



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

## COMMON COUNCIL MEETING AGENDA

SEPTEMBER 7, 2021

7:00 P.M.

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

### The City's Vision

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

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 8/17/2021

### Recognition

4. **Mayoral Proclamation:** Congratulations to St. Matthew Parish on their 180<sup>th</sup> Anniversary.
5. **Council Proclamation:** Consider Council Proclamation No. 21-14 to Alexa Alfaro for dedicated service to the City of Oak Creek as a member of the Police & Fire Commission (by Committee of the Whole).

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

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

6. **Rezone:** Consider a request submitted by David Decker, Decker Properties, to rezone to Rm-1, Multi-family Residential and establish a Planned Unit Development on the properties at 8100 and 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way (2<sup>nd</sup> District).
7. **Ordinance:** Consider Ordinance No. 3015, to rezone the properties at 8100 and 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way to Rm-1, Multifamily Residential Planned Unit Development (2<sup>nd</sup> District).
8. **Rezone:** Consider a request submitted by Steve Pape, Revel Investments, to rezone the property at 441 W. Ryan Rd. from B-4, Highway Business to Rm-1, Multifamily Residential, with a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure (5<sup>th</sup> District).

Visit our website at [www.oakcreekwi.org](http://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. 3016, to rezone the property at 441 W. Ryan Rd. from B-4, Highway Business to Rm-1, Multifamily Residential with a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure (5<sup>th</sup> District).

## Old Business

### HEALTH

10. **Resolution:** Consider Resolution No. 12259-081721, approving a Memorandum of Understanding between the Oak Creek Health Department, the Cudahy Health Department and the South Milwaukee/St. Francis Health Department for the development of a full-time joint Zone E Preparedness Coordinator position (by Committee of the Whole) (held 8/17/2021).

## New Business

### HEALTH

11. **Resolution:** Consider Resolution 12264-090721, authorizing participation in the Healthcare Emergency Readiness Coalition (HERC) Region 7 Intergovernmental Mutual Aid Assistance Agreement (by Committee of the Whole).

### ADMINISTRATION

12. **Ordinance:** Consider Ordinance No. 3017, repealing and recreating Section 2.68 of the Municipal Code regarding Parks and Recreation (by Committee of the Whole).

### TREASURER

13. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending July 31, 2021.

### COMMUNITY DEVELOPMENT

14. **Resolution:** Consider Resolution No. 12263-090721, approving a Certified Survey Map submitted by Timothy Grayman, All Star Buick GMC, for the properties at 7020 and 7070 S. 27<sup>th</sup> St. (2<sup>nd</sup> District).
15. **Motion:** Consider a motion to award the architectural and engineering design for the Abendschein Park beer garden to Plunkett Raysich Architects for their stated services fee of \$108,000 (plus reimbursables) (1<sup>st</sup> District).

### LICENSE COMMITTEE

16. **Motion:** Consider a motion to grant the various license requests as listed on the 9/7/21 License Committee Report (by Committee of the Whole).

### VENDOR SUMMARY

17. **Motion:** Consider a motion to approve the August 31, 2021 Vendor Summary Report in the total amount of \$893,314.03 (by Committee of the Whole).

***Adjournment.***

**Public Notice**

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

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

MAYORAL PROCLAMATION

CONGRATULATIONS TO ST. MATTHEW PARISH ON THEIR 180<sup>TH</sup> ANNIVERSARY

WHEREAS, in 1839, four years before the Archdiocese of Milwaukee even existed, nine Irish immigrant families began holding devotions in the homes of John Flynn and Thomas Cavaney in Oak Creek; and

WHEREAS, in 1841, the real founding of the parish occurred as a result of a little log church being constructed on six acres of land donated by John Flynn and James O'Herin; and

WHEREAS, even though the community was quite rural at the time, the church was dedicated to St. Matthew, the patron of bankers and tax collectors; and

WHEREAS, Father Patrick O'Kelly, a missionary pastor and the first pastor at St. Matthew Parish, would often travel by horseback to hold mass at the homes of settlers in surrounding communities, including Racine, Burlington, Pleasant Prairie, and Greenfield; and

WHEREAS, St. Matthew Parish remained a mission church for years and in the ten years after the construction of the log church alone, the congregation was served by nine different priests; and

WHEREAS, Father Martin Kundig who served as a mission priest for two years and who aided in finishing the log church, was known to have been called the greatest missionary priest in Wisconsin; and

WHEREAS, in 1852, a log rectory was built and Father Bradley was named the first resident pastor; and

WHEREAS, after the log rectory burned in 1859, the members of the congregation were determined to build a church of brick, choosing to build it on the same site; and

WHEREAS, in order to hold services during construction, the new church was built around the log church, and when the new church was completed, the log church inside was dismantled and carried out through the front doors; and

WHEREAS, the new brick church was dedicated in 1861 and had served the parish for a century before being completely remodeled beginning in 1981 and rededicated on the Feast of St. Matthew in 1991; and

WHEREAS, in 1913, Father Peschong joined and it was under his leadership that the rectory was replaced. In 1922, the parish hall was built and in 1928, the rectory burned and was replaced with the current brick building; and

WHEREAS, throughout the years, the parish continued to grow and after an extensive fundraising campaign, a new church and the parish's first school was erected in 1962; and

WHEREAS, during this time, the old church, now referred to as the Little Brick Church, was neglected and fell into disrepair prompting a committee to be formed with the goal of completely restoring the church in time for the 140<sup>th</sup> celebration of the parish in 1981; and

WHEREAS, during restoration, the Little Brick Church was completely gutted, pews were refurbished, woodwork was rebuilt and reconstructed and a new oak floor was hand-laid by the parishioners; and

WHEREAS, after twelve years of hard work, in 1992 the restoration of the Little Brick Church was finished; and

WHEREAS, through the parish's continued growth, an octagonal Gathering Space and meeting rooms were added in 2005, giving the church a new, inviting entrance, added light, and a space to grow spiritually; and

WHEREAS, from its early beginnings in 1839 with nine families, to now, a community of over 1000 families, as well as serving over 200 children in grades K4 through 8, St. Matthew Parish has continued to be an integral part of the Oak Creek Community; and

WHEREAS, in 2021, St. Matthew Parish will celebrate their 180<sup>th</sup> Anniversary with a celebratory weekend; and

WHEREAS, the City of Oak Creek has benefited tremendously from the valuable contribution of St. Matthew's Parish with the growth and stability of the entire community.

NOW, THEREFORE, BE IT RESOLVED, that I, Daniel Bukiewicz, Mayor of the City of Oak Creek, hereby congratulate St. Matthew Parish on their 180<sup>th</sup> Anniversary.

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

ATTEST:

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

**COUNCIL PROCLAMATION NO. 21-14**

**TO**

**ALEXA ALFARO**

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

WHEREAS, on August 18, 2020, Alexa Alfaro was appointed to the Police & Fire Commission by Mayor Daniel Bukiewicz; and

WHEREAS, Alexa Alfaro served in that capacity for one year; and

WHEREAS, Alexa Alfaro has been instrumental in the appointment of Police Officers, Fire Fighters and

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

WHEREAS as a member of the Police & Fire Commission, Alexa Alfaro has dutifully served the City of Oak Creek in a thorough, conscientious and professional manner; and

WHEREAS, in September, 2021, after one year of service, Alexa Alfaro stepped down from her position on the Police & Fire Commission.

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

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

Introduced and adopted this 7th day of September, 2021.

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

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

ATTEST:

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

Vote: Ayes \_\_\_\_ Noes \_\_\_\_

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL

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 David Decker, Decker Properties, to rezone to Rm-1, Multifamily Residential and establish a Planned Unit Development on the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way.

**Hearing Date:** September 7, 2021  
**Time:** 7:00 PM  
**Place:** Oak Creek Civic Center (City Hall)  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers and Zoom (see above)  
**Applicant(s):** David Decker, Decker Properties  
**Property Owner(s):** DM Investment Real Estate, LLC  
**Property Location(s):** 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way  
**Tax Key(s):** 810-9012-001, 810-9005-000, 810-9013-001

**Legal Description:**

Part of Lots 1 & 3 of Certified Survey Map No. 7769 recorded in the office of the Register of Deeds for Milwaukee County on June 07, 2006 as Document No. 09248022, and Parcel 1 of Certified Survey Map No. 4431 recorded in the office of the Register of Deeds for Milwaukee County on March 7, 1984, as Document No. 5698638, all being part of the Southeast 1/4 & Southwest 1/4 of the Northwest 1/4 of Section 18, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin being more particularly described as follows:

Commencing at the Southwest corner of the Northwest 1/4 of said Section 18; thence North 00°-01'-54" West along the West line of said Northwest 1/4, a distance of 1,196.33 feet; thence North 89°-07'-25" East, a distance of 80.01 feet to the point of beginning, said point also being the Northwest corner of Lot 1 of said Certified Survey Map No. 7769; thence continuing North 89°-07'-25" East along the North line of said Certified Survey Map No. 7769, a distance of 1,419.90 feet to the Northeast corner of said Lot 3,

thence South 05°-29'-22" West along an East line of said Lot 3, a distance of 291.18 feet; thence South 26°-35'-24" West along an East line of said Lot 3, a distance of 193.05 feet; thence South 05°-44'-21" West along an East line of said Lot 3, a distance of 333.38 feet to the North line of Phase 1 of Colonial Woods Condominium Plat recorded in the office of the Register of Deeds for Milwaukee County on October 30, 2007, as Document No. 9516206; thence South 88°-38'-30" West along said North line, a distance of 1,272.05 feet to the Easterly right-of-way line of S. 27th Street; thence North 00°-01'-54" West, a distance of 802.62 feet to the point of beginning and containing 24.596 acres (1,071,388 sq. ft.) of land more or less.

The Common Council has scheduled other public hearings for September 7, 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: August 4, 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 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

## COMMON COUNCIL REPORT

**Item:** Rezone and Planned Unit Development for David Decker, Decker Properties, for the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way.

**Recommendation:** That the Council adopts Ordinance 3015, an ordinance to approve a rezoning of the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way to Rm-1, Multifamily Residential Planned Unit Development.

**Fiscal Impact:** Approval would allow for the development of vacant parcels and redevelopment of a residential parcel with a multifamily residential Planned Unit Development with a club house and pool. Development and redevelopment of the properties with multifamily residential buildings will yield positive fiscal impact in terms of assessed value, permit and review fees, and an estimated \$587,000 in impact fees. The extension of Orchard Way, a public road, will add to the maintenance requirements of public roadways that are constrained by budget limitations. The roadway extension is critical for connectivity, and implementing the City's Official Map of roadway networks and WisDOT's 27<sup>th</sup> Street Access Management Plan. This property is located in TID 7.

**Critical Success Factor(s):**

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

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**Background:** The Applicant is requesting recommendation of approval for the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way to be rezoned to Rm-1, Multifamily Residential Planned Unit Development (PUD). Council may recall several approvals for these properties, including:

- Comprehensive Plan Amendment – approved by Council August 20, 2019.
- Official Map Amendment – approved by Council March 2, 2021.
- Right-of-Way Vacation – approved by Council March 16, 2021.
- Certified Survey Map (CSM) – approved by Council March 16, 2021.

Per the submitted narrative and overall site plan, the PUD will include 218 residences in ten (10) buildings and a 3,136 square-foot clubhouse with in-ground pool. The CSM approved in March included two (2) lots separated by the public extension of Orchard Way. Lot 1 will encompass the majority of the development – three (3) buildings with 44 units each, two (2) buildings with 8 units each, one (1) building with ten (10) units, one (1) building with six (6) units, and the clubhouse with pool. Lot 2 will contain one (1) 6-unit building, one (1) 4-unit building, one (1) 44-unit building, and the stormwater pond for the development. The unit breakdown by building is detailed below.



	1-Bedroom	2-Bedroom	3-Bedroom
A1, A2, A3, A4 (44 units each)	24 (each)	20 (each)	0
B-1 (10 units)	0	0	10
C1, C2 (8 units each)	0	4	4
C3, C4 (6 units each)	0	3	3
C5 (4 units)	0	2	2
TOTAL	96	96	26

Parking is provided underground (44 stalls for each “A” building), in attached garages (84 total stalls), in surface lots (173 excluding those for mail pickup), and on the private White Oak Way (56). Minimum parking requirements per Code are based on bedrooms. Studio/efficiency and one-bedroom units require 1.5 parking stalls. Two-bedroom units require 2 parking stalls. Three-bedroom units require 2.5 parking stalls. Therefore, a total of 401 parking stalls, including garage spaces, is required. The concept plan as proposed exceeds the minimum requirement.

Wetlands are identified on the property, the most significant being 7.6-acres in size south of the “A” buildings. A 10-foot protective buffer is required around this wetland and is included on the plans. Copies of wetland fill permits/approvals by the Wisconsin DNR will be required to be submitted to the City.

Several deviations from the Zoning Code are being requested as part of the proposed PUD. Council should be aware that the requests as stated below were modified from those included in the submitted narrative following the July 13, 2021 Plan Commission meeting:

1. Building Height, Sec. 17.0311(e)(1) – The height of principal buildings shall not exceed 50 feet; the height of accessory buildings shall not exceed 17 feet.
  - a. Requested: Buildings A1, A2, A3, and A4 are proposed to be 56 feet in height from the lower level to the peak of the roofline.
  - b. Requested: The clubhouse is proposed to be 36’ 5” from the lower level to the peak of the roofline.
2. Front/Street Setback, Sec. 17.0311(f) – A minimum of 30 feet is required. The front/public street setback is proposed to be reduced to

Building A2	16.15 feet
Building A3	12.62 feet
Building A4	18.2 feet
Building C3	25.72 feet
Building C4	10.23 feet
Building C5	14.81 feet

Council will note that there were additional modification requests included in the submitted narrative, specifically for a monument sign and building materials. However, based on discussions with staff and during the Plan Commission’s review, those requests were eliminated. The monument sign review will occur at a later date and must meet Code requirements. Conceptual exterior building materials have been

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revised to incorporate brick, decorative masonry, and fiber cement in conformance with Code requirements. Additional details and plans are included with this report. Site, building, landscaping, and related reviews by the Plan Commission will occur at a later date.

Per the submitted plan, the PUD will be constructed in three (3) phases over an estimated 48 months. Typical ranges for the Time of Compliance section of PUDs are commencement of construction and/or issuance of Occupancy Permits within 18-36 months of the adoption date of the ordinance. Staff have included benchmarks in the Conditions and Restrictions, with completion of all phases of development within 48 months of the approval Ordinance.

After careful consideration at the July 13 & 27, 2021 meetings, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

**Options/Alternatives:** Council has the discretion to approve or not approve the proposed request, and/or to modify the proposed Conditions and Restrictions as part of the Planned Unit Development. The approval of the rezone and PUD would allow for the development and redevelopment of existing, vacant properties. Denial would result in the properties remaining in their present vacant and underutilized condition.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



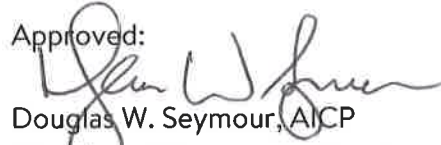
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Ord. 3015

Location Map

Narrative (8 pages)

Plans

Sheets C1.1A, C1.1B, C1.1C (3 pages)

Phasing Plan (1 page)

Elevations & Renderings (12 pages)

Plan Commission Meeting Minutes

Draft Conditions and Restrictions

ORDINANCE NO. 3015

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

AN ORDINANCE TO REZONE THE PROPERTIES AT 8100 & 8146 S. 27<sup>th</sup> ST. AND 8100 S. ORCHARD WAY TO RM-1, MULTIFAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD)

(2<sup>nd</sup> Aldermanic District)

WHEREAS, DAVID DECKER, DECKER PROPERTIES, has applied for a rezoning of the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way to Rm-1, Multifamily Residential Planned Unit Development (PUD).

WHEREAS, the properties are more precisely described as follows:

Part of Lots 1 & 3 of Certified Survey Map No. 7769 recorded in the office of the Register of Deeds for Milwaukee County on June 07, 2006 as Document No. 09248022, and Parcel 1 of Certified Survey Map No. 4431 recorded in the office of the Register of Deeds for Milwaukee County on March 7, 1984, as Document No. 5698638, all being part of the Southeast 1/4 & Southwest 1/4 of the Northwest 1/4 of Section 18, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin being more particularly described as follows:

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

WHEREAS, the Common Council held a public hearing on said application on September 7, 2021 at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and with the favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Planned Unit Development rezoning was approved; and

WHEREAS, the Plan Commission had recommended that the application be approved subject, however, to the imposition of certain conditions and restrictions upon the construction, location and operation of this Planned Unit Development and which conditions and restrictions are incorporated by reference into this ordinance; and

WHEREAS, following said public hearing and upon favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Planned Unit Development rezoning was approved for the lands hereinabove described, subject, however,

to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Planned Unit Development.

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 lands hereinabove described are hereby rezoned to Rm-1, Multifamily Residential Planned Unit Development (PUD), and the Zoning Map of Chapter 17 of the Municipal Code is amended to reflect the rezoning.

SECTION 2: The Planned Unit Development is subject to the aforementioned conditions and restrictions on the design, construction and operation of the Rm-1, Multifamily Residential Planned Unit Development (PUD). The General Development Plan attached thereto as Exhibit A is hereby approved. Any substantial changes to the General Development Plan shall be subject to approval by the Common Council and may require additional public hearings.

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: The rezoning shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon its passage and publication.

Passed and adopted this 7th day of September, 2021.

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

Approved this 7th day of September, 2021.

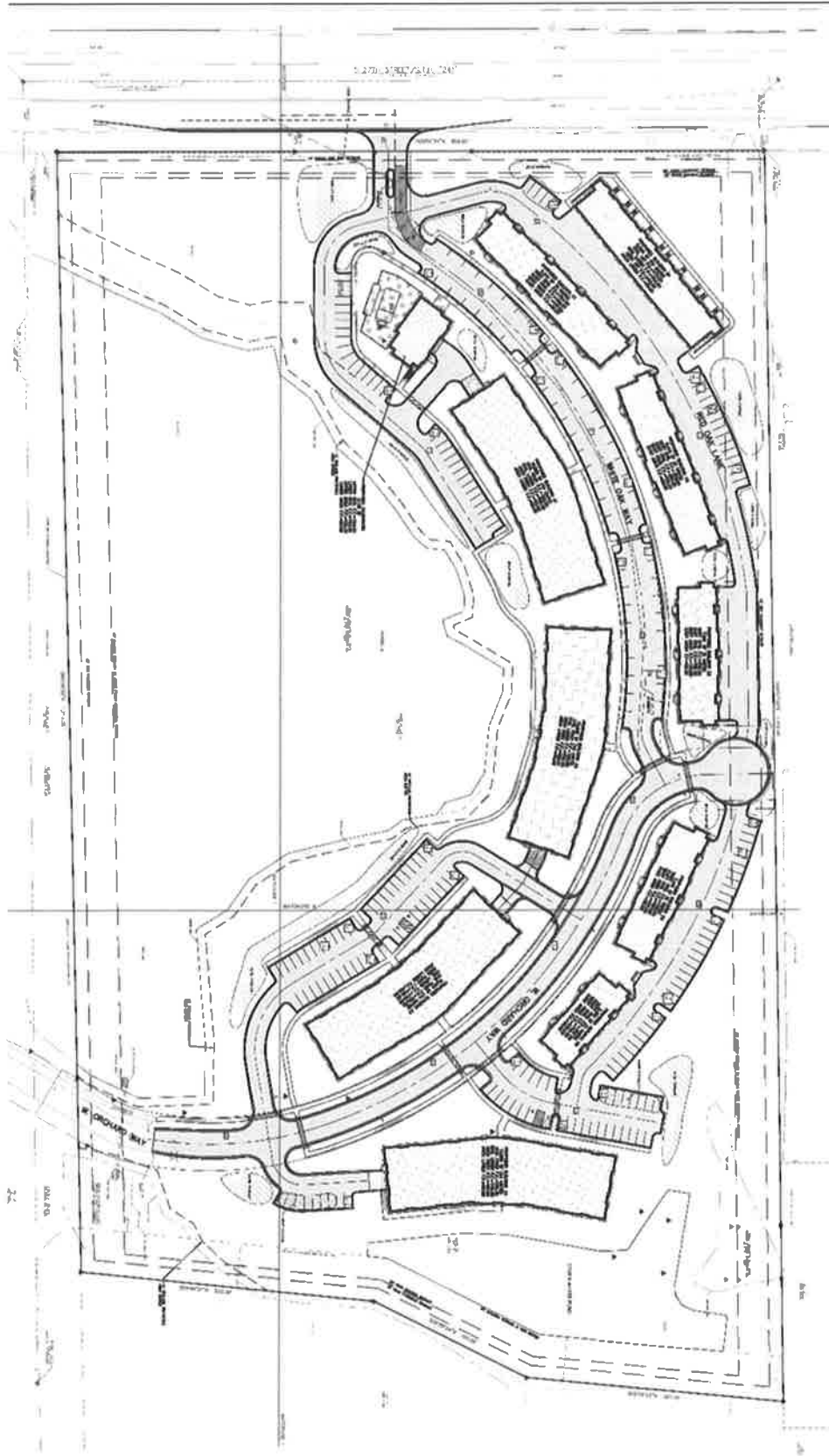
\_\_\_\_\_  
Mayor

ATTEST:

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

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

EXHIBIT A: GENERAL DEVELOPMENT PLAN



# LOCATION MAP

## 8100 & 8146 S. 27th St. & 8100 S. Orchard Way



City of Franklin

Subject Properties

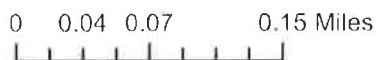
This map is not a survey of the actual boundary of any property this map depicts.

### Legend

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



Community Development



July 6, 2021

### **PUD and Rezoning Narrative**

Project:           The Oaks at 1800  
                      8100-8146 S 27<sup>th</sup> St  
                      City of Oak Creek

The Oaks at 8100 LLC is requesting review and approval for rezoning and Planned Unit Development for the proposed multi-family development located at 8100-8146 S 27<sup>th</sup> St. The tax parcel ID's are 8109012001 & 8109013004. The property is currently zoned A-1 and B-4. The site is proposed to be rezoned as Rm-1 PUD.

The Oaks at 8100 is proposing a multifamily development on a 24.60-acre property in the City of Oak Creek. The development is bound by S. 27<sup>th</sup> Street on the west, B-4 / Rs-2 zoning on the north, existing wetlands and the Colonial Woods Condominiums on the south, and Falk Park to the east. The proposed development includes the construction of ten (10) residential structures, one (1) clubhouse, associated parking, landscaping, private and public roadways with utilities, storm sewer and stormwater management. A public road extension of W. Orchard Way is proposed to be extended through the development as required for access. A right turn lane is proposed northbound on S. 27<sup>th</sup> Street per DOT requirements for additional access to the site. The site contains approximately 7.60 acres of wetlands that are proposed to be protected to the maximum extent practical. A wetland fill permit has been submitted to the Wisconsin DNR and has been approved for the wetlands that cannot be protected in the center of the property. The project is anticipated to disturb approximately 17 acres.

The buildings will be clad in brick, decorative split face concrete masonry, high quality vinyl lap siding and board & batten vertical vinyl siding, fiber cement panel and trim system and asphalt shingles. Section 17.1009 (a)(2)(i) requires that the combination of brick, decorative split face concrete masonry, and fiber cement panel and trim system meets or exceeds a minimum of 65% on each structure. A departure has been included for the building materials to allow a lesser percentage of required materials.

The following pages include responses to satisfy the requirement of Section 17.0325 PUD District Code.

**Statement of the project’s relationship to City’s Master Plan –**

The proposed development is compatible with the City of Oak Creek Future Land Use Plan that designates the subject parcel(s) as multifamily. The Colonial Woods Condominium Plat dated August 29, 2007 lists the subject property as the expansion area of the existing Colonial Woods Condominium Development. The Colonial Woods Condominium Development is located south of the project site. Amendment to the Official Map has been submitted to the City of Oak Creek to amend the future road pattern through the development. Plan Commission approved the request on January 27, 2021. Amendment to the Official Map for the future road pattern is planned to be finalized at the March 2<sup>nd</sup> Common Council Meeting.

**Planned Unit Development Site Information:**

1. **Total Area to be included:**
  - a. 1,071,388 sf (24.596 acres)
2. **Area of Open Space:**
  - a. +/- 68.0%
  - b. Open space Lot 1 without ROW/Wetlands (west): 50.8%
  - c. Open space Lot 2 without ROW/Wetlands (east): 67.5%
3. **Residential Density Computations:**
  - a. City of Oak Creek definition of Lot Area, Gross per Section 17.1402 Specific Words and Phrases is defined as, “The total area within the lot lines of a lot, including any street rights-of-way.” The 24.596-acre site is considered “Lot Area, Gross” per the definition. The residential density per Section 17.0311(d) is met as 20.11 acres required is less than the Lot Area, Gross of 24.596 acres. Residential density per Section 17.0311(d) is **met** as shown below.

<p style="text-align: center;"><b>Basis for calculation</b> 43,560 square feet in 1 acre 24.6 acreage of site 7.63 approximate acreage of wetland 16.97 acreage of site exclusive of wetlands 1.9075 can use 25% of wetlands in density calculation 18.8775 net area of site to calculate density 822,304 sf of site (net - including 25% of wetland)</p>
---



Section 17.033(d) - Based on Lot Area per Unit	
sf required units	
288,000	96 Efficiency and one-bedroom apartments - 3,000 square feet per dwelling unit
432,000	96 Two-bedroom apartments - 4,500 square feet per dwelling unit
156,000	26 Three-bedroom apartments - 6,000 square feet per dwelling unit
0	0 Four-bedroom apartments - 8,700 square feet per dwelling unit
	218
876,000 subtotal sf	
20.110 acres required	
195,388 remaining available or (deficient)	<b>lot area is sufficient to accommodate proposed unit count</b>

b. City of Oak Creek definition of Lot Area, Net per Section 17.1402 Specific Words and Phrases is defined as, "The total area within the lot lines of a lot, excluding any street rights-of-way." The 18.88-acre site (excluding 75% of wetlands) is considered "Lot Area, Net" per the definition. The residential density per Section 17.0311(g) is met as 14.575 acres required is less than the Lot Area, Net of 18.88 acres. Residential density per Section 17.0311(g) is **met** as shown below.

Basis for calculation
43,560 square feet in 1 acre
24.6 acreage of site
7.63 approximate acreage of wetland
16.97 acreage of site exclusive of wetlands
1.9075 can use 25% of wetlands in density calculation
18.8775 net area of site to calculate density
822,304 sf of site (net - including 25% of wetland)

Section 17.0311(g) - Based on Maximum Density By Net Area	
sf required units	
229,728	96 Efficiency and one-bedroom apartments - 2,393 square feet per dwelling unit
288,384	96 Two-bedroom apartments - 3,004 square feet per dwelling unit
116,766	26 Three-bedroom apartments - 4,491 square feet per dwelling unit
0	0 Four-bedroom apartments - 5,967 square feet per dwelling unit
	218
634,878 subtotal sf	
14.575 acres required	
18.8775 acres allowable	822,303 sf
187,426 remaining available or (deficient)	<b>maximum density is not exceeded</b>

4. **Proposed # of Dwelling Units:**  
 a. 218 units

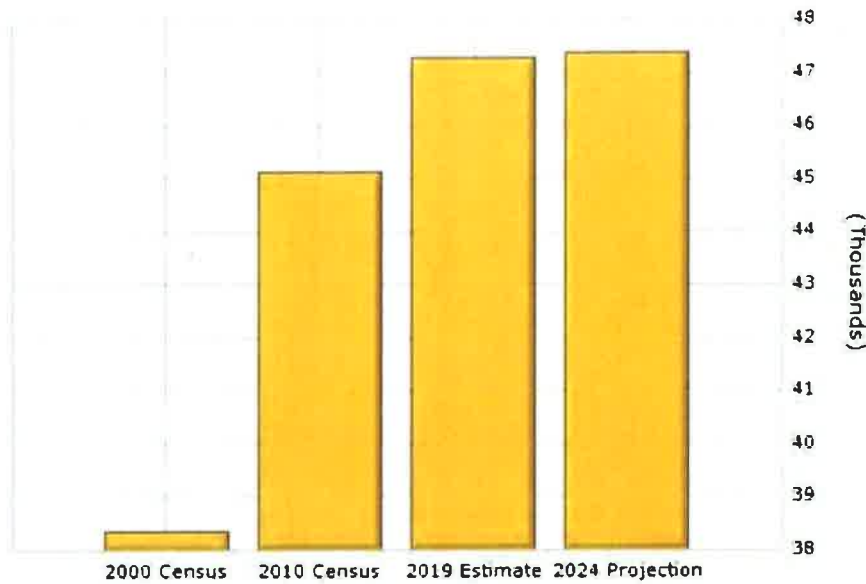
## 5. Population Analysis

- a. A rent study was commissioned by the Developer with Moegenburg Research, Inc. Below are applicable excerpts from that report:

The following table depicts various demographic data within a one, three, and five mile radius of the subject. The area is considered to be above average in terms of wealth and property values when compared to the State of Wisconsin as a whole (\$52,893 median household income and \$167,100 median home value for the State of Wisconsin).

<b>Population</b>	<b>1 Mile</b>	<b>3 Mile</b>	<b>5 Mile</b>
2019 Total Population:	<b>4,978</b>	<b>47,278</b>	<b>140,326</b>
2024 Population:	<b>5,005</b>	<b>47,376</b>	<b>140,358</b>
Pop Growth 2019-2024:	<b>0.54%</b>	<b>0.21%</b>	<b>0.02%</b>
Average Age:	<b>38.90</b>	<b>39.10</b>	<b>40.20</b>
<b>Households</b>			
2019 Total Households:	<b>2,196</b>	<b>19,204</b>	<b>57,345</b>
HH Growth 2019-2024:	<b>0.73%</b>	<b>0.21%</b>	<b>(0.08%)</b>
Median Household Inc:	<b>\$69,744</b>	<b>\$69,494</b>	<b>\$67,075</b>
Avg Household Size:	<b>2.30</b>	<b>2.40</b>	<b>2.40</b>
2019 Avg HH Vehicles:	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>
<b>Housing</b>			
Median Home Value:	<b>\$223,225</b>	<b>\$210,710</b>	<b>\$191,750</b>
Median Year Built:	<b>1992</b>	<b>1987</b>	<b>1976</b>

The following graph depicts population growth within a three mile radius of the subject. Actual census data from 2000 and 2010 are shown while a 2019 estimate and 2024 projection are also shown. The expected continued increase in population bodes well for the subject as a multi-family development.



The subject is located within an area wherein the median household income is above the State median income. As discussed later within this report, the population in the middle and upper income brackets is expected to dramatically increase over the next five years. The subject tenants are projected to be moderate to high income tenants.

In summary, the immediate neighborhood offers plenty of employment opportunities, as well as countless options for shopping, dining, and entertainment. There are an ample number of moderate to high-paying jobs to supply the subject with the moderate to high-income tenants it will be seeking. Development within the area is rapidly occurring and the future outlook for the area is very positive.

**6. Availability of requirements for municipal services and any other similar data.**

- a. The public utilities are extended to the north end of W. Orchard Way and are proposed to be extended. The public water main is proposed to be looped through the site and reconnect to the water main along the east side of S. 27<sup>th</sup> Street. Public sanitary will extend through the development via the public roadway extension to allow future connection to the north. A private interceptor main will connect to the public sanitary main extension to allow the western side of the private development to be served.

**General Summary of the estimated value of structures and site improvements costs, including landscaping and special features.**

1. The estimated cost of construction for the overall project is \$49,000,000.

**General outline of the organizational structure of the property owners or management association which may be proposed to be established for the purposes of providing any necessary private services.**

1. The subject property is currently owned partially by The Oaks at 8100, LLC and DM Investment Real Estate, LLC. The development will be owned by The Oaks at 8100, LLC upon approval of the CSM for the property.

**Expected start and completion dates of physical development.**

1. The project is scheduling the start of construction on August 1<sup>st</sup>.

**If PUD is to be developed in Phases, phasing plan with start and completion dates.**

1. The project is expected to be constructed from west to east in 3 phases. The developer will make a good faith effort to complete construction within 48 months but cannot lose their agreements/permissions should construction roll past 48 months.  
The first phase of the development will involve the construction of Buildings A1, C1, B1, Clubhouse with pool, associated roadways and parking areas and the Public Road Extension of W. Orchard Way. Phase 2 is anticipated to include A2, C2, C3, C4, and C5. Phase 3 is anticipated to include A3 and A4.

**Statement indicating the type of Federal or State program being used to provide a subsidy or less-than-marked rents for the units proposed.**

1. Units will be market rate rentals.

**Proposed departures (including justifications) from the City zoning regulations include:**

- Section 17.0311(f)(1) – Setbacks
  - Required: There shall be a minimum front setback of thirty (30) feet from the street right-of-way.
  - Provided: Due to the nature of the development and the required location of the public roadway extension, the front setback to the public right-of-way is requested to be less than required for building A2, A3, A4, C3, C4, and C5. The narrowest dimension to the exterior building wall to the public right-of-way is designed as 16.15 feet, 12.62 feet, 18.2 feet, 25.72 feet, 10.23 feet, and 14.81 feet, respectively.
- Section 17.0705(a) – On-Premise Signs Permitted in all Residential Districts with a Permit
  - Allowed: Six (6) feet in height, forty-eight (48) square feet in area on one side, and ninety-six (96) square feet in area on all sides, placed at the entrance to a subdivision or development.
  - Requested: Development team to work with staff on final size of development sign. Sign not to exceed eight (8) feet in height, ninety-six (96) square feet in area on one side, and one-hundred ninety-two (192) square feet in area on all sides, placed at the entrance to the subdivision off S. 27<sup>th</sup> Street.

