

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, JUNE 13, 2023**

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

**Minutes of the May 23, 2023, meeting**

Commissioner Siefert moved to approve the minutes of the May 23, 2023, meeting. Alderman Loreck seconded.

All on roll call: voted aye. Motion carried.

Commissioner Hanna arrived after roll call and meeting minutes vote.

**PLAN REVIEW  
ST. JOHN PROPERTIES  
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).

*Commissioner Chandler was inaudible.*

Jason Atkielski, 2000 Pewaukee Rd. Suite A., Waukesha WI, applicant, stated a fire truck turning plan was submitted to the Fire Department. Assistant Fire Chief Havey confirmed an updated turning radius plan was received and is acceptable. Commissioner Siefert asked if the loss of five (5) parking spaces would be acceptable. Senior Planner Papelbon explained that the Commission can approve the change if they want to; shared parking is available throughout the lot and assurance of enough parking for the needs of each tenant will be the responsibility of the landowner. Commissioner Siefert asked if the landowner's responsibilities would need to be included in the motion to which Senior Planner Papelbon explained the topic of parking spaces can be discussed amongst the Commission, but the proposed motion should not have to change. Commissioner Siefert then stated he does not see a problem with the parking if there is shared parking. Mayor Bukiewicz stated he would assume the parking would be shared.

Commissioner Oldani stated his approval of the conditions, as they speak mostly to Code compliance. Commissioner Oldani then asked who enforces the lighting compliance to which Senior Planner Papelbon answered with staff and Mayor Bukiewicz further clarified the city inspector will look at the plans.

Commissioner Hanna asked if the lighting will be decorative or standard. Mr. Atkielski explained there will be decorative sconces on the building, but the parking lot will have pole

lights, (*Mr. Atkielski's other comments were inaudible*). Commissioner Hanna then asked if replacement sconces would be the same as what is proposed, and if maintaining the consistent look is addressed in the conditions and restrictions. Senior Planner Papelbon explained any wall fixture that is attached to the building must comply with Code and wattage requirements; a simple bulb replacement would not require a permit, but the replacement of the entire sconce would, and conformity would be checked during that process.

Mayor Bukiewicz thanked the applicant for working with staff and stated his approval for parking and fire requirements.

Commissioner Oldani moved that the Plan Commission approves the site and building plans submitted by East Rawson Avenue, LLC, for a multitenant Commercial building on the property at 140 E. Rawson Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the Certified Survey Map is approved by the Common Council and recorded prior to submission of permit applications.
3. That the landscape plans are revised to address overhead utilities and meet Code requirements.
4. That the masonry and stone building materials on the ground floor/base level to a minimum of 3 feet above grade meet the minimum 3-inch thickness requirement per Code.
5. 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 per Code.
6. All light sources shall be full cutoff fixtures with the light source fully shielded and directed downward. Shields shall be on the side facing residential properties. The color temperature of the fixtures shall be limited to a maximum of 3,500 Kelvins on the northwest and 5,000 Kelvins on the remainder of the property.
7. That a detailed Master Sign Plan is reviewed and approved by the Plan Commission prior to submission of sign permit applications.
8. That all revised plans (site, building, landscaping, 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  
JILLIAN ROOKER, ARCH SOLAR C&I  
520 & 557 W. RIVERWOOD DR.  
TAX KEY NOS. 859-9030-000 & 859-9031-000**

Senior Planner Papelbon provided an overview of the Conditions and Restrictions for a Conditional Use Permit request for rooftop solar panels on the Riverwood Arms multifamily residential buildings (see staff report for details).

The Conditions and Restrictions for the Conditional Use Permit are as follows:

Section 2

- All existing conditions and approvals remain in effect

Section 3

- Uses allowed, per Code
- Rooftop solar only, per Code
- Plans to include emergency shutoffs

Section 4

- Parking and access, per approvals and Code

Section 5

- Lighting, per approvals and Code

Section 6

- Setbacks, per approvals and Code

Andrew Holmstrom, 1045 W. Calumet Rd., River Hills WI, applicant, stated at the last meeting the PV disconnect was discussed, so examples of the equipment and identification were brought. Mr. Holmstrom then showed the Commission physical examples of the safety devices and labels. Assistant Fire Chief Havey stated the right information will need to be gathered from this project to gain familiarity with the systems for the efficiency and safety of the firemen and for the safety of the residents in the buildings.

