

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, FEBRUARY 28, 2023**

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: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

Minutes of the February 14, 2023 meeting

Alderman Guzikowski moved to approve the minutes of the February 14, 2023 meeting. Alderman Loreck seconded. On roll call: Commissioner Siepert abstained; all others voted aye. Motion carried.

PLAN REVIEW

**SEAN PHELAN, DTS MIXED USE, LLC, HAND AND STONE
7978 S. MAIN ST. (TENANT ADDRESS: 7956 S. MAIN ST.)
TAX KEY NO. 813-9050-000**

Senior Planner Papelbon provided an overview of the proposed plan for modifications to the north windows for the Hand and Stone tenant space at 7978 S. Main St. (tenant address: 7956 S. Main St.). (see staff report for details).

Kelly Hanaway, Milwaukee Sign Company, representing Hand and Stone, explained the window coverings were to add a professional appearance while hiding the construction of the remodel from the outside. He stated that the client is willing to implement any recommendations of the City, and offered the window space to the City if further directional signage is needed.

Commissioner Hanna asked for clarification on the transparent shading option proposed at the previous Plan Commission meeting. Senior Planner Papelbon explained another tenant of Drexel Town Square (DTS), Gi-Gi's Cupcakes, installed a semi-opaque window covering to provide privacy to their office space. The effect was more colored glass rather than a covering placed on top of the glass. Commissioner Hanna asked if the covering would be reflective, to which Senior Planner Papelbon answered in the negative. Senior Planner Papelbon stated that the window covering would prevent the interior from being seen from the outside, would look like glass, but would need to be applied on the interior side of the windows.

Commissioner Carrillo acknowledged some of the DTS businesses have different window coverings, and asked how to make one (1) standard for all tenants to follow. Senior Planner Papelbon explained that only two (2) of the tenants of DTS have approved window coverings: Bel-Air Cantina and Gi-Gi's Cupcakes. Interior shades or drapes are exempt from Plan Commission approval. Senior Planner Papelbon stated that a PUD amendment would be required to determine an allowed amount of glazing/window covering. If the allowance is not written into the existing PUD, window covering projects will come to the Plan Commission individually. Commissioner Carrillo was not in favor of interior shades being an acceptable window covering, to which Senior Planner Papelbon reiterated the need for a PUD amendment for glazing/window covering.

Alderman Loreck stated his disapproval of covering the windows in vinyl, and asked the representative if there is access to the inside of the windows to install the proposed coverings. Mr. Hanaway answered in the affirmative, explaining that, once installed, the space between the window and the street-facing wall would be sealed.

Alderman Loreck then asked what would be seen if no window coverings were installed. Mr. Hanaway explained that insulation between metal studs would be seen. Alderman Loreck then stated his preference for an interior window display, like fake greenery or rocks on the back of the wall, rather than vinyl on the window. Mr. Hanaway and Alderman Loreck briefly discussed the construction and possible display options.

Alderman Guzikowski stated his agreement with Alderman Loreck.

Commissioner Oldani voiced his concern over both the exterior window vinyl and the sealed interior window display, citing natural damage over time. He suggested to push back and fully finish the street-facing wall to create a space for a display that can be changed and maintained.

Commissioner Siepert stated his support for Commissioner Oldani's suggestion, and his dislike for the permanent window covering options.

Commissioner Chandler asked what the maintenance plan was for the proposed exterior vinyl covering. Mr. Hanaway stated that he did not know the applicant's plan, but explained that while "second surface" vinyl is relatively maintenance-free, after about seven (7) years the material will begin to fail.

Mayor Bukiewicz stated that an unfinished wall exposed to Main Street at DTS will not be allowed, and attention was not given to the existing DTS PUD by the contractor when plans were submitted. He stated that he did not support rewording the PUD, although he agreed with Commissioner Carrillo regarding interior shades. Mayor Bukiewicz stated that he did support Commissioner Oldani's suggestion of pushing back the street-facing wall to allow access for an interior window covering or a window display. He then suggested more time for work to be done between the applicant and staff to find a solution.

Mr. Hanaway then asked if putting vinyl on drywall would be permissible. Senior Planner Papelbon answered that staff would require a graphic to ensure PUD continuity, but would be open to looking at that option.

Alderman Loreck moved to hold item 7a until the applicant is ready. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

CONDITIONS AND RESTRICTIONS

FAHIM AJMERI, 8950 LLC

8950 S. 27TH ST.

TAX KEY NO. 856-0070-006

Senior Planner Papelbon provided an overview of the Conditions and Restrictions for a request to rezone to B-4, General Business with a Conditional Use Permit for vehicle rentals at 8950 S. 27th St. (see staff report for details). Senior Planner Papelbon stated staff needs to know if the second parcel included in the legal description would be included in the rezoning request.

Senior Planner Papelbon discussed the following proposed Conditions and Restrictions:

Section 2

- Landscaping & Screening Plan required

Section 3

- Uses allowed per Code
- Maximum of four (4) moving vehicles & location approved by Plan Commission
- Landscaping
- No outdoor storage
- One (1) secure drop-box
- Hour of Operation: 10:00 AM – 5:00 PM
- No additional signage

Section 4

- Parking restrictions – 50 feet
- Maximum of four (4) stalls approved by Plan Commission

Section 5

- Lighting per Code

Section 6

- Setbacks

Section 8

- Two (2) years

Fahim Ajmeri, 8950 S. 27th St., Oak Creek, WI 53154, stated that he would be happy to answer any questions.

