

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, AUGUST 14, 2018**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Johnston, Commissioner Carrillo, Commissioner Loreck, Alderman Guzikowski, Commissioner Siepert and Commissioner Chandler. Commissioner Correll was excused. Also present: Kari Papelbon, Planner; Pete Wagner, Zoning Administrator; and Doug Seymour, Director of Community Development

Minutes of the July 24, 2018 meeting

Planner Papelbon mentioned that on Page 19 of the minutes under the Plan Review for an accessory structure for Kristine Fischer, 10991 S. 10th Street, Commissioner Hanna seconded the motion and not Alderman Guzikowski. Alderman Guzikowski moved to approve the minutes of the July 24, 2018 meeting, as amended. Commissioner Hanna seconded. On roll call: all voted aye, except Commissioner Loreck, Commissioner Siepert and Commissioner Chandler, who abstained. Motion carried.

**CONDITIONAL USE PERMIT
M & M TOWING
9840 S. 27TH ST.
TAX KEY NO. 903-9030-000**

Planner Papelbon provided an overview of the conditional use permit request for this truck towing, maintenance and sales facility. (See staff report for details.)

Planner Papelbon noted that the applicant is now known as M & M Truck Center.

Joe Cincotta, Attorney in Milwaukee, 400 E. Wisconsin Ave., Suite 205, Milwaukee, stated that RD Invest is the actual owner and Mr. Radeta is the representative. Mr. Cincotta explained that this is a truck repair operation. There is no towing or outdoor storage of anything. There is a very similar operation in Sturtevant. Mr. Radeta started that operation a while ago and recently received his approval and is now working with the WDOT to get their approval to start to operate and repair those vehicles. Recently, they had an offer by a classic car operation to rent some space inside the existing facility. Part of the facility is not used at all, so there is a desire to make some of that space available for lease. They now have 38 truck spots, 4 trucks for sale, and 60 parking spots. The applicant understands the need for the sprinkler and will comply, as well as the special assessment on the sewer and water.

Mr. Cincotta stated that there are some details that are pertinent from a private property use standpoint. Since purchasing the property, they have had contact with over nine potential tenants/customers and those have not been able to be realized at this point. Indications are that the City has not been interested in finding that those would be suitable uses. There has been some real effort to make the property useful and productive again. These potential tenants were secured by a commercial broker, so there has been an effort to make this a useful property. The cost of the property last year was \$80,000 for property taxes, loan payment, painting and cleaning of the property. The property is not useful right now if they can't get an approval. The estimation is that the operating expense will be about \$60,000 if it remains vacant and unusable.

Mr. Cincotta continued that this proposed use is allowable in the underlying primary zoning district of M-1, Manufacturing, maybe even expressly allowed. They would like to get a conditional use permit, which they have applied for. They would be willing to have some sensible conditions be placed on the property under an M-1 regulation. The problem they run into is the overlay district, which Mr. Cincotta does not think applies. He did note that there is no use variance allowed in the overlay district. Mr. Cincotta stated that they would be more than happy to have this property rezoned to remove the overlay district and allow the property to go back to its fundamental zoning of M-1. If that happens, this would be an easier process and obtainable permit.

Mr. Cincotta stated that he understands the purpose of an overlay district. He feels this one is quite inconsistent in many respects with the underlying zoning. It is also reasonable to consider that it is very inconsistent with historic uses. From their perspective, to change this use and dwelling into an office-type use would be cost-prohibitive. Because of the significant difference between what is there now to what would be suitable office use is not economically feasible. The applicant is trying to use this property in a way that this has been used historically, while understanding that it is not "grandfathered in" in a formal sense. However, it has been used for truck repair in the past.

Mr. Cincotta stated that they would like the City to consider a rezoning of this property while also preserving their claim that the overlay district is not applicable. Mr. Cincotta suggested that the Plan Commission look at this from a zoning standpoint. The reason he thinks this is okay to think about this from a rezoning standpoint is that the zoning they are requesting is not beyond what already exists in the M-1, which is the underlying zoning. Mr. Cincotta stated that he wanted the rezoning to be reconsidered at the meeting.

Commissioner Siefert asked how rezoning consideration affects the Comprehensive Plan in place right now. Mayor Bukiewicz stated that rezoning is not on the docket and the issue before the Plan Commission is a conditional use permit. Planner Papelbon stated that right now, the City is not far enough along in the Comprehensive Plan update process to say whether or not there would be a change to the Comprehensive Plan in that area.

Commissioner Chandler asked if there are any properties in this area with this use. Planner Papelbon responded, in this area, no. Director Seymour clarified that M-1 is the base zoning and does not have more jurisdiction than the overlay zoning. This request, however, would be to remove the overlay and retain the base zoning district. Director Seymour pointed out that there are uses similar in nature within the Southbranch Industrial Park. This is something that procedurally and with some of the inconsistencies with the base zoning versus the overlay, makes it probably without a peer right now in terms of any proposals that are ongoing in the Southbranch Industrial Park.

Commissioner Chandler asked the applicant for more information on the specifics of the conditional use.

Dragan Radeta, 7228 S. 27th Street, Oak Creek, WI responded that recently there was a similar operation that was granted in the Southbranch Industrial Park on Ridgeway Drive. As far as outdoor storage, they will not have any equipment lying around. Everything will be waiting for any kind of maintenance. Every single piece of equipment will be registered. There will not be wrecked or damaged equipment lying around. Everything will be operational, and licensed. There will not be any storage of equipment or vehicles in disrepair. Commissioner Chandler asked if they are just looking for outdoor parking. Mr. Radeta responded, yes, parking of semi-trucks and trailers. This will merely be a truck repair center. Commissioner Chandler asked if the parking

will be overnight or longer term. Mr. Radeta stated that the amount of time the vehicles will be parked depends on availability of parts to repair the vehicle, so the time is unknown, other than to say, it will not be long term.

Commissioner Chandler asked if they would like to have outside display of vehicles for sale. Mr. Radeta stated he would like this to still be an option. He originally planned on displaying the vehicles for sale with no screening. However, in discussions with the City, he agreed to put all the vehicles behind some type of screening. Right now, the back of the property is fenced in and he is willing to add 6 more feet of privacy fence next to the existing fence.

