

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JULY 23, 2024**

Mayor Bukiewicz called the meeting to order at 6:02 PM. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Kiepczynski, Commissioner Bautch, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Director of Community Development Krisit Laine, Planner Melanie Pérez, and Assistant Fire Chief Mike Havey.

Minutes of the July 9, 2024, meeting

Commissioner Siefert moved to approve the minutes of the July 9, 2024, Plan Commission meeting. Alderman Guzikowski seconded. On roll call: Commissioner Hanna, Commissioner Bautch, and Commissioner Oldani abstained, all others voted aye. Motion carried.

Mayor Bukiewicz announced that at the request of the applicant, item 7C, a preliminary subdivision plat for Lucy Meadows located at 9830 S Shepard Ave will be held until the Plan Commission meeting on August 13, 2024.

**CONDITIONAL USE PERMIT
BLIFFERT LUMBER & HARDWARE
6826 S. 13TH ST
TAX KEY NO. 735-9998-002**

Planner Pérez provided an overview of a request for a Conditional Use Permit for outdoor storage of forestry products on the eastern portion of the property at 6826 S. 13th St (see staff report for details).

Commissioner Chandler asked the applicant to provide more information about the purpose of the storage and what is being stored there. Greg Prossen, the Consortium ae LLC, 896 Goldenview Court, Oconomowoc, explained forestry products is an all-encompassing group for lumber used in the home building industry and will include dimensional lumber and some engineered lumber products like plywood.

Commissioner Chandler asked if the storage will be in a secure area. Mr. Prossen stated there is currently access off 13th Street; the current drive to the back of the site is gated. Mr. Prossen also stated there is a drive that enters off 10th Street and the applicant intends to put a gate there also.

Commissioner Siefert asked what the timetable is for phase I and phase II. Mr. Prossen said phase I would include the building up front and a redo of all the parking with a master stormwater system. Mr. Prossen stated he thinks they are likely looking at next spring for a start.

Alderman Loreck asked if the location is currently corporate offices. Mr. Prossen confirmed that is correct.

Alderman Loreck inquired if the proposed storage is going to be a retail site. Mr. Prossen stated no, it would all be wholesale.

Commissioner Hanna asked how the lumber will be transported to the site from I-94. Mr. Prossen

explained that Bliffert also owns the site directly to the east. Mr. Prossen continued by stating access for the site to the east is off 10th Street and it has rail access, which is how most of the lumber is delivered to the site.

Josh Brown, 5317 S Lake Drive, Cudahy, corrected that there is limited retail at the site currently and with construction of the building in phase I that would increase some retail traffic because there would be a showroom there. Mr. Brown continued by stating the majority of the lumber is brought in on rail, on the east side of the property. Mr. Brown also stated they do get semi-trucks off the freeway as well, but that is not expected to change or increase from what it is now.

Commissioner Hanna inquired how the lumber delivered to the site on 10th Street would be transported to the site on 13th Street. Mr. Brown stated it is a connected site.

Commissioner Hanna asked how the business will be operating. Mr. Brown explained they deliver most of the lumber out of the site, and the trucks are loaded on the 13th Street parcel and currently exit onto 13th Street. Mr. Brown continued by stating once the proposal is up and running, they are looking at having more traffic exit to 10th Street. Mr. Brown added that they use all types of trucks to make deliveries.

Commissioner Hanna noted that Engineering will cover the turning movement of the trucks to make sure they are adequate.

Assistant Fire Chief Havey stated as annotated in the notes for the Conditional Use Permit (CUP) they must conform to the Fire Code. Assistant Fire Chief Havey continued by stating that with forestry and outdoor storage products, access and arrangement must conform to Code. Assistant Fire Chief Havey said once the Fire Department sees the plans and the storage arrangement, that will be approved through the permit process and Code inspections.

Mayor Bukiewicz asked Assistant Fire Chief Havey if the fire lane is adequate. Assistant Fire Chief Havey stated access for fire lanes meets the minimum requirements.

Commissioner Oldani moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for outdoor storage on the property at 6836 S. 13th St. after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's next meeting (August 13, 2024). Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**SITE PLAN
THE CELLAR
812 W. OAKWOOD RD
TAX KEY NO. 925-9991-000**

Planner Pérez provided an overview of the site and related plans for an addition and parking lot on the property at 812 W. Oakwood Rd (see staff report for details).

Commissioner Kiepczynski commented that the Engineering department will be looking for a green infrastructure permit application for the rain garden.

