



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

## COMMON COUNCIL MEETING AGENDA

APRIL 6, 2020  
7:00 P.M.

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

### The City's Vision

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

This meeting will be held by video conference. Persons wishing to participate in scheduled public hearings need to register via <http://ocwi.org/register> prior to the start of the meeting. The webinar will start at 6:50 p.m. so those that registered may log in. The meeting will also be live streamed on the City of Oak Creek YouTube Page via <http://ocwi.org/livestream> for those that wish to view the meeting.

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 3/17/20

### Informational

4. **INFORMATIONAL:** COVID-19 Update.

### Recognition

5. **Mayoral Proclamation:** Congratulations to Ruth G. Dienberg on her 100<sup>th</sup> birthday.

### 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.*

6. **Conditional Use:** Consider a request submitted by Bruce Kinseth, Oak Creek Hotel Associates, LLC for a Conditional Use Permit for a hotel on the property located at 9315 S. 13<sup>th</sup> St. (6<sup>th</sup> District).
7. **Ordinance:** Consider Ordinance No. 2968, approving a Conditional Use Permit for a hotel on a portion of the property at 9315 S. 13<sup>th</sup> St. (6<sup>th</sup> District).

Visit our website at [www.oakcreekwi.org](http://www.oakcreekwi.org) for the agenda and accompanying common council reports.

8. **Conditional Use:** Consider a request submitted by Lauren Lucia Rehorst, Live Oak Health, LLC, for a Conditional Use Permit for a licensed massage therapy clinic located on the property at 9555 S. Howell Ave. (5<sup>th</sup> District).
9. **Ordinance:** Consider Ordinance No. 2969, approving a Conditional Use Permit for a licensed massage therapy clinic in the multi-tenant building on the property at 9555 S. Howell Ave. (5<sup>th</sup> District).

## New Business

10. **Ordinance:** Consider Ordinance No. 2970, amending Section 11.01 of the Municipal Code relating to Local Enforcement of Wisconsin Statutes for Emergency Public Health Violations (by Committee of the Whole)
11. **Resolution:** Consider Resolution No. 12151-040620, an Emergency Resolution Consolidating Polling Places due to COVID-19 (by Committee of the Whole)
12. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending February 29, 2020.

## LICENSE COMMITTEE

13. **Motion:** Consider a motion to grant the various license requests as listed on the 4/6/20 License Committee Report (by Committee of the Whole).

## VENDOR SUMMARY

14. **Motion:** Consider a motion to approve the March 31, 2020 Vendor Summary Report in the total amount of \$1,328,565.43 (by Committee of the Whole).

## MISCELLANEOUS

15. **Motion:** Consider a motion to convene into Closed Session pursuant to Wisconsin State Statutes, to discuss the following:
  - a. Section 19.85(1)(c) to discuss the performance evaluation for the City Administrator
  - b. Section 19.85(1)(g) to consider the claim for unlawful tax of Red's Novelty Ltd.
  - c. Section 19.85(1)(g) to consider the claim for unlawful tax of Reggie's Amusements
  - d. Section 19.85(1)(g) to discuss Tamekia Bates et al vs. City of Oak Creek et al (Milwaukee County Case No. 2019CV003954).
16. **Motion:** Consider a motion to reconvene into Open Session.
17. **Motion:** Consider a motion to take action, if required.

## **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. 6<sup>th</sup> 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

**MAYORAL PROCLAMATION****CONGRATULATIONS TO  
RUTH G. DIENBERG  
ON HER 100<sup>TH</sup> BIRTHDAY**

WHEREAS, RUTH DIENBERG was born on April 6, 1920 to Gus and Mae Klumb of Garfield, Washington; and

WHEREAS, Ruth, in addition to Louise, Frances, Grace, Geraldine, and William, was the youngest daughter born, to Gus and Mae; and

WHEREAS, Ruth, along with her parents and siblings, moved to Idaho when she was just a little girl before the family eventually settled in Wisconsin; and

WHEREAS, RUTH DIENBERG went to the Bureau of Nursing for training on practical nursing and would assist her sister, Geraldine, who was the head Nurse at the Milwaukee Hospital; and

WHEREAS, RUTH DIENBERG met and married her husband, Bill, and they had two children, Doug and Betty, together; and

WHEREAS, in addition to being a loving wife and mother, RUTH DIENBERG has been graced with four grandchildren; and

WHEREAS, RUTH DIENBERG has many fond memories of standing by the railroad tracks and waving to her dad, a railroad engineer, as he passed by; pulling taffy with her mother and sisters; camping with the family in tents in the Yellowstone area “where the bears are”; and caring for the cows near her aunt’s home in Milwaukee; and

WHEREAS, RUTH DIENBERG will be 100 years “young” on Monday, April 6, 2020. A celebration in honor of Ruth will be held at her residence, Meadowmere Oak Creek Senior Living Community, on April 10, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Oak Creek hereby congratulates RUTH DIENBERG on her milestone 100<sup>th</sup> birthday.

BE IT FURTHER RESOLVED that the City Clerk be and she is hereby directed to transmit a suitable copy of this proclamation to RUTH DIENBERG.

Dated this 6<sup>th</sup> day of April, 2020.

---

Daniel Bukiewicz, Mayor

---

Catherine A. Roeske, City Clerk

TO BE PUBLISHED MARCH 4 & 11, 2020

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 a Conditional Use Permit for a hotel on the property located at 9315 S. 13<sup>th</sup> Street.

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

**Applicant:** Bruce Kinseth, Oak Creek Hotel Associates, LLC  
**Property Owner:** American Property Acquisition LLC  
**Property Location(s):** 9315 S. 13<sup>th</sup> St.  
**Tax Key(s):** 877-9995-005

**Legal Description:**

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 April 6, 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: February 26, 2020  
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. 6<sup>th</sup> St., Oak Creek, WI 53154.



## COMMON COUNCIL REPORT

**Item:** Conditional Use Permit - Hotel

**Recommendation:** That the Council adopts Ordinance 2968, an ordinance to approve a Conditional Use Permit for a hotel on a portion of the property at 9315 S. 13th St.

**Fiscal Impact:** Approval will allow for the construction of a new hotel on the property. Development of this property will yield positive fiscal impacts in terms of assessed value, permit fees, and impact fees (est. \$26,507). 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 Conditional Use approval for an avid Hotel on a portion of the property at 9315 S. 13th St. Council will recall that an amendment to the existing Planned Unit Development to allow hotels as Conditional Uses was approved January 7, 2020. A copy of the signed and executed document is included with this report for Council reference.

A detailed Project Overview provided by the Applicant is included with this report; however, key elements in the proposal include:

- 95 guest rooms in a 4-story, midscale hotel (Avid Hotel brand).
- Avid Hotel is a franchise of IHG (Intercontinental Hotel Group).
- A workout room/gym facility on the first floor.
- Estimated 25 full-time (equivalent) employees, 24 / 7 / 365 operation.
- 100 total surface parking stalls.
- Access from 13th St. shared with Steinhafel’s to the north.
- Anticipated construction to begin spring/summer 2020, completed in 9-10 months.
- Projected open date – summer 2021.

Per CSM 4759, a 25-foot-wide perpetual easement “for utilities, roadway and other improvements to service contiguous lands to north” was shown on the parcel at 9315 S. 13th St. This shared access with the Steinhafel’s property will be utilized for the hotel proposal. Minimum parking requirements for motels and hotels are calculated at one (1) space for every room or suite; plus one (1) space per employee at peak shift; plus one (1) space per three (3) persons, based on maximum capacity, for each public meeting room and/or banquet room. Based on the information provided (no meeting or banquet rooms), a minimum of 120 stalls

---

are required. Concept plans show 100 stalls. Assuming the proposed hotel would experience roughly the same occupancy as similar midscale hotels in the area (68.7% as stated in the submitted narrative), approximately 65 rooms would be booked on a given night. Such occupancy would require a minimum of 90 parking stalls. No formal request for a modification to the parking requirements has been submitted. The Plan Commission determined that the proposed number of stalls is acceptable.

Included with this report are conceptual color renderings of the proposed building for reference. If the Conditional Use Permit is approved, site, building, landscaping, lighting, signage, and related approvals will occur at a later date.

With the above in mind and recognizing that staff will continue to work with the Applicant on formal plan submissions, staff has no objections to the proposed Conditional Use Permit request. The Plan Commission reviewed this request during their February 11 & 25, 2020 meetings. The request was recommended for approval subject to the attached Conditions and Restrictions. The conditions and restrictions recommended for approval by the Plan Commission were quite specific as to the nature of the hotel to be developed on this property. For instance, the conditions and restrictions require that any hotel developed in accordance with the conditional use permit include the following facilities:

Indoor pool. (Note: the current plans do not illustrate a pool)

Fitness center.

Breakfast / pantry / market area.

Outdoor patio seating.

24-hour on-premise staff.

Available daily housekeeping.

The conditions and restrictions also require that the hotel shall not provide in-unit kitchens or self-service guest laundry facilities.

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

---

Respectfully submitted:



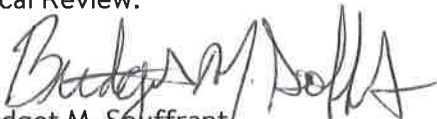
Andrew J. Vickers, MPA  
City Administrator

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:

Ord. 2968

---

Location Map

Hearing Notice

Plan Commission meeting minutes

Narrative (6 pages)

Site Plan Concept (1 page)

CSM 4759

PUD Conditions and Restrictions

Concept Plans/Renderings

Conditions and Restrictions

ORDINANCE NO. 2968

By: \_\_\_\_\_

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR A HOTEL ON A PORTION OF THE PROPERTY AT 9315 S. 13<sup>TH</sup> ST.

(6<sup>th</sup> Aldermanic District)

WHEREAS, BRUCE KINSETH, OAK CREEK HOTEL ASSOCIATES, LLC, has applied for a Conditional Use Permit that would allow for a Hotel on a portion of the property at 9315 S. 13<sup>th</sup> St.; and

WHEREAS, the property is more precisely described as follows:

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).

WHEREAS, the Plan Commission has reviewed this proposal and has recommended that the Conditional Use be approved; and

WHEREAS, the Common Council held a public hearing on this matter on April 6, 2020, at which time all interested parties appeared and were heard; and

WHEREAS, the Plan Commission had recommended that the application for a Conditional Use be approved and authorized subject, however, to the imposition of certain conditions and restrictions upon the design, construction, location and operation of this Conditional Use and which conditions and restrictions are incorporated by reference into the amended Conditional Use Permit; and

WHEREAS, following said public hearing and upon recommendation of approval of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Conditional Use were approved and authorized for the lands hereinabove described, subject, however, to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Conditional Use.

NOW, THEREFORE, 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 Building Commissioner is hereby authorized to grant a Conditional Use Permit for a Hotel on a portion of the property at 9315 S. 13<sup>th</sup> St., which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for a Hotel on a portion of the property at 9315 S. 13<sup>th</sup> St.



