



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

COMMON COUNCIL MEETING AGENDA

APRIL 3, 2023
7:00 P.M.

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

The City's Vision

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

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance.
3. Approval of Minutes: 3/21/23.

Recognition

4. **Council Proclamation:** Consider Council Proclamation No. 23-02 to Scott C. Koenig for dedicated services to the City of Oak Creek as a member of the Police & Fire Commission (by Committee of the Whole).
5. **Mayoral Proclamation:** National Public Health Week, April 3 – 9, 2023.
6. **Mayoral Proclamation:** Arbor Day, April 28, 2023.

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.

7. **Code Amendment:** Consider proposed amendments to Articles 3, 4, 5, 6, 7, and 10 of Chapter 17 of the Municipal Code (Zoning and Sign Ordinance) (by Committee of the Whole).
8. **Ordinance:** Consider Ordinance No. 3065, amending Table 17.0304(c) and Sections 17.1013(j) through 17.1013(y) in Chapter 17 – Zoning and Sign Code of the Municipal Code (by Committee of the Whole).
9. **Conditional Use:** Consider a request submitted by Julia Marie Ragalie, Mostly Harmless Inc, for a Conditional Use Permit for tattoo/body piercing/body art studio on a portion of the property at 8632 S. Market Pl. (4th District).

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

10. **Ordinance:** Consider Ordinance No. 3066, approving a Conditional Use Permit for a tattoo studio on the property at 8632 S. Market Pl. (4th District).
11. **Rezone:** Consider a request submitted by Kristen Parks, St. John Properties, Inc., to rezone the property at 140 E. Rawson Ave. from M-1, Manufacturing to B-4, General Business (NO CHANGE to approved Conditional Use Permits) (1st District).
12. **Ordinance:** Consider Ordinance No. 3067, rezoning the property at 140 E. Rawson Ave. from M-1, Manufacturing to B-4, General Business (NO CHANGE to approved Conditional Use Permits) (1st District).
13. **Rezone:** Consider a request submitted by Fahim Ajmeri, 8950 LLC, to rezone the property at 8950 S. 27th St. from B-2, Community Business to B-4, General Business (NO CHANGE to the FF, Flood Fringe district) with a Conditional Use Permit for vehicle rentals (moving vehicles only) (6th District).
14. **Ordinance:** Consider Ordinance No. 3068, rezoning the property at 8950 S. 27th St. from B-2, Community Business to B-4, General Business (NO CHANGE to the FF, Flood Fringe district) with a Conditional Use Permit for vehicle rentals (6th District).

New Business

15. **Informational:** 2023 Annual Assessment Revaluation.
16. **Resolution:** Consider Resolution No. 12400-040323, approving the Wisconsin State-Local Government Memorandum of Understanding for the Allocation of Opioid Settlement Proceeds and the Addendum to Wisconsin Local Government regarding *In re: Opioid Litigation*, MDL 2804, pending in the United States District Court for the Northern District of Ohio (by Committee of the Whole).

COMMUNITY DEVELOPMENT

17. **Resolution:** Consider Resolution No. 12401-040323, approving a Certified Survey Map, submitted by Matthew Mehring, Anderson Ashton, for the properties at 6340, 6448, and 6460 S. Howell Ave., and 239 and 325 E. College Ave. (1st District).

FIRE

18. **Motion:** Consider a motion for approval to execute a purchase contract with Reliant Fire Apparatus, Inc., for the purchase of a Pierce 100' Aerial Tower in the amount of \$1,947,348 (Project No. 23009) (by Committee of the Whole).
19. **Motion:** Consider a motion for approval to execute a purchase contract with Reliant Fire Apparatus, Inc., for the purchase of a Pierce Pumper in the amount of \$1,004,760 (Project No. 23012) (by Committee of the Whole).

ENGINEERING

20. **Motion:** Consider a motion to award the Private Property Infiltration & Inflow (PPI/I) Rowan Estates Lateral Inspection unit price contract to Northern Pipe, Inc., at the estimated cost of \$22,777 (Project No. 22007) (4th District).

21. **Resolution:** Consider Resolution No. 12398-040323, accepting the workmanship of Wil-Surge Electric, Inc., and authorizing final contract payment under Project No. 22005 (2nd District).
22. **Resolution:** Consider Resolution No. 12399-040323, accepting the workmanship of Cornerstone Pavers, LLC, and authorizing final contract payment under Project No. 17006 (5th District).

LICENSE COMMITTEE

23. **Motion:** Consider a motion to approve the various license requests as listed on the 4/3/23 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

24. **Motion:** Consider a motion to approve the March 26, 2023 Vendor Summary Report in the amount of \$563,306.57 (by Committee of the Whole).

Adjournment.

Public Notice

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

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

COUNCIL PROCLAMATION NO. 23-02

TO

SCOTT C. KOENIG

**FOR DEDICATED SERVICE TO THE CITY OF OAK CREEK
AS A MEMBER OF THE
POLICE & FIRE COMMISSION**

WHEREAS, on April 16, 2013, Scott C. Koenig was appointed to the Police & Fire Commission by Mayor Stephen Scaffidi; and

WHEREAS, on July 17, 2014, Scott Koenig was elected as Commission President by the members of the Police & Fire Commission, and served in that capacity for eight years; and

WHEREAS, Scott Koenig has been instrumental in the appointment of two Police Chiefs, one Fire Chief, and countless Police Officers, Fire Fighters, Detectives, Lieutenants, Sergeants, Battalion Chiefs, Captains, and Assistant Chiefs; and

WHEREAS, Scott Koenig, served as a liaison between the citizens of Oak Creek and the Police and Fire Departments, ensuring that these departments run smoothly, effectively and with the utmost integrity; and

WHEREAS, throughout his tenure as a member of the Police & Fire Commission, Scott Koenig has dutifully served the City of Oak Creek in a thorough, conscientious and professional manner; and

WHEREAS, after ten years of service, Scott Koenig resigned from his position on the Police & Fire Commission, effective April, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Oak Creek do hereby show their appreciation and gratitude to Scott C. Koenig. for his dedicated service to the City of Oak Creek as a member of the Police & Fire Commission.

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

Introduced and adopted this 3rd day of April, 2023.

Kenneth Gehl, Common Council President

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

Vote: Ayes _____ Noes _____

**Mayoral Proclamation
National Public Health Week
April 3 – 9, 2023**

Whereas, National Public Health Week is a nationwide effort to recognize the importance of public health and educate the public, policy makers, and partners about issues important to improving the community's health; and

Whereas, the goal of National Public Health Week in 2023 is to recognize the contributions of public health in improving the health of the people of the United States and achieving health equity; and

Whereas, the Oak Creek Health Department is dedicated to strengthening and empowering our community through collaborative partnerships, intentional outreach, and vital public health services; and

Whereas, the vision of the Oak Creek Health Department is to equitably enhance our community's health; and

Whereas, the Oak Creek Health Department works to protect all people from chronic and infectious diseases, prepare for and respond to public health emergencies, promote healthier environments, prevent unintentional injuries and violence, as well as promote health where we live, learn, work, and play; and

Whereas the Oak Creek Health Department helps the community prevent, prepare for, mitigate, and recover from the impact of a full range of health threats including disease outbreaks, natural disasters, and disasters caused by human activity; and

Whereas the Oak Creek Health Department serves as the Chief Health Strategist, leading a collaborative multi-sector approach to improve community health in numerous priority areas including mental health and substance misuse; and

Now, therefore, be it resolved that the I, Daniel J. Bukiewicz, Mayor of the City of Oak Creek, do hereby proclaim the observance of National Public Health Week as April 3-9, 2023, in the City of Oak Creek and offer appreciation to the Oak Creek Health Department.

Dated this 3rd day of April, 2023.

ATTEST:

Daniel J. Bukiewicz
Mayor, City of Oak Creek

Catherine A. Roeske
City Clerk

MAYORAL PROCLAMATION

ARBOR DAY 2023

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Daniel J. Bukiewicz, Mayor of the City of Oak Creek, do hereby proclaim April 28th as Arbor Day in the City of Oak Creek, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 3RD day of April, 2023.

Daniel J. Bukiewicz
Mayor, City of Oak Creek

ATTEST:

Catherine A. Roeske
City Clerk

TO BE PUBLISHED MARCH 8 & 15, 2023

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

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

Hearing Date: April 3, 2023

Time: 7:00 PM

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

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

- Table 17.0304(c) Nonresidential District Permitted and Conditional Uses to allow Tattoo, Body Piercing, and Body Art Studios as Conditional Uses in the B-2, Community Business District.
- Table 17.0304(c) Nonresidential District Permitted and Conditional Uses to allow Medical Diagnostic Facilities/Laboratories as Conditional Uses in the B-2, Community Business District, and as Permitted Uses in the B-4, General Business and B-6, Interchange Regional Retail Districts.
- Sec. 17.1013 to add the definition of Medical Diagnostic Facility/Laboratory: "A facility that provides diagnostic services or tests to a patient in order to obtain information to aid in the assessment of a medical condition, the identification of a disease, or to determine the nature and severity of an injury. Services or tests may include, but not be limited to: x-rays, blood tests, urine tests, radiographs, clinical examinations, biopsies, and similar. Excludes laboratories for experimental or animal research, pharmaceutical manufacturing, or similar uses."

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

The Common Council has scheduled other public hearings for April 3, 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 changes may contact the City of Oak Creek at (414) 766-7000, during regular business hours (7:30 AM – 4:00 PM).

Date of Notice: March 1, 2023

CITY OF OAK CREEK COMMON COUNCIL
By: Dan Bukiewicz, Mayor

PUBLIC NOTICE

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



COMMON COUNCIL REPORT

- Item:** Text Amendment - Table 17.0304(c) and Section 17.1013 of Chapter 17
- Recommendation:** That the Council adopts Ordinance 3065, an ordinance to amend Table 17.0304(c) and Sections 17.1013(j) through 17.1013(y) in Chapter 17 - Zoning and Sign Code of the Municipal Code.
- Fiscal Impact:** No direct fiscal impact will occur with approval of the proposed Code.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: At the September 27, 2022 meeting, the Plan Commission reviewed the first round of amendments and revisions to the Zoning Code March 15, 2022. The Common Council approved all of the recommended amendments at a public hearing on November 1, 2022. Staff have received two (2) additional requests for consideration of uses within certain zoning districts: tattoo studios in the B-2, Community Business district and medical laboratories in the B-4, General Business district.

Council should be aware that tattoo studios were allowed as Conditional Uses within the B-2 district through a text amendment approved in 2017. Staff have no concerns with allowing the use as was previously approved – this is correcting an oversight. Medical diagnostic facilities/laboratories are not specifically listed in the Code. There are currently medical / dental office, hospital, and acute care center uses allowed in the B-4 district. Medical or dental offices are defined as “[a]n office for health care providers including but not limited to, dentists, physicians, counselors, and surgeons.” Laboratories, defined as “[a] building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory,” are only allowed in the Lm-1 and M-1 districts. Staff recognize that small-scale medical diagnostic facilities/laboratories, subject to specific criteria, would not be incompatible with other uses in the B-4 district.

Attached to this report are proposed amendments for Council consideration. It should be noted that these amendments are directly related to the next two (2) items on the agenda

The Plan Commission reviewed the above during their February 28, 2023 meeting, and recommended Common Council approval.

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

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



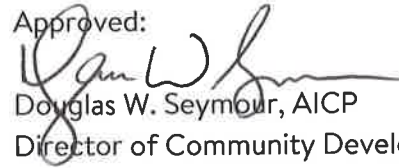
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3065

Plan Commission Meeting Minutes Excerpt (1 page)

ORDINANCE NO. 3065

BY: ____

AN ORDINANCE TO AMEND SECTIONS 17.0304(C) AND 17.1013(J) THROUGH 17.1013(Y) OF CHAPTER 17 – ZONING AND SIGN CODE OF THE MUNICIPAL CODE

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

SECTION 1: Table 17.0304(c) is hereby amended to read as follows:

Table 17.0304(c) Permitted and Conditional Uses, Nonresidential Districts											
Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
Agricultural Uses											
Agritourism Related Uses		C									
Aquaculture		P									
Garden Plots for Rent		P								C	
General Farm Structures		P									
General Farming		P									
Keeping and Raising of Domestic Stock, Commercial	17.0402(a)	P									
Plant Nursery / Greenhouse		P		C	C	C		C	C		C
Solar Energy Collection System, Farm		P							C		
Residential Uses											
Dwelling, Multifamily Above Ground Floor			P	C		P	P				
Dwelling, Single-Family Attached											
Dwelling, Single-Family Detached	17.0403(e)	P									
Recreational Uses											
Art Gallery / Museum			P	C		P	P			C	
Boat Mooring and Rental / Marina											C
Campground		C									C
Family Entertainment Center / Indoor Commercial Amusement / Fun Center							C				
Golf Course											C
Golf Course, Miniature						C	C				C
Health, Athletic, or Recreation Facility, Indoor			C	C	C	P	P	C	C	P	C
Health, Athletic, or Recreation Facility, Outdoor						C	C		C	P	C
Parks and Playgrounds, Private		C	C	C	C	C	C			C	C
Parks and Playgrounds, Public		P	P	P	P	P	P			P	P
Shooting / Archery Range, Indoor						P	P	C	C		
Shooting / Archery Range, Outdoor						C	C				
Retail Uses											
Adult Entertainment	17.0405(a)								P		
General Retail, less than 50,000 sq ft			P	C		P	P				
General Retail, 50,000 sq ft - 100,000 sq ft			P			P	P				
General Retail, more than 100,000 sq ft			C			C	P				

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

Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
Grocery Store			C	C		P	P				
Multitenant Shopping Center			P	C		P	P				
Neighborhood Retail	17.0405(d)			P							
Outlot Retail Building	17.0405(e)		P			P	P				
Wholesale						C	P				
Service Uses											
Animal Training / Therapy						C		C	C		
Animal Daycare / Recreation						C		C	C		
Bank / Financial Institution			P	C	P	P	P				
Funeral Parlor with Cremation Services						C			C		
Funeral Parlor without Cremation Services						P					
Day Care Center			P	C	P	P	P			C	
General Service			P	C	P	P	P				
Kennel / Boarding Facility / Shelter	17.0406(a)					C		C	C		
Neighborhood Service	17.0406(b)			P	C						
Private Emergency Service						C		C	C		
Self Service Laundry / Dry Cleaner						P	P				
Tattoo, Body Piercing, and Body Art Studios				C		C					
Veterinary Clinic / Animal Hospital	17.0406(c)					C		C	C		
Lodging Uses											
Hotel			P			P	P				
Hotel, Extended Stay			C			C	C				
Motel			C			C	C				
Eating and Drinking Uses											
Drinking Establishment			C			C	C				
Café	17.0408(a)		P	P	P	P	P				
Mobile Retail Food Establishment / Food Truck Park	17.0408(b)		P	P	P	P	P				
Microbrewery / Winery / Distillery			P			P	P	C	P		
Restaurant, Delivery / Carry Out Only			P	C		P	P				
Restaurant, Fast Casual			P	C		P	P				
Restaurant, Sit Down			P	C		P	P				
Tasting Room, Brewery, Winery, Distillery			P			P	P	P	P		
Vehicle Related Uses											
Autobody / Automotive Mechanical Repair						C	C	C	C		
Car Wash						C	C				
Electric Vehicle Charging Stations			P	P	P	P	P	P	P		
Equipment Sales and Rental	17.0414(l)	C						C	C		
Fuel Sales	17.0409(a)					C	C				

