, 2022 meeting**

Commissioner Oldani moved to approve the minutes of March 22, 2022. Alderman Guzikowski seconded. On roll call: Commissioner Carrillo, Alderman Loreck, Commissioner Chandler, and Commissioner Hanna abstained, all others voted aye. The minutes of March 22, 2022 will be held until there is a quorum.

**CONDITIONS AND RESTRICTIONS**

**CENTRAL STATES TOWER V, LLC & CELLCO PARTNERSHIP DBA VERIZON WIRELESS  
2509 W. DREXEL AVE.**

**TAX KEY NO. 810-9985-001**

Senior Planner Papelbon provided an overview of the Conditions and Restrictions for a Conditional Use Permit request for a proposed wireless telecommunications pole and compound ("facility") on the property at 2509 W Drexel Avenue (see staff report for details).

Michael Long, lawyer for the applicants, 511 North Broadway, Milwaukee, stated that the applicants agreed with most sections; however, there were some concerns in Sections 3a and 3b. Section 3a states the uses of the property will be limited to B-4, Highway Business uses. The proposed tower will be fine with those uses; however, the applicant is a tenant on the property and wants to be sure the tower does not make the property non-compliant.

Senior Planner Papelbon clarified that the tower has nothing to do with the existing condition of the property. The Conditional Use is issued to the property even though the use being requested is something that requires this particular document and this particular review. Senior Planner Papelbon stated the cell tower is not making the property any more non-conforming.

Mr. Long explained that Section 3b states that there is to be no outdoor storage of vehicles or equipment; however, the property is being used by the owner for outdoor vehicle storage. The applicants wanted to be sure the Conditional Use Permit would not prevent the continued use by the property owner as a vehicle storage yard.

Senior Planner Papelbon explained that the Conditional Use Permit is for the telecommunications site, and the Plan Commission is not approving any other outdoor storage outside of the telecommunications site. Any outstanding violations or enforcements on the property are separate and apart from the wireless telecom facility.

Mayor Bukiewicz asked if the proposed Conditions and Restrictions are segregated from the main property. Senior Planner Papelbon reiterated that staff is not making any claims as to whether there are or are not violations on the property. Senior Planner Papelbon clarified that anything outside of the compound is not being approved with this Conditional Use.

Mr. Long asked to confirm that the Conditional Use is not a method to bring the entire property into compliance. Senior Planner Papelbon stated the property would need to comply with Code no matter what.

Commissioner Hanna asked Senior Planner Papelbon to clarify what is meant by the existing restriction on outdoor storage being grandfathered in. Senior Planner Papelbon reiterated that the staff is not making any claims as to whether there are or are not violations on the property right now. This Conditional Use Permit is only approving the telecom tower and the compound. Anything else on the property needs to comply with Code. If there is an existing violation on the property, then the City can still pursue it outside of the Conditional Use Permit.

Commissioner Kiepczynski reminded the applicants to apply for a green infrastructure permit as the impervious surface is greater than 5,000 square feet.

Commissioner Chandler referenced a previous meeting, and asked the applicant to review the items that will be located on the compound.

Mr. Long stated that he believes Commissioner Chandler is referring to the drop point for the electrical service, fiber service, and a bollard in the corner. The applicant will protect those items; however, on the proposed plans, they are placed outside the fence area, but within the easement area so the power and phone companies can access them. Senior Planner Papelbon stated that staff had no objections to the placement.

Commissioner Chandler asked Senior Planner Papelbon if the items placed outside the fence will be considered storage. Senior Planner Papelbon stated the items being discussed are considered utilities.

Assistant Fire Chief Havey stated the Fire Department has no concerns.

Commissioner Hanna moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a wireless telecommunications pole and associated facility on the property at 2509 W. Drexel Ave. after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**CERTIFIED SURVEY MAP  
DECKER PROPERTIES, INC.  
8100 & 8146 S. 27<sup>TH</sup> ST AND 8100 S. ORCHARD WAY  
TAX KEY NOS. 810-9012-001, 810-9005-000, AND 810-9013-001**

Senior Planner Papelbon provided an overview of a Certified Survey Map request to combine and reconfigure the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way (see staff report for details).

Alderman Loreck asked if the wetland buffers were changed on the presented map. Senior Planner Papelbon explained that the wetland buffers were noted in the report because they are included in the presented Certified Survey Map (CSM).

