

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

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

Minutes of the October 25, 2022 meeting

Commissioner Siepert moved to approve the minutes of the October 25, 2022, meeting. Alderman Loreck seconded. On roll call: Commissioner Oldani and Commissioner Chandler abstained; all others voted aye. Motion carried.

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

Senior Planner Papelbon provided an overview of a proposed amendment to the existing Conditional Use Permit to allow a contractor's shop / office and contractor's yard on the property at 9840 S. 27th St (see staff report for details).

Commissioner Hanna asked if there were any other complaints about truck movements, truck interruption, or delays from businesses. Senior Planner Papelbon stated Planning and Zoning has not received any complaints to date.

Alderman Loreck asked Senior Planner Papelbon what the penalty is if the applicant does not have the landscaping installed by June 1, 2023. Senior Planner Papelbon stated the City has a requirement that if the landscaping will not be installed during the planting season, the applicant is required to provide an escrow in the amount of one and a half times the cost of the landscaping items plus installation. Senior Planner Papelbon also stated the escrow is submitted with a quote from the landscaper, and there is an approved plan on file. Senior Planner Papelbon explained that the City keeps the escrow until the landscaping has been installed per the plan. The City will confirm the landscaping has been installed once the City gets a notice from the developer that it is completed. If the landscaping has not been completed the City will draw upon the escrow.

Alderman Loreck asked to confirm that the City would install the plants, using the developer's escrow. Senior Planner Papelbon confirmed that is correct.

Commissioner Siepert asked the applicant if they will have a problem meeting the June 1, 2023 requirement.

Dragan Radeta, 7228 South 27th Street, stated that he did not, and explained that he is willing to meet anyone there so they can show him what needs to be addressed. He stated that he is willing to put down a \$10,000 deposit to make sure everything is up to date.

Mayor Bukiewicz referenced Condition #8, and asked Assistant Fire Chief Havey if there are any concerns from the Fire Department. Mayor Bukiewicz stated Assistant Fire Chief Havey indicated no.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit Amendment to allow a contractor's shop / office and contractor's yard on the property at 9840 S. 27th St. after a public hearing and subject to conditions and restrictions. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

**MASTER LANDSCAPE PLAN REVIEW
JANSSEN BRUCKNER
641 AND 819R E. DREXEL AVE.
TAX KEY NOS. 814-9999-000 & 815-9995-002**

Senior Planner Papelbon provided an overview of the Master Landscape Plan for the Stonebrook on the Park single-family attached Planned Unit Development (see staff report for details).

Commissioner Chandler asked the applicant to provide his feedback on adding the hedgerow or privacy fence. Ryan Janssen, S98W33270 Genevieve Drive, Mukwonago, explained this is going to be a very nice development, but he is not sure if he should be the one bearing all the cost of adding that. Mr. Janssen stated the hedgerow or privacy fence is a nice idea, but thinks they should maybe speak to the neighbors and if they want to share some of the cost, they will install a natural privacy hedgerow. Mr. Janssen said he disagrees with him having to bear all the cost of it, but not disagreeing with the idea of it.

Commissioner Chandler asked the applicant if he has any suggestions for other options. Mr. Janssen stated he would need to look at what is out there and said he thinks what is there, is a heavy tree line. Mr. Janssen also said if he does not remove what is there it would be putting a hedgerow up against a treeline.

Alderman Loreck stated he had no questions, and agreed with staff's recommendations.

Commissioner Carrillo stated that she knows the Plan Commission talked about the garages and how much can be towards the road.

Commissioner Carrillo made comments that were not audible.

Senior Planner Papelbon stated that is something that would be reviewed at a building permit level to make sure that it complies with the PUD requirements, but those standards [for garages] were included as part of the PUD.

Mr. Janssen stated he made sure the plans were designed to meet the new garage Ordinance.

Commissioner Hanna stated that she did not understand Commissioner Chandler's question or the answer. Mr. Janssen referenced Landscape Plan – Area A on the screen, and

explained that staff is asking him to install hedges or bushes along probably 500 feet of property line to screen the other people's houses from the new buildings that the applicant is building.

