



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

## COMMON COUNCIL MEETING AGENDA

JANUARY 17, 2023

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: 12/20/22.

### Recognition

4. **Resolution:** Consider Resolution No. 12372-011723, a Resolution of Commendation to Brian J. Anderson, retiring Fire Fighter (by Committee of the Whole).
5. **Resolution:** Consider Resolution No. 12375-011723, a Resolution of Appreciation to Michael R. Bolender, retiring Police Captain (by Committee of the Whole).
6. **Resolution:** Consider Resolution No. 12376-011723, a Resolution of Appreciation to Randall A. Knitter, retiring Police Lieutenant (by Committee of the Whole).
7. **Resolution:** Consider Resolution No. 12377-011723, a Resolution of Commendation to Thomas C. Jonson, retiring Assistant Fire Chief of Operations and Training (by Committee of the Whole).
8. **Resolution:** Consider Resolution No. 12381-011723, a Resolution of Commendation to Philip Beiermeister, retiring Environmental Design Engineer (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.*

9. **Traditional Neighborhood Development Planned Unit Development Amendment:** Consider a request submitted by F Street OCLV, LLC, for amendments to the existing Traditional Neighborhood Development Planned Unit Development (TND PUD) for Lakeshore Commons affecting the properties at 9116 and 9300 S. 5<sup>th</sup> Ave., and 4005 E. Lake Vista Parkway (4<sup>th</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. 3063, amending the Conditions and Restrictions in Ordinance 3015 for the Traditional Neighborhood Development Planned Unit Development (TND PUD) on portions of the properties at 9116 S. 5<sup>th</sup> Ave., 9300 S. 5<sup>th</sup> Ave., and 4005 E. Lake Vista Parkway (4<sup>th</sup> District).

## New Business

### COMMUNITY DEVELOPMENT

11. **Resolution:** Consider Resolution No. 12382-011723, approving a Certified Survey Map submitted by Fifth Property, LLC and the City of Oak Creek for the property at 4301 E. Depot Rd. (4<sup>th</sup> District).
12. **Resolution:** Consider Resolution No. 12383-011723, approving a Certified Survey Map submitted by Connell Aluminium Properties, LLC and the City of Oak Creek for the properties at 9100 S. 5<sup>th</sup> Ave., and 4300 E. Lake Vista Parkway (4<sup>th</sup> District).

### ENGINEERING

13. **Resolution:** Consider Resolution No. 12378-011723, accepting the workmanship of Payne & Dolan, Inc., and authorizing final contract payment under Project No. 22002 (2<sup>nd</sup> District).
14. **Resolution:** Consider Resolution No. 12379-011723, approving a Funding Agreement with MMSD for a Green Solutions project at the Oak Creek Police Department (5<sup>th</sup> District).
15. **Resolution:** Consider Resolution No. 12380-011723, approving a Funding Agreement with MMSD for a Green Solutions project at Abendschein Park (1<sup>st</sup> District).

### LICENSE COMMITTEE

16. **Motion:** Consider a motion to approve the various license requests as listed on the 1/17/23 License Committee Report (by Committee of the Whole).

### VENDOR SUMMARY

17. **Motion:** Consider a motion to approve the December 27, 2022 Vendor Summary Report in the amount of \$329,934.64. (Of this total, \$146,099.51 will affect the 2022 fiscal year, with the remaining \$183,835.13 affecting 2023.) (by Committee of the Whole).
18. **Motion:** Consider a motion to approve the January 11, 2023 Vendor Summary Report in the amount of \$1,492,144.53. (Of this total, \$729,797.76 will affect the 2022 fiscal year, with the remaining \$762,346.77 affecting 2023.) (by Committee of the Whole).

### MISCELLANEOUS

19. **Motion:** Consider a motion to convene into closed session pursuant to Wisconsin State Statutes Section 19.85, to discuss the following:
  - (a) Section 19.85(1)(c) to discuss the performance evaluation for the City Administrator.
  - (b) Section 19.85(1)(e) to consider an Amendment to TID No. 11 Finance Development Agreement and Phase III Agreement for Emerald Row Phase I, Second Amendment to TID No. 11 Finance Development Agreement and Phase III Agreement for Emerald Row Phase

II/III and TID No. 11 Finance Development Agreement for Emerald Row Phase III (Parcels A and C).

20. **Motion:** Consider a *motion* to reconvene into open session.
21. **Motion:** Consider a *motion* to take action, if required.
22. **Resolution:** Consider *Resolution* No. 12384-011723, an Amendment to Tax Incremental District No. 11 Finance Development Agreement and Phase III Agreement for Emerald Row Phase I, a Second Amendment to Tax Incremental District No. 11 Finance Development Agreement and Phase III Agreement for Emerald Row Phase II/III and a Tax Incremental District No. 11 Finance Development Agreement for Emerald Row Phase III (Parcels A and C) by and between Emerald Row LLC, Emerald Row Holdings Inc., Emerald Row II LLC, Emerald Row III LLC, Barrett/Lo Visionary Development LLC and the City of Oak Creek (2<sup>nd</sup> District).

### ***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.

**RESOLUTION 12372-011723**

**RESOLUTION OF COMMENDATION  
TO BRIAN J ANDERSON**

WHEREAS, Brian J. Anderson was appointed a Fire Fighter on December 27, 2000 and;

WHEREAS, Brian J. Anderson retired from his position as Fire Fighter effective December 20, 2022, after 21 years and 11 months of dedicated full-time service to the City of Oak Creek Fire Department; and

WHEREAS, during his years of service, Brian J. Anderson has performed his duties admirably, looking out for the health, safety, and welfare of the citizens of Oak Creek; and

WHEREAS, Brian J. Anderson responded to many major alarms utilizing his skills in firefighting and rescue with dedication and without hesitation; and

WHEREAS, Brian J. Anderson has been an Emergency Medical Technician in the State of Wisconsin, and has cared for thousands of citizens who were sick or injured, always delivering caring and skilled emergency care to them; and

WHEREAS, Brian J. Anderson served as an Acting Officer, providing supervision and leadership to his crews in the station and on emergency calls; and

WHEREAS, Brian J. Anderson served as a member of the Department's maintenance program, lending his expertise in the repair and maintenance of department equipment; and

WHEREAS, Brian J. Anderson conducted many tours and participated in fire prevention activities for the children of Oak Creek during his career; and

WHEREAS, Brian J. Anderson worked in the Inspection Bureau as Fire Inspector serving over 3 years where his dedicated work helped keep businesses, it's occupants, and other contacts safe from fire; and

NOW, THEREFORE, BE IT RESOLVED that the City's best wishes for good health and happiness be extended to Brian J. Anderson and his family in his retirement years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to Brian J. Anderson.

Passed and adopted this 17<sup>th</sup> day of January 2023.

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

\_\_\_\_\_  
Mayor, City of Oak Creek

ATTEST:

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

Vote: Ayes \_\_\_\_\_ Noes \_\_\_\_\_



RESOLUTION NO. 12375-011723  
BY: COMMITTEE AS A WHOLE

RESOLUTION OF APPRECIATION  
TO  
MICHAEL R. BOLENDER

WHEREAS, Michael R. Bolender began his employment with the City of Oak Creek on April 8, 1991, as a full-time Police Officer; and

WHEREAS, during his thirty-one years and nine months of service, Michael R. Bolender has been an integral part of the Police Department, serving as a patrol officer early in his career, then rising through the ranks as Sergeant, Lieutenant, and Captain of Operations; and

WHEREAS, Michael R. Bolender has been a valuable employee during his years of dedicated service with the Oak Creek Police Department, always striving to enhance the quality of life for the citizens of the City; and has been a model teammate for all those he has worked with and those under his command, being well known for his work ethic, his dedication to the department, and his leadership; and

WHEREAS, Michael R. Bolender received 20 combined Departmental Acknowledgements and Awards. Most notably are the Medal of Valor for rescuing occupants of a burning building, some of whom had to be carried out, Life Saving Award for saving the life of a suicidal subject on the I-94 overpass at Ryan Rd, Award of Excellence for his response to the Sikh Temple on August 5, 2012, and the Career Achievement Award; and

WHEREAS, Michael R. Bolender served with honor, passion and dedication on several sub-units of the Oak Creek Police Department: Training Unit, Emergency Response Unit, Honor Guard, Career Survival Unit, Awards Committee, Recruitment Team, Homeland Security Unit and K9 Agitator. Through Michael R. Bolender's leadership and dedication, the Oak Creek Police Department is more capable and ready to serve the citizens of Oak Creek; and

WHEREAS, Michael R. Bolender was a founding member of the Emergency Response Unit in 1992, where he served until 2007. During that time Michael R. Bolender served as Team Leader for ten years, as well as receiving thirteen team awards and achieving the rank of Master Operator. From 2007 until his retirement, he served as the Tactical Commander overseeing the Emergency Response Unit; and

WHEREAS, Michael R. Bolender began researching and created the Training Unit in 1992, where he remained active for 30 years until he retired. During this time, he attained 26 instructor certifications, some of which were even attained on his own time. He worked countless hours as a trainer, supervisor and manager of the Training Unit to ensure its success and that everyone was properly prepared to handle anything they encountered on patrol. Michael R. Bolender provided instruction to many law enforcement officers and citizens alike; furthermore, he has been a role model and mentor for all of the trainers; and

WHEREAS, during Michael R. Bolender's career with the Oak Creek Police Department, he attended and graduated from the School of Police Staff and Command through Northwestern University in 1998, attended and graduated from Marquette University with a Master's in Public Service (specializing in Criminal Justice Administration) in 2011. Michael R. Bolender has also attained many other training and law enforcement certificates, utilizing the knowledge and training he received throughout his career and willingly shared it with all members of the Oak Creek Police Department; and

WHEREAS, Michael R. Bolender is retiring from the Oak Creek Police Department after completing thirty-one years and nine months of full-time service to the City of Oak Creek.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek, for and on behalf of the citizens of the City of Oak Creek, that sincere gratitude and appreciation be extended to Michael R. Bolender for his years of professional, dedicated and faithful service to the City of Oak Creek and the Police Department, and that the best wishes for good health and happiness be extended to Michael R. Bolender and his family for future years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to Michael R. Bolender.

Passed and adopted this 17<sup>th</sup> day of January 2023.

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

Approved this 17<sup>th</sup> day of January 2023.

\_\_\_\_\_  
Mayor, City of Oak Creek

ATTEST:

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

Vote: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

RESOLUTION NO. 12376-011723  
BY: COMMITTEE AS A WHOLE

RESOLUTION OF APPRECIATION  
TO  
RANDALL A. KNITTER

WHEREAS, Randall A. Knitter began his employment with the City of Oak Creek on May 23, 1994, as a full-time Police Officer; and

WHEREAS, during his twenty-eight years and seven months of service, Randall A. Knitter has been an integral part of the Police Department, serving as a patrol officer early in his career, rising to the rank of Sergeant on February 19, 2007 and then to the rank of Lieutenant on February 28, 2011; and

WHEREAS, Randall A. Knitter has been a valuable employee during his years of dedicated service with the Oak Creek Police Department, always striving to enhance the quality of life for the citizens of the City; and has been a model teammate and supervisor for those he has worked with, being well known for his work ethic, his dedication to the department, and his leadership; and

WHEREAS, Randall A. Knitter received nineteen combined Departmental Acknowledgements and Awards. Most notably are the Exemplary Officer Award in 2005 for his continued dedication and loyalty to the law enforcement profession, a Life Saving Award in 2020 for saving a citizen's life by providing life-saving CPR, and the Award of Excellence in 2023 for his exemplary efforts and leadership over his fifteen years as a supervisor; and

WHEREAS, Randall A. Knitter served and led with honor, passion and dedication on several sub-units of the Oak Creek Police Department: K9 Unit Supervisor, Field Training Officer and Field Training Officer Supervisor, Incident Command System Coordinator, Evidence Technician and Homeland Security Unit Supervisor. Through Randall A. Knitter's tenacity, leadership and dedication, the Oak Creek Police Department is more prepared, capable, and ready to serve the citizens of Oak Creek; and

WHEREAS, Randall A. Knitter is retiring from the Oak Creek Police Department after completing twenty-eight years and seven months of full-time service to the City of Oak Creek.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek, for and on behalf of the citizens of the City of Oak Creek, that sincere gratitude and appreciation be extended to Randall A. Knitter for his years of professional, dedicated and faithful service to the City of Oak Creek and the Police Department, and that the best wishes for good health and happiness be extended to Randall A. Knitter and his family for future years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to Randall A. Knitter.

Passed and adopted this 17<sup>th</sup> day of January 2023.

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

Approved this 17<sup>th</sup> day of January 2023.

\_\_\_\_\_  
Mayor, City of Oak Creek

ATTEST:

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

Vote: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

**RESOLUTION 12377-011723**

**RESOLUTION OF COMMENDATION  
TO THOMAS C. JONSON**

WHEREAS, Thomas C. Jonson was appointed a Fire Fighter on February 13, 1995, promoted to Lieutenant on July 1, 2002, promoted to Battalion Chief on February 1, 2010 and promoted to Assistant Chief of Operations and Training on January 17, 2020; and

WHEREAS, Thomas C. Jonson retired from his position as Assistant Chief of Operations and Training effective January 6, 2023, after 27 years and 10 months of dedicated full-time service to the City of Oak Creek Fire Department; and

WHEREAS, during his years of service, Thomas C. Jonson has performed his duties admirably, looking out for the health, safety, and welfare of the citizens of Oak Creek; and

WHEREAS, Thomas C. Jonson responded to many major alarms utilizing his skills in firefighting, rescue, and incident command with dedication and without hesitation; and

WHEREAS, Thomas C. Jonson served as a founding member of the Department's paramedic program, and has cared for thousands of citizens who were sick or injured, always delivering caring and skilled emergency care to them; and

WHEREAS, Thomas C. Jonson was a founding member of the Department's Tactical Emergency Medical Service (TEMS) team, and provided medical support to police officers, citizens, victims, and/or suspects who were injured; and

WHEREAS, Thomas C. Jonson managed the Department's emergency response and communications programs, and insured that these programs addressed the needs of the community; and

WHEREAS, Thomas C. Jonson managed the Department's training program, always striving to prepare our Firefighters to perform at the highest-level during incident responses; and

WHEREAS, Thomas C. Jonson exhibited a constant motivation for the Department to provide high-quality services, always striving to continuously improve operations; and

NOW, THEREFORE, BE IT RESOLVED that the City's best wishes for good health and happiness be extended to Thomas C. Jonson and his family in his retirement years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to Thomas C. Jonson.

Passed and adopted this 17<sup>th</sup> day of January 2023.

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

\_\_\_\_\_  
Mayor, City of Oak Creek

ATTEST:

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

Vote: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

**RESOLUTION NO. 12381-011723**

**RESOLUTION OF COMMENDATION  
TO  
PHILIP BEIERMEISTER**

WHEREAS, Philip Beiermeister began his employment with the City of Oak Creek on April 1, 1996, as an Environmental Design Engineer; and

WHEREAS, Phil also served as Interim Construction Coordinator and Design Engineer in 1999; and

WHEREAS, Phil served on the Ad-Hoc committee for the creation of the City's Storm Water Master Plan and Storm Water Management Ordinance, integral to the City's ability to control the impacts of storm water runoff; and

WHEREAS, Phil has been a valuable employee during his years of dedicated service with the City of Oak Creek, positioning the City to become a regional leader in storm water and floodplain management, enhancing the quality of life within the Oak Creek community well into the future; and

WHEREAS, on January 6, 2023, Phil retired from his position as Environmental Design Engineer after serving 26 years, 9 months with the City of Oak Creek, allowing him more time to travel, fish, homebrew, and spend time with his wife, children, and many friends; and

WHEREAS, Phil has expressed his sincere appreciation for the opportunity to work with the people of Oak Creek and will miss the daily interactions with staff and elected officials;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that for and on behalf of the Citizens of Oak Creek, sincere gratitude and appreciation be extended to Philip Beiermeister for his 26 years, 9 months of dedicated service to the City of Oak Creek and that best wishes for good health and happiness be extended to Philip Beiermeister and his family in his retirement years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and the City Clerk be, and is hereby directed, to transmit a suitable copy thereof to Philip Beiermeister.

Passed and adopted this 17<sup>th</sup> day of January, 2023.

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

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

ATTEST:

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

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

TO BE PUBLISHED DECEMBER 21 & 28, 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 F Street OCLV, LLC, for amendments to the existing Traditional Neighborhood Development Planned Unit Development (TND PUD) for Lakeshore Commons affecting the properties at 9116 & 9300 S. 5<sup>th</sup> Ave., and 4005 E. Lake Vista Parkway.

**Hearing Date:**

January 17, 2023

**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):**

F Street OCLV, LLC.

**Property Owner(s):**

F Street OCLV, LLC & EDISON M BOERKE FAMILY TRUST

**Property Location(s):**

9116 & 9300 S. 5<sup>th</sup> Ave., and 4005 E. Lake Vista Parkway

**Tax Key(s):**

868-9006-000, 868-9994-002, 868-9005-000 (former)

**Legal Description of the PUD:**

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

Commencing at the West 1/4 corner of said Section 24; thence South 00°52'00" West, along the west line of said fractional Southwest 1/4, of Section 24, 601.27 feet; thence North 89°44'00" East, 60.01 feet to the east right-of-way line of South 5th Avenue and the Point of Beginning; thence continuing North 89°44'00" East, 173.78 feet; thence South 70°45'02" East, 239.78 feet to a point of curvature; thence southeasterly along the arc of a curve to the left, 88.34 feet, said curve having a radius of 262.50 feet and a chord bearing South 80°23'31" East, 87.93 feet; thence North 89°58'00" East, 423.43 feet; thence South 00°02'00" East, 2.50 feet; thence North 89°58'00" East, 33.77 feet; thence South 00°00'58" West, 303.24 feet; thence North 51°32'08" East, 39.83 feet; thence North 89°42'28" East, 54.27 feet; thence South 34°27'31" East, 80.86 feet to a point of curvature; thence southeasterly along the arc of a curve to the right, 57.06 feet, said curve having a radius of 85.00 feet and a chord bearing South 15°13'42" East, 55.99 feet; thence South 04°00'06" West, 54.84 feet to a point of curvature; thence southeasterly along the arc of a curve to the left, 292.82 feet, said curve having a radius of 232.51 feet and a chord bearing South 32°04'35" East, 273.85 feet; thence South 00°00'10" West, 102.81 feet; thence North 89°46'26" East, 190.16 feet; thence South 15°25'25" East, 75.24 feet; thence South 33°06'31" East, 40.42 feet; thence South 37°18'04" East, 27.02 feet; thence South 47°17'16" East, 18.13 feet; thence South 57°07'46" East, 130.28 feet; thence South 07°07'40" West, 25.09 feet; thence South 13°19'18" East, 85.24 feet; thence South 04°53'47" East, 83.89 feet; thence South 24°46'41" West, 150.13 feet; thence South 44°39'15"

West, 281.61 feet; thence South 63°26'16" West, 54.37 feet; thence North 79°17'03" West, 34.56 feet; thence North 47°51'32" West, 84.05 feet; thence North 59°02'00" West, 87.71 feet; thence North 86°10'59" West, 86.41 feet; thence South 55°32'39" West, 158.54 feet; thence South 30°34'55" West, 98.75 feet; thence South 05°36'08" West, 98.14 feet; thence South 41°10'59" East, 229.72 feet; thence South 71°33'44" East, 41.54 feet to a point of curvature; thence northeasterly along the arc of curve to the left, 43.12 feet, said curve having a radius of 99.00 feet and a chord bearing North 70°33'47" East, 42.78 feet; thence North 58°05'03" East, 23.59 feet to a point of curvature; thence northeasterly along the arc of a curve to the left, 78.45 feet, said curve having a radius of 99.00 feet and a chord bearing North 35°23'03" East, 76.41 feet; thence North 12°41'03" East, 65.33 feet to a point of curvature; thence northeasterly along the arc of a curve to the right, 31.97 feet, said curve having a radius of 113.00 feet and a chord bearing North 20°47'18" East, 31.86 feet; thence North 28°53'33" East, 3.14 feet to a point of curvature; thence northeasterly along the arc of a curve to the right, 96.63 feet, said curve having a radius of 125.00 feet and a chord bearing North 51°02'22" East, 94.25 feet; thence North 73°11'10" East, 82.38 feet to a point of curvature; thence northeasterly along the arc of a curve to the left, 34.72 feet, said curve having a radius of 49.00 feet and a chord bearing North 52°53'21" East, 34.00 feet to a point of reverse curvature; thence northeasterly along the arc of a curve to the right, 216.32 feet, said curve having a radius of 501.00 feet and a chord bearing North 44°57'43" East, 214.64 feet; thence North 57°19'53" East, 38.90 feet; thence North 56°14'47" East, 69.80 feet to a point of curvature; thence northeasterly along the arc of a curve to the left, 145.50 feet, said curve having a radius of 149.00 feet and a chord bearing North 28°16'17" East, 139.79 feet; thence North 00°17'46" East, 66.20 feet to a point of curvature; thence northwesterly along the arc of a curve to the left, 21.30 feet, said curve having a radius of 99.00 feet and a chord bearing North 05°52'07" West, 21.26 feet; thence North 12°02'01" West, 19.65 feet to a point of curvature; thence northwesterly along the arc of a curve to the right, 93.98 feet, said curve having a radius of 501.00 feet and a chord bearing North 06°39'35" West, 93.84 feet; thence North 01°17'09" West, 14.52 feet to a point of curvature; thence northeasterly along the arc of a curve to the right, 70.03 feet, said curve having a radius of 101.00 feet and a chord bearing North 18°34'36" East, 68.63 feet; thence North 38°26'21" East, 24.25 feet to a point of curvature; thence northeasterly along the arc of a curve to the right, 45.02 feet, said curve having a radius of 76.00 feet and a chord bearing North 55°24'40" East, 44.37 feet; thence North 72°22'58" East, 72.65 feet; thence South 17°37'25" East, 395.46 feet to a point of curvature; thence southwesterly along the arc of a curve to the right, 827.86 feet, said curve having a radius of 470.00 feet and a chord bearing South 32°50'12" West, 724.91 feet to the north right-of-way line of E. Lake Vista Boulevard; thence South 89°46'26" West, along said north line, 1,524.60 feet to said east right-of-way line of South 5th Avenue; thence North 47°24'59" West, along said east line, 11.86 feet; thence North 14°34'27" West, continuing along said east line, 69.35 feet; thence North 09°54'46" West, continuing along said east line, 53.16 feet; thence North 00°52'00" East, continuing along said east line, 1,886.36 feet to the Point of Beginning.

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

The Common Council has scheduled other public hearings for January 17, 2023 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: December 14, 2022  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

### **PUBLIC NOTICE**

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

## COMMON COUNCIL REPORT

**Item:** Traditional Neighborhood Development Planned Unit Development Amendment – Lakeshore Commons - 9116 S. 5<sup>th</sup> Ave., 9300 S. 5<sup>th</sup> Ave., and 4005 E. Lake Vista Parkway

**Recommendation:** That the Council adopts Ordinance 3063, an ordinance to amend the Conditions and Restriction in Ordinance 3015 for the Traditional Neighborhood Development Planned Unit Development (TND PUD) on portions of the properties at 9116 S. 5<sup>th</sup> Ave., 9300 S. 5<sup>th</sup> Ave., and 4005 E. Lake Vista Parkway.

**Fiscal Impact:** Fiscal impact from assessed value, permit and review fees, and impact fees may occur with the proposed change from single-family attached villas to townhomes along Lake Vista Parkway. Concerns have been raised for the protection and maintenance of public infrastructure with some of the proposed amendments, which have the potential for creating a negative fiscal impact (in addition to not meeting the original design intent of the PUD). More details are in the staff report below. These properties are located in TID 13.

**Critical Success Factor(s):**

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

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**Background:** The Lakeshore Commons Traditional Neighborhood Development Planned Unit Development (TND PUD) was approved with conditions and restrictions adopted by the Common Council October 5, 2021. Construction of the public infrastructure, including roads and utilities, for Phase 1 is complete. Private development of the residential buildings and alleys is currently in progress. However, the Applicant is requesting several amendments to the TND PUD as a result of implementing the requirements during construction.

1. **Setbacks.** Amendments to the setbacks for Single-Family Detached and all Single-Family Attached unit types are requested. Current requirements are per the table below. Applicant-requested changes are in bold text with yellow highlights. Staff-proposed changes are in bold text with light blue highlights. (Note: the format of the table will be slightly different in the Conditions and Restrictions as it follows the format of the adopted Code.)

**Dimensional Standards, Traditional Neighborhood Development**

	Min. lot size	Min. lot width	Front yard setback	Rear yard setback <sup>b</sup>	Side yard setback <sup>b, c, e</sup>	Height <sup>4</sup>
			Min-Max	Minimum	Minimum	Max
Single-family detached <sup>a</sup>	3600 sf	40 ft	5 - 15 ft 5 - 20 ft	4 ft	3 ft - 5 ft 3 ft	2.5 stories / 35 ft
Single-family attached (2 units) <sup>a</sup>	7200 sf	80 ft	10 - 16 ft 5 - 20 ft	4 ft	5 ft 3 ft	2.5 stories / 35 ft
Single-family attached (3-4 units) <sup>a</sup>	10,400 sf	116 ft	10 - 16 ft 5 - 20 ft	4 ft	5 ft 3 ft	2.5 stories / 35 ft
Single-family attached (5-9 units) <sup>a</sup>	17,820 sf	90 ft	5 - 17 ft 5 - 25 ft	18 ft 4 ft	10 ft 3 ft	3 stories / 35 ft
Multifamily	42,000 sf	120 ft	2 - / ft	2 ft	2 ft	5 stories / 75 ft
Mixed Use	15,000 sf	100 ft	5 - 15 ft	5 - 20 ft	10 ft	50 ft
Nonresidential	5000 - 10,000 sf	75 ft	5 ft	15 - 25 ft	5 ft	50 - 55 ft
Civic (institutional, rec.) buildings	N/A	N/A	30 ft	50 ft	30 - 50 ft	55 ft

- a. For buildings incorporating a front porch, the front setback shall be measured to the nearest point of the front porch to the lot line. Maximum front setbacks shall be measured to the front plane of the principal building to the lot line.
  - *Staff-proposed change: Minimum front setbacks to the property line shall be maintained for porches inclusive of stairs, raised planters, foundations, and buildings. Maximum front setbacks shall be measured from the front plane of the principal building to the lot line. There shall be no encroachments into municipal easements unless written authorization is received from the City Engineer.*
- 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.
  - *Staff-proposed change: There shall be a minimum distance of eight (8) feet between buildings. Side setbacks shall not be less than (3) feet on any side.*
- d. Height modifications shall be requested in accordance with (d)(3)a(1)(viii) above and Sec. 17.0601 (as amended).
- e. Double Lot Frontage. Structures on lots abutting two (2) opposite streets shall be provided with a front setback and a rear setback. The front and side setbacks shall be determined as part of the PUD and in a manner that prohibits access to a double frontage lot from arterial streets. The selected front setback area shall be required to comply with the front setback requirements for the district in which the lot is located. The selected rear setback area shall be required to comply with the rear setback requirements for the district in which the lot is



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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** (added per adopted Code).

2. Exhibits. Most of the exhibits in the existing PUD are proposed to be updated.

- a. Exhibit 1, General Development Plan – depicts the changes from the villas to the 8-unit and 6-unit townhomes on the northwest, and modifications to the building layouts for the A8.1 and A7.3 multifamily buildings. A significant change is being proposed to the A7.3 (formerly A8) building on the south. Whereas the adopted General Development Plan illustrates an “L” shaped building fronting on Lake Vista Boulevard, the proposed plan shows a single rectangular building perpendicular to Lake Vista Boulevard (with a minimum front setback of only 2 feet) and an unscreened parking area along the public street frontage. It is inconsistent with the design intent of the TND Zoning District and PUD to have parking lots, especially those that offer little-to-no screening, be located so prominently along the main public street serving as the entrance to Lake Vista and Bender Parks. Staff understands that the economics of constructing these buildings require thoughtful design changes to make them economically feasible. However, staff is not supportive of the General Development Plan changes to A7.3 as they are not consistent with the original design intent of the PUD and Municipal Code. It is recommended that the approval of the PUD amendment, including the General Development Plan, not include the changes to the A7.3 building as proposed.
- b. Exhibits 2.1 – 2.13, Design & Character of Building Typologies - include additional villa designs and the modifications to the A9 multifamily buildings approved by the Plan Commission August 9, 2022.
- c. Exhibit 3, Unit Types & Density Standards by Phase – updated to reflect the changes to the northwest units. Staff note that the table has not been updated, however.
- d. Exhibit 4, Proposed Open Space & Neighborhood Amenities – this Exhibit has been updated primarily to reflect the removal of one (1) seating area and potential locations for development signs. Staff recommend that the potential sign locations be removed as they are included in a separate Exhibit.
- e. Exhibits 6.1 – 6.4, Circulation and Cross Sections (Roads, Alleys) – updated per staff comments regarding legibility and requirements. Staff recommend that road names be included on the Exhibits as they have been finalized since the original Exhibit was created. Due to the change from the single-family attached villas to the 6-unit and 8-unit townhomes in the northwest corner along Lake Vista Parkway, the alley must maintain a full paved width per Fire Codes. Exhibit 6.4 should be updated to reflect this change, which will also require future Plan Commission Site and Building Plan reviews.
- f. Exhibits 7.1 and 7.2, Materials – no changes proposed. Staff recommend that specific fencing materials be added to Exhibit 7.1, and that board-formed/textured/decorative concrete for foundations only be added for Exhibit 7.2.

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- g. Exhibit 8, Development Signage – depicts the changes to the northwest, and shows updates to potential locations for development monument signs based on staff comments. However, staff have concerns for the number of signs proposed, some of the potential locations for secondary or building-specific signs, the notes, and the designs of the primary and secondary signs themselves. While the Conditions and Restrictions specify that a Master Sign Plan approved by the Plan Commission is required for the development, this Exhibit only refers to administrative approvals. Staff recommend that only the potential locations for the primary and secondary signage be shown, with notes updated to reflect that all signs require review and approval by the Plan Commission as part of a Master Sign Plan. Finally, the proposed design of the signs should be revised to incorporate a masonry base in conformance with Sign Code requirements.
  - h. Exhibit 9, Snow Storage Areas – updated with alley information. As mentioned above, road names should be shown.
  - i. Exhibit 10, Proposed Private Fence and Trash/Recycling Storage Diagram – updated for all single-family and multifamily villas. Staff note that the villa example incorrectly shows the driveway and alley snow storage zone as being 7 feet when it is the same depth as the 4-foot setback.
  - j. Exhibits 11.1 – 11.10 – added to show setback diagrams for all areas and proposed buildings within the PUD. Staff note that these diagrams will need to be updated should the Council recommend approval of staff’s setback language.

