



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

COMMON COUNCIL MEETING AGENDA

MARCH 1, 2022
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: 2/14/2022

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.

4. **Sanitary Sewer Service Area Amendment:** Consider a proposed amendment to the Oak Creek Sanitary Sewer Service area (by Committee of the Whole).
5. **Resolution:** Consider Resolution No. 12311-030122, adopting an amendment to the Sanitary Sewer Service Plan for the City of Oak Creek (by Committee of the Whole).
6. **Comp Plan Amendment:** Consider an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020, amended November 17, 2020) as it relates to the properties at 4005, 4060, and 4159 E. Lake Vista Parkway (4th District).
7. **Ordinance:** Consider Ordinance No. 3029, adopting an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) for the properties at 4005, 4060, and 4159 E. Lake Vista Parkway (4th District).
8. **Comp Plan Amendment:** Consider an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020, amended November 17, 2020) as it relates to the properties at 2231 W. Puetz Rd., 8843R S. 13th St., and 8950 S. 20th St. (6th District).
9. **Ordinance:** Consider Ordinance No. 3030, adopting an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) for the properties at 2231 W. Puetz Rd., 8843R S. 13th St., and 8950 S. 20th St. (6th District).

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

Old Business

10. **Ordinance:** Consider Ordinance No. 3028, repealing and recreating Chapter 17 – Zoning Code of the Municipal Code (held 2/14/22) (by Committee of the Whole).
Draft Code: <https://www.oakcreekwi.gov/home/showpublisheddocument/16232/637800236213974580>

New Business

11. **Motion:** Consider a motion to approve the Plan of Finance for \$2,325,000 Taxable General Obligation Refunding Bonds (by Committee of the Whole).
12. **Resolution:** Consider Resolution No. 12308-030122, authorizing the issuance and establishing parameters for the sale of not to exceed \$2,350,000 Taxable General Obligation Refunding Bonds (by Committee of the Whole).

PUBLIC WORKS & UTILITY

13. **Resolution:** Consider Resolution No. 12312-030122, approving an Amendment to Existing Easement with Milwaukee Metropolitan Sewerage District on the property at 9010 S. 5th Ave. (Tax Key No. 866-9003-000) (4th District).

ENGINEERING

14. **Resolution:** Consider Resolution No. 12310-030122, approving a Termination and Release of certain easements for Certified Survey Map No. 7769 with DM Investment Real Estate LLC on the property at 8100 S. 27th St. (The Oaks at 8100) (Tax Key No. 810-9012-001) (2nd District).
15. **Resolution:** Consider Resolution No. 12309-030122, approving a Storm Water Management Practices Maintenance Agreement with Decker Properties, Inc., for The Oaks at 8100 development located at 8100 S. 27th St. (Tax Key Nos. 810-9005, 810-9012-001, and 810-9013-001) (2nd District).

LICENSE COMMITTEE

16. **Motion:** Consider a motion to grant the various license requests as listed on the 3/1/22 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

17. **Motion:** Consider a motion to approve the February 23, 2022 Vendor Summary Report in the total amount of \$483,814.99. (Of this total, \$13,417.09 will impact the 2021 fiscal year, with the remaining \$470,397.90 impacting 2022) (by Committee of the Whole).

MISCELLANEOUS

18. **Motion:** Consider a motion to convene into closed session pursuant to Wisconsin State Statutes Section 19.85, to discuss the following:
 - (a) Section 19.85(1)(c) to discuss the performance evaluation for the City Administrator.

- (b) Section 19.85(1)(e) to discuss possible litigation and strategy for environmental remediation of the properties at 9100 and 9170 South 5th Avenue.

19. **Motion:** Consider a *motion* to reconvene into open session.

20. **Motion:** Consider a *motion* to take action, if required.

Adjournment.

Public Notice

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

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

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 receive public comment on, and reaction to, a proposed amendment to the Oak Creek sanitary sewer service area. The public hearing is being sponsored by the City of Oak Creek and the Southeastern Wisconsin Regional Planning Commission (SEWRPC). A draft staff memorandum describing the proposed sanitary sewer service area amendment, including a map of the area, will be on file at the offices of the City and SEWRPC. The sewer service area amendment will be explained at the public hearing.

Following the public hearing, the City of Oak Creek and SEWRPC will determine whether any changes should be made to the sewer service area as presented at the hearing. The City and SEWRPC will then formally adopt the staff memorandum and forward it to the Wisconsin Department of Natural Resources for use by that Department in reviewing and approving sanitary sewer extensions in accordance with the provisions of Chapter NR 110 of the Wisconsin Administrative Code.

- Hearing Date:** March 1, 2022
- 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):** City of Oak Creek
- Property Owner(s):** City of Oak Creek
- Property Location(s):** 4200 E. Lake Vista Boulevard
- Tax Key(s):** 868-9993-001

The Common Council has scheduled other public hearings for March 1, 2022 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Interested citizens are encouraged to attend the public hearing. Further information about this matter may be obtained by contacting the City of Oak Creek Department of Community Development (414) 766-7000 or the offices of SEWRPC at W239 N1812 Rockwood Drive, Waukesha, Wisconsin 53187.

Date of Notice: January 17, 2022
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: Sanitary Sewer Area Plan Amendment - Lakeshore Commons and Lake Vista Park

Recommendation: That the Council adopts Resolution No. 12311-030122, adopting an amendment to the Sanitary Sewer Service Plan for the City of Oak Creek

Fiscal Impact: The amendment to the City of Oak Creek Sanitary Sewer Service Area Plan is part of the process to permit development of Phase I of Lakeshore Commons. New construction, impact fees and permit application fees from the development of Lakeshore Commons would provide a positive fiscal impact for the City. The property is part of TID No. 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: On September 24, 2021 the City of Oak Creek formally requested the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to amend the sanitary sewer service area that had been adopted as part of SEWRPC Community Assistance Planning Report No. 213: Sanitary Sewer Service Area for the City of Oak Creek, Milwaukee County, Wisconsin dated July 1994. The purpose of this amendment would be to revise and re-delineated portions of a primary environmental corridor located within the adopted sewer service area.

The proposed amendment (attached as Exhibit 1) involves a proposed removal of lands from the primary environmental corridor on property owned by the City of Oak Creek and F Street OCLV, LLC at 4200 E. Lake Vista Boulevard and addition of lands to the primary environmental corridor within and adjacent to the City-owned Lake Vista Park at 4001 E. Lake Vista Parkway and 4200 E. Lake Vista Boulevard. Additional lands proposed to be added to the primary environmental corridor include an existing isolated natural resource area within the City-owned Abendschein Park at 1321 R E. Drexel Avenue. The proposed changes to the primary environmental corridor are shown on Maps 1 and 2 of Exhibit 1.

The proposed amendment would more accurately delineate the primary environmental corridor based on a field delineation by SEWRPC on October 13, 2021 and reflects the substantial disturbance to that corridor on the area west of Lake Vista Boulevard/Parkway based on the area's legacy environmental issues remaining from prior industrial uses of the property(s). The extensive remediation of these properties, which was done in partnership with the current property owners at the time and the Wisconsin Department of Natural Resources resulted to changes in the field conditions to the point that they no longer would be considered part of the primary environmental corridor.

The subsequent land uses proposal for those remediated properties included the Lake Vista Park property as well as sites for future development that would later become Lakeshore Commons. Under the prior delineation of the corridor from the 1994 report, sanitary sewer could not have been extended to service development within the primary environmental corridor (which included a portion of Lakeshore Commons Phase 1) even though it was highly altered based on the regulatory requirements of the Environmental Protection Agency and the Wisconsin Department of Natural Resources.

This proposed amendment replaces the requested 18.79 acres of the primary environmental corridor (primarily comprised of woodlands and a small amount of wetlands and other open grassland areas) lying west of Lake Vista Parkway with at least 23.3 acres of like property with similar environmental characteristics within or adjacent to City-owned properties at Lake Vista and Abendschein Parks. It is important to note that portions of the delineated corridor west of Lake Vista Parkway would still be retained by the City maintained as open space as part of its obligations under DNR regulation and deed restrictions to preserve and protect previously capped and remediated areas.

The City of Oak Creek, working with its consultant is in the process of finalizing a Primary Environmental Corridor Mitigation Plan that will outline the City's responsibilities for the inclusion and enhancement of these additional mitigation areas within the primary environmental corridor. As part of that process the City has committed to working cooperatively with Milwaukee County to identify areas within Bender Park that would benefit from further enhancement and could be added to the primary environmental corridor at a later date.

The proposed sanitary sewer extensions serve the Lakeshore Commons Traditional Neighborhood Mixed Use development and are consistent with the City's comprehensive plan in that regard. There is also a proposal before the Council this evening to further amend various sections of the City's Comprehensive Plan to more accurately depict the boundaries of Lake Vista Park, the Lakeshore Commons development area and preserved park and open spaces within the new primary environmental corridor in this area.

Options/Alternatives: Should this amendment not be adopted, sanitary sewer extensions necessary to serve parts of Phase I of Lakeshore Commons would not be permitted.

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



Doug Seymour, AICP
Director of Community Development

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: SEWRPC Staff Memorandum - Response to Request by the City of Oak Creek to amend the Oak Creek Sanitary Sewer Service Area - February 11, 2022

RESOLUTION NO. 12311-030122

RESOLUTION ADOPTING A SANITARY SEWER SERVICE AREA AMENDMENT
FOR THE CITY OF OAK CREEK

WHEREAS, the Southeastern Wisconsin Regional Planning Commission (SEWRPC), working in cooperation with the City of Oak Creek, has prepared an amendment to the sanitary sewer service area for the Oak Creek area; and

WHEREAS, the amendment is set forth in a SEWRPC document entitled, Amendment to the Regional Water Quality Management Plan, City of Oak Creek, dated February 11, 2022; and

WHEREAS a public hearing was held on Tuesday, March 1, 2022 at which time interested parties were given an opportunity to comment on the proposed Amendment to the Regional Water Quality Management Plan, City of Oak Creek, dated February 11, 2022; and

WHEREAS, the City of Oak Creek concurs with the amended sanitary sewer service area set forth in the aforementioned SEWRPC document entitled Amendment to the Regional Water Quality Management Plan, City of Oak Creek, dated February 11, 2022.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Oak Creek, on the 1st day of March 2022, hereby adopts the SEWRPC document entitled Amendment to the Regional Water Quality Management Plan, City of Oak Creek, dated February 11, 2022, as a guide for the provision of sanitary sewer service within the Oak Creek area; and

BE IT FURTHER RESOLVED THAT the City transmit a certified copy of this Resolution to the Southeastern Wisconsin Regional Planning Commission.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 1st day of March, 2022.

Passed and adopted this ___ day of _____, 2022.

Common Council President Kenneth Gehl

Approved this ___ day of _____, 2022.

Mayor Daniel J. Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607 •

TELEPHONE (262) 547-6721
FAX (262) 547-1103

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SEWRPC Staff Memorandum

RESPONSE TO REQUEST BY THE CITY OF OAK CREEK TO AMEND THE OAK CREEK SANITARY SEWER SERVICE AREA

February 11, 2022

INTRODUCTION

By email dated September 24, 2021, Mr. Doug Seymour, Director of Community Development for the City of Oak Creek, requested on behalf of the City that the Southeastern Wisconsin Regional Planning Commission (SEWRPC) amend the Oak Creek sanitary sewer service area as that area is currently documented in SEWRPC Community Assistance Planning Report No. 213, *Sanitary Sewer Service Area for the City of Oak Creek, Milwaukee County, Wisconsin*, dated July 1994. The purpose of the amendment would be to revise and re-delineate portions of a primary environmental corridor located within the currently adopted sewer service area.

AREA DESCRIPTION

This amendment involves a proposed removal of lands from the primary environmental corridor within the proposed Lakeshore Commons residential development, and addition of lands to the primary environmental corridor within and adjacent to the existing City of Oak Creek owned Lake Vista Park, located in an area bounded by Lake Vista Boulevard, E. Ryan Road, and S. 5th Avenue in U.S. Public Land Survey Section 24, Township 5 North, Range 22 East, in the City of Oak Creek. Additional lands proposed to be added to the primary environmental corridor are within the City of Oak Creek owned Abendschein Park located northeast of the intersection of E. Forest Hill Avenue and S. Shepard Avenue in U.S. Public Land Survey Section 16, Township 5 North, Range 22 East, in the City of Oak Creek. The amendment is intended to facilitate construction of the southeastern portion of the proposed Lakeshore Commons residential development. The proposed changes to the primary environmental corridor are shown on Maps 1 and 2. Under the proposed amendment, about 18.79 acres of existing primary environmental corridor would be removed to facilitate construction of the proposed Lakeshore Commons residential development. As part of the sewer service area amendment process, a site visit of the subject primary environmental corridor was conducted by SEWRPC staff on October 13, 2021, to more accurately identify in the field the composition and delineation of the environmental corridor. As a result of that site visit, and in accordance with the environmental corridor mapping criteria established in SEWRPC Technical Record, Vol. 4, No. 2, in an article entitled, *"Refining the Delineation of Environmental Corridors in Southeastern Wisconsin"*¹, approximately 2.22 acres of adjacent woodlands were added to the primary environmental corridor.

¹ A summary of the methodology used in refining the delineation of the environmental corridors is provided in Appendix A of this report.

Based upon a review of historical records and information provided by the City of Oak Creek, it was determined that the primary environmental corridor had been subjected to various disturbances over time, primarily between the years 2000 and 2015, as part of a U.S. Environmental Protection Agency and Wisconsin Department of Natural Resources (WDNR) clean-up of the subject area to remove certain contaminated soils, and as part of the construction of the adjacent Lake Vista Boulevard. A majority of the primary environmental corridor was once again disturbed in November 2021 when the site was cleared for construction of the utilities and infrastructure associated with the proposed Lakeshore Commons development. WDNR and SEWRPC staff did not object to that clearing of the site due to the previously described extenuating circumstances specific to the history of this site and the City of Oak's agreement to diligently pursue and obtain a sewer service area amendment to revise and re-delineate the primary environmental corridor.

The requested removal of 18.79 acres of primary environmental corridor (primarily comprised of woodlands, and a small amount of wetlands and other open grassland areas), would be mitigated through the expansion of certain portions of the primary environmental corridor by about 23.3 acres as shown on Maps 1 and 2. A detailed mitigation plan identifying the types and amount of native vegetation to be planted and details for vegetation monitoring and maintenance is under preparation by the City, and when completed, is anticipated to be adopted by the City. By adopting this sewer service area amendment, the City of Oak Creek commits to ensuring that the mitigation plan is implemented.

As part of the mitigation plan currently under preparation by the City of Oak Creek, and as incorporated into this sewer service area amendment, is an alternative option for part or all of the proposed mitigation to be implemented within the adjacent Milwaukee County owned Bender Park. In this regard, Commission staff has indicated that the opportunities for and the potential quality of mitigation within Bender Park would likely be greater and of a higher environmental benefit than the proposed mitigation sites identified within and adjacent to Lake Vista Park and in Abendschein Park. However, as this opportunity has not yet been discussed with representatives of Milwaukee County, and as the City of Oak Creek has expressed a strong desire to proceed as quickly as possible with the subject sewer service area amendment, it is herein proposed that implementation of this option, should it be approved by Milwaukee County and the City of Oak Creek, would be administratively reviewed and approved by Commission staff. Any such administrative approval would be subject to compliance with all of the applicable mitigation standards and guidelines set forth in this and prior similar sewer service area amendments.

RELATIONSHIP OF THE PROPOSED CHANGE TO THE EXISTING SANITARY SEWER SERVICE AREA

The proposed modification of the primary environmental corridor on the subject property does not change the outer boundary of the planned sewer service area.

WATER QUALITY IMPACTS

In light of the preceding information set forth in this report, and of the extremely unique extenuating circumstances in this case, including but not limited to the positive water quality impacts associated with the previous removal and capping of certain contaminated soils located within and adjacent to the subject primary environmental corridor, the mitigation plan associated with this sewer service area plan amendment is comprised of a combination of replacement, restoration, and enhancement practices to be conducted within and adjacent to the City-owned Lake Vista Park and within the City-owned Abendschein Park, and includes an alternative option for implementation of some or all of these mitigation practices at the County-owned Bender Park. These practices are intended in part to replace the natural resource features (and the related natural resource functions) associated with the primary environmental corridor lands proposed to be removed, and in part to restore and enhance certain existing natural resource features (and the related

natural resource functions) associated with adjacent portions of the primary environmental corridor lands that are to remain.

Under the adopted regional water quality management plan and the Oak Creek sanitary sewer service area plan, it is envisioned that all new urban development within the planned sewer service area would receive sanitary sewer service. Assuming that all applicable Federal, State, and local permits are obtained and that proper site development and construction practices are employed (including those practices identified in the adopted Mitigation Plan), there should be no significant adverse water quality impacts attributable to the development of the planned sewer service area.

WASTEWATER TREATMENT PLANT CAPACITY

Since this amendment does not propose to change the outer boundary of the planned sewer service area, there will be no impact on planned treatment plant capacity.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on ____, 2022, at the Oak Creek Civic Center (City Hall) to receive public comment on, and reaction to, the proposed sewer service area amendment. The hearing was sponsored by the City of Oak Creek and the Regional Planning Commission. A summary of the amendment was presented prior to receiving public comment.

(To be completed following the public hearing.)

LOCAL ACTION ON THE PLAN AMENDMENT

The Oak Creek Common Council approved the sewer service area amendment following the public hearing on ____, 2022.

(To be completed following the public hearing.)

REGIONAL HOUSING PLAN: JOB/HOUSING BALANCE

Appendix B provides job/housing balance information for the City of Oak Creek developed under the SEWRPC regional housing plan. The inclusion of information from the regional housing plan in sewer service area amendment reports is based upon a regional housing plan recommendation (one of 50 recommendations made under the plan) that 1) SEWRPC provide the findings of the approximate job/housing balance analysis conducted under the regional housing plan to communities requesting an amendment of their sanitary sewer service area and 2) for those communities with a job/housing imbalance, that recommendations be provided to the community for their future consideration in addressing that imbalance. However, it is important to note that job/housing balance is not intended to be a requirement to be met by any individual sewer service area amendment.

CONCLUDING RECOMMENDATION

The Regional Planning Commission's evaluation of proposed sanitary sewer service area amendments includes a consideration of whether the amendment is consistent with the regional land use plan, the regional water quality management plan, and the provisions of the *Wisconsin Administrative Code* governing water quality management plans, and whether established procedures for amending sewer service areas have been followed.

- **Consistency with the Regional Land Use Plan**

The regional land use plan recommends that, in addition to the infilling and redevelopment of existing urban centers, new urban development within the Region be accommodated through the orderly expansion of existing urban centers in locations which can be readily served by basic urban facilities, including sanitary sewer service, with the overall amount of new urban development consistent with projected growth in population and the economic base. The regional land use plan further recommends the preservation of primary environmental corridors and that consideration be given to the preservation of secondary environmental corridors and isolated natural resource areas.

(To be completed following the public hearing.)

- **Consistency with the Regional Water Quality Management Plan**

The regional water quality management plan recommends that new urban development within the Region be provided with centralized sanitary sewer service. The plan designates a wastewater treatment plant to serve each of the urban centers within the Region that are identified in the regional land use plan. In the case at hand, the regional plan recommends that wastewater from the Oak Creek urban service area be served through the Oak Creek local collection system tributary to the Milwaukee Metropolitan Sewerage District regional sewerage system.

(To be completed following the public hearing.)

- **Consistency with Chapter NR 121 of the Wisconsin Administrative Code**

Chapter NR 121 of the *Wisconsin Administrative Code* governs the preparation of areawide water quality management plans, including the component sewer service area plans. The code requires that sewer service areas be determined in a way that promotes cost-effective and environmentally sound wastewater collection and treatment and that is consistent with 20-year population projections. Under the code, sewer service area plans must identify lands that are to be excluded from sewer service because of physical or environmental constraints or potential adverse water quality impacts.

(To be completed following the public hearing.)

- **Consistency with Procedural Requirements**

As carried out by the Regional Planning Commission, the sewer service area amendment process must begin with a request to the Commission from the appropriate local unit of government or government agency to process the amendment. A public hearing must be held on the proposed amendment; the hearing is jointly sponsored by the Regional Planning Commission and the requesting agency or unit of government. Subsequent to the public hearing, the requesting agency or unit of government must act to approve the amendment as presented at the hearing, approve a modified amendment, or deny the amendment. Only after approval by the requesting agency or unit of government will the proposed amendment be considered for adoption by the Regional Planning Commission as an amendment to the areawide water quality management plan.

(To be completed following the public hearing.)

#260913-3
Oak Creek Supple Service Area Memo
300-3000
JED/ac/md
2/11/22

SEWRPC Staff Memorandum

**RESPONSE TO REQUEST BY THE CITY OF OAK CREEK TO
AMEND THE OAK CREEK SANITARY SEWER SERVICE AREA**

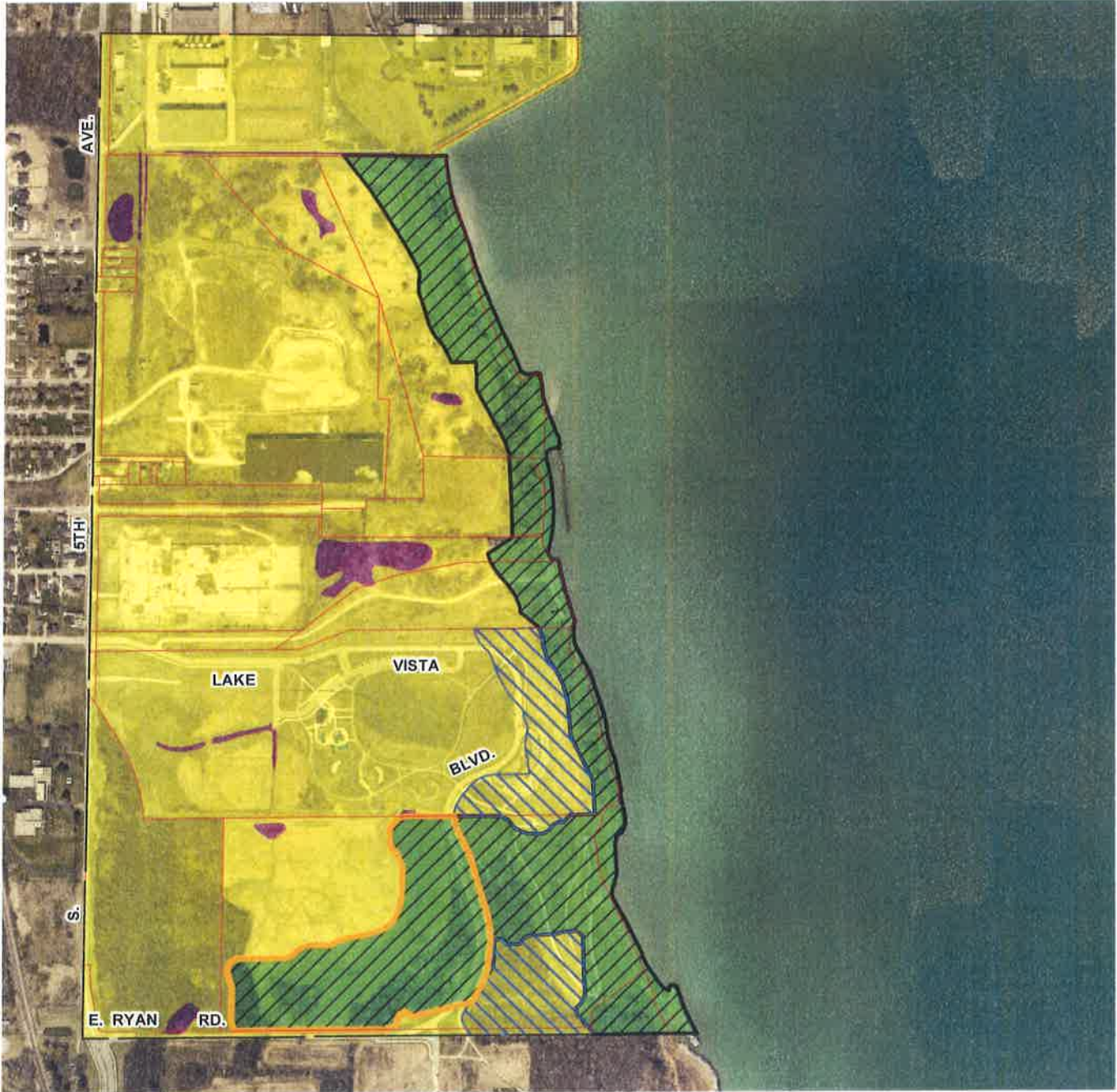
February 11, 2022

MAPS






Map 1

PROPOSED CHANGES TO PRIMARY ENVIRONMENTAL CORRIDOR
IN THE CITY OF OAK CREEK SANITARY SEWER SERVICE AREA

U.S. Public Land Survey Section 24, Township 5 North, Range 22 East




Photography Date: April 2020

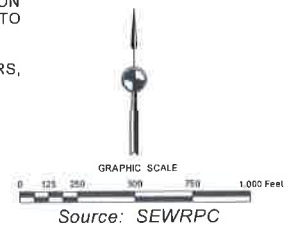
-  PRIMARY ENVIRONMENTAL CORRIDOR
-  WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE PRIMARY ENVIRONMENTAL CORRIDORS
-  PLANNED SANITARY SEWER SERVICE AREA
-  AREA PROPOSED TO BE REMOVED FROM THE PRIMARY ENVIRONMENTAL CORRIDOR
-  PROPERTY BOUNDARIES (DECEMBER 2020)

-  AREAS PROPOSED TO BE ADDED TO THE PRIMARY ENVIRONMENTAL CORRIDOR

RESTRICTIONS ON SEWERED DEVELOPMENT

-  PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, RIPARIAN BUFFERS,

NOTE: This map replaces a portion of Map 7-5, page 25, of SEWRPC Community Assistance Planning Report No 213, Sanitary Sewer Service Area for the City of Oak Creek, Milwaukee County, Wisconsin, July 1994.










Map 2




PROPOSED CHANGES TO PRIMARY ENVIRONMENTAL CORRIDOR
IN THE CITY OF OAK CREEK SANITARY SEWER SERVICE AREA

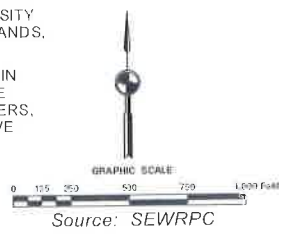
U.S. Public Land Survey Section 16, Township 5 North, Range 22 East



Photography Date: April 2020

-  PRIMARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE PRIMARY ENVIRONMENTAL CORRIDORS
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  PLANNED SANITARY SEWER SERVICE AREA
-  PROPERTY BOUNDARIES (DECEMBER 2020)
-  AREA PROPOSED TO BE ADDED TO THE PRIMARY ENVIRONMENTAL CORRIDOR

-  EXISTING ISOLATED NATURAL RESOURCE AREA TO BE CONVERTED TO PRIMARY ENVIRONMENTAL CORRIDOR
- RESTRICTIONS ON SEWERED DEVELOPMENT**
-  PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, RIPARIAN BUFFERS, AND STEEP SLOPES.
 -  PORTIONS OF ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, RIPARIAN BUFFERS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.
- NOTE:** This map replaces a portion of Map 7-4, page 24, of SEWRPC Community Assistance Planning Report No 213, Sanitary Sewer Service Area for the City of Oak Creek, Milwaukee County, Wisconsin, July 1994.



APPENDICES

SUMMARY OF PROCEDURES USED TO IDENTIFY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

APPENDIX A

One of the most important tasks completed by the Commission under the regional planning program for Southeastern Wisconsin is delineating environmental corridors. Environmental corridors are linear areas in the landscape containing concentrations of natural resource and resource-related amenities. These corridors generally lie along the major stream valleys, around major lakes, and in the Kettle Moraine area of Southeastern Wisconsin. Almost all the remaining high-value wetlands, woodlands, wildlife habitat areas, major bodies of surface water, and delineated floodplains and riparian buffers are contained within these corridors. In addition, significant groundwater recharge and discharge areas, many of the most important recreational and scenic areas, and the best remaining potential park sites are located within the environmental corridors. Such corridors are, in effect, a composite of the most important individual elements of the natural resource base in Southeastern Wisconsin, and have immeasurable environmental, ecological, and recreational value.

The process of delineating environmental corridors began with the mapping of individual natural resource and resource-related elements on aerial photographs at a scale of one inch equals 400 feet. The various natural resource and resource-related elements were assigned a numeric rating intended to reflect the value of their natural characteristics. The types of natural resource and resource-related features that were mapped and the point values assigned are indicated in Table A.1.

Areas having a total point value of 10 or more based upon this mapping were identified as having "significant" natural resource value. These areas were, in turn, classified as primary environmental corridors, secondary environmental corridors, or isolated natural resource areas based upon the following criteria:

- Primary environmental corridors encompass at least 400 acres and have a minimum length of at least two miles and a minimum width of at least 200 feet
- Secondary environmental corridors encompass at least 100 acres and have a minimum length of at least one mile
- Isolated natural resource areas encompass at least five acres and have a minimum width of at least 200 feet

Table A.1**Values Assigned to Natural Resource Base and Resource Base-Related Elements in the Process of Delineating Environmental Corridors and Isolated Natural Resource Areas**

Natural Resource Base Element		Natural Resource Base-Related Element	
Element	Point Value	Element	Point Value
Lake		Existing Park or Open Space Site	
Major (50 acres or more)	20	Rural Open Space Site	5
Minor (5-49 acres)	20	Other Park and Open Space Site	2
Rivers or Streams (perennial)	10	Potential Park Site	
Riparian Buffer		High-Value	3
Lake or Perennial River or Stream	10	Medium-Value	2
Intermittent Stream	5	Low-Value	1
Floodplain (100-year recurrence interval)	3	Historic Site	
Wetland	10	Structure	1
Woodland	10	Other Cultural	1
Wildlife Habitat		Archaeological	2
Class I	10	Scenic Viewpoint	5
Class II	7	Natural Area	
Class III	5	State Scientific Area	15
Steep Slope		Statewide or Greater Significance	15
20 Percent or More	7	County or Regional Significance	10
12-19 Percent	5	Local Significance	5
Prairie	10		

Source: SEWRPC

The resulting definitions are held out as subject to field verification where appropriate. The Commission staff is frequently called upon by county and local units of government to verify and stake in the field the boundaries of these environmentally significant lands.

Additional documentation regarding the environmental corridor delineation process is presented in an article titled "Refining the Delineation of Environmental Corridors in Southeastern Wisconsin" published in SEWRPC *Technical Record*, Volume Four, Number Two, dated 1981, which may be viewed on the Regional Planning Commission website.

On March 13, 2013, the Regional Planning Commission adopted a regional housing plan for the seven-county Southeastern Wisconsin Region. That plan is documented in SEWRPC Planning Report No. 54, *A Regional Housing Plan for Southeastern Wisconsin*, dated March 2013. The plan addresses a range of housing issues and concerns, including the balance between jobs and housing throughout the Region. The plan includes a generalized analysis of the "job/housing balance" for subareas of the Region. The regional housing plan recommends providing the findings of the job-housing analysis to communities seeking to amend their sanitary sewer service areas, with the intent to inform communities of any job/housing imbalance, and to encourage them to consider addressing the imbalance when they review and update their community comprehensive plan and zoning ordinance. Accordingly, the findings of that analysis are summarized in this appendix.

The job/housing analysis conducted under the regional housing study examined the relationship between jobs and housing that would exist in areas planned by local governments to be served by a public sanitary system, assuming implementation of adopted long-range comprehensive plans for those areas. For each sewer community, the analysis compared the projected relative shares of lower-cost, moderate-cost, and higher-cost housing⁵ with the projected relative shares of lower-wage, moderate-wage, and higher-wage jobs,⁶ respectively. Job/housing imbalances identified under this analysis are indicated on Map B.1. A "lower-cost" job/housing imbalance indicates a community projected to have a higher percentage of lower-wage jobs than lower-cost housing. A "moderate-cost" job/housing imbalance indicates a community projected to have a higher percentage of moderate-wage jobs than moderate-cost housing.

⁵ For purposes of the analysis, lower-cost housing generally includes multi-family dwellings and single- and two-family dwellings at densities of 6,000 square feet or less per dwelling unit; moderate-cost housing includes single- and two-family dwellings at densities of one dwelling per 6,000 to 20,000 square feet for homes constructed prior to 2000 and at densities of one dwelling per 6,000 to 10,000 square feet for housing constructed after 2000; and higher-cost housing includes the balance of the housing stock.

⁶ For purposes of the analysis, lower-wage jobs include those with an average annual wage that is 80 percent or less than the average annual wage for all jobs in the county; moderate-wage jobs include those with an average annual wage between 80 percent and 135 percent of average annual wage for all jobs in the county; and higher-wage jobs include those with an average annual wage that is 135 percent or more of the annual average wage for all jobs in the county.