Commissioner Johnston asked if a piece of an overlay can be cut out. Planner Papelbon responded that the City looks at the overlay district as a sum of its parts. Planner Papelbon referenced the area of Rawson Avenue where the overlay district was amended. It was not removed and there were not parcels taken out of it. In this case, the City would be considering looking at the overlay district itself and removing it in its entirety if a rezone were taken into consideration. Taking a piece out in the middle of an overlay district would be spot zoning.

Mayor Bukiewicz stated that as staff had mentioned, the rezone is done first and the conditional use second. Mayor Bukiewicz referenced a parcel off of Rawson Avenue where there was a conditional use permit first before the rezone on the storage and the procedure was not followed correctly and it turned into a mess. Planner Papelbon clarified that the rezone went through first and conditional use permit second, and was actually held. That conditional use permit process was never completed, but it did go through the rezone first. Mayor Bukiewicz stated that it is prudent to follow staff's recommendation and follow procedure on this. He stated that this overlay district was put in for a reason, but the City is changing and that is why the Comprehensive Plan is being updated to make sure the City is getting the best and highest value out of what is being done.

Planner Papelbon suggested that since there was a request to rezone the property, the Plan Commission hold this item until that rezone process has been completed. Mayor Bukiewicz stated that if that is the most efficient way, he appreciates the suggestion.

Commissioner Siefert moved to place this item on hold. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

**REZONE
SIKH TEMPLE OF WISCONSIN
7518 S. HOWELL AVE.
TAX KEY NO. 781-9993-000**

Planner Papelbon provided an overview of the rezoning request to change the property from B-4, Highway Business to I-1, Institutional. (See staff report for details.)

Commissioner Loreck asked if there were plans for this property after it is rezoned. Balhair Dulai, Sikh Temple, responded that they would like to use the eastern portion of this property for parking and the remaining portion along Howell Avenue will be landscaped.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the property at 7518 S. Howell Ave. be rezoned from B-4, Highway Business to I-1, Institutional after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**CERTIFIED SURVEY MAP
MAAS/KENYON
10751 S. NICHOLSON RD.
TAX KEY NO. 972-0104-002**

Planner Papelbon provided an overview of the certified survey map request to divide a property. (See staff report for details.)

Seeing as there were no comments, Mayor Bukiewicz called for a motion.

Commissioner Loreck moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Harry Maas, Arlene Maass, and Nancy Kenyon, for the property at 10751 S. Nicholson Rd. be approved, with the condition that all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW
ZUND AMERICA LLC
8142 S. 6TH ST.
TAX KEY NO. 813-9039-000**

Planner Papelbon provided an overview of this plan review. Planner Papelbon explained that this was previously reviewed and approved in December, 2017, but there are changes that have been made since then, therefore, it is back before the Plan Commission. (See staff report for details.)

Tom Stacey, Eppstein Uhen Architects, explained that there are fairly significant changes to the appearance of the building, but the function is still the same. There is more square footage in the building. There will be two stories in the north section. The warehouse component is a simplified streamline component. It is 25 feet tall and board form concrete, precast concrete. It is a textural material with an artisan quality to it. It is very austere and purposeful, sculptural and elegant. It contrasts beautifully with the office, which is the glass element that overlooks City Hall. Aside from that, he is working with staff on the site plan as far as setbacks are concerned. Those are unchanged from last time. They sacrificed one parking stall in the repositioning of the building. The access easement that was arranged with Woodman's is the same. All of the elements that tie back to that agreement are unchanged.

Director Seymour stated that in terms of quality and visual impact, they will be a welcome neighbor to the whole of the Drexel Town Square architectural pallet.

Mr. Stacey distributed paper copies of graphics and renderings showing the design elements and materials and described where the different materials will be used on the building.

Commissioner Hanna asked how the board form concrete is maintained. Mr. Stacey responded that it ages quite well. There is an example at the Bayview Collectivo. They used the board form and it has been up for a number of years. Mr. Stacey added that the building will be very well taken care of. The Zund family's buildings in Switzerland are impeccably managed. Occasionally, they can power wash the exterior, but it ages very well. Mr. Stacey stated they are planning on sealing the material with a matte finish sealer. Discussion ensued on sealing the exterior

materials. Commissioner Johnston stated that the building at Lake Vista has board form concrete to view as an example.

Commissioner Johnston asked if the easements needed to be made a condition of approval. Planner Papelbon responded that it can be made a specific condition of approval; however, there is already a requirement for updated plans to be submitted. Those plans would incorporate those comments made within the staff report.

Commissioner Carrillo stated that the building looks very nice.

Commissioner Loreck stated the building looks great and appreciates the windows facing City Hall. He asked if there are any pavers planned for the parking lot to blend in with the surrounding areas. Mr. Stacey stated that they are planning porous pavers for the parking areas. Kevin Burn, Kapur & Associates, stated that the bay of parking adjacent to the building is proposed to be all permeable surfaces to provide the transition from normal asphalt to that building and create some of that aesthetic to pull away from the building.

Alderman Guzikowski stated that this is a great looking building.

Commissioner Siefert stated this is a nice looking building.

Commissioner Chandler asked for more information on the parking setbacks that are not in compliance. Planner Papelbon responded that the parking setback requirements are 25 feet to rights-of-way. In the previous set of plans that were reviewed and approved in December, 2017, there was a mention in the staff report that the zoning district actually had to go through an amendment because the required setback was 30 feet, and it was reduced to 25 feet. The staff report stated that the parking would be in compliance with that. Whether or not it was an oversight or misunderstanding of what the actual dimensions were on that site plan, it was understood (at least from staff's perspective) that parking would be compliant. When these plans came through, staff noted that the dimensional requirements were not met. That is why it is mentioned and there is a process moving forward to address it. Director Seymour stated this more closely mirrors the streetscape and street edge that are in Drexel Town Square, although this is not part of the Drexel Town Square development. Commissioner Chandler asked about the setback measurements. Planner Papelbon responded that it is around 15 feet. Mr. Burn stated they are 12 feet off of Market Street, which is the utility easement. They are 10.5 feet off of 6th Street right-of-way. Planner Papelbon stated that there are three options: one would be to revise the plan, which is recognized as not something that is practical. Two would be to request a variance to the Board of Zoning Appeals, or three would be to request a text amendment to reduce the parking setback even further within the LM-1 District.

