

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, OCTOBER 13, 2020**

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, Commissioner Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert and Commissioner Chandler. Also present: Kari Papelbon, Planner. IT Manager Kevin Koenig, facilitated the video conference.

Minutes of the September 22, 2020 meeting

Alderman Guzikowski moved to approve the minutes of the September 22, 2020 meeting. Commissioner Siefert seconded. On roll call: Commissioner Oldani abstained, all others voted aye. Motion carried.

Planner Papelbon read the Significant Common Council Actions for the record (see Summary of Significant Common Council Actions report for details).

Planner Papelbon read the following into the record:

The City of Oak Creek is authorized to hold this public meeting remotely during the COVID-19 public health emergency under the March 16 and March 20 advisories from the Office of Open Government in the Wisconsin Department of Justice. Per the advisories, this meeting being conducted via Zoom video conference with telephone conferencing capabilities was duly noticed per the City of Oak Creek Municipal Code and Statutory notice requirements more than 24 hours in advance of the meeting. Members of the public have been advised of the options for participation via direct mailing to property owners within 300 feet of a proposal, via the COVID-19 information page on the City's website, via social media, and via the information contained on the meeting agenda. This meeting may also be viewed at the City's YouTube page, the link for which was contained in all aforementioned notice methods. The meeting recording will also be accessible on the City's YouTube page within 48 hours.

Plan Commissioners and participants are initially muted upon joining the meeting. Plan Commissioners and staff have the ability to mute and unmute their microphones throughout the meeting. Please mute at all times except for roll call, motions, voting, and when recognized by the Chair. Roll call and voting will occur per the usual and customary procedure, starting from Plan Commissioner seating positions south to north in the Common Council Chambers (e.g., Hanna, Sullivan, Carrillo, Loreck, Bukiewicz, Guzikowski, Oldani, Siefert, Chandler). The Chair will facilitate questions and comments by calling on each Plan Commissioner, or by requesting the use of the "raise hand" function in the Zoom webinar control panel. Only speak once you have been recognized by the Chair or moderator.

Applicants, their representatives, and all other participants who wish to speak will be unmuted

- When there is a direct request for information from the Plan Commission or staff;
- When the participant utilizes the "raise hand" function within the Zoom webinar control panel, and the moderator verbally indicates that they are unmuted;
- When a phone participant dials *9 to indicate they wish to speak, and the moderator verbally indicates that their line is open.

When unmuted, all participants must state their name and address for the record, then proceed with comments or questions.

Questions and comments may also be entered into the Q&A function within the Zoom webinar control panel. Staff and/or the moderator will monitor this function during the meeting, and provide the information requested. There shall be no private messages or side conversations during the meeting utilizing the chat or Q&A functions. Chat and Q&A messages are part of the public record.

There is one or more public hearing scheduled as part of this meeting. After the Chair announces the public hearing, staff will read the public hearing notice into the record, state that the hearing is open and subject to the meeting procedure above, and provide a brief overview of the proposal. The Chair will then proceed with the hearing by making calls for public comment. Following the third call for public comment, the Chair will close the public hearing and proceed to consideration of the remaining agenda items.

**PUBLIC HEARING
SIGN APPEAL
REQUEST FOR A VARIANCE
MICHAEL FABER, RYAN BUSINESS PARK, LLC
PART OF 1001 W. RYAN RD. (LOT 6 OF CSM 9242)
TAX KEY NO. 905-9012-000**

Planner Papelbon read the public hearing notice into the record (see Public Hearing Notice for details).

Planner Papelbon provided an overview of the request for variance allowing the applicant to install one (1) 12' x 10' monument sign on a portion of the property at 1001 W. Ryan Rd. (Outlot 5 of CSM 9265) (see staff report for details).

Mayor Bukiewicz made three calls for public comment with no response. The hearing was closed.

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Alderman Guzikowski commented that although the signage exceeds the maximum allowed by Code, it fits the scale of the corner and he had no objections.

Commissioner Chandler questioned the number of monument signs being discussed as the plan from Ryan Business Park dated August 10, 2020, shows two monument signs.

Paul Quick, Capstone Quadrangle, N17 W24222 Riverwood Drive, Suite 160, Waukesha, replied. There are two signs in the original request; because the first sign which is located across from Kwik Trip meets Code requirements, it did not require further review by the Plan Commission. The sign now before the Commission has an extra line reading "Amazon Fulfillment" to distinguish it as the entrance to the Amazon facility.

Commissioner Chandler asked for clarification that the sign reading "Amazon Fulfillment" requires an additional 2 feet in height.

Mr. Quick confirmed.

Mayor Bukiewicz expressed his support for the sign appeal due to the sheer size of the building and the scope of the Business Park.

Commissioner Siefert moved that the Plan Commission approve a sign variance allowing the installation of one (1) 12'(w) x 10'(h) monument sign on a portion of the property at 1001 W. Ryan Rd. (Outlot 5 of CSM 9265). Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**LANDSCAPE PLAN REVIEW
JOSEPH CECI, USPS
2201 E. COLLEGE AVE.
TAX KEY NO. 721-8017-000**

Planner Papelbon provided an overview of the previous discussion of the Landscape Plan Review (see 9-22-2020 Plan Commission minutes for details), The concerns raised at the previous meeting included:

- A clear delineation of work being done on the USPS (United States Postal Service) site versus what is being done very close to neighboring property lines.
- Add trees, evergreens or a screen/buffer for wind and sound protection on residential side of installed fencing.
- Lack of landscape maintenance and dust control measures during construction.
- Lack of screening of trailer/truck parking lot from the residential neighborhood.
- Concerns regarding landscaping in relation to College Avenue and Pennsylvania Avenue frontages.
- The fence design on the property.

Planner Papelbon stated that the goal of the current discussion was to address the above concerns as well as any new ones, and find practical solutions for the implementation of a landscape plan that addresses them.

Commissioner Chandler questioned whether the line of trees planted by the City and removed by the USPS would be replaced.

Joseph Ceci, USPS, P.O. Box 505, Hales Corners, said he was unfamiliar with the trees that were removed.

Commissioner Chandler referred Mr. Ceci to page 4 of the staff report.