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by David Decker, Decker Properties, Inc., for the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way be approved with the following condition:

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 Oldani seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT AMENDMENT  
SUPERIOR AIR GROUND AMBULANCE SERVICE  
140 E. RAWSON AVE.  
TAX KEY NO. 733-9991-001**

Senior Planner Papelbon provided an overview of the Conditional Use Permit request for a proposed private emergency service facility within a portion of the existing multitenant industrial building on the property at 140 E. Rawson Ave. (see staff report for details).

Pete Schumacher, 305 E. Rawson Ave.:

*"I think the business sounds fine, I'm not overly concerned with them moving into this area. The one concern I have, basically, we don't want sirens going off in the middle of the night and it sounds like their basic process doesn't call for that. Although the one concern is there is a reference to testing prior to every shift or at shift change. If that requires testing the sirens, which I would expect it would, doing that within the building doesn't bother me that much because it would contain the noise, if they are doing outside the building that would be a concern of mine, given the fact that shift change could be 7 in the morning or 11 at night. So, I guess I would ask that you would consider putting something in the Conditional Permit that restricts them from testing the sirens outside of the building and even if their process is that they wouldn't do that, ya know, processes change, ownership of businesses change, we would like to have that in there so we don't have to worry about that."*

Mike Piechowski, 251 E. Rawson Ave.:

*"Pete's my neighbor and he went over some of the concerns with the noise. One of the concerns I have again with rezoning these buildings is that this wasn't setup for, I should say a garage, storage area for vehicles. Do we know how many ambulances are going to be parked in that building? My concern is and it doesn't really affect me, but you do realize that there is a childcare center and an indoor playground in that facility. These ambulances have fuel in them, they have lithium batteries, they have oxygen, and if anything would ever happen as a fire would start, within these buildings, with these vehicles in there, depending how many are in there, I don't see you rezoning this operation and, in most cases, this type of operation has a stand alone building, they're not incorporated with, other, there's two other office buildings in there right now that have people in there, plus we're talking about testing the sirens and the horns and all this stuff, well what about the people that are in there right now, that definitely are going to hear this*

*too? My opinion is, this is a bad scenario to put this type of operation in this building, for those reasons I just stated. Thank you.”*

Assistant Fire Chief Havey explained that the Fire Department does not test the sirens inside the building to protect all of the employees' hearing. The Fire Department also does not test the sirens daily because the sirens work when out on calls, and the mechanics at [Oak Creek] DPW keep everything in working order. The Fire Department does not recommend the testing of sirens inside the building because the decibels would affect a lot of people. Assistant Fire Chief Havey also stated that the building is fully sprinkled, and the system must be maintained, have annual testing, and documentation that it can provide the automatic sprinkler systems for the hazards inside the building.

Mayor Bukiewicz asked the applicant how many ambulances will be serviced out of this facility.

Martha Augustine, 1015 Madison Avenue, Wauconda, Illinois, Superior Ambulance, stated there will be less than a dozen ambulances stored at this facility, with a realistic estimate of four (4) to six (6).

Mayor Bukiewicz inquired if the ambulances are rotated out. Ms. Augustine confirmed Superior utilizes System Status Management. If there are high call volumes in another area, the ambulances could be moved to another area.

Senior Planner Papelbon stated staff understood that the ambulances will be contained in the building, and asked where the other ambulances would be parked. Ms. Augustine stated no ambulances will be parked outside.

Senior Planner Papelbon stated that staff were provided with a floor plan showing two (2) bays, and inquired if six (6) ambulances would fit in two (2) bays. Ms. Augustine corrected the floor plan will be built for four (4).

Mayor Bukiewicz asked the applicant to describe how often sirens are tested, and for how long they are tested. Ms. Augustine stated the sirens are tested in the morning hours, and it takes about one (1) second. Ms. Augustine explained Superior can suspend that practice, if needed. Mayor Bukiewicz suggested finding a reasonable time to test the sirens when drafting the Conditions and Restrictions.

Commissioner Chandler asked the applicant to provide some clarification regarding the testing. Ms. Augustine stated it would be each vehicle at the start of shift, and shift change is generally in the morning.

Mayor Bukiewicz inquired if the shifts would be 24 hours. Ms. Augustine stated shifts will be a combination of 12-hour and 24-hour shifts.