Commissioner Chandler asked the applicant where additional vehicles would be placed, if more than the requested four (4) were needed. Mr. Ajmeri explained the customers are not allowed to request more than three (3) rental vehicles at a time, and would need to use a different U-Haul facility to ensure the number of vehicles on the property does not exceed four (4).

Commissioner Siepert asked for more clarification on what kind of vehicles would be rented, to which Mr. Ajmeri explained, 10 – 15-foot-long moving trucks will be used. Commissioner Siepert then asked if the applicant would service the vehicles on the property, to which Mr. Ajmeri answered in the negative, explaining all vehicle servicing will be done through U-Haul.

Alderman Loreck asked if rental trailers are included in the language of the proposed Conditions and Restrictions, as they and towing equipment were not planned on being included in the proposed services. Senior Planner Papelbon explained trailers would not be allowed.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for moving vehicle rentals on the property at 8950 S. 27th St.

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

**PRELIMINARY PLAT
JOHN COURY, SWITCHBACK ENTERPRISES
10670 S. NICHOLSON RD.
TAX KEY NO. 958-9995-006**

Senior Planner Papelbon provided an overview of a preliminary subdivision plat for the Edgemont Estates single-family residential subdivision located at 10670 S. Nicholson Rd. (see staff report for details).

John Coury, 7101 N. Seneca Ave., Glendale, WI 53217, stated he will answer any questions the Plan Commission has and explained the proposed subdivision will be visually appealing.

Brian Lewandowski, 10524 S. Nicholson Rd.:

"We are right behind, right by the creek, actually. One of the questions I have is like, right behind is, you said like a 50 foot – is that like a buffer zone? Also, can I show you some pictures? I just want to show you (inaudible). The picture I just presented to the mayor was my back yard yesterday, that was after a two (2) inch rainfall and that's my neighbor adjacent to me also. And, if you can see, it's again, it's saturated. This is what I go through with any type of rainfall that's substantial. And it's summer – all season long so I have a big concern with putting a subdivision that – that water's gonna, you know, we're not gonna get additional water - because we've had water in our basement once already, from heavy rains and it's a continuing problem. Now, if we're gonna put this subdivision there, again, and maybe – and how many homes are you planning on putting there?"

Mr. Coury's response was inaudible.

Mr. Lewandowski:

"Fourteen? And the average lot is what a quarter acre?"

Mr. Coury explained that the lots will be of varying sizes between 12 - 15,000 square feet, and asked Mr. Lewandowski to explain where his home is in relation to the proposed subdivision.

Mr. Lewandowski:

"I'm right next to the creek. We're at the very-"

Mr. Coury asked if the location is off Nicholson Rd.

Mr. Lewandowski:

"On Nicholson Road, we're the first house by the creek."

Mr. Coury explained that the development of the subdivision with proper engineering will help correct those concerns, stating the proposal has been brought to Plan Commission before.

Mr. Lewandowski:

"Right, because we were here. Actually, the last time my brother-in-law was sitting there, Wally."

Mayor Bukiewicz and other Commissioners expressed admiration for former Plan Commissioner Wally Dickman.

Mr. Lewandowski:

“Yes, he was, so I got a lot of advice from him and I learned a lot from the last time. Anyhow...”

Mr. Coury stated that he agreed that the engineering of this property was discussed when the development went before the Commission the first time, stating the property used to be an onion farm.

Mr. Lewandowski:

“Right.”

Mr. Coury explained that the land is quite flat because of the historical use, so water issues are relevant, but the proper Storm Water Management will be in place with the proposed development. Mr. Coury acknowledged the amount of land dedicated to preserving the surrounding wetlands and established environment.

Mr. Lewandowski:

“Which I’m really happy to see there, because last time you weren’t doing that I know. It was pretty vague last time, what you had planned to do.”

Mr. Coury stated that the rules had changed.

Mr. Lewandowski:

“Okay. Now this, I’m sorry, this 50-foot section; is that a berm? Or is that actually drainage that is going to?”

Mr. Coury explained that he believed the area was requested to help preserve a certain number of trees. Mayor Bukiewicz stated that the plans reflect three (3) sewers will be installed and tied into City sewer.

Mr. Lewandowski:

“And that’s on the west?”

Mr. Coury concurred and re-iterated that all the drainage plans will go through the developer’s engineer, as well as the City’s engineering department, to ensure the proper drainage of the property.

Mr. Lewandowski:

“Exactly. And we’re here for 25 years and we’re not planning on going anywhere and so it is a major concern because again we’ve already had water in our basement. I’ve experienced it once; I don’t want to experience it again. (Inaudible) that’s why I have a lot of concerns (inaudible). Has anyone taken an environmental test to see what’s it’s gonna actually do to this area?”

Mr. Coury explained that a soil test had been done during the first proposal, and the same was used again for this proposal. He stated that not a lot of soil will have to be removed of the development.

