



Common Council Chambers
8040 S. 6TH Street
Oak Creek, WI 53154
(414) 766-7000

COMMON COUNCIL MEETING AGENDA
TUESDAY, JANUARY 7, 2020
7:00 P.M.

Daniel Bukiewicz - Mayor
Steven Kurkowski - 1st District
Greg Loreck - 2nd District
Richard Duchniak - 3rd District
Michael Toman - 4th District
Kenneth Gehl - 5th District
Chris Guzikowski - 6th District

The City's Vision

Oak Creek: A dynamic regional leader, connected to our community, driving the future of the south shore.

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 12/17/19

Recognition

4. **Resolution:** Consider Resolution No. 12118-010720, a Resolution of Commendation to Paul Esselman, retiring Equipment Operator 2 (by Committee of the Whole).
5. **Resolution:** Consider Resolution No. 12119-01720, a Resolution of Appreciation to Kathleen Esselman, retiring Confidential Secretary (by Committee of the Whole).
6. **Resolution:** Consider Resolution No. 12126-010720, a Resolution of Commendation to Gregory Gross, retiring Equipment Operator 2 (by Committee of the Whole).
7. **Resolution:** Consider Resolution No. 12127-010720, a Resolution of Commendation to Laura D. Wing, retiring Fire Fighter (by Committee of the Whole).
8. **Resolution:** Consider Resolution No. 12128-010720, a Resolution of Appreciation to Jay Harvanek, retiring Senior Engineering Technician (by Committee of the Whole).
9. **Council Proclamation:** Consider Council Proclamation No. 20-01 to James F. Schultz for dedicated service to the City of Oak Creek as a member of the Police & Fire Commission (by Committee of the Whole).

Public Hearings (beginning at 7:00 p.m.)

Citizen input, comments and suggestions are requested on the specific item(s) identified below. Action by the Council may occur at the same meeting if so included in the agenda.

10. **CUP Amend:** Consider a request by Linda Niemela, PT, NDT, Medical Support Services, Inc., for an amendment to the existing Conditional Use Permit to allow an indoor recreation facility within the multi-tenant building on the property at 140 E. Rawson Ave. (1st District).

Visit our website at www.oakcreekwi.org for the agenda and accompanying common council reports.

11. **Ordinance:** Consider Ordinance No. 2960, to amend the Conditions and Restrictions in Ordinance No. 2950 for a physical and occupational therapy clinic and indoor recreation facility on the property at 140 E. Rawson Ave. (1st District).
12. **PUD Amend:** Consider a request by Bruce Kinseth, Oak Creek Hotel Associates, LLC, for amendments to the existing Planned Unit Development to include hotels and restaurants as allowed uses, to amend the parking stall dimensions, and to update other Sections to conform to current Code requirements affecting the properties located at 9141, 9191, and 9315 S. 13th St. (6th District).
13. **Ordinance:** Consider Ordinance No. 2961, to amend the Conditions and Restrictions in Ordinance No. 805 for the Planned Unit Development (PUD) for 9141, 9191, and 9315 S. 13th St. (6th District).

New Business

14. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending November 30, 2019.

LICENSE COMMITTEE

15. **Motion:** Consider a motion to grant the various license requests as listed on the 1/7/20 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

16. **Motion:** Consider a motion to approve the December 30, 2019 Vendor Summary Report in the amount of \$813,345.46 (by Committee of the Whole).

Adjournment.

Public Notice

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000, by fax at 766-7976, or by writing to the ADA Coordinator at the Oak Creek Health Department, 8040 S. 6th Street, Oak Creek, Wisconsin 53154.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may attend the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice

RESOLUTION NO. 12118-010720

**RESOLUTION OF COMMENDATION
TO
PAUL ESSELMAN**

WHEREAS, Paul Esselman began his employment with the City of Oak Creek on November 6, 1989, when he was hired as a Laborer; and

WHEREAS, on July 1, 1992, Paul was promoted to Equipment Operator and on January 17, 2016, promoted to Equipment Operator 2; and

WHEREAS, in addition to his daily tasks at the Department of Public Works, from 1992 to 2000, Paul worked as an Auxiliary Firefighter for the City of Oak Creek; and

WHEREAS, in March of 1994, Mayor Dale Richards commended Paul for "keeping our streets clear and safe, taking into consideration the severity of the weather"; and

WHEREAS, in November of 2016, Paul received a merit award due to his experience in the sweeper operations and was selected as one of the trainers for the merit-based program for employee advancement; and

WHEREAS, Paul held a lead role in the Department of Public Works' evaluation team, assisting the department on recommendations for future equipment; and

WHEREAS, with his experience as an Auxiliary Firefighter, Paul volunteered to be the department's Fire Safety Monitor, requiring him to inspect all fire safety devices in seven buildings situated on the Department of Public Works and Recycling Yard grounds, producing a monthly report of any problems with the system; and

WHEREAS, Paul was a very effective employee during his years of service with the City of Oak Creek Department of Public Works, answering many calls for service from the community and providing immeasurable service to the community; and

WHEREAS, effective December 31, 2019, Paul is retiring from his position of Equipment Operator 2 with the City of Oak Creek Department of Public Works, completing over thirty years of full-time service to the City of Oak Creek.

NOW, THEREFORE, BE IT RESOLVED that the best wishes for good health and happiness be extended to Paul and his family in his retirement years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and the City Clerk be and is hereby directed to transmit a suitable copy thereof to Paul Esselman.

Passed and adopted this 7th day of January, 2020.

President, Common Council

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

RESOLUTION NO. 12119-010720

RESOLUTION OF APPRECIATION
TO
KATHLEEN ESSELMAN

WHEREAS, KATHLEEN ESSELMAN, began her employment with the City of Oak Creek Water & Sewer Utility on September 13, 1976, as a full-time Confidential Secretary; and,

WHEREAS, KATHLEEN ESSELMAN faithfully served as Confidential Secretary for 43 years and 3 months; and,

WHEREAS, KATHLEEN ESSELMAN believed that our customers were always the top priority and treated each of them with the utmost courtesy and professionalism; and,

WHEREAS, KATHLEEN ESSELMAN was an integral part of the Utility's growth from 1,700 customers in 1976 to more than 9,200 customers in 2019; and,

WHEREAS, KATHLEEN ESSELMAN always worked with a cheerful and enthusiastic disposition, went above and beyond her job expectations and will truly be missed; and,

WHEREAS, KATHLEEN ESSELMAN received numerous accolades from the public, co-workers and management for her kindness, loyalty, dedication and team spirit that she continuously demonstrated throughout her career; and,

WHEREAS, KATHLEEN ESSELMAN is retiring from her position of Confidential Secretary with the City of Oak Creek Water and Sewer Utility, effective December 30, 2019, after completing 43 years and 3 months of continuous service.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek, for and on behalf of the citizens of the City of Oak Creek, that sincere gratitude and appreciation be extended to KATHLEEN ESSELMAN for her years of dedicated and faithful service to the City of Oak Creek and the Water and Sewer Utility, and that best wishes for good health and happiness be extended to KATHLEEN ESSELMAN and her family for future years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to KATHLEEN ESSELMAN.

Passed and adopted this 7th day of January, 2020.

Kenneth Gehl, Common Council President

Daniel Bukiewicz, Mayor

ATTEST:

Catherine Roeske, City Clerk

VOTE: Ayes: _____ Noes: _____

RESOLUTION NO. 12126-010720

**RESOLUTION OF COMMENDATION
TO
GREGORY GROSS**

WHEREAS, Gregory Gross began his employment with the City of Oak Creek on August 7, 1989, when he was hired as a Laborer; and

WHEREAS, on July 1, 1992, Greg was promoted to Equipment Operator and on January 17, 2016, promoted to Equipment Operator 2; and

WHEREAS, in March of 1994, Mayor Dale Richards praised Greg and his fellow coworkers for their positive attitude while helping to “keep our streets clear and safe, taking into consideration the severity of the weather” during an exceptionally difficult winter; and

WHEREAS, in 2015, Greg received a merit award acknowledging his ability to thoroughly train new employees at the Department of Public Works with patience while passing on his organization skills as well as years of knowledge and experience to other employees; and

WHEREAS, Greg was a very effective employee during his years of service with the City of Oak Creek Department of Public Works, answering many calls for service from the community and providing immeasurable service to the community; and

WHEREAS, effective December 31, 2019, Greg Gross is retiring from his position of Equipment Operator 2 with the City of Oak Creek Department of Public Works, completing over thirty years of full-time service to the City of Oak Creek.

NOW, THEREFORE, BE IT RESOLVED that the best wishes for good health and happiness be extended to Greg and his family in his retirement years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and the City Clerk be and is hereby directed to transmit a suitable copy thereof to Gregory Gross.

Passed and adopted this 7th day of January, 2020.

President, Common Council

ATTEST:

Mayor, City of Oak Creek

City Clerk

Vote: Ayes _____ Noes _____

RESOLUTION 12127-010720

**RESOLUTION OF COMMENDATION
TO LAURA D. WING**

WHEREAS, Laura D. Wing was appointed a Fire Fighter on August 23, 1999 and;

WHEREAS, Laura D. Wing retired from her position as Fire Fighter effective January 6, 2020, after 20 years and 4 months of dedicated full time service to the City of Oak Creek Fire Department; and

WHEREAS, during her years of service, Laura D. Wing has performed her duties admirably, looking out for the health, safety, and welfare of the citizens of Oak Creek; and

WHEREAS, Laura D. Wing responded to many major alarms utilizing her skills in firefighting and rescue with dedication and without hesitation; and

WHEREAS, Laura D. Wing has been an Emergency Medical Technician in the State of Wisconsin. She became a Fire Fighter Paramedic in 2005 and during her career has cared for thousands of citizens who were sick or injured, always delivering caring and skilled emergency care to them; and

WHEREAS, for several years, Laura D. Wing led the department's fire prevention programs, which involved reaching out to hundreds of school aged children during Fire Prevention Week every year. Laura D. Wing was commended for her superior work in 2002 for the program she developed for the theme "Cover the Bases, Strike Out Fire"; and

WHEREAS, Laura D. Wing was the department's first female Fire Fighter. During her career, Laura D. Wing has inspired many young women to follow a career in firefighting; and

WHEREAS, Laura D. Wing was commended for her efforts in the dispatch center during the "Tax Day" fires in 2003 and for the Lake Forest Apartment complex fire in 2004; and

WHEREAS, Laura D. Wing was previously recognized as Fire Fighter of the Year by the American Legion Post 434; and

NOW, THEREFORE, BE IT RESOLVED that the City's best wishes for good health and happiness be extended to Laura D. Wing and her family in her retirement years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to Laura D. Wing.

Passed and adopted this 7th day of January, 2020.

President

Mayor

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

RESOLUTION NO. 12128-010720

**RESOLUTION OF APPRECIATION
TO
JAY HARVANEK**

WHEREAS, Jay Harvanek began his employment with the City of Oak Creek on October 26, 1999 as an Engineering Technician - Survey in the Engineering Department; and

WHEREAS, on January 1, 2006, Jay was promoted to the position of Senior Engineering Technician; and

WHEREAS, in November of 2004, former Police Chief Thomas Bauer recognized Jay for his competence and professional manner in which he carried out his duties on two high-profile police cases where precise measurement and recording of evidence were essential; and

WHEREAS, Jay has been a highly effective employee during his many years of service with the City of Oak Creek; performing a wide range of field survey and construction inspection functions, playing an integral part in the satisfactory construction of many millions of dollars' worth of road and other public works projects, and leading the Engineering Department through numerous technological advances in the surveying realm; and

WHEREAS, Jay is retiring from his position of Senior Engineering Technician with the City of Oak Creek Engineering Department effective January 11, 2020; completing over 20 years of valued service to the City.

NOW, THEREFORE, BE IT RESOLVED that the City's best wishes for good health and happiness be extended to Jay Harvanek and his family in his retirement years.

BE IT FURTHER RESOLVED that this Resolution of Appreciation be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit to Jay a suitable copy thereof.

Passed and adopted this 7th day of January, 2020.

Kenneth Gehl, Common Council President

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

Vote: Ayes _____ Noes _____

COUNCIL PROCLAMATION NO. 20-01

TO

JAMES F. SCHULTZ

**FOR DEDICATED SERVICE TO THE CITY OF OAK CREEK
AS A MEMBER OF THE
POLICE & FIRE COMMISSION**

WHEREAS, on September 17, 1985, James F. Schultz was appointed to the Police & Fire Commission by Mayor Milo Schocker; and

WHEREAS, twice Jim Schultz was elected as Commission President by the members of the Police & Fire Commission, from 1993-1994 and then again from 2004-2005; and

WHEREAS, Jim Schultz has been instrumental in the appointment of four Police Chiefs, five Fire Chiefs, and countless Police Officers, Fire Fighters, Detectives, Lieutenants, Sergeants, Battalion Chiefs, Captains, and Assistant Chiefs; and

WHEREAS, Jim Schultz served as a liaison between the citizens of Oak Creek and the Police and Fire Departments, ensuring that these departments run smoothly, effectively and with the utmost integrity; and

WHEREAS, throughout his tenure as a member of the Police & Fire Commission, Jim Schultz, has dutifully served the City of Oak Creek in a thorough, conscientious and professional manner; and

WHEREAS, on December 8, 2019, after thirty-four years and three months of service, James F. Schultz resigned from his position on the Police & Fire Commission.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Oak Creek do hereby show their appreciation and gratitude to James F. Schultz. for his dedicated service to the City of Oak Creek as a member of the Police & Fire Commission.

BE IT FURTHER RESOLVED that this proclamation be spread upon the minutes of this meeting and that the City Clerk be and she is hereby directed to transmit a suitable copy thereof to James F. Schultz.

Introduced and adopted this 7th day of January, 2020.

Kenneth Gehl, Common Council President

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

Vote: Ayes ____ Noes ____

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL**

PURPOSE: The purpose of this public hearing is to consider a request submitted by Linda Niemela, PT, NDT, Medical Support Services, Inc., for an amendment to the existing Conditional Use Permit to allow an indoor recreation facility within the multitenant building on the property at 140 E. Rawson Ave.

Hearing Date: January 7, 2020
Time: 7:00 p.m.
Place: Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant: Linda Niemela, PT, NDT, Medical Support Services, Inc.
Property Owner: EAST RAWSON AVE LLC
Property Location(s): 140 E. Rawson Ave. (Building C)
Tax Key(s): 733-9991-001

Legal Description:

COM 310 FT E & 140.04 FT N OF SW COR SW1/4 SEC. 4-5-22 TH N 521.32 FT E TO NE COR OF W1/2 OF S 40 ACS OF SD 1/4 SEC S TO S1/4 SEC LI W TO A PT 722.20 FT E OF SW COR SD 1/4 SEC N 140 FT TH W TO BEG., EXC. PART FOR STREET. CONT. 13.496 ACS.

The Common Council has scheduled other public hearings for January 7, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: December 12, 2019
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information, or to request this service, contact the Oak Creek City Clerk at 766-7000 or write to the ADA Coordinator at the Health Department, City Hall, 8040 S. 6th St., Oak Creek, WI 53154.

COMMON COUNCIL REPORT

Item: Conditional Use Permit Amendment - 140 E. Rawson Ave.

Recommendation: That the Council adopts Ordinance 2960, an ordinance to amend the Conditions and Restrictions in Ordinance 2950 for a clinic in a portion of the multitenant building on the property at 140 E. Rawson Ave.

Fiscal Impact: Approval will allow for the use and occupancy of a recently-constructed multitenant manufacturing building in a development that is currently under construction. The project has yielded positive fiscal impacts in terms of assessed value and review/permit/impact fees. Tenant buildouts will continue to yield positive fiscal impacts with permits and/or licenses. This property is not currently part of a TID.

Critical Success Factor(s):

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

Background: The Applicant is requesting recommendation of approval for a proposed amendment to the existing Conditional Use Permit for the property at 140 E. Rawson Ave. Council will recall that a Conditional Use Permit was approved in November for a physical, occupational, and speech language therapy clinic within a portion of the multitenant building (C). As proposed, the indoor recreation facility (gym) would occupy approximately 6,000 gross square-feet in two (2) adjacent suites to the Tender Touch Therapy suites in Building C, currently under construction.

Included in the gym services are open play, classes, birthday parties, support group meetings, teen workout areas, and summer camps. Specialized equipment designed to meet the needs of children with sensory processing disorders and all abilities makes this facility unique from a typical indoor playground or gym facility. Examples of the types of indoor recreation equipment are included with this report.

