



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

## COMMON COUNCIL MEETING AGENDA

NOVEMBER 1, 2022

7:00 P.M.

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

### The City's Vision

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

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance.
3. Approval of Minutes: 10/18/22

### Recognition

4. **Mayoral Proclamation:** Small Business Saturday, November 26, 2022.
5. **Council Proclamation:** Consider Council Proclamation No. 22-03, in recognition and appreciation of the Oak Creek Public Library on their 50<sup>th</sup> Anniversary (by Committee of the Whole).

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

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

6. **Conditional Use Amendment:** Consider a request submitted by Caitlin LaJoie, Briohn Building Corporation, for an amendment to the existing Conditional Use Permit to remove a portion of the property at 7433 S. 10<sup>th</sup> St. (Lot 2 of CSM to be recorded) (See Item No. 9 for action on this hearing) (1<sup>st</sup> District).
7. **Rezone:** Consider a request submitted by Caitlin LaJoie, Briohn Building Corporation, to rezone a portion of the property at 7300 S. 13<sup>th</sup> St. from B-3, Office and Professional Business to M-1, Manufacturing (See Item No. 10 for action on this hearing) (1<sup>st</sup> District).
8. **Resolution:** Consider Resolution No. 12360-110122, approving a Certified Survey Map submitted by the Briohn Building Corporation, for the properties at 7433 S. 10<sup>th</sup> St. and 7300 S. 13<sup>th</sup> St. (1<sup>st</sup> District).
9. **Ordinance:** Consider Ordinance No. 3053, amending the Conditions and Restrictions in Ordinance No. 2762 to exclude a portion of the property at 7433 S. 10<sup>th</sup> St. (Lot 2 of a CSM to be recorded) (1<sup>st</sup> District).

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

10. **Ordinance:** Consider Ordinance No. 3054, rezoning a portion of the property at 7300 S. 13<sup>th</sup> St. (part of lot 2 of a CSM to be recorded) from B-3, Office and Professional Business to M-3, Manufacturing (1<sup>st</sup> District).
11. **Conditional Use:** Consider a request submitted by Gary Wendt, Bradford Real Estate Companies, for a Conditional Use Permit for an outdoor recreation facility / private playground on a portion of the property at 150 W. Forest Hill Ave. (Lot 1 of proposed CSM) (2<sup>nd</sup> District).
12. **Ordinance:** Consider Ordinance No. 3055, approving a Conditional Use Permit for an outdoor recreation facility/private playground on the property at 150 W. Forest Hill Ave. (Lot 1 of proposed CSM) (2<sup>nd</sup> District).
13. **Zoning Code Amendments:** Consider proposed amendments to Articles 3, 4, 5, 6, 7 and 10 of Chapter 17 of the Municipal Code (Zoning and Sign Ordinance) (by Committee of the Whole).
14. **Ordinance:** Consider Ordinance No. 3056, amending Articles 3, 4, 5, 6, 7, and 10 of Chapter 17 – Zoning Code of the Municipal Code (by Committee of the Whole).

## New Business

### ENGINEERING

15. **Motion:** Consider a motion to authorize the Engineering Department to enter into contract negotiations with Collins Engineers for the design services of the S. 6<sup>th</sup> Street bridge over Branch of Oak Creek (1<sup>st</sup> District).

### LICENSE COMMITTEE

16. **Motion:** Consider a motion to approve the various license requests as listed on the 11/1/22 License Committee Report (by Committee of the Whole).

### VENDOR SUMMARY

17. **Motion:** Consider a motion to approve the October 26, 2022 Vendor Summary Report in the amount of \$626,368.03 (by Committee of the Whole).

### **Adjournment.**

#### Public Notice

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 414-766-7000, by fax at 414-766-7976, or by mail at 8040 S. 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

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

**MAYORAL PROCLAMATION  
SMALL BUSINESS SATURDAY  
NOVEMBER 26, 2022**

**Whereas**, the government of Oak Creek, Wisconsin, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 32.5 million small businesses in the United States, representing 99.7% of firms with paid employees, and they are responsible for 62% of net new jobs created from since 1995; and

**Whereas**, small businesses employ 46.8% of the employees in the private sector in the United States; and

**Whereas**, 79% of consumers understand the importance of supporting the small businesses in their community on Small Business Saturday®, 70% report the day makes them want to encourage others to Shop Small®, independently-owned retailers, and 66% report that the day makes them want to Shop Small all year long; and

**Whereas**, 58% of shoppers reported they shopped online with a small business and 54% reported they dined or ordered takeout from a small restaurant, bar, or café on Small Business Saturday in 2021; and

**Whereas**, the City of Oak Creek supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

**Whereas**, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**Now, Therefore**, I, Daniel Bukiewicz, Mayor of Oak Creek, Wisconsin do hereby proclaim, November 26, 2022, as

***SMALL BUSINESS SATURDAY***

and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Dated this 1<sup>st</sup> day of November, 2022.

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

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

**COUNCIL PROCLAMATION 22-03  
IN RECOGNITION AND APPRECIATION  
OF THE OAK CREEK PUBLIC LIBRARY  
ON THEIR 50<sup>TH</sup> ANNIVERSARY**

**WHEREAS**, in 1969 a group of local residents came together and formed the Friends of the Oak Creek Public Library to create a municipal library in Oak Creek; and

**WHEREAS**, in 1972 the alderpersons of Oak Creek agreed to support a municipal library, thus founding the Oak Creek Public Library; and

**WHEREAS**, through a remarkable weaving together of community resources the Oak Creek Public Library was opened to the public in November 1972; and

**WHEREAS**, the City of Oak Creek understanding the critical importance of well-funded and vibrant libraries, decided to construct a new, larger library in 2012; and

**WHEREAS**, in October 2015, the Oak Creek Public Library moved to its new location in the heart of Drexel Town Square; and

**WHEREAS**, the Oak Creek Public Library highlights the library as the cornerstone of the community, providing opportunities for all to engage in the joy of life-long learning and to connect with the thoughts and ideas from the past to the present; and

**WHEREAS**, the Oak Creek Public Library has a vision to open minds to a world of unlimited possibilities and a mission to connect communities, inspire thought and enrich lives while serving as an educational pillar of the community; and

**WHEREAS**, as our population grows and technology changes, the library continues to explore new ways to serve the residents of Oak Creek while still retaining a personal connection with our residents when they walk in our doors; and

**WHEREAS**, for the past 50 years, the library has added services and activities for all ages including children’s and teen activities, computer training, internet access, government and genealogy research, consumer health information, job seeker and small business resources, and other means of community support and enrichment; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Common Council of the City of Oak Creek congratulate the Oak Creek Public Library on their 50<sup>th</sup> anniversary and commend the library staff, past and present, for working diligently to make our library an important and vital community resource.

Dated this 1<sup>st</sup> day of November, 2022.

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

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

ATTEST:

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

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



TO BE PUBLISHED OCTOBER 5 & 12, 2022

OFFICIAL NOTICE

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

**PURPOSE:**

The purpose of this public hearing is to consider a request submitted by Caitlin LaJoie, Briohn Building Corporation, for an amendment to the existing Conditional Use Permit to remove a portion of the property at 7433 S. 10<sup>th</sup> St. (Lot 2 of CSM to be recorded).

- Hearing Date:** November 1, 2022
- Time:** 7:00 PM
- Place:** Oak Creek Civic Center (City Hall)  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers
- Applicant(s):** Caitlin LaJoie, Briohn Building Corporation
- Property Owner(s):** Bast Holdings, LLC
- Property Location(s):** 7433 S. 10<sup>th</sup> St.
- Tax Key(s):** 764-9057-000

**Legal Description:**

Portion to be removed - Lot 2 of a Certified Survey Map to be recorded, being a division of all of Lot 1 of Certified Survey Map No. 8710, Parcel 1 of Certified Survey Map No. 426, and Vacated portion of 13th Street, located in the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 8, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: Being a part of Lot 1 of Certified Survey Map No. 8710 and Parcel 1 of Certified Survey Map No. 426, located in the Southwest 1/4 of the Northwest 1/4 of Section 8, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the southwest corner of the Northwest 1/4 of said Section 8; thence South 89°01'01" East along the south line of said Northwest 1/4 section, 45.01 feet to the east right-of-way line of South 13th Street; thence North 00°05'25" East along said east line, 302.35 feet to the point of beginning; Thence continuing North 00°05'25" East along said east line, 646.44 feet to the northwest corner of said Lot 1; thence South 88°54'57" East along said north line, 250.04 feet; thence North 19°19'07" East, 115.90 feet; thence South 88°54'57" East 145.09 feet; thence South 38°37'35" East, 143.10 feet to said north line; thence South 88°54'57" East along said north line, 32.26 feet to the northeast corner of said Lot 1, said corner is also the southeast corner of said Parcel 1, also the southwest corner of Parcel 2 of Certified Survey Map No. 542 and also the northwest corner of Lot 1 of Certified Survey Map No. 7842; thence South 00°05'25" West along the west line of said Lot 1 of Certified Survey Map No. 7842, 379.69 feet; thence North 89°54'34" West, 60.41 feet; thence South 00°05'25" West, 257.12 feet; thence North 89°54'34" West, 494.59 feet to the east line of said South 13th Street and the point of beginning. Containing in all 363,571 square feet (8.3464 acres) of land, more or less.

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

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

Date of Notice: September 28, 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 City Hall, 8040 South 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

TO BE PUBLISHED OCTOBER 5 & 12, 2022

OFFICIAL NOTICE

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

**PURPOSE:**

The purpose of this public hearing is to consider a request submitted by Caitlin LaJoie, Briohn Building Corporation, to rezone a portion of the property at 7300 S. 13<sup>th</sup> St. from B-3, Office and Professional Business to M-1, Manufacturing.

**Hearing Date:** November 1, 2022  
**Time:** 7:00 PM  
**Place:** Oak Creek Civic Center (City Hall)  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant(s):** Caitlin LaJoie, Briohn Building Corporation

**Property Owner(s):** Corporate Square LLC/Stone Fox Investment LLC, C/O ENER-CON Prop

**Property Location(s):** 7300 S. 13<sup>th</sup> St. (portion)

**Tax Key(s):** 764-9011-000

**Legal Description:**

Being a part of Parcel 1 of Certified Survey Map No. 426, located in the Southwest ¼ of the Northwest ¼ of Section 8, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of said Northwest ¼ Section; thence North 00°05'26" East along the west line of said Northwest ¼ section, 948.87 feet to the westerly extension of the south line of said Parcel 1, thence South 88°54'57" East along said extension line and then along said the south line, 295.04 feet to the point of beginning; thence North 19°19'07" East, 115.90 feet; thence South 88°54'57" East, 145.09 feet; thence South 38°37'35" East, 143.10 feet to said south line; thence North 88°54'57" West along said south line, 272.78 feet to the point of beginning. Containing in all 23,000 square feet (0.5290 acre) of lands, more or less.

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

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

Date of Notice: September 28, 2022  
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## COMMON COUNCIL REPORT

**Item:** Certified Survey Map - 7433 S. 10<sup>th</sup> St. & 7300 S. 13<sup>th</sup> St.

**Recommendation:** That the Council adopts Resolution No. 12360-110122, a resolution approving a Certified Survey Map submitted by the Briohn Building Corporation, for the properties at 7433 S. 10th St. & 7300 S. 13th St. (1st Aldermanic District)

**Fiscal Impact:** The proposal is to divide and reconfigure the properties into three (3) lots: one (1) for development of an anticipated multitenant speculative industrial building, and two (2) lots that are currently developed (Corporate Square to the North and GoRiteway to the south). 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

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**Background:** The Applicant, with support of the current landowners, is requesting approval of a Certified Survey Map (CSM) dividing and reconfiguring the properties at 7433 S. 10<sup>th</sup> St. and 7300 S. 13th St. into three (3) parcels. This is one (1) of three (3) reviews for these parcels on the agenda for Council consideration. The decision on the proposed CSM directly affects the Conditional Use Permit Amendment and Rezone requests in the previous agenda items.

Lot 1 is currently developed and in use by GoRiteway. Lot 3 is also currently developed with a three-building professional office complex (Corporate Square). Lot 2 is proposed to be the site of a future industrial building. Wetlands, floodplains, easements, and existing buildings are shown on Sheet 1. Each of the proposed lots meets the minimum lot size and width requirements for the B-3, Office and Professional Business and M-1, Manufacturing zoning districts. However, there are a few considerations that the Council should bear in mind when reviewing the proposal:

1. Sec. 14.122(a)(2) of the Municipal Code states: “The Plan Commission and Common Council may deny the approval of a...Certified Survey Map if it contains a lot or lots of an odd size, shape or orientation design to defeat or avoid specific provisions of this Land Division and Platting Code or the spirit and policy of the Land Division and Platting Code.”

As proposed, the northern lot line of Lot 2 is configured such that approximately 0.48 ac of Lot 3 is carved out to be combined with Lot 2. Similarly, a 60.41' x 257.12' area on the southeast portion of Lot 2 proposed to remain with Lot 1 is the proposed location of a portion of the future stormwater pond as noted on the map, which would cross the shared property line and require an easement and Stormwater Management

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Agreement. These configurations are proposed to ensure that minimum green space requirements per Code are maintained for both Lots 1 & 2. Ultimately, it will be up to the Council to determine whether the CSM as proposed is in conformance with Sec. 14.122(a)(2), or whether revisions are required.

2. Sec. 17.0508(b) of the Municipal Code states: "This required green space [min. 30%] shall be designed as an integral part of the site, and may not include those areas required for parking, loading, or other impervious surfaces."

The area carved out of Lot 3 to be combined with the proposed Lot 2 contains a majority, but not the entirety, of an existing wetland that crosses the existing shared property line. Smaller delineated wetlands also appear on the west side of Lot 2 and the north side of Lot 1. Code requires a minimum 15-foot setback to wetlands, five (5) feet of which must remain undisturbed. Although this review is not for site and building plans, staff have received an application for such to be considered if the proposed CSM, Conditional Use Permit Amendment, and Rezone requests are approved. Based on those plans, it is anticipated that wetland fill permits from the WI DNR for at least some of the wetlands would be requested. Although stormwater ponds have been allowed to be included in the calculations for the minimum 30% green space requirement, plans for the future development of Lot 2 shows a stormwater pond within the easement area and crossing over the shared lot line onto Lot 2 as previously mentioned.

Development of the proposed lot will be required to meet the provisions of the Zoning Code in place at the time of the proposal. Minor corrections, including the correct Plan Commission Secretary on Sheet 7, will be required prior to recording should the proposed CSM be approved.

The Plan Commission reviewed this request during their September 27, 2022 meeting, and recommended approval subject to the following conditions:

1. That an easement and Stormwater Management Agreement between Lots 1 and 2 are created and recorded for the access, use, and maintenance of the proposed stormwater pond.
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.

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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

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Attachments:

Res. 12360-110122

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Location Map

Narrative dated August 16, 2022 (8 pages)

Proposed CSM (7 pages)

Stormwater Easement Sketch (1 page)

Plan Commission Minutes (2 pages)

RESOLUTION NO. 12360-110122

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

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
CAITLIN LAJOIE, BRIOHN BUILDING CORPORATION

7433 S. 10<sup>th</sup> St. & 7300 S. 13<sup>th</sup> St.  
(1st Aldermanic District)

WHEREAS, CAITLIN LAJOIE, BRIOHN BUILDING CORPORATION, hereinafter referred to as the subdivider, with support of the current landowner, 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 an easement and Stormwater Management Agreement between Lots 1 and 2 are created and recorded for the access, use, and maintenance of the proposed stormwater pond.
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 an easement and Stormwater Management Agreement between Lots 1 and 2 are created and recorded for the access, use, and maintenance of the proposed stormwater pond.
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 1<sup>st</sup> day of November, 2022.

Passed and adopted this 1<sup>st</sup> day of November, 2022.

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

Approved this 1<sup>st</sup> day of November, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

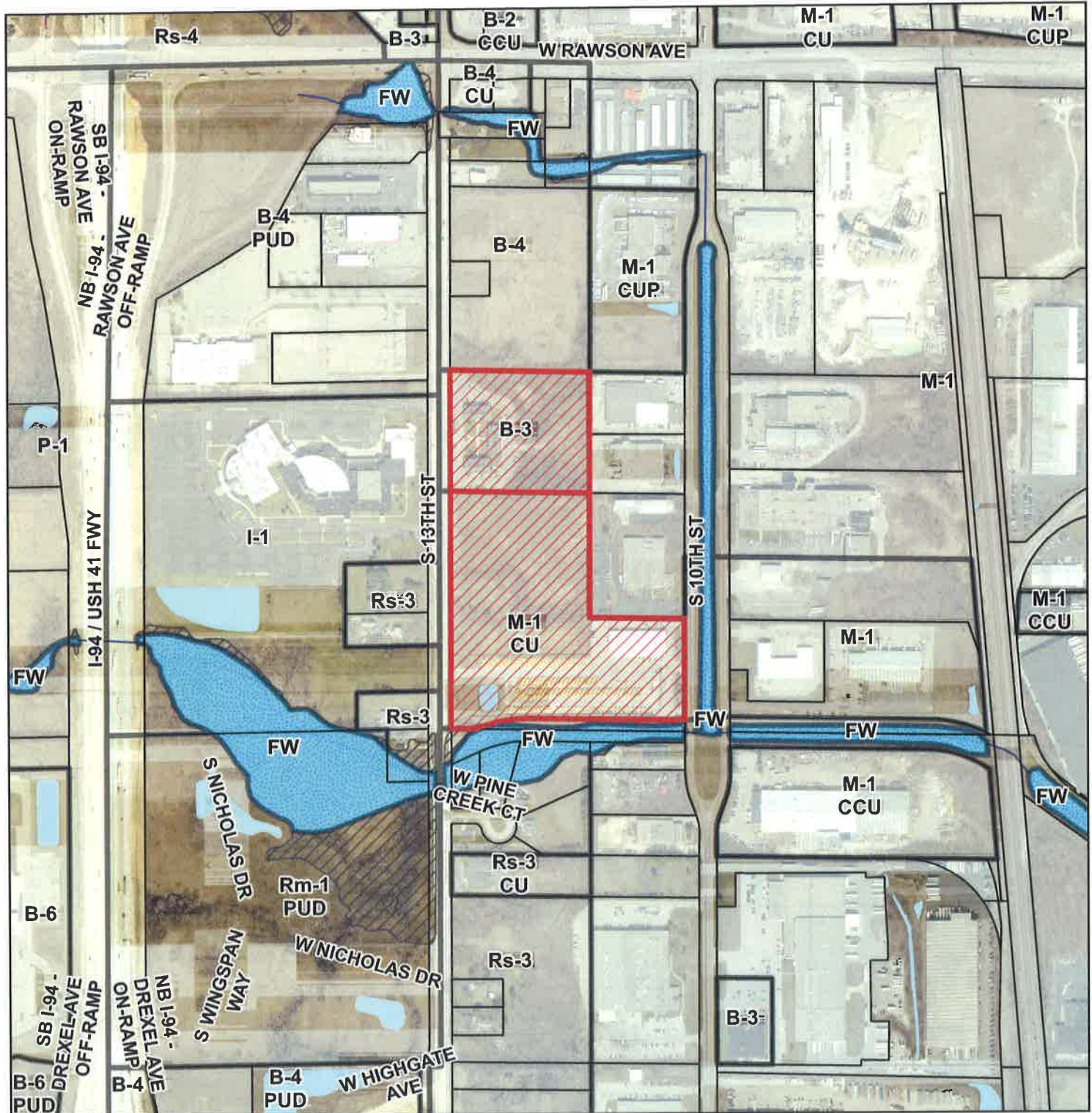
\_\_\_\_\_  
City Clerk

VOTE:      Ayes \_\_\_\_ Noes \_\_



# LOCATION MAP

## 7300 S. 13th St. & 7433 S. 10th St.



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

### Legend

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





# BRIOHN BUILDING CORPORATION

Tuesday, August 16, 2022

City of Oak Creek – Community Development Department  
c/o Kari Papelbon  
8040 S. 6<sup>th</sup> Street  
Oak Creek, WI 53154

DESIGN / BUILD  
CONSTRUCTION

Via: Email (kpapelbon@oakcreekwi.org)

RE: 13<sup>th</sup> Street Industrial Building Proposal

Dear Ms. Papelbon:

Briohn Land Development, LLC (the “Developer”) is pursuing a land acquisition of approximately 8.35 acres (363,570 SF) for the development and construction of a 133,500 square foot industrial facility. The facility is designed to accommodate a variety of users, both single- and multi-tenant.

ARCHITECTURAL  
DESIGN

### Introduction

As outlined below, the overall proposal achieves the spirit, policy and intent of the Land Division and Platting Code.

- Lot 2 meets or exceeds the M1 zoning ordinance bulk regulations
- Lots 1, 2, and 3 each meet or exceed the required 30% greenspace
- Lot 3 retains the ability to develop additional office space
- The proposal does not require any zoning variances
- Creates additional employment opportunities

DEVELOPMENT

### Property Information

- Property Address: 7433 S. 10<sup>th</sup> Street, Oak Creek, WI 53154
- Tax Key Number: 7649075000
- Current Zoning:
- Property Owner: Bast Holdings; 6970 S. 6<sup>th</sup> Street, Oak Creek, WI 53154
- Existing Use of Property: Riteway Bus, vacant

PROPERTY  
MANAGEMENT

- Property Address: 7300 S. 13<sup>th</sup> Street, Oak Creek, WI 53154
- Tax Key Number 7649011000
- Property Owner: Corporate Square LLC, Stone Fox Investment LLC, C/O Ener-Con Prop LLC;
- Existing Use of Property: office buildings

### Location

Southeast quadrant of Rawson Avenue and South 13<sup>th</sup> Street in the City of Oak Creek.

The proposed location requires a land division of two lots as described below:  
Tax Key Number 7649075000: acquire the northern 8.34 acres  
Tax Key Number 7649011000: acquire 23,000 SF as indicated on plan

#### Zoning Compliance

Tax Key Number 7649075000 is currently zoned M-1 CU. No change to zoning is requested, however, the Developer is requesting an amendment to CUP Ord. #2762 as approved by Common Council on 04/21/2015. The amendment is to remove the proposed 8.34 acres from the existing conditions.

Tax Key Number 7649011000 is currently zoned B3. A rezone to M1 is requested.

#### Proposed Use

The proposed use will be permitted within M1 zoning. The Developer is prepared to actively market the building to potential tenants seeking newly constructed space in the Manufacturing District. The building was thoughtfully designed to accommodate multiple users (ability to incorporate demising walls at approximately 25,000SF minimum) or remain whole for a single tenant.

#### Plan and Hours of Operation

The Plan and Hours of Operation will be determined once tenants are identified, however, these will follow typical business hours from approximately 7:00am – 7:00pm Monday through Friday, with the possibility of limited hours on Saturday and Sunday. Tenants will not be

#### Description of Interior and Exterior Modifications

Exterior materials are planned to be insulated precast concrete wall panel and shall be insulated with a painted finish. The proposal includes three (light, medium, dark) complementary colors. The exterior building and parking lot will be adequately lit to provide pedestrian safety.

Interior modifications will be detailed as tenants are identified and. All future buildouts will be thoughtfully planned with high-quality finish materials.

#### Site Plan Data

Land Size: 7.82ac + 0.53ac = 8.35 ac (363,570 SF)  
Lot Coverage / Green Space: 70.0% / 30.0 %  
Building Size: 133,500 SF  
Vehicle Parking: 133 total stalls | 6 ADA compliant  
Trailer Parking: 0  
Loading Docks: 16  
Overhead Doors: 4

Outside storage is not proposed and all dumpster locations are adequately screened.

Conclusion

The Developer worked closely with Oak Creek Staff to achieve a site plan and building elevation which is code-compliant and complementary to the surrounding area. Additionally, support letters were obtained from parcel owners with a vested interest (Exhibit B).

We look forward to working with the City of Oak Creek on this proposed development. Please do not hesitate to contact me with any questions.

Thank you,

Caitlin LaJoie  
Director of Land Development  
262-790-0500 | clajoie@briohn.com

cc: Dom Ferrante, Joe Jursenas, Kyle, Roadt, Riz Iskandarsjach



**EXHIBIT A**

Depiction of Lots 1, 2 and 3 to be finalized per CSM, and zoning compliance data table.  
1 of 2



**EXHIBIT A**

Depiction of Lots 1, 2 and 3 to be finalized per CSM, and zoning compliance data table.

2 of 2

	M1 CODE	LOT 1	LOT 2	LOT 3
Area SF	1 AC	7.35 AC	8.35 AC	5.67 AC
Pervious Area	70.0%	70.0%	70.0%	32.9%
Open Space	30.0%	30.0%	30.0%	67.1%
Setback - Front	40'	-	105' min	-
Setback - Side/Rear	20'	-	43.9' min	-
Setback - Parking	30'	-	30' min	-
Setback - Landscape	15'	-	15' min	-
Parking	89 stalls	-	133 stalls	-
Driveway Approach	30' min	-	30'	-
Building Height	55'	-	33.5' T.O. Panel	-

**EXHIBIT B**  
Support letters from Lots 1 and 3  
1 of 3

**INTENTIONALLY LEFT BLANK**



REAL ESTATE: DEVELOPERS ♦ BUILDERS ♦ PROPERTY MANAGEMENT ♦ SALES

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8575 W. Forest Home Ave. #160  
Greenfield, WI 53228

July 26, 2022

Community Development – City of Oak Creek  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154

RE: 13<sup>th</sup> Street Industrial Development

To Whom It May Concern:

I am writing this letter on behalf of Corporate Square LLC, who currently owns the adjacent office buildings to the north of the proposed development located east of S. 13<sup>th</sup> Street and South of W. Rawson Avenue.

Over the past two months, we have had many thoughtful conversations with Briohn Land Development and believe this project is beneficial to the community of Oak Creek. The proposed plan does not negatively impact Corporate Square and still allows for future growth. The sale of the wetlands will not limit our ability to add another building in the future per City requirements.

Corporate Square LLC has agreed to enter into a Purchase Sales Agreement with Briohn Land Development for the sale of approximately 0.528 acres of adjacent land in support of their proposed development.

Corporate Square LLC is pleased to support this project and is actively work with Briohn Buidling Corporation to ensure the project is successful. We are requesting the City of Oak Creek's approval of the proposed CSM.

Should you have any questions, please contact me directly.

Thank you,

A handwritten signature in black ink that reads "Alicia Hurst Alexander". The signature is written in a cursive style with a large, stylized initial "A".

Alicia Hurst Alexander, President  
Ener-Con Companies, Inc.  
[ahurst@ener-con.com](mailto:ahurst@ener-con.com)





Joshua D. Smith, Chief Financial Officer  
Bast Holdings, LLC  
6970 S. 6<sup>th</sup> Street  
Oak Creek, WI 53154

July 26, 2022

Community Development – City of Oak Creek  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154

RE: 13<sup>th</sup> Street Industrial Development

To Whom It May Concern:

I am writing this letter on behalf of Bast Holdings in support of the proposed industrial development located east of S. 13<sup>th</sup> Street and south of W. Rawson Avenue. Bast Holdings owns Riteway Bus Service, Inc., the adjacent operation to the south of the proposed development. Briohn Land Development is under contract with Bast Holdings to purchase the property as identified in the proposed CSM. Over the past two months, we have had many thoughtful conversations with Briohn Land Development and believe this project is beneficial to the community of Oak Creek. The concept plan does not negatively impact our current business.

Bast Holdings is pleased to support this project and actively work with Briohn Land Development to ensure the project is successful. We are requesting Oak Creek's approval of the proposed CSM.

Should you have any questions, please contact me directly.

