

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 13, 2015

Alderman Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carillo, Alderman Bukiewicz, Alderman Guzikowski, Commissioner Siefert and Commissioner Chandler. Excused: Mayor Scaffidi and Commissioner Correll. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development.

Conditions and Restrictions

Oak Creek Water & Sewer Utility

9175 and 9235 S. 5th Ave. and 3975 E. American Ave.

Tax Key Nos. 869-9006-000, 869-9995-004, 869-9998-003

Ms. Papelbon provided an overview of the Conditions and Restrictions. She noted a modification to the building and parking setbacks on page 5, which was based on the submitted site plan by the Utility. After consultation with the City Attorney, it appears that a setback modification for Utility purposes may be approved by the Plan Commission as part of the Conditions and Restrictions without the need for a variance.

On page 6, the permitted uses highlight that the water storage and high service distribution pump facilities are approved as permitted uses as depicted on the site plan.

Regarding time of compliance, Ms. Papelbon stated the standard language in the City's Code is 12 months. Ms. Papelbon stated that the Utility may need an extension. Ron Pritzlaff, Utility Engineer, confirmed that the Utility would like an extension to 18 months.

Commissioner Chandler asked why there was a need for these improvements. Mr. Pritzlaff responded that the Utility is installing these improvements to be in compliance with WisDNR regulations.

Alderman Bukiewicz asked the residents in the area if they are working with the Utility regarding screening issues.

Jacob Piontek, 3953 E. American Avenue, stated he has given his contact information to Mr. Pritzlaff and they will work it out between themselves.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions, with Item #11 amended from 12 to 18 months, as part of the Conditional Use Permit for water storage and high service distribution pump facilities located at 9175 S. 5th Ave., 9235 S. 5th Ave., 3975 E. American Ave. after a public hearing. Commissioner Johnston seconded. On roll call: all voted aye, except Commissioner Siefert, who abstained. Motion carried.

**Rezone
Oak Creek-Franklin Joint School District
2200 W. Drexel Avenue
Tax Key No. 785-9996-002**

Ms. Papelbon gave an overview of the proposed rezone request. Dr. Sara Burmeister, Superintendent, Oak Creek-Franklin School District, provided additional project details.

Commissioner Siefert asked how many acres are being rezoned. Dr. Burmeister responded 16.6 acres, but the part that is in the floodway will not be rezoned. Ms. Papelbon stated that they are currently waiting for an attorney's legal description for the property outside of the floodway designation. Once that is received, staff will have an exact acreage for the rezone. That will happen before the notice for a public hearing is published.

Commissioner Siefert asked who would take over ownership of the floodplain. Ms. Papelbon responded that the floodway designation will still be part of the property, but it won't be rezoned. Dr. Burmeister stated that the School District still owns the property, but won't be using it except for open space and stormwater purposes.

Commissioner Chandler asked if this is a new or replacement school being planned for this property. Dr. Burmeister responded that this is an additional elementary school.

Mr. Degner stated that floodplain can be used for a playground. Dr. Burmeister stated that the playground area will all be to the north (outside of the floodway).

Alderman Bukiewicz moved that the Plan Commission recommends to the Common Council that a portion of the property at 2200 W. Drexel Ave. be rezoned from P-1, Park District to I-1, Institutional after a public hearing. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

**Conditional Use – Community Based Residential Facility (CBRF)
Autumn Creek II CQS, LLC
1326 W. Willow Drive
Tax Key No. 811-9008-002**

Ms. Papelbon provided an overview of the project and noted that the garage location has changed from what was originally proposed (now on the east). The grading options are better with this change.

Brian Schoenleber, representing the applicant, stated they built a CBRF at 8825 Cecily Drive, which is an 8-bed, 8-bedroom facility. They decided to build another on Willow Drive. Due to the land mass, they kept it to an 8-bedroom. However, there is enough square footage that they can put two beds in each bedroom, and that meets State requirements. Mr. Schoenleber stated that because none of the residents drive, he is requesting reduced parking. Ms. Papelbon asked how many parking spaces they are requesting so that it can be incorporated into the Conditions and Restrictions. Mr. Schoenleber stated that he is requesting six spaces based on two cars in the garage and four more in the driveway. Asst. Chief Kressuk stated in a memo that he would be working directly with the applicant to establish Fire Department requirements.

