

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JUNE 27, 2017**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Commissioner Loreck, Alderman Guzikowski, Commissioner Correll, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Pete Wagner, Zoning Administrator/Planner.

Minutes of the June 13, 2017 meeting

Commissioner Dickmann moved to approve the minutes of the June 13, 2017 meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT AMENDMENT
LASER TAG PRO
9000 AND 9100 S. NICHOLSON RD.
TAX KEY NOS. 862-9991-000 AND 872-9994-008**

Zoning Administrator/Planner Pete Wagner provided an overview of the proposal for outdoor commercial recreation as an amendment to the existing Conditional Use Permit for the properties. He then highlighted sections of the proposed Conditions and Restrictions for Plan Commission consideration (see staff report for details).

Mark Verhalen, 1200 E. Ryan Road:

"I own the property directly across the street from the proposed facility. I did do some homework on some of the things that they're requesting here - specifically the outside laser tag portion of it - but there are some other things that I've just seen with some of their other requests here that I may have an issue with as well. Specific to the laser tag, I called the FAA because I mentioned in the past when they came for their conditional use originally a couple of years ago and I was sitting alderman that because of the proximity to Mitchell field, the airport has control of the airspace within 5 miles of the airport and we're within that five miles by more than a mile or mile and a half. The facility is in real close proximity to the incoming and outgoing flight path of various airlines and military aircraft and whatever. In my discussions with the people at the FAA, they had some pretty vocal concerns, I would say, about the outside laser tag portion of it because when you have people outdoors with laser pointers or whatever, they do have issues with these nationwide, and they do have a special office that deals with laser issues specifically down in Texas and I talked to them. They said that with this type of facility, unless they could guarantee that any pointing of lasers or whatever would be contained to this area, they would not be supportive of it at all. That would mean if there is a 14-year-old kid just messing around and they happen to point something like this at an aircraft coming in, they would call the tower, the tower calls Oak Creek Police, the Police Department goes over there. It's a federal offense. We've had issues in the past with not as serious as what could happen here, but where somebody didn't dot the I's and cross the T's before they came before a commission. One was the City of Oak Creek and it goes back a few years, but with our communications tower, they wanted to put it on Fire Station #3 after it was all built, they found out they couldn't build a communications tower tall enough to make it work for what we want to do for the City of Oak Creek. So you know you don't have to be an expert at things, but it pays to do the homework before you make a move on some of these things. So that was my first concern and I think that's a real serious one because if the board or Common Council would approve something like this knowing that there may be issues, I don't want to see the City get involved with any type of lawsuits either because everyone knows

there's issues that the Federal government may have problems with this. And if something like that would go forward, the City could be probably held liable.

Moving on, I guess the only other things I got is with maybe the outdoor hunting area, which is right in back of the residences there and having somebody out there doing a simulated lion hunt or whatever it's going to be at 11:00 at night on a weekend. I don't think that would be conducive to being friendly to the neighbors there.

The last point I'd like to bring up is when the last business was in there, it was Green Man. They were given a three-year window to hook up to City sewer with that facility because the one building has a mound system and the other one has a holding tank. If they are going to have a lot of people using this facility day in and day out, those facilities should be hooked up to City sewer. And to my knowledge, the past owner never did hook up to sewer with either one of those facilities, so you're still looking at a holding tank in the one facility and a mound system in the other. I would hope that that would get changed moving forward as well.

And the last thing is I see they're looking at doing a lot of stuff here, but the previous owner left the outside property in pretty much disarray. There is debris and junk laying all over, leftover from the business that was there. That stuff is still there and these guys have owned the property for over a year and nothing has been cleaned up yet. It's still pretty much looks like it's kind of abandoned. The screen fence has not been kept up. They had a screen fence in front and that's falling down. So I mean you can see right through the screen fence and see all the junk and stuff that's sitting in the back so there hasn't been an attempt to clean up the grounds before they move on to the next thing. That's all I got for now."

Commissioner Chandler asked for more information.

