



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

COMMON COUNCIL MEETING AGENDA

AUGUST 16, 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: 7/19/22

Recognition

4. **Council Proclamation:** Consider Council Proclamation No. 22-02, Congratulations to Terry Tveita, 2021 Oak Creek Citizen of the Year (by Committee of the Whole).

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

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

5. **Rezone:** Consider a request submitted by CR Devco, LLC, to rezone to Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) and to establish a Planned Unit Development on portions of the properties at 2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. (6th District).
6. **Ordinance:** Consider Ordinance No. 3049, rezoning portions of the properties at 2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St., to Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) Planned Unit Development (PUD) (6th District).
7. **Comp. Plan Amendment:** Consider an amendment to the Comprehensive Plan, City of Oak Creek (Adopted March 3, 2020, last amended March 1, 2022) as it relates to the property at 7977 S. 13th St. (2nd District).
8. **Ordinance:** Consider Ordinance No. 3050, adopting an amendment to the Comprehensive Plan, City of Oak Creek (Adopted March 3, 2020, last amended March 1, 2022) for the property at 7977 S. 13th St. (2nd 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>.

New Business

9. **Informational:** Introduction of Toni Vanderboom, City of Oak Creek Human Resource Manager.
10. **Informational:** City of Oak Creek 2022 Mid-Year Budget Monitoring Report.
11. **Motion:** Consider a *motion* to approve the Above Ground Diesel Storage Tanks and Piping Installation project and award a construction contract to the lowest responsive, responsible bidder, Interstate Pump & Tank, based on the bid amount of \$289,000 (by Committee of the Whole).
12. **Motion:** Consider a *motion* to concur with the Celebrations Commission and designate Sunday, October 30, 2022, from 4:00 to 7:00 p.m. as the official City of Oak Creek “Trick or Treat” (by Committee of the Whole).

ENGINEERING

13. **Motion:** Consider a *motion* to authorize the Engineering Department to enter into a contract for professional services not to exceed \$21,388 between the City of Oak Creek and GRAEF for the analysis of the intersection of W. Puetz Rd. and S. Liberty Ln. and S. Wood Creek Dr. (2nd & 6th Districts).

COMMUNITY DEVELOPMENT

14. **Resolution:** Consider *Resolution* No. 12345-071922, approving a Certified Survey Map submitted by Anil Yepuri for the properties at 9102, 9120 and 9140 S. 27th St. (held 7/19/22) (6th District).
15. **Resolution:** Consider *Resolution* No. 12350-081622, approving a Certified Survey Map submitted by Daniel Katona for the property at 9630 S. Shepard Ave. (3rd District).

INFORMATION TECHNOLOGY

16. **Resolution:** Consider *Resolution* No. 12351-081622, approving the Lease and Agreement for Exchange of Dark Fiber and Rack Space between the Wisconsin Department of Transportation (WisDOT), Division of Transportation System Development and the City of Oak Creek (by Committee of the Whole).
17. **Motion:** Consider a *motion* to approve the Agreement to Grant Permission to Allow Access and Use of Software Agreement and System (“Access Agreement”) and Consent to Assignment of Software Licenses between CentralSquare Technologies, LLC and Milwaukee County Emergency Management for CAD2CAD software (by Committee of the Whole).
18. **Motion:** Consider a *motion* to approve the Small Municipal and County Government Enterprise Agreement (E214-2) with Esri for Geographic Information Systems (GIS) software (by Committee of the Whole).

LICENSE COMMITTEE

19. **Motion:** Consider a *motion* to approve the various license requests as listed on the 8/16/22 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

20. **Motion:** Consider a *motion* to approve the July 26, 2022 Vendor Summary Report in the amount of \$272,914.33 (by Committee of the Whole).
21. **Motion:** Consider a *motion* to approve the August 10, 2022 Vendor Summary Report in the amount of \$1,130,016.42 (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 414-766-7000, by fax at 414-766-7976, or by mail at 8040 S. 6th Street, Oak Creek, Wisconsin 53154.

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

COUNCIL PROCLAMATION 22-02**CONGRATULATIONS TO****TERRY TVEITA****2021 OAK CREEK CITIZEN OF THE YEAR**

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

WHEREAS, the Oak Creek Citizen of the Year Committee has selected Terry Tveita as its 2021 Citizen of the Year, for which he will be duly honored at a recognition dinner on Friday, August 26, 2022; and

WHEREAS, while Terry Tveita grew up in Minnesota, he chose to further his education at the University of Wisconsin, LaCrosse where he met and married his wife, Linda. Together, Terry and Linda raised a daughter, Serena Mary, who was born in 1994; and

WHEREAS, it was early on in Serena's development that they noticed some developmental difficulties and she was diagnosed with a rare disorder called Aicardi Syndrome; and

WHEREAS, Aicardi Syndrome is a malformation of the brain, seen almost only in females, and causes many different physical and intellectual developmental issues. Those afflicted with this condition rarely live beyond their teen years; and

WHEREAS, as a result of Serena's condition, the family spent many hours at Children's Hospital of Wisconsin, where she was treated and received many surgeries; and

WHEREAS, as Serena grew and eventually became wheelchair bound, the family built a new ranch home in Oak Creek to accommodate her special needs; and

WHEREAS, over the course of years, Terry and Linda searched out knowledge to help their daughter's condition, met the founder of the Aicardi Foundation and soon became inspired to help the foundation in an effort to help others afflicted with similar circumstances; and

WHEREAS, Terry started a golf outing fundraiser in his home-state of Minnesota, where his mother still lived and was a big source of support and prize acquisition, before moving it to St. Charles, Illinois for the next eight years, where the Aicardi Foundation was started; and

WHEREAS, in addition to golf outing fundraisers, Terry organized a beer and wine tasting fundraiser, initially held at the former Rafter's Supper Club in Oak Creek, before moving the popular event to the Oak Creek Community Center for the next ten years. It is estimated that through the fundraising efforts of Terry and his family, that well over one million dollars has been raised for Aicardi Syndrome research and awareness; and

WHEREAS, it was during this time, that at the age of 19, Terry and Linda's daughter Serena passed due to complications from Aicardi Syndrome. Shortly after the passing of Serena, Terry found he still felt a strong desire to help others and continue with various volunteer events and fundraising efforts; and

WHEREAS, Terry is a member of the National Aicardi Syndrome Foundation Board, he co-chairs a golf outing in Wisconsin Dells which raises funds for UW LaCrosse gymnastic programs, he has organized volunteers for a 5k run at Germanfest which benefitted a homeless shelter and has organized a team for a broomball event for 15 years at Wilson Park; and

WHEREAS, Terry is a member of the Oak Creek Lions Club, where he has been able to put his tremendous fundraising and organizational abilities to use helping others. He took over the Lion Club's premier fundraising events and boosted their attendance, popularity and proceeds and in the last year led their largest fundraiser, LionsFest, to its largest grossing festival in club history; and

WHEREAS, through his commitment and passion for making a difference in the lives of others, Terry Tveita has rendered immeasurable hours of community service and raised countless dollars, and is truly deserving of this recognition.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Oak Creek hereby congratulate Terry Tveita on being selected the 2021 Oak Creek Citizen of the Year.

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

Passed and adopted this 16th day of August, 2022.

President, Common Council

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

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 CR Devco, LLC, to rezone to Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) and to establish a Planned Unit Development on portions of the properties at 2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St.

Hearing Date:

August 16, 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

Property Owner(s):

CCR Herzebrock II LTD Partnership & WRE Herzebrock III LTD PRTNRSHP

Property Location(s):

2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. (portions)

Tax Key(s):

856-9999-001, 857-9992-000, 857-9991-000 (portions)

Legal Description:

Lot 1 of Certified Survey Map to be recorded.

Part of the Northeast 1/4 and the Northwest 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:

Beginning at the North 1/4 corner of said Section 19; thence South 0°17'46" West, 667.33 feet along the east line of the NW 1/4 of said Section 19; thence North 89°30'42" East, 1190.85 feet to the west line of I-94; thence South 0°04'01" West, 1331.67 feet along said west line; thence South 89°22'45" West, 1196.23 feet to said east line of the Northwest 1/4; thence North 0°17'46" East, 898.27 feet along said east line; thence South 89°14'48" West, 514.48 feet; thence North 0°07'58" West, 1103.12 feet to the north line of the Northwest 1/4 of said Section 19; thence North 89°12'41" East, 522.75 feet along said north line to the point of beginning.

Said parcel contains 2,163,094 square feet or 49.658 acres of land, more or less.

The Common Council has scheduled other public hearings for August 16, 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: July 6, 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: Rezone and Planned Unit Development – 2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. - CR Devco, LLC

Recommendation: That the Council adopts Ordinance 3049, an ordinance to rezone portions of the properties at 2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. to Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) Planned Unit Development (PUD). (6th Aldermanic District)

Fiscal Impact: Approval would allow for the development of portions of vacant parcels with a single-family attached Planned Unit Development. Development of the properties with residential buildings will yield positive fiscal impact in terms of assessed value, permit and review fees, and impact fees. The extension of a public road and utilities will add to the maintenance requirements of public infrastructure constrained by budget limitations; however, the public infrastructure is critical for implementing the Strategic Plan goals for development of residential homes. These properties are located within TID 7; however, no financial 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, with support of the current property owners, is requesting approval for portions of the properties at 2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. to be rezoned to Rd-1, Two-Family Residential Planned Unit Development (PUD). No changes to the FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy zoning districts are included in this request at this time. A Certified Survey Map affecting these properties was approved by the Common Council on March 15, 2022.

As part of the CSM and previously-reviewed Official Map Amendment (approved May 17, 2022), a public road extension from Puetz Road will be constructed to serve the development. Private roads off the public cul-de-sac will provide internal access to the residential buildings, and the public cul-de-sac at the terminus of S. 20th St. will be gated for emergency access only. The installation of public infrastructure will require a Development Agreement.

Per the submitted narrative and overall site plan, the PUD ("Heyday Oak Creek") will include 134 single-family attached residences in 22 ranch-style buildings, and one (1) leasing office/mailroom building at the entry to the development. While there are six (6) residential building types proposed based on number of bedrooms per unit, each building will incorporate similar cottage home architecture and building materials

for a cohesive neighborhood feel. Units range in size from 832 square feet for a 1-bedroom to 1,701 square feet for a 3-bedroom (see attached table). Conceptual model renderings and additional details are included with this report for reference.

The smallest (1)-bedroom units are proposed with an oversized (1)-car attached garage that provides direct access to the living space. All other units will have (2)-car attached garages with direct access to the living space. Each garage will include a 22-foot-long parking apron for additional vehicles to ensure that the roadways and walkways remain unobstructed. Minimum parking requirements for single-family attached residential developments are two (2) per dwelling, with at least one (1) garage space per unit, for a total of 276 parking stalls for the PUD. The concept plan as proposed, inclusive of garage and driveway apron spaces, exceeds the minimum requirement.

Although setbacks are not specified in the plans, it appears that all proposed buildings will meet minimum requirements. Setbacks per the district-specific requirements in Sec. 17.0301 (see attached) will be required to be specified on plans submitted for Site and Building Plan Review.

Wetlands and floodplain areas are identified on the property, predominately along the northern and southern portions of the development. As of writing this report, wetland fill permits from the Wisconsin DNR have been issued. Buildings must maintain a 15-foot setback to wetland areas that will remain. Copies of any wetland fill permits/approvals by the Wisconsin DNR will be required to be submitted to the City. Due to the presence of Secondary Environmental Corridor (SEC) in the area, SEWRPC review is required and a site inspection was conducted May 3, 2022. There is no regulatory mechanism associated with SECs, and the letter issued by SEWRPC, though inclusive of recommendations, leaves the ultimate development approval authority to the City. Staff remain supportive of the proposed project.

Exterior building materials for the proposed residential and leasing office buildings are proposed to incorporate board and batten, lap vinyl siding, gable shakes (vinyl), and a brick base around the entirety of the structure. Per Sec. 17.0403(d), vinyl is not listed as an allowed exterior building material. However, under the PUD Standards in Sec. 17.0704,

...site development allowances, i.e., deviations from the underlying provisions set forth outside [this] Article [7] may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development, is in furtherance of the stated objectives of [this] Article [7], and is necessary for proper development of the site.

The Applicant has provided a written request that has been included with this report for Plan Commission consideration. Recognizing that vinyl is a standard exterior building material for single-family detached homes in the area, and given the stated intent to utilize “green built” materials and techniques to achieve a National Green Building Standard (NGBS) Bronze certification (supported by the Code), staff have no objections to the request. The Plan Commission, after thoughtful consideration and significant discussion, determined that vinyl siding is an acceptable exterior building material. However, concerns for vinyl siding as a primary exterior building material have been expressed to staff following the Plan Commission's review. It will be the Common Council's discretion whether the attached Conditions and Restrictions should be amended to address the vinyl siding building material. The orientation of the buildings on private streets in the development is not of concern to staff.

Stormwater ponds are proposed along the east portion of the development. Revisions may be required to ensure that stormwater infrastructure complies with Code, particularly with regard to side slopes and/or retaining walls. Likewise, the grading plan may require revisions to ensure that all plans incorporate all required components of the development.


Code requirements for building coverage (50%), a tree preservation and removal plan with pre-development inventory, landscaping transition zones, access design, screening, outdoor lighting, building design standards, and signs are incorporated into Conditions and Restrictions for Council consideration. Approval of the rezone request and adoption of the Conditions and Restrictions for the Planned Unit Development is not an endorsement of any site, architectural, landscaping, lighting, or any other plan that will be required to be approved by the Plan Commission as stated in the Conditions and Restrictions.

Additional details, plans, and the narrative are included in your packets for review. Sec. 17.0703(a), which contains the Standard for Review is also included for reference.

After careful consideration at the May 10 and 24, 2022 meetings, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



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. 3049

Location Map

Unit details & Table 13.0301(a) (2 pages)

Narrative (no exhibits); Letters dated May 3 and May 23, 2022; SEWRPC letter (24 pages)

Plans (11 pages)

Sec. 17.0703 - Sec. 17.0704 (3 pages)

Plan Commission Meeting Minutes (May 10 & 24, 2022)

Draft Conditions and Restrictions

ORDINANCE NO. 3049

By: _____

AN ORDINANCE TO REZONE PORTIONS OF THE PROPERTIES AT 2231 W. PUETZ RD., 8843 S. 13TH ST., AND 8950 S. 20TH ST. TO RD-1, TWO-FAMILY RESIDENTIAL (NO CHANGE TO FW, FLOODWAY; FF, FLOOD FRINGE; OR C-1, SHORELAND WETLAND CONSERVANCY DISTRICTS) PLANNED UNIT DEVELOPMENT (PUD)

(6th Aldermanic District)

WHEREAS, CR DEVCO, LLC, have applied for rezoning portions of the properties at 2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. to Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) Planned Unit Development (PUD).

WHEREAS, the properties are more precisely described as follows:

Lot 1 of Certified Survey Map to be recorded.

Part of the Northeast 1/4 and the Northwest 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:

Beginning at the North 1/4 corner of said Section 19; thence South 0°17'46" West, 667.33 feet along the east line of the NW 1/4 of said Section 19; thence North 89°30'42" East, 1190.85 feet to the west line of I-94; thence South 0°04'01" West, 1331.67 feet along said west line; thence South 89°22'45" West, 1196.23 feet to said east line of the Northwest 1/4; thence North 0°17'46" East, 898.27 feet along said east line; thence South 89°14'48" West, 514.48 feet; thence North 0°07'58" West, 1103.12 feet to the north line of the Northwest 1/4 of said Section 19; thence North 89°12'41" East, 522.75 feet along said north line to the point of beginning.

Said parcel contains 2,163,094 square feet or 49.658 acres of land, more or less.

WHEREAS, the Plan Commission reviewed the application and recommended that the Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) PUD rezoning be approved; and

WHEREAS, the Common Council held a public hearing on said application on August 16, 2022 at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and with the favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) PUD rezoning was approved; and

WHEREAS, the Plan Commission had recommended that the application be approved subject, however, to the imposition of certain conditions and restrictions upon the construction, location and operation of this Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) PUD, and which conditions and restrictions are incorporated by reference into this ordinance; and

WHEREAS, following said public hearing and upon favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland

Wetland Conservancy Districts) PUD rezoning was approved for the lands hereinabove described, subject, however, to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) PUD.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described are hereby rezoned to Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) Planned Unit Development (PUD), and the Zoning Map of Chapter 17 of the Municipal Code is amended to reflect the rezoning.

SECTION 2: The Planned Unit Development is subject to the aforementioned conditions and restrictions on the design, construction and operation of the Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) Planned Unit Development (PUD). The General Development Plan attached thereto as Exhibit A is hereby approved. Any substantial changes to the General Development Plan shall be subject to approval by the Common Council and may require additional public hearings.

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

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

SECTION 5: The rezoning shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon its passage and publication.

Passed and adopted this 16th day of August, 2022.

President, Common Council

Approved this 16th day of August, 2022.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____



DATE: 08/15/2019
 TIME: 10:00 AM
 PROJECT: HEYDAY OAK CREEK
 SHEET: 03 OF 03
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 APPROVED BY: J. B. BROWN

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
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 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

| NO. | DESCRIPTION | DATE |
|-----|--------------------|------------|
| 1 | PRELIMINARY LAYOUT | 08/15/2019 |
| 2 | REVISED LAYOUT | 08/15/2019 |
| 3 | REVISED LAYOUT | 08/15/2019 |
| 4 | REVISED LAYOUT | 08/15/2019 |
| 5 | REVISED LAYOUT | 08/15/2019 |
| 6 | REVISED LAYOUT | 08/15/2019 |
| 7 | REVISED LAYOUT | 08/15/2019 |
| 8 | REVISED LAYOUT | 08/15/2019 |
| 9 | REVISED LAYOUT | 08/15/2019 |
| 10 | REVISED LAYOUT | 08/15/2019 |

LEGEND

- Building Footprint
- Parking
- Landscaping
- Water Feature
- Utility
- Other

| NO. | DESCRIPTION | DATE |
|-----|--------------------|------------|
| 1 | PRELIMINARY LAYOUT | 08/15/2019 |
| 2 | REVISED LAYOUT | 08/15/2019 |
| 3 | REVISED LAYOUT | 08/15/2019 |
| 4 | REVISED LAYOUT | 08/15/2019 |
| 5 | REVISED LAYOUT | 08/15/2019 |
| 6 | REVISED LAYOUT | 08/15/2019 |
| 7 | REVISED LAYOUT | 08/15/2019 |
| 8 | REVISED LAYOUT | 08/15/2019 |
| 9 | REVISED LAYOUT | 08/15/2019 |
| 10 | REVISED LAYOUT | 08/15/2019 |

1100

PRELIMINARY
 NOT FOR
 CONSTRUCTION

HEYDAY OAK CREEK
 S. 27TH ST. & W. PUETZ ROAD
 OAK CREEK, WI 53154
 OVERALL LANDSCAPE PLAN

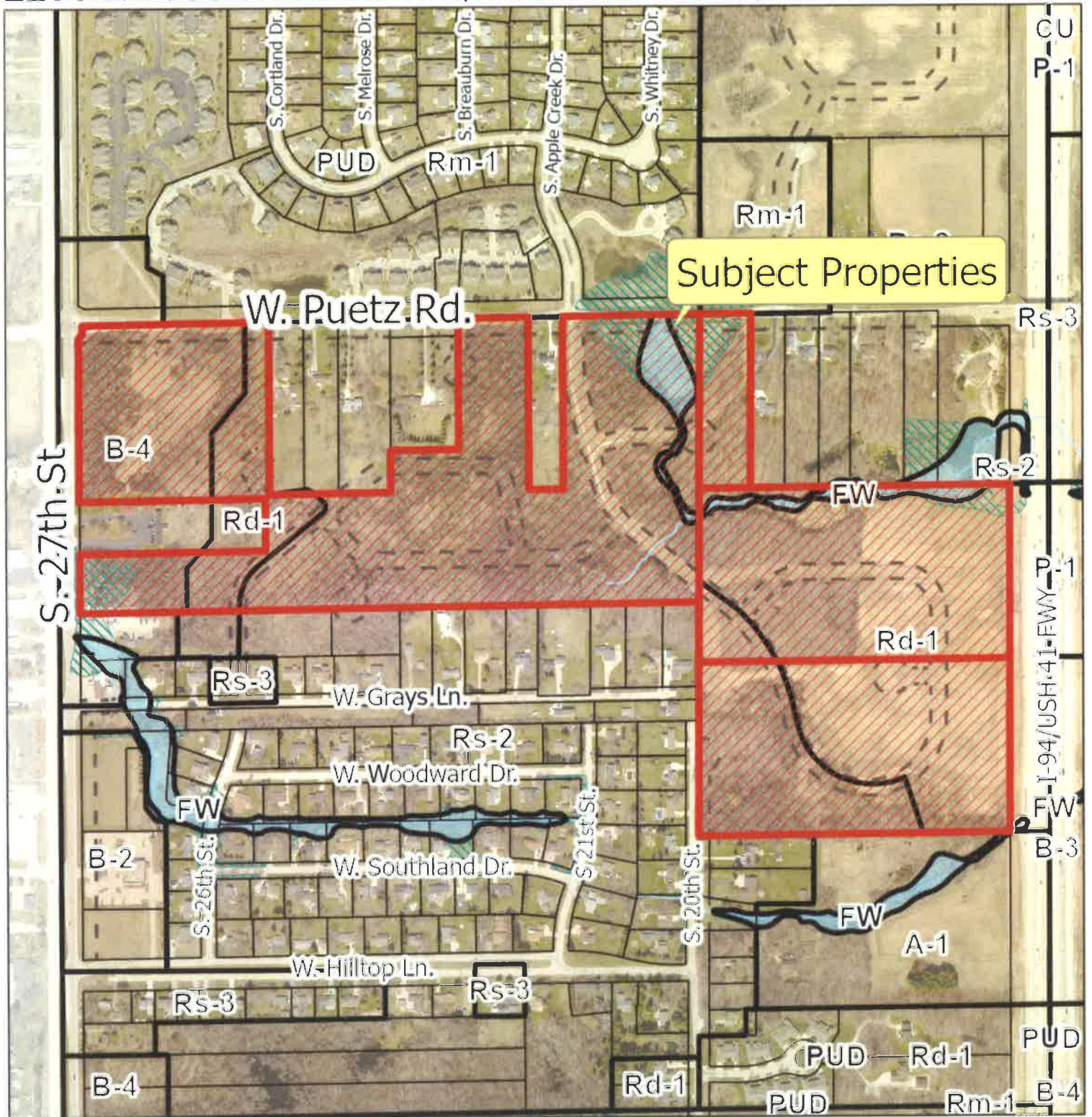


SIGMA
 LANDSCAPE ARCHITECTS
 1000 W. WISCONSIN ST.
 MILWAUKEE, WI 53233
 TEL: 414.224.1100
 FAX: 414.224.1101
 WWW.SIGMA-PA.COM

EXHIBIT A: GENERAL DEVELOPMENT PLAN

Location Map

2231 & 1933 W. Puetz Rd., 8843 S. 13th St., & 8950 S. 20th St.



Subject Properties

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

Legend

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



Community Development



Heyday Oak Creek- Proposed Unit Details

| Building Type | Building Quantity | Units | % of Total | Living Space | Garage Spaces | Driveway Spaces |
|---------------|-------------------|------------|------------|--------------|---------------|-----------------|
| A8 (1-Bed) | 4 | 8 | 24 | 832 | 32 | 32 |
| B6 (1-Bed) | 2 | 6 | 9 | 1,076 | 24 | 24 |
| C4 (2-Bed) | 3 | 4 | 31 | 1,344 | 84 | 84 |
| C6 (2-Bed) | 5 | 6 | | | | |
| D6 (2-Bed) | 6 | 6 | 27 | 1,457 | 72 | 72 |
| F6 (3-Bed) | 2 | 6 | 9 | 1,701 | 24 | 24 |
| TOTAL | 22 | 134 | -- | -- | 236 | 236 |

Table 17.0301(a): Bulk and Dimensional Standards

| Standard | ER | Rs-1 | Rs-2 | Rs-3 | Rs-4 | Rs-5 | Rd-1 | Rm-1 |
|---|---------|--------------|--------------|--------------|-------------|---------|--------------|--------------|
| Lot Standards (Minimum) | | | | | | | | |
| Lot Area | 3 acres | 21,780 sq ft | 15,000 sq ft | 10,500 sq ft | 8,000 sq ft | 5 acres | 15,000 sq ft | 15,000 sq ft |
| Lot Area / DU | - | - | - | - | - | - | 7,500 sq ft | (1) |
| Lot Width (3) | 200 ft | 90 ft | 80 ft | 70 ft | 60 ft | 300 ft | 100 ft | 100 ft |
| Yard Setbacks (Minimum) (4) | | | | | | | | |
| Front | 50 ft | 30 ft | 30 ft | 30 ft | 25 ft | (1) | 30 ft | 30 ft (2) |
| Street Facing Side | 50 ft | 30 ft | 30 ft | 30 ft | 25 ft | (1) | 30 ft | 30 ft (2) |
| Interior Side | 30 ft | 10 ft | 10 ft | 10 ft | 8 ft | (1) | 10 ft | 10 ft (2) |
| Rear | 100 ft | 30 ft | 30 ft | 30 ft | 25 ft | (1) | 30 ft | 25 ft (2) |
| Building Standards (Maximum) | | | | | | | | |
| Height | 35 ft | 35 ft | 35 ft | 35 ft | 35 ft | (1) | 35 ft | 50 ft |
| Building Coverage | 10% | 30% | 30% | 40% | 50% | (1) | 50% | 50% |
| Lot Coverage | - | - | - | - | - | (1) | - | 70% |
| Notes: | | | | | | | | |
| (1) As detailed in Article 4. Use Specific Standards. | | | | | | | | |
| (2) No multifamily structure shall be located closer than 50 ft to a single-family district line. | | | | | | | | |
| (3) An additional ten (10) feet of lot width shall be required for corner lots. | | | | | | | | |
| (4) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer. | | | | | | | | |



Heyday Oak Creek

Request for:
Basic Rezoning
Planned Unit Development (PUD)

CR Devco, LLC
April 29, 2022

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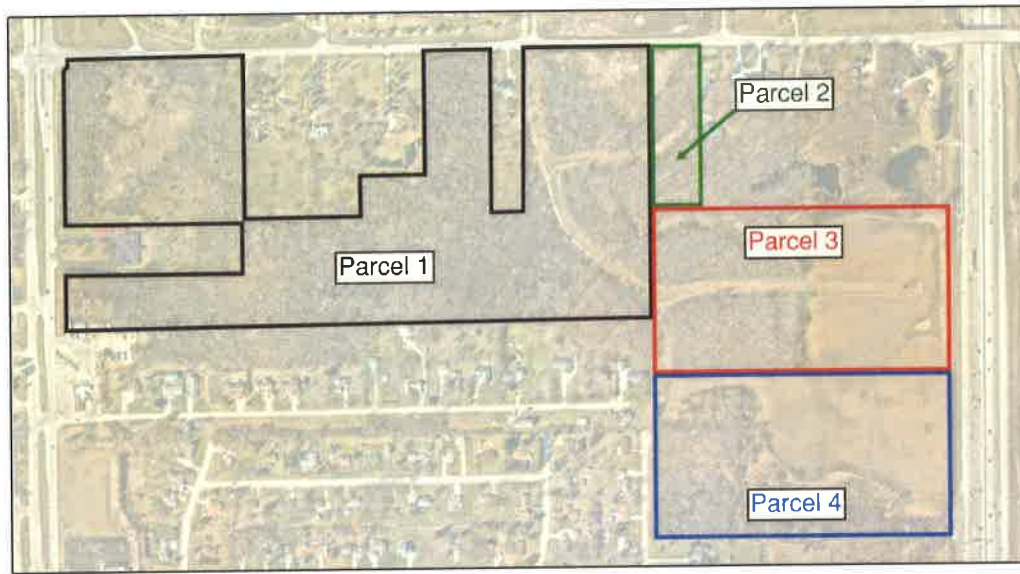
1. Introduction
2. Master Development Plan (e.g., conceptual site plan)
3. Detailed Narrative for the Request
4. Conceptual Building Elevations & Renderings
5. Single-Family Attached Homes
6. Project and Community Design Thesis and Highlights
7. Conformance with the Comprehensive Plan and Standards for 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 Plan dated 4/28/2022

Introduction

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

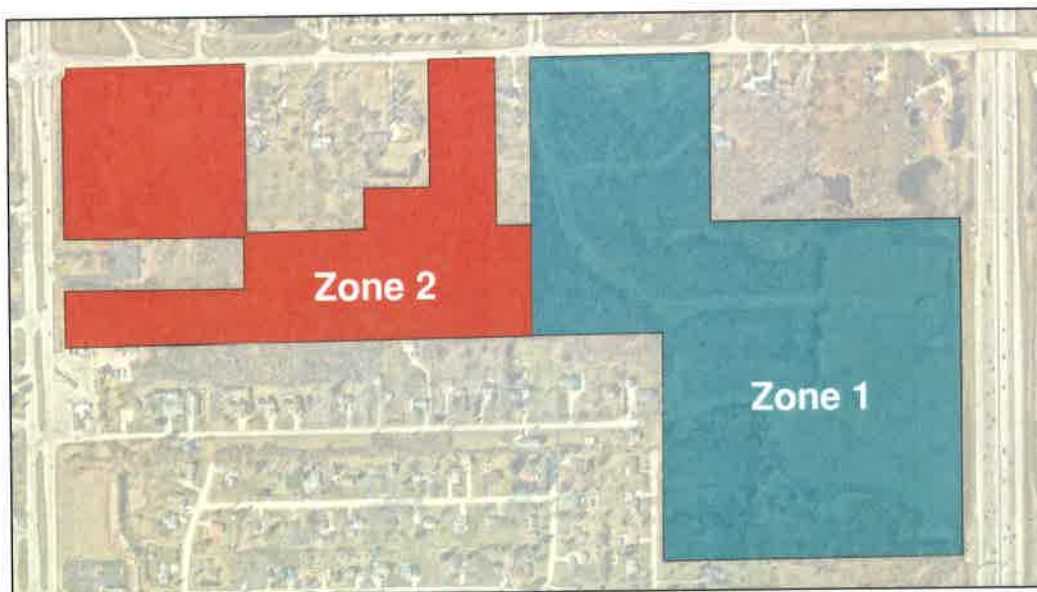
Property Addresses:

- **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 2.68 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.

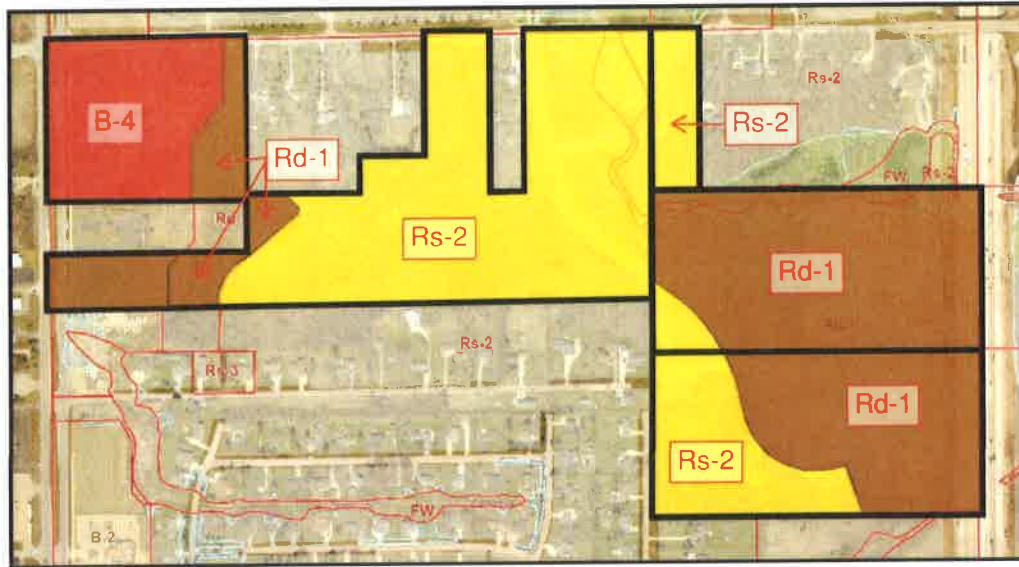
Please note, on Tuesday March 1, Common Council voted unanimously to approve a proposed amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020; amended November 17, 2020) for a portion of the properties shown as Zone 1 in the above illustrations. The amendment updates the Planned 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 (2.68 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 rezoning request will remain zoned as-is.

 Area to be rezoned to Planned Unit Development (PUD)



Master Development Plan (Site Plan)



LANDSCAPE LEGEND

- EXISTING WOODLAND TO BE PRESERVED
- EXISTING WETLAND TO BE MAINTAINED
- WETLAND BUFFER
- TURFGRASS SEED
- HONEYCUCUMBER SEED WITH SPREAD PLANTING
- WHITE SEED MIX

LANDSCAPE NOTES

1. VARIETY PLANTING AND COLOR SCHEMES SHOULD BE USED TO ENHANCE VISUAL INTEREST AND PROVIDE YEAR-ROUND INTEREST.
2. PLANTING SHOULD BE DONE IN ACCORDANCE WITH THE LANDSCAPE CONTRACTOR'S SPECIFICATIONS AND THE LANDSCAPE CONTRACTOR'S RECOMMENDATIONS.
3. PLANTING SHOULD BE DONE IN ACCORDANCE WITH THE LANDSCAPE CONTRACTOR'S RECOMMENDATIONS.
4. PLANTING SHOULD BE DONE IN ACCORDANCE WITH THE LANDSCAPE CONTRACTOR'S RECOMMENDATIONS.
5. PLANTING SHOULD BE DONE IN ACCORDANCE WITH THE LANDSCAPE CONTRACTOR'S RECOMMENDATIONS.
6. PLANTING SHOULD BE DONE IN ACCORDANCE WITH THE LANDSCAPE CONTRACTOR'S RECOMMENDATIONS.
7. PLANTING SHOULD BE DONE IN ACCORDANCE WITH THE LANDSCAPE CONTRACTOR'S RECOMMENDATIONS.