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

Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
Fueling Plaza	17.0409(a)					C	C				
Service Station						C	C				
Vehicle Sales and Rental	17.0414(l)					C	C	C	C		
Office Uses											
Office, General				C	P	P	P	P	P		
Office, Above Ground Floor			P		P	P	P				
Office, Medical / Dental			P		P	P	P				
Industrial Uses											
Brewery / Winery / Distillery								P	P		
Contractor's Shop / Office									C		
Contractor's Yard	17.0414(m)								C		
Laboratory								P	P		
Manufacturing, Artisan	17.0411(a)		C			C	C	P	P		
Manufacturing, Heavy									C		
Manufacturing, Light								P	P		
Motor Freight Terminal									C		
Self Storage								C	P		
Warehouse, Distribution, Less than 200,000 sq ft									P		
Warehouse, Distribution, 200,000 sq ft or Greater									C		
Warehouse, Storage, Less than 200,000 sq ft									P		
Warehouse, Storage, 200,000 sq ft or Greater									C		
Medical Uses											
Hospital			C		C	C	C		C	P	
Acute Care Center			C		C	C	C		C	P	
Medical Diagnostic Facility / Laboratory				C		P	P				
Public / Institutional Uses											
College / University							P	P	P	P	
Essential Service		P	P	P	P	P	P	P	P	P	P
Governmental Use, Indoor		P	P	P	P	P	P	P	P	P	P
Governmental Use, Outdoor		C	C	C	C	C	C	C	C	C	C
Place of Assembly				P		P	P	P	C	P	P
Religious Institution		P								P	P
School, Private		C								C	C
School, Public		P								P	P
Vocational / Employment Training		C					P	P	P	P	
Utility, Minor		P	P	P	P	P	P	P	P	P	P
Utility, Major		C	C	C	C	C	C	C	C	C	C
Telecommunications Towers	17.0413(a)	C	C	C	C	C	C	C	C	C	C

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

Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
Accessory Uses											
Accessory, Building	17.0414(a)	P	P	P	P	P	P	P	P	P	P
Accessory, Retail	17.0414(c)							C	C		
Accessory, Structure	17.0414(d)	P	P	P	P	P	P	P	P	P	P
Donation Drop Box	17.0414(f)									P	
Drive Through	17.0414(g)					C	C				
Home Occupation	17.0414(h)	P	P	P		P	P				
Outdoor Activity / Operation, Permanent	17.0414(j)					C		C	C	C	
Outdoor Dining	17.0414(k)		P	P		P	P				
Outdoor Display / Sale of Merchandise, Permanent	17.0414(l)				C	C					
Outdoor Storage, Permanent	17.0414(m)					C		C	C	C	C
Roadside Stand	17.0414(n)	P									
Solar Energy Collection System, Canopy	17.0414(o)		P			P	P	P	P	P	P
Solar Energy Collection System, Ground Mounted	17.0414(p)	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, Roof Mounted	17.0414(q)	P	P	P	P	P	P	P	P	P	P
Truck and Trailer Parking	17.0505							C	C		
Temporary Uses											
Carnival		T	T	T		T		T	T	T	T
Circus / Animal Show		T	T	T		T		T	T	T	T
Seasonal Sales	17.0415(b)		T	T		T		T	T		
Construction Related		T	T	T	T	T	T	T	T	T	T
Farmers Market			T	T		T	T	T	T	T	T
Flea Market											
Mobile Retail Food Establishment / Food Truck	17.0415(c)		T	T	T	T	T	T	T	T	T
Outdoor Activity / Operation, Temporary			T	T	T	T		T	T	T	
Outdoor Display / Sale of Merchandise, Temporary	17.0415(d)		T	T		T		T	T	T	
Truck and Trailer Parking								T	T		

SECTION 2: § 17.1013(j) through § 17.1013(y) of the Municipal Code are hereby amended to read as follows:

- (j) **Medical Diagnostic Facility / Laboratory.** A facility that provides diagnostic services or tests to a patient in order to obtain information to aid in the assessment of a medical condition, the identification of a disease, or to determine the nature and severity of an injury. Services or tests may include, but not be limited to: x-rays, blood tests, urine tests, radiographs, clinical examinations, biopsies, and similar. Excludes laboratories for experimental or animal research, pharmaceutical manufacturing, or similar uses.
- (k) **Microbrewery.** A small facility that brews ales, beers, meads, and/or similar beverages primarily for consumption on premise and may include a standard restaurant, bar, or tasting room allowing customers to sample products produced on-site. Also known as a craft brewery.

- (l) **Mobile/Manufactured Home Park.** A parcel (or contiguous parcels) of land which has been developed for the placement of mobile homes and is owned by an individual, firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.
- (m) **Mobile Home.** A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid un-collapsible construction. A mobile home exceeding statutory size limits under Section 348.07(2) of the Wisconsin Statutes shall be considered a primary housing unit. A mobile home not exceeding the statutory size under Section 348.07(2) shall be considered a touring or recreational vehicle. [SOURCE: Section 340.01(29), Wis. Stat.]
- (n) **Mobile Recreational Vehicle.** A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- (o) **Model, Corrected Effective.** A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- (p) **Model, Duplicate Effective.** A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- (q) **Model, Effective.** The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- (r) **Model, Existing (Pre-Project).** A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- (s) **Model, Revised (Post-Project).** A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- (t) **Modification.** A departure from the rules and regulations set forth in this Chapter where a particular use is not required to meet the stated requirements of the Ordinance. Examples would include not requiring steeples and antenna to comply with the stated building height requirements for principal buildings; or not requiring roof overhangs, fences, or accessory buildings to comply with side or rear setback requirements for principal buildings. The Ordinance may limit the amount of modification from the stated requirements for given structures or uses.
- (u) **Motel.** An establishment that provides lodging to the public in rooms accessed from an outdoor gangway or parking lot. This does not include a dwelling unit that serves as the owner or renter's primary residence but is leased or rented for short-term lodging, such as vacation rentals or homestays, via web-based home or room sharing services such as AirBNB, VRBO, and HomeAway.
- (v) **Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled or stored for routing in intrastate or interstate shipment by motor truck.
- (w) **Motor Home.** A vehicle designed to be operated upon a highway or as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

- (x) Multitenant Shopping Center. A group of retail and other commercial establishments that is planned, owned, and managed as a single development.
- (y) Municipality or Municipal. The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

SECTION 3: If any section, clause, provision or any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

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

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

Introduced this 3rd day of April, 2023.

Passed and adopted this ___ day of _____, 2023.

President, Common Council

Approved this ___ day of _____, 2023.

ATTEST:

Mayor

City Clerk

VOTE: Ayes _____ Noes ____

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, FEBRUARY 28, 2023**

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 Siepert, and Commissioner Chandler. Also present: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

**ZONING TEXT AMENDMENTS
TATTOO STUDIOS IN B-2
MEDICAL DIAGNOSTIC FACILITIES/LABORATORIES IN B-4**

Senior Planner Papelbon provided an overview of the proposed amendments to Sec. 17.1013 (definitions) and Table. 17.0304(c), Nonresidential District Permitted and Conditional Uses for tattoo studios in the B-2, Community Business District and medical diagnostic facilities/laboratories in the B-4, General Business district (see staff report for details).

Commissioner Siepert moved that the Plan Commission recommends to the Common Council that Table 17.0304(c) and Section 17.1013 of Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended as proposed after a public hearing.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:04pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

Date 3-14-23

TO BE PUBLISHED MARCH 8 & 15, 2023

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 Julia Marie Ragalie, Mostly Harmless Ink, for a Conditional Use Permit for tattoo/body piercing/body art studio on a portion of the property at 8632 S. Market Pl.

Hearing Date:

April 3, 2023

Time:

7:00 PM

Place:

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

Applicant(s):

Julia Marie Ragalie, Mostly Harmless Ink

Property Owner(s):

RAYMOND J GWIAZDOWSKI
BARBARA POKLAR GWIAZDOWSKI

Property Location(s):

8632 S. Market Pl. (portion)

Tax Key(s):

823-0012-000

Legal Description:

THE MARKET PLACE CONDOMINIUM SW1/4 SEC 14-5-22 UNIT 8.

The Common Council has scheduled other public hearings for April 3, 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: March 1, 2023

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 414-766-7000 or write to 8040 South 6th Street, Oak Creek, Wisconsin 53154.

COMMON COUNCIL REPORT

- Item:** Conditional Use Permit - 8632 S. Market Pl. - Julie Marie Ragalie, Mostly Harmless Tattoos (formerly Mostly Harmless Ink)
- Recommendation:** That the Council adopts Ordinance 3066, an ordinance to approve a Conditional Use Permit for a tattoo studio on the property at 8632 S. Market Pl. (4th Aldermanic District)
- Fiscal Impact:** Approval will allow for the occupancy of an existing commercial tenant space within a mixed use development, which will yield positive fiscal impacts in terms of permit fees. This property is not currently part of a TID.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: The Applicant, with support of the current landowner, is requesting approval of a Conditional Use Permit for tattoo studio within a portion of the existing multitenant building on the property at 8632 S. Market Pl. This request is directly related to and dependent upon the Zoning Text Amendment reviewed in the previous agenda item. As presented, tattoo studios would be Conditional Uses in the B-2, Community Business district. Old Forest Studio, an existing tattoo studio, was approved in the Marketplace development in 2017. The Land Use Plan within the Comprehensive Plan identifies this parcel as appropriate for future commercial (re)development.

Per the submitted narrative, the applicant would be the owner of and licensed tattoo artist for Mostly Harmless Tattoos (formerly known as Mostly Harmless Ink), a private tattoo studio. In addition to the tattoo consultation, design, and application of tattoo body art, the business would include a small retail component for related products and art. A part-time receptionist and retail clerk would be the only other employee. Hours of operation for the tattoo studio are proposed to be by appointment between 9:00 AM – 6:00 PM Monday through Saturday. Retail hours are typically between noon and 5:00 PM, but may be extended when there are no appointments. Sharps and related biohazard waste will be disposed of in FDA containers per health codes. No outdoor storage or display of merchandise is requested. Additional details for the proposal are included with this report, along with proposed Conditions and Restrictions for Plan Commission consideration.

Minimum parking requirements for tattoo studios and for general retail uses under 50,000 square feet are calculated at one (1) stall per 250 square feet. However, parking at Market Place is shared. Due to the nature of the proposal, staff have no immediate concerns for parking at this location.

After careful consideration at the February 28, 2023 meeting, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3066

Location Map

Concept & Floor Plans (3 pages)

Narrative (4 pages)

Draft Conditions and Restrictions (5 pages)

Excerpted Plan Commission Minutes (2 pages)

ORDINANCE NO. 3066

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR
A TATTOO STUDIO ON THE PROPERTY AT 8632 S. MARKET PLACE

(4th Aldermanic District)

WHEREAS, JULIA MARIE RAGALIE, MOSTLY HARMLESS TATTOOS (FORMERLY MOSTLY HARMLESS INK), has applied for a Conditional Use Permit that would allow for a tattoo studio on the property at 8632 S. Market Pl.; and

WHEREAS, the property is more precisely described as follows:

The Market Place Condominium SW ¼ Sec 14-5-22 Unit 8.

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

WHEREAS, the Common Council held a public hearing on this matter on April 3, 2023, at which time all interested parties appeared and were heard; and

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

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby authorized to grant a Conditional Use Permit for a tattoo studio on the property at 8632 S. Market Place, which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for the tattoo studio on the property at 8632 S. Market Place.

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

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

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

Passed and adopted this 3rd day of April, 2023.

President, Common Council

Approved this 3rd day of April, 2023.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

EXHIBIT A: CONDITIONS AND RESTRICTIONS

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

Applicant: Julie Ragalie, Mostly Harmless Ink	Approved by Plan Commission: 2-28-23
Property Address(es): 8632 S. Market Pl.	Approved by Common Council: 4-3-23
Tax Key Number(s): 823-0012-000	(Ord. 3066)
Conditional Use: Tattoo/Body Piercing/Body Art Studio	

1. LEGAL DESCRIPTION

THE MARKET PLACE CONDOMINIUM SW1/4 SEC 14-5-22 UNIT 8.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

- | | |
|---|---|
| <p>1) General Development Plan</p> <ul style="list-style-type: none">a) Detailed building/structure location(s) with setbacksb) Square footage of all buildings/structuresc) Area(s) for future expansion/phasesd) Area(s) to be pavede) Access drive(s) (width and location)f) Sidewalk location(s)g) Parking layout and traffic circulation<ul style="list-style-type: none">i) Location(s) and future expansionii) Number & type(s) of dwellingsiii) Number of all parking spacesiv) Dimensionsv) Setbacksh) Location(s) of loading berth(s)i) Location of sanitary sewer (existing & proposed)j) Location of water (existing & proposed)k) Location of storm sewer (existing & proposed)l) Location(s) of wetlands (field verified)m) Location(s) and details of sign(s)n) Location(s) and details of proposed fences/gates | <p>2) Landscape Plan</p> <ul style="list-style-type: none">1. Screening plan, including parking lot screening/berming2. Number, initial & mature sizes, and types of plantingsc) Percentage open/green space <p>3) Building Plan</p> <ul style="list-style-type: none">a) Architectural elevations (w/dimensions)b) Building floor plans (w/dimensions)c) Materials of construction (including colors) <p>4) Lighting Plan</p> <ul style="list-style-type: none">a) Types & color of fixturesb) Mounting heightsc) Types & color of polesd) Photometrics of proposed fixtures <p>5) Grading, Drainage and Stormwater Management Plan</p> <ul style="list-style-type: none">1. Contours (existing & proposed)2. Location(s) of storm sewer (existing and proposed)3. Location(s) of stormwater management structures and basins (if required) <p>6) Fire Protection</p> <ul style="list-style-type: none">a) Locations of existing & proposed fire hydrantsb) Interior floor plan(s)c) Materials of constructiond) Materials to be stored (interior & exterior) |
|---|---|

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

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

EXHIBIT A: CONDITIONS AND RESTRICTIONS

- E. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. All future land divisions shall follow subdivision plat, and/or condominium plat, and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the B-2, Community Business zoning district, the Marketplace PUD, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. One (1) tattoo, body piercing, body art studio is allowed on the property.
- C. There shall be no outdoor storage or display of merchandise.
- D. Hours of operation shall be between 9:00 AM and 6:00 PM.
- E. The number, size, location and screening of appropriate solid waste collection units shall be in conformance with plans approved by the Plan Commission.
- F. Solid waste collection and recycling shall be the responsibility of the owner.
- G. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Parking and access for this development shall be provided in accordance with the approved Marketplace PUD, plans, and Sections 17.0501 and 17.0503 of the Municipal Code (as amended).

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sec. 17.0509 of the Municipal Code (as amended).
- B. All light sources shall be fully shielded full cutoff fixtures directed downward.

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Setbacks shall conform to the approved Marketplace PUD, plans, and appropriate Sections of the Municipal Code (as amended).

EXHIBIT A: CONDITIONS AND RESTRICTIONS

7. TIME OF COMPLIANCE

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

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to three (3) years from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. OTHER REGULATIONS

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

10. VIOLATIONS & PENALTIES

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

11. REVOCACTION

Should an applicant, their heirs, successors or assigns, fail to comply with the Conditions and Restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use Permit as set forth in Section 17.0804 of the Municipal Code (as amended).

