

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, AUGUST 8, 2023**

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

**Minutes of the July 25, 2023, meeting**

Commissioner Siepert moved to approve the minutes of the July 25, 2023, meeting. Alderman Guzikowski seconded. On roll call: all others voted aye. Motion carried.

**CONDITIONS AND RESTRICTIONS  
ALAN KIRCHOFF, 7B BUILDING AND DEVELOPMENT  
2440 W. RYAN RD  
TAX KEY NO. 878-9038-001**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for a proposed car wash facility on the property at 2440 W. Ryan Rd (see staff report for details).

Eihab Atout, 11007 65<sup>th</sup> Street, Kenosha, stated the applicants would like number 8 removed from the Conditions and Restrictions. Mr. Atout stated it came to his attention Friday evening from the car wash company, and that he spoke with Senior Planner Papelbon and the ten-year time frame is not an Ordinance.

Mayor Bukiewicz stated the City standard puts ten (10) years on this type of business. Mr. Atout said they do not see the car dealer on 27<sup>th</sup> Street and Rawson. Mayor Bukiewicz clarified that a car dealer is not the same as a car wash. Mr. Atout stated that he has been in development for 30 years, and this is the first time he has come across something like this. Mr. Atout stated that he is trying to find out the difference between a car wash and a car dealer.

Mayor Bukiewicz clarified that the City applies the ten-year restriction because the business may not stand. The ten-year restriction was applied to businesses on 27<sup>th</sup> Street, and the last car wash that came through. Mr. Atout listed different businesses that require Conditional Use Permits, and stated that Senior Planner Papelbon brought to his attention traffic control.

Mayor Bukiewicz stated one (1) other thing that the ten-year restriction helps with is if, in the future, there is a nuisance property that is a problem, and the City is not getting the cooperation, then the Conditional Use Permit goes away.

Commissioner Hanna asked the applicant what conflict he is presenting for the ten-year requirement. Mr. Atout stated that he has not seen anything like that in 30 years, and that he was shocked about the requirement and brought it to Senior Planner Papelbon's attention.

Commissioner Carrillo asked if the City has had anyone else refer to this. Senior Planner Papelbon explained that, per Statute, the City is allowed to assign durations or expiration dates to Conditional Use Permits. Because it is in Statute, the City does not need to have it in the Ordinance [Code]. The City has several Conditional Use Permits, but it [Statute] allows the Plan Commission and Common Council to determine whether a Conditional Use Permit needs to have the duration attached to it. It gives the Plan Commission the authority to determine an appropriate timeframe. Senior Planner Papelbon stated staff throws out ten years as an option for consideration, but the Plan Commission and Common Council can determine if it should be a shorter time frame, longer time frame, or no time frame.

Senior Planner Papelbon stated that Mayor Bukiewicz is correct that there are several instances, because Conditional Use Permits are assigned to a property, where operations or ownership changes, the City can end up with issues that are not covered by the conditions, or the City is not getting compliance and the conditions are not being fulfilled the Conditional Use Permit would then expire. Senior Planner Papelbon stated that the applicant can come in before the expiration date and renew it, but it also offers the opportunity for the Plan Commission and the Common Council to identify areas that are not working as anticipated, and the Conditions and Restrictions need to be amended. Senior Planner Papelbon clarified that the City has assigned durations of permits to other Conditional Uses.

Alderman Loreck asked if the proposed business will be 100% a car wash, and referenced the car wash at 140 W. Puetz Rd. that had been approved with a dog wash. Senior Planner Papelbon stated that the car wash on Puetz is now strictly a car wash.

Alderman Guzikowski stated that the proposed business is in his District, and he was contacted a couple of times about the proposal. Alderman Guzikowski state that he supports staff, and thinks a duration is needed. The City has done it with other businesses such as the car wash on Puetz Road.

Commissioner Siepert stated that he supports staff on the ten years.

Mayor Bukiewicz inquired if there will be vacuums. Senior Planner Papelbon answered in the affirmative.

Alderman Guzikowski asked about a dog wash. Senior Planner Papelbon stated that no dog wash is proposed.

Mr. Atout stated that if all the approved conditions are the same in ten years and being met by the business there should be an automatic renewal. Mayor Bukiewicz reiterated that if conditions change, the applicant would be able to come in and adjust it as needed. Senior Planner Papelbon stated there is always the opportunity for amendments to the Conditional Use Permit, but that there is no automatic renewal mechanism at this point.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of a Conditional Use Permit for a car wash facility on the property at 2440 W. Ryan Rd., after a public hearing.