Commissioner Chandler asked about the addition of the second floor. Mr. Stacey responded that the addition of the second story was to better enable the company to grow in the future if they needed to.

Commissioner Siefert asked how the flat roof will be maintained as far as runoff. Mr. Stacey responded that there will be a ballasted roof, which conveys drainage. There will be no rooftop equipment. Everything is pitched to drain and works through internal conductors and ties to the storm system.

Alderman Guzikowski stated he does like the addition of the balcony.

Mayor Bukiewicz stated that he is very happy with the building, building materials and landscaping.

Commissioner Loreck moved that the Plan Commission approves the site and building plans submitted by Chris Nicholson, Zünd America, LLC, for the property at 8142 S. 6th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the plans are revised to meet the required minimum parking setbacks, **OR** that a variance request is submitted to the Board of Zoning Appeals prior to the issuance of building permits. No building permits shall be issued unless and until this setback issue is resolved.

Planner Papelbon interjected to clarify Condition No. 2 to include: *...OR that a zoning text amendment is requested.*

3. That the plans are revised to include details for the proposed dumpster and generator enclosure, and that a more durable material, such as composite, is used for the gate.
4. That the plans are revised to include locations for all mechanicals, transformers, and utilities (if added). All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
5. That final lighting plans, consistent with the standards for Drexel Town Square businesses, indicating luminaire type, pole type, color, and height are submitted for final approval by the Director of Community Development, upon written recommendation of the Electrical Inspector prior to submission of building permit applications.
6. That all revised plans (site, building, landscaping, etc.) are submitted in digital format for review and approval by the Department of Community Development prior to the submission of building permit applications.

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

**CERTIFIED SURVEY MAP
CITY OF OAK CREEK
10025 S. SHEPARD AVE.
TAX KEY NO. 923-9998-001**

Planner Papelbon provided an overview of the certified survey map request to divide this property into four lots. (See staff report for details.)

Carole Burns, 510 E. Robert Rd.:

"I do have some show-and-tell items here. I just want you to know before I begin that I am recording this on Facebook live because there are a number of my neighbors who couldn't be here tonight who were concerned.

In 2003, we sat in similar position as we do right now, right then, with Mayor Dale Richards. His administration had proposed 12 homes and road be built in the same location as the new construction. Mayor Richards listened and understood, having visited many of our homes that flooded in 2001. He saw firsthand the devastation of that flooding and the destruction that caused, due to poor City planning. So after listening to the group, he and his administration agreed to protect the current residents. We were told no building would be conducted on that site. It would remain a prairie as a way to keep the area from ever having all the neighbors having to worry

about flooding waters again. What happened? Why are we here? Before I continue, can I see a show of hands how many people are from our neighborhood and are really concerned about this? Okay, so, when I asked our alderman, Ken Gehl, about this, he told me it was a done deal. Don't worry about coming. This was just a formality to let us talk and get our words in. That didn't make me really happy. That the high school had purchased the land and the board knew about the history of flooding and hopefully, it wouldn't happen again. Hopefully, truly, sorry, I'm sure that the other families here will let you know about their fears, but let me tell you about general comments about this flooding.

The area between Shepard and Darlene used to be a swamp. When we first moved into our home, we could watch children float rafts and in the spring flooding and we could hear thousands of spring peepers going off. It was so loud, even with our windows shut, we could hear those spring peepers. Then they decided to build the two homes on Darlene Lane and then they decided to start developing it. And we could no longer hear the spring peepers, okay. So in the years that followed up to 2001, we did have flooding in the streets. It would come up over our sidewalk. Then in 2001, the waters hit hard and the system couldn't keep up. We were told by City engineers, I see there's one here, that the drainage wasn't sufficient for our home. They were also, we were also told, my husband and I at that time, that our house was the first one built in the area. And when the City Engineer realized that they had built it too low, they built everybody else higher, making our home the retention pond for that subdivision. And let me tell you, it was. We had four feet of water after that flood. It didn't come in from the sewers. In fact, the sewers were bubbling up. It came in around our foundation. It came in through the windows, and that's the pictures I'm showing you. We had 4 feet. That's just our house. That's wasn't my neighbors. Everybody here was affected by that flooding in some way, shape or form. Our house sustained \$35,000 in damage. We had more than that in loss. I lost my wedding dress, my wedding photos, our kids' memories, their toys, um, my business, I ran a child care. It was in the basement. It was. It devastated my family and my neighbors as well. I've shared with you some of the pictures of the flood. The streets on Darlene, Robert and a portion of Fitzsimmons were lined with items of things that people lost in that flood. I can't even start to imagine the cost of all of those people and all of their stuff. I can only tell you mine. I also want to tell you about the emotional toll this took. Every time the skies get dark, every time that weatherman says oh, there's potential for flooding, I can barely sleep. I come home from work early because I want to make sure that my house isn't going to flood. So after they put the retention pond in, we were told, we're good, this won't happen again. It did. The next year. Okay, we didn't have four feet that time. We were lucky. We only had like two. But it still flooded and it continues to flood. It doesn't flood as far up to our road because then they went and made the drains a little bit bigger. But it still floods. My backyard, I finally took a third of my backyard and made it a prairie so that it could contain some of the water. I had a City engineer come out to our house. You know what they told me? Build a moat. Dig ditches alongside all of your houses so that the water can go in there, okay.

I want to tell you the other reason I am recording this is if this goes through and because of those houses, our house floods again and my neighbors' houses flood, I want you guys to buy my house for fair market value because I will never be able to sell it. I've kind of condemned me already. So I'm told that the buildings of these homes is going to be for the high school construction company and I applaud the high school construction company. I think it's a great opportunity for these kids. But if I were the high school and I knew that their homes were putting ours in danger and not only that, but they are basically building on a floodplain, what kind of, you're in building, what kind of a reputation is that going to build for this construction company if when these houses go in, they flood, or they flood us. That's not going to be really good either. So, I'm hoping that maybe you guys can reconsider this. If I need a petition, I'll get the paperwork and I'll get you a petition. I'm asking you to do the right thing to please reverse the sale of this; to mark the whole

area as floodplain. I honestly, I'm not against the buildings and I'm not against the high school. I'm against my house being flooded. I'm against their houses being flooded, you know. When you put those houses in, it's not just a house. You're also putting in a yard and you're putting in concrete and all of that doesn't absorb the water. So please, consider that. Thank you."

