



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

COMMON COUNCIL MEETING AGENDA

OCTOBER 5, 2021

7:00 P.M.

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

The City's Vision

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

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 9/21/2021

Recognition

4. **Mayoral Proclamation:** Mayoral Proclamation, White Cane Safety Day, October 15, 2021.
5. **Mayoral Proclamation:** Mayoral Proclamation, Cybersecurity Awareness Month, October, 2021.

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

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

6. **Rezoning:** Consider a request submitted by Jessica Guzman, F Street Development Group, Edison M. Boerke Family Trust, and the City of Oak Creek, to rezone to and establish a Traditional Neighborhood Development Planned Unit Development on portions of the properties at 4001 E. Lake Vista Parkway, 4200 E. Lake Vista Boulevard, and 9300 S. 5th Ave. (4th District).
7. **Ordinance:** Consider Ordinance No. 3018, approving the rezone to and to establish a Traditional Neighborhood Development Planned Unit Development on portions of the properties at 4001 E. Lake Vista Parkway, 9300 S. 5th Avenue, and 4200 E. Lake Vista Parkway (4th District)

New Business

8. **Informational:** 2020 US Census data release and redistricting process information.

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

FIRE

9. **Resolution:** Consider *Resolution* No. 12268-100521, approving an Intergovernmental Cooperation Agreement between the City of Oak Creek and the City of Franklin for a shared, full-time Fire Inspector (by Committee of the Whole).

TREASURER

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

LICENSE COMMITTEE

11. **Motion:** Consider a *motion* to grant the various license requests as listed on the 10/5/21 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

12. **Motion:** Consider a *motion* to approve the September 29, 2021 Vendor Summary Report in the total amount of \$409,450.31 (by Committee of the Whole).

Adjournment.

Public Notice

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

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

**MAYORAL PROCLAMATION
WHITE CANE SAFETY DAY
OCTOBER 15, 2021**

WHEREAS, White Cane Safety Day is a national observance in the United States, celebrated annually on October 15 of each year since 1964; and

WHEREAS, significant visual impairment affect approximately 100,000 Wisconsin residents; and

WHEREAS, the majority of these persons use travel aids, such as a white cane or a service animal to get around public streets and sidewalks and places of public accommodation; and

WHEREAS, these travel aids are universally recognized as symbols representing vision loss; and

WHEREAS, Wisconsin's White Cane Law requires that motorists come to a full stop before approaching closer than 10 feet of a pedestrian who is using a white cane or service animal; and

WHEREAS, careful driving and fully stopping when pedestrians are in the crosswalk is beneficial to all residents, including children, elders and people with disabilities.

NOW, THEREFORE, BE IT RESOLVED, that I, Daniel Bukiewicz, Mayor of the City of Oak Creek, do hereby proclaim Friday, October 15, 2021 as WHITE CANE SAFETY DAY in Oak Creek and hereby also acknowledge the importance of pedestrian safety year-round.

Dated this 5th day of October, 2021.

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

MAYORAL PROCLAMATION
CYBERSECURITY AWARENESS MONTH
OCTOBER 2021

WHEREAS, the City of Oak Creek recognizes that it plays a vital role in identifying, protecting its citizens from, and responding to cybersecurity threats that may have significant impact to our individual and collective safety and privacy; and

WHEREAS, critical infrastructure (i.e., financial services, educational institutions, energy, telecommunications, transportation, utilities, health care, and emergency response systems, etc.) is increasingly reliant on the support of information systems and technology; and

WHEREAS, cybersecurity education and awareness is crucial for everyone, including large corporations, small businesses, financial institutions, schools, government agencies, the home user, and anyone who connects to the internet, be it with a computer, mobile phone, or other internet-connected device; and

WHEREAS, monitoring your accounts, being conscientious of what you share online, keeping computer software up to date, creating unique passwords and changing them regularly, installing antivirus programs and firewalls, and using mobile devices and other internet-connect devices safely are ways people and organizations can protect themselves from phishing, viruses, ransomware, other types of malware, financial loss, and loss of sensitive data; and

WHEREAS, we showcase the need to inspire, engage, and inform the public about the demand, opportunities, and career options available within the area of cybersecurity and highlight how building the nation's and City's cybersecurity workforce enhances the nation's security and promotes economic prosperity; and

WHEREAS, the City of Oak Creek is dedicated to providing every individual and public and private organization in Oak Creek the resources necessary to ensure the understanding, implementation, and success of Cybersecurity Awareness Month to help the citizens of Oak Creek stay safe online and connect with confidence; and

WHEREAS, the STOP. THINK. CONNECT.™ Campaign serves as the national cybersecurity public awareness campaign, implemented through a coalition of private companies, nonprofit, government organizations, and academic institutions working together to increase the public's understanding of cyber threats and empowering Americans to be safer and more secure online; and

WHEREAS, the National Institute of Standards and Technology (NIST) Cybersecurity Workforce Framework is a free resource to help organizations (both large and small, public, and private) improve their cybersecurity practices through a practical approach to addressing the ever-evolving cybersecurity threats and challenges; and

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role to play, and awareness of essential cyber hygiene will improve the security of City's information, infrastructure, and economy; and

WHEREAS, the City's Cyber Security Awareness Program was established in 2018 to enhance and protect the City's cybersecurity ecosystem; and

WHEREAS, the Federal Government of the United States of America, the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (www.cisa.gov), the Multi-State Information Sharing and Analysis Center (<https://www.cisecurity.org/ms-isac>), the National Association of State Chief Information Officers (www.nascio.org), and the National Cyber Security Alliance (www.staysafeonline.org) all recognize October as Cybersecurity Awareness Month; and all citizens are encouraged to visit these websites, along with the City of Oak Creek's award winning Cybersecurity website (www.ocwi.org/cybersecurity) and the STOP. THINK. CONNECT.™ Campaign website (www.cisa.gov/stopthinkconnect or www.stopthinkconnect.org) to learn about cybersecurity to put that knowledge into practice in their homes, schools, workplaces, and businesses;

NOW, THEREFORE BE IT RESOLVED, the Mayor and Common Council of the City of Oak Creek of the, do hereby proclaim that the City of Oak Creek is officially supporting Cybersecurity Awareness Month 2021.

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

ATTEST:

Daniel J. Bukiewicz, Mayor

Catherine A. Roeske, City Clerk

TO BE PUBLISHED SEPTEMBER 15 & 22, 2021

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

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

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

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

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Jessica Guzman, F Street Development Group; Edison M. Boerke Family Trust; and the City of Oak Creek, to rezone to and establish a Traditional Neighborhood Development Planned Unit Development on portions of the properties at 4001 E. Lake Vista Parkway, 4200 E. Lake Vista Boulevard, and 9300 S. 5th Avenue.

Hearing Date:

October 5, 2021

Time:

7:00 PM

Place:

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

Applicant(s):

F Street Development Group, Edison M. Boerke Family Trust, City of Oak Creek

Property Owner(s):

City of Oak Creek & Edison M. Boerke Family Trust

Property Location(s):

4001 E. Lake Vista Parkway, 4200 E. Lake Vista Boulevard, and 9300 S. 5th Avenue

Tax Key(s):

868-9996-002, 868-9993-001, 868-9994-002

Legal Description:

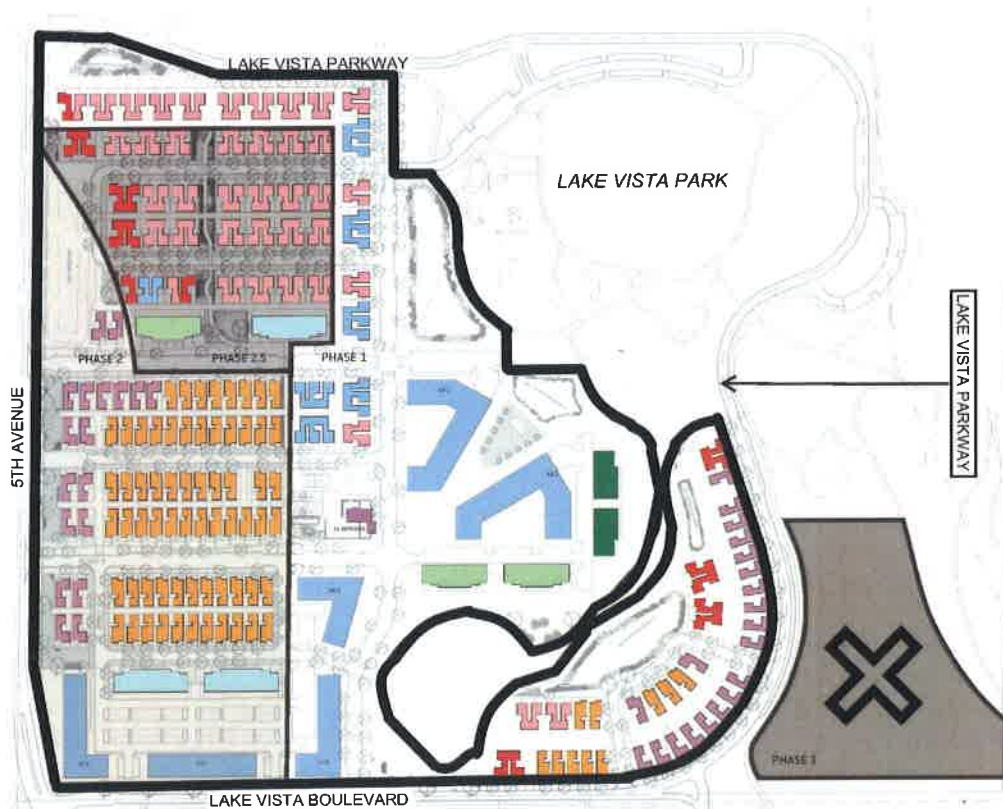
See exhibit for proposed PUD boundaries (black outline).

Part of 4001 E. Lake Vista Parkway, COM. 601.27 FT. S. & 33.01 FT. E. OF NW COR SW 24-5-22, TH E. 1053.26 FT., NELY. 283.46 FT., ELY. 904.70 FT. TO MEANDER LI. LAKE MICHIGAN, SLY. ON SD.

MEANDER LI. 992.64 FT., W. 2050.18 FT., NWLY. 468.04 FT. ON CURV., NWLY 204.44 FT. TO E. LI. S. 5TH AVE., TH. N. 274.11 FT. TO P.O.B.INCL. LANDS BETW. MEANDER LI & SHORE OF LAKE MICHIGAN. 56.757 ACS. excluding Lake Vista Park.

Part of 4200 E. Lake Vista Boulevard, COM. 717.71 FT. E. & 33.01 FT. N. OF SW COR. SW 24-5-22, TH. N. 1125.43 FT. ELY. 1627.99 FT. TO MEANDER LI., SELY. ON MEANDER LI. 1026.57 FT., SWLY 153.09 FT. TO E. LI. SW 24-6-22, S. 86.99 FT. TO N. LI. RYAN RD., TH. W.1931.56 FT. TO P.O.C.INCL.LAND BETW. MEANDER LI. & SHORELINE LAKE MICHIGAN. 57.575 ACS., excluding Lake Vista Park.

9300 S. 5th Ave., COM. SW COR. SW 24-5-22, TH. ELY. 717.71', N. 1158.44', WLY. 422.19 FT', TH NWLY. ON CURV. 468.04', NWLY. 265' TO E LI SD SEC, TH. S. TO P.O.C., EXC PTS CONV TO CITY OF OAK CREEK IN DOC 10506605 FOR ST.



The Common Council has scheduled other public hearings for October 5, 2021 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: September 8, 2021
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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

COMMON COUNCIL REPORT

Item: Rezone and Traditional Neighborhood Development Planned Unit Development – Lakeshore Commons - 4001 E. Lake Vista Pkwy., 9300 S. 5th Ave., 4200 E. Lake Vista Blvd.

Recommendation: That the Council adopts Ordinance 3018, an ordinance to approve a rezone to and to establish a Traditional Neighborhood Development Planned Unit Development on portions of the properties at 4001 E. Lake Vista Pkwy., 9300 S. 5th Ave., and 4200 E. Lake Vista Blvd.

Fiscal Impact: Approval would allow for the redevelopment of portions of vacant parcels along the lakefront with a Traditional Neighborhood Development Planned Unit Development. This development draws upon the principles of traditional neighborhood design to provide a unique and innovative development serving multiple income levels and diverse household types. Redevelopment of the properties with residential, mixed-use, and non-residential buildings will yield positive fiscal impact in terms of assessed value, permit and review fees, and an estimated \$2,000,000 in impact fees. The extension of public roads and utilities will add to the maintenance requirements of public infrastructure constrained by budget limitations; however, the public infrastructure is critical for implementing the master development plan, goals for redevelopment along the lakefront, and connectivity to the surrounding area. These properties are located in TID 13.

Critical Success Factor(s):

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

Background: F Street Development Group and the Edison M. Boerke Family Trust, development partners with the City of Oak Creek, are requesting approval for portions of the properties at 4001 E. Lake Vista Pkwy., 9300 S. 5th Ave., 4200 E. Lake Vista Blvd. to be rezoned to Traditional Neighborhood Development Planned Unit Development (TND PUD). Council will recognize the properties included in the request as being part of the proposed Lakeshore Commons mixed-use development. Previously, information on the proposed development was provided as part of conceptual presentations and as part of a CSM approved in April of this year. This review is the next of several reviews that will be required for the Lakeshore Commons development, including, but not limited to:

- Subdivision Plat
- Condominium Plat

-
- Master Landscaping Plan Review
 - Master Lighting Plan Review
 - Site, Building, Landscaping, and related plan review for the, recreation, multifamily, and mixed-use structures

Recognizing that Lakeshore Commons is a unique development in Oak Creek and the first Traditional Neighborhood Development proposed within the City, a copy of the TND PUD Code is included for reference.

The PUD will include approximately 717 total units in a mix of single-family, 2-family, 3-family, 6-family, 8-family, 9-family, and traditional multifamily residential buildings. Amenities that include a dedicated clubhouse, in-ground pool, above-ground community gardens, dog park, and trails are provided throughout the development. Locations and conceptual design details are included with this report.

Parking is provided in attached 2-car garages in all for-sale units. There will be sufficient space for parking vehicles on the pad in front of the garages, outside of vehicular and pedestrian ways, as well. A mix of garage parking and surface parking is shown in the overall Master Plan for all of the multifamily/mixed-use buildings. Dedicated parking for the clubhouse area is provided in a surface lot on the northeast corner of that parcel. On-street parking for visitors and delivery services is provided throughout the development.

Lakeshore Commons will be constructed in three (3) phases, and may take longer to complete than any other PUD within Oak Creek. 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. With approximately 40% of the development dedicated to for-sale units, construction is anticipated to occur similarly to single-family residential subdivisions. The Conditions and Restrictions reflect the required additional construction windows along with specific benchmarks for each phase.

Additional conceptual details, plans, and narrative are included in your packets for review. After careful consideration at the September 14, & 28, 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.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



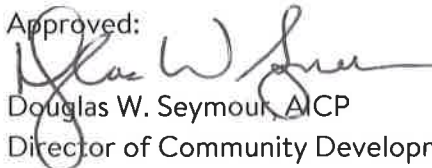
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Maxwell Gagrin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3015

Location Map

Traditional Neighborhood Development PUD Code

Executive Summary (3 pages)

Plan Commission Meeting Minutes

Draft Conditions and Restrictions & Exhibits

Exhibit 1, Proposed Development Site Plan (1 page)

Exhibits 2.1 - 2.10, Design & Character of Building Typologies (10 pages)

Exhibit 3, Lakeshore Commons Unit Types & Density Standards by Phase (1 page)

Exhibit 4, Proposed Open Space & Neighborhood Amenities (1 page)

Exhibit 5, Blank (1 page)

Exhibits 6.1 - 6.3, Circulation and Road Cross Sections (3 pages)

Exhibits 7.1 - 7.2, Materials (2 pages)

Exhibit 8, Development Signage (1 page)

Exhibit 9, Snow Storage Areas (1 page)

Exhibit 10, Proposed Private Fence Diagram (1 page)

ORDINANCE NO. 3018

By: _____

AN ORDINANCE TO REZONE PORTIONS OF THE PROPERTIES AT 4001 E. LAKE VISTA PKWY.,
9300 S. 5TH AVE., 4200 E. LAKE VISTA BLVD. TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT
PLANNED UNIT DEVELOPMENT (TND PUD)

(4th Aldermanic District)

WHEREAS, F STREET DEVELOPMENT GROUP AND THE EDISON M. BOERKE FAMILY TRUST, DEVELOPMENT PARTNERS WITH THE CITY OF OAK CREEK, have applied for a rezoning of portions of the properties at 4001 E. Lake Vista Pkwy., 9300 S. 5th Ave., 4200 E. Lake Vista Blvd. to Traditional Neighborhood Development Planned Unit Development (TND PUD).

WHEREAS, the properties are more precisely described as follows:

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

Commencing at the West 1/4 corner of said Section 24; thence South 00°52'00" West, along the west line of said fractional Southwest 1/4, of Section 24, 601.27 feet; thence North 89°44'00" East, 60.01 feet to the east right-of-way line of South 5th Avenue and the Point of Beginning; thence continuing North 89°44'00" East, 173.78 feet; thence South 70°45'02" East, 239.78 feet to a point of curvature; thence southeasterly along the arc of a curve to the left, 88.34 feet, said curve having a radius of 262.50 feet and a chord bearing South 80°23'31" East, 87.93 feet; thence North 89°58'00" East, 423.43 feet; thence South 00°02'00" East, 2.50 feet; thence North 89°58'00" East, 33.77 feet; thence South 00°00'58" West, 303.24 feet; thence North 51°32'08" East, 39.83 feet; thence North 89°42'28" East, 54.27 feet; thence South 34°27'31" East, 80.86 feet to a point of curvature; thence southeasterly along the arc of a curve to the right, 57.06 feet, said curve having a radius of 85.00 feet and a chord bearing South 15°13'42" East, 55.99 feet; thence South 04°00'06" West, 54.84 feet to a point of curvature; thence southeasterly along the arc of a curve to the left, 292.82 feet, said curve having a radius of 232.51 feet and a chord bearing South 32°04'35" East, 273.85 feet; thence South 00°00'10" West, 102.81 feet; thence North 89°46'26" East, 190.16 feet; thence South 15°25'25" East, 75.24 feet; thence South 33°06'31" East, 40.42 feet; thence South 37°18'04" East, 27.02 feet; thence South 47°17'16" East, 18.13 feet; thence South 57°07'46" East, 130.28 feet; thence South 07°07'40" West, 25.09 feet; thence South 13°19'18" East, 85.24 feet; thence South 04°53'47" East, 83.89 feet; thence South 24°46'41" West, 150.13 feet; thence South 44°39'15" West, 281.61 feet; thence South 63°26'16" West, 54.37 feet; thence North 79°17'03" West, 34.56 feet; thence North 47°51'32" West, 84.05 feet; thence North 59°02'00" West, 87.71 feet; thence North 86°10'59" West, 86.41 feet; thence South 55°32'39" West, 158.54 feet; thence South 30°34'55" West, 98.75 feet; thence South 05°36'08" West, 98.14 feet; thence South 41°10'59" East, 229.72 feet; thence South 71°33'44" East, 41.54 feet to a point of curvature; thence northeasterly along the arc of curve to the left, 43.12 feet, said curve having a radius of 99.00 feet and a chord bearing North 70°33'47" East, 42.78 feet; thence North 58°05'03" East, 23.59 feet to a point of curvature; thence northeasterly along the arc of a curve to the left, 78.45 feet, said curve having a radius of 99.00 feet and a chord bearing North 35°23'03" East, 76.41 feet; thence North 12°41'03" East, 65.33 feet to a point of curvature; thence northeasterly along the arc of a curve to the right, 31.97 feet, said curve having a radius of 113.00 feet and a chord bearing North 20°47'18" East, 31.86 feet; thence North 28°53'33" East, 3.14 feet to a point of curvature; thence northeasterly along the arc of a curve to the right, 96.63 feet, said curve having a radius of 125.00 feet and a chord bearing North 51°02'22" East, 94.25 feet; thence North 73°11'10" East, 82.38 feet to a point of curvature; thence northeasterly along the arc of a curve to the left, 34.72 feet, said curve having a radius of 49.00 feet and a chord bearing North 52°53'21" East, 34.00 feet to a point

of reverse curvature; thence northeasterly along the arc of a curve to the right, 216.32 feet, said curve having a radius of 501.00 feet and a chord bearing North 44°57'43" East, 214.64 feet; thence North 57°19'53" East, 38.90 feet; thence North 56°14'47" East, 69.80 feet to a point of curvature; thence northeasterly along the arc of a curve to the left, 145.50 feet, said curve having a radius of 149.00 feet and a chord bearing North 28°16'17" East, 139.79 feet; thence North 00°17'46" East, 66.20 feet to a point of curvature; thence northwesterly along the arc of a curve to the left, 21.30 feet, said curve having a radius of 99.00 feet and a chord bearing North 05°52'07" West, 21.26 feet; thence North 12°02'01" West, 19.65 feet to a point of curvature; thence northwesterly along the arc of a curve to the right, 93.98 feet, said curve having a radius of 501.00 feet and a chord bearing North 06°39'35" West, 93.84 feet; thence North 01°17'09" West, 14.52 feet to a point of curvature; thence northeasterly along the arc of a curve to the right, 70.03 feet, said curve having a radius of 101.00 feet and a chord bearing North 18°34'36" East, 68.63 feet; thence North 38°26'21" East, 24.25 feet to a point of curvature; thence northeasterly along the arc of a curve to the right, 45.02 feet, said curve having a radius of 76.00 feet and a chord bearing North 55°24'40" East, 44.37 feet; thence North 72°22'58" East, 72.65 feet; thence South 17°37'25" East, 395.46 feet to a point of curvature; thence southwesterly along the arc of a curve to the right, 827.86 feet, said curve having a radius of 470.00 feet and a chord bearing South 32°50'12" West, 724.91 feet to the north right-of-way line of E. Lake Vista Boulevard; thence South 89°46'26" West, along said north line, 1,524.60 feet to said east right-of-way line of South 5th Avenue; thence North 47°24'59" West, along said east line, 11.86 feet; thence North 14°34'27" West, continuing along said east line, 69.35 feet; thence North 09°54'46" West, continuing along said east line, 53.16 feet; thence North 00°52'00" East, continuing along said east line, 1,886.36 feet to the Point of Beginning.

