

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, June 11, 2019**

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

Minutes of the May 28, 2019 meeting

Commissioner Siepert moved to approve the minutes of the May 28, 2019 meeting. Commissioner Chandler seconded. On roll call: all voted aye, except Commissioner Simmons who abstained.

**MINOR LAND DIVISION
MILWAUKEE COUNTY
3810 E. AMERICAN AVE. AND 9050 S. ANNETTE PL.
TAX KEY NOS: 869-9993-000 & 865-9978-003**

Planner Papelbon provided an overview of the request for a review of a Certified Survey Map (Minor Land Division) request to relocate the shared parcel boundary between 3810 E. American Ave. and 9050 S. Annette Pl. (See staff report for details).

David Cialdani, Milwaukee County, 6201 S. 116th St., Hales Corners, explained this land has been in County ownership for at least ten years. There is documentation of environmental contamination with the County and the DNR. The County began a remediation project and found the contamination to not be as bad as originally thought. The contamination is quantified mostly to Lot 2. The lot line movement is to contain the recorded contamination to the smaller lot. There are no future plans for this land. Moving all the contamination to Lot 2 will increase the value of Lot 1.

Sharon Olesen, 9080 S. Annette Place:

"I guess, I did not, was just looking more of an explanation as to what this really meant when we received the mailing. And some of my questions that I have, have been answered. My one question that has not been answered is currently Annette Place is a cul-de-sac and I see on here there is what they call an official map street. Does that mean this will eventually no longer be a cul-de-sac street?"

Mayor Bukiewicz explained the dotted lines are proposed roads that are not etched in stone and they can change.

Sharon Olesen, 9080 S. Annette Place:

"Would the gentleman who spoke for the County be able to further explain - he talked of contamination and that there were possible further funds that they were looking at possible remediation. Would he be able to explain that further to us?"

Mayor Bukiewicz provided a brief explanation and asked Mr. Cialdani to approach the podium to provide a better explanation.

Mr. Cialdani stated a Phase 1 and Phase 2 analysis was conducted by licensed independent environmental consultants. The nature of the contamination suggests sometime in the past someone dumped contaminated soil on the site. The type of contamination is surface contamination. This type of contamination allows for options for remediation. The options include removing all the contaminated soil or capping it using methods endorsed by the DNR. Capping would cover the contaminated soil with a layer of soil and place a deed restriction on the property stating the soil can never be disturbed again. At this time there are no plans with how to proceed.

Mayor Bukiewicz asked Ms. Olesen if that answered her questions.

Ms. Olesen confirmed all her questions were answered.

Richard Ackerman, 9060 S. Annette Place:

"I did have a question on the dump. I think that's the one he's referring to and I knew they had found barrels in the ground for some reason they were digging and moving and whatever and that was at the end of Annette Place, on the north end."

Mayor Bukiewicz explained he has no knowledge of that. They are required to do an environmental assessment.

Richard Ackerman, 9060 S. Annette Place:

"I was there, I moved in there on June 10, 1962. I've been around there for a long time."

Mayor Bukiewicz stated that the DNR and the EPA will tell them what is appropriate.

Richard Ackerman, 9060 S. Annette Place:

"Okay, that's fine, that's what I wanted to find out. And I had another question, what is, with all the wetlands around there how, is what is going to happen to our water table eventually? Is this going to change?"

Mayor Bukiewicz explained before any development can go in there they would have to do a wetlands delineation and there is a storm water management plan that would be attached to any developments.

Commissioner Simmons explained any developers would have to go through the standard process and apply for a wetland fill through the DNR if that is what they choose to do.

Eugene Skorlinski, 3869 E. American Ave:

"The same problem is with the contamination, I don't understand why, what we were told by the DNR years ago, was there was a lot of contamination that, you know, with drums including arsenic, and so all of a sudden it disappeared, in this statement. I wonder where is this initial report that the DNR made?"

Mayor Bukiewicz explained he has no knowledge of that statement. The County would be governed by the DNR.

Eugene Skurlinski, 3869 E. American Ave:

"The County put these concrete blocks on American Avenue so no one could drive in there and disturb that stuff."

Mayor Bukiewicz stated he is unsure of the County's intentions.

Eugene Skurlinski, 3869 E. American Ave:

"Right, well I mean that's why we're coming here and you know, start an approval process and we don't seem to have any way to..."

Mayor Bukiewicz clarified that it is not an approval process to develop the land; it is a minor land division of the lots. They are trying to isolate the areas that require remediation.

