



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

## COMMON COUNCIL MEETING AGENDA

**APRIL 5, 2021**  
**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.*

### IMPORTANT NOTICE

This meeting will be held in person and by video conference. Persons wishing to participate in the meeting may attend in person or 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.

Persons requiring other reasonable accommodations may contact the City at 414-766-7000. Requests should be made as far in advance as possible.

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 3/16/2021

### Recognition

4. **Mayoral Proclamation:** National Library Week 2021.

### 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.*

5. **Conditional Use:** Consider a request submitted by Dave Doro, O.C. Holdings, LLC, on behalf of Komatsu, for a Conditional Use Permit to allow for storage crates on the property at 10001 S. Howell Ave. (5<sup>th</sup> District).

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

6. **Ordinance:** Consider Ordinance No. 3002, approving a Conditional Use Permit for the outdoor storage of materials (crates) at 10001 S. Howell Ave. (5<sup>th</sup> District).
7. **Planned Unit Development:** Consider a request submitted by Linda Gorens-Levey, General Capital Group, for an amendment to the existing Planned Unit Development to add the property at 9962 S. 13<sup>th</sup> St. (5<sup>th</sup> District).
8. **Ordinance:** Consider Ordinance No. 3003, approving an amendment to the Conditions and Restrictions in Ordinance No. 2910 for the Planned Unit Development adding the property at 9962 S. 13<sup>th</sup> St. (5<sup>th</sup> District).

## New Business

9. **Informational:** COVID-19 Update.

## TREASURER

10. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending February 28, 2021.

## COMMUNITY DEVELOPMENT

11. **Informational:** Thought Primer – Comprehensive Property Code Compliance Program.
12. **Resolution:** Consider Resolution No. 12239-040521, approving a Certified Survey Map submitted by F Street Development Group and City of Oak Creek for the properties at 4200 E. Lake Vista Blvd. and 4001 E. Lake Vista Parkway (4<sup>th</sup> District).

## PUBLIC WORKS & UTILITIES

13. **Motion:** Consider a motion to approve the Rawson Avenue Water Main Extension project and award the construction contract to the lowest responsive, responsible, bidder, IHC Construction Companies, LLC, based on the bid amount of \$519,195.00 (Project No. 20103) (1<sup>st</sup> District).

## LICENSE COMMITTEE

14. **Motion:** Consider a motion to grant the various license requests as listed on the 4/5/21 License Committee Report (by Committee of the Whole).

## VENDOR SUMMARY

15. **Motion:** Consider a motion to approve the March 29, 2021 Vendor Summary Report in the total amount of \$612,076.31 by Committee of the Whole).

## MISCELLANEOUS

16. **Motion:** Consider a motion to convene into closed session pursuant to Wisconsin State Statutes Section 19.85, to discuss the following:
  - a. Section 19.85(1)(e) to discuss a proposed First Amendment to Tax Incremental District No. 12 Finance Development Agreement between the City of Oak Creek and Oak Creek Hotel Ventures, LLC for the property at 7700 S. Ikea Way (Stand Rock Project) (2<sup>nd</sup> District).

17. **Motion:** Consider a *motion* to reconvene into open session.
18. **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 National Library Week 2021 Proclamation

**WHEREAS**, National Library Week has been sponsored by the American Library Association since 1958 as a national observance of libraries across the country, and is a "time to celebrate the contributions of our nation's libraries and librarians and to promote library use and support";

**WHEREAS**, libraries of all types are at the heart of their cities, towns, schools, and campuses, serving their communities;

**WHEREAS**, libraries are accessible and inclusive places that foster a sense of belonging and community;

**WHEREAS**, today's libraries and their services extend far beyond the four walls of a building and everyone is welcome to use their resources;

**WHEREAS**, for people lacking broadband at home, libraries provide access to computers and wi-fi, even checking out internet hotspots and laptops;

**WHEREAS**, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all;

**WHEREAS**, libraries offer opportunities for everyone to explore new worlds and become their best selves through access to technology, multimedia content, and educational programs;

**WHEREAS**, in times of crisis, libraries, librarians, and library workers play an invaluable role in supporting their communities both in person and virtually;

**WHEREAS**, in time of change and challenges for individuals, communities and institutions adapting to COVID-19 emergency measures, the Oak Creek Public Library leveraged technology and staff ingenuity to provide those they serve with take-out resources, virtual activities and digital content to meet their educational and recreational needs even while physical facilities were closed or limited;

**WHEREAS**, to adapt to our changing world, libraries are expanding their resources and continuing to meet the needs of their patrons;

**WHEREAS**, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all;

**WHEREAS**, libraries have long served as trusted and treasured institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status;

**WHEREAS**, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

**NOW, THEREFORE**, be it resolved that I, Dan Bukiewicz, Mayor of Oak Creek, proclaim April 4-10, 2021 National Library Week, to be a time to honor libraries and library staff in Oak Creek.

Dated this 5th day of April, 2021.

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Daniel J. Bukiewicz, Mayor

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Catherine A. Roeske, City Clerk

TO BE PUBLISHED MARCH 3 & 10, 2021

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

This meeting will be held both in person and by video conference. Persons wishing to participate in the video conference, including applicants and their representatives, must register via <http://ocwi.org/register> prior to the meeting. The video conference will begin at 6:55 PM to allow participants to log in.

Persons who wish to view the meeting live without participating may visit the City of Oak Creek YouTube page at <http://ocwi.org/livestream>.

Persons requiring other reasonable accommodations may contact the City at 414-766-7000. Requests should be made as far in advance as possible, preferably a minimum of 48 hours.

**PURPOSE:**

The purpose of this public hearing is to consider a request submitted by Dave Doro, O.C. Holdings, LLC, on behalf of Komatsu, for a Conditional Use Permit to allow for outdoor storage crates on the property at 10001 S. Howell Ave.

<b>Hearing Date:</b>	April 5, 2021
<b>Time:</b>	7:00 PM
<b>Place:</b>	Oak Creek Civic Center (City Hall) 8040 South 6 <sup>th</sup> Street Oak Creek, WI 53154 Common Council Chambers and Zoom (see above)
<b>Applicant(s):</b>	Dave Doro, O.C. Holdings, LLC on behalf of Komatsu
<b>Property Owner(s):</b>	O.C. Holdings, LLC
<b>Property Location(s):</b>	10001 S. Howell Ave.
<b>Tax Key(s):</b>	924-9009-001

**Legal Description:**

PART OF PARCEL 2, CSM NO. 6169 COM 75 FT W & 922 FT S OF NECOR SE 1/4 SEC 29-5-22 TH W 1420 FT, N 825.11 FT, E 907.39 FT, S 179 FT M/L, E 515 FT TH S TO P.O.C. (24.906 AC).

The Common Council has scheduled other public hearings for April 5, 2021 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 24, 2021  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

## **PUBLIC NOTICE**

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## COMMON COUNCIL REPORT

**Item:** Conditional Use Permit – Outdoor Storage - O.C. Holdings, LLC (Komatsu)

**Recommendation:** That the Council adopts Ordinance 3002, an ordinance to approve a Conditional Use Permit for the outdoor storage of materials (crates) at 10001 S. Howell Ave.

**Fiscal Impact:** No direct fiscal impact is anticipated with this request, although permit fees for paving, electrical, and stormwater may be collected for the project. The tenant space is currently occupied by the Applicant, and the request is tied to the lease of the building. 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

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**Background:** The Applicant is requesting a Conditional Use Permit for the outdoor storage of materials (crates) on the property at 10001 S. Howell Ave. Outdoor storage is a Conditional Use in the M-1, Manufacturing district.

Komatsu is planning to consolidate distribution capacity within Oak Creek due to the closure of a Milwaukee area facility. Space limitations within the existing building have led to the request for outdoor storage based on economic considerations. The proposal includes the addition of asphalt for the storage of crates on the south and west portions of the property. Parts and products will be stored inside the crates, which range in size from 3x4 to 4x5 and up. The proposal also calls for these crates to be stacked to a height of 7 feet. A 6-foot-tall chain link security fence topped with barbed wire currently exists on the property line surrounding the facility. Mesh fabric or plastic inserts had been proposed to be attached to the existing fence for screening purposes.

Detailed landscape plans depicting sufficient screening will be required. Additional lighting will be installed, but plans have not yet been finalized. Due to the size of the proposed asphalt area, underground stormwater detention is proposed on the west.

During the initial review of the request at the January 12, 2021 meeting, the Plan Commission expressed several concerns for the proposal. The Applicant revised the plans and returned for a new consideration by the Plan Commission at their February 9, 2021 meeting. Below is a summary of the initial concerns and the revisions to address those concerns.

Concern 1: The extent of the outdoor storage area is roughly 10% of the size of the parcel itself. Staff strongly support the expansion of the building to accommodate additional product capacity rather than the proposed expansive asphalt for exterior storage. Financial considerations are not part of local review

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criteria. Should the proposal be recommended for approval, a reduction in the total outdoor storage area may be recommended for consideration.

Response: Revised plans indicate that a portion of the proposed asphalt addition will be utilized for loading/unloading on the east, and the asphalt area has been reduced by approximately 3,000 square feet.

Concern 2: There are no physical delineators for the storage areas. Although the narrative indicates that the crate storage will be striped to distinguish from drive aisles, there are no physical measures proposed to prevent the storage of crates on grass or elsewhere on the property. The narrative mentions a policy will be provided to Komatsu employees regarding striped storage areas. Staff have not been provided with a maximum number of crates to be stored in these areas. Drive aisles must be kept clear for emergency response purposes.

Response: Curb and gutter have been added to the exterior boundaries of the proposed asphalt to discourage unauthorized expansion of the storage area. Pavement markings for crate storage areas are now shown as 12-foot-wide by varying lengths separated by 12-foot-wide aisles (15-foot-wide transverse aisles), for a total of 30 striped areas. The striped areas themselves are not delineated with curb. Proposed Conditions and Restrictions have incorporated the details above.

Concern 3: Staff have not been provided with details for the parts and products proposed to be stored in the crates. Flammable materials will be restricted or prohibited from the outdoor storage areas. No outdoor storage of materials unrelated to the business or outside of the designated areas will be allowed. Items including, but not limited to, boats, personal vehicles, and recreational vehicles will be prohibited from storage onsite. These limitations will be incorporated into proposed Conditions and Restrictions if the Conditional Use is recommended for approval.

Response: During the January 12 meeting it was stated that the crates contain parts for cranes and mining equipment. There will be no storage of flammable or hazardous materials, and prohibitions for the storage of materials unrelated to the business have been incorporated into the Conditions and Restrictions.

Concern 4: Crates are proposed to be stacked to or exceeding the height of the existing security fence. Should the proposal be recommended for approval, crates will not be allowed to be stacked to be visible above the fence.

Response: The plans have been revised showing the installation of 8-foot-tall arbor vitae inside the fence to screen the proposed crate storage areas. However, the proposal also includes storage of crates up to 7 feet in height. The proposed Conditions and Restrictions limit heights of crates to a maximum of 7 feet, with landscape screening maintained year-round. Staff do not support stacking of crates above the screening materials for any length of time.

Concern 5: Landscaping for screening purposes must meet Code requirements. Staff are concerned for the maintenance of the 6-foot grass strip between the existing security fence and the crates. Staff have also previously expressed concerns for the proposed mesh fabric and plastic inserts for the fence for screening purposes. Mesh fabric frequently comes loose from fences and is removed. They also can be less than effective at providing sufficient screening. Similarly, the plastic inserts are often broken and removed without being replaced. The Alderman for the District has expressed concerns for adequate screening of the storage areas. While the specific screening methods for the outdoor storage area can be discussed during the required Plan Review process, Plan Commissioners should be aware that adequate screening measures will be incorporated into Conditions and Restrictions should the proposal be recommended for approval.



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Response: The proposal has been revised to install the aforementioned arbor vitae, additional landscaping on either end of the outdoor storage area, and an extension of the existing berm along the north property line to the residential neighborhood. The proposed Conditions and Restrictions require the installation and maintenance of the landscaping and berms for effective screening in terms of height and plantings.

Concern 6: Lighting plans will be required to meet Code requirements, and Conditions and Restrictions may include a limitation on the heights of new poles, will require all fixtures to be shielded and directed downward, and may limit the temperature to a maximum of 3,500 Kelvins. The Alderman for the District has expressed concerns for additional lighting in the area that may be seen from residential and adjacent properties.

Response: Cut sheets provided by the Applicant's consultants indicate the poles will be approximately 25-35 feet in height. Staff's concerns for the light temperature remain as the cut sheets indicate the fixtures to be 5000 Kelvins. The Applicant's consultants have provided additional information that fixtures will meet the maximum suggested 3,500 Kelvins.

Concern 7: An existing facility in the Milwaukee area provides an example of how outdoor storage areas and crate stacking are currently addressed. The Google images included with this report show crates stacked well above the existing fence line, the ineffectiveness of the mesh fabric on the fence for screening purposes, and how storage of materials and products occurs outside of designated striped areas. Should the proposal be recommended for approval, Conditions and Restrictions will specify that screening – fencing and landscaping - must be maintained, and that no areas outside of the designated and striped storage areas as approved by the Plan Commission during the Plan Review process will be allowed.

Response: Staff's comments regarding Conditions and Restrictions remain unchanged.

Concern 8: Due to the aforementioned concerns as well as for the long-term use of the property, staff will be recommending a maximum 5-year effective period (or other term as approved by the Plan Commission and Common Council) for the Conditional Use Permit. The Permit will be non-transferrable, and issued specifically to Komatsu.

Response: Staff's comments regarding Conditions and Restrictions remain unchanged. The effective period and designation of the Conditional Use Permit to Komatsu have been incorporated into the proposed Conditions and Restrictions.

As a reminder, approval of the Conditional Use Permit does not relieve the requirement for or preclude subsequent reviews or approvals. Such reviews may include, but may not be limited to, Plan Review, paving permits, erosion control and grading plan approvals, and stormwater permits.

After careful consideration at the February 9 and 23, 2021 meetings, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:

*Maxwell Gagin*

Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:

*Douglas W. Seymour*  
Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Ord. 3002

Location Map

Plan Commission meeting minutes

Conceptual Plans & Lighting Cut Sheets (11 pages)

Google Images (2 pages)

Conditions and Restrictions (6 pages)

ORDINANCE NO. 3002

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

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR  
OUTDOOR STORAGE ON THE PROPERTY AT 10001 S. HOWELL AVE.

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

WHEREAS, DAVE DORO, O.C. HOLDINGS LLC (FOR KOMATSU), has applied for a Conditional Use Permit that would allow outdoor storage of materials (crates) on the property at 10001 S. Howell Ave.; and

WHEREAS, the property is more precisely described as follows:

PART OF PARCEL 2, CSM NO. 6169 COM 75 FT W & 922 FT S OF  
NECOR SE 1/4 SEC 29-5-22 TH W 1420 FT, N 825.11 FT, E 907.39 FT, S  
179 FT M/L, E 515 FT TH S TO P.O.C. (24.906 AC).

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 5, 2021, 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 outdoor storage of materials (crates) on the property at 10001 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 outdoor storage of materials (crates).

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 5<sup>th</sup> day of April, 2021.

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

Approved this 5<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
Mayor

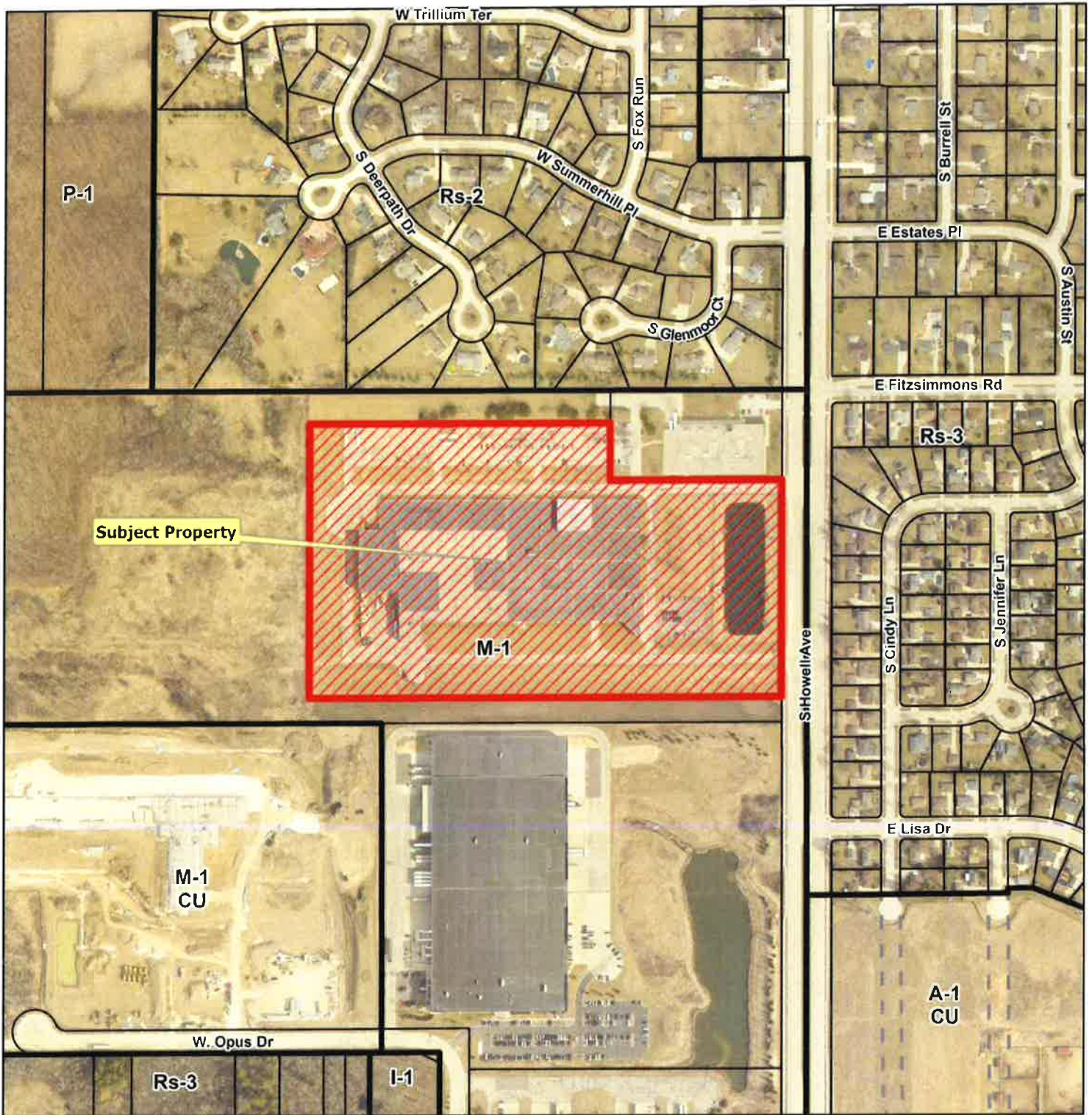
ATTEST:

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

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

# LOCATION MAP

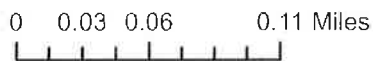
## 10001 S. Howell Ave.



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



Community Development



- Parcels
- Zoning
- Official Map

### Legend

- Floodway
- Flood Fringe
- 10001 S. Howell Ave.

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, FEBRUARY 9, 2021**

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, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner and Mike Havey, Assistant Fire Chief. Kevin Koenig, IT Manager, facilitated the video conference.

**CONDITIONAL USE PERMIT  
OC HOLDINGS, LLC  
10001 S. HOWELL AVE.  
TAX KEY NO. 924-9009-001**

Planner Papelbon provided an overview of the request for outdoor storage on the property at 10001 S. Howell Ave. (see staff report for details).

Kevin Risch, Project Engineer, 8308 43<sup>rd</sup> Ave., Kenosha, WI 53142, stated that they had taken some of the concerns that were brought up from the January 12 meeting into consideration. Mr. Risch said they have extended the berm to the northwest corner next to residential area and made it as close to the fence as allowed. He mentioned that they are willing to raise the fence up to get the berm much closer. Mr. Risch explained that they are looking into planting arborvitaes along the fence on the southside and southwest corner as well. When mature, the arborvitaes will be 20-30 feet in height, which will create a wall along the property lines to shelter the view. Colorado Spruces will also be planted on the berm, near the pavement and on the east side, and these plantings start out at ten (10) feet and mature to 20-30 feet. Mr. Risch said they have heard the Commission regarding the screening, and have added plantings instead of fence materials to create a permanent solution. Mr. Risch mentioned they are working with staff on the details of the stormwater detention. Mr. Risch said the property owner and tenant do understand that the Conditional Use will terminate when the tenant vacates the building. Mr. Risch stated the lighting at 5,000 Kelvins are widely used. The height of poles around the building and on north side along the parking lot and the residential area, and also along Howell Avenue are 25-foot. The proposal for the height of about seven (7) 35-foot poles will be along the perimeter of the building and a 25-foot pole will be on the east side between the berm and the parking lot. If the 5,000 Kelvins are a concern, the property owner is willing to exchange the fixtures to 3,000 Kelvins. He expressed appreciation to the Commissioners for taking the time to listen again.

Tom Burner, Vice President of Manufacturing in Distribution for the Mining Division of Komatsu, N38 W23344 Broken Hill Circle South, Pewaukee, WI, mentioned that over the years, as tenant, they have shown their concerns and maintained the look of the facility. Mr. Burner expressed they are dedicated to continue the standard level of appearance and also improve beyond the appearance by making this an amazing facility in the Milwaukee area. Mr. Burner continued that this year, they have a very large investment along the lakefront and this facility will be taking in some of the workload from the National Avenue facility, which will create more jobs in the community.

Commissioner Sullivan questioned if a condition could be written requiring the removal of the additional pavement when Komatsu decides to leave. Planner Papelbon said that can be a language in the Conditions & Restrictions to have the property restored when the tenant leaves. Commissioner Sullivan stated that Staff and Commissioners have similar concerns, and that he

appreciates Komatsu's efforts in working through these concerns.

Commissioner Loreck stated that he appreciates that Komatsu is working through the concerns.

Alderman Guzikowski stated that he is concerned about the light pollution, and would like them (Applicant) to consider going down to 3,000 Kelvins.

Commissioner Oldani asked if the lighting would be part of the Conditions & Restrictions. Planner Papelbon responded that it would be.

Commissioner Siepert expressed concern about the stormwater runoff, and stated that he believes it is under control.

Commissioner Chandler questioned the storage amount with the pavement reduction of 3,000 square feet.

Christopher Farmer, 2437 Mariah Lane, Oconomowoc, WI 53066, responded that, based off of the analysis that was done at the National Avenue location, it would be an estimate of about 200 to 400 crates, depending on the volume of sales. Mr. Farmer explained that the last meeting misrepresented the crate placement to the east, and stated that he believes that the space will not all be used because of the continuous movement of crates and being able to move the trucks around safely.

Commissioner Chandler questioned the placement of the arborvitae along the fence line. Mr. Framer responded that they will be on the inside of the fence line skirting the crates.

Commissioner Chandler asked if there would be a marker for the crate stacking height restriction (seven feet) since the planting of trees will be eight (8) feet minimum and could mature to thirty (30) feet. Kevin Risch answered that the crate stacking will be seven (7) feet as it will be written in the restrictions. Mr. Risch said the reduction of the pavement is due to all the plantings of arborvitae which increased the space from the fence to the parking area from 6 feet to 8 feet. He also said the trees will be planted close to each other to create a what would look like a hedge when they mature.

Mayor Bukiewicz asked Assistant Fire Chief Mike Havey if the Fire Department has any concerns. Assistant Fire Chief Mike Havey said there were no concerns as it is outside storage and there are no hazardous or flammable materials being stored.

Commissioner Chandler asked about the safety of how the crates will be secured since they will be stacked so high. Mr. Farmer said the crates will not be stacked. Mr. Burner followed up with the safety is the number one priority at the facility in everything they do. He explained the number crates are roughly about 40 trucks and 11 rail cars which make up one of their products. Most of the crates stored outside will be empty and will be used to package the products. Mr. Burner reiterated that safety is number one and the stacking of crates will not happen because they are not small.

Mayor Bukiewicz commented that he had visited the site and expressed concerns on what the Commissioners had from the January 12<sup>th</sup> meeting and talked with the Alderman of the District. Mayor Bukiewicz talked about the back corner having 2 houses from the subdivision that could see the crates. He mentioned the berm on the north side has been extended to the tree line to conceal the existing semi-trailers, and stated that he thinks once the trees mature it will provide a barrier. He mentioned that the trees in the front have been improved as that was a concern from the subdivision across the street. Mayor Bukiewicz went on to say that even though there is loss of green space, he is happy with the increase in landscaping, and it solves the issue on what to do with the fence materials.

Mayor Bukiewicz stated that he recommends that the lighting could be at 3,500 Kelvin since it

was a concern at the January 12<sup>th</sup> meeting for the subdivision to the north. He suggested to work with staff on coming up with a solution since they had issue with light pollution with FedEx in the past.

Mayor Bukiewicz commended the staff for working with the applicant on coming up with the solution for the screening of the crates. He stated that he believes that the greenspace is well over the 30%. He also said it is a big site and well-maintained. Mayor Bukiewicz concurred with Mr. Burner about the crates being large, and reiterated that they will not be stacked. All traffic will come on the existing road on the north side of the building, and make its way around the building and exit out the South side. He mentioned that the loading will be on the manufacturing side, away from the residential side of the building. Mayor Bukiewicz stated that he is satisfied with what was presented.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit outdoor storage of materials on the property at 10001 S. Howell Ave., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Commission's review at the next meeting (February 23, 2021). Commissioner Siefert seconded. Mayor Bukiewicz asked Planner Papelbon if the restoration that Commissioner Sullivan recommended will be in the Conditions and Restrictions. Planner Papelbon answered yes. On roll call: all voted aye except Commissioners Hannah and Chandler voted no. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:47 pm.

ATTEST:

  
\_\_\_\_\_  
Karl Papelbon, Plan Commission Secretary

2-23-21  
\_\_\_\_\_  
Date



**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, February 23, 2021**

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, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Thomas Kramer, IT Assistant Manager, facilitated the video conference.

