

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JULY 9, 2019**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siepert. Commissioner Chandler was excused. Also present: Kari Papelbon, Planner.

Minutes of the June 25, 2019 meeting

Commissioner Siepert moved to approve the minutes of the June 25, 2019 meeting. Commissioner Hanna seconded. On roll call: all voted aye, except Alderman Guzikowski who abstained.

CONDITIONS AND RESTRICTIONS

MODHOME LLC

10730 S HOWELL AVE.

TAX KEY NOS. 869-9993-000 & 865-9978-003

Planner Papelbon provided an overview of the draft Conditions and Restrictions for a Single Family Residential Planned Unit Development on the property at 10730 S. Howell Ave. (See staff report for details.)

Mayor Bukiewicz invited the applicant to the podium to say a few words. The applicant declined.

Mayor Bukiewicz read into record the comment of Josh Kultgen, 10723 S. Christina Court:

“Do the existing Conditions and Restrictions include anything related to the hours of operation for both the dog park and clubhouse complex? If not, can they be included?”

Commissioner Siepert inquired about the lot size of each unit. Planner Papelbon explained that the general development plan removed the individual lot lines from around the homes because there are no lots, they are part of the condo development. Planner Papelbon continued to explain that they do have lot layouts for each individual home, but she did not have the dimensions.

Mayor Bukiewicz asked if the applicant can address the questions regarding hours of operation. Jeremy Samatas, 670 N. Park Blvd., Glen Ellyn, Illinois, explained that the dog park would have hours of sun up to sun down with no plans of night time lighting. The club house would have the same rules, with the exception of the fitness center. The fitness center is accessed with a key card that residents can utilize 24 hours a day.

Mike Scherman, 10811 S. Christina Court:

“I own a house at 10811 South Christina Court, which backs up directly to the development. I’ve been involved in a lot of developments being the developer and also going against them. Most recently, you probably heard about the MLG Industrial Park, east of 43 in Grafton, maybe you haven’t, but that was one where we worked together with the community to get something that worked for everyone. I’m big on working and being good neighbors, I’m a capitalist I get the development, I’ve spoken to a lot of the neighbors

that have been negatively impacted by this and there's one thing that really stands out, you know, contention. I think it's unconscionable that both the developer and you as a Planning Commission would allow and that's a dog park in our back yards. You don't see that in developments, particularly in this case it's been put behind the garages of the DiSanto development homes, the 85, you know, they're going to be out of sight, but it's going to be directly in our backyards where our decks are set, we're looking out at the sunset, we've been there 15 years, paid our taxes, voted diligently. This dog park is a minor luxury to the DiSanto development, what has been a homerun or I'd say a grand slam. A PUD going in there with all these details, I've done developments I would kill to get that out in Grafton. This is one thing that if DiSanto really says, I've heard them say couple times I want to be a good neighbor, this is one minor thing that could be stricken from the detailed plan. It's not too late and could make a huge difference in the quality of life for your constituents, probably appointed excuse me, but constituents of yourself Mr. Mayor and the others that will take a little bit of salt out of the wound. We have dogs, Doberman Pinschers, pit bulls, they're going to wonder who are these 100 dogs hanging out in our backyard? There's going to be fights, every one of these people, I've talked to them that live in that vicinity are going to be calling in complaints, your people are going to have to deal with it. Their dogs are going to be probably getting into battles, if a dog comes on to the land, their land, which we know dogs don't know boundaries, right, this is a wetland. Dogs are going to run onto our properties, it's going to be trespass, we can't put a fence in there because it's wetlands. We've been respectful of the DNR requirements and now all of a sudden we're going to have potentially hundreds of dogs, I mean 85 rentals, people have multiple dogs. This is a minor thing that you guys could do for all of us and if not I guarantee you the residents will be up in arms I mean planting big signs that, "stay away," trying to disrupt the sales of the properties. Like I say, it doesn't need to be this way, I've done a lot of this kind of work, this is a minor thing that you guys could do for the community and to show everyone that you're not just for development, you do care about the people who have been here long term."

Mayor Bukiewicz asked if the applicant would like to come up to address this issue. Steven Sorenson, von Briesen and Roper, explained if the dog park becomes a problem it will be dealt with and per City ordinance if it does become a problem they are required to deal with it. Mr. Sorenson explained the City has the tools in the ordinances to deal with any issues that come up.