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

Passed and adopted this 6<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
President, Common Council

Approved this 6<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Mayor

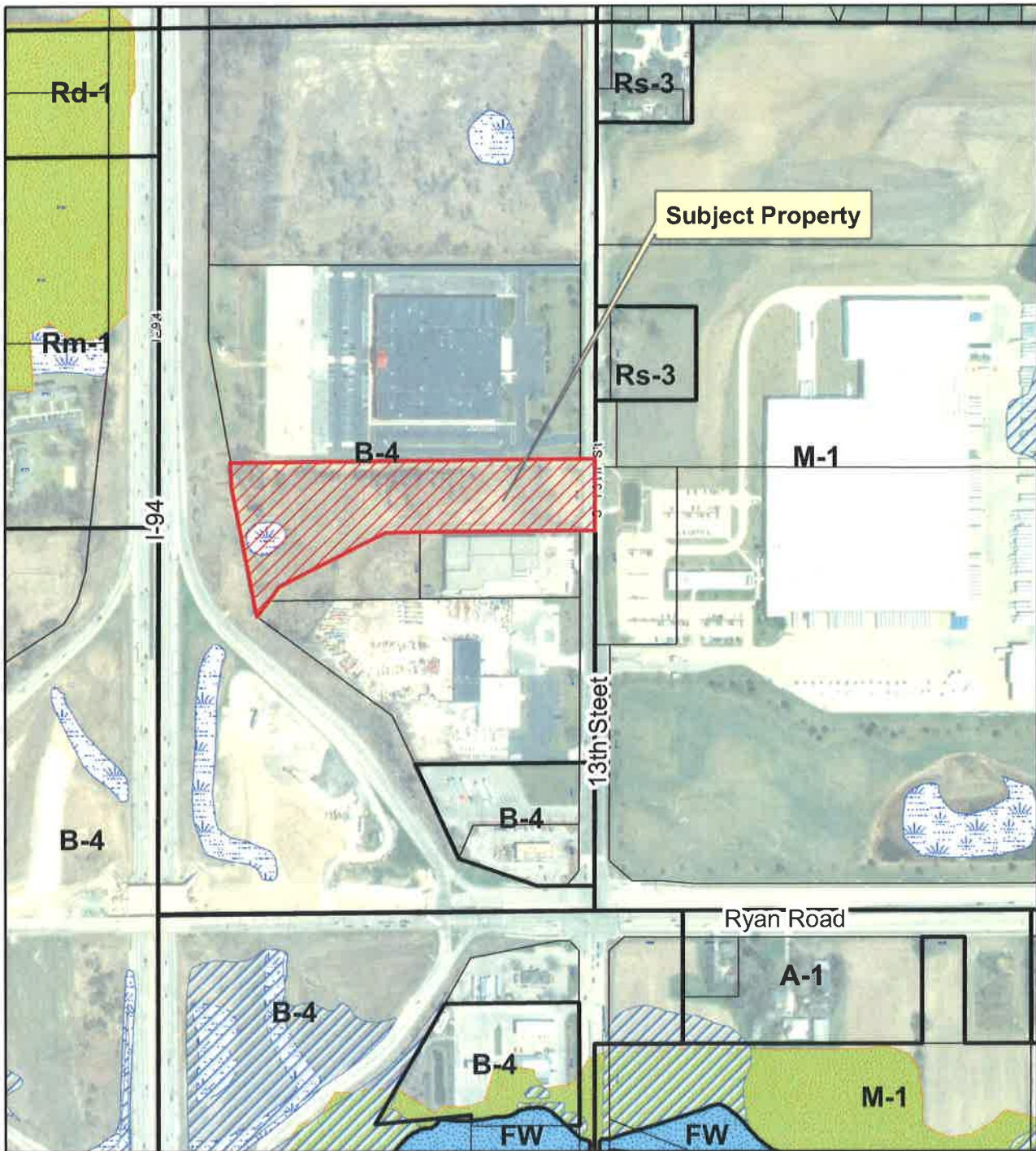
ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

# Location Map

## 9315 S. 13th Street

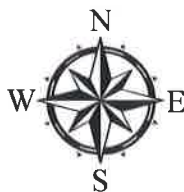


*This map is not a survey of the actual boundary of any property this map depicts*



**OAKCREEK**  
— WISCONSIN —

Department of Community Development



### Legend

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

TO BE PUBLISHED MARCH 4 & 11, 2020

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 a Conditional Use Permit for a hotel on the property located at 9315 S. 13<sup>th</sup> Street.

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

**Applicant:** Bruce Kinseth, Oak Creek Hotel Associates, LLC  
**Property Owner:** American Property Acquisition LLC  
**Property Location(s):** 9315 S. 13<sup>th</sup> St.  
**Tax Key(s):** 877-9995-005

**Legal Description:**

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 April 6, 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: February 26, 2020  
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. 6<sup>th</sup> St., Oak Creek, WI 53154.

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, February 11, 2020**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siepert. Commissioner Chandler was excused. Also present: Kari Papelbon, Planner; and Laurie Miller, Zoning Administrator.

**CONDITIONAL USE PERMIT  
OAK CREEK HOTEL ASSOCIATES, LLC  
9315 S. 13<sup>TH</sup> STREET  
TAX KEY NO. 877-9995-005**

Planner Papelbon provided an overview of a request for a hotel on the property at 9315 S. 13<sup>th</sup> Street (see staff report for details).

Mayor Bukiewicz asked if the Plan Commission is addressing any green space that is required with this development.

Planner Papelbon stated green space requirements have not been modified, and no request has been submitted. There would still be a requirement for 30% open/green space. Planner Papelbon believes the stormwater infrastructure is conceptual included in the open space.

Commissioner Hanna stated there are two access points on 13<sup>th</sup> Street, and asked if they are both entrances and exits.

Planner Papelbon clarified the shared entrance is on 13<sup>th</sup> Street; however, what is shown on the site plan is actually two access points off of the internal access drive that will be shared with Steinhafels.

Commissioner Hanna asked for confirmation that there is only one access point on 13<sup>th</sup> Street. Planner Papelbon confirmed.

Commissioner Hanna asked if the City has looked into the effects of left turns into the property because there is no median on 13<sup>th</sup> Street there.

Planner Papelbon stated that information has not been provided; however, the CSM did provide the common access. If there is any requirement per the County for any type of turn lane or modifications to that access, the City will require a copy of that approval and those requirements.

Commissioner Hanna just wanted to make sure it is being looked at while the Plan Commission is approving the CSM.

Planner Papelbon explained the County is going to require whatever they are going to require.

Alderman Guzikowski agreed with Mayor Bukiewicz and is concerned about the open/green space, but is glad we have the 30% requirement. Alderman Guzikowski is concerned if it could be turned into or sold and turned into an extended stay. Alderman Guzikowski asked if there is any language that can be added to prevent that.

Planner Papelbon stated it can be explored as part of the Conditions and Restrictions; however, at this time she could not provide any language.

Alderman Guzikowski stated it is a nice fresh look.

Planner Papelbon explained extended stay hotels typically do not provide amenities such as pools or fitness facilities, and that might be one way of preventing the extended stay type of hotel. However, those are just ideas and there would have to be internal conversations about the language in the Conditions and Restrictions.

Alderman Guzikowski is concerned that down the road it might turn into that. Residents have contacted him in the past regarding an extended stay in this district. Alderman Guzikowski thinks it is a good fit for what is there.

Commissioner Oldani asked Planner Papelbon about the process for this proposal.

Planner Papelbon explained if the Plan Commission recommends approval tonight, then in two weeks Conditions and Restrictions will be brought back to the Plan Commission for review. At that point, a public hearing would be scheduled before the Common Council. Any reviews that would be required following approval by the Common Council at the public hearing would come back to the Plan Commission. For example, site and architectural plans.

Mayor Bukiewicz asked Assistant Fire Chief Havey if there are any concerns regarding parking and the access from 13<sup>th</sup> Street.

Assistant Fire Chief Havey stated the Fire Department has not worked with the developer yet. Access is always a concern, however with Steinhafels and the access lanes on each side, the site has access lanes on the east and west side. Parking restrictions and access points are always a concern for fire fighter operation, but there is nothing specific to this plan yet.

Mayor Bukiewicz agreed Commissioner Hanna brought up some valid points in regards to 13<sup>th</sup> Street, however the County will be reworking 13<sup>th</sup> Street at some point.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for a hotel on the property at 9315 S. 13<sup>th</sup> St., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (February 25, 2020). Commissioner Siepert seconded. On roll call: all voted aye.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:18 p.m.

ATTEST:

  
\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

2-25-20  
\_\_\_\_\_  
Date

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, February 25, 2020**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siefert. Commissioner Chandler was excused. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator; and Doug Seymour, Director of Community Development.

**Minutes of the February 11, 2020 meeting**

Alderman Guzikowski moved to approve the minutes of the February 11, 2020 meeting. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

**CONDITIONS AND RESTRICTIONS  
OAK CREEK HOTEL ASSOCIATES, LLC  
9315 S. 13TH ST.  
TAX KEY NO. 877-9995-005**

Planner Papelbon provided a review of the draft Conditions and Restrictions for a Conditional Use Permit for a hotel on the property at 9315 S. 13th St. (see staff report for details).

Mayor Bukiewicz asked if everyone was clear on what was meant by the cross-easement description in condition "E" in the event of future development to the east.

Commissioner Hanna pointed out that on page 3, item 4 B, parking access is owned by Milwaukee County and should be reflected as such.

Alderman Guzikowski voiced his prior concern over the wording for extended stay, and asked where he would find it in the Conditions and Restrictions.

Planner Papelbon explained that they were trying to manage that concern in a more indirect fashion by allowing one hotel that is very specific. By creating a requirement incorporating operational features for the hotel, such as limiting what would be allowed as part of the unit provision (no in-unit kitchens or self-service guest laundry facilities), and trying to get at what staff would want to see on the property, staff hope to address such concerns.

Alderman Guzikowski stated he could live with that.

Mayor Bukiewicz inquired about the landscape plan.

Planner Papelbon responded it is part of the site plan review.

Commissioner Siefert moved that the Plan Commission recommend that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a hotel on the property at 9315 S. 13th St., after a public hearing. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

Mayor Bukiewicz commended the Plan Commission and staff for the evening's accomplishments.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:17 p.m.

ATTEST:

  
\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

3-10-20  
\_\_\_\_\_  
Date

## 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 13<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> Street to potentially be developed with a restaurant.

The Ryan Road and South 13<sup>th</sup> 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.

