

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JUNE 11, 2024**

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

Minutes of the May 28, 2024, meeting

Commissioner Siefert moved to approve the minutes of the May 28, 2024, meeting. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Assistant Fire Chief Havey introduced Administrative Lieutenant in charge of Fire Prevention, Amy Grzyb.

**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).

Commissioner Kiepczynski explained that the Engineering Department visited the site a few times within a week after the previous Plan Commission meeting, and things are sufficient from an Engineering standpoint.

Assistant Fire Chief Havey stated the Fire Department does not have any concerns as long as provisions are provided that the Fire Department access is maintained through the entirety of the permit. Mayor Bukiewicz asked if that has been communicated to the applicants. Assistant Fire Chief Havey stated that he thinks it is communicated through the Temporary Use Permit.

Assistant Fire Chief Havey stated they have to meet the clearance for all access, which is typically 20 to 25 feet from the building, or any of the suppression devices or pieces that need to get to the equipment, such as FDCs, egress and access doors.

Al Ulma, 6964 S 27th St:

"Last time we talked about a retention pond, can I talk about that just briefly? I'd like for you to look at a letter that was written 23 years ago. So, as you can tell by the letter, dated almost 20 some years ago, this has been going on for a long time with the retention pond. Right now, if they cut it down, which I assume that they did, all the weeds, the outlet of that retention pond is at the same level as the bottom or a little lower. So, instead of a retention pond, right now it's just like a river, the water comes in, the water flows out. Henry suggested that it should be converted to a wet pond instead of just a dry pond because if the weeds have been cut, three months from now, they're going to be just as high, or five or six feet tall and it's not going to do any good. What happened is the sides of that retention pond come down, so the bottom has come up so instead of that outlet

being two feet, Henry suggested four feet, but two feet, now it's right here so water comes in, the water flows out. The tenant told me that the parking lot overflows, and I was concerned about the water that retains itself at the higher level. Why is water at the higher level when it should be only at the bottom? The curb overflows, there's so much water coming down on that parking lot that the curb doesn't retain the water, it just overflows on to my property."

Mayor Bukiewicz asked Commissioner Kiepczynski if the required maintenance has been taken care of.

Commissioner Kiepczynski confirmed the required maintenance has been taken care of, and stated that the letter Mr. Ulma provided is something she is not aware of. The letter is from over 20 years ago - it does not mean the City would disregard it, staff can look into it and evaluate it. Commissioner Kiepczynski also stated the pond design in the plan sheet that was provided pre-dates when maintenance agreements were required. From the Engineering Department's cursory look of what they were able to see, the pond appeared to be functioning and designed as what they could tell from the basic plan.

Mr. Ulma:

"I do respect what you say. Last year I called in August about the problem that my farmer was having. The department didn't respond until October to send a letter out. The letter goes out and nothing is done about it, it just sits there. I know you have big projects going on, that this is just a little thing, but it is important, not to have that water continually flowing on to my property."

Mayor Bukiewicz reiterated that he cannot speak to those comments. If Mr. Ulma registered the complaint with the Engineering Department, the Engineers are usually very good at following up on items. Mayor Bukiewicz stated that he does not have an answer other than to confirm what Commissioner Kiepczynski said, and to continue to check into what was found when the letter was mailed out. Other than Mr. Ulma coming to the Plan Commission meetings, the City has not had any complaints on the subject property.

Mr. Ulma:

"I hope you look into it. Thank you."

Commissioner Oldani stated the last time this item was up, the applicant was asked to take care of what the City was asking them to do, and it sounds like that has been done. He stated that he is satisfied with Engineering's seal of approval on that, and suggested someone can direct Mr. Ulma with the information to follow up on his concerns.

Commissioner Kiepczynski explained that a letter was sent out in October, and the Engineering Department was going through a lot of staffing changes and shortages. Since that time, the Engineering Department is fully staffed. Commissioner Kiepczynski stated that she knows DPW was out there twice, Engineering staff has been out there at least twice, and staff will continue to look into and address Mr. Ulma's concerns.

Planner Perez clarified that staff added to Condition #9 to adhere to all the applicable Fire Codes.

