

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 23, 2023**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Also present: Senior Planner Kari Papelbon, Zoning Administrator/Planner Sylvia Brueckert, and Assistant Fire Chief Mike Havey.

Minutes of the May 9, 2023, meeting

Commissioner Oldani moved to approve the minutes of the May 9, 2023, meeting. Commissioner Siepert seconded.

Mayor Bukiewicz asked Senior Planner Papelbon if he was listed as excused on the minutes for the May 9, 2023, Plan Commission meeting. Senior Planner Papelbon stated it reads, "Alderman Loreck called the meeting to order." Senior Planner Papelbon also stated if that needs to be corrected, it can be.

Alderman Loreck stated he believes that he was excused from that meeting.

Senior Planner Papelbon stated the correction will be made.

On roll call: Alderman Loreck abstained; all others voted aye. Motion carried.

PUBLIC HEARING

SIGN APPEAL

REVEL INVESTMENTS, ALTIUS BUILDING COMPANY

441 W. RYAN ROAD

TAX KEY NO. 906-9028-001

Zoning Administrator/Planner Brueckert read the public hearing notice into record (see staff report for details).

Mayor Bukiewicz made three calls for public comment; seeing none he closed the public hearing.

Paul Kaminski, Elevated Identity, Inc., 1 Parker Place, Suite 300, Janesville, WI, introduced himself as the sign designer.

Commissioner Chandler asked the applicant to provide more details about why they are requesting a sign that is almost double the size allowed. Eric Fors, representing Revel and Altius and the owner's group, W992 Clayton Court, Burlington, explained the owner sent out an RFP for the signage to be coordinated with the Ordinances. Mr. Fors said he thinks Mr. Kaminski's designer grabbed a different zoning category than what it is currently zoned. Mr. Fors also stated they thought it was zoned Mixed-Use when they designed it, so the sign designer was complying with the wrong Ordinance. Mr. Fors also said the owner is expecting

to see the sign they accepted, but the applicant understands that maybe there would need to be some changes made if a variance is granted.

Commissioner Chandler asked Zoning Administrator/Planner Brueckert if the size of the sign includes the rock base and the sign hanger. Zoning Administrator/Planner Brueckert displayed the proposed sign and stated the sign area includes the main sign and the smaller sign hanging underneath. Zoning Administrator/Planner Brueckert continued by stating the height goes to the top of the pedestal, which is eight (8) feet and the top of the portion with the sign content is six (6) feet.

Commissioner Siepert stated he thinks the sign is too big for the area. Commissioner Siepert stated he does not see any other signs along Ryan Road that are the size of the proposed sign.

Mr. Fors clarified that they looked at the City sign at the police station and the Edgerton sign to the west. Mr. Fors continued by stating those facilities are in a different zoning district, so their signs are a little bit larger than what is allowed in the Residential Districts and the applicants were trying to match that scale.

Alderman Loreck stated he has no issue with the size, and he understands the reasoning to move the sign out of the easement and vision triangle for safety. Alderman Loreck asked if there is a plan to remove the "Now Leasing" portion of the sign. Mr. Fors stated there is a plan to remove it, but it is important until the property stabilizes to advertise leasing. Mr. Fors also stated they looked at the temporary sign ordinance with the City of Oak Creek, but it would require a lot of renewals. Mr. Fors stated it was a deliberate desire to include it in the permanent signage, but once the property reaches stabilization the bottom portion would be removed.

Alderman Loreck stated he understands the need for advertising. Alderman Loreck also stated it probably does look a lot cleaner than a temporary sign. Alderman Loreck asked if it is easily removeable. Mr. Fors said it is, it is designed as a hook stayed sign that can be picked off.

Commissioner Kiepczynski stated given that the sign is outside of any vision corners, Engineering does not have any concerns.

Commissioner Carrillo asked Senior Planner Papelbon if the Plan Commission could put in a contingency that the "Now Leasing" part of the sign can only be up for so long. Senior Planner Papelbon stated the City cannot regulate content, so the applicant can put what they like on the panel. Senior Planner Papelbon continued by stating that if the Plan Commission does not approve of the panel, then the sign would just be the main panel, but there is nothing in the City's capability to regulate any portion of the content of the sign.

Commissioner Hanna stated she agrees with Commissioner Siepert that the proposed sign is too large. Commissioner Hanna said she thinks it is fair enough for all of them for consistency for all signs to be the same unless there is a specific reason, which she has not heard any that make sense.

Mayor Bukiewicz said he thinks it is a very nice-looking sign, but he agrees that it is a larger sign.