Containing 2,754,685 square feet / 63.239 acres of land, more or less.

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

WHEREAS, the Common Council held a public hearing on said application on October 5, 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 TND PUD 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 TND PUD, 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 TND PUD 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 TND PUD.

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 Traditional Neighborhood Development Planned Unit Development (TND 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 Traditional Neighborhood Development

Planned Unit Development (TND 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 5th day of October, 2021.

President, Common Council

Approved this 5th day of October, 2021.

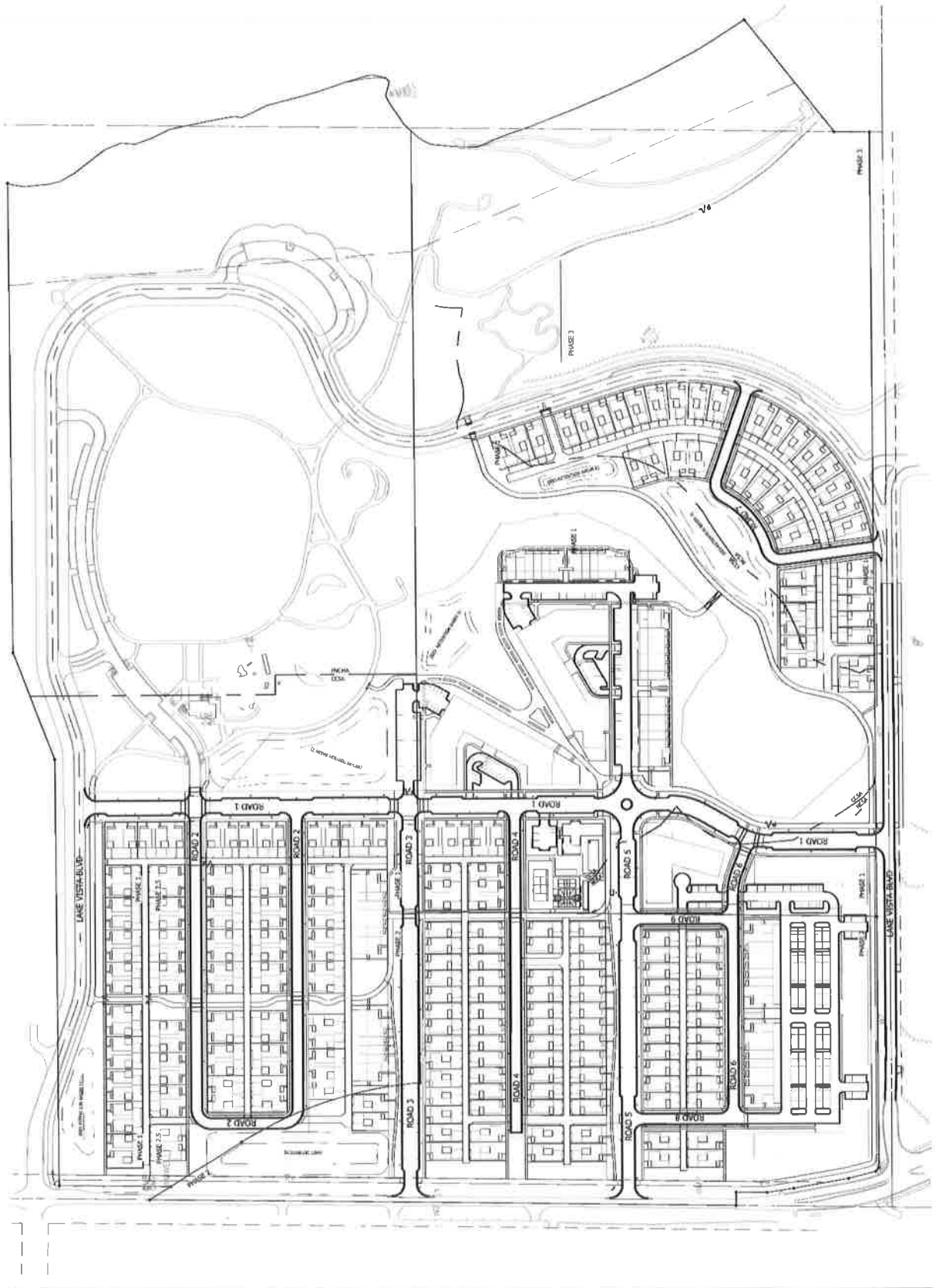
Mayor

ATTEST:

City Clerk

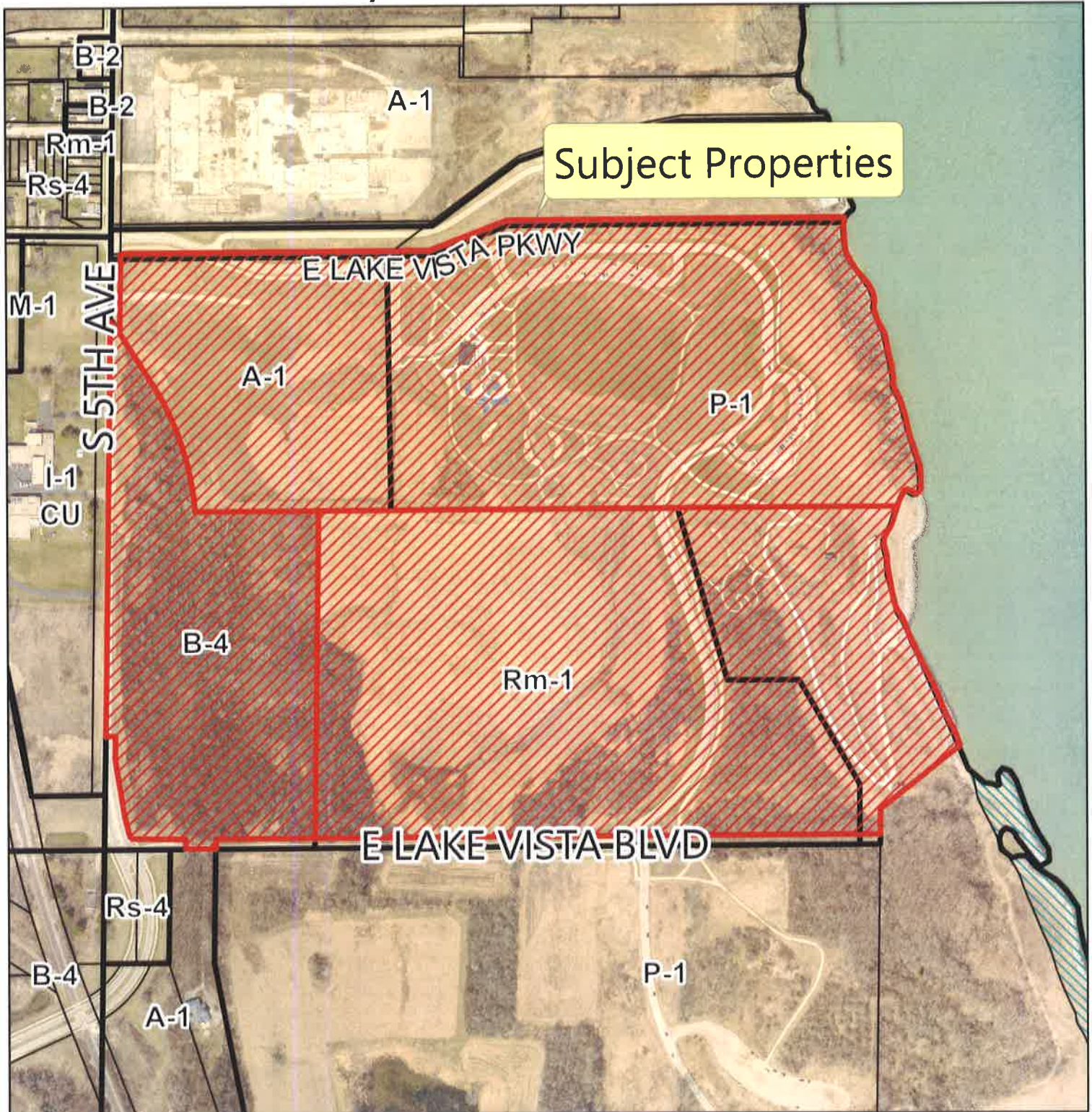
VOTE: Ayes _____ Noes _____

EXHIBIT A: GENERAL DEVELOPMENT PLAN



Location Map







4001 E. Lake Vista Pkwy, 4200 E. Lake Vista Blvd, & 9300 S 5th Ave.



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



Legend

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

SEC. 17.0327 TRADITIONAL NEIGHBORHOOD DEVELOPMENT-PUD

The Traditional Neighborhood Development (TND) District, enacted pursuant to §§ 62.23 and 66.1027, Wis. Stats. (as amended), is intended to allow the optional development and redevelopment of land in Oak Creek consistent with the design principles of traditional neighborhoods.

- (a) A traditional neighborhood:
 - (1) Is compact and designed for the human scale;
 - (2) Provides a mix of uses, including residential, commercial, civic, and open space uses, in close proximity to one another within the neighborhood;
 - (3) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
 - (4) Incorporates a system of relatively narrow, interconnected streets with sidewalks and access to bicycle and transit routes, offering multiple routes for motorists, pedestrians, and bicyclists; and provides for the connections of those streets to existing and future developments;
 - (5) Retains existing buildings with historical or architectural features that enhance the visual character of the community;
 - (6) Incorporates significant environmental features into the design;
 - (7) Is consistent with the City of Oak Creek Comprehensive Plan.
- (b) Applicability. This ordinance applies as an alternative set of standards for development or redevelopment on sites of 20 acres or more and is identified for Mixed Use in the Comprehensive Plan, or is contiguous to an existing mixed-use development of 20 acres or more.
- (c) Interpretation. Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, if there is a conflict between the provisions of this subchapter and other provisions of the zoning or subdivision sections of the Oak Creek Municipal Code, this subchapter shall take precedence.
- (d) Application and Approval Process.
 - (1) Pre-Application Conference. Prior to the official submission of the application for the approval of a Traditional Neighborhood Development, the Applicant shall meet with City staff to discuss the scope and proposed nature of the contemplated development.
 - (2) Zoning Map Amendment and Planned Unit Development Review. Following the pre-application conference, the Applicant shall submit a development plan with related applications and fees for Zoning Map Amendment (“Rezone”) to a Traditional Neighborhood Development District, and Planned Unit Development (PUD) approval. The requirements and review procedures in Section 17.0325 (as amended) shall apply. If there is a conflict between the provisions of this Section and Section 17.0325 (as amended), the requirements of this Section shall be in addition to Section 17.0325 (as amended) unless otherwise determined in writing by the Department of Community Development. The Plan Commission shall consider the Rezone and PUD request at a regular public meeting, and shall issue a recommendation to the Common Council for consideration at a public hearing in conformance with Municipal Code.
 - (3) Planned Unit Development (PUD).
 - (a) Development Plan Requirements. The Development Plan for the PUD shall include the following:
 - 1. A written report containing

- i. The relationship of the proposed PUD to the City's adopted Comprehensive Plan, or any adopted component thereof.
 - ii. An analysis of site conditions and development objectives.
 - iii. Total area to be included in the PUD and area(s) of open space.
 - iv. All contemplated land uses within the PUD, along with the proposed intensity of use.
 - v. Total number and types of dwelling units, including affordable units, residential density computations, demographics analysis, availability of or requirements for municipal services, and any other similar data pertinent to a comprehensive evaluation of the proposed development. (Affordable units are those in which mortgage, amortization, taxes, insurance, and condominium/association fees, if any, constitute no more than 30% of gross annual household income for a household of the size which may occupy the unit. Rental units are considered affordable if the rent and utilities constitute no more than 30% of gross annual household income for a household of the size that may occupy the unit.)
 - vi. Estimated value of structures and site improvement costs, landscaping, and special features.
 - vii. Covenants, easements, or agreements which will be used to manage and maintain the proposed development.
 - viii. Any proposed departures from the standards of development as set forth in the City zoning regulations, other City regulations or administrative rules, or other universal guidelines.
 - ix. The expected dates of commencement and completion of physical development as set forth in the proposal. If the PUD is to be developed in phases, a phasing plan setting forth the starting and completion dates of each phase shall be submitted.
 - x. A statement indicating the type of Federal or State program being used to provide a subsidy or less-than-market ("affordable") rents for the units proposed.
2. A general location map of suitable scale which shows the location of the property within the community and adjacent parcels, including locations of any public streets, railroads, major streams or rivers, and other major features within 1,000 feet of the site.
3. Natural drainage patterns and water resources, including streams, drainage swales, ponds, lakes, wetlands, and floodplains, and proposed major changes in the above.
4. Plans, including proposed topographic contours at two-foot intervals, with the following information:
 - i. A legal description of the property prepared by a professional surveyor.
 - ii. Identification of the developer, if different from owner(s).
 - iii. The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public and private streets or rights-of-way; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking, loading spaces, and service access; sidewalks and other walkways.

- iv. The size, type, and locations of proposed and existing structures that will remain. Gross square footage and height of existing structures shall be included.
 - v. Proposed parks, open space, recreational areas, preserved areas, and areas dedicated for public uses, and percentage of overall development dedicated to each use.
 - vi. Characteristics of soils related to contemplated specific uses.
 - vii. General location of trees, vegetation, landscaping proposed or existing to remain.
 - viii. The location of street and public pedestrian lighting, including lamp intensity and height.
5. A stormwater management plan for the site in conformance with Chapter 13 of the Municipal Code (as amended).
 6. Elevations and/or conceptual renderings incorporating building materials, color schemes, dimensions, and related information for proposed commercial and multifamily residential buildings, and typical elevations of all other residential buildings.
 7. A utilities plan showing existing and proposed (public and private) underground and above ground lines and structures for water, sanitary sewers, electricity, gas, telecommunications, etc., and easements therefor.
 8. Phasing plan (if applicable).
 9. Any other information deemed necessary by the Department of Community Development in order to evaluate plans.
- (4) Site and Building Plan Review. Detailed site, architectural, landscaping, lighting, and related plan review shall be required for the development following approval of the PUD. Architectural review shall be required for all multifamily residential dwellings with a density of four (4) or more units per structure, all mixed-use structures, and all other non-residential structures. General architectural plans detailing designs and allowed materials shall be included as part of the approved PUD for all single-family, two-family, and three-family dwellings, which do not require additional site and architectural reviews.
- (e) Ownership and Maintenance of Public Space. Provisions shall be made for the ownership and maintenance of streets, squares, parks, open space, multimodal paths, and other public spaces in a Traditional Neighborhood Development by dedication to the City or as otherwise approved by the Common Council.
- (f) Subdivision of Land. If the Traditional Neighborhood Development involves a subdivision and/or condominium plat as defined in Chapter 14 of the Municipal Code (as amended), the Applicant shall submit all required land division documents in accordance with the requirements of the Subdivision and Platting Code and Ch. 236, Wis. Stats. If there is a conflict between the design standards of the subdivision ordinance and the design guidelines of this ordinance, the provisions of this ordinance shall apply.
- (g) Amendments to the Traditional Neighborhood Development/PUD.
- (1) Major Change. Except as provided in subsection (2) below, any modifications to an approved Traditional Neighborhood Development Plan (TND) and/or PUD or any addition to or expansion of an existing TND Plan/PUD shall be considered major changes requiring separate review and approval under the provisions of Section (d) above and Section 17.0327 of the Zoning Ordinance (as amended).

(2) Minor Change. A minor change is any change in the site plan or design details of an approved TND Plan/PUD which is consistent with the standards and conditions applying to the TND Plan/PUD, and which does not alter the concept or intent of the TND Plan/PUD. A minor change shall not increase the TND Plan's/PUD's density; increase the height of buildings; reduce open space; modify the proportion of housing types; change or add new parking areas; alter alignment of roads, utilities or drainage; amend final development agreements, provisions or covenants; or provide any other change inconsistent with any standard or condition imposed by the Common Council in approving the TND Plan/PUD. Said minor change may be approved by the Department of Community Development without obtaining separate approval by the Common Council. In addition, the Common Council may, after reviewing the request for a major change made by the Applicant, direct the Department of Community Development to process the request as a minor change.

(h) TND Design Standards

(1) In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A TND shall consist of residential, mixed-use, and open space, as specified below.

a. Residential Area(s). The TND shall include one (1) or more residential area(s) to meet the housing needs of the City. For infill development, the required mix of residential uses may be satisfied by existing residential uses adjacent to the TND site.

1. Permitted residential uses:

	Minimum Density/Net Acre	Maximum Density/Net Acre
Single-Family Detached	4	11
Single Family Attached		
2 units	6	12
3-4 units	6	12
5-9 units	10	30
Multifamily/Senior Housing	NO MINIMUM	97/102

2. Required Mix. A minimum of two (2) housing types from this list must be present in any TND. Single-family detached dwellings shall constitute a **maximum** of 70 percent of the dwelling units.

3. Density Bonus. Increases over the maximum allowed density - up to 10% - may be considered on a case-by-case basis for plans that include affordable housing units as defined in subsection (d)(3)(a)(1)(v) above. A minimum of 10% of the housing type requested for the density bonus shall be affordable housing units.

b. Mixed-Use Area. A TND shall include one (1) or more mixed-use area(s) containing commercial, civic, residential, and open space uses. For infill development, this requirement may be satisfied by existing commercial, civic, and open space uses, provided that these are located within a one-half-mile radius of all proposed dwellings.

1. Commercial uses. Commercial uses listed below, up to 10,000 square feet in size, are permitted. Commercial uses exceeding 10,000 square feet in size shall require a Conditional Use Permit.
 - i. Food services (e.g., grocery stores, butcher shops, bakeries, and other specialty food stores); restaurants without drive-through facilities; cafes; coffee shops; bars, taverns, microbreweries, neighborhood scale distilleries or wineries, and tasting rooms; ice cream or candy shops; and similar uses.
 - ii. Retail, excluding adult entertainment.
 - iii. Services, including financial institutions without drive-up or drive-through facilities, day care centers, veterinary services or hospitals, self-service laundry or dry-cleaner, and similar uses.
2. Lodging Uses. Bed and Breakfast, motels, hotels, and similar uses shall require a Conditional Use Permit.
3. Residential uses as listed under subsection (a)(1) above, excluding single-family detached dwellings, but including the following:
 - i. Residential units located above commercial uses.
 - ii. Live-work units that combine a residence and workplace, provided that the residence is occupied by the owner of the business.
 - iii. Community living arrangements and assisted living facilities subject to approval of a Conditional Use Permit in conformance with Code and Statutory provisions. The status of each use in terms of density and housing type shall be determined based on the findings for the Conditional Use Permit.
4. Civic or institutional uses, with a Conditional Use Permit.
5. Open space and recreational uses:
 - i. Central square, amphitheater, promenade, or similar outdoor gathering space.
 - ii. Neighborhood park or adjacency to regional facilities (adjacent facilities are NOT included in the minimum 30% open space requirement in subsection (c) below).
 - iii. Playground, outdoor recreational facilities, and neighborhood clubhouse facilities in conformance with Code requirements.
 - iv. Natural/open space areas.
6. Density and Intensity. Density ranges and required mix of single-family and multifamily dwelling units are as specified in Section (1)(a) above.
7. Maximum Nonresidential Area. The total land area devoted to nonresidential development, including ground floor commercial or office uses, civic buildings, and parking areas, shall not exceed 25 percent of the gross acreage of the TND.
- c. Open Space Area. At least 30 percent of the gross acreage within the TND PUD shall be designated as open space. Open spaces do not include required setback areas and rights-of-way, or impervious surfaces. Open space areas may include:
 1. Wetlands and stormwater detention/retention basins.
 2. Environmental corridors, greenways, and protected natural areas.
 3. Streams, ponds, and other water bodies.
 4. Neighborhood parks, squares, plazas, and playing fields, excluding community, regional, County, or State parks.