Kay Michlig-Ferreira, 431 E. Jordan Ln:

"I live across from the development. I've had a dog almost the entire 14 years that I have lived in this subdivision, right now I have two. I do have a fenced in backyard, but my dogs were used to walking long before we ever put the fence up and they still expect me to walk them around the block. If you have a dog, you don't need a dog park. There's sidewalks in our subdivision, there's sidewalks planned in that subdivision, I think Mike, if it's a problem for those homeowners that are bordering up to it, good dog owners walk their dogs. My dogs need to be exercised because otherwise they're so squirrely I don't even want them in my house. I've never taken my dogs to a dog park because, like I said, they don't need it."

April Siejkowski, 10820 S. Jessica Drive;

"Been here about 17 years, very nice quiet neighborhood, already we've experienced way too many accidents on the freeway and with those accidents comes more traffic and with that extra traffic it takes forever to get out of my subdivision and now you're going to put

85 homes there with possibly people that have up to four cars each, maybe. I could care less about the dog park, but the traffic is what concerns me."

Mayor Bukiewicz explained that the State will have to manage the traffic because Howell Avenue is a state highway. The state will have to make sure there are safe ins and outs for the subdivision.

April Siejkowski, 10820 S. Jessica Drive:

"But that's not going to do anything for me."

Mayor Bukiewicz reiterated that this meeting is to cover the Conditions and Restrictions and the meeting must stick to the agenda. He continued to explain that he understands traffic is increasing as the City is expanding and the City is doing their best to accommodate and control it. Mayor Bukiewicz reiterated that the Planned Unit of Development has already been approved. The applicant will have to work with the state to make sure the cars are going in and out in a safe manner.

April Siejkowski, 10820 S. Jessica Drive:

"I just feel that this, there wasn't much effort put into thinking about our neighborhood and what we have to go through. I don't know if any of you live close by, but it's not going to bother you or be a nuisance to you if this happens, it will be on our part and our area is very quiet."

Mayor Bukiewicz stated he understands and explained that other areas of the City have been impacted by development, as well.

April Siejkowski, 10820 S. Jessica Drive:

"Right it was supposed to be Kaerek's land at first, it was Kaerek's land and they sold it."

Mayor Bukiewicz explained there still would have been development or homes there.

April Siejkowski, 10820 S. Jessica Drive:

"Right, but it would have been homes. It would have been"

Mayor Bukiewicz reiterated these will be homes and the people that move in will be residents and everyone needs to be respectful of that.

April Siejkowski, 10820 S. Jessica Drive:

"I thought it was more of like an apartment complex. That's what everybody has been saying."

Mayor Bukiewicz restated that these will be single-family homes that can be used as rentals or as a condominium complex.

April Siejkowski, 10820 S. Jessica Drive:

"So, to me that's really not a house."

Mayor Bukiewicz stated it is a home even if they are rented out.

April Siejkowski, 10820 S. Jessica Drive:

"But you're calling it a condo."

Mayor Bukiewicz explained that 5% of real estate, private single-family homes, in Oak Creek are rentals.

April Siejkowski, 10820 S. Jessica Drive:

"Right, you can rent anywhere."

Mayor Bukiewicz explained that that point is not being debated, it was already addressed in the public hearing.

April Siejkowski, 10820 S. Jessica Drive:

"Well I wasn't really aware of it until about a week or so ago. So, I'm here tonight to voice my concern and I feel I should be able to do that. If nobody else is opposed to it well, ya know, then it goes, but I just feel like the traffic is going to be extremely bad, you've got FedEx, you've got, all the other commercial park across the way and you've got kids in our neighborhood and now you expect us to wait and wait and wait to get out of our subdivision or have to go all the way around to Oakwood, which is what we originally did when we were first moved in because Elm didn't come all the way through. That's what I'm concerned about."

Mayor Bukiewicz stated he understands things are changing and the road will change with them if necessary. Traffic patterns are currently changing as construction occurs.

April Siejkowski, 10820 S. Jessica Drive:

"Right, I get that."

Mayor Bukiewicz explained what Ms. Siejkowski is experiencing now might not be how it continues in the future. Traffic is part of the development of the City.