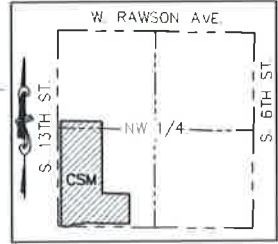
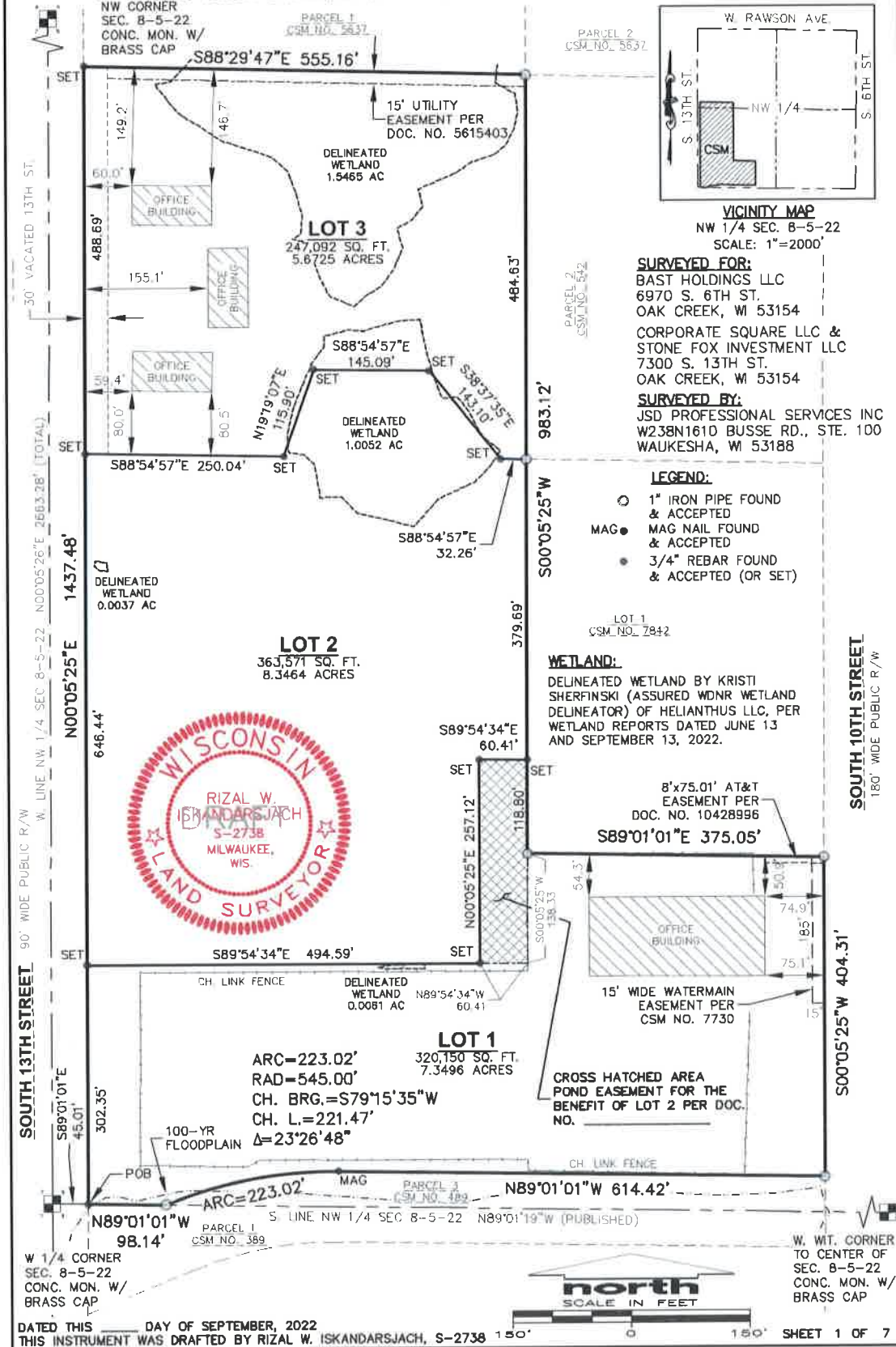
Thank you,

A handwritten signature in blue ink that reads "JD Smith". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Joshua D. Smith  
Chief Financial Officer  
Joshua.smith@goriteway.com

**CERTIFIED SURVEY MAP No.**

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8710, PARCEL 1 OF CERTIFIED SURVEY MAP NO. 426, AND VACATED PORTION OF 13TH STREET, LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.



**VICINITY MAP**  
NW 1/4 SEC. 8-5-22  
SCALE: 1"=2000'

**SURVEYED FOR:**  
BAST HOLDINGS LLC  
6970 S. 6TH ST.  
OAK CREEK, WI 53154  
CORPORATE SQUARE LLC &  
STONE FOX INVESTMENT LLC  
7300 S. 13TH ST.  
OAK CREEK, WI 53154  
**SURVEYED BY:**  
JSD PROFESSIONAL SERVICES INC  
W238N161D BUSSE RD., STE. 100  
WAUKESHA, WI 53188

- LEGEND:**
- 1" IRON PIPE FOUND & ACCEPTED
  - MAG ● MAG NAIL FOUND & ACCEPTED
  - 3/4" REBAR FOUND & ACCEPTED (OR SET)

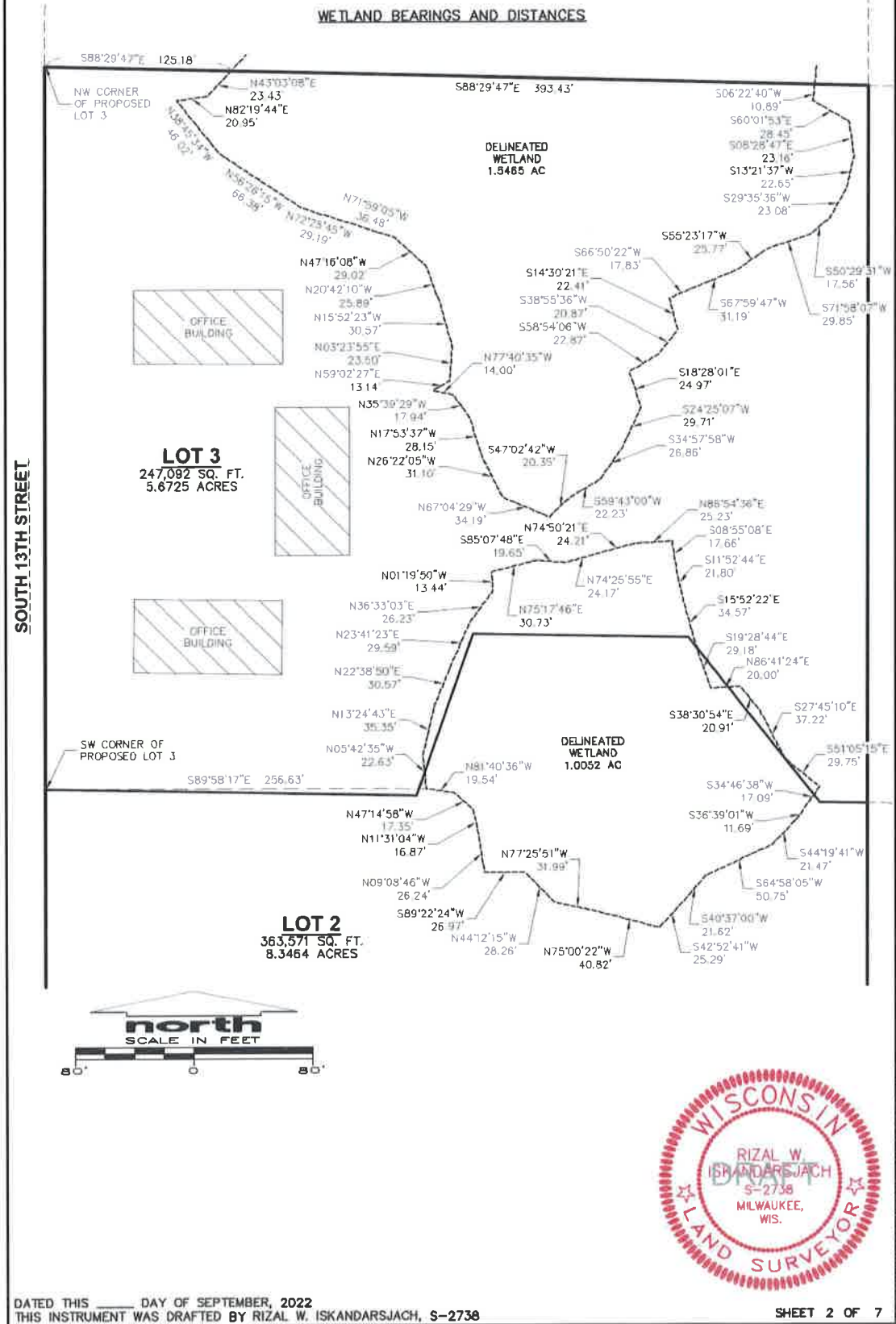
**WETLAND:**  
DELINEATED WETLAND BY KRISTI SHERFINSKI (ASSURED WDNR WETLAND DELINEATOR) OF HELIANTHUS LLC, PER WETLAND REPORTS DATED JUNE 13 AND SEPTEMBER 13, 2022.

8'x75.01' AT&T EASEMENT PER DOC. NO. 10428996  
**S89°01'01"E 375.05'**

CROSS HATCHED AREA POND EASEMENT FOR THE BENEFIT OF LOT 2 PER DOC. NO.

**CERTIFIED SURVEY MAP No.**  
 BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8710, PARCEL 1 OF CERTIFIED SURVEY MAP NO. 426,  
 AND VACATED PORTION OF 13TH STREET, LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4  
 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

WETLAND BEARINGS AND DISTANCES



SOUTH 13TH STREET

OFFICE BUILDING

OFFICE BUILDING

OFFICE BUILDING

**LOT 3**  
247,092 SQ. FT.  
5.6725 ACRES

**LOT 2**  
363,571 SQ. FT.  
8.3464 ACRES

DELINEATED WETLAND  
1.5465 AC

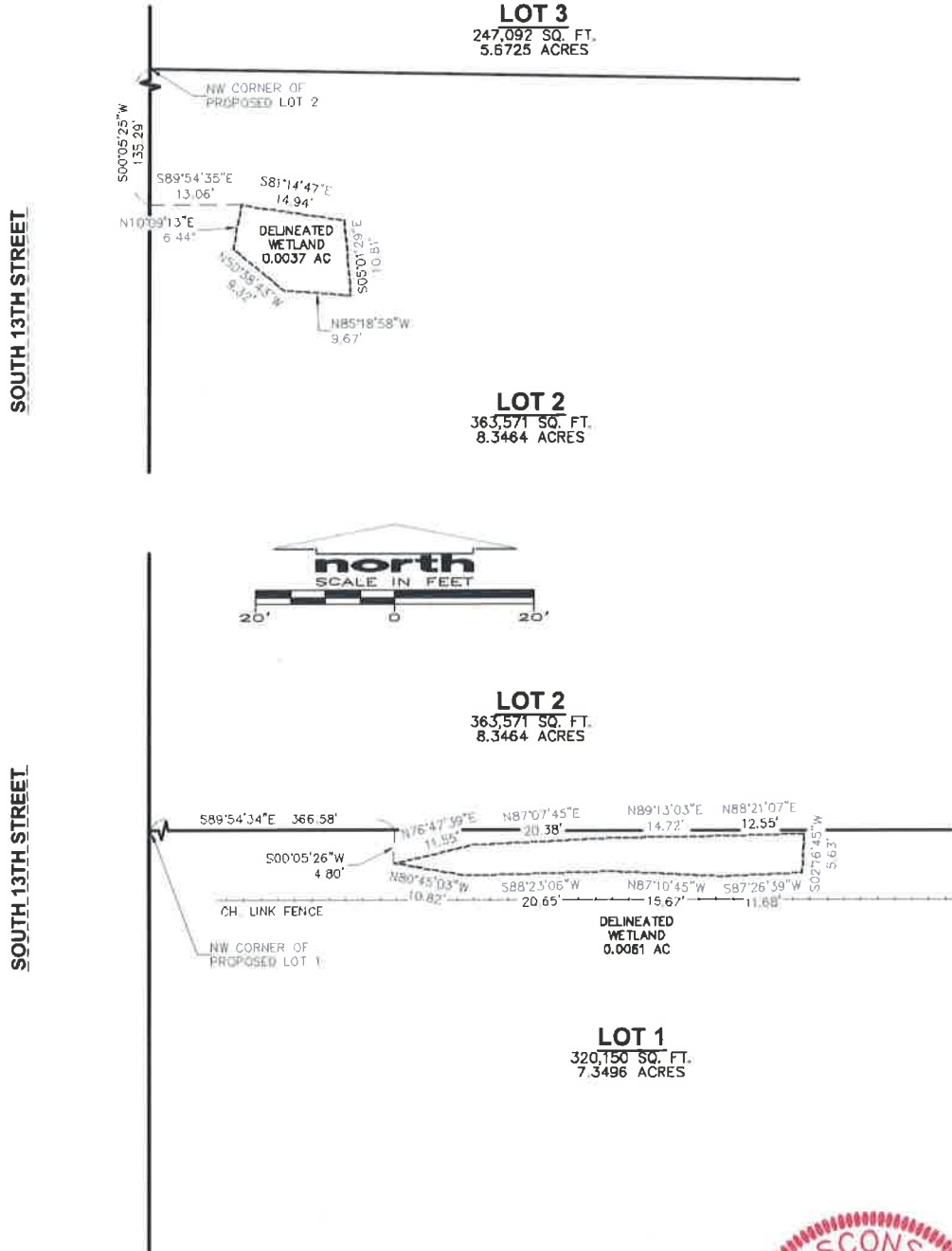
DELINEATED WETLAND  
1.0052 AC



**CERTIFIED SURVEY MAP No.**

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8710, PARCEL 1 OF CERTIFIED SURVEY MAP NO. 426, AND VACATED PORTION OF 13TH STREET, LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

WETLAND BEARINGS AND DISTANCES



R:\2022\2211494\DWG\22-11494-CSM\_3Lot3.dwg

**CERTIFIED SURVEY MAP No.**

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8710, PARCEL 1 OF CERTIFIED SURVEY MAP NO. 426, AND VACATED PORTION OF 13TH STREET, LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**SURVEYOR'S CERTIFICATE:**

State of Wisconsin )  
 ) SS  
Milwaukee County )

I, Rizal W. Iskandarsjach, Professional Land Surveyor, do hereby certify that I have surveyed, divided, and mapped a redivision of all of Lot 1 of Certified Survey Map No. 8710, Parcel 1 of Certified Survey Map No. 426, and vacated portion of 13th Street, located in the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 8, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the southwest corner of the Northwest 1/4 of said Section 8; thence South 89°01'01" East along the south line of said Northwest 1/4 section, 45.01 feet to the east right-of-way line of South 13th Street and the point of beginning;

Thence North 00°05'25" East along said east line, 1437.48 feet to the southwest corner of Parcel 1 of Certified Survey Map No. 5637; thence South 88°29'47" East along the south line of said Parcel 1, 555.16 feet to the southeast corner of said Parcel 1, said corner is also the southwest corner of Parcel 2 of said Certified Survey Map No. 5637 and also the northwest corner of Parcel 2 of Certified Survey Map No. 542; thence South 00°05'25" West along the west line of said Parcel 2 then along the west line of Lot 1 of Certified Survey Map No. 7842, 983.12 feet to the southwest corner of said Lot 1; thence South 89°01'01" East along the south line of said Lot 1, 375.05 feet to the southeast corner of said Lot 1 and the west right-of-way line of South 10th Street; thence South 00°05'25" West along said west line, 404.31 feet to the northeast corner of Parcel 3 of Certified Survey Map No. 489; thence North 89°01'01" West along the north line of said Parcel 3, 614.42 feet to a point of curve; thence southeasterly 223.02 feet along said north line and along the arc of said curve to the left whose radius is 545.00 feet and whose chord bears South 79°15'35" West, 221.47 feet to the south line of said Northwest 1/4 section; thence North 89°01'01" West along said south line, 98.14 feet to the point of beginning.

Containing in all 930.813 square feet (21.3685 acres) of land, more or less.

All subject to easements and restrictions of record and potential future road widening and government restrictions, if any.

That I have made such survey, land division, and map by the direction of BAST HOLDINGS LLC, CORPORATE SQUARE LLC, and STONE FOX INVESTMENTS LLC owners of said lands.

That such map is a correct representation of all 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 Section 14.82 of the City of Oak Creek requirements for Certified Survey Maps in surveying, dividing and mapping the same.

DATED THIS \_\_\_\_ DAY OF SEPTEMBER, 2022

\_\_\_\_\_  
Rizal W. Iskandarsjach, P.L.S.  
Professional Land Surveyor, S-2738

**NOTES:**

CERTIFIED SURVEY MAP NO. 426 RECORDED ON AUGUST 10, 1965 AT MILWAUKEE CO. REGISTER'S OFFICE AS DOC. NO. 4198208.

CERTIFIED SURVEY MAP NO. 8710 RECORDED ON JULY 30, 2015 AT MILWAUKEE CO. REGISTER'S OFFICE AS DOC. NO. 10485105.

THIS PORTION OF PROPERTY IS LOCATED WITHIN ZONE AE (AREAS DETERMINED TO BE IN THE 1% ANNUAL CHANCE OF FLOOD), PER FEMA MAP PANEL NUMBER 55079C0166E, EFFECTIVE DATE: SEPTEMBER 26, 2008.

**BEARING BASIS:**

ALL BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 22 EAST, WAS USED AS NORTH 00°05'25" EAST.

PROJECT CONVERSION FACTOR: GRID/0.99993347 = GROUND  
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

ALL MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE-HUNDREDTH OF A FOOT.

ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE SECOND.





**CERTIFIED SURVEY MAP No.**

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8710, PARCEL 1 OF CERTIFIED SURVEY MAP NO. 426, AND VACATED PORTION OF 13TH STREET, LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**OWNERS' CERTIFICATES**

CORPORATE SQUARE LLC, as owner, does hereby certify that said company caused the land described in the foregoing affidavit of Rizal W. Iskandarsjach, to be surveyed, divided and mapped as represented on this map, in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and the Section 14.82 of the City of Oak Creek requirements for Certified Survey Maps.

CORPORATE SQUARE LLC

\_\_\_\_\_(sign)  
\_\_\_\_\_(print), \_\_\_\_\_(title)                      \_\_\_\_\_ Date

State of Wisconsin )  
                                  ) SS  
\_\_\_\_\_ County )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, the above named \_\_\_\_\_ of the above named company and acknowledged that they executed the foregoing instrument as such officers as the deed of said company, as Manager, by its authority.

\_\_\_\_\_(sign)  
\_\_\_\_\_(print)  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**OWNERS' CERTIFICATES**

STONE FOX INVESTMENT LLC, as owner, does hereby certify that said company caused the land described in the foregoing affidavit of Rizal W. Iskandarsjach, to be surveyed, divided and mapped as represented on this map, in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and the Section 14.82 of the City of Oak Creek requirements for Certified Survey Maps.

STONE FOX INVESTMENT LLC

\_\_\_\_\_(sign)  
\_\_\_\_\_(print), \_\_\_\_\_(title)                      \_\_\_\_\_ Date

State of Wisconsin )  
                                  ) SS  
\_\_\_\_\_ County )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, the above named \_\_\_\_\_ of the above named company and acknowledged that they executed the foregoing instrument as such officers as the deed of said company, as Manager, by its authority.

\_\_\_\_\_(sign)  
\_\_\_\_\_(print)  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



**CERTIFIED SURVEY MAP No.** \_\_\_\_\_

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8710, PARCEL 1 OF CERTIFIED SURVEY MAP NO. 426, AND VACATED PORTION OF 13TH STREET, LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**OWNERS' CERTIFICATES**

BAST HOLDINGS LLC, as owner, does hereby certify that said company caused the land described in the foregoing affidavit of Rizal W. Iskandarsjach, to be surveyed, divided and mapped as represented on this map, in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and the Section 14.82 of the City of Oak Creek requirements for Certified Survey Maps.

BAST HOLDINGS LLC

\_\_\_\_\_  
(print), \_\_\_\_\_ (sign)  
\_\_\_\_\_ (title)                      Date \_\_\_\_\_

State of Wisconsin )  
                                  ) SS  
\_\_\_\_\_ County )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, the above named \_\_\_\_\_, \_\_\_\_\_ of the above named company and acknowledged that they executed the foregoing instrument as such officers as the deed of said company, as Manager, by its authority.

\_\_\_\_\_  
(sign)  
\_\_\_\_\_  
(print)

Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



R:\2022\2211494\DWG\22-11494\_CSN\_1.Lot6.dwg

**CERTIFIED SURVEY MAP No. \_\_\_\_\_**

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8710, PARCEL 1 OF CERTIFIED SURVEY MAP NO. 426, AND VACATED PORTION OF 13TH STREET, LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**PLAN COMMISSION APPROVAL**

This Certified Survey Map is hereby approved by the Plan Commission of the City of Oak Creek, on this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Dan Bukiewicz, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Douglas Seymour, Secretary

\_\_\_\_\_  
Date

**COMMON COUNCIL APPROVAL**

This Certified Survey Map is approved by the Common Council of the City of Oak Creek, on this \_\_\_\_ day of \_\_\_\_\_, 202\_\_ by Resolution Number \_\_\_\_\_.

\_\_\_\_\_  
Dan Bukiewicz, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Catherine Roeske, City Clerk

\_\_\_\_\_  
Date







**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, SEPTEMBER 27, 2022**

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

**CERTIFIED SURVEY MAP  
BRIOHN BUILDING CORPORATION  
7300 S 13<sup>TH</sup> ST & 7433 S. 10<sup>TH</sup> ST.  
TAX KEY NOS. 764-9011-000 & 764-9075-000**

Senior Planner Papelbon provided an overview of a Certified Survey Map request to divide and reconfigure the properties at 7300 S. 13<sup>th</sup> St. and 7433 S. 10<sup>th</sup> St. (see staff report for details).

Caitlin LaJoie, 3885 North Brookfield Road, Brookfield, explained Briohn has worked with closely with another developer to figure out a site plan that works. Ms. LaJoie stated although the irregular lot lines may not be common, the proposal is still a use that is approved by the Code and the Zone. Ms. LaJoie also stated that the wetlands are not developable, and it does not impact either negatively.

Daniel Daily, 7463 South 13<sup>th</sup> Street:

*"I have a concern of having it rezoned because I can't even get out of my yard now with everything that goes on, on 13<sup>th</sup>. They just rebuilt the whole road, took a good portion of my yard, which I couldn't stop them. They're going to have to do it again, they're not going to be able to handle the traffic of a business being in there. So, if you rezone it for business and they can put these businesses in, it's only going to get worse. They're talking about Howell Avenue having a lot of traffic, you ought to live on 13<sup>th</sup> Street right now, between the church, the movie theatre, the bus company, you can't even get in and out of your yards as it is, so putting another business in there isn't going to help anything."*

Mayor Bukiewicz inquired if the property is zoned M-1. Senior Planner Papelbon confirmed it is zoned M-1 and stated this item is for a Certified Survey Map to divide the property. Senior Planner Papelbon continued by stating the portion that will be in a subsequent review is the portion that will be acquired from the proposed Lot 3 is currently zoned B-3, which will become part of the rest of the lot that is currently zoned M-1.

Mayor Bukiewicz explained the proposal is not rezoning the whole property because the property is setup to be an extension of the 10<sup>th</sup> Avenue Business Park.

Mr. Daily,

*"Well, I'm just doing my concerns about 13<sup>th</sup> Street and what it's going to do to it."*

*Mayor Bukiewicz made comments that were not audible.*

Mayor Bukiewicz explained that once a business or building is proposed then there would possibly be a traffic impact analysis. Commissioner Kiepczynski stated that is correct and this is a county highway, the applicant would be expected to work with Milwaukee County and get their input on the proposals.

Mayor Bukiewicz agreed the lot lines are a little irregular. Mayor Bukiewicz stated he thinks it is workable and staff can work through it.

Commissioner Oldani moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Caitlin LaJoie, Briohn Building Corporation, for the properties at 7300 S. 13<sup>th</sup> St. and 7433 S. 10<sup>th</sup> St. be approved with the following conditions:

1. That an easement and Stormwater Management Agreement between Lots 1 and 2 are created and recorded for the access, use, and maintenance of the proposed stormwater pond.
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.

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 8:14 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

10-11-22

Date



## COMMON COUNCIL REPORT

- Item:** Conditional Use Permit Amendment - 7433 S. 10th St. - Briohn Building Corp.
- Recommendation:** That the Council adopts Ordinance 3053, an ordinance to approve a Conditional Use Permit Amendment to exclude a portion of the property at 7433 S. 10th St. (Lot 2 of a CSM to be recorded) (1st District).
- Fiscal Impact:** Approval of the Conditional Use Permit Amendment is one of several required steps in the entitlement process that will allow for a portion of the property to be developed with an anticipated speculative multitenant industrial building. Development of a new lot will yield positive fiscal impacts in terms of assessed value, permit and review fees, and an estimated \$57,000 in impact fees. This property is not currently located within a TID.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

**Background:** The Applicant, with support of the current landowner, is requesting approval to amend the existing Conditional Use Permit (CUP) affecting the property at 7433 S. 10th St. Ordinance 2762 established the existing CUP for a “private bus, van, and sedan service storage and maintenance yard” on the property for GoRiteway. As a portion of the property (Lot 2 of a CSM to be reviewed in another agenda item) is being proposed to be divided and sold for a future unrelated industrial development, the Applicant is requesting that said portion is removed from the existing CUP. No other changes to the CUP are requested at this time, and development of the proposed lot will be required to meet the provisions of the Zoning Code in place at the time of the proposal.

After careful consideration at the September 27, 2022 meeting, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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

Prepared and Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Approved:


Kari Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:

*Maxwell Gaggin*

Maxwell Gaggin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Location Map

Ord. 3053

Narrative dated August 16, 2022 (8 pages)

Proposed CSM (1 page)

Draft Amended Conditions and Restrictions (6 pages)

Plan Commission Minutes (1 page)

ORDINANCE NO. 3053

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

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 2762 TO EXCLUDE A PORTION OF THE PROPERTY AT 7433 S. 10<sup>TH</sup> ST. (LOT 2 OF A CSM TO BE RECORDED)

(1<sup>st</sup> Aldermanic District)

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

WHEREAS, Ordinance No. 2762 (The "Ordinance"), which approved a Conditional Use Permit for a private bus, van, and sedan service storage and maintenance yard on the property at 7433 S. 10<sup>th</sup> St. was approved on April 21, 2015; and

WHEREAS, the Ordinance affected the following legally described property:

Parcel 1 of Certified Survey Map No. 423, Parcel 1 of Certified Survey Map No. 536, Parcel 1 of Certified Survey Map No. 424, Lot 1 of Certified Survey Map No. 7730 and that part of adjacent vacated South 13th Street, in the Southwest 1/4 of the Northwest 1/4 of Section 8, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of the Northwest 1/4 of said 1/4 Section; thence South 89°01'01" East along the South line of said 1/4 Section 45.01 feet to the point of beginning of the land hereinafter described; thence North 00°05'25" East along the East line of South 13th Street 948.79 feet to a point; thence South 88°54'57" East 555.08 feet to a point; thence South 00°05'25" West 498.49 feet to a point; thence South 89°01'01" East 375.05 feet to a point on the West line of South 10th Street; thence South 00°05'25" West along said West line 404.31 feet to a point; thence North 89°01'01" West 614.42 feet to a point; thence Southwesterly 223.03 feet along an arc of a curve whose center lies to the Southwest, whose radius is 545.00 feet and whose chord bears South 79°15'35" West 221.47 feet to a point on the South line of said 1/4 Section; thence North 89°01'01" West along said South line 98.14 feet to the point of beginning.

Said lands as described contains 660,577 square feet or 15.1648 Acres.

WHEREAS, the Applicant, CAITLIN LAJOIE, BRIOHN BUILDING CORPORATION, is requesting that the Ordinance be amended to exclude a portion of the property at 7433 S. 10<sup>th</sup> St. (Lot 2 of a CSM to be recorded); and

WHEREAS, a public hearing was held on this matter on November 1, 2022 to hear comments from all who were interested.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Conditions and Restrictions approved pursuant to Ordinance 2762 affecting the Property hereinabove described are amended as shown in Exhibit A.

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

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

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

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

Passed and adopted this 1<sup>st</sup> day of November, 2022.

