



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

COMMON COUNCIL MEETING AGENDA

MAY 17, 2022
7:00 P.M.

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

The City's Vision

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

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 5/3/2022

Recognition

4. **Mayoral Proclamation:** National Public Works Week, May 15-21, 2022.
5. **Mayoral Proclamation:** Congratulations to Saint Stephen Catholic Church in recognition of their 175th Anniversary.

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

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

6. **Conditional Use:** Consider a request submitted by Kenneth Slinker, Superior Air Ground Ambulance Service for an amendment to the existing Conditional Use Permit to allow a private emergency service facility within a portion of the existing multitenant industrial building on the property at 140 E. Rawson Ave. (1st District).
7. **Ordinance:** Consider Ordinance No. 3037, amending the Conditions and Restrictions in Ordinance No. 2984 for a physical and occupational therapy clinic, a behavioral treatment services clinic, indoor recreation facilities, outdoor recreation facilities, and a private emergency services facility on the property at 140 E. Rawson Ave. (1st District).
8. **Conditional Use:** Consider a request submitted by Joe Ehlinger, PPG Industrial, Inc. & Bill French, SunVest Solar, LLC, for an amendment to the existing Conditional Use Permit to allow a solar farm on the property at 10600 S. 13th St. (5th District).
9. **Ordinance:** Consider Ordinance No. 3038, amending the Conditions and Restrictions in Ordinance No. 1878 to allow a solar farm on the property at 10600 S. 13th St. (5th District).

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

10. **Conditional Use:** Consider a request submitted by Central States Tower V, LLC & Cellco Partnership, dba Verizon Wireless for a Conditional Use Permit for a wireless telecommunications pole and compound (“facility”) on the property at 2509 W. Drexel Ave. (2nd District).
11. **Ordinance:** Consider Ordinance No. 3039, approving a Conditional Use Permit for a wireless telecommunications facility at 2509 W. Drexel Ave. (2nd District).
12. **Conditional Use:** Consider a request submitted by Kenneth Johnson, Heritage Funeral Homes, for an amendment to the existing Conditional Use Permit to allow a funeral parlor with cremation services within a portion of the existing building on the property at 7625 S. Howell Ave. (1st District).
13. **Ordinance:** Consider Ordinance No. 3040, amending the Conditions and Restrictions in Ordinance No. 2253 to allow a funeral parlor with cremation services within a portion of the existing building on the property at 7625 S. Howell Ave. (1st District).
14. **Planned Unit Development:** Consider a request submitted by Matthew Flansburg, Target Corp., for an amendment to the existing Planned Unit Development to allow for an additional sign on the Target building on the property at 8989 S. Howell Ave. (3rd District).
15. **Ordinance:** Consider Ordinance No. 3041, amending the Conditions and Restrictions in Ordinance No. 2930 relating to signs allowed on the Target building in the Planned Unit Development (PUD) affecting the property at 8989 S. Howell Ave. (3rd District).
16. **Official Map Amendment:** Consider a proposal by CR Devco, LLC, to amend the Official Map for a portion of the northeast and northwest ¼ of Section 19 (mapped, unimproved right-of-way affecting the properties at 2411, 2345, 2321, 2301, 2231 and 1933 W. Puetz Rd., 8843 S. 13th St.; 8950 S. 20th St.; 8810 and 8864 S. 27th St.; 2320 W. Grays Lane) (6th District).
17. **Ordinance:** Consider Ordinance No. 3042, amending Section 6.01 of the Municipal Code of the City of Oak Creek amending the Official Map for a portion of the northeast and northwest ¼ of Section 19 (mapped, unimproved right-of-way affecting the properties at 2411, 2345, 2321, 2301, 2231 and 1933 W. Puetz Rd., 8843 S. 13th St., 8950 S. 20th St., 8810 and 8864 S. 27th St., and 2320 W. Grays Lane) (6th District).

New Business

18. **Ordinance:** Consider Ordinance No. 3043, fixing the Salary and Wage Ranges, Salaries, Wages, and Allowances of Certain Full-Time and Part-Time Non-Represented Positions for the Year 2022 (by Committee of the Whole).
19. **Motion:** Consider a motion to designate NOW Media Group (parent company for the Milwaukee Journal Sentinel – SOUTH NOW edition) to serve as the official City newspaper for the next 12 months (by Committee of the Whole).
20. **Motion:** Consider a motion to concur with the Mayor’s citizen appointment as listed:

Tourism Commission – 1 year term to expire 4/2023
 Melissa Rasmussen, 8347 S. Palomino Dr.

PUBLIC WORKS & UTILITY

21. **Motion:** Consider a *motion* to *reject* all bids received for the Forest Hill Manor Water Relay project (Project No. 22101) (by Committee of the Whole).

ENGINEERING

22. **Resolution:** Consider *Resolution* No. 12331-051722, approving the Broadacre Development Agreement with Broadacre Oak Creek, LLC for the design and construction of public improvements for the development located at 441 W. Ryan Rd., (Tax Key No. 906-9028-000) (Project Nos. 22053 and 22054) (5th District).

COMMUNITY DEVELOPMENT

23. **Resolution:** Consider *Resolution* No. 12330-051722, approving a Certified Survey Map submitted by Mark Verhalen for the property at 500 E. Oakwood Rd. (5th District).
24. **Motion:** Consider a *motion* to approve the construction of a sand volleyball court at Willow Heights Park, at a cost not to exceed \$28,000 (held 4/19/22) (2nd District).
25. **Motion:** Consider a *motion* to approve the changes to the Athletic Field Rental Policy to allow games and other long-term ongoing activities to occur at Johnstone Park, Meadowview Park, Oak Leaf Park, Shepard Hills Park and South Hills Park (Various Districts).

LICENSE COMMITTEE

26. **Motion:** Consider a *motion* to approve the various license requests as listed on the 5/17/22 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

27. **Motion:** Consider a *motion* to approve the May 11, 2022 Vendor Summary Report in the amount of \$722,087.20 (by Committee of the Whole).

Adjournment.

Public Notice

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

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

**Mayoral Proclamation
National Public Works Week
May 15–21, 2022**

“Ready and Resilient”

WHEREAS, Public Works services provided in our community are an integral part of our citizen’s everyday lives; and

WHEREAS, Public Works professionals focus on infrastructure, facilities, emergency management, and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life, and well-being of the people of Oak Creek; and

WHEREAS, these infrastructures, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are federally mandated first responders, and the engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in Oak Creek to gain knowledge and maintain ongoing interest and understanding of the importance of public works first responders and public works programs in their respective communities; and

WHEREAS, celebrated annually since 1960, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association; and

WHEREAS, I, Daniel J. Bukiewicz, do hereby designate the week of May 15–21, 2022, as National Public Works Week.

NOW, THEREFORE, BE IT RESOLVED, that I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make every day to our health, safety, comfort, and quality of life.

Dated this 17th day of May, 2022.

Catherine A. Roeske
City Clerk

Daniel J. Bukiewicz
Mayor, City of Oak Creek

MAYORAL PROCLAMATION
CONGRATULATIONS TO
SAINT STEPHEN CATHOLIC CHURCH
IN RECOGNITION OF THEIR 175TH ANNIVERSARY

WHEREAS, the early footprints of St. Stephen's Catholic Church can be traced back to the early 1840s, when a handful of settlers from Cologne, Germany cleared land 90 miles north of Chicago and 5 miles west of Lake Michigan; and

WHEREAS, in this new community, named New Coeln (or new Cologne), a privately-owned small log cabin was used for celebrating Mass once a month; and

WHEREAS, upon the vision to build their own church, landowners contributed logs towards construction, with the first church being completed in the fall of 1847 and a school and rectory added in 1850; and

WHEREAS, in 1884, parishioners voted to build a new church, using French Gothic designs; and

WHEREAS, on May 13, 1908, tragedy struck the new building when a fire broke out and gutted the church, leaving only walls remaining; and

WHEREAS, parishioners rebuilt, and in doing so, salvaged what they could, adding new beautifications such as art glass windows and decorations for the altar, but this structure was short-lived as a second fire struck on January 1, 1926, destroying the church and rectory; and

WHEREAS, while some parishioners wanted to disband, others displayed the same courage as the first settlers and in 1927, 85 families began rebuilding yet again; and

WHEREAS, the new church captured the German flavor of their homeland, with alter and sanctuary features carved out of Slovenian white oak and hand carved railings, lecterns and sedilia created from imported black walnut. Some of these carvings, so exquisite and detailed, were exhibited at the Chicago World's Fair in 1939 and remain a part of the church and chapel to this day; and

WHEREAS, St. Stephen's Golden Jubilee was celebrated in 1897 and forward-thinking to its Centennial Celebration to be held in 1947, new floors, partial relief oak carvings of the Stations of the Cross and a shrine of Saint Joseph were added; and

WHEREAS, on Palm Sunday, April 8, 1979, tragedy struck a third time when an arsonist broke into the rectory and set fire to the basement stairway. While extensive smoke damage was suffered, the rectory and church were saved from total destruction; and

WHEREAS, with the increased airport expansion, surrounding churches were forced to close and combined memberships, but St. Stephen's chose to rebuild in Oak Creek, breaking ground on their new location on West Oakwood Road in October 2008; and

WHEREAS, settling into its new home in Oak Creek, the new St. Stephen Church was formally dedicated by Bishop Richard Sklba on November 22, 2009; and

WHEREAS, having withstood the test of tragedy and time, and like the early settlers, despite setbacks and adversities, the parishioners of St. Stephen's have continued to join together overcoming many challenges with a spirit and sense of pride that cannot be stopped; and

WHEREAS, in 2022, the church will celebrate their 175th Anniversary, with the Most Reverend Richard Sklba Auxiliary Bishop Emeritus of Milwaukee and con-celebrant Reverend Robert Kacalo officiating; and

WHEREAS, the City of Oak Creek has benefited tremendously from the valuable contribution of St. Stephen Catholic Church to the growth and stability of the entire community.

NOW, THEREFORE, BE IT RESOLVED, that I, Daniel J. Bukiewicz, Mayor of the City of Oak Creek, hereby congratulate St. Stephen Catholic Church on their 175th Anniversary.

ATTEST:

Catherine A. Roeske, City Clerk

Daniel J. Bukiewicz, Mayor

TO BE PUBLISHED APRIL 27 & MAY 4, 2022

OFFICIAL NOTICE

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

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Kenneth Slinker, Superior Air Ground Ambulance Service, for an amendment to the existing Conditional Use Permit to allow a private emergency service facility within a portion of the existing multitenant industrial building on the property at 140 E. Rawson Ave.

Hearing Date: May 17, 2022

Time: 7:00 PM

Place: Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant(s): Kenneth Slinker, Superior Air Ground Ambulance Service

Property Owner(s): EAST RAWSON AVE LLC

Property Location(s): 140 E. Rawson Ave.

Tax Key(s): 733-9991-001

Legal Description:

COM 310 FT E & 140.04 FT N OF SW COR SW1/4 SEC. 4-5-22 TH N 521.32 FT E TO NE COR OF W1/2 OF S 40 ACS OF SD 1/4 SEC S TO S1/4 SEC LI W TO A PT 722.20 FT E OF SW COR SD 1/4 SEC N 140 FT TH W TO BEG., EXC. PART FOR STREET. CONT. 13.496 ACS.

The Common Council has scheduled other public hearings for May 17, 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 may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: April 20, 2022
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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COMMON COUNCIL REPORT

Item:	Conditional Use Permit Amendment - 140 E. Rawson Ave. - Superior Air Ground Ambulance Service
Recommendation:	That the Council adopts Ordinance 3037, an ordinance to amend the Conditions and Restrictions in Ordinance No. 2984 for a physical and occupational therapy clinic, a behavioral treatment services clinic, indoor recreation facilities, outdoor recreation facilities, and a private emergency services facility on the property at 140 E. Rawson Ave. (1st Aldermanic District).
Fiscal Impact:	Approval will allow for the existing vacant tenant space to be occupied by a proposed private emergency services facility. No direct fiscal impact is anticipated with this request. This property is not currently part of a TID.
Critical Success Factor(s):	<input type="checkbox"/> Vibrant and Diverse Cultural Opportunities <input checked="" type="checkbox"/> Thoughtful Development and Prosperous Economy <input type="checkbox"/> Safe, Welcoming, and Engaged Community <input type="checkbox"/> Inspired, Aligned, and Proactive City Leadership <input type="checkbox"/> Financial Stability <input type="checkbox"/> Quality Infrastructure, Amenities, and Services <input type="checkbox"/> Not Applicable

Background: The Applicant is requesting approval of a Conditional Use Permit Amendment for a private emergency service facility within a portion of the existing multitenant industrial building at 140 E. Rawson Ave. Private emergency service facilities are Conditional Uses in the M-1, Manufacturing zoning district.

Council may recall several amendments to existing Conditional Use Permit approvals for the property, including:

- Ord. 2950, approved November 5, 2019 - Physical and Occupational Therapy Clinic (Medical Support Services, Inc.)
- Ord. 2960, approved January 7, 2020 - Indoor Recreation Facility (Medical Support Services, Inc.)
- Ord. 2983, approved October 6, 2020 - Behavioral Treatment Services Clinic and Outdoor Recreation Facility (Medical Support Services, Inc. and Tender Touch Therapy)
- Ord. 2984, October 6, 2020 - Additional Clinic and Outdoor Recreation Facility (AST/LEARN DBA Wisconsin Early Autism Project)
- Ord. 3035, April 19, 2022 - Additional Indoor Commercial Recreation Facility (Unlimited Athletic Club)

A copy of Ord. 2894 is included with this report for reference.

Superior Ambulance Service will provide basic, advanced, and critical care transport units for specific contract facilities within Milwaukee County per the submitted narrative. Within the approximately 11,500

gross square feet of leased space will be offices, training and conference rooms, private rooms, full bath facilities, a kitchen, a lounge, and garage space for ambulances. The space will function similar to fire departments where staff will be present 24/7. Ambulance vehicles will be stored within garage space and deployed from this location, and will be serviced offsite. Additional details and a floor plan are included with this report for reference.

Council will recall from previous reviews of the multibuilding development that access to the site is via the shared drive off of E. Rawson Ave. During review of the site and building plans in 2016, the Applicant indicated that the 278 parking stalls provided for the three (3) multitenant buildings was adequate based on similar buildings and tenant needs. Information provided by the landowner states that the development has 284 parking stalls, 95 of which serve Building B. Some of the 95 parking stalls between Buildings B and C could be shared as well. Minimum parking requirements for general service uses are calculated at one (1) stall for every 250 square feet. Excluding the garage area, this would equate to approximately 22 stalls. Neither the narrative nor the site plan indicates how many stalls are included as part of the lease agreement. Parking management for leased suites will be the responsibility of the landowner and/or their property management company.

After careful consideration at the April 12, 2022 meeting, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



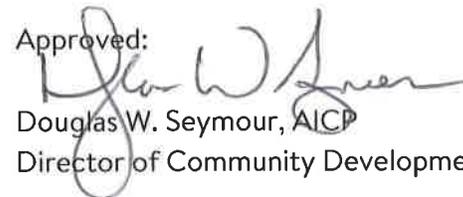
Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3037

Location Map

Ord. 3035 (6 pages)

Narrative (1 page)

Plans (3 pages)

Proposed Amended Conditions and Restrictions (6 pages)

Excerpted Plan Commission Minutes (5 pages)

ORDINANCE NO. 3037

By: _____

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 2984 FOR A PHYSICAL AND OCCUPATIONAL THERAPY CLINIC, A BEHAVIORAL TREATMENT SERVICES CLINIC, INDOOR RECREATION FACILITIES, OUTDOOR RECREATION FACILITIES, AND A PRIVATE EMERGENCY SERVICES FACILITY ON THE PROPERTY AT 140 E. RAWSON AVE.

(1st Aldermanic District)

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

WHEREAS, Ordinance No. 2950 (The "Ordinance"), which approved a Conditional Use Permit for a physical and occupational therapy clinic within the multitenant building on the property at 140 E. Rawson Ave., was approved on November 5, 2019; and

WHEREAS, Ordinance No. 2960, which approved an amendment to the Conditional Use Permit in Ordinance 2950 for an indoor recreation facility on the property at 140 E. Rawson Ave., was approved on January 7, 2020; and

WHEREAS, Ordinance No. 2983, which approved an amendment to the Conditional Use Permit in Ordinance 2960 for an outdoor recreation facility on the property at 140 E. Rawson Ave., was approved on October 6, 2020; and

WHEREAS, Ordinance No. 2984, which approved an amendment to the Conditional Use Permit in Ordinance 2983 for an additional clinic and outdoor recreation facility on the property at 140 E. Rawson Ave., was approved on October 6, 2020; and

WHEREAS, Ordinance No. 3035, which approved an amendment to the Conditional Use Permit in Ordinance 2984 for an additional indoor recreation facility (fitness center) on the property at 140 E. Rawson Ave., was approved on April 19, 2022; and

WHEREAS, the Ordinances affected the following legally described property;

COM 310 FT E & 140.04 FT N OF SW COR SW1/4 SEC. 4-5-22 TH N 521.32 FT E TO NE COR OF W1/2 OF S 40 ACS OF SD 1/4 SEC S TO S1/4 SEC LI W TO A PT 722.20 FT E OF SW COR SD 1/4 SEC N 140 FT TH W TO BEG., EXC. PART FOR STREET. CONT. 13.496 ACS.

WHEREAS, the Applicant, KENNETH SLINKER, SUPERIOR AIR GROUND AMBULANCE, with support of the landowner, is requesting that the Ordinance be amended to allow a private emergency services facility within a portion of Building B; and

WHEREAS, a public hearing was held on this matter on May 17, 2022 to hear comments from all who were interested.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, Section 3 of the Conditions and Restrictions approved by the Ordinance affecting the Property is amended as follows:

A. Two (2) clinics, two (2) indoor recreation facilities (Tender Touch Therapy and Unlimited Athletic Club), two (2) outdoor recreation areas, and one (1) private ambulance service facility in accordance with these Conditions and Restrictions are allowed on the property. Other uses permitted by the zoning district, in accordance with other applicable Sections of the City of Oak Creek Municipal Code (as amended) and these Conditions and Restrictions, are also allowed on the property.

B. Hours of operation shall be in accordance with the following:

i. Building C – Tender Touch Therapy

*Clinic/Outdoor Recreation Area	
Monday through Friday	7:00 AM – 7:00 PM
Saturday	8:00 AM – 12:00 PM or by appointment
Sunday	Closed
Indoor Recreation Facility	
Monday through Friday	9:00 AM – 9:00 PM
Saturday	9:00 AM – 5:00 PM
Sunday	12:00 PM – 5:00 PM

**The above hours of operation for the clinic and outdoor recreation area are restricted to patient appointments and not to staff onsite at any given time.*

ii. Building B – AST/LEARN (Wisconsin Early Autism Project)

Clinic/Outdoor Recreation Area	
Monday through Friday (clinic)	7:00 AM – 6:30 PM
Monday through Friday (client)	7:30 AM – 6:00 PM
Saturday	9:00 AM – 4:00 PM
Sunday	Closed

iii. Building B – Unlimited Athletic Club

Indoor Commercial Recreation Facility	
Monday through Sunday	7:00 AM – 8:00 PM

iv. Building B – Superior Ambulance Service

Private Emergency Service Facility	
Monday through Sunday	24 hours

C. The outdoor recreation area(s) location, enclosure materials, and screening shall be approved by the Plan Commission as part of Site Plan Review.

D. There shall be no outdoor storage or outdoor display of merchandise for sale in

association with these Conditional Uses.

- E. Sirens utilized on vehicles for the private emergency services facility shall be engaged only when medically necessary and/or required by law.
- F. Testing of sirens shall only occur between 8:00 AM and 8:00 PM.
- G. Solid waste collection and recycling shall be the responsibility of the owner.
- H. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

SECTION 2: Except as herein modified the conditions and restrictions approved by the Ordinance shall remain in full force and effect.

SECTION 3: The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 4: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 5: This Ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 17th day of May, 2022.

President, Common Council

Approved this 17th day of May, 2022.

Mayor

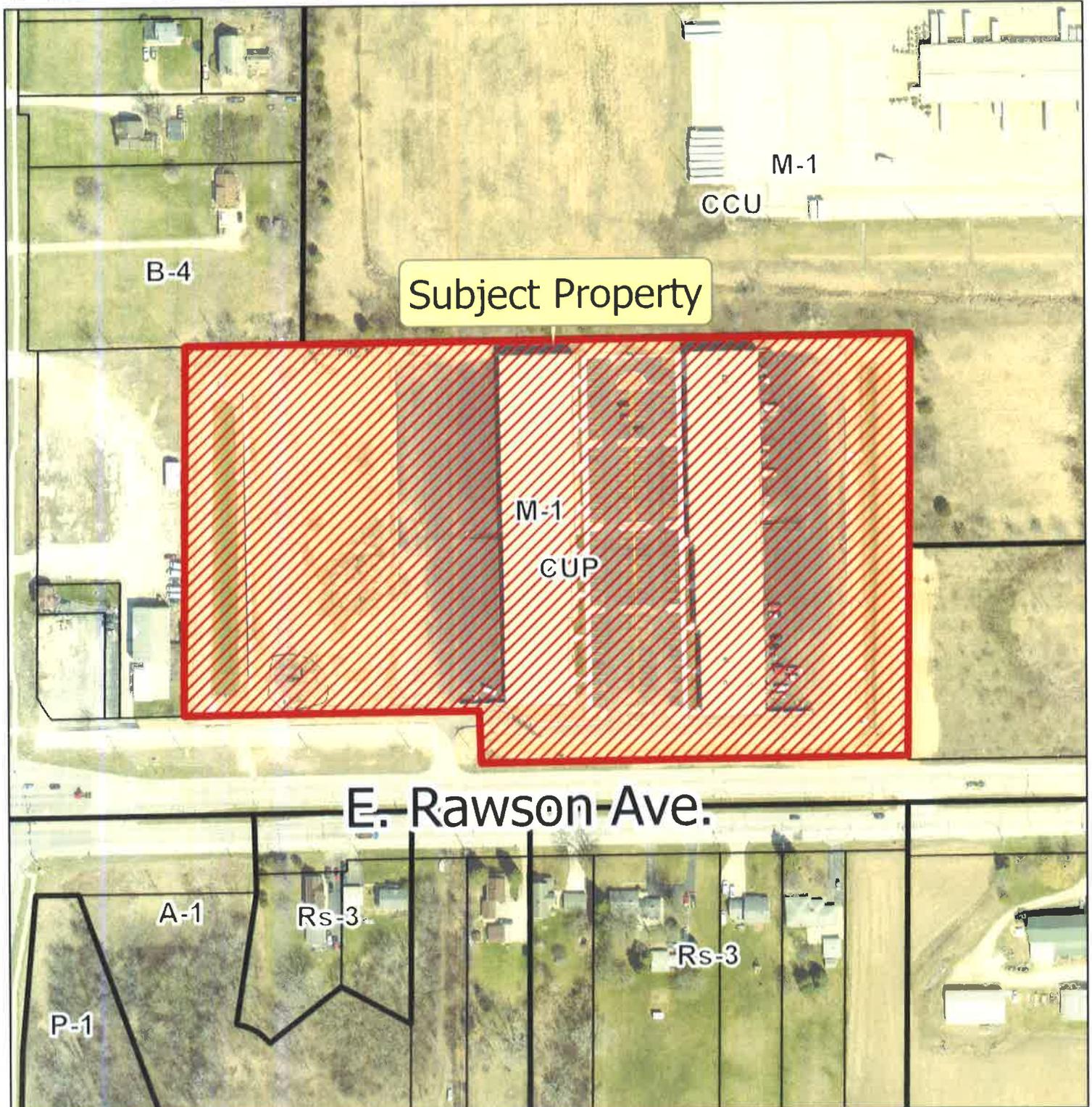
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

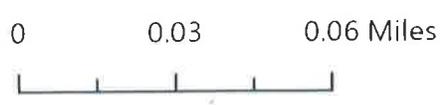
140 E Rawson Ave.



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
- 140 E. Rawson Ave.



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

Applicant: Mary Smith, AST/LEARN
(DBA, Wisconsin Early Autism Project)

Approved by Plan Commission: 8-25-20

Property Address: 140 E. Rawson Ave.

Approved by Common Council: 10-6-20

Tax Key Number: 733-9991-001

(Ord. 2984, Amend. Ord. 2983, 2960, 2950)

Conditional Use: Clinics; Indoor Recreation Facility;
Outdoor Recreation Areas

1. LEGAL DESCRIPTION

COM 310 FT E & 140.04 FT N OF SW COR SW1/4 SEC. 4-5-22 TH N 521.32 FT E TO NE COR OF W1/2 OF S 40 ACS OF SD 1/4 SEC S TO S1/4 SEC LI W TO A PT 722.20 FT E OF SW COR SD 1/4 SEC N 140 FT TH W TO BEG., EXC. PART FOR STREET. CONT. 13.496 ACS.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees & clients
 - iii) Number of parking spaces
 - iv) Dimensions
 - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) **Landscape Plan**

- a) Screening plan, including parking lot screening/berming
- b) Number, initial size, and type of plantings
- c) Percentage open/green space

3) **Building Plan**

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

4) **Lighting Plan**

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

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

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

6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction

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

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

any building permits.

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

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Two (2) clinics, one (1) indoor recreation facility, and two (2) outdoor recreation areas in accordance with these Conditions and Restrictions are allowed on the property. Other uses permitted by the zoning district, in accordance with other applicable Sections of the City of Oak Creek Municipal Code (as amended) and these Conditions and Restrictions, are also allowed on the property.

- B. Hours of operation shall be in accordance with the following:

- i. **Building C – Tender Touch Therapy**

*Clinic/Outdoor Recreation Area	
Monday through Friday	7:00 AM – 7:00 PM
Saturday	8:00 AM – 12:00 PM or by appointment
Sunday	Closed
Indoor Recreation Facility	
Monday through Friday	9:00 AM – 9:00 PM
Saturday	9:00 AM – 5:00 PM
Sunday	12:00 PM – 5:00 PM

**The above hours of operation for the clinic and outdoor recreation area are restricted to patient appointments and not to staff onsite at any given time.*

- ii. **Building B – AST/LEARN (Wisconsin Early Autism Project)**

Clinic/Outdoor Recreation Area	
Monday through Friday (clinic)	7:00 AM – 6:30 PM
Monday through Friday (client)	7:30 AM – 6:00 PM
Saturday	9:00 AM – 4:00 PM
Sunday	Closed

- C. The outdoor recreation area(s) location, enclosure materials, and screening shall be approved by the Plan Commission as part of Site Plan Review.
- D. There shall be no outdoor storage or outdoor display of merchandise for sale in association with these Conditional Uses.
- E. Solid waste collection and recycling shall be the responsibility of the owner.
- F. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and the Site Plans approved by the Plan Commission February 28, 2017.

5. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in

accordance with Section 17.0808 of the Municipal Code (as amended).

6. SETBACKS

	Front and Street Setback	Rear (North) Setback	Side Setback
Principal Structure	40 ft	20 ft	20 ft
Accessory Structure*	40 ft	See Sec. 17.0501	See Sec. 17.0501
Parking	30 ft	5 ft	5 ft

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

7. TIME OF COMPLIANCE

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

8. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

9. VIOLATIONS & PENALTIES

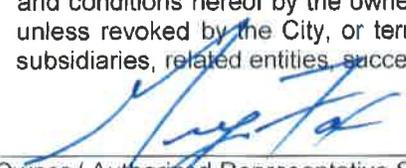
Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use is convicted of two or more violations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

10. REVOCAION

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

11. ACKNOWLEDGEMENT

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



Owner / Authorized Representative Signature

11-5-2020

Date

Greg FAX

(please print name)

RECEIVED

JAN 21 2022
CITY OF OAK CREEK



December 3, 2021

To Whom It May Concern:

Superior Air Ground Ambulance Service desires to locate ground ambulances in Milwaukee County to service specific contract facilities. We intend to provide Basic and Advanced Life Support units along with Critical Care Transport units to area hospitals, providing emergent and non-emergent care and transports for patients requiring inter-hospital transports as well as those being discharged to home or longer-term care at area nursing facilities.

We have located space at 140 E Rawson Rd Ok Creek, WI which can suit our needs. Specifically Superior intends to locate vehicles and the appropriate crew members from this location. The building would have 24-hour access for our staff but would not be a location which we would be open to the public or to treat patients. It is our desire to have this location staffed 24x7.

The staff would consist of management as well as the crew members assigned to work on an ambulance. Ambulances would be deployed from this location. Superior utilizes a posting plan approach for deployment. In short, ambulances are picked up by crew members at the beginning of a shift. A safety check is performed at the start of the shift and the crew then deploys to a specific geographic location to await assignment of calls. This approach helps to ensure timely response.

The building specifically would house vehicles to protect them from the elements and provide additional security. We have NO intention to perform vehicle maintenance at this location. Offices, crew lounge, classroom and rest facilities will exist as well as male and female restrooms. Because most of the workforce will not station from this location but would instead deploy at the start of their shift from this location, the building itself would have minimal occupancy throughout the day.

I appreciate your consideration and am available to answer additional questions if deemed necessary. I can be reached at 248-388-0396.

A handwritten signature in blue ink, appearing to read "Ken Slinker".

Ken Slinker
Manager Special Projects
kslinker@superiorambulance.com

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

Applicant: Superior Ambulance Service
Property Address: 140 E. Rawson Ave.
Tax Key Number: 733-9991-001

Approved by Plan Commission: 4-12-22
Approved by Common Council: TBD
(Ord. 3037, Amend. Ords. 3035, 2984,
2983, 2960, 2950)

Conditional Uses: Clinics; Indoor Recreation Facilities;
Outdoor Recreation Areas; **Private Emergency Service Facility**

1. LEGAL DESCRIPTION

COM 310 FT E & 140.04 FT N OF SW COR SW1/4 SEC. 4-5-22 TH N 521.32 FT E TO NE COR OF W1/2 OF S 40 ACS OF SD 1/4 SEC S TO S1/4 SEC LI W TO A PT 722.20 FT E OF SW COR SD 1/4 SEC N 140 FT TH W TO BEG., EXC. PART FOR STREET. CONT. 13.496 ACS.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees & clients
 - iii) Number of parking spaces
 - iv) Dimensions
 - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) **Landscape Plan**

- a) Screening plan, including parking lot screening/berming
- b) Number, initial size, and type of plantings
- c) Percentage open/green space

3) **Building Plan**

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

4) **Lighting Plan**

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

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

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

6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction

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

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

any building permits.

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

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Two (2) clinics, two (2) indoor recreation facilities (Tender Touch Therapy and Unlimited Athletic Club), two (2) outdoor recreation areas, **and one (1) private ambulance service facility** in accordance with these Conditions and Restrictions are allowed on the property. Other uses permitted by the zoning district, in accordance with other applicable Sections of the City of Oak Creek Municipal Code (as amended) and these Conditions and Restrictions, are also allowed on the property.

- B. Hours of operation shall be in accordance with the following:

i. **Building C – Tender Touch Therapy**

*Clinic/Outdoor Recreation Area	
Monday through Friday	7:00 AM – 7:00 PM
Saturday	8:00 AM – 12:00 PM or by appointment
Sunday	Closed
Indoor Recreation Facility	
Monday through Friday	9:00 AM – 9:00 PM
Saturday	9:00 AM – 5:00 PM
Sunday	12:00 PM – 5:00 PM

**The above hours of operation for the clinic and outdoor recreation area are restricted to patient appointments and not to staff onsite at any given time.*

ii. **Building B – AST/LEARN (Wisconsin Early Autism Project)**

Clinic/Outdoor Recreation Area	
Monday through Friday (clinic)	7:00 AM – 6:30 PM
Monday through Friday (client)	7:30 AM – 6:00 PM
Saturday	9:00 AM – 4:00 PM
Sunday	Closed

iii. **Building B – Unlimited Athletic Club**

Indoor Commercial Recreation Facility	
Monday through Sunday	7:00 AM – 8:00 PM

iv. **Building B – Superior Ambulance Service**

Private Emergency Service Facility	
Monday through Sunday	24 hours

- C. The outdoor recreation area(s) location, enclosure materials, and screening shall be approved by the Plan Commission as part of Site Plan Review.
- D. There shall be no outdoor storage or outdoor display of merchandise for sale in association with these Conditional Uses.

E. Sirens utilized on vehicles for the private emergency services facility shall be engaged only when medically necessary and/or required by law.

F. Testing of sirens shall only occur between 8:00 AM and 8:00 PM.

G. Solid waste collection and recycling shall be the responsibility of the owner.

H. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and the Site Plans approved by the Plan Commission February 28, 2017 and March 22, 2022.

5. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code (as amended).

6. SETBACKS

	Front and Street Setback	Rear (North) Setback	Side Setback
Principal Structure	40 ft	20 ft	20 ft
Accessory Structure*	40 ft	See Sec. 17.0501	See Sec. 17.0501
Parking	30 ft	5 ft	5 ft

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

7. TIME OF COMPLIANCE

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

8. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use is convicted of two or more violations

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

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

11. ACKNOWLEDGEMENT

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

Owner / Authorized Representative Signature

Date

(please print name)

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 12, 2022**

Mayor Bukiewicz called the meeting to order at 6:03 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Chandler. Commissioner Siepert was excused. Also present: Kari Papelbon, Senior Planner; Laurie Miller, Zoning Administrator; and Mike Havey, Assistant Fire Chief.

**CONDITIONAL USE PERMIT AMENDMENT
SUPERIOR AIR GROUND AMBULANCE SERVICE
140 E. RAWSON AVE.
TAX KEY NO. 733-9991-001**

Senior Planner Papelbon provided an overview of the Conditional Use Permit request for a proposed private emergency service facility within a portion of the existing multitenant industrial building on the property at 140 E. Rawson Ave. (see staff report for details).

Pete Schumacher, 305 E. Rawson Ave.:

"I think the business sounds fine, I'm not overly concerned with them moving into this area. The one concern I have, basically, we don't want sirens going off in the middle of the night and it sounds like their basic process doesn't call for that. Although the one concern is there is a reference to testing prior to every shift or at shift change. If that requires testing the sirens, which I would expect it would, doing that within the building doesn't bother me that much because it would contain the noise, if they are doing outside the building that would be a concern of mine, given the fact that shift change could be 7 in the morning or 11 at night. So, I guess I would ask that you would consider putting something in the Conditional Permit that restricts them from testing the sirens outside of the building and even if their process is that they wouldn't do that, ya know, processes change, ownership of businesses change, we would like to have that in there so we don't have to worry about that."

Mike Piechowski, 251 E. Rawson Ave.:

"Pete's my neighbor and he went over some of the concerns with the noise. One of the concerns I have again with rezoning these buildings is that this wasn't setup for, I should say a garage, storage area for vehicles. Do we know how many ambulances are going to be parked in that building? My concern is and it doesn't really affect me, but you do realize that there is a childcare center and an indoor playground in that facility. These ambulances have fuel in them, they have lithium batteries, they have oxygen, and if anything would ever happen as a fire would start, within these buildings, with these vehicles in there, depending how many are in there, I don't see you rezoning this operation and, in most cases, this type of operation has a stand alone building, they're not incorporated with, other, there's two other office buildings in there right now that have people in there, plus we're talking about testing the sirens and the horns and all this stuff, well what about the people that are in there right now, that definitely are going to hear this too? My opinion is, this is a bad scenario to put this type of operation in this building, for those reasons I just stated. Thank you."

Assistant Fire Chief Havey explained that the Fire Department does not test the sirens inside the building to protect all of the employees' hearing. The Fire Department also does not test the sirens daily because the sirens work when out on calls, and the mechanics at [Oak Creek] DPW keep everything in working order. The Fire Department does not recommend the testing of sirens inside the building because the decibels would affect a lot of people. Assistant Fire Chief Havey also stated that the building is fully sprinkled, and the system must be maintained, have annual testing, and documentation that it can provide the automatic sprinkler systems for the hazards inside the building.

Mayor Bukiewicz asked the applicant how many ambulances will be serviced out of this facility.

Martha Augustine, 1015 Madison Avenue, Wauconda, Illinois, Superior Ambulance, stated there will be less than a dozen ambulances stored at this facility, with a realistic estimate of four (4) to six (6).

Mayor Bukiewicz inquired if the ambulances are rotated out. Ms. Augustine confirmed Superior utilizes System Status Management. If there are high call volumes in another area, the ambulances could be moved to another area.

Senior Planner Papelbon stated staff understood that the ambulances will be contained in the building, and asked where the other ambulances would be parked. Ms. Augustine stated no ambulances will be parked outside.

Senior Planner Papelbon stated that staff were provided with a floor plan showing two (2) bays, and inquired if six (6) ambulances would fit in two (2) bays. Ms. Augustine corrected the floor plan will be built for four (4).

Mayor Bukiewicz asked the applicant to describe how often sirens are tested, and for how long they are tested. Ms. Augustine stated the sirens are tested in the morning hours, and it takes about one (1) second. Ms. Augustine explained Superior can suspend that practice, if needed. Mayor Bukiewicz suggested finding a reasonable time to test the sirens when drafting the Conditions and Restrictions.

Commissioner Chandler asked the applicant to provide some clarification regarding the testing. Ms. Augustine stated it would be each vehicle at the start of shift, and shift change is generally in the morning.

Mayor Bukiewicz inquired if the shifts would be 24 hours. Ms. Augustine stated shifts will be a combination of 12-hour and 24-hour shifts.

Commissioner Chandler inquired if it is a possibility to have the testing done twice a day. Ms. Augustine stated it would only be done in the morning hours.

Commissioner Chandler asked to confirm that the parking would allow for a maximum of four (4) vehicles all parked on the inside. Ms. Augustine confirmed that is correct.

Alderman Loreck inquired if quiet hours could be put in place during certain times to prevent the use of sirens until the ambulances reach Howell Avenue. Ms. Augustine stated the applicants are more than happy to do that. Superior could suspend the use of the sirens until they get out to the main street: Howell Avenue. The lights and sirens could be activated at the intersection of Howell Avenue.

Mayor Bukiewicz inquired if vehicles could go east on Rawson Avenue when exiting the driveway. It was stated that the vehicles would need to go west to Howell Avenue.

Commissioner Hanna asked who the other tenants in the building are. Senior Planner Papelbon stated there are tenants in both buildings; however, some of the tenants did not require Conditional Use Permits. Senior Planner Papelbon stated that she can only provide the names of tenants that are part of the Conditional Use Permits. AST Learn, The Early Autism Project, both of those have indoor and outdoor Conditional Use Permits. There was also a gym that was recently recommended for approval. There is a lab testing facility that will go into the northern portion of this building.

Commissioner Hanna asked if the other tenants were notified or consulted. Senior Planner Papelbon stated that the notices went out the property owner, and it is incumbent upon the property owner to provide the information to their tenants.

Mayor Bukiewicz stated that the boundary for siren engagement would need to be added to the Conditions and Restrictions. Senior Planner Papelbon stated staff would need to craft some language for Council consideration.

Commissioner Chandler asked about the time of testing of sirens. Senior Planner Papelbon stated that the testing would only be allowed outside of the quiet hours that will be established. Mayor Bukiewicz added that the applicant would be amenable to doing the testing off site.

Mike Piechowski, 251 E. Rawson Ave.:

"The other thing about that, they can cross the street on Rawson Avenue and go east towards South Milwaukee. So, part of that testing...There's only one entrance to that complex, but they can either go east or go west. So, Howell would be west and if they cross the street they can go towards South Milwaukee."

Senior Planner Papelbon referenced the site plan, and asked Commissioner Kiepczynski to confirm if traffic can use the center median to go east on Rawson Avenue. Commissioner Kiepczynski stated traffic would be able to go east or west.

Mike Piechowski, 251 E. Rawson Ave.:

"Correct, so they can cross Rawson Avenue from the driveway there and they can turn and go west towards Howell or they can cross the street and go east."

Mayor Bukiewicz stated the east boundary is what would need to be established. Senior Planner Papelbon explained the Conditional Use Permit has no jurisdiction over when sirens are going to be used. Staff tried to accommodate it by saying "only when medically necessary," but there is no policing the City can do to make them get to a certain point before turning the sirens on.

Mayor Bukiewicz asked Superior when the sirens are medically necessary, and what the laws are. Ms. Augustine stated lights and sirens would need to be engaged at the same time; however, their data shows it is a very small percentage of their calls that require lights and sirens. Ms. Augustine stated lights and sirens are most commonly used when transporting a patient from one hospital to a higher-level hospital, and the sirens are not turned on until they are leaving the hospital.

Senior Planner Papelbon stated that she would be hard-pressed to find language that could be included to address the neighbor concerns and the ambulance requirements. Senior Planner Papelbon said she would be able to include language about quiet hours for the testing, and that sirens would only be used when medically necessary or required by law.

Assistant Fire Chief Havey explained that the ambulance dispatch center will determine if a call is emergent at the point of call based on State provisions through the Department of Health Services (DHS). Senior Planner Papelbon stated that she thinks the only thing the City would have jurisdiction over would be to include the language "when medically necessary or required by DHS" and quiet hours for the testing.

Mike Piechowski, 251 E. Rawson Ave.:

"Well, that's the point I want to make here. Is that you're changing zoning and again you're letting an operation operate at the expense of us residents again. You just said that you can't make them not turn their sirens on so there's no way you're going to tell them, they're not going to turn them on or not. If they want to turn them and you're changing the zoning to have that sort of operation across the street from us, and we're going to have to deal with it because they don't care. They're not the ones that are going to get woken up in the middle night or whatever it may be."

Mayor Bukiewicz explained that the City cannot restrict sirens from the Oak Creek Fire Department on public streets, and the same would go for this business. The City can restrict the sirens on private property, and the Plan Commission is making their best effort to do so.

Mike Piechowski, 251 E. Rawson Ave.:

"The point is here you have a choice, you can deny this and have that kind of operation across the street from us, where you're not putting us in this situation, that's the point."

Mayor Bukiewicz asked Senior Planner Papelbon what can be done on the property in the restrictions. Senior Planner Papelbon explained that the restrictions can state that the sirens are used when medically necessary or as required by state law, and testing shall not occur outside of designated hours. Senior Planner Papelbon stated that the City cannot restrict sirens altogether.

Commissioner Chandler asked who is responsible for this Conditional Use Permit. Senior Planner Papelbon stated it would be both the property owner and the tenant. The Conditional Use is requesting something that Superior Ambulance would need to abide by; however, it is up to the property owner to make sure whatever is granted on their property is followed.

Commissioner Chandler asked the applicant if there were any discussions with the other tenants or the landowner about the concerns.

Jason Atkielski, 931 Hickory Hill Parkway, Hubertus, representative of St. John's Properties, explained that there were some brief conversations. Mr. Atkielski also stated that Superior Ambulance is a tenant in another of their properties, and there have never been any complaints regarding the testing of the sirens. The test is a very quick sound to make sure the sirens are working.

Commissioner Hanna asked if there was something in the noise ordinance to help setup restrictions. Senior Planner Papelbon stated that is not possible because the proposal is for emergency services.

Commissioner Hanna clarified she was suggesting to use the timing from the noise ordinance. Senior Planner Papelbon explained there is a decibel level restriction in the noise ordinance as well.

Commissioner Hanna asked if all the adjacent tenants could be notified of the public hearing so they could be involved in the discussion and hear the sound level.

Commissioner Carrillo encouraged the applicant to have all tenants involved in the discussion.

Commissioner Oldani asked if the sirens are automatically engaged for emergencies regardless of the amount of traffic around. Ms. Augustine stated if the lights and sirens are required for an emergent response, the ambulance must have the lights and sirens going. Ms. Augustine reiterated that very few of their response calls are emergent. Superior mainly performs inter-facility transports.

Alderman Loreck suggested the applicant develop some internal policies regarding the sirens even though the City cannot police the sirens. Ms. Augustine agreed and said Superior Ambulance has internal policies in place at other locations at the request of towns. Ms. Augustine stated Superior Ambulance just wants to provide medical support to the community, and will consider whatever is requested by the Plan Commission or staff.

Commissioner Hanna reiterated that she would like the applicant to coordinate with neighbors regarding the public hearing. Senior Planner Papelbon stated it would have to come from the landlord because staff does not have a full tenant listing. Senior Planner Papelbon asked the landowner or landowner representative to have a conversation with tenants about the proposed use.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit Amendment for a private emergency service facility within a portion of the existing multitenant industrial building on the property at 140 E. Rawson Ave. after a public hearing and subject to conditions and restrictions. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:05 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-26-22

Date

TO BE PUBLISHED APRIL 27 & MAY 4, 2022

OFFICIAL NOTICE

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

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Joe Ehlinger, PPG Industries, Inc. & Bill French, SunVest Solar, LLC, for an amendment to the existing Conditional Use Permit to allow a solar farm on the property at 10600 S. 13th St.

Hearing Date: May 17, 2022

Time: 7:00 PM

Place: Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant(s): Joe Ehlinger, PPG Industries, Inc. & Bill French, SunVest Solar, LLC

Property Owner(s): PPG Industries, Inc

Property Location(s): 10600 S. 13th St.

Tax Key(s): 954-9996-006

Legal Description:

That part of the Northwest 1/4 of Section 32, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, which is bound and described as follows:

Beginning at the Southwest corner of said 1/4 Section; thence North 00°36'58" West along the West line of said 1/4 Section 1327.955 ft. to a point, said point being on the North line of the South 1/2 of said 1/4 Section; thence North 89°38'22" East along the North line of the South 1/2 of said 1/4 Section 1761.87 ft. to a point, said point being 89.28 ft. Westerly, measured at right angles, of the West line of the Chicago, Milwaukee St. Paul and Pacific Railroad Company right of way; thence North 02°08'06" East and parallel to said right of way; thence North 02°08'06" East and parallel to said right of way 1327.73 ft. to a point on the North line of said 1/4 Section of the said point also being 785.00 ft. South 89°41'08" West of the Northeast corner of said 1/4 Section; thence North 89°41'08" East along the North line of said 1/4 Section 89.36 ft. to a point, said point being on the West line of the Chicago Milwaukee, St. Paul and Pacific Railroad Company right of way; thence South 02°08'06" West along the West line of said right of way 2655.43 to a point, said point being on the South line of said 1/4 Section; thence South 89°35'37" West along the South line of said Section 1787.50 ft. to the place of beginning.

Reserving therefrom the West 40.00 ft. and the North 40.00 ft. for road purposes.

The Common Council has scheduled other public hearings for May 17, 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 may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: April 20, 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: Conditional Use Permit Amendment - Solar Farm - 10600 S. 13th St.

Recommendation: That the Council adopts Ordinance 3038, an ordinance to amend the Conditions and Restrictions in Ordinance No. 1878 to allow a solar farm on the property at 10600 S. 13th St. (5th Aldermanic District).

Fiscal Impact: No direct fiscal impacts are anticipated as the property is part of the PPG existing development. This property is not currently located within a TID.

Critical Success Factor(s):

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

Background: The Applicant is requesting approval to amend the existing Conditional Use Permit for a solar farm on the property at 10600 S. 13th St. Solar farms as primary uses are Conditional Uses in the M-1, Manufacturing zoning district, subject to Sec. 17.0404(b) which is included with this report for reference.

We Energies, in partnership with SunVest Solar, is proposing an 8-acre, 30-year lease on the property as part of the Solar Now Pilot Program. Details for the program and the proposal are included with this report, and summarized below:

- 17 rows (separated) of ground-mounted solar collectors.
- Solar collectors will be 8'8" at the tallest point, with 3 feet of ground clearance to the bottom.
- One (1) 8-foot-tall chain link fence enclosure with locked gate.
- All equipment within fenced compound.
- No lighting or employees post-construction.
- Remote 24/7 monitoring of the site.
- Native plantings utilized for landscaping.

It appears that all Code requirements are met, with the exception of stormwater requirements that are currently being discussed with the Engineering Department. Council should also be aware that the parcel is subject to a 1973 PUD, and a Conditional Use Permit for storage of inflammable liquid (1997). A copy of the Conditions and Restrictions for the PUD is included with this report for reference; however, the Conditions and Restrictions for the Conditional Use Permit are incomplete. Therefore, the proposed document included with this report has been drafted separate and apart from the 1997 approval.

After careful consideration at the April 12, 2022 meeting, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gaglin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3038

Location Map

Res. 2836-060573 (4 pages)

Narrative (6 pages)

Plans (9 pages)

Proposed Conditions and Restrictions (5 pages)

Plan Commission Minutes (1 page)

ORDINANCE NO. 3038

By: _____

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN
ORDINANCE NO. 1878 TO ALLOW A SOLAR FARM ON THE PROPERTY AT
10600 S 13TH ST.

(5th Aldermanic District)

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

WHEREAS, Ordinance No. 1878 (The "Ordinance"), which approved a Conditional Use Permit for storage of inflammable liquid on the property with an address of 10800 S. 13th St. at the time was approved on March 4, 1997; and

WHEREAS, the Ordinance affected the following legally described property:

Beginning at the Southwest corner of said 1/4 Section; thence North 00°36'58" West along the West line of said 1/4 Section 1327.955 ft. Section 1327.955 ft. to a point, said point being on the North line of the South 1/2 of said 1/2 of said 1/4 Section; thence North 89°38'22" East along the North line of the South 1/2 of said 1/4 Section 1761.87 ft. to a point, said point being 89.28 ft. Westerly, measured at right angles, of the West line of the Chicago, Milwaukee St. Paul and Pacific Railroad Company right of way; thence North 02°08'06" East and parallel to said right of way; thence North 02°08'06" East and parallel to said right of way 1327.73 ft. to a point on the North line of said 1/4 Section of the said point also being 785.00 ft. South 89°41'08" West of the Northeast corner of said 1/5 Section thence North 89°41'08" West of the Northeast corner of said 1/4 Section; thence North 89°41'08" East along the North line of said 1/4 Section 89.36ft. to a point, said point being on the West line of the Chicago Milwaukee, St. Paul and Pacific Railroad Company right of way; thence South 02° 08'06" West along the West line of said right of way 2655.43 to a point, said point being on the South line of said 1/4 Section; thence South 89°35'37" West along the South line of said Section 1787.50 ft. to the place of beginning,

Reserving therefrom the West 40.00 ft. and the North 40.00 ft. for road purposes.

WHEREAS, the Applicants, JOE EHLINGER, PPG INDUSTRIES, INC. & BILL FRENCH, SUNVEST SOLAR, LLC, are requesting that the Ordinance be amended to allow a solar farm on the property with a current address of 10600 S. 13th St.; and

WHEREAS, a public hearing was held on this matter on May 17, 2022 to hear comments from all who were interested.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Conditions and Restrictions approved pursuant to Ordinance 1878 affecting the Property hereinabove described are amended as shown in Exhibit A.

SECTION 2: Except as herein modified the conditions and restrictions approved by the Ordinance shall remain in full force and effect.

SECTION 3: The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 4: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 5: This Ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 17th day of May, 2022.

President, Common Council

Approved this 17th day of May, 2022.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

EXHIBIT A: CONDITIONS AND RESTRICTIONS

City of Oak Creek – Conditional Use Permit (CUP) Conditions and Restrictions		
Applicant:	PPG Industries, Inc.	Approved by Plan Commission: 4-12-22
Property Address:	2509 W. Drexel Ave.	Approved by Common Council: 5-17-22
Tax Key Number(s):	810-9985-001	(Ord. 3038; See also Ord. 1878)
Conditional Use:	Solar Farm	

1. LEGAL DESCRIPTION

That part of the Northwest 1/4 of Section 32, in Township 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows:

Beginning at the Southwest corner of said 1/4 Section; thence North 00°36'58" West along the West line of said 1/4 Section 1327.955 ft. Section 1327.955 ft. to a point, said point being on the North line of the South 1/2 of said 1/2 of said 1/4 Section; thence North 89°38'22" East along the North line of the South 1/2 of said 1/4 Section 1761.87 ft. to a point, said point being 89.28 ft. Westerly, measured at right angles, of the West line of the Chicago, Milwaukee St. Paul and Pacific Railroad Company right of way; thence North 02°08'06" East and parallel to said right of way; thence North 02°08'06" East and parallel to said right of way 1327.73 ft. to a point on the North line of said 1/4 Section of the said point also being 785.00 ft. South 89°41'08" West of the Northeast corner of said 1/5 Section thence North 89°41'08" West of the Northeast corner of said 1/4 Section; thence North 89°41'08" East along the North line of said 1/4 Section 89.36 ft. to a point, said point being on the West line of the Chicago Milwaukee, St. Paul and Pacific Railroad Company right of way; thence South 02°08'06" West along the West line of said right of way 2655.43 to a point, said point being on the South line of said 1/4 Section; thence South 89°35'37" West along the South line of said Section 1787.50 ft. to the place of beginning.

Reserving therefrom the West 40.00 ft. and the North 40.00 ft. for road purposes.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. All requirements of Ord. 487, Ord. 488, Resolution 2838-060573, Ord. 1878, these Conditions and Restrictions, all Plan Commission approvals are in effect.
- C. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

- 1) **General Development Plan**
 - a) Detailed building/structure location(s) with setbacks
 - b) Square footage of all buildings/structures
 - c) Area(s) for future expansion
 - d) Area(s) to be paved
 - e) Access drive(s) (width and location)
 - f) Sidewalk location(s)
 - g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees
 - iii) Number of all parking spaces
- 2) **Landscape Plan**
 - a) Screening plan, including parking lot / truck parking screening/barricade
 - b) Number, initial & mature sizes, and types of plantings
 - c) Percentage open/green space
- 3) **Building Plan**
 - a) Architectural elevations (w/dimensions)
 - b) Building floor plans (w/dimensions)
 - c) Materials of construction (including colors)
- 4) **Lighting Plan**
 - a) Types & color of fixtures
 - b) Mounting heights

EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

- iv) Dimensions
 - v) Setbacks
 - h) Location(s) of loading berth(s)
 - i) Location of sanitary sewer (existing & proposed)
 - j) Location of water (existing & proposed)
 - k) Location of storm sewer (existing & proposed)
 - l) Location(s) of wetlands (field verified)
 - m) Location(s) and details of sign(s)
 - n) Location(s) and details of proposed fences
 - c) Types & color of poles
 - d) Photometrics of proposed fixtures
 - 5) **Grading, Drainage and Stormwater Management Plan**
 - a) Contours (existing & proposed)
 - b) Location(s) of storm sewer (existing and proposed)
 - c) Location(s) of stormwater management structures and basins (if required)
 - 6) **Fire Protection**
 - a) Locations of existing & proposed fire hydrants
 - b) Interior floor plan(s)
 - c) Materials of construction
 - d) Materials to be stored (interior & exterior)
- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building or occupancy permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the M-1, Manufacturing zoning district, Ord. 487, Ord. 488, Resolution 2838-060573, Ord. 1878, these Conditions and Restrictions, all Plan Commission approvals, and all applicable sections of the Municipal Code (as amended).
- B. The solar farm shall be in the location on plans approved by the Plan Commission. A maximum of eight (8) acres of the property may be utilized for the solar farm.
- C. A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.
- D. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.
- E. Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.
- F. Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- G. An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter of the solar farm. The sign at the entrance to the facility shall include the facilities 911 address and a twenty-four (24) hour emergency contact number.

EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

- H. There shall be no outdoor storage of vehicles, equipment, merchandise, parts, supplies, or any other materials on the property unrelated to and outside of the fenced solar farm compound.
- I. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

- A. Access shall be via the existing curb cut on S. 13th St. (CTH V). No new curb cuts or access points are allowed.
- B. Parking for the solar farm may utilize the existing parking lot on the property, but shall not reduce the required number of parking stalls for the principal use of the property (PPG).

5. LIGHTING

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

6. SETBACKS

	Front and Street-Facing Setback	Interior Side Setback	Rear Setback
Solar Panels	40'	20'	20'
Equipment Areas (within fence)	40'	20'	20'

7. TIME OF COMPLIANCE

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

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to the term of the lease (30 years) or until such time as the solar farm is sold and/or decommissioned. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Chapter 17 of the Municipal Code (as amended).

9. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

10. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the

EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

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

11. REVOCATION

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

12. ACKNOWLEDGEMENT

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

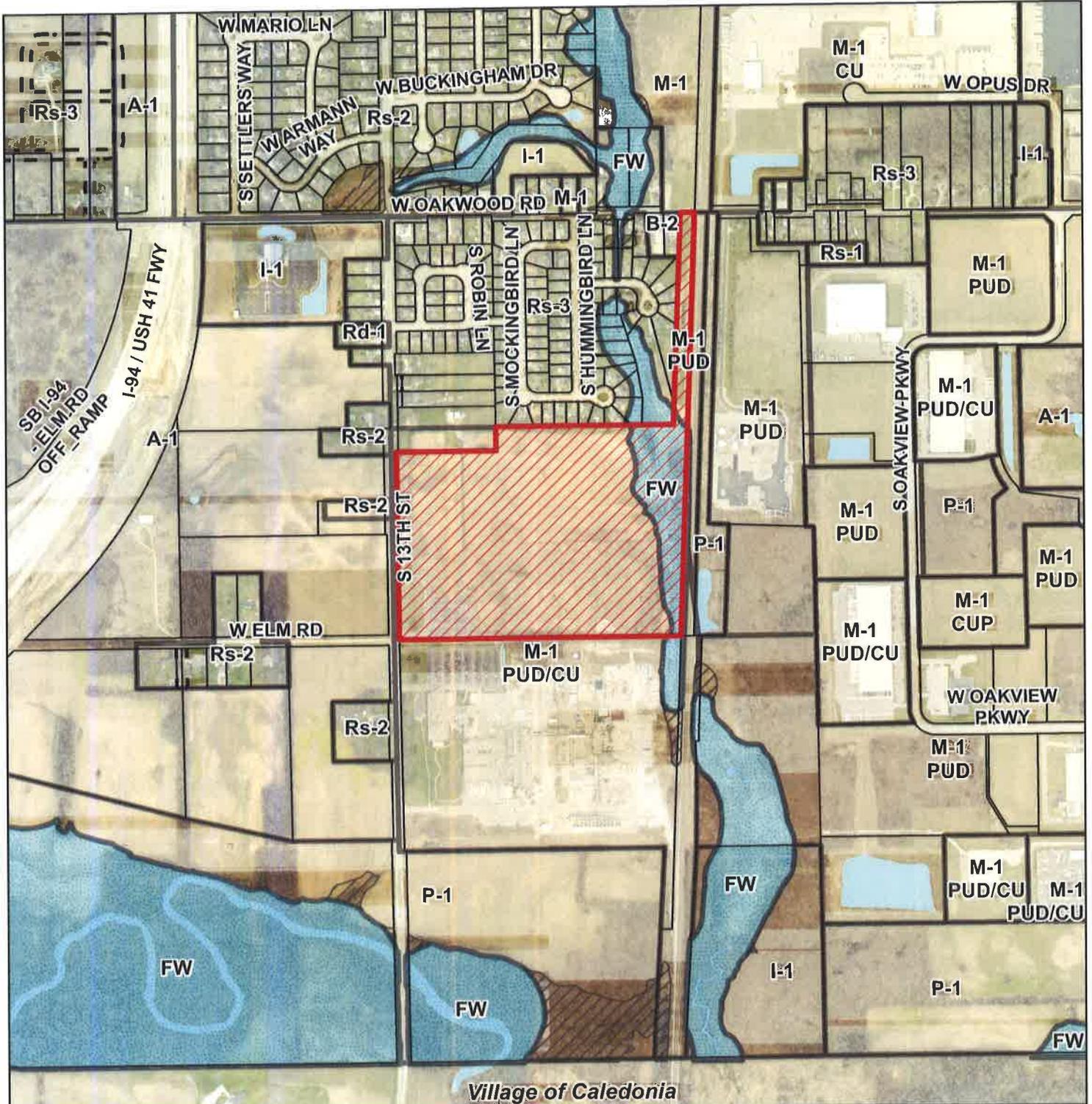
Owner / Authorized Representative Signature

Date

(please print name)

LOCATION MAP

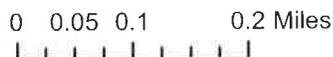
10600 S. 13th St.



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



Community Development



Legend

- Zoning
- Official Map
- Floodway
- Flood Fringe
- Subject Property

RESOLUTION NO. 2836-060573

By Red Schockel

RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR APPROVAL OF AN I.P.D., INDUSTRIAL PLANNED DEVELOPMENT
(PPG Industries)

WHEREAS, A. H. Goelzer had heretofore petitioned the Common Council of the City of Oak Creek to rezone a certain parcel of land located on the east side of South 13th Street south of West Oakwood Road, and

WHEREAS, A. J. Kerber and Margaret Willman had also heretofore petitioned the Common Council of the City of Oak Creek to rezone a certain parcel of land located on the east side of South 13th Street south of West Elm Road extended, and

WHEREAS, more particularly each of the petitioners had respectively requested that the following described parcels of land situated in the City of Oak Creek, Milwaukee County, Wisconsin be rezoned from their present zoning to the zoning hereinafter set forth, to-wit:

Petitioner: A. H. Goelzer
From: R-2, Single Family Residence District
To: I.P.D., Industrial Planned Development District

That portion of the Northwest 1/4 of Section 32, Town 5 North, Range 22 East, lying in the City of Oak Creek, Milwaukee County, State of Wisconsin, bounded and described as follows: Commencing at the Southwest corner of the Northwest 1/4 of Section 32; thence North 00° 36' 58" West on and along the west line of the aforementioned 1/4 Section 1327.45 feet; thence North 89° 41' 08" East and parallel with the north line of the aforementioned 1/4 Section 1760 feet more or less to a point, said point being 89 feet west of the westerly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way; thence Northwesterly and parallel to the aforementioned westerly right-of-way line 1328 feet more or less to a point on the North line of the aforementioned 1/4 Section, said point being 785 feet west of the Northeast corner of said 1/4 Section; thence North 89° 41' 08" East on and along the north line of said 1/4 Section 483 feet; thence South 01° 03' 37" East 200 feet; thence North 89° 41' 08" East 300 feet; thence South 01° 03' 37" East on and along the east line of said 1/4 Section 2451.87 feet to the Southeast corner of said 1/4 Section; thence South 89° 35' 37" West on and along the south line of said 1/4 Section 2631.15 feet to the point of commencement of the lands herein described. Containing 100.63 acres more or less.

Petitioners: A. J. Karbar and Margaret Willman
From: R-2, Single Family Residence District
To: I.P.D., Industrial Planned Development District

That portion of the Southwest 1/4 of Section 32, Town 5 North, Range 22 East, lying in the City of Oak Creek, Milwaukee County, State of Wisconsin, bounded and described as follows: Commencing at the Northwest corner of the Southwest 1/4 of Section 32; thence North 89° 35' 37" East along the north line of the aforementioned 1/4 Section 2631.15 feet to the Northeast corner of the aforementioned 1/4 Section; thence South 00° 57' 36" East along the east line of the aforementioned 1/4 Section 1322.38 feet; thence South 89° 35' 37" West 2629.25 feet to a point on the west line of the aforementioned 1/4 Section; thence North 01° 02' 22" West along the west line of the aforementioned 1/4 Section 1327.19 feet to the point of commencement of the lands herein described. Containing 80.0 acres more or less.

and,

WHEREAS, both of said petitions had been duly referred to the Plan Commission of the City of Oak Creek for a joint public hearing thereon pursuant to the requirements of s. 62.23, Wisconsin Statutes, and of then Ordinance No. 250 of the City of Oak Creek in effect at said time, and more particularly to an I.P.D., Industrial Planned Development, as permitted by said Ordinance No. 250, and ordinances supplementary thereto and amendatory thereof, and

WHEREAS, the Plan Commission had advertised and held a public hearing on the petitions as a result of which said Commission had recommended to the Common Council that the rezoning be approved, subject, however, to the imposition of certain conditions and restrictions upon the construction, location and operation of an I.P.D. Industrial Planned Development, pursuant to the requirements of present Section 17.52 of the Code of the City of Oak Creek, and

WHEREAS, subsequent to the rezoning, the rezoned lands were conveyed by the petitioners to PPG Industries, a Pennsylvania corporation, and

WHEREAS, the conditions and restrictions for the construction and operation of the I.P.D., Industrial Planned Development, are as follows:

1. Building and Site Plans

Prior to issuance of a building permit a precise plan showing detailed building locations, shapes and dimensions, off-street parking, off-street loading berths, architectural drawings or sketches showing the exterior elevations, floor plan and materials of construction shall be submitted to the Oak Creek Plan Commission for approval. This shall apply to building additions and alterations as well as new construction.

2. Landscaping Plan

a. In conjunction with site and building plans, a landscaping design shall be submitted to the Plan Commission for approval. The area included in such landscape plan shall be that determined by the Commission to be the portion(s) of the property actually used as a plant site.

b. The area to be landscaped shall include all land between building locations and South 13th Street (except for area required for driveways) and all land within fifty (50) feet of any building.

c. Landscaped area is defined as that land that is finish graded and sodded, or properly prepared, seeded and tended in a manner that will produce an acceptable lawn, preferably with appropriately located plantings of trees and shrubs, but excepting those areas as may be required for driveways, parking and loading, and building locations.

d. Existing mature trees shall be preserved where possible.

3. Minimum Setbacks

a. No part or portion of any building shall be erected, constructed or extended nearer than sixty (60) feet from the front lot line or a side lot line adjoining a street, or nearer than one hundred (100) feet from any residential zoning district boundary.

b. No part or portion of any parking, loading or outdoor storage area--except access drives--shall be located nearer than sixty (60) feet from the front lot line or a side lot line adjoining a street, or nearer than one hundred (100) feet from any residential zoning district boundary.