April Siejkowski, 10820 S. Jessica Drive:

"Okay, well thank you for letting me talk."

Kay Michlig- Ferreira, 431 E. Jordan Ln:

"We talked about, or you guys talked about it in the last meeting. There is a park in the corporate subdivision across from your development and I, when the sidewalk went through the development went in the sidewalks went in, in the industrial development over there, I thought it's a great place to walk my dogs, and I walked a couple times across into that subdivision and I only think I did it twice because it's so hard even before they closed down the different ramps and stuff and a lot of traffic started getting diverted onto Howell Avenue as you just discussed, it's very hard to get across with your dog or if it's a kid on

a bike and different people in the neighborhood said nothing's going to get done, we're bringing this up and we're getting blown off. They said nothing's going to get done until somebody gets killed crossing the road. This is as important to you guys for your tenants as it is to the people in the neighborhood and the fact that traffic is being diverted onto Howell Avenue right now is kind of an advantage for us to try and get a stop-and-go light at that intersection now before that traffic dies down a little bit and maybe we won't have that needs to be a priority for everybody to do whatever they can to get a stop-and-go light there before someone's kid, who maybe doesn't have permission to cross the road, but mom and dad are busy or whatever, maybe they don't have rules like that, I always had rules like that for my kids and my mom had rules like that for us when we were little and my mom laughs about it now because it was always, we lived in West Allis, don't cross Greenfield Avenue and yeah it was going on. So, it's really important that busyness is considered for both the fact that residents have to get in and out of the subdivision, ours and theirs, and the fact that there's going to be pedestrians and bike riders and who knows what else, cars that might get in an accident, it's important and it's something that we don't need to be enemies on this we need to work together."

Mayor Bukiewicz reiterated that Howell Avenue is a state highway and the applicant will have to work with the state. Mayor Bukiewicz also asked Commissioner Sullivan to explain the process of petition the state.

Kay Michlig- Ferreira, 431 E. Jordan Ln:

"The fact that there's a park there that it's an attractive nuisance."

Commissioner Sullivan explained that the applicant will have to complete a traffic impact analysis, usually with the State. He continued by stating it is a connecting highway, but when it comes down to what is needed along there, the City defers to the Department of Transportation and asks that the applicant include them through the process and the design.

Shannon Weyenberg, 10833 S. Christina Ct:

"So, I'm just in the backyard of the proposed development. I'll be mindful to not resurrect points that my community and neighbors have made, but I do want to address Mr. Mayor, your comment initially to the developer, 'Would the concession of not building the dog park be a deal breaker?' I didn't hear him answer that, I can understand the value that perhaps, perceptions that would lend. It's not as easy in my opinion when you bring a renter in, people rent homes, buy homes with their pets in mind, just so to say later we'll get rid of it isn't reasonable. It's disruptive to bring families and if you're looking to kind of, again, with the tenants of building a community I would highly encourage you to consider that. I do feel that it is a small concession, I built my home there I've been in there 15 years, this is very much an emotional argument then it is research and analytics, etc. When I look back to the last meeting, and I attended, although I decided not to speak, I can recognize the staff, certainly that the developers have researched being in the business and certainly other community members around what noise pollution, light pollution, dogs parks, etc. could lend. What I was disappointed by are our council mates was the burden in being that you shifted it back to the community, the residents, to prove what they were saying was right or wrong, were not those folks that would be able to identify to a science of why you should consider not putting a stop light in, not putting in lights, or to discount residents' concerns about the travel of noise. I would fully have expected the development group if they're going to propose this to be able to defend those arguments, those concerns, and

because they did not I feel you have met a wide community that's not supportive of it, they don't feel like they've been heard and many cases, I mean listening at last week's the responses, I'm sorry in my opinion felt very, sounded very condescending and when the community residents feel like they're not being heard, they're being understanding because again the community is growing and we're supportive of that, but we have, I mean that is our home, we've developed it we're adapting to the City's decision and respecting to rezone what I bought my property would always be thought as agriculture. Again, very ignorant and naïve to how things could change, but this is turning things upside down in a sense to me. So I would kindly ask that you just reconsider and listen to some of these things that we're asking to deal with the dog park to deal is one thing, but you're really discounting and not listening to the disruption that noise and the traffic, etc. will occur and because we're not here and have the means to be able to provide you evidence there is going to be those disruptions and I would just ask that you kindly consider that."

