

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 26, 2015

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, Alderman Bukiewicz, Alderman Guzikowski, Commissioner Correll, Commissioner Siepert and Commissioner Chandler. Also present: Kari Papelbon, Planner; Asst. Fire Chief Mike Kressuk; Battalion Chief Tom Jonson; Doug Seymour, Director of Community Development.

Commissioner Dickmann moved to approve the May 12, 2015 meeting minutes. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Certified Survey Map

Wimmer Communities

6871, 6881, 6881R, 6933, 6939, & 6955 S. 13th St.

Tax Key Nos. 736-8010-001, 736-8999-004, 736-8999-003, 736-8007, 736-8990-001, 736-8011

Ms. Papelbon provided an overview of the proposal.

Commissioner Siepert asked if the applicant has spoken to the Oak Creek Water and Sewer Utility about the private sanitary sewer lines crossing property lines. Ms. Papelbon responded that Ron Pritzlaff, Utility Engineer, has had further conversations with the applicant and they are working through those issues. Nick Wimmer, Wimmer Communities, 5300 S. 108th St., stated that they will be working with the Utility to shorten a storm sewer line with a manhole being eliminated so that it does not cross a property line. They will also be revising the CSM to move the property line over so that it does not encompass the utility line.

Commissioner Dickmann asked about the comment in the staff report regarding the sanitary sewer lines as it related to the property being divided in the future. Ms. Papelbon responded this comment is included so that if the property is divided or reconfigured, water lines cannot cross property lines.

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Nick Wimmer, Wimmer Communities, for the properties at 6871, 6881, 6881R, 6933, 6939 and 6955 S. 13th St. be approved, with the following conditions:

1. That all wetland boundaries are included on the map prior to recording.
2. That all technical corrections are made prior to recording.

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

Conditional Use Permit

Airoldi Brothers

7350 S. 10th St.

Tax Key No. 764-9054

Ms. Papelbon provided an overview of the proposal and noted that the area identified as gravel is proposed to be trailer parking. Sec. 17.0403(f)(1) requires all off street parking lots to be paved. Staff is recommending that the storage of vehicles and equipment be confined to the paved or concrete area of the site. Should the applicant seek to utilize the gravel areas for storage of vehicles and equipment, they would need to pave them. Ms. Papelbon stated that if the Plan Commission approves this conditional use permit, conditions and restrictions should limit the storage of vehicles and equipment to only those which are being actively worked on in the facility. There should be no long term outdoor storage of equipment and vehicles on the property.

Mayor Scaffidi asked the applicant if they agreed with what Ms. Papelbon stated as far as the vehicles. Craig Aimars, 6510 S. 6th Street, concurred.

Commissioner Chandler asked if this was temporary for storage and repairs. Mr. Aimars stated that they would park there for the night and move out the next day. There will be a constant rotation going through there.

Alderman Bukiewicz asked about security/fencing concerns. Mr. Aimars responded that they do not plan on adding any security measures. Joseph Campione is in the main building on the property. Airoldi Brothers would be running two shifts and having tractors coming through the night to move trailers out of there. He feels there will be enough supervision there through the night that they won't need anything additional.

Mr. Aimars requested a variance to park on the gravel with trailers. Ms. Papelbon responded that staff did bring to the applicant's attention that there is the section of the Code that requires paving, but it is up to the Plan Commission to determine if the gravel area can continue to be used rather than paving it.

Commissioner Siefert asked what the maximum number of trucks there may be at any given time. Mr. Aimars responded probably about 10 trailers. They are planning to bring some of their 6th Street location equipment to this location. They may be keeping 6 or 7 tractors over there which will be on the blacktop on the east end of the building where there are parking spots. The tractors will stay on the paving. Mr. Aimars stated that they are anticipating 16 vehicles on site. Mr. Seymour inquired about the equipment being brought from the 6th Street location. Mr. Aimars responded that they would be bringing their equipment to the 10th Street location for repair, and then the equipment will be sold. It will not be sold from this location.

Alderman Bukiewicz asked about fire access as it related to the trailer parking. Asst. Fire Chief Mike Kressuk responded that there is a significant amount of parking and access roads there. As long as they maintain property access paths around the structure and then to Campione's, that should be sufficient. Mr. Kressuk noted that any facility utilized as a repair garage would be subject to fire codes. The owner/lease would have to meet with the Fire Department to discuss any upgrades to the building.

Commissioner Correll asked about the consistency of allowing gravel parking in the industrial parks. Mr. Seymour responded that staff has been consistent in requiring paving of parking areas unless it can be demonstrated that there is a functional reason not to do so. Commissioner Correll asked if there was a functional reason for allowing the gravel to remain. Mr. Aimars responded that trailers function better on stone. Because of the limited area, the turns will be tight and the wheels skid and tear up asphalt. When the trucks are maneuvering on stone, it is not as much of an issue.

