

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, AUGUST 23, 2022**

Alderman Loreck 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, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Kari Papelbon, Senior Planner; Jack Kovnesky, Zoning Administrator/Planner; and Assistant Fire Chief Havey.

Minutes of the August 9, 2022 meeting

Commissioner Oldani moved to approve the minutes of the August 9, 2022, meeting. Commissioner Siefert seconded. On roll call: Commissioner Hanna abstained, and all others voted aye. Motion carried.

**SIGN PLAN REVIEW
OAKVIEW INDUSTRIAL PROPERTY V, LLC
10303 S. OAKVIEW PKWY
TAX KEY NO. 955-1033-000**

Zoning Administrator/ Planner Kovnesky provided an overview of a proposed Master Sign Plan for the multi-tenant industrial building at 10303 S. Oakview Pkwy (see staff report for details).

Maggie Menard-Mueller, 320 W Oakwood Road:

“My husband and I live right across the street from that huge building. The problem we have with the proposed signage is, there’s really no need for a north sign on the north side of the building. If a truck comes down Oakwood, they’re illegal, they’re not supposed to come down that way. They’re the only ones that would see it, except for us, we would see it not 24/7, but every night it would be lighting up red or whatever color it might be. We don’t really see the need for a sign on the north end of the building, facing the residences and the cemetery. We already have enough light pollution from this development. The lights that went in, that are over the docks shine directly into our house every night. It’s not so bad in the summer, but now the days are getting longer and we’re noticing them earlier now. I did give the Plan Commission, Jack, a picture of it today to show just how bright, we’re already lit in our house. There’s a way to fix that I think, and one would be to adjust the lights either lower or tilt them 45 degrees toward the south so they’re not spreading the light all the way to our house. Also, there’s a landscaping gap that was created. We really appreciated the berm, but they stopped putting the nice bushy fir trees right in front of where the lights are. Instead, they have these little scraggly deciduous trees that aren’t going anywhere, they water them all summer and they look horrible. I would be a very, very old person by the time they would block any light. So maybe there’s some fixing that could be done there to help block the light and end the light pollution that’s really plaguing us, other than the fact that there’s a monster building across the road from us. My husband couldn’t be with us, he’s recovering from a heart attack. He’s kind of given up on all this, he says, but I know that he keeps a track of the trucks that still come down Oakwood. He submits that to the police chief on a regular basis, it’s still a major problem on Oakwood Road. I know there’s some other people here from the other end of Oakwood Road, they probably get the same kind of thing going on down toward them.”

Commissioner Carrillo inquired what the temporary signs were that Zoning Administrator/ Planner Kovnesky referred to. Zoning Administrator/ Planner Kovnesky explained that the applicant requested signs to be placed on the tenant space before the permanent signs are placed, but this would require a temporary sign permit.

Alderman Loreck asked to confirm that this agenda item would just be approving sign locations and not a specific sign. Zoning Administrator/ Planner Kovnesky confirmed that was correct.

Alderman Loreck asked if the allowance for the sign on the north side is due to the door being present on that side. Zoning Administrator/ Planner Kovnesky confirmed that was correct, and stated that it is up to Plan Commission to determine if the endcap sign will be part of the Master Sign Plan.

Alderman Loreck asked if it was possible to add a condition that the sign would need to remain unlit. Senior Planner Papelbon stated that the Plan Commission has an opportunity to place any restrictions on any sign that is part of a Master Sign Plan. Senior Planner Papelbon stated that there are requirements for signage and lights to be extinguished by 50% during non-business hours; however, with a 24/7 operation, it is more difficult to enforce. If a restriction is placed on the north endcap tenant, the Plan Commission may want to consider the same restriction for the south endcap tenant so both spaces can have equal representation in terms of signage.

Alderman Loreck asked if there are walkways to the north and south doors. Senior Planner Papelbon stated that it is not clear from the site plan, but that she believes there is an access path there.

Commissioner Chandler asked the applicant to provide more information about the directional signs.

Shaun Relken, 21700 Doral Road, Waukesha, stated that, at this time, it is just a directional on the south side of the property. Mr. Relken asked if Commissioner Chandler had specific questions pertaining to the sign itself. Commissioner Chandler referenced the other signs being lit, and inquired what is involved with the directional signs. Mr. Relken stated the signs will not be illuminated, and will consist of an all-aluminum body with exterior grade vinyl.