PRELIMINARY NOT FOR CONSTRUCTION

HEYDAY OAK CREEK
S 27TH ST & W PUETZ ROAD
OAK CREEK, WI 53154

OVERALL LANDSCAPE PLAN

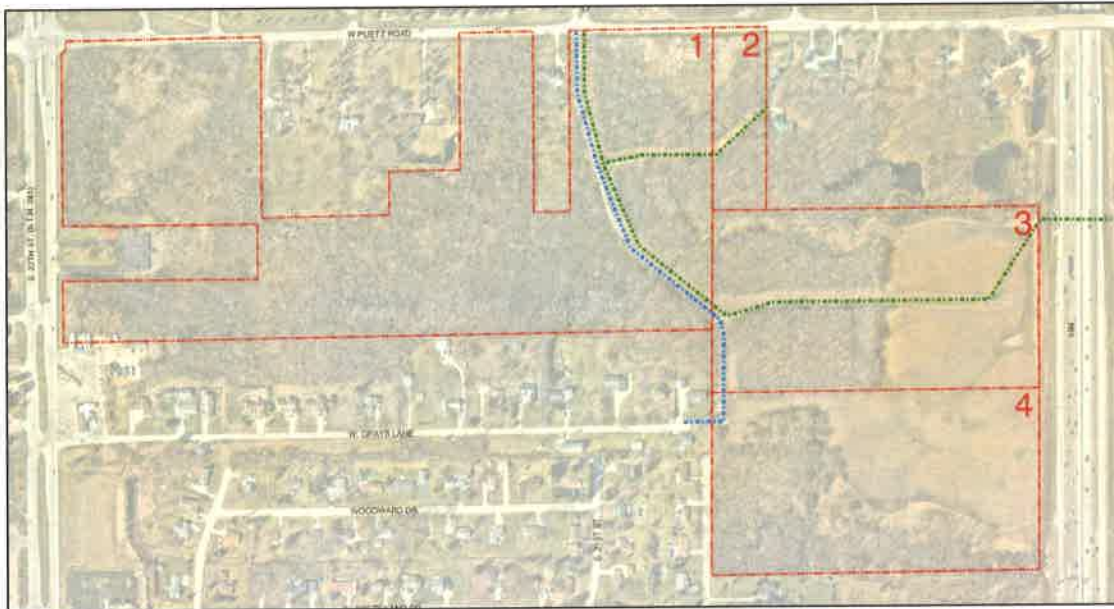
SIGMA

DATE: 11/11/11
SCALE: AS SHOWN
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

SHEET NO. **L100**

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 | 12.9 acres or approximately 562,000 square feet. |
| <u>Subject Project</u> | |
| Zone 1 | Approximately 50.0 acres |
| Total Homes | 134 |
| Total Garage Parking Spaces | 236 (1.76 assigned, private spaces per unit) |
| Total Surface Parking Spaces: | |
| - Driveway Parking | 236 |
| - Roadway Guest Parking | 74 |
| Total Parking Project wide (Ratio) | 546 (4.07 spaces/unit) |
| Overall Density per Acre | 134 homes / 50 acres = 2.68 homes per acre |
| Impervious Surface Area Ratio | 489,500 / 3.978 million = 12.3% |
| 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 134 single-family attached homes / units within 22 buildings, with each building containing four, six or eight homes.

| Heyday Oak Creek | | | |
|-------------------|-----------|-------|-------|
| Building Type Mix | | | |
| Bldg Type | Bldt Qty. | Units | Total |
| A8 | 4 | 8 | 32 |
| B6 | 2 | 6 | 12 |
| C4 | 3 | 4 | 12 |
| C6 | 5 | 6 | 30 |
| D6 | 6 | 6 | 36 |
| F6 | 2 | 6 | 12 |
| | 22 | | 134 |

The buildings will feel and operate like ranch-style single-family homes, with each home having direct access attached parking garages. 32 of the homes will have an oversized 1-car attached garage providing direct access to the unit, with the remaining 102 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 3.52 parking spaces per unit. When the additional 74 roadway guest parking spaces are assumed the result is 4.07 spaces per unit. Please see the following chart for additional details on the 134 homes.

| Heyday Oak Creek Project Details | | | | | | |
|----------------------------------|------------|-------------|--------------|---------------|-----------------|----------------------------|
| Unit Type | Qty | Percentage | Living Space | Garage Spaces | Driveway Spaces | Dedicated Parking Per Unit |
| 1-Bed (A) | 32 | 24% | 832 | 32 | 32 | |
| 1-Bed (B) | 12 | 9% | 1,076 | 24 | 24 | |
| 2-Bed (C) | 42 | 31% | 1,344 | 84 | 84 | |
| 2-Bed (D) | 36 | 27% | 1,457 | 72 | 72 | |
| 3-Bed (F) | 12 | 9% | 1,701 | 24 | 24 | |
| Total Units | 134 | 100% | 1,260 | 236 | 236 | 3.52 Spaces |

The community will also include a leasing office / maintenance building measuring approximately 1,000 sq ft. At 134 homes on the 50 acre PUD site the result is an overall density of 2.68 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

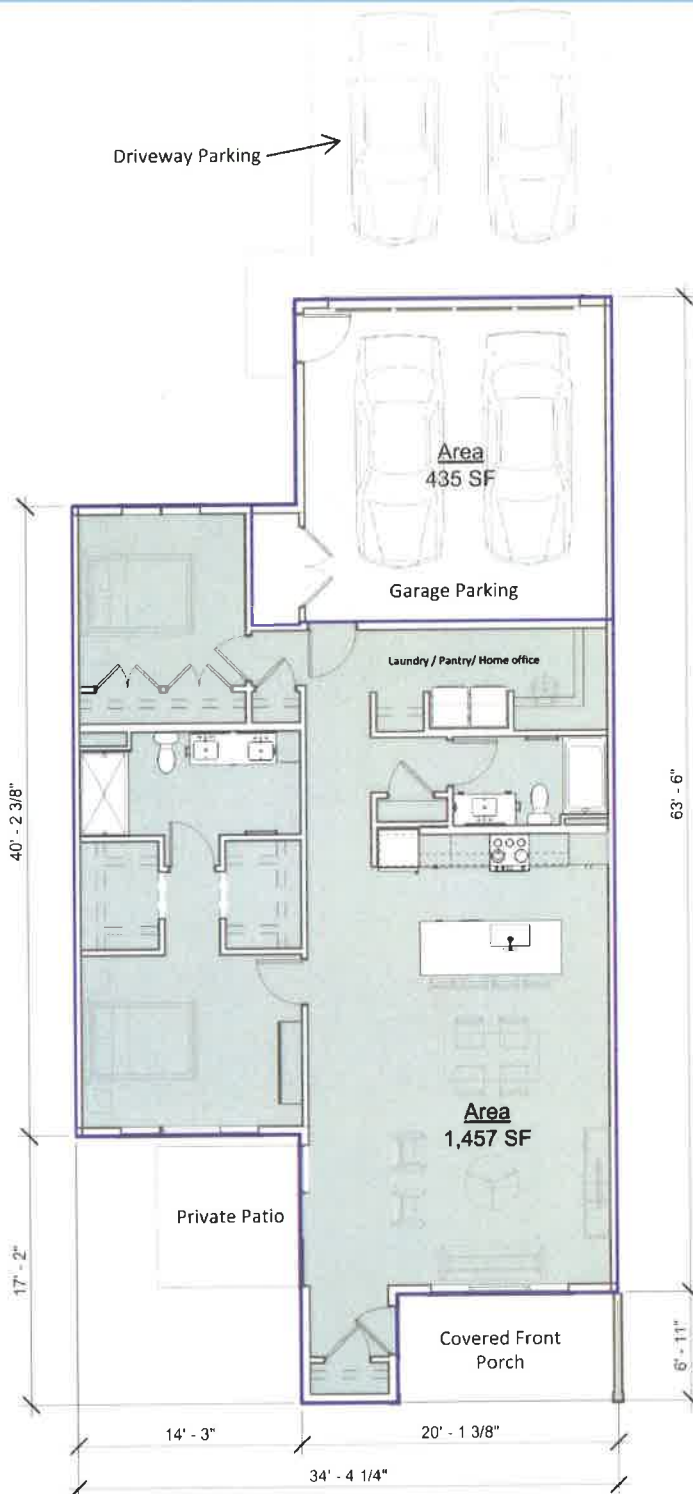
Please see the images below, representing the architecture of the single-family attached homes.



Building materials of enduring quality such as brick 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 likely 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 2.68 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 4/29/22 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 2.68 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 4/28/2022. |
| 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. | Sigmas civil plans dated 4/28/22 have been designed 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. |

| 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 4/28/2022. |
| 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 4/28/2022; 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. | Trash will be serviced the same way a single family home neighborhood is serviced. Each unit will have a 64-gallon trash container for refuse and a similar sized container for recycling. A private service will pick up trash curb-side 1x a week. There are no storage areas or exposed machinery. |
| 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, walls, 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. | Please see the provided Sigma Civil Plans dated 4/28/2022. |
| 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 project has been design to meet a National Green Building Standards Bronze Certification. We are exploring the cost associated with the certification process. |
| 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 2.68 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. | Please see the provided Sigma Civil Plans dated 4/28/2022. |
| 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. | Please see the provided Sigma Civil Plans dated 4/28/2022, specifically drawing C200 Overall Grading Plan. |

Conclusion

We believe the 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 2.68 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 D for the re-zone and legal description requested.

Thank you for your time and consideration.



Kari Papelbon
Senior Planner
City of Oak Creek • Community Development
8040 South 6th Street • Oak Creek, WI
RE: Heyday Oak Creek PUD Submission
May 3, 2022

Kari,

A few quick items pertaining to our PUD application dated 3.15.22.

Site development allowance – exterior materials.

As represented in our application we are requesting the use of vinyl siding on the exterior of the attached single-family homes we have proposed. This is consistent and compatible with the surrounding homes / neighborhood, as vinyl is used as a primary material on a vast majority of the residential homes on Grays Ln., Woodward Dr., Southland Dr. and Hilltop. It is also a primary material used on the single-family and condominium units built on the north side of Puetz. Approval of the use of this material will not change any other code standards being applied to the project. In addition, we would like to highlight that development has been designed to meet the National Green Building Standard (NGBS) bronze certification. We are exploring the cost associated with the certification process.

Building Orientation

Although represented in our plans, we wanted to make sure it was stated clearly that the orientation of the attached single-family homes are such that garages face the accesses (front lot line) and the front facades face interior (rear/side lot lines). Please note that we do not have any homes on public streets, rather 100% of the homes proposed will be built on private streets.

Thanks Kari. Please let me know if you have any questions regarding these items.

Best,
Josh Wohlreich



Kari Papelbon
Senior Planner
City of Oak Creek • Community Development
8040 South 6th Street • Oak Creek, WI
RE: Heyday Oak Creek PUD Submission

May 23, 2022

Kari,

A few quick items pertaining to our PUD application dated 3.15.22.

Site development allowance – exterior materials.

As represented in our application we are requesting the use of vinyl siding and thin brick (non structural, less than 3”) on the exterior of the attached single-family homes we have proposed. This is consistent and compatible with the surrounding homes / neighborhood, as vinyl is used as a primary material on a vast majority of the residential homes on Grays Ln., Woodward Dr., Southland Dr. and Hilltop. It is also a primary material used on the single-family and condominium units built on the north side of Puetz. Approval of the use of these materials will not change any other code standards being applied to the project. In addition, we would like to highlight that development has been designed to meet the National Green Building Standard (NGBS) bronze certification. We are exploring the cost associated with the certification process.

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Thanks Kari. Please let me know if you have any questions regarding these items.

Best,
Josh Wohlreich

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607 • TELEPHONE (262) 547-6721
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June 16, 2022

Mr. Christopher Carr, P.E.
Civil Engineering Group Leader
The Sigma Group, Inc.
1300 West Canal Street
Milwaukee, WI 53233

Re: SEWRPC No. PSC-22-045

Dear Mr. Carr:

This is to acknowledge receipt of your letter of January 12, 2022, and revised plans dated April 28, 2022, and June 14, 2022, requesting the Commission staff to review and comment on 23 proposed private building sewers that would connect to a proposed system of public sanitary sewers to be built within the project area in the City of Oak Creek, Milwaukee County. The 23 private building sewers would serve 22 multi-family buildings and a small leasing/maintenance building for the proposed Heyday Oak Creek residential development located approximately 1,500 feet southwest of the intersection of IH 94 and W. Puetz Road. Such review comments are required by Section SPS 382.20(4) of the *Wisconsin Administrative Code*.

The Commission staff have reviewed this matter and have determined that the proposed private building sewers are not in conflict with, and would serve to implement, the regional plans prepared and adopted by the Commission as the areawide water quality management planning agency.

We note, however, that the area to be served by the proposed public sanitary sewer extensions does contain lands identified in regional plans as secondary environmental corridor (SEC), such SEC consisting of 1-percent-annual-probability (100-year recurrence interval) floodplain and riparian buffer associated with an unnamed stream tributary to the Oak Creek, field-delineated wetlands (as shown on the plans included with your submittal), woodlands, and significant wildlife habitat. The boundary of the adopted SEC is shown on Map 7-3 in SEWRPC Community Assistance Planning Report No. 213 entitled *Sanitary Sewer Service Area for the City of Oak Creek, Milwaukee County, Wisconsin*, dated July 1994. Review of the plans included within your revised submittal indicates encroachment within a majority of the upland portions of the SEC (and into certain small isolated wetlands within the SEC due solely to road and utility crossings) to develop the proposed project. In this regard, it is important to note that certain policies adhered to by the Wisconsin Department of Natural Resources and the Wisconsin Department of Safety and Professional Services prohibit or otherwise limit the extension of sanitary sewers to serve development in the lowland (i.e. wetland, floodplain, shoreland, and adjacent steep slope) portions of the SEC, and that the Commission recommends that local governments consider preserving SECs as natural, open space.

It should also be noted that a majority of the SEC within the project area contains a critical species habitat site (Puetz Road Woods) as identified in a SEWRPC report titled, *Amendment to the Natural Areas and Critical Species Habitat Protection and Management Plan for the Southeastern Wisconsin Region*, dated

December 2010. The regional natural areas and critical species habitat plan recommends that the Puetz Road Woods be protected through private conservancy organization ownership. Furthermore, adopted regional plans identify such critical species habitat sites as incompatible for urban development.

The finding of no conflict with the regional plans for the proposed public sanitary sewer extensions is made conditional upon the City of Oak Creek not allowing public or private sewer connections that would provide for future urban development within the lowland portions of the secondary environmental corridor lands located within the project area. However, the Commission does understand that it may sometimes be necessary for the construction of public sanitary sewers, transportation routes, and other utilities to traverse areas of environmental corridors, in this case, secondary environmental corridor. This finding is also based upon the fact that only the upland portions of the subject critical species habitat site/SEC (and certain lowland portions of the SEC associated with the road/utility extensions previously noted) are proposed to be developed, and that a public sanitary sewer extension for the northern portion of the project area was previously reviewed (see SEWRPC letter No. SSE-204-95 dated October 5, 1995) and subsequently constructed.

However, pursuant to the recommendations contained within the regional natural areas and critical species habitat site plan, a recent site visit of the project area confirmed: the presence of the critical species (black hawk); that the SEC provides suitable habitat for the black hawk; and that a majority of the SEC was also composed of a moderate quality mature southern mesic forest with very few invasive species present. In consultation with City staff; Commission staff recommends that the developer work with City and Commission staff to relocate as many of the black hawk as feasible from the portions of the SEC to be developed to other undisturbed portions of the SEC. Toward that end, Commission staff stands ready to assist the developer and the City with field identification of the black hawk, identification of appropriate relocation areas, and/or subsequent site visits to determine how well the relocation has succeeded and if any further management actions would be appropriate.

In addition to obtaining any necessary regulatory approvals from the City of Oak Creek in these regards, any permanent changes to the land surface within the floodplain as part of the development of the site should be subject to engineering studies and detailed site planning in accordance with the local floodplain zoning ordinance; requirements in Chapter NR 116, "Wisconsin's Floodplain Management Program", of the *Wisconsin Administrative Code*; and Federal Emergency Management Agency floodplain requirements. Construction erosion control and post-construction management measures for the development area should be implemented as required under Chapter NR 151, "Runoff Management", of the *Wisconsin Administrative Code* and local ordinances.

Furthermore, disturbance of any wetlands located outside of the secondary environmental corridor within the project area, including earth moving activities adjacent to the wetlands, may require permits from the Wisconsin Department of Natural Resources and/or the U.S. Army Corps of Engineers. Development in the vicinity of wetland areas may also be subject to protective area requirements set forth in Chapter NR 151, "Runoff Management", of the *Wisconsin Administrative Code*. Construction erosion control and post-construction stormwater management measures for the development site should be implemented as required under Chapter NR 151 and local ordinances.

Please include a copy of this letter with your submittal of plans and specifications for this private sanitary main and building sewers to the Wisconsin Department of Safety and Professional Services.

Mr. Christopher Carr, P.E.
June 16, 2022
Page 3

Should you have any questions concerning this matter, please do not hesitate to contact us.

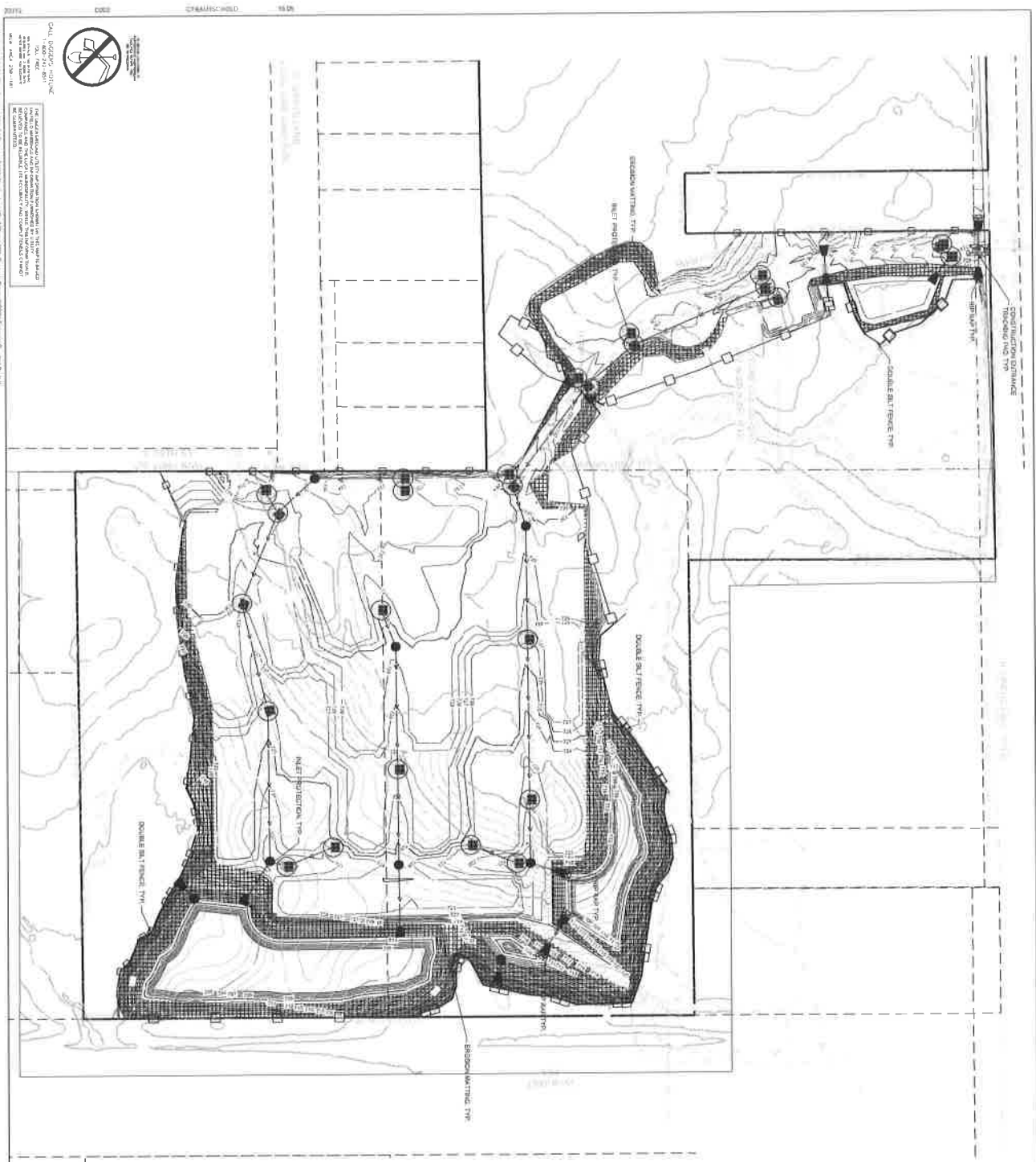
Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Muhs". The signature is fluid and cursive, with the first name "Kevin" and last name "Muhs" clearly legible.

Kevin J. Muhs, PE, AICP
Executive Director

KJM/JED/cp
#263467 – PSC-22-045

cc: Mr. Andrew Vickers, City Administrator, City of Oak Creek
Mr. Douglas Seymour, Director of Community Development, City of Oak Creek



LEGEND

- PROPOSED SLOPE FENCE (A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)
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GENERAL NOTES:

- THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS DRAWING IS BASED ON FIELD LOCATIONS FROM RECORDS. THE LOCATION AND DEPTH OF UTILITIES CANNOT BE GUARANTEED. ANY UTILITIES NOT SHOWN ON THIS DRAWING ARE THE PROPERTY OF THE OWNER AND ARE NOT TO BE DISTURBED.
- VERIFY ALL UTILITIES AND INTERFERENCE IN THE FIELD AND REPORT TO THE ENGINEER PRIOR TO CONSTRUCTION.
- WORK TO BE COMPLETED IS INDICATED BY DASHED LINES.
- EROSION CONTROL MEASURES ARE TO BE INSTALLED PRIOR TO PROCEEDING WITH CONSTRUCTION.
- EROSION CONTROL MEASURES ARE TO BE MAINTAINED THROUGHOUT CONSTRUCTION.
- DO NOT BEGIN ANY DISTURBING ACTIVITIES UNTIL AN EROSION CONTROL PERMIT IS OBTAINED FROM LOCAL JURISDICTION.

PRELIMINARY NOT FOR CONSTRUCTION

HEYDAY OAK CREEK
 S. 27TH ST. & W. PUETZ ROAD
 OAK CREEK, WI 53154

EROSION CONTROL PLAN

SCALE: 1" = 50'

DATE: 08/11/2011

PROJECT NO.: C002

DRAWN BY: [Name]

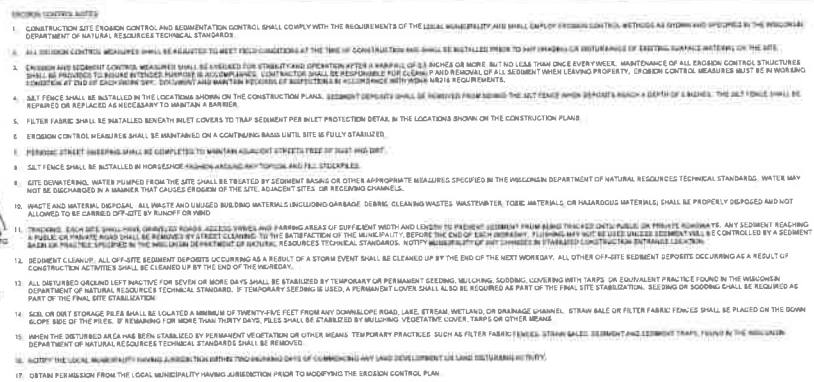
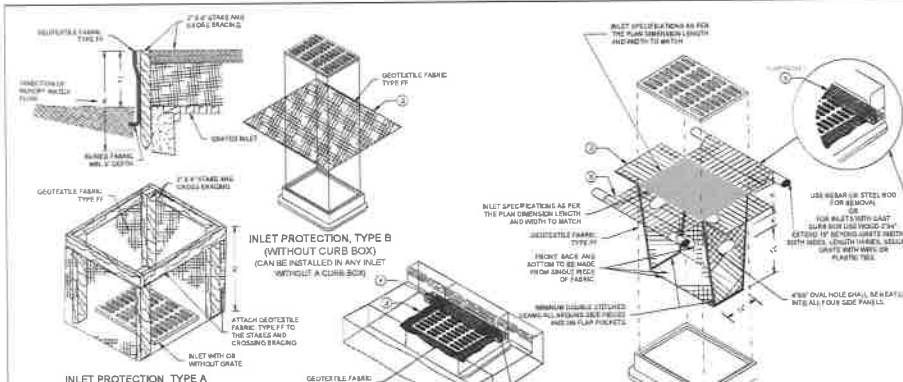
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DATE: 08/11/2011

SCALE: 1" = 50'

PROJECT NO.: C002

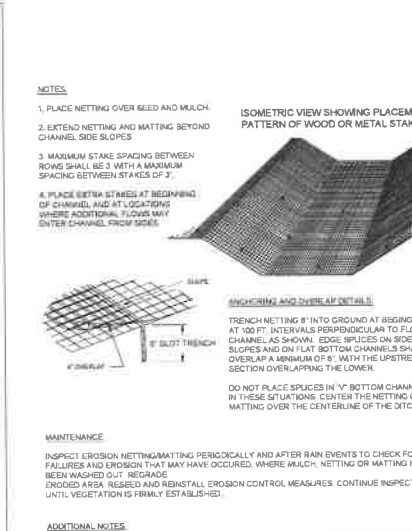
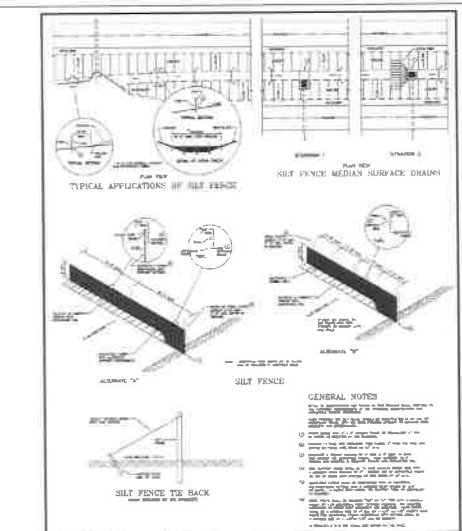
HE SIGMA BRUIP
 1212 West Capitol Street
 Milwaukee, WI 53233
 Tel: 414-441-2111
 Fax: 414-441-2112



- GENERAL NOTES**
- MANUFACTURER'S LITERATURE APPROVED AND LISTED ON THE DEPARTMENT'S EROSION CONTROL PRODUCT ACCEPTABILITY LIST MAY BE SUBSTITUTED.
 - WHEN REMOVING OR MAINTAINING INLET PROTECTION, CARE SHALL BE TAKEN TO PREVENT SEDIMENT FROM ENTERING THE INLET. ANY MATERIAL FALLING INTO THE INLET SHALL BE REMOVED IMMEDIATELY.
 - FINISHED SITE, INCLUDING FLAP POCKETS WHERE REQUIRED, SHALL BE MAINTAINED TO PREVENT THE PERMITTEE FROM FACILITATING MAINTENANCE OR REMOVAL.
 - FOR INLET PROTECTION TYPE C (WITH CURB BOX), AN ADDITIONAL 18" OF FABRIC IS REQUIRED AROUND THE WOOD AND SECURED WITH STAPLES. THE WOOD SHALL NOT BLOCK THE ENTIRE HEIGHT OF THE CURB BOX OPENING.
 - FLAP POCKETS SHALL BE LARGE ENOUGH TO ACCEPT WEEDS.

- INSTALLATION NOTES**
- TYPE A-C**
- TRIM EXCESS FABRIC IN THE FLOW LINE TO WITHIN 3" OF THE GRATE. THE CONTRACTOR SHALL DEMONSTRATE A METHOD OF MAINTENANCE USING A SODM FLAP, HAND HELD OR OTHER METHOD TO PREVENT ACCUMULATED SEDIMENT FROM ENTERING THE INLET.
- TYPE D**
- DO NOT INSTALL INLET PROTECTION TYPE D IN INLETS SHALLOWER THAN 30" MEASURED FROM THE BOTTOM OF THE INLET TO THE TOP OF THE GRATE. TRIM EXCESS FABRIC IN THE FLOW LINE TO WITHIN 3" OF THE GRATE. THE INSTALLED BAG SHALL HAVE A MINIMUM SIDE CLEARANCE BETWEEN THE INLET WALLS AND THE BAG, MEASURED AT THE BOTTOM OF THE CURB BOX HOLES OF 2". WHERE NECESSARY, THE CONTRACTOR SHALL CHOP THE BAG USING PLASTIC ZIP TIES TO ACHIEVE THE 2" CLEARANCE. THE TIES SHALL BE PLACED AT A MAXIMUM OF 4" FROM THE BOTTOM OF THE BAG.
- GENERAL NOTE**
- INLET PROTECTION SHALL CONFORM TO WDCNR CONSERVATION PRACTICE STANDARD #1060
- THIS DRAWING IS BASED ON WDCNR DEPARTMENT OF TRANSPORTATION STANDARD DETAIL DRAWING 8 E 10-2

INLET PROTECTION TYPE A, B, C, AND D: WDCNR TS-1060



**City of Oak Creek
Department of Public Works**

Drawn By: L.A. Flynn Scale: A:1=1
 App'd By: M.J. Sullivan Date: 12/8/03 (Revised)
 SOURCE: WDCNR FORM SILT FENCE RO-17

CHANNEL EROSION MAT : WDCNR TS-1053

NOT TO SCALE

EROSION MATTING: WDCNR TS-1052

NOT TO SCALE

- WDCNR GENERAL NOTES**
- CONSTRUCTION SITE EROSION CONTROL AND SEDIMENTATION CONTROL SHALL COMPLY WITH THE REQUIREMENTS OF THE LOCAL MUNICIPALITY AND SHALL EMPLOY EROSION CONTROL MEASURES AS FORTHWITH SPECIFIED IN THE WDCNR DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARDS.
 - ALL EROSION CONTROL MEASURES SHALL BE INSTALLED TO MEET THE REQUIREMENTS AT THE TIME OF CONSTRUCTION AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 - EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 - ALL FENCE SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THE CONSTRUCTION PLANS. SEDIMENT DEPOSIT SHALL BE REMOVED FROM BEHIND THE SILT FENCE WITHIN 24 HOURS OF EACH INSPECTION. THE SILT FENCE SHALL BE REPAIRED OR REPLACED AS NECESSARY TO MAINTAIN A BARRIER.
 - FILTER FABRIC SHALL BE INSTALLED BENEATH INLET COVERS TO TRAP SEDIMENT PER INLET PROTECTION DETAIL IN THE LOCATIONS SHOWN ON THE CONSTRUCTION PLANS.
 - EROSION CONTROL MEASURES SHALL BE MAINTAINED ON A CONTINUING BASIS UNTIL THE SITE IS FULLY STABILIZED.
 - PERMEABLE STREET DRAINAGE SHALL BE MAINTAINED TO MAINTAIN ADJACENT STREETS FREE OF STUNT HIGH DIRT.
 - SILT FENCE SHALL BE INSTALLED BY HAND OR MEANS OF A TRACTOR OR OTHER APPROPRIATE MEASURES SPECIFIED IN THE WDCNR DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARDS. WATER MAY NOT BE DISCHARGED IN A MANNER THAT CAUSES EROSION OF THE SITE, ADJACENT SITES, OR RECEIVING CHANNELS.
 - GATE DEWATERING, WATER PUMPED FROM THE SITE SHALL BE TREATED BY SEDIMENT BASIN OR OTHER APPROPRIATE MEASURES SPECIFIED IN THE WDCNR DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARDS. WATER MAY NOT BE DISCHARGED IN A MANNER THAT CAUSES EROSION OF THE SITE, ADJACENT SITES, OR RECEIVING CHANNELS.
 - WASTE AND MATERIAL DISPOSAL: ALL WASTE AND MATERIALS INCLUDING GARBAGE, DEBRIS, CLEANING WASTES, WASTEWATER, TOXIC MATERIALS, OR HAZARDOUS MATERIALS, SHALL BE PROPERLY DISPOSED AND NOT ALLOWED TO BE CARRIED OFF-SITE BY FLOWING OR WIND.
 - TRUCKS: EACH SITE SHALL HAVE UNPAVED ROADS ACCESS STREETS AND PARKING AREAS OF SUFFICIENT WIDTH AND LENGTH TO PREVENT TRUCKS FROM TRACKING DIRT PUBLIC OR PRIVATE RIGHWAY. ANY SEDIMENT RESULTING FROM PUBLIC OR PRIVATE RIGHWAY SHALL BE REMOVED BY STREET CLEANING TO THE SATISFACTION OF THE MUNICIPALITY BEFORE THE END OF EACH WORKDAY. TRUCKS MAY NOT BE USED UNLESS SEDIMENT IS CONTROLLED BY A SEDIMENT CONTROL MEASURE SUPPLIED BY THE MUNICIPALITY IN ACCORDANCE WITH WDCNR TECHNICAL STANDARDS. NOTIFY MUNICIPALITY OF ANY VIOLATIONS IN STABILIZED CONSTRUCTION STABILIZATION LOCATION.
 - SEDIMENT CLEANUP: ALL OFF-SITE SEDIMENT DEPOSITS OCCURRING AS A RESULT OF A STORM EVENT SHALL BE CLEANED UP BY THE END OF THE NEXT WORKDAY. ALL OTHER OFF-SITE SEDIMENT DEPOSITS OCCURRING AS A RESULT OF CONSTRUCTION ACTIVITIES SHALL BE CLEANED UP BY THE END OF THE NEXT WORKDAY.
 - ALL DISTURBED AREAS SHALL BE STABILIZED BY TEMPORARY OR PERMANENT SEEDING, MULCHING, SOILING, COVERING WITH TAPPS OR EQUIVALENT PRACTICES FOUND IN THE WDCNR DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARDS. A PERMANENT COVER SHALL ALSO BE REQUIRED AS PART OF THE FINAL SITE STABILIZATION. SOILING OR SOILING SHALL BE REQUIRED AS PART OF THE FINAL SITE STABILIZATION.
 - SOIL OR DIRT STORAGE PILES SHALL BE LOCATED A MINIMUM OF TWENTY-FIVE FEET FROM ANY DOWNSLOPE ROAD, LAKE, STREAM, WETLAND, OR DRAINAGE CHANNEL. STRAW BALE OR FILTER FABRIC FENCES SHALL BE PLACED ON THE DOWN SLOPE SIDE OF THE PILE. IF REMAINING FOR MORE THAN THIRTY DAYS, PILES SHALL BE STABILIZED BY MULCHING, VEGETATIVE COVER, TAPPS OR OTHER MEANS.
 - WHEN THE DISTURBED AREA HAS BEEN STABILIZED BY PERMANENT VEGETATION OR OTHER MEANS, TEMPORARY PRACTICES SUCH AS FILTER FABRIC FENCES, STRAW BALES, SEDIMENT AND EROSION TRAPPS, PILES IN THE WDCNR DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARDS SHALL BE REMOVED.
 - ACCEPT THE LOCAL MUNICIPALITY'S JURISDICTION OVER THE DISTURBED AREAS OF CONSTRUCTION AND LAND DEVELOPMENT AND LAND USE REGULATORY AUTHORITY.
 - OBTAIN PERMISSION FROM THE LOCAL MUNICIPALITY HAVING JURISDICTION PRIOR TO WORKING THE EROSION CONTROL PLAN.
 - REPAIR AND MAINTENANCE OF EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 - KEEP A COPY OF THE EROSION CONTROL PLAN ON SITE.
 - CONTRACTOR SHALL TO THE EXTENT POSSIBLE, MINIMIZE DISTURBANCE OF EXISTING VEGETATION DURING CONSTRUCTION.
 - CONTRACTOR SHALL TO THE EXTENT POSSIBLE, MINIMIZE DISTURBANCE OF TOPSOIL AND PRESERVE TOPSOIL IN UNDERSIDE PILES.
 - MINIMIZE FLOW FROM HOLES AND OTHER BREACHES. BREACHES SHALL BE COMPLETED AND REPAIRED PRIOR TO DISCHARGE.
 - CONTRACTOR SHALL MAINTAIN 10% SLOPE DITCHES.
 - PERMANENT TURF SEEDING OF DISTURBED AREA MUST OCCUR PRIOR TO SEPTEMBER 15TH IF AVAILABLE TO APPLY PERMANENT SEEDING PRIOR TO SEPTEMBER 15TH, THEN DISTURBED AREAS SHALL BE TEMPORARILY SEEDING WITH ANNUAL PLY GRASS PER WDCNR TECHNICAL STANDARDS. WHEN THE TEMPORARY SEEDING MUST OCCUR PRIOR TO OCTOBER 15TH.
 - IF TEMPORARY SEEDING IS NOT COMPLETED BY OCTOBER 15TH, ANNUAL PLY GRASS AND SOILING SHALL BE APPLIED TO DISTURBED AREA PER WDCNR TECHNICAL STANDARDS. THIS SUBJECT TO THE APPLICATION OF A MINIMUM FREQUENCY OF EVERY TWO MONTHS AND REPAIRS AS NECESSARY.

