

Meeting Date: June 10, 2025

Item No.: 5

# PLAN COMMISSION REPORT

Proposal: Conditional Use Permit Amendment - Kunes Auto & RV Description: Review a request for a Conditional Use Permit Amendment along with conditions and restrictions to include the property at 2420 W. Rawson Ave. Applicant(s): Dax Connely of Kunes Auto & RV Group Craig Hoffmann of Pinnacle Engineering Group 7020 S. 27<sup>th</sup> St. and 2420 W. Rawson Ave. (2<sup>nd</sup> Aldermanic District) Address(es): Suggested That the Plan Commission recommends that the Common Council approves a Motion: Conditional Use Permit Amendment to include the property at 2420 W. Rawson Ave., submitted by Dax Connely of Kunes Auto & RV Group and Craig Hoffmann of Pinnacle Engineering Group, after a public hearing and subject to Conditions and Restrictions. Owner(s): KUNES OAK CREEK PROPERTY, LLC Tax Key(s): 737-9096-000 and 737-9095-000 Lot Size(s): 8.277 acres and 4.752 acres Current Zoning B-4, General Business District(s): Overlay District(s): CU CU Wetlands: ⊠ Yes ΠNο Floodplain: ☐ Yes ☐ No Commercial Comprehensive Plan:

Background: The Applicant is seeking approval to amend the existing Conditional Use Permit (CUP) for the Kunes Auto & RV property located at 7020 S. 27th St. The original CUP was established by Ordinance 2900 and subsequently amended by Ordinance 3027, which was approved by the Common Council in January 2022. The amendment included the incorporation of the parcel at the corner of S. 27th St. and W. Rawson Ave. (formerly 7070 S. 27th Street), previously owned by WisDOT.

Concurrently, the Applicant is requesting approval of a Certified Survey Map (CSM) to combine the properties at 7020 S. 27th St. and 2420 W. Rawson Ave. into a single parcel to accommodate an expansion

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of the dealership's parking area. As part of this request, the Applicant is proposing to incorporate the newly combined parcel into the existing CUP. The Certified Survey Map must be recorded prior to the issuance of any permits for the parking lot expansion.

Additional updates to the CUP include revisions to references within the conditions and restrictions to align with the current City Code. Those updates were as follows:

- Updated the Applicant's name to reflect current ownership of the properties at 7020 S. 27<sup>th</sup> Street and 2420 W. Rawson Ave.
- Updated the Property Address(es) to reflect the properties impacted by the Conditional Use Permit.
- Updated the Tax Key Number(s) to reflect the properties impacted by the Conditional Use Permit.
- Updated the Conditional Use from "Automobile Sales & Service and Private Car Wash Facility" to "Vehicle Sales" to align the use category and definition as written in the current Chapter 17 of City Code.
- Section 1: <u>LEGAL DESCRIPTION</u> Modified the legal description to include both 7020 S. 27<sup>th</sup> Street and 2420 W. Rawson Avenue.
- Section 2: <u>REQUIRED PLANS</u>, <u>EASEMENTS</u>, <u>AGREEMENTS AND PUBLIC IMPROVEMENTS</u> Removed a reference to the 27<sup>th</sup> Street and Regional Retail Overlay Districts, which are no longer zoning districts per Chapter 17 of City Code.
- Section 4: <u>PARKING AND ACCESS</u> Updated the code reference number to align with the current section number in Chapter 17 of the zoning code.
- Section 5: <u>LIGHTING</u> Updated the code reference number to align with the current section number in Chapter 17 of the zoning code.
- Section 6: <u>SETBACKS</u> Removed a reference to the 27<sup>th</sup> Street and Regional Retail Overlay Districts, which are no longer zoning districts per Chapter 17 of City Code.
- Section 10: <u>REVOCATION</u> Updated the code reference number to align with the current section number in Chapter 17 of the zoning code.