Mayor Bukiewicz clarified that it is not the City's jurisdiction to declare floodways. That is the responsibility of the WDNR. The City does not put a determination where floodway is. Also, the school makes the determination on building. It is somewhat "buyer beware" for the school. They also purchased another lot in the City and after a soils test, it just didn't work out to be a buildable lot, so they passed on it.

Mayor Bukiewicz stated that it is not the intention of getting rid of the prairie. The detention pond has been designed to take care of that area for the drainage to go to it from Shepard. The pond is big enough to accommodate the water from those four homes. There are officially mapped roads in there and someone may come in and put in those roads and nine other homes. Mayor Bukiewicz stated that when new development comes in, the City does their best to improve the drainage going forward. Mayor Bukiewicz stated that the school has offered to extend those homes that would be one at a time. They would buy it and CSM them off, but it would be up to them to determine if those lots are buildable. They would be hooked up to City sewer and water and they would have to meet all drainage codes.

Commissioner Hanna asked how the applicant determined that those four lots are going to increase or make the situation worse. Mayor Bukiewicz clarified that the City of Oak Creek is the applicant. Director Seymour asked Commissioner Johnston (Assistant City Engineer) how the lots are engineered and what the potential impact is based on the grading as it was designed to be minimal. Commissioner Johnston responded that these lots are on the top of the hill and they drain towards the pond. The pond is sized to handle the drainage coming from the four lots. It is not a floodplain area on top of the hill. The floodplain is around the pond only. He did not have the grade difference information in front of him or the lots on Robert and Darlene. He believes these lots are higher than those on Robert and Darlene.

Commissioner Hanna asked what the impact would be on the neighborhood due to the construction and how that was determined by Engineering staff. Commissioner Johnston responded that the whole lot does contain floodplain because the pond is contained on that lot. That is why there is floodplain on there. These four lots that they are trying to create are not part of the floodplain. Staff looked at a 2, 10 and 100-year storm. Commissioner Hanna asked if Engineering looked into runoff, how many inlets are needed, and if any design is being done to make sure the existing properties are not impacted. Commissioner Johnston responded that as far as the stormwater, yes, it was all looked at. The drain off to run through the ditch. Soil samples were not taken, but staff used typical infiltration throughout the City. That was looked at and accommodated for that area.

Carole Burns:

"I just want to point out two things. You're absolutely right. We're not in a floodplain, but we flood all the time. And because we're not in a floodplain, we can't get flood insurance, so we're kind of screwed there. Um, and also, yeah, the houses are way higher than the ones on Robert and Darlene and you can try and direct the water to go towards that pond, but the way that the hill is, it's going to come right back at us. The other thing is that you know when you're talking about the drainage and the things that are going to go into the pond. Have you looked at that retention pond lately? You see how high it is? It's not big enough. So you could make it bigger and the

other thing is is that the sewers that are within Robert and that Shepard Hills area and Darlene, there's not enough of, so they're not pulling them on. The other part of that though, as I mentioned, the water is coming up from the sewers like bubblers, so even if there was enough sewers, it's not enough of a basin to take that water away. Instead of the water going away, its coming up and into my house. I'm not lying to you. I've got video, you know, any time the lightening flashed, it got closer to my house until we were surrounded. Right. That's why I'm trying to avoid you taking up more of the land space so that it can soak in the water so it doesn't come into my basement. You know, it's kind of like saying, oh well, you bought the wrong house. It's not going away. It's going to come towards us. If you look at, I don't know if you've been down there, if you look, they are higher than Darlene Lane."

Director Seymour stated that the map being displayed stated that the pond is in the southernmost portion adjacent to Quail Run. Director Seymour stated that this is not in a floodplain, however, the staff engineers are taking this into account to make this the least impactful on that storage area that was designed to accommodate that. Commissioner Johnston responded that that is correct. The pond was originally designed to accommodate these lots.

Mary Ann Stark, 495 E. Darlene Lane:

"I live by the prairie behind my house. We were told nothing would ever be built there. I live there and I have to tell you, I'm really sad all you want to do is build, build, build. We've got this prairie. We're finally getting butterflies. We're finally getting bumblebees. Don't you want your children to have that? I don't understand all this building. Leave that alone. If anything, get it to be whatever the environmental thing is to make it just leave it there and be a prairie. Have anybody ever walked there? I have. I'm always walking there and I had to tell you, those buildings you want to put in, that's going to take some of the prairie. Now I have seen this developing all these years and this is so neat. You see finches and you see the bumblebees. We haven't had bumblebees in how long? I've seen the butterflies. Why do we have to build homes? I understand, I'm with Carole with the flooding and also with the children to have, learn, I mean that's cool, I mean, I wish they had that when I was a teenager to learn how to build things. But I'm just wishing that Oak Creek would say, you know what, let's leave this piece of land alone. We've had problems with the flooding. It's a prairie. Let's have something natural. All we're doing is building and building and that's why I'm sad. When I got this thing I thought, really, you're going to do this to us. Your children could walk around and see butterflies and bumblebees. I walk around it all the time and I enjoy it and then I go and I see these markers and you're building these homes. You want to build more homes. Everywhere you look, you've got Quail Run, you got the other one, you got this one, you got to put four more homes when you have a beautiful, natural piece there for your children to walk around. I love when I see the kids fishing in the pond because they're being natural kids. They're not being these kids on the computers all the time and that. I'm sorry. This is the way I feel and I wish Oak Creek would say let's make this a nature center and have nobody touch it. That's the way I feel and I hope we can do that."

Mike Gramza, 9970 S. Shepard:

"When they put in that retention pond, they sent out to each and every one of us maps of that they were going to put a park in there. What happened to the park? Then they say they're going to put a prairie in. And some of it does have prairie grass in it. The majority of it could be cut down and be nice."