Commissioner Chandler inquired if it is a possibility to have the testing done twice a day. Ms. Augustine stated it would only be done in the morning hours.

Commissioner Chandler asked to confirm that the parking would allow for a maximum of four (4) vehicles all parked on the inside. Ms. Augustine confirmed that is correct.

Alderman Loreck inquired if quiet hours could be put in place during certain times to prevent the use of sirens until the ambulances reach Howell Avenue. Ms. Augustine stated the applicants

are more than happy to do that. Superior could suspend the use of the sirens until they get out to the main street: Howell Avenue. The lights and sirens could be activated at the intersection of Howell Avenue.

Mayor Bukiewicz inquired if vehicles could go east on Rawson Avenue when exiting the driveway. It was stated that the vehicles would need to go west to Howell Avenue.

Commissioner Hanna asked who the other tenants in the building are. Senior Planner Papelbon stated there are tenants in both buildings; however, some of the tenants did not require Conditional Use Permits. Senior Planner Papelbon stated that she can only provide the names of tenants that are part of the Conditional Use Permits. AST Learn, The Early Autism Project, both of those have indoor and outdoor Conditional Use Permits. There was also a gym that was recently recommended for approval. There is a lab testing facility that will go into the northern portion of this building.

Commissioner Hanna asked if the other tenants were notified or consulted. Senior Planner Papelbon stated that the notices went out the property owner, and it is incumbent upon the property owner to provide the information to their tenants.

Mayor Bukiewicz stated that the boundary for siren engagement would need to be added to the Conditions and Restrictions. Senior Planner Papelbon stated staff would need to craft some language for Council consideration.

Commissioner Chandler asked about the time of testing of sirens. Senior Planner Papelbon stated that the testing would only be allowed outside of the quiet hours that will be established. Mayor Bukiewicz added that the applicant would be amenable to doing the testing off site.

Mike Piechowski, 251 E. Rawson Ave.:

*“The other thing about that, they can cross the street on Rawson Avenue and go east towards South Milwaukee. So, part of that testing...There’s only one entrance to that complex, but they can either go east or go west. So, Howell would be west and if they cross the street they can go towards South Milwaukee.”*

Senior Planner Papelbon referenced the site plan, and asked Commissioner Kiepczynski to confirm if traffic can use the center median to go east on Rawson Avenue. Commissioner Kiepczynski stated traffic would be able to go east or west.

Mike Piechowski, 251 E. Rawson Ave.:

*“Correct, so they can cross Rawson Avenue from the driveway there and they can turn and go west towards Howell or they can cross the street and go east.”*

Mayor Bukiewicz stated the east boundary is what would need to be established. Senior Planner Papelbon explained the Conditional Use Permit has no jurisdiction over when sirens are going to be used. Staff tried to accommodate it by saying “only when medically necessary,” but there is no policing the City can do to make them get to a certain point before turning the sirens on.

Mayor Bukiewicz asked Superior when the sirens are medically necessary, and what the laws are. Ms. Augustine stated lights and sirens would need to be engaged at the same time; however, their data shows it is a very small percentage of their calls that require lights and sirens. Ms.

Augustine stated lights and sirens are most commonly used when transporting a patient from one hospital to a higher-level hospital, and the sirens are not turned on until they are leaving the hospital.

Senior Planner Papelbon stated that she would be hard-pressed to find language that could be included to address the neighbor concerns and the ambulance requirements. Senior Planner Papelbon said she would be able to include language about quiet hours for the testing, and that sirens would only be used when medically necessary or required by law.

Assistant Fire Chief Havey explained that the ambulance dispatch center will determine if a call is emergent at the point of call based on State provisions through the Department of Health Services (DHS). Senior Planner Papelbon stated that she thinks the only thing the City would have jurisdiction over would be to include the language “when medically necessary or required by DHS” and quiet hours for the testing.

Mike Piechowski, 251 E. Rawson Ave.:

*“Well, that’s the point I want to make here. Is that you’re changing zoning and again you’re letting an operation operate at the expense of us residents again. You just said that you can’t make them not turn their sirens on so there’s no way you’re going to tell them, they’re not going to turn them on or not. If they want to turn them and you’re changing the zoning to have that sort of operation across the street from us, and we’re going to have to deal with it because they don’t care. They’re not the ones that are going to get woken up in the middle night or whatever it may be.”*

Mayor Bukiewicz explained that the City cannot restrict sirens from the Oak Creek Fire Department on public streets, and the same would go for this business. The City can restrict the sirens on private property, and the Plan Commission is making their best effort to do so.