REGIONAL HOUSING PLAN: JOB/HOUSING BALANCE ANALYSIS APPENDIX B

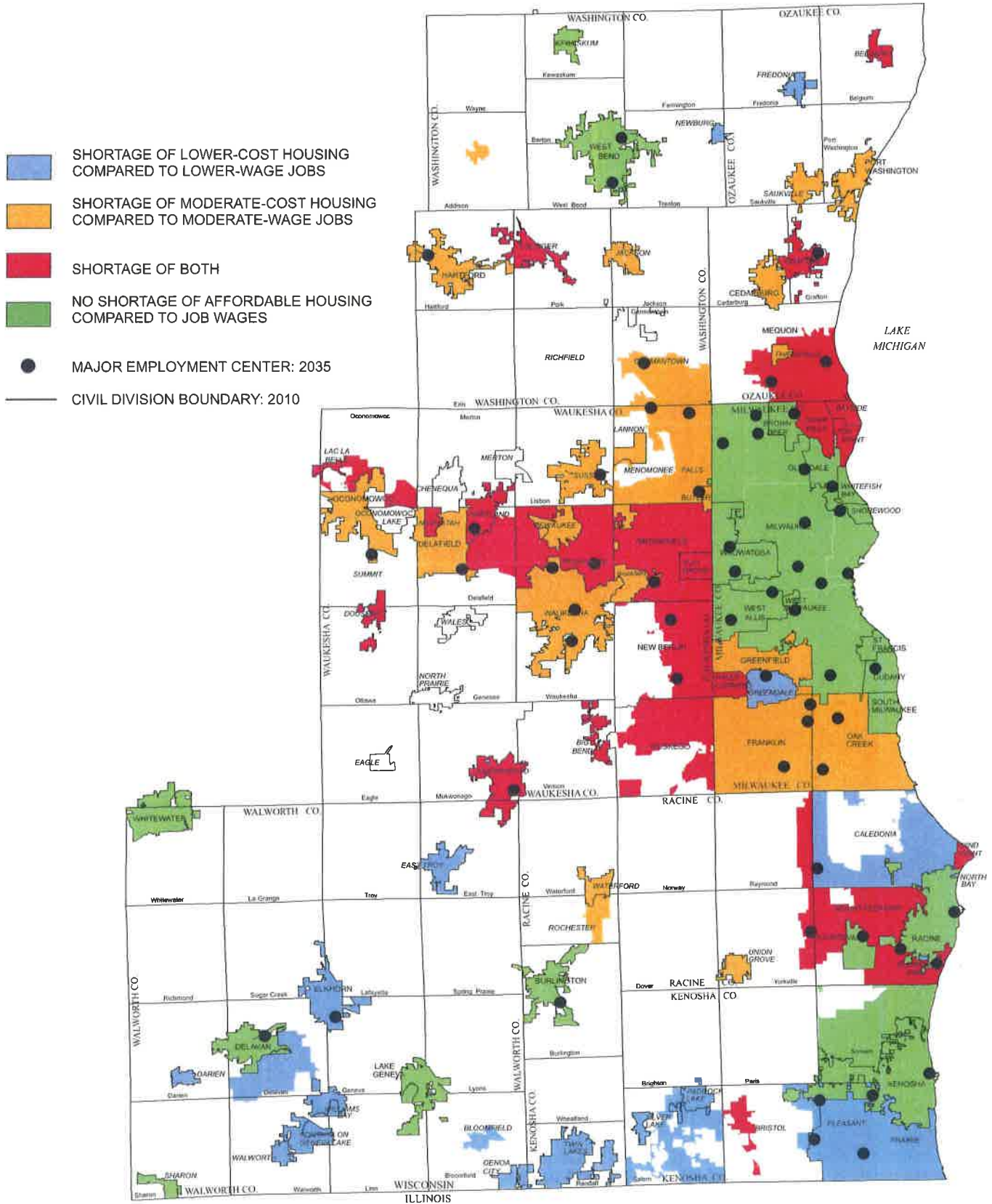
Map B.1 shows the City of Oak Creek is projected to have moderate-cost job/housing imbalances. The regional housing plan would encourage the City to consider conducting a more detailed job/housing analysis specific to their community, with the community-level analysis considering community-specific wage data and housing price data. The community-specific analysis could also consider the effect of multiple workers in a household, which was not incorporated in the regional-level analysis.

The regional housing plan further recommends that communities which are demonstrated to have a job/housing imbalance following a community-specific analysis consider making changes to their comprehensive plan and zoning ordinance, as appropriate, to enable the provision of housing suitable for the people holding jobs in their community. Actions to address a moderate-cost job/housing imbalance could include modifying the comprehensive plan to permit some single-family residences on smaller lots (1/4 acre or less) and of modest square footage (1,200 square feet). Actions to address a lower-cost job/housing imbalance could include modifying the comprehensive plan to permit some modest multifamily housing (density of at least 10 housing units per acre and 800 to 850 square feet per two bedroom apartment).

Additional information about the housing plan and the job/housing balance analysis is available on the SEWRPC website (www.sewrpc.org/sewrpc/housing.htm) or by contacting the SEWRPC staff.

Map B.1

Projected Job/Housing Imbalances in Sewered Communities in the Region: 2035



Source: Local Government Comprehensive Plans and SEWRPC.

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 receive public comment on, and reaction to, a proposed amendment to the Oak Creek sanitary sewer service area. The public hearing is being sponsored by the City of Oak Creek and the Southeastern Wisconsin Regional Planning Commission (SEWRPC). A draft staff memorandum describing the proposed sanitary sewer service area amendment, including a map of the area, will be on file at the offices of the City and SEWRPC. The sewer service area amendment will be explained at the public hearing.

Following the public hearing, the City of Oak Creek and SEWRPC will determine whether any changes should be made to the sewer service area as presented at the hearing. The City and SEWRPC will then formally adopt the staff memorandum and forward it to the Wisconsin Department of Natural Resources for use by that Department in reviewing and approving sanitary sewer extensions in accordance with the provisions of Chapter NR 110 of the Wisconsin Administrative Code.

Hearing Date:

March 1, 2022

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):

City of Oak Creek

Property Owner(s):

City of Oak Creek

Property Location(s):

4200 E. Lake Vista Boulevard

Tax Key(s):
868-9993-001

The Common Council has scheduled other public hearings for March 1, 2022 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Interested citizens are encouraged to attend the public hearing. Further information about this matter may be obtained by contacting the City of Oak Creek Department of Community Development (414) 766-7000 or the offices of SEWRPC at W239 N1812 Rockwood Drive, Waukesha, Wisconsin 53187.

Date of Notice: January 17, 2022
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.

Publish January 26, 2022

**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.

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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 an amendment to the Comprehensive Plan, City of Oak Creek (Adopted March 3, 2020, amended November 17, 2020) as it relates to the properties at 4005, 4060, and 4159 E. Lake Vista Parkway.

- Date:** March 1, 2022
- Time:** 7:00 p.m.
- Place:** Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)
- Applicant:** City of Oak Creek
- Property Owner(s):** F STREET OCLV LLC
- Tax Key Nos.** 868-9005-000, 868-9003-000, and 868-9004-000
- Property locations:** 4005, 4060, and 4159 E. Lake Vista Parkway

Proposal:
The proposed amendment would change the following for portions of the properties at 4005, 4060, and 4159 E. Lake Vista Parkway:

1. The Land Use Plan and category from Mixed Use to Parks and Open Space.
2. The Economic Development Framework Plan and category to remove Mixed Use.
3. The Parks and Open Space Map category to Open Space.



9-24-21 - City of Oak Creek

The Common Council has scheduled other public hearings for March 1, 2022 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(s) may call the Department of Community Development at (414) 766-7027 during regular business hours.

Dated this 26th day of January, 2022.

Date of Notice: January 19, 2022
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.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at 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.



COMMON COUNCIL REPORT

Item: Comprehensive Plan Amendment - 4005, 4060, and 4159 E. Lake Vista Parkway

Recommendation: That the Council adopts Ordinance No. 3029, an ordinance adopting an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) for the properties at 4005, 4060, and 4159 E. Lake Vista Parkway.

Fiscal Impact: The amendment to the Comprehensive Plan, City of Oak Creek is part of the process to permit development of Phase I of Lakeshore Commons. New construction, impact fees and permit application fees from the development of Lakeshore Commons would provide a positive fiscal impact for the City. The property is part of TID No. 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: The City is requesting that the Comprehensive Plan (adopted March 3, 2020) be amended to update the following for portions of the properties at 4005, 4060, and 4159 E. Lake Vista Parkway:

1. The Land Use Plan and category from Mixed Use to Parks and Open Space.
2. The Economic Development Framework Plan and category to remove Mixed Use.
3. The Parks and Open Space Map category to Open Space.

With the establishment of the boundaries for both Lake Vista Park and the Lakeshore Commons development, as well as an in-progress amendment to the Sewer Service Area (not part of this review), the City now has defined areas for open space, parks, and conservation/preservation within and adjacent to Lake Vista Park. The final boundaries differ somewhat from the maps and exhibits in the original adopted Comprehensive Plan. These proposed changes would reflect actual property boundaries for the park and related open spaces.

Included with this report are the existing and proposed maps for each of the amendments. Per Wis. Stats. 62.23(3)(b), adoption of any amendment must be by a majority approval of the entire Plan Commission and Common Council. The State of Wisconsin Smart Growth Law requires that all local land use decisions after January 1, 2010 be consistent with the objectives, goals, and policies contained within the comprehensive plan. Approval of the proposed amendments would bring the Comprehensive Plan

(adopted March 3, 2020; amended November 17, 2020) in line with the intent and goals for future development, and would formally recognize and clarify the Parks and Open Space areas affecting the properties at 4005, 4060, and 4159 E. Lake Vista Parkway.

The Plan Commission has reviewed this request and has adopted Resolution No. 2022-03 on January 25th supporting the amendment.

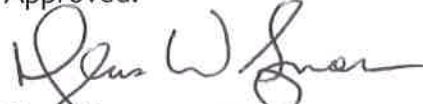
Options/Alternatives: The failure to adopt these changes would leave inconsistencies within the adopted plan.

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



Doug Seymour, AICP
Director of Community Development

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments:

Plan Commission Resolution No. 2022-03

Plan Commission minutes (excerpt) January 25, 2022

Exhibit A - Proposed Land Use Plan Map

Exhibit B - Proposed Economic Development Framework Map

Exhibit C - Proposed Parks and Open Space Map

Public Hearing Notice

ORDINANCE NO. 3029

BY: _____

AN ORDINANCE ADOPTING AN AMENDMENT TO THE COMPREHENSIVE
PLAN FOR THE CITY OF OAK CREEK, WISCONSIN

4005, 4060, and 4159 E. Lake Vista Parkway

(4th Aldermanic District)

The Common Council of the City of Oak Creek does hereby ordain as follows:

SECTION 1: Pursuant to Sections 62.23(2) and 66.1001(4) of the Wisconsin Statutes, the City of Oak Creek is authorized to prepare and adopt a comprehensive plan and an amendment to a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2: The Common Council, by the enactment of Ordinance No. 2963, formally adopted the document titled *Comprehensive Plan, City of Oak Creek* on March 3, 2020.

SECTION 3: WHEREAS, the City of Oak Creek has proposed the following amendments to the Comprehensive Plan, affecting portions of the properties at 4005, 4060, and 4159 E. Lake Vista Parkway:

1. Revising the Land Use Plan and category from Mixed Use to Parks and Open Space;
2. Revising the Economic Development Framework Plan and category to remove Mixed Use;
3. Revising the Parks and Open Space Map category to Open Space; and

SECTION 4: The City of Oak Creek published a Class 1 public notice on January 26, 2022, and held a public hearing before the Common Council on March 1, 2022.

SECTION 5: The Plan Commission, by a majority vote of the entire Commission at a meeting held on January 25, 2022, adopted Resolution No. 2022-03, amending the adopted *Comprehensive Plan, City of Oak Creek* for the properties at 4005, 4060, and 4159 E. Lake Vista Parkway, and recommending that the Common Council adopt the amendment to the Comprehensive Plan by ordinance.

SECTION 6: The Common Council hereby adopts the proposed amendment to the *Comprehensive Plan, City of Oak Creek* from for the properties at 4005, 4060, and 4159 E. Lake Vista Parkway.

1. Revising the Land Use Plan and category from Mixed Use to Parks and Open Space;
2. Revising the Economic Development Framework Plan and category to remove Mixed Use;
3. Revising the Parks and Open Space Map category to Open Space

SECTION 7: Except as herein modified, the *Comprehensive Plan, City of Oak Creek* adopted March 3, 2020 shall remain in full force and effect.

SECTION 8: The City Clerk is directed to send a copy of this ordinance and the Comprehensive Plan amendment to the parties listed in Section 66.1001(4)(b) of the Wisconsin Statutes.

SECTION 9: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this 1st day of March 2022.

Passed and adopted this 1st day of March, 2022

President, Common Council

Approved this ____ day of _____, 2022.

Mayor

ATTEST:

City Clerk

VOTE: Ayes ____ Noes ____

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 25, 2022**

**COMPREHENSIVE PLAN AMENDMENT
4005, 4060, and 4159 E LAKE VISTA PARKWAY
TAX KEY NOS. 868-9005-000, 868-9003-000, AND 868-9004-000**

Planner Papelbon provided an overview of a request to change the Land Use Plan category from Mixed Use to Parks and Open Space for portions of the properties at 4005, 4060, and 4159 E. Lake Vista Parkway. (see staff report for details).

Alderman Loreck stated this is a positive change to keep more green space in the area.

Commissioner Carrillo asked how much additional green space is being created with this change.

Planner Papelbon stated this change is identifying the existing boundaries of the park and incorporating the natural area that is referred to as the AEBA area or the barbell. Lake Vista Park is estimated to be 50 acres. There is a CSM that reflects the boundaries and acreage for the park, but the exact numbers were not available.

Commissioner Carrillo asked to confirm that the large trees and dense wooded area would remain intact. Planner Papelbon stated that at this time there is no interest in developing that area.

Commissioner Hanna inquired what measures are in place to make sure the land stays as intended. Planner Papelbon stated the park is already developed and the extent of the boundaries are what is in place now. The AEBA area is deed restricted, must remain open space, and is included as part of Lake Vista Park. The area east of South Lake Vista Parkway is owned by the City, is currently be utilized for park purposes, and anticipated to remain for park purposes. This proposal is identifying what is already in place and formalizing it in the Comprehensive Plan.

Commissioner Hanna inquired if there was any encroachment it would be addressed under the category. Planner Papelbon explained that any type of development would need to conform to the Comprehensive Plan which identifies the area as parks and open space. The areas surrounding the park space are known to be the Lakeshore Commons development. This item is just to formalize the boundaries in the Comprehensive Plan now that the boundaries are known.

Commissioner Hanna asked how the wildlife in that area will be protected. Planner Papelbon stated Southeastern Wisconsin Regional Planning Commission (SEWRPC) identifies environmental corridors. This proposed plan reflects a recently identified environmental corridor. Planner Papelbon explained that the City has been working with SEWRPC, the DNR, and a consultant to ensure there are environmental protection areas in the proposed plan.

Commissioner Oldani asked how long the existing map has been in place. Planner Papelbon stated since adoption on March 3, 2020. Planner Papelbon provided a history of the land use categories for this area according to previous Comprehensive Plans.

Mayor Bukiewicz stated all of the land in this area was never intended to be all park land. The amount of remediation needed for this site would not financially allow for this entire area to be park land.

Commissioner Hanna inquired if there has been public input for this development. Planner Papelbon explained there was an ADHOC committee with members of the public for the development of Lake Vista Park. When the Comprehensive Plan was adopted there was a very long public input and participation process. Notifications were sent to anyone in the surrounding area of the Lakeshore Commons development.

Commissioner Hanna asked if notifications have been sent to the entire community for this development because Lake Vista Park is for the entire community, not just for the neighborhood. Planner Papelbon stated that the entire community was notified for adoption of the overall Comprehensive Plan, however when the Comprehensive Plan amendment is specific to an area or parcels the City is only required to notify landowners within 300 feet or more when required by the aldermanic district. Planner Papelbon provided a review of the opportunities the public had to provide comments about the full Comprehensive Plan.

Mayor Bukiewicz stated there is delineated plan to keep green space in the City.

Commissioner Hanna moved that the Plan Commission adopts Resolution 2022-03, amending

1. The Land Use Plan and category from Mixed Use to Parks and Open Space as proposed; and
2. The Economic Development Framework Plan and category to remove Mixed Use as proposed; and
3. The Parks and Open Space Map category to Open Space as proposed

in the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020; amended November 17, 2020) for portions of the properties at 4005, 4060, and 4159 E. Lake Vista Parkway, following review and adoption by the City Common Council.

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

ATTEST:



Kari Papelbon, Plan Commission Secretary

2-8-22

Date

RESOLUTION NO. 2022-03

**A RESOLUTION ADOPTED BY THE PLAN COMMISSION AMENDING THE
ADOPTED COMPREHENSIVE PLAN FOR THE
CITY OF OAK CREEK, IN MILWAUKEE COUNTY, WISCONSIN**

WHEREAS, Sections 62.23 and 66.1001 of the Wisconsin Statutes establish the required procedure for a local government to adopt a Comprehensive Plan; and

WHEREAS, the City of Oak Creek Plan Commission has the authority to amend the Comprehensive Plan by resolution, and also to recommend that the Common Council adopt the Comprehensive Plan; and

WHEREAS, the City of Oak Creek has proposed the following amendments to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, amended November 17, 2020) affecting portions of the properties at 4005, 4060, and 4159 E. Lake Vista Parkway:

1. Revising the Land Use Plan and category from Mixed Use to Parks and Open Space;
2. Revising the Economic Development Framework Plan and category to remove Mixed Use;
3. Revising the Parks and Open Space Map category to Open Space; and

WHEREAS, the Plan Commission reviewed the aforementioned amendment to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, amended November 17, 2020) at a public meeting on January 25, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Oak Creek hereby adopts the following amendments to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, amended November 17, 2020) affecting portions of the properties at 4005, 4060, and 4159 E. Lake Vista Parkway:

1. Revising the Land Use Plan and category from Mixed Use to Parks and Open Space;
2. Revising the Economic Development Framework Plan and category to remove Mixed Use;
3. Revising the Parks and Open Space Map category to Open Space

per Exhibits A-C, and recognizing that the Common Council must also adopt the amendment to the Comprehensive Plan for it to become effective; and

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Common Council adopts the amendment to the Comprehensive Plan by ordinance.

Passed and adopted this 25th day of January, 2022.

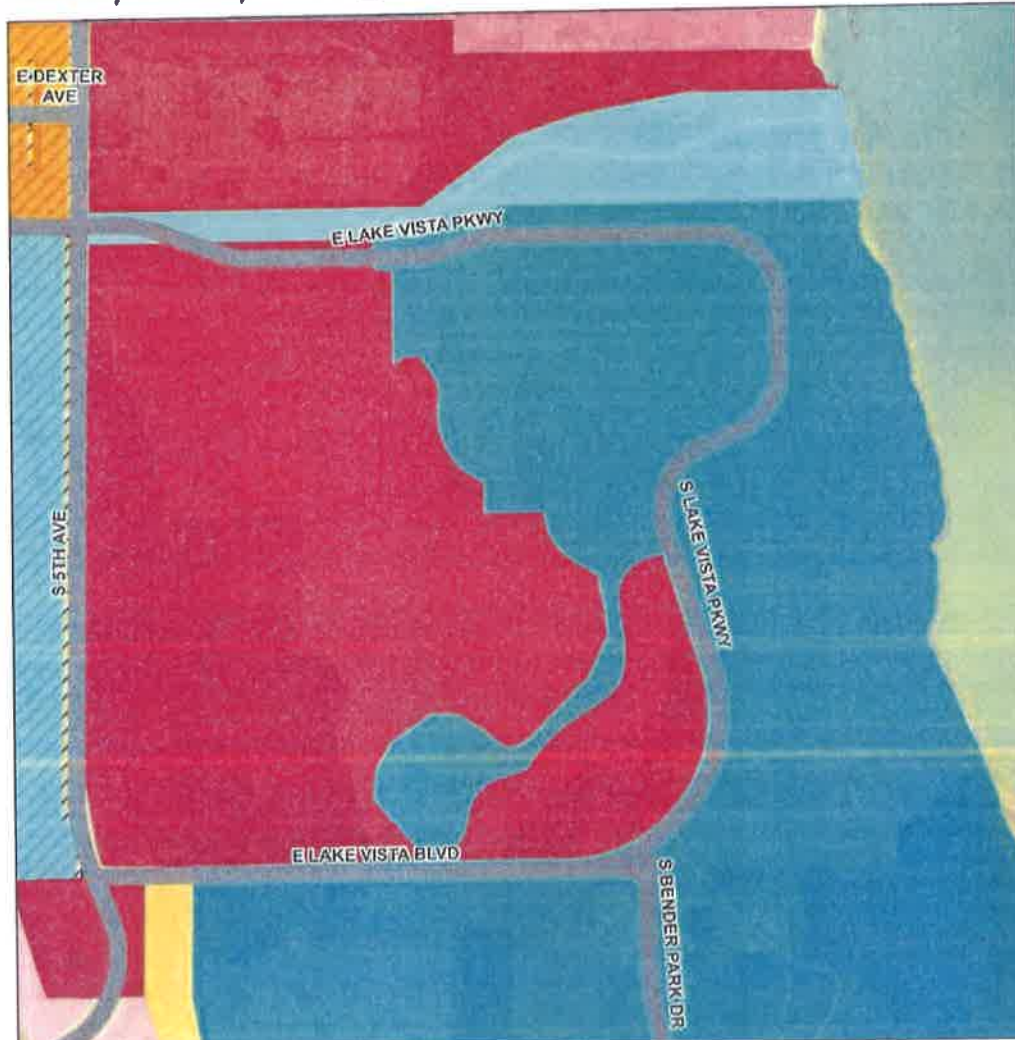
Daniel J. Burkering
Plan Commission Chair

Attest:

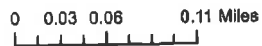
Harv Papillon
Secretary of the Plan Commission

EXHIBIT A

PROPOSED LAND USE PLAN MAP
4005, 4060, 4159 E. Lake Vista Parkway



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

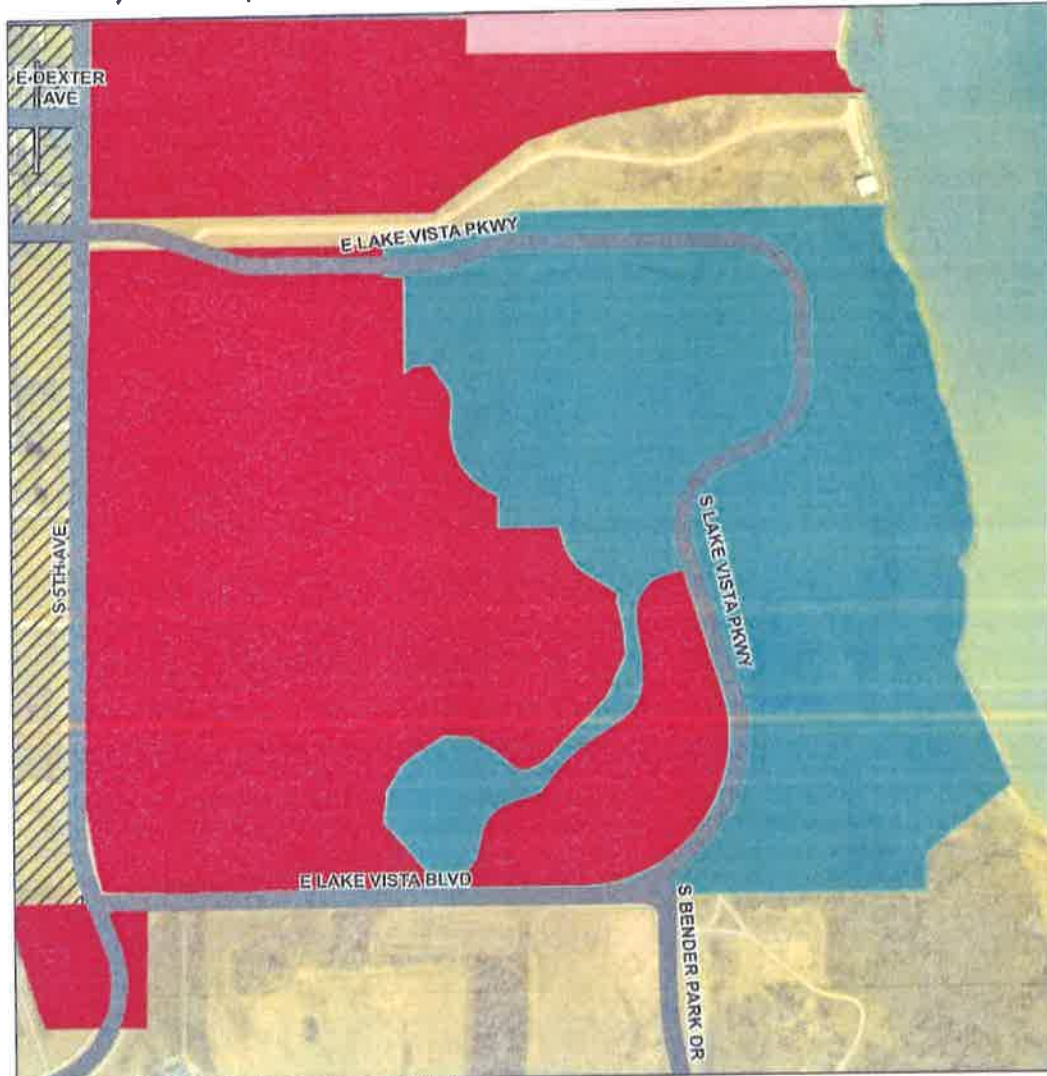


Legend

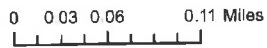
- | | |
|----------------------|------------------------|
| Industrial | Single-Family Attached |
| Mixed Use | Single-Family Detached |
| Parks and Open Space | Utility and Railroad |
| Public/Semi-Public | Tax Overlay |

EXHIBIT B

PROPOSED ECON DEVELOPMENT FRAMEWORK 4005, 4060, 4159 E. Lake Vista Parkway



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

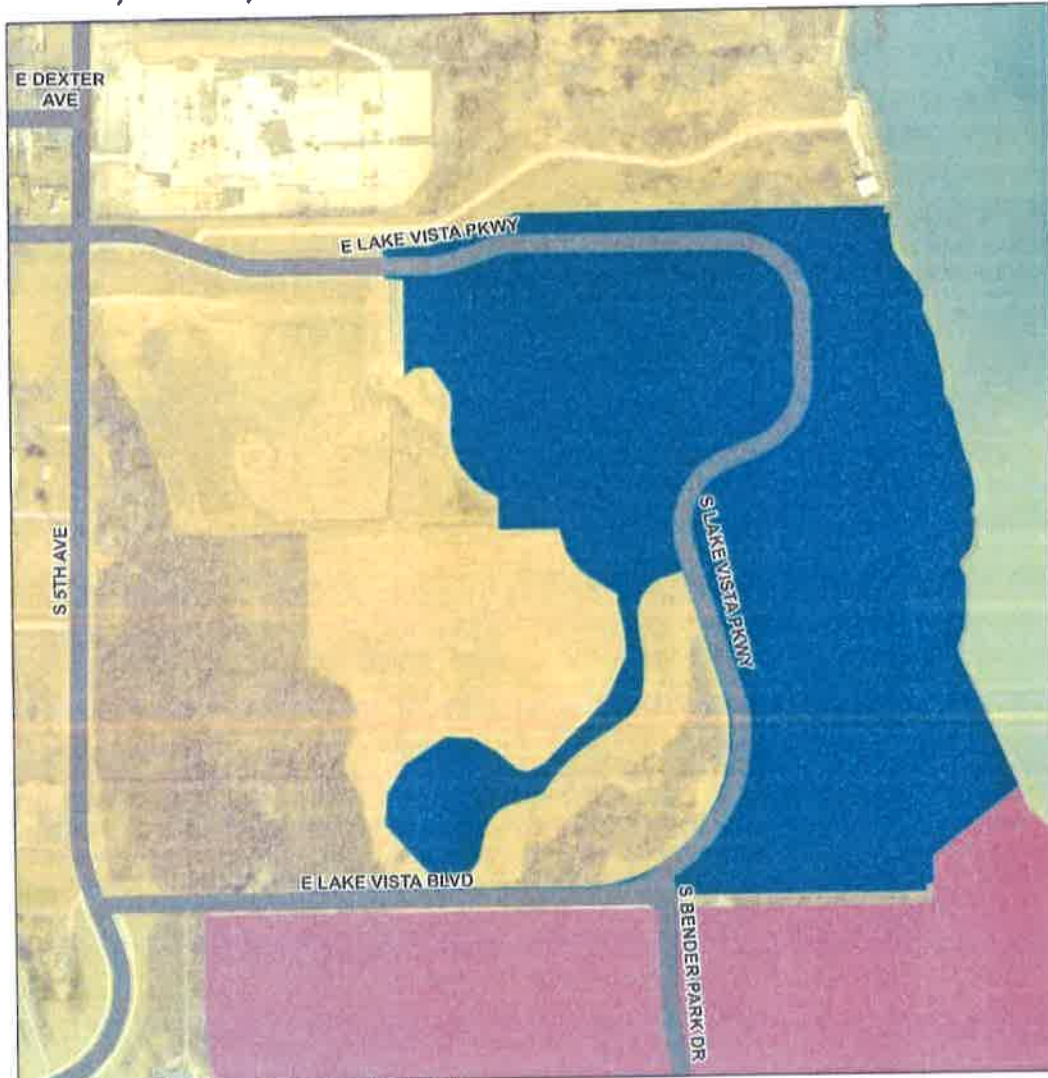


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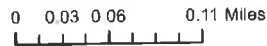
- Portion to be Removed
- Econ Devel Framework
- Business Park
- Corridor Commercial
- Large Scale Industrial
- Mixed Use
- Neighborhood Commercial
- Small Scale Industrial
- Flex Overlay

EXHIBIT C

PROPOSED PARKS AND OPEN SPACE MAP 4005, 4060, 4159 E. Lake Vista Parkway



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



Legend

- | | |
|-----------------------------|-------------------|
| Parks and Open Space | Neighborhood Park |
| Community Park | Regional Park |
| Greenways | Special Use Park |
| Natural Area | |

Publish January 26, 2022

**OFFICIAL NOTICE
NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL**

IMPORTANT NOTICE

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PURPOSE: The purpose of this public hearing is to consider an amendment to the Comprehensive Plan, City of Oak Creek (Adopted March 3, 2020, amended November 17, 2020) as it relates to the properties at 4005, 4060, and 4159 E. Lake Vista Parkway.

Date: March 1, 2022
Time: 7:00 p.m.
Place: Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)
Applicant: City of Oak Creek
Property Owner(s): F STREET OCLV LLC
Tax Key Nos. 868-9005-000, 868-9003-000, and 868-9004-000
Property locations: 4005, 4060, and 4159 E. Lake Vista Parkway

Proposal:
The proposed amendment would change the following for portions of the properties at 4005, 4060, and 4159 E. Lake Vista Parkway:

1. The Land Use Plan and category from Mixed Use to Parks and Open Space.
2. The Economic Development Framework Plan and category to remove Mixed Use.
3. The Parks and Open Space Map category to Open Space.



The Common Council has scheduled other public hearings for March 1, 2022 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(s) may call the Department of Community Development at (414) 766-7027 during regular business hours.

Dated this 26th day of January, 2022.

Date of Notice: January 19, 2022
 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.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at 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.

Publish January 26, 2022

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.

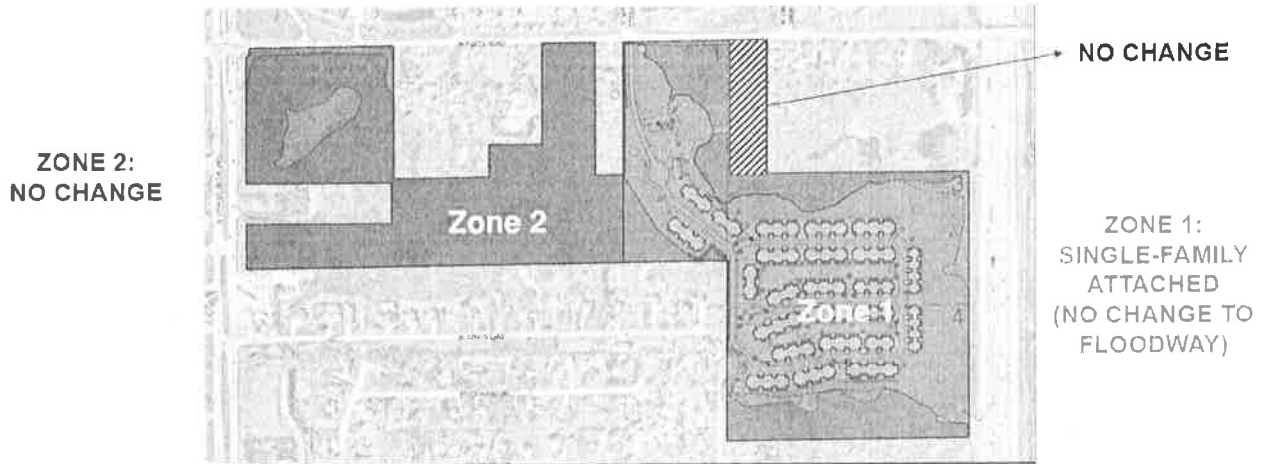
Persons who wish to view the meeting live without participating may visit the City of Oak Creek YouTube page at <http://ocwi.org/livestream>.

