

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, AUGUST 13, 2024**

Mayor Bukiewicz called the meeting to order at 6:01 PM. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Kiepczynski, Commissioner Bautch, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, and Commissioner Siefert. Commissioner Oldani and Commissioner Chandler were excused. Also present: Director of Community Development Kristi Laine, Planner Melanie Pérez, and Assistant Fire Chief Mike Havey.

Minutes of the July 23, 2024, meeting

Commissioner Siefert moved to approve the minutes of the July 23, 2024, Plan Commission meeting. Alderman Loreck seconded. On roll call: voted aye. Motion carried.

Mayor Bukiewicz announced that items 7a 1), sign appeal for St. John's Properties located at 140 E. Rawson Ave. has been withdrawn.

**MASTER SIGN PLAN
JASON ATKIELSKI
140 E. RAWSON AVE.
TAX KEY NO. 733-9013-000**

Planner Perez provided an overview of the proposed Master Sign Plan for the multitenant commercial building at 140 E. Rawson Ave. (see staff report for details).

Mayor Bukiewicz made three (3) calls for public comment and closed the Public Hearing.

Alderman Loreck asked if a sign for a tenant that is taking up two (2) bays will be provided a longer sign or an all-over bigger sign.

Jason Atkielski, 2000 Pewaukee Rd., Waukesha WI, 53188, the applicant, answered that if a tenant takes two (2) bays they will be able to have a bigger sign on two (2) panels over the entrance.

Alderman Loreck moved that the Plan Commission approves the Master Sign Plan submitted by Jason Atkielski, St. John's Properties for the multitenant commercial buildings at 140 E. Rawson Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. 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.

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

**SIGN APPEAL
JASON ATKIELSKI
7126-7308 S. MILLERS WAY
TAX KEY NO. 766-9012-000**

Planner Perez provided an overview of a request for a sign appeal that would allow the applicant to install additional multi-tenant monument signs on the properties at 7126-7308 S. Millers Way (see staff report for details).

Mayor Bukiewicz made three (3) calls for public comment and closed the Public Hearing.

Commissioner Hanna asked what the reason for the appeal is. Mr. Atkielski explained the code allows only two (2) signs per lot, and the Master Sign Plan requests five (5) signs.

Alderman Guzikowski stated his support for the appeal.

Commissioner Siefert moved that the Plan Commission approves a sign variance allowing the installation of five (5) multi-tenant monument signs on the same frontage on the properties at 7126-7308 S. Millers Way.

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

**MASTER SIGN PLAN
JASON ATKIELSKI
7126-7308 S. MILLERS WAY
TAX KEY NO. 766-9012-000**

Planner Perez provided an overview of the proposed Master Sign Plan submitted by Jason Atkielski, for the multitenant commercial buildings on the property located at 7126-7308 S. Millers Way (see staff report for details).

Commissioner Hanna asked if the signs will be illuminated to which an answer was inaudible.

Alderman Loreck moved that the Plan Commission approves the Master Sign Plan submitted by Jason Atkielski, St. John's Properties for the multitenant commercial buildings at 7126-7308 S. Millers Way. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. 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.

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

**SIGN APPEAL
JAINA WESTPHAL, OAK CREEK HIGH SCHOOL
340 E. PUETZ RD.
TAX KEY NO. 827-9028-000**

Planner Perez provided an overview of the request for a sign appeal that would allow the applicant to install a monument sign with an electronic message board that exceeds fifty percent of the sign area on the property at 340 E. Puetz Rd. (see staff report for details).

Mayor Bukiewicz made two (2) calls for public comment and closed the Public Hearing.

Jaina Westphal, 4085 N. 128th St., Brookfield WI, 53807, the sign contractor, re-stated the request to exceed the normal size, explained the sign will only be lit and visible on one (1) side, and will be like the existing monument sign for the performing arts center.

Mayor Bukiewicz made the final call for public comment.

Blaize Paul, 1700 Tamarack St., South Milwaukee, WI 53172, the Chief Business Officer of the school district, stated the proposed sign will act as a flagship sign for the high school campus, so a more robust design to better communicate with the community is needed.

Mayor Bukiewicz closed the Public Hearing.

Commissioner Hanna sought clarification that the location of the sign is not moving, just the size to which Ms. Westphal confirmed.

Commissioner Bautch, Alderman Loreck, Alderman Guzikowski, Commissioner Siefert and Mayor Bukiewicz stated the proposed sign will be an improvement to the school's property.

Commissioner Siefert moved that the Plan Commission approves the sign variance allowing the installation of a monument sign with an electronic message board that exceeds fifty percent of the face of the sign on the property at 340 E. Puetz Rd.