Alderman Loreck asked the applicant if there will be any chance the sun would reflect off the panels and shine into a window of a neighboring building. Mr. Holmstrom answered in the negative, going on to explain the panels are covered in a non-reflective, aiding in absorbing as much energy as possible. Commissioner Chandler asked for the lifespan of the panels. Mr. Holmstrom explained the panels are warranted for 30 years. Commissioner Chandler then asked if the expiration of the conditions and restrictions should be longer than 12 months. Senior Planner Papelbon clarified the 12-month time frame is the amount of time in which installation of the panels should happen within, there is no expiration date to the conditions and restrictions. Mayor Bukiewicz asked if the stickers presented earlier will be how the safety systems will be marked for the Fire Department. Mr. Holmstrom answered in the affirmative, going on to state the locations will also be marked on plot plans, that will be included in a plastic, weatherproof tube at each system location. Mayor Bukiewicz stated the system seems much like a color-Coded fire alarm system. Commissioner Chandler asked if We Energies has knowledge of the project to which Mr. Holmstrom answered in the affirmative, explaining to what detail We Energies will be involved throughout the installation process. Mayor Bukiewicz asked if the installers will be fully licensed with the State to which Mr. Holmstrom also answered in the affirmative.

Commissioner Siefert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit allowing roof-mounted solar energy collection systems on the apartment buildings on the properties at 520 & 557 W. Riverwood Dr.

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

**CONDITIONAL USE PERMIT  
CHRISTOPHER FINK  
7101 & 7115 S. PENNSYLVANIA AVE.  
TAX KEY NOS. 768-0002-000 & 768-0001-001**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for general office use on the properties (see staff report for details).

Jason Heinen, 14170 W. Greenfield Ave., Brookfield WI:

*"I guess my only comment or question is with regards to conditions and restrictions. I guess reading and reviewing the report, it does look as though that's in reference to the conditions under item eight (8) c, but it is not clear me."*

Senior Planner Papelbon explained the differences between Conditions and Restrictions, a Conditional Use Permit, and a Plan Review.

Mr. Heinen:

*"So, we're in approval of this though." We're happy with the motion that's being suggested."*

Mayor Bukiewicz wanted clarifications that the applicant agrees with the motion of the conditional use permit.

Mr. Heinen:

*"Correct, yup."*

Commissioner Chandler asked for details regarding the life-safety plan requirement.

Mr. Heinen:

*"Yeah, we're – my understanding is that's with regards to the site review? But we are trying to find an architect to be able to produce that. We've talked with the city and with the staff, with the Fire Department Chief, who directed us to contacting a private architect because we're kind of doing it after the fact of approval here. We're not hiring an architect separately and we're struggling to find an architect willing to prepare what we need to propose to the Fire Department. "*

Commissioner Chandler then asked for clarification on the area on the proposed site plans labeled 'carts', as Senior Planner Papelbon spoke to outdoor storage not being allowed.

Mr. Heinen:

*"Yeah, there's no carts – I don't know what she is necessarily referring to but we're not asking for any approval of the carts or outdoor storage, so that's fine with us."*

Commissioner Chandler asked Senior Planner Papelbon if Mr. Heinen's clarification will be sufficient for staff. Senior Planner Papelbon stated 'carts' may be a typo on the site plan, and removal of the error will become a condition of approval for the Plan Review. Commissioner

Chandler then asked for more information about the modifications requested by staff to the trash enclosure.

Mr. Heinen:

*“Yeah, so I was going to bring this up with the site plan review but, my client is now thinking of removing the trash completely, rather than doing the masonry work that the city’s asking.”*

Commissioner Chandler asked if removing the enclosure from the site plan instead of doing the requested masonry work requested to enclose the receptacle is acceptable. Senior Planner Papelbon stated discussion regarding the trash enclosure will happen during the next agenda item.

Commissioner Oldani asked if the business at the location is a painting contractor, and if storage of flammable material has been discussed.

Mr. Heinen:

*“Correct”*

Senior Planner Papelbon answered in the affirmative, explaining those materials are why there is no outdoor storage is being recommended. Senior Planner Papelbon further explained those materials will be ordered and delivered to the applicant’s job sites. Mayor Bukiewicz wanted confirmation the applicant had been operating a business at the location and is now coming into compliance with the city.

Christopher Fink, 7115 S. Pennsylvania Ave.:

*“Yes.”*

Assistant Fire Chief Havey stated no inspections have happened at this property yet, Code requirements will have to be met for indoor storage, moving forward.

Mayor Bukiewicz confirmed the Conditional Use Permit will allow for the Fire Department to begin yearly fire inspections of the property. Assistant Fire Chief Havey confirmed the Fire Department will conduct their regular inspections once the property meets their jurisdiction.

Alderman Loreck moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit allowing a general office use on the properties at 7101 & 7115 S. Pennsylvania Ave. 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 27, 2023).

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

**PLAN REVIEW  
CHRISTOPHER FINK  
7101 & 7115 S. PENNSYLVANIA AVE.  
TAX KEY NOS. 768-0002-000 & 768-0001-001**

Senior Planner Papelbon provided an overview of the site, building, and related plan review for a trash enclosure, parking lot expansion, and landscaping on the properties (see staff report for details).

