

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, February 22, 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, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Kari Papelbon, Senior Planner; Mike Havey, Assistant Fire Chief.

Minutes of the February 8, 2022 meeting

Commissioner Siefert stated that page 7 needed a correction from Alderman Siefert to Commissioner Siefert in the motion for the Official Map Amendment.

Commissioner Siefert moved to approve the minutes of the February 2, 2022 meeting (actual meeting February 8, 2020), as amended. Commissioner Oldani seconded. On roll call: all voted aye except Alderman Guzikowski abstained. Motion carried.

PUBLIC HEARING

SIGN APPEAL

**EMILY BERNAHL, BERNAHL DEVELOPMENT SERVICES, LLC FOR
TEXAS ROADHOUSE
1489 W. BROADWICK PL.
TAX KEY NO. 784-9033-000**

Senior Planner Papelbon read the public notice into the record.

Senior Planner Papelbon provided an overview of the proposed variance that would allow the applicant to install two (2) signs on the west elevation for the property at 1489 W. Broadwick Pl. (see staff report for details).

Emily Bernahl, Bernahl Development Services, LLC, 1165 W Deerpath, Lake Forest, IL, stated that they just wanted to point out that on the west elevation, the larger sign and the smaller sign combined total square footage are less than the Code, of 100 square feet and would like the Commissioners take that into consideration when making their decisions.

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

**EMILY BERNAHL, BERNAHL DEVELOPMENT SERVICES, LLC FOR
TEXAS ROADHOUSE
1489 W. BROADWICK PL.
TAX KEY NO. 784-9033-000**

Senior Planner Papelbon provided an overview of the proposed variance that would allow the applicant to two (2) signs on the west elevation for the property at 1489 W. Broadwick Pl. (see staff report for details).

Commissioner Oldani stated that there are concerns over the Texas flag flying higher than the American flag.

Senior Planner Papelbon stated the applicants have been made aware of this. These renderings are from prior to our request to have the American flag fly higher than the Texas flag.

Commissioner Chandler asked whether there are any other signs on the building, other than the ones on the west side. If so, which side of the building would this sign be on.

Senior Planner Papelbon responded that the signs will be on all sides except the north. The only sign in consideration for this variance is the Texas Roadhouse To-Go sign. The other signs will be addressed in the next agenda item for the Sign Plan Review.

Commissioner Loreck moved that the Plan Commission approves a sign variance allowing the installation of (1) 2'-1" (h) x 3'-10" (l) (7.98 sq. ft.) LED cabinet wall sign with push thru ½" lettering on the west elevation of the Texas Roadhouse restaurant located at 1480 W. Broadwick Pl.

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

SIGN PLAN REVIEW
EMILY BERNAHL, BERNAHL DEVELOPMENT SERVICES, LLC FOR
TEXAS ROADHOUSE
1489 W. BROADWICK PL.
TAX KEY NO. 784-9033-000

Senior Planner Papelbon provided an overview of the proposed update to the Master Sign Plan for the property at 1489 W. Broadwick Pl. (see staff report for details).

Alderman Guzikowski moved that the Plan Commission approves the Master Sign Plan submitted by Emily Bernahl, Bernahl Development Services, LLC, for the future Texas Roadhouse building at 1489 W. Broadwick Pl.

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

CONDITIONS AND RESTRICTIONS
TRACEY ERICKSON, PEAK CAR WASH
140 W. PUETZ RD.
TAX KEY NO. 828-9016-000

Senior Planner Papelbon provided an overview of the draft Conditions and Restrictions for a Conditional Use Permit for a car and pet wash facility at 140 W. Puetz Rd. (see staff report for details).

Alderman Loreck stated that he had concerns with car washes, and where the water/soapy water will be going to.

Senior Planner Papelbon responded that the drainage and storm water will be addressed at the time civil drawings are submitted for the departments to review.

Commissioner Siepert stated his concern for the employee parking.

Senior Planner Papelbon responded that the required parking spaces for car washes is determined by the number of bays and stacking area.

Tracy Erickson, Peak Car Wash, 6011 Waterbury Drive, Bourbonnais, IL, stated they have two (2) – three (3) employees there at a time, and that parking should not be an issue.