Aaron Fischer, 3845 W. Forest Hill Avenue, stated their initial plan between the building where it says indoor arena and office party building is to build a 10' x 12' structure. This is a one-story kind of initial battle play area that they have. It will have barrels, buildings and different kinds of structures. They might use things like old cars to make up a cityscape for one of the playfields.

Mr. Fischer stated that another thing to keep in mind is that it is a large area (13 acres) and there is space where they can put basketball courts, an outdoor dodgeball course, mini golf, ninja course, Tough Mudder®, Spartan Race®, and an obstacle course where they can train.

Commissioner Chandler asked for information on the hours of operation. Mr. Fischer stated that at the last meeting they had a change that was even recommended by the Mayor, but it is his fault for not saying something. They are planning on doing corporate parties, so they want to be able to do that during the day. This is more of a full-fledged center, rather than the existing center, and they want to have the freedom to do that. Also, people that want to do an active workout can come in the morning and they don't have to wait until 4:00. They want to come before work, so they thought they didn't want to push it too early. Some places open up at 6:00, but they wanted to be able to facilitate that. Right now, there is no place where someone can do an outdoor workout. So that is another reason they wanted to get an earlier opening time.

Joe McGeorge, 5228 S. 8th St., Milwaukee, representing Laser Tag Pro, stated that the later times being requested are more typical of a family entertainment center, such as the bowling center on Howell. People are going to go during the evenings when they are off of work and school. It is a different type of group that they will be serving during that time.

Zoning Administrator/Planner Wagner stated that right now the way they have it set up in the conditions and restrictions is that the manufacturing division is split out Monday through Friday, from 8 a.m. to 6 p.m. When the family entertainment center was proposed, just the indoor was

Thursday through Sunday operations. Now they are looking to expand it all week long and then start early in the morning. Right now they have it lumped as the family entertainment center. They could have those as the hours of operation for the indoor. Potentially, they could create a whole new family entertainment center hours of operation. They could potentially split them out into two different operations.

Commissioner Correll asked why Thursday is different than Monday through Wednesday. Zoning Administrator/Planner Wagner stated there were concerns about having this type of commercial endeavor in such close proximity to a residential area. The idea was to not have cars going up and down Nicholson Road seven days a week. It was going to be a weekend kind of thing. Because of the way the facility reserves time slots, there will be waves of people (hopefully more than one person per car). Mr. McGeorge stated that at that time they were making application for the recreational indoor. That is where that is relevant. The hours are what they expect for the conditional use for the indoor that they were applying for. Now with the outdoor component, obviously they are adding more amenities, adding more attractions and they can serve more people. It would be logical that they will be serving more traffic down the road.

Mr. Fischer stated that the majority of their business is weekend business, but they don't want to limit themselves in what they can do. They have customers that come and see them. They have two different customers coming on Thursday to just learn about their gear, their software. This is another thing this provides for them is seeing people play it in action. What makes this unique from other laser tag venues is most laser tag is indoor technology. They focus on outdoor. One really exciting point of this property was being able to do outdoor games because that is really relative to their research.

Mr. McGeorge stated he is a fully-rated commercial pilot with 2,500 flight hours. The laser pointers that the FAA is concerned with are like high-powered visible lasers. The problem is that people flash those or they shine them at airplanes. They shoot them into the cockpit, which could temporarily blind the pilot. That is a focused class 3 or better laser. They (Laser Tag Pro) use an FDA-certified class 1 infrared laser, which means it isn't visible light. It can't blind someone. It is totally safe. It's not like one of the lasers that you point at somebody and you see the little red dot. They pass it through a lens, which disperses the light so when it gets to the target, it is the size of a basketball.

Alderman Guzikowski asked if this would be broken up for the abutting property owners. Mr. McGeorge stated that there are two rows of vegetation with the house to the south and across the street, there is more vegetation there. They don't expect any light pollution. It has to be safe because they are giving this to kids. Mr. Fischer stated that with the FDA class 1 laser, they had to go through a whole process and work with a high level laser consultant to get their products approved. You can put your eye right up to where it is being emitted and you won't see any light. It is infrared. The LEDs are like a muzzle flash.