Commissioner Chandler referenced the request for more details in the staff report, and asked Zoning Administrator/Planner Kovnesky if the applicant's responses regarding lighting and locations answered Planning's questions. Zoning Administrator/ Planner Kovnesky explained that when the staff report was published, there was an issue with the export of the PDF document that was provided to him, and the Sign Plan did not include the directional signs. That has been included in the overall Plan Commission packet, and what is displayed is correct.

Commissioner Chandler asked for more information about the purpose and audience of each tenant sign and the endcap signs. Mr. Relken explained that each sign is for each tenant to represent their business. Mr. Relken stated that he thought the original plan was to use box signs; however, that was eliminated in the Zoning Code earlier this year, so the applicant chose to go with mounted channel letters.

Commissioner Chandler asked if the traffic that will see these signs will be individuals that will utilize the business, or is it more to share who the business is with the residents. Mr. Relken stated that he cannot speak for the tenants, but that he thinks the signs are meant to identify the company in the building, truck traffic, employees, and if there is foot traffic for customers.

Commissioner Hanna inquired why the signs on the north side need to be illuminated if there are no trucks allowed on Oakwood Road. Mr. Relken stated that, at this time, no signs have been applied for. Mr. Relken stated that he assumes the signs on the north side are just to identify that tenant.

Commissioner Hanna reiterated that there are no trucks to guide to the entrance or exit, and the signs are just to identify the businesses. Commissioner Hanna suggested adding a condition to restrict illumination to after morning or afternoon hours. Senior Planner Papelbon stated that if the Plan Commission wishes to restrict the illumination on the north and south endcap tenant signs as a condition, or wishes not to approve endcap signs, that is within their purview.

Commissioner Hanna stated that she is more concerned with the north end because it faces residents. Senior Planner Papelbon reiterated that this would cause a little bit of a disconnect between two tenant spaces, and would become unbalanced.

Mr. Relken clarified that as the site and building plans are drawn currently, there would only be one tenant on the north end. If there ends up being one business on the far end, and that's the only place they can put a sign, then they would be restricted.

Commissioner Hanna asked how the applicant would be able to address the tenant concern. Senior Planner Papelbon rephrased the question, and asked if the landlord would be amenable to having the north and south endcap signs non-illuminated. Mr. Relken stated that he would need to confer with the landlord, but they are pretty easy-going and he does not think they would have an issue with it, especially given residents having issues on top of light pollution.

Mayor Bukiewicz stated that the signs are of proper size, and the City wants a balanced building.

Mayor Bukiewicz made comments that were not audible.

Mayor Bukiewicz asked Zoning Administrator/Planner Kovnesky if there was one [sign] on the east and one [sign] on the west. Zoning Administrator/ Planner Kovnesky said the monument sign is on the east side of the parcel.

Mayor Bukiewicz stated that he always says try to be consistent. In the past with buildings like the subject building, or even smaller buildings, the Plan Commission has allowed endcap unit signs. Mayor Bukiewicz stated that he is in favor of the signs on the endcaps, but non-illuminated. What happens on the north should be consistent with the south for the building owner. Maybe it would be different if it was an inward light or a ground light shining up at the sign. Mayor Bukiewicz stated that is his opinion and believes it would be a fair compromise.

Commissioner Oldani asked Zoning Administrator/Planner Kovnesky if the Plan Commission would see the proposed detailed sign plans. Zoning Administrator/ Planner Kovnesky confirmed that is correct - the Master Sign Plan will provide locations, and sign permits would be applied for and would go through the Department of Community Development for review.

Commissioner Oldani stated that he does not see a point in continuing to speculate if the signs will be lit or how much they will be lit until the signs come through.

Mayor Bukiewicz agreed, and said an example would help.

Senior Planner Papelbon clarified that if the Master Sign Plan is approved the applicant can proceed to sign permit applications. The individual signs would not come back to the Plan Commission unless they are asking for variations.

Alderman Loreck asked if the Plan Commission's intention is to have non-illuminated signs whether the Plan Commission would add a sixth (6th) condition.

