

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MARCH 8, 2022**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Senior Planner; Jack Kovnesky, Planning Intern; and Mike Havey, Assistant Fire Chief.

Minutes of the February 22, 2022 meeting

Commissioner Siepert moved to approve the minutes of the February 22, 2022, meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

**CERTIFIED SURVEY MAP
MODHOME, LLC
10730 S. HOWELL AVE.
TAX KEY NO. 973-0301-000**

Senior Planner Papelbon provided a review of a request to divide the property at 10730 S. Howell Ave. (see staff report for details).

Attorney Steve Sorenson, 55 S. Jewelers Park Dr., Suite 400, Neenah, WI, explained that the developer is simply dividing the already approved project for financial purposes, and that all required corrections to the certified survey map indicated by Senior Planner Papelbon will be made.

Commissioners had no questions or comments.

Alderman Guzikowski moved that the Plan Commission recommend to the Common Council that the Certified Survey Map submitted by David DiSanto, ModHome, LLC for the property at 10730 S. Howell Ave. be approved with the following conditions:

1. That all required easements for the sanitary sewer are recorded concurrently with the Certified Survey Map.
2. That all private road names are identified on the map prior to recording.
3. That all required easements and access approvals are incorporated into condominium documents.
4. 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.

**CONDOMINIUM PLAT – PHASE 1
MODHOME, LLC
10730 S. HOWELL AVE.
TAX KEY NO. 973-0301-000**

Senior Planner Papelbon provided a review of a condominium plat for Phase 1 of the Residences at Oak View development (see staff report for details).

Commissioner Chandler asked the applicant for feedback about the shared responsibility between condo plats for maintenance and ownership of the stormwater infrastructure. Attorney Sorenson answered that the stormwater is the responsibility of both Condominium 1 and Condominium 2 because of the wording of the Declaration and Reciprocal Easement Agreement.

Commissioner Chandler asked whether said agreement to share responsibility for managing stormwater needed to be documented. Senior Planner Papelbon affirmed that stormwater was not specifically listed in the Declaration and staff would like that clarified. The Reciprocal Easement Agreement should also be referenced in the Declaration as a check and balance.

Commissioner Chandler referenced page 2, section 3 of the First Amendment to Declaration for Residences at Oak View Condominiums, and questioned whether there were still 2 phases of development involved with this project. Attorney Sorenson replied that there is only one phase of development, because Phase 2 was converted into a separate condominium (proposed Condominium 2). Phase 1 (proposed Condominium 1) is complete and Condominium 2 will be completed in a single phase.

Commissioner Siefert commented that the development roads were very narrow and that snow removal seemed to be a problem. Commissioner Siefert inquired where visitors were supposed to park. Attorney Sorenson answered there was parking by the clubhouse, but acknowledged there needed to be enforcement prohibiting residents from parking on the road or in their driveways. Residents are supposed to park in their garages, freeing driveway space for visitors.

Commissioner Siefert replied that some of the residents were using their garages as storage areas instead. Attorney Sorenson acknowledged the problem.

Alderman Loreck asked whether the dog park was still part of the development plan. Attorney Sorenson replied that there was.

Alderman Loreck questioned if the dog park should be noted on the CSM. Senior Planner Papelbon responded although the dog park was a part of Phase 2, as a condition of the Planned Unit Development (PUD), that specific component must come to Plan Commission for Site Plan review before being recorded.

Mayor Bukiewicz reiterated the development's roads are private and are built to a different standard than a City street. The homeowner's association defines the parking rules.

Commissioner Oldani moved that the Plan Commission approve the Condominium Plat for the First Amendment to the Residences at Oak View Condominium for the property at 10730 S. Howell Ave. with the following conditions:

1. That all relevant Code requirements and conditions of the Planned Unit Development remain in effect.

2. That all required easements for the sanitary sewer and accesses over Lot 1 for the benefit of Lot 2 are included on the plat and within the condominium declaration prior to recording.
3. That all revisions to the plat and declaration are submitted to the Department of Community Development prior to submission of permit applications.
4. That all reviewing agency comments, if any, are incorporated as required.