12. ACKNOWLEDGEMENT

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

Owner / Authorized Representative Signature

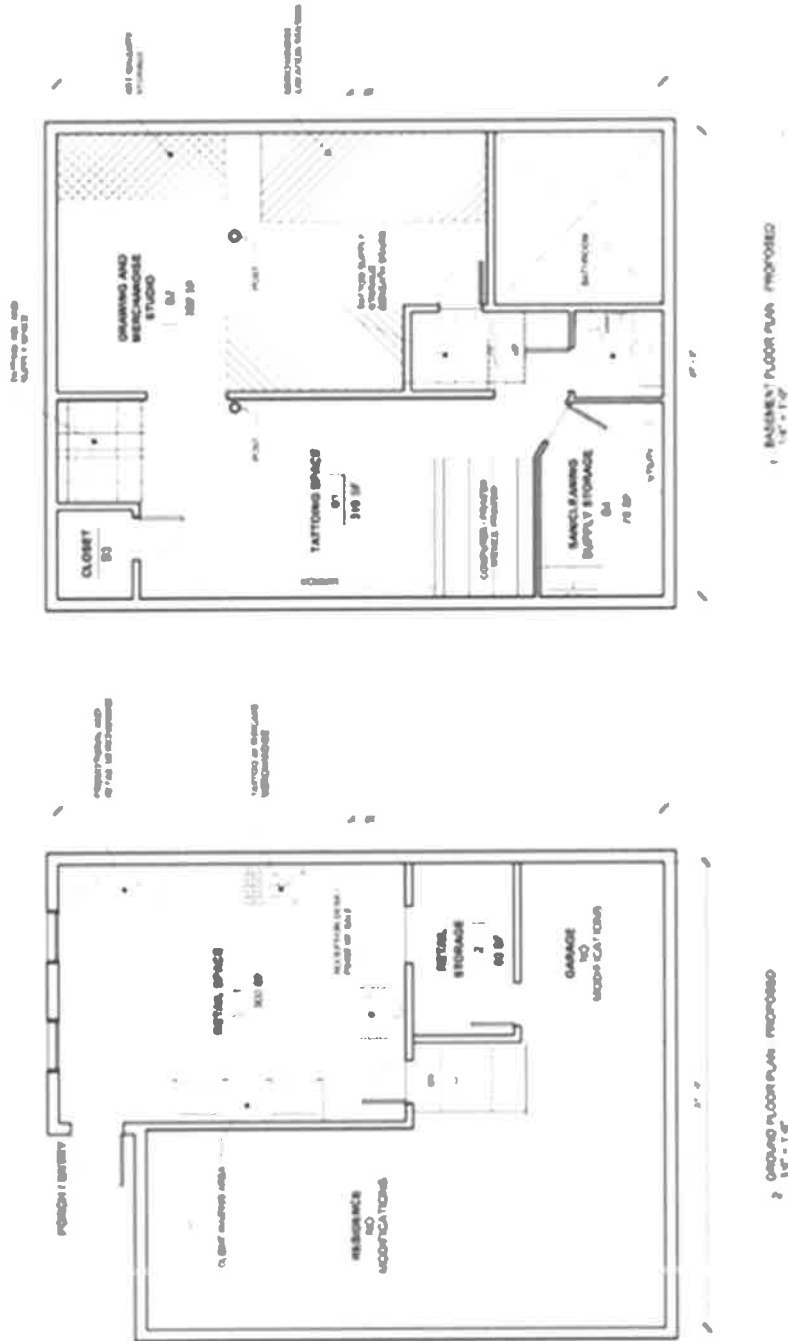
Date

(please print name)

EXHIBIT A: CONDITIONS AND RESTRICTIONS

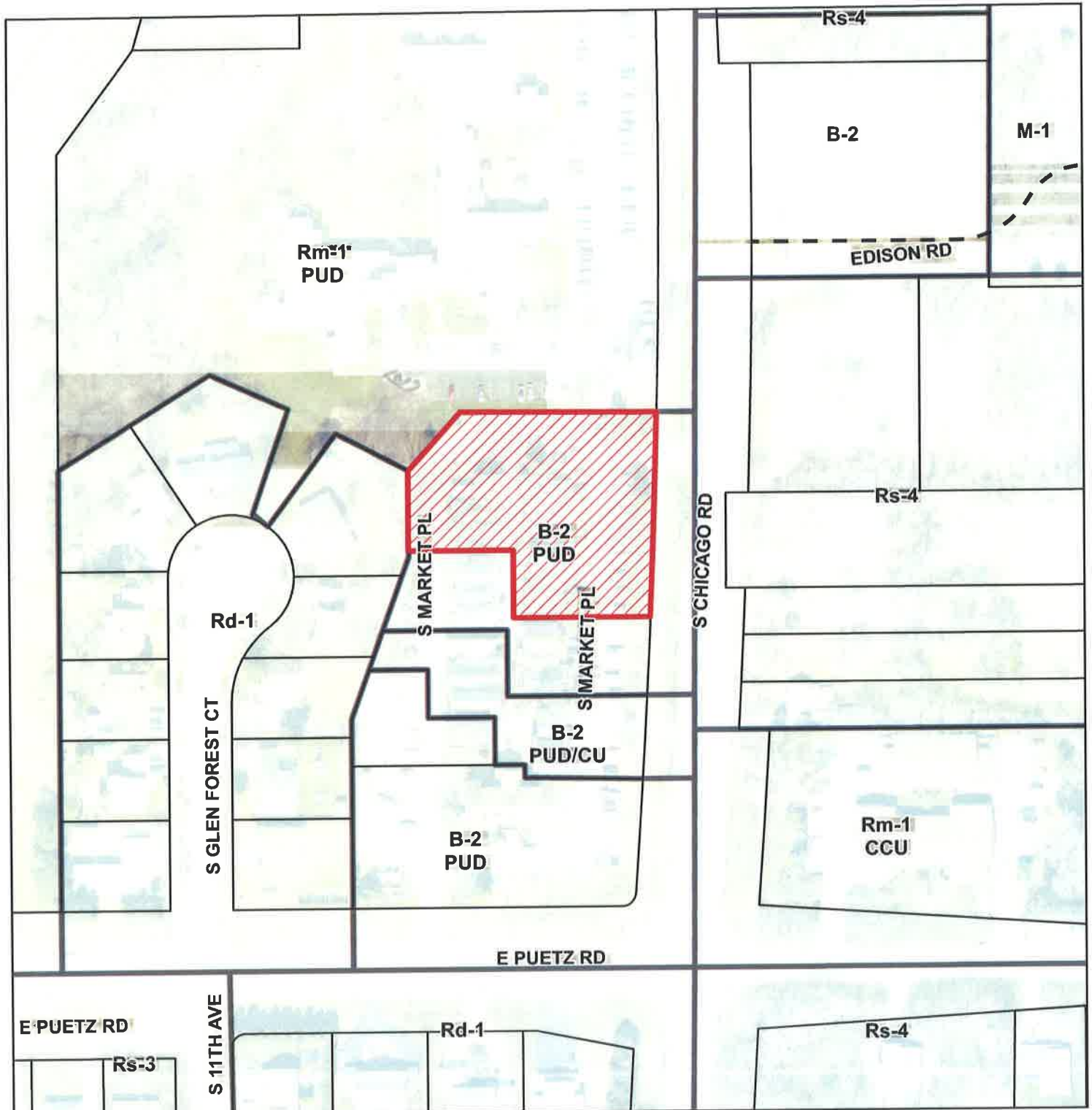
EXHIBIT A: CONCEPT FLOOR PLAN (ENLARGED)

(For illustrative purposes only – detailed plans in accordance with these Conditions and Restrictions and the City of Oak Creek Municipal Code may require approval by the Plan Commission)



LOCATION MAP

8632 S. Market Pl.



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

Legend

- Zoning
- Official Map
- Floodway
- 8632 S. Market Pl.
- Flood Fringe



Community Development



CONCEPT SITE PLAN (FROM GIS)



Search



Home Markup

Tool Labels

- Pan
- Rectangle
- Query
- Filter
- Pictometry
- Google Street View
- Print
- Export
- Share
- Upload Data
- Taxkey
- Address

Navigation Find Data Linked Maps External Search

RAYMOND J GWIAZDOWSKI

x < I want to...

1 result(s) added to 'Starred Selection'

Description

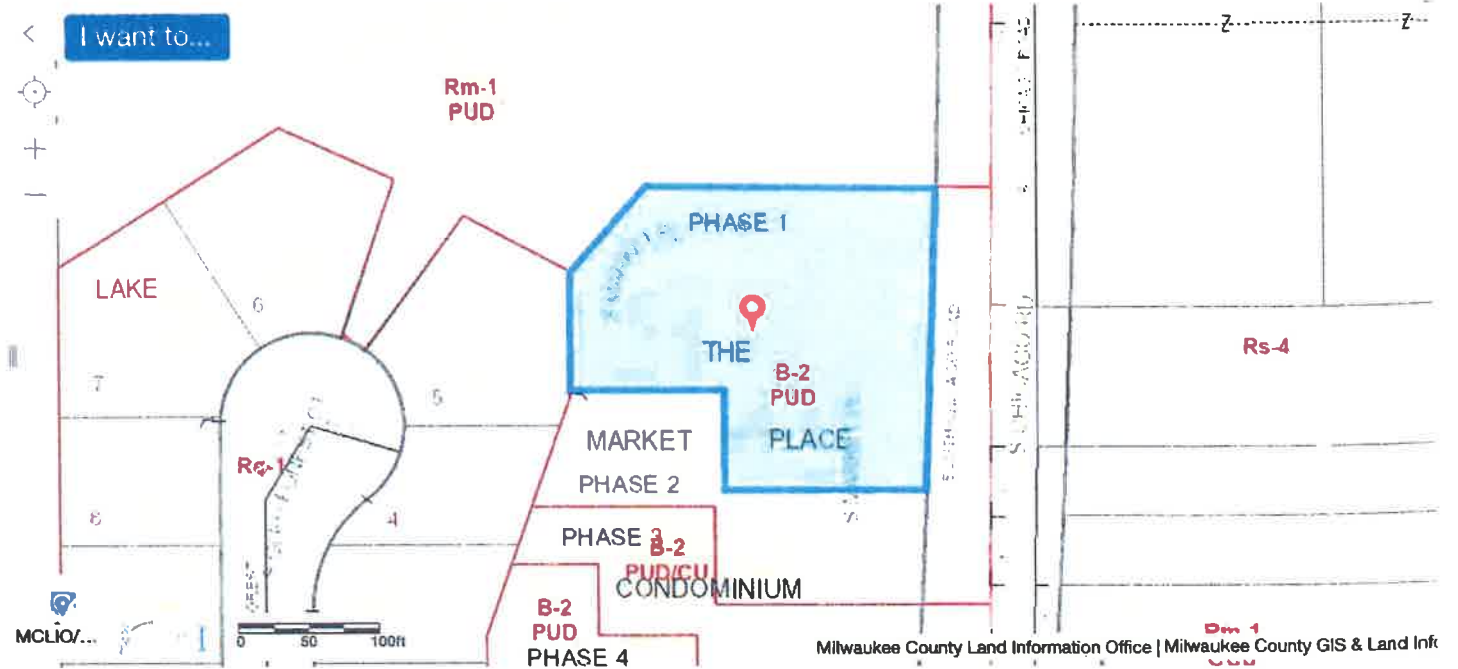
Taxkey: 8230012000
Owner: RAYMOND J GWIAZDOWSKI
Co Owner: BARBARA POKLAR GWIAZDOWSKI
Property Address:
 8632 S MARKET PL
Owner Address:
 3000 S WENTWORTH AVE
 MILWAUKEE, WI 53207

[GCS Land Records Information](#)
[Assessment Data](#)

Details

TAXKEY
 8230012000

RAYMOND J GWIAZD...

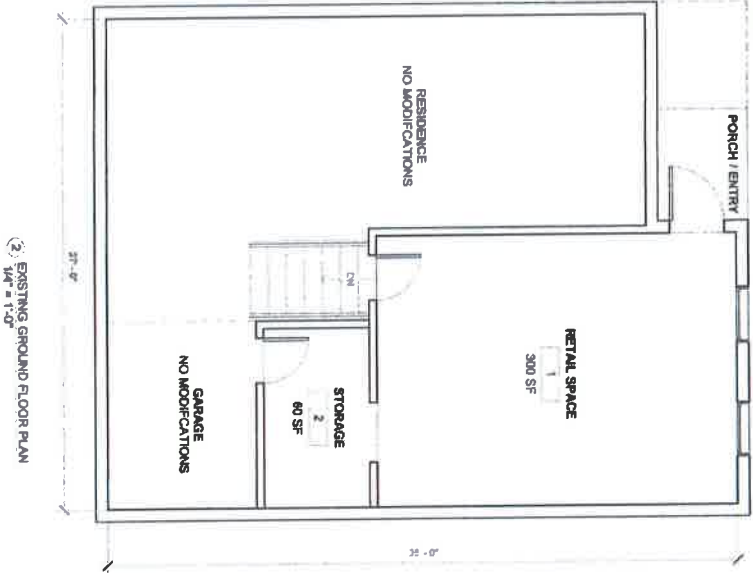


FLOOR PLAN (EXISTING)

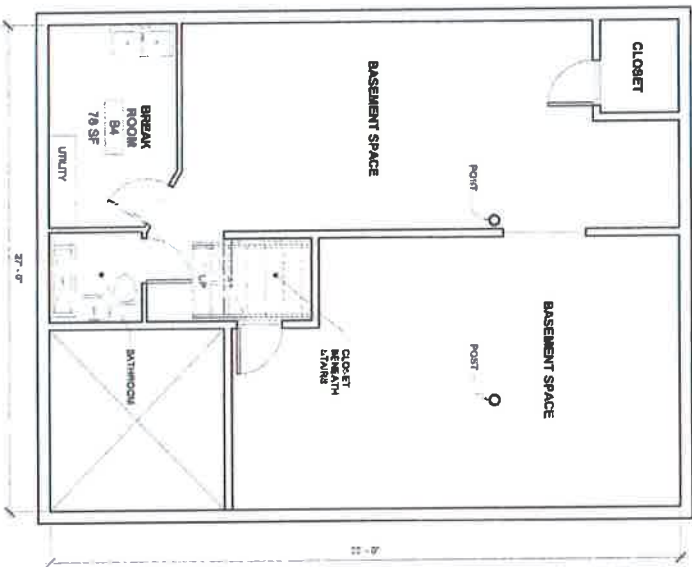
NOTE:

ALL EXISTING BUILDING CONDITIONS ARE TO BE VERIFIED IN FIELD. BUILDING DIMENSIONS AND SQUARE FOOTAGES ARE APPROXIMATE.

NO MODIFICATIONS ARE INTENDED TO BE MADE IN THE FIRST OR SECOND FLOOR RESIDENTIAL AREAS, INCLUDING THE GARAGE. THESE AREAS HAVE BEEN SPARINGLY DRAFTED. THESE DOCUMENTS ARE INTENDED TO REFLECT THE LOCATIONS MOST IMPACTED BY TENNANCY OF MOSTLY HARMLESS INK.