5. At least 25 percent of the open space area must be common open space available for the development and/or public. At least 90 percent of all dwellings shall be located within one-quarter mile of such common open space.
- (2) Stormwater management. The design and development of the TND PUD should minimize off-site stormwater runoff, promote onsite filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the requirements of Chapter 13 of the Municipal Code.
 - (3) Dimensional standards. Minimum and maximum dimensions are as shown in Table 17.0327(h)(3)(d) below. These standards shall apply to both the Residential and Mixed-Use areas.
 - a. Block and lot size diversity. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.
 - b. Lot widths. Lot widths should create a relatively symmetrical street cross-section that reinforces the public space of the street as a simple, unified public space. Similar lot sizes and housing types should generally be located on opposite sides of a street. Lots are defined to include parcels, tracts, condominium lots, and other areas established by subdivision plat, Certified Survey Map, condominium plat, or other legal mechanism by which to define the boundaries of land for development.
 - c. Standards for garages. Garages may be placed on residential lots either attached to the principal building or as a detached accessory building in conformance with the following requirements:
 1. The total of all accessory buildings on a lot, including attached and detached garages, shall not exceed 1,000 square feet or 75% of the livable area of the principal structure, whichever is less, and shall meet all setback requirements. There shall be a minimum setback of 5 feet to an alley unless granted a modification by the Plan Commission as part of the TND PUD.
 2. An attached garage shall be located to the rear of or recessed behind the primary facade of single-, two-, and three-family residences.

Table 17.0327(h)(3)(d): Dimensional Standards, Traditional Neighborhood Development

	Min. lot size	Min. lot width	Front yard setback	Rear yard setback^b	Side yard setback^{b, c, e}	Height⁴
			Min-Max	Minimum	Minimum	Max
Single-family detached^a	3600 sf	40 ft	5 – 15 ft	4 ft	3 ft – 5 ft	2.5 stories / 35 ft
Single-family attached (2 units)^a	7200 sf	80 ft	10 – 16 ft	4 ft	5 ft	2.5 stories / 35 ft

Single-family attached (3-4 units) ^a	10,400 sf	116 ft	10 – 16 ft	4 ft	5 ft	2.5 stories / 35 ft
Single-family attached (5-9 units) ^a	17,820 sf	90 ft	5 – 17 ft	18 ft	10 ft	3 stories / 35 ft
Multifamily	42,000 sf	120 ft	2 - / ft	2 ft	2 ft	5 stores / 75 ft
Mixed Use	15,000 sf	100 ft	5 – 15 ft	5 – 20 ft	10 ft	50 ft
Nonresidential	5000 – 10,000 sf	75 ft	5 ft	15 – 25 ft	5 ft	50 – 55 ft
Civic (institutional, rec.) buildings	N/A	N/A	30 ft	50 ft	30 – 50 ft	55 ft

- a. For buildings incorporating a front porch, the front setback shall be measured to the nearest point of the front porch to the lot line. Maximum front setbacks shall be measured to the front plane of the principal building to the lot line.
- b. A reduction in the required setbacks to private alleys may be approved by the Plan Commission as part of the PUD.
- c. For single-family detached dwellings, a minimum side yard setback of three (3) feet shall be provided for one (1) side lot line, and a minimum side yard setback of five (5) feet for the opposite side lot line.
- d. Height modifications shall be requested in accordance with (d)(3)a(1)(viii) above and Sec. 17.0601 (as amended).
- e. Double Lot Frontage. Structures on lots abutting two (2) opposite streets shall be provided with a front setback and a rear setback. The front and side setbacks shall be determined as part of the PUD and in a manner that prohibits access to a double frontage lot from arterial streets. The selected front setback area shall be required to comply with the front setback requirements for the district in which the lot is located. The selected rear setback area shall be required to comply with the rear setback requirements for the district in which the lot is located and the rear setback area shall be screened from arterial streets with fencing or landscaping, as may be appropriate.

(4) Circulation Standards

- a. Objectives. The circulation system shall:
 1. Allow for multiple modes of transportation.
 2. Provide functional and visual links within the residential, mixed-use, and open space areas of the TND PUD.
 3. Provide multiple connections to existing and proposed external development.
 4. Provide adequate traffic capacity.

5. Provide multiple connections to pedestrian and bicycle routes, including off-street bicycle or multi-use paths.
 6. Control through traffic.
 7. Limit lot access to streets of lower traffic volumes.
 8. Promote safe and efficient mobility through the TND PUD.
- b. Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND PUD. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks in accordance with Municipal Code and Engineering Department requirements. The following provisions also apply:
1. Sidewalks in residential areas. Clear and well-lighted sidewalks at least five feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.
 2. Sidewalks in mixed-use areas. Clear and well-lighted walkways at least five feet in width shall connect all building entrances to the adjacent public sidewalk and associated parking areas.
 3. Disabled accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 4. Multimodal paths shall be designed and constructed to Municipal Code and Engineering Department requirements. Pedestrian-scale lighting of paths located outside of public rights-of-way is encouraged.
 5. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well-lit and clearly marked with contrasting paving material at the edges or with striping.
- c. Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or dedicated multimodal paths. Any existing or planned bicycle routes through the site shall be preserved or developed. Bicycle facilities may include off-street multimodal paths (generally shared with pedestrians and other non-motorized uses) and/or separate striped bicycle lanes on streets in accordance with Municipal Code and Engineering Department requirements.
- d. Transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Transit shelters, where provided, shall be well-lighted and placed in highly visible locations that provide security through surveillance.
- e. Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features, such as "queuing streets," curb extensions, traffic circles, and medians, may be used to encourage slow traffic speeds.
1. Street hierarchy and design. Table 17.0327(h)(4)(f) is provided as a general guide to street design in the TND PUD. Street and right-of-way widths shall be reviewed as part of the concept plan review and shall be approved as part of the TND PUD.
 2. Arterial streets should not bisect a TND PUD, but may border a TND PUD.
 3. Alleys may be used to provide primary access to residential garages and commercial parking areas. Unless otherwise approved by the Common Council, alleys shall be under private ownership.

Table 17.0327(h)(4)(f): Street Design Guidelines for Traditional Neighborhood Development

	Collector	Sub-Collector	Local Street	Alley
Typical Average Daily Trips	750 or more	250—750	Less than 250	N/A
Right-of-way	75 - 90 ft	50—75 ft	50—60 ft	12—16 ft
Auto travel lanes	2 @ 12 ft	2 @ ten ft	2 @ 10 ft	2 @ 8 ft or 1 @ 12 ft (1-way)
Bicycle lanes (may be required where needed)	6 ft next to parking lane	4 ft without parking* or 6 ft next to parking lane	None	None
Parking	Both sides, 9 ft	One or both sides, 9 ft	One or both sides, 9 ft	None (access to drives and garages)
Curb and gutter	Required	Required	Required	Not required
Terrace	Both sides, min. 8 ft	Both sides, min. 6 ft	Both sides, min. 6 ft	None
Sidewalks	Both sides @ 5 ft min.	Both sides @ 5 ft	Both sides @ 5 ft	None

*Not including gutter requirements.

- f. Parking requirements. Parking areas for shared or community use should be encouraged and designed in conformance with the following:
 1. In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided per Code requirements.
 2. A surface parking lot or detached parking garage shall not be located adjacent to or opposite a street intersection.
 3. In the mixed-use area, a parking study shall be required for all proposed commercial uses to determine parking requirements. Parking may be provided in shared or community lots within 1,000 feet of the site.
 4. On-street parking directly adjacent to a community amenity may apply toward the minimum parking requirements for that amenity as part of an approved TND PUD.
 5. Parking setbacks shall be in conformance with Code requirements unless modified by the Plan Commission and Common Council as part of an approved TND PUD.
 6. Surface parking lots or garages shall provide bicycle parking areas in conformance with NACTO standards. Bicycle parking areas are encouraged in community areas.
- g. Service access. Direct access to service and loading dock areas for service vehicles should be provided, while avoiding movement through parking areas to the greatest extent possible. Alleys may be used to provide service access. Loading docks and overhead doors shall not face up on a street right-of-way.

- h. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for surface parking areas.
- (5) Architectural Standards. A variety of architectural and design features and building materials is encouraged to give each building or group of buildings a distinct character, as well as sensitivity to the surrounding context.
- a. Standards for existing structures.
 - 1. Existing structures, if determined to be historic or architecturally-significant, shall be protected from demolition as part of a traditional neighborhood development. The National Register of Historic Places and/or the Wisconsin State Register shall be utilized to determine protections under this Section. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally-significant structures.
 - 2. Additions to existing structures shall adhere to all requirements of this Section, applicable Sections of the Municipal Code, and TND PUD approvals.
 - b. Standards for new structures. All new structures shall meet the dimensional requirements in 17.0327(h)(3)(d) above and the following:
 - 1. Building height. To create a visually unified streetscape, buildings should be no more than 30 percent taller or shorter than the average building height on the block in mixed-use areas.
 - 2. Entries and facades.
 - i. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.
 - ii. Exterior building materials shall be traditional, time- and weather-tested materials and techniques.
 - a. Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
 - b. Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as EIFS, stone veneer systems, or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.
 - iii. The front or principal facade of the principal building on any lot shall face a public street and shall not be oriented to face directly toward a parking lot.
 - iv. Buildings of more than 30 feet in width shall be divided into smaller regular increments through articulation of the façade. This can be achieved through variations in materials, detailing, roof lines, and elements, such as arcades, awnings, windows, and balconies.
 - v. The ground level of any multi-story, commercial, and mixed-use structure shall be visually distinct from the upper stories through the use of an intermediate cornice line, sign band, awning or arcade, or a change in building materials, texture, or detailing.
 - vi. Porches, pent roofs, roof overhangs, hooded front doors, or similar architectural elements shall be used to define the front entrance to all residences or multifamily buildings.

3. Transparency for commercial and mixed-use buildings. For commercial or mixed-use buildings, a minimum of **30 percent** of the front facade on the ground floor, excluding service entries, shall be transparent, consisting of window or door openings allowing views into and out of the interior. A modification of up to 50% of the transparent glazing requirement in this Section may be granted by a majority approval of the Plan Commission as part of Site and Building Plan review:
 - i. If supplemental design elements or improvements are incorporated into the project over and above those which are otherwise required which compensate for the modification. In support of the modification request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the modification is requested.
 - ii. Supplemental design elements or improvements may include:
 - a. Increased percentage of brick, stone, or decorative exterior building materials.
 - b. Sustainable building materials/elements (e.g., green roof, recycled materials, etc.).
 - c. Awnings and/or canopies.
 - d. Decorative lighting fixtures (pedestrian-level).
 - e. Hanging planters, landscaped planter beds, free-standing moveable planters.
 - f. Benches and/or landscaped seating areas.
 - g. Electric vehicle charging stations, bicycle parking and repair stations, and other alternative transportation enhancements.

(6) Site Design Standards.

- a. Lighting standards. All plans for lighting within the TND PUD shall be designed in conformance with Section 17.0808 of the Municipal Code (as amended).
- b. Standards for exterior signage. Sign number, size, height, and location in the TND PUD shall meet the requirements of Chapter 17 (as amended). A Master Sign Program shall be developed for the entire TND PUD that establishes a uniform sign theme.
- c. Landscaping and screening standards. A Master Landscape Plan shall be developed for the common areas of the TND PUD in accordance with landscaping and screening requirements in Sections 17.0403 and 17.1010, and the following:
 1. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger well-placed contiguous planting areas shall be preferred to smaller disconnected areas.
 2. Street trees. A minimum of one deciduous canopy tree per 80 feet of street frontage or fraction thereof shall be required. Trees may be clustered and need not be evenly spaced. Trees should preferably be located within a planting strip between the sidewalk and the curb, within a landscaped median strip, or in tree wells installed in pavement or concrete.

Lakeshore Commons – Traditional Neighborhood Planned Unit Development (PUD)

Executive Summary

Date: 08/20/2021

A. Project Narrative

- i. Lakeshore Commons development offer a mix of uses, housing types and densities within the PUD. Housing types include single family, 2 and 3-unit attached villas and townhouses for purchase, as well as several multi-family residential apartment buildings. The neighborhood is tied together with a system of sidewalks and multi-use paths, providing common-use amenities throughout the development.
- ii. F Street OCLV, LLC will own private roads, alleys, and amenity areas and will maintain these as part of the condo association. The utilities, public rights of way, and bioretention ponds will be owned and maintained by the City of Oak Creek, with any negotiated maintenance agreement as necessary.
- iii. Covenants and restrictions will allow enforceability of the WDNR deed restrictions that run with the land, which prevent any disturbance to the cap on the site without condominium association approval utilizing an approved vendor performing the work. Easements will allow access to utilities, public rights-of-way, and common areas.
- iv. Development Schedule.
 - a. Phase 1 infrastructure construction to commence as soon as possible through as early as August 2022, with vertical construction to commence upon City approval.
 - b. Phase 2 infrastructure construction to commence immediately upon completion of Phase 1 construction.
 - c. Phase 2.5 infrastructure construction to commence immediately upon completion of Phase 2 construction.
- v. City services are anticipated to be utilized per standard new developments of this size and location. No excessive use is anticipated.
- vi. As a catalytic development site, the proposed development takes into consideration future adjacent development opportunities. Scale appropriate development, buffering where necessary, and adequate roadway scale appropriate for the area. This development is seeking allowance for a dense residential community as governed by the Traditional Neighborhood Development (TND) of this area.

B. General Development Plan

- i. Lot, block and building locations (refer to PUD Exhibit 1). Setbacks to comply with Oak Creek Chapter 17 Zoning Code, Table 17.0327(h)(3)(d): Dimensional Standards, Traditional Neighborhood Development.
- ii. All proposed development structures are intended to comply with the TND. Square footage of buildings and number of units (multi-family) (refer to PUD Exhibit 3).
- iii. Public street locations including general cross-section and ROW width (refer to PUD Exhibit 6.1 through 6.3).
- iv. Private alleys and access drives (width and location) (refer to PUD Exhibit 6.1 through 6.3).
- v. Sidewalk and path-trail locations and connections (refer to PUD Exhibit 4).
- vi. Proposed public and private recreational amenities (refer to PUD Exhibit 4).

Vii through x - This development was designed to meet City standards for parking and traffic circulation. Public on-street parking is provided throughout the development, with select dedicated stalls for mail kiosk pick-up. Secondary roads branch off main arterial streets, offering a range of residential experiences. A traffic calming intersection is located at the heart of the development, and safe, well-lit multi-use paths are provided to promote a pedestrian friendly experience. In addition to this, almost all public roadways and private roadways, have parking on one or both sides. Private parking is designed to meet typical market required ratios. Dimensions to meet City standards.

- C. Location of utility infrastructure (existing and proposed) (refer to Overall Master Site Layout Plan, Overall Sanitary Plan, Overall Sewer Plan, & Overall Watermain Plan at the end of this document.)
- D. Schematic drawings
 - i. Single family & attached villa homes (refer to PUD Exhibits 2.1 through 2.7).
 - ii. Townhouse (refer to PUD Exhibit 2.8).
 - iii. Multi-family (refer to PUD Exhibit 2.9).
 - iv. Clubhouse (refer to PUD Exhibit 2.10).
- E. Landscape for all proposed site developments to meet the TND. All single family and attached villa homes and townhome site landscaping will be limited to the deed restrictions for the development site. The landscaping for the multi-family residential sites to meet the TND (see also PUD Exhibit 4, 6.1 through 6.3, and Overall Master Site Landscape Plan at the end of this document).
- F. Detailed landscape plans (refer to Overall Master Site Landscape Plan at the end of this document).
- G. Professional traffic study requirement is being communicated separately to City officials, and under separate review, as part of this application process.
- H. Precise detailed plans for each phase of the PUD
 - i. Site Plan (refer to PUD Exhibit 1 and Overall Master Site Layout Plan at the end of this document).
 - ii. Architectural Plan (refer to PUD Exhibit 1 and Overall Master Site Layout Plan at the end of this document).
 - iii. Landscape Plan (refer to PUD Exhibit 1 and Overall Master Site Landscape Plan at the end of this document).
 - iv. Lighting Plan is being communicated / coordinated separately with City officials, and under separate review, as part of this application process.
 - v. Grading Plan, Drainage and Stormwater Management Plan is being communicated / coordinated separately with City officials, and under separate review, as part of this application process.
 - vi. Master Sign Plan (refer to PUD Exhibit 8).
 - vii. Fire Protection Plan is being communicated / coordinated separately with City officials, and under separate review, as part of this application process.
- I. Will comply.
- J. N/A.
- K. Will comply.

- L. Development agreement is being communicated separately to City officials, and under separate review, as part of this application process.
- M. Will comply.
- N. Will comply.
- O. Deed restrictions are being communicated separately to City officials, and under separate review, as part of this application process.
- P. Condominium plat and restrictions is underway, and the details have been communicated with the city separately. Further documentation will be provided at City's request.

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, SEPTEMBER 14, 2021**

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

REZONE/PLANNED UNIT DEVELOPMENT

**JESSICA GUZMAN, F STREET DEVELOPMENT GROUP, EDISON M. BOERKE FAMILY TRUST, AND THE CITY OF OAK CREEK
4001 E. LAKE VISTA PKWY., 9300 S. 5TH AVE., AND 4200 E. LAKE VISTA BLVD.
TAX KEY NOS. 868-9996-002, 868-9994-002, & 868-9993-001**

Planner Papelbon provided an overview of the request made by Jessica Guzman, F Street Development Group; Edison M. Boerke Family Trust; and the City of Oak Creek to rezone to and establish a Traditional Neighborhood Development Planned Unit Development on portions of the properties at 4001 E. Lake Vista Pkwy., 9300 S. 5th Ave., 4200 E. Lake Vista Blvd. (see staff report for details).

Jessica Guzman, F Street Development Group, 1134 North 9th Street, Milwaukee, thanked the Plan Commission for their time and introduced Katie Monachos of RINKA.

Katie Monachos, RINKA, 756 North Milwaukee Street, Milwaukee, presented a site plan of the proposed development, and gave an overview of the building types and building materials. Ms. Monachos briefly touched on the amenities and signage, and also stated the streetscape will be pedestrian-friendly with sidewalks and bicycle areas designated.

Commissioner Chandler inquired if the building materials are designed for higher humidity and to deal with the impacts of the water from Lake Michigan.

Ms. Monachos stated the development will be far enough away from the lake that special consideration was not taken for the adjacency to the lake.

Commissioner Siepert expressed concerns about the traffic patterns and the Fire Department having access.

Ms. Monachos stated RINKA has the same concerns. RINKA paid close attention to this, and coordinated closely with the Fire Department and the Engineering Department to make sure all accommodations were met for all public streets, private streets, and alleys. This development offers all the required access for all three phases of the project.

Commissioner Siepert asked if the developers reviewed this proposal with the Fire Department. Ms. Monachos confirmed the proposal was reviewed with the Fire Department.

Commissioner Siepert also expressed concerns regarding the amount of parking available.

Ms. Monachos explained that the single-family houses have two-, two-and-a-half, or three-car garages per house, and the townhouses have two garage spots or two surface spots behind. Ms.

Monachos continued by explaining that a lot of the parking has been moved to the first floor inside to allow for more parking for the multifamily buildings. The applicant's intention is to provide market rate expectations.

Commissioner Siefert identified a concern regarding delivery trucks being able to service the area. Ms. Monachos explained that RINKA has coordinated with the mail delivery. There will be mail delivery kiosks, and for the multifamily buildings, there will be drop-off areas and designated move-in areas.

Planner Papelbon stated the roads labeled with numbers on the street map have all been designed to Engineering requirements, and are considered public streets. Planner Papelbon also stated the alleyways will be at least 16 feet. There will also be on-street parking for visitors and required parking for mailboxes. Planner Papelbon explained the deliveries will be handled like any other residential neighborhood or apartment building.

Director Seymour explained that there is parking in both garages and street parking for the single-family homes and villas. The City has some concerns regarding parking for the multifamily buildings. The two multifamily buildings in the center of the site at this time do not meet Code requirements for parking based on the number bedrooms. The City has been working with the development team to maximize parking where available, and maximize enclosed or structured parking within the multifamily buildings. The City wants to ensure the parking is done correctly to avoid large parking lots that are not being used.

Commissioner Hanna asked if there is public street parking available.

Director Seymour stated the public streets are public parking that is not assigned. The lots with aprons will be assigned.

Commissioner Hanna inquired how public parking usage will be taken into consideration versus residential parking.