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 an amendment to the Comprehensive Plan, City of Oak Creek (Adopted March 3, 2020, amended November 17, 2020) as it relates to the properties at 2231 W. Puetz Rd., 8843R S. 13th St., 8950 S. 20th St.

- Date:** March 1, 2022
- Time:** 7:00 p.m.
- Place:** Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)
- Applicant:** CR Devco, LLC
- Property Owner(s):** CCR Herzebrock II LTD Partnership & WRE Herzebrock III LTD Prtnrshp
- Tax Key Nos.** 856-9999-001, 857-9992-000, 857-9991-000
- Property locations:** 2231 W. Puetz Rd., 8843R S. 13th St., 8950 S. 20th St.

Proposal:
The proposed amendment would change the Land Use Plan and category for portions of the properties at 2231 W. Puetz Rd., 8843R S. 13th St., 8950 S. 20th St. from Single-Family Detached to Single-Family Attached (NO CHANGE to Floodway category).



The Common Council has scheduled other public hearings for March 1, 2022 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(s) may call the Department of Community Development at (414) 766-7027 during regular business hours.

Dated this 26th day of January, 2022.

Date of Notice: January 19, 2022
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

Public Notice

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COMMON COUNCIL REPORT

Item: Comprehensive Plan Amendment - 2231 W. Puetz Rd., 8843R S. 13th St., & 8950 S. 20th St.

Recommendation: That the Council adopts Ordinance 3030, an ordinance adopting an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) for the properties at 2231 W. Puetz Rd., 8843R S. 13th St., & 8950 S. 20th St. (6th Aldermanic District).

Fiscal Impact: The amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) is the first of many steps in the entitlement process to allow development on these properties. Approval would give the Council the discretion to approve land uses at these locations that may enhance the tax base. Impact fees, review fees, and permit application fees from the development of the properties would provide additional positive fiscal impact for the City. The properties are part of TID 7.

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

Background:

The request before the Common Council is to amend the Land Use Plan in the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020; amended November 17, 2020) from Single-Family Detached to Single-Family Attached (NO CHANGE to Floodway category) for portions of the properties at 2231 E. Puetz Rd., 8843R S. 13th St. and 8950 S. 20th St. in anticipation of a future single-family attached development on the properties. Amending the Land Use Plan in the Comprehensive Plan would allow for future consideration of development proposals. It should be clearly understood that consideration of the proposed amendment to the Comprehensive Plan does not constitute endorsement of any concept plan that has been submitted for the property. If the amendment to the Comprehensive Plan were to be adopted, there remain multiple steps involved in an entitlement process for any development of the property. These review steps would include, but may not be limited to: Official Map Amendment; rezoning; Certified Survey Map (CSM); Planned Unit Development (PUD); and ultimately site, architectural, landscape, lighting, and related plans.

For clarity of review and to facilitate the discussion of the request, the following staff report is divided into sections.

Historical Context – Previous Conditions and Comprehensive Plan Future Land Use

While previous conditions or approvals for the properties do not preclude future amendments, particularly in light of neighborhood and market changes, they provide insight how the Land Use Plan in the current Comprehensive Plan was determined. Prior to the 1950s, properties in this area were part of a large farmstead or forested area. Between 1937 and 1951 the farmstead property began to parcel off portions for development, the first being the Oakwood (Lodge) Motel on S. 27th St. By 1967 all but one (1) of the existing single-family residential properties had been created and developed along W. Puetz Rd. to I-94. Apple Creek Farms, a mix of single-family and two-family residences, and the Chateau Condominiums were developed between 1997 and 2003.

With the exception of the installation of infrastructure required for the Puetz Road Water Storage Facility in 1995 (located on S. Orchard Way), the subject properties have not been developed. Future public streets are shown on the Official Map through the properties in the same location as the existing water and sanitary sewer infrastructure, and to the west. These future road patterns may need to be amended for future development of the properties should the proposed amendments to the Comprehensive Plan (2020) be recommended for approval.

Prior to the adoption of the current Comprehensive Plan (2020), the subject properties were identified in the Future Land Use Map within the "Planned Business" category at the corner of W. Puetz Rd. and along S. 27th St., in the "Single Family Residential" category for the majority along W. Puetz Rd. and toward the middle, in the "Two Family/Townhouse Residential" category for a portion of the properties along I-94, and within the "Resource Protection Area" category for all floodway areas. These Land Use categories closely followed the anticipated development pattern based on the Official Map for this neighborhood.

Existing Context - Comprehensive Plan and Surrounding Uses

The Comprehensive Plan describes the Single-Family Attached land use category thus:

Also referred to as two-family residential, rowhomes, townhomes, or duplexes, this land use comprises single-family dwellings that share at least one common wall with an adjacent dwelling, and each unit has a separate external entrance. Single-family attached housing should form a larger share of housing as the City seeks to diversify housing options while maintaining community character. This land use should continue to be concentrated along major transportation corridors, such as East Puetz Road, East Ryan Road, and I-94, buffering single-family detached neighborhoods from commercial and industrial uses. New development of this type should also occur near the lakefront.

Parcels in the immediate area of the request are identified on the Land Use Map as Multifamily and Single-Family Attached immediately north of the subject parcels on the north side of Puetz Rd., and Single-Family Detached from the east property lines for Apple Creek and Chateau Condominiums west to I-94; Commercial along 27th St. south of W. Puetz Rd.; Single Family Detached for much of the area on south of Puetz Rd.; and Floodway (see attached).

Existing uses in the immediate area include multifamily residential, two-family residential, and single-family residential to the north (including Apple Creek Farms and Chateau Condominiums); single-family residential to the west, east, and south of the subject parcels; and limited commercial to the west and southwest of the subject parcels (Oakwood Motel and Jim Dandy's).

Staff Evaluation

Conceptual residential development plans for the subject parcels were presented for Plan Commission feedback on October 26, 2021. A neighborhood meeting was held on November 17, 2021 to obtain additional comments on the proposal, which have been considered in further revisions to the concept plan.

The existing developments in the surrounding area as previously described were considered during the update of the current Comprehensive Plan. While staff have reservations for amending the Comprehensive Plan after thoughtful input over a nearly 2-year period, particularly for those areas identified for single-family residential developments and redevelopments, there are a few key points to bear in mind.

1. In general, the concept meets the definition of Single-Family Attached dwellings as each building within the concept plan is designed as a single-story structure with 4, 6, or 8 units, each with their own separate entrance. It also is proposed in close proximity to major transportation corridors/I-94.
2. As mentioned in the previous staff report for a Comprehensive Plan Amendment south of this area, staff have been working with our consultants on the Zoning Code update that would allow Single-Family Attached dwellings in the following configurations, which were incorporated for the review of the Zoning Code:
 - a. One-story and up to 4 dwelling units as Permitted Uses.
 - b. Two (2) or more stories and five (5) or more units per building as Conditional Uses.
3. Immediately along Puetz Road is a mix of residential dwelling types that have developed since the mid-1990s. The addition of residential dwellings that are designed and function as single-family attached units in a development would not be out of place for the area.
4. Two (2) of the properties are currently and have been zoned for two-family residential dwellings since at least the 1990s. While the proposed amendment is anticipating that the change to the Zoning Code for Single-Family Attached Dwellings mentioned in (1) above will be approved, the existing zoning would support more than single-family detached dwellings in the Comprehensive Plan (2020).
5. Portions of the two (2) properties currently and historically zoned for two-family residential dwellings were also identified for "Two Family/Townhouse Residential" developments in the previous Comprehensive Plan.
6. Many concerns can be addressed with subsequent reviews should the proposal be approved.

Per Wis. Stats. 62.23(3)(b), adoption of any amendment must be by a majority approval of the entire Common Council. The State of Wisconsin Smart Growth Law requires that all local land use decisions after January 1, 2010 must be consistent with the objectives, goals, and policies contained within the comprehensive plan. Approval of the amendments to the Comprehensive Plan would bring the Comprehensive Plan in line with the intent and goals for future development of the properties at 2231 W. Puetz Rd., 8843R S. 13th St., 8950 S. 20th St.

With the above in mind, the Plan Commission, by a 5-1 vote at the January 11, 2022 meeting, recommended approval of the proposed amendment to the Land Use Plan in the Comprehensive Plan to "Single-Family Attached" (NO CHANGE to Floodway category) for portions of the properties at 2231 E. Puetz Rd., 8843R S. 13th St. and 8950 S. 20th St.

Options/Alternatives: This is the first step in allowing additional reviews to occur. Should the request not be approved, the Applicant may choose to substantially amend the request for reconsideration. Disapproval would not change the existing "Single-Family Detached" designation of the properties, and may result in the existing vacant and underutilized conditions of the properties to remain.

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gagrin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3030

Location Map

Existing Land Use Plan (1 page)

Narrative (21 pages)

Comprehensive Plan Amendment Map (1 page)

Concept Site Plan (1 page)

Excerpted Plan Commission Minutes - January 11, 2022 (5 pages)

PC Resolution 2022-02

ORDINANCE NO. 3030

BY: _____

AN ORDINANCE ADOPTING AN AMENDMENT TO THE COMPREHENSIVE
PLAN FOR THE CITY OF OAK CREEK, WISCONSIN

2231 W. Puetz Rd., 8843R S. 13th St., & 8950 S. 20th St.

(6th Aldermanic District)

The Common Council of the City of Oak Creek does hereby ordain as follows:

SECTION 1: Pursuant to Sections 62.23(2) and 66.1001(4) of the Wisconsin Statutes, the City of Oak Creek is authorized to prepare and adopt a comprehensive plan and an amendment to a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2: The Common Council, by the enactment of Ordinance No. 2963, formally adopted the document titled *Comprehensive Plan, City of Oak Creek* on March 3, 2020.

SECTION 3: The Common Council, by the enactment of Ordinance No. 2988, formally adopted an amendment to the *Comprehensive Plan, City of Oak Creek* on November 17, 2020.

SECTION 4: The Plan Commission, by a majority vote of the entire Commission at a meeting held on January 11, 2022, adopted Plan Commission Resolution No. 2022-02, amending the adopted *Comprehensive Plan, City of Oak Creek* from "Single-Family Detached" to "Single-Family Attached" (NO CHANGE to Floodway category) for portions of the properties at 2231 E. Puetz Rd., 8843R S. 13th St. and 8950 S. 20th St., and recommending that the Common Council adopt the amendment to the *Comprehensive Plan* by ordinance.

SECTION 5: The City of Oak Creek published a Class 1 public notice on January 26, 2022, and held a public hearing before Common Council on March 1, 2022.

SECTION 6: The Common Council hereby adopts the proposed amendment to the *Comprehensive Plan, City of Oak Creek* from "Single-Family Detached" to "Single-Family Attached" (NO CHANGE to Floodway category) for portions of the properties at 2231 E. Puetz Rd., 8843R S. 13th St. and 8950 S. 20th St.

SECTION 7: Except as herein modified, the *Comprehensive Plan, City of Oak Creek* adopted March 3, 2020 and amended November 17, 2020 shall remain in full force and effect.

SECTION 8: The City Clerk is directed to send a copy of this ordinance and the *Comprehensive Plan* amendment to the parties listed in Section 66.1001(4)(b) of the Wisconsin Statutes.

SECTION 9: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this 1st day of March, 2022.

Passed and adopted this 1st day of March, 2022.

President, Common Council

Approved this 1st day of March, 2022.

Mayor

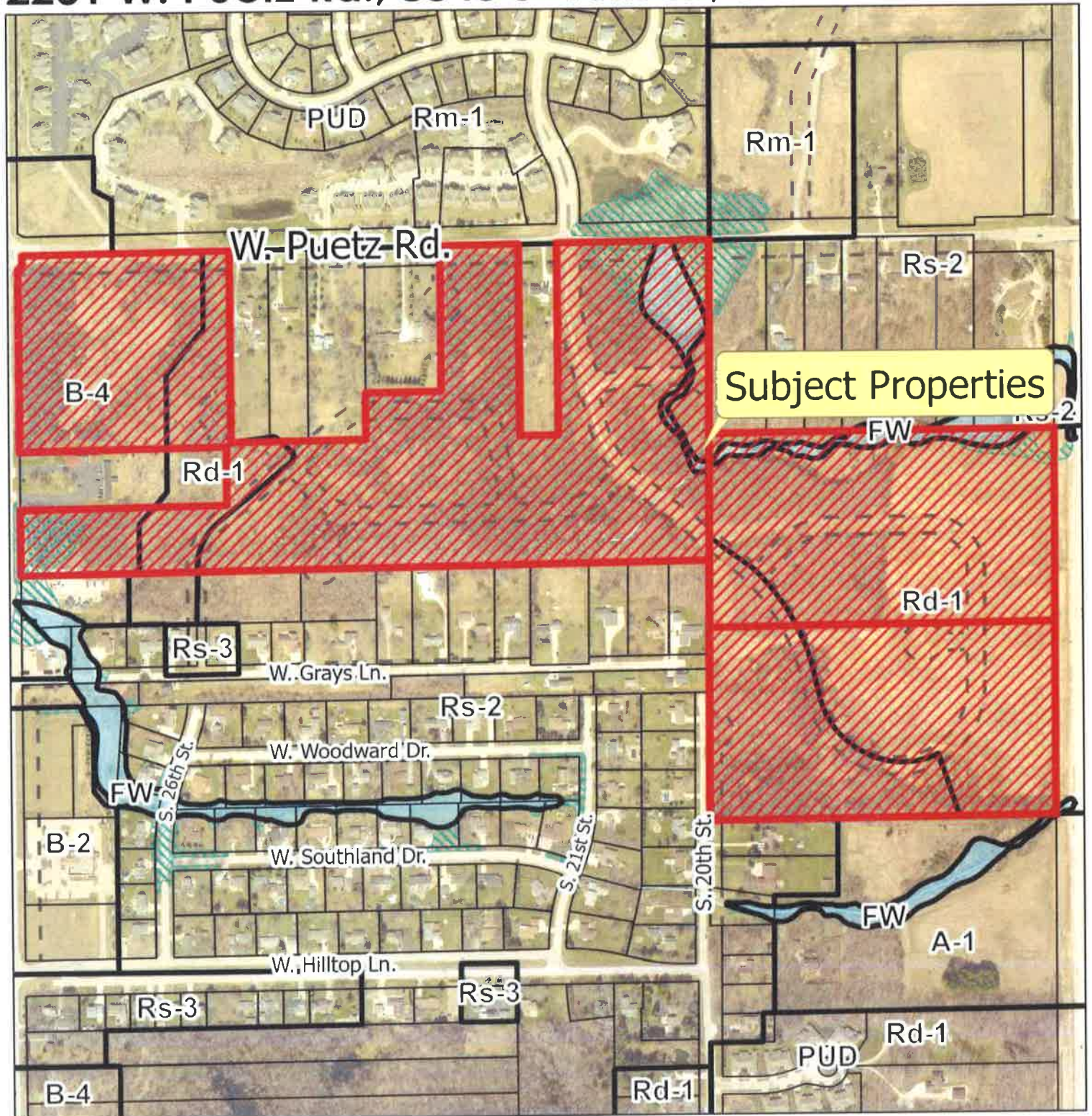
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

2231 W. Puetz Rd., 8843 S. 13th St., & 8950 S. 20th St.



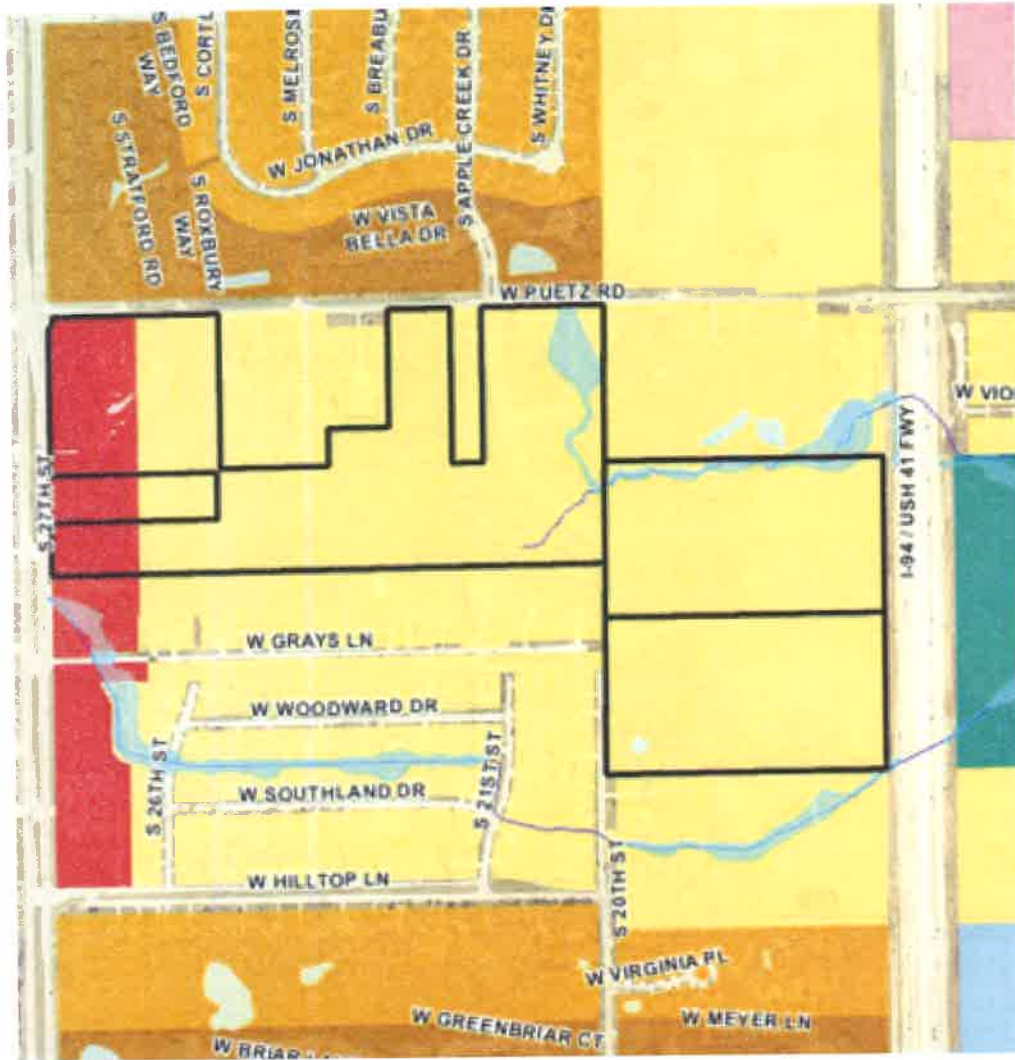
This map is not a survey of the actual boundary of the property this map depicts

Legend

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



EXISTING LAND USE PLAN



- Agriculture
- Single-Family Detached
- Single-Family Attached
- Multifamily
- Mixed Use
- Commercial
- Business Park
- Industrial
- Public/Semi Public
- Parks and Open Space
- Utility and Railroad
- Airport
- Flex Overlay
- Floodway

Introduction

CR Devco "CRD" is under contract to purchase the following parcels:

Property Addresses:

- **Parcel 1** – 53.56 acres, 2231 W. Puetz Road, Parcel Number 8569999001
- **Parcel 2** – 3.00 acres, 1933 W. Puetz Road, Parcel Number 8579993000
- **Parcel 3** – 16.66 acres, 8843 S. 13th Street, Parcel Number 8579992000
- **Parcel 4** – 18.24 acres, 8950 S. 20th Street, Parcel Number 8579991000

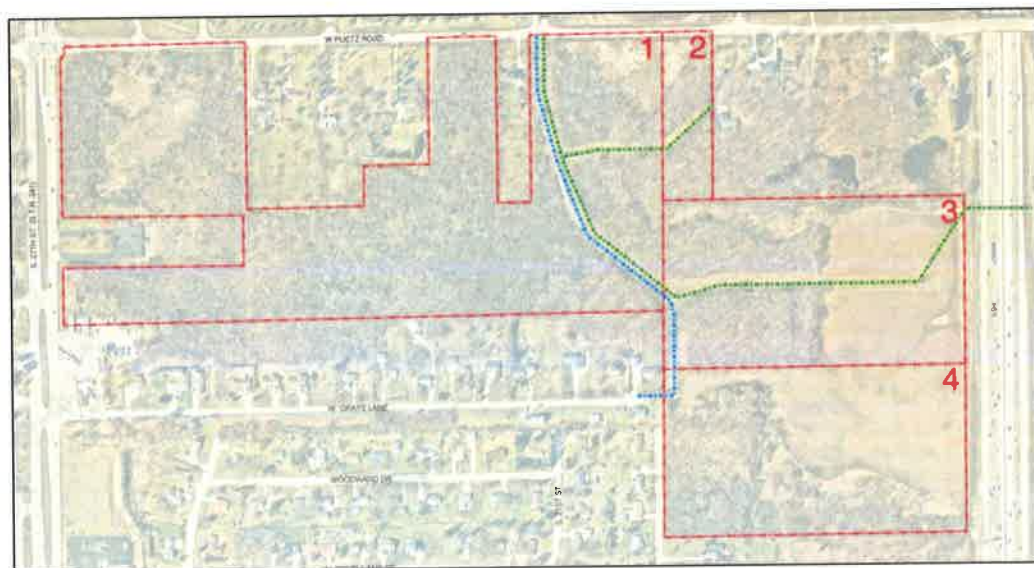
CRD intends to develop a portion of the above lands into single story attached single-family homes. In order to do so, CRD is requesting an amendment to the Comprehensive Plan on a portion of the above land. More specifically, CRD is requesting the following:

- A Comprehensive Plan amendment on a *portion* of **Parcel 1** – 53.56 acres, 2231 W. Puetz Road, Parcel Number 8569999001, from *Single-Family Detached to Single-Family Attached*. The exact area is defined by the Comprehensive Plan Amendment Map included with this application.
- Comprehensive Plan amendment on **Parcel 3** – 16.66 acres, 8843 S. 13th Street, Parcel Number 8579992000, from *Single-Family Detached to Single-Family Attached*.
- Comprehensive Plan amendment on **Parcel 4** – 18.24 acres, 8950 S. 20th Street, Parcel Number 8579991000, from *Single-Family Detached to Single-Family Attached*.

In the following pages, CRD will detail the justification for the Comprehensive Plan amendment, however prior to doing it is important to understand the detail of the project we intend to build and the neighborhood we intend to create.

Development Details

CRD is under contract to purchase the four parcels detailed above, which combine to create a 91.34-acre development site. Access to the site is from W. Puetz Road through the 2231 W. Puetz Road parcel (Parcel 1). A cut-in for the proposed road exists, as does a utility easement, with sanitary sewer and water mains installed under the cut-in. Please see the image below. The green line represents the existing sanitary sewer, the blue line represents the existing water line. With this in mind, we incorporated the existing easements and infrastructure into our site plan.

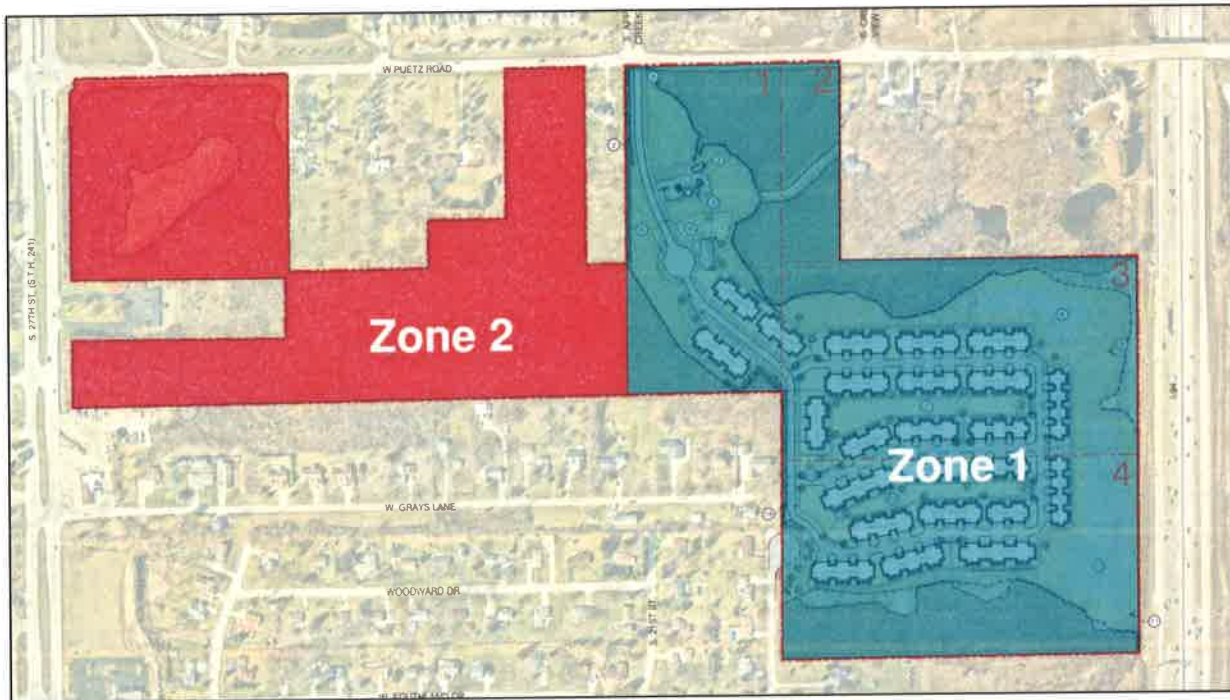


Current Land Use and Features

- Roughly half of Parcels 3 and 4, or 18 acres, is currently farmland. The remainder of the land is undeveloped.
- There are no existing structures on the site.
- A dense mix of vegetation including various shrubs and trees extend throughout most of the site, the vast majority of which will be maintained as is.
- Grades on the site range from a high elevation of approximately 760 towards the center of the western portion of the project site to a low of approximately 710 at the southeast corner of the site.

Development Limits and Phasing

At this time, CRD is only pursuing development in the Zone 1 area, as depicted in the image below.



Zone 1 – Approximately 50 acres shaded green in the above map. This area will be built out with *single-family attached housing* and open space/undisturbed land and encompasses the following land.

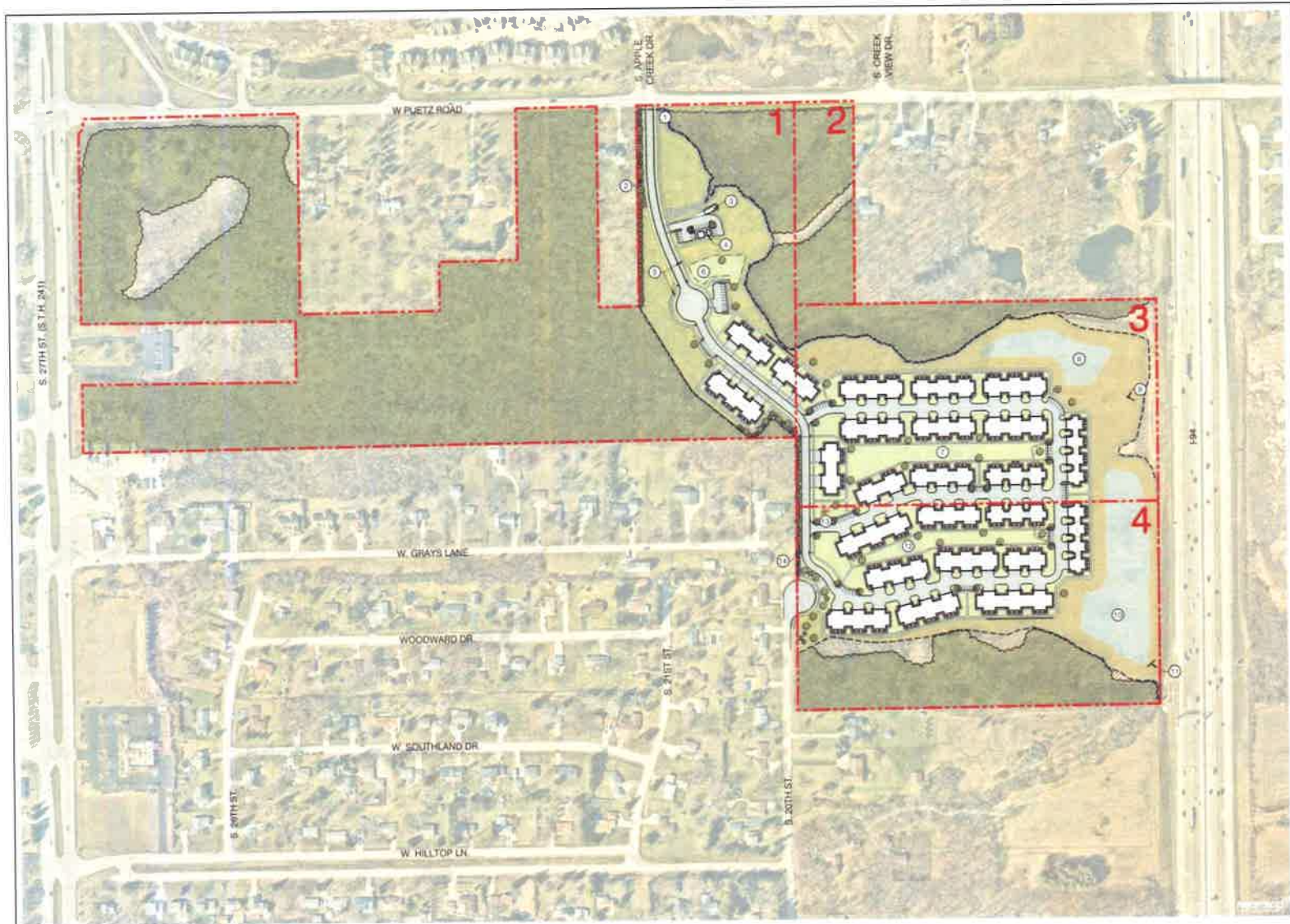
1. Parcel 1: Approximately 12 acres or 22% of the 53-acre parcel (see shaded green area of Parcel 1).
2. Parcel 2: 100% of the 3-acre parcel, which parcel will remain as is without disturbance. As such, this parcel does not require a Comprehensive Plan Amendment.
3. Parcel 3: 100% of the 16-acre parcel.
4. Parcel 4: 100% of the 18-acre parcel.

Within Zone 1, development will be concentrated on approximately 20 acres. The remaining 30 acres will be conserved as open space / undisturbed lands. Gross density on the 50 acres will be approximately 2.76 homes an acre.

Zone 2 – Approximately 41 acres consisting of the remaining Parcel 1 land (red shaded area). This land will remain as is and *is not* part of the subject Comprehensive Plan Amendment request.

Please see the site plan on the following pages for additional detail.

Site Plan Concept



Project Specifics

<u>Overall Site</u>	
Location	Southeast corner of W. Puetz Road and 27th Street.
Size	Approximately 91.34 acres, or 3.978 million square feet.
Total Wetlands on site	12.9 acres or approximately 562,000 square feet.
<u>Subject Project</u>	
Zone 1	Approximately 50.0 acres
Total Homes	138
Total Garage Parking Spaces	256 (1.85 assigned, private spaces per unit)
Total Surface Parking Spaces:	
- Driveway Parking	256
- Roadway Guest Parking	75
Total Parking Project wide (Ratio)	587 (4.25 spaces/unit)
Overall Density per Acre	138 homes / 50 acres = 2.76 homes per acre
Impervious Surface Area Ratio	274,000 / 3.978 million = 6.88%
<u>Undisturbed Land</u>	
Zone 2	Approximately 41.0 acres

Our development proposal consists of 138 attached single-family homes within 24 buildings, with each building containing four, six or eight homes. The buildings will feel and operate like ranch-style single-family homes, with each home having direct access attached parking garages. 16 of the homes will have an oversized 1-car attached garage providing direct access to the unit, with the remaining 122 homes having two-car attached garages providing direct access to the unit. In addition, the garages will have 22' parking aprons that will accommodate guest parking. Please see the following chart for additional details on the 138 homes.

Unit Mix - W. Puetz Oak Creek						
Home Type	Qty	Living Space	Percentage	Garage Spaces	Driveway Spaces	Dedicated Parking Per Unit
1-Bed (A)	16	832	12%	16	16	
1-Bed (B)	12	1,076	9%	24	24	
2-Bed (C)	28	1,344	20%	56	56	
2-Bed (D)	54	1,457	39%	108	108	
3-Bed (F)	28	1,701	20%	56	56	
Total Units	138	1,378	100%	256	256	3.77 Spaces

The community will also include a leasing office / maintenance building measuring approximately 1,000 sq ft.