Tim McMurtry, 6912 S. 27th Street, Oak Creek, WI thanked the Plan Commission for the opportunity to rectify the concerns. Mr. McMurtry referenced the letter that was received in October, and explained that they had an administrative glitch coupled with the transitions in the

City of Oak Creek, and the letter got past them. He stated that he believes that situation has been rectified, and they look forward to a long-term relationship with the City of Oak Creek. Mr. McMurtry stated they do not want a moniker that they are bad neighbors associated with them as a ministry.

Alderman Loreck moved that the Plan Commission approves the Temporary Use Permit request submitted by Pastor Ervin Henderson, World Outreach Center, for the long-term temporary vehicle storage for Rosen Auto in the parking lot on the property at 6912 S. 27th St. with the following conditions:

1. There shall be a maximum of 300 vehicles stored on the property in striped parking stalls within the approved vehicle storage area. No vehicle shall be parked on grass or gravel.
2. Delivery or removal of vehicles shall be between 8:00 AM and 5:00 PM Monday through Friday.
3. No additional cars shall be added to the site.
4. There shall be no sales of vehicles from the approved vehicle storage area.
5. There shall be no structures for this temporary use.
6. Any security fencing shall conform to all Code and permitting requirements.
7. There shall be no lighting added for this temporary use.
8. There shall be no advertising or signage in the approved vehicle storage area.
9. The vehicle storage area shall not encroach upon fire lanes, and shall adhere to all applicable Fire Codes.
10. There shall be no outdoor storage of equipment, junk/damaged/non-inventory vehicles, parts, supplies, or flammable/hazardous materials.
11. A copy of the lease or agreement between World Outreach Center and Rosen Auto shall be supplied to the Department of Community Development prior to parking any vehicle within the approved vehicle storage area.
12. The Temporary Use Permit for storage of vehicles shall expire nine (9) months from the Plan Commission's approval date (March 11, 2025). Vehicles shall be removed, and the property shall be restored to its original condition within 14 calendar days following the expiration of the Temporary Use Permit. No extensions of the Temporary Use Permit will be issued.

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

CONDITIONS AND RESTRICTIONS
VISTA MOTORWERKS, LLC
9555 S. CHICAGO RD.
TAX KEY NO. 912-9993-000

Planner Perez provided an overview of the draft Conditions and Restrictions related to a request for a Conditional Use Permit for vehicle sales on the property at 9543 S. Chicago Rd. (tenant space: 9555 S. Chicago Rd.) (see staff report for details).

Commissioner Siefert inquired if the portable dumpster will be contained or removed.

Amer Masoud, 9555 S. Chicago Road, Oak Creek, WI stated that the dumpster is about two (2) cubic feet, is on wheels, and they are not planning to get any bigger dumpsters. The dumpster that is on site is the one provided by Eagle Disposal.

Commissioner Siefert stated that the dumpster still needs to be enclosed. Mr. Masoud agreed.

Commissioner Oldani asked if the applicant has had anymore communication with the owners about taking care of stuff, or their intent to do their part. Mr. Masoud stated that there has been communication with the owner, and the owner is generally letting Mr. Masoud be liable due to him having a Conditional Use Permit. Mr. Masoud summarized that his business is the one with the Conditional Use Permit, so he should deal with it.

Commissioner Oldani inquired if the owner can transfer liability to the tenant.

Assistant Fire Chief Havey stated that in the Fire Code, it does illustrate if the owner and tenant have a mutually agreed upon transaction; however, the building owner is responsible for all fire prevention codes, so the owner is ultimately responsible for anything related to fire prevention, and they maintain the standards for what the Code provisions are.

Senior Planner Papelbon stated that, ultimately, the responsibility for the upkeep and the conformance with Code requirements lies with the landowner.

Mr. Masoud stated that he is in talks of purchasing the building from the owner within the next few years, so that is why he is taking responsibility for the building. He stated that he has drawn up a plan and sent it to the Planning Department.

Commissioner Oldani stated that he appreciates that the applicant has made plans. Mr. Masoud stated this is his way of saying he wants to bring his business in, and he wants to stay in Oak Creek.

Assistant Fire Chief Havey stated that, per Code, vehicles stored inside for sales need to be drained of all their fuel and have the batteries disconnected.

Mayor Bukiewicz stated that the Planning process is where sometimes the City can get properties that have long been outside of compliance into compliance.