Eugene Skurlinski, 3869 E. American Ave:

"Because we were involved in this from the beginning last time, you know, they kept having to change the plan, change the plan, change the plan, and then the DNR came and said no, you can't build anything there."

Mayor Bukiewicz reiterated that he cannot speak for the DNR.

Eugene Skurlinski, 3869 E. American Ave:

"Well, I wish somebody would contact them."

Mayor Bukiewicz stated it will go through the process as Commissioner Simmons said.

Eugene Skurlinski, 3869 E. American Ave:

"And then one other thing, is on their surveyor's certificate, I don't understand the dedicating 30 feet to the public for a street on American Avenue."

Planner Papelbon explained the bottom 30 feet of the existing parcel is being dedicated to the City for any improvements to the roadway.

Eugene Skurlinski, 3869 E. American Ave:

"Well, for one thing that's the electric company right of way, that's all poles with electric lines on it. And, also that runs right into a 20 foot opening in the road where the trestle goes through. 20 foot seven inches as a matter of fact, so now we would have, right now we have a 30 foot road down to 20 feet now we would have a 60 foot road down to 20 feet so it's of no use to the City."

Commissioner Simmons explained it is a standard process when there is a minor land division for the City to get the right of way that it will need for any future road work.

Diane Skorlinski, 3869 E. American Ave:

“Like I said, I was heavily involved in the 90s when they wanted to get this all going and they actually came in and took away all the apple trees that were there. We have a lot of wildlife in that area, I guess my biggest concern, I understand you’re just doing zoning and it’s not plan for buildings yet.”

Mayor Bukiewicz corrected that this is not zoning, it is just a land division.

Diane Skorlinski, 3869 E. American Ave:

“Okay, land division for possibly building on there. My biggest concern is if it ever goes through, is really American Avenue, like I said, the road. The railroad would definitely have to be involved before anything could be done because you can’t even get two cars through the trestle. There’s a sidewalk there that is 100% unusable and I’ve been there since ’81. We have never been able to use that sidewalk and we have many people walking their dogs, many people on bikes, everything else, so we always have to take our turns waiting on one side of the trestle or the other while another car goes through and this has gotten even heavier since the park has been there, which I love, I love the park, but I’d really like to see, you know before anything go in there, the railroad has to get involved and we have to either knock out that sidewalk and make that trestle wider, where there’s also two drainage ditches in there, you know or whatever you call those sewer things underneath the sidewalk, which I’m told the city of Oak Creek can’t even clean because they have to be a certain amount of feet away from a railroad in order to maintain that, so actually my husband and I are the ones that clean those, we also clean the other two that are right across the street from us because they keep getting filled up and all the water comes down our way. So that’s a great concern the water, the drainage, and that road area to handle more traffic and that be addressed before anything be built in that area.”

Mayor Bukiewicz explained if anything is proposed to be built in there, a traffic analysis would need to be done in that area. He stated with the new development in that area the traffic will probably be addressed in the future.

Diane Skorlinski, 3869 E. American Ave:

“I hope so. I hope so, but I hear the railroad is really difficult to deal with and I’ve been wanting to call them a lot, just that trestle really needs some work and it is used.”

Mayor Bukiewicz inquired to Commissioner Simmons if there have been any talks about the trestle down there.

Commissioner Simmons confirmed to the best of his knowledge there really haven’t been any talks about it, but the trestle has been there for a very long time and it is not in the greatest condition.

Diane Skorlinski, 3869 E. American Ave:

“And cars were smaller, but like I said the main thing is there’s a sidewalk, but you can’t even use it.”

Mayor Bukiewicz reiterated that if something does go in the roads would need to be configured.

Diane Skorlinski, 3869 E. American Ave:

“That’s the main concern that I have and like I said we have the waterfall when it rains right at the end of our driveway, so I see where all the water goes and it can only go downhill and we’re right at the end of it. So, you know, it’s just concerns that have to really be addressed before anything else.”

Mayor Bukiewicz explained Lot 1 is about 19 acres, with any wetlands or roads having to be removed; everything would be taken into consideration before going further with the process.

Mayor Bukiewicz asked if anyone else wanted to speak. Seeing no one he asked the commissioners for questions, comments, or concerns.

Commissioner Siefert asked for confirmation that it is only Lot 2 is contaminated.

Mayor Bukiewicz confirmed that the County is stating it is only Lot 2 that is contaminated.

Commissioner Simmons stated the conditions listed on the proposal cover anything that engineering would be concerned about, so he has no questions at this time.