Included with this report are proposed Amended Conditions and Restrictions included for Council consideration. After careful review at the November 22, 2022 meeting, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

**Options/Alternatives:** Council has the discretion to modify the proposed Conditions and Restrictions as part of the approval of the Planned Unit Development Amendment, or deny the request.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Kari Papelbon, CFM, AICP  
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. 3063

Location Map

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Excerpted Plan Commission Minutes (3 pages)

Narrative Memo dated 11-2-22 (3 pages)

PUD Exhibit Revision List (2 pages)

Proposed Exhibits (36 pages)

Proposed Amended Conditions and Restrictions (13 pages)

ORDINANCE NO. 3063

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

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 3018 FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENT PLANNED UNIT DEVELOPMENT (TND PUD) ON PORTIONS OF THE PROPERTIES AT 9116 S. 5<sup>th</sup> AVE., 9300 S. 5<sup>th</sup> AVE., and 4005 E. LAKE VISTA BLVD.

(4<sup>th</sup> Aldermanic District)

WHEREAS, on October 5, 2021, the Oak Creek Common Council adopted Ordinance No. 3018, approving the rezone of properties located at 4001 E. Lake Vista Pkwy., 9300 S. 5<sup>th</sup> Ave., 4200 E. Lake Vista Blvd. (now known as 9116 S. 5<sup>th</sup> Ave., 9300 S. 5<sup>th</sup> Ave., and 4005 E. Lake Vista Parkway) to Traditional Neighborhood Development Planned Unit Development (TND PUD); and

WHEREAS, that ordinance affected the following legally described properties;

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

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

of curvature; thence northeasterly along the arc of a curve to the left, 34.72 feet, said curve having a radius of 49.00 feet and a chord bearing North 52°53'21" East, 34.00 feet to a point of reverse curvature; thence northeasterly along the arc of a curve to the right, 216.32 feet, said curve having a radius of 501.00 feet and a chord bearing North 44°57'43" East, 214.64 feet; thence North 57°19'53" East, 38.90 feet; thence North 56°14'47" East, 69.80 feet to a point of curvature; thence northeasterly along the arc of a curve to the left, 145.50 feet, said curve having a radius of 149.00 feet and a chord bearing North 28°16'17" East, 139.79 feet; thence North 00°17'46" East, 66.20 feet to a point of curvature; thence northwesterly along the arc of a curve to the left, 21.30 feet, said curve having a radius of 99.00 feet and a chord bearing North 05°52'07" West, 21.26 feet; thence North 12°02'01" West, 19.65 feet to a point of curvature; thence northwesterly along the arc of a curve to the right, 93.98 feet, said curve having a radius of 501.00 feet and a chord bearing North 06°39'35" West, 93.84 feet; thence North 01°17'09" West, 14.52 feet to a point of curvature; thence northeasterly along the arc of a curve to the right, 70.03 feet, said curve having a radius of 101.00 feet and a chord bearing North 18°34'36" East, 68.63 feet; thence North 38°26'21" East, 24.25 feet to a point of curvature; thence northeasterly along the arc of a curve to the right, 45.02 feet, said curve having a radius of 76.00 feet and a chord bearing North 55°24'40" East, 44.37 feet; thence North 72°22'58" East, 72.65 feet; thence South 17°37'25" East, 395.46 feet to a point of curvature; thence southwesterly along the arc of a curve to the right, 827.86 feet, said curve having a radius of 470.00 feet and a chord bearing South 32°50'12" West, 724.91 feet to the north right-of-way line of E. Lake Vista Boulevard; thence South 89°46'26" West, along said north line, 1,524.60 feet to said east right-of-way line of South 5th Avenue; thence North 47°24'59" West, along said east line, 11.86 feet; thence North 14°34'27" West, continuing along said east line, 69.35 feet; thence North 09°54'46" West, continuing along said east line, 53.16 feet; thence North 00°52'00" East, continuing along said east line, 1,886.36 feet to the Point of Beginning.

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

WHEREAS, F Street OCLV, LLC, is now requesting that the conditions and restrictions adopted pursuant to Ordinance No. 3018 be amended for setbacks and updated PUD Exhibits; and

WHEREAS, the Plan Commission reviewed the application and had recommended that the application be approved subject, however, to the imposition of certain conditions and restrictions upon the construction, location and operation of this TND PUD, and which conditions and restrictions are incorporated by reference into this ordinance (Exhibit A); and

WHEREAS, the Common Council held a public hearing on said application on January 17, 2023, at which time all interested parties appeared and were heard; and

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 Conditions and Restrictions adopted pursuant to Ordinance No. 3018 affecting the lands hereinabove described are amended per Exhibit A.

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

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

SECTION 5: The ordinance shall take effect immediately upon its passage and publication.

Passed and adopted this 17th day of January, 2023.

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

Approved this 17th day of January, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

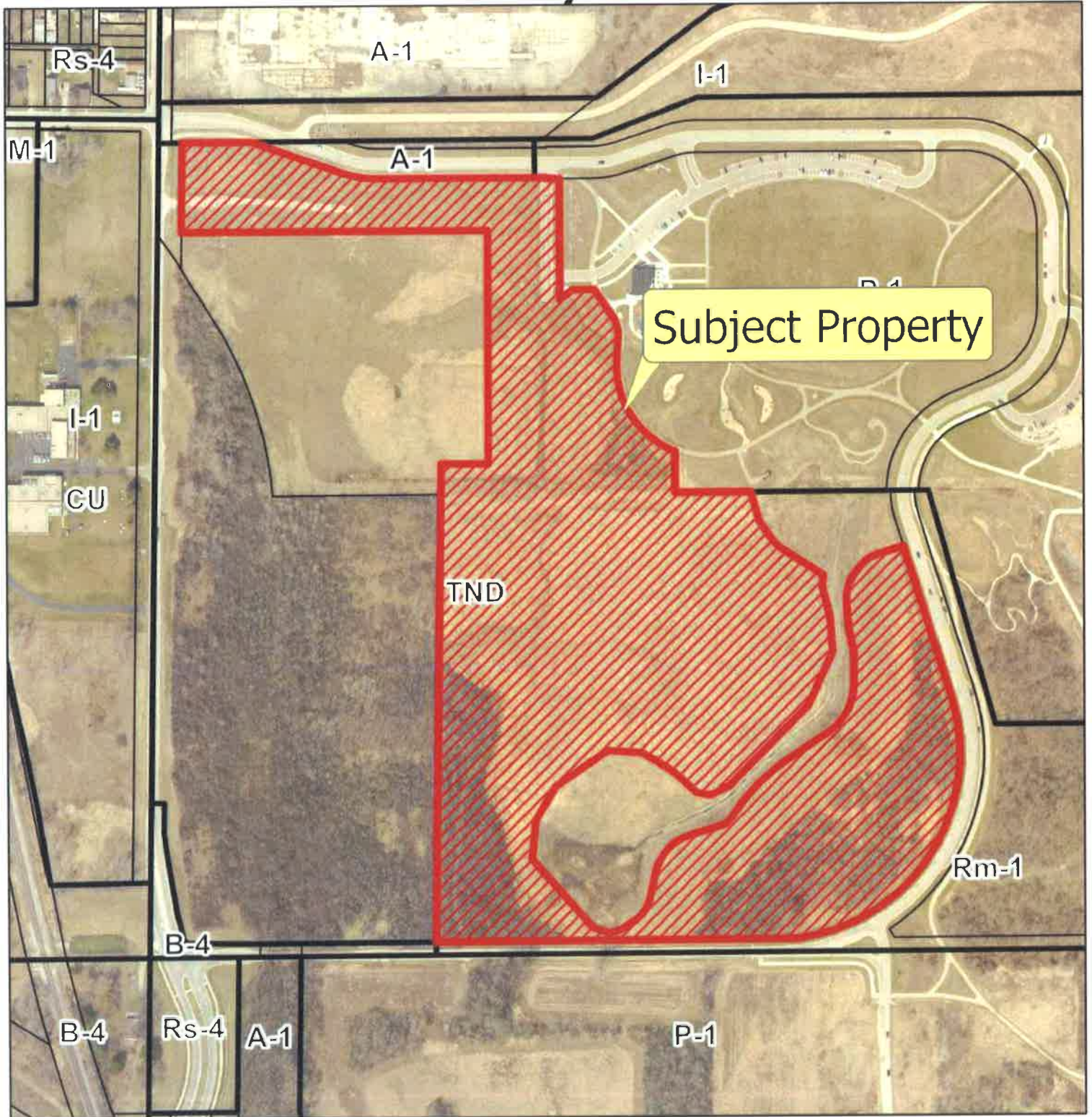
EXHIBIT A: CONDITIONS AND RESTRICTIONS

TO BE HANDED OUT SEPARATELY



# Location Map

## 4005 E. Lake Vista Pkwy.



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



### Legend

-  Zoning
-  Official Street Map
-  Floodway
-  Flood Fringe
-  Parcels
-  4005 E. Lake Vista Pkwy.



**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, NOVEMBER 22, 2022**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Doug Seymour, Community Development Director, and Assistant Fire Chief Havey.

**PLANNED UNIT DEVELOPMENT AMENDMENT  
JOSH LURIE, F STREET DEVELOPMENT GROUP  
7433 S. 10<sup>TH</sup> ST. AND 7300 S. 13<sup>TH</sup> ST.  
TAX KEY NO. 868-9005-000**

Community Development Director Seymour provided an overview of amendments to the existing Lakeshore Commons Planned Unit Development affecting the property at 4005 E. Lake Vista Parkway (see staff report for details). The main discussion focused on the requested setback changes and proposed alley widths.

Mr. Griswold explained that with the change from single-family homes to larger townhome buildings in the northwest corner of the development, the population density will increase, and will require full sprinkler systems. Furthermore, the City's request for a 20-foot alleyway between buildings could be fulfilled. Mrs. Monachos added the proposed 16-foot alleys were never intended for fire access; early discussions were had for all fire access being from the front of the buildings. Director Seymour countered with explaining the location of a detention basin between the front setback and the public street would cause access issues for the fire department from the public street. Director Seymour went on to explain the proposed four (4)-foot-wide apron along a 16-foot-wide alley, was never intended for supplemental parking and would make the alley too narrow to uphold the minimum required width needed. Assistant Fire Chief Havey reminded the Commission the Fire Department does not have the authority to review plans for single-family houses but will be involved in the development of the multi-family townhome buildings as the original plans and therefore the hazard risks have changed. Assistant Chief Havey went on to explain that although the townhomes will be fully sprinkled, sprinklers are designed to just suppress any fire until the Fire Department arrives to fully extinguish any fire. Additional fire equipment and the state-regulated 20 feet of unobstructed access will now be needed on the townhomes to maintain safety in this proposed neighborhood.

Director Seymour then briefly reviewed the remainder of the exhibits showing proposed building materials, signage, snow removal locations, fence and trash/recycling locations, setback diagrams, as well as a copy of the draft amendment.

Commissioner Hannah asked if there is any space between the townhome units to which Mrs. Monachos and Mr. Griswold explained the differences between the single-family and multi-family designs (*other comments were inaudible*). Commissioner Hannah then asked how far apart the townhome buildings can be to which Mrs. Monachos answered 25 – 35 feet and then explained the three (3) different townhome layouts. Commissioner Hannah then asked

if there is any concern from the fire department about access to the townhome units in the middle of the building, as there is no space between units. Assistant Chief Havey explained that the Fire Department will have the ability to gain access at the front of rear of a unit. Mayor Bukiewicz stated his support of the 20-foot-wide alleyway then asked if the setbacks staff requested are incorporated into the new conditions and restrictions (*other comments were inaudible*). Director Seymour answered in the affirmative; reiterating the space between the foundations of the single-family homes will be 10 feet, with porches, planters, stairs able to encroach to within five (5) feet of the next property. Mayor Bukiewicz then asked if the planter boxes will be right up to the sidewalk edge, as shown in some of the renderings. Mrs. Monachos answered the planters would be an upgrade option for buyers, but they would be set off the sidewalks by five (5) feet. Mr. Griswold then spoke to the difficulties of the topography of the site being a reason behind the setback requests (*other comments were inaudible*).

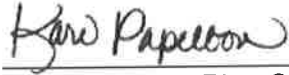
Mayor Bukiewicz then asked if there would be a way for the City to ensure cars will not be parked in the alley. Director Seymour answered the developer and management company would have to enforce those regulations. Alderman Guzikowski stated his support for the 20-foot-wide alley. Commissioner Oldani asked for clarification on what is being disputed regarding the alley widths. Director Seymour confirmed that staff is requesting unobstructed 20-foot-wide alleys to meet code, while the applicant proposed 16-foot-wide alleys with four (4)-foot aprons along the side, which may be obstructed with garbage containers or cars. Commissioner Siepert supported the wider alleyways to support the Fire Department and safety, asked how visitor parking will be handled, and stated his concern over the tight space in the development. Director Seymour explained the public streets will have ample opportunities for visitors to park. Mr. Griswold explained each home will have a two (2) car garage (*other comments were inaudible*). Commissioner Siepert explained his parking concern, stating Howell Avenue has a similar housing development with no basements and the garages are used for storage, not parking. Mr. Griswold went on to explain there is six (6) to eight (8) feet in each proposed garage for storage (*other comments were inaudible*). Director Seymour noted the Howell Avenue development has driveways, making street parking limited, as the Lakeshore Commons development would not, making street parking more available. Commissioner Siepert then asked what the winter parking and alley snow removal would be handled. Mrs. Monachos answered the private alleys will be cleared to the designated snow storage areas. Commissioner Siepert then asked if the streets will be maintained by the City to which Director Seymour answered in the affirmative, for the public streets.

Director Seymour then stated the proposed minimum setback of two (2) feet for the larger multi-family residences in the southwest corner of the property is not appropriate for this development. Mayor Bukiewicz's then commented on setbacks, topography, and parking restrictions (*most were inaudible*).

Alderman Loreck moved that the Plan Commission recommends that the Common Council approve the amendments to the Lakeshore Commons Traditional Neighborhood Development Planned Unit Development (TND PUD) for the properties at 9116 & 9300 S. 5<sup>th</sup> Ave., and 4005 E. Lake Vista Parkway after a public hearing and subject to conditions and restrictions. Alderman Guzikowski seconded. Commissioner Siepert voted no, all others on roll call: voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:07 pm.

ATTEST:



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

12-13-22

\_\_\_\_\_  
Date

## MEMORANDUM

DATE: 11/02/2022

TO: City of Oak Creek, Community Development  
Attn: Kari Papelbon  
8040 South 6th Street  
Oak Creek, WI 53154

CC: Katie Monachos – RINKA

PROJECT: Lakeshore Commons

PROJECT NO.: 190125

RE: Amendment to PUD & Zoning Text Amendment - Narrative

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The below changes are being requested for the Lakeshore Commons – Traditional Neighborhood Planned Unit Development (PUD) General Development Plan and Conditions and Restrictions, approved by Plan Commission on 9/28/21, and Common Council on 10/5/21, ord #: 3018.

### Changes include:

1. Refer to Lakeshore Commons – PUD Exhibit Revisions List for revisions to individual exhibit sheets.
2. Modifications to setbacks for Single-Family, Attached Villa Homes, and Phase 1 Townhomes. The design and dimensions of the primary structures have not changed since initial coordination with the City, PUD, and Zoning Text Amendment. The requested changes are outlined below:
  - Single-family detached
    - The design intent is maintained and has not changed, the front yard setback is increased for a max of 20'. This allows for slightly more flexibility in the placing of the homes, and reduces the potential buildable area.
    - The side yard setback is reduced to a minimum of 3' on either side of the home. The homes do not increase in width, but rather the home can shift to the left or right, in order to better site the homes, working efficiently with grading and neighboring properties conditions.
  - Single-family attached (2, 3, and 4 units)
    - The design intent is maintained and has not changed, the front yard setback is intended to match that of the single-family detached category. The attached-villa homes are essentially the same house types as the single-family, with the only difference being the attached-garages, with a shared demising wall. Because the home types / floor plans are the same, it is only natural that the setbacks would also be the same. The attached villa setback diagram provided previously was intended to show how the attached garages functioned. The one instance illustrated should have provided a larger range of setbacks, to meet the conditions of all home types and combinations.
    - The side yard setback is reduced to a minimum of 3' for continuity, and the same reason requested for single-family detached above.
  - Single-family attached (5-9 units)
    - The design intent is maintained and has not changed, the front yard setback is increased for a max of 25'. This allows for slightly more flexibility in the placing of the structure. The A9 block was initially intended as one block that housed (2) multi-family, and (4) townhome buildings. Since the PUD was written, these areas were divided into separate lots, with separate funding sources, construction teams, etc. The design and dimensions of the primary structure have not changed. The design coordinates with the Master and Residential Plats approved by the City.

- The rear yard setback is reduced to a minimum of 4'.  
The original design offered an 18' parking pad behind the garages of each of the townhomes. Through grading coordination with the civil engineer, the 12 east-facing townhomes had to shift westward to avoid the need for retaining walls along the AEBA area. This eliminated the parking pad behind the east-facing townhomes, and now offers a standard 4' apron, similar to the condition at single-family and attached-villa homes. Additional visitor parking is provided for this reduction in parking quantity.  
Similar flexibility is requested at the newly proposed Lake Vista Parkway facing townhomes to the north.
- The side yard setback is reduced to a minimum of 3' for continuity, and the same reason requested for single-family detached and attached homes above. Additional visitor parking has been provided to offset this reduction.
- There is also a request to provide confirmation that raised planters and stairs leading up to front porches can encroach the setbacks. Refer to below Q/A for additional information.
- A mark-up of the previous zoning setback chart is provided below, for reference:

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

	Min. lot size	Min. lot width	Front yard setback	Rear yard setback <sup>b</sup>	Side yard setback <sup>b,c,e</sup>	Height <sup>d</sup>
			Min-Max	Minimum	Minimum	Max
Single-family detached <sup>a</sup>	3600 sf	40 ft	<del>5'-20'</del> 5 - 15 ft	4 ft	<del>3'</del> 3 ft - 5 ft	2.5 stories / 35 ft
Single-family attached (2 units) <sup>a</sup>	7200 sf	80 ft	<del>5'-20'</del> 10 - 15 ft	4 ft	<del>3'</del> 5 ft	2.5 stories / 35 ft
Single-family attached (3-4 units) <sup>a</sup>	10,400 sf	116 ft	<del>5'-20'</del> 10 - 15 ft	4 ft	<del>3'</del> 5 ft	2.5 stories / 35 ft
Single-family attached (5-9 units) <sup>a</sup>	17,820 sf	90 ft	<del>5'-25'</del> 5 - 15 ft	<del>4'</del> 18 ft	<del>3'</del> 10 ft	3 stories / 35 ft
Multifamily	42,000 sf	120 ft	2 - 7 ft	2 ft	2 ft	5 stories / 75 ft
Mixed Use	15,000 sf	100 ft	5 - 15 ft	5 - 20 ft	10 ft	50 ft
Nonresidential	5000 - 10,000 sf	75 ft	5 ft	15 - 25 ft	5 ft	50 - 55 ft
Civic (institutional, rec.) buildings	N/A	N/A	30 ft	50 ft	30 - 50 ft	55 ft

Related follow-up questions / comment from the City (sent via email on 10/21/2022):

RINKA responses (sent via email on 10/26/2022):

1. Why are the front setbacks for single-family attached villas being reduced from 10 feet to 5 feet to the porch? The TND PUD Code states: "For buildings incorporating a front porch, the front setback shall be measured to the nearest point of the front porch to the lot line." All villas that have been issued a permit thus far have been required to meet the 10-foot setback requirement.

**RINKA response:** No change to design intent. This revision is to align the setbacks of all single-family and 2 or 3 unit villas uniformly. The only difference between the housing types is the attached garages at villas. The diagrams we shared when developing the setback chart in the zoning text amendment was intended to show how the villas attached. We showed an instance where the front setback was 10'. It was not intended to represent \*all\* villa setbacks. The info in the first three columns should be identical.

The TND setback chart is no longer in the zoning document, since it was overhauled a few months ago. Should that chart be added to the PUD amendment, so the info in the historic document is

accessible? There are several references in the PUD to sections of the previous zoning doc that have since changed and no longer exist.

2. City Question: Graphite III, 6, 8 & 9 unit townhomes – porch stairs may not encroach upon required front setback.

**RINKA response:** No change to design intent. The setbacks were intended to be to the primary front porch structure (not the stairs). With various grading conditions, it would be very difficult to confirm how many stairs are required to get up to the main floor elevation. Some houses have 1 step, some have 6+ at the front porches. ADK, Kapur, and RINKA are assessing stair quantity and location as each "lot" is purchased.

Additional info pertaining to Phase 1B - A8.1 and A7.3 buildings / sites - (sent via email on 8/26/2022):  
City response (sent via email on 8/30/2022):

1. RINKA referenced new landscape zoning requirements that were not in place at the time the PUD was adopted:
  - a. Per section 17.0505(b)(1)(c), "perimeter landscape shall be established along the edge of the parking lot with a minimum depth of **15 feet** as measured from the parking lot back of curb, to accommodate vehicle bumper overhang and ensure planting areas that are adequate size".
  - b. Per section 17.0505(b)(2)(c)(2), "Parking lot islands shall be spaced not more than **90 feet** or more than 10 continuous spaces apart...".
  - c. Per section 17.0505(b)(2)(e)(1), "Double rows of parking shall provide parking lot islands **opposite one another** to form continuous single islands with a **minimum width of 9 feet and a minimum length of 36 feet...**".

**City response:** "The 15-foot depth dimension for perimeter landscaping will not be required, but landscaping within and adjacent to the parking lots, and compliance with the Master Landscape Guide/Plan, will be required. This was also required under the previous Zoning Code. Parking adjacent to Lake Vista Boulevard or Breakwater Boulevard would require enhanced landscaping and/or increased setback/buffer areas. It appears that the parking island requirement at the terminus of a double row is applicable to the north building based on the previously-submitted plans, but we would like to see a revised plan before making any determination."

2. It is our understanding that we would need to meet the zoning at the time the PUD was adopted, and that this is part of the larger development which requires a total of 30% landscaped area.

BY: Katie Monachos – SVP | Residential Practice Leader  
RINKA

**Project Name: Lakeshore Commons – PUD Exhibit Revision List**  
**11/2/2022**

- Exhibit 1 General Development Plan
  - o Sheet titled updated to "General Development Plan"
  - o Updated background
    - Select single-family and attached villa home orientations mirrored for optimum exposure / views
    - (2) townhome buildings east of A9 multi-family are 6-unit buildings ILO 8-unit buildings
    - Phase 1B (A8.1 and A7.3 buildings/sites) updated per design development  
Refer to Amendment to PUD & Zoning Text Amendment – Narrative, for additional info
    - (28) Townhome units ILO (18) Multi Family Villa Homes facing north along Lake Vista Parkway
- Exhibit 2 – Design & Character of Building Typologies
  - o 2.1 – 2.10 – Design & Character of Building Typologies – Single Family & Multi Family Villa Homes
    - Updated/Added housing types/info throughout  
Graphite II, Graphite III, Lavender I, Rosewood I added to home types. These have a complimentary aesthetic, and maintain the design intent.
    - Updated exhibit numbering to accommodate
    - Simplified plans, to isolate floor plan layout. Exhibit 10 to provide current fence, trash/recycling, driveway and alley snow storage requirements. Landscape design to meet Master Landscape Guide requirements.
  - o 2.11 – Design & Character of Building Typologies – Townhomes
    - Sheet number revised
  - o 2.12 – Design & Character of Building Typologies – Multi Family
    - Updated renderings per Plan Commission approved scope reduction
  - o 2.13 – Design & Character of Building Typologies - Clubhouse
    - Sheet number revised
- Exhibit 3 – Lakeshore Commons Unit Types & Density Standards by Phase
  - o Updated unit count at Phase 1B (A8.1 and A7.3 buildings) per current design
  - o Updated unit counts for (28) Townhome units ILO (18) Multi Family Villa Homes facing north along Lake Vista Parkway
- Exhibit 4 – Proposed Open Space & Neighborhood Amenities
  - o Updated background.
  - o Relocated north development sign on Lake Vista Parkway, from southeast corner of Breakwater Blvd to southeast corner of 5<sup>th</sup> Ave
    - Per email on 9/28/2022, The Engineering has reviewed the requested sign location and the City is agreeable to a 10'x20' area for the sign to be located. This provides adequate clearance from City utilities (transmission water line, storm sewer and outflow of pond) to perform maintenance/repair if needed.
  - o Omitted one instance of seating area per City's request
- Exhibit 5 - Intentionally left blank
- Exhibit 6 - Circulation and Road Cross Sections
  - o 6.1 - Circulation and Road Cross Sections
    - Updated background
    - Alley symbology and section marker revised
    - Added Alley 2, and indicated each instances of roads and alleys more clearly
  - o 6.2 - Circulation and Road Cross Sections
    - Roads 1, 3, and 5 sections changed to 13.5' Travel + Bike Lane and 9' Parking lane, to coordinate with approved engineering plans. No change to overall cross section width
  - o 6.3 - Circulation and Road Cross Sections
    - A type of Road 7 was revised to "private" road, to coordinate with correctly labeled exhibits 6.2 and exhibit 9.
    - Roads 2, 4, 6, 8, 9 and 7 sections removed bike "sharrow" indication in Travel lane. These roads were not designed for bike travel.





