

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JULY 11, 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, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Alderman Loreck was excused. Also present: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

Minutes of the June 27, 2023, meeting

Commissioner Siefert moved to approve the minutes of the June 27, 2023, meeting. Alderman Loreck seconded.

On roll call Commissioner Hanna abstained, all others voted aye. Motion carried.

CERTIFIED SURVEY MAP

MATIAS CHAPA AND NICOLE ROLEFSON & BERNIE AND CAROL WIEDE

9709 S. HOWELL AVE. & 9676 S. FOX RUN

TAX KEY NOS. 906-9014-000 & 906-0100-000

Senior Planner Papelbon provided an overview of a Certified Survey Map request to divide and reconfigure the properties at 9709 S. Howell Ave. and 9676 S. Fox Run (see staff report for details).

Commissioner Chandler asked the applicant what the purpose of the proposed change is.

Devin Bailey, Chaput Land Surveys, stated that as far as he is aware, Matias initially owned parcels 1 and 2, and they have been talking for years about selling a portion of the property. Mr. Bailey stated that he does not know the exact purpose.

Commissioner Chandler asked Senior Planner Papelbon if the line she identified running north and south would be the new dividing line. Senior Planner Papelbon referenced the parcels on the screen to show the previous and new parcel boundaries.

Richard Prudlow:

"I'm the Engineer and Project Manager at the time of the development of Fairfield Subdivision. Give you a little history, back in 1990 when this was created the developer was allowed to create a subdivision, he had to provide for the adjoining landowners the best use of their land. To do this it was the practice at the time for the developer, with the City Engineer approval, to create an Outlot as a way for the landowner and developer to negotiate each their contribution to the creation of a lot. For 30 plus years now the prior Howell Avenue landowner, not the current owner, did not want to give up their back yard. The lost revenue to the City, County and School, for this decision not to create a buildable lot 30 years ago could be estimated to be \$200,000 to date. Takes \$7,000 per lot for an average assessment times 30 years that considerable amount of money. With this here proposal once again the attachment of

this land to an existing lot, just to create another oversized lot, would cost the City an even greater continued revenue loss. I would request this proposal, land division be denied or deferred until all possible affected parties can look at the alternate proposal. I am the owner of Outlot on Howell Avenue. This came to me quite some time ago as payment for some services many years ago. I don't really know how to put it once again."

Mayor Bukiewicz asked Mr. Prudlow which parcel he owns.

Mr. Prudlow:

"The Outlot on Fox Run. Which is actually a lot that was created once again because this little stipe of land is a ten-foot strip of land and the purpose that it was actually created when we developed this here with the City. When I did this with the City we created this once again just so actually the developer and the property could come together and each contribute their share and the Outlot actually controls the use or the sanitary sewer, the water, the storm sewer, and access to the road. So, in effect this here development once again actually just totally sort of cuts me out of the picture as far as that goes and after 30 some years we're not resolving what was actually planned or proposed 30 years ago, which would be the creation of the center parcel being combined with the Outlot to create a new buildable parcel. Right now you're actually just getting really nothing changing other than actually who's going to cut the grass is what it really amounts to and frankly with the Outlot that I have there right now if I don't maintain it once again it will be a continued eye sore because I'll let the weeds grow which is not something I want to do because up until this point I've been allowing the adjoining property owners to actually cut the grass and maintain it, but if not allowed to do anything with that strip of land because they're actually, two owners are cutting me out of the situation with dealing with me, what choice do I have? That's the rest of the story."

Mayor Bukiewicz asked Mr. Prudlow why he would stop maintaining his land just because the land changed ownership behind it.

Mr. Prudlow:

"I was hoping to negotiate with him actually that somebody would actually purchase this Outlot from me because I've been willing for years once again to. I think that's the situation, it's the same old thing, 'not in my backyard, I don't want a house built in my backyard.' How often do you hear that as far as that goes?"

Mayor Bukiewicz stated from the City's perspective he does not see denying it.

Mr. Prudlow:

"It's perfectly legal, I don't deny that. It's just a matter of really kicking the problem down the road is what they're really doing."

Mayor Bukiewicz stated he would like to see the Outlot combined with parcel 1 to make a buildable lot.

Mr. Prudlow:

“As I indicated, once again actually it would make a buildable lot which generates revenue. If somebody doesn’t do it again for another 30 years, you’re going to have the same problem. It’s a piece of land sitting there with no additional value other. When one individual changed ownership with another individual so ok instead of you cutting the grass, I’ll cut the grass is what it really amounts to.”