**CONDITION AND RESTRICTIONS  
DAVE DORO, OC HOLDINGS, LLC  
10001 S HOWELL AVE.  
TAX KEY NOS. 924-9009-001**

Planner Papelbon provided an overview of the draft Conditions and Restrictions as part of a request for a Conditional Use Permit to allow for outdoor storage on the property at 10001 S. Howell Ave. (see staff report for details).

Kevin Risch, 8308 47th Avenue, Kenosha, Wisconsin 53142, representing the owner Dave Durrell and Komatsu, asked to clarify the language in Condition 3(D) – would they have to go back to Plan Commission with the current plan with the landscape buffer around the property?

Planner Papelbon responded that the plans did not include a complete landscape plan. The Plan Commission does have the authority to require official approval of landscape plans, in conformance with Code requirements. If the Plan Commission directs otherwise, that condition can be amended.

Mr. Risch stated that Condition 3(F) indicates that the exterior modifications would be required to be removed if the Komatsu lease expires. We are putting in \$1.5 million worth of infrastructure. There is asphalt, 12 inches of aggregate, storm sewer, a detention pond, lighting, etc. We would like the language to be restructured to reflect future tenants would have to come back to Plan Commission for approval.

Commissioner Hanna asked to clarify the stacking limitation in Condition 3.

Planner Papelbon read Condition 3(d): “crates shall not be stacked above seven feet or vegetative screening.”

Commissioner Hanna stated that Condition 3(F) needed to be clarified that the requirement was not for the removal of all infrastructure, but the site must be ready for future tenant occupancies without requiring expenditure of public funds for restoration.

Alderman Loreck asked whether the stormwater or lighting would be included in the restoration requirement, and asked to clarify the purpose of the restoration requirement.

Planner Papelbon responded that this was the recommendation by the Plan Commission at the last meeting. The asphalt could be removed, but it does not make sense to require the removal of the underground stormwater detention when this will serve new owners or tenants. As for

lighting, the concern is related to the proposed use. The proposal is limited to a lease term of five years for Komatsu. As for the details, staff would request Plan Commission direction.

Alderman Loreck stated that he can understand if there is too much asphalt per Code. They would be required just to remove the asphalt and would not require the stormwater infrastructure be removed.

Alderman Guzikowski stated his agreement with Alderman Loreck. We need to adjust the conditions to reflect that we would not require the infrastructure be removed.

Commissioner Oldani stated that, after looking at the minutes from the previous meeting, the Plan Commission and Staff had concerns regarding restoration of the property. He asked for clarification on the concerns.

Planner Papelbon stated that the Plan Commission requested restoration be included in the Conditions and Restrictions at the last meeting. The concern was with the extent of asphalt, related to the 5-year limitation and assignment of the Conditional Use Permit to Komatsu. The concern is regarding what happens at the end of this Conditional Use Permit.

Commissioner Oldani asked for the rationale to remove asphalt, other than for the sake of putting it back to its original condition.

Commissioner Sullivan stated the main concern from staff and Engineering is the fact that outdoor storage is not allowed unless it goes through the Conditional Use process. These Conditional Uses are tied to Komatsu's needs, not the landowner's needs. Since this is tied to Komatsu, a new tenant or the landowner that would like to use this space for storage would have to go through the Conditional Use process again. We are trying to eliminate the requirement to repeat the process and potential issues with Code enforcement. We are just trying to get ahead of it.

Commissioner Chandler asked whether Condition 3(D) would allow the Applicant to store crates above 7 feet if the screening was taller.

Planner Papelbon stated that the intent was for crates to be stacked at seven (7) feet or below the height of the screen. For clarification, this is along the fence line, and that screening is not intended to be a height of 30 feet. The arborvitae screening can get to maximum of 12 feet, perhaps, but they're installed at a height of eight (8) feet. The intent was to prevent stacking of crates where they could be seen above the vegetation meant to screen them. If the Plan Commission wishes restrict it to a specific height of seven (7) feet, staff will need that direction.

Commissioner Chandler asked the Applicant to clarify the maximum stacking height of the crates.

Tom Brunner, N38 W23344 Broken Hill Circle, Pewaukee, Wisconsin, stated that there is no intention of stacking the crates higher than seven (7) feet. We have crates seven (7) feet tall, and if we do stack them, they would be smaller crates that might be just a couple of feet tall. The seven-foot target is where our maximum expectations will be.

Commissioner Chandler requested that Condition 3(D) be amended to reflect that the crates would not be stacked above seven (7) feet in height.

Planner Papelbon acknowledged the change.

Mayor Bukiewicz asked if the Fire Department had any concerns. Assistant Chief Mike Havey stated that there were none.

Mayor Bukiewicz commented on the restoration issue. Code reflects that it be put back to its original condition. He asked where this condition had been required in the City, and expressed concern for consistent application. Mayor Bukiewicz cited Wisconsin Granite and two other locations as examples, stating that restoration was not required in those cases. He asked again whether previously-issued Conditional Use Permits would be required to restore the properties.

Planner Papelbon stated that, this application aside, there have been instances where the City has required restoration. While not speaking for the Plan Commission, this condition was trying to address the concern over the amount of asphalt proposed, and ensuring that it did not "creep." With the addition of the requirements for curb and gutter and the landscaping buffer, the conditions have been crafted so that area can't expand - at least not easily and without Plan Commission being notified of it and having the ability to review and approve any expansion in the future. Also, the site is getting very close to that 30% open space requirement. So, any expansion beyond that [asphalt area] probably would put them over. We have had instances in the past, this location aside, where the storage areas have crept beyond what was approved. It does cause issues. We are looking into the history of a property where the outdoor storage area and the gravel expansion did go beyond what was approved by the Plan Commission. In that case, it expanded into the floodplain area. This is simply an example of the concern the proposed condition was addressing. Planner Papelbon stated that she is hearing from the Plan Commission that the condition is more problematic than addressing future concerns through Code enforcement. Barring further discussion, the condition has been removed.

Commissioner Chandler stated that the main concern was for the amount of outside storage. If Komatsu stays forever, not a problem. However, if they depart after a certain amount of time, we have the issue of outside storage.

Mayor Bukiewicz stated that in that case the Conditional Use Permit would expire, and nobody would technically be allowed to store items there.

Commissioner Chandler restated her concern for the assumption or the illusion that the next tenant would be permitted to store things outside based on the amount of existing hard surface.

Mayor Bukiewicz stated that such was a valid concern, but each tenant would have to apply for a Conditional Use Permit for outdoor storage.

Planner Papelbon stated that the Plan Commission is not required to approve future Conditional Use Permits. However, the presence of a hard surface does not preclude a building addition or a new building in that area in the future. If, for instance, Komatsu leaves and the next tenant would prefer to have an addition to the building, having that hard surface is not necessarily a detriment because the area is essentially prepped – there is no additional impervious surface. That is one advantage. Future redevelopment of the property would be addressed at future Plan Commission meetings.

Mayor Bukiewicz clarified that the motion would be as-is, but striking Condition [3]F.

Planner Papelbon confirmed that Condition 3(D) was amended to state "that crates shall not be stacked above seven feet."

Mayor Bukiewicz asked for clarification.

Planner Papelbon stated that the amendment is removing the "or vegetative screening" language.

Alderman Loreck moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions amending 3(D) to state: "stacking no higher than seven feet" and striking 3(F) as part of the Conditional Use Permit to allow outdoor storage of materials on the property at 10001 S Howell Ave.

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

ATTEST:

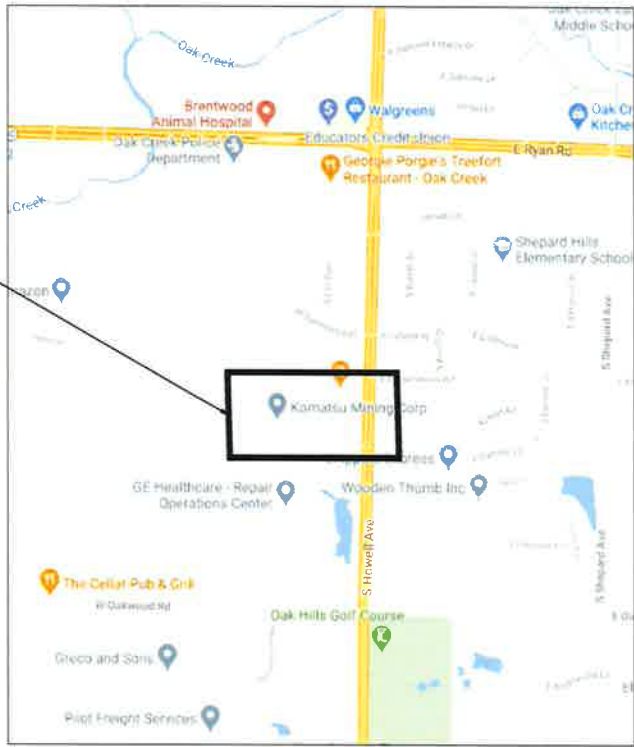
  
\_\_\_\_\_  
Kari Papelbon, Plan Commission Secretary

3-9-21  
\_\_\_\_\_  
Date

PLOT DATE: 1/18/2021 3:31 PM



# KOMATSU MINING PAVING IMPROVEMENTS OAKCREEK, WI



PROJECT SITE



GENERAL LOCATION MAP

PROJECT LOCATION MAP

REFER TO ALT SURVEY, PAGE 3 FOR SEWRPC CONTROL FOR THIS SITE DEVELOPMENT. BENCH MARK SHOWN ON PROPOSED SITE AND GRADING PLAN (CITY OF WAUKESHA DATUM)

ALL SITE IMPROVEMENTS AND CONSTRUCTION SHOWN ON THE PLANS SHALL CONFORM TO THE CITY OF WAUKESHA DEVELOPMENT HANDBOOK & INFRASTRUCTURE SPECIFICATIONS. WHERE THE PLANS DO NOT COMPLY, IT SHALL BE THE SOLE RESPONSIBILITY AND EXPENSE OF THE DEVELOPER TO MAKE THE REVISIONS TO THE PLANS AND/OR CONSTRUCTED INFRASTRUCTURE TO COMPLY.

**DIGGERS HOTLINE**

Toll Free (800) 542-8511  
 Milwaukee Area (414) 255-1181  
 Hearing Impaired TDD (800) 542-2289  
[www.DiggerHotline.com](http://www.DiggerHotline.com)

WIS. STATUTE 188.015 (12/94)  
 REQUIRES 90 DAYS NOTICE BEFORE YOU DIG.

OAK CREEK

**PRELIMINARY  
NOT FOR CONSTRUCTION**

PROJECT TITLE  
**KOMATSU PAVEMENT  
EXPANSION**

DESIGNED BY:	KXX
DRAWN BY:	ML
CHECKED BY:	KXX
DATE CHECKED:	12-18-20

DATE	REVISION

DRAWING TITLE  
**COVER PAGE**

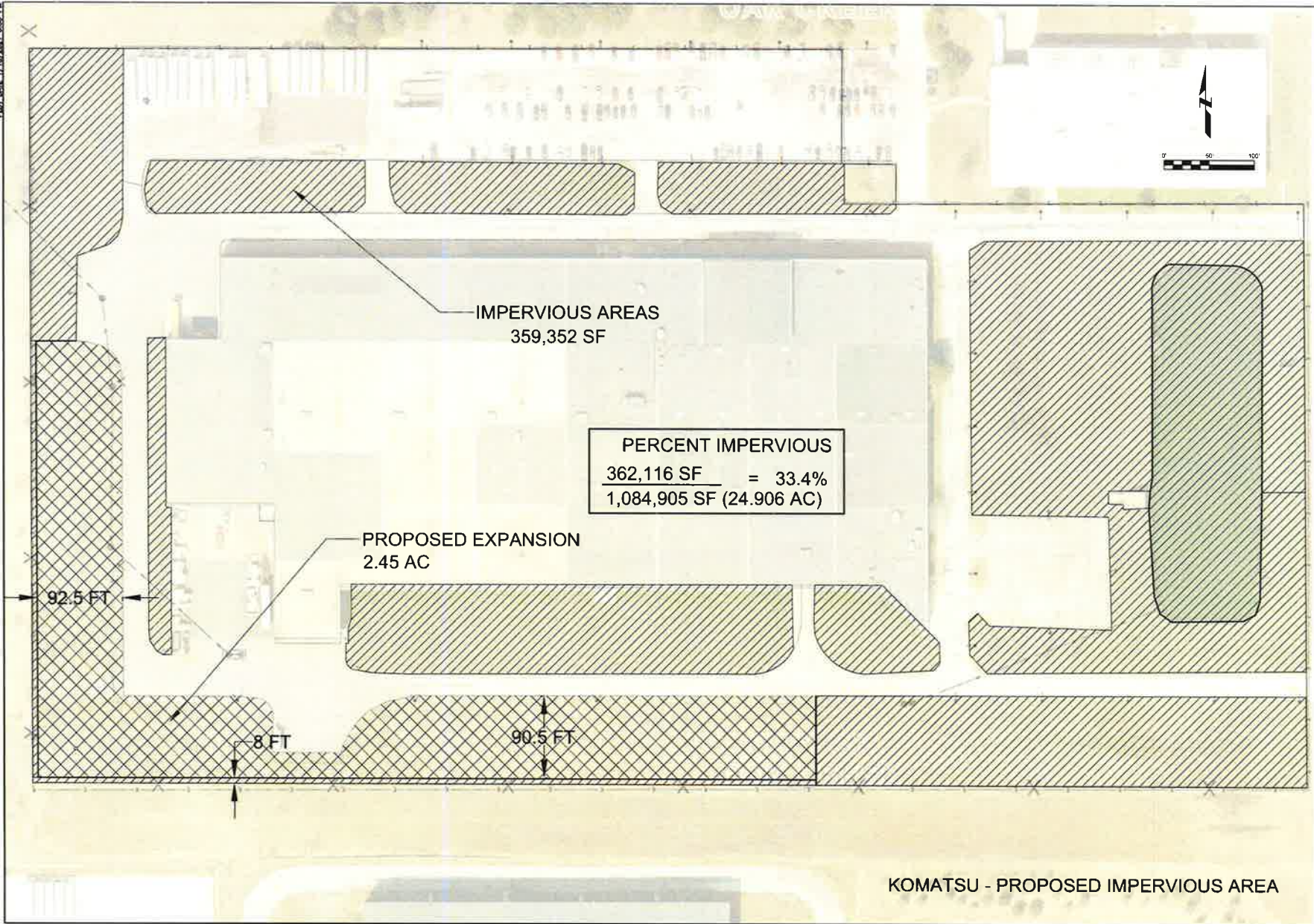
PROJECT No. \_\_\_\_\_

DATE: 1/18/21

1

2021 1 OF 8 SHEETS

PLOT DATE 1/18/2021 3:38 PM



**PRELIMINARY**  
NOT FOR CONSTRUCTION

PROJECT TITLE  
**KOMATSU PAVEMENT EXPANSION**

DESIGNED BY:             
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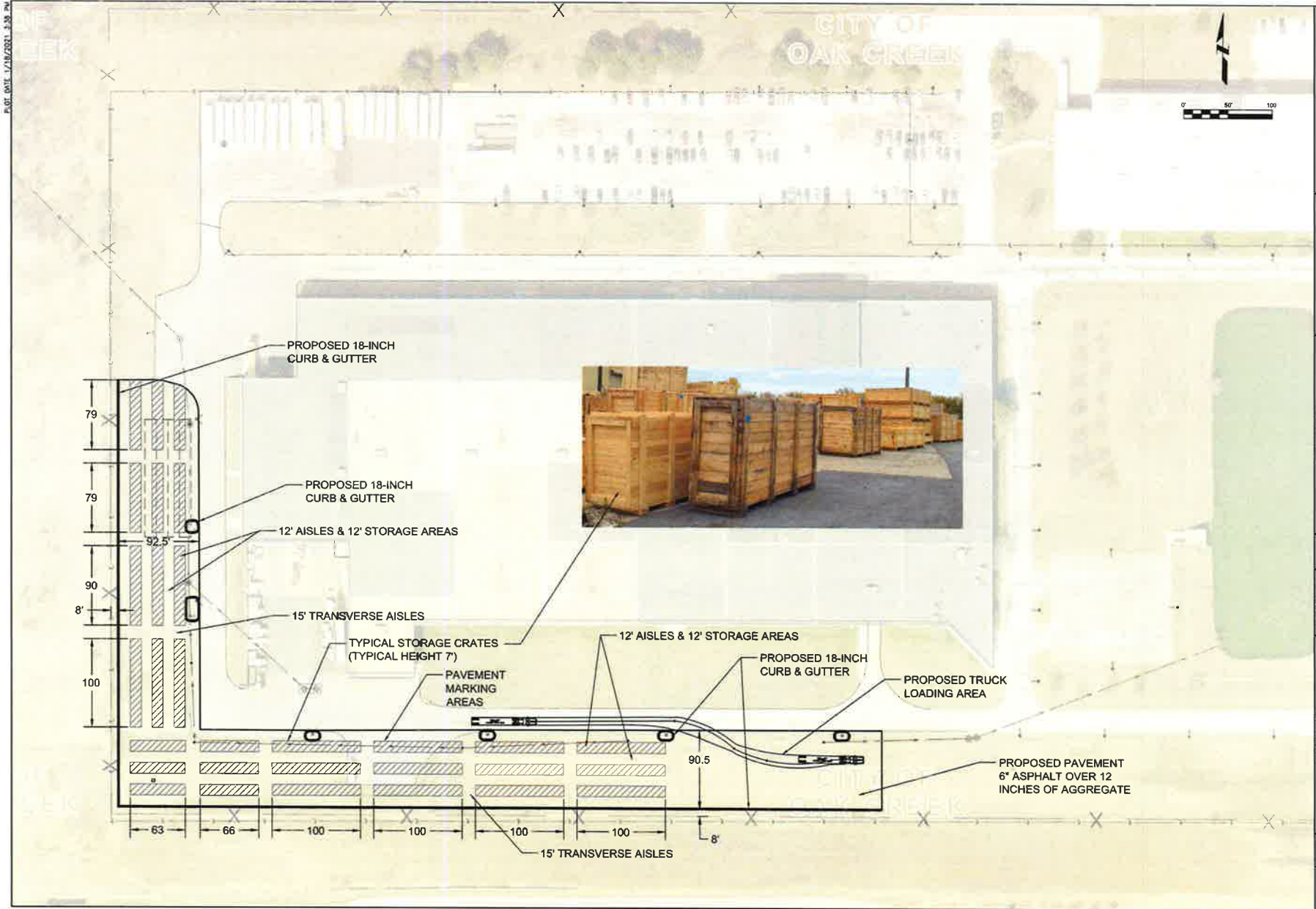
DATE	REVISION

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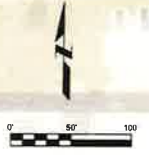
PROJECT NO.

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**2**

PLOT DATE: 11/18/2021 3:38 PM



CITY OF OAK CREEK



PRELIMINARY  
NOT FOR CONSTRUCTION

PROJECT TITLE  
**KOMATSU PAVEMENT  
EXPANSION**

DESIGNED BY: [ ]  
 DRAWN BY: [ ]  
 CHECKED BY: [ ]  
 DATE CHECKED: [ ]

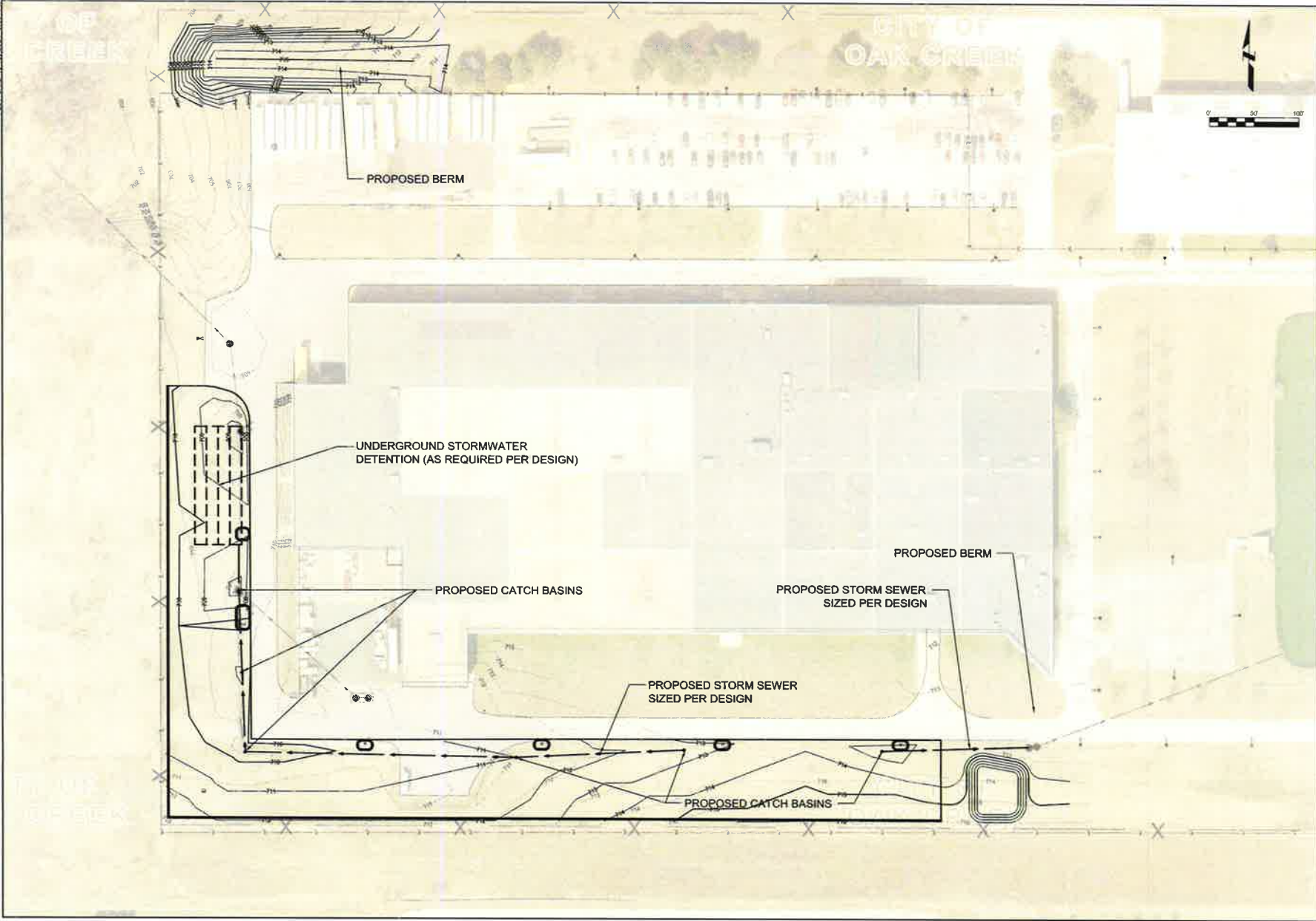
DATE	REVISION

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**PROPOSED SITE PLAN**

PROJECT No.

DRAWING No.  
**3**

PLOT DATE: 1/18/2021 3:30 PM



**PRELIMINARY**  
NOT FOR CONSTRUCTION

PROJECT TITLE  
**KOMATSU PAVEMENT EXPANSION**

DESIGNED BY:             
DRAWN BY:             
CHECKED BY:             
DATE CHECKED: 12-24-20

DATE	REVISION

DRAWING TITLE  
**PROPOSED STORM**

PROJECT No.

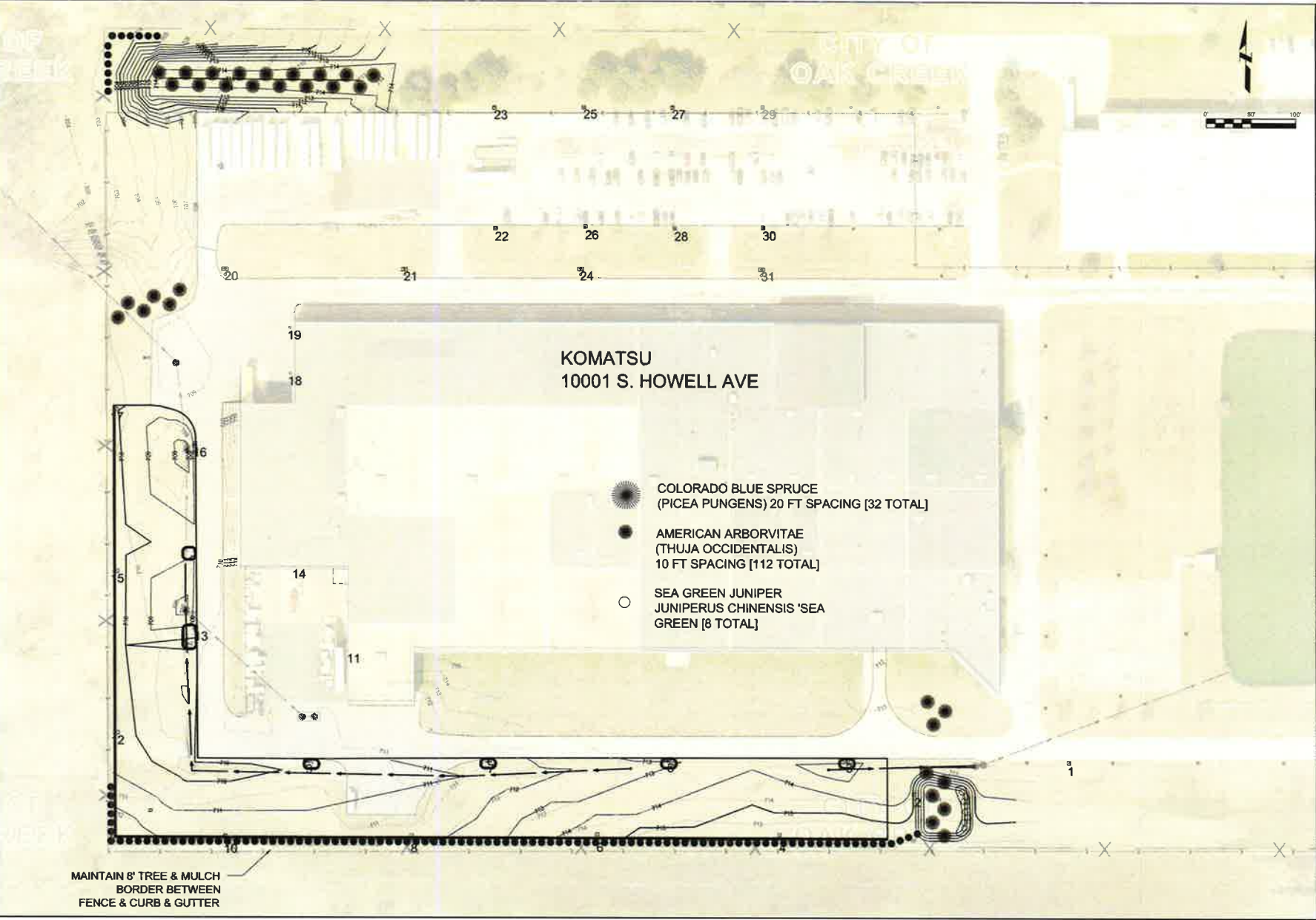
DRAWING No.