# EXHIBIT 1 GENERAL DEVELOPMENT PLAN





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

**SAGE I**

**RANCH - 1490 SF**  
**2 BED - 2 BATH**



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION

**SAGE II**

**RANCH - 1512 SF**  
**2 BED - 2 BATH**



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION

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

**SAGE III**

**RANCH - 1702 SF**  
**3 BED - 2 BATH**



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION

**JUNIPER I**

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



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION



PLAN 2



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

**JUNIPER II**

**2 STORY - 2137 SF**  
**4 BED - 3 BATH**



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION



PLAN 2

**MULBERRY I**

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



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION



PLAN 2

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

**MULBERRY II**

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



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION

**MULBERRY III**

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



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION



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

**MULBERRY IV**

2 STORY - 2637 SF  
 5 BED - 3 BATH + LOFT



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION

**BASIL I**

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



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION

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

**BASIL II**

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



PLAN 2

REFER TO EXHIBIT 10 FOR FURTHER INFORMATION

**BASIL III**

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



PLAN 1

PLAN 2

REFER TO EXHIBIT 10 FOR FURTHER INFORMATION



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

**BASIL IV**

2 STORY - 2637 SF  
 5 BED - 3 BATH



**INDIGO I**

2 STORY - 2063 SF  
 4 BED - 2.5 BATH



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION



PLAN 2



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION



PLAN 2



**EXHIBIT 2.8**  
**DESIGN & CHARACTER OF BUILDING TYPOLOGIES**  
SINGLE FAMILY AND MULTI FAMILY VILLA HOMES

**INDIGO II**

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



**GRAPHITE I**

2 STORY - 2063 SF  
 4 BED - 2.5 BATH



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION

REFER TO EXHIBIT 10 FOR FURTHER INFORMATION

**EXHIBIT 2.9**  
**DESIGN & CHARACTER OF BUILDING TYPOLOGIES**  
SINGLE FAMILY AND MULTI FAMILY VILLA HOMES

**GRAPHITE II**

**2 STORY - 2363 SF**  
**4 BED - 3 BATH**



**GRAPHITE III**

**2 STORY - 2,806 SF**  
**3 BED + DEN - 3.5 BATH**



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION



PLAN 2



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION



PLAN 2



**EXHIBIT 2.10**  
**DESIGN & CHARACTER OF BUILDING TYPOLOGIES**  
SINGLE FAMILY AND MULTI FAMILY VILLA HOMES

**LAVENDER I**

**RANCH - 1490 SF**  
**2 BED - 2 BATH**



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION

**ROSEWOOD I**

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



REFER TO EXHIBIT 10 FOR FURTHER INFORMATION



1000-2

**EXHIBIT 2.11**  
DESIGN & CHARACTER OF BUILDING TYPOLOGIES

**TOWNHOMES**

1 & 2 STORY RANGING FROM 2 BEDROOMS TO 4 BEDROOMS





**EXHIBIT 2.12**  
**DESIGN & CHARACTER OF BUILDING TYPOLOGIES**

**MULTI FAMILY**

**MULTI STORY APARTMENT DEVELOPMENTS**



**EXHIBIT 2.13**  
**DESIGN & CHARACTER OF BUILDING TYPOLOGIES**

**CLUBHOUSE**

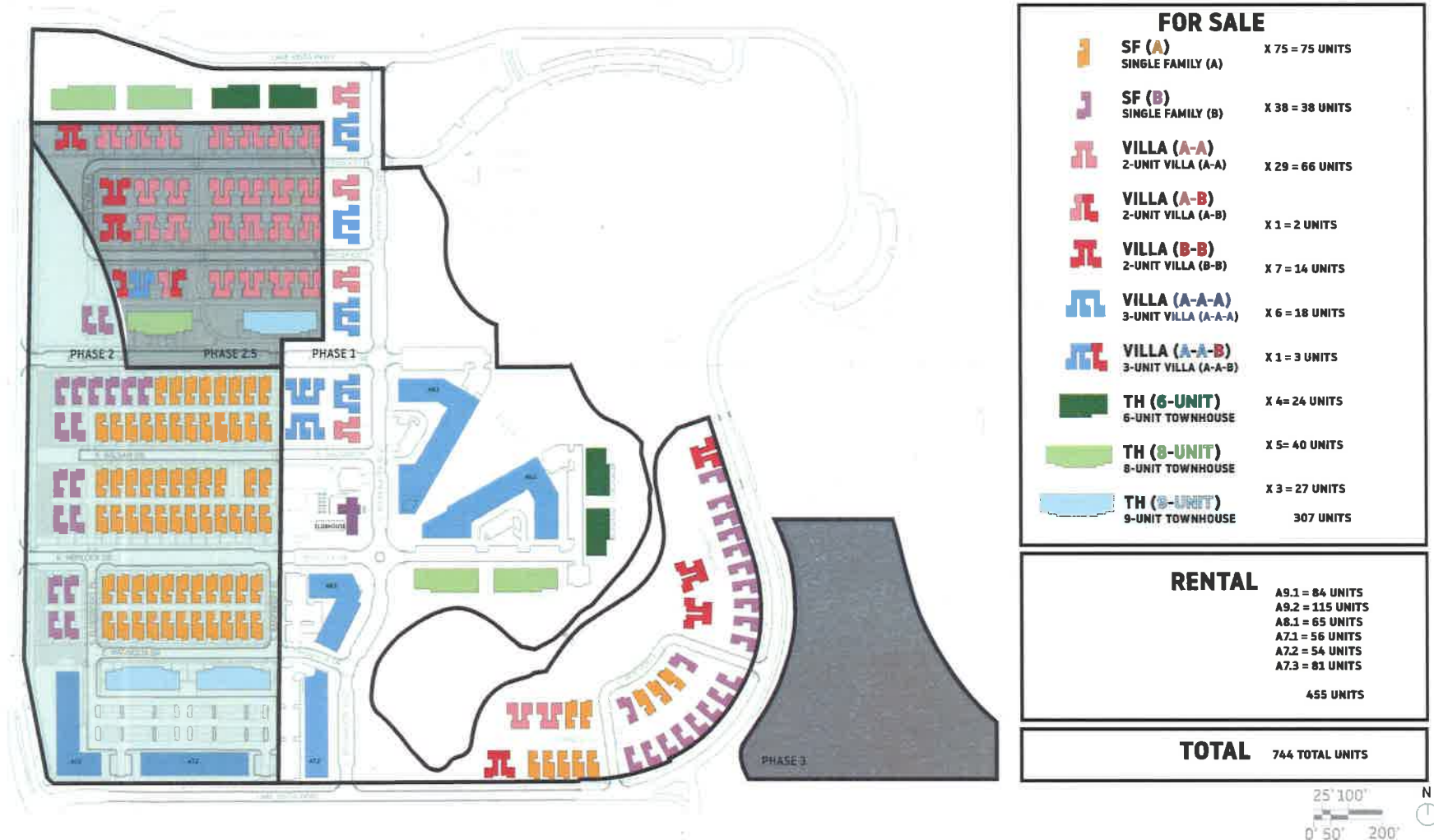




## EXHIBIT 3 Lakeshore Commons Unit Types & Density Standards by Phase

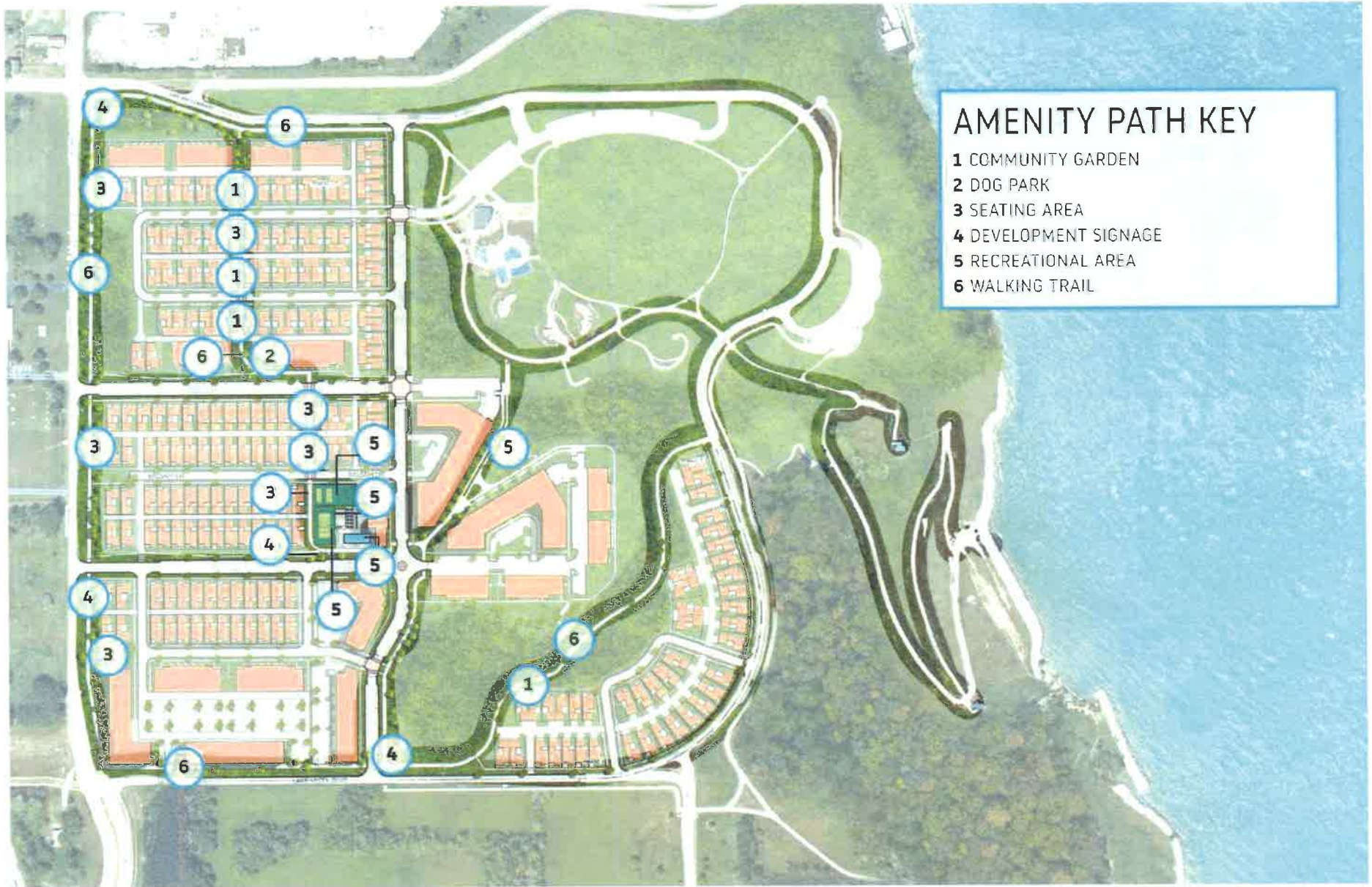
Phase	Blocks	Net Acreage	Single Family "A"	Single Family "B"	2-unit villa	3-unit villa	6-unit townhouse	8-unit townhouse	9-unit townhouse	Multifamily	Total units	Maximum dwelling units per net acre
1	1-24	18.9	10	20	38	18	12	16	0	358*	472*	25.0*
2	25-43	11.8	65	18	0	0	0	0	18	147*	248*	21.0*
2.5	44-53	5.5	0	0	54	3	0	8	9	0	74	13.5
<b>Overall</b>		<b>36.2</b>	<b>75</b>	<b>38</b>	<b>92</b>	<b>21</b>	<b>12</b>	<b>24</b>	<b>27</b>	<b>505*</b>	<b>794*</b>	<b>21.9*</b>

\* Provides for flexibility of adding an additional residential floor, while meeting parking requirements of the development standards.



## EXHIBIT 4

### Proposed Open Space & Neighborhood Amenities

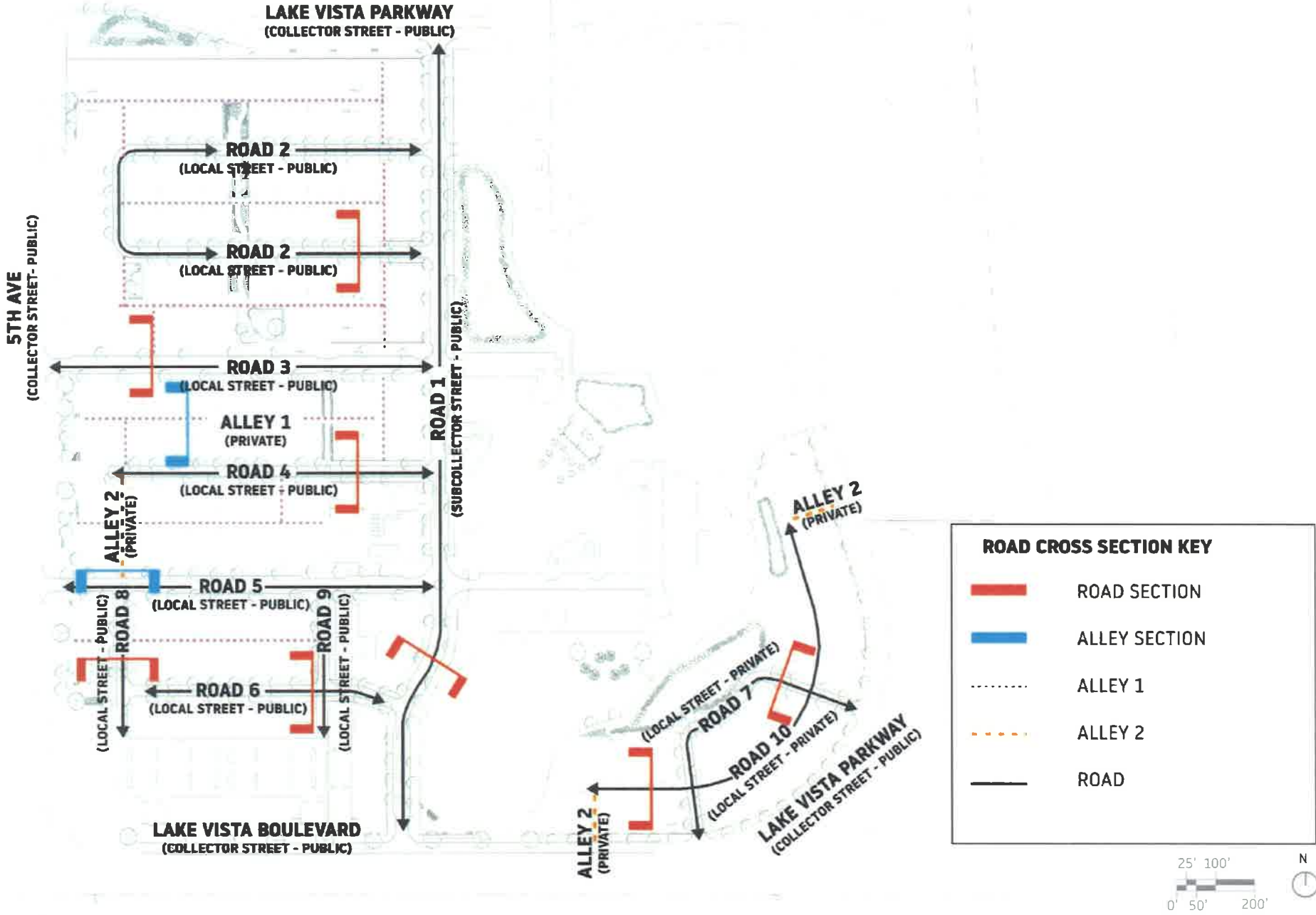




**EXHIBIT 5**

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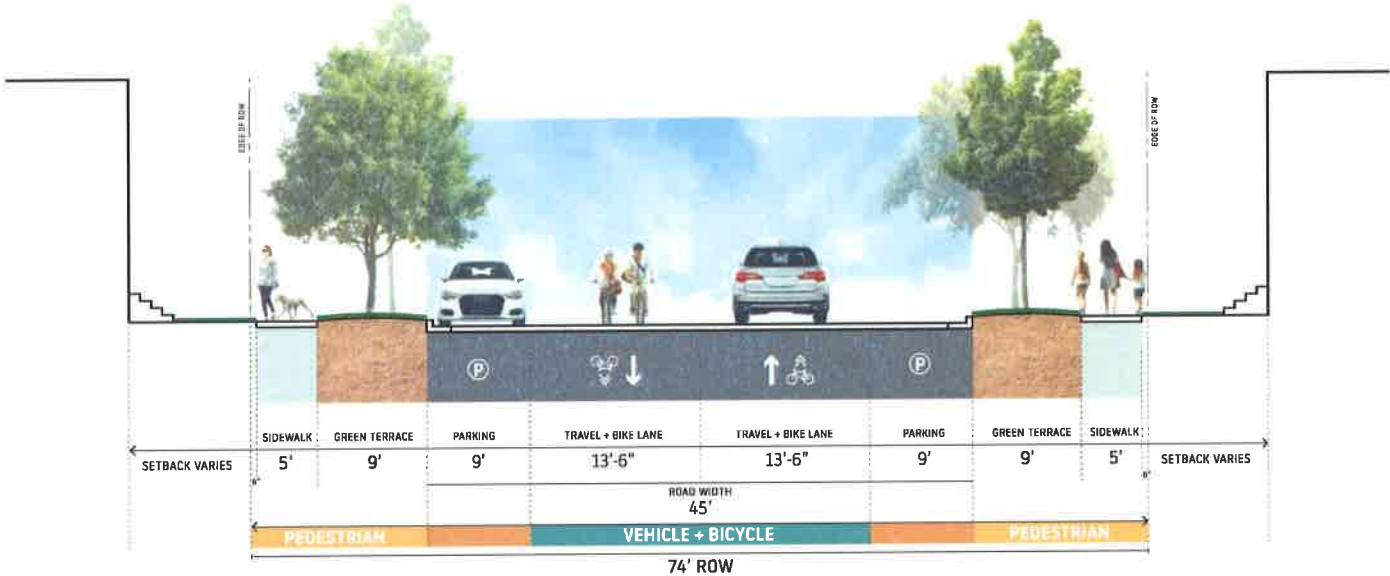
# EXHIBIT 6.1 Circulation and Road Cross Sections



# EXHIBIT 6.2

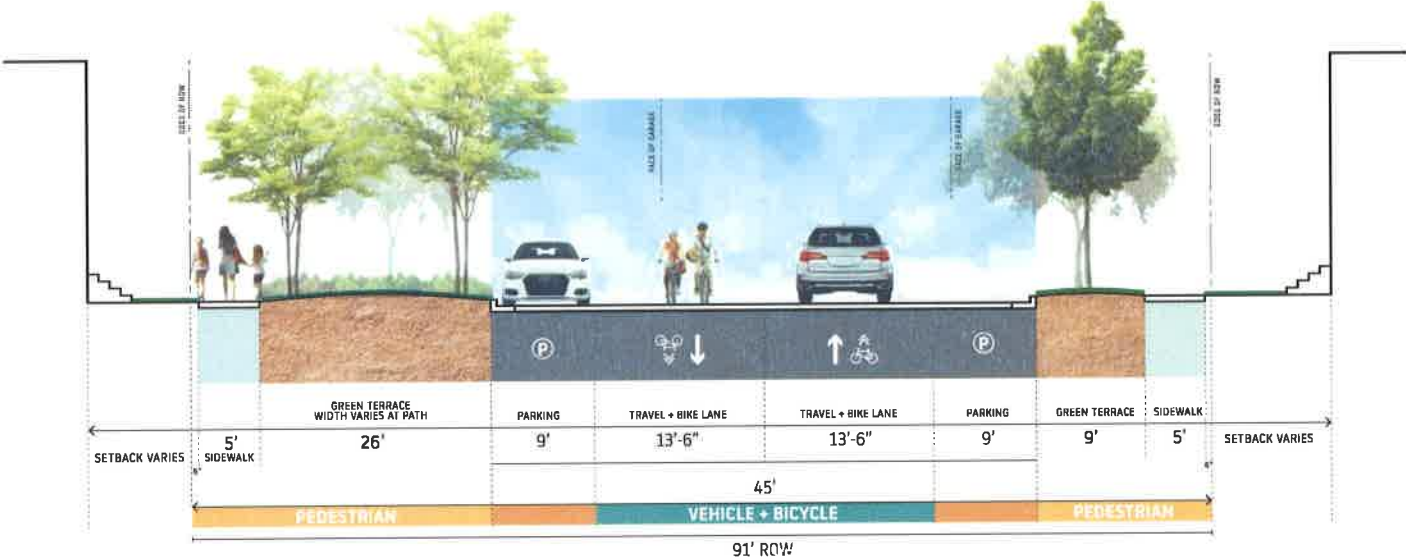
## Circulation and Road Cross Sections

### **ROAD 1 : Subcollector (public)**



### **ROAD 3, 5\* : Local Street (public)**

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

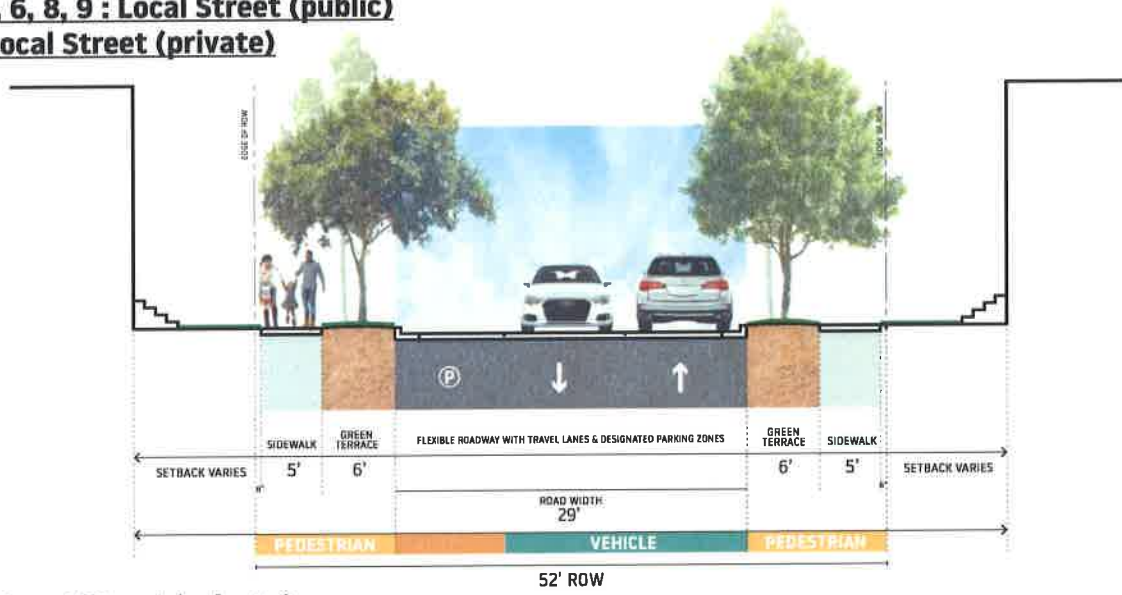


# EXHIBIT 6.3

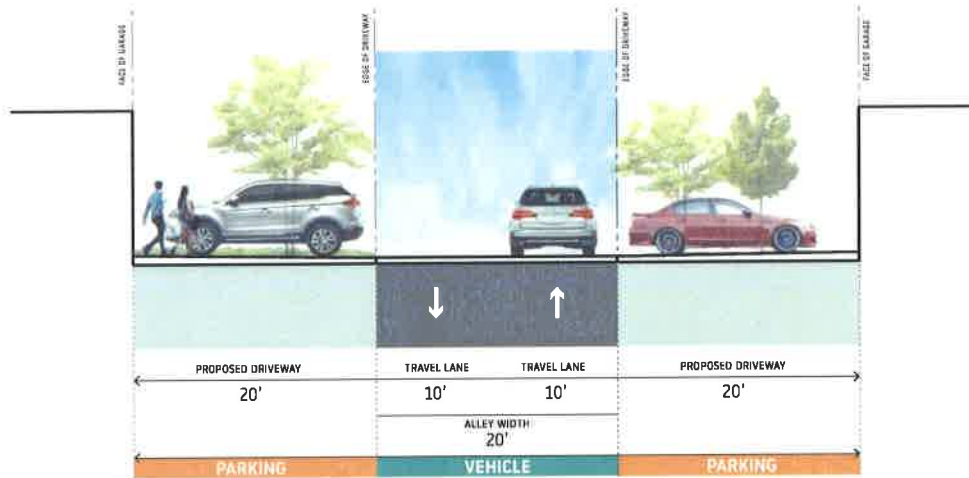
## Circulation and Road Cross Sections

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

**ROAD 7 : Local Street (private)**

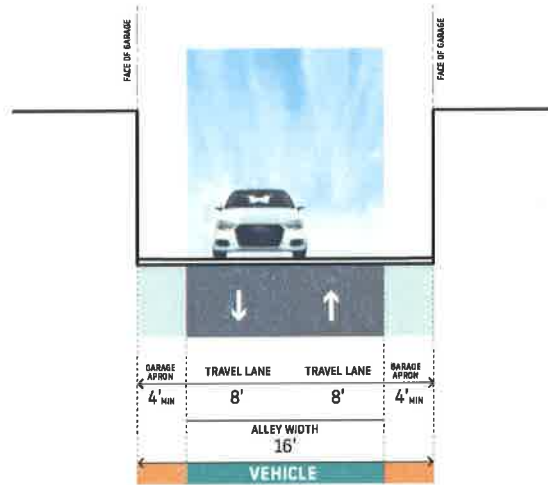


**ROAD 10 : Local Street (private)**

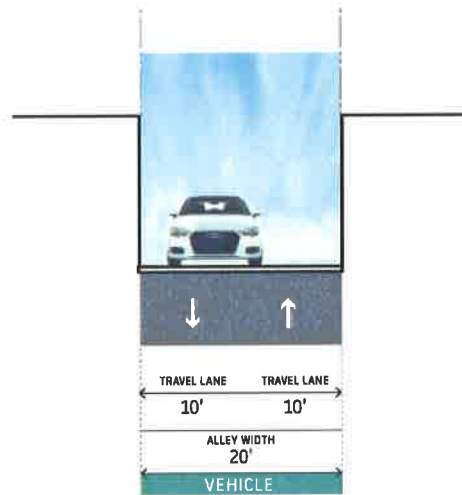


# EXHIBIT 6.4 Alley Cross Sections

## Alley 1 : Typical



## Alley 2 : Connector



## EXHIBIT 7.1

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

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



STONE



BRICK



BURNISHED BLOCK



COMMERCIAL GRADE  
ARCHITECTURAL METAL PANEL



WOOD



FIBER CEMENT  
PLANK OR PANEL



STUCCO



PHOTOVOLTAIC  
SYSTEMS



ENGINEERED WOOD  
SYSTEMS



PHENOLIC CLADDING  
SYSTEM



COMPOSITE SIDING  
SYSTEM



WOOD LOOK  
ALUMINUM METAL PLANK



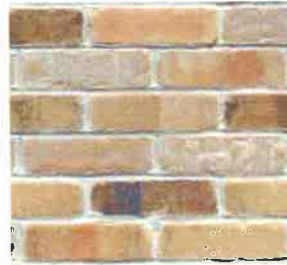
## EXHIBIT 7.2

### Material examples for Multi Family Buildings and Clubhouse

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



STONE



BRICK



BURNISHED BLOCK



COMMERCIAL GRADE  
ARCHITECTURAL METAL PANEL



WOOD



FIBER CEMENT  
PLANK OR PANEL



STUCCO



PHOTOVOLTAIC  
SYSTEMS



ENGINEERED WOOD  
SYSTEMS



PHENOLIC CLADDING  
SYSTEM



WOOD LOOK  
ALUMINUM METAL PLANK



CORRUGATED METAL  
PANELING

## EXHIBIT 8 Development Signage



### DEVELOPMENT SIGNAGE

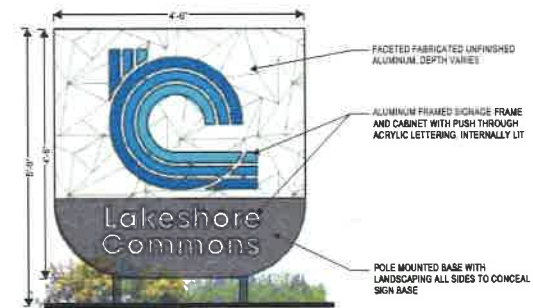
- A** PRIMARY DEVELOPMENT SIGNAGE
- B** SECONDARY DEVELOPMENT SIGNAGE
- C** Each apartment and townhome multifamily building to be allowed one (1) ground monument sign near main entry point to site area, final location to be coordinated with planning department. Building identifying signage will be limited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

### GENERAL NOTES:

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



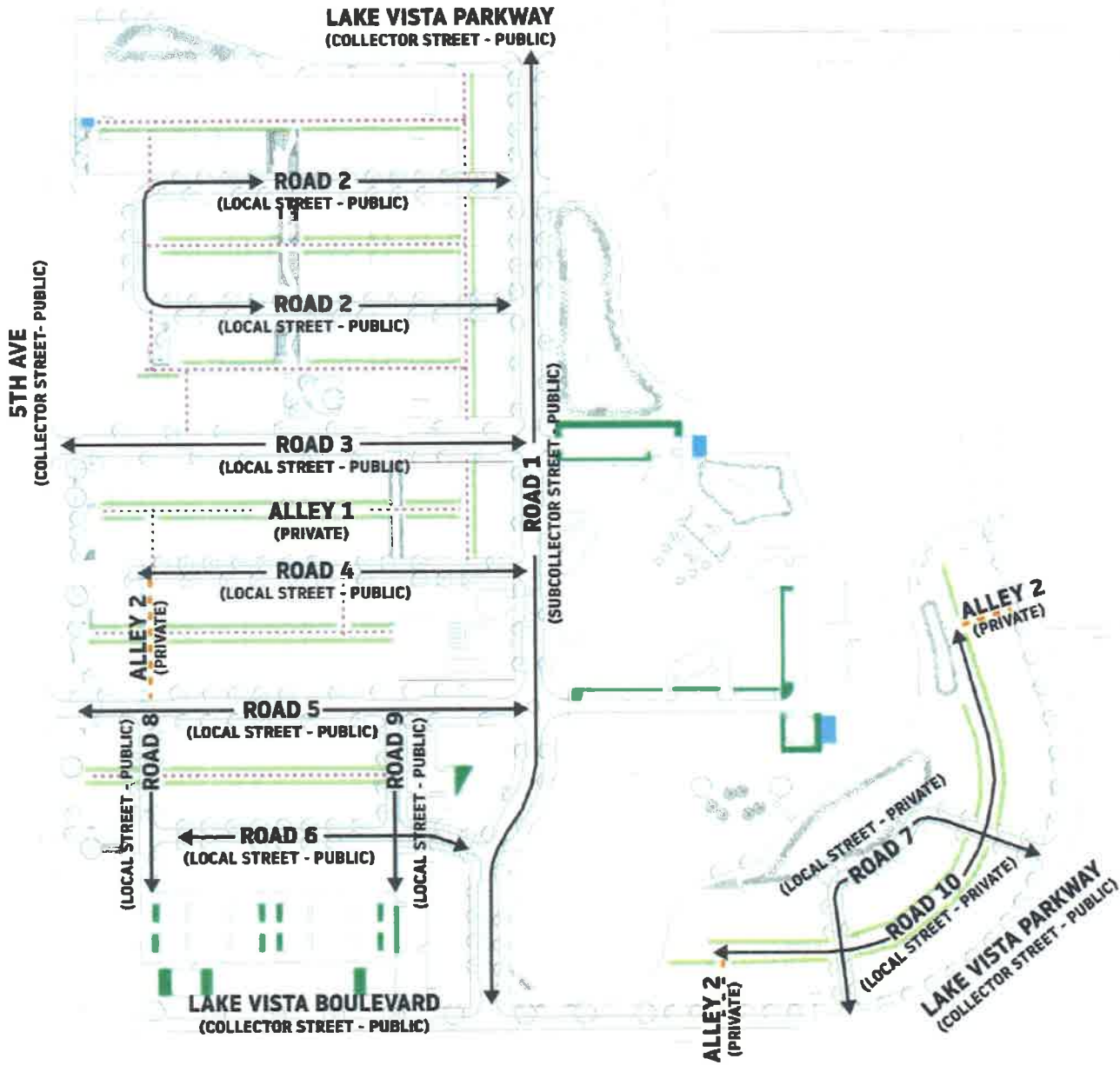
**A - PRIMARY DEVELOPMENT SIGNAGE**



**B - SECONDARY DEVELOPMENT SIGNAGE**



# EXHIBIT 9 Snow Storage Areas



**SNOW STORAGE KEY**

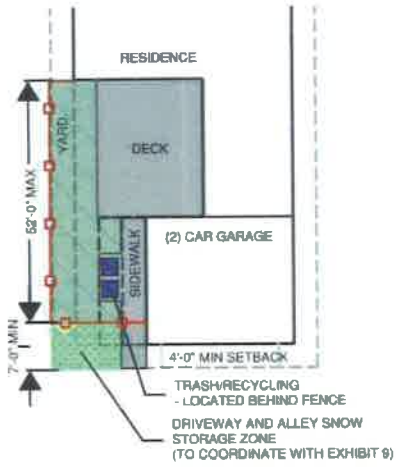
- █ PRIMARY SNOW STORAGE ZONE
- █ SECONDARY SNOW STORAGE ZONE
- █ DRIVEWAY AND ALLEY SNOW STORAGE ZONE (REFER TO EXHIBIT 10 FOR ADDITIONAL DETAIL)
- ..... ALLEY 1
- - - - - ALLEY 2
- ROAD