Mr. Lewandowski:

“A soil test done for that? Okay. Now for grade – (inaudible) I know you have to do - like houses are built at a certain height to accommodate for, trying to think of the word for that, anyways. When you build a house, because you’re always (inaudible)-”

Mayor Bukiewicz explained how bioswales are typically used to move water away from houses.

Mr. Lewandowski:

“(Inaudible) like for water table, because when my house was built it’s (inaudible).”

Mr. Coury supported the Mayor’s description of bioswales.

Mr. Lewandowski:

“Okay. Now, on the west side of the property, we have that green section. How many of those trees are going to be removed from there? Can you give me a general idea? There are a lot of dead trees, I know that for a fact. Is anything going to be replanted (inaudible)?”

Mr. Coury confirmed there are many dead trees within that part of land, and stated the development will ensure as many trees will be kept as possible.

Mr. Lewandowski:

“Do you have an average size home that you’re planning on putting there (inaudible)?”

Mr. Coury stated that the home he will be building in the subdivision will be about 2,300 square feet in a ranch design, and estimated the smallest home will be about 1,500 square-foot ranch.

Mr. Lewandowski:

“Okay. Okay. Now maintenance, you said there will be a – who manages the area (inaudible). How long?”

Mr. Coury stated that the developer will maintain the lots until they are sold. Then maintenance will be transferred to the future Homeowners Association within an agreement that will have to be approved by the City. Mayor Bukiewicz stated Senior Planner Papelbon confirmed that process.

Mr. Lewandowski:

“Okay. Alright. This I just want to present to you all, this is from my neighbor she wants me to (inaudible).”

Mayor Bukiewicz stated that he will share the item with the Commission.

Mr. Lewandowski:

"I appreciate it. For what it's worth, you know, we're trying to keep our property the way it is. We've been here for a long time."

Mayor Bukiewicz stated that the intent of developments like the one proposed is not to impede on the existing neighborhoods, and when engineered plans are a part of the development, historic issues like drainage are addressed, corrected and are improved.

Mr. Lewandowski:

"That'd be great – if we had less water, I mean, because I can't even get to the back of my lot."

Mayor Bukiewicz stated that the two (2) proposed stormwater retention ponds will be there to hold and syphon off the excess water appropriately.

Mr. Lewandowski:

"That retention pond, is that at the south end of-"

Mr. Coury stated that he believed there were two (2) ponds planned.

Mr. Lewandowski:

"You mentioned about two (2) of them."

Commissioner Kiepczynski confirmed that there will be two (2) retention ponds - one (1) on the north side of the development and one (1) on the south side.

Mr. Lewandowski:

"So, the one on the north end will be toward – next to the creek area?"

Mr. Coury answered in the affirmative.

Mr. Lewandowski:

"Okay that would probably be behind me then. You said – because that's going to be a cul-de-sac there, correct?"

Mr. Coury explained that there will be a temporary cul-de-sac because there is a planned road going east that may or may not ever be built. Mayor Bukiewicz confirmed.

Mr. Lewandowski:

"Alright. It's a lot of questions so (inaudible) the last time I didn't get a chance to talk and I didn't have the questions that I had this time so I was a little more prepared (inaudible) again, water is my biggest concern."

Mr. Coury and Mayor Bukiewicz acknowledged the concern.

Mr. Lewandowski:

“And it’s getting worse as we’re going on so that’s the biggest thing – that’s why – so if this plan works that’d be great. I appreciate it.”

Dave Kozlowski, 1807 E. Elm Rd.:

“We’re like, southeast of the property from Mr. Coury wants to develop. I just have a question about the retention ponds. Don’t most retention ponds have an overflow on them? An overflow?”

Mr. Coury stated that he believed they did. Commissioner Kiepczynski confirmed that they are designed to have an overflow system.

Mr. Kozlowski:

“But where’s that water going to go if it does flow over? Because things are getting a little wetter than they had been ten (10) years ago.”

Commissioner Kiepczynski explained that the Engineering Department has not seen the designs and plans for this development yet, so the specifics of the overflow system are unknown.

Mr. Coury asked for the location of Mr. Kozlowski’s property.

Mr. Kozlowski:

“1807 E. Elm we’re just southeast of your development. (inaudible) come out on Elm I’m just a little bit east of that.”

Mr. Coury ask if the location is on the south side of Elm Road.

Mr. Kozlowski:

“Right. South side”

Mr. Coury stated that land is low as well.

Mr. Kozlowski:

“Where’s – but I – if you’re draining water into that creek in the back, that creek doesn’t go through.”

Mr. Coury stated his familiarity with the area.

Mr. Kozlowski:

“I’m talking about the creek by your property, right by Brian Kotecki’s land, the old pasture.”

Mayor Bukiewicz explained that the retention ponds will hold the excess water and slowly release it based on soil consistency. He acknowledged that the weather has been getting more wet over time.

Mr. Kozlowski:

"We have to look at the 100-year thing because"

Mayor Bukiewicz agreed, and stated that consultation with the City's environmental engineers will be needed to ensure the appropriate system will be designed.

Mr. Kozlowski:

"Because we're adding a lot of impermeable surface now which was all permeable and we're going to be collecting that water and that water's going to be going somewhere to the retention ponds."