Zoning Administrator/Planner Brueckert said no it would be the two (2) sign faces.

Mayor Bukiewicz stated he is okay with the height as long as traffic and engineering does not have a problem with it.

Mayor Bukiewicz made comments that were not audible.

Mr. Fors stated after they realized their mistake, they looked at a similar proportion with a smaller sign box. Mr. Fors stated that Mr. Kaminiski created a sign that measures 2.5 feet high by 10 feet long to fit the Ordinance with the main sign box. Mr. Fors said the ownership is willing to have that be a condition of approval and proceed under those conditions.

Mr. Kaminiski passed out plans of the smaller sign size.

Mayor Bukiewicz stated he likes the brick work and the beam. Mr. Fors stated the applicants are happy with the design and it does speak to the building designs. Mr. Fors continued by stating the Broadacre concept was a Frank Lloyd Wright contemplation.

Mr. Fors stated the revisions still ask for the "Now Leasing" portion. Mr. Fors also stated the intention is not to put the leasing portion out every time a unit is available, it is for the lease-up stabilization phase. Mr. Fors stated they usually plan for a year from the last building completion.

Mayor Bukiewicz asked if the "Now Leasing" sign would hang there all the time. Mr. Fors reiterated that after the initial lease up the sign would be removed and stated that the ownership group prefers the sign without it, but they were trying to proactive in terms of the Temporary Sign Ordinance.

Commissioner Hanna asked the applicant why they do not remove the "Now Leasing" sign from the bottom to make it more appealing and use the board with metal signs in the median and put up and take down when there is availability.

Mr. Fors explained that the biggest reason for making the "Now Leasing" sign part of the permanent sign is because the Ordinance allows two weeks per approval, and it can only be done three (3) times. Mr. Fors also explained that when buildings come on to the market a month or two apart it would be impossible to comply with the Ordinance and still meet the need.

Alderman Loreck asked if the only variance required for the revised plans would be the location. Zoning Administrator/Planner Brueckert stated just doing some quick calculations the revised plans as proposed still have a sign area of 34 square feet and would still require a variance. Zoning Administrator/Planner Brueckert also stated the overall height is five (5) feet and would require a second variance.

Mayor Bukiewicz said it would be his recommendation to use the revised plans that are 2.5 feet by ten (10) feet.

Mayor Bukiewicz stated he is seeing the height to the top of the stone as eight (8) feet and asked Zoning Administrator/Planner Brueckert if that is correct. Zoning Administrator/Planner Brueckert stated on the new plans she is not seeing the height listed to the top of the stone, but to the top of the sign it is showing five (5) feet. Zoning Administrator/Planner Brueckert estimated it was six (6) feet to the top of the stone.

Zoning Administrator/Planner Brueckert clarified that the area of 2.5 feet by ten (10) feet is just for the larger sign. The smaller sign is also one (1) foot by eight (8) feet.

Commissioner Hanna asked what the compliance officer would be able to enforce if there is nothing approved by Plan Commission. Mayor Bukiewicz stated the compliance officer really cannot enforce it in this situation, but the City could go out there and ask them after a certain amount of time.

Commissioner Hanna asked if there is something in the PUD to force them to do that. Mayor Bukiewicz stated the applicant would put it up in time of leasing, but it would be a leap of faith with the developer that, that is their real intent.

Senior Planner Papelbon stated the Plan Commission would still need to approve of the smaller sign being part of the bigger sign otherwise the applicant would need to comply with the Temporary Sign Ordinance. Senior Planner Papelbon explained that the Plan Commission has two options. The first option would be to remove the smaller panel and make the motion very specific about what dimensions are being approved.

Mr. Kaminiski stated the ownership team wants to remove the smaller portion of the sign as soon as possible because the overall sign is more aesthetically pleasing without it. Mr. Kaminiski stated it is strictly a business need to have it on there to bring the facility up to full occupancy or close to. Mr. Fors said he is a member of the ownership group; he will commit that after they reach stabilization the smaller sign will be removed.

Commissioner Hanna asked Mr. Fors to define stabilization. Mr. Fors explained stabilization is once they reach a majority of rentals in the four units.

Commissioner Hanna asked how long that can take. Mr. Fors stated that with approval the sign could be erected by mid-July of 2023 and the last building will be completed by January of 2024. Mr. Fors said they project they will be stabilized by January 2025.

Assistant Fire Chief Havey stated the sign has very little impact for the Fire Department because the address label is for a parcel and the buildings have individual addresses and labeling.

