



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

COMMON COUNCIL MEETING AGENDA

MAY 18, 2021

7:00 P.M.

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

The City's Vision

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

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 5/4/2021

Recognition

4. **Council Proclamation:** Consider Council Proclamation No. 21-02, Congratulations to Daniel R. Callies, 2019 Oak Creek Citizen of the Year (by Committee of the Whole).
5. **Council Proclamation:** Consider Council Proclamation No. 21-09 to Wendy Gassenhuber for dedicated service to the City of Oak Creek as a member of the Celebrations Commission (by Committee of the Whole).

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

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

6. **Conditional Use:** Consider a request submitted by Eric Ogden, Oak Creek Industrial, LLC for a Conditional Use Permit to allow freight yard/freight terminal/trans-shipment depot facilities for the property at 150 W. Oakview Parkway (5th District).
7. **Ordinance:** Consider Ordinance No. 3006, approving a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities for the property at 150 W. Oakwood Parkway (5th District).
8. **Conditional Use:** Consider a request submitted by Eric Ogden, Oak Creek Industrial, LLC for a Conditional Use Permit to allow freight yard/freight terminal/trans-shipment depot facilities for the property at 10551 S. Oakview Parkway (5th District).

Visit our website at www.oakcreekwi.org for the agenda and accompanying common council reports.
This meeting will be live streamed on the City of Oak Creek YouTube page via <http://ocwi.org/livestream>.

9. **Ordinance:** Consider Ordinance No. 3007, approving a Conditional Use Permit for freight yard/ freight terminal/trans-shipment depot facilities for the property at 10551 S. Oakview Parkway (5th District).

New Business

10. **Motion:** Consider a motion to designate NOW Media Group (parent company for the Milwaukee Journal Sentinel – SOUTH NOW edition) to serve as the official City newspaper for the next 12 months (by Committee of the Whole).
11. **Motion:** Consider a motion to concur with the Mayor's appointment as follows:
- Celebrations Commission – filling a 3-year term vacancy, expiring 4/2023
- Torry J. Rufer, 8140 S. Waring Dr.

ENGINEERING

12. **Resolution:** Consider Resolution No. 12244-051821, accepting dedication of the public improvements and releasing the developer from the Development Agreement for the Creekside Crossing Marketplace project (2nd District).

LICENSE COMMITTEE

13. **Motion:** Consider a motion to grant the various license requests as listed on the 5/18/21 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

14. **Motion:** Consider a motion to approve the May 12, 2021 Vendor Summary Report in the total amount of \$545,844.49 (by Committee of the Whole).

MISCELLANEOUS

15. **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)(g) to consider a possible settlement in *Robin Matchett-Schmidt et al vs. City of Oak Creek et al* (Milwaukee County Case No. 2019CV004295).
16. **Motion:** Consider a motion to reconvene into open session.
17. **Motion:** Consider a motion to take action, if required.

Adjournment.

Public Notice

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

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

COUNCIL PROCLAMATION 21-02

CONGRATULATIONS TO

DANIEL R. CALLIES

2019 OAK CREEK CITIZEN OF THE YEAR

WHEREAS, the Oak Creek Citizen of the Year Committee conducts an annual search for the person who, in its judgment, is most deserving of acknowledgment because of loyal, unselfish and patriotic service to the community; and

WHEREAS, the Oak Creek Citizen of the Year Committee has selected Daniel Callies as its 2019 Citizen of the Year, for which he will be duly honored at a recognition dinner on Friday, May 21, 2021; and

WHEREAS, Dan Callies is a lifelong resident of Oak Creek, is married to his wife Denise; and together, they raised two children, Joseph and Samantha; and

WHEREAS, Dan is a second-generation owner of a family business headquartered in Oak Creek, and as a demonstration of hometown pride, is aptly named Oak Creek Plumbing; and

WHEREAS, Oak Creek Plumbing employs approximately 30 individuals with family-supporting jobs, many of which have been with the company for more than a decade; and

WHEREAS, throughout the past four decades, Dan has remained committed to keeping the family business deeply rooted in Oak Creek; and

WHEREAS, as part of his regional and national leadership and involvement as a past President and Board Member of the National Association of the Remodeling Industry (NARI), a past President and Board Member of the Plumbing Heating Cooling Contractors of Wisconsin (PHCC), Board Secretary of the Plumbing Contractors Association (PCA), Trustee of Quality Services Contractors (QSC), and a member of the Southeast Chambers United in Business (SECUB), has kept Oak Creek in the forefront of the minds of citizens near and far; and

WHEREAS, as his commitment to make a difference in development of the next generation, Dan volunteers yearly to prepare the Oak Creek Little League fields for play, has sponsored Oak Creek Little League teams, and awarded baseball scholarships providing youth the opportunity to cultivate team skills and healthy lifestyles; and

WHEREAS, Dan Callies financially backs Cub Scout Pack 330 based at Shepard Hills Elementary, providing scouts with adventure, family values, character and leadership skills; and

WHEREAS, working as part of the parent team helps the Oak Creek High School Marching Band succeed from the sidelines with staging and fundraising efforts; and

WHEREAS, Dan Callies and Oak Creek Plumbing provide consultation services, labor and plumbing parts to the Oak Creek High School's building program, Knight Construction, which provides students real experience in the construction trades; and

WHEREAS, Dan consistently volunteers to assist with the City's Shred & Electronic Recycling Day, and as part of Oak Creek Plumbing, has provided flashlights for the family-friendly Oak Creek National Night Out event which is held yearly to help strengthen neighborhood spirit and Police / community partnerships; and

WHEREAS, there's even a chance you've seen Dan playing the drums at local events over the years as he is a part of Lake Band and Pioneer Drum & Bugle Corps and has been seen on stage at many local festivals, such as Summerfest and Taste of Oak Creek-Franklin; and

WHEREAS, Dan Callies has rendered countless hours of community service, and is truly deserving of this recognition.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Oak Creek hereby congratulate Daniel R. Callies on being selected the 2019 Oak Creek Citizen of the Year.

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

Passed and adopted this 18th day of May, 2021.

President, Common Council

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

The Citizens of Oak Creek Proudly Present

DAN CALLIES
2019 OAK CREEK CITIZEN OF THE YEAR

Dan has been chosen as the 2019 recipient for his dedicated volunteerism in our community.

We invite you to join in congratulating and thanking him

Friday, May 21st, 2021

5:30pm cash bar/appetizers/meet & greet

6:30pm program

Oak Creek Community Center

8580 S Howell Avenue Oak Creek WI 53154

Tickets \$25 each at the Oak Creek Community Center

The ticket price includes appetizers and a contribution toward \$500 awards presented to OCHS Seniors who have more than 500 hours of community service.

Please purchase tickets by Thur May 6th, 2021

Persons or groups wishing to make presentations at the event, please contact Jeff Sageser (414-702-0198 or Jeff.Sageser@gmail.com) no later than Friday, May 7th

CLIP AND MAIL WITH PAYMENT. PLEASE PURCHASE TICKETS BY THUR MAY 6TH

NAME(S) _____

ADDRESS _____

CITY _____ **ST** _____ **ZIP** _____

CHECK # ENCLOSED FOR _____ **PERSONS @ \$25 EACH TOTAL: \$** _____

PAY TO: OC COY COMMITTEE C/O 8580 S HOWELL AVE OAK CREEK WI 53154
CREDIT CARDS ACCEPTED, \$1 HANDLING FEE PER TICKET

COUNCIL PROCLAMATION NO. 21-09

TO

WENDY GASSENHUBER

**FOR DEDICATED SERVICE TO THE CITY OF OAK CREEK
AS A MEMBER OF THE
CELEBRATIONS COMMISSION**

WHEREAS, Wendy Gassenhuber was appointed to the Celebrations Commission in January, 2019, and served for two years and four months; and

WHEREAS, Wendy Gassenhuber resigned from the Celebrations Commission in May, 2021; and

WHEREAS, Wendy Gassenhuber helped to organize the yearly Easter Egg Hunt and joyfully participated in the yearly Summer Soulstice, 4th of July Celebration, Halloween Trick-or-Treat event, the giving tree events and the yearly Christmas tree lighting celebration; and

WHEREAS, Wendy Gassenhuber has served the City in a thorough, conscientious and professional manner.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Oak Creek do hereby show their appreciation and gratitude to Wendy Gassenhuber for her dedicated service to the City of Oak Creek as a member of the Celebrations Commission.

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

Introduced and adopted this 18th day of May, 2021.

Kenneth Gehl, Common Council President

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

Vote: Ayes _____ Noes _____

TO BE PUBLISHED APRIL 21 & 28, 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 Eric Ogden, Oak Creek Industrial LLC, for a Conditional Use Permit to allow freight yard/freight terminal/trans-shipment depot facilities for the property at 150 W. Oakview Parkway.

- Hearing Date:** May 18, 2021
- Time:** 7:00 PM
- Place:** Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)
- Applicant(s):** Eric Ogden, Oak Creek Industrial LLC
- Property Owner(s):** 150 W OAKVIEW INDUSTRIAL, LLC
- Property Location(s):** 150 W. Oakview Parkway
- Tax Key(s):** 955-1041-000

Legal Description:

CSM NO 9044, NE & NW 1/4 SEC 32-5-22, LOT 2.

The Common Council has scheduled other public hearings for May 18, 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: April 14, 2021
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 6th Street, Oak Creek, Wisconsin 53154.



COMMON COUNCIL REPORT

Item: Conditional Use Permit – freight yard/freight terminal/trans-shipment depot facilities - Eric Ogden, Oak Creek Industrial, LLC

Recommendation: That the Council adopts Ordinance 3006, an ordinance to approve a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities for the property at 150 W. Oakview Parkway.

Fiscal Impact: Approval will allow for the use and occupancy of a proposed multitenant manufacturing building with tenants that may include freight yard/freight terminal/trans-shipment depot components as part or all of their operations. The project will yield positive fiscal impacts in terms of assessed value, review fees, and permit and impact fees. Tenant buildouts will continue to yield positive fiscal impacts with permits and/or licenses. This property is part of TID 8.

- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: The Applicant is requesting recommendation of Conditional Use approval for freight yard/freight terminal/trans-shipment depot facilities for the property at 150 W. Oakview Parkway. Freight yard/freight terminal/trans-shipment depot facilities are Conditional Uses in the M-1, Manufacturing district. This property is located at the south entrance to OakView Business Park (Howell Ave.).

The proposal for the multitenant industrial building was reviewed and by the Plan Commission at the March 23, 2021 meeting. Although potential tenants have not been specified, the applicant has indicated that the building could accommodate a single user or up to four (4) tenants for light industrial, manufacturing, warehouse, and distribution uses.

Proposed plans included a total of 15 loading docks, two (2) drive-in doors, and approximately nine (9) trailer stalls in between loading dock doors. An additional 37 trailer parking stalls are located north of the loading dock area. Employee / visitor parking is provided on the south (105 stalls) and southwest (20 stalls). It is anticipated that a maximum of 150 full-time employees will be onsite for any given shift. Operations are expected to be on a 24/7 basis, with primary activities between 5:00 AM and midnight; however, hours and days of operation will likely change based on tenant operational needs.