Mayor Bukiewicz agreed with the general process, and reiterated the function of a retention pond.

Mr. Kozlowski:

"At present though, your approximately 12-acre lot there, has something like, according to the city, 227 mature trees on it. Not counting all the little ones and the bushes and the shrubs and things like that. Those trees alone remove something like three (3) maybe two-seven (2.7) acre feet of water in a season. So, they're pulling that water out of the ground. But we're going to take those trees down and then the water's going to be collected into a retention pond and that is just going to fill back into (inaudible) the water table. That's my concern is the water table in our area is so high that that's – right now the trees are acting as sort of a stop-valve and is pulling the water out."

Mr. Coury stated that there are ways to engineer the land around those issues.

Mr. Kozlowski:

"I don't know the history; I know the history of the land next to it."

Mr. Coury stated his trust in the engineers that will work on the development.

Mr. Kozlowski:

"I trust that and I'm hoping that the engineers are paying attention to that because if not there'll be hell to raise. But it sounds like a nice development."

Sandra Redanz, 1807 E. Elm Rd.:

"Following up on what my husband just spoke of. I'm also concerned about the water, this is my second time opposing this project. I've had a lot of communication with Kari already concerning last year's proposal. I understand that John Coury has invested a fair amount of money in the purchase of the property and the property taxes that he has paid since the purchase of the property which I believe was in 2015 and that he is looking for a return on his investment. I also understand that development occurs within the confines of the city code, agency permitting and regulations and statutes that are allowed. If you look at the – what was up there previously – the tree inventory, there are a lot of mature trees that will be cut down, although Mr. Coury has said many will be preserved on – as wooded lots are more valuable. And that the homeowner's association will be responsible for the care"

of that land. I want to point out that homeowner's associations aren't always in the best interest of nature. There is a retention pond on Shepard Avenue where the homeowners association, in the last couple of years, has recently decided to continually mow down the native vegetation around that pond that included a lot of wild flowers because they thought it obstructed the view of the pond and decreased the value of their properties. So, homeowners associations can't always be trusted for the best interest of the trees or for nature. The southeast corner of Oak Creek is particularly troubled by surface water issues. The proposed plat map is using FEMA floodplain lines from 2008 and as we all know the weather has changed significantly since then, with more extreme weather events taking place. So, I question whether those lines can still be accurate. We are organic vegetable farmers and we've had to take part of our land out of production since 2008 due to flooding and standing water issues. Also, the wetland areas will be asked to absorb more water from drainage from impermeable surface. A new concern about the wetland areas is that there is a proposed sanitary easement going through one wetland area. How will that displaced wetland area be mitigated? Another new concern is that the storm ponds have been added to the plat map. I question whether how much water the storm ponds will actually hold as our subsoil is clay and a previous development proposal for the land to our west, that is owned by Parkway Apostolic Church, showed that proposed storm ponds would overflow and drain onto our property. Another new area of interest is that the proposed sanitary sewer will connect to the south side of Elm Road. Elm Road, between Nicholson and 10th Avenue, only has a storm water system and all the house rely on septic systems so what will that sanitary sewer connect to? On our property, the water table is usually 12 to 16 inches down and we are not flood plain, nor wetlands. When the storm water system was installed on Elm Road, the water table was lowered by pumps located along the entire length of Elm Road. That pumping went on for over a year. How are basements and water and the sewer systems going to be installed given the high-water table and the water issues that currently exist? I thank you for your consideration."

Mayor Bukiewicz acknowledged the numerous questions for engineering, and stated that modern drain tiles and sump pumps will probably be used in the development. He stated that the wetlands will need to be redelineated, to which Mr. Coury confirmed the redelineation was from 2007.

Mr. Coury and Mayor Bukiewicz spoke about the responsibilities of Homeowners Associations and individual homeowners to care for their property.

Peggy Williams, 10601 S. Nicholson Dr.:

"I'm on the other side of the street and I also will agree with the amount of flooding that's going on. My neighbor and my neighbor to the north have experienced significant flooding in our backyards to the point we have ducks in our backyards. The water flow, I've had to create a ditch between our two yards to allow the water to flow into the culvert and it tends to get backed up going north because it is getting plugged up and not going into that creek. And they have a very significant culvert there and it's just backed up. And my road, directly across, going to my mailbox has split again, I've probably got a four (4) inch gap in the road. My new driveway I put in, cracked within a year and is sinking down into the road. I've mentioned to my husband, I said, I don't know – this past year it's like the back yard has just disappeared. It just keeps going down and down and down. I said, I feel like we need to bring in several yards of dirt because my backyard is disappearing. My front yard is just sinking down more and more due to the excess water. So, I do have a concern with the water that is flowing into the creek or not flowing into the creek at this point. And I don't know what repercussions are gonna happen with the subdivision going in there to not

absorb whatever is getting across the street. And then one other item of interest is I would recommend that there be a stop sign put – going north on Nicholson.”

Mayor Bukiewicz stated that the request for a stop sign will be noted.

Ms. Williams:

“Yeah, but that’s – important.”

Mayor Bukiewicz requested that Ms. Williams email him directly with the stop sign request.