Commissioner Johnston asked if they have issues with their paved parking lot at their other location. Mr. Aimars responded that they do. They repaved last year and because of the damage from the trailers, they will be doing significant repairs to the lot this year.

Alderman Bukiewicz moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit allowing automobile and truck engine and body repair and storage of vehicles and equipment on a portion of the property located at 7350 S. 10th St. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission at the next meeting (June 9, 2015).

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

Preliminary Plat
Oak Creek Land Investment, LLC
3110, 3260, 3300 E. Elm Road
Tax Key Nos. 959-9991, 960-9994, 960-9993-001

Ms. Papelbon provided an overview of the proposal.

Commissioner Johnston stated that Engineering staff has been working very closely with the applicant regarding storm water management issues. There are two ponds proposed. It is basically splitting the acreage that did go into Oakwood Lakes in half. There has been a prolonged drainage issue along the existing properties, where a catch basin will be added to take care of that drainage and get the water to the pond. One pond will discharge to the south to Elm Road, and one pond will discharge into the existing storm sewer and will go to Oakwood Lakes.

Commissioner Carrillo recused herself from taking action on this item due to the close proximity of her property to the proposed subdivision.

Commissioner Chandler asked why Lot 4 does not meet Code requirements. Ms. Papelbon explained that comment is from a previous version of the plan. That lot is now in compliance per the new plan that has been submitted.

Alderman Bukiewicz asked about Fire Department access and their requirement of two accesses. Battalion Chief Tom Jonson stated that one of the Fire Department concerns is when the site is under construction. He suggested a temporary drive or road off of Elm Road. Mr. Jonson stated that as long as Ricky Drive is maintained and kept open and there is Fire Department accessibility to get to it from the north from Oakwood, they would be okay with that.

Alderman Bukiewicz asked what the distance was from Elm Road to the proposed development. Joe Bukovich, Pointe Real Estate 13400 Bishop's Lane, Brookfield, responded it is about 1,200 feet from Elm Rd. to the south portion of the phase they are proposing.

Alderman Guzikowski asked when the next phase would be coming in because he is hard-pressed to see this through with Ricky Drive being the only access to the subdivision for an extended period of time. Mr. Bukovich stated the water is about 1,500 feet to the east of the property and the sewer is over 20 feet deep. The cost to develop the easterly side, which will be the next phase of the development, raises the cost of the lots. They would need the market price to be in the \$95,000 to \$100,000 range. Right now lot prices are in the \$60,000 to \$70,000 range. In terms of access to the cul-de-sac, there are two access points through Oakwood Lake Estates. The code allows for 15 lots in a cul-de-sac. There will be adequate support for hauling dump trucks and equipment into the site off of Elm Road if weather conditions permit. So there are two access points to the cul-de-sac and if absolutely necessary, there is access across the field from Elm Road.

Arden Degner, 8540 S. Pennsylvania Ave., asked if there would be curb and gutter and sidewalk in this proposed subdivision. Mr. Bukovich responded yes.

Doug Krimmer, 3170 E. Lindy Lane, referenced Mr. Bukovich's statement that in order to bring development off of Elm Road, lot prices would have to be in the \$90,000 range. Mr. Krimmer stated that they represent 11 lots on Oakwood currently just west of the train tracks, which are listed in the upper 80s.

Mr. Krimmer stated they would have to prohibit any type of construction vehicles coming through for any development that would have to come off of Ricky Lane. Mayor Scaffidi stated that is correct.

Mr. Krimmer invited the Fire Commissioner to come through Oakwood Lake Estates. He stated that they would not get the fire truck through there to access these homes. Mr. Jonson stated he spoke with Asst. Chief Kressuk and he stated that as long as it is wide enough, and it appeared that it was, that he was okay with it. Mr. Jonson stated that he would also want to take a look at it himself.

Mr. Krimmer stated that it is a very tight squeeze around corners. If there is a parked car, you are not going to get around there with any type of service vehicle. Mr. Krimmer stated that safety has been one of their main concerns as to why they have not wanted any connection with the development to the south. They wanted Oakwood Lake Estates to be an autonomous development. They have over 100 juveniles in their neighborhood and they have significant safety issues. There are no sidewalks. There are no street lights. Mr. Krimmer stated that this proposal is going to result in a 16% increase in traffic.

