

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 14, 2024**

Alderman Loreck called the meeting to order at 6:00 PM. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Kiepczynski, Alderman Loreck, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Mayor Bukiewicz was excused. Also present: Senior Planner Kari Papelbon, Planner Melanie Perez, and Assistant Fire Chief Mike Havey.

Minutes of the April 23, 2024, meeting

Commissioner Siepert moved to approve the minutes of the April 23, 2024, meeting. Alderman Guzikowski seconded. On roll call: Commissioner Oldani abstained; all others voted aye. Motion carried.

**TEMPORARY SIGN PLAN REVIEW
OAK CREEK FARMERS MARKET
361 W. TOWN SQUARE WAY
TAX KEY NO. 813-9032-000**

Senior Planner Papelbon provided an overview of the request for a temporary sign to be displayed in excess of 30 days for the Oak Creek Farmers Market at 361 W. Town Square Way (see staff report for details).

Commissioner Hanna asked why the deadline to remove the sign was set as October 20.

Dawn Carrillo, 7969 S Main St., Oak Creek, WI, stated that is a few days after the last Market.

Commissioner Oldani moved that the Plan Commission approves a Temporary Sign Permit request submitted by Dawn Carrillo, Oak Creek Farmers Market, for the property located at 361 W. Town Square Way with the following conditions:

1. That all relevant Code and DTSMUPDD requirements remain in effect.
2. That one (1) 72" x 48" (24 sf sign face) x 94" (h) temporary ground sign with one (1) 1.5' x 6' attached hanging sign is approved in the location shown on the approved site plan. Sign shall be installed a minimum of 10 feet from property lines and rights-of-way.
3. That the Temporary Sign Permit shall be valid May 15, 2024 through October 20, 2024. The sign shall be removed by October 23, 2024.

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

**TEMPORARY USE PERMIT
WORLD OUTREACH CENTER
6912 S. 27TH ST.
TAX KEY NO. 737-9026-000**

Planner Perez provided an overview of the Temporary Use Permit request for the long-term temporary vehicle storage for Rosen Auto in the parking lot on the property at 6912 S. 27th St. (see staff report for details).

Al Ulma, 6964 S 27th St:

"I got two comments. One, is about my neighbor next door to me to the north. He's here tonight. I'll speak for him and then I'll speak for myself. He can maybe speak for himself. His lot has been for sale for 12 or 14 years, couldn't get a buyer. Now he has a potential buyer, you probably aren't aware of this, a paint store and they have a deposit, earnest money, the deal will probably go through. They're going to come out there one day, maybe next week and they're going to see 300 cars parked in that parking lot that was designed primarily just for a parking lot. I don't know what their ideas would be, maybe they'll say, 'Oh, it's in the back of the building, who cares', but they could say, 'well this makes a big difference to us', so they're going to pull out, the lot will be for sale again. I own property, 15 acres, I think the prime concern of the board tonight would be for me to have a potential buyer, perhaps, why let that land sit there for the next 10 to 15 years, let's develop, let's do something about it. Second comment that I want to make is that the church are not good neighbors, they don't take care, they don't maintain the property. The City has requested that the retention pond in the back be cleaned out. The water is progressing across my property, flooding out certain areas. They don't take care of it. I think it was July of last year, that it started, they sent the letter out. Have they done anything with that pond? No. The water keeps flowing over. They're a church they should love their neighborhood, they don't. So, they don't maintain the property. You got another property for sale, potentially that could be sold and now we're thinking about putting 300 cars back there, it doesn't make sense. It doesn't matter what you do, it's okay with me, I'll keep the farm, I'd rather do something else with it, but I'll keep the farm, but it doesn't make sense we're going backwards instead of forwards, Let's clean up that area, let's get something going. Those are my comments for the night."

Alderman Loreck referenced the storm water pond that Mr. Ulma mentioned, and asked staff if it would be a requirement to clean it up before this proposed item takes effect.

Commissioner Chandler asked if the stormwater pond being cleaned up should be added to the conditions. Senior Planner Papelbon stated she was currently adding it.

Commissioner Oldani asked Senior Planner Papelbon what follow-up there would be to make sure the stormwater pond is cleaned up before cars are parked.