**4**

THE CITY OF OAK CREEK






PLOT DATE: 1/18/2021 3:32 PM



MAINTAIN 8' TREE & MULCH  
BORDER BETWEEN  
FENCE & CURB & GUTTER

KOMATSU  
10001 S. HOWELL AVE

-  COLORADO BLUE SPRUCE  
(*PICEA PUNGENS*) 20 FT SPACING [32 TOTAL]
-  AMERICAN ARBORVITAE  
(*THUJA OCCIDENTALIS*)  
10 FT SPACING [112 TOTAL]
-  SEA GREEN JUNIPER  
(*JUNIPERUS CHINENSIS* 'SEA  
GREEN) [8 TOTAL]



PRELIMINARY  
NOT FOR CONSTRUCTION

PROJECT TITLE

**KOMATSU PAVEMENT  
EXPANSION**

DRAWING TITLE

**LANDSCAPING PLAN**

PROJECT NO.

5

DRAWING NO.

5

DATE

REVISION

DESIGNED BY

DRAWN BY

CHECKED BY

DATE CHECKED

1. Contractor responsible for contacting Diggers Hotline (811 or 800 242 4611) to have site marked prior to excavation or planting.
2. Contractor to verify all plant quantities shown on Plant & Material List and coordinate planting schedule and install any enclosures as Landscape Architect General Contractor.
3. All plantings local variety with standards as described in American Standard Nursery Stock 290 (ANSI latest version). Landscape Architect hereby the right to inspect, and potentially reject any plants that are inferior, uncommercial, under-sized, diseased, improperly transported, handled, incorrectly or damaged. No sub-standard "C Grade" or "Punk Grade" plant material shall be accepted. Plant material shall originate from nursery(s) with a similar climate as the planting site.
4. Any potential plant substitutions must be approved by Landscape Architect or Owner. All plants must be installed as per sizes indicated on Plant & Material Schedule, unless approved on Landscape Architect's. Any changes to sizes shown on plan must be submitted in writing to the Landscape Architect prior to installation.

**Soil Preparation and Planting:** Soil preparation and planting shall be done in accordance with the following instructions: **Soil Preparation:** The contractor shall be responsible for the re-grading of all disturbed areas, planting bare areas, and lawn areas. **Grading:** Grading shall be done a minimum of 4 weeks prior to planting.

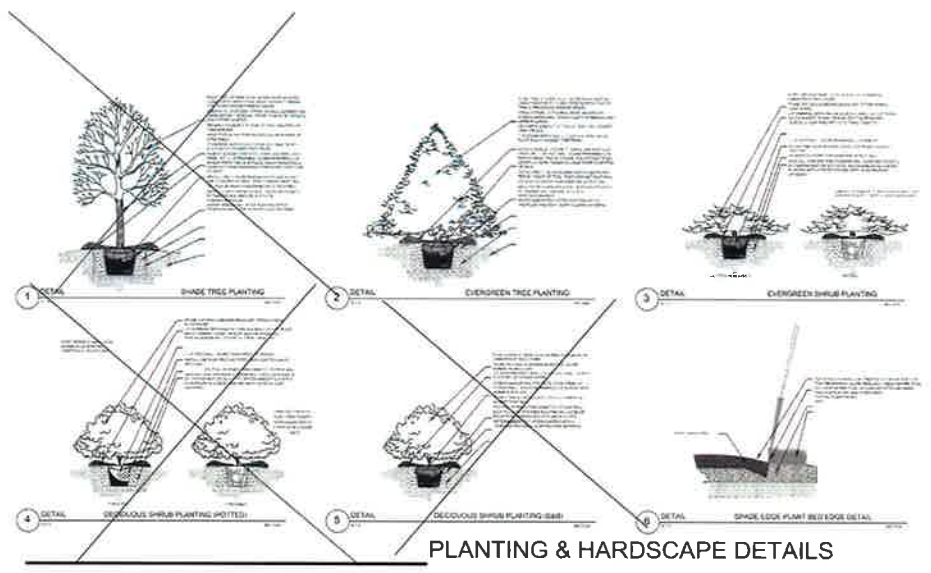
5. **Tree Planting:** Plant all trees slightly higher than finished grade at the root flare. Remove excess soil from the top of the root flare if needed. Remove a 3-inch non-biodegradable mulch ring and any support wires. Remove biodegradable mulch and wire cage of root flare from the top 1/2 of the root flare and identify any remaining wire cage on the bottom of the hole. Once the tree has been placed into the hole and has no longer be heeled, water the remaining 1/2 of the hole and remove the hole. Provide one layer mulch mulch (per 1" layers) for each tree planted.
6. **Tree Planting:** Buy all trees starting with 80% watering soils removed from container and 20% for Amendments (see Note 11). As soon as possible and not later than 24 hours after any ground work is heavy duty or concrete poured. Water trees in 1 full inch shall be watered thoroughly and water left to soak in before proceeding to fill the remainder of the hole. Water again to fill soil in the next planting. Each tree shall receive a 2" deep, 4-5 diameter (per planting details) of starting hole. Shrinkage around hole must not be allowed. Do not build up any mounds on the base of any trees. Trees that are installed manually will be replaced at the time and expense of the Landscape Contractor.
7. **Shrub Planting:** All shrubs to be planted in groupings as indicated on the Landscape Plan. Install with the planting of shrubs. 2/3ths of Soil Amendments with amended potting soil. Install topsoil into 21 plant beds to be used to achieve proper grade and compact underneath beds (see planting detail). Remove all existing grass, soil and loose topsoil prior to planting. Water thoroughly. If soil shrubs are to be planted thoroughly, and water left to soak in before proceeding. Provide slow-release fertilizer (maximum at the rate of 1 per 100" length/diameter of shrub at planting).
8. **Mulching:** All tree rings to receive a 2" deep layer of high quality shredded hardwood bark mulch (not pigment dyed or environmentally). All areas requiring a mulch planting shall receive a 2" deep layer of shredded hardwood bark mulch and groundcover areas a 1" layer of the same mulch. Do not mulch around flower beds, if applicable. Do not allow mulch to contact plant stems and tree trunks.
9. **Edging:** All planting beds shall be edged with a 4" deep lead edge using a flat landscape grade or a mechanical edge. Bedlines are to be cut on screen as per plan. A clean definition between landscape beds and lawn is required. Place mulch against lawn edge to hold in place.
10. **Plant and Preparation:** All material to be installed. All permanent, groundcover and annual areas of (established) are required to receive a layer of topsoil (See Amendments) underneath prior to installation. Note: All the following material shall be installed into the existing hole or installed upon base to a depth of approximately 6"-10". Contaminated and buried & unapproved plant material should be back-filled with amended soil.

- For 100% of all areas (2" of Amendment underneath)
- 1/2 CY Topsoil or Subsoil (Optional)
- 1/2 CY Composted Manure (Optional)
- 1/2 CY Composted Manure

11. **Plant and Preparation:** All material to be installed. All permanent, groundcover and annual areas of (established) are required to receive a layer of topsoil (See Amendments) underneath prior to installation. Note: All the following material shall be installed into the existing hole or installed upon base to a depth of approximately 6"-10". Contaminated and buried & unapproved plant material should be back-filled with amended soil.
12. **Plant and Preparation:** All material to be installed. All permanent, groundcover and annual areas of (established) are required to receive a layer of topsoil (See Amendments) underneath prior to installation. Note: All the following material shall be installed into the existing hole or installed upon base to a depth of approximately 6"-10". Contaminated and buried & unapproved plant material should be back-filled with amended soil.

## LANDSCAPE GENERAL NOTES

13. **Warranty and Replacement:** All plants are to be installed thoroughly at the time of planting, through consultation with upon inspection of ground received. Trees, Evergreens, and Shrubs (biodegradable and non-biodegradable) shall be guaranteed (100% replacement) for a minimum of one (1) year from the date of project completion. Perennials, groundcovers, and ornamental grasses shall be guaranteed for a minimum of one (1) growing season. Perennials, groundcovers, and ornamental grasses shall be replaced after the first year. 50% shall be guaranteed through Year 3 and the following year. Only one reason, not per unit will be required during the warranty period. Sample for future or replacement, can be taken to identify any potential requirements. Dewatering and general ongoing maintenance instructions can be supported by the Landscape Contractor to the Owner upon completion of the project.
14. **Site Preparation:** The Landscape Contractor is responsible for the watering and maintenance of all landscape areas for a period of 45 days after the substantial completion of the landscape installation. This shall include all trees, shrubs, perennials, groundcovers, ornamental grasses, turf grass, no flower grass, and other grass seed. The information used here. Work also includes watering, mowing, mulching (only if required), fertilizing, liming, sweeping up grass clippings, pruning and maintenance.
15. **Project Completion:** Landscape Contractor is responsible to conduct a final review of the project upon completion, with the Landscape Architect, Client/Owner/Client Representative, and the General Contractor to answer questions, provide written care instructions for new plantings and turf, and a sure that all specifications have been met.



PLANTING & HARDSCAPE DETAILS



**PRELIMINARY  
NOT FOR CONSTRUCTION**

PROJECT TITLE  
**KOMATSU PAVEMENT  
EXPANSION**

DESIGNED BY: xxx  
DRAWN BY: xxx  
CHECKED BY: xxx  
DATE CHECKED: 12.22.20

DATE	REVISION

DRAWING TITLE  
**LANDSCAPING DETAILS**

PROJECT NO.

DATE

**6**



**PRELIMINARY**  
NOT FOR CONSTRUCTION

PROJECT TITLE  
**KOMATSU PAVEMENT EXPANSION**

DESIGNED BY: JES  
DRAWN BY: JES  
DATE CHECKED: JES/01/2021  
DATE: 01/18/2021

DRAWING TITLE  
**PROPOSED LIGHTING PHOTOMETRICS**

PROJECT NO.  
DRAWING NO.  
**7**

PLOT DATE: 3/18/2023 3:40 PM

System	Qty	Label	Arrangement	LLF	Description	Lum. Waits	AVF Waits	Task Waits
1	3	LX-A	SINGL	0.900	WALL PACK W/ ALLED3T105 (1199L 10)	507	24.7	128.4
2	3	LX-B	SINGL	0.900	FLMR 1200 Acs - FLOOD LIGHT (1199L 10)	189.41	128.41	278.82
3	8	LX-C	SINGL	0.900	ALLED4T105 - RWLLDHTBL (1199L 10)	189.4	128.4	278.8
4	18	LX-D	FWR	0.900	ALLED3T105 - DWL (1199L 10)	1153.7	588.4	1304
5	18	LX-E	SINGL	0.900	ALLED3T105 - RWLLDHTBL (1199L 10)	189.8	128.8	278.8
6	1	FW-C	SINGL	0.900	ALLED3T105 - RWLLDHTBL (1199L 10)	189.8	128.8	278.8
7	1	FW-D	SINGL	0.900	ALLED3T105 - ALLED3T105 - W/ ADR (1199L 10)	189.2	133.2	282.4

Luminaire	Label	X	Y	Z	Orientation	Lot
1	LX-A	2527236	327387.8	24.5	90	8
2	FW-C	2527264	327345.7	24.5	179.873	8
3	LX-D	2527289	327343.8	27.5	88.949	8
4	FW-D	2527273	327294.3	27.5	88.949	8
5	LX-D	2527266	327343.7	27.5	88.949	8
6	FW-C	2527250	327334.8	27.5	88.949	8
7	LX-D	2526827	327332.6	27.5	88.949	8
8	FW-C	2526825	327282.9	27.5	88.949	8
9	LX-D	2526824	327342.8	27.5	88.949	8
10	FW-C	2526555	327292.9	27.5	88.949	8
11	LX-E	2526271	327306.3	29.5	178.876	8
12	FW-C	2526487	327414.3	27.5	87.137	8
13	LX-D	2526265	327320.8	27.5	87.137	8
14	LX-E	2526211	327600.4	29.5	278	43
15	FW-C	2526487	327393.3	27.5	87.137	8
16	LX-D	2526256	327355.8	27.5	87.137	8
17	FW-C	2526487	327373.8	27.5	87.137	8
18	LX-A	2526888	327618.4	28	140	2
19	LX-A	2526888	327646.8	28	140	8
20	LX-D	2526555	327523.3	27.5	278.189	8
21	LX-D	2526794	327623.2	27.5	278.189	8
22	LX-E	2526887	327877.3	29.8	88.89	8
23	LX-C	2526266	327371.4	24.5	268.933	8
24	LX-C	2526888	327623.8	27.5	268.933	8
25	LX-C	2526888	327614.2	24.5	268.933	8
26	LX-C	2526888	327618.2	24.5	88.89	8
27	LX-C	2527085	327614.0	24.5	268.933	8
28	LX-C	2527087	327618.1	24.5	88.89	8
29	LX-C	2527193	327614.1	24.5	268.933	8
30	LX-C	2527196	327618.2	24.5	88.89	8
31	LX-D	3527184	327633.8	27.5	278.128	8

**NOTE:**  
 ALL EXISTING SITE LIGHTING ARE CURRENTLY USING THESE RAB FIXTURES AND THE PROPOSED LIGHTING ANALYZED USING THESE SAME FIXTURES. GIVEN THAT THE EXISTING FIXTURES ARE CURRENTLY AT A TEMPERATURE OF 5000 K AND THE CITY STANDARD USES A MAXIMUM OF 3500 K, MEANS WILL REQUIRE FURTHER DISCUSSION ON THE OPTIONS THAT ARE AVAILABLE.



B: ALED3T105  
 Weight: 32.0 lbs.  
 EPA: 0.75



B2: ALED3T105 x 2 @ 180°  
 Combined Weight: 64.0 lbs.  
 Combined EPA: 1.2



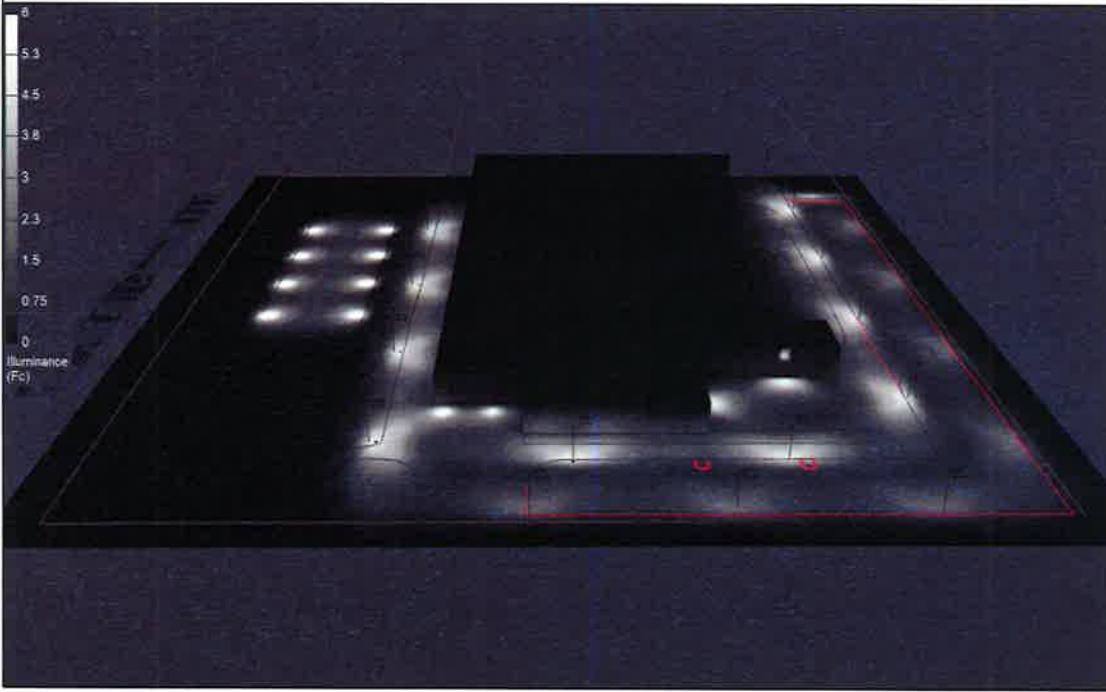
C: ALED4T105  
 Weight: 32.0 lbs.  
 EPA: 0.75



E: ALED2T150  
 Weight: 32.0 lbs.  
 EPA: 0.75



BT44  
 Weight: 5.8 lbs.



**PRELIMINARY**  
 NOT FOR CONSTRUCTION

PROJECT TITLE  
**KOMATSU PAVEMENT EXPANSION**

DESIGNED BY:             
 DRAWN BY:             
 CHECKED BY:             
 DATE:           

DATE	REVISION

ISSUING TITLE  
**PROPOSED LIGHTING TABLES & DETAILS**

PROJECT NO.           

DRAWING NO.  
**08**

DATE: 1/16/2024 3:40 PM

### ALED3T105

Simulation given in right orientation in E-View of data sheet. For use in roadway, general illumination and area lighting applications where a large area of lighting is required. Not to be used to achieve LEED credits for Light Pollution Reduction.



LED Info		Driver Info	
Watt	10W	Type	Constant Current
Color Temp	3000K Cool White	Rated Current	0.25A
Color Rendering Index	90	Rated Voltage	120V
Life Expectancy	100,000 hrs	Rated Power	10W
Beam Spread	120°	Rated Current	0.25A
Beam Angle	120°	Rated Voltage	120V
Beam Diameter	120°	Rated Power	10W

**Technical Specifications**

**UL Listing:** Suitable for wall installation.

**Lifespan:** 100,000 hour LED lifespan based on IES LM-80 results and TM-21 calculations.

**IES Classification:** The Type IV classification is ideal for roadway, general lighting and other area lighting applications where a larger area of lighting is required. It is intended to be located near the site of the area lighting the light to illuminate the area in the area.

**Effective Projected Area:** EPA = 1.2

**LEDs:** Multi-chip, high-output, long-life LEDs.

**Driver:** Constant Current Class 2, 120VAC, 100-277V, 50/60Hz, 1.1A, Power Factor 96%.

**THD:** 7.5% at 120V, 16.2% at 277V.

**Ambient Temperature:** Suitable for use in 40°C (104°F) ambient temperature.

**Surge Protection:** 4kV.

**Cold Weather Starting:** The minimum starting temperature is -40 F/-40°C.

**Thermal Management:** Superior thermal management with external Air Flow fins.




### ALED3T105 - continued

**California Title 24:** ALED150 complies with California Title 24 building and electrical codes.

**Dark Sky Approval:** The International Dark Sky Association has approved this product as a full cutoff, fully shielded luminaire.

**For use on LEED Buildings:** IDA Dark Sky Approval means that this fixture can be used to achieve LEED Credits for Light Pollution Reduction.

**Warranty:** RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. See our full warranty.



LED Info		Driver Info	
Watt	10W	Type	Constant Current
Color Temp	3000K Cool White	Rated Current	0.25A
Color Rendering Index	90	Rated Voltage	120V
Life Expectancy	100,000 hrs	Rated Power	10W
Beam Spread	120°	Rated Current	0.25A
Beam Angle	120°	Rated Voltage	120V
Beam Diameter	120°	Rated Power	10W

**Technical Specifications**

**UL Listing:** Suitable for wall installation.

**Lifespan:** 100,000 hour LED lifespan based on IES LM-80 results and TM-21 calculations.

**IES Classification:** The Type IV classification is ideal for roadway, general lighting and other area lighting applications where a larger area of lighting is required. It is intended to be located near the site of the area lighting the light to illuminate the area in the area.

**Effective Projected Area:** EPA = 1.2

**LEDs:** Multi-chip, high-output, long-life LEDs.

**Driver:** Constant Current Class 2, 120VAC, 100-277V, 50/60Hz, 1.1A, Power Factor 96%.


**THD:** 7.5% at 120V, 16.2% at 277V.

**Ambient Temperature:** Suitable for use in 40°C (104°F) ambient temperature.

**Surge Protection:** 4kV.


**Cold Weather Starting:** The minimum starting temperature is -40 F/-40°C.

**Thermal Management:** Superior thermal management with external Air Flow fins.



### ALED4T105

Simulation given in right orientation in E-View of data sheet. For use in roadway, general illumination and area lighting applications where a large area of lighting is required. Not to be used to achieve LEED credits for Light Pollution Reduction.



LED Info		Driver Info	
Watt	10W	Type	Constant Current
Color Temp	3000K Cool White	Rated Current	0.25A
Color Rendering Index	90	Rated Voltage	120V
Life Expectancy	100,000 hrs	Rated Power	10W
Beam Spread	120°	Rated Current	0.25A
Beam Angle	120°	Rated Voltage	120V
Beam Diameter	120°	Rated Power	10W

**Technical Specifications**

**UL Listing:** Suitable for wall installation.

**Lifespan:** 100,000 hour LED lifespan based on IES LM-80 results and TM-21 calculations.

**IES Classification:** The Type IV classification is ideal for roadway, general lighting and other area lighting applications where a larger area of lighting is required. It is intended to be located near the site of the area lighting the light to illuminate the area in the area.

**Effective Projected Area:** EPA = 1.2

**LEDs:** Multi-chip, high-output, long-life LEDs.

**Driver:** Constant Current Class 2, 120VAC, 100-277V, 50/60Hz, 1.1A, Power Factor 96%.


**THD:** 7.5% at 120V, 16.2% at 277V.

**Ambient Temperature:** Suitable for use in 40°C (104°F) ambient temperature.

**Surge Protection:** 4kV.

**Cold Weather Starting:** The minimum starting temperature is -40 F/-40°C.

**Thermal Management:** Superior thermal management with external Air Flow fins.



### ALED1T105 - continued

**California Title 24:** ALED150 complies with California Title 24 building and electrical codes.

**Dark Sky Approval:** The International Dark Sky Association has approved this product as a full cutoff, fully shielded luminaire.

**For use on LEED Buildings:** IDA Dark Sky Approval means that this fixture can be used to achieve LEED Credits for Light Pollution Reduction.

**Warranty:** RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. See our full warranty.



LED Info		Driver Info	
Watt	10W	Type	Constant Current
Color Temp	3000K Cool White	Rated Current	0.25A
Color Rendering Index	90	Rated Voltage	120V
Life Expectancy	100,000 hrs	Rated Power	10W
Beam Spread	120°	Rated Current	0.25A
Beam Angle	120°	Rated Voltage	120V
Beam Diameter	120°	Rated Power	10W

**Technical Specifications**

**UL Listing:** Suitable for wall installation.

**Lifespan:** 100,000 hour LED lifespan based on IES LM-80 results and TM-21 calculations.

**IES Classification:** The Type IV classification is ideal for roadway, general lighting and other area lighting applications where a larger area of lighting is required. It is intended to be located near the site of the area lighting the light to illuminate the area in the area.

**Effective Projected Area:** EPA = 1.2

**LEDs:** Multi-chip, high-output, long-life LEDs.

**Driver:** Constant Current Class 2, 200VAC, 100-277V, 50/60Hz, 1.1A, Power Factor 96%.

**THD:** 6.6% at 120V, 12.1% at 277V.

**Ambient Temperature:** Suitable for use in 40°C (104°F) ambient temperature.

**Surge Protection:** 4kV.


**Cold Weather Starting:** The minimum starting temperature is -40 F/-40°C.

**Thermal Management:** Superior thermal management with external Air Flow fins.



### ALED2T150

Simulation given in right orientation in E-View of data sheet. For use in roadway, general illumination and area lighting applications where a large area of lighting is required. Not to be used to achieve LEED credits for Light Pollution Reduction.



LED Info		Driver Info	
Watt	15W	Type	Constant Current
Color Temp	3000K Cool White	Rated Current	0.375A
Color Rendering Index	90	Rated Voltage	120V
Life Expectancy	100,000 hrs	Rated Power	15W
Beam Spread	120°	Rated Current	0.375A
Beam Angle	120°	Rated Voltage	120V
Beam Diameter	120°	Rated Power	15W

**Technical Specifications**

**UL Listing:** Suitable for wall installation.

**Lifespan:** 100,000 hour LED lifespan based on IES LM-80 results and TM-21 calculations.

**IES Classification:** The Type IV classification is ideal for roadway, general lighting and other area lighting applications where a larger area of lighting is required. It is intended to be located near the site of the area lighting the light to illuminate the area in the area.

**Effective Projected Area:** EPA = 1.2

**LEDs:** Multi-chip, high-output, long-life LEDs.

**Driver:** Constant Current Class 2, 200VAC, 100-277V, 50/60Hz, 1.1A, Power Factor 96%.


**THD:** 6.6% at 120V, 12.1% at 277V.

**Ambient Temperature:** Suitable for use in 40°C (104°F) ambient temperature.

**Surge Protection:** 4kV.

**Cold Weather Starting:** The minimum starting temperature is -40 F/-40°C.

**Thermal Management:** Superior thermal management with external Air Flow fins.



### ALED2T150 - continued

**IESNA LM-79 & LM-80 Testing:** RAB LED luminaires have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80, and have been awarded the Department of Energy "Lighting Facts" label.

**Replacement:** The ALED150 replaces 405W 1x40W 1x40W Area Light.

**California Title 24:** ALED150 complies with California Title 24 building and electrical codes.

**Dark Sky Approval:** The International Dark Sky Association has approved this product as a full cutoff, fully shielded luminaire.

**For use on LEED Buildings:** IDA Dark Sky Approval means that this fixture can be used to achieve LEED Credits for Light Pollution Reduction.

**Warranty:** RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. See our full warranty.


**Country of Origin:** Designed by RAB in New Jersey and assembled in the USA by RAB in New York.

**Buy American Act Compliant:** This product is a COTS item manufactured in the United States, and is compliant with the Buy American Act.