Mayor Bukiewicz questioned the hours of the pet wash. He stated that he thought this was a 24-hour service, and asked if the vacuums will be onsite in the center area.

Senior Planner Papelbon stated that the 24-hour service listed in the last meeting was an error. The hours are the same as the car wash.

Mr. Erickson confirmed that the free vacuums are onsite and are in the center area.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a car wash on the property at 140 W. Puetz Rd.

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

ZONING TEXT AMENDMENT AMENDMENTS TO CHAPTER 17 OF THE MUNICIPAL CODE PRIVATE EMERGENCY SERVICES

Senior Planner Papelbon provided an overview of the proposed Zoning Text Amendment for Private Emergency Service Facilities (see staff report for details).

Michael Piechowski, 251 E. Rawson Ave.:

"I am just across the street from this property. I have questions about this code change. What I am going to bring up here is that when you allow these type of businesses across from Homeowners, it causes issues, and to St Johns property, is already causing issues for us across the street as Homeowners, and one of the things I can bring up about this property is that they have allowed, more businesses was really set up that we were told was going to be allowed for basically a nine (9) to five (5) type operation and that there's like 15 storefronts there, right now, two (2) buildings and they got property to build another storefront. We were told that this was going to be basically like a nine (9) to five (5) operation for most part, and these businesses and each separate business what I was told by the builder for the most part would have only, say five (5) employees, for the most part at each place, so he told me go to, they have a property on. 13th street, and I went there to look at it, and in this was all getting approved, that's we said okay that's something that shouldn't be a problem. The problem is now that they have allowed schools there, they have a special needs school for children there, and they also have another school. There were now the amount of cars and traffic there, has exploded so, at any so this as it was understood from having five (5) cars per 4 storefronts, which would have been to that parking lot would be 100 cars, if you. give and take, you can go there there's only four (4) businesses open there now, and there's over 50 cars going in out of that area now. If you're going to allow for ambulance services, what does that mean, does that mean that they're going to have ambulance vehicles parked there. How many are there going to be 24/7, and now we got seven (7) days a week 24/7."

Mayor Bukiewicz stated that this agenda item is not addressing the property at 140 E. Rawson Ave. This is a zoning text amendment for the entire City.

Senior Planner Papelbon stated that, if approved, this proposed use would be allowed in the B-4, Highway Business; Lm-1, Light Manufacturing; and M-1, Manufacturing zoning districts as Conditional Uses. If the applicant did decide to go through with a request for this use, there would be site-specific criteria and there are additional steps that need to be completed.

Mayor Bukiewicz provided an example of this process for the resident.

Mr. Piechowski:

"I understand what you're doing, but I'm. want to point out the dangers of you know you, when you have zoning and you set up a business for specific zoning, and now the owner comes back to us as well, now I want to do this, and now I want to do it, keeps on raising the bar to the zoning that they want, that wasn't what these properties were originally zoned for, and they keep on coming back, and wanting to change the zoning forward, and it's not always to the benefit of us property owners across street."

Mayor Bukiewicz stated that he was not aware of any request from St. John's [Properties] coming back to Plan Commission.

Senior Planner Papelbon responded that the M-1, Manufacturing zoning for the property didn't change, but Conditional Uses were approved with the Conditions and Restrictions for some of the businesses described earlier.

Mr. Piechowski:

"When you have some time, the entrance to that property is horrendous. They got a 10-foot wall that they've had several serious accidents, in fact they got pictures of last accident they had and it actually had a car broadside, tip over, the fact when you enter that property, they actually St Johns, actually has put up a mirror, because cars will run into each other are coming in and out. So, the point I am making here, again, is the more traffic and the more things you put in, you put ambulances in, you got UPS, you got some semi's, it's a with the type of operation here with, parents and their kids trying to get out of that parking onto the Rawson Ave, it is a very busy street. And the more traffic you add there it's a disaster going to happen, because it just is. It's we already had several accidents already there, and now you're adding. If you add ambulances there, and these guys."

Mayor Bukiewicz stated that any time you add business, you are going to get increased traffic. He thanked the resident for bringing the traffic issues to the Commission.