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

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

Community Development Director Laine provided an overview of the preliminary subdivision plat, for Lucy Meadows single-family residential subdivision located at 9830 S. Shepard Ave. (see staff report for details).

Commissioner Siefert stated his concern regarding how the recognized wetlands will be filled as well as how the filled wetlands will be replaced.

Emad Nadi, 2504 W. Bridge St., Milwaukee WI, 53221, the applicant, stated work with the DNR was done over five (5) months to come to the presented plat which was approved. Mr. Nadi went on to explain the square footage of wetlands that will be filled in the development does not meet the DNR's requirements to make that space up elsewhere on the property. Mayor Bukiewicz

asked for confirmation that the requirement is 10,000 square feet and is either for the entire plat or for individual lots. Mr. Nadi confirmed the area to be filled is around two (2) acres and is under that requirement.

Commissioner Kiepczynski stated the Engineering department reviewed the preliminary information and development and storm water maintenance agreements will be required for all the public infrastructure to be approved and recorded.

Commissioner Hanna asked for clarification between the proposed Lot one (1) and Out Lot one (1), where the drainage will go for the filled wetland on Lots five (5) and six (6) as well as for the undeveloped area, if each lot will have access to the proposed new road, if the proposed pond will be just for drainage, and why wetland number two (2) will be removed.

Mayor Bukiewicz explained Lot 1 will have a house built on it while Out lot 1 will remain vacant. Mr. Nadi explained drainage plans will be submitted to the city, confirmed that each house will have a driveway, the pond will be taking care of the drainage from lots five (5) and six (6) and a portion of the street, and that a detention pond will be built needing a pipe in that area to service the drainage.

Alderman Loreck moved that the Plan Commission approves the Preliminary Subdivision Plat submitted by Emad Nadi, Etn Engineering, for the property at 9830 S. Shepard Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all revisions to the plat are submitted to the Department of Community Development prior to the submission of permit applications.
3. That all required Development and Stormwater Agreements and Land Use Permits are coordinated with the Engineering Department.
4. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
5. That all reviewing agency comments, if any, are incorporated as required.

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

**MASTER SIGN PLAN
PLAN DAN SCHAEFER, DR. TODD ORTHODONTICS
2031 E. RAWSON AVE.
TAX KEY NO.; 768-9013-000**

Planner Perez provided an overview of the proposed Master Sign, for the multitenant commercial building at 2031 E. Rawson Ave. (see staff report for details).

Commissioner Siefert stated his concerns for parking at the location.

Alderman Loreck moved that the Plan Commission approves the Master Sign Plan submitted by Dan Schaefer, Dr. Todd Connell Orthodontics, for the multitenant commercial buildings at 2031 E. Rawson Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. 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.

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

PLAN REVIEW

JEREMIAH WILSON, MG FOODS
10303 S. OAKVIEW PKWY.
TAX KEY NO. 955-1033-000

Community Development Director Laine provided an overview of the site and related plans for a storage tank on the property at 10303 S. Oakview Pkwy. (see staff report for details).

Maria Mleczeko, 431 W. Oakwood Rd.:

"I would like to start with just reading an email that I sent today to Mr. Mayor, Ms. Laine, Ms. Perez, and Mr. Gehl. It's a follow up to some interaction that I had requested for the business operations plans with MG Foods. So the email that sent today, in case you didn't have a chance to get it or read it, I said: To follow up regarding my email sent on Friday August 9th, Ms. Laine sent an email yesterday, Monday August 12th, which included the written plan commission report from November 4th, 2020 for the proposal of a Conditional Use permit as well as the written description of proposal for the facility located at 10303 S. Oakview Pkwy., written on October 20th, 2020. I know you have a difficult job, however the noise coming from the building is a real issue for us that is impacting our quality of life. This noise is not just a nuisance. Is there really nothing that clarifies the operations of this building? I'm surprised that there is a consideration of approving an addition to this building during this evening's meeting without understanding how they are currently using it. I understand that the agenda item is to propose installation of an outdoor storage tank on the property of MG Foods. Upon further review of this proposal, the outdoor storage tank is in fact a nitrogen storage tank holding 3,000 gallons of nitrogen which will be filled once per week and will be located on the west side of the building, which is adjacent to our home. Behind the refrigeration units. In the middle of the parking lot. 52 feet out from the building at 19 feet tall and seven (7) feet wide. Again, this will be a noise issue, including hissing, knocking and popping. Review of the written description of the proposal of the facility indicates that outdoor storage is limited to trash and recycling enclosures for dumpsters required by the tenants. If this is the case, then an additional outdoor storage unit being proposed this evening does not comply with the description above. I did have a conversation with the Alderperson today, and hopefully we can come to a meeting and figure all this out with the noise."