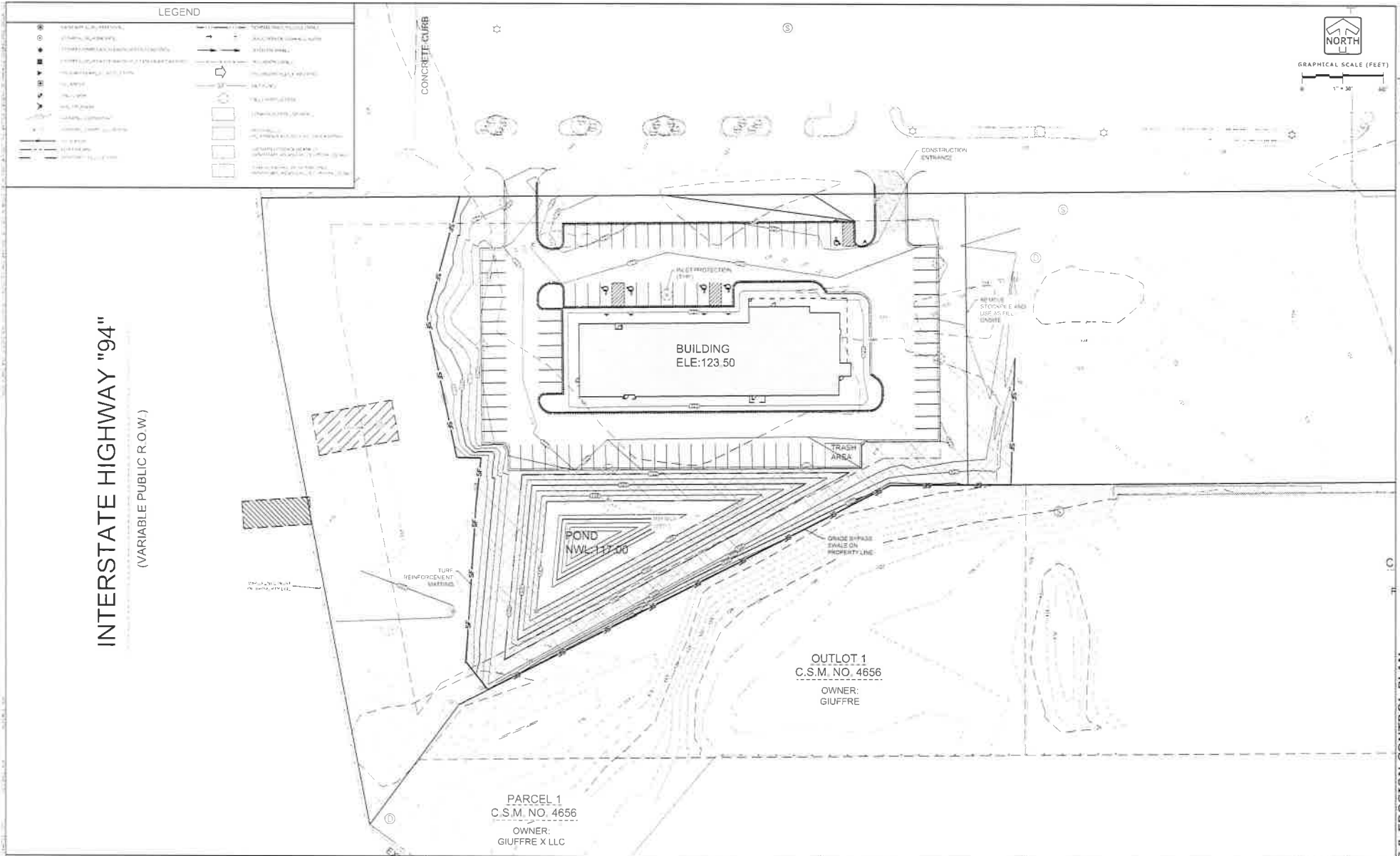
Mentioned earlier, KHC is co-developing and will be operating the avid Hotel in Monona, WI and Roseville, MN before the opening of the avid Hotel in Oak Creek; KHC is well qualified with IHG Hotels to undertake the development and management responsibilities of the proposed avid Hotel by IHG in Oak Creek,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



INTERSTATE HIGHWAY "94"  
(VARIABLE PUBLIC R.O.W.)

BUILDING  
ELE: 123.50

POND  
NW: 117.00

OUTLOT 1  
C.S.M. NO. 4656  
OWNER:  
GIUFFRE

PARCEL 1  
C.S.M. NO. 4656  
OWNER:  
GIUFFRE X LLC

PLANT DESIGN DELIVER

**PINNACLE ENGINEERING GROUP**  
ENGINEERS AND ARCHITECTS

**AVID HOTEL**  
OAK CREEK, WISCONSIN

**GRADING & EROSION CONTROL PLAN**

REVISIONS	

DATE: 11/14/2018	BY: J.P.	CHECKED: J.P.	SCALE: AS SHOWN
SHEET			
C-2			
C-7			

4759

MAP NO. 4759 REEL 1897 IMAGES 786 TO 789 INCL. DOCUMENT NO. 5924523 DATE RECORDED: 6/13/86

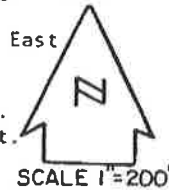
CERTIFIED SURVEY MAP NO.

Page 1 of 4

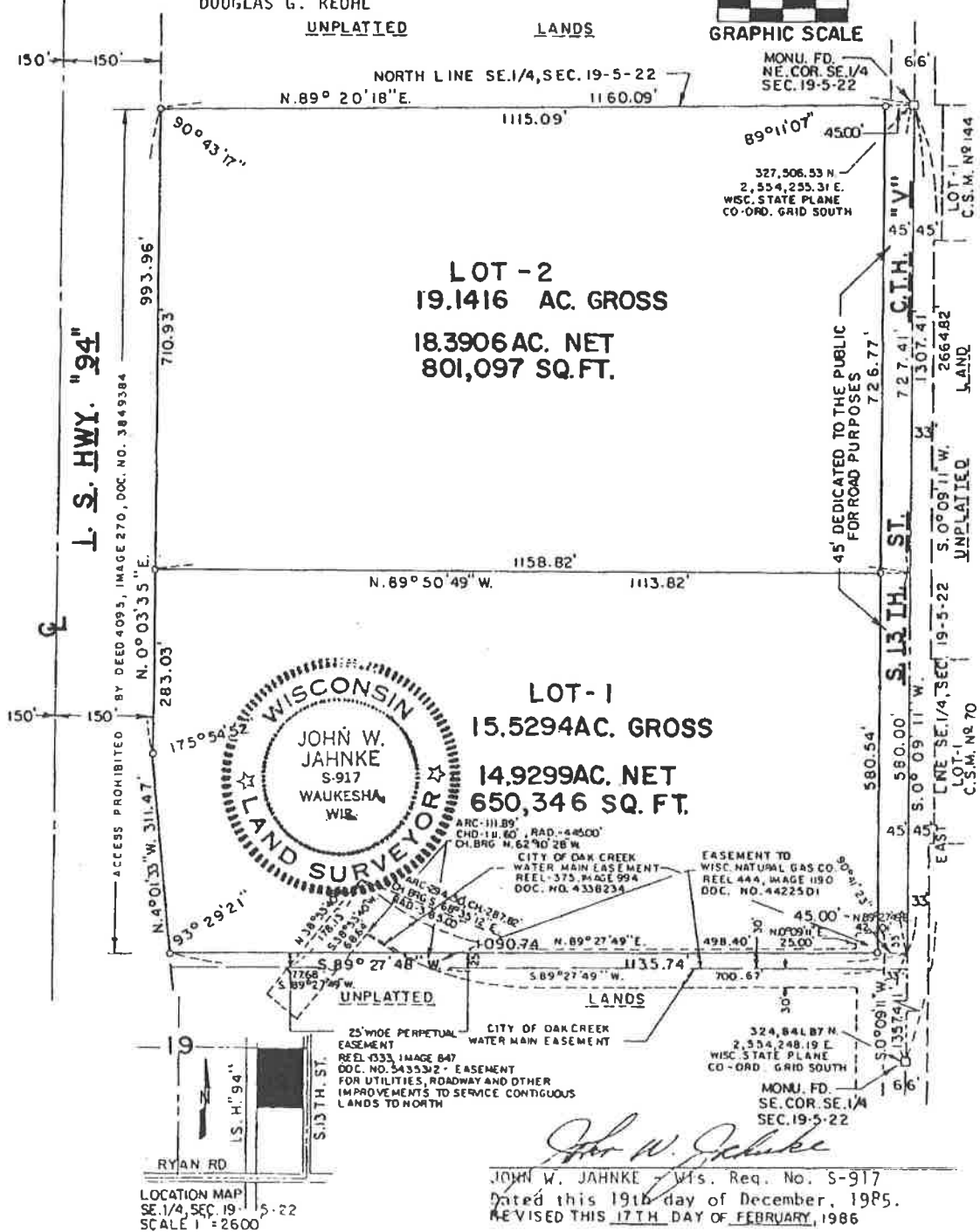
Being a part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 19, Town 5 North, Range 22 East CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

REFERENCE MERIDIAN: All bearings are referenced to grid North of the Wisconsin Plan Co-ordinate system South Zone adjusted to the City's control survey.

LEGEND: o-Iron pipe 24"x1" dia. 1.13+ lbs. per lin.ft.



OWNER: LEONARD S. MATTIOLI, GEORGE A. REUHL, and DOUGLAS G. REUHL



*John W. Jahnke*  
JOHN W. JAHNKE - Wis. Req. No. S-917  
Dated this 19th day of December, 1985.  
REVISED THIS 17TH DAY OF FEBRUARY, 1986

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

<b>Applicant:</b> Bruce Kinseth, Oak Creek Hotel Associates, LLC	<b>Approved by Plan Commission:</b> 12-10-19
<b>Property Address(es):</b> 9141, 9191, <b>9315 S. 13<sup>th</sup> St.</b>	<b>Approved by Common Council:</b> 1-7-20
<b>Tax Key Number(s):</b> 877-9010-000, 877-9009-001, <b>877-9995-005</b>	(Ord. 2961, Amending Ord. 805)

**1. LEGAL DESCRIPTION**

- 9141 S. 13<sup>th</sup> St., Tax Key # 877-9010-000

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

- 9191 S. 13<sup>th</sup> 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. 13<sup>th</sup> 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. 13<sup>th</sup> 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 13<sup>th</sup> 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.

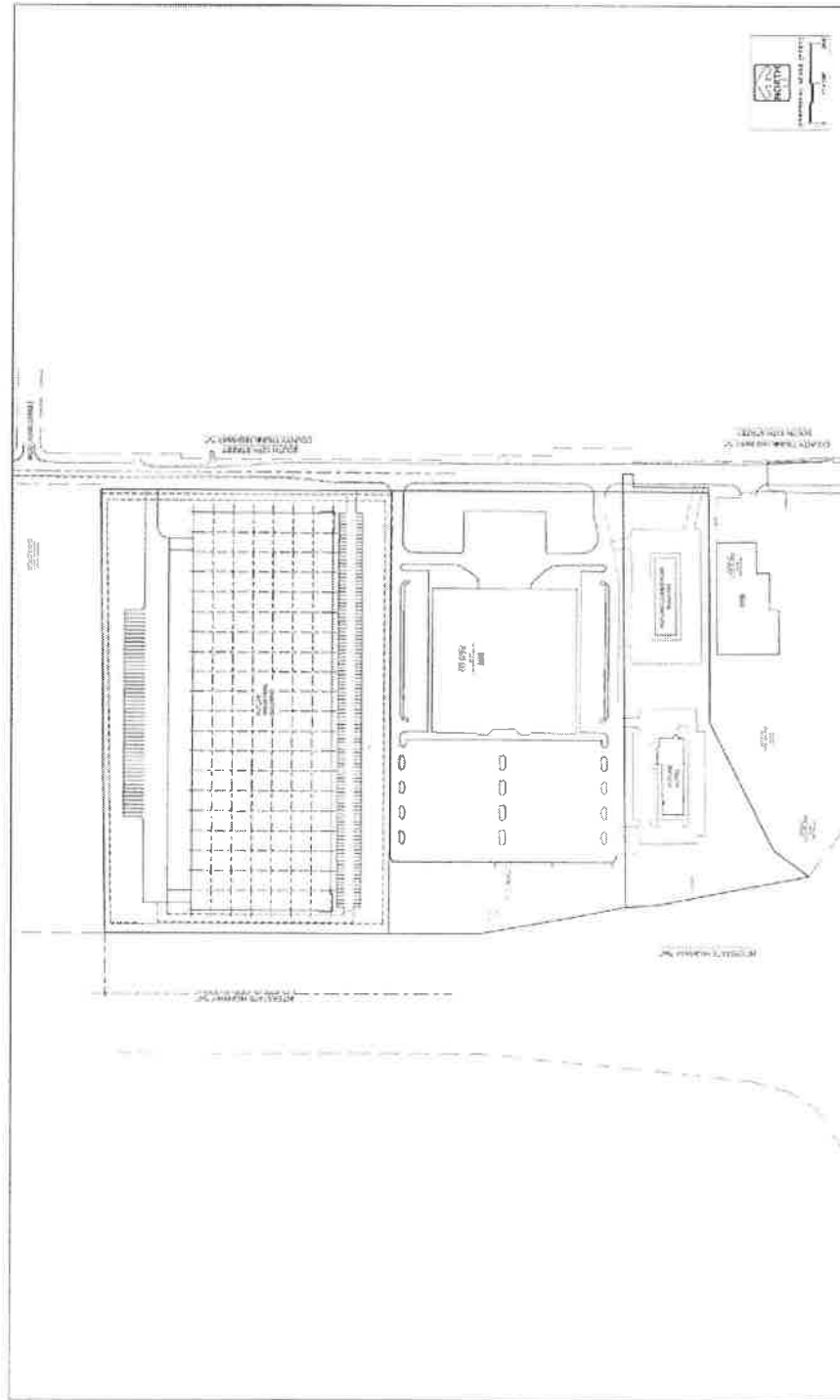
\_\_\_\_\_  
Owner / Authorized Representative Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(please print name)