Mr. Masoud stated that he feels like one (1) year of duration for his occupancy is too little. For him to put in the work and invest the money, he feels like having one (1) year is not fair.

Senior Planner Papelbon explained that the reduction from five (5) years to one (1) year has to do with the previous conditions that were not adhered to. Those were the concerns that were brought forward and discussed at the last meeting, and this is an opportunity for the City to maintain communication and to keep an eye on the property to ensure the property does not get into a situation that was there prior. Senior Planner Papelbon explained that does not mean the Conditional Use will go away - it means that within a year, the City asks the applicant to come back to renew the Conditional Use Permit. However, the Plan Commission has the authority to recommend a different timeframe to the Common Council.

Mr. Masoud stated that he thinks his business being limited to a timeframe on his occupancy based on the previous tenant or landowner is not fair.

Commissioner Oldani asked Senior Planner Papelbon whether the timeframe should be stated in the motion if the Plan Commission wishes to change it. Senior Planner Papelbon stated that the Plan Commission should have the discussion, direct staff, and staff will put it in the Conditions and Restrictions. The Plan Commission does not need to change the motion for the specific condition.

Commissioner Oldani stated that he would be willing to be fair to staff and their concerns to add at least another year to the proposed conditions.

Mayor Bukiewicz referenced Condition #10, Violations and Penalties, and stated that if they incur two (2) or more violations within a 12-month period, the City has the right to revoke the Conditional Use Permit.

Senior Planner Papelbon explained revocation of a Conditional Use Permit is never anything that staff wishes to present. It does not get rid of the issue per se - it just revokes the Conditional Use Permit. Senior Planner Papelbon stated that the time limit allows everybody the opportunity to review the application again to make sure that everything is in compliance. It also allows the opportunity to amend the conditions to address issues. Senior Planner Papelbon that, in any case, whatever duration is put in the Conditions and Restrictions, the Conditional Use Permit will need to be renewed.

Mayor Bukiewicz reiterated that Commissioner Oldani suggested two (2) years, and asked the applicant if he is okay with such.

Alderman Loreck asked Senior Planner Papelbon if the Conditional Use Permit is attached to the property and not the tenant. Senior Planner Papelbon stated that the Conditional Use Permit is attached to the property except for if the tenant terminates the lease.

Alderman Loreck asked to confirm that if the tenant leaves, the owner cannot continue to use the property for the proposed use. Senior Planner Papelbon confirmed that such was correct. Alderman Loreck stated that he is less concerned with extending it. The applicant has made a good faith effort to make improvements to the property as the tenant. Alderman Loreck stated that he has no problem adding another year, going to three (3) years.

Alderman Loreck stated that if Mr. Masoud purchases the property, he would have no problem, if he maintains the relationship with the City, extending it to five (5) years at the time of renewal.

Mr. Masoud stated that he is sure they will meet again later if business does better. Most likely they will want to extend to outdoor storage to have more storage to park outside to display vehicles.

Commissioner Kiepczynski asked if the timeframes have been extended for some of the other items to come into compliance. Senior Planner Papelbon stated that landscaping and the trash enclosure are required within six (6) months of issuance of the Conditional Use Permit. She referenced previous concerns with regards to the former tenant and those violations, and stated as far as staff is aware and as of the meeting, those violations are gone, except the conformance with the trash enclosure and landscaping requirements.

Alderman Loreck moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for vehicle sales on the property at 9543 S. Chicago Rd. (tenant space: 9555 S. Chicago Rd.).

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

**PLANNED UNIT DEVELOPMENT AMENDMENT
JANSSEN BRUCKNER LLC
641 & 819R E. DREXEL AVE.**

TAX KEY NOS. 814-9075-000, 814-9076-000, 815-9027-000, AND 815-9028-000

Senior Planner Papelbon explained that while the Planned Unit Development Amendments had been reviewed previously, a new modification request by the Applicant was submitted at the Common Council hearing. Council remanded the Conditions and Restrictions back to the Plan Commission for that additional modification consideration (see staff report for details).