Rob Mleczeko, 431 W. Oakwood Rd.:

"I think the issue that I have is partly a response from Kristi Laine. She was not able to produce a statement of operations for MG Foods. I don't know if that – I believe it's required?"

Mayor Bukiewicz explained the tenant is using the property the way it was zoned for, a statement of operations did not need to be defined, and the original complaint was about things like idling trucks not the agenda topic.

Mrs. Mleczko:

"We don't know if it's the trucks or – it's an actual droning sound inside of our home. It could be the refrigeration unit? But whatever it is, is really affecting our-"

Mayor Bukiewicz stated further investigation will need to be done outside of the commission to find a solution.

Mr. Mleczko:

"I realize it was a conditional use without a tenant, but I would think that once a tenant is established that they shouldn't just have carte blanche to operate however-"

Mayor Bukiewicz stated the tenant didn't need additional requirements to operate.

Mr. Mleczko:

"It would be nice to know just how many days a week they are operating and when there are no employees in the building what activity or what equipment is running."

Mrs. Mleczko:

"What the source of all the droning that we hear in the house."

Jeremiah Wilson, 4839 W. Lindale Ave., Milwaukee WI, 53220, the applicant, gave a brief overview of MG, Foods.

Commissioner Hanna asked about truck access to the property and how the proposed fence around the tank will be protected from truck traffic. Mr. Wilson explained where the trucks are coming from and stated there will be concrete bollards placed along the fence to protect the fence from the traffic. Commissioner Bautch asked questions that were inaudible. Mr. Wilson explained the tank will be a holding tank, not a nitrogen compressor tank. Alderman Loreck asked if enclosing the tank in a privacy fence could help reduce any possible sounds coming from using the tank. Mr. Wilson stated that would not be possible. Alderman Guzikowski asked if an image included in the presentation showing a new concrete pad surrounded by safety cones would be the location of the storage tank. Mr. Wilson answered in the affirmative. Commissioner Siefert asked if the Fire Department has approved this proposal. Planner Perez answered in the affirmative.

Mrs. Mleczko:

"The berm that is built between us and the facility is about 13 feet high. It covers most of the trucks that back up to the berm which is right next to our property. This is going to be 19 feet."

Mayor Bukiewicz explained when the trees on top of the perms are at full height, the natural barricade should be about 19 feet high.

Mr. Mleczko:

"What I would say is even during hours when there are no employees there is definitely something running. I'm guessing it's a refrigeration unit maybe that's vertical on the side of the building. Sunday morning, I would invite any of you or all of you over for coffee to listen to what we (inaudible)"

Mayor Bukiewicz stated work with MG Foods will be had to figure out the noise and asked if the noise is recent or since the MG Foods moved in.

Mrs. Mleczko:

"It's been since they moved in but honestly, I feel like it's become – it was a nuisance at first – but it is so loud now it's intolerable."

Mayor Bukiewicz stated it could be a failing piece of equipment.

Mrs. Mleczko:

"And it sounds different in the house than it does outside the house. Inside you hear a [sound] I mean it's really loud and we have to crank up our TV. You go outside and it just sounds like trucks."

Mr. Mleczko:

"That would be our number one answer we'd be looking for it what is causing that particular sound."

Commissioner Hanna asked when the sounds is happening.

Mrs. Mleczko:

"Well, when we are sleeping, we don't hear it. It's especially bad on Sundays in the mornings. Morning till about dinner time is the worst. I almost left last weekend, I said I can't take it. I guess I'd have to pay closer attention, but the evenings are quieter. But it's the weekends that it's really bad."

Commissioner Hanna stated the city noise ordinance should be followed.

Mrs. Mleczko:

"That is what I was questioning as well. I was told there was no noise ordinance for this facility. That's why we asked for the operations and information for hours and noise."

Mr. Mleczko:

"Just to clarify, there is no requirement for a statement of operations?"

Mayor Bukiewicz explained what is required to be presented and approved before plan commission.

Mr. Mleczko:

"In the email from Kristi Laine, I don't know how this is possible, but she did say that the conditional use permit was issued on January 1st of 2021 – I don't see how that's possible."

Mayor Bukiewicz explained the permit could have been effective on that date but processed before.

Commissioner Siefert moved that the Plan Commission approves the site plans submitted by Jeremiah Wilson, MG Foods, for installation of an outdoor storage tank on the property at 10303 S. Oakview Pkwy. with the following conditions:

1. That all relevant Code requirements remain in effect
2. 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.

CONDITIONS AND RESTRICTIONS
JOSH BROWN, BLIFFERT LUMBER & HARDWARE
6826 S. 13TH ST.
TAX KEY NO. 735-9998-002

Planner Perez provided an overview of the Conditions and Restrictions related to a request for outdoor storage on the property at 6826 S. 13th St. (see staff report for details).