**Recycling Act (INRA) Compliant:** This product complies with the 52-225-21 "Required Use of American Iron, Steel, and Manufacture Goods-Buy American Act" - Construction Materials (October 2016).

**Trade Agreements Act Compliant:** This product is a COTS item manufactured in the United States, and is compliant with the Trade Agreements Act.

**QBA Schedule:** Suitable in accordance with FAR Subpart 25.4.




PRELIMINARY  
NOT FOR CONSTRUCTION

PROJECT TITLE  
KOMATSU PAVEMENT  
EXPANSION

DESIGNED BY: JAKK  
CHECKED BY: JAKK  
DATE CHECKED: 03-23-2024

DATE: REVISION

DRAWING TITLE  
PROPOSED LIGHTING TABLES  
& DETAILS (2)

PROJECT No.

DRAWING No.

9



### E-PS Series

Square Steel Pole

HEIGHT	HEIGHT	HEIGHT	HEIGHT	HEIGHT	HEIGHT
15'	18'	21'	24'	27'	30'
15'	18'	21'	24'	27'	30'
15'	18'	21'	24'	27'	30'
15'	18'	21'	24'	27'	30'
15'	18'	21'	24'	27'	30'

**Advantages & Features**

- High Strength
- Durable
- Available in various finishes
- Available in various heights
- Available in various diameters
- Available in various wall thicknesses

**e-conolight** Quality Products. Assembly Method

### E-PS Series

Round Steel Pole

HEIGHT	HEIGHT	HEIGHT	HEIGHT	HEIGHT	HEIGHT
15'	18'	21'	24'	27'	30'
15'	18'	21'	24'	27'	30'
15'	18'	21'	24'	27'	30'
15'	18'	21'	24'	27'	30'
15'	18'	21'	24'	27'	30'

**Advantages & Features**

- High Strength
- Durable
- Available in various finishes
- Available in various heights
- Available in various diameters
- Available in various wall thicknesses

**e-conolight** Quality Products. Assembly Method



<p>DRAWING TITLE</p> <p><b>PROPOSED LIGHTING LIGHT POLES</b></p>	<p>PROJECT TITLE</p> <p><b>KOMATSU PAVEMENT EXPANSION</b></p>	<p><b>PRELIMINARY</b></p> <p>NOT FOR CONSTRUCTION</p>	
<p>DESIGNED BY: JMB</p> <p>CHECKED BY: JMB</p> <p>DATE CHECKED: 12/28/2020</p>	<p>DATE: _____</p> <p>REVISION: _____</p>	<p>10</p>	

1/4/2021

714 S 39th St - Google Maps

Google Maps 714 S 39th St



Image capture: Oct 2019 © 2021 Google





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

**Applicant:** Dave Doro on behalf of Komatsu  
**Property Address:** 10001 S. Howell Ave.  
**Tax Key Number:** 924-0009-001  
**Conditional Use:** **Outdoor storage (crates)**

**Approved by Plan Commission:** 2-23-21  
**Approved by Common Council:** TBD  
(Ord. 3002)

1. LEGAL DESCRIPTION

PART OF PARCEL 2, CSM NO. 6169 COM 75 FT W & 922 FT S OF NE COR SE 1/4 SEC 29-5-22 TH W 1420 FT, N 825.11 FT, E 907.39 FT, S 179 FT M/L, E 515 FT TH S TO P.O.C. (24.906 AC).

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 and/or patrons
      - iii. Number of parking spaces
      - iv. Dimensions
      - v. Setbacks
    - h. Location(s) of loading berth(s)
      - i. Sanitary sewer (existing & proposed)
      - j. Water (existing & proposed)
      - k. Storm sewer (existing & proposed)
    - l. Wetland boundaries (field verified)
    - m. Flood hazard area boundaries
    - n. Location(s) & details of sign(s)
    - o. Location(s) & details of proposed fences/gates/walls
  - 2. **Landscape Plan**
    - a. Screening plan, including parking lot & utilities screening/berming
    - b. Planting number, sizes, types, & details
    - c. Percentage open/green space
  - 3. **Building Plan**
    - a. Architectural elevations (w/dimensions)
    - b. Building floor plans
    - c. Construction materials, colors, percentages
  - 4. **Lighting Plan**
    - a. Types & color of fixtures, shields
    - b. Mounting heights
    - c. Type, height, and color of poles
    - d. Photometrics of proposed fixtures
  - 5. **Grading, Drainage, & Stormwater Management Plan**
    - a. Contours (existing & proposed)
    - b. Storm sewer (existing and proposed)
    - c. Stormwater management structures and basins/green infrastructure (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 permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for

approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.

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

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

A. Uses allowed on this property shall be limited to those allowed by the M-1, Manufacturing zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).

B. One (1) area for the outdoor storage of crates is allowed, limited to the following:

i. Outdoor storage shall be limited to crates containing parts and equipment associated with the principal use of the property.

ii. There shall be no storage of flammable or hazardous materials.

iii. Crates shall be located in a maximum of 30 designated & striped storage areas on the southwest corner of the property per Exhibit A. No storage shall occur outside of the striped areas or in the loading area.

iv. There shall be no parking or storage of vehicles, equipment, merchandise, parts, supplies, or any other materials in the approved outdoor storage area.

v. Drive aisles shall be kept clear at all times.

C. Curb and gutter shall be provided around the exterior boundaries of the proposed asphalt expansion.

D. Crates shall not be stacked above 7 feet. All screening shall be reviewed and approved by the Plan Commission.

E. Vegetative screening and berms shall be installed and maintained year-round in conformance with landscape plans approved by the Plan Commission.

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. Landscaping shall be provided for all parking and loading areas in accordance with Sections 17.0403(g),(h) and 17.1010 (as amended), and in conformance with landscape plans approved by the Plan Commission.

5. LIGHTING

- A. 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) and these Conditions and Restrictions.
- B. All light sources shall be shielded and directed downward, and light sources shall be shielded on the side of the fixture adjacent to the residential neighborhood to the north.
- C. The color temperature of the fixtures shall be limited to a maximum of 3,500 Kelvins.

6. SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	40 ft	20 ft	20 ft
Accessory Structure*	40 ft	20 ft	20 ft
Parking	30 ft	5 ft	5 ft
Outdoor Storage	40 ft**	5 ft	5 ft

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

*\*\*Outdoor storage shall not extend closer to the east property line than the extents of the area approved by the Plan Commission as part of Site Plan Review.*

7. TIME OF COMPLIANCE

The operator(s) of the Conditional Use Permit shall commence work in accordance with these conditions and restrictions for the Conditional Use Permit within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit. This Conditional Use Permit approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building, occupancy, or other required permit has not been issued for this use OR if the use has not been established prior to the expiration of this Conditional Use Permit. The applicant shall re-apply for a Conditional Use approval prior to recommencing work, construction, or establishing the use.

8. DURATION AND ASSIGNMENT OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to five (5) years from the date of issuance of the Conditional Use Permit or the term of the lease with Komatsu Mining, whichever is less. Komatsu Mining, with the consent of the property owner, may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended). At such time Komatsu Mining ceases operations at the property, this Conditional Use Permit shall expire.

9. 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.

10. 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.

11. REVOCATION

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).

12. 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.

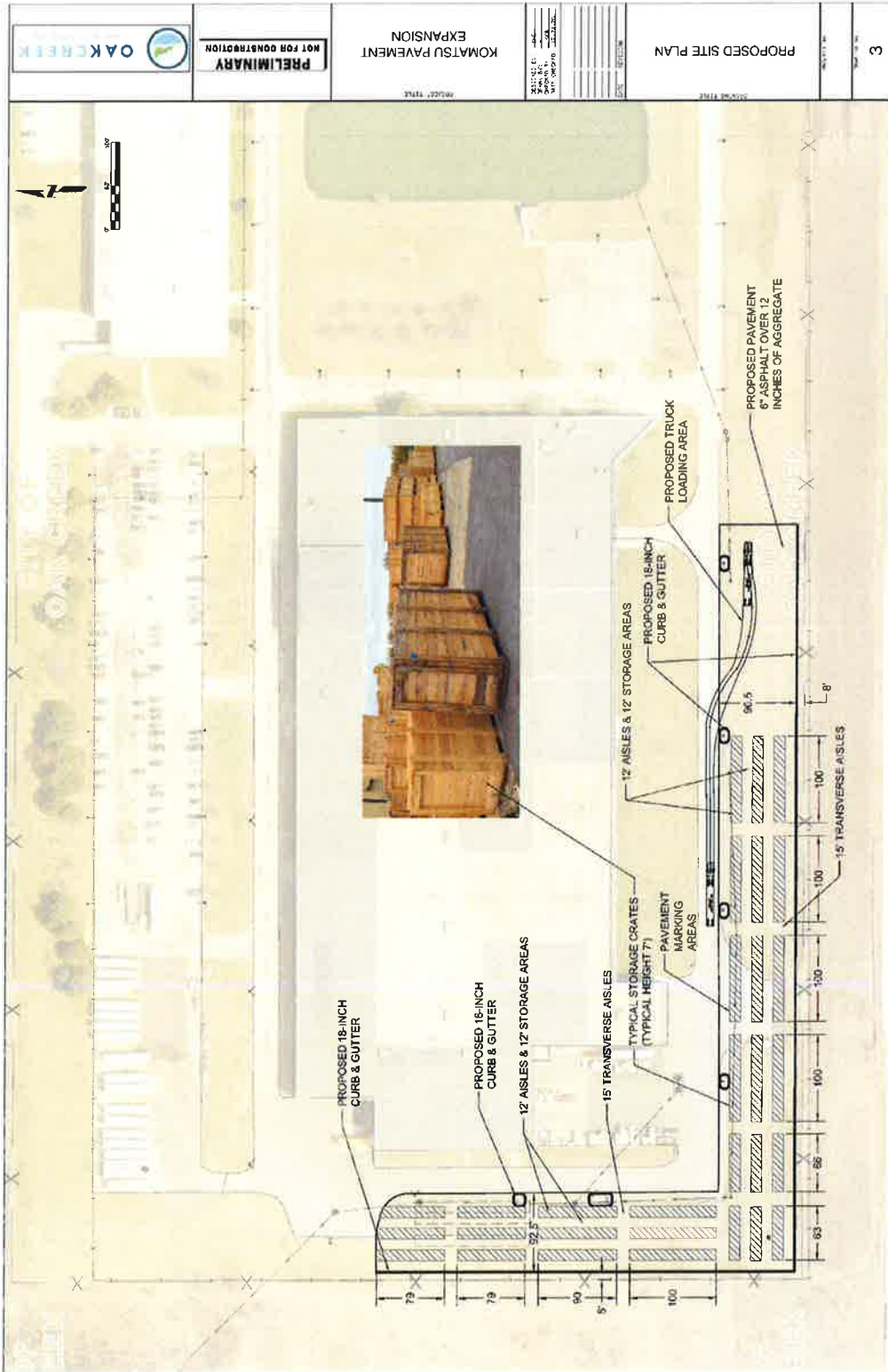
\_\_\_\_\_  
Owner / Authorized Representative Signature

\_\_\_\_\_  
Date

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

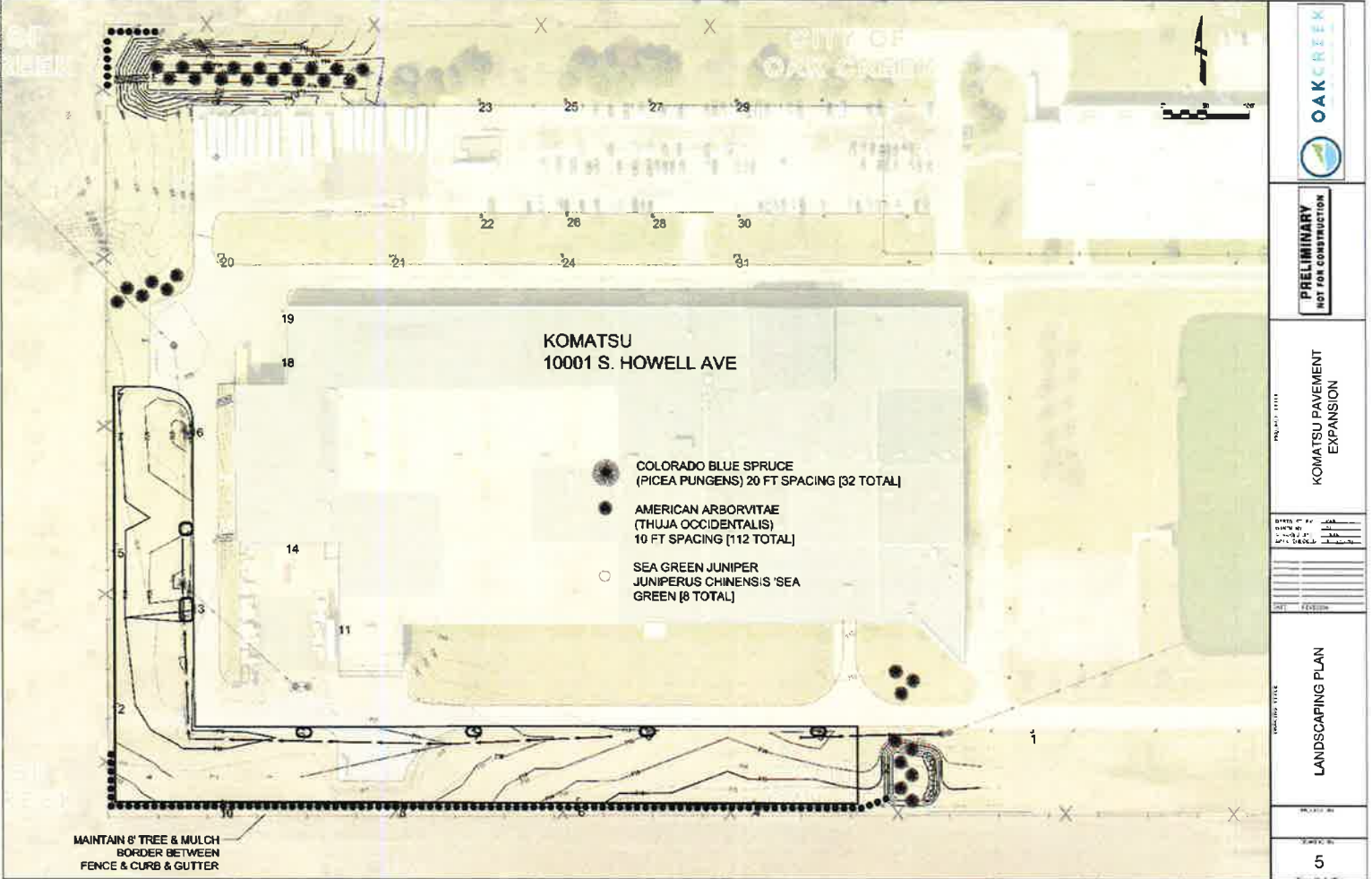
### EXHIBIT A: CONCEPTUAL SITE PLAN

(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.)



(For illustrative purposes only. Detailed plans in accordance with these Conditions and Restrictions, the City of Oak Creek Municipal Code, and Conditions of Plan Commission approval forthcoming.)

**EXHIBIT B: CONCEPTUAL LANDSCAPE PLAN**



OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

This meeting will be held both in person and by video conference. Persons wishing to participate in the video conference, including applicants and their representatives, must register via <http://ocwi.org/register> prior to the meeting. The video conference will begin at 6:55 PM to allow participants to log in.

Persons who wish to view the meeting live without participating may visit the City of Oak Creek YouTube page at <http://ocwi.org/livestream>.

Persons requiring other reasonable accommodations may contact the City at 414-766-7000. Requests should be made as far in advance as possible, preferably a minimum of 48 hours.

**PURPOSE:**

The purpose of this public hearing is to consider a request submitted by Linda Gorens-Levey, General Capital Group, for an amendment to the existing Planned Unit Development to add the property at 9962 S. 13<sup>th</sup> St.

**Hearing Date:** April 5, 2021

**Time:** 7:00 PM

**Place:** Oak Creek Civic Center (City Hall)  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers and Zoom (see above)

**Applicant(s):** Linda Gorens-Levey, General Capital Group

**Property Owner(s):** Ryan Business Park, LLC

**Property Location(s):** Adding the property at 9962 S. 13<sup>th</sup> St.

**Tax Key(s):** Adding 925-9998-000

**Legal Description:**

Part of the Northwest ¼ of the Southwest ¼ of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, described as follows: Commencing at the northwest corner of the Southwest ¼ of said Section 2; thence South 00°14'55" East along the west line of said Southwest ¼, 491.68 feet to the Point of Beginning; thence continuing North 89°51'06" East, 188 feet; thence South 00°14'55" East, 173.89 feet; thence South 89°48'37" West, 188.00 feet; thence North 00°14'55" West, 174.03 feet to the Point of Beginning.

The Common Council has scheduled other public hearings for April 5, 2021 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 24, 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 by writing to the ADA Coordinator at the Health Department, City Hall, 8040 South 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

## COMMON COUNCIL REPORT

- Item:** Planned Unit Development Amendment - Ryan Business Park
- Recommendation:** That the Council adopts Ordinance 3003, an ordinance to approve an Amendment to add the property at 9962 S. 13th St. to the existing Planned Unit Development.
- Fiscal Impact:** Approval will allow for the property to be incorporated into the Ryan Business Park PUD and redeveloped in accordance with those Conditions and Restrictions. Future development will yield positive fiscal impacts in terms of assessed value and review/permit/impact fees. The properties within the existing PUD are part of TID 16.
- 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

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**Background:** The Applicant is requesting approval to amend the existing Planned Unit Development (PUD) for the property at 9962 S. 13th St. Ordinance 2910, establishing a PUD for Ryan Business Park, was approved by the Common Council in August of 2018. At the time the PUD was proposed, the properties included were solely owned by Ryan Business Park. The subject property was acquired in late 2020, and the request is to incorporate the parcel into the existing PUD. Per the submitted Exhibit, the existing buildings will be removed. No other changes to the PUD or property are requested at this time.

The Plan Commission reviewed this request during their February 23, 2021 meeting, and recommended approval subject to the attached Conditions and Restrictions.

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

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



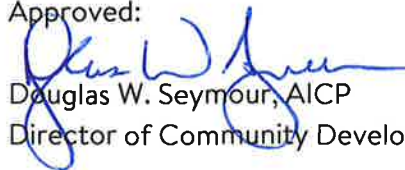
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Ord. 3003

Location Map

Exhibit

Plan Commission Meeting Minutes

Proposed Amended Conditions and Restrictions

ORDINANCE NO. 3003

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

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 2910 FOR THE PLANNED UNIT DEVELOPMENT (PUD) ADDING THE PROPERTY AT 9962 S. 13<sup>TH</sup> ST.

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

WHEREAS, on August 21, 2018, the Oak Creek Common Council adopted Ordinance No. 2910, approving the rezone of the properties at 741 (portion) and 1001 W. Ryan Rd. & 9600, 9700, and 9900 S. 13<sup>th</sup> St. to M-1, Manufacturing with a Planned Unit Development (NO CHANGE to the FW, Floodway or C-1, Shoreland Wetland Conservancy Districts);

WHEREAS, on September 3, 2019, the Oak Creek Common Council adopted Ordinance No. 2949, rezoning the properties at 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13<sup>th</sup> St. to B-4, Highway Business (NO CHANGE to the FW, Floodway or FF, Flood Fringe Districts); and

WHEREAS, the PUD ordinance affected the following legally described the properties:

Part of 741 W. Ryan Rd., Tax Key No. 905-9999-006

All that part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 29, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of the Northwest 1/4 of Section 29, thence North 89 degrees 59' 01" West along the North line of said Northwest 1/4 and the centerline of West Ryan Road (S.T.H "100") 1013.025 feet, thence South 00 degrees 01' 47" West parallel to the West line of the East 1/2 of the Northwest 1/4 Section 29, 802.0 feet to a point on the centerline of Oak Creek; thence the following bearings and distances along said centerline: North 86 degrees 17' 34" West 17.66 feet; North 66 degrees 01' 18" West 48.88 feet; North 76 degrees 38' 53" West 63.91 feet; North 21 degrees 04' 24" West 14.94 feet; South 51 degrees 03' 48" West 124.02 feet; South 83 degrees 15' 53" West 74.23 feet to the point of termination along said centerline; said point being on the West line of the East 112 of said Northwest 114; thence South 00 degrees 01' 47" West along said West line 1811.83 feet to a point on the South line of the aforementioned Northwest 114; thence North 89 degrees 51' 06" East along said South line 717.48 feet to a point on the West line of the Chicago Milwaukee St. Paul and Pacific R.R. right-of-way; thence North 02 degrees 08' 47" East along said West line 2109.15 feet; thence North 87 degrees 51' 13" West 35.00 feet; thence North 02 degrees 8' 47" East parallel to the aforementioned West right-of-way line 50.00 feet; thence South 87 degrees 51' 13" East 35.00 feet to a point on the West line of said railroad right-of-way; thence North 02 degrees 08' 47" East along said West line 403.10 feet; thence North 89 degrees 59' 01" West 30.0 feet; thence North 02 degrees 13' 53" West to aforementioned South right-of-way line 15.00 feet; thence North 89 degrees 59' 01" West along South right-of-way of West Ryan Road (S.T.H. "100") 446.94 feet; thence North 75.0 feet to the place of beginning. Excepting therefrom that portion of land conveyed to State of Wisconsin, Department of Transportation recorded in Warranty Deed recorded on November 6, 2013 as Document No. 10310266.

1001 W. Ryan Rd., Tax Key No. 905-9995-001

The North 400 feet of the East 20 acres of the West 1/2 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin. EXCEPTING THEREFROM lands conveyed in Deed recorded November 5, 1968, on Reel 449, Image 12, as Document No. 4427750. FURTHER EXCEPTING THEREFROM lands conveyed in Warranty Deed recorded October 1, 2013 as Document No. 10299272.

9600 S. 13<sup>th</sup> St., Tax Key No. 905-9994-001

Lands acquired by Milwaukee County for Parkway in NW ¼ Sec 29-5-22. Containing 32.6842 acres.

9700 S. 13<sup>th</sup> St., Tax Key No. 905-9993-003

The West 60 acres of the North West 1/4 of Section 29, Township 5 North, Range 22 East, in the City of Oak Creek, except the North 1100 feet thereof and except the South 145 feet of the West 300 feet thereof.

9900 S. 13<sup>th</sup> St., Tax Key No. 925-9999-000

That part of North 1/2 of Southwest 1/4 Section 29-5-22 Lying West of Railroad right-of-way excluded. Commencing at Southwest corner of North 1/2 of North 1/2 of SD1/2 Section Thence North. 174.07 feet East 233 feet South 173.82 feet Thence West 233 feet to beginning. Containing 29.808 acres.

WHEREAS, the Applicant, LINDA GORENS-LEVEY, GENERAL CAPITAL GROUP, is now requesting that the Conditions and Restrictions adopted pursuant to Ordinance No. 2910 be amended to add the property at 9962 S. 13<sup>th</sup> St. to the PUD; and

WHEREAS, the property at 9962 S. 13<sup>th</sup> St. is legally described as follows:

Part of the Northwest ¼ of the Southwest ¼ of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, described as follows: Commencing at the northwest corner of the Southwest ¼ of said Section 2; thence South 00°14'55" East along the west line of said Southwest ¼, 491.68 feet to the Point of Beginning; thence continuing North 89°51'06" East, 188 feet; thence South 00°14'55" East, 173.89 feet; thence South 89°48'37" West, 188.00 feet; thence North 00°14'55" West, 174.03 feet to the Point of Beginning.

WHEREAS, the Plan Commission reviewed the application and recommended that the requested amendment be approved;

WHEREAS, the Common Council held a public hearing on said application on April 5, 2021 at which time all interested parties appeared and were heard.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Conditions and Restrictions adopted pursuant to Ordinance No. 2910 affecting the lands hereinabove described, are amended to add the property at 9962 S. 13<sup>th</sup> St. to the existing PUD.

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

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

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

Passed and adopted this 5th day of April, 2021.

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

Approved this 5th day of April, 2021.

\_\_\_\_\_  
Mayor

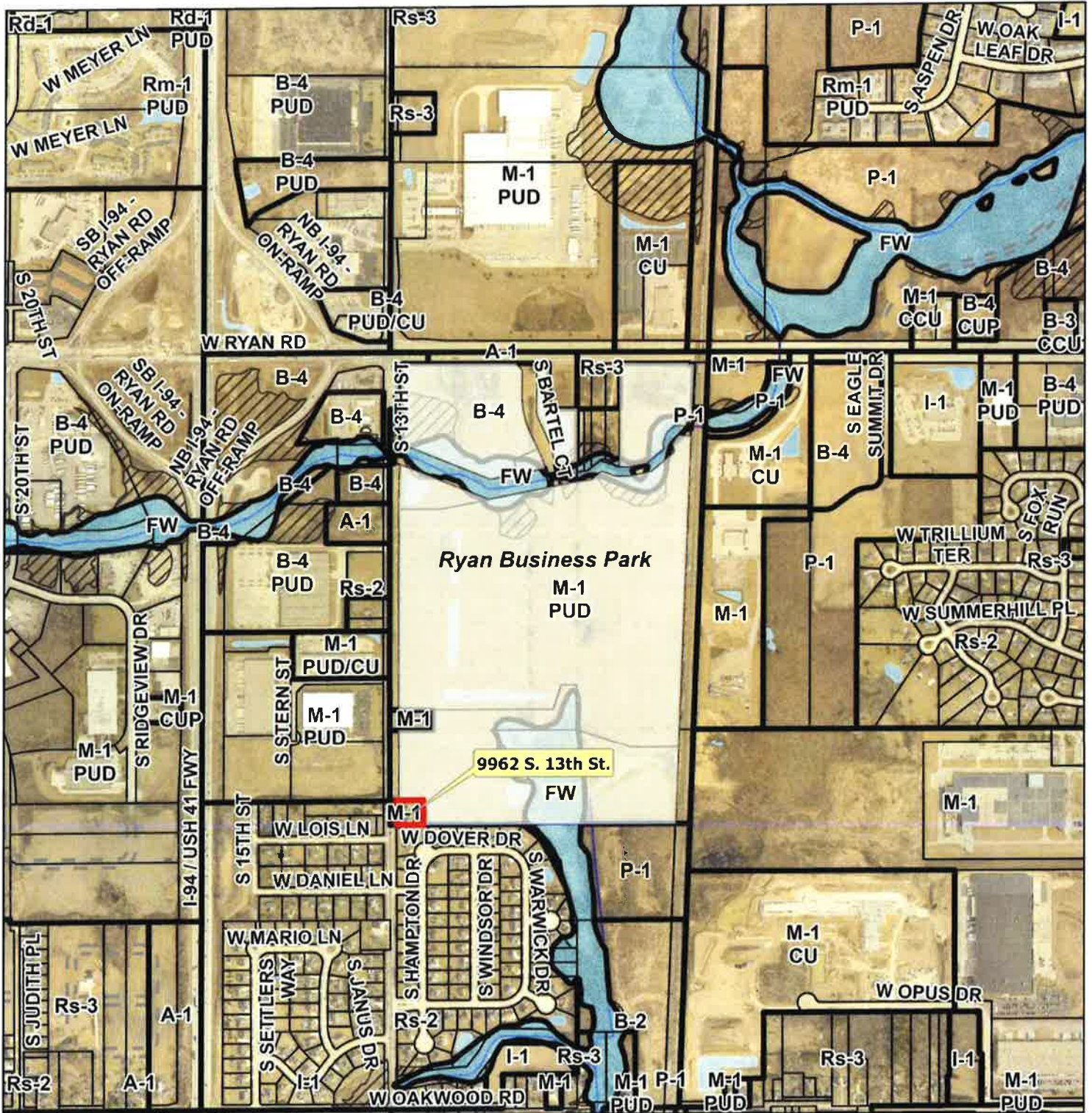
ATTEST:

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

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

# LOCATION MAP

## 9962 S. 13th St.



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



Community Development



### Legend

- Parcels
- Zoning
- Official Map
- Floodway
- Flood Fringe
- Ryan Business Park
- 9962 S. 13th St.