Commissioner Kiepczynski stated that the Engineering Department has Stormwater Maintenance Agreements, and Engineering would ensure the pond has been cleaned and maintained appropriately. Engineering will be following up on the property even if the proposed item is not approved.

Commissioner Oldani asked the Applicants when they would like to have the cars start parking on the site.

Ervin Henderson, 6912 S. 27th Street, Oak Creek, WI, stated possibly the first of June.

Tim McMurtry 6912 S. 27th Street, Oak Creek, WI, clarified that it is going to be contingent upon when the razing starts for Rosen Kia.

Jeff Rosen 5505 S. 27th Street, Milwaukee, WI, said they would like to start as soon as possible. They are razing the Kia building, which is located about 15 minutes north of College Avenue. Mr. Rosen stated that they have already started the fencing, and as soon as the City allows, they will

start moving the cars over.

Commissioner Oldani inquired to what extent the stormwater pond must be taken care of.

Commissioner Kiepczynski stated that it needs general maintenance that has been neglected, and verification that the pond functions correctly mainly due to overgrowth.

Commissioner Oldani stated that he thinks it is a big deal, and would like to see it done before any approvals are made. He expressed concern that in the past the Plan Commission has allowed things on good faith, and it never gets done. There must be some sort of assurance or guarantee that the pond gets maintained.

Mr. Rosen stated that he will guarantee it will get done, and that he will have someone come out and do the work before [parking vehicles].

Commissioner Oldani asked how he would guarantee that.

Mr. Rosen asked the Plan Commission to tell him what needs to get done and he will have people come out and take care of it.

Alderman Guzikowski stated it needs to be in place sooner, rather than just saying it will get done. He stated that the church is not being a good neighbor right now.

Mr. McMurtry stated that he hears it [the concern] right now, and asked if they need to set up an appointment with Engineering to come out, do a review, and set up a timetable. He stated that they would love to get approval, and if it is contingent upon getting the pond cleaned up, they can get that done as expeditiously as possible.

Senior Planner Papelbon clarified that she added a condition of approval for Plan Commission consideration: "That the stormwater pond on the property is cleaned and maintained prior to parking any vehicles as part of the Temporary Use Permit." Therefore, the maintenance would have to be done before it [the Temporary Use Permit] becomes effective.

Mr. McMurtry asked to clarify that even if the item is approved, the pond would still need to be done. Senior Planner Papelbon confirmed - maintenance of the pond is of primary concern, and that needs to be taken care of prior to the establishment of this Temporary Use Permit.

Commissioner Oldani stated that the stormwater pond cleanup would be a condition; however, the City will not have someone out on 27th Street stopping cars from being parked there until the stormwater pond is done. He stated that he would like to see the applicant come back with either a plan for the stormwater pond or the work completed. The stormwater [maintenance] is very important.

Alderman Guzikowski stated that, right now, he does not support the number of cars and does not support the issues with the stormwater. He reiterated that the property owner is currently not being a good neighbor, and stated that the applicant needs to learn how to treat the neighbors first, and then come back to reexamine the proposed item.

Commissioner Kiepczynski stated that her only comment had to do with the stormwater.

Commissioner Hanna asked how the church is working with a dealership for cars.

Mr. McMurtry explained that it was just an ask - Mr. Rosen requested a meeting with the church. It was an opportunity for the church, but they do not want a reputation as being bad neighbors. He explained that they are relatively new to the community, and want to be able to have a good reputation. Mr. McMurtry also requested that the Plan Commission not hold them accountable for others' actions. But they respect the fact that because of that, there are some other items that the Plan Commission wants to trust but verify.

Commissioner Hanna asked about the interaction with the church members and the proposed vehicles.

Mr. McMurtry clarified that the lot will be just for storage, and they will not be selling any cars.

Pastor Henderson stated that it makes the church look full, like there are more people there, there is action happening, and it is not an abandoned building. He explained that when they got the building, the previous church had closed it down for two (2) years, and it has been difficult to get movement there. So, to have cars there, it may draw attention.

Commissioner Hanna asked if there will be any signage showing the cars belong to Rosen.

Planner Perez stated that there will not be signs for sale or any identification for the cars belonging to Rosen.

Commissioner Hanna asked about safety and security.