Alderman Guzikowski inquired if the dog park is necessary given the sidewalks provided. Mayor Bukiewicz stated that will be discussed.

Alderman Loreck seconded the question on the dog park. He also inquired if the hours of operation can be added to the Conditions and Restrictions. Planner Papelbon explained that the hours of operation were not provided when the Conditions and Restrictions were drafted, but if the Commission wants to include them, they can be added. She continued to explain that oftentimes club houses in similar types of developments are rented out by tenants for parties and that will usually run later than the normal business hours.

Alderman Loreck asked if the parties that rent out the club house get noise complaints if it would fall under the noise ordinance. Planner Papelbon stated the noise ordinance is always in place.

Shannon Weyenberg, 10833 S. Christina Ct:

"I just had a question in regards to the dog park. I own two dogs, so I do frequent the Oak Creek system dog park system. What I don't know is the square feet that, that's allotted for. So if you imagine, and I can appreciate you're right we don't know, we don't know how many dogs, less or more, but let's just assume it's an attractive affordable development that people want to bring their pets to and the City does allow two dogs, so I think it's certainly in the best case, for you to consider the worst case scenario and the best case. The worst case scenario is that every renter is going to have two dogs in that square feet so if you're pet owners you have a sense of how, shrieked areas increases more non-pet friendly activity and that is all things that could even in ear shot, again in my backyard, I certainly will hear that and I have an underground fence, again that was to honor the requirements that I have for my property, I'm not allowed to build a fence, etc. So, now this to me would irk my pets in the backyard to hear this constant banter from dogs. So, I am just curious about the square feet of the dog park and whether it's adequate for the occupancy that is being proposed, considering with the worst case scenario in mind."

Commissioner Carrillo explained the club house looks to be pretty far from the residents, so it shouldn't be too loud because it is not right in their back yards. Commissioner Carrillo stated it would be good to know how big the dog park is going to be and if the plan is to fence it in. She referenced living in Drexel Town Square with 600 people living in the area and only sees about two or three dogs at a time in the square.

Commissioner Hanna echoed the concerns in regards to the dog park and dogs. She strongly recommended not having the dog park.

Mr. Sorenson explained that the dog park is part of phase two and proposed not seeking approval for the dog park at this time. The developer would then be able to have people move in and analyze the need for the dog park. Mr. Sorenson asked for confirmation that the applicant needs to come back for some conditions for phase two. Planner Papelbon stated the applicant would need to come back for site plan approval not Conditions and Restrictions.

Mr. Sorenson proposed removing the dog park from this plan and if wanted, the dog park can be brought back for the site plan approval of phase two. Mr. Sorenson continued to explain they are trying to address the concerns of where the dog park is going to go and the concerns of the neighbors.

Mayor Bukiewicz stated this might be a valid compromise. This is something that should be looked at again with the site plan for phase two.

Mr. Sorenson stated they do not know exactly how big the area is for the dog park.

Mayor Bukiewicz stated that he is not sure what the appropriate size would be for a dog park. The dog park is something that can be looked at to see if it's actually needed in the future.

Mr. Sorenson explained they are willing to remove it at this time and if needed, it will be added as an addition to the site plan review for phase two.

Mayor Bukiewicz explained it is not a bad plan. He continued by saying he would rather see a park area that dogs are allowed to be in. Mayor Bukiewicz asked the applicant if the club house will have a common area that can be rented out or if the facility will just be a gym.

Mr. Samatas explained that the current design will have a common area and a fitness area with a separate entrance that is open 24 hours.

Mayor Bukiewicz inquired if the area would only be available to residents and no outside renters would be coming in. Mr. Samatas confirmed it would only be available to residents and that the club house will have the leasing office.

Mayor Bukiewicz referred back to Josh Kultgen's question regarding hours of operation. Mayor Bukiewicz stated it might be appropriate to have hours of operation for the common area. Mr. Sorenson explained that the hours of operation and other regulations of the club house will be set by the homeowners association because those are the individuals that are most affected.