Alderman Guzikowski asked about the big game hunt area being positioned right behind the houses. What if it was flopped over on the east side toward the tracks. Mr. Fischer responded that they wanted to do some other things in the back area with the playfield that was a better location for the neighbors.

Mr. Fischer stated that the big game area is like a Disney® attraction for little kids where you drive through on an electric car and shoot at stationery targets. There is a good amount of space - more than 50 feet - definitely 100 feet from the house where he envisions this going. Mr. McGeorge stated that people using the facility for fitness will be coming in the morning and so that is why they kept this to the north. If there are going to be more people present in those morning hours, it will probably be because of that. There is really nothing to the north.

Alderman Guzikowski asked for more information on the holding pond and if the sewer has been connected. Mr. McGeorge responded that they just had the mound system fully serviced. It actually turns out that it is a large 3,600-gallon tank.

Commissioner Siefert asked how they are going to light up the facility at night. Mr. Fischer stated that any type of attractions, sports courts, mini-golf will all need lighting. We'll need some lighting for the playfield, but that is something that people play in pitch-dark arenas with black lights and smoke. The big game hunt does not need a lot of lighting. It is probably the playing field and the sports courts that would need lighting. Their initial plan for the first battlefield experience they wanted to make out of temporary structures between those two buildings. There is some lighting that already exists on the buildings that shine down on the parking lots. They wanted to use that space because it has existing lighting. That then gives them time to do these in phases. Mr. McGeorge stated that in terms of lighting there won't be more lighting than when it was a bus company.

Commissioner Correll stated his concerns about the buffer to the residents on the southwest side outside the big game hunt and how close that should be.

Commissioner Correll stated he does not have a problem with the weekday hours, but anything after 9:00 p.m. is a struggle for him to understand how it makes sense in that neighborhood, and only at that point with the proper buffering.

Alderman Guzikowski asked about the property upkeep that was mentioned by Mr. Verhalen. Mr. Fischer responded that they just bought a brand new zero turn mower, so they definitely have not put a ton of energy on the outside because they had to get moved out of their other place a month ago. He stated that one of his arena staff is coming everyday and [will] take away all the trees that have grown up along the fence. They just looked at brand new netting. They will also be redoing the fencing between the two buildings. They have been cutting the grass. They have cut the grass on the hills. They want to make it look good. Mr. McGeorge stated that they have only owned the property since October, 2016, and didn't move in until November, 2016.

Commissioner Dickmann asked Mr. Verhalen about the different levels of lasers with the FAA. Mr. Verhalen responded that he talked with their laser specialists because they have a regular task force in Dallas, TX that deals with these types of things. They stated that the only way the airport can support this was if they knew that there was sufficient containment where they know that no stray things could actually project past the area that they are using for this. A big barrier or some type of fence is required so that they knew that everything that was being used out of this facility stays within that area. Maybe a berm or higher fence on top of it may work. Mr. Verhalen is waiting back to hear back from the FAA because they had to finalize whatever they would want to see there with his supervisor. Commissioner Dickmann stated that he would like to hear from someone from the airport. Mayor Bukiewicz agreed. Commissioner Correll asked if requesting that could be part of the next conditions and restrictions. Zoning Administrator/Planner Wagner stated that anytime they have to modify the site, they have to come back before the Plan Commission. If they want to handle this in sections, they can do that. There are 30-foot setbacks for any outdoor recreational field. In addition to that, if a manufacturing or commercial district is abutting a residential district, there is a 20-foot buffer yard that has to be landscaped. There is already a tree line there, but as part of the site plan review, the City will probably ask for additional landscaping along that southern edge as well as making sure proper distance is maintained. Being a concept plan, there are no exact measured distances. Zoning Administrator/Planner Wagner stated that there can be a condition of approval that we have an FAA letter of approval for this type of use. That could be added as part of the site plan conditions of approval. Mr. Verhalen stated that he and his neighbors are not dead set against having a venue like this, but they want to make sure that the facility that does come in is conducive and fits in with the neighborhood and the future neighborhood, because there is potential for big development across

the street on his property. He does not want to see a venue that is going to negatively affect people that are going to move into the neighborhood. They just want to keep it a nice friendly neighborhood no matter what type of venue goes into this property. It is his hope that the applicant will make an effort to clean this property up because the last owners left a lot of debris behind when they left.