Mr. Heinen:

*"I'd just like to express my client's immense frustration with this whole process. I've assisted clients with other municipalities, and this has been one of the more straining and difficult ones. We've been working and speaking with Kari since last fall, since my client approached me about the violations and citations he's received and trying to seek what we need to provide her and provide the city to be able to satisfy and correct the violations. It's feels as though every time we've submitted what they're requesting, there's further additional requests. Even just now, I'm just hearing that one of the parking spaces is within the setback. I'm hearing that there's other things that she pointed out that I'm – that are completely new to me. Commissioners, this property is zoned Commercial. It has been zoned Commercial; it was zoned Commercial prior to my client's purchase. It is not a residential parcel, it's not a park. My client has recognized-*"

Mayor Bukiewicz asked is someone lives in the building currently.

Mr. Heinen:

*"He is, yes."*

Mayor Bukiewicz then asked why the applicant is living in a commercial building. Mayor Bukiewicz acknowledged the frustration from the applicant and from the city and went on to explain the process is to bring the business and property up to Code.

Mr. Heinen:

*"Mr. Mayor, I appreciate that candor. That's the candor I appreciate, really. Because we've sensed it, we've sensed the city's frustration and we really are trying to correct it."*

Mayor Bukiewicz stated the want to have the project be completed per the set process and if the applicant had followed the process first, the project wouldn't be at this point today.

Mr. Heinen:

*"He recognizes that. I guess what I would ask – my fear is – and what I'd ask you, as the planning commission is see my client's interest. He's standing here, he's interested in correcting this. Don't use this as an opportunity to further punish him for not coming to you beforehand."*

Mayor Bukiewicz stated the Commission is not punishing him, the Commission is asking for Code to be met.

Mr. Heinen:

*"We get that. So, my client recognizes and approves – he hasn't asked for – he didn't come before you before doing a lot of this work. He's put a lot of work into this property. He purchased the property for \$195,000, he's invested \$285,000 into improving the property. He's spent numerous amounts of money now in legal fees since having to deal with the violations and addressing the requests. His sole interest has been residing the property and using the lower level as an office in his painting business. He has a number of vehicles he uses in the business, so the additional parking lot space is helpful for what he is trying to do. He's substantially cleaned up the yard, improved the house, put a new fence around the trash, again we can remove that, if that's what the city wants, vastly improving the overall appearance of the property. In the process of cleaning up the property, he found dead deer carcasses and numerous old cinderblocks and immense amounts of trash and waste materials from the shop that was on the northern lot. He's expressed an openness to the city staff to the suggestions on correcting the violations, but with each offering of corrections it seems further issues are raised, and more time and money is demanded. So, we – our concern, and I guess the crux of the matter with what is in the staff's recommendations is, that this is further putting the hold on what we are seeking and further opportunity for them to add additional conditions when we don't have a comprehensive list of what it is the city wants."*

Mayor Bukiewicz stated it is his understanding the city doesn't have complete plans and explained the city can't approve speculative plans.

Mr. Heinen:

*"Again, what we've submitted we were asked, for and that's what we're trying to comply with. Now, it seems we're being told what we're submitting is not enough. I guess, which is it?"*

Mayor Bukiewicz commented the judgment is not whether or not the submitted information is enough, but what city staff has to go through to ensure compliance with the ordinances. Mayor Bukiewicz stated Senior Planner Papelbon made the trash collection information very clear, the city will not pick up a business's trash receptacle, adding businesses are not allowed to use the city dump either. Mayor Bukiewicz also stated clear information was provided regarding the landscape plan and the setbacks needing to be met; stating the city asks any business to meet those setbacks. Mayor Bukiewicz stated the want for the project to be done per process, per the ordinance.

Mr. Heinen:

*"We recognize we need to comply with the Code, that is what we are seeking to do. All I'm expressing to you is our, and I recognize - clearly the city's been frustrated as well – we are frustrated with the process and the staff. We've been trying to work with them, and this has been a very difficult process."*

Mayor Bukiewicz commented that rules hurt sometimes.

Mr. Heinen:

*"It's not the rules that we have a problem with, it's the convoluted way in which we've been, kind of- further explained additional rules each time we go back."*

Mayor Bukiewicz stated he finds staff straightforward, not convoluted, and does not appreciate that comment. Mayor Bukiewicz then acknowledged going backwards on the process may be convoluted.

Mr. Fink:

*“When I bought this property originally, it was explained to me like, by a realtor – which may be someone that I should not have listened to, that is was zoned B-2, to where I could do something like I was doing. Right? When I got there, I decided to clean the place up. I put a lot of money into it. Then I got violations and there was a ticket of like three thousand and some odd dollars that I could have just paid but what I decided to do was try to fix the problems that were there.”*

Mayor Bukiewicz stated his appreciation of the statement.

Mr. Fink:

*“And I ended up spending another \$40,000 on landscaping and stuff like that. I mean, in my defense, I’ll be honest with you; I’m a first time homeowner, this is the first house I’ve ever owned and I had no idea that maybe I was going against the grain on this one. I did have some builders that were working with me at the very beginning of this process that ended up backing out due to the fact that, when they did try to contact the powers that be to get some answers and what-not, they, the builders that have been commercial properties for 20 – 30 years – they decided that they wanted nothing to do with this particular product.”*

Mayor Bukiewicz asked if it was Mr. Fink’s project or the city’s process and were the contractors permitting.