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

Approved this 1<sup>st</sup> day of November, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

EXHIBIT A: CONDITIONS AND RESTRICTIONS

<b>City of Oak Creek – Conditional Use Permit AMENDED Conditions and Restrictions</b>		
<b>Applicant:</b>	RJ <del>East, Go Riteway</del>	<b>Approved by Plan Commission:</b> 9-27-22
<b>Property Address(es):</b>	7433 S. 10th St.	<b>Approved by Common Council:</b> 11-1-22
<b>Tax Key Number(s):</b>	764-9075-000	(Ord. 3053, Amend Ord. 2762)
<b>Conditional Use:</b>	Private Bus, Van, and Sedan Service Storage and Maintenance Yard: REMOVING Lot 2	

1. LEGAL DESCRIPTION

Portion to be removed - Lot 2 of a Certified Survey Map to be recorded, being a division of all of Lot 1 of Certified Survey Map No. 8710, Parcel 1 of Certified Survey Map No. 426, and Vacated portion of 13th Street, located in the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 8, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: Being a part of Lot 1 of Certified Survey Map No. 8710 and Parcel 1 of Certified Survey Map No. 426, located in the Southwest 1/4 of the Northwest 1/4 of Section 8, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the southwest corner of the Northwest 1/4 of said Section 8; thence South 89°01'01" East along the south line of said Northwest 1/4 section, 45.01 feet to the east right-of-way line of South 13th Street; thence North 00°05'25" East along said east line, 302.35 feet to the point of beginning; Thence continuing North 00°05'25" East along said east line, 646.44 feet to the northwest corner of said Lot 1; thence South 88°54'57" East along said north line, 250.04 feet; thence North 19°19'07" East, 115.90 feet; thence South 88°54'57" East 145.09 feet; thence South 38°37'35" East, 143.10 feet to said north line; thence South 88°54'57" East along said north line, 32.26 feet to the northeast corner of said Lot 1, said corner is also the southeast corner of said Parcel 1, also the southwest corner of Parcel 2 of Certified Survey Map No. 542 and also the northwest corner of Lot 1 of Certified Survey Map No. 7842; thence South 00°05'25" West along the west line of said Lot 1 of Certified Survey Map No. 7842, 379.89 feet; thence North 89°54'34" West, 60.41 feet; thence South 00°05'25" West, 257.12 feet; thence North 89°54'34" West, 494.59 feet to the east line of said South 13th Street and the point of beginning.

Containing in all 363,571 square feet (8.3484 acres) of land, more or less.

Conditional Use Permit to remain in effect for Lot 1 of a Certified Survey Map to be recorded, being a division of all of Lot 1 of Certified Survey Map No. 8710, Parcel 1 of Certified Survey Map No. 426, and Vacated portion of 13th Street, located in the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 8, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

Containing in all 320,150 square feet (7.3496 acres) of land, more or less.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

- |  |   |
|--|---|
| <p>1) <b>General Development Plan</b></p> <ul style="list-style-type: none"><li>a) Detailed building locations with setbacks</li><li>b) Square footage of building</li><li>c) Areas for future expansion</li><li>d) Area to be paved</li><li>e) Access drives (width and location)</li><li>f) Sidewalk locations</li></ul> | <p>2) <b>Landscape Plan</b></p> <ul style="list-style-type: none"><li>a) Screening plan for outdoor storage</li><li>b) Number, initial size and type of plantings</li><li>c) Parking lot screening/berming</li></ul> <p>3) <b>Building Plan</b></p> <ul style="list-style-type: none"><li>a) Architectural elevations</li><li>b) Building floor plans</li></ul> |
|--|---|



## EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

- g) Parking layout and traffic circulation
    - i) location
    - ii) number of employees
    - iii) number of spaces
    - iv) dimensions
    - v) setbacks
  - h) Location of loading berths
  - i) Location of sanitary sewer (existing & proposed)
  - j) Location of water (existing & proposed)
  - k) Location of storm sewer (existing & proposed)
  - l) Details for outdoor storage & fencing
  - m) Location of wetlands (field verified)
  - n) Location, square footage and height of signs
  - o) A description of the vehicles, materials and equipment to be stored at the site
- c) Materials of construction
- 4) Lighting Plan
    - a) Types of fixtures
    - b) Mounting heights
    - c) Types of poles
    - d) Photometrics of proposed fixtures
  - 5) Grading, Drainage and Stormwater Management Plan
    - a) Contours (existing & proposed)
    - b) Location of storm sewer (existing and proposed)
    - c) Location of stormwater management structures and basins (if required)
  - 6) Fire Protection
    - a) Location of existing and proposed fire hydrants
    - b) Interior floor plan
    - c) Materials of construction
- B. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- C. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- D. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- E. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted, provided there is access to each of the aforementioned systems and their appurtenances.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.
3. PARKING AND ACCESS
- A. Access to S. 13<sup>th</sup> Street shall be coordinated with Milwaukee County.
  - B. Parking requirements for this project shall be provided in accordance with Section 17.0403 of the Municipal Code (as amended).
  - C. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code (as amended).
  - D. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
  - E. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval.

EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

- F. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- G. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 8 of the Oak Creek Municipal Code. Any off-site improvements shall be the responsibility of the property owner.
- H. All off street parking areas shall be landscaped in accordance with Sections 17.0205(d), 17.0330, & 17.0403 of the Municipal Code (as amended).

4. LIGHTING

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

5. LANDSCAPING

A. Parking Lot Screening. Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way. All screening materials shall be placed and maintained at a minimum height of three (3) feet.

- 1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
- 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
- 3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

<u>Plant Type</u>	<u>Area of Coverage Provided</u>
Evergreen Tree (>8' Dia.)	75 sq. ft.
Large Shrub (8-8' Dia.)	38 sq. ft.
Medium Shrub (4-6' Dia.)	20 sq. ft.
Small Shrub (2-4' Dia.)	12 sq. ft.
Perennial (4.5" Pot)	6 sq. ft.

\* Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

- 4. To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.

B. Interior Landscape Area. All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping.

## EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

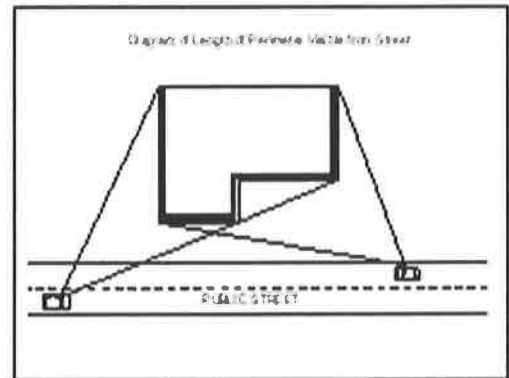
- C. **Perimeter Landscape Area.** In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.
- D. **Landscaping Adjacent to Buildings.** There shall be a minimum three-foot landscaped area provided between the edge of pavement and the entrance elevation of the building.
- E. **Screening of Trash.** Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- F. **Screening of Ground Mounted Mechanical Equipment.** Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- G. **Screening of Roof Mounted Mechanical Equipment -** Roof mounted mechanical equipment shall be screened from casual view.
- H. **Retaining Walls.** No retaining wall shall exceed four (4) feet in height unless it has been designed and its construction supervised by a Professional Engineer. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of three (3) feet from the previous step. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties, or concrete
- I. **Berms.** Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.
- J. **Buffer Yards.** A buffer yard shall be created and maintained along the entire west property line for a minimum width of 20 feet (in addition to required setbacks) from the S. 13<sup>th</sup> Street right-of-way in accordance with Section 17.0205(d) of the Municipal Code (as amended).
- K. **Submittal Requirements.** A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, ~~right-of-ways~~ and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
  - 1. A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
  - 2. The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
  - 3. The location and percent of slope of all proposed berms using one (1) foot contours.
  - 4. Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
  - 5. Methods used in staking, mulching, wrapping or any other early tree care used.
  - 6. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

## EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

### 6. ARCHITECTURAL STANDARDS

A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. These include, but are not limited to brick, stone and tinted/textured concrete masonry units (CMUs). Smooth-faced concrete block, EIFS products (such as ~~Dowd~~) or pre-fabricated steel panels are not permitted as a primary exterior building material.



C. The facade of a manufacturing, commercial, office, institutional, or park building shall be finished with an aesthetically pleasing material. A minimum of seventy-five (75) percent of the visible perimeter (see diagram) shall be finished with glass, brick or decorative masonry material.

D. Material and color samples shall be submitted to the Plan Commission for review and approval.

E. The Plan Commission has the discretion to adjust this minimum for building additions.

F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

G. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.

H. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.

I. Dumpsters and other trash receptacles shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.

J. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

7. BUILDING AND PARKING SETBACKS

	Front and Street Setback <sup>1</sup>	Rear Setback <sup>1</sup>	Side Setback <sup>1</sup>
Principal Structure	40 ft	20 ft	20 ft
Accessory Structure <sup>2</sup>	40 ft	20 ft	20 ft
Off-street Parking	30 ft	0 ft	22 ft

8. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.

9. SIGNS

All signs shall conform to the provisions of Sec. 17.0708<sup>1</sup> of the Municipal Code (as amended).

10. PERMITTED USES

- A. All permitted uses in the M-1, Manufacturing zoning district.
- B. Private Bus, Van, and Sedan Service Storage and Maintenance Yard.
- C. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these conditions and restrictions for the conditional use within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a conditional use permit. This conditional use approval shall expire within twelve (12) months after the date of adoption of the ordinance if the work for which an approval has been issued is not substantially completed (more than 50% complete). The applicant shall re-apply for a conditional use approval, prior to recommencing work or construction.

12. OTHER REGULATIONS

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

13. VIOLATIONS & PENALTIES

Any violations of the terms of this conditional use permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances. If the owner, applicant

<sup>1</sup> Except where buffer yards are required. Buffer yards are in addition to required setbacks. See Section 5(J).

<sup>2</sup> No accessory structures shall be permitted in the front yard.

EXHIBIT A: CONDITIONS AND RESTRICTIONS (CONT'D)

or operator of the conditional use permit is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the city shall have the right to revoke this conditional use permit, subject to the provisions of paragraph 14 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this conditional use permit or to seek an injunction regarding any violation of this conditional use permit or any other city ordinances.

14. REVOCATION

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

15. ACKNOWLEDGEMENT

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

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

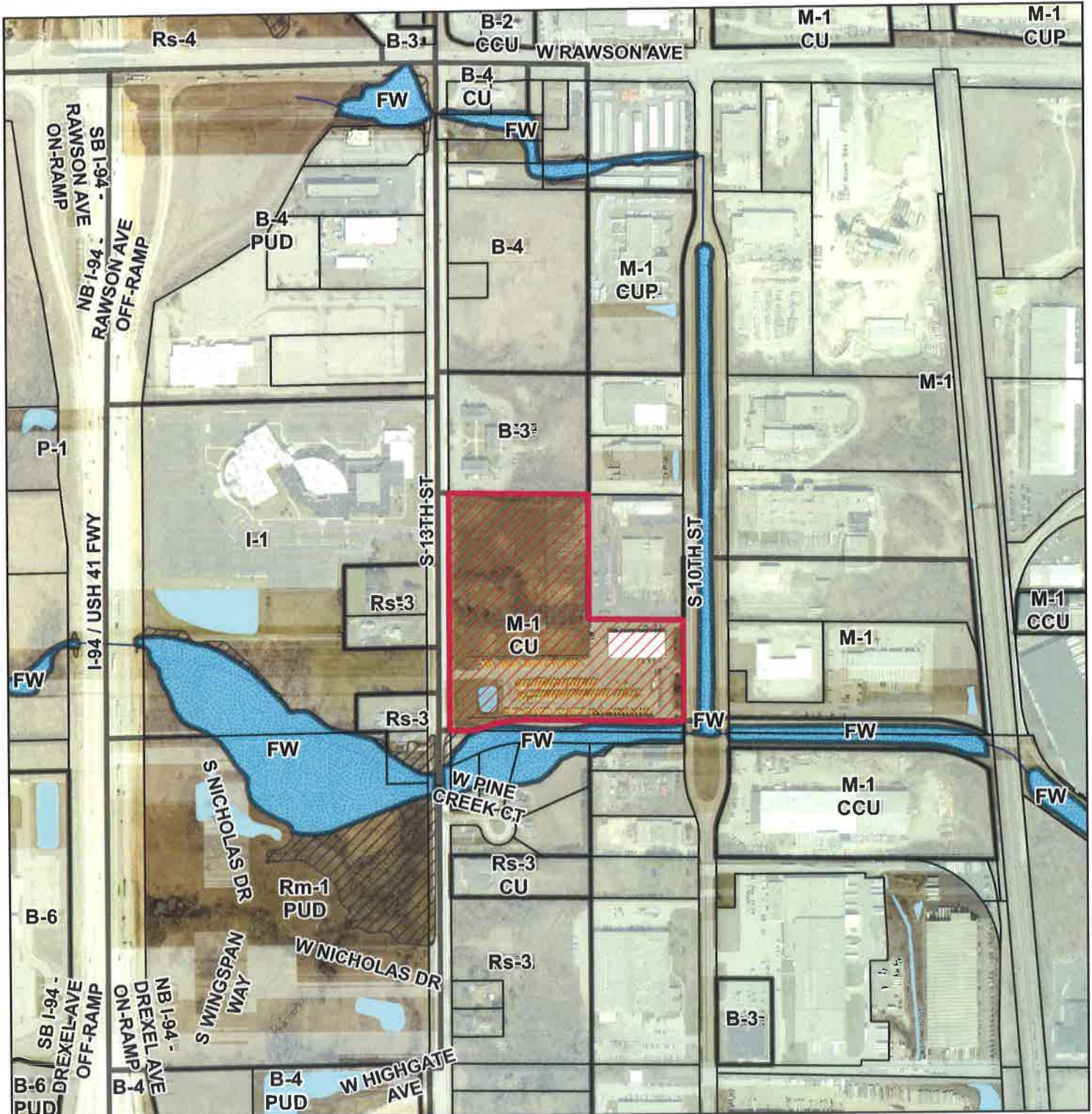
\_\_\_\_\_  
Date

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



# LOCATION MAP

## 7433 S. 10th St.



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



### Legend

-  Zoning
-  Official Map
-  Floodway
-  Flood Fringe
-  7433 S. 10th St.





# BRIOHN BUILDING CORPORATION

Tuesday, August 16, 2022

City of Oak Creek – Community Development Department  
c/o Kari Papelbon  
8040 S. 6<sup>th</sup> Street  
Oak Creek, WI 53154

DESIGN / BUILD  
CONSTRUCTION

Via: Email (kpapelbon@oakcreekwi.org)

RE: 13<sup>th</sup> Street Industrial Building Proposal

Dear Ms. Papelbon:

Briohn Land Development, LLC (the “Developer”) is pursuing a land acquisition of approximately 8.35 acres (363,570 SF) for the development and construction of a 133,500 square foot industrial facility. The facility is designed to accommodate a variety of users, both single- and multi-tenant.

ARCHITECTURAL  
DESIGN

### Introduction

As outlined below, the overall proposal achieves the spirit, policy and intent of the Land Division and Platting Code.

- Lot 2 meets or exceeds the M1 zoning ordinance bulk regulations
- Lots 1, 2, and 3 each meet or exceed the required 30% greenspace
- Lot 3 retains the ability to develop additional office space
- The proposal does not require any zoning variances
- Creates additional employment opportunities

DEVELOPMENT

### Property Information

- Property Address: 7433 S. 10<sup>th</sup> Street, Oak Creek, WI 53154
- Tax Key Number: 7649075000
- Current Zoning:
- Property Owner: Bast Holdings; 6970 S. 6<sup>th</sup> Street, Oak Creek, WI 53154
- Existing Use of Property: Riteway Bus, vacant
  
- Property Address: 7300 S. 13<sup>th</sup> Street, Oak Creek, WI 53154
- Tax Key Number 7649011000
- Property Owner: Corporate Square LLC, Stone Fox Investment LLC, C/O Ener-Con Prop LLC;
- Existing Use of Property: office buildings

PROPERTY  
MANAGEMENT

### Location

Southeast quadrant of Rawson Avenue and South 13<sup>th</sup> Street in the City of Oak Creek.

The proposed location requires a land division of two lots as described below:  
Tax Key Number 7649075000: acquire the northern 8.34 acres  
Tax Key Number 7649011000: acquire 23,000 SF as indicated on plan

#### Zoning Compliance

Tax Key Number 7649075000 is currently zoned M-1 CU. No change to zoning is requested, however, the Developer is requesting an amendment to CUP Ord. #2762 as approved by Common Council on 04/21/2015. The amendment is to remove the proposed 8.34 acres from the existing conditions.

Tax Key Number 7649011000 is currently zoned B3. A rezone to M1 is requested.

#### Proposed Use

The proposed use will be permitted within M1 zoning. The Developer is prepared to actively market the building to potential tenants seeking newly constructed space in the Manufacturing District. The building was thoughtfully designed to accommodate multiple users (ability to incorporate demising walls at approximately 25,000SF minimum) or remain whole for a single tenant.

#### Plan and Hours of Operation

The Plan and Hours of Operation will be determined once tenants are identified, however, these will follow typical business hours from approximately 7:00am – 7:00pm Monday through Friday, with the possibility of limited hours on Saturday and Sunday. Tenants will not be

#### Description of Interior and Exterior Modifications

Exterior materials are planned to be insulated precast concrete wall panel and shall be insulated with a painted finish. The proposal includes three (light, medium, dark) complementary colors. The exterior building and parking lot will be adequately lit to provide pedestrian safety.

Interior modifications will be detailed as tenants are identified and. All future buildouts will be thoughtfully planned with high-quality finish materials.

#### Site Plan Data

Land Size: 7.82ac + 0.53ac = 8.35 ac (363,570 SF)

Lot Coverage / Green Space: 70.0% / 30.0 %

Building Size: 133,500 SF

Vehicle Parking: 133 total stalls | 6 ADA compliant

Trailer Parking: 0

Loading Docks: 16

Overhead Doors: 4

Outside storage is not proposed and all dumpster locations are adequately screened.

Conclusion

The Developer worked closely with Oak Creek Staff to achieve a site plan and building elevation which is code-compliant and complementary to the surrounding area. Additionally, support letters were obtained from parcel owners with a vested interest (Exhibit B).

We look forward to working with the City of Oak Creek on this proposed development. Please do not hesitate to contact me with any questions.

Thank you,

Caitlin Lajoie  
Director of Land Development  
262-790-0500 | [clajoie@briohn.com](mailto:clajoie@briohn.com)

cc: Dom Ferrante, Joe Jursenas, Kyle, Roadt, Riz Iskandarsjach

**EXHIBIT A**

Depiction of Lots 1, 2 and 3 to be finalized per CSM, and zoning compliance data table.  
1 of 2



**EXHIBIT A**

Depiction of Lots 1, 2 and 3 to be finalized per CSM, and zoning compliance data table.  
2 of 2

	M1 CODE	LOT 1	LOT 2	LOT 3
Area SF	1 AC	7.35 AC	8.35 AC	5.67 AC
Pervious Area	70.0%	70.0%	70.0%	32.9%
Open Space	30.0%	30.0%	30.0%	67.1%
Setback - Front	40'	-	105' min	-
Setback - Side/Rear	20'	-	43.9' min	-
Setback - Parking	30'	-	30' min	-
Setback - Landscape	15'	-	15' min	-
Parking	89 stalls	-	133 stalls	-
Driveway Approach	30' min	-	30'	-
Building Height	55'	-	33.5' T.O. Panel	-

**EXHIBIT B**  
Support letters from Lots 1 and 3  
1 of 3

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REAL ESTATE: DEVELOPERS ♦ BUILDERS ♦ PROPERTY MANAGEMENT ♦ SALES

---

8575 W. Forest Home Ave. #160  
Greenfield, WI 53228

July 26, 2022

Community Development – City of Oak Creek  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154

RE: 13<sup>th</sup> Street Industrial Development

To Whom It May Concern:

I am writing this letter on behalf of Corporate Square LLC, who currently owns the adjacent office buildings to the north of the proposed development located east of S. 13<sup>th</sup> Street and South of W. Rawson Avenue.

Over the past two months, we have had many thoughtful conversations with Briohn Land Development and believe this project is beneficial to the community of Oak Creek. The proposed plan does not negatively impact Corporate Square and still allows for future growth. The sale of the wetlands will not limit our ability to add another building in the future per City requirements.

Corporate Square LLC has agreed to enter into a Purchase Sales Agreement with Briohn Land Development for the sale of approximately 0.528 acres of adjacent land in support of their proposed development.

Corporate Square LLC is pleased to support this project and is actively work with Briohn Buidling Corporation to ensure the project is successful. We are requesting the City of Oak Creek's approval of the proposed CSM.

Should you have any questions, please contact me directly.

Thank you,

A handwritten signature in black ink that reads "Alicia Hurst Alexander". The signature is written in a cursive style.

Alicia Hurst Alexander, President  
Ener-Con Companies, Inc.  
[ahurst@ener-con.com](mailto:ahurst@ener-con.com)





Joshua D. Smith, Chief Financial Officer  
Bast Holdings, LLC  
6970 S. 6<sup>th</sup> Street  
Oak Creek, WI 53154

July 26, 2022

Community Development – City of Oak Creek  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154

RE: 13<sup>th</sup> Street Industrial Development

To Whom It May Concern:

I am writing this letter on behalf of Bast Holdings in support of the proposed industrial development located east of S. 13<sup>th</sup> Street and south of W. Rawson Avenue. Bast Holdings owns Riteway Bus Service, Inc., the adjacent operation to the south of the proposed development. Briohn Land Development is under contract with Bast Holdings to purchase the property as identified in the proposed CSM. Over the past two months, we have had many thoughtful conversations with Briohn Land Development and believe this project is beneficial to the community of Oak Creek. The concept plan does not negatively impact our current business.

Bast Holdings is pleased to support this project and actively work with Briohn Land Development to ensure the project is successful. We are requesting Oak Creek's approval of the proposed CSM.

Should you have any questions, please contact me directly.

Thank you,

A handwritten signature in blue ink that reads "JD Smith". The signature is written in a cursive style with a large, sweeping "S" at the end.

Joshua D. Smith  
Chief Financial Officer  
Joshua.smith@goriteway.com

6970 South 6<sup>th</sup> Street, Oak Creek, WI 53154  
Main Corporate Office: (414) 570-5200 [goriteway.com](http://goriteway.com)



**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, SEPTEMBER 27, 2022**

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

**CONDITIONAL USE PERMIT AMENDMENT  
BRIOHN BUILDING CORPORATION  
7433 S. 10<sup>TH</sup> ST.  
TAX KEY NO. 764-9075-000**

Senior Planner Papelbon provided an overview of a Conditional Use Permit Amendment request to exclude a portion of the property at 7433 S. 10<sup>th</sup> St. (Lot 2 of the CSM in the previous agenda item) (see staff report for details).

Commissioner Chandler asked the applicant to confirm that the current CUP includes Lots 1, 2 and 3. Ms. LaJoie stated it contains Lots 1 and 2, which is the current Go Riteway boundaries.

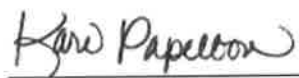
Commissioner Chandler asked to confirm the CUP only covers Lots 1 and 2. Ms. LaJoie confirmed that is correct. Commissioner Chandler asked to confirm that the request is to remove Lot 2. Ms. LaJoie stated that is correct.

Commissioner Chandler asked the applicant to provide more information as to why the applicant is requesting to remove Lot 2. Ms. LaJoie explained that the CUP is very specific to Go Riteway's use, and the proposed use will not meet that Conditional Use.

Commissioner Siefert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit Amendment removing a portion of the property at 7433 S. 10<sup>th</sup> St. (Lot 2 of a CSM to be recorded) after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:14 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

10-11-22

Date



## COMMON COUNCIL REPORT

**Item:** Rezone - 7300 S. 13th St. - Briohn Building Corp.

**Recommendation:** That the Council adopts Ordinance 3054, an ordinance to rezone a portion of the property at 7300 S. 13th St. (part of Lot 2 of a CSM to be recorded) from B-3, Office and Professional Business to M-1, Manufacturing (1st District).

**Fiscal Impact:** No direct fiscal impact is anticipated with the rezone request as the land is currently encumbered by wetlands that are not proposed for development at this time, although they are proposed to be incorporated into the overall Lot 2 of a CSM to be recorded. Approval of the rezone request is one of several required steps in the entitlement process that will allow for a portion of the property to be developed with an anticipated speculative multitenant industrial building. Development of a new lot will yield positive fiscal impacts in terms of assessed value, permit and review fees, and an estimated \$57,000 in impact fees. This property is not currently located within a TID.

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

**Background:** The Applicant, with support of the current landowner, is requesting approval to rezone a portion of the property at 7300 S. 13th St. from B-3, Office and Professional Business to M-1, Manufacturing. This request is directly related to the Certified Survey Map (CSM) and Conditional Use Permit Amendment requests on this agenda.

The proposed Lot 3 of a CSM depicts a 0.48-acre carve-out to be combined with the proposed Lot 2. Wetlands comprise the entirety of the subject area, which is currently zoned B-3, Office and Professional Business. Future development plans for Lot 2 include a multitenant industrial building as mentioned in the submitted narrative. To avoid challenges that occur with split-zoned properties, the request is to bring the subject area into the M-1, Manufacturing zoning district. Council should note that approval of the rezone does not eliminate the requirement for, or imply approval of, any wetland impacts or fill permits for future development.

The M-1, Manufacturing district is “intended to provide for manufacturing, industrial, and related uses of a limited nature and size which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the City as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors.” The remainder of the proposed Lot 2 is currently zoned M-1, Manufacturing. Other properties in the immediate area are zoned B-3, Office and Professional Business

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and B-4, Highway Business (north & northwest); I-1, Institutional and Rs-3, Single-Family Residential (west & southwest); and M-1, Manufacturing (south & east).

Rezoning the subject area for a uniform zoning district designation on the entirety of Lot 2 would be consistent with the M-1 purpose statement above, and would not invalidate the future intent of the Land Use Plan for the parcels in the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020, last amended August 16, 2022). Any future development would require additional reviews, onsite delineations, and approvals/permits in accordance with the regulations affecting the wetlands in the area.

After careful consideration at the September 27, 2022 meeting, the Plan Commission recommended approval.

**Options/Alternatives:** Council has the discretion to approve or not approve the proposed rezone request. The approval of the rezone is directly related to the proposed Certified Survey Map and Conditional Use Permit Amendment. Approval would allow for the proposal to develop the proposed Lot 2 with a speculative multitenant industrial building to proceed. Denial would leave the existing land zoned B-3, Office and Professional Business and potentially conflict with any approvals granted for the proposed related Certified Survey Map and Conditional Use Permit Amendment.

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Prepared and Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Approved:



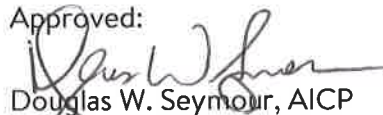
Kari Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Ord. 3054

Location Map

Narrative dated August 16, 2022 (8 pages)

Proposed CSM (1 page)

Plan Commission Minutes (1 page)

ORDINANCE NO. 3054

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

AN ORDINANCE TO REZONE A PORTIONS OF THE PROPERTY AT 7300 S. 13<sup>TH</sup> ST. FROM B-3, OFFICE AND PROFESSIONAL BUSINESS TO M-1, MANUFACTURING

(1<sup>st</sup> Aldermanic District)

WHEREAS, CAITLIN LAJOIE, BRIOHN BUILDING CORPORATION, has applied for rezoning a portion of the property at 7300 S. 13<sup>th</sup> St. from B-3, Office and Professional Business to M-1, Manufacturing;

WHEREAS, the property is more precisely described as follows:

Being a part of Parcel 1 of Certified Survey Map No. 426, located in the Southwest ¼ of the Northwest ¼ of Section 8, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of said Northwest ¼ Section; thence North 00°05'26" East along the west line of said Northwest ¼ section, 948.87 feet to the westerly extension of the south line of said Parcel 1, thence South 88°54'57" East along said extension line and then along said the south line, 295.04 feet to the point of beginning; thence North 19°19'07" East, 115.90 feet; thence South 88°54'57" East, 145.09 feet; thence South 38°37'35" East, 143.10 feet to said south line; thence North 88°54'57" West along said south line, 272.78 feet to the point of beginning. Containing in all 23,000 square feet (0.5290 acre) of lands, more or less.