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

**CONDOMINIUM PLAT – PHASE 2
MODHOME, LLC
10730 S. HOWELL AVE.
TAX KEY NO. 973-0301-000**

Senior Planner Papelbon provided a review of a condominium plat for Phase 2 of the Residences at Oak View development. (see staff report for details).

Commissioners had no questions or comments.

Commissioner Oldani moved that the Plan Commission approve the Condominium Plat for the Residences at Oak View Condominium II for the property at 10730 S. Howell Ave. with the following conditions:

1. That all relevant Code requirements and conditions of the Planned Unit Development remain in effect.
2. That all required easements for the sanitary sewer and accesses over Lot 1 for the benefit of Lot 2 are included on the plat and within the condominium declaration prior to recording.
3. That all revisions to the plat and declaration are submitted to the Department of Community Development prior to submission of permit applications.
4. That all reviewing agency comments, if any, are incorporated as required.

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

**PLAN REVIEW
ST JOHN'S EVANGELICAL LUTHERAN CHURCH
6700 S. HOWELL AVE.
TAX KEY NO. 733-0001-001**

Senior Planner Papelbon provided a review of a proposed community garden with associated structures (see staff report for details).

Eric Fleischman, 6700 S. Howell Ave., Oak Creek, explained the community garden project to the Commission. The vision involves bringing the community together over the shared experience of growing/gardening. The harvested produce could be traded amongst other garden users, donated to the community, or brought to the Farmer's Market in Drexel Town Square. The plan is to start with 24 growing boxes, 8 of them being potentially wheelchair accessible. The south side of project area would allow for expansion depending on the success of the program.

Commissioner Chandler asked what would be housed in the proposed storage area. Mr. Fleischman said it would be for gardening supplies such as shovels, seed, hoses, or soil.

Commissioner Chandler questioned if everyone were able to access the storage area or if it would be locked. Mr. Fleischman answered it would be unlocked and self-monitored.

Commissioner Chandler asked if the sign size would be reduced to meet Staff recommendations. Mr. Fleischman explained the reason for the sign was so that parishioners or garden users could utilize it as a kind of outdoor classroom space, but that it could be sized down.

Commissioner Chandler asked Senior Planner Papelbon for clarification of what would happen if the sign size were not reduced. Senior Planner Papelbon stated if the overall square footage of the sign could be reduced to 48 square feet, it would be exempt from any further permitting as it would meet the bulletin board exemption for religious institutions. The bulletin board could be approved under the current Code to avoid any potential conflict when the new Code is adopted.

Mr. Fleischman acknowledged that he understood and that reducing the sign size could be easily done.

Commissioner Chandler inquired about what type of barrier would be between the parking lot and the garden area for the safety of the gardeners. Mr. Fleischman answered they were thinking about a border such as a greenery hedge rather than posts or physical barriers, but had not yet decided.

Senior Planner Papelbon asked whether there were currently curb stops present. Mr. Fleischman replied there were not.

Commissioner Siefert asked how residents would sign up for a garden space, what the size of the space was, and whether one could have multiple spaces. Mr. Fleischman stated reservations would be handled online. A 4'x8' box would be standard to start out. Extra boxes would only be offered if there were no other takers for them, rather than letting them go unused. Preference would be given to community members over congregation members in a 60/40 or 70/30 ratio.

Commissioner Siefert expressed his approval of the idea.

Commissioner Oldani and Alderman Guzikowski added they had no concerns with the project and it was a great idea. Alderman Guzikowski noted he would like to be sure the parking safety issue was addressed.

Commissioner Carrillo invited Mr. Fleischman to contact her regarding the Farmer's Market.

Mayor Bukiewicz applauded St. John's for their idea and the positive contribution it will make to Oak Creek. Mayor Bukiewicz inquired where the water for the project would be procured from. Mr. Fleischman indicated the location of two existing spigots, as well as two garages on the property, where rain barrels would be located in the hope they would provide the bulk of the necessary water.

Mayor Bukiewicz indicated Mr. Fleischman should contact Milwaukee Metropolitan Sewerage District (MMMSD) regarding their Fresh Coast program, which provides rain barrels.