Mr. Fink:

*“I don’t – of course they were permitting. I would – you know, I would never do anything-”*

Mayor Bukiewicz stated if the contractor were reputable builders, they should know the Code.

Mr. Fink:

*“Yeah, it was Michael Thomas Development, it’s a very, very reputable –. Long story short, I’ve put a lot of money into this property trying to make it better. You know, obviously I do a lot of painting estimates and I’d say in 100 homes since I’ve lived there. And everything that I’ve ever heard from anybody is how much I cleaned that corner up in comparison to what it was two (2) years ago. So, I think my main thing that I want to kind of put in moving forward is the money I’ve spent on this, whether it was the right money or the wrong money, it’s been spent and with the suggested, kind of landscaping that’s been offered to do per Codes and what-not; I got some estimates on that and it’s like another \$75,000, which quite honestly I mean is a lot of money to spend on that area again.”*

Mayor Bukiewicz agreed.



Mr. Fink:

*“So, I mean, I guess I’m just trying to state my point of you know, the money I’ve put into it verses the money I have left to put into this – honestly, I don’t have another \$75,000 to put into this.”*

Mayor Bukiewicz explained that is why the process is in place, a project doesn’t start at ‘no’, the commissioners will look at the project.

Mr. Fink:

*“That being said, is that we did, have like a, what was the other – I mean we dialed back a little bit. We had to dial it back because I got an estimate from Hill and Valley Landscaping, and they come out and did the initial – per all of the Codes and everything that were brought back to us and that’s where I got this \$75,000 and that was without the fence that they’re asking to have us build around the property. So, it’s probably closer to \$90,000. So, I dialed it back to what I could afford, and that’s what we’ve submitted to you.”*

Mayor Bukiewicz stated it’s up to the commission to decide what is acceptable in what is presented.

Mr. Fink:

*“Okay.”*

Mayor Bukiewicz continued by stating that per the ordinance and setbacks and screening; what the city has listed is what the city is looking for.

Mr. Fink:

*“Okay.”*

Mayor Bukiewicz re-iterated the choice is up to the commission.

Mr. Fink:

*“Thank you.”*

Commissioner Chandler wanted confirmation the applicant is looking for a list of things to do.

Mr. Heinen:

*“Yeah, it would be helpful to have an exhaustive list of the conditions that we need to meet to get approval for what’s already been done. For example, one of the items earlier on was providing a grading report. We already did the work; and I get that that’s something you would request of someone proposing work. We can’t go back and explain what the grading was, the engineers were telling us that’s just not something we can do. And so, it’d just be helpful to have that exhaustive list of conditions (inaudible).”*

Mayor Bukiewicz clarified the grading plan is to show where the water run off should be. Commissioner Kiepczynski confirmed the engineering team would want verification that whatever work has been done drains properly, it meets the intent of the surrounding area, and that anything that would have been done isn’t impacting other neighbors negatively at

all. The plan would be to see what was changed. Commissioner Kiepczynski also stated green infrastructure was required and has been submitted and the review will be completed.

Commissioner Chandler then asked if the list provided in the staff report is based on what is needed from staff from what has already been submitted. Senior Planner Papelbon confirmed and stated the suggested motion including the conditions of approval is based on the plans submitted. The items listed will ensure Code compliance for the applicant. Commissioner Chandler then asked the applicant if they have questions about the report listing everything that is needed or may have been missing on the submitted information.

Mr. Heinen:

*“For most of it, no. Some of it is fairly open ended in general. And I recognize like, 12 I’m okay with. Right? And the last one you guys just approved that was in there. But, you know, that all required building, fence, paving, green infrastructure, sign and required related permits are obtained prior to any further development or occupancy; that’s kind of a laundry list of permits that you’re seeking.”*

Mayor Bukiewicz stated the city requires permits before building.

Mr. Heinen:

*“I get that. I’m just answering the question. There is some generality there we may have questions about. But for the most part I have no problem with the list, we’ll try to comply with it. Where my hesitation arises is, just past experience in trying to find out from staff what it is they actually want, and kind of just being it fed piecemeal.”*

Commissioner Chandler stated her confusion in the applicants request for more information when staff has provided a list of requirements. Mayor Bukiewicz stated the city needs conditions one (1) through 12 to be met, Commissioner Siepert confirmed. Mayor Bukiewicz suggested the applicant work with staff, but clarified the city will not design the project for the applicant. Commissioner Chandler then asked the applicant if that clarification was helpful.

Mr. Heinen:

*“Yes.”*

Commissioner Chandler stated she has more questions on the space, like the parking requirements and landscaping, asked for confirmation that those topics will be addressed at a different time or if there is information to share now.