Senior Planner Papelbon stated that the wall was part of the Site Plan and Sign Plan reviews.

Mr. Piechowski:

"One more thing, I'd like to ask what is the criteria for you know, we're talking about all these signs that they have. Special signing at these businesses have to get permission for, what I have is a picture, they have put up For Lease Sign right on Rawson Avenue, for at least three (3) years, that is a wood sign that they staked out, you have all these restrictions on signage and how signage is and they got this big unregulated sign facing the road, and when I look out my front

window they got this this big sign. Why have all these criteria for signage, when they can put this thing up and every time there's a high wind, the thing gets blown over, and they have to go and pick it up."

Mayor Bukiewicz stated that they do have sign ordinances, and did not have the capacity to cover every issue. The City has hired a Neighborhood Preservation Officer to handle these issues. Now that we are made aware of this, we can have them address it.

Senior Planner Papelbon suggested the resident contact Tamira Rice, the Neighborhood Preservation Officer, with his concerns for this sign.

Commissioner Chandler asked for confirmation that the Emergency Services Facility use is not in the Code, and that the suggestion is to allow it through the City.

Senior Planner Papelbon responded that Emergency Services Facilities are not in any of the categories specified within the Code. They are looking to allow Emergency Services Facilities in not just the Manufacturing District (M-1), but also the Highway Business District (B-4), and Light Manufacturing District (Lm-1).

Commissioner Hanna asked for clarification on the difference between Private Emergency Services and Public.

Senior Planner Papelbon stated the request is private ambulance services and deferred to Assistant Fire Chief Mike Havey for details.

Assistant Fire Chief Mike Havey stated the public is provided Emergency Medical Services (EMS), services both medical and fire, and the Private Emergency Medical Services provide transport services for the hospitals, assisted living, homecare services, etc. So if a patient is discharged from the hospital and they have no means of transportation, they need to be transported by ambulance.

Commissioner Loreck stated that some of these private emergency services provide services for the City of Milwaukee. What are the intentions for Oak Creek?

Assistant Fire Chief, Mike Havey responded that some jurisdictions, such as Milwaukee County, have these private emergency services provide basic or advanced life services. The City of Milwaukee did not have the capacity to provide these services, and this is why they use these private emergency services. Those are done by the jurisdictions. As for private municipal services, it is not what they (the applicant) are looking for. This is just for private emergency services.

Mayor Bukiewicz stated he would like more information on how this works.

Assistant Fire Chief Havey stated that these are called Interfacility Agreements. There is a certain level of operations within the basic or advanced life services. These are not driven from 911 services, but a prescheduled appointment to move someone from "point A" to "point B." These operational decisions are approved and regulated by the State and the Fire Department is not privy to this situation.

Commissioner Hanna requested confirmation that there is no overlap between public and private emergency services.

Assistant Fire Chief Havey stated that their (public) services are driven from the 911 calls. It is not to say they wouldn't use the private services. For example: if there should be a mass casualty situation.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the proposed amendments to Chapter 17 of the Municipal Code pertaining to private emergency services are approved after a public hearing.

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

PLAN REVIEW
SAM DICKMAN, THE DICKMAN COMPANY, INC.
10303 S. OAKVIEW PARKWAY
TAX KEY NO. 955-1030-000

Senior Planner Papelbon provided an overview of a request for an expansion of the parking area on the property at the address above (see staff report for details).

Commissioner Chandler questioned the need for the additional parking spaces.

Sam Dickman, The Dickman Company, Inc., 25 North Prospect, Milwaukee, WI, stated that the new tenant that does manufacturing needs the additional spaces for their employees.

Alderman Guzikowski moved that the Plan Commission approves the site and related plans submitted by Sam D. Dickman, The Dickman Company, for the property at 10303 S. Oakview Pkwy. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all conditions of approval from November 24, 2020 remain in effect.
3. That all revised plans (site, landscaping, etc.) are submitted in digital format for review and approval by the Department of Community Development prior to the submission of building permit applications.

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

PLAN REVIEW
MARK TEGROOTENHUIS
HSA COMMERCIAL, INC.
10551 S. OAKVIEW PARKWAY
TAX KEY NO. 955-1024-000

Senior Planner Papelbon provided an overview of a request for a multitenant industrial building on the property at the address above (see staff report for details).