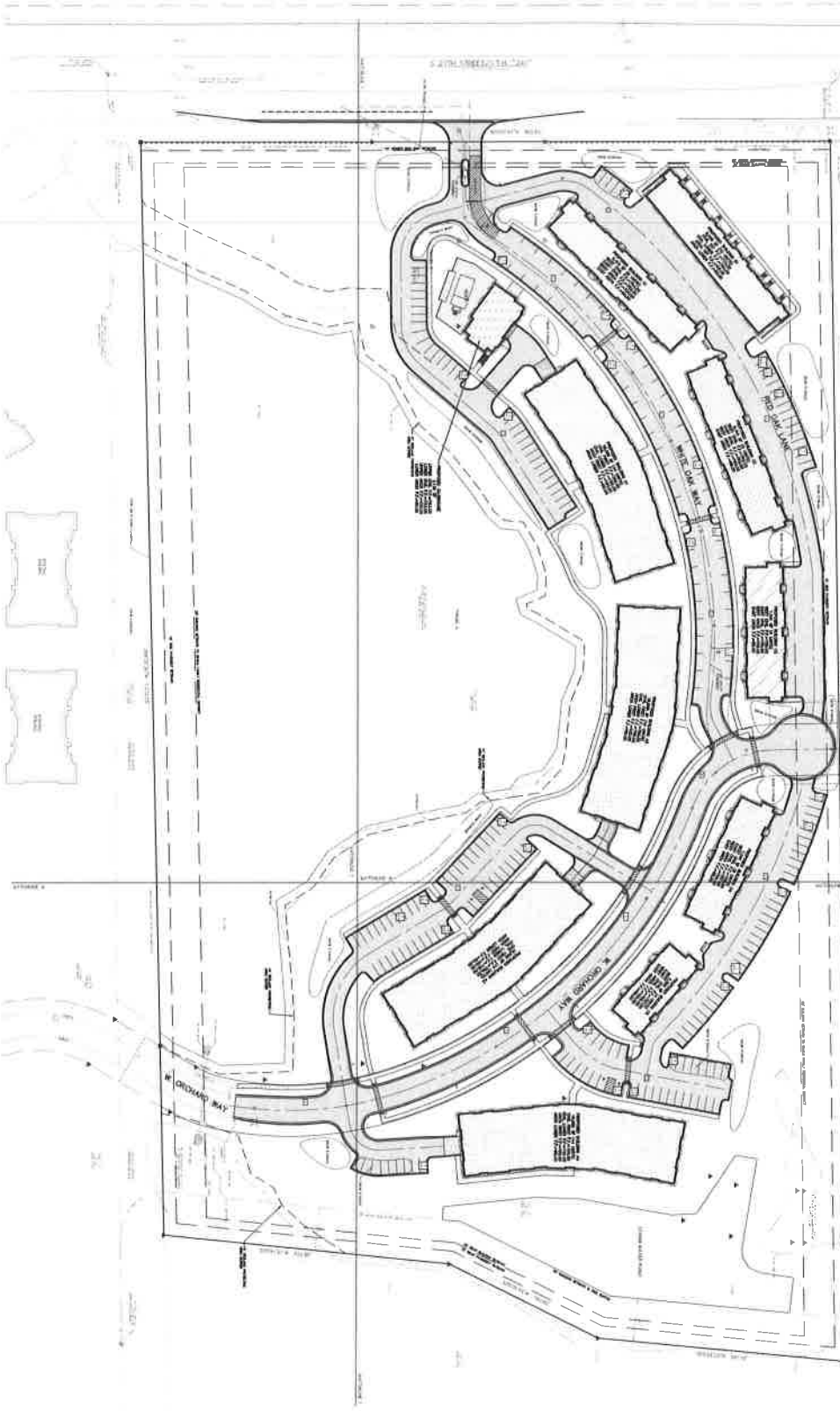
- Section 17.0311(e)(1) Building Height and Area
  - Allowed: No principal building or part of a principal building shall exceed fifty (50) feet in height provided that the building is limited to a maximum of three (3) habitable stories.
  - Provided: The apartment buildings (A1, A2, A3, A4) on site are proposed to be forty-six (46) feet in height from the first (1) floor to the peak of the roof ridgeline and fifty-six (56) feet in height from the lower level to the peak of the roof ridgeline within 3 habitable floors. The entrance from the street side (north) enters the building at the first floor and the parking lot (south) enters the building at the lower level. The departure is requested for the apartment buildings (A1, A2, A3, A4) on site as the lower level entrance elevation exceeds the maximum fifty (50) feet in height. Habitable building height is below (50) feet in height on the street side. The referenced buildings above, exceed the (50) feet in height opposite of the road to transition grades across the site. There is a significant grade drop across the site to transition.
  
- Section 17.0311(e)(1) Building Height and Area
  - Allowed: No accessory building shall exceed seventeen (17) feet in height.
  - Provided: The clubhouse on site is proposed to be twenty-six feet-five inches (26'-5") feet in height from the first (1) floor to the peak of the roof ridgeline and thirty-six feet-five inches (36'-5") feet in height from the lower level to the peak of the roof ridgeline. The entrance from the street side (north) enters the building at the first floor and the maintenance garage (south) enters the building at the lower level. The departure is requested for the clubhouse accessory building on site as the upper and lower-level entrance elevation exceeds the maximum seventeen (17) feet in height.
  
- Section 17.1009 (a)(2)(i) Site Plan and Architectural Review
  - Allowed: the façade of a multifamily residential building shall be provided with an acceptable brick or decorative masonry material that covers at least sixty-five (65) percent of the surface of the total exterior wall area of the building.
  - Provided: The following overall percentages of materials for each building type are as follows (See Exhibit A for the architectural plans that are provided for further information on the overall building elevations and each facade):
    - Clubhouse: 38% masonry (4" brick), 22% cement board siding, 40% vinyl accent material.
    - A Units: 38% masonry (4" brick), 24% cement board siding, 38% vinyl accent material.
    - B Unit: 31% masonry (4" brick), 33% cement board siding, 36% vinyl accent material.
    - C1-C2 Units: 38% masonry (4" brick), 24% cement board siding, 38% vinyl accent material.

- C3-C4 Units: 28% masonry (4" brick), 35% cement board siding, 35% vinyl accent material.
- C5 Unit: 32% masonry (4" brick), 22% cement board siding, 46% vinyl accent material.

**\*\*Note:** Developer will be working with staff on addressing the material at grade around the structures. Percentages of the materials shown are anticipated to change. Fiber cement are anticipated to increase, and the vinyl accent material is anticipated to be reduced. Architect to provide updated elevation calculations from what is provided in Exhibit A .

#### **Current Development Process Plan:**

- Amendment to Official Map for the amendment to the future road pattern approved at the March 4th Common Council Meeting.
- CSM submitted to combine both parcels was approved by the Plan Commission at the March 10<sup>th</sup> Plan Commission Meeting. Common Council approval to followed upon minor corrections.
- ROW Vacation of 60- wide unimproved right-of-way (Orchard Way) approved at the March 4th Common Council Meeting. Future public roadway extension will be proposed as part of development and will be dedicated via Certified Survey Map.
- Rezone and Planned unit Development Plan Commission July 13<sup>th</sup> and July 27th, Common Council September 21st.
- Submit Site Plan Review August 31st.
- Receive final Site Plan Approval September 28th.



PROPOSED MULTI-FAMILY DEVELOPMENT		EXISTING MULTI-FAMILY DEVELOPMENT		TOTAL MULTI-FAMILY DEVELOPMENT	
UNIT TYPE	UNIT COUNT	UNIT TYPE	UNIT COUNT	UNIT TYPE	UNIT COUNT
1-BED	100	1-BED	100	1-BED	200
2-BED	100	2-BED	100	2-BED	200
3-BED	100	3-BED	100	3-BED	200
TOTAL	300	TOTAL	300	TOTAL	600

**SITE INFORMATION**

**PROJECT NAME:** PROPOSED MULTI-FAMILY DEVELOPMENT FOR THE OAKS AT 8100

**OWNER:** [Name]

**DESIGNER:** [Name]

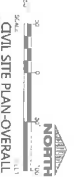
**DATE:** [Date]

**LOCATION:** S. 27th Street & S. 81st Street, Oak Creek, WI 53154

**ADJACENT PROPERTIES:** [List of adjacent properties]

**UTILITIES:** [List of utilities and easements]

**REGULATORY:** [List of regulatory requirements]



**NOT FOR CONSTRUCTION**

**DATE:** FEB 21, 2024

**APP. NO.:** 1927520

**DATE:** 2/21/24

**PROJECT NUMBER:** C1.1A

**DATE:** 2/21/24

**PROPOSED MULTI-FAMILY DEVELOPMENT FOR:**

**THE OAKS AT 8100**

**S. 27TH STREET • OAK CREEK, WI 53154**

**EXCEL**

**Always a Better Plan**

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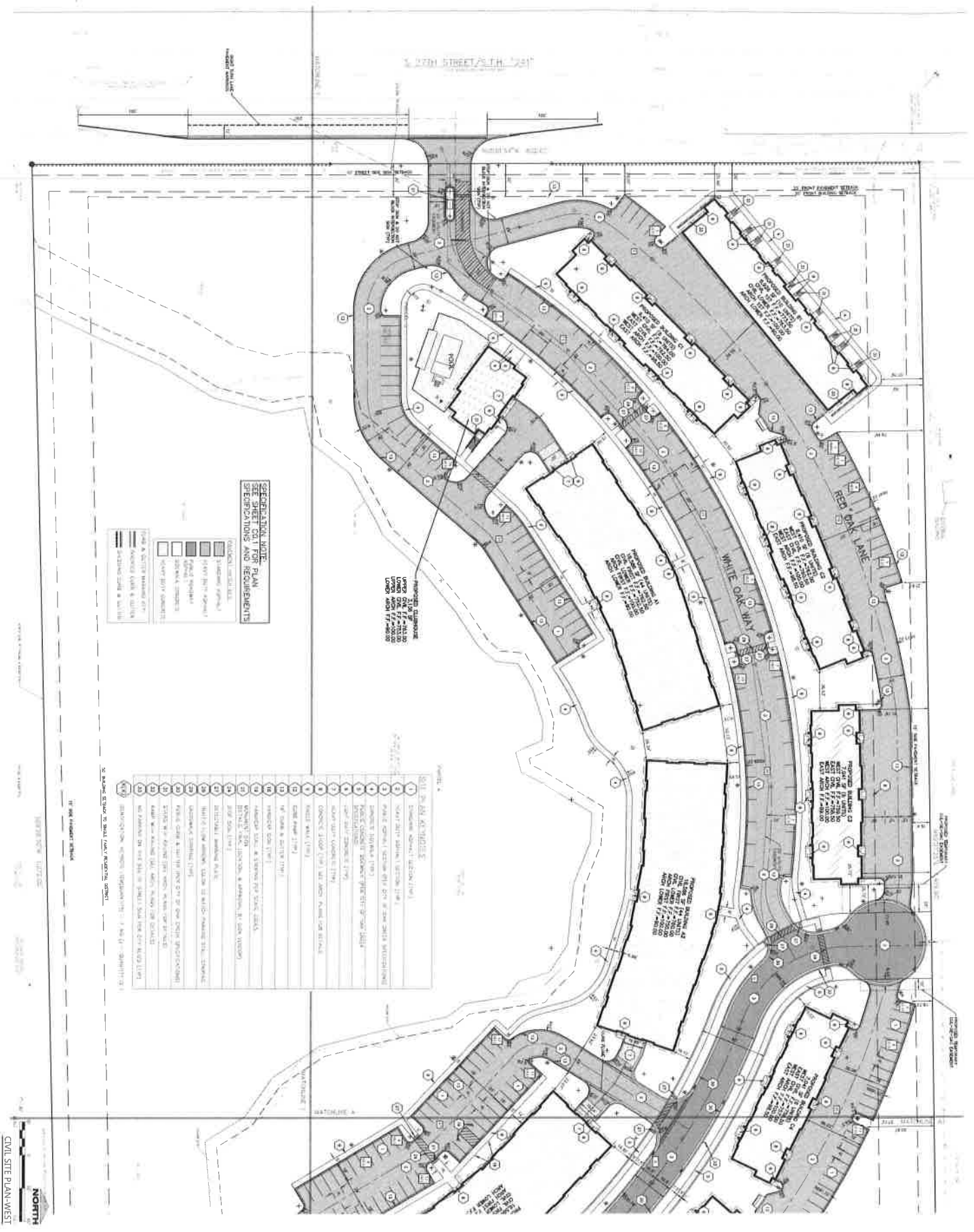
**SEE SHEET C01 FOR PLAN REVISIONS AND REQUIREMENTS**

**LEGEND**

- EXISTING BUILDING FOOTPRINT
- PROPOSED BUILDING FOOTPRINT
- EXISTING PARKING
- PROPOSED PARKING
- EXISTING DRIVEWAY
- PROPOSED DRIVEWAY
- EXISTING EASEMENT
- PROPOSED EASEMENT
- EXISTING UTILITY
- PROPOSED UTILITY
- EXISTING CURB
- PROPOSED CURB
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- EXISTING STREET
- PROPOSED STREET

**REVISIONS**

NO.	DATE	DESCRIPTION
1	2/21/24	ISSUED FOR PERMIT

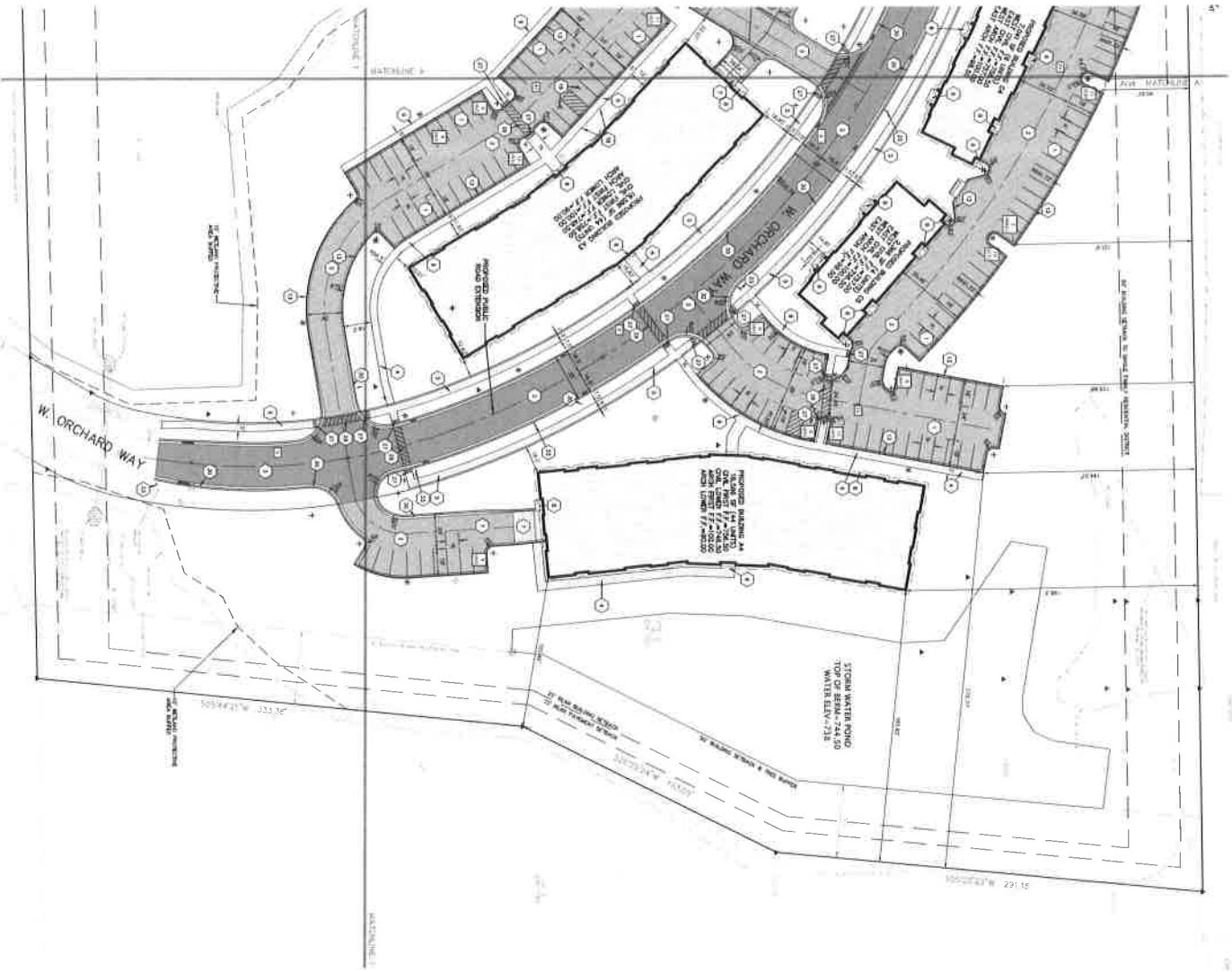


**SPECIFICATION NOTE:**  
SEE SHEET C0.1 FOR PLAN  
SPECIFICATIONS AND REQUIREMENTS

- 1. FINISH GRADE
- 2. EXISTING GRADE
- 3. EXISTING CURB & GUTTER
- 4. EXISTING SIDEWALK
- 5. EXISTING DRIVE
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**GENERAL NOTES, PLAN SPECIFICATIONS AND REQUIREMENTS**

- 1. SEE ALL NOTES
- 2. STATIONARY GENERAL (179)
- 3. VEHICULAR DRIVEWAY (179)
- 4. PUBLIC DRIVEWAY (179) OR SIDE DRIVE (179) OR SIDE DRIVE (179)
- 5. SIDE DRIVE (179)
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96	SIDE DRIVE (179)
97	SIDE DRIVE (179)
98	SIDE DRIVE (179)
99	SIDE DRIVE (179)
100	SIDE DRIVE (179)

**PROPOSED MULTI-FAMILY DEVELOPMENT FOR:  
THE OAKS AT 8100  
S. 27TH STREET • OAK CREEK, WI 53154**



**NOT FOR CONSTRUCTION**

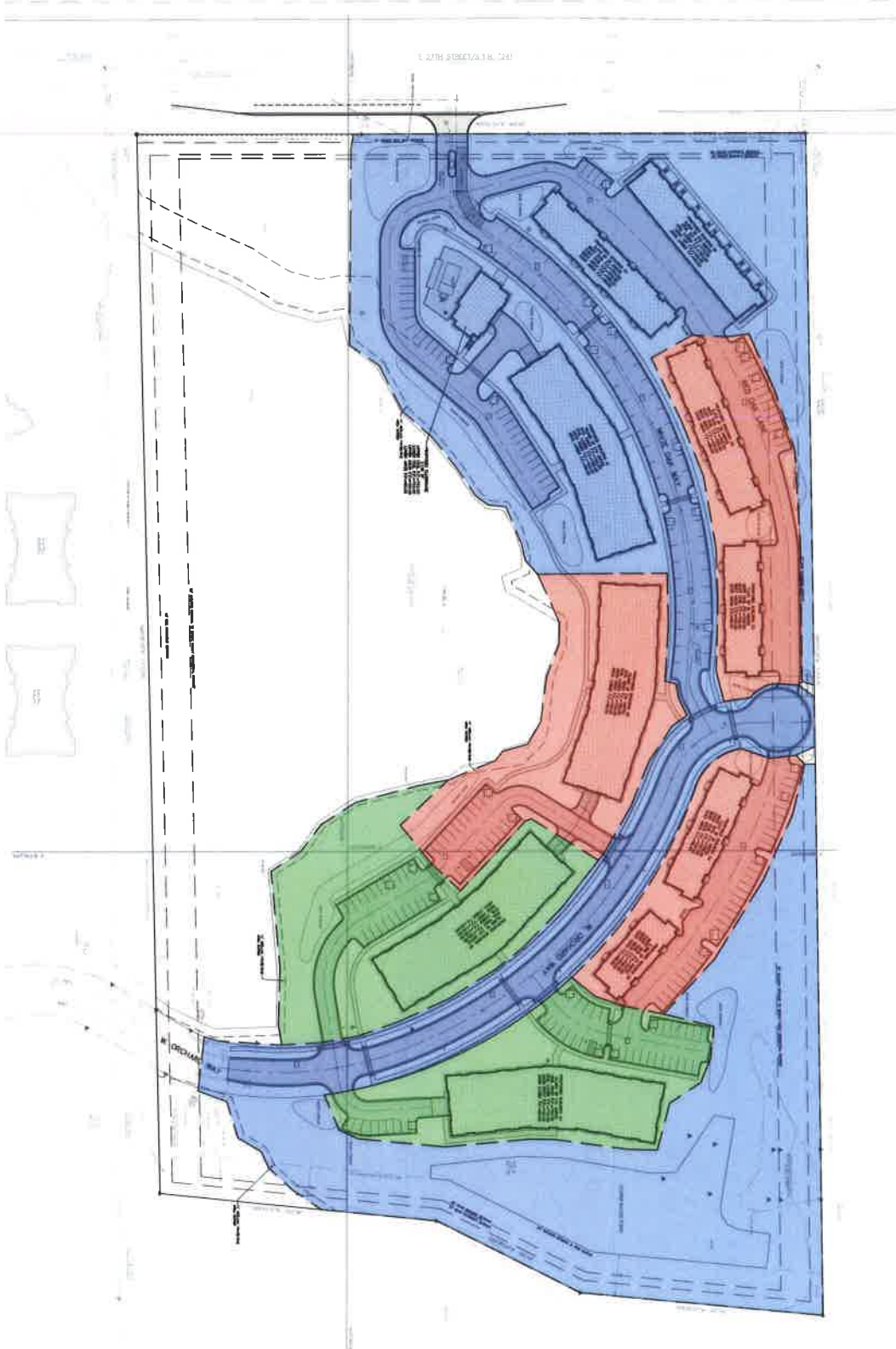
1927520

1927520

1927520



**C1.1C**



- Anticipated Phase 1
- Anticipated Phase 2
- Anticipated Phase 3

1" = 30'  
 SCALE  
 NORTH  
 CIVIL ANTICIPATED PHASING PLAN

PROPOSED MULTI-FAMILY DEVELOPMENT FOR:  
**THE OAKS AT 8100**  
 S. 27TH STREET • OAK CREEK, WI 53154



NOT FOR CONSTRUCTION

1927520  
 SHEET NUMBER  
**pp**  
 SHEET NUMBER



**JLA**  
ARCHITECTS

MADISON : MILWAUKEE  
jla-op.com

JLA PROJECT NUMBER: 18-1019

THE OAKS AT 8100  
OAK CREEK

CITY ENTITLEMENT

**PROGRESS DOCUMENTS**

These documents reflect progress and intent and may be subject to change including consultant demands or any final construction documents and should not be used for final bidding or construction-related purposes.

DATE OF ISSUANCE 07/27/2021

REVISION SCHEDULE

NO.	DESCRIPTION	DATE

SHEET TITLE

EXTERIOR  
ELEVATIONS

SHEET NUMBER

A200



RIGHT ELEVATION  
3/8\"/>



FRONT ELEVATION  
3/8\"/>





**JLA**  
ARCHITECTS

MADISON : MILWAUKEE  
jla-ap.com

JLA PROJECT NUMBER: 18-1019

THE OAKS AT 8100  
OAK CREEK

CITY PREAPPLICATION DRAWINGS

**PROGRESS DOCUMENTS**

These documents reflect progress and intended scope. They are subject to change as a design professional's work. They are not final construction documents and should not be used for final pricing or construction without professional review.

DATE OF ISSUANCE 07/27/2021

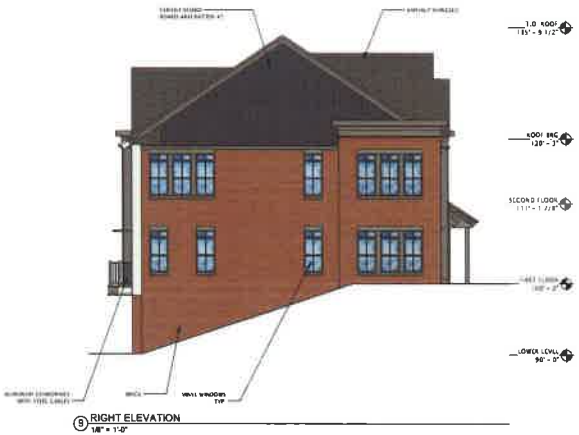
REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

SHEET TITLE

EXTERIOR  
ELEVATIONS

SHEET NUMBER

A200



RIGHT ELEVATION  
135' x 135'



FRONT ELEVATION  
135' x 135'



**JLA**  
ARCHITECTS

MADISON : MILWAUKEE  
jla-op.com

JLA PROJECT NUMBER: 18-1019

THE OAKS AT 8100  
OAK CREEK

CITY PREAPPLICATION DRAWINGS

**PROGRESS DOCUMENTS**

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DATE OF ISSUANCE 07/27/2021

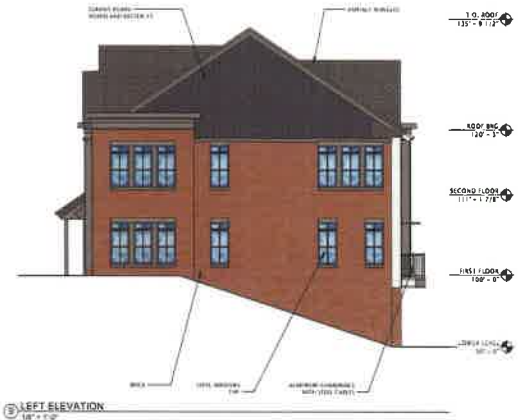
REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

SHEET TITLE

EXTERIOR  
ELEVATIONS

SHEET NUMBER

A201





**JLA**  
ARCHITECTS

MADISON : MILWAUKEE  
jla-ap.com

JLA PROJECT NUMBER: 18-1019

THE OAKS AT 8100  
OAK CREEK

CITY ENTITLEMENT

**PROGRESS DOCUMENTS**

These documents reflect progress and have not been reviewed by the City of Oak Creek. These documents are subject to change including conditions of approval. These documents are for informational purposes only and should not be used for final bidding or construction without proper review.

DATE OF ISSUANCE 07/27/2021

**REVISION SCHEDULE**

Rev	Description	Date

SHEET TITLE

EXTERIOR  
ELEVATIONS

SHEET NUMBER

**A200**



RIGHT ELEVATION  
3/8\"/>

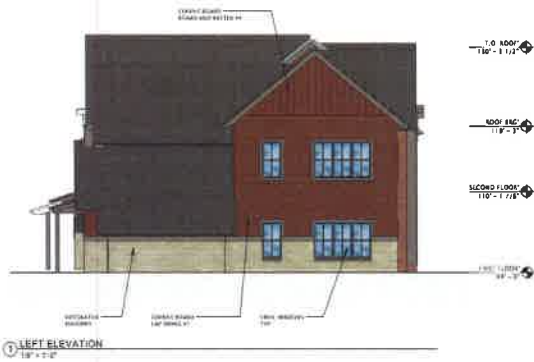


FRONT ELEVATION  
3/8\"/>









1 LEFT ELEVATION  
1/8" = 1'-0"



2 GARAGE ELEVATION  
1/8" = 1'-0"



**JLA**  
ARCHITECTS

MADISON : MILWAUKEE  
jla-op.com

JLA PROJECT NUMBER: 18-1019

THE OAKS AT 8100  
OAK CREEK

CITY PREAPPLICATION DRAWINGS

**PROGRESS DOCUMENTS**

These documents reflect progress and intent and may be subject to change including professional seal. These are not final construction documents and should not be used for final bidding or construction related purposes.

DATE OF ISSUANCE 07/27/2021

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

SHEET TITLE

EXTERIOR  
ELEVATIONS

SHEET NUMBER

A201



JLA ARCHITECTS

MADISON : MILWAUKEE  
jla-op.com

JLA PROJECT NUMBER: 18-1019

THE OAKS AT 8100  
OAK CREEK

CITY PREAPPLICATION DRAWINGS

**PROGRESS DOCUMENTS**

These documents reflect progress and intent and may be subject to change, including unannotated detail. These are not final construction documents and should not be used for final labeling or construction related purposes.

DATE OF ISSUANCE 07/27/2021

REVISION SCHEDULE		
NO.	DATE	DESCRIPTION

SHEET TITLE

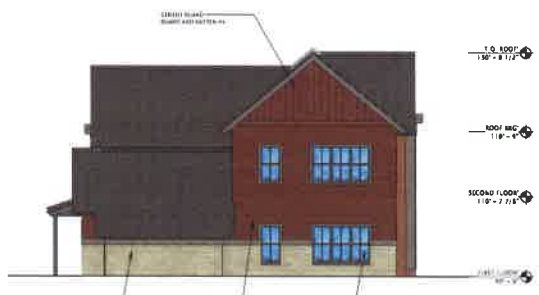
EXTERIOR ELEVATIONS

SHEET NUMBER

A200



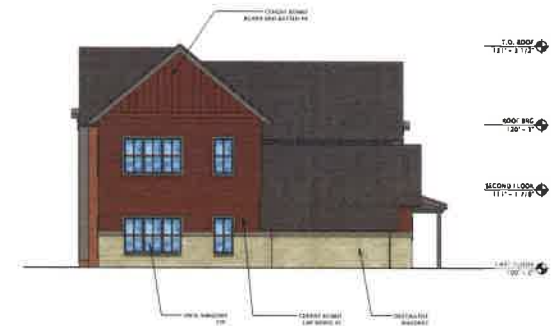
6 GARAGE ELEVATION Copy 1  
1/8" = 1'-0"



8 LEFT ELEVATION Copy 1  
1/8" = 1'-0"

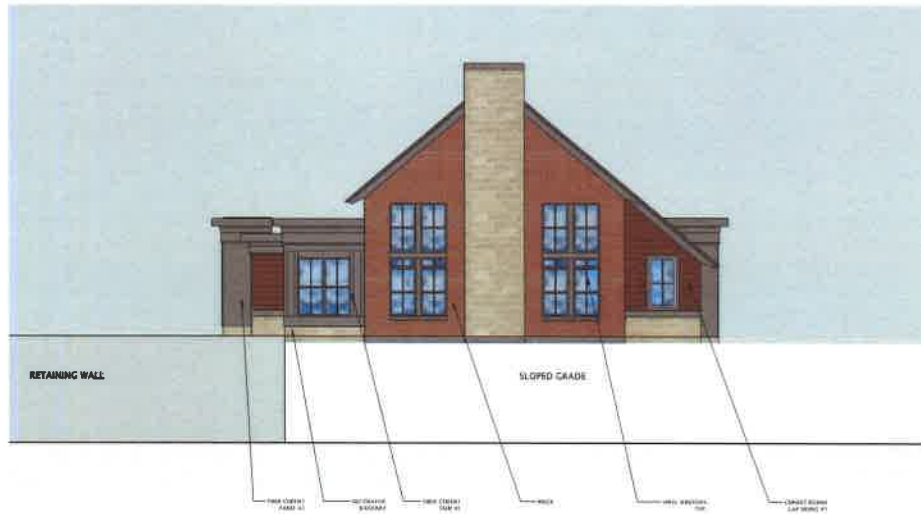


11 FRONT ELEVATION Copy 1  
1/8" = 1'-0"



12 RIGHT ELEVATION Copy 1  
1/8" = 1'-0"

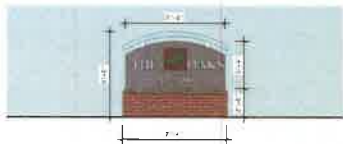




REAR ELEVATION  
3/16" = 1'-0"



FRONT ELEVATION  
3/16" = 1'-0"



SIDE ELEVATION  
3/16" = 1'-0"



**JLA**  
ARCHITECTS

MADISON : MILWAUKEE  
jla-ap.com

JLA PROJECT NUMBER: 18-1019

THE OAKS AT 8100  
OAK CREEK

PROGRESS OF PROJECT

**PROGRESS DOCUMENTS**

These documents reflect progress and are not intended for construction. They are subject to change, including dimensional details. Please refer to the final construction documents for the final design and construction-related purposes.