A Focus on Architecture and a Connection to Nature

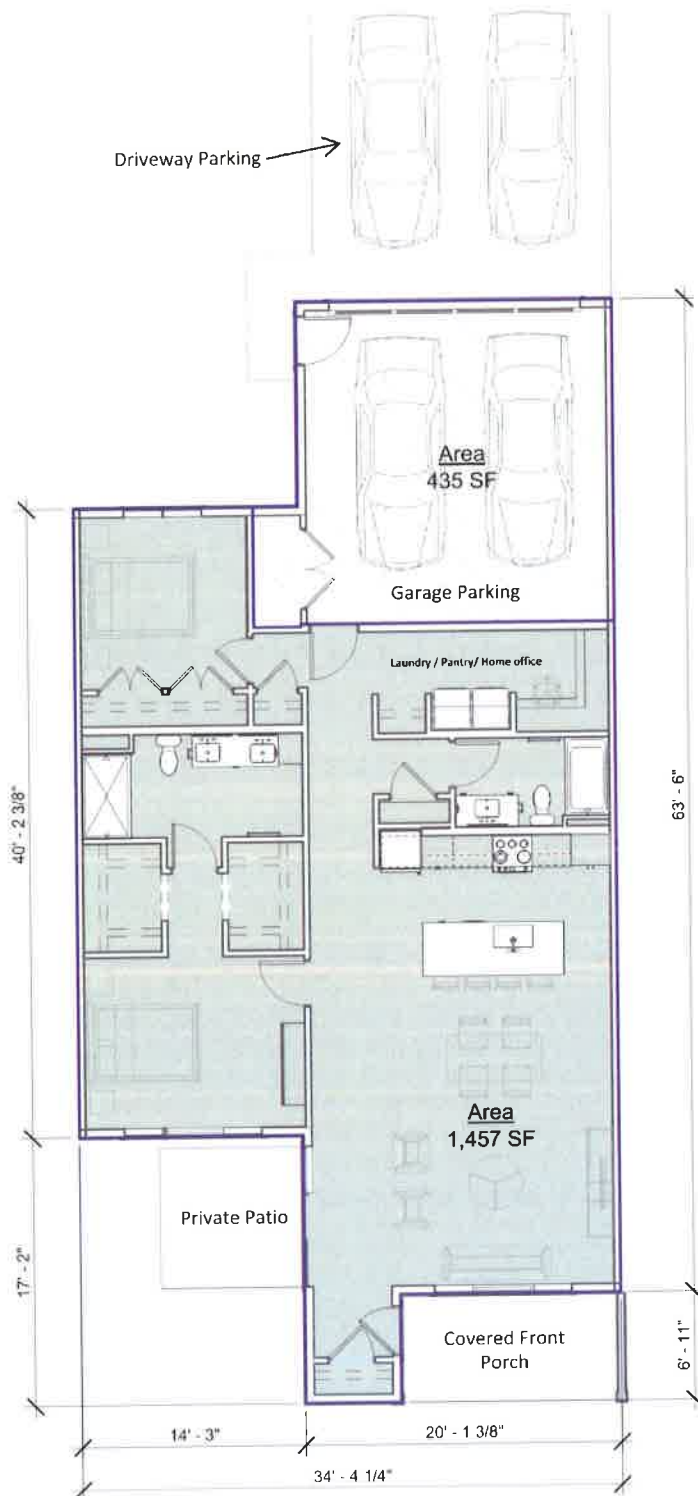
Unlike most garden-style apartment communities, this low-density community will offer an abundance of outdoor open space. Each unit will have a covered front porch, as well as a large private patio off the living space. In addition, each home will either open onto large landscaped common areas we refer to as garden courtyards, or to conservation / open space areas dense with existing old growth vegetation, trees and wetlands.

We have strived to create a modern day cottage home with Craftsman influences. Exterior cladding and color palettes will vary, adorned with either classic board and batten emphasizing the vertical, or lap siding with gable shakes emphasizing the horizontal. A masonry (brick) water table detail wraps the entire home. Windows are ganged together to create oversized openings coupled with an 8 foot sliding glass doors providing access to the private patios. Taken together, the fenestration will flood the living spaces with natural light, providing a visual and physical connection to the outdoors.

Please see the images below, representing the architecture of the attached single-family homes.



The Homes



Homes have been designed for vehicular access from the rear of the unit, allowing for front doors to open to the private and common conservation / open spaces and garden courtyards as detailed above.

Within the homes, the space is defined by two main side-by-side cores; living and sleeping. An open floor plan concept defines the living space, providing connectivity from the kitchen through the dining area, into the living room, and beyond to the outdoors. Tucked behind the kitchen are bathrooms and a multi-function mudroom, providing space for laundry, coats, as well as for bulk storage (Costco-closet) above a multifunction countertop that can also serve as a home-office. The sleeping core provides one, two, or three bedrooms, oversized closets, and gracious bathrooms.

Unit finishes will include Shaker wood cabinetry, kitchen tile backsplashes, stainless steel appliances, luxury vinyl plank wood flooring, solid surface countertops (quartz or granite), LED light fixtures, Symmons plumbing fixtures, rain shower heads, semi-framless shower doors, double-pane insulated windows, fire protection (sprinklered homes), as well as multiple storage locations in the unit and the garage.

Utilities are housed in the garage, allowing for non-intrusive access for maintenance. In addition this location removes any noise created by the operation of the furnace, or air conditioning unit, away from the living areas, resulting in a quieter living environment within the unit.

It is hard to overstate the luxury of single-level living and the benefits of having no one living above or below, as is typical in rental housing. Besides the conservation / open space, we see this as the single most valuable and appealing amenity of our community. Combined with the direct access attached garages, not only do our homes provide a level of privacy and convenience similar to traditional detached single-family homes, **this design also provides the highest level of accessibility to residents of all ages and all levels of mobility. The product hits on all of the major design features of Universally Designed Housing.**

Project and Community Design Thesis and Highlights

CR Devco's project will benefit the Oak Creek community by offering a housing option (Missing Middle housing) absent in the area and highly desired by the two fastest growing renter segments in the United States, Baby Boomers and Millennials. Our low-density, single-story attached homes will live and feel like a typical detached single-family home, but with all benefits and efficiencies of rental housing, and will serve as a steppingstone for 1) the ever-increasing demographic of Baby Boomers who are approaching, or have initiated, retirement, and no longer desire the cost and effort of maintaining a single-family home, or 2) Millennials choosing to rent for various reasons such as affordability, saving for a home, flexibility, or preferred lifestyle.

In comparison to previous generations of retirees, many Baby Boomers prioritize a lifestyle focused on physical fitness, continuing education, and social engagement. They seek an alternative form of housing providing all the benefits of a single-family home but with the downsized, easy-to-maintain, lock-and-leave lifestyle offered by rental housing.

There is no longer any stigma associated with renting, in any form it may take. Housing affordability concerns are not easing for either Baby Boomers moving into retirement or Millennials deciding to purchase their first home. The increased costs are keeping many households renting for longer periods of time, either out of necessity or by choice.

This universally designed, low-density, single-family attached housing community was conceived in response to all the factors detailed above and is intended to provide a lifestyle focused on downsizing, convenience, and enhanced social interaction, located proximate to the communities in which its residents have previously lived or intend on living with their next home purchase. By doing so, relationships to families, friends, cultural and social resources, and even employment will be maintained in Oak Creek.

The following list of amenities detail key differentiators of these homes, and of our community.

- **2-Car Direct Access Parking Garages**
 - o Most traditional garden-style apartment projects dedicate significant acreage to on-grade parking which creates a less than desirable property visually and burdensome stormwater management. We believe the Oak Creek rental market will prefer our alley-loaded, direct-access garages allowing for a level of security and convenience with a focus on open / green space not seen in rental housing living.

- **Thoughtful Architecture, Universally Designed Housing**
 - o Our single-story homes embrace Universal Design, also called Barrier-Free Design, which focuses on making a house safe and accessible for everyone, regardless of age or physical ability. Key features include stepless entrances, single floor living, open plan design, and 32" or greater doorways (ADA compliant features).

- **Meaningful Private and Public Open Spaces and Walking Trails**
 - o The Baby Boomer and Millennial demographics enjoy outdoor activity such as walking, jogging, or biking for both exercise and socialization. We believe the Oak Creek rental community will gravitate to our landscaped garden courtyards and vast conservation / open space which will be visually pleasing and will create areas that promote social interaction and walkability throughout our community.
 - o Our unique site plan concept, which employs alleyways for vehicular loading, permits for the site architecture to promote relationships between each unit and the public and private outdoor space and allows for walking paths through open spaces and garden courtyards. These design features encourage social interaction and communal activities, thus promoting healthier and happier residents.
 - o Our design seeks to enhance the connection to the outdoors through expansive glazing systems (windows and sliding glass doors) that look out to front porches, patios, and green space connecting the unit and the resident to the expansive private and communal outdoor spaces and garden courtyards.

Community Amenities

The development will offer the following community amenities to promote social interaction and walkability:

- Conservation / open space and nature trails, as well as common garden courtyards.
- Bike and walking path throughout the community connecting to adjacent residential neighborhoods.
- Expansive dog park, community playground, and other outdoor amenities such as Pickle ball courts, or similar.
- Community garden where residents can plant, grow, and maintain their own fruits and vegetables.
- Private outdoor spaces including a covered porch and separate patio for each residential unit.

Through conservation-oriented development strategies we will create a unique residential community that features a private, serene, spacious, and park-like community, all the while being an infill neighborhood site with proximity to transportation and retail. The site plan concept proposes a walking trail that will traverse conserved natural wooded and wetland areas which will be a fantastic amenity to the residents. The size of the subject site and the natural amenities will allow us to create a community far different than traditional residential neighborhoods.

Justification for a Comprehensive Plan Amendment

The proposed project requires a Comprehensive Plan Amendment to allow for single-family attached rental housing. CRD feels the amendment is justified given the ultimate development will result in a less intensive use and will achieve many of the goals outlined in the Comprehensive Plan for housing in Oak Creek. Specifically, the subject development:

1. Meets five of seven objectives from the Comprehensive Plan's Housing and Neighborhoods Framework as outlined below.
2. Honors the Single-Family Growth Area in which the site resides.
3. Will contribute to the Oak Creek's goal of providing a greater diversity in housing options (i.e. Missing Middle housing).
4. Proposes a creative approach to development that is consistent with the policies and recommendations included in the Comprehensive Plan.

Housing and Neighborhoods Framework

The proposed project will contribute to the city's goal of providing a greater diversity in housing options as detailed in the Comprehensive Plan.

"The Housing and Neighborhoods Framework provides a detailed guide for the development of future housing and the enhancement of existing residential neighborhoods. The framework builds off the Land Use Plan to ensure that the limited areas available for new residential growth are developed in a manner that reflects the vision of the Oak Creek community while providing for a greater diversity in housing options."

The city of Oak Creek's Comprehensive Plan's Housing and Neighborhoods Framework objectives are to:

1. Promote reinvestment
2. Target residential development
3. Attainable housing
4. Promote affordable senior housing
5. Encourage conservation-oriented development
6. Encourage increased density where appropriate and along key corridors
7. Foster community health

The following section outlines how CR Devco's site plan concept meets each of the objectives and their accompanied recommendations.

Objective 1: Promote Reinvestment

“The City of Oak Creek has residential neighborhoods that were established across a wide time period stretching back to the 1890s. Established neighborhoods make up the heart of the community, and continued investment in these areas is critical in keeping Oak Creek an attractive and vibrant City.”

The adjacent neighborhood that includes Grays Ln, Woodward Dr, Southland Dr and Hill Top Dr and extends from 20th is an established neighborhood. The subject land is some of the only remaining undeveloped land South of Puetz Road and has remained undeveloped despite many robust periods of economic growth. We feel specific site challenges, coupled with limited options based on the current zoning, has resulted in this site remaining undeveloped.

By granting the subject a Comprehensive Plan Amendment, the City will be promoting reinvestment in this mature neighborhood, and the site will be developed with attached single-family housing in a responsible manner that fits in with the existing neighborhood.

Objective 2: Target areas for new residential development

“Proactively rezone properties identified in the Land Use Plan for all forms of housing. The Land Use Plan and Housing and Neighborhoods Framework maps identify areas in the city best suited for the development of single-family detached, single-family attached, and multifamily housing. Areas of new single-family detached housing are primarily concentrated in the heart of the community. Areas of new single-family attached and multifamily residential development are concentrated adjacent to the City’s Lakefront District, within the 27th Street corridor, and on currently undeveloped parcels. These areas would act to buffer single-family detached neighborhoods from existing and proposed commercial and employment areas.”

As mentioned above, the subject site has never been developed and is located along two key transportation corridors: the 27th street and I-94 corridors. Despite the growth in Oak Creek over the past real estate cycles, and the infill nature of the subject parcel, it has never been developed. Past proposals have suggested a far denser use which was not received favorably. However, the existing zoning of Rd-2 on the majority of the “Zone 1” land, as designated by the subject development, has also not resulted in a successful development.

The fact that the parcel has eluded development for decades, despite its infill nature and the existence of utilities suggests the property is precisely the type of land Objective 2 in Comprehensive Plan was speaking to.

Objective 3: Promote Attainable Housing

Owning a single-family home has been considered a key part of the American Dream, however many factors are changing the way the American public view ownership. Many people today are either choosing to rent as a lifestyle or prevented from owning a home due to financial constraints. With that said, the majority of these cohorts still say they would prefer suburban single-family living versus that of higher density living, but options simply do not exist.

Our development will provide an attainable option for these people. By developing 1-, 2- and 3-bedroom attached single-family homes, living in a single-family home within a neighborhood will be achievable for a portion of the public that simply does not have plentiful options available to them in Oak Creek today.

Objective 4: Promote Affordable Senior Housing

The single story attached single-family homes we intend to develop are targeted in part to the active senior demographic. These homes are far more accessible (no down payment, less overhead and maintenance costs) than purchasing a single-family home, many of which are not ADA compliant or universally designed. Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. With no stairs, direct access garages, ADA compliance and other key design features, CRD has designed homes to appeal to the empty nester and aging population in Oak Creek.

Objective 5: Encourage Conservation-Oriented Development

The site plan conserves the surrounding natural resources by utilizing a development strategy known as cluster development. On this topic the Comprehensive Plan states:

“It is an approach to residential development that preserves contiguous areas of open space and natural areas by clustering smaller residential parcels on select areas of the site.”

As discussed above, the subject development will incorporate 50 acres, of which roughly 30 acres will be retained as open space, much of which will not be disturbed from its current state. In addition, at this time we are not proposing any development on Zone 2 or an additional 40 acres of land which will remain undisturbed.

The Comprehensive Plan also recommends the following:

“Incorporate sustainable practices in the development process to help protect the quality of natural resources (Priority 1).”

The project has been designed to achieve a minimum of bronze certification from the National Green Building Standards (NGBS).

Finally, our site plan design provides for naturalized stormwater management while minimizing the amount of roadway and utility infrastructure needed to serve the subject development to protect surrounding wetland and natural areas. This is evidenced by our low-density at 2.76 units per acre, by the proposed 12 acres of imperious area, as well as the approximately 56 acres of undisturbed land across the entire 91-acre development. Furthermore, the Housing and Neighborhoods Framework map identifies areas in the city most appropriate for this type of development. These areas include parcels that may be partially impacted by floodplains, but still possess development potential elsewhere. This is the exact case with this development site.

Objective 6: Encourage Increased Density Where Appropriate

Objective 6 of the Comprehensive Plan’s Housing and Neighborhoods Framework recommends:

“...greater diversity in housing options is increasingly important to accommodate residents during every stage of life. Higher density housing, like single-family attached and multifamily developments, supports greater housing diversity. The city should encourage increased housing density in select areas, including...along key corridors in accordance with the Land Use Plan and Housing and Neighborhoods Framework map.”

While our specific project is not high density given the amount of land we are preserving as open space, single-family attached housing is typically considered medium density and therefore is described as such in the above paragraph.

The homes CRD intends to development are targeted to the two fastest growing segments of the rental market; Baby Boomers and Millennials / Gen Z. Market studies and shown the appeal of this product type to a wide range and age of the population.

Objective 7: Foster Community Health

Objective 7 of the Comprehensive Plan's Housing and Neighborhoods Framework recommends that the city:

"Encourage new residential development that supports healthy lifestyles and positively impacts key well-being indicators. The City desires to take a more active role in planning and programming for the health of the community with an understanding that environmental factors influence health such as access to parks...and safe walking and biking facilities for people of all ages and abilities."

To this point the site plan aims to foster a community culture of health and wellness by promoting open space, providing parkland, a dog park, walking trails, bike paths and expansive sidewalks for walkability, which all are specific recommendations within Objective 7.

Objective 7 also recommends encouraging the development of residential neighborhoods that incorporate elements of universal design (Priority 3).

"Encouraging the development of residential neighborhoods that incorporate elements of universal design. Universal design makes buildings and environments accessible to all people, regardless of age, ability, or status in life. Universal design components that should be incentivized include level access from the street, zero entry thresholds, fixtures and fittings located at varying heights and widths, and other design elements that allow for lifetime homes."

As discussed previously, our community will provide all three critical accessibility features, which will aid households with reduced mobility to live safely and comfortably.

1. A no-step entry
2. Single-floor living; and
3. Extra-wide doorways and hallways (ADA compliant design features)

Objective 7 also recommends to:

"Promote incorporation of public gathering spaces into the design of new neighborhoods to provide opportunities for social interaction (Priority 3)."

Our site plan has been designed to encourage social interaction with the creation of meaningful garden courtyards, onto which a large percentage of the units open up. These communal landscaped garden courtyards create areas that promote social interaction and walkability all of which will foster community health and meet this objective of the city.

Single-Family Growth Area

In addition to meeting the objectives from the Comprehensive Plan detailed above, the proposed development honors many of the objectives detailed for Single-Family Growth Areas, in which the subject land is located. The Future Land Use Plan states:

"These areas are currently undeveloped, and have been identified for new single-family detached residential neighborhoods. These areas should be developed in a manner that reflects the scale and character of nearby established residential areas with greater focus on walkability and establishing connections to existing neighborhoods and collector roads."

While our proposed housing product is single-family attached, the scale of the buildings will be single-story (low-density) and the character of the buildings will be a modern Craftman architecture both of which are consistent with existing, surrounding single-family detached home neighborhoods. The community will have a focus on walkability and is proposing to connect to existing neighborhoods to the south through W. Grays Lane and S. 20th Street.

Conclusion

We believe the site plan presented in this memo represents a creative approach to development and most importantly is consistent with the policies and recommendations included in the Comprehensive Plan, specifically the Housing and Neighborhoods Framework. The proposed site plan:

- **Does not request an increase in density**, rather would result in a decrease in density from 5.8 to 2.76 units per acre.
- Honors neighbors by buffering the subject development from adjacent properties with large setbacks and the preservation of existing old growth vegetation.
- Provides housing considered part of the Missing Middle, a key component for a diversified housing stock, and a product type largely absent in Oak Creek.
- Appeals to a diverse set of the population wanting accommodations that live like a single-family home, who are either unable or unwilling to embark on, or continue with, home ownership.
- Honors the environment by achieving National Green Building Standards and preserving and creating open space.

Finally, per the City of Oak Creek Comprehensive Plan, the city should strive to maintain flexibility:

"The Land Use Plan is a general guide for growth and development in Oak Creek and is meant to serve as a foundation for future decision-making. It is not meant to be a site-specific development or zoning plan, but rather a guide for land use decisions. The Land Use Plan is flexible and should accommodate creative approaches to development that are consistent with the policies and recommendations included in the Comprehensive Plan."

The Authors, and those that voted to adopt the City's comprehensive plan, understood that the document needed to be flexible, to allow Plan Commission and the City Council to consider projects based on how they did or did not meet the overall objectives detailed within the comprehensive plan, rather than by an underlying land use classification set forth at the time the plan was published.

CRD feels that the housing we intend to develop on the subject site meets and often exceeds many of the underlying objectives of the comprehensive plan, and the subject sites should be granted a Comprehensive Plan amendment designating the land as Attached Single-Family.

Thank you for your time and consideration.

CR Devco, LLC

EXHIBIT A – Land Use Plan – The subject parcel is bubbled in red.

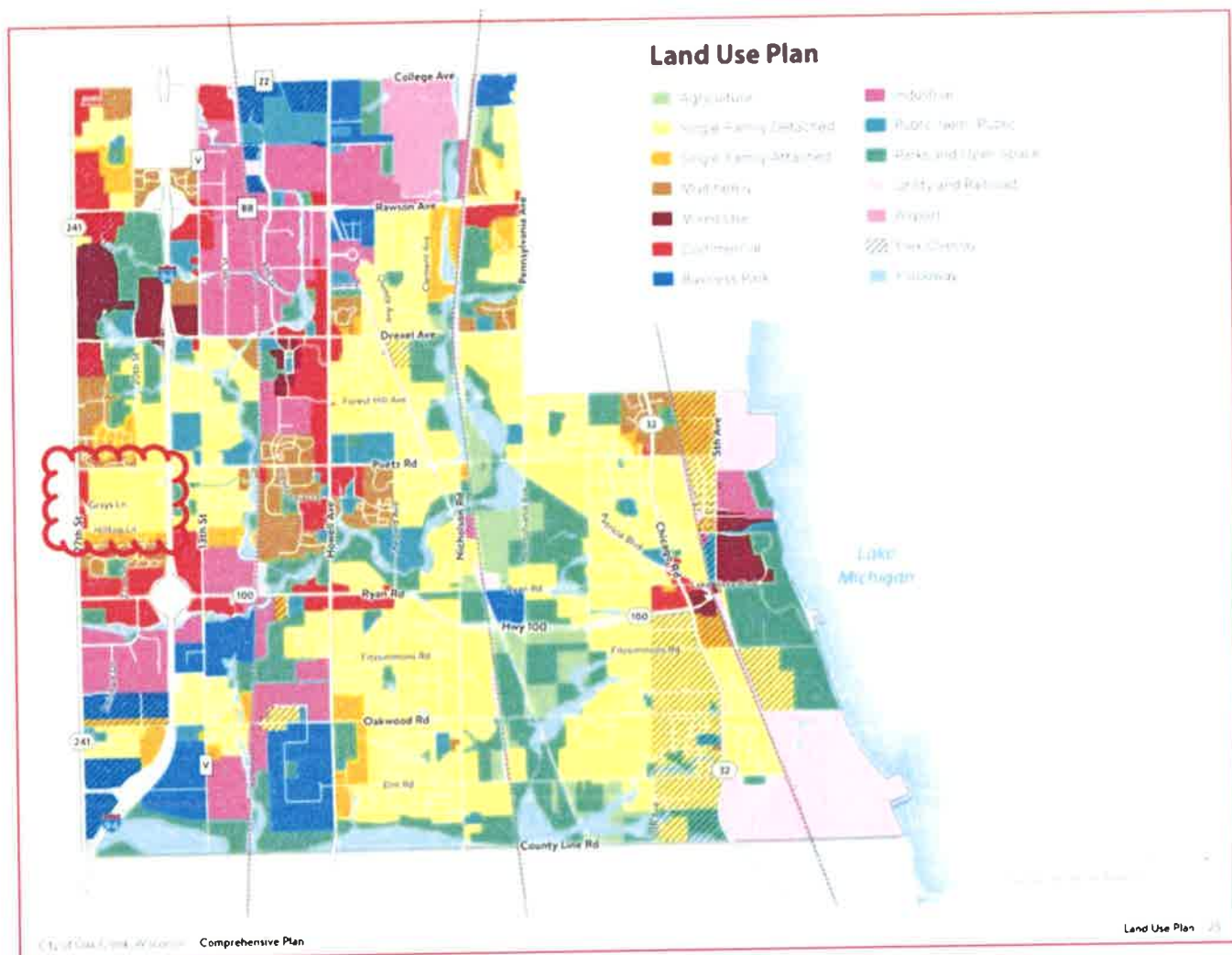
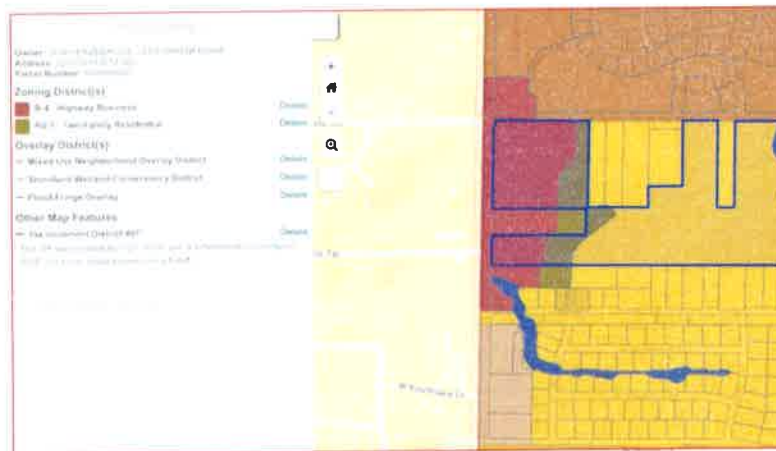


EXHIBIT B – Current Zoning

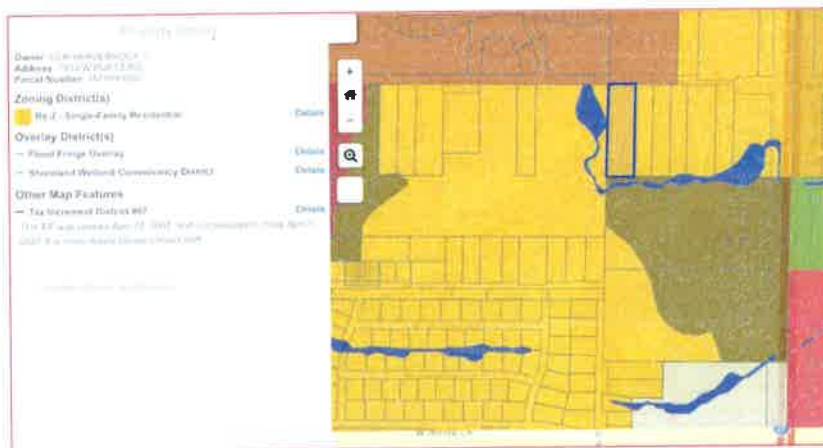
The site consists of four (4) undeveloped parcels. Existing zoning classifications on the four parcels are as follows:

Parcel 1 – 53.56 acres, 2231 W. Puetz Road, Parcel Number 8569999001



- B-4 Highway Business
 - o This district is intended to provide for the orderly and attractive grouping at appropriate locations along federal, state and county highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the need of such traffic.
- Rd-1 - Two-Family Residential
 - o This district is intended to provide for two-family residential development at densities not exceeding 5.8 dwelling units per net acre.
- Rs-2 - Single-Family Residential
 - o This district is intended to provide for single-family residential development at densities not to exceed 2.9 dwelling units per net acre.

Parcel 2 – 3.00 acres, 1933 W. Puetz Road, Parcel Number 8579993000



- Rs-2 - Single-Family Residential
 - o This district is intended to provide for single-family residential development at densities not to exceed 2.9 dwelling units per net acre.

Parcel 3 – 16.66 acres, 8843 S. 13th Street, Parcel Number 8579992000



- Rs-2 - Single-Family Residential
 - o This district is intended to provide for single-family residential development at densities not to exceed 2.9 dwelling units per net acre.
- Rd-1 - Two-Family Residential
 - o This district is intended to provide for two-family residential development at densities not exceeding 5.8 dwelling units per net acre.

Parcel 4 – 18.24 acres, 8950 S. 20th Street, Parcel Number 8579991000



- Rs-2 - Single-Family Residential
 - o This district is intended to provide for single-family residential development at densities not to exceed 2.9 dwelling units per net acre.
- Rd-1 - Two-Family Residential
 - o This district is intended to provide for two-family residential development at densities not exceeding 5.8 dwelling units per net acre.

EXHIBIT C – Additional Considerations.

Demographic and Market Trends

Demographic and Market trends indicate Oak Creek's population will continue to grow.

"Since 2000, the number of residents has increased by 28 percent. In 2017, Oak Creek had an estimated population of 36,354, with projections from the State of Wisconsin Demographic Services Center anticipating the City's population to exceed 40,000 residents by 2030."

More innovative, thoughtful, and diversified housing options are needed to accommodate future growth. Additionally, seniors are forecasted to grow...

"Seniors aged 65+ make up 12.2 percent of the Oak Creek population, and the State of Wisconsin Demographic Services Center predicts that in Milwaukee County, those aged 65+ will make up 17 percent of the population by 2040."

Our single-family attached rental product is intended to provide communities with a housing option that serves as a steppingstone for residents moving into, or out of, homeownership. This is in response to the changing demands for two key demographics where the greatest growth (and need) is forecasted:

1. Baby Boomers who are approaching, or have initiated, retirement, and are downsizing; and
2. Millennials choosing to rent for various reasons such as affordability, lifestyle and saving for a home, etc.

Addressing Housing Issues

Our single-family attached rental product will assist Oak Creek in addressing housing issues that are apparent throughout the country. The three main housing issues are:

1. The Growing Housing Shortage
2. The "Missing Middle"; and
3. Accessibility Concerns

First issue is the housing shortage (as defined by Freddie Mac). Today there are fewer homes on the market than ever before. National housing supply shortage totals 3.8 million units. At the current rate of new construction, it will take a decade to fill this shortage. The current supply of homes for sale in Wisconsin is lower than it has been since the Wisconsin Realtors Association began tracking inventory levels in 2009, which have pushed prices to all-time highs.

Declining construction of starter homes is driving this shortage. To put that in perspective during the 1980's 40% of all homes built were starter homes. In 2020 only 7% of all new homes built were starter homes.

Fewer homes and declining construction of starter homes are compounding the issue of affordability by increasing home prices and consequently down payments. There has been a 15% increase in home prices nationally in the last year. The Milwaukee MSA home prices are up 19.6% in the last year and up 64% in the last 5 years. Affordability is an issue, especially when it comes to a down payment which will be compounded by this 10-year shortage which will lead to additional increases in home prices further increasing required down-payments. Given new starter homes are rapidly declining **our product will provide younger cohorts with a single-family housing option without the initial cost burden of home ownership allowing younger generations to save for their future home while living in the very community they wish to own a home in.**

Second issue our housing product will address is the "Missing Middle". The definition of Missing Middle housing is:

"...house-scale buildings with multiple units in walkable neighborhoods providing a range of diverse housing options, such as duplexes, fourplexes, cottage courts, and multiplexes."

Our product is comprised of four, six and eight-plex single-story, house-scale buildings. Missing Middle buildings are intended to fit into existing residential neighborhoods and support walkability. Our current site plan aims to fit in the surrounding residential neighborhoods given the density, scale, and architecture as well as through the extension of a public street, bike path and right-of-way all the while we are promoting walkability through our internal network of sidewalks which will be connected to the surrounding neighborhoods and public right-of-way.

Missing Middle housing provides solutions along a spectrum of affordability to address the mismatch between the available U.S. housing stock and shifting demographics. Our unit mix of 1, 2 and 3-bedroom homes aims to provide multiple pricing options for two shifting demographics:

- Baby Boomers who represent the fastest growing renter demographic; and
- Millennials who are the largest generation in U.S. history — who are now in their 30s, the time when most folks start transitioning back to the suburbs to plan for/or start families and homes.

Given the current housing supply shortage, and specifically Missing Middle housing, our product helps facilitate this transition into single-family for Millennials while assisting Baby Boomers who wish to downsize and remain in their communities.

Third issue we are looking to address is the need for universal housing / “accessible product”. Within the next two decades, the number of households headed by people aged 75 and over is projected to double from 14 million to 28 million. **Now consider only 4 percent of the US housing stock provides all three critical accessibility features:**

- A no-step entry
- Single floor living; and
- Extra-wide doorways and hallways (ADA compliant approaches)

Our “universal housing” product will provide all three critical accessibility features which will aid Oak Creek households with reduced mobility to live safely and comfortably.

In conclusion, housing affordability concerns are not easing for either Baby Boomers moving into retirement or Millennials purchasing their first home. The demographic forecasts are only going to further compound this issue. Please also consider:

- 72 million millennials are entering the housing market and represent the largest generation in U.S. history at a time when the housing supply is the lowest it has ever been...while affordability has never been more difficult.
- Baby Boomers make up the second largest renter pool, after Millennials, and over the next fifteen years the population aged 65 and over is projected to grow from 48 million to 79 million (a 65% increase).

We believe our community will be positioned to serve both demographics by providing housing that lives and feels like a single-family home, but with all the benefits and efficiencies of multifamily housing (lower overhead, maintenance, and utility costs).

We also believe that our proposed development will help diversify the housing options within Oak Creek by providing a low-density residential community focused on increased open / green space, accessibility, and walkability all the while addressing the “Missing Middle” in a time when the need for new housing options has never been greater.

EXHIBIT D – *Single-Family Attached vs Multifamily*

Should there be argument made that the subject development should be classified as Multifamily vs Single-Family Attached, we offer the following argument for our position.