Mayor Bukiewicz explained that he met with the applicant and this really is just to isolate the contamination. This will allow the County to find out the cost of remediation and what would need to be done to clean up the land. This request is not uncommon. He continued to explain that the DNR has strict instructions of what can be capped and what can be built upon.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Certified Survey Map (Minor Land Division) submitted by David Cialdani, Milwaukee County for the properties at 3810 E. American Ave. and 9050 S. Annette Pl. be approved with the following conditions:

1. That a minimum 25-foot public water easement is included across Lot 2 prior to recording.
2. That temporary easements for the temporary cul-de-sacs at Briandean Court and Annette Place on Lot 2 are coordinated with the City.
3. That the CSM includes the future street pattern on the Official Map and/or dedicates the public right-of-way for such.
4. That the Common Council Approval signature block includes the dedication of rights-of-way.
5. 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 Siefert seconded. On roll call: all voted aye. Motion carried.

**SIGN PLAN REVIEW
WATERSTONE BANK SSB
8780 S. HOWELL AVE.
TAX KEY NO: 860-9002-000**

Planner Papelbon provided an overview of the proposed sign plan for the WaterStone Bank facility

located at 8780 S. Howell Ave. (See staff report for details).

Commissioner Chandler asked the applicant how the sign will be attached.

Al Scheinpflug, WaterStone Bank, 11200 W. Plank Court, Wauwatosa, explained there will be some angle iron to support it to the roof.

Commissioner Chandler asked Mr. Scheinpflug to explain the attachment.

Mr. Scheinpflug stated the angle iron that will be fastened to the roof and sealed. The roofer may come in to flash around it to create a better seal.

Mayor Bukiewicz asked if the sign will be illuminated.

Mr. Scheinpflug explained it will be lit from the front and back to create a silhouette.

Mayor Bukiewicz thinks it will be an improvement and help the bank.

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

Commissioner Siepert moved that the Plan Commission approves the sign plan submitted by Al Scheinpflug, WaterStone Bank SSB, for the property at 8780 S. Howell Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That any revised plans are submitted in digital format for review and approval by the Department of Community Development prior to the submission of permit applications.

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

**CONDITIONAL USE PERMIT AMENDMENT
RD INVEST, INC.
9840 S. 27th STREET
TAX KEY NO. 903-9030-000**

Planner Papelbon provided an overview of the request for a Conditional Use Permit Amendment to allow a portion of the existing building and lot to be used for a contractor's office/shop/yard, with limited outdoor storage. (See staff report for details).

Mayor Bukiewicz asked the applicant if he would like to speak.

Dragan Radeta, 7228 South 27th Street, the property owner explained the new tenant signed a three lease and the applicant would like to know if this can be accommodated. Mr. Radeta also gave an overview of the project that is covered in the staff report

Iven Heidi, TelCom Construction, approached the podium to state he is there to answer any questions.

Alderman Guzikowski inquired about how the term length was determined for the permit. Planner Papelbon explained that planning staff did not have a lease term at the time of writing the

conditions and restrictions, and felt two years would be appropriate to include for Plan Commission consideration. With the new knowledge that there is a three-year lease term, staff would be comfortable to propose that change within the conditions and restrictions. After three years they would be required to come back for an amendment.

Commissioner Chandler asked where TelCom's headquarters are located.

Mr. Heidi stated the headquarters are located in Minnesota.

Commissioner Chandler inquired if the headquarters would be moving here.

Mr. Heidi explained the headquarters would not be moving; this facility would be a regional office. This office would serve southern and eastern Wisconsin.

Commissioner Chandler questioned if this location would be in addition to the office in Milwaukee.

Mr. Heidi confirmed the office in Milwaukee will remain open, but is overcrowded right now so they need to expand.

Commissioner Simmons inquired if the eastern portion of the parking lot is paved.

Mr. Radeta explained everything is very overgrown right now because the property was vacant for seven or eight years. If the lot is not paved he will have it paved.

Mayor Bukiewicz stated if everyone is comfortable with the three year sunset it should be added to the motion. Mayor Bukiewicz also asked Planner Papelbon if the paving, if needed, should be included in the conditions and restrictions.

Planner Papelbon stated she believes the paving is already included in the conditions, but if it is not included, it is a Code requirement. If the Plan Commission would like the paving included in the conditions and restrictions, the Plan Commission can make that correction and staff will add it prior to Council review.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approve a Conditional Use Permit Amendment to allow a contractor's office/shop/yard, with limited outdoor storage on the property at 9840 S. 27th St., after a public hearing. Commissioner Siepert seconded.