Hours of operation for the proposed gym would be as follows:

Monday - Friday	9:00 AM - 9:00 PM
Saturday	9:00 AM - 5:00 PM
Sunday	12:00 PM - 5:00 PM

While it is difficult to determine a daily number of anticipated clients, the maximum occupancy noted on the submitted floor plan is 50. Information received in the submitted narrative estimates that 8-10 families (assuming an average family size of 4) could be onsite at any given time. Approximately 1-4 employees would be at the gym facility during business hours.

As mentioned in the prior Conditional Use Permit report, access to the site will be via the shared drive off of E. Rawson Ave. During review of the site and building plans in 2016, the Applicant indicated that the 278 parking stalls provided for the three (3) multitenant buildings was adequate based on similar buildings and tenant needs. Information provided by the landowner states that the development has 284 parking stalls, 95 of which serve Building C. Some of the 95 parking stalls between Buildings B and C could be shared as well. Minimum parking requirements for commercial/recreational uses are generally calculated at one (1) stall for every four (4) patrons, plus one (1) stall per employee at peak shift. Based on the information submitted, anywhere from 132-164 parking stalls would be required per Code. However, the majority of the patrons to the facility will be children. Assuming a maximum of 10 families at the facility at any given time, each family in a single vehicle, a total of 14 stalls would be required. Given that the development contains multitenant buildings with shared parking, it appears that the minimum parking requirements will be fulfilled. It will be up to the property owner and/or their management company to ensure that adequate parking for future tenants is provided.

No site or exterior building modifications, with the exception of anticipated future wall signs, are proposed. Plan Commissioners should be aware that this property is currently under construction. Should the Conditional Use Permit Amendment be recommended for approval, the Time of Compliance section of the Conditions and Restrictions have been drafted to take construction timetables into consideration.

The Plan Commission reviewed the proposed Conditional Use Permit request at their meeting on December 10, 2019, and has recommended approval subject to the attached Conditions and Restrictions.

Options/Alternatives: Council has the discretion to modify the proposed Conditions and Restrictions as part of the approval of the Conditional Use Permit Amendment.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



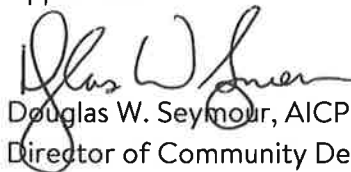
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ordinance 2960

Location Map

Hearing Notice

Letter dated November 8, 2019 (2 pages)

Plan of Operation (6 pages)

Site Plan (1 page)

Leasing Plan (1 page)

Floor Plan (1 page)

Amended Conditions and Restrictions

ORDINANCE NO. 2960

By: _____

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 2950 FOR A PHYSICAL AND OCCUPATIONAL THERAPY CLINIC AND INDOOR RECREATION FACILITY ON THE PROPERTY AT 140 E. RAWSON AVE.

(1st Aldermanic District)

The Common Council of the City of Oak Creek does ordain as follows:

WHEREAS, Ordinance No. 2950 (The "Ordinance"), which approved a Conditional Use Permit for a physical and occupational therapy clinic within the multitenant building on the property at 140 E. Rawson Ave., was approved on November 5, 2019; and

WHEREAS, the Ordinance affected the following legally described property;

COM 310 FT E & 140.04 FT N OF SW COR SW1/4 SEC. 4-5-22 TH N 521.32 FT E TO NE COR OF W1/2 OF S 40 ACS OF SD 1/4 SEC S TO S1/4 SEC LI W TO A PT 722.20 FT E OF SW COR SD 1/4 SEC N 140 FT TH W TO BEG., EXC. PART FOR STREET. CONT. 13.496 ACS.

WHEREAS, the Applicant, LINDA NIEMELA, MEDICAL SUPPORT SERVICES, INC., with support of the landowner, is requesting that the Ordinance be amended to allow an indoor recreation facility; and

WHEREAS, a public hearing was held on this matter on January 7, 2020 to hear comments from all who were interested.

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Oak Creek does hereby ordain as follows:

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, Section 3 of the Conditions and Restrictions approved by the Ordinance affecting the Property is amended as follows:

A. Hours of operation shall be in accordance with the following:

Clinic	
Monday through Friday	7:00 AM – 7:00 PM
Saturday	8:00 AM – 12:00 PM or by appointment
Sunday	Closed
Indoor Recreation Facility	
Monday through Friday	9:00 AM – 9:00 PM
Saturday	9:00 AM – 5:00 PM
Sunday	12:00 PM – 5:00 PM

The above hours of operation for the clinic are restricted to patient appointments and not to staff onsite at any given time.

- B. There shall be no outdoor activities, outdoor storage, or outdoor display of merchandise for sale in association with these Conditional Uses.
- C. (NO CHANGE TO ORIGINAL)
- D. (NO CHANGE TO ORIGINAL)

SECTION 2: Except as herein modified the conditions and restrictions approved by the Ordinance shall remain in full force and effect.

SECTION 3: The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 4: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 5: This Ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 7th day of January, 2020.

President, Common Council

Approved this 7th day of January, 2020.

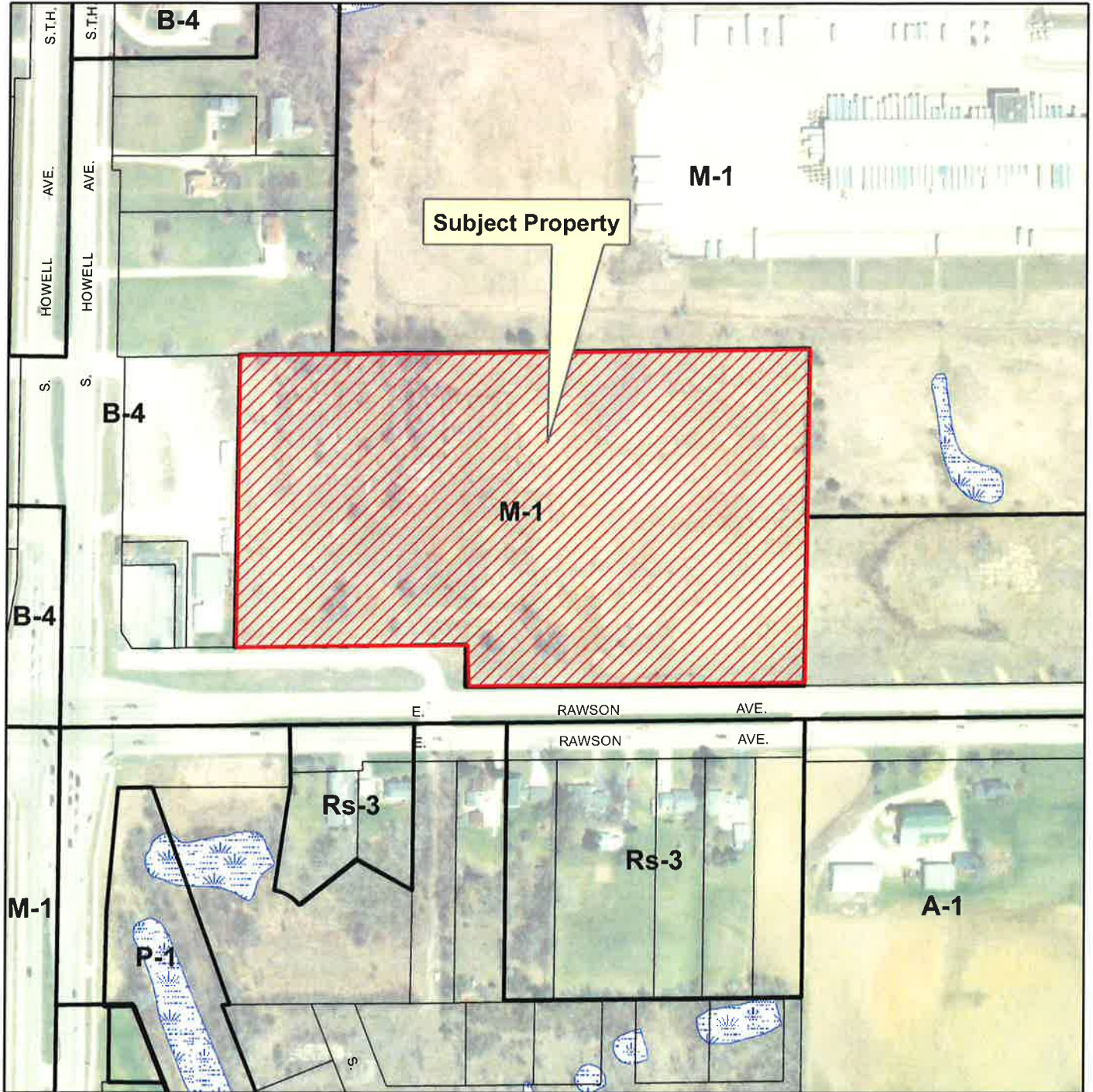
Mayor

ATTEST:

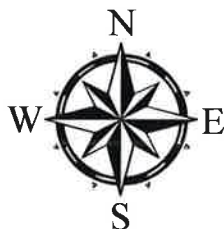
City Clerk

VOTE: Ayes _____ Noes _____



Location Map 140 E Rawson Ave



This map is not a survey of the actual boundary of any property this map depicts



Legend

-  Parcel selection
-  DNR Wetlands Inventory

TO BE PUBLISHED DECEMBER 18 & 25, 2019

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL**

PURPOSE: The purpose of this public hearing is to consider a request submitted by Linda Niemela, PT, NDT, Medical Support Services, Inc., for an amendment to the existing Conditional Use Permit to allow an indoor recreation facility within the multitenant building on the property at 140 E. Rawson Ave.

Hearing Date: January 7, 2020
Time: 7:00 p.m.
Place: Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant: Linda Niemela, PT, NDT, Medical Support Services, Inc.
Property Owner: EAST RAWSON AVE LLC
Property Location(s): 140 E. Rawson Ave. (Building C)
Tax Key(s): 733-9991-001

Legal Description:

COM 310 FT E & 140.04 FT N OF SW COR SW1/4 SEC. 4-5-22 TH N 521.32 FT E TO NE COR OF W1/2 OF S 40 ACS OF SD 1/4 SEC S TO S1/4 SEC LI W TO A PT 722.20 FT E OF SW COR SD 1/4 SEC N 140 FT TH W TO BEG., EXC. PART FOR STREET. CONT. 13.496 ACS.

The Common Council has scheduled other public hearings for January 7, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: December 12, 2019
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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St John Properties, Inc.
1020 James Dr., Suite G
Hartland, WI 53029

Dustin Atkielski
262-370-6855 ©
262-369-0100 Office
262-369-9075 FAX
Email: datkielski@sjpi.com

To: City of Oak Creek
Planning/Zoning Department
8040 S. 6th Street
Oak Creek, WI 53154
ATTN: Kari Papelbon

From: Dustin Atkielski

Date: November 8, 2019

Re: APPLICATION FOR CONDITIONAL USE PERMIT
Tender Touch Therapy, LLC
140 East Rawson Ave, Suites 113-114
Oak Creek, WI 53154

We are submitting plans, specifications and application to Plan Commission for a Condition Use Permit per Section 17.03171(c)(9) for an Indoor Recreation Facility in the M-1 zoning district for Tender Touch Therapy, LLC. This facility provides clients and their families access to specialized equipment for children and young adults that traditional is not available to the public outside of specialized therapy sessions or visits. It adds a beneficial complementary use to the multi-tenant building for clients and families that are treated by the therapy office soon to be located within the building, individuals that are no longer in therapy sessions, or individuals that are treated by other therapy offices in the community that need access to the specialize equipment outside of therapy sessions. This space will provide a tailored environment for children and young adults to participate in an environment suited to their needs and requirements for personal use or group events.

The following supporting documents are included:

1. Detailed Plan of Operation
2. Site Plan
3. Highlighted Leasing Plan
4. Demonstrative Floor Plan

Attachment Details

Detailed Plan of Operation: Contains hours of operation, mission statement, values, services rendered, and anticipated specialized play equipment details/descriptions.

Site Plan: The site plan includes site access, buildings within the development, the parking lots, sidewalk areas, and other site amenities/details. The development has a total of 284 parking space in which 95 serve directly to building C with and additional 95 that can be also utilized from Building B due to the shared central parking spaces. The proposed use anticipates a max parking capacity of 14 parking spots due to the anticipated occupancy load described in the detailed plan of operation.

Highlighted Leasing Plan: Highlights the space footprint within the specific multi-tenant building the space will occupy.

Demonstrative Floor Plan: The floor plan included is for demonstrative purposes only, the final floor may differ but will be consistent in nature to the attached plan. The anticipated space will support the following requirements:

- Reception/waiting area
- Front desk to support client and administrative tasks
- Toddler area
- Two private client rooms
- Calming room
- Multipurpose room that can either be used as a private party room, standalone specialized equipment area or larger kid or young adult area
- Restrooms to accommodate 50 occupants including a high/low drinking fountain
- Large gym area with tall ceilings for specialized equipment as described in the Detailed Plan of Operation

The space will be fully conditioned to meet a comfortable indoor recreational facility environment. It will contain standard office style finishes in the built-out sections and a rubber style gym floor in the gym area and potential multi-purpose room. Natural light will be incorporated from the front store front areas by utilizing pony walls to isolate the reception/waiting area, front desk and toddler area. The rear overhead doors may be converted into store front infills to produce a more weather resistant detail and provide additional natural light to the space.

Sincerely,

Dustin Atkielski
St John Properties, Inc.

Detailed Plan of Operation

Indoor Recreation Center for Tender Touch Therapy

Hours of Operation

Monday through Friday: 9:00 AM to 9:00 PM

Saturday: 9:00 AM to 5:00 PM

Sunday: 12:00 PM to 5:00 PM

Space Occupancy Load

Number of Employees: 1 to 4

Number of Clients Per Day: Estimated 8 to 10 families at any one time (average family size of 4)

Mission Statement

Tender Touch Therapy is a therapy service that helps provide for patients with disabilities the help they need through therapy sessions as well as promoting healthy growth in all aspects of a patient's life. A gym expansion to the therapy and support center allows Tender Touch Therapy's comprehensive team implement additional and better treatment and will help treatment strategies that aim for functional independence and patient-specific goals. We will advocate on behalf of each child and their family to enhance well-being and improve lifelong wellness.

Values

Advocacy: We will create and maintain support for children, young adults, and their families in a gym setting as well as their everyday lives. As a community, we will help nurture and propel our attendees to enhance their well-being, giving them a community they can feel comfortable with and rely on.

Well-Being: We strive to support wellness and balance for our families and kids while encouraging development into healthy young adults. We will model well-being as clinicians through our demeanor and as a company through our promotion.

Teamwork: We will cooperate in the spirit of teamwork both internally and externally as we coordinate with other health care providers, parents, co-workers, and the community we live in. We will employ the practices of collaboration and enhanced communication to expand the traditional roles of healthcare, and to make decisions as a motivated team that works toward a common goal.

Creativity: We will use boundless creativity throughout our pursuit of excellence and best practice as we strive to advance each child and young adult in their areas of strength and propel them forward into opportunity and successful accomplishments.

Services

A gym will offer a variety of services including open play, classes, birthday parties, support group meetings, teen workout areas, and summer camps designed for sensory processing disorders.

Specifically, sensory play equipment will be accessible to meet the diverse needs of the children with sensory processing disorders and offer engaging indoor play space for children of all abilities. The space will be designed to be therapy friendly and promote small group classes lead by licensed therapists.

Anticipated Specialized Play Equipment include the following

Zip Line: the zip line is a great way to build strength and muscle endurance, enhancing a child's ability to integrate and tolerate movement while they challenge themselves to hold on long enough to reach the other end.



(Photo Courtesy of We Rock the Spectrum Kid's Gym©)

Zip Box with Slide: The zip box works like a stepping stool that children can climb in order to use the zip line. The structure has stairs, a ramp, and a slide – making it a great social gathering place for kids engaged in different kinds of play to interact.



(Photo Courtesy of We Rock the Spectrum Kid's Gym©)

Crash Pit: The crash pit is fun and inviting! It is a perfect landing spot for the end of the zip line, or for kids who are practicing their highest jumps. A weighted blanket is in the crash pit for a calming quiet space for a child who needs a sensory rest.



(Photo Courtesy of We Rock the Spectrum Kid's Gym©)

Trampoline: A place for building lower body strength, and teaching balance. Jumping or sitting on the trampoline helps vestibular perception and playing on the trampoline improves proprioception – the control and movement of ligaments, joints, and small muscles.



(Photo Courtesy of We Rock the Spectrum Kid's Gym©)

Tunnel: The tunnel is a non-threatening cozy hideout for a child in need of a break. It can also make a great hiding spot in a pinch! The resistance, enclosed space, and tactile input from crawling through the tunnel can all be sensory experiences.