Ms. Williams:

“That would be helpful. Okay. Thank you.”

Joe Konieczny, 10731 S. Nicholson Rd.:

“Just to the south of the proposal. Really my only concern is – which everyone has kind of beat to death – water. We know water is not our friend, for the most time unless you’re playing in it. I’m just going to give you guys a couple of pictures here. This was actually taken (inaudible) and really my concern is when you look at, I think it’s out lot three (3), on the corner of Nicholson and Elm (inaudible). Oh, that’s okay, so out lot three (3) for everybody that was looking, yeah Nicholson and Elm. That really, for us, the water flows north and then it crosses underneath the road and it goes into out lot three (3). Our biggest concern is that the outlet. And my neighbor that’s lived across the street, Cary Schmidt, some of you may or may not know him, he’s an excavator for 30 years. He said, unfortunately, what has happened is the outlet is lower than I know there’s actually wetlands there, but the soil in some areas is higher so the water is sitting. And eventually it will find its way – it will drain, but when you get a lot of these, I don’t want to call them flash flood rains but when a lot of water coming in, it’s starts to back all the way up by us and he actually said last year he goes, he’s never seen anything like it because both culverts on both sides, they filled and then it pushed all the way up in everybody’s backyards. We – our house is newer, it’s three (3) years old so we were able to stay on top of it, but we did actually get a little concerned because as it became – it came up on either side of the yard, it started to fill the backyards in. It was a lot of water. So really, question is – and it’s probably for the engineer – because they’re going to do the whole grading plan is there any type of improvements that are going to be considered to be made so that that pipe that’s low, without obviously messing with the wetlands and I know it’s also going to flow behind property, are they going to do anything with that to improvement that as part of the plan?”

Mayor Bukiewicz stated that he will make the water issues known to Engineering and Water Utility for further investigation.

Mr. Konieczny:

“Yeah, I mean, that’s all we can ask, because we know right now other folks that are looking at it - that actually have the experience from grading and excavation – they’re looking at it and saying, yeah, there’s a problem. I’d just like to – as part of this (inaudible) it is an out lot and I have heard about homeowner’s associations having to take care of certain parcels, is that identified to be maintained by Oak Creek, or no?”

Mayor Bukiewicz stated that Homeowners Associations could maintain things like medians or stormwater ponds. Mr. Coury acknowledged the issues the pipe may be causing on the outlot.

Mr. Konieczny:

“That’s the key is, like you said it’s just dealing with it to – if there’s something that you guys can have the engineering group look at-”

Mr. Coury confirmed that drainage has been looked at, referencing the retention ponds, trees, smaller lots, and less homes being proposed.

Mr. Konieczny:

“Yeah, that – I appreciate your comments, my only concern was, the subdivision I’m sure is going to be built, it’s going to look great, just looking at the water management in that area, that’s all.”

Mayor Bukiewicz encouraged the residents to reach out to himself and their Alderperson to resolve problems like water drainage.

Mr. Konieczny:

“So, with all those comments said the take away is you’re gonna bring it up to the Engineering Department?”

Mayor Bukiewicz answered in the affirmative.

Mr. Konieczny:

“That’s all I ask. Okay. Fair enough that all I was hoping for, thank you guys. Good luck.”

Sadie Borzynski, 1640 E. Elm Rd.:

“I live right in between out lot three (3). First, we are lower than that proposed storm pond, we are lower than everything so I’ve heard a lot of issues about water and I can – again attest to all of those. There have been times where the water in my backyard is like at my knees. Yes. Because, right, we’ve got the wetlands in the left-hand side of out lot three (3) and then there’s a pipe that goes underneath my yard into the back, like a PVC pipe, into the back of out lot three (3) where the next wetlands are. And sometimes there’s a current going. But I’m just attesting to the water concerns everyone is bringing up as well. I also have questions about the sanitary sewer. So, from my understanding the sanitary sewer on Nicholson ends at the proposed road to the subdivision and we don’t actually have that sanitary sewer on East Elm Road. So, I’m wondering what are going to be the requirements, is that going to be a cost that’s taken up by the development to put that sanitary line in? Because today, we are on our own septic systems, we’re on city water but-”

Mayor Bukiewicz stated that the City will require the development to bring the sanitary line in. Mr. Coury agreed, and Mayor Bukiewicz stated that he believed the City would not require homeowners to tie into a City sanitary line, but would have the opportunity to do so. The cost of

the lateral pipe from the home to the main City line would be borne by the homeowner. Mr. Coury confirmed the development would be responsible for building the main line.

Ms. Borzynski:

"To go to my house, but we wouldn't be required to go onto the line?"

Mayor Bukiewicz stated that he believed homeowners would not be required to do so. Commissioner Kiepczynski stated that she was also unsure of the requirements. Mayor Bukiewicz then offered his business card to email the answer to Ms. Borzynski.

Ms. Borzynski:

"Great, thank you. And, speaking of – so the sanitary sewer – I'm guessing it has to go where it's going because my lot is so low and gravity right, so we can't use the line off of Nicholson that's already there."

Mayor Bukiewicz stated that the answer would have to come from the Engineering Department.