Mayor Bukiewicz stated he does not disagree with Mr. Prudlow, but the City does not have the power over individual homeowners to tell them to sell their land.

Mr. Prudlow:

“I don’t have the power either. I just want to bring it to your attention once again.”

Mayor Bukiewicz made comments that were not audible.

Mr. Prudlow:

“Take a look at it as far as that goes, it’s a lot that really hasn’t been maintained too well as far that goes. [inaudible] people that live in that subdivision I don’t think it’s a proper use for this land. It should really be developed.”

Mayor Bukiewicz stated he agrees with Mr. Prudlow, and it would be nice to have another family home in there.

Mr. Prudlow:

“I’d appreciate having this deferred then as far as that goes.”

Mayor Bukiewicz stated he does not see how deferring it and suggested that maybe the new owner is buying it in hopes of getting the Outlot from Mr. Prudlow.

Mr. Prudlow:

“Well, he just hasn’t given me the opportunity to. We haven’t had a chance to meet and discuss it.”

Commissioner Hanna asked why the land was divided like it was. Senior Planner Papelbon explained it happened as part of the subdivision, and that it is not uncommon in older subdivisions to see something like that. To know exactly why that strip of land was created would require research.

Commissioner Hanna asked what the dimensions of the Outlot are. Senior Planner Papelbon stated she would need to look at the subdivision plat.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Matias and Nicole Chapa & Bernie and Carol Wiede for the properties at 9709 S. Howell Ave. and 9676 S. Fox Run be approved with the following conditions:

1. That all 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.

Senior Planner Papelbon clarified that the applicants submitted a revised page 1 with easements on it.

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

REZONE

**MATIAS CHAPA AND NICOLE ROLEFSON & BERNIE AND CAROL WIEDE
9709 S. HOWELL AVE & 9676 S. FOX RUN
TAX KEY NOS. 906-9014-000 & 906-0100-000**

Senior Planner Papelbon provided an overview of a request to rezone a portion of the property at 9709 S. Howell Ave. from Rs-3, Single-Family Residential to Rs-2, Single-Family Residential (Lot 1 of CSM in previous agenda item) (see staff report for details).

Commissioner Chandler asked the applicant if the other residents and the owner of the Outlot were notified of the proposed rezoning.

Mr. Bailey stated that he believed they were.

Senior Planner Papelbon stated that all residents within 300 feet of the proposal were provided notice of the meeting.

Commissioner Chandler asked if there was any feedback from any of the residents. Senior Planner Papelbon stated staff has not received anything other than the gentleman that spoke during the previous item.

Commissioner Hanna asked if the combined parcels would have one (1) access off Howell Avenue. Senior Planner Papelbon stated that the access for the combined property would be from the existing access on Fox Run, and that there will be no additional driveways off Fox Run or Howell Avenue.

Senior Planner Papelbon clarified that because the existing dwelling is part of Fairfield III subdivision it will be up to the owners who purchase the property to work with their attorneys to determine what needs to happen, if anything, with the expansion of their property in Fairfield.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that a portion of the property at 9709 S. Howell Ave. be rezoned to Rs-2, Single-Family Residential after a public hearing.

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

PLAN REVIEW

AIMS

6340 S. HOWELL AVE. & 239 E. COLLEGE AVE.

TAX KEY NOS. 719-9012-000 & 719-9995-000

Senior Planner Papelbon provided an overview of the Site, building, and related plan review for a proposed manufacturing building for AIMS on the properties at 6340 S. Howell Ave. and 239 E. College Ave. (see staff report for details).

Eric Neumann, Anderson Ashton, 3316 W Links Drive, Franklin, WI explained that the door on the north side of the building will be a full glass door, and they can do other creative things with it, but can cover it with landscaping if required. Mr. Neumann stated that they will present what they are proposing for the RTU screening once it is finalized, and that they will work with staff on the screening for the RTU. Mr. Neumann stated that the sign plan will be submitted after the owner decides what they would like. Mr. Neumann also said the applicants are fine to work with Senior Planner Papelbon and come back to present a new landscape plan with modifications with any suggestions the Plan Commission has.

Commissioner Hanna asked if the applicant contacted the cemetery that is adjacent to the parcel and whether they have any concerns. Mr. Neumann stated that the applicants do not have a contact for the cemetery and they have not talked to them, but they would be happy to.

Commissioner Hanna stated that it would be her recommendation, instead of the owners just seeing something they were not aware of.

Commissioner Hanna asked if any of the neighbors have concerns about landscaping or drainage. Mr. Neumann stated that they asked the Alderman to meet with the neighbors, but that did not happen.