DATE OF ISSUANCE: 07/27/2021

REVISION SCHEDULE

NO.	DATE	DESCRIPTION

SHEET TITLE

EXTERIOR  
ELEVATIONS

SHEET NUMBER

A201

1'-0" UPPER FLOOR  
120'-0" = 4'-0"

1'-0" LOWER FLOOR  
10'-0" = 1'-0"

1'-0" FIRST FLOOR  
100'-0" = 0'-0"

1'-0" LOWER LEVEL  
90'-0" = 0'-0"

1'-0" UPPER FLOOR  
120'-0" = 4'-0"

1'-0" LOWER FLOOR  
10'-0" = 1'-0"

1'-0" FIRST FLOOR  
100'-0" = 0'-0"



**JLA**  
ARCHITECTS

MADISON : MILWAUKEE  
jla-ap.com

JLA PROJECT NUMBER: 18-1019

THE OAKS AT 8100  
OAK CREEK

PROGRESS OF PROJECT

**PROGRESS DOCUMENTS**

These documents reflect progress and are not to be used for construction. They are for informational purposes only. They do not represent a contract. They are for informational purposes only.

DATE OF ISSUANCE 07/27/2021

REVISION SCHEDULE

NO.	DESCRIPTION	DATE

SHEET TITLE

3-D VIEWS

SHEET NUMBER

A-202

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, July 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; Laurie Miller, Zoning Administrator; Doug Seymour, Community Development Director; Jack Kovnesky, Community Development Intern; and Mike Havey, Assistant Fire Chief.

**REZONE/PLANNED UNIT DEVELOPMENT  
DECKER PROPERTIES  
8100 & 8146 S. 27<sup>TH</sup> ST & 8100 S. ORCHARD WAY  
TAX KEY NO. 810-9012-001, 810-9005-000, & 810-9013-001**

Planner Papelbon provided an overview of the request to rezone the properties to Rm-1, Multifamily Residential and the establishment of a Planned Unit Development (see staff report for details).

Dave Decker, Decker Properties, 250 W. Sunnyslope Rd, Brookfield, WI, expressed his excitement about being part of the community and offered to answer any questions. Mr. Decker stated that there has been some confusion on the exterior building materials, and can be easily resolved. Mr. Decker discussed a similar apartment development, Spur 16, in Mequon, which became a benchmark and design example for the development in Oak Creek. Mr. Decker stated that this development has exceeded the benchmark, and there are many attributes that you would not see in a typical multifamily development. Mr. Decker stated that the townhouses have a three-car attached garage parking capacity, the grade-level apartments have two-car garages and there are no single-car garages. Mr. Decker stated that out of the 218 apartments, only 22 apartments will have stairs, while the rest are first/grade-level entry or accessible by an elevator. Mr. Decker stated that for their target demographic, baby boomers, having the parking and storage capacity is important. Mr. Decker expressed his appreciation for all the efforts that went into this development and asked for approval.

Commissioner Hanna asked about the height being different from the Code requirement.

Mr. Decker responded that it has something to with the clubhouse and its exposed basement.

Eric Draskowski, Excel Engineering, 100 Camelot Dr., Fond Du Lac, WI, clarified that it [the clubhouse] is 44 feet in the front from the roadway and with the exposed back, from the ground up, it is 56 feet. Mr. Draskowski mentioned that the property was challenging as the northwest corner of the property drops 40 feet to the wetlands. Mr. Draskowski stated that having the exposed back acts as a retaining wall and provides underground parking.

Commissioner Hanna asked about the use of the exterior building materials that are not approved by the Code.

Mr. Decker stated there may have been some miscommunications, and he thought that the vinyl siding was part of a highlight. Mr. Decker had said that the metal roofing was an upgrade, but if not allowed, it will be taken out.

Jerry Wick, JLA Architects, stated that when asked by staff to reduce the materials, they had reduced the vinyl 10-15% from the original, and also reduced the standing seam [roof]. Mr. Wick stated that he thought the update was given to staff last week, but that there may have been some miscommunication with the concerns.

Planner Papelbon stated that the elevations received removed most of the metal roofing, but not all. The elevations also included the materials breakdown. Planner Papelbon explained that per Code, 65% of any elevation must be brick, glass or decorative masonry. Planner Papelbon explained that the use of fiber cement requires a three-quarter approval by the Plan Commission, and is not necessarily considered a masonry product per Code. Planner Papelbon stated that vinyl siding was requested to be listed separately from the rest of the materials, but it does not meet Code.

Mayor Bukiewicz stated that vinyl siding does not meet Code, but on the flip side if we consider cement board a masonry product and brick, it has to be 65% or glass.

Planner Papelbon stated that the vinyl siding is not considered an approved product as an exterior building material per Code.

Mr. Wick stated that they are asking for the Plan Commission's approval to use vinyl siding, and then include the cement board siding as part of the 65% masonry product.

Commissioner Hanna asked about removing the vinyl.

Mr. Wick stated that vinyl siding is an appropriate material, and the developer thought it was something they could use for this development. Mr. Wick stated that the latest elevations showed the vinyl siding as an accent material, and it did not cover majority of the building.

Commissioner Hanna questioned the life expectancy of vinyl.

Mr. Decker stated that, in his experience, the life expectancy for vinyl is 60 years. The vinyl is proposed in areas that you cannot touch, and it is high up on the building. Mr. Decker stated that the vinyl is "not your father's vinyl" and has come a long way. Mr. Decker stated that the buildings are beautiful, they have a lot of architectural details, and that he is proud of the development.

Commissioner Hanna asked why the phasing plan was for four (4) years.

Mr. Decker stated that there are so many supply chain bottlenecks with construction at the moment. It is taking nine months to get appliances and everything. Mr. Decker stated that he does not think it will take 48 months, and that he feels that it would be better to say it will take more time rather than coming back and asking for permission each time.

Commissioner Hanna asked about the subdivision nearby.

Planner Papelbon stated that Colonial Woods Condominiums is just south of this parcel, and south of Colonial Woods is The Seasons at Orchard Hills, which is a multifamily development that was recently approved. Planner Papelbon stated that there is no vinyl siding at these developments.

Commissioner Hanna commented that the exterior does not seem smooth, and it has different colors, architecture, and it seemed dark.



Planner Papelbon stated that color palettes are not regulated, and it does distinguish between the developments. Planner Papelbon stated that the concern is for the materials - vinyl siding is not an approved material for multifamily residential development. Planner Papelbon stated that fiber cement is a Plan Commission discretionary item approval per Code. The older condominiums farther south were constructed in the late 1990s or early 2000s, and the Code had changed in 2008 to no longer allow vinyl siding as a primary building material for developments other than single-family and duplexes, as those are not reviewed by Plan Commission.

Commissioner Sullivan asked what the acceptable percentage would be if vinyl siding would be considered as an accent by the Plan Commission.

Planner Papelbon stated that, per Code, approved acceptable accent materials can be no more than 25% per elevation, and are usually materials like stucco or something similar.

Commissioner Sullivan suggested that the Plan Commission could possibly consider vinyl siding as an accent with a benchmark of 25% or less.

Mr. Decker stated that he is surprised how controversial the vinyl siding has been. Mr. Decker stated that he felt that vinyl was an excellent material and it is not the type that [the Plan Commissioners] are thinking. Mr. Decker stated that they were trying to be cost-effective and introduce some flair and architectural design. Mr. Decker stated that they can take out the vinyl siding along with the metal roofing if it is that much of a problem.

Mayor Bukiewicz stated the Plan Commission listens and confers with staff pretty well.

Director Seymour expressed his appreciation to Mr. Decker's willingness for acknowledging the lack of consensus about the vinyl siding. Director Seymour said that during one of the meeting several months ago, staff had brought up that vinyl siding was not allowed and stated that Mr. Decker said himself that it would be taken out. Director Seymour is encouraging that some guidance be made on reducing the amount of vinyl siding.

Commissioner Carrillo stated that she is having a hard time approving the vinyl siding based on the plans and not having enough specification. Commissioner Carrillo stated that she feels if the Plan Commission approves vinyl siding for this development, then they would have to consider it for future developments that come to the Plan Commission as the City continues to grow.

Alderman Loreck stated that he agrees with what everyone else is saying. Alderman Loreck stated that he has gotten responses from residents that are not excited about more apartments coming in, but he is not opposed to it. It may appeal to residents if the development meets the Code. Alderman Loreck stated that he would like to either see the vinyl siding gone or reduced to an absolute minimum. Alderman Loreck stated that he is not opposed to the height, but that the sign could be reduce to match the Code so there is not a variance. Alderman Loreck questioned the two extra feet for the sign.

Planner Papelbon stated that the sign is two extra feet in height, but double the square footage.

Alderman Loreck stated that the sign could be reduced but be visible from 27<sup>th</sup> St. If the vinyl siding needs to be reduced, the sign could be reduced as well. Alderman Loreck stated that he was speaking on behalf of the residents, and the less variance there is, the better it is for the residents.

Alderman Guzikowski stated his concerns about the vinyl siding, the time to complete the project, and the sign, but that he feels the building looks good otherwise.

Commissioner Oldani asked what was being voted on.

Planner Papelbon stated that the Plan Commission will be requesting a motion for Rezone and the Planned Unit Development. The conversations and the direction from the Plan Commission about the building materials, height and setbacks variations will help staff draft what will be included in the Conditions and Restrictions for consideration at the next meeting. Planner Papelbon stated that the Plan Commission will again be requested to review the specifics for site, landscaping and lighting review.

Commissioner Oldani stated that he would rather have a discussion about the vinyl siding if it will be discussed again in two weeks, and he said that he is in favor of the rezoning. Commissioner Oldani said he trusts the recommendation and Conditions and Restrictions.

Planner Papelbon stated the staff needs the direction from the Plan Commission to draft those Conditions and Restrictions for Plan Commission's approval and consideration. Planner Papelbon stated that if staff does not know if whether or not the Plan Commission is going to support what is being presented, it can not be incorporated in the Conditions and Restrictions.

Commissioner Siepert questioned the Fire Department about the street patterns as he has concerns about the fire truck being able to navigate the area.

Assistant Fire Chief Mike Havey stated that the Fire Department had no issues with the access route, and have no concerns with navigating the area.

Commissioner Siepert stated that parking on both sides of the street could create a problem getting through.

Assistant Fire Chief Mike Havey stated that public parking stalls are usually something that is dealt with. There are not too many concerns with the egress path between the buildings.

Commissioner Siepert asked if the ladder truck would be able to fit in and reach the third floor.

Assistant Fire Chief Mike Havey stated that there are some limits to what the Fire Department can do, as with some other locations in the City, and does not present too many concerns.

Commissioner Chandler asked if there were any challenges with the reduced setbacks and safety.

Assistant Fire Chief Mike Havey stated there are no challenges.

Commissioner Hanna how accessibility would be maintained while the development is under construction and over several phases.

Assistant Fire Chief Mike Havey stated that as long as the road and water supply are in, accessibility should not be a problem.

Commissioner Hanna asked "What if the road is not there?"

Assistant Fire Chief Mike Havey stated that the road will have to be there.

Commissioner Sullivan stated that the construction of the public and private road out to 27<sup>th</sup> St. will need to be completed as part of the Development Agreement under Phase 1.

Commissioner Siepert asked about the use of metal roof on some of the buildings and not all of the buildings.

Mr. Decker stated that having metal roofs would be an improvement and change the look to the overall roof mass. Mr. Decker said that if the people do not like the metal roof, they are willing to change it to shingles.

Commissioner Siepert stated that he did not disagree with Mr. Decker on the metal roof. Commissioner Siepert also stated his agreement with Commissioner Carrillo regarding giving permission for vinyl siding for this development and then possibly future developments.

Mr. Decker stated that he thought for sure that they resubmitted updated drawings showing the change in elevations and the computations that reflected the reduction of vinyl to accent material.

Commissioner Chandler asked Planner Papelbon if the metal roof can be used.

Planner Papelbon answered that metal / standing seam roofs are not listed as acceptable building materials per Code.

Commissioner Chandler asked the applicant what kind of roofing material is shown on the revised plan.

Mr. Decker answered that it will be asphalt shingles as seen everywhere else.

Commissioner Chandler asked the applicant about what the revised plans show for vinyl siding.

Mr. Drazkowski answered that the revised plan shows that the vinyl siding was reduced well below the 25%, as an accent material. Mr. Drazkowski said that the plan will be revise again based on what is recommended.

Commissioner Chandler asked Planner Papelbon to clarify whether the accents can be no greater than 25% of the elevation.

Planner Papelbon stated that the accents can not be greater than 25%, but vinyl siding is not an approved material per Code.

Commissioner Chandler asked the applicant for more information on the setbacks.

Mr. Drazkowski responded that Orchard Way through the development needed to be a public road per the request of the Department of Transportation, and there are wetlands on the east and south portion of the property that determined the placement of the buildings.

Commissioner Chandler asked for more information on the size of the monument sign since it exceeds the size per Code.

Mr. Drazkowski stated that there is not a sign design, and the property is 24 acres and would be visible from 27<sup>th</sup> St.

Commissioner Chandler requested clarification from Planner Papelbon that the proposed sign exceeds the dimension per Code.

Planner Papelbon stated that the requested sign does exceed the allowed dimensions per Code, but there is no other information on the sign. The Seasons at Orchard Hills had received a variance for their sign, but it did not include the doubling the size of the sign. Planner Papelbon said that staff can not comment nor recommend anything until more information or some visuals on what the sign will look like have been provided. Planner Papelbon stated that the sign does not need to be part of the Planned Unit Development, and that there is a sign variance process that can be done at a later time.

Mr. Decker stated that, with the setbacks, they had made a lot of accommodations with the development. Mr. Decker said there is a municipal road that is coming south of the development and going north and ends at a park. The City, the DOT, and the development came up with a compromised solution with a new roadway pattern that will allow for an interior road grid to the southeast corner of 27<sup>th</sup> St. and Drexel, which would be accessible to the commercial properties someday.

Commissioner Chandler asked what the property is zoned today.

Planner Papelbon stated that the main and east parcel are zoned A-1, and the smaller parcel with a single-family residence is zoned at B-4.

Mayor Bukiewicz stated that he had the same questions as everyone else. Mayor Bukiewicz stated that he does not have a problem with the extra six feet with the sign, that he did not have a preference on the metal roof and it breaks it up aesthetically. Mayor Bukiewicz stated that metal roof was not something that was used 10 or 15 years ago, and it has become a stylish material. Mayor Bukiewicz asked about the setbacks.

Planner Papelbon said the setbacks vary among the buildings, and most are just a little over 10 feet from the road.

Mayor Bukiewicz said he thinks it was a decent compromise with the roadway due to topography, the wetlands, and other variants of the property. Mayor Bukiewicz said he has no issues with the rezone and asked if there is an overlay on this property. Planner Papelbon replied that there is not an overlay district affecting the properties.

Mayor Bukiewicz mentioned parking issues on the roadway continuation of Orchard Way from The Seasons at Orchard Hills, and that no parking signs were posted.

Alderman Loreck stated that it is no parking.

Planner Papelbon clarified that the public portion of Orchard Way will not have parking and the continuation of the private road, White Oak Way, will have parking.

Commissioner Sullivan explained that there will be parking on one side of the public road, and sign "No Parking" on the other side. Commissioner Sullivan stated that he believes that from

Colonial Woods' private road, there will be a switch and parking will be allowed on the west side to accommodate the A1 & A2 buildings and there will be no parking on the east side.

Mayor Bukiewicz stated he was glad that the parking situation was thought of because he did not want to have any issues like what happened with The Seasons at Orchard Hills. Mayor Bukiewicz stated that he is not in favor of having phases. Colonial Woods had phases with no benchmarks and it was never completed. Benchmarks will be needed for this development. Mayor Bukiewicz stated his agreement with Commissioner Carrillo and Commissioner Siepert in being consistent with following the Code for the vinyl siding, and that he also agrees with Commissioner Sullivan and Alderman Loreck on possibly justifying as an accent and finding the right percentage. Mayor Bukiewicz stated that he does not agree or believe that vinyl siding would last 60 years.

Planner Papelbon stated that the benchmarks for the phases will be clear and incorporated into the Conditions and Restrictions. Siding as an accent would be deviating beyond what is in the Code, but that the Plan Commission can decide the percentage. There is a three-quarter approval requirement in the Code for fiber cement.

Mayor Bukiewicz mentioned the LP siding used for the vet clinic, and stated that it is becoming a commonly-used material.

Planner Papelbon stated that staff is going to follow the Code and will recommend that there is no vinyl. If the Plan Commission considers something else, there will need to be an acceptable amount established. Planner Papelbon stated that the accent materials cannot be more than 25% per elevation, and that the Plan Commission can decide that the percentage can be smaller. Planner Papelbon stated that she did not know if the Plan Commission was concerned about the roof. Code does not mention metal roofs, and the City has not seen it used for multifamily residential developments. Planner Papelbon stated that the monument sign will not be included in the Conditions and Restrictions.

Mayor Bukiewicz stated that he would like to see the project done in less than 48 months, but if it will take that long, then benchmarks will be important.

Commissioner Hanna suggested a timeline with shorter milestones within the 48 months.

Planner Papelbon stated that the benchmarks will be similar to Commissioner Hanna's suggestion, and more towards when the building permits and occupancy permits should be obtained. Planner Papelbon stated that the Plan Commission has expressed no concerns with the reductions of the setbacks or the exceptions of the height for all the buildings. The focus will be on the benchmarks and the siding in the Conditions and Restrictions, and the sign will not be incorporated.

Commissioner Chandler asked what would happen if the benchmarks are not met and the amount of time it takes to complete a project exceeds what is allowed.

Planner Papelbon responded that usually projects are done within 18-36 months and in 2 phases. The applicant could come back to Plan Commission and Common Council to request an extension or go through the amendment process. That usually occurs because the project has not started.

Commissioner Chandler asked the applicant what other building material would be used instead of siding. Mr. Decker said it would be cement board siding.

Commissioner Chandler asked if the cement board would require a three-quarter approval.

Planner Papelbon confirmed and stated that it would be reviewed during Plan Review.

Commissioner Chandler asked if the materials would be identified in the Conditions and Restrictions.

Planner Papelbon responded that it would be per Code.

Commissioner Hanna asked if the motion would need to be changed to reflect what was discussed.

Planner Papelbon reiterated that the motion is for the Rezone with the Planned Unit Development.

Commissioner Hanna moved that the Plan Commission recommends to the Common Council that the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way be rezoned to Rm-1, Multifamily Residential with a Planned Unit Development after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at their next meeting (July 27, 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 voted aye. Motion carried. The meeting was adjourned at 7:29 pm.

ATTEST:

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

7-27-21  
\_\_\_\_\_  
Date

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, July 27, 2021**

Mayor Bukiewicz called the meeting to order at 6:01 p.m. The following Commissioners were present at roll call: Commissioner Hanna (via Zoom), Commissioner Sullivan, Commissioner Carrillo, Mayor Bukiewicz, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Alderman Loreck and Alderman Guzikowski were excused. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator; Mike Havey, Assistant Fire Chief.

**CONDITIONS AND RESTRICTIONS**

**DECKER PROPERTIES**

**8100 & 8146 S. 27<sup>TH</sup> ST. & 8100 S. ORCHARD WAY**

**TAX KEY NOS. 810-9012-001, 810-9005-000, & 810-9013-001**

Planner Papelbon provided an overview of the changes that were made to plans since the previous meeting to meet Code, and discussed the draft Conditions and Restrictions as part of a request for a Conditional Use Permit to allow for a Planned Unit Development on the properties located at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way (see staff report for details).

Dave Decker, Decker Properties, 215 N. Sunny Slope Rd., Suite 290, Brookfield, WI, expressed his appreciation for the support the City is providing and he is there to answer any questions.

Mayor Bukiewicz read into record a resident e-mail from Daniel Salon to Alderman Loreck:

*"As your neighbor and constituent, I hope you have seen the adverse effect of apartments that were added last year the proposal you will be taking up on Tuesday night will only add to the problem. 200 plus more apartments is not what we need. We have more cars, more speeding, reckless driving, even the transport van for Inspire constantly speed through on Jonathan Drive when 300 plus development was first proposed, orchard way was to be cut off from them but as the process went along it was opened up and has hurt our subdivision. Please oppose this development."*

Commissioner Hanna mentioned that the heights of the buildings still do not meet Code requirements, and asked the reasons to exception.

Planner Papelbon stated that the heights of the buildings were not issues at the last Plan Commission meeting, so the height for "A" buildings will be 56 feet as opposed to 50 feet, and the clubhouse can be up to 36.5 feet, as opposed to 17 feet. At the last meeting the applicant's engineer had stated that these heights are needed for the grade changes as the land slopes from the north down to the wetlands. There were some architectural design features that were incorporated into the clubhouse, and it is not uncommon for clubhouses as part of developments to exceed the height requirements.

Commissioner Hanna questioned if there are any traffic studies or safety concerns, and whether there be a Traffic Impact Analysis done for this project.

Planner Papelbon stated that the Wisconsin Department of Transportation (WisDOT) has reviewed this proposal. She stated that she did not recall whether a Traffic Impact Analysis was

done for the Seasons at Orchard Hills development in 2018. Both WisDOT and the City have reviewed the traffic patterns on 27<sup>th</sup> St. and through the developments.

Commissioner Hanna asked for clarification as to whether there will be a Traffic Impact Analysis on this development.

Commissioner Sullivan responded that he was not aware of a Traffic Impact Analysis request from the City or WisDOT.

Commissioner Hanna responded that she is concerned for the residents in this area, and would recommend to the developer to complete the Traffic Impact Analysis to show we all did our due diligence.

Planner Papelbon stated that WisDOT did review this proposal during the Official Map Amendment and a Right-of-Way Vacation processes. WisDOT was involved in the amendment to the future roadway pattern in conformance with the Access Management Plan for 27<sup>th</sup> Street, including this development and the potential redevelopment of properties to the north. As Commissioner Sullivan stated, WisDOT has not requested or required a Traffic Impact Analysis, but we had looked at the traffic pattern that goes from Puetz Road to Drexel Avenue.

Commissioner Hanna asked if WisDOT are aware of this specific development and the impact it would do to this segment.

Planner Papelbon responded that WisDOT was part of this review, and were instrumental in the review of the reconfiguration of the roadway pattern through this development.

Commissioner Siepert stated at one time they [the applicant] were asking for aluminum roofing.

Mayor Bukiewicz stated that they are now using asphalt shingles.

Commissioner Chandler requested clarification on the changes with the vinyl siding to cement board.

Planner Papelbon stated that the vinyl siding was not an acceptable building material and does not meet Code. At the last Plan Commission meeting, the Plan Commission would not support the vinyl siding. The applicant and his consultants revised the elevations and were able to make the adjustment to fiber cement. Assuming the Conditional Use Permit is approved, the Commission would review the building materials during Site and Building Plan Review.

Mayor Bukiewicz stated that most items were covered in the last meeting. The building height is due to grading, and it is only an additional six (6) feet. Mayor Bukiewicz thanked the applicant for working with the staff to make the changes to the vinyl siding and metal roof. The streets meet City specifications, speed limits are set and the traffic patterns are meant to use 27<sup>th</sup> Street. Mayor Bukiewicz stated that he understands the neighborhood concerns, and the Commission worked to make this a smooth process and a positive part of City's Comprehensive Plan. The City strives to be inclusive in their residential projects. Residential does include apartments.

Planner Papelbon stated that impact fees paid by these developments are based on the number bedrooms, so the fees total more than an 80-unit single family subdivision would. These impact fees are assessed for parks, library, etc.



Commissioner Siepert moved that the Plan Commission recommends to the Common Council adopts the Condition and Restrictions as part of the Planned Unit Development submitted by David Decker, Decker Properties, for the properties at 8100 & 8146 S. 27<sup>th</sup> St. and 8100 S. Orchard Way after a public hearing.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. Motion carried. The meeting was adjourned at 7:22 pm.

ATTEST:

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

8-10-21  
\_\_\_\_\_  
Date

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

**Applicant:** David Decker, Decker Properties  
**Property Address(es):** 8100 & 8146 S. 27<sup>th</sup> St. and  
8100 S. Orchard Way  
**Tax Key Number(s):** 810-9012-001, 810-9005-000, &  
810-9013-001

**Approved by Plan Commission:** 7-27-21  
**Approved by Common Council:** TBD  
(Ord. #3510)

1. LEGAL DESCRIPTION

Part of Lots 1 & 3 of Certified Survey Map No. 7769 recorded in the office of the Register of Deeds for Milwaukee County on June 07, 2006 as Document No. 09248022, and Parcel 1 of Certified Survey Map No. 4431 recorded in the office of the Register of Deeds for Milwaukee County on March 7, 1984, as Document No. 5698638, all being part of the Southeast 1/4 & Southwest 1/4 of the Northwest 1/4 of Section 18, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin being more particularly described as follows:

Commencing at the Southwest corner of the Northwest 1/4 of said Section 18; thence North 00°-01'-54" West along the West line of said Northwest 1/4, a distance of 1,196.33 feet; thence North 89°-07'-25" East, a distance of 80.01 feet to the point of beginning, said point also being the Northwest corner of Lot 1 of said Certified Survey Map No. 7769; thence continuing North 89°-07'-25" East along the North line of said Certified Survey Map No. 7769, a distance of 1,419.90 feet to the Northeast corner of said Lot 3, thence South 05°-29'-22" West along an East line of said Lot 3, a distance of 291.18 feet; thence South 26°-35'-24" West along an East line of said Lot 3, a distance of 193.05 feet; thence South 05°-44'-21" West along an East line of said Lot 3, a distance of 333.38 feet to the North line of Phase 1 of Colonial Woods Condominium Plat recorded in the office of the Register of Deeds for Milwaukee County on October 30, 2007, as Document No. 9516206; thence South 88°-38'-30" West along said North line, a distance of 1,272.05 feet to the Easterly right-of-way line of S. 27th Street; thence North 00°-01'-54" West, a distance of 802.62 feet to the point of beginning and containing 24.596 acres (1,071,388 sq. ft.) of land more or less.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion/phases
- 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 & type(s) of dwellings
  - iii) Number of all parking spaces
  - iv) Dimensions
  - v) Setbacks
- h) Location(s) of loading berth(s)

2) **Landscape Plan**

- 1. Screening plan, including parking lot screening/berming
- 2. 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**

- i) Location of sanitary sewer (existing & proposed)
  - j) Location of water (existing & proposed)
  - k) Location of storm sewer (existing & proposed)
  - l) Location(s) of wetlands (field verified)
  - m) Location(s) and details of sign(s)
  - n) Location(s) and details of proposed fences/gates
- 1. Contours (existing & proposed)
  - 2. Location(s) of storm sewer (existing and proposed)
  - 3. 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 permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements (e.g., Orchard Way, etc.) required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. All future land divisions shall follow subdivision plat and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).
- H. Prior to the issuance of any permits for any portion of the development, the Applicant/landowner shall submit all City-approved Certified Survey Maps for recording.
- I. A Master Landscaping Plan for the overall development shall be submitted to the Plan Commission for approval prior to the review of any project within the Planned Unit Development. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Landscaping, in accordance with the approved plan, shall be installed for each phase prior to the issuance of occupancy permits for that phase.

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

- A. There shall be a maximum of ten (10) multifamily buildings, and a maximum of 218 units. Accessory buildings, garages, a clubhouse, and a pool may be permitted so long as they are compliant with all applicable provisions of the Municipal Code and these conditions and restrictions.
- B. Buildings A1, A2, A3, and A4 shall not exceed 56 feet in height. No other residential building in the PUD shall exceed 50 feet in height.

- C. The clubhouse shall not exceed 36 feet, 5 inches in height. No other accessory building in the PUD shall exceed 17 feet in height.
- D. Exterior building materials shall be provided in accordance with Section 17.1009(a). Vinyl siding shall not be utilized on any building within the PUD.
- E. Signage for the development shall be in conformance with Sections 17.0316 and all other applicable Sections of the Municipal Code.
- F. Solid waste collection and recycling shall be the responsibility of the owner. All solid waste and recycling collection units shall be screened and sited in conformance with Municipal Code requirements.
- 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).
- H. The clubhouse, pool, public extension of Orchard Way, and all public infrastructure shall be constructed as part of the initial phase of the development. The clubhouse and pool shall be completed prior to or concurrent with the issuance of occupancy permits for any residential buildings.

4. PARKING AND ACCESS

- A. Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended).
- B. Access to South 27th Street (STH 241) in accordance with executed agreements and access management plans is subject to the review and approval of the Wisconsin Department of Transportation. Such approval shall be provided to the City prior to the issuance of any building permits.

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sections 17.0316 and 17.0808 of the Municipal Code (as amended).
- B. Pole type, color, height, and placement in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.
- C. Fixture type and color on light poles in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.

6. IMPACT FEES

Multifamily residential buildings constructed as part of this Planned Unit Development shall be subject to the collection of impact fees as required by Section 3.40 of the Municipal Code.

7. BUILDING AND PARKING SETBACKS

	Front and Public ROW Setback	Rear Setback	Side Setback
Building A2*	16 ft	25 ft	10 ft
Building A3*	12 ft	25 ft	10 ft
Building A4*	18 ft	25 ft	10 ft
Building C3*	25 ft	25 ft	10 ft
Building C4*	10 ft	25 ft	10 ft
Building C5*	14 ft	25 ft	10 ft
All Other Principal Structures*	30 ft	25 ft	10 ft
Accessory Structure**	30 ft	10 ft	5 ft
Off-street Parking	5 ft	5 ft	5 ft

\*No multifamily residential structure shall be located closer than fifty (50) feet to a single-family district line.

\*\*No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards. Trash enclosures shall be sited in conformance with Sec. 17.1010(e) as amended.

8. TIME OF COMPLIANCE

The operator of the Planned Unit Development shall commence work in accordance with these conditions and restrictions as follows:

- A. Phase I of the Planned Unit Development shall commence within twelve (12) months from the date of adoption of the ordinance authorizing this Planned Unit Development. Issuance of a building permit shall constitute commencement of construction.
- B. Phase II of the Planned Unit Development shall commence within twenty-four (24) months from the date of adoption of the ordinance authorizing this Planned Unit Development. Issuance of a building permit shall constitute commencement of construction.
- C. Phase III of the Planned Unit Development shall commence within thirty-six (36) months from the date of adoption of the ordinance authorizing this Planned Unit Development. Issuance of a building permit shall constitute commencement of construction.
- D. All phases of the Planned Unit Development shall be complete, with Certificates of Occupancy issued for all buildings, within forty-eight (48) months from the date of adoption of the ordinance authorizing this Planned Unit Development.
- E. This Planned Unit Development approval shall expire
  - 1. Twelve (12) months after the date of adoption of the ordinance if a building permit for Phase I has not been issued for this use; **OR**

2. Twenty-four (24) months after the date of adoption of the ordinance if a building permit for Phase II has not been issued for this use; **OR**
3. Thirty-six (36) months after the date of adoption of the ordinance if a building permit for Phase III has not been issued for this use; **OR**
4. Forty-eight (48) months after the date of adoption of the ordinance if Occupancy Permits have not been issued for all buildings within the Planned Unit Development.

F. Upon expiration of this permit per Section (C), the applicant shall re-apply for a Planned Unit Development approval prior to recommencing work or construction for any Phase of development.