Mike Piechowski, 251 E. Rawson Ave.:

*“The point is here you have a choice, you can deny this and have that kind of operation across the street from us, where you’re not putting us in this situation, that’s the point.”*

Mayor Bukiewicz asked Senior Planner Papelbon what can be done on the property in the restrictions. Senior Planner Papelbon explained that the restrictions can state that the sirens are used when medically necessary or as required by state law, and testing shall not occur outside of designated hours. Senior Planner Papelbon stated that the City cannot restrict sirens altogether.

Commissioner Chandler asked who is responsible for this Conditional Use Permit. Senior Planner Papelbon stated it would be both the property owner and the tenant. The Conditional Use is requesting something that Superior Ambulance would need to abide by; however, it is up to the property owner to make sure whatever is granted on their property is followed.

Commissioner Chandler asked the applicant if there were any discussions with the other tenants or the landowner about the concerns.

Jason Atkielski, 931 Hickory Hill Parkway, Hubertus, representative of St. John’s Properties, explained that there were some brief conversations. Mr. Atkielski also stated that Superior Ambulance is a tenant in another of their properties, and there have never been any complaints

regarding the testing of the sirens. The test is a very quick sound to make sure the sirens are working.

Commissioner Hanna asked if there was something in the noise ordinance to help setup restrictions. Senior Planner Papelbon stated that is not possible because the proposal is for emergency services.

Commissioner Hanna clarified she was suggesting to use the timing from the noise ordinance. Senior Planner Papelbon explained there is a decibel level restriction in the noise ordinance as well.

Commissioner Hanna asked if all the adjacent tenants could be notified of the public hearing so they could be involved in the discussion and hear the sound level.

Commissioner Carrillo encouraged the applicant to have all tenants involved in the discussion.

Commissioner Oldani asked if the sirens are automatically engaged for emergencies regardless of the amount of traffic around. Ms. Augustine stated if the lights and sirens are required for an emergent response, the ambulance must have the lights and sirens going. Ms. Augustine reiterated that very few of their response calls are emergent. Superior mainly performs inter-facility transports.

Alderman Loreck suggested the applicant develop some internal policies regarding the sirens even though the City cannot police the sirens. Ms. Augustine agreed and said Superior Ambulance has internal policies in place at other locations at the request of towns. Ms. Augustine stated Superior Ambulance just wants to provide medical support to the community, and will consider whatever is requested by the Plan Commission or staff.

Commissioner Hanna reiterated that she would like the applicant to coordinate with neighbors regarding the public hearing. Senior Planner Papelbon stated it would have to come from the landlord because staff does not have a full tenant listing. Senior Planner Papelbon asked the landowner or landowner representative to have a conversation with tenants about the proposed use.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit Amendment for a private emergency service facility within a portion of the existing multitenant industrial building on the property at 140 E. Rawson Ave. after a public hearing and subject to conditions and restrictions. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT AMENDMENT  
PPG INDUSTRIES, INC. & SUNVEST SOLAR, LLC  
10600 S. 13<sup>TH</sup> ST.  
TAX KEY NO. 954-9996-006**

Senior Planner Papelbon provided an overview of the Conditional Use Permit request for a proposed solar farm on the property at 10600 S. 13<sup>th</sup> St. (see staff report for details).

Alderman Loreck asked if the panels are stationary, and if they produce glare for any nearby neighbors.

Bill French, SunVest, 330 W State St, Suite 1, Geneva, IL, explained that they will be using fixed panels that face south, and the residential neighborhood is about 570 feet to the north with an agricultural field in between.

Commissioner Chandler asked Assistant Fire Chief Havey if the Fire Department will need access to this area, and, if so, whether it is sufficient. Assistant Fire Chief Havey stated the Fire Department is familiar with the hazards of solar farms. Assistant Fire Chief Havey also stated the need to access the area is limited because it is not a structure. Assistant Fire Chief Havey also explained that PPG will be providing training to the Fire Department about the type of system that is being installed.

Mayor Bukiewicz asked the applicant if the solar farm will have a gravel base, and who will be responsible for maintaining it. Mr. French explained that underneath the panels there will be a low growing native grass that is maintained twice a year. Any noxious weeds will be treated on a spot treatment basis.

