

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, March 11, 2014

Mayor Scaffidi called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Mayor Scaffidi, Commissioner Siefert, Alderman Michalski and Commissioner Chandler. Alderman Bukiewicz and Commissioner Correll were excused. Also present were Kari Papelbon, Planner, Pete Wagner, Zoning Administrator/Planner and Mike Kressuk, Assistant Fire Chief.

Ms. Papelbon updated the Commission on the significant Common Council actions.

**Temporary Use Permit
1720 W. Elm Road
953-9993**

This is a request for a seasonal haunted attraction which will include a queue tent, six haunted mazes, parking for approximately 116 vehicles, concessions, games and portable sanitary facilities. It is proposed to be held October 3 through November 1, between 7:00 p.m. and 11:00 p.m. The applicant expects a maximum of 200 attendees per night, with 31 volunteers staffing the property. There will be three generators providing lighting and electricity as needed.

Staff has several concerns:

- Traffic and noise – the attraction attendees must pass six homes before turning onto the proposed site. The request also included constructing a new stone exit drive immediately across from the seventh home on Elm Drive.
- Safety and emergency response – Assistant Chief Mike Kressuk spoke to the several concerns from the Fire Department side on this matter. He stated that there is a list of code items that we need to have in place before the Fire Department can grant occupancy for this item.
- Concerns for erosion control – parking for the site is proposed on grass, instead of an impervious surface. Considering the time of year being October to beginning of November, there is a potential of erosion of land and tracking of mud onto City streets. No contingency plans to address these potentialities have been submitted to date.

Nick Timber, Manager of Reality Check, LLC, stated this is something he has wanted to do for a long time - a quality outdoor Halloween experience. He stated that he sent a letter out to the neighbors in February.

The Commissioners had the following concerns:

- Clearing on the property
- The amount of visitors – Mr. Timber stated that the number of visitors is his goal, there is no supporting data.
- Parking on the site- If the haunt is flooded, they would not open.
- Mud on the streets – They would hire someone to clean the streets
- Driving past the homes
- Location on a dead-end road

- Safety and security of attendees
- Disrupting quality of life for the residents

Mr. Timber stated that there was a miscommunication regarding clearing the property of trees and brush. He stated that they would just be cleaning up the area. He also clarified that they would only be there eight days, Fridays and Saturdays.

Ms. Papelbon read the following email into the record:

Dear Commissioners,

Unfortunately I will not be able to attend your meeting on Tuesday March 11th, 2014. Therefore I would like you to consider this letter as representation for myself and my wife in regards to the proposed public Halloween haunted house event scheduled at 1720 W. Elm Road the weekends of October 2014.

I, Michael J McNew and my wife, Tina M. McNew reside at 1518 W. Elm Rd. Oak Creek WI 53154. We made a financial commitment to purchase said property because it was located on a quite dead-end street in a residential setting away from noise and commercial events.

We are in opposition of Nick Timber's juncture of holding a commercial, forprofit, event in our quite residential neighborhood on Steve Spidell's (AKA Hickory's Landscaping) property. We believe this will cause severe traffic congestion on Elm rd and Hwy V (AKA 13th Street) which would prohibit myself and my family from entering and exiting our homestead in a timely matter. This event would also create a severe time delay in the event emergency vehicles should be needed.

Also my business of 22 years requires me to be oncall 24 Hours, 7 days a week. I choose to live on Elm Road because it provided quick access to County Road.

If there is traffic on Elm Rd prohibiting my ability to fulfill my employment commitment then I will be subject to a financial hardship.

My other concern is the introduction of our quite neighborhood to the possibilities of property theft, vandalism, litter and the consumption of alcohol and illegal narcotics. There are substantial protected WetLands surrounding Steve Spidell's property that would possibly be subjected to damage. Also these wetlands become quite deep sometimes exceeding water depths of 5 or more feet. There is a potential drowning danger if small children or impaired adults should wander into these DNR protected areas.

I believe this haunted house would propose a great danger to the wellbeing of my family, property and other persons associated with my neighborhood. There is a right and a wrong place for such an event. My neighborhood on Elm Road is the WRONG PLACE. Please do not allow this event to take place here in a residential neighborhood.

Sincerely,

Michael J McNew

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Michael J McNew, Owner
Affordable Lock Systems LLC
1518 W. Elm Rd
Oak Creek, WI 53154
414-543-4321

Commissioner Dickmann moved that the Plan Commission not approve the temporary use as proposed in this location. Alderman Michalski seconded. All voted aye. Motion carried.