Mr. Krimmer stated that he believes the developer is “cherry-picking” the best part of this property and going to cash in on it with no real assurances that they are going to follow through with the rest of the development. At their meeting, he stated that it could take 15 years for them to open it up. Mr. Krimmer stated that moving forward with this plan would be nice if they would have some type of sunset requirement with which something would have to be done to protect them.

Mr. Krimmer stated that the water level is one foot higher than all of the calculations that Mr. Johnston says. It does function properly, but it is at a steady state one foot, which is about 2.7 million gallons higher than what it was designed for.

Mr. Krimmer stated that this is the second proposal that that Point Real Estate has come to. One was a cul-de-sac and now there is a gate. He stated that they have been told that there is not a viable solution to come off of Elm Road. The discrepancy is bringing the utilities down Elm. Mr. Krimmer stated he did not think it was 1,500 feet. Mr. Bukovich stated it is close to 1,000. Mr. Krimmer stated it gives the developer two more lots because they can go 15 off of Elm Road that they can't come off of Ricky Lane. It gives the City two more lots to collect taxes on. It also goes across several properties that would be assessed to share some of that cost. Mr. Krimmer stated he believed that this is part of the plan to eventually bring sewer and water down Elm. They are trying to siphon off the best off the top right in the beginning and then at the end, it is going to make it harder for them to justify them going down Elm with the utilities. Mr. Krimmer stated that if they could come up with some solution where there is shared cost between Point Real Estate and the City or something to start bringing the utilities down. He asked what the plan was for Elm Road long term. Mr. Seymour stated that every portion of the City has a Master Plan of utilities. There is no calendar that says this is going to happen next year, five years, or ten years. A lot of that is customer-driven. Commissioner Johnston stated that the City typically does not install utilities or roads, it just maintains them. Nothing is in the plan for the next 10 years for Elm Road.

Mr. Krimmer stated he would like to see more investigation on starting the development off of Elm Road to the east where 15 lots could be circled and try to come up with some amicable solution with which to cover the cost of extending the utilities.

Nick Kelly, 3207 E. Lindy Lane, distributed several pictures he took of the traffic situations in the Oakwood Lake Estates Subdivision. He stated that the road, as is, is not necessarily wide enough for the needs of the subdivision. When you put traffic in there and you put more houses in there, and you still have a need to get service and emergency vehicles in and out of there, it creates a larger problem. Mayor Scaffidi asked if parking is currently allowed on both sides of the street. Mr. Kelly responded yes. Commissioner Correll asked for the Fire Department's response to the problems in that neighborhood currently. Mr. Jonson stated the Fire Department has been in there, and he has not been notified of any response issues they have had in that area.

Mike Mecha, 10420 S. Justin Dr., commented on the northernmost pond that will dump into the Oakwood Lake Estates pond. He asked the Commission to take a look at that and maybe reroute that water out and around all the way to the east and then back down Oakwood Dr. Right now the phosphate levels are .072 milligrams per liter, which is more than double the recommended phosphate levels. They have worked very hard in the subdivision to keep all of the residents from using phosphates. They have no control over this and as that water from the new development starts to drain into that pond and then back into theirs, the levels are going to go through the roof. Mayor Scaffidi asked where the phosphate level readings came from. Mr. Mecha responded that it was tested by Northern Lakes, a regular certified testing facility. They do their e-coli testing with them. Mr. Mecha stated that is where the problem is going to lie. They have no control over those folks and when they start putting tons of phosphate on their lawns and it drains into that pond and into theirs, it is going to cause them a major concern.

Dave Blake, 3283 E. James Dr., stated there is no definite calendar of time when the rest of the loop will be completed and the Ricky Drive access will be shut off. If there is ever a time Elm and Oakwood are connected through to their subdivision, it is going to be Indy 500 trying to get onto Oakwood to get to the Deerfield Elementary School subdivision. Anybody going down Elm has to wait to go north on Hwy 32. He asked that this be taken into consideration as it adds to the safety issues.

Valerie Kaye, 3200 E. Lindy Lane, stated that because of the stop sign right there right now, once they open up that road, the lights will shine directly into her home. On March 10, there were cars parked there. She was able to take pictures and it basically lights up her living room and lights up her bedroom in the front of her house. With that road open, there will be constant lights shining into her house, which causes her great concern. She stated that she is a big proponent of having Elm Road open instead of Ricky Road open.

Mark Henschel, 10473 S. George Dr., stated that there is support for single family development on that land. He doesn't feel anyone is against that in any way. He stated that it doesn't seem unreasonable to have the developer bring a road off of Elm since they have to use that for construction traffic and eventually that is probably going to be a main entrance into that development. There is a gravel road there that they are talking about using and it seems there is already an access point. Mr. Henschel stated that this particular development that was submitted here he personally does not support. He knows there was a prior development that was put forth that he was more in support of than this. He stated that being a dad with young kids in Oakwood Lake Estates, he has little kids biking and walking on the roads with no sidewalk and tight curves, and it makes him extremely nervous to have more traffic.