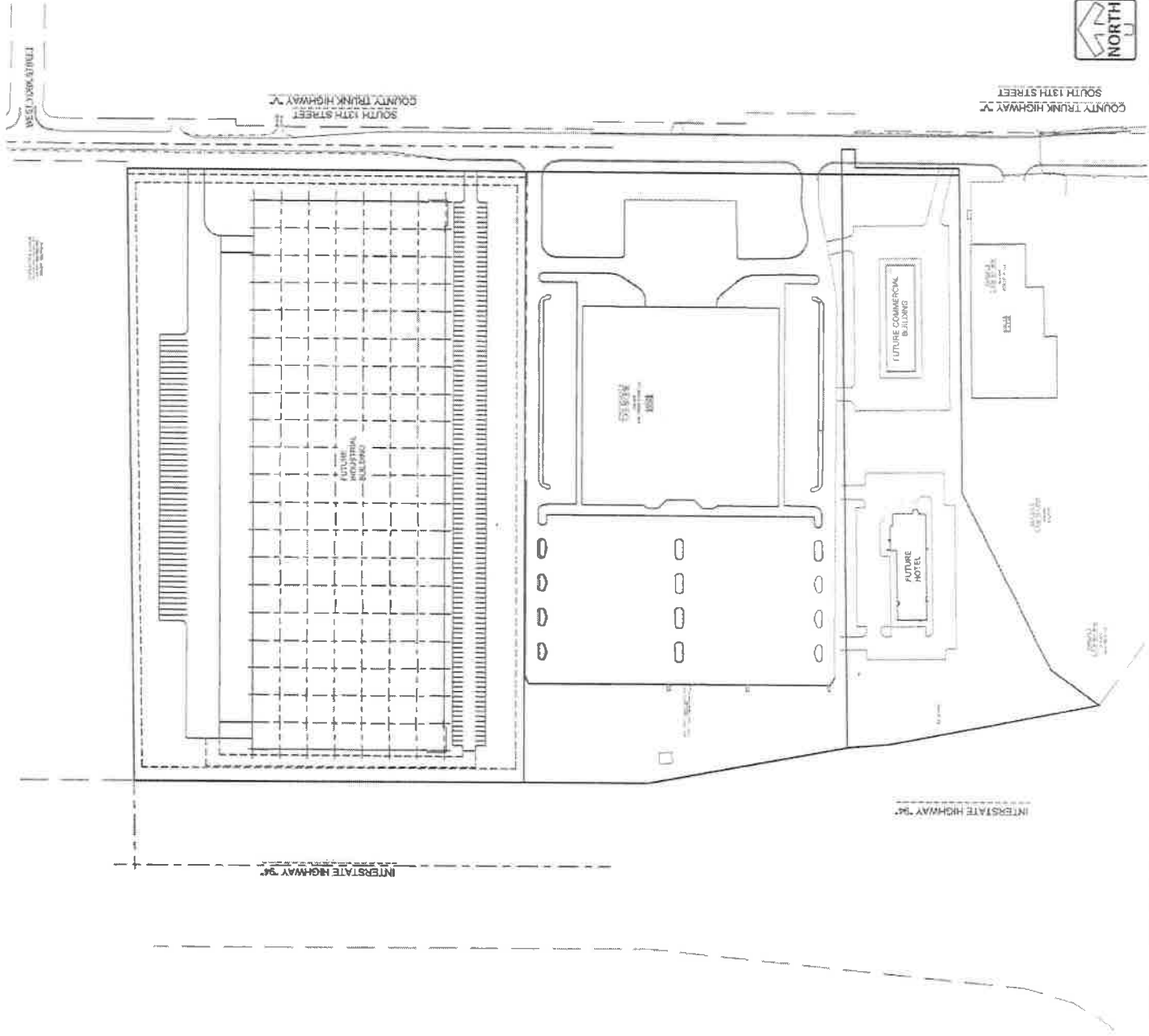
**EXHIBIT A: GENERAL DEVELOPMENT PLAN**

(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 ID# IVER  
PECIOR# IOR#  
GDP PLAN  
PINNACCI ENGINEERING, CIRCUIT

EXHIBIT A: GENERAL DEVELOPMENT PLAN (ENLARGED)



**AMERICAN  
CONSTRUCTION SERVICES, INC.**



3350 SOUTH RIVER ROAD  
WEST BEND, WI 53095-7884  
(262) 334-3811 F:(262) 334-4990

**AMERICAN  
ARCHITECTURAL GROUP, INC.**



3350 SOUTH RIVER ROAD  
WEST BEND, WI 53095-7884  
(262) 334-3811 F:(262) 334-4990

9315 S. 13th STREET  
CITY OF OAK CREEK  
MILWAUKEE COUNTY

**avid**  
AN IHG HOTEL

Issue:  
01 / 08 / 2020

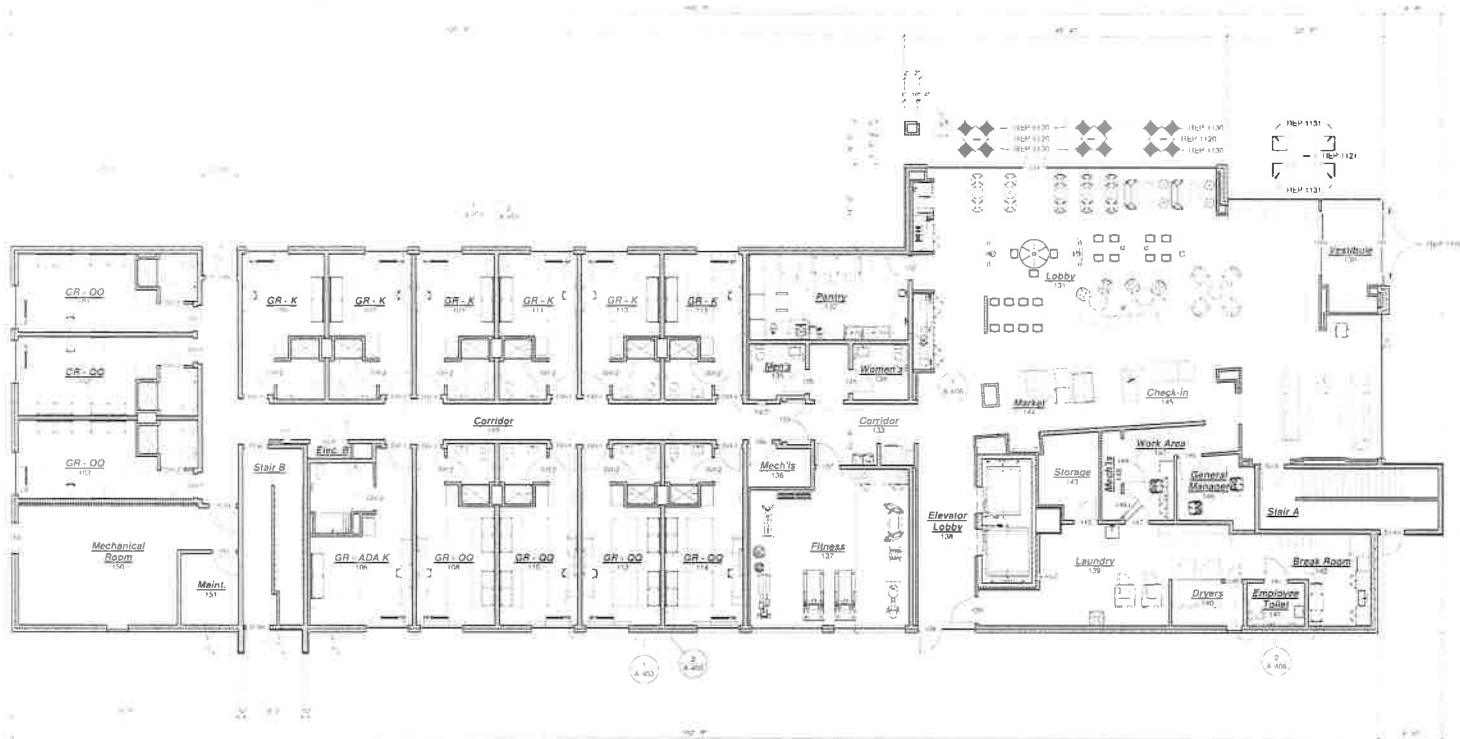
Document Date:  
08 JANUARY 2020

Project Number:  
19030

Sheet Title:  
1st FLOOR PLAN

Sheet Number:

**A-101**



1st FLOOR PLAN  
SCALE: 1/8" = 1'-0"



19 JAN 2020 10:53:55 AM

# Building Summary

Site plan details	
Measure	Sq ft
Acres	1.57 Ac
Square footage (gross)	41,693 Sf
Keys/room count	95
Parking spaces	95
Gross sq ft per key	438.87 Sf

Guest room sq ft	
Name	Sq ft
Guest Room King	10,766
Guest Room Queen Queen	13,880
Total	24,646

Square footage by level	
Level	Sq ft
Level 1	10,844
Level 2	10,283
Level 3	10,283
Level 4	10,283
Grand total	41,693

Guest room count	
Name	Count
Guest Room King	42
Guest Room King ADA	4
Guest Room Queen Queen	46
Guest Room Queen Queen ADA	3
Total Guest Rooms	95
Level 1 Guest Rooms	14
Level 2 Guest Rooms	27
Level 3 Guest Rooms	27
Level 4 Guest Rooms	27

Level 1		
Name	Sq ft	Count
Lobby	2,135	1
Back of House	953	1
Guest Room King	1,362	6
Guest Room King ADA	335	1
Guest Room Queen	1,925	7
Gym	453	1
Vestibule	117	1
Corridor	799	1
Stairs	414	2
Pantry	279	1
Public Restrooms	105	2
Elevator Landing	347	1
Electrical & Mechanical	386	3
Maintenance	117	1
Level 1 Net	9,817	

Level 2		
Name	Sq ft	Count
Corridor	1,144	1
Data and Electrical	88	1
Elevator Landing	303	1
Guest Room King	2,688	12
Guest Room King ADA	335	1
Guest Room Queen Queen	3,611	13
Guest Room Queen Queen ADA	374	1
Housekeeping Storage	160	1
Stairs	455	2
Level 2 Net	9,158	

Level 3		
Name	Sq ft	Count
Corridor	1,144	1
Electrical	32	1
Elevator Landing	303	1
Guest Room King	2,688	12
Guest Room King ADA	335	1
Guest Room Queen Queen	3,611	13
Guest Room Queen Queen ADA	374	1
Housekeeping Storage	220	1
Stairs	455	2
Level 3 Net	9,162	

Level 4		
Name	Sq ft	Count
Corridor	1,144	1
Electrical	32	1
Elevator Landing	303	1
Guest Room King	2,688	12
Guest Room King ADA	335	1
Guest Room Queen Queen	3,611	13
Guest Room Queen Queen ADA	374	1
Housekeeping Storage	220	1
Stairs	455	2
Level 4 Net	9,162	



## Interior



# Lobby space

Our public space features Refreshing Aqua paired with Confident Red, highlighting our fresh design.