Mayor Bukiewicz added it was the farthest west end of Chapel Hills subdivision, as well as the northern border, where the trees were lost.

Planner Papelbon read the applicable section from the staff report: "it should be further noted that contractors, working on behalf of USPS, had removed trees that had recently been planted by the City (on the USPS property) in preparation for the installation of a fence. It is the City's expectation that the landscaping plan for this area be supplemented to account for those trees that had been recently removed." Planner Papelbon added that wherever the installation of the fence had occurred is where the City-planted trees were removed.

Mr. Ceci responded that the fence was specifically located to avoid the removal of any trees. Mr. Ceci added the fence line along the park was moved back due to property line concerns, but he did not recall any trees being removed.

Mayor Bukiewicz stated that he believed it was on the western edge abutting Chapel Hills Park, and that he recalled the City Forester planting them.

Mr. Ceci stated that he did recall the City Forester planting trees, but did not think that any of them were on Postal Service property. The USPS also paid the City for street-tree planting along Pennsylvania Avenue.

Commissioner Chandler asked for information regarding replacing two screening walls - one adjacent to the neighborhood, and one between the employee parking lot and the residential property along Pennsylvania Avenue.

Mr. Ceci replied that the USPS does not intend to construct a visual barrier of that nature.

Mayor Bukiewicz referenced a letter dated January 2, 2020 from the USPS to the City of Oak Creek in response to a list of questions the City had asked. The USPS reply indicated the contractor was required to conform to site design requirements of the 2008 PUD (Planned Unit Development), which included a 20-foot sound abutment wall. Mayor Bukiewicz asked if the wall would be going in as that was a concern of the neighborhood.

Mr. Ceci replied that at this time, the USPS does not plan to install the wall.

Commissioner Chandler asked whether any barriers would replace it.

Mr. Ceci noted there were already two earthen berms of significant height that were constructed to alleviate sound and visual concerns. The design of the site plan changed significantly from what was conceived in 2008, and construction of the sound barrier was deemed to be not necessary.

Mayor Bukiewicz again referred to the January 2, 2020 letter. The City had asked that all loading docks be substantially screened from public view with screening walls and/or natural landscape, and the response was that the contractor would conform to the design site requirements of the 2008 PUD. Mayor Bukiewicz asked whether the docks would be bermed so as not to be seen from the Chapel Hills subdivision.

Mr. Ceci answered that the siting of the building with all docks facing west and the construction of the two new berms prevent anyone from Chapel Hills from viewing the docks.

Mayor Bukiewicz asked if the berms had been installed.

Mr. Ceci replied that they had per the landscape plan.

Mayor Bukiewicz asked if any of the fencing for the property within the front or street yard facing residential areas was decorative wrought iron as requested in the 2008 PUD.

Mr. Ceci said other than what faces College and Pennsylvania Avenue, the fencing is standard 6-foot high cyclone fencing.

Mayor Bukiewicz replied that according to the 2008 PUD, chain link fencing was only permitted to the extent it was screened by the berm.

Mr. Ceci answered that much of the fencing was located so that it was effectively screened by the berms and the natural landscaping. If the City requires additional screening, they should please note it in a response to the USPS.

Commissioner Chandler asked about the plan for landscaping along College Avenue and in the parking areas.

Mr. Ceci stated the landscaping in the parking area would primarily consist of ornamental beds in two traffic islands. There is also supplemental landscaping facing College Avenue adjacent to the building, and between the lawn area between the building and the service road that connects the traffic circle to the truck entrance.

Commissioner Chandler pointed out the plans indicated more landscaping throughout the parking areas.

Mr. Ceci said the landscaping budget allowed for the concentration of plantings primarily between the Postal Service property and the park. If the City wishes to request additional landscaping, it should be identified in a written response to the USPS.

Commissioner Chandler also asked Mr. Ceci to address the lack of landscaping facing College Avenue.

Mr. Ceci stated that the landscaping has been implemented per the current landscape plan and construction contract.

Commissioner Siefert asked Commissioner Sullivan if the stormwater runoff was tapered properly to prevent runoff from entering Chapel Hills.

Commissioner Sullivan expressed concern for the properties along Pennsylvania Ave and the first several properties along Poplar Avenue west of Crane Drive. The grading done by the USPS did not meet the grading plan. They created a swale along the fence line on the east and south property line, of which Engineering is uncertain how well it drains. The remainder of the site does drain appropriately.

Alderman Guzikowski reiterated there are many unanswered questions from the neighbors such as drainage, berming, fencing and screening, and they do not seem to be getting any direction or help from the Postal Service.

Commissioner Sullivan stated the Engineering Department felt the site did not meet the grading plans as submitted to the City.

Planner Papelbon relayed a comment from the Q&A submitted by Nancy Sobczak, 6485 S. Crane Drive: "the landscaping and planting of trees is located inside of the USPS property, not outside of fence to block the neighbor's view of the fence."

Mr. Ceci stated that he presumed that Ms. Sobczak was referring to the eastern boundary and that as shown on the landscaping plan, the trees and shrubs were planted within the Postal Service fence line. That was done because between the property of those neighbors and the

fence, the contractor had to redesign their site drainage to create a swale. Planting trees and shrubs there was deemed counterproductive to ensuring proper drainage of the site and of the neighbor's sites, which all drain into that swale that the Postal Service's contractor has created there. The swale is designed to take all the water that comes from the site and the neighbor's properties on South Pennsylvania, to the southeast corner of the lot, and then turn it to flow in a westerly direction through the existing wetlands. At the west end of the wetlands, there is a structure that takes that stormwater out and discharges it further onto Postal Service property.

Planner Papelbon stated there were two more Q&A comments. The first was from Rachel Miliacca, 6470 S Crane Drive: "the fence was on the top of the berm," and the second was from Nancy Sobczak, 6485 S. Crane Drive: "[she is] on the south side of the property."

Planner Papelbon provided another Q&A comment from Kristin Chmielewski, 2030 E. Norwood Drive: "end of Norwood berm is shorter than the berm, also L-shape around the semi parking is gone."

Mayor Bukiewicz asked: "Is what the neighbors are seeing what it is going to be, and is this all that can be expected of the USPS at this time?"