Mayor Bukiewicz asked that the sunset correction be included.

Alderman Guzikowski continued the motion to include the correction of a sunset of three years.

Planner Papelbon stated staff will incorporate Commissioners' comments.

Second concurs.

On roll call: all voted aye. Motion carried.

**PLAN REVIEW
OAK CREEK-FRANKLIN SCHOOL DISTRICT
9330 S. SHEPARD AVENUE**

TAX KEY NO. 873-9013-000

Planner Papelbon provided an overview of the request for a site, building, landscaping, and related plan review for proposed baseball and softball fields with dugouts, batting cages, field lighting, bleachers, press boxes, concessions stand, parking lot, and stormwater infrastructure. (See staff report for details).

Mayor Bukiewicz invited the applicant from the School District to speak.

Andy Chromy, Chief Business and Finance Officer for Oak Creek School District, 7630 S 10th Street, reviewed some of the changes already presented by Planner Papelbon. He continued to explain that he met with community members on June 6th to discuss the changes, what is being proposed, and any of their concerns.

Jennifer Siepler, 441 E. Arthur Drive:

"I was part of the group of moms that became the Yes for Oak Creek Schools Group, there were just a bunch of moms and we would just meet at some of the restaurants in the area to try to strategize to get the word out that people in this City should vote yes for Oak Creek Schools. This was part of the referendum and the City voters approved it 55% to 45%. I'm looking at some of these houses on the bottom and thinking those people have a front row seat to two of the top teams in the state and I'm a little jealous at this point, but I really hope that you let this plan go forth. A lot of work went into this and a lot of just community members really supported this referendum and I would love to see it go forward, I don't have a player of either baseball or softball, I just think it's really important for our community to have a place where we can go. When I have been to baseball games, there's just people that don't have grandkids or they don't have players on the teams they just come and watch and I really think it's a great, another great thing in Oak Creek for the community. Thank you."

Robert Champagne, 1131 E. Elm Road:

"I just wanted to say I've been a resident of Oak Creek for 11 years now, and when I made the decision to move to Oak Creek, there's a few things that went into it, but one was the quality of the School District. I'm a school teacher in a different school district, but I chose Oak Creek because of the high quality of the schools and part of a quality school district is things such as athletics and extra-curricular activities, so I feel very strongly that this needs to go through to continue to upgrade our schools and our City as a whole. When we're looking as our City expands we are looking to attract more quality families, families do look at these types of things as they're moving into our District and obviously, there's a lot of expansion going on. I also moved here for the forward thinking of the community of Oak Creek, which it continues to grow and it does continue to move forward. I see this as a huge value to the community as a tax payer I do know that when it is time for me to depart the City, which you know will eventually happen it only increases my property values. It does improve things for myself, as well. I also notice the issues with Abendschein Park being that I believe the school is renting, the School District does not own it."

Mayor Bukiewicz explained there is a memorandum of understanding, making Abendschein Park the School's exclusive field.

Robert Champagne, 1131 E. Elm Road:

“But any improvements made by the District technically, don’t belong to the District, am I correct?”

Mayor Bukiewicz confirmed he is correct, after improvements are made the City assumes ownership.

Robert Champagne, 1131 E. Elm Road:

“Okay, and so I see that as a concern as a tax payer and as an educator that we would be putting money into something that doesn’t belong to the District, but my other concern, also is I know, currently behind home plate and getting up to the first base dugout it is located on a 100 year flood plain and as we continue to grow the City, the flood plain is not going to recede. Maybe it stays the same at best, but not realistically. Eventually that field is going to need to be changed if we want to continue to have a high quality level of athletics at that field. So, we do have a need for growth there and I’m speaking on behalf of a baseball team that I have nothing to do with quite honestly, but I believe it is very important for a community as a whole to be looking at and looking for the upgrades not just for current residents, but for future residents as well.”