Commissioner Bautch asked if the site plan is planned for this year. Luis Barbosa, BMR Design Group stated if approval is obtained construction will start in the fall.

Commissioner Siepert referenced the layout of the east parking lot and suggested adding another handicapped stall to the parking lot. Mr. Barbosa stated they will do that.

Commissioner Chandler asked if there is going to be an addition to the building or if the interior of the building is going to be revised for the addition. Mr. Barbosa stated they are doing a small addition to the west side of the restaurant. Mr. Barbosa said the addition is about 1,011 square feet to provide adequate space for the new kitchen and then renovate the previous kitchen to provide additional space for storage.

Commissioner Chandler asked the applicant to provide more information about the exterior building materials. Mr. Barbosa stated the idea is to provide exterior materials to match the existing building.

Commissioner Chandler asked if any notes about the materials need to be added to the plan review. Planner Pérez stated it is not necessary to add it to the motion since it will be on the plans as required.

Alderman Loreck asked if the dumpster is required to be enclosed or if an enclosure will be built around it. Planner Pérez stated trash is required to be enclosed per Code and it will be required.

Alderman Loreck asked if the enclosure will be block. Mayor Bukiewicz said if he is not mistaken the Code requires block. Planner Pérez said she believes so and she thinks it is the masonry requirement. Planner Pérez stated staff will work with the applicant to make sure it meets the Code requirements.

Mayor Bukiewicz asked if the green space requirements have been met. *No answer was audible.*

Assistant Fire Chief Havey clarified that the dumpster enclosure needs to be non-combustible. Assistant Fire Chief Havey explained that one of the stipulations in Wisconsin Act 270 states that an addition that exceeds 50% of the occupied space within the building would require a suppression system. Assistant Fire Chief Havey also stated they want to make sure that the applicant is aware of that provision and guide them on the additional space.

Mayor Bukiewicz asked Assistant Fire Chief Havey if the proposed addition will require sprinklers. Assistant Fire Chief Havey stated that from the drawings that were received from the designer the Fire Department is not able to determine that yet.

Mayor Bukiewicz asked what type of suppression is used on the kitchen hoods. Assistant Fire Chief Havey stated it is a wet chem kitchen hood system and it is a separate system for commercial cooking equipment only. Assistant Fire Chief Havey clarified that it is the occupied space within the building that would drive the need for additional suppression.

Mayor Bukiewicz asked if occupied space means there are customers. Assistant Fire Chief Havey stated there are workers or employees, based on the verbiage. Assistant Fire Chief Havey reiterated that if the space that is already included in the building is of 50% value to the addition, then that could trigger the need for a suppression system. Assistant Fire Chief Havey continued by stating that the values listed in the proposal includes a lot of the building spaces, other buildings, or open space square footage, but not necessarily just the occupied space. Assistant Fire Chief Havey stated it is a three-story building and the only public occupied space is the bar, restaurant, and restrooms.

Mayor Bukiewicz asked if Assistant Fire Chief Havey included the secondary building they built a few years ago. Assistant Fire Chief Havey stated no, it is not attached to the building. Assistant Fire Chief Havey clarified that where the public or employees are in is considered occupied space. Assistant Fire Chief Havey said if an addition for a particular space goes over 50%, then the entire building would need suppression.

Assistant Fire Chief Havey stated the Fire Department always encourages and advocates for suppression systems in all buildings. Assistant Fire Chief Havey also stated what the Code provides to the Fire Department to administer and advocate for, are limits.

Commissioner Chandler asked to confirm that the Plan Commission would be approving the site and the plans for the property. Commissioner Chandler asked if that approval includes the materials and the need for the suppression system.

Assistant Fire Chief Havey clarified that the suppression system is considered a deferred submittal and does not need to be addressed for the Fire Department's purposes at the Plan Commission meeting.

Mayor Bukiewicz asked Director Laine if the item is just for the site plan. Director Laine stated vaguely related plans would include the landscaping and architectural plans. Mayor Bukiewicz referenced the applicant's last page that covered the proposed materials. Director Laine stated staff does have the detailed plans.

Commissioner Chandler asked if the materials are compliant with what the City allows or if there are any conditions that the Plan Commission needs to agree to for the materials. Mayor Bukiewicz stated the City allows vinyl as long as it meets the minimum thickness that is required, and the brick is usually three (3) inches. Mayor Bukiewicz also stated the proposal looks to include decorative stone. Mayor Bukiewicz continued by stating the rails fall under building inspection.