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

11. REVOCATION

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

12. ACKNOWLEDGEMENT

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

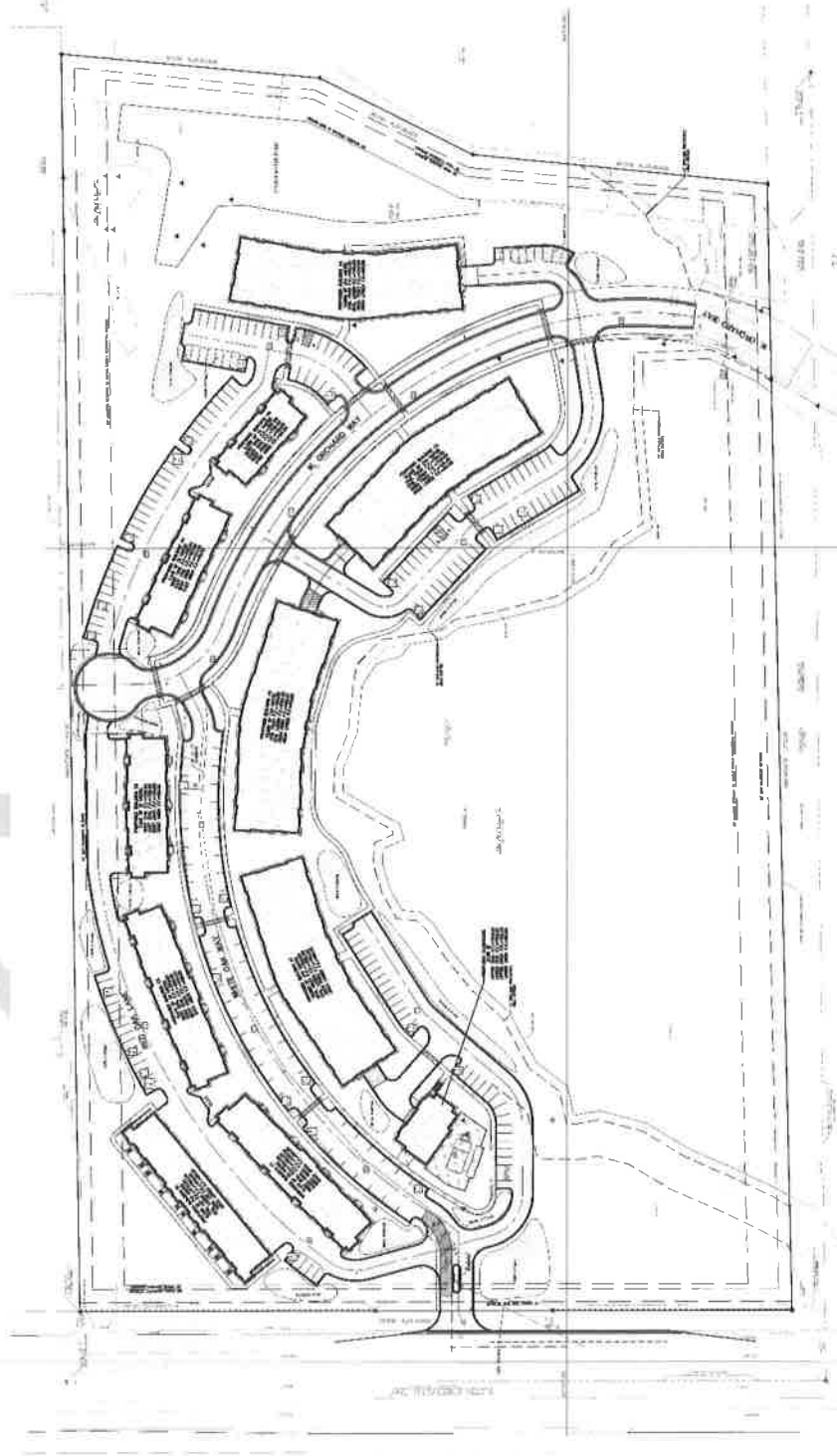
\_\_\_\_\_  
Owner / Authorized Representative Signature

\_\_\_\_\_  
Date

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

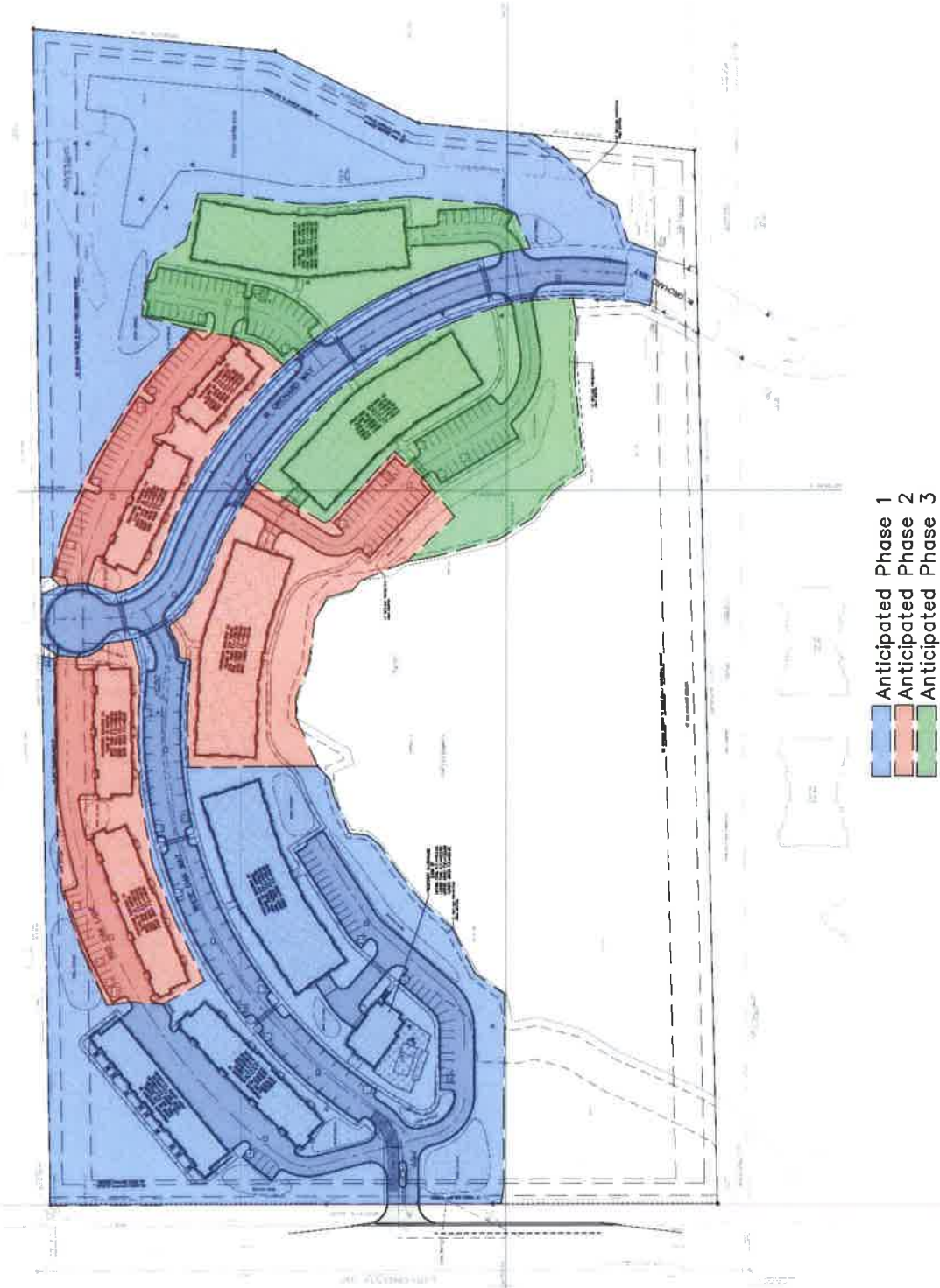
**EXHIBIT A:  
GENERAL DEVELOPMENT PLAN**

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



## EXHIBIT B: PHASING PLAN

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





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 Steve Pape, Revel Investments, rezone the property at 441 W. Ryan Rd. from B-4, Highway Business to Rm-1, Multifamily Residential, with a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure.

**Hearing Date:**

September 7, 2021

**Time:**

7:00 PM

**Place:**

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

**Applicant(s):**

Steve Pape, Revel Investments

**Property Owner(s):**

Parkside Land Group, LLC

**Property Location(s):**

441 W. Ryan Rd.

**Tax Key(s):**

906-9028-001

**Legal Description:**

CSM 7361 PARCEL 2 NE 1/4 SEC 29-5-22 (10.840 ACS) EXC N 5 FT CONV TO DOT IN DOC NO 10319022 FOR ST.

The Common Council has scheduled other public hearings for September 7, 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: August 11, 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 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

## COMMON COUNCIL REPORT

**Item:** Rezone and Conditional Use Permit - 441 W. Ryan Rd. - Steve Pape, Revel Investments

**Recommendation:** That the Council adopts Ordinance 3016, an ordinance to rezone the property at 441 W. Ryan Rd. from B-4, Highway Business to Rm-1, Multifamily Residential with a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure.

**Fiscal Impact:** Approval will allow for the development of the vacant property for an anticipated 118-unit multifamily residential development with amenities. Development of the property will yield positive fiscal impact in terms of assessed value, review and permit fees, and an estimated \$308,000 in impact fees. This property is not currently part of a TID.

**Critical Success Factor(s):**

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

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**Background:** The Applicant is requesting that the property at 441 W. Ryan Rd. be rezoned from B-4, Highway Business to Rm-1, Multifamily Residential in anticipation of constructing a multifamily residential development. Multifamily residential dwellings in excess of four (4) dwelling units per structure are Conditional Uses in the Rm-1, Multifamily Residential district.

The Land Use Plan within the Comprehensive Plan identifies this parcel as appropriate for future Single-Family Attached development. However, this parcel is also subject to a Flex Overlay, which allows the City to consider a variety of future potential land uses. Those land uses must still meet the “intended character and intensity of future development” identified in the Housing and Neighborhoods Framework section of the Comprehensive Plan. In this case, staff have identified the Medium Density Multifamily Residential category (described below) within the Housing and Neighborhoods Framework as applicable to the concept.

“These areas consist of proposed neighborhoods of medium density multifamily development. These locations are primarily proposed for areas that are adjacent to lower-density residential areas or existing medium density multifamily developments. The City should ensure that new development of this type is adequately screened from single-family detached neighborhoods and well connected to surrounding roadways and uses.”

Per the submitted narrative, the proposal includes two (2) two-story buildings and two (2) three-story buildings with underground parking, a clubhouse, water feature/splash pad, playground, and outdoor recreation amenities. Of the total 118 units proposed, 56 will be one-bedroom units, 54 will be two-

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bedroom units (including townhomes), and 8 will be three-bedroom units. Overall density for the site is proposed to be 10.95 units/acre.

Access to Ryan Rd. is prohibited along the entire north property line; however, the proposal includes a driveway off of the public Eagle Summit Drive opposite the southern access to the Police Department. Staff have received comments from the Fire Department that a second access drive should be incorporated into plans should the rezone and Conditional Use Permit be approved. The Applicant is aware of the request.

Each building will have access to underground parking in a shared configuration. A total of 160 underground stalls, 90 surface stalls, and 10 clubhouse stalls are included in the proposal. Minimum parking requirements per Code are based on bedrooms. Studio/efficiency and one-bedroom units require 1.5 parking stalls. Two-bedroom units require 2 parking stalls. Three-bedroom units require 2.5 parking stalls. Therefore, a total of 196 parking stalls, including garage spaces, is required. The concept plan as proposed exceeds the minimum requirement. Additional details are included in the narrative and conceptual plans provided with this report. Staff have no objections to the proposal as presented.

The Plan Commission reviewed the rezone request during their July 27 & August 10, 2021 meetings, and recommended approval subject to the attached Conditions and Restrictions.

**Options/Alternatives:** Council has the discretion to approve or not approve the proposed rezone and/or Conditional Use Permit request. The approval of the rezone and Conditional Use Permit would allow for the development of an existing, vacant property. Denial would result in the property remaining in its present vacant and underutilized condition.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



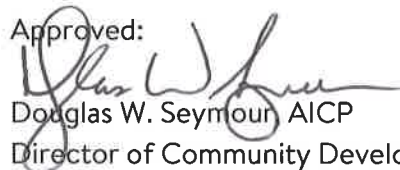
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Ord. 3016

Location Map

Narrative dated June 28, 2021 (4 pages)

Plans (6 pages)

Plan Commission Meeting Minutes

Draft Conditions and Restrictions (6 pages)

ORDINANCE NO. 3016

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

AN ORDINANCE TO REZONE THE PROPERTY AT 441 W. RYAN RD. FROM B-4, HIGHWAY BUSINESS TO RM-1, MULTIFAMILY RESIDENTIAL, WITH A CONDITIONAL USE FOR MULTIFAMILY RESIDENTIAL DWELLINGS IN EXCESS OF FOUR (4) DWELLING UNITS PER STRUCTURE

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

WHEREAS, STEVE PAPE, REVEL INVESTMENTS, has applied for a rezoning of the property at 441 W. Ryan Rd. from B-4, Highway Business to Rm-1, Multifamily Residential with a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure; and

WHEREAS, the properties are more precisely described as follows:

CSM 7361 PARCEL 2 NE 1/4 SEC 29-5-22 (10.840 ACS) EXC N 5 FT CONV TO DOT IN DOC NO 10319022 FOR ST.

WHEREAS, the Plan Commission reviewed the request and recommended that the rezoning and Conditional Use be approved; and

WHEREAS, the Common Council held a public hearing on said request on September 7, 2021, at which time all interested parties appeared and were heard; and

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

WHEREAS, following said public hearing and upon recommendation of approval of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the rezoning and 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 lands hereinabove described are rezoned from B-4, Highway Business to Rm-1, Multifamily Residential, and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

SECTION 2: 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 multifamily residential dwellings in excess of four (4) dwelling units per structure to the property at 441 W. Ryan Rd., which shall include the aforementioned conditions and restrictions.

SECTION 3: The Conditional Use Permit is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for the self-storage facility.

SECTION 4: 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 5: The several sections of this ordinance are declared to be severable. If any section shall be declared, by a decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 6: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this \_\_\_ day of \_\_\_\_\_, 2021.

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

Approved this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

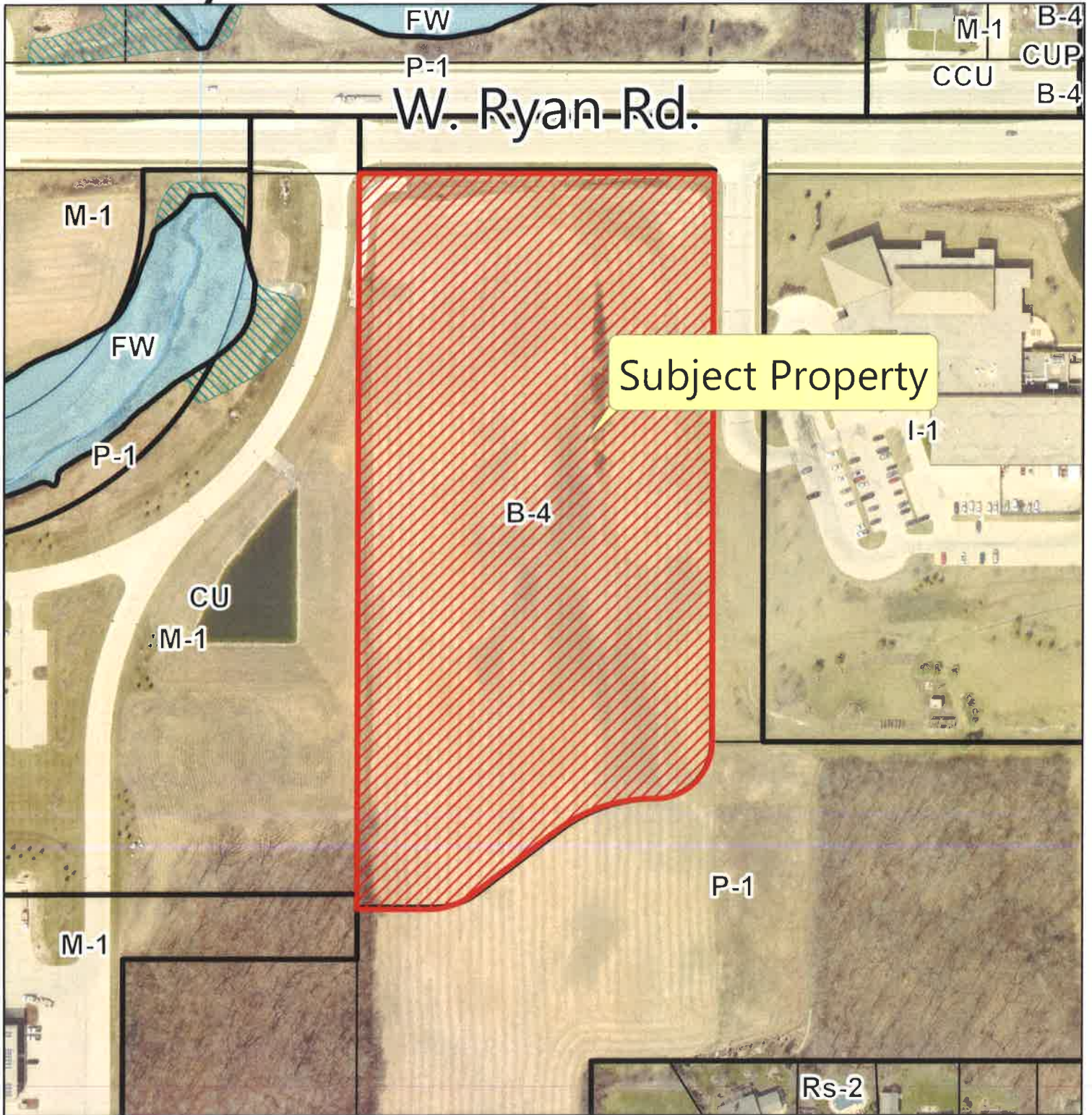
ATTEST:

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

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

# Location Map

## 441 W. Ryan Rd



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

### Legend

- Zoning
- Official Street Map
- Floodway
- Flood Fringe
- Parcels
- 441 W. Ryan Rd.





**R E V E L**  
REAL ESTATE  
I N V E S T M E N T S

**RECEIVED**  
JUN 29 2021  
CITY OF OAK CREEK

June 28, 2021

Plan Commission  
City of Oak Creek  
8040 S. 6th Street  
Oak Creek, WI 53154

RE: Request for Rezoning and Conditional Use permit to develop Townhomes and Apartments at 441 W. Ryan Road

Dear Commission Members:

Revel Investments is pleased to provide you this request for a rezoning and conditional use permit to develop medium-density townhomes and apartments at 441 W. Ryan Road. The property is 10.84 acres of undeveloped land and is currently used for agriculture. The parcel is directly across Eagle Summit Drive from the police station on the south side of Ryan Road. It is currently zoned B-4 Highway business, and we are requesting a rezoning to Rm-1 Multifamily Residential with a conditional use permit for multiple-family dwellings in excess of four (4) dwelling units per structure per Sec. 17.0311 (c)(1).

**Project Description**

We are proposing a new community of townhouses and apartments in four buildings with underground parking ranging from two to three stories with gabled roofs for a residential character and look. The development will also provide a clubhouse, stepped water feature & splash pad, fire pit, and outdoor recreation areas with landscaping especially along the south property line to provide ample screening between the property and the single-family neighborhood about 350' to the south on the other side of the undeveloped Milwaukee County property. Other features will include solar panels and car charging stations to reduce the building's environmental impact and meet the needs of tenants with electric cars. A pond will also be constructed along Ryan Road for on-site stormwater retention. Site access will be from Eagle Summit Drive and no new curb cuts along Ryan Road are proposed.

We will have a mix of 8 townhouses attached to and alongside three-story apartment buildings with 56 one-bedroom units, 32 two-bedroom, 14 two-bedroom with dens and 8 three-bedroom units for a total of 118 units or 10.89 units/acre. For comparison, the Seasons at Orchard Hills development on 27<sup>th</sup> Street contained 225 units on 20.56 acres (2 parcels), with an overall density of 10.94 units/acre. That development was identified in the Housing and Neighborhoods Framework as Medium Density Multifamily Residential.

Unit amenities will include in-unit washers and dryers, solid-top counters, stainless steel appliances and smart thermostats. The exterior will consist of stone veneer, cement board siding or similar, and asphalt shingled roof. Varying color schemes will be used for the buildings.



**Density Requirements**

**Max Density** 441 W. Ryan Road, Oak Creek

**Our Proposal**

The Lesser of:

Total Acres	10.84	
Less	0	No ROW, wetland & unusable
Net Acres	10.84	
Net S.F.	43560	472,190

<b>Proposed Units</b>	<b>% of Units</b>
1 bed	56 47%
2 bed	54 46%
3 bed	8 7%
<b>Total</b>	<b>118</b>
<b>Units/Net Acre</b>	<b>10.89</b>

<b>1. Min Lot Area</b>	<b>Lot Area Req'd.</b>	<b>Net Acres</b>	<b>Max Units</b>	<b>Proposed Units</b>	<b>Lot Area Req'd</b>
1 bed	3,000	10.84	157	56	168,000
2 bed	4,500	10.84	105	54	243,000
3 bed	6,000	10.84	79	8	48,000
			<b>total</b>	<b>118</b>	<b>459,000</b>

Net Acres (in s.f.)	472,190
Lot Area Req'd	459,000
Difference	13,190 OK

**2. Floor Area**

Net Acres	10.84
Net S.F.	43,560 472,190
Max S.F.	50% 236,095
Proposed S.F.	213,560
Difference	22,535 OK

**3. Unit Densities Sec. 17.0311 (g)**

For projects with all building in the project designed to be within the same parcel of land and under the same ownership:

	<b>Max Units/Acre</b>	<b>Proposed Units</b>	<b>Acres Req'd</b>
Eff & 1 bed	18.2	56	3.08
2 bed	14.5	54	3.72
3 bed	9.7	8	0.82
		<b>Total Required</b>	<b>7.63</b>
		<b>Net Acres</b>	<b>10.84</b>
		<b>Difference</b>	<b>3.21 OK</b>

As shown above, the development density is below all of the code requirements: minimum lot area, floor area and unit densities. 160 underground parking spaces will be provided with another 100 surface parking spaces for 260 total or 2.2 per unit. Public water and sanitary sewer in W. Ryan Road will be accessed. The property will have on-site staff and maintenance personnel. Dumpster enclosures will be provided inside the underground parking areas.

**Comprehensive Plan Compliance**

The Land Use Plan within the Comprehensive Plan identifies this parcel as appropriate for future Single-Family Attached development. However, this parcel is also subject to a Flex Overlay, which does allow the City to consider a variety of future potential land uses. Those land uses must still meet the "intended character and intensity of future development" identified in the Housing and Neighborhoods Framework section of the Comprehensive Plan. We are proposing to a Medium-

Density Multifamily Residential community in compliance with the Medium Density Multifamily Residential category within the Housing and Neighborhoods Framework:

“These areas consist of proposed neighborhoods of medium density multifamily development. These locations are primarily proposed for areas that are adjacent to lower-density residential areas or existing medium density multifamily developments. The City should ensure that new development of this type is adequately screened from single-family detached neighborhoods and well connected to surrounding roadways and uses.”

Given the proposed plans meet these conditions, the Community Development Department has determined that no amendment to the Comprehensive Plan is required. Our aim has been to propose to you an attractive, desirable community that complies with, and advances Oak Creek’s community development goals in the comprehensive plan, including:

- 1) Achieving the multifamily vision by developing multifamily housing along major transportation corridors and increasing housing diversity. (p. 23) We will be providing a range of housing options including walk-up entry townhouses, one-, two-, and three-bedroom apartments and two-bedroom apartments with dens to accommodate a growing need for work-from home housing.
- 2) Working within the stated goal of the flex overlay to allow developers to best respond to future market conditions by developing medium-density multifamily rather than just the Attached Residential identified in the comprehensive plan (p. 25). With the new Amazon facility and other large employers expanding nearby, there is increased demand for housing in the area.
- 3) Helping the City retain attainable housing by increasing housing supply to meet the increased demand created by the influx of new employment nearby. While our rents are projected to range from \$1,400- \$2,500 and would not meet the definition of “attainable” in the plan (rents below \$1,000/month as of 2017), the creation of this community will help the City retain its existing affordable housing providing additional housing supply and competition to alleviate soaring prices from a housing shortage. (p. 29)
- 4) Helping the City capture more of the local workforce to live and work in the City to retain their economic impact and reducing traffic congestion by eliminating or shortening commutes. (p. 29)
- 5) Targeting residential development according to the Land Use Plan: This project complies with the residential use called for in the plan rather than higher intensity business uses permitted under its current zoning. This project achieves the goals of concentrating new multifamily on currently undeveloped parcels that would act as a buffer between single-family detached neighborhoods and commercial and employment areas along Ryan Rd. (p. 28)

- 6) Encouraging increased density where appropriate including along key corridors (p. 31) and nearby proposed transportation improvements—the site is adjacent to the proposed expansion of the bikeway and is less than ½ mile from the proposed extension of Bus Route 80. (p. 55)

Construction is projected to begin in the Spring of 2022 and will be completed in approximately fifteen months. A conceptual site plan and architectural renderings are attached. Detailed plans will be submitted at a later date for site, landscaping and architectural review pending approval of the rezoning and conditional use permit.

Thank you for your consideration of our proposal and we look forward to working with you to make these new homes in Oak Creek a reality!

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Pape". The signature is fluid and cursive, with the first name "Steven" written in a larger, more prominent script than the last name "Pape".

Steven Pape  
Managing Partner

**441. W. RYAN R.D**  
*Oak Creek, WI*

DEVELOPER

**REVEL INVESTMENTS**

**ALTIUS BUILDING COMPANY**

**DATE: 29 JUNE 2021**

CONCEPTUAL DEVELOPMENT SUBMISSION

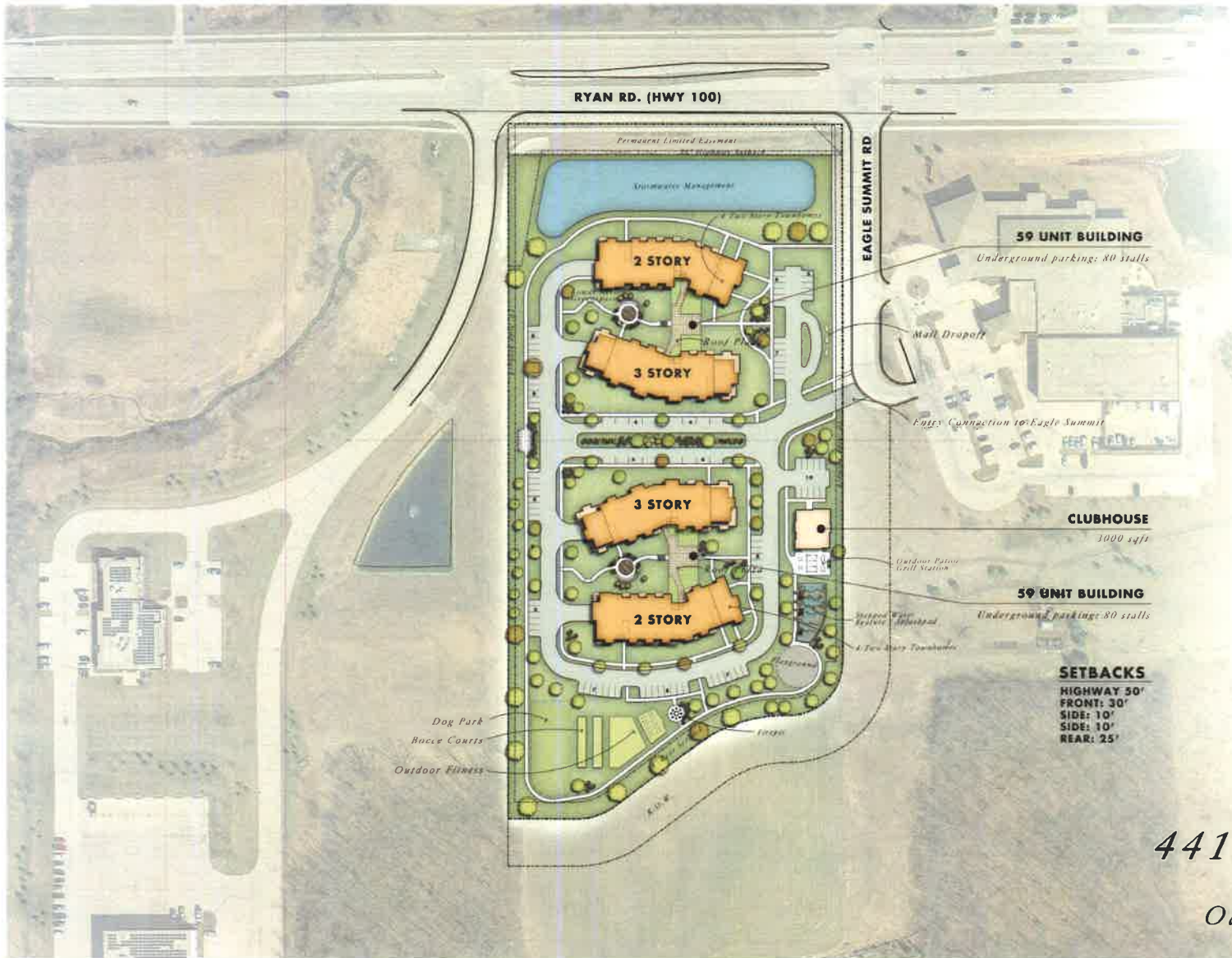
 **Architecture**  
*A Sense of*  
**Community**

1414 UNERRHODE AVE WILKINSON, WI 53218 414.431.3131 TEL 414.431.0131 FAX WWW.AGARCH.COM



RENDERING IS REPRESENTATIVE ONLY... SEE DOCUMENTS FOR SPECIFIC DETAILS

1414 UNERRHODE AVE WILKINSON, WI 53218 414.431.3131 TEL 414.431.0131 FAX WWW.AGARCH.COM



# SITE STATISTICS

## DEVELOPMENT SUMMARY

**SITE AREA : 10.78 ACRES**  
**TWO AND THREE STORY CORRIDOR BUILDINGS WITH CONNECTED UNDERGROUND PARKING**  
**CLUBHOUSE WITH OUTDOOR ACTIVITY SPACES ALONG SOUTHERN EDGE OF SITE**

## AREAS

**PARKING GARAGE**  
**34,147 SQFT**

**2 STORY BUILDING AREA**  
**LEVEL 1 - 14,053 SQFT**  
**LEVEL 2 - 14,053 SQFT**

**3 STORY BUILDING AREA**  
**LEVEL 1 - 15,426 SQFT**  
**LEVEL 2 - 15,426 SQFT**  
**LEVEL 3 - 13,675 SQFT**

## UNIT MIX

ONE BEDROOM	56
TWO BEDROOM	54
THREE BEDROOM	8

**OVERALL UNIT COUNT 118**


**SITE AREA : 10.78 ACRES (10.95 UNITS/ACRE)**

## PARKING

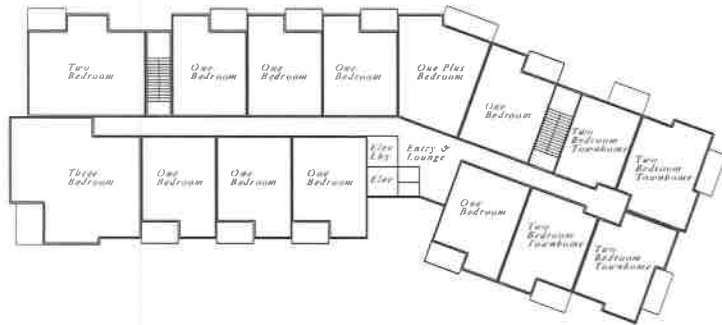
ENCLOSED STALLS	160	(1.35 STALLS/UNIT)
SURFACE PARKING	90	(.76 STALLS/UNIT)
CLUBHOUSE PARKING	10	
<b>TOTAL</b>	<b>260</b>	<b>(2.2 STALLS/UNIT)</b>

**SETBACKS**  
**HIGHWAY 50'**  
**FRONT: 30'**  
**SIDE: 10'**  
**SIDE: 10'**  
**REAR: 25'**

29 JUNE 2021

**SCALE: 1"=60'**   
**441. W Ryan Rd.**  
**MULTIFAMILY**  
**Oak Creek, Wisconsin**

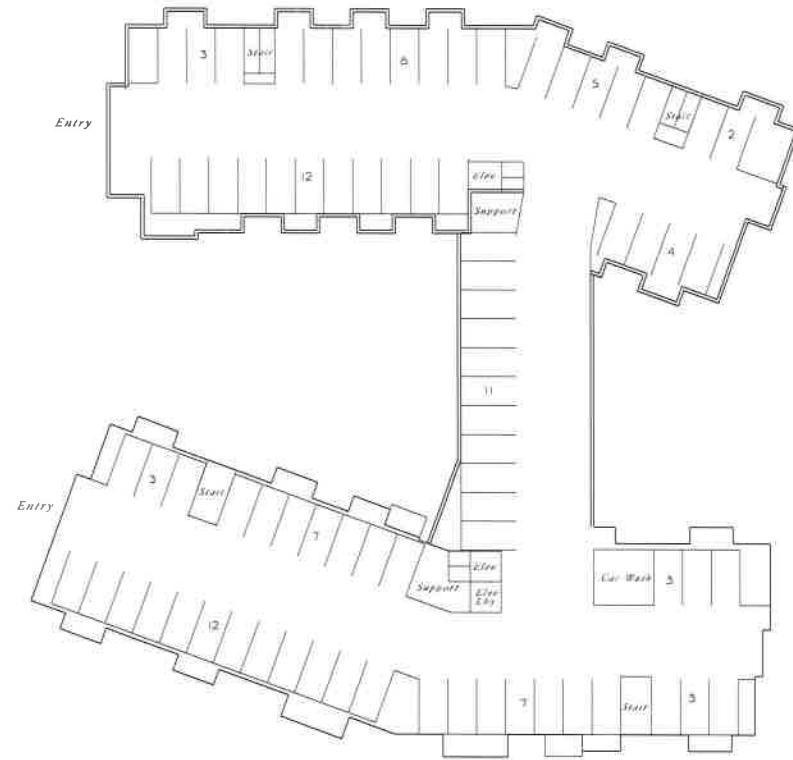




Townhomes are Designed as Two Story Residences



**FIRST AND SECOND FLOOR**  
50 Residences  
(100 Total with Two Buildings)

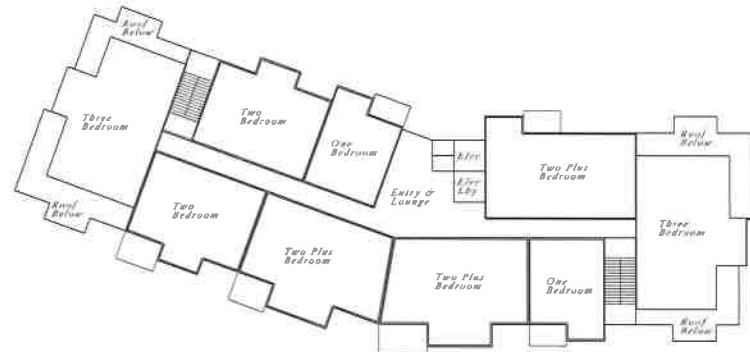
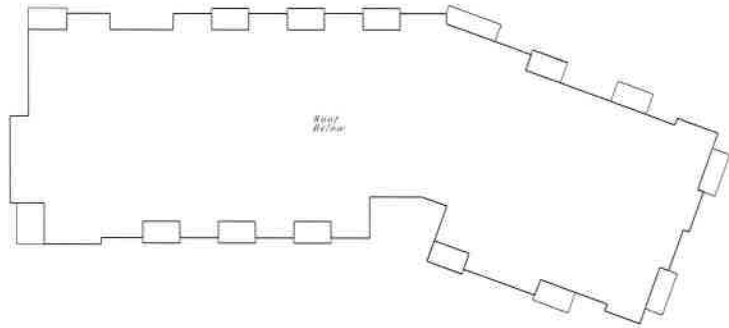


**LOWER LEVEL PARKING**  
80 Parking Stalls + Car Wash Station  
(160 with Two Buildings)

**1/16" FLOOR PLANS**  
*441. W Ryan Rd.*  
**MULTIFAMILY**  
*Oak Creek, Wisconsin*

29 JUNE 2021





**THIRD FLOOR**  
 9 Residences  
 (18 Total with Two Buildings)

**1/16" FLOOR PLANS**  
*441. W Ryan Rd.*  
**MULTIFAMILY**  
*Oak Creek, Wisconsin*

29 JUNE 2021

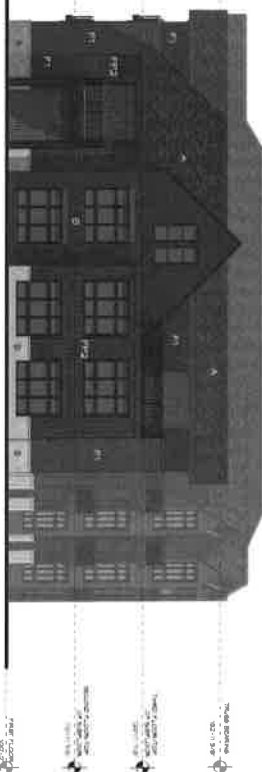


**MATERIAL LEGEND**

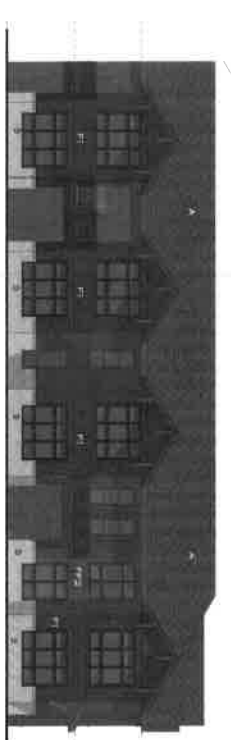
- A - BRICK (HORIZONTAL, VERTICAL, DIAGONAL)
- B - BRICK (RANDOM)
- C - BRICK (RANDOM) WITH # 10 PROFILE
- PH - FIBER CONCRETE PANEL
- PT - VERTICAL FIBER CONCRETE PANEL BATTERED AT 45 DEG.