Planner Perez stated that no fencing was proposed, and that if that is proposed in the future, it will have to come through the City to be permitted. She stated that she believed Rosen was going to be doing security.

Mr. Rosen stated that they were going to have security there, especially at night. Commissioner Hanna asked if there would be cameras. Mr. Rosen clarified that there would be a security person there.

Commissioner Oldani stated that he is not concerned about the "whys" - he is assuming it is a business deal. Commissioner Oldani stated that regardless of the reason, he wants to make sure the correct protocol is followed. He referenced the letters Mr. Ulma mentioned, and asked Senior Planner Papelbon to provide some background about them.

Senior Planner Papelbon stated that the letters were not sent out by the Department of Community Development, and deferred to Commissioner Kiepczynski.

Commissioner Kiepczynski explained that there is a history on this parcel of the owner receiving letters regarding pond maintenance. She provided an overview of the letter dated October 12, 2023, and explained that the letter notified the owner that the pond required maintenance. The previous owners were contacted in 2018 and 2021 for proper maintenance, and that the property owner at the time handled the maintenance. A letter was sent out in October of 2023 to the new property owners for the first time, and the City has not received a response.

Commissioner Oldani asked the applicant why there was no response.

Pastor Henderson stated that he is not sure why there was no response.

Commissioner Kiepczynski stated that the letter mentioned a required completion date in November. The Engineering Department did an additional inspection about a month ago, and no maintenance has been done.

Mr. McMurtry stated that they would speak to their administrative office as most of their administrative function is handled by the administrator of the church. They will check back with him and find out what the issue has been, and any other communications that are received from the City they will respond to. Mr. McMurtry stated that it was an oversight on their part, they will take the blame and apologize for it, and they do not anticipate that happening again.

Commissioner Oldani stated that he is not so inclined to just pass items when the applicants have had notice and a deadline, and the City got absolutely no response, nothing was done. He stated that he thinks the Plan Commission needs to see some movement at the property on the part of the applicant.

Commissioner Hanna reiterated that she thinks it is a little mixed up how a car dealership is going to store 300 cars at a church.

Commissioner Oldani stated that he is familiar with the area, and the church has a lot of areas to park cars. He stated that it is a business deal, and churches do business all the time.

Commissioner Oldani stated his recommendation is to place a hold on the item, and asked Senior Planner Papelbon if the Plan Commission would set a date.

Senior Planner Papelbon confirmed, and stated that it is up to the Plan Commission to determine what that time would be, whether it is two (2) weeks or four (4) weeks, to give enough time for either the pond to be completely maintained or just to see that there is a plan of action that is agreed upon.

Commissioner Oldani stated that if, in two (2) weeks, the applicant had a plan, the maintenance would still be a condition, and would need to be completed before cars can be parked. He stated his preference to see some movement before the Plan Commission approves anything even with the conditions.

Commissioner Hanna stated her preference for four (4) weeks, not just to see a plan, but to see action on the property.

Commissioner Chandler why, if the last condition identifies that the maintenance must happen before anything else happens, the item be held.

Alderman Loreck asked if there is any action that can be taken if the applicants start parking cars prior to the pond being cleaned up.

Senior Planner Papelbon stated that an enforcement action would be taken stating the applicant is in violation of the Plan Commission approval, the property owner needs to cease and desist until it is corrected, otherwise there are penalties, fines, and violations that may apply.

Commissioner Oldani asked Commissioner Kiepczynski if work or completion of work is possible

in four (4) weeks.

Commissioner Kiepczynski stated that she does not know the full extent of the work - a full inspection would need to be done - but it is going to be more than using a lawn mower to trim down weeds. The work is something that the property owner would likely need to hire a contractor that specializes in this because the pond has been neglected for some time. She stated that she does not think four (4) weeks is completely out of line.

Commissioner Oldani asked Commissioner Kiepczynski if it is possible to get an inspection in four (4) weeks.

Commissioner Kiepczynski stated that the Engineering Department can make it a priority to go over there, so the inspection piece of it is on the property owner. Staff would need to get verification of the inspection report, and then a plan of action.

Mr. McMurtry asked what the process is. Commissioner Kiepczynski stated that she would meet with the applicants to make sure the necessary measures are taken.