SIGMA GROUP

1310 West Canal Street
 Milwaukee, WI 53222
 Phone: 414-441-4200
 Fax: 414-441-4211

NOT TO SCALE

HEYDAY OAK CREEK

S. 27TH ST. & W. PUETZ ROAD
 OAK CREEK, WI 53154

EROSION CONTROL DETAILS

PRELIMINARY
 NOT FOR
 CONSTRUCTION

| NO. | REVISION | DATE | BY |
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SCALE: NOT TO SCALE

PROJECT NO.: 2012E

DESIGN DATE: ---

PLIST DATE: 02/08/2012

DRAWN BY: ---

CHECKED BY: ---

APPROVED BY: ---

SHEET NO. C400



PROHIBITED

CALL SIGMA GROUP
 1-800-742-8811
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LANDSCAPE LAYOUT

| LANDSCAPE ITEM | QUANTITY | UNIT |
|---|----------|-------------|
| EXISTING WETLANDS TO BE PRESERVED | 27,000 | SQ FT |
| EXISTING WOODLAND TO BE PRESERVED | 100,000 | SQ FT |
| WETLAND BUFFER | 100 | LINEAR FEET |
| TRANSPLANT BEDS | 100 | SQ FT |
| LANDSCAPE LAYOUT MATCH WITH SHARED PLANTING | 100 | SQ FT |
| LANDSCAPE LAYOUT MATCH WITH SHARED PLANTING | 100 | SQ FT |

- LANDSCAPE GENERAL NOTES:**
1. VERIFY EXISTING AND PROPOSED CONDITIONS, UTILITIES, ASSESS AND IDENTIFY ALL EXISTING AND PROPOSED CONDITIONS, ASSESS AND IDENTIFY ALL EXISTING AND PROPOSED CONDITIONS, ASSESS AND IDENTIFY ALL EXISTING AND PROPOSED CONDITIONS.
 2. VERIFY THE SITE AREA TO BE DEVELOPED, VERIFY THE SITE AREA TO BE DEVELOPED, VERIFY THE SITE AREA TO BE DEVELOPED, VERIFY THE SITE AREA TO BE DEVELOPED.
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REVISIONS

| NO. | DESCRIPTION | DATE | BY |
|-----|-----------------------|------------|----|
| 1 | ISSUED FOR PERMITTING | 11/15/2011 | MM |
| 2 | REVISED PER COMMENTS | 11/15/2011 | MM |
| 3 | REVISED PER COMMENTS | 11/15/2011 | MM |
| 4 | REVISED PER COMMENTS | 11/15/2011 | MM |
| 5 | REVISED PER COMMENTS | 11/15/2011 | MM |
| 6 | REVISED PER COMMENTS | 11/15/2011 | MM |
| 7 | REVISED PER COMMENTS | 11/15/2011 | MM |
| 8 | REVISED PER COMMENTS | 11/15/2011 | MM |
| 9 | REVISED PER COMMENTS | 11/15/2011 | MM |
| 10 | REVISED PER COMMENTS | 11/15/2011 | MM |

PRELIMINARY NOT FOR CONSTRUCTION

HEYDAY OAK CREEK

S. 27TH ST. & W. PUETZ ROAD
 OAK CREEK, WI 53154

OVERALL LANDSCAPE PLAN

SIGMA GROUP

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Sec. 17.0702. General Provisions

- (a) The following may be approved as a planned development:
- (1) Any development greater than five (5) acres in size containing mixed-residential, multifamily residential, mixed-use, or nonresidential/mixed-residential combination with single-family detached, single-family attached, or multi-family uses.
- (b) Each planned development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a planned development upon an already existing planned development except to the extent such planned development has been approved as part of a development master plan.
- (c) The burden of providing evidence and persuasion that any planned development is necessary and desirable shall in every case rest with the applicant.

Sec. 17.0703. Standards for Review

Approval of development through the use of a Planned Unit Development, including modifications to conventional zoning and subdivision regulations, is a privilege and will be considered by the City only in direct response to the accrual of tangible benefits from the planned development to the City or the neighborhood in which it would be located. These benefits shall be in the form of exceptional amenities, outstanding environmental, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. In reviewing an application for a planned development, the Plan Commission and/or the Common Council, as the case may be, shall be required to make certain findings based on the following standards:

- (a) **Required Findings.** No application for a planned development shall be approved unless all the following findings are made about the proposal:
- (1) **Comprehensive Plan.** The planned development shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan.
 - (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.
 - (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.
 - (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.

- (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.
- (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.
- (b) **Modification Standards.** In addition to the findings required above, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a planned development. These standards shall not be regarded as inflexible but shall be used as a framework by the City to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.
- (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.
- (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. The following would not be considered usable common open space:
- a. Areas reserved for the exclusive use or benefit of an individual tenant or owner.
 - b. Dedicated streets, alleys, and other public rights-of-way.
 - c. Vehicular drives, parking, loading and storage area.
 - d. Irregular or unusable narrow strips of land less than fifteen (15) feet wide.
- (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.
- (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.
- (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.

- (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.
- (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.
- (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.
- (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.

Sec. 17.0704. Site Development Allowances

Notwithstanding any limitations on variances which can be approved as contained elsewhere in the Zoning Ordinance, site development allowances, i.e., deviations from the underlying zoning provisions set forth outside this Article may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development, is in furtherance of the stated objectives of this Article, and is necessary for proper development of the site.

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 10, 2022**

Alderman Loreck called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Doug Seymour, Director of Community Development; Kari Papelbon, Senior Planner; and Jack Kovnesky, Planning Intern. Mayor Bukiewicz was excused.

REZONE/PLANNED UNIT DEVELOPMENT

CR DEVCO

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, 857-9991-000

Senior Planner Papelbon provided an overview of the request to rezone to Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) and to establish a Planned Unit Development (PUD) on portions of the properties at 2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. (see staff report for details).

Elwood Faucett, 9040 S. 20th St., Oak Creek:

"I own the property immediately south of the development. I just have a couple questions on your procedures. You mentioned again tonight about the limited access to S. 20th St. of being emergency only. And, at one point there was also discussion about no access to Grays Lane. How will those requirements be implemented?"

Senior Planner Papelbon explained that 20th St. will be a cul-de-sac that partially goes onto the development and which will be gated. This will be a requirement of the Site Plan and PUD approval should the project move forward. The gate will be coordinated with the Fire Department so that they maintain access. There is no proposal, nor is there any requirement, for a connection to Grays Lane. A future connection to Grays Lane is not prohibited. Currently, there is simply no approval for any such connection.

Elwood Faucett:

"Okay, when you say that the requirement would be part of the PUD approval, does that become part of a, spelled out in a, resolution that's passed by the Common Council?"

Senior Planner Papelbon replied it would be part of Conditions and Restrictions, which would be included in an Ordinance.

Elwood Faucett:

"Would those restrictions also apply the construction traffic?"

Senior Planner Papelbon answered there would be no access for vehicles other than emergency vehicles.

Elwood Faucett:

"Just one more question. You mentioned that there may be some requirements or some changes to the grading plan and the stormwater plan, and I do have a couple concerns regarding those items. I know it's really not part of the zoning approval, but I just want to point them out, because it makes a difference to me on if I'm in favor of the zoning or not. The grading plan for the site appears to change the boundaries of the tributary area to Southland Creek, that appears to enlarge them, which would increase the flow to the south. The discharge from the south detention basin is into the wetlands. No problem with that, we want to keep watering the wetlands and keep them viable. But between the change in the boundaries and the increased flow, it'll increase the water going into the wetlands and there's no conveyance directly to Southland creek. That's basically the way it is now, except now there's going to be an increase in the volume of water. That wetland is not entirely on the developer's property; it extends onto mine. It goes across the property line. I'm not opposed to it going the way it normally did. I'm not opposed to the flow, not rate of flow, the total volume of flow, before the development. It's natural, it should go that way.

The other concern they've got, is that you said there's been people out on the site and hopefully they looked at the entire site, but there's an erosion problem. The wetland that they're discharging to is approximately five or six feet above the flow line of Southland Creek. And right at the southeast corner of the property, there's currently an erosion problem. The bank is eroding back to the north and something should be done to stabilize that. I know it's a little touchy, it's in the wetland area. I don't know if they can touch that or not, but it should be stabilized otherwise it's just going to progress. It's not a result of the firmament that was done on the site or anything else, it's as a result of the DOT construction, or reconstruction of I-94. They disturbed the area and they did not provide any erosion control and it's progressively getting worse, so thank you."

Barbara Linder, 2411 W. Puetz Rd., Oak Creek:

"I know it's not for today, but next to our property, it was listed RD-1. Now that would be where they could do multiple like he wants to build over there, right next to my house. Now we have opposed any multiple because that always was a single-family for a single-family residence. And always before, Oak Creek would have, if you're going to go next to, into multifamilies, you would have to have a barrier of a two-family. You couldn't go four-family and just rezone that R-1. That is unfair to like, our property, because he basically could put so many the whole length of our property. We got 660 feet deep. Plus, behind us, as a single-family home for one family, I would have no objections to, but multi like this? And I don't care if you classify it with saying it's a single-family residence, it's not. And we have enough in Oak Creek of apartments everywhere. And to us, that's wrong. And the way things are right now, they got it listed the whole length of our property for that R-1, and which it should not be. I mean, we've lived on that property almost our entire life. My husband especially, has lived on that property his entire life. We would never want to live here if we had the whole property lined with apartments. That would not be fair to us to have that put on to us. So I would like that known, because as far as that zoning goes that should never, you should never allow that because it was never meant that way. I mean we do know from the time we purchased the property, his parents purchased the property, we knew what was going to go on around us and I have no nothing against development, but you should do it the right way. And I mean across the street, we had to go with that. That everything part of that was done wrong. We were told those were going to be beautiful condos as they would be 90% mason and brick. Look at them. And we had them thinking in front of our house you know. It was just not what we were promised. So when the new developer comes in, we really don't have too much faith that what you say you're gonna do, you're gonna do, because

we've dealt with the Honadel property. And we had no objections to that in the beginning, and we said go ahead do this, and this is what we got."

Senior Planner Papelbon clarified the only portion of the property being discussed for rezoning and inclusion in the PUD was Lot 1. Anything to the west of Lot 1 is not presently changing. Lots 2 and 3 are currently zoned single-family residential, and Lot 4 is currently zoned B-4, Highway Business.

Commissioner Hanna asked for clarification of where the wetlands were located on the property. Senior Planner Papelbon stated that except for where the road would cross it, the wetland would be almost entirely preserved. DNR has already granted a permit for road access.

Commissioner Hanna questioned whether site drainage had been considered. Senior Planner Papelbon responded site drainage would be part of the requirement for storm water and grading plan revisions. Commissioner Hanna asked how the wetland boundary would be preserved. Senior Planner Papelbon said Code requires a 15-foot setback from wetlands, five (5) feet of which must remain undisturbed, and DNR retains all jurisdiction over wetlands. There is no fencing proposed at this time, but there may be a couple of retaining walls required.

Commissioner Hanna voiced her concern that the wetlands be protected. Senior Planner Papelbon stated there is no Code requirement for wetland delineation to include any type of fencing. Building plans and grading plans will serve as a check and balance. Each of the proposed buildings will be reviewed to ensure that the foundations are correctly placed outside of the wetlands.

Josh Wohlreich, 313 Surrey Ln., Lake Forest, IL, addressed the wetland issue on behalf of CR Devco. After working with SEWRPC and DNR, the 15-foot setback required by Code has been expanded to 75 feet. Two buildings within the 75-foot setback have also been removed.

Commissioner Hanna asked about the development's impact on the volume of traffic on Puetz Rd. Senior Planner Papelbon said the entrance road will be public and must be designed accordingly. A requirement for acceleration and deceleration lanes will be incorporated into the plans. Commissioner Hanna questioned if there would ever be access from 27th St. Senior Planner Papelbon answered that per WisDOT's Access Management Plan, it would have to be shared access with the existing 27th St. motel property.

Commissioner Chandler asked the applicant to address the grading and drainage concerns brought forth by Mr. Faucett. Mr. Wohlreich replied that once staff comments are received following review of the storm water proposal, CR Devco's engineering team would make sure that the site conformed with all standards and requirements imposed upon it. Mr. Wohlreich was not aware of any erosion issues, but would not object to restoring the wetland if DNR and Army Corps of Engineers approval were granted for work in the wetland.

Commissioner Chandler asked what would be done to alleviate Ms. Linder's concerns about a lack of any barrier between her property and any multifamily development. Mr. Wohlreich reiterated that CR Devco has no plans to develop the portion of the property that affects Ms. Linder's home.

Alderman Loreck requested that Senior Planner Papelbon clarify the current and the proposed zoning for the property. Senior Planner Papelbon said the majority of Lot 1 is currently zoned Rd-1, although approximately one-third (1/3) of the lot which provides access from Puetz Rd. is not.

This is the only portion CR Devco is seeking rezoning for. All of Lot 1 will be in a PUD, but Lots 2, 3 and 4 are excluded.

Alderman Guzikowski moved that the Plan Commission recommend to the Common Council that portions of the properties at 2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St. be rezoned to Rd-1, Two-Family Residential (NO CHANGE to FW, Floodway; FF, Flood Fringe; or C-1, Shoreland Wetland Conservancy Districts) with a Planned Unit Development after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at their next meeting (May 24, 2022).

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:57 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

5-24-22

Date

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 24, 2022**

Mayor Bukiewicz called the meeting to order at 6:01 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Doug Seymour, Director of Community Development, Laurie Miller, Zoning Administrator and Mike Havey, Assistant Fire Chief.

CONDITIONS AND RESTRICTIONS

CR DEVCO

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, 857-9991-000

Director Seymour provided an overview of the conditions and restrictions for a Planned Unit Development (see staff report for details).

The proposed conditions and restrictions are:

- Section 1
 - o PUD includes only Lot 1 of CSM to be recorded
- Section 2
 - o Site & Building Plan review required
 - o Development Agreement Required
 - o CSM shall be recorded prior to permitting
 - o Tree preservation & removal plan & Master Landscape Plan required
- Section 3
 - o Max. 22 buildings, 134 units, attached garages
 - o Garages per new Zoning Code
 - o Exterior building materials per new Zoning Code & include vinyl (see modification request for brick)
 - o Max. 2 monument signs, separate frontages
- Section 4
 - o Garage & parking apron requirements
 - o Parking shall not obstruct pathways, roads, etc.
 - o Min. 20-foot buffer between road & west property
 - o Min. clear area, parking restriction, no connection to Greys Lane, 20th Street. Access restricted
- Section 5
 - o Lighting per new Zoning Code
- Section 6
 - o Impact fees assessed
- Section 7
 - o Bulk & Dimensional Requirements, Setbacks

The applicant stated they would wait for questions from the Commission.

Commissioner Hannah asked if the request to replace some of the larger trees will be reflected in the Landscape Plan. Director Seymour answered that, per the conditions and restrictions proposed, the Tree preservation & removal plan & Master Landscape Plan will be required and is currently being developed for final approval at a future meeting. Commissioner Hannah then

asked why the applicants are requesting vinyl and brick modifications. Director Seymour answered that there have been many requests to use thinner brick than what the Code specifies and the brick depth requirement originally came from quality concerns with some commercial products on the market.

Josh Wohlreich, 313 Surrey Lane, Lake Forest IL, 60045, representing CR Devco, stated the proposed thin brick is a thinner version of a standard three (3) to three and a half (3.5) inch face brick. It is a much less environmentally impactful material that would comply with National Green Building Standards (NGBS) to help CR Devco achieve a bronze certification. Mr. Wohlreich said that while the thinner brick does lose some insulation value, the proposed designs make up those values to meet Code with the wall itself. To conclude, Mr. Wohlreich stated the thin brick is a more economic choice of material while maintaining a high-quality design.

Commissioner Hannah then asked what the maintenance plan would be for this material, as after time the vinyl may look dusty and not like traditional brick. Mr. Wohlreich clarified that the proposed material in discussion is real brick and would cover the bottom three (3) feet of the buildings' elevation with vinyl siding covering the rest of the elevations. Director Seymour also confirmed that the installation of this thin brick material would be individual; there will not be sheets of bricks installed at once. Commissioner Hannah asked for further clarification on why the applicant is requesting the vinyl material. Mr. Wohlreich answered by stating the Code currently allows a cementitious board for residential exteriors, yet the proposed vinyl siding is durable and degradation of the material over time is minimal.

Ryan Swingruber, 228 Raymond Ave., Barrington IL, 60010, representing CR Devco, then stated plans, specifications and samples can be shared going forward. The requested materials are high-end products that will meet the NGBS quality while being low-maintenance.

Alderman Guzikowski stated his acceptance for the thin brick and vinyl materials.

Commissioner Chandler requested further clarification on whether the choice to use the thin brick was one made of cost or safety. Director Seymour answered the choice has been made based on durability and installation. Commissioner Chandler then asked how the thin brick would meet the established building standard. Mr. Wohlreich stated the current Code stands for a face brick that has a minimum of three (3) inches for a depth; and what is being asked for is that ordinance be waived to allow a brick that is thinner than three (3) inches. Commissioner Chandler then asked how the thin brick can meet the durability standards and Mr. Wohlreich answered that, although installation may be different, there is no difference in durability between the two, as they are made of the same material. Commissioner Chandler then asked Director Seymour to explain the fire safety of the proposed thin brick. Director Seymour agreed the thin brick may have additional fire prevention benefits and stated the material is fire resistant and restated the requested material is individual bricks, not sheets of masonry-like material being applied to building facades.

Commissioner Chandler then asked if the plans have changed as the report states that one (1) brick will be used for the upper floors and three (3) inch brick will be used on the lower floors. Director Seymour answered that the standard was written with a multi-story building in mind, but what is being proposed is single-story buildings so the thin, one (1) inch brick would be applied along the base of the buildings.

Mayor Bukiewicz asked if the brick will stick out farther than the siding with an end cap on top, adding approximately three (3) inches of depth to the exterior surfaces. Mr. Wohlreich answered

in the affirmative. Mayor Bukiewicz then asked Director Seymour where, in the City, has the thin brick and vinyl have been allowed in the recent past. Director Seymour answered that a current hotel project allowed the thin brick and the Code currently allows vinyl as an accent material. Mayor Bukiewicz then asked the applicant if vinyl will be used in the gables / dormers. Mr. Wohlreich answered in the affirmative; that one of two patterns will be used, a 'shake' or a 'board and baton' look.

Commissioner Oldani asked if the vinyl material is accepted and approved in the upcoming motion, will a new precedent be set for future residential exterior projects? Director Seymour answered in the negative, explaining the Plan Commission can continue to make these changes on an individual project basis.

Commissioner Chandler then asked if standards should be created so developers know what they may need an exception for. Director Seymour answered that the Plan Commission can vote, with three quarters (3/4) majority, to waive requirements provided additional features are incorporated on the site to offset the vinyl request. He then asked the applicant what those additional features would be? Mr. Wohlreich stated the NGBS certification and the low-density, open design of the project would be those features. Mr. Swingruber added that the garden courtyards designed to fill the 60 feet of space between the buildings, with extensive landscaping and greenspace, would be a highlight of those features.

Commissioner Chandler then asked what NGBS is, what is the certification and how is that linked to the thin brick and vinyl request. Mr. Swingruber explained that NGBS stands for National Green Building Standards which CR Devco can achieve a certification through if the company meets all four (4) tiers. By working with thin brick, a requirement would be met to help achieve the first of tier. Mr. Wohlreich followed up by commenting that the City's Comprehensive Plan supports environmentally friendly developments. In regards to vinyl siding, Mr. Wohlreich stated the proposed design, masonry 'water table' around the base of the home with a secondary material above, is seen on many single-story homes and the proportion of vinyl used is appropriate.

Commissioner Chandler asked Director Seymour if there is an amount of vinyl that should be accepted. Director Seymour explained there is no standard amount and it would be difficult to set that standard, he also reminded the Commission the vinyl that has been allowed in the past has been used for accents on large commercial buildings, and suggesting the Commission use the metrics of quality appearance and durability to make their decision.

Mayor Bukiewicz then stated the greenspace features were going to be designed whether vinyl was used as a siding or not and asked if the NGBS materials would translate to cost effectiveness to the residents of the development. Mr. Wohlreich answered that the thin brick material would not, however the planned installation of energy efficient appliances, like HVAC systems and water usage items will be reflected in lower utility bills for the residents. Mayor Bukiewicz and Director Seymour then commented on seeing these materials only on larger commercial projects and briefly discussed previously approved roofing materials in the City.

Discussion over the proposed gable patterns was then had between the applicant, Director Seymour, Mayor Bukiewicz and Commissioners with an agreement to see renderings and samples of the vinyl in the 'board and baton' pattern. Director Seymour commented that site and building plans for the development will come before the Plan Commission for final approval as well. Discussion was then had amongst the Commission on how to modify the motion to include the thin brick and vinyl material.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions, including thin brick, as part of Planned Unit Development request submitted by CR Devco, LLC, for portions of the properties at 2231 W. Puetz Rd., 8843 S. 13th St., and 8950 S. 20th St.

Commissioner Siefert seconded. Commissioner Chandler: voted no. All others on roll call: voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hannah seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:55 pm.

ATTEST:



Kari Papellbon, Plan Commission Secretary

6-14-22

Date

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

| | | |
|------------------------------|---|---|
| Applicant: | CR Devco, LLC ("Heyday") | Approved by Plan Commission: 5-24-22 |
| Property Address(es): | 2231 W. Puetz Rd., 8843 S. 13 th St., 8950 S. 20 th St. (portions) | Approved by Common Council: TBD (Ord. 3049) |
| Tax Key Number(s): | 856-9999-001, 857-9992-000, 857-9991-000 (portions) | |

1. LEGAL DESCRIPTION

Lot 1 of Certified Survey Map to be recorded.

Part of the Northeast 1/4 and the Northwest 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:

Beginning at the North 1/4 corner of said Section 19; thence South 0°17'46" West, 667.33 feet along the east line of the NW 1/4 of said Section 19; thence North 89°30'42" East, 1190.85 feet to the west line of I-94; thence South 0°04'01" West, 1331.67 feet along said west line; thence South 89°22'45" West, 1196.23 feet to said east line of the Northwest 1/4; thence North 0°17'46" East, 898.27 feet along said east line; thence South 89°14'48" West, 514.48 feet; thence North 0°07'58" West, 1103.12 feet to the north line of the Northwest 1/4 of said Section 19; thence North 89°12'41" East, 522.75 feet along said north line to the point of beginning.

Said parcel contains 2,163,094 square feet or 49.658 acres of land, more or less.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

B. A precise detailed site plan for the area affected by the Planned Unit Development shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building permits for each phase. This plan shall be in substantial conformance with the adopted General Development Plan (see Exhibit A) and show and describe the following:

1) **General Development Plan**

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

2) **Landscape Plan**

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

3) **Building Plan**

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

4) **Lighting Plan**

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

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

- 1. Contours (existing & proposed)
- 2. Location(s) of storm sewer (existing and proposed)
- 3. Location(s) of stormwater management structures and basins (if required)

6) **Fire Protection**

- | | |
|---|---|
| m) Location(s) and details of sign(s) | a) Locations of existing & proposed fire hydrants |
| n) Location(s) and details of proposed fences/gates | b) Interior floor plan(s) |
| | c) Materials of construction |
| | d) Materials to be stored (interior & exterior) |

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements (e.g., Orchard Way, etc.) required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. Prior to the issuance of any permits for any portion of the development, the Applicant/landowner shall submit all City-approved Certified Survey Maps for recording.
- H. All future land divisions shall follow subdivision plat, and/or condominium plat, and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).
- I. A tree preservation and removal plan with pre-development inventory shall be submitted to the Plan Commission for approval in conformance with the requirements of Sec. 17.0505(d) (as amended).
- J. A Master Landscaping Plan for the overall development shall be submitted to the Plan Commission for approval prior to the review of and permit issuance for any project within the Planned Unit Development. For each stage of development, detailed landscaping plans in conformance with the requirements of Sec. 17.0505 and Sec. 17.0606 (as amended) shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Landscaping, in accordance with the approved plan, shall be installed for each phase prior to the issuance of occupancy permits for that phase.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. There shall be a maximum of 22 single-family attached buildings, and a maximum of 134 single-family attached units. Each unit shall have an attached garage (see Section 4 below).
- B. Accessory buildings may be permitted in conformance with all applicable provisions of the Municipal Code (as amended) and these Conditions and Restrictions.
- C. Attached garages shall

1. Be subordinate to the principal building.
 2. Not exceed fifty (50) percent of the livable area of the single family attached unit.
 3. Share a common wall and roof with the single family attached unit.
 4. Provide internal access to the single family attached unit.
 5. Not exceed the height of the principal building.
 6. Not include doors that exceed eight (8) feet in height.
- D. Exterior building materials shall be traditional, time- and weather-tested materials and techniques.
1. Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
 2. Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as EIFS, stone veneer systems, or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.
 3. Vinyl may be utilized as an exterior building material as part of building plans reviewed and approved by the Plan Commission.
- E. There shall be a maximum of two (2) monument signs for the development in accordance with the following:
1. There shall be one (1) sign per lot frontage.
 2. Each sign shall
 - i. Be located at the entryway or gateway to the development, and entirely on private property within easements where maintenance shall be the responsibility of the landowner and/or association.
 - ii. Not block any points of ingress or egress.
 - iii. Not be placed in any sidewalk, pedestrian walkway, vision clearance triangle, floodplain, or wetland.
 - iv. Conform to the setbacks per Section 7 below.
 - v. Not exceed five (5) feet in height and 25 square feet in area.
 - vi. Display the address for the development per Sec. 17.0604(b)(4) (as amended).
 3. The sign base shall conform to the structural and design requirements of Sec. 17.0604(b)(6) (as amended).
 4. Landscaping at the base of the sign shall be equal in area to the square footage of the sign area

and incorporated into the landscape plans for the development.

- F. Maintenance, including reconstruction, of private roadways and sidewalks (both public and private) within this development shall be the responsibility of the property owner(s).
- G. All solid waste and recycling collection units shall be screened and sited in conformance with Municipal Code requirements (as amended).
- H. 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. Each one-bedroom residential unit shall have, at a minimum, an attached one-car garage in accordance with Section 3 above. Each two-bedroom and three-bedroom unit shall have, at minimum, and attached two-car garage in accordance with Section 3 above. Parking for additional vehicles on the driveway/parking pad shall not obstruct any sidewalk, pathway, alley/garage access, or roadway.
- B. Driveways shall incorporate a parking apron that is a minimum of 22 feet in length, and of sufficient width to park two (2) vehicles without obstructing any sidewalk, pathway, alley/garage access, or roadway.
- C. Public roads (from Puetz Rd. and S. 20th St.) shall be constructed in conformance with all local requirements and Codes. There shall be a minimum 20-foot-wide landscaped buffer and transition area between the public street and the residential property located at 2125 W. Puetz Rd.
- D. Private roads shall be constructed to provide a minimum 20-foot-wide clear area at all times for emergency access.
- E. On-street parking shall be restricted to one side of the road, and shall not interfere with any fire hydrants or apparatus turning movements. A minimum 20-foot wide clear area shall be maintained at all times.
- F. There shall be no direct access or connection to Grays Lane. Access to S. 20th St. shall be restricted to emergency vehicles and gated in conformance with all Fire Codes (as amended).

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sec. 17.0509 of the Municipal Code (as amended).
- B. Pole type, color, height, and placement in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code (as amended).
- C. Fixture type and color on light poles in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code (as amended).

6. IMPACT FEES

Single-family attached residential buildings constructed as part of this Planned Unit Development shall be subject to the collection of impact fees as required by Section 3.40 of the Municipal Code based on the number of bedrooms in each unit.

7. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

| Lot Standards (Minimum) | |
|---|------------------|
| Lot Area | 15,000 sq ft |
| Lot Area / DU | 7,500 sq ft |
| Lot Width (3) | 100 ft |
| Yard Setbacks (Minimum) (4) | |
| Front | 30 ft |
| Street Facing Side | 30 ft |
| Interior Side | 10 ft |
| Rear | 30 ft |
| Building Standards (Maximum) | |
| Height | 35 ft |
| Building Coverage | 50% |
| Lot Coverage | 30% |
| Parking | |
| Transition areas | See Sec. 17.0505 |
| Signs | |
| Property Lines (all) | 10 ft |
| Rights-of-way (all) | 10 ft |
| Utility Easements | 10 ft |
| Notes: | |
| (1) As detailed in Article 4. Use Specific Standards. | |
| (2) No multifamily structure shall be located closer than 50 ft to a single-family district line. | |
| (3) An additional ten (10) feet of lot width shall be required for corner lots. | |
| (4) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer. | |

8. TIME OF COMPLIANCE

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

9. OTHER REGULATIONS

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

10. VIOLATIONS & PENALTIES

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

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

12. ACKNOWLEDGEMENT

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

Owner / Authorized Representative Signature

Date

(please print name)

EXHIBIT A: GENERAL DEVELOPMENT PLAN

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



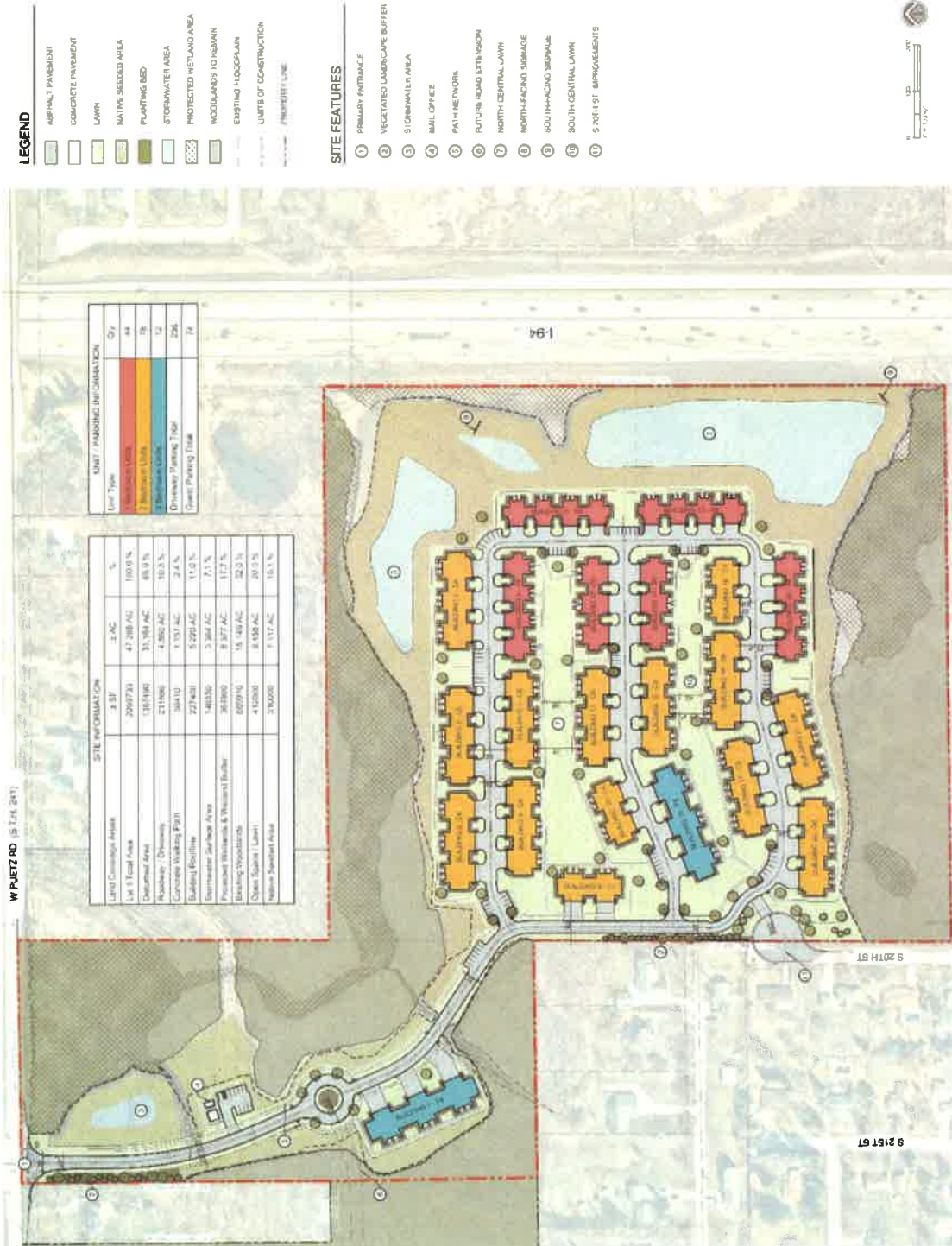
EXHIBIT A: GENERAL DEVELOPMENT PLAN ENLARGED

(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.)



EXHIBIT B: PLANNED UNIT DEVELOPMENT DETAILS 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.)



Publish July 13, 2022

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

PURPOSE: The purpose of this public hearing is to consider an amendment to the Comprehensive Plan, City of Oak Creek (Adopted March 3, 2020, last amended March 1, 2022) as it relates to the property at 7797 S. 13th St.

Date:
August 16, 2022

Time:
7:00 p.m.

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

Applicant:
Daryela Romero, Anguianos Seal Coating

Property Owner(s):
ANGUIANO'S SEALCOATING AND STRIPING, LLC

Tax Key Nos.
811-9997-001

Property locations:
7797 S. 13th St.

Proposal:
The proposed amendment would change the Land Use Plan and category for the property at 7797 S. 13th St. from "Single-Family Detached" to "Commercial."



Legal Description: S 132 FT OF E 330 FT OF N 20 ACS OF E 1/2 OF NE1/4 SEC 18-5-22 ALSO N 24 FT OF S 30 ACS OF N 50 ACS OF E 1/2 OF NE 1/4 SEC 18-5-22 EXC PT DEEDED FOR HWY & PTS CONVEYED IN DOC# 10013634 (1.567 ACS)

The Common Council has scheduled other public hearings for August 16, 2022 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change(s) may call the Department of Community Development at (414) 766-7027 during regular business hours.

Dated this 13th day of July, 2022.

Date of Notice: July 6, 2022
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

Public Notice

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

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



COMMON COUNCIL REPORT

Item: Comprehensive Plan Amendment - 7977 S. 13th St.

Recommendation: That the Council adopts Ordinance 3050, an ordinance adopting an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020; last amended March 1, 2022) for the property at 7977 S. 13th St. (2nd Aldermanic District).

Fiscal Impact: The amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020; last amended March 1, 2022) is the first of several steps in the entitlement process to allow for the potential redevelopment of this property. Approval would allow the Council and Plan Commission to review any proposed land use changes and redevelopment proposals affecting the property. Review and permit application fees from the redevelopment of the property would provide additional positive fiscal impact for the City. The property is not currently part of a TID.

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

Background: The Applicant is requesting that the Land Use Plan in the Comprehensive Plan (adopted March 3, 2020; last amended March 1, 2022) be amended from Single-Family Detached to Commercial for the property at 7977 S. 13th St. Per the submitted narrative, the Applicant wishes to locate their business (asphalt maintenance, concrete, paving, and striping) on the property, reusing the existing building (former single-family residence) for the office. Amending the Land Use Plan in the Comprehensive Plan would allow for future consideration of redevelopment proposals. It should be clearly understood that consideration of the proposed amendment to the Comprehensive Plan does not constitute endorsement of any concept plan that has been submitted for the property. If the amendment to the Comprehensive Plan were to be adopted, there remain multiple steps involved in an entitlement process for any development of the property. These review steps would include, but may not be limited to: Zoning Text Amendment; Rezoning; Conditional Use Permit (CUP); and site, architectural, landscape, lighting, and related plans for any changes to the site or building.

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

Historical Context – Previous Conditions and Comprehensive Plan Future Land Use

While previous conditions or approvals for the property do not preclude future amendments, particularly in light of neighborhood and market changes, they provide insight how the Land Use Plan in the current Comprehensive Plan was determined. Until its sale to the Applicant, the property had historically been

used for residential purposes, and has never been zoned for other uses. Although the previous tenant leasing the property with the previous landowners had been utilizing the property for their business, no local approvals for such were ever granted. Staff had explained to the previous landowner what the required process was to change the Comprehensive Plan to a Commercial Land Use category, as well as what the process was to rezone the property, at the end of 2021. While we received an application for rezoning, the Comprehensive Plan Amendment request was never received, and the rezoning process was never pursued. Staff explained to the Applicant following her purchase of the property what the required processes would be to obtain a commercial designation for the property, but that there was no guarantee that the proposed use of the property would be allowed or approved. Should the Comprehensive Plan Amendment be approved, as previously mentioned, additional reviews will be required.

Prior to the adoption of the current Comprehensive Plan (2020), the subject property was identified in the Future Land Use Map within the "Two Family/Townhouse Residential" category. This category began at the property at the southwest corner of W. Drexel Ave. and S. 13th St. and extended south to the floodway boundary (excluding the flood fringe area in between). Parcels on the east side of S. 13th St. and on the west side of S. 13th St. outside of the floodway boundaries to W. Puetz Rd. (excluding the existing religious institutions and Willow Heights Park) were all identified in the Single Family Residential category.

Existing Context - Comprehensive Plan and Surrounding Uses

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

This land use consists of freestanding single-family homes. Single-family detached housing should continue to be the predominant land use in the community. Infill development should be encouraged to strengthen existing neighborhoods, while new single-family detached development should be primarily focused east of South Howell Avenue, except in logical additions to existing subdivisions.

Parcels in the immediate area of the request are identified on the Land Use Map as Institutional and Commercial immediately north of the subject parcel; Single-Family Detached from the subject property south along 13th St., Parks and Open Space along I-94 behind the developed portions of the S. 13th St. lots; and Floodway; Single-Family Detached, Floodway, and Parks and Open Space along the east side of S. 13th St. (see attached).