Mayor Bukiewicz suggested that the park not going in could have been a funding issue. It could have been a type of park which was going to be all natural.

“They had it all set up with roads and everything going through.”

Mayor Bukiewicz stated that there are officially-mapped roads, but in the meantime, it goes back to 2003 with former Mayor Dale Richards. For whatever reason, the park never went in. The retention pond went in helping with flooding issues and they decided to put prairie grass in there and in some respects, maybe it took and maybe it didn't. The City, a few years back, looked at available land in Oak Creek, not specifically for the school, but surplus land that that was in the City's control that could be made productive for all citizens. By productive, he meant putting residences or businesses in on the sold-off surplus land. All the City does is pay to maintain this land and there is no tax base for the properties. Mayor Bukiewicz stated that this is a very good partnership with the schools and these four lots came up as buildable. The City has no intentions of pulling the prairie out of there and at this time, he knows of no one that wants to build and put the rest of those homes in and connect up to Darlene.

“There's 13 acres that are available right behind us. There's 13 acres that's for sale.”

Mayor Bukiewicz responded that that is up to the school board to look at. The City was only looking at land they control. These four lots came up as candidates for the school and that is how this started.

“How come we weren't told? I called up number of times. Nobody knew what was going on until tonight? What's going on and everything. They were out there measuring and everything and I talked to a bunch of people. We don't know nothing. You have to call the City.”

Mayor Bukiewicz responded that the school hired an engineering firm to survey the area and that is probably who he spoke to.

“All I was told. Go to the City.”

Jamie McMahon, 505 E. Robert Rd.:

“I just have a couple of questions. So first of all, it is considered a designated nature area. Is that correct?”

Mayor Bukiewicz responded that right now, it is just considered City property that has prairie on it. There is nothing binding legally with the WDNR that it is an official prairie.

“Okay, because my other thing is like, right behind...”

Director Seymour clarified that the designation that was made for a prairie and a nature center by the Common Council in 2003 was something that was done unilaterally by the City. It was never identified on any Park and Open Space Plan, natural areas planned, DNR, or the Regional Planning Commission. It was something that was done entirely on behalf and by the sole action of the City. The action by the Common Council at their last meeting to carve out the lots and only the lots along Shepard Avenue, removes those from that nature center designation. The rest remains.

“So how much is, how, what is the square footage area of the lots in, that's taking away from that nature area?”

Director Seymour responded that all four lots are about 1.2 acres. The entire parcel is 13.4 acres.

“Okay, and then I just have, so in the last six months, there have been two homes that back up, that are in front of that area that sold. And they were being sold and in the description from Shorewest or whoever was selling them was that this is a nature area and nothing can be built back here. So I’m just curious about that also, like, where does that come from? Were they being told that by somebody, or...”

Director Seymour responded that a realtor can put anything they want in a sales listing.

“Okay. Okay. And then are they planning on putting a road, when they put those four homes there, are they going to connect a road going out to Shepard?”

Mayor Bukiewicz stated no.

“No. Okay. Because I thought maybe in the map it...”

Mayor Bukiewicz stated that they are still officially mapped streets, but there are no plans for a road to be put in.

“Okay. Okay. And then I was, I heard something about the soil samples that they weren’t taken yet. Are they going to be taken before they build there to make sure?”

Mayor Bukiewicz responded that would be up to the school, much like they did with the other lots they were contemplating building homes on. They took soil samples there and found that the area was not buildable and therefore, did not proceed with their project.

“So there’s not like a code or something on that that you have to do that if you’re going to build? Do you just kind of...”

Mayor Bukiewicz stated they will do a soil sample.

“Yeah, they have to? Okay. Okay. Okay and then my last thing was, why, there are so much land in Oak Creek. Can you just build those houses somewhere else? Why do they have to go right there?”

Mayor Bukiewicz reiterated that this decision came from budgeting. The City has a lot of challenges budget-wise to keep services up. The City is growing. Therefore, this land was sold to bring in revenue.

“Our taxes did get raised.”

Mayor Bukiewicz explained that there is a budget to run the City for protective services, streets, trash pickup, parks, etc. Employees have to be paid to provide these services. Over the last eight years, there have been levy restraints, which really stop the City from capping our taxes short of growth. Basically, we’ve been flat with our revenues. Everything is flat. Inflation takes things up and operating costs just go up. It is getting harder to maintain that with revenue spending caps. We can only spend so much and we get money back from the State. If we go over that, they start to penalize us by not giving us enough money. So as the City goes through budgets, the City looks for ways to be leaner, whether it comes from employee benefits, not hiring new employees and things of that nature. The City started to look at the inventory of things we

have like outlots, that the City is doing nothing but paying to maintain. A couple hundred of those lots City-wide could be eliminated and money could be saved. So the City started to look at land where there is a potential to put homes on because the one thing that really drives revenue growth for the City is homes.

“And my last concern was I know you addressed the sewer issue and the drainage and you said when they build the new homes, it will go in the retention pond and that will all be figured out. But will that all be figured out for the new homes so they don’t flood and then it’s going to go into our retention pond and put more water in there causing us to flood. Or is that, did I, you know, you’re fixing the, you’re doing something about the sewer systems coming out of the new homes going into the retention pond or however their drainage is going, but do you not, like, look at the whole picture, not saying that rudely, but of how that’s going to affect the existing homes?”

Commissioner Johnston responded that there is no storm sewer that is being designed for these four lots. It is all draining over the ground and through the ditch. It does go to the pond and is adding more water to the pond from that runoff. The ponds were originally sized for this whole area to be developed. It was always included in there for this land to be developed.

“You don’t think that needs to be re-evaluated, or, you know, make sure that that won’t overflow and cause our homes to flood? Can that be re-evaluated and...”

Mayor Bukiewicz responded that the calculation was done for that entire area when 18 homes went in.

“I guess, you know, I hope it doesn’t happen is kind of scary to me.”

Mayor Bukiewicz stated that that whole prairie goes back to that pond.

“It does, but you know, you have all the ground to absorb the water.”