Theresa Behr, 8800 S. Clover Circle:

“I am the president of the High School Booster Club for softball, I had a son who went through four years on the baseball program, he’s now 20, a daughter who’s half through her high school career at Oak Creek. A couple things to consider, especially about Abendschein, you’re playing on a baseball diamond that is far away from the school, it’s hard for teams, support, yea it’s always packed, mostly by parents to be honest with you. One thing that I like about the proposal more so then anything is that you have the baseball and softball teams, especially now that they’re both spring sports, together. You’re going to have where the high school can get together and watch all their buddies playing at once which is a huge positive for the community. I live in the subdivision behind where the new ball field is proposed. Based upon the noise that you can hear from Lion’s Fest at my house I don’t think a few ball games a year that run until 9 o’clock at night are going to be any more of a concern or disturbance. I can hear the band and I can hear anyone at the Legion and we’re a half mile, we’re just a mile from East Middle School so it’s going to be the same. Baseball and softball don’t cause those types of disturbance and I know that is something that was brought up at the previous meeting, was disturbance, lighting. No more lighting than the carnivals across the street for the week of Lion’s Fest. So those are all things that I think we need to take into consideration. We’re doing something that’s good for the community, you’re not talking about bad kids here, you’re talking about the kids who are doing something to stay out of trouble and that’s something too that we all need to consider when we’re doing these types of things, I think people are worried you’re going to have bad kids walking through their yards or those types of things. These are good families and good kids; I mean we hold our kids to a higher standard. Those are all things that I want everyone to consider.”

Dave Kopplin, 9150 S. Shepard Avenue:

"I was at the meeting last week Thursday, the new plans were presented to us in the neighborhood and everything is fine. One thing I want to draw your attention to is where the pond is in the upper left hand corner of the map, the wetland. The area just below it, or would be west of it the direction. I walked it again over the weekend and there has been dumping in that area. There's probably about, I would say six or seven dump truck loads of dirt that's piled, probably about this high (held up hand to indicate height) that's grown over with weeds and stuff and then this year in spring there was some other loads dumped, which I did mention at last week's meeting, probably 20 or 25 loads were of school's little dump truck comes in, little red truck, and dumps lots of piles, in various places. So I think that should be looked at when they're going to do this if this is part of the grading plan to create the retention pond that's fine, but if it's not, if it's just going to sit there and stay there it's probably going to block water flow that would end up in the retention pond."

Mayor Bukiewicz asked Commissioner Simmons if he was aware of this.

Commissioner Simmons does not have any knowledge of this and it should not be happening.

Mayor Bukiewicz explained they will have to follow specifications for drainage, so that will not be allowed to stay there.

Dave Kopplin, 9150 S. Shepard Avenue:

"Right, and that's the question that was raised, was drainage too."

Commissioner Siefert expressed his concerns of the two ball diamonds being too crowded. He suggested fixing up and using the ball diamond that is to the south. He also expressed concerns over parking at this facility.

Commissioner Oldani stated he likes the design. He asked for confirmation that the existing ball diamond would be used for the junior varsity girls' softball team.

Mr. Chromy confirmed that after some minor modifications to improve drainage, which are part of the district's capital improvement plan, the field will become the junior varsity softball diamond.

Commissioner Oldani repeated that he liked the design and thought it was overdue.

Alderman Guzikowski expressed gratitude to the District for working with the neighbors and making sure everyone was heard.

Commissioner Simmons stated the changes since the last plan have addressed all the comments and this is very positive.

Mayor Bukiewicz stated he was not here for the first meeting. Mayor Bukiewicz concurred with resident, Jennifer Siepler that the referendum was done by the voters. The applicant worked on details of the landscape plan and lighting after the first meeting. Mayor Bukiewicz continued by stating to resident, Dave Kopplin that the City will look into the dirt issue. He also addressed resident, Robert Champagne's concerns of Abendschein Park explained there might be modifications done in the future and it would be used as a junior varsity field. Mayor Bukiewicz also stated that he likes the design and does not feel the lay out is too crowded. The boy's baseball team qualified for state, but they can only host a certain number of games due to WIAA standards.

Commissioner Oldani explained he wanted to state another positive of this project. This project will add more parking spaces that can help with parking during school events.

Alderman Guzikowski moved that the Plan Commission approves the site plans submitted by the Oak Creek-Franklin Joint School District, for the property at 9330 S. Shepard Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the landscape plan is revised to incorporate City Forester comments as needed.
3. That all revised plans (site, building, landscaping, east elevation, etc.) are submitted in digital format for review and approval by the Department of Community Development prior to the submission of permit applications.

Commissioner Oldani seconded. On roll call: all voted aye, except Commissioner Siepert who voted no. Motion carried.

Mayor Bukiewicz stated construction should begin around August.

Alderman Guzikowski asked when construction would be completed.

Mr. Chromy explained it would not be completed until early to late spring and the grass will be seeded and take about a year to set.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:06 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

6-25-19

Date