Kelly Gehrke, 3173 E. Lindy Lane, stated her concern about the water. She lives right behind the development and it is a mini lake back there. It floods the whole backyard and goes off into the drive, off into the farmer field in her backyard. It almost covers the electrical box. It is that high. She is really worried about that. Mayor Scaffidi asked Commissioner Johnston if the stormwater plan will help the situation that was just described. Commissioner Johnston responded that that is the intent of the stormwater plan to help the situation that is out there.

Matthew Holl, 3249 E. Lindy Lane, stated he wanted to know why they are talking about connecting to Ricky Dr. in the first place, which in his opinion is financial. He stated that the developer stated they have to connect to Ricky Dr. in order make this a viable project. The whole project is in the neighborhood of 104 lots. He stated that the average price for lots in Oak Creek is \$65,000. This project is about \$6.5 million, probably more than that, because the lots are going to be a bit higher than average for Oak Creek. That is a big number. To say that a \$6.5 million project can't afford to have road put in and can't afford to cover the costs of developing the earlier phases, he doesn't accept that idea. He stated that if the project has merit, the developers will be able to find lenders who will give them the money they need to fund the early phases at a reasonable interest rate, and that they will be able to do that without having to come off of Ricky Lane (sic).

Steve Bautch, 3264 E. Lindy Lane, asked why they couldn't start by building in the area closer to Elm Road and develop 15 homes. They could have a cul-de-sac. He doesn't believe the distance to carry the sewer would be 1,000 feet. Mr. Bautch pointed out alternatives to the subdivision layout on the projected plan. Mayor Scaffidi stated that they are here to review the proposal that this developer has put forth. They can speculate on how they can lay it out differently, but they are there to discuss what the developer is proposing specifically. Mr. Bukovich stated they spent a considerable amount of time looking at different ways to avoid connecting to Ricky Drive. At this point, the construction numbers do not make sense. The construction costs cannot be absorbed by lot pricing at this point. Mr. Bukovich stated that the construction roads are not built to the same standards as public roads. Sewer and water have to be put in first, so there is not a simple solution to putting in a construction road.

Mr. Bukovich stated that if there is such a concern about getting fire trucks in, the house in Oakwood Lake Estates adjacent to the proposed subdivision is the same as the first house in the proposed subdivision. The City should welcome the ability to be able to have an emergency access.

Mr. Bukovich stated that because he doesn't know what the market is going to do, he cannot estimate how long it will take to construct the other phases of this development.

Mr. Bukovich stated that as far as phosphates, when they met with the homeowners, the concern they had was the runoff from the proposed lots going into their pond. He thought that was very reasonable and he agreed to deed restrict those lots to using the same fertilizer that drains into their pond now.

Mr. Bukovich stated that after the public hearing on the rezoning, they flipped the cul-de-sac around, they took half the drainage away, prepared a concept plan, which they were asking for showing how the rest of the site is developed, they worked with the neighbors on the phosphate issue. Mr. Bukovich stated they would be willing to continue to work with the homeowners if they wish the new development to join the homeowner association.

Mr. Bukovich stated that there is a significant amount of fill that has to go in there to get the drainage to go to the proper direction. It is already June, and by the time they get through, it is going to be August and they need to fill the site in order to get utilities in and get it paved. Mr. Bukovich anticipates doing the grading this year, the utilities over winter, and paving next year.

Mr. Bukovich stated as far as the gate is concerned, they would be willing to restrict the land for future development. Once the east side is developed and the binder course is down, the gate can be put up. This is in writing and it is recorded.

Felipe Maldonado, 3201 E. James Dr., stated it is upsetting that he has to compromise his kids' safety so Mr. Bukovich's company can make a profit. He stated that their streets are their sidewalks. They drop off. The shoulders are maybe a foot and then they drop off. Their kids walk. They have Halloween parties and they are running back and forth between the cars. There is nowhere else to walk. He stated that the new area will have curbs and sidewalks and lamps. He asked if the developer will put that in Oakwood Lake Estates so their kids can be safe also. He lives right where everybody comes in and people are flying through there all the time and that is just with the little bit of traffic they have. Add 13 more homes to 104 and it is going to be like a main street out there. His kids ride their bicycles there. That is his biggest concern. He stated he has no way to protect his kids right now because of what is going in.