Zoning Administrator/Planner Brueckert corrected that she believes the height of the revised sign would be approximately six (6) feet. Mr. Fors explained the designers took a proportionate representation of the bigger sign and reduced it.

Commissioner Oldani said this could set a precedent. Commissioner Oldani also said he thinks the Plan Commission should stay as close to the Ordinance as possible.

Commissioner Oldani asked Senior Planner Papelbon if the Plan Commission could amend the motion to remove the small sign. Zoning Administrator/Planner Brueckert stated that is correct. Commissioner Oldani stated that would be his recommendation to remove the smaller portion of the sign.

Zoning Administrator/Planner Brueckert made comments that were not audible.

Mayor Bukiewicz asked if they would no longer need a variance if it were six (6) feet tall. Zoning Administrator/Planner Brueckert stated five (5) feet is the maximum. Zoning Administrator/Planner Brueckert explained that the sign portion is five (5), but the stone portion is approximately six (6) feet in the updated plans so a variance would still be needed for the height of the stone portion.

Commissioner Hanna inquired what part of the sign is 2.5 feet by ten (10) feet. Zoning Administrator/Planner Brueckert referenced the sign graphic and stated the portion of the sign that says "The Broadacre" is 2.5 feet by ten (10) feet.

Mayor Bukiewicz inquired if the proposal was approved without the small sign the applicant would need to come back for a temporary sign permit. Zoning Administrator/Planner Brueckert confirmed that is correct.

Commissioner Chandler asked the applicant if the stone could be shorter to meet all the requirements. Mr. Fors stated it will be shorter, but if it is five (5) feet the sign will be in the bushes. Mr. Kaminiski stated it is reduced from what is being shown on the screen.

Mr. Fors said he thinks it might be a little bit taller than six (6) feet, but it will be shorter than the original plans.

Commissioner Oldani moved that the Plan Commission approves a sign variance allowing the installation of a monument sign with a total sign area of two- (2) and-a-half feet by ten (10) feet square, and a height not to exceed seven (7) feet near the northeast corner of 441 West Ryan Road. Alderman Guzikowski seconded.

Senior Planner Papelbon clarified that there is also a variance request for the base does not meet the extension minimum of 10% for non-standard signs.

Commissioner Hanna inquired if a variance will still be required for the smaller proposed sign. Senior Planner Papelbon stated it does not matter; it is for the base not meeting the 10% extension.

Commissioner Chandler asked Senior Planner Papelbon what she is referring to as the base. Senior Planner Papelbon clarified that it is a non-standard base because it is only on one side. Senior Planner Papelbon continued by stating the base of the sign would need to extend out from the sign a minimum of 10%.

Commissioner Oldani amended the motion to include variance number three (3). A variance from section 17.0604 (b)(6) which states sign base. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW
DRIVEN BRANDS, INC.
6900 S. 27TH ST.
TAX KEY NO. 737-9025-000**

Senior Planner Papelbon provided an overview of the site, building, and related plan review for proposed pay kiosks and trash/equipment enclosures for the existing car wash and service center facilities (see staff report for details).

Commissioner Hanna inquired if the trees or landscaping along 27th Street could be increased to shield the vacuums. Chris Strickland, JM Civil, 1101 South Central Expressway, Allen, TX stated they could update the landscape plan to have additional landscaping in the front.

Alderman Loreck asked if the applicant is updating the colors to match everything else. Mr. Strickland said he believes so.

Senior Planner Papelbon explained that information has not been provided to staff, but she said she believes the corporate colors are to distinguish between the car wash and the oil change. Senior Planner Papelbon also stated if they propose any changes to the oil change building, they would be back before the Plan Commission.

Alderman Loreck asked if the fabric over the vacuums has been used somewhere else. Alderman Loreck clarified he is inquiring about the longevity of the fabric. Mr. Strickland stated he cannot really speak to that as the engineer, but he said he knows the applicant has used them all over the country.

Commissioner Chandler asked Senior Planner Papelbon if the arcs in the photos that were presented will be staying with the request verses what was presented the first time this item came to Plan Commission. Senior Planner Papelbon stated this is just giving additional installation views of what was being proposed. Senior Planner Papelbon also explained that the canopies, excluding the signage, in the photos are what was proposed.

Mayor Bukiewicz stated he does not have a problem with the metal panels, it is an update to the building. Mayor Bukiewicz also stated it is nice to see the applicant investing some money into the building and bringing it up to standards.