WHEREAS, the Plan Commission reviewed the application and recommended that the M-1, Manufacturing rezoning be approved; and

WHEREAS, the Common Council held a public hearing on said application on November 1, 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 M-1, Manufacturing rezoning was approved for the lands hereinabove described.

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 from B-3, Office and Professional Business to M-1, Manufacturing, and the Zoning Map of Chapter 17 of the Municipal Code is amended to reflect the rezoning.

**SECTION 2:** 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 3: The several sections of this ordinance are declared to be severable. If any section shall be declared, by a decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 4: 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   1st   day of   November  , 2022.

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

Approved this   1st   day of   November  , 2022.

\_\_\_\_\_  
Mayor

ATTEST:

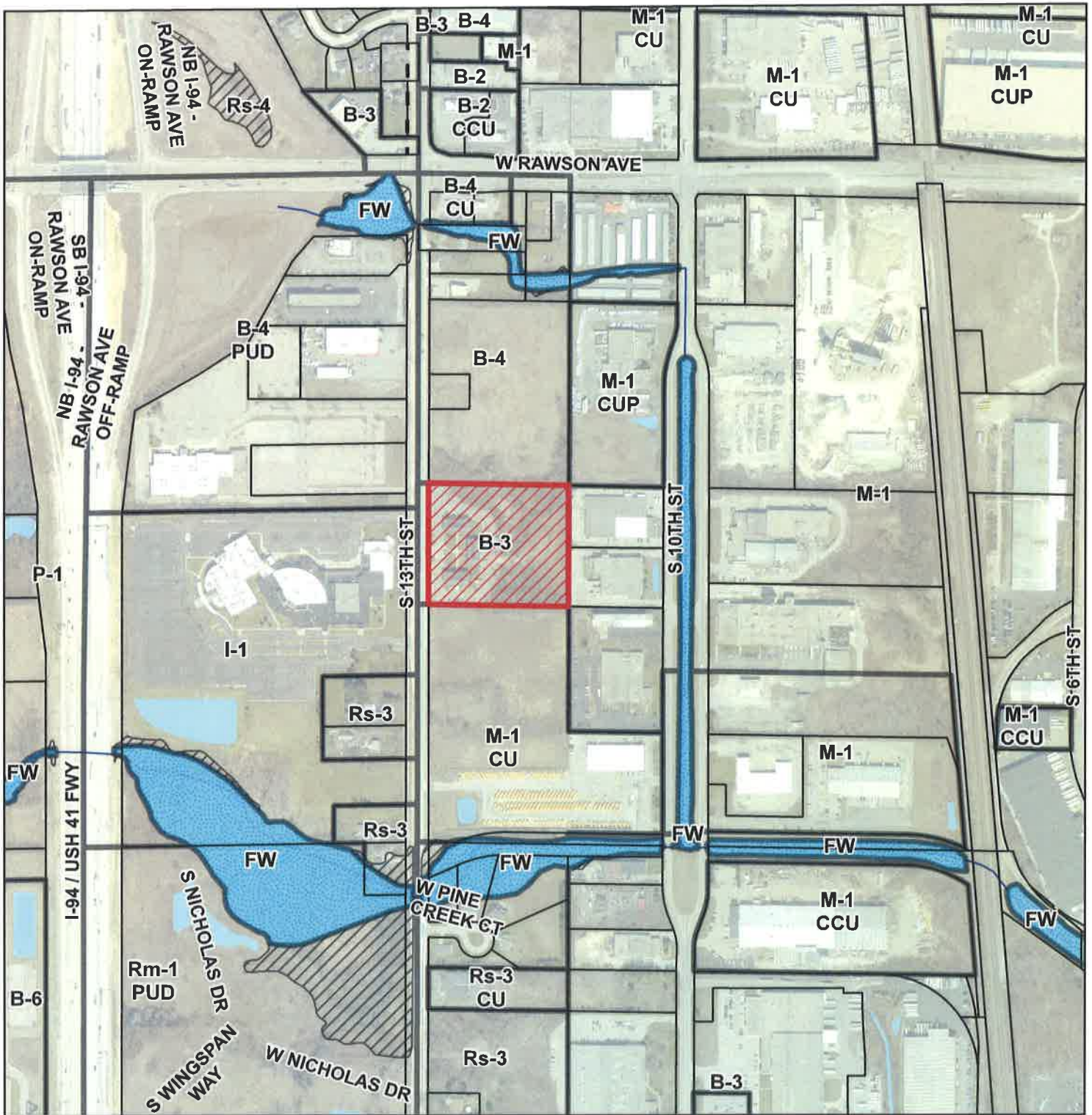
\_\_\_\_\_  
City Clerk

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








# LOCATION MAP

## 7300 S. 13th St.



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

### Legend

-  Zoning
-  Official Map
-  Floodway
-  Flood Fringe
-  7300 S. 13th St.





**BRIOHN** BUILDING CORPORATION

Tuesday, August 16, 2022

City of Oak Creek – Community Development Department  
c/o Kari Papelbon  
8040 S. 6<sup>th</sup> Street  
Oak Creek, WI 53154

**DESIGN / BUILD  
CONSTRUCTION**

Via: Email (kpapelbon@oakcreekwi.org)

RE: 13<sup>th</sup> Street Industrial Building Proposal

Dear Ms. Papelbon:

Briohn Land Development, LLC (the “Developer”) is pursuing a land acquisition of approximately 8.35 acres (363,570 SF) for the development and construction of a 133,500 square foot industrial facility. The facility is designed to accommodate a variety of users, both single- and multi-tenant.

**ARCHITECTURAL  
DESIGN**

Introduction

As outlined below, the overall proposal achieves the spirit, policy and intent of the Land Division and Platting Code.

- Lot 2 meets or exceeds the M1 zoning ordinance bulk regulations
- Lots 1, 2, and 3 each meet or exceed the required 30% greenspace
- Lot 3 retains the ability to develop additional office space
- The proposal does not require any zoning variances
- Creates additional employment opportunities

**DEVELOPMENT**

Property Information

- Property Address: 7433 S. 10<sup>th</sup> Street, Oak Creek, WI 53154
- Tax Key Number: 7649075000
- Current Zoning:
- Property Owner: Bast Holdings; 6970 S. 6<sup>th</sup> Street, Oak Creek, WI 53154
- Existing Use of Property: Riteway Bus, vacant

**PROPERTY  
MANAGEMENT**

- Property Address: 7300 S. 13<sup>th</sup> Street, Oak Creek, WI 53154
- Tax Key Number 7649011000
- Property Owner: Corporate Square LLC, Stone Fox Investment LLC, C/O Ener-Con Prop LLC;
- Existing Use of Property: office buildings

Location

Southeast quadrant of Rawson Avenue and South 13<sup>th</sup> Street in the City of Oak Creek.

The proposed location requires a land division of two lots as described below:  
Tax Key Number 7649075000: acquire the northern 8.34 acres  
Tax Key Number 7649011000: acquire 23,000 SF as indicated on plan

Zoning Compliance

Tax Key Number 7649075000 is currently zoned M-1 CU. No change to zoning is requested, however, the Developer is requesting an amendment to CUP Ord. #2762 as approved by Common Council on 04/21/2015. The amendment is to remove the proposed 8.34 acres from the existing conditions.

Tax Key Number 7649011000 is currently zoned B3. A rezone to M1 is requested.

Proposed Use

The proposed use will be permitted within M1 zoning. The Developer is prepared to actively market the building to potential tenants seeking newly constructed space in the Manufacturing District. The building was thoughtfully designed to accommodate multiple users (ability to incorporate demising walls at approximately 25,000SF minimum) or remain whole for a single tenant.

Plan and Hours of Operation

The Plan and Hours of Operation will be determined once tenants are identified, however, these will follow typical business hours from approximately 7:00am – 7:00pm Monday through Friday, with the possibility of limited hours on Saturday and Sunday. Tenants will not be

Description of Interior and Exterior Modifications

Exterior materials are planned to be insulated precast concrete wall panel and shall be insulated with a painted finish. The proposal includes three (light, medium, dark) complementary colors. The exterior building and parking lot will be adequately lit to provide pedestrian safety.

Interior modifications will be detailed as tenants are identified and. All future buildouts will be thoughtfully planned with high-quality finish materials.

Site Plan Data

Land Size: 7.82ac + 0.53ac = 8.35 ac (363,570 SF)  
Lot Coverage / Green Space: 70.0% / 30.0 %  
Building Size: 133,500 SF  
Vehicle Parking: 133 total stalls | 6 ADA compliant  
Trailer Parking: 0  
Loading Docks: 16  
Overhead Doors: 4

Outside storage is not proposed and all dumpster locations are adequately screened.

Conclusion

The Developer worked closely with Oak Creek Staff to achieve a site plan and building elevation which is code-compliant and complementary to the surrounding area. Additionally, support letters were obtained from parcel owners with a vested interest (Exhibit B).

We look forward to working with the City of Oak Creek on this proposed development. Please do not hesitate to contact me with any questions.

Thank you,

Caitlin Lajoie  
Director of Land Development  
262-790-0500 | [clajoie@briohn.com](mailto:clajoie@briohn.com)

cc: Dom Ferrante, Joe Jursenas, Kyle, Roadt, Riz Iskandarsjach



**EXHIBIT A**

Depiction of Lots 1, 2 and 3 to be finalized per CSM, and zoning compliance data table.  
1 of 2



**EXHIBIT A**

Depiction of Lots 1, 2 and 3 to be finalized per CSM, and zoning compliance data table.

2 of 2

	M1 CODE	LOT 1	LOT 2	LOT 3
Area SF	1 AC	7.35 AC	8.35 AC	5.67 AC
Pervious Area	70.0%	70.0%	70.0%	32.9%
Open Space	30.0%	30.0%	30.0%	67.1%
Setback - Front	40'	-	105' min	-
Setback - Side/Rear	20'	-	43.9' min	-
Setback - Parking	30'	-	30' min	-
Setback - Landscape	15'	-	15' min	-
Parking	89 stalls	-	133 stalls	-
Driveway Approach	30' min	-	30'	-
Building Height	55'	-	33.5' T.O. Panel	-

**EXHIBIT B**  
Support letters from Lots 1 and 3  
1 of 3

**INTENTIONALLY LEFT BLANK**





REAL ESTATE: DEVELOPERS ♦ BUILDERS ♦ PROPERTY MANAGEMENT ♦ SALES

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8575 W. Forest Home Ave. #160  
Greenfield, WI 53228

July 26, 2022

Community Development – City of Oak Creek  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154

RE: 13<sup>th</sup> Street Industrial Development

To Whom It May Concern:

I am writing this letter on behalf of Corporate Square LLC, who currently owns the adjacent office buildings to the north of the proposed development located east of S. 13<sup>th</sup> Street and South of W. Rawson Avenue.

Over the past two months, we have had many thoughtful conversations with Briohn Land Development and believe this project is beneficial to the community of Oak Creek. The proposed plan does not negatively impact Corporate Square and still allows for future growth. The sale of the wetlands will not limit our ability to add another building in the future per City requirements.

Corporate Square LLC has agreed to enter into a Purchase Sales Agreement with Briohn Land Development for the sale of approximately 0.528 acres of adjacent land in support of their proposed development.

Corporate Square LLC is pleased to support this project and is actively work with Briohn Buidling Corporation to ensure the project is successful. We are requesting the City of Oak Creek's approval of the proposed CSM.

Should you have any questions, please contact me directly.

Thank you,

A handwritten signature in black ink that reads "Alicia Hurst Alexander". The signature is written in a cursive style with a large, stylized initial "A".

Alicia Hurst Alexander, President  
Ener-Con Companies, Inc.  
[ahurst@ener-con.com](mailto:ahurst@ener-con.com)



Joshua D. Smith, Chief Financial Officer  
Bast Holdings, LLC  
6970 S. 6<sup>th</sup> Street  
Oak Creek, WI 53154

July 26, 2022

Community Development – City of Oak Creek  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154

RE: 13<sup>th</sup> Street Industrial Development

To Whom It May Concern:

I am writing this letter on behalf of Bast Holdings in support of the proposed industrial development located east of S. 13<sup>th</sup> Street and south of W. Rawson Avenue. Bast Holdings owns Riteway Bus Service, Inc., the adjacent operation to the south of the proposed development. Briohn Land Development is under contract with Bast Holdings to purchase the property as identified in the proposed CSM. Over the past two months, we have had many thoughtful conversations with Briohn Land Development and believe this project is beneficial to the community of Oak Creek. The concept plan does not negatively impact our current business.

Bast Holdings is pleased to support this project and actively work with Briohn Land Development to ensure the project is successful. We are requesting Oak Creek's approval of the proposed CSM.

Should you have any questions, please contact me directly.

Thank you,

A handwritten signature in blue ink that reads "JD Smith".

Joshua D. Smith  
Chief Financial Officer  
Joshua.smith@goriteway.com

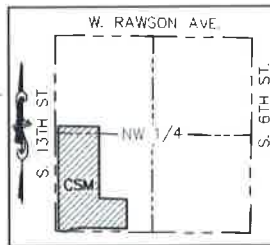
**CERTIFIED SURVEY MAP No.**

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8710, PARCEL 1 OF CERTIFIED SURVEY MAP NO. 426, AND VACATED PORTION OF 13TH STREET, LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

NW CORNER  
SEC. 8-5-22  
CONC. MON. W/  
BRASS CAP

PARCEL 1  
CSM NO. 5637

PARCEL 2  
CSM NO. 5637



**VICINITY MAP**  
NW 1/4 SEC. 8-5-22  
SCALE: 1"=2000'

**SURVEYED FOR:**

BAST HOLDINGS LLC  
6970 S. 6TH ST.  
OAK CREEK, WI 53154  
CORPORATE SQUARE LLC &  
STONE FOX INVESTMENT LLC  
7300 S. 13TH ST.  
OAK CREEK, WI 53154

**SURVEYED BY:**

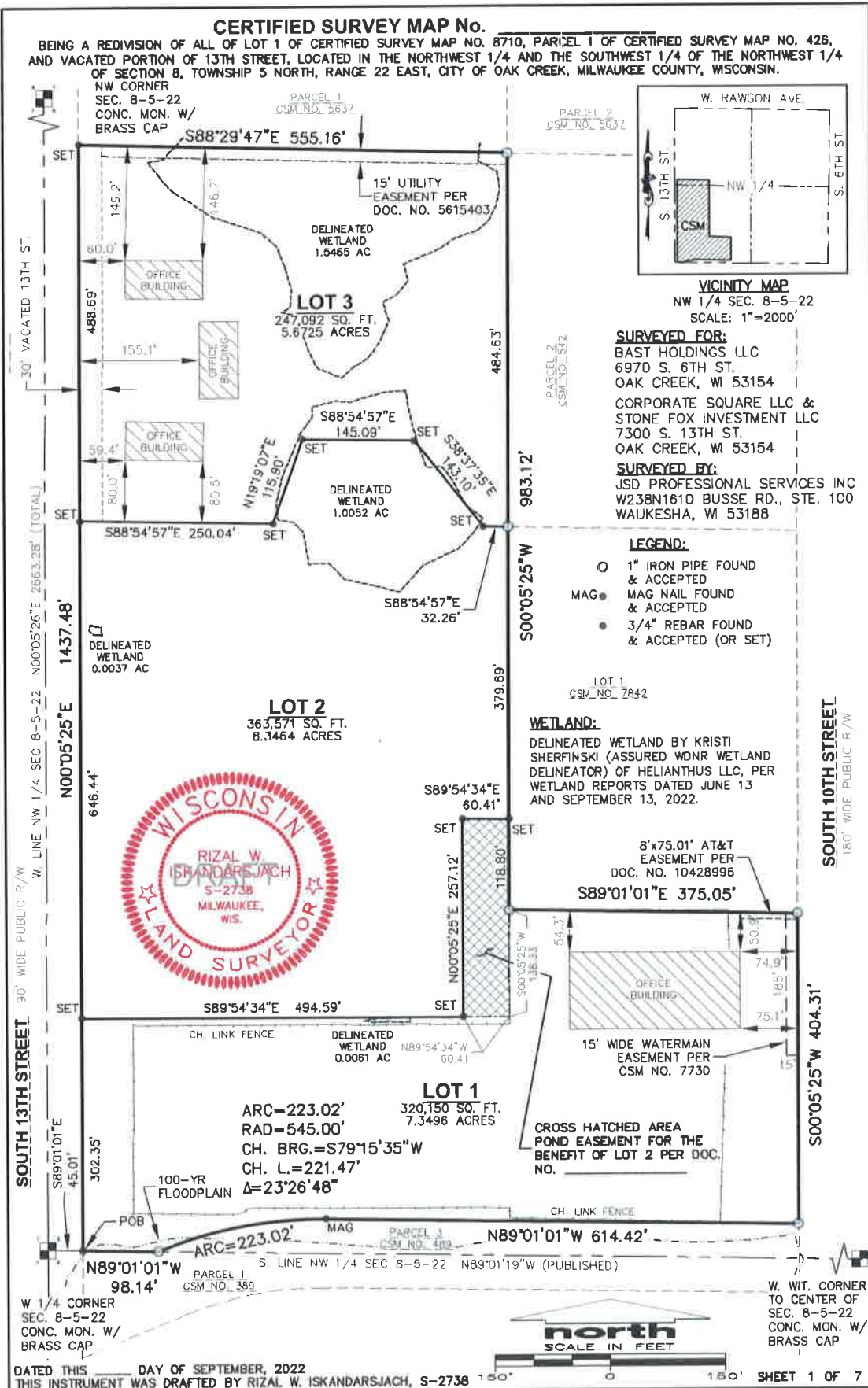
JSD PROFESSIONAL SERVICES INC  
W238N1610 BUSSE RD., STE. 100  
WAUKESHA, WI 53188

**LEGEND:**

- 1" IRON PIPE FOUND & ACCEPTED
- MAG ● MAG NAIL FOUND & ACCEPTED
- 3/4" REBAR FOUND & ACCEPTED (OR SET)

**WETLAND:**

DELINEATED WETLAND BY KRISTI SHERFINSKI (ASSURED WDNR WETLAND DELINEATOR) OF HELIANTHUS LLC, PER WETLAND REPORTS DATED JUNE 13 AND SEPTEMBER 13, 2022.



DATED THIS \_\_\_\_\_ DAY OF SEPTEMBER, 2022

THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738



SHEET 1 OF 7

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, SEPTEMBER 27, 2022**

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

**REZONE  
BRIOHN BUILDING CORPORATION  
7300 S. 13<sup>TH</sup> ST  
TAX KEY NO. 764-9011-000**

Senior Planner Papelbon provided an overview of a request to rezone a portion of the property at 7300 S. 13<sup>th</sup> St. (to become part of Lot 2 of the CSM in the previous agenda item) from B-3, Office and Professional Business to M-1, Manufacturing (see staff report for details).

Commissioner Chandler asked Senior Planner Papelbon if the majority of the property is already zoned M-1. Senior Planner Papelbon confirmed that is correct.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that a portion of the property at 7300 S. 13<sup>th</sup> St. be rezoned from B-3, Business (Office) and Professional Business to M-1, Manufacturing after a public hearing. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:14 pm.

ATTEST:



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

10-11-22

\_\_\_\_\_  
Date

TO BE PUBLISHED OCTOBER 12 & 19, 2022

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

**PURPOSE:**

The purpose of this public hearing is to consider a request submitted by Gary Wendt, Bradford Real Estate Companies, for a Conditional Use Permit for an outdoor recreation facility/private playground on a portion of the property at 150 W. Forest Hill Ave. (Lot 1 of proposed CSM).

**Hearing Date:** November 1, 2022

**Time:** 7:00 PM

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

**Applicant(s):** Gary Wendt, Bradford Real Estate Companies

**Property Owner(s):** DEMCO WI 1, LLC

**Property Location(s):** 150 W. Forest Hill Ave. (portion)

**Tax Key(s):** 813-9019-000

**Legal Description:**

That part of Lot 1 of Certified Survey Map No. 8087, recorded in the Milwaukee County Registry on September 30, 2008 as Document No. 09654891, being a division of Lot I of Certified Survey Map No. 7830, in the Southeast 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Beginning at the northwest corner of said Lot 1; thence North 90°00'00" East, 474.15 feet along the north line of said Lot 1 to the northeast corner thereof; thence South 0°31'21" West, 165.04 feet along the east line of said Lot 1; thence South 90°00'00" West, 474.46 feet to the west line of said Lot 1; thence North 0°39'37" East, 114.98 feet along said west line; thence North 0°33'20" East, 49.87 feet along said west line to the point of beginning.

Said parcel contains approximately 78,261 square feet or 1.797 acres, more or less.

To be known as Lot 1 of Certified Survey Map No. \_\_\_\_\_, recorded in the Milwaukee County Registry on \_\_\_\_\_ as Document No. \_\_\_\_\_, being a division of Lot 1 of Certified Survey Map No. 8087, in the Southeast 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin.

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

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

Date of Notice: October 5, 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 write to 8040 South 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

## COMMON COUNCIL REPORT

- Item:** Conditional Use Permit - 150 W. Forest Hill Ave. - Gary Wendt, Bradford Real Estate Companies
- Recommendation:** That the Council adopts Ordinance 3055, an ordinance to approve a Conditional Use Permit for an outdoor recreation facility/private playground on the property at 150 W. Forest Hill Ave. (Lot 1 of proposed CSM). (2<sup>nd</sup> Aldermanic District)
- Fiscal Impact:** Approval will allow for the consideration of site, building, and related plans for an anticipated daycare facility with a private outdoor recreation facility/private playground on a portion of the property. Development of this parcel will yield positive fiscal impacts in terms of assessed value, review fees, and permit and impact fees. This property is not currently part of a TID.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

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**Background:** The Applicant, with support of the current landowner, is requesting approval of a Conditional Use Permit for an outdoor recreation facility/private playground on the property at 150 W. Forest Hill Ave. Both outdoor recreation facilities and private playgrounds are Conditional Uses in the B-4, Highway Business district. The Land Use Plan within the Comprehensive Plan identifies this parcel as appropriate for future commercial development.

Per the submitted narrative, the requested use will be part of a child development (daycare) center operated by The Learning Experience on Lot 1 of the CSM reviewed in the previous agenda item. Included in the proposal is a 10,000 gross square-foot single-story building with a 5,000 square-foot outdoor playground. While the daycare portion of the proposal is considered a Permitted Use in the B-4, Highway Business district, the operations are not separate from the outdoor recreation facility/playground component. Details for the site and building will be presented for future Plan Commission review should the Conditional Use Permit be approved.

The facility will be designed to accommodate up to 159 children at maximum capacity per State licensing. However, it is anticipated that the facility will see an average enrollment of 80%, with up to 25% anticipated as part-time attendees. Although shifts were not specified, up to 23 staff are anticipated onsite at any given time. Typical peak drop-off and pick-up windows are included in the attached narrative.

Hours of operation are proposed to be 6:30 AM – 6:30 PM weekdays. No weekend hours were specified. Due to the nature of the proposal, all access points to the building and outdoor recreation



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facility/playground are controlled, monitored, and alarmed. This prevents usage of the outdoor recreation facility/playground during non-business hours.

Minimum parking requirements for outdoor recreation facilities are calculated at one (1) stall for every 3 people at maximum capacity. However, this does not assume that the outdoor recreation facility is specifically for children, and is therefore not applicable to this proposal. Minimum parking requirements for private playgrounds, however, are determined based on a parking study. Absent a full study, the pick-up and drop-off peak times provided in the narrative indicate that at least 22 vehicles are anticipated between 7:30 and 8:00 AM, and at least 23 vehicles are anticipated between 4:30 and 5:00 PM. If up to 23 employees are also anticipated to be onsite at any given time during the day, parking for a minimum of 46 vehicles would be required. Both the narrative and concept site plan incorporate 40 parking stalls for the facility. The Plan Commission determined that a minimum of 46 stalls would be required, as reflected in the attached Conditions and Restrictions for Council consideration.

While this is not a review of site, building, or landscape plans, staff note that the concept site plan includes shared access with the proposed Lot 2. Without knowing what the proposal on that lot will include, staff cannot make an accurate determination as to whether there might be the potential for shared parking. Staff also note that the concept site plan and architectural elevations will need to be significantly revised for compliance with Code requirements prior to review by the Plan Commission. Landscape screening will be required for all parking areas. Building design and materials must be in conformance with Sec. 17.0511.

Additional details are included in the narrative and conceptual plans provided with this report. Staff have no objections to the proposed use as presented, but will incorporate Code requirements related to the site plan and exterior building materials as part of the Conditions and Restrictions.

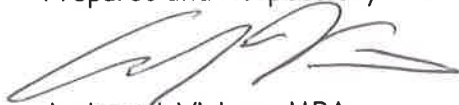
NOTE: The Council's initial review and approval of the proposed Conditional Use Permit is not an endorsement of any site, architectural, landscaping, or lighting plan that may be required as part of the final Conditional Use Permit. A more detailed review of any plans required by the Conditional Use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

After careful consideration at the September 13 and 27, 2022 meetings, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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

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Prepared and Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:



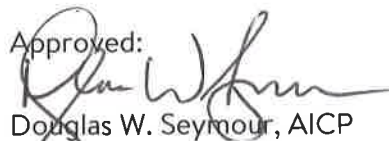
Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:



Kari Papelbon, CFM, AICP  
Senior Planner

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:



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Ord. 3055

Location Map

Landowner Letter of Support (1 page)

Narrative (4 pages)

Concept Plans (3 pages)

Draft Conditions and Restrictions (4 pages)

Excerpted Plan Commission Minutes (3 pages)

ORDINANCE NO. 3055

By:

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR  
AN OUTDOOR RECREATION FACILITY/PRIVATE PLAYGROUND ON A PORTION OF THE  
PROPERTY AT 150 W. FOREST HILL AVE.  
(LOT 1 OF A CSM TO BE RECORDED)

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

WHEREAS, GARY WENDT, BRADFORD REAL ESTATE COMPANIES, has applied for a Conditional Use Permit that would allow for an outdoor recreation facility/private playground on a portion of the property at 150 W. Forest Hill Ave. (Lot 1 of a CSM to be recorded); and

WHEREAS, the property is more precisely described as follows:

That part of Lot 1 of Certified Survey Map No. 8087, recorded in the Milwaukee County Registry on September 30, 2008 as Document No. 09654891, being a division of Lot 1 of Certified Survey Map No. 7830, in the Southeast 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Beginning at the northwest corner of said Lot 1; thence North 90°00'00" East, 474.15 feet along the north line of said Lot 1 to the northeast corner thereof; thence South 0°31'21" West, 165.04 feet along the east line of said Lot 1; thence South 90°00'00" West, 474.46 feet to the west line of said Lot 1; thence North 0°39'37" East, 114.98 feet along said west line; thence North 0°33'20" East, 49.87 feet along said west line to the point of beginning.

Said parcel contains approximately 78,261 square feet or 1.797 acres, more or less.

To be known as Lot 1 of Certified Survey Map No. \_\_\_\_\_, recorded in the Milwaukee County Registry on \_\_\_\_\_ as Document No. \_\_\_\_\_, being a division of Lot 1 of Certified Survey Map No. 8087, in the Southeast 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin.

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

WHEREAS, the Common Council held a public hearing on this matter on November 1, 2022, at which time all interested parties appeared and were heard; and

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

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby authorized to grant a Conditional Use Permit for an outdoor recreation facility/private playground on a portion of the property at 150 W. Forest Hill Ave. (Lot 1 of a CSM to be recorded), which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for the outdoor recreation facility/private playground on a portion of the property at 150 W. Forest Hill Ave. (Lot 1 of a CSM to be recorded).

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

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

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

Passed and adopted this 1<sup>st</sup> day of November, 2022.