(Photo Courtesy of We Rock the Spectrum Kid's Gym©)

Carpet Swing: The carpet swing is fun and stimulating for swinging, spinning, or gliding side-to-side. Stationary eye hooks and strong rope make it a great place for reading, schoolwork, and various occupational therapy exercises.



(Photo Courtesy of We Rock the Spectrum Kid's Gym©)

Hammock Swing: The hammock swing is a small, cozy, yet sturdy swing that's great for self-calming. Reclining in the swing and rocking rhythmically can help soothe strong emotions, improve proprioception, and provide deep pressure.



(Photo Courtesy of We Rock the Spectrum Kid's Gym©)

Climbing Structure: The climbing structure promotes full-body awareness, motor planning, and bilateral coordination. This total-body exercise, combined with gravity, provides important joint and body coordination experiences.



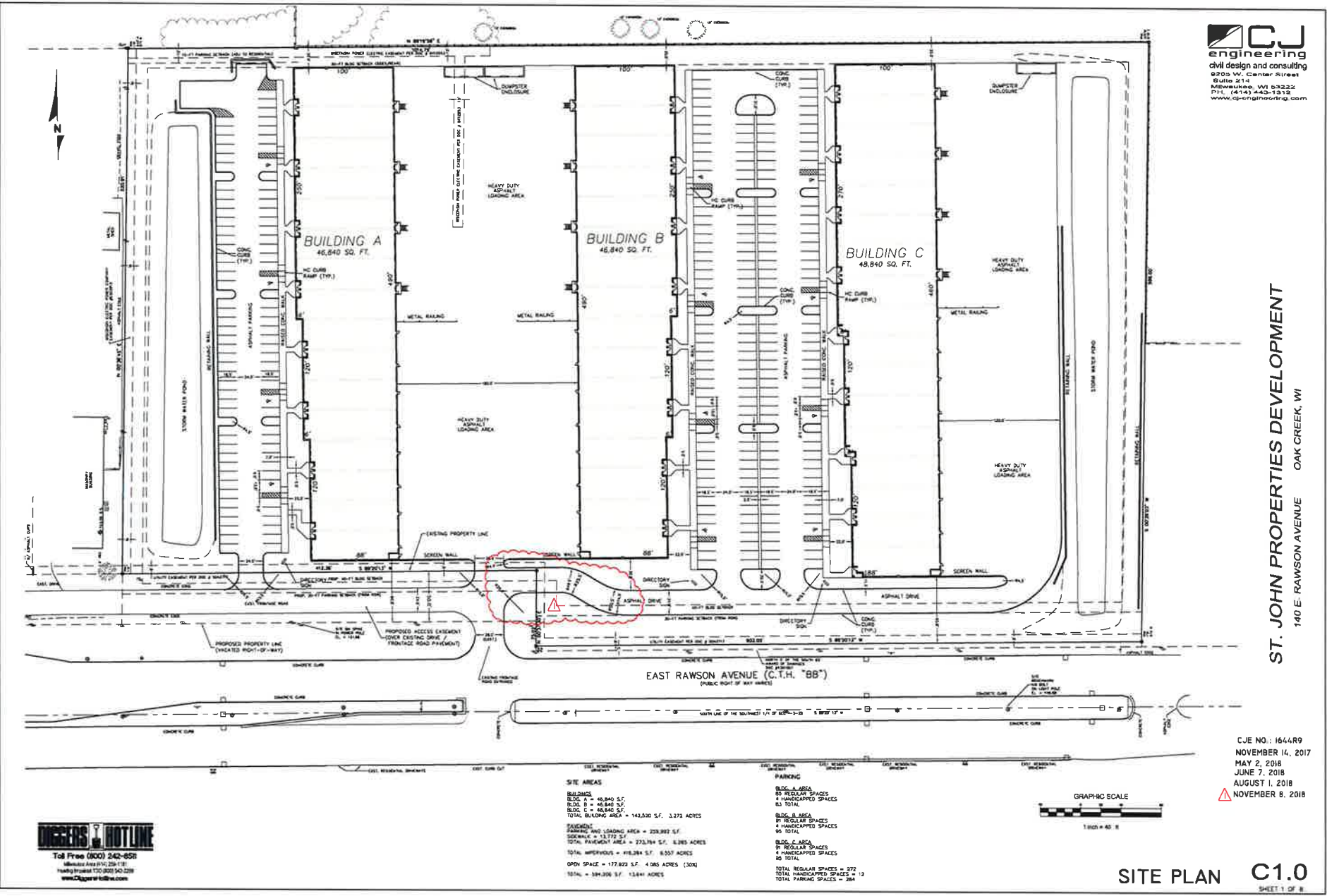
(Photo Courtesy of We Rock the Spectrum Kid's Gym©)

Bolster Swing: The bolster swing is most often sat on like a horse. Pushing and pulling on the ropes gives it motion from side to side and is a great motor planning and motor sequencing activity.



(Photo Courtesy of We Rock the Spectrum Kid's Gym©)

ST. JOHN PROPERTIES DEVELOPMENT
 140 E RAWSON AVENUE OAK CREEK, WI

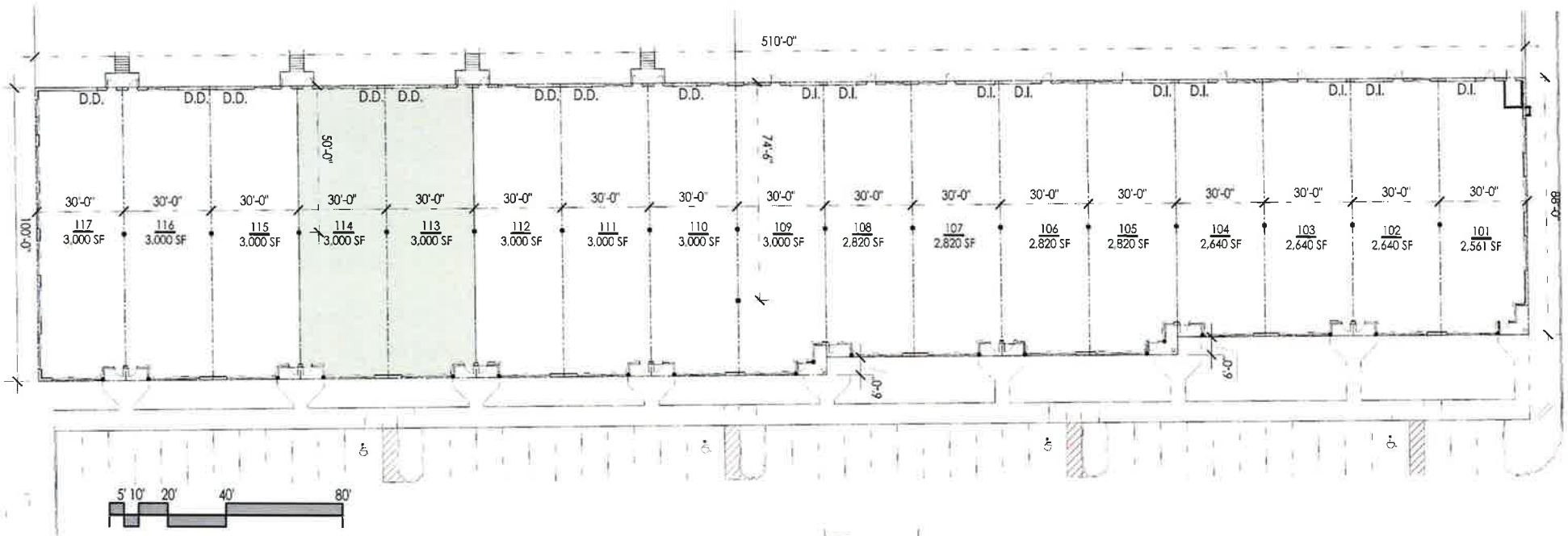


SITE AREAS

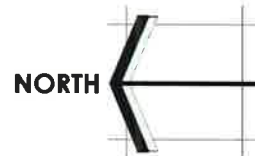
BUILDINGS	BLDG. A AREA	BLDG. B AREA	BLDG. C AREA
BLDG. A = 46,840 S.F.	BLDG. B = 46,840 S.F.	BLDG. C = 48,840 S.F.	
TOTAL BUILDING AREA = 142,520 S.F. 3.275 ACRES			
PARKING	BLDG. A AREA	BLDG. B AREA	BLDG. C AREA
PARKING AND LOADING AREA = 238,892 S.F.	85 REGULAR SPACES	77 REGULAR SPACES	39 REGULAR SPACES
SCREENING = 13,172 S.F.	4 HANDICAPPED SPACES	4 HANDICAPPED SPACES	4 HANDICAPPED SPACES
TOTAL PAVEMENT AREA = 275,184 S.F. 6.285 ACRES	95 TOTAL	81 TOTAL	43 TOTAL
TOTAL IMPERVIOUS = 418,284 S.F. 9.557 ACRES			
OPEN SPACE = 177,872 S.F. 4.085 ACRES (30%)	TOTAL REGULAR SPACES = 272	TOTAL HANDICAPPED SPACES = 12	TOTAL PARKING SPACES = 284
TOTAL = 594,306 S.F. 13.641 ACRES			

CJE NO.: 1644R9
 NOVEMBER 14, 2017
 MAY 2, 2018
 JUNE 7, 2018
 AUGUST 1, 2018
 NOVEMBER 8, 2018

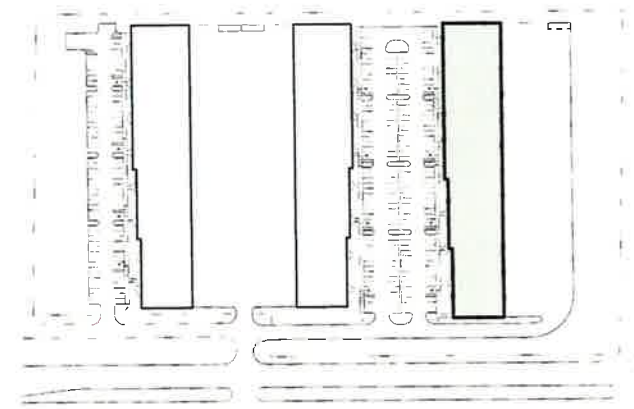




LEASING PLAN - BUILDING 100



D.D. = DOCK DOOR
D.I. = DRIVE IN



haag müller, inc.

Architecture ■ Engineering ■ Interiors

101 East Grand Avenue, Suite 1
Port Washington, Wisconsin 53074
262.268.1200 www.haagmuller.com

ST. JOHN PROPERTIES
140 EAST RAWSON AVENUE
OAK CREEK, WI

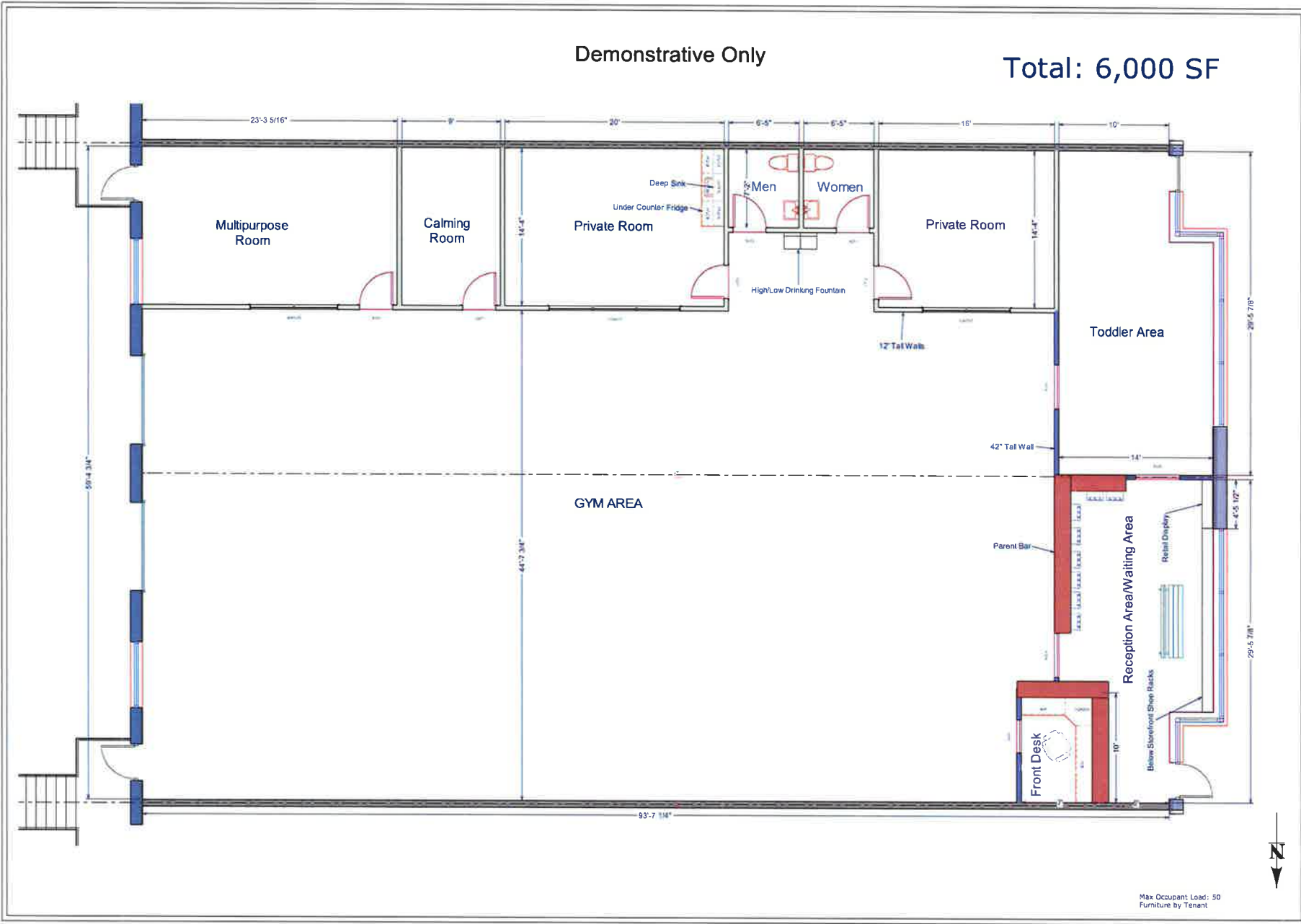
Project # 1612147
OCTOBER 8, 2019

SHEET:

L-100

Demonstrative Only

Total: 6,000 SF



NO.	REVISION/DESCRIPTION	BY	DATE

PROJECT TITLE:
FLOOR PLAN

PROJECT DESCRIPTION:
Indoor Rec. Facility
140 E Rawson STE 113-114
Oak Creek, WI

DRAWINGS PROVIDED BY:

DATE:

11/6/2019

SCALE:

SHEET:

A-2



Max Occupant Load: 50
Furniture by Tenant

**City of Oak Creek – Conditional Use Permit (CUP)
Conditions and Restrictions**

Applicant: Linda Niemela, Medical Support Services, Inc. (Tender Touch Therapy, LLC)	Approved by Plan Commission: 12-10-19
Property Address: 140 E. Rawson Ave.	Approved by Common Council: TBD
Tax Key Number: 733-9991-001	(TBD, Amending Ord. # 2950)
Conditional Use: Clinic (1); Indoor Recreation Facility (1)	

1. LEGAL DESCRIPTION

COM 310 FT E & 140.04 FT N OF SW COR SW1/4 SEC. 4-5-22 TH N 521.32 FT E TO NE COR OF W1/2 OF S 40 ACS OF SD 1/4 SEC S TO S1/4 SEC LI W TO A PT 722.20 FT E OF SW COR SD 1/4 SEC N 140 FT TH W TO BEG., EXC. PART FOR STREET. CONT. 13.496 ACS.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees & clients
 - iii) Number of parking spaces
 - iv) Dimensions
 - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) **Landscape Plan**

- a) Screening plan, including parking lot screening/berming
- b) Number, initial size, and type of plantings
- c) Percentage open/green space

3) **Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Building floor plans
- c) Materials of construction (including colors)

4) **Lighting Plan**

- a) Types & color of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

5) **Grading, Drainage and Stormwater Management Plan**

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building or occupancy permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of

any building permits.

- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Hours of operation shall be in accordance with the following:

Clinic	
Monday through Friday	7:00 AM – 7:00 PM
Saturday	8:00 AM – 12:00 PM or by appointment
Sunday	Closed
Indoor Recreation Facility	
Monday through Friday	9:00 AM – 9:00 PM
Saturday	9:00 AM – 5:00 PM
Sunday	12:00 PM – 5:00 PM

The above hours of operation for the clinic are restricted to patient appointments and not to staff onsite at any given time.