Johanna Skrivanek, 9956 S. Austin St.:

“I was wondering if you could put the map up again of the roads and, that you had up previously. I want to show you where I live and I want to, I want to bring up something that every, no one wants to hear about, its climate change. I think this is part of what’s happening with our flooding. Now I live, if you look in the upper left hand corner, there’s Cindy Lane, it goes down to Austin Street and then to Robert Court. We live the second house from Robert Court facing west. When there is a storm, all the water from the subdivision west of us comes down Cindy Lane like a river and I am not exaggerating. It ripped up the sod from my neighbor and floated it all the way down to the end of Robert Road. We were out there trying to keep the sewer clear of this debris, but it didn’t help because it all bubbled up. And I think that it’s going to get worse. And I also think, I don’t know where’s another retention pond, except that one. And that one retention pond, it services a huge area and I just do not think that it does justice to our community. I just don’t think it’s big enough anymore.”

Director Seymour stated that what is being discussed is the four lots, which comprise about 1.2 acres. There is still 91% of that property that will stay exactly as it is. Of those four lots of that 1.2 acres, the City has a maximum impervious coverage of 40%. The most land a person could develop as impervious is 40%. That comes out to a half an acre, which is less than 4% of that entire site that is increasing the stormwater. This is being built to be the least impactful to the surrounding area, and 91% of that nature center is still being preserved.

"I just have one more comment. I don't think that we should have to absorb even what? 4% of how much you said it's going to affect, I don't think we can even absorb 4 more percent. That's my opinion."

Edward Stark, 495 E. Darlene Lane:

"The back of our yard is so low that then there's an area that's open, then there's that so-called swale where the water comes gushing down. The worst part in a perfect storm, now you don't see it, you see it in the springtime over the fall and winters, millions of leaves accumulate back in the swale with the ice and the snow melt and the heavy thunderstorms we get in the springtime, it comes right back in our yard. It's not going anywhere. It's not adequate enough to take that. How can four more homes being that much higher and we're this low, the water's going around the side right? It's going to come right in our yard and that's what's going to happen again. We're going to lose part of our yard, flooded out till God dries it up for us. It's not adequate enough. The elevation is too high for a, it's just too high, it's just too much a difference. The water is going to go because of gravity towards the swale, towards the retention pond that's right behind our yard. My sump pump is continuous when we get a moderate storm. Back and forth."

Mayor Bukiewicz responded that unfortunately the City has areas like that and he does not know why it was designed like that.

"Our homes get 70 to 80% of the leaves from that whole area. A lot of them end up in the swale in the back there. It's just inundated. Nothing is going anywhere."

Mayor Bukiewicz responded that the leaves and debris play a huge part in what happens and a lot of citizens don't pick up their leaves and they don't realize the effect that has on surrounding properties.

"We are one of the few people who do. We have constantly all fall and early winter, we have leaves in our yard. When the wind blows from the west, then the northwest and then the north and we're tired of it. Nobody else cleans up their leaves. We're tired of it. And they just sit in their house and laugh. Hee Hee. He's picking up our leaves. You don't know what goes on and we've been doing it for like 25 years. They're not doing their responsible work. Is there another way that the water will go besides in back of our lots? Is there another way that the water will...? Nobody ever said we'd get these 100-year floods, but we've been getting them every year almost in some area of the City. Well, okay well thank you. Maybe if people would cooperate with the leaves more and not have them all in that swale or in our yard or our neighbors' yards, we wouldn't have that much problem. It's the worst part in the spring when the snow is still there, then we get a heavy thunderstorm, everything just comes back. Well we'll trust you and hopefully you will do the right thing and God will bless us. If it starts flooding, I'll just be calling the City more than I do. Let them know they have to come and clean that up or its going to flood everything. We're all just vulnerable to Mother Nature and that's why we're all here. Thank you."

Dave Greathouse, 500 E. Robert Road:

"I've lived there 44 years. I live right next to Carole and I agree with everything she has said. I think the one thing we're overlooking right now is Engineering has said that pond was designed for all of these other houses to be built. That may be the fact 20 years ago, but right now I think it's a very delicate balance what retention pond can handle in a heavy rain. Mainly from the fact that if you go there and look, what goes in the pond has to be evacuated and that is being omitted

right now, evacuation is a real issue. Walk on the other side of the road. The problem we had before the retention pond was built, there was a drainage ditch full of cattails, grass, the DNR would not allow the City to go down and excavate it to make the water flow. Look on the other side. You've got million dollar houses sitting on the other side of Shepard Avenue, it is a drainage ditching coming under the road. That's supposed to take the water out. It's all filled up with cattails. It's all filled in. It's not going to accommodate the water coming out of the retention pond when you have a huge inflow of water. It may be designed to take a certain amount, but you're not having water go out of the pond. And I think that's the Achilles heel we have in this situation and it's only going to get worse unless that drainage ditch and the other side is opened up and cleared out. Now I don't see that happening. And now we're saying, oh, only four houses, but I get, it's a very delicate balance right now of putting more water into that retention pond. I have a standby generator I run, I have constantly ready to be used if our power goes out, the storm sewer starts backing up or we start having water come out of our sump pump and it starts running constantly. But I think if you look at the other side of that street and you see that ditch, you may have some reservations about what's going on here. Because the water is not going to be eliminated from that pond in a heavy, heavy downhill. One hundred year floods and now 10-year floods. They're not harder floods. They're ten-year floods. So that was mine."

Jim Schultz, 410 E. Robert Road:

"I worked, when you talk about the quality of the Engineering department, I worked with Phil Beiermeister when we were planning out the retention pond and so forth. Went down to the DNR and talked to them myself, talk with the people down there. Phil was instrumental in getting something done for the first time in a long time. The problem is I'm bothered by something when you say the map has got the street layouts shown on it. And if somebody comes in and says we want to build houses there, you got to sell them the lot."

Mayor Bukiewicz stated that no, the City doesn't have to. They are officially planned streets for connectivity. Those plans are always in place. Whenever it is acted on is the sole discretion of the Common Council.

"So why isn't that drawing (*inaudible*)? Why are those roads still shown on there? Why is that designated a..."

Mayor Bukiewicz stated that he City works off of the City's Comprehensive. As the City's plan develops, much like this property, things change, so that is usually when we act.