Existing uses in the immediate area include the St. Mary and St. Antonious Coptic Orthodox Church, single-family residential (including Clover Ridge, Willow Heights, Weatherly Meadows, and Creekside Manor); limited commercial immediately south of the subject parcel (Mayr Small Business Park); and Autumn Creek II (CBRF).

Staff Evaluation

The existing developments in the surrounding area as previously described were considered during the update of the current Comprehensive Plan. While staff have reservations for amending the Comprehensive Plan after thoughtful input over a nearly 2-year period, particularly for those areas identified for single-family residential uses, there is a nexus to the existing Commercial Land Use category designation for the parcel on the southwest corner of W. Drexel Ave. and S. 13th St., which shares a property line with the subject property. There is also precedent for small-scale or neighborhood commercial in the area. Therefore, conceptually, staff have no objection to changing the Land Use category for the parcel to Commercial. However, staff note that the proposed use of the property, which the submitted narrative acknowledges would require a rezone, may not be supported by the Commercial Land Use category. Although this review is not a consideration of future rezoning, staff note that a

contractor's yard is not an allowed use any of the business districts that the Commercial Land Use category would support. Additional details submitted as part of an application for a rezone, and potentially a Conditional Use Permit, would be required to determine whether the proposed business meets the requirements of a business zoning district. If not, a Zoning Text Amendment may be required; however, staff's initial evaluation is that contractor's yards are appropriate in Manufacturing/Industrial districts and not commercial/business districts. It will be up to the Common Council whether the proposed Commercial Land Use category is appropriate given the above.

Per Wis. Stats. 62.23(3)(b), adoption of any amendment must be by a majority approval of the entire Plan Commission. The State of Wisconsin Smart Growth Law requires that all local land use decisions after January 1, 2010 must be consistent with the objectives, goals, and policies contained within the Comprehensive Plan. Approval of the amendments to the Comprehensive Plan would bring the Comprehensive Plan in line with the intent and goals for future commercial redevelopment and reuse of the property at 7977 S. 13th St.

With the above in mind, the Plan Commission, by a 7-0 vote at the June 28, 2022 meeting, recommended approval of the proposed amendment to the Land Use Plan in the Comprehensive Plan to "Commercial" for the property at 7977 S. 13th St.

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

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



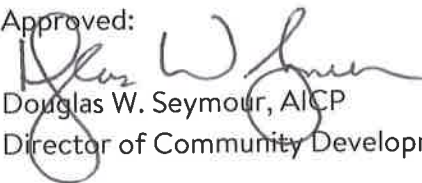
Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3050

Location Map

Narrative (2 pages)

Comprehensive Plan Land Use Maps - Existing and Proposed (2 pages)

Concept Site Plan (1 page)

Excerpted Plan Commission Minutes - June 28, 2022 (3 pages)

PC Resolution 2022-04 (2 pages)

ORDINANCE NO. 3050

BY: _____

AN ORDINANCE ADOPTING AN AMENDMENT TO THE COMPREHENSIVE
PLAN, CITY OF OAK CREEK
(ADOPTED MARCH 1, 2020; LAST AMENDED MARCH 1, 2022)

7977 S. 13th St.

(2nd Aldermanic District)

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

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

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

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

SECTION 4: The Common Council, by the enactment of Ordinance No. 3029, formally adopted an amendment to the *Comprehensive Plan, City of Oak Creek* on March 1, 2022.

SECTION 5: The Common Council, by the enactment of Ordinance No. 3030, formally adopted an amendment to the *Comprehensive Plan, City of Oak Creek* on November 17, 2020.

SECTION 6: The Plan Commission, by a majority vote of the entire Commission at a meeting held on June 28, 2022, adopted Resolution No. 2022-04, amending the adopted *Comprehensive Plan, City of Oak Creek* from "Single-Family Detached" to "Commercial" for the property at 7977 S. 13th St., and recommending that the Common Council adopt the amendment to the *Comprehensive Plan* by ordinance.

SECTION 7: The City of Oak Creek published a Class 1 public notice on July 13, 2022, and held a public hearing before Common Council on August 16, 2022.

SECTION 8: The Common Council hereby adopts the proposed amendment to the *Comprehensive Plan, City of Oak Creek* from "Single-Family Detached" to "Commercial" for the property at 7977 S. 13th St.

SECTION 9: Except as herein modified, the *Comprehensive Plan, City of Oak Creek* adopted March 3, 2020 and amended November 17, 2020 and March 1, 2022 shall remain in full force and effect.

SECTION 10: The City Clerk is directed to send a copy of this ordinance and the Comprehensive Plan amendment to the parties listed in Section 66.1001(4)(b) of the Wisconsin Statutes.

SECTION 11: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this 16th day of August, 2022.

Passed and adopted this 16th day of August, 2022.

President, Common Council

Approved this 16th day of August, 2022.

Mayor

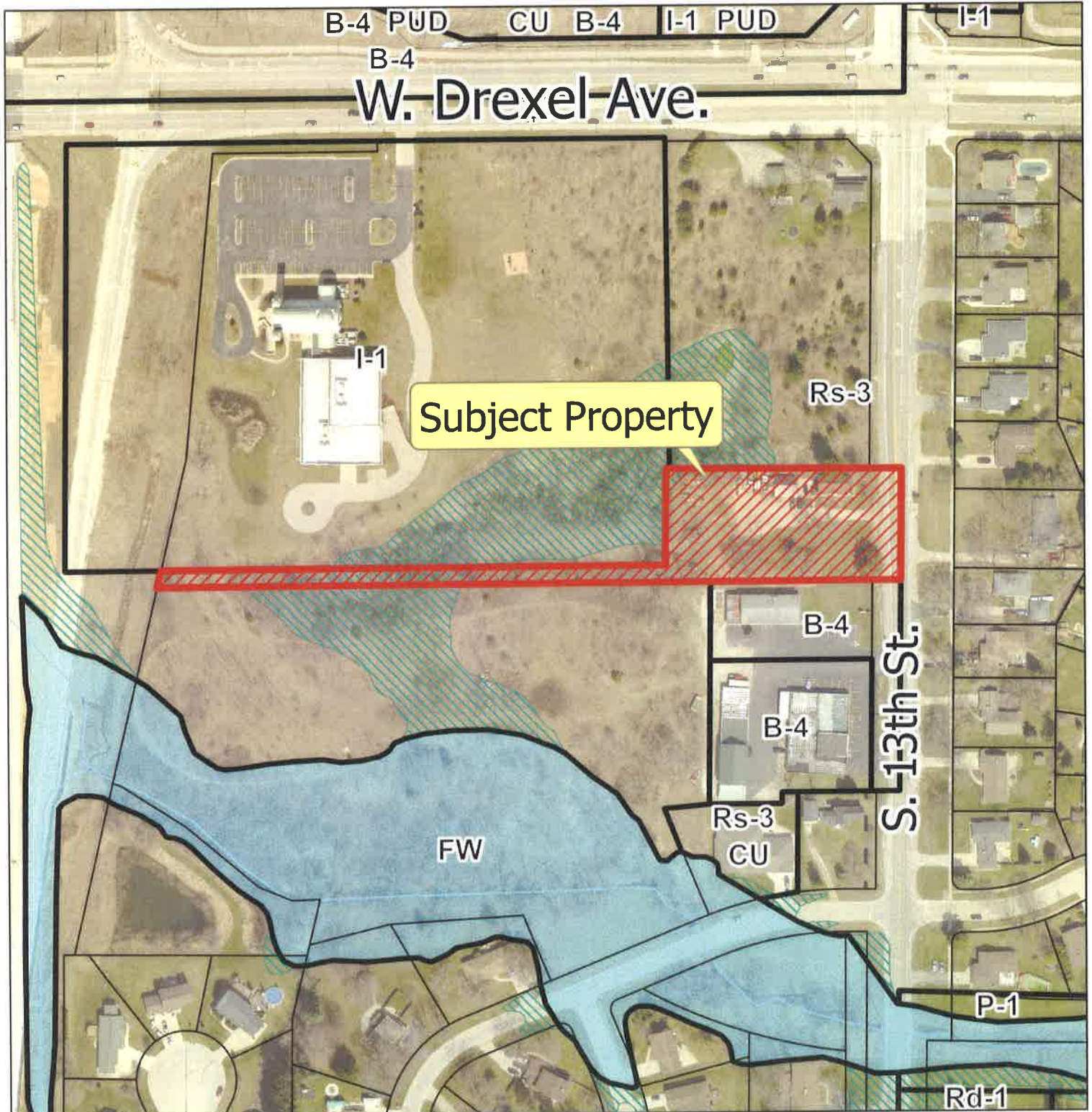
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

7977 S. 13th St.



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

Legend

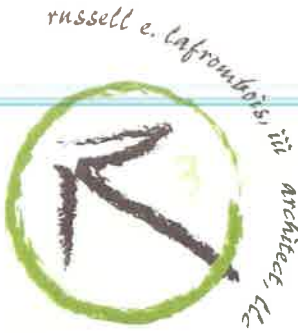
- Zoning
- Official Street Map
- Parcels
- Floodway
- Flood Fringe
- 7977 S. 13th St.



Community Development

0 0.03 0.06 Miles





May 26, 2022

Proposed Comprehensive Plan Amendment

For

ANGUIANOS SEAL COATING LLC

7977 S 13th St

Oak Creek, Wisconsin

russell e. lafrombois, iii
architect, llc
229 east wisconsin avenue
suite 701
milwaukee.wisconsin.53202
phone:414.727.1141
fax: 414.727.1142
email: russl@rel-3.com
web: www.rel-3.com

To City of Oak Creek Plan Commission

This Narrative describes the proposed change to the Comprehensive Plan for the Property listed above.

Comprehensive Plan proposed change

Planned Land Use: Single Family Detached
Propose Land Use: Commercial

Property Information

Property Owner:
ANGUIANO'S SEALCOATING AND STRIPING, LLC
10097 S WOODSIDE CT
FRANKLIN WI 53132

Property Description:

S 132 FT OF E 330 FT OF N 20 ACS OF E 1/2 OF NE1/4 SEC 18-5-22 ALSO N 24 FT OF S 30 ACS OF N 50 ACS OF E 1/2 OF NE 1/4 SEC 18-5-22 EXC PT DEEDED FOR HWY & PTS CONVEYED IN DOC# 10013634 (1.567 ACS)

Business Information

Business Name: Anguiano's Sealcoating and Striping LLC
Business Owner: Daryela Romero.
Business Current Address: 10097 S. Woodside Ct.
Franklin, Wisconsin 53132
Business Description: It is a small family business that provides asphalt maintenance, concrete work, paving, and line striping for commercial and residential projects
Number of Employees: 10 employees including Jose Anguiano, general manager overseeing all the work being done at the sites, Daryela Romero overseeing the office.
Business Hours-Office: Monday - Saturday 8:30am - 5pm, year-round.
Business Hours-Crews: Field Employees (Monday – Saturday, April-November) arrive at 6 am and leave soon after. Returning between 4 and 5 pm
Storage of Vehicles and supplies: All materials and Vehicles will be stored in the new garages.

Zoning:

| | | | |
|------------------|----------------------|---------------|---|
| Current Zoning: | R-3 Residential | Current Use: | Front building Residential |
| Proposed Zoning: | B-4 Highway Business | Proposed use: | Contractor's Office with no outdoor storage |

Support for the Change in the Comprehensive Plan

The Comprehensive Plan proposes a continuous Single-Family detached use for the area between Willow and Drexel Avenue except for the Church at Drexel and the I-94 (with a green space) and the corner lot of Drexel and S.13th.

We propose that this property have a land use of "Commercial"

This parcel and the 2 properties to the south which are currently classified as commercial use, could form a commercial district

The existing Flood Fringe Area separates this property and the properties to south from the proposed residential areas to the north. This isolates these properties from any residential development to the north. Per the Comprehensive Plan, Flood Fringe areas need to be protected

ANGUIANOS SEAL COATING LLC

May 26, 2022

Page 2 of 2



russell e. lafrombois, iii
architect, llc
229 east wisconsin avenue
suite 701
milwaukee.wisconsin.53202
phone:414.727.1141
fax: 414.727.1142
email: russl@rel-3.com
web: www.rel-3.com

The existing Flood Way to the south separates this property and the properties to north from the proposed residential areas to the south. This isolates these properties from any residential development to the north. Per the Comprehensive Plan, Flood Fringe areas need to be protected

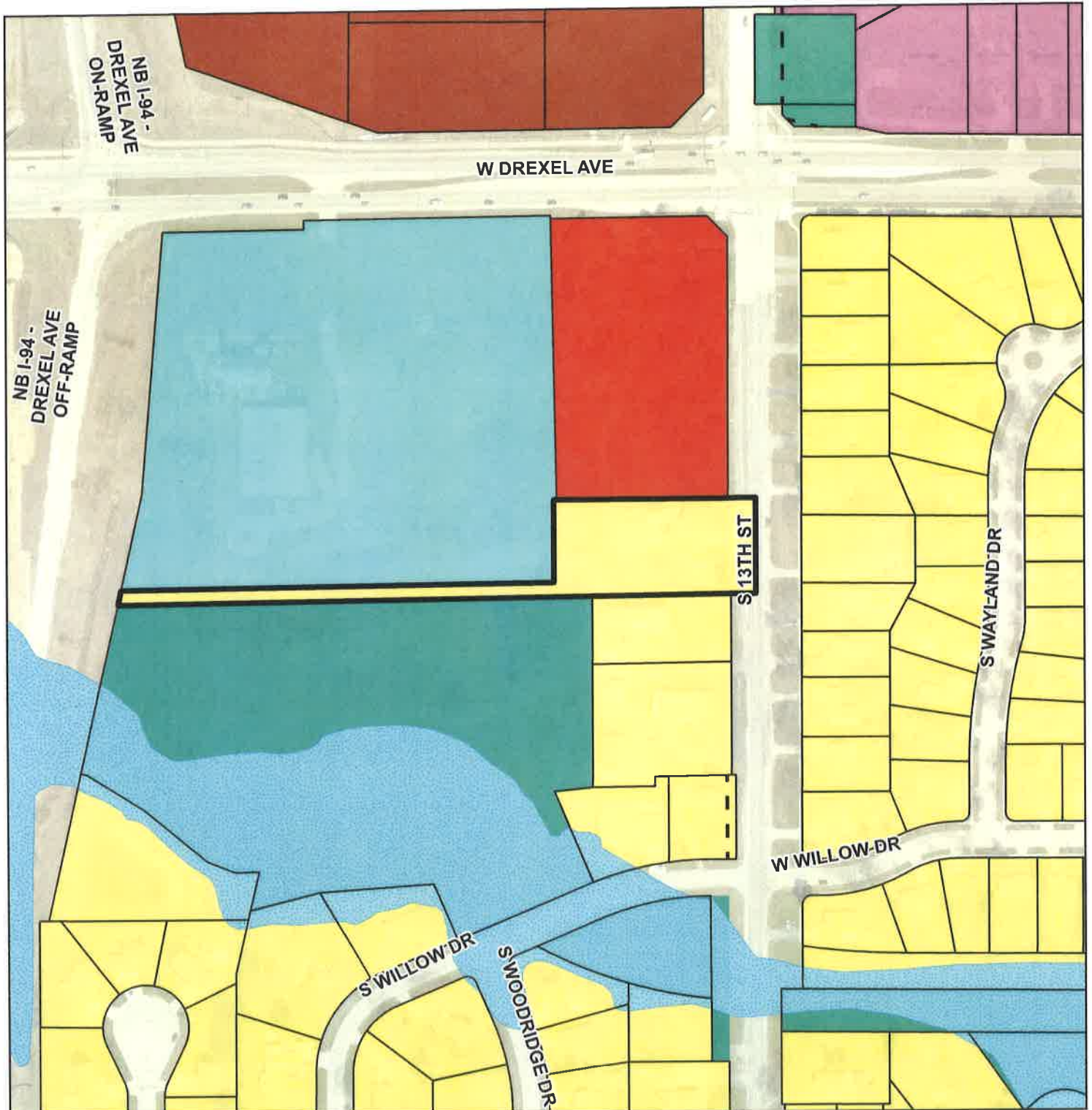
While not part of the Comprehensive Plan the properties to the north of this parcel are part of the Tax Incremental District #12. The district does not include this property, would not be considered part of any future development, and would have to be its own contained development

Design Proposal

New Use: Because the owner will be re-purpose the existing house as new offices, the property will maintain its residential feel. The garages will be buffered from the surround parcels with planting and fences. From the street, the garages will have 100' of lawn and plantings, including mature trees, to minimize the impact on the visual quality of the street. All parking is behind the buildings to block any view of it.

EXISTING LAND USE PLAN MAP

7977 S. 13th St.



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



Community Development

0 0.01 0.03 0.06 Miles



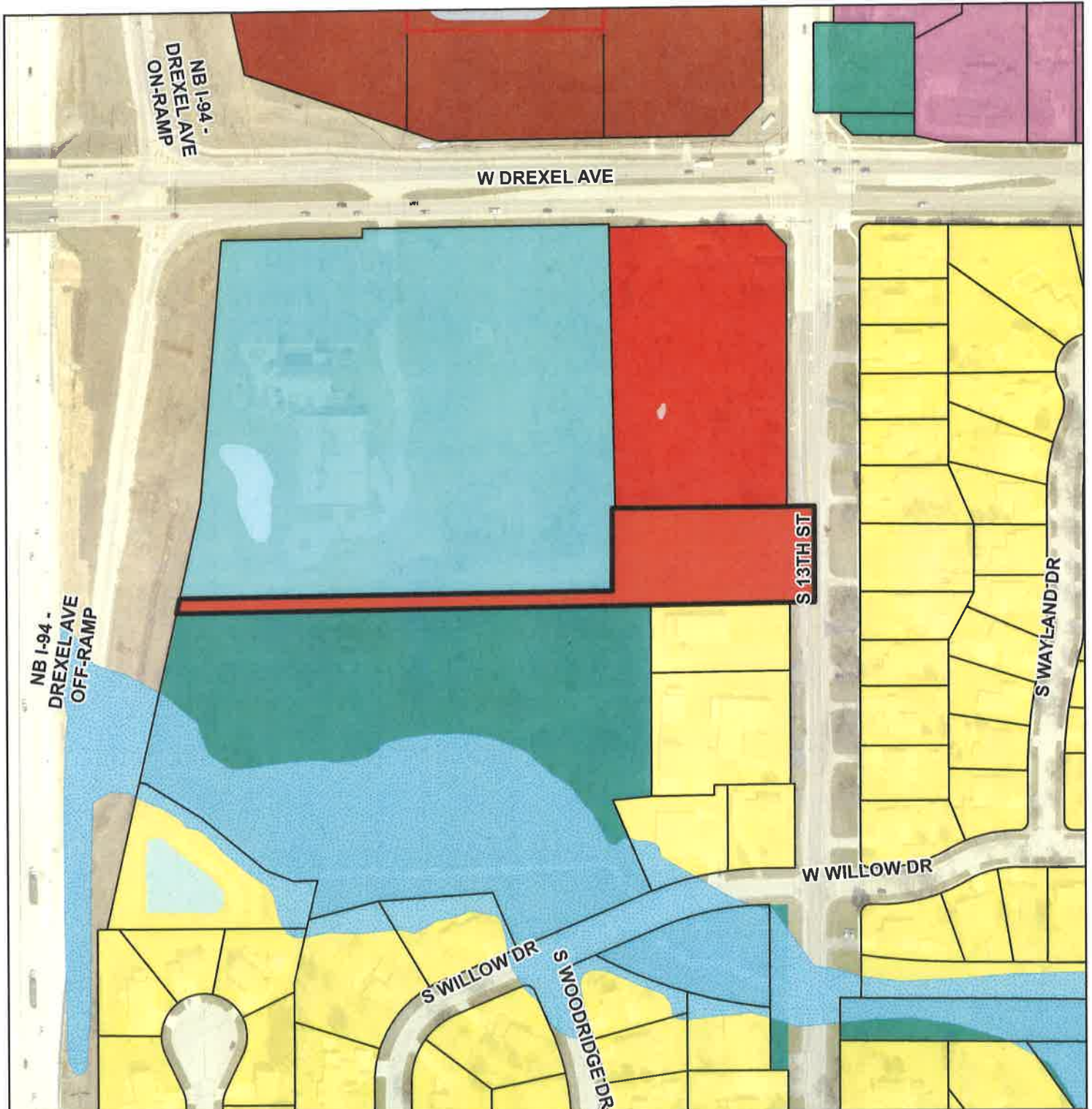
7977 S. 13th St.
Land Use Category
 AG
 AIR
 BP

Legend

C
 I
 MF
 MU
 POS
 PSP
 SFA
 SFD
 U
 Floodway

PROPOSED LAND USE PLAN MAP

7977 S. 13th St.



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



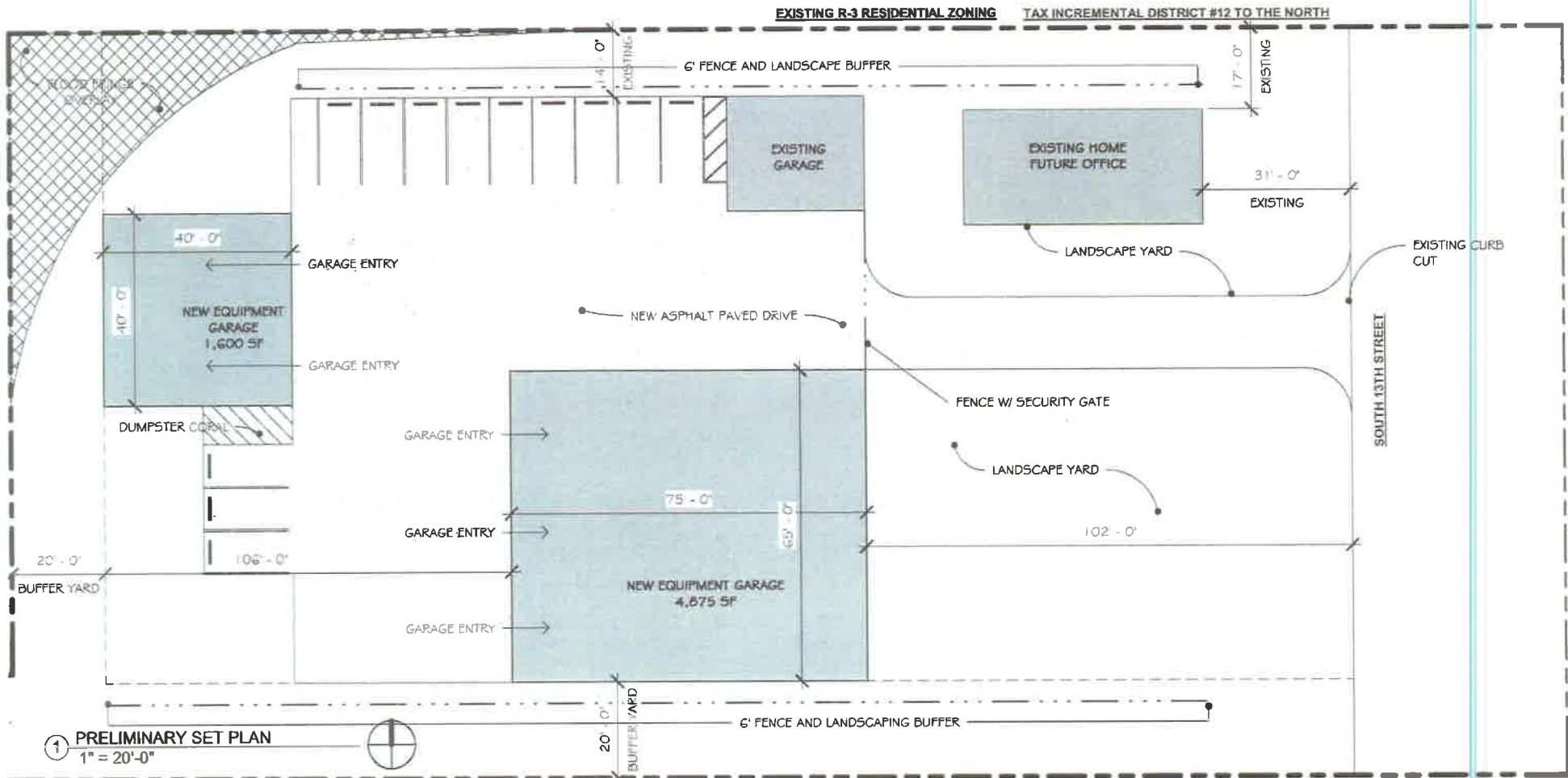
Community Development

0 0.01 0.03 0.06 Miles



Legend

| | | |
|--------------------------|-----|----------|
| 7977 S. 13th St. | C | PSP |
| Land Use Category | I | SFA |
| AG | MF | SFD |
| AIR | MU | U |
| BP | POS | Floodway |



PROPOSED DATA

EXISTING ZONING: R3
 COMPREHENSIVE PLAN USE: SINGLE FAMILY DETACHED
 PROPOSED ZONING: B4
 CONDITIONAL USE: CONTRACTORS OFFICE - NO OUTSIDE STORAGE
 LOT AREA: MINIMUM 30,000 SF
 EXISTING 68,259 SF
 LOT WIDTH MINIMUM: 150 FT
 EXISTING AT STREET 156 FT
 BUILDING HEIGHT: PRINCIPAL BUILDING MAXIMUM 50 FT
 ACCESSORY BUILDING 17 FT
 SUM OF AREA OF ALL FLOORS NOT TO EXCEED 40% OF LOT AREA
 MAXIMUM 40%: 27,304 SF
 PROPOSED: 13% 9,475 SF
 IMPERVIOUS SURFACES: PROPOSED 17% 11,450 SF

EXISTING B-4 HIGHWAY BUSINESS ZONING

PROPOSED DATA

SET BACKS

| | | |
|---------------|---------|--------|
| FRONT | MINIMUM | 25 FT |
| EXISTING | | 31 FT |
| REAR SET BACK | MINIMUM | 25 FT |
| PROPOSED | | 121 FT |

SIDE SET BACKS

| | |
|---------------------|---|
| PRINCIPAL | 15 FT |
| ACCESSORY | 5 FT |
| EXISTING NORTH SIDE | 14 TO 17 FT |
| PROPOSED SOUTH SIDE | 20 FT (BUFFER YARD) |
| PARKING: | 12 SPACES SHIELDED FROM STREET BY BUILDINGS |



Redeveloping for
Anguianos Sealcoating
 7977 South 13th St
 Oak Creek, Wisconsin
 SD1
 03-20-22
 russell@latrombous.com | architect 228 east wisconsin ave | milwaukee, wisconsin 414-727-1141 | russell@lat-s.com

RECEIVED
 APR 26 2022
 CITY OF OAK CREEK
 INSPECTION DEPT.

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JUNE 28, 2022**

Mayor Bukiewicz called the meeting to order at 6:01 p.m. The following Commissioners were present at roll call: Commissioner Carrillo, Commissioner Kiepczynski, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert and Commissioner Chandler. Commissioner Hanna and Alderman Loreck were excused. Also present: Kari Papelbon, Senior Planner; Jack Kovnesky, Zoning Administrator/Planner; and Mike Havey, Assistant Fire Chief.

**COMPREHENSIVE PLAN AMENDMENT
ANGUIANOS SEAL COATING
7977 S. 13TH ST.
TAX KEY NO. 811-9997-001**

Senior Planner Papelbon provided an overview of a request to change the Land Use Plan category from Single-Family Detached to Commercial for the property at 7977 S. 13th St. (see staff report for details).

Commissioner Oldani inquired if the current owner is making the request. Senior Planner Papelbon confirmed the current owner is making the request. Senior Planner Papelbon explained that the previous landowner also made a request to rezone the property; however, the process was never pursued prior to the land sale to the current land owner.

Commissioner Siepert expressed concerns about adding commercial to an area that is mostly residential, and stated that he is in favor of keeping the land residential.

Attorney Michael Maistelman, representing the applicant, Daryela Romero, 8989 North Port Washington Road, Milwaukee, was present.

Commissioner Chandler asked the applicant to provide some information regarding the choice of this location.

Daryela Romero explained that she does a lot of work in Oak Creek, and saw this space was available for sale. Ms. Romero stated that she liked the space and thought it would be a good space to run her office.

Commissioner Chandler asked what type of activities would occur in this space. Ms. Romero stated it would be used as an office.

Commissioner Chandler asked if the applicant has received any feedback from the residents.

Mr. Maistelman said that he asked his clients to go meet the neighbors. Mr. Maistelman provided a petition to the Plan Commission for review. Commissioner Chandler asked the applicant to provide some details about the petition that the Plan Commission was reviewing. Ms. Romero explained that she went to the houses in front of the property she owns. Ms. Romero introduced herself, told them what her business is, and asked their thoughts. Ms. Romero stated that the neighbors she spoke to seemed to be happy with the plan. Two (2) of the houses were vacant and some were not home. She focused on the eight houses in front of the property.

Mayor Bukiewicz referred to the map and stated the property in red on the corner is a farm house that is zoned business. The subject property is directly south of the farm house and is currently a home. Mayor Bukiewicz continued and stated that the property next door is also a home. Mayor Bukiewicz also said there is a group of buildings beyond that, that is being used as business.

Senior Planner Papelbon explained the property in red on the screen is not currently zoned commercial, but is identified for future redevelopment for commercial use. The subject property is currently zoned Rs-3. The two properties that are immediately south are zoned B-4 with a Conditional Use Permit on the larger property to run a vehicle customization business.

Mayor Bukiewicz gave an overview of some of the areas nearby that have commercial and residential. Mayor Bukiewicz also said he is not opposed to the proposal because there are processes in place to make sure the business fits appropriately.

Senior Planner Papelbon said the Comprehensive Plan Amendment is step 1, and step 2 would be requesting a Zoning Text Amendment or a Rezone and a Conditional Use Permit request.

Mr. Maistelman clarified that there would be no vehicles parked outside.

Mayor Bukiewicz asked to confirm that the right to have a single-family home on the subject property would be removed. Senior Planner Papelbon explained that the single-family residential component would be removed. The Zoning Code would need to be reviewed to determine if a portion could still be used for residential quarters as part of a caretaker's quarter. This business will not be considered a home-based business. If this item goes forward the property would be commercial and comply with all the commercial zoning district requirements.

Doug Mayr, 8041 S. 13th St.:

"My brother and I own the buildings just to the south of this property. We've actually been there since 1982. I don't know how long many of you have been here, but you're probably aware that we've completely improved that property with, it was gravel when we bought, we paved it, we sided the buildings, the block buildings had a roof put on it, the other buildings have recently been painted. When we bought it there was an implement dealer already there, so some sort of motor vehicle businesses has always been in that area. Esch [Lawn & Garden] was there. The block building to the north farm implement or something. So then when we bought this house, seven years ago, we went through it thinking that somebody might want to make this entire parcel a bigger commercial parcel. It didn't really go that way. The one tenant ended up buying the block building and they're actually upgrading that now, they're doing really nice there. We are upgrading what was the blue buildings, now it's a gray building, so that is for sale. I would think that having just a stand-alone residence in a commercial area like that would kind of awkward for the overall future plan of the way things would go. I just wanted to let you know the history a little bit in case someone hadn't seen that. With all the commercial development that has gone on there, Drexel Town Square, the Ikea side, the big fitness center, and other things that are going up there, you would kind of have a stand-alone house there, so I don't know how that would be well suited to that area. That's all I really have to say, but I think they have good plans for the future, is what I've been told. Thanks for letting me speak."

Alderman Guzikowski moved that the Plan Commission adopts Resolution 2022-04, amending the Land Use Plan category in the *Comprehensive Plan, City of Oak Creek* (adopted March 3,

2020; last amended March 1, 2022) from Single-Family Detached to Commercial for the property at 7977 S. 13th St., following review and adoption by the Common Council. Commissioner Oldani 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 8:27 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

7-12-22

Date

RESOLUTION NO. 2022-04

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

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

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


WHEREAS, DARYELA ROMERO, ANGUIANOS SEAL COATING, has proposed an amendment to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, last amended March 1, 2022) designating the property at 7977 S. 13th St. as "Commercial;" and

WHEREAS, the Plan Commission reviewed the aforementioned amendment to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, last amended March 1, 2022) at a public meeting on June 28, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Oak Creek hereby adopts an amendment to the Comprehensive Plan from "Single-Family Detached" to "Commercial" for the property at 7977 S. 13th St. per Exhibit A, and recognizing that the Common Council must also adopt the amendment to the Comprehensive Plan for it to become effective; and

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

Passed and adopted this 28th day of June, 2022.



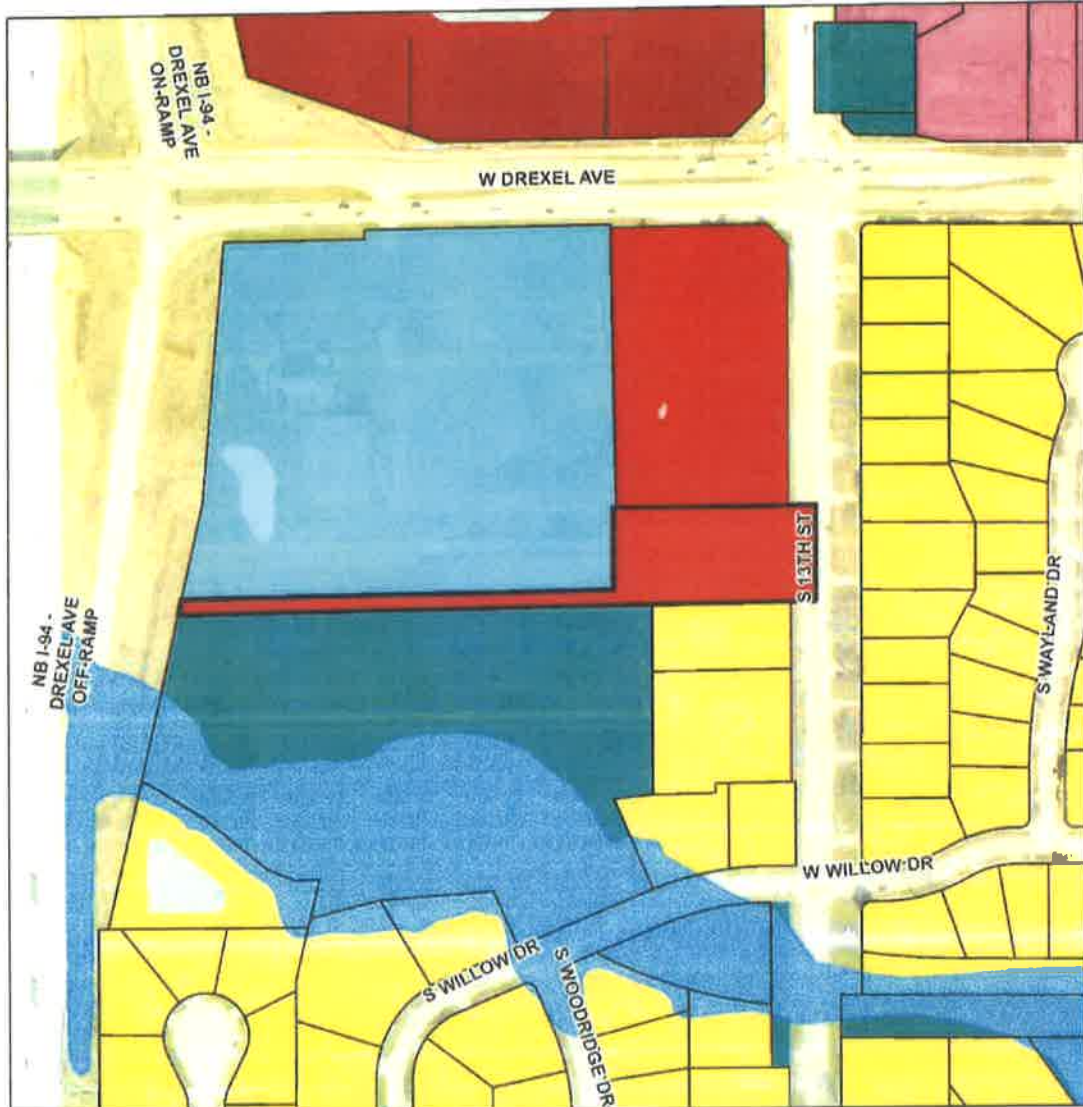
Plan Commission Chair

Attest:

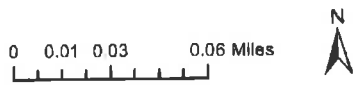

Secretary of the Plan Commission

EXHIBIT A

PROPOSED LAND USE PLAN MAP
7977 S. 13th St.