Mr. Heinen:

*“Well, I think I’d just reiterate my client’s feedback around the landscaping. That he has already put significant amount of money into this. And that’s where the trash enclosure comes from, right? A wood structure obviously doesn’t cost as much as masonry structure; he understands the safety aspects of it. So, it’s – my client doesn’t have endless pockets. Even though he’s paying me to be here, he does not have endless pockets. And he doesn’t want to keep shelling out money for – some of these things are very expensive. So, he’ll have to weigh, is it worth us to do a masonry structure or we just not do a trash enclosure at all.”*

Mr. Fink:

*"I have a quick question about the trash, I guess. Is that, if you guys – if there is an apartment there, are you saying you won't pick up trash (inaudible)."*

Mayor Bukiewicz stated a residential portion would have supplied garbage cans where the city will come and do pick up, but not for a business. Businesses are not allowed to use the city dump; a private garbage company would have to be contracted to pick up a business garbage.

Mr. Fink:

*"The dumpster that is there is through a dumpster service, so you don't pick that up anyway."*

Mayor Bukiewicz confirmed the city doesn't pick up, the business contracts the garbage to be picked up, but the city still requires the dumpster to be safely enclosed as wood or engineered wood can burn down.

Commissioner Siepert asked what items of the 12 listed in the staff report does the applicant disagree with.

Mr. Heinen:

*"Well, seven (7) because of the trash enclosure, I think I would – you know, it's a question of whether we're actually going to move forward with doing the masonry structure. I think you can re-word it in such that it would require the removal of the wood fence, but not necessitate replacement of a masonry structure. And then you would word it in such a way that if there is no structure, you know he's not allowed to go dump (inaudible). Nine (9), 10, and 11 were the other items that we had concern with. The life-safety plan, like we said in conversation with staff, we're just not finding an architect to produce it. We can submit a drawn building schematic, but I don't know what further to do there. Jumping back to nine (9), I did provide dimensions of the sign to Kari; I guess I'm – if she wants the dimensions in the graphic we provided, that would be helpful to know. But I've provided the dimensions – I feel like I provided the materials. It is different than the sign that's up there because we tried to comply with the Code, by keeping it to the size that it needs to be in accordance with the Code. And then, I've already commented on 11. We're not doing any further building, so to apply for a building permit, I don't know if you do an after-the-fact building permit. We're not wanting to put a fence up, and the neighbor's not wanting to put a fence up. But the city wants us to put a four (4) foot fence up, which costs my client money. So, we're like, wondering why that's necessitated. We're not doing any paving, I get we can get approval, I guess for the – if there's after-the-fact stuff for this – I recognize the green infrastructure, I recognize the environment, the landscaping, but we don't want to spend that kind of money on it."*

Mr. Fink:

*"And that goes back to what I was saying earlier about how much we have spent (inaudible) you know the piece of paper that was up there earlier on what I could kind of afford versus what was recommended on a different (inaudible discussion) a site plan. There was a site plan that you know, we had, and I got an estimate on it, and it was very, you know \$75 - \$95,000. So, I went back to Hill and Valley and discussed*

*with them what I could afford and what can we do to accommodate you guys. And that is where I'm at. So, the most recent thing that I've – we've submitted to you is basically what I have the ability to afford. And it comes out to about \$25 - \$35,000 more than I've already spent."*

Mayor Bukiewicz acknowledged the cost of the project and sympathized with the applicant, going on to explain the standards set are not based on the economics of the cost.

Mr. Fink:

*"And then - and I completely understand that, but with that being said, Sir, you know, if I can't afford it, I can't afford it. I don't want to come up here and tell you hey, yeah sure we'll do all this and it never happens (inaudible)."*

Mayor Bukiewicz stated his understanding of what the applicant said and reiterated the city's job to get businesses into compliance.

Mr. Fink:

*"Would you guys rather I just not did it there?"*

Mayor Bukiewicz stated the city doesn't want to see the applicant out of business, acknowledging moving into an industrial space or renting a building may be less expensive. Mayor Bukiewicz explained that choice is up to the applicant, the city is working through the process of making the business work at that location.

Mr. Fink:

*"Right."*

Mayor Bukiewicz continued by stating the business would have to meet the city's Codes and Ordinances.

Mr. Fink:

*"So, what if we were to just keep it a residential space?"*

Mayor Bukiewicz asked if the property was B-4 now to which Senior Planner Papelbon corrected to B-2.

Mr. Fink:

*"It was B-2 when I bought it and moved into it."*

Mayor Bukiewicz asked if residences can be had in a B-2 district. Senior Planner Papelbon explained the property was rezoned to a commercial property in anticipation of it becoming a commercial property and Mr. Fink did not request the rezoning, confirming he purchased the property as B-2. Mayor Bukiewicz then looked for confirmation that if the applicant wanted to change the property back to a residential district, Mr. Fink would have to request a rezone. Senior Planner Papelbon stated the city's comprehensive plan would have to change first, then the rezone process, even then, a home-based business would not be allowed there as a painting contractor.