THREE STORY ELEVATION TYPICAL BAY



3 STORY END ELEVATION



TWO STORY ELEVATION - TYPICAL BAY



TWO STORY END ELEVATION

1/8" EXTERIOR ELEVATIONS

A500



441. W. Ryan Rd.  
Multi-Family Development  
Oak Creek Wisconsin





**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, July 27, 2021**

Mayor Bukiewicz called the meeting to order at 6:01 p.m. The following Commissioners were present at roll call: Commissioner Hanna (via Zoom), Commissioner Sullivan, Commissioner Carrillo, Mayor Bukiewicz, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Alderman Loreck and Alderman Guzikowski were excused. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator; Mike Havey, Assistant Fire Chief.

**REZONE AND CONDITIONAL USE PERMIT  
STEVE PAPE, REVEL INVESTMENTS  
441 W. RYAN ROAD  
TAX KEY NO. 906-9028-001**

Planner Papelbon provided an overview of the request to rezone the property at 441 W. Ryan Rd. from B-4, Highway Business to Rm-1, Multifamily Residential with a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure (see staff report for details).

Steve Pape, Revel Investments, 325 E. Chicago, Milwaukee, WI, stated that he is the lead sponsor and partnered with Altius Construction. Scott Dries and Jonathan Ward of Altius could not be at the meeting. Mr. Pape introduced architect and design partner, Eric Harmon, and thanked the Mayor, Commission and Staff for working with them to get to the presentation.

Eric Harmon, AG Architecture, Wauwatosa, WI, presented the perspectives and the proposal for the rezone with a Conditional Use Permit.

Mark Draeger, 321 E. Trillium Terrace:

*"I am on the south side. Nice presentation and I think it looks beautiful, myself. I just had a couple of questions. One of the statements is to provide ample screening between the property and the single-family neighborhood to the south, which is me and my neighbors. So, my question is: do you have anything yet or will we have the opportunity to review that, germs, trees, whatever?"*

Mayor Bukiewicz stated that there is County land between this development and the subdivision to the south.

Planner Papelbon confirmed that County land is in between the subject property and the Fairfield neighborhood, and stated that the Plan Commission will review landscaping plans during Site and Building Plan Review. There would be an opportunity for the public to comment on the proposed landscaping at that time.

Mark Draeger, 321 E. Trillium Terrace:

*"With the public, yes, then just so you know it's coming you'll see me again. Okay, so and then the other thing you can see on your map here you have some bocce courts and tennis courts and some things in the background there. The other concern I would have is whenever we get to review this is lighting because generally you see sports things with bright lights, very bright lights, and we're fairly close, you know. We can see down there*

*to the Cummins place, you know, we see lights in the distance, but our neighborhood is, you know, the normal neighborhood type lighting. Maybe you would call it subdued. I can understand that if your building something with tennis courts you would want super bright lights, but I would ask for some consideration the aiming of the lights and keeping it down and not seeing floodlights through that."*

Mayor Bukiewicz stated that the lighting would be considered, and it would comply with our Code. The Commission has reviewed similar plans in the past, and has experience with requiring downlighting. They do not allow straight light pollution. The sports courts would probably go dark after a certain time.

Mark Draeger, 321 E. Trillium Terrace:

*"So, those were just two (2) concerns as being a name, you know, in keeping with the residential feel for the area and then I had a question just a general question. It mentioned on the back page, I hope nobody's stressing out with these simple questions. So, this is on page four (4) where it says it's the site is adjacent to a bus route and a proposed extension of a bikeway, and I had not heard about that. I was wondering can anybody point that out roughly where the bikeway would be going?"*

Mayor Bukiewicz stated that it was proposed to run along the west side of the train tracks.

Planner Papelbon stated that she believed a portion of the Oak Leaf Trail runs along a portion of the public sidewalk along Ryan Rd. She then stated that Commissioner Sullivan disagreed.

Mayor Bukiewicz suggested that they were trying the trail is from Ryan Road to Oakwood Road, behind FedEx on the west side of the tracks. Zoning Administrator Miller corrected that the location was on the east side of the tracks.

Commissioner Sullivan stated that there was discussion during Amazon and other developments along there was potential with future bicycle accommodation. This has not yet come to fruition.

Mayor Bukiewicz stated that these are County trails. Whenever there is development, they always try to get the easements to have the connectivity between developments. By the FedEx development, we specially designed it so there could be a bike trail to the east of the tracks but, we could not figure out how to cross the railroad tracks.

Mark Draeger, 321 E. Trillium Terrace:

*"I think that's really nice. I was just curious because I had not heard about it. It was in the paperwork here so that's why I brought it up. Thank you, thank you very much and this was a nice presentation."*

Planner Papelbon stated that there are no immediate plans for an extension of the bike trail in this area.

Mike Bania, 9828 S. Deerpath Dr.:

*"A couple of questions: I'm not familiar with some of the terminology used. "Multi-family," are these apartments? Do we have an idea of what the charge is going to be? One thing or one-bedroom, two-bedroom? Is that something that you just get? And then what was I*

*gonna say? Other developments that you have done, maybe within the last five years - do you have a list? Do we as a community look at other developments that this company has done to find out how those properties look five (5), ten (10) years later? What was the other thing I was gonna say? Storage: you said there's some parking lots, parking spaces on top and some below ground. Any limitations on storage of recreational vehicles and things of that sort that you have within your bylaws?"*

It was confirmed that the proposal for multifamily residential included apartments. Planner Papelbon stated that storage of recreational vehicles would not be allowed in a multifamily residential district per Code.

Mike Bania, 9828 S. Deerpath Dr.:

*"They would not be able to store in a multifamily residential district. Okay, good. Thanks."*

Mr. Pape, Revel Investments, stated that Altius Construction and Jonathan Ward have constructed and developed up to 1,500 units within the last five (5) years. They [Altius] also were the contractor who built the Emerald Row development, which is a testimony to the quality of the projects that they built. Rents are shown on the screen: \$1,425 for a one (1) bedroom, two (2) bedrooms up to \$2,350, and three (3) bedrooms up to about \$2,500 a month.

Mayor Bukiewicz clarified that Rick Barrett was the developer for Emerald Row, and Altius was the builder. They have done work in Menomonee Falls, Waukesha, and the Third Ward.

Mr. Pape, Revel Investments, stated that their team has a 24-unit project in the Town of Brookfield under construction at Brookfield Rd. and Bluemound Rd. (behind Kopp's Custard), opening up in November of this year.

Mayor Bukiewicz stated that when any developer comes forward planning staff does research on their completed developments, if they own it, if they flip it, etc.

Mike Bania, 9828 S. Deerpath Dr.:

*"You made a comment on the other development earlier on 27<sup>th</sup> St. - the apartments - and it's part of the total Comprehensive Plan that you have. I tried looking on the website and I can't find that plan - where would I look for that? And does the Plan Commission have kind of a percentage of what you might be dedicating to multifamily versus single family, and is it in that plan?"*

Planner Papelbon stated that the plan referenced is the Comprehensive Plan, which is on our website under the Community Development page. The multifamily residential development on 27<sup>th</sup> Street is called The Seasons at Orchard Hills. Those plans were approved in 2018, and the development is fully built-out, so plans are not on our website. Density on that site, over the two parcels, is comparative to the proposal under consideration. The City does not have an exact figure of the number multifamily versus single family residential units. Most of the developments in the last 2 years have been multifamily residential. Single-family residential subdivision expansions in recent years have been East Brooke Preserve, Carrollville Crossing, and Glen Crossing.

Mike Bania, 9828 S. Deerpath Dr.:

*"I guess my question - maybe I should be more specific - my question is, as a resident of Oak Creek, I should be able to get on the website and find out what the Planning Commission plan for Oak Creek is for residential."*

Mayor Bukiewicz reiterated that the Comprehensive Plan is available on the website.

Planner Papelbon stated that the plan referenced is the Comprehensive Plan, and it is on the website under the Community Development Department page.

Mike Bania, 9828 S. Deerpath Dr.:

*"Okay, and you said it was developed in '18, so I have to go to that year. Is that -- because I was just I was looking through it before and I couldn't find anything that was called a Comprehensive Plan so..."*

Zoning Administrator Miller stated that she could email Mr. Bania a link to the Comprehensive Plan.

Mike Bania, 9828 S. Deerpath Dr.:

*"Yeah, great. That'd be wonderful."*

Planner Papelbon stated the Comprehensive Plan is on online, but the website does not contain all of the plans for every individual development approved by the Plan Commission. The only development plans available are the ones upcoming or just recently approved.

Mike Bania, 9828 S. Deerpath Dr.:

*"I understand that. I'm kind of I'm getting to the strategic plan, the strategic vision that you all have as a Planning Commission, and where is that and what does that look like? Not very specific... You know, specifics are great, but I understand it's sensitive to..."*

Mayor Bukiewicz explained the difference between the City's Strategic Plan and the Comprehensive Plan. The Strategic Plan identifies the City's values, missions, and success factors that help guide the City. The Comprehensive Plan is focused more on land use, and a vision for the City to determine where developments fit best. Mayor Bukiewicz asked for clarification on how often it is updated.

Planner Papelbon responded that the last comprehensive revision was adopted in 2001, but [the Comprehensive Plan] has been updated incrementally over the years since. The last major update that is available on our website was adopted in March 2020.

Commissioner Hanna asked whether there were concerns for impact for access on Ryan Rd., and whether there would be a signalized intersection or stop sign.

Commissioner Sullivan responded that such had not yet been reviewed, but could be part of discussions with the developer to determine whether there is a need for a Traffic Impact Analysis.

Commissioner Carrillo commented that this development has a beautiful layout with the amenities, and that this is something not usually seen in Oak Creek.

Commissioner Chandler asked the applicant to explain why the location was chosen.

Mr. Pape, Revel Investments, responded that the number of job creators built in the past five (5) years - from Milwaukee to the state line - drew them to the site, as Ryan Road is at the "front door" of those jobs. Additionally, proximity to I-94 and getting to those jobs, forward-thinking leadership at the City, and a strong school system were major contributing factors.

Commissioner Chandler asked if there any other residential neighborhoods in the area.

Mayor Bukiewicz stated that the Fairfield subdivision is 350 feet lot line to lot line from the site. That is over County-owned land.

Planner Papelbon identified the County-owned land and the Fairfield subdivision on the screen, and stated that there are residential neighborhoods to the north of Ryan Rd.

Mayor Bukiewicz stated that Edgerton Contractors was immediately west of the site, and that the Comprehensive Plan identified the parcel with a flex overlay due to the unknown development potential for the site.

Planner Papelbon advised Mayor Bukiewicz that she did receive an e-mail from a resident of Fairfield:

*"Hello. We are unable to attend the Plan Commission meeting on July 27<sup>th</sup>, 2021. We are residents in the Fairfield neighborhood and the property in question is near our home. We are against the change of rezoning in the Conditional Use Permit for this property. The area does not need additional apartments. Ryan Road is a busy and crowded road. The additional traffic lighting and possible safety concerns do not fit in this area of the City. Thank you, Sandy Krueger."*

Assistant Chief Havey, Fire Department, stated that they did look at some of the access roads, and are requesting a secondary access. On the northwest corner of the building, they are looking for a turnaround point or a radius where they can maneuver their vehicles to get back out on the northwest corner.

Mayor Bukiewicz stated that, in meeting with the developers, he thought they were extending Eagle Summit and getting the requested secondary access. Assistant Chief Havey responded that such had been included in their discussions, and that he believes they can achieve what is needed to be done there.

Commissioner Hanna moved that the Plan Commission recommends to the Common Council that the property at 441 W. Ryan Rd. be rezoned from B-4, Highway Business to Rm-1, Multifamily Residential, with a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure, after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (August 10, 2021).

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

ATTEST:

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

8-10-21  
\_\_\_\_\_  
Date

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, AUGUST 10, 2021**

Mayor Bukiewicz called the meeting to order at 6:03 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski and Commissioner Siefert. Commissioner Chandler and Commissioner Oldani were excused. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief.

**CONDITIONS AND RESTRICTIONS  
REVEL INVESTMENTS  
441 W. RYAN RD.  
TAX KEY NO. 906-9028-001**

Planner Papelbon provided a review of the draft Conditions and Restrictions as part of a request for a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure on the property at 441 W. Ryan Rd. (see staff report for details).

Mark Draeger, 320 W. Trillium Terrace:

*"I was trying to follow along with Kari as she was talking, but I did not get the beginning. I heard something about access to the south and to County property, I believe. I didn't see where you were reading that from."*

Planner Papelbon referred to Section 4 of the Conditions and Restrictions, stating access to Ryan Road along the north line is prohibited, and access to the property shall be from Eagle Summit Drive. There is nothing in the Conditions and Restrictions indicating that Eagle Summit Drive must be extended; however, the Fire Department has indicated they would require such an extension for secondary access to the development. The road will not necessarily extend to the property line, but would allow future access to the County property. The County is not proposing any development at this time.

Mark Draeger, 320 W. Trillium Terrace:

*"I understand, just an access road, not coming through all the way to the subdivision."*

Mayor Bukiewicz added Eagle Summit Drive would simply be extended further to the south for secondary Fire Department access.

Mark Draeger, 320 W. Trillium Terrace:

*"To get to the rear or southern units?"*

Planner Papelbon drew a line on the site map to indicate a possible point of access.

Mark Draeger, 320 W. Trillium Terrace:

*"That is a good visual, that helps."*

Assistant Fire Chief Havey reiterated that the extension of Eagle Summit Drive was simply for access to the rear units in the development.

Commissioner Hanna moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure on the property at 441 W. Ryan Rd. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

ATTEST:

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

8-24-21  
\_\_\_\_\_  
Date



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Mark Draeger, 320 W. Trillium Terrace:

*"I was trying to follow along with Kari as she was talking, but I did not get the beginning. I heard something about access to the south and to County property, I believe. I didn't see where you were reading that from."*

Planner Papelbon referred to Section 4 of the Conditions and Restrictions, stating access to Ryan Road along the north line is prohibited, and access to the property shall be from Eagle Summit Drive. There is nothing in the Conditions and Restrictions indicating that Eagle Summit Drive must be extended; however, the Fire Department has indicated they would require such an extension for secondary access to the development. The road will not necessarily extend to the property line, but would allow future access to the County property. The County is not proposing any development at this time.

Mark Draeger, 320 W. Trillium Terrace:

*"I understand, just an access road, not coming through all the way to the subdivision."*

Mayor Bukiewicz added Eagle Summit Drive would simply be extended further to the south for secondary Fire Department access.

Mark Draeger, 320 W. Trillium Terrace:

*"To get to the rear or southern units?"*

Planner Papelbon drew a line on the site map to indicate a possible point of access.

Mark Draeger, 320 W. Trillium Terrace:

*"That is a good visual, that helps."*

Assistant Fire Chief Havey reiterated that the extension of Eagle Summit Drive was simply for access to the rear units in the development.

Commissioner Hanna moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure on the property at 441 W. Ryan Rd. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

ATTEST:

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

8-24-21  
\_\_\_\_\_  
Date

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

<b>Applicant:</b> Steve Pape, Revel Investments	<b>Approved by Plan Commission:</b> 8-10-21
<b>Property Address(es):</b> 441 W. Ryan Rd.	<b>Approved by Common Council:</b> TBD
<b>Tax Key Number(s):</b> 906-9028-001	(Ord. #3016)
<b>Conditional Use:</b> Multifamily Residential Dwellings In Excess of Four (4) Dwelling Units per Structure	

1. LEGAL DESCRIPTION

CSM 7361 PARCEL 2 NE 1/4 SEC 29-5-22 (10.840 ACS) EXC N 5 FT CONV TO DOT IN DOC NO 10319022 FOR ST.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

**1) General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion/phases
- 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 & type(s) of dwellings
  - iii) Number of all parking spaces
  - iv) Dimensions
  - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

**2) Landscape Plan**

- a) Screening plan, including parking lot screening/berming
- b) Number, initial & mature sizes, and types of plantings
- c) Percentage open/green space

**3) Building Plan**

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

**4) Lighting Plan**

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

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

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

**6) Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction
- d) Materials to be stored (interior & exterior)

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

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

any building permits.

- E. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. All future land divisions shall follow subdivision plat and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. There shall be a maximum of four (4) multifamily buildings, and a maximum of 118 units. Accessory buildings and structures, a clubhouse, and other amenities may be permitted so long as they are compliant with all applicable provisions of the Municipal Code and these Conditions and Restrictions.
- B. Exterior building materials shall be provided in accordance with Section 17.1009(a).
- C. Signage for the development shall be in conformance with Sections 17.0316 and all other applicable Sections of the Municipal Code.
- D. Solid waste collection and recycling shall be the responsibility of the owner. All solid waste and recycling collection units shall be screened and sited in conformance with Municipal Code requirements.
- E. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).
- F. The clubhouse, pool, public extension of Eagle Summit Drive, and all public infrastructure shall be constructed as part of the initial phase of the development. The clubhouse and amenities as approved by the Plan Commission during Site and Building Plan Review shall be completed prior to or concurrent with the issuance of occupancy permits for any residential buildings.

4. PARKING AND ACCESS

- A. Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended).
- B. Access to Ryan Road along the north property line is prohibited. Access to the property shall be from Eagle Summit Drive.

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sections 17.0316 and 17.0808 of the Municipal Code (as amended).

- B. Pole type, color, height, and placement in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.
- C. Fixture type and color on light poles in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.

6. IMPACT FEES

Multifamily residential buildings constructed as part of this Planned Unit Development shall be subject to the collection of impact fees as required by Section 3.40 of the Municipal Code.

7. BUILDING AND PARKING SETBACKS

	Front and Public ROW Setback	Rear Setback	Side Setback
Principal Structure(s)*	30 ft	25 ft	10 ft
Accessory Structure(s)**	30 ft	See Sec. 17.0501	See Sec. 17.0501
Off-street Parking	5 ft	5 ft	5 ft

*\*No multifamily residential structure shall be located closer than fifty (50) feet to a single-family district line.*

*\*\*No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards. Trash enclosures shall be sited in conformance with Sec. 17.1010(e) as amended.*

8. 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.

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

11. REVOCATION

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

The process for revoking an approval shall generally follow the procedures for approving a Planned Unit Development as set forth in Section 17.1007 of the Municipal Code (as amended).

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

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

**EXHIBIT A: CONCEPTUAL SITE PLAN**



**SITE STATISTICS**

**DEVELOPMENT SUMMARY**

**SITE AREA : 10.78 ACRES**  
**TWO AND THREE STORY CORRIDOR BUILDINGS WITH CONNECTED UNDERGROUND PARKING**  
**CLUBHOUSE WITH OUTDOOR ACTIVITY SPACES ALONG SOUTHERN EDGE OF SITE**

**AREAS**

**PARKING GARAGE**  
**34,147 SQFT**  
**2 STORY BUILDING AREA**  
**LEVEL 1 - 14,053 SQFT**  
**LEVEL 2 - 14,053 SQFT**  
**3 STORY BUILDING AREA**  
**LEVEL 1 - 15,426 SQFT**  
**LEVEL 2 - 15,426 SQFT**  
**LEVEL 3 - 13,675 SQFT**

**UNIT MIX**

<b>ONE BEDROOM</b>	<b>56</b>
<b>TWO BEDROOM</b>	<b>54</b>
<b>THREE BEDROOM</b>	<b>8</b>

**OVERALL UNIT COUNT 118**  
**SITE AREA : 10.78 ACRES (10.95 UNITS/ACRE)**

**PARKING**

<b>ENCLOSED STALLS</b>	<b>160</b>	<b>(1.35 STALLS/UNIT)</b>
<b>SURFACE PARKING</b>	<b>90</b>	<b>(.76 STALLS/UNIT)</b>
<b>CLUBHOUSE PARKING</b>	<b>10</b>	
<b>TOTAL</b>	<b>260</b>	<b>(2.2 STALLS/UNIT)</b>

**SETBACKS**  
**HIGHWAY 50'**  
**FRONT: 30'**  
**SIDE: 10'**  
**SIDE: 10'**  
**REAR: 25'**

29 JUNE 2021

**SCALE: 1"=60'**  
**441. W Ryan Rd.**  
**MULTIFAMILY**  
**Oak Creek, Wisconsin**



**EXHIBIT B: ENLARGED CONCEPTUAL SITE PLAN**





## COMMON COUNCIL REPORT

**Item:** Memorandum of Understanding between the Cudahy, Oak Creek, and South Milwaukee/St. Francis Health Departments for a joint Zone E Health Department Preparedness Coordinator position

**Recommendation:** The staff recommend that the Common Council approves Resolution 12259-081721 approving the Memorandum of Understanding between the Oak Creek Health Department, the Cudahy Health Department, and the South Milwaukee/St. Francis Health Department for the development of a full-time joint Zone E Preparedness Coordinator position.

**Fiscal Impact:** This MOU provides the framework for distribution of costs associated with the joint Zone E Preparedness Coordinator position. The estimated annual Oak Creek Health Department portion of the cost for this position is \$25,000. The Health Department will receive grant funding dedicated to workforce development; the annual funding amount is expected to cover the cost of this position. Additionally, the Health Department has current grant funding that could be used to fund this position as needed.

**Critical Success Factor(s):**

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

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**Background:** The Milwaukee County Zone E Health Departments, which serve the communities of Cudahy, Oak Creek, South Milwaukee, and St. Francis, are required to collaborate on emergency preparedness plans and activities by the State of Wisconsin. Since receiving the directive to collaborate in 2017, each Zone E Health Department has had an identified emergency preparedness lead staff person that has completed required and beneficial activities for their respective health department, and the three preparedness leads have worked collaboratively to ensure that work and activities were aligned across the zone. Every year, Zone E has identified a zone lead staff person from one Health Department, and this person has been responsible for maintaining joint work plans, submitting documentation on grant deliverables to both the State and Federal government, and other related activities. The annual rotation of this position between the three health departments in conjunction with staff turnover has meant that most years, the zone lead staff person is new to that role, and there is continual training needed in order to ensure that the zone lead is able to effectively utilize the required databases and that all required activities are completed and submitted. The need for a joint Zone E Preparedness Coordinator position has long been identified; however, limited funding has previously made the creation of this position difficult. The creation of a Zone E Preparedness Coordinator will allow the Zone E Health Departments to more

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efficiently utilize staff and funding resources, as just one staff person from the zone will dedicate a significant portion of their time to completing preparedness response activities instead of one staff person from each of the three health departments.

Local Health Departments in Wisconsin have been informed that they will be receiving new grant funding intended for workforce development (from ARPA funds received by the State). This funding will be provided for a minimum of two years through at least 6/30/2023. The provision of this workforce development funding to local health department for COVID pandemic response means that the Zone E Health Departments now have funding available to create and sustain a Preparedness Coordinator position for a minimum of two years or as long as appropriate grant funding remains available.

The Zone E Preparedness Coordinator will be housed at the Oak Creek Health Department and the OCHD will serve as the lead fiscal agency for the position. This Memorandum of Understanding provides the structure for the collaboration between the Zone E Health Departments to successfully develop and maintain a joint Preparedness Coordinator position.

**Options/Alternatives:** The Council could elect not to approve Resolution 12259-081721, leaving each Zone E Health Department to continue dedicating current staff time and funding resources to preparedness activities and the zone to continue training new zone lead staff members.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Darcy DuBois, MPH  
Health Officer

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

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Attachments: Draft Zone E Emergency Preparedness Coordinator Position MOU  
Resolution 12259-081721

RESOLUTION NO. 12259-081721

RESOLUTION APPROVING THE ZONE E COMMUNITY PREPAREDNESS  
COORDINATOR POSITION MEMORANDUM OF UNDERSTANDING AMONG  
CUDAHY, OAK CREEK, AND SOUTH MILWAUKEE/ST. FRANCIS  
HEALTH DEPARTMENTS

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Zone E Community Preparedness Coordinator Position Memorandum of Understanding Among Cudahy, Oak Creek, and South Milwaukee/St. Francis Health Departments (the "MOU") be and the same is hereby approved.

BE IT FURTHER RESOLVED that the City Health Officer is hereby authorized to execute the MOU in behalf of the City of Oak Creek.

BE IT FURTHER RESOLVED that, given the pending review by the other Zone E Health Departments, any nonsubstantive amendments or modifications as may be appropriate and necessary in order to maintain the general intent and that are approved by the City Health Officer and City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17<sup>th</sup> day of August, 2021.

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_.

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

ATTEST:

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

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

## **Zone E Community Emergency Preparedness Coordinator Position**

### **Memorandum of Understanding (MOU)**

**Among**

### **Cudahy, Oak Creek, and South Milwaukee/St. Francis Health Departments**

This Memorandum of Understanding (MOU) sets the terms and understanding among the Cudahy, Oak Creek, and South Milwaukee/St. Francis Health Departments for the joint full-time Zone E Preparedness Coordinator position. Zone E is defined by the Milwaukee County Office of Emergency Management as the communities of Cudahy, Oak Creek, South Milwaukee, and St. Francis.

#### **Section 1. Background**

All Wisconsin local health departments receive emergency preparedness grant funding and are required to meet annual emergency preparedness objectives and deliverables with a goal of moving local emergency preparedness efforts forward.

In 2017, Milwaukee County was divided into zones at the direction of the Center for Disease Control and Prevention for the purpose of emergency response. At that time, the communities of Cudahy, Oak Creek, South Milwaukee, and St. Francis began working collaboratively on emergency response activities. Since that point, each health department has had an identified emergency preparedness lead staff person that completed required and beneficial activities for their respective health department, and the three preparedness leads worked collaboratively to ensure that work and activities were aligned across Zone E. Every year, Zone E identified a lead staff person from one health department, and this person has been responsible for maintaining work plans, submitting deliverables to both the state and federal government, and other related activities. The annual rotation of this position among the three health departments in conjunction with staff turnover has meant that, in most years, the Zone E lead staff person is new to that role, and there is continual training needed in order to ensure that all required activities are completed and submitted. The need for a joint Preparedness Coordinator position has long been identified; however, limited funding has previously made the creation of this position difficult. The current increase in funding to local health departments for COVID pandemic response means that the Zone E health departments now have funding available to create and sustain a Preparedness Coordinator position for a minimum of 18 months or as long as appropriate grant funding remains available.

#### **Section 2. Purpose**

This MOU recognizes the partnership among the three Zone E health departments to hire and maintain a shared Preparedness Coordinator position. The shared Preparedness Coordinator will complete required and beneficial activities for all three health departments, which will result in more efficient use of staff time and resources across the Zone.

### **Section 3. Definitions**

Preparedness Coordinator means the person hired to fill the role identified in the Memorandum of Understanding.

Zone E shall mean the communities of Cudahy, Oak Creek, South Milwaukee, and St. Francis.

### **Section 4. Funding**

- a. The Oak Creek Health Department will be the lead fiscal agency.
- b. This project will be funded utilizing a variety of grant funding, including CDC Epidemiology and Laboratory Capacity (ELC), PHEP and CRI funding. All expenses will be reimbursed on a monthly basis and will be split 24% Cudahy, 30% Oak Creek, 25% South Milwaukee, and 21% St. Francis based on the percentage of funding received by each health department.
- c. This agreement relates solely to the hiring and employment of the Preparedness Coordinator. Nothing in this agreement provides for any capital expense.

### **Section 5. Preparedness Coordinator.**

- a. The Preparedness Coordinator shall be employed by the City of Oak Creek. The hiring and, if necessary, the termination of the Preparedness Coordinator shall be pursuant to the processes then in place for City of Oak Creek employees.
- b. The job description for the Preparedness Coordinator shall be created and approved by all members of Zone E. Any amendments to the job description shall be approved by all members.
- c. All members of Zone E shall have input into the hiring of the Preparedness Coordinator. The members shall reach mutual agreement on the person to fill the Coordinator Position.
- d. Each member of Zone E shall be responsible for maintaining its own emergency preparedness lead staff person, as identified in Section 1.

### **Section 6. Default**

In the event of a default by any Zone E member, the members not in default shall determine the procedure to follow for addressing the default. The party in default shall have 30 days from a notice of default to correct the default or may be excluded from further participation in the benefits of this Zone E Memorandum of Understanding.

## **Section 7. Municipal Liability**

Nothing contained within this paragraph or MOU is intended to be a waiver or estoppel of the municipality or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained with Wisconsin Statutes 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin law.

## **Section 8. Insurance**

Each Participating Department shall maintain insurance coverage to protect against risks arising out of this Agreement, which shall include general liability coverage, automobile liability coverage, workers compensation coverage, and such additional coverage and amounts as further specified by the respective Health Officers. Such coverage shall be endorsed, if necessary, to cover claims arising out of contractual liabilities.

## **Section 9. No Third-Party Beneficiaries**

This Agreement is solely between the Participating Departments, each of whom acts individually in the performance of this Agreement. There are no third-party beneficiaries to this Agreement. No separate entities are hereby created.

## **Section 10. Severability**

The several sections of this MOU are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity or any other provisions, sections, or portions thereof of this MOU. The remainder of the MOU shall remain in full force and effect.

## **Section 11. Effective Date and Duration**

This MOU shall first take effect when it has been fully approved in writing by all municipalities indicated as members of Zone E and executed by such authorized officials. This MOU is at-will and may be modified by mutual consent of authorized officials from Cudahy, Oak Creek, and South Milwaukee/St. Francis. This MOU may be terminated by any one of the participating municipalities by giving no less than 90 days written notice to the other Zone E municipalities.

## **Section 12. Authority**

In approving this Memorandum of Understanding, the Zone E municipalities give authority to the Health Officer in each community to sign documents related to this MOU as indicating the Municipality's approval of actions related to this MOU.