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



| Land Use Category | | Legend | |
|-------------------|-----|--------|----------|
| 7977 S. 13th St. | C | PSP | Floodway |
| AG | I | SFA | |
| AIR | MF | SFD | |
| BP | MU | U | |
| | POS | | |



COMMON COUNCIL REPORT

Item: 2022 Mid-Year Budget Monitoring Report

Recommendation: N/A

Fiscal Impact: Reviewing the Report ensures that the Common Council and public is apprised of any fiscal concerns and continues to show the financial stability of the City of Oak Creek.

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 accordance with the City's Strategic Action Plan, attached is a summary financial report for the General Fund and other Major Funds through the end of the second quarter of 2022. The presentation will focus on the revenues and expenditures through the second quarter compared to the budget in the General Fund, Solid Waste, WE Energies, Health Insurance, EMS, and Consolidated Dispatch Fund.

Options/Alternatives: The Common Council could choose to receive and review reports monthly from the BS&A software or review this format of reporting quarterly.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared and Fiscal Review:

Maxwell Gaggin, MPA
Assistant City Administrator / Comptroller

Attachments:

- City of Oak Creek Financial Report thru June 30, 2022
- PowerPoint Presentation

**CITY OF OAK CREEK
FINANCIAL REPORT THRU JUNE 30, 2022**

| GENERAL FUND REVENUES BY CATEGORY | | | | |
|--|----------------------|----------------------|--------------------|-------------------------|
| SOURCE | 2022 YTD | 2022 BUDGET | % OF BUDGET | % OF 2021 BUDGET |
| PROPERTY TAXES | \$ 14,437,481 | \$ 15,773,149 | 91.53% | 91.87% |
| OTHER TAXES | 435,292 | 2,529,446 | 17.21% | 13.41% |
| STATE SHARED REVENUES | 1,140,716 | 5,498,343 | 20.75% | 22.14% |
| OTHER INTERGOV'T | 11,191 | 228,983 | 4.89% | 22.31% |
| LICENSES/PERMITS | 778,340 | 876,475 | 88.80% | 77.18% |
| CHARGES FOR SERVICES | 255,599 | 662,705 | 38.57% | 25.87% |
| PUBLIC HEALTH & SAFETY | 20,929 | 28,500 | 73.43% | 15.87% |
| COMMERCIAL REVENUES | 59,728 | 996,040 | 6.00% | 35.54% |
| EXPENDITURE OFFSET | - | 2,432,778 | - | - |
| TRANSFERS | - | 25,000 | - | - |
| TOTAL | \$ 17,139,277 | \$ 29,051,419 | 59.00% | 60.41% |

| GENERAL FUND EXPENDITURES BY CATEGORY | | | | |
|--|----------------------|----------------------|--------------------|-------------------------|
| DEPARTMENT | 2022 YTD | 2022 BUDGET | % OF BUDGET | % OF 2021 BUDGET |
| GENERAL GOV'T | \$ 3,189,330 | \$ 9,533,496 | 33.45% | 40.06% |
| PUBLIC SAFETY | 5,689,818 | 13,026,911 | 43.68% | 44.52% |
| HEALTH | 278,063 | 616,430 | 45.11% | 47.77% |
| PUBLIC WORKS | 2,148,653 | 4,644,175 | 46.27% | 50.18% |
| LEISURE SERVICES | 626,289 | 1,230,407 | 50.90% | 41.32% |
| TOTAL | \$ 11,932,153 | \$ 29,051,419 | 41.07% | 44.05% |

| GENERAL FUND EXPENDITURES BY DEPARTMENT | | | | |
|--|----------------------|----------------------|--------------------|-------------------------|
| DEPARTMENT | 2022 YTD | 2022 BUDGET | % OF BUDGET | % OF 2021 BUDGET |
| GENERAL GOVERNMENT | \$ 1,160,622 | \$ 4,753,418 | 24.42% | 34.29% |
| CENTRAL SERVICES - BLDG MAINT DIV. | 285,355 | 728,037 | 39.20% | 40.02% |
| CENTRAL SERVICES - IT SERVICES DIV. | 601,873 | 1,201,141 | 50.11% | 51.51% |
| CENTRAL SERVICES - ADMIN. SVCS. DIV. | 217,101 | 528,058 | 41.11% | 46.49% |
| CENTRAL SERVICES - HR DIV. | 61,735 | 224,666 | 27.48% | 44.37% |
| CITY ADMINISTRATOR'S OFFICE | 158,833 | 313,529 | 50.66% | 45.17% |
| CITY CLERK | 116,236 | 242,100 | 48.01% | 43.16% |
| FINANCE | 170,721 | 418,073 | 40.84% | 42.67% |
| TREASURER | 60,538 | 236,775 | 25.57% | 40.95% |
| TREASURER - ASSESSOR DIV. | 99,990 | 220,198 | 45.41% | 45.96% |
| CITY ATTORNEY | 87,269 | 262,065 | 33.30% | 32.45% |
| COMMUNITY DEVELOPMENT | 169,056 | 405,436 | 41.70% | 43.47% |
| POLICE | 4,160,683 | 9,514,770 | 43.73% | 40.65% |
| MUNICIPAL COURT | 86,094 | 209,868 | 41.02% | 42.27% |
| EMERGENCY OPERATIONS | 3,244 | 18,899 | 17.16% | 104.96% |
| FIRE | 940,795 | 2,086,115 | 45.10% | 62.89% |
| ENGINEERING | 275,684 | 701,074 | 39.32% | 46.87% |
| ENGINEERING - INSPECTION DIV. | 223,318 | 496,185 | 45.01% | 40.92% |
| HEALTH | 278,063 | 616,430 | 45.11% | 47.77% |
| DPW- STREETS DIVISION | 1,522,815 | 3,217,426 | 47.33% | 53.55% |
| DPW- STREET LIGHTS DIVISION | 256,714 | 609,389 | 42.13% | 45.44% |
| DPW- FORESTRY DIVISION | 108,952 | 260,988 | 41.75% | 33.18% |
| DPW- PARKS DIVISION | 260,173 | 556,372 | 46.76% | 46.80% |
| RECREATION | 129,488 | 129,212 | 100.21% | 26.08% |
| LIBRARY | 496,801 | 1,101,195 | 45.11% | 45.79% |
| TOTAL | \$ 11,932,153 | \$ 29,051,419 | 41.07% | 44.05% |

**CITY OF OAK CREEK
FINANCIAL REPORT THRU JUNE 30, 2022**

| REVENUES FOR MAJOR FUNDS | | | | |
|--------------------------|----------------------|----------------------|---------------|------------------|
| FUND | 2022 YTD | 2022 BUDGET | % OF BUDGET | % OF 2021 BUDGET |
| General Fund (10) | 17,139,277 | 29,051,419 | 59.00% | 60.41% |
| Solid Waste (11) | 1,373,755 | 1,505,518 | 91.25% | 92.68% |
| WE Energies (19) | 2,250,000 | 2,250,000 | 100.00% | 99.84% |
| Health (36) | 3,448,873 | 6,847,463 | 50.37% | 51.68% |
| EMS (37) | 4,141,025 | 5,598,633 | 73.96% | 74.87% |
| Dispatch (55) | 1,528,063 | 1,829,160 | 83.54% | 83.48% |
| TOTAL | \$ 29,880,994 | \$ 47,082,193 | 63.47% | 64.84% |

| EXPENDITURES FOR MAJOR FUNDS | | | | |
|------------------------------|----------------------|----------------------|---------------|------------------|
| FUND | 2022 YTD | 2022 BUDGET | % OF BUDGET | % OF 2021 BUDGET |
| General Fund (10) | 11,932,153 | 29,051,419 | 41.07% | 44.05% |
| Solid Waste (11) | 724,684 | 1,505,518 | 48.14% | 49.37% |
| WE Energies (19) | 452,505 | 2,244,590 | 20.16% | 19.65% |
| Health (36) | 3,254,030 | 6,838,529 | 47.58% | 63.76% |
| EMS (37) | 2,589,211 | 5,598,633 | 46.25% | 39.22% |
| Dispatch (55) | 883,483 | 1,829,160 | 48.30% | 48.33% |
| TOTAL | \$ 19,836,066 | \$ 47,067,849 | 42.14% | 45.29% |

| BUILDING UTILITIES - ALL FUNDS | | | | |
|--------------------------------|-------------------|-------------------|---------------|------------------|
| UTILITY TYPE | 2022 YTD | 2022 BUDGET | % OF BUDGET | % OF 2021 BUDGET |
| ELECTRIC | 138,676 | 331,805 | 41.79% | 38.09% |
| WATER | 9,942 | 24,875 | 39.97% | 41.18% |
| NATURAL GAS | 72,868 | 115,156 | 63.28% | 49.72% |
| TOTAL | \$ 221,486 | \$ 471,836 | 46.94% | 40.87% |

| FUEL USAGE - ALL FUNDS | | | | |
|------------------------|-------------------|-------------------|---------------|------------------|
| | 2022 YTD | 2022 BUDGET | % OF BUDGET | % OF 2021 BUDGET |
| FUEL | 205,595 | 388,675 | 52.90% | 41.53% |
| TOTAL | \$ 205,595 | \$ 388,675 | 52.90% | 41.53% |



OAKCREEK
WISCONSIN

Mid-Year Budget Monitoring Report

Maxwell Gagin

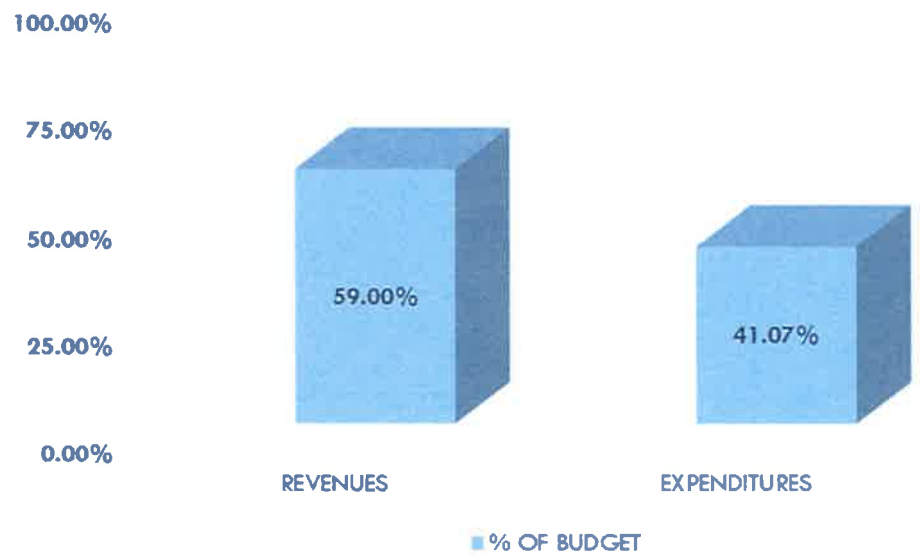
Assistant City Administrator /
Comptroller

August 16, 2022

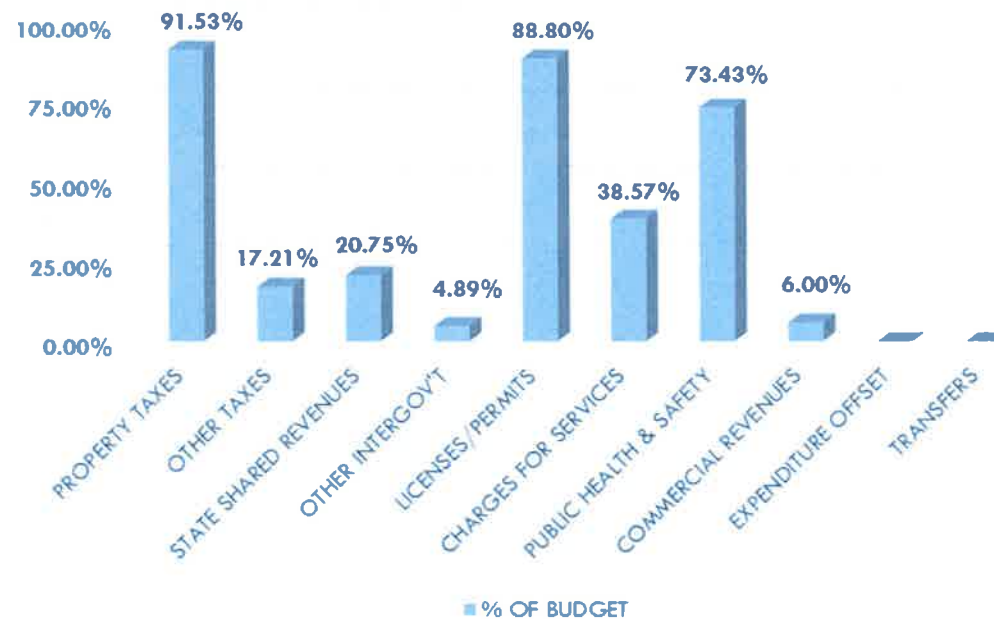
Introduction

- The following charts and graphs depict the City's mid-year financial performance compared to the 2022 budget
- The presentation will focus on revenues and expenditures for the following Major Funds:
 - General Fund, Solid Waste Fund, WE Energies Fund, Health Insurance Fund, EMS Fund, and Consolidated Dispatch Fund

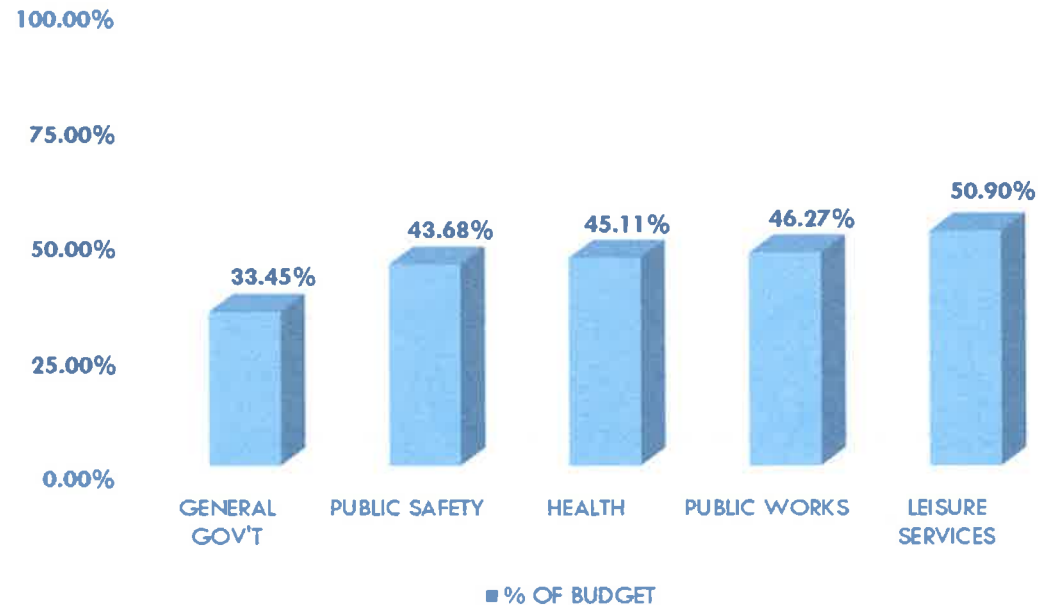
General Fund Revenues & Expenditures – Thru 2022 Q2



General Fund Significant Revenues – Thru 2022 Q2



General Fund Expenditures by Function – Thru 2022 Q2



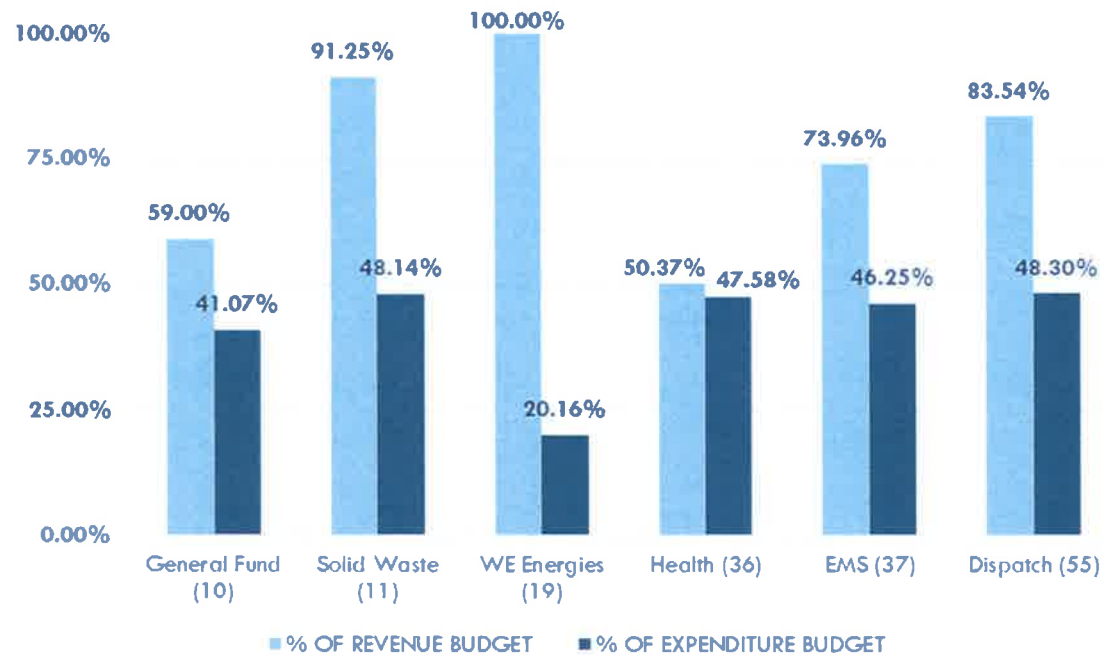
General Fund Expenditures by Dept. – Thru 2022 Q2

| GENERAL FUND EXPENDITURES BY DEPARTMENT | | | |
|---|--------------|--------------|-------------|
| DEPARTMENT | 2022 YTD | 2022 BUDGET | % OF BUDGET |
| GENERAL GOVERNMENT | \$ 1,160,622 | \$ 4,753,418 | 24.42% |
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| CENTRAL SERVICES - IT SERVICES DIV. | 601,873 | 1,201,141 | 50.11% |
| CENTRAL SERVICES - ADMIN. SVCS. DIV. | 217,101 | 528,058 | 41.11% |
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| CITY CLERK | 116,236 | 242,100 | 48.01% |
| FINANCE | 170,721 | 418,073 | 40.84% |
| TREASURER | 60,538 | 236,775 | 25.57% |
| TREASURER - ASSESSOR DIV. | 99,990 | 220,198 | 45.41% |
| CITY ATTORNEY | 87,269 | 262,065 | 33.30% |
| COMMUNITY DEVELOPMENT | 169,056 | 405,436 | 41.70% |

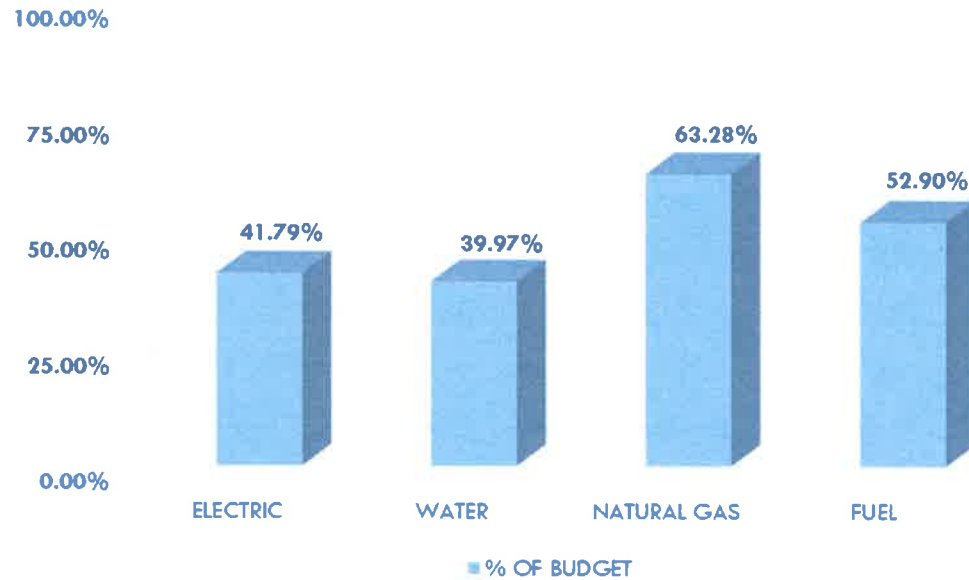
General Fund Expenditures by Dept. – Thru 2022 Q2

| GENERAL FUND EXPENDITURES BY DEPARTMENT | | | |
|---|----------------------|----------------------|---------------|
| POLICE | 4,160,683 | 9,514,770 | 43.73% |
| MUNICIPAL COURT | 86,094 | 209,868 | 41.02% |
| EMERGENCY OPERATIONS | 3,244 | 18,899 | 17.16% |
| FIRE | 940,795 | 2,086,115 | 45.10% |
| ENGINEERING | 275,684 | 701,074 | 39.32% |
| ENGINEERING - INSPECTION DIV. | 223,318 | 496,185 | 45.01% |
| HEALTH | 278,063 | 616,430 | 45.11% |
| DPW- STREETS DIVISION | 1,522,815 | 3,217,426 | 47.33% |
| DPW- STREET LIGHTS DIVISION | 256,714 | 609,389 | 42.13% |
| DPW- FORESTRY DIVISION | 108,952 | 260,988 | 41.75% |
| DPW- PARKS DIVISION | 260,173 | 556,372 | 46.76% |
| RECREATION | 129,488 | 129,212 | 100.21% |
| LIBRARY | 496,801 | 1,101,195 | 45.11% |
| TOTAL | \$ 11,932,153 | \$ 29,051,419 | 41.07% |

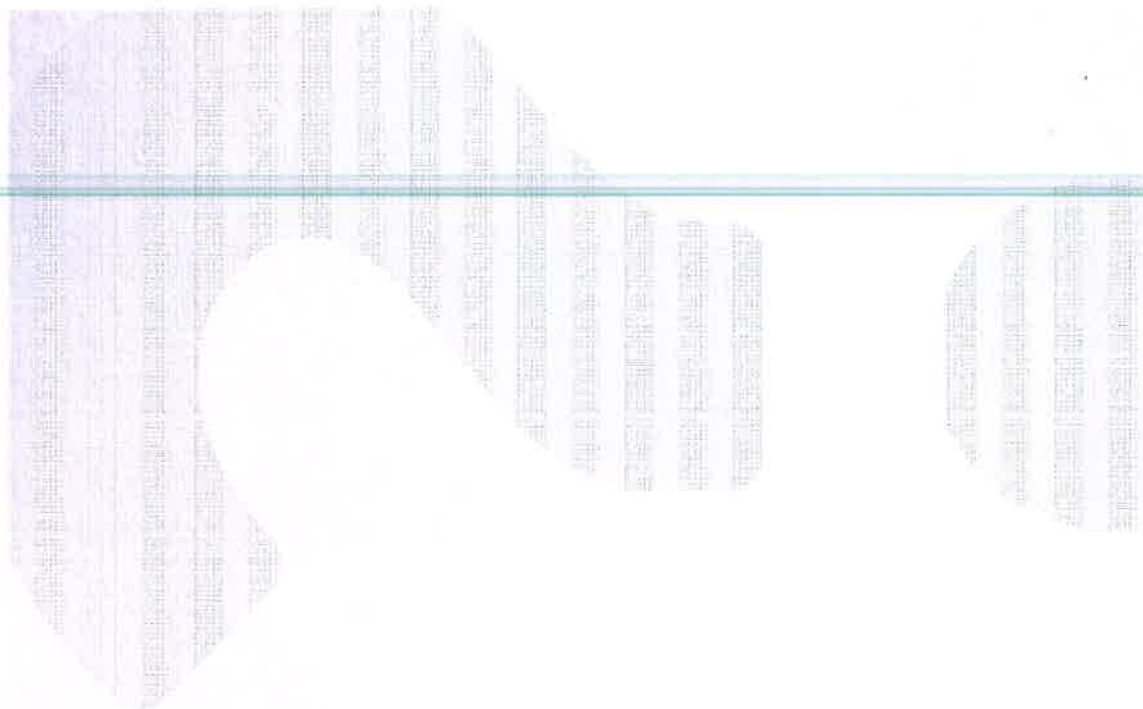
Major Funds Revenues & Expenditures – Thru 2022 Q2



Utilities & Fuel – Thru 2022 Q2



Q & A





COMMON COUNCIL REPORT

Item: Above Ground Diesel Storage Tanks and Piping Installation Award

Recommendation: That the Council considers a motion to approve the Above Ground Diesel Storage Tanks and Piping Installation project and award a construction contract to the lowest responsive, responsible bidder, Interstate Pump & Tank, based on the bid amount of \$289,000.00.

Fiscal Impact: The 2022 CIP/CEP budget, Project #22021, is \$285,000, however, up to \$20,000 can be allocated from the stormwater management budget for the canopy installation.

- 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: Three proposals were received to complete the project. City staff analyzed the proposals, and all 3 firms are capable of completing the work, therefore, have recommended to award a construction contract to the low bid; Interstate Pump & Tank.

| Company Name | Lump Sum Bid |
|--------------------------|--------------|
| Interstate Pump & Tank | \$289,000.00 |
| Walt's Petroleum Service | \$299,918.35 |
| METCO Fuel Systems | \$304,030.00 |

This would replace the current fuel island and sumps located under the island, install a canopy over the fuel island, and remove and replace the 40-year-old below ground diesel tank with a 10,000 gallon above ground tank and a above ground 550-gallon tank for the Municipal Service Building generator. DPW's fuel pumps and tanks are inspected annually, and the Department has been informed that the sumps under the fuel dispensers are beginning to collapse due to the weight of the soil around them. The 2022 Underground Storage Tank certification was submitted to the Department of Agriculture, Trade and Consumer Protection (DATCP) and has been certified following reinspection of temporary repairs in July 2022 to prolong a certification failure. This would result in the State shutting down the fuel dispensers and requiring retail purchases. According to the most recent inspection reports, the tank is showing signs of leakage which could cost the City considerable amount if we had to remove the tank and remediate a large amount of contaminated soil. There are separate bid items in addition to the bid amount that would address removal and backfill for potential contaminated soils.

The repair of the sumps under the dispensers will require us to dig out the island and re-pour and reinstall the equipment. While doing this work, it would be an ideal time to install a canopy over the fuel island, which

is typical for almost all fuel stations today. The canopy will minimize potential fuel interactions with water that could run off into Oak Creek.

Options/Alternatives: The Common Council could award to a higher bidder or request to rebid at a later time.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Carly E. Persson
Management Assistant

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Submitted:



Matt Trebatoski
Department of Public Works Director

Attachments:

- Interstate Pump & Tank - Installation of Above Ground Diesel Storage Tanks and Piping Proposal



Interstate Pump & Tank

901 Niagara St. Waukesha, WI 53186

P. (262) 524-8494 F. (262) 646-4515

E. james@interstatepumpandtank.com

www.interstatepumpandtank.com

Request for Proposal

Installation of Above Ground Diesel Storage Tanks and Piping

Issued by:
City of Oak Creek
July 6th 2020

Proposal by:
Interstate Pump & Tank (IPT)
Jim Bruette
Sales Manager (414-477-2612)



Interstate Pump & Tank

901 Niagara St. Waukesha, WI 53186

P. (262) 524-8494 F. (262) 646-4515

E. james@interstatepumpandtank.com

www.interstatepumpandtank.com

Statement of project scope understanding

IPT has reviewed all the request for proposal documents, including addendum 1, and fully understands the scope of the request and the required equipment, materials, and workmanship needed for a successful project.

Statement of assurance for project capabilities

Since 1987, IPT has provided petroleum equipment construction and service. IPT is registered with the state of WI Department of Agriculture, Trade and Consumer Protection to install and remove underground and above ground storage tanks. IPT also carries numerous manufacturer training credentials to install and service petroleum tanks and related fueling equipment.



Interstate Pump & Tank

901 Niagara St. Waukesha, WI 53186

P. (262) 524-8494 F. (262) 646-4515

E. james@interstatepumpandtank.com

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Proposed project approach and personnel

IPT's proposed approach would be to take a phased approach. Phase one would be to install the new 10,000 and 550 gallon ASTs. Next disconnect existing pipping to day tank and reconnect piping for 550 gallon tank. Then demo the fuel island and remove the 10,000 gallon UST. Once removed, pour fittings for canopy and new fuel island and connect piping to new 10,000 gallon AST. Then re-set dispensers, make concrete repairs, and commission the fuel system. Final phase would be to erect the canopy.

Available personnel:

Dan McMahon VP Construction 27 years experience

Trent Osenga Foreman 28 years experience

Mitch Joas Foreman 27 years experience

David Gutierrez Apprentice 2 years experience

Experienced Excavating and Electrical subcontractors

Recent similar projects

City of Greenfield new fuel system with canopy

John Laskoski 414-761-5374

City of Oshkosh Transit new fuel system

Jim Collins 920-232-5342

MATC downtown Milwaukee new fuel system

Raymond Zukauskas 414-297-6539



Interstate Pump & Tank, LLC
 901 Niagara Street, Waukesha, WI 53186
 Phone: 262-524-8494 Fax: 262-524-8284
 web site: www.interstatepumpandtank.com

| | |
|------------|-----------|
| From | Bruette |
| DATE | 7/20/22 |
| QUOTE # | JB72022 |
| County | Milwaukee |
| Tax % | Exempt |
| Phone | - |
| Fax | - |
| pg. 1 of 1 | |

Attn: Ashley N. Kiepczynski
 Oak Creek City Hall
 8040 S. 6th St.
 Oak Creek, WI 53154

I am pleased to have the opportunity to propose the following:
 DPW installation of above ground diesel storage tanks and piping

| Item # | Description of Products and/or Services Being Proposed | # | cost ea. | ext. cost |
|---|--|---|--------------|--------------|
| 1 | Tank and piping removal and disposal | 1 | \$35,000.00 | \$35,000.00 |
| 2 | Install 10,000 gallon and 550 gallon diesel tanks, piping, and all required valves, fittings probes, sensors, bollards, and fence for 10,000 gallon tank | 1 | \$149,000.00 | \$149,000.00 |
| 3 | Required electrical connections | 1 | \$20,000.00 | \$20,000.00 |
| 4 | Install 20ft x 30 ft canopy | 1 | \$50,000.00 | \$50,000.00 |
| 5 | Provide new fuelling island and replace any damaged concrete due to construction | 1 | \$35,000.00 | \$35,000.00 |
| <p>Note: removal of any contaminated soils found during removal are not incuded Add \$60.00 per ton for removal of any contaminated soils Add \$20.00 per ton for any backfill required to replace contaminated soils Any contaminated water storage fees will be the responsibility of the City</p> | | | | |
| <p><i>note Prices good for 45 days, subject to IPT Standard Insurance Coverage, Warranty and Terms & Conditions.</i></p> | | | | |

Jim Bruette _____

email: james@interstatepumpandtank.com

| | |
|--------------|---------------------|
| Subtotal | \$289,000.00 |
| Exempt | \$0.00 |
| TOTAL | \$289,000.00 |

Warranty / Terms & Conditions: All sales of products and services from Interstate Pump and Tank LLC (IPT) are made subject to the Warranty / Terms & Conditions. The Buyer's signature or Issuance of a Purchase Order on this contract constitutes the acceptance of the Warranty / Terms & Conditions.



Approved by: _____ P. O. # _____ Date: _____



COMMON COUNCIL REPORT

Item: Liberty/Puetz Intersection Analysis

Recommendation: That the Common Council considers a motion to authorize the Engineering Department to enter into a contract for professional services not to exceed \$21,388 between the City of Oak Creek and GRAEF for the analysis of the intersection of W. Puetz Road, S. Liberty Lane, and S. Wood Creek Drive (2nd and 6th Aldermanic Districts)

Fiscal Impact: The analysis and determination of a preferred alternative is estimated to cost \$21,388. This work was budgeted in the 2022 Capital Improvement Program (CIP).

- 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 2022 CIP included funding for the evaluation and design of warranted improvements at the intersection of S. Liberty Lane and W. Puetz Road. The Engineering Department advertised and requested a technical proposal for evaluation of existing intersection operations and geometry; determination of a preferred intersection design; and engineering and design of the chosen intersection alternative. We received one submittal for this project from GRAEF. The GRAEF proposal included a fee of \$21,388 for the evaluation of the existing intersection operations and geometry and determination of a preferred intersection design (Phase 1). The fee for engineering and design (Phase 2) ranged from \$38,480 for a traffic signal alternative to \$89,580 for a roundabout alternative. The Engineering Department recommends entering into a contract for Phase 1 with GRAEF not to exceed \$21,388. Once the preferred alternative has been selected Engineering will issue a new request for proposals for Phase 2. This will allow the City to budget for and scope the services of the engineering and design contract based on the selected alternative.

Options/Alternatives: To not enter into a contract with GRAEF and reissue the request for proposals for evaluation of the existing intersection and determination of a preferred alternative.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Andrew Ledger, PE
Design Engineer

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Matthew J. Sullivan, PE
City Engineer

Attachments:



COMMON COUNCIL REPORT

- Item:** Minor Land Divison (Certified Survey Map) - 9102, 9120, and 9140 S. 27th St.
- Recommendation:** That the Council adopts Resolution No. 12345-071922, a resolution approving a Certified Survey Map submitted by Anil Yepuri for the properties at 9102, 9120, and 9140 S. 27th St. (6th Aldermanic District)
- Fiscal Impact:** The proposal is to combine the the properties for the purpose of future single-family attached residential. Future development will yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. This property is part of TID No. 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 approval of a Certified Survey Map (CSM) combining and the properties at 9102, 9120, and 9140 S. 27th St. This proposal is in conjunction to a request to rezone the parcels that will be reviewed separately by the Council.

Following consolidation, the parcel will be 14.77 acres in size and meets all dimensional requirements for the existing zoning districts, B-4, Highway Business and Rs-2, Single-Family Residential. Additionally, proposed Lot 1 meets all dimensional requirements for the proposed rezone of the parcel to Rd-1, Two-family residential.

Wetlands have been delineated and are shown on the map. However, the required fifteen (15) foot setbacks from the wetlands are not shown on the map. A thirty (30) foot-wide road reservation is also shown on the map on the eastern edge of proposed Lot 1. However, the road reservation shown on the map is not on the subject parcels. Per Certified Survey Map No. 3534, the road reservation is to the east of the subject parcels. This has been attached for Council's reference. Woodland areas that are identified on the northern portion of proposed Lot 1 are to be preserved. After consolidation, the Lot is anticipated for future development of two-family residential. This will require a rezone and additional reviews including but not limited to a Planned Unit Development.

The Plan Commission reviewed this request during their July 12, 2022 meeting, and recommended approval subject to the following conditions:

-
1. That the Certified Survey Map is revised to remove the road reservation prior to recording.
 2. That the Certified Survey Map is revised to include the required fifteen (15) foot setbacks to the wetlands prior to recording.
 3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

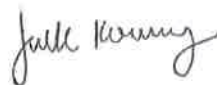
Options/Alternatives: Council has the discretion to approve the Certified Survey Map with conditions, modify the conditions, or deny the request.

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



Jack Kovnesky
Zoning Administrator/Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Res. 12345-071922

Location Map

Proposed CSM (4 pages)

Narrative

CSM No. 3534

Concept Plan

RESOLUTION NO. 12345-071922

BY: _____

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR
ANIL YEPURI

9102, 9120, AND 9140 S. 27th St.
(6th Aldermanic District)

WHEREAS, ANIL YEPURI , 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 the Certified Survey Map is revised to remove the road reservation prior to recording.
2. That the Certified Survey Map is revised to include the required fifteen (15) foot setbacks to the wetland prior to recording.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

1. That the Certified Survey Map is revised to remove the road reservation prior to recording.
2. That the Certified Survey Map is revised to include the required fifteen (15) foot setbacks to the wetland prior to recording.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 19th day of JULY, 2022.

Passed and adopted this 19th day of July, 2022.

President, Common Council

Approved this 19th day of July, 2022.