2. EXISTING GROUND FLOOR PLAN
1/4" = 1'-0"



1. EXISTING BASEMENT PLAN
1/4" = 1'-0"

AP BEASLEY
407.397.8602

MARKET PLACE

8632 S MARKET PLACE
OAK CREEK, WI 53154

**MOSTLY
HARMLESS
INK**

**EXISTING
BUILDING**

Date: 01.22.2023
Drawn by: APB

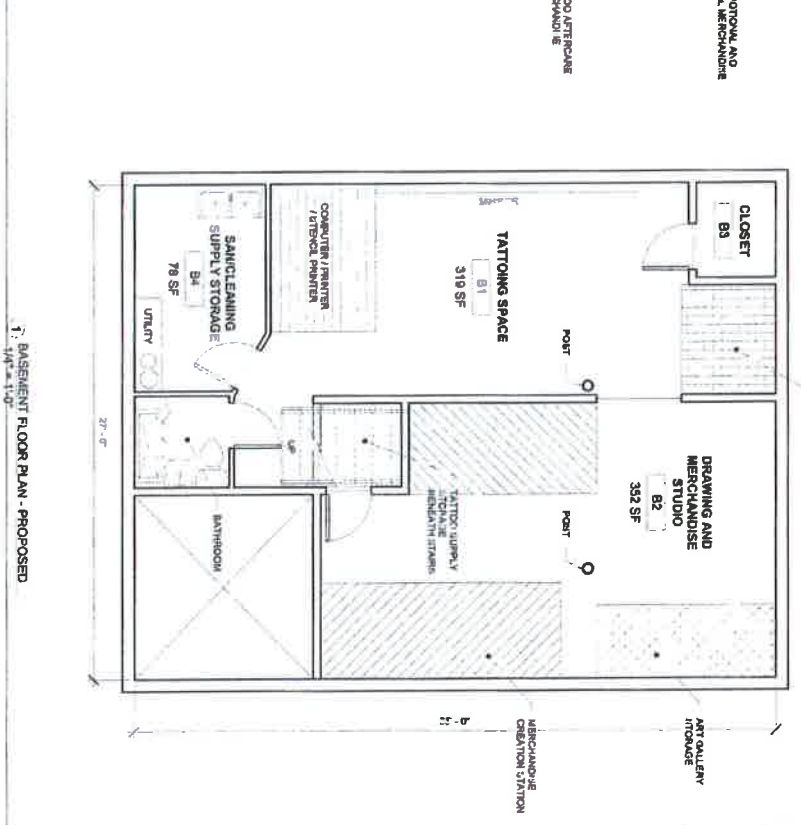
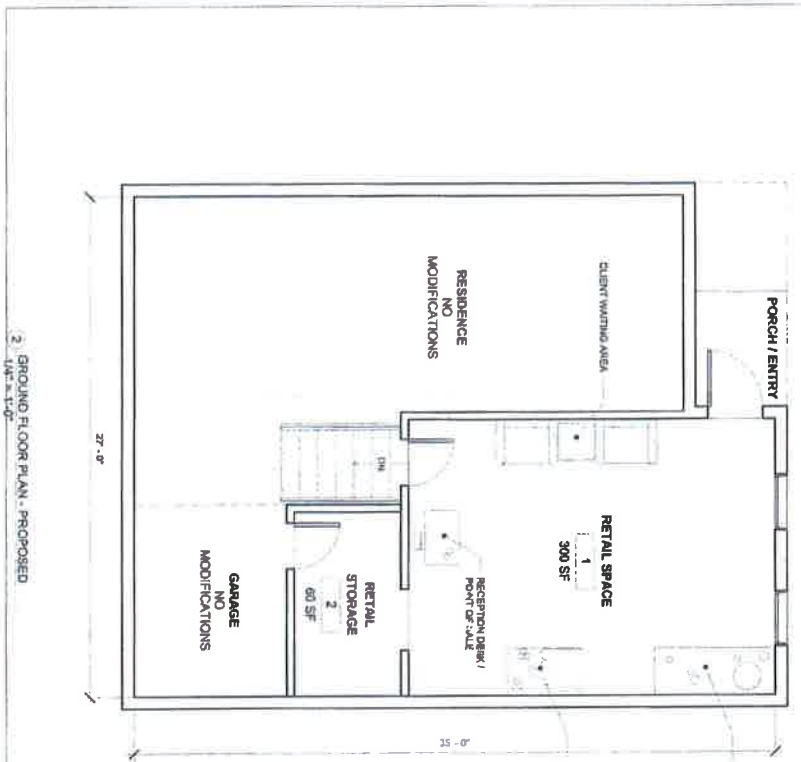
EX

FLOOR PLAN (PROPOSED)

NOTE:

ALL EXISTING BUILDING CONDITIONS ARE TO BE VERIFIED IN FIELD. BUILDING DIMENSIONS AND SQUARE FOOTAGES ARE APPROXIMATE.

NO MODIFICATIONS ARE INTENDED TO BE MADE IN THE FIRST OR SECOND FLOOR RESIDENTIAL AREAS, INCLUDING THE GARAGE. THESE AREAS HAVE BEEN SPARINGLY DRAFTED. THESE DOCUMENTS ARE INTENDED TO REFLECT THE LOCATIONS MOST IMPACTED BY TENANCY OF MOSTLY HARMLESS INK.



ROOM #	USE DESCRIPTION / PROPOSED MODIFICATIONS
1	RETAIL SPACE
2	RETAIL STORAGE
3	TATTOOING SPACE
4	RECEPTION AND CLEANING
5	GARAGE
6	CLOSET
7	UTILITY
8	BATHROOM
9	ART GALLERY
10	RECEPTION AND CLEANING
11	TATTOOING SPACE
12	DRAWING AND MERCHANDISE STUDIO
13	TATTOO SUPPLY AND MERCHANDISE STATION
14	BATHROOM
15	UTILITY
16	SANICLEANING SUPPLY STORAGE
17	COMPUTER / PRINTER / CENTRAL PRINTER
18	CLOSET

AP BEASLEY
407.587.6802

MARKET PLACE

8632 S MARKET PLACE
OAK CREEK, WI 53154

**MOSTLY
HARMLESS
INK**

PROPOSED
TI

01.22.2023
Author

TI

Mostly Harmless Ink Proposed Use/Business Description:

Overview:

Private studio establishment providing safe, sterile tattooing services from an experienced, state-licensed tattoo artist. The business will also include the display of and sale of physical artwork (paintings, drawings, etc), apparel, books, and tattoo-related merchandise in a separate retail space on the premises.

Business Location:

8632 S Market Pl #8, Lower Unit, Oak Creek, WI 53154.

Business Information:

Mostly Harmless Ink- Private Tattoo Studio

Business Tax Registration: 600-1029465110-05

Sales & Use Tax: 456-1029465110-06

Withholding Tax: 036-1029465110-04

Business Owner and Occupation:

Julia M. Ragalie, State of WI Licensed Tattoo Artist
(License/Credential Number: 3989-403).

Services Provided:

- 1.) Tattoo consultation and custom design services.
- 2.) Safe and sterile application of tattoo body art by an experienced tattoo artist.
- 3.) Instruction and education of client tattoo aftercare.
- 4.) Display and sale of artwork by local and international artists.
- 5.) Display and sale of tattoo aftercare products.
- 6.) Display and sale of promotional and retail merchandise (ie, apparel, stickers, etc)

Number of employees: 2

- (1) *Full-Time Tattoo Artist*: The business owner, Julia Ragalie (hereafter *Ragalie*). Ragalie will also operate the front desk and retail space when not performing tattooing services during tattoo business hours.
- (2) *Part-Time Receptionist and Retail Clerk* to greet clients, operate the front desk phone, and manage/stock the retail space.

Hours of Operation:

The Tattoo Studio will operate by *appointment only*.

- Ragalie will consistently schedule appointments on a daily basis between the hours of 9:00am and 6:00pm, *Monday-Saturday*.
- The Retail Business will be open on a daily basis between 12pm and 5pm *Monday-Friday***, staffed by a part-time employee.

**The Retail Business will also be open *outside* of these hours when Ragalie is not tattooing, and is available to operate the front desk.

Anticipated Customers:

Ragalie currently operates in a professional state-licensed tattoo shop in the Greater Milwaukee Area. She has an existing local client base of 500+ people. Ragalie has a successful online business presence with over 185k followers worldwide. This regularly brings in clients from multiple states, traveling to Wisconsin specifically to receive her tattoo services. These clients often seek lodging, dining and entertainment recommendations in the local community while they are visiting from out of state. Ragalie loves to promote and collaborate with other local businesses.

Mission Statement/Business Philosophy:

Ragalie has a degree and professional background in Art Therapy, and approaches her business with the concept that tattoos can be incredibly therapeutic for the people who get them. From expressing one's identity, to finding self-love and confidence, to reclaiming personal freedom, to memorial pieces, tattoos carry significant meaning for many. Regarding the tattoo process as a therapeutic experience contributes positively to the mental health and wellbeing of Ragalie's clients, as well as the greater community. As a female artist in a male-dominated industry, she strives to challenge negative stereotypes about the tattoo industry as a whole, as well as destigmatize tattoos themselves. Ragalie takes a trauma-informed approach to tattooing, and creates a unique, safe space for marginalized communities to feel comfortable and safe throughout every step of the process. She maintains a nonjudgmental, sensory-friendly environment tailored specifically to each client and their needs.

The name of the business, "Mostly Harmless Ink" is both a literary reference, and a representation of Ragalie's business philosophy- To make tattooing safe, approachable and accessible for everyone. Per the front page of her website: "Ink Therapy for All Bodies- Committed to tattooing people with care, and providing the most safe, non-judgmental tattoo environment possible".

Business Operations:

- Clients and customers enter, clients are checked in for tattoo consultations or tattooing services.
- Clients may fill out a digital waiver on the premises or before arrival, on their personal device.
- Customers may purchase art or merchandise at the Point of Sale system at the reception desk.
- Receptionist and Ragalie will answer phone calls and emails and make appointment bookings as necessary.
- Clients will view and approve their tattoo design, and the artist will make any necessary changes. Ragalie will size and stencil the design to the client's satisfaction, and will apply the stencil in a safe and sterile manner.
- Ragalie will create a sanitary setup for each tattoo service, and will conduct the tattoo services during the designated appointment times.

- Ragalie will educate the Client on proper aftercare, provide them with aftercare sheets, and clients will have an opportunity to purchase specialty aftercare products from the retail space.
- Client will pay for tattoo services at the Point of Sale at the retail reception desk.
- Ragalie will conduct a sanitary breakdown and cleansing of the station, disposing of sharps and used materials in accordance with state health and safety guidelines. All tattooing materials are disposable, and no Autoclave is necessary for sanitation of supplies.
- Ragalie will regularly clean and disinfect the entire tattoo procedure space, and will dispose of sharps bins as needed in accordance with State health guidelines.
- The retail space will include the display of International and local works of physical art in the form of paintings, drawings, and mixed media, which will be available for viewing and for sale at the Point of Sale.
- Ragalie and Receptionist will conduct inventory of all items available for purchase.
- Ragalie and Receptionist will conduct inventory of tattooing supplies, and re-order from suppliers as needed.
- Ragalie will manage accounting for the business and will track and report on income earned to the State and Federal revenue services.

Additional Resources (Optional For Consideration):

- **Artist's Website**, where more information about the artist, booking process, waiver process, client testimonials, portfolio of work, and FAQ (pertaining to the artist's current shop location) can be found.
<https://www.juliaragalietaattoos.com/>
- **Professional Reference-**
Jordanne Le Fae, Mentor, Owner and Artist of Weird Ink Society, St. Paul MN.
(651) 204-0600, faetattoos.com, faetattoos@gmail.com
- **Client Testimonials-**
 - "I have two flash tattoos from Julia and they are both amazing! I travel an hour to see her and honestly picture myself getting tattooed by her for the rest of my life. She has a way of making me feel very comfortable and at ease, and is a perfectionist so know I'm going to walk out with something I'm in love with. Highly recommend her to anyone."- Rachel B.
 - "Julia is the complete package! Not only is her artistry incredible, her professionalism and personality are unmatched. She is honest, non-judgemental, and supportive. Once you get tattooed by her, you will judge every other tattoo experience by the standard she sets."- Christy W.
 - "Julia is my favorite artist I've had the pleasure of working with, by FAR! Every piece I get, I love better than the last! She's also very accommodating for neurodivergent folks. 10/10 Would Recommend."- Keli G.
 - "Julia never disappoints! Not only do I have this amazing and beautiful piece of art on my body now but the experience of getting tattooed by her is the best I've

ever had. She makes you feel so comfortable and at ease which I greatly appreciate as someone with both past tattoo trauma and anxiety."- Clarise S.

- "This tattoo experience was unlike any other. Julia was friendly and professional as well as making me feel safe and made the experience so much fun! Her artwork is beautiful and breathtaking and I personally cannot wait for the privilege to get another tattoo from her. I cannot sing her praises enough and will let anyone know about how wonderful of a person and artist she is. I can't go anywhere else for a tattoo ever again. Even if I do move to the east coast or elsewhere in the future, I will be making trips back for this artist and her beautiful impeccable work."- Maura F.

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

Applicant: Julie Ragalie, Mostly Harmless Ink	Approved by Plan Commission: 2-28-23
Property Address(es): 8632 S. Market Pl.	Approved by Common Council: TBD
Tax Key Number(s): 823-0012-000	(Ord. 3066)
Conditional Use: Tattoo/Body Piercing/Body Art Studio	

1. LEGAL DESCRIPTION

THE MARKET PLACE CONDOMINIUM SW1/4 SEC 14-5-22 UNIT 8.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

1) **General Development Plan**

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

2) **Landscape Plan**

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

3) **Building Plan**

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

4) **Lighting Plan**

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

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

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

6) **Fire Protection**

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

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

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

- E. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. All future land divisions shall follow subdivision plat, and/or condominium plat, and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the B-2, Community Business zoning district, the Marketplace PUD, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. One (1) tattoo, body piercing, body art studio is allowed on the property.
- C. There shall be no outdoor storage or display of merchandise.
- D. Hours of operation shall be between 9:00 AM and 6:00 PM.
- E. The number, size, location and screening of appropriate solid waste collection units shall be in conformance with plans approved by the Plan Commission.
- F. Solid waste collection and recycling shall be the responsibility of the owner.
- G. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Parking and access for this development shall be provided in accordance with the approved Marketplace PUD, plans, and Sections 17.0501 and 17.0503 of the Municipal Code (as amended).

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sec. 17.0509 of the Municipal Code (as amended).
- B. All light sources shall be fully shielded full cutoff fixtures directed downward.

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Setbacks shall conform to the approved Marketplace PUD, plans, and appropriate Sections of the Municipal Code (as amended).

7. TIME OF COMPLIANCE

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

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to **three (3) years** from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. OTHER REGULATIONS

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

10. VIOLATIONS & PENALTIES

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

11. REVOCAION

Should an applicant, their heirs, successors or assigns, fail to comply with the Conditions and Restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use Permit as set forth in Section 17.0804 of the Municipal Code (as amended).

12. ACKNOWLEDGEMENT

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

Owner / Authorized Representative Signature

Date

(please print name)

EXHIBIT A: CONCEPT FLOOR PLAN

(For illustrative purposes only – detailed plans in accordance with these Conditions and Restrictions and the City of Oak Creek Municipal Code may require approval by the Plan Commission)

AP BEASLEY
407.567.6602

MARKET PLACE
8632 S MARKET PLACE
OAK CREEK, WI 53154

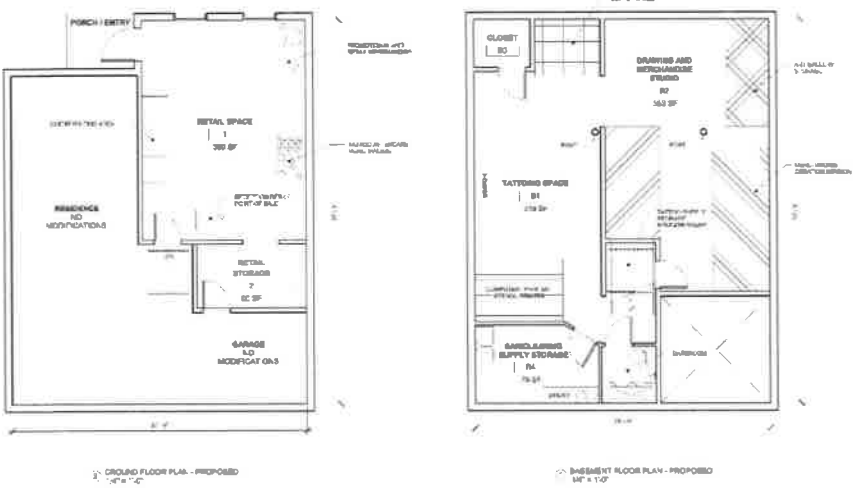
MOSTLY HARMLESS INK

PROPOSED TI

Date: 01.22.2023
Author

TI

ROOM #	USE DESCRIPTION / PROPOSED MODIFICATIONS
1	RESIDENCE NO MODIFICATIONS
2	RETAIL SPACE 1 300 SF
3	RETAIL STORAGE 2 60 SF
4	GARAGE NO MODIFICATIONS
5	DRINKING AND MERCHANDISE STUDIO 80 160 SF
6	TATTOO SPACE 81 170 SF
7	BAR/CLUBS SUPPLY STORAGE 84 70 SF

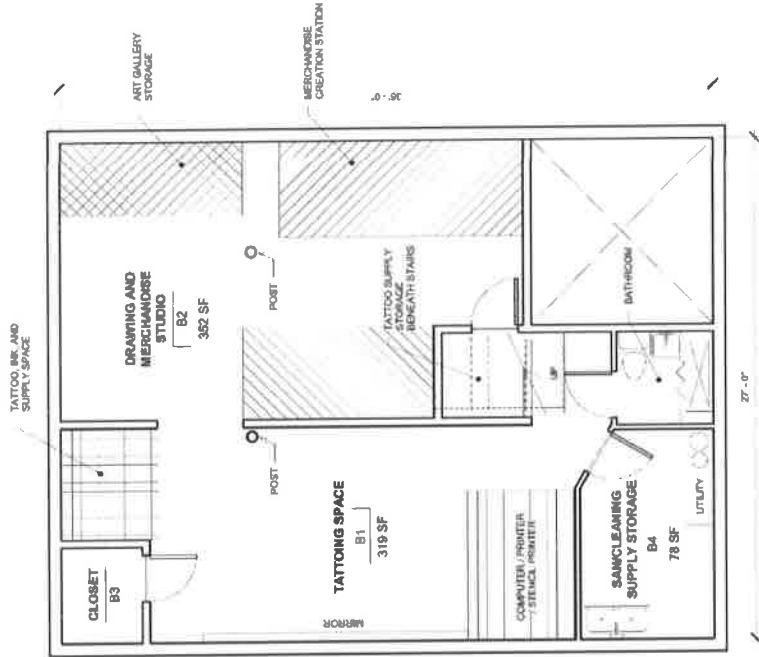


NOTE:
ALL EXISTING BUILDING CONDITIONS ARE TO BE VERIFIED IN FIELD. BUILDING DIMENSIONS AND SQUARE FOOTAGES ARE APPROXIMATE.