Minimum parking requirements for warehousing operations are calculated at one (1) stall for every 5,000 square feet of gross floor area, plus one (1) stall for each employee onsite during the largest shift. General manufacturing, processing, and fabrication operations require one (1) stall per peak shift employee. It is anticipated that approximately 150 employees will be onsite for any shift, and operations are expected to

be 24/7 with primary activities occurring between 5:00 AM and midnight. Hours and days of operation will likely change based on tenant operational needs. Based on this information, and assuming no more than 150 employees total would be onsite for all tenants, up to 176 parking stalls would be required. This also assuming the entire square footage of the building would be dedicated to warehousing operations. Parking, therefore, appears to be short by 51 stalls. A request to modify the parking requirement has been submitted and is included with this report for consideration. Modifications to the required parking may be granted by the Plan Commission, and ultimately Common Council, per the criteria also included with this report.

It will be the responsibility of the landowner and/or their management company to ensure that adequate parking is provided for all tenants. Outdoor storage would be limited to parking of trucks and trailers in the docks and stalls on the north.

After careful consideration at the March 23 and April 13, 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.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



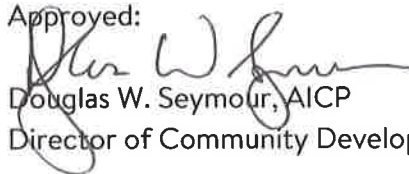
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3006

Location Map

Plan Commission meeting minutes

Narrative (3 pages)

Site Plan (1 page)

Modification Request (2 pages)

Sec. 17.0404, Adjustments to Required Parking (2 pages)

Conditions and Restrictions (5 pages)

ORDINANCE NO. 3006

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR
FREIGHT YARD / FREIGHT TERMINAL / TRANS-SHIPMENT DEPOT FACILITIES AT
150 W. OAKVIEW PARKWAY

(5th Aldermanic District)

WHEREAS, ERIC OGDEN, OAK CREEK INDUSTRIAL, LLC, has applied for a Conditional Use Permit that would allow for Freight Yard / Freight Terminal / Trans-shipment Depot Facilities on the property at 150 W. Oakview Parkway; and

WHEREAS, the properties are more precisely described as follows:

CSM NO 9044, NE & NW 1/4 SEC 32-5-22, LOT 2.

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 May 18, 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 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 Freight Yard / Freight Terminal / Trans-shipment Depot Facilities on the property at 150 W. Oakview Parkway, 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 Freight Yard / Freight Terminal / Trans-shipment Depot Facilities on the property at 150 W. Oakview Parkway.

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 18th day of May, 2021.

President, Common Council

Approved this 18th day of May, 2021.

Mayor

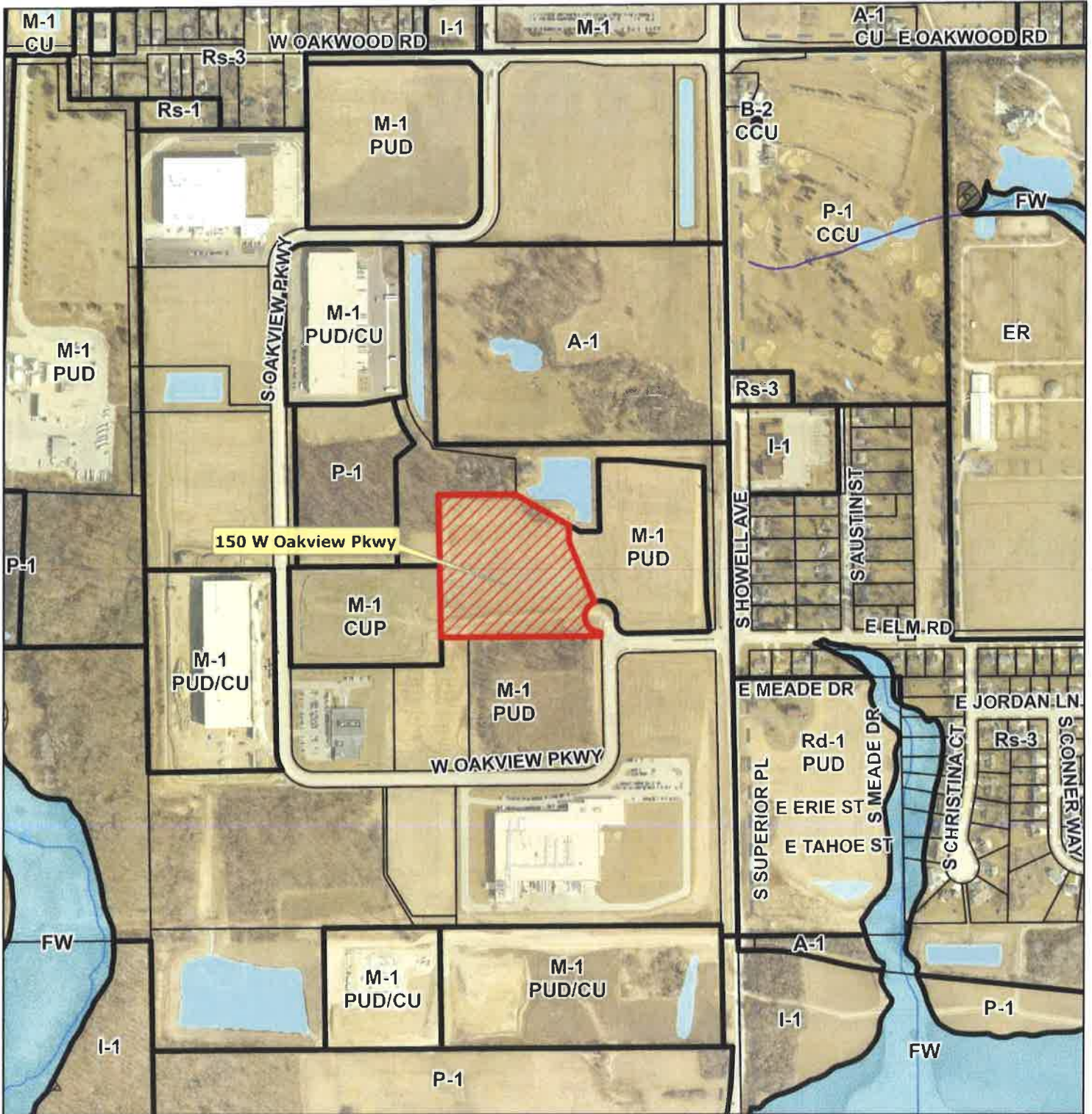
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

LOCATION MAP

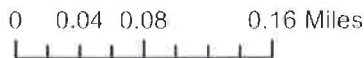
150 W. Oakview Parkway



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



Community Development



Legend

- Zoning
- Official Map
- Floodway
- Flood Fringe
- Parcels
- 150 W Oakview Pkwy

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

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Commissioner Hanna joined after roll call was taken. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Thomas Kramer, Assistant IT Manager, facilitated the video conference.

**CONDITIONAL USE PERMIT
OAK CREEK INDUSTRIAL LLC
150 W. OAKVIEW PARKWAY
TAX KEY NO. 955-1041-000**

Planner Papelbon provided an overview of the request for a Conditional Use Permit to allow for freight yard/freight terminal/trans-shipment depot facilities for the property at 150 W. Oakview Parkway (see staff report for details).

Brian Randall, Davis and Kuelthau, 111 East Kilbourn Avenue, Suite 1400, Milwaukee, WI, provided a brief presentation about the history of OakView Business Park, the proposal, the applicant's reason for seeking a Conditional Use Permit, and the parking modification request.

Commissioner Hanna asked if this development would increase trucking traffic on Oakwood [Road], especially west from the railroad.

Mayor Bukiewicz stated the City has done a Traffic Impact Analysis (TIA).

Commissioner Sullivan stated Traffic Analysis & Design (TADI) did update the TIA for this business park. The Plan Commission and Engineering Department were concerned about the change in the original identification of the uses for the lots. TADI updated the TIA with identifying the lots that have already been developed and what the future lots will be. These two items are identified as warehouse and trucking freight. The applicant does not specifically state which ways the trucks will enter or exit; however; Commissioner Sullivan stated he assumes given the location of the proposed sites the trucks will use Howell Avenue.

Commissioner Hanna stated that she is concerned about additional truck traffic on Oakwood [Road] because only the gas company should be using Oakwood [Road]; however, other trucking companies have been using Oakwood [Road] as a shortcut.

Alderman Guzikowski asked Planner Papelbon how many parking spots the applicant is short. Planner Papelbon stated the applicant is roughly 50 parking stalls short. Alderman Guzikowski stated that he is concerned about being short on parking spaces. Planner Papelbon stated that she believes the estimate of 150 employees onsite at a given time is probably a high estimate. Planner Papelbon also stated that staff does not have much of a concern regarding the number of stalls. It is up to the landowner and/or their management company to ensure that there is sufficient parking for their tenants.

Commissioner Siefert asked about the traffic flow on Howell Avenue, particularly the intersection near the business park, with the additional trucks and subdivision development.

Commissioner Sullivan stated the TIA identified the Elm Road and Howell Avenue intersection as an improvement. Once the entire business park is developed, a controlled intersection would be warranted there. The TIA did include the new residential development to the south, FedEx, and background traffic that is already present.

Assistant Fire Chief Havey stated the Fire Department has no concerns on this proposal.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities within the proposed multitenant building on the property at 150 W. Oakwood [Note: the written motion stated "Oakview" not "Oakwood"] Parkway, after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (April 13, 2021). Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all present voted aye. Motion carried. The meeting was adjourned at 9:44 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-13-21

Date

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 13, 2021**

Mayor Bukiewicz called the meeting to order at 6:01 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 Siefert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Nick Sansone, Network Administrator, facilitated the video conference.

**CONDITIONS AND RESTRICTIONS
OAK CREEK INDUSTRIAL, LLC
10551 S. OAKVIEW PARKWAY
TAX KEY NO. 955-1024-000**

Planner Papelbon provided an overview of the conditions and restrictions for the Conditional Use Permit (CUP) for freight yard / freight terminal / trans-shipment depot facilities at 10551 S. Oakview Parkway (see staff report for details).

Commissioner Chandler asked for clarification from Planner Papelbon of the applicant's request for an extension to the Time of Compliance.

Planner Papelbon clarified the applicant requested 36 months instead of the Code-specified 12-months; however, Staff recommended a compromise of 24 months, and language in the suggested Conditions and Restrictions that would tie to the site and building plan review as well as to the issuance of building permits. The wording would reflect the requirement for site and building plan approval by the Plan Commission before the applicant can proceed to submission of building permit applications, and the requirement for establishment of the Conditional Use within 24 months of the Common Council's approval.

Commissioner Chandler then asked for clarification from the applicant/representative on why the request was made.

Attorney Brian Randall, Davis and Kuelthau, 111 East Kilbourn Avenue, Suite 1400, Milwaukee, WI, explained the request to extend the Time of Compliance was brought forward to allow the applicant to time to plan and design the building. The application for Conditions and Restrictions was brought forward at this time out of efficiency and consideration of the Plan Commission's time. As the site and building plan details were not ready, having the extension of time would prevent applying for building permits before they were needed.

Alderman Guzikowski, Alderman Loreck, and Commissioner Siefert agreed to support the 24-month compromise. Commissioner Hanna raised the same question as Commissioner Chandler, and also supported the 24-month compromise. Mayor Bukiewicz also supported the compromise.

Planner Papelbon stated building permits are generally valid for two (2) years. Mayor Bukiewicz and Planner Papelbon discussed that by requesting this extension, the applicant will have more time to get site and building plans approved by Plan Commission before applying for future building permits.