Senior Planner Papelbon stated that her recommendation is if the Plan Commission wishes to add a sixth (6th) condition, it would be: "That the endcap signs on the north and south elevations are non-illuminated."

Commissioner Oldani expressed concerns about the Plan Commission adding conditions as they go - it is a slippery slope. Commissioner Oldani stated that he thinks, like any other business that has been approved for the signs that they're afforded, then that is what they should be afforded. If the City wants to, approach the applicants after the meeting and see if they are willing to cooperate and consider the neighbors.

Senior Planner Papelbon stated that she recommends that this item is held until a conversation with the landlord occurs. Or the Plan Commission can deny the endcap signs altogether, and the applicant can come back.

Commissioner Oldani made comments that were not audible.

Commissioner Oldani stated that the Plan Commission should give the applicant an opportunity to have the conversation with the neighbors present and see what they are willing to do.

Commissioner Hanna stated that she would hold it as well, but the Plan Commission needs to notice that one size does not fit all, and it needs to be looked at on a case-by-case basis.

Commissioner Oldani stated that he would disagree - that is why the rules are put in place. It could be a mess every time if the Plan Commission starts deciding what the rules are and not what the intention was in the first place. Senior Planner Papelbon clarified that the Code says that end cap tenants are allowed, with Plan Commission approval, to have an additional sign. They are not necessarily entitled to have another sign.

Mr. Relken asked if it is within the Plan Commission's power to dictate when signs can be illuminated with the Master Sign Plan. Mayor Bukiewicz asked Senior Planner Papelbon if that could be added to the Conditions & Restrictions. Senior Planner Papelbon stated that it can be a condition of approval.

Mr. Relken stated that a simple timer could (*inaudible*). Senior Planner Papelbon explained that the condition may cause more questions or issues. Senior Planner Papelbon again recommended the item should be held until a conversation can occur with the landlord.

Mayor Bukiewicz gave an overview of the options available to the Plan Commission. Commissioner Hanna stated that she would recommend holding the item.

Commissioner Hanna moved that the Plan Commission hold the approval of the Master Sign Plan submitted by Oakview Industrial Property V, LLC for the multi-tenant industrial building located at 10303 S. Oakview Pkwy.

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

**PLAN REVIEW
EYM REALTY
175 & 175R W. RYAN RD.
TAX KEY NO. 906-9009-003 & 906-9009-002**

Senior Planner Papelbon provided an overview of the site, building, and related plan review for a multitenant commercial building (see staff report for details).

Commissioner Chandler asked the applicant to share information on the actual flow of traffic planned for the site.

Alexandro Bernal, Dallas, Texas, representing the project, explained that there are two (2) entries, and the applicant was planning to have traffic going in and coming out of those two (2) and the other side, too. Mr. Bernal said they are willing to work with the City.

Commissioner Chandler asked if it is acceptable to have traffic flow one-way around the building, and the [parking] lots are two-way.

Senior Planner Papelbon confirmed that staff is recommending the two-way traffic on the west side of the property be reduced and restricted to one-way traffic. Staff also recommends that the existing restriction for one (1) lane and one-way traffic on the east remain. The two-way traffic for accessing the parking stalls on the north and south can remain. Senior Planner Papelbon stated that staff wants to make sure traffic is restricted around the building to one-way traffic. The only questionable area is the drive aisle for the parking stalls that are immediately to the south of the building. A conversation would be needed regarding whether the flow will still work if a drive-through came at a future date.

Commissioner Chandler asked if that was acceptable to the applicant. Mr. Bernal stated the applicant can work with it.

Commissioner Chandler asked the applicant to share the pedestrian access area in relation to the traffic. Mr. Bernal stated that he can provide something for the pedestrian area, but does not have it with him at this time.

Senior Planner Papelbon referenced the site plan on the screen, and stated that the north side of the building is the location of the public entrance. Senior Planner Papelbon stated that her concern with the pedestrian access is that there appears to be a lot of parking on the south end, behind the building, potentially causing traffic to park behind the building and pedestrians having to go around to get to the entrance. More than likely it would be employees using the service doors on the south to get to the trash enclosures, which are quite a distance from the building, causing them to cross the drive aisles.