Mayor

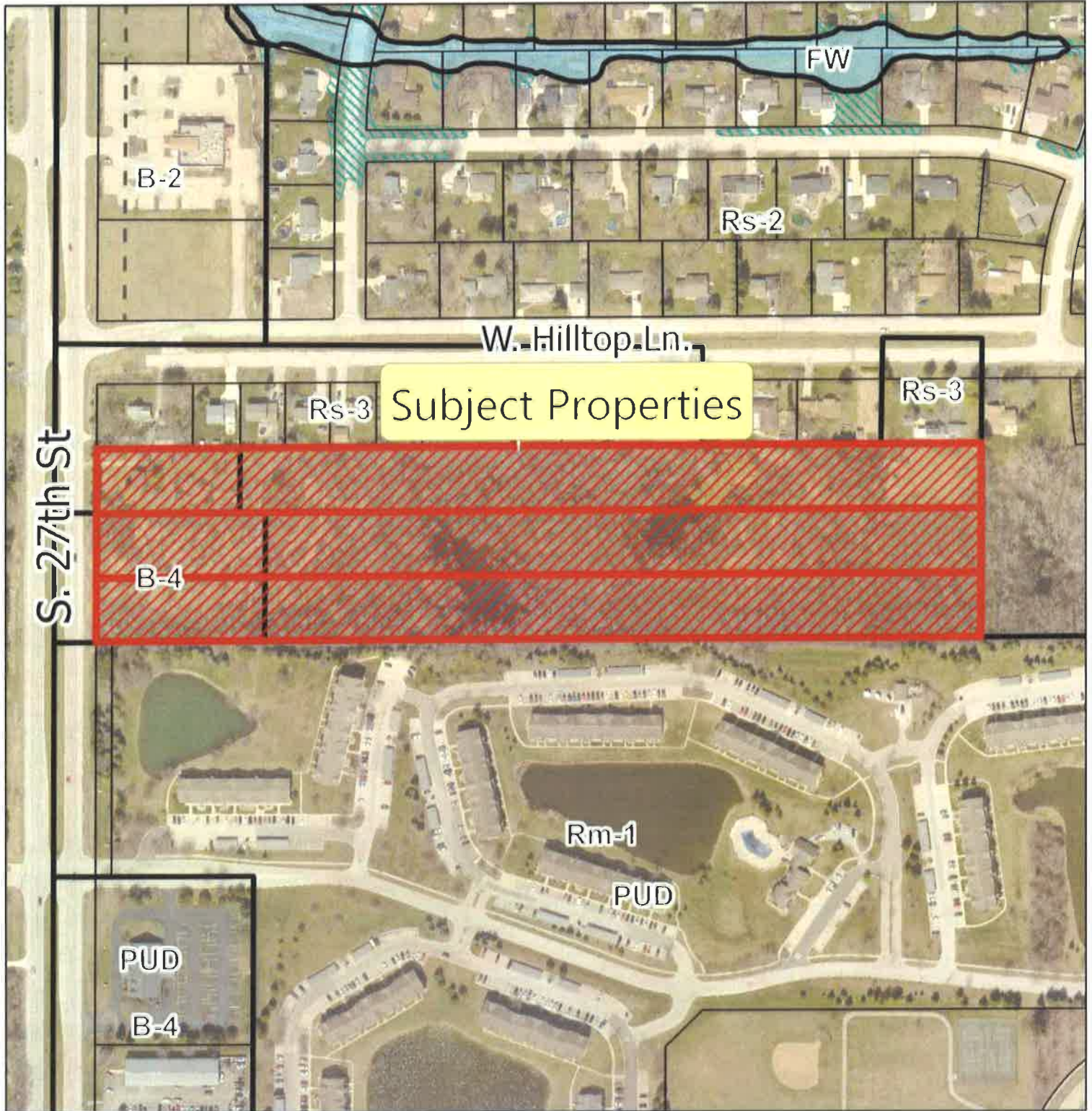
ATTEST:

City Clerk

VOTE: Ayes ____ Noes ____

Location Map

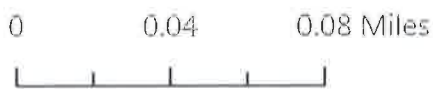
9102, 9120, & 9140 S. 27th St.



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



Community Development

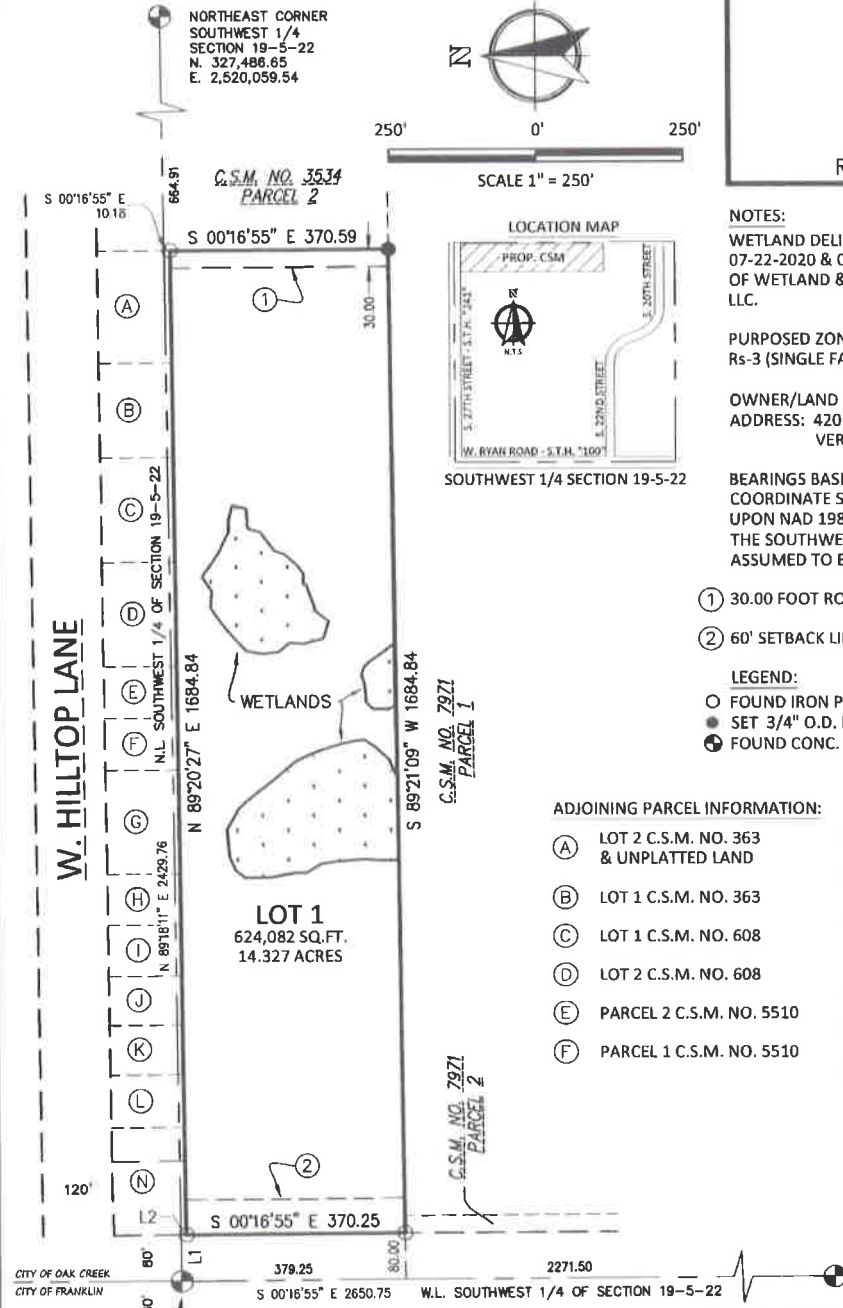


Legend

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

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.



250' 0' 250'

SCALE 1" = 250'



SOUTHWEST 1/4 SECTION 19-5-22

RECORDING DATA

NOTES:

WETLAND DELINEATION CONDUCTED ON 07-22-2020 & 07-29-2020 BY MR. DAVE MEYER OF WETLAND & WATERWAY CONSULTING, LLC.

PURPOSED ZONING OF LOT:
Rs-3 (SINGLE FAMILY RESIDENTIAL DISTRICT).

OWNER/LAND SPLITTER: ANIL YEPURI
ADDRESS: 420 WOODLAND CHASE LANE
VERNON HILLS, IL 60061

BEARINGS BASE: GRID NORTH, WISCONSIN COORDINATE SYSTEM, SOUTH ZONE. BASED UPON NAD 1983/2011. THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 19-5-22 IS ASSUMED TO BEAR N 89°18'11" E.

- ① 30.00 FOOT ROAD RESERVATION
- ② 60' SETBACK LINE (SEE PAGE 2 FOR DETAILS)

LEGEND:

- FOUND IRON PIPE
- SET 3/4" O.D. REBAR - 1.50 LBS. / LIN. FT.
- ⊕ FOUND CONC. MON. W / BRASS CAP

ADJOINING PARCEL INFORMATION:

- | | |
|---|------------------------------|
| (A) LOT 2 C.S.M. NO. 363 & UNPLATTED LAND | (G) LOT 3 C.S.M. NO. 369 |
| (B) LOT 1 C.S.M. NO. 363 | (H) LOT 2 C.S.M. NO. 5898 |
| (C) LOT 1 C.S.M. NO. 608 | (I) LOT 1 C.S.M. NO. 5898 |
| (D) LOT 2 C.S.M. NO. 608 | (J) PARCEL 2 C.S.M. NO. 3490 |
| (E) PARCEL 2 C.S.M. NO. 5510 | (K) PARCEL 1 C.S.M. NO. 3490 |
| (F) PARCEL 1 C.S.M. NO. 5510 | (L) PARCEL 2 C.S.M. NO. 3391 |
| | (N) PARCEL 1 C.S.M. NO. 3391 |

NORTHWEST CORNER
SOUTHWEST 1/4
SECTION 19-5-22
N. 327,457.10
E. 2,517,630.10

S. 27TH STREET - S.T.H. "241"

SOUTHWEST CORNER
SOUTHWEST 1/4
SECTION 19-5-22
N. 324,806.52
E. 2,517,643.14



Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1459 Horizon Blvd, Suite 200, Racine, WI 53406
(262)634-5588 | www.nmbnc.net

This Instrument was drafted by Mark R. Madsen June 14, 2022

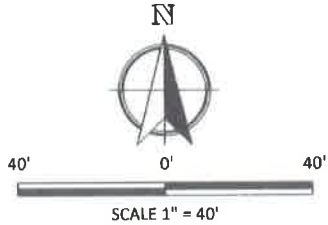
| Line Table | | |
|------------|----------|----------------|
| LINE | DISTANCE | BEARING |
| L1 | 80.00 | N89° 18' 11" E |
| L2 | 9.07 | S00° 16' 55" E |



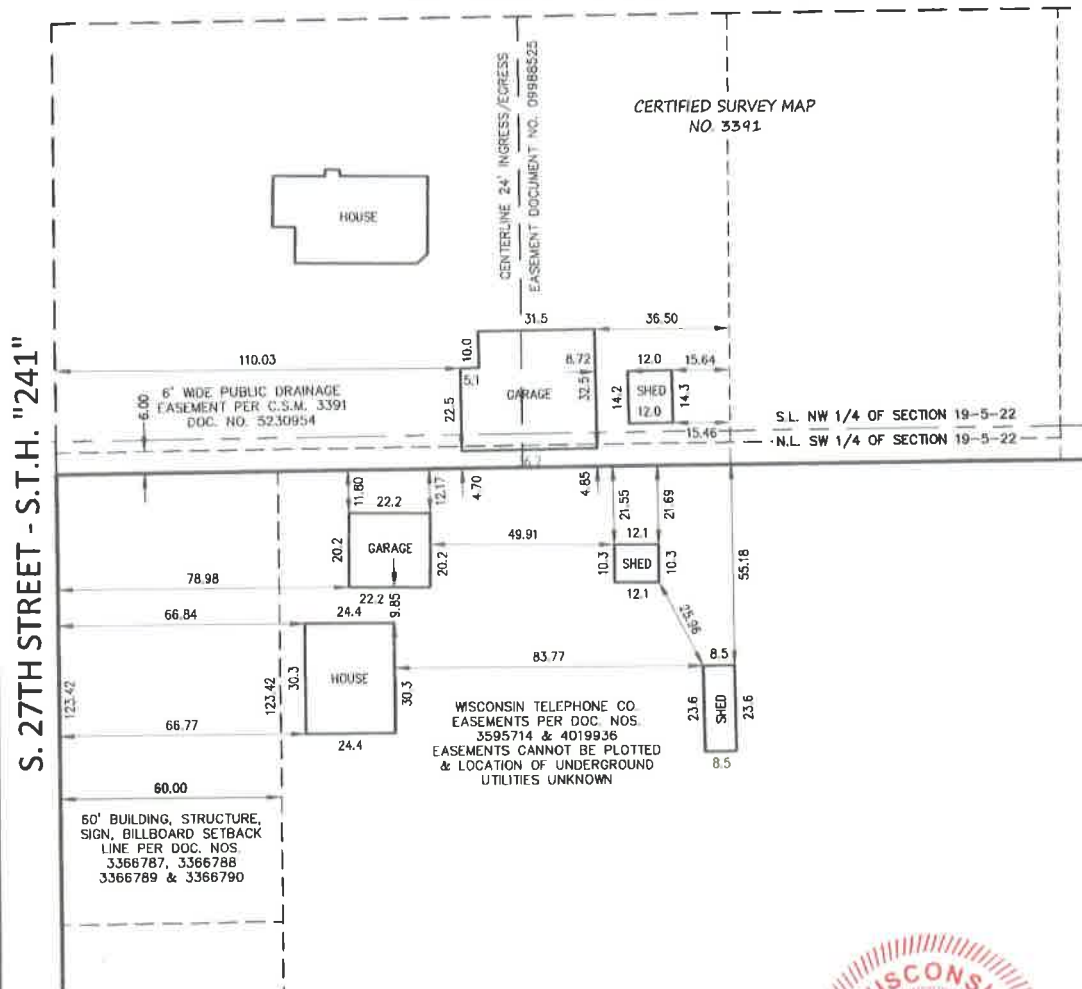
CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

EXISTING BUILDINGS, EASEMENTS & COVENANTS



W. HILLTOP LANE



CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Mark R. Madsen, hereby certify:

That I have prepared this Certified Survey Map at the direction of Anil Yepuri, Owner; That such Map is a correct representation of the exterior boundaries of the land surveyed and are described as:

Part of the Northwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 19, Township 5 North, Range 22 East of the Fourth Principal Meridian; more particularly bounded and described as follows: Commencing at the Northwest corner of the Southwest 1/4 of said Section 19; thence N89°18'11"E, 80.00 feet along the North line of the Southwest 1/4 of said Section 19 to a point on the East right-of-way line of South 27th Street - State Trunk Highway "241" (S.T.H. "241"), thence S00°16'55"E, 9.07 feet parallel with the West line of the Southwest 1/4 of said Section 19 and along the East right-of-way line of said South 27th Street - S.T.H. "241" to the point of beginning of this description; thence N89°20'27"E, 1684.84 feet; thence S00°16'55"E, 370.59 feet parallel with the West line of the Southwest 1/4 of said Section 19; thence S89°21'09"W, 1684.84 feet to a point on the East right-of-way line of said South 27th Street - S.T.H. "241"; thence N00°16'55"W, 370.25 feet parallel with the West line of the Southwest 1/4 of said Section 19 and along the East right-of-way line of said South 27th Street - S.T.H. "241" to the point of beginning of this description. Said land being in the City of Oak Creek, County of Milwaukee, State of Wisconsin. Subject to a 30.00 foot wide road reservation over the Easterly 30.00 feet thereof.

Containing 624,082 square feet or 14.327 acres.

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and Chapter 14 of the City of Oak Creek, Municipal Codes, Land Division and Platting Ordinance, in surveying, dividing, and mapping the same.

June 14, 2022



Mark R. Madsen, P.E., P.L.S. (S-2271)
Nielsen Madsen & Barber, S.C.
1458 Horizon Blvd. Suite 200
Racine, WI 53406
(262) 634-5588



Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd. Suite 200, Racine, WI 53406
(262)634-5588 | www.nmbc.net

This Instrument was drafted by Mark R. Madsen June 14, 2022

SHEET 3 OF 4
2009.0045.03 CSM.dwg

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

OWNERS' CERTIFICATE

Anil Yepuri, as Owner, hereby certifies that he has caused the lands described on this map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. He also does further certify that this Certified Survey Map is required to be submitted to the the following for approval or objection: City of Oak Creek.

Anil Yepuri

Date

STATE OF _____ }
COUNTY OF _____ } S.S.

Personally came before me this _____ day of _____, 2022, Anil Yepuri, to me known to be the persons who executed the foregoing instrument, and acknowledged that they executed the foregoing.

Notary Public

Commission Expiration

SEAL

CITY OF OAK CREEK PLAN COMMISSION APPROVAL

APPROVED as a Certified Survey Map by the Plan Commission of the City of Oak Creek, on _____, 2022

Daniel Bukiewicz, Chair

Date

Attested By:

Date

CITY'S RESOLUTION

RESOLVED that this Certified Survey Map located in the City of Oak Creek, is hereby approved by the Common Council of the City of Oak Creek, on _____, 2022, by Resolution No. _____.

Danlel Bukiewicz, Mayor

Date

Catherine A. Roeske, City Clerk

Date





Nielsen Madsen + Barber

CIVIL ENGINEERS AND LAND SURVEYORS

June 14, 2022

RE: S 27th Single-Family Attached Development
CSM / Rezoning Petition Request Narrative
Tax Key Numbers: 8789997000, 8789998000
& 8789999000

Anil Yepuri, owner of the above-described properties, is proposing a single-family attached residential "condominium" development on S 27th Street, just South of W Hilltop Lane. The parcels on which the development will occur are identified as Tax Key Numbers 8789997000, 8789998000, and 8789999000.

A preliminary conceptual plan for the development consisting of ten buildings totaling thirty-six (36) units is attached for reference. The proposed development meets the Single-Family Attached land use classification identified for these properties per the City's recently approved Comprehensive Plan. A certified survey map is proposed to combine the three parcels into a single lot. The development will be served by a 24'-wide private roadway with access off S 27th Street.

The three parcels are currently zoned B-4 Highway Business along the S 27th Street frontage and Rs-2 & Rs-3 Single Family Residential for the remainder of the land. The parcels are proposed to be rezoned to Rs-3 Single-Family Residential. A Planned Unit Development (PUD) overlay will eventually be applied for once the preliminary engineering is complete.

Each unit will have a two-car garage with space for two additional vehicles to park in the driveway. A mailbox kiosk will be provided along with associated parking. Trash collection will be privately contracted with dumpsters located within an enclosure.

5278690

REGISTER'S OFFICE
Milwaukee County, WI
RECORDED AT-11

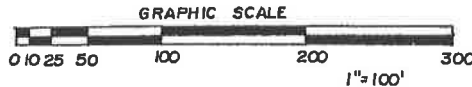
DEC 2 1978
REEL 1171 IMAGE 961 to 964
REGISTER OF DEEDS

DOC # 5278690 #
RECORD 5.00
B CASH B 5.00

CERTIFIED SURVEY MAP NO. 3534

OF A PART OF THE N.W. 1/4 AND S.W. 1/4 OF SECTION 19,
T. 5 N., R. 22 E., IN THE
CITY OF OAK CREEK, MILWAUKEE COUNTY, WISC. N22279 C001 R01 T12:04

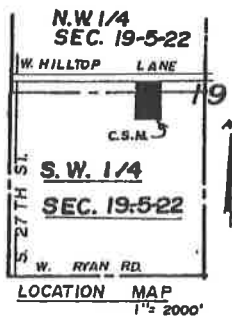
DDC 21 78



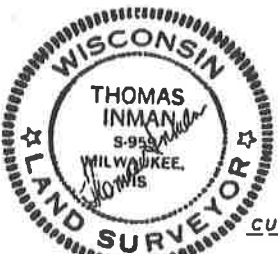
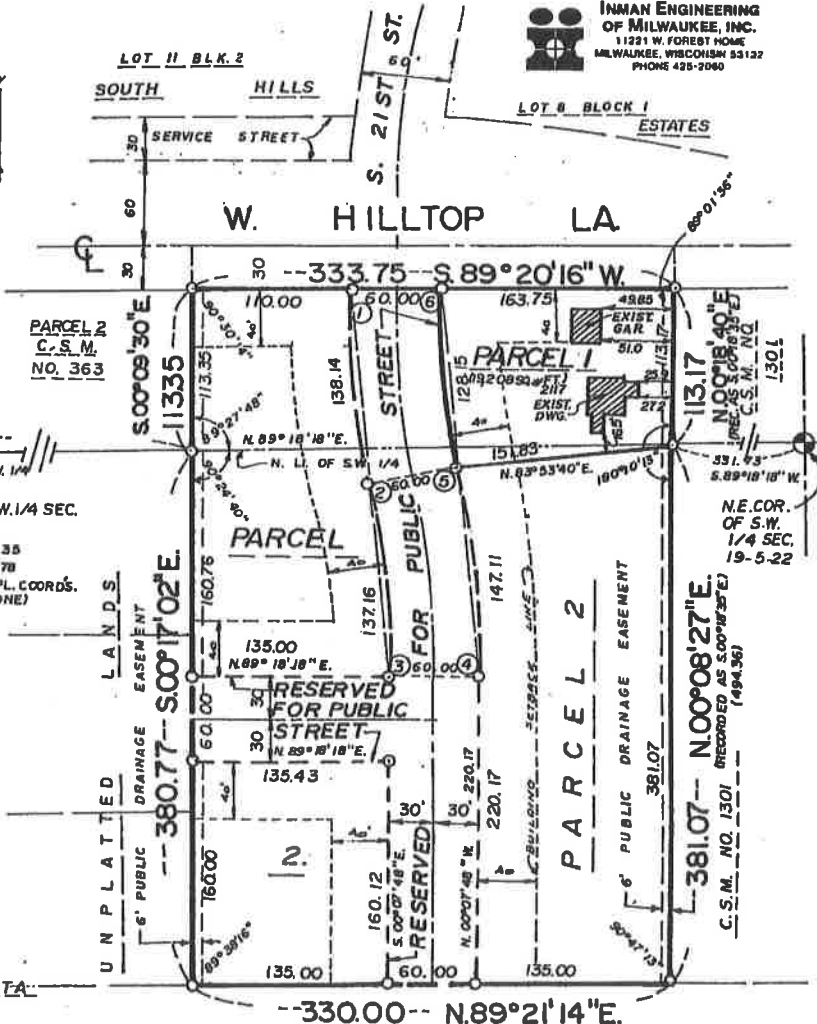
○ DENOTES 1"X24" IRON PIPE,
1.13 LBS./LIN.FT.
DATED MAY 31, 1978

INMAN ENGINEERING
OF MILWAUKEE, INC.
11221 W. FOREST HOME
MILWAUKEE, WISCONSIN 53132
PHONE 425-2060

BEARINGS REFER TO GRID NORTH OF THE WISC. ST. PL. COORDINATE SYST. (SOUTH ZONE)



N. 89° 18' 18" E.
--1764.85--
N. L.I. OF S.W. 1/4
N.W. COR. OF S.W. 1/4 SEC.
19-5-22
327, 446.35
2,549, 166.78
WISC. ST. PL. COORDS.
(SOUTH ZONE)



CURVE DATA

| CURVE | RADIUS | CHORD | DELTA | BEARING |
|-------|--------|--------|-----------|-----------------|
| ①② | 829.81 | 137.98 | 09°32'17" | N. 05°26'51" W. |
| ②③ | 826.78 | 137.00 | 09°30'18" | N. 05°26'51" W. |
| ④⑤ | 886.78 | 146.94 | 09°30'18" | N. 05°26'51" W. |
| ⑤⑥ | 768.81 | 128.00 | 09°36'16" | N. 05°26'51" W. |

UNPLATTED LANDS

5.00

CERTIFIED SURVEY MAP NO.
 OF A PART OF THE N.W. 1/4 AND S.W. 1/4 OF
 SECTION 19, 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, THOMAS D. INMAN, do hereby certify
 THAT I have surveyed, divided and mapped a part of the N.W. 1/4
 and S.W. 1/4 of Section 19, Town 5 North, Range 22 East, in the
 City of Oak Creek, Milwaukee County, Wisconsin, bounded and
 described as follows:

COMMENCING at a concrete Monument with a brass cap marking
 the location of the N.W. corner of the S.W. 1/4 of Section 19;
 thence N. 89°18'18" E., along the North line of the S.W. 1/4 of
 Section 19, 1,764.85 feet to the point of beginning of the parcel
 to be described; thence S. 00°17'02" E., 380.77 feet to a point;
 thence N. 89°21'14" E., 330.00 feet to a point; thence N. 00°08'
 27" E., 381.07 feet to a point, said point being on the north
 line of the S.W. 1/4 of Section 19; thence N. 00°18'40" E.,
 113.17 feet to the South right-of-way line of W. Hilltop Lane;
 thence S. 89°20'16" W., along said south right-of-way line,
 333.75 feet to a point; thence S. 00°09'30" E., 113.35 feet to
 the point of beginning.

RESERVING THEREFROM those portions shown on this map within
 said description for future street purposes.

THAT I have made this survey, land division and map by the direc-
 tion of BURTON S. GROSS, and NANCY C. GROSS, his wife, owners of
 said land.

THAT such 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 the provisions of Chapter 236 of
 the Wisconsin Statutes and Chapter 18 of the Municipal Code of
 the City of Oak Creek in surveying, dividing and mapping the same.



Thomas D. Inman
 THOMAS D. INMAN, RLS-959

OWNERS' CERTIFICATE

AS OWNERS, we hereby certify that we have caused the land
 described above to be surveyed, divided and mapped as represented
 on this map in accordance with the requirements of Chapter 18 of
 the municipal Code of the City of Oak Creek.

WITNESS the hand and seal of said owners this 22nd day of
June, 1978.

In the presence of:

Kathleen Gericke
 Kathleen Gericke

Burton S. Gross
 BURTON S. GROSS
Nancy C. Gross
 NANCY C. GROSS

CERTIFIED SURVEY MAP NO. OF A PART OF THE N.W. 1/4 AND S.W. 1/4 OF SECTION 19, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

STATE OF WISCONSIN) MILWAUKEE COUNTY) SS PERSONALLY came before me this 22nd day of June, 1978, the above named BURTON S. GROSS, and NANCY C. GROSS, his wife, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Vivian M. Abramczyk
Vivian M. Abramczyk
Notary Public, Milwaukee Co. Wis.

My Commission Expires 10-25-81

CONSENT OF MORTGAGEE

SOUTH MILWAUKEE MARINE BANK, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, and mapping of the land described on this plat and does hereby consent to the above certificate of BURTON S. GROSS and NANCY C. GROSS, his wife, owners.

IN WITNESS WHEREOF, the said SOUTH MILWAUKEE MARINE BANK, has caused these presents to be signed by John R. Franks, its President, and countersigned by Michael J. Falbo, its ~~Secretary~~ Cashier at South Milwaukee Wisconsin, and its corporate seal to be hereunto affixed this 22nd day of June, 1978.

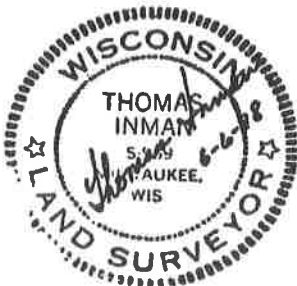
In the presence of:

Kathleen R. Gericke
Kathleen R. Gericke
Thomas J. Marciniak
Thomas J. Marciniak

SOUTH MILWAUKEE MARINE BANK

John R. Franks
John R. Franks President
Countersigned:
Michael J. Falbo
Michael J. Falbo ~~Secretary~~ Cashier

STATE OF WISCONSIN) MILWAUKEE COUNTY) SS PERSONALLY came before mt this 22nd day of June, 1978, John R. Franks President and Michael J. Falbo, Cashier, ~~Secretary~~ of the above named corporation, to me known to be the persons who executed the foregoing instrument and to me known to be such President and Secretary of said corporation and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.



Vivian M. Abramczyk
Vivian M. Abramczyk
Notary Public, Milwaukee Co. Wisc.

My Commission Expires October 25, 1981

CERTIFIED SURVEY MAP NO.
OF A PART OF THE N.W. 1/4 AND S.W. 1/4 OF
SECTION 19, 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 on this 19th day of July, 1978.

Donald W. Hermann
DONALD W. HERMANN, Mayor

Fredrick G. Fairbanks
FREDRICK G. FAIRBANKS, SECRETARY

COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of Oak Creek,
on this 3rd day of October, 1978, by Resolution No.
4457-060178.

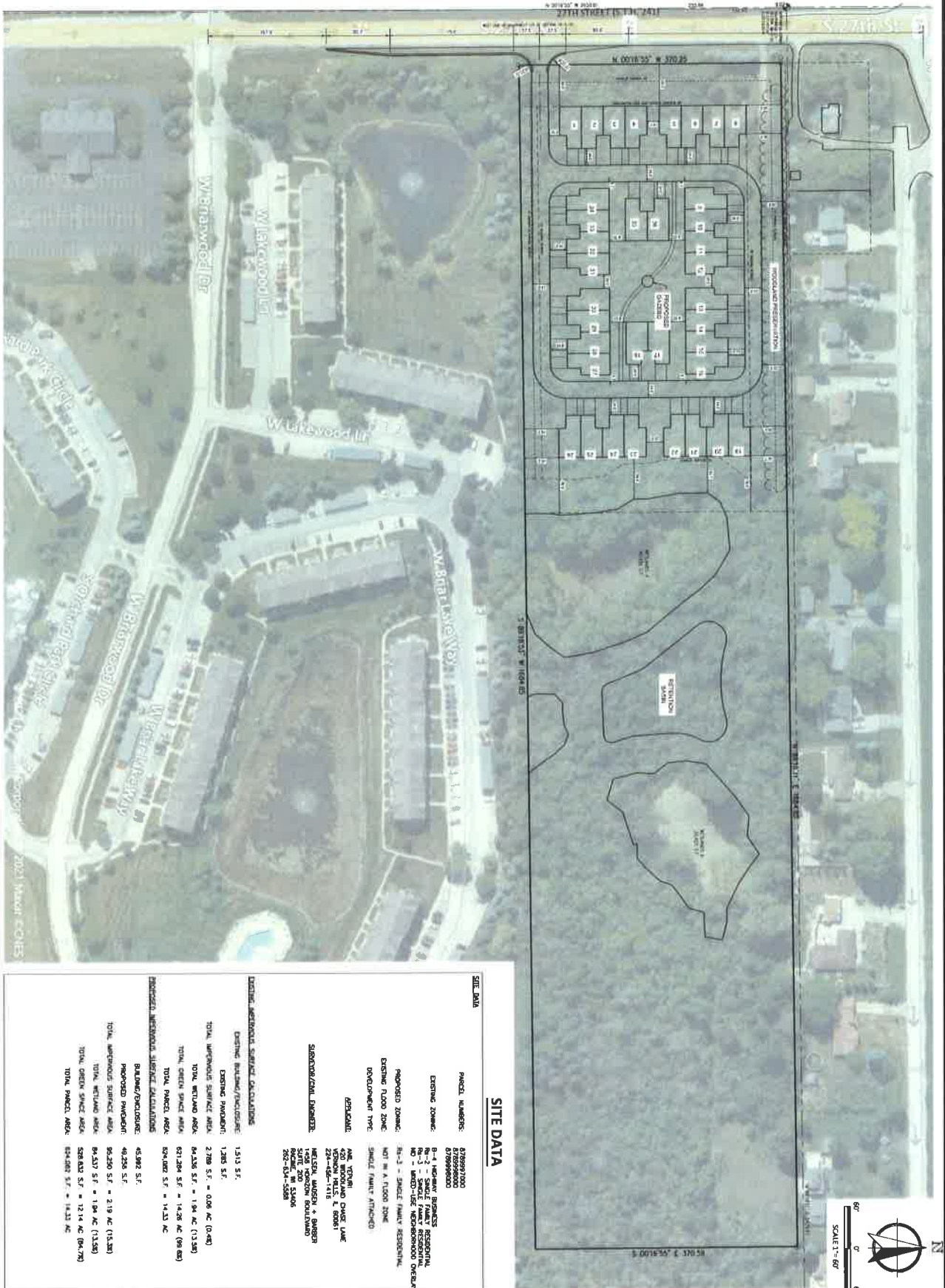
Donald W. Hermann
DONALD W. HERMANN, Mayor

La Vern C. Gutknecht
LA VERN C. GUTKNECHT, City Clerk



This instrument was drafted by:
THOMAS D. INMAN

Sheet 4 of 4
Job #4958



SITE DATA

PARCEL NUMBERS:
 078997000
 078998000

EXISTING ZONING:
 R-4 - HIGHWAY BUSINESS
 R-1 - SINGLE FAMILY RESIDENTIAL
 M-1 - MEDIUM-DENSITY RESIDENTIAL
 M-2 - MEDIUM-DENSITY RESIDENTIAL OVERLAY

PROPOSED ZONING:
 S-F-1 - SINGLE FAMILY RESIDENTIAL

EXISTING FLOOD ZONE:
 NOT IN A FLOOD ZONE

DEVELOPMENT TYPE:
 SINGLE FAMILY ATTACHED

ADDRESS:
 400 WOODLAND CHASE LANE
 WILSON, WISCONSIN 53091
 262-534-5588

SUBMITTER/OWNER:
 NIELSEN MADSEN & BARBER
 1458 HORIZON BOULEVARD
 RACINE, WI 53406

EXISTING IMPROVED SURFACE CALCULATIONS

EXISTING BUILDING/ENCLOSURE: 1,513 S.F.
 EXISTING PAVEMENT: 1,283 S.F.
 TOTAL IMPROVED SURFACE AREA: 2,796 S.F. = 0.06 AC (0.48)

EXISTING WETLAND AREA: 84,236 S.F. = 1.94 AC (13.88)
 TOTAL WETLAND AREA: 84,236 S.F. = 1.94 AC (13.88)

EXISTING OPEN SPACE AREA: 671,298 S.F. = 14.26 AC (98.82)
 TOTAL OPEN SPACE AREA: 671,298 S.F. = 14.23 AC

PROPOSED IMPROVEMENTS:
 46,206 S.F.
 TOTAL IMPROVED SURFACE AREA: 80,230 S.F. = 2.19 AC (15.38)

PROPOSED WETLAND AREA: 84,537 S.F. = 1.94 AC (13.88)
 TOTAL WETLAND AREA: 84,537 S.F. = 1.94 AC (13.88)

PROPOSED OPEN SPACE AREA: 674,480 S.F. = 14.33 AC
 TOTAL OPEN SPACE AREA: 674,480 S.F. = 14.33 AC

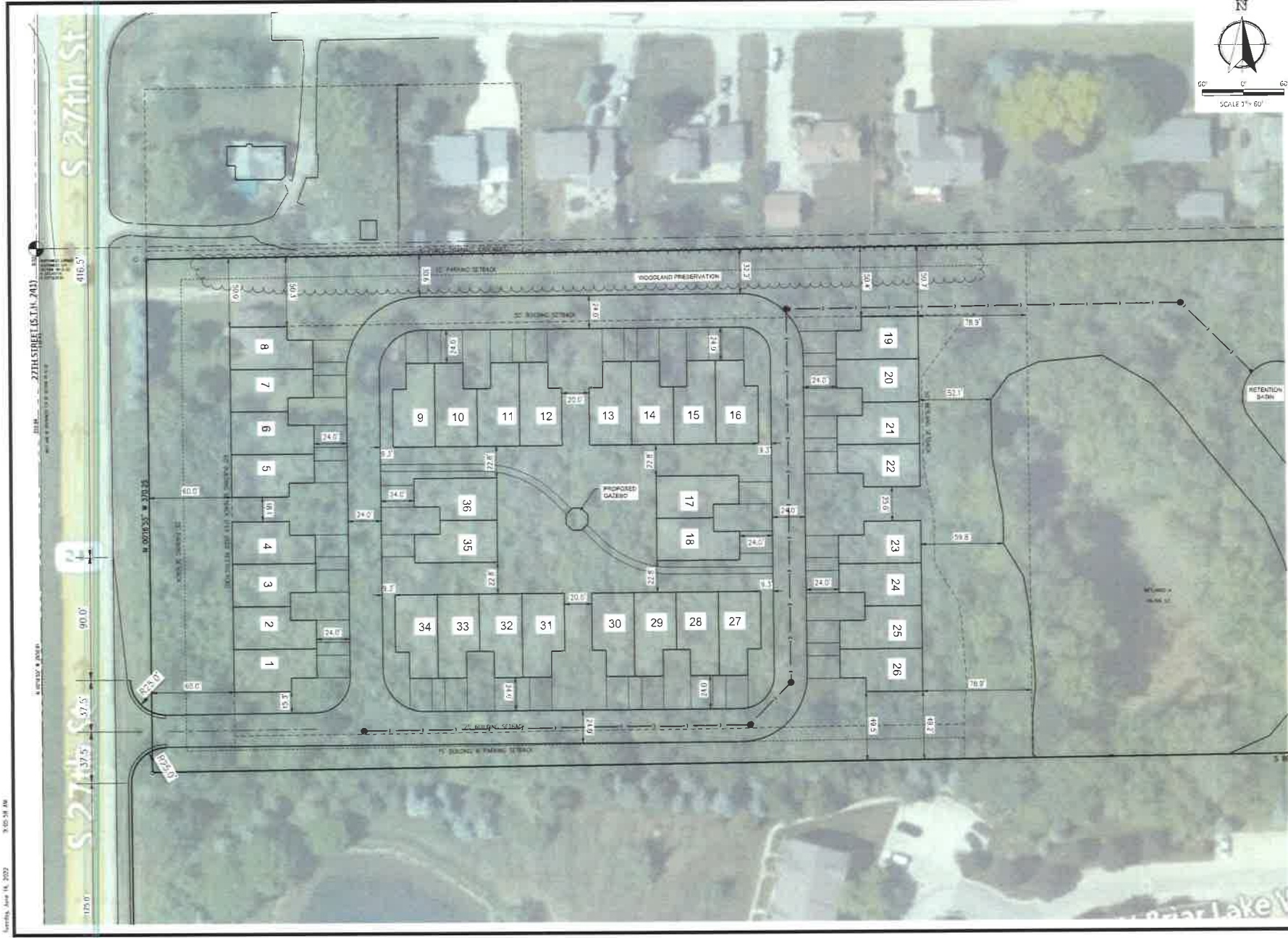
| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|----------|----|
| 1 | PREPARED | 04/14/22 | AM |
| 2 | REVISION | 04/14/22 | AM |
| 3 | REVISION | 04/14/22 | AM |

PROJECT: 2009 0045 03
 SHEET: 2 OF 3

S 27TH STREET SINGLE FAMILY ATTACHED DEVELOPMENT CONCEPT PLAN
 FOR ANIL YEPURI
 CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

Nielsen Madsen + Barber
 CIVIL ENGINEERS AND LAND SURVEYORS
 1458 Horizon Blvd, Suite 200, Racine, WI 53406
 Tel: (262)634-5588 Website: www.nmbc.net

DATE: 10/16/09 10:58 AM



Nielsen Madsen + Barber
 CIVIL ENGINEERS AND LAND SURVEYORS
 1458 Holstrom Blvd. Suite 200, Racine, WI 53406
 Tel: (262)634-5588 Website: www.nmbinc.net

**S 27TH STREET SINGLE FAMILY
 ATTACHED DEVELOPMENT
 ENLARGED CONCEPT PLAN**

FOR
ANIL YEPURI
 CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

| NO. | DATE | BY | REVISION |
|-----|------|----|----------|
| | | | |
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| | | | |

PROJ MGR: MSZ
 DRAFTER: JCD
 DATE: 06/16/09
 CHECKER: MSZ
 DATE: 08/18/09

2009.0045.03

SHEET
3 OF **3**



COMMON COUNCIL REPORT

Item: Certified Survey Map - 9630 S. Shepard Ave.