Alderman Guzikowski moved that the Plan Commission approves the site and building plans submitted by Elana Fachin, Driven Brands, Inc., for pay kiosks, trash/equipment enclosures, and fabric vacuum canopies on the property at 6900 S. 27th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That photometric and lighting plans are provided for review and approval by the Department of Community Development prior to submission of permit applications. Lighting plans shall include all existing and proposed lighting for the site, buildings, and kiosks. Canopy lights shall be limited to 25 footcandles, fully non-surface-mounted or recessed fixtures in conformance with Sec. 17.0509(b)(1)(j).
3. That landscape plans are updated to incorporate Code requirements.
4. That all required building, electrical, and sign permits are obtained for the structures and menu boards.

5. That all final plans (site, building, etc.) are submitted in digital format for review by the Department of Community Development prior to the submission of building permit applications.

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

**CONDITIONS AND RESTRICTIONS
ANDERSON ASHTON
6340 S. HOWELL AVE & 239 E. COLLEGE AVE.
TAX KEY NOS. 719-9012-000 & 719-9995-000**

Senior Planner Papelbon provided an overview of the request to rezone the property at 239 E. College Ave. to M-1, Manufacturing and establish a Conditional Use Permit for heavy manufacturing and equipment sales and rental on portions of the properties at 6340 S. Howell Ave. and 239 E. College Ave. (see staff report for details).

Commissioner Chandler asked Senior Planner Papelbon to provide more information about the duration of ten (10) years. Senior Planner Papelbon stated ten (10) years seems to be standard for industrial type uses that the Plan Commission has recommended in other Conditional Use Permits.

Commissioner Siepert asked if there is anything in the Conditions and Restrictions that could require the applicants to dress up the corner. Senior Planner Papelbon said landscaping per Code would require them to address the corner as well, however that would come at site and building plan approval.

Commissioner Siepert stated it is the entrance into the City and he would like to make it look nice on the corner, but he is not sure how to emphasize that. Senior Planner Papelbon stated the importance of this corner in terms of landscaping and architecture has been communicated to the applicants and there are several easements out there that are going to require some creative approaches to landscaping, but that will be looked at during the site and building plan approval.

Alderman Loreck said he would like to reiterate Commissioner Siepert's comments and noted that he received an email that brought up similar concerns about the visibility corner.

Commissioner Hanna stated she is not sure this is the right location for the proposed business. Senior Planner Papelbon stated this proposal was recommended for approval at the last Plan Commission meeting, so it is moving forward to Conditions and Restrictions. Senior Planner Papelbon also stated if there is anything that Commissioner Hanna thinks should be increased or added she would be willing to look at it.

Eric Neumann, Anderson Ashton, 3316 W Links Drive, Franklin, addressed Commissioner Siepert's concerns and said he talked to the Fire Chief right before coming up because he knows they have some issues with easements that limit the landscaping. Mr. Neumann also said he is trying to create less pavement area to create more opportunities for landscaping.

Mr. Neumann asked if the applicant would need to apply again in ten (10) years for a Conditional Use Permit and asked how it works. Mayor Bukiewicz stated it is a significant

investment and it is very important that the lease is there and that the tenant abides by all City Ordinances. Mr. Neumann clarified that the applicant will be owning the building. Mayor Bukiewicz restated that the City is looking to make sure the tenant is abiding by the Ordinances and make sure it is working after a set number of years.

Mr. Neumann inquired if the 12-month compliance period starts from Common Council approval. Senior Planner Papelbon stated that is correct.

Chris Jaszewski, 143 W College Ave:

"I've stated, what I stated in the past. I have a letter here that I just received today addressed to the Oak Creek Planning Commission, redevelopment of College and Howell Avenue corner parcel. I really don't want to read it, can somebody else read it for me? Can I submit it into the record?"

Mayor Bukiewicz read the letter into record:

*"Dear Commissioners,
I am writing about your plan to have the southeast corner of College Avenue and Howell to become an industrial park. I grew up in Milwaukee. I now regularly travel back and forth between Florida and Wisconsin. I often fly into Mitchell Airport, as which you know is a mile or so from the Oak Creek border. One wouldn't know that College Avenue is where Milwaukee ends. There's no big sign saying, "Welcome to Oak Creek" nor is there a mention of a nearby park with features that reflect the City's name, the walking trails through oak trees and long meandering creeks of Cudahy Woods nor is there an indication that a nice college, which will soon have a ballpark is right down the road. Few people know Oak Creek has footage on the lake, on Lake Michigan where Bender Park is located. So, when I heard that an industrial park was going to be built at Oak Creek's gateway, I laughed out loud. A place called Oak Creek should not be industrial, especially when it has amenities above described. That door closed long ago for Oak Creek, which is a great blessing in disguise for too long Oak Creek has been a pretty girl pretending to be a work horse. It is understandable that the Comprehensive Plan dictates what goes where, obstinately to maximize tax revenue. The conventional logic used to be that industry was a way to do that. Times have changed Commissioners. Here is real life examples illustrates the situations. Winter Park, Florida is a City on Lake Apopka that up until about the late 1950s had been a thriving bass fishing resort, however the Comprehensive Plan for the area dictated that heavy agriculture, also known as agri-business-mass-vegetable production or muck farms should be developed on the shores of the lake. Several decades of that kind of mass farming resulted in the buildup of all manners of chemicals in the soil and water. The lake has become too polluted to sustain bass fishing. The fishing disappeared, businesses closed, and finally the people left even the plants became too hard to sustain. The city was chronically on the brink of bankruptcy. Then around 2000 somebody finally had the idea to abandon the failed Comprehensive Plan for the area. They turned to the old, abandoned train tracks that ran through the center of town and turned it into a bike trail, simultaneously the process of cleaning up the lake was begun. By 2008 Winter Garden became a very charming, bustling, destination city because most of the shaded trails and the convenient downtown trail head, very nice gateway to Winter Park area has a large fountain and small stage for live music. It's always filled with locals and visitors alike. You should*

visit it. Tax revenue is abundant, the lake is clean again, even the fishing has returned, basically Winter Garden is the pretty girl that finally learned to actuate her assets. Oak Creek should do the same and accept the reality that the Comprehensive Plan miscategorized you. Dress up that border corner as a marketing campaign for Oak Creek and be the lovely City you are.

*Sincerely,
John McCormick”*

Mr. Jaszewski:

“We need to dress up that corner, we don’t need a factory there. Please consider what we’re doing here. We need the green space. We don’t need more manufacturing, not ten (10) years, not five (5) years, not one (1) year. We need the green space back, keep the green space, why is there an Oak Creek? What is Oak Creek? And finally, two (2) nights ago there was a great big fire in Slinger. Now what’s it called? The Oak Creek Pallet Company. We have Oak Creek Pallet Company down here. Are they connected to each other? Connections people, connections. We need the green space. Put the factory somewhere else.”

Mayor Bukiewicz stated he agrees with Alderman Loreck and Commissioner Siefert, although the Plan Commission will get a chance to review the landscaping. Mayor Bukiewicz corrected that there is a “Welcome to Oak Creek” sign on the west side of the street, on the corner. Mayor Bukiewicz stated he would like to work with the applicant to really enhance the Oak Creek welcome sign as that property by the owner is currently for sale. Mayor Bukiewicz stated he agrees the City really wants to dress up the corner. Mayor Bukiewicz explained that the proposed building is far from a typical factory, and it is an industrial business building, but is classified as heavy manufacturing because the parts they work on are heavy. Mayor Bukiewicz continued by explaining that the applicants are not manufacturing anything at the facility, it is a repair or rebuild shop. Mayor Bukiewicz also stated the proposed building is a nice-looking building. Mayor Bukiewicz stated the lot is not pretty right now and is more of a dumping spot for pallets and similar items. Mayor Bukiewicz reiterated that the Plan Commission is talking about the Conditions and Restrictions of the business.

Mayor Bukiewicz stated ten (10) years for the time of compliance is standard. Mayor Bukiewicz also stated it is pretty short in the industrial world, but he is fine with it, and it gives the City the leverage to go in and correct any possible issues.

Assistant Fire Chief Havey explained that the building design that the Fire Department has looked at satisfies based on Codes. Assistant Fire Chief Havey also explained the building would get a semi-annual inspection, two (2) times a year outside of any Code violations or reported things. Assistant Fire Chief Havey also stated based on the classification of the building, the suppression system will be designed and built to the operations of the business.

Commissioner Hanna asked Senior Planner Papelbon if there is any way to shield the building with trees. Senior Planner Papelbon stated that is something that would be addressed at site and building plan review, but as of right now the Landscape Code would require them to meet certain requirements in terms of screening, parking, and similar things.

Commissioner Hanna inquired about limiting the impact to existing landscaping. Senior Planner Papelbon said she is not sure how the Plan Commission could really do that. Senior Planner Papelbon reiterated that the applicant would need to meet the Landscape Code.

Senior Planner Papelbon clarified that in the Conditions and Restrictions it states, "Code requirements except for what has been amended specifically still apply". Senior Planner Papelbon stated that means there would still be transition zones, buffers, setbacks, and all the requirements that are in the Code for landscaping.