Commissioner Chandler asked the applicant if he had any comments regarding Senior Planner Papelbon's suggestions or concerns. Mr. Bernal agreed that all the back doors would be access to the commercial retail and going straight to the trash enclosure.

Commissioner Chandler asked the applicant to provide information regarding the windows. Mr. Bernal explained that in the back there would be no windows. On the east side of the building,

the windows shown in white are where a kitchen would be established for a restaurant like KFC, and the windows covered.

Commissioner Chandler asked if those type of windows are unique to that type of tenant. Mr. Bernal confirmed that is correct; however, if it was a retail shop, that area would be used as storage. Senior Planner Papelbon stated that if that is the case, then staff would recommend that the portion that would be dedicated to back-of-house incorporate building materials to match what is there rather than have windows that will be covered up or spandrel glass.

Mr. Bernal explained that the applicant usually leaves the glass there in case a retail store moves in - the area can be used as a display. This would give the retail store more visibility in the multi-tenant building. Senior Planner Papelbon stated staff's comments remain. If the endcap tenant ends up being anything other than a drive-through restaurant, staff would want to talk about the design of pedestrian access around the building, possibly eliminating the east drive-through aisle. Senior Planner Papelbon stated that if this will be a retail tenant that incorporates those windows, the windows would not be covered in film and they would be full glass windows to match the rest.

Milinda Dobbs, 10536 S Austin Street:

"The picture where it's showing the retention pond, I actually yesterday just walked past that way. I guess my question is, if that's Ryan Road, is the bottom then considered the area where Howell Avenue would be?"

Mayor Bukiewicz clarified that the site is strictly on Ryan Road, west of where Georgie Porgies is.

Ms. Dobbs:

"Because when they have the access, they're going to have access from Ryan Road, I mean from Howell Avenue also, correct?"

Mayor Bukiewicz stated that they would have to cut through the Georgie Porgies lot.

Ms. Dobbs:

"Okay, I'm thinking of the other corner, my apologies. I'll go sit back down."

Gary Hintz, 9555 South Howell Avenue:

"One of the concerns I have is the driveway that's being shared, originally when that was put in it was only for the back building because Maritime cut off the other driveways. Now another drive, when they redid Ryan Road used to go down to the front that's been cut off. So now, that drive is taking on basically three different properties. When they put that in, it's only a real minimal width, in fact the curb cut at the road is probably a good maybe ten feet wider than the actual drive is. So, I don't know, I think that, that drive needs to be made wide enough to handle all this traffic now."

Mayor Bukiewicz stated that he would defer to the traffic engineers, but that can be taken into consideration.

Mr. Hintz:

"I mean it shows the little median break there or little break between the driveway, but it doesn't really show what's going to happen with that drive."

Mayor Bukiewicz asked Mr. Hintz if he was referring to the drive off Ryan Road.

Mr. Hintz:

"Yes, it's minimum width."

Mayor Bukiewicz stated that it is a shared easement right now, and designed for truck traffic.

Mr. Hintz:

"It was designed only to take care of one (1) property when it was originally put in and now it's taking care of basically three (3). Then the one-way piece that's on the east side there, being that both accesses off that road are right there."

Mayor Bukiewicz stated that the applicant will never get access off Ryan Road because of the retention pond, and the State would never allow it.

Mr. Hintz:

"No, no, I'm just saying there's two (2)."

Mayor Bukiewicz stated that the Plan Commission will need to have a discussion on the whole proposed lot layout.

Mr. Hintz:

"Yeah, because that one-way piece there, we have one (1) short area by us, that's one-way and believe me it's three (3) signs, painted on the ground, on the walls, traffic doesn't pay attention to that and if you're going to have people backing up then they're going to be blocking off the main drive trying to wait for someone to come in or out of that area. I think if anything the two-traffic that's on the west side of the building should be that driveway that's on the east side of the building to alleviate that."

Senior Planner Papelbon stated that the Plan Commission will need to look at the language of the easement as well.

Mr. Hintz:

"Can the other tenants be involved when this is being discussed?"