Ms. Borzynski:

"And I guess then, if you're going to cut that line are you going to close bore it, open cut like through that wetlands or are you going to try and avoid disturbing that surface through East Elm Road?"

Mr. Coury answered in the affirmative.

Ms. Borzynski:

"So, it's going to be closed?"

Mr. Coury asked for more information.

Ms. Borzynski:

"So, you can bore, right, underneath the ground?"

Mr. Coury asked if Ms. Borzynski was speaking about the sewer line.

Ms. Borzynski:

"Yeah."

Mr. Coury asked for confirmation of Ms. Borzynski's property. A brief discussion of the sewer tie-in occurred.

Ms. Borzynski:

"Right. But you have your (inaudible). We have water there but I'm – Well I don't want to necessarily get on the – I was just wondering about the requirement. But, if you don't cut that sanitary there, how are you – I didn't see it on the map."

Mr. Coury stated that the lines would likely be down Nicholson and Elm, to which Mayor Bukiewicz stated the topic would be best discussed with the Water Utility Department.

Ms. Borzynski:

“And then, so, wait -I just want to go back to something you just said that the right side of the lot three (3) so the east side, is that for future, yeah, for future development or like you said it’s going to be reserved for preservation?”

Mr. Coury stated that parts of the lot are already in preservation, but the outlots are not part of the concentration at the moment.

Ms. Borzynski:

“Sure. And then, it’s just a thought about the lot sizes and just thinking about how to conform best to the adjoining neighborhood. And then with the setbacks that are required, some of these lots seem like, really small. I don’t see a home, like a new type of home (inaudible).”

Mayor Bukiewicz stated that Planning can speak to the setbacks, and that the homes will not be large and possibly more cost-effective. Senior Planner Papelbon stated that all of the proposed lots exceed the minimum lot size requirements for the district, and the plans do show a general building envelope for each lot reflecting the required setbacks.

Ms. Borzynski:

“Lot one (1) especially seems (inaudible) and I was just thinking to conjoin like, to adhere to the like aesthetics of the existing structures and neighborhood, perhaps slightly larger (inaudible).”

Mr. Coury stated that the lots will not be as large as Ms. Borzynski’s, and explained that smaller lots is what the market is looking for.

Mayor Bukiewicz offered his business card.

Ms. Borzynski:

“Do you want to go swimming in my backyard?”

Mr. Kozlowski:

“To Sadie’s point, I’m confused about the sanitary now. You are or are not bringing it down from Nicholson?”

Mr. Coury stated that information can be collected from the engineers in the future.

Mr. Kozlowski:

“What would be the other option? Coming in down the road and coming in?”

Mr. Coury stated that he believed the line would be coming down Elm.

Mr. Kozlowski:

“Down Elm? Right. That would go right in front of Sadie’s property.”

Mr. Coury answered in the affirmative.

Mr. Kozlowski:

“So, when she was asking whether she would have to pay (inaudible).”

Mr. Coury answered that the homeowners would have to pay for the lateral line to go from the main to the home.

Mr. Kozlowski:

“Just the lateral? Okay. Thank you.”

Kurt Maass, 2132 W. Oakwood Rd.:

“I represent the Maass family which has five (5) of the six (6) houses south on Elm Road on Nicholson. The old farmhouse and Cary Schmidt’s house. My only concern, talking with Carey today, there’s an 18-inch culvert that goes underneath Nicholson and feeds into the out lot, out lot three (3). The outlet for that water is an eight (8) inch PVC pipe that goes, I believe, it’s under Katie’s property? So that eight (8) inch pipe has got to be re-worked, if possible. We got 18 inches coming in and eight (8) inches going out, that corner floods terribly and it goes over the road sometimes.”

Mayor Bukiewicz stated that Engineering will address the concern moving forward, and that he was hopeful there is documentation of what was built.

Mr. Maass:

“I’m guessing that one, when it was the (inaudible) property that’s what was allowed.”

Mayor Bukiewicz acknowledged the concerns, and stated that they will be investigated.

Mr. Maass:

“Alright. Thank you.”

Linda Grace Van Der Wal, 10578 S. Nicholson Rd.:

“I hate to beat the water issue to death – again – the water. I’m right on Nicholson, lots one (1) through seven (7) would be right behind me. And again, with the given water (audible) the other side the big concern is the amount of water because those trees, all that scrub, all that brush back there are hanging on to the water and keeping it out of our backyard. We’ve had this conversation before. So that’s one issue, back to the water. The other thing that I just want to ask here and maybe I’m a little bit confused, after reading whatever – 99 pages of whatever here. That 50-foot tree conservation area; although I do

have to say that that's probably going to be a beautiful subdivision if you like living in a subdivision, but that's – yeah don't stop there. But that's not why I live where I live. I like where I live and I like the trees behind me. Setting the aesthetics aside, I'm a little bit confused – and maybe you can explain this to me. I'm seeing a lot of green dots back behind me. And I'm looking at this list, these green dots represent the trees that are staying in that 50-foot conservation area, which my understanding is trees that are 12 inches around or larger at chest height are going to stay?"

Mayor Bukiewicz asked for confirmation from Senior Planner Papelbon that all plants will stay. Senior Planner Papelbon responded in the affirmative, with the exception of dead, dying, diseased, or downed trees.