Assistant Fire Chief Havey stated he sees no issues with plan review and submittal timelines with

the suggested motion.

Mayor Bukiewicz opened the floor to any City residents who had questions. Nick Sansone confirmed there was one person calling in, but they chose not to participate.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for freight yard / freight terminal / trans-shipment depot facilities within the proposed multitenant building on the property at 10551 S. Oakview Parkway.

In answer to Alderman Guzikowski's question, Planner Papelbon stated the verbiage regarding the 24-month timeline will be added to the Conditions and Restrictions for Common Council approval.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all present voted aye. Motion carried. The meeting was adjourned at 7:13 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-27-21

Date



100 S. Wacker Drive, Suite 950
Chicago, IL 60606



Attachment to Plan Commission Application (Narrative Description of Project) for Site & Building Plan Review and a Conditional Use Permit for a freight yard, freight terminal, and/or trans-shipment depot at 150 West Oakview Parkway

February 23, 2021

HSA Commercial Real Estate, by its site ownership and development entity 150 West Oakview Industrial, LLC (collectively, “Applicant” or “HSA”), through its attorneys Davis & Kuelthau, s.c., architects Partners in Design, and civil engineers Pinnacle Engineering Group, submits this Attachment to this Plan Commission Application (Description of Project) in support of the Plan Commission Application for Site & Building Plan Review and a Conditional Use Permit for 150 West Oakview Parkway (the “Property”). HSA proposes to construct a light industrial, manufacturing or warehouse distribution building within the Oakview Business Park (the “Project”).

I. The History of the Development Site

The Property is situated in the Oakview Business Park. The Property is located just west of Howell Avenue off of Oakview Parkway, and consists of approximately 8.739 acres.

HSA has successfully developed similar projects nationally, throughout Southeastern Wisconsin, and specifically in the City of Oak Creek at 610 W. Rawson Avenue and 102 West Oakview Parkway. HSA recently purchased the Property and has been preparing plans for development over the past year.

II. Applicant's Project

A. Property Information

Property Address: 150 West Oakview Parkway
Tax Key No.: 9551041000
Current Zoning: M-1 Manufacturing
Property Owner: 150 West Oakview Industrial, LLC
Owner's Address: 100 S. Wacker Drive, Suite 950,
Chicago, Illinois 60606
Existing Use: Vacant

B. Request for Building & Site Approval and Conditional Use Permit

HSA has found that there is significant demand in the area for modern, flexible light industrial, manufacturing or warehouse distribution space for one or more tenants with loading docks. The Project would be compatible and complementary with the surrounding uses which are also zoned M-1 Manufacturing District (PUD). The permitted uses in the City's M-1 Manufacturing District are – by definition – compatible and HSA also requests in this application a Conditional Use Permit for any tenant(s) that may qualify as a freight yard, freight terminal, and/or trans-shipment depot at the Property as such uses are defined under the Zoning Code.

Specifically, this Conditional Use Permit will allow for such tenants to be granted occupancy in a streamlined manner provided that they qualify with the terms of this Conditional Use Permit request.

HSA acknowledges that any tenant that does not qualify under the terms of this Conditional Use Permit request or as a permitted use will still need to apply for a Conditional Use Permit.

C. Terms of Conditional Use Permit

HSA requests a Conditional Use Permit for its tenant(s) for a freight yard, freight terminal, and/or trans-shipment depot at the Property pursuant to the following terms:

1. **Building Size:** 130,710 square feet
2. **Use:** A freight yard, freight terminal, and/or trans-shipment depot; Assembly, processing, manufacturing, storage, distribution, warehousing, delivery services, transportation and logistics, as well as ancillary office, professional and administrative uses consistent with the M-1 Manufacturing District.
3. **Number of Employees:** The number of full-time employees (full-time equivalents) based at the Property will not exceed 150 per shift.
4. **Hours of Operation:** The operations will include 24/7 operations, with primary activities between 5 am – 12 midnight, all of which are compatible with the surrounding uses which are also zoned M-1 Manufacturing District. Specific hours of operation will be based on tenant operational needs.

5. **Truck Parking:** The Property has approximately 15 loading docks and 12 parking stalls for semi-trailers for direct access and maneuverability to the loading dock area. The building also has 2 drive-in doors for interior access to the building. The number of trucks and trailers parked on site will not exceed those for which there are parking stalls or loading dock spaces and area.
6. **Car Parking Stalls:** A total of 123 employee and visitor car parking stalls are located along the south and east sides of the building.
7. **Outdoor Storage:** Despite the Conditional Use Permit including “freight yard” in the title of the ordinance, the only outdoor storage will be for truck parking, trailer parking, dumpsters, etc.
8. **Frequency of Deliveries:** The frequency of deliveries allowed under this Conditional Use Permit will not exceed 150 inbound and outbound truck trips.

V. **CONCLUSION**

In conclusion, HSA respectfully requests approval of the Site & Building Plan Review application so as to allow it to construct the site improvements and building, and further respectfully requests approval of the Conditional Use Permit so as to allow its tenant(s) to occupy the building provided the use is consistent with this Conditional Use Permit, any other permitted use, and/or other approval granted by the City.

Respectfully submitted this 23rd day of February, 2021

DAVIS & KUELTHAU, S.C.
Attorneys-in-Fact for Applicant



By: _____
Brian C. Randall

111 East Kilbourn Avenue, Suite 1400
Milwaukee, WI 53202
(414) 225-1484
brandall@dkattorneys.com



Minimum Parking Adjustment Supplement to Plan Commission Application for 150 W. Oakview Parkway (Lots 18-19)

March 18, 2021

A. Description of Proposal

HSA Commercial Real Estate, by its site ownership and development entity 150 West Oakview Industrial, LLC (collectively, “Applicant” or “HSA”), has submitted its Conditional Use Permit and Site & Building Plan Review applications to develop the property at 150 West Oakview Parkway within the Oakview Business Park. Consistent with its successful past projects in the City, HSA will construct a light industrial, manufacturing or warehouse distribution building at the site.

B. Parking Requirement and Requested Adjustment

Section 17.0403 of the Zoning Code establishes the parking requirements for all districts and uses and the minimum number of parking spaces required for manufacturing and related uses are set forth in Section 17.0403(j)(5). During the plan review, City staff noted that the 125 parking spaces shown on the Site Plan for the 131,190 square foot building is below the minimum parking requirement.

However, the Zoning Code specifically allows for applicants to propose adjustments to the minimum number of parking spaces required to “avoid constructing unneeded and excessive off-street parking facilities.” *See* Section 17.0404.

HSA and its design team are highly experienced in designing and operating manufacturing and warehouse distribution buildings similar to what is being proposed for this site.

First, the general market standard for quantity, design and location of parking for such buildings is to locate a double row of parking along the length of the building. Buildings in the City of Oak Creek that reflect this market standard include HSA’s buildings on Rawson Avenue and on Howell Avenue, as well as others within the Oakview Business Park. As shown on the Site Plan, the 125 parking spaces for employees, customers, and visitors are located along the south side of the site.

Second, specific for this site, the design team carefully planned around various site constraints and operational needs to present the 131,190 square foot building, loading area with truck and trailer parking, a separated vehicle parking area with 125 spaces, and sufficient green

space areas to comply with the Zoning Code. This careful balance also results in the highest and best use, and a higher development value for the site, as opposed to constructing parking spaces that will be unneeded that will in turn suppress the overall development value.

In conclusion, HSA's deep experience in developing, owning and operating such similarly designed buildings and the established market standards for such buildings serve as the basis to establish that the 125 parking spaces shown on the Site Plan will satisfy the actual parking demands such that the Plan Commission should approve Site Plan and parking adjustment with less parking than the Zoning Code requires.

Respectfully Submitted,

HSA Commercial Real Estate

Eric Ogden, Senior Vice President, Acquisitions

Davis & Kuelthau, s.c.

Brian C. Randall, Esq.

Katherine M. Hampel, Esq.

Attorneys for HSA Commercial Real Estate

Partners in Design

Werner H. Briske, AIA ALA GGP

Architects for HSA Commercial Real Estate

Pinnacle Engineering Group

Adam R. Artz, PE

Civil Engineers for HSA Commercial Real Estate



By: _____

Brian C. Randall, Attorney-in-Fact for Applicant

DAVIS & KUELTHAU, S.C.
111 East Kilbourn Avenue, Suite 1400
Milwaukee, WI 53202
(414) 225-1484
brandall@dkattorneys.com

- a. Manufacturing, Processing, and Fabrication Operations, one (1) space per employee for the work shift with the largest number of employees.
 - b. Wholesale Business - one (1) space per 2,500 sq. ft. of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - c. Warehousing - one (1) space per 5,000 sq. ft. of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - d. Mini-Warehousing, one (1) space per 10 storage cubicles, plus one (1) space per employee for the work shift with the largest number of employees.
- (6) Institutional and Related Uses:
- a. Religious Institutions, one (1) space per 150 feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - b. Libraries, one (1) space per 150 feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - c. Museums, one (1) space per 150 feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - d. Rooming and Boarding Houses, Fraternity and Sorority Houses, and Dormitories, one (1) space per bed.
 - e. Nursing Homes, one (1) space per three (3) patient beds, plus one (1) space per employee for the work shift with the largest number of employees.
 - f. Hospitals, two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor, plus one (1) space per employee, excluding doctors, for the work shift with the largest number of employees.
 - g. Schools:
 - 1. Elementary Schools, Middle Schools, and High Schools, one (1) space for each teacher and staff member, plus one (1) space for every 5 students 16 years of age or older.
 - 2. Colleges, Universities and Trade Schools, one (1) space for each teacher and staff member, plus one (1) space for every two (2) students during the highest attendance period.

- 3. Children's Nursery Schools and Day-Care Centers, one (1) space per employee for the work shift with the largest number of employees, plus one space for every six (6) students at the highest class attendance period.

Ordinance 2002 A 6/1/99 Sec. 17.0403(e)
Ordinance 2078 A 6/20/00 Sec. 17.0403(e)
Ordinance 2756 3/03/15 Sec. 17.0403(e)
Ordinance 2953, A 11/5/19, Sec. 17.0403(j)(2)(j),
17.04303(j)(6)a, 17.0403(j)(6)b, 17.0403(j)(6)c,
17.0403(j)(6)(e), 17.0403(j)(6)(f), 17.0403(j)(6)(g)

SEC. 17.0404 ADJUSTMENTS TO REQUIRED PARKING

The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of excess off-street parking facilities is intended to provide for more cost-efficient site development, to eliminate constructing more impervious surface than necessary, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on commercial and industrial sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this section.

- (a) Adjustments. In all districts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Commission that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:

- (1) Evidence That Actual Parking Demands Will Be Less Than Ordinance Requirements. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the operation will require less parking than the Chapter requires.
- (2) Availability of Shared Parking. The petitioner shall submit written documentation to the satisfaction of the Plan Commission that off-site shared parking spaces are available within 400 feet of the lot line and within the same block to satisfy the parking demand. When a reduction of parking spaces attributable to shared parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements,

purchase agreements, and other such documentation to show that such shared parking can be accomplished. Any and all such agreements shall be recorded with the Milwaukee County Register of Deeds, at the applicants expense, and a copy of the recorded agreement shall be filed with the City Clerk. The off-site shared parking spaces shall be clearly posted for the joint use of employees, and/or tenants, or customers of each respective use sharing those spaces.