Senior Planner Papelbon explained that it is likely that the tenants will not all be identified when the building is constructed. Staff would need to have that conversation with the actual developers to ensure all that happens, but staff will talk to the existing tenants for the two (2) buildings.

Mr. Hintz:

“You’re talking about the other property owners? Because that was originally all planned development, correct?”

Senior Planner Papelbon confirmed that is correct, and stated that staff will need to look at what the easement language says for that.

Commissioner Siefert expressed a concern about pedestrians needing to enter the building on the north, but having parking on the south. Commissioner Siefert stated that he is concerned about the drive-through, and that he thinks the applicant needs to plan for it now, even if it will not be used.

Commissioner Siefert asked Commissioner Kiepczynski if the retention pond covers the subject property, or the subject property plus the surrounding properties. Commissioner Kiepczynski stated that the pond proposed at this parcel is strictly for the subject property, and that she will be providing the comment that staff will need to see a stormwater management plan.

(Commissioner Kiepczynski’s comments were not audible.)

Commissioner Oldani stated that he had too many questions for one (1) night, and that his concerns are everything that Senior Planner Papelbon stated. There needs to be a lot of work on this proposal.

Alderman Guzikowski stated his agreement with Commissioner Oldani.

Alderman Loreck stated his agreement with others’ concerns, and expressed concern that there is no pedestrian walkway on the east side of the building. Alderman Loreck echoed the concerns of staff regarding the windows on the east side, and urged the applicant to consider options of letting people enter through the rear doors. Alderman Loreck stated that he understands that the layout for Pizza Hut may not allow it.

Commissioner Kiepczynski stated that, in addition to the stormwater management that’s required for this, a Development Agreement is also required for the public watermain. Commissioner Kiepczynski stated her concerns regarding the stacking for the potential drive-through.

Commissioner Hanna asked if there would be any delivery trucks coming in. Mr. Bernal confirmed there would be delivery trucks.

Commissioner Hanna inquired how the deliveries would be unloaded. Mr. Bernal stated the deliveries would come through the back, and that the trucks are usually not that big.

Commissioner Hanna asked if there is any parking for those trucks in the back. Mr. Bernal stated that it will be considered.

Commissioner Hanna asked if the turning movement would encroach on the pedestrians or any businesses out there. Mr. Bernal stated that it would not - it will follow the same pattern.

Commissioner Hanna asked again about the turning movement to make sure it does not go over the sidewalks or any other obstacles. Mr. Bernal stated that the trucks are not full 18-wheeler trucks. The size of the truck will be determined by order frequency. The proposed building would

be a prototype of Pizza Hut called "Delco," which is a smaller Pizza Hut, and would not have a full amount of food in the freezers. Mr. Bernal stated that usually with Pizza Hut in this type of business the deliveries just go with the flow, and it usually takes about 20 or 30 minutes to unload.

Assistant Fire Chief Havey explained there are some complex issues for fire prevention measures. The initial proposal, based on the Building Code calculations, would not require this building to have sprinklers; however, being unable to identify the occupancy or classifications creates a little bit of a conflict for fire protection systems, or if an underground private system needs to be installed. There are also some complex issues with access because that changes some of the Fire Department's tactic operation if the building is non-sprinkled. There are some things that are not addressed and uncertain issues.

Mayor Bukiewicz stated that there are a lot of issues with this proposal. The Plan Commission and staff need to go back and look at the proposal. The Plan Commission has not even looked at the back-end of the business, including garbage pickup. Three (3) neighbors are right to the back of this proposed site - a four-foot fence will not help the neighbors. Mayor Bukiewicz stated that he does support this proposal, but suggested the applicant work with staff. With the two-ways in and out, there is a lot of traffic engineering that would need to go into this development. It is difficult to speculate on the tenants, but this location is a little bit different. Mayor Bukiewicz stated that it is important to make sure the proposed building fits in with the neighborhood and is successful.

Commissioner Chandler inquired if the Plan Commission should put the item on hold until the applicant can speak with Planning. Commissioner Oldani stated that he would not support that. Commissioner Oldani stated that the proposal is so bad that it is a hard "no" in his opinion.

Commissioner Chandler asked Senior Planner Papelbon what the difference is between a denial and a hold.