If the Plan Commission finds the proposed CUP amendment acceptable, the appropriate next step would be to recommend approval by the Common Council, as outlined in the suggested motion above.

If the Commission determines the proposed Conditional Use meets the requirements of the Municipal Code, a public hearing may be scheduled as early as July 15, 2025. Staff has also prepared Conditions and Restrictions for review (attached). An approval of the Amended Conditional Use Permit, along with Conditions and Restrictions, does not constitute approval of a site plan and architectural review. A separate site plan and architectural review approval will be required.

Options/Alternatives: The Plan Commission has the discretion to recommend or not recommend Common Council approval of the Conditional Use Permit Amendment request, or to amend the proposed Conditions and Restrictions. Should the request not be recommended for Council approval, Plan Commissioners must provide the Code Sections upon which the denial is based, and the Applicant may choose to request Council

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approval without recommendation. In that case, the Council would have the authority to approve the request and the Conditions and Restrictions.

Respectfully submitted & approved by:

Prepared by:

Kristi Laine

Community Development Director

Kristin Saine

Todd Roehl Senior Planner

#### Attachments:

Draft Amended Conditions and Restrictions (4 pages) Location Map

Narrative (2 pages)

Conceptual Site Plan (1 pages)

# City of Oak Creek – Conditional Use Permit (CUP) AMENDED Conditions and Restrictions

Applicant: Kunes Auto & RV Approved by Plan Commission: TBD Property Address(es): 7020 S. 27<sup>th</sup> St. & 2420 W. Rawson Ave. Approved by Common Council: TBD Tax Key Number(s): 737-9096-000 and 737-9095-000 (Res. TBD, Amend. Ord. # 3027 & 2900)

Conditional Use: Vehicle Sales

#### LEGAL DESCRIPTION

Commencing at the southwest corner of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin: thence North 88°58'18" East along the south line of said Southwest 1/4, 1040.97 feet; thence North 01°01'42" West, 65.55 feet to the north right of way line of West Rawson Avenue - County Trunk Highway "BB" and the Point of Beginning; Thence North 89°56'51" West along said north right of way line, 273.27 feet; Thence North 88°57'25" West along said north right of way line, 108.72 feet: Thence North 84°31'04" West along said north right of way line. 210.48 feet; Thence South 88°58'18" West along said north right of way line, 200.00 feet; Thence North 01°01'42" West along said north right of way line, 1.00 feet; Thence South 88°58'18" West along said north right of way line, 37.82 feet to a point on a curve; Thence northwesterly 120.98 feet along the arc of said curve to the right and said north right of way line, whose radius is 260.50 feet and whose chord bears North 77°43'18" West, 119.90 feet; Thence North 29°46'28" West, 21.94 feet to the east right of way line of South 27th Street - State Trunk Highway "241"; Thence North 00°06'38" East along said east right of way line, 90.80 feet; Thence North 88°58'16" East along said east right of way line, 8.00 feet; Thence North 00°06'38" East along said east right of way line, 236.80 feet; Thence North 89°53'22" West along said east right of way line, 1.70 feet; Thence North 00°40'57" West along said east right of way line, 150.33 feet; Thence North 88°58'16" East along the south line of Lot 1 of Certified Survey Map No. 3636, 639.90 feet; Thence South 00°06'38" West along Outlot 1 of said Certified Survey Map No. 3636, 150.03 feet; Thence North 88°58'16" East along said Outlot 1, 744.06 feet to the west right of way line of West Cedar Street; Thence South 00°06'38" West along said west right of way line and then along the west line of Block 2 of Erwin A H Bruss Subdivision, 237.16 feet; Thence South 88°58'16" West and then along the north line of Moe-Wan Subdivision, 434.04 feet; Thence South 01°03'26" East along said subdivision, 171.57 feet to the Point of Beginning.

Containing 567,521 square feet (13.0285 acres) of land Gross, more or less.

#### REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, unless otherwise amended in these Conditions and Restrictions, are in effect.
- B. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

#### 1) General Development Plan

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation

#### 2) Landscape Plan

- a) Screening plan, including parking lot screening/berming
- b) Number, initial size, and type of plantings
- c) Percentage open/green space

#### 3) Building Plan

- a) Architectural elevations (w/dimensions)
- b) Building floor plans
  - c) Materials of construction (including colors)

- i) Location(s) and future expansion
- ii) Number of employees
- iii) Number of parking spaces
- iv) Dimensions
- v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

#### 4) Lighting Plan

- a) Types & color of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

# 5) Grading, Drainage and Stormwater Management Plan

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

#### 6) Fire Protection

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction
- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- F. Prior to the approval of site and building plans for the development the applicant shall prepare and submit a certified survey map combining the properties. The right-of-way for any public street as illustrated on the Official Map within these properties shall be dedicated, and the public improvements installed unless a variation or exception is granted by the Common Council pursuant to Section 14.180 of the Municipal Code.

#### SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. One (1) automobile sales & service facility and one (1) private car wash facility in accordance with these Conditions and Restrictions is allowed on the property. Other uses permitted by the zoning district, in accordance with other applicable Sections of the City of Oak Creek Municipal Code and these Conditions and Restrictions, are also allowed on the property.
- B. Hours of operation shall be between 6:30 AM and 9:00 PM Monday through Saturday.
- C. There shall be no outdoor storage of equipment, junk/damaged/non-inventory vehicles, parts, or supplies. Outdoor display areas shall be limited to those for the display of vehicles for sale as approved by the Plan Commission as part of the site plan review process.
- D. There shall be no storage of flammable or hazardous materials except those minimum quantities necessary for the operation of the permitted principal use. All materials shall be stored inside the building or in an area approved by the Plan Commission and Fire Department.
- E. No pole signs, pennant flags, light pole flags, permanent banners, or flashing/blinking signs shall be permitted as part of this development.
- F. Solid waste collection and recycling shall be the responsibility of the owner.

G. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

### 4. PARKING AND ACCESS

- A. Parking for this development shall be provided in accordance with Section 17.0501 of the Municipal Code, as amended.
- B. Access to West Rawson Avenue (CTH BB) in accordance with executed agreements and access management plans is subject to the review and approval of Milwaukee County. Such approval shall be provided to the City prior to the issuance of any building permits.
- C. Access to South 27th Street (STH 241) in accordance with executed agreements and access management plans is subject to the review and approval of the Wisconsin Department of Transportation. Such approval shall be provided to the City prior to the issuance of any building permits.

# 5. **LIGHTING**

All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0509 of the Municipal Code, as amended.

# 6. SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	50 ft	30 ft	20 ft
Accessory Structure**	50 ft	30 ft	20 ft
Parking	30 ft	0 ft	0 ft

<sup>\*\*</sup>No accessory structures shall be permitted in the front yard or in required buffer yards.

### 7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these conditions and restrictions for the Conditional Use within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building permit has not been issued for this use. The applicant shall re-apply for a Conditional Use approval prior to recommencing work or construction.

### 8. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

## 9. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 9 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other city ordinances.