4. Outdoor Storage

a. All material stored outside buildings must be stored in an orderly fashion and must be obscured from casual view by a fence, wall, line of plantings, or other device that forms an effective visual screen.

b. Minimum height of such screen shall be five (5) feet. If outdoor storage areas are within three hundred (300) feet of a residential zoning district boundary line, the minimum height of such fence shall be eight (8) feet.

c. Location and design of such screens shall be subject to Plan Commission approval.

5. Drive Pavement

All driveways and parking areas shall be blacktopped or surfaced with concrete from the street surface to the front building wall.

6. Performance Standards

a. Smoke and Particulate Matter:

Emission of smoke or other airborne particulate matter shall be permitted only in compliance with applicable County of Milwaukee or State of Wisconsin Standards and Regulations.

b. Toxic Matter:

No discharge of toxic matter into the air, as surface runoff, or into natural streams shall be permitted, except in compliance with applicable County of Milwaukee or State of Wisconsin standards and regulations.

c. Noxious and Odorous Matter:

No discharge of noxious and odorous matter into the air, as surface runoff, or into natural streams shall be permitted, except in compliance with applicable County of Milwaukee or State of Wisconsin Standards and Regulations.

d. Noise:

At no point on the boundary of the Planned Development shall the sound intensity level of any individual operation or plant exceed 58 DBA, except for noise caused by the operation of motor vehicles and rail stock.

e. Flammable Materials:

The storage, utilization or manufacture of flammable or explosive material, whether in solid, liquid, gaseous or powder form shall be permitted only in compliance with applicable State of Wisconsin Standards and Regulations.

NOW, THEREFORE, BE IT RESOLVED that the conditions and restrictions as recommended by the Plan Commission hereinabove set forth be and the same are hereby adopted and approved as the conditions and restrictions for the construction, location and operation of an I.P.D., Industrial Planned Development.

BE IT FURTHER RESOLVED that the City Clerk be and she is hereby directed to record a certified copy of this resolution with 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 5th day of June, 1973.

Passed and adopted this 5th day of June, 1973.

Albert H. Wundt
President, Common Council

Approved this 6th day of June, 1973.

George C. Honadel
Mayor

ATTEST:

LaVonne C. Gutschmidt
City Clerk

VOTE: Ayes 6 Noes 0



We Energies
231 W. Michigan St.
Milwaukee, WI 53203
www.we-energies.com

City of Oak Creek Conditional Use Amendment

Solar Project Narrative

PROJECT SUMMARY

The Solar Now Pilot Program is a state-approved program that leverages We-Energies' customers' land to host a solar photovoltaic (PV) system. We-Energies owns and operates the solar PV array and its ratepayers receive the benefit of the energy and capacity. In return, We-Energies pays the host a monthly lease payment. This project falls under the Solar Now program, which has been approved by the Wisconsin Public Service Commission. Currently, there are 18 Solar Now projects in-service and another 4 under construction. For this specific project, PPG will lease an 8-acre portion of their property to We-Energies for a thirty-year term. We-Energies, using SunVest Solar LLC as their contractor, will own and operate a 1.87 MW-AC solar PV array as part of the Solar Now Pilot Program. We-Energies will be responsible for any and all repairs to the array, vegetation management of and within the safety fence and assets used for distribution interconnection. SunVest Solar LLC designs and constructs the PV array, using several of their subcontractors for various aspects of construction.

IMPACT TO ADJACENT EXISTING AND FUTURE LAND USES

The solar facility is specifically designed to minimize impact to the land while complying with all required setbacks, height restrictions, and zoning ordinances for the City of Oak Creek. The solar array will have minimal to no impact on adjacent current or future land uses. The applicant will address the topics of storm water runoff and vegetation management later in this document. Additionally, the site was specifically chosen to be efficient from a cost perspective. The chosen area is closest to existing electrical infrastructure to minimize the length of the driveway needed to access the array.

STORM WATER RUNOFF MANAGEMENT

Storm water management will be handled on-site and will comply with all requirements of the City of Oak Creek. Temporary erosion control measures will be in place during construction. Both silt fencing and sediment logs for this project will be detailed on the erosion control plan that is part of the construction/building permit drawing set. The final planting of a native grass community, which is best practice and will significantly reduce the long-term runoff. The native grasses and root systems disperse the water so there is no concentrated water flow. The Wisconsin DNR requires that We-Energies manage storm water runoff for the duration of the term.

VEGETATION MAINTENANCE

After the construction of the solar array, it is We-Energies' responsibility to restore the land disturbed during construction. Once the native meadow / prairie vegetation is established, maintenance of the plantings will occur bi-annually and will consist of mowing and spot treating invasive weeds. The entire site will be covered with diverse, pollinator-friendly, native vegetation specifically designed for this project. The vegetation will be native, requiring minimal maintenance.

once established, and create a habitat beneficial to bees, other insects, birds and other animal species (Fig 2 & 3).

Additional seeding will be done on an “as needed” basis to help maintain optimal vegetative cover. After the end of the term, if PPG chooses not to purchase the solar facility for fair market value, We-Energies will decommission the array and restore the land to its previous condition as required in the Solar Now Ground Lease agreement.

IMPACT TO THE GENERAL PUBLIC’S HEALTH, SAFETY AND WELFARE

Solar facilities generally have little to no impact on surrounding properties health and safety and do not impede the welfare of the surrounding area. They are quiet, dust free, smoke free and odor free. Solar modules are designed to minimize glint and glare by absorbing light to produce electrical energy not reflecting it. The array will be surrounded by a fence that will control access to the facility and keep the general public safe. The top glass on the modules has an anti-glare coating. Once fully installed the operating array has no moving parts. The electrical inverter equipment used on-site is FCC part 15 Class A certified, providing assurance that there will be no interference with radio, TV, internet, or telecommunications. All electrical equipment and construction follow the NEC2017 code requirements, the racking is designed to withstand 105 mile per hour winds and includes safety features to shut down the facility in event of a fault in the system. Lastly, Sunvest will also work with the local emergency responders that serve the area on a full training on system components, and additional training materials for how to safely address concerns on a solar site. The Solar Now program has experienced no health and safety issues with the public. For reference, the first Solar Now array went in-service in 2019.

FACILITY SECURITY

The facility will be surrounded by an 8’ tall chain link fence¹ with a locked gate to prevent access from unauthorized persons. All major electrical equipment will be individually locked and warning signage is provided to identify specific dangers.

LIGHTING

No lighting is planned at this facility.

PROJECT FEATURES

Site improvements will consist of 400 watt photovoltaic solar panels installed on a fixed racking system. The total system size is 2.37 MW-DC, with 1.87 MW of AC capacity. The estimated annual production is approximately 3,600MWh/yr. The racking system is comprised of galvanized steel beams, pile driven 10’6” into the ground. No concrete is anticipated to be used for the support system. The panels will be facing due South and will not track the sun through the day or seasons.

¹ The Solar Now program uses a standard 6’ tall chain link fence. This project proposes an 8’ tall chain link fence to comply with the local ordinance.

The overall height of the system will be 8'8" at its tallest point, with a 3' ground clearance to the bottom edge of the module (See Fig 1 for a cross-section).

All electrical cables will be buried throughout the project area.

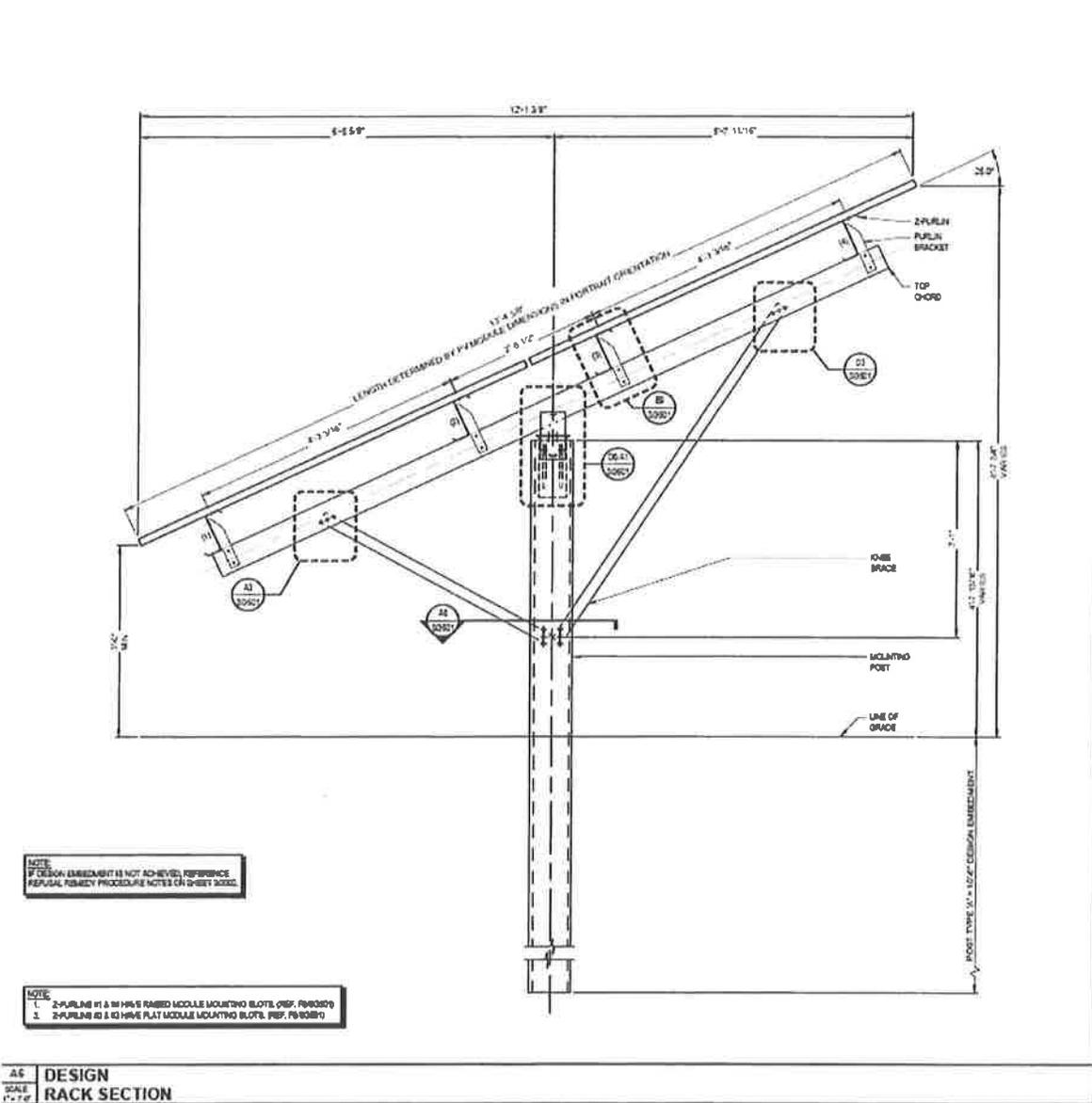


Figure 1 – Snip from the racking construction drawings showing a cross-section of the racking, above and below grade.



Figure 2 - Example similarly sized solar array with an establishing pollinator habitat



Figure 3 – Photo of a similar fixed mounted solar project with established native community

CONSTRUCTION ACTIVITIES

It is anticipated that 15 to 20 full time employees will be on site in the early stages of construction. This will reduce to a team of approximately 10 members toward the end of the construction activities. Typically, there will be a vehicle for each worker, approximately three (3) utility vehicles (UTV's) for transferring equipment around the site, and forklifts needed to perform different construction tasks. Vehicles will be parked on the site access road that will be built to connect to the array. Hours of operation will be from 7am to 5pm. The total construction will take approximately 12-16 weeks. The first two (2) weeks will consist of pile driving with the balance of the construction timeline used for erecting the racking, panels and electrical equipment. Dust will be mitigated through the use of a water truck as needed.



Example array construction showing pile being driven (left) and racking before module install (right)

OPERATIONS & MAINTENANCE

The site will be monitored remotely with 24/7 alerts via a SCADA system and wireless phone connection. An annual preventative maintenance will take place each spring to ensure the facility is running to its full capabilities and to identify issues before they arise. Additionally landscaping will be performed on an as needed basis to keep the low growth vegetation in check. This will be limited to a crew of 1-2 electrical personnel in a passenger vehicle performing annual maintenance checks and replacing equipment as needed.

AGREEMENTS

SOLAR NOW SERVICE AGREEMENT SUMMARY

The service agreement defines the methodology behind the lease payment, delivery of energy, conditions of delivery, and mirrors the language in the Solar Now tariff that was approved by the

Public Service Commission of Wisconsin. The purpose of the service agreement is to memorialize the terms of the tariff and ensure the customer understands the terms and conditions.

SOLAR NOW GROUND LEASE AGREEMENT KEY ITEMS

- PPG and We-Energies have agreed to enter into a 30-year lease, in which We-Energies will own and operate a 1.87 MW-AC solar PV system.
- We-Energies is responsible for the operating and maintaining the solar PV system as well as all electrical assets used in tying the array to the distribution facilities (primary cabling and a transformer).
- We-Energies pays, secures and maintains all licenses and permitting throughout the duration of the lease.
- We-Energies will maintain the leased premises in a state of good condition and repair.
- Towards the end of the term of the lease, We-Energies and PPG will engage in good faith negotiations on the sale of the PV system, for fair market value, to the customer. If the parties are unable to come to an agreement or if PPG does not want the PV system, We-Energies will decommission and remove it and related property from the premises. We-Energies will also restore the premises to the condition prior to the installation of the PV system barring reasonable wear and tear.

PV SYSTEM DETAILS	
ARRAY TYPE:	GROUND MOUNT
DC SYSTEM SIZE:	2.37 MW DC
DC SYSTEM VOLTAGE:	1500 V
AC SYSTEM SIZE:	1.87 MW AC
MODULES	(5940) TRINA TSM-DE15H(I) 400W
INVERTERS:	(15) SMA SHP 125-US-20 480V
OPTIMIZERS:	N/A
RACKING:	RBI
CLAMPS:	N/A
AZIMUTH:	180
ARRAY PITCH:	25

PPG
10600 13TH ST S
OAK CREEK, WI 53154

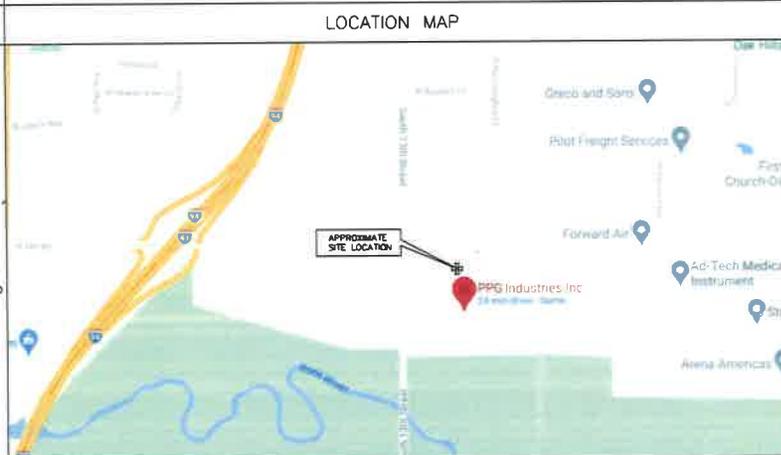
INSPECTION ITEMS	
CONTRACTOR SHALL STRICTLY ADHERE TO THE FOLLOWING CODE STANDARDS UNLESS OTHERWISE NOTED WITHIN THE DRAWING, NEC 2017, IBC 2015, IFC 2015 AND APPLICABLE LOCAL CODES.	
PROGRESS INSPECTIONS:	
ROUGH ELECTRIC:	<input type="checkbox"/> REQUIRED <input type="checkbox"/> NOT REQUIRED
ROUGH BUILDING:	<input type="checkbox"/> REQUIRED <input type="checkbox"/> NOT REQUIRED
FINAL INSPECTIONS:	
ELECTRIC:	<input type="checkbox"/> REQUIRED <input type="checkbox"/> NOT REQUIRED
BUILDING:	<input type="checkbox"/> REQUIRED <input type="checkbox"/> NOT REQUIRED
OTHER:	<input type="checkbox"/> REQUIRED <input type="checkbox"/> NOT REQUIRED
CONTRACTOR SHALL BE KNOWLEDGEABLE OF ANY LOCAL AHJ INSPECTIONS REQUIRED NOT LISTED.	



SUNVEST SOLAR LLC

827 W24025 PAUL CT. SUITE 100
 PEWAUKEE, WI 53072
 PHONE: (262)-547-1200
 WWW.SUNVEST.COM

- SCOPE OF WORK**
- CONTRACTOR SHALL ACCEPT, VERIFY AND INSTALL ALL MATERIAL AS LISTED ABOVE AND ON THE I.B.O.M. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE DEVELOPER IMMEDIATELY.
 - ALL EQUIPMENT AND MATERIAL SHALL BE INSTALLED AS PER MANUFACTURERS GUIDELINES SET FORTH IN THE INSTRUCTION MANUAL AND AS PER NEC, IFC.
 - CONTRACTOR SHALL PROVIDE PROTECTIVE MATERIALS TO PREVENT DAMAGE TO EXISTING BUILDINGS OR EQUIPMENT AND PROPOSED BUILDINGS OR EQUIPMENT.
 - CONTRACTOR SHALL PERFORM A PRE-CONSTRUCTION SITE WALK AT LEAST 5 DAYS PRIOR TO MOBILIZATION TO CONFIRM SITE CONDITIONS, STAGING AREAS AND ANY OTHER SITE SPECIFIC DETAILS REQUIRED. ANY ISSUES SHALL BE PHOTO DOCUMENTED ALONG WITH A WRITTEN REPORT AND PROVIDED IMMEDIATELY TO THE NECESSARY PARTIES.
 - IF DEVELOPER IS NOT CALLED, CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL TESTING/INSPECTION REQUIRED TO APPROVE SITE AT ENGINEERS DISCRETION.
 - PRIOR TO FINAL SIGN-OFF THE CONTRACTOR SHALL PROVIDE A LETTER OF COMPLIANCE FOR THE WORK DONE. THE LETTER MUST REFERENCE THAT THE WORK WAS DONE IN ACCORDANCE TO THE DRAWINGS AND IN COMPLIANCE WITH THE CODE OF THE APPLICABLE AUTHORITY HAVING JURISDICTION.



- NOTES**
- THE APPLICANT PROPOSES TO INSTALL PV MODULES AND WEATHER PROOF EQUIPMENT FOR AN UNMANNED FACILITY.
 - EQUIPMENT IS UNMANNED AND NOT FOR HUMAN HABITATION, HANDICAP ACCESS IS THEREFORE NOT REQUIRED.
 - CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO FABRICATION AND ERECTION OF ANY MATERIAL. NON-CONFORMING CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER.
 - INCORRECTLY FABRICATED, DAMAGED OR OTHERWISE MISFITTING OR NON-CONFORMING MATERIALS OR CONDITIONS SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER AND DEVELOPER FOR REMEDIAL OR CORRECTIVE ACTION.
 - DEVELOPMENT AND USE OF THE SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
- DISCLAIMER**
- IT IS A VIOLATION OF THE LAW FOR ANY PERSON UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER TO ALTER THIS DOCUMENT. UNLESS EXPLICITLY NOTED TO BY THE ENGINEER IN WRITING, THE ENGINEER DISCLAIMS ALL LIABILITY ASSOCIATED WITH THE REUSE, ALTERATION OR MODIFICATION OF THE CONTENTS HEREIN.

LICENSED ELECTRICAL ENGINEER certifies that they prepared all the electrical "E" sheets in this drawing set.
LICENSED STRUCTURAL ENGINEER certifies that they prepared all of the structural "S" sheets in this drawing set.
LICENSED CIVIL ENGINEER certifies that they prepared all of the civil "C" sheets in this drawing set.
 It should be noted that any plan sheets not identified above have been prepared and certified by others and have been included herein for informational purposes only.

SITE INFORMATION

PROPERTY OWNER: PPG

POWER COMPANY: WE ENERGIES

PROJECT MANAGER: TBD PHONE: TBD

APPROX LEASED SQ FT: 348,771

TAX ID: 9549996006



DWG NO:	DRAWING INDEX
	SHEET TITLE
1-1.00	TITLE SHEET
2-1.00	ARRAY LAYOUT
3-1.00	ONE LINE DIAGRAM
4-1.00	SPIDER SHEETS
5-1.00	MEG LABELS
6-1.00	GENERAL NOTES
7-1.00	GENERAL NOTES
8-1.00	
9-1.00	
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 SCALE: AS NOTED JOB NO: JOB_NO

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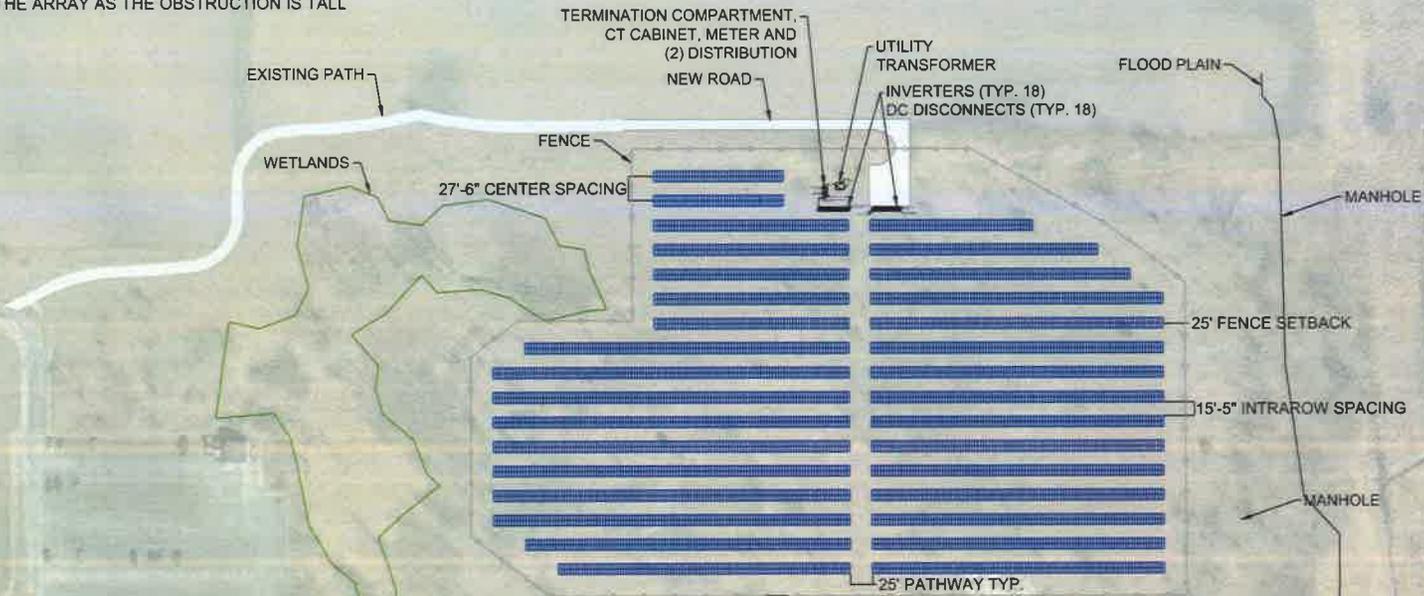
10600 13TH ST S
 OAK CREEK, WI 53154

SHEET TITLE
 TITLE SHEET

DWG. NO.
T-1.00

NOTES:

NO OBSTRUCTION WILL BE PERMITTED GREATER THAN 1/3 THE DISTANCE TO THE ARRAY AS THE OBSTRUCTION IS TALL



EXISTING FENCE
150FT BOUNDARY LINE.
50FT HIGH BUILDING CAN BE BUILT HERE

150'-0" FROM ARRAY FENCE
66'-10" FROM EXISTING FENCE

SUNVEST
SOLAR LLC

#27 W24025 PAUL CT, SUITE 100
PEWaukee, WI 53072
PHONE: (262)-547-1200
WWW.SUNVEST.COM

LICENSED ELECTRICAL ENGINEER certifies that they prepared all the electrical "E" sheets in this drawing set.
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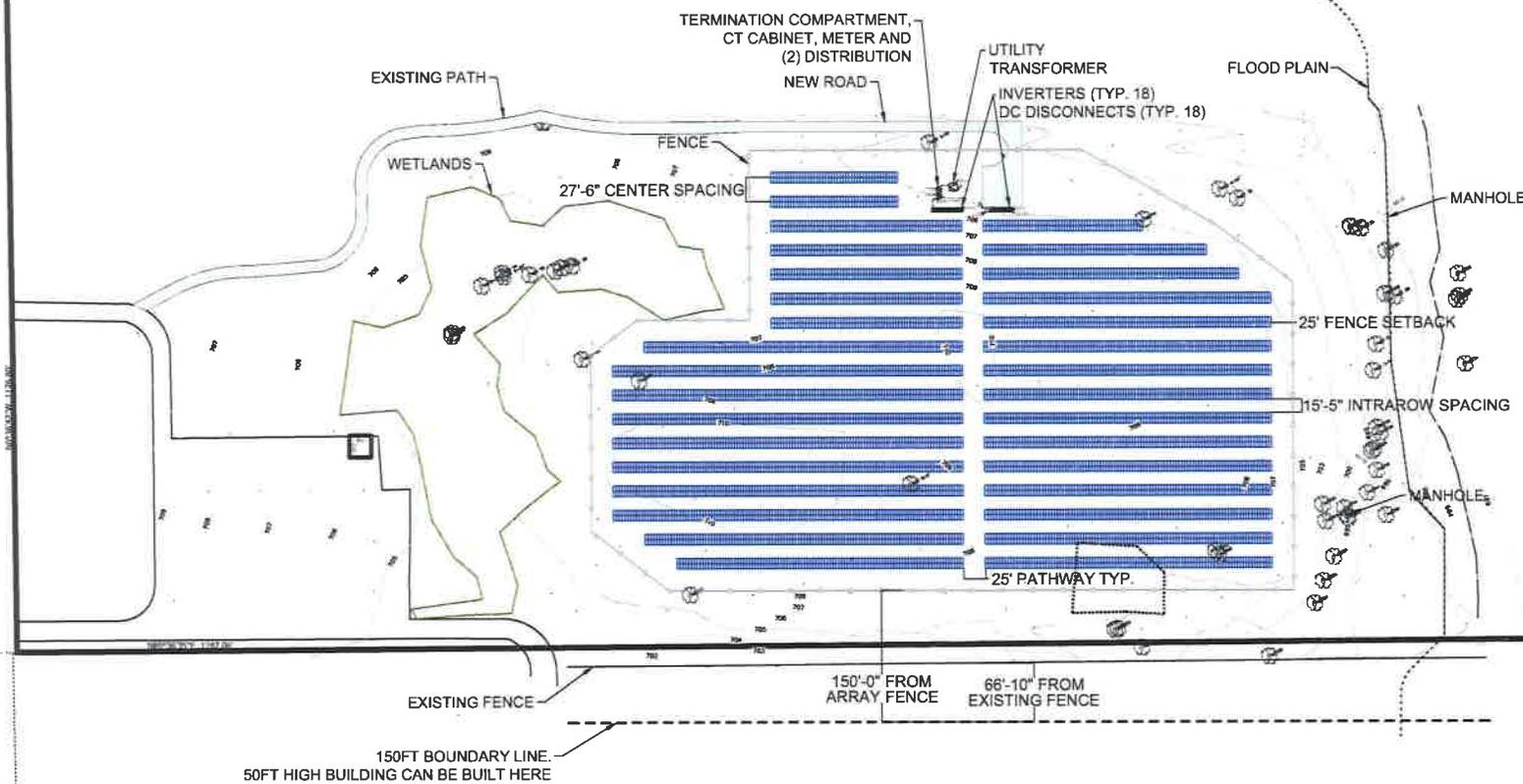
PPG

10600 13TH ST S
OAK CREEK, WI 53154



SHEET TITLE
ARRAY LAYOUT

DWG. NO
PV-1.00



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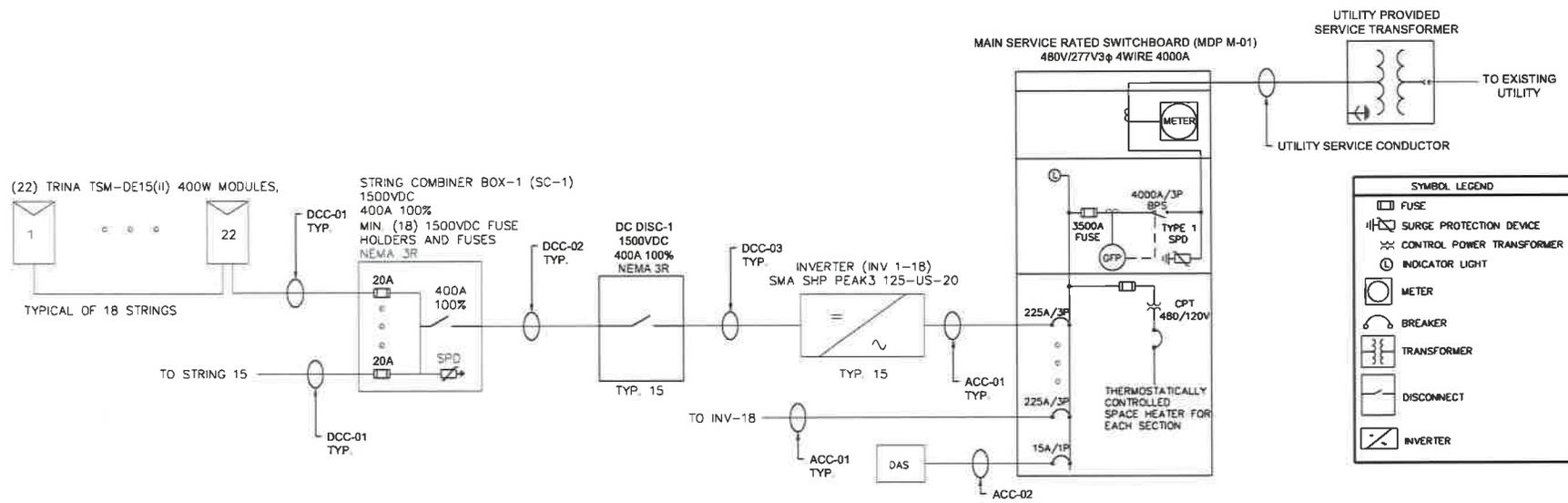
10600 13TH ST S
OAK CREEK, WI 53154

SHEET TITLE
TOPOGRAPHY

DWG. NO.
PV-1.01

PV SYSTEM DETAILS

ARRAY TYPE:	GROUND MOUNT
DC SYSTEM SIZE:	2.37 MW DC
DC SYSTEM VOLTAGE:	1500 V
AC SYSTEM SIZE:	1.87 MW AC
MODULES:	(5940) TRINA TSM-DE15(H) 400W
INVERTERS:	(15) SMA SHP 125-US-20 480V
OPTIMIZERS:	N/A
RACKING:	RBI
CLAMPS:	N/A
AZIMUTH:	180
ARRAY PITCH:	25



SYMBOL LEGEND

[Symbol]	FUSE
[Symbol]	SURGE PROTECTION DEVICE
[Symbol]	CONTROL POWER TRANSFORMER
[Symbol]	INDICATOR LIGHT
[Symbol]	METER
[Symbol]	BREAKER
[Symbol]	TRANSFORMER
[Symbol]	DISCONNECT
[Symbol]	INVERTER

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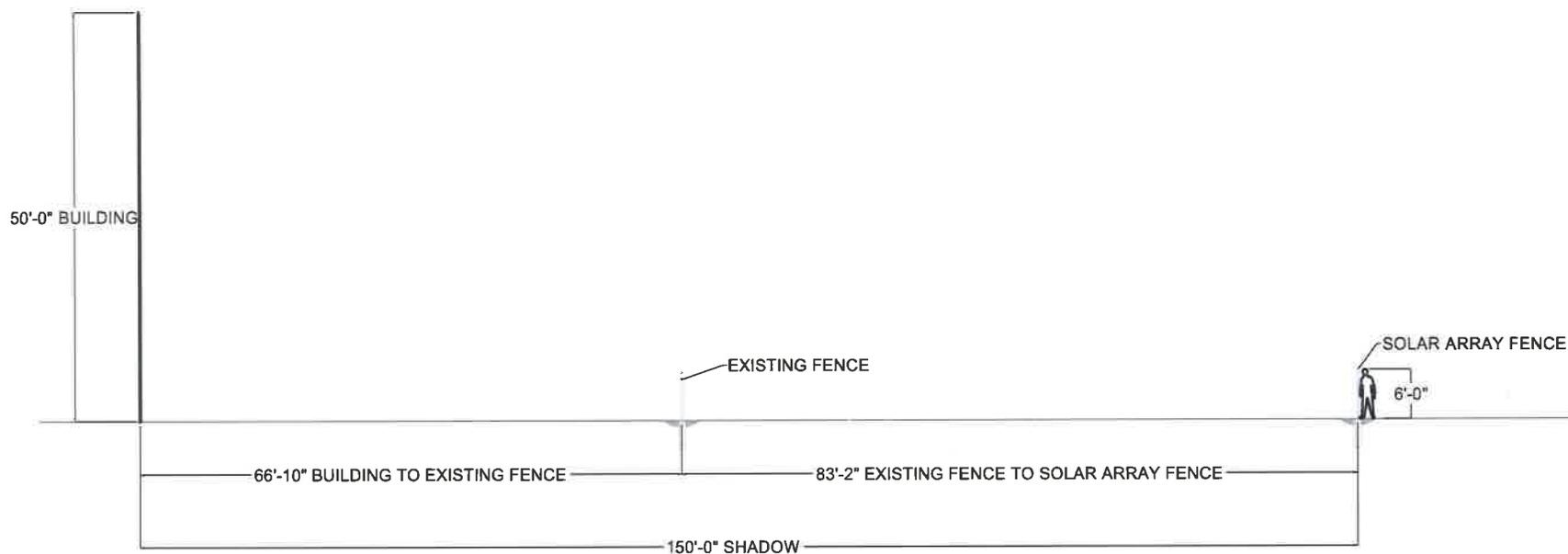
PPG
10600 13TH ST S
OAK CREEK, WI 53154

SHEET TITLE
ONE LINE DIAGRAM

DWG. NO.
E-1.00



N27 W24025 PAUL CT. SUITE 100
POMONA, WI 53072
PHONE: (262)-547-1200
WWW.SUNVEST.COM



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PPG
10600 13TH ST S
OAK CREEK, WI 53154

SHEET TITLE
DETAILS

DWG. NO.
D-1.02

Multi Solutions

THE TALLMAX™

FRAMED 144 HALF-CELL MODULE

144-Cell
MONOCRYSTALLINE MODULE

380-410W
POWER OUTPUT RANGE

20.2%
MAXIMUM EFFICIENCY

0~+5W
POSITIVE POWER TOLERANCE

High power output

- Reduce BOS cost with high power and 1500V system voltage
- Reduce BOS cost by using 1500V system voltage PV equipment
- Low temperature coefficient
- Low Pmax temperature coefficient

High energy generation, low LCOE

- Proven 3rd party validated IEC and high performance wet cell products and module level demonstration
- High energy yield (15% better than 144-cell 150W module)
- Low Pmax temperature coefficient increases energy production
- Better and shading performance and lower operating temperature

Certified to perform in highly challenging environments

- Highly resistant to hail and other weather-related damage
- Resistant to salt, acid, alkali, and ammonia
- Approved for use in high altitude, high temperature, and high humidity environments

Easy to install, wide application

- Designed for ground mounted and rooftop projects
- Safe and easy to transport, handle, and install

PERFORMANCE WARRANTY

TrinaSolar

SUNNY HIGHPOWER PEAK3 125-US / 150-US
A superior modular solution for large-scale power plants

The PEAK3 1500 VDC inverter offers a high power density in a modular architecture that achieves a cost-efficient solution for large-scale PV applications. With fast, simple installation and commissioning, the Sunny Highpower PEAK3 is revolutionizing the path to energy. SMA has also brought its full-power Smart Connected technology to the PEAK3, which simplifies O&M and contributes to lower lifetime service costs. The PEAK3 power plant solution is powered by the sunOS cross sector energy management platform, 2016 winner of the Inverter Innovation Award.

Cost effective

- Highly efficient inverter design
- Low Pmax temperature coefficient
- Low Pmax temperature coefficient

Maximum flexibility

- Supports 1,500 VDC system voltage
- Flexible architecture enables installation in any environment

Simple install, commissioning

- Highly efficient inverter design
- Low Pmax temperature coefficient
- Low Pmax temperature coefficient

Highly innovative

- Highly efficient inverter design
- Low Pmax temperature coefficient
- Low Pmax temperature coefficient

UL US

TALLMAX™

FRAMED 144 HALF-CELL MODULE

Electrical Data Sheet

Parameter	144-Cell	144-Cell	144-Cell	144-Cell	144-Cell	144-Cell
Maximum Power (Pmax)	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at STC	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 25°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 15°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 35°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 45°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 55°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 65°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 75°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 85°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 95°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 105°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 115°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 125°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 135°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 145°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 155°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 165°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 175°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 185°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 195°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 205°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 215°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 225°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 235°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 245°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 255°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 265°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 275°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 285°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 295°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 305°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 315°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 325°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 335°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 345°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 355°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 365°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 375°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 385°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 395°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 405°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 415°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 425°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 435°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 445°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 455°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 465°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 475°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 485°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 495°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 505°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 515°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 525°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 535°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 545°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 555°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 565°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 575°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 585°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 595°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 605°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 615°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 625°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 635°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 645°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 655°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 665°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 675°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 685°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 695°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 705°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 715°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 725°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 735°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 745°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 755°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 765°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 775°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 785°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 795°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 805°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 815°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 825°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 835°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 845°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 855°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 865°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 875°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 885°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 895°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 905°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 915°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 925°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 935°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 945°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 955°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 965°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 975°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 985°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 995°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1005°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1015°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1025°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1035°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1045°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1055°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1065°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1075°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1085°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1095°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1105°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1115°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1125°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1135°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1145°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1155°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1165°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1175°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1185°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1195°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1205°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1215°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1225°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1235°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1245°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1255°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1265°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1275°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1285°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1295°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1305°C	380W	390W	400W	410W	420W	430W
Maximum Power (Pmax) at 1315°C	380W	390W				

WARNING

THIS PANEL HAS SECONDARY POWER SOURCE FROM PHOTOVOLTAIC SYSTEM. TURN OFF PHOTOVOLTAIC SYSTEM BREAKER PRIOR TO SERVICING PANEL.

MAXIMUM CIRCUIT CURRENT: 345 AMP

NOMINAL OPERATING AC VOLTAGE: 480 VOLT

LABEL #1 PLACE AT POINT OF INTERCONNECTION

WARNING

DUAL POWER SUPPLY

SOURCES: UTILITY GRID AND PV SOLAR ELECTRIC SYSTEM

LABEL #2 PLACE AT POINT OF INTERCONNECTION

WARNING

SOLAR GENERATOR UTILITY LOCKABLE AC DISCONNECT SWITCH. AUTHORIZED PERSONNEL ONLY. HIGH VOLTAGE - KEEP AWAY.

LABEL #3 PLACE AT UTILITY LOCKABLE DISCONNECT

WARNING

POTENTIAL ARC FLASH HAZARD

LABEL #4 PLACE AT PV SWITCHBOARD

WARNING

TURN OFF AC DISCONNECT PRIOR TO WORKING INSIDE PANEL. AUTHORIZED PERSONNEL ONLY. HIGH VOLTAGE - KEEP AWAY.

LABEL #5 PLACE AT AC COMBINER PANEL

WARNING

PV ARRAY DC DISCONNECT

ELECTRICAL SHOCK HAZARD - DO NOT TOUCH TERMINALS. TERMINALS ON BOTH THE LINE AND LOAD SIDES MAY BE ENERGIZED IN THE OPEN POSITION.

MAXIMUM CIRCUIT CURRENT: 180 AC; 1900 VDC

LABEL #6 PLACE ON DC DISCONNECTS

WARNING

POWER METER AND AC DISCONNECT. TURN OFF INVERTER PRIOR TO OPERATING AC DISCONNECT. AUTHORIZED PERSONNEL ONLY. HIGH VOLTAGE - KEEP AWAY.

LABEL #7 PLACE AT AC DISCONNECT

WARNING

ELECTRIC SHOCK HAZARD

IF GROUND FAULT IS INDICATED ALL NORMALLY GROUNDED CONDUCTORS MAY BE UNGROUNDED AND ENERGIZED.

LABEL #8 PLACE ON INVERTERS

CAUTION: SOLAR ELECTRIC SYSTEM CONNECTED

LABEL #11 PLACE ON DC DISCONNECTS AND INVERTERS

CAUTION SOLAR CIRCUIT

LABEL #12 PLACE ON CONDUIT, JUNCTION BOXES AND COMBINER BOXES AT EVERY 10'

WARNING

DC JUNCTION BOX

LABEL #13 PLACE ON DC JUNCTION BOXES

INV-01

LABEL #14 PLACE AT INVERTERS

ACB-01

LABEL #15 PLACE AT AC COMBINER PANELS

ACSB-01

LABEL #16 PLACE AT AC SWITCHBOARD

D-01

LABEL #17 PLACE AT SYSTEM AC DISCONNECT

M-01

LABEL #18 PLACE AT SYSTEM METER CABINET

WARNING

ELECTRIC SHOCK HAZARD

TERMINALS ON THE LINE AND LOAD SIDES MAY BE ENERGIZED IN THE OPEN POSITION.

DC VOLTAGE IS ALWAYS PRESENT WHEN SOLAR MODULES ARE EXPOSED TO SUNLIGHT.

LABEL #9 PLACE ON DC DISCONNECTS AND AC DISCONNECTS

WARNING

PULL BOX

AUTHORIZED PERSONNEL ONLY. HIGH VOLTAGE - KEEP AWAY.

LABEL #10 PLACE AT PULL BOXES

CAUTION: SOLAR ELECTRIC SYSTEM CONNECTED

LABEL #19 PLACE AT RAPID SHUTDOWN DISCONNECTS

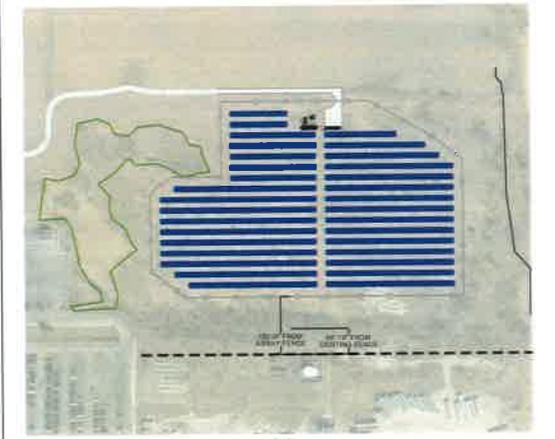
SOLAR PV SYSTEM EQUIPPED WITH RAPID SHUTDOWN

TURN RAPID SHUTDOWN SWITCH TO THE "OFF" POSITION TO SHUT DOWN PV SYSTEM AND REDUCE SHOCK HAZARD IN ARRAY.

LABEL #20 PLACE AT MAIN SERVICE DISCONNECT

CAUTION

POWER TO THIS SITE IS SUPPLIED BY MULTIPLE SOURCES: DISCONNECT LOCATIONS ARE SHOWN BELOW



PPG
MAP OF PHOTOVOLTAIC POWER SOURCES
DISCONNECTING MEANS
SITE DISCONNECT LOCATION PLACECARD

- SHEET NOTES:**
- SYSTEM LABELS SHALL BE PERMANENTLY ATTACHED BY MECHANICAL MEANS OR SECURED WITH UV-RESISTANT ADHESIVE.
 - MATERIALS USED IN THE CONSTRUCTION OF THE LABELS SHALL BE UV-RESISTANT.
 - ELECTRICAL EQUIPMENT, SUCH AS SWITCHBOARDS, PANELBOARDS, INDUSTRIAL CONTROL PANELS, METER SOCKET ENCLOSURES, AND MOTOR CONTROL CENTERS THAT ARE IN OTHER THAN DWELLING OCCUPANCIES AND ARE LIKELY TO REQUIRE EXAMINATION, ADJUSTMENT, SERVICING, OR MAINTENANCE WHILE ENERGIZED SHALL BE FIELD-MARKED TO WARN QUALIFIED PERSONS OF POTENTIAL ELECTRIC ARC FLASH HAZARD. THE MARKING SHALL BE LOCATED SO AS TO BE CLEARLY VISIBLE TO QUALIFIED PERSONS BEFORE EXAMINATION, ADJUSTMENT, SERVICING, OR MAINTENANCE OF THE EQUIPMENT. (NEC TABLE 130.5)
 - ALL INTERACTIVE SYSTEMS (POINTS OF INTERCONNECTION WITH OTHER SOURCES) SHALL BE MARKED AT AN ACCESSIBLE LOCATION AT THE DISCONNECTING MEANS AS A POWER SOURCE AND WITH THE AVAILABLE SHORT-CIRCUIT CURRENT AND THE NOMINAL OPERATING AC VOLTAGE. (NEC TABLE 130.5)
- KEY PLAN NOTES:**
- PROVIDE 6" X 3" ENGLISH/SPANISH ELECTRICAL WARNING SIGN AT EACH OF THE SITE ENTRANCES AND EVERY 200' ALONG THE FENCE.
 - PROVIDE SITE DISCONNECT LOCATION PLACECARD AT EACH OF THE SITE ENTRANCES. MARK "YOU ARE HERE" AT EACH OF THE LOCATIONS ON THE MAP.
 - TEXT SHALL BE CAPITALIZED AND BE MINIMUM 1" TALL.

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LICENSED STRUCTURAL ENGINEER certifies that they prepared all of the structural "S" sheets in this drawing set.
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It should be noted that any plan sheets not identified above have been prepared and certified by others and have been included herein for informational purposes only.

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DRAWN BY: CR		CHECKED BY:	
SCALE: AS NOTED		JOB NO: JOB_NO	

PPG

10600 13TH ST S
OAK CREEK, WI 53154

SHEET TITLE
NEC LABELS

DWG NO.
E-3.00

1. GENERAL REQUIREMENTS:

- 1.1 THE WORK TO BE DONE UNDER THIS PROJECT INCLUDES PROVIDING ALL EQUIPMENT, MATERIALS, LABOR AND SERVICES NOT INCLUDED IN THE B.O.M. AND PERFORMING ALL OPERATIONS FOR COMPLETE AND OPERATING SYSTEMS. ANY WORK NOT SPECIFICALLY COVERED BUT NECESSARY TO COMPLETE THIS INSTALLATION, SHALL BE PROVIDED. ALL EQUIPMENT AND WIRING TO BE NEW AND PROVIDED UNDER THIS CONTRACT UNLESS OTHERWISE NOTED.
- 1.2 ENTIRE INSTALLATION, INCLUDING MATERIALS, EQUIPMENT AND WORKMANSHIP, SHALL CONFORM TO THE CURRENT EDITION OF THE NATIONAL ELECTRIC CODE (NEC) AS WELL AS ALL APPLICABLE LAWS AND REGULATIONS AND REGULATORY BODIES HAVING JURISDICTION OVER THIS WORK.
- 1.3 THE TERM "FURNISH" SHALL MEAN TO OBTAIN AND SUPPLY TO THE JOB SITE. THE TERM "INSTALL" SHALL MEAN TO FIX IN POSITION AND CONNECT FOR USE. THE TERM "PROVIDE" SHALL MEAN TO FURNISH AND INSTALL. THE TERM "CONTRACTOR" SHALL MEAN ELECTRICAL CONTRACTOR.
- 1.4 ONLY WRITTEN CHANGES AND/OR MODIFICATIONS APPROVED BY THE ENGINEER, CONSULTING ENGINEER OR OWNER'S REPRESENTATIVE WILL BE RECOGNIZED.
- 1.5 THE ELECTRICAL CONTRACTOR SHALL SUBMIT, FOR THE ENGINEER'S APPROVAL, DETAILED SHOP DRAWINGS OF ALL EQUIPMENT SPECIFIED.
- 1.6 CONTRACTOR SHALL COORDINATE WITH SPECIFICATIONS PROVIDED BY OTHER TRADES.
- 1.7 PROVIDE OPERATING AND MAINTENANCE MANUALS, PER SPECIFICATIONS, AND GIVE INSTRUCTIONS TO USER FOR ALL EQUIPMENT AND SYSTEMS PROVIDED UNDER THIS CONTRACT AFTER ALL ARE CLEANED AND OPERATING.
- 1.8 KEEP PREMISES FREE FROM RUBBISH. REMOVE ALL ELECTRICAL RUBBISH FROM SITE.
- 1.9 ALL WORK SHALL BE INSTALLED CONCEALED UNLESS OTHERWISE NOTED.
- 1.10 THE WORK SHALL INCLUDE ALL PANELS, DEVICES, FEEDERS AND BRANCH CIRCUIT WIRING AS REQUIRED FOR THE DISTRIBUTION SYSTEM INDICATED AND CALLED FOR ON THE DRAWINGS, REQUIRED BY SPECIFICATIONS AND AS NECESSARY FOR COMPLETE FUNCTIONAL SYSTEMS PRESENTED AND INTENDED.
- 1.11 THE CONTRACTOR SHALL FURNISH ALL MATERIAL, LABOR, TOOLS, EQUIPMENT, CONSUMABLES AND SERVICES REQUIRED FOR OBTAINING, DELIVERY, INSTALLATION, CONNECTION, DISCONNECTION, REMOVAL, RELOCATION, REPAIR, REPLACEMENT, TESTING AND COMMISSIONING OF ALL EQUIPMENT AND DEVICES INCLUDED IN OR NECESSARY FOR THE WORK, AS APPLICABLE, THIS INCLUDES SCAFFOLDING, LADDERS, RIGGING, HOISTING, ETC.
- 1.12 ELECTRICAL WORK SHALL INCLUDE ALL REQUIRED CUTTING, PATCHING AND THE FULL RESTORATION OF WALL AND FLOOR STRUCTURE AND SURFACES. ALL EQUIPMENT, WALLS, FLOORS, ETC., DISTURBED OR DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED TO THE SATISFACTION OF THE OWNER, AT THE CONTRACTORS EXPENSE.
- 1.13 BEFORE SUBMITTING HIS BID, THE CONTRACTOR SHALL FULLY ACQUAINT HIMSELF/HERSELF WITH THE JOB CONDITIONS AND DIFFICULTIES THAT WILL PERTAIN TO THE EXECUTION OF THIS WORK. SUBMISSION OF A PROPOSAL WILL BE CONSTRUED AS EVIDENCE THAT SUCH AN EXAMINATION HAS BEEN MADE. LATER CLAIMS WILL NOT BE RECOGNIZED FOR EXTRA LABOR, EQUIPMENT OR MATERIALS REQUIRED BECAUSE OF DIFFICULTIES ENCOUNTERED, WHICH COULD HAVE BEEN FORESEEN HAD SUCH AN EXAMINATION BEEN MADE.
- 1.14 THE CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING UTILITIES.
- 1.15 UPON COMPLETION OF THE ELECTRICAL WORK, THE CONTRACTOR SHALL TEST THE COMPLETE ELECTRICAL SYSTEM FOR SHORTS, GROUNDS, AND PROPER OPERATION, IN THE PRESENCE OF THE OWNER'S REPRESENTATIVE.
- 1.16 UPON COMPLETION OF WORK, THE CONTRACTOR SHALL CLEAN AND ADJUST ALL EQUIPMENT AND LIGHTING AND TEST SYSTEMS TO THE SATISFACTION OF OWNER AND ENGINEER. RESULTS SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL.
- 1.17 THE CONTRACTOR SHALL FIELD VERIFY DIMENSIONS OF FINISHED CONSTRUCTION PRIOR TO FABRICATION AND INSTALLATION OF FIXTURES AND EQUIPMENT.
- 1.18 EXACT ROUTING OF CONDUITS AND "MC" CABLES SHALL BE DETERMINED IN THE FIELD.

- 1.19 IF THE OWNER AND/OR HIS REPRESENTATIVE CONSIDERS ANY WORK TO BE INFERIOR, THE RESPECTIVE CONTRACTOR SHALL REPLACE SAME WITH CONTRACT STANDARD WORK WITHOUT ADDITIONAL CHARGE. ALL WORK SHALL BE DONE IN A NEAT, WORKMANLIKE MANNER, LEFT CLEAN AND FREE FROM DEFECTS, AND COMPLETELY OPERABLE.
 - 1.20 THE CONTRACTOR SHALL PROVIDE ALL MATERIALS AS SHOWN ON THE DRAWINGS AND/OR AS SPECIFIED. ALL MATERIALS SHALL BE NEW, AND BEAR THE UL LABEL. ALL WORK SHALL BE GUARANTEED BY THE CONTRACTOR FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF ACCEPTANCE BY THE OWNER.
 - 1.21 DRAWINGS ARE TO BE CONSIDERED DIAGRAMMATIC, AND SHALL BE FOLLOWED AS CLOSELY AS CONDITIONS ALLOW TO COMPLETE THE INTENT OF THE CONTRACT. THE DRAWINGS AND SPECIFICATIONS COMPLEMENT ONE ANOTHER, AND WHAT IS SHOWN ON THE DRAWINGS AND NOT MENTIONED IN THE SPECIFICATIONS, AND VICE VERSA, IS TO BE INCLUDED IN THE SCOPE OF WORK.
 - 1.22 ALL EQUIPMENT CONNECTIONS SHALL BE INSTALLED PER APPLICABLE SEISMIC REQUIREMENTS.
 - 1.23 ENGINEER WILL MAKE A FINAL INSPECTION WITH THE OWNER AND CONTRACTOR AND WILL NOTIFY THE CONTRACTOR IN WRITING OF ALL PARTICULARS IN WHICH THIS INSPECTION REVEALS THAT THE WORK IS INCOMPLETE OR DEFECTIVE. THE CONTRACTOR SHALL IMMEDIATELY TAKE SUCH MEASURES AS ARE NECESSARY TO COMPLETE SUCH WORK OR REMEDY SUCH DEFICIENCIES.
 - 1.24 THE CONTRACTOR SHALL PERFORM ALL EXCAVATION, TRENCHING AND BACKFILL REQUIRED FOR ELECTRICAL WORK. BACKFILL SHALL BE SUITABLE MATERIAL PROPERLY COMPACTED TO 95% DENSITY IN EACH LAYER OF SIX (6) INCH DEPTH. CONDUIT SHALL BE MINIMUM 36" BELOW FINISHED GRADE.
- 2. PROJECT COORDINATION:**
- 2.1 THE CONTRACTOR SHALL VERIFY FIELD CONDITIONS AT THE SITE AND NOTIFY THE OWNER OF ANY DISCREPANCIES, PRIOR TO COMMENCING WITH THE WORK.
 - 2.2 THE CONTRACTOR SHALL REVIEW AND COORDINATE WITH THE DOCUMENTS OF ALL TRADES.
 - 2.3 THE CONTRACTOR SHALL FURNISH A SCHEDULE INDICATING HIS PORTION OF TIME, WITHIN THE OVERALL SCHEDULE, REQUIRED TO COMPLETE THE WORK, IN CONJUNCTION WITH ALL TRADES. ALL WORK THAT MAY AFFECT OPERATION OF BUILDING SYSTEMS SHALL BE COORDINATED WITH THE OWNER'S REPRESENTATIVE.
 - 2.4 REFER TO THE CONSTRUCTION DRAWINGS AND APPROPRIATE VENDORS APPROVED DIMENSIONED LAYOUT DRAWINGS FOR THE LOCATIONS OF ALL ELECTRICAL DEVICES AND EQUIPMENT.
 - A. EXTERIOR, BUILDING MOUNTED LUMINAIRES
 - B. SWITCHES
 - 2.5 REFER TO THE PLUMBING DRAWINGS (IF APPLICABLE) FOR THE LOCATIONS OF THE FOLLOWING:
 - A. GENERATOR
 - 2.6 SHUT DOWN OF POWER SHALL BE COORDINATED WITH THE OWNER, ARCHITECT AND PROJECT MANAGER AT LEAST 14 WORKING DAYS PRIOR TO SHUT DOWN. SHUT DOWNS LONGER THAN 2 DAYS SHALL BE COORDINATED WITH THE ABOVE PERSONNEL AT LEAST ONE MONTH IN ADVANCE. TEMPORARY POWER FOR CONSTRUCTION SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR FOR SHUT DOWNS OVER 2 DAYS.
 - 2.7 ALL CONDUITS AND DEVICE BOXES SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR, INCLUDING ALL TECHNOLOGY CONDUITS AND BOXES.
 - 2.8 EXACT LOCATIONS OF OUTLETS AND EQUIPMENT SHALL BE COORDINATED WITH ARCHITECTURAL AND MILLWORK PLANS. ALL OUTLET AND EQUIPMENT LAYOUTS SHALL BE VERIFIED AND COORDINATED WITH WORK OF OTHER TRADES.
 - 2.9 PROVIDE TEMPORARY LIGHTING AND POWER IN ACCORDANCE WITH ARTICLE 305 OF THE NEC. TEMPORARY LIGHTING FIXTURES IN UNFINISHED AREAS SHALL REMAIN CONNECTED UNTIL REMOVAL IS REQUESTED BY THE CONTRACTOR.
 - 2.10 COLORS AND FINISHES OF ALL LIGHTING FIXTURES SHALL BE AS DETERMINED BY THE PROPERTY OWNER WHO SHALL SELECT SAME FROM THOSE AVAILABLE AS STANDARD OF THE EQUIPMENT SPECIFIED.

- 2.11 THE CONTRACTOR SHALL CONTACT THE BUILDING MANAGER TO OBTAIN A COPY OF THE GENERAL REQUIREMENTS AND/OR CONDITIONS TO BE USED FOR THIS PROJECT.
- 2.12 INSTALL NEW WORK AND CONNECT TO EXISTING WORK WITH MINIMUM INTERFERENCE TO EXISTING FACILITIES. ALARM AND EMERGENCY SYSTEMS SHALL NOT BE INTERRUPTED. TEMPORARY SHUT DOWNS OF ANY SYSTEM SHALL BE COORDINATED WITH AND APPROVED BY THE OWNER AND ARCHITECT.
- 2.13 CONTRACTOR SHALL VERIFY ALL EQUIPMENT POWER REQUIREMENTS AND REQUIRED OUTLET TYPES WITH EQUIPMENT MANUFACTURER AND OWNER PRIOR TO POWER DISTRIBUTION AND RECEPTACLE INSTALLATION.

3. PROTECTION OF WORK:

- 3.1 EFFECTIVELY PROTECT ALL MATERIALS AND EQUIPMENT FROM ENVIRONMENTAL AND PHYSICAL DAMAGE UNTIL FINAL ACCEPTANCE. CLOSE AND PROTECT ALL OPENINGS DURING CONSTRUCTION. PROVIDE NEW MATERIALS AND EQUIPMENT TO REPLACE ITEMS DAMAGED.
- 4. WARRANTIES:**
- 4.1 ALL MATERIALS AND EQUIPMENT SHALL BE GUARANTEED IN WRITING FOR A MINIMUM OF ONE YEAR AFTER FINAL ACCEPTANCE BY OWNER.
 - 4.2 WORKMANSHIP SHALL BE GUARANTEED IN WRITING FOR A MINIMUM OF 5 YEARS AFTER FINAL ACCEPTANCE BY OWNER.
 - 4.2 OBTAIN AND DELIVER TO THE OWNER'S REPRESENTATIVE ALL GUARANTEES AND CERTIFICATES OF COMPLIANCE.

5. PERMITS:

- 5.1 CONTRACTOR SHALL OBTAIN AND PAY FOR ALL REQUIRED PERMITS AND INSPECTION FEES FOR ELECTRICAL WORK.

6. RACEWAYS:

- 6.1 ALL CONDUIT SHALL BE MINIMUM SIZE OF 3/4" FOR POWER CIRCUITS AND CONTROL CIRCUITS EXCEPT WHERE FLEXIBLE CONDUIT IS CALLED FOR ON PROJECT DOCUMENTS. ALL EXTERIOR EXPOSED CONDUIT SHALL BE GRC (GALVANIZED RIGID METAL CONDUIT). ALL UNDERGROUND, IN SLAB OR UNDER SLAB SHALL BE RNC (RIGID NONMETALLIC CONDUIT). CHANGE TO RIGID METALLIC CONDUIT OR INTERMEDIATE METALLIC CONDUIT BEFORE EXITING OUT OF CONCRETE OR PENETRATING A WALL, FLOOR OR ROOF. EMT IS ALLOWED IN INTERIOR DRY LOCATIONS WHERE NOT SUBJECT TO DAMAGE.
- 6.2 ALL FLEXIBLE CONDUIT IN WET OR DRY AREAS SHALL BE LIQUID TIGHT CONDUIT, NONMETALLIC FLEXIBLE CONDUIT IS SPECIFICALLY PROHIBITED.
- 6.3 CONDUIT SHALL BE RUN AT RIGHT ANGLES AND PARALLEL TO BUILDING LINES, SHALL BE NEATLY RACKED AND SECURELY FASTENED. JUNCTION BOXES SHALL BE PROVIDED WHERE REQUIRED TO FACILITATE INSTALLATION OF WIRES.
- 6.4 ALL CONDUIT AND ELECTRICAL EQUIPMENT SHALL BE SUPPORTED FROM THE BUILDING STRUCTURE IN AN APPROVED MANNER.
- 6.5 ALL EMPTY RACEWAYS SHALL BE FURNISHED WITH A 200 LB. TEST NYLON DRAG LINE.
- 6.6 ARRANGEMENT OF CONDUIT AND EQUIPMENT SHALL BE AS INDICATED, UNLESS MODIFICATION IS REQUIRED TO AVOID INTERFERENCES.

- 6.7 ALL RACEWAY AND WIRING SHALL BE CONCEALED IN FINISHED AREAS. RACEWAY IN MECHANICAL ROOMS, BASEMENTS AND CRAWL SPACES MAY BE SURFACE MOUNTED.
- 6.8 FOR CONDUITS CROSSING EXPANSION JOINTS, PROVIDE EXPANSION FITTINGS FOR SIZE 1-1/4", AND LARGER. PROVIDE SECTIONS OF FLEXIBLE CONDUIT WITH GROUNDING JUMPERS FOR SIZES 1" AND SMALLER.
- 6.9 THE CONTRACTOR SHALL SEAL ALL PENETRATIONS THROUGH FIRE RATED WALLS AND FLOORS WITH APPROVED FIRE RATED SEALANT. ALL PENETRATIONS THROUGH ALL WALLS AND FLOORS SHALL BE SEALED FOR ALL SLAB PENETRATIONS THE METHOD, DEPTHS AND LOCATIONS SHALL BE PRE-APPROVED BY THE BUILDING ENGINEER PRIOR TO THE START OF WORK.
- 6.10 THE CONTRACTOR SHALL INSTALL DETECTABLE UNDERGROUND TAPES FOR THE PROTECTION, LOCATION AND IDENTIFICATION OF UNDERGROUND CONDUIT INSTALLATION.
- 6.11 EXACT ROUTING OF CONDUITS AND CABLES SHALL BE DETERMINED IN FIELD.
- 6.12 ALL PENETRATIONS THROUGH FLOORS SHALL BE FIRE STOPPED AND SEALED WITH APPROVED SEALANT.
- 6.13 ELECTRICAL RACEWAY CONNECTIONS TO VIBRATING EQUIPMENT AND MACHINERY SUCH AS MOTORS, TRANSFORMERS, ETC., SHALL BE MADE WITH FLEXIBLE LIQUID TIGHT METALLIC CONDUIT.
- 6.14 SECURE ALL SUPPORTS TO BUILDING STRUCTURE UTILIZING TOGGLE BOLTS IN HOLLOW MASONRY, EXPANSION SHIELDS OR INSERTS IN CONCRETE AND BRICK. MACHINE SCREWS IN METAL, BEAM CLAMPS IN FRAMEWORK AND WOOD SCREWS IN WOOD, NAILS, RAWL PLUGS AND WOOD PLUGS ARE NOT PERMITTED. WHERE REQUIRED BY STRUCTURE, PROVIDE THRU BOLTS AND FISH PLATES. SUPPORT RACEWAY RISERS AT EACH FLOOR LEVEL. RUN EXPOSED RACEWAYS PARALLEL WITH OR AT RIGHT ANGLES TO BUILDING LINES.
- 6.15 DO NOT RUN RACEWAYS CLOSER THAN 6 INCHES WHEN PARALLEL TO HOT WATER OR STEAM PIPES. WHEN CROSSING WATER OR STEAM PIPES CROSS A MINIMUM OF 3 INCHES ABOVE. IF CROSSING BELOW IS UNAVOIDABLE, PROVIDE DRIP SHIELDS EXTENDING 6 INCHES BEYOND THE WATER OR STEAMPIPE. BOXES INSTALLED IN PROXIMITY TO WATER OR STEAM PIPE SHALL BE RATED NEMA 4X.