Ron Grundy, 9160 S. Nicholson Road:

“Actually, that’s our backyard and that property has been troubling for a very, very long time. We’ve had the bus company in there. And when the bus company came in, we don’t ever recall any meeting, any Plan Commission meeting for the bus company. They just appeared one day and when they were gone, it sat for a long time. The Green Man came in and he left that property. I mean it was unbelievable what they were doing there. What I think the Plan Commission really has to look at, first of all, the hours the operation is planning on going on here. It is a residential area. In the middle of winter, we don’t have any barrier there. What’s going to be going on? Are they going to operate year-round, we don’t know that. What I’m saying is we don’t have, you know they’re saying well we’re going to do this, we’re going to do that, we’re going build this, but I don’t see any concrete, this is it, you know. And where is the plan. I mean, I want to see the plan, how they’re going to develop this, what’s going to happen and how is the City going to enforce it? It’s just like the Green Man when he was in there. We tried, you tried to enforce, you know, a mountain of elephant poop, what are we doing here, you know. What happens is, and when they came in and they’re running a tidy little business there now, selling those things out of there and they’ve got the laser stuff indoors, when they came in they said we’re just going to do this indoors, this is what’s going to happen. At that time, I even expressed that I think that type of activity for young people shooting at each other, you know, I was in the military, I’m not against guns and all of this stuff, but I think it totally sends a wrong message to kids, to young people, you know. And being Oak Creek, the City of Oak Creek, we’ve had experiences with this kind of stuff so my thought is just you know I mean we’ve got a laundry list of things that you know the lighting and all that stuff that’s going to go on, but my thought is you guys got to do your homework. Maybe come down there take a look at what you know really what it is physically, what’s going on, how is this going to affect or impact the neighborhood. We got maybe 80 homes going in across the street from us. Now that’s going to impact the neighborhood, you know, the traffic and all of that stuff. There’s all kinds of activities and things that are going on right now in this little section of Oak Creek. It was dead for a long, long time, but now things are coming alive and I think that we just have to look at in the hours here and stuff like that, we have to look at all that stuff. I hope the Planning Commission really takes a serious look at this. What’s going to happen when all this stuff gets rolling? Are we going to enforce everything? What’s going on you know? That’s, that’s my concern. I don’t know if my wife wants to say anything, because it is our backyard.”

Carol Grundy 9160 S. Nicholson Road:

“Yeah this is right in our backyard and that 100 feet, if you go behind our yard, we have a 20-foot drive and there is another 20 feet to the fence or maybe 4 feet to the fence, I’m not sure. And those bushes that you see along there, well in winter, they’re not there. All we see is the fence, you know, the big high 6-foot fence, so we see right into this yard. And being as it’s a residential area and there’s other homes right next to us, they’re going to see this same thing. In winter there’s no barrier. We would be able to, we won’t be able to enjoy our yard, our backyard with all of this racket going on over there and screaming and yelling, they shot this one, they shot that one. And I can just see this, this happening. We have a nice quiet area right now. And then I heard there is going to be an airplane fuselage hauled in so they can hide behind this and play army around that and tanks. And then I heard there was going to be ladders, up high ladders, where they can shoot from these ladders and stuff. Now if that fence is only so high and they’re up 15 feet, well we’re going to be able to watch them from our backyard and I really don’t want to

do that. And then the lighting again, it will be in our backyard. Where is the pre-existing site where you guys can go take a look at where they already have one of these and see how it's running and see what happens. Do you have any address or anything of a preexisting site that you guys can look at?"

Mayor Bukiewicz stated they have not asked that question.

"Okay well maybe that would be a good idea to take a look at how they run their business. Thanks."