Commissioner Siefert moved that the Plan Commission approve site, building, and related plans submitted by Eric Fleischman, St. John's Evangelical Lutheran Church, for the property at 6700 S. Howell Ave. with the condition that all detailed, final plans are submitted in digital format to the

Department of Community Development prior to installation of garden features. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

CONDITIONAL USE PERMIT

**CENTRAL STATES TOWER V, LLC & CELLCO PARTNERSHIP DBA VERIZON WIRELESS
2509 W. DREXEL AVE.**

TAX KEY NO. 810-9985-001

Senior Planner Papelbon provided a review of a proposed wireless telecommunications pole and compound ("facility") on the property (see staff report for details).

Michael Long, 511 N. Broadway, Suite 1100, Milwaukee, told the Commission that he had looked at the staff report and felt he could work with Staff regarding any concerns, specifically a planned Wisconsin Department of Transportation (WisDOT) road extension east from 27th St., north to Drexel.

Senior Planner Papelbon concurred that the City has to accommodate the road extension proposal as shown on the WisDOT Access Management Plan. The WisDOT plan also lines up with the future public road connection to the south through The Oaks at 8100.

Mr. Long stated he had conferred with the DOT and was informed the proposed tower would not interfere with any future road extensions. The tower is not proposed in a location that is affected by any Mitchell International Airport height limitation ordinances. The Federal Aviation Administration (FAA) has also indicated that the tower does not need to be lighted or painted.

Alderman Loreck acknowledged local municipalities are limited on what they could do with cell phone towers, but asked if there were any way to request the tower be decorated or camouflaged. Senior Planner Papelbon said that attempting to camouflage the tower would make it stand out even more than it otherwise would because of its height and proposed location.

Commissioner Oldani asked for confirmation that the FAA will not require a light on the tower. Mr. Long answered that was correct.

Commissioner Siefert questioned whether the entrance to the property would be controlled. Mr. Long said there would be a gate at the entrance to the tower compound. The plans do not show a gate for the access closer to Drexel Ave. There is still movement of vehicles on the property which belong to the storage facility on site.

Senior Planner Papelbon commented that typically, the compound area is gated but the driveway accesses are kept clear for emergency services and regular maintenance of the tower. The staff report notes the City is looking to have some of the more extensive concrete areas on the property removed and is working internally toward that end.

Commissioner Siefert expressed his concern that people would attempt to salvage trees from the rear of the property. Mr. Long said there is currently a gated, locked access to enter the area, which was installed by the property owner. The applicant would not be taking any additional measures. Senior Planner Papelbon noted a four-wheel drive would be needed to access the area, were someone attempting to enter the property to remove trees.

Commissioner Chandler asked if the vault, transformer, and bollard would be enclosed as discussed in the staff report. Mr. Long said they would attempt to locate the items within the

fenced area, although the challenge is that the utility providers prefer access to the infrastructure without having to get permission from the tower owner. Mr. Long added the bollards are being put in place to protect those appurtenances located outside of the fence. Every attempt will be made to locate the vault, transformer and bollard within the leased area.

Assistant Fire Chief Havey advised the Commission that Fire had no concerns with the project.

Mayor Bukiewicz suggested working with WE Energies to ensure the appurtenances are aptly protected, especially with the prospect of a future road nearby.

Alderman Loreck moved that the Plan Commission recommend that the Common Council approves a Conditional Use Permit allowing a wireless telecommunications pole and associated facility on the property at 2509 W. Drexel Ave. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting (March 22, 2022). Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

CERTIFIED SURVEY MAP

CR DEVCO, LLC

2231 & 1933 W. PUETZ RD., 8843 S. 13TH ST, AND 8950 S. 20TH ST.

TAX KEY NOS. 856-9999-001, 857-9993-000, 857-9992-000, 857-9991-000

Senior Planner Papelbon provided a review of a request to combine and reconfigure the properties at 2231 & 1933 W. Puetz Rd., 8843R S. 13th St., 8950 S. 20th St. (see staff report for details).

Ryan Swingruber, 228 Raymond Avenue, Barrington, IL, addressed the Commission and said that he his civil engineer, Christopher Carr, (available via video) were available to answer any questions.

Alderman Loreck asked if the road depicted as S. 20th St. lines up with Apple Creek Dr. Senior Planner Papelbon said she believes that it does, but current preference is for the road to have its own name that ties in with the development.