(3) Use of Optional Modes of Transportation. Upon demonstration to the Plan Commission that effective alternative transportation to the automobile will occur within 12 months following the issuance of the certificate of compliance, the Plan Commission may reduce parking requirements. Optional modes of transportation may include, but is not limited to, bus transit, van pool operations, car pool/ride sharing, and bicycles. Parking management plans/operations may also be used as a basis to reduce required parking. Parking management plans may include, but are not limited to, flexible working hours or shifts, preferential parking for car pools/van pools, transit/van pool fare subsidy, imposition of a charge for parking, and establishment of a transportation coordinator to implement car pool, van pool, and transit programs. Proposals for adjustments of parking requirements under this section shall show how the alternative transportation modes will be implemented, the permanency of such modes, extent of the program, the number of vehicles the mode will replace, and other pertinent information.

(4) All businesses that cater to customers who drive vehicles larger than what can be accommodated in a 10' X 20' parking space, shall provide the appropriate number of parking spaces and access aisles to accommodate these vehicles.

(b) Space to be Set Aside for Reduced Parking. The site plan for the commercial or industrial use shall be designed to provide sufficient open space on the subject site to accommodate the additional parking spaces otherwise required by this Chapter. Such open space shall be in addition to required yards, setbacks, driveways, private streets, loading and service areas. Sufficient open space shall be provided which, if converted to parking spaces, would provide off-street parking to meet the full requirements of this Chapter at the time of application.

(c) Changes in Occupancy or Use. When the use of a building, structure, or land is changed to another use or occupancy that requires more parking spaces than required for the use existing immediately prior to such change, additional parking spaces shall be constructed for the new use or occupancy in the amount necessary to conform to this Chapter prior to the issuance of a Certificate of Occupancy for the new use.

(d) Changes in Intensity of Use. When the intensity of use of a building, structure or land is increased by an addition of employees, gross floor area, seating capacity, or other unit of measurement, additional parking spaces shall be constructed for such additions in the amount necessary to conform to this Chapter.

(e) Plan Commission Review and Verification. The Plan Commission shall review the adequacy of parking where an adjustment to parking requirements has been granted within one year following such parking modification grant--and periodically thereafter--to determine that the conditions justifying the parking requirement still exist. If the parking is found to be inadequate, the Plan Commission shall order the use of the property to comply with the parking requirements set forth in Section 17.0403(I) of this Chapter.

Ordinance 2257 A 7/15/03 Sec. 17.0404(a)

SEC. 17.0405 PARKING OF CARS, TRUCKS & RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS

(a) No car, truck, construction equipment or commercial truck shall be parked regularly upon a driveway in any residential zoning district except as provided herein. Properties currently zoned residential and still used for agricultural purposes shall be exempt from the provisions of this Section.

(1) Vehicles that do not exceed 12,000 lb. manufacturer's gross vehicle weight may be parked on a driveway. Parking on lots that are used as a one or two-family residence shall be limited to parking within garages, carports and upon residential driveways consisting of crushed stone, asphalt, concrete, brick or other similar hard surface material.

(2) A gathering, not to exceed 24 hours at any one time which results in more than the allowable number of vehicles parked on a property, would be exempt from these parking limits for the 24-hour period.

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

| | |
|---|---|
| Applicant: Eric Ogden, HSA Commercial Real Estate/Oak Creek Ind. LLC | Approved by Plan Commission: 4-13-21 |
| Property Address: 150 W. Oakview Parkway | Approved by Common Council: TBD |
| Tax Key Number(s): 955-1041-000 | (Ord. TBD) |
| Conditional Use: Freight yard/freight terminal/trans-shipment depot facilities | |

1. LEGAL DESCRIPTION

CSM NO. 9044, NE & NW 1/4 SEC 32-5-22, LOT 1 (8.782 ACS).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.

B. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) General Development Plan

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees
 - 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 area(s)
- m) Location(s) of wetlands (field verified)
- n) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) Landscape Plan

- a) Screening plan, including parking lot / 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
- 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 or occupancy permit.

D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of

any building permits.

- E. A landscaping plan must be submitted for review and approval by the Plan Commission prior to the issuance of a building or occupancy permit. Landscaping shall be installed in accordance with plans approved by the Plan Commission March 23, 2021, and all applicable Codes and policies.
- F. 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.
- G. 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, the OakView Business Park PUD, these Conditions and Restrictions, plans approved by the Plan Commission March 23, 2021, and all applicable sections of the Municipal Code (as amended).
- B. There shall be no parking or storage of vehicles, equipment, merchandise, parts, or supplies within designated public and employee parking areas. Outdoor storage shall be limited to the parking of trucks and trailers associated with the business, and shall be located in designated loading dock areas & striped stalls on the north portion of the property. There shall be no storage of unlicensed, non-operational vehicles, equipment, merchandise, parts, supplies, or any other materials.
- C. All parking areas shall be striped and landscaped in accordance with approved site plans and applicable Codes.
- D. No box/cabinet signs other than logos with accompanying channel letters in conformance with all applicable Code Sections shall be allowed on the building.
- E. Any change to the occupancy of the site or building shall conform to all Building, Fire, and Municipal Code requirements (as amended).
- F. Solid waste collection and recycling shall be the responsibility of the owner.
- G. 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. Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), these Conditions and Restrictions (see Section 3 above), and plans approved by the Plan Commission March 23, 2021.
- B. Trucks utilizing this facility shall adhere to all posted traffic signs and regulations. Trucks entering and exiting this site from any direction shall not utilize West Oakwood Road west of its intersection with S. Oakview Parkway.

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), these Conditions and Restrictions, and plans approved by the Plan Commission March 23, 3021.

B. All light sources shall be shielded and directed downward.

6. BUILDING AND PARKING SETBACKS*

| | Front and Street Setback | Rear Setback | Side Setback |
|-------------------------|--------------------------|--------------|--------------|
| Principal Structure(s) | 40 ft | 20 ft | 20 ft |
| Accessory Structure(s)* | 40 ft | 20 ft | 20 ft |
| Off-street Parking | 30 ft | 5 ft | 5 ft |

**No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards. See plans approved by the Plan Commission March 23, 2021.*

7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the ordinance if building or occupancy permits have not been issued for this use.

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to ten (10) years from the date of issuance of the Conditional Use Permit. The 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).

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 Permit is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City ordinances.

11. REVOCACTION

Should an applicant, their heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked.

The process for revoking an approval shall generally follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

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)

DRAFT

TO BE PUBLISHED APRIL 21 & 28, 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 Eric Ogden, Oak Creek Industrial LLC, for a Conditional Use Permit to allow freight yard/freight terminal/trans-shipment depot facilities for the property at 10551 S. Oakview Parkway.

- Hearing Date:** May 18, 2021
- Time:** 7:00 PM
- Place:** Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)
- Applicant(s):** Eric Ogden, Oak Creek Industrial LLC
- Property Owner(s):** OAKVIEW II INDUSTRIAL, LLC
- Property Location(s):** 10551 S. Oakview Parkway
- Tax Key(s):** 955-1024-000

Legal Description:

CSM No. 8718, NE & SE ¼ Sec 35-5-22, Lot 2.

The Common Council has scheduled other public hearings for May 18, 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: April 14, 2021
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 6th Street, Oak Creek, Wisconsin 53154.

COMMON COUNCIL REPORT

Item: Conditional Use Permit – freight yard/freight terminal/trans-shipment depot facilities
- Eric Ogden, Oak Creek Industrial, LLC

Recommendation: That the Council adopts Ordinance 3007, an ordinance to approve a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities for the property at 10551 S. Oakview Parkway.

Fiscal Impact: Approval will allow for the use and occupancy of a proposed multitenant manufacturing building with tenants that may include freight yard/freight terminal/trans-shipment depot components as part or all of their operations. The project will yield positive fiscal impacts in terms of assessed value, review fees, and permit and impact fees. Tenant buildouts will continue to yield positive fiscal impacts with permits and/or licenses. This property is part of TID 8.

Critical Success Factor(s):

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

Background: The Applicant is requesting recommendation of Conditional Use approval for freight yard/freight terminal/trans-shipment depot facilities for the property at 10551 S. Oakview Parkway. Freight yard/freight terminal/trans-shipment depot facilities are Conditional Uses in the M-1, Manufacturing district. This property is located in OakView Business Park.

The proposal for the proposed multitenant industrial building will be reviewed by the Plan Commission at a later date. Although potential tenants have not been specified in the submitted narrative, the Applicant has indicated that the building could accommodate a single user or up to four (4) tenants for light industrial, manufacturing, warehouse, and distribution uses.

Proposed plans included a total of 22 loading docks, with the potential for drive-in doors at either end of the loading docks, and approximately 12 trailer stalls in between loading dock doors. An additional 36 trailer parking stalls are located west of the loading dock area. Employee / visitor parking is provided on the east portion of the property (113 stalls). It is anticipated that a maximum of 150 full-time employees will be onsite for any given shift. Operations are expected to be on a 24/7 basis, with primary activities between 5:00 AM and midnight; however, hours and days of operation will likely change based on tenant operational needs. It will be the responsibility of the landowner and/or their management company to ensure that adequate parking is provided for all tenants. Outdoor storage would be limited to parking of trucks and trailers in the docks and stalls on the west.

After careful consideration at the March 23 and April 13, 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.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



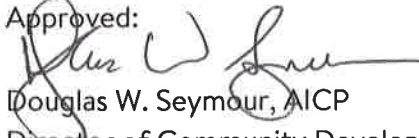
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3007

Location Map

Plan Commission meeting minutes

Narrative (3 pages)

Site Plan (1 page)

Modification Request (2 pages)

Sec. 17.0404, Adjustments to Required Parking (2 pages)

Conditions and Restrictions (6 pages)

ORDINANCE NO. 3007

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR
FREIGHT YARD / FREIGHT TERMINAL / TRANS-SHIPMENT DEPOT FACILITIES AT
10551 S. OAKVIEW PARKWAY

(5th Aldermanic District)

WHEREAS, ERIC OGDEN, OAK CREEK INDUSTRIAL, LLC, has applied for a Conditional Use Permit that would allow for Freight Yard / Freight Terminal / Trans-shipment Depot Facilities on the property at 10551 S. Oakview Parkway; and

WHEREAS, the properties are more precisely described as follows:

CSM No. 8718, NE & SE ¼ Sec 35-5-22, Lot 2.

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 May 18, 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 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 Freight Yard / Freight Terminal / Trans-shipment Depot Facilities on the property at 10551 S. Oakview Parkway, 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 Freight Yard / Freight Terminal / Trans-shipment Depot Facilities on the property at 10551 S. Oakview Parkway.

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 18th day of May, 2021.

President, Common Council

Approved this 18th day of May, 2021.