- ① Versatile seating options provide different zones for our guests to meet their various needs
- ② An approachable Front Desk and convenient Market welcomes guests, no matter the time of day
- ③ An all day self-serve bean-to-cup coffee station offers our guests the choice between a grab and go pit stop or a quiet, more private break



Lobby

① The breakfast beacon includes a selection of fresh fruit, baked goods, cereal, oatmeal, yogurt, and hard-boiled eggs to provide guests with all they need to get going

② Breakfast items in the beacon are displayed in removable food bins that can be taken away for easy restocking and cleaning. This unique design also allows the beacon to transform into a seating/power station outside of breakfast hours

③ Each day, guests will find a rotating selection of 'Hot and Hearty' breakfast items, such as an egg scramble, bowl or breakfast sandwich. Additional beverage offerings, breakfast condiments, and ways to customize coffee can be found on the breakfast and beverage bars

- Brand Overview
- Brand Design
- Prototype Design
- Exterior
- Site Plan Drawing
- Ground Level Floorplan
- Lobby Floorplan
- Lobby
- Front Desk & Market
- Gym
- Upper Level Floorplan
- Guest Room Floorplans
- Guest Room Overview
- Guest Rooms
- Guest Room Bird's Eye
- Guest Room Alt. Views
- Guest Room Bathroom
- Consumer Demand
- Services & Support
- Contact





- Brand Overview
- Brand Design
  - Prototype Design
  - Exterior
  - Site Plan Drawing
  - Ground Level Floorplan
  - Lobby Floorplan
  - Lobby
    - Front Desk & Market
  - Gym
  - Upper Level Floorplan
  - Guest Room Floorplans
  - Guest Room Overview
  - Guest Rooms
    - Guest Room Bird's Eye
    - Guest Room Alt. Views
    - Guest Room Bathroom
- Consumer Demand
- Services & Support
- Contact

## Front Desk & Market



The Front Desk will offer guests an inviting welcome and if they are looking for a refreshing beverage or quick snack, they will find some of their favorite selections in our Market.

① The Front Desk offers an easy check-in and check-out process, saving guests time and providing staff easy access to the Lobby and guests

② Guests will find a variety of beverages and snacks to satisfy every craving, from healthy staples to indulgent treats, at our Market

③ A beverage cooler presents refreshing selections for guests to grab on the go, with the proximity to the Front Desk creating a seamless purchase experience

- Brand Overview
- Brand Design
  - Prototype Design
  - Exterior
  - Site Plan Drawing
  - Ground Level Floorplan
  - Lobby Floorplan
  - Lobby
  - Front Desk & Market
  - Gym
  - Upper Level Floorplan
  - Guest Room Floorplans
  - Guest Room Overview
  - Guest Rooms
  - Guest Room Bird's Eye
  - Guest Room Alt. Views
  - Guest Room Bathroom
- Consumer Demand
- Services & Support
- Contact

## Gym



To help maintain guests' healthy lifestyle, the Gym provides a range of cardio and weight training equipment, as well as floor space.

- 1 Functional trainer with additional equipment including medicine balls
- 2 Adjustable weight bench
- 3 Free weights
- 4 TV

- 1 Cardio equipment with integrated TVs
- 2 Spin bike
- 3 Storage for towels, mats, and foam rollers
- 4 Stability balls





# avid™ hotels brand overview



avid hotel Oklahoma City – Quail Springs, OK

Exterior Entrance night view



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

<b>Applicant:</b> Bruce Kinseth, Oak Creek Hotel Associates, LLC (avid Hotel)	<b>Approved by Plan Commission:</b> 2-25-20
<b>Property Address:</b> 9315 S. 13 <sup>th</sup> St.	<b>Approved by Common Council:</b> TBD
<b>Tax Key Number:</b> 877-9995-005	(Ord. # TBD)
<b>Conditional Use:</b> Hotel	

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. All requirements of the Planned Unit Development approved in Ordinance 2961, as amended, are in effect.
- C. 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 & estimated guests
  - 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. A Development Agreement shall be completed between the owner(s) 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 Section 2 above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- E. 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. 13<sup>th</sup> 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.
- G. Signed Conditions and Restrictions for the Planned Unit Development Amendment approved by the Common Council in Ordinance 2961 on January 7, 2020 shall be submitted to the Department of Community Development prior to the submission of any building permit applications.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. One (1) four-story hotel with 95 guest rooms in accordance with these Conditions and Restrictions is allowed on the property. Other uses permitted by the zoning district, in accordance with other applicable Sections of the City of Oak Creek Municipal Code (as amended) and these Conditions and Restrictions, are also allowed on the property.
- B. The hotel shall include the following operational features:
  - 1. Indoor pool.
  - 2. Fitness center.
  - 3. Breakfast / pantry / market area.
  - 4. Outdoor patio seating.
  - 5. 24-hour on-premise staff.
  - 6. Available daily housekeeping.
- C. The hotel shall not provide in-unit kitchens or self-service guest laundry facilities.
- D. Detailed plans for signage shall be submitted for review and approval by the Plan Commission in accordance with the requirements of Sections 17.0701-17.0715 and all other applicable Sections of the Municipal Code (as amended). No pole signs, pennant flags, light pole flags, permanent banners, or flashing/blinking signs shall be permitted as part of this Conditional Use Permit.



- E. There shall be no outdoor storage of any materials, equipment, vehicles (other than vehicles directly associated with the use), semi-truck/trailer parking, or merchandise for sale.
- F. Solid waste collection and recycling shall be the responsibility of the owner.
- G. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

- A. Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended).
- B. Access to South 13<sup>th</sup> Street (CTH V) in accordance with executed agreements and access management plans is subject to the review and approval of the Milwaukee County Department of Transportation. Such approval shall be provided to the City prior to the issuance of any building permits.
- C. Any future division and/or development of the parcel shall provide cross-access and pedestrian connections.

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/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 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 10 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)



(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.)

**EXHIBIT B: CONCEPTUAL ELEVATIONS**

2200 SOUTH RIVER ROAD  
WEST BEND, WI 53090-7884  
(262) 334-3011 F: (262) 334-4998  
**AMERICAN**  
ARCHITECTURAL GROUP INC.

9315 S. 13th STREET  
CITY OF OAK CREEK  
MILWAUKEE COUNTY

**avid**  
AN IHG HOTEL

Prepared Date  
08 JANUARY 2020  
Project Number  
19033  
Name of the  
NORTH AND EAST  
BUILDING  
ELEVATIONS

Sheet Number  
**A-201**



**LIST THIS NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS, UNLESS OTHERWISE NOTED.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OAK CREEK.  
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.  
5. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.  
6. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.  
7. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.  
8. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.  
9. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.  
10. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.

**MATERIAL SPECIFICATIONS**

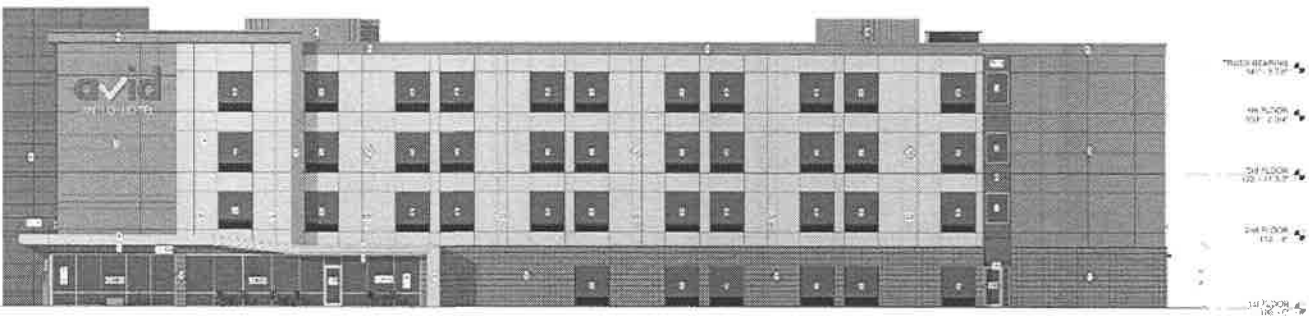
1. CONCRETE SHALL BE 4000 PSI STRENGTH.  
2. REINFORCING BARS SHALL BE #4 EPOXY COATED.  
3. METAL DECKING SHALL BE 22 GA. GALVALUM.  
4. INSULATION SHALL BE 2\"/>

**WINDOWS NOTES**

1. ALL WINDOWS SHALL BE 1/2\"/>

**DOOR NOTES**

1. ALL DOORS SHALL BE 1/2\"/>



**EXHIBIT B: CONCEPTUAL ELEVATIONS CONTINUED**

(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.)

**AMERICAN ARCHITECTURAL BUILDING INC.**  
 3305 SOUTH WEBB ROAD  
 WEST BEND, WI 53091-2344  
 (608) 234-2011 FAX: (608) 234-4880

AMERICAN ARCHITECTURAL BUILDING INC.  
 3305 SOUTH WEBB ROAD  
 WEST BEND, WI 53091-2344  
 (608) 234-2011 FAX: (608) 234-4880

**CITY OF OAK CREEK**  
 9315 S. 13th STREET  
 MILWAUKEE COUNTY

**avid**  
 AN IHG HOTEL

DATE: 01/11/2010  
 PROJECT: 001 JANUARY 2010  
 PROJECT NUMBER: 19010  
 DRAWING TITLE: SOUTH AND WEST BUILDING ELEVATIONS  
 DRAWING NUMBER: A-202

**WEST BUILDING ELEVATION**  
 1/11/2010 10:27:10 AM

**SOUTH BUILDING ELEVATION**  
 1/11/2010 10:27:10 AM

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 Lauren Lucia Rehorst, Live Oak Health, LLC, for a Conditional Use Permit for a licensed massage therapy clinic on the property located at 9555 S. Howell Ave.

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

**Applicant:** Lauren Lucia Rehorst, Live Oak Health, LLC  
**Property Owner:** Gary and Lori Hintz  
**Property Location(s):** 9555 S. Howell Ave.  
**Tax Key(s):** 906-9011-000

**Legal Description:**

CERTIFIED SURVEY MAP NO. 585 LOT 4, SUBJ. TO & INCL EASEMENT NE1/4 SEC. 29-5-22.