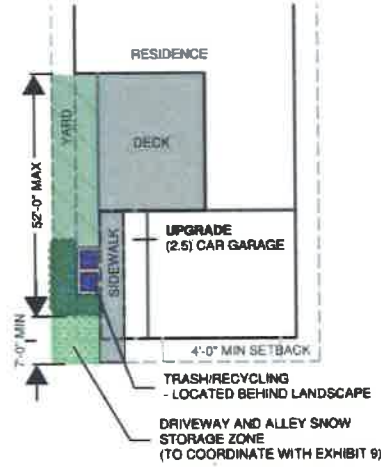
## EXHIBIT 10

### Proposed Private Fence and Trash/Recycling Storage Diagram SINGLE FAMILY AND MULTI FAMILY VILLA HOMES

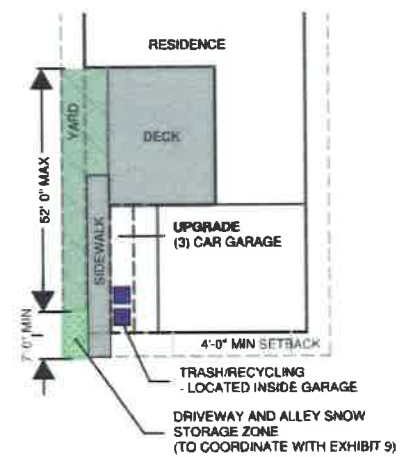
**SERIES A - FENCE**  
- 2 OR 2.5 CAR GARAGE  
TRASH CONCEALED BY FENCE



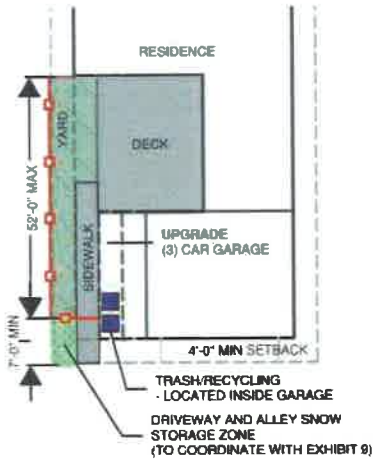
**SERIES A - NO FENCE**  
- 2 OR 2.5 CAR GARAGE  
TRASH CONCEALED BY LANDSCAPE



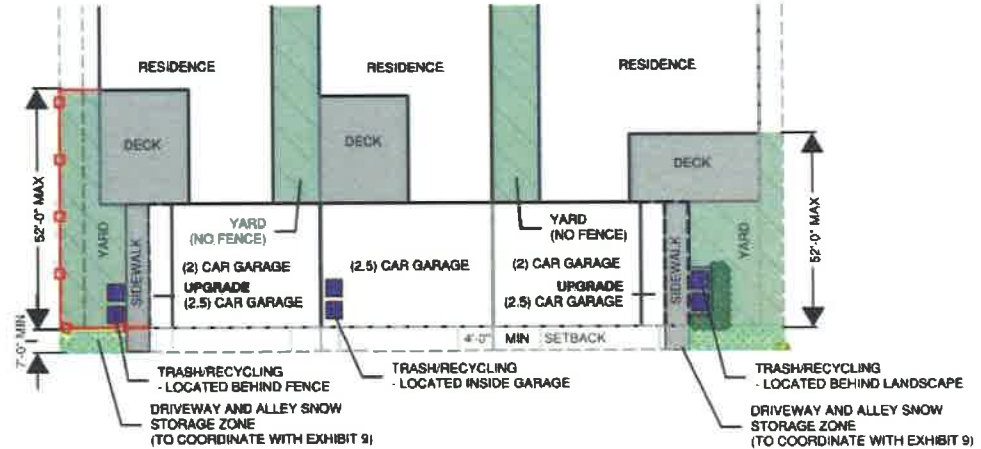
**SERIES B - NO FENCE**  
- 3 CAR GARAGE ONLY  
TRASH CONCEALED INSIDE GARAGE



**SERIES B - FENCE**  
- 3 CAR GARAGE ONLY  
TRASH CONCEALED INSIDE GARAGE



**VILLA EXAMPLE**  
A - TRASH CONCEALED BY FENCE  
A - TRASH CONCEALED INSIDE GARAGE  
B - TRASH CONCEALED BY LANDSCAPE

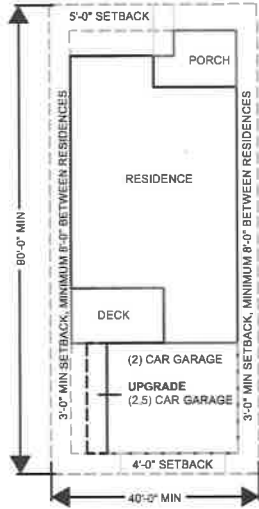


## EXHIBIT 11.1

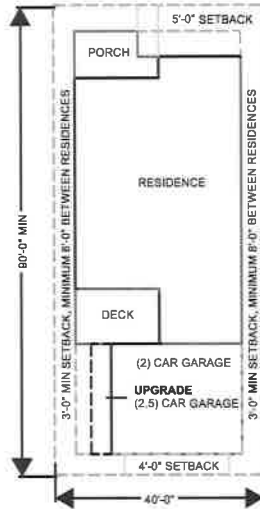
### Setback Diagrams - Single Family - Series A

**SERIES A - MINIMUM 40'-0" WIDE X 90'-0" DEEP** REFER TO EXHIBIT 3 FOR LOCATION OF SERIES A AND B SINGLE FAMILY AND MULTI-FAMILY VILLA HOMES  
**REFER TO EXHIBIT 3 FOR LOCATION OF SERIES A AND B SINGLE FAMILY AND MULTI-FAMILY VILLA HOMES**

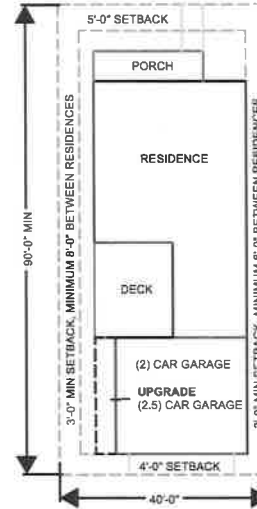
**SAGE I / ROSEWOOD I**



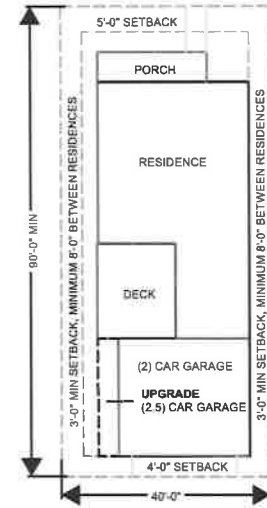
**SAGE II**



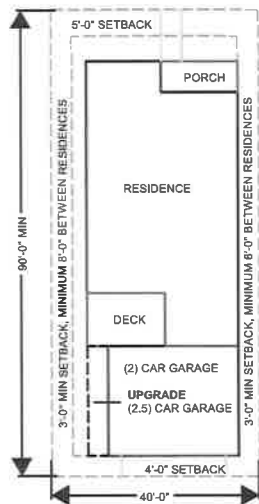
**JUNIPER I**



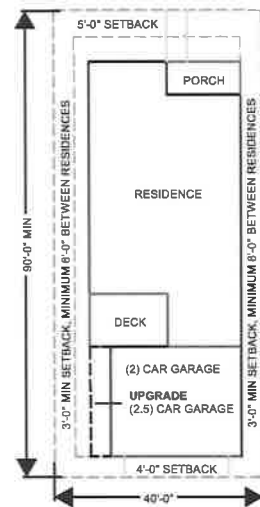
**JUNIPER II**



**MULBERRY I / LAVENDER I**



**BASIL I**

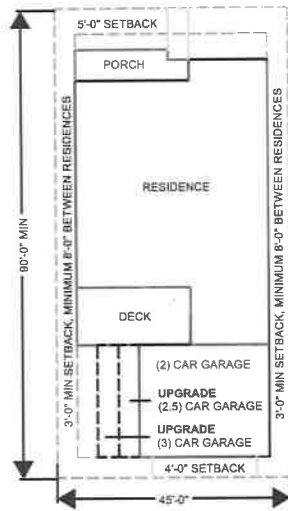


**GARAGES:**  
**STANDARD (2) CAR - 25'-0" WIDE (SERIES A & B)**  
**UPGRADE (2.5) CAR - 29'-0" WIDE (SERIES A & B)**  
**UPGRADE (3) CAR - UP TO 37'-0" WIDE (SERIES B)**

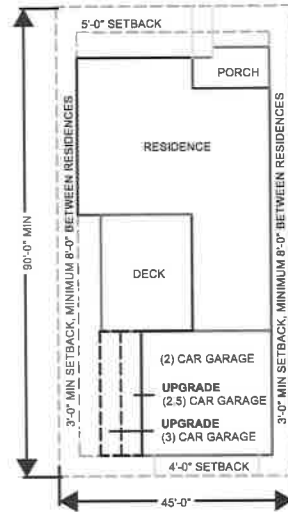
## EXHIBIT 11.2 Setback Diagrams - Single Family - Series B

**SERIES B - MINIMUM 45'-0" WIDE X 90'-0" DEEP** REFER TO EXHIBIT 3 FOR LOCATION OF SERIES A AND B SINGLE FAMILY AND MULTI-FAMILY VILLA HOMES  
REFER TO EXHIBIT 3 FOR LOCATION OF SERIES A AND B SINGLE FAMILY AND MULTI-FAMILY VILLA HOMES

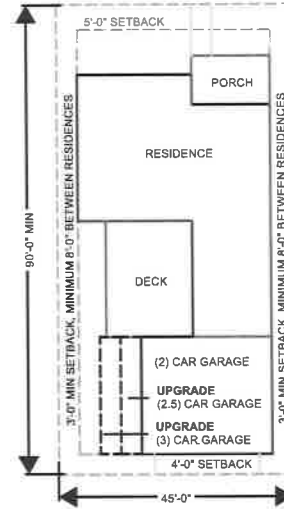
**SAGE III**



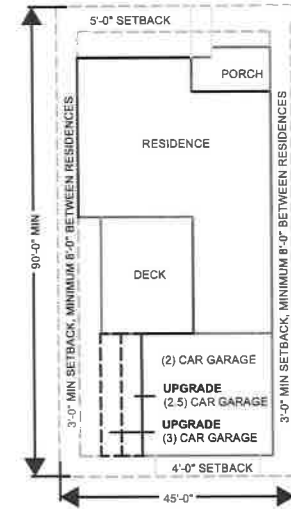
**MULBERRY II**



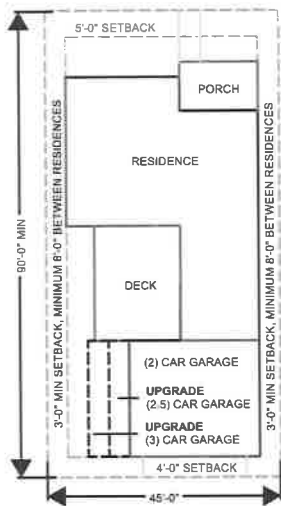
**MULBERRY III / MULBERRY IV**



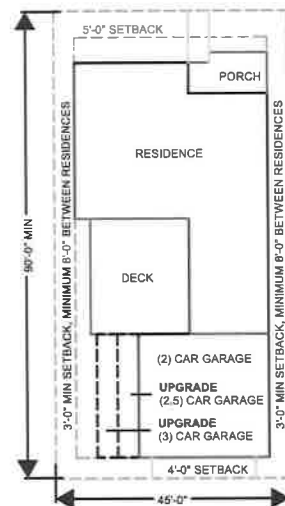
**BASIL II**



**BASIL III / BASIL IV**



**INDIGO I**



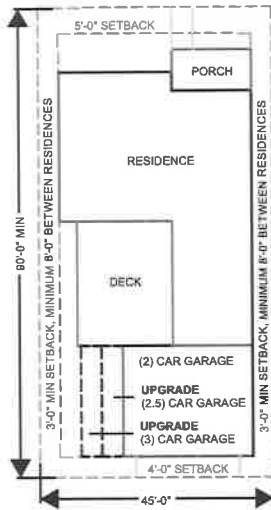
**GARAGES:**  
**STANDARD (2) CAR - 25'-0" WIDE (SERIES A & B)**  
**UPGRADE (2.5) CAR - 29'-0" WIDE (SERIES A & B)**  
**UPGRADE (3) CAR - UP TO 37'-0" WIDE (SERIES B)**

## EXHIBIT 11.3

### Setback Diagrams - Single Family - Series B Continued

**SERIES B - MINIMUM 45'-0" WIDE X 90'-0" DEEP** REFER TO EXHIBIT 3 FOR LOCATION OF SERIES A AND B SINGLE FAMILY AND MULTI-FAMILY VILLA HOMES  
 REFER TO EXHIBIT 3 FOR LOCATION OF SERIES A AND B SINGLE FAMILY AND MULTI-FAMILY VILLA HOMES

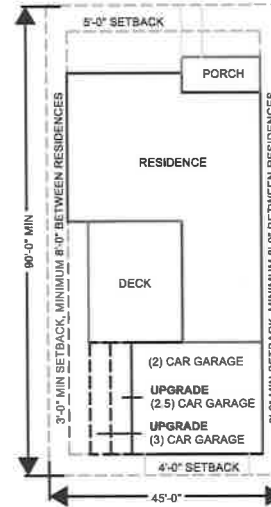
**INDIGO II**



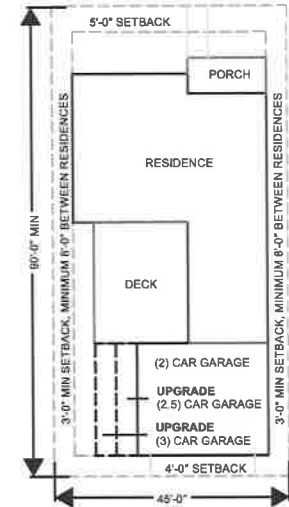
**GRAPHITE I**



**GRAPHITE II**



**GRAPHITE III**



**GARAGES:**  
**STANDARD (2) CAR - 25'-0" WIDE (SERIES A & B)**  
**UPGRADE (2.5) CAR - 29'-0" WIDE (SERIES A & B)**  
**UPGRADE (3) CAR - UP TO 37'-0" WIDE (SERIES B)**

# EXHIBIT 11.4

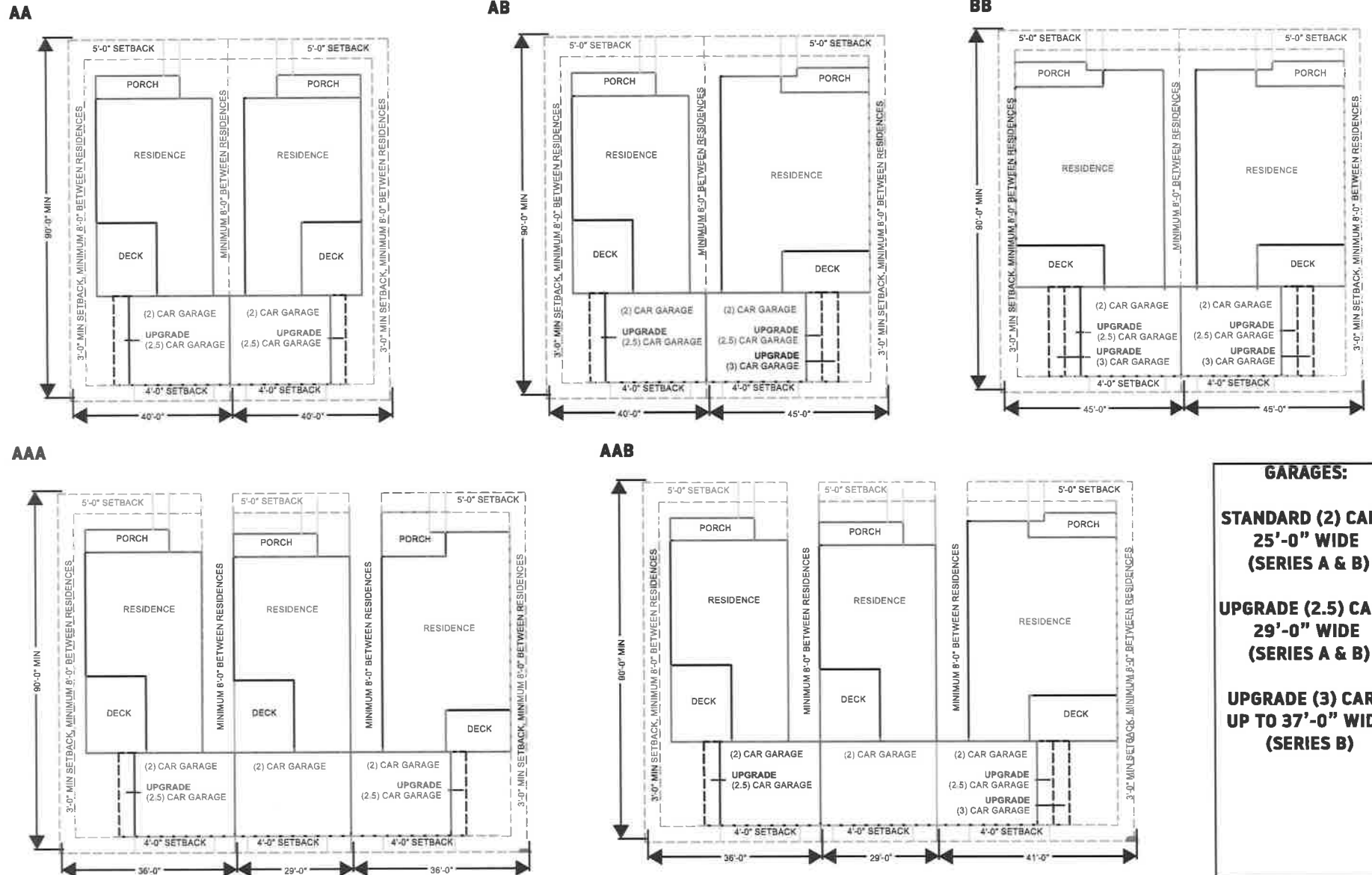
## Setback Diagrams - Multi-Family Villa Homes - Series A&B

**SERIES A - MINIMUM 40'-0" WIDE X 90'-0" DEEP**

**SERIES B - MINIMUM 45'-0" WIDE X 90'-0" DEEP**

**ALL MULTIFAMILY VILLA HOMES ARE SAME TYPES AS SINGLE FAMILY HOMES. BELOW ARE EXAMPLES OF 2-3 SINGLE FAMILY HOMES ATTACHED VIA GARAGE STRUCTURES.**

**REFER TO EXHIBIT 3 FOR LOCATION OF SERIES A AND B SINGLE FAMILY AND MULTI-FAMILY VILLA HOMES**

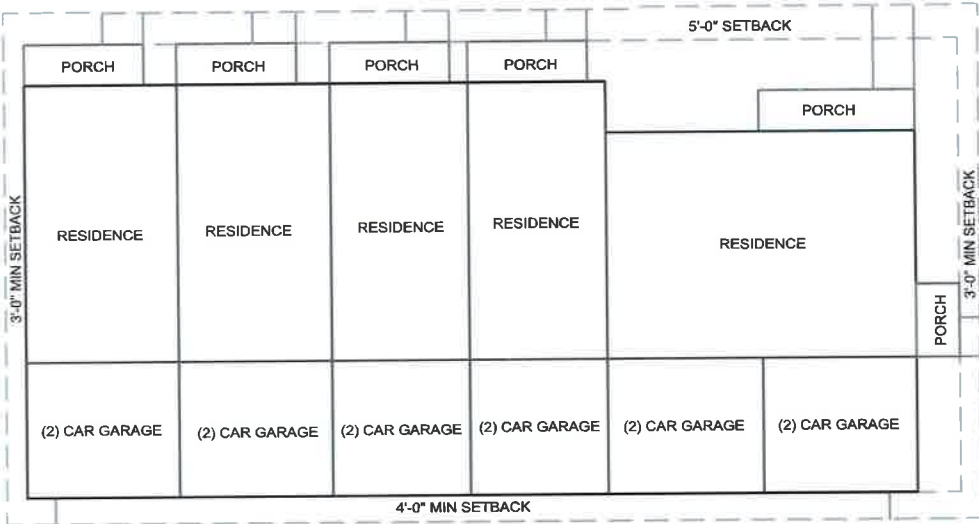


**GARAGES:**

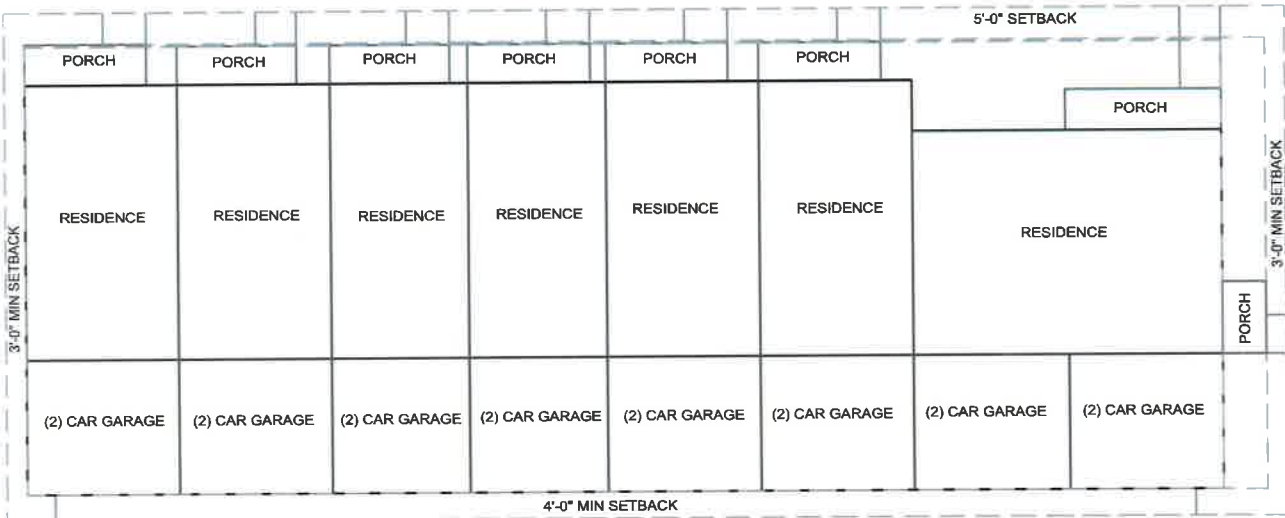
- STANDARD (2) CAR - 25'-0" WIDE (SERIES A & B)**
- UPGRADE (2.5) CAR - 29'-0" WIDE (SERIES A & B)**
- UPGRADE (3) CAR - UP TO 37'-0" WIDE (SERIES B)**

# EXHIBIT 11.5 Setback Diagrams -Townhomes

## 6 UNIT



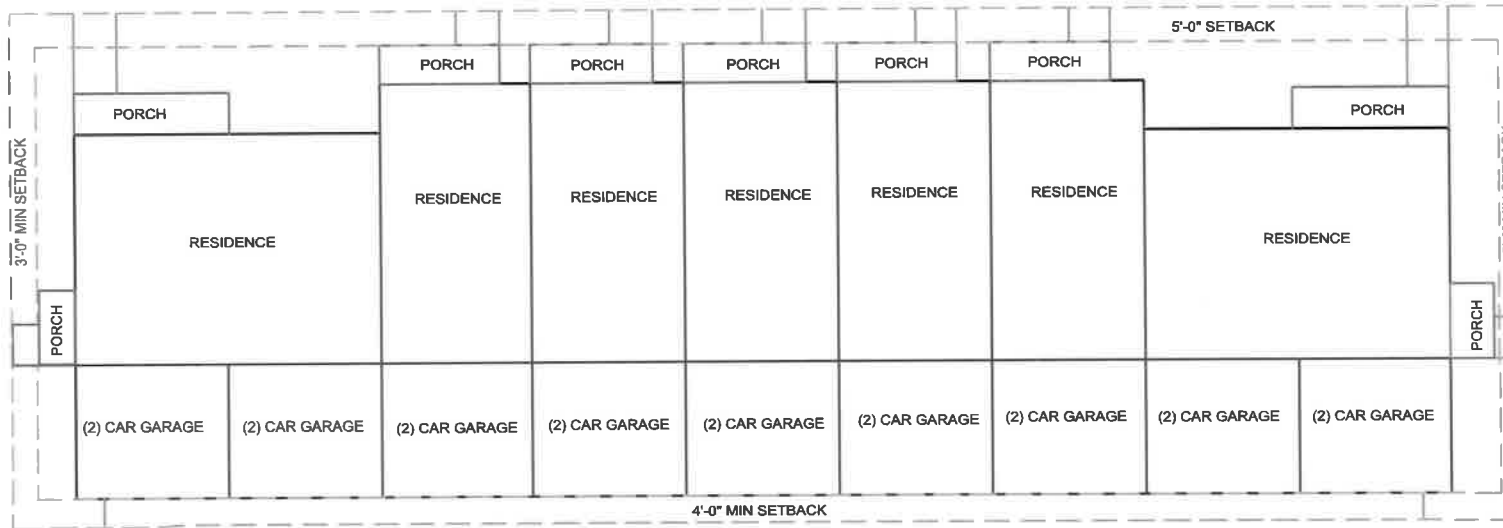
## 8 UNIT



# EXHIBIT 11.6

## Setback Diagrams -Townhomes Continued

9 UNIT

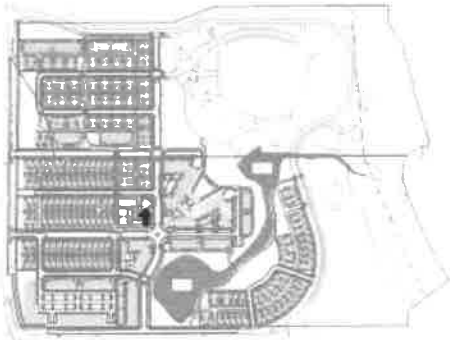
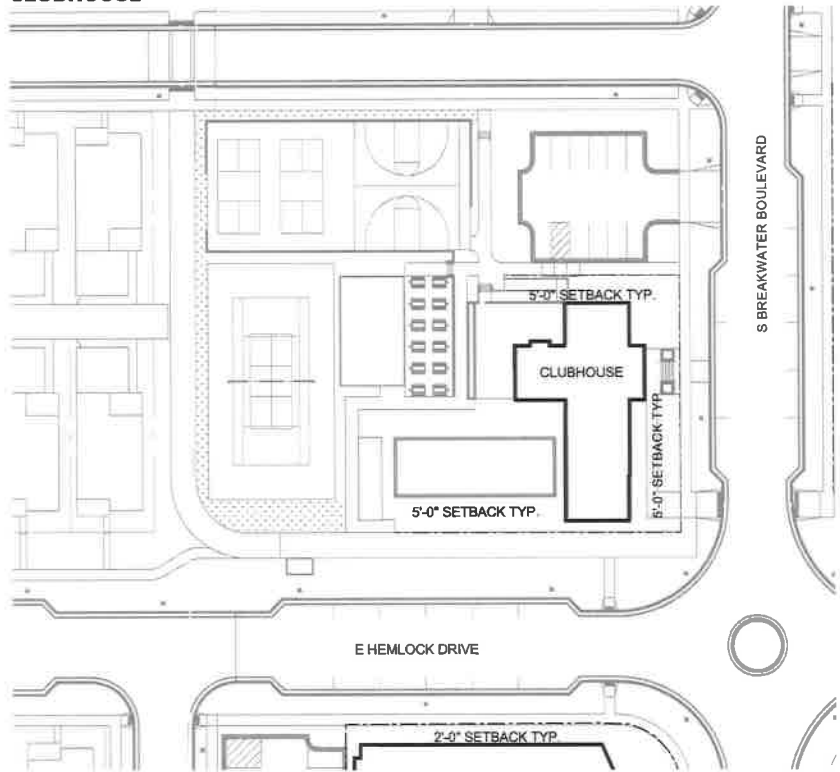




**EXHIBIT 11.7**  
Setback Diagrams -Clubhouse

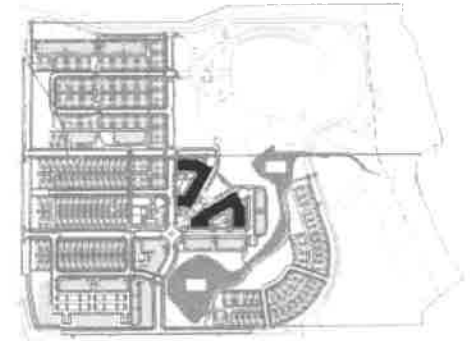
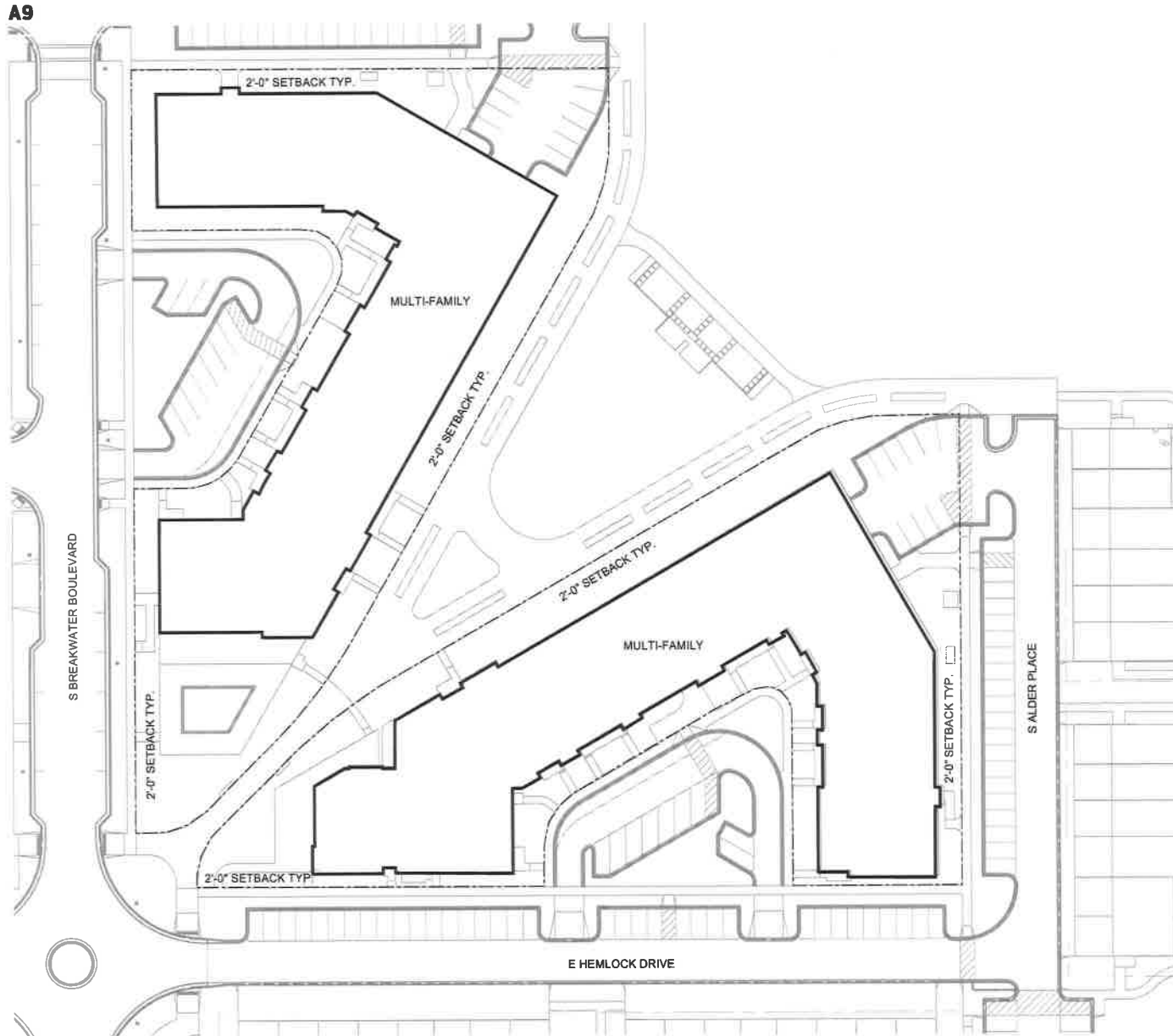
**KEY PLAN**