The proposed Conditions and Restrictions are as follows:

Section 3

- Outdoor storage only in designated areas within approved Site Plan
- Follow all Fire Code Requirements

Section 5

- New or replacement lighting must be approved by the Plan Commission

Planner Perez stated the fire department shared with her that access roads and water supply were a concern. Regarding access roads, the fire department requests a Knox padlock be used on the gate to block 10th St.

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 outdoor storage on the property at 6826 S. 13th St.

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

**CONDITIONAL USE PERMIT
CAITLIN LAJOIE, BRIOHN BUILDING CORPORATION, FOR GRAFF FAUCETS CO.
1901 AND 1941 E. RAWSON AVE.
TAX KEY NOS. 768-9015-000 & 768-9014-000**

Planner Perez provided an overview of the request for a Conditional Use Permit for a warehouse, small retail warehouse, and storage on the properties at 1901 and 1941 E. Rawson Ave. (see staff report for details).

Alderman Loreck and Commissioner Hanna sought clarification that manufacturing would not be an accepted use at this location. Commissioner Hanna asked if parking will be sufficient.

Caitlin Lajoie, 3885 N. Brookfield Rd., Brookfield WI, 53045, the applicant, answered in the affirmative; the use will be storage, warehouse, office and a showroom for clients only with limited trucking will be done at the location and there will be enough parking.

Alderman Loreck moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for a warehouse, small retail warehouse and storage on the properties at 1901 & 1941 E. Rawson 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 (August 27, 2024).

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

**PLAN REVIEW
JIM MAUG, PITT OHIO EXPRESS, LLC.
700 E. RAWSON AVE.
TAX KEY NO. 733-9007-000**

Director Laine provided an overview of the site and related plans for exterior modifications to the terminal on the property at 700 E. Rawson Ave. (see staff report for details).

Terry Reed, W9323 Peterson Dr., Iron Mountain, MI, 49801, President of US Special Delivery, Joel Papcunik, 15 27th St. Pittsburg PA, 15222, Pitt Ohio Express Project Manager, and Attorney Mike Schober, 2835 S. Moorland Rd., New Berlin WI, 53151, introduced themselves, the company and the overall improvements proposed to the property.

Commissioner Hanna asked who the future tenant of the western half of the building will be and if additions will need to be made to accommodate possibly heavier traffic. Mr. Papcunik explained the tenant has not been found but would be one that is like the current cross-dock style company occupying the space and no future expansions of the property will be needed.

Alderman Loreck asked if the existing underground storage tanks will be used in the operation to which Mr. Papcunik answered in the negative. Mayor Bukiewicz asked how the unused western part of the building will be separated from the occupied eastern portion to which Mr. Papcunik explained a chain link fence with a swing gate is what will be built to create the divide.

Alderman Loreck moved that the Plan Commission approves the site and architectural plans submitted by Jim Maug, Pitt Ohio Express, LLC, for the property located at 700 E. Rawson Ave. with the following conditions:

1. Revised plans be submitted showing the fence/screenwall on the south side of the office building being removed and replaced with a new solid fence, including material details and a cutsheet of the proposed fence.
2. That all relevant Code requirements remain in effect.
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.

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

PLAN REVIEW

JAMES ROSEN, HIGHGATE, LLC

7869 S. 13TH ST.

TAX KEY NOS. 784-9042-000 & 784-9028-000

Director Laine provided an overview of the site and related plans for an inpatient rehabilitation hospital on the property at 7869 S. 13th St. (see staff report for details).

Commissioner Kiepczynski noted a stormwater management plan had been submitted for the entire development in 2019; raSmith submitted an additional plan to verify their plans meet the original plans from 2019.

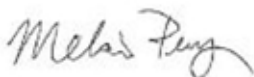
Alderman Loreck moved that the Plan Commission approves the site and related plans submitted by Darrell Simpson, d/b/a The Sanders Trust and Matt Kocourek, d/b/a raSmith, for the construction of an inpatient rehabilitation hospital on the property at 7869 S. 13th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the plans are revised to reconnect the pedestrian walkway/sidewalks between the east and west side of S. Highgate Ave.
3. That the Engineering Department has verified compliance of regional stormwater detention within the entirety of the Highgate development.
4. 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.

Commissioner Siefert moved to adjourn the meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:40 PM.

ATTEST:



Melanie Pérez, Plan Commission Secretary

8-29-2024

Date