Alderman Bukiewicz stated that safety has been brought up a number of times within this subdivision. He stated that it can be tight. He suggested the Homeowner Association get together and go to the Traffic and Safety Commission to propose that parking be eliminated on one side of the street to open that up. If there truly is a safety factor and they really want to protect their kids, they should contact their Alderman to get that process started. Mayor Scaffidi stated that his neighborhood has had one-sided parking and they have all lived with it.

Mr. Krimmer asked Mr. Bukovich if he would have no construction road other than across the field with all his construction equipment. Mr. Bukovich stated that right now there is an existing driveway that goes to an old house that was here. That will be built up. It will have stone and enough support to hold traffic. Mayor Scaffidi stated it would be a construction road, not a finished road so it will not have the same standards you would see in other areas. Mr. Krimmer asked if there would be any construction vehicles coming through his subdivision. Mr. Bukovich responded no, not for constructing the subdivision infrastructure. Once house construction starts, there will be construction traffic for building houses. Mr. Krimmer asked if when the road needs to get replaced, who is that going to be covered by. Mr. Bukovich stated that it is a public road at this point. It would be like building a house in any other part of the City. Mr. Krimmer asked if there is some way that the developer can work with the City and they can come up with some way to finance the installation of utilities or defer something. Mayor Scaffidi stated it is the developer's project and not the City's. Mayor Scaffidi stated they are meeting to discuss only what the developer has proposed. Mr. Krimmer stated at the rezoning public hearing that this layout was not going to go forward. Mayor Scaffidi stated it has changed and adapted since that meeting. Mr. Krimmer stated that the new plan they have come up with to take some of the water off is an improvement. Mr. Krimmer asked why they need to take compromise in their lives, their living, and safety of their children. He asked why they have to compromise for an undetermined length of time so the developer can save money now, when they are going to get it later anyhow.

Commissioner Chandler asked at what point in time does the City have traffic patterns looked at and evaluated. Commissioner Johnston responded that typically that comes from residents. If they have concerns, it goes through Traffic and Safety Commission. As far as the Engineering Department, they have not received any complaints or concerns other than what has been brought up at this meeting. It is a 24-foot-wide road, which is typical, with ditches on both sides. They don't have sidewalks. They don't

have lights out there. Commissioner Johnston stated that there are maybe 15 subdivisions in the City that are similar to this, so this subdivision is not out of the ordinary.

Alderman Guzikowski asked if the homeowners have been working with the developer, and if they were aware of the general plan before coming into this meeting. Alderman Guzikowski stated that he has been in this subdivision many times. Alderman Guzikowski concurred with Alderman Bukiewicz's recommendation to contact the Traffic and Safety Commission because there are things that can be done to alleviate some of the issues that they are having.

Mr. Henshel stated he works in the commercial real estate field and with a lot of developers. He has run the numbers on this, and it wouldn't work to pull water and sewer and some of the additional costs. With most of the developers that he sees trying to get something done, if it doesn't work on its own volition, there are basically two ways to go about it. One is they come to the City and propose a TIF to the City to install utilities to help cover some of the costs. If that doesn't happen in a situation like this, the market can't bear it. If it is not going to work, it's not going to work.

Mr. Henshel asked how they know the gate is going to go in, who is paying for it, and who maintains it. Depending on who pays for it or who maintains it, does that change on whether they can have a deed restriction in place or something that guarantees regardless if this property is sold or not that it goes in.

Mr. Seymour responded that with regard to the relevance of a TIF district in this location, it would not be allowed as a TIF is not allowed solely for single family residential. This is not even a consideration.

Mr. Seymour stated that how the subdivisions are deed-restricted with respect to maintenance of any proposed gate structure, staff has consistently advised against having a gate there. Connectivity between subdivisions is something that is actually encouraged as part of the Comprehensive Plan. That might not be universally accepted by this Commission or Council, but if the decision is made to have a gate there, that is something that would need to be worked out with both of those subdivisions as to the ownership and maintenance. Mr. Jonson spoke with Asst. Chief Kressuk before the meeting about the gate. They do have concerns as a fire service/emergency service getting access in and out or between those two subdivisions. The Fire Department would pursue keeping the gate open if there were a gate. It would be the Fire Department's stance to keep that egress/ingress open at all times.

Russ Miller, 3231 E. Lindy Lane, stated they do have a unique situation in his subdivision with that lake. Now they will potentially have 104 homes going in there that are going to have walking access with kids, with bicycles, and there will be an unfair burden placed on his association to police this lake and keep people off of it. Oakwood Lake Estates residents pay the insurance on it and for the chemicals to go into this lake and nobody is addressing that issue here. The gate might keep out the cars eventually, but it isn't going to keep out pedestrians.