**Contact Information**

Partner name: Cudahy Health Department  
Partner representative: Heather Puente  
Position: Health Officer  
Address: 5050 South Lake Drive, Cudahy, WI 53110  
Telephone: 414-769-2239  
E-mail: HeatherP@ci.cudahy.wi.us

Partner name: Oak Creek Health Department  
Partner representative: Darcy DuBois  
Position: Health Officer  
Address: 8040 South 6<sup>th</sup> Street, Oak Creek, WI 53154  
Telephone: 414-766-7950  
E-mail: ddubois@oakcreekwi.org

Partner name: South Milwaukee/St. Francis Health Department  
Partner representative: Jacqueline Ove  
Position: Public Health Administrator/ Health Officer  
Address: 2424 15<sup>th</sup> Avenue, South Milwaukee, WI 53172  
Telephone: 414-768-8057  
E-mail: ove@smwi.org

\_\_\_\_\_  
Date: \_\_\_\_\_  
Signature  
Cudahy

\_\_\_\_\_  
Date: \_\_\_\_\_  
Signature  
Cudahy Attest

\_\_\_\_\_  
Date: \_\_\_\_\_  
Signature  
Oak Creek

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Oak Creek Attest

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Date: \_\_\_\_\_  
Signature  
South Milwaukee/St. Francis

\_\_\_\_\_  
Date: \_\_\_\_\_  
Signature  
South Milwaukee/St. Francis Attest



## COMMON COUNCIL REPORT

**Item:** Healthcare Emergency Readiness Coalition (HERC) Region 7 Intergovernmental Mutual Aid Assistance Agreement

**Recommendation:** Staff recommend that the Common Council approves Resolution 12264-090721 authorizing participation in the Healthcare Emergency Readiness Coalition (HERC) Region 7 Intergovernmental Mutual Aid Assistance Agreement

**Fiscal Impact:** This agreement does not incur a primary fiscal impact. Expenses associated with the provision of services by the Oak Creek Health Department in other municipalities may occur, but the agreement includes the process for reimbursement of any such expenses.

- 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:** A mutual aid agreement for public health services was first signed in 2003 and later revised in 2013. This proposed agreement was updated in 2020.

The purpose of this agreement is to facilitate communication and provide for the sharing of resources and assurance of expedient emergency response in the event of a public health emergency. This agreement allows for a participating Health Departments to request assistance from other participating Health Departments in the event of a public health disaster or emergency. Participating Health Departments will not be obligated to render assistance. This agreement outlines the process for requesting assistance as well as the process of requesting reimbursement for any assistance rendered.

**Options/Alternatives:** The Council could decide not to approve Resolution 12264-090721, which would result in the Health Department not having the ability to request assistance from other local health departments in the case of a public health emergency.

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Darcy DuBois, MPH  
Health Officer



Fiscal Review:

*Maxwell Gagin*

Maxwell Gagin, MPA

Assistant City Administrator / Comptroller

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Attachments: HERC Region 7 Intergovernmental Mutual Aid Assistance Agreement

Resolution 12264-090721

RESOLUTION NO. 12264-090721

RESOLUTION APPROVING THE HEALTHCARE EMERGENCY READINESS  
COALITION (HERC), INC. REGION SEVEN INTERGOVERNMENTAL ASSISTANCE  
AGREEMENT

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Healthcare Emergency Readiness Coalition (HERC), Inc. Region Seven Intergovernmental Assistance Agreement (the "Agreement") be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute the Agreement in behalf of the City of Oak Creek.

BE IT FURTHER RESOLVED that, given the pending review by the other participating Health Departments, any nonsubstantive amendments or modifications as may be appropriate and necessary in order to maintain the general intent and that are approved by the City Health Officer and City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7<sup>th</sup> day of September, 2021.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

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

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

HEALTHCARE EMERGENCY READINESS COALITION (HERC), INC.  
REGION SEVEN  
INTERGOVERNMENTAL MUTUAL ASSISTANCE AGREEMENT

This Agreement is entered into by and among the Participating Health Departments of the HERC Region Seven, as herein defined.

RECITALS

A. The health departments within the HERC Region Seven include: Central Racine County Health Department, City of Milwaukee Health Department, City of Racine Health Department, Cudahy Health Department, Fond du Lac Health Department, Franklin Health Department, Greendale Health Department, Greenfield Health Department, Hales Corners Health Department, Kenosha County Health Department, North Shore Health Department, Oak Creek Health Department, Sheboygan County Human Services Division of Public Health, South Milwaukee/St. Francis Health Department, Walworth County Department of Health and Human Services, Washington/Ozaukee Health Department, Waukesha County Department of Health and Human Services, Wauwatosa Health Department, West Allis Health Department.

B. These communities are susceptible to public health emergencies, disasters and other mass casualty-producing events, both natural and human in origin and events of public health need that could exceed response capabilities of any individual local health department. These emergencies may disrupt continuity of operations for routine public health services and Department of Agriculture, Trade, and Consumer Protection (DATCP) food retail and recreational licensing program services.

C. Chapters 66 and 251 of the Wisconsin Statutes provide the authority for local public health departments in Wisconsin to enter into agreements and coalesce with each other for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law.

D. The Participating Health Departments (defined in section 1(i) below) have determined that it is in the best interests of the people to enter into an agreement to facilitate communication and provide for the sharing of resources and the assurance of the speediest possible emergency response in the event of the occurrence of a disaster, emergency, or public health need.

E. It is expressly acknowledged that the rendering of Assistance is at all times the sole decision of the Provider. The parties to this Agreement do not intend to create an obligation for a Participating Health Department to render Assistance.

AGREEMENTS

The Participating Health Departments agree as follows:

1. Definitions.

(a) "Agreement" means the Healthcare Emergency Readiness Coalition (HERC), Inc. Region Seven Intergovernmental Mutual Assistance Agreement.

(b) "Assistance" means the personnel, equipment, facilities, services, supplies and other necessary resources provided under this Agreement.

(c) "Authorized Representative" means the Local Health Officer/Commissioner, other designee, or other party named by the governing body, of a Participating Health Department who is authorized in writing to request, offer, or provide assistance under the terms of this Agreement and in conjunction with Incident Command during an event.

(d) "Coalition" means the Healthcare Emergency Readiness Coalition (HERC) Inc. Region 7.

(e) "Disaster" means any natural, manmade, or civil emergency that results in or causes harm or damage of sufficient severity and magnitude as to result in a municipal or county declaration of disaster or a declaration of a state of emergency or a declaration of a disaster area by the Governor of Wisconsin or the President of the United States.

(f) "Emergency" means any occurrence, or threat thereof, whether natural, or caused by man, in war or in peace, which results or may result in substantial injury or harm to the population, substantial damage to or loss of property, or substantial harm to the environment.

(g) "Incident Command" means a functional management system established to control, direct, and manage the roles, responsibilities, and operations of all of the agencies involved in a multi-jurisdictional or multi-agency emergency response as defined in Wis. Adm. Code, Ch. Comm. 30.01 (16).

(h) "Local Health Officer" has the meaning as used in Section 250.01(5) of the Wisconsin Statutes.

(i) "Participating Health Department" means the health departments located in HERC Region Seven who have entered into this Agreement, as evidenced by signing, a counterpart to this Agreement in substantially the form attached hereto as Exhibit A.

(j) "Period of Assistance" means the time during which any Provider renders Assistance to any Recipient in an Emergency, Disaster, or Public Health Need. The Period of Assistance shall include travel time only with respect to employees of the Provider.

(k) "Provider(s)" means the Participating Health Department(s) furnishing Assistance to a Recipient.

(l) "Recipient" means the Participating Health Department receiving Assistance from a Provider.

(m) “Public Health Need” means an increase in service and resource demands, which threaten to exceed a Participating Health Department’s capacity for a limited period of time.

2. Activating Assistance During a Disaster, Emergency, or Public Health Need

A Participating Health Department may request Assistance under this Agreement only in the event of a Disaster, Emergency, or Public Health Need. Only an Authorized Representative shall have the authority to initiate, receive, or respond to a request for Assistance under this Agreement. Each Participating Health Department shall designate its Authorized Representatives by completing the form attached hereto as Exhibit B.

3. Initiating and Responding to a Request for Assistance.

(a) A Recipient may initiate a request for Assistance by contacting other Participating Health Departments directly. If Incident Command/Emergency Operations Center has been established, a Recipient should notify Incident Command/Emergency Operations Center of the request as soon as possible. A Recipient may also request assistance through Incident Command/Emergency Operations Center.

(i) The Recipient shall identify the event giving rise to the request for Assistance, specify the amount and type of Assistance being requested, the location to which the resources are to be dispatched, and the specific time by which such resources are to be furnished by each Provider.

(ii) The Provider(s) shall take such action as is necessary to provide and make available the Assistance requested subject to Section 8, below, provided, however, that the Provider(s), in its sole discretion, shall determine what Assistance is available to furnish to the Recipient and the nature and extent of the Assistance to be furnished.

(iii) The Provider(s) shall report to the officer in charge of the Recipient’s teams at the location to which the Assistance is dispatched.

(iv) Nothing shall prohibit or limit the amount of Assistance or assistance from more than one Provider if a situation warrants such.

(b) A Participating Health Department may initially request Assistance either verbally or in writing on the form attached hereto entitled “Mutual Assistance Form.” If verbal, the Recipient and Provider shall complete the Mutual Assistance Form as soon as possible following the initial verbal request.

4. Personnel.

(a) Recipient shall be responsible for the actual and necessary costs incurred by the Provider(s) in rendering assistance if the Provider(s) requests payment of those costs. Said costs include, but are not limited to, salary, overtime, worker’s compensation, equipment or resources actually provided.

(b) The personnel, equipment, and resources of any Provider(s) shall fall under operational control of the Recipient once Assistance is rendered. Employees of a

Provider shall be considered agents of Recipient during the Period of Assistance. The Recipient may instruct the Provider(s) as to the functions of the personnel, equipment, and resources of the Provider(s) needed. The agency relationship shall exist until such time as Assistance is withdrawn or terminated by Provider or Recipient.

In the event of injury or death to Provider's personnel while rendering Assistance, Provider(s) shall be responsible for the payment of any compensation or death benefits to Provider(s) personnel while acting under the terms of this Agreement. Recipient shall reimburse Provider(s) for those expenses upon request, if the injury or death is caused by the Recipient's acts, errors, or omissions.

5. Equipment and Supplies. The Provider(s) rendering Assistance to a Recipient pursuant to this Agreement shall be reimbursed by the Recipient for any reasonable loss or damage or expense incurred in the operation of any equipment and the provision of any service agreed to by both Provider and Recipient in answering a request for assistance and the costs incurred in connection with such requests, provided that any Provider may:

(a) Assume in its sole discretion and in whole or part such loss, damage, or other cost;

(b) Loan equipment or donated services to the Recipient without charge or cost; and

(c) Agree to any allocation of expenses between the Provider(s) and Recipient.

Any two or more Participating Health Departments may enter into supplemental agreements establishing a different allocation of costs within the scope of this Section among Participating Health Departments.

6. Facilities. A Recipient may request the use of a Provider's facilities in responding to a Disaster, Emergency, or Public Health Need. Unless otherwise specifically agreed upon by Recipient and the Provider(s), a Recipient is not required to reimburse the Provider(s) for use of its facilities. Excluding normal wear and tear, a Recipient shall reimburse a Provider(s) for any loss or damage caused by the Recipient while using the Provider's facilities.

7. Reimbursement. In a Disaster, Emergency, or Public Health Need that results in state or federal reimbursement to Recipients, the Provider(s) may prepare an itemized statement of employee costs, equipment loss or damage, expended non-reusable supplies, and any other allowable costs incurred in rendering Assistance for reimbursement from state and federal assistance. Recipient shall seek state or federal reimbursement for any itemized costs provided by Provider(s), except that Provider may seek such reimbursements upon communicating that desire to Recipient and if permissible under the relevant grant(s). If reimbursement is given to the Recipient, it must first compensate the Provider(s) to the extent of the actual reasonable cost of Assistance provided or requested, and if permissible under the relevant grant. Such compensation shall be paid by the Recipient to the Provider(s) before the Recipient shall be entitled to retain any amount of the reimbursement. All parties shall cooperate as necessary in seeking reimbursement. Nothing in this Section shall prohibit an alternate distribution of reimbursement funds provided all parties entitled to compensation agree in writing.

8. Provider Discretion. In the event of a Disaster, Emergency, or Public Health Need, nothing in this Agreement shall be construed to require a Participating Health Department to render Assistance. A Participating Health Department shall at all times retain the sole authority to deny a request for Assistance. At all times, a Participating Health Department shall be entitled to use their sole discretion regarding the personnel, supplies, equipment and/or facilities that they can or will provide.

9. Duration and Recall. The Recipient may receive Assistance for as long as it deems necessary and reasonably appropriate to respond to the Disaster, Emergency, or Public Health Need subject to the Provider(s) continued willingness to provide such Assistance. A Provider may recall Assistance from a Recipient at the Provider's sole discretion at any time. A Provider(s) shall make a good faith effort to provide at least twenty-four (24) hours advance notice to the Recipient of the intent to terminate Assistance. If such notice is not practicable, the Provider (s) shall send as much prior notice as is reasonable under the circumstances. Upon Provider's refusal, withdrawal, or reduction in Assistance, Recipient shall have no cause of action in law or equity for Provider's discretionary act.

10. Insurance. Each Participating Health Department shall determine for itself what insurance to procure, if any. Nothing in this Agreement shall be construed to require any Participating Health Department to procure insurance. Notwithstanding a Recipient's level of insurance coverage, Recipient shall be responsible in full for any costs allowable under this Agreement to Provider.

11. List of Participating Health Departments. The Coalition shall maintain a current listing of Participating Health Departments with their Authorized Representatives and contact information, and provide this listing to each of the Participating Health Departments.

12. Independent Relationship. None of the provisions of this Agreement are intended to create nor shall be deemed or construed to create a partnership, joint venture or any relationship between the Participating Health Departments, other than that of independent entities contracting with each other hereunder solely for the purpose of effectuating the provisions of this Agreement. This Agreement is not intended to establish a "City-county health department," as that term is defined in Chapter 251 of the Wisconsin Statutes.

13. Liability. Any and all liabilities, claims, violations, fines, penalties, forfeitures and suits, and all reasonable costs and expenses related thereto, including the cost of defense, settlement and reasonable attorney fees (collectively "Liabilities"), which in any manner result from or arise out of the sole act(s) or omission(s) of Participating Health Department(s), its officers, employees or authorized users of these Participating Health Department(s), whether by negligence or otherwise, shall be the sole responsibility of the Participating Health Department(s) causing those Liabilities.

If Assistance is rendered pursuant to this Agreement, the Recipient shall indemnify, hold harmless, and defend the Provider, its officers and employees from any and all liability including claims, demands, damages, actions or causes of action; together with any and all losses, costs, or expense, including attorney fees, where such liability is

founded upon or grows out of the acts, errors, or omissions of the Recipient, its employees, agents (excluding those employees of Provider(s) who are deemed to be agents under this Agreement pursuant to section 4(b)) or subcontractors.

It is agreed that nothing in this Agreement is intended to inure to the benefit of any third party. The parties are governmental entities entitled to governmental immunity under the common law and under sec. 893.80, stats, and the Participating Health Department(s) agree that nothing contained herein shall waive the rights and defenses to which each Participating Health Department(s) may otherwise be entitled, including all of the immunities, limitations and defenses under sec. 893.80, stats.

14. Miscellaneous Provisions.

(a) Term and Termination. This Agreement shall commence for each Participating Health Department upon its execution of this Agreement and shall continue until such Participating Health Department terminates its participation in this Agreement. Any Participating Health Department may terminate its participation in this Agreement at any time by providing written notice to the Consortium and to all other Participating Health Departments at least thirty (30) days prior to the effective date of such termination.

(b) Governing Law. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Wisconsin regardless of any conflict of law principles to the contrary. For purposes of any legal or administrative action involving a receiving county, venue for such action shall be in either the Circuit Court of the receiving county, or the Eastern District of Wisconsin.

(c) Severability. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law; provided, however, that if any provision of this Agreement shall be held to be prohibited or invalid under such applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement.

(d) Effect on Other Agreements. Participating Health Departments may enter into or maintain agreements with other Participating Health Departments or other entities regarding any matter covered by this Agreement ("Supplementary Agreements"). The Supplementary Agreements shall not bind any party to this Agreement who is not a party to the Supplementary Agreement. In the event of a conflict between the provisions of this Agreement and those of any Supplementary Agreements, the provisions of the Supplementary Agreements will govern as between the parties to the specific Supplementary Agreement.

(e) Amendments. Amendments or modifications to this Agreement shall be made in writing and executed by all Participating Health Department(s).

(f) Effective Date. This Agreement becomes effective on the date in which any two member health departments of the Coalition have signed this Agreement and have thus agreed to be bound by its provisions.



(g) Breach not Waiver. A failure to exercise any right, or a delay in exercising any right, power or remedy hereunder on the part of either party shall not operate as a waiver thereof. Any express waiver shall be in writing and shall not affect any event or default other than the event or default specified in such waiver. A waiver of any covenant, term or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition.

(h) Audit. This paragraph applies only in the event that funds are exchanged with the City of Milwaukee pursuant to this Agreement (whether provided to the City of Milwaukee, or provided by the City of Milwaukee to another signatory). At any time during normal business hours and as often as the City of Milwaukee, or if federal or state grants or assistances are involved, as the appropriate federal or state agency may deem necessary, there shall be made available to the City of Milwaukee or such agency for examination all of its records with respect to all matters covered by this Agreement and the party receiving or providing funds shall permit the City of Milwaukee or such agency to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment, and other data relating to all matters covered by this Agreement.

EXHIBIT A

HEALTHCARE EMERGENCY READINESS COALITION (HERC), INC.  
REGION SEVEN  
INTERGOVERNMENTAL MUTUAL ASSISTANCE AGREEMENT

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement as of  
this \_\_\_\_ day of \_\_\_\_\_, 2021.

CENTRAL RACINE COUNTY HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

CITY OF MILWAUKEE HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

Countersigned:

\_\_\_\_\_  
Comptroller Aycha Sawa Date

CITY OF RACINE HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

CITY OF CUDAHY HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

FOND DU LAC HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

CITY OF FRANKLIN HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

VILLAGE OF GREENDALE HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

CITY OF GREENFIELD HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

VILLAGE OF HALES CORNERS HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

KENOSHA COUNTY HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

NORTH SHORE HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

CITY OF OAK CREEK HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

SHEBOYGAN COUNTY HEALTH AND HUMAN SERVICES DIVISION OF  
PUBLIC HEALTH

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

SOUTH MILWAUKEE/ ST. FRANCIS HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

WALWORTH COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

WASHINGTON/OZAUKEE HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

WAUKESHA COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

CITY OF WAUWATOSA HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

WEST ALLIS HEALTH DEPARTMENT

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

EXHIBIT B

HEALTHCARE EMERGENCY READINESS COALITION (HERC), INC.  
REGION SEVEN  
INTERGOVERNMENTAL MUTUAL ASSISTANCE AGREEMENT

AUTHORIZED REPRESENTATIVE DESIGNATION WORKSHEET

Date: \_\_\_\_\_

Name of Participating Health Department:  
\_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Authorized Representatives to request, offer, or provide assistance:

**Health Officer/Commissioner, or other designee, or other party named by the governing body**

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Day Phone: \_\_\_\_\_ Night Phone: \_\_\_\_\_  
Pager: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**First Alternate Designee**

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Day Phone: \_\_\_\_\_ Night Phone: \_\_\_\_\_  
Pager: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Second Alternate Designee**

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Day Phone: \_\_\_\_\_ Night Phone: \_\_\_\_\_  
Pager: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

## COMMON COUNCIL REPORT

- Item:** Ordinance No. 3017, An Ordinance to Repeal and Recreate Section 2.68 of the Municipal Code Regarding Parks and Recreation.
- Recommendation:** That the Common Council adopt Ordinance No. 3017, repealing and recreating Section 2.68 of the Municipal Code regarding Parks and Recreation.
- 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

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**Background:** The City's 2020-2022 SAP document contains the following goal and objective under the "Inspired, Aligned, and Proactive City Leadership" critical success factor:

- >Evaluate, Right-size, and Better Align the City Organization
- >Finalize succession plan for the Recreation Department; explore joint community recreation program with OCFJSD.

At its May 4, 2021 meeting, the Common Council approved an Intergovernmental Cooperation Agreement (ICA) with the School District, establishing the joint Community Education and Recreation Program (OCR). The program officially went live on September 1, 2021.

The ICA outlines, among other items, that a shared committee with representation from the City and District would be established to guide OCR into the future. The parties agreed that, with simple modification, the City's existing Parks and Recreation Commission could serve as that advisory body.

The attached Ordinance No. 3017 outlines the new representation and appointment process in light of the Commission serving OCR. The "powers and duties" section was also updated to reflect current Commission scope and practices.

**Options/Alternatives:** The City would not be honoring the ICA should this Ordinance not move forward.

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Prepared and Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Approved:



Melissa Karls  
City Attorney

Fiscal Review:

Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

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Attachments: Ordinance No. 3017

ORDINANCE NO. 3017

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

AN ORDINANCE TO REPEAL AND RECREATE SECTION 2.68  
OF THE MUNICIPAL CODE REGARDING PARKS AND RECREATION

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

SECTION 1: Section 2.68 of the Municipal Code is hereby repealed and recreated to read as follows:

**SEC. 2.68 PARKS AND RECREATION COMMISSION.**

- (a) **Composition.** The Oak Creek Parks and Recreation Commission shall consist of eight (8) members: six (6) citizen members, one (1) member of the Board of Education of the Oak Creek-Franklin Joint School District, and one (1) Alderperson. The citizen members shall be appointed by the Mayor with the approval of the Common Council and shall serve as members of the Commission for three (3) years and until their successors are appointed. Terms shall be staggered so that no more than two (2) citizen members are appointed annually. The Alderperson member of the Commission shall be appointed by the Common Council President and shall serve for one (1) year. The Board of Education member may be appointed by the Board of Education, but with the consent of the Mayor, and shall serve for a one-year term. All appointments, except vacancies, shall be made on the third Tuesday in April in each year. Members appointed as vacancies occur shall serve only for the unexpired term of the vacated members. Vacancies shall be filled in the same manner as appointments. Members of the Commission shall receive no compensation for their services.
- (b) **Powers and Duties.** The Parks and Recreation Commission shall:
- (1) Advise the responsible management staff in the execution of their parks improvement, maintenance, and joint community recreation platform responsibilities.
  - (2) Suggest administrative regulations for the operation of park and recreation facilities and programs.
  - (3) Plan a program of capital improvements, and review and recommend parks-related capital expenditures in each annual budget cycle.
  - (4) Make whatever recommendations they may see fit to the Mayor and Council towards the improvement of the operation of park and recreational activities and facilities.
  - (5) Coordinate the various social segments of the community into a unified pattern of activity.



- (6) Recommend policies for its own guidance and for the administration of joint community recreation platform activities.
- (7) Advise the Common Council on other matters relating to parks and recreation.
- (8) Assist the responsible management staff in keeping the general public informed, and for soliciting public input, as to the development of park improvement and joint community recreation platform activities.
- (9) The Commission shall perform such other duties and assume such other responsibilities as may be assigned to it by the Common Council.

(c) **Meetings.** The Parks and Recreation Commission shall meet annually in June of each year and shall further meet monthly at such times and places as they shall determine. At the annual meeting, a Chairperson and Secretary shall be elected. In the absence of the Chairperson, the members of the Commission shall elect one of its members to preside and exercise the functions of the Chairperson.

SECTION 2: Severability. If any section, clause, provision or any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

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

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

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

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



## COMMON COUNCIL REPORT

Informational: Treasurer Report on Investment and Banking for the City of Oak Creek accounts, month ending July 31, 2021.

Fiscal Impact: Presenting the monthly condition of the City treasury at an open meeting of the Common Council will provide additional financial data to decision makers while enhancing transparency to the public.

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

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

Beginning Balance	Ending Balance	Interest Earned	Increase/(Decrease)
\$51,582,204	\$73,104,280	\$25,884	\$21,522,076

Monthly Activity: Tax Collection \$323,334; GTA \$631,421; Fire Dues \$162,688; Shared Revenue \$1,165,486; School Tax Credit \$5,355,669; First Dollar Credit \$611,708; Exempt Computer Aid \$184,149; Video Service Provider Aid \$87,070; Lakeshore Commons Bond \$16,543,487 & Escrow Pymnt (\$450,000)

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Barbara Guckenberger, CMTW  
City Treasurer

Fiscal Review:

Maxwell Gaggin, MPA  
Assistant City Administrator / Comptroller

Attachments: Treasurer Report on Investment and Banking

**City of Oak Creek  
Treasurer Report on Investment and Banking**

Name of Account	Beginning Balance	Additions	Subtractions	Account Ending Balance	Actual Interest Earned	Interest Rate	Percentage of Total Invested
<b>Tri City National Bank</b>	<b>26,148,600.14</b>	<b>20,986,537.10</b>	<b>(22,075,057.16)</b>	<b>25,060,080.08</b>	<b>604.56</b>	<b>0.08%</b>	<b>34.28%</b>
General Fund	16,051,453.88	20,134,530.88	(21,474,103.39)	14,711,881.37			
Title 125	25,780.19	38,540.55	(23,758.44)	40,562.30			
Police Credit Card	65,409.93	29,960.25	(32,239.50)	63,130.68			
Parks & Rec Counter Credit Card	20,881.19	8,236.76	(11,749.61)	17,368.34			
Tax Payment Account #2	9,592,926.43	323,333.69	-	9,916,260.12			
Parks & Rec Online Credit Card	16,884.79	190.00	(10,779.72)	6,295.07			
Health Insurance	113,446.64	351,113.68	(406,077.47)	58,482.85			
Tax Payment Account	59,232.36	-	-	59,232.36			
EMS	202,584.73	100,631.29	(116,349.03)	186,866.99			
0	-	-	-	-			
<b>DANA Investment Advisors</b>	<b>5,844,800.61</b>	<b>7,559.16</b>	<b>(5,446.60)</b>	<b>5,846,913.17</b>	<b>6,098.85</b>	<b>0.70%</b>	<b>8.00%</b>
<b>BMO Global Asset Management</b>	<b>4,779,137.84</b>	<b>13,696.39</b>	<b>(4,825.18)</b>	<b>4,788,009.05</b>	<b>9,915.98</b>	<b>1.85%</b>	<b>6.55%</b>
<b>American Deposit Management (ADM)</b>	<b>490,000.00</b>	<b>-</b>	<b>-</b>	<b>490,000.00</b>	<b>-</b>	<b>-</b>	<b>0.67%</b>
*ADM General Account Balance	490,000.00	-	-	490,000.00	-	-	-
<b>Local Government Investment Pool (LGIP)</b>	<b>10,376,925.51</b>	<b>24,742,198.74</b>	<b>(2,150,000.00)</b>	<b>32,969,124.25</b>	<b>522.62</b>	<b>0.05%</b>	<b>45.10%</b>
*LGIP General Account Balance	2,083,506.63	8,198,308.85	(2,150,000.00)	8,131,815.48	119.37	-	-
<b>**Ehlers Investment</b>	<b>3,942,739.63</b>	<b>11,885.44</b>	<b>(4,471.70)</b>	<b>3,950,153.37</b>	<b>8,741.91</b>	<b>1.3140%</b>	<b>5.40%</b>
*General Account Balance	3,942,739.63	11,885.44	(5,109.67)	3,949,515.40	-	-	-
<b>Total Balance</b>	<b>51,582,203.73</b>	<b>45,761,876.83</b>	<b>(24,239,800.64)</b>	<b>73,104,279.92</b>	<b>25,883.92</b>		

\*\*Ehlers balance is first shown gross of fees to balance to their monthly report; below that is shown net of fees for comparison purposes. Also, due to multiple CD's in the account, interest/dividends may not be earned monthly;

\*General Account Balance shown separately and is also part of the total account listed above; although it is used for cash flow purposes, a portion may be allocated for specific uses

and may not be available for general purpose spending

Excludes Police Forfeiture Account;

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

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

**Tax Collection Deposits**

Tax Payment Account #2		
City Deposit (Counter, Drop Box, Mail)	243,225.06	
Gov Tech	-	
Credit Card	80,108.63	
<b>Total Tax Payment Account #2</b>	<b>323,333.69</b>	
Tax Payment Account		
Tri City Payments (At Bank, Lockbox)	-	
<b>Total Tax Collection Deposits</b>	<b>323,333.69</b>	

**Distribution to other Taxing Jurisdictions**

*(Tax Settlement occurs in August)*

STATE	
COUNTY	
MMSD	
SCHOOL	
MATC	
UTILITY	
TOTAL DIST	\$ -
TAX REFUNDS	
CITY	

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

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



## COMMON COUNCIL REPORT

**Item:** Minor Land Division (Certified Survey Map) - 7020 & 7070 S. 27<sup>th</sup> St. - Timothy Grayman, All Star Buick GMC

**Recommendation:** That the Council adopts Resolution No. 12263-090721, a resolution approving a Certified Survey Map submitted by Timothy Grayman, All Star Buick GMC, for the properties at 7020 & 7070 S. 27<sup>th</sup> St.

**Fiscal Impact:** The proposal is to combine the the properties with the existing All Star Buick GMC dealership related to the vehicle display area and parking lot expansion for the facility. If approved, development of the combined properties would yield positive fiscal impact in terms of assessed value and review and permit fees. This property is not currently part of a TID.

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

**Background:** The Applicant is requesting approval of a Minor Land Division (Certified Survey Map) combining the properties at 7020 & 7070 S. 27<sup>th</sup> St. The properties must be combined and the corner lot incorporated into the existing Conditional Use Permit prior to final approval for any development of the corner lot, which was reviewed and conditionally approved by the Plan Commission for a vehicle display area and parking lot expansion. The application for the Conditional Use Permit Amendment is forthcoming as of writing this report, and the requirement is included as a condition of approval.

Following consolidation, the parcel will be 8.277 acres in size and meet all dimensional requirements for the B-4, Highway Business District. Wetlands; easements; the future public street from the Official Map; the existing dealership building, accesses, parking areas, and stormwater ponds have been identified on the map. Initial comments from WisDOT have been provided and must be addressed prior to recording.

The Plan Commission reviewed this request during their August 24, 2021 meeting, and recommended approval subject to the following conditions:

1. That comments from the Wisconsin Department of Transportation are incorporated into the map prior to recording.
2. That the Certified Survey Map is recorded prior to the submission of permit applications.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



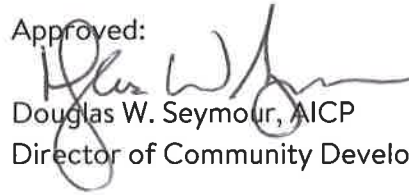
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Maxwell Gaggin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Res. 12263-090721

Location Map

Proposed CSM (9 pages)

WisDOT Initial Comments (3 pages)

Proposed Vehicle Display Area (3 pages)

RESOLUTION NO. 12263-090721

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

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
TIMOTHY GRAYMAN, ALL STAR BUICK GMC

7020 & 7070 S. 27<sup>th</sup> St.  
(2<sup>nd</sup> Aldermanic District)

WHEREAS, TIMOTHY GRAYMAN, ALL STAR BUICK GMC, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

WHEREAS, the subdivider has complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

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

1. That comments from the Wisconsin Department of Transportation are incorporated into the map prior to recording.
2. That the Certified Survey Map is recorded prior to the submission of permit applications.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

1. That comments from the Wisconsin Department of Transportation are incorporated into the map prior to recording.
2. That the Certified Survey Map is recorded prior to the submission of permit applications.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7<sup>th</sup> day of September, 2021.

Passed and adopted this 7<sup>th</sup> day of September, 2021.

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

Approved this 7<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
Mayor

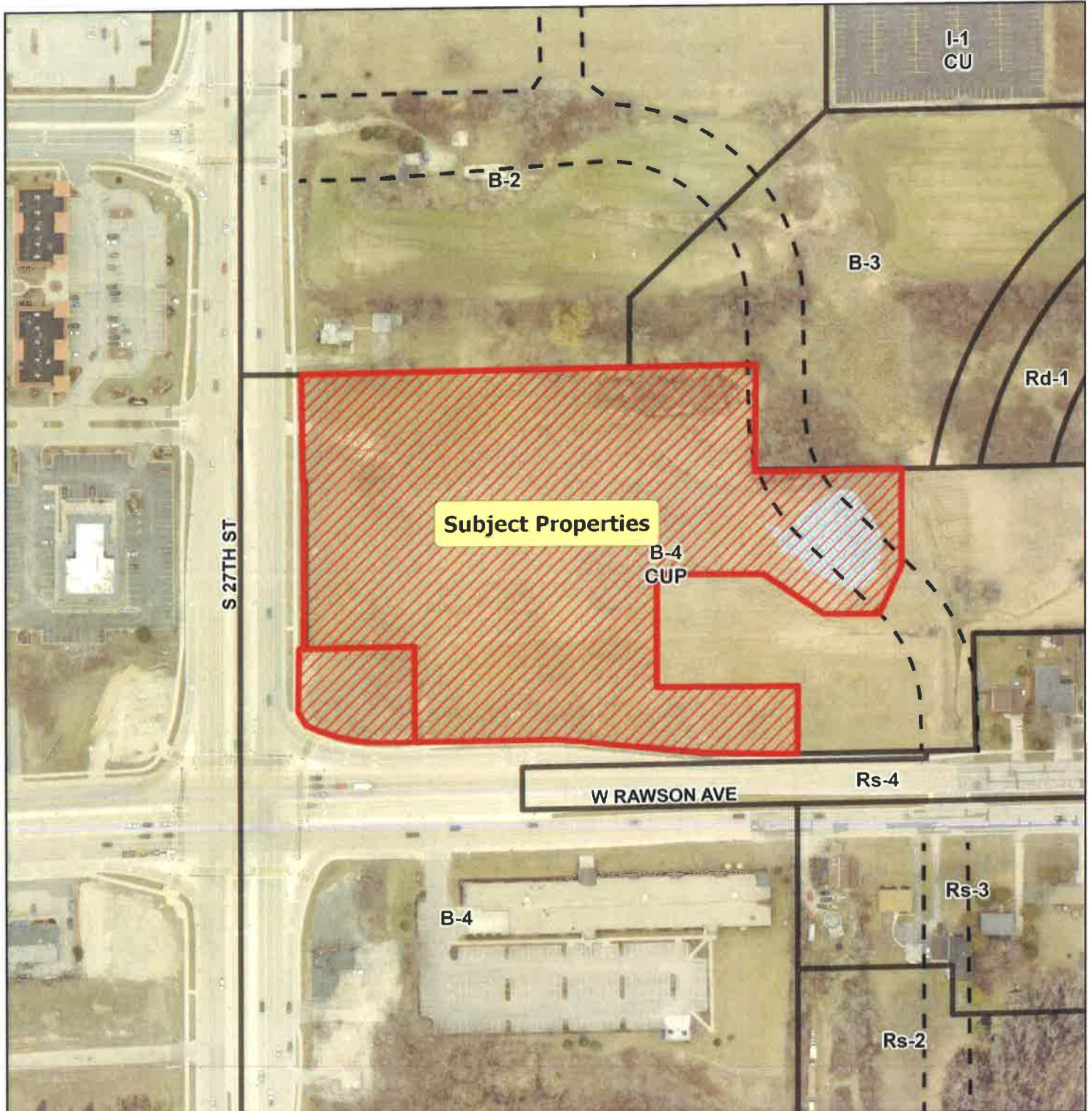
ATTEST:

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

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

# LOCATION MAP

## 7020 & 7070 S. 27th St.



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



Community Development



-  Zoning
-  Official Map
-  Floodway

### Legend

-  Flood Fringe
-  7020 & 7070 S. 27th St.