The Common Council has scheduled other public hearings for April 6, 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: March 11, 2020  
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. 6<sup>th</sup> St., Oak Creek, WI 53154.

## COMMON COUNCIL REPORT

- Item:** Conditional Use Permit - Licensed Massage Therapy Clinic - Live Oak Health, LLC
- Recommendation:** That the Council adopts Ordinance 2969, an ordinance to approve a Conditional Use Permit for a licensed massage therapy clinic in the multitenant building on the property at 9555 S. Howell Ave.
- Fiscal Impact:** Approval will allow for the use and occupancy of vacant tenant space within an existing multitenant commercial building. As the property is currently developed and occupied, no direct fiscal impact is anticipated. This property is not located within 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 Conditional Use approval for licensed massage therapy as part of an outpatient clinic within the existing multitenant commercial building on the property at 9555 S. Howell Ave. Licensed massage therapy and body work as certified by the State of Wisconsin are Conditional Uses in the B-4, Highway Business zoning district.

Live Oak Health, LLC, provides licensed massage therapy and acupuncture services in an outpatient clinic setting. Approximately 1,500 square feet of the existing building will be leased for the clinic, which will have 5 employees (1 Licensed Acupuncturist and Licensed Massage Therapist, 2 Licensed Massage Therapists, 1 Administrative Assistant, 1 Office Manager/Owner). Up to four (4) clients could be at clinic at a time. Hours of operation for the clinic are below.

Days	Hours
Monday	7:00 AM – 6:00 PM
Tuesday & Thursday	12:00 PM – 8:00 PM
Wednesday	10:00 AM – 8:00 PM
Friday	7:00 AM – 8:00 PM
Saturday	10:00 AM – 5:00 PM
Sunday	CLOSED

Per information provided by the Applicant, the leased space includes 20 parking stalls. Minimum parking requirements for medical, dental and similar professional health service offices are calculated at five (5)

---

patron spaces per doctor, plus one (1) space per employee at peak shift. Therefore, a minimum of 20 stalls would be required and are provided to meet Code. Management of the existing parking for the remaining tenant spaces will be the responsibility of the property owner.

No site or exterior building modifications are proposed at this time. Signs will be required to obtain approvals and/or permits as necessary. Existing trash receptacles will be utilized.

The Plan Commission reviewed this request during their March 10, 2020 meeting. The request was recommended for approval subject to Conditions and Restrictions.

Given the cancellation of the March 24<sup>th</sup> Plan Commission meeting, Plan Commission was not able to review or recommend conditions and restrictions. However, given that the document consists of standard language (for the most part) staff is comfortable in forwarding the C&Rs to the Council for their review and approval.

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

---

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:

Ord. 2969

Location Map

Hearing Notice

Narrative (3 pages)

Floor Plan (1 page)

Conditions and Restrictions



ORDINANCE NO. 2969

By: \_\_\_\_\_

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR  
A LICENSED MASSAGE THERAPY CLINIC AT 9555 S. HOWELL AVE.

(5<sup>th</sup> Aldermanic District)

WHEREAS, LAUREN LUCIA REHORST, LIVE OAK HEALTH, LLC, has applied for a Conditional Use Permit that would allow for a Licensed Massage Therapy Clinic on the property at 9555 S. Howell Ave.; and

WHEREAS, the properties are more precisely described as follows:

CERTIFIED SURVEY MAP NO. 585 LOT 4, SUBJ. TO & INCL EASEMENT NE1/4 SEC. 29-5-22.

WHEREAS, the Plan Commission has reviewed this proposal and has recommended that the Conditional Use be approved; and

WHEREAS, the Common Council held a public hearing on this matter on April 6, 2020, at which time all interested parties appeared and were heard; and

WHEREAS, the Plan Commission had recommended that the application for a Conditional Use be approved and authorized subject, however, to the imposition of certain conditions and restrictions upon the design, construction, location and operation of this Conditional Use and which conditions and restrictions are incorporated by reference into the amended Conditional Use Permit; and

WHEREAS, following said public hearing and upon recommendation of approval of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Conditional Use were approved and authorized for the lands hereinabove described, subject, however, to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Conditional Use.

NOW, THEREFORE, 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 Building Commissioner is hereby authorized to grant a Conditional Use Permit for a Licensed Massage Therapy Clinic on the property at 9555 S. Howell Ave., which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for a Licensed Massage Therapy Clinic on the property at 9555 S. Howell Ave.

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

Passed and adopted this 6<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
President, Common Council

Approved this 6<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Mayor

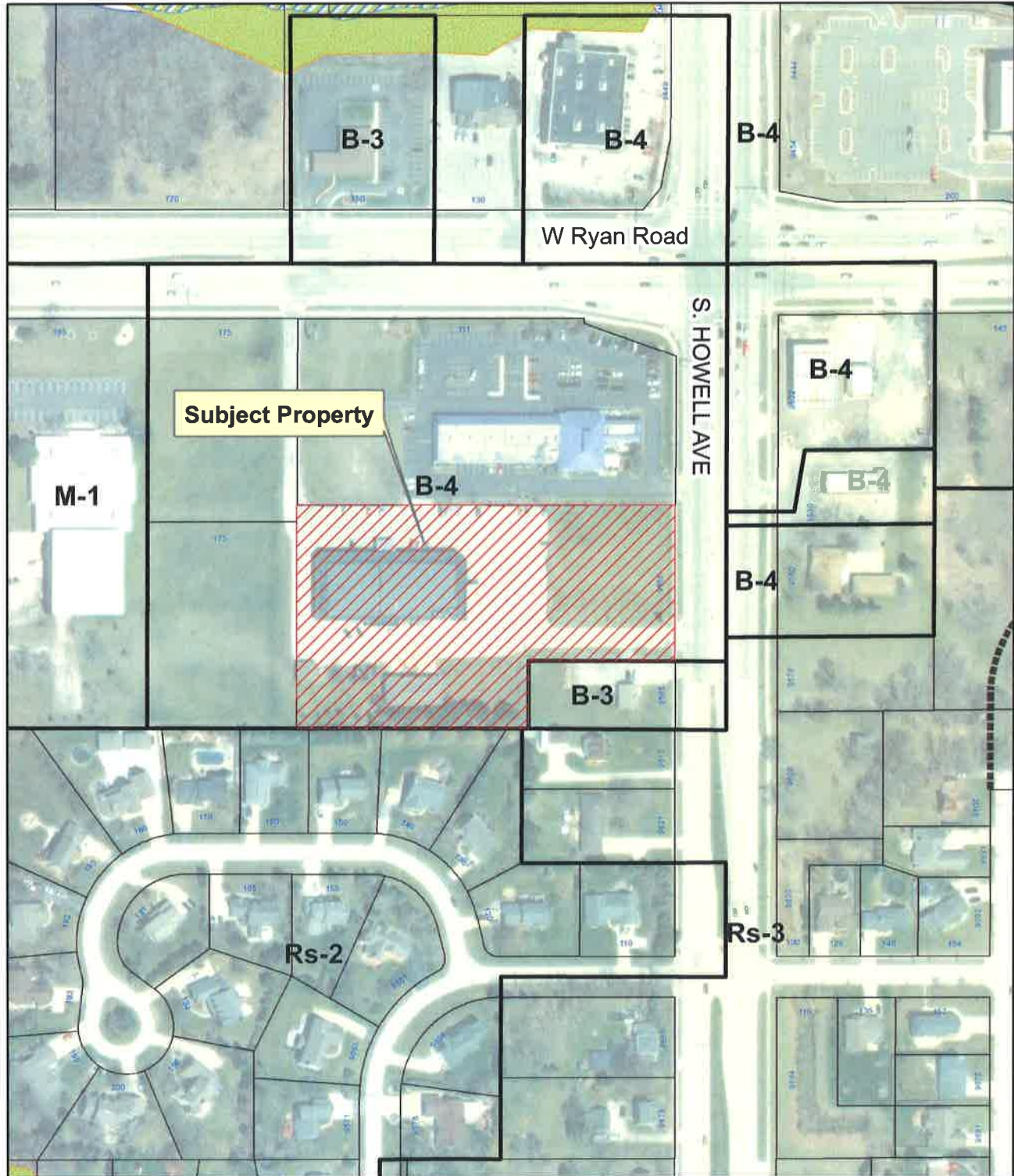
ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

# Location Map

## 9555 S. Howell Ave.

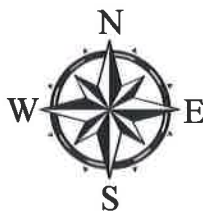


*This map is not a survey of the actual boundary of any property this map depicts*







**OAKCREEK**  
— WISCONSIN —

Department of Community Development



### Legend

-  9555 S. Howell Ave
-  DNR Wetlands Inventory
-  Flood Plain (2008)
-  Environmental Corridor

TO BE PUBLISHED MARCH 18 & 25, 2020

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 Lauren Lucia Rehorst, Live Oak Health, LLC, for a Conditional Use Permit for a licensed massage therapy clinic on the property located at 9555 S. Howell Ave.

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

**Applicant:** Lauren Lucia Rehorst, Live Oak Health, LLC  
**Property Owner:** Gary and Lori Hintz  
**Property Location(s):** 9555 S. Howell Ave.  
**Tax Key(s):** 906-9011-000

**Legal Description:**

CERTIFIED SURVEY MAP NO. 585 LOT 4, SUBJ. TO & INCL EASEMENT NE1/4 SEC. 29-5-22.

The Common Council has scheduled other public hearings for April 6, 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: March 11, 2020  
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. 6<sup>th</sup> St., Oak Creek, WI 53154.

Lauren Rehorst  
44-975-2730

Narrative for proposal submitted by  
Live Oak Health, LLC  
2/4/2020



1) **Lauren Lucia Rehorst** and **Jon Rehorst**, owners of *Live Oak Health, LLC*, propose an outpatient clinic to occupy the existing medical office space, Suites 700 and 710, at the Oak Brook Center located in B-3 Office and Professional Business District at 9555 S Howell Ave. We offer the complimentary medical services of **Acupuncture** (as defined in *Wisconsin Statutes Chapter 451 - attached*) and **Massage Therapy** (as defined in *Wisconsin Statutes Chapter 460 - attached*).

The leasable premise is approximately 1500 ft<sup>2</sup> and currently pre-approved for licensed massage therapy and bodywork as certified by the State, as outlined in the Oak Creek Municipal code SEC. 17.0314 B-3 OFFICE & PROFESSIONAL BUSINESS DISTRICT (attached). It includes a reception area, 4 treatment rooms, and 2 half bathrooms, 1 of which is fully ADA compliant.

2) The hours of operation are as follows:

- Monday 7am – 6pm
- Tuesday 12pm – 8pm
- Wednesday 10am – 8pm
- Thursday 12pm – 8pm
- Friday 7am – 8pm
- Saturday 10am – 5pm
- Sunday closed

3) We expect deliveries will be made roughly once/week. Deliveries will include treatment supplies, office supplies, and paper products as are appropriate for a small medical facility.

Typical businesses from which we receive deliveries are Amazon and AcuMarket (acupuncture and massage therapy supplier).