Mr. Ceci answered that anyone who sees the site is seeing it as fully landscaped as the USPS intends it to be. The plan was submitted to the City for review, if the City would like to make additional landscaping suggestions.

Mayor Bukiewicz asked Planner Papelbon what choices the Plan Commission had with regard to the landscape plan before them.

Planner Papelbon replied that what the Plan Commission was trying to get at is a mutually acceptable solution to some of these questions and concerns that have been raised. If there needs to be more conversation between the City and the USPS, it can certainly be done. The USPS is asking for concurrence of this plan. If the Plan Commission is not comfortable with that, they can either hold the item, or vote for or against it.

Planner Papelbon added there were two more comments submitted in the Q&A from the neighbors who have already spoken or submitted through the Q&A function. One regarding something about "shorter than the fence" and the other stating "there is no wall around the semi parking or berm."

Mayor Bukiewicz reiterated Mr. Ceci's assertions that there would be no walls at the loading dock - that the vegetation and berms were supposed to suffice and also be the sound barrier.

Alderman Guzikowski voiced reservations about concurring with the current landscape plan, expressing his frustration with the lack of and miscommunication with the USPS.

Mayor Bukiewicz agreed with Alderman Guzikowski. He added that there were valid concerns over stormwater runoff. The City would like to work in better partnership and have a clearer understanding with the USPS.

Mayor Bukiewicz responded to a comment in the Q&A from Ms. Sobczak regarding "camouflage of fences with plantings," stating it was made clear by Mr. Ceci that the fence will not have any plantings or vegetation outside of the Postal Service property.

Commissioner Chandler asked Mr. Ceci about controlling dust to the residential neighborhoods.

Mr. Ceci acknowledged that dust control was an issue during the construction of the facility. He worked in coordination with Doug Seymour, asking that anytime there were complaints about dust, Director Seymour contact him directly and he would instruct the contractor to take remediation efforts. The contractor did institute remediation during construction when there was dust being created, by the use of water trucks that came and watered the bare earthen areas. The site is now done with the grading. Mr. Ceci stated that he does not believe that dust is going to be an issue anymore. All areas that are not built or paved are going to be landscaped with grass or prairies, except for the two small retention ponds, and there should no longer be any concern about dust for the neighborhood. Regarding stormwater drainage, Mr. Ceci added that the entire site is designed to drain to the large stormwater detention pond. Along the access road to the site for the employees, from the traffic circle just east of it, there is an underground stormwater sewer system that takes the water that runs off of the streets, the paved area and off of the large grassy area south of the employee parking lot, and routes it underground directly to the larger stormwater retention pond at the south end of the property. All the runoff from the building, the downspouts, the internal downspouts and the parking and maneuvering areas and the drives, that is also routed underground to that large stormwater detention facility. There is no water from the site that is not handled in accordance with the Stormwater Management Plan that was submitted and approved by the state DNR (Department of Natural Resources). The stormwater system for the Chapel Hills subdivision drains onto the Postal Service property, and has since the subdivision was built. It is routed through natural soils, through Postal Service property, to the point where it joins the outflow into Oak Creek. Mr. Ceci stated that he is puzzled by concerns about stormwater drainage, stating that he believes that it has been thoroughly dealt with and should result in no problems for the neighbors or the subdivision.

Planner Papelbon read a Q&A comment from Rachel Miliacca regarding stormwater: “the berm is sloped to drain water to their front yard and the neighbors side yard, there have been problems with water in the past and sloping the berms toward the neighborhood is not a good choice in [her] opinion.”

Mayor Bukiewicz requested the input of Commissioner Sullivan with regards to stormwater runoff.

Commissioner Sullivan commented that the area in question was located at the corner of Crane Avenue and Poplar Drive. It was originally intended to drain all the way from the home, down USPS property, to the employee driveway that runs north-south. For some reason, the contractor chose to change the grading plan and create a berm and a swale that runs from the north to the south corner, and then heads west through the wetland area back along the path along Poplar Avenue. Commissioner Sullivan expressed the opinion that, engineering-wise, it probably still met the stormwater plan, but it was not a particularly good neighbor choice. The plan should have handled the water the way it was designed. Soil could have been used in other locations if storage of it was a need, instead of the grading that was originally intended. Commissioner Sullivan added that at this point, it is a matter of ensuring the drainage does not negatively impact anybody, and that is what needs to be concentrated on.

Mayor Bukiewicz asked Mr. Ceci what the chances of getting any additional landscaping through the USPS were, because the current plan did not meet standards for the neighborhood.

Mr. Ceci responded that it was important to clarify the purpose of the Landscape Plan submission. The development agreement required the Postal Service to submit the landscaping plan to the Plan Commission for review. The USPS is neither asking nor expecting the Plan Commission to

approve, concur, or reject it. The purpose of the submission was for the Plan Commission to respond to the Postal Service with specific comments and requests if they would like to see changes in the plan that the USPS has developed. Mr. Ceci stated he did not see the need for the Plan Commission to approve, concur, or reject the plan. The plan was developed and has been implemented. If the Plan Commission feels that the plan requires refinement or improvement or modification, they should respond in writing to him, as the representative of the Postal Service, with their suggestions, concerns and requests. Mr. Ceci also said he was available anytime to meet with anyone representing the City to walk the site and review the concerns that have been raised about drainage of the site. The Postal Service has retained a surveyor who is preparing a survey of the entire property showing the as-built condition, and that would include the grades as well. When that is completed, it can be made available to the City.

Planner Papelbon noted there were six conditions in the suggested motion that speak to some of the concerns and issues raised as follows:

1. To provide landscaping along College Avenue to better address the intent of the original 2008 proposal.
2. To identify and describe the materials and heights of all fencing proposed, including any such berms and landscaping that may be required per the 2008 agreements.
3. To create a third landscaped berm at the south end of the parking and loading area adjacent to Chapel Hills Park.
4. To provide landscaping at the intersection of College and Pennsylvania Avenues in recognition of its shared gateway entry into the cities of Oak Creek and South Milwaukee.
5. That parking areas be landscaped in accordance with the Municipal Code.
6. That information be provided on the height and diameter of proposed trees at maturity to determine if they would form an effective visual screen.