Commissioner Johnston stated that the City noise ordinance runs from 7 a.m. to 10 p.m. He stated that this would be a great place for kids to come out and play and have fun doing it. His experience in different laser gun operations is that most of them are inside. He has never seen an outdoor course, but, again, it is not an issue with the laser pointers. It is not a beam of light that you're seeing. It is more of a target that you've got on it, flashing lights going off from the guns and targets. The big game hunt would be interesting if that came through. He does not anticipate a lot of noise with that. Commissioner Johnston stated that they just need to work on the hours. There is an opportunity to open this up through the week so they have the ability to get that in there and not limit it to just Thursday through Sunday.

Commissioner Lorek asked if the applicant has thought through as far as protecting residents from looking at junked cars and broken down buildings as part of the cityscape playing field. Mr. Fischer responded that there is another set of trees in between the big game hunt. There is a low spot where there is water, then there are trees, then there's a fence. Also this is not a huge thing in the winter. There is actually a lot of space. There is an outlot that they have nothing planned for. It's just going to sit there and do nothing because of being considerate of the neighbors. There are two tree lines that block the houses. This property obviously needs work. It was a foreclosure. There is junk that they have to throw away and they are working on this as fast as they can.

Mr. Fischer continued that most of the activity does occur in the back. That is a pretty big space with the parking lot in front. They have big rows of trees. He feels that the natural landscape that is there should provide plenty of barrier already, and if there is additional things, they have to do, fine, everything is budget related, but they are willing to do that, but there is a good amount.

Mr. Fischer stated that he can supply the City with a 20-year laser certification that that comes from an international, independent firm that actually helps writes the laws for the FDA. Laser tag has been around for 30 years. Outdoor laser tag has been around since 2000. Mr. Fischer stated that there will be no problem on that end and they can provide that documentation.

Commissioner Correll stated that planning for any activity after 9:00 at night is going to be difficult next to a residential area. He stated that he would be okay with the indoor hours being later than the outdoor hours.

Zoning Administrator/Planner Wagner stated that in Section C the Manufacturing Division hours are set at 8 a.m. to 6 p.m. Family entertainment center could be changed to the indoor family entertainment center if the Commission wants to do Monday through Friday 8 a.m. through 9 p.m. or 10 p.m., and Saturday and Sunday from 8:00 a.m. to 11 p.m. (Saturday) and then a 9 p.m. (Sunday). Do those hours for indoor and then have the section of outdoor family entertainment center 8 a.m. to 9 p.m. Mayor Bukiewicz stated he would split the hours of operation from indoor to outdoor. As far as the lighting goes, he doesn't see the lights being any more obtrusive than street lighting, but that would be subject to a lighting plan approved by the City's electrical inspector.

Mayor Bukiewicz continued that as far as gun use, he agrees that in today's day and age, it might not be the healthiest of things, but it is a fact. He stated that this is a very interesting use of the property, but the City has to be very conscious of the neighbors when we put these in. He wanted to know if the Plan Commission will get a chance to review the plans if the playfields/courts go. He stated that the residents' concerns have to be taken into account. He does not think the City should limit this business to Thursday through Sunday. He stated that there is potential for them to grow this way and does think it should be a Monday through Sunday operation.

Commissioner Correll stated that in an effort for a motion, he suggests continuing the existing hours of indoor operation from Sunday through Thursday from 8 a.m. till 10 p.m. Friday and Saturday 8 a.m. to 11 p.m. On the outdoor, 8 to 9 p.m. seven days per week. Mr. Fischer stated that weekends are a big deal for them so if they had something they're doing on a Saturday or people are coming early, it is important for them to be open.

Asst. Fire Chief Kressuk pointed out that one of the items in the conditions and restrictions is very important to the fire department. Outdoor recreation like this, and especially laser tag and areas where there is decreased lighting access, are tricky with the fire codes. There are numerous codes that affect the design, detection, suppression and notification associated with that – indoors and outdoors. As part of the conditions and restrictions, it is important that the applicants abide by getting plans submitted in a timely fashion so that review can take place in a timely fashion. He cannot comment on any fire protection needs until he sees a set of plans. Without those, there is no occupancy. Without plans and permits, there is no occupancy. He stated that this is a fantastic plan with a lot of moving parts with it, and he doesn't want to see any delays due to absence of plans and permitting.