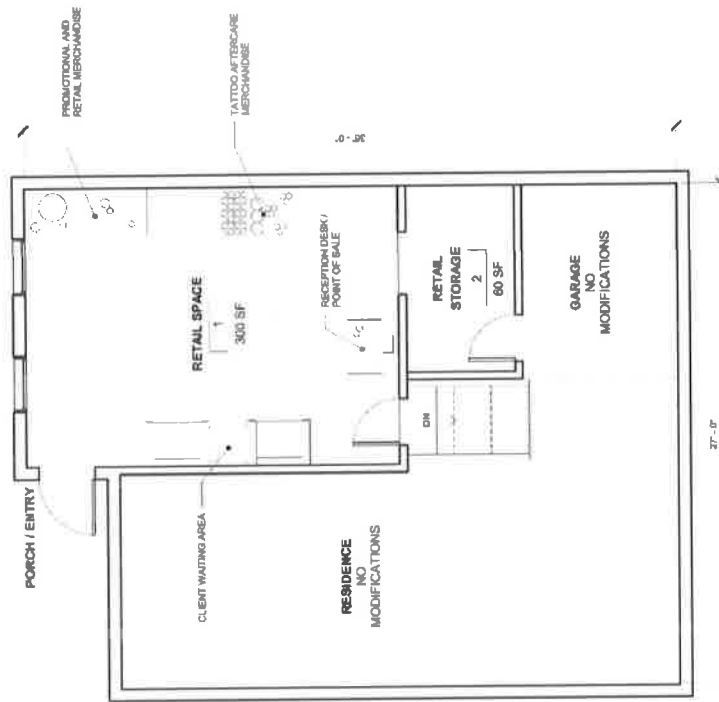
NO MODIFICATIONS ARE INTENDED TO BE MADE IN THE FIRST OR SECOND FLOOR RESIDENTIAL AREAS, INCLUDING THE GARAGE. THESE AREAS HAVE BEEN SPARINGLY DRAFTED. THESE DOCUMENTS ARE INTENDED TO REFLECT THE LOCATIONS MOST IMPACTED BY TENANCY OF MOSTLY HARMLESS INK.

EXHIBIT A: CONCEPT FLOOR PLAN (ENLARGED)

(For illustrative purposes only – detailed plans in accordance with these Conditions and Restrictions and the City of Oak Creek Municipal Code may require approval by the Plan Commission)



1. BASEMENT FLOOR PLAN - PROPOSED
1/4" = 1'-0"



2. GROUND FLOOR PLAN - PROPOSED
1/4" = 1'-0"

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, FEBRUARY 28, 2023**

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 Siepert, and Commissioner Chandler. Also present: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

**CONDITIONAL USE PERMIT
JULIE MARIE RAGALIE, MOSTLY HARMLESS INK
8632 S. MARKET PL.
TAX KEY NO. 823-0012-000**

Senior Planner Papelbon provided an overview of a request for a tattoo studio within a portion of the existing multitenant building on the property at 8632 S. Market Pl. (see staff report for details).

Senior Planner Papelbon discussed the following proposed Conditions and Restrictions:

Section 3

- Uses allowed per Code
- One (1) tattoo, body piercing, body art studio
- No outdoor storage/display
- Hours of Operation: 9:00 AM – 6:00 PM

Section 4

- Parking per PUD and Code

Section 5

- Lighting per PUD and Code

Section 6

- Setbacks per PUD and Code

Section 8

- Three (3) years

Julie Ragalie, 8632 S. Market Pl., stated that she will answer any questions.

Alderman Loreck stated that the studio will be a welcomed addition to the Marketplace.

Mayor Bukiewicz encouraged exploration of the Marketplace and welcomed Ms. Ragalie.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit allowing a tattoo studio within a portion of the existing multitenant building on the property at 8632 S. Market Pl., subject to Conditions and Restrictions, after a public hearing.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:04pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

Date 3-14-23_____

TO BE PUBLISHED MARCH 8 & 15, 2023

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 Kristen Parks, St. John Properties, Inc., to rezone the property at 140 E. Rawson Ave. from M-1, Manufacturing to B-4, General Business (NO CHANGE to approved Conditional Use Permits).

Hearing Date:

April 3, 2023

Time:

7:00 PM

Place:

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

Applicant(s):

Kristen Parks, St. John Properties, Inc.

Property Owner(s):

EAST RAWSON AVE LLC

Property Location(s):

140 E. Rawson Ave.

Tax Key(s):

733-9991-001

Legal Description:

The West 1/2 of the South 40 acres of the Southwest 1/4 of Section 4, Town 5 North, Range 22 East in the City of Oak Creek, County of Milwaukee, State of Wisconsin, excepting therefrom that part of the following-described premises within said West 1/2:

Commencing at the Southwest corner of said 1/4 Section; thence East 1412.20 feet; thence North 40 feet; thence West 690 feet; thence North 100 feet; thence West 522.20 feet; thence North 190.68 feet; thence West 95 feet; thence North to North line of South 40 acres of said 1/4 Section; thence West 105 feet; thence South to the place of commencement. Further excepting therefrom Certified Survey Map No. 205 recorded on February 27, 1963 on Reel 77, Images 148 and 149 as Document No. 4006714 and Certified Survey Map No. 3670 Recorded on July 10, 1979 on Reel 1219, Images 1299 to 1301 inclusive, as Document No. 5327097, and that part thereof conveyed by Award of Damages, dated January 31, 1967 and recorded February 10, 1967 on Reel 346, Images 369 to 371 inclusive, as Document No. 4301007.

SAID PARCEL ALSO DESCRIBED AS FOLLOWS:

That part of the Southwest 1/4 of the Southwest 1/4 of Section 4, Town 5 North, Range 22 East in the City of Oak Creek, County of Milwaukee, State of Wisconsin, being described as follows:

Commencing at the Southwest corner of said 1/4 Section; thence North 89°20'13" East along the South line of said 1/4 Section a distance of 1324.39 feet to a point in the West line of Certified Survey Map No. 5856, extended Southerly; thence North 00°39'05" East, recorded as North 00°39'26" East, along said

Southerly extension a distance of 65.02 feet to a point on the North line of Rawson Avenue, said point also being the point of beginning of the land herein described; thence along the said North line for the following three courses; (1) thence South 89°20'13" West a distance of 602.05 feet to a point, (2) North 00°37'12" East a distance of 75.02 feet to a point, and (3) South 89°20'13" West a distance of 412.36 feet to a point on the East line of Certified Survey Map No. 3670; thence North 00°37'27" East, recorded as North 00°37'08" East 521,32, along the said East line a distance of 520.91 feet to a point on the South line of Certified Survey Map No. 500 and on the Westerly extension of the South line of Parcel 1 of Certified Survey Map No. 5856; thence North 89°20'00" East along said South line and said Westerly extension a distance of 1014.70 feet to a point on the aforementioned West line of Certified Survey Map No. 5856; thence South 00°39'05" West along said West line a distance of 596.00 feet to the point of beginning.

Containing 13.168 acres more or less.

The Common Council has scheduled other public hearings for April 3, 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: March 1, 2023
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 414-766-7000, or by writing City Hall, 8040 South 6th Street, Oak Creek, Wisconsin 53154.



COMMON COUNCIL REPORT

Item: Rezone - 140 E. Rawson Ave. - Kristen Parks, St. John Properties

Recommendation: That the Council adopts Ordinance 3067, an ordinance to rezone the property at 140 E. Rawson Ave. from M-1, Manufacturing to B-4, General Business (NO CHANGE to approved Conditional Use Permits) (1st District).

Fiscal Impact: No direct fiscal impact is anticipated with the rezone request as the land is currently developed with a multitenant development. However, would allow the Plan Commission to review any future commercial development proposals affecting the property. Review and permit application fees from the redevelopment of the property would provide additional positive fiscal impact for the City. The property is not currently part of a TID.

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

Background: The Applicant is requesting approval to rezone the property at 140 E. Rawson Ave. from M-1, Manufacturing to B-4, General Business (NO CHANGE to approved Conditional Use Permits). This request is directly related to the Zoning Text Amendment reviewed in a previous agenda item.

Council will recall that the property was included in a proposed amendment to the Comprehensive Plan to change the land use category from Industrial to Commercial late last year. As stated in the report for that review, staff had multiple conversations with the landowners regarding the zoning for the property relative to use. It was suggested that the M-1, Manufacturing zoning district does not appear to be serving the needs of existing and interested tenants, evidenced by the number of Conditional Uses requested. Changing market trends pointed toward the need for flexible commercial space, and a commercial zoning district would allow for future tenant spaces to continue serving more commercial users (potentially) without the need for Conditional Use Permits.

Staff will continue to work with the Applicant on future tenant needs to ensure conformance with zoning requirements, including applicable Conditional Use Permit reviews.

After careful consideration at the February 28, 2023 meeting, the Plan Commission recommended approval.

Options/Alternatives: Council has the discretion to approve or not approve the proposed rezone request. Disapproval would likely result in the existing conditions of the property, including the potential for multiple future Conditional Use Permits, to remain.

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



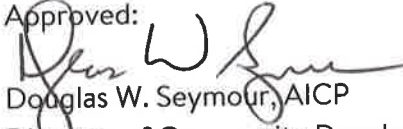
Kari Papellbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gaggin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3067

Location Map

Tenant Narrative (5 pages)

Floor Plans (2 pages)

Excerpted Plan Commission Minutes (2 pages)

ORDINANCE NO. 3067

By: _____

AN ORDINANCE TO REZONE THE PROPERTY AT 140 E. RAWSON AVE. FROM M-1, MANUFACTURING TO B-4, GENERAL BUSINESS (NO CHANGE TO APPROVED CONDITIONAL USE PERMITS)

(1st Aldermanic District)

WHEREAS, KRISTEN PARKS, ST. JOHN PROPERTIES, has applied for rezoning the property at 140 E. Rawson Ave. from M-1, Manufacturing to B-4, General Business (NO CHANGE to approved Conditional Use Permits);

WHEREAS, the property is more precisely described as follows:

The West 1/2 of the South 40 acres of the Southwest 1/4 of Section 4, Town 5 North, Range 22 East in the City of Oak Creek, County of Milwaukee, State of Wisconsin, excepting therefrom that part of the following-described premises within said West 1/2:

Commencing at the Southwest corner of said 1/4 Section; thence East 1412.20 feet; thence North 40 feet; thence West 690 feet; thence North 100 feet; thence West 522.20 feet; thence North 190.68 feet; thence West 95 feet; thence North to North line of South 40 acres of said 1/4 Section; thence West 105 feet; thence South to the place of commencement. Further excepting therefrom Certified Survey Map No. 205 recorded on February 27, 1963 on Reel 77, Images 148 and 149 as Document No. 4006714 and Certified Survey Map No. 3670 Recorded on July 10, 1979 on Reel 1219, Images 1299 to 1301 inclusive, as Document No. 5327097, and that part thereof conveyed by Award of Damages, dated January 31, 1967 and recorded February 10, 1967 on Reel 346, Images 369 to 371 inclusive, as Document No. 4301007.

SAID PARCEL ALSO DESCRIBED AS FOLLOWS:

That part of the Southwest 1/4 of the Southwest 1/4 of Section 4, Town 5 North, Range 22 East in the City of Oak Creek, County of Milwaukee, State of Wisconsin, being described as follows:

Commencing at the Southwest corner of said 1/4 Section; thence North 89°20'13" East along the South line of said 1/4 Section a distance of 1324.39 feet to a point in the West line of Certified Survey Map No. 5856, extended Southerly; thence North 00°39'05" East, recorded as North 00°39'26" East, along said Southerly extension a distance of 65.02 feet to a point on the North line of Rawson Avenue, said point also being the point of beginning of the land herein described; thence along the said North line for the following three courses; (1) thence South 89°20'13" West a distance of 602.05 feet to a point, (2) North 00°37'12" East a distance of 75.02 feet to a point, and (3) South 89°20'13" West a distance of 412.36 feet to a point on the East line of Certified Survey Map No. 3670; thence North 00°37'27" East, recorded as North 00°37'08" East 521,32, along the said East line a distance of 520.91 feet to a point on the South line of Certified Survey Map No. 500 and on the Westerly extension of the South line of Parcel 1 of Certified Survey Map No. 5856; thence North 89°20'00" East along said South line and said Westerly extension a distance of 1014.70 feet to a point on the aforementioned West line of Certified Survey Map No. 5856; thence South 00°39'05" West along said West line a distance of 596.00 feet to the point of beginning.

Containing 13.168 acres more or less.

WHEREAS, the Plan Commission reviewed the application and recommended that the B-4, General Business (NO CHANGE to approved Conditional Use Permits) rezoning be approved; and

WHEREAS, the Common Council held a public hearing on said application on April 3, 2023, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and with the favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the B-4, General Business (NO CHANGE to approved Conditional Use Permits) rezoning was approved for the lands hereinabove described.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described are hereby rezoned from M-1, Manufacturing to B-4, General Business (NO CHANGE to approved Conditional Use Permits), and the Zoning Map of Chapter 17 of the Municipal Code is amended to reflect the rezoning.

SECTION 2: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

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

SECTION 4: The rezoning shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon its passage and publication.

Passed and adopted this 3rd day of April, 2023.

President, Common Council

Approved this 3rd day of April, 2023.