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 heavy manufacturing and equipment sales and rental on portions of the properties at 6340 S. Howell Ave. and 239 E. College Ave. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW
EXCEL ENGINEERING
8519 S. 13TH ST.
TAX KEY NO. 830-9990-000

Zoning Administrator/Planner Brueckert provided an overview of the site and Building Plan Review for a proposed bus and maintenance garage and expansion of existing parking lot (see staff report for details).

Commissioner Kiepczynski requested the applicant continue to work with the Engineering Department on updating the stormwater management plan. Commissioner Kiepczynski also stated there is currently a pond that exists on the parcel and the applicant should continue to work with Engineering to make sure that is updated.

Alderman Loreck asked if the setbacks for the proposed parking lot expansion take into account future improvements to 13th Street. Alderman Loreck also stated he believes Milwaukee County is planning to install sidewalks in that area and he wants to be sure the parking lot is set back far enough.

Eric Draskowski, 100 Camelot Drive, Fond du Lac, stated that on the plans it shows the 45-foot ultimate right of way and the front yard is 17 feet. Mr. Draskowski stated they would be right at the setback for the ultimate right of way.

Commissioner Chandler asked what the height is of the primary structure. Mr. Draskowski said he is not sure.

Commissioner Chandler asked if the garage would be taller or shorter than the primary structure. Mr. Draskowski said it will be much shorter. Mr. Draskowski also said it will be on the west side of the building so it will be screened from 13th Street.

Assistant Fire Chief Havey clarified that the Fire Department had to review the site plan to determine the occupancy is for storage and not a repair facility. Assistant Fire Chief Havey explained that the conditions of the building will not require a suppression system because

the occupancy is classified as storage. Assistant Fire Chief Havey reiterated to the applicant that no repairs or facility repairs can be conducted in the garage.

Alderman Loreck moved that the Plan Commission approves the site and building plans submitted by Eric Drazkowski, Excel Engineering, for the parking lot expansion and new bus and maintenance garage at 8519 S. 13th Street, with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That a landscaping plan is submitted in conformance with Code requirements for parking lot island landscaping, perimeter parking lot landscaping, and landscaping to the north of the parking lot addition.
3. That plans are revised to show location of propane tank on garage along with any required screening.
4. That applicant coordinates with Engineering on stormwater requirements.
5. That all final plans (site, building, etc.) are submitted in digital format for review by the Department of Community Development prior to the submission of building permit applications.

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

**CERTIFIED SURVEY MAP
EAST RAWSON AVENUE, LLC
140 E. RAWSON AVE.
TAX KEY NO. 733-9991-001**

Zoning Administrator/Planner Brueckert provided an overview of a Certified Survey Map request to combine the property at 140 E. Rawson Rd with frontage road area purchased from Milwaukee County (see staff report for details).

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Jason Atkielski, St John Properties Inc., for the property at 140 E. Rawson Rd 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 Siepert seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW
EAST RAWSON AVENUE, LLC
140 E. RAWSON AVE.
TAX KEY NO. 733-9991-001**

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

Jason Atkielski, St. John Properties, 2000 Pewaukee Road, Suite A, Waukesha, explained the property was initially zoned M-1 and was recently zoned B-4 due to all the Conditional Use Permits. Mr. Atkielski stated the engineers placed the building there, which is three (3)

feet into the setback. Mr. Atkielski explained the building can be shifted to the south, but the curb lines will no longer line up.

Mayor Bukiewicz asked Senior Planner Papelbon how the other two (2) buildings were approved in that location. Senior Planner Papelbon stated at the time they were developed; it was a different zoning district with different setback requirements. Senior Planner Papelbon clarified that the Plan Commission does not have the ability to grant variances, that would have to go to the Board of Zoning Appeals.

Mr. Atkielski said he talked to the engineers, and they can shift the building down three (3) feet.

Mr. Atkielski clarified that they added the seven (7) stalls to the 28 stalls for Labcorp to get the amount of parking that was needed per Code. Mr. Atkielski stated they can take the single stall off the north end and add two (2) more spots to the south end without interfering with the docks on the existing building. On the latest east elevation, they are proposing pulling out the overhead doors to put storefront glazing. Mr. Atkielski referenced the east elevation and stated there will be five (5) overhead doors on the north end of the building, and five (5) overhead doors on the south end of the building.

Senior Planner Papelbon stated by her count the applicant would still need to lose one more because of the conflict.