Commissioner Correll stated he wanted the outdoor hours to be 8 or 9 a.m. to 9 p.m. 7 days a week. Indoor times Sunday through Thursday 8 a.m. until 10 p.m. and Friday and Saturday give them until 11 p.m. Commissioner Johnston asked if that worked for the applicant. Mr. Fischer stated that would work for them. He suggested maybe on Friday and Saturday allowing 10 p.m. for the outdoor.

Zoning Administrator/Planner Wagner stated that the applicant will have to come back with site plans, building plans, setbacks, lighting plans to be reviewed by the inspectors; all can be addressed at that time. At site plan review, something that could be required would be the FAA approval for this type of outdoor use.

Mr. Grundy stated he has an issue with the hours, especially on the weekend.

Mrs. Grundy stated her concern with the proximity of this development to her backyard. She stated that in the winter when the trees have lost their leaves, they will be able to see this property. She invited members of the Plan Commission to come to her property to see this firsthand.

Mayor Bukiewicz asked if when the seasons change and it gets dark earlier if they are going to be using the same hours of operation. Mr. Fischer responded that they want to use it as long as they can as long as the seasons and weather permit. Once it gets too cold, things will change and they may only be able to use it during the day.

Mr. Fischer stated that they already have a plan to replace the fence that was starting to be torn down. Most of their activity is beyond that second line of trees in the lowland area and those are some pretty big trees. They envision most activity taking place on the backside of the property.

Commissioner Carrillo stated that when the trees shed their leaves and they have abandoned cars for use in their cityscape, they are going to need to block that from the new and current residences. She wants to see them go in there, but no one wants to see this playing field from

their home. They will have to come up with something to screen this from the homes. Mr. Fischer responded that there is an embankment there on that side. Where he envisions the main outdoor battlefield is between those two buildings - they would like to build an addition so they can expand that building, and behind it (the concrete stretch) is their main portion for their main attraction outdoor playfield. They want to do some other things in the back where the previous owner parked all the buses.

Dennis Counard, 3404 E. County Line Road, suggested putting arborvitae in the tree line for year-round screening.

Commissioner Correll moved that the Plan Commission recommends that the Common Council approve the amendment to the Conditions and Restrictions as part of the Conditional Use Permit allowing an outdoor recreation facility on the properties at 9000 and 9100 S. Nicholson Road after a public hearing with hours of operation 8 (C) Manufacturing Division to remain the same, indoor facility to have Sunday through Thursday hours of 8 a.m. to 10 p.m., Friday and Saturday hours of 8 a.m. to 11 p.m., Outdoor Entertainment to have hours of 8 a.m. to 9 p.m. daily. Commissioner Dickmann seconded. On roll call: all voted aye. Motion carried.

Mayor Bukiewicz advised the applicant to not start putting things upon the property based on this vote, because the plans are conceptual at this point. There has been a lot of confusion over the last year over plans coming through that were conceptual and applicants moving forward with the plans for their property before proper approvals. Mayor Bukiewicz advised the applicant to work with staff to bring this back before Plan Commission so the neighbors can have equal input.

**CERTIFIED SURVEY MAP
MIKE AND CARRIE MUPHY
10855 S. 10TH AVE.
TAX KEY NO. 969-9029-000**

Planner Kari Papelbon provided an overview of the proposal to divide the property into two lots of conforming size (see staff report for details).

Dennis Counard, 3404 E. County Line Road, stated that he was under the impression that they were going to divide this land up into several different properties. He asked if they were going to build a house on parcel 1 and keep the rest of the land the way it is. Planner Papelbon responded that at this time, parcel 1 is the parcel that is being divided off for development. Mr. Counard stated then he doesn't have a problem with this.