Mayor

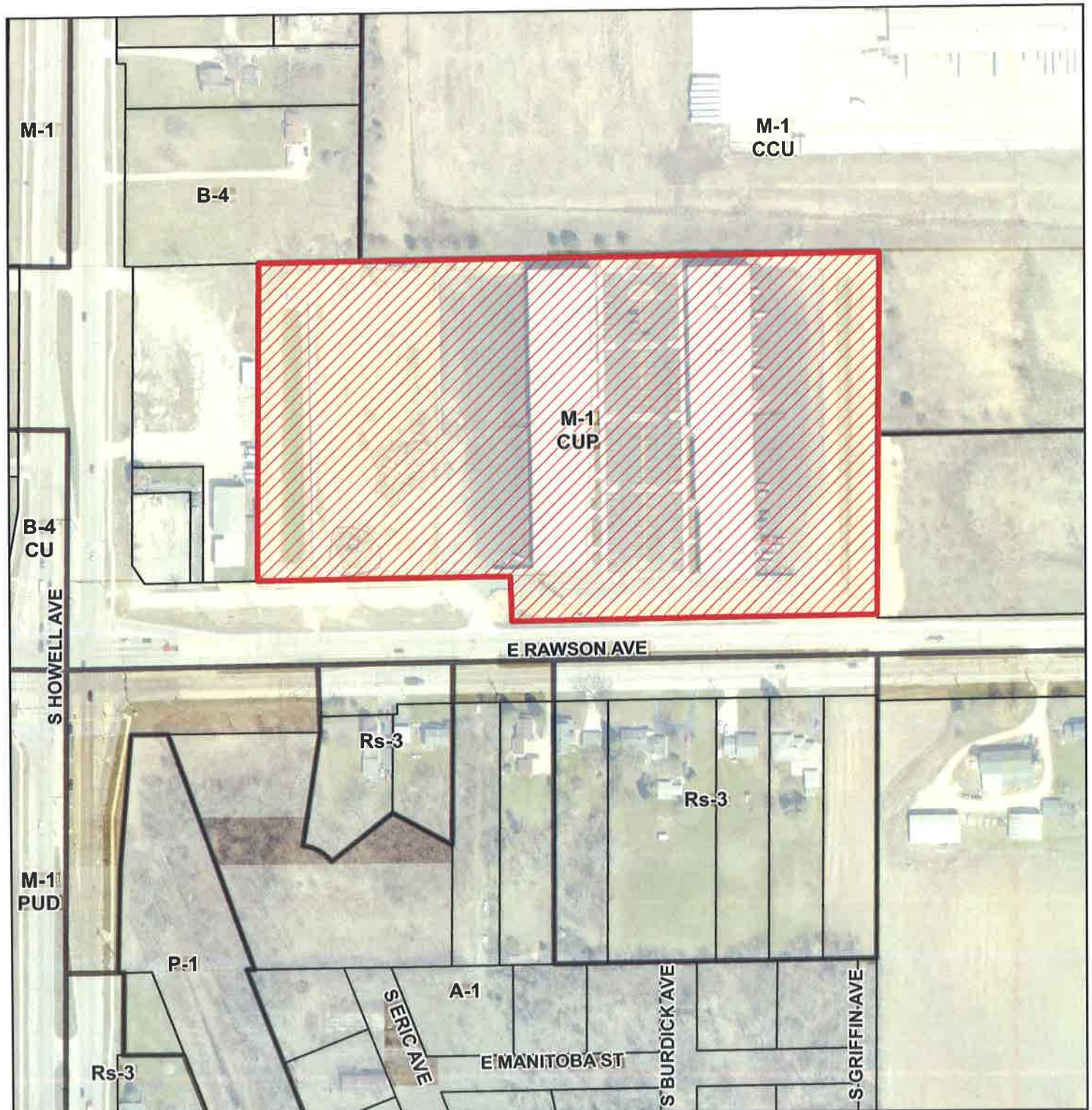
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

LOCATION MAP

140 E. Rawson Ave.



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



Legend



St John Properties, Inc.
2000 Pewaukee Road Ste A
Waukesha, WI 53188

Kristen Parks
262-765-9728 ©
262-369-0100 Office
262-369-9075 FAX
Email: kparks@sjpi.com

To: City of Oak Creek
City Development
8040 S 6th Street
Oak Creek, WI 5154

From: Kristen Parks

Date: January 25, 2023

Re: Tenant Narrative for Rezoning and Zoning Text Amendment
140 E. Rawson Ave
Oak Creek WI 53154

AST/LEARN DBA Wisconsin Early Autism Project, Suite 201-203

Office: 7,489 SF

Storage: 357 SF

The Wisconsin Early Autism Project (WEAP) is a division owned by AST/LEARN. WEAP operates throughout Wisconsin to provide behavioral treatment services to children with autism. These services are delivered in-home and at their Oak Creek location.

The Oak Creek location offers local families a facility where several clients can attend at the same time, providing children with autism a social opportunity, an integral aspect of the treatment service. Each child has an individual "Technician" who works with them on a 1:1 ratio.

This location includes an interior space to provide the required proper learning environment. The services offered at this location are evaluation, diagnosis, and center-based treatment. The space is broken up into different areas for each patient to use. Those are: Individual, distraction free learning rooms with high quality toys, group learning classrooms, a gymnasium, and a sensory room.

Unlimited Athletic Club, Suite 205-206

Office/Gym 5,640 SF

Unlimited Athletic Club is a Fitness/Wellness facility. They work to educate and coach their clients offering a comprehensive health system that brings an overall lifestyle to maintain a healthier inner self. Tenant provides personal training, group classes, and gym memberships. Unlimited Athletic Club, LLC does not store items or supplies inside or out.

DW Fence, Suite 207

Office: 643 SF

Storage: 2,177 SF

DW Fence offers a variety of fence products and installation services for both residential and commercial customers. They provide a variety of fence options such as vinyl, wood, cedar, galvanized, vinyl coated, and aluminum.

Their space consists of a customer showroom, office, and a storage area for fence panel assembly and storage. Fencing is made to order onsite.

ROM Technology Incorporated, Suite 207

Office: 628 SF

Storage: 2,192 SF

ROM Technologies Incorporated is a manufacturer of a patented lower extremity rehabilitation device company that has an office and storage/work area at this location. This company uses the space for assembly, repair, upgrading, cleaning, testing and delivery of their devices to patients homes.

The devices are sent to this location via full truckload shipments and broken down and assembled into individual units. They keep an inventory of spare parts for all repairs and calibrations that need to be made.

Laboratory Corporation of America Holdings, Suite 209-216

Office/Lab: 20,315 SF

Storage: 3,690 SF

LabCorp is a nationwide company that offers testing lab services to hospitals and doctors. Here they analyze the results of multiple tests such as: routine lab work, pediatric collections, employee wellness body measurement, testing for viruses, and illness, as well as drug and alcohol testing.

In the lab they have numerous rooms that are set up to analyze the individual tests and make evaluations. They have a small storage area for supplies that are needed on hand to perform daily lab work.

Medical Equipment Compliance Associates (MECA), Suite 301-304

Office: 5,469 SF

Storage: 4,401 SF

MECA tests, evaluates, and supplies documentation necessary to show international safety and efficiency compliance for medical and laboratory equipment. Their services offered are: Accredited Compliance Reports, CB Test Reports,

Page 2



Compliance Engineering Expertise, NRTL Certification Marks (through UL, Intertek, TUV-R, or MET), Electrical, Mechanical, Thermal, and Sound/Alarm Testing and Training for employees and those who would operate the equipment.

Their space consists of product testing areas, offices for their employees to manage their work, and a storage area that is for tools and equipment used to test and evaluate equipment.

Burke & Hare Co., Suite 305

Office: 734 SF

Warehouse: 2,086

Burke & Hare Co. manufactures, by hand, candles, and other scented products such as linen sprays, perfume oils and wax melts. They sell their products online via their website and wholesale to retail stores.

Their process includes pre/post-production of product - wicking jars and preparing them for pouring, cleaning, labeling, and packaging. After production online orders are shipped directly to customers or to retail stores nationwide.

Superior Air-Ground Ambulance Service of Wisconsin Inc, Suite 306-307

Office: 2,640 SF

Warehouse: 3,000 SF

Superior Air Ground Ambulance ("Superior") contracts with specific facilities for their ground ambulance division. They provide basic and advanced life support units along with critical care transport units to and from area hospitals, patients homes and long-term care facilities.

The building is specifically used to house their emergency vehicles, protecting them from environmental elements and added additional security. Staff consists of management and crew members which are assigned to an ambulance at the beginning of their shift. They perform routine safety checks, then leave the facility to deploy to a specific location and wait for assignment calls. The space has an office, crew lounge, classroom, and rest facilities as well as two (2) bathrooms. Due to the crew being stationed outside of the facility there are minimal daily operations at the location throughout the day.

They are not open to the public and do not treat patients at the facility. They do not perform vehicle maintenance at this facility.

Dog Paddle Suite 308

Office: 526 SF

Therapy Area: 2,294 SF

Dog Paddle is an indoor swimming pool for dogs. Clients bring their dogs to Dog Paddle for fun, fitness and for therapeutic reasons (arthritis, recovery from surgery, etc.). These are private 30-minute swim sessions for one dog at a time, appointments are required. After the session, the customer is allowed to use the dog wash to bathe and dry their dog. The pool is 13' by 25' and has a deck built around the entire pool with a staircase, they have a dog wash and drying room, waiting room and office.

Technical Transportation, Suite 310-312

Office: 4,224 SF

Storage: 4,776 SF

Technical Transportation, Inc. (TechTrans) is a domestic freight forwarder who specializes in high value products such as medical equipment. They not only help facilitate delivery of such products for their clients, but they also store their clients demo units onsite. Their clients sell Ultra-sound machines, diagnostic lab testing equipment, incubators, ophthalmology, and pathology equipment. This location's primary function is to provide customer service in an office setting with some storage for the demo equipment. Their client's field service representatives come to the facility to perform routine performance checks on the demo equipment to ensure the software is up to date and the machine is in good working condition for the next demonstration. Trans-Tech also provides various service-related tasks on their customer's demo equipment when needed. Truck traffic to and from this location is minimal as it is not a distribution facility.

TechTrans is not a distributor, they do not have drivers, and they do not own trucks or medical equipment.

Medical Support Services DBA We Rock the Spectrum Suite 313-314

Office: 2,186 SF

Therapy: 3,784 SF

We Rock the Spectrum a division of Medical Support Services is a play space where children can continue to work on developing their play skills and sensory regulation in a safe and nurturing environment. We Rock the Spectrum offers an inclusive philosophy; they believe all children can benefit from their uniquely designed sensory equipment that is specifically designed to aid children with or without sensory processing disorders. We Rock the Spectrum staffers and volunteer's aide children with special needs in growing beyond the expectations of doctors and therapists.

Often a therapist for a child with special needs will attend the gym with the children to observe and provide their therapy while using the equipment in the gym. This allows the therapist and child access to the fun and safe environment with added support of the staff and equipment which might not be present in other settings.

Medical Support Services DBA Tender Touch Therapy Suite 315-317

Office: 4,329 SF

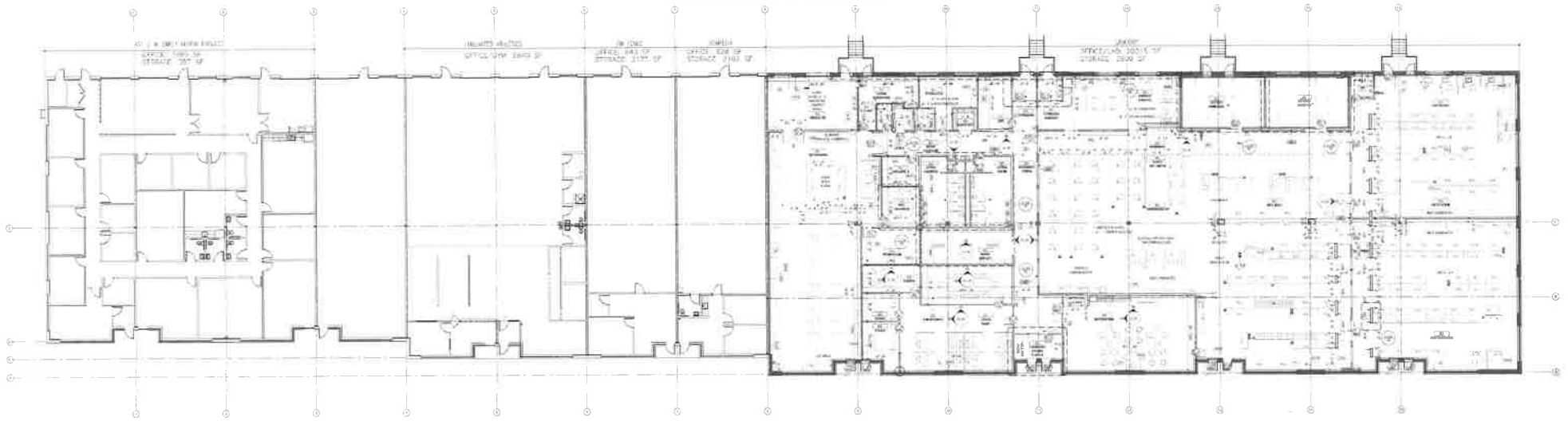
Therapy: 4,626 SF

Tender Touch Therapy a division of Medical Support Services provides clients and their families access to physical, occupational and speech therapy. They offer evaluations, consultations, and intervention to help their patients thrive and grow. Their facility offers specialized equipment for children and young adults that may not be available to the public outside of specialized therapy sessions or visits. Individuals that are no longer in therapy sessions, or individuals that are treated by other therapy offices in the community can come and use the equipment and facility to enhance their therapy. This space provides a tailored environment for children and young adults to participate in a setting suited to their needs and requirements for personal use or group events.

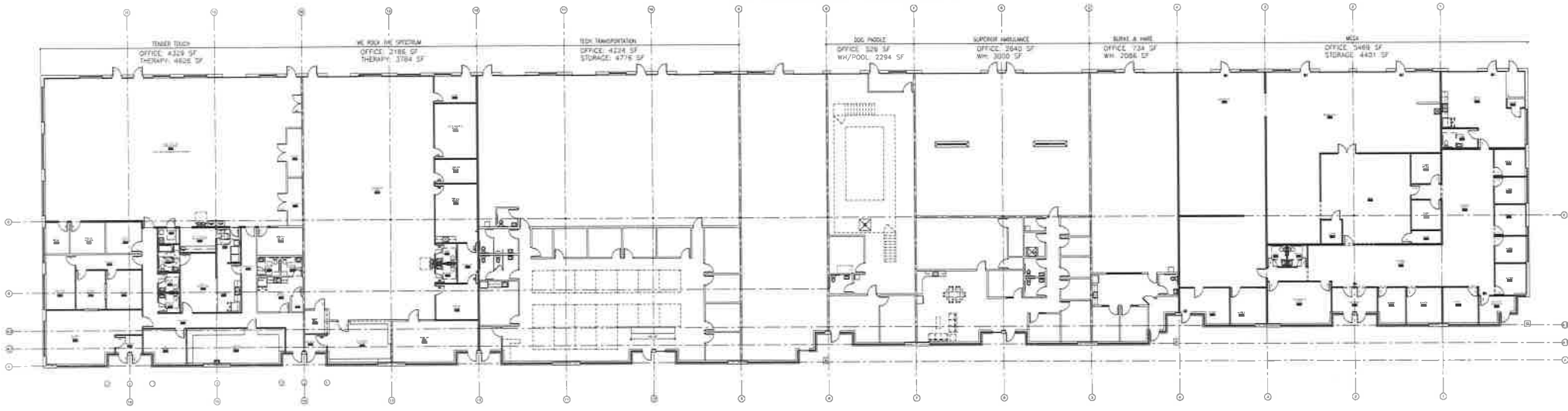
The space has a reception/waiting area, Front desk to support client and administrative tasks, toddler area, two private client rooms, calming room, multipurpose room, standalone specialized equipment area for larger kid or young adults, restrooms to accommodate 50 occupants including a high/low drinking fountain and large gym area with tall ceilings for specialized equipment.

Medical Support Services, Inc. has recently incorporated a 60' by 50' outdoor commercial recreation area to the services currently offered. The area is secured portion of the rear parking lot to provide space for outdoor activities and equipment for clients and staff to utilize. The equipment consists of traditional outdoor playground equipment, specialty equipment, and open areas for general outdoor activities and client services. The area allows clients the opportunity for treatment or services outside of the current indoor gym and treatment rooms.

140 E RAWSON - BUILDING B



140 E RAWSON - BUILDING C



**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, FEBRUARY 28, 2023**

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 Siepert, and Commissioner Chandler. Also present: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

**REZONE
KRISTEN PARKS, ST. JOHN PROPERTIES, INC.
140 E. RAWSON AVE.
TAX KEY NO. 733-9991-001**

Senior Planner Papelbon provided an overview of a request to rezone the property at 140 E. Rawson Ave. from M-1, Manufacturing to B-4, General Business (no change to the existing Conditional Use Permits) (see staff report for details).