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PPG
 10600 13TH ST S
 OAK CREEK, WI 53154

SHEET TITLE
 GENERAL NOTES

DWG NO.
G-1.00

7. BOXES:

- 7.1 INTERIOR OUTLET BOXES SHALL BE METALLIC, EXCEPT AS NOTED. FAN MOUNTING BOXES SHALL BE RATED FOR THE APPLICATION AND FOR THE WEIGHT OF THE FAN. EXTERIOR OUTLET BOXES SHALL BE CAST ALUMINUM AND SHALL BE MADE WEATHERTIGHT.
- 7.2 INTERIOR JUNCTION BOXES SHALL BE SHEET STEEL. EXTERIOR JUNCTION BOXES SHALL BE NONMETALLIC, WITH SCREW COVERS. BOXES SHALL BE SUPPORTED INDEPENDENTLY OF CONDUITS.
- 7.3 MOUNTING HEIGHTS OF EQUIPMENT AND DEVICES SHALL BE AS FOLLOWS:
 - A. RECEPTACLES (WALL MOUNTED) - 18" A.F.F.
 - B. RECEPTACLES (COUNTER HEIGHT) - 9" ABOVE COUNTER
 - C. RECEPTACLES (EXTERIOR) - 24" ABOVE FINISHED GRADE
 - D. COMMUNICATION OUTLETS - SAME AS RECEPTACLES
 - E. LIGHTING SWITCHES AND CONTROLS - 44" A.F.F.
 - F. PANELBOARDS AND CABINETS - 78" TO TOP OF ENCLOSURE
- 7.4 WHERE MULTIPLE SWITCHES AND RECEPTACLES ARE INDICATED AT THE SAME LOCATION, THEY SHALL BE MOUNTED BEHIND A COMMON FACEPLATE. TECHNOLOGY OUTLETS SHALL BE SEPARATED FROM AND BE PROVIDED WITH SEPARATE FACEPLATES FROM THE ASSOCIATED POWER RECEPTACLES.
- 7.5 RECEPTACLES SHALL BE ACCESSIBLE EXCEPT A DEDICATED RECEPTACLE MAY BE OBSTRUCTED BY THE REMOVABLE EQUIPMENT IT SERVES.
- 7.6 OUTLET BOXES IN EXISTING CONCRETE FLOORS WITH ACCESS FROM BELOW SHALL BE FIRE RATED, POKE-THROUGH TYPE FOR POWER AND LOW TENSION SERVICE. SERVICE FITTING HEADS SHALL BE ANODIZED ALUMINUM AND SHALL CONTAIN DEVICES AS SHOWN ON THE DRAWINGS. BOXES SHALL BE AS MANUFACTURED BY STEEL CITY OR HUBBELL.
- 7.7 SET BOXES SQUARE AND TRUE WITH BUILDING FINISH. INSTALL RECEPTACLE AND SWITCH OUTLETS IN ADVANCE OF FURRING AND FIREPROOFING. SECURE TO BUILDING STRUCTURE IN ACCORDANCE WITH NEC REQUIREMENTS.
- 7.8 FURNISH OUTLET BOXES WITH RAISED COVERS AND FIXTURE STUDS WHERE REQUIRED. WHERE NO FIXTURE OR DEVICE IS INSTALLED, PROVIDE OUTLET BOX WITH BLANK COVER. OFFSET BACK-TO-BACK OUTLETS WITH MINIMUM 6 INCH HORIZONTAL SEPARATION.

B. WIRING:

- 8.1 ALL WIRE SHALL BE MADE OF COPPER WITH INSULATION SUITABLE FOR THE APPLICABLE ENVIRONMENT AND VOLTAGE. CONTRACTOR SHALL GET APPROVAL FOR ANY OTHER WIRE TYPE.
- 8.2 UNDER NO CIRCUMSTANCES SHALL FEEDERS BE SPLICED.
- 8.3 ALL COMPUTER CIRCUITS SHALL HAVE SEPARATE NEUTRAL CONDUCTORS. ALL OTHER CIRCUITS MAY SHARE GROUND AND NEUTRAL CONDUCTORS.
- 8.4 WHERE EQUIPMENT, LIGHTING FIXTURES AND WIRING DEVICES ARE SHOWN WITH CIRCUIT NUMBERS ONLY, THE MINIMUM BRANCH CIRCUITTING REQUIREMENTS SHALL BE AS FOLLOWS:
 - A. LIGHTING FIXTURES - (2)#12 & #12 GND.
 - B. RECEPTACLES - (2)#12 & #12 GND.
 - C. BRANCH CIRCUIT BREAKERS (120 VOLT) - 1P, 20A
 - D. HOMERUNS TO PANEL BOARDS SHALL CONTAIN NO MORE THAN THREE CIRCUITS.
 - E. WHERE LIGHTING SWITCH INDICATIONS ARE NOT SHOWN SWITCHES SHALL BE CONNECTED TO CONTROL ALL SWITCHED FIXTURES WITHIN THE CORRESPONDING SPACE.

8.5 ALL ELECTRICAL TERMINAL TEMPERATURE RATINGS ASSUMED TO BE 75° C UNLESS SITE CONDITIONS REQUIRE OTHERWISE.

8.6 WIRE SIZES SHALL BE INCREASED WHERE NECESSARY TO LIMIT VOLTAGE DROP AS FOLLOWS:
 A. 1% TOTAL AND 2% FOR ANY INDIVIDUAL RUN, FROM MODULE TO INVERTER.
 B. 1% TOTAL AND 2% FOR ANY INDIVIDUAL RUN, FROM INVERTER TO POINT OF INTERCONNECTION.

9. GROUNDING:

- 9.1 PROVIDE A COMPLETE EQUIPMENT GROUND SYSTEM FOR THE ELECTRICAL SYSTEM AS REQUIRED BY ARTICLE 250, OF THE NEC, AND AS SPECIFIED HEREIN.
- 9.2 ALL BRANCH CIRCUITS FOR POWER WIRING SHALL CONTAIN A COPPER GROUND WIRE, NO FLEXIBLE METAL CONDUIT OF ANY KIND OR LENGTH SHALL BE USED AS THE EQUIPMENT GROUNDING CONDUCTOR.

10. MECHANICAL SYSTEMS POWER:

- 10.1 EXCEPT AS OTHERWISE NOTED, EQUIPMENT FURNISHED UNDER THE MECHANICAL TRADE WILL INCLUDE MOTORS, STARTERS, CONTROL EQUIPMENT, INTERLOCK AND CONTROL WIRING. ELECTRICAL CONTRACTOR SHALL PROVIDE ALL POWER WIRING FROM SOURCE THROUGH INTERVENING EQUIPMENT TO MOTOR TERMINALS. STARTERS SHALL BE INSTALLED BY ELECTRICAL CONTRACTOR.
- 10.2 DISCONNECT SWITCHES SHALL BE HEAVY DUTY, HORSEPOWER RATED, QUICK MAKE, QUICK BREAK TYPE, ENCLOSED IN A HEAVY SHEET METAL ENCLOSURE WITH HINGED INTERLOCKING COVER, IN PROPER NEMA RATED ENCLOSURES. FUSED OR NON-FUSED AS REQUIRED. DISCONNECT SWITCHES SHALL BE PROVIDED BY CONTRACTOR, EXCEPT AS NOTED ON DRAWINGS.
- 10.3 THE RATING FOR DISCONNECT SWITCHES SHALL BE THE SAME AS, OR GREATER THAN, THE PROTECTIVE DEVICE SERVING THE EQUIPMENT.
- 10.4 COORDINATE ALL RECEPTACLES, PLUGS, WIRING AND LOCATIONS WITH THE EQUIPMENT PROVIDED PRIOR TO ROUGH IN.
- 10.5 A STRUT FRAME SHALL BE PROVIDED AT ALL LOCATIONS WHERE STRUCTURE WILL NOT ADEQUATELY SUPPORT EQUIPMENT, OR FOR FREESTANDING EQUIPMENT.
- 10.6 THE CONTRACTOR SHALL WIRE ALL MECHANICAL AND FIRE PROTECTION EQUIPMENT SHOWN ON THE DRAWINGS. COORDINATE WITH MECHANICAL, PLUMBING AND FIRE PROTECTION DRAWINGS.
- 10.7 ELECTRICAL EQUIPMENT SHIPPED LOOSE BY THE MANUFACTURER SHALL BE INSTALLED AND WIRED BY THE CONTRACTOR. EQUIPMENT MOUNTED IN THE DUCTWORK WILL BE MOUNTED BY THE MECHANICAL CONTRACTOR AND WIRED BY THE CONTRACTOR.
- 10.8 THE CONTRACTOR SHALL PROVIDE REMOTE INDICATORS FOR ALL DUCT DETECTORS LOCATED ABOVE REMOVABLE CEILINGS. DUCT DETECTORS SHALL BE INSTALLED FOR ALL VENTILATION UNITS WITH 200 CFM OR GREATER SUPPLY AIR. REMOTE INDICATORS SHALL BE WALL MOUNTED 12" BELOW CEILING IN CLOSE PROXIMITY TO CONCEALED DUCT DETECTOR, UON.

11. DEVICES:

- 11.1 THE CONTRACTOR SHALL VERIFY COLOR, LOCATION AND MOUNTING HEIGHT OF ALL DEVICES WITH ARCHITECT PRIOR TO INSTALLATION.
- 11.2 RECEPTACLES SHALL BE DUPLEX TYPE, 20 AMP, 125 VOLT RATING, WITH SIDE AND BACK WIRING. HUBBELL 5362 OR APPROVED EQUAL.
- 11.3 GROUND FAULT INTERRUPTERS SHALL BE SPECIFICATION GRADE. HUBBELL GF5362 OR APPROVED EQUAL.
- 11.4 SWITCHES SHALL BE SPECIFICATION GRADE, 20 AMP AT 120/277 VOLTS, QUIET, AC, SINGLE OR DOUBLE POLE, THREE OR FOUR WAY AS REQUIRED, ROCKER STYLE WITH BACK AND SIDE WIRING.
- 11.5 ALL RECEPTACLES MARKED WP SHALL BE GROUND FAULT PROTECTED AND WEATHER TIGHT WHILE IN USE.
- 11.6 THE COLOR OF FACEPLATES SHALL MATCH COLOR OF DEVICE WHICH IT COVERS. ALL PLATES SHALL BE METALLIC.

12. PANEL BOARDS:

- 12.1 PANELBOARDS: SWITCHING UNITS SHALL BE 3 PHASE, 4 WIRE CIRCUIT BREAKER TYPE UNLESS OTHERWISE NOTED ON PANEL SCHEDULES. BUS BARS SHALL BE HARD DRAWN COPPER, MINIMUM 98% CONDUCTIVITY, AND SILVER OR TIN-PLATED JOINTS. CABINETS SHALL BE GALVANIZED SHEET STEEL BACK BOX, WITH DOOR AND TRIM AND LAPPED AND WELDED CORNERS. HARDWARE SHALL BE CHROME-PLATED WITH FLUSH LOCK/LATCH HANDLE ASSEMBLY (UP TO 48 IN. HIGH DOORS) OR VAULT HANDLE, LOCK AND 3-POINT CATCH (LARGER THAN 48 IN. HIGH DOORS). HINGES SHALL BE SEMI-CONCEALED, 5-KNUCKLE STEEL WITH NONFERREROUS PINS, 180-DEG OPENING, LOCATED A MAXIMUM 26 IN. ON CENTERS. PROVIDE DOOR-IN-DOOR CONSTRUCTION. MINIMUM GUTTER SPACES FOR LIGHTING PANELS SHALL BE 5- BOTTOM. DIRECTORY HOLDER SHALL BE METAL FRAME WITH CLEAR PLASTIC, TRANSPARENT COVER.
- 12.2 PROVIDE A NEW TYPE WRITTEN CIRCUIT DIRECTORY FOR EACH PANEL AFFECTED BY THIS PROJECT.
- 12.3 WHEREVER POSSIBLE, PANELBOARDS SHALL BE RECESSED IN WALL. SURFACE MOUNTED PANELBOARDS SHALL BE MOUNTED ON A PLYWOOD BACKBOARD. PLYWOOD SHALL BE MOUNTED ON TOP OF GYPSUM BOARD. PLYWOOD SHALL BE PAINTED ON ALL SIDES AND EDGES. COORDINATE WITH OWNER FOR COLOR.
- 12.4 PROVIDE LIGHTNING SURGE PROTECTION FOR MAIN SWITCHBOARD OR MAIN SERVICE PANEL BOARD. PROVIDE GROUNDING OF SURGE DEVICE PER THE NEC.
- 12.5 CIRCUIT NUMBERS SHOWN SHALL BE GENERALLY FOLLOWED. HOWEVER, CONTRACTOR IS RESPONSIBLE FOR BALANCING LOADS ON ALL PHASES AND MAY ALTER ASSIGNMENT OF CIRCUITS FOR BALANCING PHASES.
- 12.6 CIRCUIT SCHEDULES ARE INTENDED TO REPRESENT THE GENERAL WIRING NEEDS OF THE EQUIPMENT SERVED FROM THE PANEL. THE EXACT CIRCUIT ARRANGEMENT WILL BE DETERMINED BY PANEL SHOP DRAWING AND ARRANGEMENT WILL BE DETERMINED BY PANEL SHOP DRAWING AND PANELS ACTUALLY FURNISHED.

13. LIGHTING:

- 13.4 PROVIDE LIGHTING FIXTURES AS SHOWN ON THE CONSTRUCTION DRAWINGS. COMPLETE WITH ALL STEMS, RODS, SUPPORTS, PLASTER FRAMES, ETC. NECESSARY FOR AN INSTALLATION IN OR ON THE MATERIAL FINISHES PROVIDED. PROVIDE ALL LAMPS FOR LIGHTING FIXTURES. FIXTURES SHALL HAVE ENERGY SAVING LAMPS, AND WHERE APPLICABLE, ENERGY SAVING BALLASTS WITH HIGH POWER FACTOR.
- 13.5 SEE DRAWINGS AND SPECIFICATIONS FOR FIXTURE REQUIREMENTS.

14. IDENTIFICATION:

- 14.1 PROVIDE BLACK PHENOLIC IDENTIFICATION PLATES, WITH WHITE LETTERS ON ALL ELECTRICAL EQUIPMENT FURNISHED IN THIS CONTRACT. ATTACH WITH SUITABLE ADHESIVE.
- 14.2 INSTALL NAMEPLATES ON ALL MAJOR EQUIPMENT, INCLUDE STARTERS, TRANSFORMERS, PANELBOARDS, DISCONNECT SWITCHES AND OTHER ELECTRICAL BOXES AND CABINETS INSTALLED UNDER THIS CONTRACT.
- 14.3 APPLY CABLE/CONDUCTOR IDENTIFICATION MARKERS ON EACH CABLE AND CONDUCTOR IN EACH BOX, ENCLOSURE OR CABINET.

15. RECORD DRAWINGS:

- 15.1 THE CONTRACTOR SHALL SUBMIT SIX (6) COPIES OF SHOP DRAWINGS. THE APPROVAL OF SHOP DRAWINGS SHALL ONLY BE CONSTRUED TO APPLY TO THE GENERAL LAYOUT AND CONFORMANCE TO THE DESIGN CONCEPT OF THE PROJECT AND FOR THE COMPLIANCE WITH THE GENERAL REQUIREMENTS OF THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL RETAIN THE RESPONSIBILITY FOR ANY DEVIATIONS FROM THE REQUIREMENTS OF THE CONTRACT DOCUMENTS.
- 15.2 PROVIDE SHOP DRAWINGS FOR THE LIGHTING FIXTURES, PANEL BOARDS, CIRCUIT BREAKERS, WIRING DEVICES, FIRE ALARM DEVICES AND SEALS FOR FIRE AND WATER STOPPING.
- 15.3 DURING CONSTRUCTION, THE CONTRACTOR SHALL MAINTAIN A RECORD SET OF INSTALLATION PRINTS. HE SHALL NEATLY AND CLEARLY RECORD ON THESE PRINTS ALL DEVIATIONS FROM THE CONTRACT DRAWINGS IN SIZES, LOCATIONS AND DETAILS.
- 15.4 UPON PROJECT COMPLETION, THE CONTRACTOR SHALL COMPLETE THE MARK UP OF ALL PROJECT DRAWINGS TO RECORD INSTALLED CONDITIONS.
- 15.5 REPRODUCIBLE "RECORD" DRAWINGS PREPARED IN CAD FORMAT SHALL BE PROVIDED AS INSTALLED CONDITIONS OF THE WORK. A FULL SIZE PRINT OUT OF THE "RECORD" DRAWING FILE SHALL BE PROVIDED AFTER COMPLETION OF THE INSTALLATION.
- 15.6 UPON COMPLETION AND ACCEPTANCE OF WORK, THE CONTRACTOR SHALL FURNISH WRITTEN INSTRUCTIONS AND EQUIPMENT MANUALS AND DEMONSTRATE TO SPRINT THE PROPER OPERATIONS AND MAINTENANCE OF ALL EQUIPMENT AND APPARATUS FURNISHED UNDER THIS CONTRACT.

THESE GENERAL NOTES ACT AS THE GUIDELINES FOR CONSTRUCTION OF THE PROJECT. THEY ARE SUPERSEDED BY ANY MORE STRINGENT CONTRACT REQUIREMENTS OR PROJECT SPECIFICATION PROVIDED BY THE OWNER.



LICENSED ELECTRICAL ENGINEER certifies that they prepared all the electrical "E" sheets in this drawing set.
 LICENSED STRUCTURAL ENGINEER certifies that they prepared all of the structural "S" sheets in this drawing set.
 LICENSED CIVIL ENGINEER certifies that they prepared all of the civil "C" sheets in this drawing set.
 It should be noted that any plan sheets not identified above have been prepared and certified by others and have been included herein for informational purposes only.

6	12		
5	11		
4	10		
3	9		
2	8		
1	7		
REV	SET/DATE	REV	SET/DATE
DRAWN BY: CR		CHECKED BY:	
SCALE: AS NOTED		JOB NO: JOB_NO	

PPG

10600 13TH ST S
 OAK CREEK, WI 53154

SHEET TITLE
 GENERAL NOTES

DWG NO
G-1.00

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

Applicant: PPG Industries, Inc.
Property Address: 2509 W. Drexel Ave.
Tax Key Number(s): 810-9985-001
Conditional Use: Solar Farm

Approved by Plan Commission: 4-12-22
Approved by Common Council: TBD
(Ord. 3038; See also Ord. 1878)

1. LEGAL DESCRIPTION

That part of the Northwest 1/4 of Section 32, in Township 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows:

Beginning at the Southwest corner of said 1/4 Section; thence North 00°36'58" West along the West line of said 1/4 Section 1327.955 ft. Section 1327.955 ft. to a point, said point being on the North line of the South 1/2 of said 1/2 of said 1/4 Section; thence North 89°38'22" East along the North line of the South 1/2 of said 1/4 Section 1761.87 ft. to a point, said point being 89.28 ft. Westerly, measured at right angles, of the West line of the Chicago, Milwaukee St. Paul and Pacific Railroad Company right of way; thence North 02°08'06" East and parallel to said right of way; thence North 02°08'06" East and parallel to said right of way 1327.73 ft. to a point on the North line of said 1/4 Section of the said point also being 785.00 ft. South 89°41'08" West of the Northeast corner of said 1/5 Section thence North 89°41'08" West of the Northeast corner of said 1/4 Section; thence North 89°41'08" East along the North line of said 1/4 Section 89.36 ft. to a point, said point being on the West line of the Chicago Milwaukee, St. Paul and Pacific Railroad Company right of way; thence South 02°08'06" West along the West line of said right of way 2655.43 to a point, said point being on the South line of said 1/4 Section; thence South 89°35'37" West along the South line of said Section 1787.50 ft. to the place of beginning,

Reserving therefrom the West 40.00 ft. and the North 40.00 ft. for road purposes.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

B. All requirements of Ord. 487, Ord. 488, Resolution 2836-060573, Ord. 1878, these Conditions and Restrictions, all Plan Commission approvals are in effect.

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

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees
 - iii) Number of all parking spaces

2) **Landscape Plan**

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

3) **Building Plan**

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

4) **Lighting Plan**

- a) Types & color of fixtures
- b) Mounting heights

- iv) Dimensions
- v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences
- c) Types & color of poles
- d) Photometrics of proposed fixtures
- 5) Grading, Drainage and Stormwater Management Plan**
 - a) Contours (existing & proposed)
 - b) Location(s) of storm sewer (existing and proposed)
 - c) Location(s) of stormwater management structures and basins (if required)
- 6) Fire Protection**
 - a) Locations of existing & proposed fire hydrants
 - b) Interior floor plan(s)
 - c) Materials of construction
 - d) Materials to be stored (interior & exterior)

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

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

E. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

A. Uses allowed on this property shall be limited to those allowed by the M-1, Manufacturing zoning district, Ord. 487, Ord. 488, Resolution 2836-060573, Ord. 1878, these Conditions and Restrictions, all Plan Commission approvals, and all applicable sections of the Municipal Code (as amended).

B. The solar farm shall be in the location on plans approved by the Plan Commission. A maximum of eight (8) acres of the property may be utilized for the solar farm.

C. A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.

D. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.

E. Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.

F. Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

G. An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter of the solar farm. The sign at the entrance to the facility shall include the facilities

911 address and a twenty-four (24) hour emergency contact number.

H. There shall be no outdoor storage of vehicles, equipment, merchandise, parts, supplies, or any other materials on the property unrelated to and outside of the fenced solar farm compound.

I. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

A. Access shall be via the existing curb cut on S. 13th St. (CTH V). No new curb cuts or access points are allowed.

B. Parking for the solar farm may utilize the existing parking lot on the property, but shall not reduce the required number of parking stalls for the principal use of the property (PPG).

5. LIGHTING

A. All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code (as amended), these Conditions and Restrictions, and plans approved by the Plan Commission.

6. SETBACKS

	Front and Street-Facing Setback	Interior Side Setback	Rear Setback
Solar Panels	40'	20'	20'
Equipment Areas (within fence)	40'	20'	20'

7. TIME OF COMPLIANCE

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

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to the term of the lease (30 years) or until such time as the solar farm is sold and/or decommissioned. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Chapter 17 of the Municipal Code (as amended).

9. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

10. VIOLATIONS & PENALTIES

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

11. REVOCAION

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

12. ACKNOWLEDGEMENT

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

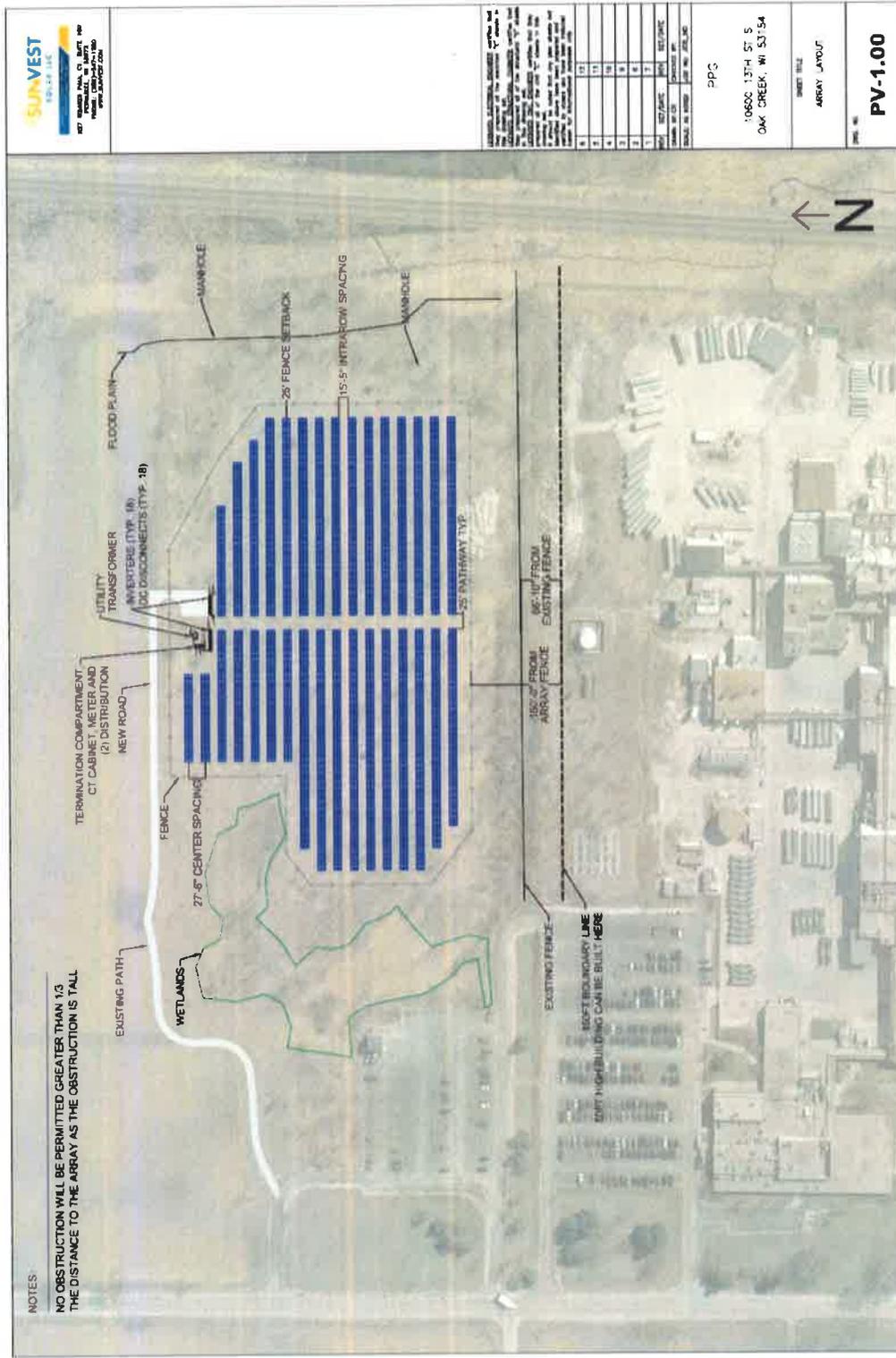
Owner / Authorized Representative Signature

Date

(please print name)

EXHIBIT A: CONCEPTUAL SITE PLAN

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



**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 12, 2022**

Mayor Bukiewicz called the meeting to order at 6:03 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Chandler. Commissioner Siepert was excused. Also present: Kari Papelbon, Senior Planner; Laurie Miller, Zoning Administrator; and Mike Havey, Assistant Fire Chief.

**CONDITIONAL USE PERMIT AMENDMENT
PPG INDUSTRIES, INC. & SUNVEST SOLAR, LLC
10600 S. 13TH ST.
TAX KEY NO. 954-9996-006**

Senior Planner Papelbon provided an overview of the Conditional Use Permit request for a proposed solar farm on the property at 10600 S. 13th St. (see staff report for details).

Alderman Loreck asked if the panels are stationary, and if they produce glare for any nearby neighbors.

Bill French, SunVest, 330 W State St, Suite 1, Geneva, IL, explained that they will be using fixed panels that face south, and the residential neighborhood is about 570 feet to the north with an agricultural field in between.

Commissioner Chandler asked Assistant Fire Chief Havey if the Fire Department will need access to this area, and, if so, whether it is sufficient. Assistant Fire Chief Havey stated the Fire Department is familiar with the hazards of solar farms. Assistant Fire Chief Havey also stated the need to access the area is limited because it is not a structure. Assistant Fire Chief Havey also explained that PPG will be providing training to the Fire Department about the type of system that is being installed.

Mayor Bukiewicz asked the applicant if the solar farm will have a gravel base, and who will be responsible for maintaining it. Mr. French explained that underneath the panels there will be a low growing native grass that is maintained twice a year. Any noxious weeds will be treated on a spot treatment basis.

Alderman Guzikowski moved that the Plan Commission recommends (Note: motion included the phrase "that the Common Council") approves a Conditional Use Permit Amendment for a solar farm on the property at 10600 S. 13th St. after a public hearing and subject to conditions and restrictions. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:05 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-26-22

Date

TO BE PUBLISHED APRIL 27 & MAY 4, 2022

OFFICIAL NOTICE

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

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Central States Tower V, LLC & Cellco Partnership, dba Verizon Wireless, for a Conditional Use Permit for a wireless telecommunications pole and compound ("facility") on the property at 2509 W. Drexel Ave.

Hearing Date: May 17, 2022

Time: 7:00 PM

Place: Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant(s): Central States Tower V, LLC & Cellco Partnership, dba Verizon Wireless

Property Owner(s): Hoffman Storage I, LLC

Property Location(s): 2509 W. Drexel Ave.

Tax Key(s): 810-9985-001

Legal Description:

That part of the Northwest 1/4 of Section 18, in Township 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows: Commencing at a point in the North line at 543 feet East of the Northwest corner of said 1/4 Section; thence East along the North line of said 1/4 Section 200 feet to a point; thence South and parallel to the West line of said 1/4 Section 1325 feet to the place of beginning, EXCEPTING the North 30 feet for public highway; ALSO EXCEPTING that portion conveyed in a Personal Representative's Deed recorded on February 29, 2012 as Document No. 10088105.

The Common Council has scheduled other public hearings for May 17, 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 may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: April 20, 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: Conditional Use Permit - 2509 W. Drexel Ave. - Central States Tower V, LLC & Cellco Partnership, dba Verizon Wireless

Recommendation: That the Council adopts Ordinance 3039, an ordinance to approve a Conditional Use Permit for a wireless telecommunications facility at 2509 W. Drexel Ave. (2nd Aldermanic District).

Fiscal Impact: Approval will allow for the construction of a monopole, associated appurtenances, and extended driveway to serve the gated leased area on the property. There is no direct fiscal impact anticipated with this proposal. This property is located within 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 Applicant is requesting Conditional Use approval for a 145-foot-tall wireless telecommunications monopole (with 5-foot lightning rod) and associated equipment at 2509 W. Drexel Ave. Wireless telecommunications sites are Conditional Uses in the City. A copy of Section 17.0504 is included with this report for reference. Due to effective State legislation, the City has extremely limited authority over such uses. A copy of Wis. Stats. 66.0404 is also included with this report for reference.

Central States Tower V, LLC & Cellco Partnership, dba Verizon Wireless, will construct the tower and equipment enclosure in the central portion of the property owned by Hoffman Storage I, LLC. This property currently contains a large paved area on the north side just off of the existing access drive, and fenced spillover storage from the adjacent properties, but is otherwise undeveloped in the area proposed for the tower facility. Staff recommended that the large paved area be reduced in size, with pavement removed and area restored to vegetation to the maximum extent possible; however, this is not currently included in the proposed Conditions and Restrictions. Comments received from WisDOT regarding the existing 27th Street Access Management Plan stress the need to ensure that the proposed facility (tower and compound) are entirely outside of the area identified for the future roadway connection to the east.

The Applicants will lease a 70' x 80' area accessed by a 30-foot-wide easement off the existing driveway. A proposed 12-foot-wide gravel drive within that easement will end at the proposed lease area, on which a proposed 65' x 75' chain link fence enclosure will be constructed. The fence is proposed to be 6 feet tall with 1 foot of barbed wire on top, and includes a 14-foot-wide gate on the north. Within the enclosure will be the pole, utility rack, and future carrier lease areas. However, plans show a proposed bollard, transformer, and fiber optic vault just outside of the lease area. Staff recommended that all appurtenances be located within the fenced compound wherever possible. During the Plan Commission review, it was stated that the proposed transformer and fiber optic vault cannot be located within the fenced compound

as they must be accessible by WE Energies. They will be confined to the leased area, however. Staff have no objections.

Due to the area of disturbance required for the project (5,000 or more square feet of impervious surface), a Green Infrastructure (GI) permit will be required. The net increase in impervious area must be included on the plans. Rain gardens proposed for the site must be approved and permitted by the Engineering Department through the GI Permit process.

Submissions per Wisconsin Statutes are included with this report, with the exception of the approval by Milwaukee County for compliance with General Mitchell International Airport siting and safety requirements.

NOTE: The Plan Commission's initial review and recommendation of the proposed Conditional Use Permit is not an endorsement of any site, architectural, landscaping, or lighting plan that may be required as part of the final Conditional Use Permit. A more detailed review of any plans required by the Conditional Use Permit will be conducted by staff and the Plan Commission subsequent to the issuance of the Conditional Use Permit and accompanying conditions and restrictions.

After careful consideration at the March 8 and April 12, 2022 meetings, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments: Ord. 3039

Location Map

Wis. Stats. 66.0404 (4 pages)

Narrative (5 pages)

WisDOT Comments (2 pages)

Sworn Statement (3 pages)

FAA Determination of No Hazard to Air Navigation (6 pages)

Plans (5 pages)

Conditions and Restrictions (6 pages)

Excerpted Plan Commission Minutes (4 pages)

ORDINANCE NO. 3039

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR
A WIRELESS TELECOMMUNICATIONS FACILITY AT 2509 W. DREXEL AVE.

(2nd Aldermanic District)

WHEREAS, CELLCO PARTNERSHIP, DBA VERIZON WIRELESS, has applied for a Conditional Use Permit that would allow for a wireless telecommunications facility on the property at 2509 W. Drexel Ave.; and

WHEREAS, the property is more precisely described as follows:

That part of the Northwest 1/4 of Section 18, in Township 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows: Commencing at a point in the North line at 543 feet East of the Northwest corner of said 1/4 Section; thence East along the North line of said 1/4 Section 200 feet to a point; thence South and parallel to the West line of said 1/4 Section 1325 feet to the place of beginning, EXCEPTING the North 30 feet for public highway; ALSO EXCEPTING that portion conveyed in a Personal Representative's Deed recorded on February 29, 2012 as Document No. 10088105.

WHEREAS, the Plan Commission has reviewed this proposal and has recommended that the Conditional Use be approved; and

WHEREAS, the Common Council held a public hearing on this matter on May 17, 2022, at which time all interested parties appeared and were heard; and

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

WHEREAS, following said public hearing and upon recommendation of approval of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Conditional Use were approved and authorized for the lands hereinabove described, subject, however, to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Conditional Use.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Common Council hereby authorizes and grants a Conditional Use Permit for a wireless telecommunications facility on the property at 2509 W. Drexel Ave., which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for the wireless telecommunications facility on the property at 2509 W. Drexel Ave.

SECTION 3: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

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

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 17th day of May, 2022.

President, Common Council

Approved this 17th day of May, 2022.

Mayor

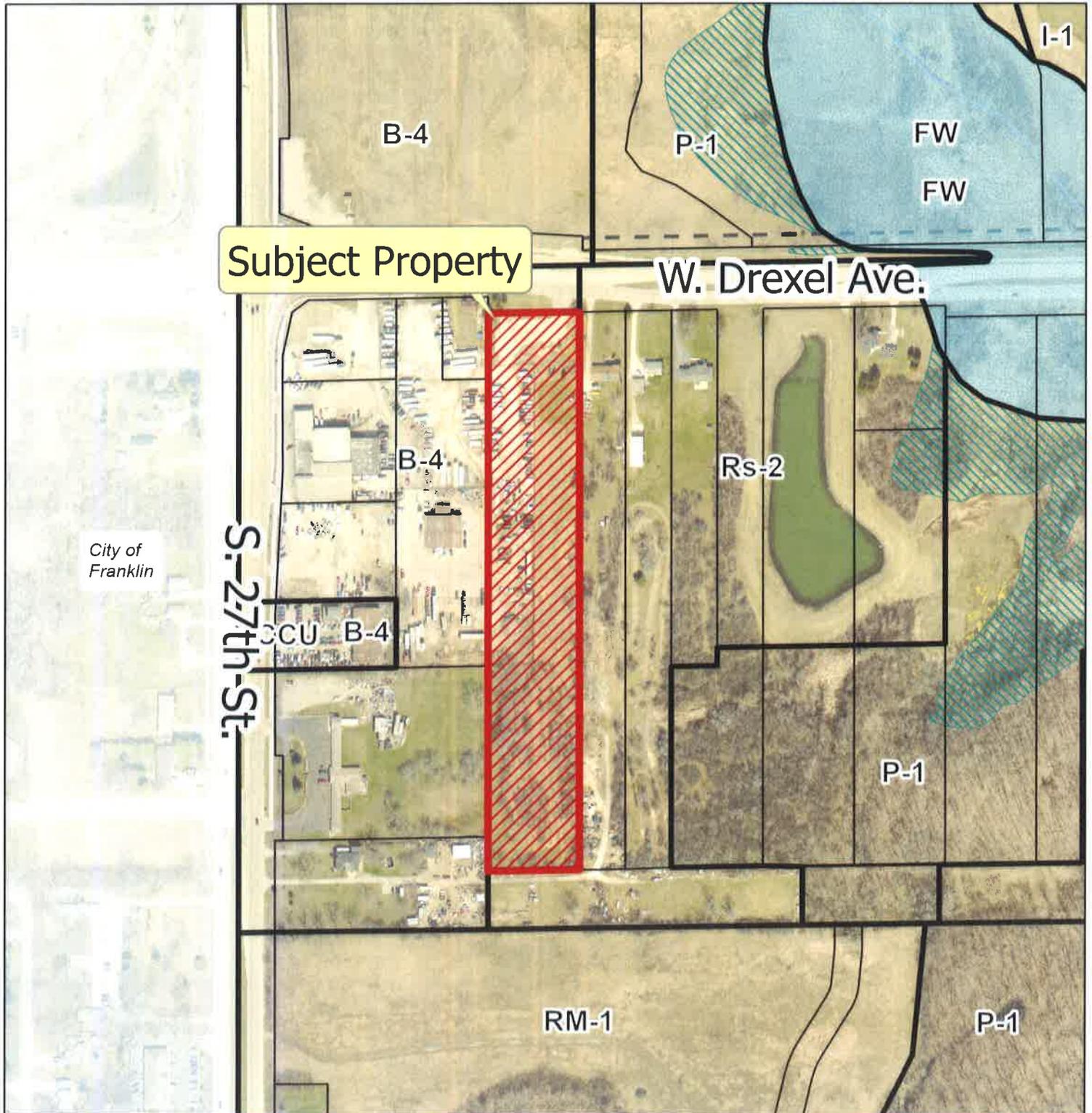
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

2509 W. Drexel Ave.



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

Legend

- Zoning
- Official Street Map
- Floodway
- Parcels
- Flood Fringe
- 2509 W. Drexel Ave.



Community Development



4. The telephone number, address and office hours of the agency.

5. That any person may request a hearing under sub. (4) within 30 days after receipt of the notice, and the address and procedure for filing the request.

(4) **HEARING.** Within 30 days after receipt of the notice under sub. (3) (b), any person who has received a notice may file a request for a hearing on the granting of a permit or the agency may determine that a hearing is necessary even if no such request is filed. If a request is filed or if the agency determines that a hearing is necessary, the agency shall conduct a hearing on the application within 90 days after the last notice is delivered. At least 30 days prior to the hearing date, the agency shall notify the applicant, all owners notified under sub. (3) (b) and any other person filing a request of the time and place of the hearing.

(5) **PERMIT GRANT.** (a) The agency shall grant a permit if the agency determines that:

1. The granting of a permit will not unreasonably interfere with the orderly land use and development plans of the municipality;

2. No person has demonstrated that she or he has present plans to build a structure that would create an impermissible interference by showing that she or he has applied for a building permit prior to receipt of a notice under sub. (3) (b), has expended at least \$500 on planning or designing such a structure or by submitting any other credible evidence that she or he has made substantial progress toward planning or constructing a structure that would create an impermissible interference; and

3. The benefits to the applicant and the public will exceed any burdens.

(b) An agency may grant a permit subject to any condition or exemption the agency deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or to minimize any other burden on any person affected by granting the permit. Such conditions or exemptions may include but are not limited to restrictions on the location of the solar collector or wind energy system and requirements for the compensation of persons affected by the granting of the permit.

(6) **RECORD OF PERMIT.** If an agency grants a permit:

(a) The agency shall specify the property restricted by the permit under sub. (7) and shall prepare notice of the granting of the permit. The notice shall include the identification required under s. 706.05 (2) (c) for the owner and the property upon which the solar collector or wind energy system is or will be located and for any owner and property restricted by the permit under sub. (7), and shall indicate that the property may not be developed and vegetation may not be planted on the property so as to create an impermissible interference with the solar collector or wind energy system which is the subject of the permit unless the permit affecting the property is terminated under sub. (9) or unless an agreement affecting the property is filed under sub. (10).

(b) The applicant shall record with the register of deeds of the county in which the property is located the notice under par. (a) for each property specified under par. (a) and for the property upon which the solar collector or wind energy system is or will be located.

(7) **REMEDIES FOR IMPERMISSIBLE INTERFERENCE.** (a) Any person who uses property which he or she owns or permits any other person to use the property in a way which creates an impermissible interference under a permit which has been granted or which is the subject of an application shall be liable to the permit holder or applicant for damages, except as provided under par. (b), for any loss due to the impermissible interference, court costs and reasonable attorney fees unless:

1. The building permit was applied for prior to receipt of a notice under sub. (3) (b) or the agency determines not to grant a permit after a hearing under sub. (4).

2. A permit affecting the property is terminated under sub. (9).

3. An agreement affecting the property is filed under sub. (10).

(b) A permit holder is entitled to an injunction to require the trimming of any vegetation which creates or would create an impermissible interference as defined under sub. (1) (f). If the court finds on behalf of the permit holder, the permit holder shall be entitled to a permanent injunction, damages, court costs and reasonable attorney fees.

(8) **APPEALS.** Any person aggrieved by a determination by a municipality under this section may appeal the determination to the circuit court for a review.

(9) **TERMINATION OF SOLAR OR WIND ACCESS RIGHTS.** (a) Any right protected by a permit under this section shall terminate if the agency determines that the solar collector or wind energy system which is the subject of the permit is:

1. Permanently removed or is not used for 2 consecutive years, excluding time spent on repairs or improvements.

2. Not installed and functioning within 2 years after the date of issuance of the permit.

(b) The agency shall give the permit holder written notice and an opportunity for a hearing on a proposed termination under par. (a).

(c) If the agency terminates a permit, the agency may charge the permit holder for the cost of recording and record a notice of termination with the register of deeds, who shall record the notice with the notice recorded under sub. (6) (b) or indicate on any notice recorded under sub. (6) (b) that the permit has been terminated.

(10) **WAIVER.** A permit holder by written agreement may waive all or part of any right protected by a permit. A copy of such agreement shall be recorded with the register of deeds, who shall record such copy with the notice recorded under sub. (6) (b).

(11) **PRESERVATION OF RIGHTS.** The transfer of title to any property shall not change the rights and duties under this section or under an ordinance adopted under sub. (2).

(12) **CONSTRUCTION.** (a) This section may not be construed to require that an owner obtain a permit prior to installing a solar collector or wind energy system.

(b) This section may not be construed to mean that acquisition of a renewable energy resource easement under s. 700.35 is in any way contingent upon the granting of a permit under this section.

History: 1981 c. 354; 1983 a. 189 s. 329 (14); 1983 a. 532 s. 36; 1993 a. 414; 1995 a. 201; 1999 a. 150 s. 82; Stats. 1999 s. 66.0403; 2007 a. 97; 2009 a. 40.

The common law right to solar access is discussed. *Prah v. Maretti*, 108 Wis. 2d 223, 321 N.W.2d 182 (1982).

The owner of an energy system does not need a permit under this section. Barring enforceable municipal restrictions, an owner may construct a system without prior municipal approval. This section benefits and protects the owner of the system by restricting the use of nearby property to prevent an interference with the system. *State ex rel. Numrich v. City of Mequon Board of Zoning Appeals*, 2001 WI App 88, 242 Wis. 2d 677, 626 N.W.2d 366, 00-1643.

Wisconsin recognizes the power of the sun: *Prah v. Maretti* and the solar access act. 1983 WLR 1263.

66.0404 Mobile tower siting regulations. (1) **DEFINITIONS.** In this section:

(a) “Antenna” means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

(b) “Application” means an application for a permit under this section to engage in an activity specified in sub. (2) (a) or a class 2 collocation.

(c) “Building permit” means a permit issued by a political subdivision that authorizes an applicant to conduct construction activity that is consistent with the political subdivision’s building code.

(d) “Class 1 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing sup-

port structure for the facility but does need to engage in substantial modification.

(e) “Class 2 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

(f) “Collocation” means class 1 or class 2 collocation or both.

(g) “Distributed antenna system” means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

(h) “Equipment compound” means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

(i) “Existing structure” means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.

(j) “Fall zone” means the area over which a mobile support structure is designed to collapse.

(k) “Mobile service” has the meaning given in 47 USC 153 (33).

(L) “Mobile service facility” means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

(m) “Mobile service provider” means a person who provides mobile service.

(n) “Mobile service support structure” means a freestanding structure that is designed to support a mobile service facility.

(o) “Permit” means a permit, other than a building permit, or approval issued by a political subdivision which authorizes any of the following activities by an applicant:

1. A class 1 collocation.
2. A class 2 collocation.
3. The construction of a mobile service support structure.

(p) “Political subdivision” means a city, village, town, or county.

(q) “Public utility” has the meaning given in s. 196.01 (5).

(r) “Search ring” means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

(s) “Substantial modification” means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(t) “Support structure” means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(u) “Utility pole” means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is

designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light.

(2) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATION OF FACILITIES AND SUPPORT STRUCTURES. (a) Subject to the provisions and limitations of this section, a political subdivision may enact a zoning ordinance under s. 59.69, 60.61, or 62.23 to regulate any of the following activities:

1. The siting and construction of a new mobile service support structure and facilities.
2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.

(b) If a political subdivision regulates an activity described under par. (a), the regulation shall prescribe the application process which a person must complete to engage in the siting, construction, or modification activities described in par. (a). The application shall be in writing and shall contain all of the following information:

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the proposed or affected support structure.
3. The location of the proposed mobile service facility.
4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant’s search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(c) If an applicant submits to a political subdivision an application for a permit to engage in an activity described under par. (a), which contains all of the information required under par. (b), the political subdivision shall consider the application complete. If the political subdivision does not believe that the application is complete, the political subdivision shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(d) Within 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision’s building code and, subject to the limitations in this section, zoning ordinances.
2. Make a final decision whether to approve or disapprove the application.
3. Notify the applicant, in writing, of its final decision.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(e) A political subdivision may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under par. (b) 6.

(f) A party who is aggrieved by the final decision of a political subdivision under par. (d) 2. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(g) If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.

(h) A political subdivision may regulate the activities described under par. (a) only as provided in this section.

(i) If a political subdivision has in effect on July 2, 2013, an ordinance that applies to the activities described under par. (a) and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the activity.

(3) COLLOCATION ON EXISTING SUPPORT STRUCTURES. (a) 1. A class 2 collocation is a permitted use under ss. 59.69, 60.61, and 62.23.

2. If a political subdivision has in effect on July 2, 2013, an ordinance that applies to a class 2 collocation and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the class 2 collocation.

3. A political subdivision may regulate a class 2 collocation only as provided in this section.

4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

(b) If an applicant submits to a political subdivision an application for a permit to engage in a class 2 collocation, the application shall contain all of the information required under sub. (2) (b) 1. to 3., in which case the political subdivision shall consider the application complete. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(c) Within 45 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 45 day period:

1. Make a final decision whether to approve or disapprove the application.
2. Notify the applicant, in writing, of its final decision.
3. If the application is approved, issue the applicant the relevant permit.
4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(d) A party who is aggrieved by the final decision of a political subdivision under par. (c) 1. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(4) LIMITATIONS. With regard to an activity described in sub. (2) (a) or a class 2 collocation, a political subdivision may not do any of the following:

(a) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

(b) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.

(c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.

(d) Charge a mobile radio service provider a fee in excess of one of the following amounts:

1. For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by a political subdivision for a building permit for any other type of commercial development or land use development.

2. For a permit for an activity described in sub. (2) (a), \$3,000.

(e) Charge a mobile radio service provider any recurring fee for an activity described in sub. (2) (a) or a class 2 collocation.

(f) Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

(g) Disapprove an application to conduct an activity described under sub. (2) (a) based solely on aesthetic concerns.

(gm) Disapprove an application to conduct a class 2 collocation on aesthetic concerns.

(h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

(i) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.

(j) Prohibit the placement of emergency power systems.

(k) Require that a mobile service support structure be placed on property owned by the political subdivision.

(L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.

(m) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.

(n) Limit the duration of any permit that is granted.

(o) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

(p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.

(q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

(r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.

(s) Consider an activity a substantial modification under sub. (1) (s) 1. or 2. if a greater height is necessary to avoid interference with an existing antenna.

(t) Consider an activity a substantial modification under sub. (1) (s) 3. if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.

(u) Limit the height of a mobile service support structure to under 200 feet.

(v) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.

(w) Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

(4e) SETBACK REQUIREMENTS. (a) Notwithstanding sub. (4) (r), and subject to the provisions of this subsection, a political subdivision may enact an ordinance imposing setback requirements related to the placement of a mobile service support structure that applies to new construction or the substantial modification of facilities and support structures, as described in sub. (2).

(b) A setback requirement may apply only to a mobile service support structure that is constructed on or adjacent to a parcel of land that is subject to a zoning ordinance that permits single-family residential use on that parcel. A setback requirement does not apply to an existing or new utility pole, or wireless support structure in a right-of-way that supports a small wireless facility, if the pole or facility meets the height limitations in s. 66.0414 (2) (e) 2. and 3.

(c) The setback requirement under par. (b) for a mobile service support structure on a parcel shall be measured from the lot lines of other adjacent and nonadjacent parcels for which single-family residential use is a permitted use under a zoning ordinance.

(d) A setback requirement must be based on the height of the proposed mobile service support structure, and the setback requirement may not be a distance that is greater than the height of the proposed structure.

(5) APPLICABILITY. If a county enacts an ordinance as described under sub. (2) the ordinance applies only in the unincorporated parts of the county, except that if a town enacts an ordinance as described under sub. (2) after a county has so acted, the county ordinance does not apply, and may not be enforced, in the town, except that if the town later repeals its ordinance, the county ordinance applies in that town.

History: 2013 a. 20, 173; 2019 a. 14.

An ordinance that prohibits a mobile service support structure where the structure is not compatible with the adjacent land's current use does not violate sub. (4) (c). *Eco-Site, LLC v. Town of Cedarburg*, 2019 WI App 42, 388 Wis. 2d 375, 933 N.W.2d 179, 18–0580.

Denial of a conditional use permit on the basis of lost property values and the detrimental effect on public health and safety and general welfare does not equate to a denial based on aesthetic concerns, which is prohibited by sub. (4) (g) if it is the sole reason. *Eco-Site, LLC v. Town of Cedarburg*, 2019 WI App 42, 388 Wis. 2d 375, 933 N.W.2d 179, 18–0580.

66.0405 Removal of rubbish. Cities, villages and towns may remove ashes, garbage, and rubbish from such classes of places in the city, village or town as the board or council directs. The removal may be from all of the places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain districts only, and different regulations may be applied to each removal district or class of property. The cost of removal may be funded by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city, village or town. If a city, village or town contracts for ash, garbage or rubbish removal service, it may contract with one or more service providers.

History: 1993 a. 246; 1999 a. 150 s. 119; Stats. 1999 s. 66.0405.

66.0406 Radio broadcast service facility regulations.

(1) DEFINITIONS. In this section:

(a) "Political subdivision" means any city, village, town, or county.

(b) "Radio broadcast services" means the regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public.

(c) "Radio broadcast service facilities" means commercial or noncommercial facilities, including antennas and antenna support structures, intended for the provision of radio broadcast services.

(2) LIMITATIONS ON LOCAL REGULATION. Beginning on May 1, 2013, if a political subdivision enacts an ordinance, adopts a resolution, or takes any other action that affects the placement, construction, or modification of radio broadcast service facilities, the ordinance, resolution, or other action may not take effect unless all of the following apply:

(a) The ordinance, resolution, or other action has a reasonable and clearly defined public health or safety objective, and reflects the minimum practical regulation that is necessary to accomplish that objective.

(b) The ordinance, resolution, or other action reasonably accommodates radio broadcast services and does not prohibit, or have the effect of prohibiting, the provision of such services in the political subdivision.

(3) CONTINUED APPLICATION OF EXISTING REGULATIONS. If a political subdivision has in effect on May 1, 2013, an ordinance or resolution that is inconsistent with the requirements that are specified in sub. (2) for an ordinance, resolution, or other action to take effect, the existing ordinance or resolution does not apply, and may not be enforced, to the extent that it is inconsistent with the requirements that are specified in sub. (2).

(4) DENIAL OF PLACEMENT, CONSTRUCTION, OR MODIFICATION OF FACILITIES. If a political subdivision denies a request by any person to place, construct, or modify radio broadcast service facilities in the political subdivision, the denial may be based only on the political subdivision's public health or safety concerns. The political subdivision must provide the requester with a written denial of the requester's request, and the political subdivision must provide the requester with substantial written evidence which supports the reasons for the political subdivision's action.

History: 2013 a. 20; 2013 a. 173 s. 33.

66.0407 Noxious weeds. (1) In this section:

(a) "Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to the bloom or flower stage.

(b) "Noxious weed" means Canada thistle, leafy spurge, field bindweed, any weed designated as a noxious weed by the department of natural resources by rule, and any other weed the governing body of any municipality or the county board of any county by ordinance or resolution declares to be noxious within its respective boundaries.

(3) A person owning, occupying or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands. The highway patrolman on all federal, state or county trunk highways shall destroy all noxious weeds on that portion of the highway which that highway patrolman patrols. The town board is responsible for the destruction of all noxious weeds on the town highways.

(4) The chairperson of each town, the president of each village and the mayor or manager of each city may annually on or before May 15 publish a class 2 notice, under ch. 985, that every person is required by law to destroy all noxious weeds, as defined in this section, on lands in the municipality which the person owns, occupies or controls. A town, village or city which has designated as

HUSCH BLACKWELL

J. Michael Long
Senior Counsel

511 North Broadway, Suite 1100
Milwaukee, WI 53202
Direct: 414.978.5622
Fax: 414.233.5000
mike.long@huschblackwell.com

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FEB 08 2022

CITY OF OAK CREEK

February 8, 2022

VIA FEDEX

Ms. Kari Papelbon
Senior Planner
City of Oak Creek
Department of Community Development
8040 S. 6th Street
Oak Creek, WI 53154

Re: Plan Commission Application & Application for Conditional Use Permit to
Construct Monopole Type Tower
Property Address|Parcel ID: 2509 W. Drexel Ave. | 8109985001
Applicants: Central States Tower V, LLC & Cellco Partnership d/b/a Verizon
Wireless
Parcel Owner: Hoffman Storage I, LLC

Dear Ms. Papelbon:

Enclosed for your review and consideration please find the Plan Commission Application and Application for a Conditional Use Permit (collectively the "**Application**") from Central States Tower V, LLC ("**CST**") and Cellco Partnership d/b/a Verizon Wireless ("**Verizon Wireless**") Verizon Wireless (collectively, the "**Applicants**"), to construct a multi-carrier wireless communications monopole tower (the "**Communications Facility**") in the City of Oak Creek. Our firm serves as counsel to the Applicants.

Besides Verizon Wireless, the proposed Communications Facility has been designed to accommodate additional providers (carriers, wireless internet providers and E911) interested in improving service within the City of Oak Creek. CST actively markets its tower sites for co-location to all communications providers and offers competitive business terms, which are attractive to its customers. We have approached this project deliberately, with an emphasis on blending the needs of the community with the technical goals of the Applicants.

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Ms. Kari Papelbon
February 8, 2022
Page 2

The proposed facility meets the guidelines in Wis. Stat. § 66.0404 (the “Wireless Siting Law”).¹ It includes a 145-foot monopole, with a 5-foot lightning rod, for an overall structure height of 150 feet (the “Monopole”).

WIRELESS SITING LAW

As you may be aware, Wisconsin’s Wireless Siting Law sets forth the six (6) requirements which must be included in an application to construct a new communications tower.² Those requirements, and the Applicants’ responses to those requirements, follow. It is our belief that this information and related enclosures fulfill the requirements of the Wireless Siting Law.

1. The name and business address of, and the contact individual of, the applicant.

Applicants:	Contact Individual:
Central States Tower V, LLC 323 S Hale Street, Suite #100 Wheaton, IL 60187	Michael Long Husch Blackwell LLP 511 N. Broadway Milwaukee, Wisconsin 53202 Email: mike.long@huschblackwell.com (414) 978-5622 (262) 470-3193
Cellco Partnership d/b/a Verizon Wireless 1701 Golf Road, Tower 2, Suite 400 Rolling Meadows, IL 60008	Michael Long Husch Blackwell LLP 511 N. Broadway Milwaukee, Wisconsin 53202 Email: mike.long@huschblackwell.com (414) 978-5622 (262) 470-3193

¹ The Wireless Siting Law provides that a political subdivision may regulate the siting and construction of a new mobile service support structure and facilities only as provided in Wis. Stat. § 66.0404 and further provides that any ordinances in effect that are inconsistent with Wis. Stat. § 66.0404 may not be applied to, or enforced against, the activity. Wis. Stat. § 66.0404(h) & (i).

² The six requirements are found at Wis. Stat. § 66.0404(2)(b).

Ms. Kari Papelbon
February 8, 2022
Page 3

2. The location of the proposed or affected support structure.

Applicants propose to construct a mobile service facility and related mobile support service structure, as defined by the Wireless Siting Law, at 2509 W. Drexel Avenue, Oak Creek, WI, which bears Parcel ID #8109985001 (the “**Property**”).

The Communications Facility, including the Monopole, will be constructed by CST and located within an 80' x 70' leased area, with a 75' x 65' fenced-in compound (the “**Leased Premises**”), and located in the southern portion of the Property and as depicted in the enclosed survey and construction drawings (the “**Construction Drawings**”).

3. The location of the proposed mobile service facility.

The Wireless Siting Law defines “mobile service facility” as:

the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.³

The Construction Drawings depict where the mobile service facility will be located on the Property (the mobile service facility and the Monopole, are collectively, the “**Installation**”). Verizon Wireless will attach its equipment on the Monopole as depicted in enclosed drawing “VZW A1”. Verizon will route its coax/cabling through the interior of the Monopole and install its equipment near the base of the Monopole within the Leased Premises. The Installation is designed to accommodate two (2) additional wireless communications carriers.

4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

The Applicants propose installation of a new monopole; therefore, the requirements of this section are not applicable.

³ Wis. Stat. § 66.0404(1)(L).

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February 8, 2022
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- 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile services support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.**

The Construction Drawings are included with this Application.

- 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.**

Enclosed is a sworn statement from a representative of the Applicants (the "Sworn Statement"). The Sworn Statement includes the search ring which defines the precise geographic area where an additional Communications Facility is needed to expand network coverage or capacity. The Sworn Statement attests there are no existing structures of sufficient height available for co-location within the search ring, making co-location technically infeasible.

ADDITIONAL DISCUSSION

CST is a national owner and operator of wireless communications infrastructure. CST proposes to operate the Installation within the Leased Premises and will own the Monopole. Verizon Wireless will install its equipment on the Monopole and place ground equipment within the Leased Premises. It is not uncommon for wireless telecommunications service providers to partner with companies like CST in tower site development projects.

The proposed Installation results from the needs of Verizon Wireless. Verizon has determined it has a deficit in its service within the vicinity of the proposed Monopole. The Installation will correct this service deficit. The Installation will also enhance E-911 services, further protecting public health, safety, and welfare within the City of Oak Creek. Once constructed, the Installation will also negate requests for additional towers in the area.

The Installation will conform to all applicable laws and regulations, including those regulations of the Federal Communications Commission and Federal Aviation Administration ("FAA").

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Ms. Kari Papelbon
February 8, 2022
Page 5

Enclosed is the FAA Determination of No Hazard, which further negates any risk posed by the Monopole.

The Property is in the B-4 Highway Business Zoning District (the "B-4 District"), which is described in § 17.0315 of the Oak Creek Code of Ordinances. Per the ordinance, a conditional use permit is required to construct the Monopole. The Leased Premises has been positioned upon the Property in a location to best fit with the current uses of the Property. The Installation will require no public financial contribution or result in any additional public facilities and services.

The Installation will be unmanned. No parking or employee facilities are required. Verizon's technicians will visit the site periodically, typically for a few hours once per month, for security monitoring, testing, and maintenance of its communications equipment. CST will also visit the site periodically to monitor the maintenance and security of the facility. The facility will not generate recognizable traffic. Noise level is limited to periodic generator operation.

CONCLUSION

We look forward to working with your office to advance this project. Please contact me at (414) 978-5622 or by e-mail at mike.long@huschblackwell.com if you have questions, or require additional information about this Application.

Very truly yours,

HUSCH BLACKWELL LLP



J. Michael Long

Enclosure

Kari Papelbon

From: Baumann, Art - DOT <Art.Baumann@dot.wi.gov>
Sent: Thursday, February 17, 2022 4:04 PM
To: Kari Papelbon
Cc: Koehnke, Kevin F - DOT; Voight, Susan - DOT
Subject: [EXTERNAL] RE: Oak Creek Proposals
Attachments: 27th & Drexel Future Roaway Map.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Kari,

Thanks for sharing for our input. We have the following comments on the proposals that you shared.

- 27th & Puetz
 - The southern finger on Lot 3 adjacent to 27th St. would need to share the existing south driveway of the motel for access to 27th St. (beam guard across entire frontage) or connect to the SE corner of lot 4.
 - Prefer Lot 4 access to come off Puetz.
- Central States Tower
 - Please ensure that the proposed tower does not block the potential for the roadway connection to Drexel as shown on the attached exhibit.
 - The City may want to require dedication of right-of-way for the future north/south roadway in the vicinity of Drexel with this CSM so that it can be aligned with the median opening.

Please let me know if you have any questions.

Art Baumann
Traffic Operations Engineer
Art.Baumann@dot.wi.gov
(262) 548-6707

From: Kari Papelbon <kpapelbon@oakcreekwi.gov>
Sent: Wednesday, February 16, 2022 3:00 PM
To: Baumann, Art - DOT <Art.Baumann@dot.wi.gov>
Subject: Oak Creek Proposals

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Art,

We have a couple of proposals for which we would like WisDOT input. Please see the OneDrive links to the files below. These items are scheduled for Plan Commission review on March 8.

CSM, 27th & Puetz – https://oakcreekwi.org-my.sharepoint.com/:b/g/personal/oc_planning_oakcreekwi_org/EU6Ss3TYqzhGgkY7iWTxqfEBtbGxkLNz7t1ZcOfNq_f7fA?e=fkblll



MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



752 0 376 752 Feet

NAD_1983_2011_StatePlane_Wisconsin_South_FIPS_4803_FL 1:4,514
 ©M/CAMLIS



DISCLAIMER: This map is a user generated static output from the Milwaukee County Land Information Office Interactive Mapping Service website. The contents herein are for reference purposes only and may or may not be accurate, current or otherwise reliable. No liability is assumed for the data delineated herein either expressed or implied by Milwaukee County or its employees.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

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CITY OF OAK CREEK

**Sworn Statement of Daniel J. Pfandler
in Support of New Tower Construction Pursuant to Wis. Stat. §66.0404**

State of Illinois)
County of Cook) ss.

DANIEL J. PFANDLER, being first duly sworn on oath, deposes and says that:

1. I am an adult resident of the State of Illinois and serve as a Site Development Consultant for Verizon Wireless ("Verizon") and Central States Tower V, LLC who are one of the Applicants. I've been engaged in this capacity for 5 years.
2. My job duties include review and evaluation of real estate to determine suitability for the placement of wireless communications facilities for use within Verizon's wireless communications network. As part of these responsibilities, I am responsible for securing the placement and development of mobile support structures and wireless communications equipment within portions of Verizon's network including the proposed mobile service support structure being proposed by Verizon and Central States Tower V, LLC ("CST") at 2509 West Drexel Avenue, City of Oak Creek, Milwaukee County, Wisconsin, parcel ID 8109985001 (the "Proposed Communications Facility").
3. This sworn statement is made pursuant to Wis. Stat. §66.0404(2)(b)6 and in support of the Applicants' conditional use permit application.
4. Verizon identified a technical need to improve its wireless communications services within the City of Oak Creek (the "City"). To accomplish this improvement, Verizon concluded that a new Communications Facility would need to be placed in an area of the City which was west of I-94, east of 27th Street and south of Drexel Avenue. Thereafter, Verizon's engineering department issued me a "search ring" defining the precise geographic area where the Proposed Communications Facility should be placed in order to address its technical need (the "Search Ring"). To obtain the height needed by Verizon to accomplish its required wireless functionality, coverage and capacity and to avoid an undue proliferation of additional wireless tower

developments within the City, the Proposed Communications Facility is to be 150 feet above ground level (AGL). A copy of the Search Ring is included as Exhibit A to the Sworn Statement.

5. Upon being issued the Search Ring, I commenced my investigation of properties within and proximity to the Search Ring to determine if there were any properties that had existing structures tall enough to accommodate Verizon's technical needs.

6. Upon completing this investigation, I concluded that the height of any existing structures were approximately thirty percent (30%) the height of the height necessary to accommodate the Proposed Communications Facility. Given this fact, Verizon has advised me that co-location of its wireless communications equipment upon existing structures within or in proximity to the Search Ring would not result in the same mobile service functionality, coverage, and capacity as the Proposed Communications Facility.

7. The lack of any adequate existing structure for Verizon to co-locate its wireless communications equipment upon within and in proximity to the Search Ring requires that the Proposed Communications Facility be constructed in order for Verizon to establish its required levels of mobile service functionality, coverage and capacity.