4) Current staff of 5

- **Lauren Lucia Rehorst MSOM, LAc, LMT**
  - owner, WI Licensed Acupuncturist, WI Licensed Massage Therapist
  - Licenses and Malpractice Insurances attached
- **Shannon Kamine MS, LMT**
  - independent contractor, WI Licensed Massage Therapist
  - License and Malpractice Insurance attached
- **Mackenzie Mitsche LMT**
  - independent contractor, WI Licensed Massage Therapist
  - License and Malpractice Insurance attached
- **Kristi Hatzinger – employee, Administrative Assistant**
- **Jon Rehorst – owner, Clinic Manager**

The number of staff present per day varies as the schedule of the independent contractor allows. We may have as few as 1 staff member and as many as 5 staff members present



Narrative for proposal submitted by  
Live Oak Health, LLC  
2/4/2020

on any day. We would have as few as 1 patron and as many as 4 patrons present for each shift.

5) No interior, nor exterior, modifications will be made to the property

6) *Live Oak Health, LLC* will make use of the existing dumpsters, managed by Gary Hintz, owner of the Oak Brook Center. No other vehicles, storage units, etc will be stored on the property.

7) The number of parking stalls available to us is 20.

8) The practitioners of *Live Oak Health, LLC* are approved providers for United Healthcare, Optum Physical Health, and UMR. UnitedHealth Group is the largest healthcare company in the world by revenue. I will submit 1099's issued from United Healthcare if required to assure the medical nature of the practice.

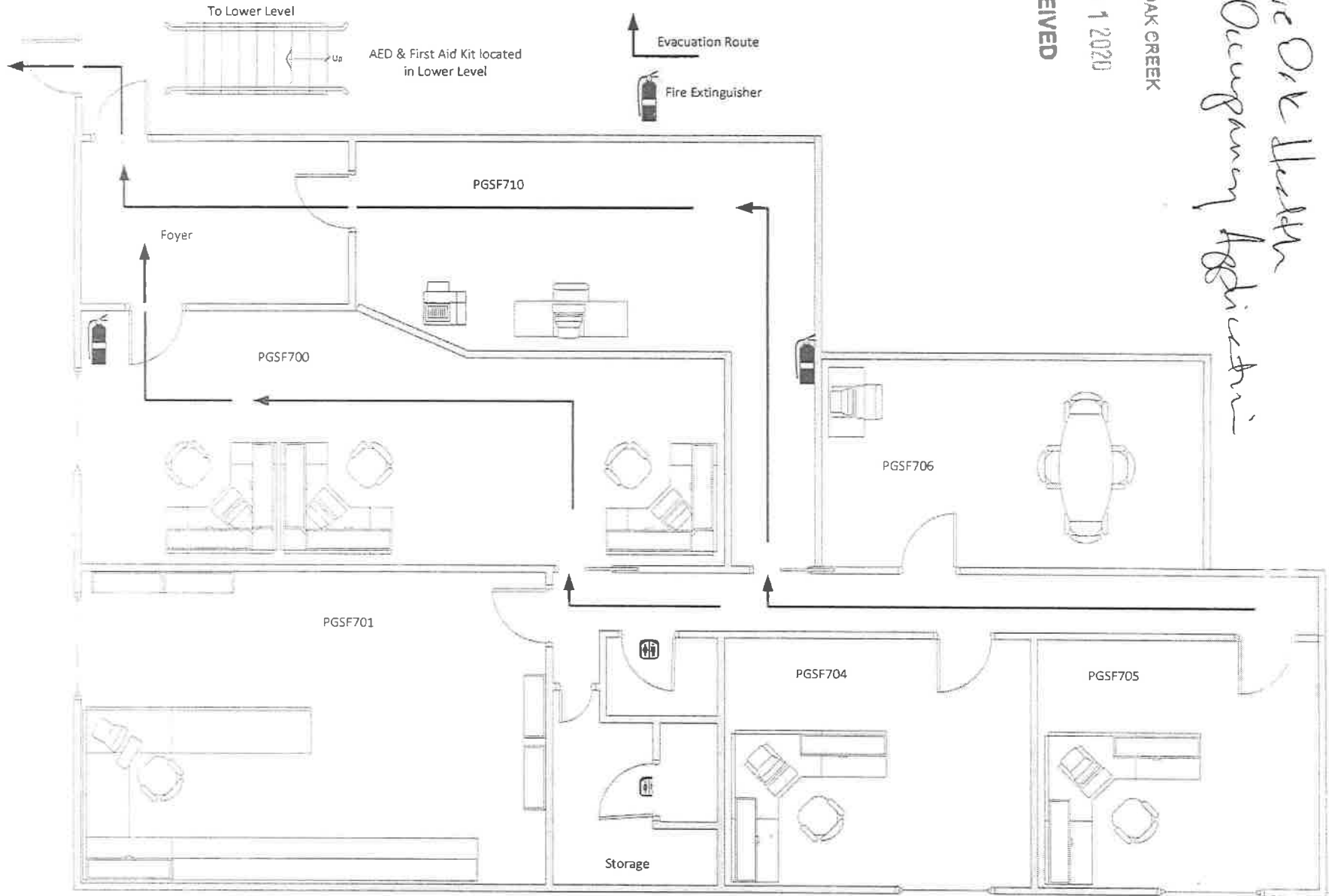
Narrative for proposal submitted by  
Live Oak Health, LLC  
2/4/2020



ATTACHMENTS

1. Pages 31 and 32 of Oak Creek Municipal Code - Chapter 17 – Zoning Code – Business Districts
2. Floor plan for Suite 700 & 710
3. Wisconsin Statutes Chapter 451 – Acupuncture
4. Wisconsin Statutes Chapter 460 – Massage Therapy
5. Lauren Lucia (Rehorst) – WI Acupuncturist License
6. Lauren Lucia (Rehorst) – Acupuncture Malpractice and General Liability Insurance
7. Lauren Lucia (Rehorst) – WI Massage Therapist and Bodywork Therapist License
8. Lauren Lucia (Rehorst) – Massage Therapy Malpractice and General Liability Insurance
9. Shannon Kamine – WI Massage Therapist and Bodywork Therapist License
10. Shannon Kamine – Massage Therapy Malpractice and General Liability Insurance
11. Mackenzie Mitsche – WI Massage Therapist and Bodywork Therapist License
12. Mackenzie Mitsche – Massage Therapy Malpractice and General Liability Insurance

PGSF Ground Level Evacuation Route



CITY OF OAK CREEK  
FEB 11 2020  
RECEIVED

*Fire Plan  
Live Oak Health  
Occupancy Application*

*2/11/20  
(10)*



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

<b>Applicant:</b>	Live Oak Health, LLC	<b>Approved by Plan Commission:</b> TBD
<b>Property Address:</b>	9555 S. Howell Ave.	<b>Approved by Common Council:</b> TBD
<b>Tax Key Number(s):</b>	906-9011-000	(Ord. TBD)
<b>Conditional Use:</b>	<b>Licensed Massage Therapy and Licensed Acupuncture</b>	

1. LEGAL DESCRIPTION

CERTIFIED SURVEY MAP NO. 585 LOT 4, SUBJ. TO & INCL EASEMENT NE 1/4 SEC. 29-5-22.

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 & patrons
  - iii) Number of all 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 & mature sizes, and types of plantings
- c) Percentage open/green space

3) **Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Building floor plans (w/dimensions)
- 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. A Development Agreement shall be completed between the owner(s) 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 Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. 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. One (1) licensed massage therapy clinic in accordance with these Conditions and Restrictions is allowed on the property. Other uses permitted by the zoning district, in accordance with other applicable Sections of the City of Oak Creek Municipal Code (as amended) and these Conditions and Restrictions, are also allowed on the property.
- B. Hours of operation shall be between 7:00 AM and 8:00 PM Monday through Sunday.
- C. There shall be no outdoor storage (except trash receptacles within an enclosure or enclosures approved by the Plan Commission) or display of any kind.
- D. No pole signs, pennant flags, light pole flags, permanent detached banners, or flashing/blinking signs shall be permitted as part of this development.
- E. Solid waste collection and recycling shall be the responsibility of the owner.
- F. Removal of snow from off-street parking areas, walks, public sidewalks, private roads 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), approved site plans, and these Conditions and Restrictions (see Section 3 above).

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. BUILDING AND PARKING SETBACKS\*

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure(s)	25 ft	25 ft	15 ft
Accessory Structure(s)*	25 ft	See Sec. 17.0501	See Sec. 17.0501
Off-street Parking	10 ft	0 ft	0 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 Conditional Use shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the ordinance if building or occupancy permits have not been issued for this use.

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 Permit 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 10 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, their heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving Conditional Use Permit 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)



## COMMON COUNCIL REPORT

**Item:** Ordinance 2970 - An Ordinance to Amend Section 11.01 of the Municipal Code Relating To Local Enforcement of Wisconsin Statutes for Emergency Public Health Violations

**Recommendation:** That the Common Council adopt Ordinance 2970, an Ordinance to Amend Section 11.01 of the Municipal Code Relating to Local Enforcement of Wisconsin Statutes for Emergency Public Health Violations

**Fiscal Impact:** There may be forfeiture revenue from the issuance of citations.

- 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 Governor's March 12, 2020 Executive Order #72 declared a public health emergency in response to the COVID-19 coronavirus. That order designates the Wisconsin Department of Health Services as the lead agency to respond to the public health emergency. The Department of Health Services delegates authority to local health departments and officers. The City's Community Public Health Officer, therefore, may initiate public health emergency related enforcement action during the time of this declared emergency. That authority is set forth in chapter 252 of the Wisconsin Statutes and chapter 8 of the City of Oak Creek Municipal Code. This includes the authority to control and prevent communicable diseases and the ability to issue isolation and quarantine orders. While any enforcement efforts would be focused on voluntary compliance, proposed Ordinance 2970 additionally provides law enforcement with specific authority to enforce specific health related violations. The proposed statutes to be adopted in the Municipal Code are:

**Wis. Stats. Sec. 252.25** Violation of law relating to health. Any person who willfully violates or obstructs the execution of any state statute or rule, county, city or village ordinance or departmental order under this chapter and relating to the public health, for which no other penalty is prescribed, shall be imprisoned for not more than 30 days or fined not more than \$500 or both.

**Wis. Stats. Sec. 323.28** Penalties. Whoever intentionally fails to comply with an order issued by an agent of the state or of a local unit of government who is engaged in emergency management activities under this chapter, including training exercises, is subject to a forfeiture of not more than \$200.

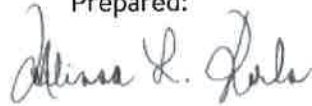
**Options/Alternatives:** The Council could choose not to adopt this ordinance. In that case law enforcement would be limited in its ability to enforce specific public health emergency violations that may arise related to communicable diseases. The Community Public Health Officer would then be required to enforce such violations.

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:




Melissa L. Karls  
City Attorney

Fiscal Review:



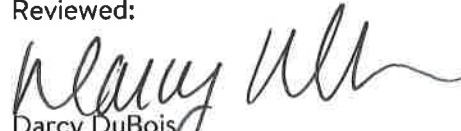
Bridget M. Souffrant  
Finance Director/Comptrol.

Reviewed:



Steven Anderson  
Police Chief.