**CLUBHOUSE**



**EXHIBIT 11.8**  
Setback Diagrams - Multifamily Phase 1A

KEY PLAN



# EXHIBIT 11.9

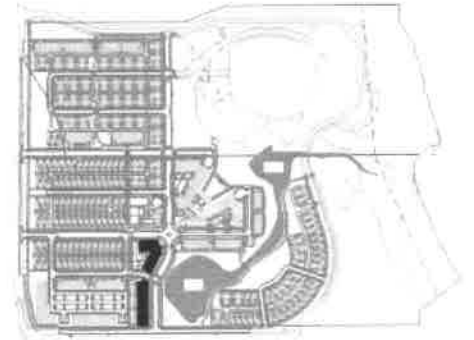
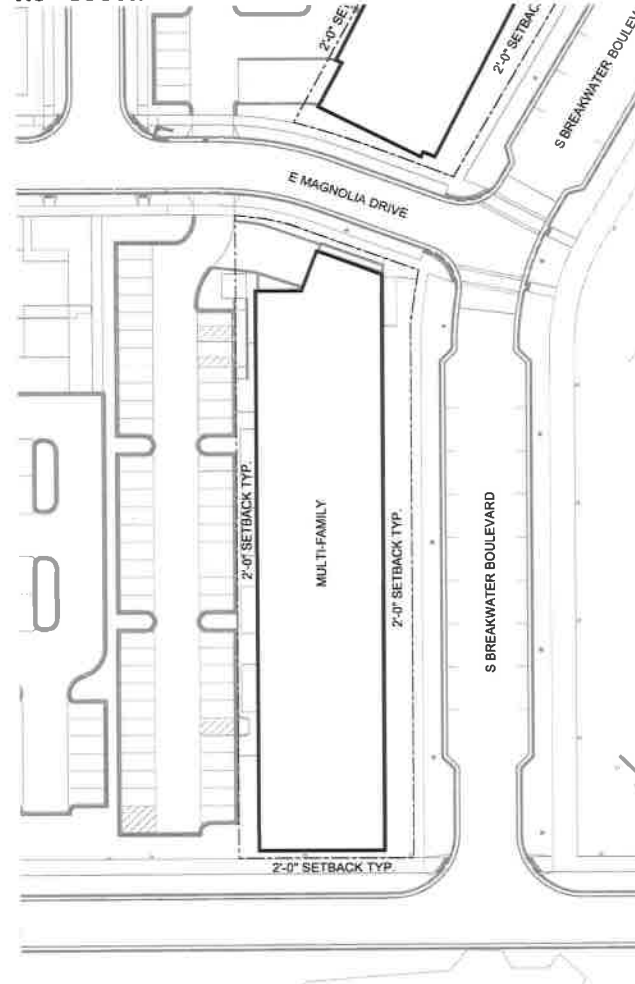
## Setback Diagrams - Multifamily Phase 1B

KEY PLAN

### A8 - NORTH



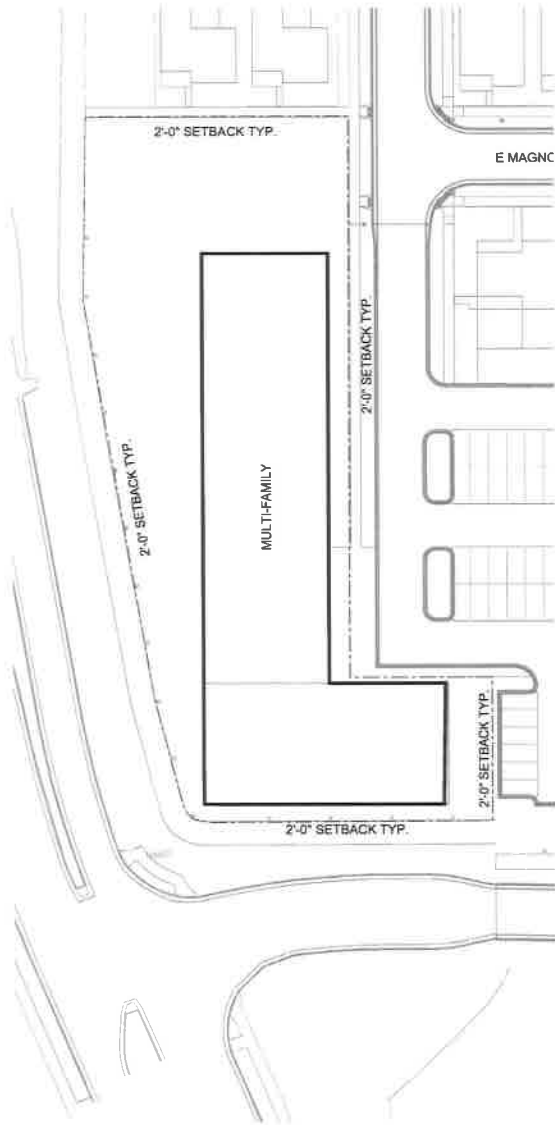
### A8 - SOUTH



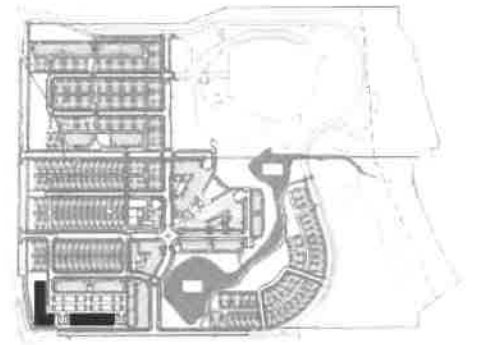
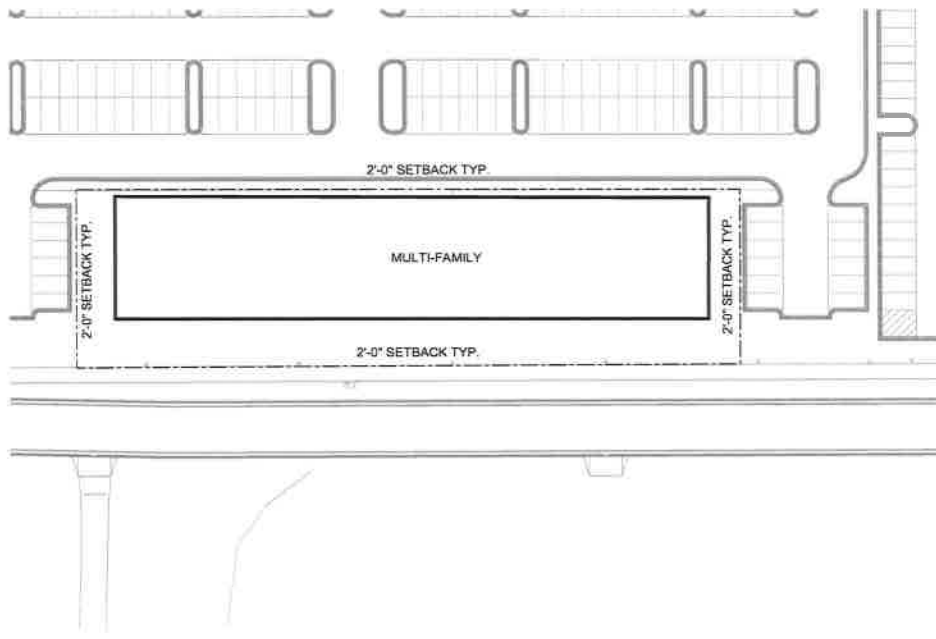
**EXHIBIT 11.10**  
Setback Diagrams - Multifamily Phase 2

**KEY PLAN**

**A7 - WEST**



**A7 - EAST**



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

**Applicant:** F Street Development Group  
**Project:** Lakeshore Commons Development  
**Property Address(es):** 9116 & 9300 S. 5th Ave., and 4005 E. Lake Vista Pkwy (parcels)  
**Tax Key Number(s):** Various (Condo Units; 868-9006-000, 868-9994-002, former 868-9005-000)

**Approved by Plan Commission: 11-22-22**  
**Approved by Common Council: TBD**  
**Ord #: 3063, Amend. 3018**

This planned unit development is being developed within the Traditional Neighborhood Development District zoning in accordance with Section 17.0701 (formerly Sec. 17.0327) of the Municipal Code (as amended), and is subject to the following conditions of approval.

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

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

**1. Required plans, documents, easements, agreements and public improvements (See Sec. 17.0709 of the Municipal Code)**

- a. A project narrative describing, at a minimum:
  - i. The mix of uses, housing types and densities within the PUD.
  - ii. An overall statement regarding ownership structure and common area maintenance.
  - iii. The substance of covenants, easements and other restrictions to be imposed on the use of the land including common open space, and buildings or structures.
  - iv. A schedule of development showing the approximate date for beginning and completion of each phase of the planned development.
  - v. An analysis setting forth the anticipated demand on City services.
  - vi. A statement identifying each site development allowance requested from Municipal Code standards including how each allowance would be compatible with surrounding development, is in furtherance of the stated objectives of a Traditional Neighborhood Development and is necessary for proper development of the site.
  
- b. A general development plan (**Exhibit 1**) for the entire area to be regulated within the PUD shall be approved by the Common Council upon recommendation by the Plan Commission and shall include:
  - i. Lot, block and building locations with setbacks
  - ii. Square footage of buildings and number of units (multifamily)
  - iii. Public street locations including general cross-section and ROW width
  - iv. Private alleys and access drives (width and location)
  - v. Sidewalk and path-trail locations and connections
  - vi. Proposed public and private recreational amenities



- vii. Parking layout and traffic circulation
  - viii. Location
  - ix. Number of spaces
    - 1. Dimensions
    - 2. Setbacks
- c. Location of utility infrastructure (existing and proposed)
- i. Sanitary sewer
  - ii. Water
  - iii. Storm sewer
  - iv. Detention/retention basins
  - v. Green infrastructure plans
  - vi. Location of wetlands (field verified)
  - vii. Location of regulated soil management areas
- d. Schematic drawings (**Exhibits 2.1 through 2.13**) illustrating the design and character of all building typologies. The drawings shall also include a schedule showing the unit sizes and number of bedrooms proposed within all multifamily structures of four (4) or more units.
- e. A master landscape design guide for streetscapes and common areas within the PUD. This shall include minimum landscaping requirements for the single family and multifamily villa housing types with standards established for landscaped streets, trails, front, side and rear yards. No landscaping or disturbance will be permitted in such a location or manner as may be contrary to these conditions and restrictions, deed restrictions or established soil management plans. (See plans approved March 22, 2022).
- f. For each phase of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Said landscape plans shall be in conformance with the master landscape design guide approved for the PUD. (See plans approved March 22, 2022).
- g. A professional traffic study showing the proposed circulation pattern within and in the vicinity of the planned development, including the location and description of public improvements to be installed, and any streets and access easements.
- h. Precise detailed plans for each phase of the PUD shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits for that phase. These plans shall be in substantial conformance with the adopted General Development plan and shall include the following:
- i. Site Plan
  - ii. Architectural Plan
  - iii. Landscape Plan
  - iv. Lighting Plan
  - v. Grading Plan, Drainage and Stormwater Management Plan
  - vi. Master Sign Plan
  - vii. Fire Protection Plan
  - viii. Contingent parking plan for townhouse and multifamily buildings
- i. All plans for new buildings or additions shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit. This requirement

shall not apply to single-family structures or two/three-unit multifamily villas.

- j. The Plan Commission shall approve architectural plans for all of the different models proposed for the single-family and two/three-unit multifamily villas. Plan Commission review of individual site and building plans is not required for the single-family and two/three-unit multifamily villas provided they substantially conform to the approved general development plan and building typologies as depicted in **Exhibit 1 and Exhibits 2.1 through 2.10**.
- k. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- l. A Development Agreement shall be completed between the owner and the City so as to ensure the construction or installation of public or other improvements required in the adopted General Development Plan, detailed phase plans or as specified by these conditions and restrictions. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- m. A qualified environmental professional ("QEP") hired by the City shall be responsible for reviewing compliance with the Barrier Management Plan ("BMP") and SMP under the COC".
- n. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- o. If there are any future land divisions, a subdivision or condominium plat or certified survey map shall be prepared, submitted for approval and recorded. All future land divisions shall comply with the Deed Restriction and COC requirements imposed by the WDNR under the Voluntary Party Liability Program ("VPLE")".
- p. The City shall approve the condominium plat and deed restrictions within this planned unit development in accordance with Chapter 14.42 of the Municipal Code (as amended). The City has the right, but not the obligation, to enforce those restrictions, particularly as they relate to existing environmental documentation and agreements.
- q. The Plan Commission shall approve the Declaration of Condominium and the Condominium ByLaws to ensure that there is compliance with the State of Wisconsin Department of Natural Resources ("DNR") Certificates of Completion ("COC") dated November 20, 2014, which require that in the Clean Cover Soil Area ("CCSA") for any condominium and residential development the land should be under common ownership where there is an oversight body responsible for enforcing compliance with the Barrier Management Plan ("BMP") and Soil Management Plan ("SMP") that are part of the Institutional Controls under the COC and are a requirement of the Deed Restrictions imposed by both E.E. DuPont de Nemours and Company and EPEC Polymers, Inc., both dated December 1, 2014.

## **2. Traditional Neighborhood Development Use and Design Standards**

- a. Permitted Uses - In order to achieve the proximity necessary to make neighborhoods

walkable, it is important to mix land uses. A Traditional Neighborhood Development should consist of a mix of residential uses, a mixed-use area and open spaces. The following uses are permitted within this Traditional Neighborhood PUD subject to Section 17.0709 of the Municipal Code (as amended), deed restrictions, the adopted General Development Plan and uses established for designated soil management areas:

- i. Single family detached (not permitted within Clean Cover Soil Area – CCSA)
  - ii. Two- and three-unit multifamily villas
  - iii. Multifamily Townhomes
  - iv. Multifamily buildings of four (4) or more units
  - v. Neighborhood commercial uses up to 10,000 square feet in size, as further restricted by recorded deed restrictions, including:
    1. Food services (grocery stores, butcher shops, bakeries and other specialty food stores without drive-through facilities), cafes, coffee shops, bars and taverns, microbreweries, neighborhood scale distilleries or wineries, tasting rooms, ice cream or candy shops.
    2. Retail, excluding adult entertainment.
    3. Services, including financial institutions (without drive-ups or drive-throughs), day care centers, veterinary services, self-service laundry, dry cleaners.
  - vi. Home occupations, where not excluded by Municipal Code or deed restriction.
  - vii. Public and private recreational and open space uses.
- b. **Conditional Uses** - The following uses require conditional use permits within this Traditional Neighborhood PUD subject to Section 17.0709 of the Municipal Code (as amended), deed restrictions, the adopted General Development Plan and uses established for designated soil management areas:
- i. Permitted neighborhood commercial uses exceeding 10,000 square feet in size.
  - ii. Lodging uses, including bed and breakfast, motels or hotels.
  - iii. Civic or institutional uses.
- c. **Development Units and Density** – The maximum density and number of residential dwelling units and the amount of nonresidential development shall be determined in accordance with the adopted general development plan and **Exhibit 3 - Lakeshore Commons Unit Types & Density Standards by Phase**.
- i. The Director of Community Development is authorized to permit variations to the unit mix in any given development phase provided that the total number of units and density does not exceed the maximum for that phase as identified in **Exhibit 3 - Lakeshore Commons Unit Types & Density Standards by Phase** provided that no single-family homes shall be permitted in the CCSA.
- d. **Mixed-Use Areas** – Neighborhood retail or service uses, as defined by Sections 17.0405(d) and 17.0406(b) of the Municipal Code (as amended), shall be permitted on ground floors of multifamily structures.
- e. **Open Space and Neighborhood Amenities** – There shall be an interconnected network of public and private open space as depicted in **Exhibit 4 – Open Space & Neighborhood Amenities**. All amenities for a given phase must be constructed in accordance with approved Finance Development Agreement and Escrow agreement. Maintenance of private amenities and facilities shall be the responsibility of the property owner(s).

- f. **Stormwater Management** – The properties within the planned unit development shall be subject to a storm water management practices maintenance agreement with the City. Areas designated for stormwater management green infrastructure shall be consistent with the adopted general development plan for this planned unit development.
- g. **Dimensional, Lot, and Block Standards** – Although the development is in the form of a condominium plat without individual lots, the following standards apply to structures within this planned unit development as depicted in **Exhibit 1, Exhibits 11.1 through 11.10, & in the table below.**

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</b>								
Front								
Minimum	5 ft	5 ft	5 ft	5 ft	2 ft	5 ft	5 ft	30 ft
Maximum	20 ft	20 ft	20 ft	25 ft	-	15 ft	-	-
Side (b), (c), (e)	3 ft	3 ft	3 ft	3 ft	2 ft	10 ft	5 ft	30 – 50 ft
Side (b), (c), (e)	See footnotes.				2 ft	10 ft	5 ft	30 – 50 ft
Rear (b)	4 ft	4 ft	4 ft	4 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) Minimum front setbacks to the property line shall be maintained for porches inclusive of stairs, raised planters, foundations, and buildings. Maximum front setbacks shall be measured from the front plane of the principal building to the lot line. There shall be no encroachments into municipal easements unless written authorization is received from the City Engineer.								
(b) A reduction in the required setbacks to private alleys may be approved by the Plan Commission as part of the PUD.								
(c) There shall be a minimum distance of eight (8) feet between buildings. Side setbacks shall not be less than (3) feet on any side.								
(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.								

- h. **Circulation and Parking Standards** – The circulation system shall allow for different modes of transportation. It shall provide functional and visual links between areas within the planned unit development and shall connect to existing or proposed external development. The circulation system shall provide adequate traffic capacity, and promote safe and efficient mobility for pedestrian and bicycles throughout the planned unit development. Roadway sections are depicted in **Exhibits 6.1, 6.2, and 6.3**.
- i. **Pedestrian Circulation** – Pedestrian circulation should minimize pedestrian-vehicle conflicts.
    - 1. Sidewalks shall connect all dwelling entrances and entrances to commercial or mixed-use buildings to the adjacent public sidewalk.
    - 2. Sidewalks shall comply with applicable requirements of the Americans with Disabilities Act.
    - 3. Crosswalks shall be clearly marked with contrasting paving materials or striping and may include other traffic calming measures.
  - ii. **Bicycle Circulation** – Bicycle circulation shall be accommodated on collector streets and/or multiuse paths. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, 4-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width shall be a minimum of 13.5 feet. Bicycle parking shall be provided for all multifamily buildings as well as the private community building and recreation space.
  - iii. **Motor Vehicle Circulation** – Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming measures are encouraged to slow traffic speeds.
- i. **Street Hierarchy** – The design intent of the street hierarchy and cross section design within the Traditional Neighborhood Development is illustrated in **Exhibits 6.1, 6.2, and 6.3**, and shall be classified as follows:
- i. **Collector (public)** – Collector streets provide regional access to neighborhood as part of the City's major street network. Individual driveways are not permitted to directly access collector streets. South 5th Avenue and East Lake Vista Boulevard are designated as collector streets within this planned unit development.
  - ii. **Subcollector (public)** – Subcollector streets provide primary access to residential, commercial and mixed-use areas of the planned unit development. Only consolidated and shared driveways for multifamily and mixed-use parking facilities may directly access subcollector streets. Additional parking is provided within buildings or lots to the side or rear of buildings. Breakwater Boulevard is designated a subcollector street.
  - iii. **Local Street (public)** – Local streets provide primary access to individual properties (although vehicular access to off-street parking is limited to alleys). Ironwood Drive, Basswood Drive, Tamarack Drive, Balsam Drive, Magnolia Drive, Elderberry Drive, and Baneberry Place are designated as public local streets.
  - iv. **Local Street (private)** – Cypress Place and Bergamot Court are designated as private local streets.
  - v. **Alley (private)** – These streets provide access to residential properties where the streets are designed with a narrow width to provide limited on-street parking. Alleys



may also provide delivery access or access to alternate parking for commercial or mixed-use properties.

**j. Parking and Driveway Requirements**

- i. Minimum off-street parking requirements for this project shall be provided at the rate of:
  1. Single-family, multifamily villas, and multifamily townhomes two (2) attached spaces per dwelling unit.
  2. Multifamily buildings of more than four (4) units shall provide a minimum of 1.4 dedicated parking spaces per dwelling unit. Design intent to include as many stalls as possible provided within an enclosed or attached garage within a reasonable vicinity of the dwelling unit.
  3. A contingent parking plan shall be provided as part of the precise detailed site plans required by Section 1h above illustrating those areas on the site set aside for additional parking should actual parking demands exceed the minimum parking requirements established by these conditions and restrictions.
- ii. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0501(d) of the Municipal Code (as amended).
- iii. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- iv. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval.
- v. Surface parking lots or garages for multifamily structures of four or more units shall provide bicycle parking areas in conformance with NACTO standards.
- vi. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- vii. All driveway approaches to this property shall comply with the standards set forth in Chapter 23 of the Oak Creek Municipal Code. Any off-site improvements shall be the responsibility of the property owner.
- viii. All off-street parking areas shall be landscaped in accordance with applicable portions of Section 17.0505 of the Municipal Code (as amended), the Master Landscape Design Guide approved March 22, 2022, and these conditions and restrictions.
  1. **Landscape Area.** All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. For parking lots designed for twenty-five (25) parking spaces or more, at least one-half (1/2) of the minimum five (5) percent landscaped area shall be within the parking lot.
  2. **Parking Lot Screening.** Those parking areas for five (5) or more vehicles if adjoining a public right-of-way shall be screened from casual view by an earth

berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet.

**k. Single Family and Attached Multifamily Villa Fencing Requirements**

- i. Private fenced rear yards are optional within the development at single family and attached multifamily villas. Fencing is allowed at backyard and side yard conditions only. Fencing shall be a minimum of three (3) feet from the rear yard alley line and should extend no more than fifty (55) feet from the alley line. Any deviations that arise shall be brought to the Plan Review Department - staff level, for consideration. Fencing shall be held tight to the demising site lines. Fence materials shall meet the TND requirements per **Exhibit 7.1**.

**3. Architectural Standards**

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

- i. **Single Family Homes, Multifamily Villas, and Townhomes (Exhibit 7.1) -** Examples of high-quality materials shall include:

Stone, Brick, Burnished Block, Commercial grade architectural metal panel, Wood, Fiber cement plank or panel, Stucco, Photovoltaic systems, engineered wood systems, Phenolic cladding system, Composite Siding System, Wood look aluminum metal plank system. **(Fence materials to be specified)**

- ii. **Multi Family Buildings and Clubhouse (Exhibit 7.2) -** Examples of high-quality materials shall include:

Stone, Brick, Burnished Block, Commercial grade architectural metal panel, Wood, Fiber cement plank or panel, Stucco, Photovoltaic systems, engineered wood systems, Phenolic cladding system, Corrugated metal paneling, Wood look aluminum metal plank system. Board-formed/textured/decorative concrete shall be allowed for foundations only as part of plans approved by the Plan Commission.

- iii. **Locations of High-Quality materials:** High quality materials shall take precedence on facades that face main roadways or any other frontages that will be in direct contact with the public realm.

- iv. **Accent Materials:** Accent materials are defined as high quality materials that shall not make up the primary composition of a façade. They selectively highlight architectural features and are intended to harmonize within the overall design expression.

**Examples of recommended Accent materials include:**

- Exposed concrete (variety of colors and textures are acceptable)

- Fritted glazing (variety of patterns are acceptable)
  - Translucent Materials (variety of styles are acceptable)
  - Corrugated Metal Panel
  - Metal and/or vinyl trim and fascia
- v. **Material examples** – Example images of acceptable materials are depicted on **Exhibits 7.1 and 7.2**. Material examples and requirements stated above shall apply to all proposed building typologies within Lakeshore Commons.
- b. **Building Façade Composition** - Buildings at Lakeshore Commons are intended to harmonize with each other and create a uniform and understandable design identity without limiting building style and expression. The community experience is enhanced with visually interesting building facades. All building typologies and facades shall demonstrate a timeless design aesthetic.
- c. **Scale:** A building's composition shall include a hierarchy and variety of elements such as entries, windows, roof elements, structural bays, etc., all of which create neighborhood identity. These elements shall work in harmony with building height and massing emphasizing character and pedestrian comfort.
- d. **Height:** In order to achieve a dense urban character, building heights within Lakeshore Commons shall be maximized following their building. Proposed buildings shall follow the guidelines set forth in the Traditional Neighborhood Development document.
- e. **Depth:** Buildings shall utilize techniques to avoid flat façade treatments. Visually capturing layering and depth includes intentional design and material approaches with windows, roof extensions, and various other façade expressions.
- f. **Glass:** Glazing is an important component in a building's design. Appropriate glazing amounts enhance interior living conditions with natural daylight, outside views, and better air flow depending on window types. All of these components contribute to the health and wellness of all residents. Glazing along pedestrian corridors at the ground level shall be maximized here to promote retail engagement and street edge activation while also providing safety, allowing unobstructed views into and out of buildings.
- i. Tinted glazing and Spandrel glazing should be minimized to small areas on the facades and used primarily as back of house façade treatments at service locations.
  - ii. All building typologies noted below shall meet glazing amount guidelines as stated in the Traditional Neighborhood Development document.
  - iii. **Single Family structure and multifamily two- and three-unit villas glazing guidelines:** Glazing locations, amounts, sizes, and window specifications shall promote the health and wellness of the residents as much as possible.
  - iv. **Multifamily structure of four or more units glazing guidelines:** Ground floor glazing amounts shall serve to activate the street front as much as possible.
  - v. **Commercial & Amenity Building Glazing Guidelines:** Commercial glazing design should be maximized at the ground level to encourage street activation and shall incorporate adequate visibility into the tenant spaces.

#### 4. Landscaping Standards

- a. For each phase of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Said landscape plans shall be in conformance with the overall master site landscape plan approved for the PUD March 22, 2022.

## 5. Lighting Standards

- a. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission or their designee and shall conform with the standards in Section 17.0509 of the Municipal Code (as amended).

## 6. Signs

- a. A master sign plan shall be submitted for review and approval by the Plan Commission, and shall include requirements for lettering, base materials, form, landscaping and lighting. Signage, provided that it is in accordance with the approved master sign plan, shall not require additional Plan Commission approval. Refer to **Exhibit 8**, Development Signage, for additional information on conceptual design and placement. The plan shall include signage requirements for
  - i. Wayfinding – Not shown in exhibit. To be individual wayfinding markers, one (1) overall at central amenity space, one (1) at each amenity station. Design intent to match development signage- design, color, and material. Sizing to be fifty-four (54) inches tall by twelve (12) inches wide.
  - ii. Development signage.
  - iii. Multifamily buildings of four (4) or more units and mixed-use buildings.
  - iv. Clubhouse and amenity spaces.

## 7. Maintenance and Operation

- a. Areas for snow storage on private property shall be provided outside of public rights-of-way as depicted in **Exhibit 9**. Removal of snow from roads (private), alleys, off-street parking areas, sidewalks and access drives shall be the responsibility of the owners.
- b. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan(s). Garbage and recycling containers may not be stored outside unless screened. Solid waste collection and recycling shall be the responsibility of the owners. **See Exhibit 10**.
- c. The maintenance of stormwater management and green infrastructure facilities is the responsibility of the property owner unless otherwise agreed to and documented by the City.

## 8. Time of compliance

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

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

## 9. Other regulations

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

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

- a. Variation from Chapter 14 Requirements – The following sequence represents a variation of Chapter 14 Subdivision and Platting Requirements pursuant to Section 14.180(d) of the Municipal Code.
- b. Certified Survey Map – A certified survey map shall be approved and shall be recorded concurrently with the closing of the sale of the City property.
- c. Infrastructure Development Agreement – A development agreement as required under Section 1L above shall be approved and executed prior to the closing of the sale of the City property.
- d. Rezoning and Planned Unit Development – The properties shall be rezoned to Traditional Neighborhood Development Planned Unit Development. A copy of the signed conditions and restrictions shall be returned to the Department of Community Development.
- e. Commencement of Infrastructure Development- Following approval of the infrastructure development agreement, closing on the property, and approval of the rezoning and PUD, construction may commence in accordance with the conditions set forth in this document, the Deed Restriction and COC requirements imposed by the Wisconsin Department of Natural Resources ("WDNR") under the Voluntary Party Liability Program ("VPLE") and the Post Closure Modification ("PCM") approved by the WDNR.
- f. Preliminary Plat – A preliminary plat shall be submitted for review and approval by the Plan Commission. As part of that submittal, the applicant shall identify and justify any variations that are being requested to the platting procedures as identified in Section 14.180 of the Municipal Code (as amended).
- g. Final Plat – Upon approval of the preliminary plat, the applicant may submit a final plat for review and approval by the Plan Commission and Common Council in accordance with the procedures established in Chapter 14 of the Municipal Code (as amended) or those variations recommended thereto by the Plan Commission. The Plan Commission shall make a recommendation to the Common Council, who in turn may approve the final plat and any variations requested therewith. The final plat may not be recorded, and no new parcels or public rights of way may be created until the conditions of the Post Closure Modification ("PCM") have been satisfied, unless there is written approval



of the WDNR.

- h. Condominium Plat - A condominium plat shall be submitted for review and approval by the Plan Commission and Common Council in accordance with Section 14.42 of the Municipal Code (as amended). As part of that submittal, the applicant shall identify and justify any variations that are being requested to the platting procedures identified in Section 14.180 of the Municipal Code (as amended).
- i. Conditions Precedent to Issuance of Building Permit – No building permit shall be issued until such time as plans have been approved by the Plan Commission if required by Section 1 of these conditions and restrictions, and until water, sanitary sewer, storm sewer and an accessible roadway have been provided to access the location of said building permit. The extent to which these improvements are deemed acceptable is at the sole discretion of the City Engineer.
- j. Completion, Acceptance and Dedication of Public Improvements and Issuance of Certificate of Occupancy – No occupancy permits may be issued for structures within a phase until such time as all public improvements for that phase have been completed, accepted and dedicated to the City in accordance with the infrastructure development agreement.