**LOCATION:** 9962 S. 13TH STREET

**LEGAL DESCRIPTION:**

Being a part of the Northwest 1/4 of the Southwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Southwest 1/4 of said Section 29; thence South 00°14'55" East along the west line of said Southwest 1/4, 491.68 feet to the Point of Beginning;

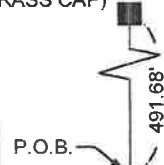
Thence North 89°51'06" East, 233.00 feet; thence South 00°14'55" East, 173.89 feet; thence South 89°48'37" West, 233.00 feet; thence North 00°14'55" West, 174.06 feet to the Point of Beginning.

NW CORNER, SW 1/4,  
SECTION 29, T5N, R22E  
(FOUND CONC. MON.  
W/ BRASS CAP)

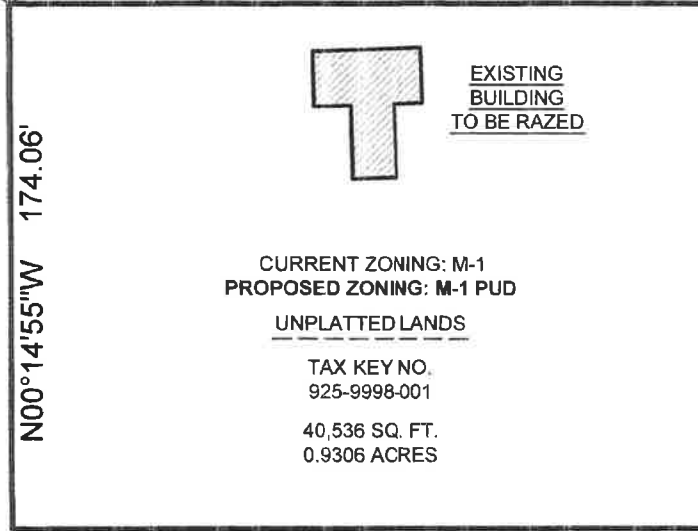
LOT 1  
C.S.M. 9085  
TAX KEY NO.  
905-9007-001  
ZONED: M-1 PUD



SOUTH 13TH STREET  
COUNTY TRUNK HIGHWAY "V"



WEST LINE OF THE SW 1/4 SEC. 29, T5N, R22E  
N00°14'55"W 2662.68'



CURRENT ZONING: M-1  
PROPOSED ZONING: M-1 PUD

UNPLATTED LANDS

TAX KEY NO.  
925-9998-001  
40,536 SQ. FT.  
0.9306 ACRES

LOT 1  
C.S.M. 9085  
TAX KEY NO.  
905-9007-001  
ZONED: M-1 PUD

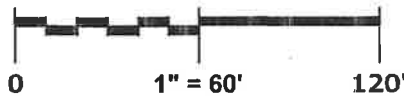


LOT 33  
ENGLISH AIRE  
ADDITION NO. 1  
TAX KEY NO.  
925-0035  
ZONED: RS-2

LOT 34  
ENGLISH AIRE  
ADDITION NO. 1  
TAX KEY NO.  
925-0036  
ZONED: RS-2

SW CORNER, SW 1/4 SECTION 29, T5N, R22E  
(FOUND CONC. MON. W/ BRASS CAP)

GRAPHICAL SCALE (FEET)



# PUD AMENDMENT EXHIBIT

01/26/2021

**PINNACLE ENGINEERING GROUP**

**PLAN | DESIGN | DELIVER**

20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186

WWW.PINNACLE-ENGR.COM

PEG JOB#146.01



**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, February 23, 2021**

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, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Thomas Kramer, IT Assistant Manager, facilitated the video conference.

**PLANNED UNIT DEVELOPMENT AMENDMENT  
LINDA GORENS-LEVY, GENERAL CAPITAL GROUP  
9962 S. 13<sup>TH</sup> ST.  
TAX KEY NO. 925-9998-000**

Planner Papelbon provided an overview of the request for a Planned Unit Development (PUD) Amendment to include the property at 9962 S. 13<sup>th</sup> St. (see staff report for details).

Alderman Loreck moved that the Plan Commission recommends that the Common Council approve the Planned Unit Development Amendment adding the property at 9962 S. 13<sup>th</sup> St., after a public hearing.

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

ATTEST:

  
\_\_\_\_\_  
Kari Papelbon, Plan Commission Secretary

3-9-21  
\_\_\_\_\_  
Date

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

**Applicant:** Ryan Business Park, LLC  
**Property Address(es):** 9600 (portion), 9700, 9954,  
9956, and 9962 S. 13<sup>th</sup> St.  
**Tax Key Number(s):** 905-9009-001, 905-9011-000,  
905-9007-001, 925-9029-000, 925-9998-001

**Approved by Plan Commission:** 2-23-21  
**Approved by Common Council:** TBD  
(Ord. #3003, Amending Ord. #2910)

1. LEGAL DESCRIPTION

Parcel A – 9600 S. 13<sup>th</sup> St., Lot 4 of CSM 9085 south of The Oak Creek, Tax Key # 905-9009-001

Parcel B - 9700 S. 13<sup>th</sup> Street, Lot 5 of CSM 9242, Tax Key # 905-9011-000

Parcel C - 9954 S. 13<sup>th</sup> St, Lot 1 of CSM 9085, NW & SW 1/4 SEC 29-5-22, EXC PTS CONV IN DOC NO. 10885182 FOR ST., Tax Key # 905-9007-001

Parcel D – 9956 S, 13<sup>th</sup> St., Outlot 2 of CSM 9075, SW 1/4 SEC 29-5-22, Tax Key # 925-9029-000

Parcel E – 9962 S. 13<sup>th</sup> St., Part of Lot 1 of CSM to be recorded, Tax Key # 925-9998-001

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 each area affected by 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/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
  - 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 outdoor storage
- m) Location(s) of wetlands (field verified)
- n) Location(s) and details of sign(s)
- n) Location(s) and details of proposed

**2) Landscape Plan**

- a) Screening plan, including parking lot / truck parking 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

fences/gates

d) Materials to be stored (interior & exterior)

- 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 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.
- G. 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).
- H. 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 the approved plan, shall be installed for each phase prior to the issuance of occupancy permits for that phase.

### 3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. A minimum of 30% of the entire land area included in this Planned Unit Development shall be set aside as green / open space (excluding all impervious areas).
- B. No principal building or parts of a principal building shall exceed ninety (90) feet in height, except that such height shall be limited to fifty-five (55) feet if any part of the principal building is within 600 feet of a residential zoning district line.
- C. The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed ninety (90) percent of the lot area, except that if such principal building is within 600 feet of a residential zoning district line, such sum total shall not exceed eighty (80) percent of the lot area.
- D. Operations within the Planned Unit Development and in conformance with these Conditions and Restrictions are allowed 24 hours per day, 7 days per week.
- E. The following uses are prohibited within the Planned Unit Development:
  - i. Adult Entertainment as defined by the Municipal Code (as amended).
  - ii. Truck parking lots for third-party trucks unrelated to a permitted or conditional use.

- F. In addition to those uses listed as Permitted Uses in the M-1, Manufacturing District, the following uses are allowed in this Planned Unit Development in conformance with this Conditions and Restrictions:
  - i. Distribution Centers as permitted uses.
  - ii. Storage of goods within an approved and permitted building for future retail sale.
  - iii. Offices and training facilities (training for permitted uses).
  - iv. Semi truck and trailer parking as accessory to a permitted use as approved by the Plan Commission.
  - v. Retail sales to the general public of products produced on the premises or products related thereto, accessory to and located within the same building as the permitted use, provided the square footage of this retail space does not exceed 2% of the square footage of the building.
  - vi. Retail sales to employees, excluding the general public, of products provided by tenant(s)/vendor(s), accessory to and located within the same building as the permitted use. Such uses include, but are not limited to, cafeterias, delicatessens, bistros, restaurants.
- G. Signage for the development shall be in conformance with Sections 17.0701-17.0715 and all other applicable Sections of the Municipal Code as (amended). A Master Sign Plan for the development signs and Master Sign Plans for each 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.
- H. Solid waste collection and recycling shall be the responsibility of the owner.
- I. 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

- A. A Traffic Impact Analysis (TIA) shall be performed and submitted to the Engineering Department for review prior to the submission of applications for Plan Commission review of site, building, landscaping, lighting, and similar plans. Required roadway improvements and modifications identified in the TIA shall be the responsibility of the property owner.
- 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. Setbacks\* shall be in conformance with the following:

	Front and Street Setback	Rear Setback	Side Setback
Parking (principal building <600 feet to residential zoning district line)	25 ft	5 ft	5 ft

Parking (principal building >600 feet to residential zoning district line)	5 ft	5 ft	5 ft
Drive aisles	N/A	5 ft	5 ft

*\*Buffer yards shall be required for all parking and driveways adjacent to a residential zoning district line in conformance with Section 17.0403 and Section 17.0205 (as amended).*

D. Access to West Ryan Road (STH 100) in accordance with executed agreements and access management plans is subject to the review and approval of the Wisconsin Department of Transportation. Such approval shall be provided to the City prior to the issuance of any building permits.

E. 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

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 SETBACKS\*

	Front and Street Setback	Rear** Setback	Side*** Setback
Principal Structure	30 ft	20 ft	20 ft
Accessory Structure*	30 ft	20 ft	20 ft

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

*\*\*Rear yards abutting a railroad right-of-way or storm water drainage channel that is at least twenty (20) feet in width may be reduced to ten (10) feet.*

*\*\*\*Side yards abutting a railroad right-of-way or storm water drainage channel at least twenty (20) feet in width may be reduced to fifteen (15) feet.*

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: CONCEPT SITE PLAN (MULTI-USER)

(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: CONCEPT SITE PLAN (SINGLE USER)**

(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.)

<b>RYAN BUSINESS PARK</b> Oak Creek, Wisconsin GENERAL DEVELOPMENT PLAN 'B' ARCHITECTS		PROJECT NO. 69413 071 DATE 05-2018	<b>B</b>
		SHEET NO. 001 OF 001	



CAPSTONE QUADRANGLE  
 GENERAL CAPITAL

© 2017, Return to Design Architects, Inc.





## COMMON COUNCIL REPORT

Informational: Treasurer Report on Investment and Banking for the City of Oak Creek accounts, month ending February 28, 2021.

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)
\$72,865,795	\$56,091,998	\$21,947	(\$16,773,797)

Activity: February Tax Collection \$3,988,077; January Tax Settlements (\$17,976,823)

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Barbara Guckenberger, CMTW  
City Treasurer

Fiscal Review:

Maxwell Gagin, MPA  
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>16,427,841.33</b>	<b>34,624,071.71</b>	<b>(35,390,676.02)</b>	<b>15,661,237.02</b>	<b>(745.61)</b>	<b>0.09%</b>	<b>27.92%</b>
General Fund	3,396,877.90	29,992,312.95	(24,501,203.97)	8,887,986.88			
Title 125	38,101.47	45,869.16	(20,846.48)	63,124.15			
Police Credit Card	81,522.57	24,794.90	(52,724.63)	53,592.84			
Parks & Rec Counter Credit Card	15,077.67	6,212.64	(4,591.59)	16,698.72			
Tax Payment Account #2	7,141,547.61	3,167,720.34	(4,000,000.00)	6,309,267.95			
Parks & Rec Online Credit Card	6,772.13	1,357.00	(4,612.91)	3,516.22			
Health Insurance	156,382.32	467,320.70	(546,892.08)	76,810.94			
Tax Payment Account	5,338,875.85	822,204.71	(6,101,848.20)	59,232.36			
EMS	252,683.81	96,279.31	(157,956.16)	191,006.96			
0	-			-			
<b>DANA Investment Advisors</b>	<b>5,824,582.21</b>	<b>13,448.94</b>	<b>(6,215.57)</b>	<b>5,831,815.58</b>	<b>7,796.94</b>	<b>0.73%</b>	<b>10.40%</b>
<b>BMO Global Asset Management</b>	<b>4,790,447.99</b>	<b>9,963.46</b>	<b>(20,831.13)</b>	<b>4,779,580.32</b>	<b>9,963.46</b>	<b>2.02%</b>	<b>8.52%</b>
<b>American Deposit Management (ADM)</b>	<b>490,000.00</b>	<b>-</b>	<b>-</b>	<b>490,000.00</b>	<b>-</b>	<b>-</b>	<b>0.87%</b>
*ADM General Account Balance	490,000.00	-	-	490,000.00			
<b>Local Government Investment Pool (LGIP)</b>	<b>41,387,224.39</b>	<b>3,006,469.19</b>	<b>(19,000,000.00)</b>	<b>25,393,693.58</b>	<b>2,315.39</b>	<b>0.08%</b>	<b>45.27%</b>
*LGIP General Account Balance	35,883,491.04	3,006,148.02	(19,000,000.00)	19,889,639.06	1,994.22		
<b>**Ehlers Investment</b>	<b>3,945,699.16</b>	<b>5,587.43</b>	<b>(15,614.70)</b>	<b>3,935,671.89</b>	<b>2,616.82</b>	<b>1.4160%</b>	<b>7.02%</b>
	3,945,699.16	5,587.43	(16,190.07)	3,935,096.52			
<b>Total Balance</b>	<b>\$72,865,795.08</b>	<b>\$ 37,659,540.73</b>	<b>\$ (54,433,337.42)</b>	<b>\$ 56,091,998.39</b>	<b>\$ 21,947.00</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							
<b>Tax Collection Deposits</b>							
<b>Tax Payment Account #2</b>							<b>Distribution to other Taxing Jurisdictions</b>
City Deposit (Counter, Drop Box, Mail)				2,681,776.50			<i>(Tax Settlement occurs in April)</i>
Gov Tech				-			STATE
Credit Card				485,943.84			COUNTY
Total Tax Payment Account #2				3,167,720.34			MMSD
<b>Tax Payment Account</b>							SCHOOL
Tri City Payments (At Bank, Lockbox)				820,356.51			MATC
							UTILITY
<b>Total Tax Collection Deposits</b>				<b>3,988,076.85</b>			TOTAL DIST \$ -
							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							

## COMMON COUNCIL REPORT

**Informational:** Report and discussion on the creation of a comprehensive neighborhood preservation and code compliance program.

**Fiscal Impact:** The position of Neighborhood Preservation Officer is part of the adopted 2021 budget

**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

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**Background:** The adopted Strategic Action Plan (SAP), under the Safe, Welcoming and Engaged critical success factor, identifies the objective to Develop and Implement a Comprehensive Neighborhood Preservation/Code Compliance program.

To advance this goal, a cross-departmental team consisting of the City Administrator, City Attorney, Police Chief, Fire Chief, Community Development Director, and Management Intern convened to analyze current practices and future program needs, among other things. The team's resulting work product is the attached Thought Primer document.

A presentation will be made at the Council meeting.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Doug Seymour, AICP  
Director of Community Development

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

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**Attachments:**

Thought Primer: Comprehensive Property Code Compliance Program

Neighborhood Preservation Officer DRAFT job description



**Neighborhood Preservation • Nuisance Abatement**

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*A thought primer on a comprehensive neighborhood preservation, code compliance and nuisance abatement program for the City of Oak Creek*

*April 5, 2021*

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# Thought Primer: Comprehensive Property Code Compliance Program

## Introduction and Purpose Statement

The City of Oak Creek's adopted Strategic Action Plan (SAP), under the *Safe, Welcoming and Engaged* critical success factor, identifies the objective to *Develop and Implement a Comprehensive Neighborhood Preservation/Code Compliance program*. While yet a young community with relatively newer overall residential stock, the City seeks to mitigate, and where necessary, reverse, any trend that leads to the deterioration (or misuse) of property, both structures and premises, that contribute to the overall decline of property values or quality community aesthetics.

To advance this goal, a cross-departmental SAP team consisting of the City Administrator, City Attorney, Police Chief, Fire Chief, Community Development Director, and Management Intern convened to analyze current practices and future program needs, among other things. The SAP team's resulting work product is the following Thought Primer document. The SAP team also distributed initial drafts of this document to other staff members involved in the municipal code process to ensure staff considered additional practical matters in implementing the following recommendations.

What follows is an assessment of 1) general goals and positive outcomes for community efforts toward aesthetic preservation and nuisance abatement; 2) current (and historic) City practices of code compliance and their pitfalls; 3) a review of municipal best practices regarding code compliance process; and 4) the outline for a new platform, *Creek Code*, to implement the above SAP goal(s) as directed by the Mayor and Common Council.

## Why Code Awareness & Enforcement?

A home is likely the single largest investment that most people will make in their lifetime. In general, housing costs can account for roughly 30% of a person's gross income. Most homeowners would expect the investment they are making in their home and property to appreciate over time. While many factors play a role in how and why properties appreciate (or depreciate) in value, it is reasonable to suggest that immediate neighborhood factors do impact property values. In fact, according to the Appraisal Institute, a 'bad' neighbor could potentially reduce the value of one's home by up to 10%.



All communities need to rely on a certain standard level of code enforcement to ensure structures and premises are maintained sufficiently to sustain and grow property values.

All communities need to rely on a certain standard level of code enforcement to ensure structures and premises are maintained sufficiently to sustain and grow property values. Property owners often think the way they take care of their property is their own business. However, the fact of the matter is the significant impact adjacent or nearby properties have on one another's value and enjoyment means that building and property maintenance becomes the business of everyone in the neighborhood and the community.

### **Keeping Up (or Down) with the Neighbors**

Have you ever noticed the ripple effect home improvements have on a neighborhood? It seems once one property owner in the neighborhood makes new investments in their property, for instance, new siding or a new roof, other property owners are more likely to follow up with investments of their own.

Similarly, disinvestment in a property is likely to lead to further disinvestment in the surrounding neighborhood. When people see that nearby property owners are not taking care of their property or are disregarding local codes without consequence, they are potentially less likely to make improvements and may even ignore the regulations themselves.

Consistent and equitable code enforcement is designed to protect neighborhoods and communities from this downward spiral of disinvestment.

### **What Codes Do (and Don't Do)**

As we all live as a part of a larger neighborhood and community, there are sure to be differences in our choices with respect to our homes and properties. In most cases, those choices, like how we choose to landscape our yards or whether and where to build a fence, deck, pool, or accessory building, are supported by local codes (but may be regulated by private homeowner associations). What's appropriate to some people may be considered offensive by others. Codes do not necessarily address everything that one might find aesthetically offensive. For example, the parking and storage of boats and recreational vehicles, provided it is done in accordance with local codes and regulations, may be perfectly legal but may be seen as a nuisance by a neighbor nonetheless.

However, other choices, such as how we choose to maintain - or to be more specific, not maintain - our property and premises or using our property in a way that is not permitted by local regulations, can negatively impact adjacent property. Using the same example, consider this neighbor is storing multiple recreational vehicles, boats, trailers, unlicensed or junk vehicles, or other outdoor storage in a manner that is not permitted by local codes and regulations. Not only is this seen as a nuisance by the neighborhood, but it can also lead to lower property values and neighbor disputes, which can escalate over time.

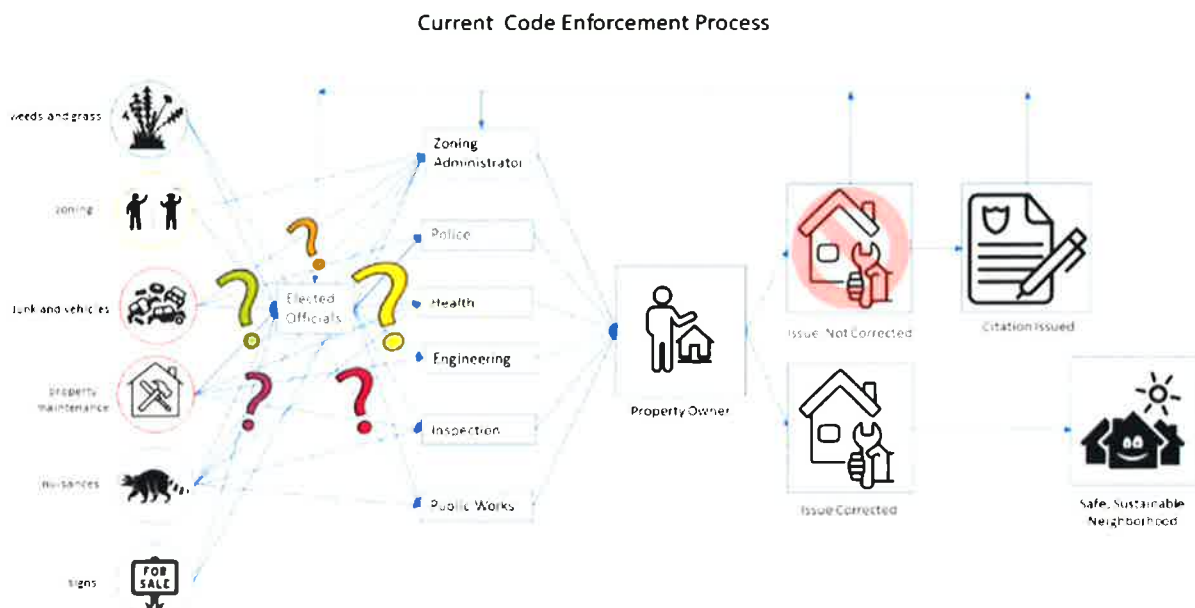
The City's codes are designed to set parameters for the lawful use and maintenance of properties to minimize or avoid such issues. Within the City's municipal code, there are laws regulating things such as (a more detailed listing is attached to this report):

- Noxious weeds and unkempt lawns;
- Junk vehicles;
- Parking on residential streets and properties;
- Outdoor storage (including rubbish, junk, debris accumulation);
- Home-based businesses;
- General structural integrity/safety and other public health issues.

### What is Currently Being Done?

Historically, code enforcement activities in the City of Oak Creek have been initiated on a reactive rather than proactive basis and have lacked coordination between several different government departments/divisions. When a constituent contacts the City with an issue, they are less concerned with the mechanics of how that issue is resolved, only that it is resolved in a timely manner, presuming a code issue does in fact exist. However, that process can be complicated by the fragmented nature of how the City currently enforces its codes. Lack of information, lack of clarity on designated staff roles, and the length of time it takes to process code cases can add to the frustration that many constituents feel. There is no one point of contact for code enforcement inquiry.

Complaints enter the system in many different ways, whether through a phone call or letter to an elected official or City staff, submission into the Citizen Request for Action (CRA) software, or direct employee observation. A complaint begins the vast majority of code cases. The resulting communication process between (initiating) constituent, elected official, staff, and (subject) property owner is often inconsistent, sporadic, and confusing.



As the City considers how best to achieve the goals for proactive code awareness/enforcement, there are several issues to consider, including, but not limited to, the following:

- Should we continue to address issues primarily on a complaint basis, or should the City be more proactive and comprehensive in its approach?
- Should we continue the dispersed method in which issues are identified, researched, tracked, and acted upon?
- Should there be a single point of contact for code awareness/enforcement and property maintenance issues?
- Where is the best place within the organization to support code awareness/enforcement and property maintenance?
- Do we have the proper resources and tools to support an agreed-upon vision and the resulting effort?

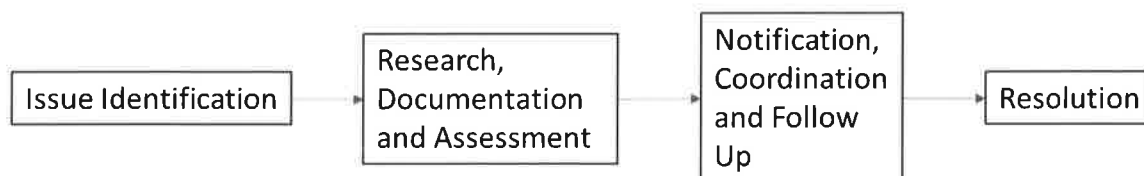
### **A Look at Code Compliance Industry Processes and Best Practices?**

There is no shortage of examples to draw from when evaluating the extent that a community commits to code enforcement, especially when enlarging the search to communities outside Wisconsin and even the Midwest region. While not exhaustively, staff has researched best management practices from across the country. Some common themes emerge from that research.

An effective code awareness/enforcement program:

- Balances compassion and strict interpretation of the municipal codes;
- Is consistent in its application;
- Is proactive rather than reactive;
- Strives for education and voluntary compliance;
- Partners with neighborhood associations, citizens, community groups, and other City departments and agencies;
- Has a process that is transparent and predictable to both the person initiating the complaint and the subject property owner;
- Is collaborative and not transactional in that the local unit of government works with property owners to provide information with the goal of attaining compliance as opposed to issuing citations.