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

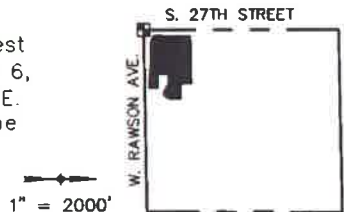
Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin.

## GRÄEF

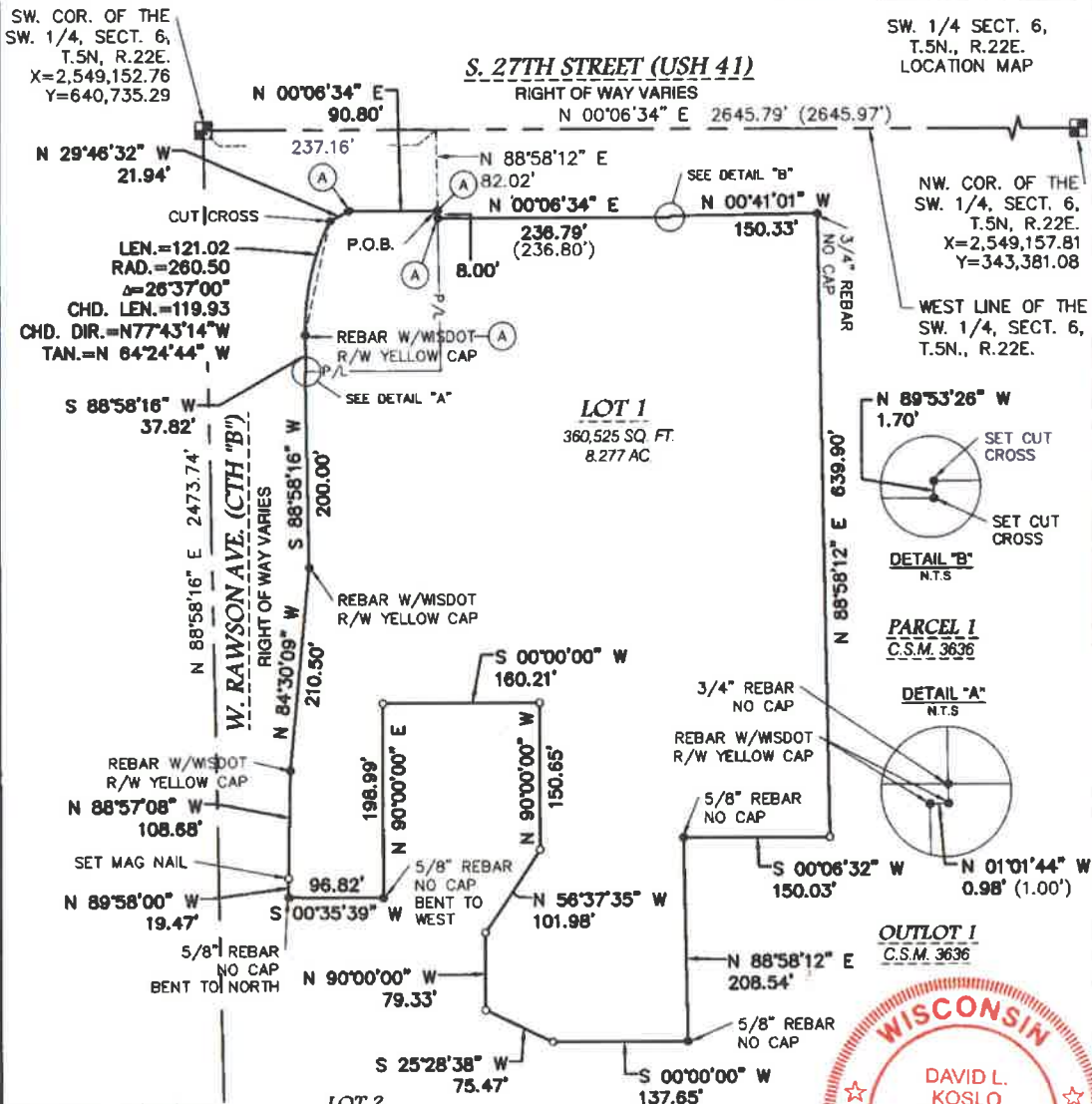
275 West Wisconsin Avenue, Suite 300  
 Milwaukee, WI 53203  
 414 / 259 1500  
 414 / 259 0037 fax  
 www.graef-usa.com

### REFERENCE BEARING

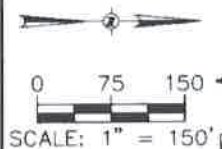
All bearings are referenced to the West line of the Southwest 1/4 of Section 6, T.5N., R.22E. which bears N.00°06'34"E. and is referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone.



SW. 1/4 SECT. 6,  
 T.5N., R.22E.  
 LOCATION MAP



MAP DATE: 7/30/2021



**SE. COR. OF THE SW. 1/4, SECT. 6, T.5N., R.22E.**  
 X=2,551,626.21  
 Y=340,779.71

### LEGEND

- FOUND (SIZE & TYPE NOTED)
- 3/4"x24" REBAR SET, MINIMUM WEIGHT 1.13 LBS/FT.
- FOUND CONC. MONUMENT W/BRASS CAP
- ( ) RECORDED AS



**OWNER**  
 BOYLAND PROPERTIES  
 OF OAK CREEK, LLC



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

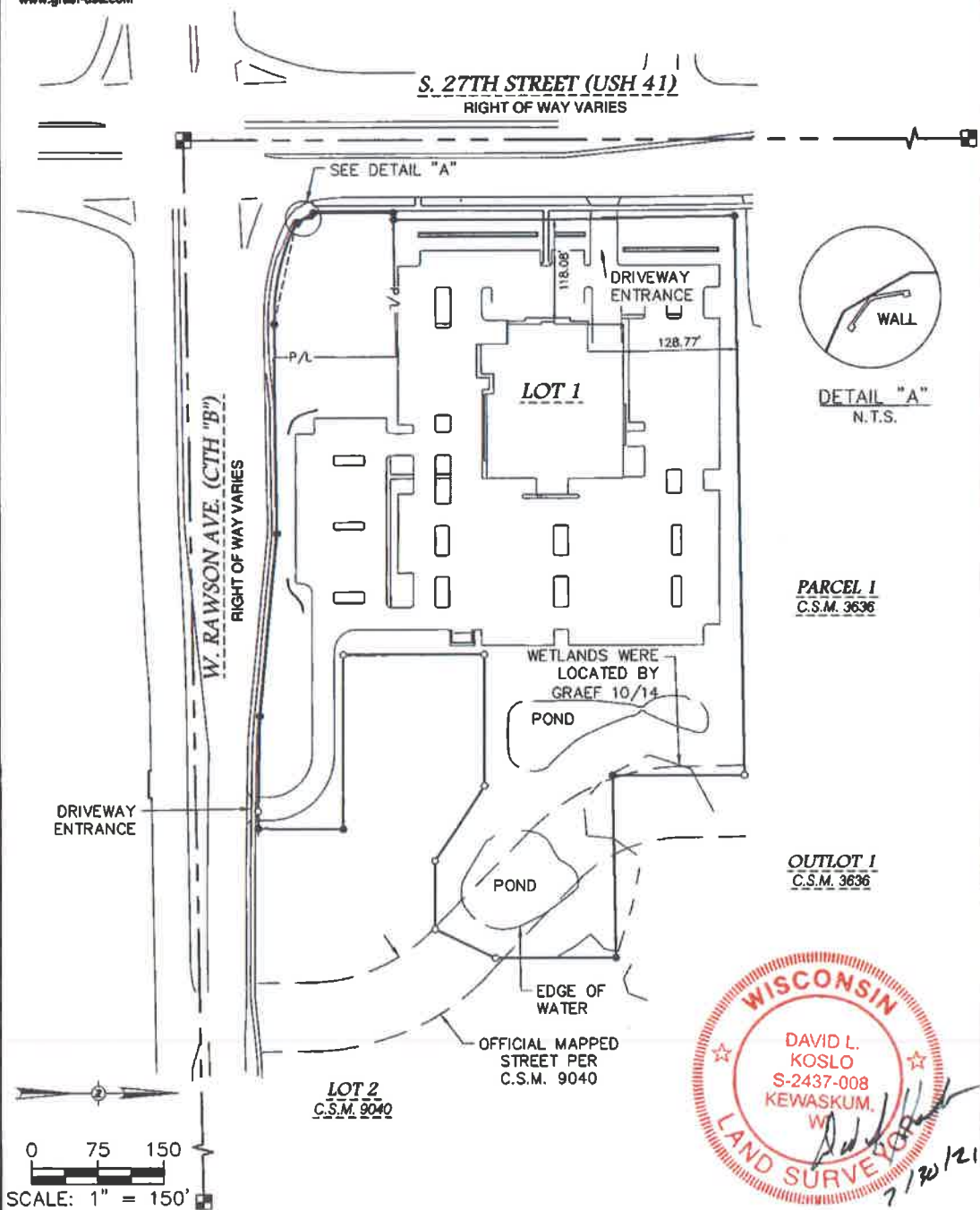
Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, are in the City of Oak Creek, Milwaukee County, Wisconsin.

## GRAEF

275 West Wisconsin Avenue, Suite 300  
Milwaukee, WI 53203  
414 / 259 1500  
414 / 259 0037 fax  
www.graef-usa.com

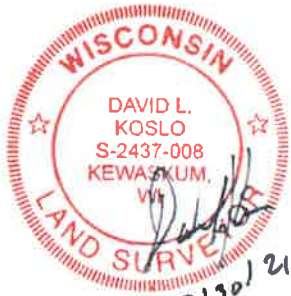
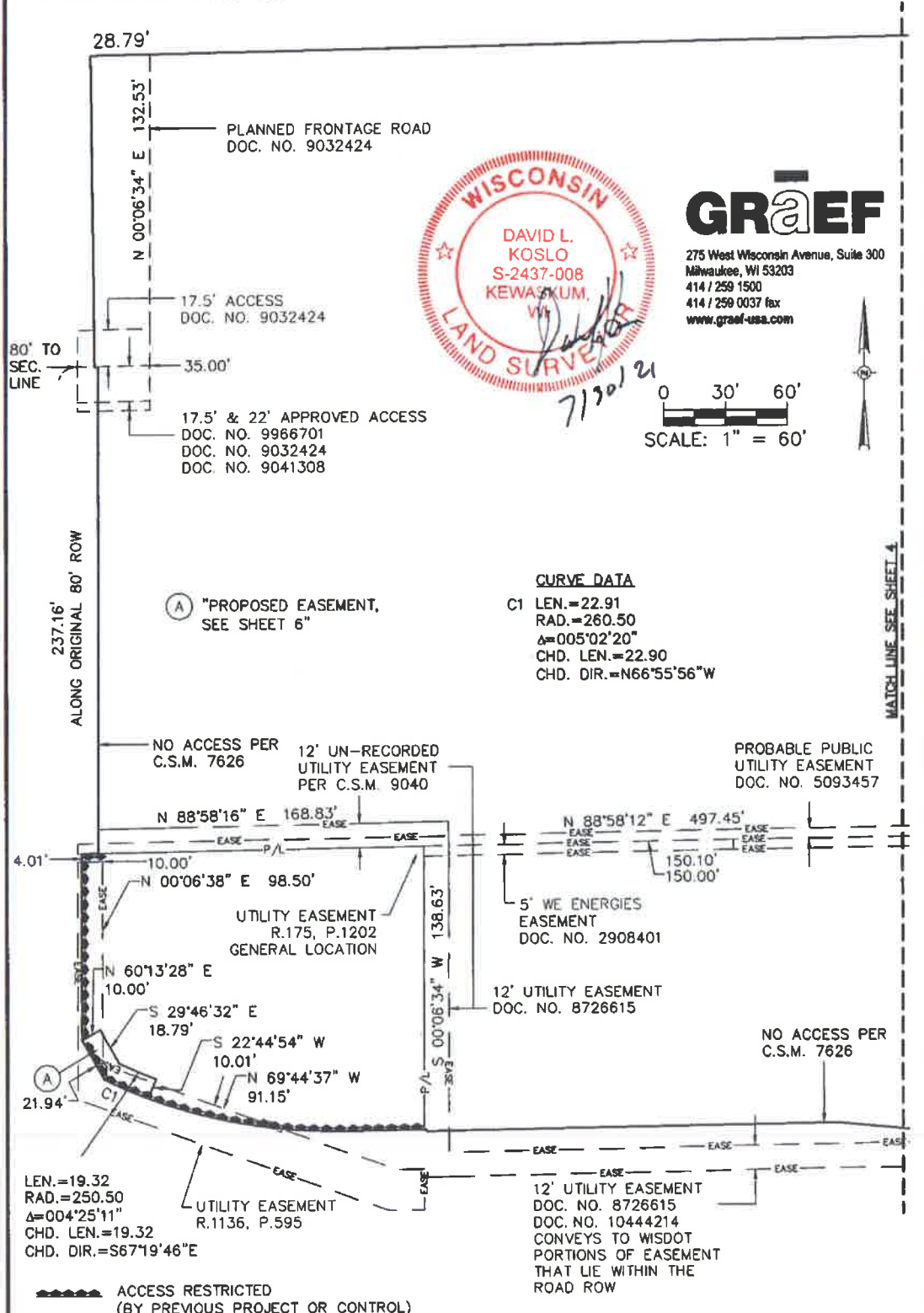
### REFERENCE BEARING

All bearings are referenced to the West line of the Southwest 1/4 of Section 6, T.5N., R.22E. which bears N.00°06'34"E. and is referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone.



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin.



**GRÄEF**  
 275 West Wisconsin Avenue, Suite 300  
 Milwaukee, WI 53203  
 414 / 259 1500  
 414 / 259 0037 fax  
 www.graef-usa.com

0 30' 60'  
 SCALE: 1" = 60'

**CURVE DATA**

C1 LEN.=22.91  
 RAD.=260.50  
 Δ=005°02'20"  
 CHD. LEN.=22.90  
 CHD. DIR.=N66°55'56"W

LEN.=19.32  
 RAD.=250.50  
 Δ=004°25'11"  
 CHD. LEN.=19.32  
 CHD. DIR.=S67°19'46"E

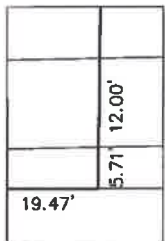
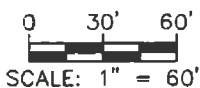
ACCESS RESTRICTED  
 (BY PREVIOUS PROJECT OR CONTROL)

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

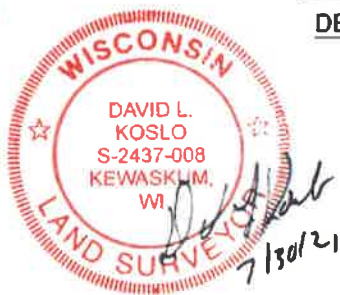
Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin.

## GRÄEF

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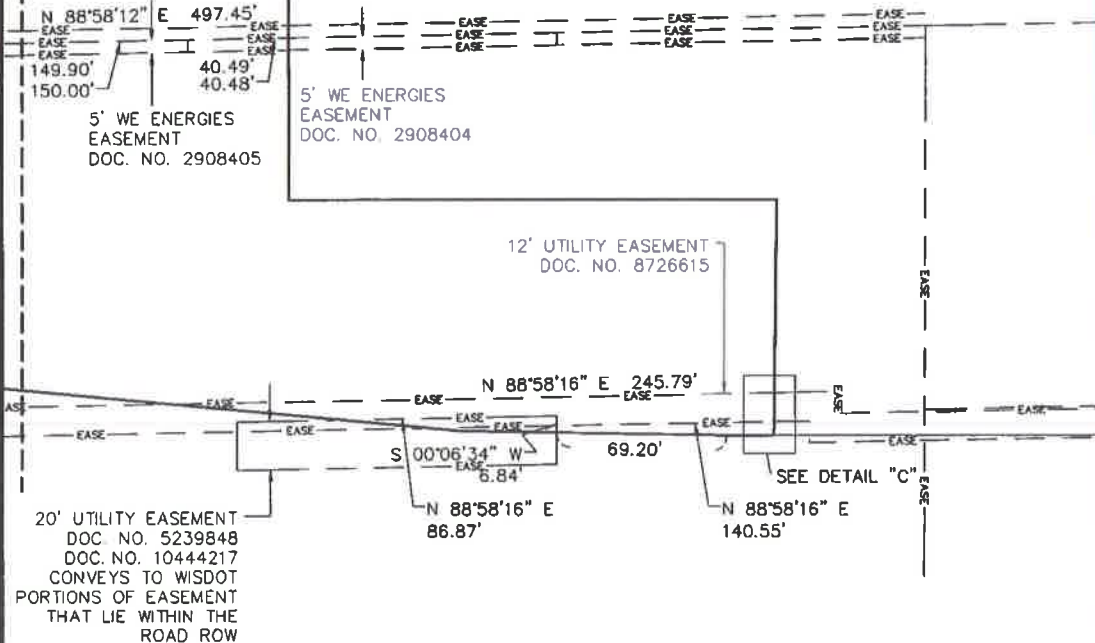


DETAIL "C"  
N.T.S



OFFICIAL MAPPED  
STREET PER  
C.S.M. 9040

MATCH LINE - SEE SHEET 3



20' UTILITY EASEMENT  
 DOC. NO. 5239848  
 DOC. NO. 10444217  
 CONVEYS TO WISDOT  
 PORTIONS OF EASEMENT  
 THAT LIE WITHIN THE  
 ROAD ROW

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN

MILWAUKEE COUNTY

I, David L. Koslo, a professional land surveyor, certify:

Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows;

Commencing from the Southwest corner of said Southwest 1/4; Thence North 00°06'34" East along the West line of said Southwest 1/4, 237.16 feet; Thence North 88°58'12" East, 82.02 feet to the East right of way line of South 27<sup>th</sup> street and the point of beginning; Thence continuing North 88°58'12" East along said East right of way line, 8.00 feet; Thence North 00°06'34" East along said East right of way line, 236.79 feet; Thence North 89°53'26" West along said East right of way line, 1.70 feet; Thence North 00°41'01" West along said East right of way line, 150.33 feet to the South line of Parcel 1 of Certified Survey Map 3636; Thence North 88°58'12" East along said South line, 639.90 feet to the West line of Outlot 1 of Certified Survey Map 3636; Thence South 00°06'32" West along said West line, 150.03 feet to the South line of said Outlot 1; Thence North 88°58'12" East along said South line, 208.54 feet to the West line of Lot 2 of Certified Survey Map 9040; Thence along the West line of said Certified Survey Map 9040 for the next 8 courses, South 00°00'00" West, 137.65 feet; Thence South 25°28'38" West, 75.47 feet; Thence North 90°00'00" West, 79.33 feet; Thence North 56°37'35" West, 101.98 feet; Thence North 90°00'00" West 150.65 feet; thence South 00°00'00" West, 160.21 feet; Thence North 90°00'00" East, 198.99 feet; Thence South 00°35'39" West, 96.82 feet to the North right of way line of West Rawson Avenue; Thence along said North right of way line for the next 8 courses; Thence North 89°58'00" West, 19.47 feet; Thence North 88°57'08" West, 108.68 feet; Thence North 84°30'09" West, 210.50 feet; Thence South 88°58'16" West 200.00 feet; Thence North 01°01'44" West, 0.98 feet; Thence South 88°58'16" West, 37.82 feet to the beginning of a curve to the right having a radius of 260.50 feet and a central angle of 26°37'00" with a long chord bearing North 77°43'14" West, 119.93 feet; Thence along the arc of said curve 121.02 feet; Thence North 29°46'32" West, 21.94 feet to said East right of way line; Thence North 00°06'34" East along said East right of way line, 90.80 feet to the point of beginning.

Containing 360,525 square feet (8.277 acres), more or less

That I have made the survey, land division, and map by the direction of Boyland Properties of Oak Creek, LLC.

That the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have complied with Chapter 236 of the Wisconsin Statutes and Chapter 14 the City of Oak Creek Land Division and Platting ordinance in surveying, dividing and mapping the same. Per Wis. Stat. 236.21 (1), this certificate has the same force and effect as an affidavit.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin.

**ENTITY OWNER'S CERTIFICATE**

Boyland Properties of Oak Creek, LLC, a limited liability company, duly organized and existing under and by virtue of the laws of the State of Oregon, as owner, certifies that said entity caused the land described on this certified survey map to be surveyed, divided, and mapped as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City of Oak Creek Land Division and Platting Ordinance. I also certify that this Certified Survey Map is required to be submitted to the following for approval: City of Oak Creek.

This agreement is binding on the undersigned and successors and assigns.

Date: \_\_\_\_\_

Entity Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Type or Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**STATE OF WASHINGTON**

**CLARK COUNTY**

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 21, \_\_\_\_\_ (name), the \_\_\_\_\_ (title) of the above named entity, to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the foregoing instrument as such officer on behalf of the entity, by its authority.

Notary Signature: \_\_\_\_\_

Print Notary Name: \_\_\_\_\_

Notary Public, State of \_\_\_\_\_ My commission expires: \_\_\_\_\_

(Notary Seal)

**PROPOSED EASEMENT**

**Permanent Limited Easement** for the right to construct and maintain traffic signal and lighting equipment, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem necessary or desirable, but without prejudice to the owner's right to make or construct improvements on said lands or to flatten the slopes, providing said activities will not impair or otherwise adversely affect the highway facilities within the easement.



**CERTIFIED SURVEY MAP NO.** \_\_\_\_\_

Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin.

**CONSENT OF ENTITY MORTGAGEE**

Ally Financial, a financial institution duly organized and existing under and by virtue of the laws of the State of Delaware, as mortgagee of the above described land, consents to the surveying, dividing, mapping, and restricting of the land described on this map and in the surveyor's certificate, and to the certificate of the owner(s) of said land.

Date: \_\_\_\_\_

Entity Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Type or Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_

\_\_\_\_\_ COUNTY

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 21\_\_\_\_ (name and title) of the above named entity, to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the foregoing instrument as such officer on behalf of the entity, by its authority.

Notary Signature: \_\_\_\_\_

Print Notary Name: \_\_\_\_\_

Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

(Notary Seal)



**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin.

**CONSENT OF ENTITY MORTGAGEE**

Ally Bank, a financial institution duly organized and existing under and by virtue of the laws of the State of Utah, as mortgagee of the above described land, consents to the surveying, dividing, mapping, and restricting of the land described on this map and in the surveyor's certificate, and to the certificate of the owner(s) of said land.

Date: \_\_\_\_\_

Entity Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Type or Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_

\_\_\_\_\_ COUNTY

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 21\_\_\_\_, \_\_\_\_\_ (name and title) of the above named entity, to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the foregoing instrument as such officer on behalf of the entity, by its authority.

Notary Signature: \_\_\_\_\_

Print Notary Name: \_\_\_\_\_

Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

(Notary Seal)



**CERTIFIED SURVEY MAP NO.** \_\_\_\_\_

Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin.

**COMMON COUNCIL APPROVAL**

This certified survey map was approved under Resolution File No. \_\_\_\_\_

adopted by the Common Council of the City of Oak Creek on \_\_\_\_\_.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Type or Print Name: \_\_\_\_\_  
(Mayor)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Type or Print Name: \_\_\_\_\_  
(Clerk)

**PLANNING COMMISSION APPROVAL**

Approved by the Planning Commission of the City of Wauwatosa in accordance with resolution adopted on this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
(Chairperson)

\_\_\_\_\_  
(Secretary)





**WISDOT INITIAL COMMENTS**

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

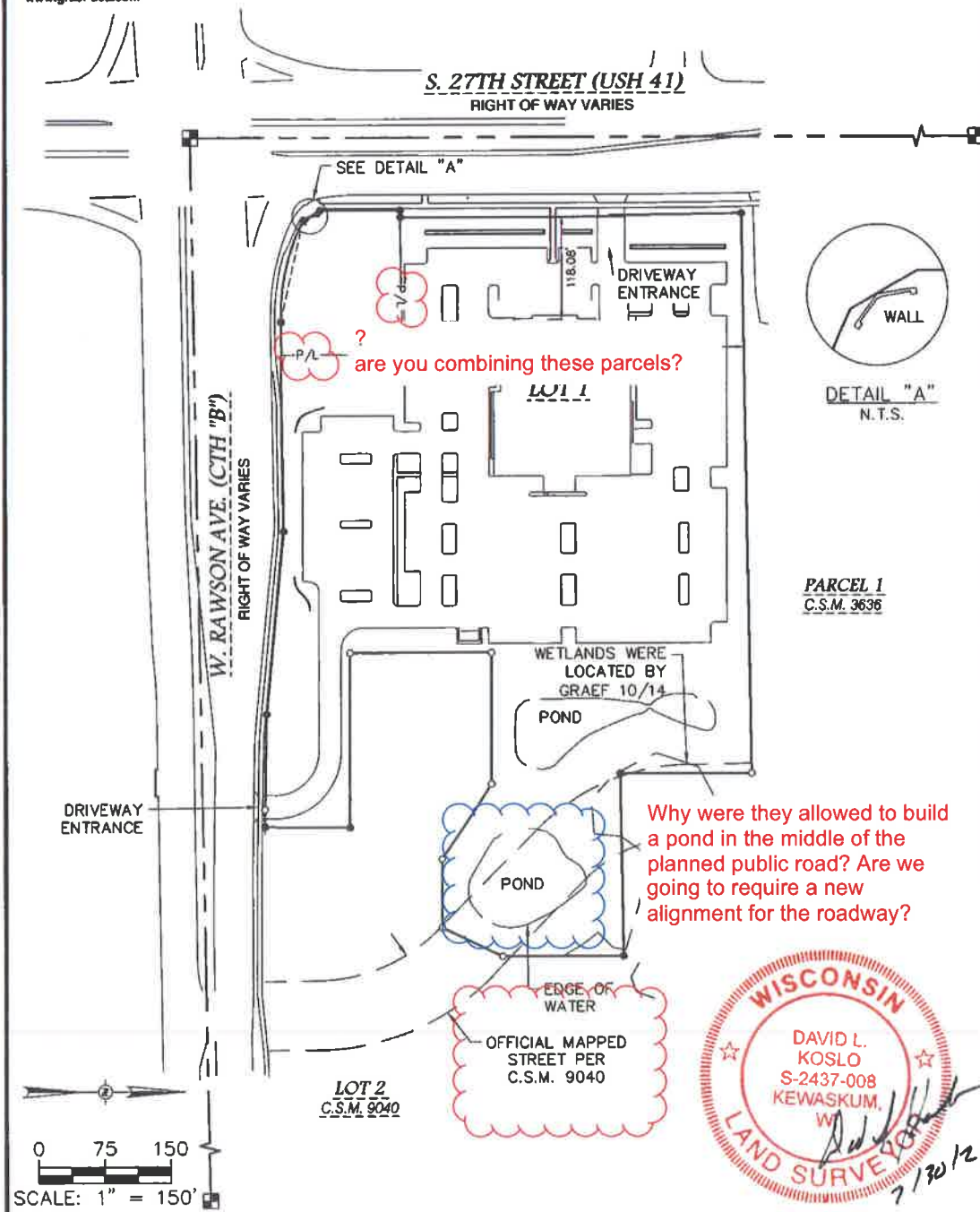
Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin.



275 West Wisconsin Avenue, Suite 300  
Milwaukee, WI 53203  
414 / 259 1500  
414 / 259 0037 fax  
www.graef-usa.com

**REFERENCE BEARING**

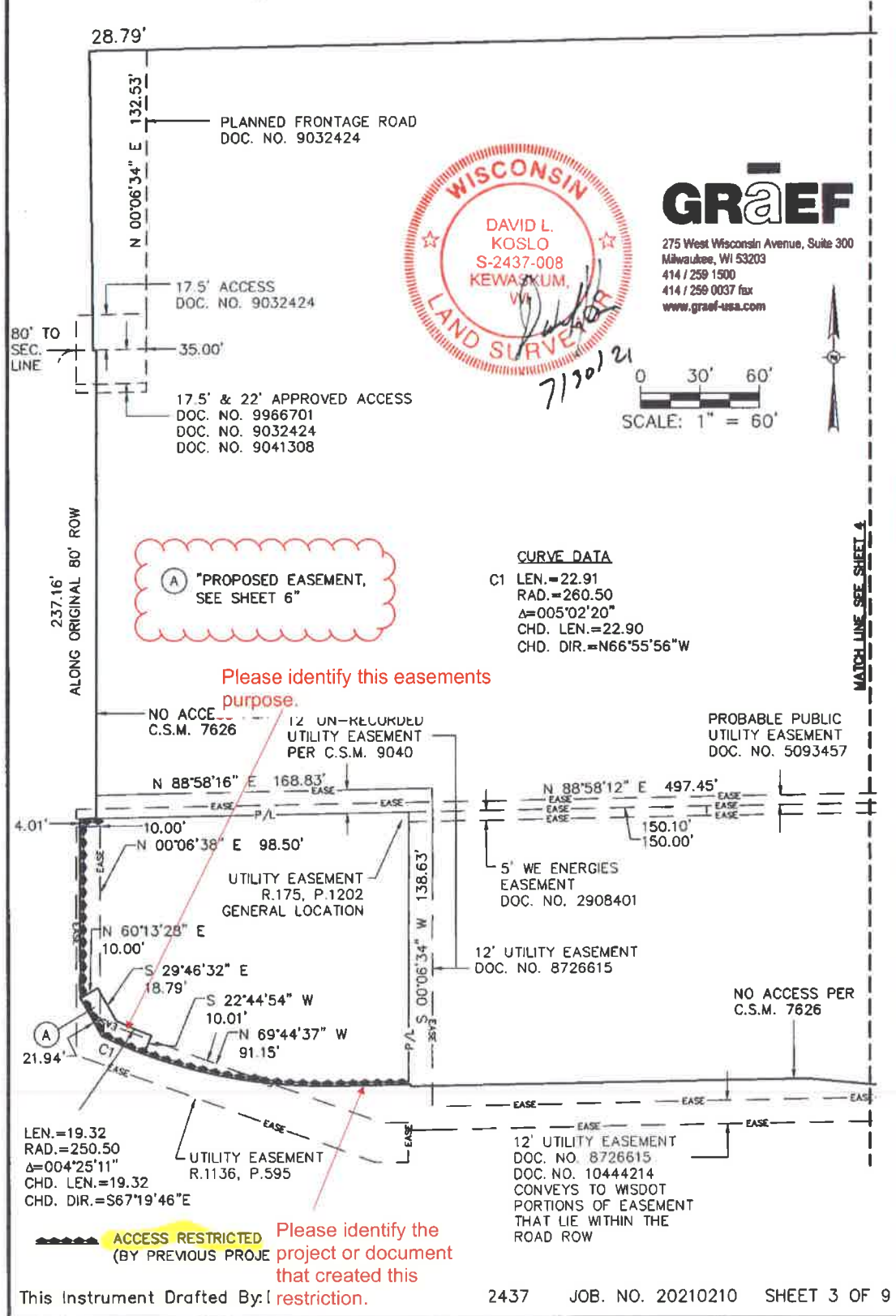
All bearings are referenced to the West line of the Southwest 1/4 of Section 6, T.5N., R.22E. which bears N.00°06'34"E. and is referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone.



**WISDOT INITIAL COMMENTS**

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin.



(A) "PROPOSED EASEMENT, SEE SHEET 6"

**CURVE DATA**  
 C1 LEN.=22.91  
 RAD.=260.50  
 Δ=005°02'20"  
 CHD. LEN.=22.90  
 CHD. DIR.=N66°55'56"W

Please identify this easements purpose.