Daniel J. Pfandler

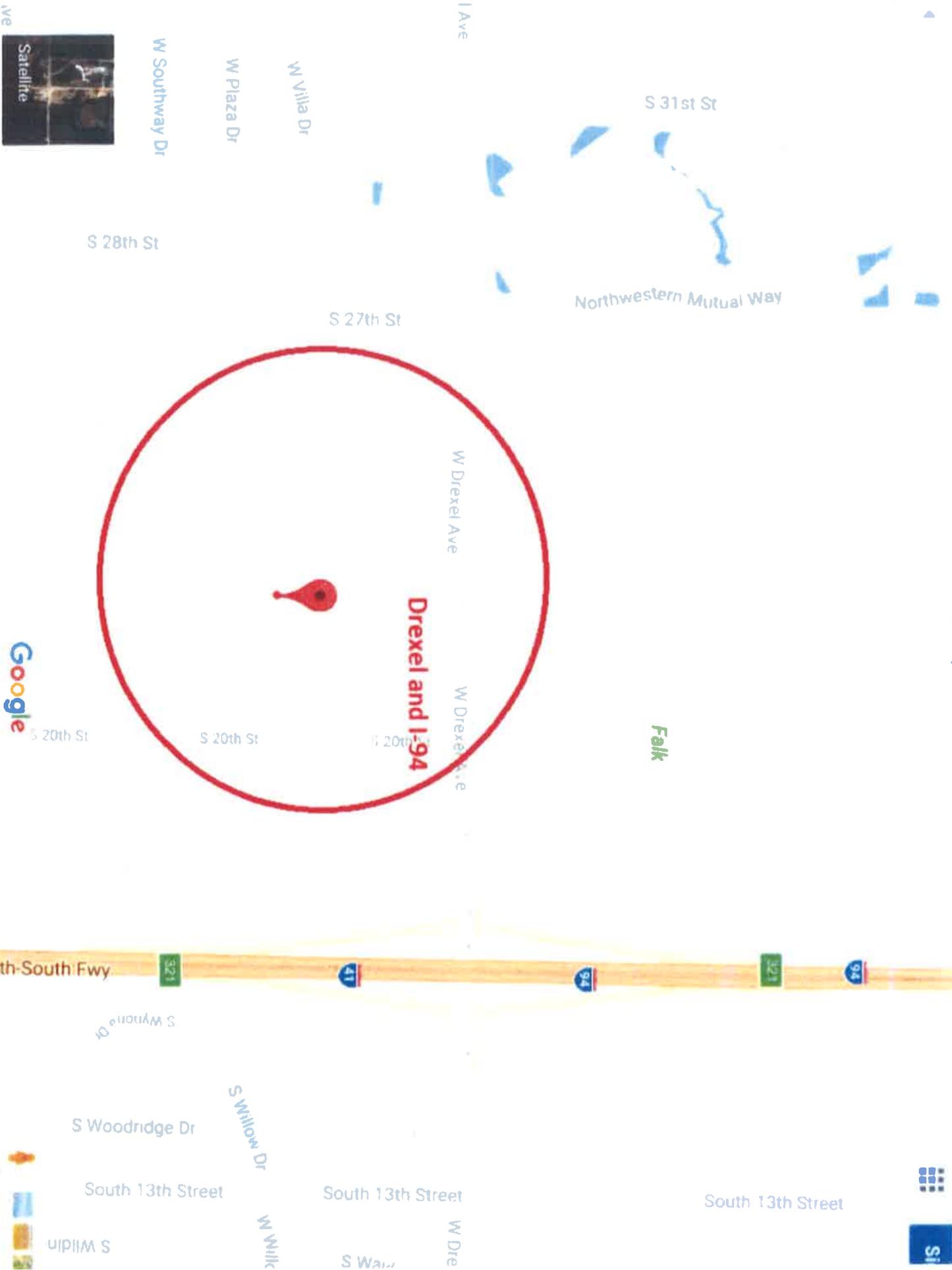
State of Illinois)
County of Cook) ss.

This instrument was acknowledged, subscribed and sworn to before me on FEBRUARY 7, 2022 by Daniel J. Pfandler.




NOTARY PUBLIC FOR ILLINOIS
My Commission Expires: _____

Exhibit A





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2018-AGL-11790-OE

RECEIVED

FEB 08 2022

CITY OF OAK CREEK

Issued Date: 07/25/2018

Brian Meier
 Central States Tower IV, LLC
 323 S. Hale Street
 Suite 100
 Wheaton, IL 60187

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole WI-00-5350 Dcxcl & I-94
 Location: Oak Creek, WI
 Latitude: 42-53-58.17N NAD 83
 Longitude: 87-56-52.49W
 Heights: 743 feet site elevation (SE)
 155 feet above ground level (AGL)
 898 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

To coordinate frequency activation and verify that no interference is caused to FAA facilities, prior to beginning any transmission from the site you must contact Anthony Robinson, Airway Transportation Systems Specialist Supervisor, 414-489-2206 and Gregory Pape, Central Service Area Frequency Management Officer, at 817-222-4995 .

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 01/25/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.

- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination of No Hazard is granted provided the following conditional statement is included in the proponent's construction permit or license to radiate:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take such immediate corrective action as is necessary to eliminate the harmful interference. This condition expires after 1 year of interference-free operation.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (847) 294-7575, or vivian.vilaro@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-AGL-11790-OE.

Signature Control No: 367690536-371159202

(DNE)

Vivian Vilaro
Specialist

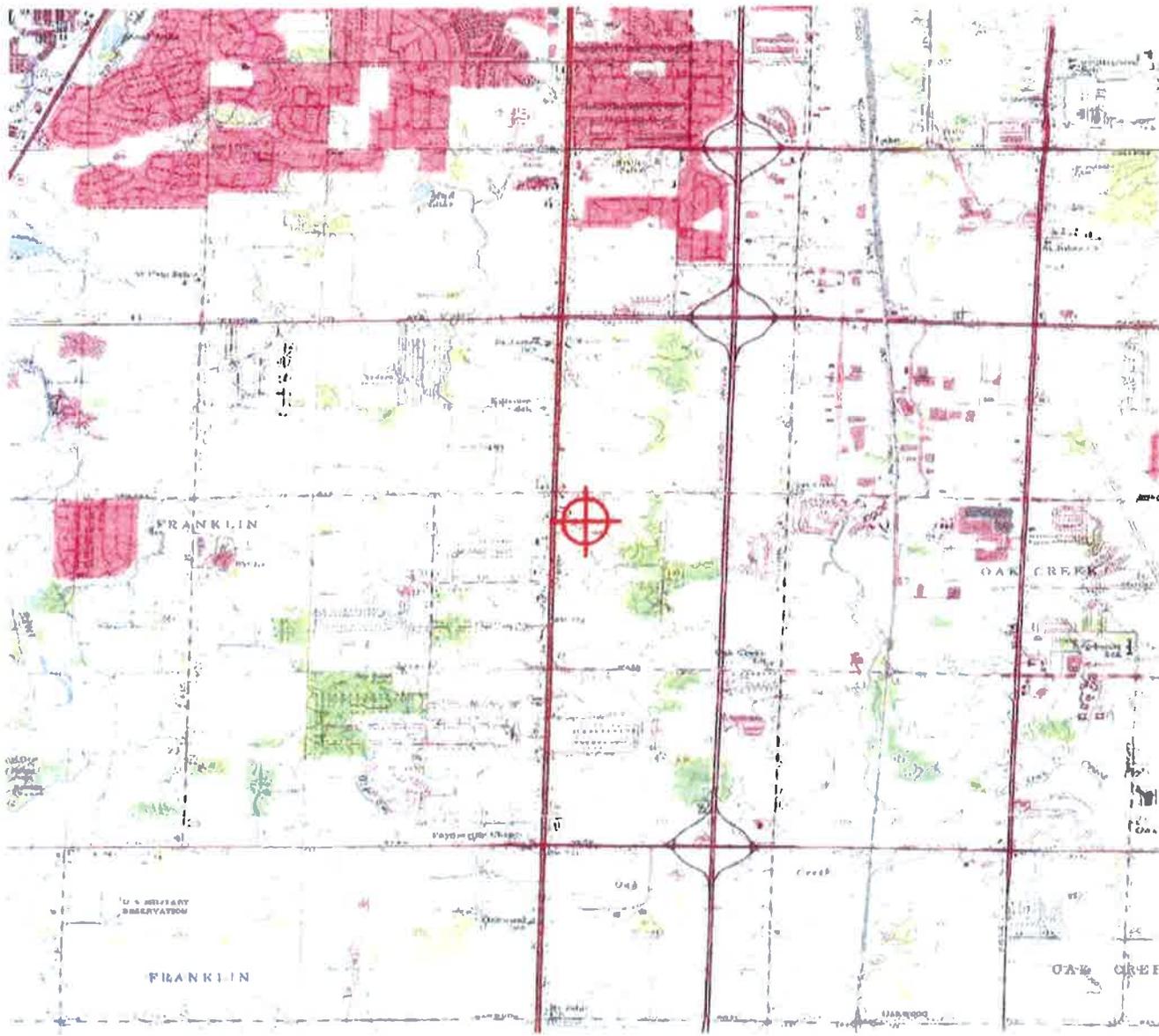
Attachment(s)
Frequency Data
Map(s)

cc: FCC

Frequency Data for ASN 2018-AGL-11790-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W

TOPO Map for ASN 2018-AGL-11790-OE



Sectional Map for ASN 2018-AGL-11790-OE

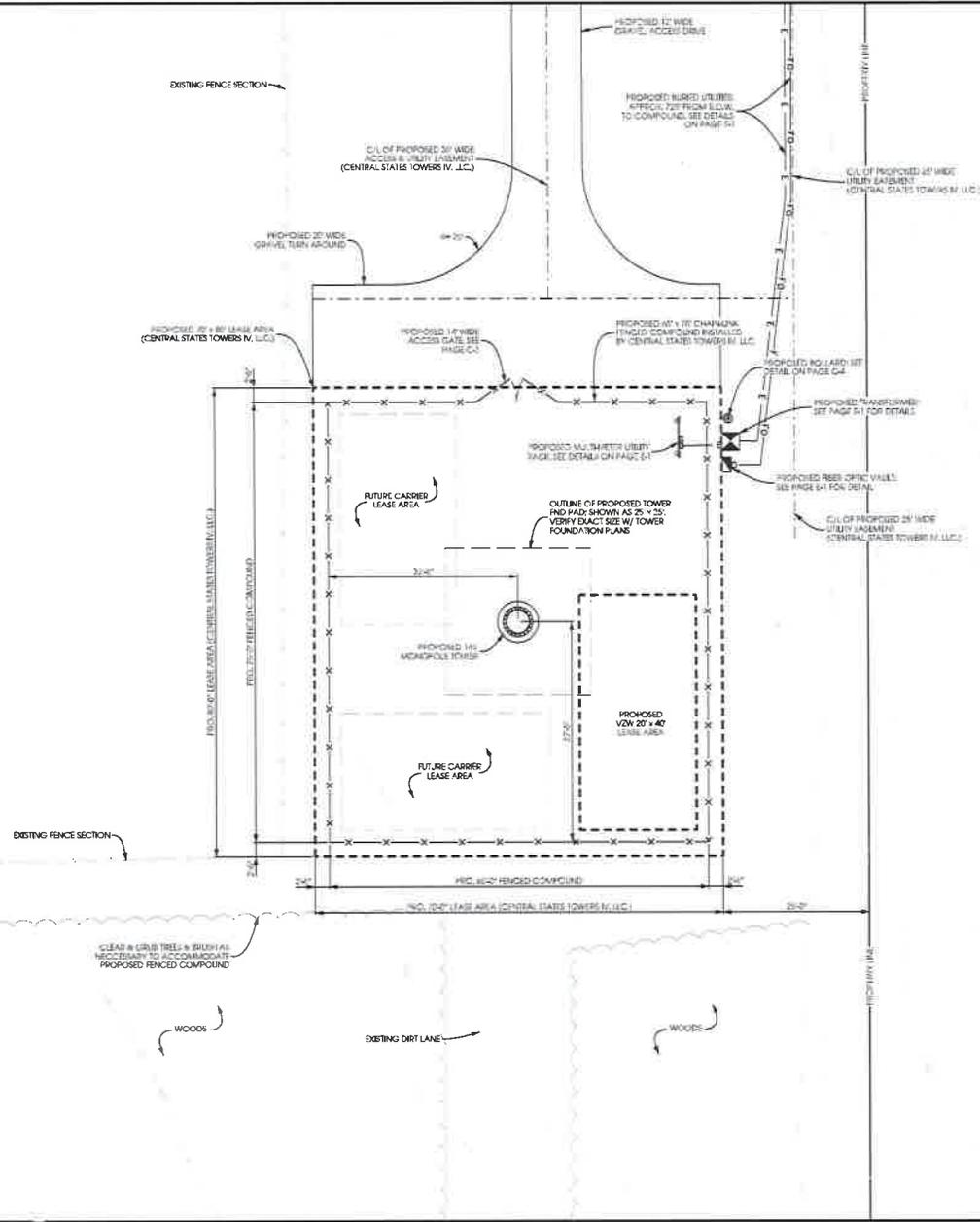




SITE OVERVIEW (LOOKING SOUTH)



PROPOSED LEASE AREA (LOOKING NORTH)



**COMPOUND PLAN
DREXEL & I-94 (4568616)
OAK CREEK, WISCONSIN**

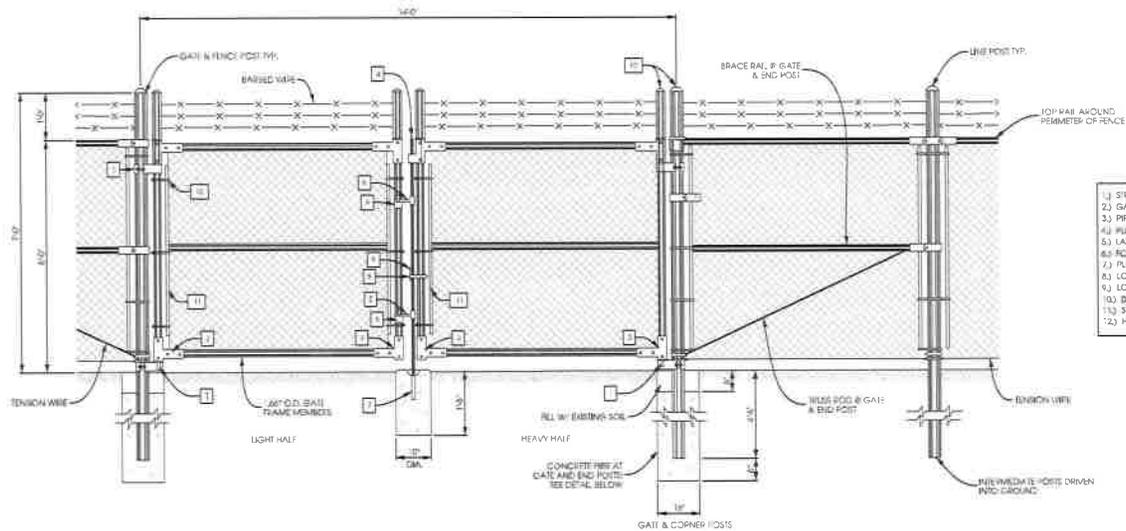
REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	05/11/2020
2	ISSUED FOR PERMITS	05/11/2020
3	ISSUED FOR PERMITS	05/11/2020
4	ISSUED FOR PERMITS	05/11/2020
5	ISSUED FOR PERMITS	05/11/2020
6	ISSUED FOR PERMITS	05/11/2020
7	ISSUED FOR PERMITS	05/11/2020
8	ISSUED FOR PERMITS	05/11/2020
9	ISSUED FOR PERMITS	05/11/2020
10	ISSUED FOR PERMITS	05/11/2020

DRAWN BY: []
 CHECKED BY: []
 DATE: []
 FILE NAME: []

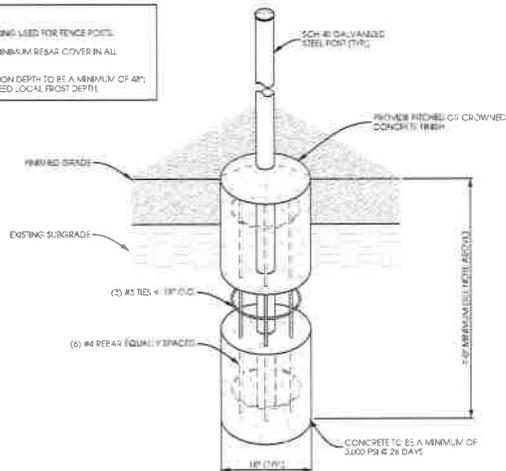


SHEET NUMBER
C-2



A **VEHICLE GATE**
SCALE: NTS

NOTES
PIER REINFORCING USED FOR FENCE POSTS.
MAINTAIN 3" MINIMUM REBAR COVER IN ALL DIRECTIONS.
PIER FOUNDATION DEPTH TO BE A MINIMUM OF 48" DEPTH TO EXCEED LOCAL FROST DEPTH.



B **FENCE PIER FOUNDATION DETAIL**
SCALE: 1 1/4" x 1 7/8" = 1'-0"
2 2/3" x 3 4/8" = 3'-0"

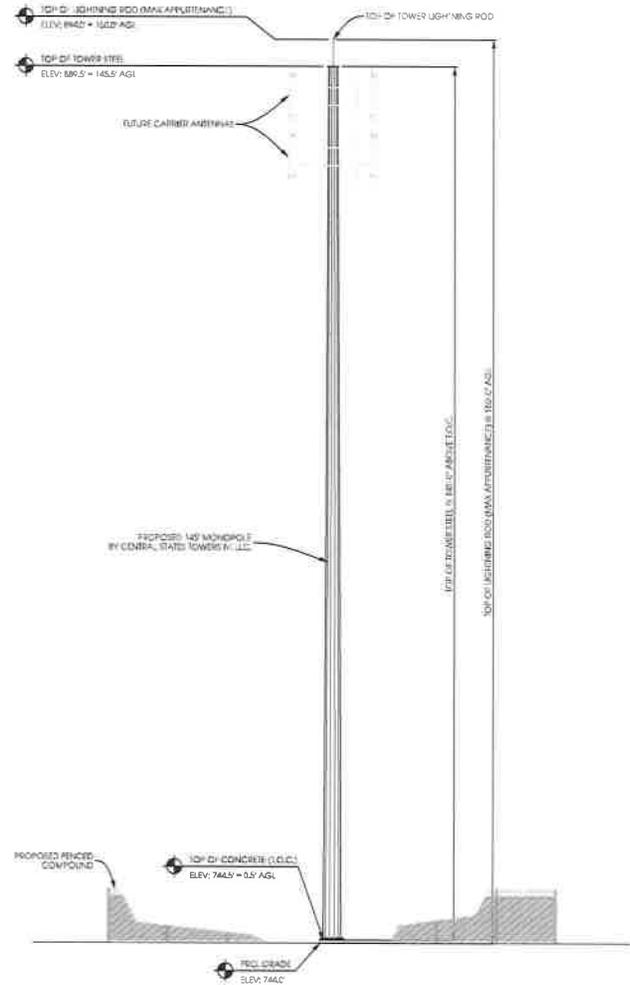
FENCING NOTES
IF SETBACK SPECIFICATION PAGES (S-1) AND (S-2) THESE NOTES WILL SUPERSEDE:

ALL FENCING USED BY THE GC MUST MEET OR EXCEED THE FOLLOWING:
HARDWARE SHALL BE STAINLESS STEEL OR HOT DIPPED GALVANIZED. 9 GAUGE 2 INCH OR SMALLER MESH.
ALL POSTS AND BRACINGS MUST BE SCHEDULE 40.
AROUND THE COMPOUND PERIMETER THE GC SHALL INSTALL A COMMERCIAL-GRADE GALVANIZED 7 HIGH CHAIN LINK FENCE WITH A TOP RAIL THREE STRANDS OF BARBED WIRE FACED OUT AT THE TOP, AND A CONTINUOUS STRETCHER WIRE AT THE BOTTOM. THE GC SHALL REFER TO SITE PLAN FOR DIMENSIONS.
ON COLLOCATIONS THE NEW FENCING MUST MATCH EXISTING FENCING.
THE GC SHALL PROVIDE 14" WIDE ENTRANCE (REFER TO DRAWINGS FOR SITE SPECIFIC DETAILS). THE GC SHALL SOUND GATE TO FENCE WITH FLEXIBLE BOND STRAPS. THE TOP RAIL OF THE FENCE WILL BE ELECTRICALLY BONDED AT ALL CORNERS (6) AND AT ALL JOINTS BY THE GC.
THE FENCE IS TO BE CADWELDED BY THE GC TO THE LOWER GROUND RING.

** IN ADDITION TO ALL OTHER NECESSARY SAFETY AND CUSTOMARY PRECAUTIONS THE GC IS OBLIGATED TO TAKE THE GC SHALL INSTALL ORANGE TEMPORARY FENCING AROUND THE PERIMETER WHICH IS OF SUFFICIENT HEIGHT AND STRUCTURAL INTEGRITY TO PREVENT ACCESS TO THE SITE WHEN THE GC IS NOT PRESENT AT THE PROJECT SITE.

REVISION	DATE	BY
PRELIMINARY DWG	11/11/11	ELC
CD REV 1	11/11/11	ELC
CD REV 2	11/11/11	ELC
CD REV 3	11/11/11	ELC
CD REV 4	11/11/11	ELC
CD REV 5	11/11/11	ELC
CD REV 6	11/11/11	ELC
CD REV 7	11/11/11	ELC
CD REV 8	11/11/11	ELC
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CD REV 40	11/11/11	ELC
CD REV 41	11/11/11	ELC
CD REV 42	11/11/11	ELC
CD REV 43	11/11/11	ELC
CD REV 44	11/11/11	ELC
CD REV 45	11/11/11	ELC
CD REV 46	11/11/11	ELC
CD REV 47	11/11/11	ELC
CD REV 48	11/11/11	ELC
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CD REV 50	11/11/11	ELC
CD REV 51	11/11/11	ELC
CD REV 52	11/11/11	ELC
CD REV 53	11/11/11	ELC
CD REV 54	11/11/11	ELC
CD REV 55	11/11/11	ELC
CD REV 56	11/11/11	ELC
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CD REV 97	11/11/11	ELC
CD REV 98	11/11/11	ELC
CD REV 99	11/11/11	ELC
CD REV 100	11/11/11	ELC

NOTE:
TOWER MANUFACTURER TO INSTALL
POINTS AT LARGE ANGLE TO CL VERIFY
FINAL HEIGHT, SET ASSE AND
ORIENTATION WITH FOUND PLANS.



TOWER PROFILE (EAST ELEVATION)
SCALE 11' x 17' - 1" = 20'-0"
22' x 34' - 1" = 10'-0"

Edge
Consulting Engineers, Inc.
824 White Street
P.O. Box 1000
Oak Creek, WI 53091
www.edgeconsult.com

**TOWER ELEVATION
DREXEL & I-94 (458616)
OAK CREEK, WISCONSIN**

SHEET TITLE

DATE	DESCRIPTION	BY
03/11/2011	ISSUE FOR PERMIT	CH
02/04/2011	ISSUE FOR PERMIT	CH
01/14/2011	ISSUE FOR PERMIT	CH
01/14/2011	ISSUE FOR PERMIT	CH

STAMPED PERMIT DESIGN

STAMPED PERMIT DESIGN

DATE: 03/11/2011 11:18:00 AM
DESIGNER: CH

CHECKED BY:
HGM

PLOT DATE:
11/20/11

PROJECT #:
11200

NET NAME:
A-1

SHEET NUMBER:

A-1



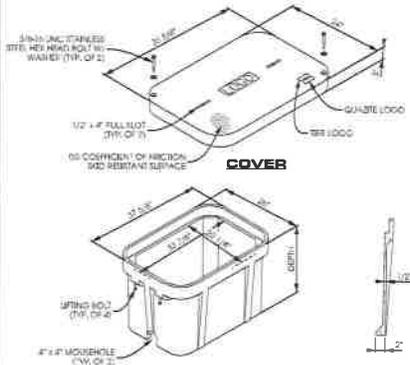
UTILITY PROVIDER INFO:

ELECTRIC PROVIDER: WE ENERGIES
HOLLY LAMBERT
414.449.3022

FIBER OPTIC PROVIDER: ONE FIBER
MARC PETERS
262.271.5040

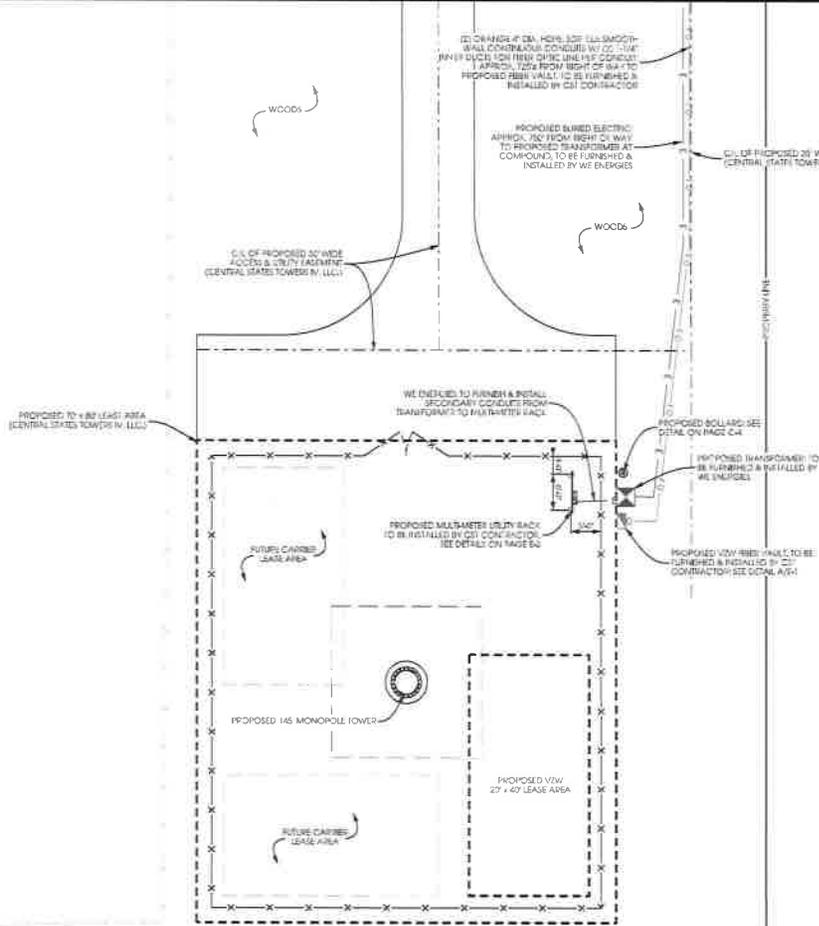
SPACE / PULL BOX NOTES:

1/2" STYLE POLYMER CONCRETE (STACKABLE) ASSEMBLY
FOR SPACE BOX LOCATIONS USE 24" x 36" x 34" DEEP BOX
QUAZITE PART # PS243634 OR APPROVED EQUIVALENT
FOR HULL BOX LOCATIONS USE 24" x 36" x 24" DEEP BOX
QUAZITE PART # PS243624 OR APPROVED EQUIVALENT
FOR COVERS FOR BOTH SPACE AND PULL BOX LOCATIONS
USE QUAZITE PART # PS243630 OR APPROVED EQUIVALENT



A SPLICE/PULL BOX DETAIL

SCALE: NTS



- REER NOTES:**
- ONE REER W/ BRING REER TO THE PROPERTY LINE R.O.W. MEET POINT
 - CST CONTRACTOR TO FURNISH & INSTALL REER VAULT AT THE PROPERTY LINE R.O.W. MEET POINT. SEE PAGE 54 FOR VAULT LOCATION
- POWER NOTES:**
- WE ENERGIES TO INSTALL PRIMARY POWER FROM THE WEST SIDE OF THE ENTRANCE DRIVE NEAR THE R.O.W. OF W. DREXEL AVE TO THE PROPOSED TRANSFORMER AT THE PROPOSED FENCED COMPOUND

Edge
Consulting Engineers, Inc.
452 W. Main Street
P.O. Box 1000
Oak Creek, WI 53156
414.224.1900
www.edgecorp.com

**UTILITY PLAN
DREXEL & I-94 (45B616)
OAK CREEK, WISCONSIN**

REVISIONS

NO.	DESCRIPTION	DATE
01	PRELIMINARY DESIGN	11/15
02	CONTRACT REVIEW - 1	12/07/16
03	CONTRACT REVIEW - 2	01/07/17
04	CONTRACT REVIEW - 3	02/08/17
05	CONTRACT REVIEW - 4	03/09/17
06	CONTRACT REVIEW - 5	04/10/17
07	CONTRACT REVIEW - 6	05/11/17

STAMPED PERMIT TAGS

CHECKED BY: #100
#101
#102
#103
#104
#105
#106
#107
#108
#109
#110



SHEET NUMBER:
E-1

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

Applicant: Cellco Partnership, dba Verizon
Wireless

Approved by Plan Commission: 4-12-22
Approved by Common Council: TBD
(Ord. 3039)

Property Address: 2509 W. Drexel Ave.

Tax Key Number(s): 810-9985-001

Conditional Use: **Wireless Telecommunications Site (145-foot-tall monopole with 5-foot lightning rod & appurtenances)**

1. LEGAL DESCRIPTION

That part of the Northwest 1/4 of Section 18, in Township 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows: Commencing at a point in the North line at 543 feet East of the Northwest corner of said 1/4 Section; thence East along the North line of said 1/4 Section 200 feet to a point; thence South and parallel to the West line of said 1/4 Section 1325 feet to the place of beginning, EXCEPTING the North 30 feet for public highway; ALSO EXCEPTING that portion conveyed in a Personal Representative's Deed recorded on February 29, 2012 as Document No. 10088105.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees
 - iii) Number of all parking spaces
 - iv) Dimensions
 - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences

2) **Landscape Plan**

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

3) **Building Plan**

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

4) **Lighting Plan**

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

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

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

6) **Fire Protection**

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

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building or occupancy permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. A landscaping plan must be submitted for review and approval by the Plan Commission prior to the issuance of any permit for this project. Landscaping must be designed, installed, and maintained in accordance with the Chapter 17 of the Municipal Code (as amended).
- F. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- G. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the B-4, Highway Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).**
- B. There shall be no outdoor storage of vehicles, equipment, merchandise, parts, supplies, or any other materials on the property unrelated to and outside of the wireless telecommunications site.**
- C. No signs, other than those required by law, are allowed for this use.**
- D. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

- A. Access shall be via the existing curb cut on Drexel Avenue. No new curb cuts or access points are allowed.**
- B. The site shall comply with all requirements per the Wisconsin Department of Transportation's 27th Street Access Management Plan (as amended).**

5. LIGHTING

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

6. SETBACKS*

	Front and Street Setback	Rear (south) Setback	Side Setback
Principal Structure ¹	25'	25'	15'
Accessory Structure*	25'	25'	15'
Equipment Areas ²	25'	25'	15'

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

7. TIME OF COMPLIANCE

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

8. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

9. VIOLATIONS & PENALTIES

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

10. REVOCAION

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

11. ACKNOWLEDGEMENT

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

¹ Municipal Code Section 17.0313(f) (as amended)

² Municipal Code Section 17.0504(f)(2)(d) (as amended)

Owner / Authorized Representative Signature

Date

(please print name)

EXHIBIT A: CONCEPTUAL SITE PLAN

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



**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MARCH 8, 2022**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Kari Papelbon, Senior Planner; Jack Kovnesky, Planning Intern; and Mike Havey, Assistant Fire Chief.

**CONDITIONAL USE PERMIT
CENTRAL STATES TOWER V, LLC & CELLCO PARTNERSHIP DBA VERIZON WIRELESS
2509 W. DREXEL AVE.
TAX KEY NO. 810-9985-001**

Senior Planner Papelbon provided a review of a proposed wireless telecommunications pole and compound ("facility") on the property (see staff report for details).

Michael Long, 511 N. Broadway, Suite 1100, Milwaukee, told the Commission that he had looked at the staff report and felt he could work with Staff regarding any concerns, specifically a planned Wisconsin Department of Transportation (WisDOT) road extension east from 27th St., north to Drexel.

Senior Planner Papelbon concurred that the City has to accommodate the road extension proposal as shown on the WisDOT Access Management Plan. The WisDOT plan also lines up with the future public road connection to the south through The Oaks at 8100.

Mr. Long stated he had conferred with the DOT and was informed the proposed tower would not interfere with any future road extensions. The tower is not proposed in a location that is affected by any Mitchell International Airport height limitation ordinances. The Federal Aviation Administration (FAA) has also indicated that the tower does not need to be lighted or painted.

Alderman Loreck acknowledged local municipalities are limited on what they could do with cell phone towers, but asked if there were any way to request the tower be decorated or camouflaged. Senior Planner Papelbon said that attempting to camouflage the tower would make it stand out even more than it otherwise would because of its height and proposed location.

Commissioner Oldani asked for confirmation that the FAA will not require a light on the tower. Mr. Long answered that was correct.

Commissioner Siefert questioned whether the entrance to the property would be controlled. Mr. Long said there would be a gate at the entrance to the tower compound. The plans do not show a gate for the access closer to Drexel Ave. There is still movement of vehicles on the property which belong to the storage facility on site.

Senior Planner Papelbon commented that typically, the compound area is gated but the driveway accesses are kept clear for emergency services and regular maintenance of the tower. The staff report notes the City is looking to have some of the more extensive concrete areas on the property removed and is working internally toward that end.

Commissioner Siepert expressed his concern that people would attempt to salvage trees from the rear of the property. Mr. Long said there is currently a gated, locked access to enter the area, which was installed by the property owner. The applicant would not be taking any additional measures. Senior Planner Papelbon noted a four-wheel drive would be needed to access the area, were someone attempting to enter the property to remove trees.

Commissioner Chandler asked if the vault, transformer, and bollard would be enclosed as discussed in the staff report. Mr. Long said they would attempt to locate the items within the fenced area, although the challenge is that the utility providers prefer access to the infrastructure without having to get permission from the tower owner. Mr. Long added the bollards are being put in place to protect those appurtenances located outside of the fence. Every attempt will be made to locate the vault, transformer and bollard within the leased area.

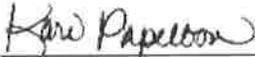
Assistant Fire Chief Havey advised the Commission that Fire had no concerns with the project.

Mayor Bukiewicz suggested working with WE Energies to ensure the appurtenances are aptly protected, especially with the prospect of a future road nearby.

Alderman Loreck moved that the Plan Commission recommend that the Common Council approves a Conditional Use Permit allowing a wireless telecommunications pole and associated facility on the property at 2509 W. Drexel Ave. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting (March 22, 2022). Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:47 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-12-22

Date

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 12, 2022**

Mayor Bukiewicz called the meeting to order at 6:03 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Chandler. Commissioner Siepert was excused. Also present: Kari Papelbon, Senior Planner; Laurie Miller, Zoning Administrator; and Mike Havey, Assistant Fire Chief.

**CONDITIONS AND RESTRICTIONS
CENTRAL STATES TOWER V, LLC & CELLCO PARTNERSHIP DBA VERIZON WIRELESS
2509 W. DREXEL AVE.
TAX KEY NO. 810-9985-001**

Senior Planner Papelbon provided an overview of the Conditions and Restrictions for a Conditional Use Permit request for a proposed wireless telecommunications pole and compound ("facility") on the property at 2509 W Drexel Avenue (see staff report for details).

Michael Long, lawyer for the applicants, 511 North Broadway, Milwaukee, stated that the applicants agreed with most sections; however, there were some concerns in Sections 3a and 3b. Section 3a states the uses of the property will be limited to B-4, Highway Business uses. The proposed tower will be fine with those uses; however, the applicant is a tenant on the property and wants to be sure the tower does not make the property non-compliant.

Senior Planner Papelbon clarified that the tower has nothing to do with the existing condition of the property. The Conditional Use is issued to the property even though the use being requested is something that requires this particular document and this particular review. Senior Planner Papelbon stated the cell tower is not making the property any more non-conforming.

Mr. Long explained that Section 3b states that there is to be no outdoor storage of vehicles or equipment; however, the property is being used by the owner for outdoor vehicle storage. The applicants wanted to be sure the Conditional Use Permit would not prevent the continued use by the property owner as a vehicle storage yard.

Senior Planner Papelbon explained that the Conditional Use Permit is for the telecommunications site, and the Plan Commission is not approving any other outdoor storage outside of the telecommunications site. Any outstanding violations or enforcements on the property are separate and apart from the wireless telecom facility.

Mayor Bukiewicz asked if the proposed Conditions and Restrictions are segregated from the main property. Senior Planner Papelbon reiterated that staff is not making any claims as to whether there are or are not violations on the property. Senior Planner Papelbon clarified that anything outside of the compound is not being approved with this Conditional Use.

Mr. Long asked to confirm that the Conditional Use is not a method to bring the entire property into compliance. Senior Planner Papelbon stated the property would need to comply with Code no matter what.

Commissioner Hanna asked Senior Planner Papelbon to clarify what is meant by the existing restriction on outdoor storage being grandfathered in. Senior Planner Papelbon reiterated that the staff is not making any claims as to whether there are or are not violations on the property

right now. This Conditional Use Permit is only approving the telecom tower and the compound. Anything else on the property needs to comply with Code. If there is an existing violation on the property, then the City can still pursue it outside of the Conditional Use Permit.

Commissioner Kiepczynski reminded the applicants to apply for a green infrastructure permit as the impervious surface is greater than 5,000 square feet.

Commissioner Chandler referenced a previous meeting, and asked the applicant to review the items that will be located on the compound.

Mr. Long stated that he believes Commissioner Chandler is referring to the drop point for the electrical service, fiber service, and a bollard in the corner. The applicant will protect those items; however, on the proposed plans, they are placed outside the fence area, but within the easement area so the power and phone companies can access them. Senior Planner Papelbon stated that staff had no objections to the placement.

Commissioner Chandler asked Senior Planner Papelbon if the items placed outside the fence will be considered storage. Senior Planner Papelbon stated the items being discussed are considered utilities.

Assistant Fire Chief Havey stated the Fire Department has no concerns.

Commissioner Hanna moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a wireless telecommunications pole and associated facility on the property at 2509 W. Drexel Ave. after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:05 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-26-22

Date

TO BE PUBLISHED MAY 4 & 11, 2022

OFFICIAL NOTICE

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

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Kenneth Johnson, Heritage Funeral Homes, for an amendment to the existing Conditional Use Permit to allow a funeral parlor with cremation services within a portion of the existing building on the property at 7625 S. Howell Ave.

- Hearing Date:** May 17, 2022
- Time:** 7:00 PM
- Place:** Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers
- Applicant(s):** Kenneth Johnson, Heritage Funeral Homes
- Property Owner(s):** MSS Hospitality, LLC
- Property Location(s):** 7625 S. Howell Ave.
- Tax Key(s):** 782-9031-000

Legal Description:

Parcel 1 of Certified Survey map No. 2546, recorded on May 15, 1975, in Reel 851 of Certified Survey Maps, on Images 1160-1162, as Document No. 4915277, being Parcel 1 of Certified Survey Map No. 425, being part of the southeast ¼ of Section 8, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

The Common Council has scheduled other public hearings for May 17, 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 may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: April 27, 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: Conditional Use Permit Amendment - 7625 S. Howell Ave. - Heritage Funeral Homes

Recommendation: That the Council adopts Ordinance 3040, an ordinance to amend the Conditions and Restrictions in Ordinance No. 2253 to allow a funeral parlor with cremation services within a portion of the existing building on the property at 7625 S. Howell Ave. (1st District).

Fiscal Impact: No direct fiscal impacts are anticipated as the property is currently developed. Approval will allow for the vacant tenant to be occupied by a funeral home for their headquarters, cremation services, and back-of-house operations. This property is not currently located within a TID.

Critical Success Factor(s):

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

Background: The Applicant is requesting approval to amend the existing Conditional Use Permit for a funeral parlor with cremation services on the property at 7625 S. Howell Ave. Funeral parlors with cremation services are Conditional Uses in the M-1, Manufacturing zoning district.

Heritage Funeral Homes is proposing to utilize the existing building for business office space, back room space, and crematory services. This location would be the headquarters for the business. Funeral services will not be performed onsite. Typical hours of operation would be 8:00 AM – 5:00 PM, with some minor operations occurring 24 hours per day. Up to 20 employees are anticipated onsite during typical hours, and 2-6 employees onsite outside of typical hours. No exterior building or site modifications are proposed at this time; however, trash receptacles are required by Code to be located within an enclosure.

Code does not specify requirements for funeral parlors with cremation services; however, general minimum parking requirements for service uses are calculated at one (1) stall for every 250 square feet. Based on this information, a minimum of 39 parking stalls would be required. Parking for approximately 44 vehicles currently exist on the property, therefore exceeding minimum requirements.

After careful consideration at the April 26, 2022 meeting, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



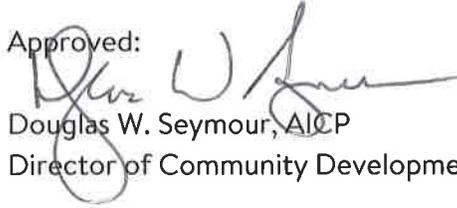
Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gaglin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Location Map

Ord. 3040

Ord. 2253 Conditions & Restrictions (3 pages)

Narrative (5 pages)

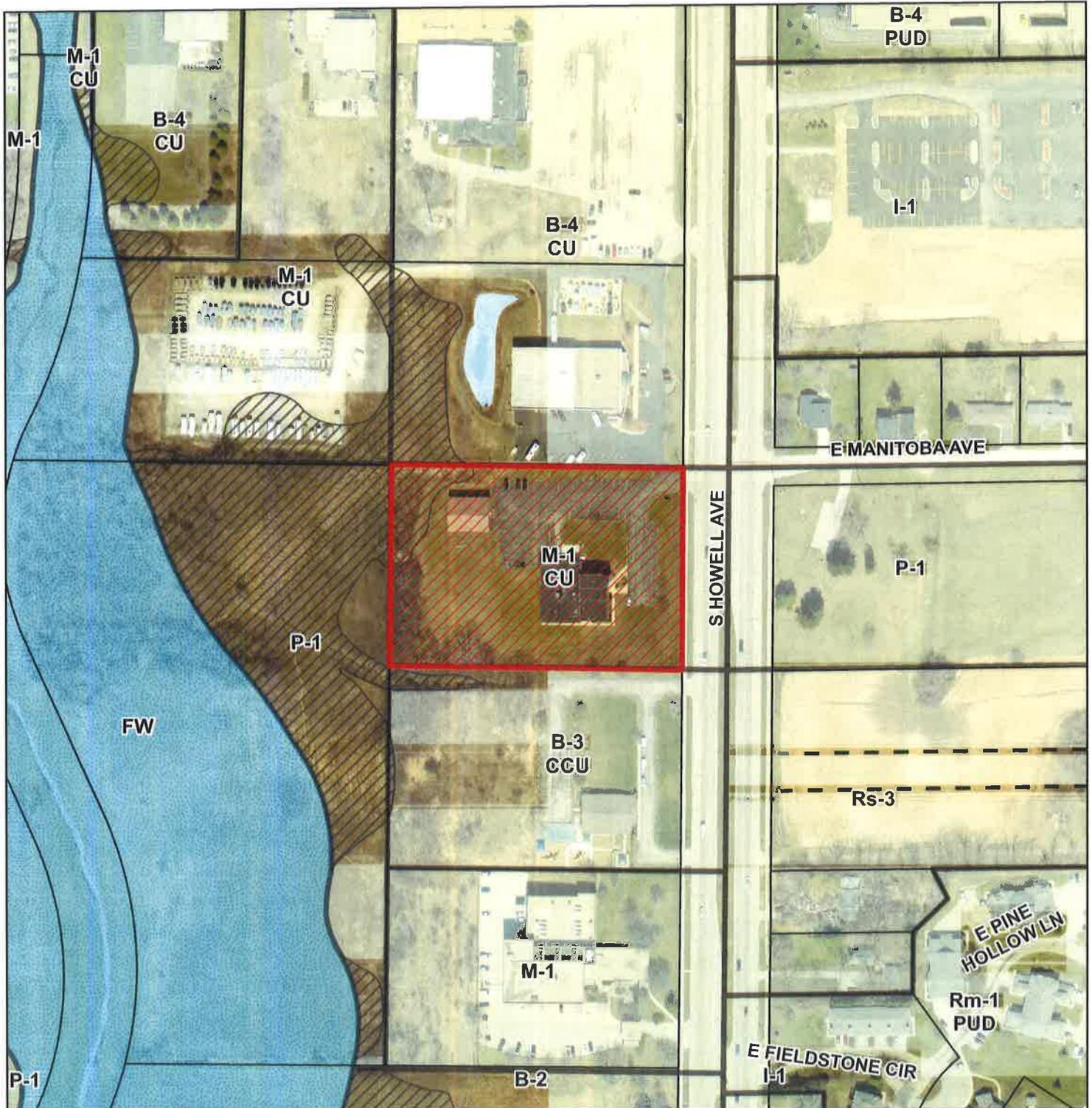
Plans (3 pages)

Proposed Conditions and Restrictions (4 pages)

Plan Commission Minutes (2 pages)

LOCATION MAP

7625 S. Howell Ave.



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



Community Development



Legend

-  Zoning
-  Flood Fringe
-  Official Map
-  Subject Property
-  Floodway

ORDINANCE NO. 3040

By: _____

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 2253 TO ALLOW A FUNERAL PARLOR WITH CREMATION SERVICES WITHIN A PORTION OF THE EXISTING BUILDING ON THE PROPERTY AT 7625 S. HOWELL AVE.

(1st Aldermanic District)

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

WHEREAS, Ordinance No. 2253 (The "Ordinance"), which approved a Conditional Use Permit for storage of vehicles and equipment on the property at 7625 S. Howell Ave. was approved on June 17, 2003; and

WHEREAS, the Ordinance affected the following legally described property:

Parcel 1 of Certified Survey map No. 2546, recorded on May 15, 1975, in Reel 851 of Certified Survey Maps, on Images 1160-1162, as Document No. 4915277, being Parcel 1 of Certified Survey Map No. 425, being part of the southeast ¼ of Section 8, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

WHEREAS, the Applicant, PAUL JOHNSON, HERITAGE FUNERAL HOMES, is requesting that the Ordinance be amended to allow a funeral parlor with cremation services on the property at 7625 S. Howell Ave.; and

WHEREAS, a public hearing was held on this matter on May 17, 2022 to hear comments from all who were interested.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Conditions and Restrictions approved pursuant to Ordinance 2253 affecting the Property hereinabove described are amended as shown in Exhibit A.

SECTION 2: Except as herein modified the conditions and restrictions approved by the Ordinance shall remain in full force and effect.

SECTION 3: The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 4: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 5: This Ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 17th day of May, 2022.

President, Common Council

Approved this 17th day of May, 2022.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

EXHIBIT A: CONDITIONS AND RESTRICTIONS

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

Applicant: Heritage Funeral Homes	Approved by Plan Commission: 4-26-22
Property Address: 7625 S. Howell Ave.	Approved by Common Council: 5-17-22
Tax Key Number(s): 782-9031-000	(Ord. 3040, Amend. Ord. 2253)
Conditional Use: Storage of vehicles and equipment; Funeral Parlor with Cremation Services	

1. LEGAL DESCRIPTION

Parcel 1 of Certified Survey map No. 2546, recorded on May 15, 1975, in Reel 851 of Certified Survey Maps, on Images 1160-1162, as Document No. 4915277, being Parcel 1 of Certified Survey Map No. 425, being part of the southeast ¼ of Section 8, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

- | | |
|--|---|
| <p>1) General Development Plan</p> <ul style="list-style-type: none">a) Detailed building/structure location(s) with setbacksb) Square footage of all buildings/structures
c) Area(s) for future expansiond) Area(s) to be pavede) Access drive(s) (width and location)f) Sidewalk location(s)g) Parking layout and traffic circulation<ul style="list-style-type: none">i) Location(s) and future expansionii) Number of employeesiii) Number of all parking spacesiv) Dimensionsv) Setbacksh) Location(s) of loading berth(s)
i) Location of sanitary sewer (existing & proposed)j) Location of water (existing & proposed)
k) Location of storm sewer (existing & proposed)
l) Location(s) of wetlands (field verified)m) Location(s) and details of sign(s)n) Location(s) and details of proposed fences | <p>2) Landscape Plan</p> <ul style="list-style-type: none">a) Screening plan, including parking lot / truck parking screening/bermingb) Number, initial & mature sizes, and types of plantingsc) Percentage open/green space <p>3) Building Plan</p> <ul style="list-style-type: none">a) Architectural elevations (w/dimensions)b) Building floor plans (w/dimensions)c) Materials of construction (including colors) <p>4) Lighting Plan</p> <ul style="list-style-type: none">a) Types & color of fixturesb) Mounting heightsc) Types & color of polesd) Photometrics of proposed fixtures <p>5) Grading, Drainage and Stormwater Management Plan</p> <ul style="list-style-type: none">a) Contours (existing & proposed)b) Location(s) of storm sewer (existing and proposed)c) Location(s) of stormwater management structures and basins (if required) <p>6) Fire Protection</p> <ul style="list-style-type: none">a) Locations of existing & proposed fire hydrantsb) Interior floor plan(s)c) Materials of constructiond) Materials to be stored (interior & exterior) |
|--|---|

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building or occupancy permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for

EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

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

- E. Landscaping shall be designed, installed, and maintained in accordance with the Chapter 17 of the Municipal Code (as amended).
- F. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- G. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to one (1) funeral parlor with cremation services, those allowed by the M-1, Manufacturing zoning district, Ord. 2252, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. There shall be no outdoor storage of vehicles, equipment, merchandise, parts, supplies, or any other materials on the property. All storage shall be interior to the buildings.
- C. Solid waste collection and recycling shall be the responsibility of the owner. All solid waste and recycling collection units shall be screened and sited in conformance with Section 17.0506.
- D. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PERFORMANCE STANDARDS

- A. All requirements of Section 17.0510, as amended, are in effect.

5. ACCESS AND PARKING

- A. Access to Howell Ave. (STH 38) in accordance with executed agreements and access management plans is subject to the review and approval of the Wisconsin Department of Transportation. Any changes to existing or new approvals shall be provided to the City prior to the issuance of any building permits.
- A. Parking for this development shall be provided in accordance with Section 17.0501 of the Municipal Code (as amended).

6. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0509 of the Municipal Code (as amended), these Conditions and Restrictions, and plans approved by the Plan Commission.

EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

7. SETBACKS

	Front and Street Facing Setback	Rear Setback	Interior Side Setback
Principal Structure	40'	20'	20'
Accessory Structure	40'	20'	20'
Off-street Parking ¹	See Sec. 17.0505	See Sec. 17.0505	See Sec. 17.0505

8. TIME OF COMPLIANCE

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

9. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

10. VIOLATIONS & PENALTIES

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

11. REVOICATION

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

12. ACKNOWLEDGEMENT

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

¹ Sec. 17.0501(c){3}: All parking shall be set back from street rights-of-way and adjacent lot lines in accordance with the parking lot perimeter area and transition area requirements in Section 17.0505.

EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

Owner / Authorized Representative Signature

Date

(please print name)

City of Oak Creek - Conditional Use Permit
Conditions and Restrictions

Applicant: Midwest Paralegal Services, Inc.

Property Address: 7625 S. Howell Avenue

Tax Key Number: 782-9031

Conditional Use: Storage of vehicles and equipment

Approved by Plan Commission 051303

Approved by Common Council 061703

1. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

- 1) **General Development Plan**
 - a) detailed building locations with setbacks
 - b) square footage of building
 - c) areas for future expansion
 - d) area to be paved
 - e) access drives (width and location)
 - f) sidewalk locations
 - g) parking layout and traffic circulation
 - i) location
 - ii) number of employees
 - iii) number of spaces
 - iv) dimensions
 - v) setbacks
 - h) location of loading berths
 - i) location of sanitary sewer (existing and proposed)
 - j) location of water (existing and proposed)
 - k) location of storm sewer (existing and proposed) including detention/retention basins if needed
 - l) location of wetlands (field verified)
 - m) location, square footage and height of signs
- 2) **Landscape Plan**
 - a) number, initial size and type of plantings
 - b) parking lot screening/berming
- 3) **Building Plan**
 - a) architectural elevations
 - b) building floor plans
 - c) materials of construction
- 4) **Lighting Plan**
 - a) types of fixtures
 - b) mounting heights
 - c) type of poles
 - d) photometrics of proposed fixtures
- 5) **Grading, Drainage and Stormwater Management Plan**
 - a) contours (existing and proposed)
 - b) location of storm sewer (existing and proposed)
- 6) **Fire Protection**
 - a) location of existing and proposed fire hydrants (public and private)
 - b) interior floor plan
 - c) materials of construction

- B. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- C. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- D. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, sidewalk, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- E. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. For any new development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.

3. PARKING AND ACCESS

- A. Parking requirements for this project shall be provided in accordance with Section 17.0403 of the Municipal Code.
- B. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
- C. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- D. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval.
- E. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- F. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 6 of the Oak Creek Municipal Code.
- G. Any new off street parking areas shall be landscaped in accordance with Sections 17.1010 of the Municipal Code.

4. LIGHTING

All plans for any new outdoor lighting shall be reviewed and approved by the Electrical Inspector in

accordance with Section 17.0808 of the Municipal Code.

7. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	40 ft.	20 ft.	20 ft.
Accessory Structure	40 ft.	20 ft.	20 ft.
Off-street Parking	40 ft.	5 ft.	5 ft.

8. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan(s). Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.
- C. Storage shall be limited to inside of the accessory building.

9. SIGNS

All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code.

10. PERMITTED USES

- A. All permitted uses in them M-1, Manufacturing zoning district
- B. Storage of equipment and vehicles shall be limited to inside in the existing accessory building.
- C. Usual and customary accessory uses to the above listed permitted uses.

12. OTHER REGULATIONS

Compliance with all other applicable City, State and Federal regulations not heretofore stated or referenced, is mandatory.

13. REVOCATION

Upon project completion, should an applicant, his heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in Section 17.1007 of the Municipal Code.



BUSINESS OFFICE
6615 W. Oklahoma Ave., Milwaukee, WI 53219
414.321.7440 | hfh@heritagefuneral.com
heritagefuneral.com
Facebook @HeritageFuneralHomes

March 28, 2022

Heritage Funeral Homes, Inc.

For four generations, Heritage Funeral Homes has been taking care of families, from all walks of life. Each family comes to us because they know we are leaders in our profession, dedicated to excellent service with the highest of integrity.

We currently have 6 funeral home locations including one that we built in Oak Creek more than 30 years ago. Over the years, we have grown to serve nearly a thousand families a year. As we have grown, we have had to split our key team of employees into two locations...our headquarters and administrative staff are located in Milwaukee, and our crematory/back room group are in Greenfield and New Berlin.

Our desire is to consolidate the headquarters, backroom, and crematory into a single location in Oak Creek. As part of the transition we will be relocating over 20 high paying jobs into Oak Creek.

We will continue to utilize our other facilities to provide the high quality funerals the families we serve have come to expect.

In addition, we'll continue to grow by adding new locations and serving even more families in the area. We plan on accomplishing this by utilizing the currently empty building at 7625 S. Howell Ave, Oak Creek as our key hub for future growth.

We truly believe Oak Creek will benefit from our culture of caring, serving, happy employees, that all take pride in what they do.

Please allow us to help you make Oak Creek even better.



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March 28, 2022

Narrative Description

Heritage Funeral Homes proposes to use 7625 S. Howell Ave, Oak Creek, WI as it's business office, back room, and crematory, which will service our 5 satellite locations in Milwaukee County, and 1 location in Waukesha County.

- The office hours will be 8am – 5pm, with some light activity 24 hours a day.
- Deliveries would typically be minimal
- There will be approximately 20 employees on site during office hours, between 2-6 employees outside office hours
- Only outside storage will be dumpsters discretely placed behind the building
- There are approximately 40 parking spots for employee vehicles in the lot
- The plan includes some remodeling of the ground floor to accommodate a preparation room, including an embalming suite that will be located in the rear interior of the facility with restricted access. The rest of the facility will continue to serve as office space.
- The plan includes installing a Matthews brand crematory



March 25, 2022

Paul Johnson
Heritage Funeral Home
Oak Creek, WI 53154

Dear Mr. Johnson,

As a follow-up to our telephone conversation, this letter will review some facts regarding the common placement of cremation equipment within a funeral related facility.

Matthews Cremation Division has been designing, manufacturing and installing combustion systems for a broad range of industries for over 70 years. We are recognized as the leader in cremation equipment, with over 4,800 installations throughout the United States and 50 countries. Our designs have been granted U.S. patents, and have been adopted as industry standards for quality and performance. In addition, we are the largest service and repair organization.

Our company has been involved with the various fields of combustion for many years, and directly related to the cremation industry for over 55 years. We are a member in good standing with the Cremation Association of North America, and became its first supplier member approximately 49 years ago.

As the largest manufacturer of cremation equipment, our company annually markets over 70% of our production to the funeral industry. Most funeral establishments are located in residential communities and/or light commercial areas, since they are there to serve the local population. The cremation equipment is installed within the funeral home and is generally considered by most zoning regulations to be an extension of existing business and/or services.

The equipment operates without smoke or odor, and each and every installation must be permitted by the environmental authorities for the city, state or province in which it is installed. The equipment we manufacture is Underwriters Laboratories (UL) listed, confirming maximum safety of both equipment and personnel.

In addition, in Canada our equipment is built to the standards of the Canadian Gas Association (CGA), and is inspected and approved by them for safety of both the electrical and gas control systems.

Each model manufactured by our company is tested by an independent testing laboratory against standards set forth by the federal government. Our equipment's emission levels are substantially lower than the allowable standards to ensure environmental quality. Residents of the area will not be aware that the equipment is operating.

All machinery that performs combustion, whether automobiles or furnaces of any type (fireplaces or crematories), gives off byproducts referred to as *particulate matter*. Because of our equipment's high quality standards, these byproducts are not visible, nor is there an odor of the material being

Page 2

combusted. At the present time there are over one hundred (100) of our cremators operating within the State of Wisconsin. Each has been registered and approved for installation by the Wisconsin Environmental Protection Agency.

The equipment operates automatically and has built-in pollution detection equipment that constantly supervises the operation, safeguarding against pollution and environmental impact. Cycle time is approximately two hours. When this cycle time is multiplied by the annual frequency of use, the actual hours of operation become insignificant.

The present rate of cremation in this country is approximately 56.1% and 64.9% in Wisconsin. Cremations in Wisconsin are projected to increase by approximately 24% by the year 2030. It is of vital importance that these services be locally available to residents of the community, to help minimize cost to them and fulfilling their demands.

I appreciate your interest and concern regarding the basic information surrounding the installation of cremation equipment. Please feel free to distribute this letter of information to any individuals and/or group that might have interest.

Should you or others require additional information or have questions about anything in this letter, please call me using our toll-free number: 800-327-2831.

Yours very truly,



Jennifer L. Copas, MBA

Matthews Environmental Solutions

2045 Sprint Boulevard | Apopka, Florida 32703

O: 407-886-5533 | F: 407-886-5990 | www.matthewsenvironmentalsolutions.com



March 25, 2022

Paul Johnson
Heritage Funeral Home
Oak Creek, WI 53154

Dear Mr. Johnson,

In response to our recent conversation, the following are FAQ's that could arise as it relates to the installation of a cremation system:

Will there be smoke and odor?

Under normal operating conditions there will not be any smoke or odor. Our equipment protects against this by a large internal secondary chamber whereby the products of combustion are re-burned or cleansed prior to their discharge into the environment. It is equipped with a proactive opacity (visual) monitor. The opacity monitor is continuously scanning the existing gases and takes automatic action by turning off the cremation burner if the opacity reaches a level of 10%. Lastly, the equipment has a M-pyre 2.0 PC Based Intuitive Logic Operating System. This web-based, state-of-the-art technology continuously monitors the operation 24/7. In the unlikely event an occurrence happens, our service department is immediately notified as well as the client. Our technicians can therefore identify the issue and adjust as necessary to resolve the issue.

Is the equipment environmentally safe?

Yes. Matthews Environmental Solutions currently have over 4,500 installations globally and over 100 units operating within Wisconsin alone. Each has been approved by the Wisconsin Pollution Control Agency through registration. The emission levels are well below permissible levels.

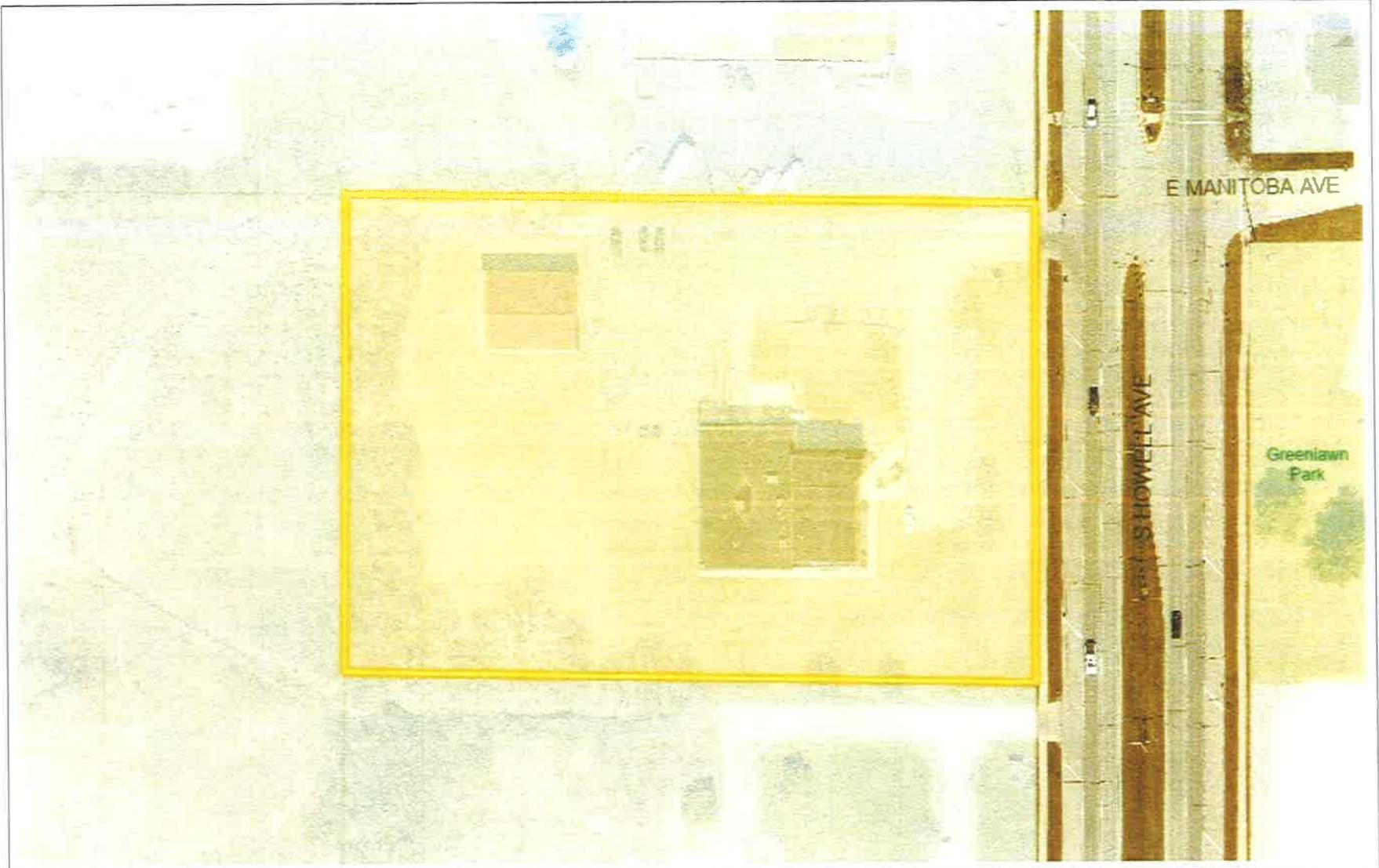
Will the facility be operating 24/7?

It will not. The average cycle time is 2 hours or less. Ex: 8,760 hours per year. Based on 200 cremations annually, this means 95.5% of the time the unit will not be in operation.

Sincerely,

Jennifer Copas, MBA
Sales Representative

Enclosures



City of Oak Creek GIS

DISCLAIMER: The City of Oak Creek does not guarantee the accuracy of the information contained herein and is not responsible for any use or representation of this information or its derivatives.