Commissioner Chandler requested an explanation for the difference in the parking stalls, and asked whether they have alternative plans for parking if there are more than two (2) tenants.

Mark TeGrootenhuis, HSA Commercial, Inc., 100 S. Wacker Drive, Suite 950, Chicago, IL, stated that this is a spec building. Formulas are useful for figuring out parking requirements. Since they don't know who the tenants will be, they don't know what their needs will be for the trash

enclosures, monument sign, etc. History tells them that this will be one (1) or two (2) tenants, so the parking they are proposing would be sufficient. They will have to go through the permit process, so when there needs to be signage, parking, etc., they will be addressed then. There is ample trailer storage on the west side, and in the past, they have used that area for additional parking for cars.

Commissioner Chandler requested more information on the third entrance.

Mr. TeGrootenhuis stated that if they split the building down the middle, they will have to address the middle entrance at some point. If there are concerns, they could put up a canopy or something like that. This could be addressed for that tenant during the improvement permit process.

Commissioner Chandler requested more information on the other entrances.

Mr. TeGrootenhuis responded that they do not have an overhang or canopy on the other two (2) entrances.

Commissioner Kiepczynski stated that there is a retaining wall on the west side that is shown within the sanitary sewer easement. Please continue to work with the City to obtain a Hold Harmless Agreement for the sanitary sewer within that easement. The unused sanitary and water main laterals will be required to be abandoned at the main. The Water and Sewer Utility has some suggestions and thoughts to help them out with that, so please work with them. There is a sanitary manhole within the southwest corner of the parcel, just outside the retaining wall. Squaring off that road instead of the radius would allow closer access for maintenance. Maybe some type of pad would work as there are known issues there, and the Water Utility has been monitoring these known issues at that manhole. Try and make this manhole out of the way when trucks would be in that area. There is also a sanitary manhole within the trailer park on the west side, and within the paved area. They would like to see striping off that area so it would not allow a trailer to be parked over it. In addition, it should be called out so it would not allow trucks to park over it, and there is some adjustment needed as well. Lastly, the plans appear to be missing information on the water lateral: their size or details on length.

Mr. TeGrootenhuis responded that they have done the Hold Harmless Agreement and retaining wall in the past, so they have no issues and can work with staff. They are working with Pinnacle Engineering for the sewer and water, so they can address your concerns for the abandonment and the sanitary manholes.

Commissioner Hanna stated that the only access to this area, is Oakwood Rd., and 13th Street will access off Oakwood Rd straight to I-94. It appears that employees will be accessing Oakwood Rd., which is a measure of 90% residential occupancy. How will the increase in traffic be controlled on Oakwood Rd.?

Commissioner Kiepczynski stated that when this area was being developed a traffic study was completed, and it did account for distribution from that parcel.

Commissioner Hanna stated that, from her information, the study was done incorrectly, that there are issues with safety and the volume of traffic. Since there are already issues, will this be studied or will this be addressed by a traffic signal or sign?

Senior Planner Papelbon responded that when 10303 S. Oakview Parkway was being developed, those concerns were addressed. Both of these parcels at the corner of Oakwood and South Oakview Parkway included distribution uses and it was determined that no additional infrastructure was needed. There was a Conditional use Permit issued last year for the freight yard/terminal/transport depot facilities, which included restrictions on trucks using Oakwood Rd. They can not restrict passenger vehicles on Oakwood, just the trucks.

Commissioner Hanna responded that the trucks are using Oakwood Rd., so they are not complying. She asked for the traffic study, and stated that, from her knowledge, it is not adequate for the amount of volume traffic going through there. The traffic study should be reviewed again, for the sake of the residents on that street.

Senior Planner Papelbon stated if there are traffic concerns, the City would have a conversation with the Police Department and the City Engineer to determine whether additional signage would be required, such as “no left turns for trucks.” As far as the traffic is concerned, there were no other concerns or requirements for upgrades at this time. They will have to consider whether additional requirements are needed in the future development for the rest of the park.