In its simplest form, an effective code awareness/enforcement process can be broken down into just a few steps as follows:





## **Issue Identification**

An effective code awareness/enforcement program starts with a clear and predictable process for identifying and tracking potential issues. When issues are identified, by any means, they need to be documented and tracked in a single database, not the three or more methods (BS&A enforcement table, Citizens Request for Action, individual spreadsheets or files) that are currently in use within the City organization. The City needs to commit to one method, whether existing or new, for documenting and monitoring code awareness cases.

Regardless of how the City is made aware of a potential code issue, the City should treat all instances consistently. As part of the identification process, there is specific information that staff should gather. While the complainant's identity may remain anonymous, the initial complaint must contain detailed information of the alleged violation, including the date, location, and nature of the violation. At this point, there should be the opportunity for the complainant to provide additional documentation in support of the complaint.

That complaint (or staff observation) can still be initiated through multiple channels, be it a phone call, letter, or electronic submission, but at that point, it should be directed to a single contact person. That designated code officer should be the primary contact for citizens, property owners, elected officials, and any other parties to the code enforcement or nuisance abatement process. This streamlined contact process minimizes the opportunity for miscommunication and misunderstanding that are inherent in the current process. It also provides a responsible party to monitor and coordinate the activities of fellow staff in response to the complaint.

## **Research, Documentation, and Assessment**

Once the observed issue or complaint is logged into the system, the code official(s) begin the process of researching, documenting, and assessing whether a violation is, in fact, occurring. The code official will draw upon the resources of other departments and divisions as needed to complete this work.

During the initial research phase, staff will provide the code official (or Zoning Administrator if the issue relates specifically to Municipal Code, Chapter 17- Zoning) with information about the property in question. This step may include information on zoning, municipal code references, floodplain and wetland status, outstanding code violations, or other information that may be vital in determining whether or not a violation exists. The designated code official will visit the site, take photos, and, if appropriate, interview affected parties. All gathered information should be carefully documented and added to the case file to provide a complete record of the interaction.

Based on this research and documentation, and in consultation with appropriate staff, the code official will determine whether a violation exists. If no violation is found, it is noted in the case file, and the case is closed. If staff determines a violation exists, the appropriate code officials begin the process to notify the subject property owners.

Throughout the entire process, it is vital that the affected parties, whether the complainant, affected neighbors, or elected officials, have the ability to follow the progress of the case and the determinations and actions staff is taking. We will discuss process transparency and reporting in another section of this document.

### **Notification, Coordination, and Follow Up**

Once City staff makes a determination, the responsible code official will contact the subject property owner to advise them that a violation exists. While this initial notification can be verbal, the conversation must be documented and followed up with a written letter (pre-notification letter) identifying the specific violation or violations that have been observed, including a reference to the pertinent municipal code section(s).

It should be the goal of any code enforcement or nuisance abatement program to strike a partnership in collaboration with the property owner to get the violation corrected in a timely and voluntary manner. Toward that end, the initial contact and pre-notification letter may take on a more compassionate and cooperative tone. In any case, there should exist firm expectations established with respect to the actions to be taken and the timelines for doing so while also rationally taking into account the owner/tenant's personal circumstances.

The City recognizes that all property owners may not have the resources or ability to abate the violation in a timely manner. Upon written notification that such a hardship exists, the designated code official may work with the property owner to create an action plan to address the violation. The code official can also direct the property owner to available information and resources such as the Department of Public Works Recycling Yard, bulk pickup, "clean sweep" days, low-interest home repair loans offered through the Milwaukee County Community Development Block Grant program, or other private or non-profit resources or volunteer labor assistance for the elderly.

In the best case, the violation is corrected, and the case can be documented as closed. However, experience has taught us there will be property owners who will not respond to that initial request and will not willingly correct the violation(s) that have been determined to exist on a property. At that point, a formal Notice of Violation (NOV) letter is mailed to the subject property owner. This letter's tone is decidedly more direct in its imposition of required actions and timelines to correct the violation, including penalties should the violation remain unresolved.

In the case of repeated violations at the same property or by the same owner, the code official has the discretion to forego the pre-notification letter and proceed directly to the Notice of Violation letter.

If a property owner does not comply with a Notice of Violation letter, the code official, in consultation with appropriate staff, proceed to issue a citation.

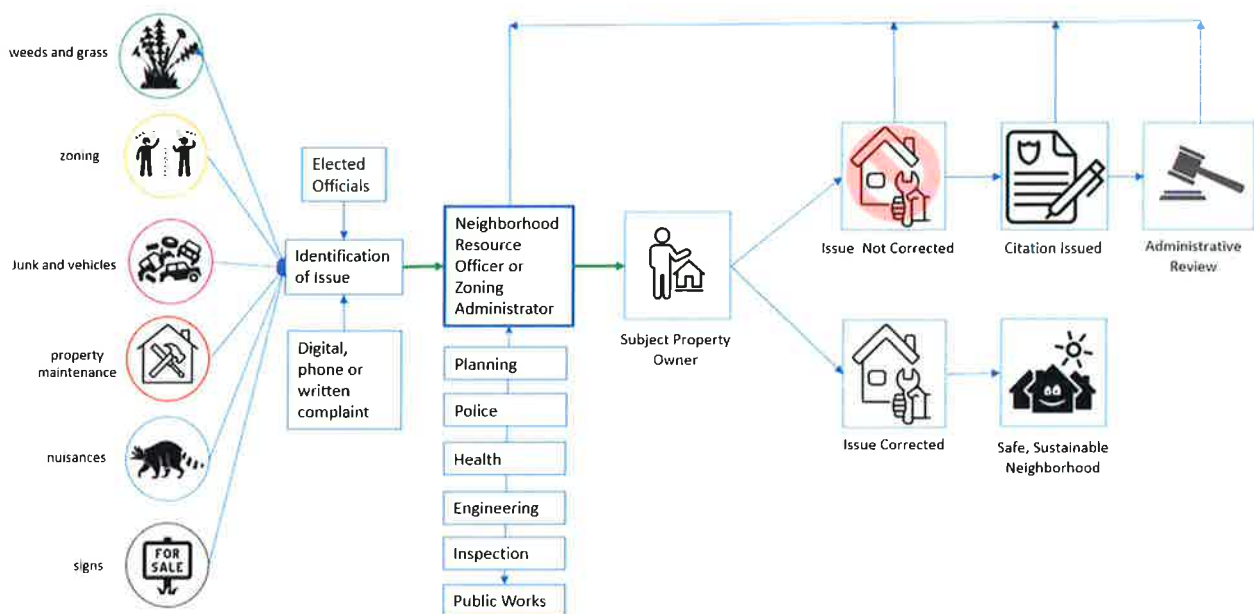
## The Case for Simplified, Proactive Code Awareness & Enforcement

The City recognizes the limitations of the current method of code enforcement and acknowledges the need to become more proactive in preserving its community aesthetic. On July 21, 2020, the Common Council adopted an addendum to the Strategic Action Plan for the years 2020-2022. One of the key community goals under the *Safe, Welcoming and Engaged Community* critical success factor is: *The Development and Implementation of a Comprehensive Neighborhood Preservation/Code Awareness & Enforcement Program.*

A proactive program will be a sea change to the current reactive and complaint-driven practices the City utilizes. Despite the proven benefits of neighborhood preservation and nuisance abatement, residents may be opposed on a philosophical level to proactive visual premise inspections. The City's elected officials will likely hear more from constituents who disagree with a proactive approach. It's important to note that most neighbors tolerate a minor level of nuisance from a nearby property in the name of conflict avoidance.

In many respects, a proactive program results in seeking out resident contact to resolve a nuisance or other aesthetic issue. There is an inherent conflict in that approach. The key to the program's integrity is to educate our residents, making them aware of their responsibilities under City laws, all with the hope of voluntary compliance. Citation issuance will be a last action used only when education and voluntary code compliance are not attainable through a partnership with our residents.

Simplified Code Enforcement and Nuisance Abatement Process



## **Establishment of *Creek Code*: A Community Aesthetic Preservation and Nuisance Abatement Program**

The City of Oak Creek will create a new platform to untangle the disparate code awareness and enforcement methods documented above. The *Creek Code* Community Aesthetic Preservation and Nuisance Abatement Program will be a blend of proactive (intentional inspections) and reactive (complaint based) steps designed to achieve the desired results of Oak Creek being a Safe, Welcoming, and Engaged Community. In as much, the community wishes to maintain a quality aesthetic for existing properties while at the same time ensuring new growth and development demonstrate standards of excellence. With the program, the City acknowledges that any economic development platform is predicated equally on maintaining and growing what is already here and attracting quality outside investment in the form of new employment and tax base.

As hinted above, *Creek Code* will be staffed with one full-time, dedicated employee with the title of Neighborhood Preservation Officer (NPO). The financial resources required for this position are budgeted in full in the 2021 City Operating Budget. The NPO's role will be clearly defined; it is positioned as a resource to educate and bring awareness to the public regarding *Creek Code*'s goals and benefits and provide flexibility in working with property owners on their unique circumstances. Ultimately the NPO will be responsible for eliciting compliance through enforcement action where diplomacy fails. A comprehensive position description for the NPO is detailed in Exhibit C.

### **Platform Feature #1: Branding and Public Education**

With the change from a purely reactive nuisance abatement program to a formal and strategically proactive position, public education is critical. The City will have a branded *Creek Code* campaign that strives to consistently bring light to the program's goals and positive community outcomes. The City is under no illusion that those involved in an enforcement action will be thrilled with the interaction. We know that there is a balance between a property owner's rights to use his or her property with certain degrees of freedom as long as the use of said property does not infringe on a neighbor's right to enjoy their property. City education materials will reflect this philosophy. The *Creek Code* program will have designated space on the City's homepage, and the City will continue to communicate program success.

### **Platform Feature #2: *Creek Code* Community Dashboard**

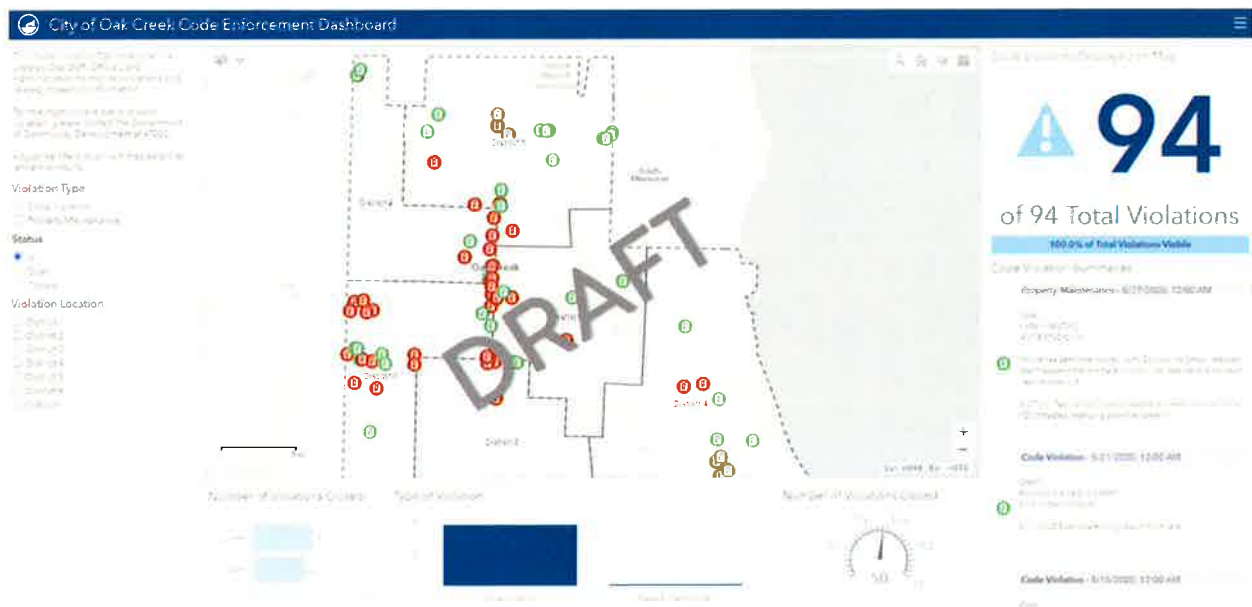
Transparency and reporting will be central values of the *Creek Code* program. One of the drawbacks of the existing system is the inability of complainants and elected officials to monitor the process. This deficiency leads to frustration and repeated complaints about the same issue. By its nature, the code awareness and enforcement process can take longer than most people realize. However, that frustration could be minimized by having a means of monitoring the progress of a complaint.

Many communities use dashboards to make information available to the public in a timely and easily understood manner. Dashboards have proven to be an effective tool used at many levels of government to provide crucial information to the public during the COVID-19 pandemic.

That same capability is available to the City to display information about other activities, in this case, code awareness and enforcement actions.

Staff from the Department of Community Development have been working with the GIS Administrator to create a *Creek Code* Dashboard, a web-based platform by which users can view and obtain information on code violations in the City. This platform will provide a visual representation of case data, as well as the details for each individual case. While not "live" data, the platform would display the details for each of the code cases that have been received and entered. This data can be filtered and viewed in many different ways, including cases by Aldermanic District, type of violation, and the status of the violation, among others.

The dashboard would be accessible online to select staff, administration, and elected officials. Additionally, these data may be made available to the public (likely in a redacted form) if deemed appropriate. In short, the dashboard itself can be used as a tool for eliciting voluntary compliance.



*Note: More information on this proposed dashboard will be available as a separate document.*

### **Platform Feature #3: Role Definition; Clarifying and Streamlining the Municipal Code**

In addition to a lack of clearly defined staff roles and areas of responsibility, the current Municipal Code also has code sections in various sections related to the types of nuisance and exterior property maintenance requirements central to *Creek Code*. In addition to the job description and defining staff roles, the City Attorney will be visiting the current Municipal Code to add to, combine, or incorporate by reference a newly title code section: Community

Aesthetic Preservation Code. Along with the Nuisance Abatement chapter, this new code section will encapsulate the vast majority of issues/nuisances the NPO would encounter. In short, these code sections are the NPO's defined areas of responsibility. This creates a distinction between the roles of the Zoning Administrator, who will be charged with items only in the zoning code (Chapter 17), and the respective duties of other officers and departments. The new code will also provide the NPO with the ability to issue citations (as a last recourse) instead of relying on other citation "officers" such as in the Police Department.

#### **Platform Feature #4: A Forum of Neighbors (Peers) to Hear Notice of Violation Appeals**

Although rarely used, the City already has a system established for appeals for violations of the Property Exterior Maintenance Code (Chapter 15.300). The code provides for and establishes procedures for appeals of this section to the Small Claims Committee. That committee is comprised of the Mayor, City Clerk, and one Alderman. The lack of 'citizen' representation may hinder this committee's effectiveness as an appeal mechanism for nuisance abatement issues. Any appeals of a decision by the Small Claims Committee are filed with the Milwaukee County Circuit Court, not the Municipal Court. Additionally, there is merit to making case review as apolitical as possible. Is the role of the City's elected officials to create and revise the Municipal Code when necessary or to adjudicate disputes about the Municipal Code? The SAP team authoring this report posits the former, keeping the Council in a legislative versus a quasi-judicial role.

Similar to the concept of an appeal to the Small Claims Committee, the Board of Zoning Appeals (BOZA), another citizen committee, has the ability to review appeals under Chapter 17 (Zoning) of the Municipal Code. While predominantly used for the disposition of variance requests, the BOZA does have the authority to adjudicate claims made by any person aggrieved by a decision of the Zoning Administrator or any administrative official regarding the literal enforcement of Chapter 17.

There is no doubt numerous property owners will dispute the facts, assert that the City is incorrect in its application of the Municipal Code, or contend a violation does not exist. More likely, residents will claim exigent circumstances as to why a violation does exist. This action is their right, which the *Creek Code* platform respects. In such cases, both parties, rather than proceeding directly to Municipal Court, may find it beneficial to have the facts of the case reviewed by a newly-created Community Aesthetic Preservation Board (CAPB). Please note: certain violations or a pass/fail nature, such as tall grass/weeds, non-removal of snow and ice, or imminent public safety needs, would not be appealable to the CAPB given the more immediate timeline needed for compliance. While the details and scope of responsibilities for such a board need further investigation, the general premise is to establish a panel of citizens, not staff or elected officials, to review the facts of the case and determine whether the City's codes are being appropriately applied. Much like the BOZA or Board of Review, staff would serve as a resource to this board but would not have a role in its final determination except supplying the facts/records of the open case.

A decision of the CAPB would be final from an administrative determination standpoint. No further appeal would be available to City boards or officials; persons wishing further review would need to file their appeals to the appropriate court.

At the end of the process, whether through voluntary compliance or the issuance of a citation, it is the goal to preserve the safety, aesthetics, and value of our neighborhoods by applying minimum community standards as established by the Municipal Code.

### **Implementation Timeline**

The SAP team views the following as a logical timeline for platform implementation:

- End of March: finalize position description, job announcement, and salary range;
- March 30- May 15: recruit for the full-time Neighborhood Preservation Officer position;
- April-May 4: bring forward various Municipal Code amendments for Common Council consideration;
- April 15- May 15: finalize records database and dashboard platforms;
- Prior to Memorial Day: Interview for NPO and make an employment offer;
- End of June: new NPO starts employment with the City.

By the time the NPO begins with the City, spring will be giving way to summer, and the seasonality of complaints will be upon us. The Community Development Director will work closely with both the Zoning Administrator and NPO to ensure smooth handling and sharing of duties so as not to overwhelm the platform early on. This will be a delicate but achievable balance and will require some patience among our Elected Officials as early *Creek Code* challenges are ironed out.

### **Conclusion**

While proactive code awareness and enforcement programs are not as prevalent in Wisconsin as in other parts of the country, best practices among quality abatement programs are observable. The City will utilize these process standards in the implementation of *Creek Code*.

Oak Creek's current process is similar to that of other Wisconsin municipalities: foisting duties upon a Zoning Administrator or other code official as part of several other responsibilities that person may have in the organization. To remedy that, the City identified a comprehensive code enforcement program in its SAP document and budgeted resources for a full-time, dedicated position to these duties. These resources, combined with clear roles and responsibilities, and *Creek Code's* framework, are a great starting point as a dedicated community aesthetic preservation and nuisance abatement platform.

## EXHIBIT A: TYPES OF NUISANCES

NOTE: this is not an all-inclusive list of nuisances and not all those listed are covered (by enumeration of otherwise) in the City's current Municipal Code

- Junked and/or Inoperable Vehicles
- Commercial vehicle parking, trailer parking within public rights-of-way (any time and just overnight); unlicensed/unregistered/inoperable commercial vehicles- prohibit altogether?
- Parking of operable vehicles on lawn, makeshift gravel surfaces, etc...
- Recreational vehicle parking, campers, boats, snowmobiles, Atv/UTV, etc.. and/or associated trailers
- Tall Grass/Weeds, Noxious Weeds (vacant and developed lots and in terrace areas adjacent to public ROW)
- Overgrown, unkempt landscaping
- Snow and ice accumulation, not timely removed
- Trees potentially injurious to the general public
- All Outdoor Storage/Junk/Debris
  - old appliances
  - construction debris
  - car parts
  - dilapidated play structures, overabundance of children's toy kept outdoors
  - household garbage
  - cans, scrap metal of any kinds without any operational utility
- Exterior Property Maintenance Issues- Non-Structural/Cosmetic (on principal and accessory structure(s))
  - No/Broken windows
  - No/Broken window Screens
  - No/broken doors
  - Peeling Paint
  - Missing roofing and siding (use of tarps, etc... to water/vermin proof)
  - Warped siding
  - unkempt/unfinished decks and stairwells/railings
  - dilapidated, flaking, missing panels/section of fencing
  - holes/crevices allowing passage of pests/vermin
  - chain-link fencing on residential properties ??
  - ripped awnings;
- Regulation of active construction sites;
- SW Management, erosion control, standing water issues;
- **Structural integrity** for both residential and non-residential structures;
- Building systems issues (plumbing, HVac, electrical, etc.)
- Regulation of Signs;
- Violations of CUP for commercial/industrial properties;
- Parking in commercial areas;
- Regulation of Home-based businesses;
- All sections Ch. 8.03: Human Health Hazards
- Public Health and Safety Issues
  - physical inhabitability (many separate reasons/concerns)
  - animal unit compliance
  - unkempt above/below-ground pools, cesspools
  - vermin habitat (numerous potentials, but unorganized fire wood pile(s) is frequent-flyer)
  - non-potable water source
  - errant effluent discharge/cesspools
  - down spout- sump pump discharge
  - unnatural water damming caused by obstruction
  - animal waste, excrement



## EXHIBIT B: POSITION DESCRIPTION



**Position:** Neighborhood Preservation Officer (NPO)  
**Department:** Community Development

**Unit:** n/a  
**FLSA Status:** Non-Exempt

### **Summary Description**

Under direction of the Community Development Director, the Neighborhood Preservation Officer (NPO) is primarily responsible for the public education, investigation, inspection, documentation, and enforcement of municipal ordinances, codes and regulations as they relate to the abatement of nuisances, the maintenance of private properties, and preservation of neighborhoods. Duties include research, inspection, data collection, correspondence, and record keeping. This position serves as a liaison between the City and the public regarding code enforcement and nuisance abatement issues, and may issue citations and aid in the prosecution of City ordinance violations.

Additionally, this position works with impacted residents and property owners and coordinates community outreach on the importance of the code enforcement and nuisance abatement process in the preservation of individual property values and neighborhoods. The NPO also works with affected residents, property owners and neighbors to direct them to available community resources to help resolve issues related to property and premises maintenance and nuisance abatement.

### **Supervision/Accountability**

This position does not have any supervisory responsibility; directly accountable to Director of Community Development.

### **Major Duties/Essential Functions**

Develops, implements, and continually improves a proactive program of code awareness, education, inspections, and ultimately, compliance; serves as lead agent for implementing the City's *Creek Code* community aesthetic preservation and nuisance abatement platform.

Receives, documents, and processes complaints (reactive) regarding potential violations of certain Municipal Code relating to property and premises maintenance, nuisance abatement, and the preservation of neighborhoods.

Investigates and documents complaints, prepares letters, notices, corrective actions and, when necessary, citations to property owners, tenants, or other stakeholders with the goal of gaining compliance with Municipal Codes.

Meets and works closely with residents, tenants, property owners, homeowner associations, and community groups to preserve and enhance the quality aesthetic of the community through public relations, education, community building, and enforcement activities.

## EXHIBIT B: POSITION DESCRIPTION

Serves as a primary point of contact for citizen complaint and inquiry into potential code compliance issues, and coordinates the flow of information to other departments and divisions, when issues are not in the purview of the NPO and/or circumstances require more drastic remedial actions (i.e. building integrity- raze orders, health and sanitation violations, zoning-special use permit violations, etc..).

Interprets ordinances, policies, and procedures as it relates to code awareness/enforcement and nuisance abatement and uses independent judgment to reconcile the spirit and intent of the code and the real situation as it presents itself.

Prepares case information and presents witness testimony and evidence at administrative and/or legal proceedings when required.

With the support of the Communications Coordinator, implements an ongoing program of outreach and education to articulate the goals and positive outcomes of the *Creek Code* platform.

Recommends changes to the Municipal Code sections under the positions purview to address policy matters or emerging nuisances not adequately codified.

### **Minor Duties/Responsibilities**

Confers with the Director of Community Development and City Attorney presenting or resolving difficult problems or questions and discussing plans and actions to be taken.

Participates in professional seminars and meetings in order to improve working knowledge and skills.

Notifies other City departments/divisions of any violations of City ordinances or regulations not in the NPO's primary area of responsibility.

Reads incoming correspondence; plans and formulates response or subsequent action. Composes correspondence dealing with subject matter that involves considerable discretion, judgment, or negotiation.

Performs related work tasks as required or as needed in the Community Development Department.

### **Knowledge**

Knowledge of, and the ability to apply effective public and community relations techniques including negotiation and conflict resolution.

Thorough knowledge of principles, methods, materials and equipment common to building and property maintenance codes, methods and procedures.

Familiarity with land use concepts and zoning principles.

Knowledge of investigative and research methods and techniques.

## EXHIBIT B: POSITION DESCRIPTION

### **Skill/Ability**

Ability to:

- Interpret and enforce City codes, regulations, policies and procedures.
- Communicate effectively, both orally and in written and digital form.
- Effectively and compassionately deal with people.
- Maintain a professional demeanor and calm approach towards solving problems under stressful circumstances.
- Gather and analyze data to prepare accurate and concise written reports.
- Input, maintain, query and report information from existing databases and software.
- Process information in a relevant manner to reach reasonable conclusions and make practical decisions.
- Work independently or as a team; recognize and set priorities and meet deadlines.
- Plan, organize, manage, and administer projects requiring coordination with others.
- Observe safety principles and work in a safe manner.
- Work effectively with contractors, developers, other agencies and the public and to establish and maintain effective interpersonal relationships with employees, other departments/divisions, and the general public.

### **Education/Experience**

A typical education background is a minimum of Bachelor's degree in political science, criminal justice, community planning, communications/public relations, public administration, social work, psychology, sociology, or a similar field, and at least two (2) years of full time experience in the related field. Applicants may substitute three (3) to five (5) years of relevant work experience in code administration, code enforcement, zoning administration, or urban planning in lieu of having attained the minimum post-secondary education requirement.

The successful applicant will be a high energy individual with strong customer service and effective communication skills, coupled with a positive attitude yet an acute ability to be both firm and flexible when addressing constituents.

### **Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed both in office and field settings. Outdoor work is required in the inspection of various properties. A high degree of hand-eye coordination is necessary to operate computers and various pieces of office equipment. While performing the duties of this job, the employee is occasionally required to use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit, talk, and hear. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

### **Work Environment**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EXHIBIT B: POSITION DESCRIPTION

While performing the duties of this job, the employee works both indoors and in outside weather conditions. Normally the noise level in the work environment is usually quiet and would be representative of a business office, but noise conditions may vary in the field.

**Tools and Equipment Used**

The ability to use the tools and equipment listed below is essential to perform the functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Automobile, personal computer including spreadsheet, word processing, and GIS software, digital camera, telephone, and copy machine.