Commissioner Hanna asked to confirm if the screening would be between the new houses or between the old houses and the new houses. Mr. Janssen stated between the old houses and the new houses.

Commissioner Hanna asked if there is no separation between the new houses. Mr. Janssen stated he would need to pull up a street map, and said one of the neighbors had asked about a fence. Mr. Janssen also stated there is some natural screening on the site already, but is not sure to what extent.

Commissioner Hanna clarified that she was asking because she has seen that in some areas, and people may choose different screening options and it would not have a good aesthetic. Commissioner Hanna stated she was not sure if this is something that can be enforced or become one of the regulations.

Senior Planner Papelbon stated that staff's recommendation is to incorporate a hedgerow or a decorative fence. Senior Planner Papelbon also stated that if there are any materials or vegetation remaining on the property to maintain screening, those items should be incorporated into the Landscaping Plan.

Commissioner Hanna asked how the public landscape plans would be maintained and who covers the cost. Senior Planner Papelbon explained that the proposal includes trees that have been submitted to the Department of Public Works (DPW). Senior Planner Papelbon stated that there is a policy that the developer pay a per tree fee, and the DPW will install and maintain those street trees along the public right-of-way. Along the private right-of-way, the Landscape Plan would govern, and the trees and decorative elements would be required to be installed and maintained by the developer and eventually the homeowner's association.

Mr. Janssen said he understands the idea of screening when going from different zoning districts. He asked whether they be required to screen the entire property lines between the backyards if there were two (2) residential neighborhoods backing up to each other.

Mayor Bukiewicz inquired if the land change or topography of the land would allow a type of berm.

Senior Planner Papelbon stated there probably would not be enough room for a berm, and that might be a little bit of overkill versus asking for a fence or a little vegetation.

Mayor Bukiewicz inquired how long the west side of the property is. Mr. Janssen stated that it is 130 feet just for the Eaton property.

Mayor Bukiewicz stated that a decorative fence is less maintenance, and it could be broken up by doing 12 feet of fence, a tree, and another 12 feet of fence and so on. Mr. Janssen stated he has seen it done with an evergreen and then a chunk of split rail fence, but it does not really achieve a screen.

Mr. Janssen suggested maybe this is something to have the landscape designer present for.

Mayor Bukiewicz inquired if it is possible to do a landscape plan for just the length of the buildings. Mr. Janssen stated he does not believe they are breaking ground this year, so the Plan Commission could hold this item and the landscape architect could look at the site to design something.

Mayor Bukiewicz asked Senior Planner Papelbon what is on the far west side. Senior Planner Papelbon stated it is the recreation trail.

Mr. Janssen stated he is not opposed to holding the whole item over. Senior Planner Papelbon stated the Plan Commission can hold the item; however, no building permits can be approved until the Landscaping Plan is approved. Senior Planner Papelbon stated staff could combine the Landscape Plan review with the Condo Plat item that Mr. Janssen would like to apply for.

Commissioner Oldani referenced Condition #4, and asked who would be responsible for installing it. Senior Planner Papelbon stated it would be the property owner who currently owns the property where the hedgerow would be installed; in this case, the developer. Senior Planner Papelbon explained that staff is asking for the Landscape Plan to be updated so the landscaping or fence would be on the developer's property, on the development side.

Commissioner Oldani inquired why a hedgerow is being required given these are two (2) residential properties. Senior Planner Papelbon stated that suggesting the hedgerow is trying to give a bit a privacy and delineation of the yards for both parties.

Commissioner Oldani asked why it is the applicant's responsibility to pay to have all this put in. Senior Planner Papelbon stated it is part of the development, and is part of why they are required to put in any landscaping for the development. Senior Planner Papelbon reiterated that it is a recommendation that the Plan Commission can consider or eliminate. Senior Planner Papelbon explained the reason staff is asking for it is because in certain circumstances when there are buildings that are close to the property line, it helps to have delineation, adds some privacy, and helps to enhance the area with landscaping. Ultimately, if the Plan Commission does not agree, the Plan Commission can eliminate that. Senior Planner Papelbon also stated there are buffer requirements, but it is less intensive in residential-to-residential developments.