Mr. Atkielski stated the landscape architect/engineer has staff's comments and the plans are getting revised to accommodate for the red flags that the applicant received on those plans.

Assistant Fire Chief Havey stated the Fire Department wants to confirm turning radiuses for their vehicles and equipment. Assistant Fire Chief Havey also stated they want to establish water supply locations which can be reconciled during the permitting phase for the underground plan reviews.

Mayor Bukiewicz asked Assistant Fire Chief Havey if the two (2) existing buildings have fire connections on the south end. Assistant Fire Chief Havey confirmed they are on the south face of the building. Assistant Fire Chief Havey said for the fire hydrants they need to ensure there is one (1) dedicated for the Fire Department connection and another hydrant must be within 300 feet of the building for fire-fighting purposes. Assistant Fire Chief Havey also said the Fire Department will just need to verify the hydrants' locations conform to the Codes.

Assistant Fire Chief Havey explained that when the Fire department does underground plan reviews, aside from the water utility because that terminates to the water utility so they may be public hydrants, but for the fire suppression systems then it goes to the private side, and they have a private consultant that would do the plan reviews and recommend approvals or modifications as necessary.

Commissioner Kiepczynski stated stormwater has already been accounted for with the initial build out.

Commissioner Hanna asked if there was a utility easement on the parcel that the applicant acquired from Milwaukee County. Mr. Atkielski stated there are easements drafted, but no one will sign until the applicant owns the property.

Mayor Bukiewicz asked if the utility easement is with DOT, WE Energies, City of Oak Creek, or all the above. Senior Planner Papelbon stated in that area it would not be the City it would all be WE Energies and she said she did not know if anyone else is there. Mr. Atkielski said it is WE Energies, (*inaudible*), and Charter is on the corner.

Alderman Loreck said he would echo what staff had concerns on and push to hold the item.

Commissioner Chandler asked for feedback about accessing the property and maintaining the easement. Mr. Atkielski stated they will maintain the frontage road, greenspace as they would the property as far as the landscape goes and remove snow and salt accordingly. Commissioner Chandler asked Senior Planner Papelbon if that addresses the concerns listed in the staff report. Senior Planner Papelbon stated regarding the proposed landscaping, staff would need to get input from the utility; if the overhead wires prevent the applicant from planting trees, then a revised landscaping plan would be required.

Mr. Atkielski stated he spoke with WE Energies and all the proposed trees and shrubs are low growing, and it is at the applicant's risk that if they get ripped out the applicant would need to replace them at their own cost. Mr. Atkielski said the intent is to try to clean up the greenspace, so it looks presentable with the rest of the property. Senior Planner Papelbon stated if there is any correspondence from WE Energies to that effect, staff would appreciate a copy so the City has it on file.

Commissioner Chandler asked the applicant to provide feedback on the changes to the proposed shared parking. Mr. Atkielski explained that the parking in the back were the 20 spaces for Labcorp and they added the seven (7) spaces to meet the Code requirement for the building.

Commissioner Chandler asked Senior Planner Papelbon if there were challenges with the location of the seven (7) spaces. Senior Planner Papelbon responded by saying yes and explained that the entire area for the loading docks with regard to the potential conflicts with the parking in the area and access to the trash enclosure, those were all concerns. Senior Planner Papelbon said she thinks the elimination of those seven (7) parking stalls with the option for the applicant to submit a modification request to the Plan Commission, is a better solution than adding more parking stalls in the rear that could potentially cause conflict, but the turning movements are needed to really make sure that, it is a valid concern, but it is right now.

Commissioner Siefert stated he is concerned about parking and asked what would happen if the occupancy capacity of the building changed. Senior Planner Papelbon stated for a commercial building the parking is based on a ratio of the square footage, so it is based on a maximum occupancy for commercial uses at this point. One (1) for every 250 square feet, so the applicant would be short by about seven (7) or (8) stalls if they submitted a modification request. Senior Planner Papelbon also said there is the ability for shared parking on the rest of the development if there is enough shared parking for the rest of the tenants.

Mayor Bukiewicz said it is probably prudent to hold the item. Mayor Bukiewicz also said he thinks Alderman Loreck summed it up well.

Mayor Bukiewicz made comments that were not audible.

Mr. Atkielski stated he would have the building moved down so there would not be a need for a variance. Mayor Bukiewicz stated the applicant can go for it, it is only three (3) feet, but it would align the buildings.

Senior Planner Papelbon stated three (3) feet will probably not be that noticeable for being misaligned. Senior Planner Papelbon said as a staff she would recommend moving the building down.