Reviewed:



Darcy DuBois  
Public Health Officer

---

Attachments: Ordinance 2970 An Ordinance to Amend Section 11.01 of the Municipal Code Relating To  
Local Enforcement of Wisconsin Statutes for Emergency Public Health Violations

ORDINANCE 2970

BY: \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 11.01 OF THE MUNICIPAL CODE  
RELATING TO LOCAL ENFORCEMENT OF WISCONSIN STATUTES  
FOR EMERGENCY PUBLIC HEALTH VIOLATIONS

WHEREAS, on March 12, 2020, the Governor of the State of Wisconsin declared a public health emergency regarding the novel coronavirus COVID-19; and

WHEREAS, on March 17, 2020, the Mayor and Common Council of the City of Oak Creek (the "City") declared a public health emergency in the City and authorized the City Community Public Health Officer, in conjunction with federal, state and local authorities, to take all reasonable and necessary steps to prevent exposure and spread of COVID-19 including under Chapter 8 of the City Municipal Code and Chapter 323 of the Wisconsin Statutes; and

WHEREAS, it is in the interest of the City to act in concert with federal, state and local government for the health, safety and protection of the people and property in the City;

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

- Section 1: Section 11.01 of the Municipal Code is amended to add as offenses against state laws subject to forfeiture Wisconsin Statute Sec. 252.25, relating to Violation of Law Relating to Health and Wisconsin Statute Sec. 323.28, relating to Emergency Management – Penalties.
- Section 2: If any section, clause, provision or any portion of this ordinance is adjudged unconstitutional or found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- Section 3: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.
- Section 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this \_\_\_\_ day of April, 2020.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President, Common Council

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

VOTE:      Ayes \_\_\_\_\_      Noes \_\_\_\_\_

**RESOLUTION NO. 12151-040620**

**AN EMERGENCY RESOLUTION CONSOLIDATING POLLING PLACES DUE TO COVID-19**

WHEREAS, on March 12, 2020, the Governor of the State of Wisconsin declared a public health emergency regarding the novel coronavirus COVID-19; and

WHEREAS, on March 17, 2020, the Mayor and Common Council of the City of Oak Creek (the "City") declared a public health emergency in the City and authorized the City of Oak Creek Community Public Health Officer and the City of Oak Creek Director of Emergency Management Services, in conjunction with federal, state and local authorities, to take all reasonable and necessary steps to prevent exposure and spread of COVID-19; and

WHEREAS, on March 24, 2020, the State of Wisconsin issued a Safer at Home Emergency Order, Emergency Order #12 ("Safer at Home Order"), in response to the emergency and which generally orders all persons in the State of Wisconsin to remain at home, with certain stated exemptions; and

WHEREAS, the Safer at Home Order exempts Essential Governmental Functions to "ensure the continuing operation of the government body and provide and support the health, safety, and welfare of the public" with each government body determining its "Essential Government Function"; and

WHEREAS, conducting an election and facilitating voting are among the most basic and essential of government functions; and

WHEREAS, due to the COVID-19 pandemic, a large number of the City's usual poll workers are not reporting for their previously scheduled election duties and have notified the City Clerk that they will not be reporting for duty at the April 7, 2020 election, leaving the City Clerk unable to conduct the election in the usual manner with the usual number and location of polling places; and

WHEREAS, this significant shortage of poll workers necessitates the consolidation of polling places into one location so that the limited number of available and volunteer poll workers are better able to manage the election; and

WHEREAS, it is necessary and expedient for the health, safety, protection, and welfare of the citizens of Oak Creek that polling places be consolidated into one location for the April 7, 2020 election;

WHEREAS, pursuant to Wisconsin Statutes Sections 323.11 and 323.14(4)(a), the Common Council is authorized to undertake whatever action is necessary and expedient for the health, safety, protection and welfare of persons and property within the City for the duration of the emergency; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that, pursuant to Wisconsin Statutes 323.14(4)(a) conducting an election and facilitating voting are hereby declared Essential Government Functions; and



BE IT FURTHER RESOLVED that the polling place for all districts and wards in the City of Oak Creek for the April 7, 2020 election shall be combined and relocated to the Oak Creek High School, 340 East Puetz Road, Oak Creek, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 6<sup>th</sup> day of April, 2020.

Passed and adopted this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Common Council President Kenneth Gehl

Approved this \_\_\_ day of April, 2020

\_\_\_\_\_  
Mayor Daniel J. Bukiewicz

ATTEST:

\_\_\_\_\_  
Catherine A. Roeske, City Clerk

VOTE: Ayes \_\_\_\_ Noes \_\_\_\_



## COMMON COUNCIL REPORT

**Informational:** Treasurer Report on Investment and Banking for the City of Oak Creek accounts, month ending February 29, 2020.

**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)
\$69,416,946.62	\$54,895,751.91	\$86,095.85	(\$14,521,194.71)

**Activity:** Tax Collection \$2,493,049.38; January Tax Collection Settlement in February \$15.4M

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
<b>Tri City National Bank</b>	<b>10,269,305.33</b>	<b>21,545,005.33</b>	<b>(26,205,601.19)</b>				
General Fund	4,867,739.06	18,246,440.66	(18,768,831.54)	4,345,348.18			
Title 125	68,827.03	24,907.48	(34,294.77)	59,439.74			
Police Credit Card	56,942.10	25,134.88	(27,462.57)	54,614.41			
Parks & Rec Counter Credit Card	8,511.17	7,762.15	(7,257.66)	9,015.66			
Tax Payment Account #2	3,762,283.82	1,982,268.89	(5,004,314.92)	740,237.79			
Parks & Rec Online Credit Card	11,453.68	1,933.00	(4,803.43)	8,583.25			
Health Insurance	65,145.67	620,060.82	(546,920.81)	138,285.68			
Tax Payment Account	1,203,280.32	522,809.55	(1,707,714.14)	18,375.73			
EMS	225,122.48	113,687.90	(104,001.35)	234,809.03			
0	-	-	-	-			
<b>DANA Investment Advisors</b>	<b>5,763,626.28</b>	<b>36,513.36</b>	<b>(9,540.57)</b>				
				<b>5,790,599.07</b>	<b>12,890.28</b>	<b>2.29%</b>	<b>10.55%</b>
<b>BMO Global Asset Management</b>	<b>4,677,591.44</b>	<b>33,500.60</b>	<b>(1,834.30)</b>				
				<b>4,709,257.74</b>	<b>6,308.24</b>	<b>2.29%</b>	<b>8.58%</b>
<b>American Deposit Management (ADM)</b>	<b>4,355,767.84</b>	<b>5,641.02</b>	<b>-</b>				
*ADM General Account Balance	0.00	-	-	0.00			
				<b>4,361,408.86</b>	<b>5,641.02</b>	<b>1.63%</b>	<b>7.94%</b>
<b>Local Government Investment Pool (LGIP)</b>	<b>38,268,280.48</b>	<b>45,039.62</b>	<b>(10,000,000.00)</b>				
*LGIP General Account Balance	30,981,690.60	35,688.51	(10,000,000.00)	21,017,379.11			
				<b>28,313,320.10</b>	<b>45,039.62</b>	<b>1.62%</b>	<b>51.58%</b>
<b>**Ehlers Investment</b>	<b>6,082,375.25</b>	<b>30,539.75</b>	<b>(458.33)</b>				
	<b>6,082,375.25</b>	<b>30,539.75</b>	<b>(1,347.38)</b>				
				<b>6,112,456.67</b>	<b>4,602.71</b>	<b>2.0100%</b>	<b>11.13%</b>
<b>Total Balance</b>	<b>\$69,416,946.62</b>	<b>\$ 21,696,239.68</b>	<b>\$ (36,217,434.39)</b>				
				<b>\$ 54,895,751.91</b>	<b>\$ 86,095.85</b>		

\*\*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

Tax Collection Deposits				Distribution to other Taxing Jurisdictions	
<b>Tax Payment Account #2</b>					
City Deposit (Counter, Drop Box, Mail)			1,598,565.46		(Tax Settlement occurs in April)
Gov Tech			-		STATE
Credit Card			379,388.51		COUNTY
<b>Total Tax Payment Account #2</b>			<u>1,977,953.97</u>		MMSD
					SCHOOL
<b>Tax Payment Account</b>					MATC
Tri City Payments (At Bank, Lockbox)			515,095.41		UTILITY
					TOTAL DIST
				<u>2,493,049.38</u>	\$ -
<b>Total Tax Collection Deposits</b>					TAX REFUNDS
					CITY
					\$ -

Please note the City uses two bank accounts for tax collection; one for payments processed by the City (account #2) and the other for payments processed by our bank

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



Meeting Date: April 6, 2020

Item No. 13

# COMMON COUNCIL REPORT

**Item:** License Committee Report

**Recommendation:** That the Common Council grant the various license requests as listed on the 4/6/20 License Committee Report.

**Fiscal Impact:** License fees in the amount of \$430.00 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 4/6/20 council meeting. Tentative recommendations are as follows (favorable background reports received):

1. Grant an Operator's license to:
  - \* Sarah R. Aragon (BP)
  - \* Cade M. Heder (Kwik Trip)
  - \* Enrique I. Lara (Kwik Trip)
  - \* Lynn M. Schueler (Sidetracked)

**Options/Alternatives:** None

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Christa J. Miller, CMC/WCMC  
Deputy City Clerk

Fiscal Review:

Bridget M. Souffrant  
Assistant City Administrator/Comptroller

**Attachments:** None

## COMMON COUNCIL REPORT

**Item:** Vendor Summary Report

**Recommendation:** That the Common Council approve the March 31, 2020 Vendor Summary Report in the total of \$1,328,565.43.

**Fiscal Impact:** Total claims paid of \$1,328,565.43.

**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. \$105,756.00 to Advanced Disposal (pg #1) for February recycling and trash pickup.
2. \$23,432.00 to Arlington Computer Products (pg #1) for 2020 laptops and docks.
3. \$15,000.00 to Bear Development LLC (pg #2) for 50% of Michael Best services.
4. \$68,447.44 to Benistar (pg #3) for April Medicare supplement insurance.
5. \$27,282.95 to Compass Minerals Company (pg #5) for salt inventory.
6. \$5,471.00 to DoorMaster Garage Door Co. LLC (pg #7) for replaced cables and door repair.
7. \$9,631.63 to E. H. Wolf & Sons, Inc. (pg #7) for fuel inventory.
8. \$9,692.50 to Godfrey & Kahn S.C. (pg #9) for legal services regarding DeRosso Landfill Co., Stand Rock Hotel, and Bluff Services.
9. \$6,863.18 to Hein Electric Supply Co. (pg #10) for lamps, wire, covers, PVC adaptors, drill tap, and stock poles.
10. \$5,027.23 to Houseal Lavigne Associates (pg #10) for consulting services for plan & zoning ordinance update.
11. \$12,050.72 to MADACC (pg #15) for 2nd quarter operating costs, capital projects, and 1st installment debt service.
12. \$15,000.00 Reserve Account (pgs #1 & 18) for postage refill.
13. \$10,930.00 to Schranz Roofing, Inc. (pg #20) for roof repair.
14. \$8,718.79 to Sherwin Industries, Inc. (pg #20) for fiber mix, hot oil pump packing, Graco line lazer sprayer, and bead system.

- 
15. \$55,534.91 to WE Energies (pgs #24-25) for street lighting, electricity & natural gas.  
16. \$808,780.61 to Zund Developer Agreement (pg #26) for grant per developer agreement.

**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: 3/31/20 Invoice GL Distribution Report