**11. Revocation**

Should an applicant, their heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the PUD approval may be revoked, and the lands may be rezoned to the TND – Traditional Neighborhood Development district. The process for revoking an approval shall generally follow the procedures for approving a PUD in Sections 17.0707 – 17.0709 and enforcement procedures as set forth in Section 17.0805(c) of the Municipal Code (as amended).

**12. Acknowledgement**

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

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

\_\_\_\_\_  
Date

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

List of Exhibits for Lakeshore Commons PUD

**Exhibit 1** – General Development Plan

**Exhibits 2.1 through 2.13** – Design and Character of Building Typologies

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

**Exhibit 4** – Proposed Open Space & Neighborhood Amenities

**Exhibit 5** – Page Intentionally Left Blank

**Exhibits 6.1 through 6.3, 6.4** – Circulation and Road Cross Sections, Alley Cross Sections

**Exhibits 7.1 & 7.2** - Material Examples

**Exhibit 8** – Development Signage

**Exhibit 9** – Snow Storage Areas

**Exhibit 10** – Proposed Private Fence and Trash/Recycling Storage Diagram

**Exhibits 11.1 through 11.10** – Setback Diagrams

## COMMON COUNCIL REPORT

**Item:** Certified Survey Map - 4301 E. Depot Rd.

**Recommendation:** That the Council adopts Resolution No. 12382-011723, a resolution approving a Certified Survey Map submitted by Fifth Property, LLC and the City of Oak Creek for the property at 4301 E. Depot Rd. (4th Aldermanic District)

**Fiscal Impact:** The proposal is to divide the property into one (1) lot for future redevelopment, and one (1) Outlot to be acquired by the City. The Outlot is integral for the bluff stabilization and park project along the lakefront. Future redevelopment of the proposed Lot 1 will yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. This property is currently located within TID 13.

**Critical Success Factor(s):**

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

---

**Background:** The Applicant, in conjunction with the City of Oak Creek, is requesting approval of a Certified Survey Map (CSM) dividing the property at 4301 E. Depot Rd. into two (2) parcels. Lot 1 will be retained by the property owner, and 2 will be acquired by the City for future bluff stabilization and park purposes. Lot 1 meets the minimum lot size requirements for the A-1, Limited Agricultural zoning district, which is anticipated to be changed prior to any redevelopment or development. Lot 2, following the required change listed in Item 3 below, will not be required to meet minimum lot size requirements.

Staff note that several revisions will be required prior to recording, including:

1. Clarify the type of easement for easement "D" in the notes on page 1.
2. Clarify whether easement "A" is also an MMSD utility easement, or whether there is a separate MMSD easement.
3. Lot 2 should be identified as Outlot 1 as there is no access and does not meet the minimum dimensional requirements for the A-1, Limited Agricultural zoning district.
4. Clarify whether the identified utility poles are located within an electrical easement.
5. Floodplain boundaries are missing and must be included on the map prior to recording.
6. The signature page must be updated with the current Plan Commission Secretary.

Staff have no objections to the proposal with the conditions of approval recommended by the Plan Commission.

---

The Plan Commission reviewed this request during their January 10, 2023 meeting, and recommended approval subject to the following conditions:

1. That all easements are clearly depicted and noted on the map prior to recording.
2. That Lot 2 is changed to Outlot 1.
3. That floodplain boundaries are included on the map prior to recording.
4. 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. Denial of the request would hinder the bluff stabilization and park projects currently in the planning stages.

---

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Approved:



Karl Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Res. 12382-011723

Location Map

Proposed CSM (3 pages)



RESOLUTION NO. 12382-011723

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

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
FIFTH PROPERTY, LLC & THE CITY OF OAK CREEK

4301 E. Depot Rd.  
(4<sup>th</sup> Aldermanic District)

WHEREAS, FIFTH PROPERTY, LLC & THE CITY OF OAK CREEK, hereinafter referred to as the subdividers, have submitted a certified survey map in compliance with all statutory requirements; and

WHEREAS, the subdivider has complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

WHEREAS, the Plan Commission has recommended that this certified survey map be approved, subject to the following conditions:

1. That all easements are clearly depicted and noted on the map prior to recording.
2. That Lot 2 is changed to Outlot 1.
3. That floodplain boundaries are included on the map prior to recording.
4. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

1. That all easements are clearly depicted and noted on the map prior to recording.
2. That Lot 2 is changed to Outlot 1.
3. That floodplain boundaries are included on the map prior to recording.
4. 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 17<sup>th</sup> day of January, 2023.

Passed and adopted this 17<sup>th</sup> day of January, 2023.

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

Approved this 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Mayor

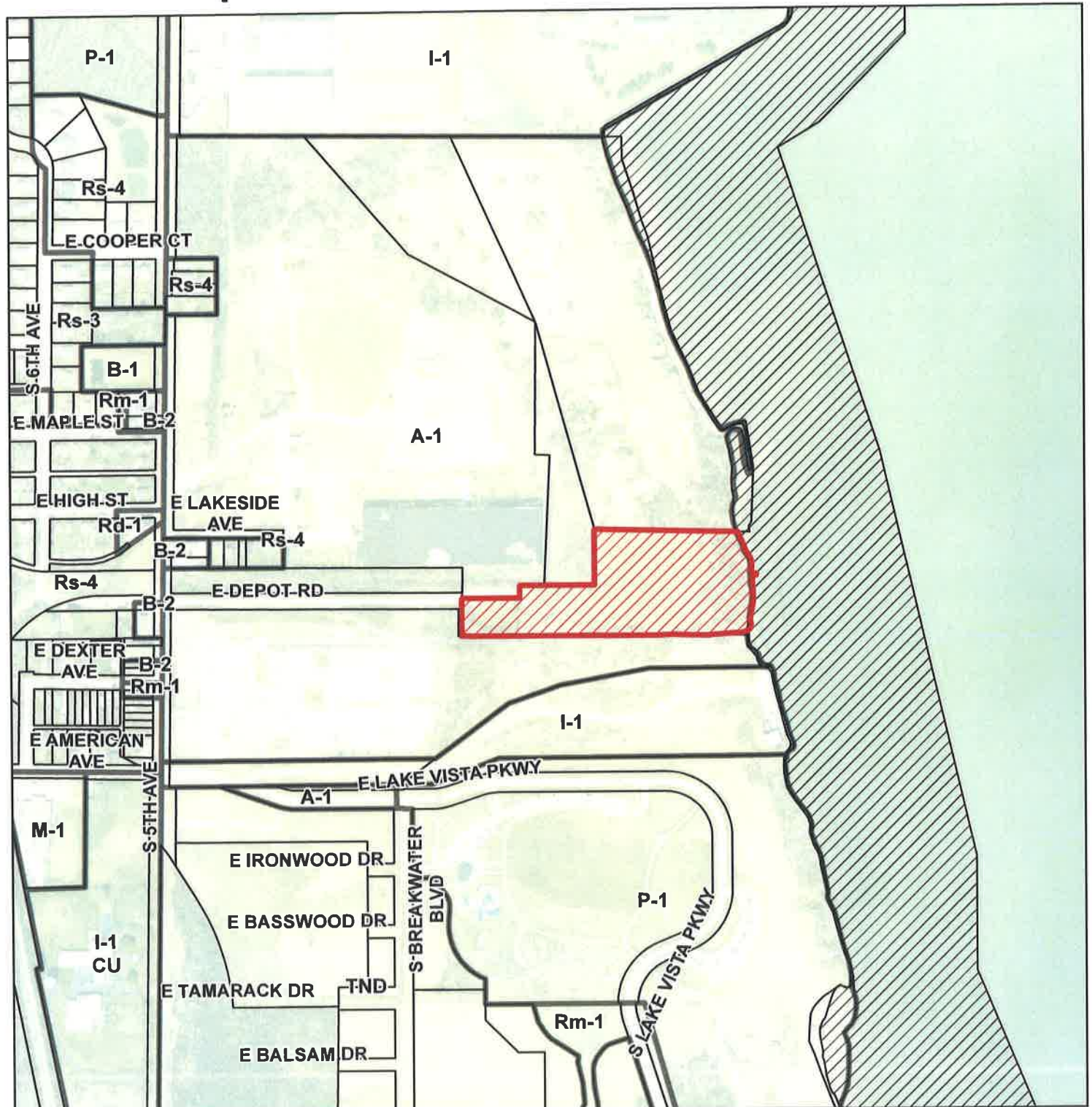
ATTEST:

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

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

# LOCATION MAP

## 4301 E. Depot Rd.



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



Community Development



### Legend

- Zoning
- Official Map
- Flood Fringe
- Floodway
- 4301 E. Depot Rd.

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

BEING PART OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**SURVEYED FOR:**  
 FIFTH PROPERTY LLC  
 413 N. 2ND ST., STE. 100  
 MILWAUKEE, WI 53202

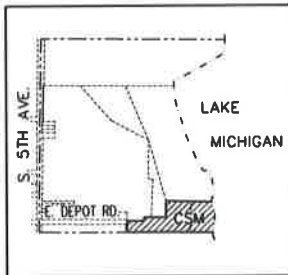
**SURVEYED BY:**  
 JSD PROFESSIONAL SERVICES INC  
 W238N1610 BUSSE RD., STE. 100  
 WAUKESHA, WI 53188

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

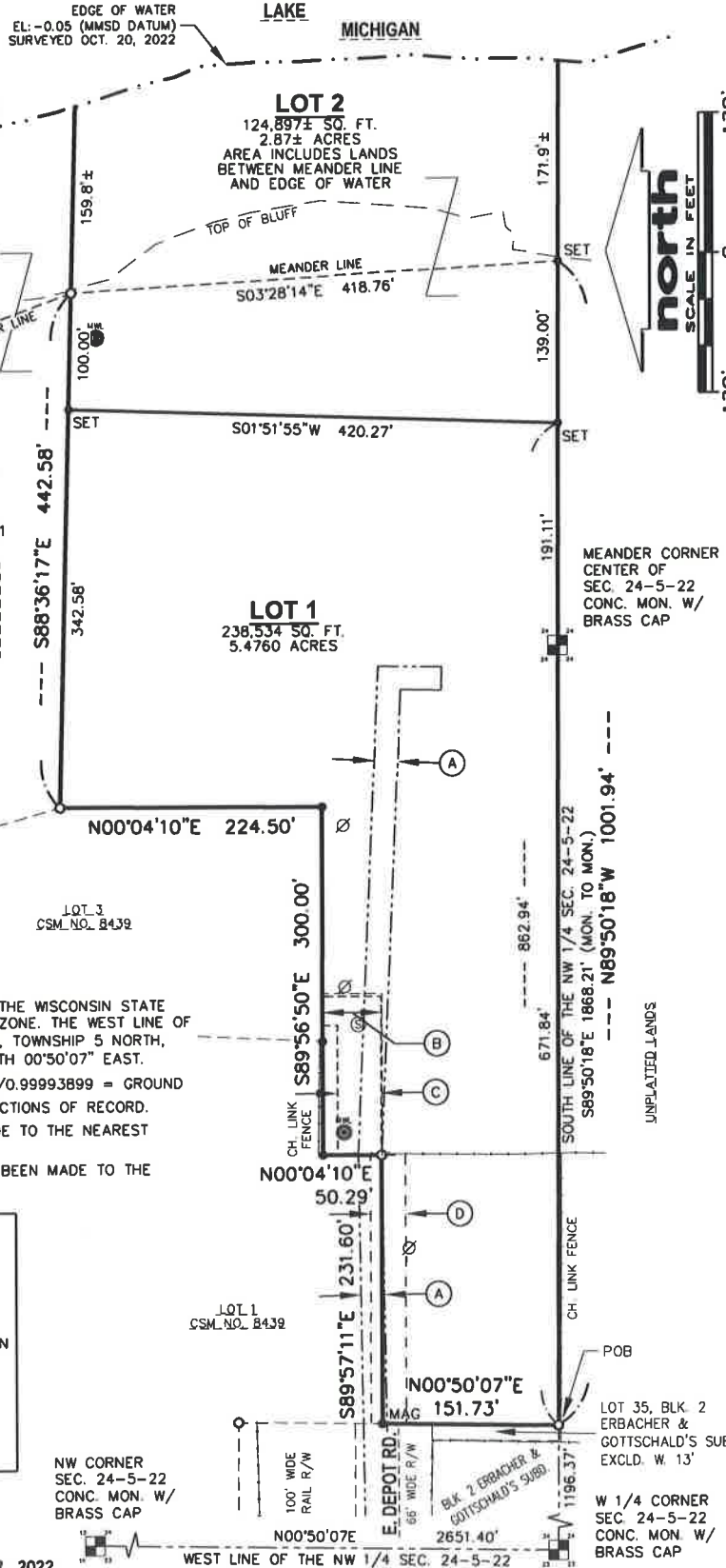
- EXISTING EASEMENT:**
- (A) 20' WIDE MMSD RIGHT-OF-WAY PER DOC. NO. 4473150
  - (B) 51'x139' RIGHT AND EASEMENT PER DOC. NO. 6423113 & 985207
  - (C) INGRESS-EGRESS EASEMENT PER DOC. NO. 5396118
  - (D) 30' WIDE CITY OF OAK CREEK EASEMENT PER DOC. NO. 4746121



**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 24, TOWNSHIP 5 NORTH, RANGE 22 EAST, WAS USED AS NORTH 00°50'07" EAST.  
 PROJECT CONVERSION FACTOR: GRID/0.99993899 = 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.



**VICINITY MAP**  
 NW 1/4 SEC. 24-5-22  
 SCALE: 1"=2000'



DATED THIS \_\_\_\_\_ DAY OF NOVEMBER, 2022  
 THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738



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

BEING PART OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, 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 part of the Southwest 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 24, 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 24; thence South 89°50'18" East along the south line of said Northwest 1/4 section, 1196.37 feet to the southeast corner of Lot 35, Block 2, of Erbacher & Gottschald's Subdivision and the point of beginning;

Thence North 00°50'07" East along the east line of said Lot 35 and then along the east line of East Depot Road, 151.73 feet to the southeasterly corner of Lot 1 of Certified Survey Map No. 8439; thence South 89°57'11" East along the southerly line of said Certified Survey Map, 231.60 feet; thence North 00°04'10" East along said southerly line, 50.29 feet; thence South 89°56'50" East along said southerly line, 300.00; thence North 00°04'10" East along said southerly line, 224.50 feet to the southwest corner of Lot 4 of said Certified Survey Map No. 8439; thence South 88°36'17" East along the south line of said Lot 4, 442.58 feet to a meander line; thence South 03°28'14" East along said meander line, 420.31 feet to said south line of the Northwest 1/4 section; thence North 89°50'18" West along said south line, 1001.94 feet to the point of beginning.

ALSO,

Lands lying between said meander line and the ordinary high water mark of Lake Michigan.

Containing in all 363,431 square feet (8.3432 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 FIFTH PROPERTY, LLC, owner 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 NOVEMBER, 2022

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



R:\2022\2211916\0616\22-11916 CS&L.dwg

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

BEING PART OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**OWNERS' CERTIFICATES**

FIFTH PROPERTY, 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.

FIFTH PROPERTY, LLC

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

**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



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## COMMON COUNCIL REPORT

**Item:** Certified Survey Map - 9100 S. 5<sup>th</sup> Ave. & 4300 E. Lake Vista Parkway

**Recommendation:** That the Council adopts Resolution No. 12383-011723, a resolution approving a Certified Survey Map submitted by Connell Aluminum Properties, LLC and the City of Oak Creek for the properties at 9100 S. 5th Ave. & 4300 E. Lake Vista Parkway. (4th Aldermanic District)

**Fiscal Impact:** The proposal is to divide and reconfigure the properties into one (1) lot for future redevelopment, one (1) Outlot to remain for Water and Sewer Utility infrastructure, and one (1) Outlot to be acquired by the City. The Outlot to be acquired is integral for the bluff stabilization and park project along the lakefront. Future redevelopment of the proposed Lot 1 will yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. This property is currently located within TID 13.

**Critical Success Factor(s):**

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

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**Background:** The Applicant, in conjunction with the City of Oak Creek, is requesting approval of a Certified Survey Map (CSM) dividing and reconfiguring the properties at 9100 S. 5th Ave. and 4300 E. Lake Vista Pkwy. into three (3) parcels. Lot 1 will be retained by Connell Aluminum Properties, LLC; Outlot 1 will be retained by the City of Oak Creek; Outlot 2 will be acquired by the City for future bluff stabilization and park purposes. Lot 1 meets the minimum lot size requirements for the A-1, Limited Agricultural zoning district. Outlots 1 & 2 are not required to meet minimum lot size requirements due to the designation as Outlots. Zoning for the parcels may be changed prior to any redevelopment or development for Lot 1 and Outlot 2.

Staff note that several revisions will be required prior to recording, including:

1. Existing easements are missing and must be included on the map prior to recording (e.g., storm, electrical, miscellaneous).
2. Clarify whether an MMSD easement is needed.
3. A public sanitary easement on the existing sanitary line is required.
4. Wetland and floodplain boundaries are missing and must be included on the map prior to recording.
5. The signature page must be updated with the current Plan Commission Secretary.

---

Staff have no objections to the proposal with the conditions of approval recommended by the Plan Commission.

The Plan Commission reviewed this request during their January 10, 2023 meeting, and recommended approval subject to the following conditions:

1. That all easements are clearly depicted and noted on the map prior to recording.
2. That wetland and floodplain boundaries are included on the map prior to recording.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording

**Options/Alternatives:** Council has the discretion to approve the Certified Survey Map with conditions, modify the conditions, or deny the request. Denial of the request would hinder the bluff stabilization and park projects currently in the planning stages.

---

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Approved:



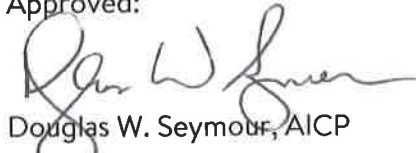
Kari Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:



Maxwell Gagrin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Res. 12383-011723

Location Map

Proposed CSM (5 pages)

RESOLUTION NO. 12383-011723

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

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
CONNELL ALUMINUM PROPERTIES, LLC & THE CITY OF OAK CREEK

9100 S. 5<sup>th</sup> Ave. & 4300 E. Lake Vista Parkway  
(4<sup>th</sup> Aldermanic District)

WHEREAS, CONNELL ALUMINUM PROPERTIES, LLC & THE CITY OF OAK CREEK, hereinafter referred to as the subdividers, have submitted a certified survey map in compliance with all statutory requirements; and

WHEREAS, the subdivider has complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

WHEREAS, the Plan Commission has recommended that this certified survey map be approved, subject to the following conditions:

1. That all easements are clearly depicted and noted on the map prior to recording.
2. That wetland and floodplain boundaries are included on the map prior to recording.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

1. That all easements are clearly depicted and noted on the map prior to recording.
2. That wetland and floodplain boundaries are included on the map prior to recording.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17<sup>th</sup> day of January, 2023.



Passed and adopted this 17<sup>th</sup> day of January, 2023.

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

Approved this 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Mayor

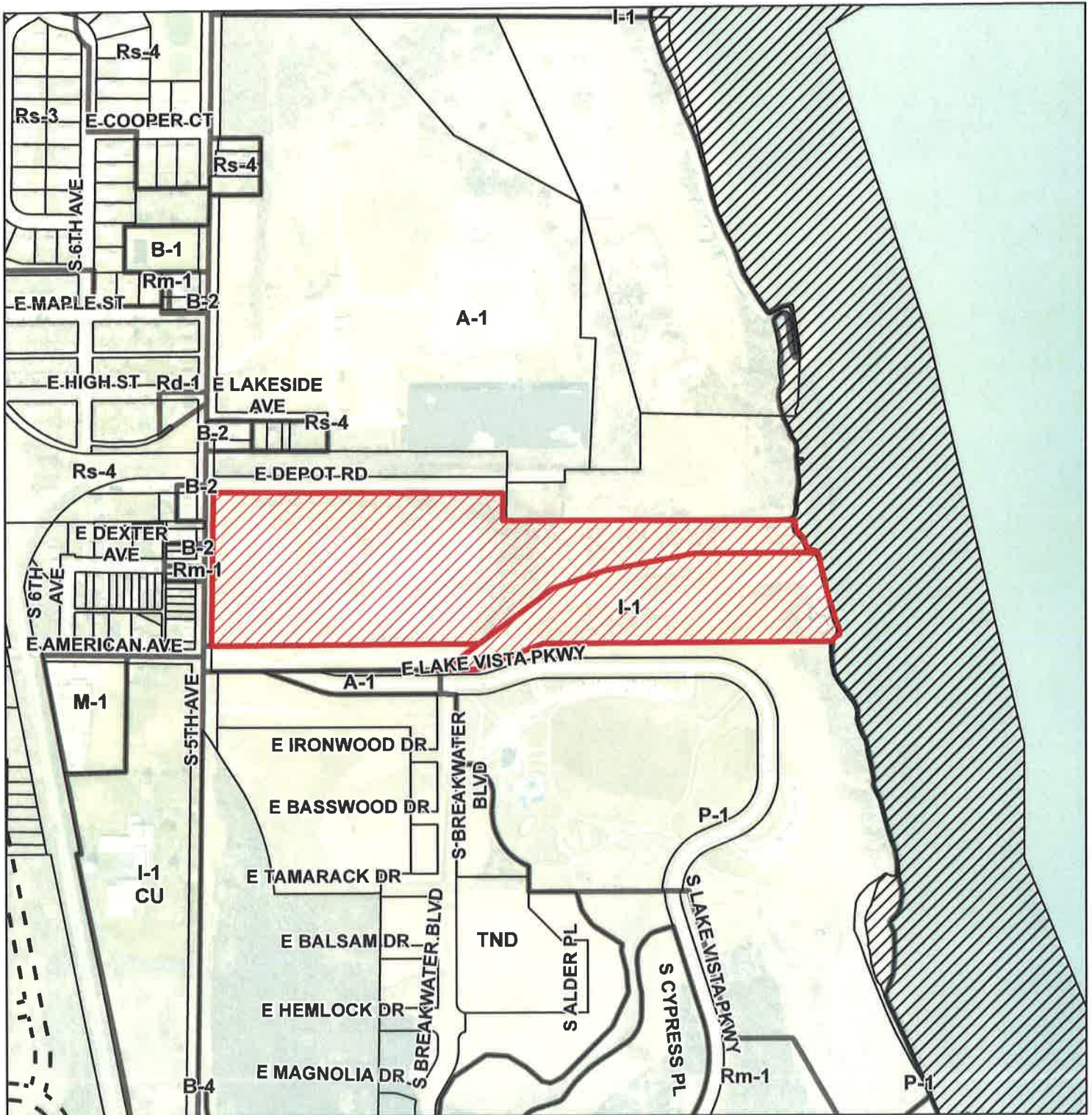
ATTEST:

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

VOTE:      Ayes \_\_\_\_ Noes \_\_

# LOCATION MAP

## 9100 S. 5th Ave. & 4300 E. Lake Vista Pkwy.



*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



Community Development



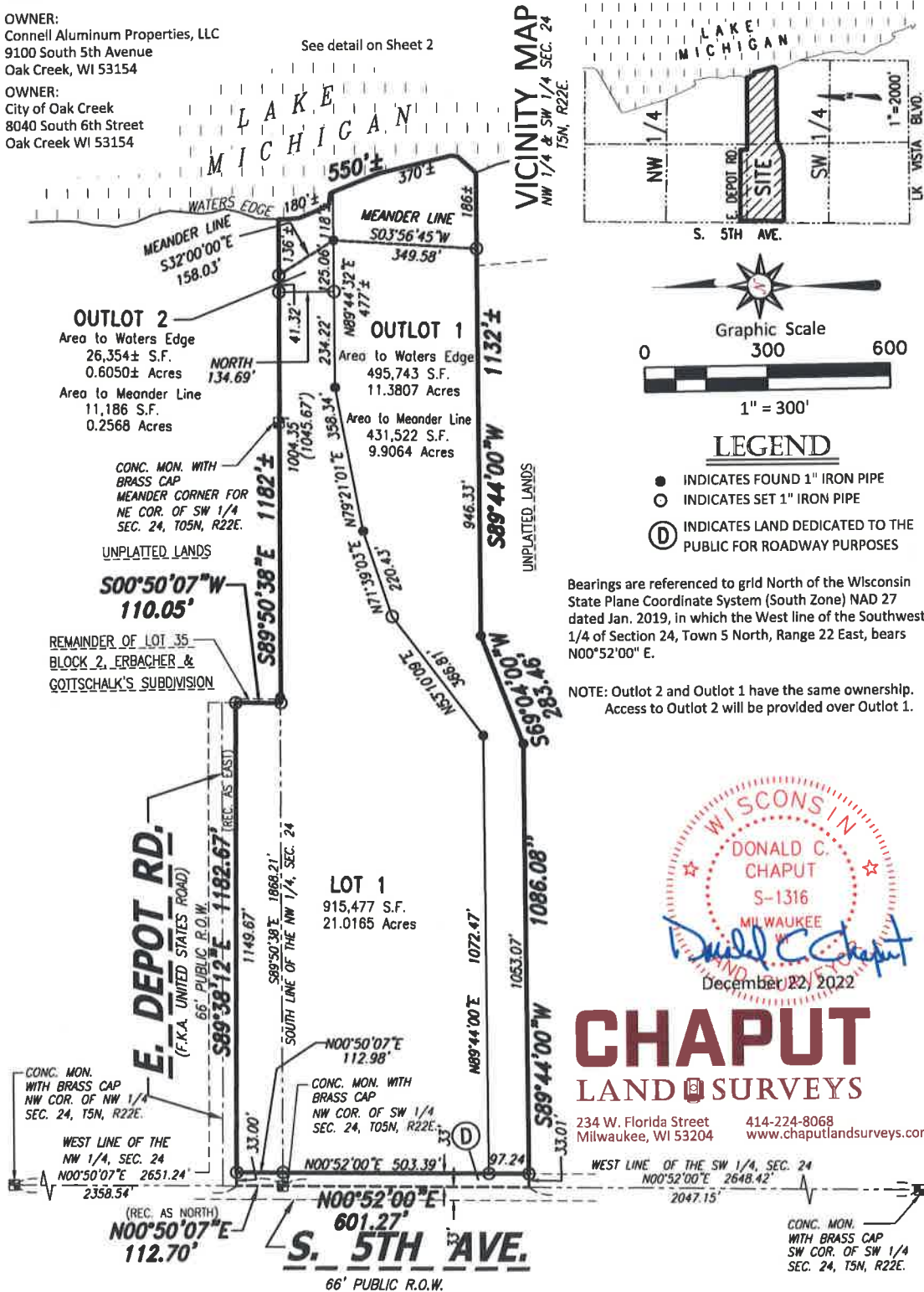
# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lots 1 to 34 inclusive and part of Lot 35 in Block 2, Erbacher & Gottschalk's Subdivision, Lot 1 and Outlot 1 of Certified Survey Map No. 8554 and lands in the Southwest 1/4 of the Fractional Northwest 1/4 and part of the Northwest 1/4 and Northeast 1/4 of the Fractional Southwest 1/4 all in Section 24, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

OWNER:  
Connell Aluminum Properties, LLC  
9100 South 5th Avenue  
Oak Creek, WI 53154

OWNER:  
City of Oak Creek  
8040 South 6th Street  
Oak Creek WI 53154

See detail on Sheet 2



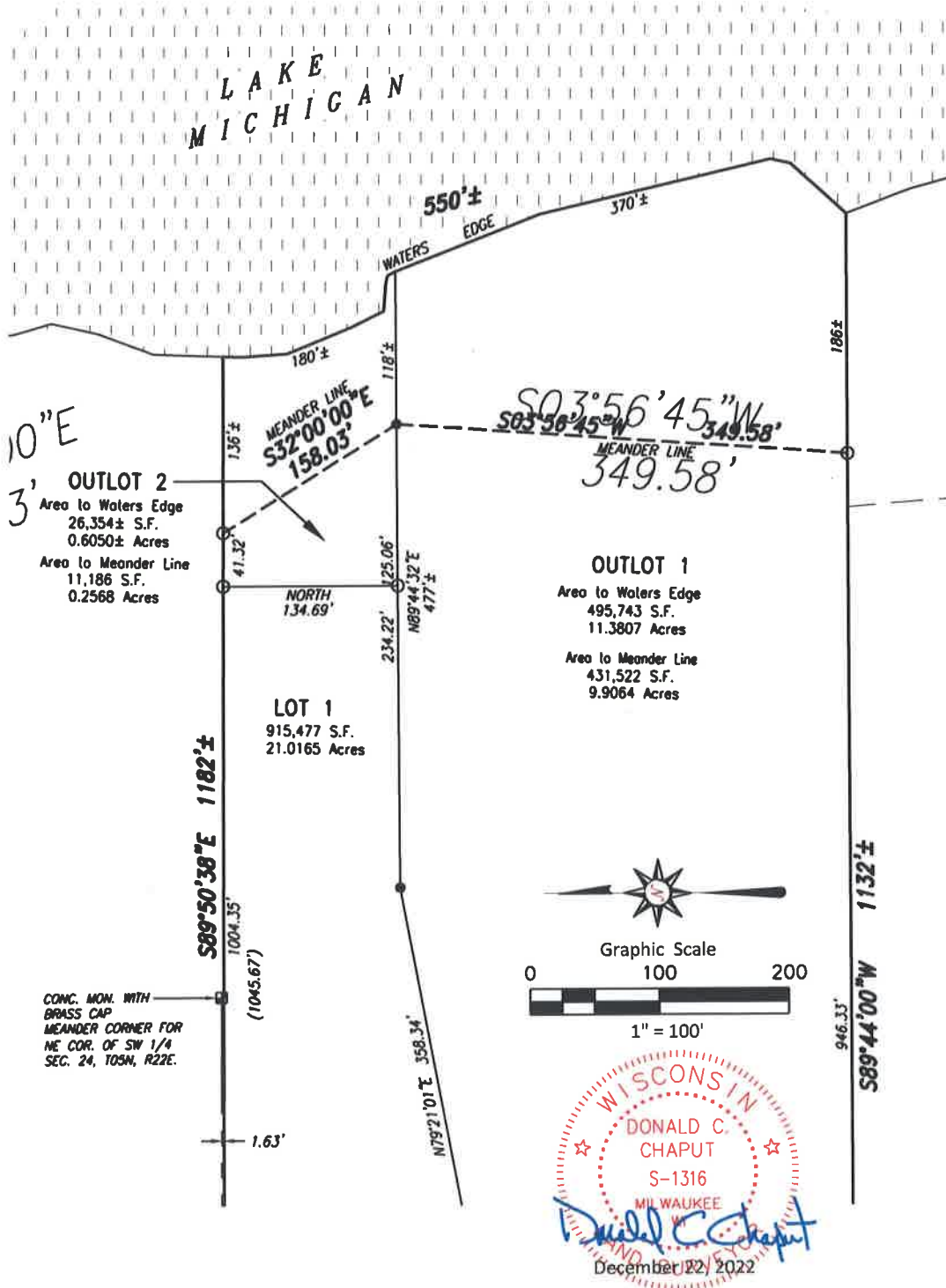
**CHAPUT**  
LAND SURVEYS

234 W. Florida Street  
Milwaukee, WI 53204  
414-224-8068  
www.chaputlandsurveys.com



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lots 1 to 34 inclusive and part of Lot 35 in Block 2, Erbacher & Gottschalk's Subdivision, Lot 1 and Outlot 1 of Certified Survey Map No. 8554 and lands in the Southwest 1/4 of the Fractional Northwest 1/4 and part of the Northwest 1/4 and Northeast 1/4 of the Fractional Southwest 1/4 all in Section 24, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lots 1 to 34 inclusive and part of Lot 35 in Block 2, Erbacher & Gottschalk's Subdivision, Lot 1 and Outlot 1 of Certified Survey Map No. 8554 and lands in the Southwest 1/4 of the Fractional Northwest 1/4 and part of the Northwest 1/4 and Northeast 1/4 of the Fractional Southwest 1/4 all in Section 24, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}  
:SS  
MILWAUKEE COUNTY}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a redivision of Lots 1 to 34 inclusive and part of Lot 35 in Block 2, Erbacher & Gottschalk's Subdivision, Lot 1 and Outlot 1 of Certified Survey Map No. 8554 and lands in the Southwest 1/4 of the Fractional Northwest 1/4 and part of the Northwest 1/4 and Northeast 1/4 of the Fractional Southwest 1/4 all in Section 24, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows:

BEGINNING at the Northwest corner of the Southwest 1/4 corner of said Section 24; thence North 00°50'07" East along the West line of said Northwest 1/4 Section 112.70 feet to a point on the South line of East Depot Road and its extension; thence South 89°38'12" East along said South line 1182.67 feet to a point which is 13.00 feet East of the Northwest corner of Lot 35, Block 2 in Erbacher & Gottschalk's Subdivision; thence South 00°50'07" West 110.05 feet to a point which is 1.63 feet South of the South line of the Northwest 1/4 of Section 24; thence South 89°50'38" East along a line 1.63 feet South of and parallel to the Northwest 1/4 aforesaid 1045.67 feet to a meander corner, said point being North 89°50'38" West 136 feet more or less from the waters edge of Lake Michigan; thence South 32°00'00" East along a meander line 158.03 feet to a meander corner; thence South 03°56'45" West along the meander line 349.58 feet to a meander corner, said point being South 89°44'00" West 186 feet more or less from the waters edge of Lake Michigan; thence South 89°44'00" West 946.33 feet to a point; thence South 69°04'00" West 283.46 feet to a point; thence South 89°44'00" West 1086.08 feet to a point on the West line of the Southwest 1/4 of Section 24; thence North 00°52'00" East along said West line 601.27 feet to the point of beginning. Including those lands lying between the aforesaid meander line and the waters edge of Lake Michigan.