Per the “Future Land Use Plan” Single-Family Attached housing is defined as the follows:

*“Also referred to as two-family residential, rowhomes, townhomes, or duplexes, this land use comprises single-family dwellings that share at least one common wall with an adjacent dwelling, and each unit has a separate external entrance. **Single-family attached housing should form a larger share of housing as the city seeks to diversify housing options while maintaining community character. This land use should continue to be concentrated along major transportation corridors, such as East Puetz Road, East Ryan Road, and I-94, buffering single-family detached neighborhoods from commercial and industrial uses.**”*

Our proposed housing product meets the criteria of sharing one common wall with an adjacent dwelling unit as well as each one of our units offer a separate external entrance.

Per the “Future Land Use Plan” Multifamily housing is defined as follows:

“This land use consists of structures with multiple housing units stacked vertically and often having a common entrance and shared amenities.”

Our housing product is not vertically stacked, nor does it offer common entrances and shared interior amenities. Furthermore:

“Multifamily housing should continue to be located along major transportation corridors and should primarily consist of medium density development with higher density developments located in Drexel Town Square and along the lakefront. The following Housing and Neighborhoods Framework contains additional detail on the appropriate scale and density of multifamily development.”

Our site plan and housing concept is 2.76 units per acre and therefore would not be classified as medium-density development. Our proposed density is consistent with single-family detached housing. In terms of scale and density our product is more consistent with single-family detached housing as our buildings are single-story designed to look and feel like single-family homes. Our proposed housing product is low-density at 2.76 units per acre offering 2-car direct access garages (reducing the need for surface parking and impervious surfaces) complimented by modern Craftsman stye architecture all of which are absent in traditional multifamily developments. The density, scale, parking, and architecture are more consistent with traditional single-family detached homes and not multifamily.

It is for all these reasons we believe that the proposed housing product is more consistent with single-family attached than with multifamily.

EXHIBIT E – Current Ownership Letter of Support.

September 21st, 2021

To: City of Oak Creek
8040 S. 6th Street
Oak Creek, WI 53154
Attn: Mr. Doug Seymour, Director of Community Development
Ms. Kari Papelbon, City Planner with Community Development
Email: dseymour@oakcreekwi.gov
kpapelbon@oakcreekwi.gov

Re: 91.46 acres of land located on W. Puetz Road in Oak Creek, Wisconsin.

Dear Mr. Seymour,

I am the owner's representative for CCR Herzebrock II, LP ("Seller 1") and WRE Herzebrock III, LP ("Seller 2") which both owner entities are under contract to sell the parcels outlined below ("Property"), to CR Devco, LLC, or its assigns ("Buyer"). Provided the Buyer closes on its purchase of the Property, Seller 1 and Seller 2 support the Buyer's zoning application and development plan for the Property.

The Property consists of 4 parcels totaling approximately 91.46 acres of land, outlined in Exhibit A, and listed below:

- CCR Herzebrock II, LP – Approximately 56.56 acres:
 - Parcel 1 – 53.56 acres, Parcel Number 8569999001, 2231 W. Puetz Road
 - Parcel 2 – 3.000 acres, Parcel Number 8579993000, 1933 W. Puetz Road
- WRE Herzebrock, III, LP – Approximately 34.9 acres:
 - Parcel 3 – 16.66 acres, Parcel Number 8579992000, 8843 S. 13th Street
 - Parcel 4 – 18.24 acres, Parcel Number 8579991000, 8950 S. 20th Street

Regards,



Christian Reckendrees

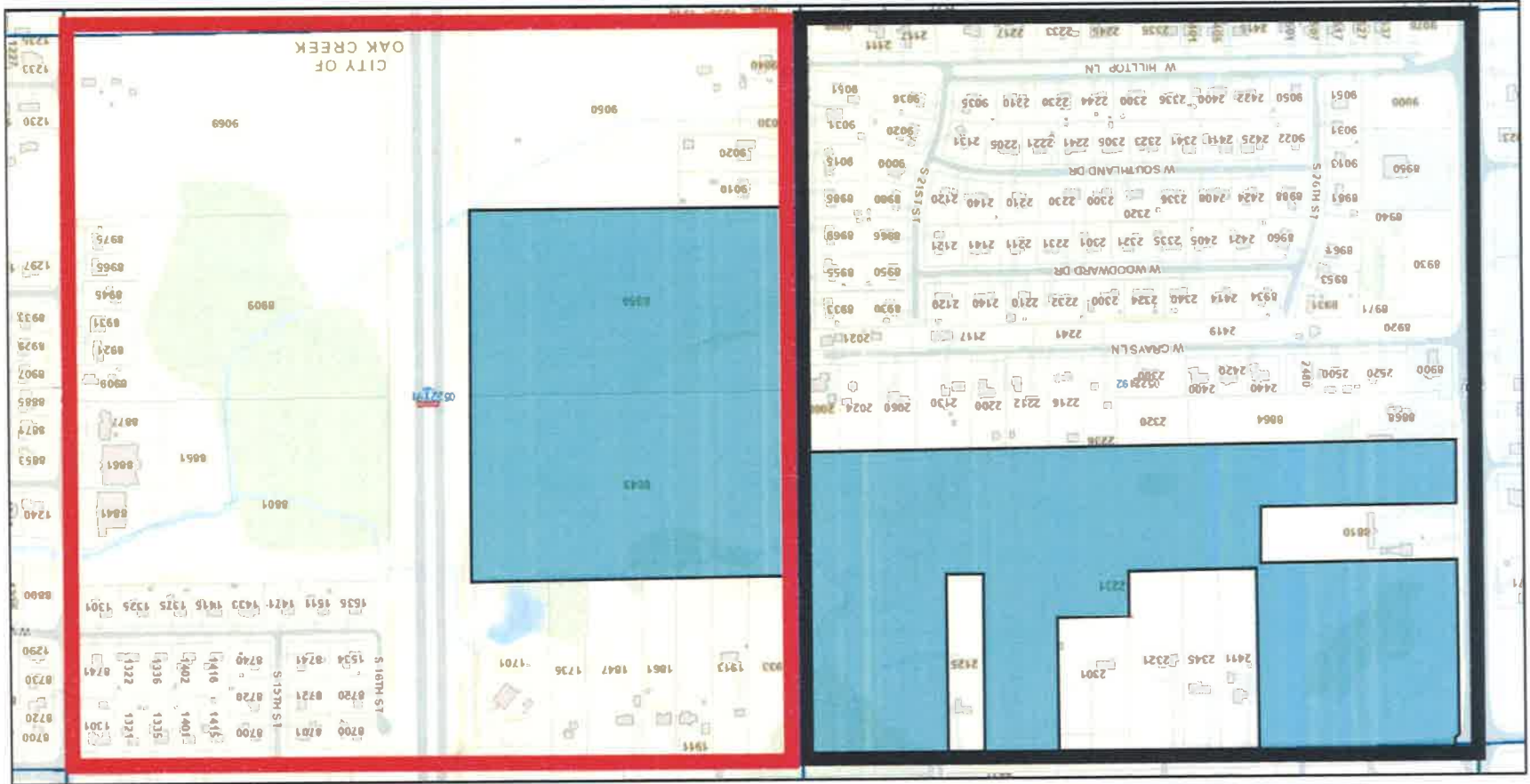
President

EXHIBIT A



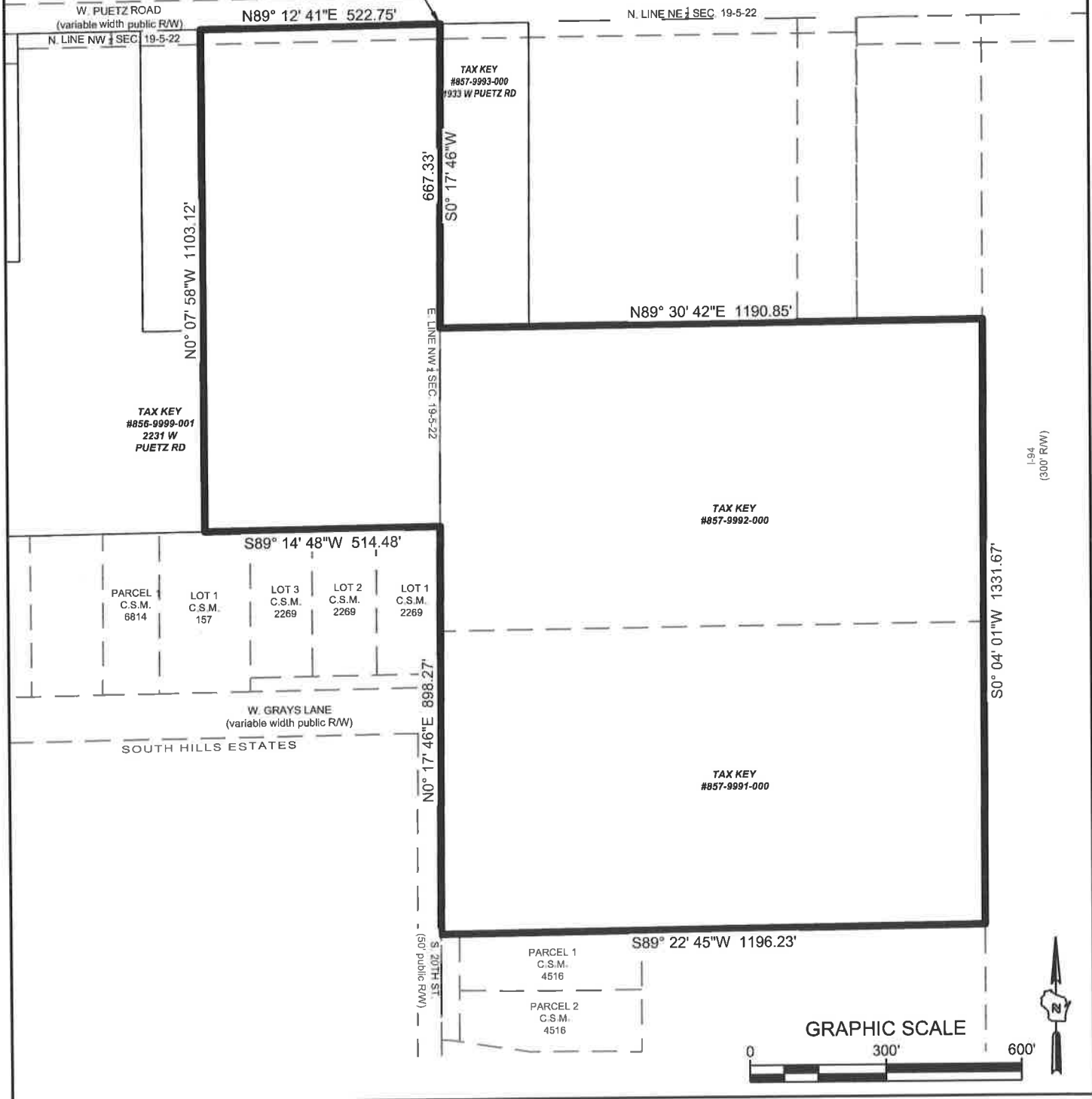
NW 1/4 SEC. 19-5-22

NE1/4 SEC. 19-5-22



Subject Parcels

N 1/4 cor.
Sec. 19-5-22
P.O.B.



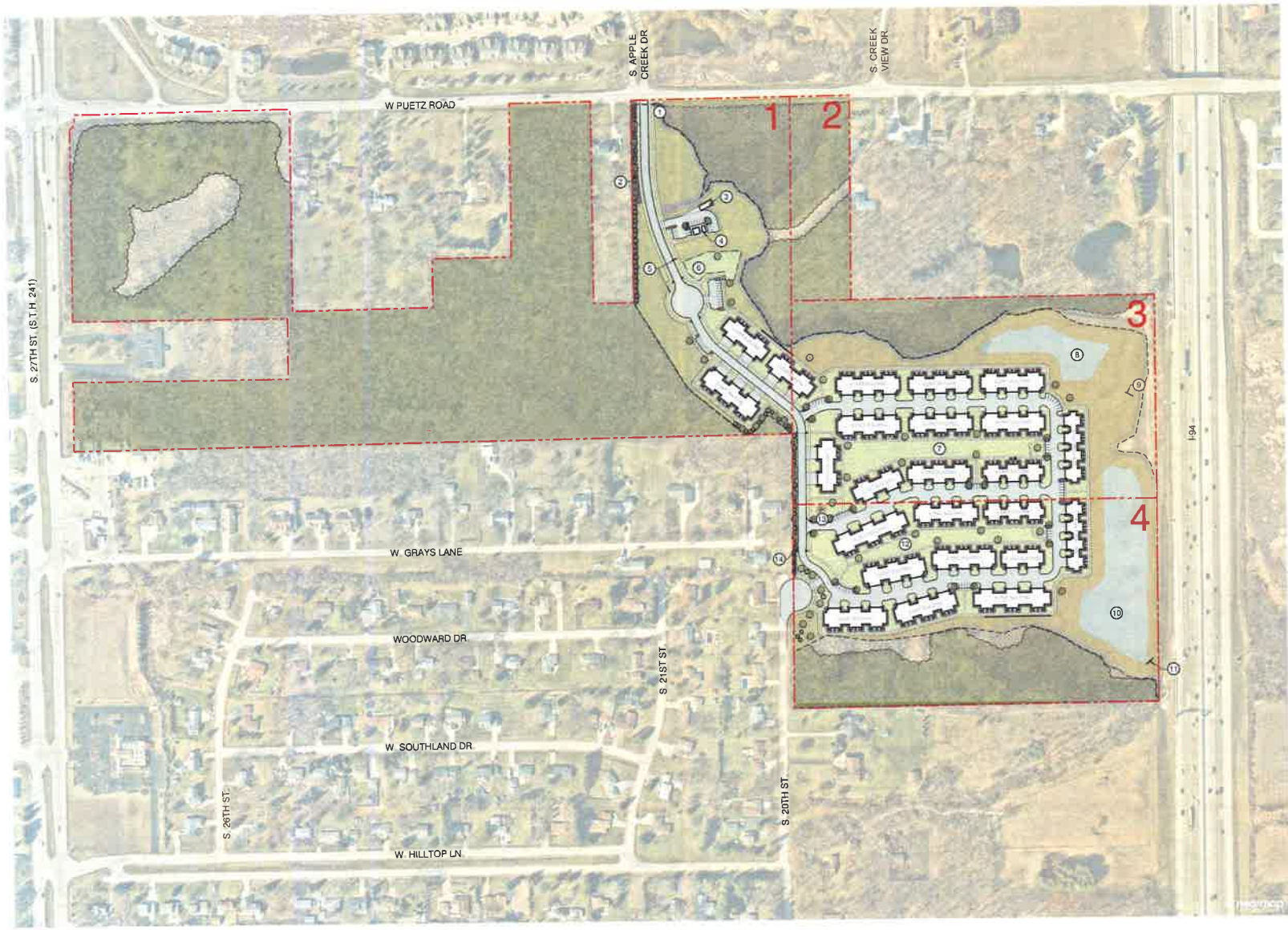
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

COMPREHENSIVE PLAN
AMENDMENT MAP
S. 27TH ST. & W. PUETZ ROAD
OAK CREEK, WISCONSIN

DATE: 12-02-2021

DR.#

FIGURE#



- LEGEND**
- ASPHALT PAVEMENT
 - CONCRETE PAVEMENT
 - LAWN
 - NATIVE SEEDED AREA
 - PLANTING BED
 - STORMWATER AREA
 - PROTECTED WETLAND AREA
 - WOODLANDS TO REMAIN
 - LIMITS OF CONSTRUCTION
 - PROPERTY LINE

- SITE FEATURES**
- ① PRIMARY ENTRANCE
 - ② VEGETATED LANDSCAPE BUFFER
 - ③ TRASH ENCLOSURE
 - ④ MAIL OFFICE
 - ⑤ PATH NETWORK
 - ⑥ DOG PARK
 - ⑦ NORTH CENTRAL LAWN
 - ⑧ STORMWATER AREA
 - ⑨ NORTH-FACING SIGNAGE
 - ⑩ STORMWATER AREA
 - ⑪ SOUTH-FACING SIGNAGE
 - ⑫ SOUTH CENTRAL LAWN
 - ⑬ PLAYGROUND
 - ⑭ VEGETATED LANDSCAPE BUFFER

RESOLUTION NO. 2022-02

**A RESOLUTION ADOPTED BY THE PLAN COMMISSION AMENDING THE
ADOPTED COMPREHENSIVE PLAN FOR THE
CITY OF OAK CREEK, IN MILWAUKEE COUNTY, WISCONSIN**

WHEREAS, Sections 62.23 and 66.1001 of the Wisconsin Statutes establish the required procedure for a local government to adopt a Comprehensive Plan; and

WHEREAS, the City of Oak Creek Plan Commission has the authority to amend the Comprehensive Plan by resolution, and also to recommend that the Common Council adopt the Comprehensive Plan; and

WHEREAS, CR Devco, LLC has proposed an amendment to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, amended November 17, 2020) designating the properties at 2231 E. Puetz Rd., 8843R S. 13th St. and 8950 S. 20th St. as "Single-Family Detached;" and

WHEREAS, the Plan Commission reviewed the aforementioned amendment to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, amended November 17, 2020) at a public meeting on January 11, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Oak Creek hereby adopts an amendment to the Comprehensive Plan from "Single-Family Detached" to "Single-Family Attached" (NO CHANGE to Floodway category) for portions of the properties at 2231 E. Puetz Rd., 8843R S. 13th St. and 8950 S. 20th St. per Exhibit A, and recognizing that the Common Council must also adopt the amendment to the Comprehensive Plan for it to become effective; and

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Common Council adopts the amendment to the Comprehensive Plan by ordinance.

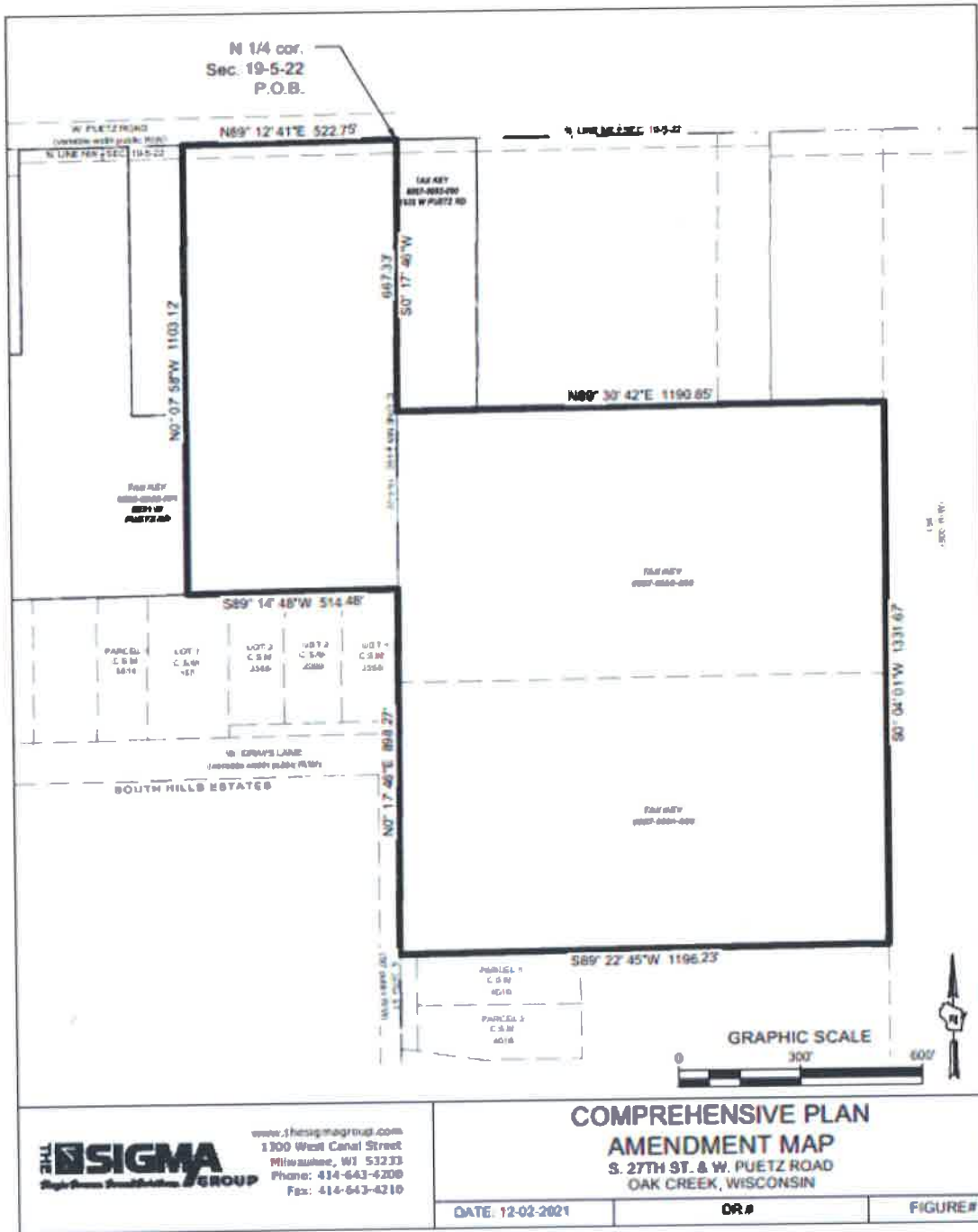
Passed and adopted this 11th day of January, 2022.

Plan Commission Chair

Attest:

Secretary of the Plan Commission

EXHIBIT A



**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 11, 2022**

Alderman Loreck called the meeting to order at 6:02 p.m. The following Commissioners were present at roll call: Commissioner Sullivan, Alderman Loreck, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Mayor Bukiewicz, Commissioner Hanna, and Commissioner Carrillo were excused. Also present: Kari Papelbon, Senior Planner; Jack Kovnesky, Planning Intern; and Mike Havey, Assistant Fire Chief.

**COMPREHENSIVE PLAN AMENDMENT
2231 E. PUETZ RD., 8843R S. 13th ST., and 8950 S. 20th ST.
TAX KEY NOS. 856-9999-001, 857-9992-000, 857-9991-000**

Planner Papelbon provided an overview of a proposed amendment to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020) that would change the Land Use Plan and category from Single-Family Detached to Single-Family Attached (NO CHANGE to Floodway category) for portions of the properties at 2231 E. Puetz Rd., 8843R S. 13th St. and 8950 S. 20th St. (see staff report for details).

Josh Wohleisch, 313 Surrey Ln, Lake Forest, IL, first thanked the staff, Mayor Bukiewicz, and Alderman Guzikowski for bringing forth the application, and read a paragraph from Section 3 of the Comprehensive Plan. Mr. Wohleisch stated that they believe that the site plan they are proposing will represent a creative approach and will be consistent with the polices and recommendations as detailed in the Comprehensive Plan. The density has been decreased to 2.76 units per acre, with large setbacks and preservation of the old growth vegetation. The proposal will provide housing for a diverse set of the population that would like to continue with, or are unable to continue to live in a single family without home ownership, and also have open space.

Ryan Swingruber, 228 Raymond Avenue, Barrington, IL, provided some key points on what they believe that will meet the objectives of what the staff would like:

- First objective is reinvestment of the property in the mature single-family neighborhoods. This would provide a single story, low density and the architectural will be consistent to the homes in the surrounding area.
- Second objective is to target residential development; the area focuses on the two key corridors (27th St and I-94) and the development will create a buffer in the area.
- Third objective is obtainable housing. This will eliminate a down payment and cost burden to maintain the home.
- Fourth objective is to afford senior housing. The development will be universally design with no step entry, stairs, or ramps and provide sizable openings that complies with the Americans Disability Act. This would provide senior to downside without having to go into assistant living or apartments.
- Fifth objective is to encourage conservation-oriented development. Majority of the site is in the wetland and Zone 1 will provide cluster development which will maintain the existing greenspace and vegetation.
- Sixth objective is to increase density along the key I-94 corridor. Their objective is not to increase density but decrease so putting in Single-Family Attached would encourage that.

- Seventh objective is to foster community health. The development will be universally designed which will preserve open space, green space and create connectivity.

Mr. Swingruber stated that the project had quite a bit of feedback from staff, public meetings and neighbors, and hopes the objectives would be inline with the Comprehensive Plan.

Mr. Wohlreich mentioned that the renderings are available, if needed. Mr. Wohlreich explained that the request is covering parcels 1, 3 and 4. Parcel 2 remains unaffected. Mr. Wohlreich explained the density of the development. There is about 80-90 feet between the front doors that have green space between the buildings. All the units are entered upon from the rear, and the front doors open onto the green space. There are two buildings that will be eight units, while the others will be four to six units. Each unit will provide a covered porch with for the front door and also provide a patio on the side. The rear vehicular entrance will have two car garages with pedestrian entrance and each unit will have at least two outside parking spots for the residences and their guests.

Commissioner Chandler asked if the Zone 2 will be Single-Family Detached. Mr. Swingruber answered that it would.

Commissioner Siefert asked Assistant Fire Chief Mike Havey if there is an issue with only having one road access to the development.

Assistant Fire Chief Mike Havey stated that there is a secondary access from 20th Street and that complies with fire protection.

Commissioner Siefert asked if the secondary access would not be a public road.

Commissioner Sullivan stated that it will be paved and gated as it will not be a public access.

Assistant Fire Chief Mike Havey mentioned that they do not have any issues with the concept plans.

Alderman Guzikowski stated that he appreciated his involvement in the project, and that he has expressed his and the neighborhoods' concerns, and is happy to see the density has been lessened.

Alderman Loreck stated that he supported the plan initially, and that he felt that it was an appropriate use for the area, and creates a buffer between the Single-family Detached and the Interstate. Alderman Loreck asked what the current zoning is at the moment.

Planner Papelbon answered that the area has a mix: parcels 3 and 4 are currently zoned Rd-1, Two-Family Residential, and part of parcel 1 will need to be rezoned.

Alderman Loreck's comment was inaudible.

Patrick Jetaime, 2021 W. Grays Ln.:

"You saying the flood plain, my house is right there. I'm paying flood insurance because they're, it's not floodplain. If you walk back in that area, back in the wooded area, it's all swamp back there. Your soil sample people were out there, taking samples, they should know that it's back there. On a very good heavy rain that field floods, my property floods. There's flooding in there,

so how are you saying you're not going to screw up the floodplain. Nobody's on your staff is probably walked back there and physically taken a look back there, have they?"

Mr. Swingruber stated that there has been a significant amount of time and money invested, and have had been reviewed from multiple agencies and there are more reviews needed before work can continue. Mr. Swingruber explained that the floodplains are designated by a wetland delineation, so it is known on where they are. There will be setbacks from the areas so it is not impacted. Mr. Swingruber stated that the site plan will include retention and storm water system that collect the water closer to I-94.

Patrick Jetaime:

"Yeah, move the mosquito ponds further towards the freeway. Because you're saying, then I can tell my insurance company because of your details and that. My property does not, I did not have to pay, pay flood insurance, because where it's at because if you look at Grays lane, it's right in the center,4, I believe. And I have to flood insurance because I am over there. So, I don't know where you're getting your stuff, of course it's engineers, excuse me there's a joke about engineers. I've worked constructions for many years and I have no use for them. But um, you need to take into a little bit more research back there, that's all flooded. If my property floods, and I've seen it, I lived out there. You guys just come and go, oh yeah, okay, yeah somebody walks in, they say oh there's no floodplains. Somebody needs to get white and they can go out there and physically see what's going on."

Alfred Placek, 2401 W. Hilltop Ln.:

"And I would like to address the concern that the Fire Chief just talked about and that is your assurance that if they do link it to 20th St, that this is just a limited access for the Fire Department for emergency purposes. We have serious traffic problems on 20th, Hilltop. When they punch through 20th to the apartments, it just opened it up, it's a racetrack. And the last thing we need is more traffic in that subdivision."

Alderman Loreck stated that the discussion all along has been that it would be a gated access.

Alfred Placek:

"And again, not getting into the previous discussion, that's another huge problem with that development, is we're putting in more traffic where it doesn't need to be. It's residential and now it's a racetrack. So, thank you, I just wanted that assurance that that is in fact the way it would be."

Patrick Jetaime:

"Just what he said. If you go down 20th St, there's a whole bunch of red signs up there. That's keep the drunks out of my yard and hitting my house. Four times. So that's another problem that I wasn't even thinking about. But yeah, they turn the gas meter off and I had to have We Energies and everybody. The drunks just think they can come down there and that's why engineering, I think it was engineering or streets put up all these signs to make it physical impossible to get. The last time they almost took the fire hydrant out."

Alderman Loreck stated that there will be a gated road to prevent that from this development.

Barbara Linder, 2411 W Puetz Rd.:

"Now, I'm in the other section but I heard him say about that that would be Single -Family Attached. Now, that would be up to 4 homes in that. Well, we had that, we went through so much to keep that as a single-family residence around us. And if you allow this, you're allowing them to put in more houses, connected, and you know what that isn't right because we fought for so long to keep that. And now this developer, I mean, we fought with "inaudible", we fought with Rudolph. I mean we've been out here all of our life. And then to just say oh well, so what we'll put 4 people, 4 families right next to your house and right behind you and you know what that was never designed for that."

Alderman Loreck asked if the resident was referring to Zone 2.

Barbara Linder:

"Yes, I am. If you do the zoning, that would be part of it. He owns, if he buys this and owns this, he'll want it for all of it."

Alderman Loreck stated that we are not discussing or changing the Zone 2 area.

Barbara Linder:

"I got paper that said, you're to be here if it's being discussed on 300 feet to your property. Well, that would be 300 feet to my property. So, I mean you're wording things wrong and not saying what's true or you're going to try to rezone the stuff. So, the people who live there will find out later it's been rezoned. Just like over on the Honadel property."

Alderman Loreck explained to Barbara Linder that the property is treated as a whole which is why she was included in the 300 feet and the discussion and changes is for Zone 1 and Zone 2 is excluded at this time.

Barbara Linder:

"And so, 6 months down the line, I don't have to get a letter saying, oh that was changed."

Planner Papelbon explained that people within 300 feet of these properties, or if the Alderman requests more than 300 feet will receive notifications. There will be multiple reviews and notifications will be sent out for each review.

Barbara Linder:

"So that means I have to come down for every time, there's anything to discussed."

Planner Papelbon stated that Ms. Linder did not need to attend, and that she could provide (interrupted).

Barbara Linder:

"Oh, I certainly will be here."

Alderman Guzikowski moved that the Plan Commission adopts Resolution 2022-02, amending the Land Use Plan category in the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020; amended November 17, 2020) from Single-Family Detached to Single-Family Attached (NO CHANGE to Floodway category) for portions of the properties at 2231 E. Puetz Rd., 8843R S. 13th St. and 8950 S. 20th St., following review and adoption by the Common Council.

Alderman Loreck seconded. On roll call: all voted aye except Commissioner Chandler, who voted no. Motion carried.

Commissioner Siefert moved to adjourn the meeting. Commissioner Oldani seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:54 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

1-25-22

Date

RESOLUTION NO. 2022-02

A RESOLUTION ADOPTED BY THE PLAN COMMISSION AMENDING THE
ADOPTED COMPREHENSIVE PLAN FOR THE
CITY OF OAK CREEK, IN MILWAUKEE COUNTY, WISCONSIN

WHEREAS, Sections 62.23 and 66.1001 of the Wisconsin Statutes establish the required procedure for a local government to adopt a Comprehensive Plan; and

WHEREAS, the City of Oak Creek Plan Commission has the authority to amend the Comprehensive Plan by resolution, and also to recommend that the Common Council adopt the Comprehensive Plan; and


WHEREAS, CR Devco, LLC has proposed an amendment to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, amended November 17, 2020) designating the properties at 2231 E. Puetz Rd., 8843R S. 13th St. and 8950 S. 20th St. as "Single-Family Detached;" and

WHEREAS, the Plan Commission reviewed the aforementioned amendment to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, amended November 17, 2020) at a public meeting on January 11, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Oak Creek hereby adopts an amendment to the Comprehensive Plan from "Single-Family Detached" to "Single-Family Attached" (NO CHANGE to Floodway category) for portions of the properties at 2231 E. Puetz Rd., 8843R S. 13th St. and 8950 S. 20th St. per Exhibit A, and recognizing that the Common Council must also adopt the amendment to the Comprehensive Plan for it to become effective; and

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Common Council adopts the amendment to the Comprehensive Plan by ordinance.

Passed and adopted this 11th day of January, 2022.