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

Approved this 1<sup>st</sup> day of November, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

EXHIBIT A: CONDITIONS AND RESTRICTIONS

<b>City of Oak Creek – Conditional Use Permit (CUP) Conditions and Restrictions</b>		
<b>Applicant:</b>	Gary Wendt, Bradford Real Estate Companies (The Learning Experience)	<b>Approved by Plan Commission:</b> 9-27-22
<b>Property Address(es):</b>	150 W. Forest Hill Ave. (portion)	<b>Approved by Common Council:</b> TBD
<b>Tax Key Number(s):</b>	813-9019-000 (portion)	(Ord. 3055)
<b>Conditional Use:</b>	Outdoor Recreation Facility/ Private Playground (one)	

**1. LEGAL DESCRIPTION**

That part of Lot 1 of Certified Survey Map No. 8087, recorded in the Milwaukee County Registry on September 30, 2008 as Document No. 09654891, being a division of Lot I of Certified Survey Map No. 7830, in the Southeast 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Beginning at the northwest corner of said Lot 1; thence North 90°00'00" East, 474.15 feet along the north line of said Lot 1 to the northeast corner thereof; thence South 0°31'21" West, 165.04 feet along the east line of said Lot 1; thence South 90°00'00" West, 474.46 feet to the west line of said Lot 1; thence North 0°39'37" East, 114.98 feet along said west line; thence North 0°33'20" East, 49.87 feet along said west line to the point of beginning.

Said parcel contains approximately 78,261 square feet or 1.797 acres, more or less.

To be known as Lot 1 of Certified Survey Map No. \_\_\_\_\_, recorded in the Milwaukee County Registry on \_\_\_\_\_ as Document No. \_\_\_\_\_, being a division of Lot 1 of Certified Survey Map No. 8087, in the Southeast 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin.

**2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS**

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

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

- |   |   |
|---|---|
| <p>1) <b>General Development Plan</b></p> <ul style="list-style-type: none"><li>a) Detailed building/structure location(s) with setbacks</li><li>b) Square footage of all buildings/structures</li><li>c) Area(s) for future expansion/phases</li><li>d) Area(s) to be paved</li><li>e) Access drive(s) (width and location)</li><li>f) Sidewalk location(s)</li><li>g) Parking layout and traffic circulation<ul style="list-style-type: none"><li>i) Location(s) and future expansion</li><li>ii) Number &amp; type(s) of dwellings</li><li>iii) Number of all parking spaces</li><li>iv) Dimensions</li><li>v) Setbacks</li></ul></li><li>h) Location(s) of loading berth(s)</li><li>i) Location of sanitary sewer (existing &amp; proposed)</li></ul> | <p>2) <b>Landscape Plan</b></p> <ul style="list-style-type: none"><li>1. Screening plan, including parking lot screening/berming</li><li>2. Number, initial &amp; mature sizes, and types of plantings</li><li>c) Percentage open/green space</li></ul> <p>3) <b>Building Plan</b></p> <ul style="list-style-type: none"><li>a) Architectural elevations (w/dimensions)</li><li>b) Building floor plans (w/dimensions)</li><li>c) Materials of construction (including colors)</li></ul> <p>4) <b>Lighting Plan</b></p> <ul style="list-style-type: none"><li>a) Types &amp; color of fixtures</li><li>b) Mounting heights</li><li>c) Types &amp; color of poles</li><li>d) Photometrics of proposed fixtures</li></ul> <p>5) <b>Grading, Drainage and Stormwater Management Plan</b></p> <ul style="list-style-type: none"><li>1. Contours (existing &amp; proposed)</li></ul> |
|---|---|

## EXHIBIT A: CONDITIONS AND RESTRICTIONS

- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates
- 2. Location(s) of storm sewer (existing and proposed)
- 3. Location(s) of stormwater management structures and basins (if required)
- 6) Fire Protection
  - a) Locations of existing & proposed fire hydrants
  - b) Interior floor plan(s)
  - c) Materials of construction
  - d) Materials to be stored (interior & exterior)

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building or occupancy permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. All future land divisions shall follow subdivision plat, and/or 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).
- H. Prior to the issuance of any permits for any portion of the development, the Applicant/landowner shall submit all City-approved Certified Survey Maps for recording.
- I. A landscaping plan must be submitted for review and approval by the Plan Commission prior to the issuance of a building or occupancy permit.

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

- A. Uses allowed on this property shall be limited to those allowed by the B-4, Highway Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. Hours of operation for the outdoor recreation facility/private playground shall be between 6:30 AM and 6:30 PM Monday through Friday.
- C. There shall be no outdoor storage of vehicles, equipment, supplies, or any other materials on the property.
- D. All parking areas shall be striped and landscaped in accordance with approved site plans and applicable Codes.
- E. Landscaping and screening shall be required for all sides of the outdoor recreation facility/private

## EXHIBIT A: CONDITIONS AND RESTRICTIONS

playground to meet Code requirements, and shall be included in the landscape plans to be reviewed and approved by the Plan Commission as part of Site and Building Plan Review.

- F. No pole signs, pennant flags, light pole flags, permanent banners, or flashing/blinking signs shall be permitted as part of this Conditional Use Permit. No box/cabinet signs other than logos with accompanying channel letters in conformance with all applicable Code Sections shall be allowed on a principal building.
- G. The number, size, location and screening of appropriate solid waste collection units shall be in conformance with plans approved by the Plan Commission.
- H. Solid waste collection and recycling shall be the responsibility of the owner.
- I. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

### 4. PARKING AND ACCESS

- A. There shall be no direct access or connection to Forest Hill Ave.
- B. Cross-access easements for the benefit of both lots in the proposed CSM shall be recorded and copies provided to the City prior to the submission of building permit applications.
- C. Parking and the shared driveway for this development shall be provided in accordance with Sections 17.0501 and 17.0503 of the Municipal Code (as amended), these Conditions and Restrictions (see Section 3 above), and plans approved by the Plan Commission. A minimum of 46 parking stalls shall be required for the outdoor recreation facility/private playground.

### 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. All light sources shall be fully shielded full cutoff fixtures directed downward.
- C. The color temperature of the parking lot fixtures shall be limited to a maximum of 5,000 Kelvins.
- D. Garden/pathway lighting shall have a maximum height of two (2) feet.
- E. Bollard/pedestrian scale lighting shall have a maximum height of four (4) feet.

**EXHIBIT A: CONDITIONS AND RESTRICTIONS**

**6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS**

<b><i>Lot Standards (Minimum)</i></b>	
Lot Area	30,000 sq ft
Lot Width	150 ft
<b><i>Yard Setbacks (Minimum) (1)</i></b>	
Front	25 ft
Street Facing Side	25 ft
Interior Side	15 ft
Rear	25 ft
<b><i>Building Standards (Maximum)</i></b>	
Height	50 ft
Building Coverage	40%
Lot Coverage	70%
<b><i>Parking</i></b>	
Transition areas	See Sec. 17.0505
<b><i>Notes:</i></b>	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

**7. TIME OF COMPLIANCE**

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

**8. OTHER REGULATIONS**

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

**9. VIOLATIONS & PENALTIES**

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use Permit is convicted of two or more violations of these Conditions and Restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 11 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City ordinances.

**10. REVOCATION**

Should an applicant, their heirs, successors or assigns, fail to comply with the Conditions and Restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may



EXHIBIT A: CONDITIONS AND RESTRICTIONS

be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use Permit as set forth in Section 17.0804 of the Municipal Code (as amended).

11. ACKNOWLEDGEMENT

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

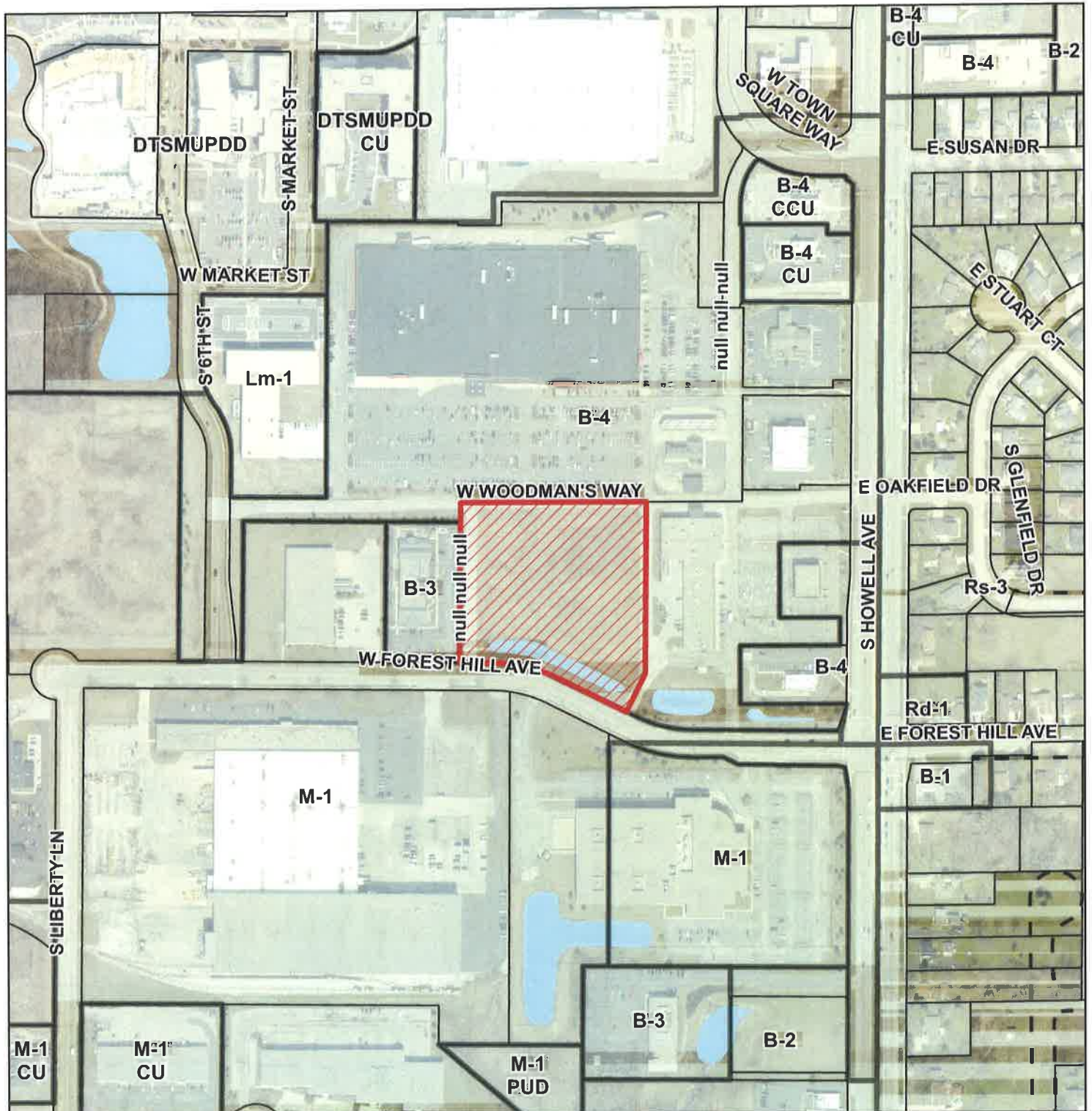
\_\_\_\_\_  
Owner / Authorized Representative Signature

\_\_\_\_\_  
Date

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

# LOCATION MAP

## 150 W. Forest Hill Ave.



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

### Legend

- Zoning
- Official Map
- Floodway
- Flood Fringe
- 150 W. Forest Hill Ave.



# DEMCO WISCONSIN 1, LLC

2060 N. Humboldt Blvd., Suite 225  
Milwaukee, WI 53212

Daniel D. Seibel  
Direct Dial: (414) 372-0227  
E-Mail: [dseibel@seibelfalkner.com](mailto:dseibel@seibelfalkner.com)

August 18, 2022

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

RE: Conditional Use Permit Owner Letter of Support

Dear Planning Commission Members:

As the current owner of the parcel located at 150 West Forest Hill Avenue (Tax Key 813-9019), currently zoned B-4, I support the proposed development currently before you as presented by Bradford Real Estate Companies. The proposed development will divide the existing single lot into two developable lots and an outlot encompassing the existing stormwater management facility on the lot.

I also understand and support the Conditional Use Permit Application for the outdoor activity area that is currently being presented as part of the proposed daycare facility in the proposed northern lot.

Very truly yours,



Daniel D. Seibel  
Authorized Signatory

DDS:ksp

**The following information regarding The Learning Experience (TLE) overviews the center operations as noted on TLE documents for parents, franchisee, and developers.**

*The Learning Experience has child development centers throughout the United States. Our secure centers offer premier child care to children ages six weeks to five years: infants, toddlers, twaddlers, preppers, preschoolers, pre-K, kindergarten and after school care for children up to eight years of age at most of our centers.*

*The Learning Experience is not just a daycare facility but also a complete child development center. We welcome you to visit any one of our dynamic and fun environments to see for yourself why The Learning Experience is different and how committed we are to quality care and intellectual child development education of our children.*

*You want the best for you children and so do we! Our Charlie Choo Choo® Enrichment Programs: Marvelous Math®, Start to Art®, Suddenly Science®, Movin' n Groovin®, Dancing Feet®, Music 4 Me® and Talent Sprouts® introduces children to the performing arts through a variety of activities involving all aspects of performance.*

*The Learning Experience believes that each child deserves to grow and learn at his or her own pace. Our diverse curriculum includes: L.E.A.P® 1, L.E.A.P® 2, Little Learners™ and Fun with Phonics®. Our responsibility is to establish a strong foundation for your child in a fun and exciting environment.*

### **Information Regarding Operations – The Learning Experience at Oak Creek, WI**

Hours of operation

- 6:30am-6:30pm (12 hours per day, Monday through Friday)

Size of the building

- 10,000 square foot building

Size of fenced playground

- 5,000 square feet

Licensed capacity of the center

- 159 children (per state licensing)

Overall average enrollment

- 80% Occupancy

Part time children attendance

- Typical center has 25% part-time students. (schedules vary)

Families with siblings

- Approximately 20% have one or more siblings attending

Number of employees

- Up to 23 staff at any one time (30% are part time)

Number of parking spaces

- 40 parking spaces

#### Traffic operations

- Each parent parks their vehicle in The Learning Experience parking area and brings their child into the center. Their child is checked in at the reception counter. Subsequently, the parent then brings their child to their designated classroom. The reverse of this occurs at pick up.
- During drop off (average 5 minutes) generally between 6:30am to 9:30am.
- During pick up (average 8 minutes) generally between 3:30pm to 6:30pm.

#### Traffic during drop off (average 5 minutes)

- 6:30am-7:00am (7 cars)
- 7:00am-7:30am (14 cars)
- 7:30am-8:00am (22 cars)
- 8:00am-8:30am (19 cars)
- 8:30am-9:00am (17 cars)
- 9:00am-9:30am (14 cars)

#### Traffic during pick up (average 8 minutes)

- 3:30pm-4:00pm (8 cars)
- 4:00pm-4:30pm (14 cars)
- 4:30pm-5:00pm (23 cars)
- 5:00pm-5:30pm (21 cars)
- 5:30pm-6:00pm (16 cars)
- 6:00pm-6:30pm (11 cars)

Calculations based on a center with the license capacity of 159 and the above factors.

#### **Drop-off and pick-up policies**

From the moment your child arrives until he or she is picked up at the end of the day, your child's safety is our foremost concern. No child shall ever be left unsupervised.

Our center is equipped with an intercom/telephone in each classroom for emergency use. Procedures for arrivals and departures are designed to ensure the safety and well-being of everyone at the center.

- Parents are to use only the front door for entering and exiting.
- Each authorized individual receives a key fob that he/she must use to obtain entry into the building.
- Children must be walked into the building by a parent or authorized guardian and placed with their assigned center *staff member*.
- Parents must complete the electronic sign-in and sign-out process as well as the manual sign-in sheet on a daily basis and any applicable forms requested by the center (e.g., medication, Communication Form).
- When parents pick up a child they are required to sign out.

No shuttle vans or buses are utilized at this facility.

### **Safety and Security**

The Learning Experience has instituted security systems as an effective means of protecting our children. This may include:

- Gates and fences surrounding the property with alarms on gates.
- Special locks at entrance with limited access.
- Cameras throughout the center for the purpose of monitoring a secure environment and for observation by both administration and parents.
- Windows on the doors allow parents the opportunity to view the child's activities without disturbing the integrity of the classroom environment.

### **Release of Children**

Security fobs are issued to each authorized person who will be routinely dropping off and picking up your child. It is imperative for security purposes that the center is aware of each person coming or going.

On any occasion when a person without a security fob or pass must pick up a child, the person's name must be in child's file. He or she will be asked for a photo identification, which will be photocopied and placed in your child's file for future reference. A child will not be permitted to leave with any person other than those designated in writing by the parent.

### **Playground**

Children of all ages are encouraged to participate daily in at least two occasions of age-appropriate outdoor time, weather permitting for a minimum of 30 minutes per increment. The children are always supervised during outdoor play.

The Parcel at 150 W. Forest Hill Avenue, hereby being petitioned to the Common Council of the City of Oak Creek to approve a Conditional Use within the B-4 zoning district is more specifically described as follows:

Lot 1 of the Certified Survey Map number 8087, recorded in the Milwaukee County Registry on September 30, 2008 as Document number 09654891, being a division of Lot 1 of Certified Survey Map number 7830, in the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 17, Town 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin.









1 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION  
SCALE: 1/8" = 1'-0"



4 EAST ELEVATION  
SCALE: 1/8" = 1'-0"

1. ALL FINISHES SHALL BE INSTALLED AND FINISHED IN COMPLIANCE WITH MANUFACTURER'S WARRANTY REQUIREMENTS.  
2. ALL FINISHES SHALL BE INSTALLED AND FINISHED IN COMPLIANCE WITH MANUFACTURER'S WARRANTY REQUIREMENTS.  
3. ALL FINISHES SHALL BE INSTALLED AND FINISHED IN COMPLIANCE WITH MANUFACTURER'S WARRANTY REQUIREMENTS.

**Jamel Kizel**  
ARCHITECTS AND PLANNERS INC.  
42 CORNER PARKWAY  
LIVINGSTON, NEW JERSEY 07039  
TEL: 973-994-8689  
FAX: 973-994-4089  
www.jamalkizel.com  
Architecture  
Engineering  
Interior Design  
Implementation Services

THE LEARNING EXPERIENCE  
ACADEMY OF EARLY EDUCATION  
150 W. FOREST HILL AVE  
CHRYSLER, NJ

BIECHEL STONE CORP  
CHILTON TAILORED BLEND

DRYVIT EIFS  
SAND PEBBLE FINISH  
COLOR: OYSTER SHELL

DRYVIT EIFS  
SAND PEBBLE FINISH  
COLOR: SANDWOOD BEIGE

EXTERIOR MATERIAL SCHEDULE			
LABEL	MANUFACTURER	SIZE / TYPE	FINISH / COLOR
ETC-1 (STONE)	BIECHEL	PER DOOR SCHEDULE	SAND WOOD
DOOR	FRAMER	PER DOOR SCHEDULE	FLUOROPOLYMER
WINDOW	PLY GEM	PER WINDOW SCHEDULE	WHITE
CL-1	BIECHEL STONE CORP	12" x 12" x 1/4" (SEE PLAN)	CHILTON TAILORED BLEND
CL-2	BIECHEL STONE CORP	6" x 6" x 1/4" (SEE PLAN)	CHILTON TAILORED BLEND
CL-3	WOODWORK PRODUCTS	3" x 4" x 1/2" (SEE PLAN)	REGULAR (SEE PLAN)
CL-4	WOODWORK PRODUCTS	2" x 4" x 1/2" (SEE PLAN)	REGULAR (SEE PLAN)
EIFS-1	DRYVIT	6" ALUMINUM TYPE F W/ 1/2" INSULATION AND LEADER	SAND PEBBLE FINISH COLOR: OYSTER SHELL
EIFS-2	DRYVIT	6" ALUMINUM TYPE F W/ 1/2" INSULATION AND LEADER	SAND PEBBLE FINISH COLOR: SANDWOOD BEIGE
AV-1	ROYAL BUILDING PRODUCTS	304 STAINLESS STEEL NOM. THICKNESS 2.00"	WHITE (SEE NOTE 2 BELOW)
J-1	FABRAL (OR EQUAL)	CUSTOM ALUMINUM	AWARD BLUE (PAV-CLAD)
CP-1	FABRAL (OR EQUAL)	304 STAINLESS STEEL	PAV-CLAD
K-1	480X BOX	2000 SERIES W/ RECESSED SIGNAL LAMP, 120VAC SOURCE & THERMAL SWITCH	SAME FINISH (SEE NOTE 2 BELOW)

**FINISH SCHEDULE NOTES:**  
1. ALL FINISHES SHALL BE INSTALLED AND FINISHED IN COMPLIANCE WITH MANUFACTURER'S WARRANTY REQUIREMENTS.  
2. ALL FINISHES SHALL BE INSTALLED AND FINISHED IN COMPLIANCE WITH MANUFACTURER'S WARRANTY REQUIREMENTS.

ISSUE	
NO.	DESCRIPTION
REVISION	
NO.	DESCRIPTION

PROFESSIONAL CERTIFICATION  
NAME OF LICENSEE:  
MATTHEW B. JABIEL  
LICENSE NUMBER: 13809

Project Number: SA-1.2  
Scale: 1/8" = 1'-0"  
Date: 08/11/11  
Approved by: MLJ  
Drawing Number: SA-1.2

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, SEPTEMBER 13, 2022**

Alderman Loreck called the meeting to order at 6:02 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Kari Papelbon, Senior Planner; Jack Kovnesky, Zoning Administrator/Planner; and Assistant Fire Chief Havey.

**CONDITIONAL USE PERMIT  
BRADFORD REAL ESTATE COMPANIES  
150 W. FOREST HILL AVE.  
TAX KEY NO. 813-9019-000**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for a private playground/outdoor recreation facility on a portion of the property at 150 W. Forest Hill Ave. (see staff report for details).

Commissioner Chandler asked when the concerns about the orientation of the building will be addressed. Senior Planner Papelbon reiterated that they will be discussed at the site and building plan review step of the process.

Commissioner Hanna moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit allowing an outdoor recreation facility/playground on a portion of the property at 150 W. Forest Hill Ave. (Lot 1 of CSM to be recorded) after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (September 27, 2022).

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:23 pm.

ATTEST:

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

9-27-22  
\_\_\_\_\_  
Date

TO BE PUBLISHED OCTOBER 12 & 19, 2022

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL

**PURPOSE:** The purpose of this public hearing is to consider proposed amendments to Articles 3, 4, 5, 6, 7, and 10 of Chapter 17 of the Municipal Code (Zoning and Sign Ordinance).

**Hearing Date:** November 1, 2022

**Time:** 7:00 PM

**Place:** Oak Creek City Hall  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Proposal:** The proposal would amend Chapter 17 of the Municipal Code for the following

- Table 17.0304(c) Nonresidential District Permitted and Conditional Uses
- Article 4 – Update “primary building” to “principal building” for consistency
- Sec. 17.0402(a)(7) – prohibition of commercial slaughterhouses
- Sec. 17.0403(f)(3)(t) – location and screening standards for trash receptacles in mobile home parks
- Sec. 17.0414(a) – clarifying accessory building allowances and standards
- Sec. 17.0414(d) – clarifying accessory structure allowances and standards
- Sec. 17.0415(c)(14) – clarifying temporary mobile food retail establishment/food truck licensing and inspection standards
- Sec. 17.0503(a) – clarifying single-family attached and detached driveway standards
- Sec. 17.0507 – updating allowances, locations, and standards for fences
- Table 17.0511(a)(1) – amending percentages per building façade elevation for concrete exterior building cladding materials
- Article 6 – general formatting
- Table 17.0603 – allowing temporary ground mounted signs as permitted uses in the DTS and B-2 zoning districts
- Sec. 17.0604(b)(5), 17.0604(c)(5), Sec. 17.0605(d)(4), Sec. 17.0606(c)(4) – removing the 10-foot setback requirement from easements for monument signs, temporary ground-mounted signs, and temporary yard signs
- Sec. 17.0605(c)(1)(b) – clarified the maximum allowed size of a wall mounted banner sign
- Sec. 17.0709 – added Traditional Neighborhood Development (TND) standards
- Article 10 – updated and clarified various definitions

The existing text of the above Sections of the Municipal Code can be found on the City’s website at [www.oakcreekwi.org/your-government/municipal-code](http://www.oakcreekwi.org/your-government/municipal-code). The entire text of the proposed amendments listed above is available for review upon request.

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

Any person(s) with questions regarding the proposed changes may contact the City of Oak Creek at (414) 766-7000, during regular business hours (7:30 AM – 4:00 PM).

Date of Notice: October 5, 2022

CITY OF OAK CREEK COMMON COUNCIL

By: Dan 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 write to 8040 S. 6<sup>th</sup> St., Oak Creek, WI 53154.

## COMMON COUNCIL REPORT

**Item:** Text Amendment - Articles 3, 4, 5, 6, 7, and 10 of Chapter 17

**Recommendation:** That the Council adopts Ordinance 3056, an ordinance to amend Articles 3, 4, 5, 6, 7, and 10 of Chapter 17 - Zoning Code of the Municipal Code.

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

**Critical Success Factor(s):**

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

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**Background:** At the March 15, 2022 meeting, the Common Council approved the update to Chapter 17 - Zoning and Sign Ordinance following a 2-year process that included extensive staff, public, and Plan Commission review. Creating a Zoning Code that was clear, concise, and relied less on legal or planning jargon was a main goal of the update. However, everyone involved in the process acknowledged that there would inevitably be revisions necessary to address minor issues once the Code was implemented, to incorporate items that were inadvertently left out of the Code, or to clarify items that were less straightforward than intended. As staff continue to work within the new framework, we have identified some of these areas that can be addressed relatively quickly and resolve many of the questions that have arisen in the application of certain Sections. Proposed revisions for Council consideration, following Plan Commission recommendations, are included with this report and identified with highlights, bold text, and crossed-out text. Below is a summarized list for reference:

- Table 17.0304(c) Nonresidential District Permitted and Conditional Uses
- Article 4 - Update "primary building" to "principal building" for consistency
- Sec. 17.0402(a)(7) - prohibition of commercial slaughterhouses
- Sec. 17.0403(f)(3)(t) - location and screening standards for trash receptacles in mobile home parks
- Sec. 17.0414(a) - clarifying accessory building allowances and standards
- Sec. 17.0414(d) - clarifying accessory structure allowances and standards
- Sec. 17.0415(c)(14) - clarifying temporary mobile food retail establishment/food truck licensing and inspection standards
- Sec. 17.0503(a) - clarifying single-family attached and detached driveway standards
- Sec. 17.0507 - updating allowances, locations, and standards for fences



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- Table 17.0511(a)(1) – amending percentages per building façade elevation for concrete exterior building cladding materials
  - Article 6 – general formatting
  - Table 17.0603 – allowing temporary ground mounted signs as permitted uses in the DTS and B-2 zoning districts
  - Sec. 17.0604(b)(5), 17.0604(c)(5), Sec. 17.0605(d)(4), Sec. 17.0606(c)(4) – removing the 10-foot setback requirement from easements for monument signs, temporary ground-mounted signs, and temporary yard signs
  - Sec. 17.0605(c)(1)(b) – clarifying the maximum allowed size of a wall mounted banner sign
  - Sec. 17.0709 – adding Traditional Neighborhood Development (TND) standards (note that this was included in the previous Zoning Code and was inadvertently left out of the Council draft in March)
  - Article 10 – updated and clarified various definitions

This list is not intended to be exhaustive or all-encompassing of the updates that may be required. Staff recognize that Article 8, for example, is missing some information and will require a future amendment. We anticipate that discussions will occur during future Plan Commission and Common Council meetings early next year regarding additional considerations for update.

The Plan Commission reviewed the above during their September 27, 2022 meeting, and recommended Common Council approval.