NO ACCE C.S.M. 7626

12 UN-RECORDED UTILITY EASEMENT PER C.S.M. 9040

PROBABLE PUBLIC UTILITY EASEMENT DOC. NO. 5093457

N 88°58'16" E 168.83'

N 88°58'12" E 497.45'

150.10'

150.00'

5' WE ENERGIES EASEMENT DOC. NO. 2908401

12' UTILITY EASEMENT DOC. NO. 8726615

NO ACCESS PER C.S.M. 7626

12' UTILITY EASEMENT DOC. NO. 8726615 DOC. NO. 10444214 CONVEYS TO WISDOT PORTIONS OF EASEMENT THAT LIE WITHIN THE ROAD ROW

UTILITY EASEMENT R.175, P.1202 GENERAL LOCATION

UTILITY EASEMENT R.1136, P.595

LEN.=19.32  
 RAD.=250.50  
 Δ=004°25'11"  
 CHD. LEN.=19.32  
 CHD. DIR.=S67°19'46"E

ACCESS RESTRICTED (BY PREVIOUS PROJ restriction. Please identify the project or document that created this restriction.

WISDOT INITIAL COMMENTS

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Lot 1 of Certified Survey Map 9040 and that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 5 North, Range 22 East, all in the City of Oak Creek, Milwaukee County, Wisconsin.

ENTITY OWNER'S CERTIFICATE

Boyland Properties of Oak Creek, LLC, a limited liability company, duly organized and existing under and by virtue of the laws of the State of Oregon, as owner, certifies that said entity caused the land described on this certified survey map to be surveyed, divided, and mapped as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City of Oak Creek Land Division and Platting Ordinance. I also certify that this Certified Survey Map is required to be submitted to the following for approval: City of Oak Creek.

This agreement is binding on the undersigned and successors and assigns.

Date: \_\_\_\_\_  
Entity Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Type or Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF WASHINGTON  
CLARK COUNTY

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 21 \_\_\_\_\_ (name), the \_\_\_\_\_ (title) of the above named entity, to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the foregoing instrument as such officer on behalf of the entity, by its authority.

Notary Signature: \_\_\_\_\_  
Print Notary Name: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_ My commission expires: \_\_\_\_\_

(Notary Seal)

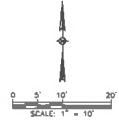


This needs to be completed prior to recording this CSM

Permanent Limited Easement for the right to construct and maintain traffic signal and lighting equipment, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem necessary or desirable, but without prejudice to the owner's right to make or construct improvements on said lands or to flatten the slopes, providing said activities will not impair or otherwise adversely affect the highway facilities within the easement.

This says nothing about the decorative wall, bench or sidewalk??



**REVISED PLANS**PROJECT TITLE  
ALL STAR BUICK GMC7020 S 27TH STREET  
OAK CREEK, WI 53154

NO. DATE REVISIONS BY

NOT FOR CONSTRUCTION

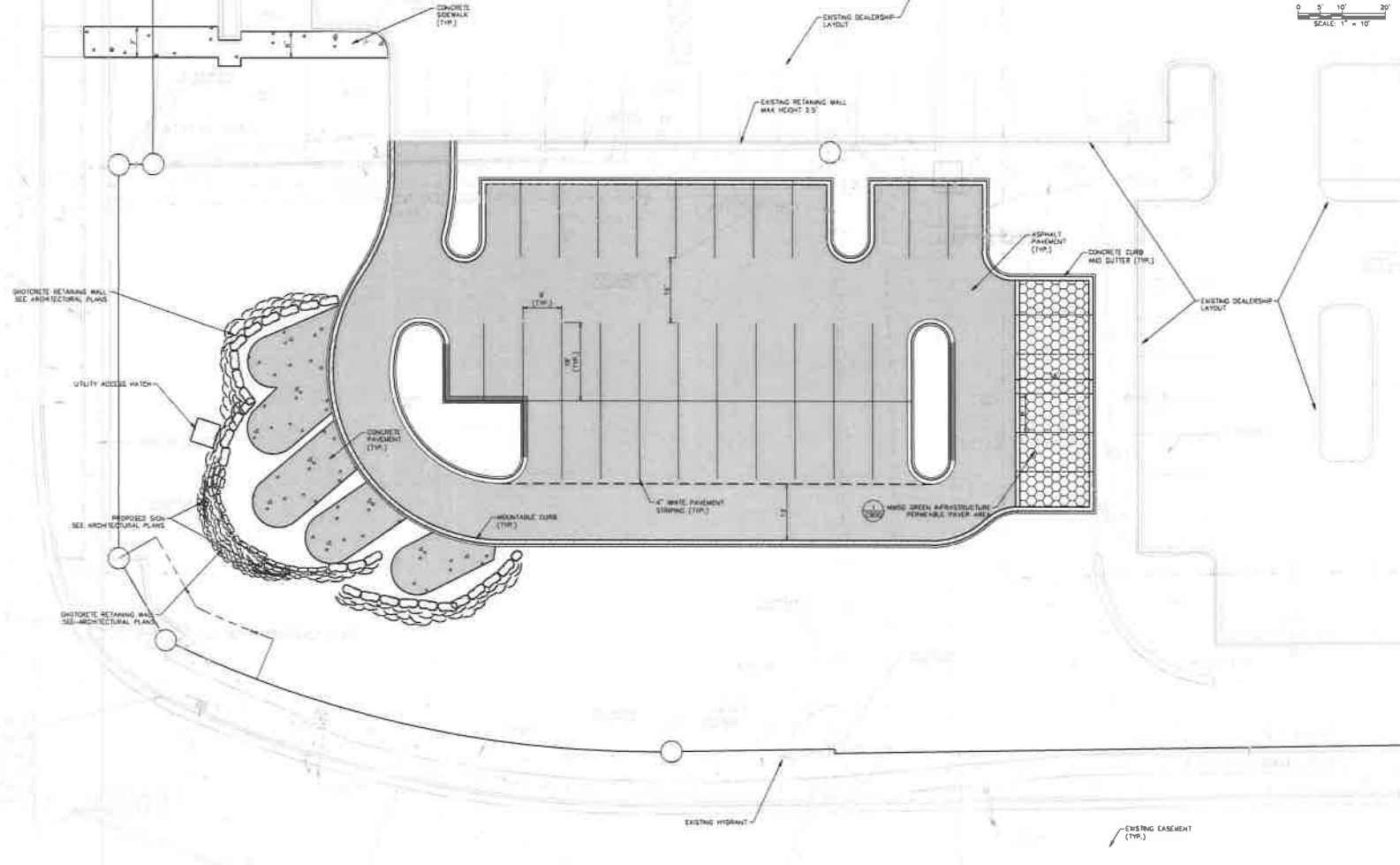
PROJECT INFORMATION

PROJECT NUMBER: 2021-0196  
DATE: 7/30/2021  
DRAWN BY: MOB  
CHECKED BY: MAC  
APPROVED BY: JPH  
SCALE: AS SHOWNSHEET TITLE:  
SITE LAYOUT PLAN

SHEET NUMBER:

**C300**

S 27TH STREET

SITE LAND USE INFORMATION

SITE ADDRESS: 21-241 (3) SF (0.4876 AC)

TOTAL NUMBER OF STALLS: 45  
VEHICLE DISPLAY STALLS: 5  
SURFACE STALLS: 40

DISTURBANCE LIMITS: 28,364 SF (0.651 AC)

IMPERVIOUS SURFACE AREA WITHIN DISTURBANCE LIMITS: 18,506 SF (0.425 AC)

PERCENT IMPERVIOUS WITHIN DISTURBANCE LIMITS: 64.9%

PERMEABLE PAVEMENT AREA: 832 SF

TRIBUTARY AREA: 3,500 SF

RUN-IN PAVD: 4:2

GENERAL NOTES

1. SEE SHEET C300 FOR GENERAL NOTES.

UTILITY NOTES

1. SEE SHEET C300 FOR UTILITY NOTES.

LEGEND

	-PROPOSED ASPHALT PAVEMENT
	-PROPOSED CONCRETE SIDEWALK
	-PROPOSED CONCRETE PAVEMENT
	-PERMEABLE PAVERS
	-PROPOSED VERTICAL CURB
	-PROPOSED MOUNTABLE CURB

NOTES

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**REVISED  
PLANS**

**Project:**  
**ALL-STAR  
BUICK / GMC  
OAK CREEK  
VEHICLE DISPLAY**  
7020 S. 27th Street  
Oak Creek, WI 53154

**Revisions and Reviews:**

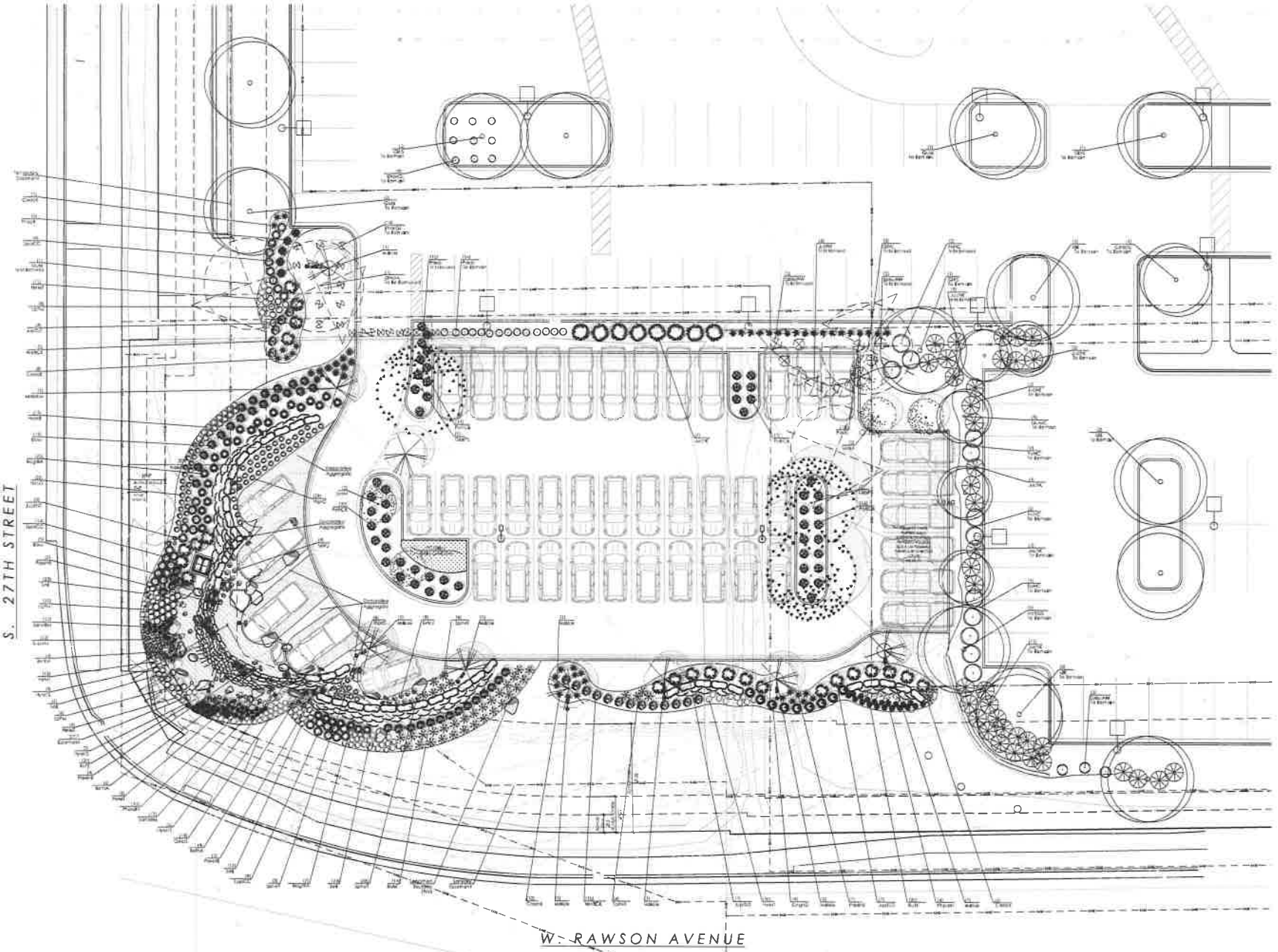
Date	Number	Description
04/07/21	Client Review	Submitted
04/21/21	Client Review	Submitted
04/28/21	Client Review	Submitted
04/28/21	Client Review	Submitted
05/25/21	Plan Commission	Submitted
06/24/21	Interim City	Set
07/30/21	Plan Commission	Re-Submitted
08/19/21	Re-Design / Plan	Submitted

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Sheet title:  
**PROPOSED LANDSCAPE PLAN**

Date of Drawing: 08/19/21  
Scale: 1" = 10'-0"  
Drawn by: MCD  
Job Number: L21-045  
Sheet Number:

**LSP1.1**



S. 27TH STREET

W. RAWSON AVENUE

1 PROPOSED LANDSCAPE PLAN



NOT FOR CONSTRUCTION - PRELIMINARY - FOR ESTIMATING AND REVIEW ONLY - DO NOT SCALE THESE DRAWINGS

**REVISED  
 PLANS**

Project:

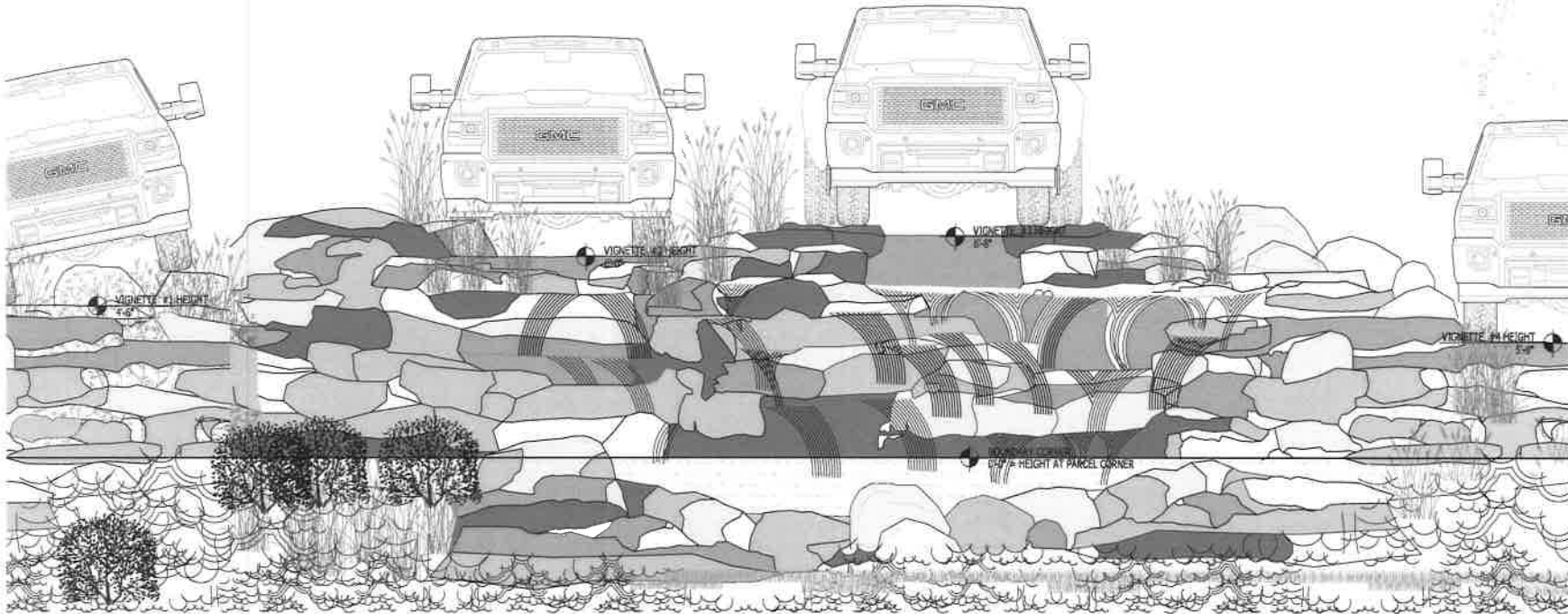
**ALL-STAR  
 BUICK / GMC  
 OAK CREEK  
 VEHICLE DISPLAY**  
 7020 S. 27th Street  
 Oak Creek, WI 53154

Revisions and Evidences:

Date	Number	Description
04/07/21	Client Review	Submittal
04/12/21	Client Review	Submittal
04/28/21	Client Review	Submittal
04/28/21	Client Review	Submittal
05/25/21	Plan Commission	Submittal
06/24/21	Preliminary Site	Set
07/30/21	Plan Commission	Submittal
08/19/21	Re-design / Plan Commission	Submittal

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1 PROPOSED AUTO DISPLAY ELEVATION FROM INTERSECTION

Sheet Title:  
 PROPOSED VEHICLE DISPLAY  
 ELEVATION FROM INTERSECTION

Date of Drawing: 08/19/21  
 Scale: 3/4" = 1'-0"  
 Drawn By: MCD  
 Job Number: L21-045  
 Sheet Number:

**SD2.1**

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## COMMON COUNCIL REPORT

**Item:** Abendschein Park Beer Garden Architectural and Engineering Design Services

**Recommendation:** That the Common Council considers a motion to award the architectural and engineering design for the Abendschein Park beer garden to Plunkett Raysich Architects for their stated services fee of \$108,000 (plus reimbursables). (1<sup>st</sup> Aldermanic District)

**Fiscal Impact:** The design and certain aspects of the actual physical construction will be funded by park impact fees.

**Critical Success Factor(s):**

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

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**Background:** Abendschein Park was the first community park in Oak Creek and it contains amenities such as; a playground, skate park, walking paths, and various sports fields. In accordance with the 2017-2020 City SAP ("Finalize and Implement a Master Plan & Vision for Abendschein Park"), the City adopted a Master Plan for the park in 2018. The plan provided a well-thought-out phased approach to complete 17 projects. A permanent beer garden would be the second project to be implemented in accordance with the Master Plan framework. Current discussions with a potential operator have suggested these facilities be slightly relocated to a different location within the park.

Staff reached out to five local architectural/engineering design firms to seek proposals for the project. Staff received responses from two firms, Plunkett Raysich Architects (PRA) and Rinka. The Scope of Work and selected pages from the two design firm proposals have been included as exhibits to this report.

The two proposals were forwarded to the Park & Recreation Commission for their review. At their meeting of August 19<sup>th</sup>, and after considerable deliberation, the Commission voted (albeit not unanimously) to recommend this work be awarded to Plunkett Raysich Architects.

The Park & Recreation Commission would work with the selected firm to develop a plan for this and other supportive facilities in the Park.

**Options/Alternatives:** The only other proposal received was for \$148,325. The City could accept the proposal from PRA, or alternatively accept the proposal from RINKA. The City could also reject both proposals and send another request for proposals.

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Respectfully submitted:

Prepared:



Andrew J. Vickers, MPA  
City Administrator

Doug Seymour, AICP  
Director of Community Development

Fiscal Review:

Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

---

Attachments:



**Scope of Work for Architectural /Engineering Services  
1131 E. Drexel Avenue, Abendschein Park Beer garden**

**Background**

Abendschein Park, located at 1311 E. Drexel Avenue, is one of two community parks located in the City of Oak Creek. The park has several amenities including a ball diamond, disc golf course, playground, cricket field, walking trails, and a skate park. The park is supported by restroom facilities, two parking lots which provide 210 regular parking spaces and 10 handicapped accessible parking spaces, and one 36' x 38' pavilion.

In 2018, the City went through the public participation process to update the Master Plan for the park. Results of the planning process determined that residents were most enthusiastic about adding a permanent beer garden at Abendschein Park. The plan also identified the need to support the beer garden and existing facilities with an expansion of the west parking lot. The City intends to work on the design and construction of the parking lot expansion and beer garden concurrently.

**General Scope**

This Scope of Work includes preliminary design for a new beer garden and other supplementary facilities and features to be located at Abendschein Park, 1311 E. Drexel Avenue, in Oak Creek, WI. The proposed area for the beer garden is between the existing west parking lot and pond (see map below). The proposed location provides approximately one acre of open space.



Features that are desired, but not required, in the final design are as follows:

- A pavilion or similar structure capable of supporting planned operations at the park (including the beer garden and an elevated stage for live music). Shipping containers or

material that is reminiscent of shipping containers as a design concept have been discussed amongst staff and should be explored during the design phase.

- An open-air shelter (capacity approximately 150) with adjacent graded uncovered turf or patio space
- Additional restrooms
- Extension of utilities
- Outdoor pedestrian lighting
- Play feature for children
- Space for bike rentals
- Area where bocce or bags (corn hole) could be set up and played
- Designated space for food trucks (minimum of two) with water and electric hookups and perhaps a permanent canopy
- Fountain located in the pond
- Attractive west entry way signage and surrounding landscaping

The City of Oak Creek is requesting a cost estimate and project proposal for all professional Architectural/Engineering services necessary to create a permanent beer garden at Abendschein Park. The Services provided by the chosen consultant will include, but not necessarily be limited to:

- Consultant will provide the following services: Planning, architectural, FFE selection, structural, electrical, mechanical, plumbing, fire protection and basic construction administration. Services specifically requested by the City for the project include survey, geotechnical, civil, landscape architecture, and detailed cost estimating.
- Consultant will develop two (2) to three (3) schematic design options for the proposed beer garden and supplementary facilities and features noted above.
- Consultant will develop a final design plan for the beer garden and supplementary facilities.
- Consultant will be required to lead an effective targeted stakeholder and public participation process to ensure concise community involvement in the design phase.
- Consultant will develop an appropriate schedule to complete a minimum of two public outreach events and submit deliverables to the City.
- Consultant will conduct regular design meetings with the City of Oak Creek Planning Staff and Parks, Recreation, and Forestry Commission throughout the process as required by the City.
- Consultant will attend and present the final design to the Planning Commission and City Council.
- Consultant will assist the City during the bidding and permitting process and will develop RFQs and RFPs as appropriate for the successful completion of the project.
- Consultant will participate in all meetings with the contractor.

These are general requirements for the Abendschein Park Beer garden Project and are not intended to be a comprehensive list of tasks and deliverables. It is expected that the chosen consultant will provide the City with more specific recommendations for approaches, tasks and deliverables based on their experience and expertise from past work on similar projects.

Please direct all submittals to:

Zoning Administrator, Laurie Miller  
8040 S. 6<sup>th</sup> Street  
Oak Creek, WI 53154

# Proposal of Plunket Raysich Architects (PRA)

## COST PROPOSAL

NOTE: For full proposal please contact Planning Department

You've requested some project services that are beyond customary architectural scope. We are sensitive to the impact on taxpayers, below, suggest an affordable but reputable provider for those services.

### PROJECT UNDERSTANDING:

- We understand that you are pursuing to design and construct a Beer Garden in Abendschein Park with the below desired features
  - Pavilion/Similar Structure
  - Open Air Shelter
  - Restrooms
  - Utilities Extension
  - Outdoor Lighting
  - Play Feature
  - Space for Bike rentals
  - Space for Outdoor Games
  - Space for Food Trucks
  - Fountain
  - Attractive Entry with signage
- Construction Costs: 800K-1.0m

### BASE ARCHITECTURAL DESIGN BASIC SERVICES FEE:

• Architectural	\$72,000
• Structural	\$18,000
• Mechanicals	\$18,000
Subtotal:	\$108,000

### OPTIONAL ADDITIONAL ALLOWANCES BY OWNER

• Survey	\$2,500	allowance
• Soil Borings (3) (ECS)	\$4,000	allowance if needed
• Civil Engineering (JSD)	\$22,000	allowance
• Landscaping (JSD)	\$13,000	allowance
• Civil Permitting (JSD)	\$1,800	if needed by DNR

### CLARIFICATIONS:

- (6) design meetings and (1) Public City Meetings
- Steel Framing structural engineering and slab on grade with convention spread footings
- (1) Exterior Colored Perspective
- BIM modeling walk-around
- Anticipated One Bid Package & (6) OA/CA on site visits.
- Construction Delivery Method is an open bid
- Lump sum fee plus, standard reimbursables at a 1.20 multiplier
- This proposal is based on a standard AIA B151 contract form with minor modifications made by the Arch.

## Proposal of RINKA

NOTE: For full proposal please contact Planning Department

### SCOPE OF WORK CONDENSED SUMMARY PROPOSAL

Below you will find our understanding of the project scope and services.

### SCOPE OF PROJECT

The Scope for Abendschein Park Biergarten (the Project) generally includes:

- The project site is located at Abendschein Park at 1311 E. Drexel Avenue in Oak Creek Wisconsin. The proposed area for the Biergarten is approximately one acre, located between an existing parking lot and pond area.
- The project vision is to create an inviting, dynamic and functional permanent Biergarten space with supplemental support facilities.
- As understood in the provided scope of work document the anticipated program for the Abendschein Park Biergarten project is as follows:
  - Pavilion capable of supporting planned operations at the park, including the Biergarten and elevated stage for live music
  - Open air shelter with a capacity of approximately 150 people with adjacent patio space
  - Additional restrooms (size to be determined)
  - Extension of existing utilities
  - Outdoor pedestrian lighting
  - Play feature for children
  - Space for bike rentals
  - Area for yard games
  - Designated space for food trucks with water and electrical hookups
  - Fountain located within the existing pond
  - New west entry way signage and surrounding landscaping
- Reference existing plan, concept plan, site plan or other exhibits to describe project scope, i.e. Refer to Exhibit A – Concept Floor Plan

### SCOPE OF SERVICES

The Scope of Services includes Architecture, Interior Design, and Sub-Consultant Services as described below:

- Discovery Phase (Concept Design/Schematic Design (SD)):
  - Prepare materials for and conduct a project Visioning Meeting with the Client's representatives, potentially including the following group activities:
    - Conduct "Getting to Know You" activities
      - Spectrum exercises, Experience Mapping, Keyword Exercises
      - Image Survey Exercises, Material Survey Exercises
      - Puzzle Play Exercises
    - Create a Project Guiding Principles, Goals and Design Drivers Document
    - Develop a final Program document (list of required spaces, quantities, sizes, adjacencies, etc.)
  - Develop a project schedule and conduct regular design meetings with all required city stakeholders throughout the conceptual design phase
    - Meetings: Attend up to (6) design coordination meetings with the subconsultant team and/or the City of Oak Creek through the course of Concept Design/SD
  - Concept Design
    - Develop 2 – 3 design concepts for the Biergarten based in Visioning Meeting feedback
    - Develop a conceptual 3D model to demonstrate general design concepts
    - Meet with the Client to review the space plan and 3D model with the intent to select one design option to develop further.
    - Revise the concept space plans based on meeting feedback
    - Furnish design deliverables to the City of Oak Creek for a public outreach event to gain community support & feedback
  - Lead (1) effective targeted stakeholder and public participation meetings to ensure concise community involvement.
  - Schematic Design (SD) Drawing set and narrative specification, generally including:
    - Overall floor plans with finish selections and exterior elevations with proposed materials
    - Schematic building sections and typical wall sections
    - Site, Utility and Landscape Plans
    - Drawings, coordination, or detailed review of specific furniture systems & equipment
    - Narrative specification manual generally describing the scope and quality of the project

- Schematic Design Renderings: Final 3D rendering views of the project for public outreach, project financing and Plan Commission, including:
  - (4-6) aerial & exterior perspective views, (1-2) interior perspective views
- Lead (1) effective targeted stakeholder and public participation meetings to ensure concise community involvement.
- Develop detailed cost estimation of the proposed work for The City of Oak Creek
  - General Contractor preliminary pricing may occur at the conclusion of Concept Design/SD at the discretion of the City of Oak Creek to affirm consultants detailed cost estimation
- Construction Documents (CD): Detailed drawings and specifications for bidding and construction, generally including:
  - Floor plans and Exterior Elevations
  - Building Sections, Wall Sections, and Construction Details
  - Interior Elevations and Finishes
  - Specification Project Manual
  - Meetings: Attend up to (4) design coordination meetings with the subconsultant team and/or the Client through the course of CD
  - Prepare drawings and specifications necessary for submittal to the Authority Having Jurisdiction for plan examination
- Construction Administration (CA): Administer the contract documents through the course of bidding and construction, including:
  - Assist the Client with distribution and solicitation of General Contractor or Construction Manager (GC/CM) bids and answer questions from bidders
  - Issue Addenda and Construction Bulletins for clarifications to the scope of work
  - Respond to Requests for Information (RFI) by the GC/CM
  - Review GC/CM submittals (shop drawings, product data, samples and other similar submittals)
  - Observe on-site work (2) times per month on average & issue Observation Reports
  - Review and take appropriate action on GC/CM payment applications
  - Conduct a Punchlist walk-thru
  - Deliver As-Designed digital drawing files to the Client that include construction revisions that were formally issued to the GC/CM through the course of construction
- Sub-Consultant Design Services
  - Sub-Consultants included in this contract are limited to the following services:
    - Geotechnical Engineering
    - Structural Engineering
    - Civil Engineering / Landscape Design and Survey
    - Mechanical, Electrical, Plumbing, and Fire Protection Engineering

### FEE FOR SERVICES

The fee for Architecture, Interior Design, and Sub-Consultant Services for the above described Scope of Project and Services will be divided into the following consultant services.

Geotechnical Engineering (Giles):	\$3,225.00
Survey, Landscape Design, and Civil Engineering (Kapur): *Fee is based upon the assumption that utility connections can be made from the nearest adjacent building property.	\$18,000.00
Planning, Architecture/Interior Design, FFE, Construction Administration, and Detailed cost estimation (RINKA):	\$79,600.00
Structural Engineering (Spire):	\$30,000.00
Mechanical, Electrical, Plumbing, and Fire Protection Engineering (Ring & Du Chateau):	\$17,500.00

**\*With a project of this nature MEP/FP Engineering can be provided by design/build contractors solicited by the selected general contractor. Our team is committed to assisting the City of Oak Creek to reduce design fees and other costs to create a financially viable project that is both successful and well designed.**

Fee For Services excluding MEP/FP:	\$130,825.00
Fee For Services including MEP/FP:	\$148,325.00

If our project team is selected, a full proposal will be provided including a comprehensive project schedule & standard terms and conditions



# COMMON COUNCIL REPORT

**Item:** License Committee Report

**Recommendation:** That the Common Council grant the various license requests as listed on the 9/7/2021 License Committee Report.

**Fiscal Impact:** License fees in the amount of \$445.00 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 (favorable background reports received):
  - \* Andrew J. Hucker (Aldi)
  - \* Karina J. Naujokas (Kwik Trip)
  - \* Deborah Massalongo (Classic Lanes)
  - \* Richard A. Wence (Aldi)
  
- 2 Grant a Temporary Class “B” beer license to Mark Zapp, Agent, St. Matthew Parish, 9303 S. Chicago Rd., for the St. Matthew Fish Boils on 10/8/2021, 4/1/2022 and 5/13/2022.

**Options/Alternatives:** None

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Christa J. Miller CMC/WCMC  
Deputy City Clerk

Fiscal Review:

Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Attachments: none



## COMMON COUNCIL REPORT

**Item:** Vendor Summary Report

**Recommendation:** That the Common Council approve the August 31, 2021 Vendor Summary Report in the total of \$893,314.03.

**Fiscal Impact:** Total claims paid of \$893,314.03.

- 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. \$70,255.44 to Bestco UA (pg #5) for September retiree insurance.
2. \$19,267.88 to E. H. Wolf & Sons, Inc. (pg #7) for fuel inventory.
3. \$7,183.93 to Emergency Lighting & Electronics (pg #7) for K9 vehicle insert and Explorer squad setup parts.
4. \$7,212.15 to Forge & Flare Apartments (pg #8) for Summer 2021 events restroom cleaning (Tourism).
5. \$106,919.32 to GFL Environmental (pg #8) for August trash and recycling.
6. \$21,342.00 to Godfrey & Kahn S.C. (pg #8) for legal services regarding F Street, bluff, purchase of 8850 S 5<sup>th</sup> Avenue, and redevelopment of lakefront site.
7. \$5,265.00 to Haskin & Karls (pg #9) for legal research relating to Lake Vista.
8. \$20,973.84 to Hein Electric Supply Co. (pg #9) for supplies for building & grounds maintenance and street lighting, Project #17024.
9. \$406,376.20 to Payne & Dolan, Inc. (pg #13) for annual road improvements and repaving of W Puetz Road, Projects #20019 & 21022.
10. \$14,000.00 to Southern Police Canine, Inc. (pg #15) for patrol/narcotics detection canine and training.
11. \$24,773.00 to Stone Oak Landscapes (pg #15) for City Hall landscaping.
12. \$15,815.26 to Trane (pg #16) for DPW HVAC controls upgrade, Project #21002.
13. \$6,581.50 to WDATCP – DFRS (pg #17) for agent reimbursement.

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14. \$56,732.91 to WE Energies (pgs #1-2) for street lighting, electricity & natural gas.

15. \$7,180.45 to Western Culvert & Supply (pg #17) for culvert and storm drainage supplies.

**Options/Alternatives:** None

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Kristina Strmsek  
Staff Accountant

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator/Comptroller

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Attachments: 8/31/2021 Invoice GL Distribution Report