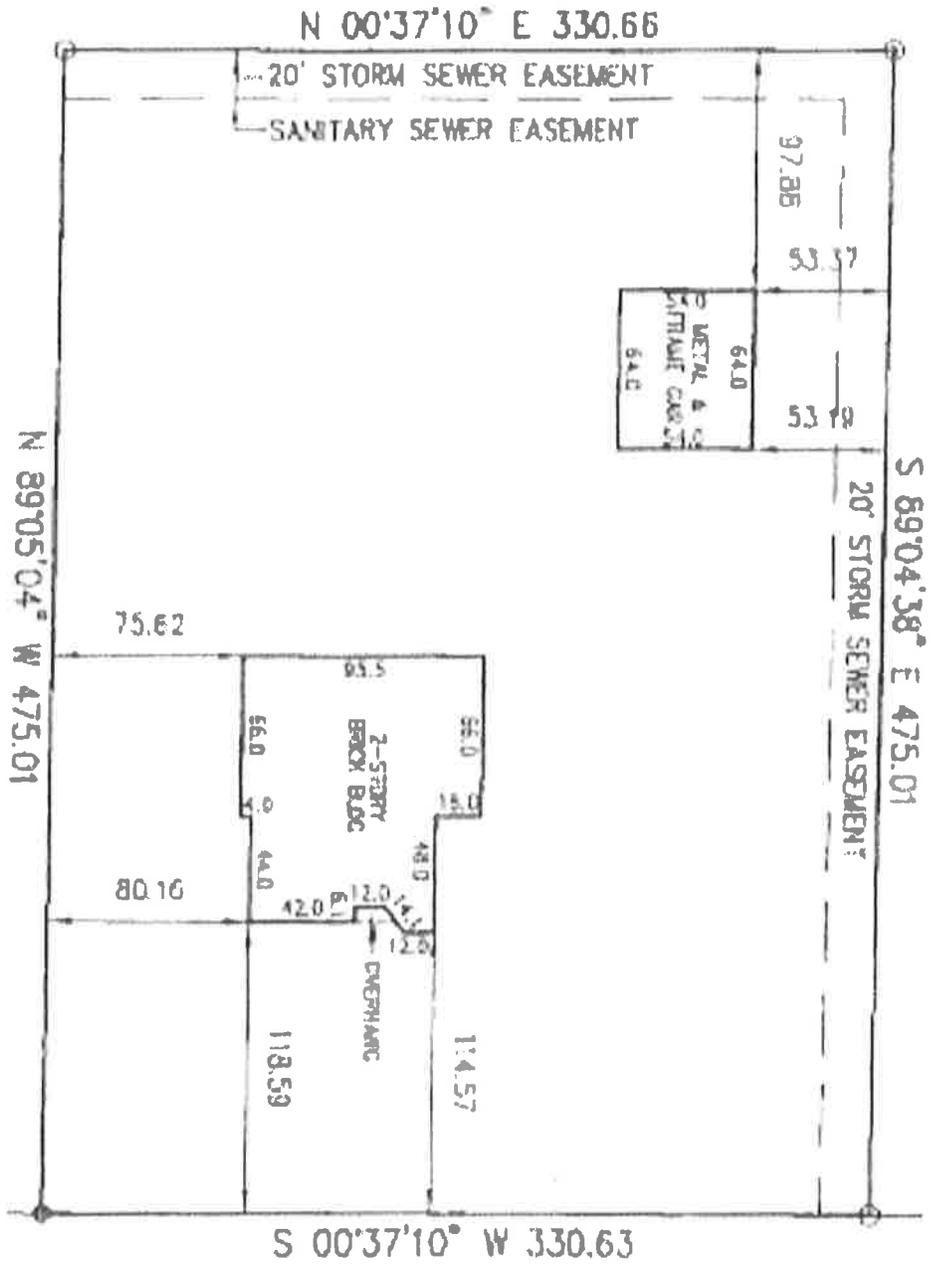


SCALE: 1" = 73'



OAKCREEK

Print Date: 3/22/2022



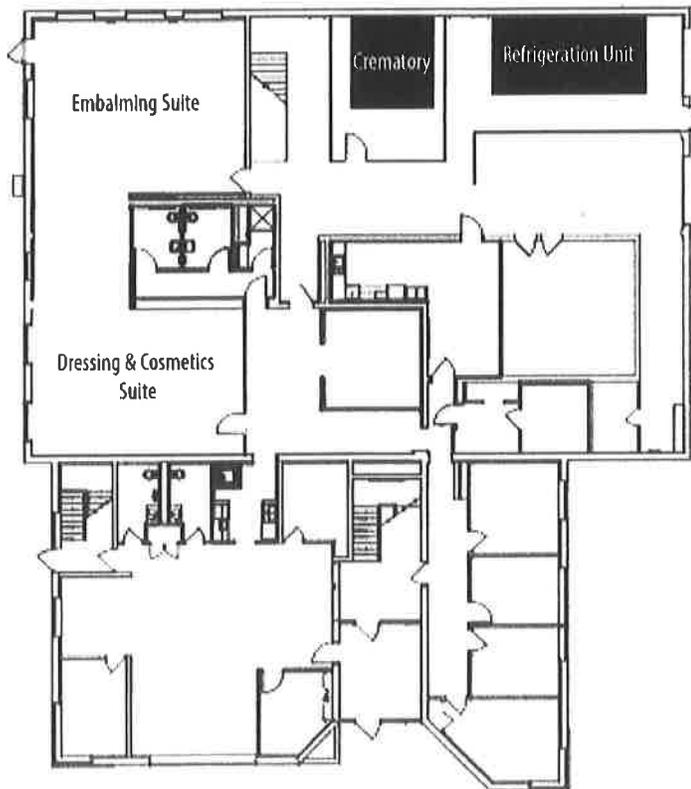
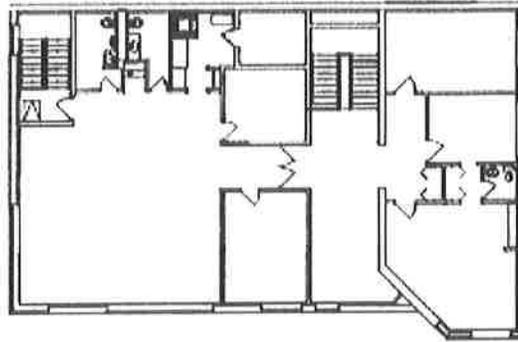
SOUTH HOWELL AVENUE



150'

150'

Proposed Floor Plan



DATE

BY

7625 S Howell Ave
Oak Creek WI, 53154

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

Applicant: Heritage Funeral Homes
Property Address: 7625 S. Howell Ave.
Tax Key Number(s): 782-9031-000
Conditional Use: Storage of vehicles and equipment;
Funeral Parlor with Cremation Services

Approved by Plan Commission: 4-26-22
Approved by Common Council: TBD
(Ord. 3040, Amend. Ord. 2253)

1. LEGAL DESCRIPTION

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2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees
 - iii) Number of all parking spaces
 - iv) Dimensions
 - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences

2) **Landscape Plan**

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

3) **Building Plan**

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

4) **Lighting Plan**

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

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

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

6) **Fire Protection**

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

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

D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for

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

- E. Landscaping shall be designed, installed, and maintained in accordance with the Chapter 17 of the Municipal Code (as amended).
- F. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- G. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. **Uses allowed on this property shall be limited to one (1) funeral parlor with cremation services, those allowed by the M-1, Manufacturing zoning district, Ord. 2252, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).**
- B. **There shall be no outdoor storage of vehicles, equipment, merchandise, parts, supplies, or any other materials on the property. All storage shall be interior to the buildings.**
- C. **Solid waste collection and recycling shall be the responsibility of the owner. All solid waste and recycling collection units shall be screened and sited in conformance with Section 17.0506.**
- D. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PERFORMANCE STANDARDS

- A. **All requirements of Section 17.0510, as amended, are in effect.**

5. ACCESS AND PARKING

- A. Access to Howell Ave. (STH 38) in accordance with executed agreements and access management plans is subject to the review and approval of the Wisconsin Department of Transportation. Any changes to existing or new approvals shall be provided to the City prior to the issuance of any building permits.
- A. Parking for this development shall be provided in accordance with Section 17.0501 of the Municipal Code (as amended).

6. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0509 of the Municipal Code (as amended), these Conditions and Restrictions, and plans approved by the Plan Commission.

7. **SETBACKS**

	Front and Street Facing Setback	Rear Setback	Interior Side Setback
Principal Structure	40'	20'	20'
Accessory Structure	40'	20'	20'
Off-street Parking ¹	See Sec. 17.0505	See Sec. 17.0505	See Sec. 17.0505

8. TIME OF COMPLIANCE

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

9. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

10. VIOLATIONS & PENALTIES

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

11. REVOCAION

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

12. ACKNOWLEDGEMENT

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

¹ Sec. 17.0501(c)(3): All parking shall be set back from street rights-of-way and adjacent lot lines in accordance with the parking lot perimeter area and transition area requirements in Section 17.0505.

Owner / Authorized Representative Signature

Date

(please print name)

DRAFT

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 26, 2022**

Mayor Bukiewicz called the meeting to order at 6:02 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert and Commissioner Chandler. Also present: Kari Papelbon, Senior Planner; Laurie Miller, Zoning Administrator/Planner; and Mike Havey, Assistant Fire Chief.

**CONDITIONAL USE PERMIT AMENDMENT
HERITAGE FUNERAL HOMES
7625 S. HOWELL AVE.
TAX KEY NO. 782-9031-000**

Senior Planner Papelbon provided an overview of a request submitted by Paul Johnson, Heritage Funeral Homes, for an amendment to the existing Conditional Use Permit to allow a funeral parlor with cremation services on the property at 7625 S. Howell Ave. (see staff report for details).

Mark Reiss, 8605 W. 5 Mile Rd, Franksville, WI, 53126, a representative for Heritage Funeral Homes explained the company currently does embalming, paperwork, and cremation in separate buildings. Being able to do all those services in one location would be much more efficient.

Commissioner Hanna asked if the items used in cremation services have ever broken and caused any pollution into the environment. Mr. Reiss answered in the negative, stating that the site has a large generator that would be able to continue the cremation process if the power were to go out. Commissioner Hanna then asked if there would be any ceremonies held at the site, or just services. Mr. Reiss answered that just employees would be at this location. Assistant Fire Chief Havey stated the Fire Department has no concerns, and will ensure the building plans will conform to the Fire Code compliance when submitted.

Mayor Bukiewicz asked if the cremation services will be in the building itself, or the back garage area. Senior Planner Papelbon answered that the submitted interior plan reflects the cremation service is in the main building. Mayor Bukiewicz then asked if there was an expiration on this Conditional Use Permit. Senior Planner Papelbon answered that one was not established, but Plan Commission can do so if desired, with 10 years being the standard length of time. Senior Planner Papelbon briefly explained how Conditional Use Permits can expire, and the reapplication process, stating Staff could incorporate language for Council consideration if needed.

Mr. Reiss then clarified that funeral homes usually do not go out of business, but the property may be bought by a different funeral home. Mayor Bukiewicz reassured the applicant that the City is looking farther ahead, working to ensure a smooth transition to the next future owner of the property.

Mayor Bukiewicz and Senior Planner Papelbon then confirmed the appropriate language for an expiration of the Conditional Use Permit will be included for Common Council consideration.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit Amendment for a funeral parlor with cremation services on

the property at 7625 S. Howell Ave. after a public hearing and subject to conditions and restrictions.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:42 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

5-10-22

Date

TO BE PUBLISHED APRIL 27 & MAY 4, 2022

OFFICIAL NOTICE

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

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Matthew Flansburg, Target Corp., for an amendment to the existing Planned Unit Development to allow for an additional sign on the Target building on the property at 8989 S. Howell Ave.

Hearing Date: May 17, 2022

Time: 7:00 PM

Place: Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant(s): Matthew Flansburg, Target Corp.

Property Owner(s): Target Corporation (8989 S. Howell Ave. only)

Property Location(s): 8907 S. Howell Ave., 8995 S. Howell Ave., 8989 S. Howell Ave.

Tax Key(s): 859-9042-001, 859-9043-000, 859-9038-000

Legal Description:

8907 S. Howell Ave., Tax Key # 859-9042-001 - CSM NO 7627 NE 1/4 SEC 20-5-22 PARCEL 1 (2.5704 ACS) EXC PTS CONV TO DOT IN DOC NO 10306978 FOR ST.

8995 S. Howell Ave., Tax Key # 859-9043-000 - CSM NO 7627 NE 1/4 SEC 20-5-22 PARCEL 2 (1.4082 ACS).

8989 S. Howell Ave., Tax Key # 859-9038-000 - CSM NO 7434 PARCEL 1 NE 1/4 SEC 20-5-22 (12.6002 ACS).

The Common Council has scheduled other public hearings for May 17, 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 may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: April 20, 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: Planned Unit Development Amendment - 8989 S. Howell Ave. - Target Corp.

Recommendation: That the Council adopts Ordinance 3041, an ordinance to amend the Conditions and Restrictions in Ordinance No. 2930 relating to signs allowed on the Target building in the Planned Unit Development (PUD) affecting the property at 8989 S. Howell Ave. (3rd Aldermanic District).

Fiscal Impact: No direct fiscal impacts, other than sign permit fees, are anticipated as the property is currently developed. This property is not currently located within a TID.

Critical Success Factor(s):

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

Background: The Applicant is requesting approval for a Planned Unit Development (PUD) amendment to allow an additional wall sign on the east elevation of the existing Target building at 8989 S. Howell Ave. This request is subject to the previous Zoning Code due to the date of application.

Currently, Section 9(B) of the Conditions and Restrictions states: "Wall signage on the principal building at 8989 S. Howell Ave. (Target) shall be limited to the following:

1. One (1) primary logo sign not to exceed 200 square feet in area on the east elevation.
2. One (1) secondary pharmacy sign (existing) not to exceed 36 square feet in area.
3. One (1) primary logo sign not to exceed 144 square feet in area on the west elevation.
4. If approved by the Plan Commission through the required Sign Appeal process, one (1) additional secondary sign related to the principal business not to exceed 25 square feet may be allowed on the east elevation.

No wall signage is permitted on the north elevation of the building facing a residential zoning district. All signs shall comply with review requirements in accordance with Sections 17.0706-17.0715."

Existing signs on the building have been installed per the requirements above, and the proposed 18'-4 1/8" (l) x 4'-2 1/2" (77.2 sf) wall sign ("drive up") would be the fourth on the east elevation. Total area for all signs on the east elevation would be approximately 334.5 square feet with the proposed sign.

The requested amendment is specific to the Target parcel, and does not affect the remaining parcels in the PUD. Proposed elevations are included with this report for Council reference; however, approval of the PUD Amendment does not preclude additional reviews or hold the Plan Commission to approve the

proposed sign. Sign Permits and/or Sign Appeals will be required should the Amendments be approved. Staff is compelled to identify the following relevant portions of Section 17.0706:

1. (a) Wall signs "shall be no more than 100 square feet for buildings less than 300 feet from the right-of-way or 200 square feet for buildings more than 300 feet from the street or interstate right-of-way..." (Note: the building is more than 800 feet from Howell Ave., but the location of the sign - facing east - is less than 200 feet from W. Centennial Dr.)

2. (i)(1) "Single and two (2) tenant office, retail, or manufacturing buildings shall be permitted one wall sign per tenant per street frontage..." (Note: the PUD amendment approved in 2019 allowed for three (3) wall signs on the east elevation.)

While a specific variance request would include any sign that does not meet the aforementioned criteria, the PUD must first allow for the consideration of additional signage. As previously mentioned, the PUD is Step 1 of a multi-step review..

After careful consideration at the April 12, 2022 meeting, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Location Map

Ord. 3041

Ord. 2930 (9 pages)

Narrative (1 page)

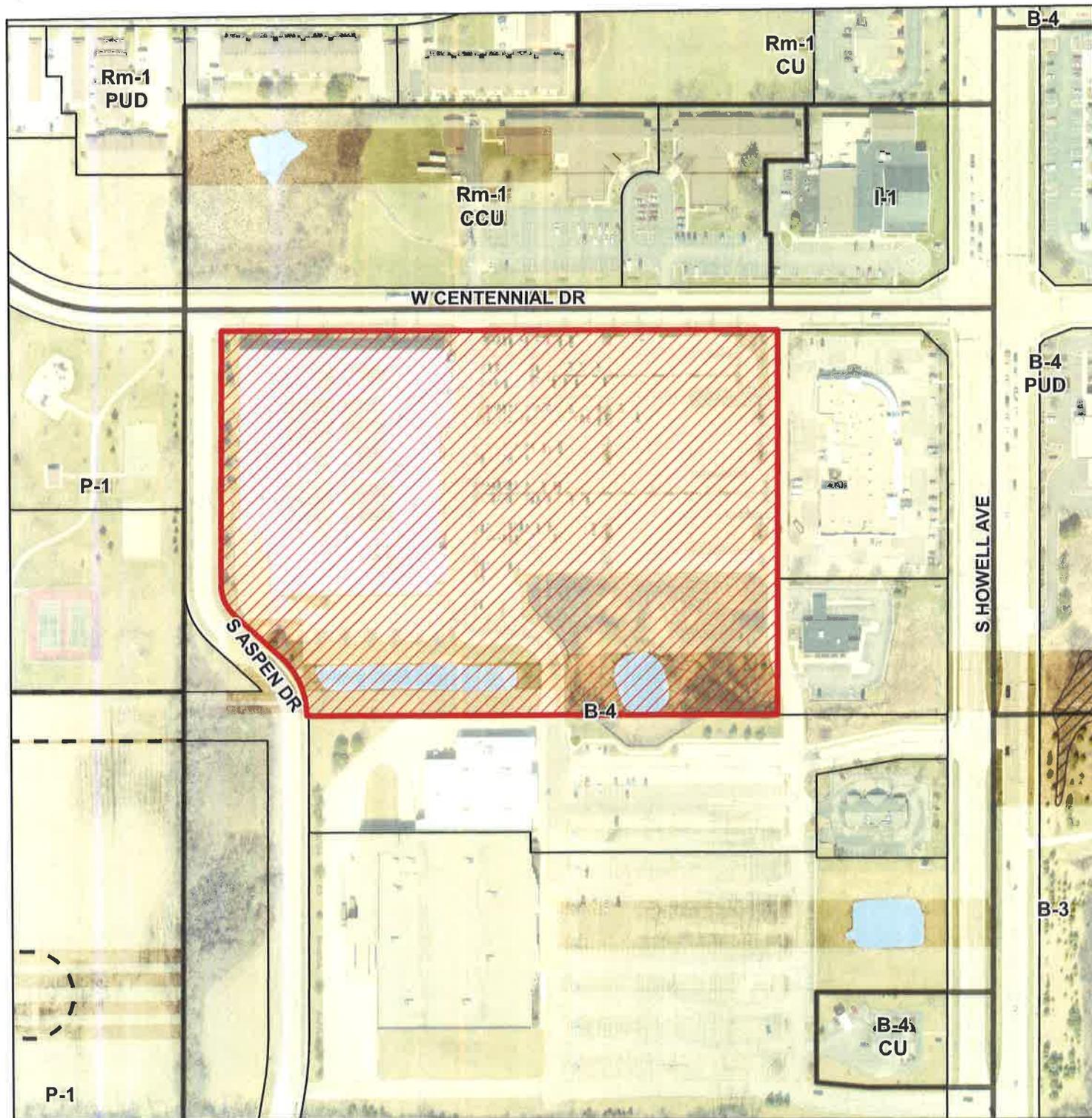
Plans (2 pages)

Proposed Amended Conditions and Restrictions (11 pages)

Plan Commission Minutes (1 page)

LOCATION MAP

8989 S. Howell Ave.



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

Legend

- Zoning
- Official Map
- Floodway
- Flood Fringe
- Subject Property



ORDINANCE NO. 3041

By: _____

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 2930 RELATING TO SIGNS ALLOWED ON THE TARGET BUILDING IN THE PLANNED UNIT DEVELOPMENT (PUD) AFFECTING THE PROPERTY AT 8989 S. HOWELL AVE.

(3rd Aldermanic District)

WHEREAS, on October 21, 2003, the Oak Creek Common Council adopted Ordinance No. 2276, approving the rezone of properties located at 8903, 8959, and 8989 S. Howell Ave. from B-4, Highway Business to B-4 PUD (Highway Business Planned Unit Development); and

WHEREAS, that ordinance affected the following legally described properties;

1. 8907 S. Howell Ave., Tax Key # 859-9042-001 - CSM NO 7627 NE 1/4 SEC 20-5-22 PARCEL 1 (2.5704 ACS) EXC PTS CONV TO DOT IN DOC NO 10306978 FOR ST.
2. 8995 S. Howell Ave, Tax Key # 859-9043-000 - CSM NO 7627 NE 1/4 SEC 20-5-22 PARCEL 2 (1.4082 ACS).
3. 8989 S. Howell Ave, Tax Key # 859-9038-000 - CSM NO 7434 PARCEL 1 NE 1/4 SEC 20-5-22 (12.6002 ACS).

WHEREAS, on February 15, 2019, the Oak Creek Common Council adopted Ordinance No. 2930, amending the Conditions and Restrictions to allow additional signs on the property; and

WHEREAS, the owner of 8989 S. Howell Ave, Target Corporation, is now requesting that the conditions and restrictions adopted pursuant to Ordinance No. 2276 be amended to allow for an additional wall sign on the east elevation of the building; and

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

WHEREAS, the Common Council held a public hearing on said application on May 17, 2022, at which time all interested parties appeared and were heard; and

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the conditions and restrictions adopted pursuant to Ordinance No. 2930 affecting the lands hereinabove described, are amended as follows:

Section 9(B) is revised to read "Wall signage on the principal building at 8989 S. Howell Ave. (Target) shall be limited to the following:

1. One (1) primary logo sign (existing) not to exceed 200 square feet in area on the east elevation.
2. One (1) secondary sign (existing) not to exceed 36 square feet in area on the east elevation.
3. One (1) primary logo sign (existing) not to exceed 144 square feet in area on the west elevation.
4. One (1) secondary sign (existing) not to exceed 25 square feet in area on the east elevation.
5. If approved by the Plan Commission through the required Sign Appeal process, one (1) additional secondary sign related to the principal business not to exceed 78 square feet may be allowed on the east elevation.

No wall signage is permitted on the north elevation of the building facing a residential zoning district. All signs shall comply with review requirements in accordance with Sections 17.0706-17.0715 (as amended)."

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

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

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

Passed and adopted this ___ day of _____, 2022.

President, Common Council

Approved this ___ day of _____, 2022.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

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

Applicant: Target Corporation	Approved by Plan Commission: 1-8-19
Property Address(es): 8907, 8995, 8989 S. Howell Ave.	Approved by Common Council: 2-5-19
Tax Key Number(s): 859-9042-001, 859-9043-000, 859-9038-000	(Ord. 2930, Amending Ord. 2276)

1. LEGAL DESCRIPTION

- 8907 S. Howell Ave., Tax Key # 859-9042-001

CSM NO 7627 NE 1/4 SEC 20-5-22 PARCEL 1 (2.5704 ACS) EXC PTS CONV TO DOT IN DOC NO 10306978 FOR ST.

- 8995 S. Howell Ave, Tax Key # 859-9043-000

CSM NO 7627 NE 1/4 SEC 20-5-22 PARCEL 2 (1.4082 ACS).

- 8989 S. Howell Ave, Tax Key # 859-9038-000

CSM NO 7434 PARCEL 1 NE 1/4 SEC 20-5-22 (12.6002 ACS).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. All requirements of the Conditions and Restrictions approved as part of Ord. 2276 are in effect except as specifically amended herein.
- C. A General Development Plan (see EXHIBIT "A") for the planned unit development shall be approved by the City of Oak Creek Common Council upon recommendation of the Plan Commission. Any addition or substantive change to a planned unit development subsequent to construction and occupancy shall be considered a new and separate proposal, and shall be required to comply with all of the review and approval requirements of this district, including the requirement for submittal of development plans and the conduct of public hearings. The determination as to what constitutes a substantive change shall be made by the Director of Community Development. Alterations to the individual site design of the commercial outlots are not considered a substantive change.
- D. A precise detailed site plan for each developable parcel within the Planned Unit Development shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building locations with setbacks
- b) Square footage of buildings
- c) Areas for future expansion
- d) Area to be paved
- e) Access drives (width and location)
- f) Sidewalk locations
- g) Parking layout and traffic circulation
 - i) Number of employees
 - ii) Number of spaces
 - iii) Dimensions

2) **Landscape Plan**

- a) Screening for outdoor storage
- b) Number, initial size, and types of plantings
- c) Parking lot screening/berming

3) **Building Plan**

- a) Architectural elevations
- b) Building floor plans
- c) Materials of construction

4) **Lighting Plan**

- a) Types of fixtures
- b) Mounting heights

- iv) Setbacks
- h) Location(s) of loading berths
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed) including detention/retention basins if needed
- l) Location of outdoor storage
- m) Location of wetlands (field verified)
- n) Location, square footage and height of signs
- c) Types of poles
- d) Photometrics of proposed fixtures
- 5) Grading, Drainage and Stormwater Management Plan**
 - a) Contours (existing & proposed)
 - b) Location of storm sewer (existing and proposed)
 - c) Location(s) of stormwater management structures and basins (if required)
- 6) Fire Protection**
 - a) Location of existing & proposed fire hydrants
 - b) Interior floor plan
 - c) Materials of construction

- E. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- F. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits. The owner/developer shall be responsible for the long-term maintenance of the detention basins and other common areas.
- G. A Development Agreement shall be completed between the owner and the City, if deemed necessary by the City Engineer, so as to ensure the construction or installation of public or other required improvements. All public improvements specified under the development agreement, including those required by the Wisconsin Department of Transportation in their review of the traffic impact analysis, shall be the sole responsibility of the property owner/developer.
- H. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, roadway improvements, etc.) shall be subject to approval by the City Engineer.
- I. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- J. If there are any future land divisions, a plat or certified survey map shall be prepared, submitted for approval and recorded.
- K. All electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- L. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.
- M. The Landscaping Plan must be reviewed and approved by the City Forester.

3. PARKING AND ACCESS

- A. Off street parking for sites within this planned unit development shall be provided based five (5) parking spaces per 1000 square feet of gross floor area.

- B. All parking areas shall be designed in accordance with Section 17.0403(j) of the Municipal Code and the City of Oak Creek Engineering Design Manual.
- C. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- D. All off street parking areas shall be landscaped in accordance with Sections 17.1010 of the Municipal Code.
- E. Access easements shall be provided for the benefit of all parcels within this planned unit development.
- F. An access easement shall be provided at a minimum of one location between this planned unit development and the existing commercial development to the south.

4. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission or their designee. For each stage of the development, the plan shall show the location of all lights, type of fixture and poles, mounting height and photometrics of the fixture and shall be in accord with Section 17.0808 of the Municipal Code. Wooden light poles may not be used.

5. LANDSCAPING

- A. Parking Lot Screening. Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers and large equipment.
 - 1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
 - 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
 - 3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

<u>Plant Type</u>	<u>Area of Coverage Provided</u>
Evergreen Tree (>8' Dia.)	75 sq. ft.
Large Shrub (6-8' Dia.)	38 sq. ft.
Medium Shrub (4-6' Dia.)	20 sq. ft.
Small Shrub (2-4' Dia.)	12 sq. ft.
Perennial (4.5" Pot)	6 sq. ft.

* Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

- 4. To assure a diversity of color, texture and year-round interest, the total number of plant

materials must be comprised of a minimum 25% evergreens, but no more than 70%.

- B. Interior Landscape Area. All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape is-lands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping. For parking lots designed for twenty-five (25) parking spaces or more, interior parking lot landscaping shall be provided at the following rates. Each of the individual commercial outlots shall be treated as a separate parking lot for the purposes of determining interior landscape requirements.

**PERCENTAGE OF PARKING LOT TO
BE COVERED BY INTERIOR PLANTINGS**

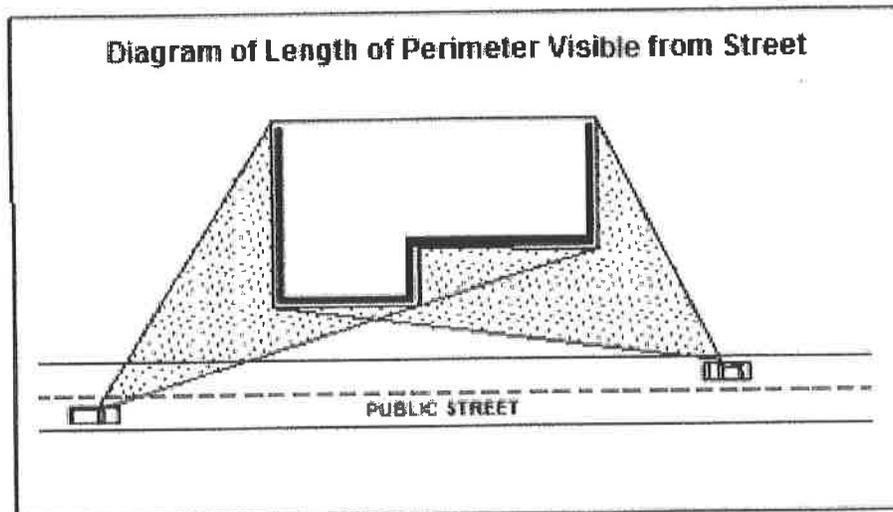
Total paved area of lot	Percent of the total paved area which must be interior planting area
0-49,999 sq. ft.	5%
50,000 sq. ft. or larger	10%

- C. Perimeter Landscape Area. In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.
- D. Landscaping Adjacent to Buildings. There shall be landscaped area provided between the edge of pavement and the entrance elevation of the building.
- E. Screening of Trash. Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- F. Screening of Ground Mounted Mechanical Equipment. Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- G. Screening of Roof Mounted Mechanical Equipment - Roof mounted mechanical equipment shall be screened from casual view.
- H. Retaining Walls. No retaining wall shall exceed four (4) feet in height unless it has been designed and its construction supervised by a Professional Engineer. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of three (3) feet from the previous step. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties, or concrete. If the retaining wall is constructed of concrete, landscaping must accompany the design of the retaining wall.
- I. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.
- J. Buffer Yards. No buffer yards shall be required between this development and the lands zoned Park and Institutional as set forth in Section 17.0205 (d) of the Municipal Code.

- K. **Submittal Requirements.** A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, right-of-ways and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
- (1) A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
 - (2) The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
 - (3) The location and percent of slope of all proposed berms using one (1) foot contours.
 - (4) Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
 - (5) Methods used in staking, mulching, wrapping or any other early tree care used.
 - (6) The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.
- L. **Maintenance.** All landscaping installed to implement the approved landscaping plan shall be continuously maintained by the property owner.
- M. As part of the first development phase, landscaping, in accordance with the approved plan, shall be placed within the Howell Avenue and Centennial Drive setback areas for the commercial outlots.

6. ARCHITECTURAL STANDARDS

- A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. These include, but are not limited to brick, stone and tinted/textured concrete masonry units (CMU's). Smooth-faced concrete block, EIFS products (such as Dryvit) or pre-fabricated steel panels are not permitted as a primary exterior building material.
- C. The facade of a manufacturing, commercial or office, building shall be finished with an aesthetically pleasing material. A minimum of seventy-five (75) percent of the visible perimeter of the principal building at 8989 S. Howell Ave. (see diagram) shall be finished with an acceptable glass, brick or decorative masonry material. For all other buildings, the total exterior wall surface shall be finished with glass, brick or decorative masonry material.



- D. Material and color samples shall be submitted to the Plan Commission for review and approval.
- E. The Plan Commission has the discretion to adjust this minimum for building additions.
- F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- G. The visual continuity of roofs of neighboring buildings and their contributing elements (parapet walls, coping, and cornices) shall be maintained wherever possible in building development and redevelopment. A flat roof appearance is not permitted in commercial or office and professional business zoning districts. There must be some type of visible roof form (parapets, overhanging eaves, sloped roofs) incorporated into the design of the building.
- H. Buildings shall be designed in such a manner that long expanses of blank wall are broken up by the use of windows, articulation or modulation of the building footprint and/or changes in building materials and colors. Visible building facades in excess of 100 feet in length must incorporate recesses and projections along the length of the facade. Windows, awnings, and arcades must be an integral part of the facade abutting a public street. This provision applies to building facades abutting S. Howell Avenue, West Centennial Drive and the extension to South Aspen Drive.
- I. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- J. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.
- K. Each retail or service establishment in excess of 25,000 square feet gross floor area must contribute to the establishment or enhancement of community and public spaces by providing a community amenity on the premises such as a patio/seating area, water feature, clock tower, or pedestrian plaza with benches. Retail establishments in excess of 100,000 square feet gross floor area must provide at least two of these amenities.
- L. Sidewalks shall be provided along all sides of the lot that abut a public street, and a continuous

internal pedestrian walkway must be provided from the perimeter public sidewalk to the principal customer entrance. The internal pedestrian walkways must be distinguished from driving surfaces through the use of contrasting materials to enhance pedestrian safety. Examples of acceptable materials include, but are not limited special pavers, bricks, or scored concrete.

- M. Dumpsters and other trash receptacles shall be provided in an appropriate number and location and they shall be fenced and/or screened from view from street rights-of-way and adjacent residential and park uses.
- N. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

7. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	25 ft	25 ft	20 ft
Accessory Structure	25 ft	25 ft	20 ft
Off-street Parking	10 ft.	5 ft.	5 ft.

8. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.
- C. There shall be no outdoor storage or display of merchandise permitted as part of this planned unit development.
- D. No 24-hour businesses are permitted to operate within this planned unit development.
- E. There shall be a pedestrian walkway developed between this planned unit development and the existing commercial property to the south.

9. SIGNS

- A. One pole sign shall be permitted as part of this planned unit development. This pole sign may be placed on any of the properties within the PUD provided that a 20-foot setback is maintained from all property lines.
- B. Wall signage on the principal building at 8989 S. Howell Ave. (Target) shall be limited to the following:
 - 1. One (1) primary logo sign not to exceed 200 square feet in area on the east elevation.

2. One (1) secondary pharmacy sign (existing) not to exceed 36 square feet in area.
3. One (1) primary logo sign not to exceed 144 square feet in area on the west elevation.
4. If approved by the Plan Commission through the required Sign Appeal process, one (1) additional secondary sign related to the principal business not to exceed 25 square feet may be allowed on the east elevation.

No wall signage is permitted on the north elevation of the building facing a residential zoning district. All signs shall comply with review requirements in accordance with Sections 17.0706-17.0715.

- C. Each of the commercial outlots may have one ground sign. Individual businesses within the planned unit development may also have one wall sign facing Howell Avenue and one wall sign facing the interior parking lot. The details of the signage, including maximum size of the signs, for the outlots shall be approved by the Plan Commission as part of an overall signage plan.

10. PERMITTED USES

- A. All permitted uses in the B-4, Highway Business zoning district.
- B. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE (ORIGINAL)

The operator of the planned unit development shall begin installing or constructing the elements required in these conditions and restrictions for the planned development within twelve (12) months from the date of adoption of the ordinance authorizing the planned unit development. The approval of the General Development Plan shall expire within forty-eight (48) months after commencing construction, if the structure(s) for which an approval has been issued are not substantially completed. The applicant shall re-apply for approval of the General Development Plan prior to recommencing work or construction. The development of the outlots shall not be subject to this limitation.

12. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

13. VIOLATIONS & PENALTIES

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

14. REVOCATION

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

15. ACKNOWLEDGEMENT

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



Owner / Authorized Representative Signature

2.20.2019

Date

MERLIN MISIALEK

(please print name)

March 15, 2022

Narrative Description of Proposal for Target T-1925 Drive Up Wall Sign

The scope of work that requires a PUD Amendment at the Target Store on 8989 S Howell Ave is the **Drive-Up Wall Sign**. This sign will be located on the East elevation of the building on the far-left side of this façade. The existing signs on the same façade include CVS pharmacy, Order Pickup, and the main red Target Bullseye. There is also an existing white bullseye sign on the West elevation, and another existing white bullseye sign on the North elevation.

Sojung Kim

Kimley-Horn

767 Eustis Street, Suite 100

St. Paul, Minnesota 51144



East Elevation

South Elevation

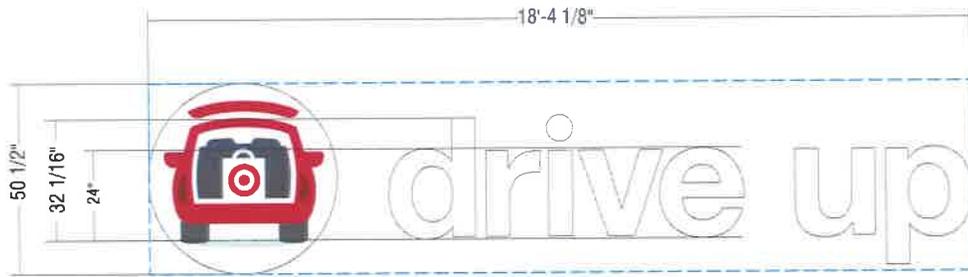
North Elevation

West Elevation

Proposed Elevations

T-1925 Oak Creek, WI: Exterior Elevation Refresh

October 7, 2021



DU24W-LOGO ACRYLIC FACED INT. ILLUM. "LOGO & LETTER SET"

Scale: 3/8" = 1'-0"

77.1 SQ.FT.

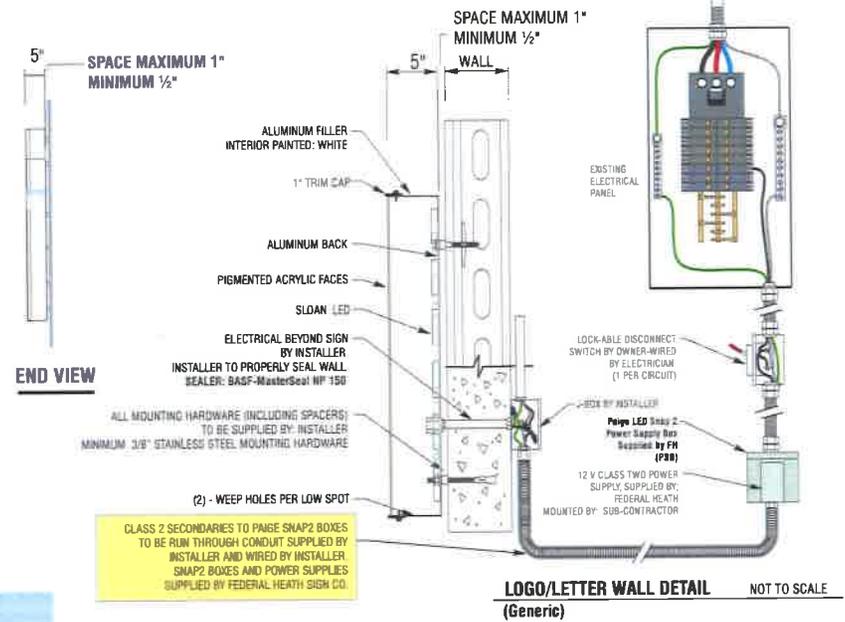
SCOPE OF WORK:

MANUFACTURE AND INSTALL CHANNEL LOGO & LETTERS



GENERIC (PARTIAL) ELEVATION NOTE: PLACEMENT CAN VARY

scale 3/32" = 1'-0"



MATERIAL FINISH COLORS (Letters & Logo)

GLOSS WHITE Returns	7200-LD WHITE (ATUGLAS or Equiv.) Acrylic Faces	WHITE Trim-Cap	Edge White LED Distinction
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CAR LOGO COLORS

Target Red PMS 186	DARK RED PMS 188	DARK GRAY PMS 425	LIGHT GRAY PMS 421
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**City of Oak Creek – Amended Planned Unit Development (PUD)
DRAFT AMENDED Conditions and Restrictions**

Applicant: Target Corporation
Property Address(es): 8907, 8995, 8989 S. Howell Ave.
Tax Key Number(s): 859-9042-001, 859-9043-000,
859-9038-000

Approved by Plan Commission: 4-12-22
Approved by Common Council: TBD
(Ord. XXXX, Amending Ord. 2930, Ord.
2276)

1. LEGAL DESCRIPTION

- 8907 S. Howell Ave., Tax Key # 859-9042-001

CSM NO 7627 NE 1/4 SEC 20-5-22 PARCEL 1 (2.5704 ACS) EXC PTS CONV TO DOT IN DOC NO 10306978 FOR ST.

- 8995 S. Howell Ave, Tax Key # 859-9043-000

CSM NO 7627 NE 1/4 SEC 20-5-22 PARCEL 2 (1.4082 ACS).

- 8989 S. Howell Ave, Tax Key # 859-9038-000

CSM NO 7434 PARCEL 1 NE 1/4 SEC 20-5-22 (12.6002 ACS).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. All requirements of the Conditions and Restrictions approved as part of Ords. 2930 and 2276 are in effect except as specifically amended herein.
- C. A General Development Plan (see EXHIBIT "A") for the planned unit development shall be approved by the City of Oak Creek Common Council upon recommendation of the Plan Commission. Any addition or substantive change to a planned unit development subsequent to construction and occupancy shall be considered a new and separate proposal, and shall be required to comply with all of the review and approval requirements of this district, including the requirement for submittal of development plans and the conduct of public hearings. The determination as to what constitutes a substantive change shall be made by the Director of Community Development. Alterations to the individual site design of the commercial outlots are not considered a substantive change.
- D. A precise detailed site plan for each developable parcel within the Planned Unit Development shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building locations with setbacks
- b) Square footage of buildings
- c) Areas for future expansion
- d) Area to be paved
- e) Access drives (width and location)
- f) Sidewalk locations
- g) Parking layout and traffic circulation
 - i) Number of employees
 - ii) Number of spaces

2) **Landscape Plan**

- a) Screening for outdoor storage
- b) Number, initial size, and types of plantings
- c) Parking lot screening/berming

3) **Building Plan**

- a) Architectural elevations
- b) Building floor plans
- c) Materials of construction

4) **Lighting Plan**

- a) Types of fixtures

- iii) Dimensions
- iv) Setbacks
- h) Location(s) of loading berths
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed) including detention/retention basins if needed
- l) Location of outdoor storage
- m) Location of wetlands (field verified)
- n) Location, square footage and height of signs
- b) Mounting heights
- c) Types of poles
- d) Photometrics of proposed fixtures
- 5) Grading, Drainage and Stormwater Management Plan**
 - a) Contours (existing & proposed)
 - b) Location of storm sewer (existing and proposed)
 - c) Location(s) of stormwater management structures and basins (if required)
- 6) Fire Protection**
 - a) Location of existing & proposed fire hydrants
 - b) Interior floor plan
 - c) Materials of construction

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

F. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits. The owner/developer shall be responsible for the long-term maintenance of the detention basins and other common areas.

G. A Development Agreement shall be completed between the owner and the City, if deemed necessary by the City Engineer, so as to ensure the construction or installation of public or other required improvements. All public improvements specified under the development agreement, including those required by the Wisconsin Department of Transportation in their review of the traffic impact analysis, shall be the sole responsibility of the property owner/developer.

H. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, roadway improvements, etc.) shall be subject to approval by the City Engineer.

I. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.

J. If there are any future land divisions, a plat or certified survey map shall be prepared, submitted for approval and recorded.

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

L. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.

M. The Landscaping Plan must be reviewed and approved by the City Forester.

3. PARKING AND ACCESS

A. Off street parking for sites within this planned unit development shall be provided based five (5)

parking spaces per 1000 square feet of gross floor area.

- B. All parking areas shall be designed in accordance with Section 17.0403(j) of the Municipal Code (as amended) and the City of Oak Creek Engineering Design Manual (as amended).
- C. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- D. All off street parking areas shall be landscaped in accordance with Sections 17.1010 of the Municipal Code (as amended).
- E. Access easements shall be provided for the benefit of all parcels within this planned unit development.
- F. An access easement shall be provided at a minimum of one location between this planned unit development and the existing commercial development to the south.

4. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission or their designee. For each stage of the development, the plan shall show the location of all lights, type of fixture and poles, mounting height and photometrics of the fixture and shall be in accord with Section 17.0808 of the Municipal Code (as amended). Wooden light poles may not be used.

5. LANDSCAPING

- A. Parking Lot Screening. Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers and large equipment.
 - 1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
 - 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
 - 3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

<u>Plant Type</u>	<u>Area of Coverage Provided</u>
Evergreen Tree (>8' Dia.)	75 sq. ft.
Large Shrub (6-8' Dia.)	38 sq. ft.
Medium Shrub (4-6' Dia.)	20 sq. ft.
Small Shrub (2-4' Dia.)	12 sq. ft.
Perennial (4.5" Pot)	6 sq. ft.

* Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

4. To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.
- B. Interior Landscape Area. All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape is-lands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping. For parking lots designed for twenty-five (25) parking spaces or more, interior parking lot landscaping shall be provided at the following rates. Each of the individual commercial outlots shall be treated as a separate parking lot for the purposes of determining interior landscape requirements.

PERCENTAGE OF PARKING LOT TO
BE COVERED BY INTERIOR PLANTINGS

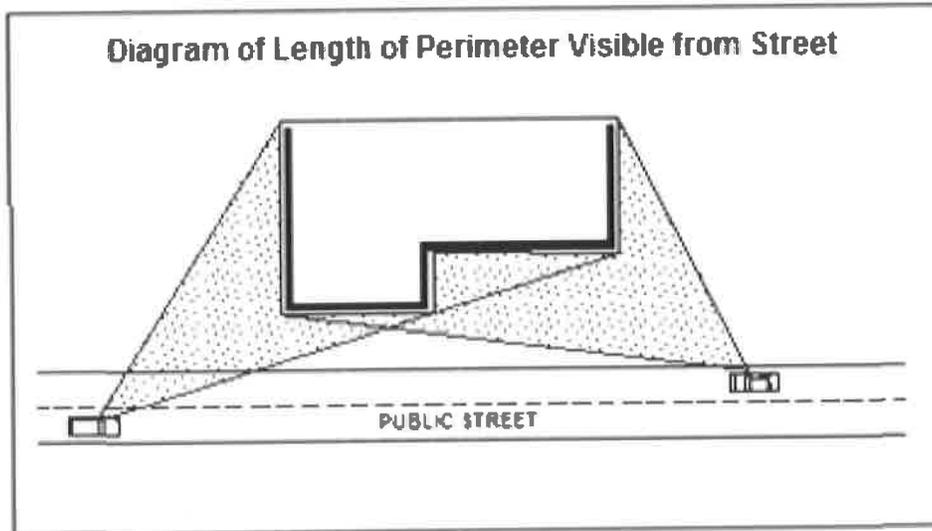
Total paved area of lot	Percent of the total paved area which must be interior planting area
0-49,999 sq. ft.	5%
50,000 sq. ft. or larger	10%

- C. Perimeter Landscape Area. In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.
- D. Landscaping Adjacent to Buildings. There shall be landscaped area provided between the edge of pavement and the entrance elevation of the building.
- E. Screening of Trash. Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- F. Screening of Ground Mounted Mechanical Equipment. Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- G. Screening of Roof Mounted Mechanical Equipment - Roof mounted mechanical equipment shall be screened from casual view.
- H. Retaining Walls. No retaining wall shall exceed four (4) feet in height unless it has been designed and its construction supervised by a Professional Engineer. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of three (3) feet from the previous step. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties, or concrete. If the retaining wall is constructed of concrete, landscaping must accompany the design of the retaining wall.
- I. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.
- J. Buffer Yards. No buffer yards shall be required between this development and the lands zoned Park and Institutional as set forth in Section 17.0205(d) of the Municipal Code (as amended).

- K. Submittal Requirements. A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, rights-of-way and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
- (1) A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
 - (2) The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
 - (3) The location and percent of slope of all proposed berms using one (1) foot contours.
 - (4) Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
 - (5) Methods used in staking, mulching, wrapping or any other early tree care used.
 - (6) The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.
- L. Maintenance. All landscaping installed to implement the approved landscaping plan shall be continuously maintained by the property owner.
- M. As part of the first development phase, landscaping, in accordance with the approved plan, shall be placed within the Howell Avenue and Centennial Drive setback areas for the commercial outlots.

6. ARCHITECTURAL STANDARDS

- A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. These include, but are not limited to brick, stone and tinted/textured concrete masonry units (CMUs). Smooth-faced concrete block, EIFS products (such as Dryvit) or pre-fabricated steel panels are not permitted as a primary exterior building material.
- C. The facade of a manufacturing, commercial or office, building shall be finished with an aesthetically pleasing material. A minimum of seventy-five (75) percent of the visible perimeter of the principal building at 8989 S. Howell Ave. (see diagram) shall be finished with an acceptable glass, brick or decorative masonry material. For all other buildings, the total exterior wall surface shall be finished with glass, brick or decorative masonry material.



- D. Material and color samples shall be submitted to the Plan Commission for review and approval.
- E. The Plan Commission has the discretion to adjust this minimum for building additions.
- F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- G. The visual continuity of roofs of neighboring buildings and their contributing elements (parapet walls, coping, and cornices) shall be maintained wherever possible in building development and redevelopment. A flat roof appearance is not permitted in commercial or office and professional business zoning districts. There must be some type of visible roof form (parapets, overhanging eaves, sloped roofs) incorporated into the design of the building.
- H. Buildings shall be designed in such a manner that long expanses of blank wall are broken up by the use of windows, articulation or modulation of the building footprint and/or changes in building materials and colors. Visible building facades in excess of 100 feet in length must incorporate recesses and projections along the length of the facade. Windows, awnings, and arcades must be an integral part of the facade abutting a public street. This provision applies to building facades abutting S. Howell Avenue, West Centennial Drive and the extension to South Aspen Drive.
- I. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- J. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.
- K. Each retail or service establishment in excess of 25,000 square feet gross floor area must contribute to the establishment or enhancement of community and public spaces by providing a community amenity on the premises such as a patio/seating area, water feature, clock tower, or pedestrian plaza with benches. Retail establishments in excess of 100,000 square feet gross floor area must provide at least two of these amenities.
- L. Sidewalks shall be provided along all sides of the lot that abut a public street, and a continuous

internal pedestrian walkway must be provided from the perimeter public sidewalk to the principal customer entrance. The internal pedestrian walkways must be distinguished from driving surfaces through the use of contrasting materials to enhance pedestrian safety. Examples of acceptable materials include, but are not limited special pavers, bricks, or scored concrete.

- M. Dumpsters and other trash receptacles shall be provided in an appropriate number and location and they shall be fenced and/or screened from view from street rights-of-way and adjacent residential and park uses.
- N. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

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	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	25 ft	25 ft	20 ft
Accessory Structure	25 ft	25 ft	20 ft
Off-street Parking	10 ft.	5 ft.	5 ft.

8. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.
- C. There shall be no outdoor storage or display of merchandise permitted as part of this planned unit development.
- D. No 24-hour businesses are permitted to operate within this planned unit development.
- E. There shall be a pedestrian walkway developed between this planned unit development and the existing commercial property to the south.

9. SIGNS

- A. One pole sign shall be permitted as part of this planned unit development. This pole sign may be placed on any of the properties within the PUD provided that a 20-foot setback is maintained from all property lines.
- B. Wall signage on the principal building at 8989 S. Howell Ave. (Target) shall be limited to the following:
 - 1. One (1) primary logo sign (existing) not to exceed 200 square feet in area on the east elevation.

2. One (1) secondary sign (existing) not to exceed 36 square feet in area on the east elevation.
3. One (1) primary logo sign (existing) not to exceed 144 square feet in area on the west elevation.
4. One (1) secondary sign (existing) not to exceed 25 square feet in area on the east elevation.
- 5. If approved by the Plan Commission through the required Sign Appeal process, one (1) additional secondary sign related to the principal business not to exceed 78 square feet may be allowed on the east elevation.**

No wall signage is permitted on the north elevation of the building facing a residential zoning district. All signs shall comply with review requirements in accordance with Sections 17.0706-17.0715 (as amended).

- C. Each of the commercial outlots may have one ground sign. Individual businesses within the planned unit development may also have one wall sign facing Howell Avenue and one wall sign facing the interior parking lot. The details of the signage, including maximum size of the signs, for the outlots shall be approved by the Plan Commission as part of an overall signage plan.

10. PERMITTED USES

- A. All permitted uses in the B-4, Highway Business zoning district.
- B. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE (ORIGINAL)

The operator of the planned unit development shall begin installing or constructing the elements required in these conditions and restrictions for the planned development within twelve (12) months from the date of adoption of the ordinance authorizing the planned unit development. The approval of the General Development Plan shall expire within forty-eight (48) months after commencing construction, if the structure(s) for which an approval has been issued are not substantially completed. The applicant shall re-apply for approval of the General Development Plan prior to recommencing work or construction. The development of the outlots shall not be subject to this limitation.

12. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

13. VIOLATIONS & PENALTIES

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

14. REVOCATION

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

15. ACKNOWLEDGEMENT

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

Owner / Authorized Representative Signature

Date

(please print name)

DRAFT

EXHIBIT A: CONCEPT ELEVATION (TARGET)

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

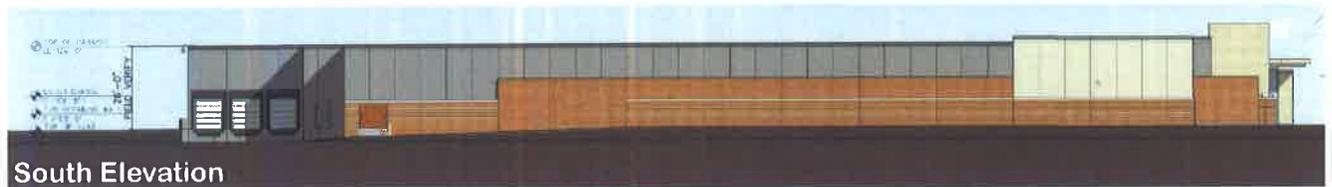


EXHIBIT A: CONCEPT ELEVATIONS (ENLARGED)

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



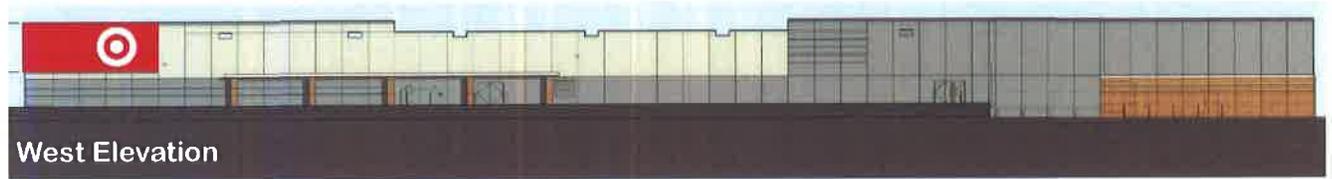
East Elevation



South Elevation



North Elevation



West Elevation

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 12, 2022**

Mayor Bukiewicz called the meeting to order at 6:03 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Chandler. Commissioner Siefert was excused. Also present: Kari Papelbon, Senior Planner; Laurie Miller, Zoning Administrator; and Mike Havey, Assistant Fire Chief.

**PLANNED UNIT DEVELOPMENT AMENDMENT
TARGET CORP.
8989 S. HOWELL AVE.
TAX KEY NOS. 859-9038-000**

Senior Planner Papelbon provided an overview of a request for a Planned Unit Development Amendment to allow an additional wall sign on the east elevation of the existing Target store (see staff report for details).

Alderman Loreck asked the applicant if the drive-up sign and order pickup sign are for the same service or two different services.

Sojung Kim, Kimley-Horn, 767 Eustis St., Ste. 100, St. Paul, MN, stated that the signs are for two different services.

Commissioner Oldani asked Senior Planner Papelbon when the applicant would come back for approval of the sign. Senior Planner Papelbon said the applicant would need to come back for the sign appeal process.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approve the Planned Unit Development Amendment for the property at 8989 S. Howell Ave. after a public hearing and subject to conditions and restrictions. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:05 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-26-22

Date

TO BE PUBLISHED APRIL 27 & MAY 4, 2022

OFFICIAL NOTICE

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

PURPOSE:

The purpose of this public hearing is to consider a proposal by CR Devco, LLC, to amend the Official Map for a portion of the northeast and northwest ¼ of Section 19 (mapped, unimproved right-of-way affecting the properties at 2411, 2345, 2321, 2301, 2231 & 1933 W. Puetz Rd., 8843 S. 13th St.; 8950 S. 20th St.; 8810 & 8864 S. 27th St.; 2320 W. Grays Lane).

Hearing Date: May 17, 2022

Time: 7:00 PM

Place: Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

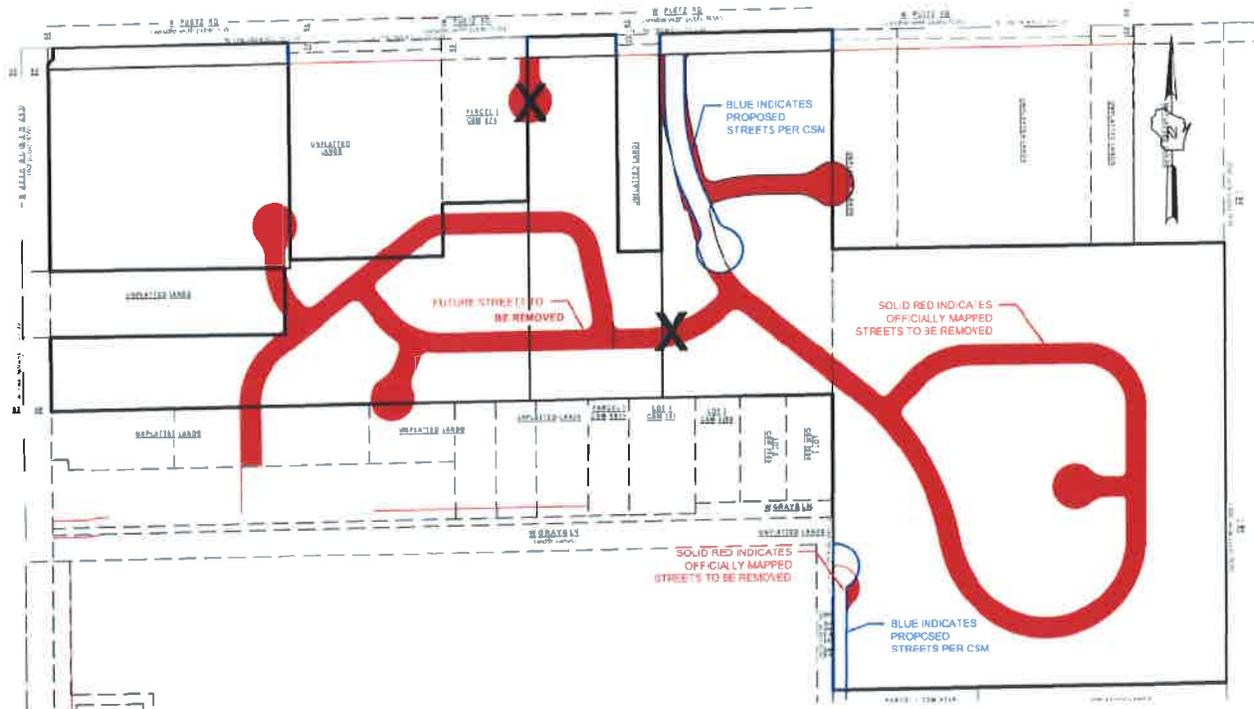
Applicant(s): CR Devco, LLC

Legal Description:

Affecting the following properties

- 2411 W. Puetz Rd. (E 132 FT OF W 938 FT OF N 660 FT OF NW1/4 SEC 19-5-22. CONT 2 ACS.)
- 2345 W. Puetz Rd. (E 132 FT OF W 1070 FT OF N 660 FT OF NW 1/4 SEC 19-5-22. CONT 2 ACS.)
- 2321 W. Puetz Rd. (E 198 FT OF W 1268 FT OF N 660 FT OF NW1/4 SEC 19-5-22 CONT 3 ACS.)
- 2301 W. Puetz Rd. (CERTIFIED SURVEY MAP NO. 474 PARCEL 1 NW 1/4 SEC. 19-5-22)
- 2231 W. Puetz Rd. (N 60-1/2 ACS OF NW 1/4 SEC19-5-22 EXC THE S 200 FT OF N 875 FT OF W 790 FT THEREOF & EXC E 132 FT OF W 1928 FT OF N 660 FT THEREOF & EXC E 462 FT OF W 1268 FT OF N 660 FT THEREOF & EXC E 260 FT OF W 1528 FT OF N 500 FT THEREOF & EXC W 80 FT FOR ST & EXC PT CONVEYED IN DOC# 08913453 (53.560 ACS))
- 1933 W. Puetz Rd. (W 195.90 FT OF N 40 ACS OF NE1/4 SEC 19-5-22 CONT 3 ACS.)
- 8843R S. 13th St. (THAT PART OF S1/2 OF N1/2 OF NE1/4 SEC 19-5-22 LYING W OF HIGHWAY. CONT 16.666 ACS.)
- 8950 S. 20th St. (W 20 ACS OF N1/2 OF S1/2 OF NE1/4 SEC. 19-5-22 EXC PART DEEDED FOR HWY. CONT 18.24 ACS.)
- 8810 S. 27th St. (S 200 FT OF N 875 FT OF W 790 FT OF NW 1/4 SEC 19-5-22 EXC W 80 FT THEREOF. 3.26 ACS.)
- 8864 S. 27th St. (E 588.33 FT OF W 1038.33 FT OF N 180 FT OF N 25 ACS OF S 86 ACS OF NW1/4 SEC 19-5-22. CONT 2.431 ACS.)
- 2320 W. Grays Lane (E 260 FT OF W 1298.33 FT OF N 180 FT OF N 25 ACS OF S 86 ACS OF NW1/4 SEC 19-5-22. CONT 1.074 ACS.)

Amendments as per the map below:



The Common Council has scheduled other public hearings for May 17, 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.

A copy of the proposed map amendment is available for review at the Department of Community Development.

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

Date of Notice: April 20, 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: Official Map Amendment - 2411, 2345, 2321, 2301, 2231 & 1933 W. Puetz Rd., 8843 S. 13th St.; 8950 S. 20th St.; 8810 & 8864 S. 27th St.; 2320 W. Grays Lane - CR Devco, LLC

Recommendation: That the Council adopts Ordinance 3042, an ordinance to amend Section 6.01 of the Municipal Code of the City of Oak Creek amending the Official Map for a portion of the northeast and northwest ¼ of Section 19 (mapped, unimproved right-of-way affecting the properties at 2411, 2345, 2321, 2301, 2231 and 1933 W. Puetz Rd., 8843 S. 13th St.; 8950 S. 20th St.; 8810 and 8864 S. 27th St.; 2320 W. Grays Lane) (6th Aldermanic District).

Fiscal Impact: The proposed Official Map Amendment is a critical step in the entitlement process for future development of portions of the properties with current addresses of at 2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. with an anticipated single-family attached Planned Unit Development. If approved, development of the property would yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. These properties are located within TID 7; however, no TID assistance has been requested.

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

Background: The Applicant is requesting amendments to the future road pattern on the Official Map as it relates to the properties at 2231 & 1933 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. The future street pattern in its current configuration includes a connection to W. Puetz Rd. at the northwestern corner of the parcel at 2231 W. Puetz Rd. that extends south approximately 380 feet before branching to the east for small leg terminating in a cul-de-sac. It continues south on the property for approximately 260 feet before splitting to the west in a combination of a loop with two (2) cul-de-sacs and a connection to W. Grays Lane, and continuing south and east to serve the properties at 8843 S. 13th St. and 8950 S. 20th St. A full cul-de-sac is shown at the terminus of S. 20th St. to the south.

Plan Commissioners will recall that the Applicant proposed a Certified Survey Map in early March of this year to combine and reconfigure the subject properties in anticipation of a single-family attached Planned Unit Development. Review of the proposed PUD is next on the agenda. Future public roads were shown as proposed, with a 30-foot-wide access easement across the proposed Lot 2 to serve Lot 3 to the west. However, upon review of the Official Map Amendment request in the attached exhibit, staff recommends eliminating the future road pattern to the west (indicated as "Future Streets to Remain") as there is a

provision for an access easement for future private road service. Staff's proposal is included as separate exhibit with this report.

If the Plan Commission agrees with staff that the Official Map should be amended to eliminate the roads to the west, the following additional properties would be affected:

- 2411, 2345, 2321, & 2301 W. Puetz Rd.
- 8810 & 8864 S. 27th St.
- 2320 W. Grays Lane.

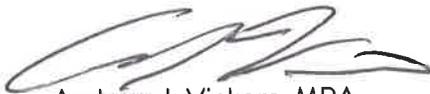
When considering a proposal to amend the Official Map, the Commission should consider the impact on the ability to logically develop adjacent properties in accordance with the existing Official Map. Nearby property owners may have an interest in maintaining certain aspects of an Official map if it provides them the future opportunity to subdivide their property in a cost-effective manner. If a person is proposing to remove this opportunity, or to alter it, they need to demonstrate that any adverse effects on the property owners involved would be offset by the benefit to the neighborhood. In other words, a property owner should not be able to amend the Official Map to maximize the development potential of his or her property at the detriment of surrounding properties.

Council should be aware that while no questions or objections to the proposal presented by staff were received prior to or at the Plan Commission meeting, staff have received questions regarding future access for two (2) adjacent properties since that meeting. One (1) property is currently landlocked, but is directly behind the landowners' developed property. There is no information as to how this parcel was created. The second parcel is currently developed with a single-family residence accessed off of Puetz Rd., but the concern is for retaining the ability to potentially develop the southern portion of the property in the future. The last property for which staff received questions is along S. 27th St., and the landowner did not have immediate concerns for the proposal at the end of the conversation. It will be at the Common Council's discretion whether the layout proposed by the applicants, the layout proposed by staff, or some variation thereof is appropriate.

The Plan Commission reviewed the Official Map Amendment proposals at their April 12, 2022 meeting, and recommended approval of staff's proposal.