- B. There shall be no outdoor activities, outdoor storage, or outdoor display of merchandise for sale in association with these Conditional Uses.
- C. Solid waste collection and recycling shall be the responsibility of the owner.
- D. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and the Site Plans approved by the Plan Commission February 28, 2017.

5. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code (as amended).

6. SETBACKS

	Front and Street Setback	Rear (North) Setback	Side Setback
Principal Structure	40 ft	20 ft	20 ft
Accessory Structure*	40 ft	See Sec. 17.0501	See Sec. 17.0501
Parking	30 ft	5 ft	5 ft

**No accessory structures shall be permitted in the front yard or in required buffer yards.*

7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these Conditions and Restrictions for the Conditional Use within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the ordinance if an occupancy permit has not been issued for this use. The applicant shall re-apply for a Conditional Use approval prior to recommencing work or construction.

8. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 9 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other city ordinances.

10. REVOCAION

Should an applicant, his heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in Section 17.1007 of the Municipal Code (as amended).

11. ACKNOWLEDGEMENT

The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

Owner / Authorized Representative Signature

Date

(please print name)

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL**

PURPOSE: The purpose of this public hearing is to consider a request submitted by Bruce Kinseth, Oak Creek Hotel Associates, LLC, for amendments to the existing Planned Unit Development to include hotels and restaurants as allowed uses, to amend the parking stall dimensions, and to update other Sections to conform to current Code requirements affecting the properties located at 9141, 9191, and 9315 S. 13th St.

Hearing Date: January 7, 2020
Time: 7:00 p.m.
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant: Bruce Kinseth, Oak Creek Hotel Associates, LLC
Property Owner(s): American Property Acquisition, LLC & Oak Creek Store, LLC
Property Location(s): 9141, 9191, 9315 S. 13th St.
Tax Key(s): 877-9010-000, 877-9009-001, 877-9995-005

Legal Description:

9141 S. 13th St. - CSM NO. 4759 LOT 2 SE 1/4 SEC 19-5-22 CONT. 18.3906 ACS.

9191 S. 13th St. - CSM NO 4759 LOT 1 SE 1/4 SEC 19-5-22 EXC PTS CONVEYED HWY IN DOC# 10142497 (14.745 ACS).

9315 S. 13th St. - COM 1307.41 FT S OF NE COR SE 1/4 SEC 19-5-22 TH W 1135.22 FT TO E LI I-94, TH SELY 389.90 FT SELY 122.01 FT NELY 110.46 FT NELY 358.04 FT E 625 FT TH N TO POC EXC PTS CONVEYED FOR HWY I-94 IN DOC# 10203681 (5.465 ACS).

The Common Council has scheduled other public hearings for January 7, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: December 12, 2019
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000 or write to the ADA Coordinator at the Health Department, City Hall, 8040 S. 6th St., Oak Creek, WI 53154.

COMMON COUNCIL REPORT

Item: Planned Unit Development Amendment - 9141, 9191, 9315 S. 13th St.

Recommendation: That the Council adopts Ordinance 2961, an ordinance to approve Amendments to the existing Planned Unit Development to allow hotels and restaurants, to amend the parking stall dimensional requirements, to allow an increase in the square footage, location of signs, and to more closely align the PUD with current Code requirements.

Fiscal Impact: Approval will allow for the development of vacant parcels, and the potential future redevelopment of a parcel currently developed with a commercial retail use, with uses allowed by the existing B-4, Highway Business district as currently zoned and as part of an existing Planned Unit Development (PUD). The proposed PUD amendments also align the PUD with current Code requirements for consistency in application, conformance with the Comprehensive Plan, and compatibility with the surrounding area. Future development of the vacant parcel at 9141 S. 13th St., and the future development of the parcel at 9315 S. 13th St. with a potential hotel and restaurant, will yield positive fiscal impacts in terms of assessed value and review/permit/impact fees. These properties are not currently part of a TID.

Critical Success Factor(s):

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

Background: The Applicant is requesting approval to amend the existing Planned Unit Development (PUD) for the property at 9315 S. 13th St. Ordinance 805, establishing a PUD for 9241 (now 9141 and 9191) and 9315 S. 13th St. was approved June 5, 1979. There have been several changes to the Zoning Code since the approval of Ordinance 805, leading to conflicts with many Sections of the current Zoning Code. Specifically, the Applicant is requesting the following:

1. Revision to Section 5, Permitted Uses, to allow hotels and restaurants.

Although uses are required to be approved by the Plan Commission in the PUD, only the following categories of uses are allowed:

- a. Manufacturing, fabricating, storing, cleaning, testing, assembling, disassembling, repairing or servicing establishments provided operations conform with the appropriate performance standards.
- b. Business and professional offices.
- c. Accessory uses incidental to and on the same lot as the principle use.

The request is to allow hotels and restaurants in the PUD as permitted uses, both of which are currently considered Conditional Uses in the B-4 zoning district.

2. Revision to Section 9, Parking Requirements.

The request is to allow dimensions of parking stalls to conform to current Code requirements -9' x 18' - rather than 9' x 20' as currently required.

3. Revision to Section 10, Signs.

- a. All signs within the PUD are required to be reviewed by the Plan Commission prior to issuance of a permit.
- b. Signs are limited to 32 square feet in area.
- c. Signs may not be illuminated past 11:00 PM.

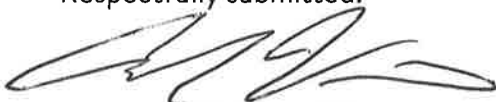
The requested amendments are specific to the vacant parcel at 9315 S. 13th St.; however, staff is proposing to amend the Conditions and Restrictions to bring the entire PUD closer to conformance with Code requirements. While the request submitted is for hotels to be allowed within the PUD as permitted uses as mentioned above, the B-4, Highway Business zoning district specifies that hotels and restaurants with drive-in/drive-through facilities are Conditional Uses. The operational impacts of hotels (and restaurants with drive-through facilities) can vary depending upon the details of the specific use. As such, staff is of the opinion that the additional level of review afforded by the Conditional Use process is advisable, and have included both uses as Conditional Uses within the proposed PUD Amendment to conform to Code requirements. The Plan Commission has concurred with staff, and the Conditions and Restrictions reflect the uses as Conditional Uses; however, Council has the discretion to revise the Conditions and Restrictions to include the uses as permitted uses in this PUD.

Amended Conditions and Restrictions are included with this report for Council consideration; however, approval of the Amendments does not preclude additional reviews or hold the Plan Commission and/or Common Council to approve any specific development. Plan Review, Sign Permits and/or Sign Appeals, Conditional Use Permits, etc. may be required should the Amendments be approved.

The Plan Commission reviewed the proposed Planned Unit Development request at their meeting on December 10, 2019, and has recommended approval subject to the attached Conditions and Restrictions.

Options/Alternatives: Council has the discretion to modify the proposed Conditions and Restrictions as part of the approval of the Planned Unit Development Amendment.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ordinance 2961

Location Map

Hearing Notice

Project Overview (8 pages)

Proposed PUD Alterations Letter dated November 12, 2019 (1 page)

General PUD Plan (1 sheet)

Existing PUD Conditions and Restrictions, Ord. 805 (8 pages)

Proposed Amended Conditions and Restrictions (7 pages)

ORDINANCE NO. 2961

By: _____

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN
ORDINANCE NO. 805 FOR THE PLANNED UNIT DEVELOPMENT (PUD) FOR
9141, 9191, AND 9315 S. 13TH ST.

(6th Aldermanic District)

WHEREAS, on June 5, 1979, the Oak Creek Common Council adopted Ordinance No. 805, approving the rezone of properties located at 9241 (now 9141 and 9191 S. 13th St.) and 9315 S. 13th St. from R-2, Single Family Residence District to IPD, Industrial Planned Development (recodified as B-4, Highway Business PUD); and

WHEREAS, that ordinance affected the following legally described properties;

All that part of the Southeast $\frac{1}{4}$ of Section Nineteen (19), in Township Five (5) North, Range Twenty-two (22) East, in the City of Oak Creek, which is bounded and described as follows:

Commencing at the Northeast corner of said Southeast $\frac{1}{4}$ Section; thence S 00°09'11" W, along the east line of said $\frac{1}{4}$ Section; 1332.41 feet; thence S 89°27'48" W, 1133.92 feet to a point in the East right-of-way line of I-94; thence N 04°01'33" W, along said right-of-way line, 336.51 feet; thence N 00°03'35" E, along said right-of-way line, 993.96 feet to a point on the North line of said Southeast $\frac{1}{4}$ Section; thence N 89°20'18" E, along said North line, 1160.09 feet to the place of beginning.

Plus the real estate described as follows:

Commencing 1142.41 feet North of the Southeast corner of the Southeast $\frac{1}{4}$ of Section 19, Township 5 North, Range 22 East; thence West 825 feet and Southwesterly 310.46 feet to a point in the East right-of-way line of I-94; thence North-westerly along said line of I-94 to the North line of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 19; thence Easterly to the East line of said $\frac{1}{4}$ Section; thence South to the point of beginning.

WHEREAS, the Applicant, BRUCE KINSETH, OAK CREEK HOTEL ASSOCIATES, LLC, is now requesting that the Conditions and Restrictions adopted pursuant to Ordinance No. 805 be amended to allow hotels and restaurants as permitted uses, to allow parking stalls to conform to current Code requirements, and to allow additional signs within the PUD; and

WHEREAS, the Plan Commission reviewed the application and recommended that the following amendments be approved:

1. That hotels and restaurants with drive-in/drive-through facilities are allowed within the PUD as Conditional Uses.
2. That parking stalls conform to the current Code requirements.
3. That signs conform to the current Code requirements.
4. That the PUD conform to current Code requirements as stated in SECTION 1 below; and

WHEREAS, the Common Council held a public hearing on said application on January 7, 2020, at which time all interested parties appeared and were heard; and

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Oak Creek does hereby ordain as follows:

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Conditions and Restrictions adopted pursuant to Ordinance No. 805 affecting the lands hereinabove described, are amended as follows:

Section 1 is amended to include the Legal Descriptions of the properties. All subsequent Sections are renumbered and amended as follows.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. All requirements of the Conditions and Restrictions approved as part of Ord. 805 are in effect except as specifically amended herein.
- C. A precise detailed site plan for each developable parcel within the Planned Unit Development shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) General Development Plan

- a) Detailed building locations with setbacks
- b) Square footage of buildings
- c) Areas for future expansion
- d) Area to be paved
- e) Access drives (width and location)
- f) Sidewalk locations
- g) Parking layout and traffic circulation
 - i) Number of employees
 - ii) Number of spaces
 - iii) Dimensions
 - iv) Setbacks

h) Location(s) of loading berths

- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed) including detention/retention basins if needed
- l) Location of wetlands (field verified)
- m) Location, square footage and height of signs

2) Landscape Plan

- a) Screening
- b) Number, initial size, and types of plantings
- c) Parking lot screening/berming

3) Building Plan

- a) Architectural elevations
- b) Building floor plans
- c) Materials of construction

4) Lighting Plan

- a) Types of fixtures
- b) Mounting heights
- c) Types of poles
- d) Photometrics of proposed fixtures

5) Grading, Drainage and Stormwater Management Plan

- a) Contours (existing & proposed)
- b) Location of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

6) Fire Protection

- a) Location of existing & proposed fire hydrants
- b) Interior floor plan
- c) Materials of construction

- D. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
 - E. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits. The owner/developer shall be responsible for the long-term maintenance of the detention basins and other common areas.
 - F. A Development Agreement shall be completed between the owner and the City, if deemed necessary by the City Engineer, so as to ensure the construction or installation of public or other improvements required in 2(C) above, and/or as specified by these Conditions and Restrictions.
 - G. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
 - H. All future land divisions shall follow subdivision plat and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).
 - 1. Specific requirements for division of the property at 9315 S. 13th St., Tax Key # 877-9995-005.
 - a. Internal access via a shared private road/driveway, subject to recorded shared access easements and depicted on any proposed subdivision plat and/or certified survey map, may be allowed to substitute for street frontage requirements with recommendation by the Plan Commission and approval of a modification by the Common Council.
 - b. Shared access in (a) above is limited to the creation of one (1) new lot via subdivision plat and/or certified survey map.
 - I. All electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
 - J. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Landscaping, in accordance with Plan Commission approval, shall be installed for each phase prior to the issuance of occupancy permits for that phase.
3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed within this planned unit development shall be limited to those permitted by the B-4, Highway Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended) except that the following additional uses shall specifically be allowed:
 - 1. Hotels as Conditional Uses.
 - 2. Restaurants with no drive-in or drive-through facilities.
 - 3. Restaurants with drive-in or drive-through facilities as Conditional Uses.
- B. All structures shall be constructed in conformance with Section 17.1009 (as amended).
- C. Buffer areas as required shall be in conformance with Section 17.0205 (as amended).
- D. Setbacks and dimensional requirements shall be in conformance with Section 17.0315 (as amended).
- E. Signage for the development shall be in conformance with Sections 17.0701-17.0715 and all other applicable Sections of the Municipal Code.
- F. A Master Sign Plan for all development signs and Master Sign Plans for any multitenant building (3 or more tenant spaces) shall be submitted for review and approval by the Plan Commission prior to submission of sign permit applications.
- G. Solid waste collection and recycling shall be the responsibility of the owner. All solid waste and recycling collection units shall be screened and sited in conformance with Municipal Code requirements.
- H. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).
- I. There shall be no outdoor storage of any materials, equipment, vehicles (other than vehicles directly associated with the use), or merchandise for sale.
- J. No new pole signs, pennant flags, light pole flags, permanent banners, or flashing/blinking signs shall be permitted as part of the development.

4. PARKING AND ACCESS

- A. Cross-access easements shall be provided for the development per plans approved by the Plan Commission, with a copy of such executed agreement provided to the City prior to the issuance of any permits for any phase of this development.
- B. Parking for this development shall be provided in accordance with Sections 17.0403 and 17.0404 of the Municipal Code (as amended) and these Conditions and Restrictions.
- C. Access to South 13th Street (CTH V) in accordance with executed agreements and access management plans is subject to the review and approval of Milwaukee County. Such approval shall be provided to the City prior to the issuance of any building permits.

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Section 17.0808 of the Municipal Code (as amended).
- B. Pole heights shall be limited to 25 feet within 100 feet of a residential zoning district line, and shall not be located within any buffer yard.

6. BUILDING AND PARKING SETBACKS*

	Front and Street/ROW Setback	Rear Setback	Side Setback
Principal Structure	25 ft	25 ft	15 ft
Accessory Structure*	25 ft	See Sec. 17.0501	See Sec. 17.0501
Off-street Parking	10 ft	5 ft	5 ft

**No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards.*

7. TIME OF COMPLIANCE

The operator of the Planned Unit Development shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Planned Unit Development. This Planned Unit Development approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building permit has not been issued for this use. The applicant shall re-apply for Planned Unit Development approval prior to recommencing work or construction.

8. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Planned Unit Development shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Planned Unit Development is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Planned Unit Development, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Planned Unit Development or to seek an injunction regarding any violation of this Planned Unit Development or any other City ordinances.

10. REVOCATION

Should an applicant, their heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Planned Unit Development approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Planned Unit Development as set forth in Section 17.1007 of the Municipal Code (as amended).

11. ACKNOWLEDGEMENT

The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

SECTION 2: The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 3: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon its passage and publication.

Passed and adopted this ____ day of _____, 2020.

Approved this ____ day of _____, 2020.