Director Seymour stated that the City knows the overlap will happen. The City and developer can only make sure there is adequate parking to not force people to park on the streets. Parking on the streets will be subject to the parking requirements that are in place for Oak Creek. Public parking should not be relied on to satisfy demand, but can be used to supplement demand.

Commissioner Hanna stated that she wants to be sure there is adequate parking to prevent overlap of resident and public parking.

Commissioner Siefert asked how the population density compares to the City standards.

Director Seymour explained that this is a denser development, in terms of units per acre, than the City has seen before, with the possible exception of Drexel Town Square. This is by design to create a more walkable neighborhood. The concept of this design is to be less maintenance-intensive for the owner. Director Seymour stated residents of this development will be sacrificing space on a parcel for a more amenity-rich environment. This will not be a typical Oak Creek subdivision, but rather a neighborhood.

Commissioner Siefert inquired if the City has requirements or regulations on the population density.

Director Seymour explained that the PUD and the Traditional Neighborhood Development zoning district allows for increased densities to achieve community and walkability. The proposed development will be in accordance with the Traditional Neighborhood Development zoning that was adopted by Common Council.

Planner Papelbon referred Commissioner Siepert to the TND PUD standards regarding minimum and maximum densities per net acre. This development is in conformance with those allowances.

Commissioner Siepert asked if the standards were written to the applicant.

Planner Papelbon explained the standards were written to be amenable to a development plan that everyone is hoping to achieve. There were discussions on the minimums and maximums to ensure the development is something everyone is comfortable with promoting.

Director Seymour stated that the regulations were based on standards that are promoted statewide with respect to traditional neighborhood developments, and based on a model ordinance that was prepared and has been in use across the state.

Planner Papelbon stated the proposal, with the exception of the multifamily buildings and maybe one other category, is not far off from the current density standards if the houses were per lot. The proposed development is condo-ized - so all the parcels involved are under common ownership - but the densities are closer to what will be allowed in the Zoning Code update as well as current Code with the one exception, possibly two, and the multifamily.

Commissioner Siepert asked if the streets will be controlled or maintained by the City.

Director Seymour explained it will be both. The major streets will be dedicated to and maintained by the City. The alleyways, one of the private streets on the southeast corner of the development, and parking lots will all be private and maintained privately. The City will not be plowing alleys or collecting garbage and recycling for the development. The City will take on some of the maintenance responsibilities under an agreement with respect to some of the common open space areas and trails, as well as some of the regional stormwater retention areas.

Commissioner Siepert asked if that is explained in the standards.

Director Seymour stated that such will be spelled out in the PUD, infrastructure agreements, and finance development agreements.

Commissioner Oldani asked how much space there is in the alleyway by the garages. Ms. Monachos stated there is four feet between the alley and the garages.

Commissioner Oldani expressed concerns regarding snow removal in the alleyway.

Ms. Monachos referenced the snow storage area diagram. Areas of snow storage are identified between the garages. If the optional fence is installed, it will be pushed back off of the alleyway to allow for collection areas between the garage spaces. The number of two-and-a-half-car and three-car garages will be limited per block to allow space for snow collection areas.

Commissioner Oldani asked for clarification if the snow storage areas would be used by individuals shoveling or plows. Ms. Monachos confirmed it would be for a plow.

Commissioner Carrillo asked if there will be basements. Ms. Monachos stated that, at this time, only the two multifamily buildings in the center of the site have basements. The basements for those buildings are exposed on the north side of the building. The single-family homes will not have basements due to the conditions of the soil.

Commissioner Carrillo asked to confirm that there is no underground parking. The two multifamily buildings in the center of the site will have the partially-exposed basements for parking. The four multifamily buildings in the southwest corner will have first-floor parking, no basements.

Commissioner Carrillo inquired if the multifamily buildings will have one spot per unit. Ms. Monachos stated that the developers are working to determine that number; however, at this time, the interior parking is maximized and there is surplus exterior parking.

Commissioner Carrillo expressed concern regarding non-tenants using the parking lots. Ms. Monachos stated all the parking stalls will be assigned, and management will have a protocol to enforce.

Commissioner Carrillo asked for more details regarding the houses already being listed on the MLS. Ms. Monachos stated it is a reservation process to make sure there is interest and the sites are being showcased.

Commissioner Sullivan reiterated that the Plan Commission does not like the "high-quality vinyl siding" as an exterior building material.

Commissioner Hanna stated she is extremely concerned about the parking situation. Commissioner Hanna asked if residents that choose not to have a fence will be responsible for storing all the snow from the alleyways. Ms. Monachos clarified that there is a datum for a fence connection. The snow will be stored between the garages. Ms. Monachos explained the snow removal will be public on the public streets and private on the private streets.

Commissioner Hanna asked who is responsible for the snow removal on the alleyway. Ms. Monachos stated it would be done privately by the Association. Commissioner Hanna asked if the homeowners are responsible for removing the snow, and whether the spaces between the garages will their designated location to store the snow. Ms. Monachos reiterated that all maintenance will be done by the Association.

Commissioner Hanna asked if the maintenance is optional for the homeowners. Ms. Monachos confirmed it is not optional.

Commissioner Hanna asked if all drainage issues have been looked at. Ms. Monachos confirmed the developers have been working closely with the civil engineer to ensure the sites during construction do not negatively affect each other, final construction is coordinated with the overall concept, and no problems will arise if construction is stopped between each phase.

Commissioner Hanna asked a question that was inaudible.

Ms. Monachos stated that there is a ton of interest; however, there is still a lot to coordinate as far as upgrade packages and the costs associated with such. At this time, the developer is building the base scheme to make sure residents can get in at a certain price, but then there are certain upgrades such as site location, exposure to the lake, etc. There is also a lot of interest with the townhomes that are less developed.

Commissioner Oldani asked what the snow storage area is used for when it is not winter.

Ms. Monachos explained the base will be grass. The area just north of the snow storage is a patio area with upgrade options that include slab-on-grade with a raised wood deck.

Commissioner Oldani asked if the snow storage area can be used for additional parking or if the area must remain empty. Ms. Monachos confirmed it must remain empty to maintain access for emergency vehicles.

Commissioner Chandler asked Planner Papelbon to confirm that the area is currently zoned for multifamily, and that the proposal is to rezone it to Traditional Neighborhood to allow a denser area for living space.

Planner Papelbon stated Commissioner Chandler is correct that there are multiple zonings for the properties. Portions of the properties would be rezoned to Traditional Neighborhood Development PUD to allow for the multiple uses and multiple types of residences that are proposed in the PUD.

Commissioner Chandler asked the applicant to provide additional information for the request to rezone from multifamily to Traditional Neighborhood Development.

Planner Papelbon clarified that portions of the properties are A-1, Rm-1, and B-4, and that this proposal would bring all properties under one zoning district to allow for multiple residential types with the potential addition of some commercial space on the first floor of some of the multifamily.

Commissioner Chandler asked for more clarification regarding the transition to Traditional Neighborhood Development.

Planner Papelbon stated the Traditional Neighborhood Development Zoning District allows for more than multifamily for the housing types. It also allows for denser neighborhood development that is mostly residential.

Commissioner Chandler inquired why it is so dense and why there is a desire to have the multifamily or multiple housing types.

Planner Papelbon explained part of the goal of this development is an attempt to achieve housing options that are missing in the City, trying to reach a specific demographic that is missing. The denser development is attempting to get at a more walkable neighborhood. This development is different than what Oak Creek has seen in recent years. The townhomes and villas options provided in this development are not seen in the rest of the City.

Ms. Monachos stated the common areas of the development creates more of a community.

Commissioner Chandler stated that she is concerned that there is a smaller number of common areas based on the number of people that will be living in the development and visitors to the lake.

Ms. Monachos referenced the concept development plan, and stated that each dot represents an amenity such as a pocket park, dog park, recreational area, garden, etc. The developer believes the plentiful amenities and access of the lake will sell the lots.

Commissioner Oldani asked if the City has explored options of adding parking around the park area to help mitigate parking concerns.

Director Seymour explained that the parking on this development will not help solve the parking issues for the Fourth of July or beer gardens. Director Seymour stated that the City is looking for opportunities adjacent to this proposal, primarily in the north bluff area.

Commissioner Siepert asked Director Seymour about the road pattern to and from the area.

Director Seymour stated that Lakeshore Commons is part of TID 13. The City has a project planned to make improvements to the other areas of TID 13, including improvements to 5th Avenue.

Commissioner Siepert stated that the City and Plan Commission also need to take into consideration the 46 acres to the north. Director Seymour explained that the City will take their time and be deliberate about what is planned for that area. What is developed there will be consistent with the vision for the lakefront.

Commissioner Sullivan stated that the Engineering Department was tasked with looking at the required dollar amount, size, and capacity of 5th Avenue as part of TID 13. The City is starting to plan for the road improvements. Commissioner Sullivan stated that the Engineering Department has also been tasked with looking for different areas in Lake Vista for parking overflow. There are issues created in that area with stormwater and environmental impacts. The options have been provided to the City Administrator.

Alderman Loreck stated that he believes there is a market for this type of development, and that it adds to the diversity to the housing in Oak Creek. Alderman Loreck stated that he understands parking is a challenge; however, it sounds like there might be more parking in this development than in a traditional city. Alderman Loreck asked to confirm that the single-family houses will have no exterior modifications by the homeowners.

Ms. Guzman confirmed that the Condo Association will have an architectural review board that will outline what exterior modifications are allowed to be made. At this time the developer is limiting the exterior paint colors and materials, and not allowing flag poles. Anything done to the exterior of the home will go through the Condo Association, and they will have full control.

Alderman Loreck asked if there is a grass- or tree-line between the sidewalk and street. Ms. Monachos stated there are landscaping requirements identified in the Traditional Neighborhood Development guidelines and the PUD, including a minimum spacing of trees, minimum parking screening, islands for parking, and shade trees. There are also nodes in the amenity spaces that will have special plantings.

Alderman Loreck requested confirmation that the multifamily buildings would be rental, and everything else will be owned. Ms. Monachos confirmed that is correct.

Planner Papelbon explained that the Conditions and Restrictions will have language about phasing. Planner Papelbon asked the Plan Commission to keep in mind that this development is about 40% single-family type development, which will cause the phasing to be lengthier than any phasing program the City has seen thus far for PUD consideration. The timing of the phases will be closer to what is seen with a single-family subdivision. Each phase will likely have benchmarks

that are similar to what is seen in other PUDs. The first phase is the largest phase of the development to include streets, infrastructure, and utilities.

Commissioner Oldani moved that the Plan Commission recommends to the Common Council that portions of the properties at 4001 E. Lake Vista Pkwy., 9300 S. 5th Ave., 4200 E. Lake Vista Blvd. be rezoned to Traditional Neighborhood Development 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 (September 28, 2021). Commissioner Carrillo seconded. On roll call: all voted aye, except Commissioner Hanna, who voted no. 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 7:22 pm.

ATTEST:



Karl Papelbon, Plan Commission Secretary

9-28-21

Date

Lakeshore Commons –
Traditional Neighborhood Planned Unit Development (PUD)
General Development Plan and Conditions and Restrictions **DRAFT**

Applicant: F Street Development Group
Project: Lakeshore Commons Development
Property Address: 4200 E. Lake Vista Blvd., 9300 S. 5th Ave., and 4001 E. Lake Vista Pkwy.
Tax Key Number: 868-9996-002, 868-9994-002, & 868-9993-001

Approved by Plan Commission: 9-28-21
Approved by Common Council: TBD
Ord #: 3018

This planned unit development is being developed within the Traditional Neighborhood Development District zoning in accordance with Section 17.0327 of the Municipal Code and is subject to the following conditions of approval.

Lakeshore Commons is a development that envisions an active, walkable and inclusive community located along the shores of Lake Michigan. Rooted in progressive urban design principals and a vision for a more sustainable future, this document serves as a detailed roadmap for the development ensuring key factors are incorporated in its creation.

Lakeshore Commons is projected to have primarily residential, mixed-use, and community compatible uses. Residential will include a range of housing types from Single Family units, Townhomes, and Multi-Family buildings with mixed-use ground floors. Standalone Community Amenity buildings will also be incorporated into the Masterplan.

1. Required plans, documents, easements, agreements and public improvements

- a. A project narrative describing, at a minimum:
 - i. the mix of uses, housing types and densities within the PUD
 - ii. an overall statement regarding ownership structure and common area maintenance
 - iii. the substance of covenants, easements and other restrictions to be imposed on the use of the land including common open space, and buildings or structures.
 - iv. A schedule of development showing the approximate date for beginning and completion of each phase of the planned development.
 - v. An analysis setting forth the anticipated demand on City services
 - vi. A statement identifying each site development allowance requested from Municipal Code standards including how each allowance would be compatible with surrounding development, is in furtherance of the stated objectives of a Traditional Neighborhood Development and is necessary for proper development of the site.

- b. A general development plan (**Exhibit 1**) for the entire area to be regulated within the PUD shall be approved by the Common Council upon recommendation by the Plan Commission and shall include:
 - i. Lot, block and building locations with setbacks
 - ii. square footage of buildings and number of units (multifamily)
 - iii. public street locations including general cross-section and ROW width
 - iv. private alleys and access drives (width and location)
 - v. sidewalk and path-trail locations and connections
 - vi. proposed public and private recreational amenities
 - vii. parking layout and traffic circulation
 - viii. location
 - ix. number of spaces
 - x. dimensions

- xi. setbacks
- c. location of utility infrastructure (existing and proposed)
 - i. sanitary sewer
 - ii. water
 - iii. storm sewer
 - iv. detention/retention basins
 - v. green infrastructure plans
 - vi. location of wetlands (field verified)
 - vii. location of regulated soil management areas
- d. Schematic drawings (**Exhibits 2.1 through 2.10**) illustrating the design and character of all building typologies. The drawings shall also include a schedule showing the unit sizes and number of bedrooms proposed within all multifamily structures of four or more units.
- e. A master landscape design guide for streetscapes and common areas within the PUD. This shall include minimum landscaping requirements for the single family and multifamily villa housing types with standards established for landscaped streets, trails, front, side and rear yards. No landscaping or disturbance will be permitted in such a location or manner as may be contrary to these conditions and restrictions, deed restrictions or established soil management plans.
- f. For each phase 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. Said landscape plans shall be in conformance with the master landscape design guide approved for the PUD.
- g. A professional traffic study showing the proposed circulation pattern within and in the vicinity of the planned development, including the location and description of public improvements to be installed, and any streets and access easements.
- h. Precise detailed plans for each phase of the PUD shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits for that phase. These plans shall be in substantial conformance with the adopted General Development plan and shall include the following:
 - i. Site Plan
 - ii. Architectural Plan
 - iii. Landscape Plan
 - iv. Lighting Plan
 - v. Grading Plan, Drainage and Stormwater Management Plan
 - vi. Master Sign Plan
 - vii. Fire Protection Plan
 - viii. Contingent parking plan for multifamily buildings
- i. All plans for new buildings or additions shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit. This requirement shall not apply to single-family structures or two/three-unit multifamily villas.
- j. The Plan Commission shall approve architectural plans for all of the different models proposed for the single-family and two/three-unit multifamily villas. Plan Commission review of individual site and building plans is not required for the single-family and two/three-unit multifamily villas provided they substantially conform to the approved models and general development plan as depicted in **Exhibits 1 and Exhibits 2.1 through 2.7**.

- k. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- l. A Development Agreement shall be completed between the owner and the City so as to ensure the construction or installation of public or other improvements required in the adopted General Development Plan, detailed phase plans or as specified by these conditions and restrictions. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- m. A qualified environmental professional ("QEP") hired by the City shall be responsible for reviewing compliance with the Barrier Management Plan ("BMP") and SMP under the COC".
- n. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- o. If there are any future land divisions, a subdivision or condominium plat or certified survey map shall be prepared, submitted for approval and recorded. All future land divisions shall comply with the Deed Restriction and COC requirements imposed by the WDNR under the Voluntary Party Liability Program ("VPLE")".
- p. The City shall approve the condominium plat and deed restrictions within this planned unit development in accordance with Chapter 14.42 of the Municipal Code. The City has the right, but not the obligation to enforce those restrictions, particularly as they relate to existing environmental documentation and agreements.
- q. The Plan Commission shall approve the Declaration of Condominium and the Condominium ByLaws to ensure that there is compliance with the State of Wisconsin Department of Natural Resources ("DNR") Certificates of Completion ("COC") dated November 20, 2014, which require that in the Clean Cover Soil Area ("CCSA") for any condominium and residential development the land should be under common ownership where there is an oversight body responsible for enforcing compliance with the Barrier Management Plan ("BMP") and Soil Management Plan ("SMP") that are part of the Institutional Controls under the COC and are a requirement of the Deed Restrictions imposed by both E.E. DuPont de Nemours and Company and EPEC Polymers, Inc., both dated December 1, 2014.

2. Traditional Neighborhood Development Use and Design Standards

- a. Permitted Uses - In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A traditional neighborhood development should consist of a mix of residential uses, a mixed-use area and open spaces. The following uses are permitted within this Traditional Neighborhood PUD subject to Chapter 17.0327 of the Municipal Code, deed restrictions, the adopted General Development Plan and uses established for designated soil management areas:
 - i. Single family detached (not permitted within Clean Cover Soil Area – CCSA)
 - ii. Two- and three-unit multifamily villas
 - iii. Multifamily Townhomes
 - iv. Multifamily buildings of four or more units
 - v. Neighborhood commercial uses up to 10,000 square feet in size, as further restricted by recorded deed restrictions, including:

- Food services (grocery stores, butcher shops, bakeries and other specialty food stores without drive-through facilities), cafes, coffee shops, bars and taverns, microbreweries, neighborhood scale distilleries or wineries, tasting rooms, ice cream or candy shops.
 - Retail, excluding adult entertainment.
 - Services, including financial institutions (without drive-ups or drive-throughs), day care centers, veterinary services, self-service laundry, dry cleaners
- vi. Home occupations, where not excluded by Municipal Code or deed restriction.
 - vii. Public and private recreational and open space uses.
- b. **Conditional Uses** - The following uses require conditional use permits within this Traditional Neighborhood PUD subject to Chapter 17.0327 of the Municipal Code, deed restrictions, the adopted General Development Plan and uses established for designated soil management areas:
- i. Permitted neighborhood commercial uses exceeding 10,000 square feet in size
 - ii. Lodging uses, including bed and breakfast, motels or hotels.
 - iii. Civic or institutional uses
- c. **Development Units and Density** – The maximum density and number of residential dwelling units and the amount of nonresidential development shall be determined in accordance with the adopted general development plan and **Exhibit 3** - Lakeshore Commons Unit Types & Density Standards by Phase.
- i. The Director of Community Development is authorized to permit variations to the unit mix in any given development phase provided that the total number of units and density does not exceed the maximum for that phase as identified in **Exhibit 3** - Lakeshore Commons Unit Types & Density Standards by Phase provided that no single-family homes shall be permitted in the CCSA.
- d. **Mixed-Use Areas** – Neighborhood Commercial uses, as defined by Section 17.0312 of the Municipal Code, or further restricted by recorded deed restrictions shall be permitted on ground floors of multifamily structures
- e. **Open Space and Neighborhood Amenities** – There shall be an interconnected network of public and private open space as depicted in **Exhibit 4** – Open Space & Neighborhood Amenities. All amenities for a given phase must be constructed in accordance with approved Finance Development Agreement and Escrow agreement. Maintenance of private amenities and facilities shall be the responsibility of the property owner(s).
- f. **Stormwater Management** – The properties within the planned unit development shall be subject to a storm water management practices maintenance agreement with the City. Areas designated for stormwater management green infrastructure shall be consistent with the adopted general development plan for this planned unit development.
- g. **Lot and Block Standards** – Although it is anticipated that development will take the form of a condominium plat without individual lots, the following standards apply to structures within this planned unit development as depicted in **Exhibit 1** & TND Table 17.0327(h)(3)(d).
- h. **Circulation and Parking Standards** – The circulation system shall allow for different modes of transportation. It shall provide functional and visual links between areas within the planned unit development and shall connect to existing or proposed external development. The circulation system shall provide adequate traffic capacity, and promote safe and efficient mobility for pedestrian and bicycles throughout the planned unit development. Roadway sections are depicted in **Exhibits 6.1, 6.2, and 6.3.**

- i. **Pedestrian Circulation** – Pedestrian circulation should minimize pedestrian-

vehicle conflicts.