Senior Planner Papelbon explained that if the motion is denied, the applicant would have an opportunity to go back and substantially revise the plans, incorporating all of the comments made at the Plan Commission meeting, and then resubmit a brand-new application for the proposal. Or appeal the decision.

Alderman Loreck stated that he thinks if the Plan Commission votes to hold the item, it gives the applicant the idea that only a couple of changes need to be made. Mayor Bukiewicz stated that he would follow Senior Planner Papelbon's suggestion.

Alderman Loreck moved that the Plan Commission approves the site and building plans submitted by Julio Carrillo, EYM Realty, for the proposed multitenant commercial building on the properties at 175 & 175R W. Ryan Rd. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the Certified Survey Map combining the properties is recorded prior to the submission of building permit applications.
3. That plans are revised to incorporate all required setbacks and buffer areas.
4. That the exterior brick veneers meet the minimum 4-inch thick requirement per Code.

5. That the plans are revised to include locations and screening for all mechanicals, transformers, and utilities. All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
6. That the landscape plans are revised to meet all Code requirements and resubmitted for review by the Plan Commission prior to the issuance of building permits.
7. That the plans are revised to include a non-combustible and Code-compliant material for the trash enclosure gates.
8. That a Master Sign Plan is submitted for review and approval by the Plan Commission prior to submission of sign permit applications.
9. That a lighting plan be reviewed by the Electrical Inspector and approved by the Plan Commission prior to the issuance of permits. All light sources must be shielded and directed downward, and 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.
10. That all detailed, revised plans (site, building, landscaping, lighting, etc.) are submitted in digital format to the Department of Community Development prior to submission of permit applications.

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

**CONDITIONAL USE PERMIT
SPRING SOUTH, LLC
10276 S. 27TH ST.
TAX KEY NO. 927-9020-000**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for a proposed fuel sales/fueling plaza development with a two-tenant retail building less than 50,000 square feet in size on the property at 10276 S. 27th St (see staff report for details).

Sara Shreve, 2311 West Oakwood Road:

"I'm not great at public speaking so if I stop making sense, I've printed out a copy to submit to you guys. There's several concerns about this plan, I notice that the slide up there failed to show that there is a house that is north of this development. If the recommendation is to move any of these plans north that's going to go into her property line. So, first and foremost we started a petition, we have in two (2) days, obtained over 88 signatures with significant concerns about this business being in our residential area. This is a residential area, there are two (2) homes, one (1) to the north and one (1) to the east of this development. The whole street is lined with homes, up and down both sides of Oakwood. This is made to believe that it's on 27th Street, it is not. One (1) of the entrances and exits is leaving Oakwood Road. With that, there is significant concern about the environmental impact to our neighbors and all of us that live on that road. We have, many of us live on a community well. So, these fuel tanks that are going to be buried into the ground and causing a lot of run off from all of the, not only the fueling tanks coming and going and also with the motorists that are going to be fueling their pumps. There's also concerns about the health of our neighbors, not only just in our environment, but there's children that live next door that are going to be, I think the plan says there's about 50 feet from where the diesel pumps are going to be. There's also an over saturation of gas stations in our area. There is six (6) gas stations within a mile of this location. Five (5) of

them are on Ryan Road. The owners, whoever submitted the permit, I'm sure is here, is the same company, Spring South, is the same company that owns the BP gas station that is a mile down the road. So, that's only just part of it, there's also the safety of the pedestrians and the increase the amount of traffic that's going to be coming and going from this area. There's children that are loading and unloading from buses within 100 feet of where the entrance and exit of this fueling station and now bar, that's even more encouraging. The noise and light pollution, I've listened to the concerns about the sign on, for our neighbors just down the road, imagine the people that have to live next to the fueling station that is going to have to adequate amount of light because with fueling stations comes increased amount of crime. There is studies that show there is a 6% increase in crime related to robberies, theft, panhandling, and drug use right next to our neighbors' homes. I've done a lot of research, I have a whole lot of the addresses of all the gas stations that are just within a mile of ours, but there's also traffic concerns. When they talk about the fueling tanks coming and going, are they planning to come on Oakwood Road? How are their fueling tanks going to get to the 27th Street entrance and be able to leave from the plans that they submitted. There also is no median break if you're travelling south on 27th Street. So that means that any fuel tank that is travelling south to get to the 27th Street exit would have to do a U-turn in that intersection. I also have just looked at the pedestrian safety, this is within just feet, our children have to cross over Oakwood Road to load onto the buses, the buses do not have routes that can always accompany our children coming right from the driveway, so they're crossing over Oakwood Road right where people are coming and exiting the gas station and the church too and the hospital. I just have some questions about if there is a survey just related to the truck turning conflicts, how they're going to be, how the fuel tanks are going to be coming and going, how their supply chain is going to be coming and going, they're not supposed to be coming on Oakwood Road, as we talked about in some of the other reviews. Oakwood Road has a no trucking restriction, there's a three-ton limit, if they're able to come and go from there, then that would require them to have to do illegal U-turns from there. I think that pretty much summarizes without going into all my extra stuff but thank you for taking the time to listen to our concerns."