Mayor Bukiewicz asked Planner Papelbon for confirmation that the condo rules will have to meet municipal codes.

Planner Papelbon explained the code already regulates noise. There are hours for excessive noise, when people can file complaints with the police. Planner Papelbon referenced 3F for the condominium bylaws. If the City regulates the hours of operation for the club house, the office hours would have to be separate from the rental terms. Planner Papelbon is not familiar with any other project that the City has done that for. Planner Papelbon asked for input from the Plan Commission for any hours of operation that are going to be regulated by the Conditions and Restrictions.

Alderman Guzikowski suggested 6 a.m. to 10 p.m.

Mayor Bukiewicz inquired if those would be the hours for everything.

Alderman Guzikowski suggested that for the leasing office and the room, 6 a.m. to 10 p.m. would cover the people working in the leasing office. This would allow people to come in and set up the common area for a party and have time to clean up.

Alderman Loreck stated that seems early for a party.

Commissioner Hanna explained she was part of a condo association that created those regulations and they followed the noise ordinance hours. She recommended putting the ordinance hours in the rules and regulations.

Kay Michlig- Ferreira, 431 E. Jordan Ln:

“For that club house, what’s the capacity of the club house and it looks like there’s about 16 parking spaces there. I just question if that’s enough parking, if assuming every owner has two or three cars. My husband and I are two people I think we own four cars, actually we own a few more, kids have them. So if everybody’s driveway is full and I think the streets aren’t going to be wide enough for parking, if the person that’s having the party, everybody else that lives there is going to have the right to have a party in their own unit, or if you have an overnight guest and they need to park somewhere, so, I’m just questioning if there’s going to be enough parking there.”

Mayor Bukiewicz stated that to his knowledge the streets are DOT regulation size. Parking would be similar to other subdivisions.

Planner Papelbon stated parking is going to be restricted to one side of the street.

Mayor Bukiewicz asked Planner Papelbon for some explanation for the 16 parking spots. Planner Papelbon explained she does not believe there is anything in the City code that regulates club house parking. To determine if that’s going to be sufficient, Planner Papelbon would defer to the applicant to explain if there are other similar developments that have that kind of parking for a club house.

Mayor Bukiewicz asked the applicant to explain why 16 spots was determined.

Mr. Sorenson explained that it was determined by the size of the club house.

Commissioner Hanna asked if the pool was available for rental with the club house.

Mr. Sorenson stated it will not be available for rent, just the club house.

Mayor Bukiewicz asked that pictures of available designs to be shown.

Planner Papelbon showed the pictures and gave a brief description of the types of units.

Kristine Patzer, 115 E. Elm Rd:

"I just have a question. The first phase is going to be this fall, correct? Will all the streets and roads be put in for phase one and two prior to the first building on phase one? So, all the streets will be put in this fall?"

The applicants confirmed.

Planner Papelbon asked the Plan Commission for clarification on the hours proposed for the club house. She asked if the Conditions and Restrictions will state the hours of operation have to be in the condo bylaws or if the hours will be laid out in the Planned Unit Development Conditions and Restrictions.

Mayor Bukiewicz inquired about what is done in the City's normal business model.

Planner Papelbon reiterated that she is not aware of the City spelling out club house hours for any other development.

Mayor Bukiewicz asked about later options if the hours of operation are set by the condo bylaws.

Planner Papelbon stated if the hours of operation are restricted by the Planned Unit Development (PUD), the City can state it is in violation of the PUD, but the City has no authority to go in and police that. There is a noise ordinance that controls for any party or noise complaint that goes about the decibel level set by code, regardless of location.

Mayor Bukiewicz asked Commissioner Hanna if that's what her condo association followed.

Commissioner Hanna stated they did, but they were following other ordinances to help control other aspects. She repeated that she strongly recommends putting something in that will allow it to be policed and controlled.

Planner Papelbon asked if should be in the condo bylaws or in the PUD.

Mr. Sorenson explained that the proposed condo bylaws reference the City of Oak Creek requirements and cannot be amended without Plan Commission approval.

Commissioner Hanna asked what the proposed condo bylaws have now.

Mr. Sorenson read from the staff report, "will abide by all the codes of ordinance of the City of Oak Creek."

