

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 9, 2024**

Mayor Bukiewicz called the meeting to order at 6:00 PM. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siefert. Commissioner Chandler was excused. Also present: Senior Planner Kari Papelbon, Planner Melanie Perez, Assistant Fire Chief Mike Havey, and Community Development Director Kristi Porter.

Minutes of the March 26, 2024, meeting

Commissioner Siefert moved to approve the minutes of the March 26, 2024, meeting. Alderman Loreck seconded. On roll call: Commissioner Kiepczynski abstained; all others voted aye. Motion carried.

**CONDITIONS AND RESTRICTIONS
CREATIVE DANCE STUDIOS
7040 S. 13TH ST.
TAX KEY NO. 735-9038-000**

Planner Perez provided an overview of the draft Conditions and Restrictions for a Conditional Use Permit for a proposed Indoor Health Athletic/Recreation Facility (dance studio) within a portion of the existing multitenant building on the property at 7040 S. 13th St. (see staff report for details).

Alderman Loreck stated he has no concerns, and he is okay with the change to the hours of operation from 8:00 am to 9:00 pm.

Alderman Guzikowski said he agrees with Alderman Loreck.

Commissioner Siefert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for an indoor health/athletic/recreation facility on the property at 7040 S. 13th St. Commissioner Oldani seconded.

Assistant Fire Chief Havey said the proposed use fits within the provisions and is allowed without a suppression system.

On roll call: all voted aye. Motion carried.

**CONDITIONS AND RESTRICTIONS
CITYSWITCH-II-A, LLC
1805 E. COLLEGE AVE.
TAX KEY NO. 721-8992-000**

Senior Planner Papelbon provided an overview of the Conditions and Restrictions related to a request for a Conditional Use Permit for a proposed 100-foot-tall multi-carrier wireless communications monopole tower and associated equipment on the property at 1805 E. College Ave. (see staff report for details).

Michael Long, 511 North Broadway, Suite 1100, Milwaukee, attorney for CitySwitch-II-A, stated he reviewed the proposed conditions of approval, and they are fine with the applicant.

Commissioner Siefert asked Senior Planner Papelbon if the City normally has a time for compliance that is more than 12 months. Senior Planner Papelbon stated the time of compliance is to start the project, and suggested Commissioner Siefert was thinking of duration of permit. Senior Planner Papelbon also said there is no duration of permit because this is going to be a permanent fixture. Senior Planner Papelbon stated there is no time limit on the permit other than for obtaining building permits and that is standard.

Mayor Bukiewicz asked Mr. Long when they plan to start construction. Mr. Long stated the 12 months will not be a concern. Mr. Long also stated he would imagine that once all the other building permits are in line with the City, it would be an early to mid-fall, maybe end of September or October construction time line.

Mayor Bukiewicz asked Assistant Fire Chief Havey if there were any comments from the Fire Department. Mayor Bukiewicz relayed there were not.

Alderman Loreck moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit to allow a telecommunication tower and associated equipment on the property at 1805 E. College Ave., after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

REZONE/ZONING TEXT AMENDMENT
MSI GENERAL
200 W. DREXEL AVE.
TAX KEY NO. 782-9040-000

Senior Planner Papelbon provided an overview of a request to remove portions of the FF, Flood Fringe district from the property at 200 W. Drexel Ave., and to update the Zoning and Sign Code to reflect the amendment (see staff report for details).

Mayor Bukiewicz asked Senior Planner Papelbon if this should have been completed before a building was put on the lot. Senior Planner Papelbon stated that is what the Conditional Letter of Map Revision was intended for, but the LOMR must come after construction so they can certify the final grade.

Alderman Loreck moved that the Plan Commission recommends that the Common Council that portions of the property at 200 W. Drexel Ave. are rezoned to reflect the flood fringe boundaries approved by FEMA, and that Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended to incorporate the changes to the floodplain following a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

REZONE/ZONING TEXT AMENDMENT
BRIAN AND TRACI KOTECKI
1830 E. ELM RD.
TAX KEY NO. 958-9030-000

Senior Planner Papelbon provided an overview of a request to remove portions of the FF, Flood Fringe district from the property at 1830 E. Elm Rd., and to update the Zoning and Sign Code to reflect the amendment (see staff report for details).

Sadie Borzynski, 1640 E Elm Road:

"I was here more than a year ago with that subdivision on Nicholson and Elm Road."