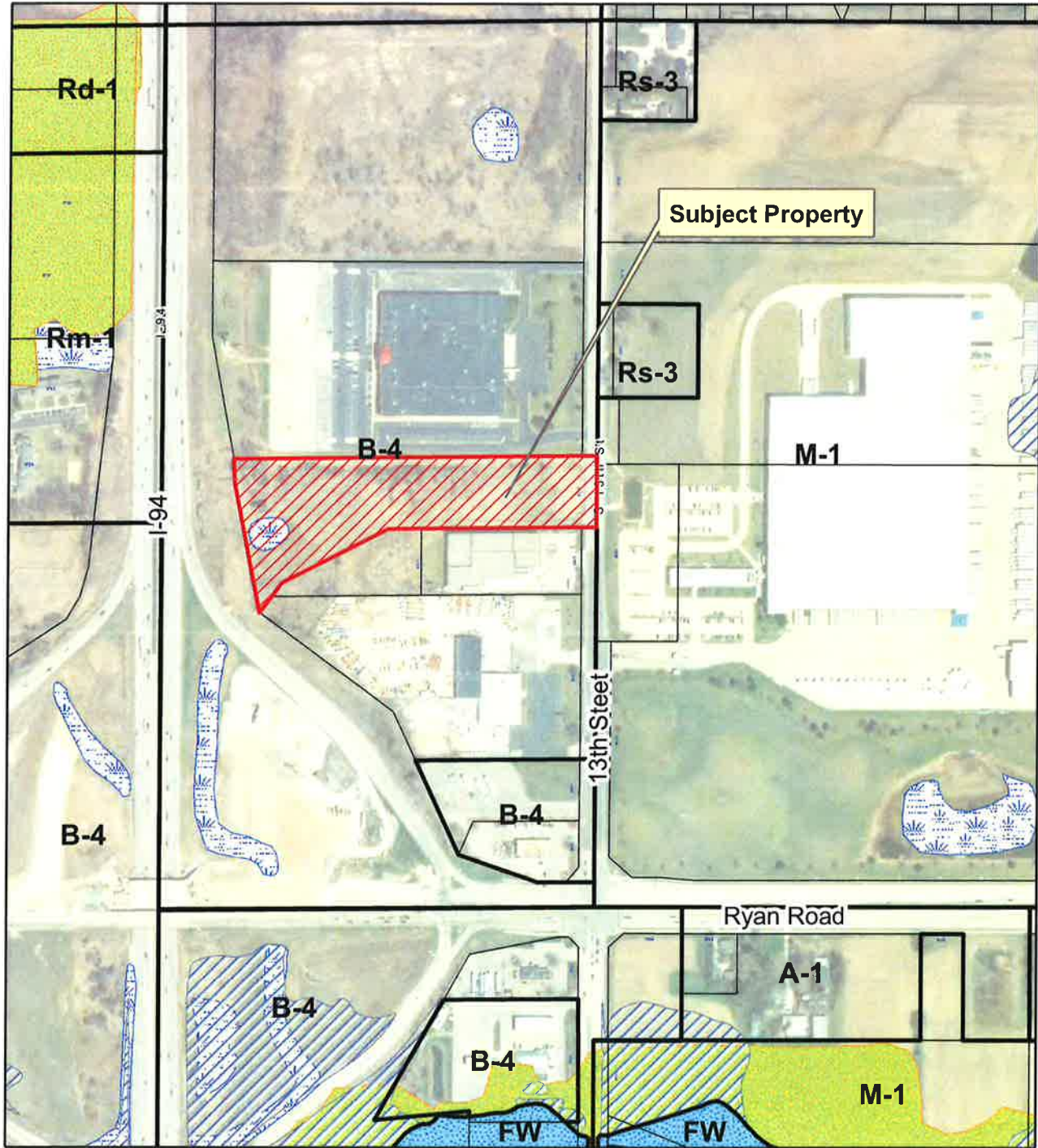
ATTEST:

VOTE:

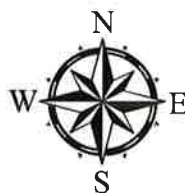
Ayes _____ Noes _____

Location Map

9315 S. 13th Street



This map is not a survey of the actual boundary of any property this map depicts



Legend

-  Parcel selection
-  Flood Plain (2008)
-  Floodway (2008)
-  Environmental Corridor
-  DNR Wetlands Inventory

TO BE PUBLISHED DECEMBER 18 & 25, 2019

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL**

PURPOSE: The purpose of this public hearing is to consider a request submitted by Bruce Kinseth, Oak Creek Hotel Associates, LLC, for amendments to the existing Planned Unit Development to include hotels and restaurants as allowed uses, to amend the parking stall dimensions, and to update other Sections to conform to current Code requirements affecting the properties located at 9141, 9191, and 9315 S. 13th St.

Hearing Date: January 7, 2020
Time: 7:00 p.m.
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant: Bruce Kinseth, Oak Creek Hotel Associates, LLC
Property Owner(s): American Property Acquisition, LLC & Oak Creek Store, LLC
Property Location(s): 9141, 9191, 9315 S. 13th St.
Tax Key(s): 877-9010-000, 877-9009-001, 877-9995-005

Legal Description:

9141 S. 13th St. - CSM NO. 4759 LOT 2 SE 1/4 SEC 19-5-22 CONT. 18.3906 ACS.

9191 S. 13th St. - CSM NO 4759 LOT 1 SE 1/4 SEC 19-5-22 EXC PTS CONVEYED HWY IN DOC# 10142497 (14.745 ACS).

9315 S. 13th St. - COM 1307.41 FT S OF NE COR SE 1/4 SEC 19-5-22 TH W 1135.22 FT TO E LI I-94, TH SELY 389.90 FT SELY 122.01 FT NELY 110.46 FT NELY 358.04 FT E 625 FT TH N TO POC EXC PTS CONVEYED FOR HWY I-94 IN DOC# 10203681 (5.465 ACS).

The Common Council has scheduled other public hearings for January 7, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: December 12, 2019
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000 or write to the ADA Coordinator at the Health Department, City Hall, 8040 S 6th St, Oak Creek, WI 53154.



Project Overview

The following business plan centers on the development of an avid Hotel by IHG (Intercontinental Hotel Group), featuring 95 guest rooms units, which is IHG's latest franchise hotel offering in the midscale hotel market. The cutting-edge facility will feature modern guest rooms, and social connectivity including an open, and large lobby area where guests can conduct business and work, socialize, and eat breakfast. The hotel will also feature a workout room/gym for exercise.

It is expected that the avid Hotel by IHG will employ the equivalent of approximately 25 full-time employees, and the hotel will be open 24 hours, 365 days per year.

The avid Hotel is under development by John Schlueter (Frontline Commercial Real Estate), the landowner of the property, Bruce Kinseth of Kinseth Hospitality Companies (KHC), an Iowa based hotel development and hospitality management company, and Kraig Sadownikow of American Construction Services based in West Bend, Wisconsin.

The avid Hotel by IHG is to be built immediately to the south of the Steinhafel's Superstore - Furniture Store, located at the northeast quadrant of the interchange of Interstate 94 and Ryan Road, in Oak Creek, Wisconsin (the address of the subject hotel property is listed as 9315 South 13th Street, Oak Creek, Wisconsin). Within Oak Creek there are a number of new commercial and real estate developments that are bringing more employment to the area including the 2.5 million square foot Amazon fulfillment center located at Ryan Road and 13th Street, about ¼ mile from the proposed avid Hotel. We expect the addition of Amazon and other companies discussed in the Patek Hospitality – Market Demand Study, to transform the area into a destination for travelers looking for hotel accommodations, along I-94 and the southern suburbs of Milwaukee.

avid Hotels is a newly created brand within the IHG franchise 'family' of hotel brands, that includes InterContinental Hotels, Kimpton Hotels and Resorts, Crowne Plaza Hotels and Resorts, Hotel Indigo, EVEN Hotels, Holiday Inn, Holiday Inn Express, Staybridge Suites, Candlewood Suites, and Holiday Inn Club Vacations and Resorts. IHG franchises, leases, manages or owns approximately 5,700 hotels worldwide, with more than 856,000 rooms in almost 100 countries. IHG also manages IHG Rewards Club, the hotel loyalty program which has more than 100 million members enrolled across the globe. One of the greatest attributes of the avid hotel brand will be the affiliation with IHG and the international recognition and brand awareness of IHG Rewards Club.

Values of the avid Hotel brand are described by IHG as: "Fresh" We take a new approach to designing everyday travel; "Frank" We are always direct, clear and honest; and "Fair" We appreciate the value of every hard-earned dollar. IHG goes on to describe avid hotels as "We designed avid hotels to reach an important set of business and leisure travelers in an underserved \$20 billion segment of the U.S. midscale hotel market. All avid hotel properties will leverage the strength and scale of the IHG parent brand to further drive confidence and assurance of this new brand and it will be part of IHG Rewards Club. The brand, which will feature all new-build construction, is designed for travelers who want a hotel stay that meets their expectations for the of hospitality they value most – the basics done exceptionally well, at a price point expected to be about \$10 - \$15 less than IHG's industry leading

Holiday Inn Express brand.” avid hotels is being introduced as an energetic, yet relaxing and comfortable brand targeting millennial travelers.

At the time this project description was written, there are currently three avid Hotels open across the country. The midscale brand was introduced by IHG in September of 2017 with the first property opened in Oklahoma City in August of 2018. According to IHG officials, it is expected that up to 15 avid properties could be open by the end of 2019. There are nearly 200 avid properties licensed and more than 60 of those signed are hotels under construction or have design and construction plans approved and many of these would like open between the spring and fall of 2020.

Kinseth Hospitality Companies is currently under construction with an avid Hotel in Monona, Wisconsin (Madison area) that is estimated to open in November of 2019, and KHC has an 86-room avid Hotel under construction in Roseville, Minnesota, that is expected to open in May of 2020.

As mentioned earlier, avid Hotels is part of the IHG Rewards Club, which has over 100 million members, giving the avid Hotel brand great marketing clout.

The occupancy and average daily rate for the set of competitive hotels in the Oak Creek hotel market, of similar style, service, and price-point to the subject proposed hotel (primarily other midscale – hotels), has prompted the development of the proposed avid Hotel by IHG. The competitive set of hotels occupancy for the area hotels as reported by STR was 68.7% at a rate of \$103.83 for the year ending 2018. The majority of the directly competitive hotels in the Oak Creek market area are primarily older facilities.

The developers plan for the avid Hotel by IHG calls for the formation of a new single purpose limited liability company for the purpose of building and owning the property. The newly formed LLC will purchase the land necessary for the development of the avid by IHG and Kinseth Hotel Corp will operate the hotel as an avid Hotel by IHG, under the terms of a franchise agreement with IHG Hotels. The site of the avid Hotel by IHG consists of roughly 2.0 acres +/- of land.

The proposed avid Hotel by IHG will be operated through a management contract with Kinseth Hospitality Companies (KHC). KHC currently operates over 70 hotels, including many IHG franchise hotels. Through the operation of six existing Holiday Inn properties (Rock Island, IL; Wichita, KS; Overland Park, KS; Council Bluffs, IA; Des Moines, IA; Dubuque, IA); three Holiday Inn Express hotels (West Des Moines, IA; Coralville, IA; and Clinton, IA) and two Candlewood Suites (La Crosse, WI and Kenosha, WI); KHC has much experience with the IHG system of hotels.

Also mentioned earlier, KHC is will have co-developed and will be operating the avid Hotels in Monona, WI and Roseville, MN before the opening of the avid Hotel in Oak Creek; KHC will be well qualified with IHG Hotels to undertake the development and management responsibilities of the proposed avid hotel by IHG in Oak Creek, Wisconsin.

KHC operates the following hotels in the Greater Milwaukee area: Home2Suites by Hilton – Brookfield, and the Tru by Hilton - Brookfield; Home2Suites by Hilton - Menomonee Falls; Hampton Inn and Suites by Hilton – West Bend; Hampton Inn and Suites by Hilton – Grafton and the TownePlace Suites by Marriott - Grafton; Sleep Inn and Suites by Choice – Mitchell Field; the

Homewood Suites by Hilton - Downtown Milwaukee; the and the Hampton Inn and Suites by Hilton – Kenosha, and the Candlewood Suites by IHG - Kenosha. This gives KHC great knowledge and an economy of scale of operations in the Great Milwaukee area.

It should be noted that in all of the hotels listed in the Milwaukee area in the paragraph located directly above, American Construction Services acted has acted as a co-sponsor and as the Architect and General Contractor, with the exception of the Home2Suites and the Tru hotels in Brookfield, and the Homewood Suites located in downtown Milwaukee. This partnership between KHC and American Construction Services will provide for continued great Team work and responsibility sharing in the proposed avid Hotel in Oak Creek. American Construction Services is also acting as the Architect and the General Contractor on the avid Hotel now under construction in Monona, Wisconsin, and Kraig Sadownikow is also a co-sponsor of this development in Monona.

KHC has a great partnership with, IHG Hotels, Hilton Hotels Corporation and Marriott Corporation, and excels in the development and operation of IHG, Hilton and Marriott branded properties. In this regard KHC was awarded as the Franchise Developer of the Year by Hilton Hotels Corp, for their America's Division in 2015.

KHC also developed and opened Tru by Hilton hotels in Cheyenne, Wyoming; St. Charles, Missouri; Cedar Rapids, Iowa; and most recently in Duluth, Minnesota. The development, construction and operational experience KHC has gained with this Hilton Corporation brand (Tru by Hilton) – also a millennial driven hotel product will give KHC a great advantage in the development, construction and operation of the avid Hotel in Oak Creek, Wisconsin. The Tru by Hilton product, and the subject proposed avid Hotel by IHG are very similar in architecture, layout and design, and operation, giving the development team for the Oak Creek avid Hotel a definite advantage with the new avid Hotel concept

It is anticipated upon acquisition of the land in Oak Creek, the new entity will begin construction on the property in the spring/summer of 2020, based upon current avid hotel specifications by IHG. Construction is expected to be completed within nine to ten months of closing on the property, and it is anticipated the property opening as an avid Hotel during the spring/summer of 2021.

avid Hotels by IHG and IHG Brand Information

The hospitality project proposed for development is a prototypical, four-story, wood- framed constructed, 95-unit, avid Hotel by IHG.

avid Hotels is a newly created brand within the IHG franchise 'family' of hotel brands, that includes InterContinental Hotels, Kimpton Hotels and Resorts, Crowne Plaza Hotels and Resorts, Hotel Indigo, EVEN Hotels, Holiday Inn, Holiday Inn Express, Staybridge Suites, Candlewood Suites, and Holiday Inn Club Vacations and Resorts. IHG franchises, leases, manages or owns approximately 5,300 hotels worldwide, with more than 785,000 rooms in almost 100 countries. IHG also manages IHG Rewards Club, the hotel loyalty program which has more than 100 million members enrolled across the globe. One of the greatest attributes of the avid hotel brand will be the affiliation with IHG and the international recognition and brand awareness of IHG Rewards Club.

The avid hotel brand by IHG is supported by the IHG infrastructure and distribution systems, which includes the IHG Rewards Club – Frequent Guest Stay Program designed for frequent business travelers who stay at any of the IHG brand hotels. The award winning IHG Rewards Club loyalty program is the largest in the hotel industry, offering members more choices to redeem their points than any other hotel loyalty program worldwide. Serving over 100 million members worldwide, IHG Rewards Club is an effective tool for driving customers to IHG Hotels and creating brand loyalty. IHG Rewards Club Members typically: “Pay More” – booking higher rates through lower cost channels, and using additional services of the IHG branded Hotels; “Stay More” – booking rooms more often than non-members and staying at more IHG brands than non-members; and “Say More” – writing positive reviews, completing brand/hotel surveys, and referring others to IHG Hotels. In 2016, IHG Rewards Club drove over \$8.5 billion of global room revenue for all IHG branded hotel; and IHG Hotels has been voted “Best Hotel Loyalty Program in the World” by readers of Global Travel Magazine consecutively since 2004 (2004-2016).

The avid hotel in Oak Creek will offer all of the brand’s signature hallmarks:

- Setting the brand apart, the modern exterior will include an open and airy retail-like entry, a canopy, and will use the exterior of the hotel’s stairwell as an eye catching red architectural feature.
- On the inside, guests will find vibrant, open public and working areas and inviting communal spaces that allow guests to relax, work, connect or eat.
- Guest rooms will include sound reducing features for a superior night’s sleep; a dedicated workspace and ample open and easy to use storage space. The guest bathroom experience will re-energize guests with a fresh and bright design.
- And the entire hotel will be equipped with IHG Connect Wi-Fi featuring the fastest speed in the industry and the ability for loyalty members to be automatically connected for all future visits. It will also deploy IHG’s new state of the art, cloud based next generation reservation system for guests.

Mr. Elie Maalouf, Chief Executive Officer, The America’s Division, IHG, has been quoted as saying: “avid hotels extends IHG’s leadership in the mainstream hotel market. The brand’s appeal to owners and developers, clearly demonstrates IHG is trusted to identify and deliver a new midscale hotel brand that is right for guests and owners. We designed avid hotels to reach an important set of business and leisure travelers in an underserved \$20 billion segment of the U.S. Midscale market.

avid Hotels officially launched for franchising in September of 2017, the brand was developed in collaboration with IHG’s avid hotels Owner Advisory Board. It is a midscale brand that was conceived to compete with hotel brands such as Country Inn and Suites, La Quinta Inn and Suites, and Fairfield Inn and Suites. Typically, midscale hotels that avid Hotels by IHG will compete with directly, tend to have a poor image from ‘road warriors’ who travel extensively for their employment. avid Hotels by IHG will fill the void in the midscale hotel market by offering a new product to travelers who are looking for value-based lodging.

Given the worldwide acceptance of the various IHG brands, the proposed avid by IHG is projected to be a market leader among the hotels in the Oak Creek hotel marketplace. We anticipate the avid hotel by IHG to be the clear first choice of mid-scale, travel-savvy guests, who prefer the look, ambiance, and amenities of a customized guests experience. The well-established ‘IHG’ name, worldwide reservation system, and the IHG Rewards Club frequent guest stay program will support a premium

occupancy and average daily rate in both the commercial and leisure demand segments in the Monona hotel market.