Mr. Fink:

*“Yeah, you see and that’s why I bought a residence, thinking that I was going to live there and, you know, run a small company out of it. There is all this grey area. And that’s why I – at least for me it’s grey area.”*

Mayor Bukiewicz reiterated it would have been advantageous of the applicant to come in and talk with staff, explain what the objectives were, and figure out how to work through the process in the first place, acknowledging the difficulties working back on the process.

Mr. Fink:

*“Right. Exactly. You know, here we stand and like I said, first time homeowner – first time I’ve bought any property in Oak Creek. And it’s the first time I’ve spent almost a half a million dollars on a piece of property (inaudible) to be told that you did everything wrong.”*

Mayor Bukiewicz stated he understood the applicant. Commissioner Siepert asked if it is possible to sit down with the applicant and again go through the items to find a solution to which Senior Planner Papelbon answered in the affirmative. Senior Planner Papelbon went on to state correspondence has been had about what the requirements have been, and staff has been trying to collect the information being requested. Senior Planner Papelbon went on to state the list of conditions in the suggested motion came out of the review of the plans that were submitted. Commissioner Siepert wanted clarification on if staff has sat down with the applicant to which Senior Planner Papelbon explained letters, emails and phone calls have been exchanged thus far, and is open to sitting down and talking through them more.

Commissioner Siepert stated there are four (4) conditions the applicant does not agree with, Mayor Bukiewicz commented all 12 items are not in compliance with the Code. Mayor Bukiewicz commented that with more work and information, the 12 items could be reduced to a lower number of conditions.

Mr. Heinen:

*“We have no problems, absolutely, with one (1) through five(5) and 12. And we’ve already commented on the landscaping under six (6) and the four (4) foot tall fence; again, the neighbor’s not asking for it, we’re not asking for it, if the city wants it I guess my client will have to decide he (inaudible).”*

Mayor Bukiewicz stated there is a way to go with the process. Commissioner Oldani asked if Mr. Heinen was a real estate attorney and if he has dealt with developments.

Mr. Heinen:

*“Yup. I recognize it is basic stuff. What I’m – What I’m asking though is not – again I don’t have a problem with like green infrastructure, but we’re not doing any building (inaudible)”*

Commissioner Oldani stated when starting with the last thing first and trying to now do the first thing last, the process will cost multiple times what the initial expense was. Commissioner Oldani went on to state poverty and ignorance are not reasons for the process not to be followed.

Alderman Loreck voiced his support of the project, appreciation of the work that has been done improving the property, and suggested the applicant investigate variances that could be obtained while coming into compliance. Alderman Loreck also mentioned the importance visual aesthetics as the property is at an entrance into the city, concluding with explaining a vote to hold the item is not a vote against the project. Commissioner Kiepczynski explained the city needs to keep track of all the impervious pavement, so a paving permit, as well as the other requested permits, will be used as record keeping tools.

Commissioner Carrillo stated her sadness to see all the trees once on the property, be gone as well as knowing the existing sign was not to Code and any future signage will have to be smaller. Commissioner Hanna stated although sympathetic to the amount of money spent by the applicant, the Code must be followed by all. Commissioner Hanna then suggested a staged timeline for completion of all the conditions to which Mayor Bukiewicz stated there will be a time of compliance that will need to be met. Senior Planner Papelbon countered that the city doesn't have staged occupancy and would like to avoid any future violations for the applicant. Commissioner Hanna looked for confirmation that it's up to the applicant to complete the list of conditions to which Mayor Bukiewicz stated the City prefers the project's conditions completed right away.

Senior Planner Papelbon stated the issue with this project is the work that has already been completed doesn't meet Code, so the conditions of approval are the only way the city has to bring the business and property to compliance for the applicant to receive the Occupancy needed. Commissioner Hanna asked if someone from the city could meet with the applicant on site to point out exactly what is needed to come into compliance. Mayor Bukiewicz stated the 12 conditions are exactly what is needed, and Senior Planner Papelbon stated the life-safety plan can not be gone around in anyway. Commissioner Hannah asked if the Fire Department has any recommendations for the applicant regarding the life-safety plan.

Mr. Heinen:

*"We've explored that, yeah. We've explored that with the Fire Chief, and we can not do that. We continue to search."*

Mr. Fink:

*"Christine, I really appreciate you bringing that up because I understand that you know, it's all – one (1) through 12 need to be met. Right? On a financial basis, there is no way I could do it right now. I could definitely do it over a period of time, if there were some kind of guidelines (inaudible) we had to follow? I'm not opposed to doing it, I just can't afford (inaudible)."*

Mayor Bukiewicz stated working with staff outside a Plan Commission Meeting would be the appropriate place to find a solution, not the floor.

Commissioner Hanna recommended having a face-to-face meeting with staff to find the solution. Mayor Bukiewicz agreed that a solution can be found.

Mr. Heinen:

*"We would welcome the meeting."*

Mr. Fink:

*"Thank you."*

Mayor Bukiewicz stated the Fire Department deals with a lot of dumpster fires.

Alderman Loreck moved that the Plan Commission hold item 8c until the Plan Commission meeting of August 22, 2023.