**License/Certifications**

Possession of a valid Wisconsin Division of Motor Vehicle operator’s license required.

**Special Conditions of Work**

None.

*The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.*

Approved By:   
City Administrator

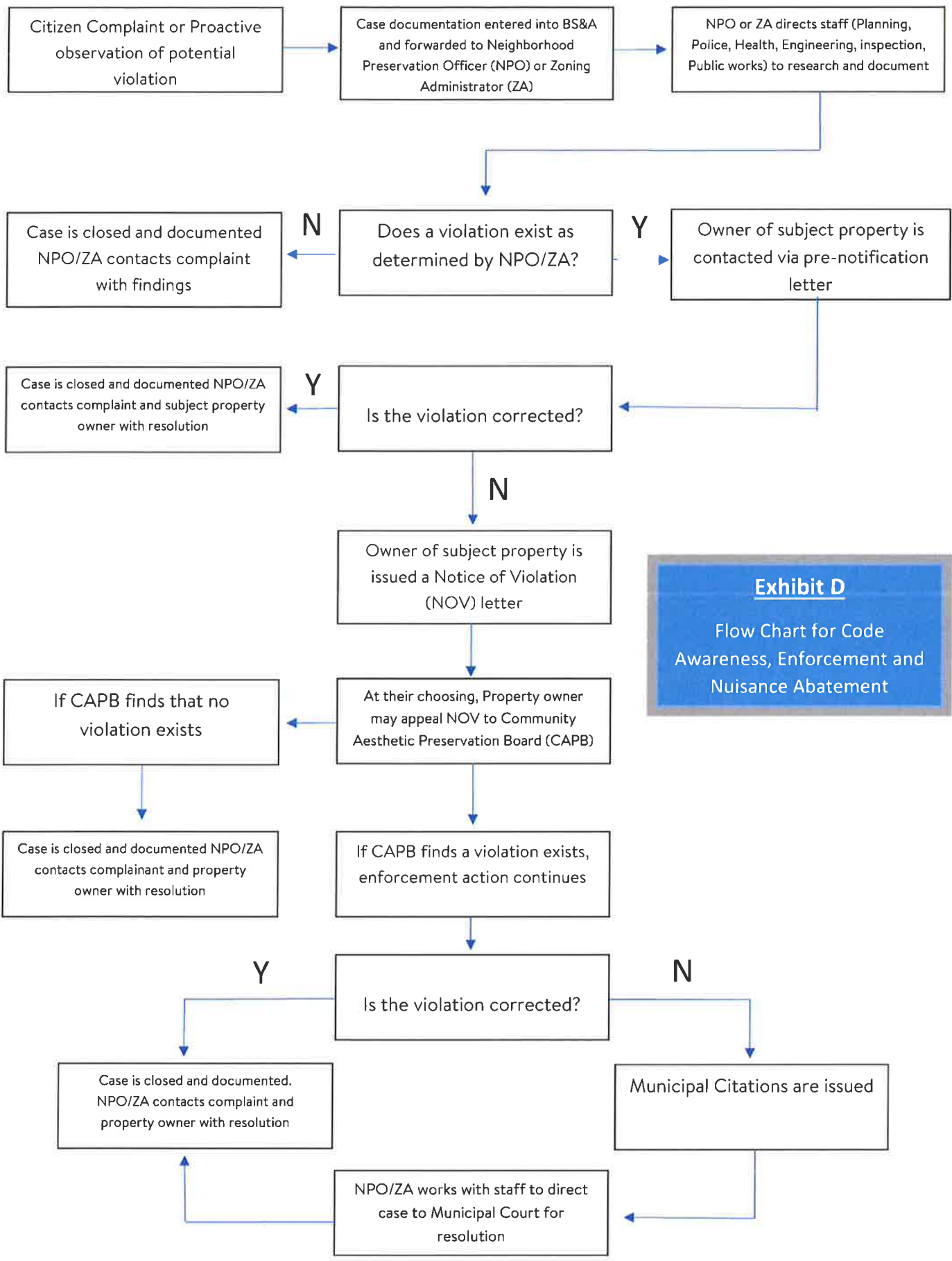
Reviewed By:   
HR Manager

Reviewed By: \_\_\_\_\_  
Community Development  
Director

**Revision History:**  
March 23, 2021

**EXHIBIT C: PROBABLE NPO RESPONSIBILITIES VIA CODE SECTIONS (DRAFT, APRIL 2021)**

HEADING	CODE SECTION	TITLE	NOTES
Streets & Sidewalks	<a href="#">6.20</a>	Removal of Rubbish, Dirt, Grass, Leaves, Yard Waste	
	<a href="#">6.23</a>	Obstructions & Encroachments	
	<a href="#">6.24</a>	Snow & Ice Removal	
	<a href="#">6.25</a>	Terrace Areas	
	<a href="#">6.29</a>	Awnings, Canopies, Sun Shades	
Health & Sanitation	<a href="#">8.07</a>	Regulation of Length of Lawns and Grasses	Is this required by State Stats to be the purview of the CPHO? Just noxious weeds section?
Offenses & Nuisances	<a href="#">11.24</a>	Obstructing Streets & Sidewalks	
	<a href="#">11.35</a>	Sale of Motor Vehicle from Private Residence	Need to revisit the time/length "of advertising" in this section and 10.41 ( e ) below Could prob include this in the Prop Maint Code as an "appliance" and eliminate other references (2) to it in the Code
	<a href="#">11.42</a>	Abandoned Refrigerators	
	<a href="#">11.104 (d)</a>	Obstructions of Intersections	
	<a href="#">11.104 (f)</a>	Dilapidated Buildings	
	<a href="#">11.104 (k)</a>	Abandoned Refrigerators	see above
	<a href="#">11.104 (m)</a>	Unremoved Snow	What does this accomplish apart from 6.240 above?
Motor Vehicles & Traffic	<a href="#">10.41 (d)</a>	Parking Vehicle for Repair	
	<a href="#">10.41 (e)</a>	Sale of Motor Vehicle from Private Residence	How does this differ from 11.350 above? Do we need both?
	<a href="#">10.50</a>	Non-motorized Vehicle Parking (on street)	similar comments to Sec. 17.0405 below
	<a href="#">10.65</a>	Junked Motor Vehicles	
	<a href="#">10.66</a>	Inoperable and Unregistered Vehicles	
Building Codes	<a href="#">15.300</a>	Property Exterior Maintenance Code	Basically, this is our base ordinance for the NPO Does this go far enough to regulate the types of "enclosures" required for mainly MF and commercial properties?)
Housing Codes	<a href="#">16.05 (g) 1-3</a>	Garbage & Refuse Receptacles	
Zoning	<a href="#">17.0204(d)(8)</a>	Enforcement of Portable Storage Structures (Residential)	per Doug's review of Ch 17
	<a href="#">17.0405</a>	Parking Cars, Trucks, Rvs in Residential Districts	Numerous policy questions exist with this section. In addition, we need to find a code section or amend to ensure public streets/alleyways cannot be used to park commercial vehicles, construction equipment, Semi-trucks or trailers, or any other non passenger vehicles.



**Exhibit D**  
Flow Chart for Code Awareness, Enforcement and Nuisance Abatement

## COMMON COUNCIL REPORT

- Item:** Certified Survey Map - 4200 E. Lake Vista Blvd. and 4001 E. Lake Vista Parkway - F Street Development Group & City of Oak Creek
- Recommendation:** That the Council adopts Resolution No. 12239-040521, a resolution approving a Certified Survey Map submitted by F Street Development Group and City of Oak Creek for the properties at 4200 E. Lake Vista Blvd. and 4001 E. Lake Vista Parkway.
- Fiscal Impact:** The proposal is to combine and reconfigure the the properties for the anticipated mixed use Lakeshore Commons development. That development, if approved, would yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. This property is part of TID 13.
- 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

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**Background:** The City of Oak Creek and development partner F Street Group are requesting approval of a Certified Survey Map (CSM) combining and reconfiguring the properties at 4200 E. Lake Vista Blvd. and 4001 E. Lake Vista Parkway. This CSM is in anticipation of the forthcoming mixed-use development called Lakeshore Commons.

Following reconfiguration, each of the proposed three (3) development parcels will exceed the current zoning districts' minimum lot size and frontage requirements. Outlot 1 currently does not meet the minimum requirements for any zoning district, but is anticipated to be reconfigured in the future. The existing public rights-of-way for Lake Vista Boulevard and Lake Vista Parkway will be officially dedicated, and utility easements are shown. WE Energies determined, following Plan Commission review, that some of the easements shown on the draft CSM are unnecessary. Any vacations of such easements will be considered technical corrections, and staff has requested to be copied on all correspondence regarding said vacations. Wetlands and deed restrictions have been identified on page 3 of the map, with detailed easements shown on page 4.

The Plan Commission reviewed this request during their March 23, 2021 meeting, and recommended approval subject to the following condition:

That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording

**Options/Alternatives:** Council has the discretion to approve, and/or modify the condition(s) of Certified Survey Map approval, or deny the request.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Res. 12239-040521

Location Map

Proposed CSM (6 pages)



RESOLUTION NO. 12239-040521

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

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
F STREET DEVELOPMENT GROUP & CITY OF OAK CREEK

4200 E. Lake Vista Blvd. and 4001 E. Lake Vista Parkway  
(4<sup>th</sup> Aldermanic District)

WHEREAS, F STREET DEVELOPMENT GROUP & CITY OF OAK CREEK, hereinafter referred to as the subdividers, have submitted a certified survey map in compliance with all statutory requirements; and

WHEREAS, the subdividers have complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

WHEREAS, the Plan Commission has recommended that this certified survey map be approved, subject to the following condition:

That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to the following condition:

That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 5<sup>th</sup> day of April, 2021.

Passed and adopted this 5<sup>th</sup> day of April, 2021.

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

Approved this 5<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
Mayor

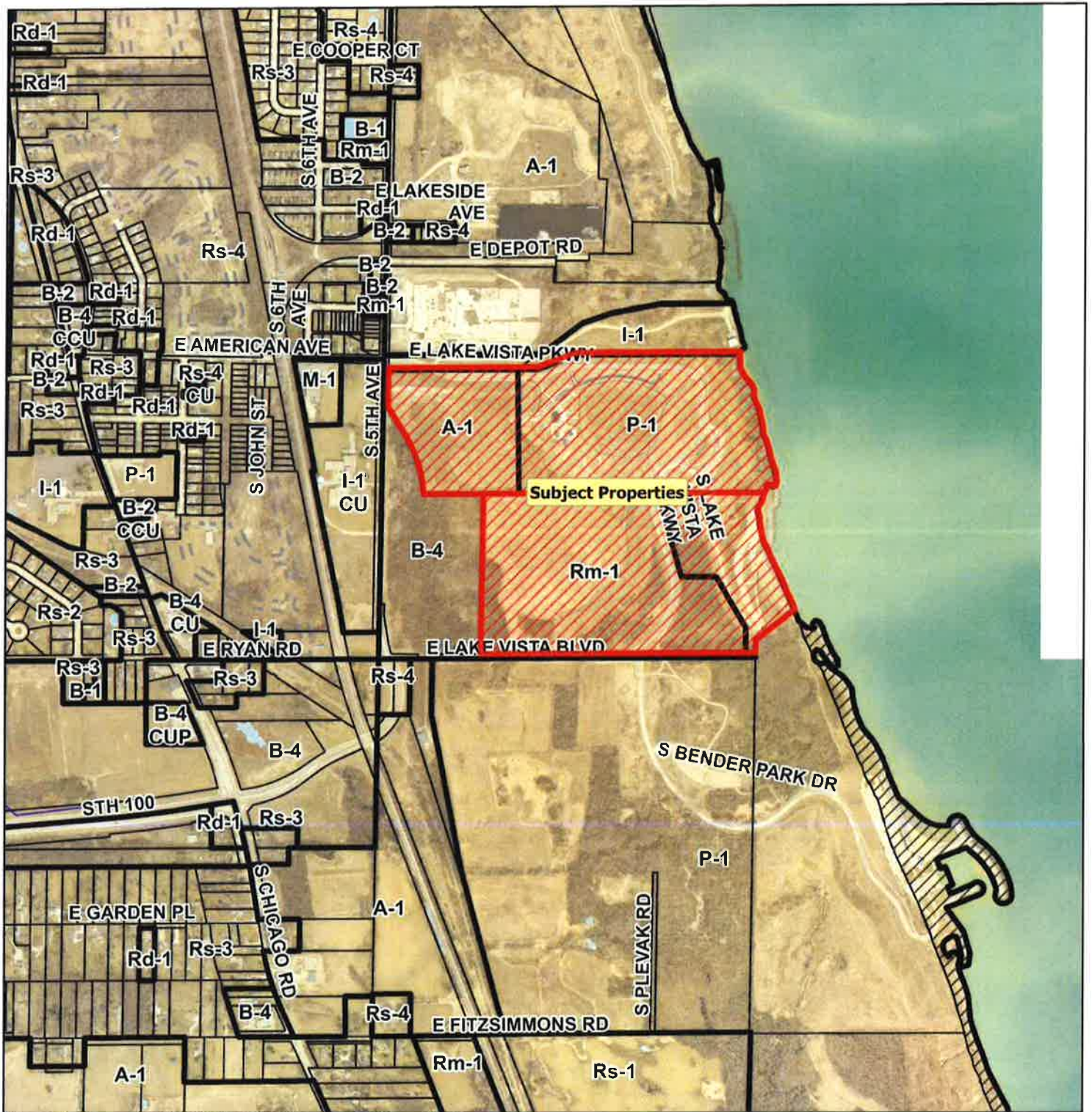
ATTEST:

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

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

# LOCATION MAP

## 4001 E. Lake Vista Pkwy. & 4200 E. Lake Vista Blvd.



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









Community Development

0 0.05 0.1 0.2 Miles

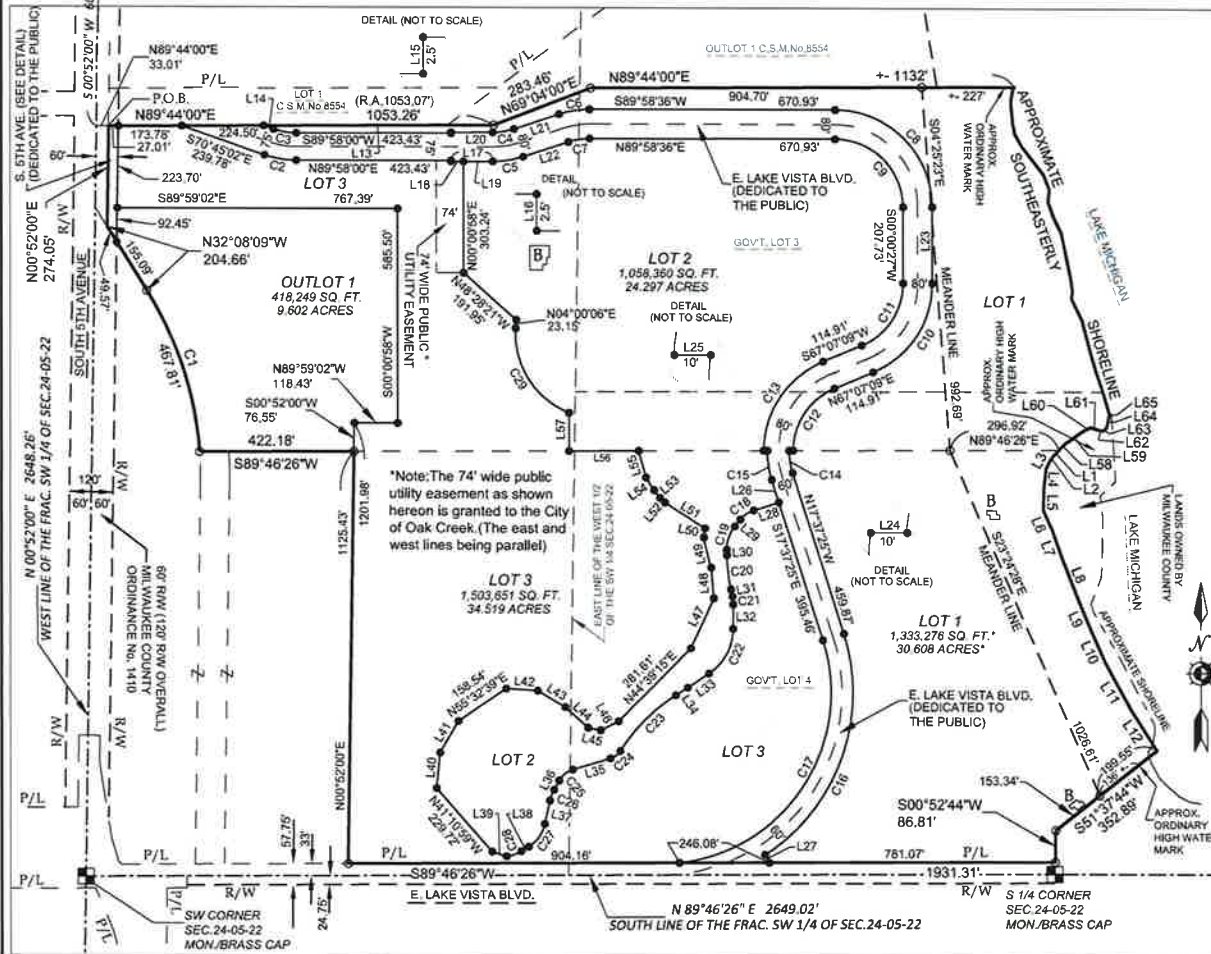


### Legend

-  Zoning
-  Official Map
-  Floodway
-  Flood Fringe
-  Parcels
-  Subject Properties

# CERTIFIED SURVEY MAP No. \_\_\_\_\_

Being a part of Government Lots 3 & 4, and the West 1/2 of the Southwest 1/4 of the Fractional Southwest 1/4, of Section 24, Township 05 North, Range 22 East, situated in the City of Oak Creek, Milwaukee County, Wisconsin.



## LEGEND

- = 1.32" O.D. Iron Pipe Found
- = 0.5" Rebar Found
- ⊕ = Cut Cross Found
- = 1.32" O.D. X 18" long Iron Pipe Set, weighing 1.68 lbs./lineal foot
- P.O.B. = Point of Beginning
- R/W = Right of Way
- P/L = Property line
- B = Existing Building
- (R.A.) = Recorded As

NORTH REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE, NAD 27. THE WEST LINE OF THE SW 1/4 OF SECTION 24-05-22, BEARING N00°52'00"E.

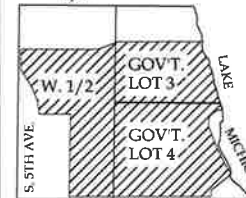
Note: The area as shown for Lot 1 is approximate and subject to change, as it includes that portion of land between the meander line and the shoreline of Lake Michigan, as said shoreline is subject to change.

Note: The area for the dedication of E. Lake Vista Blvd. as shown = 306,282 square feet / 7.031 acres of land, more or less. Note: The monumentation for Lines 1-12, and 58-65, was not set because of rip-rap along said Lines 8-12, and steep slopes along said Lines 1-7, and 58-65.

S. 5TH AVE. ROAD DEDICATION  
DETAIL (NOT TO SCALE)

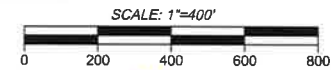


SW 1/4 SEC. 24-05-22



Note: The approximate ordinary high water mark is shown for reference only. Any land below the ordinary high water mark of a lake of navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution

E. LAKE VISTA BLVD.  
LOCATION MAP  
NOT TO SCALE



226 W. WISCONSIN AVE.  
APPLETON, WI 54911  
kapurinc.com

# CERTIFIED SURVEY MAP No. \_\_\_\_\_

Being a part of Government Lots 3 & 4, and the West 1/2 of the Southwest 1/4 of the Fractional Southwest 1/4, of Section 24, Township 05 North, Range 22 East, situated in the City of Oak Creek, Milwaukee County, Wisconsin.

### CURVE CHART

<p style="text-align: center;"><b>C1</b> CURVE DATA</p> <p>R = 960.00' L = 467.81' Δ = 27°55'14" CH. B. = N18°09'35"W CH. = 463.20'</p>	<p style="text-align: center;"><b>C2</b> CURVE DATA</p> <p>R = 262.50' L = 89.34' Δ = 19°16'58" CH. B. = S80°23'31"E CH. = 87.93'</p>	<p style="text-align: center;"><b>C3</b> CURVE DATA</p> <p>R = 187.50' L = 63.10' Δ = 19°16'58" CH. B. = N60°23'31"W CH. = 62.81'</p>	<p style="text-align: center;"><b>C4</b> CURVE DATA</p> <p>R = 185.00' L = 59.25' Δ = 18°21'04" CH. B. = S80°47'28"W CH. = 59.00'</p>	<p style="text-align: center;"><b>C5</b> CURVE DATA</p> <p>R = 265.00' L = 84.88' Δ = 18°21'04" CH. B. = N60°47'28"E CH. = 84.51'</p>
<p style="text-align: center;"><b>C6</b> CURVE DATA</p> <p>R = 265.00' L = 84.92' Δ = 18°21'40" CH. B. = S80°47'46"W CH. = 84.58'</p>	<p style="text-align: center;"><b>C7</b> CURVE DATA</p> <p>R = 185.00' L = 59.29' Δ = 18°21'40" CH. B. = N80°47'46"E CH. = 59.03'</p>	<p style="text-align: center;"><b>C8</b> CURVE DATA</p> <p>R = 265.00' L = 416.40' Δ = 90°01'51" CH. B. = N45°00'28"W CH. = 374.87'</p>	<p style="text-align: center;"><b>C9</b> CURVE DATA</p> <p>R = 185.00' L = 290.70' Δ = 90°01'51" CH. B. = S45°00'28"E CH. = 261.70'</p>	<p style="text-align: center;"><b>C10</b> CURVE DATA</p> <p>R = 265.00' L = 310.40' Δ = 67°06'42" CH. B. = N33°33'48"E CH. = 292.96'</p>
<p style="text-align: center;"><b>C11</b> CURVE DATA</p> <p>R = 185.00' L = 216.69' Δ = 67°06'42" CH. B. = S33°33'48"W CH. = 204.52'</p>	<p style="text-align: center;"><b>C12</b> CURVE DATA</p> <p>R = 185.00' L = 214.82' Δ = 66°31'57" CH. B. = N33°51'10"E CH. = 202.96'</p>	<p style="text-align: center;"><b>C13</b> CURVE DATA</p> <p>R = 265.00' L = 308.86' Δ = 66°46'40" CH. B. = S33°43'49"W CH. = 291.87'</p>	<p style="text-align: center;"><b>C14</b> CURVE DATA</p> <p>R = 195.00' L = 61.84' Δ = 18°10'07" CH. B. = N08°32'21"W CH. = 61.58'</p>	<p style="text-align: center;"><b>C15</b> CURVE DATA</p> <p>R = 255.00' L = 80.05' Δ = 17°59'14" CH. B. = S08°37'48"E CH. = 79.73'</p>
<p style="text-align: center;"><b>C18</b> CURVE DATA</p> <p>R = 530.00' L = 690.21' Δ = 74°36'54" CH. B. = N19°41'02"E CH. = 642.46'</p>	<p style="text-align: center;"><b>C17</b> CURVE DATA</p> <p>R = 470.00' L = 827.86' Δ = 100°55'14" CH. B. = S32°50'12"W CH. = 724.91'</p>	<p style="text-align: center;"><b>C18</b> CURVE DATA</p> <p>R = 76.00' L = 45.02' Δ = 33°58'37" CH. B. = S55°24'40"W CH. = 44.37'</p>	<p style="text-align: center;"><b>C19</b> CURVE DATA</p> <p>R = 101.00' L = 70.03' Δ = 39°43'31" CH. B. = S18°34'36"W CH. = 68.63'</p>	<p style="text-align: center;"><b>C20</b> CURVE DATA</p> <p>R = 501.00' L = 93.98' Δ = 10°44'52" CH. B. = S06°39'35"E CH. = 93.84'</p>
<p style="text-align: center;"><b>C21</b> CURVE DATA</p> <p>R = 99.00' L = 21.30' Δ = 12°19'48" CH. B. = S05°52'07"E CH. = 21.26'</p>	<p style="text-align: center;"><b>C22</b> CURVE DATA</p> <p>R = 149.00' L = 145.50' Δ = 55°57'01" CH. B. = S28°16'17"W CH. = 139.79'</p>	<p style="text-align: center;"><b>C23</b> CURVE DATA</p> <p>R = 501.00' L = 216.32' Δ = 24°44'20" CH. B. = S44°57'43"W CH. = 214.64'</p>	<p style="text-align: center;"><b>C24</b> CURVE DATA</p> <p>R = 49.00' L = 34.72' Δ = 40°35'37" CH. B. = S62°53'21"W CH. = 34.00'</p>	<p style="text-align: center;"><b>C25</b> CURVE DATA</p> <p>R = 63.00' L = 48.70' Δ = 44°17'36" CH. B. = S51°02'22"W CH. = 47.50'</p>
<p style="text-align: center;"><b>C26</b> CURVE DATA</p> <p>R = 113.00' L = 31.97' Δ = 16°12'31" CH. B. = S20°47'18"W CH. = 31.86'</p>	<p style="text-align: center;"><b>C27</b> CURVE DATA</p> <p>R = 99.00' L = 78.45' Δ = 45°24'00" CH. B. = S35°23'03"W CH. = 76.41'</p>	<p style="text-align: center;"><b>C28</b> CURVE DATA</p> <p>R = 99.00' L = 43.12' Δ = 24°57'29" CH. B. = S70°33'47"W CH. = 42.78'</p>	<p style="text-align: center;"><b>C29</b> CURVE DATA</p> <p>R = 232.51' L = 292.82' Δ = 72°08'23" CH. B. = N32°04'35"W CH. = 273.85'</p>	

### LINE TABLE

L1 = S 43°13'38" W, 22.07'	L15 = S 00°02'00" E, 2.50'	L29 = S 38°26'21" W, 24.25'
L2 = S 35°56'09" W, 14.88'	L16 = S 00°02'00" E, 2.50'	L30 = S 01°17'09" E, 14.52'
L3 = S 25°37'42" W, 24.09'	L17 = N 89°58'00" E, 113.45'	L31 = S 12°02'01" E, 19.65'
L4 = S 06°19'06" W, 51.99'	L18 = N 89°58'00" E, 33.77'	L32 = S 00°17'46" W, 66.20'
L5 = S 01°29'41" W, 61.59'	L19 = N 89°58'00" E, 79.68'	L33 = S 56°14'47" W, 69.80'
L6 = S 23°13'38" E, 61.65'	L20 = S 89°58'00" W, 113.45'	L34 = S 57°19'53" W, 38.90'
L7 = S 19°05'55" E, 76.98'	L21 = S 71°36'56" W, 129.38'	L35 = S 73°11'10" W, 107.61'
L8 = S 21°16'36" E, 117.61'	L22 = N 71°36'56" E, 129.38'	L36 = S 28°53'33" W, 28.37'
L9 = S 22°33'08" E, 95.76'	L23 = N 00°00'27" E, 207.73'	L37 = S 12°41'03" W, 65.33'
L10 = S 24°04'06" E, 97.05'	L24 = N 89°46'26" E, 10.00'	L38 = S 58°05'03" W, 23.59'
L11 = S 28°11'19" E, 148.79'	L25 = N 89°46'26" E, 10.00'	L39 = N 71°33'44" W, 41.54'
L12 = S 32°44'44" E, 129.77'	L26 = S 17°37'25" E, 64.41'	L40 = N 05°36'08" E, 98.14'
L13 = N 89°44'00" E, 627.97'	L27 = N 29°45'50" W, 24.61'	L41 = N 30°34'55" E, 98.75'
L14 = N 70°45'02" W, 28.17'	L28 = S 72°22'58" W, 72.65'	L42 = S 86°10'59" E, 86.41'

L43 = S 59°02'00" E, 87.71'  
L44 = S 47°51'32" E, 84.05'  
L45 = S 79°17'03" E, 34.56'  
L46 = N 63°26'16" E, 54.37'  
L47 = N 24°46'41" E, 150.13'  
L48 = N 04°53'47" W, 83.89'  
L49 = N 13°19'18" W, 85.24'  
L50 = N 07°07'40" E, 25.09'  
L51 = N 57°07'46" W, 130.28'  
L52 = N 47°17'16" W, 18.13'  
L53 = N 37°18'04" W, 27.02'  
L54 = N 33°06'31" W, 40.42'  
L55 = N 15°25'25" W, 75.24'  
L56 = S 89°46'26" W, 190.16'

L57 = N 00°00'10" E, 102.81'  
L58 = S 43°13'38" W, 22.27'  
L59 = S 55°56'46" W, 66.25'  
L60 = S 64°44'25" W, 18.72'  
L61 = N 73°32'04" W, 22.46'  
L62 = N 76°56'27" W, 12.54'  
L63 = S 47°49'08" W, 13.40'  
L64 = S 12°06'33" W, 30.52'  
L65 = S 02°11'27" W, 9.64'



226 W. WISCONSIN AVE.  
APPLETON, WI 54911  
kapurinc.com

# CERTIFIED SURVEY MAP No. \_\_\_\_\_

Being a part of Government Lots 3 & 4, and the West 1/2 of the Southwest 1/4 of the Fractional Southwest 1/4, of Section 24, Township 05 North, Range 22 East, situated in the City of Oak Creek, Milwaukee County, Wisconsin.