Planner Papelbon stated that these are the suggested conditions or recommendations for revisions to those plans per the suggested motion before the Plan Commission. If they wish to be more specific about what they are requesting in terms of changes, this is the appropriate forum to note them. Planner Papelbon stated that Mr. Ceci was hearing some of the concerns speaking directly to areas that would be part of the changes that would be requested.

Mayor Bukiewicz stated he would like to add a condition that the Engineering Department confer with USPS staff to be clear on stormwater to ensure the satisfaction of the neighbors. Mayor Bukiewicz also wondered if there was any type of natural vegetation that could be put on the Postal Service side to help camouflage the fence.

Commissioner Oldani asked if holding this item was an option.

Planner Papelbon responded that if the Plan Commission wished to hold this item again, they needed to prepare the areas they wanted to see addressed in the next iteration of plans per Mr. Ceci's comments. If everything needs to be in writing, then the Commission needs to be very specific about what it is they want to see.

Commissioner Oldani stated that he was trying to interpret what Mr. Ceci was saying. No matter what decision the Plan Commission makes, it doesn't sound like the USPS is going to recognize that decision one way or the other. The only thing they are willing to entertain is a discussion in writing about suggested changes. Commissioner Oldani added that he would prefer to hold the item until the Plan Commission really understands what needs to be done to help the neighbors.

Mayor Bukiewicz agreed with Commissioner Oldani that they needed to be specific in their requests going forward.

Planner Papelbon stated that although written comments have been submitted with regards to these plans several times by Director Seymour, this would be an additional opportunity to include any more comments.

Planner Papelbon relayed another comment submitted through the Q&A from Ms. Sobczak: “[she] personally spoke with Mr. Ceci along with Rachel Miliacca after the last in-person planning meeting, and he assured them that the landscaping would be on the neighborhood side of the fence.” Ms. Sobczak wants to know when this changed.

Mayor Bukiewicz reiterated that he would like to voice all requests to the USPS at once, in the hope that they would be kind enough to respond.

Alderman Guzikowski agreed with Mayor Bukiewicz with regards to Engineering examining the stormwater runoff.

Mayor Bukiewicz questioned whether the Commission should hold the item and send a formal letter to the USPS.

Commissioner Hanna agreed with Mayor Bukiewicz and Commissioner Oldani that the item should be held, and a formal letter generated.

Planner Papelbon stated that specific areas of concern should be stated in this open forum discussion as much as possible, in order to include these initial comments on the record. Planner Papelbon suggested that it may be an appropriate time to open the floor for public comment.

Michael Kniess, 6419 S. Pennsylvania Avenue:

“The fence is on top of the berm, and I'm wondering who's going to maintain the property between my property line and that fence, and the fence is on top of the berm on the east side of the lot.”

Mr. Ceci replied that the Postal Service will maintain all of its property to its property lines, including outside of the secured perimeter fencing.

Mr. Kniess:

“So, is there going to be a specific maintenance schedule for that property so we don't have shoulder high weeds through there, like we have since construction started?”

Mr. Ceci said he was not 100% familiar with how that gets developed, but yes, there will be a standardized maintenance plan. He believed it was currently in the works.

Mr. Kniess:

"With following the Municipal Codes and keeping the weeds down where they are supposed to be."

Mr. Ceci said the Postal Service Inspection Service requires that the USPS maintain a 10-foot mowed strip of land, and if it is the desire of the neighborhood that the USPS mow all of the property to the property lines as opposed to letting it go natural, that should be put in writing in the letter from the Plan Commission.

Mr. Kniess:

"Plan Commission, please do so. I don't want to maintain Postal Service property and I don't want all the mosquitoes. They're not cooperating with us. I don't figure I need to cooperate with them."

Mayor Bukiewicz asked Mr. Kniess if there was anything else.

Mr. Kniess:

"No, that should do it, thank you. My neighbor Mary's got a concern with the property that they've cut out and culled into her side of that line. It's all full of the woods and stuff. I'd like for you all not forget that either."

Mayor Bukiewicz said he was not familiar with Mary's property.

Mr. Kniess:

"Mary Liebsch, right on the corner of College and Pennsylvania. The very first property."

Commissioner Hanna asked Mr. Kniess to make sure that the Commission had contact information for both he and Mary.

Kristin Chmielewski, 2030 E. Norwood Drive:

"Just wanted to actually get a couple clarifications because it was, I was the one that was out there with Joe Ceci. Joe if you can hear me, and Doug, and you both were going over a couple things regarding the berm or a 20-foot wall and reassured me at that time, that one or the other would be happening. And at that time there was an L-shaped berm going on, which the L part of that did get taken down so that giant rock that you were asking me if I wanted in my backyard, and I could take it, that L-shaped berm there is now gone. That did help a lot to cover that semi trucking parking lot, but like I said, that's gone. Is there a way to put in something, or for them to request that we attach those two berms now because now it's just like one line of berms instead of an L-shape? Or can that not be done because of drainage? Um, and also back in that same conversation, I can't remember exactly the date that it was when we were all out there conversating, but you said that the property was not going to be maintained and you're going to let it grow wild back over here just like it was in the past. And with the trees that were taken down, those were trees that I put in that you okayed that I would be able to put in around that property line and now there's still just a big pile of dead tree branches that nobody took care of over

there, that pile is still there around all the trees that the landscaping company did put in. So, I was just wondering about those questions.”

Mr. Ceci answered that he did recall what Ms. Chielewski referred to as the “L-shaped berm.” That actually was not a berm - that was the contractor’s storage of topsoil which had to be used at the base of the interior of the detention ponds. When Mr. Ceci said they were going to construct berms, he did not fully understand that Ms. Chielewski wanted to maintain that L-shaped configuration. If the Plan Commission wishes to request that the smaller of the two berms be extended into an L-shape configuration, it should request so in writing in its response to the Postal Service. Mr. Ceci said he honestly does not recall the trees that people have referred to several times now as having been removed. Mr. Ceci offered that he was available to meet with the City’s representative at a mutually convenient time to review the situation.