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

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



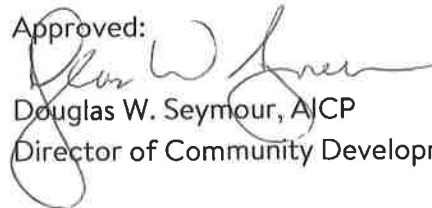
Kari Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Ord. 3056

Draft Articles 3, 4, 5, 6, 7, 10 (new definitions pages only)

Plan Commission Minutes (5 pages)

ORDINANCE NO. 3056

BY:

AN ORDINANCE TO REPEAL AND RECREATE TABLE 17.0304(c), SECTIONS 17.0403(b)(3), 17.0403(f)(3)(t), 17.0405(d)(4), 17.0405(e)(3), 17.0406(b)(4), 17.0408(a)(4), 17.0414(a), 17.0414(b), 17.0414(d), 17.0414(o)(2), 17.0415(a)(2)b., 17.0415(c)(14), 17.0503(a), 17.0507, TABLE 17.0511(a)(1), TABLE 17.0603, SECTIONS 17.0604(b)(5), 17.0604(c)(5), 17.0605(c)(1)b., 17.0605(d)(4), 17.0606(a)(4), 17.0606(c)(4), 17.0607(b)(1), 17.0607(c)(3), 17.1001(d), 17.1001(v) through 17.1001(gg), 17.1003(u) through 17.1003(y), 17.1004(j) through 17.1004(t), 17.1005(a) through 17.1005(h), 17.1006(c) through 17.1006(l), 17.1007(f), 17.1009(c) through 17.1009(f), 17.1013(f) and 17.1013(g); AND TO CREATE SECTIONS 17.0402(a)(7) and 17.0709 OF CHAPTER 17 – ZONING AND SIGN CODE OF THE MUNICIPAL CODE

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

**SECTION 1:** Table 17.0304(c) is hereby repealed and recreated to read as follows:

Table 17.0304(c) Permitted and Conditional Uses, Nonresidential Districts											
Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
<i>Agricultural Uses</i>											
Agritourism Related Uses		C									
Aquaculture		P									
Garden Plots for Rent		P								C	
General Farm Structures		P									
General Farming		P									
Keeping and Raising of Domestic Stock, Commercial	17.0402(a)	P									
Plant Nursery / Greenhouse		P		C	C	C		C	C		C
Solar Energy Collection System, Farm		P							C		
<i>Residential Uses</i>											
Dwelling, Multifamily Above Ground Floor			P	C		P	P				
Dwelling, Single-Family Attached											
Dwelling, Single-Family Detached	17.0403(e)	P									
<i>Recreational Uses</i>											
Art Gallery / Museum			P	C		P	P			C	
Boat Mooring and Rental / Marina											C
Campground		C									C
Family Entertainment Center / Indoor Commercial Amusement / Fun Center							C				
Golf Course											C
Golf Course, Miniature						C	C				C
Health, Athletic, or Recreation Facility, Indoor			C	C	C	P	P	C	C	P	C
Health, Athletic, or Recreation Facility, Outdoor						C	C		C	P	C

Table 17.0304(c)  
Permitted and Conditional Uses, Nonresidential Districts

Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
Parks and Playgrounds, Private		C	C	C	C	C	C			C	C
Parks and Playgrounds, Public		P	P	P	P	P	P			P	P
Shooting / Archery Range, Indoor						P	P	C	C		
Shooting / Archery Range, Outdoor						C	C				
<b>Retail Uses</b>											
Adult Entertainment	17.0405(a)								P		
General Retail, less than 50,000 sq ft			P	C		P	P				
General Retail, 50,000 sq ft - 100,000 sq ft			P			P	P				
General Retail, more than 100,000 sq ft			C			C	P				
Grocery Store			C	C		P	P				
Multitenant Shopping Center			P	C		P	P				
Neighborhood Retail	17.0405(d)			P							
Outlot Retail Building	17.0405(e)		P			P	P				
Wholesale						C	P				
<b>Service Uses</b>											
Animal Training / Therapy						C		C	C		
Animal Daycare / Recreation						C		C	C		
Bank / Financial Institution			P	C	P	P	P				
Funeral Parlor with Cremation Services						C			C		
Funeral Parlor without Cremation Services						P					
Day Care Center			P	C	P	P	P			C	
General Service			P	C	P	P	P				
Kennel / Boarding Facility / Shelter	17.0406(a)					C		C	C		
Neighborhood Service	17.0406(b)			P	C						
Private Emergency Service						C		C	C		
Self Service Laundry / Dry Cleaner						P	P				
Tattoo, Body Piercing, and Body Art Studios						C					
Veterinary Clinic / Animal Hospital	17.0406(c)					C		C	C		
<b>Lodging Uses</b>											
Hotel			P			P	P				
Hotel, Extended Stay			C			C	C				
Motel			C			C	C				
<b>Eating and Drinking Uses</b>											
Drinking Establishment			C			C	C				
Café	17.0408(a)		P	P	P	P	P				
Mobile Retail Food Establishment / Food Truck Park	17.0408(b)		P	P	P	P	P				

Table 17.0304(c)  
Permitted and Conditional Uses, Nonresidential Districts

Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
Microbrewery / Winery / Distillery			P			P	P	C	P		
Restaurant, Delivery / Carry Out Only			P	C		P	P				
Restaurant, Fast Casual			P	C		P	P				
Restaurant, Sit Down			P	C		P	P				
Tasting Room, Brewery, Winery, Distillery			P			P	P	P	P		
<b>Vehicle Related Uses</b>											
Autobody / Automotive Mechanical Repair						C	C	C	C		
Car Wash						C	C				
Electric Vehicle Charging Stations			P	P	P	P	P	P	P		
Equipment Sales and Rental	17.0414(l)	C						C	C		
Fuel Sales	17.0409(a)					C	C				
Fueling Plaza	17.0409(a)					C	C				
Service Station						C	C				
Vehicle Sales and Rental	17.0414(l)					C	C	C	C		
<b>Office Uses</b>											
Office, General				C	P	P	P	P	P		
Office, Above Ground Floor			P		P	P	P				
Office, Medical / Dental			P		P	P	P				
<b>Industrial Uses</b>											
Brewery / Winery / Distillery								P	P		
Contractor's Shop / Office									C		
Contractor's Yard	17.0414(m)								C		
Laboratory								P	P		
Manufacturing, Artisan	17.0411(a)		C			C	C	P	P		
Manufacturing, Heavy									C		
Manufacturing, Light								P	P		
Motor Freight Terminal									C		
Self Storage								C	P		
Warehouse, Distribution, Less than 200,000 sq ft									P		
Warehouse, Distribution, 200,000 sq ft or Greater									C		
Warehouse, Storage, Less than 200,000 sq ft									P		
Warehouse, Storage, 200,000 sq ft or Greater									C		
<b>Medical Uses</b>											
Hospital			C		C	C	C		C	P	
Acute Care Center			C		C	C	C		C	P	
<b>Public / Institutional Uses</b>											



Table 17.0304(c)  
Permitted and Conditional Uses, Nonresidential Districts

Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
College / University							P	P	P	P	
Essential Service		P	P	P	P	P	P	P	P	P	P
Governmental Use, Indoor		P	P	P	P	P	P	P	P	P	P
Governmental Use, Outdoor		C	C	C	C	C	C	C	C	C	C
Place of Assembly				P		P	P	P	C	P	P
Religious Institution		P								P	P
School, Private		C								C	C
School, Public		P								P	P
Vocational / Employment Training		C					P	P	P	P	
Utility, Minor		P	P	P	P	P	P	P	P	P	P
Utility, Major		C	C	C	C	C	C	C	C	C	C
Telecommunications Towers	17.0413(a)	C	C	C	C	C	C	C	C	C	C
<b>Accessory Uses</b>											
Accessory, Building	17.0414(a)	P	P	P	P	P	P	P	P	P	P
Accessory, Retail	17.0414(c)							C	C		
Accessory, Structure	17.0414(d)	P	P	P	P	P	P	P	P	P	P
Donation Drop Box	17.0414(f)									P	
Drive Through	17.0414(g)					C	C				
Home Occupation	17.0414(h)	P	P	P		P	P				
Outdoor Activity / Operation, Permanent	17.0414(j)					C		C	C	C	
Outdoor Dining	17.0414(k)		P	P		P	P				
Outdoor Display / Sale of Merchandise, Permanent	17.0414(l)				C	C					
Outdoor Storage, Permanent	17.0414(m)					C		C	C	C	C
Roadside Stand	17.0414(n)	P									
Solar Energy Collection System, Canopy	17.0414(o)		P			P	P	P	P	P	P
Solar Energy Collection System, Ground Mounted	17.0414(p)	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, Roof Mounted	17.0414(q)	P	P	P	P	P	P	P	P	P	P
Truck and Trailer Parking	17.0505							C	C		
<b>Temporary Uses</b>											
Carnival		T	T	T		T		T	T	T	T
Circus / Animal Show		T	T	T		T		T	T	T	T
Seasonal Sales	17.0415(b)		T	T		T		T	T		
Construction Related		T	T	T	T	T	T	T	T	T	T
Farmers Market			T	T		T	T	T	T	T	T
Flea Market											
Mobile Retail Food Establishment / Food Truck	17.0415(c)		T	T	T	T	T	T	T	T	T

Table 17.0304(c) Permitted and Conditional Uses, Nonresidential Districts											
Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
Outdoor Activity / Operation, Temporary			T	T	T	T		T	T	T	
Outdoor Display / Sale of Merchandise, Temporary	17.0415(d)		T	T		T		T	T	T	
Truck and Trailer Parking								T	T		

**SECTION 2:** § 17.0402(a)(7) of the Municipal Code is hereby created to read as follows:

**(7)** Commercial slaughterhouses are prohibited.

**SECTION 3:** § 17.0403(b)(3) of the Municipal Code is hereby repealed and recreated to read as follows:

**(3)** All off-street parking shall be located to the side or rear of the principal building unless otherwise approved by the Planning Commission. Off-street parking located to the side of the principal building shall be set back a minimum of three (3) feet from the front elevation of the principal building.

**SECTION 4:** § 17.0403(f)(3)(t) of the Municipal Code is hereby repealed and recreated to read as follows:

**3.** Every mobile/manufactured home park shall submit a solid waste disposal plan. Garbage and rubbish shall be collected weekly and disposed of by the park owner in accordance with the approved plan. Receptacles shall be located within a designated area or areas interior to the park outside of all travel ways and easements, and shall not be located in any street yard setbacks. Receptacles shall be screened per § 17.0506.

**SECTION 5:** § 17.0405(d)(4) of the Municipal Code is hereby repealed and recreated to read as follows:

**(4)** The off-street parking and loading of a neighborhood retail use that fronts onto an existing or proposed arterial or collector roadway, as identified in the Oak Creek Comprehensive Plan or as determined by the City Engineer, may be located in the front, side, or rear of the principal building. The off-street parking and loading of a neighborhood retail use that fronts onto any other roadway type shall be located on the side or rear of the principal building.

**SECTION 6:** § 17.0405(e)(3) of the Municipal Code is hereby repealed and recreated to read as follows:

**(3)** Curb cuts and site vehicular access shall be shared with the principal building.

**SECTION 7:** § 17.0406(b)(4) of the Municipal Code is hereby repealed and recreated to read as follows:

**(4)** The off-street parking and loading of a neighborhood service use that fronts onto an existing or proposed arterial or collector roadway, as identified in the Oak Creek Comprehensive Plan, may be located in the front, side, or rear of the principal building. The off-street parking and loading of a neighborhood service use that fronts onto any other roadway type shall be located on the side or rear of the principal building.

**SECTION 8:** § 17.0408(a)(4) of the Municipal Code is hereby repealed and recreated to read as follows:

**(4)** The off-street parking and loading of a café use that fronts onto an existing or proposed arterial or collector roadway, as identified in the Oak Creek Comprehensive Plan, may be located in the front, side, or rear of the principal building. The off-street parking and loading of a café use that fronts onto any other roadway type shall be located on the side or rear of the principal building.

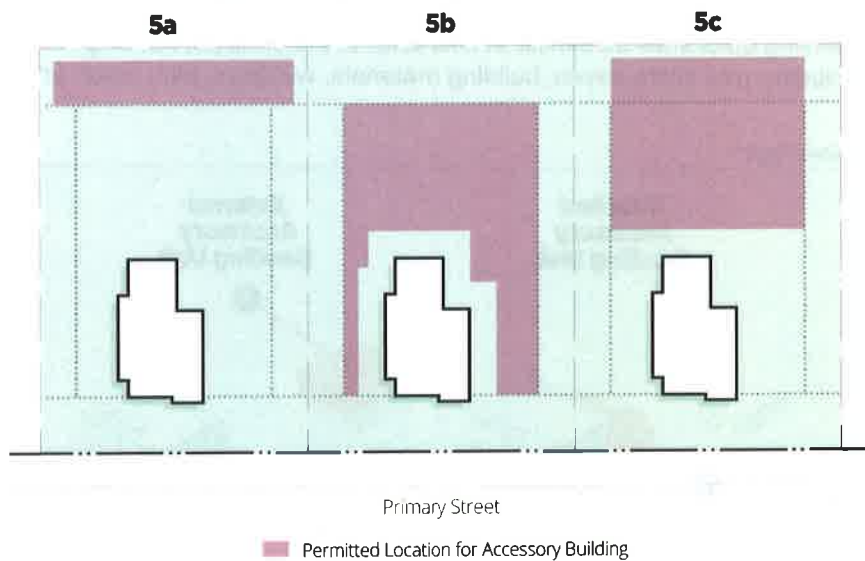
**SECTION 9:** § 17.0414(a) of the Municipal Code is hereby repealed and recreated to read as follows:

**(a) Accessory, Building.**

- (1)** Two (2) accessory buildings shall be allowed per lot, and shall only be permitted after a principal structure has been constructed on the same lot.
- (2)** On residential lots less than or equal to one-half (0.5) acre the aggregate maximum area of all accessory buildings shall not exceed one-thousand (1,000) square feet or seventy-five (75) percent of the livable area of the principal building, whichever is less. Livable area shall not include basements.
- (3)** On residential lots greater than one-half (0.5) acre, the aggregate maximum area of all accessory buildings shall not exceed one-thousand and two hundred (1,200) square feet or seventy-five (75) percent of the livable area of the principal building, whichever is less.
- (4)** On nonresidential lots, accessory buildings that do not exceed two-hundred and fifty (250) square feet shall not require Plan Commission review prior to permitting.
- (5)** Accessory buildings shall have a maximum height of twenty (20) feet but in no instance shall exceed the height of the principal building.
- (6)** Accessory buildings shall require a certificate of zoning compliance pursuant to § 17.0803(d).
- (7)** Accessory buildings shall be located per the following:
  - a. If located entirely within the required rear yard the accessory building shall be located a minimum of five (5) feet from side and rear property lines,
  - b. If located entirely within the buildable area of the lot the accessory building shall not be located between the principal building and the front property line,
  - c. If located partially in the required rear yard and partially in the buildable area of the lot the accessory building shall maintain the required side yard setback for the full length of the property and be a minimum of five (5) feet from the rear property line, or
  - d. As permitted in § 17.0303(b) Yard Setback Modifications.
- (8)** Accessory buildings greater than or equal to one hundred sixty (160) square feet shall be accessed by a driveway pursuant to § 17.0503.
- (9)** Accessory buildings shall not have flat roofs.



Figure 4.4: Accessory Building - Permitted Locations



- (10) The exterior building materials of buildings accessory to nonresidential, mixed use, or multifamily uses shall include wood, masonry, stucco, fiber cement, stone veneer systems, EIFS, or precast panels with inlaid or stamped brick texture. Proposals to use alternative exterior building materials may be submitted as an Administrative Adjustment request per § 17.0803(b) only for accessory buildings that do not exceed 250 square feet.

**SECTION 10:** § 17.0414(b) of the Municipal Code is hereby repealed and recreated to read as follows:

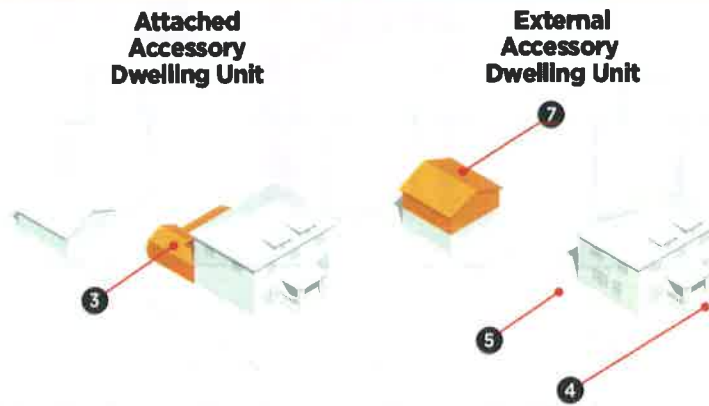
**(b) Accessory, Dwelling.**

- (1) The subject parcel's owner shall live on-site in either the principal building or accessory dwelling unit.
- (2) Accessory dwelling units shall not be greater than eight hundred (800) square feet or fifty (50) percent of the size of the principal building, whichever is less.
- (3) Accessory dwelling units shall not exceed the height of the principal building.
- (4) Accessory dwelling units may be located:
  - a. Interior to the principal building,
  - b. Attached to the principal building, or
  - c. Above an existing detached garage.
- (5) Accessory dwelling units located in the interior of a principal building are not required to have an entrance separate from the principal building's entrance, however only one (1) entrance shall be located on the front façade of the principal building. Additional entrances shall be located on the side or rear façade.
- (6) Both the principal building and the accessory dwelling unit shall be served by one (1) common driveway connecting the accessory dwelling unit to a public or private road.
- (7) Parking for the accessory dwelling unit, as required by § 17.0501, shall be in addition to the parking space(s) required for the principal building. The parking for the accessory dwelling unit shall not be

located in the required front yard setback. A tandem parking space, where one (1) car is parked behind another, with the spaces required for the principal building shall be prohibited.

- (8) Accessory dwelling units shall be similar in character to the principal building and to abutting properties including roof pitch, eaves, building materials, windows, trim, color, and landscaping.

Figure 4.5: Accessory Dwellings



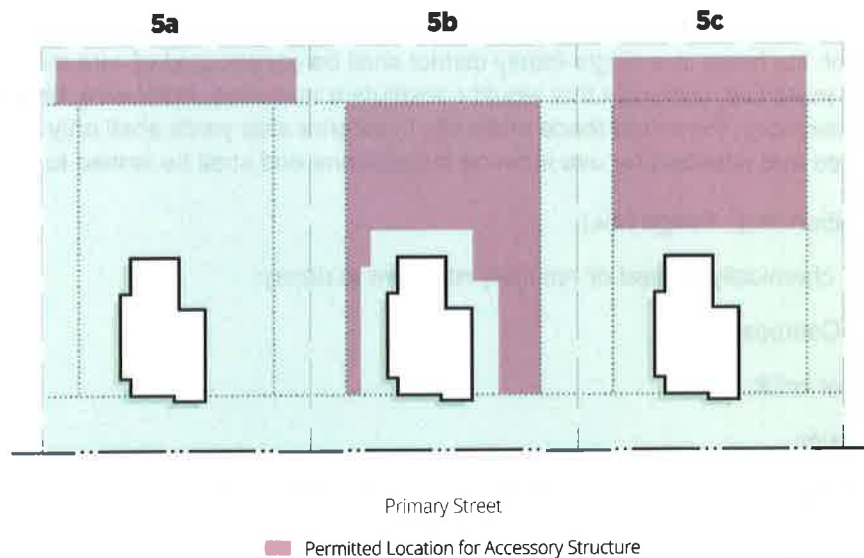
**SECTION 11:** § 17.0414(d) of the Municipal Code is hereby repealed and recreated to read as follows:

**(d) Accessory, Structure.**

- (1) Two (2) accessory structures shall be allowed per lot, and shall only be permitted after a principal structure has been constructed on the same lot.
- (2) An accessory structure shall not exceed one hundred (100) square feet on residential lots, and shall not exceed 200 square feet on nonresidential lots.
- (3) An accessory structure shall have a maximum height of twelve (12) feet.
- (4) In lieu of two (2) accessory structures on a residential lot, the Director of Community Development may approve of one (1) accessory structure not exceeding two hundred (200) square feet and meeting all other Code requirements as part of a permit application that includes a waiver signed by the landowner acknowledging that no additional accessory structures will be allowed.
- (5) In lieu of two (2) accessory structures on a nonresidential lot, the Director of Community Development may approve of one (1) accessory structure not exceeding four hundred (400) square feet and meeting all other Code requirements as part of a permit application that includes a waiver signed by the landowner acknowledging that no additional accessory structures will be allowed.
- (6) Accessory structures shall be located per the following:
  - a. If located entirely within the required rear yard the accessory structure shall be located a minimum of five (5) feet from side and rear property lines,
  - b. If located entirely within the buildable area of the lot the accessory structure shall not be located between the principal building and the front property line,
  - c. If located partially in the required rear yard and partially in the buildable area of the lot the accessory structure shall maintain the required side yard setback for the full length of the property and be a minimum of five (5) feet from the rear property line, or

- d. As permitted in § 17.0303(b) Yard Setback Modifications.

Figure 4.6: Accessory Structure - Permitted Locations



- (7) Accessory structures shall require a permit and certificate of zoning compliance pursuant to § 17.0803(d).

**SECTION 12:** § 17.0414(o)(2) of the Municipal Code is hereby repealed and recreated to read as follows:

- (2) The height of canopy solar energy collection systems shall not exceed the height of the principal building that the parking area serves.

**SECTION 13:** § 17.0415(a)(2)b. of the Municipal Code is hereby repealed and recreated to read as follows:

- b. They shall not be located closer to the front property line than the front elevation of the principal building.

**SECTION 14:** § 17.0415(c)(14) of the Municipal Code is hereby repealed and recreated to read as follows:

- (14) Prior to each instance of Mobile Food Retail Establishments/Food Truck establishment, a copy of the Mobile Food Retail Establishments/Food Truck License and written proof of the last Mobile Food Retail Establishments/Food Truck inspection date to the satisfaction of the City's Environmental Health Specialist shall be provided. If an inspection by the City's Environmental Health Specialist is required, a fee shall be provided in accordance with the adopted Fee Schedule.

**SECTION 15:** § 17.0503(a) of the Municipal Code is hereby repealed and recreated to read as follows:

- (a) Single-family attached and detached driveway standards. A single slab or ribbon driveway from the property line to legal, on-site parking shall be provided and shall be in conformance with the following criteria. A single slab or ribbon driveway and parking pad taper shall be the only permitted paved area in a front yard.

**SECTION 16:** § 17.0507 of the Municipal Code is hereby repealed and recreated to read as follows:

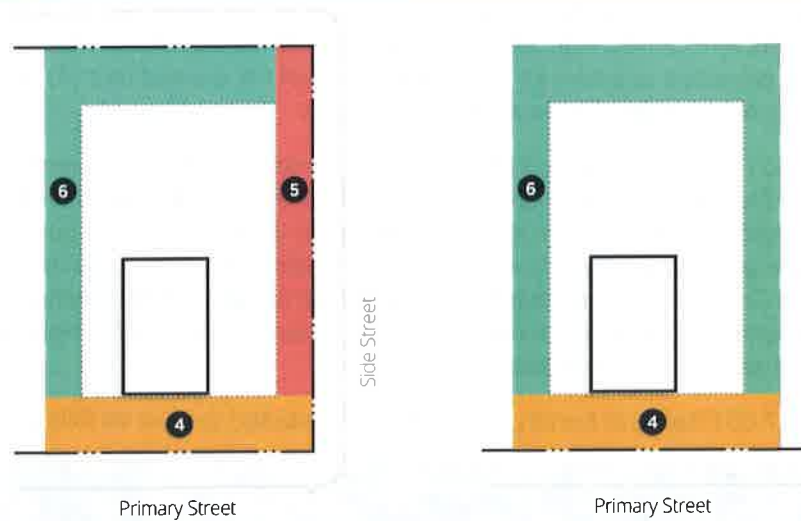
Fences are permitted in any district and may be erected provided that fences comply with the following requirements:

**(a) Single-Family Fence Standards.**

- (1) Approved Materials.** Approved materials for fences in single-family districts include wood, wood composites, stone, brick, wrought iron, aluminum, vinyl, PVC, or hedge row. Vinyl-coated chain link may be utilized in rear yards only.
- (2) Materials.** Fences shall be of non-sight barrier construction and have a minimum opacity of fifty (50) percent. No fence in a single-family district shall be constructed of wire mesh, woven wire, dangerous materials, materials that would constitute a nuisance, razor wire, or any material that conducts electricity. Permitted fence materials in exterior side yards shall only be materials which are designed and intended for use in fence installations and shall be limited to
  - a. Vegetation (e.g., hedge row);
  - b. Wood, chemically treated or naturally resistant to decay;
  - c. Wood Composites;
  - d. Stone or brick;
  - e. Aluminum;
  - f. Vinyl/PVC;
  - g. Wrought Iron; and
  - h. As approved by the Plan Commission.
- (3) Fence Direction.** The face of the sign containing posts, poles, rails, hardware, and similar features shall be directed inward toward the property on which the fence is located.
- (4) Front Yard Fences.** Fences are prohibited in front yards.
- (5) Street Facing Side Yard Fences.** Fences are permitted in the street facing side yards of corner lots in single-family districts, but shall not exceed a height of four (4) feet and shall not extend into the vision clearance triangle if located on the property line. Fences in the street facing side yards of corner lots shall not exceed a height of six (6) feet if located a minimum of ten (10) feet from the property line, and improved with a landscape area between the fence and right-of-way including plant materials as required for building foundation landscape areas as detailed in § 17.0505(3). Landscape plans shall be submitted with a fence permit application.
- (6) Side and Rear Yard Fences.** Fences are permitted, upon the issuance of a permit, in the side and rear yards of lots in single-family districts, subject to the following requirements:
  - a. Fences shall not exceed a height of six (6) feet;

- b. Fences shall not extend into the front yard;

Figure 5.1: Single Family Fence Standards



- c. Fences shall meet the requirements for street facing side yards in (5) above.
- d. No fence shall be located closer than two (2) feet to any alley right-of-way line.
- e. Fences may be allowed within other City easements as determined by the City Engineer in subsection (b) below.

**(b) Easements.** Fences in all districts shall be sited in conformance with the following:

- (1) Fences are prohibited in any Access Easement. This includes combination easements.
- (2) Fences are prohibited in Sanitary Sewer and Watermain Easements. This includes combination easements.
- (3) Fences are prohibited in Storm Sewer Easements. This includes combination easements.
- (4) The City Engineer, on a case-by-case basis, may approve the location of a fence in other easements owned or controlled by the City that are not prohibited in (1) –(3) above
  - a. If no public infrastructure is located or planned within the easement or the location of the proposed fence.
  - b. Upon verification from a submitted grading plan that grades within the easement shall not be altered and shall conform to the approved grading plan.
  - c. When a fence permit application includes the Conditions of Approval, signed by the landowner, acknowledging
    1. All labor and costs associated with the fence installation or replacement within the easement are borne by and the responsibility of the landowner.
    2. Approval of the fence does not include approval for other flow-impeding obstructions (e.g., wood piles, raised gardens, berms, etc.) within the easement.
    3. The landowner remains subject to all conditions of the easement, including removal of the fence at the landowner's expense.
    4. Any other conditions placed on the specific permit as required by the City Engineer.



(5) It is the landowner's responsibility to obtain authorization to install or replace a fence an easement that is not owned or controlled by the City. This may include, but not be limited to, Utility Easements (e.g., electric, gas, etc.), private stormwater easements, private drainage easements, private landscaping or planting easements, and similar.

(c) Agricultural and Equestrian Fence Standards. Electric Fences are permitted, upon the issuance of a building permit, in the A-1 Limited Agricultural District and the ER Equestrian Residential District only. Electric fences are permitted adjacent to the lot line and shall not exceed four (4) feet in height in the street yard or six (6) feet in height in the side and rear yard.

(d) Nonresidential Fence Standards. Security Fences are permitted, upon the issuance of a building permit, adjacent to the side and rear property lines in all commercial districts but shall not exceed eight (8) feet in height. Security Fences are permitted, upon the issuance of a building permit, adjacent to the side and rear property lines in all industrial districts but shall not exceed ten (10) feet in height. The Plan Commission shall determine, before the issuance of a building permit, on a case-by-case basis the opacity of security fences, based upon consideration of the need to screen materials and upon safety considerations.