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

**PLAN REVIEW  
OAK CREEK VETERINARY CARE  
8000 S. HOWELL AVE.  
TAX KEY NO. 814-9047-000**

Senior Planner Papelbon provided an overview of the site, building, and related plan review for proposed additions to an existing commercial building on the property at 8000 S. Howell Ave. (see staff report for details).

Ken Krahe, MSI General, Oconomowoc, stated that the applicant is excited to expand some of their services offered, and happy to be part of the community.

Commissioner Chandler asked Mr. Krahe what the fenced-in area is used for. Mr. Krahe stated that it is just a patio for staff to have the opportunity to take their lunches outside. Commissioner Chandler inquired if there is any parking near that area. Mr. Krahe responded not at all, that is a road that drives perpendicular to it.

Commissioner Siepert asked what type of fencing will be used for the patio area. Mr. Krahe stated an aluminum decorative fence that will be pre-finished. Mr. Krahe explained they do not have the exact style picked out, but they do have the architectural renderings, so it will be something similar.

Commissioner Siepert asked Senior Planner Papelbon if the fencing fits into the City's standards. Senior Planner Papelbon stated that she thinks for this it is fine because it will be a decorative metal fence that is only six (6) feet tall and is 18 feet from the driveway access for the property to the north.

Alderman Loreck stated that he is not a fan of the giant brick cube, and asked if there is any requirement from the City that it needs to include some type of architectural elements. Senior Planner Papelbon stated that this is going to be facing the parking lot, and that with the other elements of the east elevation, the proposal will meet the requirements. Senior Planner Papelbon stated that the Plan Commission can request an architectural element, but there is no Code requirement for it.

Mayor Bukiewicz asked if there would ever be a need for a sign on the brick part. Mr. Krahe said there is no thought of it - it is designed that way because that is for the X-ray and ultrasound rooms that will have lead lining.

Alderman Loreck moved that the Plan Commission approves the site and building plans submitted by Bryan Majewski, Oak Creek Veterinary Care, for additions to the existing commercial building on the property at 8000 S. Howell Ave. with the following conditions:

1. That all Conditions and Restrictions of Ord. 2770 and relevant Code requirements remain in effect.
2. That the landscape plans are revised to meet requirements per Ord. 2770.
3. That the exterior brick building veneer meets the minimum 4-inch thickness requirement per Ord. 2770.

4. 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.
5. 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.

Alderman Guzikowski seconded.

Assistant Fire Chief Havey stated there are no comments or concerns from the Fire Department.

On roll call: all voted aye. Motion carried.

**TEMPORARY USE PERMIT  
EDGERTON CONTRACTORS, INC.  
8850 S. 5<sup>TH</sup> AVE.  
TAX KEY NO. 886-9001-000**

Zoning Administrator/Planner Brueckert provided an overview of the request for a Temporary Use Permit for a temporary concrete crushing operation related to the bluff stabilization project on the property at 8850 S. 5<sup>th</sup> Avenue (see staff report for details).

Commissioner Hanna inquired if trucks would be taking the path marked in blue on the screen to get to the crushing site. Environmental Engineer Sue Winnen stated that this is a City-designated project, and that there will not be any concrete coming in from offsite. The road will be primarily used during demolition if they need to haul waste material to the landfill.

Commissioner Hanna asked to confirm that there will not be aggregate or any dust tracking on the main road. Environmental Engineer Winnen stated that the large building shown on the screen will be demolished. The steel and other recyclables will be removed, but at the City's request, the concrete will be crushed and remain onsite for future use on the project. Environmental Engineer Winnen clarified that no trucking is associated with the crushing permit.

Commissioner Hanna stated that her concern is the main road because she does not see a condition regarding clean-up after the hauling. Environmental Engineer Winnen explained that, in the contract, the contractor will need to street sweep if needed. They have dust controls on the interior and will minimize the traffic.

Commissioner Hanna asked if the crushing going to 7:00 PM is too late. Environmental Engineer Winnen stated that the actual crushing is set back quite a way from the residential areas, and there is a fair amount of trees and vegetation. Environmental Engineer Winnen stated that she is not sure if the contractors will be crushing until 7:00 PM; they typically will work until it gets dark.

Commissioner Oldani asked if the area covered by the proposal is considered part of the main contamination to the south. Environmental Engineer Winnen stated that the entire site is subject to the remediation requirements required by the Wisconsin DNR, and the demolition of this building is part of getting the entire site remediated. Ramboll, the environmental

consultant for the City, is overseeing the project to ensure that all environmental requirements are met.