Director Laine added that the City's architectural design standards are fabulous, but when trying to blend an addition with an older building, that might be something that the Plan Commission needs to consider, that the addition should not look like an addition, and she thinks that is the intent of the submittal.

Commissioner Chandler stated she does not have enough information to vote on the item because the Plan Commission knows the materials are similar, but she is not sure what that means from reading the staff report.

Commissioner Oldani said he thinks what Commissioner Chandler is trying to convey, is usually when there is new construction the commissioners receive a big packet with all the materials listed.

Commissioner Hanna stated she cannot read the landscape plan to know what it means. Commissioner Hanna also stated a more professionally drawn landscape plan and rain garden will be clear. Director Laine said staff can ask the landscape business to submit a computer-generated plan. Director Laine continued by stating she was looking up the plant species, and the proposed plan includes species that are typically seen in commercial development. Director Laine also stated staff requested a little variety on a few items, so staff are expecting a new plan next week.

Commissioner Hanna said it is typical for the Plan Commission to see plans that show where the plants will be located, the height of the plants, and if the plants are mature or premature. Mayor Bukiewicz stated it is unusual for the Plan Commission to receive a handwritten drawing. Mayor Bukiewicz also said with the minimums the Plan Commission has within the parking lot, the applicant is meeting the green space requirements. Mayor Bukiewicz continued by stating looking at the number of plants provided by the applicant, they are pretty generous in what they are installing.

Alderman Loreck noted that there are a total of three (3) ADA parking spots.

Commissioner Kiepczynski said in terms of a plan review the provided landscaping plan is sufficient. Commissioner Kiepczynski also stated that once the green infrastructure permit application is submitted, full plans and design of that rain garden will be required and reviewed by the City and MMSD. Commissioner Kiepczynski continued by stating that within the plan the maintenance responsibilities are lined out.

Commissioner Chandler asked if the addition would meet the necessary setbacks. Planner Pérez confirmed the addition should.

Commissioner Siefert moved that the Plan Commission approves site and related plans submitted by William Nelson, The Cellar, for the property at 812 W. Oakwood Rd. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That permits shall be obtained for any new signage on the property.
3. That all revised plans are submitted in digital format for review and approval by the Department of Community Development prior to the submission of permit applications.

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

**PRELIMINARY PLAT
ETN, ENGINEERING
9830 S. SHEPARD AVE.
TAX KEY NO. 908-9033-000**

Mayor Bukiewicz made a motion to hold the preliminary plat review for the subdivision plat for Lucy Meadows single residential subdivision located at 9830 S. Shepard to be held to the next available meeting, August 13, 2024. Commissioner Oldani seconded. On roll call: all voted aye.

**PRELIMINARY PLAT
ALMEG LLC
9025 S. NICHOLSON RD
TAX KEY NO. 873-9999-001**

Director Laine provided an overview of the Preliminary Subdivision Plat (see staff report for details).

Randy & Maria Burant, 1546 E Arbor Creek Dr:

"We are directly involved with that because we actually own the temporary cul-de-sac, that's adjoining that subdivision that they'll be taking out, putting it into the new subdivision."

They'll be taking out ours, putting it into the new one. Some of our questions that we are going to have maybe they can't be answered here, but we would like to at least address these and have maybe Engineering or somebody help us, have a resolution, but we want to know who is responsible for taking the existing cul-de-sac out of there, and are they going to put it back to original grade, seed it, plant the trees along the side of the lot line, which are on half of our other lot, the other half of it, because that's basically going to take half of our lot, and give us half of our lot back. We knew that this was a temporary cul-de-sac when we bought the lot and it's just taking a long time for them to do what they need to do. So, we want to make sure that it gets put back to grass, and trees get planted along there. We don't know if it's the City's obligation to do that or is it the developer's?"

Mayor Bukiewicz stated it would be required by the developer; the City may do the trees. Mayor Bukiewicz said the City picks the trees. Mayor Bukiewicz also stated it would be required in the landscape plan to take out the cul-de-sac and return it to its previous condition.

Mr. Burant:

"Okay, is that listed, do we know if that's listed in the plat map at all?"

Mayor Bukiewicz stated he currently does not see it listed.

Ms. Burant:

"We did write out questions and we gave it to somebody over there. Just so that you know, we'll read our questions, but"

Mr. Burant:

"I believe it says in there that they're going to take it out, they're going to put a curb and gutter along that new radius."

Mayor Bukiewicz said the City would require the same roadway that exists in front of the Burant's house.

Mr. Burant:

"Just, so it's not listed on there."

Mayor Bukiewicz stated they are proposing to take out the cul-de-sac and put it to a permanent one.