Mr. Holl stated that if this goes in with the connection to Ricky Drive and the rest of the subdivision, the gate has got to go in. That traffic from those 104 houses will go through their subdivision to get out of there for two reasons: 1) it is the fastest way to the freeway, and 2) if they are not going to the freeway, they are probably going to Chicago Road. If they are going to Chicago Road, the intersection of Elm and Chicago is awful. The house is about 5 feet off the road. That entire subdivision is going to be compelled to be going through their neighborhood.

Mr. Kelly stated that they did meet with the developer, but no offer was made to join the subdivision. That would be something they would have to discuss and vote on as a subdivision, and that hasn't even come close to taking place. He was not aware that construction traffic for home construction would be coming through their subdivision.

Ms. Gehrke stated her home is right off of Ricky Drive. She asked if all the construction vehicles will be parked on Ricky Drive, because when their subdivision is built, there were there were tons of them there. Ms. Gehrke also inquired about the dumping. Her house is going to be looking at the back of all that rubbish and garbage that they are going to dump in that empty lot.

Mr. Bautch stated that they did show the developer a different option how to start building this subdivision coming off of Elm without the connection. Without a gate, it is going to be a horrible thing for the residents of his subdivision. They have so many kids. They have families moving in every single day with young kids. There has to be a gate.

Mr. Bukovich stated that an approved preliminary plat is required to do any filling. He would be willing, if it is the consensus of the Oakwood Lake Estates Subdivision, to install a permanent cul-de-sac. They would come back through the process to get that approved. The changes between the current plan and a permanent cul-de-sac from the grading they are doing and the timing they would be doing it, we would have the ability to switch gears and it is not a significant amount of change.

Ms. Papelbon stated that the process is also limited in terms of what can be done per statute. The City has 90 days to act on this preliminary plat. If it changes, the clock would start all over. By statute, this preliminary plat, or a new one, must be ruled on within 90 days from the date of submittal. Mr. Bukovich asked that this plat be acted on tonight. If it is decided that there would be a permanent cul-de-sac, he would make a new application for a preliminary plat for approval.

Mary Jo Wightman, 3140 E. Lindy Lane, stated she is happy that the idea of a closed cul-de-sac came up. Although coming in from Elm would be ideal for them, she understands compromise is involved. Hearing that they cannot functionally use the gate, it seems to be the wrong tree to be barking up. She stated her biggest concern is that they are fine with the neighborhood, and 13 homes and that traffic, but they want a guarantee that it is never more than that. She stated that the closed cul-de-sac idea would be a compromise where they will accept the traffic from those 13 homes, but they can be rest assured that they are not going to get the traffic from all 104 homes.

Alderman Bukiewicz stated that subdivisions have to start somewhere, and it seems that this developer has taken into account how they can best market this and make it feasible for their company, and hopefully have the least amount of impact in the surrounding area. He does not believe that when this is fully developed, 104 houses' worth of cars are going to all decide to go out through Ricky Lane (sic) and exit out to Oakwood Road. At that point in time, there will be access out to Elm Road and people will take that. He understands that they don't want people coming through Oakwood Lake Estates, but there would have to be assurances that the Oakwood Lake Estates residents don't go through their roads to get out to Elm Road. The door swings both ways and it is a community.

Alderman Bukiewicz stated that phosphates are something to be considered. Some of the things that affect it are amount of water and the movement of it. The longer it sits, the more the phosphates build up. Fertilizer does add to that, and it is good that everybody is using the same things. Depending on when those levels are measured, it can greatly vary. He would be more concerned about the amount of stormwater rather than the phosphate issue. If there was flooding, he would not care what the phosphate levels were. He would be more concerned about what the water levels and getting the storm water issue straight first before the phosphate issue.

Alderman Bukiewicz stated that it is tricky for the developer to try to financially develop this the other way and change it. That would be tough. As far as lot prices, from what he understands, the market is pretty stagnant. The developer is betting that the market is going to pick up. He would bet that the developer does not want to wait 15 years to finish that out. He would like to have that happen quickly. We can only hope for that because the traffic is the big issue.

Alderman Bukiewicz stated that as far as the lights going in, he can sympathize with the affected homeowner. There are plenty of T-intersections where the lights shine into homes.

Alderman Bukiewicz recommended the developer come with another plat. He would let him try it because he is not going to see a better plan for this. Yes, this was rezoned. It wasn't going to stay agricultural forever. The utilities need to get up Elm Road in a timely fashion and it is not always economical.

Alderman Bukiewicz stated at this time, he would follow staff's recommendation.

Commissioner Dickmann stated that all they have in front of them is the preliminary plat. Traffic and parking has been discussed, but that has nothing to do with what is being voted on. Commissioner Dickmann stated he can understand where the residents are coming from. Until there are better ideas presented to the Commission, he does not want to go with this the way it is.