Mayor Bukiewicz acknowledged that there are challenges in developing these properties. The purpose of the current CSM is to segregate Lot 1 so that it can be developed. There are no current plans for Lots 2, 3, and 4.

Barbara Linder, 2411 W. Puetz Rd., Oak Creek:

"Where you had on the map before, it was in green, and that was I think you said it was "4", yeah, Lot 4. Lot 4, that butts up our property doesn't it, the corner of Puetz and 27th right. So that would butt up against our property and you said there would not be a road for access off Puetz or 27th in that development. Are you talking a road the length of my property then?"

Senior Planner Papelbon replied what Staff is talking about for no access is 350 ft. from the corner of Puetz and 27th St. along 27th St., and 300 ft. along Puetz. Lot 4 is not proposed for any kind of development at the present time.

Ms. Linder:

“Right. At this time, I know. But I just want to know there isn’t because the corner there, you wouldn’t allow any roads to be put in there that would abut my property, right?”

Senior Planner Papelbon answered the no access restriction is not on the east side of the property. Access on the west side of the property would be prohibited, just on the corner.

Mr. Swingruber explained why the current development focuses on Lot 1. First, the duplex zoning designation for Lot 1 provided for in the Comprehensive Plan Amendment is consistent with the use being proposed. Lot 2, 3 and 4 not only have wetlands, they are designated Commercial and Rd-2, traditional single-family detached housing. The developers are cognizant of the zoning designations and are striving to maintain consistent with them. Based on the zoning designation of Lots 2,3 and 4 and the presence of wetlands, there is no development proposed in those areas. In the event that anyone would appear before the Commission in the future, the hope would be to be respectful of the zoning designations as they exist.

Alderman Guzikowski moved that the Plan Commission recommend to the Common Council that the Certified Survey Map submitted by CR Devco, LLC for the properties at 2231 & 1933 W. Puetz Rd., 8843R S. 13th St., 8950 S. 20th St. be approved with the following conditions:

1. That the Official Map is amended to remove future public streets on the parcels per the Certified Survey Map prior to subsequent development reviews.
2. That the future public road to serve the development from W. Puetz Road be renamed.
3. That the no access designations be shown for the full length of the west property line along S. 27th St. for Lot 3, for 350 feet of the west property line along S. 27th St. from the intersection with W. Puetz Rd. south on Lot 4, and for 300 feet on the north property line along W. Puetz Rd. east from the intersection with S. 27th St. on Lot 4.
4. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

**CERTIFIED SURVEY MAP
JANSSEN BRUCKNER LLC
641 E. DREXEL AVE.
TAX KEY NO. 814-9999-000**

Planning Intern Kovnesky provided a review a Certified Survey Map request to divide the property (see staff report for details).

Ryan Janssen, S98 W33270 Genieve Dr., Mukwonago, stated he was requesting the certified survey map in order to develop the property.

Commissioners had no questions or comments.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Ryan Janssen, Janssen Bruckner LLC, for the property at 641 E. Drexel Ave. be approved with the following conditions:

1. That all existing and required easements are shown on the map prior to recording.
2. That the Deferred Special Assessment for Sanitary Sewer is paid prior to issuance of permits for development of any lot.
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 Siefert seconded.

Mayor Bukiewicz commented he was glad the Special Assessments were listed in the conditions of approval. Mr. Janssen said he was not made aware of the outstanding Special Assessments.

Senior Planner Papelbon clarified the Finance Department made her aware of the Special Assessments while she was writing her report and they would need to be taken care of before any permit issuance.

On roll call: all voted aye. Motion carried.

**CERTIFIED SURVEY MAP
JANSSEN BRUCKNER LLC
819R E. DREXEL AVE.
TAX KEY NO. 815-9995-002**

Planning Intern Kovnesky provided a review of a Certified Survey Map request to divide the property (see staff report for details).

Commissioners had no questions or comments.

Commissioner Oldani moved that the Plan Commission recommend to the Common Council that the Certified Survey Map submitted by Ryan Janssen, Janssen Bruckner LLC, for the property at 819 R E. Drexel Ave. be approved with the following conditions:

1. That all existing and required easements are shown on the map prior to recording.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

**REZONE/PLANNED UNIT DEVELOPMENT
JANSSEN BRUCKNER LLC
641 AND 819R E. DREXEL AVE.
TAX KEY NOS. 814-9999-000 & 815-9995-002**

Senior Planner Papelbon provided a review of the request to rezone to Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway or FF, Flood Fringe Districts) and to establish a Planned Unit Development on portions of the properties at 641 & 819R E. Drexel Ave. (see staff report for details).