**SECTION 17:** Table 17.0511(a)(1) is hereby repealed and recreated to read as follows:

Table 17.0511(a)(1): Allowed Exterior Building Cladding Materials					
Building Façade Elevation	Masonry (1)	Siding (2)	Concrete	Architectural Metal Panel (non-corrugated)	EIFS, Non-Textured Masonry, Phenolic Materials, Corrugated Metal Panels, Stucco, Terra Cotta
Front, Exterior Side	Min. 50-75%	Max. 50%	Textured – any % allowed / Non-textured Max. 50%	Max. 25%	Max. 15% with ¾ Plan Commission approval
Interior Side	Min. 25% / Min. 50% for 4-sided	Max. 50% for 4-sided / Max. 75%	Up to 100% with ¾ Plan Commission approval	Max. 25% for 4-sided / Max. 50%	Max. 15% with ¾ Plan Commission approval
Rear	0% / Min. 50% for 4-sided	Max. 50% for 4-sided / Max. 75%	Up to 100% with ¾ Plan Commission approval	Max. 25% for 4-sided / Max. 50%	Max. 25% with ¾ Plan Commission approval
<b>Notes</b>					
(1) Masonry includes brick, stone (cultured, stacked, stone masonry units), burnished block, textured/split-faced or decorative concrete masonry units.					
(2) Siding includes cementitious fiber board, fiber cement, wood, engineered wood, or composite.					

**SECTION 18:** Table 17.0603: Permitted Sign Types by District is hereby repealed and recreated to read as follows:

Table 17.0603: Permitted Sign Types by District											
Sign Type	Residential Districts	A-1 <sup>1</sup>	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1

<i>Permanent Signs Requiring a Permit</i>											
Wall Sign	p <sup>1</sup>	P	P	P	P	P	P	P	P	P	P
Single-Tenant Monument Sign	p <sup>1,2</sup>	P	P	P	P	P	P	P	P	P	P
Multi-Tenant Monument Sign			P	P	P	P	P	P	P	P	P
Awning or Canopy Sign		P	P	P	P	P				P	P
Projecting Sign		P	P	P		P	P			P	P
On-Site Traffic Directional Sign	p <sup>1</sup>	P	P	P	P	P	P	P	P	P	P
<i>Temporary Signs Requiring a Permit</i>											
Wall Mounted Banner Sign	p <sup>1</sup>	P	P	P	P	P	P	P	P	P	P
Ground Mounted Sign	p <sup>1</sup>		P	P	P	P	P	P	P	P	P
<i>Temporary Signs not Requiring a Permit</i>											
Sidewalk Sign		P	P	P	P	P	P			P	P
Window Sign	p <sup>1</sup>	P	P	P	P	P	P	P	P	P	P
Yard Sign	P	P	P	P	P	P	P	P	P	P	P
<i>Notes</i>											
1. Sign shall be permitted for nonresidential and multifamily uses only.											
2. Sign shall be permitted at entryways or gateways to subdivisions or residential neighborhoods on private property within easements where maintenance is the responsibility of a homeowner's association.											

**SECTION 19:** § 17.0604(b)(5) of the Municipal Code is hereby repealed and recreated to read as follows:

**(5) Location.** Single-tenant monument signs shall be located a minimum of ten (10) feet from all property lines and rights-of-way, and outside of utility easements; shall not block points of ingress or egress; or be placed in any sidewalk, pedestrian walkway, vision clearance triangle, floodplain, or wetland.

**SECTION 20:** § 17.0604(c)(5) of the Municipal Code is hereby repealed and recreated to read as follows:

**(5) Location.** Single-tenant monument signs shall be located a minimum of ten (10) feet from all property lines and rights-of-way, and outside of utility easements; shall not block points of ingress or egress; or be placed in any sidewalk, pedestrian walkway, vision clearance triangle, floodplain, or wetland.

**SECTION 21:** § 17.0605(c)(1)b. of the Municipal Code is hereby repealed and recreated to read as follows:

**b.** The maximum permitted sign area of wall-mounted banner signs in the B-4, B-6, and I-1 Districts shall not exceed five (5) percent of the total area of the face of the wall on which the sign is to be located or sixty (60) square feet, whichever is less.

**SECTION 22:** § 17.0605(d)(4) of the Municipal Code is hereby repealed and recreated to read as follows:

**(4) Location.** Single-tenant monument signs shall be located a minimum of ten (10) feet from all property lines and rights-of-way, and outside of utility easements; shall not block points of ingress or egress; or be placed in any sidewalk, pedestrian walkway, vision clearance triangle, floodplain, or wetland.

**SECTION 23:** § 17.0606(a)(4) of the Municipal Code is hereby repealed and recreated to read as follows:

**(4) Location.**

**a.** Sidewalk signs shall be placed in a manner that preserves a continuous sidewalk width of a minimum of three (3) feet.



- b. No part of any sidewalk sign shall block points of ingress or egress.
- c. Sidewalk signs shall be placed no more than one (1) foot from the wall of the building or unit of a building to which the sign is associated.
- d. Sidewalk signs shall be placed no less than three (3) feet and no more than six (6) feet from the entrance of the building or unit of a building to which the sign is associated.

**SECTION 24:** § 17.0606(c)(4) of the Municipal Code is hereby repealed and recreated to read as follows:

**(4) Location.** Single-tenant monument signs shall be located a minimum of ten (10) feet from all property lines and rights-of-way, and outside of utility easements; shall not block points of ingress or egress; or be placed in any sidewalk, pedestrian walkway, vision clearance triangle, floodplain, or wetland.

**SECTION 25:** § 17.0607(b)(1) of the Municipal Code is hereby repealed and recreated to read as follows:

**(1)** The following content is prohibited without reference to the viewpoint of the individual speaker:

- a. text or graphics of an indecent or immoral nature and harmful to minors;
- b. text or graphics that advertise unlawful activity;
- c. text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or
- d. text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words Stop, Yield, Caution, or Danger, or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

**SECTION 26:** § 17.0607(c)(3) of the Municipal Code is hereby repealed and recreated to read as follows:

**(3)** The electronic message format shall conform to the following requirements:

- a. The message shall contain a static message or image only and not have movement, or the appearance of movement, during the static display period.
- b. The transition to change from one message or image to another shall be instant, dissolve, fade, or scroll. The transition to change from one message or image to another shall not be flashing, blinking, strobing, or otherwise pose as a nuisance or threat to public safety.
- c. The message shall not change more frequently than once every thirty (30) seconds.

**SECTION 27:** § 17.0709 of the Municipal Code is hereby created to read as follows:

**§ 17.0709 Traditional Neighborhood Development (TND) Standards.**

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

**(a)** A traditional neighborhood:

- (1)** Is compact and designed for the human scale;
- (2)** Provides a mix of uses, including residential, commercial, civic, and open space uses, in close proximity to one another within the neighborhood;
- (3)** Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;

- (4) Incorporates a system of relatively narrow, interconnected streets with sidewalks and access to bicycle and transit routes, offering multiple routes for motorists, pedestrians, and bicyclists; and provides for the connections of those streets to existing and future developments;
  - (5) Retains existing buildings with historical or architectural features that enhance the visual character of the community;
  - (6) Incorporates significant environmental features into the design;
  - (7) Is consistent with the City of Oak Creek Comprehensive Plan.
- (b) **Applicability.** This ordinance applies as an alternative set of standards for development or redevelopment on sites of 20 acres or more and is identified for Mixed Use in the Comprehensive Plan, or is contiguous to an existing mixed-use development of 20 acres or more.
- (c) **Interpretation.** Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, if there is a conflict between the provisions of this subchapter and other provisions of the zoning or subdivision sections of the Oak Creek Municipal Code, this subchapter shall take precedence.
- (d) **Application and Approval Process.**
- (1) **Pre-Application Conference.** Prior to the official submission of the application for the approval of a Traditional Neighborhood Development, the Applicant shall meet with City staff to discuss the scope and proposed nature of the contemplated development.
  - (2) **Zoning Map Amendment and Planned Unit Development Review.** Following the pre-application conference, the Applicant shall submit a development plan with related applications and fees for Zoning Map Amendment (Rezone) to a Traditional Neighborhood Development District, and Planned Unit Development (PUD) approval. The requirements and review procedures in §§ 17.0703-17.0706 (as amended) shall apply. If there is a conflict between the provisions of this Section and §§ 17.0703-17.0706 (as amended), the requirements of this Section shall be in addition to §§ 17.0703-17.0706 (as amended) unless otherwise determined in writing by the Department of Community Development. The Plan Commission shall consider the Rezone and PUD request at a regular public meeting, and shall issue a recommendation to the Common Council for consideration at a public hearing in conformance with Municipal Code.
  - (3) **Planned Unit Development (PUD).**
    - a. **Development Plan Requirements.** The Development Plan for the PUD shall include the following:
      - 1. A written report containing
        - (a) The relationship of the proposed PUD to the City's adopted Comprehensive Plan, or any adopted component thereof.
        - (b) An analysis of site conditions and development objectives.
        - (c) Total area to be included in the PUD and area(s) of open space.
        - (d) All contemplated land uses within the PUD, along with the proposed intensity of use.
        - (e) Total number and types of dwelling units, including affordable units, residential density computations, demographics analysis, availability of or requirements for municipal services, and any other similar data pertinent to a comprehensive evaluation of the proposed development. (Affordable units are those in which

mortgage, amortization, taxes, insurance, and condominium/association fees, if any, constitute no more than 30% of gross annual household income for a household of the size which may occupy the unit. Rental units are considered affordable if the rent and utilities constitute no more than 30% of gross annual household income for a household of the size that may occupy the unit.)

- (f) Estimated value of structures and site improvement costs, landscaping, and special features.
  - (g) Covenants, easements, or agreements which will be used to manage and maintain the proposed development.
  - (h) Any proposed departures from the standards of development as set forth in the City zoning regulations, other City regulations or administrative rules, or other universal guidelines.
  - (i) The expected dates of commencement and completion of physical development as set forth in the proposal. If the PUD is to be developed in phases, a phasing plan setting forth the starting and completion dates of each phase shall be submitted.
  - (j) A statement indicating the type of Federal or State program being used to provide a subsidy or less-than-market (affordable) rents for the units proposed.
2. A general location map of suitable scale which shows the location of the property within the community and adjacent parcels, including locations of any public streets, railroads, major streams or rivers, and other major features within 1,000 feet of the site.
  3. Natural drainage patterns and water resources, including streams, drainage swales, ponds, lakes, wetlands, and floodplains, and proposed major changes in the above.
  4. Plans, including proposed topographic contours at two-foot intervals, with the following information:
    - (a) A legal description of the property prepared by a professional surveyor.
    - (b) Identification of the developer, if different from owner(s).
    - (c) The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public and private streets or rights-of-way; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking, loading spaces, and service access; sidewalks and other walkways.
    - (d) The size, type, and locations of proposed and existing structures that will remain. Gross square footage and height of existing structures shall be included.
    - (e) Proposed parks, open space, recreational areas, preserved areas, and areas dedicated for public uses, and percentage of overall development dedicated to each use.
    - (f) Characteristics of soils related to contemplated specific uses.
    - (g) General location of trees, vegetation, landscaping proposed or existing to remain.
    - (h) The location of street and public pedestrian lighting, including lamp intensity and height.

5. A stormwater management plan for the site in conformance with Chapter 13 of the Municipal Code (as amended).
  6. Elevations and/or conceptual renderings incorporating building materials, color schemes, dimensions, and related information for proposed commercial and multifamily residential buildings, and typical elevations of all other residential buildings.
  7. A utilities plan showing existing and proposed (public and private) underground and above ground lines and structures for water, sanitary sewers, electricity, gas, telecommunications, etc., and easements therefor.
  8. Phasing plan (if applicable).
  9. Any other information deemed necessary by the Department of Community Development in order to evaluate plans.
- (4) Site and Building Plan Review.** Detailed site, architectural, landscaping, lighting, and related plan review shall be required for the development following approval of the PUD. Architectural review shall be required for all multifamily residential dwellings with a density of four (4) or more units per structure, all mixed-use structures, and all other non-residential structures. General architectural plans detailing designs and allowed materials shall be included as part of the approved PUD for all single-family, two-family, and three-family dwellings, which do not require additional site and architectural reviews.
- (e) Ownership and Maintenance of Public Space.** Provisions shall be made for the ownership and maintenance of streets, squares, parks, open space, multimodal paths, and other public spaces in a Traditional Neighborhood Development by dedication to the City or as otherwise approved by the Common Council.
- (f) Subdivision of Land.** If the Traditional Neighborhood Development involves a subdivision and/or condominium plat as defined in Chapter 14 of the Municipal Code (as amended), the Applicant shall submit all required land division documents in accordance with the requirements of the Subdivision and Platting Code and Ch. 236, Wis. Stats. If there is a conflict between the design standards of the subdivision ordinance and the design guidelines of this ordinance, the provisions of this ordinance shall apply.
- (g) Amendments to the Traditional Neighborhood Development/PUD.**
- (1) Major Change.** Except as provided in subsection (2) below, any modifications to an approved Traditional Neighborhood Development Plan (TND) and/or PUD or any addition to or expansion of an existing TND Plan/PUD shall be considered major changes requiring separate review and approval under the provisions of Section (d) above and Section 17.0708 of the Zoning Ordinance (as amended).
  - (2) Minor Change.** A minor change is any change in the site plan or design details of an approved TND Plan/PUD which is consistent with the standards and conditions applying to the TND Plan/PUD, and which does not alter the concept or intent of the TND Plan/PUD. A minor change shall not increase the TND Plan's/PUD's density; increase the height of buildings; reduce open space; modify the proportion of housing types; change or add new parking areas; alter alignment of roads, utilities or drainage; amend final development agreements, provisions or covenants; or provide any other change inconsistent with any standard or condition imposed by the Common Council in approving the TND Plan/PUD. Said minor change may be approved by the Department of Community Development without obtaining separate approval by the Common Council. In addition, the Common Council may, after reviewing the request for a major change made by the Applicant, direct the Department of Community Development to process the request as a minor change.

**(h) TND Design Standards**

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

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

**1. Permitted Residential Uses.**

Table 17.0709(h)(1)(a)(1): Permitted Residential Uses		
Use	Minimum Density/Net Acre	Maximum Density/Net Acre
<i>Single-family Detached</i>	4 units	11 units
<i>Single-family Attached</i>		
2 units	6 units	12 units
3-4 units	6 units	12 units
5-9 units	10 units	30 units
<i>Multifamily / Senior Housing</i>	NO MINIMUM	97 units / 102 units

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

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

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

**1.** Commercial uses. Commercial uses listed below, up to 10,000 square feet in size, are permitted. Commercial uses exceeding 10,000 square feet in size shall require a Conditional Use Permit.

**(a)** Food services (e.g., grocery stores, butcher shops, bakeries, and other specialty food stores); restaurants without drive-through facilities; cafes; coffee shops; bars, taverns, microbreweries, neighborhood scale distilleries or wineries, and tasting rooms; ice cream or candy shops; and similar uses.

**(b)** Retail, excluding adult entertainment.

**(c)** Services, including financial institutions without drive-up or drive-through facilities, day care centers, veterinary services or hospitals, self-service laundry or dry-cleaner, and similar uses.

**2.** Lodging Uses. Bed and Breakfast, motels, hotels, and similar uses shall require a Conditional Use Permit.

3. Residential Uses. As listed under subsection (a)(1) above, excluding single-family detached dwellings, but including the following:
  - (a) Residential units located above commercial uses.
  - (b) Live-work units that combine a residence and workplace, provided that the residence is occupied by the owner of the business.
  - (c) Community living arrangements and assisted living facilities subject to approval of a Conditional Use Permit in conformance with Code and Statutory provisions. The status of each use in terms of density and housing type shall be determined based on the findings for the Conditional Use Permit.
4. Civic or institutional uses, with a Conditional Use Permit.
5. Open space and recreational uses:
  - (a) Central square, amphitheater, promenade, or similar outdoor gathering space.
  - (b) Neighborhood park or adjacency to regional facilities (adjacent facilities are NOT included in the minimum 30% open space requirement in subsection (c) below).
  - (c) Playground, outdoor recreational facilities, and neighborhood clubhouse facilities in conformance with Code requirements.
  - (d) Natural/open space areas.
6. Density and Intensity. Density ranges and required mix of single-family and multifamily dwelling units are as specified in Section (1)(a) above.
7. Maximum Nonresidential Area. The total land area devoted to nonresidential development, including ground floor commercial or office uses, civic buildings, and parking areas, shall not exceed 25 percent of the gross acreage of the TND.
- c. Open Space Area. At least 30 percent of the gross acreage within the TND PUD shall be designated as open space. Open spaces do not include required setback areas and rights-of-way, or impervious surfaces. Open space areas may include:
  1. Wetlands and stormwater detention/retention basins.
  2. Environmental corridors, greenways, and protected natural areas.
  3. Streams, ponds, and other water bodies.
  4. Neighborhood parks, squares, plazas, and playing fields, excluding community, regional, County, or State parks.
  5. At least 25 percent of the open space area must be common open space available for the development and/or public. At least 90 percent of all dwellings shall be located within one-quarter mile of such common open space.
- (2) Stormwater management. The design and development of the TND PUD should minimize off-site stormwater runoff, promote onsite filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the requirements of Chapter 13 of the Municipal Code.

(3) Dimensional standards. Minimum and maximum dimensions are as shown in Table 17.0709(h)(3)(d) below. These standards shall apply to both the Residential and Mixed-Use areas.

- a. Block and lot size diversity. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.
- b. Lot widths. Lot widths should create a relatively symmetrical street cross-section that reinforces the public space of the street as a simple, unified public space. Similar lot sizes and housing types should generally be located on opposite sides of a street. Lots are defined to include parcels, tracts, condominium lots, and other areas established by subdivision plat, Certified Survey Map, condominium plat, or other legal mechanism by which to define the boundaries of land for development.
- c. Standards for garages. Garages may be placed on residential lots either attached to the principal building or as a detached accessory building in conformance with the following requirements:
  - 1. The total of all accessory buildings on a lot, including attached and detached garages, shall not exceed 1,000 square feet or 75% of the livable area of the principal structure, whichever is less, and shall meet all setback requirements. There shall be a minimum setback of 5 feet to an alley unless granted a modification by the Plan Commission as part of the TND PUD.
  - 2. An attached garage shall be located to the rear of or recessed behind the primary facade of single-, two-, and three-family residences.
- d. Dimensional Standards, Traditional Neighborhood Development.

Table 17.0709(h)(3)(d): Dimensional Standards, Traditional Neighborhood Development								
Standard	Single-Family Detached (a)	Single-Family Attached (2 Units) (a)	Single-Family Attached (3-4 Units) (a)	Single-Family Attached (5-9 Units) (a)	Multifamily	Mixed Use	Nonresidential	Civic (institutional, rec.) bldgs
<b>Lot Standards (Minimum)</b>								
Lot Area	3,600 sq ft	7,200 sq ft	10,400 sq ft	17,820 sq ft	42,000 sq ft	15,000 sq ft	5,000 – 10,000 sq ft	-
Lot Width	40 ft	80 ft	116 ft	90 ft	120 ft	100 ft	75 ft	-
<b>Yard Setbacks (4)</b>								
Front								
Minimum	5 ft	10 ft	10 ft	5 ft	2 ft	5 ft	5 ft	30 ft
Maximum	15 ft	16 ft	16 ft	17 ft	-	15 ft	-	-
Side (b), (c), (e)	3 ft	5 ft	5 ft	10 ft	2 ft	10 ft	5 ft	30 – 50 ft
Side (b), (c), (e)	5 ft	5 ft	5 ft	10 ft	2 ft	10 ft	5 ft	30 – 50 ft
Rear (b)	4 ft	4 ft	4 ft	18 ft	2 ft	5 – 20 ft	15 - 25 ft	50 ft
<b>Building Standards (Maximum)</b>								
Height (d)	2.5 stories/ 35 ft	2.5 stories/ 35 ft	2.5 stories/ 35 ft	2.5 stories/ 35 ft	5 stories/ 75 ft	50 ft	50 - 55 ft	55 ft



Building Coverage (f)	70%	-	-	-	-	-	25%	25%
Lot Coverage (f)	70%	70%	70%	70%	70%	70%	70%	70%
<b>Notes:</b>								
(a) For buildings incorporating a front porch, the front setback shall be measured to the nearest point of the front porch to the lot line. Maximum front setbacks shall be measured to the front plane of the principal building to the lot line.								
(b) A reduction in the required setbacks to private alleys may be approved by the Plan Commission as part of the PUD.								
(c) For single-family detached dwellings, a minimum side yard setback of three (3) feet shall be provided for one (1) side lot line, and a minimum side yard setback of five (5) feet for the opposite side lot line.								
(d) Height modifications shall be requested in accordance with (d)(3)a(1)(viii) above and § 17.0303(a) (as amended).								
(e) Double Lot Frontage. Structures on lots abutting two (2) opposite streets shall be provided with a front setback and a rear setback. The front and side setbacks shall be determined as part of the PUD and in a manner that prohibits access to a double frontage lot from arterial streets. The selected front setback area shall be required to comply with the front setback requirements for the district in which the lot is located. The selected rear setback area shall be required to comply with the rear setback requirements for the district in which the lot is located and the rear setback area shall be screened from arterial streets with fencing or landscaping, as may be appropriate.								
(f) Standards for the gross area of the PUD.								

**(4) Circulation Standards**

**a. Objectives. The circulation system shall:**

1. Allow for multiple modes of transportation.
2. Provide functional and visual links within the residential, mixed-use, and open space areas of the TND PUD.
3. Provide multiple connections to existing and proposed external development.
4. Provide adequate traffic capacity.
5. Provide multiple connections to pedestrian and bicycle routes, including off-street bicycle or multi-use paths.
6. Control through traffic.
7. Limit lot access to streets of lower traffic volumes.
8. Promote safe and efficient mobility through the TND PUD.

**b. Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND PUD. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks in accordance with Municipal Code and Engineering Department requirements. The following provisions also apply:**

1. Sidewalks in residential areas. Clear and well-lighted sidewalks at least five feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.
2. Sidewalks in mixed-use areas. Clear and well-lighted walkways at least five feet in width shall connect all building entrances to the adjacent public sidewalk and associated parking areas.
3. Disabled accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.

4. Multimodal paths shall be designed and constructed to Municipal Code and Engineering Department requirements. Pedestrian-scale lighting of paths located outside of public rights-of-way is encouraged.
  5. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well-lit and clearly marked with contrasting paving material at the edges or with striping.
- c. Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or dedicated multimodal paths. Any existing or planned bicycle routes through the site shall be preserved or developed. Bicycle facilities may include off-street multimodal paths (generally shared with pedestrians and other non-motorized uses) and/or separate striped bicycle lanes on streets in accordance with Municipal Code and Engineering Department requirements.
- d. Transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Transit shelters, where provided, shall be well-lighted and placed in highly visible locations that provide security through surveillance.
- e. Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features, such as queuing streets, curb extensions, traffic circles, and medians, may be used to encourage slow traffic speeds.
1. Street hierarchy and design. Table 17.0709(h)(4)(f) is provided as a general guide to street design in the TND PUD. Street and right-of-way widths shall be reviewed as part of the concept plan review and shall be approved as part of the TND PUD.
  2. Arterial streets should not bisect a TND PUD, but may border a TND PUD.
  3. Alleys may be used to provide primary access to residential garages and commercial parking areas. Unless otherwise approved by the Common Council, alleys shall be under private ownership.
- f. Street Design Guidelines.

	Collector	Sub-Collector	Local Street	Alley
<i>Typical Avg. Daily Trips</i>	750 or more	250 – 750	Less than 250	-
<i>Right-of-Way</i>	75 – 90 ft	50 – 75 ft	50 – 60 ft	12 – 16 ft
<i>Auto Travel Lanes</i>	2 @ 12 ft	2 @ 10 ft	2 @ 10 ft	2 @ 8 ft or 1 @ 12 ft (1-way)
<i>Bicycle Lanes (may be required where needed)</i>	6 ft next to parking lane	4 ft without parking <sup>(1)</sup> or 6 ft next to parking lane	-	-
<i>Parking</i>	Both sides, 9 ft	One or both sides, 9 ft	One or both sides, 9 ft	None (access to drives & garages)
<i>Curb and Gutter</i>	Required	Required	Required	-
<i>Terrace</i>	Both sides, min. 8 ft	Both sides, min. 6 ft	Both sides, min. 6 ft	-
<i>Sidewalks</i>	Both sides, min. 5 ft	Both sides, min. 5 ft	Both sides, min. 5 ft	-
<i>Notes:</i>				
(1) Not including gutter requirements.				

- g.** Parking requirements. Parking areas for shared or community use should be encouraged and designed in conformance with the following:
    - 1.** In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided per Code requirements.
    - 2.** A surface parking lot or detached parking garage shall not be located adjacent to or opposite a street intersection.
    - 3.** In the mixed-use area, a parking study shall be required for all proposed commercial uses to determine parking requirements. Parking may be provided in shared or community lots within 1,000 feet of the site.
    - 4.** On-street parking directly adjacent to a community amenity may apply toward the minimum parking requirements for that amenity as part of an approved TND PUD.
    - 5.** Parking setbacks shall be in conformance with Code requirements unless modified by the Plan Commission and Common Council as part of an approved TND PUD.
    - 6.** Surface parking lots or garages shall provide bicycle parking areas in conformance with NACTO standards. Bicycle parking areas are encouraged in community areas.
  - h.** Service access. Direct access to service and loading dock areas for service vehicles should be provided, while avoiding movement through parking areas to the greatest extent possible. Alleys may be used to provide service access. Loading docks and overhead doors shall not face up on a street right-of-way.
  - i.** Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for surface parking areas.
- (5) Architectural Standards.** A variety of architectural and design features and building materials is encouraged to give each building or group of buildings a distinct character, as well as sensitivity to the surrounding context.
- a.** Standards for existing structures.
    - 1.** Existing structures, if determined to be historic or architecturally-significant, shall be protected from demolition as part of a traditional neighborhood development. The National Register of Historic Places and/or the Wisconsin State Register shall be utilized to determine protections under this Section. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally-significant structures.
    - 2.** Additions to existing structures shall adhere to all requirements of this Section, applicable Sections of the Municipal Code, and TND PUD approvals.
  - b.** Standards for new structures. All new structures shall meet the dimensional requirements in § 17.0709(h)(3)(d) above and the following:
    - 1.** Building height. To create a visually unified streetscape, buildings should be no more than 30 percent taller or shorter than the average building height on the block in mixed-use areas.
    - 2.** Entries and facades.
      - (a)** The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.

**(b)** Exterior building materials shall be traditional, time- and weather-tested materials and techniques.

**(i)** 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.

**(ii)** Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as EIFS, stone veneer systems, or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.

**(iii)** The front or principal facade of the principal building on any lot shall face a public street and shall not be oriented to face directly toward a parking lot.

**(c)** Buildings of more than 30 feet in width shall be divided into smaller regular increments through articulation of the façade. This can be achieved through variations in materials, detailing, roof lines, and elements, such as arcades, awnings, windows, and balconies.

**(d)** The ground level of any multi-story, commercial, and mixed-use structure shall be visually distinct from the upper stories through the use of an intermediate cornice line, sign band, awning or arcade, or a change in building materials, texture, or detailing.

**(e)** Porches, pent roofs, roof overhangs, hooded front doors, or similar architectural elements shall be used to define the front entrance to all residences or multifamily buildings.

**3.** Transparency for commercial and mixed-use buildings. For commercial or mixed-use buildings, a minimum of 30 percent of the front facade on the ground floor, excluding service entries, shall be transparent, consisting of window or door openings allowing views into and out of the interior. A modification of up to 50% of the transparent glazing requirement in this Section may be granted by a majority approval of the Plan Commission as part of Site and Building Plan review:

**(a)** If supplemental design elements or improvements are incorporated into the project over and above those which are otherwise required which compensate for the modification. In support of the modification request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the modification is requested.