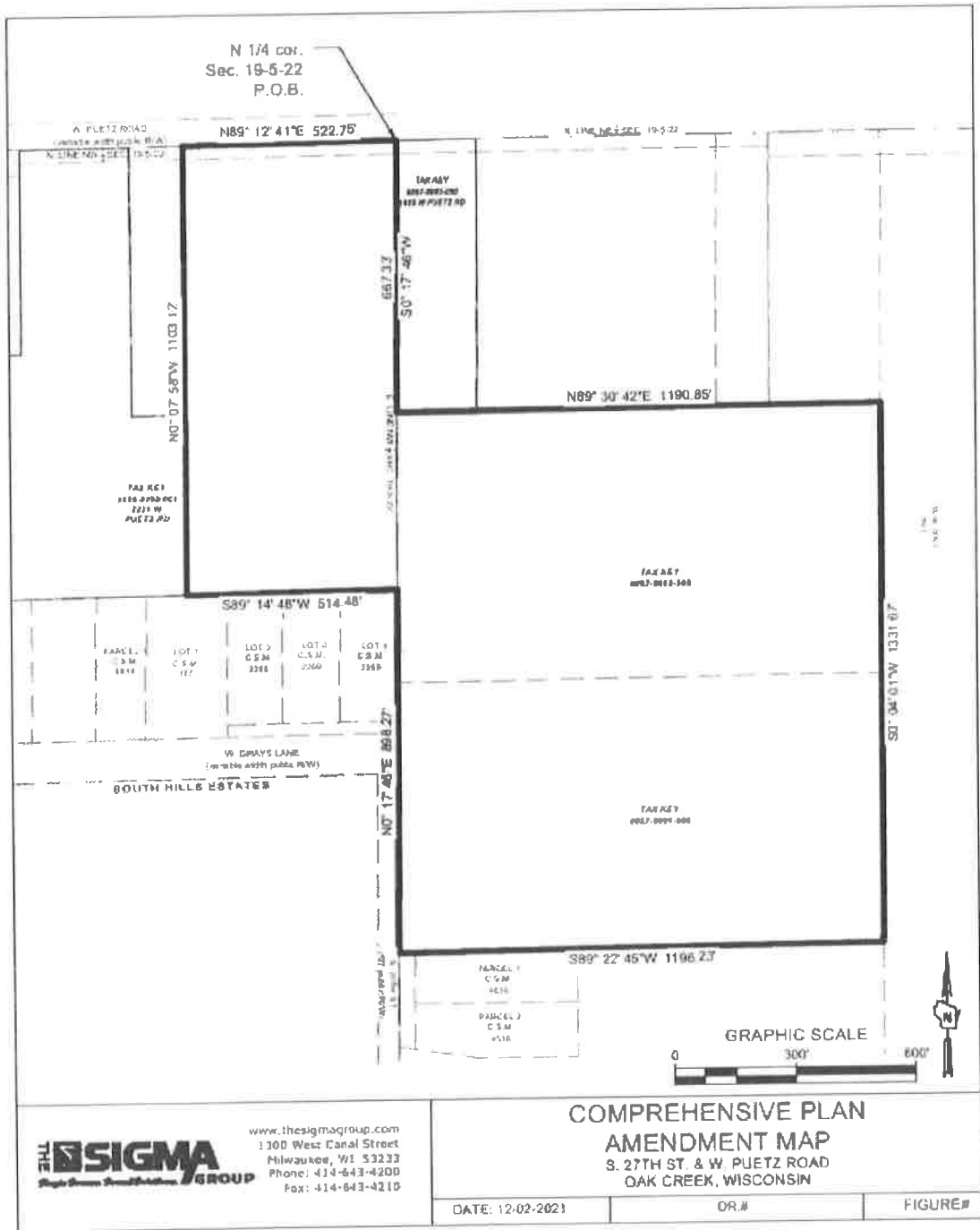
Plan Commission Chair

Attest:



Secretary of the Plan Commission

EXHIBIT A



www.thesigmagroup.com
 1100 West Canal Street
 Milwaukee, WI 53233
 Phone: 414-643-4200
 Fax: 414-643-4210

COMPREHENSIVE PLAN AMENDMENT MAP S. 27TH ST. & W. PLETZ ROAD OAK CREEK, WISCONSIN

DATE: 12-02-2021	OR.#	FIGURE#
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COMMON COUNCIL REPORT

Item: Text Amendment - Chapter 17

Recommendation: That the Council adopts Ordinance 3028, an ordinance to repeal and recreate Chapter 17 - Zoning Code of the Municipal Code.

Fiscal Impact: No direct fiscal impact will occur with approval of the proposed Code.

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 Council is aware, staff engaged consultants from Houseal Lavigne Associates (HLA) to prepare a full update to Chapter 17 of the Municipal Code following the adoption of the update to the Comprehensive Plan, City of Oak Creek. While periodic updates to Sections of the Zoning Code have occurred over the years, this is the first comprehensive revision since 1995. The formal process began with a public Stakeholder Meeting on October 1, 2019. Following that initial community input, staff convened a meeting with City departments to gain insight from those who have regular interaction with the public to identify the most common questions or review processes the update should address. It also provided staff with an opportunity to discuss how to make the Zoning Code more user-friendly, particularly for those who have limited or no experience with reading and interpreting Codes. Creating a Zoning Code that was clear, concise, and relied less on legal or planning jargon was a main goal of the update. Internal staff discussions with the consultants regarding necessary updates occurred regularly throughout the process as Articles were drafted.

Plan Commission engagement began with a general update in June of 2020, with directed discussions:

- Articles 2-4 on August 11, 2020
- Articles 5-9 on December 8, 2020
- Articles 6-9 on January 26, 2021
- General topics on March 23, August 10, November 23, and December 14, 2021

The full draft of the update was posted to both the City’s website and the project website hosted by HLA for public comment in December. Few comments were received, but all were considered in revisions to the draft.

Included with this report is an Executive Summary of the major changes per Article to highlight some of the more often-cited standards and uses requested by applicants. This Summary was posted to the City’s website with the Draft of the Zoning Code, and emailed to the Common Council, Plan Commission, and

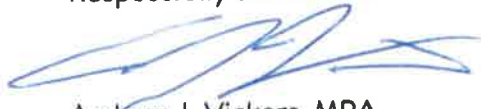
City Departments for reference. Floodplain regulations included in the Draft are currently under review by the Wisconsin Department of Natural Resources. Any required changes to those portions of the Draft Code would be incorporated per their direction.

The substantial effort by all participants in the process have informed the draft Zoning and Sign Ordinance (Chapter 17) that staff and HLA are presenting for Common Council consideration at this public hearing.

Following the substantial reviews conducted over the course of the project, the Plan Commission recommended Common Council approval and adoption of the Zoning and Sign Ordinance (Chapter 17 of the Municipal Code) at their January 11, 2022 meeting.

Options/Alternatives: Council may request modifications or clarifications to the proposed text amendment provided such modifications or clarifications are in conformance with Wisconsin Statutes.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



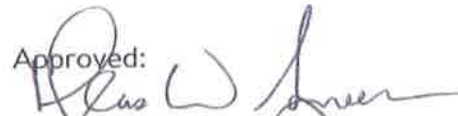
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Maxwell Gaggin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3028

Zoning Code Update Executive Summary (3 pages)

January 11, 2022 Plan Commission Meeting Minutes Excerpt (2 pages)

Draft Zoning and Sign Ordinance (to be provided separately)

ORDINANCE NO. 3028

BY: _____

AN ORDINANCE TO REPEAL AND RECREATE THE CHAPER 17 ZONING CODE OF THE CITY OF OAK CREEK CODE OF ORDINANCES

Recitals

WHEREAS, pursuant to Sec. 62.23(7) Wis. Stats., the City of Oak Creek (the “City”) is authorized to adopt and amend general zoning ordinances, including a sign ordinance; and

WHEREAS, the last comprehensive zoning code for the City was completed in 1995; and

WHEREAS, on October 1, 2019, the City held an initial public workshop to obtain input from stakeholders in updating the zoning code; and

WHEREAS, throughout this process, the City solicited feedback from Plan Commission applicants and their consultants regarding this update and encouraged the submittal of public comments, including via email and the City website, through December 31, 2021; and

WHEREAS, the City Plan Commission reviewed drafts of the proposed Zoning and Sign Code at its meetings on August 11, 2020, December 8, 2020, January 26, 2021, March 23, 2021, August 10, 2021, November 23, 2021 and December 14, 2021; and

WHEREAS, the City staff with its retained consultant have worked to address those public comments and feedback from the Plan Commission; and

WHEREAS, the City is also modifying its Official Zoning Map to reflect the proposed Zoning and Sign Code that is a part of this ordinance; and

WHEREAS, the Plan Commission reviewed the final draft proposed Zoning and Sign Code at its January 11, 2022 meeting and recommended approval; and

WHEREAS, on February 14, 2022, the City held a public hearing on the proposed Zoning and Sign Code contemplated by this ordinance, in compliance with Sec. 62.23(7) Wis. Stats.; and

WHEREAS, given the expansive length and breadth of content of the proposed Zoning and Sign Code and the changes to the Official Zoning Map that are a part of this ordinance, the Zoning and Sign Code and the Official Zoning Map changes were made available for viewing on the City consultant’s website, the City of Oak Creek’s website, and at City Hall, 8040 South 6th Street, Oak Creek, Wisconsin 53154, during regular business hours, 7:30 a.m. through 4:00 p.m.; and

WHEREAS, the Common Council states that the adoption of the Zoning and Sign Code that is a part of this ordinance is in the public interest.

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

SECTION 1: The Chapter 17 Zoning Code of the City of Oak Creek Code of Ordinances for the City of Oak Creek, Wisconsin, is hereby repealed and recreated in its entirety.

SECTION 2: Articles 1 through 10 of the new Chapter 17 Zoning and Sign Code of the Code of Ordinances for the City of Oak Creek, Wisconsin, are as set forth below in this Section 2:

- Article 1 – General Provisions
- Article 2 – Establishment of Districts
- Article 3 – District Specific Standards
- Article 4 – Use Specific Standards
- Article 5 – General Development Standards
- Article 6 – Sign Standards
- Article 7 – Planned Unit Development Standards
- Article 8 – Administration and Enforcement
- Article 9 – Nonconformities
- Article 10 – Definitions

SECTION 3: The provisions of this new Chapter 17 Zoning and Sign Code shall be as contained in the version made available for viewing at the Oak Creek City Hall and on the City of Oak Creek website.

SECTION 4: The Official Zoning Map for the City shall be updated to reflect the proposed Zoning and Sign Code that is a part of this ordinance and pursuant to the Official Zoning Map made available for viewing as stated in the Recital above.

SECTION 5: The representations set forth in the Recitals above are material to this ordinance and are hereby incorporated into and made a part of this ordinance as though they were fully set forth herein.

SECTION 6: If any section, clause, provision or any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

SECTION 7: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 8: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this ____ day of _____, 2022.

Passed and adopted this ____ day of _____, 2022.

President, Common Council

Approved this ____ day of _____, 2022.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____



City of Oak Creek Zoning Code Update

An overview of proposed changes to the City's Zoning Code

About the update

Following the adoption of the *Comprehensive Plan*, City of Oak Creek, the City began the process of updating the Zoning Code. Although portions of the Zoning Code had been amended over the years, a comprehensive overhaul had not occurred since 1995. This update will align the Zoning Code and Sign Code with the vision, goals, and objectives of the adopted *Comprehensive Plan*.

What is changing?

Format

One of the changes users will notice immediately is the format of the Zoning Code. Rather than having uses and standards listed per Zoning District with general requirements throughout Chapter 17, the update will be organized into ten (10) Articles based partially on how frequently they are referenced. To make requirements easier to understand, wherever possible the text of the Code uses plain language to reduce "legalese." In the code itself, there are more graphics and tables to create a user friendly and complete document — no need for a separate Zoning Illustrations document to reference!

Article 2: Establishment of Districts

Eliminates the B-1, Local Business District: Following an inventory and analysis of the Business Districts, it was determined that very few parcels in the City were located within the B-1 district. Those that were zoned B-1 also met the requirements of the B-2, Community Business District, which ultimately led to the conclusion that the B-1 district was no longer valid or required. Those parcels currently zoned B-1 will be rezoned to the B-2 district following adoption of the new Code.

Eliminates the Lakefront Overlay and General 27th Street Overlay Districts:

Analysis of these Overlay Districts concluded that the requirements were more appropriate as part of the general Zoning Code rather than in addition to the general requirements for the base Zoning District. In other words, there has been no discernable benefit to separate Overlay District requirements.

Article 3: District Specific Standards

Revises Bulk and Dimensional Standards for some districts:

Minimum lot sizes and widths will be revised as appropriate for some districts based on the analysis of existing lots within those districts.

Revises Permitted and Conditional Uses: Uses allowed by District are now represented in separate tables for Residential Districts and Nonresidential Districts. New categories include **neighborhood retail and service** as Conditional Uses in Residential Districts except for the ER District, and **short-term rentals** as permitted uses in all Residential Districts except for the Rm-1 District. **Multifamily residential** dwellings above the ground floor will be allowed as Permitted Uses in the B-4 & B-6 Districts. **Warehousing and Distribution** uses occupying 200,000 square feet or greater will require a Conditional Use Permit in the M-1 District. **Mobile Food Establishments/Food Trucks** will be allowed as either Temporary Uses or Conditional Uses depending on whether in an approved permanent location or for a specified timeframe (this does NOT apply to City-sponsored events).

Article 4: District Specific Standards

Reduction of Interior Side Yard Setback Requirements for Single-Family Attached Dwellings:

For dwellings that contain two (2) attached dwelling units (e.g., duplexes, side-by-sides), the interior side yard setback may be reduced to zero (0).

Standards for Attached Garages: Garages attached to single-family detached dwellings:

- May not exceed 50% of the living space of the house.
- Must share a common wall and roof with the house.
- Must provide internal access to the house.
- May not exceed the height of the house.
- May not extend more than 5 feet ahead of the closest portion of the front façade to the front lot line.
- Garage doors maximum width:
 - ◊ Set ahead = 45% of the house front façade width.
 - ◊ In line = 50% of the house front façade width.
 - ◊ Behind = 55% of the house front façade width.

Accessory Use Standards: Requirements for accessory buildings are separated from those for accessory structures. A maximum of two (2) **accessory buildings** meeting specific standards and a maximum of two (2) **accessory structures** meeting specific standards are allowed per lot. New to the Code are specific allowances for **accessory dwelling units**. One (1) accessory dwelling unit at a maximum size of 800 square feet or 50% of the living space of the house (whichever is less) may be allowed interior or attached to the house, or above an existing detached garage. Additional requirements for height, access, and parking are specified. **Home occupations** meeting specific requirements will now be required to obtain a permit (*renewed annually*). Establishes standards for **permanent outdoor activities and operations** in commercial, manufacturing, and institutional districts.

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OAKCREEK
Zoning Code Update

Temporary Use Standards: Revises the requirements, restrictions, and allowances for **car, truck, and recreational vehicle parking**. Specified vehicles and equipment must be parking on a hard-paved surface, may not be located closer to the front property line than the front elevation of the house, must be located in side or rear yards (min. 5-foot setback), and outside of all easements and vision clearance areas. One (1) recreational vehicle per residential or agricultural lot is allowed to be stored outside in conformance with setbacks (not in the front yard). Semi-trailers and truck parking are prohibited in all residential districts.

Article 5: General Development Standards

Off-Street Parking: Provides parking stall and aisle dimensional diagrams, and establishes minimum and maximum parking requirements. Also establishes standards for bicycle parking.

Driveways: Establishes standards residential driveways and parking pads, including allowed locations, minimum setbacks, and maximum dimensions.

Landscape: Provides a diagram for required landscape areas, and updates landscape requirements using a context-sensitive approach. What this means is that in addition to the onsite landscaping required for parking lots (interior and perimeter) and building foundations, developments adjacent to potentially conflicting established uses are required to provide specific landscaping elements in transition areas. For instance, if a Multifamily Residential development is proposed adjacent to a Single-Family Residential area, Transition Area B Standards must be used. Diagrams for each standard are provided in this Section to aid developers and residents with the requirements. This Section also establishes a tree preservation program in which trees meeting certain criteria may not be removed without a plan prepared by a certified landscape architect and approved by the Department. The intent is to maintain as many viable established trees as possible within the City while still allowing for development goals. Maintenance of the required landscaping per approved plans is specified in this Article to ensure that standards are upheld throughout the life of the development.

Fences: Updates the standards for fences in all districts. Coated chain link fences may only be sited in rear yards of residential districts.

Open Space: This Section is currently under revision to specify criteria under which a reduction in the open/green space requirement may be considered. No reduction will be allowed in excess of the cumulative allowed by the reduction criteria (i.e., a minimum percentage of open/green space will always apply).

Article 6: Sign Standards

Standards for Permanent Signs Requiring a Permit.

Updates the allowed sign area and dimensions, number, and requirements for signs.

- **Wall Signs** are allowed up to a maximum percentage of the face of the wall on which it is placed (5% or 10% depending on the zoning district) or a maximum of 30 square feet, whichever is greater. Single-tenant buildings will be allowed one (1) primary wall sign per lot frontage and up to three (3) secondary wall signs for buildings with lineal frontage over 75 feet in accordance with specified criteria. The cumulative allowed sign area cannot exceed 400 square feet (unless as part of a PUD). Multitenant buildings will still require an approved Planned Sign Program.
- **Monument Signs** for single-tenant buildings are allowed up to a maximum of 25 square feet or 50 square feet, and no taller than 5 feet or 8 feet, depending on the zoning district. Multitenant buildings are allowed up to a maximum of 50 square feet or 100 square feet, and no taller than 10 feet or 16 feet, depending on the zoning district. No more than one (1) sign per frontage per lot is allowed in accordance with setbacks, easement restrictions, and vision clearances. Standards for the base are established with the requirements for landscaping.
- **Awning or Canopy Signs** are restricted to a maximum of 30% of the face on which the sign will be placed, which counts toward the maximum amount of sign area allowed for wall signs. Sign copy is limited to awnings or canopies over ground-floor entrances and windows.
- **On-Site Traffic Directional Signs** are allowed up to a maximum height of four (4) feet, and no more than six (6) square feet.

Standards for Temporary Signs Requiring a Permit: Updates the allowed sign types, area and dimensions, number, and requirements for signs.

- **Display Period** Temporary signs in nonresidential zoning districts may be displayed for a maximum of 14 continuous days, with no more than three (3) display periods per single-tenant building and one (1) display period for multitenant buildings in a calendar year. Extensions may be granted by the Director of Community Development or Plan Commission.
- **Wall-Mounted Banner Signs** are allowed up to 2.5% (max. 30 square feet) or 5% (max. 60 square feet) of the total area of the face of the wall on which the sign is placed, depending on the zoning district. One (1) sign is allowed per lot frontage.
- **Ground-Mounted Signs** up to a maximum height of six (6) feet and no more than 32 square feet are allowed in accordance with setbacks, easement restrictions, and vision clearances. One (1) sign is allowed per lot.

Standards for Temporary Signs Not Requiring a Permit: Updates the allowed sign types, area and dimensions, number, and requirements for signs.

- **Yard signs** up to a maximum height of five (5) feet and no more than four (4) square feet are allowed in accordance with setbacks, easement restrictions, and vision clearances. A maximum of two (2) signs may be displayed concurrently per residential lot. A maximum of one (1) sign may be displayed in nonresidential or mixed-use zoning districts. An additional two (2) signs may be displayed within 30 days of any election, and must be removed within 48 hours of the election.

General Sign Regulations: Prohibits off-premise signs, pole/pylon signs, roof signs, and outline lighting in all zoning districts.

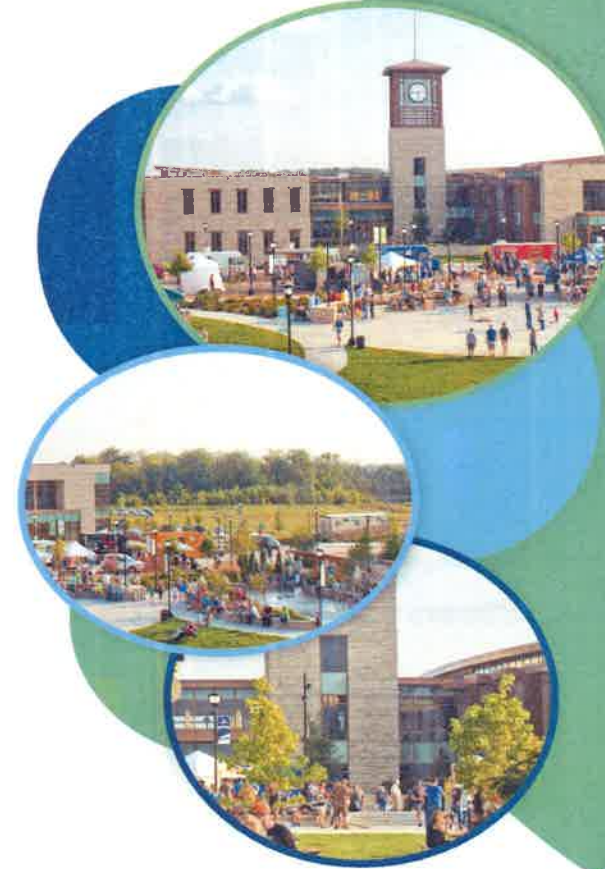
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Article 8: Administration and Enforcement Standards

Administrative Review and Approval

Identifies the appropriate person or entity for decisions on specific requests.

- **Letter of Interpretation.** An official interpretation of the Zoning Code by the Community Development Director may be requested. Application requirements are provided.
- **Administrative Adjustment.** Defines the minor departures from the Zoning Code that may be granted by the Community Development Director (subject to specific review criteria), including:
 - ◊ Up to a 10% reduction in one (1) of the required yard setbacks when the adjustment is the only modification requested.
 - ◊ A reduction of the applicable off-street parking or bicycle parking requirements by not more than (1) space.
 - ◊ An increase to the maximum building height by not more than five (5) percent.
 - ◊ Any required yard setback for wheelchair ramps accessory to residential uses.
- **Certificate of Zoning Compliance.** Whenever a new use is proposed for an existing building, an accessory structure is proposed, or when a Building Permit or Occupancy Permit is requested, a Certificate of Zoning Compliance will be required. This Certificate will ensure that the proposed use and/or structure meets the requirements of the Zoning Code. Requests for Certificates of Zoning Compliance may also be made when no change of use or construction is proposed on a property.
- **Short-Term Temporary Use Permit.** Defines and establishes the criteria for short-term temporary uses, including permit application requirements. Temporary uses in this category may be approved up to a maximum of 14 days. Long-Term Temporary Use Permit requests for those activities anticipated to occur beyond the 14-day period allowed by the Short-Term Temporary Use Permit will require review and approval by the Plan Commission.



Public Feedback

The Draft Zoning & Sign Ordinance is available for public review on the project website (PDF) or on the Community Development page of the City website.

Comments and questions can be submitted through the City's website at <https://www.oakcreekwi.gov/government/departments/community-development/comprehensive-plan-update>.

Oak Creek • WI Zoning Code Update



Community Outreach

- **October 1, 2019 Stakeholder Meeting**
- **June 23, 2020 Plan Commission Meeting**
 - General Update
 - [View the meeting recording on YouTube](#)
- **August 11, 2020 Plan Commission Meeting**
 - Articles 2-4
 - [View the meeting recording on YouTube](#)
- **December 8, 2020 Plan Commission Meeting**
 - Articles 5-9
 - [View the meeting recording on YouTube](#)
- **January 26, 2021 Plan Commission Meeting**
 - Articles 6-9
 - [View the meeting recording on YouTube](#)
- **March 23, 2021 Plan Commission Meeting**
 - General Topics: Accessory buildings, Food Truck Parks, RV Parking, Breweries/Microbreweries, Fences, Signs, Electric Vehicle Charging Stations, Certificate of Zoning Compliance
 - [View the meeting recording on YouTube](#)
- **August 10, 2021 Plan Commission Meeting**
 - General Topics: Garages, Food Truck Parks, Outdoor Events, Temporary Food Truck Parks, Driveways, Single-Family Residential Fences, Signs
 - [View the meeting recording on YouTube](#)
- **November 23, 2021 Plan Commission Meeting**
 - [View the meeting recording on YouTube](#)
- **December 14, 2021 Plan Commission Meeting**
 - [View the meeting recording on YouTube](#)

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 11, 2022**

Alderman Loreck called the meeting to order at 6:02 p.m. The following Commissioners were present at roll call: Commissioner Sullivan, Alderman Loreck, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Mayor Bukiewicz, Commissioner Hanna, and Commissioner Carrillo were excused. Also present: Kari Papelbon, Senior Planner; Jack Kovnesky, Planning Intern; and Mike Havey, Assistant Fire Chief.

ZONING CODE ADOPTION

Planner Papelbon provided an overview of proposed amendments to Chapter 17 of the Municipal Code, revising and recodifying Sec. 17.0101 – Sec. 17.1402 to Articles of the Zoning & Sign Ordinance (see staff report for details).

Planner Papelbon stated that the definitions, the Sections for attached garages for Single-Family Attached and Detached, and clarifying Single-Family Attached from Multifamily revisions are in progress.

Commissioner Siepert asked about the setback from the flood fringe.

Planner Papelbon stated that there is no setback requirement from the flood fringe, but there is a wetland setback, which would probably be greater than the flood fringe would be. The flood fringe (which is not the same as floodway) still has the 1.1: 1 compensatory storage requirement that is not changing. The wetland setback is new in the Zoning Code.

Alderman Loreck commended the staff and Plan Commission for all the hard work that was put into amending the Code.

Commissioner Siepert asked about the effective date.

Planner Papelbon stated that the Common Council needs to adopt it, and then the ordinance needs to be published before it could be effective. Planner Papelbon mentioned that it could take a few times before it is effective because the Common Council may have questions or comments.

Commissioner Oldani asked whether there have been any presentations to the Common Council and if any feedback from the Common Council was received. Commissioner Oldani also wondered how it would play out once it is presented to the Common Council.

Planner Papelbon stated that there have been no specific presentations to the Common Council, and that although she has provided information and requested such, she has not received any feedback. Planner Papelbon stated that the Plan Commission has served as the Steering Committee for the Zoning Code update, and stated that the Common Council usually are on board with the items that Plan Commission recommends.

Alderman Loreck stated that this would be similar to any other topics that are recommended to the Common Council.

Alderman Guzikowski stated that when a topic has been forwarded to the Common Council, usually Alderman Loreck, Mayor Bukiewicz, and himself will provide any input that has been provided at the Plan Commission meetings.

Planner Papelbon mentioned that the Codes are harder for people to understand than the Comprehensive Plan, and that there will be questions and areas that the Planning Commission may have overlooked.

Planner Papelbon commended the Plan Commission for all the work that was put into the update to the Zoning Code, which has not had a comprehensive overhaul since 1995.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that Chapter 17 – Zoning Code of the Municipal Code be amended as proposed after a public hearing.

Commissioner Siepert seconded. On roll call: all voted aye

Commissioner Siepert moved to adjourn the meeting. Commissioner Oldani seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:54 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

1-25-22

Date



COMMON COUNCIL REPORT

- Item:** Plan of Finance for \$2,325,000 Taxable General Obligation Refunding Bonds
- Recommendation:** Motion to approve the Plan of Finance for \$2,325,000 Taxable General Obligation Refunding Bonds.
- Fiscal Impact:** The Taxable General Obligation Refunding Bonds will be paid from tax increment (i.e. property taxes) as well as hotel/motel taxes generated by phase I of Stand Rock Hospitality's hotel and conference/event center in TID No. 12.
- 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 Plan of Finance is for the issuance of \$2,325,000 Taxable General Obligation Refunding Bonds to refinance \$2,255,000 Taxable General Obligation Promissory Notes, Series 2020D issued on April 1, 2020. The original Notes were issued to finance an upfront developer grant to Stand Rock Hospitality (Oak Creek Hotel Ventures, LLC) per their Finance Development Agreement (FDA) to build a hotel and conference/event center on property located in TID No. 12.

The Bonds are proposed to be amortized with a level annual debt service payment over a 14-year period through 2036, which is the mandatory termination year for TID No. 12.

Justin Fischer, Director of Public Finance with Baird will be present at the Common Council meeting to discuss the Plan of Finance in greater detail, and answer any questions the Common Council may have.

Options/Alternatives: The Common Council could not approve the Plan of Finance, therefore requiring the City to pay the remaining principal balance on the \$2,255,000 Taxable General Obligation Promissory Notes in 2022.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared and Fiscal Review:

Maxwell Gaglin, MPA
Assistant City Administrator / Comptroller

Attachments: Plan of Finance

The logo for BAIRD is a dark blue parallelogram tilted to the right, containing the word "BAIRD" in white, bold, serif capital letters.

City of Oak Creek

Council Meeting

March 1, 2022

Justin A. Fischer, Director

jfischer@rwbaird.com
777 East Wisconsin Avenue
Milwaukee, WI 53202
Phone 414.765.3827
Fax 414.298.7354

City of Oak Creek

Council Meeting

March 1, 2022



Timeline

- City Council considers Plan of Finance / Parameters ResolutionsMarch 1, 2022
 - Authority for final sign-off of the Bonds sale, within designated parameters, is delegated to the City Administrator or Assistant City Administrator/Comptroller
 - Preparations are made for issuance
 - ✓ Official Statement
 - ✓ Bond Rating
 - ✓ Marketing
- If market is strong and meet Council’s parameters, sell the Bonds (finalizes terms and interest rates)March 2022
- Closing (funds available).....Anticipated early April 2022

Borrowing/Structure/Purpose

Estimated Size:	\$2,325,000
Issue:	Taxable G.O. Refunding Bonds
Purpose:	TID #12 – Refinance 2020 Notes Stand Rock Hotel 7 Convention/Event Center
Structure:	Matures April 1, 2023-2036
First Interest:	April 1, 2023
Callable:	April 1, 2029
Estimated Interest Rate:	2.93%
Parameters Maximum Interest Rate:	3.75%

City of Oak Creek

Council Meeting

March 1, 2022



TIF #12 Financing Illustration – Stand Rock Hotel & Convention/Event Center

		\$2,255,000 Taxable G.O. Promissory Notes - FINAL Dated April 1, 2020				\$2,325,000 Taxable G.O. Refunding Bonds - POS Dated April 6, 2022			Net	
Revenues		Expenditures							Revenues	
Year	(a) Projected TID #12 Revenues (1)	(b) Principal (4/1)	(c) Interest (4/1 & 10/1) TIC= 2.38%	(d) Capitalized Interest	(e) Debt Service	(f) Principal (4/1)	(g) Interest (4/1 & 10/1) TIC= 2.93%	(h) Debt Service	(i) Available After Debt Service	Year
2020									\$0	2020
2021	\$0		\$66,692	(\$66,692)	\$0				\$0	2021
2022	\$0	\$2,255,000	\$22,719	(\$21,986)	\$2,255,733				\$0	2022
2023	\$315,000					\$115,000	\$89,437	\$204,437	\$110,563	2023
2024	\$638,991					\$150,000	\$55,643	\$205,643	\$433,348	2024
2025	\$642,231					\$150,000	\$52,043	\$202,043	\$440,188	2025
2026	\$645,503	Assumes principal and accrued interest from 4/1/2022-4/7/2022 refinanced with Taxable Bonds on 4/7/2022.				\$155,000	\$49,181	\$204,181	\$441,322	2026
2027	\$648,808	Assumes interest through 4/1/2022 paid with capitalized interest.				\$155,000	\$46,043	\$201,043	\$447,765	2027
2028	\$652,146					\$160,000	\$42,655	\$202,655	\$449,491	2028
2029	\$655,517	\$165,000	\$38,998	\$203,998	\$451,520	2029				
2030	\$658,923	\$170,000	\$35,018	\$205,018	\$453,905	2030				
2031	\$662,362	\$170,000	\$30,725	\$200,725	\$461,637	2031				
2032	\$665,835	\$175,000	\$26,109	\$201,109	\$464,727	2032				
2033	\$669,344	\$180,000	\$21,093	\$201,093	\$468,251	2033				
2034	\$672,887	\$185,000	\$15,661	\$200,661	\$472,226	2034				
2035	\$676,466	\$195,000	\$9,720	\$204,720	\$471,746	2035				
2036	\$680,081	\$200,000	\$3,300	\$203,300	\$476,781	2036				
	\$8,884,092					\$2,325,000	\$515,623	\$2,840,623	\$6,043,469	

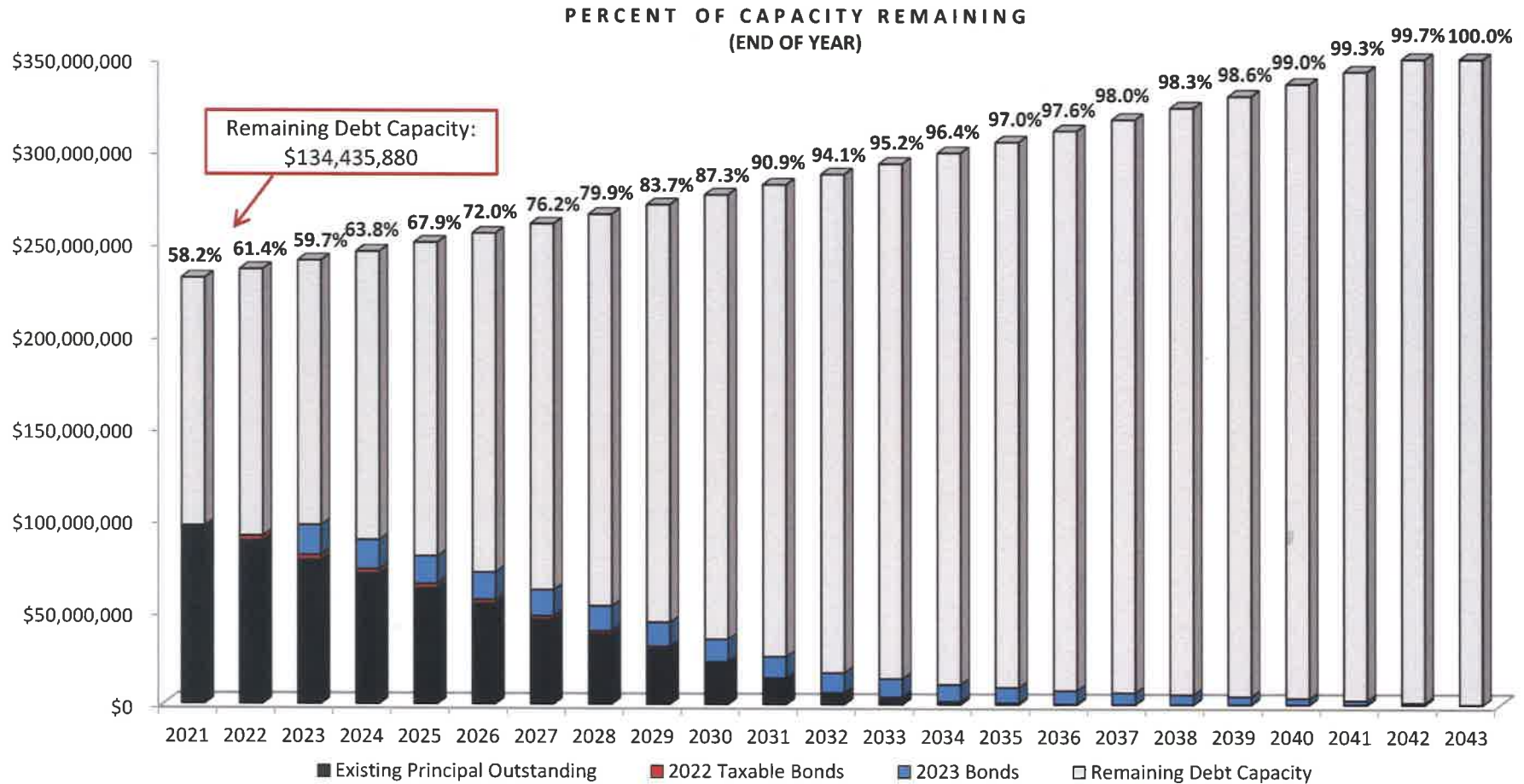
(1) Provided by the City.