Options/Alternatives: Council has the discretion to approve, modify, or deny the request.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



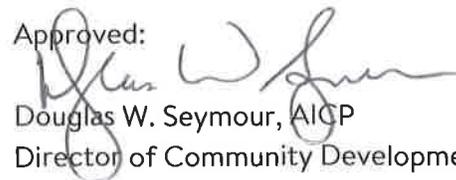
Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Prepared:



Kari Papelbon, CFM, AICP
Senior Planner

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3042

Location Map

CSM to be recorded (14 pages)

Narrative (19 pages, no exhibits)

Applicant Exhibit (1 page)

Staff Exhibit (1 page)

Plan Commission Meeting Minutes (3 pages)

ORDINANCE NO. 3042

BY: _____

AN ORDINANCE TO AMEND SECTION 6.01 OF THE MUNICIPAL CODE OF THE CITY OF OAK CREEK AMENDING THE OFFICIAL MAP FOR A PORTION OF THE NORTHEAST AND NORTHWEST ¼ OF SECTION 19 (MAPPED, UNIMPROVED RIGHT-OF-WAY AFFECTING THE PROPERTIES AT 2411, 2345, 2321, 2301, 2231 AND 1933 W. PUETZ RD., 8843 S. 13TH ST.; 8950 S. 20TH ST.; 8810 AND 8864 S. 27TH ST.; 2320 W. GRAYS LANE)

(6th Aldermanic District)

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

SECTION 1: Section 6.01 of the Municipal Code of the City of Oak Creek enacted and adopted pursuant to Section 62.23(6)(b), Wisconsin Statutes, creating the official map of the City of Oak Creek, is hereby amended so as to establish the exterior lines of planned new streets, highways, parkways, parks and playgrounds and to widen, narrow, extend and close existing streets, highways, parkways, parks and playgrounds, as more fully shown on the map attached hereto and declared to be a part thereof (EXHIBIT "A"), the same affecting the Section 16, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

SECTION 2: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of May, 2022.

Passed and adopted this 17th day of May, 2022.

President, Common Council

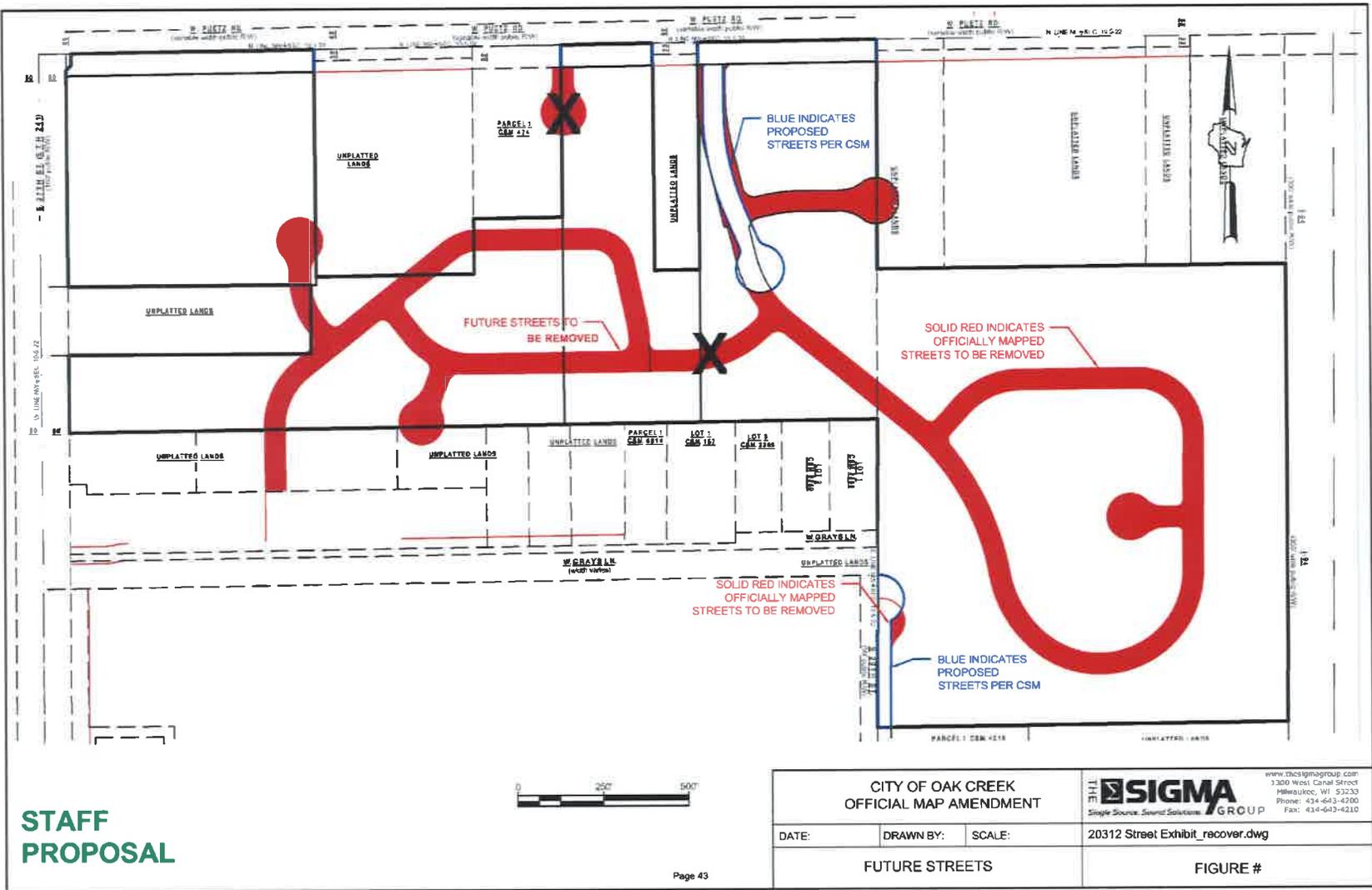
Approved this 17th day of May, 2022.

Mayor

ATTEST:

City Clerk

VOTE: Ayes: _____ Noes: _____



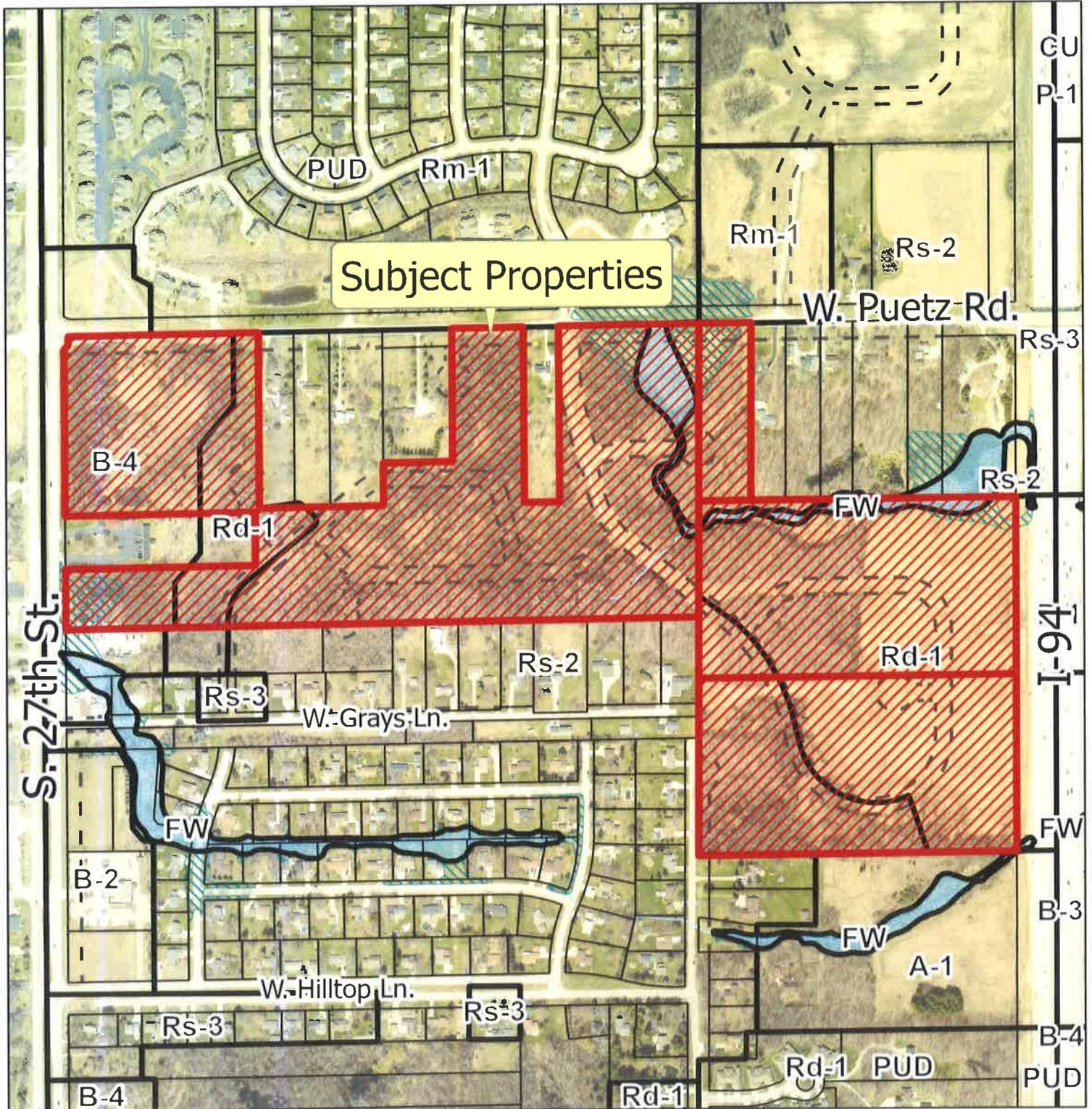
**STAFF
PROPOSAL**

CITY OF OAK CREEK OFFICIAL MAP AMENDMENT			 www.thcsigmagroup.com 3300 West Canal Street Milwaukee, WI 53233 Phone: 414-643-4200 Fax: 414-643-4210
DATE:	DRAWN BY:	SCALE:	
FUTURE STREETS			FIGURE #

EXHIBIT A

Location Map

2231 & 1933 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
- Parcels
- Subject Properties
- Flood Fringe

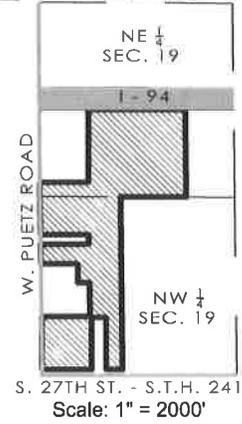


CERTIFIED SURVEY MAP NO. _____

Part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin



Vicinity Map:



LEGEND & NOTES:

- Indicates found monumentation, as noted on drawing.
- Indicates set 3/4" diam. rebar, 18" long weighing 1.50 lbs/lin. ft.

Bearings referenced to Wisconsin State Plane Coordinate System, NAD 1983, with the north line of the NW 1/4 of Sec. 19-5-22, bearing N 89°12'41" E.

GRAPHIC SCALE



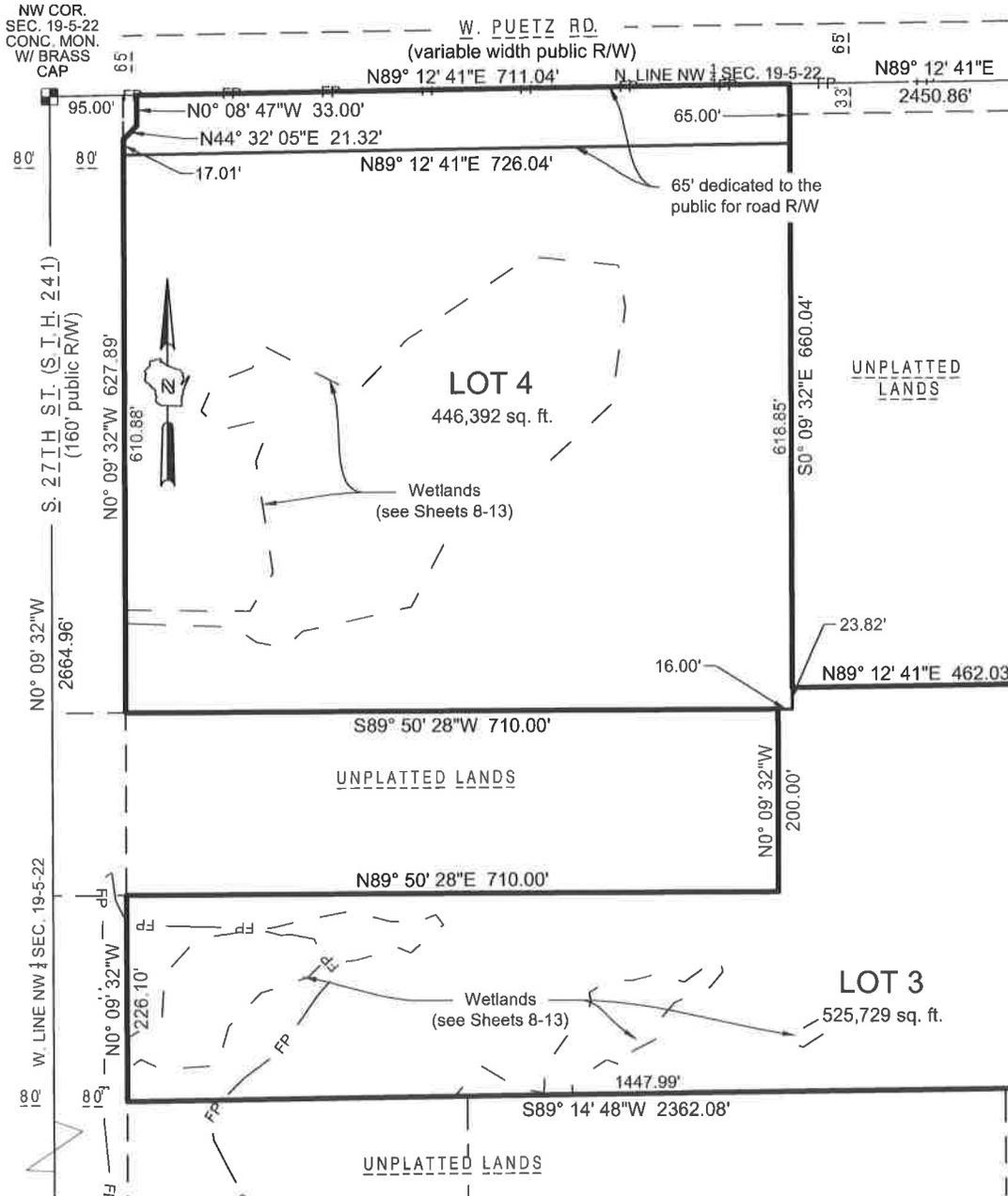
TABLE OF CONTENTS:

- Sheet 1.....Overall lot layout areas & monumentation
- Sheets 2 - 6.....Lot dimensions, floodplain (Sheets 4 & 5), public dedications, easements
- Sheet 7.....Surveyor's Certificate
- Sheets 8 - 11.....Wetland shapes
- Sheets 12 - 13...Wetland Line Tables
- Sheet 14.....Certificates

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 Milwaukee, WI 53233
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 Fax: 414-643-4210

CERTIFIED SURVEY MAP NO. _____

Part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19,
Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin



NW COR.
SEC. 19-5-22
CONC. MON.
W/ BRASS
CAP

W. PUETZ RD.

(variable width public R/W)

N89° 12' 41" E 711.04'

N. LINE NW 1/4 SEC. 19-5-22

N89° 12' 41" E

2450.86'

95.00'

N0° 08' 47" W 33.00'

N44° 32' 05" E 21.32'

17.01'

N89° 12' 41" E 726.04'

65.00'

65' dedicated to the public for road R/W

80'

80'

S. 27TH ST. (S.T.H. 241)
(160' public R/W)

N0° 09' 32" W 627.89'

610.88'

LOT 4

446,392 sq. ft.

Wetlands
(see Sheets 8-13)

UNPLATTED LANDS

S0° 09' 32" E 660.04'

618.85'

23.82'

16.00'

N89° 12' 41" E 462.03'

S89° 50' 28" W 710.00'

UNPLATTED LANDS

N0° 09' 32" W

200.00'

N0° 09' 32" W

2664.96'

N89° 50' 28" E 710.00'

W. LINE NW 1/4 SEC. 19-5-22

N0° 09' 32" W

226.10'

Wetlands
(see Sheets 8-13)

LOT 3

525,729 sq. ft.

1447.99'

S89° 14' 48" W 2362.08'

UNPLATTED LANDS

W1/4 COR.
SEC. 19-5-22
CONC. MON. W/
BRASS CAP

LEGEND & NOTES:

- Indicates found monumentation, as noted on drawing.
- Indicates set 3/4" diam. rebar, 18" long weighing 1.50 lbs/in. ft.

GRAPHIC SCALE



Bearings referenced to Wisconsin State Plane Coordinate System, NAD 1983, with the north line of the NW 1/4 of Sec. 19-5-22, bearing N 89°12'41" E.

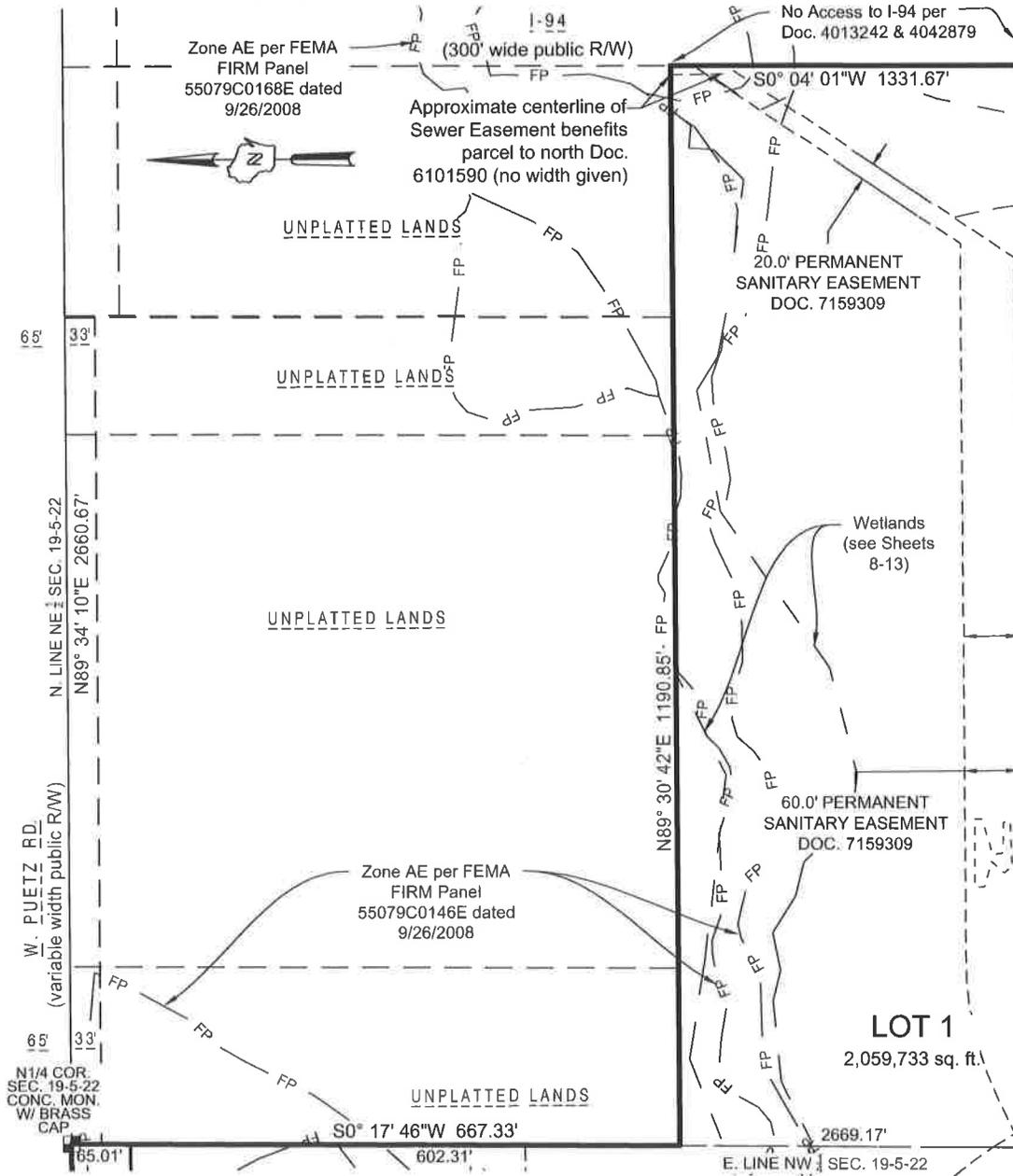
WisDOT Access Management Plan for S.T.H. 241 does not permit access to Lots 3 or 4 to S. 27th St. - S.T.H. 241)



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CERTIFIED SURVEY MAP NO. _____

Part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19,
Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin



LEGEND & NOTES:

- Indicates found monumentation, as noted on drawing.
- Indicates set 3/4" diam. rebar, 18" long weighing 1.50 lbs/lin. ft.

Bearings referenced to Wisconsin State Plane Coordinate System, NAD 1983, with the north line of the NW 1/4 of Sec. 19-5-22, bearing N 89°12'41" E.

Floodplain line (Zone AE per FEMA FIRM panels 55079C0168E & 55079C0146E, dated 9/26/2008 depicted by scaled and digitized mapping only)

PROJECT NUMBER 20312 DRAFTED BY BMR

GRAPHIC SCALE



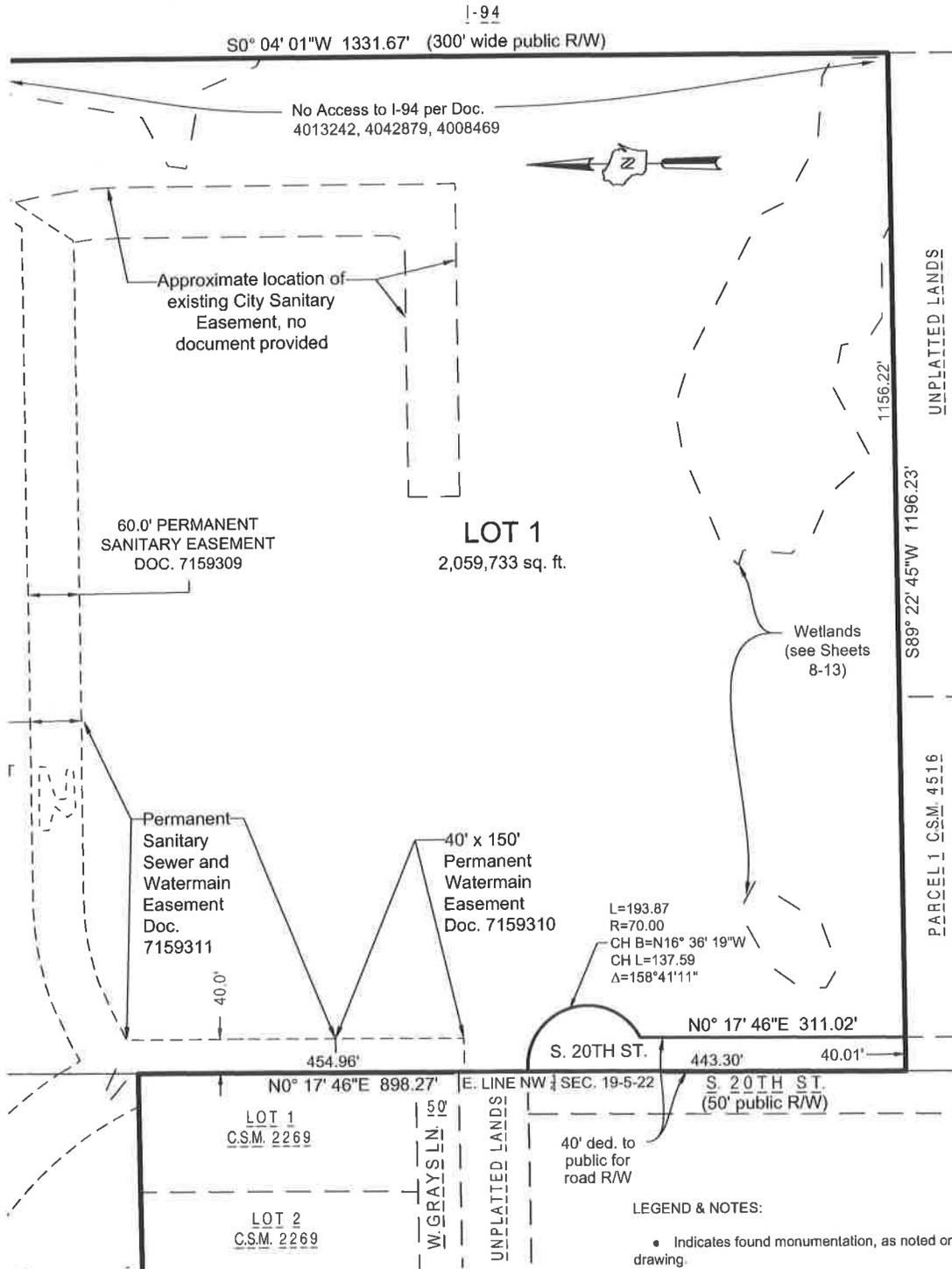
Sheet 5 of 14

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CERTIFIED SURVEY MAP NO. _____

Part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19,
Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin



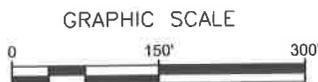
LEGEND & NOTES:

- Indicates found monumentation, as noted on drawing.
- Indicates set 3/4" diam. rebar, 18" long weighing 1.50 lbs./lin. ft.

Bearings referenced to Wisconsin State Plane Coordinate System, NAD 1983, with the north line of the NW 1/4 of Sec. 19-5-22, bearing N 89°12'41" E.



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PROJECT NUMBER 20312 DRAFTED BY BMR

Sheet 6 of 14

CERTIFIED SURVEY MAP NO. _____

Part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)

SS

MILWAUKEE COUNTY)

I, Baiba M. Rozite, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the northwest corner of said Section 19; thence North 89°12'41" East, 95.00 feet along the north line of the Northwest $\frac{1}{4}$ of said Section 19 to the point of beginning; continue thence North 89°12'41" East, 711.04 feet along said north line; thence South 0°09'32" East, 660.04 feet; thence North 89°14'41" East, 462.03 feet; thence North 0°09'56" West, 160.04 feet to the south line of Parcel 1 of Certified Survey Map No. 474; thence North 89°12'41" East, 259.94 feet along said south line to the east line thereof; thence North 0°09'33" West, 500.00 feet along said east line to the north line of said Northwest $\frac{1}{4}$ section; thence North 89°12'41" East, 268.11 feet along said north line; thence South 0°08'01" East, 660.00 feet; thence North 89°12'41" East, 132.00 feet; thence North 0°07'58" West, 660.00 feet to the aforesaid north line; thence North 89°12'41" East, 522.75 feet along said north line to the North $\frac{1}{4}$ corner of said Section 19; thence South 0°17'46" West, 667.33 feet along the east line of said Northwest $\frac{1}{4}$ section; thence North 89°30'42" East, 1190.85 feet to the westerly right-of-way line of I-94; thence South 0°04'01" West, 1331.67 feet along said westerly line; thence South 89°22'45" West, 1196.23 feet along the north line of Certified Survey Map No. 4516 and its easterly extension to the aforesaid east line of said Northwest $\frac{1}{4}$ section; thence North 0°17'46" East, 898.27 feet along said east line to the north line of Certified Survey Map No. 2269; thence South 89°14'48" West, 2362.08 feet along said north line and its westerly extension also along the north lines of Certified Survey Maps No. 157 and 6814 to the easterly line of S. 27th Street, S.T.H. "241"; thence North 0°09'32" West, 226.10 feet along said easterly line; thence North 89°50'28" East, 710.00 feet; thence North 0°09'32" West, 200.00 feet; thence South 89°50'28" West, 710.00 feet to the aforesaid easterly line; thence North 0°09'32" West, 627.89 feet along said easterly line; thence North 44°32'05" East, 21.32 feet along said easterly line; thence North 0°08'47" West, 33.00 feet to the point of beginning.

Said parcel contains a total of 3,535,700 square feet or 81.169 acres of land, more or less.

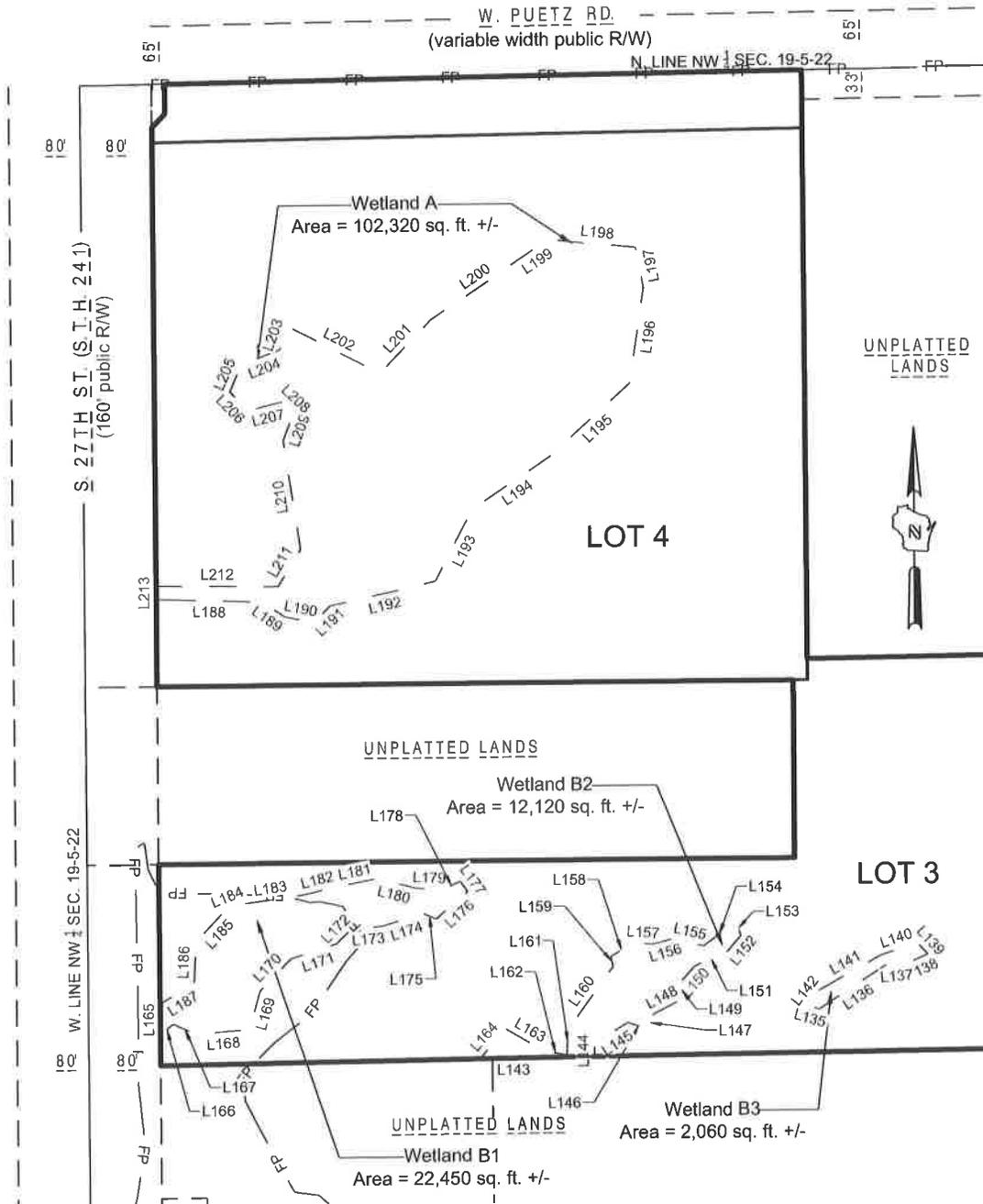
That I have made the survey, land division and map by the direction of the owner of said land. That the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made. That I have fully complied with s. 236.34 of the Wisconsin Statutes and CHAPTER 14 OF THE CITY OF OAK CREEK MUNICIPAL CODE in surveying, dividing and mapping the same.

BAIBA M. ROZITE S-2351

DATE

CERTIFIED SURVEY MAP NO. _____

Part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19,
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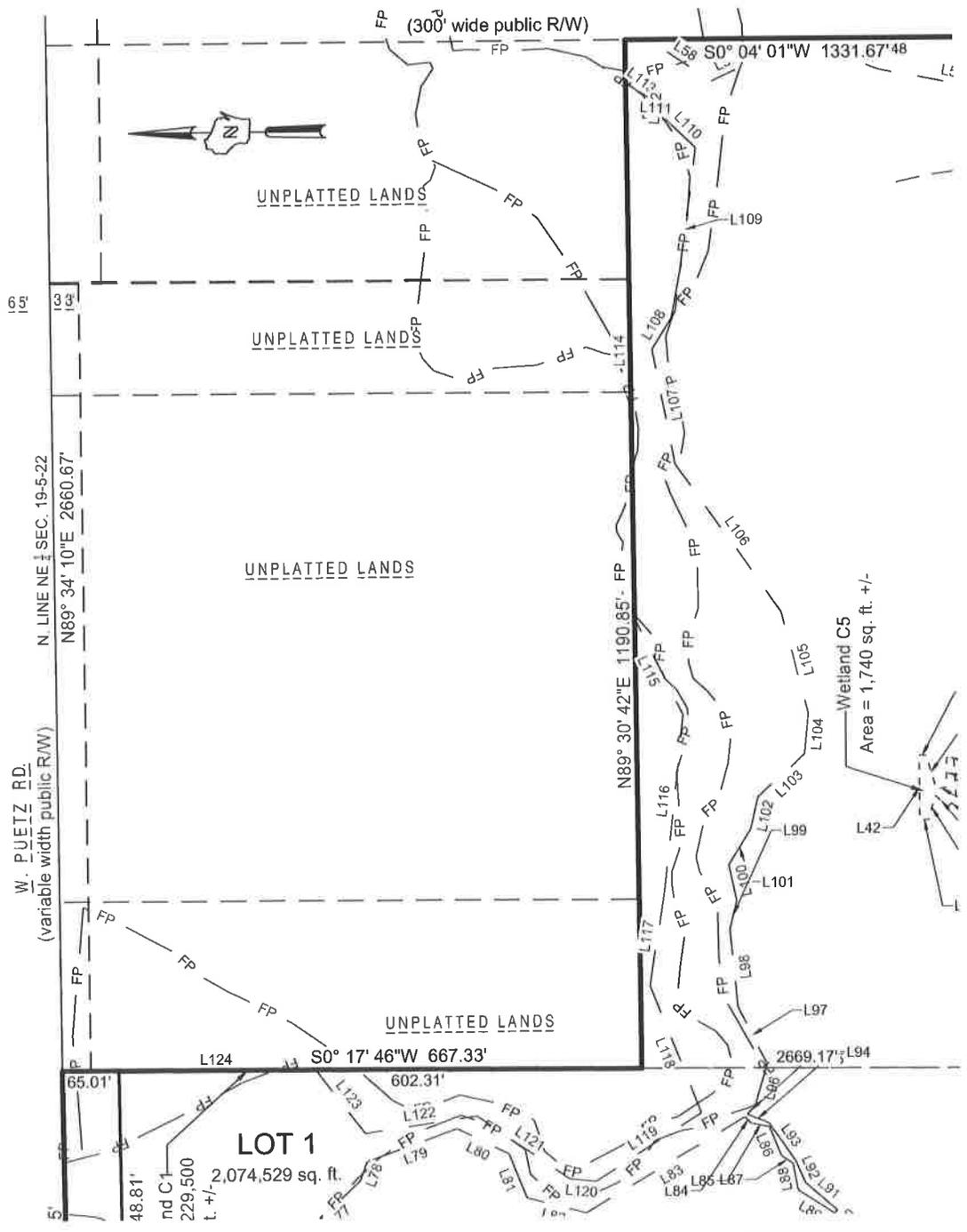
Wetland delineation
completed by Wetland
& Waterway Consulting,
LLC, dated 12/05/2021

GRAPHIC SCALE



CERTIFIED SURVEY MAP NO. _____

Part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19,
Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin



Wetland delineation
completed by Wetland
& Waterway Consulting,
LLC, dated 12/05/2021

GRAPHIC SCALE



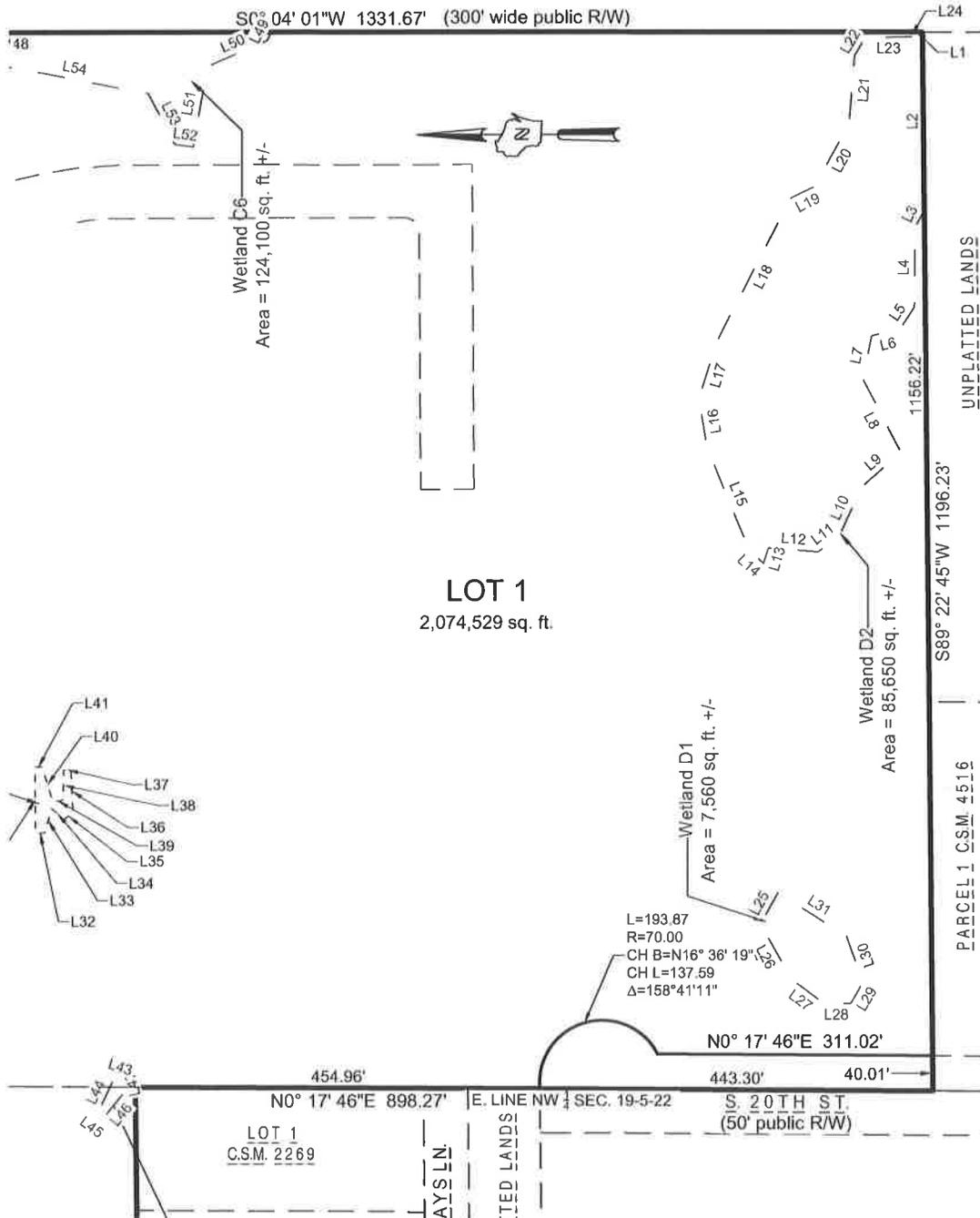
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PROJECT NUMBER 20312 DRAFTED BY BMR

Sheet 10 of 14

CERTIFIED SURVEY MAP NO. _____

Part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19,
Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin



Wetland delineation
completed by Wetland
& Waterway Consulting,
LLC, dated 12/05/2021

GRAPHIC SCALE



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CERTIFIED SURVEY MAP NO. _____

Part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19,
Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin

Parcel Line Table		
Line #	Length	Direction
L1	12.44	N0° 04' 01"E
L2	200.02	N89° 22' 45"E
L3	22.90	S63° 04' 49"E
L4	90.46	S89° 22' 57"E
L5	29.87	S56° 15' 59"E
L6	31.89	S12° 38' 54"E
L7	50.18	S78° 16' 33"E
L8	92.85	N62° 17' 05"E
L9	61.87	S41° 40' 04"E
L10	57.03	S66° 24' 07"E
L11	31.50	S37° 38' 19"E
L12	56.16	S4° 37' 43"W
L13	17.95	S73° 35' 36"E
L14	21.41	S41° 22' 47"W
L15	126.63	S67° 37' 56"W
L16	54.40	S80° 19' 05"W
L17	65.04	N72° 57' 41"W
L18	184.72	N62° 58' 05"W
L19	31.40	N26° 20' 38"W
L20	79.76	N61° 20' 04"W
L21	77.45	N85° 23' 45"W
L22	23.75	N59° 56' 20"W
L23	53.03	N1° 05' 32"W
L24	5.12	S82° 56' 10"W
L25	40.71	S61° 06' 24"E
L26	71.52	N60° 42' 01"E
L27	44.44	N36° 44' 27"E
L28	30.71	N0° 57' 19"E
L29	27.88	N59° 39' 53"W
L30	54.97	S70° 24' 50"W
L31	91.67	S32° 30' 15"W
L32	10.82	N1° 59' 32"W
L33	28.66	N75° 31' 44"W
L34	18.87	N40° 54' 30"E
L35	12.06	N34° 32' 16"W
L36	50.14	S87° 02' 01"W
L37	8.25	S10° 43' 52"E
L38	33.79	S89° 14' 50"E
L39	11.68	S7° 16' 03"E
L40	40.68	S73° 31' 51"W

Parcel Line Table		
Line #	Length	Direction
L41	8.22	S2° 18' 55"W
L42	75.23	N89° 46' 01"E
L43	5.31	S18° 44' 55"W
L44	48.16	S65° 02' 33"E
L45	7.40	N36° 28' 07"E
L46	37.00	N50° 32' 24"W
L47	18.26	S76° 59' 32"W
L48	570.41	N0° 04' 01"E
L49	10.39	S62° 43' 16"E
L50	72.34	S23° 47' 51"E
L51	91.98	S79° 42' 14"E
L52	20.44	S7° 50' 27"W
L53	64.57	S62° 08' 50"W
L54	170.91	S10° 57' 01"W
L55	36.00	S19° 48' 50"W
L56	113.43	S1° 01' 21"E
L57	50.49	S25° 18' 40"E
L58	86.80	S34° 05' 29"W
L59	15.43	N3° 29' 06"W
L60	86.61	N65° 36' 32"W
L61	107.80	N22° 20' 32"W
L62	32.28	N42° 27' 59"W
L63	13.79	N40° 14' 43"E
L64	74.07	N14° 22' 10"E
L65	68.73	N73° 48' 26"E
L66	25.44	N63° 17' 24"E
L67	47.37	N87° 59' 26"E
L68	14.16	N75° 24' 01"E
L69	5.86	N7° 26' 52"E
L70	16.85	N73° 50' 00"W
L71	23.42	S82° 12' 08"W
L72	82.08	S72° 48' 44"W
L73	37.24	S62° 18' 48"W
L74	42.98	S45° 09' 20"W
L75	22.30	S13° 38' 49"W
L76	71.00	S89° 41' 51"W
L77	89.39	N43° 57' 25"W
L78	23.07	N69° 57' 18"W
L79	110.93	N19° 50' 58"W
L80	67.22	N26° 32' 13"E

Parcel Line Table		
Line #	Length	Direction
L81	54.66	N68° 32' 53"E
L82	71.06	N14° 45' 25"E
L83	213.68	N30° 54' 45"W
L84	10.30	N45° 04' 29"E
L85	21.78	N11° 11' 40"E
L86	36.42	N68° 28' 00"E
L87	15.95	N33° 49' 57"E
L88	31.71	N78° 18' 42"E
L89	49.75	N32° 33' 02"E
L90	4.93	N43° 15' 01"W
L91	48.77	S40° 40' 04"W
L92	27.13	S66° 21' 49"W
L93	55.11	S55° 00' 49"W
L94	26.84	S21° 16' 48"W
L95	13.36	N45° 43' 52"W
L96	50.78	N73° 31' 41"W
L97	75.09	S63° 27' 58"W
L98	89.57	S84° 21' 33"W
L99	34.21	N75° 51' 22"W
L100	42.70	S78° 05' 59"W
L101	48.12	N58° 17' 18"W
L102	38.50	N76° 14' 18"W
L103	73.56	N42° 54' 48"W
L104	47.25	N84° 42' 46"W
L105	121.12	S75° 38' 52"W
L106	210.15	S54° 53' 12"W
L107	136.12	S79° 08' 09"W
L108	50.35	N58° 14' 30"W
L109	190.56	N82° 17' 48"W
L110	47.14	S44° 47' 31"W
L111	26.55	S3° 57' 45"W
L112	24.64	N85° 05' 06"W
L113	28.24	S38° 31' 16"W
L114	620.72	N89° 30' 42"E
L115	124.90	N63° 54' 00"E
L116	203.36	S83° 29' 44"E
L117	113.01	S81° 11' 44"E
L118	158.89	N68° 35' 28"E
L119	145.08	S32° 34' 29"E
L120	30.04	S5° 31' 37"W

WETLAND TABLES

CERTIFIED SURVEY MAP NO. _____

Part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19,
Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin

Parcel Line Table		
Line #	Length	Direction
L121	129.80	S34° 37' 21"W
L122	129.83	S8° 22' 34"E
L123	93.69	S52° 41' 42"W
L124	226.28	S0° 17' 46"W
L125	414.85	N89° 12' 41"E
L126	57.15	N22° 47' 31"E
L127	52.24	N51° 26' 19"E
L128	36.15	N28° 05' 44"E
L129	83.12	S44° 26' 12"W
L130	29.85	S36° 22' 14"W
L131	32.65	S25° 28' 49"W
L132	33.50	S71° 02' 21"W
L133	16.13	S22° 37' 50"E
L134	41.40	N58° 44' 56"E
L135	14.73	N74° 17' 31"W
L136	88.08	S56° 41' 17"W
L137	25.47	S85° 35' 21"W
L138	25.21	S65° 41' 02"W
L139	17.42	S41° 33' 24"E
L140	43.43	N71° 31' 16"E
L141	79.50	N60° 41' 11"E
L142	22.13	N39° 31' 14"E
L143	128.65	S89° 14' 48"W
L144	14.00	S1° 29' 01"E
L145	44.32	S57° 18' 27"W
L146	25.00	N69° 47' 04"W
L147	16.03	S5° 34' 17"W
L148	42.38	S62° 44' 27"W
L149	17.63	S15° 46' 10"E
L150	24.95	S41° 29' 47"W
L151	41.92	S65° 21' 10"W
L152	22.15	S39° 20' 44"W
L153	15.89	S19° 38' 07"E
L154	44.91	N53° 53' 16"E
L155	36.23	S77° 06' 23"E
L156	22.42	N74° 29' 16"E
L157	22.69	S86° 01' 08"E
L158	28.69	N57° 08' 23"E
L159	10.60	N12° 53' 33"W
L160	86.28	N35° 31' 48"E

Parcel Line Table		
Line #	Length	Direction
L161	29.22	N2° 57' 59"E
L162	26.58	S79° 57' 48"E
L163	49.26	S59° 33' 07"E
L164	43.95	N41° 11' 47"E
L165	34.53	N0° 09' 32"W
L166	18.82	S51° 40' 39"W
L167	27.44	N65° 19' 20"W
L168	58.87	S85° 27' 44"W
L169	44.74	S16° 00' 06"W
L170	50.52	S44° 08' 19"W
L171	52.97	S72° 01' 38"W
L172	23.02	S45° 11' 43"W
L173	37.01	S84° 47' 40"W
L174	45.82	S72° 44' 22"W
L175	16.33	N67° 18' 03"W
L176	46.58	S48° 31' 21"W
L177	13.46	S34° 50' 59"E
L178	22.12	N66° 48' 05"E
L179	29.43	S87° 16' 25"E
L180	44.24	S75° 13' 16"E
L181	49.74	N79° 18' 03"E
L182	32.16	N76° 04' 15"E
L183	76.32	N81° 46' 21"E
L184	15.90	N68° 09' 52"E
L185	47.87	N42° 07' 04"E
L186	45.99	N3° 19' 24"E
L187	44.60	N58° 17' 14"E
L188	118.71	N88° 00' 41"W
L189	29.52	N55° 03' 41"W
L190	31.63	N78° 37' 21"W
L191	26.64	S47° 10' 38"W
L192	120.44	S77° 26' 42"W
L193	90.39	S27° 19' 27"W
L194	105.46	S56° 02' 02"W
L195	120.53	S47° 37' 12"W
L196	108.31	S8° 28' 13"W
L197	45.59	S10° 33' 11"E
L198	86.86	S83° 43' 59"E
L199	139.59	N56° 02' 24"E
L200	139.59	N56° 02' 24"E

Parcel Line Table		
Line #	Length	Direction
L201	81.90	N43° 58' 36"E
L202	115.12	S62° 24' 03"E
L203	27.09	N20° 30' 48"E
L204	45.98	N69° 26' 44"E
L205	33.05	N22° 38' 14"E
L206	29.28	N43° 59' 08"W
L207	39.97	S76° 38' 46"W
L208	16.45	N45° 05' 28"W
L209	34.01	N20° 22' 30"E
L210	123.59	N8° 34' 01"W
L211	48.66	N30° 51' 29"E
L212	135.75	S89° 15' 52"E
L213	14.83	N0° 05' 09"W

Wetland delineation
completed by Wetland
& Waterway Consulting,
LLC, dated 12/05/2021

THE SIGMA GROUP
Single Source. Sound Solutions.
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

WETLAND TABLES

CERTIFIED SURVEY MAP NO. _____

Part of the NW 1/4 and SW 1/4 of the NE 1/4 and part of the NE 1/4 and NW 1/4 of the NW 1/4 of Section 19,
Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin

OWNER'S CERTIFICATE

CCR HERZEBROCK II LTD PARTNERSHIP, as owner, caused the land described on this map to be surveyed,
divided and mapped as represented on this map.

CCR HERZEBROCK II LTD PARTNERSHIP, as owner, does further certify that this map is required by s. 236.10 or
236.12 to be submitted to the following for approval or objection: The City of Oak Creek.

IN WITNESS WHEREOF, the said CCR HERZEBROCK II LTD PARTNERSHIP, owner, has caused these presents to
be signed by its _____, at _____, Wisconsin, this _____
day of _____, 20____.

by:

STATE OF WISCONSIN)

)SS

MILWAUKEE COUNTY)

Personally came before me this ___ day of _____, 20____, the
above-named _____ to me known to be the person who executed the foregoing instrument and
to me known to be the _____ of CCR HERZEBROCK II LTD PARTNERSHIP., and
acknowledged that they executed the foregoing instrument as such member as the deed of said corporation, by its
authority.

(SEAL) NOTARY PUBLIC *signature*, STATE OF WISCONSIN

notary printed name

MY COMMISSION EXPIRES _____.

City of Oak Creek Plan Commission Certificate of Approval

Approved by the Plan Commission of the City of Oak Creek on this _____ day of _____, 20____.

Daniel Bukiewicz, Chairman
City of Oak Creek

Kari Papelbon, Corresponding
Secretary, City of Oak Creek

City of Oak Creek Common Council Certificate of Approval

Approved and dedication accepted by the Common Council of the City of Oak Creek on this _____ day of _____,
20____, by Resolution No. _____.

Daniel Bukiewicz, Mayor
City of Oak Creek

Catherine A. Roeske, Clerk
City of Oak Creek



Heyday Oak Creek

Request for:

Basic Rezoning
Planned Unit Development (PUD)
Official Map Amendment

CR Devco, LLC
March 15, 2022

Table of Contents

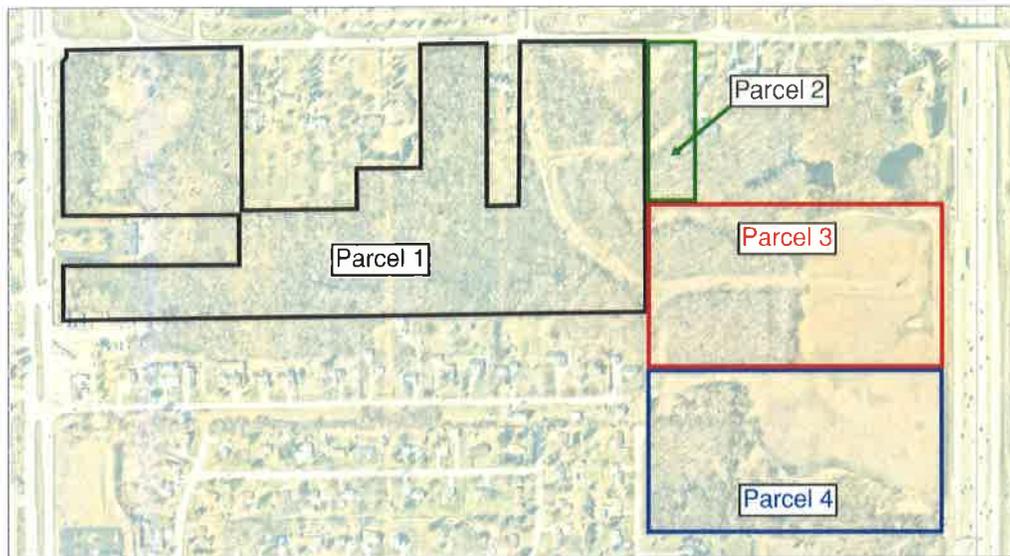
1. Introduction
2. Master Development Plan (e.g., conceptual site plan)
3. Detailed Narrative for the Request
4. Conceptual Building Elevations & Renderings
5. Single-Family Attached Homes
6. Project and Community Design Thesis and Highlights
7. Conformance with the Comprehensive Plan and Standards for Review
8. Conclusion
9. Exhibits
 - a. EXHIBIT A – Current Ownership Letter of Support
 - b. EXHIBIT B – Certified Survey Map (CSM)
 - c. EXHIBIT C – Zoning Exhibit
 - d. EXHIBIT D – Official Map Amendment
 - e. EXHIBIT E – Detailed Site Plan Concept
 - f. EXHIBIT F – Quarter Section Map
 - g. EXHIBIT G – Environmental Impact Studies
 - h. EXHIBIT H – Organizational Structure & Common Services Provision
 - i. EXHIBIT I – Economic Analysis
 - j. EXHIBIT J – Civil Plans

Introduction

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

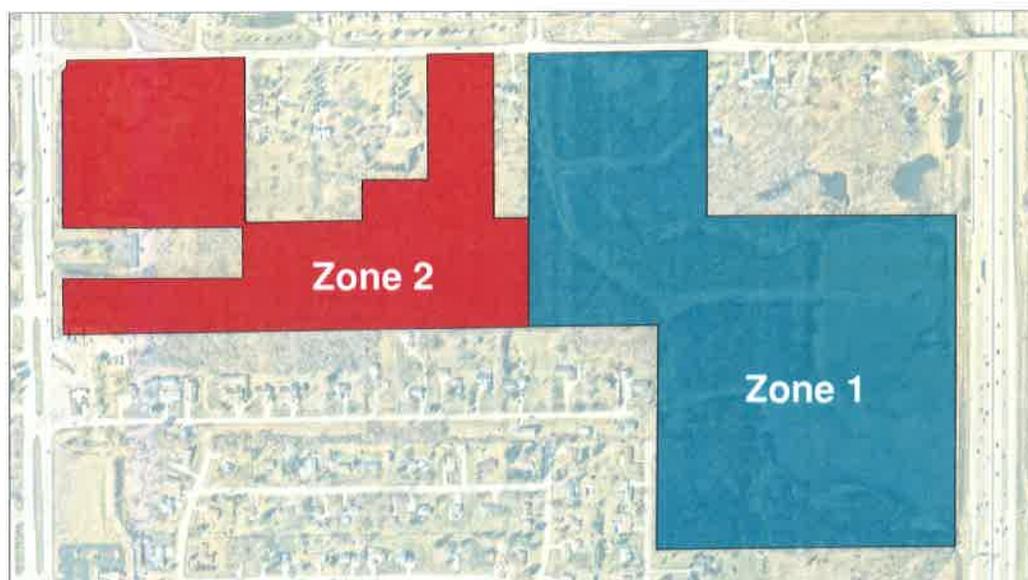
Property Addresses:

- **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, 8843R S. 13th Street, Parcel Number 8579992000
- **Parcel 4** – 18.24 acres, 8950 S. 20th Street, Parcel Number 8579991000



The Request

CRD intends to develop a portion of the above lands into single story, single-family attached homes. In order to do so, CRD is requesting a rezone from *Rd-1 Two-family Residential* and *Rs-2 Single family residential* to a *Planned Unit Development (PUD)*, on a portion of Zone 1. At this time, CRD is only pursuing development in the Zone 1 area, as depicted in the image below. Zone 2's land use and zoning will remain as is.



Zone 1

Approximately 50 acres shaded green in the above map. This area will be built out with *single-family attached (SFA)* housing and open space / undisturbed land. **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 rezoning request.**

Justification for Rezone to Planned Unit Development (PUD)

The subject PUD meets Sec. 17.0702. General Provisions which are:

1. The proposed development is greater than five (5) acres in size; and
2. Contains single-family attached housing land use.

This request for a planned unit development (PUD) is justified for the following reasons:

1. The proposed project (and PUD) conforms with the Comprehensive Plan land use designation of *single-family attached (SFA)* housing.
2. The proposed project and PUD will meet all 7 of the objectives from the Comprehensive Plan's Housing and Neighborhoods Framework, as outlined later in this memo, thereby "fulfilling the objectives of the Comprehensive Plan and planning policies of the City" as stated in Sec. 17.07.01.

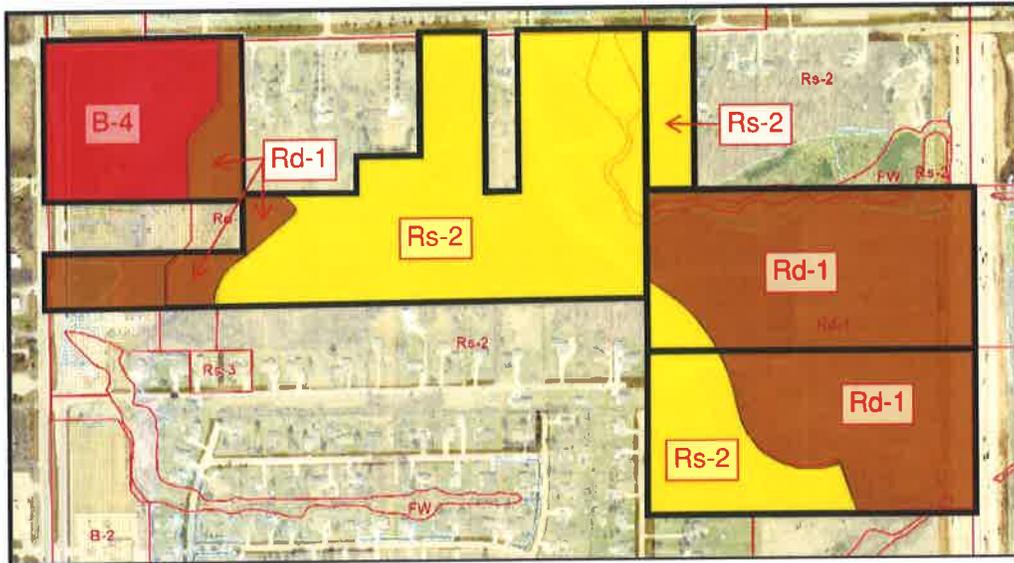
Please note, on Tuesday March 1, Common Council voted unanimously to approve a proposed amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020; amended November 17, 2020) for a portion of the properties shown as Zone 1 in the above illustrations. The amendment updates the Planned Land Use category and Map 2 in the Comprehensive Plan from "Single Family Detached" to "Single Family Attached."

The rezone to PUD will:

1. Result in a less intensive use (2.76 units per acre) than the current zoning (5.8 units per acre) and represents a creative approach to residential development and efficient use of the land. In addition, the proposed development preserves natural features and provides open space areas and recreation areas in excess of what is required under the conventional zoning regulation.
3. Honors the Single-Family Growth Area in which the site resides.
4. Contributes to the Oak Creek's goal of providing a greater diversity in housing options (i.e., Missing Middle housing).

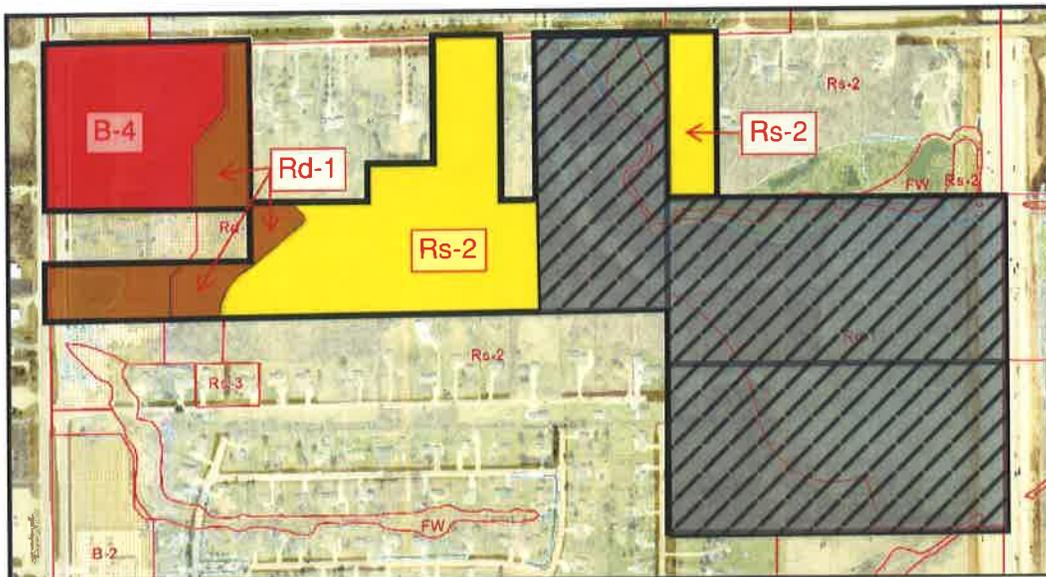
Existing and Proposed Zoning

The map below details the existing zoning for the 4 parcels.



The map below shows the area subject to this rezoning request, crosshatched and shaded gray. These areas will be rezoned from Rd-1 and Rs-2 to a Planned Unit Development (PUD). All other areas not subject to the rezone request will remain zoned as-is.

 Area to be rezoned to Planned Unit Development (PUD)



Master Development Plan (Site Plan)



LANDSCAPE ELEMENT	PLANT SPECIES	PLANT QUANTITY
LANDSCAPE BUFFER
LAWN GRASS SEED
HARDWOOD BARK MULCH WITH CORN NURSING NATIVE SEED MIX

- LANDSCAPE ELEMENTS**
- EXISTING WOODLAND (10% MINIMUM)
 - EXISTING WOODLAND TO REMAIN
 - LANDSCAPE BUFFER
 - LAWN GRASS SEED
 - HARDWOOD BARK MULCH WITH CORN NURSING NATIVE SEED MIX

- LANDSCAPE MATERIALS**
- EXISTING WOODLAND (10% MINIMUM)
 - EXISTING WOODLAND TO REMAIN
 - LANDSCAPE BUFFER
 - LAWN GRASS SEED
 - HARDWOOD BARK MULCH WITH CORN NURSING NATIVE SEED MIX

LANDSCAPE DESIGN NOTES

1. ALL PLANTING AND PROPOSED CONSTRUCTION, UTILITIES, PAVEMENT, AND OTHER WORK SHALL BE IN ACCORDANCE WITH THE CITY OF OAK CREEK LANDSCAPE DESIGN MANUAL AND THE CITY OF OAK CREEK LANDSCAPE DESIGN MANUAL.
2. ALL PLANTING AND PROPOSED CONSTRUCTION, UTILITIES, PAVEMENT, AND OTHER WORK SHALL BE IN ACCORDANCE WITH THE CITY OF OAK CREEK LANDSCAPE DESIGN MANUAL AND THE CITY OF OAK CREEK LANDSCAPE DESIGN MANUAL.
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PRELIMINARY NOT FOR CONSTRUCTION

HEYDAY OAK CREEK
S. 27TH ST & W. PUETZ ROAD
OAK CREEK, WI 53154

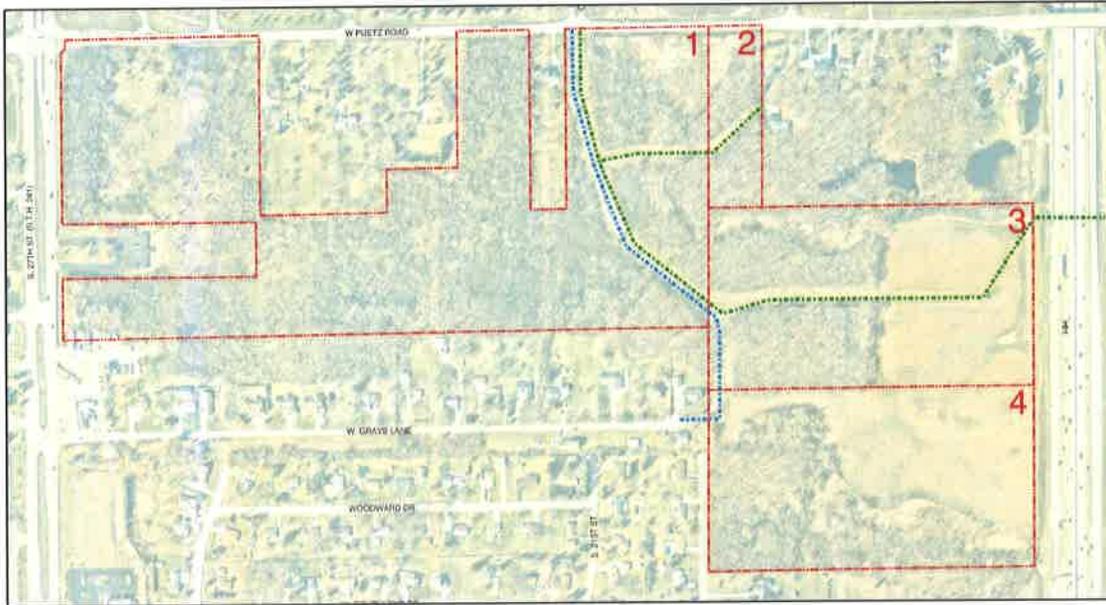
OVERALL LANDSCAPE PLAN

3/20/2024

1:100

Detailed Narrative for the Request

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.