### 10. REVOCATION

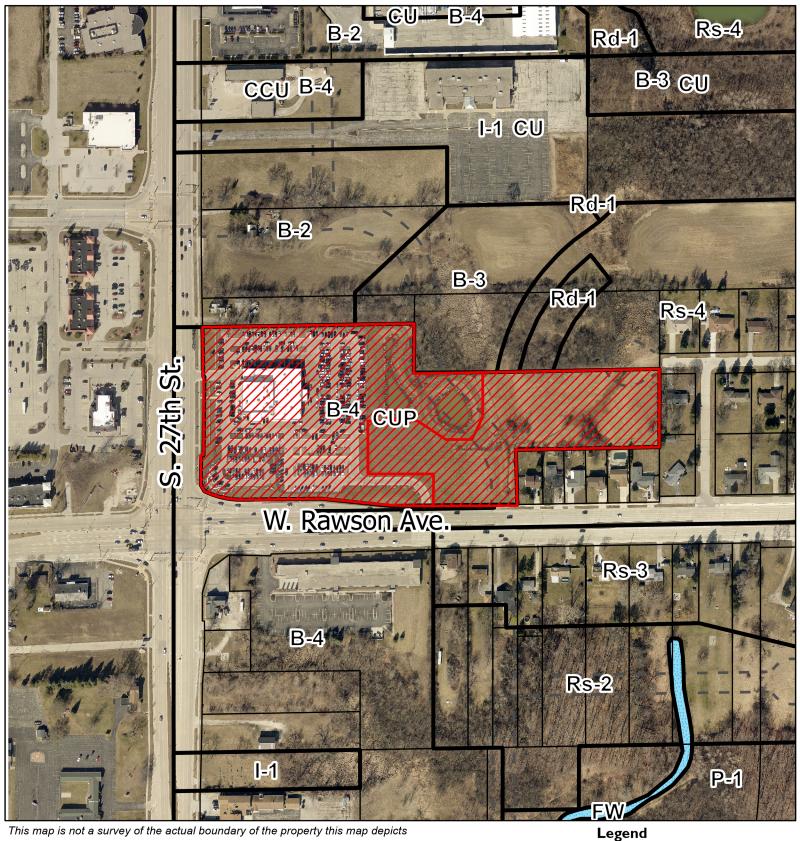
Should an applicant, their heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in Section 17.0804 of the Municipal Code, as amended.

#### 11. ACKNOWLEDGEMENT

The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

Owner / Authorized Representative Signature	Date	
(please print name)		

# **Location Map** 7020 S. 27th St. & 2420 W. Rawson Ave.





0.1 Miles 0.05

FloodFringe2024 Zoning - Official Street Map Em Floodway2024

□ Parcels **7020** S. 27th St. & 2420 W. Rawson Ave.

#### KUNES OAK CREEK - VEHICLE PARKING EXPANSION

# CONDITIONAL USE PERMIT AMENDMENT - APPLICATION NARRATIVE

Kunes Oak Creek is proposing an existing pavement expansion to their current car dealership facility at 7020 S 27<sup>th</sup> St for in-stock vehicle parking/storage (non-pedestrian parking). The expansion is proposed mostly within an adjacent property owned by Kunes Oak Creek, with an address of 2420 W Rawson Ave. The proposed site will add 155 parking stalls for vehicle inventory for the business.

Kunes Oak Creek will use the proposed expansion to locate and display additional vehicle inventory for sale. Vehicles will be moved to/from the lot as needed during regular business hours (9 AM - 8 PM Monday-Friday, 9 AM - 5 PM Saturday) on an as-needed basis, and additional deliveries of vehicle stock will take place at the main dealership building. No additional employees or other site facilities will be added to the current operation with this expansion.'

The parcel containing the existing dealership facility (7020 S 27<sup>th</sup> St) already has an approved conditional use permit, and is legally described as follows:

Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin, Which is bounded and described as follows:

Commencing from the Southwest corner of said Southwest 1/4; Thence North 00°06'34" East along the West line of said Southwest 1/4, 237.16 feet; Thence North 88°58'12" East, 82.02 feet to the East right of way line of South 27th street and the point of beginning; Thence continuing North 88°58'12" East along said East right of way line, 8.00 feet; Thence North 00°06'34" East along said East right of way line, 236.79 feet; Thence North 89°53'26" West along said East right of way line, 1.70 feet; Thence North 00°41'01" West along said East right of way line, 150.33 feet to the South line of Parcel 1 of Certified Survey Map 3636; Thence North 88°58'12" East along said South line, 639.90 feet to the West line of Outlot 1 of Certified Survey Map 3636; Thence South 00°06'32" West along said West line, 150.03 feet to the South line of said Outlot 1; Thence North 88°58'12" East along said South line, 208.54 feet to the West line of Lot 2 of Certified Survey Map 9040; Thence along the West line of said Certified Survey Map 9040 for the next 8 courses, South 00°00'00" West, 137.65 feet; Thence South 25°28'38" West, 75.47 feet; Thence North 90°00'00" West, 79.33 feet; Thence North 56°37'35" West, 101.98 feet; Thence North 90°00'00" West 150.65 feet; thence South 00°00'00" West, 160.21 feet; Thence North 90°00'00" East, 198.99 feet; Thence South 00°35'39" West, 96.82 feet to the North right of way line of West Rawson Avenue; Thence along said North right of way line for the next 8 courses; Thence North 89°58'00" West, 19.47 feet: Thence North 88°57'08" West. 108.68 feet: Thence North 84°30'09" West. 210.50 feet: Thence South 88°58'16" West 200.00 feet; Thence North 01°01'44" West, 0.98 feet; Thence South 88°58'16" West, 37.82 feet to the beginning of a curve to the right having a radius of 260.50 feet and a central angle of 26°37'00" with a long chord bearing North 77°43'14" West, 119.93 feet; Thence along the arc of said curve 121.02 feet; Thence North 29°46'32" West, 21.94 feet to said East right of way line; Thence North 00°06'34" East along said East right of way line, 90.80 feet to the point of beginning.

Containing 360,525 square feet (8.277 acres), more or less.

The Conditional Use Amendment applied for reflects the proposed combined lot comprised of 7020 S 27<sup>th</sup> St AND 2420 W Rawson Ave for which a new CSM has been created and applied for. The legal description of the combined lot is as follows:

Commencing at the southwest corner of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin; thence North 88°58'18" East along the south line of said Southwest 1/4, 1040.97 feet; thence North 01°01'42" West, 65.55 feet to the north right of way line of West Rawson Avenue – County Trunk Highway "BB" and the Point of Beginning;

Thence North 89°56'51" West along said north right of way line, 273.27 feet;

Thence North 88°57'25" West along said north right of way line, 108.72 feet;

Thence North 84°31'04" West along said north right of way line, 210.48 feet;

Thence South 88°58'18" West along said north right of way line, 200.00 feet;

Thence North 01°01'42" West along said north right of way line, 1.00 feet;

Thence South 88°58'18" West along said north right of way line, 37.82 feet to a point on a curve;

Thence northwesterly 120.98 feet along the arc of said curve to the right and said north right of way line, whose radius is 260.50 feet and whose chord bears North 77°43'18" West, 119.90 feet;

Thence North 29°46'28" West, 21.94 feet to the east right of way line of South 27th Street - State Trunk Highway "241";

Thence North 00°06'38" East along said east right of way line, 90.80 feet;

Thence North 88°58'16" East along said east right of way line, 8.00 feet;

Thence North 00°06'38" East along said east right of way line, 236.80 feet;

Thence North 89°53'22" West along said east right of way line, 1.70 feet;

Thence North 00°40'57" West along said east right of way line, 150.33 feet;

Thence North 88°58'16" East along the south line of Lot 1 of Certified Survey Map No. 3636, 639.90 feet;

Thence South 00°06'38" West along Outlot 1 of said Certified Survey Map No. 3636, 150.03 feet;