Ms. Burant:

"We'll read each one of our questions and then if it's a quick answer you can just answer it, if not, and then she has that, and you can address it later."

Mr. Burant:

"The next one is, when the cul-de-sac was put in, it's a big loop that goes in there and there's a communication box, a big, 16 inch by 16 inch by 48 inch high blue box that's sitting there because it's a future for the next subdivision. So, our recommendation is that they move that box, not that it's sitting in the middle of our lot, that they put it along the lot lines, which everything in our subdivision all these communication boxes are along everybody's property lines."

Mayor Bukiewicz stated they are always within an easement.

Mr. Burant:

"They're usually within that, but I don't know if this one is. It's actually 27 feet in from the edge of the road, which I believe that, that is past the easement. So, it'll be kind of in the middle of our lot. It is a side lot where the road would be, so you would have the road easement, then our property line."

Commissioner Kiepczynski said she believes there is an easement along the north side of the Burant's property, and she is not sure if the communication box is located within that easement.

Mr. Burant:

"It's our recommendation that they put it along the property lines, like they do..."

Ms. Burant:

"Closer to the end."

Mr. Burant:

"...in the rest of the subdivision. If we could have that. Also, one of the big things that we see on his map there, were the trees that were going to be removed. Along that property line at the back of our lot there are pear trees that are along that property line. No one has come out there to actually mark out those property lines, but I know where the stakes are, and I drew lines across the back of them and actually the trees along that property line are actually on my side of the property line. The way it shows on there is they're going to take those trees out."

Mayor Bukiewicz referenced item 3 and said the tree inventory and preservation with replacement plans has not been incorporated or referenced in any areas.

Mr. Burant:

"It's just our request that they don't remove these pear trees that are."

Ms. Burant:

"Blocking one subdivision to the other subdivision."

Mr. Burant:

"Yes, and they're mature, they're maybe 40 feet tall. So, it's like replacing them with"

Mayor Bukiewicz stated the City wants to preserve what the developers do not have to touch and the developer has to replace what is removed.

Mr. Burant:

"Is it their right to take it out if it's on my side of the property line?"

Mayor Bukiewicz stated no, the developer cannot touch the Burant's property.

Mr. Burant:

“Oh, that’s our concern,”

Commissioner Oldani stated he has the same concerns as staff.

Mr. Burant:

“We just want to make sure that they don’t move forward thinking that they can change or take down trees that are actually not even on their property. They didn’t even survey. One of the property lines, the property line on the east side of our property line is actually a tree. The tree is the property. It said that right on the stake when we bought the property. It said, ‘this tree is the property line’ and then it curves off to the side and then we can draw a line from there.”

Commissioner Oldani suggested Mr. and Mrs. Burant stay in touch.

Mr. Burant:

“Is this going to get documented, that where Engineering can look at that kind of stuff, as far as the way the cul-de-sac gets put into the original grade and the possibility of the communication box moved?”

Mayor Bukiewicz stated Engineering would have to [inaudible].

Mr. Burant:

“Are they going to see that?”

Mayor Bukiewicz said the applicant will need to submit the plans and the other things that are missing.

Ms. Burant:

“They’re going to go through this. Do you even want us to, we only had three (3) other quick questions?”

Mr. Burant:

“There’s the drainage as well because we have a, I believe it’s a 30 foot drainage easement on the back of our lot. Now the easement on the other side of that lot line, I’m assuming is going to do the same thing, it’s going to go into their four-foot basin. Is that where that four-foot basin is?”

Mayor Bukiewicz explained that the stormwater plans must come through and be approved as well.

Mr. Burant:

“They can’t put their water into our side, right?”

Mayor Bukiewicz stated the developers cannot infringe on the Burant’s property and push their water to the Burant’s property.

Mr. Burant:

“The construction, as well, it’s going to come through that cul-de-sac, but it’s also a temporary driveway on Nicholson Road. Is the construction traffic able to use that road primarily over going through our subdivision for construction?”

Ms. Burant:

“When and if this goes through.”

Mayor Bukiewicz said if it is feasible and safe, but that would be a discussion with the Engineering Department.

Mr. Burant:

“It said on the notes that it was going to be a temporary road until it was done, we just wanted to make it more of a primary road until it gets done.”

Ms. Burant:

“If most of the construction traffic goes there.”

Mayor Bukiewicz explained it would make sense, but staff would need to check with traffic and the Engineering Department because it is another turn way off Nicholson and the general public will not know it is coming.