Alderman Loreck moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Single Family Residential Planned Unit Development for the property at 10730 S. Howell Ave.

Alderman Guzikowski asked if anything needed to be included regarding the dog park. Planner Papelbon stated based on conversations, the City will request an amended site plan that removes the dog park. The general development plan will then be included in the Conditions and Restrictions.

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

Mayor Bukiewicz asked Planner Papelbon to repeat the decision made about the dog park.

Planner Papelbon stated the general development plan will be updated with the dog park removed and included with the Conditions and Restrictions.

**MINOR LAND DIVISION
MARY ELLEN JONCAS
3003 & 3025 E. ELM RD.
TAX KEY NOS. 903-9030-000 & 970-9999-000**

Planner Papelbon provided an overview of the request to divide the southern portion of the property located at 3003 E. Elm Rd. and combine that portion with the adjacent property at 3025 E. Elm Rd. (See staff report for details.)

Mayor Bukiewicz, seeing no questions or comments, asked for a motion.

Commissioner Siepert moved that the Plan Commission recommends to the Common Council that the Certified Survey Map (Minor Land Division) submitted by Mary Ellen Joncas for the properties at 3003 & 3025 E. Elm Rd. be approved with the following 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.

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

**REZONE
MARY ELLEN JONCAS
3003 E. ELM RD.
TAX KEY NO. 903-9030-000**

Planner Papelbon provided an overview of the request to rezone a portion of the parcel at 3003 E. Elm Rd. from Rs-3, Single Family Residential district to P-1 (CCU), Park district. (See staff report for details.)

Seeing as there were no questions or comments, Commissioner Siepert moved that the Plan Commission recommends to the Common Council that a portion of the property at 3003 E. Elm Rd. be rezoned from Rs-3, Single Family Residential district to P-1 (CCU), Park district (no changes to FF, Flood Fringe; C-1, Shoreland Wetland Conservancy; or FW, Floodway districts) after a public hearing.

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

**CERTIFIED SURVEY MAP
DARREK TRAVIS
3945, 3955, & 3971 E. ELM ROAD
TAX KEY NO. 968-9998-000, 968-9021-000, & 968-9022-000**

Planner Papelbon provided a review of a Certified Survey Map request to combine and reconfigure the properties at 3945, 3955, and 3971 E. Elm Rd. (See staff report for details.)

Darrek Travis, 3735 E. Elm Road, stated they are removing the existing shed.

Commissioner Hanna inquired about the amount of access points after combining the parcels. Mr. Travis stated there are currently two driveways. Planner Papelbon explained there are two driveways for the three current parcels. Mayor Bukiewicz clarified that after the parcels are combined to make two parcels, there will only be the two driveways.

Commissioner Oldani moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Darrek Travis for the properties at 3945, 3955, and 3971 E. Elm Rd. be approved with the following conditions:

1. That accessory structures meet all current relevant Code requirements.
2. That the Common Council Approval signature block includes the dedication of rights-of way.
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.

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

PLAN REVIEW
GOFF'S COLLISION CENTER
161 W. MARQUETTE AVE.
TAX KEY NO. 782-9039-000

Planner Papelbon provided an overview of the request for a plan review including site, building, and related plans for a proposed addition to the existing building. (See staff report for details.)

Commissioner Hanna inquired if the landscaping is impacting the wetlands. Planner Papelbon stated the wetland is on the far southeast corner.

Commissioner Hanna asked how they are going to do the grading there. Planner Papelbon explained she believes the applicant is showing existing grades and does not believe the wetlands are actually impacted where they are proposing to put the addition and fenced area.

Mayor Bukiewicz stated they would have to meet all fire codes moving forward. Mayor Bukiewicz also inquired if pavers or anything similar would be used for water management. Planner Papelbon indicated the MMSD requirements for green infrastructure are varied in what they will accept. Anything at least 5,000 square feet or greater must include rain garden, pavers, or additional landscaping. These requirements can be worked into the landscape plan.