Mayor

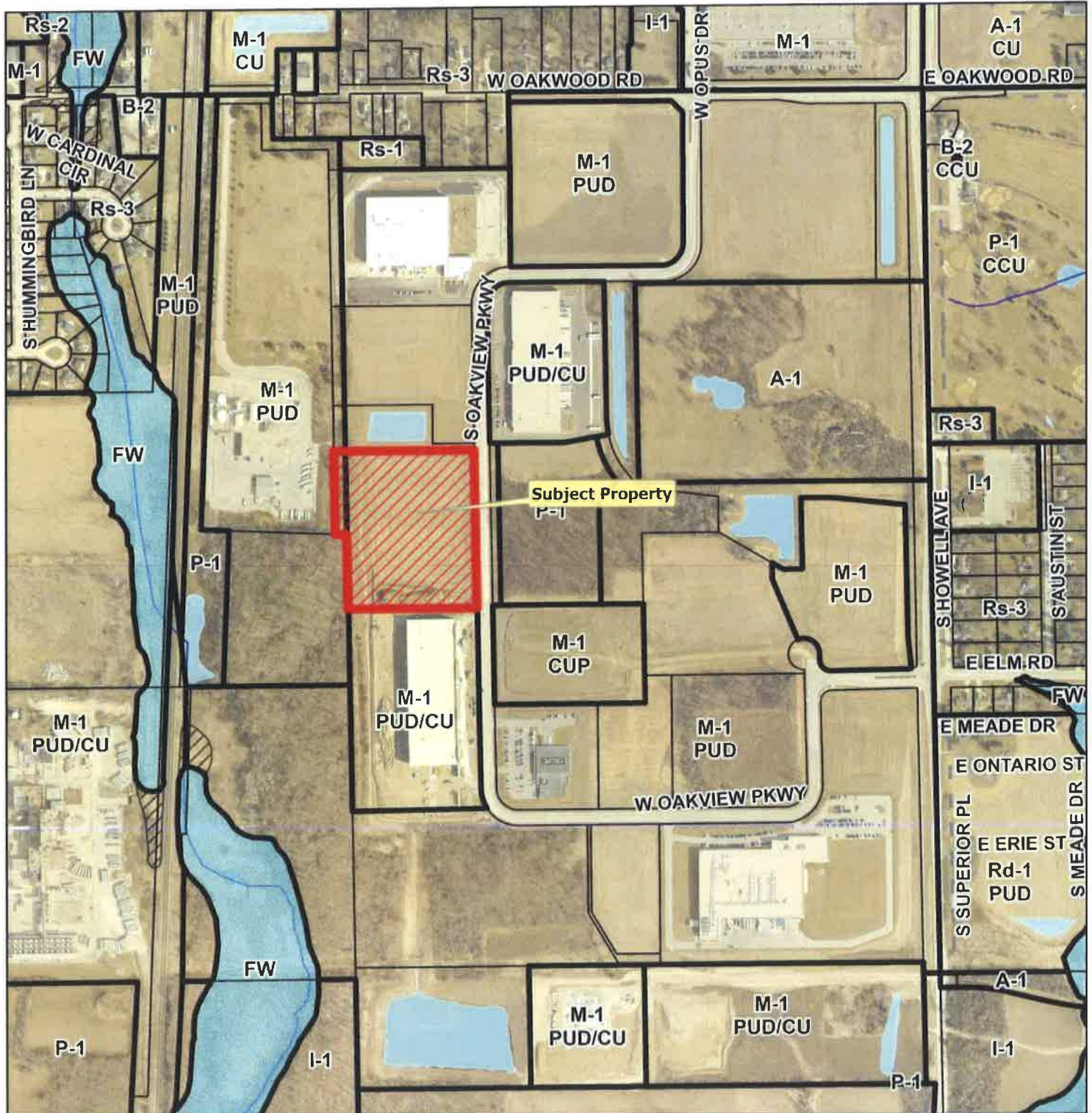
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

LOCATION MAP

10551 S. Oakview Pkwy.



Community Development

0 0.04 0.08 0.16 Miles



- Zoning
- Official Map
- Floodway

Legend

- Flood Fringe
- Parcels
- 10551 S. Oakview Pkwy.

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

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Commissioner Hanna joined after roll call was taken. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Thomas Kramer, Assistant IT Manager, facilitated the video conference.

**CONDITIONAL USE PERMIT
OAK CREEK INDUSTRIAL LLC
10551 S. OAKVIEW PARKWAY
TAX KEY NO. 955-1024-000**

Planner Papelbon provided an overview of the request for a Conditional Use Permit to allow for freight yard/freight terminal/trans-shipment depot facilities for the property at 10551 S. Oakview Parkway (see staff report for details).

Brian Randall, Davis and Kuelthau, 111 East Kilbourn Avenue, Suite 1400, Milwaukee, WI, explained that the applicant is trying to be proactive by requesting the Conditional Use Permit for a potential freight user, although any M-1 use can be accommodated by the proposed building.

Assistant Fire Chief Havey stated he received revised drawings the morning of this Plan Commission meeting that will need to be reviewed.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities within the properties [Note: the written motion stated "proposed" not "properties"] multitenant building on the property at 10551 S. Oakview Parkway, after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (April 13, 2021). Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all present voted aye. Motion carried. The meeting was adjourned at 9:44 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-13-21

Date

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 13, 2021**

Mayor Bukiewicz called the meeting to order at 6:01 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 Siefert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Nick Sansone, Network Administrator, facilitated the video conference.

**CONDITIONS AND RESTRICTIONS
OAK CREEK INDUSTRIAL, LLC
10551 S. OAKVIEW PARKWAY
TAX KEY NO. 955-1024-000**

Planner Papelbon provided an overview of the conditions and restrictions for the Conditional Use Permit (CUP) for freight yard / freight terminal / trans-shipment depot facilities at 10551 S. Oakview Parkway (see staff report for details).

Commissioner Chandler asked for clarification from Planner Papelbon of the applicant's request for an extension to the Time of Compliance.

Planner Papelbon clarified the applicant requested 36 months instead of the Code-specified 12-months; however, Staff recommended a compromise of 24 months, and language in the suggested Conditions and Restrictions that would tie to the site and building plan review as well as to the issuance of building permits. The wording would reflect the requirement for site and building plan approval by the Plan Commission before the applicant can proceed to submission of building permit applications, and the requirement for establishment of the Conditional Use within 24 months of the Common Council's approval.

Commissioner Chandler then asked for clarification from the applicant/representative on why the request was made.

Attorney Brian Randall, Davis and Kuelthau, 111 East Kilbourn Avenue, Suite 1400, Milwaukee, WI, explained the request to extend the Time of Compliance was brought forward to allow the applicant to time to plan and design the building. The application for Conditions and Restrictions was brought forward at this time out of efficiency and consideration of the Plan Commission's time. As the site and building plan details were not ready, having the extension of time would prevent applying for building permits before they were needed.

Alderman Guzikowski, Alderman Loreck, and Commissioner Siefert agreed to support the 24-month compromise. Commissioner Hanna raised the same question as Commissioner Chandler, and also supported the 24-month compromise. Mayor Bukiewicz also supported the compromise.

Planner Papelbon stated building permits are generally valid for two (2) years. Mayor Bukiewicz and Planner Papelbon discussed that by requesting this extension, the applicant will have more time to get site and building plans approved by Plan Commission before applying for future building permits.

Assistant Fire Chief Havey stated he sees no issues with plan review and submittal timelines with

the suggested motion.

Mayor Bukiewicz opened the floor to any City residents who had questions. Nick Sansone confirmed there was one person calling in, but they chose not to participate.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for freight yard / freight terminal / trans-shipment depot facilities within the proposed multitenant building on the property at 10551 S. Oakview Parkway.

In answer to Alderman Guzikowski's question, Planner Papelbon stated the verbiage regarding the 24-month timeline will be added to the Conditions and Restrictions for Common Council approval.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all present voted aye. Motion carried. The meeting was adjourned at 7:13 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-27-21

Date



100 S. Wacker Drive, Suite 950
Chicago, IL 60606

Attachment to Plan Commission Application (Narrative Description of Project) for a Conditional Use Permit for a freight yard, freight terminal, and/or trans-shipment depot at 10551 South Oakview Parkway

February 23, 2021

HSA Commercial Real Estate, by its site ownership and development entity Oakview II Industrial, LLC (collectively, "Applicant" or "HSA"), through its attorneys Davis & Kuelthau, s.c., architects Partners in Design, and civil engineers Pinnacle Engineering Group, submits this Attachment to this Plan Commission Application (Description of Project) in support of the Plan Commission Application for a Conditional Use Permit for 10551 South Oakview Parkway (the "Property"). HSA proposes to construct a light industrial, manufacturing or warehouse distribution building within the Oakview Business Park (the "Project").

I. The History of the Development Site

The Property is situated in the Oakview Business Park. The Property is located on the west side of Oakview Parkway, and consists of approximately 9.786 acres.

HSA has successfully developed similar projects nationally, throughout Southeastern Wisconsin, and specifically in the City of Oak Creek at 610 W. Rawson Avenue and 102 West Oakview Parkway. HSA recently purchased the Property and has been preparing plans for development over the past year.

II. Applicant's Project

A. Property Information

Property Address: 10551 South Oakview Parkway
Tax Key No.: 9551024000
Current Zoning: M-1 Manufacturing
Property Owner: Oakview II Industrial LLC
Owner's Address: 100 S. Wacker Drive, Suite 950,
Chicago, Illinois 60606
Existing Use: Vacant

B. Request for Conditional Use Permit

HSA has found that there is significant demand in the area for modern, flexible light industrial, manufacturing or warehouse distribution space for one or more tenants with loading docks. The Project would be compatible and complementary with the surrounding uses which are also zoned M-1 Manufacturing District (PUD). The permitted uses in the City's M-1 Manufacturing District are – by definition – compatible and HSA also requests in this application a Conditional Use Permit for any tenant(s) that may qualify as a freight yard, freight terminal, and/or trans-shipment depot at the Property as such uses are defined under the Zoning Code.

Specifically, this Conditional Use Permit will allow for such tenants to be granted occupancy in a streamlined manner provided that they qualify with the terms of this Conditional Use Permit request.

HSA acknowledges that any tenant that does not qualify under the terms of this Conditional Use Permit request or as a permitted use will still need to apply for a Conditional Use Permit. HSA further acknowledges that an Application for Site & Building Plan Review will also have to be approved prior to construction of the Project and occupancy by any tenant(s).

C. Terms of Conditional Use Permit

HSA requests a Conditional Use Permit for its tenant(s) for a freight yard, freight terminal, and/or trans-shipment depot at the Property pursuant to the following terms:

1. **Building Size:** 154,810 square feet (approximately)
2. **Use:** A freight yard, freight terminal, and/or trans-shipment depot; Assembly, processing, manufacturing, storage, distribution, warehousing, delivery services, transportation and logistics, as well as ancillary office, professional and administrative uses consistent with the M-1 Manufacturing District.
3. **Number of Employees:** The number of full-time employees (full-time equivalents) based at the Property will not exceed 150 per shift.
4. **Hours of Operation:** The operations will include 24/7 operations, with primary activities between 5 am – 12 midnight, all of which are compatible with the surrounding uses which are also zoned M-1 Manufacturing District. Specific hours of operation will be based on tenant operational needs.
5. **Truck Parking:** The Property has approximately 22 loading docks and 12 parking stalls for semi-trailers for direct access and maneuverability to the loading dock area. The building will also have one or more drive-in doors for interior access to the building. The number of trucks and trailers parked on site will not exceed those for which there are parking stalls or loading dock spaces and area.
6. **Car Parking Stalls:** A total of 112 employee and visitor car parking stalls are located along the south side of the building.

7. **Outdoor Storage:** Despite the Conditional Use Permit including “freight yard” in the title of the ordinance, the only outdoor storage will be for truck parking, trailer parking, dumpsters, etc.
8. **Frequency of Deliveries:** The frequency of deliveries allowed under this Conditional Use Permit will not exceed 150 inbound and outbound truck trips.