Commissioner Oldani asked if all of that needs to be completed before the crushing and work can begin. Environmental Engineer Winnen responded in the affirmative. The City has a report on the building, and they have already done the asbestos removal and abatement. The report evaluates the building for special waste, and everything will need to be removed prior to crushing.

Commissioner Siefert inquired if there is any problem with noise for the neighborhood. Environmental Engineer Winnen stated that it is her understanding that it is set quite a way back. The City has been active on the site for a long time with a lot of trucking, and this is probably less than they have encountered during the major haul operations that were done in the past.

Commissioner Siefert asked to confirm that there were no problems with noise in the past. Environmental Engineer Winnen confirmed there were no problems in the past, and stated that if there is a problem, the City will work with the contractor to mitigate the problem. There will be no hauling in and minimal dump truck activities.

Commissioner Chandler asked if the timeframe includes from the point all the other activities start. Environmental Engineer Winnen stated that they have already done the abatement, they anticipate demolition of the building starting the 15<sup>th</sup> or 21<sup>st</sup> of August, and the proposal starts after the activities.

Mayor Bukiewicz stated that the contractor is requesting 12 hours, until 7:00 PM, to get the maximum amount of daylight time. With an end date of September 20, it is possible they will do overtime.

Commissioner Hanna suggested doing a flyer for the neighbors. Mayor Bukiewicz stated that he thinks the neighbors do get informed, and it is typically within 300 feet. Environmental Engineer Winnen stated that there was a mailing, and a public open house was held with everyone in District 4 invited to attend. The residents are quite happy to have the building come down.

Mayor Bukiewicz asked if the site will be gated. Environmental Engineer Winnen stated that it will be double-gated. Environmental Engineer Winnen referenced the site map, and stated that there currently is a gate along 5<sup>th</sup> Avenue and the south part of the property. Within the perimeter gate, around the green work area, they have another set of chain link fencing with a gate that is locked every night.

Assistant Fire Chief Havey stated that the Fire Department is working with Environmental Engineer Winnen early on to get a workers' safety plan in place and the mitigation plan.

Patrick Lasusa, 8955 and 8943 South 5<sup>th</sup> Avenue and 3960 East Maple:

*"I received no notice regarding a meeting for the Aldermanic District there on this project. The only notice I got was this mailer. I'm delighted that this is going forward, believe me, I do however because I do rent those properties have concerns about the*

*hours of operation, especially on the weekends. The trucking that has been going on for a long time down there has become part of the background noise, if you will, for everyone in that area. Adding this to it, I don't know what the decibel level is or the dB level is of a rock crushing plant, but I know what the level of a earthmoving equipment or piece of earthmoving equipment is going to stabilize the bluff and haul the stuff around the site, if that type of activity is going to be going on along with the rock crushing until 7 o'clock on a Saturday night I've got a concern. I've got a concern for my tenants. You've answered all my other questions with ingress, egress, point of entry. The last question I have here. Is there going to be a change to the elevation of the site? And is the primary objective of this project the demolition of the building or the stabilization of the bluff?"*

Mayor Bukiewicz stated that they go hand-in-hand because this property will become part of what's north Lake Vista Park. Mayor Bukiewicz stated that he would imagine the grade will stay the same because the City does not want to incur the cost of digging down.

Environmental Engineer Winnen stated that typically on Saturdays they will work until noon or 2:00 PM. During the week they are off the site by 6:30 PM, and the last hour is just getting everything organized. Currently, the overall site is not being graded, and the actual footprint within the building will be a low stockpile of crushed material and low stockpile of soil that will be about four (4) feet tall.

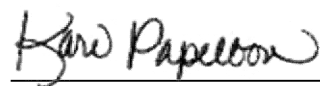
Alderman Loreck moved that the Plan Commission approves the Temporary Use Permit for a temporary concrete crushing operation at 8850 S. 5th Ave with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That hours of operation for crushing be limited to Monday – Saturday between 7:00am and 7:00pm.
3. That crushing is limited to concrete from the demolition on-site.
4. That crushed material remain on site for future use in City projects.
5. That onsite dust control measures are utilized throughout the operation.
6. That no external signage is placed and that internal signage is limited to cautionary and directional signs.
7. That a site safety plan is shared with the Oak Creek Fire and Police departments prior to the beginning of the project.
8. That the operation shall end by September 30, 2023.

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 6:54 PM.

ATTEST:



Kari Papelon, Plan Commission Secretary

8-15-23

Date