Alderman Loreck moved that the Plan Commission approves the site plans submitted by Angela Goff Chmura, Goff's Collision Center, for the property at 161 W. Marquette Ave. with the following conditions:

1. That all relevant Code and Conditional Use requirements remain in effect.
2. That a detailed landscape is submitted for review and approval by the Director of Community Development prior to submission of permit applications, unless directed by the Plan Commission.
3. That all revised plans (site, building, and related plans, etc.) 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
OAK CREEK – FRANKLIN JOINT SCHOOL DISTRICT
9701 S. SHEPARD HILLS DR.
TAX KEY NO. 907-9020-000**

Planner Papelbon provided an overview of the request for a plan review including site, building, landscaping, and related plans for proposed modifications to the existing north access and parking area, relocation of the playground, and a gymnasium addition. (See staff report for details.)

Erin Salerno, 9680 S. Jasper Street:

“I am concerned, we bought this house looking at a beautiful playground that I could see eye line for my two little children and now it’s being replaced with a gymnasium solid wall. Above and beyond that we’re concerned about the safety. We’ve had to call the police multiple times on inappropriate behaviors happening in the playground and behind the school. As it sits right now, our property is directly behind that school and we’ve had several people run through our yards to get away from the police that have come after we’ve called. We really would like a fence. I don’t think it’s asking too much to ask for that safety for my children whose bedrooms are right at that window level. I saw that in the landscaping plan that you have, you have trees that will be on my neighbor’s yard, but not by mine probably because that’s where the existing school happens to be. I would really prefer if that could possibly be continued as well, but again I strongly would rather prefer having a fence instead to connect with the one that’s already by the sidewalk and for the steps that are next to the back of the school. If that’s at all possible. Secondly, can you talk to us about where lights or cameras for that back very, very long alley way that is going to become will be. I would like to know if those are included as plans at all, if we’ll have any sort of security back there now it’s going to be a back alley pretty much. The last thing that concerned me was the noise level from the dumpsters that are currently there, it’s very loud at about 4am and I’ve heard today quite a bit about the noise ordinances and having looked now at the noise ordinance I see that it should not be coming until 7am. So, can you tell me what I’m supposed to do about that?”

Mayor Bukiewicz informed Ms. Salerno to contact the City’s Zoning Administrator.

Erin Salerno, 9680 S. Jasper Street:

“We were concerned with a solid wall of building that would get even louder.”

Mayor Bukiewicz asked Ms. Salerno for clarification where her house is located in reference to the school.

Erin Salerno, 9680 S. Jasper Street, clarified that her house is west of the school.

John Gengozian, 9664 S. Jasper Street:

“My house is directly west of the new construction site and my concern certainly, I’ve had a couple conversations with Mr. Chromy and he’s been more than receptive and easy to work with. My first concern was of course, lighting and cameras as Erin had said. Second

of all, I had mentioned that food service comes at three, four, and five in the morning. Lot of these trucks have beepers. I can understand food service needs to come in the morning because of pedestrian traffic and vehicle traffic. I can accept that. However, now that this alley was is sort of created any truck that has to back down it or back away from it with a beeper is going to be excessively loud. Mr. Chromy and I both discussed the fact that possibly before say, 6 or 6:30 in the morning those trucks could deliver to the east entrance of this new facility, I know it's a logistics thing that he might have to work out with the facilities people that are there and the contractors that bring it, I think that problem has possibly been solved. My concern is, obviously as Erin had said, a fence. We've watched smoking, drinking, and public urination behind there. It's not rampant, but it does happen. It happens behind the school and up the stairs on top because the playground is there nobody is doing that stuff where you can see it from the street to the east. Once that gymnasium gets built this now becomes a very secluded area back there. I see that they have proposed landscaping with some trees behind my property, not that I'm opposed to trees, but I think you'll want me to be your eyes there. We have called several times and the windows have been left open on the first floor. Weather doesn't concern me, all it takes is a kid to punch a screen open. We've also called on one occasion when the doors were left open by the cleaning crew, here again, what if an animal goes in there, skunk meets a kid in the morning, that animal is rabid. Here again, been there for 16 years, it doesn't happen all the time, but I would like to be able to see down there, I can understand where they want to put a buffer for noise, but if you look at the elevation levels we're all basically looking at the second floor of the school, so as far as a noise buffer, I don't know if it would really do a lot, I would rather have a site line for myself and my neighbors and a fence for security. The other real quick question, and I know you addressed it Kari where's the rain water going from the top of this building. We do have a fair amount of marshy area behind there, some of my property has got some wetland on it, don't need it any wetter.