Senior Planner Papelbon explained that conversations with the landowner have occurred regarding existing tenants whose use would otherwise not be permitted in a B-4 district. Those existing tenants are allowed to maintain their leased space until the tenant decides to vacate. Once vacated, that use will no longer be allowed on the property. These tenants will also not be allowed to expand on the property.

Commissioner Hanna asked if the current tenants would be notified of the zoning change. Senior Planner Papelbon explained that the current tenants are allowed to stay under the rezone, but they will not be allowed to expand. Once the tenant does decide to leave, the same use would no longer be allowed.

Commissioner Hanna asked if a tenant has the right to leave after the rezone decision, to which Senior Planner Papelbon stated the lease agreements are between the tenant and the property management company/landowner. The re-zone decision will not affect the lease agreements.

Commissioner Hanna asked if the rezone would break the lease contract.

Kristen Parks, 2000 Pewaukee Rd., Waukesha, WI 53188, applicant, stated that the rezone would not give any of the tenants a legal reason to break their lease.

Commissioner Chandler asked if the tenant would retain their existing Conditional Use if their lease was renewed, to which Senior Planner Papelbon explained the Conditional Uses are separate from the rezone decision.

Commissioner Chandler asked if the leases for the existing tenants could be renewed, to which Senior Planner Papelbon answered in the affirmative.

Mayor Bukiewicz asked how many existing tenants are only allowed in the M-1 district, to which Senior Planner Papelbon answered about four (4).

Mayor Bukiewicz stated his agreement with staff's recommendation to rezone the property.

Commissioner Oldani moved that the Plan Commission recommends to the Common Council that the property at 140 E. Rawson Ave. be rezoned from M-1, Manufacturing to B-4, General Business (NO CHANGE to approved Conditional Use Permits) after a public hearing.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:04pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

3-14-23

Date

TO BE PUBLISHED MARCH 8 & 15, 2023

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 Fahim Ajmeri, 8950 LLC, to rezone the property at 8950 S. 27th St. from B-2, Community Business to B-4, General Business (NO CHANGE to the FF, Flood Fringe district) with a Conditional Use Permit for vehicle rentals (moving vehicles only).

Hearing Date:

April 3, 2023

Time:

7:00 PM

Place:

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

Applicant(s):

Fahim Ajmeri, 8950 LLC

Property Owner(s):

AKIL L.L.C.
ANUP KHULLAR

Property Location(s):

8950 S. 27th St.

Tax Key(s):

856-0070-006

Legal Description:

CSM NO 7325 PARCEL 2 NW 1/4 SEC 19-5-22 (2.1956 ACS).

The Common Council has scheduled other public hearings for April 3, 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: March 2, 2023
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 414-766-7000, or by writing to City Hall, 8040 South 6th Street, Oak Creek, Wisconsin 53154.

COMMON COUNCIL REPORT

- Item:** Rezone and Conditional Use Permit – 8950 S. 27th St. - Fahim, Ajmeri, 8950 LLC
- Recommendation:** That the Council considers Ordinance 3068, an ordinance to rezone the property at 8950 S. 27th St. from B-2, Community Business to B-4, General Business (NO CHANGE to the FF, Flood Fringe district) with a Conditional Use Permit for vehicle rentals). (6th Aldermanic District)
- Fiscal Impact:** Approval would allow for the use of an existing, occupied commercial building and lot for an additional service in the form of rental of moving vehicles. Further reviews by the Plan Commission for any site, landscaping/screening, and related property modifications will be required, along with associated permits. Fees for such reviews and permits would yield positive financial impacts. This property is not currently part of a TID.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: The Applicant is requesting that the property at 8950 S. 27th St. be rezoned from B-2, Community Business to B-4, General Business, with a Conditional Use Permit for vehicle rentals. Vehicle rental uses are Conditional Uses in the B-4, General Business district. The Land Use Plan within the Comprehensive Plan identifies this parcel as appropriate for future commercial (re)development outside of floodplain areas.

Per the submitted narrative, the proposal includes U-Haul vehicle rentals in addition to the existing retail store operations (Ayra's). Reservations are typically made online with limited in-person transactions, such as pickups and returns, handled by Ayra's employees. Hours of operation for the proposed vehicle rentals are 10:00 AM – 4:00 or 5:00 PM, with a drop box proposed on the west elevation for after-hours returns. No additional sales or services (e.g., packing materials or trailers) would be included. Up to four (4) vehicles are proposed to be onsite at any given time (see attached site plan).

Staff raised several concerns for the proposal as presented in the staff report for Plan Commission consideration. The property has been within the B-2, Community Business district since prior to its development with a restaurant in 2000, which required extensive neighborhood outreach, considerations, and buffers. Per Code, the B-2, Community Business district "is intended to provide for the orderly and attractive grouping at appropriate locations of businesses offering a range of retail products and services primarily serving adjacent residential neighborhoods. The character, appearance, and operation of any business in the district should be compatible with the surrounding area."

The B-4, General Business district "is intended to provide for the orderly and attractive grouping at appropriate locations along federal, state, and county highway routes of those businesses and services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the need of such traffic."

While proximity to residential neighborhoods is a benefit for vehicle rental operations, the potential for conflicts cannot be overlooked. In this case, the property is subject to a 50-foot restriction along the S. 27th St./STH241 right-of-way. Although the parking lot was established prior to the CSM on which this restriction appears, staff would not support parking of rental vehicles in this area considering the additional requirements for screening in the Zoning Code. Existing landscaping would not provide adequate screening of rental vehicles along S. 27th St., nor are any of the proposed interior parking stalls for rental vehicles otherwise screened or secured.

One of the most prevalent concerns staff have heard from neighbors over the years regards noise. While the proposal identifies set hours that staff would be onsite to assist customers, there is also an after-hours drop box proposed on the west side of the building. This would potentially lead to drop-offs occurring 24/7 with no supervision. Although vehicle noise is usual and customary to any location within limits established by Code, there is no method by which noise from rental vehicles can be wholly prevented.

Considering existing rental vehicle locations elsewhere throughout the City, several common conditions exist or were instituted as part of the Conditional Use Permit process. First, all of the approved locations with rental vehicle approvals are located in the M-1, Manufacturing District. This may be partly due to the interpretation of the Code in place at the time; however, staff note that prior to the adoption of the current Code in March of 2022 (last revised November 1, 2022), vehicle sales were Conditional Uses in the B-4, General Business district. All of the existing Conditional Use Permits on file specified the number, location, and screening for the display of rental vehicles. None of the display areas were approved to be closer to a public right-of-way than 40 feet.

Given the concerns above, staff concluded that the location does not appear to be appropriate for vehicle rentals as proposed. The requested B-4, General Business zoning substantially conforms to the adopted Comprehensive Plan, which identifies the property as Commercial as previously stated. However, the information presented by the Applicant for the proposed Conditional Use for rental vehicles does not adequately address how this use will ultimately reflect community standards as stated in Goal 1: Objective 2 of the Economic Development Framework in the adopted Comprehensive Plan. Staff, therefore, do not support this proposal. It should be noted that the Applicant indicated their intention to abide by all conditions the City adopts for the proposal, if approved.

After careful consideration by the Plan Commission at their February 14, 2023 meeting, they recommended Common Council approval of the requests subject to Conditions and Restrictions that address concerns raised by staff and Commission. Those Conditions and Restrictions, included with this report, were reviewed and recommended for Council consideration at the February 28, 2023 meeting.

Options/Alternatives: Council has the discretion to approve or not approve the proposed rezone and/or Conditional Use Permit request. Below are three (3) options for consideration:

1. Concurrence with Staff - Should the Council concur with staff and not support the proposal, the suggested motion would be for denial citing specific reasons upon which the denial was based.

Per Section 17.0804(e)(3) of the Municipal Code: A conditional use permit may be granted upon finding in the review of the application that all applicable use specific provisions per Article 4 of [this] Zoning

Ordinance as well as the following criteria are met. A negative finding of fact on any of the following criteria shall require a negative vote on the application as a whole.

- o Section 17.0804(e)(3)(a) - The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
- o Section 17.0804(e)(3)(b) - The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- o Section 17.0804(e)(3)(c) - Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, and other necessary site improvements have been or are being provided.
- o Section 17.0804(e)(3)(d) - Measures have been or will be taken to provide adequate ingress and egress and designed to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.
- o Section 17.0804(e)(3)(e) - The conditional use conforms to all applicable regulations of the district in which it is located.

2. Approval of the Rezone Only - Should the Council determine that the proposed request to rezone the property to B-4, General Business District is appropriate, there would likely be the need to hold the item for consideration of a revised Ordinance.

3. Approval - Should the Council determine that the proposed request for both the Rezone and Conditional Use Permit is acceptable, the suggested motion would be to approve Ordinance 3068, an ordinance to rezone the property at 8950 S. 27th St. from B-2, Community Business to B-4, General Business (NO CHANGE to the FF, Flood Fringe district) with a Conditional Use Permit for vehicle rentals).

The approval of the rezone and Conditional Use Permit would allow for the use of an existing, occupied commercial property to provide additional services in the form of renting moving vehicles. Denial would result in the property remaining in its present condition as a commercial business without rental moving vehicles.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



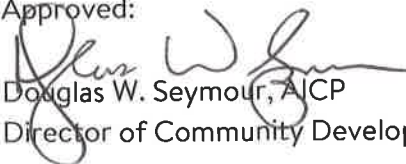
Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3068

Location Map

Project Narrative & Supplemental Emails (3 pages)

Concept Site Plan (1 page)

Draft Conditions and Restrictions (4 pages)

Excerpted Plan Commission Meeting Minutes (February 14 & 28, 2023)

ORDINANCE NO. 3068

By: _____

AN ORDINANCE TO REZONE THE PROPERTY AT 8950 S. 27TH ST. FROM B-2, COMMUNITY BUSINESS TO B-4, GENERAL BUSINESS (NO CHANGE TO THE FF, FLOOD FRINGE DISTRICT) WITH A CONDITIONAL USE PERMIT FOR VEHICLE RENTALS

(6th Aldermanic District)

WHEREAS, FAHIM, AJMERI, 8950 LLC, has applied for rezoning the property at 8950 S. 27th St. from B-2, Community Business to B-4, General Business (NO CHANGE to the FF, Flood Fringe district) with a Conditional Use Permit for vehicle rentals;

WHEREAS, the property is more precisely described as follows:

CSM NO 7325 PARCEL 2 NW 1/4 SEC 19-5-22 (2.1956 ACS).

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

WHEREAS, the Common Council held a public hearing on this matter on April 3, 2023, at which time all interested parties appeared and were heard; and

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

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described are rezoned from B-2, Community Business to B-4, General Business (NO CHANGE to the FF, Flood Fringe district), and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning

SECTION 2: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby authorized to grant a Conditional Use Permit for vehicle rentals on the property at 8950 S. 27th St., which shall include the aforementioned conditions and restrictions.

SECTION 3: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for vehicle rental on the property at 8950 S. 27th St.

SECTION 4: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 5: 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 6: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 3rd day of April, 2023.

President, Common Council

Approved this 3rd day of April, 2023.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

EXHIBIT A: CONDITIONS AND RESTRICTIONS

City of Oak Creek – Conditional Use Permit (CUP) Conditions and Restrictions		
Applicant:	Fahim, Ajmeri, 8950 LLC	Approved by Plan Commission: 2-28-23
Property Address(es):	8950 S. 27 th St.	Approved by Common Council: 4-3-23
Tax Key Number(s):	856-0070-006	(Ord. 3068)
Conditional Use:	Vehicle Rentals (moving vehicles only)	

1. LEGAL DESCRIPTION

CSM NO 7325 PARCEL 2 NW 1/4 SEC 19-5-22 (2.1956 ACS).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

- | | |
|---|---|
| <p>1) General Development Plan</p> <ul style="list-style-type: none">a) Detailed building/structure location(s) with setbacksb) Square footage of all buildings/structuresc) Area(s) for future expansion/phasesd) Area(s) to be pavede) Access drive(s) (width and location)f) Sidewalk location(s)g) Parking layout and traffic circulation<ul style="list-style-type: none">i) Location(s) and future expansionii) Number & type(s) of dwellingsiii) Number of all parking spacesiv) Dimensionsv) Setbacksh) Location(s) of loading berth(s)i) Location of sanitary sewer (existing & proposed)j) Location of water (existing & proposed)k) Location of storm sewer (existing & proposed)l) Location(s) of wetlands (field verified)m) Location(s) and details of sign(s)n) Location(s) and details of proposed fences/gates | <p>2) Landscape Plan</p> <ul style="list-style-type: none">1. Screening plan, including parking lot screening/berming2. Number, initial & mature sizes, and types of plantingsc) Percentage open/green space <p>3) Building Plan</p> <ul style="list-style-type: none">a) Architectural elevations (w/dimensions)b) Building floor plans (w/dimensions)c) Materials of construction (including colors) <p>4) Lighting Plan</p> <ul style="list-style-type: none">a) Types & color of fixturesb) Mounting heightsc) Types & color of polesd) Photometrics of proposed fixtures <p>5) Grading, Drainage and Stormwater Management Plan</p> <ul style="list-style-type: none">1. Contours (existing & proposed)2. Location(s) of storm sewer (existing and proposed)3. Location(s) of stormwater management structures and basins (if required) <p>6) Fire Protection</p> <ul style="list-style-type: none">a) Locations of existing & proposed fire hydrantsb) Interior floor plan(s)c) Materials of constructiond) Materials to be stored (interior & exterior) |
|---|---|

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

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

EXHIBIT A: CONDITIONS AND RESTRICTIONS

any building permits.

- E. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. All future land divisions shall follow subdivision plat, and/or condominium plat, and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).
- H. A landscaping and screening plan must be submitted for review and approval by the Plan Commission prior to the commencement of operations for the rental moving vehicles.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the B-4, General Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. A maximum of four (4) rental moving vehicles shall be allowed on the property in striped and designated stalls outside of the 50-foot restricted area along S. 27th St. in the location approved by the Plan Commission as part of Site and Building Plan Review. All vehicles shall be currently licensed and operable.
- C. No rental moving vehicle shall be parked or displayed outside of the area approved by the Plan Commission except for rental moving vehicles actively in transport or in the specific act of rendering a service. Any rental moving vehicles returned by customers shall be moved to the designated parking area during regular hours of operation, or by the beginning of operation the following business day for rental moving vehicles returned after hours.
- D. Rental moving vehicles shall not block or hinder required Fire Department access routes, hydrants, or building FDC.
- E. Landscaping and screening shall be required for all sides of the rental moving vehicle parking area to meet Code requirements, and shall be included in the landscape plans to be reviewed and approved by the Plan Commission as part of Site and Building Plan Review.
- F. There shall be no outdoor storage or rental of trailers, equipment, merchandise, parts, supplies, or any other materials on the property.
- G. One (1) after-hours secure drop-box shall be allowed in a location approved by the Plan Commission as part of Site and Building Plan Review.
- H. Hours of operation for the rental moving vehicles shall be between 10:00 AM and 5:00 PM.
- I. No additional exterior signage shall be allowed for the rental moving vehicles.
- J. The number, size, location and screening of appropriate solid waste collection units shall be in conformance with plans approved by the Plan Commission.

EXHIBIT A: CONDITIONS AND RESTRICTIONS

- K. Solid waste collection and recycling shall be the responsibility of the owner.
- L. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

- A. Parking of rental moving vehicles shall not occur within the 50-foot restricted area along S. 27th St. per CSM 7325. See Section 3 above.
- B. Parking is restricted to four (4) stalls for rental moving vehicles in striped and designated stalls in the location approved by the Plan Commission as part of Site and Building Plan Review. See Section 3 above.
- C. Parking and the shared driveway for this development shall be provided in accordance with Sections 17.0501 and 17.0503 of the Municipal Code (as amended), these Conditions and Restrictions (see Section 3 above), and plans approved by the Plan Commission.