- Sidewalks shall connect all dwelling entrances and entrances to commercial or mixed-use buildings to the adjacent public sidewalk.
- Sidewalks shall comply with applicable requirements of the Americans with Disabilities Act.
- Crosswalks shall be clearly marked with contrasting paving materials or striping and may include other traffic calming measures.

ii. **Bicycle Circulation** – Bicycle circulation shall be accommodated on collector streets and/or multiuse paths. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, 4-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width shall be a minimum of 13.5 feet. Bicycle parking shall be provided for all multifamily buildings as well as the private community building and recreation space.

iii. **Motor Vehicle Circulation** – Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming measures are encouraged to slow traffic speeds.

i. **Street Hierarchy** – The design intent of the street hierarchy and cross section design within the traditional neighborhood development is illustrated in **Exhibits 6.1, 6.2, and 6.3**. Motor Vehicle Circulation and Road Cross Sections, and shall be classified as follows:

i. **Collector (public)** – Collector streets provide regional access to neighborhood as part of the City’s major street network. Individual driveways are not permitted to directly access collector streets. South 5th Avenue and East Lake Vista Boulevard are designated as collector streets within this planned unit development.

ii. **Subcollector (public)** – Subcollector streets provide primary access to residential, commercial and mixed-use areas of the planned unit development. Only consolidated and shared driveways for multifamily and mixed-use parking facilities may directly access subcollector streets. Additional parking is provided within buildings or lots to the side or rear of buildings. Road 1 is designated a subcollector street.

iii. **Local Street (public)** – Local streets provide primary access to individual properties (although vehicular access to off-street parking is limited to alleys). Roads 2, 3, 4, 5, 6, 8, and 9 are designated as public local streets.

iv. **Local Street (private)** – Road 7, 10 are designated as private local streets.

v. **Alley (private)** – These streets provide access to residential properties where the streets are designed with a narrow width to provide limited on-street parking. Alleys may also provide delivery access or access to alternate parking for commercial or mixed-use properties.

j. Parking and Driveway Requirements

i. Minimum off-street parking requirements for this project shall be provided at the rate of:

- Single-family, multifamily villas, and multifamily townhomes two (2) attached spaces per dwelling unit.

- Multiple family buildings of more than four units shall provide a minimum of 1.4 dedicated parking spaces per dwelling unit. Design intent to include as many stalls as possible provided within an enclosed or attached garage within a reasonable vicinity of the dwelling unit.
 - A contingent parking plan shall be provided as part of the precise detailed site plans required by Section 1h illustrating those areas on the site set aside for additional parking should actual parking demands exceed the minimum parking requirements established by these conditions and restrictions.
- ii. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
 - iii. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
 - iv. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval.
 - v. Surface parking lots or garages for multifamily structures of four or more units shall provide bicycle parking areas in conformance with NACTO standards.
 - vi. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
 - vii. All driveway approaches to this property shall comply with the standards set forth in Chapter 23 of the Oak Creek Municipal Code. Any off-site improvements shall be the responsibility of the property owner.
 - viii. All off-street parking areas shall be landscaped in accordance with Sections 17.0403(g) & (h) of the Municipal Code, the adopted Master Landscape Design Guide and these conditions and restrictions.
 - **Landscape Area.** All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. For parking lots designed for twenty-five (25) parking spaces or more, at least one-half of the minimum five- (5) percent landscaped area shall be within the parking lot.
 - **Parking Lot Screening.** Those parking areas for five (5) or more vehicles if adjoining a public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet.

k. Single Family and Attached Multifamily Villa Fencing Requirements

- i. Private fenced rear yards are optional within the development at single family and attached multifamily villas. Fencing is allowed at backyard and side yard conditions only. Fencing shall be a minimum of three (3) feet from the rear yard alley line and should extend no more than fifty (55) feet from the alley line. Any deviations that arise shall be brought to the Plan Review Department - staff level, for consideration. Fencing shall be held tight to the demising site lines. Fence materials shall meet the TND requirements.

3. Architectural Standards

- a. **Materials:** Materiality is a critical component within the architecture of Lakeshore Commons. The following guidelines describe levels of quality and general locations of building materials. The Exterior materials, and their colors, shall be complementary to each other for a cohesive and refined aesthetic. The use of high quality and durable building materials shall be used on all facades. The use of sustainable building materials is strongly encouraged. Materials examples are illustrated in **Exhibits 7.1 and 7.2**.

- i. **Single Family Homes, Multifamily Villas, and Townhomes (Exhibit 7.1)** - Examples of high-quality materials shall include:
Stone, Brick, Burnished Block, Commercial grade architectural metal panel, Wood, Fiber cement plank or panel, Stucco, Photovoltaic systems, engineered wood systems, Phenolic cladding system, Composite Siding System, Wood look aluminum metal plank system.
- ii. **Multi Family Buildings and Clubhouse (Exhibit 7.2)** - Examples of high-quality materials shall include:
Stone, Brick, Burnished Block, Commercial grade architectural metal panel, Wood, Fiber cement plank or panel, Stucco, Photovoltaic systems, engineered wood systems, Phenolic cladding system, Corrugated metal paneling, Wood look aluminum metal plank system.
- i. **Locations of High-Quality materials:** High quality materials shall take precedence on facades that face main roadways or any other frontages that will be in direct contact with the public realm.
- ii. **Accent Materials:** Accent materials are defined as high quality materials that shall not make up the primary composition of a façade. They selectively highlight architectural features and are intended to harmonize within the overall design expression.

Examples of recommended Accent materials include:

- Exposed concrete (variety of colors and textures are acceptable)
 - Fritted glazing (variety of patterns are acceptable)
 - Translucent Materials (variety of styles are acceptable)
 - Corrugated Metal Panel
 - Metal and/or vinyl trim and fascia
- iii. **Material examples** – Example images of acceptable materials are depicted on **Exhibits 7.1 and 7.2** Material examples and requirements stated above shall apply to all proposed building typologies within Lakeshore Commons.

- b. **Building Façade Composition** - Buildings at Lakeshore Commons are intended to harmonize with each other and create a uniform and understandable design identity without limiting building style and expression. The community experience is enhanced with visually interesting building facades. All building typologies and facades shall demonstrate a timeless design aesthetic.

- c. **Scale:** A building's composition shall include a hierarchy and variety of elements such as entries, windows, roof elements, structural bays, etc., all of which create neighborhood identity. These elements shall work in harmony with building height and massing emphasizing character and pedestrian comfort.
- d. **Height:** In order to achieve a dense urban character, building heights within Lakeshore Commons shall be maximized following their building. Proposed buildings shall follow the guidelines set forth in the Traditional Neighborhood Development document.
- e. **Depth:** Buildings shall utilize techniques to avoid flat façade treatments. Visually capturing layering and depth includes intentional design and material approaches with windows, roof extensions, and various other façade expressions.
- f. **Glass:** Glazing is an important component in a building's design. Appropriate glazing amounts enhance interior living conditions with natural daylight, outside views, and better air flow depending on window types. All of these components contribute to the health and wellness of all residents. Glazing along pedestrian corridors at the ground level shall be maximized here to promote retail engagement and street edge activation while also providing safety, allowing unobstructed views into and out of buildings.
 - i. Tinted glazing and Spandrel glazing should be minimized to small areas on the facades and used primarily as back of house façade treatments at service locations.
 - ii. All building typologies noted below shall meet glazing amount guidelines as stated in the Traditional Neighborhood Development document.
 - iii. **Single Family structure and multifamily two- and three-unit villas glazing guidelines:** Glazing locations, amounts, sizes, and window specifications shall promote the health and wellness of the residents as much as possible.
 - iv. **Multifamily structure of four or more units glazing guidelines:** Ground floor glazing amounts shall serve to activate the street front as much as possible.
 - v. **Commercial & Amenity Building Glazing Guidelines:** Commercial glazing design should be maximized at the ground level to encourage street activation and shall incorporate adequate visibility into the tenant spaces.

4. Landscaping Standards

- a. For each phase 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. Said landscape plans shall be in conformance with the overall master site landscape plan approved for the PUD (refer to Overall Master Site Plan).

5. Lighting Standards

- a. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission or their designee and shall conform with the standards in Section 17.0808 of the Municipal Code.

6. Signs

- a. A master sign plan shall be submitted for review and approval by the Plan Commission and shall include requirements for lettering, base materials, form, landscaping and lighting.

Signage, provided that it is in accordance with the approved master sign plan, shall not require additional Plan Commission approval. Refer to **Exhibit 8** Development Signage for additional information. The plan shall include signage requirements for –

- i. Wayfinding – Not shown in exhibit. To be individual wayfinding markers, one overall at central amenity space, one at each amenity station. Design intent to match development signage- design, color, and material. Sizing to be fifty-four (54) inches tall by twelve (12) inches wide.
- ii. Development signage
- iii. Multifamily buildings of four or more units and mixed-use buildings
- iv. Clubhouse and amenity spaces

7. Maintenance and Operation

- a. Areas for snow storage on private property shall be provided outside of public rights of way as depicted in **Exhibit 9**. Removal of snow from roads (private), alleys, off-street parking areas, sidewalks and access drives shall be the responsibility of the owners.
- b. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan(s). Garbage and recycling containers may not be stored outside unless screened. Solid waste collection and recycling shall be the responsibility of the owners.
- c. The maintenance of stormwater management and green infrastructure facilities is the responsibility of the property owner unless otherwise agreed to and documented by the City.

8. Time of compliance

The operator of the PUD use shall begin installing or constructing the public infrastructure and amenities for Phase 1 as required in these conditions and restrictions for the PUD within twelve (12) months from the date of adoption of the ordinance authorizing the planned unit development. Phase 1 public infrastructure and amenities must be completed, and building permits issued for initial structures therein within forty-eight (48) months from the date of adoption of the ordinance. The time of compliance for future phases shall be as prescribed in the Purchase and Sale Agreement and/or Finance Development Agreement.

In the event that the time of compliance provisions are not complied with, the applicant shall re-apply for a PUD approval, prior to recommencing work or construction.

9. Other regulations

- a. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- b. Compliance with all other applicable City, State and Federal regulations not heretofore stated or referenced, is mandatory.
- c. Impact fees shall apply to all development within this planned unit development in accordance with Section 3.40 of the Municipal Code.
- d. The development shall fully comply with all conditions of the COC and the Deed Restrictions. A post closure modification for mass grading of the development in some limited areas of final grading has been approved. A Post Closure Modification (“PCM”) may be necessary for some areas of Phase I and for any future Phases. Compliance with the COC and Deed Restrictions is mandatory and shall be enforced by the condominium association

10. Sequencing of regulatory approvals, land divisions, infrastructure development, building permits and occupancy permits.

- a. Variation from Chapter 14 Requirements – The following sequence represents a variation of Chapter 14 Subdivision and Platting Requirements pursuant to Section 14.180(d) of the Municipal Code.
- b. Certified Survey Map – A certified survey map shall be approved and shall be recorded concurrently with the closing of the sale of the City property.
- c. Infrastructure Development Agreement – A development agreement as required under Section 1L shall be approved and executed prior to the closing of the sale of the City property.
- d. Rezoning and Planned Unit Development – The properties shall be rezoned to Traditional Neighborhood Development Planned Unit Development. A copy of the signed conditions and restrictions shall be returned to the Department of Community Development.
- e. Commencement of Infrastructure Development- Following approval of the infrastructure development agreement, closing on the property, and approval of the rezoning and PUD, construction may commence in accordance with the conditions set forth in this document, the Deed Restriction and COC requirements imposed by the Wisconsin Department of Natural Resources (“WDNR”) under the Voluntary Party Liability Program (“VPLE”) and the Post Closure Modification (“PCM”) approved by the WDNR.
- f. Preliminary Plat – A preliminary plat shall be submitted for review and approval by the Plan Commission. As part of that submittal, the applicant shall identify and justify any variations that are being requested to the platting procedures as identified in Section 14.180 of the Municipal Code.
- g. Final Plat – Upon approval of the preliminary plat, the applicant may submit a final plat for review and approval by the Plan Commission and Common Council in accordance with the procedures established in Chapter 14 of the Municipal Code or those variations recommended thereto by the Plan Commission. The Plan Commission shall make a recommendation to the Common Council, who in turn may approve the final plat and any variations requested therewith. The final plat may not be recorded, and no new parcels or public rights of way may be created until the conditions of the Post Closure Modification (“PCM”) have been satisfied, unless there is written approval of the WDNR.
- h. Condominium Plat - A condominium plat shall be submitted for review and approval by the Plan Commission and Common Council in accordance with Section 14.42 of the Municipal Code. As part of that submittal, the applicant shall identify and justify any variations that are being requested to the platting procedures identified in Section 14.180 of the Municipal Code.
- i. Conditions Precedent to Issuance of Building Permit – No building permit shall be issued until such time as plans have been approved by the Plan Commission if required by Section 1.1 of these conditions and restrictions and until water, sanitary sewer, storm sewer and an accessible roadway have been provided to access the location of said building permit. The extent to which these improvements are deemed acceptable is at the sole discretion of the City Engineer.
- j. Completion, Acceptance and Dedication of Public Improvements and Issuance of Certificate of Occupancy – No occupancy permits may be issued for structures within a phase until such time as all public improvements for that phase have been completed, accepted and dedicated to the City in accordance with the infrastructure development agreement.

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 PUD approval may be revoked, and the lands may be rezoned to the TND – Traditional Neighborhood Development district. The process for revoking an approval shall generally follow the procedures for approving a PUD as set forth in Section 17.1007 of the Municipal Code.

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's authorized representative

Date

(please print name)

List of Exhibits for Lakeshore Commons PUD

Exhibit 1 – Proposed Development Site Plan

Exhibits 2.1 through 2.10 – Design and Character of Building Typologies

Exhibit 3 – Lakeshore Commons Unit Types & Density Standards by Phase

Exhibit 4 – Proposed Open Space and Neighborhood Amenities

Exhibit 5 – Page Intentionally Left Blank

Exhibits 6.1 , 6.2, & 6.3– Circulation and Road Cross Sections

Exhibits 7.1 & 7.2. - Material Samples

Exhibit 8 – Development Signage

Exhibit 9 – Snow Storage Areas

Exhibit 10 – Proposed Private Fence Diagram

EXHIBIT 1
PROPOSED DEVELOPMENT SITE PLAN



EXHIBIT 2.1
DESIGN & CHARACTER OF BUILDING TYPOLOGIES
SINGLE FAMILY AND MULTI FAMILY VILLA HOMES

SAGE I

RANCH - 1490 SF
2 BED - 2 BATH



SAGE II

RANCH - 1512 SF
2 BED - 2 BATH



EXHIBIT 2.2
DESIGN & CHARACTER OF BUILDING TYPOLOGIES
SINGLE FAMILY AND MULTI FAMILY VILLA HOMES

SAGE III

RANCH - 1702 SF
3 BED - 2 BATH



JUNIPER I

2 STORY - 2130 SF
3 BED + DEN - 2.5 BATH



EXHIBIT 2.3
DESIGN & CHARACTER OF BUILDING TYPOLOGIES
SINGLE FAMILY AND MULTI FAMILY VILLA HOMES

JUNIPER II

2 STORY - 2137 SF
4 BED - 3 BATH



MULBERRY I

2 STORY - 2053 SF
3 BED - 2.5 BATH + LOFT



EXHIBIT 2.4
DESIGN & CHARACTER OF BUILDING TYPOLOGIES
SINGLE FAMILY AND MULTI FAMILY VILLA HOMES

MULBERRY II

2 STORY - 2152 SF
4 BED - 2.5 BATH + LOFT



MULBERRY III

2 STORY - 2364 SF
4 BED - 3 BATH + LOFT



EXHIBIT 2.5
DESIGN & CHARACTER OF BUILDING TYPOLOGIES
SINGLE FAMILY AND MULTI FAMILY VILLA HOMES

BASIL I

2 STORY - 2053 SF
3 BED - 2.5 BATH + LOFT



LEVEL 1

BASIL II

2 STORY - 2152 SF
4 BED - 2.5 BATH + LOFT



LEVEL 1



LEVEL 2

EXHIBIT 2.6
DESIGN & CHARACTER OF BUILDING TYPOLOGIES
SINGLE FAMILY AND MULTI FAMILY VILLA HOMES

BASIL III

2 STORY - 2364 SF
4 BED - 3 BATH + LOFT



INDIGO I

2 STORY - 2063 SF
4 BED - 2.5 BATH



EXHIBIT 2.7
DESIGN & CHARACTER OF BUILDING TYPOLOGIES
SINGLE FAMILY AND MULTI FAMILY VILLA HOMES

INDIGO II

2 STORY - 2363 SF
4 BED + DEN - 3 BATH



GRAPHITE

2 STORY - 2063 SF
4 BED - 2.5 BATH



EXHIBIT 2.8
DESIGN & CHARACTER OF BUILDING TYPOLOGIES

TOWNHOMES

1 & 2 STORY RANGING FROM 2 BEDROOMS TO 4 BEDROOMS



EXHIBIT 2.9
DESIGN & CHARACTER OF BUILDING TYPOLOGIES

MULTI FAMILY

MULTI STORY APARTMENT DEVELOPMENTS



EXHIBIT 2.10
DESIGN & CHARACTER OF BUILDING TYPOLOGIES

CLUBHOUSE



EXHIBIT 3 Lakeshore Commons Unit Types & Density Standards by Phase

Phase	Blocks	Net Acreage	Single Family "A"	Single Family "B"	2-unit villa	3-unit villa	6-unit townhouse	8-unit townhouse	9-unit townhouse	Multifamily	Total units	Maximum dwelling units per net acre
1	1-24	18.9	20	25	40	20	18	24	9	515	671	35.5
2	25-43	11.8	70	20	4	6	6	8	27	200	341	28.9
2A	44-53	5.5	5	5	60	9	6	16	18	0	119	21.6
Overall		36.2	95	50	104	35	30	48	54	715	1,131	31.2