Commissioner Chandler asked if the reduced parking meets the City's requirements. Ms. Papelbon responded that if the Plan Commission approved it, then it would meet the parking

requirements. Commissioner Chandler asked what the parking requirements are for this space. Ms. Papelbon responded it is not perfectly laid out in the Code for a CBRF, but she estimated about 8 spaces based on the number of bedrooms.

Mr. Degner stated his concern that there needs to be more parking for visitors.

Ralph Sharafinski, 8120 S. Woodridgde Drive, stated his concern about the potential number of visitors given that there will be 16 residents. His concern is the number of cars parking on the street due to the overflow from the garage and driveway. Mr. Sharafinski does not care for this use in the neighborhood.

Ms. Papelbon stated that there is standard language in the Conditions and Restrictions that parking has to adhere to that section of the Code. If the Plan Commission wants to make an exception to that, she would need to know in order to incorporate the exception in the Conditions and Restrictions.

Alderman Bukiewicz stated that the Plan Commission should give staff some direction about improved parking even if it is toward the front of the building and rarely used.

Mr. Seymour asked the applicant what the difference is between a single- and double-occupant unit. Mr. Schoenleber responded it goes from 60 sf to 90 sf for the bedrooms. Mr. Seymour asked if there are any State regulations regarding health care and privacy with putting more than one person in a bedroom. Mr. Schoenleber responded that with the demand for beds, and that the State likes these smaller facilities, even a two-bedroom, within 60 days will be filled.

Commissioner Johnston asked what the parking is like at the Cecily Drive facility. Mr. Schoenleber stated they have not had an issue with the parking. However, there are more residents in this proposed facility, so there could more visitors. Mr. Schoenleber suggested putting a parking space next to the garage at a 90° angle. Commissioner Johnston asked if there would be a transport van. Mr. Schoenleber responded no, they use Transit Plus to provide rides for medical appointments.

Commissioner Siefert stated the applicant should reconsider the parking situation. Mr. Schoenleber stated he did not have a problem with that. Ms. Papelbon stated staff will continue to work with the applicant regarding the parking/garage issue, and will have a different site plan for the next meeting in two weeks.

Rosemarie Annonson, 3920 E. Ryan Rd., asked what type of patients will be at this facility. Mr. Schoenleber responded it is a Class C facility, which is semi-ambulatory. They will either use a walker or walk on their own. The residents will be advanced age, slight dementia, and some developmentally-disabled.

Ms. Annonson stated her concern about the size of the rooms and wanted to know if the City could set stricter standards than the State for regulating room size. Mr. Seymour stated that staff could check with the City Attorney.

Ms. Annonson asked if information was available on the number of police and fire department calls with their current facility on Cecily Drive. Her concern is the volume of calls and the impact on emergency services associated with a large volume of calls. Alderman Bukiewicz stated he would have that information by the next public hearing.

Mr. Schoenleber stated he would get clarification on the bedroom sizes.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council approves a Conditional Use permit allowing a Community-Based Residential Facility (CBRF) with a capacity of more than 8 (eight) persons located at 1326 W. Willow Dr. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting (January 27, 2015). Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

Plan Review – Expansion of Diesel Shop

MATC

6665 S. Howell Avenue

Tax Key No. 718-9961-002

Ms. Papelbon provided an overview of the project.

Jaime Vega, Director of Construction for MATC, 6665 S. Howell Avenue, provided additional details for this request.

Commissioner Siefert asked if the proposed parking would be sufficient. Mr. Vega responded that this area is where they store the trucks before they built the new lot trailers, and vehicles that are used for auto repair. It was a cluttered space and now they are creating a designated area to accommodate those vehicles. The area for the existing cabs are just cabs alone, not trailers, and they have plenty of space for their curriculum.

Commissioner Chandler asked what materials are being used on this expansion. Mr. Vega stated they are going to do everything they can to match the materials on the existing building. Ms. Papelbon stated that if there is a $\frac{3}{4}$ Plan Commission majority, this would be okay.

Commissioner Chandler asked if there are any updates needed as far as sprinkler systems or HVAC. Mr. Vega stated yes and that will be covered in their next submittal of building plans.