**Right-of-Way Vacation – WISPARK, LLC
ABC Street in OakView Business Park**

WISPARK, LLC is requesting that ABC Street in OakView Business Park be vacated as the configuration shown in CSM 8154 no longer matches the geometry of the public street right-of-way. ABC Street will also be renamed to Oakview Parkway and dedicated as a public right-of-way. There are two additional requests with this vacation:

1. That the “no access” restriction on the south side of Oakwood Road be removed.
2. That the two (2) 50' x 50' vision corner easements at the north end of the current ABC Street be removed.

According to the application, the access restriction will be adjusted on the new CSM (see Items 4c and 4d), and the vision corners will be part of the Oakview Parkway right-of-way.

Arden Degner, 8540 S. Pennsylvania Avenue, inquired about the access to the park. He is requesting the City to provide sidewalk access to every lot that is proposed in OakView Business Park.

Jim Potter, 10656 S. Howell Avenue, asked for an explanation regarding the right-of-way. Commissioner Johnston explained that this is “housekeeping,” it is an existing road that was platted on a previous certified survey map. The new certified survey map (next item) shows the new road alignment. The road will tie into Opus and run down and come out at Elm Road. There are sidewalks on both sides of the proposed road, and there is a 70' right-of-way.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the ABC Street right-of-way in OakView Business Park be vacated after a public hearing. Commissioner Chandler seconded. All voted aye. Motion carried.

**Certified Survey Map
WISPARK, LLC
641 W. Oakwood Road, 10303 & 10711 S. Howell Avenue
975-1004, 955-1002 and 1003**

This certified survey map is the first of two related to OakView Business Park. The purposes of the map are to re-divide the land into four parcels, and to establish public dedications for rights-of-way and easements.

One technical correction is to have the map show no permitted access of driveways coming onto Howell Avenue, and there are several stormwater ponds on the lots abutting Howell Ave.

Oakview Parkway and West Elm Road will be dedicated for public rights-of-way through the development. A 20-foot-wide general utility easement is depicted following the proposed roads. An additional easement on the east and north sides of Oakview Parkway will be dedicated for a general utility and public path easement. Several easements are proposed throughout the development related to stormwater and drainage, sanitary sewer, water, and electric power.

All proposed lots are compliant with the requirements of the M-1, Manufacturing district.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the certified survey map submitted by Jerold Franke, WisPark, LLC for the properties at 641 W. Oakwood Road, 10303 S. Howell Avenue and 10711 S. Howell Avenue be approved subject to any technical corrections being made prior to recording. Alderman Michalski seconded. All voted aye. Motion carried.

Certified Survey Map

WISPARK, LLC

**641 W. Oakwood Road, 10303 & 10711 S. Howell Avenue
975-1004, 955-1002 and 1003**

This certified survey map (CSM) is the second of two related to OakView Business Park. The purpose of this CSM is to further divide lots for conveyance. Three lots will be created from Lot 12, which was created as Lot 3 in the previous CSM. Based on the recording requirements for Milwaukee County, these lots should be consecutively numbered beginning from Lot 1.

Ms. Papelbon stated that our Engineering Department provided a recommendation for Lot 15 to have a property line perpendicular radial to the right-of-way.

Comments were also received from the Department of Transportation about a five-foot signage easement, which needs to be included on Lot 15 for the bike path, and 52-foot reservation for future road purposes on Lot 15 for the expansion of Hwy 38. The same "no access" easement from the previous CSM should be included on this CSM, and all utility locations should be verified prior to recording.

The bike path will tie into the Oak Leaf Trail on Howell Avenue. There will be on-street bike accommodations through the development, and sidewalks on both sides.

The intersection at Howell and Elm will not be controlled as it meets all the design requirements for sight distances. It will be stop-controlled on Elm Road as it is currently. In the future there is a potential, depending on how this gets built out, for signals to be installed based on need.

All proposed lots are compliant with the requirements of the M-1, Manufacturing district.

Commissioner Dickmann moved that the Plan Commission recommend to the Common Council that the certified survey map submitted by Jerold Franke, WisPark, LLC for the properties at 641W. Oakwood Rd., 10303 S. Howell Avenue and 10711 S. Howell Avenue be approved subject to any technical corrections being made prior to recording. Commissioner Johnston seconded. All voted aye. Motion carried.

Commissioner Carrillo moved for adjournment at 6:45 p.m. Commissioner Siefert seconded. All voted aye. Motion carried.