Ms. Burant:

“We were just going to ask are we going to receive notifications when major construction is occurring such as when they remove the cul-de-sac? Do we get notified at all, like people around there that, ‘hey, you’re going to have big construction here?’”

Mayor Bukiewicz said residents within 300 feet of the proposed project will get notice per Ordinance.

Ms. Burant:

“Our name is on the list. There’s only three (3) of us that are really affected that they contact, so as long as they contact all three (3) of us.”

Commissioner Kiepczynski explained that when construction begins, if there are residents that are directly related to the construction, the City would talk about that in a pre-construction meeting with the contractor to make sure the homeowner is notified. Commissioner Kiepczynski clarified that when construction begins there is not a notice or any kind of requirement that is sent out, but when residents are directly impacted by it, it would be a requirement to contact the homeowner prior to.

Mr. Burant:

“So, at that point you would get with the developer, and he would have to give you his intention on that cul-de-sac?”

Commissioner Kiepczynski confirmed the City would have that information panned out prior to. Commissioner Kiepczynski also stated it was a requirement when the Engineering Department

saw the initial submittal that the temporary cul-de-sac must be removed and restored. Commissioner Kiepczynski continued by stating the Engineering Department reviews items like profiles to make sure the proposed profile matches the existing road.

Mr. Burant:

"Looks like the road itself that curves through there is actually crowned the way it's supposed to be for the existing addition."

Carol Grundy, 9160 S Nicholson Road:

"I just heard a little bit of the last and I'm going to just chat with them because I missed so much."

Mayor Bukiewicz provided a history of the site. Mayor Bukiewicz gave an overview of the Plan Commission options of denying, approving, or holding the item.

The commissioners discussed the benefits of holding the item verses denying it.

Alderman Loreck inquired if the requirements for resubmitting a new submission are outlined anywhere. Director Laine said it is very defined and stated she thinks the Code uses the word substantial. Director Laine continued by stating she is not sure if she would consider responding to staff's comments about the proposal to be a substantial modification.

Commissioner Hanna said from her professional experience resolving all the issues will take more than three (3) months.

Commissioner Oldani asked if the applicants gave staff any indication as to why they were not at the Plan Commission meeting. Director Laine stated she has not heard from them.

Commissioner Oldani said he thinks three (3) months is more than he was thinking, and he is perfectly fine with it. Mayor Bukiewicz asked October 8 or October 22. Commissioner Oldani stated October 22 is almost exactly three (3) months.

Assistant Fire Chief Havey stated at this time the Fire Department has no concerns regarding the size of the cul-de-sac, as it is set within the limits of a subdivision and the requirements for access, but it would have to meet the design standards in the manual.

Commissioner Chandler asked if the applicant has indicated if they will make the changes. Mayor Bukiewicz clarified that staff have not been able to reach them. Mayor Bukiewicz also stated the Plan Commission is giving them three (3) months and if the applicant does not bring it back, the Plan Commission will not see it again, or if it is incomplete, it will get denied or they will fix it. Director Laine explained that the applicant was upset that the proposal was stuck at a staff level. Director Laine agreed to put it on the agenda with the same recommendation.

Alderman Guzikowski asked if the Plan Commission does not approve it, then the applicant has to wait six (6) months. Director Laine clarified that it would be six (6) months after Common Council denies it. Alderman Guzikowski inquired if staff has been trying to work with them and not getting any type of response, then why should Plan Commission give them the courtesy of three (3) months. Mayor Bukiewicz reiterated that there are issues that need to be worked out. Mayor Bukiewicz stated it costs the Plan Commission nothing to go three (3) months.

Director Laine stated she will provide the applicant with the video of the Plan Commission's meeting so they can hear the comments and concerns from the Plan Commission.

Commissioner Oldani made the following statement, "we take the staff's recommendations very seriously, many of our decisions are based on the recommendations for staff and if they want to read that, then they'll know that they're not going to just jam something through because they're impatient."

Alderman Guzikowski agreed that the applicant should have been present at the meeting. Alderman Guzikowski also stated he hopes there is nothing wrong, but they should have been at the meeting, and he is disappointed.

Alderman Loreck moved to hold item 7D, Preliminary Subdivision Plat for the Almeg Subdivision at 9025 S. Nicholson Rd. until the Plan Commission meeting of October 22, 2024. Commissioner Oldani seconded. On roll call: all voted aye. Motion carried.

Commissioner Siepert moved to adjourn the meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:07 PM.

ATTEST:



Melanie Pérez, Plan Commission Secretary

8/13/2024

Date