Commissioner Siefert moved that the Plan Commission approves the site and building plans submitted by Jamie Vega, MATC, for the property at 6665 S. Howell Ave., with the following conditions:

1. That all building and fire codes are met.
2. That stormwater and grading plans are submitted for approval by the Engineering Department prior to issuance of permits.
3. That a detailed landscaping plan is approved by the Director of Community Development prior to the issuance of permits.

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

**Certified Survey Map
Joseph Frederick
7867 S. Pennsylvania Avenue
Tax Key Nos. 779-9986**

Ms. Papelbon provided an overview of the request.

Brian Schoenleber, 5300 S. 108th Street, Hales Corners, WI, spoke on behalf of the applicant who was out of town. He stated that he disagrees with the second condition of approval: "That a note is included on the map prior to recording stating that the existing house on Lot 1 must be moved or removed at such time right-of-way improvements are required." He stated that that structure has been there since 1908. At the time that Pennsylvania Avenue is widened, the governing body heading up the widening will purchase the property from the homeowner. To put the onus on the property owner to move or remove the building is not what the applicant is looking for.

Alderman Bukiewicz stated that the City of South Milwaukee and Oak Creek are in a joint effort to improve Pennsylvania Avenue from College to Rawson and that continuation will go to this property. This home will be a problem.

Mr. Schoenleber stated that this doesn't have anything to do with the land division. When the road is improved, removal of the home will be addressed, but doesn't apply to this application for a Certified Survey Map. Mr. Seymour responded he would look into a legal review of this whether or not this is an appropriate condition of approval of a CSM. Without that legal opinion, Mr. Seymour is not sure the Common Council would be in a position to approve that. Ms. Papelbon stated that condition #2 could be removed from the recommendation. Mr. Seymour stated that when this gets to the Common Council level for approval, they can determine if this is a legitimate condition of approval.

Commissioner Johnston stated that the acquisition of right-of-way with the Drexel Avenue improvements was the stemming point for inclusion of this condition. All of the real estate costs for Pennsylvania Avenue would be on the City of Oak Creek. This will create an economic issue for the City in the future.

Mr. Degner asked why the applicant does not want to conform to what the City requires like he had to. He stated there is a sidewalk on the east side of Drexel Avenue that individuals should have access to and it is not mentioned in this request. He stated the sidewalk should extend past this house so that people have access to whatever is on Drexel Avenue. He made a request that sidewalk be added to allow a proper usage of this property by individuals without cars. Alderman Bukiewicz stated that the sidewalks would come along with the road improvements, and not as a condition of this CSM.

Ms. Papelbon clarified that the Plan Commission would be making their recommendation without condition #2, and staff will check with Legal with any remaining questions.

Mr. Schoenleber stated that the applicant would not go through with the land division if they have to move or remove the duplex.

Alderman Bukiewicz moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Joseph Frederick for the property at 7867 S.

Pennsylvania Ave. be approved with the condition that any technical corrections are made prior to recording.

Commissioner Dickmann seconded. On roll call: all voted aye.

Certified Survey Map
David Losiniecki and Bruce Schmidt
3775 & 3785 E. Elm Road
Tax Key Nos. 968-9039 & 968-9009

Ms. Papelbon provided an overview of the request.

David Losiniecki, 3775 E. Elm Road, stated he has a young family and wants additional land for his family and for gardening.

Bruce Schmidt, 3785 E. Elm Road, stated he is not using the land for anything.

Commissioner Johnston asked if the shed that is shown on the property is included with the creation of Lot 2, because the shed is not shown on the CSM. Mark Augustine, Landmark Engineering, 119 Coolidge Avenue, Waukesha, WI, responded it is not shown on the CSM because it is not required to be shown. It is fully on the existing parcel located at 3775 E. Elm Road. It is not encroaching on either of the properties.

Commissioner Chandler asked about the partial street mapping. Ms. Papelbon responded that the officially mapped street pattern has been altered in this area property by property to remove it. Mr. Augustine stated that the new Statutes allow rights-of-way and easements to be created and vacated via CSM. He will work with staff to have that done with this single document or as a separate document after the CSM is recorded. Ms. Papelbon stated staff would check into that.