Development Details

The following table will provide specific project details associated with the PUD such as the number of buildings and units, parking ratio, wetlands, and open space acreage, building materials and density calculations.

<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	13.53 acres or approximately 589,600 square feet.
<u>Subject Project</u>	
Zone 1	
Total Homes	138
Total Garage Parking Spaces	260 (1.88 assigned, private spaces per unit)
Total Surface Parking Spaces:	
- Driveway Parking	260
- Roadway Guest Parking	75
Total Parking Project wide (Ratio)	595 (4.31 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%
Open Space/Undisturbed Lands	60% or approximately 30 out of the 50 acres.
Wetlands	10.35 Acres
<u>Undisturbed Land</u>	
Zone 2	
Approximately 41.0 acres	

Our development proposal consists of 138 single-family attached homes / units within 24 buildings, with each building containing four, six or eight homes.

Heyday Oak Creek			
Building Type Mix			
Bldg Type	Bldg Qty	Units	Total Units
A8	2	8	16
B4	0	4	0
B6	2	6	12
C4	1	4	4
C6	4	6	24
D4	0	4	0
D6	9	6	54
F4	4	4	16
F6	2	6	12
Total	24		138

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 foot long parking aprons that will accommodate guest parking. The result is 3.77 parking spaces per unit. When the additional 75 roadway guest parking spaces are assumed the result is 4.31 spaces per unit. Please see the following chart for additional details on the 138 homes.

Unit Mix - Heyday 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%	260	260	3.77 Spaces

The community will also include a leasing office / maintenance building measuring approximately 1,000 sq ft. At 138 homes on the 50 acre PUD site the result is an overall density of 2.76 units per acre.

Open Space

Unlike most garden-style apartment communities, this low-density community will offer an abundance of outdoor open space. Approximately 30 acres out of the 50-acre PUD (or 60%) will be open space or undisturbed lands. 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.

Architecture & Building Materials

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.

Conceptual Building Elevations & Renderings

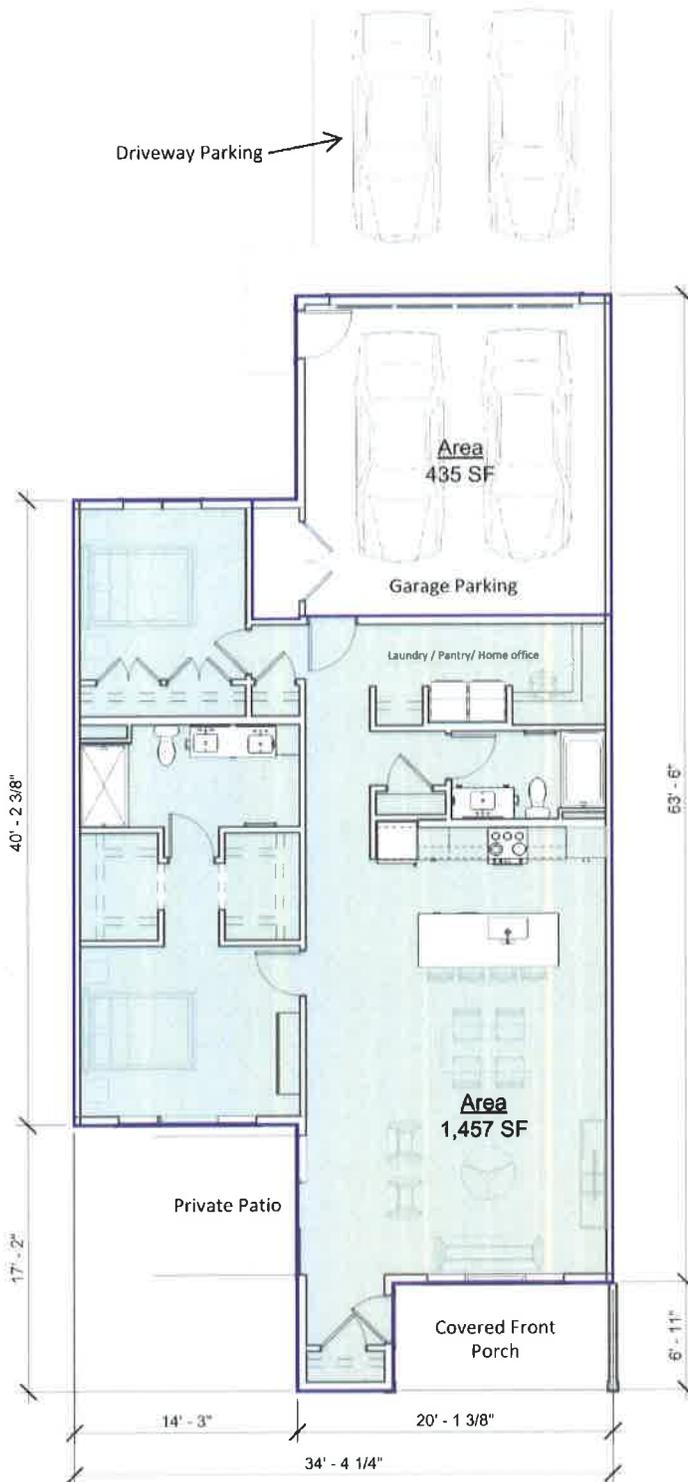
Please see the images below, representing the architecture of the single-family attached homes.



Building materials of enduring quality such as brick, fiber-cement siding and heavy vinyl are to be used. The use of "Green Built" and "Energy Star" building materials and techniques will also be employed. The development has been designed, and will be built to a National Green Building Standard (NGBS) Bronze certification.



Single-Family Attached 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 / apartment 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 single-family detached 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, SFA homes will live and feel like a typical single-family detached 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, SFA 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 inch wide 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.

Conformance with the Comprehensive Plan and Standards for Design

Sec. 17.07.01 Intent and Purpose

The purpose of the planned development is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified. The objective of the planned development is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The result can be a product which fulfills the objectives of the Comprehensive Plan and planning policies of the City. The planned development is intended to permit and encourage such flexibility and to accomplish the following purposes:

- a) To stimulate creative approach to the residential development of land.
- b) To provide more efficient use of land.
- c) To preserve natural features and provide open space areas and recreation areas in excess of that required under conventional zoning regulations.
- d) To develop new approaches to the living environment through variety in type, design, and layout of buildings, transportation systems, and public facilities.
- e) To unify building and structures through design.
- f) To promote long-term planning pursuant to the City of Oak Creek's Comprehensive Plan, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.

The following section outlines how CR Devco's PUD accomplishes the *purposes* listed above as well as fulfills the objectives of the Comprehensive Plan and planning policies of the City of Oak Creek, specifically the Housing and Neighborhoods Framework.

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 rezone to PUD, the city will be promoting reinvestment in this mature neighborhood, and the site will be developed with SFA 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. A rezone to PUD will allow for and promote new residential development.

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, through a PUD rezone, will provide an attainable option for these people. By developing 1-, 2- and 3-bedroom single-family attached 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, SFA 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. The PUD will promote more affordable housing options within the city of 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, the PUD and 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 where a PUD will provide conservation-oriented development.

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, SFA 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 have shown the appeal of this product type to a wide range and age of the population. The PUD will provide a greater diversity of housing, specifically SFA housing, along the key corridor of I-94 which is the goal of Objective 6.

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 PUD and 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 PUD and 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 (SFA), the scale of the buildings detailed in the PUD 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 PUD and 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.

Conformance to Standards of Review (Sec. 17.0703)

The following table outlines Sec. 17.0703 Standards for Review and the applicant’s response on the PUD’s conformance to the design standards.

Item	Design Standard	Applicant Response
Required Findings		
1) Comprehensive Plan.	The planned development shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan.	PUD fulfills all 7 objectives of the Comprehensive Plan's Housing & Neighborhood Framework. See applicant's memo dated 3/15/22 for further details.
2) Public Welfare	The planned development shall be so designed, located, and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.	The PUD and project 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.
3) Impact on Public Facilities and Resources.	The planned development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned development shall include such impact fees as may be reasonably determined by the Common Council. These required impact donations shall be calculated in reasonable proportion to impact of the planned development on public facilities and infrastructure.	Please see the provided Sigma Civil Plans dated 12/9/2021.
4) Archaeological, Historical or Cultural Impact.	The planned development shall not substantially adversely impact an archaeological, historical, or cultural resource, included on the state or federal register, located on or off the parcel(s) proposed for development.	The applicant has consulted with the WDNR and a cultural resource management (CRM) firm and has determined the proposed development does not impact any archaeological, historical, or cultural resources. Additional details can be provided upon request.
5) Parking and Traffic.	The planned development shall have or make adequate provision to provide necessary parking and ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets and provides adequate access for emergency vehicles.	Sigma civil plans dated 12/9/2021 have been designed and reviewed by the city's engineering department to meet this design standard.
6) Adequate Buffering.	The planned development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.	The PUD's site plan preserves surrounding existing vegetation and provides setbacks at a minimum of 80 linear feet from surrounding property line to PUD structures.

Item	Design Standard	Applicant Response
Modification Standards		
1) Integrated Design.	A planned development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.	See Sigma Group Detailed Site Plan dated 3/11/2022.
2) Beneficial Common Open Space.	Any common open space in the planned development beyond the minimum thirty (30) percent required shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character.	See Sigma Group Detailed Site Plan dated 3/11/2022; specifically the "garden courtyards" and preserved natural / open space throughout the PUD.
3) Location of Taller Buildings.	Taller buildings shall be located within the planned development in such a way as to dissipate any material adverse impact on adjoining lower buildings within the development or on surrounding properties and shall not unreasonably invade the privacy of occupants of such lower buildings.	Not applicable as all structures are single-story with a consistent, repetitive gable roof design throughout the PUD.
4) Functional and Mechanical Features.	Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the planned development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.	The trash compactor will be the only applicable structure under this design standard and the trash compactor will have a masonry fence enclosure and supplemental landscaping around the enclosure. The trash enclosure is also setback 140 linear feet from the public road.
5) Visual and Acoustical Privacy.	The planned development shall provide reasonable visual, and acoustical privacy for each dwelling unit, tenant space, and adjacent property. Fences, insulations, walks, barriers, and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.	The PUD will provide a landscaping plan that will meet this design standard.
6) Energy Efficient Design.	A planned development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the planned development.	The PUD and project have been design to meet a National Green Building Standards Bronze Certification.
7) Landscape Conservation and Visual Enhancement.	The existing landscape and trees in a planned development shall be conserved and enhanced, as feasible, by minimizing tree and soil removal, and the conservation of special landscape features such as streams, ponds, groves, and landforms. The addition or use of larger trees, shrubs, flowers, fountains, ponds, special paving amenities will be encouraged to the extent of their appropriateness and usefulness to the planned development and the likelihood of their continued maintenance.	The PUD and project 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.
8) Drives, Parking and Circulation.	Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and limiting the number of access points to the public streets through the use of cross access connections, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.	See Sigma Group Detailed Site Plan dated 3/11/2022 and Civil Plans dated 12/9/2021.
9) Surface Water Drainage.	Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely impact neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.	See Sigma Group Civil Plans dated 12/9/2021; specifically drawing C200 Overall Grading Plan.

Conclusion

We believe site plan and PUD 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 and PUD:

- **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 and wetlands.
- 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 zoning 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 rezoning from single-family attached to PUD.**

Please see Exhibit C for the re-zone and legal description requested.

Thank you for your time and consideration.

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 12, 2022**

Mayor Bukiewicz called the meeting to order at 6:03 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Chandler. Commissioner Siepert was excused. Also present: Kari Papelbon, Senior Planner; Laurie Miller, Zoning Administrator; and Mike Havey, Assistant Fire Chief.

OFFICIAL MAP AMENDMENT

CR DEVCO, LLC

2231 & 1933 W. PUETZ RD., 8843 S. 13TH ST., AND 8950 S. 20TH ST.

TAX KEY NOS. 856-9999-001, 857-9993-000, 857-9992-000, AND 857-9991-000

Senior Planner Papelbon provided an overview of the request by CR Devco, LLC to remove and reconfigure portions of the future street pattern on the Official Map affecting the properties at 2231 & 1933 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. (and potentially 2411, 2345, 2321, & 2301 W. Puetz Rd.; 8810 & 8864 S. 27th St.; 2320 W. Grays Lane). (see staff report for details).

Commissioner Chandler asked what the impact of removing the future streets would be on the neighbors. Senior Planner Papelbon stated that in the proposed layout most of the official street pattern would be contained on the property that is owned by the developer. Senior Planner Papelbon provided an overview of the map and explained what is being removed. Senior Planner Papelbon continued by explaining staff is recommending removing the additional street layout because the road patterns do not seem to serve a purpose in the current layout. Removing the mapped streets does not mean that future access in a different configuration to serve these properties in the future would be eliminated.

Commissioner Chandler inquired if there was any feedback from the applicant regarding the suggestion from the Planning Department. Senior Planner Papelbon stated she has not received anything from the applicant.

Sean Kingston, 2480 W Grays Lane:

"One thing, since I've lived there for 18 years, it never made sense why Grays Lane would ever be connected to Puetz because Grays Lane, if you guys have ever driven down it, is not a road that you want to encourage any additional traffic volume on. I'm 100% supportive on anything that would eliminate potential connection sources to our road. We walk down, it's not sidewalked, it's a very narrow road and we do walk our dogs down it and stuff like that. I'd highly encourage anything that takes away potential traffic volume from that road."

Sean Upthall, 8864 S. 27th Street:

"My only question is, the road proposed to come through my property, is that just for future if I should decide to sell it or is this something that they're going to take away?"

Senior Planner Papelbon explained it is a future road pattern and is not anything that the City is saying is going to be constructed. The official map is from the 1960s and has been amended over the years. There are a lot of future roads on the official map that do not correspond with how the actual development has occurred in the area.

Alderman Guzikowski stated he has not received any calls from residents regarding this proposal and he would be in favor of staff's recommendation.

Alderman Loreck referenced the map showing staff's recommendation and inquired how the area would be accessed if it was developed. Senior Planner Papelbon stated there is a 30-foot easement that would provide access to the west for a future private connection. Senior Planner Papelbon continued and stated that any other properties that were affected by the future road pattern would then need to propose their own access if it is developed. This proposal will eliminate the official street pattern for public streets, but will not eliminate access.

Commissioner Carrillo asked what the blue streets on the map represent. Senior Planner Papelbon stated those are proposed to remain as future public roads.

Commissioner Hanna asked Senior Planner Papelbon to walk through the proposal. Senior Planner Papelbon provided an overview of the two proposals to eliminate the official street pattern for public streets to serve the area.

Commissioner Carrillo inquired why the proposals are keeping the portions shown in blue of the street map. Senior Planner Papelbon stated the blue portions would provide access to the developer for the proposed development.

Commissioner Carrillo asked if those portions would be public roads. Senior Planner Papelbon confirmed the blue portions would be public streets.

Commissioner Hanna asked why the remaining cul-de-sac on the southern portion, near Grays Lane, will be public right of way, but gated for emergencies. Senior Planner Papelbon stated there is a cul-de-sac there now that will be extended to provide the developer with a second point of emergency access that is required for the development.

Commissioner Hanna questioned if removing the streets from the street map would impact any utilities. Senior Planner Papelbon explained the utilities are already in and somewhat follow the road patterns, however the easements would provide access to what is already installed.

Commissioner Hanna inquired if the access elimination would impact how the parcels are serviced. Senior Planner Papelbon stated the utilities are only in serve what is being proposed on the development.

Mayor Bukiewicz said future developments can figure out streets at the time of proposal, as long as there is access. Senior Planner Papelbon explained the easement shown on the Certified Survey Map to provide access to the western portion could be a private road, this proposal is just removing the public street component.

Mayor Bukiewicz said he is in favor of the staff's recommendation.

Sean Kingston, 2480 W Grays Lane:

"The extension on 20th, how close will that be getting to Grays? Because right now that's very close so if that's extended, will that touch Grays or is it still going to be separate?"

Senior Planner Papelbon said she thinks they are still going to be separated. The intention is not to provide additional access from Grays Lane to 20th Street and vice versa.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Official **Planned** Map for a portion of the mapped, unimproved future right-of-way affecting the properties at 2231 & 1933 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. 2411, 2345, 2321, & 2301 W. Puetz Rd.; 8810 & 8864 S. 27th St.; 2320 W. Grays Lane be amended as presented after a public hearing. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:05 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-26-22

Date

COMMON COUNCIL REPORT

Item: An Ordinance fixing the salary and wage ranges, salaries, wages, and allowances of certain full-time and part-time non-represented positions for the year 2022.

Recommendation: The Personnel & Finance Committee recommends Common Council approval of Ordinance No. 3043 fixing the salary and wage ranges, salaries, wages, and allowances of certain full-time and part-time non-represented positions for the year 2022.

Fiscal Impact: The fiscal impact of these mid-year salary and wage adjustments are estimated to be \$142,410 for 2022. Strategies to absorb these unbudgeted expenditures are included in the attached Personnel & Finance Committee staff reports.

The additional levy needed to fund these salary and wage adjustments in the 2023 Budget is estimated to be \$260,951.

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: Public sector work is the work of providing services, not widgets. This dynamic places a huge emphasis on the need for an engaged, fulfilled, and adequately compensated workforce to perform the public's services. Municipalities cannot automate public service; we need talented people.

Our human capital is and always will be our greatest asset, and as such, recruiting and retaining a talented workforce is our number one priority. The financial and global times we find ourselves in is not one where the public sector is immune. The stressors of inflation, and associated wage growth, erode a standing public sector philosophy that, "the compensation is not as competitive in the public sector in comparison to other sectors, but the fringe benefits far outweigh the compensation disparities".

Oak Creek needs to adapt its compensation and benefits packages to meet the needs of today's workforce to recruit and retain a talented workforce. It is true the City's health insurance plan is rich in benefits with low employee premiums, and the Wisconsin Retirement System (WRS) pension is a first-rate defined benefit plan. However, today's workforce views compensation and benefits packages differently. While traditional compensation (i.e. pay) remains a strong attractant, many individuals want to work for organizations that offer a sense of purpose, promote a healthy work-life balance (e.g. robust paid time off, work from home opportunities, flexible schedules, etc.), and support personal well-being, among others.

The public sector is in the midst of a "talent grab" and we seek to mitigate this through retention strategies that address, chiefly, pay structure, but also by examining other progressive workplace philosophies such as those referenced above. Losing staff and being unable to fill positions with qualified individuals ultimately degrades the quality of the programs and services we provide, and the high-performing organization we

strive to be. We will learn a lot about what our current workforce values upon reviewing the results of our pending Employee Sentiments Survey. These employee perspectives will inform our workplace policies and philosophies.

The City's adopted Strategic Action Plan (SAP), 2020-2022 contains the objective to "... Undertake a Total Compensation Analysis for Non-Represented Positions to Ensure Competitive in the Market". Over the past year, the Personnel & Finance Committee has grappled with how best to proceed with a classification and compensation analysis for non-represented positions. The Committee's direction to City Administration was to analyze and address individual non-represented positions, starting with Police and Fire Department command staff, rather than complete a comprehensive classification and compensation analysis of all non-represented positions.

Since then, City Administration has prioritized classification and compensation analyses for non-represented positions based on the following criteria:

- 1) Positions where vacancies and other workforce disruption would significantly impact City programs and public services; and
- 2) Positions experiencing, or with the potential to experience, the greatest negative impact due to inflation and market conditions. Put another way, positions where current pay falls significantly below market realities.

These analyses will be brought to the Committee at upcoming meetings for their consideration and recommendation to the Common Council. To be clear, though, ALL of the positions in our City organization are CRITICAL to performing the public's work. While we begin with certain employee groups where the City finds itself least competitive in the marketplace, City Administration stresses again that all of our positions need to be reviewed in the future. And again, pending discussions will not be constrained to just pay structure as staff will bring forward other policies, such as paid leave and flexibles schedules, in the immediate future.

The Personnel & Finance Committee reviewed compensation analyses for Consolidated Dispatch, Administrative Support Assistant (ASA), and Staff Accountant positions at their May 11th meeting. Those analyses are attached to this Common Council Report for your review. The Committee agreed with City Administration's recommendations on salary and wage range adjustments for these positions and are forwarding them to the Common Council for their review and approval. The salary and wage adjustments will be effective on the next full pay period following Common Council ratification, which is May 29, 2022.

Options/Alternatives: The Common Council could reject the Personnel and Finance Committee recommendation and discuss different salary and wage strategies for Consolidated Dispatch, ASA, and Staff Accountant positions.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared and Fiscal Review:



Maxwell Gaggin, MPA
Assistant City Administrator / Comptroller

Attachments: Ordinance No. 3043; "Consolidated Dispatch - Compensation Analysis" staff report; "Administrative Support Assistant (ASA) - Compensation Analysis" staff report; and "Staff Accountant - Compensation Analysis" staff report

ORDINANCE No. 3043

BY: ALD. GEHL

An Ordinance Fixing the Salary and Wage Ranges, Salaries, Wages, and Allowances of Certain Full-Time and Part-Time Non-Represented Positions for the Year 2022

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

Section 1: Full-Time Salary and Wages. An ordinance to make uniform the rates of pay for certain offices and positions under the control of the Common Council of the City of Oak Creek affecting full-time and part-time non-represented employees for the year 2022. The proper City Officials are hereby authorized and directed to make the required payments to those affected employees of the City pursuant to this ordinance.

The pay ranges and rates of pay for these positions are listed in Schedule A.

SCHEDULE A - FULL-TIME NON-REPRESENTED EMPLOYEES

Position Title	Department	Salary as of 1/1/2022	Minimum Salary	Midpoint	Maximum Salary
Administrative Support Assistant	Admin. Support	Multiple	\$44,138	\$49,655	\$55,172
Staff Accountant	Finance	Vacant	\$58,240	\$66,976	\$75,712
Dispatch Manager	Police	\$72,056	\$75,920	\$85,410	\$94,900
Dispatch Supervisor	Police	\$61,026	\$69,680	\$78,390	\$87,100
Dispatch - Lead	Police	Multiple	\$61,360	\$69,030	\$76,700
Dispatch - Advanced	Police	Multiple	\$55,120	\$62,010	\$68,900
Dispatch - Entry	Police	Multiple	\$48,880	\$54,990	\$61,100

Section 2: Validity. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions thereof. The Common Council of the City of Oak Creek hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof, may be declared invalid or unconstitutional.

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

Section 4: This ordinance shall take effect and be in force upon its passage and publication and shall apply as of May 29, 2022, except where otherwise noted.

Passed and adopted this 17th day of May, 2022.

President, Common Council

Approved this 17th day of May, 2022.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

PERSONNEL & FINANCE COMMITTEE

Agenda Item:	Consolidated Dispatch - Compensation Analysis
Presented By:	Andrew J. Vickers, City Administrator Maxwell Gagin, Assistant City Administrator / Comptroller David Stecker, Chief of Police
Suggested Motion:	I move to recommend the Common Council adjusts Consolidated Dispatch positions' salary schedules per City Administration's recommendation.

Background

Public sector work is the work of providing services, not widgets. This dynamic places a huge emphasis on the need for an engaged, fulfilled, and adequately-compensated workforce to perform the public's services. Municipalities cannot automate public service; we need talented people.

Our human capital is and always will be our greatest asset, and as such, recruiting and retaining a talented workforce is our number one priority. The financial and global times we find ourselves in is not one where the public sector is immune. The stressors of inflation, and associated wage growth, erode a standing public sector philosophy that, "the compensation is not as competitive in the public sector in comparison to other sectors, but the fringe benefits far outweigh the compensation disparities".

Oak Creek needs to adapt its compensation and benefits packages to meet the needs of today's workforce in order to recruit and retain a talented workforce. It is true the City's health insurance plan is rich in benefits with low employee premiums, and the Wisconsin Retirement System (WRS) pension is a first-rate defined benefit plan. However, today's workforce views compensation and benefits packages differently. While traditional compensation (i.e. pay) remains a strong attractant, many individuals want to work for organizations that offer a sense of purpose, promote a healthy work-life balance (e.g. robust paid time off, work from home opportunities, flexible schedules, etc.), and support personal well-being, among others.

The public sector is in the midst of a "talent grab" and we seek to mitigate this through retention strategies that address, chiefly, pay structure, but also by examining other progressive workplace philosophies such as those referenced above. Losing staff and being unable to fill positions with qualified individuals ultimately degrades the quality of the programs and services we provide, and the high-performing organization we strive to be. We will learn a lot about what our current workforce values upon reviewing the results of our pending Employee Sentiments Survey. These employee perspectives will inform our workplace policies and philosophies.

The City's adopted Strategic Action Plan (SAP), 2020-2022 contains the objective to "... Undertake a Total Compensation Analysis for Non-Represented Positions to Ensure Competitive in the Market". Over the

past year, the Personnel & Finance Committee has grappled with how best to proceed with a classification and compensation analysis for non-represented positions. The Committee’s direction to City Administration was to analyze and address individual non-represented positions, starting with Police and Fire Department command staff, rather than complete a comprehensive classification and compensation analysis of all non-represented positions.

Since then, City Administration has prioritized classification and compensation analyses for non-represented positions based on the following criteria:

- 1) Positions where vacancies and other workforce disruption would significantly impact City programs and public services; and
- 2) Positions experiencing, or with the potential to experience, the greatest negative impact due to inflation and market conditions. Put another way, positions where current pay falls significantly below market realities.

These analyses will be brought to the Committee at upcoming meetings for their consideration and recommendation to the Common Council. To be clear, though, ALL of the positions in our City organization are CRITICAL to performing the public’s work. While we begin with certain employee groups where the City finds itself least competitive in the marketplace, City Administration stresses again that all of our positions need to be reviewed in the future. And again, pending discussions will not be constrained to just pay structure as staff will bring forward other policies, such as paid leave and flexibles schedules, in the immediate future.

Analysis

The Consolidated Dispatch Center is the main communication center for the cities of Oak Creek and St. Francis, specifically for both municipalities’ public safety agencies. All emergency and non-emergency phone calls, radio communications, and teletypes come through the Consolidated Dispatch Center to allow Oak Creek and St. Francis to provide the professional and timely public safety response service residents, businesses, and visitors expect.

The table below depicts the salary schedule for Consolidated Dispatch personnel as of January 1, 2022:

	Min. Rate	Mid. Rate	Max. Rate
Dispatch Manager	\$34.642	\$35.855	\$37.067
Dispatch Supervisor	\$29.339	\$31.447	\$33.554
Dispatcher - Lead	\$25.791	\$26.678	\$27.564
Dispatcher - Advanced	\$21.653	\$23.722	\$25.791
Dispatcher - Entry	\$21.653	\$21.654	\$21.655

Staff analyzed dispatcher position wages at comparable municipalities in Milwaukee County as well as Kenosha and Racine Counties.

The table below depicts the salary schedule for dispatcher positions at comparable municipalities and counties as of January 1, 2022:

Municipality	Min. Rate	Year 2	Mid. Rate	Year 4	Max. Rate
Franklin	\$25.120	N/A	\$30.020	N/A	\$32.660
Greenfield	\$25.900	\$26.700	\$27.540	\$28.340	\$29.280
Kenosha County	\$22.240	N/A	\$25.210	N/A	\$28.180
Racine County	\$28.080	N/A	\$32.350	N/A	\$37.720
South Milwaukee	\$20.820	N/A	\$23.780	N/A	\$26.740
Average Hourly Wage	\$24.432	N/A	\$27.780	N/A	\$30.916

Municipality	Min. Rate	Mid. Rate	Max. Rate
Oak Creek (Current)	\$21.655	\$25.791	\$27.560
Amount Above / (Below) Average Wage	(\$2.777)	(\$1.989)	(\$3.356)
% Above / (Below) Average Wage	-11%	-7%	-11%

Of note, Oak Creek’s entry-level dispatcher is 11% below the average minimum wage rate for similar positions in comparable municipalities and counties. Further, Oak Creek’s advanced-level dispatcher is 7% below the average midpoint wage rate for similar positions in comparable municipalities and counties. Further, Oak Creek’s lead-level dispatcher is 11% below the average maximum wage rate for similar positions in comparable municipalities and counties.

Recommendation

City Administration recommends adjusting the Consolidated Dispatch personnel’s salary schedule as depicted below, effective on the next full pay period following Common Council ratification.

	Min. Rate	Mid. Rate	Max. Rate
Dispatch Manager	\$36.500	\$41.063	\$45.625
Dispatch Supervisor	\$33.500	\$37.688	\$41.875
Dispatcher - Lead	\$29.500	\$33.188	\$36.875
Dispatcher - Advanced	\$26.500	\$29.813	\$33.125
Dispatcher - Entry	\$23.500	\$26.438	\$29.375

If the Committee and Common Council concur with the proposed adjustments to the Consolidated Dispatch positions’ salary schedules, all employees would be brought up to the proposed rate in the table below:

	Current Rate	Proposed Rate	1/1/2023 Rate	Variance	
				Amount	%
Dispatch Manager	\$34.642	\$38.000	\$38.950	\$4.308	12.4%
Dispatch Supervisor	\$29.339	\$35.000	\$35.875	\$6.536	22.3%
Dispatcher - Lead	\$27.560	\$31.000	\$31.775	\$4.215	15.3%
Dispatcher - Advanced	\$25.791	\$28.000	\$28.700	\$2.909	11.3%
Dispatcher - Entry	\$21.655	\$25.000	\$25.625	\$3.970	18.3%

Municipality	Min. Rate	Mid. Rate	Max. Rate
Oak Creek (Proposed)	\$25.000	\$28.000	\$31.000
Amount Above / (Below) Average Wage	\$0.568	\$0.220	\$0.084
% Above / (Below) Average Wage	2%	1%	0%

The proposed salary schedule adjustments will ensure the Consolidated Dispatch personnel's wages remain competitive in the public marketplace. However, it does come with an additional, unbudgeted cost for 2022 and the need for additional levy support in the 2023 budget.

The tables below depict how Consolidated Dispatch personnel's wage adjustment would impact the 2022 and 2023 budgets:

2022 Budget	2023 Budget		
	Market Adjust	COLA	TOTAL
\$105,952	\$172,345	\$31,174	\$203,518

City Administration proposes to fund the unbudgeted 2022 cost and 2023 budgeted amount through the strategic use of \$275,000 of a healthy General Fund surplus from FY ending 2021.

Revenues	2021 Actual	2022 Projection	2023 Budget	2024 Budget
Property Tax Levy	\$ 1,437,760	\$ 1,521,979	\$ 1,623,738	\$ 1,725,497
St. Francis Contract - Fixed	264,648	269,941	275,340	280,847
St. Francis Contract - Reimbursables	29,469	30,000	30,000	30,000
Transfer In (GF Surplus)	275,000	-	-	-
All Other Items	98	-	-	-
Total Revenues	\$ 2,006,975	\$ 1,821,920	\$ 1,929,078	\$ 2,036,344
Expenditures by Category				
Direct Employee Costs	\$ 1,656,638	\$ 1,791,911	\$ 1,889,477	\$ 1,936,714
All Other Items	87,312	143,201	143,201	143,201
Total Expenditures	\$ 1,743,950	\$ 1,935,112	\$ 2,032,678	\$ 2,079,915
Excess (Deficit)	\$ 263,025	\$ (113,192)	\$ (103,600)	\$ (43,571)
Fund Balance - Beginning of Year	\$ 88,076	\$ 351,101	\$ 237,909	\$ 134,309
Fund Balance - End of Year	\$ 351,101	\$ 237,909	\$ 134,309	\$ 90,738

Specifically, the allocation of \$275,000 of General Fund surplus from 2021 would allow us to absorb the additional cost of the wage adjustment for 2022 and then phase in the \$203,518 of additional levy needed for Consolidated Dispatch over two years – 2023 and 2024. There are several benefits to phasing in the additional levy needed to fund Consolidated Dispatch personnel's wage adjustments:

- The City will have an additional \$101,759 of levy capacity available for other position (not related to Dispatch) market adjustments and/or cost-of-living adjustments (COLA's) in the 2023 budget.
- The City's dispatch services contract with St. Francis ends December 31, 2024. Any successor dispatch services contract with St. Francis will result in a more equitable cost share among the two municipalities.
- Oak Creek and South Milwaukee officials recently met to discuss the potential of providing dispatch services to South Milwaukee beginning in 2025. The addition of another partner will help spread Consolidated Dispatch costs among an increased number of municipalities.

Prepared and Respectfully Submitted:



Andrew J. Vickers, MPA
City Administrator



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller



David Stecker
Chief of Police

PERSONNEL & FINANCE COMMITTEE

Agenda Item:	Administrative Support Assistant (ASA) - Compensation Analysis
Presented By:	Andrew J. Vickers, City Administrator Maxwell Gagin, Assistant City Administrator / Comptroller
Suggested Motion:	I move to recommend the Common Council adjusts the ASA position's salary schedule per City Administration's recommendation.

Background

Public sector work is the work of providing services, not widgets. This dynamic places a huge emphasis on the need for an engaged, fulfilled, and adequately-compensated workforce to perform the public's services. Municipalities cannot automate public service; we need talented people.

Our human capital is and always will be our greatest asset, and as such, recruiting and retaining a talented workforce is our number one priority. The financial and global times we find ourselves in is not one where the public sector is immune. The stressors of inflation, and associated wage growth, erode a standing public sector philosophy that, "the compensation is not as competitive in the public sector in comparison to other sectors, but the fringe benefits far outweigh the compensation disparities".

Oak Creek needs to adapt its compensation and benefits packages to meet the needs of today's workforce in order to recruit and retain a talented workforce. It is true the City's health insurance plan is rich in benefits with low employee premiums, and the Wisconsin Retirement System (WRS) pension is a first-rate defined benefit plan. However, today's workforce views compensation and benefits packages differently. While traditional compensation (i.e. pay) remains a strong attractant, many individuals want to work for organizations that offer a sense of purpose, promote a healthy work-life balance (e.g. robust paid time off, work from home opportunities, flexible schedules, etc.), and support personal well-being, among others.

The public sector is in the midst of a "talent grab" and we seek to mitigate this through retention strategies that address, chiefly, pay structure, but also by examining other progressive workplace philosophies such as those referenced above. Losing staff and being unable to fill positions with qualified individuals ultimately degrades the quality of the programs and services we provide, and the high-performing organization we strive to be. We will learn a lot about what our current workforce values upon reviewing the results of our pending Employee Sentiments Survey. These employee perspectives will inform our workplace policies and philosophies.

The City's adopted Strategic Action Plan (SAP), 2020-2022 contains the objective to "... Undertake a Total Compensation Analysis for Non-Represented Positions to Ensure Competitive in the Market". Over the

past year, the Personnel & Finance Committee has grappled with how best to proceed with a classification and compensation analysis for non-represented positions. The Committee's direction to City Administration was to analyze and address individual non-represented positions, starting with Police and Fire Department command staff, rather than complete a comprehensive classification and compensation analysis of all non-represented positions.

Since then, City Administration has prioritized classification and compensation analyses for non-represented positions based on the following criteria:

- 1) Positions where vacancies and other workforce disruption would significantly impact City programs and public services; and
- 2) Positions experiencing, or with the potential to experience, the greatest negative impact due to inflation and market conditions. Put another way, positions where current pay falls significantly below market realities.

These analyses will be brought to the Committee at upcoming meetings for their consideration and recommendation to the Common Council. To be clear, though, ALL of the positions in our City organization are CRITICAL to performing the public's work. While we begin with certain employee groups where the City finds itself least competitive in the marketplace, City Administration stresses again that all of our positions need to be reviewed in the future. And again, pending discussions will not be constrained to just pay structure as staff will bring forward other policies, such as paid leave and flexibles schedules, in the immediate future.

Analysis

The Administrative Support Services Division supports the programs, services, and personnel of other Department and Divisions. The Division is led by the Administrative Support Manager and staffed with six full-time ASAs, four part-time ASAs, and an Office Assistant. The Division is committed to providing exemplary customer service to various Departments as well as the general public through inquiries directed to the City Hall and Library. The ASAs are integral to the workflow and productivity of City government.

The table below depicts the ASA salary schedule as of January 1, 2022:

	Min. Rate	Mid. Rate	Max. Rate
ASA	\$16.325	\$17.552	\$18.768

Staff analyzed administrative/office assistant position wages at comparable municipalities in Milwaukee County as well as those included in the City of West Bend's classification and compensation study results released in February 2022. West Bend's classification and compensation study findings are included in this analysis as Franklin, Greenfield, Menomonee Falls, New Berlin, Oak Creek, and Wauwatosa are all comparable municipalities who supplied data to develop the study's recommended market rates.

The table below depicts the salary schedule for administrative/office assistant positions at comparable municipalities as of January 1, 2022:

Municipality	Min. Rate	Year 2	Mid. Rate	Year 4	Max. Rate
Franklin	\$20.650	N/A	\$24.680	N/A	\$26.840
Greenfield	\$22.220	\$22.680	\$23.040	\$23.390	\$23.910
South Milwaukee	\$18.680	N/A	\$21.345	N/A	\$24.010
West Allis	\$18.970	N/A	\$22.495	N/A	\$26.020
West Bend (C&C Study)	\$19.210	N/A	\$22.090	N/A	\$25.930
Average Hourly Rate	\$19.946	N/A	\$22.730	N/A	\$25.342

Municipality	Min. Rate	Mid. Rate	Max. Rate
Oak Creek (Current)	\$16.325	\$17.552	\$18.768
Amount Above / (Below) Average Wage	(\$3.621)	(\$5.178)	(\$6.574)
% Above / (Below) Average Wage	-18%	-23%	-26%

Of note, Oak Creek's ASA minimum wage rate is 18% below the average minimum wage rate for similar positions in comparable municipalities. Further, the ASA maximum wage rate is 26% below the average maximum wage rate for similar positions in comparable municipalities.

Recommendation

City Administration recommends adjusting the ASA position salary schedule as depicted below, effective on the next full pay period following Common Council ratification.

Municipality	Min. Rate	Mid. Rate	Max. Rate
Oak Creek (Proposed)	\$21.220	\$23.873	\$26.525
Amount Above / (Below) Average Wage	\$1.274	\$1.143	\$1.183
% Above / (Below) Average Wage	6%	5%	5%

If the Committee and Common Council concur with the proposed adjustment to the ASA position salary schedule, all employees in ASA positions will be brought up to the minimum wage rate of \$21.22 now, and to \$21.75 on January 1, 2023.

The proposed salary schedule adjustment will ensure the ASA position wages remain competitive in the public marketplace for administrative/office assistant positions. However, it does come with an additional, unbudgeted cost for 2022 and the need for additional levy support in the 2023 budget.

The tables below depict how the ASA wage adjustment would impact the 2022 and 2023 budgets:

	Current Max. Rate	Proposed Min. Rate	1/1/2023 Rate	Increase	
				Amount	%
ASA	\$18.768	\$21.220	\$21.751	\$2.983	15.9%

2022 Budget	2023 Budget			TOTAL
	Market Adjust	COLA	Office Asst.	
\$29,923	\$51,843	\$9,679	(\$18,966)	\$42,557

For 2022, the estimated unbudgeted cost of \$29,923 can be absorbed in the Administrative Support Services Division’s budget as there are vacant full-time ASA and part-time Office Assistant positions.

For 2023, City Administration recommends elimination of the vacant Office Assistant position to offset a portion of the market adjustment and anticipated cost-of-living-adjustment (COLA) to be incorporated into the 2023 budget. The Office Assistant position is a long-term vacancy held open for the past few years should the Administrative Support Services Division need additional resources to handle increased workload in the future. The Administrative Support Manager shares that the Division has not experienced increased workload, and actually has realized efficiencies in recent years as many manual processes and in-person customer interactions are now conducted electronically; many prompted by the COVID-19 pandemic. As such, the Administrative Support Manager is comfortable with the elimination of the Office Assistant position and reinvestment of funds into existing, fully-trained ASAs as a means to increase staff retention, boost morale, and attract qualified candidates as vacancies arise in the future.

The additional levy capacity needed in the 2023 budget to fund the cost increase for the ASA position market adjustment and 1/1/2023 COLA is estimated at \$51,813. The City has the ability to fund this market adjustment and anticipated COLAs in the 2023 budget based on current capacity in the 2022 budget (~\$210,000 in unallocated wage capacity) and preliminary net new construction figures that will provide additional levy limit capacity of approximately \$700,000 for 2023.

Prepared and Respectfully Submitted:



Andrew J. Vickers, MPA
City Administrator



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller



PERSONNEL & FINANCE COMMITTEE

- Agenda Item:** Staff Accountant - Compensation Analysis
- Presented By:** Maxwell Gagin, Assistant City Administrator / Comptroller
- Suggested Motion:** I move to recommend the Common Council adjusts the Staff Accountant position’s salary schedule per City Administration’s recommendation.

Background

In August of 2021, the City’s Assistant Comptroller left the organization for employment with another municipality. Shortly thereafter, the Staff Accountant was promoted to the Assistant Comptroller on an interim basis as recognition of the additional duties and responsibilities assumed by this individual. This individual excelled in her interim role and promoted to position permanently in November of 2021.

The Finance Department began recruiting for the next Staff Accountant beginning in January 2022. The first recruitment yielded six candidates, of which three met the minimum qualifications. Staff interviewed three candidates and were underwhelmed with all of the interviews. A second recruitment yielded nine candidates, of which one candidate met the minimum qualifications. Given the lack of qualified candidates in the second recruitment, we will not be pursuing interviews at this time.

Analysis

The Staff Accountant is an integral member of the Finance Department with the following essential duties:

- Responsible for the City’s accounts payable process;
- Monitors accounts receivables and receipts to ensure proper recording of revenues;
- Prepares journal entries and/or account reconciliations;
- Assists with the annual audit; and
- Provides support during the annual budget process.

The Staff Accountant job description lists the minimum qualifications as a Bachelor’s degree in accounting, finance, business, or a related field and two years of experience, preferably in municipal accounting.

The table below depicts the Staff Accountant salary schedule as of January 1, 2022:

	Min. Rate	Mid. Rate	Max. Rate
Accountant	\$21.590	\$24.555	\$27.520

Staff analyzed the Staff Accountant position’s wages at comparable municipalities in Milwaukee County as well as those included in the City of West Bend’s classification and compensation study results released in February 2022. West Bend’s classification and compensation study findings are included in this analysis as Franklin, Greenfield, Menomonee Falls, New Berlin, Oak Creek, and Wauwatosa are all comparable municipalities who supplied data to develop the study’s recommended market rates.

The table below depicts the salary schedule for Accountant positions at comparable municipalities as of January 1, 2022:

Municipality	Min. Rate	Mid. Rate	Max. Rate
Franklin	\$25.120	\$30.020	\$32.660
Greenfield	\$28.940	\$31.080	\$33.210
South Milwaukee	N/A	N/A	N/A
West Allis	\$25.260	\$29.950	\$34.640
Wauwatosa	\$26.060	\$30.900	\$35.730
West Bend (C&C Study)	\$28.860	\$33.190	\$38.960
Average Hourly Rate	\$26.848	\$31.028	\$35.040

Municipality	Min. Rate	Mid. Rate	Max. Rate
Oak Creek (Current)	\$21.590	\$24.560	\$27.520
Amount Above / (Below) Average Wage	-\$5.258	-\$6.468	-\$7.520
% Above / (Below) Average Wage	-24%	-26%	-27%

Of note, Oak Creek’s Staff Accountant position is below the minimum, midpoint, and maximum wage of all comparable municipalities. The Staff Accountant’s minimum wage is 24% less than the average minimum wage, 26% less than the average midpoint wage, and 27% less than the average maximum wage.

Recommendation

The Assistant City Administrator/Comptroller recommends adjusting the Staff Accountant position’s salary schedule as depicted below, effective on the next full pay period following Common Council ratification.

Municipality	Min. Rate	Mid. Rate	Max. Rate
Oak Creek (Recommended)	\$28.000	\$32.200	\$36.400
Amount Above / (Below) Average Wage	\$1.152	\$1.172	\$1.360
% Above / (Below) Average Wage	4%	4%	4%

The proposed salary schedule adjustment will ensure the Staff Accountant position’s wages remain competitive in the public marketplace for Accountant positions. However, it does come with an additional, unbudgeted cost for 2022 and the need for additional levy support in the 2023 budget.

The tables below depict how the Staff Accountant wage adjustment would impact the 2022 and 2023 budgets:

	Current Max. Rate	Anticipated Starting Rate	1/1/2023 Rate	Increase	
				Amount	%
Accountant	\$27.520	\$31.000	\$31.775	\$4.255	15.5%

2022 Budget	2023 Budget		
	Market Adjust	COLA	TOTAL
\$6,535	\$13,360	\$1,515	\$14,875

For 2022, the estimated unbudgeted cost of \$6,535 can be absorbed in the Finance Department's budget as the position has been vacant since the beginning of the year.

For 2023, the additional levy capacity needed to fund the marginal cost increase for the Staff Accountant position's market adjustment and 1/1/2023 COLA is estimated at \$14,875. The City has the ability to fund this market adjustment and anticipated COLA in the 2023 budget based on current capacity in the 2022 budget (~\$210,000 in unallocated wage capacity) and preliminary net new construction figures that will provide additional levy limit capacity of approximately \$700,000 for 2023.

Prepared and Respectfully Submitted:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

COMMON COUNCIL REPORT

Item: 2022-23 Official Newspaper

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

Fiscal Impact: Funds to cover the cost of the official notices in 2022 have been budgeted in the General Government-Legal Notices Account.

In the past twelve months, these publications have amounted to a total cost of \$18,867.80. This amount is a decrease of \$946.49 from the prior 12 month period.

It should be noted that as of 1/1/2022, the City expects to recoup public hearing publication costs as a result of the most recent fee resolution (adopted in December, 2021), which are now being billed to the applicant where applicable.

Critical Success Factor(s):

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

Background: As a third class city, one of the state requirements we have is an annual bid process for an official City newspaper. An official notice was published on March 30, 2022, inviting bids to be publicly opened at noon on May 3, 2022.

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

2022 rates are listed below and show no increase from 2021 rates.

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

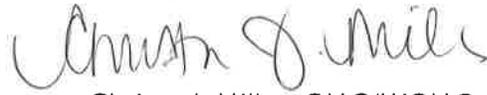
Options/Alternatives: None.

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: 2022-23 Billing totals; 2022 Invitation for Bid

South NOW

Billing totals for required publications

2021	
Jan	\$547.10
Feb	\$2,814.50
Mar	\$1,284.94
Apr	\$1,959.32
May	\$1,688.84
June	\$1,666.78
July	\$381.61
Aug	\$1,836.26
Sept	\$1,775.83
Oct	\$1,501.92
Nov	\$1,722.80
Dec	\$1,376.20
	\$18,556.10

2022	
Jan	\$1,468.68
Feb	\$1,063.30
Mar	\$1,771.72
Apr	\$2,613.86
	\$6,917.56

12 months total:	\$18,867.80
Previous 12 months total:	\$19,814.29
Increase / Decrease:	-\$946.49

Public Hearing Bill Back Amount through 4/2022 \$2,005.96



April 4, 2022

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

Invitation for Bid – 2022

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

Name of Type: Arial Classified

Type size: 6

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

Display Rates, per column inch:

1st Insertion: \$6.14

Subsequent Insertion: \$4.85

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

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

Dates of Publication: Every Wednesday

Deadline for Display advertisement is Tuesday week prior by 2 pm

Deadline for Liner advertisement is prior Thursday 5pm (system deadline – please submit in time to allow for processing and proofing)

Vendor: SOUTH NOW

Authorized Signature: /s/ Tara Hamm

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

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

Telephone: 414-224-2121

Fax: 877-943-0443

Email: MJS-legal@gannett.com

Publish 3/30/2020

****CITY OF OAK CREEK****

**NOTICE TO BIDDERS
OFFICIAL CITY NEWSPAPER**

The Common Council of the City of Oak Creek hereby gives notice that written, sealed proposals to serve as the Official City Newspaper for the City of Oak Creek, pursuant to S. 985.06, Wis. Stats., from May 1, 2022, through April 30, 2023, must be received by **the City Clerk at 8040 S. 6th Street, Oak Creek, Wisconsin**, no later than 12:00 noon on Tuesday, May 3, 2022, at which time the City Clerk shall, in the presence of the Mayor, an Alderperson, or their designee, publicly open and read the bids. The Official City Newspaper shall publish in English the Common Council proceedings and the City's legal notices. Only bids from a daily or weekly newspaper published in the City of Oak Creek, which are eligible under S. 985.03, Wis. Stats., shall be eligible to serve as the Official City Newspaper. The security required for such bid is a certified check or bank draft payable to the Oak Creek City Treasurer or a satisfactory bid bond in an amount not less than \$1,000.00 for any qualified bidder that has not previously served in the capacity of the City's official newspaper.

Dated this 23rd day of March, 2022.

/s/ Catherine A. Roeske
Catherine A. Roeske
City Clerk



COMMON COUNCIL REPORT

- Item:** Project rejection for the Forest Hill Manor Water Relay Project
- Recommendation:** That the Council consider a motion to reject all bids for the Forest Hill Manor Water Relay project.
- Fiscal Impact:** The 2022 Capital Improvement Projects budgeted \$700,000 to the Forest Hill Manor Water Relay project. (Project No. 22101)
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: This project will replace the existing 2,250 LF of 1960 6" cast iron pipe with an 8" PVC main and 290 LF of 8" 1962 cast iron pipe with 8" PVC main. There have been 31 breaks on this section of main over the years. This project will impact 41 homes. The Utility has worked with Engineering to schedule the surfacing of the roads with this project in the annual paving project next year. The cost of the surfacing will be split between the City and the Utility. We will rebid this project late this fall for construction next spring.

Contractor	Bid
A.W. Oakes	\$866,823.00
Globe	\$877,131.60
American Sewer Services	\$892,069.30
Willkomm	\$893,052.40

Options/Alternatives: The contract could be awarded and the budget amended to complete the project this year.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Brian L. Johnston, PE
Utility Engineer

Fiscal Review:

Derrick Danner
Accounting Manager

Approved:

Michael J. Sullivan, PE
General Manager

COMMON COUNCIL REPORT

Item: Broadacre Development Agreement

Recommendation: That the Common Council adopts Resolution No. 12331-051722 approving the Broadacre Development Agreement with Broadacre Oak Creek, LLC for the design and construction of public improvements for the development located at 441 W. Ryan Road (Tax Key No. 906-9028-001) (Project Nos. 22053 and 22054) (5th District).

Fiscal Impact: Developer will be responsible for their established share of the costs related to the work covered under this Development Agreement.

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: Broadacre Oak Creek, LLC has proposed developing lands at 441 W. Ryan Road. This Development Agreement establishes the developer's responsibilities and obligations for the installation of the public and private infrastructure and storm water management required for a functional site development. The public infrastructure includes water main and extension of Eagles Summit Drive. The extension of Eagles Summit Drive will terminate in a cul-de-sac at the south property line and include water main, storm sewer, street lighting, curb & gutter and asphalt pavement. The agreement also includes private interceptor sanitary sewer as this requires all the strict specifications, approvals and inspection needs of public sanitary sewer. The agreement outlines that the design and construction of these facilities will be in accordance with all City and other applicable local and state codes, and that they will be inspected by the City during construction and funded by the developer.

Options/Alternatives: If the Development Agreement is not approved the public improvements would not be permitted to be installed and the site would remain in its current undeveloped state.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Ashley Kiepczynski, PE
Assistant City Engineer

Fiscal Review:

Maxwell Gagin

Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Approved:

Matthew J. Sullivan

Matthew J. Sullivan, PE
City Engineer

Attachments: Broadacre Development Agreement, Resolution 12331-051722

RESOLUTION NO. 12331-051722

BY: _____

**RESOLUTION APPROVING THE
BROADACRE DEVELOPMENT AGREEMENT**

TAX KEY NO. 906-9028-001

(5TH ALDERMANIC DISTRICT)

WHEREAS Chapter 14 of the City of Oak Creek Municipal Code requires that a Development Agreement be entered into prior to the required public improvements being installed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek that the Development Agreement, attached hereto and incorporated herein by reference, by and between BROADACRE OAK CREEK, LLC and the CITY OF OAK CREEK, is hereby approved.

BE IT FURTHER RESOLVED that any necessary technical corrections to the Development Agreement that are approved by the City Engineer and City Attorney are hereby authorized.

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

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of May, 2022.

Passed and adopted this 17th day of May, 2022.

Kenneth Gehl, Common Council President

Approved this 17th day of May, 2022.

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

THE BROADACRE
DEVELOPMENT AGREEMENT
Document Title

Document Number

Recording Area

Name and Return Address:
Douglas W. Seymour, Director
Department of Community
Development
8040 South 6th Street
Oak Creek, WI 53154

906-9028-001

Parcel Identification Number (PIN)

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the ___ day of _____, 2022 (the "Effective Date"), by and between Broadacre Oak Creek, LLC, a Wisconsin limited liability company, hereinafter referred to as the "Developer", and the City of Oak Creek, hereinafter referred to as the "City", each a "Party" or a "party" and both the "Parties" or the "parties".

WITNESSETH:

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

Parcel 2 of Certified Survey Map No. 7361 recorded in the office of the Register of Deeds for Milwaukee County on January 15, 2004 as Document No. 8717697 except N 5 FT conveyed to Wisconsin Department of Transportation in Document No. 10319022 for Street Purposes all being part of the Northeast 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County:

Said lands contain 469,753 square feet or 10.784 acres, hereinafter called the "Property";
and

WHEREAS, the Developer has submitted a development plan titled "Broadacre", Tax Key No. 906-9028-001, encompassing the hereinabove described lands in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City Municipal Code for the purpose of developing a multifamily residential development consisting of Two (2) – 33 Unit buildings, Two (2) – 26 Unit buildings, and One (1) clubhouse with amenities consistent with Exhibit C attached hereto and incorporated by reference, hereinafter called the "Development "; and

WHEREAS, the development plan was conditionally approved by the City Plan Commission as required by law, subject, however, to the Developer entering into an agreement with the City relative to certain undertakings and/or actions to be performed by the Developer prior to final approval of the Development by the City; and

WHEREAS, Sec. 236.13(2)(a), Wis. Stats., and Chapter 14 of the City Municipal Code provide that, as a condition of approval, the City Common Council may require that the Developer make and install any public improvements reasonably necessary for the Development; and

WHEREAS, Developer will submit to the City final engineering plans which, when approved by the City, shall set forth the final plans and specifications of the improvements necessary for the Development; and

WHEREAS, the City's Capital Improvement plan and budget does not now include funds necessary to install improvements for the Development; and

WHEREAS, the City believes that the orderly, planned development of the Property will best promote the health, safety and general welfare of the community, and hence is willing to approve the Development providing that the Developer agrees to undertake and assume certain obligations and conditions as hereinafter described.

NOW, THEREFORE, in consideration of the payment of \$1.00, and in consideration of the mutual covenants listed below, the parties agree:

1. Final Engineering Plans. Any reference herein to "Final Engineering Plans" shall mean those certain engineering plans prepared by JSD Professional Services, Inc. with the latest revision date, to be approved and signed by the City Engineer.
2. Existing Improvements. The Development is served and will benefit by the existing sanitary sewer and water main as installed within W. Ryan Road and Eagles Summit Drive.

3. Project Construction Sequence. The proposed development will be constructed in its entirety as shown generally in Exhibit C. Before construction of improvements commences, including building construction, the Developer must receive the City Engineer's written approval to proceed, which approval shall not be unreasonably withheld, delayed, or conditioned, for all public infrastructure, grading and drainage, erosion control, MMSD and DNR approval (except as otherwise set forth or limited herein), for the entire development. Sequencing related to construction of certain improvements as specified below.
- A. All site utility work will be continuous and not phased.
 - B. The clubhouse, stepped water feature/splash pad (subject to design modifications as determined by Developer in its reasonable discretion), and public extension of Eagles Summit Drive shall be constructed as part of the initial phase of the development. The clubhouse and amenities shall be completed prior to or concurrent with the issuance of occupancy permits for any residential buildings.
 - C. The foundations for buildings, as shown generally on Exhibit C, may be constructed once the Developer has acquired a footings and foundation permit from the City and 12-foot wide temporary gravel access has been constructed to each building pad that shall be maintained and unimpeded.
 - D. The water main and fire hydrant system deemed necessary and approved by the City Engineer and Fire Chief shall be constructed and approved prior to the storage of any combustible materials on site and/or the building construction proceeding above grade.
 - E. The temporary access for emergency equipment shall be installed by the developer and approved by the Fire Chief prior to the storage of any combustible materials on site and/or the building construction proceeding above grade for the site.
 - F. Sanitary sewer and storm sewer mains deemed necessary and approved by the City Engineer shall be designed and constructed as provided by this Agreement and Exhibit A, and certified complete and approved by the City Engineer prior to building construction proceeding above grade for the site.
 - G. Eagles Summit Drive, as shown generally on Exhibit C, shall be constructed to asphalt binder grade as depicted on Exhibit D prior to building construction proceeding above grade for the site. The road shall be paved as per this Agreement and approved by the City Engineer and Fire Chief prior to issuance of individual occupancy permits for the buildings.
 - H. The private pavement and sidewalk as shown on Exhibit C shall be designed and

constructed prior to issuance of individual occupancy permits for the buildings in.

4. Deferred Special Assessments – There are no outstanding special assessment payments required for this Agreement. Developer shall also sign the Waiver of Special Assessment Notice and Hearing attached at Exhibit B.
5. Bike Path and Impact Fees - A bike path acquisition fee of \$50.00 per parcel or dwelling unit, as applicable, is required of all residential developments. The impact fees established for the City under Ordinance 2562 shall also apply to this development. The Developer agrees to pay the \$50.00 bike path fee and the appropriate impact fees, per dwelling unit, created by this Development, at the time a building permit is issued.
6. Conditions and Time Period to Install Improvements - Except as otherwise provided in this Agreement, the Developer, at its expense, shall, upon receipt of the notice to proceed from the City, complete the Public Improvements in accordance with the requirements set forth in Exhibit A and as set forth in the Final Engineering Plans.
 - A. “Public Improvements,” which hereinafter may also be called the “Improvements”, shall include the following;
 - 1) All required work for water main, storm sewer, street lighting, curb and gutter, stone base and asphalt pavement within the public right of way and public easements for the temporary cul de sac for Eagles Summit Drive;
 - 2) All work necessary to connect water main loop within the Property into the watermain in West Ryan Road / STH 100 right of way, as generally identified on the site plan attached hereto at Exhibit E; and
 - 3) All water main and appurtenances contained in public easements within the Property, excluding private water laterals, all as generally identified on the site plan attached hereto at Exhibit E.
 - B. The Developer shall, without charge to the City and upon certification by the City Engineer, unconditionally grant and fully dedicate all Public Improvements along W. Ryan Road and Eagles Summit Drive to the City.
 - C. In the event the Developer does not complete the installation of the Improvements in accordance with the Final Engineering Plans or the terms of Exhibit A, the City shall, upon written notice to the Developer and the expiration of a reasonable cure period (3 months from certified receipt of notice, to be reasonably extended due to Force Majeure Events, as defined below at Section 20, or other factors beyond Developer’s control), have the authority to complete same and take title to said Improvements. Upon the City's completion thereof, without notice of hearing, the City may impose a special assessment for the reasonable actual cost of said completion upon the Property, payable with the

next succeeding tax roll.

- D. In accordance with Sections 3.200 through 3.222 of the City Municipal Code and under Sections 66.0701 through 66.0733 of the Wisconsin Statutes and other applicable statutory provisions, the City may exercise its power to levy special assessments for the Public Improvements that have not been installed by the Developer.
7. Items Required Prior to installation of Erosion Control - Prior to the commencement of construction consistent with the required erosion control plan, the City Engineer shall ensure:
- A. Approval of all plans required in Paragraph IV of Exhibit A.
 - B. Issuance of erosion control permit.
8. Items Required Prior to start of Site Work - Prior to the commencement of site work, including but not limited to clearing and grubbing, grading, footings and foundations and construction of the approved storm water management facilities, the City Engineer shall ensure:
- A. Approval of all plans required in Paragraph II and III in Exhibit A.
 - B. Developer has issued a notice to proceed to its contractor(s).
 - C. Developer and City have arranged a preconstruction conference.
 - D. All pertinent approvals have been attained from the Milwaukee Metropolitan Sewerage District for the storm water management plan.
 - E. Developer has attained and provided to the City Engineer the approved Notice of Intent from the Wisconsin Department of Natural Resources.
 - F. Developer has received City approval of the Storm Water Management Plan and Maintenance Agreement.
9. Items Required Prior to start of Private Sanitary Sewer and Public Infrastructure Construction - Prior to the commencement of construction of private sanitary sewer and public infrastructure construction, the City Engineer shall ensure:
- A. Approval of all plans required in Exhibit A.
 - B. Developer has issued a notice to proceed to its contractor(s).
 - C. Developer and City have arranged a preconstruction conference.

- D. All pertinent approvals have been obtained from the Milwaukee Metropolitan Sewerage District and the State of Wisconsin Department of Natural Resources. The review and approval of sanitary sewer and water main plans by the City (and its Utility), MMSD and WDNR occur independently. Approvals are based in part on each system's ability to handle the proposed additional sanitary sewer waste flows.
 - E. Developer has arranged for the City to inspect the proposed construction of the public infrastructure and private sanitary sewer main.
 - F. Developer has received City approval of the Storm Water Management Plan and Maintenance Agreement.
 - G. City has issued a footings and foundation permit prior to building construction proceeding above grade for the site.
10. Intentionally Deleted.
11. Reimbursement of Costs - The Developer shall, within forty-five (45) days of receipt of an itemized invoice, reimburse the City for all reasonable and outstanding fees, expenses, costs, and disbursements which were incurred by the City for the design, review, construction, inspection, dedication, administration, enforcement, or acceptance of the Improvements. In addition, the Developer shall provide copies of lien waivers from all contractors, material suppliers, or consultants who performed work or supplied materials for the Public Improvements.
12. Workmanship Guarantee - Developer shall guarantee each of the Public Improvements which are constructed by the Developer, against defects due to faulty materials or workmanship, for a period of one (1) year from the date of dedication of the Public Improvements (the "Guarantee Period"). Pursuant to Paragraph 14.B., the Developer shall establish a security deposit in the amount of 10% of total construction costs of the Public Improvements, to cover the foregoing obligations of the Developer during the Guarantee Period. The maintenance obligations regarding the private internal streets are the Developer's responsibility (or the responsibility of the Developer's assignee or successor) in perpetuity. The maintenance obligations of the City regarding the public streets that comprise the Public Improvements shall begin upon expiration of the Guarantee Period. Until that time, responsibility for the public streets that comprise the Public Improvements will be assigned as follows:
- A. Pavement maintenance caused by the construction activities, including any repairs and street sweeping, shall be the Developer's responsibility. Snow plowing along Eagles Summit Drive shall be the City's responsibility. Snow plowing along W. Ryan Road/STH 100 shall be Milwaukee County's responsibility.