Location and Area Review

The site is located in the northeast quadrant of I-94 and Ryan Road, about ¼ mile north of Ryan Road with access provided off of South 13th Street. The site is currently vacant with the exception of a leased billboard and is owned by John Schlueter. The two-acre site is rectangular from west to east, with slightly more frontage running parallel with I-94. The hotel will be developed close to I-94 with the land closer to South 13th Street to potentially be developed with a restaurant.

The Ryan Road and South 13th Street intersection is currently being reconstructed to make road improvements to service the 2.5 million sq ft Amazon fulfillment center that is currently under construction and estimated to open in the spring of 2020. This four-story facility is located in the southeast quadrant of the intersection and will have excellent access to I-94 and the nearly completed improvements to the Ryan Road overpass and ramps. All of this road construction will be completed well in advance of the proposed avid Hotel opening date.

The proposed avid Hotel site is approximately 6 miles south of the Milwaukee Mitchell International Airport via either I-94 or Howell Avenue. Some of the employers in the area that could be potential demand generators include the following: PPG Industries, Reinhardt Foodservice, Creation Technologies, Aldi Distribution Center, and Astronautics Corporation of America. A complete area review of existing and new developments is located within the Patek Hospitality Market Demand Study.

The proposed avid Hotel will have excellent access via Ryan Road, and given that the avid Hotel will be a 4-story building, the sign package on the hotel will be mostly visible to traffic along I-94.

Given the convenient location to the new retail and restaurant tenants planned in the Oak Creek area, we believe the proposed avid Hotel by IHG will be well positioned to capture leisure and tourist hotel demand in the Milwaukee area as well.

Overall, we believe the Oak Creek area represents one of the most vibrant commercial development areas in Wisconsin, with a strong base of existing businesses and we believe the site for the hotel offers an excellent location for the avid Hotel by IHG.

Kinseth Hospitality Marketing and Operations

The cornerstone to our hotel marketing program will be the IHG reservations, marketing, and franchise systems, for the avid hotel by IHG. IHG is one of the most recognized names in the hospitality industry, and the IHG reservation system and frequent traveler program, IHG Rewards Club, are among the most successful in the lodging business. There is substantial worldwide and nationwide brand distribution for IHG Hotels, and there will be a very high level of consistency in the avid Hotel brand.

with all of the hotels being opened as 'new-built' hotels. avid Hotels by IHG, will also benefit from the association and referrals from its 'sister affiliations' thru the cross selling of brands.

KHC utilizes a Corporate Director of Sales and District Operations Manager to guide and oversee each hotel in its portfolio. Corporate oversight will start with pre-opening marketing and sales activity including sales blitzes of area businesses. This focus will continue through monthly reviews of sales goals and activities. A marketing plan will be defined, and the hotel's general manager and sales director will be responsible for making sales calls to local businesses, courting the leisure, meetings, and business markets. The general manager and sales director will also be responsible for public relations as well as networking with area businesses, university, and government officials. In addition, KHC will cross market the property with over 70 other Midwest business units and more than 70 sales representatives' through-out the organization.

Mentioned earlier, KHC is co-developing and will be operating the avid Hotel in Monona, WI and Roseville, MN before the opening of the avid Hotel in Oak Creek; KHC is well qualified with IHG Hotels to undertake the development and management responsibilities of the proposed avid Hotel by IHG in Oak Creek, Wisconsin.

KHC also operates the following hotels in the Greater Milwaukee area: Home2Suites by Hilton – Brookfield, and the Tru by Hilton - Brookfield; Home2Suites by Hilton - Menomonee Falls; Hampton Inn and Suites by Hilton – West Bend; Hampton Inn and Suites by Hilton – Grafton and the TownePlace Suites by Marriott - Grafton; Sleep Inn and Suites by Choice – Mitchell Field; the Homewood Suites by Hilton - Downtown Milwaukee; the and the Hampton Inn and Suites by Hilton – Kenosha, and the Candlewood Suites by IHG - Kenosha. These 'heritage' Kinseth Hotel Corp properties, give KHC an extensive competitive advantage and knowledge of the Madison, Milwaukee and southern Wisconsin hotel market, and also provide a base of training for operations and marketing professionals for the avid by IHG in Monona.

KHC is very familiar and experienced with the IHG Hotels franchise system, as we are currently operating multiple Holiday Inn Express, Candlewood Suites, and Holiday Inn (full-service hotels); the operation of these properties gives KHC the experience necessary for operating and marketing the proposed avid hotel by IHG.

We believe the avid by IHG will fill a niche in the Oak Creek hotel marketplace by offering a newly built, 'edgy' mid-scale hotel in a great location, not available in the marketplace today. Individual commercial business travel and weekend leisure travel in the Oak Creek hotel market drives demand in this lodging market including numerous sell-out days throughout the year.

The new avid by IHG is anticipated to start construction in the spring of 2020, with a completion and opening date in the spring of 2021. We believe avid by IHG as an industry 'disruptor' will be very successful as it combines a great location and design, with one of the industry's strongest hotel organizations – IHG Hotels. Coupling the superior location and branding with outstanding Kinseth Hotel Corp's management will drive success for guests and investors alike at this location.

KINSETH HOSPITALITY

The Kinseth Hospitality Company (KHC) is in the business of building, managing, owning, and operating hospitality assets. The principals of Kinseth Hospitality have been in the hotel business for over 40 years and have expertise in every facet of hotel and restaurant operations. Kinseth Hospitality Companies current organization is comprised of over 70 hotels with locations in Iowa, Illinois, Michigan, Minnesota, Missouri, Kansas, Nebraska, North Dakota, North Carolina, Wyoming, and Wisconsin.

KHC has earned many operational and civic awards including: Holiday Inn Torch Bearer Awards for new hotel development, Ramada's Gold Key Award, Howard Johnson's Property of the Year, Best Western Director's Award, and Bennigan's President Award for Operational Excellence.

Our goals as a company are to provide exceptional lodging value for our guests, growth opportunities for our employees, and superior economic growth in terms of asset appreciation and cash flow for our investors. Our focus of future growth will be on managing hotels for investors and institutions, developing joint ventures with investors, and purchasing distressed hotels/motels.

KHC manages hotels for its own portfolio as well as those for private investors and institutions. In its management role, KHC assumes full and complete responsibility for the management and operation of its properties. Our ongoing success stems from an intense hands-on style of management and management information systems that generate operating statistics for revenues, and costs on a daily basis. We believe it is important to remain close to all aspects of the businesses we operate. Kinseth Hospitality brings many proven systems of operations to each hospitality asset. These include the following:

Strong Financial Management System – Kinseth Hospitality has a strong system of financial management and control that includes centralized accounting and cash management. We also have a strong daily flash reporting system, daily labor cost reports, and daily P&L capabilities for use by our managers and supervisors. In addition, our financial statements are supported by a strong, detailed budgeting process with extensive comparative data.

Sales and Marketing – Kinseth Hospitality has tremendous expertise in the marketing of hotels and restaurants. These efforts are supported by a corporate sales and marketing staff consisting of a Corporate Director of Sales and Marketing and a Marketing Manager who monitor, train and develop our sales team. We use the state of the art Sales Pro sales and marketing software to assist hotels with sales contract administration and sales productivity at the property level.

Renovation and Construction – Kinseth Hospitality initiates a large amount of renovation and construction each year. Kinseth Hospitality has extensive experience in renovating hotels and restaurants. The company has been involved in many renovation and construction projects geared towards reflagging and repositioning hotels and restaurants. In addition the company has built numerous new properties

Operational Control and Purchasing System – Kinseth Hospitality has pre-negotiated many national contracts for the purchase of supplies and food, and also maintains an ongoing, strong purchasing program through a purchase order system. These systems are designed to control expenditures at the property level and geared toward maximizing all dollars by ensuring that all expenditures go through an authorization and approval system. Additionally, Kinseth Hospitality's affiliation with many hotel brands allows us to leverage national contracts to the greatest benefit, and allows us to find the lowest prices available.



11/12/2019
Kari Papelbon
8040 S 6th St.
Oak Creek, WI 53154



Re: Avid Hotel/PUD Amendment

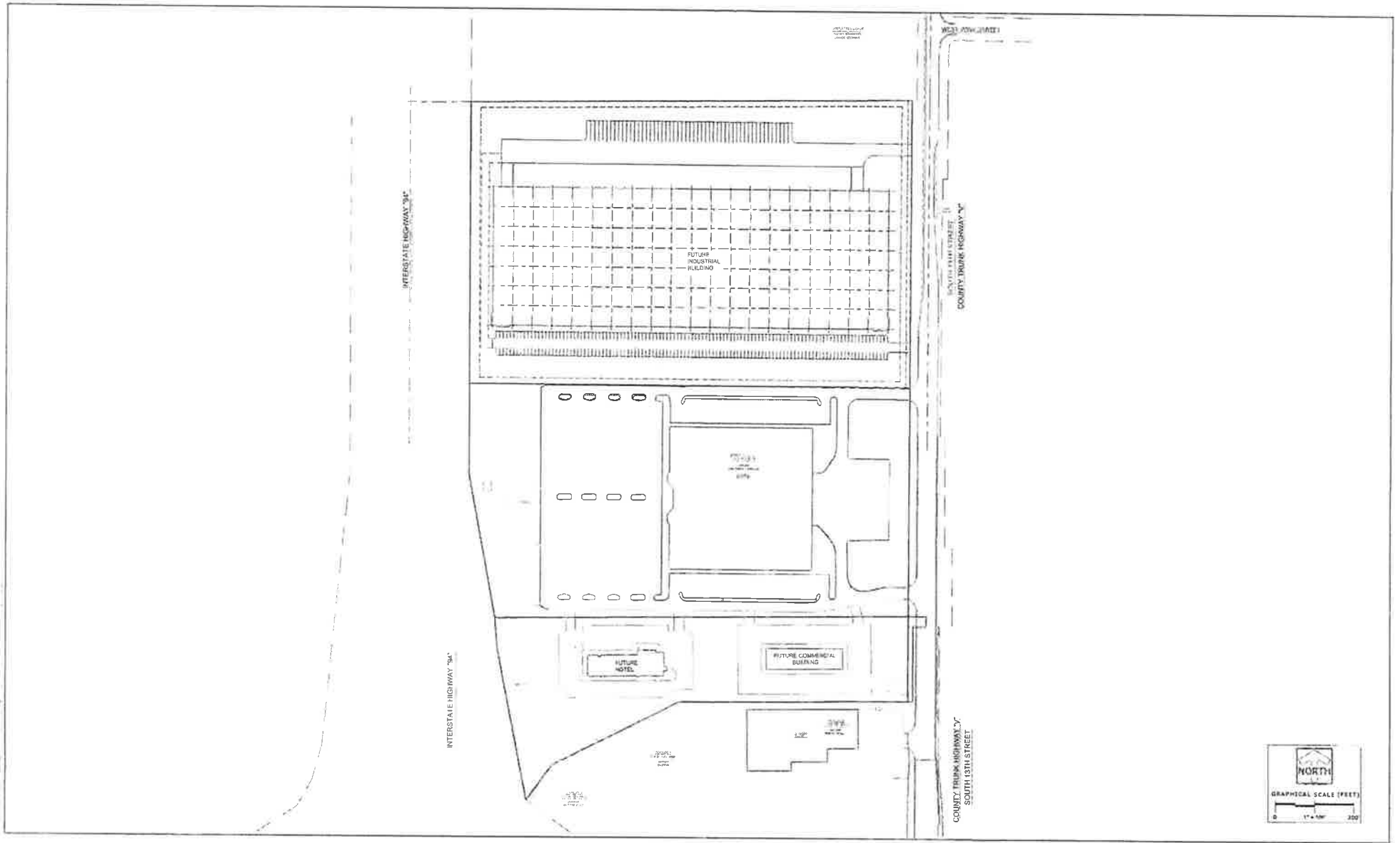
Dear Ms. Papelbon,

We are requesting an amendment of the current PUD as it relates to the Avid Hotel property. Below is a list of the proposed alterations to the PUD.

- The intended use of this property is to be a hotel. As the current PUD stands today it does not allow for hotels on its premises. We request that a hotel be added to the PUD permitted use list. It has been proposed that a restaurant or another hotel may be built on the eastern half of the property. We therefore ask that the PUD be amended to allow a restaurant to be added to the permitted use list.
- As it currently reads in the PUD a parking stall shall have a minimum stall dimension of 9 feet wide by 20 feet deep. We are requesting that the minimum stall dimension be changed to 9 feet wide by 18 feet deep. This will allow the proposed development to obtain the setbacks needed in the PUD.
- The current PUD states that attached signs shall not exceed thirty-two (32) square feet in area. It is currently proposed that two 125 square foot signs are needed for the new hotel development to help with the aesthetics of the hotel. We are also requesting that a sign be added in the south east corner, near the driveway, in the property to the north. This is required because we will be sharing a driveway with the owner to the north. This sign will help direct the flow of traffic in this area and allow people to see off South 13th Street where to pull in to get to the hotel. An easement will be attained for this sign with property owner to the north.

Thank you,

Aaron E. Koch
Senior Project Manager | Director of Engineering



ORDINANCE NO. 805

By Act. Mayor

AN ORDINANCE TO REZONE A PARCEL OF LAND
FROM R-2, SINGLE FAMILY RESIDENCE DISTRICT
TO IPD INDUSTRIAL PLANNED DEVELOPMENT
(Schlytter-Bourdo)

WHEREAS, Robert Schlytter and Donald Bourdo and Dorothy Bourdo, his wife, had petitioned the Common Council of the City of Oak Creek to change the zoning on a parcel of land located at 9241 and 9315 South 13th Street, Oak Creek, Wisconsin and

WHEREAS, more specifically the petitioner had requested the following described parcel of land situated in the City of Oak Creek, Milwaukee County, Wisconsin, to be rezoned from its present zoning to the zoning hereinafter set forth, to-wit:

All that part of the Southeast 1/4 of Section Nineteen (19), in Township Five (5) North, Range Twenty-two (22) East, in the City of Oak Creek, which is bounded and described as follows:

Commencing at the Northeast corner of said Southeast 1/4 Section; thence S00°09'11" W, along the east line of said 1/4 Section; 1332.41 feet; thence S 89°27'48" W, 1133.92 feet to a point in the East right-of-way line of I-94; thence N 04°01'33" W, along said right-of-way line, 336.51 feet; thence N 00°03'35" E, along said right-of-way line, 993.96 feet to a point on the North line of said Southeast 1/4 Section; thence N 89°20'18" E, along said North line, 1160.09 feet to the place of beginning.

Plus the real estate described as follows:

Commencing 1142.41 feet North of the Southeast corner of the Southeast 1/4 of Section 19, Township 5 North, Range 22 East; thence West 825 feet and Southwesterly 310.46 feet to a point in the East right-of-way line of I-94; thence North-westerly along said line of I-94 to the North line of the Southeast 1/4 of the Southeast 1/4 of Section 19; thence Easterly to the East line of said 1/4 Section; thence South to the point of beginning.

Present Zoning

R-2 Single Family Residence

Requested Zoning

IPD Industrial Planned Development

and

WHEREAS, in accordance with s. 62.23(7)(9d), Wisconsin Statutes, the Common Council had referred the request to the Plan Commission for its recommendation and report and the City Clerk had advertised the matter for a public hearing, and

WHEREAS, the Common Council held a public hearing on said petition on May 15, 1979 at which time all persons interested appeared and were heard, and

WHEREAS, the Plan Commission had recommended to the Common Council that the rezoning be approved, subject, however, to the imposition of certain conditions and restrictions upon the construction, location, and operation of an IPD Industrial Planned Development pursuant to s. 17.52(6) of the Municipal Code of the City of Oak Creek, which conditions and restrictions are as follows:

1. GENERALIZED SITE PLAN

A generalized site plan for the entire area included in the planned development shall be submitted to the Plan Commission for approval before any building permits are issued. The site plan shall show all proposed building sites, existing buildings, existing woodlands, the location of all existing and proposed public or private streets, existing and proposed utilities, and the location of nearby residences.

2. BUILDING AND SITE PLANS

Prior to issuance of a building permit, a precise site plan showing detailed building locations, shapes and dimensions, street access drives, off-street parking, off-street loading berths, architectural drawings or sketches showing the building's exterior elevations, floor plan and materials of construction shall be submitted to the Oak Creek Plan Commission for approval. This shall also apply to building additions and alterations as well as new construction.