Tim Gallagher, 3351 E. Elm Road, stated that from March through mid-May, this area is under water. There is flooding there and there is a lot of water. The stakes for the house were actually in the water. He stated that he doesn't have a problem with someone doing something with their land, but this was all the Wagner property at one point and they have added houses along that property. At no point did he see them add any storm water detention for water that does pile up there quite a bit. He stated that there needs to be some planning as to where this water is going to go once the house is built.

Commissioner Johnston stated there is a large floodplain that is on that property as well that is bigger than the wetlands. The outside dashed line is all floodplain, and there is a lot of water down there.

Michael Murphy, 3900 Hazelbranch Lane, stated he has not seen any standing water there. He stated that it floods in the back by the wetlands because of the creek being back up, but that is all.

Casey Masterson, N5 W31720 (indistinguishable) Drive, Halen Homes, stated that there was a lot of survey work by the same surveying company before the property was transferred last time. They delineated all the wetland and the floodplain so the location for the house (being in the northwest corner) is going to be as far from that flood area as possible. The property is quite a bit lower than the street elevation there, so he is taking that into account with the building plans. They will be raising the house and driveway up a little bit and creating negative pitch away from the house to make sure that any water that would come out of the wetlands does not impact the home. The top of foundation wall of the home will be similar to that of the property to the west. As their yard slopes off and meets the natural grade of the creek running south and to the west, they don't anticipate any changes to the way that the water flows currently.

Commissioner Johnston stated that they did the wetland delineation in 2015. That is when one lot was split off and sold separately. That is when they delineated the wetlands and also dedicated the easement.

Mr. Masterson stated that there are only two potential causes of water concerns with the residence; surface water and ground water. They have to route the drainage away from the house.

Regarding the groundwater, the elevation is coming up and out so this property is considerably lower than everything else around there. The creek comes from the northeast and then wraps around to the south. When that property fills up or when there is a lot of water from snow melt and spring rains, that water is coming through there and it sits down there because of the lower elevation. The house is going to be in the far northwest. It is going to be coming up considerably so the surface water does is not a concern because of the house elevation is going to be several feet above the existing grade. They have done some test pits out there at different times of the year to determine what the ground water elevation is at that high water mark. Based on that, he doesn't think that will be an issue either.

Mayor Bukiewicz asked if this property was serviced by sewer and water. Mr. Masterson responded yes, there is municipal sewer in Elm Road and it services the property just to the west. That will have to be extended to the east, so the sewer main will come through the right-of-way through the ditch. There will be a plan drawn up for the MMSD sewer lines that will have to be approved by MMSD and then a lateral that will come off of that. They will be putting a "Y" in the main there, so if at any point in the future the sewer was going to extend further east down Elm Road, that "Y" would be in there and the other portion of the "Y" would be a lateral servicing this property. The water is further to the northeast servicing the subdivision just to the north of Elm Road. According to the Oak Creek Water and Sewer Utility, they don't have to hook up to municipal water, so they plan on doing an onsite well because of the distance to the water main is 350 or 400 feet or something like that, so it is cost prohibitive to connect to the water.

Commissioner Johnston stated that it is an MIS sewer that is in Elm Road, so that is a connection point that is out in front. From that connection point, they will have to extend a public sanitary main across the frontage of the property with a lateral coming off of it. That will require plans and MMSD approval. They cannot tie directly into the MIS sewer. That sewer is very deep and there were soil issues when that went in that area.

Mr. Gallagher stated that when they extended or hooked him up to that sewer, they had to dig down pretty deep and the road almost did collapse because of soil conditions there. He asked if there was going to be an expense to the other property owners for this extension. Mayor Bukiewicz responded no. Mr. Gallagher stated that then he is fine with that.

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Mike and Carrie Murphy for the property at 10855 S. 10th Ave. be approved, with the following conditions:

1. That all required water and sewer extensions and connections are coordinated with the Oak Creek Water and Sewer Utility, and any associated development agreements are coordinated with the Engineering Department. All extension and connection costs shall be borne by the developer.
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.

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

Commissioner Carrillo moved to adjourn. Commissioner Alderman Guzikowski seconded. On roll call: all voted aye. The meeting was adjourned at 7:40 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

7/11/17

Date