Said lands contain 1,461,130 square feet, or 33.5429 acres to waters edge.

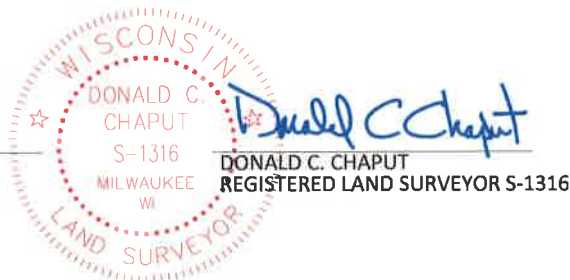
Said lands contain 1,381,740 square feet, or 31.7204 acres to meander line.

THAT I have made the survey, land division and map by the direction of Connell Aluminum Properties, LLC and the City of Oak Creek, owners.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 114 of the City of Oak Creek Municipal Code.

December 22, 2022  
DATE





# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lots 1 to 34 inclusive and part of Lot 35 in Block 2, Erbacher & Gottschalk's Subdivision, Lot 1 and Outlot 1 of Certified Survey Map No. 8554 and lands in the Southwest 1/4 of the Fractional Northwest 1/4 and part of the Northwest 1/4 and Northeast 1/4 of the Fractional Southwest 1/4 all in Section 24, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

## OWNER'S CERTIFICATE

CONNELL ALUMINUM PROPERTIES, LLC, a Wisconsin limited liability company, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, hereby certifies that said limited liability company caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of the City of Oak Creek.

CONNELL ALUMINUM PROPERTIES, LLC, as owner, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Oak Creek.

IN WITNESS WHEREOF, CONNELL ALUMINUM PROPERTIES, LLC, has caused these presents to be signed by the hand of \_\_\_\_\_, President, on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_

In the presence of:

CONNELL ALUMINUM PROPERTIES, LLC  
By: \_\_\_\_\_, President

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
\_\_\_\_\_, President

STATE OF WISCONSIN }  
                                  :SS  
MILWAUKEE COUNTY }

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_, \_\_\_\_\_, President of CONNELL ALUMINUM PROPERTIES, LLC, to me known as the person who executed the foregoing instrument and acknowledged that he executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

\_\_\_\_\_  
Notary Public  
State of Wisconsin  
My commission expires \_\_\_\_\_  
My commission is permanent.

## CONSENT OF CORPORATE MORTGAGEE

\_\_\_\_\_, a \_\_\_\_\_ limited liability company, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedicating the land described on this map and does hereby consent to the above certificate of CONNELL ALUMINUM PROPERTIES, LLC, a Wisconsin limited liability company, OWNER.

CONNELL ALUMINUM PROPERTIES, LLC, a Wisconsin limited liability company

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ }  
                                  :SS  
\_\_\_\_\_ COUNTY }

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_, \_\_\_\_\_ of \_\_\_\_\_, to me known as the person who executed the foregoing instrument and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

\_\_\_\_\_  
Notary Public  
State of Wisconsin  
My commission expires \_\_\_\_\_  
My commission is permanent.



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lots 1 to 34 inclusive and part of Lot 35 in Block 2, Erbacher & Gottschalk's Subdivision, Lot 1 and Outlot 1 of Certified Survey Map No. 8554 and lands in the Southwest 1/4 of the Fractional Northwest 1/4 and part of the Northwest 1/4 and Northeast 1/4 of the Fractional Southwest 1/4 all in Section 24, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

## CORPORATE OWNER'S CERTIFICATE

CITY OF OAK CREEK, a Wisconsin Corporation, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, hereby certifies that said corporation caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of the City of Oak Creek.

This agreement shall be binding on the undersigned and assigns.

IN WITNESS WHEREOF, THE CITY OF OAK CREEK, has caused these presents to be signed by the hand of DANIEL BUKIEWICZ, Mayor, on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_

\_\_\_\_\_  
DANIEL BUKIEWICZ, MAYOR

STATE OF WISCONSIN}  
  :SS  
MILWAUKEE COUNTY}

Personally came before me this \_\_\_ day of \_\_\_\_\_, 202\_, the above named Daniel Bukiewicz and to me known as the person who executed the foregoing instrument and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

\_\_\_\_\_  
Notary Public  
State of Wisconsin  
My commission expires. \_\_\_\_\_  
My commission is permanent.

## PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the City of Oak Creek on this \_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DANIEL BUKIEWICZ, CHAIRMAN

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DOUGLAS W. SEYMOUR, SECRETARY

## COMMON COUNCIL CERTIFICATE OF APPROVAL AND ACCEPTANCE OF DEDICATION

APPROVED and acceptance of the dedicated public right-of-way by the Common Council of the City of Oak Creek, per Plan Commission recommendation on this \_\_\_ day of \_\_\_\_\_, 202\_, by Resolution No. \_\_\_\_\_.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DANIEL BUKIEWICZ, MAYOR

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CATHERINE ROESKE, CITY CLERK



## COMMON COUNCIL REPORT

- Item:** Final Payment - Apple Creek Farms Resurfacing and Park Improvements
- Recommendation:** That the Common Council approves Resolution No. 12378-011723, accepting the workmanship of Payne & Dolan, Inc., and authorizing final contract payment under Project No. 22002 (2<sup>nd</sup> Aldermanic District).
- Fiscal Impact:** Final payment of \$20,697.15 is to be paid with funding provided in Project No. 22002.
- 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:** On April 13, 2022, the Common Council awarded this project to the low bidder, Payne & Dolan, for an estimated cost of \$572,275.93 which was funded by TIF 7.

Attached to this report is the final project payment cost breakdown, which identifies major contract item overages and shortages, as well as contract change orders (additions and deletions), that account for the final contract amount. In the end the final project cost comes out to about 10% (\$60,045.06) over the awarded bid price.

Being a unit price contract, bids are evaluated based on quantity estimates and final payment is made on measured as-built quantities. The majority of the overages were due to the unexpected poor subgrade conditions within the circle at the east end of Jonathan Drive/south end of Whitney Drive, additional 3/4-Inch aggregate to adequately shoulder the project limits, and increase in restoration quantity within the park given the amount of work to complete within a small area (difficult to work with planned precision).

**Options/Alternatives:** The Council could opt to not accept the work and thus not make the final payment.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Ashley Kiepczynski, P.E.  
Assistant City Engineer

Fiscal Review:



Maxwell Gagin, MPA

Assistant City Administrator/Comptroller

Approved:



Matthew J. Sullivan, P.E.

City Engineer

---

Attachments: 12378-011723 Resolution, Project No. 22002 Final Project Payment Cost Breakdown

**RESOLUTION NO. 12378-011723**

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

**RESOLUTION ACCEPTING THE WORKMANSHIP OF  
PAYNE & DOLAN INC.  
AND AUTHORIZING FINAL PAYMENT**

**APPLE CREEK FARMS  
RESURFACING AND PARK IMPROVEMENTS**

**PROJECT NO. 22002**

**(2<sup>ND</sup> ALDERMANIC DISTRICT)**

WHEREAS, the City of Oak Creek, hereinafter referred to as the City, and Payne & Dolan Inc., hereinafter referred to as the contractor, entered into a contract whereby the Contractor agreed to perform certain public works under Project No. 22002 for the installation of street improvements in the City of Oak Creek, in accordance with plans and specifications prepared by the City Engineer for the agreed price of \$572,275.93; and,

WHEREAS, said total final contract price has been determined to be \$632,320.99 as computed by the City Engineer using actual quantities, as measured, additions and deletions to the contract, and contract unit prices; and,

WHEREAS, the Contractor has completed all of the work set out in the specifications; and,

WHEREAS, the City Engineer has submitted his final report certifying that the workmanship of the Contractor is satisfactorily completed and recommends a final settlement be made and that the City accept the work and authorize the payment of the balance presently outstanding and due the Contractor, and that there remains a balance on account, the sum of \$20,697.15.

NOW, THEREFORE, BE IT RESOLVED that the recommendation and report prepared by the City Engineer be accepted.

BE IT FURTHER RESOLVED that the City of Oak Creek does hereby accept the workmanship furnished by the Contractor, subject, however, to all guarantees and other obligations set out in the contract which the City of Oak Creek hereby reserves, if any, and subject to the right of the City of Oak Creek to commence an action or file a third party claim against the Contractor in the event that an action is commenced by anyone against the City of Oak Creek as a result of alleged injuries or wrongful death as a result of the condition of the work site or any other condition related to this project.

BE IT FURTHER RESOLVED that in order to guarantee said workmanship and materials on the street improvements for a period of 12 months after the acceptance of the work, the performance or contract bond, which has been made a part of the contract, shall be in effect until 12 months after the passage of the resolution.



BE IT FURTHER RESOLVED that the City, through its proper officials, issues its voucher in the sum of \$20,697.15 to the Contractor in full and final payment of the City's obligations under this contract.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17<sup>th</sup> day of January, 2023.

Passed and adopted this 17<sup>th</sup> day of January, 2023.

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

Approved this 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Mayor, City of Oak Creek

ATTEST:

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

VOTE: AYES \_\_\_\_\_ NOES \_\_\_\_\_



# FINAL PROJECT PAYMENT COST BREAKDOWN

PROJECT NO. 22002 (GL# 40-22-40-00270-22002)  
 LOCATION: Apple Creek Farms Subdivision  
 DESCRIPTION: Resurfacing and Park Improvements

PREPARED BY: Ashley Kiepczynski

DATE PREPARED: January 3, 2023

BID ITEM	BID ITEM DESCRIPTION	BID AMOUNT	AS-Built AMOUNT	UNIT PRICE	BID PRICE	AS-BUILT COST	OVER/ UNDER
204	REMOVING PAVEMENT BUTT JOINTS	700	590	\$ 3.30	\$ 2,310.00	\$ 1,947.00	\$ (363.00)
204	REMOVING ASPHALTIC SURFACE MILLING	29800	30045	\$ 1.93	\$ 57,514.00	\$ 57,986.85	\$ 472.85
204	REMOVING CURB AND GUTTER	50	45	\$ 12.00	\$ 600.00	\$ 540.00	\$ (60.00)
205	EXCAVATION COMMON	125	0	\$ 30.00	\$ 3,750.00	\$ -	\$ (3,750.00)
211	PREP FOUNDATION FOR ASPH. PAVING	1	1	\$ 2,882.25	\$ 2,882.25	\$ 2,882.25	\$ -
305	BASE AGGREGATE DENSE 3/4-INCH	50	148.75	\$ 115.32	\$ 5,766.00	\$ 17,153.85	\$ 11,387.85
305	BASE AGGREGATE DENSE 1 1/4-INCH	190	177.69	\$ 27.00	\$ 5,130.00	\$ 4,797.63	\$ (332.37)
390	BASE PATCHING ASPHALTIC	750	1289.194	\$ 25.60	\$ 19,200.00	\$ 33,003.38	\$ 13,803.38
455	TACK COAT	2090	1500	\$ 2.00	\$ 4,180.00	\$ 3,000.00	\$ (1,180.00)
461	HMA PAVEMENT 4 LT 58-28 S	4025	3987.56	\$ 75.83	\$ 305,215.75	\$ 302,376.67	\$ (2,839.08)
601	CONCRETE CURB INTEGRAL TYPE D	835	788.2	\$ 20.50	\$ 17,117.50	\$ 16,158.10	\$ (959.40)
601	CONCRETE CURB AND GUTTER 31-INCH	50	45.1	\$ 44.75	\$ 2,237.50	\$ 2,018.23	\$ (219.27)
629	INLET PROTECTION TYPE C	6	4	\$ 152.25	\$ 913.50	\$ 609.00	\$ (304.50)
644	TRAFFIC CONTROL	1	1	\$ 5,630.02	\$ 5,630.02	\$ 5,630.02	\$ -
646	MARKING LINE EPOXY 4-INCH	15130	18647	\$ 0.60	\$ 9,078.00	\$ 11,188.20	\$ 2,110.20
647	MARKING WORD EPOXY	16	16	\$ 260.00	\$ 4,160.00	\$ 4,160.00	\$ -
647	MARKING STOP LINE EPOXY 12-INCH	120	179	\$ 11.00	\$ 1,320.00	\$ 1,969.00	\$ 649.00
690	SAWING ASPHALT	300	70.5	\$ 3.00	\$ 900.00	\$ 211.50	\$ (688.50)
690	SAWING CONCRETE	40	5	\$ 3.00	\$ 120.00	\$ 15.00	\$ (105.00)
SPV.0035.01	EXCAVATION COMMON, PARK	324	324	\$ 27.50	\$ 8,910.00	\$ 8,910.00	\$ -
SPV.0060.01	CONCRETE BASES TYPE 5, PARK	2	6	\$ 1,025.00	\$ 2,050.00	\$ 6,150.00	\$ 4,100.00
SPV.0060.02	PULL BOXES STEEL 18X24-INCH, PARK	1	2	\$ 925.00	\$ 925.00	\$ 1,850.00	\$ 925.00
SPV.0060.03	REMOVE LIGHTING UNIT, PARK	1	1	\$ 659.00	\$ 659.00	\$ 659.00	\$ -
SPV.0060.04	REINSTALL LIGHTING UNIT, PARK	1	1	\$ 475.00	\$ 475.00	\$ 475.00	\$ -
SPV.0060.05	INSTALL CITY SUPPLIED LIGHTING UNIT, PARK	1	1	\$ 542.00	\$ 542.00	\$ 542.00	\$ -
SPV.0060.06	REMOVING CONCRETE BASES, PARK	1	1	\$ 531.00	\$ 531.00	\$ 531.00	\$ -
SPV.0090.01	PIPE UNDERDRAIN 6-INCH, PARK	160	160	\$ 35.00	\$ 5,600.00	\$ 5,600.00	\$ -
SPV.0090.02	CONDUIT RIGID NONMETALLIC SCHEDULE 40	335	335	\$ 8.73	\$ 2,924.55	\$ 2,924.55	\$ -
SPV.0090.03	ELECTRICAL WIRE LIGHTING 6 AWG, PARK	1050	1050	\$ 2.59	\$ 2,719.50	\$ 2,719.50	\$ -
SPV.0090.04	SAWING ASPHALT, PARK	25	57.5	\$ 3.00	\$ 75.00	\$ 172.50	\$ 97.50
SPV.0090.05	4-INCH CONCRETE CURB RIBBON, PARK	240	241.3	\$ 33.00	\$ 7,920.00	\$ 7,962.90	\$ 42.90
SPV.0165.01	STAMPED CONCRETE SIDEWALK 5-INCH	6620	6319.4	\$ 7.75	\$ 51,305.00	\$ 48,975.35	\$ (2,329.65)
SPV.0165.02	CONCRETE SIDEWALK 5-INCH, PARK	0	0	\$ -	\$ -	\$ -	\$ -
					\$ 532,660.57	\$ 553,118.48	\$ 20,457.91





## COMMON COUNCIL REPORT

- Item: Funding Agreement with MMSD for a Green Solutions Project
- Recommendation: That the Common Council adopts Resolution No. 12379-011723, a resolution approving a Funding Agreement with MMSD for a Green Solutions project at the Oak Creek Police Department. (5th Aldermanic District)
- Fiscal Impact: The City would front the costs of the Green Solutions project and be reimbursed by MMSD.
- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

Background: The City of Oak Creek has \$1,602,036 of grant funding available as part of the MMSD Green Solutions Program. The City can utilize this funding for the installation of green infrastructure such as bioswales, porous pavement/permeable pavers, and rain gardens.

The Oak Creek Police Department parking lot has areas of severe deterioration that are in need of reconstruction. This project provides an opportunity for the City to utilize the available green solution funding to pay for the installation of a porous asphalt pavement in portions of the parking lot. This system would function similarly to the permeable pavers that were installed at Drexel Town Square and Lake Vista Park. The porous asphalt pavement will capture and detain stormwater from the parking lot and surrounding area providing a reduction in the peak runoff release rate and water quality benefits.

The proposed Funding Agreement outlines that the City would advertise for public bid and hire a contractor to perform the construction of the green infrastructure, pay the construction costs, and then apply for 100% cost reimbursement from MMSD. This project would utilize \$545,435 of the available MMSD Green Solutions grant funding.

The Green Solutions project would entail public outreach and community education. The City will accomplish this by posting educational signage at the project site and/or describing the project and its benefits in a community newsletter or web page.

It is anticipated that the project will be advertised for bids in late 2023. Reimbursement would be requested after the project is completed in 2024.

Options/Alternatives: To not proceed with the Funding Agreement per the recommendation, the City could not perform this reimbursement-eligible Green Solutions project, resulting in a missed opportunity to incorporate green infrastructure into the police department parking lot.



Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Andrew Ledger, P.E.  
Design Engineer

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator/Comptroller

Approved:



Matthew J. Sullivan, P.E.  
City Engineer

---

Attachments:

- Resolution Number 12379-011723, MMSD Green Solutions Funding Agreement
- Green Solutions Funding Agreement G98005P114 Oak Creek Police Station Parking Lot

**RESOLUTION NO. 12379-011723**

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

**RESOLUTION APPROVING A FUNDING AGREEMENT WITH MMSD FOR  
A GREEN SOLUTIONS PROJECT AT THE OAK CREEK POLICE DEPARTMENT**

**(5<sup>th</sup> ALDERMANIC DISTRICT)**

WHEREAS, Milwaukee Metropolitan Sewerage District (MMSD) has a Green Solutions program, through which it promotes its member communities to undertake green infrastructure projects to reduce stormwater runoff and improve stormwater quality, and;

WHEREAS, the City, and MMSD all concur on the importance of stormwater management, and;

WHEREAS, \$1,602,036 of Green Solutions grant funding is currently available to the City for green infrastructure projects, and;

WHEREAS, the City plans to utilize \$545,435 of the available funding to install a porous asphalt pavement as part of the partial Oak Creek Police Department parking lot reconstruction to reduce stormwater runoff and improve stormwater quality, and;

WHEREAS, there must be a Funding Agreement in place between the City and MMSD in order for the City to proceed on with a Green Solutions project and be reimbursed by MMSD for the costs;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the Green Solutions Funding Agreement between the City and MMSD for the Oak Creek Police Department is hereby approved and the Mayor and City Clerk are authorized to execute the same, and;

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to transmit either a scanned version via email with signatures or two (2) City-signed documents to MMSD for its execution and return of one fully-executed document back to the City.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17<sup>th</sup> day of January, 2023.

Passed and adopted this 17<sup>th</sup> day of January, 2023.

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

Approved this 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

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



## Green Solutions Funding Agreement G98005P114

### **Oak Creek Police Station Parking Lot**

#### **1. The Parties**

This Agreement is between the Milwaukee Metropolitan Sewerage District (District), 260 West Seeboth Street, Milwaukee, Wisconsin 53204-1446, and the City of Oak Creek (Oak Creek), 8040 South Sixth Street, Oak Creek, Wisconsin 53154.

#### **2. Basis for this Agreement**

- A. Wisconsin law authorizes any municipality to establish an intergovernmental cooperation agreement with another municipality for the furnishing of services (Wis. Stat. sec. 66.0301).
- B. The District is responsible for collecting and treating wastewater from locally-owned sewerage systems in the District's service area.
- C. During wet weather, stormwater enters the sewerage system, increasing the volume of wastewater the District must collect and treat.
- D. During wet weather, stormwater directly enters surface water, increasing pollution levels in those waterways and increasing the risk of flooding.
- E. Green infrastructure, such as constructed wetlands, rain gardens, green roofs, bioswales, and porous pavement, reduces the volume of stormwater in the sewerage system and the amount of pollutants discharged to surface waters.
- F. The District's WPDES permit includes a goal of 50 million gallons of green infrastructure detention capacity by March 31, 2024.
- G. The District wants to expedite the amount of green infrastructure installed in its service area.
- H. Oak Creek plans to install green infrastructure that supports the District's green infrastructure goals.

#### **3. Date of Agreement**

This Agreement becomes effective immediately upon signature by both parties and ends when Oak Creek receives final payment from the District or when the parties terminate this Agreement according to sec. 14 of this Agreement.

#### **4. District Funding**

The District will reimburse Oak Creek for the cost of the project described in the attached project description (project), up to \$545,435. The District will provide funding after the District receives the Baseline Report and the Conservation Easement.

## **5. Location of Project**

The project will be at 301 West Ryan Road.

## **6. Baseline Report**

After completion of the project, Oak Creek will provide a Baseline Report using forms provided or approved by the District. The Baseline Report will include:

- A. a site drawing, showing the project as completed;
- B. a topographic map of the project site;
- C. design specifications for the project, including rainwater capture capacity (maximum per storm) and other information regarding runoff rate reduction or pollutant capture;
- D. a tabulation of the bids received, including bidder name and price;
- E. a copy of the executed construction contract;
- F. a legal description of the property where the project is located, including parcel identification numbers, if a Conservation Easement is required;
- G. photographs of the completed project;
- H. a maintenance plan;
- I. an outreach and education strategy, including a description of events or activities completed or planned;
- J. an itemization of all construction costs, with supporting documentation;
- K. a W-9 Tax Identification Number form;
- L. a Small, Veterans, Women, and Minority Business Enterprise Report; and
- M. an Economic Impact Report, showing the total number of people and the estimated number of hours worked on design and construction of the project by Oak Creek's employees, contractors, consultants, and volunteers.

## **7. Procedure for Payment**

Oak Creek will submit an invoice to the District for the amount to be reimbursed. The invoice will document all costs to be reimbursed. Invoices from consultants will provide: their hourly billing rates, if applicable; the hours worked, by individual; and a summary of the tasks accomplished.

Oak Creek will send the Baseline Report and the invoice to:

Andrew Kaminski, Project Manager  
Milwaukee Metropolitan Sewerage District  
260 West Seeboth Street  
Milwaukee, Wisconsin 53204-1446

The District will not provide reimbursement until the project is complete and the District has received all required deliverables.

## **8. Changes in the Project and Modifications to the Agreement**

Any changes to the project must be approved by the District in writing in advance. The District will not reimburse for work that is not described in the original project description unless Oak Creek obtains prior written approval from the District.

## **9. Modifications to this Agreement**

Any modifications to this Agreement will be in writing and signed by both parties.

## **10. Project Maintenance**

Oak Creek will maintain the project for at least ten years. If the project fails to perform as anticipated or if maintaining the project is not feasible, then Oak Creek will provide a report to the District explaining the failure of the project or why maintenance is not feasible. Failure to maintain the project will make Oak Creek ineligible for future District funding until Oak Creek corrects maintenance problems.

## **11. Permits, Certificates, and Licenses**

Oak Creek is solely responsible for compliance with all federal, state, and local laws and any required permits, certificates, or licenses.

## **12. Procurement**

Oak Creek must select professional service providers according to the ordinances and policies of Oak Creek. Oak Creek must procure all non-professional services, such as construction, sewer inspection, and post-construction restoration, according to State of Wisconsin statutes and regulations and the ordinances and policies of Oak Creek. Whenever work valued over \$25,000 is procured without the use of a public sealed bidding process, the District may request and Oak Creek must provide an opinion from a licensed attorney representing Oak Creek explaining why the procurement complies with State of Wisconsin law and the ordinances of Oak Creek.

## **13. Responsibility for Work, Insurance, and Indemnification**

Oak Creek is solely responsible for planning, design, construction, and maintenance of the project, including the selection of and payment for consultants, contractors, and materials.

The District will not provide any insurance coverage of any kind for the project or Oak Creek.

Oak Creek will defend, indemnify, and hold harmless the District and its Commissioners, employees, and agents against all damages, costs, liability, and expenses, including attorney's fees and related disbursements, arising from or connected with the planning, design, construction, operation, or maintenance of the project.

## **14. Terminating this Agreement**

The District may terminate this Agreement at any time before the commencement of construction. After the commencement of construction, the District may terminate this Agreement only for good cause, including, but not limited to, breach of this Agreement by Oak Creek. Oak Creek may terminate this Agreement at any time, but Oak Creek will not receive any payment from the District if Oak Creek does not complete the project.



### **15. Conservation Easement**

After the completion of construction, the District must receive a Conservation Easement from Oak Creek. The Conservation Easement will be limited to the project. The duration of the Conservation Easement will be ten years. Oak Creek will cooperate with the District to prepare the Conservation Easement.

### **16. Exclusive Agreement**

This Agreement is the entire agreement between Oak Creek and the District for the project.

### **17. Severability**

If a court holds any part of this Agreement unenforceable, then the remainder of the Agreement will continue in effect.

### **18. Applicable Law**

The laws of the State of Wisconsin apply to this Agreement.

### **19. Resolving Disputes**

If a dispute arises under this Agreement, then the parties will try to resolve the dispute with the help of a mutually agreed-upon mediator in Milwaukee County. The parties will equally share the costs and fees associated with the mediation, other than attorney's fees. If the dispute is not resolved within 30 days after mediation, then either party may take the matter to court.

### **20. Notices**

All notices and other communications related to this Agreement will be in writing and will be considered given as follows:

- A. when delivered personally to the recipient's address as stated in this Agreement; or
- B. three days after being deposited in the United States mail, with postage prepaid to the recipient's address as stated in this Agreement.

### **21. Independence of the Parties**

This Agreement does not create a partnership. Oak Creek does not have authority to make promises binding upon the District or otherwise have authority to contract on the District's behalf.

### **22. Assignment**

Oak Creek may not assign any rights or obligations under this Agreement without the District's prior written approval.

### **23. Public Records**

Oak Creek will produce any records in the possession of Oak Creek that are subject to disclosure by the District pursuant to the State of Wisconsin's Open Records Law, Wis. Stats. secs. 19.31 to 19.39. Oak Creek will indemnify the District against all claims, demands, or causes of action resulting from the failure to comply with this requirement.

**Signatures on Next Page**

**MILWAUKEE METROPOLITAN  
SEWERAGE DISTRICT**

**CITY OF OAK CREEK**

By: \_\_\_\_\_  
Kevin L. Shafer, P.E.  
Executive Director

By: \_\_\_\_\_  
Daniel J. Bukiewicz  
Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Form

By: \_\_\_\_\_  
Catherine A. Roeske  
City Clerk

By: \_\_\_\_\_  
Attorney for the District

Date: \_\_\_\_\_

## Green Solutions Funding Agreement G98005P114

### **Oak Creek Police Station Parking Lot**

#### **Project Description**

At the police station at 301 West Ryan Road, Oak Creek will replace the pavement in the parking lot with porous pavement. The area of porous pavement will have an area of 40,902 square feet. The design detention capacity is 122,706 gallons. Attachment 1 shows the location of the police station and the new porous pavement.

#### **Schedule**

Oak Creek will complete construction before August 31, 2024.

#### **Budget**

For the green infrastructure elements, the estimated cost is 545,435. Attachment 2 provides budget details.