City of Oak Creek

Council Meeting
March 1, 2022



Hypothetical G.O. Debt Capacity – Including 2022 Taxable Bonds and 2023 Bonds



Note: Future capacity based on 2021 Equalized Valuation (TID-IN) of \$4,618,317,600 with annual growth of 2.00%. Does not include NANs. Assumes 2021 NAN is refinanced in 2023 with G.O. Refunding Bonds amortized through 2043 (TID #13 supported).



COMMON COUNCIL REPORT

- Item:** Resolution No. 12308-030122, a Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$2,350,000 General Obligation Refunding Bonds, Series 2022A
- Recommendation:** That the Common Council adopts Resolution No. 12308-030122, a Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$2,350,000 General Obligation Refunding Bonds, Series 2022A.
- Fiscal Impact:** The Taxable General Obligation Refunding Bonds will be paid from tax increment (i.e. property taxes) as well as hotel/motel taxes generated by phase I of Stand Rock Hospitality's hotel and conference/event center in TID No. 12.
- 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 Plan of Finance includes \$2,325,000 Taxable General Obligation Refunding Bonds to refinance \$2,255,000 Taxable General Obligation Promissory Notes, Series 2020D issued on April 1, 2020. The original Notes were issued to finance an upfront developer grant to Stand Rock Hospitality (Oak Creek Hotel Ventures, LLC) per their Finance Development Agreement (FDA) to build a hotel and conference/event center on property located in TID No. 12.

The Bonds are proposed to be amortized with a level annual debt service payment over a 14-year period through 2036, which is the mandatory termination year for TID No. 12.

Resolution No. 12308-030122 gives Baird the ability to present to the City a bond sale on any day versus only on the day of a Common Council meeting, offering flexibility to take advantage of favorable interest rates. A parameter for the Taxable General Obligation Refunding Bonds is a maximum interest rate of 3.75%.

Justin Fischer, Director of Public Finance with Baird will be at the Common Council meeting to discuss this issuance in greater detail, and answer any questions the Common Council may have.

Options/Alternatives: The Common Council could choose to request that the sale of the Bonds come back to them for approval at a set Common Council meeting, thus removing the flexibility to sell the Bonds on a day of Baird's choosing based on the interest rate market.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared and Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: Plan of Finance and Resolution No. 12308-030122

The logo for BAIRD is a dark blue parallelogram with the word "BAIRD" in white, serif, all-caps font.

City of Oak Creek
Council Meeting

March 1, 2022

Justin A. Fischer, Director

jfischer@rwbaird.com
777 East Wisconsin Avenue
Milwaukee, WI 53202
Phone 414.765.3827
Fax 414.298.7354

City of Oak Creek

Council Meeting

March 1, 2022



Timeline

- City Council considers Plan of Finance / Parameters ResolutionsMarch 1, 2022
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- If market is strong and meet Council's parameters, sell the Bonds (finalizes terms and interest rates)March 2022
- Closing (funds available).....Anticipated early April 2022

Borrowing/Structure/Purpose

Estimated Size:	\$2,325,000
Issue:	Taxable G.O. Refunding Bonds
Purpose:	TID #12 – Refinance 2020 Notes Stand Rock Hotel 7 Convention/Event Center
Structure:	Matures April 1, 2023-2036
First Interest:	April 1, 2023
Callable:	April 1, 2029
Estimated Interest Rate:	2.93%
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City of Oak Creek

Council Meeting

March 1, 2022



TIF #12 Financing Illustration – Stand Rock Hotel & Convention/Event Center

		\$2,255,000 Taxable G.O. Promissory Notes - FINAL Dated April 1, 2020				\$2,325,000 Taxable G.O. Refunding Bonds - POS Dated April 6, 2022			Net Revenues	
Revenues		Expenditures								
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	\$8,884,092					\$2,325,000	\$515,623	\$2,840,623	\$6,043,469	

Assumes principal and accrued interest from 4/1/2022-4/7/2022 refinanced with Taxable Bonds on 4/7/2022.
Assumes interest through 4/1/2022 paid with capitalized interest.

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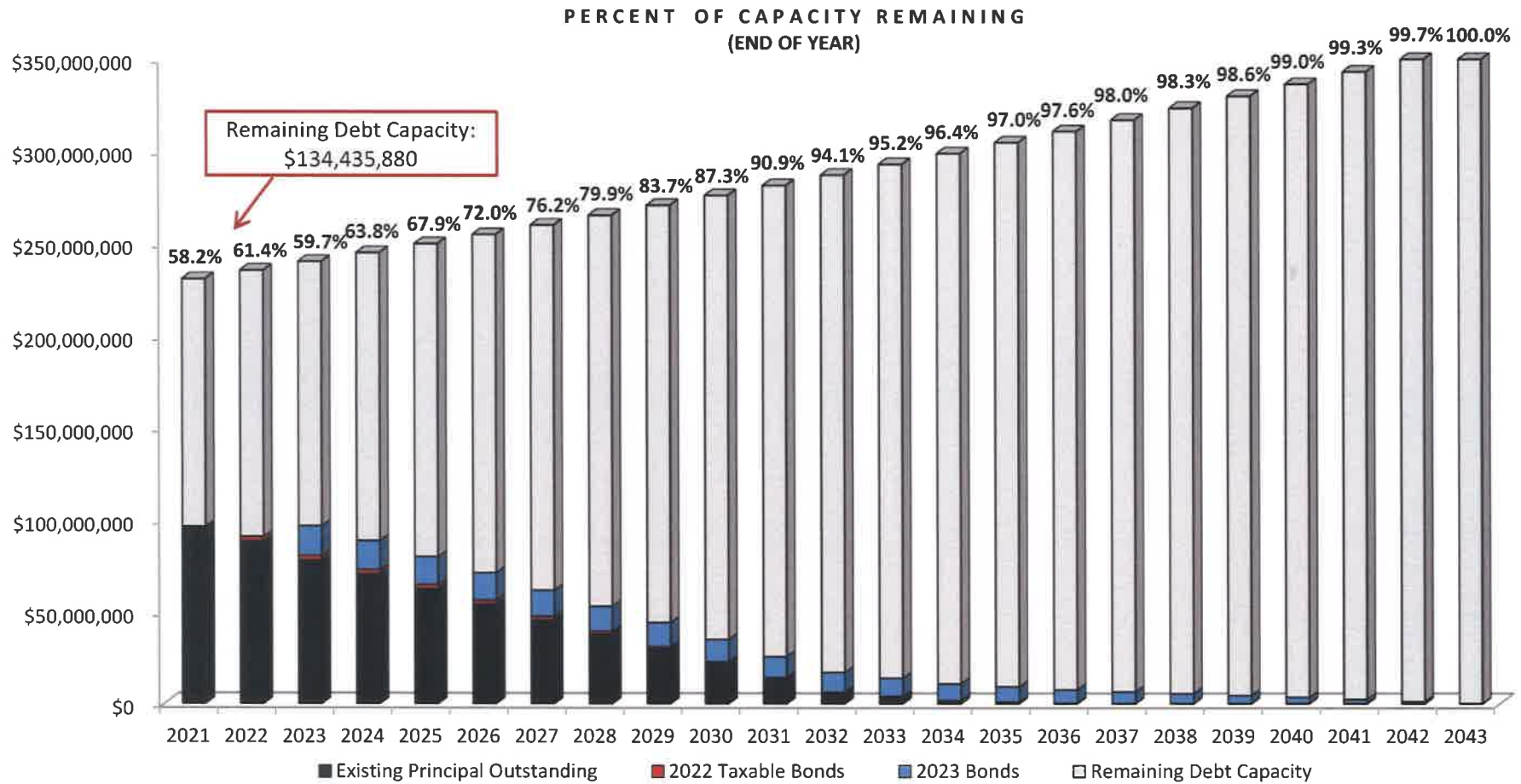
City of Oak Creek

Council Meeting

March 1, 2022



Hypothetical G.O. Debt Capacity – Including 2022 Taxable Bonds and 2023 Bonds



Note: Future capacity based on 2021 Equalized Valuation (TID-IN) of \$4,618,317,600 with annual growth of 2.00%. Does not include NANs. Assumes 2021 NAN is refinanced in 2023 with G.O. Refunding Bonds amortized through 2043 (TID #13 supported).

RESOLUTION NO. 12308-030122

RESOLUTION AUTHORIZING THE ISSUANCE AND
ESTABLISHING PARAMETERS FOR THE SALE OF NOT TO EXCEED
\$2,350,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Oak Creek, Milwaukee County, Wisconsin (the "City") to raise funds to pay the cost of refinancing certain outstanding obligations of the City, specifically, a portion of the 2023 maturity of the Taxable General Obligation Promissory Notes, Series 2020D, dated April 1, 2020 (the "2020D Bonds") (hereinafter the refinancing of such portion of the 2020D Bonds (the "Refunded Obligations") shall be referred to as the "Refunding");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of restructuring the outstanding indebtedness of the City;

WHEREAS, the City is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance its outstanding obligations;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such general obligation refunding bonds on a taxable rather than tax-exempt basis;

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and to sell the taxable general obligation refunding bonds (the "Bonds") to Robert W. Baird & Co. Incorporated (the "Purchaser");

WHEREAS, the Purchaser intends to submit a bond purchase agreement to the City (the "Proposal") offering to purchase the Bonds in accordance with the terms and conditions to be set forth in the Proposal; and

WHEREAS, in order to facilitate the sale of the Bonds to the Purchaser in a timely manner, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City to delegate to each of the City Administrator and the Assistant City Administrator/Comptroller (each, an "Authorized Officer" and together, the "Authorized Officers") of the City the authority to accept the Proposal on behalf of the City so long as the Proposal meets the terms and conditions set forth in this Resolution by executing a certificate in substantially the form attached hereto as Exhibit A and incorporated herein by reference (the "Approving Certificate").

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization and Sale of the Bonds; Parameters. For the purpose of paying costs of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes,

the principal sum of not to exceed TWO MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$2,350,000) from the Purchaser upon the terms and subject to the conditions set forth in this Resolution. Subject to satisfaction of the conditions set forth in Section 16 of this Resolution, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, Bonds aggregating the principal amount of not to exceed TWO MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$2,350,000). The purchase price to be paid to the City for the Bonds shall not be less than 96.25% of the principal amount of the Bonds and the difference between the initial public offering price of the Bonds and the purchase price to be paid to the City by the Purchaser shall not exceed 3.75% of the principal amount of the Bonds, with an amount not to exceed 1.25% of the principal amount of the Bonds representing the Purchaser's compensation and an amount not to exceed 2.50% of the principal amount of the Bonds representing costs of issuance, including bond insurance premium, payable by the Purchaser or the City.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of up to \$2,350,000; shall be dated as of their date of issuance; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and mature or be subject to mandatory redemption on the dates and in the principal amounts set forth below, provided that the principal amount of each maturity or mandatory redemption amount may be increased or decreased by up to \$150,000 per maturity or mandatory redemption amount; that a maturity or mandatory redemption payment may be eliminated if the amount of such maturity or payment set forth in the schedule below is less than or equal to \$150,000; and that the aggregate principal amount of the Bonds shall not exceed \$2,350,000. The schedule below assumes the Bonds are issued in the aggregate principal amount of \$2,325,000.

<u>Date</u>	<u>Principal Amount</u>
04-01-2023	\$115,000
04-01-2024	150,000
04-01-2025	150,000
04-01-2026	155,000
04-01-2027	155,000
04-01-2028	160,000
04-01-2029	165,000
04-01-2030	170,000
04-01-2031	170,000
04-01-2032	175,000
04-01-2033	180,000
04-01-2034	185,000
04-01-2035	195,000
04-01-2036	200,000

Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2023. The true interest cost on the Bonds (computed taking the Purchaser's compensation into account) will not exceed 3.75%. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption or shall be callable as set forth on the Approving Certificate. If the Proposal specifies that certain of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment to the Approving Certificate labeled as Schedule MRP. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in the Approving Certificate in such manner as the City shall direct.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit B and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2022 through 2035 for the payments due in the years 2023 through 2036 in the amounts as are sufficient to meet the principal and interest payments when due.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Taxable General Obligation Refunding Bonds - 2022" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser

upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter into a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 10. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the

Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 13. Official Statement. The Common Council hereby directs the Authorized Officers to approve the Preliminary Official Statement with respect to the Bonds and deem the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by the Authorized Officers or other officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 14. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 15. Redemption of the Refunded Obligations. \$2,255,000 in principal amount (or such other amount as may be approved by an Authorized Officer in the Approving Certificate) of the 2023 maturity of the 2020D Bonds are hereby called for prior payment and redemption on April 7, 2022 (or such other date approved by an Authorized Officer in the Approving Certificate, such date to be no more than 90 days after the issuance of the Bonds) at a price of par plus accrued interest to the date of redemption, subject to final approval by the Authorized Officers as evidenced by the execution of the Approving Certificate.

The City hereby directs the City Clerk to work with the Purchaser to cause timely notice of redemption, in substantially the form attached hereto as Exhibit C and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. Any and all actions heretofore taken by the officers and agents of the City to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 16. Conditions on Issuance and Sale of the Bonds. The issuance of the Bonds and the sale of the Bonds to the Purchaser are subject to satisfaction of approval by an Authorized Officer of the principal amount, definitive maturities, redemption provisions, interest rates, purchase price for the Bonds, and the redemption date and principal amount to be refunded of the Refunded Obligations, which approval shall be evidenced by execution by an Authorized Officer of the Approving Certificate.

The Bonds shall not be issued, sold or delivered until these conditions are satisfied. Upon satisfaction of these conditions, either Authorized Officer is authorized to execute a Proposal with the Purchaser providing for the sale of the Bonds to the Purchaser.

Section 17. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 18. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 19. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded March 1, 2022.

Daniel Bukiewicz
Mayor

ATTEST:

Catherine A. Roeske
City Clerk

(SEAL)

EXHIBIT A

Approving Certificate

CERTIFICATE APPROVING THE PRELIMINARY OFFICIAL STATEMENT
AND DETAILS OF
TAXABLE GENERAL OBLIGATION REFUNDING BONDS

The undersigned [City Administrator] [Assistant City Administrator/Comptroller] of the City of Oak Creek, Milwaukee County, Wisconsin (the "City"), hereby certify that:

1. Resolution. On March 1, 2022, the Common Council of the City adopted a resolution (the "Resolution") authorizing the issuance and establishing parameters for the sale of not to exceed \$2,350,000 Taxable General Obligation Refunding Bonds of the City (the "Bonds") to Robert W. Baird & Co. Incorporated (the "Purchaser") and delegating to me the authority to approve the Preliminary Official Statement, to approve the purchase proposal for the Bonds, and to determine the details for the Bonds within the parameters established by the Resolution.

2. Preliminary Official Statement. The Preliminary Official Statement with respect to the Bonds is hereby approved and deemed "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

3. Proposal; Terms of the Bonds. On the date hereof, the Purchaser offered to purchase the Bonds in accordance with the terms set forth in the Bond Purchase Agreement between the City and the Purchaser attached hereto as Schedule I (the "Proposal"). The Proposal meets the parameters established by the Resolution and is hereby approved and accepted.

The Bonds shall be issued in the aggregate principal amount of \$ _____, which is not more than the \$2,350,000 approved by the Resolution, and shall mature on April 1 of each of the years and in the amounts and shall bear interest at the rates per annum as set forth in the Pricing Summary attached hereto as Schedule II and incorporated herein by this reference. The amount of each annual principal or mandatory redemption payment due on the Bonds is not more than \$150,000 more or less per maturity or mandatory redemption amount than the schedule included in the Resolution as set forth below:

<u>Date</u>	<u>Resolution Schedule</u>	<u>Actual Amount</u>
04-01-2023	\$115,000	\$ _____
04-01-2024	150,000	_____
04-01-2025	150,000	_____
04-01-2026	155,000	_____
04-01-2027	155,000	_____
04-01-2028	160,000	_____
04-01-2029	165,000	_____
04-01-2030	170,000	_____
04-01-2031	170,000	_____
04-01-2032	175,000	_____
04-01-2033	180,000	_____
04-01-2034	185,000	_____
04-01-2035	195,000	_____
04-01-2036	200,000	_____

The true interest cost on the Bonds (computed taking the Purchaser's compensation into account) is _____%, which is not in excess of 3.75%, as required by the Resolution.

4. Purchase Price of the Bonds. The Bonds shall be sold to the Purchaser in accordance with the terms of the Proposal at a price of \$ _____, plus accrued interest, if any, to the date of delivery of the Bonds, which is not less than 96.25% of the principal amount of the Bonds, as required by the Resolution.

The difference between the initial public offering price provided by the Purchaser of the Bonds (\$ _____) and the purchase price to be paid to the City by the Purchaser (\$ _____) is \$ _____, or _____% of the principal amount of the Bonds, which does not exceed 3.75% of the principal amount of the Bonds. The amount representing Purchaser's compensation is \$ _____, or not more than 1.25% of the principal amount of the Bonds. The amount representing costs of issuance [to be paid by the City] is \$ _____, which does not exceed 2.50% of the principal amount of the Bonds.

5. Redemption Provisions of the Bonds. [The Bonds are not subject to optional redemption.] [The Bonds maturing on April 1, 20__ and thereafter are subject to redemption prior to maturity, at the option of the City, on April 1, 20__ or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.] [The Proposal specifies that certain of the Bonds are subject to mandatory redemption. The terms of such mandatory redemption shall be set forth on an attachment hereto as Schedule MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Schedule MRP for such Bonds in such manner as the City shall direct.]

6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same respectively falls due, the full faith, credit and taxing powers of the City have been irrevocably pledged and there has been levied on all of the taxable property in the City, pursuant to the Resolution, a direct, annual irrepealable tax in an amount and at the times sufficient for said purpose. Such tax shall be for the years and in the amounts set forth on the debt service schedule attached hereto as Schedule III.

7. Redemption of the Refunded Obligations. In the Resolution, the Common Council authorized the redemption of a portion of the 2023 maturity of the Taxable General Obligation Promissory Notes, Series 2020D, dated April 1, 2020 (the "Refunded Obligations") and granted me the authority to determine the principal amount of the Refunded Obligations to be refunded and the redemption date of the Refunded Obligations. The Refunded Obligations shall be (a) redeemed in the amount of \$ _____, and (b) shall be redeemed on [April 7, 2022], which is not more than 90 days after the issuance of the Bonds, as required by the Resolution.

8. Approval. This Certificate constitutes our approval of the Proposal, and the principal amount, definitive maturities, interest rates, purchase price, redemption provisions for the Bonds, and the redemption date and principal amount of the Refunded Obligations, in satisfaction of the parameters set forth in the Resolution.

IN WITNESS WHEREOF, I have executed this Certificate on _____, 2022 pursuant to the authority delegated to me in the Resolution.

[Andrew J. Vickers
City Administrator]

[Maxwell F. Gagin
Assistant City Administrator/Comptroller]

SCHEDULE I TO APPROVING CERTIFICATE

Proposal

To be provided by the Purchaser and incorporated into the Certificate.

(See Attached)

COPY

SCHEDULE II TO APPROVING CERTIFICATE

Pricing Summary

To be provided by the Purchaser and incorporated into the Certificate.

(See Attached)

COPY

SCHEDULE III TO APPROVING CERTIFICATE

Debt Service Schedule and Irrepealable Tax Levies

To be provided by the Purchaser and incorporated into the Certificate.

(See Attached)

COPY

[SCHEDULE MRP TO APPROVING CERTIFICATE

Mandatory Redemption Provision

The Bonds due on April 1, ____, ____, and ____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, 20__

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____ (maturity)
_____	_____

For the Term Bonds Maturing on April 1, 20__

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____ (maturity)
_____	_____

For the Term Bonds Maturing on April 1, 20__

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____ (maturity)
_____	_____

For the Term Bonds Maturing on April 1, 20__

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____ (maturity)]
_____	_____

EXHIBIT B TO RESOLUTION

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
MILWAUKEE COUNTY
NO. R- _____ CITY OF OAK CREEK \$ _____
TAXABLE GENERAL OBLIGATION REFUNDING BOND

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____, 2022 _____ % _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of Oak Creek, Milwaukee County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2023 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$ _____, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the public purpose of paying the cost of refunding certain obligations of the City, as authorized by a resolution adopted on March 1, 2022, as supplemented by a Certificate Approving the Preliminary Official Statement and Details of Taxable General Obligation Refunding Bonds, dated _____, 2022 (collectively, the "Resolution"). Said Resolution is recorded in the official minutes of the Common Council for said date.

【The Bonds are not subject to optional redemption.】 【The Bonds maturing on April 1, 20__ and thereafter are subject to redemption prior to maturity, at the option of the City, on April 1, 20__ or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.】

【The Bonds maturing in the years _____ are subject to mandatory redemption by lot as provided in the Resolution, at the redemption price of par plus accrued interest to the date of redemption and without premium.】

【In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.】

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as

depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Oak Creek, Milwaukee County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF OAK CREEK
MILWAUKEE COUNTY, WISCONSIN

By: _____
Daniel Bukiewicz
Mayor

(SEAL)

By: _____
Catherine A. Roeske
City Clerk

Date of Authentication: _____, _____

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned Resolution of the City of Oak Creek, Milwaukee County, Wisconsin.

ASSOCIATED TRUST COMPANY,
NATIONAL ASSOCIATION,
GREEN BAY, WISCONSIN

By _____
Authorized Signatory

COPY

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

EXHIBIT C

NOTICE OF PARTIAL CALL*

CITY OF OAK CREEK
MILWAUKEE COUNTY, WISCONSIN
TAXABLE GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2020D,
DATED APRIL 1, 2020

NOTICE IS HEREBY GIVEN that the Notes of the above-referenced issue which mature on the date and in the amount; bear interest at the rate; and have a CUSIP No. as set forth below have been called for prior payment on [April 7, 2022] at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
04/01/2023	\$[2,255,000**]	1.95%	671137D61

Upon presentation and surrender of said Notes to Associated Trust Company, National Association, Green Bay, Wisconsin, the registrar and fiscal agent for said Notes, the registered owners thereof will be paid the principal amount of the Notes plus accrued interest to the date of prepayment.

Said Notes will cease to bear interest on [April 7, 2022].

By Order of the
Common Council
City of Oak Creek
City Clerk

Dated _____

* To be provided to Associated Trust Company, National Association, Green Bay, Wisconsin at least thirty-five (35) days prior to [April 7, 2022]. The registrar and fiscal agent shall be directed to give notice of such prepayment by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by The Depository Trust Company, to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 570 Washington Blvd., Jersey City, NJ 07310, not less than thirty (30) days nor more than sixty (60) days prior to [April 7, 2022] and to the MSRB electronically through the Electronic Municipal Market Access (EMMA) System website at www.emma.msrb.org.

**Represents a portion of the principal amount outstanding of this maturity.

COMMON COUNCIL REPORT

Item: Amendment to Existing Easement with Milwaukee Metropolitan Sewerage District

Recommendation: That the Council adopts Resolution No. 12312-030122, a Resolution Approving an Amendment to Existing Easement with Milwaukee Metropolitan Sewerage District on the property at 9010 South 5th Avenue (Tax Key No. 8669003000) (4th District)

Fiscal Impact: None

Critical Success Factor(s):

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

Background: In 1969, Peter Cooper Corporations, the predecessor in interest to the City of Oak Creek, granted a 20-foot easement to the Metropolitan Sewerage Commission of the County of Milwaukee, predecessor in interest to the Milwaukee Metropolitan Sewerage District ("MMSD"), for the property located at 9010 South 5th Avenue. The City and MMSD recently discovered that a portion of the Metropolitan Interceptor Sewer line ("MIS") for which this easement was created and a manhole were constructed outside of the stated boundary of the easement. With the redevelopment of the property, the parties need to accurately reflect the location of the MIS line and manhole and extend the existing easement to include these portions.

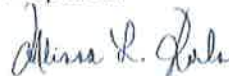
Options/Alternatives: The Common Council could decide not to approve the Amendment to Existing Easement, but this would leave a portion of the MIS line and manhole improperly outside of the easement.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Melissa L. Karls
City Attorney

Fiscal Review:



Maxwell Gaggin, MPA
Assistant City Administrator/Comptroller

Reviewed:



Brian Johnston, P.E.
Utility Engineer

Attachments:

- Proposed Amendment to Existing Easement with MMSD
- Resolution No. 12312-030122

RESOLUTION NO. 12312-030122

RESOLUTION APPROVING AN AMENDMENT TO EXISTING EASEMENT BETWEEN
THE CITY OF OAK CREEK AND MILWAUKEE METROPOLITAN SEWERAGE
DISTRICT ON THE PROPERTY AT 9010 SOUTH 5TH AVENUE
(Tax Key No. 8669003000)
(4th District)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Amendment to Existing Easement between the City of Oak Creek (the "City") and Milwaukee Metropolitan Sewerage District ("MMSD") on the property at 9010 South 5th Avenue (the "Amendment") is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute and the City Clerk to attest to the Amendment in behalf of the City.

BE IT FURTHER RESOLVED that technical corrections or amendments to the Amendment that do not substantively change the terms of the Easement and that are approved by the Utility Engineer and City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 1st day of March, 2022.

Passed and adopted this ____ day of _____, 2022.

Common Council President Kenneth Gehl

Approved this ____ day of _____, 2022.

Mayor Daniel J. Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes ____ Noes ____

Document Number

AMENDMENT TO EXISTING EASEMENT

THIS AMENDMENT is to the existing EASEMENT between the Peter Cooper Corporations, GRANTOR, a predecessor in interest to the CITY OF OAK CREEK, a municipal corporation, ("City") and Metropolitan Sewerage Commission of the County of Milwaukee, GRANTEE, a predecessor of the MILWAUKEE METROPOLITAN SEWERAGE DISTRICT ("District"), a state chartered municipal entity, dated December 13, 1968 and recorded in the Milwaukee County Register of Deeds on July 2, 1969, Document #4473150.

It was recently discovered by the City and the District that a portion of the Metropolitan Interceptor Sewer line for which the existing EASEMENT was created was actually constructed outside of the stated boundary of the EASEMENT on the property as shown in the mapping attached as Exhibit C.

As the property is being redeveloped, the parties wish to accurately reflect the location of the MIS line and extend the EASEMENT of record to cover that location, as described in the attached Exhibit A and shown on the attached Exhibit B.

THEREFORE, for the sum of \$1.00 and other good and valuable consideration, the parties agree to this AMENDMENT. All terms of the existing EASEMENT remain in full force and effect.

IN WITNESS WHEREOF

CITY OF OAK CREEK (GRANTOR)

Daniel J. Bukiewicz, Mayor

Attest: Catherine A. Roeske, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Executed this _____ day of March, 2022, pursuant to approval granted on the _____ day of March, 2022, by the Mayor and City Clerk, respectively, of the City of Oak Creek pursuant to Resolution No. 12312-030122.

Name:
Notary Public, Milwaukee County, Wisconsin
My commission expires: _____

This space is reserved for recording data

Return to:
Milwaukee Metropolitan Sewerage District
Attn: Real Estate Department
260 West Seeboth Street
Milwaukee, Wisconsin, 53204-1446

Parcel Identification Number/Tax Key Number
8669003000

MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

(Signature)

(Date)

KEVIN L. SHAFER, P.E. EXECUTIVE DIRECTOR

(Print Name and Title)

State of Wisconsin)

) ss.

Milwaukee County)

On the above date, this instrument was acknowledged before me by the above named Executive Director of the Milwaukee Metropolitan Sewerage District, know to me to be such officer, and who acknowledged that he executed the forgoing instrument on its behalf for the purpose aforesaid and by his authority as such officer.

Approved as to form - MMSD Legal Dept

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

This document was drafted by the Milwaukee Metropolitan Sewerage District

EXHIBIT A

EASEMENT AMENDMENT LEGAL DESCRIPTION

A PERMANENT EASEMENT LOCATED IN LOT 3 OF CERTIFIED SURVEY MAP NO. 8439 (DOCUMENT NO. 10120487) AND ALSO BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

Commencing at the Northwest Corner of said Section 24; thence South 00°50'10" West (recorded as South 00°50'07" West) along the west line of the Northwest 1/4 of said Section 24, 638.88 feet to the extended north line of said Lot 1 of Certified Survey Map No. 8439; thence South 89°26'09" East (recorded as South 89°26'12" East), 545.78 feet to the Northeast corner of said Lot 1; thence South 40°57'10" East (recorded as South 40°57'13" East) along the northeasterly line of said Lot 1, 632.48 feet; thence South 61°41'10" East (recorded as South 61°41'13" East) along said northeasterly line, 577.40 feet; thence South 00°27'10" West (recorded as South 00°27'07" West) along the easterly line of said Lot 1, 277.98 feet; thence South 89°32'50" East, 20.00 feet to the east line of an existing permanent right of way (Document No. 4473150) and the point of beginning; thence South 06°36'55" East, 138.66 feet; thence South 09°18'40" West, 97.92 feet to the north line of said existing permanent right of way; thence North 87°15'20" West along said north line, 1.98 feet to the east line of said existing permanent right of way; thence North 00°27'10" East along said east line, 234.28 feet to the point of beginning; containing 2,095 square feet.