Commissioner Carrillo stated that she would love to see the treeline saved, if possible, or identified.

Mr. Neumann stated there are a lot at the transition zone.

Senior Planner Papelbon explained that staff would consider the preservation of as many trees along that line as being in fulfillment of the landscaping requirement for the transition zone. Mr. Neumann stated that the applicants would love to sit down with Senior Planner Papelbon and the applicant's landscape architect to discuss the tree inventory to get it finalized.

Commissioner Kiepczynski stated that a stormwater management plan and a report will need to be submitted and reviewed by the City, as well as MMSD. Mr. Neumann stated that it has been done for what is happening now and what could happen in the future.

Alderman Guzikowski stated that he can put the applicants in touch with the cemetery owner, St. Stephens Catholic Church on 13th Street.

Commissioner Siefert asked where the City's welcome sign would be located. Mayor Bukiewicz stated that there is an easement on the corner.

Assistant Fire Chief Havey stated that the Fire Department does not have any comments at this time.

Chris Jaszewski, 143 W College Ave:

"I'm very disappointed with you people. The following is a portion of reply by Chief Seattle to the US President 1854 when he offered to buy a large area of the Indian land. When possible, I used inclusive language.

'Every part of the earth is sacred to my people. Every shining pine needle, every sandy shore, every mist in the dark woods, every clearing, and humming insect is holy in the memory and the experience of my people. The sap which courses through the trees carries the memories of the red man. Our dead never forget this beautiful earth for it is the mother of the red man. We are part of the earth and it is part of us. The perfume flowers are our sister. The deer, the horse, the great eagle, these are our brothers. The rocky crests, the juices in the meadows, the body heat of the pony, and the man all belong to the same family. Whatever befalls the earth befalls the sons and daughters of the earth. We do not weave the web of life we are merely a strand in it. Whatever we do to the web, we do to ourselves.'

And one more little paragraph here from the June 23rd Scientific American:

'Of the roughly seven (7) thousand languages spoken by humans today, half will fall silent by the end of this century. Survival in an era of globalization, urbanization, climate change, forces indigenous communities to replace their traditional ways of life and languages with those of the dominant society...'

Your economic crap.

'When the older generation can no longer teach the tongue to the generation, the younger ones, a language is doomed and with every language lost we lose a wealth of knowledge about human existence, perception, nature, survival.'

I give the last word to a lady named Boa, 'All is gone, nothing is left, our jungles, our water, our people, our language, don't let the language slip away, hold on to that.'

And final the last time you had a public hearing here I was saying goodbye to my little brother who was jogging on KK Avenue and got hit from behind by a car and he bleed to death in his brain. He lived for about a week, and we had to pull the plug that night. You people do not understand that the land is more valuable than any business could ever be, but you don't see it that way because your life is telescoped into this one little bitty time that you're here and your greed is killing the whole planet. Good night, people."

Mayor Bukiewicz reiterated that the Plan Commission will need to review the landscaping plan, and stated that the applicant will work with staff for the screening on the rooftop units. The applicant may find it prudent to put the future parking in right away.

Senior Planner Papelbon asked what the Plan Commission would like to see on the landscape plan, disregarding the south.

Commissioner Hanna recommended having types of trees or bushes that are low maintenance and will last a long time to separate the property from the cemetery.

Commissioner Carrillo stated that she would love to see more trees, and that she knows there are plantings against the wall of the building, but she thinks that will be hard to see. There should be a beautiful creative area so that people see the treelines when they are driving both ways down the street.

Mr. Neumann stated that he thinks it makes sense to put the parking lot in sooner than later, which will create another island to landscape. There is no issue with screening the overhead door, it is just a really nice-looking door. They can add more trees along the road, but they are more concerned with easements, vision corners, and similar items.

Senior Planner Papelbon explained that staff do not have concern with the glass overhead door. Renderings and elevations being what they are, it did not translate very well. But the glass overhead door definitely reads more as windows, so staff has less of a concern with screening that.

Senior Planner Papelbon summarized that robust landscaping is something that staff has heard during the last couple of Plan Commission meetings. There are some restrictions with easements - anywhere there will be infrastructure, trees cannot be planted. But bushes, shrubs, low root kinds of plantings, perennials, and similar items can be planted. Senior Planner Papelbon recommended that the applicant confirm with WE Energies what vegetative items can be put in their easements. Trees need to be strategically placed to avoid the easement locations.

Mr. Neumann stated if there are any visions or plans for the "Welcome to Oak Creek" sign, the applicants can try to work with those ideas to maybe blend the areas together.