V. **CONCLUSION**

In conclusion, HSA respectfully requests approval of the Conditional Use Permit so as to allow its tenant(s) to occupy the building provided the use is consistent with this Conditional Use Permit, any other permitted use, and/or other approval granted by the City.

Respectfully submitted this 23rd day of February, 2021.

DAVIS & KUELTHAU, S.C.
Attorneys-in-Fact for Applicant



By: _____
Brian C. Randall

111 East Kilbourn Avenue, Suite 1400
Milwaukee, WI 53202
(414) 225-1484
brandall@dkattorneys.com



Minimum Parking Adjustment Supplement to Plan Commission Application for 10551 South Oakview Parkway (Lots 8-9)

March 18, 2021

A. Description of Proposal

HSA Commercial Real Estate, by its site ownership and development entity Oakview II Industrial, LLC (collectively, "Applicant" or "HSA"), has submitted its Conditional Use Permit application to develop the property at 10551 South Oakview Parkway within the Oakview Business Park. Consistent with its successful past projects in the City, HSA will construct a light industrial, manufacturing or warehouse distribution building at the site.

B. Parking Requirement and Requested Adjustment

Section 17.0403 of the Zoning Code establishes the parking requirements for all districts and uses and the minimum number of parking spaces required for manufacturing and related uses are set forth in Section 17.0403(j)(5). During the plan review, City staff noted that the 125 parking spaces shown on the Site Plan for the 155,056 square foot building is below the minimum parking requirement.

However, the Zoning Code specifically allows for applicants to propose adjustments to the minimum number of parking spaces required to "avoid constructing unneeded and excessive off-street parking facilities." *See* Section 17.0404.

HSA and its design team are highly experienced in designing and operating manufacturing and warehouse distribution buildings similar to what is being proposed for this site.

First, the general market standard for quantity, design and location of parking for such buildings is to locate a double row of parking along the length of the building. Buildings in the City of Oak Creek that reflect this market standard include HSA's buildings on Rawson Avenue and on Howell Avenue, as well as others within the Oakview Business Park. As shown on the Site Plan, the 113 parking spaces for employees, customers, and visitors are located along the south side of the site.

Second, specific for this site, the design team carefully planned around various site constraints and operational needs to present the 155,056 square foot building, loading area with truck and trailer parking, a separated vehicle parking area with 113 spaces, and sufficient green space areas to comply with the Zoning Code. This careful balance also results in the highest and

best use, and a higher development value for the site, as opposed to constructing parking spaces that will be unneeded that will in turn suppress the overall development value.

In conclusion, HSA's deep experience in developing, owning and operating such similarly designed buildings and the established market standards for such buildings serve as the basis to establish that the 113 parking spaces shown on the Site Plan will satisfy the actual parking demands such that the Plan Commission should approve Conditional Use Permit and parking adjustment with less parking than the Zoning Code requires.

Respectfully Submitted,

HSA Commercial Real Estate

Eric Ogden, Senior Vice President, Acquisitions

Davis & Kuelthau, s.c.

Brian C. Randall, Esq.

Katherine M. Hampel, Esq.

Attorneys for HSA Commercial Real Estate

Partners in Design

Werner H. Brisske, AIA ALA GGP

Architects for HSA Commercial Real Estate

Pinnacle Engineering Group

Adam R. Artz, PE

Civil Engineers for HSA Commercial Real Estate



By: _____

Brian C. Randall, Attorney-in-Fact for Applicant

DAVIS & KUELTHAU, S.C.
111 East Kilbourn Avenue, Suite 1400
Milwaukee, WI 53202
(414) 225-1484
brandall@dkattorneys.com

- a. Manufacturing, Processing, and Fabrication Operations, one (1) space per employee for the work shift with the largest number of employees.
 - b. Wholesale Business - one (1) space per 2,500 sq. ft. of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - c. Warehousing - one (1) space per 5,000 sq. ft. of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - d. Mini-Warehousing, one (1) space per 10 storage cubicles, plus one (1) space per employee for the work shift with the largest number of employees.
- (6) Institutional and Related Uses:
- a. Religious Institutions, one (1) space per 150 feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - b. Libraries, one (1) space per 150 feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - c. Museums, one (1) space per 150 feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - d. Rooming and Boarding Houses, Fraternity and Sorority Houses, and Dormitories, one (1) space per bed.
 - e. Nursing Homes, one (1) space per three (3) patient beds, plus one (1) space per employee for the work shift with the largest number of employees.
 - f. Hospitals, two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor, plus one (1) space per employee, excluding doctors, for the work shift with the largest number of employees.
 - g. Schools:
 - 1. Elementary Schools, Middle Schools, and High Schools, one (1) space for each teacher and staff member, plus one (1) space for every 5 students 16 years of age or older.
 - 2. Colleges, Universities and Trade Schools, one (1) space for each teacher and staff member, plus one (1) space for every two (2) students during the highest attendance period.

- 3. Children's Nursery Schools and Day-Care Centers, one (1) space per employee for the work shift with the largest number of employees, plus one space for every six (6) students at the highest class attendance period.

Ordinance 2002 A 6/1/99 Sec. 17.0403(e)
Ordinance 2078 A 6/20/00 Sec. 17.0403(e)
Ordinance 2756 3/03/15 Sec. 17.0403(e)
Ordinance 2953, A 11/5/19, Sec. 17.0403(j)(2)(j),
17.04303(j)(6)a, 17.0403(j)(6)b, 17.0403(j)(6)c,
17.0403(j)(6)(e), 17.0403(j)(6)(f), 17.0403(j)(6)(g)

SEC. 17.0404 ADJUSTMENTS TO REQUIRED PARKING

The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of excess off-street parking facilities is intended to provide for more cost-efficient site development, to eliminate constructing more impervious surface than necessary, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on commercial and industrial sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this section.

- (a) Adjustments. In all districts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Commission that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:
 - (1) Evidence That Actual Parking Demands Will Be Less Than Ordinance Requirements. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the operation will require less parking than the Chapter requires.
 - (2) Availability of Shared Parking. The petitioner shall submit written documentation to the satisfaction of the Plan Commission that off-site shared parking spaces are available within 400 feet of the lot line and within the same block to satisfy the parking demand. When a reduction of parking spaces attributable to shared parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements,

purchase agreements, and other such documentation to show that such shared parking can be accomplished. Any and all such agreements shall be recorded with the Milwaukee County Register of Deeds, at the applicants expense, and a copy of the recorded agreement shall be filed with the City Clerk. The off-site shared parking spaces shall be clearly posted for the joint use of employees, and/or tenants, or customers of each respective use sharing those spaces.

(3) Use of Optional Modes of Transportation. Upon demonstration to the Plan Commission that effective alternative transportation to the automobile will occur within 12 months following the issuance of the certificate of compliance, the Plan Commission may reduce parking requirements. Optional modes of transportation may include, but is not limited to, bus transit, van pool operations, car pool/ride sharing, and bicycles. Parking management plans/operations may also be used as a basis to reduce required parking. Parking management plans may include, but are not limited to, flexible working hours or shifts, preferential parking for car pools/van pools, transit/van pool fare subsidy, imposition of a charge for parking, and establishment of a transportation coordinator to implement car pool, van pool, and transit programs. Proposals for adjustments of parking requirements under this section shall show how the alternative transportation modes will be implemented, the permanency of such modes, extent of the program, the number of vehicles the mode will replace, and other pertinent information.

(4) All businesses that cater to customers who drive vehicles larger than what can be accommodated in a 10' X 20' parking space, shall provide the appropriate number of parking spaces and access aisles to accommodate these vehicles.

(b) Space to be Set Aside for Reduced Parking. The site plan for the commercial or industrial use shall be designed to provide sufficient open space on the subject site to accommodate the additional parking spaces otherwise required by this Chapter. Such open space shall be in addition to required yards, setbacks, driveways, private streets, loading and service areas. Sufficient open space shall be provided which, if converted to parking spaces, would provide off-street parking to meet the full requirements of this Chapter at the time of application.

(c) Changes in Occupancy or Use. When the use of a building, structure, or land is changed to another use or occupancy that requires more parking spaces than required for the use existing immediately prior to such change, additional parking spaces shall be constructed for the new use or occupancy in the amount necessary to conform to this Chapter prior to the issuance of a Certificate of Occupancy for the new use.

(d) Changes in Intensity of Use. When the intensity of use of a building, structure or land is increased by an addition of employees, gross floor area, seating capacity, or other unit of measurement, additional parking spaces shall be constructed for such additions in the amount necessary to conform to this Chapter.

(e) Plan Commission Review and Verification. The Plan Commission shall review the adequacy of parking where an adjustment to parking requirements has been granted within one year following such parking modification grant--and periodically thereafter--to determine that the conditions justifying the parking requirement still exist. If the parking is found to be inadequate, the Plan Commission shall order the use of the property to comply with the parking requirements set forth in Section 17.0403(I) of this Chapter.

Ordinance 2257 A 7/15/03 Sec. 17.0404(a)

SEC. 17.0405 PARKING OF CARS, TRUCKS & RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS

(a) No car, truck, construction equipment or commercial truck shall be parked regularly upon a driveway in any residential zoning district except as provided herein. Properties currently zoned residential and still used for agricultural purposes shall be exempt from the provisions of this Section.

(1) Vehicles that do not exceed 12,000 lb. manufacturer's gross vehicle weight may be parked on a driveway. Parking on lots that are used as a one or two-family residence shall be limited to parking within garages, carports and upon residential driveways consisting of crushed stone, asphalt, concrete, brick or other similar hard surface material.

(2) A gathering, not to exceed 24 hours at any one time which results in more than the allowable number of vehicles parked on a property, would be exempt from these parking limits for the 24-hour period.

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

| | |
|---|---|
| Applicant: Eric Ogden, HSA Commercial Real Estate/Oak Creek Ind. LLC | Approved by Plan Commission: 4-13-21 |
| Property Address: 10551 S. Oakview Parkway | Approved by Common Council: TBD |
| Tax Key Number(s): 955-1024-000 | (Ord. TBD) |
| Conditional Use: Freight yard/freight terminal/trans-shipment depot facilities | |

1. LEGAL DESCRIPTION

CSM NO. 8718, NE & SE 1/4 SEC 35-5-22, LOT 2 (9.786 ACS).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.

B. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees
 - 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 area(s)
- m) Location(s) of wetlands (field verified)
- n) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) **Landscape Plan**

- a) Screening plan, including parking lot / 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
- 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 or occupancy permit.

D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of

any building permits.

- E. A landscaping plan must be submitted for review and approval by the Plan Commission prior to the issuance of a building or occupancy permit. Landscaping shall be installed in accordance with all applicable Codes and policies.
- F. 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.
- G. 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, the OakView Business Park PUD, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. There shall be no parking or storage of vehicles, equipment, merchandise, parts, or supplies within designated public and employee parking areas. Outdoor storage shall be limited to the parking of trucks and trailers associated with the business, and shall be located in designated loading dock areas & striped stalls on the north portion of the property. There shall be no storage of unlicensed, non-operational vehicles, equipment, merchandise, parts, supplies, or any other materials.
- C. All parking areas shall be striped and landscaped in accordance with approved site plans and applicable Codes.
- D. No box/cabinet signs other than logos with accompanying channel letters in conformance with all applicable Code Sections shall be allowed on the building.
- E. Any change to the occupancy of the site or building shall conform to all Building, Fire, and Municipal Code requirements (as amended).
- F. Solid waste collection and recycling shall be the responsibility of the owner.
- G. 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. Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), these Conditions and Restrictions (see Section 3 above), and plans approved by the Plan Commission March 23, 2021.
- B. Trucks utilizing this facility shall adhere to all posted traffic signs and regulations. Trucks entering and exiting this site from any direction shall not utilize West Oakwood Road west of its intersection with S. Oakview Parkway.