Mayor Bukiewicz asked if Ms. Borzynski was referring to the proposed subdivision to the west.

Ms. Borzynski:

"Right. There was a number of questions that this council could not answer, and they were very much, the Engineer could answer them. We have had no other meetings about our properties, heard nothing from the Engineer. My neighbors and I, and I think you'll recall there was a lot of them, they're all very concerned about water. Especially at my property, where we're very much lower than all of the other properties. So, I'm wondering, the FEMA maps, do they consider that new subdivision that's going in, apparently, right with no other meetings, we were assured that there would be more meetings, but to answer our questions, but it doesn't seem that there have been any."

Mayor Bukiewicz clarified that Ms. Borzynski's comments are a little off topic from the agenda item. Mayor Bukiewicz explained that one of Ms. Borzynski's neighbors by the name of Brian reached out to him and Engineering took a look at the area of concern. Mayor Bukiewicz stated as the subdivision goes in, a stormwater management plan would be required. As far as Ms. Borzynski's property being low, the new subdivision will not raise or change the water table. As the subdivision goes in, it should help with stormwater in the area and the houses going in should have no bilateral effect on Ms. Borzynski's property.

Commissioner Kiepczynski said MMSD has reviewed and approved the stormwater management report. The City of Oak Creek has also reviewed and approved it, although the City has more stringent rules than MMSD. Commissioner Kiepczynski also stated the new subdivision will not be making the situation worse and storm water will be appropriately handled within the proposed development.

Senior Planner Papelbon stated in regards to the agenda item, FEMA does not consider the surrounding property. Because the LOMR-F was issued in 2009, prior to the subdivision going through, FEMA looks at the fill that was proposed for the three lots in question. Senior Planner Papelbon continued by stating whenever they put fill in, they have to raise the grade of where the proposed development is going to be by a minimum of two (2) feet, and that two (2) feet is to raise the property outside of the floodplain. There are other requirements for the surrounding grade on the development part.

Mayor Bukiewicz asked Ms. Borzynski if Senior Planner Papelbon's explanation helped.

Ms. Borzynski:

"I'm not sure. I understand, right. If you displace water in one it has to go somewhere."

Mayor Bukiewicz said in this case they are plotting the flood fringe. Senior Planner Papelbon clarified FEMA is looking at the effects of the proposed development on the floodplain itself and in this case, it is removing the properties from the floodplain because they raised the grade of the property such that it is outside of what they consider to be where the flood waters would normally go.

Mayor Bukiewicz stated from an Engineering standpoint putting a house in should not have an adverse effect on any neighbor.

Mayor Bukiewicz said part of the reason Ms. Borzynski has not heard anything about the subdivision is because the applicant has not come forward with anything substantial or new, other than the tree inventory. Senior Planner Papelbon clarified that the preliminary plat received local approval and the process is such that, once the applicant receives local approval then all the infrastructure must go in before it goes back for final plat approval. All of those infrastructure improvements have to be certified by a number of entities before final plat approval is granted. Mayor Bukiewicz added if Ms. Borzynski lives within 300 feet of the development she will get notified.

Commissioner Siefert inquired how people could access the non-floodplain area. Senior Planner Papelbon clarified that the wetlands on the property have not been filled, so they will remain on the property as they are. Senior Planner Papelbon said people are allowed to get dry land access. The driveway is not part of the review at this time, but any driveway that is proposed will need to meet certain requirements. Senior Planner Papelbon stated it is not necessarily that the applicant could not have a driveway to the area of the property that is determined to be outside of the flood fringe. Senior Planner Papelbon also said she does not have a good graphic to show what the change to the flood fringe has been, but the proposed area where the house will be constructed is outside of the floodplain area.

Commissioner Siefert clarified that the concern is getting to the property. Senior Planner Papelbon said staff would work with the applicant to make sure that the requirements are met.

Commissioner Hanna asked if the wetlands on lot 1 would remain. Senior Planner Papelbon said at this time there has been no application to fill in the wetland area.

Commissioner Oldani moved that the Plan Commission recommends to the Common Council that portions of the properties at 1800, 1830, and 1900 E. Elm Rd. are rezoned to reflect the flood fringe boundaries approved by FEMA, and that Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended to incorporate the changes to the floodplain following a public hearing. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

Senior Planner Papelbon introduced the Plan Commission to the new Community Development Director, Kristi Porter.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

The meeting was adjourned at 6:34 PM.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-23-24

Date