Ms. Chielewski:

“Hi Joe, this is Kristen again. Can I butt back in for just a second? It was actually, I went out there when the fence was coming, and it was the fence person, the fence contractor. He was the one that took down all the existing trees. And the existing trees that I’m referring to were at the end of my road which is at the end of Norwood going into Spruce. They were right around that property line and the fencing contractor took them down. He went on, and some of them were planted on Oak Creek’s side, but he was told by his manager to take it all down and go right where Oak Creek mowed, but Oak Creek was actually leaving those trees there because they were existing trees already.”

Mr. Ceci apologized and said that he was unfamiliar with that situation.

Ms. Chmielewski:

“Okay, thank you. Um, would you be able to talk to the contractors or the landscapers to get rid of the pile of dead trees that’s up along the property line?”

Mr. Ceci answered that, absolutely, it was not acceptable for them to leave them like that. He added the contractors are not done with the project yet and that will be the answer he will get.

Ms. Chmielewski:

“Okay, thank you. And yes, if you, or whoever, the Commissioner, if you guys can all please make sure you put this request in writing on my behalf, that would be excellent, because all of the surrounding neighbors around where I live anyways, we all want that semi trucking parking lot covered with something.”

Mayor Bukiewicz asked Ms. Chielewski if there was anything else.

Ms. Chmielewski:

“Yeah, I think so. I’m just extremely unhappy with all of it so I’m just really hoping something can be done about covering some of this up. And we can see the fence line, so if you do come out and walk the property, the property is, or the fence line is, above the berms, like we can see all of the fencing.”

Nancy Sobczak, 6485 South Crane Drive:

“Okay, I am going back to this water because I'm right on the corner of Crane at the end of the road there. And I know you're talking about the water and the berms and they got that little gully or whatever. But when they were putting in the drainage, the drainage didn't go all the way to the end of their property, it went to just before where they put the fence up now. So, all that water beyond that fence, to the east of that fence, is going to run into gullies and we've already had terrible water problems on that corner of that lot right there and I'm just afraid. it's just going to be a big pool. So, right in the south-east corner there of that property, so right at the end of Crane. So, they have the fence, but the fence isn't directly behind my house, it's behind my neighbor going west, but that whole area that's unfenced as Postal property, but they didn't put the draining tubes that they put underground, they didn't put them all the way to the end of their property, they just put them on, they ended them right before their fence line inside of their property. And then outside, they got the berm and now a gully there, and that's where the water is going to pool. That's where we've had water problems in the past, and it's going to be worse now, because it's going to be running down, it's going downhill now.”

Commissioner Hanna asked if Ms. Sobczak had taken any pictures after yesterday's rainfall.

Nancy Sobczak:

“I did not. I work late so by the time I get home, it's dark outside so I could not see. Maybe one of my neighbors have because I know we were all talking about it.”

Mayor Bukiewicz thanked Ms. Sobczak for her comments, adding that the Commission was compiling a list and would be sending a letter to the USPS.

Rachel Miliacca, 6470 South Crane Drive:

“I'm at the dead end across the street from Nancy, but a little bit to the north and I'm kind of going off of what she talked about as well. And Christine, to answer your question, I did not, I was not able to go out far enough to get pictures of the rain that we had the other day, however, you can see from our front yard that already part of the berm is deteriorating from the rain and the slope of the berm is right to our front yard. And you can't walk there to get the pictures. First of all, the weeds are quite high, so I can't take a picture from my front porch, but we tried to walk closer. There was a puddle there from just that little bit of rain that we had on Monday, Sunday, whatever day it was. It's so muddy, so I can't even go out there to get a picture, but I do have pictures from the previous, before the weeds got so high, and I certainly can submit that to somebody. I'm not sure who. I reached out to Doug and I haven't heard from him yet, because I wanted to send him a copy of those pictures.”

Mayor Bukiewicz: instructed Ms. Miliacca to submit the pictures to Director Seymour, Engineering, or himself, so that he could include them with the letter to the USPS.

Mayor Bukiewicz stated that in addition to the six items listed by Planner Papelbon in the suggested motion, they had since discussed stormwater sewer, clarity for mowing up the property line, the L-shaped berm, a request for vegetation to block the loading docks, a request to replace trees and pick up dead trees and the gully at the bottom of the berm affecting Crane Drive.

Mayor Bukiewicz asked Planner Papelbon for direction on what the Plan Commission's next steps should be.

Planner Papelbon stated that she had also heard a resident request for a maintenance agreement to be addressed in any communication with the USPS. Planner Papelbon suggested the Plan Commission could hold the item in order to prepare a written statement that would then be adopted at the next meeting and submitted for response by the USPS. The Plan Commission could also try to craft a motion that would get to some of these issues by adding them to the six conditions that were listed in the staff report. Planner Papelbon suggested the best course of action would be to hold the item, very clearly specify and identify those areas of concern that are more specific than the six conditions already identified, compile all of the comments that have been received to date, and put them in a letter for Plan Commission consideration at the next meeting.

Mayor Bukiewicz stated he thought that in order to clearly address the neighbor's concerns, the item should be held so that a letter could be drafted and reviewed at the next Plan Commission meeting.

Commissioner Oldani strongly suggested taking Mr. Ceci up on the offer of a site walk-through before a letter was sent, to confirm that nothing was missed.

Mayor Bukiewicz agreed that the item should be held and staff should participate in a walk-through and prepare the letter.

Planner Papelbon suggested that "staff" be identified as the Director of Community Development, a representative from the Engineering Department, and the Mayor.

Commissioner Oldani also requested an invitation to the District 1 Alderman, Alderman Kurkowski.

Planner Papelbon stated that the walk would need to occur before the next Plan Commission meeting on October 27, 2020, and offered to facilitate a meeting date.

Commissioner Siefert moved that the Plan Commission hold the item to the October 27, 2020 meeting. Commissioner Oldani seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT
ABDEL ALI, CRYSTAL LAKE TOYOTA SCION DBA LAKE VIEW AUTOS
9543 S. CHICAGO RD.
TAX KEY NO. 912-9993-000**

Planner Papelbon provided an overview of the request to allow an automotive, motorcycle, recreation vehicle, and marine sales facility on the property (see staff report for details).

Commissioner Hanna questioned whether there would be outdoor signage or advertising for the business, or any display of the type of equipment being sold.

Planner Papelbon replied there would be no outdoor storage or display of the items to be sold. There is an existing pole sign, and any future wall sign would need to comply with Code requirements.