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

### **OFFICIAL MAP AMENDMENT**

#### **ROBERT PATTERSON, HILLSIDE COFFEE HOUSE**

**237 E. RYAN RD., PART OF THE NORTHWEST ¼ OF SECTION 28**

**TAX KEY NO. 907-9988-000**

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

Robert Patterson, 9060 S. Chicago Ct., Oak Creek WI, applicant, stated he and his wife's business, Hillside Coffee House, has expanded greatly and additional parking space is now needed. Mayor Bukiewicz stated a conversation with the applicant had been had already to understand the request better.

Ralph Pietrusynski, 211 E. Ryan Rd., Oak Creek WI, stated his second property, 225 E. Ryan Rd., would become landlocked if the planned road were to be removed from the official city map, negatively impacting the value, salability, and access of the lot and the greater development of the area. Senior Planner Papelbon explained, even though the north-south road would be eliminated from the parcel, the west-east planned road will still provide possible access via the neighborhood to the south. Much discussion between the speaker, Senior Planner Papelbon and commissioners was had regarding moving the planned road, which staff proposed to remove, from the east side of 225 E. Ryan Rd. to the west, was had. Senior Planner Papelbon stated the width of northwest part the property would determine if the road could be moved there.

Commissioner Siepert called the question and stated the problem would not be solved tonight to which Mayor Bukiewicz agreed. Commissioner Chandler asked if the proposed north-south road located on 225 E. Ryan Rd. is a part of the motion to amend the Official Map to which Senior Planner Papelbon answered in the affirmative. Senior Planner Papelbon went on to explain the Commission needs to agree to remove the proposed road on either both properties, or just 237 E. Ryan Rd.

Commissioner Siepert moved that the Plan Commission recommends to the Common Council that the Official Map for a portion of the mapped, unimproved future right-of-way affecting the properties at 225 & 237 E. Ryan Rd. be amended as presented after a public hearing.

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

**MASTER SIGN PLAN AMENDMENT  
KEVIN CORREA, GUARDIAN CREDIT UNION  
7801 S. HOWELL AVE.  
TAX KEY NO. 782-90511-001**

Zoning Administrator/Planner Brueckert provided an overview of the proposed amendment to the existing Master Sign Plan for the multitenant commercial building (see staff report for details).

Commissioner Carrillo asked if the existing Martin Law Office's wall sign came before the Commission for approval, stating their sign looks big. Other commissioners confirmed the existing sign was not presented for approval.

Kevin Correa, 7801 S. Howell Ave., Oak Creek WI, applicant, and Reggie Peters, 4085 N. 125<sup>th</sup> St., Brookfield WI, a representative of Lemburg Electric, confirmed the request is to approve the Master Sign Plan as proposed, clarifying Guardian Credit Union, as the owners and managers of the building, would like to have the logo sign off-set on the upper corners of two (2) facades to set them apart from the law office signage. Ms. Peters went on to state the proposed additional tenant wall signage from the 2007 Plan will not be included in the current Master Sign Plan, as the additional tenants will be included on the proposed monument sign.

Commissioner Carrillo then asked if the applicant's goal is to match the existing law office's signage. Ms. Peters explained the credit union is rebranding so the signage is being updated and would like to match the size of the law office signage, as Guardian is the building's main tenant. Commissioner Carrillo then asked if the window signs will be included in the master sign plan. Ms. Peters stated the window vinyl are not included but could be. Commissioner Carrillo then asked if they should be, to which Zoning Administrator/Planner Brueckert suggested the vinyl be included in the conditions of the motion.

Alderman Loreck stated his approval for the upgraded design of the proposed monument sign and supported the addition of a wall sign to the east elevation. Alderman Loreck then looked for confirmation that Guardian Credit Union owns the building and stated although the eagle logo is off-set from the other signage, it could be understood why the owner of the building may want to stand out from tenants. *Mr. Correa's and Alderman Loreck's brief discussion was inaudible.* Commissioner Siepert asked if a business can only have one (1) monument sign. Zoning Administrator/Planner Brueckert explained a business may have one monument sign per street frontage.

Mayor Bukiewicz agreed that Guardian should have prominent signage and asked for confirmation the south elevation sign is the proposed addition to the Master Sign Plan. Zoning Administrator/Planner Brueckert explained the law office signage was permitted by staff in 2021 which should have triggered a master sign amendment at that time but was not. *Mayor Bukiewicz's following comments were inaudible* and approved of the proposed wayfinding signs.

Alderman Loreck moved that the Plan Commission approves the amendment to the Master Sign Plan submitted by Guardian Credit Union, for the multitenant commercial building on the property located at 7801 S. Howell Ave. with the following conditions:



1. That all relevant Code requirements remain in effect.
2. That plans are revised to show logos in line with text on all wall signs.
3. That permits are issued for signs prior to installation.
4. That all detailed, revised, and finalized plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

Zoning Administrator/Planner Brueckert clarified that the third condition should state signs are revised to show window signs on the east elevation. Zoning Administrator/Planner Brueckert also explained if the Commission agrees the logo being in-line with the text will be up to the discretion of the applicant, the second condition of the motion should be removed.