Alderman Guzikowski moved that the Plan Commission recommends (Note: motion included the phrase "that the Common Council") approves a Conditional Use Permit Amendment for a solar farm on the property at 10600 S. 13<sup>th</sup> St. after a public hearing and subject to conditions and restrictions. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

**TEMPORARY USE PERMIT  
ENGELSMAN CONSTRUCTION, INC.  
8989 S. HOWELL AVE.  
TAX KEY NO. 859-9038-000**

Zoning Administrator Miller provided an overview of a request for a Temporary Use Permit for a fenced-in staging area for the temporary storage of three (3) 30-yard dumpsters, one (1) office trailer, and twenty (20) storage containers in the parking lot at 8989 S. Howell Avenue (see staff report for details).

Alderman Guzikowski moved that the Plan Commission approves the Temporary Use Permit for a fenced-in staging area in the parking lot at 8989 S. Howell Avenue with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all dumpsters, storage containers, and the office trailer shall be located within the approved fenced-in area.
3. There shall be no advertising on or adjacent to the staging area.
4. Fire hydrants shall remain readily accessible by the Fire Department with a minimum clearance of 10' around the appliance.
5. All shared drives serving adjacent properties shall remain unobstructed at all times.
6. The maximum height of the fence shall not exceed six (6) feet.
7. The staging area and all contents shall be removed by November 30, 2020.

Commissioner Oldani seconded. Senior Planner Papelbon clarified that the date should be November 30, 2022. Correction included in motion. On roll call: all voted aye. Motion carried.

**PLANNED UNIT DEVELOPMENT AMENDMENT  
TARGET CORP.  
8989 S. HOWELL AVE.  
TAX KEY NOS. 859-9038-000**



Senior Planner Papelbon provided an overview of a request for a Planned Unit Development Amendment to allow an additional wall sign on the east elevation of the existing Target store (see staff report for details).

Alderman Loreck asked the applicant if the drive-up sign and order pickup sign are for the same service or two different services.

Sojung Kim, Kimley-Horn, 767 Eustis St., Ste. 100, St. Paul, MN, stated that the signs are for two different services.

Commissioner Oldani asked Senior Planner Papelbon when the applicant would come back for approval of the sign. Senior Planner Papelbon said the applicant would need to come back for the sign appeal process.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approve the Planned Unit Development Amendment for the property at 8989 S. Howell Ave. after a public hearing and subject to conditions and restrictions. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

**OFFICIAL MAP AMENDMENT  
CR DEVCO, LLC**

**2231 & 1933 W. PUETZ RD., 8843 S. 13<sup>TH</sup> ST., AND 8950 S. 20<sup>TH</sup> ST.**

**TAX KEY NOS. 856-9999-001, 857-9993-000, 857-9992-000, AND 857-9991-000**

Senior Planner Papelbon provided an overview of the request by CR Devco, LLC to remove and reconfigure portions of the future street pattern on the Official Map affecting the properties at 2231 & 1933 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. (and potentially 2411, 2345, 2321, & 2301 W. Puetz Rd.; 8810 & 8864 S. 27th St.; 2320 W. Grays Lane). (see staff report for details).

Commissioner Chandler asked what the impact of removing the future streets would be on the neighbors. Senior Planner Papelbon stated that in the proposed layout most of the official street pattern would be contained on the property that is owned by the developer. Senior Planner Papelbon provided an overview of the map and explained what is being removed. Senior Planner Papelbon continued by explaining staff is recommending removing the additional street layout because the road patterns do not seem to serve a purpose in the current layout. Removing the mapped streets does not mean that future access in a different configuration to serve these properties in the future would be eliminated.

Commissioner Chandler inquired if there was any feedback from the applicant regarding the suggestion from the Planning Department. Senior Planner Papelbon stated she has not received anything from the applicant.

Sean Kingston, 2480 W Grays Lane:

*“One thing, since I’ve lived there for 18 years, it never made sense why Grays Lane would ever be connected to Puetz because Grays Lane, if you guys have ever driven down it, is not a road that you want to encourage any additional traffic volume on. I’m 100% supportive on anything that would eliminate potential connection sources to our road. We walk down, it’s not sidewalked, it’s a very narrow road and we do walk our dogs down it and stuff like that. I’d highly encourage anything that takes away potential traffic volume from that road.”*

Sean Upthall, 8864 S. 27<sup>th</sup> Street:

*“My only question is, the road proposed to come through my property, is that just for future if I should decide to sell it or is this something that they’re going to take away?”*

Senior Planner Papelbon explained it is a future road pattern and is not anything that the City is saying is going to be constructed. The official map is from the 1960s and has been amended over the years. There are a lot of future roads on the official map that do not correspond with how the actual development has occurred in the area.