Alderman Loreck questioned whether the proposed garage design would be compliant with the updated Zoning Code requirements for single family attached garage setbacks. Senior Planner Papelbon replied that the garages were designed to meet the new Code requirement. Because the homes are single family attached, they are treated like a typical single-family subdivision and will not need to come back to Plan Commission except for a Master Landscape Plan review, or any future land divisions. Architecture will not need to be reviewed.

Commissioner Oldani inquired how Park St. would tie in with the road from Abendschein Park. Senior Planner Papelbon answered there was a temporary connection of sorts. Park St. would meet all the requirements of a public street in terms of width and design until it reached the east property line where it would tie in to Abendschein Park.

Commissioner Oldani asked if the placement of the roads would affect future development. Senior Planner Papelbon responded the roads were laid out in accordance with the Official Map.

Commissioner Oldani expressed his disapproval of Park St. connecting to Abendschein Park for traffic reasons. Senior Planner Papelbon stated the Official Map shows a future public street on the Park property right next to this property line. The intention was always to have connectivity from the park to any future development.

Commissioner Chandler asked for clarification of which portions of the property were affected by the rezone request. Senior Planner Papelbon said the portions of the property being rezoned are anything but the single family lots shown on the concept plan. Lots 1-4, and the single lot to the east, are not being rezoned and are not part of the PUD. Only the two-family, side-by-side condo units are being rezoned.

Mr. Janssen stated he would have preferred Park St. not be connected to the park. It was borne of the fact there needed to be connectivity and secondary access for emergency vehicles. Commissioner Oldani reiterated he was concerned with the existing road from Abendschein Park being sufficient for the traffic it may carry. Mayor Bukiewicz concurred that the road would need to be upgraded and the ongoing Abendschein Park project would require that upgrade regardless. Commissioner Kiepczynski agreed the existing road would have to be brought up to City standards as a public road. Assistant Fire Chief Havey stated the road connectivity was indeed a by-product of Fire Department requirements for secondary access for emergency vehicles.

Mayor Bukiewicz asked how many homes could be built on a cul-de-sac. Assistant Fire Chief Havey answered that under current Code there could be no greater than 15 lots.

Mayor Bukiewicz inquired if that would change if hydrants were present. Assistant Fire Chief Havey said that portion of the Code is currently under review with Planning and Engineering.

Mayor Bukiewicz asked if the development's other interior roads would be public or private. Commissioner Kiepczynski replied they would be public roads with public services.

Mayor Bukiewicz expressed there was quite a market in Oak Creek for this type of development, especially with empty nesters.

Commissioner Oldani questioned if the homes would be owner occupied and what the price range would be. Mr. Janssen replied they would be owner occupied and the price would start around \$400,000.

Jason Strmseck, 926 E Forest Hill Ave., Oak Creek:

“I border the south side of that. That cul-de-sac, is that big enough for Fire to turn around in?”

Assistant Fire Chief Havey answered it is a public street and will have to maintain the standards that are designed for a cul-de-sac.

Mr. Strmsek:

“You’re saying it is big enough?”

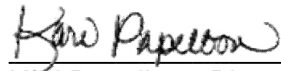
Assistant Fire Chief Havey replied in the affirmative. Commissioner Kiepczynski added that there is a standard size for a permanent cul-de-sac which Engineering will ensure is met.

Commissioner Siepert moved that the Plan Commission recommend to the Common Council that portions of the properties at 641 & 819R E. Drexel Ave be rezoned to Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway or FF, Flood Fringe Districts) with a Planned Unit Development after a public hearing and subject to conditions and restrictions that will be prepared for the Commission’s review at their next meeting (March 22, 2022). Commissioner Oldani seconded. On roll call: all voted aye. Motion carried.

Senior Planner Papelbon informed the Commissioners that several areas of the Zoning Code update were identified as needing revision, but that it was not necessary to bring those revisions before the Plan Commission.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:47 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-12-22

Date