Commissioner Hanna expressed concerns that if the Plan Commission allows the exception for this applicant, then other applicants will request an exception. Senior Planner Papelbon stated that every application and development is to be reviewed individually for conformance to Code. If there is a modification request that comes forward for a separate development, they will have to give justification for any modification to the Code. Recommending or approving a modification in one case does not hold the Plan Commission to then grant it in another.

Commissioner Hanna asked the applicant why he is requesting the variance for 20 homes.

Ryan Janssen, S98W33270 Genevieve Drive, Mukwonago, WI explained it comes down to density and the width of the building. To meet the 45% requirement, the building width would need to be increased from 80 feet to 100 feet. Distributed over the entire development, the number of buildings would go from 33 to 26 buildings. Mr. Janssen referenced the rendering on the last page of the report, and stated it has the garage set one (1) foot back from the living space, but has the same amount of garage as his proposed buildings and would be allowed by Code because the garages are set back farther. Mr. Janssen said they are developing at 56% of the allowed density. If the building increases to a width of 100 feet and they lose six (6) or seven (7) buildings he thinks the density would drop to the 40%.

Commissioner Hanna asked if the size difference would be noticeable from the outside. Senior Planner Papelbon stated that renderings are included as Exhibit C in the Plan Commissioner's packets. Mr. Janssen stated that the first picture is a majority of the 20 homes, and the remaining homes would be the fourth (4th) picture. Mr. Janssen stated that he understands what the City did with the Code, but it eliminates a lot of options for designs.

Commissioner Kiepczynski stated that she does not see any issues with including the 55% [Code requirement] for 20 of the homes.

Alderman Loreck reiterated that he is concerned that a lot of work was done in rewriting the Code, and a lot of background went into why the numbers were decided. He stated that he feels allowing variances gets the Plan Commission and the City into the habit of granting variances to the Code to allow for new development, whereas existing residents are denied variance requests. The Plan Commission is already looking at allowing variances just to get development in so quickly after putting all the work into the Code.

Alderman Guzikowski stated that he personally does not like the look, and would not support the 55%, and will not agree with the change.

Commissioner Oldani stated that he does not necessarily have a problem with the variance. This is about the Code, and whether the Plan Commission wants to allow a variance. He stated that he feels it does set a little bit of a precedent, and asked what size the proposed garages are.

Mr. Janssen stated that the garages are 22 feet, which would fit two (2) cars and garbage cans. Some of the models have a one- (1) car garage to meet the Code.

Mr. Janssen stated that he understands the City put a lot of time into the Code update. Mr. Janssen stated that he brought up to the Common Council that the City has a zoning district that allows 70-foot-wide lots with 10-foot setbacks, creating a 50-foot buildable area. The house would need to be built to the building envelope in order to have a 22-foot garage that sits in front of the house. Mr. Janssen stated that this eliminates a lot of options for a lot of builders.

Commissioner Siepert stated that he is concerned that the exterior building material thickness was reduced from three (3) inches to an inch and a half (1.5 inches).

Mr. Janssen stated that they went to an inch and a half (1.5 inches) because it is cost-effective, and in production building, cost is important.

Commissioner Siepert referenced Exhibits A and B, and noted that the applicant removed several lots. Senior Planner Papelbon clarified that the exhibits are identifying the lots that are not incorporated into the Planned Unit Development (PUD).

Assistant Fire Chief Havey stated that the proposal does not fall under the purview of the Fire Department inspection or Code because it is single-family.

Mayor Bukiewicz stated that he understands the density, and it is a little bit of a challenging property to develop. Mayor Bukiewicz stated that he is okay with moving the proposal ahead, and thinks it will be a very nice addition to the City.

Commissioner Hanna referenced the homes that have a single-car garage, and asked if there will be space outside for another car to park. Mr. Janssen stated that he will probably not add parking pads.

Mr. Janssen made additional comments that were not audible.

Commissioner Hanna expressed concerns about people parking on the grass.

Alderman Loreck moved that the Plan Commission recommends that the Common Council adopt amendments to the Conditions and Restrictions as part of the Planned Unit Development affecting the properties at 641 & 819R E Drexel Ave.

Commissioner Siepert seconded. On roll call: Alderman Guzikowski voted no; all others voted aye. Motion carried.

Alderman Loreck moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:04 PM.

ATTEST:



Kari Papelbon, Plan Commission Secretary

6-25-24

Date