Alderman Guzikowski stated he was happy to see a new business in the existing building.

Commissioner Siepert questioned whether the automotive items to be sold were new or used.

Abdel Ali, 1420 West Foster Avenue, Milwaukee, stated that they will only be selling used equipment at the inception of the business, and then planned to franchise and sell brand new vehicles down the road.

Commissioner Chandler asked how the business hoped to acquire customers since all of the items are stored on the inside.

Mr. Ali explained that everything was going to be done by appointment. The company has a large web presence, and will be leveraging social media accounts like Facebook and Instagram along with their own website. There is a scheduling application linked to their website that will allow users to inform them if and when they are interested in one of the vehicles. At that point, a sales representative would be sent to meet with the client onsite. The vehicle would be brought outside for them, and they would be allowed to test drive the vehicle after their driver's license and a pre-authorization payment were collected. If they decided to proceed with the purchase of the vehicle, financing and everything else would be completed indoors.

Commissioner Hanna asked the applicant about maintenance of the used equipment for sale.

Mr. Ali responded that they have a contract in place with a mechanic shop located on S. Wynlake Avenue. That is where the vehicles will be serviced, and that is also where the vehicles will be detailed. Once they are deemed showroom ready, they will be brought into the indoor showroom.

Mayor Bukiewicz asked about any storage of trailers outside.

Mr. Ali replied not at this time.

Planner Papelbon said the restriction on outside storage would be covered in the Conditions and Restrictions.

Alderman Guzikowski moved that the Plan Commission recommend that the Common Council approves a Conditional Use Permit for automotive, motorcycle, recreation vehicle and marine vehicle sales within a portion of the existing multi-tenant commercial building on the property at 9543 S. Chicago Rd. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting (October 27, 2020). Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

COMPREHENSIVE PLAN AMENDMENT

9141 S. 13TH ST.

TAX KEY NO. 877-9010-000

Planner Papelbon reminded the Commissioners that this item was reviewed at a public hearing at the beginning of September. The original request was to change the land use category of the parcel from Commercial to Industrial. Within the staff report, there was a suggestion that if Industrial was not something that could be supported by the Plan Commission, that Business Park might be an alternate consideration that might also fit within the request. That was also presented for Plan Commission review and was part of the motion. At the time we did not have a full Commission, and the split vote was four against, three in favor. Because there were two

Commissioners absent, and because the statutory requirement is for a majority of the reviewing Commission to recommend approval, two absentee votes could actually change the outcome of that decision. Additionally, as was mentioned in the staff report, this is a reconsideration. The Business Park option was within the staff report, but was not the initial request. The applicant did take those comments made during the hearing into consideration, and provided some revisions based on the discussion at the last meeting. The reconsideration aspect is taking all of those details into this consideration. We are not looking at a new hearing before the Plan Commission because we have already fulfilled that requirement, and the ultimate approval authority is actually the Common Council, so there is a public hearing that has been scheduled before the Common Council in order to consider that adoption ordinance. Planner Papelbon noted this was discussed very extensively with the City Attorney, and it was determined that this was the proper course of action should the applicant wish to come back to the Plan Commission and request consideration of the full Commission before proceeding to Common Council consideration.

Planner Papelbon provided an overview for the reconsideration of a request to change the Land Use Plan category from Commercial to Business Park for the property at 9141 S. 13th St. (see staff report for details).

Mayor Bukiewicz said he felt that the Business Park designation gave the Plan Commission far more flexibility and control going forward, suggesting it could turn into office, contractor space or manufacturing. Mayor Bukiewicz added although the Comprehensive Plan was just updated in March, ultimately, the Commission has to make the right decision for what is best for the entire City of Oak Creek.

John Schlueter, Frontline Commercial Real Estate, 7625 S. 1st Street, Suite C, addressed the Commission. He said he was happy to go over the entire plan or answer questions, but felt he should first address some of the traffic concerns from the last meeting. Mr. Schlueter stated that a traffic analysis shows the current zoning would generate 7 times more traffic than the proposed zoning. *(Note: the request is not for rezoning the property).*

Alderman Guzikowski asked the Commissioners to turn to the last page of their report, and take a look at the letter sent by the neighbor stating they felt "Industrial" was the best designation for the land.

Commissioner Hanna stated that the residents should have a chance to offer their input.

Planner Papelbon replied that all neighbors within 300 feet of this proposal were informed of the meeting, and that other than the letter included in the packet, she had received no negative feedback or comments from landowners. Planner Papelbon noted that at least two neighbors spoke in favor of the proposal at the last Plan Commission meeting.

Alderman Guzikowski added that, as the Alderman for this District, he has only received positive feedback about the project.

Commissioner Carrillo said that she was one of the Commissioners that voted no to changing this [land use category]. Commissioner Carrillo wondered if the residents were really aware of what this development could be, versus what it is currently zoned for. Commissioner Carrillo also commented that she had not heard anything that would cause her to change her mind.

Alderman Loreck voiced his agreement with Mayor Bukiewicz's comments, that this seems like a good fit for the location and the [land use category] change will allow the Plan Commission a measure of control.

Commissioner Oldani expressed mixed feelings, particularly being directly across the street from a residential neighborhood. Commissioner Oldani said he felt that something commercial would better serve the residents and added that he, too, hadn't heard anything that would really change his mind.

Commissioner Siefert said that he also has mixed emotions, but finds himself leaning toward a Commercial [land use category].

Commissioner Chandler asked Mr. Schlueter if he could provide a little more information on why the change from Commercial to Business Park is the preferred option.