Recommendation: That the Council adopts Resolution No. 12350-081622, a resolution approving a Certified Survey Map submitted by Daniel Katona for the property at 9630 S. Shepard Ave. (3rd Aldermanic District)

Fiscal Impact: The proposal is to divide the property into two (2) conforming single-family residential lots. While the proposed Lot 1 is currently developed with a single-family residential home, future development of the proposed Lot 2 will yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. This property is not currently located with 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 9630 S. Shepard Ave. into two (2) single-family residential parcels. Each of the proposed lots meets the minimum requirements for the Rs-3, Single Family Residential zoning district. Council will note that Lot 1 is currently developed with a pre-existing, non-conforming residence. This is not proposed to change; however, should any of the structures on the property be altered or removed, plans must comply with the Zoning Code requirements in place at the time of development.

Development of Lot 2 will also be required to meet the provisions of the Zoning Code in place at the time of the proposal. Therefore, staff is recommending that the building envelope and district setback labels be removed, but that the 30-foot front setback designation remain on the map for lot averaging purposes. As a reminder, laterals will be required to be extended to serve Lot 2 and a grading plan will be required to be submitted with a building permit application.

The Plan Commission reviewed this request during their July 26, 2022 meeting, and recommended approval subject to the following conditions:

1. That the map is revised to remove the building envelope and Zoning District setbacks. The front setback of 30 feet shall remain on the map.
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.

Options/Alternatives: Council has the discretion to approve the Certified Survey Map with conditions, modify the conditions, 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:

Res. 12350-081622

Location Map

Proposed CSM (3 pages)

RESOLUTION NO. 12350-081622

BY: _____

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR DANIEL KATONA

9630 S. Shepard Ave.
(3rd Aldermanic District)

WHEREAS, DANIEL KATONA, 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 map is revised to remove the building envelope and Zoning District setbacks. The front setback of 30 feet shall remain on the map.
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 map is revised to remove the building envelope and Zoning District setbacks. The front setback of 30 feet shall remain on the map.
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 16th day of August, 2022.

Passed and adopted this 16th day of August, 2022.

President, Common Council

Approved this 16th day of August, 2022.

Mayor

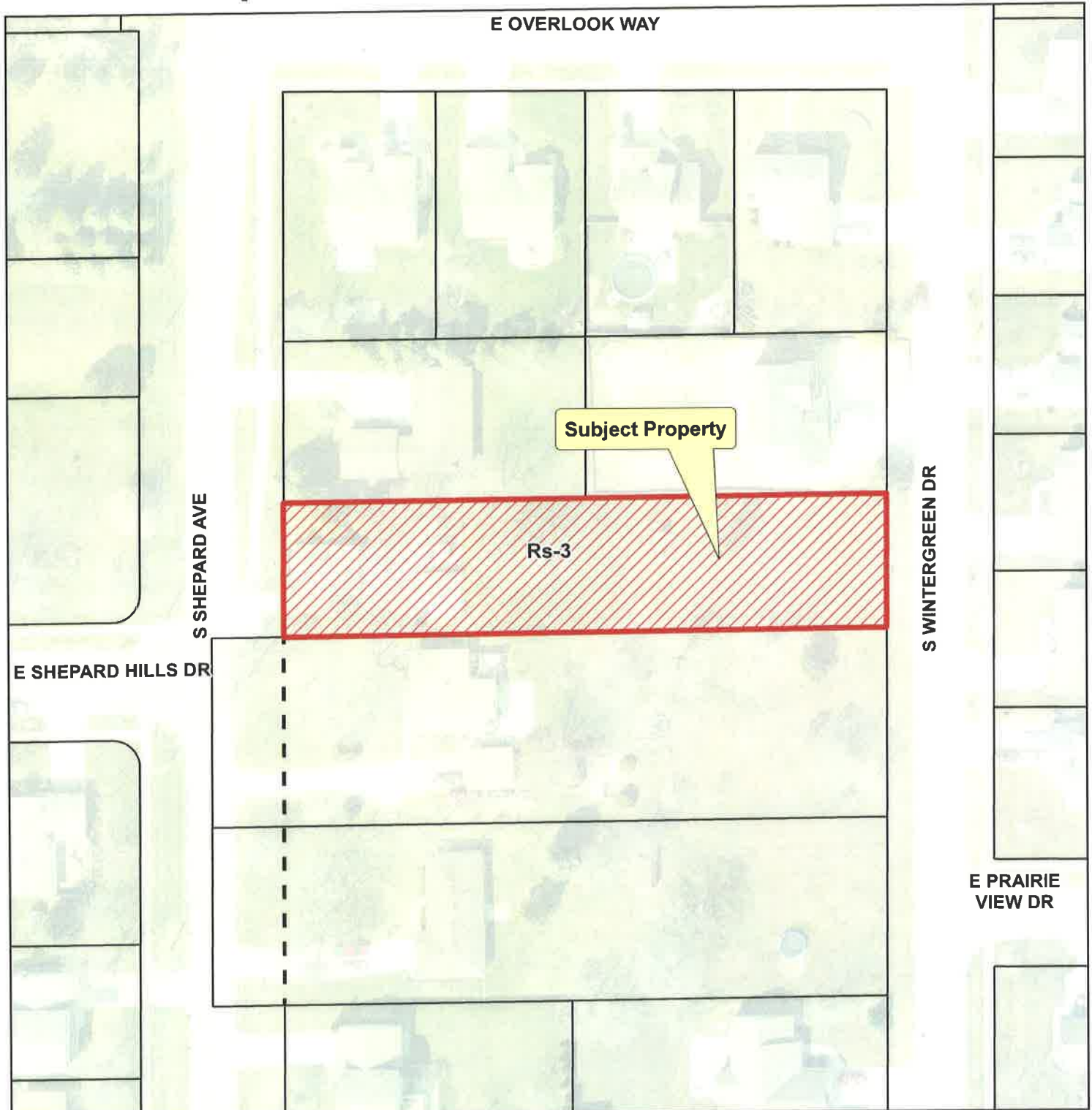
ATTEST:

City Clerk

VOTE: Ayes ____ Noes ____

LOCATION MAP






9630 S. Shepard Ave.



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



Legend

-  9630 S. Shepard Ave.
-  Zoning
-  Official Map
-  Floodway
-  Flood Fringe

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 1047, RECORDED MAY 16, 1969, IN REEL 479, IMAGE 495 AS DOCUMENT 4463352 AT THE MILWAUKEE COUNTY REGISTER OF DEEDS, BEING PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

The SW Corner of the NE 1/4 of Section 28-5-22 Concrete Monument with Brass Cap
N = 122.21611
E = 2,562.147.39

The NW Corner of the NE 1/4 of Section 28-5-22 Concrete Monument with Brass Cap
N = 324.357.77
E = 2,362.155.49

(PUBLIC R-O-W VARIES)
S. SHEPARD AVE.

The West Line of the Northwest 1/4 of Section 28-5-22

500°11'04"E 925.13'



UNPLATTED LANDS.



PROPERTY IS ZONED RS-3 DWELLING SETBACKS

- FRONT- 30'
- SIDE- 10'
- REAR- 30'

• DENOTES SET 3/4" X 18" LONG IRON REBAR WEIGHING 1.13 LBS. PER LINEAL FOOT.

ALL BEARINGS ARE REFERENCED TO THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 28-5-22, WHICH IS ASSUMED TO BEAR S 00°11'04" W, WL STATE PLANE COORDINATE SYSTEM SOUTH ZONE PER FEB. 2018 C.S.S.D.

S. WINTERGREEN DR.
(60' WIDE PUBLIC R-O-W)

SURVEYING ASSOCIATES, INC.
MEMBER OF WISCONSIN SOCIETY OF LAND SURVEYORS & NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS

2554 N. 100TH STREET
P.O. BOX 26596
WAUWATOSA, WISCONSIN 53226
(414) 257-2212 FAX: (414) 257-2443
sai@wi.rr.com

MARC C. PASSARELLI P.L.S. # 2817
JOB NO. 36309CSM SHEET 1 OF 3

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 1047, RECORDED MAY 16, 1969, IN REEL 479, IMAGE 495 AS DOCUMENT NO. 4463352 AT THE MILWAUKEE COUNTY REGISTER OF DEEDS BEING PART OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 28, 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 redivision of Parcel 1 of Certified Survey Map No. 1047, recorded May 16, 1969, in Reel 479, Image 495 as Document 4463352 at the Milwaukee County Register of Deeds being part of the Northwest ¼ of the Northeast ¼ of Section 28, Town 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 the Northeast ¼ of Section 28, thence South 00° 11' 04" West along the West line of said Northeast ¼, 925.13 feet; thence North 89° 27' 03" East, 40.00 feet to the point of beginning of lands to be described; thence North 89° 27' 03" East, 336.00 feet to the West right-of-way of South Wintergreen Drive; thence South 00° 11' 04" West along said West line 75.00 feet; thence South 89° 27' 03" West 336.00 feet to the East right-of-way line of Shepard Avenue; thence North 00° 11' 04" East along said East line 75.00 feet to the point of beginning. Containing 25,198 square feet of land (0.5785 acre)

That I have made such survey, land division and map by the direction of Daniel M. Katona, owner 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 10th day of June, 2022.

Marc C. Passarelli S-2817
Wisconsin Professional Land Surveyor

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 1047, RECORDED MAY 16, 1969, IN REEL 479, IMAGE 495 AS DOCUMENT NO. 4463352 AT THE MILWAUKEE COUNTY REGISTER OF DEEDS BEING PART OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 28, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

Daniel M. Katona, 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.

Daniel M. Katona, Owner

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

Personally came before me this _____ day of _____, 2022 the above named Daniel M. Katona, 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 _____

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: WisDOT Dark Fiber and Rack Space Lease and Agreement

Recommendation: That Common Council considers Resolution No. 12351-081622 approving the Lease and Agreement for Exchange of Dark Fiber and Rack Space Between the Wisconsin Department of Transportation (WisDOT), Division of Transportation System Development and the City of Oak Creek, Wisconsin.

Fiscal Impact: This Agreement will have no fiscal impact to the City of Oak Creek.

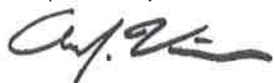
Critical Success Factor(s):

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

Background: As part of the 2022 Capital Improvement Program (CIP), we are expanding the City's fiber optic network to City facilities near the Lake Michigan. As the plans for this expansion have developed, the IT Services Division has been proactively working to identify potential partners and stakeholders to continue to expand the City's fiber optic network. The route of the City's fiber expansion allows for WisDOT to interconnect to several intersections on Hwy 100 and Hwy 32. In return for providing this interconnection and approximately four miles of fiber optics, WisDOT will be leasing the City nearly 18 miles of dark fiber and rack space as part of a 20-year, no cost lease agreement. This connection would allow the City of Oak Creek to interconnect with other municipalities including Wauwatosa, West Allis, and Greenfield.

Options/Alternatives: N/A

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kevin A. Koenig
Information Technology Manager

Fiscal Review:



Maxwell Gagrin, MPA
Assistant City Administrator / Comptroller

Attachments: WisDOT Lease and Agreement for exchange of Dark Fiber and Rack Space

RESOLUTION NO. 12351-081622

RESOLUTION APPROVING A LEASE AND AGREEMENT BY AND BETWEEN
THE CITY OF OAK CREEK AND THE WISCONSIN DEPARTMENT OF
TRANSPORTATION DIVISION OF TRANSPORTATION SYSTEM DEVELOPMENT
FOR THE EXCHANGE OF DARK FIBER AND RACK SPACE

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the lease and agreement for the exchange of dark fiber and rack space by and between the City of Oak Creek the Wisconsin Department of Transportation, Division of Transportation System Development (“Agreement”) be and is hereby approved.

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

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 16th day of August 2022.

Passed and adopted this 16th day of August, 2022.

Common Council President Kenneth Gehl

Approved this 16th day of August, 2016.

ATTEST:

Mayor Daniel J. Bukiewicz

Catherine Roeske, City Clerk

VOTE: Ayes _____ Noes _____

**LEASE AND AGREEMENT FOR EXCHANGE OF DARK FIBER AND RACK
SPACE BETWEEN
THE WISCONSIN DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION SYSTEM DEVELOPMENT
AND
THE CITY OF OAK CREEK, WISCONSIN**

LEASE and EXCHANGE DESCRIPTION.

Pursuant to the authority vested in the Wisconsin Department of Transportation (WisDOT) granted in Wis. Stat. §§ 39.11, 66.0301, 84.01(31), 85.12, and 85.15(1), this Lease and Exchange Agreement (Agreement) is entered into by and between WisDOT and City of Oak Creek (Oak Creek), effective this ___ day of _____, 2022, by and between WisDOT and Oak Creek, each a “Party” and together the “Parties.”

WisDOT deems this Agreement to be in the best interests of WisDOT, Oak Creek, and the people of Wisconsin regarding lease and exchange of fiber facilities and rack space as set forth herein. In consideration of the covenants herein, WisDOT and Oak Creek agree as provided in this Agreement.

SCOPE OF LEASE and EXCHANGE.

Oak Creek desires to utilize WisDOT’S dark fiber within the right-of-way of certain state highway facilities and space for network gear in WisDOT’s equipment racks, as further described herein. WisDOT will waive its typical dark fiber lease costs in exchange for use of Oak Creek fiber as further described herein.

RECITALS.

WHEREAS, WisDOT administers a statewide public safety radio management program and owns and operates communication systems for communication purposes of WisDOT and other Wisconsin governmental agencies and local governmental units and, as part of said communication systems, WisDOT is the owner of various communication tower facilities located throughout the State of Wisconsin.

WHEREAS, Oak Creek owns and operates a communication system for various network communication purposes of the City of Oak Creek (Oak Creek) and for use by its affiliates and designees.

WHEREAS, WisDOT and Oak Creek have determined that shared facility projects are desirable and will provide cost savings to each party.

WHEREAS, Oak Creek desires to lease excess space to WisDOT in Oak Creek’s fiber network, as described hereinafter, so that WisDOT may attach thereto certain traffic control equipment and utilize said equipment for reasons associated with its missions.

WHEREAS, WisDOT, in exchange, will provide Oak Creek use of one (1) pair of single-mode dark fiber strands and space for Oak Creek-owned network gear in an existing equipment rack in HUT-5 near I-94, as described more specifically hereinafter.

WHEREAS, This lease and exchange represents an Agreement between WisDOT and Oak Creek's exclusive use of fiber optic strands, and rack space.

NOW THEREFORE, in consideration of the provisions set forth below, the Parties agree as follows:

I. TERM.

This Agreement shall be for a period of twenty (20) years from the date hereof and shall be automatically renewable for consecutive and additional one (1) year periods, without notice, at the option of WISDOT.

II. PAYMENT.

This Agreement provides for waiver of typical WisDOT dark fiber lease fees, Oak Creek's use of certain WisDOT-owned fiber, and space for Oak Creek's network gear on WisDOT's equipment rack, all as more specifically described hereinafter, in exchange for waiver of typical Oak Creek dark fiber lease fees, WisDOT's use of Oak Creek's dark fiber, as described hereinafter. This Agreement does not subject either Party to payment.

III. DEFINITIONS.

Dark Fiber means fiber between two (2) specified locations that has no associated equipment attached to it.

Fiber means a glass strand or strands which is/are protected by color-coded buffer tube and which is/are used to transmit a communication signal along the glass strand in the form of pulses. Use of fiber provided to Oak Creek owned by WisDOT under this Agreement shall be referred to as "Oak Creek Leased Fiber." Fiber retained by WisDOT shall be referred to as "WisDOT Owned Fiber." Use of fiber provided to WisDOT owned by Oak Creek under this Agreement shall be referred to as "WisDOT Leased Fiber." Fiber retained by Oak Creek shall be referred to as "Oak Creek Owned Fiber."

Rack Space means all or part of one or more vertically oriented two post or four post metal or composite equipment racks designed to hold or mount communications or networking equipment, typically designed to allow for the mounting of nineteen (19)-inch-wide or twenty three (23)-inch-wide components, at least forty two (42) rack units (RU) or seventy-three point five (73.5) inches high.

Right-of-way means the lands on which DOT operated roadways are built.

Rights means any and all necessary right-of-way agreements, easements, licenses, leases, rights, or other agreements necessary for the occupancy and use by either Party of poles,

V. TERMINATION.

This Agreement may be terminated prior to the end of the Initial Term or any Term Extension thereof, to take effect upon the expiration of three hundred sixty-five (365) days after the date of written notice of termination.

Such termination notice may be provided by either Party and shall only be effective if in writing. Notice shall be given of a proposed termination at least three hundred sixty-five (365) days prior to the effective date of the termination of this Agreement or any extension hereof.

Rack Space in HUT-5.

WisDOT will disconnect Oak Creek's equipment and Oak Creek will remove their equipment in HUT-5. All equipment shall be removed within seven (7) days after termination.

Fiber.

Upon termination of this Agreement, whether after completion of the Initial Term or final Term Extension, the Parties agree to unwind all connections of fiber and other facilities placed under this Agreement. This includes removal of all equipment, fiber optic jumpers, and power supplies.

VI. RESPONSIBILITIES AND RIGHTS OF THE PARTIES.

Oak Creek.

Oak Creek grants to WisDOT use of three (3) pairs of single mode fiber (WisDOT Leased Fiber) in an Oak Creek cable along Ryan Road in the City of Oak Creek as described further herein and in **EXHIBIT B**, attached hereto and incorporated herein. Oak Creek shall also provide WisDOT with all locating and maintenance of Oak Creek-provided fiber and conduit. Oak Creek will not provide any guarantees of up time or repair time but will make every effort to return fiber infrastructure into service in a reasonable time, through repairs or moving connections to an alternate fiber route.

Oak Creek shall install fiber optic laterals with eight (8) single mode fibers from WisDOT fibers in the Oak Creek cable to WisDOT traffic signal control cabinets at three (3) intersections along Ryan Road.

Oak Creek is responsible for connections between their network equipment and WISNET or other networks located in HUT-5. Oak Creek shall not use the Oak Creek fibers in a manner that materially interferes with or otherwise adversely affects the use of the WisDOT fiber. Use of the Oak Creek leased fiber under this Agreement shall in no case create a property right or property interest to Oak Creek which is compensable in an

eminent domain action or for any other purpose. No easement, lease, or license of the right-of-way is created or granted under this Agreement. All occupation of WisDOT's Conduit shall be pursuant to the Right of Way permit issued by WisDOT. Notice of required adjustment or relocation by WisDOT to Oak Creek shall be pursuant to WisDOT's usual process and policy at the time such notice is required.

WisDOT.

Oak Creek may use one (1) pair of WisDOT-owned single-mode dark fiber strands (Oak Creek Fiber) from Ryan Road at Howell Avenue to the WisDOT communication hut located on the westbound entrance ramp to I-94, from STH 100 (HUT-5), approximately 20.5 miles, including installation of fiber optic jumpers at the WisDOT communications hut (HUT-2) located at 20th St and I-894 and (HUT-4), located at the Hale Interchange, as more specifically shown in **EXHIBIT A**, attached hereto and incorporated herein. WisDOT shall also provide Oak Creek with all locating and maintenance of WisDOT-provided fiber and conduit. WisDOT will not provide any guarantees of up time or repair time but will make every effort to return fiber infrastructure into service in a reasonable time, through repairs or moving connections to an alternate fiber route.

WisDOT shall further provide Oak Creek with two (2) units of rack space for Oak Creek-owned network gear in an existing equipment rack located in the I-94 HUT-5, as well as HUT-5 AC power connections with generator backup.

Use of the WisDOT Leased Fiber under this Agreement shall in no case create a property right or property interest to WisDOT which is compensable in an eminent domain action or for any other purpose. No easement, lease, or license of the right-of-way is created or granted under this Agreement. All occupation of Oak Creek's Conduit shall be pursuant to the Right of Way permit issued by Oak Creek. Notice of required adjustment or relocation by Oak Creek to WisDOT shall be pursuant to Oak Creek's usual process and policy at the time such notice is required.

Access to WisDOT Communications Hut.

Emergency access for the Oak Creek to WisDOT communication hut shall be arranged within twelve (12) hours of notice to WisDOT to access Oak Creek equipment collocated in WisDOT Communications Hut.

Regular maintenance and change access for Oak Creek to WisDOT communication hut shall be arranged within two (2) business days of notice to WisDOT to access Oak Creek equipment collocated in WisDOT Communications Hut.

VII. OWNERSHIP and IMPROVEMENTS.

Fiber.

The Parties agree that ownership of the WisDOT fiber in WisDOT conduit remains with WisDOT and that the ownership of Oak Creek fiber in Oak Creek conduit remains with Oak Creek.

Rack Space.

The Parties further agree that Oak Creek retains ownership of all Oak Creek-owned network gear placed in WisDOT's equipment rack, which location is more specifically described hereinafter.

Nothing in this Agreement conveys any title or interest in any facilities, equipment, or land to another Party.

VIII. GENERAL PROVISIONS.

Choice of Law. The Parties agree that the terms and conditions of this Agreement shall be construed in accordance with the laws of the State of Wisconsin.

Successors and Assigns. The covenants, conditions, and agreements contained in this Agreement shall bind and inure to the benefit of the Parties hereto and their respective successors and their assigns.

Agreement Preparation. WisDOT and Oak Creek agree to treat this Agreement as jointly prepared, and it is understood that neither Party hereto may use, in defense or support of any legal proceeding, one against the other, that the other Party drafted the language and is responsible for any vague or uncertain language.

Relationship of the Parties. Nothing contained herein shall be deemed or construed by the Parties hereto or by any third party, as creating or establishing any partnership, joint venture, agency relationship, or relationship of principal and agent between the Parties hereto. Nothing herein shall be construed as obligating WisDOT to the expenditure of funds or for the future payment of money in excess of appropriations authorized by law. Nothing in this Agreement shall be deemed a waiver of the State's sovereign immunity.

Contents of Agreement. This Agreement, with any exhibits, attachments, amendments, and supplements attached hereto or incorporated herein by reference, constitutes the entire understanding by and between WisDOT and Oak Creek. Any documents or other items expressly referenced or incorporated herein supersede any documents, items, or information generated in prior negotiations, agreements, understanding, or statements at any time made or had by the Parties, any of their agents, or employees.

Encumbrances. Oak Creek shall not in any manner encumber WisDOT's right-of-way and shall not encumber the WisDOT fibers in any manner which limits or impedes WisDOT's use of the WisDOT fibers. Oak Creek shall keep the right-of-way free from any liens arising from work performed, materials furnished, or obligations incurred by Oak Creek. Oak Creek shall not permit the filing of a lien against any part of the right-of-way.

Amendments. No amendment or modification hereof may be deemed valid unless reduced to writing and dated and signed by the Parties hereto.

Assignments. Neither Party shall assign, sublet, or otherwise transfer this Agreement or any rights or interests (including via license or other non-possessory transfer or permission), or any rights or interests in the fiber or cable, for the term of this Agreement without the express written agreement of the other Party, except that WisDOT may assign this Agreement pursuant to a statutory obligation requiring such assignment. In the event of such assignment by WisDOT, WisDOT may terminate part, or all of this Agreement, provided such assignment materially alters its rights and obligations under this Agreement.

A Party's respective rights and obligations hereunder shall be binding upon and shall inure to the benefit of the Parties hereto and each of their respective permitted successors and assigns as such successor assignment is allowed under this Agreement.

Sublease.

Fiber. Either Party may lease its fiber to a third party so long as such lease does not affect the other Party's rights and obligations under this Agreement. In the event of a lease of its fiber by Oak Creek, any of Oak Creek's lessees will be required to obtain any required permit from WisDOT, including for any work in WisDOT's right-of-way and Oak Creek shall notify its lessee of this obligation. Failure of an Oak Creek lessee to comply with WisDOT permit requirements shall be considered a breach of this Agreement and is grounds for termination by WisDOT.

WisDOT may lease its fiber to any governmental entity. No WisDOT lessee will be allowed to access Oak Creek fiber.

Rack Space. The Parties understand and acknowledge that they possess no right or expectation that they may assign or sublet rack space rights or responsibilities under this Agreement.

Counterparts. Any fully executed copy of this Agreement shall be deemed for all purposes as a duplicate original hereof. This Agreement may be executed in counterparts, each of which shall be deemed an original, all such counterparts shall together constitute one and the same instrument.

Headings. The captions used throughout this Agreement are for convenience and reference only, and the words contained therein shall in no way be held or used to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this Agreement.

Warranty of Signature. Each signatory of this Agreement, for WisDOT and Oak Creek, hereby represent and warrant that s/he has full and complete authority to execute this

Agreement. This representation and warranty are made for the purpose of inducing WisDOT and Oak Creek to execute this Agreement.

Incorporation of State of Wisconsin Terms. All terms and conditions directly or indirectly required by the Wisconsin Constitution, Wisconsin Statutes, or Wisconsin Administrative Rules to be included in an agreement of this nature executed by the State of Wisconsin, which are not specifically set forth or attached of this Agreement, are incorporated herein by reference. WisDOT and Oak Creek agree that any term, condition, provision of the Wisconsin Constitution, Wisconsin Statutes, or Administrative Rules that limit the authority of WisDOT or Oak Creek to commit to any term, provision, or condition of this Agreement shall cause such term or condition to be null and void.

No Third-Party Beneficiaries. Neither the WisDOT nor Oak Creek official executing this Agreement shall be liable to the other or to any third party who may have relied on any commitment on the part of either WisDOT or Oak Creek.

Conflict of Interest. Oak Creek warrants that neither it nor any of its affiliates has any known public or private interest and shall not knowingly directly or indirectly obtain any such interest which would conflict in any manner with Oak Creek's lease of and utilization of the dark fiber optic cable, as described herein.

Surrender at End of Term. The Parties agree, upon the last day of the Term of this Agreement or of any Term Extension hereof, or of any sooner termination of this Agreement, to peaceably and quietly surrender and yield up to the other Party the entirety of the leased facilities described herein. All connections shall be terminated, and all equipment placed on leased or exchanged Fiber or Cable shall be removed. The Parties agree that, upon any such surrender of the leased facilities, they shall be in as good order and condition as the same were at the commencement of the term of this Agreement, reasonable wear and tear excepted, in accordance with this Agreement, Section V., Termination.

Force Majeure. Neither Party shall be in default of any provisions for failure to perform where such failure is due solely to civil insurrections or disorders, emergency orders of civil authorities, acts of God, or any other cause or causes beyond the reasonable control of the Parties (Force Majeure). If service or facilities are substantially disrupted by an event of Force Majeure, the Party affected by such disruption shall immediately notify the other Party of the substantial disruption in writing. The Parties shall use all reasonable business efforts to cure the default caused by a Force Majeure event. If a Party is unable to cure a Force Majeure event within thirty (30) business days after written notification by the affected Party, the affected Party may terminate this Agreement, in part or in whole, at the sole discretion and without cost to that Party.

Indemnification. Oak Creek shall defend and hold harmless WisDOT and WisDOT's officers, agents, servants, and employees against all loss, damages, legal expenses, and other claims which WisDOT may sustain or become liable for on account of injury to or death of persons, or on account of damage to, loss, or destruction of property, from

activities conducted by Oak Creek as part of this Agreement and as to itself, any contractor, contractor's employees, subcontractors, agents, and employees.

Nothing contained within this Agreement is intended to be a waiver or estoppel of any Party or their respective insurers to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including without limitation those contained within Wisconsin Statutes §§ 893.80, 893.82, 895.46, and 895.52, and the Wisconsin Constitution. To the extent that indemnification is available and enforceable, neither Party, or its insurer, shall be liable in indemnity or contribution for an amount greater than the limits of liability for governmental claims established by law.

The Parties acknowledge that if the law makes its officers, directors, agents, or employees liable that the State of Wisconsin and Oak Creek will indemnify their respective officers, directors, agents or employees acting within the scope of their employment as required by Wis. Stat. § 895.46 (1)(a).

Sovereign Immunity. Nothing in this Agreement waives, acts, or operates to limit the sovereign immunity of the State of Wisconsin.

Confidentiality. Both parties are subject to the State of Wisconsin open records laws under Wis. Stat. secs. 19.31 *et. al.* The Parties will be responsible for identifying documents which are confidential, pursuant to Wisconsin's open record law, and marking the same accordingly prior to delivery to the other Party. Both parties shall, as required by law, review and respond to open records requests pursuant to its responsibilities and obligations under such laws. Any document identified as confidential under this section shall not be shared with a person other than a Party to this Agreement, except as required by law, or as specifically agreed to between the Parties, in writing, prior to dissemination to a non-party. In the event either party believes information requested through an open records request is not subject to disclosure as determined by the other party, it may seek all remedies available to it regarding such disclosure or prevention thereof.

Priority of Documents. In the event of a discrepancy between documents for this Agreement, the order of priority shall be as follows:

1. Permits;
2. Agreement and incorporated Exhibits and Attachments.

Return of Information. All documents, data, or information furnished by either party is the sole property of that party. Upon the Term expiration of this Agreement and any Term Extension thereof, the parties shall provide proof of destruction upon request, of those documents, data, or other information, as allowable by Wisconsin law.

Modifications. There shall be no modifications to this Agreement, except those which are mutually agreed upon, reduced to writing, and signed by the Parties hereto with the same formality as this Agreement.

Default. The failure of either party to abide by any and all of the terms and conditions of this Agreement shall be considered to be a default. With the express exception of a default under section nine (9) above, which shall be handled under that paragraph. In the event that either party defaults in its performance hereunder, the aggrieved party shall provide notice to the said party of the nature of its default, together with the demand that it cure its default within thirty (30) days of the date of said notice. In the event that said default is not cured and should the defending party fail or refuse to take reasonable and necessary steps to do so, the aggrieved party may take the necessary steps to immediately terminate this Agreement by providing notice of such termination to the defaulting party.

Entire Agreement. This Agreement constitutes the entirety of the Agreement and understanding of the Parties hereto with respect to the subject matter herein.

This Agreement, dated this _____ day of _____, 2022, is hereby executed by the following representatives of the Parties hereto who have been duly authorized on their behalf to do so.

**STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
BUREAU OF TRAFFIC OPERATIONS**

By: _____
Anne Reshadi, Director

CITY OF OAK CREEK

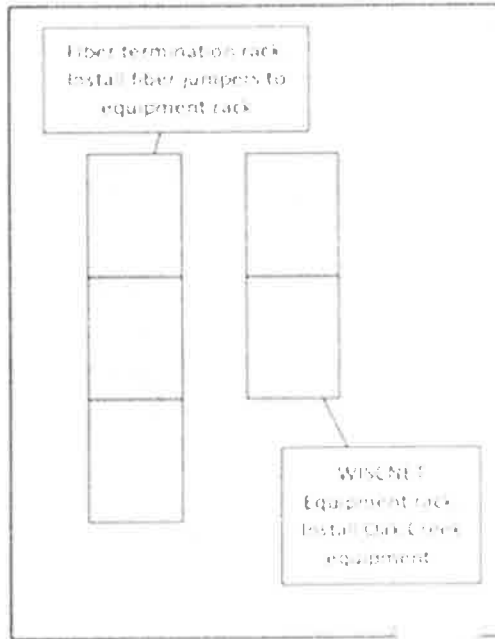
BY: _____
Name: Dan Bukiewicz
Title: Mayor
City of Oak Creek

EXHIBIT A – DOT PROVIDED FIBER PATH

DOT Communications "HUT 5"
 Located on the WB entrance to
 I-94 from STH 100

DOT Fiber path
 Provide 1 dark fiber pair to Oak
 Creek in existing 72 count fiber
 cable

HUT 5 Rack Layout



DOT Communications "HUT 4"
 Located on the NB entrance
 to I-43 from STH 100
 Install fiber jumpers

Hand off splice to Oak Creek
 fiber, intersection of Howell and
 Ryan Rd (DOT Splice vault)

DOT Communications "HUT 5"
 Located at I-894 and 20th St
 Install Jumpers

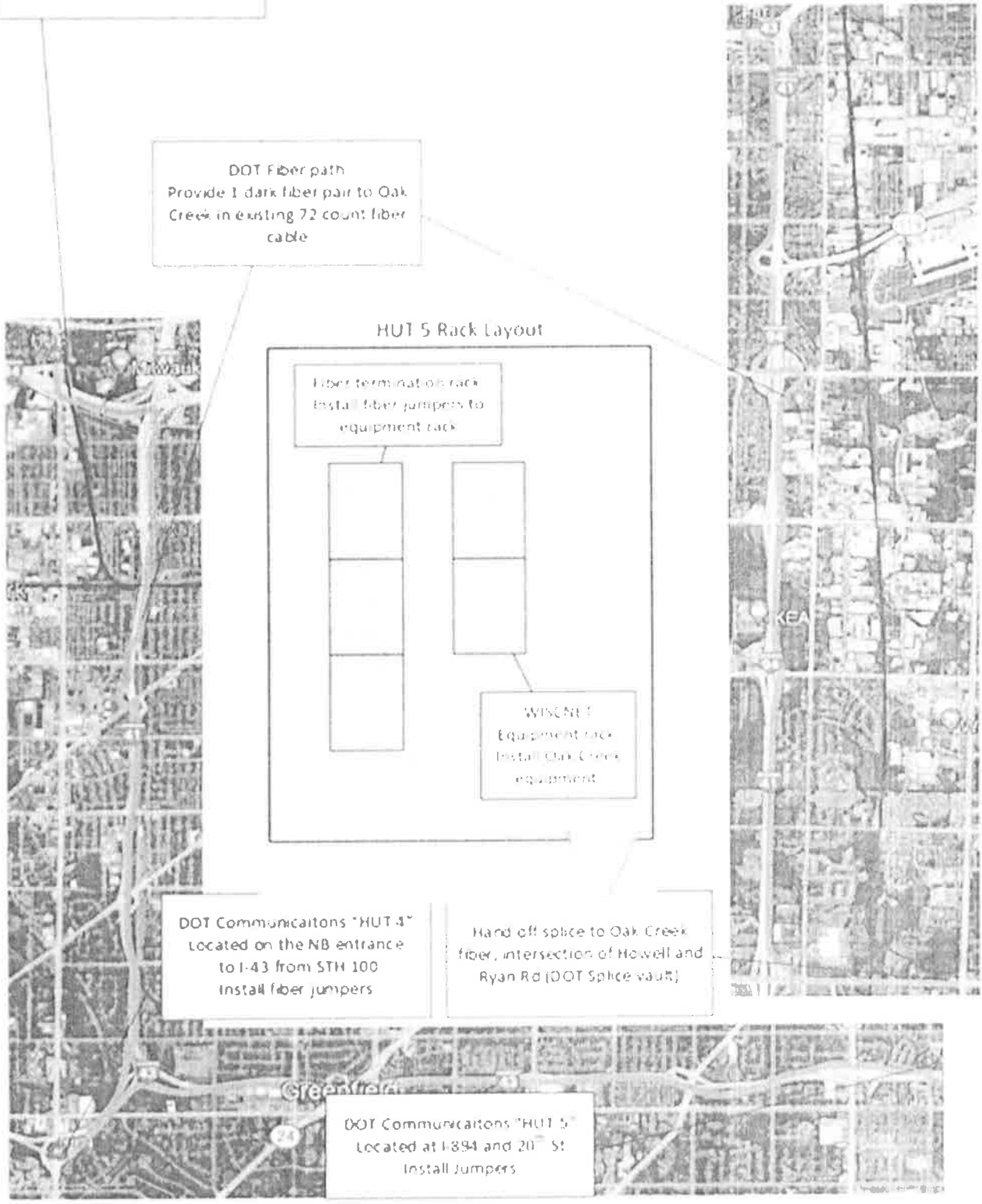


EXHIBIT B – OAK CREEK PROVIDED FIBER PATH





COMMON COUNCIL REPORT

Item: CentralSquare Consent to License Assignment and Use Agreement

Recommendation: That the Common Council approve the Agreement to Grant Permission to Allow Access and Use of Software Agreement and System ("Access Agreement") and Consent to Assignment of Software Licenses between CentralSquare Technologies, LLC and Milwaukee County Emergency Management for CAD2CAD software.

Fiscal Impact: The anticipated cost for this software is \$12,750 per year, which is included in the 2022 annual budget to cover the cost of the CAD2CAD software.

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 years, the Milwaukee County Office of Emergency Management has been working toward interconnecting all the municipal computer aided dispatch (CAD) systems to streamline the request for mutual aid for fire department units. This makes it so that all fire units in Milwaukee County are visible in our CAD along with the live status of the unit. This is to eliminate the need to contact other dispatch centers to see if units are available which can drastically reduce response time. The CAD2CAD system went live in the first quarter of 2022. As part of the County EMS Agreement, we are obligated to cover the cost of the CAD2CAD system for the six dispatch stations that are running the software.

Options/Alternatives: N/A

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Kevin A. Koenig
Information Technology Manager

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: Access and Use Agreement, Consent to License Assignment

CONSENT TO ASSIGNMENT OF SOFTWARE LICENSES

This Consent to Assignment of Software Licenses (“Consent”) is entered into between CentralSquare Technologies, LLC (“CentralSquare”) (successor in interest to FATPOT Technologies, LLC) (“FATPOT”), Milwaukee County (for the Milwaukee County Office of Emergency Management) (“Assignor”), and City of Oak Creek (“Assignee”).

1. FATPOT and Assignor entered into a Software License and Services Agreement (“Agreement”) for the purchase of certain CAD-to-CAD public safety software applications (“the System”), dated March 20, 2018, and as subsequently amended.
2. Effective January 1, 2020, CentralSquare absorbed all assets and ownership rights to all FATPOT intellectual property and contractual obligations, including but not limited to the software licenses listed in Attachment A.
3. Subsequent to Assignor’s initial purchase of these software licenses, Assignor desires to assign the software licenses listed in Attachment A (“Software Licenses to Be Assigned”), including without limitation all of the license rights, title, interest and duties thereunder, to Assignee. Following the assignment of these licenses, Assignee will be responsible for all annual software maintenance and support fees.
4. In consideration of and subject to the conditions set forth below, CentralSquare hereby consents to such assignment, to be effective upon the date this Consent is signed by all parties below. This Consent may be signed in counterparts.
5. Assignee hereby accepts such assignment and agrees that these software licenses will be added to and governed by the terms and conditions of the Agreement via the execution of an Access and use Agreement, to be entered into concurrently with this Consent to Assignment.

- SIGNATURE PAGE FOLLOWS -

MILWAUKEE COUNTY

**CENTRALSQUARE
TECHNOLOGIES, LLC**

Accepted By (Signature)

Accepted By (Signature)

Printed Name

Printed Name

Title

Title

Date

Date

City of Oak Creek

Accepted By (Signature)

Printed Name

Title

Date

ATTACHMENT A – SOFTWARE LICENSES TO BE ASSIGNED

| License Description/Type | Quantity |
|--------------------------|----------|
| UNIFY Server License | 4 |

**AGREEMENT TO GRANT PERMISSION TO ALLOW ACCESS AND USE OF SOFTWARE
AGREEMENT AND SYSTEM ("ACCESS AGREEMENT")**

among

Milwaukee County (for Milwaukee County Office of Emergency Management)
633 West Wisconsin Avenue, Suite 1100
Milwaukee, WI 53203

and

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

and

CentralSquare Technologies, LLC
1000 Business Center Drive
Lake Mary, FL 32746

Whereas, **Milwaukee County ("Customer")** and **CentralSquare Technologies, LLC, ("CentralSquare")** (successor in interest to FATPOT Technologies, LLC), have entered into a certain Software License and Services Agreement ("**Customer Agreement**"), dated March 20, 2018 and as subsequently amended;

and

Whereas, the **City of Oak Creek ("Accessing Agency")** has requested, and Customer has agreed that the Accessing Agency be permitted, to access and use the Customer Agreement and Customer's Accessed System in accordance with the terms and conditions of this Access Agreement.

Now therefore, the parties agree as follows:

1. Customer and CentralSquare grant Accessing Agency permission to allow access and use of the Customer Agreement terms and Accessed System under the terms of this Access Agreement. Customer grants Accessing Agency the right to utilize the Customer System ("**Accessed System**") in order to exchange fire department public safety data (which includes but is not limited to CAD, RMS and other fire department agency data) between Customer and Accessing Agency, subject to the terms herein. No access to Oak Creek hosted law enforcement data is granted under this agreement.
2. CentralSquare and Customer each have the right to terminate this Access Agreement, and accordingly, Accessing Agency's access to the Accessed System and Customer Agreement at CentralSquare's or Customer's discretion.
3. This Access Agreement shall automatically terminate if the Customer Agreement is terminated. In the event that this Access Agreement should be terminated, CentralSquare shall be under no obligation to the Accessing Agency to permit continued access to the Accessed System or use of the Customer Agreement after such termination of this Access Agreement, but shall agree at CentralSquare's sole and exclusive discretion to provide Software or services under a separate agreement with the Accessing Agency, provided the Accessing Agency is not in default of any of the provisions of this Access Agreement nor any related supplements, and provided the Accessing Agency provides a replacement technical environment satisfactory to CentralSquare.

4. Customer understands that Accessing Agency will not be granted access to the Customer Agreement or Accessed System unless and until the Accessing Agency executes this Access Agreement and agrees that the Software constitutes proprietary information and trade secrets of CentralSquare and will remain the sole property of CentralSquare. The Accessing Agency shall not at any time sell, assign, transfer or otherwise make available to, or allow use by, a third party any components of Software, and the Accessing Agency shall hold in confidence the CentralSquare proprietary information for its benefit and internal use only by its employees. The Accessing Agency will further acknowledge that, in the event of a breach or threatened breach of the provisions of this paragraph, CentralSquare has no adequate remedy in money damages, and, accordingly, shall be entitled, without bond, to an injunction against such breach or threatened breach.

5. Accessing Agency's right to use the Accessed System and Software is derivative of Customer's license to use the Software under the terms and conditions of the Customer Agreement. CentralSquare is not deemed to have granted Accessing Agency any license to use the Software by virtue of this Access Agreement. Any such license can only be affected by the execution by Accessing Agency and CentralSquare of a definitive written software license agreement between CentralSquare and Accessing Agency that, by its express terms, purports to provide such a right of license to Accessing Agency. CentralSquare will have no obligations whatsoever to Accessing Agency in connection with the Software. AS BETWEEN CENTRALSQUARE AND ACCESSING AGENCY, THE SOFTWARE IS MADE AVAILABLE ON AN "AS IS" BASIS. CENTRALSQUARE MAKES NO WARRANTIES WHATSOEVER TO ACCESSING AGENCY REGARDING THE SOFTWARE, AND HEREBY DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY IMPLIED WARRANTIES OF MERCHANTABILITY, NON-INFRINGEMENT AND/OR FITNESS FOR A PARTICULAR PURPOSE. CENTRALSQUARE WILL HAVE NO LIABILITY TO OR THROUGH ACCESSING AGENCY UNDER OR IN CONNECTION WITH THIS ACCESS AGREEMENT OR OTHERWISE IN CONNECTION WITH THE SOFTWARE, IN WHOLE OR IN PART.

6. Customer grants Accessing Agency use of the Customer Agreement as-is, allowing Accessing Agency to purchase additional licenses, services, and support for Accessing Agency's sole use via a quote or sales order subject to the terms and conditions of the Customer Agreement.

7. Subject to compliance with applicable laws, Customer and Accessing Agency may agree to share and contribute data directly or indirectly into the Accessed System for the use in implementation and performance of the Accessed System. Each party shall be the respective owner of their own data and no ownership rights shall transfer by the use or contribution of said data.

8. Customer and Accessing Agency agree to be bound by the most current version of the FBI CJIS Security Policy and are responsible for maintaining the required certifications for access to the respective state's CJIS system(s), NCIC, and/or other local state, federal, and/or other applicable systems.

9. Accessing Agency shall indemnify, defend and hold harmless CentralSquare, and their respective officers, directors, employees, agents, successors, and assigns from and against any and all losses incurred by either CentralSquare resulting from any action by a third party that arise out of or result from, or are alleged to arise out of or result from the gross negligence or more culpable act or omission (including recklessness or willful misconduct) by Accessing Agency, any authorized user, or any third party on behalf of Accessing Agency or any authorized user, in connection with this Access Agreement.

10. This Access Agreement will be governed by and construed under the laws of the State of Wisconsin, without reference to the choice of laws provisions thereof. If any provision of this Agreement is illegal or unenforceable, it will be deemed stricken from this Access Agreement and the remaining provisions of this Access Agreement will remain in full force and effect.

11. Customer shall be the first point of contact for the Accessing Agency for Accessed Software in the event that support services are required by the Accessing Agency. Should Customer not be able to solve the Support Service issue, Customer shall contact or coordinate contact with CentralSquare for support services.

12. This Access Agreement contains the entire understanding of the parties with respect to its subject matter and supersedes and extinguishes all prior oral and written communications between the parties about its subject matter. No modification of this Access Agreement will be effective unless it is in writing, is signed by each party, and expressly provides that it amends this Access Agreement.

By the signatures of their duly authorized representatives below, CentralSquare, Customer, and Accessing Agency, intending to be legally bound, agree to all of the provisions of this Access Agreement.

Milwaukee County

CentralSquare Technologies, LLC

BY: _____

BY: _____

PRINT NAME: _____

PRINT NAME: _____

PRINT TITLE: _____

PRINT TITLE: _____

DATE SIGNED: _____

DATE SIGNED: _____

City of Oak Creek

BY: _____

PRINT NAME: _____

PRINT TITLE: _____

DATE SIGNED: _____



COMMON COUNCIL REPORT

- Item:** Esri Small Municipal and County Government Enterprise Agreement
- Recommendation:** That the Common Council approve the Small Municipal and County Government Enterprise Agreement (E214-2) with Esri for Geographic Information Systems (GIS) software.
- Fiscal Impact:** \$42,500 per year starting January 7, 2023 until January 6, 2026. \$35,000 is already budget in the annual budget. \$7,500 would be requested in the 2023 budget as part of Information Technology's Annual License 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 2019, the City entered into a three-year agreement with Esri for their software. This agreement has enabled us to expand the use of GIS throughout the City. It allowed us to offer additional GIS applications in various departments including but not limited to the Health Department's COVID dashboards and Public Works' various data collection applications and more. These applications are costly when purchased individually and Esri's Enterprise Agreement gives us access to these applications at a prorated price based on our population. This agreement also locks in the price of the software for three years. This agreement also includes a \$4,000 per year add-on for the ArcGIS GeoEvent Server which would enable us to use GIS to connect to real-time data from various services including Waze and NOAA Weather, further analyze data, send updates and alerts, as well as allow for more custom programming

Options/Alternatives: Due to the amount of data and information in our current Esri applications, it is not feasible to change to another vendor. Furthermore, the only other vendor would be Google with their GIS Mapping services which does not offer the same tools as Esri has included with the Agreement. We could forgo adding the ArcGIS Geo Event server which would save \$4,000 per year. This would affect some GIS projects planned for various departments that would require this service to program.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Kevin A. Koenig
Information Technology Manager

Fiscal Review:

Maxwell Gagin

Maxwell Gagin, MPA

Assistant City Administrator / Comptroller

Attachments: Esri Enterprise Agreement

July 6, 2022

Mr. Greg Dresen
City of Oak Creek
8040 S 6th St
Oak Creek, WI 53154-2313

Dear Greg,

The Esri Small Municipal and County Government Enterprise Agreement (SGEA) is a three-year agreement that will grant your organization access to Esri term license software. The EA will be effective on the date executed and will require a firm, three-year commitment.

Based on Esri's work with several organizations similar to yours, we know there is significant potential to apply Geographic Information System (GIS) technology in many operational and technical areas within your organization. For this reason, we believe that your organization will greatly benefit from an Enterprise Agreement (EA).

An EA will provide your organization with numerous benefits including:

- A lower cost per unit for licensed software
- Substantially reduced administrative and procurement expenses
- Complete flexibility to deploy software products when and where needed

The following business terms and conditions will apply:

- All current departments, employees, and in-house contractors of the organization will be eligible to use the software and services included in the EA.
- If your organization wishes to acquire and/or maintain any Esri software during the term of the agreement that is not included in the EA, it may do so separately at the Esri pricing that is generally available for your organization for software and maintenance.
- The organization will establish a single point of contact for orders and deliveries and will be responsible for redistribution to eligible users.
- The organization will establish a Tier 1 support center to field calls from internal users of Esri software. The organization may designate individuals as specified in the EA who may directly contact Esri for Tier 2 technical support.
- The organization will provide an annual report of installed Esri software to Esri.
- Esri software and updates that the organization is licensed to use will be automatically available for downloading.
- The fee and benefits offered in this EA proposal are contingent upon your acceptance of Esri's Small Municipal and County Government EA terms and conditions.

- Licenses are valid for the term of the EA.

This program offer is valid for 90 days. To complete the agreement within this time frame, please contact me within the next seven days to work through any questions or concerns you may have.

To expedite your acceptance of this EA offer:

1. Sign and return the EA contract with a Purchase Order or issue a Purchase Order that references this EA Quotation and includes the following statement on the face of the Purchase Order:

"THIS PURCHASE ORDER IS GOVERNED BY THE TERMS AND CONDITIONS OF THE ESRI SMALL MUNICIPAL AND COUNTY GOVERNMENT EA, AND ADDITIONAL TERMS AND CONDITIONS IN THIS PURCHASE ORDER WILL NOT APPLY."

Have it signed by an authorized representative of the organization.

2. On the first page of the EA, identify the central point of contact/agreement administrator. The agreement administrator is the party that will be the contact for management of the software, administration issues, and general operations. Information should include name, title (if applicable), address, phone number, and e-mail address.
3. In the purchase order, identify the "Ship to" and "Bill to" information for your organization.
4. Send the purchase order and agreement to the address, email or fax noted below:

Esri
Attn: Customer Service SG-EA
380 New York Street
Redlands, CA 92373-8100

e-mail: service@esri.com
fax documents to: 909-307-3083

I appreciate the opportunity to present you with this proposal, and I believe it will bring great benefits to your organization.

Thank you very much for your consideration.

Best Regards,

Angela Bramer



Quotation # Q-470114

Date: August 2, 2022

Environmental Systems Research Institute, Inc.
 380 New York St
 Redlands, CA 92373-8100
 Phone: (909) 793-2853 Fax: (909) 307-3049
 DUNS Number: 06-313-4175 CAGE Code: 0AMSS

Customer # 16669 Contract #

City of Oak Creek
 Information Technology Dept
 8040 S 6th St
 Oak Creek, WI 53154-2313

To expedite your order, please attach a copy of this quotation to your purchase order.
 Quote is valid from: 7/6/2022 To: 10/4/2022

ATTENTION: Greg Dresen
 PHONE: 414-766-7050
 EMAIL: gdresen@oakcreekwi.org

| Material | Qty | Term | Unit Price | Total |
|---|-----|--------|-------------|-------------|
| 168178 | 1 | Year 1 | \$38,500.00 | \$38,500.00 |
| Populations of 25,001 to 50,000 Small Government Term Enterprise License Agreement | | | | |
| 168178 | 1 | Year 2 | \$38,500.00 | \$38,500.00 |
| Populations of 25,001 to 50,000 Small Government Term Enterprise License Agreement | | | | |
| 168178 | 1 | Year 3 | \$38,500.00 | \$38,500.00 |
| Populations of 25,001 to 50,000 Small Government Term Enterprise License Agreement | | | | |
| 168440 | 1 | Year 1 | \$4,000.00 | \$4,000.00 |
| ArcGIS GeoEvent Server Populations of 25,001 to 50,000 Small Government Term Enterprise Agreement | | | | |
| 168440 | 1 | Year 2 | \$4,000.00 | \$4,000.00 |
| ArcGIS GeoEvent Server Populations of 25,001 to 50,000 Small Government Term Enterprise Agreement | | | | |
| 168440 | 1 | Year 3 | \$4,000.00 | \$4,000.00 |
| ArcGIS GeoEvent Server Populations of 25,001 to 50,000 Small Government Term Enterprise Agreement | | | | |
| 157002 | 10 | | \$60.00 | \$600.00 |
| ArcGIS Navigator for ArcGIS Online Annual Subscription- Year 1 | | | | |

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

| | | |
|---|-----------------------------------|---------------------------------------|
| For questions contact: Angela Bramer | Email: abramer@esri.com | Phone: (909) 793-2853 x8378 |
| <p>The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at https://go.esri.com/MAPS apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. US Federal government entities and US government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at https://www.esri.com/en-us/legal/terms/state-supplemental apply to some US state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin for customers located in the USA.</p> | | |

BRAMERA

This offer is limited to the terms and conditions incorporated and attached herein.



Quotation # Q-470114

Date: August 2, 2022

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853 Fax: (909) 307-3049
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

Customer # 16669 Contract #

City of Oak Creek
Information Technology Dept
8040 S 6th St
Oak Creek, WI 53154-2313

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 7/6/2022 To: 10/4/2022

ATTENTION: Greg Dresen
PHONE: 414-766-7050
EMAIL: gdresen@oakcreekwi.org

| Material | Qty | Term | Unit Price | Total |
|--|-----|------|------------|----------|
| 157002 | 10 | | \$60.00 | \$600.00 |
| ArcGIS Navigator for ArcGIS Online Annual Subscription- Year 2 | | | | |
| 157002 | 10 | | \$60.00 | \$600.00 |
| ArcGIS Navigator for ArcGIS Online Annual Subscription- Year 3 | | | | |

| | |
|---|---------------------|
| Subtotal: | \$129,300.00 |
| Sales Tax: | \$0.00 |
| Estimated Shipping and Handling (2 Day Delivery): | \$0.00 |
| Contract Price Adjust: | \$0.00 |
| Total: | \$129,300.00 |

Contract dates for EA 1/7/2023 - 1/6/2026

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

| | | |
|---|-----------------------------------|---------------------------------------|
| For questions contact: Angela Bramer | Email: abramer@esri.com | Phone: (909) 793-2853 x8378 |
| <p>The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at https://go.esri.com/MAPS apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. US Federal government entities and US government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at https://www.esri.com/en-us/legal/terms/state-supplemental apply to some US state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin for customers located in the USA.</p> | | |

BRAMERA

This offer is limited to the terms and conditions incorporated and attached herein.

Esri Use Only:
 Cust. Name _____
 Cust. # _____
 PO # _____
 Esri Agreement # _____



**SMALL ENTERPRISE AGREEMENT
 COUNTY AND MUNICIPALITY GOVERNMENT
 (E214-2)**

This Agreement is by and between the organization identified in the Quotation ("**Customer**") and **Environmental Systems Research Institute, Inc. ("Esri")**.

This Agreement sets forth the terms for Customer's use of Products and incorporates by reference (i) the Quotation and (ii) the Master Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the Master Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Customer is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

Table A
 List of Products

Uncapped Quantities

Desktop Software and Extensions (Single Use)

ArcGIS Desktop Advanced
 ArcGIS Desktop Standard
 ArcGIS Desktop Basic
 ArcGIS Desktop Extensions: ArcGIS 3D Analyst,
 ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,
 ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS
 Schematics, ArcGIS Workflow Manager, ArcGIS Data
 Reviewer

Enterprise Software and Extensions

ArcGIS Enterprise and Workgroup
 (Advanced and Standard)
 ArcGIS Monitor
 ArcGIS Enterprise Extensions: ArcGIS 3D Analyst,
 ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,
 ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS
 Workflow Manager

Enterprise Additional Capability Servers

ArcGIS Image Server

Developer Tools

ArcGIS Engine
 ArcGIS Engine Extensions: ArcGIS 3D Analyst, ArcGIS
 Spatial Analyst, ArcGIS Engine Geodatabase Update,
 ArcGIS Network Analyst, ArcGIS Schematics
 ArcGIS Runtime (Standard)
 ArcGIS Runtime Analysis Extension

Limited Quantities

One (1) Professional subscription to ArcGIS Developer
 Two (2) ArcGIS CityEngine Single Use Licenses
 100 ArcGIS Online Viewers
 100 ArcGIS Online Creators
 17,500 ArcGIS Online Service Credits
 100 ArcGIS Enterprise Creators
 3 ArcGIS Insights in ArcGIS Enterprise
 3 ArcGIS Insights in ArcGIS Online
 10 ArcGIS Tracker for ArcGIS Enterprise
 10 ArcGIS Tracker for ArcGIS Online
 3 ArcGIS Parcel Fabric User Type Extensions (Enterprise)
 3 ArcGIS Utility Network User Type Extensions (Enterprise)
 3 ArcGIS Trace Network User Type Extensions (Enterprise)

OTHER BENEFITS

| | |
|---|----------|
| Number of Esri User Conference registrations provided annually | 3 |
| Number of Tier 1 Help Desk individuals authorized to call Esri | 3 |
| Maximum number of sets of backup media, if requested* | 2 |
| Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement | |

*Additional sets of backup media may be purchased for a fee

Customer may accept this Agreement by signing and returning the whole Agreement with (i) the Quotation attached, (ii) a purchase order, or (iii) another document that matches the Quotation and references this Agreement ("**Ordering Document**"). **ADDITIONAL OR CONFLICTING TERMS IN CUSTOMER'S PURCHASE ORDER OR OTHER DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of an Ordering Document, unless otherwise agreed to by the parties ("**Effective Date**").

Term of Agreement: Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

(Customer)

By: _____
Authorized Signature

Printed Name: _____

Title: _____

Date: _____

CUSTOMER CONTACT INFORMATION

Contact: _____

Telephone: _____

Address: _____

Fax: _____

City, State, Postal Code: _____

E-mail: _____

Country: _____

Quotation Number (if applicable): _____

1.0—ADDITIONAL DEFINITIONS

In addition to the definitions provided in the Master Agreement, the following definitions apply to this Agreement:

"Case" means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

"Deploy", "Deployed" and "Deployment" mean to redistribute and install the Products and related Authorization Codes within Customer's organization(s).

"Fee" means the fee set forth in the Quotation.

"Maintenance" means Tier 2 Support, Product updates, and Product patches provided to Customer during the Term of Agreement.

"Master Agreement" means the applicable master agreement for Esri Products incorporated by this reference that is (i) found at <https://www.esri.com/en-us/legal/terms/full-master-agreement> and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri master agreement or license agreement that supersedes such electronically acknowledged master agreement.

"Product(s)" means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

"Quotation" means the offer letter and quotation provided separately to Customer.

"Technical Support" means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

"Tier 1 Help Desk" means Customer's point of contact(s) to provide all Tier 1 Support within Customer's organization(s).

"Tier 1 Support" means the Technical Support provided by the Tier 1 Help Desk.

"Tier 2 Support" means the Esri Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support.

2.0—ADDITIONAL GRANT OF LICENSE

- 2.1 **Grant of License.** Subject to the terms and conditions of this Agreement, Esri grants to Customer a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the Term of Agreement (i) for the applicable Fee and (ii) in accordance with the Master Agreement.
- 2.2 **Consultant Access.** Esri grants Customer the right to permit Customer's consultants or contractors to use the Products exclusively for Customer's benefit. Customer will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Customer. Access to or use of Products by consultants or contractors not exclusively for Customer's benefit is prohibited. Customer may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor servers for the benefit of Customer.

3.0—TERM, TERMINATION, AND EXPIRATION

- 3.1 **Term.** This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Customer is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Customer an indefinite or a perpetual license to Products.
- 3.2 **No Use upon Agreement Expiration or Termination.** All Product licenses, all Maintenance, and Esri User Conference registrations terminate upon expiration or termination of this Agreement.
- 3.3 **Termination for a Material Breach.** Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.
- 3.4 **Termination for Lack of Funds.** For an Agreement with government or government-

owned entities, either party may terminate this Agreement before any subsequent year if Customer is unable to secure funding through the legislative or governing body's approval process.

3.5 Follow-on Term. If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

4.0—PRODUCT UPDATES

4.1 Future Updates. Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Customer. Customer may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Customer via written notice for incorporation into the Products schedule at no additional charge. Customer's use of new or updated Products requires Customer to adhere to applicable additional or revised terms and conditions in the Master Agreement.

4.2 Product Life Cycle. During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at <https://support.esri.com/en/other-resources/product-life-cycle>. Updates for Products in the mature and retired phases may not be available. Customer may continue to use Products already Deployed, but Customer will not be able to Deploy retired Products.

5.0—MAINTENANCE

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at <https://www.esri.com/en-us/legal/terms/maintenance>). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other

than the defined Products will receive Maintenance. Customer may acquire maintenance for other Software outside this Agreement.

a. Tier 1 Support

1. Customer will provide Tier 1 Support through the Tier 1 Help Desk to all Customer's authorized users.
2. The Tier 1 Help Desk will be fully trained in the Products.
3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
4. The Tier 1 Help Desk will be the initial point of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case.
5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Customer's organization.
6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Customer may change the Tier 1 Help Desk individuals by written notice to Esri.

b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.
2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.
3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to

supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.

4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.
5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

6.0—ENDORSEMENT AND PUBLICITY

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Customer's endorsement of Products. Either party may publicize the existence of this Agreement.

7.0—ADMINISTRATIVE REQUIREMENTS

7.1 OEM Licenses. Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Customer will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Customer will not decouple Esri products or services from the OEM partners' application or service.

7.2 Annual Report of Deployments. At each anniversary date and ninety (90) calendar days prior to the expiration of this Agreement, Customer will provide Esri with a written report detailing all Deployments. Upon request, Customer will provide records sufficient to verify the accuracy of the annual report.

8.0—ORDERING, ADMINISTRATIVE PROCEDURES, DELIVERY, AND DEPLOYMENT

8.1 Orders, Delivery, and Deployment

- a. Upon the Effective Date, Esri will invoice Customer and provide Authorization Codes to activate the nondestructive copy protection program that enables Customer to download,

operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee up to thirty (30) calendar days before the annual anniversary date for each year.

- b. Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri reserves the right to suspend Customer's access to and use of Products if Customer fails to pay any undisputed amount owed on or before its due date. Esri may charge Customer interest at a monthly rate equal to the lesser of one percent (1.0%) per month or the maximum rate permitted by applicable law on any overdue fees plus all expenses of collection for any overdue balance that remains unpaid ten (10) days after Esri has notified Customer of the past-due balance.
 - c. Esri's federal ID number is 95-2775-732.
 - d. If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Customer acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Customer will pay any such sales or use tax associated with the receipt of tangible media.
- 8.2 Order Requirements.** Esri does not require Customer to issue a purchase order. Customer may submit a purchase order in accordance with its own process requirements, provided that if Customer issues a purchase order, Customer will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Customer will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each year.
- i. All orders pertaining to this Agreement will be processed through Customer's centralized point of contact.
 - b. The following information will be included in each Ordering Document:
 - (1) Customer name; Esri customer number, if known; and bill-to and ship-to addresses
 - (2) Order number
 - (3) Applicable annual payment due

9.0—MERGERS, ACQUISITIONS, OR DIVESTITURES

If Customer is a commercial entity, Customer will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Customer with or into another corporation or entity; (ii) Customer's acquisition of another entity; or (iii) a transfer or sale of all or part of Customer's organization (subsections i, ii, and iii, collectively referred to as "**Ownership Change**"). There will be no decrease in Fee as a result of any Ownership Change.

- 9.1** If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.
- 9.2** If an Ownership Change results in transfer or sale of a portion of Customer's organization, that portion of Customer's organization will transfer the Products to Customer or uninstall, remove, and destroy all copies of the Products.
- 9.3** This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Customer will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.



COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 8/16/2022 License Committee Report.

Fiscal Impact: License fees in the amount of \$3,713.56 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 7/20/2022. The recommendations are as follows:

1. Grant an Operator's license to:
 - * Kristina O. Asselin (Pick 'n Save)
 - * Brittany J. Kehoss (Aldi's)

The following items were received after License Committee met. Favorable reports were received. Tentative recommendations are as follows:

2. Grant an Operator's license to (favorable background reports received):

| | |
|---|---|
| * Jason S. Wade (BelAir Cantina) | * Brandi L. Ebbinger (Gary's Beer & Liquor) |
| * Dana C. Norton (Homewood Suites) | * Chirag Ajmeri (Ayra's Liquor) |
| * Mariah L. Hagen (Gary's Beer & Liquor) | * Diana P. Gutierrez (Ayra's Liquor) |
| * Shelley S. Rabas (Fairfield Inn & Suites) | * Angela J. VanDeWater (South Bound Again) |
| * Lannie A. Ross (BelAir Cantina) | |
2. Grant a 2022-23 Class B Combination liquor license to David A. Cottrell, Jr., Agent, Milwaukee Yard Corporation dba Milwaukee Yard, 7727 S. Longwater Dr.
3. Grant a Change of Agent for the 2022-23 Class A Combination license issued to Meijer Stores Limited Partnership dba Meijer Store #283, 171 W. Town Square Way, from Ryan Johnson to Julie Knous.
4. Grant a Change of Agent for the 2022-23 Class A Combination license issued to Meijer Stores Limited Partnership dba Meijer Gas Station, #283, 8031 S. Howell Ave., from Ryan Johnson to Julie Knous.

5. Grant a 2022 Transient Merchant license to Aptive Environmental, 17919 W. Lincoln Ave., New Berlin, WI, selling pest control products, and to the following salespersons (favorable background reports received):

- * Garyn E. Anderton
- * Taylor K. Davison
- * Luke J. Griffiths
- * Abigail V. Hansen
- * Phylcia K. Lee
- * Phillip B. Markham
- * Devin M. Oldroyd
- * Adam S. Weber

- * Joshua D. Bailey
- * Kelton M. Fuchs
- * Benjamin D. Hall
- * Aubree A. Larson
- * Austin Manwill
- * Hunter R. Newland
- * Parker R. Strain
- * Benjamin M. Wilson

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Christa J. Miller CMC/WCMC
Deputy City Clerk

Fiscal Review:



Maxwell Gaglin, MPA
Assistant City Administrator / Comptroller

Attachments: none



COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the July 26, 2022 Vendor Summary Report in the total of \$272,914.33.

Fiscal Impact: Total claims paid of \$272,914.33.

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. \$30,494.26 to E. H. Wolf & Sons, Inc. (pg #3) for fuel inventory.
2. \$100,978.42 to GFL Environmental (pg #4) for June trash and recycling.
3. \$37,737.00 to JP Cullen (pg #5) for landscape bond refund.
4. \$5,000.00 to Pitney Bowes Bank Reserve Account (pg #7) for postage refill.
5. \$10,627.57 to Ramboll US Consulting Inc. (pg #7) for lakeside environmental support services.
6. \$7,540.00 Ruekert/Mielke (pg #8) for professional services related to paving.
7. \$10,055.50 to WE Energies (pgs #1 & 9) for street lighting, electricity & natural gas.

Options/Alternatives: None

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Kristina Strmsek
Assistant Comptroller

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator/Comptroller



COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the August 10, 2022 Vendor Summary Report in the total of \$1,130,016.42.

Fiscal Impact: Total claims paid of \$1,130,016.42.

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

Background: Of note are the following payments:

1. \$6,195.00 to Arlington Computer Products (pg #2) for IT Annual Renewal
2. \$29,389.41 to CDW Government, Inc. (pg #3) for PD Storage Project, Project #22030.
3. \$13,0500.00 to Cimcon Lighting, Inc. (pg #3) for street light maintenance, Project #17024.
4. \$22,360.12 to Core BTS, Inc. (pg #4) for Cisco renewal.
5. \$17,671.43 to Enterprise FM Trust (pg #5) for DPW vehicle lease monthly payment, Project #19024.
6. \$26,250.00 to Farm & Fleet of Janesville, Inc. (pg #5) for Bond Refund.
7. \$5,400.00 to G&L Contracting Services, LLC. (pg #6) for Historical Society building repairs.
8. \$27,090.10 to Godfrey & Kahn S.C. (pg #6) for legal services regarding F Street, bluff, and redevelopment of lakefront site.
9. \$101,000.00 to Greater Milwaukee Foundation (pg #1) for Oak Creek Public Library Endowment Fund.
10. \$13,950.00 to Hess Sweitzer Painting LLC (pg #6) for repainting Lake Vista Park Pavillion/Shelters/Deck. Project #22028
11. \$33,550.00 to JSD Professional Services, Inc (pg #7) for professional services relating to Abendschein Park Pavillion, Project #22008.
12. \$5,311.62 to Life-Assist, Inc. (pg #8 & 9) for medical supplies.
13. \$465,455.05 to Payne & Dolan, Inc. (pg #11) for Apple Creek Subdivision Road Improvement. Project #22002
14. \$54,989.89.00 to Plunkett Raysich Architects, LLP (pg #11) for professional services relating to Abendschein Park Pavillion, Project #22008.

15. \$5,061.68 to Ramboll US Consulting Inc. (pg #12) for professional services related to lakefront environmental remediation.

16. \$5,657.56 to Superior Vision (pg #14) for vision insurance.

17. \$45,357.33 to Trane (pg #14) for Police HVAC Control Project. Project #21001.

18. \$16,375.00 to Tyler Technologies, Inc. (pg #15) for consulting services.

19. \$60,803.24 to US Bank (pgs #19 - 26) 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.

20. \$60,211.73 to WE Energies (pgs #1, 15 & 16) for street lighting, electricity & natural gas.

21. \$9,692.56 to WI Court Fines & Surcharges (pg #16) for July court fines.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Rory T. Vircks
Staff Accountant

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Attachments: 8/10/2022 Invoice GL Distribution Report