Mayor Bukiewicz stated that, from his experience, this should be built for four (4) tenants. In the past, too many developers made plans for four (4) tenants, but concentrated on two (2), and then they are back here trying to adjust for the additional tenants. The middle entrance should be made as prominent as possible. They can't police the roads once these businesses go in, and they do get complaints about the truck traffic. As this park develops, they will have to consider some type of restriction, such as no left turns for trucks.

Alderman Guzikowski moved that the Plan Commission approves the site and building plans submitted by Mark TeGrootenhuis, HSA Commercial, Inc., for the property at 10551 S. Oakview Parkway with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the plans are revised to include locations for all mechanicals, transformers, and utilities. All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
3. That the landscape plans are revised to include the location of easements, heights of all screening plants at installation and maturity, and showing all trees outside of utility easements.
4. That the plans are revised to incorporate details for the proposed retaining walls.
5. That the plans are revised to include details for the trash enclosure(s).
6. That a detailed Master Sign Plan is reviewed and approved by the Plan Commission prior to submission of sign permit applications.
7. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.
8. That revisions to the elevations incorporating Plan Commissions comments on the center tenant, as well as the future parking areas, are identified on the plans prior to submission of permit applications.

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

**TEMPORARY USE PERMIT
CASIE ERTL, CE FARMS
7501 S. HOWELL AVE.
TAX KEY NO. 782-9036-000**

Senior Planner Papelbon provided an overview of a request for a temporary use permit for a temporary garden center in the parking lot on the property at the address above (see staff report for details).

Commissioner Oldani moved that the Plan Commission approves the Temporary Use Permit request submitted by Casie Ertl, West View Gardens (actual business name CE Farms), for the operation of a garden center in the parking lot on the property at 7401 S. Howell Ave. (actual address 7501 S. Howell Ave), with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all garden center activities shall be located within the portion of the parking lot as per the proposed map.
3. That operations shall occur between 9:00 AM and 6:00 PM Monday through Saturday, and between 9:00 AM and 5:00 PM Sunday.
4. That signage for the operation is limited one 32 square-foot temporary sign.
5. That a tent permit is obtained for the temporary garden center.
6. That the Temporary Use Permit shall be valid between April 15, 2022 and July 31, 2022. The property shall be restored to its pre-temporary use condition by no later than July 31, 2022.

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

**PRELIMINARY PLAT
JESSICA GANTHER, F STREET DEVELOPMENT GROUP
LAKESHORE COMMONS (PHASE 1)
4005 E. LAKE VISTA PARKWAY
TAX KEY NO. 868-9005-000**

Senior Planner Papelbon provided an overview of a preliminary subdivision plat for Phase 1 of the Lakeshore Commons development on the property at the address above (see staff report for details).

Alderman Loreck stated asked for clarification on whether the single-family dwellings will or will not have to come before the Plan Commission.

Senior Planner Papelbon responded that buildings with up to three (3) units will not require Plan Commission review, similar to how single-family residential are treated. Any buildings with more than three (3) units will be brought back before Plan Commission for review.

Commissioner Siepert asked when this project will begin.

Senior Planer Papelbon stated that the project has already started. There is activity on this site.

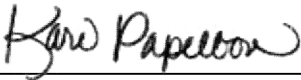
Alderman Guzikowski moved that the Plan Commission approves the Preliminary Subdivision Plat for Lakeshore Commons submitted by Jessica Ganther, F Street Development Group, for the property at 4005 E. Lake Vista Parkway with the following conditions:

1. That all relevant Code requirements and conditions of the Traditional Neighborhood Development Planned Unit Development (TND PUD) remain in effect.
2. That all conditions of approval from the January 11, 2022 Plan Commission review of the multitenant and townhouse buildings on the proposed Lot 8 remain in effect.
3. That the Master Landscape Design Guide and Plan are approved by the Plan Commission prior to submission of building permit applications.
4. That all revisions to the plat are submitted to the Department of Community Development prior to submission of permit applications.
5. That all required Development and Stormwater Agreements and Land Use Permits are coordinated with the Engineering Department.
6. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
7. That all reviewing agency comments, if any, are incorporated as required.

Alderman Loreck 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 7:30 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

3-8-22

Date