- B. If street repairs and/or street sweeping which are the responsibility of the Developer are not satisfactorily performed by the Developer, within 30 days after written notice from the City for street repairs and within one (1) day after written notice from the City for street sweeping, to so perform (subject to delays beyond the reasonable control of the Developer and delays caused by the City), the City shall perform such with its own forces or hired contractors and charge the Developer accordingly for actual manpower, equipment and materials, plus 10% administration and overhead. Developer's responsibility with respect to the public streets that comprise the Public Improvements shall terminate upon approval of the building occupancy.
13. Hold Harmless – The Developer shall indemnify and save harmless the City, its officers, agents and employees (the "City Parties"), from all liability claims, loss, damages, interest, actions, suits, judgments, costs, expenses, attorney's fees (collectively, "Loss"), incurred by the City Parties, to the extent caused by the negligent construction or maintenance of improvements by the Developer pursuant to the terms of this Agreement, the violation of any law or ordinance, the infringement of any patent, trademark, trade name or copyright, and the use of road improvements prior to their formal dedication to the City as provided in Paragraph 4 hereof, except to the extent such Loss is caused in whole or in part by the negligence or willful misconduct of any of the City Parties.
14. Financial Guarantees and Billing
- A. No letter of credit or bond is required under this Agreement.
- B. Security Deposit - Prior to and as a condition of Final Engineering Plan approval, the Developer shall deposit the sum of money in cash or certified check as required under Paragraph 12 with the City as the Security Deposit (hereinafter referred to as "Collateral"), to secure the prompt, full and faithful performance by Developer of each and every provision of this Agreement and all obligations of the Developer hereunder. The City is not required to hold the Collateral in any special or trust account, but may commingle the Collateral with other funds of the City. Interest shall be paid to the Developer on the Collateral. If the Developer fails to perform any of its obligations hereunder following the expiration of any applicable notice and cure period, the City may use, apply or retain the whole or any part of the Collateral together with interest therein, if any, for payment of: (a) Sums of money due from the Developer under this Agreement; (b) Any sum expended by the City on the Developer's behalf in accordance with this Agreement; and/or (c) Any sum which the City may expend or be required to expend by reason of the Developer's default under this Agreement.

The use, application or retention of the Collateral, or any portion thereof, by the City shall not prevent the City from exercising any other right or remedy provided

by this Agreement or by law (it being intended that the City shall not first be required to proceed against the Collateral) and shall not operate as a limitation on any recovery to which the City may otherwise be entitled. If any portion of the Collateral is used, applied or retained by the City for the purposes set forth above, Developer agrees, within ten (10) days after the written demand therefore is made by the City, to deposit cash with the City in an amount sufficient to restore the Collateral to its original amount.

Without limitation as to the obligations secured, the Collateral shall also secure the following specific obligations of the Developer to make to the City:

- 1) Completion of landscaping within public right-of-way, if any, including establishment of vegetative cover.
- 2) Payment of reasonable anticipated in-house administrative and inspection fees with deposit of \$5,000.
- 3) Maintenance of public improvements as described in Paragraph 12.

The City will release to the Developer all funds from the Collateral, including interest, after the Developer fully and faithfully complies with all of the provisions of this Agreement and completes the above-listed items, all to the satisfaction of the City Engineer, which approval shall not be unreasonably withheld, delayed, or conditioned, less amounts, if any previously applied by the City for the obligations secured hereby. If the Developer's obligations hereunder to the City, including but not limited to, costs of the above-enumerated improvements, exceed the amount of the Collateral, the Developer is responsible for payment of the balance to the City within 30 days of billing.

C. Billing - The City shall bill the Developer quarterly as costs are incurred by the City, provided the City must provide the Developer with time sheets and consultant's bills when requested by the Developer. In the event the Developer fails to make payment to the City within forty-five (45) days of billing, interest shall accrue on the unpaid balance at the rate of 15% per annum. The City shall, without notice of hearing, impose a special assessment for the amount of said unpaid costs upon the Property, payable with the next succeeding tax roll.

15. Inspection - The City or its agents shall, at the Developer's cost except as otherwise provided in this Agreement, provide inspection of all of the Improvements outlined in Exhibit A to the Agreement.
16. Easements - The Developer shall acquire and dedicate to the City all public easements and right-of-way necessary to install and maintain Public Improvements required by this Agreement. Permanent easements and deeds, on forms acceptable to the parties, on or through private lands, shall be negotiated and obtained by the Developer, at its

expense.

If at such time parcel 3 of CSM 7361 develops (the undeveloped property to the south), and the sanitary sewer is extended to serve the property, the current property owner of 441 W. Ryan Road shall provide a 25' wide public sanitary sewer easement.

17. Changes to Plans and Specifications – In consultation with Developer and the appropriate parties, the City Engineer may make reasonable changes to the Final Engineering Plans for any Public Improvements which are reasonably necessary to (i) correct oversights, omissions, and errors, (ii) compensate for changing site conditions, or (iii) complete fully the work in accordance with sound engineering practice. Except as otherwise provided in this Agreement, the Developer shall perform the work as changed entirely at its expense without any claim for reimbursement.
18. Notices - If notice is required to City or Developer it may be given by reputable overnight delivery service, prepaid and addressed as follows:

If as to City:	City of Oak Creek Oak Creek City Hall 8040 S. 6th Street Oak Creek, Wisconsin 53154 Attention: City Engineer
With a copy to:	City of Oak Creek Oak Creek City Hall 8040 S. 6th Street Oak Creek, Wisconsin 53154 Attention: City Attorney
If as to Developer:	Broadacre Oak Creek, LLC c/o Revel Asset Management, LLC 325 E. Chicago Street Suite 150 Milwaukee, WI 53202 Attention: Steve Pape
With a copy to:	Husch Blackwell LLP 511 N. Broadway, Suite 1100 Milwaukee, WI 53202 Attention: Joseph F. LaDien

The persons to whom notice should be sent may be changed in writing from time to time by sending notice to the other party as provided herein.

19. Limitation of Liability. Notwithstanding anything to the contrary in this Agreement, neither Developer nor City will not be liable for any indirect, reliance, exemplary, incidental, speculative, punitive, special, consequential or similar damages that may arise in connection with this Agreement.

20. Force Majeure. The parties' obligations hereunder, including the obligation to commence and complete construction by any date, are subject to delays for Force Majeure Events. For purposes of this Agreement, "Force Majeure Events" include Acts of God; material shortages; unreasonable delays by City in approving any matter requiring City approval or in issuing any required permits; delays due to strikes, lockouts, riots, insurrection, war, COVID-19 or pandemic-related illness restrictions, mandates, limitations, or closures; or other reasons of a like nature, or restrictive governmental laws, regulations or orders relating thereto. Therefore, if a Force Majeure Event causes a delay in the performance of any obligation or satisfaction of any condition of this Agreement, then the time of performance of such act by such party shall be extended for a reasonable period of time which is reasonably acceptable to both parties; provided, however, the party whose performance is materially delayed, hindered, or prevented: (a) first gives prompt notice to the other party, and (b) takes all reasonable actions to overcome and cure the condition affecting its performance as expeditiously as possible. The foregoing provision shall apply to all obligations of the parties pursuant to this Agreement.

21. Miscellaneous
 - A. All construction required by this Agreement shall be carried out and performed in a sequence to be mutually agreed to by Developer and the City Engineer.
 - B. Developer shall properly locate and install all survey or other monuments required by State Statute or City Ordinance.
 - C. Recording of this Agreement shall be accepted by the City as adequate provision for the Improvements specified in Chapter 14 of the Municipal Code.
 - D. This Agreement shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto and any and all future owners of the Property or any portion thereof, and their respective heirs, representatives, successors and assigns. Further, Developer may finance any obligations hereunder, and may collaterally assign this Agreement to Developer's construction lender or to other lenders for the Development. In the event that such construction lender or any other lender forecloses on its collateral and succeeds to ownership any portion of the Property, said lender(s) and the City shall fulfill their respective obligations hereunder provided that such construction lender or other lender assumes in writing all of the obligations of Developer hereunder and promptly proceeds with completing the development. Notwithstanding the foregoing, the Developer shall be able to assign its rights

and obligations hereunder with the City's consent.

- E. This Agreement shall be recorded by the City with the Register of Deeds of Milwaukee County.
- F. Upon Developer satisfying all of its obligations under this Agreement, the Common Council of the City of Oak Creek shall adopt a resolution releasing the Developer from the terms of this Agreement.
- G. Developer shall provide specifications in the latest Adobe pdf electronic format.
- H. Developer shall provide all construction plans in the latest Adobe pdf electronic format.
- I. Occupancy permits will be issued upon a building-by-building basis subject to the following items being substantially completed prior to issuance of an occupancy permit for any building within any phase of the development:
 - 1) Asphalt binder course is installed on main access road leading to the building as well as any asphalt that surrounds the building as generally depicted on Exhibit C.
 - 2) The Public Improvements and pavement of Eagles Summit Drive shall be completed and approved by the City Engineer as generally depicted on Exhibit C.
 - 3) Exterior skin of the building is completed.
 - 4) Exterior building mounted lighting is installed on the building.
 - 5) Sidewalks associated with the building have been completed.
 - 6) Final grading around the building is completed.
 - 7) Landscaping around the building is completed. Notwithstanding the foregoing, in the event landscaping is not completed at time of occupancy due to winter weather conditions, Developer will make a cash deposit in the amount of \$10,000.00 per building that is occupied without landscaping completed. This deposit will be returned to the Developer upon completion of the landscaping around each building for which the deposit was made. In no event shall landscaping of a building be completed more than one (1) year from the date of issuance of an occupancy for the specific building.
 - 8) Sanitary sewer and storm sewer mains deemed necessary and approved

by the City Engineer shall be designed and constructed as provided by this agreement and Exhibit A and certified complete and approved by the City Engineer prior to issuance of the occupancy permits for the buildings in the specific phase.

- 9) Street lighting and parking lot lighting is completed for the section of each phase of buildings.
- J. This document and all other documents and agreements expressly referred to herein contain the entire agreement between the parties with respect to the matters set forth herein. Any conflict between this Agreement (including all exhibits attached hereto and incorporated herein) and any other documents or agreements expressly referred to herein or any City codes and ordinances or the Final Engineering Plans shall be interpreted such that this Agreement controls, then the City codes and ordinances control, and then the Final Engineering Plans control.
- K. If any provision of this Agreement is found by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision shall be fully severable from this Agreement and this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement and the remaining provisions of this Agreement shall remain fully enforceable in accordance with its remaining terms.
- L. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which when together shall constitute one and the same agreement by and among the parties. This Agreement may only be modified or amended by written agreement duly authorized and signed by City, and Developer, or any future owners of the Property or portions thereof.
- M. The recitals on pages 1 and 2 of this Agreement are true and correct and are hereby incorporated herein by this reference.
- N. All exhibits and other documents attached hereto or referred to herein are hereby incorporated in and shall become a part of this Agreement.
- O. Description headings are for the convenience of the parties only and shall not control or affect the meaning or construction of any provision of this Agreement.
- P. No Third-Party Beneficiaries. This Agreement creates rights and obligations only for the parties hereto and their permitted successors and assigns, except as stipulated in this Agreement. This Agreement is not intended to and does not create any right in any third party, not expressly stated herein.
- Q. Authority. The parties represent that the execution of this Agreement has been

properly authorized and that the persons signing this Agreement have been properly authorized to sign this Agreement on behalf of the parties.

- R. Independent Contractors. Each party to this Agreement is entering into this Agreement on its own behalf and not as agent of the other, and this Agreement shall not be construed to create a partnership or joint venture between the parties, each of which is an independent contractor for the purposes of this Agreement.
- S. Good Faith. Each of the parties hereto shall be subject to the duty of good faith and fair dealings in the implementation, execution and performance of the terms of this Agreement.
- T. Closing Contingency. This Agreement (including all exhibits attached hereto) and all of the parties' respective obligations hereunder are conditioned upon Developer acquiring fee simple title to the Property. If, for any reason, Developer does not acquire fee simple title to the Property, then this Agreement shall automatically terminate, the parties shall have no obligations to each other under this Agreement, and this Agreement shall be of no further force or effect. Additionally, notwithstanding anything to the contrary herein, neither party may record this Agreement or any memorandum thereof against the Property prior to Developer acquiring fee simple title to the Property. Notwithstanding the contingency described in this subparagraph, the parties acknowledge and agree that this Agreement is a binding agreement and enforceable under the terms hereunder and that adequate consideration has been given in exchange for the foregoing contingency.

[Rest of page intentionally left blank. Signatures on following pages.]

EXHIBIT A

CITY OF OAK CREEK CITY ENGINEER'S REPORT THE BROADACRE

I. INTRODUCTION

The detailed standards for the design and construction of all improvements required in this exhibit shall conform to the "City of Oak Creek Engineering Design Manual," adopted by the Common Council on July 18, 1995, and all incorporated amendments thereof, as provided on the Oak Creek Engineering website at the time of City's approval of the improvements.

The following are the general required improvements, plans, and conditions, all of which will be provided with greater specificity on the Final Engineering Plans, which are incorporated herein by reference:

II. GRADING AND DRAINAGE

A. Required Improvements

Design, install, and provide grading of land as necessary to establish a building pad, provide adequate drainage to prevent flooding, accept upstream runoff, and safely discharge runoff downstream to avoid property damage.

B. Plans and Specifications

1. A grading and drainage plan shall be prepared showing 1' contours for both existing and condition and proposed finished floor grades.
2. System plan showing all tributary areas to the proposed site drainage and downstream analysis. Included on the system plan shall be all proposed and existing drainage structures.
3. Building grading plan showing only proposed building grades.
4. Storm water management plan that meets current City Ponding Ordinance requirements along with the MMSD Chapter 13 storm water requirements.
5. As-built grading plan certifying that all grading was performed in accordance with the approved grading and drainage plan. The certification shall be required on property corners, main ditches, and detention ponds; provided that, subject to C.I. below, (i) Developer

may construct the pond(s) concurrently with digging foundations for the Development, and (ii) Developer may implement a mutually acceptable measure to mitigate construction runoff, which shall be at Developer's cost and expense. The plan shall be prepared by a consulting engineer, selected by and reimbursed by the Developer. The grade tolerances for approval are as follows:

- a. $\pm 0.1'$ grade tolerance of the approved proposed grade with topsoil or sod in place.
 - b. $0.0'$ to $-0.3'$ grade tolerance of the approved proposed grade without topsoil in place.
- C. Prior to the installation of any Public Improvements, the Developer shall perform rough grading, including planned street areas, building pads, and drainage swales.
 - D. Establish permanent vegetative cover on all exposed soil by topsoiling, seeding, and mulching as soon as possible to prevent erosion.
 - E. The Developer is responsible for restoring all damage to finished grades and vegetative cover caused, but not restored by, utility companies providing service to the Development.
 - F. After site grading is completed, the Developer shall place a minimum of 3" of topsoil on all exposed soil. Developer may request to remove excess topsoil from the site with a written request detailing the removal methods to the City Engineer. No excess topsoil shall be removed without the written authorization from the City Engineer.
 - G. Established grass seed or sod must be in place along the private roadway edge, a minimum of six (6) feet behind the curb, pond slopes and the slopes adjoining the property line, and wetlands, before the building occupancy is authorized for buildings within that section of each Phase in which the improvements are located.
 - H. If soil borings determine that the existing soil material on site is unsuitable for structural areas such as road or building construction, the Developer shall remove the material and replace with approved engineered fill, or as otherwise approved by Developer's geotechnical engineer.
 - I. Except for the club house, the one (1) proposed detention pond that affects and serves drainage for the Development must be installed prior to the start of vertical construction.

III. STORM DRAINAGE SYSTEM

A. Required Improvements

Design, install, and provide a complete storm drainage system, including culverts, curb and gutter, storm sewer and/or open ditches as required to adequately convey surface water from and through the Development. The public storm sewer will be required to handle the existing road drainage along Eagles Summit Drive.

B. Plans and Specifications

- 1) Storm sewer plans.
- 2) Storm sewer calculations.
- 3) Storm sewer system plan update.

C. Mainline storm sewer must be installed to provide a downspout connection to all proposed buildings.

D. Additional considerations will be required on all ditch slopes exceeding five (5) percent. All roadside ditches or areas within drainage easements shall have a minimum one (1) percent slope. Ditch flow line slopes with less than one (1) percent will require storm sewer.

E. All roof drains and sump pumps will discharge into a storm sewer or to other outlets approved by the City Engineer.

IV. EROSION AND RUN-OFF CONTROL

A. Required Improvements

Installation and construction of Best Management Practices in the proposed Development that shall conform with the most current edition of the Department of Natural Resources Technical Standards.

B. Plans and Specifications

Control plan for land-disturbing activities showing existing contours onto adjacent lands to the extent that allows the determination of drainage patterns pre and post construction. This plan will show locations and dimensions of all construction site management measures to control erosion and sedimentation.

C. The Developer shall not commence land-disturbing activities until all

erosion control measures are installed and approved by the City. An erosion control permit must be obtained which requires the Developer to construct and maintain such measures in conformance with the City's erosion control ordinance.

- D. Both during and after construction, the surface of exposed bare soils shall be protected in accordance with the City's Erosion Control Ordinance and all applicable State and Federal requirements. If winter shutdown prevents the establishment or maintenance of a cover crop, anionic polyacrylamide (PAM) may be permitted by the City Engineer. Anionic PAM shall not be permitted to be used in the terrace area of the public road right-of-way. If approved, the use of the anionic PAM shall be performed under inspection and meet the Wisconsin Department of Natural Resources Technical Standards. This does not apply to the immediate building site area that is subject to workers and equipment in and around the perimeter of a new structure.

V. SANITARY SEWER – PUBLIC AND PRIVATE INTERCEPTOR

A. Required Improvements

Design, install, and provide a complete private interceptor sanitary sewer system designed to meet the ultimate needs of this Development and all tributary areas, in accordance with the City's sanitary sewer system plan with rules, regulations and procedures of the City, MMSD, and the State of Wisconsin Department of Natural Resources.

B. Plans and Specifications

1. Sanitary sewer plans, specifications, and design calculations.
 2. The City will furnish "as-built" plans of the entire system, including location and elevation of laterals to mains to meet MMSD requirements. All other "as-built" requirements are the responsibility of the Developer.
 3. Sanitary sewer system plan update.
 4. All reports required by MMSD, the State of Wisconsin, and South-eastern Wisconsin Regional Planning Commission.
- C. Installation of one sanitary sewer lateral from the sanitary sewer main, to within five (5) feet of each proposed building.
 - D. Upon completion, furnish and provide to the City a complete summary of the actual construction costs for sanitary sewer.

VI. WATER - PUBLIC

A. Required Improvements

Design, install, and provide a complete public water distribution system and install water main designed to meet the ultimate needs of this Development and all tributary areas, in accordance with the City's water main system plan and with the rules, regulations, and procedures of the City and the State of Wisconsin Department of Natural Resources.

B. Plans and Specifications

1. Water main plans, specifications, design calculations, and copies of all easements.
2. The City will create "as-built" plans of the entire system, including hydrant and valve locations, and the location and elevation of laterals, all for the use of the City of Oak Creek Water and Sewer Utility. All other "as-built" requirements are the responsibility of the Developer.
3. Separate water main easements for the site, where appropriate, shall be recorded.

C. Upon completion, furnish and provide to the City a complete summary of the actual construction costs for water distribution, itemized in sufficient detail to satisfy the requirements of the Public Service Commission of the State of Wisconsin in establishing or revising a rate base.

D. Installation of one water lateral from the water main, to within five (5) feet of each proposed building.

E. Provide hydrant marker flags for each installed public fire hydrant.

VII. STREETS

A. Required Improvements

A 44', back of curb to back of curb, roadway construction with 31" concrete curb and asphalt pavement within the public right-of-way along Eagles Summit Drive. The pavement section shall be comprised of a 10" crushed stone base, pavement edge drains at low points, 31" curb and gutter section, 3-1/4" asphalt binder course and a 1-3/4" layer of asphalt surface course, and street lighting.

All pavement markings required for this Development shall be approved by the City Engineer.

All drives and parking areas will be private in this Development and shall be owned and maintained by the Developer or its assignee.

VII. STREET LIGHTING

A. Required Improvements

A 480-volt LED street lighting system including poles, fixtures, controller, concrete anchor bases, cable-in-duct, junction boxes and other appurtenances is required.

B. Plans and Specifications

1. Street lighting plans, on the paving plans, showing the anchor base, C-N-D, connection to existing lighting system, and junction box locations.
2. Lighting design calculations.

C. The Developer shall be required to maintain/repair the street lighting until the streets are dedicated to the City.

D. The luminaire is to be LED as approved by the Engineering Department.

VIII. MISCELLANEOUS

DEVELOPER SHALL:

- A. Intentionally deleted.
- B. repair all damage to roads caused by construction operations.
- C. Install landscaping in accordance with plan that is approved by the City.
- D. Intentionally deleted.

IX. SPECIFICATIONS

The Improvements shall be constructed in accordance with the following specifications.

- A. City of Oak Creek Engineering Design Manual, most recent edition.

- B. Applicable Specifications and Regulations of MMSD.
- C. Standard Specifications for Sewer and Water Construction in Wisconsin, latest edition.
- D. State of Wisconsin, Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.
- E. The Wisconsin Department of Natural Resources Erosion Control Technical Standards.

X. SPECIAL PROVISIONS

The development process shall strictly conform to the conditions set forth in the Development Agreement. Request for building occupancy approval is subject to the City Engineer's certification (not to be unreasonably withheld or delayed) that all Public Improvements and other required improvements are satisfactorily completed. The City will not accept deposits in lieu of completion of the Public Improvements prior to building occupancy approval.

Approved by:

Matthew J. Sullivan, P.E.
City Engineer

Date

EXHIBIT B

WAIVER OF SPECIAL ASSESSMENT
NOTICES AND HEARINGS

City of Oak Creek
8040 South 6th Street
Oak Creek, WI 53154

We, the undersigned, being the Owner of the property that shall benefit by the following proposed Public Improvements:

Water main, Sanitary Sewer (but limited to those portions in or under Eagle Summit Drive), Storm Sewer, Streets (Eagle Summit Drive only; excluding any private roadways) and Street lighting (Eagle Summit Drive only; excluding any private roadways) contemplated under this agreement,

all made in the City of Oak Creek, Milwaukee County, Wisconsin, in consideration of the construction of said improvements by the City of Oak Creek, Wisconsin, hereby admit that such Public Improvements will benefit our property and consent to the levying of special assessments against our premises under Sections 66.0701 through 66.0733 of the Wisconsin Statutes and Sections 3.200 through 3.222 of the Municipal Code of the City of Oak Creek for the cost of such improvement.

In accordance with Section 3.204 of the Municipal Code of the City of Oak Creek, we hereby waive all special assessment notices and hearings required by Section 66.0703 of the Wisconsin Statutes and Section 3.203 of the City Municipal Code, and we further agree and acknowledge the benefit to our properties from the construction of such improvement.

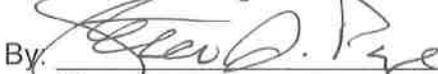
Description of premises that shall benefit:

Parcel 2 of Certified Survey Map No. 7361 recorded in the office of the Register of Deeds for Milwaukee County on January 15, 2004 as Document No. 8717697 except N 5 FT conveyed to Wisconsin Department of Transportation in Document No. 10319022 for Street Purposes all being part of the Northeast 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County:

Said lands contain 469,753 square feet or 10.784 acres

Broadacre Oak Creek, LLC

By: Revel Asset Management, LLC, its Manager

By: 
Steven D. Pape, Manager

Date 5/11/2022

EXHIBIT C
PROJECT SITE

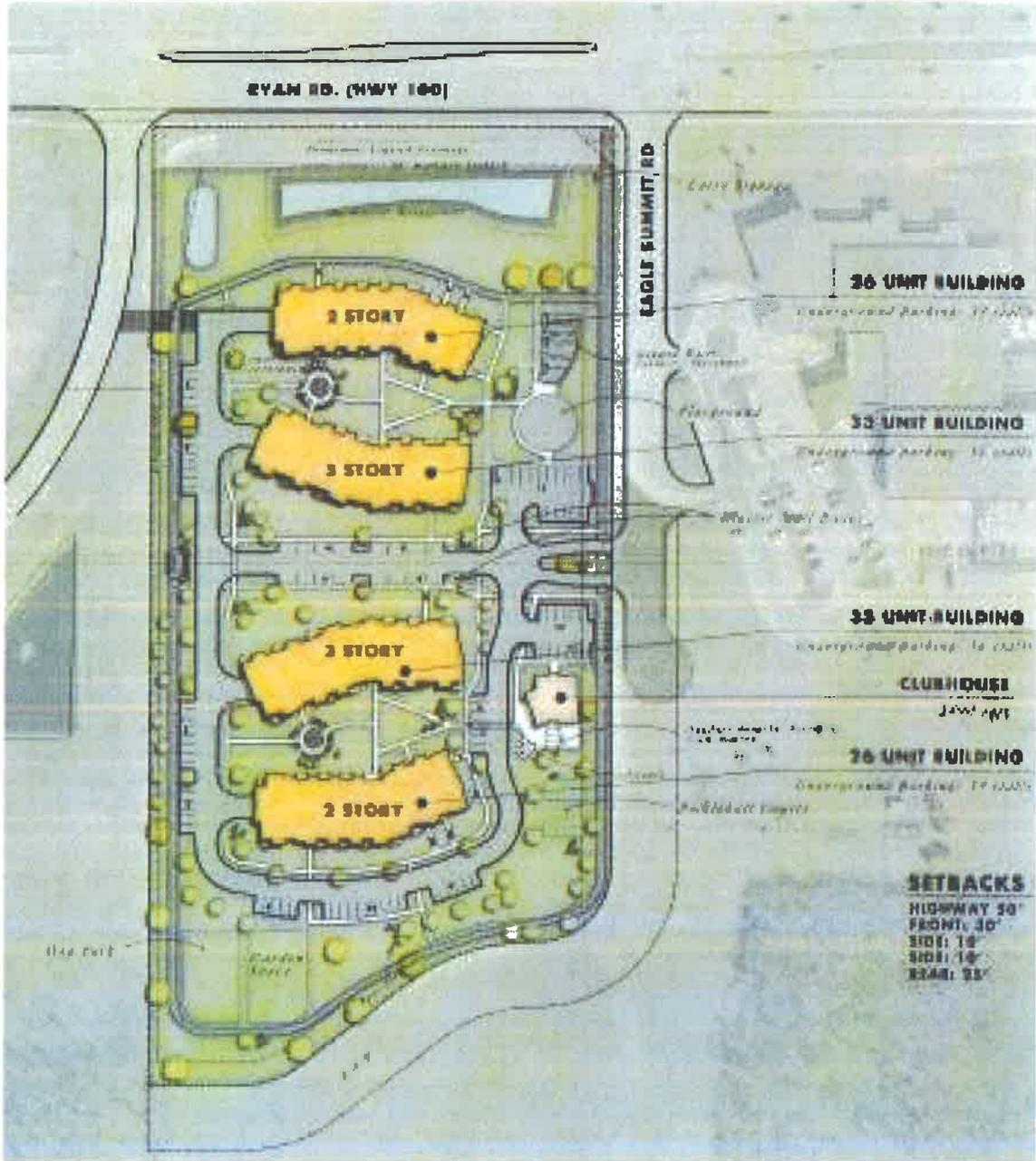
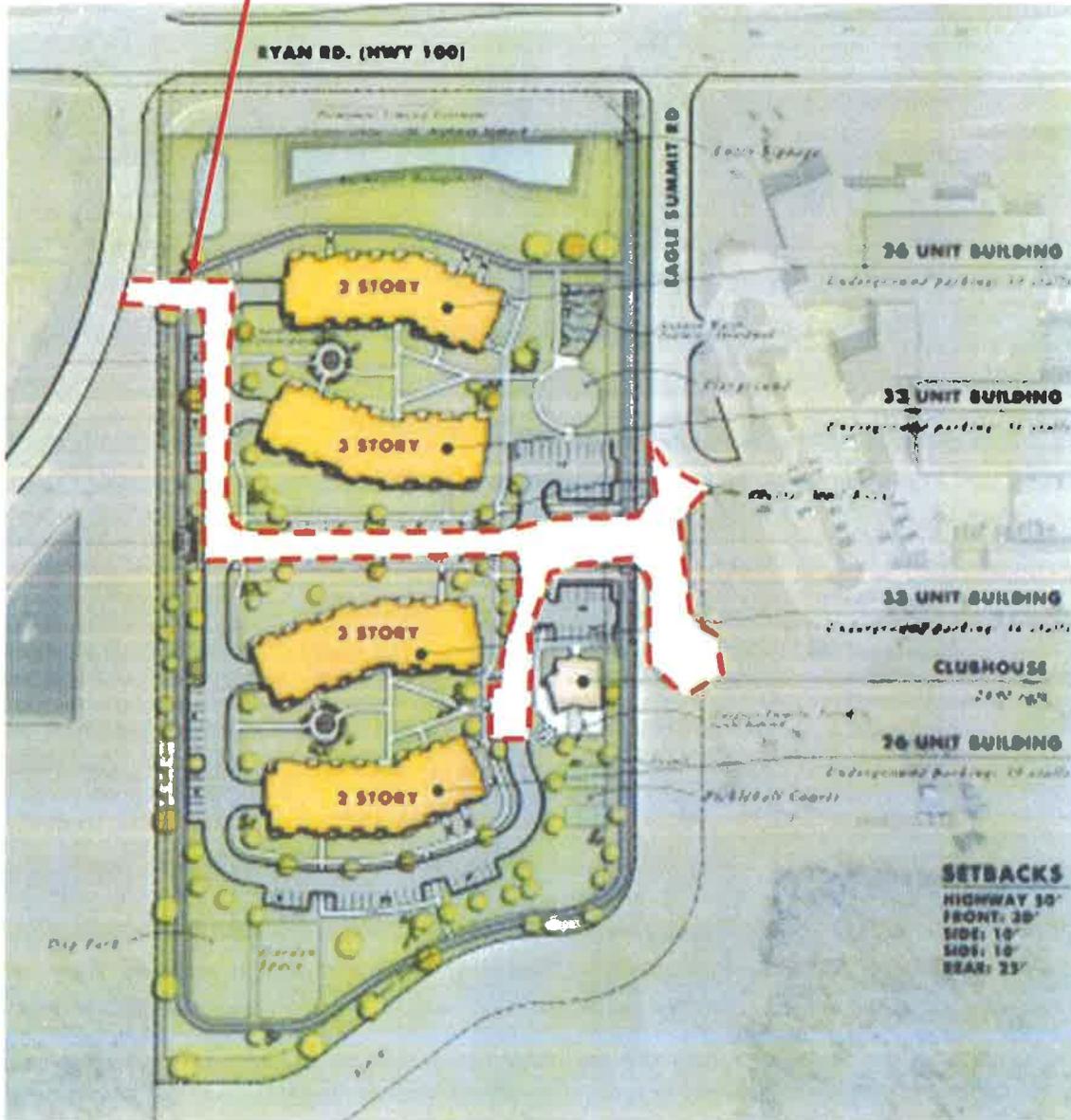


EXHIBIT D
PROJECT SITE

- - - Extent of Binder Course Paving Required During Construction before Vertical Construction Begins

This portion will be Grasspave 2 per civil plans





COMMON COUNCIL REPORT

Item: Certified Survey Map - 500 E. Oakwood Road - Mark Verhalen

Recommendation: That the Council adopts Resolution No. 12330-051722, a resolution approving a Certified Survey Map submitted by Mark Verhalen for the property at 500 E. Oakwood Rd. (5th Aldermanic District)

Fiscal Impact: The proposal is to divide the property into three conforming residential lots. If approved, development of the combined properties would yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. These properties are not currently part of a TID.

Critical Success Factor(s):

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

Background:

The Applicant is requesting approval of a Certified Survey Map (CSM) dividing the property at 500 E. Oakwood Road. The proposal would divide the property into three separate parcels:

-Lot 1 = 0.5441 acres

-Lot 2 = 0.3911 acres

-Lot 3 = 0.3907 acres

All parcels conform to the dimensional requirements of the Rs-3, Single-Family Residential zoning district. Lot 1 is currently developed with a single-family residence and will meet all setback requirements post-CSM. A six-foot-wide public utility easement has been identified and shown on the map.

The Plan Commission reviewed this request during their March 10, 2022 meeting, and recommended approval subject to the following condition:

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

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

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:

Laurie Miller
Zoning Administrator

Fiscal Review:



Maxwell Gagrin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Res. 12330-051722

Location Map

Proposed CSM (4 pages)

RESOLUTION NO. 12330-051722

BY: _____

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR
MARK VERHALEN

500 E. Oakwood Road
(5th Aldermanic District)

WHEREAS, MARK VERHALEN, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

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

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

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

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

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

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of MAY, 2022.

Passed and adopted this 17th day of May, 2022.

President, Common Council

Approved this 17th day of May, 2022.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

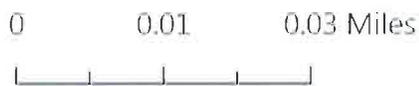
500 E. Oakwood Rd.



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



Community Development



Legend

- Zoning
- Flood Fringe
- Official Street Map
- Floodway
- Parcels
- 500 E. Oakwood Rd.

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

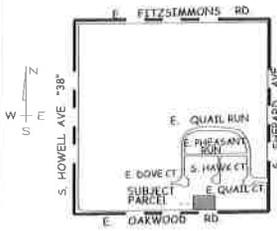
BEING A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 66, RECORDED MAY 27, 1960, IN VOLUME 1, PAGE 139-140 AS DOCUMENT NO. 3810599 AT THE MILWAUKEE COUNTY REGISTER OF DEEDS BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

THE SW 1/4 OF SECTION 28-5-22

PREPARED FOR :

MARK & KIM VERHALEN
500 E. OAKWOOD RD.
OAK CREEK, WI 53154

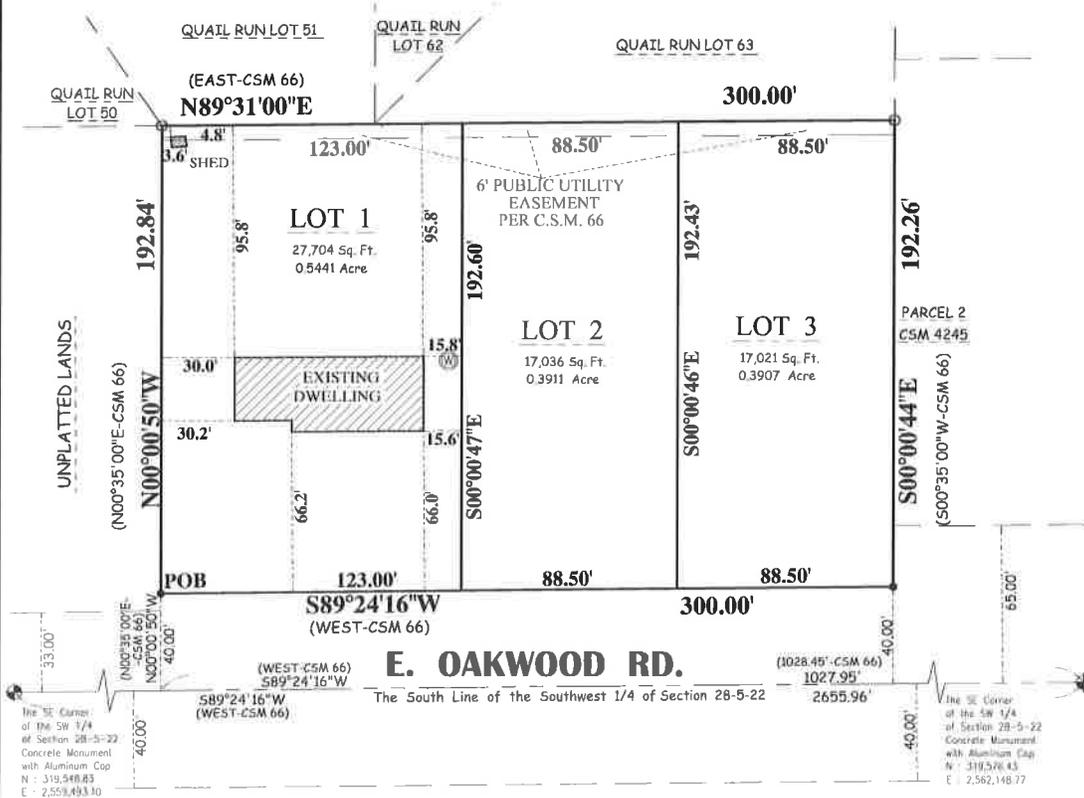
ALL BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 28-05-22, WHICH BEARS S 89°24'16" W, WL STATE PLANE COORDINATE SYSTEM SOUTH ZONE.



- - DENOTES SET 3/4" X 18" LONG IRON REBAR WEIGHING 1.13 LBS.
- - DENOTES FOUND 1" I.D. IRON PIPE
- ⊙ - DENOTES EXISTING WELL

VICINITY MAP

1" = 2000'



GRAPHIC SCALE

1" = 60'



2554 N. 100TH STREET
P.O. BOX 26596
WAUWATOSA, WISCONSIN 53226
(414) 257-2212 FAX: (414) 257-2443
sai@wi.rr.com

INSTRUMENT DRAFTED BY : MARK W. WEINGARTEN DATE : 04/08/2022

MARC C. PASSARELLI P.L.S. # 2817

JOB NO. 36262CSM SHEET 1 OF 4

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 66, RECORDED MAY 27, 1960, IN VOLUME 1, PAGE 139-140 AS DOCUMENT NO. 3810599 AT THE MILWAUKEE COUNTY REGISTER OF DEEDS BEING PART OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 22, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE
STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

I, Marc C. Passarelli, a Professional Land Surveyor do hereby certify:

That I have surveyed, divided and mapped a division of a re-division of Lot 1 of Certified Survey Map No. 66, recorded May 27 1960, in Volume 1, Page 139-140 as Document No. 3810599 at the Milwaukee County Register of Deeds being part of the Southwest ¼ of the Southwest ¼ of Section 22, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southeast Corner of the Southwest ¼ of Section 28, thence South 89° 24' 16" West along the South line of said Southwest ¼, 1027.95 feet; thence North 00° 00' 50" West, 40.00 feet to the point of beginning of lands to be described; thence North 00° 00' 50" West, 192.84 feet to a found iron pipe; thence North 89° 31' 00" East, 300.00 feet along the South line of Quail Run Subdivision to a found iron pipe; thence South 00° 00' 44" West, 192.25 feet to the North line of East Oakwood Road; thence South 89° 24' 16" West along said North line, 300.00 feet to the point of beginning. Containing 57,762 square feet of land (1.326 acres).

That I have made such survey, land division and map by the direction of Mark A. Verhalen, and Kim M. Verhalen, owners of said land.

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

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the land division ordinance of the City of Oak Creek in surveying dividing and mapping the same.

Dated this 8th day of April, 2022.

Marc C. Passarelli S-2817
Wisconsin Professional Land Surveyor

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 66, RECORDED MAY 27, 1960, IN VOLUME 1, PAGE 139-140 AS DOCUMENT NO. 3810599 AT THE MILWAUKEE COUNTY REGISTER OF DEEDS BEING PART OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 22, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

Mark A. Verhalen, owner, does hereby certify that he has caused the land described in this document to be surveyed, divided, dedicated and mapped as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and regulations of the City of Oak Creek.

Witness the hand and seal of said owner this ___ day of _____, 2022.

Mark A. Verhalen, Owner

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

Personally came before me this _____ day of _____, 2022 the above named Mark A. Verhalen, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires _____

OWNER'S CERTIFICATE:

Kim M. Verhalen, owner, does hereby certify that she has caused the land described in this document to be surveyed, divided and mapped as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and regulations of the City of Oak Creek.

Witness the hand and seal of said owner this ___ day of _____, 2022.

Kim M. Verhalen, Owner

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

Personally came before me this _____ day of _____, 2022, the above named Kim M. Verhalen, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires _____

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 66, RECORDED MAY 27, 1960, IN VOLUME 1, PAGE 139-140 AS DOCUMENT NO. 3810599 AT THE MILWAUKEE COUNTY REGISTER OF DEEDS BEING PART OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 22, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

PLANNING COMMISSION APPROVAL

APPROVED by the Planning Commission of the City of Oak Creek this _____ day of _____, 2022.

Daniel Bukiewicz, Chairman

Kari Papelbon, Secretary

COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of Oak Creek accepted in accordance with Resolution Number _____, adopted on the _____ day of _____, 2022.

Daniel Bukiewicz, Mayor

Catherine A. Roeske, City Clerk



COMMON COUNCIL REPORT

Item: Sand Volleyball Court at Willow Heights Park

Recommendation: That the Common Council approve the construction of a sand volleyball court at Willow Heights Park at a cost not to exceed \$28,000

Fiscal Impact: Although unbudgeted, the project could be completed using \$28,000 of park impact fees

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

Background:

In November of 2020, Parks and Recreation Commission were presented with a proposal to install a 50' x 40' sand volleyball court at Willow Heights Park. The resident requesting the sand volleyball court to be placed in this location in light of her daughter and her friends recent success in the volleyball for Oak Creek High School. The resident stated that, without the court being placed here, she would have to drive her child to one of the existing courts. The resident felt that the recent winning season had spurred a growth in the sport in Oak Creek.

Staff Analysis

Wetlands consume much of the northwest and southeast portion of the park. The size of the wetlands and the number of existing amenities limit the location of the potential sand volleyball court to an area immediately adjacent to the existing basketball court and the walking path. A map indicating the location for the proposed sand volley ball has been included with the staff report.

This project would require the removal of six mature trees, 185 cubic yards of dirt, and the addition of approximately 300 tons of sand. City Engineer, Matthew Sullivan, expressed his concern about the potential damage to the edge of the path, sidewalk ramp and adjacent grass during the construction. The cost estimate provided does not include the cost to replace these items.

Staff analysis shows that the existing nine volleyball courts, seven of which are sand volleyball courts, are all currently underutilized. If the Council approves this request the Parks and Recreation Commission may wish to evaluate whether one or more of these underutilized facilities may be repurposed for other recreational activities.

Construction of the court is proposed to be done completely in-house using DPW staff and resources.

The Parks and Recreation Commission approved a motion to recommended the construction of a sand volleyball court at Willow Heights Park at their December 16, 2021 meeting.

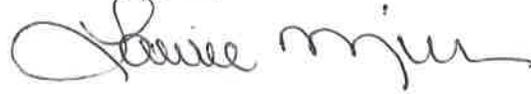
Options/Alternatives: Continue to promote the use of existing volleyball courts in the community and re-evaluate the need for an additional volleyball court as the sport gains community interest

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Laurie Miller
Zoning Administrator

Fiscal Review:

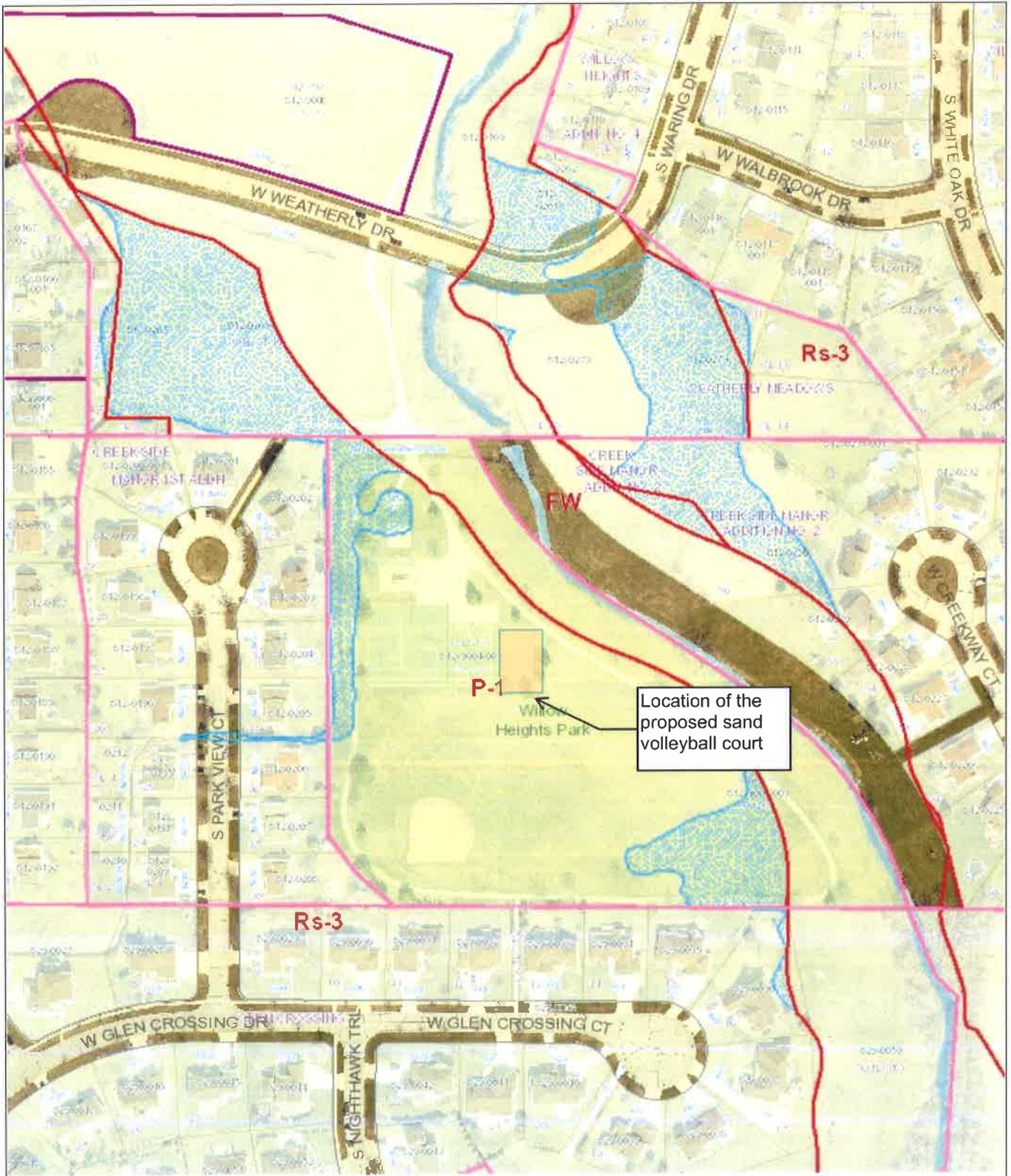


Maxwell Gagin, MPA
Assistant City Administrator/Comptroller



Doug Seymour, AICP
Director of Community Development

Attachments: Map of Willow Heights and proposed location of sand volleyball court.



City of Oak Creek GIS

Willow Heights Park

DISCLAIMER: The City of Oak Creek does not guarantee the accuracy of the information contained herein and is not responsible for any use or representation of this information or its derivatives.



SCALE: 1" = 145'



OAKCREEK
WISCONSIN

Print Date: 11/3/2020

COMMON COUNCIL REPORT

- Item:** Athletic Field Rental Policy for Organized Sports in Neighborhood Parks
- Recommendation:** That the Common Council approve the changes to the Athletic Field Rental Policy to allow games and other long-term ongoing activities to occur at Johnstone Park, Meadowview Park, Oak Leaf Park, Shepard Hills Park and South Hills Park.
- Fiscal Impact:** Upgrades to neighborhood park facilities to meet competition standards may be necessary. No funding source has been determined, however park impact fees may be utilized and future requests may be evaluated as part of the annual capital improvements budget process
- 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: For several months the Parks and Recreation Commission has been considering changes to its Athletic Field Rental Policy that would allow neighborhood parks to be utilized for games for organized sports, particularly baseball.

That discussion weighed the benefits of making those selected facilities available for additional community usage versus the challenges of utilizing these neighborhood park facilities, which in most cases were not designed for competition play, and any impacts upon the neighborhood in which they are located.

In recognition of those challenges the Parks and Recreation Commission, through staff, sought the input of the alderperson in which these neighborhood parks were located. Using that input, the following neighborhood parks were identified as appropriate for these activities, with certain additional considerations:

Johnstone Park/Cedar Hills Elementary School

Shepard Hills

Oak Leaf Park

South Hills Park

Meadowview Park/Meadowview Elementary School

For instance, for Johnstone Park, the School District must approve of the use of the Cedar Hills Elementary School school parking lot and their bathrooms, or allow portable restroom facilities to be placed on the park grounds. Even though the park has multiple fields and facilities, only one field could be

used for this purpose at a time, and would be further limited to two games per week night and six games per weekend day. These would be limited to games only. No tournaments could be held at the park.

Similar to Johnstone Park, Meadowview Park would also require approval by the School District for use of their parking lot and restroom facilities (or allow portable facilities to be utilized). No further restrictions on usage were identified for Meadowview Park.

It is likely that several of these facilities will require additional, albeit limited investments to bring them up to competition standards. Ideally, those investment decisions would be made as part of the annual Capital Improvements budget process, but the City may not necessarily have to wait if park impact fees are the funding source.

The use of neighborhood parks for these activities will be monitored and evaluated annually and their availability may be modified based on review with the alderperson of the district in which the neighborhood park is located.

Options/Alternatives: Continue to maintain the current policy regarding the use of neighborhood parks for games or organized team activities.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Doug Seymour
Director of Community Development

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Attachments:

Park and Recreation Commission minutes - February 10 and April 7, 2022

Oak Creek Athletic Field Rental Policy

**MINUTES OF THE REGULAR MEETING
CITY OF OAK CREEK PARKS & RECREATION COMMISSION
FEBRUARY 10, 2021**

1. Call Meeting to Order/Roll Call

Commissioner Theys called the meeting to order at 6:02 pm.

The following members were present at roll call: Secretary Beyer, Alderman Guzikowski, Commissioner Bautch, Commissioner Theys, Commissioner Thiel, and Commissioner Druckrey. Secretary Beyer

Also present: Zoning Administrator Laurie Miller, Parks Maintenance Supervisor Jeff Wendt, City Administrator Andrew Vickers, and Community Development Director Doug Seymour.

Chair Schreiber-Johnson and School and School District Representative Krist were excused.

2. Approval of Minutes - December 16, 2021

Commissioner Druckrey referred to page 4 that she did not suggest to create a sub-committee and stated that it was suggested by Secretary Beyer.

Commissioner Druckrey moved to approve the minutes of the December 16, 2021 meeting. Alderman Guzikowski seconded. All voted aye. Motion carried.

3. Old Business

a) Amendment of Athletic Field Rental Policy language to allow for neighborhood parks to be used for games and other long-term ongoing activities.

Zoning Administrator Miller provided an overview of the proposal (see staff report for details) and suggested to hold the item until all Aldermen had responded to proposal.

Commissioner Bautch asked if we had notes about pricing and maintenance cost. Commissioner Druckrey said that is the next step and liked the idea of holding the item since the meeting is short on attendees and that would give the last Alderman time respond.

Alderman Guzikowski makes a motion to hold until the next meeting in March. Commissioner Druckrey seconded. All voted aye. Motion carried.

4. New Business

a) Information only – Guest Speaker, Andrew Vickers to discuss the role of Parks and Recreation Commission and upcoming projects.

**MINUTES OF THE REGULAR MEETING
CITY OF OAK CREEK PARKS & RECREATION COMMISSION
April 7, 2022**

1. Old Business

a) Amendment of Athletic Field Rental Policy language to allow for neighborhood parks to be used for games and other long-term ongoing activities.

Zoning Administrator Miller provided an overview of the proposal (see staff report for details).

Commissioner Bautch had some concerns of the wording of "The School District and/or Bleacher Bunch pay for all upgrades to the field", under the Meadowview Park/Meadowview Elementary School conditions. He would like to have that wording omitted since these are City owned baseball diamonds. Commissioner Bautch doesn't want any fields removed but the condition removed.

Commissioner Theil wanted to know if there are actually upgrades needed and if so, can this be sent back to Alderman Gehl to remove the condition of "The School District and/or Bleacher Bunch pay for all upgrades to the field".

Zoning Administration Miller explained that when they initially looked at this project, some of the diamonds will need improvements to bring them to playing level. Zoning Administrator Miller explained that these are conditions of the Alderman Gehl and if this condition is not agreed upon, then the Meadowview Park/Meadowview Elementary School portion would have to be removed. Zoning Administrator Miller advised that the Alderpersons would like them to approve all of the parks so that when they move forward, they will have some options.

Chair Schreiber-Johnson stated that. It is up to them to determine if they agree with the list provided to be considered for this project.

Commissioner Theys stated that this goes to Common Council and it is up to them to decide what should or should not be included.

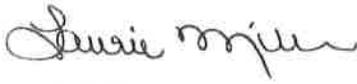
Chair Schreiber-Johnson asks for a motion.

- Secretary Beyer makes a motion that the Parks and Recreation Commission recommend to the Common Council language changes to the Athletic Field Rental Policy to allow games and other long-term ongoing activities to occur at the following parks:
 - Shepard Hills
 - Oak Leaf Park
 - South Hills Park
 - Johnstone Park/Cedar Hills Elementary with the following conditions:
 - That Cedar Hills Elementary School must approve the use of the school parking lot and their bathrooms, or allow for a port-a-john to be placed on the park grounds.
 - Only one (1) field to be used on the property at a time, up to two (2) games per week night, and six (6) games per weekend day.
 - Only games may be played at the park. No tournaments.

- Meadowview Park/Meadowview Elementary School with the following conditions:
 - The School District and/or Bleacher Bunch pay for all upgrades to the field.
 - Meadowview Elementary School must approve the use of the school parking lot and their bathrooms, or allow for a port-a-john to be placed on the park grounds.

Krist seconded. All voted aye, except Commissioner Bautch and Commissioner Krist voted no. Motion carried.

Prepared By:



Laurie Miller
Zoning Administrator

Respectfully Submitted,

Anne Beyer
OCPRF Secretary

OAK CREEK ATHLETIC FIELD RENTAL POLICY

Athletic Sport field permits are required for the use of any sport field. Sport fields include: baseball, soccer, cricket, volleyball, tennis, basketball, and pickleball courts. Sports fields permits are issued for any individual, organized practice, game, league or tournament play.

General Policy Guidelines

The use of these athletic fields by private groups, clubs, and organizations to promote basic community needs should be permitted within established guidelines. A permit system for use by an individual and/or group with the appropriate fees meets these objectives for both the public and private user. A permit system provides order to the use of the athletic fields and returns needed monies to the city for underwriting and annual operational and maintenance costs.

Athletic field permits are issued to both resident and non-resident individuals.

Priority is given to Oak Creek residents and organizations when requesting an athletic field permit.

Permits may be revoked in the interest of City sponsored activities.

Athletic fields are permitted on an "as is" basis

Permits are only good for the date(s), location(s), permit holder(s), and time(s) listed on the permit.

No field reservations can start prior to 8 am and must conclude no later than 10pm.

Permit holder(s) have priority in case of conflict: have your permit with you.

All requests for tournament/ league/ special event athletic field permits are subject to review and approval by the City of Oak Creek.

No tournaments, leagues, games, or practices will be scheduled prior to April 1st (weather permitting) and all fields will close for the season on or before October 30th (weather depending).

No individual, group, or organization may utilize any athletic field for personal profit. This includes, but is not limited to clinics, lessons, tournament/league entry fees, or the sale of concessions. If you are requesting a permit for the purpose of raising monies for proposed

projects/programs that benefit the Oak Creek communities needs and interests, you must inform is in writing of how the anticipated profits will be spent.

Monies raised or personal donations to the City of Oak Creek or any of its departments does not give the permit requester any kind of athletic field rental priority. Current or future.

All athletic field maintenance (i.e. raking, lining, alterations, fencing, additions or materials etc.) must be done by Oak Creek Parks staff only.

All athletic field events, participants and guests, shall abide by all city ordinances and rules governing the parks. Permits may be revoked immediately at the discretion of the coordinator or local authorities, if the terms of permit are misrepresented, violated, or when public safety is threatened. Permits revoked for failure to abide by ordinances will result in forfeiture of all fees.

Vehicles are prohibited from parking or driving on grass, athletic fields, park walkways or trails. Any damage done to fields/grass/turf caused by an event is the responsibility of the permit holder to pay for all restoration costs.

Permitting Process

Athletic Field Priority

1. City of Oak Creek events and Oak Creek School District Sports and Recreation Programs
2. Any returning resident individual or team (51% of participants must be Oak Creek Residents) that used athletic fields in 2021 for GAMES will have first priority to request the same fields for 2022 Games only.
3. New Oak Creek resident individuals or teams (51% of participants must be Oak Creek Residents).
4. Non-resident, returning or new, individuals or teams

Baseball/Softball Rental (~~Games Only~~) — ~~Shepard Hills and Abendschein ball diamonds only.~~

Games will be allowed on the following fields:

- Shepard Hills Park
- Abendschein Park
- Select neighborhood parks

Availability for each field (in terms of location and number of time slots available per day) to be used for games will be recommended by the Parks and Recreation Commission to the Alderman of the district the park resides in for final written approval on an annual basis.

Game requests must be submitted to Paula Nevarez, Leisure Services Assistant by mail to 8040 S. 6th Street or by email to Rentals@oakcreekwi.org by the dates listed below.

Game requests only for the use of Shepard Hills must be submitted no later than 1st Monday in January for requests starting April 1st (weather permitting).

Game requests for the use of ~~Abendschein ball diamond~~ all other ball diamonds must be submitted no later than the 1st Monday in February for requests starting May.

Each individual or team will be awarded six (6) game days from their requests, once all individual and teams have been awarded their six (6) games, any leftover requested game dates will enter into a lottery draw for the remaining open dates. If there are still open dates then game requests will be taken, first come, first serve for new Oak Creek individuals and teams followed by non-resident individuals and teams.

Individuals and teams will be notified of awarded game dates by the 2nd Friday in February and payment for permits must be made by 5pm on the last Friday of February. Any payment not received by the last Friday in February by 5pm will incur cancellation of requested game dates.

Baseball/Softball Field Rental (Practice only fields)- Ball diamond permit requests for individual practices are first come, first serve and need be done no more than 90 days for residents/60 days for non-residents and no less than 1 day prior to the event. No same day rentals are allowed. No practices are allowed to take place at Shepard Hills and Abendschein ball diamonds.

Other Athletic Field Rental (Games and Practices) —

Games will be allowed on the following fields:

- Shepard Hills Park
- Abendschein Park
- Select neighborhood parks

Availability for each field (in terms of location and number of time slots available per day) to be used for games will be recommended by the Parks and Recreation Commission to the Alderman of the district the park resides in for final written approval on an annual basis.

Athletic field permit requests for individual games/practices are first come, first serve and need be done no more than 90 days for residents/60 days for non-residents and no less than 1 day prior to the event. No same day rentals are allowed.

Athletic Field Rental Fees

Individual residents, groups, organizations, etc. of the City of Oak Creek (must be verified) will pay a discounted resident rate for athletic field permits. Groups and organizations must have 51% resident membership to qualify for resident rate.

Individual non-residents etc. will pay double the resident rate for an athletic field permit.

Sport Fields (except Shepard and Abendschein Ball Diamonds)

Resident - \$8.00 per hour

Non-Resident \$16.00 per hour

Shepard Hills Ball Diamond and Abendschein Ball Diamond

Resident -\$10.00 per hour

Non-Resident -\$20.00 per hour

Field set-up, i.e. lines or equipment, are available for an additional fee for games only. Please contact for pricing.

Large tournaments/ special events/leagues may incur additional fees.

Cancellation policy:

No refunds are given for sport field permits! Transfers will be made, contingent on field availability or fees applied to your city permit account upon requests made the next business day following rain outs or wet field cancellations.



COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 5/17/2022 License Committee Report.

Fiscal Impact: License fees in the amount of \$10,665.00 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:

The License Committee met on 5/6/2022. The recommendation is as follows:

1. Grant an Operator’s license to Jessie Bush, 7944 S. Wildwood Dr., Oak Creek, WI 53154 (Kwik Trip).

The following items were received after License Committee met. Favorable background reports received. Tentative recommendations are as follows:

2. Grant an Operator’s license to:

<ul style="list-style-type: none"> * Daniela L. Torres (South Shore Cinema) * Jaimie L. Williams (Sidetracked) * Cameron J. Sikora (Kwik Trip) * Jessica M. Kluck (Kwik Trip) * John C. Lazar (The Waters) * Scott L. Hojnacki (Pick ‘n Save) * Heather S. Davidson (Kwik Trip) * Brittany L. DuFrane (Meijer) * Michael Coronado (BelAir Cantina) * Michael J. Beuthin (Meijer) * Michael A. Zambrano (Aldi) * Benjamin R. Karnowski (Kwik Trip) * Zachary K. Lewis (Kwik Trip) * Patricia C. Palacios (Meijer) * Christine A. Kisley (Meijer) 	<ul style="list-style-type: none"> * Jacob J. Whalen (BelAir Cantina) * Derrick R. Malicki (no employer) * Kristen M. Herwig-Kuzmiuk (Kwik Trip) * Graciana J. Lutzke (Woodland Golf Course) * Augustine Gonzalez (Dairyland) * Tanya L. Deptula (Woodman’s) * Jessica L. Fettig (Legion) * Roberto Arce (South Shore Cinema) * Jill M. Young (Meijer) * Dennis W. Thurow (Kwik Trip) * Jody L. Cavanaugh (no employer) * Nicole A. Kingery (South Bound Again) * Johnquashia M. Acevedo-Jones (Meijer) * Ramona M. Thumstedter (Meijer) * Robert F. Albers (Charcoal Grill)
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3. Grant a 2022-23 Tobacco License to:
 - * Yash Patel, Foresight., Inc., dba Nexus Vape 'n Cigar, 934 E. Rawson Ave.
 - * Tajammul Syed, TAS Investment Inc., dba Tobacco Xpress, 7844 S. Howell Ave.
 - * Tajammul Syed, TAS Investment Inc., dba Tobacco Xpress, 2345 W. Ryan Rd.

 4. Grant a Temporary "Class B" wine license to Jas Mortenson, Agent for All Saints Lutheran Church-ELCA, 9131 S. Howell Ave., Oak Creek, for their How Great Thou "ART" Art Fair event scheduled for June 10, 2022.

 5. Grant a 2022-23 Amusement Operator and Amusement Devices License(s) to:
 - * Jay Jacomet, Red's Novelty Ltd., 1921 S. 74th St., West Allis, WI
 - * Steven Murphy, Games Are Us, Inc., 4905 W. Woodlawn Pl., Greenfield, WI
 - * Jeff Williamson, Gardner Technical Services, 1415 Johnson St., Janesville, WI
 - * Jimmy Brewer, Brewer Amusement Co., LLC, 412 Sparta St., McMinnville, TN
 - * Michael Weigel, Wisconsin P & P Amusement, 12565 W. Lisbon Rd., Brookfield, WI
 - * Jennifer Hoon, National Entertainment Network, 246 S. Taylor Ave., Louisville, CO
 - * Reginald Zeniecki, Reggie's Amusements LLC, 4918 S. Packard Ave., Cudahy, WI

 6. Grant a 2022 Transient Merchant license to Mad City Windows & Bath, 17044 W. Victor Rd., New Berlin, WI, and to the following salespersons:
 - * Jonay A. Brantley
 - * Erik R. Kobs
 - * Michael J. Richards
 - * Rodolfo J. Serna

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Prepared:



Christa J. Miller CMC/WCMC
Deputy City Clerk

Attachments: none

COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the May 11, 2022 Vendor Summary Report in the total of \$722,087.20.

Fiscal Impact: Total claims paid of \$722,087.20.

Critical Success Factor(s):

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

Background: Of note are the following payments:

1. \$5,223.00 to Aurora Medical Group (pg #2) for Fire Department wellness exams.
2. \$26,114.00 to Baker Tilly US, LLP (pg #2) for services in connection with 2021 financial statement audit.
3. \$66,737.68 to Bestco UA (pg #2) for June retiree insurance.
4. \$9,374.50 to Buelow Vetter (pgs #2-3) for legal services.
5. \$10,797.50 to Cobalt Community Research (pg #3) for 2022 Oak Creek resident engagement & priority study.
6. \$33,077.50 to E. H. Wolf & Sons, Inc. (pg #4) for fuel inventory.
7. \$7,547.25 to Ennis-Flint, Inc. (pg #4) for traffic paint.
8. \$17,270.26 to Enterprise FM Trust (pg #4) for DPW vehicle lease monthly payment, Project #19024.
9. \$11,748.32 to First Supply LLC (pg #5) for water heater, Project #17026.
10. \$14,181.93 to Forge & Flare Apartments (pg #5) for Summer 2022 Events restroom cleaning (Tourism).
11. \$13,890.45 to Granicus (pg #6) for annual website support.
12. \$150,390.00 to Holz Motors, Inc. (pg #7) for four 2021 Chevy Tahoes (Police).
13. \$13,488.89 to Kansas City Life Insurance Co. (pg #8) for May disability insurance.
14. \$9,577.99 to Lakeland Biologists (pg #8) for new fountain at Police Department.
15. \$5,462.16 to Milwaukee County Treasurer (pg #10) for April court fines.

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16. \$17,535.49 to Plunkett Raysich Architects, LLP (pg #12) for professional services relating to Abendschein Park Beer Garden, Project #22008.
 17. \$5,684.62 to Poms Tire Service (pg #12) for tires.
 18. \$6,016.24 to Ramboll US Consulting Inc. (pg #13) for lakeside environmental support services.
 19. \$5,000.00 to Reserve Account (pg #12) for postage refill.
 20. \$6,639.47 to Securian Financial Group, Inc. (pgs #13-14) for June employee life insurance.
 21. \$16,375.00 to Tyler Technologies, Inc. (pg #16) for consulting services.
 22. \$58,716.69 to US Bank (pgs #19-28) for equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.
 23. \$48,580.93 to WE Energies (pgs #1 & 17) for street lighting, electricity & natural gas.
 24. \$14,225.13 to WI Court Fines & Surcharges (pg #17) for April court fines.
 25. \$55,164.77 to Wil-Surge Electric (pg #17) for Rawson Avenue street light relocation, Project #22005.

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: 5/11/2022 Invoice GL Distribution Report