Commissioner Siepert stated his preference that the 13 lots could be brought into the Oakwood Lake Estates Association. When the rest of the lots are developed to the south, seal it and keep it on the south side.

Alderman Bukiewicz moved that Plan Commission approves the Preliminary Plat for the Willowstone subdivision submitted by Timothy Wallen, Oak Creek Land Investment, LLC, for portions of the properties at 3110, 3260, & 3300 E Elm Rd. with the condition that all staff and Utility comments are incorporated as required. Commissioner Correll seconded. On roll call: Commissioner Dickmann, Alderman Guzikowski, Commissioner Siepert and Commissioner Chandler voted no. Commissioner Johnston, Alderman Bukiewicz, Mayor Scaffidi, and Commissioner Correll voted aye. Commissioner Carrillo abstained. Motion failed.

Ms. Papelbon clarified that a “no” vote requires that it has to be stated in writing any reasons for rejection. For those that voted no, because this did fail, staff needs to know why it was rejected. Mr. Seymour stated that that is part of a number of recent changes in the state statutes regarding preliminary plats. Mr. Seymour stated that staff has until July 17 to take action on this plat. The Comprehensive Plan calls for this to be single family residential. The zoning is single family residential. The state statutes are designed such that the impetus is on the City to demonstrate why this cannot be platted. The landowner in this case has the right to develop their property in accordance with the Comprehensive Plan, with the zoning and with the platting statutes. It is incumbent upon the City to demonstrate why, per state statute, they are not allowing a developer to develop in accordance with the rules of this community and the rules of the state. The statutes in this case are construed heavily in favor upon the rights of the property owner.

Mayor Scaffidi asked if the Commissioners that voted no are required to state their reasoning why they voted no. Mr. Seymour stated that staff will consult with legal, but if the Commission itself were to deny the plat, because right now all you have is a motion to approve the plat, which failed. This is technically not the same as a denial. If a motion were presented to deny the preliminary plat, then yes, they would need to attach a rationale behind that. Mr. Seymour stated that given the motion that was made, no action was taken. If no action is taken, on July 17, this plat is approved if reasons for denial are not provided. Mr. Seymour stated that a legal opinion will be provided for the next Plan Commission meeting.

Ms. Papelbon stated it would be helpful for the developer in order for him to amend his plan for resubmittal for reconsideration if he was provided with specific reasons why it was denied.

**Certified Survey Map
Wispark, LLC
300 W. Oakview Parkway
Tax Key No. 955-1012-000)**

Ms. Papelbon provided an overview of the proposal.

Commissioner Dickmann asked for the reasoning behind the split.

Jerry Franke, Wispark, 301 W. Wisconsin Ave., Milwaukee, responded that rather than try and guess what each individual company is going to want, they set up some examples. As companies come in and choose where they want to build, they make the lot to their specifications. All the public rights-of-way and easements are in place and set aside. Right now, boundary adjustments are being made to meet their property size needs. This CSM is being driven by Lot 3. They have a user who wants to acquire that property.

Commissioner Siepert asked what type of businesses they are looking for. Mr. Franke stated the only specifics he has are for Lot 3. This is a light industrial user that is going to be located in the park. This lot is laid out exactly as it was laid out on the Master Plan. It just needs to be legally created.

Alderman Bukiewicz moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Jerry Franke, Wispark, for the property at 300 W. Oakview Parkway be approved with the following conditions:

1. That all easements are included on the map prior to recording.
2. That all technical corrections are made prior to recording.

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

Plan Review

Wired Properties

7979 & 7978 S. Main St./350 W. Town Square Way

Tax Key Nos. 813-9053-000 and 813-9050-000

Ms. Papelbon provided a very brief explanation of the proposal and stated that the applicant was present to provide further details.

Blair Williams, Wired Properties, 2022 E. North Ave., Milwaukee, stated that fundamentally, the buildings are in exactly the same form as they have been previously presented. Generally, the materials remain consistent with where they were. The proposed changes are summarized in the staff report:

- *Window placement and quantities were adjusted based on final unit layouts.*
- *The original balcony design at the back side of both buildings was simplified. A decorative screen proposed in the original design was eliminated.*
- *The fiber cement siding color and pattern was revised per the client's request. Building A originally included browns/wood tones with warm gray cement board. Building A is now comprised of multiple gray and white tones with yellow fiber cement accent panels primarily on the west elevation. Building B originally was a primarily brown and tan building. The east side now incorporates a multicolored fiber cement pattern in gray, gray/brown, and red tones.*
- *The phenolic wood panels, which accented windows and balconies, were replaced with aluminum composite panels.*

Specifically, what has changed is some of the colors and they have now called out specific materials.