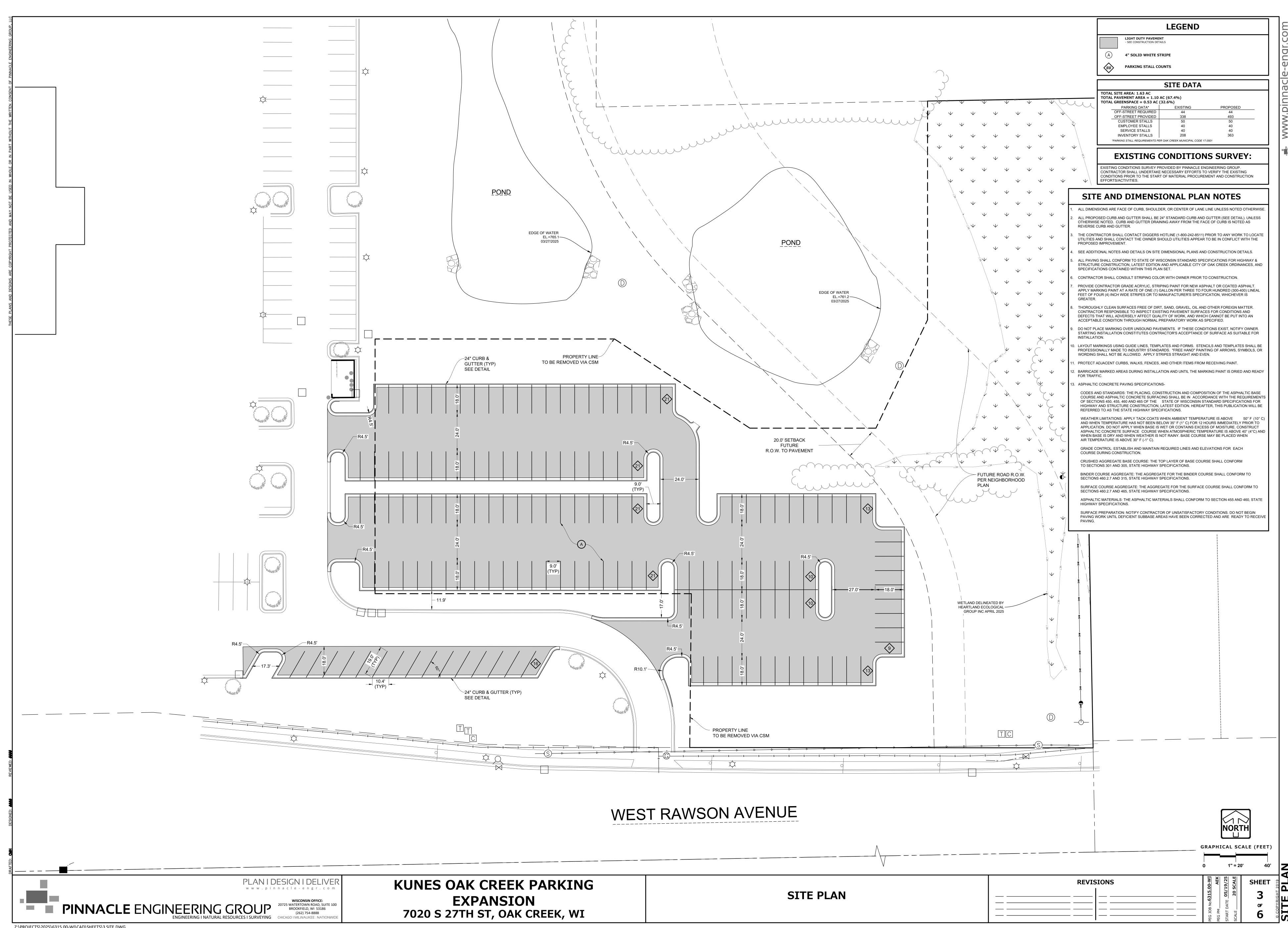
Thence North 88°58'16" East along said Outlot 1, 744.06 feet to the west right of way line of West Cedar Street:

Thence South 00°06'38" West along said west right of way line and then along the west line of Block 2 of Erwin A H Bruss Subdivision, 237.16 feet;

Thence South 88°58'16" West and then along the north line of Moe-Wan Subdivision, 434.04 feet;

Thence South 01°03'26" East along said subdivision, 171.57 feet to the Point of Beginning.

Containing 567,521 square feet (13.0285 acres) of land Gross, more or less.



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