#### **Outreach and Education**

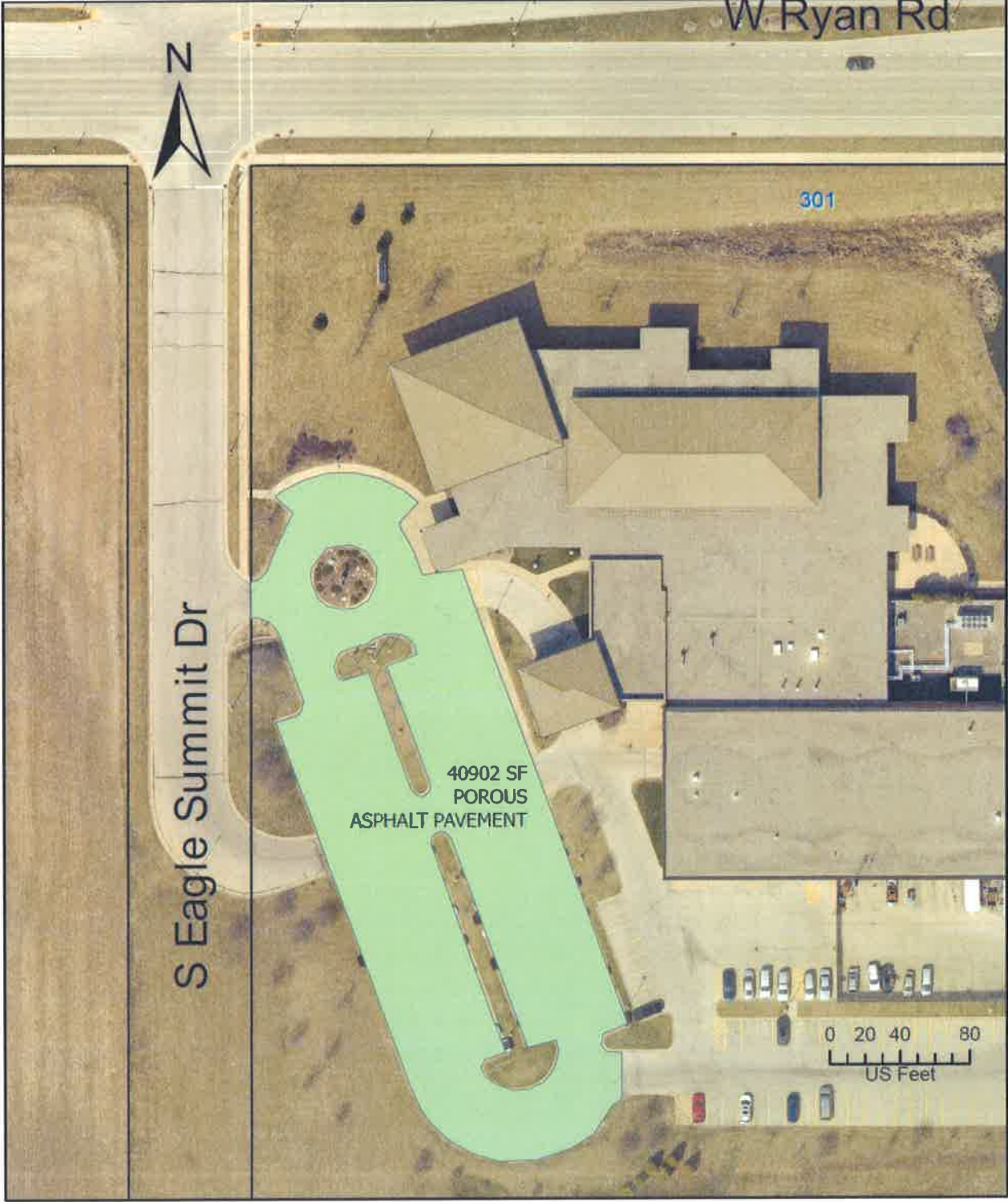
Oak Creek will post educational signage or describe the project and its benefits in a community newsletter or web page.

Educational materials will acknowledge District funding for the Project.

Signage will:

1. be either designed and provided by the District and approved by Oak Creek or provided by Oak Creek and approved by the District,
2. be at a location approved by the District, and
3. identify the District as funding the green infrastructure by name, logo, or both.

Attachment 1  
Project Location



Attachment 2  
**Estimated Costs**

**Estimated Cost of Oak Creek Police Department Green  
 Infrastructure**

Item	Quantity	Units	Unit Price	Total
Porous Asphalt 12.5mm	1050	TON	\$ 125.00	\$ 131,250.00
Base Bedding Stone No. 8	1595	TON	\$ 40.00	\$ 63,800.00
Base Stone No. 57	3715	TON	\$ 45.00	\$ 167,175.00
Geotextile Fabric Type SAS	5045	SY	\$ 5.00	\$ 25,225.00
Pipe Underdrain 6-Inch	900	LF	\$ 25.00	\$ 22,500.00
Common Excavation	4295	CY	\$ 20.00	\$ 85,900.00
			Subtotal	\$ 495,850.00
			Contingency 10%	\$ 49,585.00
			<b>Total*</b>	<b>\$ 545,435.00</b>

\*Does not include non-eligible project costs such as conventional asphalt, base aggregate dense, and other costs not related to green infrastructure construction.



## COMMON COUNCIL REPORT

Item:	Funding Agreement with MMSD for a Green Solutions Project
Recommendation:	That the Common Council adopts Resolution No. 12380-011723, a resolution approving a Funding Agreement with MMSD for a Green Solutions project at Abendschein Park. (1 <sup>st</sup> Aldermanic District)
Fiscal Impact:	The City would front the costs of the Green Solutions project and be reimbursed by MMSD.
Critical Success Factor(s):	<input type="checkbox"/> Vibrant and Diverse Cultural Opportunities <input type="checkbox"/> Thoughtful Development and Prosperous Economy <input type="checkbox"/> Safe, Welcoming, and Engaged Community <input type="checkbox"/> Inspired, Aligned, and Proactive City Leadership <input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Quality Infrastructure, Amenities, and Services <input type="checkbox"/> Not Applicable

---

**Background:** The City of Oak Creek has \$1,602,036 of grant funding available as part of the MMSD Green Solutions Program. The City can utilize this funding for the installation of green infrastructure such as bioswales, porous pavement/permeable pavers, and rain gardens.

The approved 2023 Annual Budget and Capital Improvement Program included funding for the design and reconstruction of the west park entrance and parking lot at Abendschein Park. This project provides an opportunity for the City to utilize the available green solution funding to pay for reconstructing the lot with permeable pavers. This system would be similar to the permeable pavers that were installed at Drexel Town Square and Lake Vista Park. The permeable pavers will capture and detain stormwater from the parking lot and surrounding area providing a reduction in the peak runoff release rate and water quality benefits.

The proposed Funding Agreement outlines that the City would advertise for public bid and hire a contractor to perform the construction of the green infrastructure, pay the construction costs, and then apply for 100% cost reimbursement from MMSD. This project would utilize \$990,880 of the available MMSD Green Solutions grant funding.

The Green Solutions project would entail public outreach and community education. The City will accomplish this by posting educational signage at the project site and/or describing the project and its benefits in a community newsletter or web page.

It is anticipated that the project will be constructed in 2023. Reimbursement would be requested following completion.

**Options/Alternatives:** To not proceed with the Funding Agreement per the recommendation, the City could not perform this reimbursement-eligible Green Solutions project, resulting in a missed opportunity to incorporate Green Infrastructure into the Abendschein Park Pavilion project.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Andrew Ledger, P.E.  
Design Engineer

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator/Comptroller

Approved:



Matthew J. Sullivan, P.E.  
City Engineer

---

Attachments:

- Resolution Number 12380-011723, MMSD Green Solutions Funding Agreement Abendschein Park
- Green Solutions Funding Agreement G98005P98 Abendschein Park

**RESOLUTION NO. 12380-011723**

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

**RESOLUTION APPROVING A FUNDING AGREEMENT WITH MMSD FOR  
A GREEN SOLUTIONS PROJECT AT ABENDSCHEIN PARK**

**(1<sup>ST</sup> ALDERMANIC DISTRICT)**

WHEREAS, Milwaukee Metropolitan Sewerage District (MMSD) has a Green Solutions program, through which it promotes its member communities to undertake green infrastructure projects to reduce stormwater runoff and improve stormwater quality, and;

WHEREAS, the City, and MMSD all concur on the importance of stormwater management, and;

WHEREAS, \$1,602,036 of Green Solutions grant funding is currently available to the City for green infrastructure projects, and;

WHEREAS, the approved 2023 Annual Budget and Capital Improvement Program included funding for the design and reconstruction of the west park entrance and parking lot at Abendschein Park, and;

WHEREAS, the City plans to utilize \$990,880 of the available funding to install a permeable paver system as part of the Abendschein Park parking lot reconstruction to reduce stormwater runoff and improve stormwater quality, and;

WHEREAS, there must be a Funding Agreement in place between the City and MMSD in order for the City to proceed on with a Green Solutions project and be reimbursed by MMSD for the costs;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the Green Solutions Funding Agreement between the City and MMSD for Abendschein Park is hereby approved and the Mayor and City Clerk are authorized to execute the same, and;

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to transmit either a scanned version via email with signatures or two (2) City-signed documents to MMSD for its execution and return of one fully-executed document back to the City.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17<sup>th</sup> day of January, 2023.

Passed and adopted this 17<sup>th</sup> day of January, 2023.

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

Approved this 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

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



## Green Solutions Funding Agreement G98005P98

### **Abendschein Park**

#### **1. The Parties**

This Agreement is between the Milwaukee Metropolitan Sewerage District (District), 260 West Seeboth Street, Milwaukee, Wisconsin 53204-1446, and the City of Oak Creek (Oak Creek), 8040 South Sixth Street, Oak Creek, Wisconsin 53154.

#### **2. Basis for this Agreement**

- A. Wisconsin law authorizes any municipality to establish an intergovernmental cooperation agreement with another municipality for the furnishing of services (Wis. Stat. sec. 66.0301).
- B. The District is responsible for collecting and treating wastewater from locally-owned sewerage systems in the District's service area.
- C. During wet weather, stormwater enters the sewerage system, increasing the volume of wastewater the District must collect and treat.
- D. During wet weather, stormwater directly enters surface water, increasing pollution levels in those waterways and increasing the risk of flooding.
- E. Green infrastructure, such as constructed wetlands, rain gardens, green roofs, bioswales, and porous pavement, reduces the volume of stormwater in the sewerage system and the amount of pollutants discharged to surface waters.
- F. The District's WPDES permit includes a goal of 50 million gallons of green infrastructure detention capacity by March 31, 2024.
- G. The District wants to expedite the amount of green infrastructure installed in its service area.
- H. Oak Creek plans to install green infrastructure that supports the District's green infrastructure goals.

#### **3. Date of Agreement**

This Agreement becomes effective immediately upon signature by both parties and ends when Oak Creek receives final payment from the District or when the parties terminate this Agreement according to sec. 14 of this Agreement.

#### **4. District Funding**

The District will reimburse Oak Creek for the cost of the project described in the attached project description (project), up to \$990,880. The District will provide funding after the District receives the Baseline Report and the Conservation Easement.

## **5. Location of Project**

The project will be in the Abendschein Park pavilion parking lot, 1321 East Drexel Avenue.

## **6. Baseline Report**

After completion of the project, Oak Creek will provide a Baseline Report using forms provided or approved by the District. The Baseline Report will include:

- A. a site drawing, showing the project as completed;
- B. a topographic map of the project site;
- C. design specifications for the project, including rainwater capture capacity (maximum per storm) and other information regarding runoff rate reduction or pollutant capture;
- D. a tabulation of the bids received, including bidder name and price;
- E. a copy of the executed construction contract;
- F. a legal description of the property where the project is located, including parcel identification numbers, if a Conservation Easement is required;
- G. photographs of the completed project;
- H. a maintenance plan;
- I. an outreach and education strategy, including a description of events or activities completed or planned;
- J. an itemization of all construction costs, with supporting documentation;
- K. a W-9 Tax Identification Number form;
- L. a Small, Veterans, Women, and Minority Business Enterprise Report; and
- M. an Economic Impact Report, showing the total number of people and the estimated number of hours worked on design and construction of the project by Oak Creek's employees, contractors, consultants, and volunteers.

## **7. Procedure for Payment**

Oak Creek will submit an invoice to the District for the amount to be reimbursed. The invoice will document all costs to be reimbursed. Invoices from consultants will provide: their hourly billing rates, if applicable; the hours worked, by individual; and a summary of the tasks accomplished.

Oak Creek will send the Baseline Report and the invoice to:

Andrew Kaminski, Project Manager  
Milwaukee Metropolitan Sewerage District  
260 West Seeboth Street  
Milwaukee, Wisconsin 53204-1446

The District will not provide reimbursement until the project is complete and the District has received all required deliverables.



## **8. Changes in the Project and Modifications to the Agreement**

Any changes to the project must be approved by the District in writing in advance. The District will not reimburse for work that is not described in the original project description unless Oak Creek obtains prior written approval from the District.

## **9. Modifications to this Agreement**

Any modifications to this Agreement will be in writing and signed by both parties.

## **10. Project Maintenance**

Oak Creek will maintain the project for at least ten years. If the project fails to perform as anticipated or if maintaining the project is not feasible, then Oak Creek will provide a report to the District explaining the failure of the project or why maintenance is not feasible. Failure to maintain the project will make Oak Creek ineligible for future District funding until Oak Creek corrects maintenance problems.

## **11. Permits, Certificates, and Licenses**

Oak Creek is solely responsible for compliance with all federal, state, and local laws and any required permits, certificates, or licenses.

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Oak Creek must select professional service providers according to the ordinances and policies of Oak Creek. Oak Creek must procure all non-professional services, such as construction, sewer inspection, and post-construction restoration, according to State of Wisconsin statutes and regulations and the ordinances and policies of Oak Creek. Whenever work valued over \$25,000 is procured without the use of a public sealed bidding process, the District may request and Oak Creek must provide an opinion from a licensed attorney representing Oak Creek explaining why the procurement complies with State of Wisconsin law and the ordinances of Oak Creek.

## **13. Responsibility for Work, Insurance, and Indemnification**

Oak Creek is solely responsible for planning, design, construction, and maintenance of the project, including the selection of and payment for consultants, contractors, and materials.

The District will not provide any insurance coverage of any kind for the project or Oak Creek.

Oak Creek will defend, indemnify, and hold harmless the District and its Commissioners, employees, and agents against all damages, costs, liability, and expenses, including attorney's fees and related disbursements, arising from or connected with the planning, design, construction, operation, or maintenance of the project.

## **14. Terminating this Agreement**

The District may terminate this Agreement at any time before the commencement of construction. After the commencement of construction, the District may terminate this Agreement only for good cause, including, but not limited to, breach of this Agreement by Oak Creek. Oak Creek may terminate this Agreement at any time, but Oak Creek will not receive any payment from the District if Oak Creek does not complete the project.

### **15. Conservation Easement**

After the completion of construction, the District must receive a Conservation Easement from Oak Creek. The Conservation Easement will be limited to the project. The duration of the Conservation Easement will be ten years. Oak Creek will cooperate with the District to prepare the Conservation Easement.

### **16. Exclusive Agreement**

This Agreement is the entire agreement between Oak Creek and the District for the project.

### **17. Severability**

If a court holds any part of this Agreement unenforceable, then the remainder of the Agreement will continue in effect.

### **18. Applicable Law**

The laws of the State of Wisconsin apply to this Agreement.

### **19. Resolving Disputes**

If a dispute arises under this Agreement, then the parties will try to resolve the dispute with the help of a mutually agreed-upon mediator in Milwaukee County. The parties will equally share the costs and fees associated with the mediation, other than attorney's fees. If the dispute is not resolved within 30 days after mediation, then either party may take the matter to court.

### **20. Notices**

All notices and other communications related to this Agreement will be in writing and will be considered given as follows:

- A. when delivered personally to the recipient's address as stated in this Agreement; or
- B. three days after being deposited in the United States mail, with postage prepaid to the recipient's address as stated in this Agreement.

### **21. Independence of the Parties**

This Agreement does not create a partnership. Oak Creek does not have authority to make promises binding upon the District or otherwise have authority to contract on the District's behalf.

### **22. Assignment**

Oak Creek may not assign any rights or obligations under this Agreement without the District's prior written approval.

### **23. Public Records**

Oak Creek will produce any records in the possession of Oak Creek that are subject to disclosure by the District pursuant to the State of Wisconsin's Open Records Law, Wis. Stats. secs. 19.31 to 19.39. Oak Creek will indemnify the District against all claims, demands, or causes of action resulting from the failure to comply with this requirement.

**Signatures on Next Page**

**MILWAUKEE METROPOLITAN  
SEWERAGE DISTRICT**

**CITY OF OAK CREEK**

By: \_\_\_\_\_  
Kevin L. Shafer, P.E.  
Executive Director

By: \_\_\_\_\_  
Daniel J. Bukiewicz  
Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Form

By: \_\_\_\_\_  
Catherine A. Roeske  
City Clerk

By: \_\_\_\_\_  
Attorney for the District

Date: \_\_\_\_\_

## Green Solutions Funding Agreement G98005P98

### **Abendschein Park**

#### **Project Description**

In the parking lot for the Abendschein Park Pavilion, Oak Creek will install 60,870 square feet of permeable pavers, providing a design detention capacity of 182,610 gallons. Attachment 1 shows the location of the permeable pavers.

#### **Schedule**

Oak Creek will complete construction before December 31, 2023.

#### **Budget**

The estimated cost of the green infrastructure elements is \$990,880. Attachment 2 provides budget details.

#### **Outreach and Education**

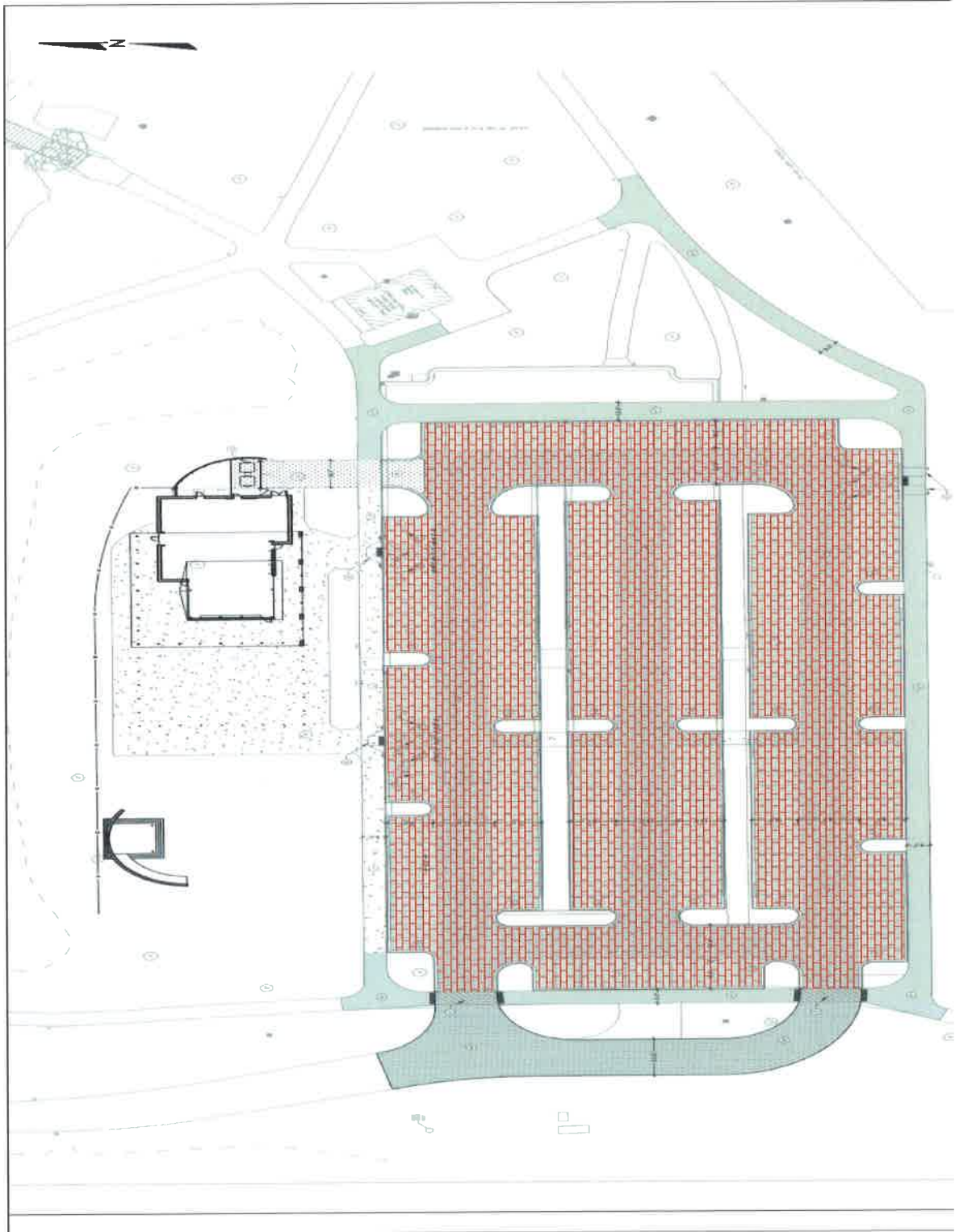
Oak Creek will post educational signage or describe the project and its benefits in a community newsletter or web page.

Educational materials will acknowledge District funding for the Project.

Signage will:

1. be either designed and provided by the District and approved by Oak Creek or provided by Oak Creek and approved by the District,
2. be at a location approved by the District, and
3. identify the District as funding the green infrastructure by name, logo, or both.

Attachment 1  
Project Location





Attachment 2  
**Estimated Costs**

**Estimated Cost of Abendschein Park Pavilion Green Infrastructure**

Item	Quantity	Units	Unit Price	Total
Permeable Pavers	6765	SY	\$ 65.00	\$ 439,725.00
Base Bedding Stone No. 8	1100	TON	\$ 40.00	\$ 44,000.00
Base Stone No. 2	3500	TON	\$ 30.00	\$ 105,000.00
Base Stone No. 57	1055	TON	\$ 45.00	\$ 47,475.00
Geotextile Fabric Type SAS	7835	SY	\$ 5.00	\$ 39,175.00
Concrete Curb and Gutter 18-Inch	2980	LF	\$ 30.00	\$ 89,400.00
Pipe Underdrain 6-Inch	1925	LF	\$ 25.00	\$ 48,125.00
Common Excavation	4395	CY	\$ 20.00	\$ 87,900.00
			Subtotal	\$ 900,800.00
			Contingency 10%	\$ 90,080.00
			Total*	\$ 990,880.00

\*Does not include non-eligible project costs such as conventional asphalt, base aggregate dense, and other costs not related to green infrastructure construction.



## COMMON COUNCIL REPORT

**Item:** License Committee Report

**Recommendation:** That the Common Council grant the various license requests as listed on the 1/17/2023 License Committee Report.

**Fiscal Impact:** License fees in the amount of \$1,960.00 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):
  - \* Lauren A. Winkler (The Cellar)
  - \* Keith T. Keovan (Gastraus’ Golf)
  - \* Gabrielle P. Schlueter (The Cellar)
  - \* Wendy A. Wegner (Kwik Trip)
  - \* Logan R. Hill (Kwik Trip)
  - \* Hooran Ding (Kwik Trip)
2. Grant a 2023 Transient Merchant company license to Weed Man Lawn Care, 1425 Commerce Ave., Brookfield, WI, and to the following solicitors (favorable background reports received):
  - \* Nathaniel R. Steward
  - \* Michael T. Ross
  - \* Luke G. Maldonado
  - \* Samuel A. Irizarry
  - \* Kurt R. Gilane
  - \* Kevin T. Ciesielczyk
  - \* Kyle M. Caughey
3. Grant a 2023 Temporary Class “B” beer license to Roland Komorowski, Agent, St. Matthew Parish, 9303 S. Chicago Rd., for their Chili Cook-Off scheduled for February 4, 2023.
4. Grant a Change of Premise for the Class B Combination alcohol license issued to Kristyn Eitel, Agent, BelAir Cantina Oak Creek, Inc., 410 W. Town Square Way, allowing an extension into Drexel Town Square for the Fire & Ice Pop Up event scheduled for Friday, February 17 and Saturday, February 18, 4:00 p.m. to 8:00 p.m.
5. Grant a 2022-23 Class B Combination liquor license to Shawn M. Utphall, Agent, Route 41 Bar and Grill LLC dba Route 41 Bar and Grill (former Jim Dandy’s property), with release of license subject to occupancy permit and final departmental approvals.
6. Grant a 2023 Mobile Home Park license to TCSC, LLC dba HyView Mobile Home Park, 2331 W. College Ave.

**Options/Alternatives:** None

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

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Prepared:

Christa J. Miller CMC/WCMC  
Deputy City Clerk

Attachments: none

## COMMON COUNCIL REPORT

**Item:** Vendor Summary Report

**Recommendation:** That the Common Council approve the December 27, 2022 Vendor Summary Report in the total of \$329,934.64.

**Fiscal Impact:** Total claims paid of \$329,934.64. Of this grand total paid, \$146,099.51 will affect fiscal year 2022. The remaining amount of \$183,835.13 will affect fiscal year 2023.

**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. \$5,473.61 to Allan Hobbs (pg #1) for property tax overpayment refund.
2. \$5,988.00 to Archive Social (pg #14) for 2023 archiving subscription.
3. \$5,693.45 to Cudahy Health Department (pg #3) for South Shore Equity in Recovery surveys.
4. \$8,430.00 to DoorMaster Garage Door Co. LLC (pg #4) for Building 5 and Station 1 door repairs. Project #20005.
5. \$7,509.24 to Edgewater Resources, LLC (pg #4) for North Bluff Planning Study. Project #22001.
6. \$7,450.00 to Electro-Glo (pg #1) for electrostatic painting of generators.
7. \$14,225.89 to Kansas City Life Insurance Co. (pg #14) for January disability insurance.
8. \$7,726.38 to Kronos Inc. (pg #6) for 2023 Police Department Telestaff.
9. \$15,715.00 to Locution Systems, Inc. (pg #14) for annual maintenance.
10. \$9,985.24 to Medical Expense Reimbursement Account (pg #14) for WI HRA VEBA Plan.
11. \$13,284.32 to Multimedia Communications & Engineering, Inc. (pgs #7 & 8) for East Side fiber expansion, Project #22012.
12. \$5,000.00 to Pitney Bowes Bank Reserve Account (pg #8) for postage refill.
13. \$101,925.56 to ProPhoenix (pg #15) for support and netmotion.
14. \$8,600.00 to Ruckert/Mielke (pg #15) for 2023 GIS cloud hosting.
15. \$7,702.12 to Sherrill, Inc. (pg #9) for helmets and parts.
16. \$9,000.00 to The Gateway to Milwaukee (pg #10) for Community Prosecutor Program Fund.

- 
17. \$11,189.00 to Titan Public Safety Solutions, LLC (pg #15) for 2023 court software support.
  18. \$7,745.00 to Tritech Software Systems (pg #15) for 2023 Unify annual maintenance fee.
  19. \$6,281.10 to Vermont Systems, Inc. (pg #15) for system support.

**Options/Alternatives:** None

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Rory T. Vircks  
Staff Accountant

Fiscal Review:



Maxwell Gagrin, MPA  
Assistant City Administrator/Comptroller

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Attachments: 12/27/2022 Invoice GL Distribution Report



## COMMON COUNCIL REPORT

**Item:** Vendor Summary Report

**Recommendation:** That the Common Council approve the January 11, 2023 Vendor Summary Report in the total of \$1,492,144.53.

**Fiscal Impact:** Total claims paid of \$1,492,144.53. Of this grand total paid, \$729,797.76 will affect fiscal year 2022. The remaining amount of \$762,346.77 will affect fiscal year 2023.

**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. \$7,999.00 to ACP CreativIT, LLC (pg #7) for a Dell server.
2. \$8,302.46 to Axon Enterprise, Inc. (pg #8) for taser units.
3. \$22,049.39 to Baycom, Inc. (pg #21) for radio service agreement and maintenance.
4. \$58,880.18 to the City of Oak Creek (pg #24) for property taxes on recently-acquired properties in TID's #8 and #13.
5. \$5,759.38 to Corelogic Inc (pg #10) for tax overpayment refund.
6. \$5,945.50 to Creative Business Interiors (pg #10) for a display case.
7. \$27,749.39 to E. H. Wolf & Sons, Inc. (pg #11, 22) for fuel inventory.
8. \$17,040.59 to Enterprise FM Trust (pg #22) for DPW vehicle lease monthly payment, Project #19024.
9. \$43,100.00 to ESRI, Inc. (pg #22) for enterprise agreement fee.
10. \$10,432.50 to Force America (pgs #11, 22 & 23) for spreader equipment.
11. \$100,978.42 to GFL Environmental (pg #12) for November trash and recycling.
12. \$34,642.09 to Holz Motors, Inc (pgs #12 & 13) for new Police Department squad vehicle.
13. \$72,400 to Interstate Pump & Tank (pg #23) for new diesel tanks. Project #18022.
14. \$205,741.00 to Lakeside International, LLC (pg #24) for new dump truck. Project #23022.
15. \$116,553.00 to Municipal Property Insurance Co. (pg #24) for 2023 insurance payment.
16. \$11,090.50 to NBS/Wahltek (pg #24) for 911 and radio recorder. Project #23021.

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17. \$65,898.12 to Oak Creek – Franklin Joint School District (pg #24) for the 2023 joint platform.
  18. \$25,447.99 to Ramboll US Consulting Inc. (pgs #16, 25) for professional services related to Lakeshore Commons and Peter Cooper.
  19. \$24,064.71 to Santander Bank, NA (pg #25) for utility tractor payment, Project #21014.
  20. \$12,540.00 to TLC Carpet Care (pg #26) for carpet cleaning.
  21. \$16,875.00 to Tyler Technologies, Inc. (pgs #17 & 18) for consulting services.
  22. \$44,231.00 to Unified Power (pg #18) for UPS replacement and installation. Project #20010.
  23. \$176,305.58 to United States Marshals Service (pg #7) for asset forfeitures.
  24. \$76,987.53 to US Bank (pgs #28 - 39) for equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.
  25. \$88,150.84 to WE Energies (pgs #7, 18 & 19, 26) for street lighting, electricity & natural gas.
  26. \$5,912.06 to Wells Fargo (pg #19) for tax overpayment refund.
  27. \$7,754.14 to WI Court Fines & Surcharges (pg #19) for December court fines.

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: 01/11/2023 Invoice GL Distribution Report