Commissioner Hanna asked if drainage from the parking lot could be causing some of the issues.

Commissioner Kiepczynski stated that she thinks it is more or less overgrowth on the pond and not necessarily what is draining into the pond.

Commissioner Chandler asked whether the overgrowth started with the previous owners and whether the pond has been maintained since 2018.

Commissioner Kiepczynski stated that it has been maintained, and the previous property owner was responsive in attending to the City's concerns. She stated that she believes the previous owners were contacted in 2018 and they took care of it, and then they took care of it in 2021. After 2021, she stated that she does not have any further documentation. Commissioner Kiepczynski stated that it could be three (3) years, and typically ponds are supposed to be inspected once a year, with a report completed and necessary maintenance taken care of at that time.

Commissioner Oldani explained that he suggested a hold because it is a consideration that Plan Commission has made for other applicants, instead of voting the item down and them having to reapply.

Alderman Guzikowski asked how long the Temporary Use Permit would be in effect. Alderman Loreck stated that he believes it is nine (9) months.

Commissioner Hanna asked if there would be access for the Fire Department if there was a fire.

Assistant Fire Chief Havey stated that there is a stipulation in the conditions that fire lane access is maintained. The route inspector will be out there to do building inspections, and access is also inspected semi-annually.

Commissioner Chandler asked Mr. Rosen why the cars need to be stored at the church.

Mr. Rosen explained that he has a Kia facility that will be knocked down and rebuilt. The

contractors need to fence off the whole area, and he needs to find a place to park the vehicles that are currently there. The cars would be parked in the two (2) side lots on each side of the building and not in their main parking lot. Mr. Rosen stated he was not aware of any type of issue with the pond, but he has people that he can have come out there. He gave his word that the maintenance will definitely get done.

Commissioner Siefert inquired if the proposal is for all new cars.

Mr. Rosen stated they are all brand new cars, there would be no sales, the cars would just be parked there. The only thing that would occur at this location would be someone picking the car up and bringing it back to the dealership.

Alderman Loreck referenced a similar agreement that was approved in 2020, and stated that it seemed to be successful, and he did not hear any complaints back then. He asked Mr. Rosen if that was one of his dealerships.

Mr. Rosen said it could have been, but he is not sure. Senior Planner Papelbon stated that she believes that was for Allstar.

Alderman Loreck asked Mr. Rosen if he owned the dealership just south of the subject property.

Mr. Rosen confirmed he does, and owns the four (4) stores on 27th Street.

Alderman Loreck asked to confirm that the cars are not coming from those locations, and whether cars are coming from the store in Greenfield.

Mr. Rosen stated that the store is in Milwaukee on 27th Street just north of College Avenue.

Alderman Loreck asked the property owners how many spots are on the back side of the building.

Pastor Henderson stated that he thinks there is a total of 400 spots.

Alderman Loreck stated that an item like this went through successfully a couple of years ago, he received no complaints about it, and it seemed to work out. He stated that he does not necessarily have a problem with the proposed item, but there is concern about getting things in order before any approval happens.

Commissioner Oldani moved to hold the item until the June 11, 2024, Plan Commission meeting. Alderman Guzikowski seconded.

Mr. Rosen if there a possibility of looking at the item in two (2) weeks if the work is completed.

Alderman Guzikowski stated that it is up to staff, but the Plan Commission cannot look at it on the fly.

Senior Planner Papelbon stated that, realistically, she is not sure there is enough time to review the plans, have Engineering inspect it, and have adequate time for notice. The City has a requirement to send notice to adjoining landowners, and the review must be set to a date and time to meet those requirements.

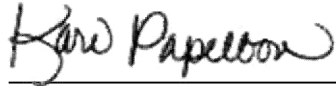
On roll call: Commissioner Chandler voted no; all others voted aye. Motion carried.

Senior Planner Papelbon stated that the item will be scheduled for the June 11 agenda, asked that the applicants and the consultants work with staff in order to make this happen.

Senior Planner Papelbon stated that the Plan Commission is seeking another member, and anyone interested can submit an application to the Clerk's office.

Commissioner Oldani moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:43 PM.

ATTEST:



Kari Papelbon, Plan Commission Secretary

5-28-24

Date