Mr. Williams noted that the storefront glazing has changed from 11 feet to 10 feet. Mr. Williams stated they are now showing awnings at the corners of the building. The anchor tenants can create an awning system at the locations and they are willing to be flexible with what the designs of those awnings are. They are simply providing structural attachments within the structure of the building itself to accommodate an awning in the future.

Commissioner Dickmann asked about the changes in the balconies. Mr. Williams responded that they had some very significant design challenges and they struggled to find someone who could build them. The size of the balconies and the likely site lines probably mitigated that enough. They wanted to be careful not to make the backs of these buildings seem too brooding. The fronts of the buildings have the benefit of the storefront. They can't wrap the whole building with storefront as it is impractical for the retailers particularly when they want people to use Main Street as the door.

Commissioner Chandler asked about the change in quantity of windows. Mr. Williams responded that once they started viewing the installation of the windows based on apartment floorplans, changes were made. They have basic window configurations that are the exact same size as what they had before. Now they have some sliver windows. The amount of glazing is very consistent with where they were before.

Commissioner Johnston stated he did not care for the color changes to the back of the building. He thinks it is too prominent and will date the building. He does not care for the orange and red splotches all over it. Mr. Williams responded that they are keeping a consistent palette all the way around the building. There are places on the front of the building where siding is occurring. Those colors tie into what is happening on the back of the building.

Alderman Guzikowski stated this is going to be a great addition to Drexel Town Square. The colors are different and something new and exciting.

Alderman Guzikowski asked what the names of the apartments will be. Mr. Williams responded they are going to stick with Main Street East and Main Street West.

Ms. Papelbon stated that it looks like the west side is the only side that is not going to have covered balconies. Mr. Williams responded that they have not had that specific conversation, but is certainly something they can take a look at. They have been very protective of the roofline design. From an overall design perspective, some of the crisp, sharp lines in the buildings are supposed to define them.

Ms. Papelbon asked if the awnings on the corners would be prototypical awnings should the retailers request them. Mr. Williams responded that those awnings should be subject to approval by the owner and City. They would be willing to open themselves to that requirement. Mr. Seymour noted that, to date, the City has not been involved in plan reviews on tenant improvements. Mr. Williams responded that they did not go to the standardized awnings themselves because they wanted to make sure the retailers have the ability to express themselves with their awning. The structural connections are in place for an awning that will have to meet the requirements that they have which will be very exacting for what they are going to attach to the building. Mr. Williams stated they were very concerned about running a standard awning or having only awnings on two storefronts in the middle of the building. So they decided that the right place for the awnings is on the end of a building because it is always credible there.

Alderman Bukiewicz stated that as long as the awnings are all matching, and on the ends and they are standardized, and they are brought back for conditions, he doesn't care what material they are made of. Alderman Bukiewicz stated that if they are going to be on one end of the building, they have to be on the other end of the buildings so that there is consistency. Mr. Williams stated that awnings have traditionally been used as a measure to control the sun. North facing retailers will have less awning than west or south facing retailers. That practical use is heightened for food and beverage type providers because they may have people that may want to sit outside. That then drives to the fact that the end caps are the most valuable real estate and that is where the restaurants and food and beverage establishments will go. Mr. Williams stated that he does not feel a building will be unweighted if it has awnings at one end and not the other, unless the awnings were the same. If, by intent, the awnings are not the same, each spot on the end cap will be part of that store identity. That makes the building unique, and that is what helps the building have that neighborhood feel where each retailer is a different experience.

Commissioner Carrillo asked about using the awning as part of the signage. Mr. Williams responded that the City has a master signage plan that drives the world at Drexel Town Square, and all bow down to it and refer to it regularly. She is concerned if they open up, the retailers will creatively use the awning as part of their signage/branding. Mr. Franke responded that One West Drexel are very confident that this developer and Rick Barrett will deliver products that are very pleasing to the City. Commissioner Correll stated that Mr. Williams understands that the City is trying to get a Main Street feel. Old town main streets have different awnings for different businesses. He stated that they need that flexibility to achieve that look.

Alderman Bukiewicz moved that the plans submitted by Rinka Chung Architects, Inc., on behalf of Blair Williams, Wired Properties, for modifications to the approved building plans for the Main Street mixed use buildings A & B at 7979 S. Main St., 7978 S. Main St./350 W. Town Square Way be approved with the following conditions:

1. That all building and fire codes are met.
2. That detailed plans for signage are reviewed and approved by the Plan Commission.

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

Commissioner Carrillo moved to adjourn. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:15 p.m.