Alderman Loreck moved to amend the motion as stated.

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

### **ZONING TEXT AMENDMENTS**

Zoning Administrator/Planner Brueckert provided an overview of proposed amendments to Table 17.0304(b) Permitted and Conditional Uses, Residential Districts & Table 17.0304(c), Permitted and Conditional Uses, Nonresidential Districts; Section 17.0403(d) Residential Use Standards, Dwelling, Single-Family Attached & Section 17.0403(e) Residential Use Standards, Dwelling, Single-Family Detached; Section 17.0414(b) Accessory Use Standards, Accessory, Dwelling; Section 17.0414(d) & (u) Accessory Use Standards, Accessory, Structure & Decks; Section 17.0505 Landscape; Section 17.0507(a)(5) regarding landscaping for street-facing side yard fences; Sections 17.0604(b)(6) & (c)(6) regarding monument sign base requirements; Sections 17.0605(a) & (e) regarding Temporary Signs Requiring Permits; Sections 17.1001(d) & (g), Definitions for Accessory Building & Accessory Structure; and Section 17.1004(b), Definition for Deck of Chapter 17 – Zoning and Sign Ordinance of the Municipal Code (see staff report for details).

Commissioner Hanna, Mayor Bukiewicz, Commissioner Kiepczynski and Senior Planner Papelbon discussed safety, hazards, fire protection, permitting processes and efficiencies regarding solar panels (*much of the discussion was inaudible*). Commissioner Chandler asked if the ground mounted solar panel systems should be conditional uses in residential districts to which Senior Planner Papelbon clarified ground mounted solar panels are already conditional in those districts.

Mayor Bukiewicz asked if making rentable garden plots in a park district be a conditional use, would the permit encompass temporary housing like greenhouses and composting sites. Senior Planner Papelbon explained that because the plots would need a conditional use permit, Plan Commission would have the ability to approve what temporary structures may be built on the sites. Mayor Bukiewicz then asked for confirmation that the change would go into effect for both City and County parks in Oak Creek, to which Senior Planner Papelbon answered in the affirmative. Examples of existing plots within the city were then discussed, and clarification was made that maintenance of the plots would not be the city's responsibility. Senior Planner Papelbon explaining how UW Extension proposed community gardens in a park, but after discussion with the neighborhood they found no support. So they would like to put the garden plots somewhere better supported.

Alderman Loreck asked why the B-6 district was not included in the proposed districts for artisan manufacturing. Senior Planner Papelbon explained that because the B-6 district has a very specific Planned Unit Development and the vision as a destination retail location, staff decided to exclude the district. Senior Planner Papelbon offered the commission the option to make all artisan manufacturing a permitted use in the B-2 and B-3 districts instead of a conditional use. Alderman Loreck asked Senior Planner Papelbon if businesses tend to stay away from conditional use situations to which Senior Planner Papelbon explained that some businesses do and stated there are more B-4 districts in the city than B-2 and B-3.

Alderman Loreck asked if garage entry for an L-shaped house would be permitted from the inside façade to which Senior Planner Papelbon answered in the affirmative. Alderman Loreck asked for clarification if portable/ temporary carports, or roofed, wall-less canopy like structures are not allowed or do not need permits to be built. Zoning Administrator/Planner Brueckert answered that those structures will not be allowed. Mayor Bukiewicz asked why general farm buildings would not be considered an accessory building, to which Zoning Administrator/Planner Brueckert explained barns would be built in agricultural districts and have a different set of standards. Discussion about shipping containers being used accessory buildings was had with Senior Planner Papelbon defining a shipping container as a temporary structure that needs a temporary permit and would not qualify as an accessory building – meaning a shipping container can only be temporary in any district.

Alderman Loreck asked if one (1) tree along a 29-foot-long fence would be acceptable as it would meet Code. Senior Planner Papelbon answered in the negative, and that the Code could include verbiage that will better define where landscaping on corner lot fences may start, how far from the fence the landscaping may be, and a rounding-up of the fence length to better meet the landscaping requirements.

*Commissioner Hanna had questions and comments that were inaudible.* Senior Planner Papelbon confirmed the Code can include verbiage regarding preservation of vision triangles as well.

Commissioner Hanna moved that the Plan Commission recommends to the Common Council that Tables 17.0304(b) & 17.0304(c); Sections 17.0403(d) & (e); Sections 17.0414(b), (d), (u); Section 17.0505; Section 17.0507(a)(5); Sections 17.0604(b)(6) & (c)(6); Sections 17.0605(a) & (e); Sections 17.1001(d) & (g); and Section 17.1004(b) of Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended as proposed after a public hearing.

Alderman Loreck 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 8:38 pm.

ATTEST:

  
\_\_\_\_\_  
Kari Papelbon, Plan Commission Secretary

6-27-23  
\_\_\_\_\_  
Date