"So we get sold down the drain, so to speak, no pun intended, but eventually somebody can build here and make things worse for us?"

Director Seymour stated that he would not characterize this in any size, shape or form that the City is putting that entire acreage up for development. That is simply not the case. With respect to the officially-mapped street pattern, there was no need to amend that given the back of the land was under City ownership.

"The bottom line is I feel we're going to be back here next year or the year after and it's going to be not four buildings, it's going to be 12, 16 or whatever they can squeeze into that. Developers don't care about what happens after they leave. They sign off and get rid of the properties."

Mayor Bukiewicz stated that if the City is only interested in building on those four lots. If the City had any interest in building out the entire site, it would be done all at once at this time.

(Mr. Schultz comments not made in microphone and were inaudible.)

“I’ll give you an example of mistakes. When my house was being built, I was one of the few people that hired a landscaper to come over and do the grading. He came in the house and said I can’t drain the back yard. If I tried according to the grading plan, he says, I’m going to park it in your basement first. He says, your house is 8 inches too low. The sidewalks are three inches too high. We’ve got a foot that we’re trying to make up for. We can’t do it. There just is not enough there to correct the situation. And it just went on and on and on. We kept seeing these mistakes over and over and over again. Finally, there was some things that were to improve the problem, but for all intents and purposes, it was a non-solvable problem. It wasn’t easy. It’s easy to go ahead and more properties, collect more revenue, but what about the revenue that I lost and a lot of these other people that are here. They had to have their homes redone.”

(Mr. Schultz comments not made in microphone and were inaudible.)

Matt Iglow, 465 E. Oak Lane:

“So we live right on the pond. There seems to be a lot of “I don’t know”, “maybes”, “I think sos” going on, especially in Engineering and it’s pretty worrying and like you said, you have a chance to make it right and who are you representing?”

Mayor Bukiewicz responded that the Plan Commissioners represent all of the citizens here as do the members of the Common Council. The Engineering Department uses the engineering standards that are approved by the State. They are accredited, professional engineers who are doing it. However, no one knows when a 100-year flood is going to happen.

“That’s again, “maybes” you’re saying, you know, you’re saying you can’t predict it, then you do it. You also stated what the real plan of this is. I mean, this is just the beginning. I, I can see this going further beyond this and you stated what the idea is, revenue. Revenue, you have to grow.”

Mayor Bukiewicz responded by reiterating the City’s plan for reduce the surplus property in inventory to cut costs of maintenance and pass it to the property owners.

“You say the 4%, but what is the rest of that after that? What is that 96% surplus land so when you need more revenue, you will be selling that property.”

Mayor Bukiewicz responded it would not be financially feasible for a developer to come in and put in another 12 homes because they would not recuperate the cost of installing all of the infrastructure that has to go in.

“It’s not exactly about that.”

Mayor Bukiewicz responded that it is exactly about that.

“It’s about you guys, you guys, that’s where it sits.”

Director Seymour interjected that the decision whether or not to sell these lots is not a decision by this Plan Commission. It is a decision by the Common Council. The question before the Plan Commission is to determine if these lots conform to the standards for the RS-3 zoning district and they do.

“So these lots will be drained directly, like, they won’t even be connected anywhere else. They’ll be directly into where that connection of where Robert Street would be that add on. That’s a river essentially. That drains directly onto Robert Street.”

Mayor Bukiewicz asked if he was referring to the planned Robert Road.

“Yes, that’s actually a river where, where all the water of the whole essentially, the neighborhood of, north, the side of the neighborhood goes and is that what you’re adding too then. Is that where all the drainage from those four lots, because it’s a good distance above.”

Mayor Bukiewicz stated it is supposed to go south to the retention pond.

“Because it’s going to go west.”

Commissioner Johnston responded that the front half of the yard will drain out to Shepard down to the ditch to the pond. The rear half of the yard will drain into that river to the pond.

“So the whole area is going to drain into that retention pond. Then I would go with yes, the retention pond is not big enough. I see it every morning, Yeah. Okay. Yeah. That’s all.”

Marianne Stark:

“Sell that piece of land to the State and make it a regular prairie, so it would be a natural, so nobody could touch it. You guys wouldn’t have to listen to all of our crabbing. And they would probably be able to take care of it more because they are the State. Is there a way of doing that or no? I just wondered.”

Mayor Bukiewicz responded that the State is selling off surplus land now as well. He does not believe they would have any interest in taking on this piece of land.

“I just thought I’d ask because I didn’t know anything...maybe if we made, we could make some money. Sell it to the State and we’ll take care of it.”

Carole Burns:

“If this was supposed to have been done in a Common Council meeting, how come we weren’t invited to that?”

Mayor Bukiewicz responded that it hasn’t happened yet. It goes through Plan Commission first.

“Okay, so then we need to be invited to that. And then would a petition help? I mean, can I start a petition from our neighborhood to stop this and would that help, and if so, how do I do that?”

Director Seymour clarified that the decision to exclude that area from the nature center has been made by the Common Council. This is a recommendation to the Common Council as to whether or not to create those lots. The Plan Commission has separate rules regarding notification than the Common Council does. In fact, the notification for this meeting and any Plan Commission meeting are not required by law. This is a service that the City gives the residents and it is a good service. However, the procedures for the Common Council are different and they don’t, as a matter of course unless it’s a public hearing, notify residents within 300’. The Plan Commission does.

“Would a petition help and how do I start that?”

Mayor Bukiewicz stated that he does not know how to start a petition and whether it would help would depend on the opinion of the Common Council members.”

“When is the next meeting?”

Director Seymour stated the Common Council meets the first and third Tuesday of each month.

“Thank you. And then one last statement. If you keep saying that you don’t know why this happens as far as the flooding and the City Engineering, my last final statement and I sit down after this is, why aggravate it?”

Discussion ensued amongst the Plan Commission members regarding drainage alternatives.

Commissioner Loreck moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by the City of Oak Creek for the property at 10025 S. Shepard Ave. be approved, with the following conditions:

1. That the entire parcel is included on the map prior to recording.
2. That the signature page is updated to include the acceptance of the public right-of-way dedication.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Alderman Guzikowski seconded. On roll call: All voted aye, except Commissioner Hanna and Commissioner Chandler, who voted no. Motion carried.