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.

6. BUILDING AND PARKING SETBACKS*

| | Front and Street Setback | Rear Setback | Side Setback |
|-------------------------|--------------------------|--------------|--------------|
| Principal Structure(s) | 40 ft | 20 ft | 20 ft |
| Accessory Structure(s)* | 40 ft | 20 ft | 20 ft |
| Off-street Parking | 30 ft | 5 ft | 5 ft |

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

7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these Conditions and Restrictions within twenty-four (24) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use approval shall expire within twenty-four (24) 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 Conditional Use approval prior to recommencing work or construction.

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to ten (10) years from the date of issuance of the Conditional Use Permit. The 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).

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 Permit is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City ordinances.

11. REVOCAION

Should an applicant, their heirs, successors or assigns, fail to comply with the conditions and restrictions

of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

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)

DRAFT



COMMON COUNCIL REPORT

Item: 2021-22 Official Newspaper

Recommendation: That the Common Council designate NOW Media Group (parent company for the Milwaukee Journal Sentinel - SOUTH NOW edition) to serve as the official City newspaper for the next 12 months.

Fiscal Impact: Funds to cover the cost of the official notices in 2021 have been budgeted in the General Government-Legal Notices Account.

In the past twelve months, these publications have amounted to a total cost of \$19,814.29. This amount is an increase of \$3,899.40 from the prior 12 month period.

- 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: As a third class city, one of the state requirements we have is an annual bid process for an official City newspaper. An official notice was published on March 31, 2021, inviting bids to be publicly opened at noon on May 4, 2021.

The only bid received was from NOW Media Group (parent company of the Milwaukee Journal Sentinel).

2021 rates are listed below, with 2020 rates listed in red. Line rates for council proceedings and legal notices shows a slight decrease from the 2020 rates. The rate for display ads shows no increase from 2020 rates.

| | 1 st insertion per line | 2 nd insertion per line |
|--|---|---|
| Council Proceedings / Legal Notices | \$0.8204 (\$0.8299) | \$0.6481 (\$0.6556) |
| | 1 st insertion per column inch | 2 nd insertion per column inch |
| Display ads, sample ballots and other matter set in display format | \$6.14 (\$6.14) | \$4.85 (\$4.85) |
| Affidavit | \$1.00 | |

Options/Alternatives: none.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Christa J. Miller, OMC/WCMC
Deputy City Clerk

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Attachments: 2020-21 Billing totals; 2021 Invitation for Bid

South NOW

Billing totals for required publications

| 2020 | |
|------|--------------------|
| Jan | \$1,711.28 |
| Feb | \$679.14 |
| Mar | \$676.60 |
| Apr | \$1,183.00 |
| May | \$1,230.25 |
| June | \$771.11 |
| July | \$1,583.07 |
| Aug | \$1,057.92 |
| Sept | \$821.84 |
| Oct | \$4,193.11 |
| Nov | \$1,277.04 |
| Dec | \$2,274.09 |
| | \$17,458.45 |

| 2021 | |
|------|-------------------|
| Jan | \$547.10 |
| Feb | \$2,814.50 |
| Mar | \$1,284.94 |
| Apr | \$1,959.32 |
| | \$6,605.86 |

| | |
|---------------------------|--------------------|
| 12 months total: | \$19,814.29 |
| Previous 12 months total: | \$15,914.89 |
| Increase / Decrease: | \$3,899.40 |



April 7, 2021

CITY OF OAKCREEK
OFFICIAL NEWSPAPER BID
ATTN: CITY CLERK
8040 S. 6th STREET
OAK CREEK, WI 53154

Invitation for Bid – 2021

The below information is the state certified information for the SOUTH NOW publication for legal advertising.

Name of Type: Arial Classified

Type size: 6

| Indicate Line Rates: | 1 st Insertion | Subsequent Insertion | Column Width (pica) |
|----------------------|---------------------------|----------------------|---------------------|
| 1 column | \$.8204 | \$.6481 | 9.17 |

Display Rates, per column inch:

1st Insertion: \$6.14

Subsequent Insertion: \$4.85

Paid Newspaper Subscriptions to be circulated in this geographic area: 9,430

Affidavit Cost: \$1.00 Affidavits shall be mailed within 10 days of publication.

Dates of Publication: Every Wednesday

Deadline for Display advertisement is Wednesday week prior by 10:00AM

Deadline for Liner advertisement is prior Friday at 10:00AM (system deadline – please submit in time to allow for processing and proofing)

Vendor: SOUTH NOW

Authorized Signature: /s/ Tara Mondloch

Print Name & Title: Tara Mondloch, Director, Public Notices | Obituaries

Address: 333 W. State Street, Milwaukee, WI 53203

Telephone: 414-224-2121

Fax: 877-943-0443

Email: MJS-legal@gannett.com

COMMON COUNCIL REPORT

Item: Dedication and Release - Creekside Crossing Marketplace

Recommendation: That the Common Council adopts Resolution No. 12244-051821, a resolution accepting dedication of the public improvements and releasing the developer from the development agreement for the Creekside Crossing Marketplace project (2nd Aldermanic District)

Fiscal Impact: None

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 Developer has completed, to the satisfaction of the Engineering Department, all required public improvements for the Creekside Crossing Marketplace project that facilitated the required public infrastructure to serve future site development. The Developer, Walden OC, LLC, entered into a development agreement dated April 30, 2019 and recorded on May 5, 2019 as Document #10868556. This agreement was approved by Council by Resolution 12056-041619. This project was for the installation of public roadway/traffic signals, public storm sewer, sanitary sewer, water main and site grading for a future commercial development. There are no current outstanding assessments against the properties, and all required City fees and costs have been paid.

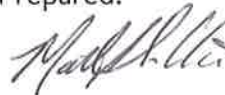
Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Matthew J. Sullivan, PE
Assistant City Engineer

Fiscal Review:



Maxwell Gaggin, MPA
Assistant City Administrator / Comptroller

Approved:



Michael C. Simmons, PE
City Engineer

RESOLUTION NO. 12244-051821

BY: _____

RESOLUTION ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS AND
RELEASING THE DEVELOPER FROM THE DEVELOPMENT AGREEMENT

CREEKSIDE CROSSING MARKETPLACE

TAX KEY NO. 784-9008, 784-9009-001, 784-9010-001, 784-9011,
784-9013, 784-9014, 784-9016, 784-9017 & 784-9024

(2nd ALDERMANIC DISTRICT)

WHEREAS, WALDEN OC, LLC, (collectively the "Developer") and the City of Oak Creek ("City") entered into a Development Agreement dated April 30, 2019 and recorded with the Milwaukee County Register of Deeds as Document No. 10868556; and

WHEREAS, the Developer has successfully constructed and installed all required public improvements for said project at the expense of the Developer and in accordance with the plans and specifications conforming to applicable City ordinances and approved by the City; and

WHEREAS, the City Engineer certifies that all conditions and restrictions of the Development Agreement have been fully satisfied; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek that dedication of the public improvements is hereby accepted and that the Developer is released from the terms and conditions of the Development Agreement.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute said Dedication and Release on behalf of the City, and upon execution by both the City and the Developer, the City Clerk is hereby directed to record the same in the Office of the Register of Deeds in and for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 18th day of May, 2021.

Passed and adopted this 18th day of May, 2021.

Common Council President Kenneth Gehl

Approved this 18th day of May, 2021.

Mayor Daniel J. Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes ____ Noes ____

Document Number

DEDICATION OF PUBLIC IMPROVEMENTS
AND RELEASE FROM THE CREEKSIDE
CROSSING MARKETPLACE
DEVELOPMENT AGREEMENT
Document Title

Recording Area

Name and Return Address

Douglas W. Seymour, Director
Department of Community Development
8040 S. 6th St.
Oak Creek, WI 53154

784-9008, 784-9009-001, 784-9010-001,
784-9011, 784-9013, 784-9014, 784-9016,
784-9017, 784-9024

Parcel Identification Number (PIN)

WHEREAS, THE CITY OF OAK CREEK, a municipal corporation of Milwaukee County, State of Wisconsin, hereinafter referred to as the "City", and, WALDEN OC, LLC, a Delaware limited liability company, 720 East Wisconsin Avenue, Milwaukee, WI 53202, and hereinafter referred to as "Developer", entered into a Development Agreement dated April 30, 2019 which was approved by City of Oak Creek Common Council Resolution No. 12056-041619 for Creekside Crossing Marketplace and more particularly described as follows;

WHEREAS, the Developer proposed to develop the following described lands situated in the City of Oak Creek, County of Milwaukee and State of Wisconsin, to-wit:

Those lands being a part of the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of said $\frac{1}{4}$ Section; thence North $00^{\circ} 10' 44''$ East 415.00 feet to a point in the East line of South Ikea Way and the point of beginning of lands to be described; thence continuing North

00° 10' 44" East along said East line 478.61 feet to a point; thence Northeasterly 259.54 feet along said East line and an arc of a curve whose center lies to the Southeast, whose radius is 545.50 feet, and whose chord bears North 20° 40' 48" East 257.10 feet to a point; thence Northeasterly 52.60 feet along said East line and an arc of a curve whose center lies to the Northwest, whose radius is 331.66 feet and whose chord bears North 29° 45' 59" East 52.55 feet to a point; thence Northeasterly 7.48 feet along said East line and an arc of a curve whose center lies to the Northwest, whose radius is 159.48 feet, and whose chord bears North 40° 32' 42" East 7.48 feet to the Southwest corner of Lot 1 of Certified Survey Map No. 8851; thence South 50° 47' 55" East along the South line of said Lot 67.20 feet to a point; thence North 46° 58' 30" East along said South line 72.50 feet to a point; hence North 51° 44' 32" East along said South line 70.43 feet to a point; thence North 72° 59' 23" East along said South line 88.02 feet to a point; thence North 79° 13' 30" East along said South line 111.26 feet to a point; thence North 85° 23' 38" East along said South line 86.90 feet to a point; thence North 82° 11' 13" East along said South line 44.43 feet to a point; thence South 87° 35' 31" East along said South line 30.93 feet to a point; thence South 27° 19' 30" East along said South line 23.77 feet to a point; thence South 57° 38' 45" East along said South line 35.90 feet to a point; thence South 72° 20' 25" East along said South line 41.69 feet to a point; hence North 88° 10' 25" East along said South line 35.47 feet to a point; thence North 62° 58' 12" East along said South line 35.49 feet to a point; thence North 43° 51' 41" East along said South line 49.17 feet to a point; thence North 41° 56' 30" East along said South line 66.78 feet to a point; thence North 55° 55' 26" East along said South line 61.54 feet to a point; thence North 73° 37' 33" East along said South line 67.23 feet to a point; thence South 72° 03' 08" East along said South line 47.46 feet to a point; thence South 82° 18' 23" East along said South line 139.86 feet to a point in the West line of Interstate Highway 94; thence South 07° 41' 37" West along said West line 944.62 feet to a point; thence South 89° 18' 02" West along said West line 40.44 feet to a point; thence South 00° 09' 35" West along said West line 332.60 feet to a point in the North line of West Drexel Avenue; thence South 80° 12' 18" West along said North line 101.52 feet to a point; thence South 83° 47' 38" West along said North line 66.06 feet to a point; thence South 89° 18' 02" West along said North line 271.34 feet to the Southeast corner of Parcel 3 in Certified Survey Map No. 7375; thence North 00° 09' 35" East along the East line of said Map 354.99 feet to the Northeast corner of said Map; thence South 89° 18' 02" West along the North line of said Map 172.00 feet to the Northwest corner of Parcel 2 of said Certified Survey No. 7375; thence South 00° 09' 35" West along the West line of said Parcel 354.99 feet to a point in the North line of West Drexel Avenue; thence South 89° 18' 02" West along said North line 288.89 feet the Southeast corner of Parcel 1 of Certified Survey Map No. 7331; thence North 00° 10' 44" East 24.00 feet to a point; thence North 65° 30' 21" West 21.17 feet to a point; thence North 38° 43' 50" West 31.80 feet to a point; thence

Northwesterly 90.45 feet along an arc of a curve whose center lies to the Southwest, whose radius is 645.00 feet and whose chord bears North 10° 00' 09" West 90.38 feet to a point; thence North 14° 01' 11" West 92.42 feet to a point; thence North 00° 10' 44" East 117.78 feet to a point; thence South 89° 18' 02" West 22.08 feet to the point of beginning.