Commissioner Oldani asked if this is more a part of the whole landscape plan as a singled out, need privacy put in there. Senior Planner Papelbon clarified that it is a recommendation.

Commissioner Hanna stated if she was buying one of the new homes, she would like consistency between all the homes and have the same privacy between all the houses. Commissioner Hanna stated consistency will make the whole neighborhood more appealing.

Senior Planner Papelbon explained there is an option to require the condo association to apply for the fence in the future because it is a common area.

Alderman Loreck moved to hold item 7B until the January 10, 2023, Plan Commission meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW
BRIOHN BUILDING CORPORATION
7433 S. 10TH ST. AND 7300 S. 13TH ST.
TAX KEY NOS. 764-9057-000 & 764-9011-000**

Senior Planner Papelbon provided an overview of the site, building, and related plan review for a proposed multitenant speculative industrial building on portions of the properties at 7433 S. 10th St. and 7300 S. 13th St. (see staff report for details). Assistant Fire Chief Havey reviewed the Fire Department concerns (see staff report for details).

Commissioner Chandler asked the applicant if a lot of the items are being addressed or need further investigation.

Caitlin LaJoie, Briohn Building Corporation, 3885 North Brookfield Road, Brookfield, explained that they received about half the staff comments on the Thursday before the meeting. Ms. LaJoie stated that the applicants and their consultants addressed what they could, but as they were getting ready to submit the revised plans on Friday they received the full staff report. Ms. LaJoie stated they submitted the application to the DNR. They received comments from the DNR the day of the Plan Commission meeting (November 8). The DOT access approvals are under review by the DOT.

Commissioner Chandler asked if parking has been looked at. Ms. LaJoie stated they are considering the future parking on the backside. There are discussions with the applicants' Civil Engineer regarding the Fire Department's concerns. Ms. LaJoie stated that she believes the Civil Engineer reached out to the Fire Chief to discuss relocating the FDC landscape. Ms. LaJoie also stated their architect is already reviewing and putting together a plan regarding the FDC landscape. The architect is revising the elevations, looking at the window suggestions, and doing the warmer color palette. Ms. LaJoie stated that the lighting plan has already been modified; however, it has not been submitted yet as the applicant is waiting until they have a full package to resubmit. The Engineering Department's comments are also being reviewed and addressed.

Commissioner Siepert inquired how the applicant is moving along with the DNR on the wetland fill permits. Ms. LaJoie stated that the applicants made the application about a month prior, and received comments the morning of November 8. Ms. LaJoie explained that the DNR requested alternate plans. Ms. LaJoie said every indication is that the applicant will have the wetland fill approved.

Commissioner Siepert asked if they have to relocate another area for the wetlands. Ms. LaJoie clarified that it would be a wetland fill permit, so there would not be any mitigation for this site.

Commissioner Oldani stated that he thinks the hold is the way to go, and to try to eliminate conditions four (4) through 12 or 13 for when the proposal comes back.

Alderman Loreck indicated his agreement with the hold.

Commissioner Hanna asked if there was any possible way to avoid filling the wetlands. Ms. LaJoie stated it is identified on the updated civil plans, which have not been submitted, to

show the applicant is meeting the different requirement. But at this point, the applicant has done everything possible to mitigate the square footage that is being filled. Ms. LaJoie also stated that they got it down to a General Permit and not an Individual Permit, but at this point there is not a way to avoid filling the wetlands.

Mayor Bukiewicz stated his largest concern is the Fire Department's concerns.

Ms. LaJoie said they are anticipating coming back with the cleaned-up plan for the November 22, 2022 meeting.

Alderman Loreck moved to hold item 7C until the November 22, 2022, meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:04 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

11-22-22

Date