Mr. Schlueter explained that Commercial is largely office and retail space, and there are a number of locations throughout Oak Creek that currently offer that. Other than Steinhafel's (furniture store), the neighborhood tends to be heavier uses, such as Aldi, a commercial and industrial tire center (United Rental), which not only has heavy equipment, but also extensive outside storage. The McDonald's has parking for 16 tractor trailers, and Mr. Schlueter stated that he felt there were many more trucks going in and out of those businesses than there would be in this development. Mr. Schlueter stated the development is economically viable. Since 1986, the property has been zoned Commercial for those retail uses, and nobody has been interested in the parcel with that designation. However, with the Business Park designation, Mr. Schlueter stated that he has several people that are interested, none of which would require any outside storage. None of the trucks that would be entering or leaving the property would pass a single house. They would be forced to turn right, which is the more convenient way to get to the highway. Because of the natural grade change of 13th Street going up when you're heading north, the property is actually going to be 16 feet below grade, meaning 50% of the elevation of the building will actually be hidden by 13th Street. Mr. Schlueter stated that these warehouses and businesses need to go someplace, and one alternative would be going south on Howell Avenue to the Business Park there. To get to the highway from there, you would pass between 40 and 50 houses directly butted up to Howell Avenue and 13th Street, whereas vehicles leaving the 13th Street property would not pass a single house. Mr. Schlueter referenced a slide of the traffic options from the 13th Street property to the highway, versus the traffic options to the highway from the Business Park on Howell Ave. The 13th Street property is 1/6th the distance from the highway, and traffic does not pass a single house.

Commissioner Chandler questioned what types of tenants would be in this building that cannot be in a commercial building.

Mr. Schlueter responded that he has owned a manufacturing company with the headquarters in Oak Creek for the last 10 years, and would like 100,000 square feet of this property for his headquarters. There is interest from two food manufacturers, but as those are not office or retail uses, they are not allowed under the current zoning.

Tom Ablor, 1230 W. York Street:

"A couple questions, one of them that I think the gentleman answered, where there's going to be signage where they can't make a left-hand turn going north on 13th Street, is that correct?"

Mr. Schlueter replied that was correct.

Mr. Abler:

“Okay. And I think, to the other question, it's going to be below grade, so it's going to be lower than 13 Street, your business?”

Mr. Schlueter said that it would be significantly below grade - the York and 13th Street intersection would be 16 feet below grade. Mr. Schlueter attempted to refer to a slide view which was slow in loading.

Mr. Abler:

“While the slide is loading, can I rattle off another question I had? You had a thumbnail of what looked like a street going in in the future. And I don't know if I read that correctly, but did you say that's going to be residential, that's directly north of the of the building?”

Mr. Schlueter answered that is the neighbor's property to the north who wrote the letter supporting this change.

Mayor Bukiewicz added that this land is currently a farm field.

Mr. Abler:

“So, there's a house that's directly across from it. Is that going to be removed? I would think it would have to be because of that road. At least that's the direction of the road.”

Planner Papelbon explained that what Mr. Abler was seeing was the Official Map, which lays out future roads for the City. There is no immediate plan for that particular road to go in anytime soon. At such time that parcel comes up for development, that road would be reviewed at that time. It is not included as part of this particular request for this particular development of this property.

Mr. Abler:

“Okay, good, understood. Okay, and just one comment there, especially during rush hour, the cars are coming down there at a big, at a pretty good clip. And I think I typed in, not very well, but in the notes that there might be contractors, or I was thinking big large vehicles, coming in and out of that intersection. And I can foresee that kind of being dangerous, that people are going 45-50 miles an hour, because as you said there is an incline and sometimes when I leave my subdivision, unless I you know, look way down the road, and even when they do that, I can, people are coming up that hill at a pretty good clip. You can't see them till the last minute, since there is a grade, but that's just my, my concern.”

Mr. Schlueter thanked Mr. Abler for sharing his concerns, explaining that the traffic professionals recommended an acceleration lane, which would be part of the plan. Cars turning right out of the property wouldn't actually go into the current drive lane; rather, they would have their own small lane to get going outside of the faster traffic.

Mr. Abler:

“Okay, that would be, that would be definitely helpful because I know this is a sharp turn.”

Denise Abler, 1230 W. York Street:

“This is Denise, Tom's wife. I do have some other concerns about noise because in the summertime, since they expanded the highway the interstate, if the weather, if the wind is coming from a certain direction from the west, we hear a lot more traffic noise. So, would we be looking at maybe having some type of barrier, whether it's landscaping or fencing or something to help with that noise?”

Mr. Schlueter answered that he felt strongly that the building itself would actually stop a lot of the noise. Out of consideration for the neighbors, he is proposing double the landscape that would normally go into a building or development of this type, which would significantly reduce the volume of the traffic and would actually reflect a lot of that noise back to the west.

Ms. Abler:

“That would be awesome. Um, I find it interesting that more of our neighbors haven't commented on this. I mean, I know some of them are further back into our subdivision so they may not hear the noise and maybe don't see the traffic that Tom and I do because we're right on the corner, but even on good days... I know you talked about changing that lane so that whoever's coming out of your business goes into a separate lane, so does that mean you're widening our road and we're going to lose our berm that we have in our, in our yard?”

Mr. Schlueter stated they would only be doing that on the western half for an acceleration lane going south.

Mayor Bukiewicz asked if Ms. Abler was referring to 13th Street.

Ms. Abler:

“Yes, I am, sorry. Our house abuts both 13th and York because we're right on the corner of both.”

Mayor Bukiewicz noted the County has plans to eventually expand 13th Street, from Ryan Road up to Puetz Road, then from Puetz Road to Drexel Avenue. The section from Drexel to Ryan is probably an example of what 13th Street would look like with the ditch removed but not the berm.

Ms. Abler:

“I understand, because when we purchased the property we were pretty much told that they were probably going to expand that road.”

Mayor Bukiewicz asked Commissioner Sullivan if he knew when the project was scheduled to begin.

Commissioner Sullivan stated that the work from Puetz to Drexel was scheduled for 2023, and anything south would be later.

Mayor Bukiewicz said with regard to the freeway noise, although the DOT is doing some sound abatement walls, they are not on that side of Ryan Road.

Alderman Guzikowski added there were sound barriers further south at Oakwood Road because of the changes in the freeway, but they are not moving up to Ryan Road.

Mr. Schlueter offered that if Mr. and Ms. Abler or any of the neighbors had any further questions, he would welcome phone calls and comments.

Planner Papelbon offered to provide Mr. Schlueter's contact information via an email request.

Ms. Abler:

"That would be perfect."

Mr. Abler:

"Yeah, and I'm sorry, one more question. Is the entrance going to be, so right now they have a roughed in entrance, is that going to be the only entrance or is there going to be one further north too?"

Mr. Schlueter responded the one to the south would not be for any traffic other than cars and the office traffic would be just toward the north end of the property.