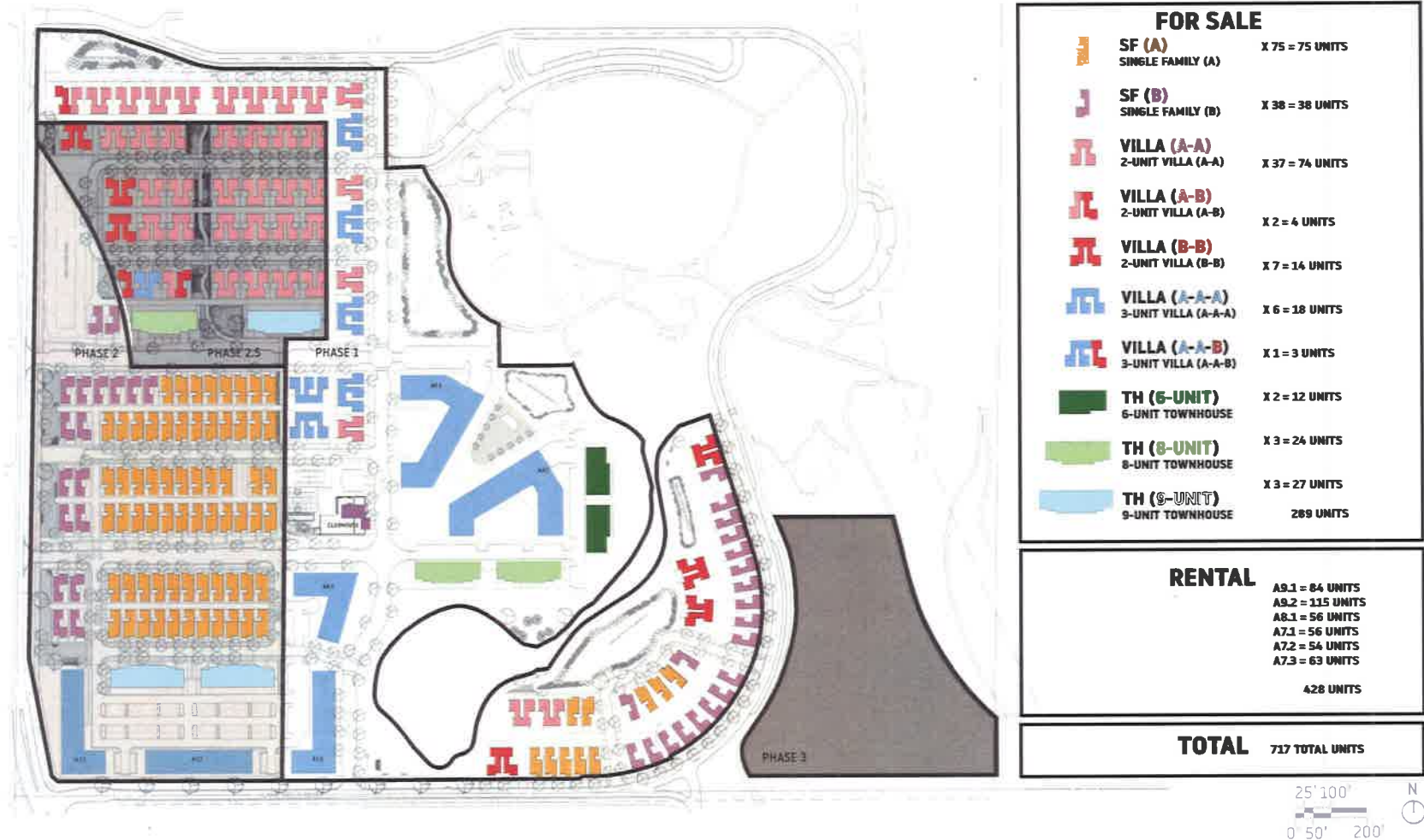
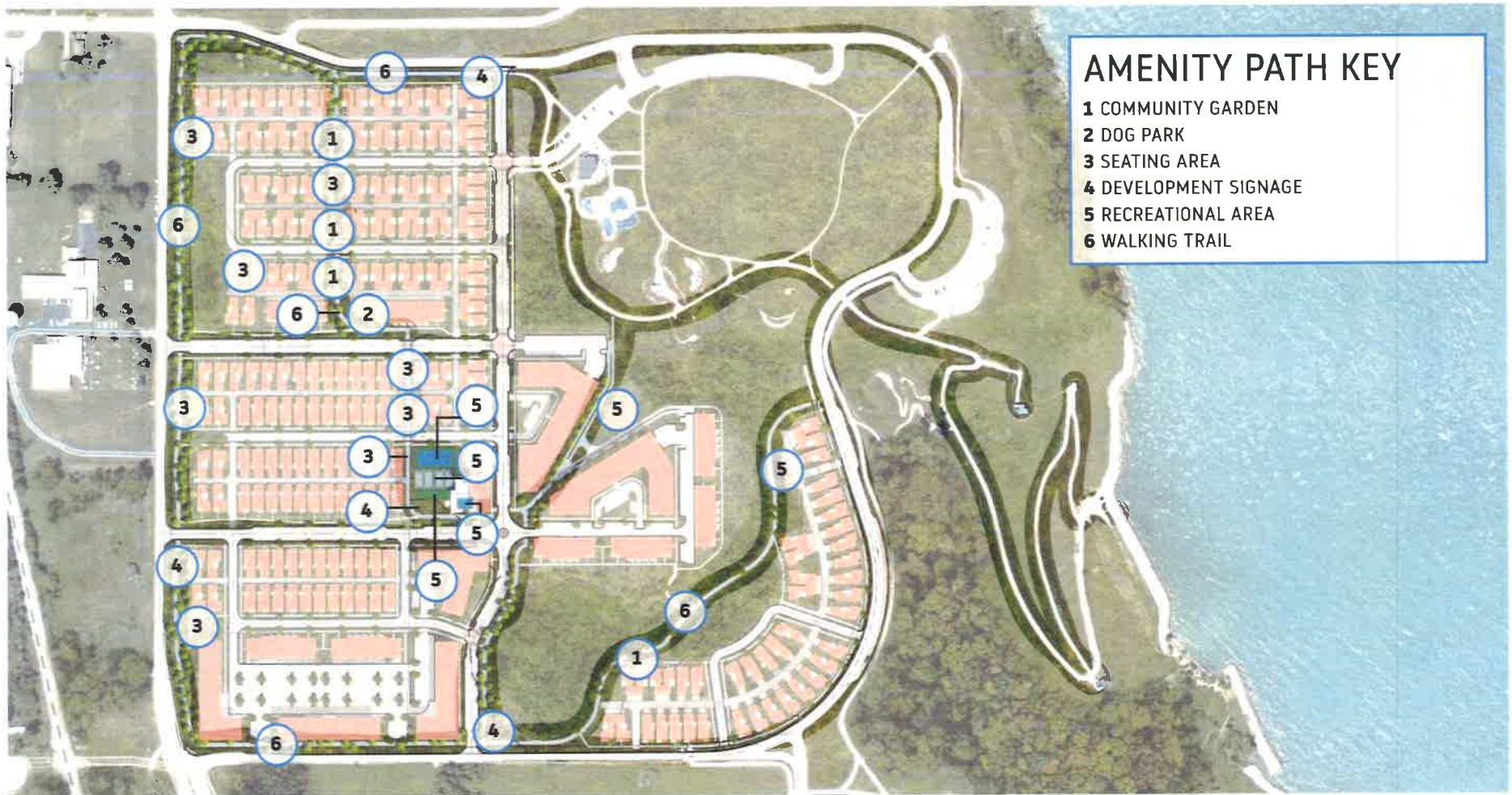


EXHIBIT 4 Proposed Open Space & Neighborhood Amenities



- ### AMENITY PATH KEY
- 1 COMMUNITY GARDEN
 - 2 DOG PARK
 - 3 SEATING AREA
 - 4 DEVELOPMENT SIGNAGE
 - 5 RECREATIONAL AREA
 - 6 WALKING TRAIL



EXHIBIT 5

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EXHIBIT 6.1 Circulation and Road Cross Sections

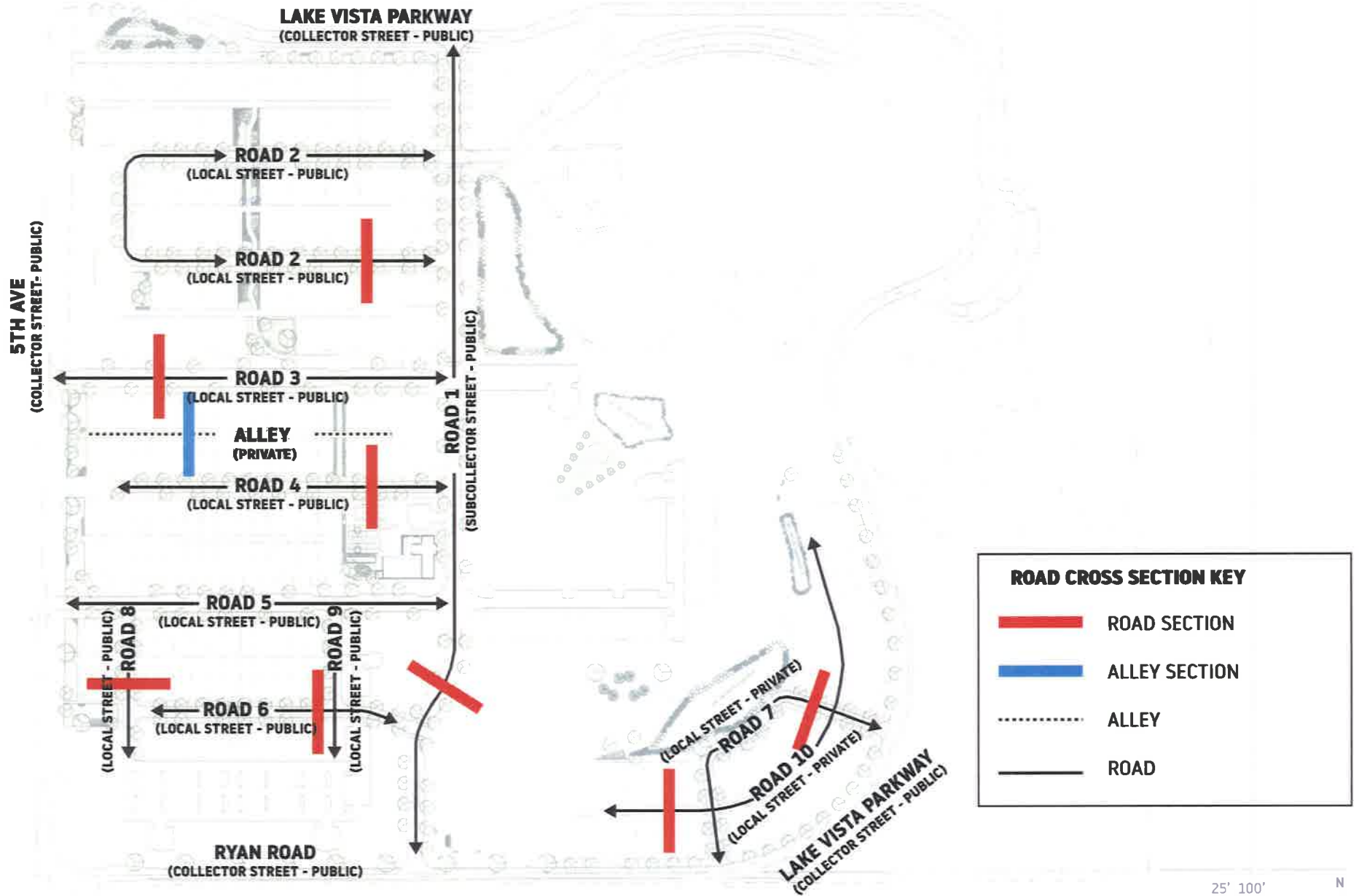
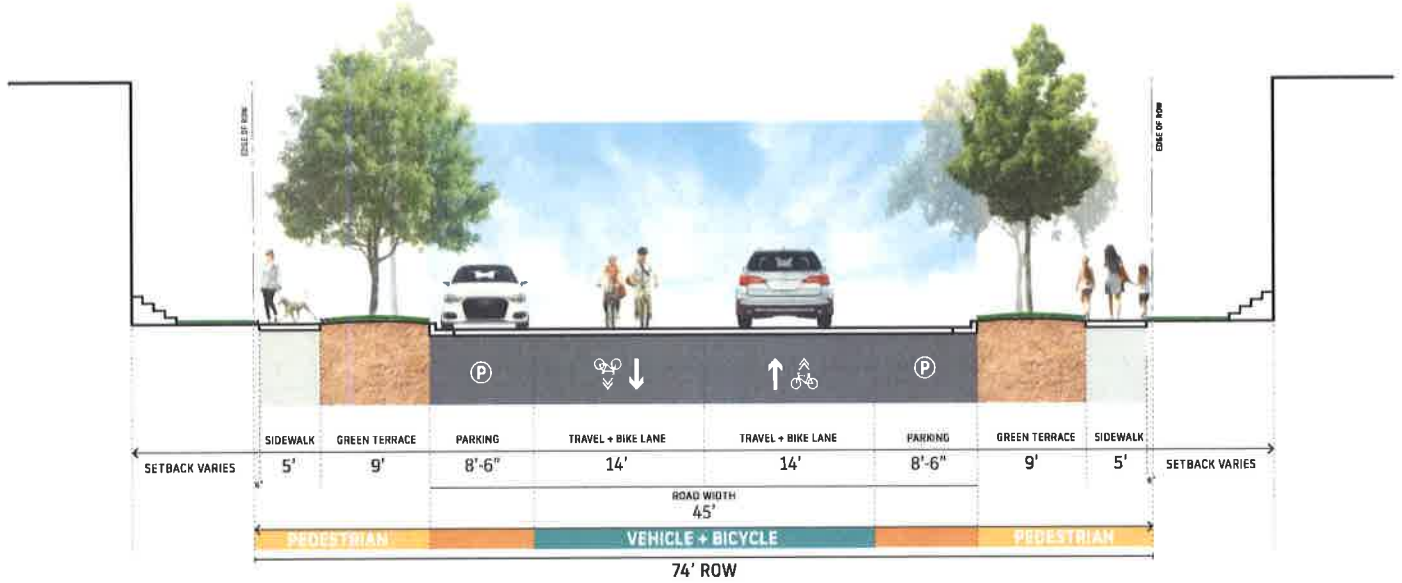


EXHIBIT 6.2 Circulation and Road Cross Sections

ROAD 1 : Subcollector (public)



ROAD 3 , 5* : Local Street (public)

**Road 5 section is similar. Road width and presence of parking stalls varies.*

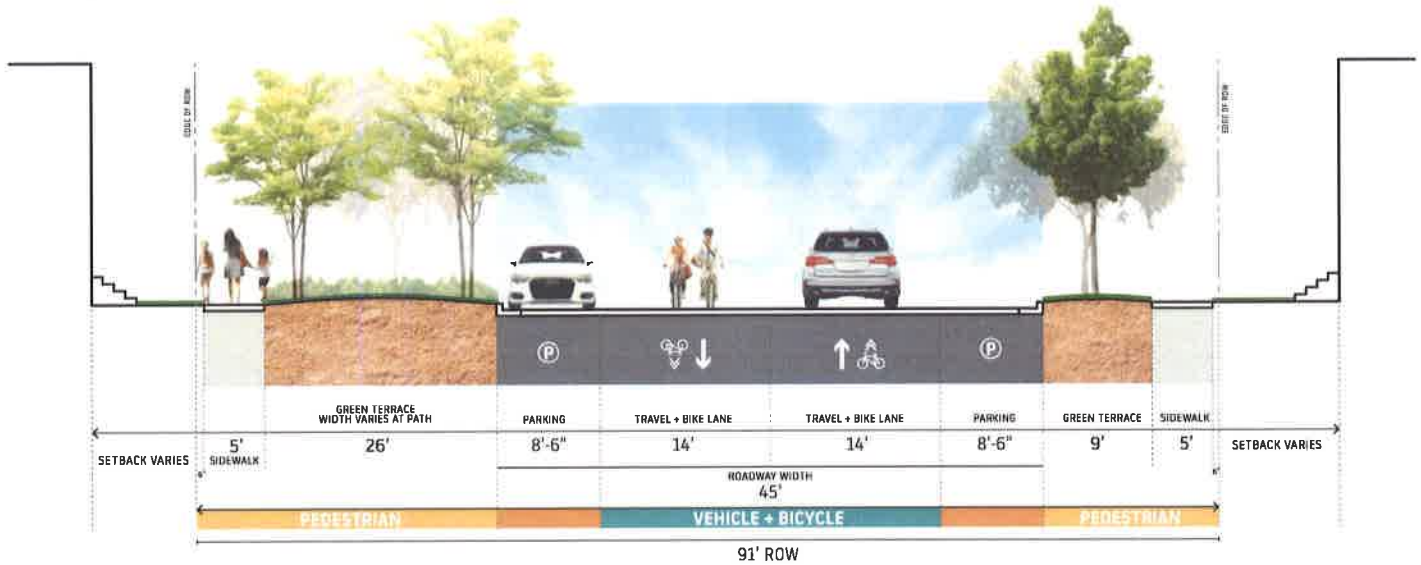
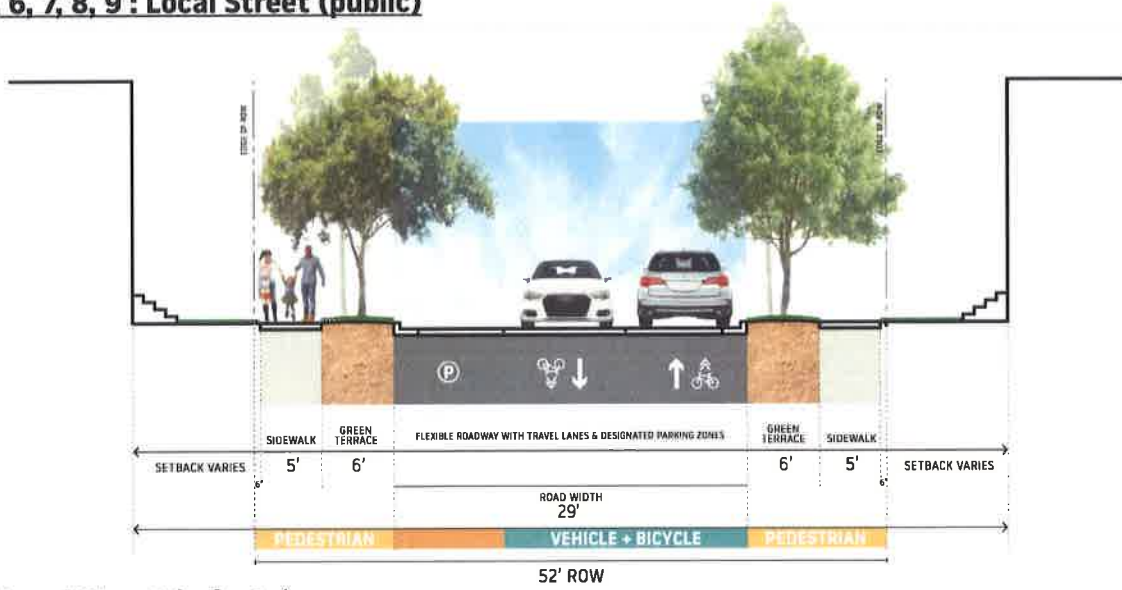


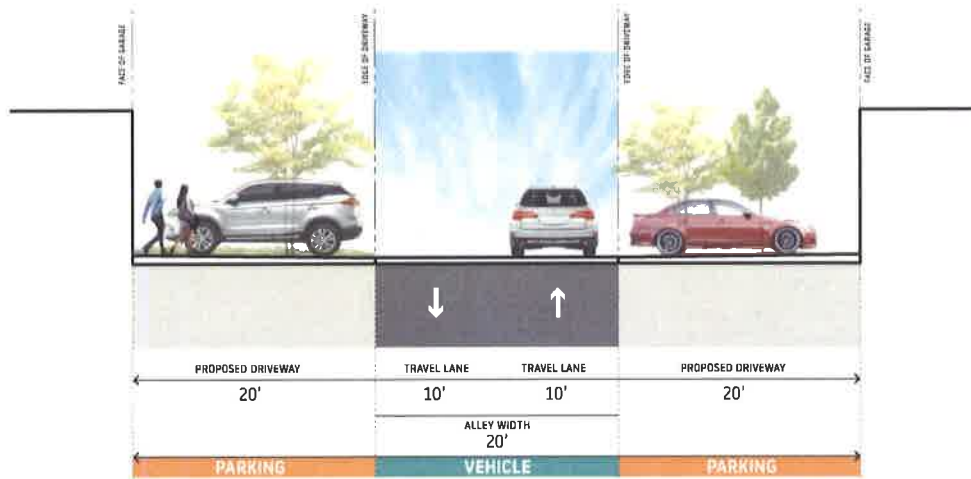
EXHIBIT 6.3

Circulation and Road Cross Sections

ROAD 2, 4, 6, 7, 8, 9 : Local Street (public)



ROAD 10 : Local Street (private)



ALLEY

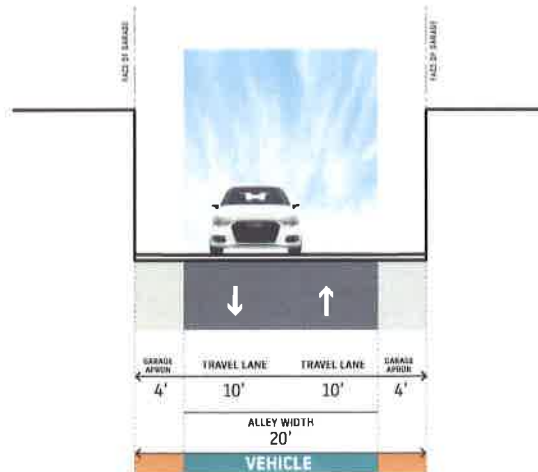


EXHIBIT 7.1

Material examples for Single Family / Multi Family Villa Homes / Townhomes

Images are for reference only. Final colors to be determined.



STONE



BRICK



BURNISHED BLOCK



COMMERCIAL GRADE
ARCHITECTURAL METAL PANEL



WOOD



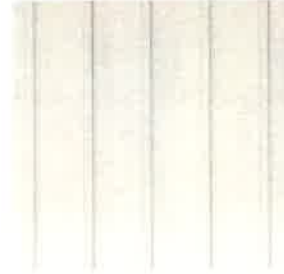
FIBER CEMENT
PLANK OR PANEL



STUCCO



PHOTOVOLTAIC
SYSTEMS



ENGINEERED WOOD
SYSTEMS



PHENOLIC CLADDING
SYSTEM



COMPOSITE SIDING
SYSTEM



WOOD LOOK
ALUMINUM METAL PLANK

EXHIBIT 7.2

Material examples for Multi Family Buildings and Clubhouse

Images are for reference only. Final colors to be determined.



STONE



BRICK



BURNISHED BLOCK



COMMERCIAL GRADE
ARCHITECTURAL METAL PANEL



WOOD



FIBER CEMENT
PLANK OR PANEL



STUCCO



PHOTOVOLTAIC
SYSTEMS



ENGINEERED WOOD
SYSTEMS



PHENOLIC CLADDING
SYSTEM



WOOD LOOK
ALUMINUM METAL PLANK



CORRUGATED METAL
PANELING

EXHIBIT 8 Development Signage



DEVELOPMENT SIGNAGE

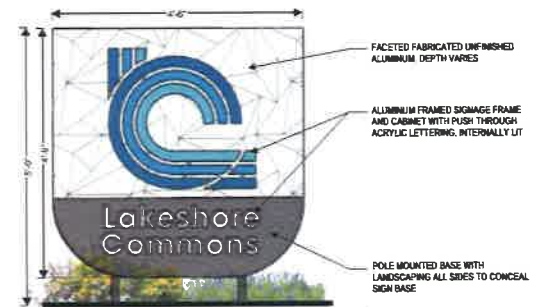
- A** PRIMARY DEVELOPMENT SIGNAGE
- B** SECONDARY DEVELOPMENT SIGNAGE
- C** Each apartment and townhome multifamily building to be allowed one (1) ground monument sign near main entry point to site area, final location to be coordinated with planning department. Building identifying signage will be limited to one (1) main architectural feature sign and one (1) secondary entrance sign at each tenant entry door.
- D** Each retail tenant is limited to one (1) main identifying wall sign and one (1) perpendicular flag sign.
- E** Clubhouse to be allowed one (1) ground monument sign. Final location to be coordinated with planning department.
- F** Townhome addressing signs, if provided, shall be limited to one (1) sign per townhome grouping.