Said land contains 1,198,892 square feet or 27.5228 acres, more or less.

WHEREAS, the Developer has completed the construction and installation of said public improvements in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the Municipal Code of the City, and the City Engineer has certified the improvements; and

WHEREAS, the Development Agreement was recorded with the Milwaukee County Register of Deeds office on May 8, 2019, in Document #10868556; and

NOW, THEREFORE, in consideration of \$1.00 and other good and valuable consideration, to it in hand paid, receipt of which is herein acknowledged and confessed.

1. The Developer hereby gives, grants, conveys and fully dedicates the said public improvements, to the City of Oak Creek, forever, free and clear of all encumbrances whatever, together with and including any and all land, structures, mains, conduits, pipes, equipment, plant appurtenances and hereditaments, which in any way may be a part of or pertain to such public facilities.
2. The Developer hereby warrants and will forever defend the title to the dedicated public improvements, for the Creekside Crossing Marketplace, against all lawful claims of all persons whomsoever.
3. The Developer is hereby released and discharged from the terms of the Development Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this instrument under their several seals the day and year first above written, the name and corporate seal of each corporate body being hereto affixed and the instrument duly signed by its duly authorized representatives.

In presence of:

WALDEN OC, LLC


Kevin Kennedy, Director

STATE OF WISCONSIN)
SS).
MILWAUKEE COUNTY)

Personally came before me this 14th day of May, 2021, the above-named Kevin Kennedy, Director of WALDEN OC, LLC, to me known to be the person who executed the foregoing instrument and acknowledged that they executed the foregoing instrument on behalf of WALDEN OC, LLC.

By: Christine Lees
Name Printed: Christine Lees

**CHRISTINE LEES
NOTARY PUBLIC
STATE OF WISCONSIN**

Notary Public, State of Wisconsin
My Commission Expires: July 11, 2022

CITY OF OAK CREEK

Daniel J. Bukiewicz, Mayor

Countersigned:

Catherine A. Roeske, City Clerk

STATE OF WISCONSIN)
SS).
MILWAUKEE COUNTY)

Personally came before me this ____ day of _____, 2021, DANIEL J. BUKIEWICZ, Mayor, and CATHERINE A. ROESKE, City Clerk, of the above-named municipal corporation, CITY OF OAK CREEK, to me known to be the persons who executed the foregoing instrument to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers, as the deed of said municipal corporation, by its authority, and pursuant to Resolution No. _____ adopted by its Common Council on the ____ day of _____, 2021.

Notary Public
Milwaukee County, Wisconsin
My commission:

This document was drafted by Matthew J. Sullivan, P.E., of the City of Oak Creek Engineering Department.

Approved as to form:

Melissa L. Karls, City Attorney

CERTIFICATE OF THE CITY ENGINEER

I, Michael C. Simmons, City Engineer of the City of Oak Creek, do hereby certify:

That the construction and installation of public improvements, installed by the Developer of Creekside Crossing Marketplace, in the City of Oak Creek, have been completed in accordance with the approved designs, plans and specifications therefore, or in accordance with approved changes, variations, alterations and modifications; and

That the public improvements are in satisfactory operating condition; and

That I further certify that the Developer has submitted satisfactory written evidence that they have paid all of the costs incurred in the construction and installation of said systems and improvements.

Dated this _____ day of _____, 2021.

Michael C. Simmons, P.E
City Engineer

COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 5/18/2021 License Committee Report.

Fiscal Impact: License fees in the amount of \$5,725.00 were collected.

Critical Success Factor(s):

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

Background:

1. Grant an Operator's license to:
 - * Jason J. Korneisel (Erv's Mug)
 - * Julie A. Meadows (no employer)
 - * Shayla A. Jones (Woodman's)
 - * Tanesha L. Peel (Woodman's)
 - * Chiraag Valand (Discount Tobacco & Liquor)
 - * Rashmika Valand (Discount Tobacco & Liquor)
 - * Norma Miramontes-Quiroz (Pick 'n Save)
 - * Annette M. St. Martin (no employer)
 - * Lindsey L. Kumbier (Pick 'n Save)
 - * Jennifer L. Fugate (Woodman's)
 - * Heriberto Rodriguez, Jr. (7-Eleven)
2. Grant a 2021 Transient Merchant seller license to the following:
 - * Robert C. Jones (Mad City Windows LLC)
3. Grant a 2021-22 Amusement Operator and Amusement Devices License(s) to:
 - * Tina Chavez, National Entertainment Network, 325 Interlocken Pkway, Broomfield, CO
 - * Steven Murphy, Games Are Us, Inc., 4905 S. Woodlawn Pl., Greenfield, WI
 - * Riley Placke, Riley's Amusements, LLC, 7900 Stone Creek Way, Caledonia, WI
 - * Jay Jacomet, Red's Novelty Ltd., 1921 S. 74th St., West Allis
 - * Jeff Williamson, Gardner Sales, Inc., 1415 Johnson St., Janesville, WI
 - * Jimmy Brewer, Brewer Amusement Co., LLC, 412 Sparta St., McMinnville, TN
 - * Michael Weigel, Wisconsin P&P Amusement, 12565 W. Lisbon Rd., Brookfield, WI
4. Grant a Special Event Permit to Jas A. Mortenson, All Saints Lutheran Church, 9131 S. Howell Ave., for a "How Great Thou ART fair on July 17, 2021.

-
5. Grant a Special Event Permit to Laura Nelson, Oak Creek Tourism Commission, for the Food Truck Tour events to be held in Drexel Town Square on Wednesday, June 30, July 28, August 25, and September 29, 2021.
 6. Grant a Special Event Permit to Laura Nelson, Oak Creek Tourism Commission for Pop-Up Biergartens to be held at Abendschein Park, 1311 E. Drexel Ave. on June 17-19, July 15-17, August 19-21 and September 16-18, 2021.
 7. Grant a Temporary Class B Beer / Class C Wine license to Laura Nelson, Oak Creek Tourism Commission for Pop-Up Biergartens to be held at Abendschein Park, 1311 E. Drexel Ave. on June 17-19, July 15-17, August 19-21 and September 16-18, 2021.
 8. Grant a Special Event Permit to Katie Levenstien, Forage Forward, Inc., for a Seltzerland event held at the Oak Hills Golf Club, 10360 S. Howell Ave. on June 5, 2021.
 9. Grant a Special Event Permit to Patrick Flynn, 5Kevents, for the Oak Creek Turkey Trot 5K run/walk to be held at Lake Vista Park, 4001 Lake Vista Parkway, on November 25, 2021.
 10. Grant a Special Event Permit to Patrick Flynn, 5Kevents, for the Bacon5Kegs run/walk event to be held at Lake Vista Park, 4001 Lake Vista Parkway, on September 4, 2021.
 11. Grant a Special Event Permit to Jen Johnson, Silver Circle Sports Events, LLC, for a Beer Garden 5K run/walk event to be held at Lake Vista Park, 4001 Lake Vista Parkway, on August 12, 2021.
 12. Grant a Special Event Permit to Chris Guzikowski, Huntington Disease Society of America, for a Guzi's Hunt for the Cure 5K run/walk for Huntington's Disease event to be held at Lake Vista Park, 4001 Lake Vista Parkway, on May 23, 2021.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Christa J. Miller CMC/WCMC
Deputy City Clerk

Fiscal Review:



Maxwell Gagrin, MPA
Assistant City Administrator / Comptroller

Attachments: none



COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the May 12, 2021 Vendor Summary Report in the total of \$545,844.49.

Fiscal Impact: Total claims paid of \$545,844.49.

- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: Of note are the following payments:

1. \$5,973.15 to Bailey Nurseries (pg #3) for trees.
2. \$27,663.00 to Baker Tilly US, LLP (pg #3) for services in connection with 2020 financial audit.
3. \$69,530.88 to Benistar (pg #3) for May Medicare supplement insurance.
4. \$7,488.50 to Buelow Vetter (pg #4) for legal services.
5. \$6,164.64 to CDW Government, Inc. (pg #4) for Synology hard drives PD cameras, Project #17029.
6. \$5,040.00 to Center for Public Safety (pg #4) for FD strategic planning consultation, Project #20002.
7. \$6,794.70 to County Materials Corporation (pg #5) for street light maintenance and Puetz drainage improvements, Projects #17024 and #21021.
8. \$19,367.00 to E. H. Wolf & Sons, Inc. (pg #5) for fuel inventory.
9. \$20,420.06 to Edgerton Contractors, Inc. (pg #5) for work on the former Peter Cooper site.
10. \$34,476.89 to Enterprise FM Trust (pg #6) for DPW vehicle lease monthly payment, Project #19024.
11. \$6,468.07 to Force America (pg #6) for spreader equipment.
12. \$13,100.97 to Kansas City Life Insurance Co. (pg #8) for June disability insurance.
13. \$7,719.91 to Milwaukee County Treasurer (pg #10) for April court fines.
14. \$5,275.81 to Poms Tire Service (pg #11) for tires & supplies.
15. \$11,005.71 to Ramboll (pgs #11-12) for consulting services related to Lakeshore Commons and Peter Cooper site.
16. \$5,985.05 to Reliant Fire Apparatus, Inc. (pg #12) for FD vehicle maintenance.

-
17. \$7,454.12 to Robie's Grading (pg #12) for property cleanup.
 18. \$5,453.97 to Superior Vision (pg #13) for vision insurance.
 19. \$83,731.03 to Vermeer - Wisconsin, Inc. (pg #14) for brush chipper, Project #21012.
 20. \$38,403.07 to US Bank (pgs #17-24) for equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.
 21. \$42,603.03 to WE Energies (pgs #1 & 15) for street lighting, electricity & natural gas.
 22. \$20,385.10 to WI Court Fines & Surcharges (pg #15) for April court fines.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kristina Strmsek
Staff Accountant

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Attachments: 5/12/2021 Invoice GL Distribution Report