Alderman Guzikowski stated he has not received any calls from residents regarding this proposal and he would be in favor of staff’s recommendation.

Alderman Loreck referenced the map showing staff’s recommendation and inquired how the area would be accessed if it was developed. Senior Planner Papelbon stated there is a 30-foot easement that would provide access to the west for a future private connection. Senior Planner Papelbon continued and stated that any other properties that were affected by the future road pattern would then need to propose their own access if it is developed. This proposal will eliminate the official street pattern for public streets, but will not eliminate access.

Commissioner Carrillo asked what the blue streets on the map represent. Senior Planner Papelbon stated those are proposed to remain as future public roads.

Commissioner Hanna asked Senior Planner Papelbon to walk through the proposal. Senior Planner Papelbon provided an overview of the two proposals to eliminate the official street pattern for public streets to serve the area.

Commissioner Carrillo inquired why the proposals are keeping the portions shown in blue of the street map. Senior Planner Papelbon stated the blue portions would provide access to the developer for the proposed development.

Commissioner Carrillo asked if those portions would be public roads. Senior Planner Papelbon confirmed the blue portions would be public streets.

Commissioner Hanna asked why the remaining cul-de-sac on the southern portion, near Grays Lane, will be public right of way, but gated for emergencies. Senior Planner Papelbon stated there is a cul-de-sac there now that will be extended to provide the developer with a second point of emergency access that is required for the development.

Commissioner Hanna questioned if removing the streets from the street map would impact any utilities. Senior Planner Papelbon explained the utilities are already in and somewhat follow the road patterns, however the easements would provide access to what is already installed.

Commissioner Hanna inquired if the access elimination would impact how the parcels are serviced. Senior Planner Papelbon stated the utilities are only in serve what is being proposed on the development.

Mayor Bukiewicz said future developments can figure out streets at the time of proposal, as long as there is access. Senior Planner Papelbon explained the easement shown on the Certified Survey Map to provide access to the western portion could be a private road, this proposal is just removing the public street component.

Mayor Bukiewicz said he is in favor of the staff's recommendation.

Sean Kingston, 2480 W Grays Lane:

*"The extension on 20<sup>th</sup>, how close will that be getting to Grays? Because right now that's very close so if that's extended, will that touch Grays or is it still going to be separate?"*

Senior Planner Papelbon said she thinks they are still going to be separated. The intention is not to provide additional access from Grays Lane to 20<sup>th</sup> Street and vice versa.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Official **Planned** Map for a portion of the mapped, unimproved future right-of-way affecting the properties at 2231 & 1933 W. Puetz Rd., 8843 S. 13<sup>th</sup> St., and 8950 S. 20<sup>th</sup> St. 2411, 2345, 2321, & 2301 W. Puetz Rd.; 8810 & 8864 S. 27<sup>th</sup> St.; 2320 W. Grays Lane be amended as presented after a public hearing. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

#### **PLAN REVIEW**

**C.W PURPERO, INC.**

**7030 S. 13<sup>TH</sup> ST. AND 1190 W. RAWSON AVE.**

**TAX KEY NO. 735-9000-000 AND 735-9041-000**

Senior Planner Papelbon provided an overview of site, landscaping, and related plans for a parking lot (see staff report for details).

David Bachhuber, M Squared Engineering, N19W6719 Commerce Court, Cedarburg, was available for questions.

Commissioner Oldani moved that the Plan Commission approves site and related plans submitted by Phil Purpero, C.W. Purpero, Inc., for the properties at 7030 S. 13<sup>th</sup> St. & 1190 W. Rawson Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the Certified Survey Map approved by the Common Council on February 14, 2022 (Resolution No. 12306-021422) is recorded prior to submission of permit applications.
3. That each of the proposed lots is rezoned into a single zoning district prior to submission of applications for development or redevelopment per Resolution No. 12306-021422.
4. That all 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 adjacent to single-family residential areas are shielded on the side of the fixture adjacent to the residential area.
5. That the plans are revised to include locations and screening for any new mechanical equipment, transformers, utilities, and trash enclosures (if applicable).
6. That the landscape plans are revised to incorporate details of the proposed plantings at installation and maturity.
7. That all revised plans are submitted in digital format for review and approval by the Department of Community Development prior to the submission of permit applications.