## ENVIRONMENTAL ISSUES

SHEET 3 OF 6

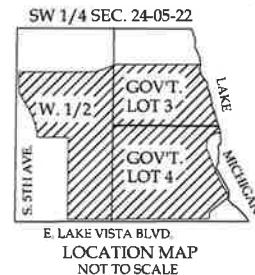
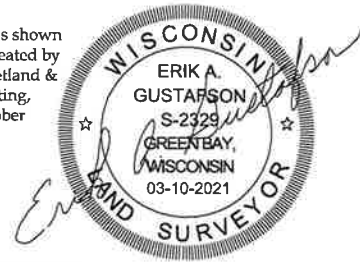
### SOIL BOUNDARY AREA LEGEND

- AEBA = ARSENIC EXCAVATION BOUNDARY AREA
- CCSA = CLEAN COVER SOIL AREA
- NCSA = NO COVER SOIL AREA
- FNCSA = FORMER NEWPORT CHEMICAL MANUFACTURING AREA

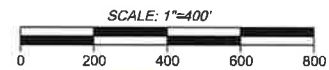
 = EXISTING WETLAND AREA

Per Flood Insurance Rate Map, Map Number 55079C0188E, effective date September 26, 2008, and Map Number 55079C0251E, effective date September 26, 2008, the subject parcels are determined to be within Zone "X", described as areas determined to be outside the 0.2% annual chance floodplain.

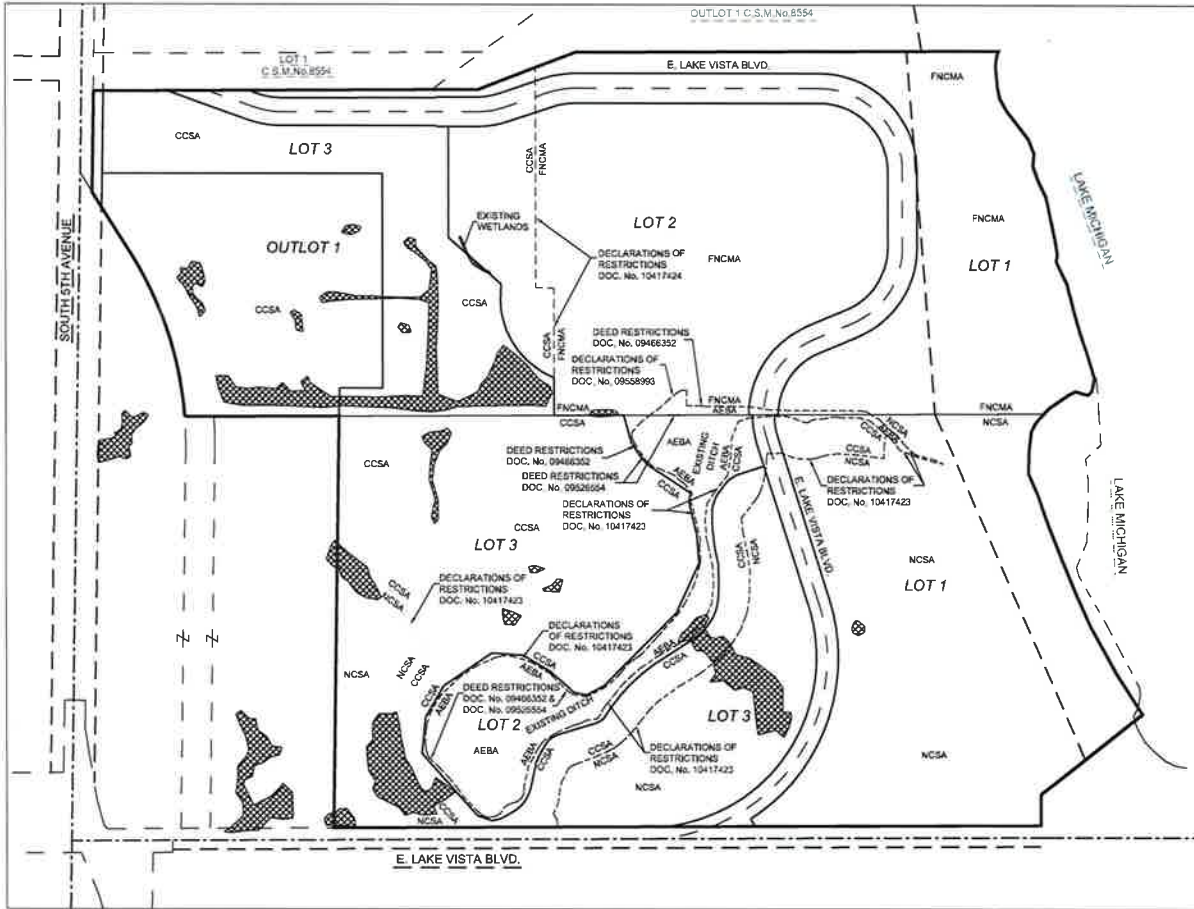
Note: The wetlands shown hereon were delineated by Dave Meyer of Wetland & Waterway Consulting, LLC between October 18-21, 2020.



NORTH REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE, NAD 27. THE WEST LINE OF THE SW 1/4 OF SECTION 24-05-22, BEARING: N00°52'00"E

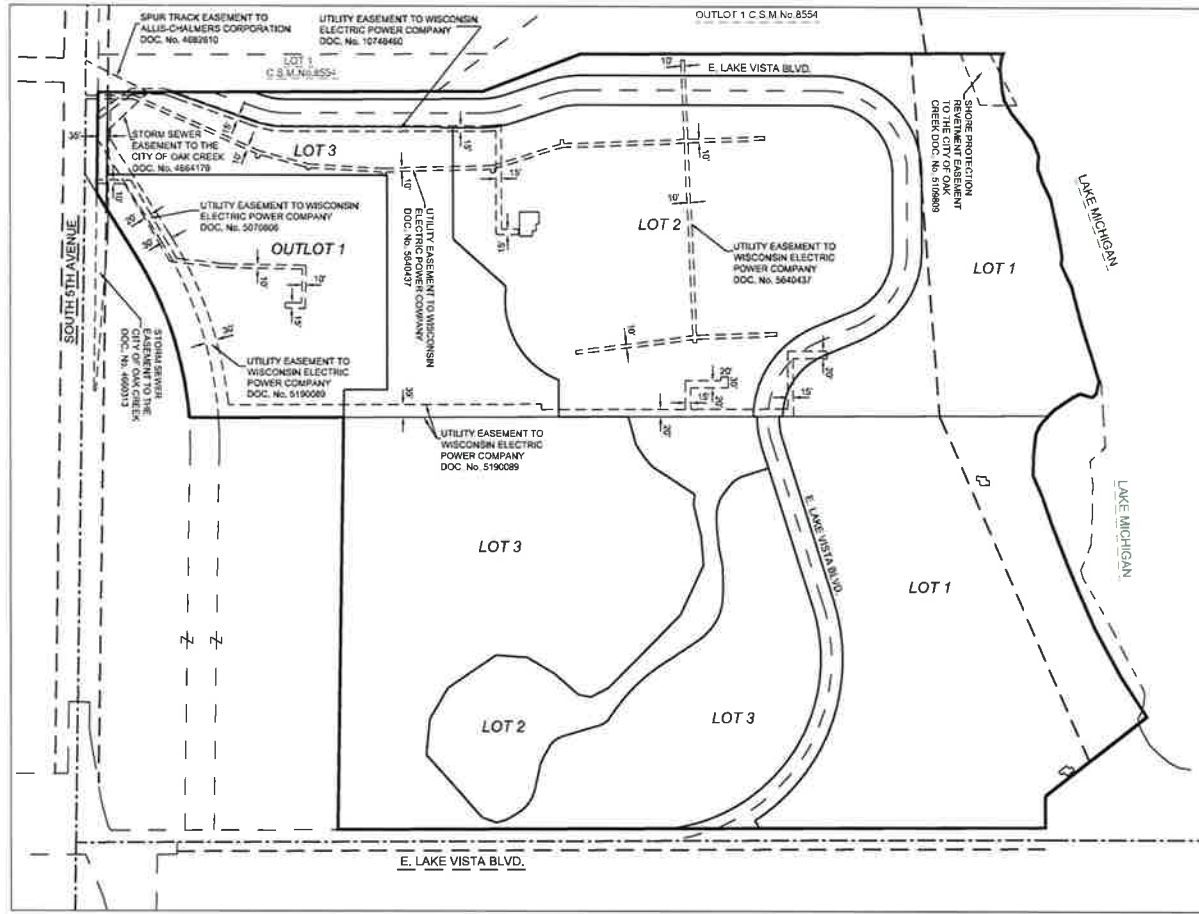


226 W. WISCONSIN AVE.  
APPLETON, WI 54911  
kapurinc.com

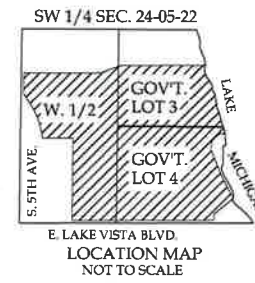


# CERTIFIED SURVEY MAP No. \_\_\_\_\_

Being a part of Government Lots 3 & 4, and the West 1/2 of the Southwest 1/4 of the Fractional Southwest 1/4, of Section 24, Township 05 North, Range 22 East, situated in the City of Oak Creek, Milwaukee County, Wisconsin.



## EXISTING EASEMENT LOCATIONS



NORTH REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE, NAD 27. THE WEST LINE OF THE SW 1/4 OF SECTION 24-05-22, BEARING: N00°52'00"E.



**Kapur** 226 W. WISCONSIN AVE.  
 APPLETON, WI 54911  
 kapurinc.com

## CERTIFIED SURVEY MAP No. \_\_\_\_\_

Being a part of Government Lots 3 & 4, and the West 1/2 of the Southwest 1/4 of the Fractional Southwest 1/4, of Section 24, Township 05 North, Range 22 East, situated in the City of Oak Creek, Milwaukee County, Wisconsin.

### SURVEYOR'S CERTIFICATE:

I, Erik A. Gustafson, Professional Wisconsin Land Surveyor, do hereby certify that at the direction of the City of Oak Creek, I have surveyed, divided and mapped the land shown and described hereon and that the information shown hereon is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the City of Oak Creek Subdivision Ordinance, said land being:

That part of Government Lots 3 and 4, and the West 1/2 of the Southwest 1/4 of the Fractional Southwest 1/4, of Section 24, Township 05 North, Range 22 East, situated in the City of Oak Creek, Milwaukee County, Wisconsin, described as follows:

Commencing at the West 1/4 corner of said Section 24; thence South 00°52'00" West, along the west line of said Southwest 1/4, of Section 24, 601.27 feet; thence North 89°44'00" East, 33.01 feet to the easterly dedication line of South 5th Avenue and the Point of Beginning; thence continuing North 89°44'00" East, 1053.26 feet; thence North 69°04'00" East, 283.46 feet; thence North 89°44'00" East, 904.70 feet to a point on a meander line of Lake Michigan; thence South 04°25'23" East, along said meander line, 992.69 feet; thence North 89°46'26" East, 296.92 feet; thence South 43°13'38" West, 22.06 feet; thence South 35°56'09" West, 14.88 feet; thence South 25°37'42" West, 24.09 feet; thence South 06°19'06" West, 51.99 feet; thence South 01°29'41" West, 61.59 feet; thence South 23°13'38" East, 61.65 feet; thence South 19°05'55" East, 76.98 feet; thence South 21°16'36" East, 117.61 feet; thence South 22°33'08" East, 95.76 feet; thence South 24°04'06" East, 97.05 feet; thence South 28°11'19" East, 148.79 feet; thence South 32°44'44" East, 129.77 feet; thence South 51°37'44" West, 352.89 feet to the east line of said southwest fractional 1/4; thence South 00°52'44" West, along said east line, 86.81 feet to the northerly line of East Lake Vista Boulevard; thence South 89°46'26" West, along said northerly line, 1931.31 feet; thence North 00°52'00" East, parallel with said west line of the Southwest 1/4, of said Section 24, 1125.43 feet; thence South 89°46'26" West, 422.18 feet to a point of curvature; thence Northwesterly along the arc of a curve to the left, 467.81 feet, said curve having a radius of 960.00 feet and a chord bearing North 18°09'35" West, 463.20 feet; thence North 32°08'09" West, 204.66 feet to said easterly dedication line of South 5th Avenue; thence North 00°52'00" East, along said easterly line, 274.05 feet to the Point of Beginning, including those lands between the aforedescribed meander line and the shore of Lake Michigan.

Containing 4,627,785 square feet / 106.239 acres of land, more or less, including that portion of land between the meander line and the Lake Michigan shoreline.

Dated this 3rd day of March, 2021.

  
Erik A. Gustafson S-2329



226 W. WISCONSIN AVE.  
APPLETON, WI 54911  
kapurinc.com

CERTIFIED SURVEY MAP No. \_\_\_\_\_

Being a part of Government Lots 3 & 4, and the West 1/2 of the Southwest 1/4 of the Fractional Southwest 1/4, of Section 24, Township 05 North, Range 22 East, situated in the City of Oak Creek, Milwaukee County, Wisconsin.

**CORPORATE OWNER'S CERTIFICATE:**

The City of Oak Creek, a Wisconsin Corporation duly organized and existing under and by the virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this map to be surveyed, divided, mapped and dedicated as represented hereon in accordance with Chapter 236.34 of the Wisconsin State Statutes, and the City of Oak Creek Subdivision Ordinance.

IN WITNESS WHEREOF, the City of Oak Creek has caused these presents to be signed by Daniel Bukiewicz, Mayor, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Daniel Bukiewicz, Mayor

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) ss

PERSONALLY came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, Daniel Bukiewicz, Mayor, and to me known to be the person who executed the foregoing instrument and acknowledges the same.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public-State of Wisconsin  
My Commission Expires, is Permanent \_\_\_\_\_

**CITY OF OAK CREEK PLANNING COMMISSION APPROVAL:**

APPROVED and ACCEPTED by the City of Oak Creek Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Daniel Bukiewicz, Chair

\_\_\_\_\_  
Kari Papelbon, Secretary

**CITY OF OAK CREEK COMMON COUNCIL APPROVAL:**

The Certified Survey Map and Road Dedication as shown on the map incorporated herein, is hereby APPROVED and ACCEPTED by the City of Oak Creek Common Council on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Daniel Bukiewicz, Mayor

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



OWNER / SUBDIVIDER:  
CITY OF OAK CREEK  
8040 S. 6TH STREET  
OAK CREEK, WI 53154  
(414) 766-7000

SURVEYOR:  
KAPUR  
226 W. WISCONSIN AVE.  
APPLETON, WI 54911  
(920) 931.3204





## COMMON COUNCIL REPORT

- Item:** Project award for the Rawson Avenue Water Main Extension project
- Recommendation:** That the Council consider a motion to approve the Rawson Avenue Water Main Extension project and award the construction contract to the lowest, responsive, responsible bidder, IHC Construction Companies, LLC, based on the bid amount of \$519,195.00.
- Fiscal Impact:** The 2020 Capital Improvement Projects budgeted \$575,000 to the Rawson Avenue Water Extension project. (Project No. 20103)
- 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:** This project was initiated by the Oak Creek Water and Sewer Utility and completes a 12" water main loop along the north side of E. Rawson Avenue to remove two dead ends. The proposed line will run along E. Rawson Avenue from 890 feet east of S. Clement Avenue to S. Rolling Meadow Court. It includes directional drilling 1,385 LF of 12" water main pipe with appurtenances and associated restoration. This will improve water quality and fire flow to this area based on the model created for the Water Master Plan by CDM Smith.

Contractor	Bid
IHC Construction Companies, LLC	\$519,195.00
Globe Contractors	\$574,750.00

**Options/Alternatives:** The contract could not be awarded and the project rebid or a new project could be created

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Brian L. Johnston, PE  
Utility Engineer

Fiscal Review:



Derrick Danner  
Accounting Supervisor



Approved:



Michael J. Sullivan, PE  
Utility General Manager

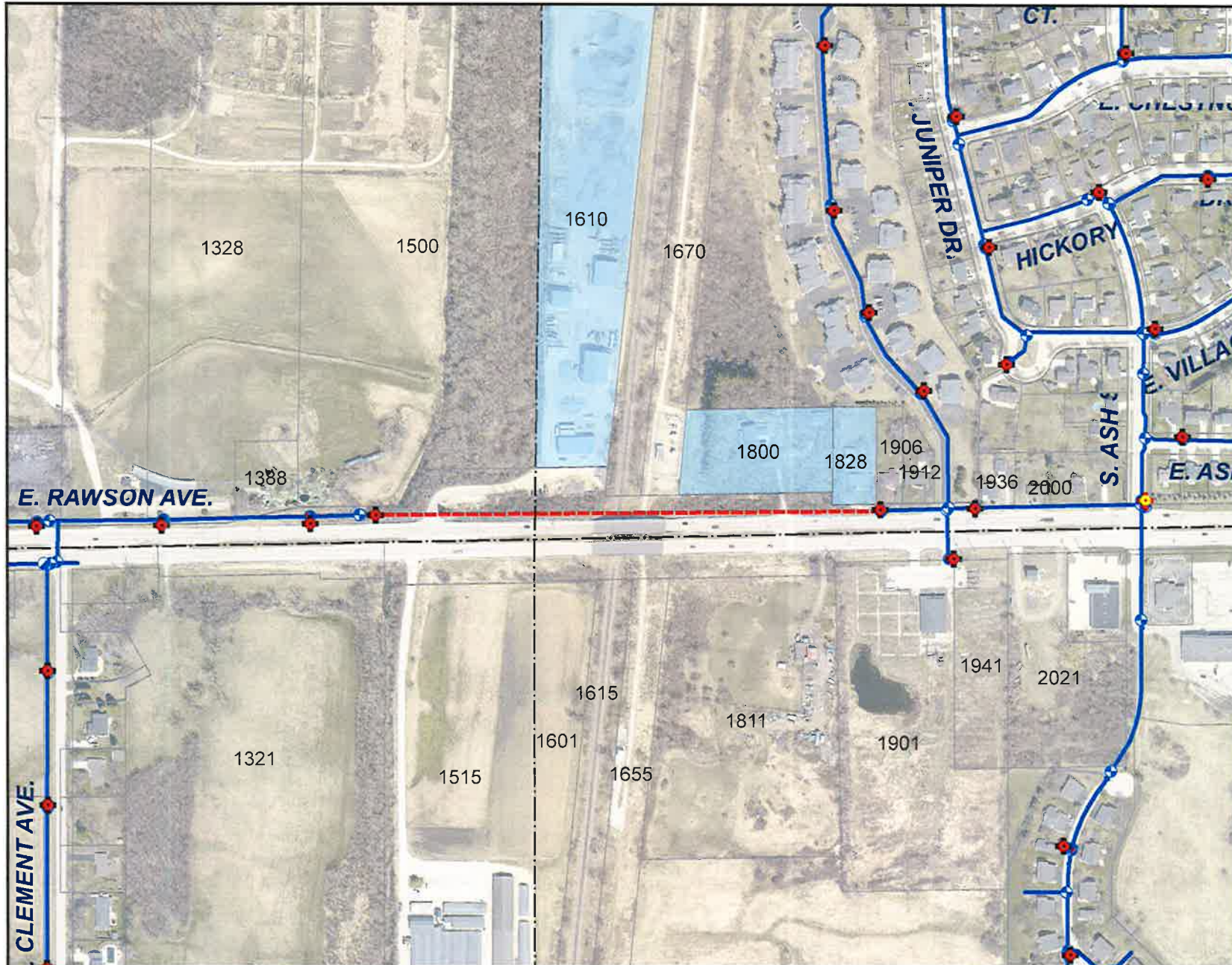
Attachments: Proposed Rawson Avenue Water Extension Exhibit

# Project No. 20103 Proposed Water Main Extension E. Rawson Avenue

 Proposed Water Main  
 Affected Property



1 inch = 400 feet



Date Printed: 1/20/2021

## COMMON COUNCIL REPORT

**Item:** License Committee Report

**Recommendation:** That the Common Council grant the various license requests as listed on the 4/5/2021 License Committee Report.

**Fiscal Impact:** License fees in the amount of \$1,125.00 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

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### Background:

1. Grant an Operator's license to:
  - \* Claudia Y. Guerrero (BelAir Cantina)
  - \* Aaron J. Gross (Woodman's)
  - \* Leonardo Pacheco (Cozumel)
  - \* Jamie L. St. Ledger (Oak Hills Golf)
  - \* Brandon H. Peterson (Meijer)
  - \* Jay Chontal (Kwik Trip)
2. Grant a Temporary Class B Wine license to All Saints Lutheran Church ELCA, 9131 S. Howell Ave. for their 4<sup>th</sup> Annual How Great Thou ART – Art Fair scheduled for July 17, 2021.
3. Grant a 2021 Transient Merchant license to Mad City Windows, 17044 W. Victor Rd., New Berlin, and to the following salespersons:
  - \* Michael Richards
  - \* Matthew Schlicke

**Options/Alternatives:** None

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Christa J. Miller CMC/WCMC  
Deputy City Clerk

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

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Attachments: none

## COMMON COUNCIL REPORT

**Item:** Vendor Summary Report

**Recommendation:** That the Common Council approve the March 29, 2021 Vendor Summary Report in the total of \$612,076.31.

**Fiscal Impact:** Total claims paid of \$612,076.31.

**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

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**Background:** Of note are the following payments:

1. \$8,533.92 to Advantage Police Supply, Inc. (pg #1) for ballistic shield, Project #21008.
2. \$69,565.08 to Benistar (pg #2) for April Medicare supplement insurance.
3. \$9,732.00 to Cimcon Lighting, Inc. (pg #3) for street light maintenance, Project #17024.
4. \$17,356.31 to Compass Minerals Company (pg #3) for salt inventory.
5. \$18,180.96 to E. H. Wolf & Sons, Inc. (pg #4) for fuel inventory.
6. \$106,919.32 to GFL Environmental (pg #6) for March trash and recycling.
7. \$180,088.00 to JX Truck Center (pg #7) for 2022 Peterbilt dumptruck, Project #21020.
8. \$6,034.96 to K-Tech Specialty Coatings, LLC (pg #7) for road maintenance supplies.
9. \$13,035.09 to MADACC (pg #10) for 1st quarter operating costs & capital projects.
10. \$5,000.00 to Reserve Account (pg #13) for postage refill.
11. \$22,649.00 to Sherwin Industries, Inc. (pg #13) for pavement router, Project #21011.
12. \$12,000.00 to Trane (pg #14) for Police and DPW HVAC control replacements, Projects #21001 and #21002.
13. \$5,004.54 to Wausau Equipment Company, Inc. (pg #15) for plow parts.
14. \$52,702.40 to WE Energies (pgs #1 & 15) for street lighting, electricity & natural gas.
15. \$12,852.77 to Western Culvery & Supply (pg #) for ADS supplies & splash pans, Project #21021.

**Options/Alternatives:** None

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Kristina Strmsek  
Staff Accountant

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator/Comptroller

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Attachments: 3/29/2021 Invoice GL Distribution Report