**LANDSCAPE PLAN REVIEW
ST. JOHN PROPERTIES
140 E. RAWSON AVE.
TAX KEY NO. 733-9991-001**

Planner Papelbon provided an overview of the landscape plan. (See staff report for details.)

Mike Piechowski, 251 E. Rawson Ave.:

“I live across the street from the project. And I would just like to start out with this. As the City says, times are a changing. I’ve lived here all my life. The house I lived in across the street with my grandparents and my great grandparents actually had a farm on this property here somewhere and I had great, great grandparents so this goes back. So I have some roots here and as things do change and at that property across the street, which used to be a farm homestead and was the (inaudible) place and now it’s becoming a, quite a, quite a project, you know, so, we get it. We know things are changing and that’s because it’s right across the street from us, we did have concerns about how it will look at our perspective where we’re at on the other side. We were here

the last time, so as I speak, the concern was back then is the elevation of the land. And I can see they're working on it, I don't know if you've been down there lately in the last two weeks, but they basically mowed. Well my concern is where the house used to be across the street was what's what's higher than my property coming through it. They have eliminated that hill and I, I guess just, I, I do you know is that property the way they're building kind of going to be the same elevation as Rawson Avenue is now? Is there a, is that what they're doing because that's what it kind of looks like and that would definitely solve a lot, you know, a lot of concerns about any light migration from the car lights and stuff like that. Because they're really bringing that level down so I'm, that's what I'm assuming they're kind of doing there."

Commissioner Johnston stated that where the driveway is for the frontage road that elevation is about 156' and the building floor of 157' for that center, so it's about a foot higher.

"Okay, yeah, right, so that's not a big deal, so. And you know, naturally, the, from looking at the plans, you know you can't really tell exactly you know what it will look like when it's completed. But the one big concern I have is that after this is all done and I'm sure it'll look nice that its maintained because we, when they put in the roadway trucking firm yellow freight across the street from us, we saw all these beautiful designs of all the beautiful trees that were going to be there and how the thing was going to be maintained, well, you go there, you don't, you don't, I don't have to say any more about that. You know how it looks. So that's, that's our main concern, my main concern I should say, is that, you know, that it is hopefully they maintain it so it looks, you know, landscaped and they cut the grass and keep replacing the trees that do die and things like that. And because this is a huge, a huge project here, there will be a lot of blocked traffic here now and a lot of buildings and like you said, a lot of changes for us, but we're, we're hopeful that everything is maintained and kept up and as things are going. Living here my whole life I am impressed of all the changes here, Drexel Square is beautiful and I, you guys got a tough job, so you know people are climbing on you all the time, but I just want to say as a permanent resident as being here all whole life, plus my families, I want to thank you for that. So thank you."

Pete Schumacher, 305 E. Rawson Ave:

"Neighbor to Mike. I'm also happy (*inaudible*). Just wanted to make it clear we had the same concerns that Mike did about the headlights. It is very clear that with the elevation change, that is not going to be a problem. The headlights are going to go into the embankment and not enter our house so that's fine. So we're fine with that and the plan looks good. The only other thing I'll mention is just specifically on the plan, but just maybe for the developers that I have a little concern that when they add lighting for the parking lot and any other area lighting that it be properly installed and designed to minimize the offshoot to the southern side."

Mayor Bukiewicz responded that there are codes and our electrical inspector approves the lighting plans and they have cutoff shades and the City is able to regulate that.

"Okay. Good. We're, it looks like it's a good project. We're happy for not given all the options of what could go there. This looks like it's a pretty good option."

Commissioner Siefert stated it looks good.

Seeing as there were no other comments, Mayor Bukiewicz called for a motion.

Commissioner Siepert moved that the Plan Commission approves the landscape plans submitted by Dustin Atkielski, St. John Properties, Inc., for the property at 140 E. Rawson Ave. with the condition that all conditions of Plan Commission approval from February 28, 2017 remain in effect. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**FINAL PLAT
GLEN CROSSING, LLC
8400 S. NIGHTHAWK TRAIL
TAX KEY NO. 829-0061-000**

Planner Papelbon provided an overview of the final plan request. (See staff report for details.)

Commissioner Siepert asked about the floodplain on the east corner and if there is a dimension available. Planner Papelbon responded that it is all supposed to be contained on Outlot No. 5 and Commissioner Johnston concurred. Bob Fox, one of the members of Glen Crossing and the surveyor of record on this project also confirmed that the floodplain is all contained in Outlot No. 5 along the floodway of the Oak Creek, so there is no part of the 100-year flood that is coming up on any of the lots on Phase 1 here or Phase II. Mayor Bukiewicz added that that creek is the back end of what comes out of Willow Heights.

Commissioner Johnston asked about front yard setbacks. Mr. Fox responded that the front yard setbacks will be 35 feet. The zoning allows for 30-foot setbacks. On corners lots, there is a note on the plat that a house can limit its side yard setbacks to 30 feet within the zoning district, but the front yard still has to remain at 35 feet. Director Seymour cautioned to make that very clear in the deed restrictions because people will want to build to City Code setbacks as opposed to the deed restrictions.

Commissioner Johnston noted that this is Phase I. Phase II is being constructed at the same time. The original hope was to get this done last year. It is getting done now and is really close. Sidewalks were poured today and the final lift of asphalt should be going down in a couple of weeks.

Planner Papelbon noted that there is a condition for recommendation that may actually get left off before it goes to Common Council based on timing of the public infrastructure improvements. They may be in at that point.

Commissioner Loreck moved that the Plan Commission recommends to the Common Council that the Final Plat for Glen Crossing Addition No. 1 submitted by Roger Johnson, Glen Crossing, LLC, be approved with the following conditions:

1. That an escrow is provided to the City prior to recording the Final Plat to cover the costs of the final lift of asphalt on the road and street lighting until such time as it has been installed with certification by the Engineering Department. Details for this escrow should be coordinated with Assistant City Engineer Brian Johnston.
2. That any technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

Commissioner Carrillo moved to adjourn. Commissioner Siepert seconded. On roll call: all voted aye. The meeting was adjourned at 8:56 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

August 28, 2018

Date