Ms. Abler:

"You know, I have one other thought and this is only because we've lived here for quite a while. When the highway gets closed down because of accidents, especially with bad weather coming, a lot of people will get off on Ryan and take 13th Street to go wherever they're going and they seem to think that it's still highway speeds and I feel a little concerned with that. I mean, I know this isn't a part of what this is, but I'm just saying, as long as you're looking at this, it's maybe something to think about down the road."

Mayor Bukiewicz replied that in talking with the County Supervisor, he understood the speed limit to the north by the middle school would be lowered, but he was unsure if it would be changed any further south.

Commissioner Sullivan corrected Mayor Bukiewicz, saying that the dropping of the speed limit was under review, but a definitive answer had not yet been given.

Commissioner Hanna expressed the view that the more you widen the road, the faster people go, regardless of the posted speed limit.

Assistant Fire Chief Havey stated he had no concerns with either the site or the access to the project.

Commissioner Chandler asked Planner Papelbon if other Business Park areas were as close to residential neighborhoods as this property would be.

Planner Papelbon responded that the Ryan Business Park and Oakview Business Park were very close to existing residential neighborhoods.

Mayor Bukiewicz stated that although perhaps commercial zoning made the most sense for the property, the flexibility of the Business Park [land use category] was their best bet because the building could be used for many purposes, such as light manufacturing or an engineering firm. Mayor Bukiewicz referred to the property previously owned by Black Diamond across the street from Fire Station 3. When Black Diamond moved out, the rezoning to Business Park allowed places like City 13 (an escape room) to go in. The Business Park [land use category] allows for more functionality for different things. Mayor Bukiewicz added that it provided more flexibility versus just being all manufacturing or all commercial retail. Although the Plan Commission just updated the Comprehensive Plan in March, Mayor Bukiewicz felt the question was, what is the best use of the property and what provides the citizens the most flexibility. Although sensitive to the neighborhood and the noise issues, the property owners to the north are in favor of it. The traffic will hopefully be better and safer after the County completes their traffic study. Mayor Bukiewicz expressed that he was in favor of the Business Park [land use category] designation.

Planner Papelbon stated that even with a Business Park designation, there might not be a complete foreclosure on the inclusion of any possible commercial usage on this property. What the Comprehensive Plan category for Business Park includes is a mix of office, training, research, production and other ancillary uses. Under current Code, whether it be the Lm-1 or the M-1 Manufacturing district, there is a provision for a portion of a tenant space to have a retail component. For instance, should Mr. Schlueter's business ever determine that they want to have some portion of it be a commercial space, they would have the ability in current Code to do that under the M-1 or Lm-1 district. It is a small portion (about 1250 square feet), but the other part is that we currently allow wholesale operations in Manufacturing districts as well. That would be kind of a specific clientele with an almost commercial feel to it, where people would be going in and potentially obtaining goods and services on a business-to-business scale. Planner Papelbon added that she agreed a Business Park designation allows for a whole host of land use categories that would include up to manufacturing. The City would still have the capability to regulate the types of uses within the Business Park. Those controls are already in place and available to the City. The Plan Commission has controls via Rezoning, Conditional Use Permits, and Site Plan Reviews that would all be appropriate should this move forward. A Site Plan Review, for example, would address issues such as lighting sensitive to the neighborhood, increased buffers and landscaping and context of the building and the architecture. The Plan Commission would still have extensive controls for whatever happens on this property, be it Manufacturing, Business Park or Commercial.

Mayor Bukiewicz added that contractors typically go to a wholesale house, which is actually a small retail space with a warehouse in the back, rather than to a large box store.

Commissioner Carrillo stated that the building would still look like an industrial building regardless.

Mayor Bukiewicz reiterated that the Plan Commission had control over what any potential building would look like, and that this discussion was focused on the land use.

Commissioner Carrillo stated that the renderings shown to Plan Commission are a good indication of the intent of the developer as to what the building may look like.

Mayor Bukiewicz noted that any building would need to come back for a Site Plan Review.

Alderman Guzikowski moved that the Plan Commission adopt Resolution 2020-01, amending the Land Use Plan category in the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020) from Commercial to Business Park for the property at 9141 S. 13th St., following a public hearing

and adoption by the Common Council. Commissioner Loreck seconded. On roll call: Commissioners Hanna, Carrillo and Chandler voted no; all others voted aye. Motion carried.

PLAN REVIEW

MICHAEL FABER, RYAN BUSINESS PARK, LLC
9601 S. BARTEL Ct. (formerly part of 1001 W. Ryan Rd.)
TAX KEY NO. 905-9012-000

Planner Papelbon provided an overview of the site, landscape, and related plans submitted by Michael Faber, Ryan Business Park, LLC, for an historical marker pocket park on the property at 9601 S. Bartel Ct. (formerly part of 1001 W. Ryan Rd.) (see staff report for details).

Commissioner Chandler asked whether there was anything specific that needed to be done to the property before it was transferred to the City.

Planner Papelbon replied there will be a maintenance agreement in place allowing for its maintenance in perpetuity by the Ryan Business Park Association. Deeds are being coordinated at the legal level for both the City and the Business Park. Completion of the park is the final determinant as to when the property will be transferred to the City.

Alderman Guzikowski said the pocket park is a nice tribute to the area's history. Alderman Guzikowski pointed out that the pocket park is not the same as the City park that will be further down on the property.

Mayor Bukiewicz appreciated that the pocket park preserved a measure of green space.

Alderman Guzikowski moved that the Plan Commission approve site, landscaping, and related plans submitted by Michael Faber, Ryan Business Park, LLC, for the property at 9601 S. Bartel Ct. (Lot 8 of CSM 9265) with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the location of the historical monument sign is approved. A variance through the Sign Appeal process for the height of the sign is required.
3. That the plans are revised to include locations and screening for any new transformers and/or utilities (if applicable). All detailed, revised plans shall be submitted in digital format to the Department of Community Development.

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

Planner Papelbon asked the Commissioners to remain after adjournment for some house-keeping matters.

Commissioner Carrillo spoke briefly about the last two weeks of the Farmer's Market and the upcoming Fall Fest.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:37 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

10-27-20

Date