Mayor Bukiewicz assumes it is going to a storm sewer, but the applicant will be able to answer.

John Gengozian, 9664 S. Jasper Street:

"That was just a concern, but thank you."

Jason Christensen, Civil Consultant, Nielsen Madsen and Barber, 1458 Horizon Boulevard, Racine, WI, explained that the district has already reached out to the waste management provider in an attempt to get the trash pickup pushed back to 7:30 a.m. The school district has had internal conversations about the early morning deliveries. There are no cameras around the school, but it will have lights, as shown in the staff report. Some of the landscaping on that side was added in response to some concerns brought up during the variance hearing.

Mayor Bukiewicz suggested the school district should look at this. He asked Planner Papelbon if the City requires some kind of landscaping. Planner Papelbon explained there would probably be some sort of landscaping requirements, but wouldn't be opposed if the district wanted to put in some kind of a fence. Points of access would be a concern with the fence.

Mr. Christensen, explained that there is a stairway back there that leads to the sidewalk by the street. The landscaping was proposed to help with sound and block some of the view.

Mayor Bukiewicz asked the applicant about the concerns of rain water.

Mr. Christensen clarified that the school district has meet the City of Oak Creek ordinances as well as the MMSD green infrastructure. The goal is to maintain the current drainage patterns, however, some water around the new addition will discharge to the wetland area to the west. The remaining water will be collected with the storm sewer and discharged to the east towards Shepard Hills Drive. There is a small area of proposed wetland fill.

Commissioner Siefert asked what type of surface the proposed playground area will have. Mr. Christensen stated it will have a wood chip material.

Commissioner Carrillo asked if any students use this area to get home. Mr. Christensen, explained there is a stairway that leads to the street to the west that students use to get to and from school. However, during the school day, students do not use that area.

Commissioner Carrillo made a comment that was inaudible.

Commissioner Oldani asked for confirmation that the residents who spoke live to the north of the sidewalk on the west side. Residents in the audience confirmed.

Commissioner Oldani wanted to clarify where the new alley way will be and this is where the concern for a fence is.

Mayor Bukiewicz asked if the lights would be placed on poles. Mr. Christensen clarified the lights would be mounted on the building.

Alderman Guzikowski asked the applicant if they added trees because they heard that residents were looking for that. Mr. Christensen confirmed that at the variance hearing, there was concern over the noise of beeping from trucks backing up. The district is trying to work with delivery times to help with that.

Mayor Bukiewicz suggested a chain link fence with some bushes. The school district can work with the neighbors to come up with a compromise. Mayor Bukiewicz continued by asking how they can instruct the school district to meet with the three neighboring houses.

Planner Papelbon stated she will speak with the applicant.

Commissioner Hanna agreed with the applicant that cameras may not be very helpful to preventing incidents.

Alderman Guzikowski moved that the Plan Commission approves the site plans submitted by Andrew Chromy, Oak Creek-Franklin Joint School District, for the property at 9701 S. Shepard Hills Dr. with the following conditions:

1. That all relevant code requirements remain in effect.
2. That all Green Infrastructure requirements are submitted for review and approval to the Engineering Department prior to submission of permit applications.
3. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

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

Mayor Bukiewicz reiterated that staff will work with the neighbors.

John Gengozian, 9664 S. Jasper Street:

"Mr. Chromy has been very receptive and easy to deal with. I mean we had these concerns. I know Jason was at the variance meeting, as well. So, it's not been a rough go and she wants my trees she can have them, I'll trade them for a fence. But, I appreciate it."

Mayor Bukiewicz thanked the residents for coming to speak and being understanding to the development going on.

John Gengozian, 9664 S. Jasper Street:

"I can understand the progress, I mean I get up in the morning and I'm able to sit out and look at I don't know how many acres, that's my backyard well that's going to disappear, but on the other hand as long as the commission and people are willing to work with us, I guess that's part of life."

John Gengozian, 9664 S. Jasper Street:

"The other thing on the cameras, you put up a camera, it doesn't have to be functional all you have to do is point to a kid there's a camera there, they don't know if it's working or not. Thank you."

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:38 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

7-23-19

Date