Ms. Van Der Wal:

"So, these green dots represent what? Because somebody was really thorough in numbering all these trees."

Senior Planner Papelbon explained that any green dot within the 50-foot conservation area has been identified as meeting the needed criteria, and will remain for preservation.

Ms. Van Der Wal:

"Well looking at this tree inventory up here on the board, and looking at where my house is and the two (2) green dots directly behind me on the new proposed property, the conservation area. I'm looking that there will two (2) trees left behind me, tree number 190, which is a black cherry tree listed as half-dead, so I'm guessing that's going and tree number 197. Out of all those trees, which it's all woods back there, it's all woods and its shrub and its brush and there's big trees, little trees, but it is all woods. According to looking at that, directly behind my property, looking at those little green dots I'm left with tree number 190 and 197. I don't exactly consider that one (1) a good way to retain water and or two (2) I don't know how that beautifies any property, having two(2) trees standing there from the subdivisions standpoint looking toward the west or from my standpoint looking toward the east. I don't see what that 50-foot conservation area does at all for conserving anything."

Mr. Coury's response was inaudible.

Ms. Van Der Wal:

"I've seen them, I stalk them."

Mr. Coury explained that the green dot are trees that would stay. He stated that he prefers to keep as many trees as possible, but where the retention ponds, road, and lots are, the trees will be removed. Mr. Coury explained the effort being made to ensure existing concerns are being addressed.

Ms. Van Der Wal:

"Yup. Oh yeah, I go back there, I've lived there forever."

Mr. Coury stated the importance to the development to have established neighbors.

Ms. Van Der Wal:

“So, at this point we don’t know what’s staying and what’s going? This is just a recommendation as to what’s going to stay and what’s going to go?”

Mr. Coury stated that the development will be following the recommendations of the City and Commission.

Ms. Van Der Wal:

“I’m going to also second Peggy’s not relevant comment on a stop sign over there at that corner, coming off Nicholson. Because it’s a highway. On Nicholson, from the north -or – from the south heading north the traffic is crazy. You’ve got to get ready to jump in the culvert to get your mail over there. So, that traffic is going to have to be held up if we’re going to have more traffic coming in off Nicholson to go back into that subdivision. The traffic is – someone needs to do something about that traffic. They’re -they’re not doing the speed limit. They are jogging off the freeway and they’re coming down Nicholson – I don’t know where they’re going, but they’re zooming. That is an issue, is that stop sign. I think I brought that up some years ago at another meeting that we did there.”

Mayor Bukiewicz stated that the Board of Public Works will consider the request, and will do a traffic analysis.

Ms. Van Der Wal:

“And we’re considering animals in this conservation area, or is this not part of the (inaudible)”

Mayor Bukiewicz stated that the animals will roam where they will.

Ms. Van Der Wal:

“(Inaudible) they are going to roam where they roam. Alright thank you.”

Mr. Lewandowski:

“Okay. Just – I know you sort of answered the question about that one out lot that you said you’re not sure what you’re going to do with it. I think it’s off of Elm and Nicholson. Okay, this – I’m hoping – because the last time I know you proposed about putting a senior living apartment building there. I thought it was – and I was, like I hope you don’t go back to that thought process.”

Mr. Coury confirmed that a senior living apartment will not be built on that lot.

Mr. Lewandowski:

“That was my biggest concern with that one. Okay, thank you. Have a good night.”

Commissioner Kiepczynski stated her appreciation for all comments and concerns regarding drainage for the area, and ensured the issues will be investigated. She stated that the developer

will need to follow the requirements for stormwater plans, MMSD reviews, and maintenance agreements moving forward.

Alderman Guzikowski thanked the residents for expressing their concerns, reiterating the importance of information sharing.

Commissioner Chandler asked if the trees that will be removed will be replaced, to which Mr. Coury answered in the negative.

Mayor Bukiewicz stated that progress will continue to be made in resolving the issues presented with the proposal. The conservation of the trees is a positive step forward, and the City is adding green space throughout.

Commissioner Oldani moved that the Plan Commission approves the Preliminary Subdivision Plat for Edgemont Estates submitted by John Coury, Switchback Enterprises, for the property at 10670 S. Nicholson Rd. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all revisions to the plat are submitted to the Department of Community Development prior to submission of permit applications.
3. That all required Development and Stormwater Agreements and Land Use Building Permits are coordinated with the Engineering Department.
4. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
5. That all reviewing agency comments, if any, are incorporated as required.

Commissioner Siepert seconded. On roll call: Commissioner Hanna voted no; all other Commissioners voted aye. Motion carried.

ZONING TEXT AMENDMENTS

TATTOO STUDIOS IN B-2

MEDICAL DIAGNOSTIC FACILITIES/LABORATORIES IN B-4

Senior Planner Papelbon provided an overview of the proposed amendments to Sec. 17.1013 (definitions) and Table 17.0304(c), Nonresidential District Permitted and Conditional Uses for tattoo studios in the B-2, Community Business District and medical diagnostic facilities/laboratories in the B-4, General Business district (see staff report for details).

Commissioner Siepert moved that the Plan Commission recommends to the Common Council that Table 17.0304(c) and Section 17.1013 of Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended as proposed after a public hearing.