GENERAL NOTES:

1. All signage, noted in this plan, to be constructed of high quality materials including but not limited to concrete, masonry, steel tubing for the base; aluminum / steel / sealed wood cabinet, push through acrylic or cut out lettering for main text. Secondary text can be high quality vinyl applied lettering as approved through the development department.
2. When more than one multifamily building is proposed for approval under a single application, best efforts should be made to combine ground monument signs to limit total number of signs on site.



A - PRIMARY DEVELOPMENT SIGNAGE



B - SECONDARY DEVELOPMENT SIGNAGE

EXHIBIT 9 Snow Storage Areas

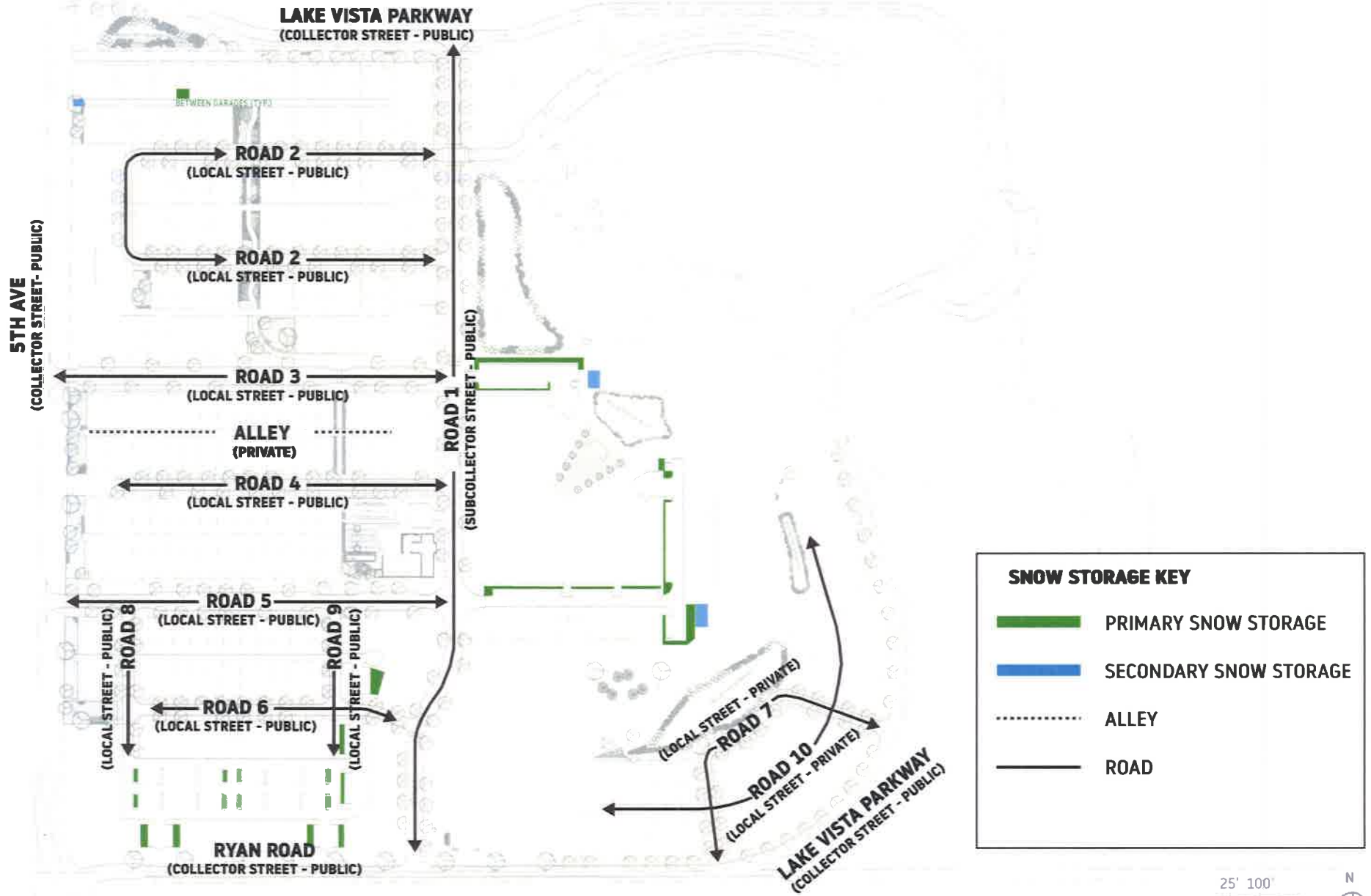
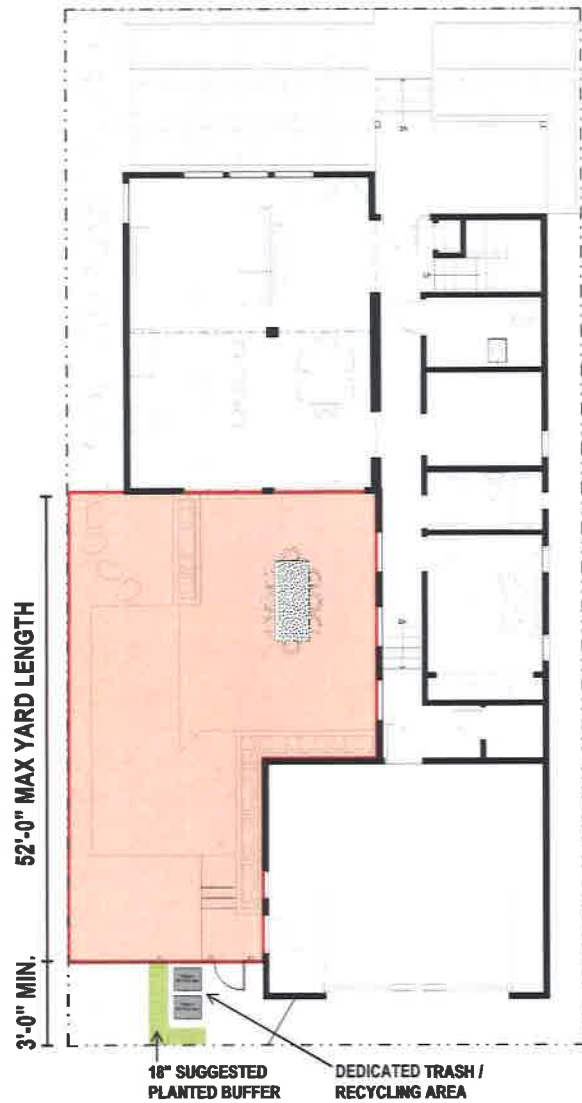


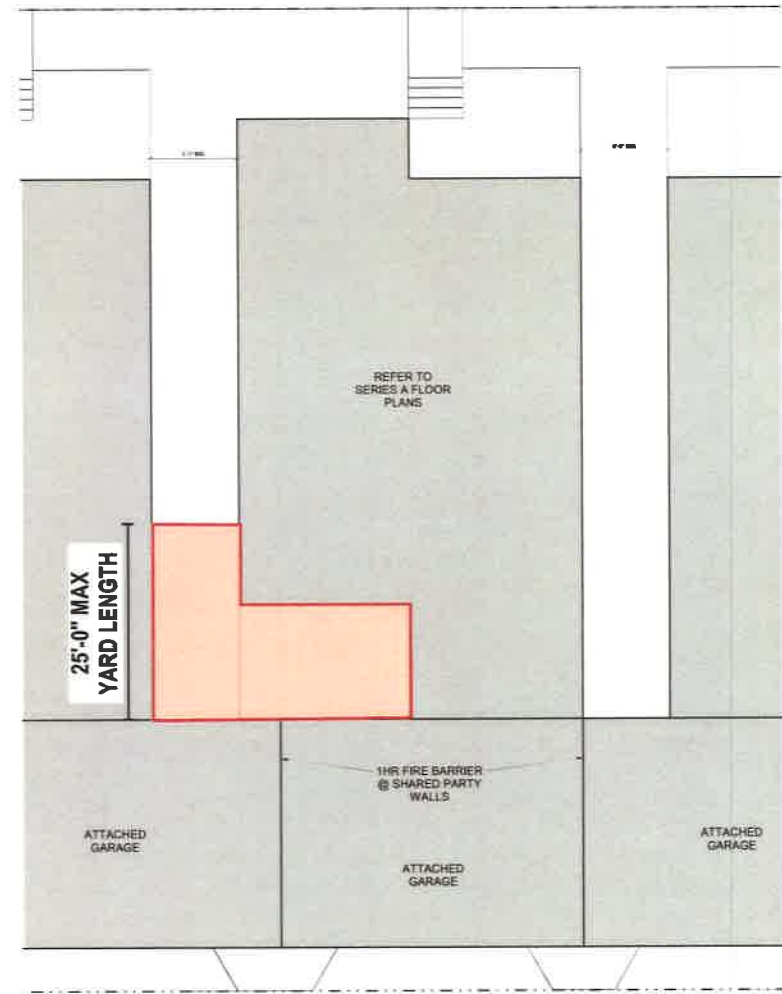
EXHIBIT 10

Proposed Private Fence Diagram

SINGLE FAMILY AND MULTI FAMILY VILLA HOMES FENCE DIAGRAM



MULTI FAMILY VILLA HOME INTERIOR YARD CONDITION



COMMON COUNCIL REPORT

Item: US Census Local Redistricting Considerations

Recommendation: That the Council provides staff with suggested considerations for the City's redistricting process.

Fiscal Impact: The City will recognize an increase in costs due to Election Reporting requirements.

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 US Census Bureau has released data block information for the 2020 Census to the State of Wisconsin. At this time, Milwaukee County is evaluating Supervisory Districts and the City is evaluating Municipal Wards. Once complete, the Common Council is required to review the proposed wards with the following considerations: the wards must reflect changes in population; changes in minority population; reflect changes in municipal boundaries; and facilitate the establishment of County Supervisory district of equal population.

Ward population ranges for cities with a population of 10,000 to 39,000 shall contain not less than 600 nor more than 2,100 inhabitants per ward. Once complete, the City will need to determine aldermanic districts. Given the growth that has occurred in the City of Oak Creek over the past decade, there may be modifications necessary to our ward and aldermanic district boundaries.

District Population

District (current boundaries)	Pre-2020 Census population	Post-2020 Census population	change between 2010-2020	% change 2010-2020
1	5509	5978	469	8.51%
2	5871	6397	526	8.96%
3	5564	6096	532	9.56%
4	5941	6353	412	6.93%
5	5807	5601	-206	-3.55%
6	5719	6071	352	6.15%

The population growth for the City results in a population of 36,497 per the 2020 US Census. The Wisconsin Election Commission requires that cities with populations over 35,000 must report in units by wards. Therefore, the City will no longer vote by aldermanic districts, but rather each individual ward. Moving to this reporting platform will have a financial impact on ballot styles and quantities, polling lists, voting equipment programming and reporting. Not to mention an increase in election administration costs.

The following changes have occurred through the County's district creation:

There are ward boundary changes due to Supervisory District changes. Please see the current and proposed Supervisory District Plan. With the new proposed plan, the City would now be served by District 5 and District 6.

Given the significant changes that have occurred within the districts, the Council may wish to consider amending district boundaries to more evenly divide the City's population.

The Council may also consider ward boundary changes to accommodate the new Supervisory districts.

Options/Alternatives: The Council has the authority to amend aldermanic wards and districts boundaries if it so chooses. The central principle for redistricting remains, one person, one vote while maintaining equal levels of representation.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Catherine A. Roeske, CMC/WCMC
City Clerk

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: 2020 US Census, City of Oak Creek QuickFacts

Current Milwaukee County Supervisor District Map

Proposed Milwaukee County Supervisor District Map

QuickFacts

Oak Creek city, Wisconsin; United States

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Table

All Topics	Oak Creek city, Wisconsin	United States
Population estimates, July 1, 2019, (V2019)	36,325	328,239,523
PEOPLE		
Population		
Population estimates, July 1, 2019, (V2019)	36,325	328,239,523
Population estimates base, April 1, 2010, (V2019)	34,449	308,758,105
Population, percent change - April 1, 2010 (estimates base) to July 1, 2019, (V2019)	5.4%	6.3%
Population, Census, April 1, 2020	36,497	331,449,281
Population, Census, April 1, 2010	34,451	308,745,538
Age and Sex		
Persons under 5 years, percent	▲ 6.3%	▲ 6.0%
Persons under 18 years, percent	▲ 21.8%	▲ 22.3%
Persons 65 years and over, percent	▲ 14.2%	▲ 16.5%
Female persons, percent	▲ 49.7%	▲ 50.8%
Race and Hispanic Origin		
White alone, percent	▲ 83.7%	▲ 76.3%
Black or African American alone, percent (a)	▲ 3.7%	▲ 13.4%
American Indian and Alaska Native alone, percent (a)	▲ 0.7%	▲ 1.3%
Asian alone, percent (a)	▲ 7.4%	▲ 5.9%
Native Hawaiian and Other Pacific Islander alone, percent (a)	▲ 0.1%	▲ 0.2%
Two or More Races, percent	▲ 3.1%	▲ 2.8%
Hispanic or Latino, percent (b)	▲ 8.3%	▲ 18.5%
White alone, not Hispanic or Latino, percent	▲ 77.7%	▲ 60.1%
Population Characteristics		
Veterans, 2015-2019	2,046	18,230,322
Foreign born persons, percent, 2015-2019	10.0%	13.6%
Housing		
Housing units, July 1, 2019, (V2019)	X	139,684,244
Owner-occupied housing unit rate, 2015-2019	60.8%	64.0%
Median value of owner-occupied housing units, 2015-2019	\$231,200	\$217,500
Median selected monthly owner costs -with a mortgage, 2015-2019	\$1,770	\$1,595
Median selected monthly owner costs -without a mortgage, 2015-2019	\$664	\$500
Median gross rent, 2015-2019	\$1,063	\$1,062
Building permits, 2020	X	1,471,141
Families & Living Arrangements		
Households, 2015-2019	14,714	120,756,048
Persons per household, 2015-2019	2.45	2.62
Living in same house 1 year ago, percent of persons age 1 year+, 2015-2019	86.6%	85.8%
Language other than English spoken at home, percent of persons age 5 years+, 2015-2019	16.4%	21.6%
Computer and Internet Use		
Households with a computer, percent, 2015-2019	92.8%	90.3%
Households with a broadband Internet subscription, percent, 2015-2019	89.0%	82.7%
Education		
High school graduate or higher, percent of persons age 25 years+, 2015-2019	94.7%	88.0%
Bachelor's degree or higher, percent of persons age 25 years+, 2015-2019	34.0%	32.1%
Health		
With a disability, under age 65 years, percent, 2015-2019	6.8%	8.6%
Persons without health insurance, under age 65 years, percent	▲ 5.4%	▲ 10.2%
Economy		
In civilian labor force, total, percent of population age 16 years+, 2015-2019	69.5%	63.0%
In civilian labor force, female, percent of population age 16 years+, 2015-2019	65.0%	58.3%

Total accommodation and food services sales, 2012 (\$1,000) (c)	75,073	708,138,598
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	47,764	2,040,441,203
Total manufacturers shipments, 2012 (\$1,000) (c)	1,390,264	5,696,729,632
Total retail sales, 2012 (\$1,000) (c)	718,875	4,219,821,871
Total retail sales per capita, 2012 (c)	\$20,593	\$13,443

Transportation

Mean travel time to work (minutes), workers age 16 years+, 2015-2019	23.8	26.9
--	------	------

Income & Poverty

Median household income (in 2019 dollars), 2015-2019	\$74,840	\$62,843
Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$38,846	\$34,103
Persons in poverty, percent	▲ 5.3%	▲ 11.4%

BUSINESSES

Businesses

Total employer establishments, 2019	X	7,959,103
Total employment, 2019	X	132,989,428
Total annual payroll, 2019 (\$1,000)	X	7,428,553,593
Total employment, percent change, 2018-2019	X	1.6%
Total nonemployer establishments, 2018	X	26,485,532
All firms, 2012	2,145	27,626,360
Men-owned firms, 2012	1,326	14,844,597
Women-owned firms, 2012	497	9,878,397
Minority-owned firms, 2012	331	7,952,386
Nonminority-owned firms, 2012	1,656	18,987,918
Veteran-owned firms, 2012	215	2,521,682
Nonveteran-owned firms, 2012	1,752	24,070,685

GEOGRAPHY

Geography

Population per square mile, 2010	1,211.0	87.4
Land area in square miles, 2010	28.45	3,531,905.43
FIPS Code	5558800	1

About datasets used in this table

Value Notes

▲ Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info ⓘ icon to the row in TABLE view to learn about sampling error.

The vintage year (e.g., V2019) refers to the final year of the series (2010 thru 2019). *Different vintage years of estimates are not comparable.*

Fact Notes

- (a) Includes persons reporting only one race
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data
- (b) Hispanics may be of any race, so also are included in applicable race categories

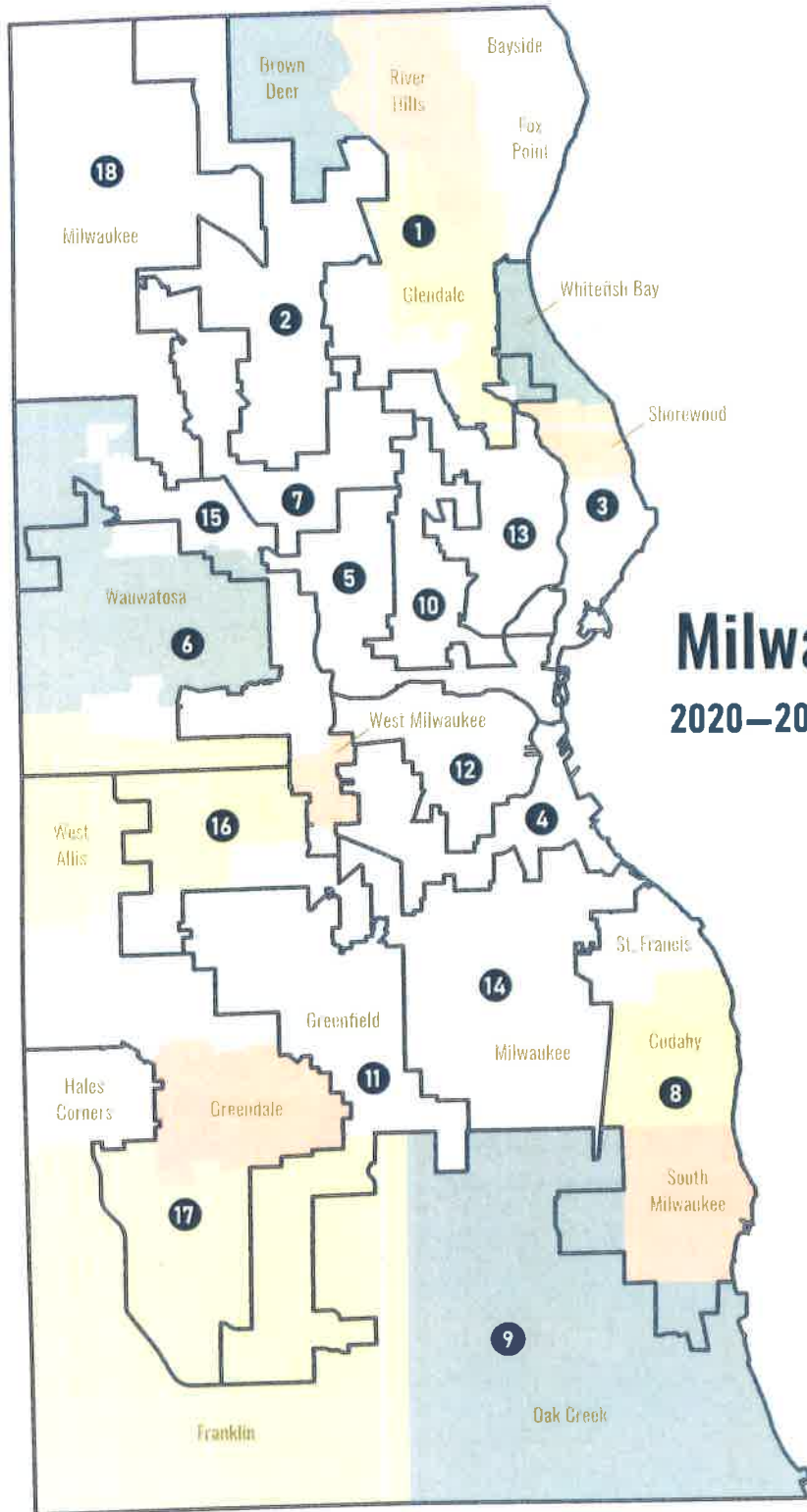
Value Flags

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or upper in open ended distribution.
- F Fewer than 25 firms
- D Suppressed to avoid disclosure of confidential information
- N Data for this geographic area cannot be displayed because the number of sample cases is too small.
- FN Footnote on this item in place of data
- X Not applicable
- S Suppressed; does not meet publication standards
- NA Not available
- Z Value greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Expenses Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