Jay Walia, Applicant, thanked the residents for their comments and the Plan Commission for their time. Mr. Walia explained that he does not like the plans as submitted. Mr. Walia stated that it is his understanding that there are no class-B licenses in Oak Creek right now. The diesel pumps on the east side of the building should not be there because the proposal is a convenience store, not a truck stop.

Mayor Bukiewicz clarified that the item before Plan Commission is a Conditional Use Permit to determine if this type of business is allowed.

Mr. Walia stated that he would like to amend his request to not have the bar, and to be a one-tenant building: a convenience store/ gas station.

Mayor Bukiewicz explained that the Plan Commission must vote on the item as it is posted. Mayor Bukiewicz summarized the applicant's request as a proposed fuel/fueling plaza development with a two-tenant retail building less than 50,000 square feet on the property at 10276 South 27th Street.

Senior Planner Papelbon clarified that, regardless of the number of tenants, it is still a request for a fueling location with a building.

Mr. Walia stated that the location is on the east corner of 27th Street on a lot that used to be a restaurant. There is residential on the east side of the parcel, the southeast corner is a church, the southwest corner will be a cheese factory, and the northwest corner is the hospital.

Mayor Bukiewicz stated that there is an Overlay District on 27th Street.

Senior Planner Papelbon clarified that the Overlay Districts as part of the Zoning Code update were incorporated into the base requirements. There are no 27th Street Overlay Districts anymore - the Flex Overlay pertains to the Comprehensive Plan.

Mr. Walia reiterated that the proposal will not have the bar. Mr. Walia asked whether he could come back with the modified actual plans after getting feedback.

Senior Planner Papelbon stated that the applicant can withdraw the proposal on the floor, but suggested it might be beneficial for the applicant to hear all the concerns so if he chooses to move forward, he can incorporate them into the revision.

Mr. Walia stated his agreement and that he appreciates the residents' comments.

Mr. Walia addressed the environmental concerns, and explained that the tanks and pipes are all double-walled, as required by law, with a sensor in between.

John Pimentel, St. John's Lutheran Church, 10302 S 27th Street:

"I have several of grave concerns, the first of which is addressing the environmental. It's great that you have double wall containers, that's awesome, but John Hopkins did a study per pump about 1,500 liters per year spills on the ground. Looking at the canopy and the design it looks like that a 12-pump design that calculates out to about 158 gallons of gas spilled on the ground. We also are on a well so that's a serious concern for us. We have a tenant that is also on the shared well, an additional concern for them drinking water from that well on a daily basis. The traffic congestion with this plan, it does not look like there's any way for this to possibly work with fuel delivery, without them being on Oakwood Road, I don't see it happening. We've been a resident of Oak Creek since 1843, we've enjoyed that neighborhood being a quiet and reverent place for us to hold our services, I don't believe that will continue if we put a gas station across the street. Finally, I would echo is there really a need for another fuel depot right here in this residential area. Do we have to rezone something that there's plenty of places to put a gas station in this town?"

Assistant Fire Chief Havey stated that some of the access is a concern. The Fire Department enforces based on Code conformity. The traffic and the considerations - that goes without saying for access in, where the pumps are, the width of the access roads, or internal to the lot size could be concerning for protection services - sprinkled versus non-sprinkled building versus retail gas station or service center.