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

#### **PLAN REVIEW**

**SIDETRACKED LLC.**

**823 W. OAKWOOD RD.  
TAX KEY NOS. 954-9994-000**

Zoning Administrator Miller provided an overview of site and building plans for a building addition, proposed accessory structure (pavilion), expanded parking lot, and outdoor patio at the property located at 823 W. Oakwood Road.

Shawn Upthall, 823 W Oakwood Road, explained that he did not construct a pavilion and there is no pavilion on the property. Mr. Upthall clarified that there is a tiki bar on the property. Mr. Upthall continued by stating he did propose to put a fence along the south property line to keep the garbage cans from the view of the people to the south.

Zoning Administrator Miller asked to clarify if the Mr. Upthall is proposing a new fence or use the existing fence. Mr. Upthall stated he is proposing a new 6-foot-tall picket fence.

Mr. Upthall explained that his original proposal was for a 19-foot-tall pavilion to cover the tiki bar, however if that is not possible he can lower it to 17 feet.

Zoning Administrator Miller clarified that the existing tiki bar would need to be included with the plan review because permits were never pulled for it. Mr. Upthall stated there was some confusion on his part because the property is mixed-use and does contain some residential he thought he did not need a permit due to the size of the tiki bar.

Commissioner Carrillo asked to clarify that the applicant is proposing a fence to screen the trash receptacles, however the City requires an enclosed receptacle. Zoning Administrator Miller confirmed that is correct. Mr. Upthall said he would be able to construct an enclosed trash receptacle.

Commissioner Carrillo inquired if there were two residential properties on each side of the subject parcel in addition to the residential properties behind the subject property. Mr. Upthall confirmed there is a residential property to the west. Mr. Upthall also stated that he is in the process of buying the property to the east, which is a business mixed – use property.

Commissioner Carrillo inquired if that meant there would not need to be screening on the east and west sides. Mr. Upthall explained there is a line of trees on the west side and that he proposed adding another picket fence along the patio to help keep the sound down.

Commissioner Carrillo asked what kind of sound there would be. Mr. Upthall stated it would be people on the patio.

Commissioner Carrillo questioned if there would be live music. Mr. Upthall explained that he had live music last year, but was told he could not have that. Mr. Upthall continued and stated that would be an issue to discuss in the future because other nearby businesses have live music. Zoning Administrator Miller clarified that live music would need to go through Plan Commission as a temporary use.

Alderman Loreck asked if there was electrical to the pavilion and if it was lit. Mr. Upthall said there is electrical to the tiki bar for TVs, however other than lights in the pavilion that is all that is really needed.

Alderman Loreck inquired if there were speakers at this time. Mr. Upthall stated not at this time because he does not yet know what will be allowed.

Commissioner Chandler asked if there will be a tiki bar and a pavilion on site. Mr. Upthall said the tiki bar will be under the pavilion.

Commissioner Chandler asked to confirm that the pavilion is the area that needs to be 17 feet tall or less. Zoning Administrator Miller confirmed and stated building plans would need to be submitted for the tiki bar and the electrical work.

Commissioner Oldani moved that the Plan Commission approves the site and building plans submitted by Shawn Upthall, Sidetracked LLC, for the property at 823 W. Oakwood Road with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That landscape plans be submitted to the Department of Community Development for review and approval to show adequate screening of the proposed fence, parking and patio areas.
3. All gravel areas must be paved to meet Code requirements.
4. That all mechanical equipment shall be screened from view.
5. That the plans are revised to include details for a required trash enclosure.
6. That the use of vinyl siding for exterior building materials is approved by a  $\frac{3}{4}$  majority of the Plan Commission.
7. That the height of the pavilion shall not exceed 17 feet as measured from grade. The Applicant may submit a Board of Zoning Appeals application to seek a variance for the height of the pavilion within 30 days of this Plan Commission review.
8. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.
9. That a fence is to be installed on the rear of the property at a height of six feet tall.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:05 pm.

ATTEST:



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Kari Papelbon, Plan Commission Secretary

4-26-22

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Date