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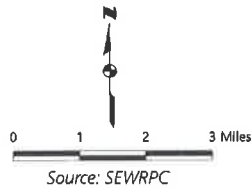
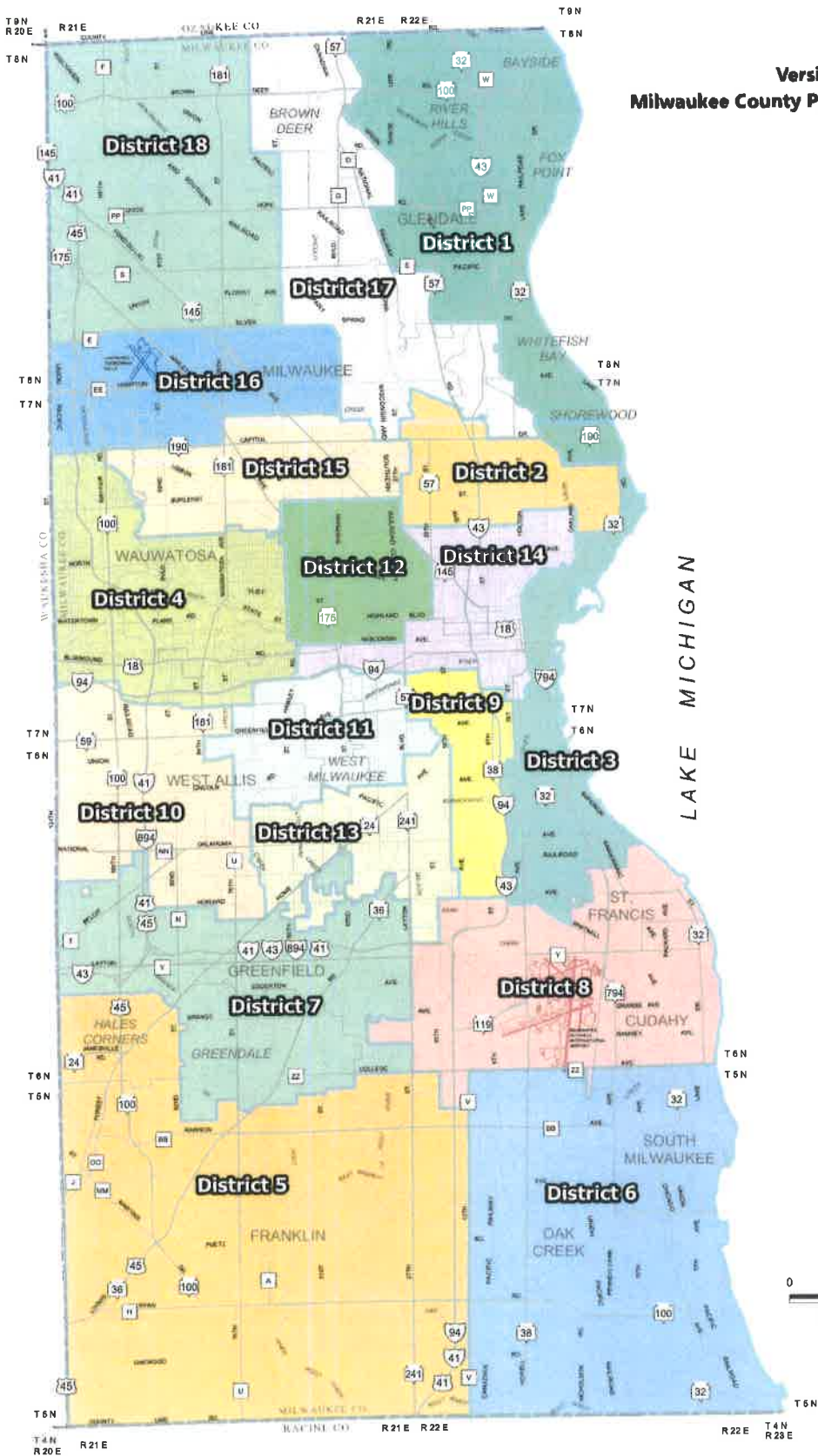


Milwaukee County

2020–2022 Supervisory Districts

- 1 Liz Sumner
- 2 Sequanna Taylor
- 3 Sheldon A. Wasserman
- 4 Ryan Clancy
- 5 Chairwoman Marcelia Nicholson
- 6 Shawn Rolland
- 7 Felesia A. Martin
- 8 Steven Shea
- 9 Patti Logsdon
- 10 Priscilla E. Coggs-Jones
- 11 Joseph J. Czarnezki
- 12 Sylvia Ortiz-Velez
- 13 Willie Johnson, Jr.
- 14 Jason Haas
- 15 Eddie Cullen
- 16 John F. Weishan, Jr.
- 17 Anthony Staskunas
- 18 Russell Antonio Goodwin, Sr.

Version F
Milwaukee County Potential District Plan





COMMON COUNCIL REPORT

Item: Intergovernmental Cooperation Agreement (ICA) between the City of Oak Creek and the City of Franklin for a shared, full-time Fire Inspector.

Recommendation: That the Common Council approve Resolution 12268-100521, A Resolution Approving an Intergovernmental Cooperation Agreement Between the City of Oak Creek and the City of Franklin for a shared, full-time Fire Inspector.

Fiscal Impact: The 2021 Budget included \$29,000 for a part-time Fire Inspector. The City of Oak Creek's portion of the position is \$47,000, and the additional amount has been included in the 2022 Executive Draft Budget. Ancillary costs such as equipment and supplies would be absorbed through typical Fire Department line items.

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

Background: As part of the 2021 Budget, the Fire Department was allocated funding for a part-time Fire Inspector. The addition of this position is necessary to address the increasing number of required fire inspections within the City. This part-time position has not yet been filled due to a number of factors including an unusual number of fire personnel on light-duty during 2021 who were available to assist with fire inspections, and an ongoing conversation with the Franklin Fire Department regarding the potential sharing of fire inspection resources. These ongoing discussions with the City of Franklin have resulted in the framework for a potentially beneficial shared fire inspector model.

It is anticipated that the sharing of a full-time Fire Inspector will not only allow for a larger and more qualified candidate pool, but also aid with the retention of a selected candidate. The attached ICA outlines the human resource requirements for the position. Oak Creek and Franklin will collaborate on the recruitment and selection of the Fire Inspector, but ultimately this person would be an employee of the City of Franklin. Daily operational issues associated with the position have been discussed by the Oak Creek and Franklin Fire Chiefs, both Chiefs are dedicated to the collaborative development and refinement of a work plan that maximizes the potential of the position.

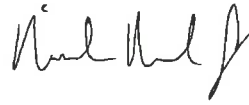
Options/Alternatives: The Common Council could choose to not approve the ICA and staff would move forward with the recruitment and hiring of a part-time Fire Inspector.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Michael A. Kressuk, Jr
Fire Chief

Fiscal Review:



Maxwell Gaglin, MPA
Assistant City Administrator / Comptroller

Attachments: Resolution 12268-100521 and Shared Fire Inspector ICA

RESOLUTION NO. 12268-100521

RESOLUTION APPROVING THE INTERGOVERNMENTAL COOPERATION
AGREEMENT BETWEEN THE CITY OF OAK CREEK AND THE CITY OF FRANKLIN
FOR A SHARED, FULL-TIME FIRE INSPECTOR

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Intergovernmental Cooperation Agreement between the City of Oak Creek and the City of Franklin for a shared, full-time Fire Inspector 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.

BE IT FURTHER RESOLVED that the City Attorney and City Administrator are hereby authorized to approve any amendments to the Agreement that do not substantially change its terms.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 5th day of October, 2021.

Passed and adopted this ____ day of _____, 2021.

Kenneth Gehl, Common Council President

Approved this ____ day of _____, 2021.

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

**INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE
CITY OF OAK CREEK AND THE CITY OF FRANKLIN**

This Agreement between the City of Oak Creek and the City of Franklin (“Lead Agent”) (collectively, the “Parties”), outlines the partnership for a shared, full-time Fire Inspector to continue to implement fire inspections, fire prevention programs, and public education regarding same (the “Work”).

RECITALS

WHEREAS, Public Safety and first response programs represent the most critical public services in keeping life and property safe; and

WHEREAS, fire inspection, prevention, public education, and code compliance represents a significant opportunity to prevent loss of life and property; and

WHEREAS, in relatively newer communities like Oak Creek and Franklin community, structures have been largely constructed with more modern building codes, but certain structures are at an age pre-dating advances in building codes and code compliance best practices; and

WHEREAS, fire inspection, prevention, and code compliance is a mandated service by the State of Wisconsin; and

WHEREAS, presently the Parties each maintain one (1) full-time Fire Inspector, and both Parties acknowledge the need to enhance resources for the important work of fire inspection and prevention; and

WHEREAS, Parties have analyzed options to enhance Fire Inspector resources in their respective communities and within their respective operating budgets; and

WHEREAS, Parties are desirous of an intergovernmental partnership to enhance Fire Inspection resources in their respective jurisdiction by sharing a Fire Inspector position; and

NOW, THEREFORE, the Parties agree to the following:

1. Recitals: The above recitals are hereby incorporated into this Agreement.
2. Lead Agent: The City of Franklin shall serve as the Lead Agent to implement this Agreement. The Lead Agent will undertake the following responsibilities:
 - a. Following collaborative recruitment effort among the respective Fire Chiefs and Human Resources, employ a joint Community Fire Prevention Specialist (“CFPS”) as an employee of the City of Franklin;

- b. Offer the CFPS all normal and customary time off, insurance, fringe benefits, etc. offered to all other non-represented employees and in accordance with the City of Franklin Personnel Policy Manual and/or other administrative rules;
 - c. Provide the CFPS an adequate work space and technology to perform the Work;
 - d. Promptly notify the Oak Creek Fire Chief of any impediments to performing the Work such as extended time off, injury, employee performance issues, suspension, or possible disciplinary actions, etc., and collaborate to resolve the same to the mutual satisfaction of the Parties;
 - e. Invoice the City of Oak Creek on at least a quarterly basis for the time and benefits applicable to the time CFPS spends performing work within the Oak Creek jurisdiction as well as approximately one-half (1/2) of the off-time hours, which is expected to average out to approximately 1,040 hours per year; and
 - f. Invoice the City of Oak Creek for technology and related equipment and reasonable supplies used by the CFPS while working within the Oak Creek jurisdiction.
3. Accounting/Financial Arrangement:
- a. Employee Salary, Benefits, and Materials Costs: Employee costs as outlined in Exhibit A shall be the financial framework for this Agreement. Exhibit A will be updated on an annual basis prior to the end of September each year such that Parties can accommodate costs in their annual operating budgets. The Parties acknowledge as a beginning premise that 50% of associated costs, per Exhibit A, shall be the responsibility of each City subject to the limitations outlined in section 3 b. below.
 - b. Equitable Distribution of Time: It is incumbent on the Fire Chiefs to ensure the goal of 50%/50% time spent performing the Work in each respective community is met to the maximum extent practicable. Parties acknowledge this 50%/50% is a goal and not a mandate of this Agreement; however, in no case over the course of any one calendar year shall either Party benefit from having more than 60% of the CFPS's time spent performing Work within their community. Hours throughout the billing interval will be tracked by Work performed in which community. In the billing process, a "true-up" of time spent on the Work will be accounted for, with the City of Oak Creek only being charged for the Work received for the City of Oak Creek.

- c. Invoicing/Cost Sharing: The Lead Agent will be responsible for initiating the billing. The billing will accommodate changes for the Equitable Distribution of Time per 3 b. above. The City of Oak Creek shall be responsible for remitting payment within thirty days of receiving the invoice.
6. Continuous Improvement: To ensure the public service expectations of each Party are met, and to collaborate regularly to assess the joint program, identify services gaps, and discuss changes to improve the Work, the Fire Chiefs and/or their designees will meet formally on at least a quarterly basis.
7. Term: This Agreement shall commence on _____, 2021 and shall automatically renew January 1 of each new year unless either party terminates the Agreement by giving written notice to the other party by no later than July 1 for the following year.
8. Modification: This Agreement may be formally amended by mutual consent of the Common Council of the City of Oak Creek and the Common Council of the City of Franklin.
9. Applicable Law: This Agreement shall be governed by the laws of the State of Wisconsin.
10. Severability: If a court finds any part of this Agreement unenforceable, then the remainder of this Agreement shall continue in full force and effect.
11. Indemnification: Each of the respective Parties shall be liable for their own negligent acts, errors, and omissions. If litigation requires one party to respond for the acts, errors, or omissions of the other party, then the other party will hold the responding party harmless for any losses, damages, costs, or expenses, including, but not limited to, reasonable attorney's fees and litigation expenses.

In witness thereof, the Common Council of the City of Oak Creek and the Common Council of the City of Franklin have authorized this Agreement to be signed by their appropriate officers.

[SIGNATURE PAGE FOLLOWS]

CITY OF OAK CREEK

By: _____

Daniel J. Bukiewicz, Mayor

Date: _____

Attest: _____

Catherine A. Roeske, City Clerk

CITY OF FRANKLIN

By: _____

Steve Olsen, Mayor

Date: _____

Attest: _____

Sandra L. Wesolowski, City Clerk

EXHIBIT A: EMPLOYEE COSTING MODEL

(Based on Pay/Benefits in effect on 9/1/2021 – To be modified annually when
pay/benefits are updated)

Community Fire Prevention Specialist - City of Franklin/City of Oak Creek
Non-Protective Service Employee

Wages	\$61,212.94	Hourly Rate	\$29.43
Benefits			
FICA	\$3,795.20	6.20%	6.2000%
Medicare	\$887.59	1.45%	1.4500%
Retirement	\$4,131.87	6.75%	6.7500%
Life Insurance (Average)	\$315.00	Average for two times annual pay value	0.5146%
Health Insurance (Based on Family HDHP)	\$17,909.76		29.2581%
Dental Insurance (City pay for single plan/EE pays u	\$504.00	City pay for single plan/EE pays up for Family if applicable	0.8234%
Holiday Pay	\$0.00	non-protected/no holiday pay	
OPEB - Act. Contribution - Annually	\$245.00		
Workers Comp - (By employment category)	\$2,313.85	Average	3.7800%
Unemployment*	\$300.00	Paid claims method / Average	0.4901%
Avg EE annual compensation & Benefits	\$91,615.21		
Hourly Rate w/ Benefits	\$44.05	<i>For work hours as well as offtime (hours worked charged as recorded & offtime booked 50/50)</i>	
	\$30,402.27	Benefits Amount	
		<u>49.6664%</u>	<u>Benefits to Wages/Salary Percentage</u> 49.2662%
Premium Time Calc.- Time and a half			
Wage	\$44.14		
FICA	\$2.74		
Medicare	\$0.64		
Retirement	\$2.98		
Hourly Rate for Overtime	\$50.50		



Meeting Date: October 5, 2021

Item No. 10

COMMON COUNCIL REPORT

- Informational: Treasurer Report on Investment and Banking for the City of Oak Creek accounts, month ending August 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)
\$73,104,280	\$61,560,187	\$26,696	(\$11,544,093)

Monthly Activity: Final Tax Settlement (\$4,907,413); Delinquent Tax County Reimbursement \$528,791; Debt Service/Bond/Escrow Payments (\$3,132,605);

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Barbara Guckenberger, CMTW
City Treasurer

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: Treasurer Report on Investment and Banking

City of Oak Creek Treasurer Report on Investment and Banking								
Name of Account	Beginning Balance	Additions	Subtractions	Account Ending Balance	Actual Interest Earned	Interest Rate	Percentage of Total Invested	
Tri City National Bank	25,060,080.08	21,069,531.34	(23,679,352.87)		22,445,958.55	866.10	0.07000%	36.47%
General Fund	14,711,881.37	20,439,495.47	(13,135,964.28)	22,015,412.56				
Title 125	40,562.30	25,477.91	(23,517.15)	42,523.06				
Police Credit Card	63,130.68	33,862.20	(35,088.49)	61,904.39				
Parks & Rec Counter Credit Card	17,368.34	2,746.81	(14,366.08)	5,749.07				
Tax Payment Account #2	9,916,260.12	14,677.22	(9,900,000.00)	30,937.34				
Parks & Rec Online Credit Card	6,295.07	147.00	(3,269.90)	3,172.17				
Health Insurance	58,482.85	456,455.56	(481,511.27)	33,427.14				
Tax Payment Account	59,232.36	-	-	59,232.36				
EMS	186,866.99	96,969.17	(88,235.70)	197,600.46				
0	-	-	-	-				
DANA Investment Advisors	5,846,913.17	6,648.05	(11,375.43)		5,842,187.79	6,266.61	0.71%	9.49%
BMO Global Asset Management	4,766,009.05	14,884.83	(16,210.61)		4,766,583.27	14,837.82	1.76%	7.78%
American Deposit Management (ADM)	490,000.00	-	-		490,000.00	-		0.80%
*ADM General Account Balance	490,000.00	-	-	490,000.00				
Local Government Investment Pool (LGIP)	32,969,124.25	3,028,869.02	(11,955,503.06)		24,042,490.21	1,117.49	0.05%	39.06%
*LGIP General Account Balance	8,131,815.48	3,027,939.71	(8,927,751.53)	2,232,003.66	188.78			
**Ehlers Investment	3,950,153.37	5,614.52	(6,900.97)		3,948,866.92	3,608.39	1.2900%	6.41%
Net of Fees	3,950,153.37	5,614.52	(7,538.69)	3,948,229.20				
Total Balance	73,104,279.92	24,125,847.76	(35,669,940.94)		61,560,186.74	26,696.41		
**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				Final Distribution to other Taxing Jurisdictions <i>(Remaining unpaid levies distributed in August)</i>				
Tax Payment Account #2								
City Deposit (Counter, Drop Box, Mail)			13,542.27					
Gov Tech			-					
Credit Card			1,134.95					
Total Tax Payment Account #2			14,677.22					
Tax Payment Account								
Tri City Payments (AT Bank, Lockbox)			-					
Total Tax Collection Deposits			14,677.22					
					Total % of Tax Levy Collected through July 31st			
					87.92%			
						CITY	\$ 2,806,189.43	
						FINAL DIST	\$ 7,713,602.60	
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:						TAX	1,381,931.42	
Barbara Guckenberger, CMTW						TAX REFUNDS	\$ 7,424.82	
City Treasurer						SPECIAL ASSESSMENTS	-	
						SPECIAL CHARGES	5,567.25	
						INTEREST	47,280.24	
						Delinquent Utility	2,116.91	
						Less noncash adj	(1,384.05)	
						Total Collected June-Aug	1,452,936.59	
						August (postmark July) Tax Collection	14,677.22	
						July Tax Collection	323,333.69	
						June Tax Collection	1,114,925.68	
						Total Collected June-Aug	1,452,936.59	
						Delinquent to be Reimbursed by County (postponed to 8/20/2021)	526,790.83	
						TOTAL RECEIVED	1,981,727.42	



COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the September 29, 2021 Vendor Summary Report in the total of \$409,450.31.

Fiscal Impact: Total claims paid of \$409,450.31.

Critical Success Factor(s):

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

Background: Of note are the following payments:

1. \$14,612.00 to Comcate Software, Inc. (pg #5) for code enforcement, GIS, and web services agreements, Project #17027.
2. \$20,215.00 to E. H. Wolf & Sons, Inc. (pg #7) for fuel inventory.
3. \$106,919.32 to GFL Environmental (pg #8) for September trash and recycling.
4. \$18,375.00 to Graef (pg #8) for Drexel Avenue streetscape plan, Project #21003.
5. \$21,278.53 to Hein Electric Supply Co. (pg #9) for street lighting materials, Project #17024.
6. \$42,000.00 to MK/S-EP, LLC. (pg #14) for escrow refund.
7. \$5,400.00 to R.S. Paint & Tools LLC (pg #16) for grass seed.
8. \$18,000.00 to Trane (pg #19) for DPW HVAC control replacement, Project #21002.
9. \$16,833.34 to Tyler Technologies, Inc. (pg #20) for consulting services.
10. \$38,859.16 to WE Energies (pgs #1-2) for street lighting, electricity & natural gas.

Options/Alternatives: None

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Kristina Strmsek
Staff Accountant

Fiscal Review:

Maxwell Gagiv

Maxwell Gagiv, MPA

Assistant City Administrator/Comptroller

Attachments: 9/29/2021 Invoice GL Distribution Report