Alderman Loreck moved to hold item 9F until the next Plan Commission meeting on June 13, 2023. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT
ARCH SOLAR C&I
6900 S. 27TH ST.
TAX KEY NO. 737-9025-000**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for roof-mounted solar energy collection systems (rooftop solar panels) on the apartment buildings on the properties at 520 & 557 W. Riverwood Dr. (see staff report for details).

Commissioner Chandler asked the applicant if the energy collected would assist the residents with their utilities. Andrew Holmstrom, 1045 West Calumet Road, River Hills, said not directly. Mr. Holmstrom explained that per WE Energies requirements only one solar ray can offset one meter on a property. The owner, Riverwood Legacy LLC, is using this to offset the public meters with the idea that in the future they will offer EV charging stations to tenants and use this energy to provide power for that.

Commissioner Hanna asked how the proposed project would be maintained. Mr. Holmstrom said there is a team at Arch that checks in weekly to make sure there are no errors with the system. Mr. Holmstrom stated the proposed panels have panel level monitoring so if the third panel in top row is out Arch will get a notification that the panel is not producing power like it should.

Commissioner Hanna asked how the system will perform in the cold winters. Mr. Holmstrom explained that the system performs better, efficiency wise, in the winter because the panels and wires prefer cooler temperatures, however the additional sunlight hours in the summer will produce more power.

Mayor Bukiewicz asked how many panels will be on each building and asked if they were identical array systems. Mr. Holmstrom said yes, they each consist of 41.4 kilowatts, 450-watt panels a piece.

Mayor Bukiewicz asked how many panels are proposed. Mr. Holmstrom said he thinks 92.

Mayor Bukiewicz asked how many units per building. Mr. Holmstrom said he did not know.

Mayor Bukiewicz stated that Mr. Holmstrom said only one panel per apartment. Mr. Holmstrom clarified that he said per one meter. Mayor Bukiewicz said usually there is a meter per apartment. Mr. Holmstrom clarified that the panels would be hooked up to the apartments' public use meter to offset each building.

Mayor Bukiewicz inquired if everyone will be licensed. Mr. Holmstrom said they are contractor licensed and master electrician licensed.

Mayor Bukiewicz inquired if it will be everyone on site. Mr. Holmstrom said the installation team that's doing the DC work installing the racking and panels are not required to be licensed electricians, but anyone working on what is considered high voltage (over 80 volts) will be a licensed electrician.

Senior Planner Papelbon stated, per the narrative, each of the five (5) arrays have 92 modules.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit allowing roof-mounted solar energy collection systems on the apartment buildings on the properties at 520 & 557 W. Riverwood Dr. after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (June 13, 2023). Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW
OAK CREEK-FRANKLIN SCHOOL DISTRICT
8965 S. CAROLLTON DRIVE
TAX KEY NO. 864-9000-000

Zoning Administrator/Planner Brueckert provided an overview of the Site and Building Plan Review for a proposed 20' by 24' pergola (see staff report for details).

Steve Rohde, 7283 South 35th Street, Franklin, Director of Buildings and Grounds for the Oak Creek Franklin School District, explained that the PTO raised the funds for this structure, and it does have some safety things for the school. Mr. Rohde stated if kids are playing outside and get overheated, they will be able to go in the shade and not have to go into the building. Mr. Rohde also explained that often parents will bring other siblings to ball games and the kids will need to get out of the sun and take a break from playing.

Commissioner Hanna asked what material the pergola will be made of. Mr. Rohde explained that it is a tube steel with a steel roof and concrete pylons on each corner as required. Mr. Rohde stated they paid for the engineered drawings up front, and they want a concrete slab in between the four (4) corners so there is no mud or other things that accumulate underneath there.

Commissioner Hanna said sometimes the concrete bases worry her and suggested shielding them with landscaping or something similar. Mr. Rohde said the school often talks about landscaping, but they are reminded from a security aspect that they do not want anything that

is going to create a place where a stranger can approach the school from behind bushes or things like that. Mr. Rohde also said at night it is better to not have any of that ground stuff around, so people can be easily seen if they are in the pergola.

Alderman Loreck moved that the Plan Commission approves the site, building, and related plans submitted by Steve Rohde, Oak Creek Franklin Joint School District for a 20-foot by 24-foot accessory structure on the Carrollton Elementary School property at 8965 S. Carrollton Drive with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the height of the pergola does not exceed 20' or the height of the primary building.
3. That all final plans (site, building, etc.) are submitted in digital form for review by the Department of Community Development prior to the submission of building permit applications.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:58 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

6-13-23

Date