EXHIBIT B

DRAWING OF EASEMENT AMENDMENT

EASEMENT EXHIBIT

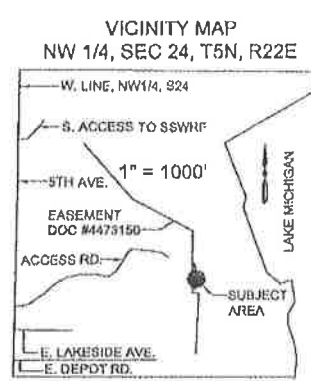
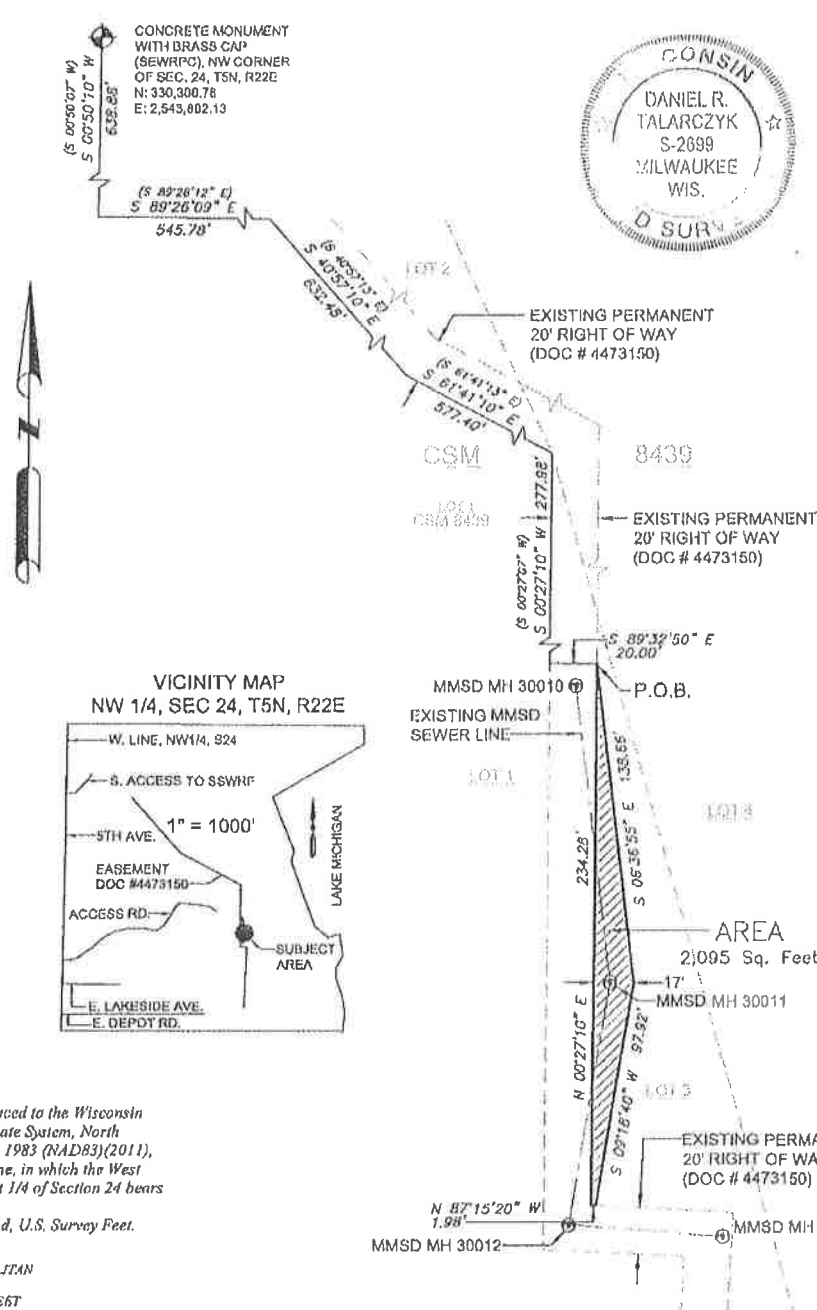
A PERMANENT EASEMENT LOCATED IN LOT 3 OF CERTIFIED SURVEY MAP NO. 8439 (DOCUMENT NO. 10120487) AND ALSO BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN. BOUNDED AND DESCRIBED AS FOLLOWS:

Commencing at the Northwest Corner of said Section 24; thence South 00°50'10" West (recorded as South 00°50'07" West) along the west line of the Northwest 1/4 of said Section 24, 638.88 feet to the extended north line of said Lot 1 of Certified Survey Map No. 8439; thence South 89°26'09" East (recorded as South 89°26'12" East), 545.78 feet to the Northeast corner of said Lot 1; thence South 40°57'10" East (recorded as South 40°57'13" East) along the northeasterly line of said Lot 1, 632.48 feet; thence South 61°41'10" East (recorded as South 61°41'13" East) along said northeasterly line, 577.40 feet; thence South 00°27'10" West (recorded as South 00°27'07" West) along the easterly line of said Lot 1, 277.98 feet; thence South 89°32'50" East, 20.00 feet to the east line of an existing permanent right of way (Document No. 4473150) and the point of beginning; thence South 06°36'55" East, 138.66 feet; thence South 09°18'40" West, 97.92 feet to the north line of said existing permanent right of way; thence North 87°15'20" West along said north line, 1.98 feet to the east line of said existing permanent right of way; thence North 00°27'10" East along said east line, 234.28 feet to the point of beginning; containing 2,095 square feet.

I hereby certify that I have surveyed and mapped the lands described hereon, and that this map is a correct representation thereof in accordance with the information provided.

February 10, 2022

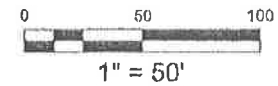
Daniel R. Talarczyk
Daniel R. Talarczyk P.L.S.



- Notes:
- 1) Bearings are referenced to the Wisconsin State Plane Coordinate System, North American Datum of 1983 (NAD83)(2011), Wisconsin South Zone, in which the West line of the Northwest 1/4 of Section 24 bears S 00°50'10" W.
 - 2) Distances are ground, U.S. Survey Feet.

SURVEYED BY:
MILWAUKEE METROPOLITAN
SEWERAGE DISTRICT
260 WEST SEEBOTH STREET
MILWAUKEE, WI 53204-1446
(414) 272-3100

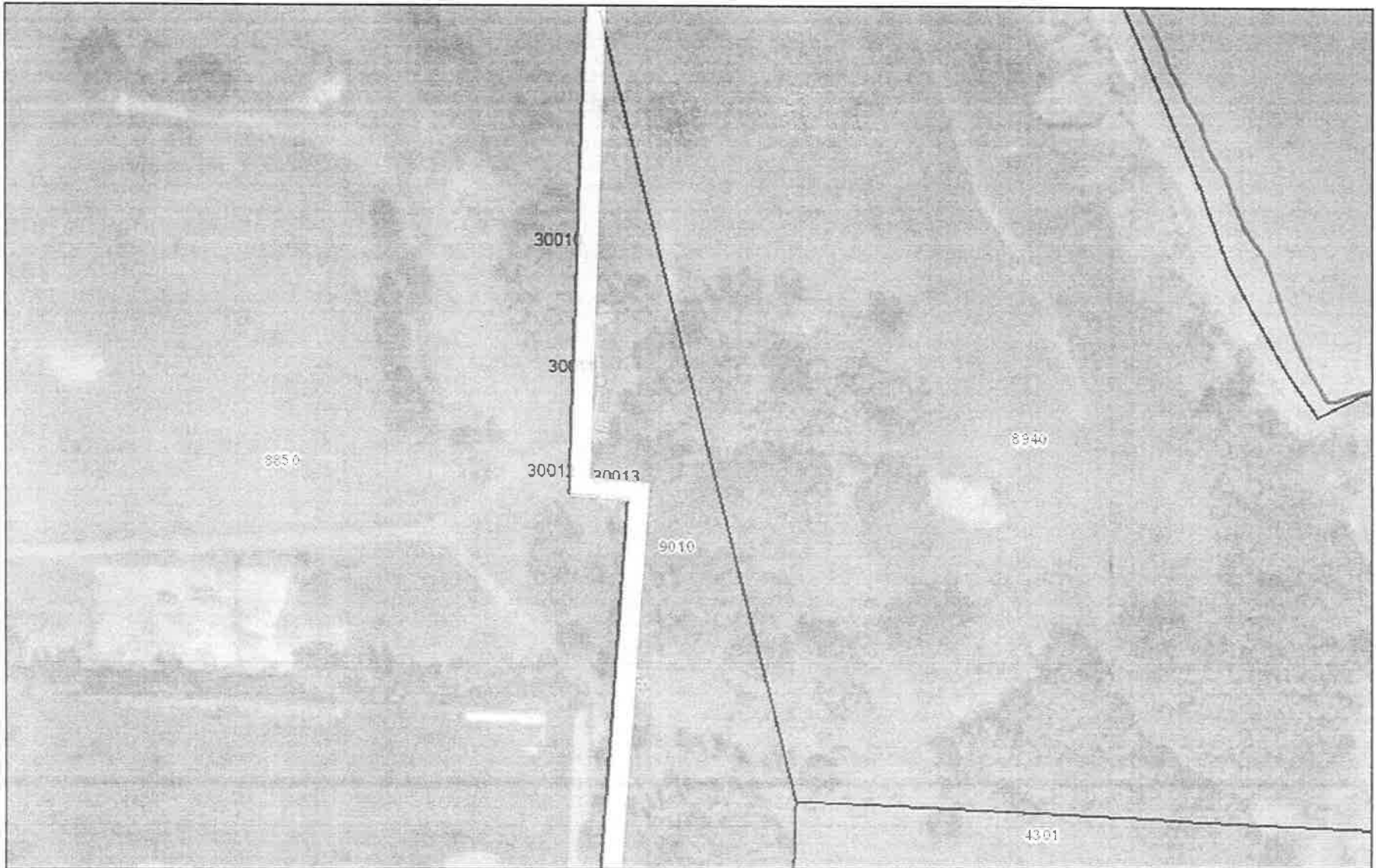
DRAWN BY: *BGB*
REVIEWED BY: *DFP*



MAP OF PROPERTY

EXHIBIT C

EXHIBIT C MMSD Real Estate



2/10/2022, 1:07:40 PM

Easements

Pipeline Zoomed In Manhole

Permanent Easement MIS MIS

Parcels with Plats of Survey by Address & Document



Esri, HERE, GeoTechnologies, Inc., Milwaukee County GIS & Land Information, MMSD, Mexar, Microsoft, Esri, HERE, Garmin



COMMON COUNCIL REPORT

Item: Termination and Release of Certain Easements for Certified Survey Map No. 7769

Recommendation: That the Council adopts Resolution No. 12310-030122, a Resolution Approving a Termination and Release of Certain Easements for Certified Survey Map No. 7769 with DM Investment Real Estate LLC on the property at 8100 South 27th Street (The Oaks at 8100) (Tax Key No. 8109012001) (2nd District)

Fiscal Impact: None

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

Background: As part of the initial development of Colonial Woods, certain easements were reserved to the City of Oak Creek from DM Investment Real Estate LLC with the recording of Certified Survey Map No. 7769 in 2006. With the current multifamily development of The Oaks at 8100, located at 8100 South Orchard Way, The Oaks developer, Decker Properties, Inc., requested this release of easements. City staff concurs with the requested releases under the proposed Termination and Release of Certain Easements for Certified Survey Map No. 7769, as these particular utility, access, temporary cul-de-sac and vision corner easements are no longer necessary to be preserved.

Options/Alternatives: The Common Council could decide not to approve the Termination and Release of Easements, but doing so would result in the obsolete easements remaining on title and preventing the necessary development from proceeding.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Melissa L. Karls
City Attorney

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Reviewed:

Brian Johnston, P.E.
Utility Engineer

Reviewed:

Matthew J. Sullivan, P.E.
City Engineer

Attachments:

- Proposed Termination and Release of Certain Easements for Certified Survey Map No. 7769
- Resolution No. 12310-030122

RESOLUTION NO. 12310-030122

RESOLUTION APPROVING A TERMINATION AND RELEASE OF CERTAIN
EASEMENTS FOR CERTIFIED SURVEY MAP NO. 7769 WITH DM INVESTMENT REAL
ESTATE LLC ON THE PROPERTY AT 8100 SOUTH 27TH STREET
(Tax Key No. 8109012001)
(2nd District)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Termination and Release of Certain Easements for Certified Survey Map No. 7769 with DM Investment Real Estate LLC on the property at 8100 South 27th Street (the "Release") is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute and the City Clerk to attest to the Release in behalf of the City.

BE IT FURTHER RESOLVED that technical corrections or amendments to the Release that do not substantively change the terms of the Easement and that are approved by the City Engineer and City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 1st day of March, 2022.

Passed and adopted this ____ day of _____, 2022.

Common Council President Kenneth Gehl

Approved this ____ day of _____, 2022.

Mayor Daniel J. Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes ____ Noes ____

**RELEASE OF RECORDED
EASEMENTS**

This **RELEASE OF RECORDED EASEMENTS**(the “**Release**”) is made and entered into this ____ day of February, 2022, by and between DM INVESTMENT REAL ESTATE, LLC, a Wisconsin limited liability company (the “**Owner**”) and the City of Oak Creek (the “**City**”).

RECITALS

WHEREAS, Heartland Development Group, Ltd. recorded Certified Survey Map No. 7769 in the office of the Register of Deeds for Milwaukee County, Wisconsin on June 7, 2006, as Document No. 09248022 (the “**CSM**”).

WHEREAS, Owner is the fee simple owner of a portion of Lots 1 and 3 of the CSM more particularly described on Exhibit A attached hereto;

WHEREAS, the CSM includes a number of easements granted to the City in connection with a previously proposed development of portions of the land subject to the CSM (collectively, the “**Easements**”); and,

WHEREAS, the Owner and City desire to terminate and release those Easements described below and release the parties from their respective obligations thereunder upon the terms and conditions set forth herein.

Recording Area

Name and Return Address:
Michael T. Van Someren
Davis & Kuelthau, s.c.
111 E. Kilbourn Ave., Suite 1400
Milwaukee, WI 53202

Parcel Identification Number (PIN)

8109012001

AGREEMENT

NOW THEREFORE, in consideration of the recitals and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner and the City hereby agree as follows:

1. Termination and Release. The Owner and the City hereby terminate and release the following Easements (further depicted on Exhibit B attached hereto) and hereby agree that the parties shall be released from and have no further rights, title, interest or obligations thereunder (collectively, the “**Released Easements**”):

- A. The “25’ General Utility & Access Easement Per CSM No. 7769” traveling northwest to southeast and located on the northern portion of Lot 1;

- B. The “30’ General Utility & Access Easement Per CSM No. 7769” traveling west to east and located along the northern boundary of Lot 1;
- C. The “17.5’ Temp. Cul-de-Sac Easement Per CSM No. 7769” traveling north to south and located on the northern portion of Lots 1 and 3;
- D. The “25’ General Utility & Access Easement Per CSM No. 7769” traveling west to east and located on a portion of Lot 3;
- E. The “30’ General Utility & Access Easement Per CSM No. 7769” traveling northwest to southeast and located along the eastern boundary of the Lot 1;
- F. The “50’ x 50’ Vison Corner Easement Per CSM No. 7769” located on the western boundary of Lot 1; and
- G. The “57’ General Utility & Access Easement Per CSM No. 7769” traveling west to east and located on the northern portion of Lot 1.

2. Authority. The persons executing this Release represent and warrant that they have the legal authority to bind the respective party for which signature is made.

3. Governing Law. This Release shall be deemed to be made under, and shall be construed in accordance with, and shall be governed by, the laws of the State of Wisconsin.

IN WITNESS WHEREOF, the parties hereto have executed this Release as of the date first above written.

DM INVESTMENT REAL ESTATE, LLC

DATED: 2-24-22

By: Shane Murphy
Name: Shane Murphy
Title: Member

DATED: _____

CITY OF OAK CREEK

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

[Acknowledgements on following page]

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) SS
COUNTY OF MILWAUKEE)
 WASHINGTON

Personally came before me this 24 day of February, 2022, the above-named Shane M. Murphy
member of DM INVESTMENTS REAL ESTATE, LLC to me known to be the person who
executed the foregoing instrument in such capacity and acknowledged the same.

[SEAL]



[Signature]
Printed Name: Christa Weindorf
Notary Public
Milwaukee County, Wisconsin
My commission expires: 1-12-23

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) SS
COUNTY OF MILWAUKEE)

Personally came before me this ____ day of February, 2022, the above-named _____
and _____, to me known to be the _____ and _____
respectively of the City of Oak Creek, and to me known to be the persons who executed the foregoing
instrument and acknowledged the same.

Printed Name: _____
Notary Public
Milwaukee County, Wisconsin
My Commission expires: _____

Instrument drafted by: Michael T. Van Someren, Esq. of Davis & Kuelthau, s.c., 111 East Kilbourn
Avenue, Suite 1400, Milwaukee, WI 53202

EXHIBIT A

Legal Description

Being a part of Lot 1, and a part of Lot 3, of Certified Survey Map No. 7769, located in the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, more fully described as follows: All of Lot 1 and Lot 3 of Certified Survey Map No. 7769, EXCEPTING the following: commencing at the West 1/4 corner of said Section 18; thence North 89 deg. 15'13" East, along the South line of the Northwest 1/4 of said Section, 80.01 feet to the Easterly 80 foot right-of-way of 27th Street; thence North 00 deg. 01'54" West, along said Easterly right-of-way of 27th Street, 47.49 feet to the point of beginning of the hereinafter described lands, thence North 00 deg. 01'54" West, along said Easterly right-of-way, 346.40 feet; thence North 88 deg. 38'30" East, 1599.18 feet; thence South 61 deg. 26'03" East, 142.50 feet, thence South 13 deg. 32'49" West 134.63 feet; thence South 86 deg. 52'55" West 227.22 feet; thence South 39 deg. 10'23" West, 262.49 feet, thence South 89 deg. 15'13" West, along the South line of the Northwest 1/4 of Section 18, 1069.56 feet to a point on the right-of-way of Forest Hill Avenue; thence North 0 deg. 03'20" West along said right-of-way, 12.49 feet; thence North 89 deg. 15'31" West, along said right-of-way, 3.51 feet, thence 27.33 feet along said right-of-way and the arc of a curve to the right having a radius of 32.00 feet whose chord bears North 66 deg. 16'36.5" West, 26.51 feet, thence 59.79 feet along said right-of-way and the arc of a curve to the left having a radius of 70.00 feet whose chord bears North 66 deg. 16'36.5" West, 57.99 feet, thence South 89 deg. 15'13" West, along said right-of-way, 149.14 feet to the point of beginning.



COMMON COUNCIL REPORT

Item: The Oaks at 8100 Storm Water Maintenance Agreement

Recommendation: That the Common Council adopts Resolution No. 12309-030122, a resolution approving a Storm Water Management Practices Maintenance Agreement with Decker Properties, Inc., for The Oaks at 8100 development located at 8100 S. 27th Street. (Tax Key Nos. 810-9005, 810-9012-001, and 810-9013-001) (2nd Aldermanic District)

Fiscal Impact: None.

Critical Success Factor(s):

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

Background: The proposed Oaks at 8100 development requires onsite storm water management practices in accordance with Sections 13.100 through 13.114 of the Municipal Code. Section 13.109 of the Municipal Code requires a maintenance agreement between the City and the permittee for the future maintenance of the required storm water management practices.

Options/Alternatives: Not to adopt this resolution and therefore the storm water permit cannot be issued resulting in the development being unable to proceed per Section 13.107 of the Municipal Code.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Philip J. Beiermeister, P.E.
Environmental Design Engineer

Fiscal Review:

Maxwell Gaggin, MPA
Assistant City Administrator/Comptroller

Approved:

Matthew J. Sullivan, P.E.
City Engineer

Attachments: Resolution No. 12309-030122, Storm Water Management Maintenance Agreement

RESOLUTION NO. 12309-030122

BY: _____

RESOLUTION APPROVING A STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT WITH DECKER PROPERTIES, INC. FOR THE OAKS AT 8100 DEVELOPMENT LOCATED AT 8100 S. 27TH STREET

(TAX KEY NOS. 810-9005, 810-9012-001 AND 810-9013-001)

(2ND ALDERMANIC DISTRICT)

WHEREAS, Decker Properties, Inc. (Owner), requires onsite storm water management practices for their proposed Oaks at 8100 development located at 8100 S. 27th Street, and,

WHEREAS, the City requires that the Owner enter into a Storm Water Management Practices Maintenance Agreement, and,

WHEREAS, the required Storm Water Management Practices Maintenance Agreement has been prepared and signed by the Owner,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the attached Storm Water Management Practices Maintenance Agreement, as signed by the Owner, is hereby approved by the City.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are hereby authorized and directed to execute the attached agreement on behalf of the Common Council of the City of Oak Creek and upon execution by both the City of Oak Creek and the Owner, the City Attorney is hereby authorized and directed to record the same in the Office of the Register of Deeds in and for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 1st day of March, 2022.

Passed and adopted this 1st day of March, 2022.

President, Common Council

Approved this 1st day of March, 2022.

Mayor

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

Document Number

THE OAKS AT 8100
8100 S. 27th Street
Storm Water Management Practices
Maintenance Agreement
Document Title

Recording Area

Matthew J. Sullivan
Engineering Department
8040 S. 6th Street
Oak Creek, WI 53154
Name and Return Address

810-9005, 810-9012-001, 810-9013-001

Parcel Identification Number (PIN)

STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this 10th day of FEB, 2022, by and between Decker Properties, Inc., hereinafter called the "Owner", and the City of Oak Creek, hereinafter called the "City".

WITNESSETH:

WHEREAS, the Owner is the owner of the following described lands situated in the City of Oak Creek, County of Milwaukee, State of Wisconsin, to-wit:

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

Commencing at the Southwest corner of the Northwest 1/4 of said Section 18; thence North 00°-01'-54" West along the West line of said Northwest 1/4, a distance of 1,196.33 feet;

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

Said lands contain 1,071,388 square feet or 24.596 acres, hereinafter called the "Property".

WHEREAS, the Owner is developing the Property; and

WHEREAS, the Site Plan/Subdivision Plan known as The Oaks at 8100, hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for on-site storm water management practices within the confines of the Property; and

WHEREAS, the City and the Owner, its successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Oak Creek, require that on-site storm water management practices as defined in Section 13.103 of the Oak Creek Municipal Code be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site storm water management practices as shown on the Plan be constructed and adequately maintained by the Owner, its successors and assigns, including any homeowners association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site storm water management practices shall be constructed by the Owner, its successors and assigns, including any homeowners association, in accordance with the plans and specifications identified in the Plan. The storm water management practices shall serve the drainage area designated in the Plan.
2. The Owner, its successors and assigns, including any homeowners association, shall regularly inspect the storm water management practices as often as conditions require, but in any event at least once each year. The standard Operation and Maintenance Report attached to this agreement as Exhibit A and by this reference made a part hereof shall be used for the purpose of the regular inspections of the storm water management practices. The Owner, its successors and assigns shall keep the Operation and Maintenance Reports from past inspections as well as a log of maintenance activity indicating the date and type of maintenance completed. The Reports and maintenance log shall be made available to the City for review. The purpose of the inspections is to assure safe and proper functioning of the facilities. The inspections shall cover all facilities including but not limited to berms, outlet structures, subsurface structures, infiltration areas, pond areas and access roads. Deficiencies shall be noted in the Operation and Maintenance Report.

3. The Owner, its successors and assigns, including any homeowners association, shall adequately maintain the storm water management practices, including but not limited to all pipes and channels built to convey storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the storm water. Adequate maintenance is herein defined as keeping the storm water management facilities in good working condition so that these facilities are performing their design functions and are in accordance with the Detention Basin Maintenance Standards attached to this agreement as Exhibit B and by this reference made a part hereof.
4. The Owner, its successors and assigns, including any homeowners association, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the storm water management practices whenever the City deems necessary. The purpose of inspection is to investigate reported deficiencies and/or to respond to citizen complaints. The City shall provide the Owner, its successors and assigns, including any homeowners association, copies of the inspection findings and a directive to commence with the repairs if necessary. Corrective actions shall be taken within a reasonable time frame as established by the City Engineer.
5. If the Owner, its successors and assigns, including any homeowners association, fails to maintain the storm water management practices in good working condition acceptable to the City and does not perform the required corrective actions in the specified time, the City may:
 - a) Issue a citation to the Owner, its successors and assigns. The penalty for violation of this section shall be not less than \$50.00 nor more than \$500.00 for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense, and
 - b) Perform the corrective actions identified in the inspection report and assess the Owner, its successors and assigns for the cost of such work. The cost of such work shall be specially assessed against the Property pursuant to Wisconsin Statutes Section 66.0703. If the facilities are located on an outlot owned collectively by a homeowners association, the City may assess each member of the homeowners association according to the ownership interest in the facilities located on the property. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Owner outside of the easement for the storm water management practices. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said storm water management practices, and in no event shall this Agreement be construed to impose any such obligation on the City.
6. The Owner, its successors and assigns, including any homeowners association, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the storm water management practices (including sediment removal) is outlined on the approved plans, the schedule will be followed. The minimal amount of maintenance on the storm water management practices shall be in accordance with the Detention Basin Maintenance Standards (Exhibit B).
7. In the event the City pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Owner, its successors and assigns, including any homeowners association, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.

8. This Agreement imposes no liability of any kind whatsoever on the City and the Owner agrees to hold the City harmless from any liability in the event the storm water management practices fail to operate properly.
9. This Agreement shall be attached as an exhibit to any document which creates a homeowners association that is responsible for maintenance of the storm water management practices and be recorded at the Milwaukee County Register of Deeds, and shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association. The owner shall provide the City with a copy of any document which creates a homeowners association that is responsible for the storm water management practices.



EXHIBIT A OPERATION AND MAINTENANCE INSPECTION REPORT STORM WATER MANAGEMENT PONDS

Inspector Name: _____

Tax Key No.: _____

Inspection Date: _____

Location: _____

Detention Basin Type: Wet Pond _____ Underground _____
 Extended Dry _____ Bioretention _____
 Artificial Wetland _____

Watershed _____

Items Inspected (Pond components)	Checked (Yes/ No/ NA)	Maintenance Needed (Yes/ No/ NA)	Remarks
Embankment and Emergency spillway			
1. Trash and debris			
2. Vegetation and ground cover adequate			
3. Embankment erosion			
4. Animal burrows			
5. Unauthorized plantings/tree growth			
6. Cracking, bulging, or sliding of embankment			
a. Upstream face and toe of slope			
b. Downstream face and toe of slope			
7. Settlement			
8. Seeps/leaks on downstream face			
9. Emergency spillway			
a. Clear of trash and debris			
b. Settlement			
c. Slope protection or riprap failures			
10. Other (specify)			
Inlet/Outlet Structures			
Type: Pipe (RCP/CMP/Plastic)			
Stand pipe/inlet box with orifice			
Weir (V-notch/Rectangular)			
Other _____			
1. Erosion/scouring/undermining at inlet or outlet			
2. Primary outlet structure			
a. Debris or sediment removal necessary			
b. Damaged			
c. Orifice plate damaged, out of place or missing			
3. Trash rack/hood maintenance			
a. Trash or debris removal necessary			
b. Damaged or missing			
c. Corrosion/rust control			
Pond Bottom/Pool Area			
1. Sediment accumulation (estimate depth)			
2. Water level at normal pool elevation			
3. Oil sheen on water			

EXHIBIT B
DETENTION BASIN MAINTENANCE STANDARDS

Maintenance Component	Defect	Conditions When Maintenance Is Needed	Results Expected When Maintenance Is Performed
Side Slopes and Embankments	Trash & Debris	Any visual evidence of dumping, trash or debris.	Trash and debris cleared from site.
	Unmowed vegetation/ Ground Cover	Unless designated by the Common Council as a nature center or wildlife preserve, if the facility is located in a platted subdivision, multi-family apartment complex, planned development or a mobile home district, mowing is needed when vegetation exceeds 6 inches in height. In all other areas, mowing is needed when vegetation exceeds one foot in height. Mowed vegetation should be removed from areas where it could enter the pond, either when the pond level rises or by rainfall runoff.	When mowing is needed, grass/ground cover should be mowed to 2 inches in height. Trees and bushes should be removed where they interfere with pond maintenance activities; that is, at the inlet, outlet and near engineered structures. Nature centers and wildlife preserves should follow the maintenance guidelines in the approving resolution and approved storm water management plan.
	Rodent Holes	Any evidence of rodent holes if facility is acting as a dam or berm, or any evidence of water piping through dam or berm via rodent holes.	Rodents destroyed and dam or berm repaired.
	Tree Growth	Tree growth does not allow maintenance access or interferes with maintenance activity (i.e., slope mowing, silt removal or equipment movements).	Trees do not hinder maintenance activities.
	Erosion	Eroded damage over 2 inches deep where cause of damage is still present or where there is potential for continued erosion.	Slopes should be stabilized by using appropriate erosion control measures; e.g., rock rip-rap, planting of grass, erosion mat, compaction.
Inlet/ Outlet Pipe	Debris and Sediment	Sediment and/or debris clogging more than 10% of the pipe opening.	No clogging or blockage in the inlet and outlet piping.
	Damaged	Rust is causing more than 50% deterioration to any part of metal pipes, cracks in plastic pipe or cracks or exposed rebar in concrete pipes.	Pipe repaired or replaced.
		Any dent that decreases the cross section area of pipe by more than 10% or retards the flowage of water.	Pipe repaired or replaced.
	Erosion/Scouring	Eroded or scoured bottom at inlet or outlet pipes; undermining of structure or end section.	Area should be stabilized by using appropriately sized rock rip-rap.
	Damaged or Missing Orifice Plate	Control device is not working properly due to missing, out of place, or bent orifice plate.	Plate is in place and works as designed.
	Orifice Plate Obstructions	Any trash, debris, sediment, or vegetation blocking the plate.	Plate is free of all obstructions and works as designed.
Trash Racks/Hoods	Trash and Debris	Trash or debris that is plugging more than 20% of the openings in the barrier.	Barrier clear to receive capacity flow.
	Damaged/ Missing Bars or Hood	Bars or hood are bent out of shape more than 3 inches.	Bars in place with no bends more than 3/4 inch.
		Bars are missing or entire barrier missing	Bars in place according to design.
		Bars are loose and rust is causing 50% deterioration to any part of barrier.	Repair or replace barrier to design standards.
Pool Area	Sediment Accumulation in Pond Bottom	Sediment accumulations in pond bottom that exceeds the design sediment depth.	Sediment cleaned out to designed pond shape and depth; pond reseeded if necessary to control erosion.
	Water Level	Water level does not drain down to normal designed pool elevation.	Check outlet structure and downstream conveyance system for obstructions.
	Oil Sheen on Water	Prevalent and visible oil sheen.	Remove oil from water by use of oil-absorbent pads or by vacator truck. Refer problem to locate source and correct.
Emergency Overflow/Spillway and Dikes	Settlements	Any part of these components that has settled 4-inches lower than the design elevation, or inspector determines dike/ berm is unsound.	Dike should be built back to the design elevation and repaired to specifications.
	Rock Missing	Only one layer of rock exists above native soil in area five square feet or larger, or any exposure of native soil at the top emergency spillway.	Replace rocks to design standards.

WITNESS the following signatures and seals:

DECKER PROPERTIES, INC. ✓

[Signature]
David Decker, President



The foregoing Agreement was acknowledged before me this 10th day of February, 2022,
by the above named David Decker

[Signature]
NOTARY PUBLIC

My Commission Expires: 11/27/2025

CITY OF OAK CREEK, WISCONSIN

Daniel J. Bukiewicz, Mayor

Catherine A. Roeske, City Clerk

The foregoing Agreement was acknowledged before me this ____ day of _____, 2022,
by the above named DANIEL J. BUKIEWICZ and CATHERINE A. ROESKE.

NOTARY PUBLIC

My Commission Expires: _____

This document was prepared by Philip J. Beiermeister, P.E. of the City of Oak Creek Engineering Division.

Approved as to Form:

City Attorney

Date



COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 3/1/2022 License Committee Report.

Fiscal Impact: License fees in the amount of \$1,230.00 were collected.

Critical Success Factor(s):

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

Background:

1. Grant an Operator's license to (favorable background reports received):
 - * Isaac J. Engelbrecht (Kwik Trip)
 - * Kara J. Johnson (Buffalo Wild Wings)
 - * Alyssa Rodriguez (Aldi)
 - * Joshua N. Moser (Kwik Trip)
 - * Luz Calderon (Aldi)
 - * Robin L. Grutza (Kwik Trip)
 - * Daniel A. Wipijewski (Kwik Trip)
 - * Jezilyn M. Rivera (Aldi)
 - * Tracy L. Rutowski (D'Vine)
 - * Sonja K. Chandre (Meijer)
 - * Vanessa Leon (Aldi)

2. Grant a 2022 Transient Merchant solicitor license to Rachel Opliger, selling home improvement products on behalf of The Window Store, 2706 S. 163rd St., New Berlin (favorable background report received).

Options/Alternatives: None

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Christa J. Miller CMC/WCMC
Deputy City Clerk

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: none



COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the February 23, 2022 Vendor Summary Report in the total of \$483,814.99.

Fiscal Impact: Total claims paid of \$483,814.99. Of this grand total paid, \$13,417.09 will impact the 2021 fiscal year. The remaining amount, \$470,397.90 will impact the 2022 fiscal year.

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. \$6,324.25 to Axon Enterprise, Inc. (pg #4) for taser units, Project #20007.
2. \$68,999.58 to Bestco UA (pg #4) for March retiree insurance.
3. \$22,914.50 to E. H. Wolf & Sons, Inc. (pg #6) for fuel inventory.
4. \$9,353.73 to Godfrey & Kahn S.C. (pg #1) for legal services regarding TIF amendments, option rights for property acquisition, and redevelopment of lakefront site.
5. \$6,676.00 to Grunau Company (pg #7) for Station 3 building maintenance.
6. \$6,076.80 to Plunkett Raysich Architects, LLP (pg #10) for professional services relating to Abendschein Park Beer Garden, Project #22008.
7. \$5,460.00 to R. Bauman & Associates, S.C. (pg #11) for Fire Department job assessments and testing services.
8. \$10,400.20 to Sovos Compliance LLC (pg #12) for HR year end tax form services.
9. \$227,975.82 to Stella & Chewy's LLC (pg #12) for TIF 8 payment per Development Agreement.
10. \$19,034.13 to TSI (pg #12) for fit test machine, Project #22010.
11. \$8,529.27 to Vandewalle & Associates, Inc. (pg #13) for professional services relating to TID amendments.
12. \$10,374.25 to Viking Electric Supply, Inc. (pg #13) for street light maintenance supplies, Project #17024.
13. \$17,957.55 to WE Energies (pgs #3 & 13) for street lighting, electricity & natural gas.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kristina Strmsek
Assistant Comptroller

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Attachments: 2/23/2022 Invoice GL Distribution Report