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

CONDITIONAL USE PERMIT

JULIE MARIE RAGALIE, MOSTLY HARMLESS INK

8632 S. MARKET PL.

TAX KEY NO. 823-0012-000

Senior Planner Papelbon provided an overview of a request for a tattoo studio within a portion of the existing multitenant building on the property at 8632 S. Market Pl. (see staff report for details).

Senior Planner Papelbon discussed the following proposed Conditions and Restrictions:

Section 3

- Uses allowed per Code
- One (1) tattoo, body piercing, body art studio
- No outdoor storage/display
- Hours of Operation: 9:00 AM – 6:00 PM

Section 4

- Parking per PUD and Code

Section 5

- Lighting per PUD and Code

Section 6

- Setbacks per PUD and Code

Section 8

- Three (3) years

Julie Ragalie, 8632 S. Market Pl., stated that she will answer any questions.

Alderman Loreck stated that the studio will be a welcomed addition to the Marketplace.

Mayor Bukiewicz encouraged exploration of the Marketplace and welcomed Ms. Ragalie.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit allowing a tattoo studio within a portion of the existing multitenant building on the property at 8632 S. Market Pl., subject to Conditions and Restrictions, after a public hearing.

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

REZONE

KRISTEN PARKS, ST. JOHN PROPERTIES, INC.

140 E. RAWSON AVE.

TAX KEY NO. 733-9991-001

Senior Planner Papelbon provided an overview of a request to rezone the property at 140 E. Rawson Ave. from M-1, Manufacturing to B-4, General Business (no change to the existing Conditional Use Permits) (see staff report for details).

Senior Planner Papelbon explained that conversations with the landowner have occurred regarding existing tenants whose use would otherwise not be permitted in a B-4 district. Those existing tenants are allowed to maintain their leased space until the tenant decides to vacate. Once vacated, that use will no longer be allowed on the property. These tenants will also not be allowed to expand on the property.

Commissioner Hanna asked if the current tenants would be notified of the zoning change. Senior Planner Papelbon explained that the current tenants are allowed to stay under the rezone, but

they will not be allowed to expand. Once the tenant does decide to leave, the same use would no longer be allowed.

Commissioner Hanna asked if a tenant has the right to leave after the rezone decision, to which Senior Planner Papelbon stated the lease agreements are between the tenant and the property management company/landowner. The re-zone decision will not affect the lease agreements.

Commissioner Hanna asked if the rezone would break the lease contract.

Kristen Parks, 2000 Pewaukee Rd., Waukesha, WI 53188, applicant, stated that the rezone would not give any of the tenants a legal reason to break their lease.

Commissioner Chandler asked if the tenant would retain their existing Conditional Use if their lease was renewed, to which Senior Planner Papelbon explained the Conditional Uses are separate from the rezone decision.

Commissioner Chandler asked if the leases for the existing tenants could be renewed, to which Senior Planner Papelbon answered in the affirmative.

Mayor Bukiewicz asked how many existing tenants are only allowed in the M-1 district, to which Senior Planner Papelbon answered about four (4).

Mayor Bukiewicz stated his agreement with staff's recommendation to rezone the property.

Commissioner Oldani moved that the Plan Commission recommends to the Common Council that the property at 140 E. Rawson Ave. be rezoned from M-1, Manufacturing to B-4, General Business (NO CHANGE to approved Conditional Use Permits) after a public hearing.

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

PLAN REVIEW

**LANCE MCTRUSTY, BAUER SIGN & LIGHT COMPANY / YOGA SIX
7978 S. MAIN ST. (TENANT ADDRESS: 7966 S. MAIN ST.)
TAX KEY NO. 813-9050-000**

Michelle Klein, 10372 S. Monardy Ln., Oak Creek, WI 53154, owner of Yoga Six, stated that care has been taken to retain as much clear glass as possible in the proposed project. Although a vinyl window covering would be preferred, other window treatments will be considered if the proposed is denied.

Commissioner Carrillo welcomed Yoga Six to DTS, and stated that she did not support the amount of covering proposed.

Alderman Loreck stated that he also did not support covering the windows in vinyl. He stated his understanding that the location would be in the back of the building, but hoped if a drapery option, was taken it would be well-maintained.

Alderman Guzikowski stated his agreement with Alderman Loreck.

Mayor Bukiewicz asked the applicant to explain what kind of space the window coverings will hide. Ms. Klein explained that it is a back room with racks of exercise and audio/visual equipment, and a room that will house a large furnace.

Alderman Loreck moved that the Plan Commission approves the site and building plans submitted by Lance McTrusty, Bauer Sign & Light Company, on behalf of Yoga Six, for exterior building modifications on the east elevation of the tenant space at 7966 S. Main St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the graphic as presented is approved.
3. That a maximum of 142 square feet of the windows on the east elevation in the location depicted on the approved plan.
4. That the approved graphic is installed on the interior of the tenant space.
5. That all revised plans are submitted in digital format for review by the Department of Community Development prior to the submission of building permit applications.

Alderman Guzikowski seconded. On roll call: all voted no. Motion denied.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:04pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

3-14-23

Date