Commissioner Hanna stated the trees would need to be maintained after planting them.

Mr. Neumann stated that he is sure there are trees that are and are not allowed per Code because of maintenance.

Senior Planner Papelbon stated that she thinks there is a requirement in the Code for variety, meaning there cannot be more than 75% of one species, as well as maintenance. Senior Planner Papelbon clarified that if the landscape plan is approved, the City expects it to be maintained unless and until there is a landscape plan change brought before the Plan Commission.

Commissioner Kiepczynski stated that she is not sure it is possible, but suggested a little berm or something similar on the north side of the parking lot as long as it does not hinder any type of sight distance.

Alderman Guzikowski echoed other Commissioners' comments about keeping as many trees as possible.

Mr. Neumann stated that they understand the south, and he thinks the north is coming into perspective.

Commissioner Siepert asked about small flowering trees on the west side. Senior Planner Papelbon stated that she thinks those types of trees are identified as ornamental trees or deciduous trees, they are not canopy trees, but can be incorporated outside of easements. The variety required by Code is to make sure the landscaping looks attractive, and provides screening during all seasons.

Commissioner Chandler asked for more details about why the west part of the parcel is so sparse, and referenced the north side of the parcel when asking why the corner is more dense, but becomes less dense. Commissioner Chandler also asked what Senior Planner Papelbon is looking for from the Plan Commission in terms of landscaping.

Senior Planner Papelbon clarified that, from staff's perspective, the grouping or drifts in the corners are intended to be screening elements. It is the spaces in between that staff is asking for Plan Commission input or opinions. For screening elements, staff will be looking at height and density to ensure that for at least the loading dock area, it is provided right away. In the parking lot area, it is a matter of making sure the elements are in there to provide adequate screening at the right height for the entirety of the year.

Mr. Neumann stated that since the last version of the plans, the west driveway has been adjusted to provide more opportunity to screen the southwest corner. He stated that they could add more in the space next to it. The driveway only needs to be 20 feet wide per Code, so they could put more trees in between the fire lane and the building, and continue some of the plantings and shrubbery up from the south to the north.

Mayor Bukiewicz suggested that if the City chooses to use stone on the sign, the applicant could add some stone features into their landscaping. The City has a forester that can make recommendations. Fresh Coast with MMSD also does plantings, and they can put together an arrangement that is environmentally friendly for bees and butterflies. Mayor Bukiewicz stated that he agreed with Commissioner Siepert that some flowering trees will help brighten it up.

Mr. Neumann stated that he agreed, and thinks using some stone features and native plantings...

Mr. Neumann made comments that were not audible.

Mr. Neumann stated that he has some experience with the butterflies and with stone outcroppings, and that he thinks Chris, their neighbor, would appreciate that they have made some effort to preserve the land.

Mayor Bukiewicz said he would agree. Rock sculptures really make the landscape jump.

Senior Planner Papelbon suggested that if the applicants are considering incorporating prairie plants, they would not need to go throughout the entire property, but could incorporate

pollinator signs so people can identify the prairie areas. Mayor Bukiewicz reiterated that the prairie grasses do not need to be everywhere.

Mayor Bukiewicz made comments that were not audible.

Mayor Bukiewicz stated that the City will want the welcome sign to complement the applicant's building, and that the metal cabinets are on the corner and will need to be considered.

Senior Planner Papelbon stated that there is a 15-foot-wide sign easement on the corner.

Commissioner Oldani moved that the Plan Commission approves the site and building plans submitted by Marc Goldstein, AIMS, for a single-tenant manufacturing building on the properties at 6340 S. Howell Ave. & 239 E. College Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the Certified Survey Map approved by the Common Council April 3, 2023 is recorded prior to the submission of permit applications.
3. That a signed copy of the Conditions and Restrictions as part of the Conditional Use Permit approved by the Common Council June 27, 2023 is submitted to the Department of Community Development prior to submission of permit applications
4. That the plans are revised to meet minimum driveway width requirements.
5. That copies of all Milwaukee County DOT access approvals and agreements shall be provided to the City prior to the submission of building permit applications.
6. That the landscape plans are revised to meet Code requirements and submitted for review and approval by the Plan Commission prior to submission of permit applications.
7. That the elevations are revised to include materials percentages excluding glazing.
8. That the plans are revised to include locations for all mechanicals, transformers, and utilities. All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened per Code.
9. All light sources shall be full cutoff fixtures with the light source fully shielded and directed downward. The color temperature of the fixtures shall conform to Code.
10. That all revised plans (site, building, landscaping, etc.) 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 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 7:15 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

7-25-23

Date