Commissioner Chandler asked the applicant to identify how many pumps will be on the site.

Mr. Walia stated that, with the current plan, there will be six (6) pumps, meaning there would be 12 parking spaces. Mr. Walia stated that he thinks there are 25 more spaces to make a total of 37 spaces.

Commissioner Chandler asked the applicant to provide information on a plan to assist with protecting the [private] wells.

Mayor Bukiewicz stated that the applicant would need to follow State and Federal code.

Mr. Walia explained that the State requires the double-wall tanks, the 24-hour monitoring, and an air gap in between that shuts everything down if it detects any liquid. Under the pumps there is a secondary containment.

Commissioner Chandler asked the applicant what the fueling plaza part of the proposal is.

Mr. Walia stated that inside there is a convenience store and, maybe down the road, a bar.

Senior Planner Papelbon clarified that fuel plaza is a zoning category. The proposal is fuel sales and a fueling plaza, meaning that there will be dispensers for fuel.

Mr. Walia stated that it is his understanding that the Conditional Use Permit does not permit him to open a bar - it would only allow the fuel sales.

Mayor Bukiewicz stated that the Conditional Use Permit is for fuel sales, the plaza, and a two-tenant retail building.

Senior Planner Papelbon clarified that the Conditional Use Permit is not tied to the availability of liquor licenses. If the Plan Commission recommended approval of the Conditional Use Permit for this proposal as presented, which may include the bar, that does not mean there would be sufficient licenses for the applicant to then apply for a bar.

Commissioner Chandler asked if there is a different category for the bar. Senior Planner Papelbon said it is rolled into the Conditional Use Permit request.

Mr. Walia inquired if he would need to come back before the Plan Commission in the event he would like to open the bar. Senior Planner Papelbon stated that the bar was part of the current request.

Commissioner Siepert expressed concern about the environmental control because there are so many wells in the area that could become contaminated from spills. Commissioner Siepert stated that he is not sure how the applicant would prevent fuel from getting out into the surrounding area from the gas pumps. Mr. Walia explained that if the hose is pulled out, there is an automatic shutoff.

Mayor Bukiewicz stated that the applicant is saying they are trying to limit what is spilled, which does not account for human error.

Commissioner Oldani stated that a gas station in this location makes zero sense. There are multiple gas stations within two (2) miles to the north and the south.

Alderman Guzikowski stated that, at this time, he does not support this item as presented.

Alderman Loreck asked if the property is currently zoned B-4. Senior Planner Papelbon confirmed that is correct.

Alderman Loreck inquired if the Comprehensive Plan lists the property as potentially single-family. Senior Planner Papelbon stated that the Plan Commission has seen a conflict between the Comprehensive Plan and existing Zoning District before. There is no mechanism to require a Comprehensive Plan Amendment since the property does not require a rezone.

Alderman Loreck asked if, under the current B-4 zoning, someone could come forward with a bar - not a gas station, just a bar. Senior Planner Papelbon stated a proposed bar would likely need more review.

Alderman Loreck stated that he differs from the other Commissioners in that he does not have much concern over the environmental.

(Alderman Loreck's comments were not audible.)

Alderman Loreck stated that he believes there are more than enough gas stations in the proposed area.

Commissioner Kiepczynski stated that Engineering's main concern is with truck access. All trucks would access the site off 27th Street.

Commissioner Carrillo stated that, being that it is the B-4 area, she cannot see a residential house going in that location, so it would be commercial of some sort. Commissioner Carrillo stated that she does not think the Plan Commission is ready to approve this proposal, but predicts the property will be developed into something commercial.

Commissioner Hanna stated that she had no further comments.

Mayor Bukiewicz thanked the residents for coming to the meeting. Mayor Bukiewicz stated that this subject property is in a B-4 district on 27th Street, there will be businesses allowed, but stated that he does not think this is the appropriate one. Mayor Bukiewicz stated that, at this time, he does not support this moving forward.

Senior Planner Papelbon asked the applicant if he wished to withdraw, or for the Plan Commission to rule on the application as submitted.

Mr. Walia stated that he would like to withdraw.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:48 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

9-13-22

Date