Marie Machniewicz, 3811 E. Elm Road, asked if this property would be commercial or residential. Alderman Bukiewicz stated it will stay residential. Ms. Machniewicz stated her concern that there is a lot of wood cutting done there and it is not for private use. She stated there are loads of wood coming in and out, and there is a lot of noise with the log splitters and chippers. Her concern is that if the present owner has more land, this activity will increase. Ms. Papelbon stated there has been no proposal to change the use or zoning of the property. Ms. Papelbon suggested Ms. Machniewicz contact the Zoning Administrator and work through the process with him in order to determine whether or not there is something he needs to follow up on.

Carol Ryback, 3825 E. Elm Road, stated her concern about the noise, and was surprised to learn that this was for the applicant's children as there is a lot of wood being stored on this property.

Ms. Ryback asked how to get rid of the street designation from a property. Ms. Papelbon responded that an applicant would need to come before the Plan Commission in a separate application, and request that that pattern be removed or the City could request it. The Common Council would then rule on that.

Commissioner Johnston moved that Plan Commission recommends to the Common Council that the Certified Survey Map submitted by David Losiniecki and Bruce Schmidt for the

properties at 3775 & 3785 E. Elm Rd. be approved with the condition that all technical corrections are made prior to recording. Commissioner Siepert seconded. On roll call: all voted aye.

**Resolution No. 15-01 regarding the former Du Pont and EPEC properties
Designation of Public Park Areas & Public Access
9300 S. 5th Avenue & 4240 E. Ryan Road
Tax Key Nos. 868-9996-002 & 868-9993-001**

Ms. Papelbon provided an overview of the Resolution. She added that she did receive a memo from the Fire Department requesting and recommending that this project be treated like any other construction project, which would require restricted public access until final occupancy approvals have been obtained. The memo also mentioned the OSHA requirements with regard to construction sites.

Mr. Seymour stated the City's strong commitment to open up these areas to the public for use as a public park. However, there is a proper time to do that and it is not during the construction phase of roadways and facilities; nor before an active and WisDNR-approved management plan, soil management and cap maintenance plans are finalized. Just because the City now owns these properties does not mean the public is able to access those properties. The security of the site will be maintained until such time as the safety of the public can be assured - that being when the construction is complete or when it is determined that portions of these park facilities are able to be occupied by the public, but not until then. Once it is deemed that is safe for the public to gain access to those lands, the City will do that at the time, but not until then.

Commissioner Siepert asked if the soil conditions (Du Pont area) are contaminated. Mr. Seymour responded that both of these properties have gone through the Voluntary Party Liability Exemption Act, which requires them to be cleaned up to a standard which is appropriate as deemed by WisDNR. That was a condition of approval before acceptance of these parcels by the City.

Commissioner Chandler asked how long this area will be closed. Mr. Seymour responded that the area is under design right now. The areas would be opened up as it is deemed safe for the public.

Commissioner Siepert asked if there is access to the lake. Alderman Bukiewicz responded that there will be access to the lake.

Commissioner Carillo asked how the public will be kept off the land. Mr. Seymour responded there is security fencing right now and it will remain.

Mr. Degner stated that since Carrollville Park was eliminated, children need a place to play. He was hoping that part of the area would be opened up for them. Mr. Seymour responded that this is going to be a community park for the City, which will not only serve the residents of Carrollville, but the rest of the City as well. Part of it contains a very large area with play structures with different types of recreation activities for not only the children of the area, but people of all ages.

Ms. Annonson stated her concern that the residents have no guarantee that anything will be constructed on this site to replace the Carrollville Park. Mr. Seymour responded that the Common Council, in their approval of the Consensus Design document and their willingness to

issue bonds for the construction of these facilities, has sent as strong a message as possible that they intend to follow through on their promises to develop the lakefront for public access. He further stated that this Council is committed 100% toward implementing this plan.

After additional comments were made, Alderman Bukiewicz moved that the Plan Commission approves Resolution 15-01, regarding the designation of public park areas and public access to the properties at 9300 S. 5th Avenue and 4240 E. Ryan Road. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Commissioner Carillo moved to adjourn. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:50 p.m.