3. GRADING AND UTILITY PLANS

Prior to issuance of building permits, detailed plans must be submitted to the City Engineer showing proposed site grading, disposition of storm water runoff, measures of prevention of soil erosion and location of proposed sanitary sewer and water facilities. Approval of these plans must be approved by the City Engineer before building permits are issued.

4. LANDSCAPING PLAN

- A. In conjunction with site and building plans, a detailed landscaping plan shall be submitted to the Oak Creek Plan Commission for approval. Such plan shall include a listing of the species to be planted and their size at the time of planting.
- B. The areas to be landscaped shall include all land lying between building location and South 13th Street, the proposed streets and Interstate 94 and all land within at least fifty (50) feet of any building (except for required driveways, storage areas and limited parking areas).
- C. A landscaped area is defined as that land that is finish graded and sodded, or properly prepared, seeded and tended in a manner that will produce an acceptable lawn and with appropriately located plantings of trees and shrubs.
- D. The wooded area along the west side of the planned development shall be preserved as much as possible. Any tree removal shall only be for the removal of dead or disased trees or windfalls on the ground unless otherwise specifically authorized by the Plan Commission. Underbrush may also be removed to eliminate undesirable or noxious vegetation.

5. PERMITTED USES

Operations on the site, insofar as uses are concerned, shall be subject to prior approval of the Plan Commission. The Plan Commission may approve uses included within the following general categories of industrial uses;

- A. Manufacturing, fabricating, storing, cleaning, testing, assembling, disassembling, repairing or servicing establishments provided operations conform with the appropriate performance standards.
- B. Business and professional offices.
- C. Accessory uses incidental to and on the same lot as the principle use.

6. PERFORMANCE STANDARDS

A. Smoke and Particulate Matter:

Emission of smoke or other airborne particulate matter shall be permitted only in compliance with applicable County of Milwaukee, State of Wisconsin or Federal EPA Standards and Regulations.

B. Toxic Matter:

No discharge of toxic matter into the air, as surface runoff, or into natural streams shall be permitted, except in compliance with applicable County of Milwaukee, State of Wisconsin or Federal EPA Standards and Regulations.

C. Noxious and Odorous Matter:

No discharge of noxious and odorous matter into the air, as surface runoff, or into natural streams shall be permitted, except in compliance with applicable County of Milwaukee, State of Wisconsin or Federal EPA Standards and Regulations.

D. Noise:

At no point on the boundary of the Planned Development shall the sound intensity level of any individual plant operation exceed 58 DBA, except for the periodic noise caused by the operation of motor vehicles.

E. Flammable Materials:

The storage, utilization or manufacture of flammable or explosive material, whether in solid, liquid, gaseous or powder form shall be permitted only in compliance with applicable State of Wisconsin or Federal OSHA Standards and Regulations.

7. MINIMUM BUILDING, PARKING AND LOADING SETBACKS

A. No part of portion of any building, parking, loading or outdoor storage areas (except driveways) shall be erected, constructed or extended nearer than fifty (50) feet from the front lot line or side lot line abutting a street.

B. Minimum side-yard setback shall be twenty (20) feet and a minimum rear-yard setback shall be fifty (50) feet along I-94 and a minimum of 20 feet for all other rear yards.

C. No building structure or land within 100 feet of a residence district boundary line shall be used in connection with the operations of any establishment, except off-street parking and off-street loading spaces may be located within this area in accordance with regulations set forth in Chapter 17.42 and 17.43 of the Municipal Code of the City of Oak Creek.

8. OUTDOOR STORAGE

- A. All material stored outside of buildings must be stored in an orderly fashion and must be obscured from casual view by a fence, wall, line of plantings, or other device such as a landscaped earth berm that forms an effective visual screen.
- B. Minimum height of such screen shall be six feet. If outdoor storage areas are within three hundred (300) feet of a residential zoning district boundary line, the minimum height of such fence shall be eight (8) feet.
- C. Location and design of such screening devices shall be subject to Plan Commission approval.

9. PARKING REQUIREMENTS

- A. The parking lot(s) shall be designed on the basis of one parking space for each employee as related to the number of employees working on the premises during the maximum employment period.
- B. The parking areas, outdoor storage areas and driveways shall be paved with either asphaltic concrete or Portland cement concrete.
- C. The parking stalls shall be a minimum of nine (9) feet wide and twenty (20) feet deep, with a minimum of twenty-four (24) feet of width for all traffic aisles where 90° parking is provided. Other parking arrangements must be approved by the Plan Commission.

10. SIGNS

- A. Before a building permit is issued, plans for all signs and their locations on the property shall be submitted to the Plan Commission for approval.
- B. Attached signs shall not exceed thirty-two (32) square feet in area, nor project more than four (4) feet above the height of the building to which it is attached.
- C. Signs may be illuminated, provided that a sign located in direct line of vision of any traffic control signal, shall not have constant or flashing intermittent illumination of red, green or amber color. The illumination of any sign shall be during normal hours of operation of the establishment, but no later than 11:00 p.m. Where a sign is illuminated by a light reflected upon it, direct rays of light shall not beam upon any part of an existing residential building, nor into a residence district or into a street.
- D. The gross surface area in square feet of all business signs on a lot shall not exceed three times the number of lineal feet of the building frontage on the lot, and each side of the building adjoining a street shall be considered a separate building frontage. However, these building frontages shall not be cumulative for one sign on a corner or through lot.

E. There may be one free-standing business sign per lot which shall be located no closer than twenty (20) feet from the street lines and shall not exceed fifty (50) feet in height.

and

WHEREAS, following said public hearing and upon the favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interest of the City would be served if the lands hereinbefore described were rezoned from their present use to the requested use, subject, however, to the imposition of those conditions and restrictions hereinbefore set forth upon the construction, location, and operation of the IPD Industrial Planned Development.

NOW, THEREFORE, the Common Council of the City of Oak Creek do hereby ordain as follows:

SECTION 1. To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described are hereby rezoned from R-2 Single Family Residence District to IPD Industrial Planned Development and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

SECTION 2. The rezoned lands are subject to the conditions and restrictions hereinabove set forth for the design, location, construction, and operation of the IPD Industrial Planned Development.

SECTION 3. All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 4. In all other respects, except as above amended, said Chapter 17 together with amendments and map thereto shall remain in full force and effect.

SECTION 5. The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this ordinance.

SECTION 6. The rezoning of the property involved to IPD Industrial Planned Development shall take place contemporaneously with the enactment of this ordinance which shall take effect immediately upon its passage and publication as provided by law.

Passed and adopted this 5th day of June, 1979.

Allen H. Weidenschong
President, Common Council

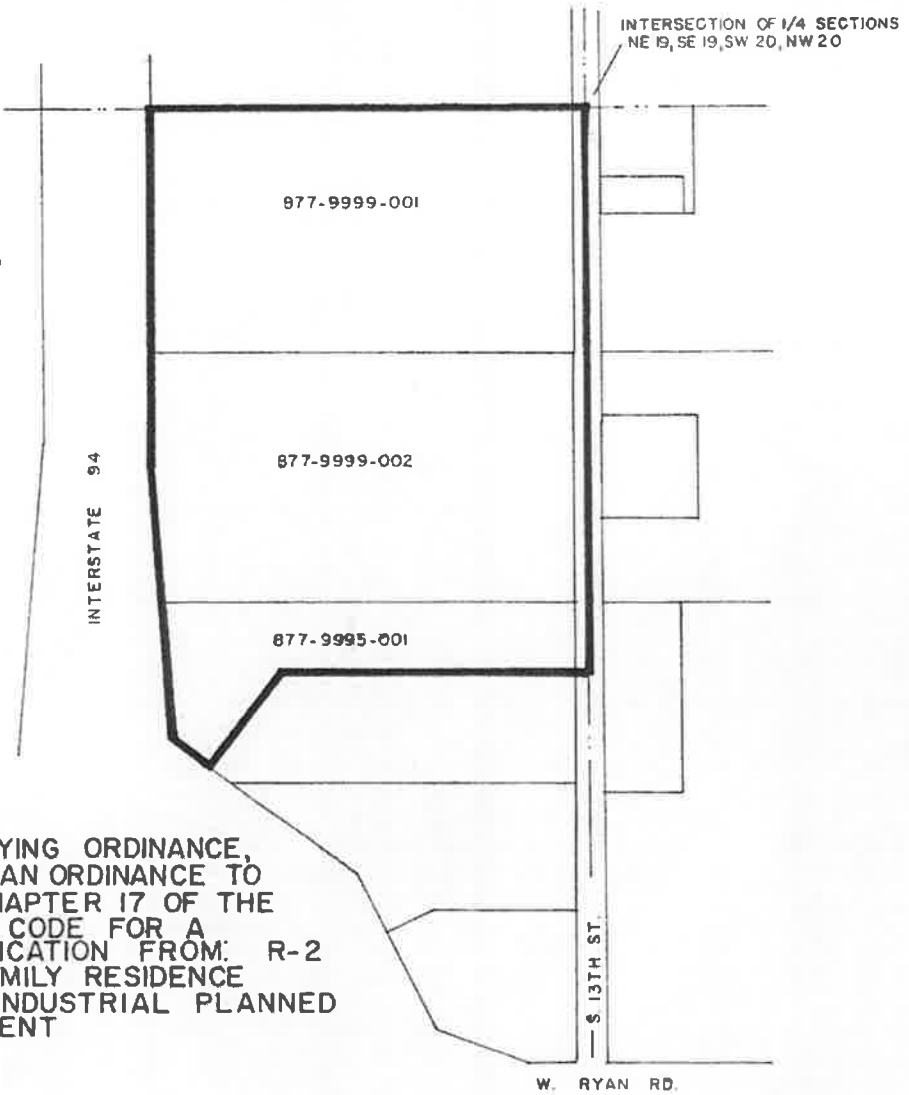
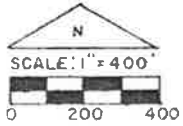
Approved this 7th day of June, 1979.

Donald W. Hermann
Mayor

ATTEST:

Laverne C. Guitman
City Clerk

VOTE: Ayes 5 Noes 0



ACCOMPANYING ORDINANCE,
NO. 805, IS AN ORDINANCE TO
AMEND CHAPTER 17 OF THE
MUNICIPAL CODE FOR A
RECLASSIFICATION FROM: R-2
SINGLE FAMILY RESIDENCE
TO IPD INDUSTRIAL PLANNED
DEVELOPMENT

W. RYAN RD.

INTERSECTION OF 1/4 SECTIONS
NE 19, SE 19, SW 20, NW 20

INTERSTATE 94

S 13TH ST.

877-9999-001

877-9999-002

877-9995-001

**City of Oak Creek – Amended Planned Unit Development (PUD)
Conditions and Restrictions**

Applicant: Bruce Kinseth, Oak Creek Hotel Associates, LLC

Approved by Plan Commission: 12-10-19

Property Address(es): 9141, 9191, 9315 S. 13th St.

Approved by Common Council: TBD

Tax Key Number(s): 877-9010-000, 877-9009-001, 877-9995-005

(Ord. TBD, Amending Ord. 805)

1. LEGAL DESCRIPTION

- 9141 S. 13th St., Tax Key # 877-9010-000

CSM NO. 4759 LOT 2 SE 1/4 SEC 19-5-22 CONT. 18.3906 ACS.

- 9191 S. 13th St., Tax Key # 877-9009-001

CSM NO 4759 LOT 1 SE 1/4 SEC 19-5-22 EXC PTS CONVEYED HWY IN DOC# 10142497 (14.745 ACS).

- 9315 S. 13th St., Tax Key # 877-9995-005

COM 1307.41 FT S OF NE COR SE 1/4 SEC 19-5-22 TH W 1135.22 FT TO E LI I-94, TH SELY 389.90 FT SELY 122.01 FT NELY 110.46 FT NELY 358.04 FT E 625 FT TH N TO POC EXC PTS CONVEYED FOR HWY I-94 IN DOC# 10203681 (5.465 ACS).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. All requirements of the Conditions and Restrictions approved as part of Ord. 805 are in effect except as specifically amended herein.
- C. A precise detailed site plan for each developable parcel within the Planned Unit Development shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) General Development Plan

- a) Detailed building locations with setbacks
- b) Square footage of buildings
- c) Areas for future expansion
- d) Area to be paved
- e) Access drives (width and location)
- f) Sidewalk locations
- g) Parking layout and traffic circulation
 - i) Number of employees
 - ii) Number of spaces
 - iii) Dimensions
 - iv) Setbacks
- h) Location(s) of loading berths
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)

2) Landscape Plan

- a) Screening
- b) Number, initial size, and types of plantings
- c) Parking lot screening/berming

3) Building Plan

- a) Architectural elevations
- b) Building floor plans
- c) Materials of construction

4) Lighting Plan

- a) Types of fixtures
- b) Mounting heights
- c) Types of poles
- d) Photometrics of proposed fixtures

5) Grading, Drainage and Stormwater Management Plan

- a) Contours (existing & proposed)
- b) Location of storm sewer (existing and proposed)

- k) Location of storm sewer (existing & proposed) including detention/retention basins if needed
- l) Location of wetlands (field verified)
- m) Location, square footage and height of signs
- c) Location(s) of stormwater management structures and basins (if required)
- 6) Fire Protection**
 - a) Location of existing & proposed fire hydrants
 - b) Interior floor plan
 - c) Materials of construction

E. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.

F. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits. The owner/developer shall be responsible for the long-term maintenance of the detention basins and other common areas.

G. A Development Agreement shall be completed between the owner and the City, if deemed necessary by the City Engineer, so as to ensure the construction or installation of public or other improvements required in 2(C) above, and/or as specified by these Conditions and Restrictions.

H. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.

I. All future land divisions shall follow subdivision plat and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).

1. Specific requirements for division of the property at 9315 S. 13th St., Tax Key # 877-9995-005.

a. Internal access via a shared private road/driveway, subject to recorded shared access easements and depicted on any proposed subdivision plat and/or certified survey map, may be allowed to substitute for street frontage requirements with recommendation by the Plan Commission and approval of a modification by the Common Council.

b. Shared access in (a) above is limited to the creation of one (1) new lot via subdivision plat and/or certified survey map.

J. All electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

K. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Landscaping, in accordance with Plan Commission approval, shall be installed for each phase prior to the issuance of occupancy permits for that phase.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

A. Uses allowed within this planned unit development shall be limited to those permitted by the B-4,

Highway Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended) except that the following additional uses shall specifically be allowed:

1. Hotels as Conditional Uses.
2. Restaurants with no drive-in or drive-through facilities.
3. Restaurants with drive-in or drive-through facilities as Conditional Uses.

- B. All structures shall be constructed in conformance with Section 17.1009 (as amended).
- C. Buffer areas as required shall be in conformance with Section 17.0205 (as amended).
- D. Setbacks and dimensional requirements shall be in conformance with Section 17.0315 (as amended).
- E. Signage for the development shall be in conformance with Sections 17.0701-17.0715 and all other applicable Sections of the Municipal Code.
- F. A Master Sign Plan for all development signs and Master Sign Plans for any multitenant building (3 or more tenant spaces) shall be submitted for review and approval by the Plan Commission prior to submission of sign permit applications.
- G. Solid waste collection and recycling shall be the responsibility of the owner. All solid waste and recycling collection units shall be screened and sited in conformance with Municipal Code requirements.
- H. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).
- I. There shall be no outdoor storage of any materials, equipment, vehicles (other than vehicles directly associated with the use), or merchandise for sale.
- J. No new pole signs, pennant flags, light pole flags, permanent banners, or flashing/blinking signs shall be permitted as part of the development.

4. PARKING AND ACCESS

- A. Cross-access easements shall be provided for the development per plans approved by the Plan Commission, with a copy of such executed agreement provided to the City prior to the issuance of any permits for any phase of this development.
- B. Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended) and these Conditions and Restrictions.
- C. Access to South 13th Street (CTH V) in accordance with executed agreements and access management plans is subject to the review and approval of Milwaukee County. Such approval shall be provided to the City prior to the issuance of any building permits.

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Section 17.0808 of the Municipal Code (as amended).

B. Pole heights shall be limited to 25 feet within 100 feet of a residential zoning district line, and shall not be located within any buffer yard.

6. BUILDING AND PARKING SETBACKS*

	Front and Street/ROW Setback	Rear Setback	Side Setback
Principal Structure	25 ft	25 ft	15 ft
Accessory Structure*	25 ft	See Sec. 17.0501	See Sec. 17.0501
Off-street Parking	10 ft	5 ft	5 ft

**No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards.*

7. TIME OF COMPLIANCE

The operator of the Planned Unit Development shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Planned Unit Development. This Planned Unit Development approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building permit has not been issued for this use. The applicant shall re-apply for Planned Unit Development approval prior to recommencing work or construction.

8. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Planned Unit Development shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Planned Unit Development is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Planned Unit Development, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Planned Unit Development or to seek an injunction regarding any violation of this Planned Unit Development or any other City ordinances.

10. REVOCAION

Should an applicant, their heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Planned Unit Development approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Planned Unit Development as set forth in Section 17.1007 of the Municipal Code (as amended).

11. ACKNOWLEDGEMENT

The approval and execution of these conditions and restrictions shall confirm acceptance of the terms

and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

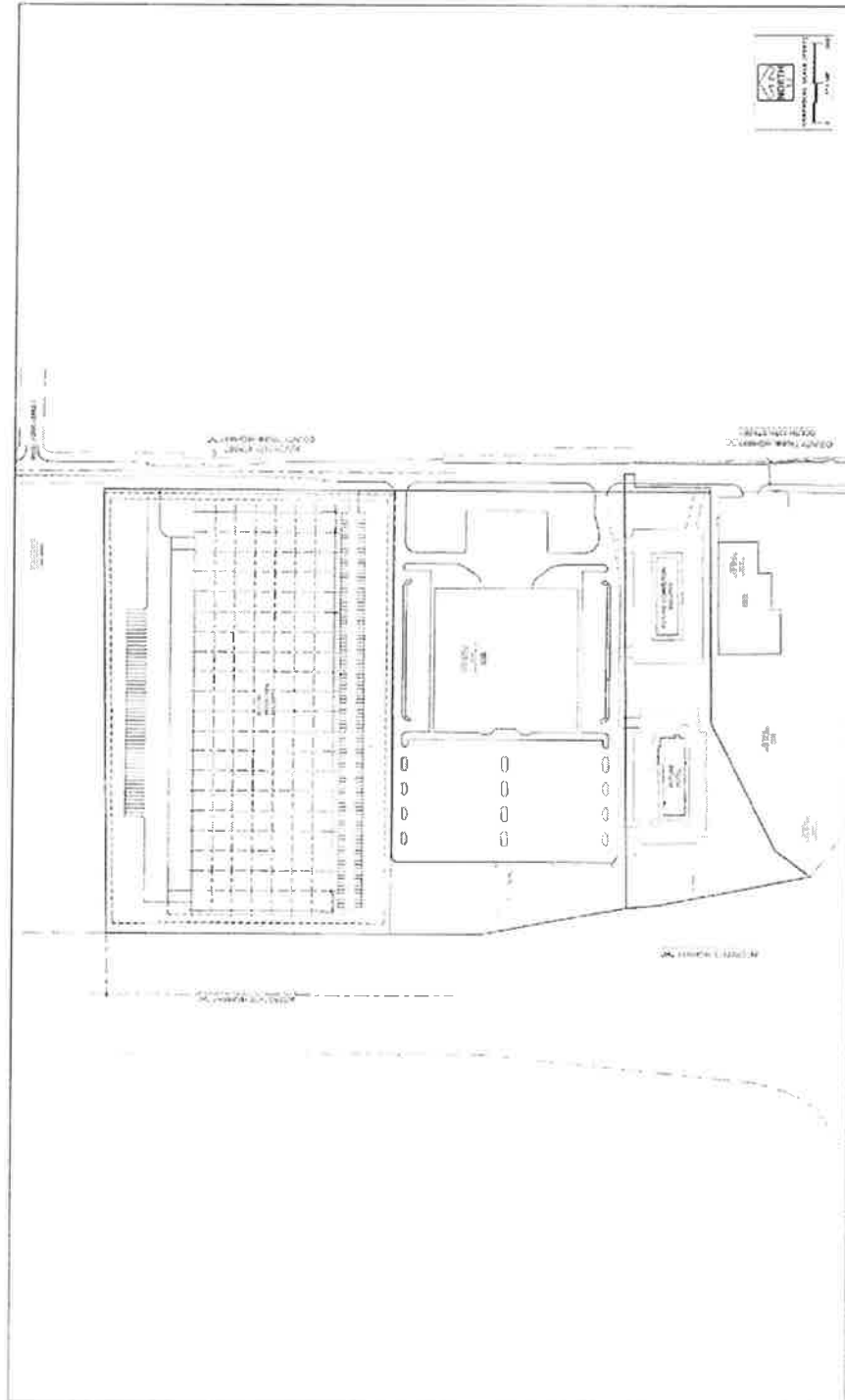
Owner / Authorized Representative Signature

Date

(please print name)

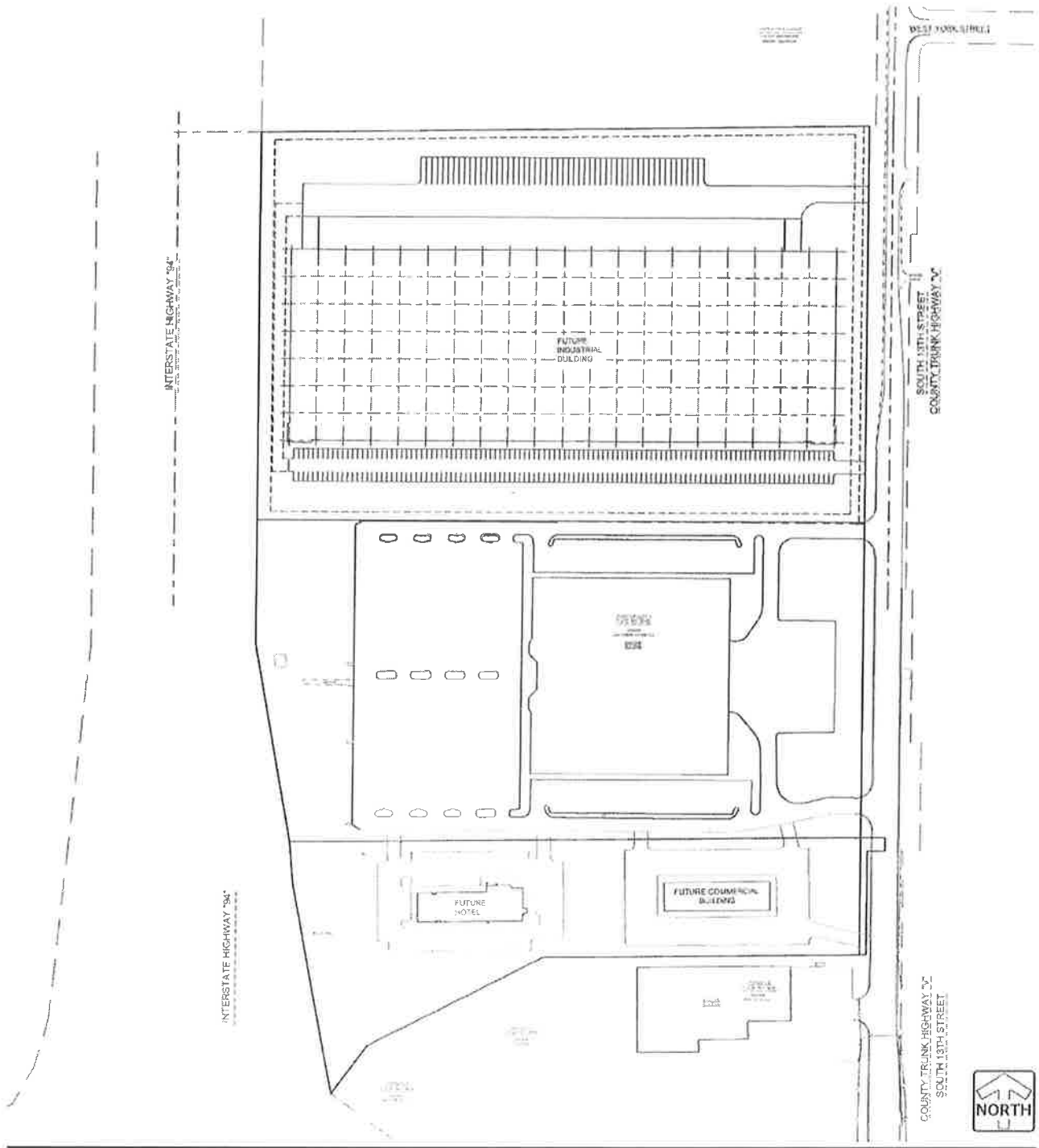
EXHIBIT A: GENERAL DEVELOPMENT PLAN

(For illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)



11/12/19
PLAN DESIGN NUMBER
DECOR# TOR#
GDP PLAN
PINNACLE ENGINEERING, CIRCUIT

EXHIBIT A: GENERAL DEVELOPMENT PLAN (ENLARGED)



COMMON COUNCIL REPORT

- Informational: Treasurer Report on Investment and Banking for the City of Oak Creek accounts, month ending November 30, 2019.
- Fiscal Impact: Presenting the monthly condition of the City treasury at an open meeting of the Common Council will provide additional financial data to decision makers while enhancing transparency to the public.
- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: The Treasurer Report on Investment and Banking displays the City's month end balances, to provide the Common Council and the public with the current condition of the City's treasury. Please note that some funds are allocated for specific purposes such as debt service, Tax Incremental Districts, capital improvement projects and distribution of tax collection to other taxing districts and is not available for general purpose spending. This monthly report is prepared, along with a more comprehensive report for Finance Committee, to assist with investment decisions and financial strategies. Below is a brief summary:

Beginning Balance	Ending Balance	Interest Earned	Increase/(Decrease)
\$31,970,932.19	\$33,487,193.37	\$54,251.99	\$1,516,261.18

November Activity: Final Shared Rev \$4,986,892.60

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Barbara Guckenberger, CMTW
City Treasurer

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Attachments: Treasurer Report on Investment and Banking

City of Oak Creek
Treasurer Report on Investment and Banking

Name of Account	Beginning Balance	Additions	Subtractions	Account Ending Balance	Actual Interest Earned	Interest Rate	Percentage of Total Invested
Tri City National Bank	4,615,900.78	6,224,059.29	(5,223,438.87)	5,616,521.20	5,847.98	1.58000%	16.77%
General Fund	4,032,454.07	5,485,485.87	(4,366,783.38)	5,151,156.56			
Title 125	68,130.43	22,071.20	(23,239.23)	66,962.40			
Police Credit Card	42,201.59	20,864.70	(18,555.68)	44,510.61			
Parks & Rec Counter Credit Card	3,713.04	2,664.27	(4,265.79)	2,111.52			
Tax Payment Account #2	6,886.49	-	-	6,886.49			
Parks & Rec Online Credit Card	7,235.47	69.00	(3,838.70)	3,465.77			
Health Insurance	243,710.45	581,248.12	(702,629.70)	122,328.87			
Tax Payment Account	8,183.33	-	-	8,183.33			
EMS	203,385.91	111,656.13	(104,126.39)	210,915.65			
0	-	-	-	-			
DANA Investment Advisors	5,740,405.02	15,756.58	(10,888.27)	5,745,273.33	15,756.58	2.51%	17.16%
BMO Global Asset Management	4,644,081.68	9,538.60	(9,724.75)	4,643,895.53	9,513.50	2.24%	13.87%
American Deposit Management (ADM)	4,859,187.04	6,980.54	-	4,866,167.58	6,980.54	1.75%	14.53%
*ADM General Account Balance	6,050.53	-	-	6,050.53			
Local Government Investment Pool (LGIP)	6,067,139.55	4,995,804.40	(4,500,000.00)	6,562,943.95	8,911.80	1.71%	19.60%
*LGIP General Account Balance	4,761,824.86	4,993,966.15	(4,500,000.00)	5,255,791.01	7,073.55		
**Ehlers Investment	6,044,218.12	10,657.55	(2,483.89)	6,052,391.78	7,241.59	2.0560%	18.07%
	6,044,218.12	10,657.55	(3,400.51)	6,051,475.16			
Total Balance	31,970,932.19	11,262,796.96	(9,746,535.78)	33,487,193.37	54,251.99		

**Ehlers balance is first shown gross of fees to balance to their monthly report; below that is shown net of fees for comparison purposes. Also, due to multiple CD's in the account, interest/dividends may not be earned monthly;
*General Account Balance shown separately and is also part of the total account listed above; although it is used for cash flow purposes, a portion may be allocated for specific uses
and may not be available for general purpose spending

Excludes Police Forfeiture Account;

Tri City Interest is an analyzed credit from previous month earnings;

Additions and subtractions on investment accounts may include market adjustments for realized and unrealized gains(losses) or change in accrued income, as well as interest, management fees, deposits, transfers, returned payments or withdrawals; rates may reflect weighted average yield

Prepared for Common Council; cc Finance Committee
Barbara Guckenberger, CMTW
City Treasurer

COMMON COUNCIL REPORT

Item No. 15

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 1/7/20 License Committee Report.

Fiscal Impact: License fees in the amount of \$1,375.00 were collected.

Critical Success Factor(s):

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

Background:

The License Committee did not meet prior to the 1/7/20 council meeting. Tentative recommendations are as follows (favorable background reports received):

1. Grant an Operator's license to:
 - * Natasha M. Kiel, 10143 W. Forest Home Ave., Hales Corners (Kwik Trip)
 - * Jessica K. Kreuser, 1500 Milwaukee Ave., South Milwaukee (Applebee's)
 - * Wanda N. Ascencio, 3390 S. 43rd St., Milwaukee (Kwik Trip)

2. Grant a 2020 Transient Merchant Company License to Patrick Laning, Agent on behalf of Weed Man LLC, selling lawn care services, and to the following salespersons (favorable background report received):
 - * Peter P. Koenen, 2825 W. Vogel Ave., Greenfield
 - * Cade A. Shinkus, 10045 E. Country Rd. X, Clinton
 - * Nicholas R. Stortz, W309 N1797 Graywood Ln., Delafield
 - * DeAndre L. Williams, 1425 E. Buckwood Ct., Oak Creek
 - * Connor J. Nanney, 1609 S. Prairie Ave., Waukesha
 - * Hunter R. Davis, N48 W27665 S. Courtland Cir., Pewaukee
 - * Patrick K. Laning, 145 N. Jackson St., Milwaukee

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Christa J. Miller, CMC/WCMC
Deputy City Clerk

Fiscal Review:

Bridget Souffrant ^(BS)

Bridget M. Souffrant

Assistant City Administrator/Comptroller

Attachments: None

COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the December 30, 2019 Vendor Summary Report in the total of \$813,345.46.

Fiscal Impact: Total claims paid of \$813,345.46. Of this grand total paid, \$692,258.29 will impact the 2019 fiscal year. The remaining amount, \$121,087.17, will impact the 2020 fiscal year.

Critical Success Factor(s):

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

Background: Of note are the following payments:

1. \$5,159.00 to American Litho (pg #2) for Winter/Spring 2020 Acorn printing.
2. \$67,936.33 to Benistar (pg #3) for January 2020 Medicare supplement insurance.
3. \$13,333.33 to Discover Mediaworks, Inc. (pg #4) for Discover Wisconsin Television Series featuring Oak Creek. (Tourism)
4. \$26,074.58 to Godfrey & Kahn S.C. (pg #1) for legal services regarding Stand Rock Hotel, Project Badger, LakeView, Highgate Development, Bluff Services, Arena Americas, Wired Properties, and coal tar contamination with water utility.
5. \$6,393.92 to Kronos, Inc. (pgs #8-9) for OCFD and OCPD Telestaff annual license fees.
6. \$8,929.20 to League of Wisconsin (pg #9) for annual membership.
7. \$14,596.75 to Locution Systems, Inc. (pg #9) for OCFD annual maintenance.
8. \$10,229.95 to MADACC (pg #11) for 1st quarter animal control operating costs.
9. \$5,000 to Milwaukee Gateway Aerotropolis Corp. (pg #11) for annual membership contributions.
10. \$9,512.30 to Monroe Truck Equipment (pg #11) for auger motors, pre-wet parts, and brine tanks.
11. \$97,512.00 to Municipal Property Insurance Co. (pg #11) for 2020 insurance payment.
12. \$175,000.00 to Oakview Industrial Property III, LLC (pg #1) for payment per developer agreement for Arena Americas.
13. \$153,864.68 to Payne & Dolan, Inc. (pg #12) for asphalt and street improvements.
14. \$21,350.00 to Pieper Power (pg #12) for Lake Vista electrical work.

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15. \$7,910.00 Ruekert & Mielke, Inc. (pg #13) for 2020 GIS hosting services.
 16. \$13,130.00 to TLC Carpet Care (pgs #14-15) for carpet cleaning.
 17. \$11,042.81 to Viking Electric Supply, Inc. (pg #16) for LED fixtures and fuses.
 18. \$61,329.80 to WE Energies (pgs #1, 16-17) for street lighting, electricity & natural gas.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kristina Strmsek
Staff Accountant

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Attachments: 12/30/19 Invoice GL Distribution Report