**(b)** Supplemental design elements or improvements may include:

**(i)** Increased percentage of brick, stone, or decorative exterior building materials.

**(ii)** Sustainable building materials/elements (e.g., green roof, recycled materials, etc.).

**(iii)** Awnings and/or canopies.

**(iv)** Decorative lighting fixtures (pedestrian-level).

**(v)** Hanging planters, landscaped planter beds, free-standing moveable planters.

**(vi)** Benches and/or landscaped seating areas.

(vii) Electric vehicle charging stations, bicycle parking and repair stations, and other alternative transportation enhancements.

**(6) Site Design Standards.**

- a. Lighting standards. All plans for lighting within the TND PUD shall be designed in conformance with § 17.0509 of the Municipal Code (as amended).
- b. Standards for exterior signage. Sign number, size, height, and location in the TND PUD shall meet the requirements of Chapter 17 (as amended). A Master Sign Program shall be developed for the entire TND PUD that establishes a uniform sign theme.
- c. Landscaping and screening standards. A Master Landscape Plan shall be developed for the common areas of the TND PUD in accordance with landscaping and screening requirements in §§17.0505 and 17.0506, and the following:
  1. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger well-placed contiguous planting areas shall be preferred to smaller disconnected areas.
  2. Street trees. A minimum of one deciduous canopy tree per 80 feet of street frontage or fraction thereof shall be required. Trees may be clustered and need not be evenly spaced. Trees should preferably be located within a planting strip between the sidewalk and the curb, within a landscaped median strip, or in tree wells installed in pavement or concrete.

SECTION 28: § 17.1001(d) of the Municipal Code is hereby repealed and recreated to read as follows:

(d) Accessory Building. A structure which requires a building permit, is detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. General farm buildings are excluded from this definition.

SECTION 29: §§ 17.1001(v) through § 17.1001(kk) of the Municipal Code are hereby repealed and recreated to read as follows:

- (v) Animal Boarding Facility. See Kennel.
- (w) Animal Daycare/Recreation. A private commercial facility that provides short-term daytime care and recreational opportunities for animals, including minor grooming services, but does not include a kennel or boarding facility.
- (x) Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
- (y) Animal Shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals. Includes basic medical treatment and adoption services, but excludes surgical or onsite cremation services.
- (z) Animal Training/Therapy. A private facility that provides animal training and/or therapy/rehabilitation services, excluding surgical, kenneling, boarding, and shelter services.
- (aa) Antenna, Earth Station Dish. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites.

- (bb) **Antenna, Terrestrial.** Any antenna designed to receive television and radio signals relayed from one ground location to another ground location. Such antennas are typically mounted on a tower or support on the rooftop of a structure, or on free-standing towers.
- (cc) **Antenna.** A specific device the surface of which is used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from or to be received by other antennas, including, but not limited to the following:
  - (1) Directional (or panel) antennas, designed to receive and/or transmit signals in a directional pattern which is less than three-hundred and sixty (360) degrees, typically an arc of approximately one-hundred and twenty (120) degrees;
  - (2) Parabolic (or dish) antennas, generally bowl-shaped devices that are designed to receive and/or transmit signals in an approximate specific direction;
    - a. Microwave parabolic antennas are designed to transmit and/or receive microwave signals to or from other microwave parabolic antennas;
    - b. Satellite parabolic antennas are designed to transmit and/or receive audio and/or video or data signals from satellites orbiting the earth;
    - c. Other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communication technologies.
- (dd) **Aquaculture.** The indoor farming of fish, crustaceans, mollusks, aquatic plants, algae, and other organisms.
- (ee) **Area of Shallow Flooding.** A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- (ff) **Archery Range.** An outdoor facility that may include buildings or structures used for target practice with bows and arrows.
- (gg) **Art Gallery.** An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macramé, knitted goods, stitchery, or pottery. Art studios are may also be engaged in the creations of such art works and often offer instruction in their creation.
- (hh) **Arterial Highway.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways include freeways and expressways, state trunk and county trunk highways, and other heavily traveled streets.
- (ii) **Assembly.** When used in describing an industrial operation, the fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding, or other similar technique. Assembly shall not include the construction, stamping or reshaping of any of the component parts.
- (jj) **Audio/Video Production.** An activity, not in conjunction with adult-oriented facilities, involving the production, including scripting, recording, editing and post-production of audio and visual taped media for educational, entertainment or promotional purposes.

- (kk) Autobody or Automotive Mechanical Repair. Activities involving the repair, painting, or undercoating of the body or frame; or maintenance, servicing, or repair of automotive engines, power train, suspensions, and exhaust system on vehicles with a gross weight of ten thousand (10,000) pounds or less.

**SECTION 30:** §§ 17.1003(u) through § 17.1003(y) of the Municipal Code are hereby repealed and recreated to read as follows:

- (u) Contractor's Shop/Office. An establishment used for the indoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials, and may include the contractor's business office. Does not include outdoor storage.
- (v) Contractor's Yard. An area of a parcel on which a Contractor's Shop/Office has been approved, sited and screened in accordance with all other Code requirements, which is used for the outdoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials.
- (w) Covered Parking Facilities. Shall mean a parking facility with an overhead covering and shall include all floors, except the roof level of multilevel parking structure or ramp.
- (x) Crawlways or Crawl Space. An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.
- (y) Curb Elevation. The elevation of the established curb in front of a building or structure generally used as a reference point in establishing yard grades. Where curb has not been installed, the mean centerline elevation of the street in front of the building or structure shall be used as the reference point.

**SECTION 31:** §§ 17.1004(j) through § 17.1004(t) of the Municipal Code are hereby repealed and recreated to read as follows:

- (j) Drinking Establishment. An establishment licensed under Chapter 125, Wisconsin Statutes, in which the primary use is for the sale and consumption of fermented malt beverages or intoxicating liquors upon said premises, but does not include a full restaurant.
- (k) Drive Through. An establishment that dispenses products or services to patrons who remain in vehicles.
- (l) Driveway. Every way or area used for vehicular travel on private property adjacent to the street right-of-way.
- (m) Dry Cleaner. An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.
- (n) Dryland Access. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (o) Dwelling. A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or travel trailers.
- (p) Dwelling Unit. A group of rooms including at least a kitchen or kitchenette, sanitary facilities, and a bedroom; and providing, or intended to provide, living quarters for not more than one (1) family.
- (q) Dwelling, Multifamily Building. A residential building with multiple housing units stacked vertically and horizontally. The building has a common external entrance and units are accessed through internal entrances.



- (r) Dwelling, Multifamily Complex. A master planned development with more than two multifamily buildings on a lot.
- (s) Dwelling, Single-Family Attached. A building, also called a duplex, townhome, or rowhome, containing two (2) or more separate dwelling units that are stacked horizontally and share at least one common wall with an adjacent dwelling. Each unit has a separate external entrance.
- (t) Dwelling, Single-Family Detached. A building designed for or occupied exclusively by one (1) family, including manufactured homes.

SECTION 32: §§ 17.1005(a) through § 17.1005(h) of the Municipal Code are hereby repealed and recreated to read as follows:

- (a) Electric Vehicle Charging Station. Any building, land area, or other premises, or portion thereof, providing electric vehicle supply equipment to supply electrical power for retail charging of electric passenger and/or commercial vehicles.
- (b) Encroachment. Any fill, structure, equipment, building, use or development in the floodway.
- (c) Environmental Contractor. Offices, laboratories and support facilities for the testing or evaluation of soil, air or water, not including any on-site storage or remediation of materials.
- (d) Environmental Control Facility. Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (e) Equipment Sales and Rental. The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new or used commercial, industrial, or agricultural equipment, including, but not limited to cranes, tractors, bulldozers, graders, excavators, and other heavy equipment / machinery, as an ancillary use of a zoning lot, and any warranty repair work and other repair service conducted as an accessory use.
- (f) Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead facilities such as gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, detention basins, drainage channels, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, railroad tracks, and hydrants, but not including buildings.
- (g) Existing Manufactured Home Park or Subdivision. A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- (h) Expansion to Existing Mobile/Manufactured Home Park. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

SECTION 33: §§ 17.1006(c) through § 17.1006(ll) of the Municipal Code are hereby repealed and recreated to read as follows:

- (c) Family Entertainment Center (FEC). An indoor facility that provides attractions, games, rides, and other entertainment options marketed toward families and patrons of all ages. May include restaurant or food services. See also Indoor Amusement Park, Fun Center.
- (d) Farmers Market. The offering for sale of fresh agricultural products directly to the consumer at an open-air market.
- (e) Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program.
- (f) Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, decorate, or screen areas of land.
- (g) Fence, Security. A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling.
- (h) Financial Institution. See Bank.
- (i) Flea Market. Any premises where the principal use is the sale of new or used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered to be flea markets.
- (j) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
  - (1) The overflow or rise of inland waters,
  - (2) The rapid accumulation or runoff of surface waters from any source,
  - (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
  - (4) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (k) Flood Frequency. The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (l) Flood Fringe. That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- (m) Flood Hazard Boundary Map. A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- (n) Flood Insurance Rate Map (FIRM). A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

- (o) Flood Insurance Study. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (p) Floodplain. Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
- (q) Floodplain Island. A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (r) Floodplain Management. Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (s) Flood Profile. A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (t) Floodproofing. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (u) Flood Protection Elevation. An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: Freeboard.)
- (v) Flood Storage. That area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.
- (w) Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (x) Floor Area, Gross. The sum of the gross horizontal areas of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.
- (y) Floor Area, Net. The total of all floors areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading space; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. Very often, for ease of administration, net floor area is expressed as gross floor area minus a certain percentage. Empirically, stairwells, elevator shafts, equipment rooms, and utility rooms generally average out to about fifteen (15) percent of the gross floor area.
- (z) Food Truck. A large, motorized vehicle or trailer, equipped to cook, prepare, serve, and/or sell food.
- (aa) Food Truck Park. A permanently established area designed to accommodate multiple food trucks and offering food and/or beverages for sale to the public as the main use of the property.
- (bb) Foot-Candle. Shall mean the illumination of a surface one-foot distant from a source of light equivalent to one candle.
- (cc) Foster Home. Any facility operated by a person required to be licensed by § 48.62 Wis. Stats. that provides care and maintenance for no more than four (4) children unless all children are siblings.

- (dd) Freeboard. A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (ee) Front Lot Line. The lot line of a parcel abutting a public right of way. In the case of a corner lot, the front lot line shall be the shorter lot line.
- (ff) Front Setback. A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the front property line and the nearest foundation wall of a principal or accessory building, excluding overhangs, uncovered steps and stoops, gutters and awnings. Where the street line is an arc, the setback shall be measured from the arc.
- (gg) Front Yard. A regulated area on a developed parcel of land that extends the full length of the parcel along the front lot line.
- (hh) Frontage. The dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the dimension measured along the shoreline.
- (ii) Fuel Sales. Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing and sales of fuel for passenger vehicles.
- (jj) Fueling Plaza. Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing and sales of fuel for passenger and commercial vehicles.
- (kk) Fun Center. See Family Entertainment Center.
- (ll) Funeral Home. A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

SECTION 34: § 17.1007(f) of the Municipal Code is hereby repealed and recreated to read as follows:

- (f) General Service. Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals. General service may include, but not be limited to, hair salons, barbers, spas, dry-cleaners, laundromats, tailors/clothing alteration and repair establishments, cobblers, travel agencies, real estate agencies, and similar. Any service use otherwise listed in § 17.0304 or defined herein shall not be considered a general service use.

SECTION 35: §§ 17.1009(c) through § 17.1009(f) of the Municipal Code are hereby repealed and recreated to read as follows:

- (c) Indoor Amusement Park. See Family Entertainment Center.
- (d) Indoor Commercial Recreation Facilities. A commercial use, with or without seating for spectators, conducted entirely within a building for recreational activities including, but not limited to, playgrounds, miniature golf courses, driving ranges, batting cages, gymnasiums, tennis courts, volleyball courts, basketball courts, trampoline parks, swimming pools, billiard or pool halls.
- (e) Inspection Unit. Shall mean the building inspection unit.
- (f) Installation. Shall mean the attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device.

SECTION 36: § 17.1013(f) is hereby repealed and recreated to read as follows:

(f) Manufacturing, Heavy. The manufacturing, predominately from materials prepared on site, of products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, inclusive of basic industrial processing and custom manufacturing, but excluding concrete crushing and animal slaughter/processing. Manufacturing activities are primarily contained within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely on site or mitigated.

SECTION 37: § 17.1013(g) of the Municipal Code is hereby repealed and recreated to read as follows:

(g) Manufacturing, Light. The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building. Excludes basic industrial and animal processing, custom manufacturing, and concrete crushing.

SECTION 38: If any section, clause, provision or any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

SECTION 39: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 40: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this 1<sup>st</sup> day of November, 2022.

Passed and adopted this 1<sup>st</sup> day of November, 2022.

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

Approved this 1<sup>st</sup> day of November, 2022.

ATTEST:

\_\_\_\_\_  
Mayor

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

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

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, SEPTEMBER 27, 2022**

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

**ZONING TEXT AMENDMENT  
CITY OF OAK CREEK**

Senior Planner Papelbon provides an overview of a proposal for amendments to Articles 3, 4, 5, 6, 7, and 10 of Chapter 17 – Zoning and Sign Ordinance to clarify and update various sections (see staff report for details).

Article 3

- Mayor Bukiewicz clarified that currently the only B-6 district in the City is the area around Ikea.
- Mayor Bukiewicz asked to clarify that if an animal shelter opened in an LM-1 District it would require a Conditional Use Permit. Senior Planner Papelbon confirmed that is correct.
- Mayor Bukiewicz asked Senior Planner Papelbon to provide the definition of equipment rental. Senior Planner Papelbon stated there is a definition of Equipment Sales and Rental proposed in Article 10. Senior Planner Papelbon read the definition: “The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new or used commercial, industrial, or agricultural equipment, including, but not limited to cranes, tractors, bulldozers, graders, excavators, and other heavy equipment / machinery, as an ancillary use of a zoning lot, and any warranty repair work and other repair service conducted as an accessory use.”
- Mayor Bukiewicz asked Senior Planner Papelbon if a contractor’s shop/office be appropriate in LM-1 with a Conditional Use. Senior Planner Papelbon stated that could be problematic if they are allowed a Contractor’s Shop up front, but not a Contractor’s Yard later.
- Mayor Bukiewicz stated it would be helpful for contractors that need storage, but not the yard.
- *Mayor Bukiewicz made comments that were not audible.*
- Senior Planner Papelbon read the definition of Contractor’s Shop/Office: “An establishment used for the indoor repair, maintenance, or storage of a contractor’s vehicles, equipment, or materials, and may include the contractor’s business office. Does not include outdoor storage.”

- Commissioner Oldani asked if funeral home/crematorium would be added. Senior Planner Papelbon stated she believes that was covered by another category.

#### Article 4

##### Sec. 17.0402(a)(7)

- Mayor Bukiewicz asked if the prohibition of commercial slaughterhouses and animal processing would include butcher shops that take in game animals yearly.
- Commissioner Carrillo stated there are farmers within the City limits that are thinking about raising chickens, which would be federally mandated. Commissioner Carrillo asked if the federal mandates would make it a commercial operation. Senior Planner Papelbon stated no, federal regulations do not automatically make it commercial.
- Senior Planner Papelbon stated she would need to look into the processing of game animals, and see what clarification or distinctions can be made.
- Mayor Bukiewicz suggested taking a closer look at processing game animals.
- *Mayor Bukiewicz made comments that were not audible.*
- Mayor Bukiewicz inquired if a fish farm would be included in the prohibition of commercial slaughterhouses & animal processing facilities. Senior Planner Papelbon stated she believes fish farms are under aquaculture.

##### Sec. 17.0403(b)(7)(b), Sec. 17.0403(c)(9)(b), Sec. 17.0403(d)(2)(b) & Sec. 17.0403(e)(1)(b)

- Commissioner Chandler inquired if vinyl siding would be allowed on the whole property. Senior Planner Papelbon clarified that the upper floors could use vinyl siding, but not on the first floor. Senior Planner Papelbon read Sec. 17.0403(b)(7)(b) and stated that language is also used for multifamily complexes.
- Commissioner Chandler asked to confirm if vinyl is used on the ground floor, then it could be used on all levels. Senior Planner Papelbon stated that such was not correct, and read Sec. 17.0403(b)(7)(a). Senior Planner Papelbon clarified that it is only the upper floors that would be allowed to have vinyl siding, but the upper floors are not required to have vinyl siding.
- Commissioner Oldani asked to confirm vinyl siding cannot be used on the ground floor, but can be used on the upper floors. Senior Planner Papelbon confirmed that is correct.
- Commissioner Oldani asked if this would change any current proposals such as the development by Lakeshore Commons. Senior Planner Papelbon stated anything by Lakeshore Commons is governed by an existing PUD.
- Commissioner Oldani stated he does not really have an opinion, but thinks some people have strong opinions about it. Mayor Bukiewicz agreed with Commissioner Oldani.



- Mayor Bukiewicz asked how staff felt about this item. Senior Planner Papelbon stated staff is just presenting it for Plan Commission consideration and has no opinion.
- Commissioner Oldani asked what prompted staff to add this item. Senior Planner Papelbon stated a proposal had been received that included the use of vinyl siding. Staff is not for or against - it was added to see if Plan Commission would like to consider vinyl as acceptable. Senior Planner Papelbon stated that the Plan Commission will receive applications that present vinyl in some portion on multifamily residential buildings.
- Mayor Bukiewicz stated he strives for consistency.
- *Mayor Bukiewicz made comments that were not audible.*
- Mayor Bukiewicz stated to be fair to all the developers we should try (*inaudible*).
- Senior Planner Papelbon stated there is one more caveat that staff would like Plan Commission to consider. As currently written, a building could have all upper floors of a multifamily/multistory building as EIFS. In the previous Code, EIFS was allowed as a maximum ascent material of 25% of the façade.
- Mayor Bukiewicz stated that the EIFS worries him a little bit.
- *Mayor Bukiewicz made comments that were not audible.*
- Mayor Bukiewicz expressed concerns regarding the quality of product, installation, the look. He stated that he does not want to judge anybody's product per se, but it is a pretty big departure from the previous Code.
- Commissioner Oldani asked if previous proposals could have a certain percentage of vinyl on the second floor. Senior Planner Papelbon stated she believes multifamily residential buildings, under the previous Zoning Code, were required to have a minimum of 65% brick, masonry, and maybe glass of the visible perimeter of any façade, but vinyl was not allowed for multifamily. Senior Planner Papelbon also stated there was language built into the Code that stated the Plan Commission can modify that percentage, and has the approval authority for what buildings are approved. There were proposals that did not meet the 65% rule that were approved by Plan Commission based on allowances for other materials.
- Commissioner Oldani stated he quickly formed an opinion, and explained the City had excluded vinyl siding for a reason. Commissioner Oldani expressed concerns about having siding on these buildings five (5) years down the road, and asked members of the Plan Commission to consider why these items were left out in the first place. Mayor Bukiewicz explained that, in some cases, the products were not available when the Code was written.
- Senior Planner Papelbon stated fiber cement, thin brick, thin stone - none of those materials were allowed under the previous Zoning Code; however, there were often considerations made for utilizing something that was not a standard. There were materials standards that were presented in 2008, but that did not foresee fiber cement products, for example.

- Commissioner Carrillo stated the vinyl siding is not the same as the vinyl siding ten (10) years ago. Vinyl siding in five (5) years could look like a whole different product.
- Senior Planner Papelbon explained the other consideration is if there is a distinction between single family product and the multifamily product.
- Commissioner Oldani expressed concerns over the limitless designs available in vinyl.
- Mayor Bukiewicz stated the item regarding vinyl siding will need to be revisited. Senior Planner Papelbon stated that, at this time, vinyl siding will not be recommended for any residential building. She cautioned that EIFS is already in the Code.
- Commissioner Chandler asked Senior Planner Papelbon if EIFS is allowed on all types of buildings. Senior Planner Papelbon stated EIFS can be used on the upper floors per the current Code. Commissioner Chandler asked if there is percentage. Senior Planner Papelbon stated that there was not.
- Commissioner Chandler inquired if EIFS should be treated like the vinyl, and have the same focus area. Senior Planner Papelbon clarified that EIFS is currently allowed in the Code, so the Plan Commission would need to ask for it to be stricken.

#### Sec. 17.0414(d)

- Mayor Bukiewicz asked to confirm that the square footage of an accessory structure cannot exceed 100 square feet, and used the example of sheds. Senior Planner Papelbon clarified that a shed is an accessory building, not an accessory structure.
- Mayor Bukiewicz asked if a deck is considered an accessory structure. Senior Planner Papelbon stated no, a deck is different from an accessory structure.

#### Article 5

#### Sec. 17.0507

- Commissioner Kiepczynski clarified that the proposed easement allowances are similar to how the Engineering Department was handling fences in easements before the Zoning Code adoption earlier in 2022.
- *Commissioner Kiepczynski made comments that were not audible.*

#### Sec. 17.0511(a)(1)

- Commissioner Chandler inquired if the City has certain Codes in place that state the interior side or a side of building could not be 100% concrete, but had to be broken up by windows or something else. Senior Planner Papelbon clarified that it would be at the Plan Commission's discretion, requiring a  $\frac{3}{4}$  majority approval. Code currently requires brick or fiber cement or some other material on the side, interior side and rear. As proposed, allowing concrete up to 100% of the interior side or rear elevation does not necessarily mean that the Plan Commission is going to approve of a blank wall because that is actually

still prohibited. If the Plan Commission wanted to have an approval for a concrete tip-up wall and still have recesses, projections, windows, painting, etc., the proposed Code would allow such with the  $\frac{3}{4}$  majority approval. In the current Code, it states that textured concrete of any percentage is allowed, but non-textured is limited to a maximum of 50%.

- Commissioner Chandler requested Senior Planner Papelbon to go through the 100% rule again. Senior Planner Papelbon provided an example of an applicant in a Manufacturing Zoning District wishing to utilize a concrete tip-up wall that is painted. The proposed changes would allow the Plan Commission to approve that plan. Otherwise, the applicant would have to break that up, and would only be allowed to use half of the façade as concrete. The applicant would need to figure out how to integrate brick, stone, fiber cement, etc. on an interior or a rear side. Senior Planner Papelbon stated most rears of manufacturing are loading docks. The proposed changes would allow the Plan Commission to approve up to 100% on the interior side and the rear elevations.
- Commissioner Chandler inquired why the Plan Commission would want to do that. Senior Planner Papelbon stated the Plan Commission has approved it in the past. Mayor Bukiewicz explained if there is a building in an industrial park that is backing up to the woods or a wall that the general public is never going to see the Plan Commission could approve it.

Mayor Bukiewicz moved that the Plan Commission recommends to the Common Council that Articles 3, 4, 5, 6, 7, and 10 of Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended as proposed after a public hearing, with the language pertaining to animal processing facilities under Sec. 17.0402(a)(7) and vinyl siding on residential buildings in Sec. 17.0404(b)(7)(b), (c)(9)(b), and (e)(1)(b) excluded. 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 8:14 pm.

ATTEST:

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

10-11-22  
\_\_\_\_\_  
Date

## COMMON COUNCIL REPORT

<b>Item:</b>	S. 6 <sup>th</sup> Steet Bridge, P-40-0558, Design Contract Negotiations
<b>Recommendation:</b>	That the Common Council considers a motion to authorize the Engineering Department to enter into contract negotiations with Collins Engineers for the design services of the S. 6 <sup>th</sup> Street bridge over Branch of Oak Creek. (1 <sup>st</sup> District)
<b>Fiscal Impact:</b>	The City will be responsible for 20% of the total design costs, which is estimated to be \$28,000. The remaining 80% of the total design costs will be federally funded, up to a maximum of \$111,409.
<b>Critical Success Factor(s):</b>	<input type="checkbox"/> Vibrant and Diverse Cultural Opportunities <input type="checkbox"/> Thoughtful Development and Prosperous Economy <input checked="" type="checkbox"/> Safe, Welcoming, and Engaged Community <input type="checkbox"/> Inspired, Aligned, and Proactive City Leadership <input checked="" type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Quality Infrastructure, Amenities, and Services <input type="checkbox"/> Not Applicable

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**Background:** On July 19, 2022, the Common Council adopted Resolution No. 12349-071922 entering into a State Municipal Agreement (SMA) with WisDOT for the replacement of the bridge located on S. 6<sup>th</sup> Street, bridge over Branch of Oak Creek. The proposed improvements will include removing and replacing the existing structure and reconstructing the roadway approaches. There's an opportunity to reduce the size of the structure by removing the center median and re-align the roadway so that both directions of traffic do not have to widen out at the bridge. Now that the SMA is in place, the next step is to select a design firm and begin the design of the S. 6<sup>th</sup> Street bridge.

The Engineering Department advertised and requested that a technical proposal be submitted for the preliminary and final design of the S. 6<sup>th</sup> Street bridge over Branch of the Oak Creek. Despite having five consulting firms interested in submitting a proposal, we received one proposal for the project. The technical proposal provided consultant qualifications, references, project team, project understanding & approach, workload and schedule of tasks. In order to stay eligible for WisDOT's Local Bridge Program grant funding, the Quality Based Selection (QBS) process must be followed. Staff reviewed and evaluated the proposal from Collins Engineers and discussed with WisDOT.

The Engineering Department recommends Collins Engineers for the work based upon the firm's technical capabilities and experience with structure projects.

**Options/Alternatives:** The alternative is to not select Collins Engineers, advertise the project again, risk not completing the design within WisDOT's scheduled timeframe, and ultimately risk losing federal funding for the project.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Ashley Kiepczynski, PE  
Assistant City Engineer

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator/Comptroller

Approved:



Matthew J. Sullivan, PE  
City Engineer

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Attachments:



Meeting Date: October 18, 2022

Item No. 16

# COMMON COUNCIL REPORT

**Item:** License Committee Report

**Recommendation:** That the Common Council grant the various license requests as listed on the 11/1/2022 License Committee Report.

**Fiscal Impact:** License fees in the amount of \$555.00 were collected.

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

**Background:**

1. Grant an Operator’s license to (favorable background reports received):
  - \* Luca Hasanaj (Classic Lanes)
  - \* Laura Flesichmann
  - \* Liam P. Belmas (Classic Lanes)
  - \* Venu Vangari (Ayra’s)
  - \* Christine L. Platzer (Erv’s Mug)
  
2. Grant a Change of Agent for the Class A Combination alcohol license issued to Love’s Travel Stops & Country Stores, Inc., dba Love’s Travel Stop #432, 9650 S. 20<sup>th</sup> St., from Matthew Dettman to Hasan Hammad.

**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 October 26, 2022 Vendor Summary Report in the total of \$626,368.03.

**Fiscal Impact:** Total claims paid of \$626,368.03.

**Critical Success Factor(s):**

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

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**Background:** Of note are the following payments:

1. \$21,370.00 to Agrecol LLC (pg #1) for prairie sod on Honadel Blvd. Project #22002.
2. \$66,716.26 to Bestco UA (pg #2) for November retiree insurance.
3. \$33,887.54 to CDW Government, Inc. (pg #3) for Microsoft annual renewal.
4. \$8,675.00 to Core BTS, Inc. (pg #3) for Cisco renewal and InformaCast public address/paging.
5. \$90,675.00 to Gerber Leisure Products, Inc. (pg #5) for Orchard Hills Park playground equipment installation. Project #22002.
6. \$100,978.42 to GFL Environmental (pg #5) for October trash and recycling.
7. \$11,450.00 to Godfrey & Kahn S.C. (pg #5) for legal services regarding bluff and redevelopment of lakefront site.
8. \$7,888.15 to K-Tech Specialty Coating, LLC (pg #7) for road maintenance supplies.
9. \$78,410.00 to Landscape Structures, Inc. (pg #7) for Orchard Hills playstructures. Project #22002.
10. \$65,595.00 to Nicholas & Associates, Inc. (pg. #9) for Nicholas Dr. landscaping bond.
11. \$10,000.00 to Oak Creek Community Center (pg. #10) for summer concert series sponsorship.
12. \$9,366.15 to TriTech Software Systems (pg. #13) Unify annual maintenance fee.
13. \$55,317.06 to WE Energies (pgs #14-15) for street lighting, electricity & natural gas.

**Options/Alternatives:** None

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Rory T. Vircks  
Staff Accountant

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator/Comptroller

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Attachments: 10/26/2022 Invoice GL Distribution Report