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sec. 17.0509 of the Municipal Code (as amended).
- B. All light sources shall be fully shielded full cutoff fixtures directed downward.
- C. The color temperature of the parking lot fixtures shall be limited to a maximum of 3,500 Kelvins.

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Lot Standards (Minimum)	
Lot Area	30,000 sq. ft
Lot Width	150 ft
Yard Setbacks (Minimum) (1)	
Front	25 ft
Street Facing Side	25 ft
Interior Side	15 ft
Rear	25 ft
Building Standards (Maximum)	
Height	50 ft
Building Coverage	40%
Lot Coverage	70%
Parking	
Rental Moving Vehicles	Min. 50 ft from ROW
Transition & Required Landscape Areas	See Sec 17.0505
Notes:	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

EXHIBIT A: CONDITIONS AND RESTRICTIONS

7. TIME OF COMPLIANCE

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

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to two (2) years from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. OTHER REGULATIONS

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

10. VIOLATIONS & PENALTIES

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

11. REVOCAION

Should an applicant, their heirs, successors or assigns, fail to comply with the Conditions and Restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use Permit as set forth in Section 17.0804 of the Municipal Code (as amended).

12. ACKNOWLEDGEMENT

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

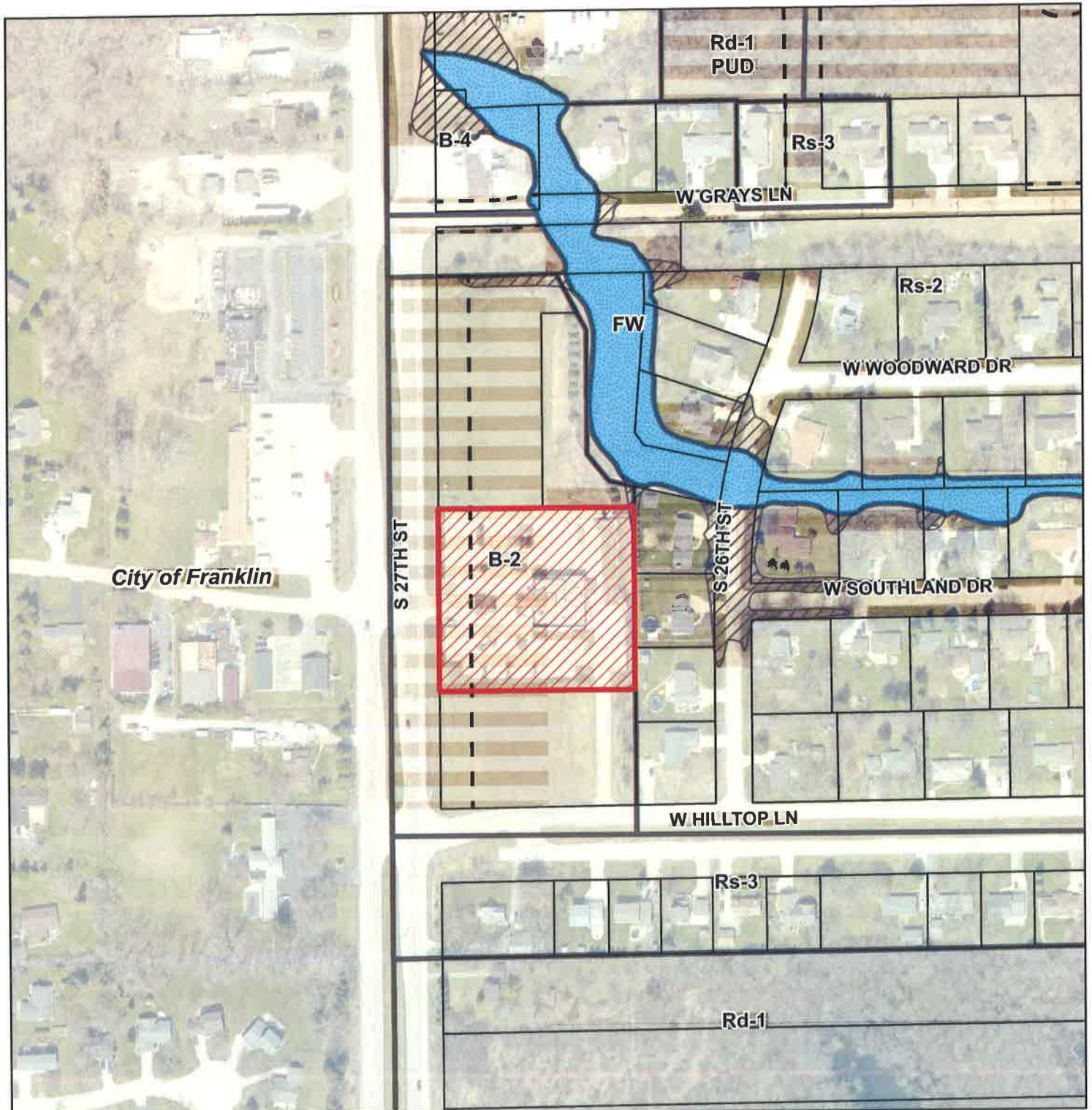
Owner / Authorized Representative Signature

Date

(please print name)

LOCATION MAP

8950 S. 27th St.



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



Legend

- Zoning
- Official Map
- Floodway
- Flood Fringe
- 8950 S. 27th St.

RECEIVED

JAN 13 2023

CITY OF OAK CREEK



TO WHOMEVER IT CONCERN

For 8950 S27th street Oak Creek Wi 53154. Parking lot contain 109 stalls on two acre property. We requested for zoning change from B-2 to B-4.

We proposing to offer U-Haul services to customers after few requests from community around. City of Oak Creek is growing and There is a lot new apartment are developing in neighborhood and businesses around also required Moving services.

Ayras proposed U-Haul services as below:

- 1) Reservations
- 2) Renting (Pick up trucks)
- 3) Closing contracts (Drop of trucks)

We will have maximum four trucks at the property. We will have at least two people at the property each time to help customers.

U-Haul services working hours will be between 10am to 5 pm.

Kari Papelbon

From: ayras Oakcreek <ayrasoakcreek@gmail.com>
Sent: Wednesday, February 1, 2023 3:56 PM
To: Kari Papelbon
Subject: [EXTERNAL] Re: Oak Creek Plan Commission Application

Hello Ms Kari is it okay for u to give me a call when u get a minute please

At 2627700344 on my cell

We won't need extra office space for it
We will be just Renting Uhaul to the costumer every thing is Booked
on line One extra Service for the Neighbors in the Area

Uhaul Trucks will be parked on the north side of the building
Only 1 Or 2 in the front since we have huge parking Lot with 109 Parking

It's a very Easy Process we have a drop of box for the Keys for Uhaul Customers
We have been working with Uhaul Rentals with all our property's for last 15 Years

If they walk in we have iPad we work with and all the paperwork is already on line Filed up and ready to go

We won't put extra Signs because Neighbors Don't like it and I can Respect that

Hours for Uhaul is
10 :00Am To 4:00 Pm

I Did call Alderman Chris and we are planning to meet up hopefully this week sometime or Next Week
He will let me k ow what works

Thanks for your patience and your help. Thank you, Akil.

Akil Ajmeri
Have a great day
ONE LIFE TO LIVE
Make the best of it

Kari Papelbon

From: ayrasoakcreek@gmail.com
Sent: Thursday, February 2, 2023 5:56 PM
To: Kari Papelbon
Subject: [EXTERNAL] Re: RE: Oak Creek Plan Commission Application

Good Afternoon Kari,

Nice to talk to you over the phone. Thanks for taking time out from your busy schedule and answering my questions.

Please find the attachment of Site Plan, we have 107 parking space, we are Planning to keep only four vehicles from Uhaul. Most Uhaul Reservation is online,so we don't require any office space or extra people to help or assist Uhaul customer.

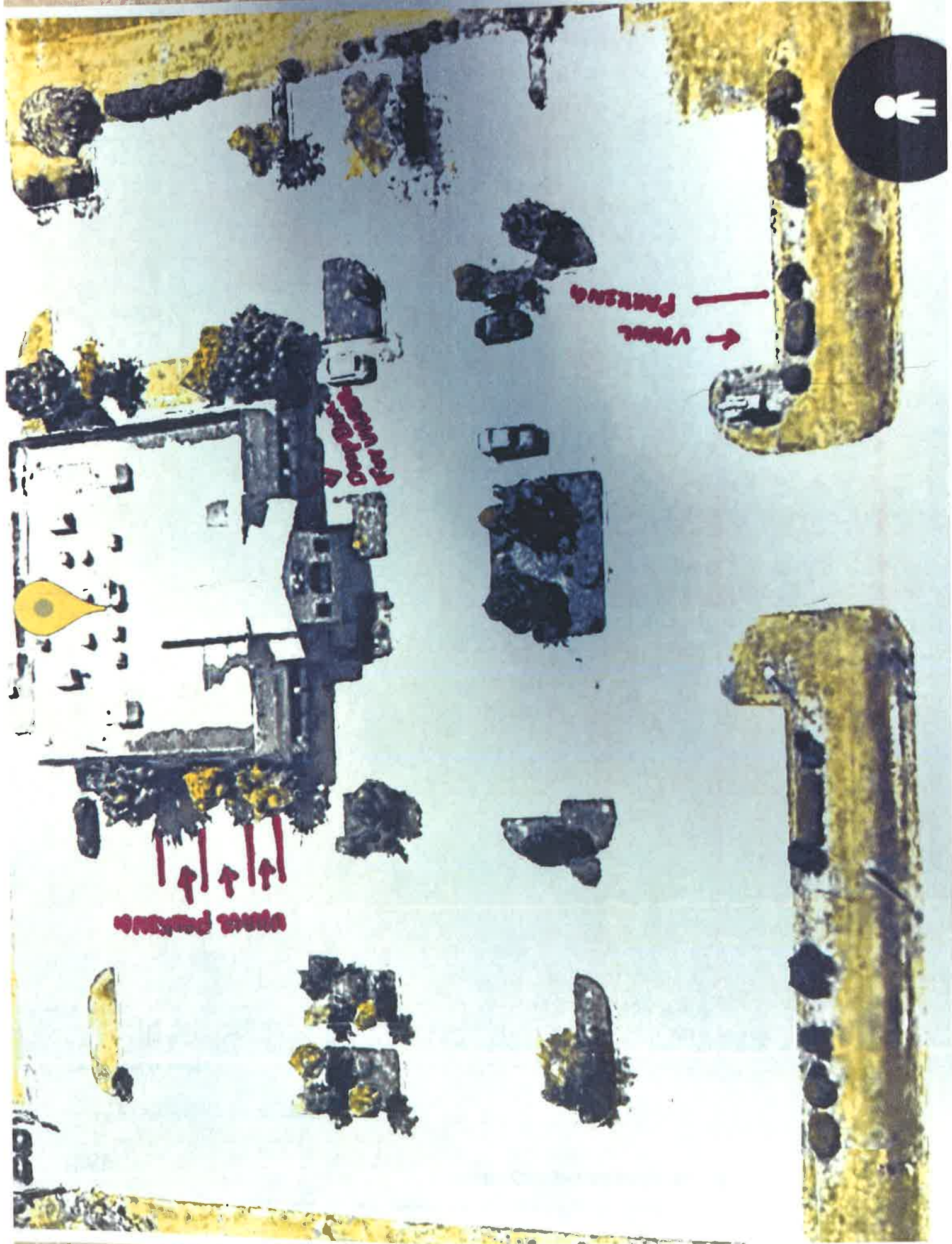
U-Haul have an app for customers for self-check in as well as self-checkout. As well as customers must upload the pictures of vehicle for self-screening. So usually, we don't require to screened the vehicle.

U-Haul working hours at Ayras location is 10:00 am to 5:00 pm. And Customers can drop of their keys at drop box located in front of the building.

Ayras employees can help U-Haul customer if they need any assistance.

We would love to meet with neighbors and provide and explain our proposal. We want to make sure our neighbours and customer feel safe and take advantage for this services.

Akil Ajmeri
262 770 0344



WATER PARKING



WATER



PARKING

DANGER



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

Applicant: Fahim, Ajmeri, 8950 LLC
Property Address(es): 8950 S. 27th St.
Tax Key Number(s): 856-0070-006
Conditional Use: **Vehicle Rentals**
(moving vehicles only)

Approved by Plan Commission: 2-28-23
Approved by Common Council: 4-3-23
(Ord. 3068)

1. LEGAL DESCRIPTION

CSM NO 7325 PARCEL 2 NW 1/4 SEC 19-5-22 (2.1956 ACS).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

1) **General Development Plan**

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

2) **Landscape Plan**

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

3) **Building Plan**

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

4) **Lighting Plan**

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

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

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

6) **Fire Protection**

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

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

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

any building permits.

- E. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. All future land divisions shall follow subdivision plat, and/or condominium plat, and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).
- H. **A landscaping and screening plan must be submitted for review and approval by the Plan Commission prior to the commencement of operations for the rental moving vehicles.**

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the B-4, General Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. A maximum of four (4) rental moving vehicles shall be allowed on the property in striped and designated stalls outside of the 50-foot restricted area along S. 27th St. in the location approved by the Plan Commission as part of Site and Building Plan Review. All vehicles shall be currently licensed and operable.
- C. No rental moving vehicle shall be parked or displayed outside of the area approved by the Plan Commission except for rental moving vehicles actively in transport or in the specific act of rendering a service. Any rental moving vehicles returned by customers shall be moved to the designated parking area during regular hours of operation, or by the beginning of operation the following business day for rental moving vehicles returned after hours.
- D. Rental moving vehicles shall not block or hinder required Fire Department access routes, hydrants, or building FDC.
- E. Landscaping and screening shall be required for all sides of the rental moving vehicle parking area to meet Code requirements, and shall be included in the landscape plans to be reviewed and approved by the Plan Commission as part of Site and Building Plan Review.
- F. There shall be no outdoor storage or rental of trailers, equipment, merchandise, parts, supplies, or any other materials on the property.
- G. One (1) after-hours secure drop-box shall be allowed in a location approved by the Plan Commission as part of Site and Building Plan Review.
- H. Hours of operation for the rental moving vehicles shall be between 10:00 AM and 5:00 PM.
- I. No additional exterior signage shall be allowed for the rental moving vehicles.
- J. The number, size, location and screening of appropriate solid waste collection units shall be in conformance with plans approved by the Plan Commission.

- K. Solid waste collection and recycling shall be the responsibility of the owner.
- L. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

- A. **Parking of rental moving vehicles shall not occur within the 50-foot restricted area along S. 27th St. per CSM 7325. See Section 3 above.**
- B. **Parking is restricted to four (4) stalls for rental moving vehicles in striped and designated stalls in the location approved by the Plan Commission as part of Site and Building Plan Review. See Section 3 above.**
- C. Parking and the shared driveway for this development shall be provided in accordance with Sections 17.0501 and 17.0503 of the Municipal Code (as amended), these Conditions and Restrictions (see Section 3 above), and plans approved by the Plan Commission.

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sec. 17.0509 of the Municipal Code (as amended).
- B. All light sources shall be fully shielded full cutoff fixtures directed downward.
- C. The color temperature of the parking lot fixtures shall be limited to a maximum of 3,500 Kelvins.

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Lot Standards (Minimum)	
Lot Area	30,000 sq ft
Lot Width	150 ft
Yard Setbacks (Minimum) (1)	
Front	25 ft
Street Facing Side	25 ft
Interior Side	15 ft
Rear	25 ft
Building Standards (Maximum)	
Height	50 ft
Building Coverage	40%
Lot Coverage	70%
Parking	
Rental Moving Vehicles	Min. 50 ft from ROW
Transition & Required Landscape Areas	See Sec. 17.0505
Notes:	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

7. TIME OF COMPLIANCE

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

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to **two (2) years** from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. OTHER REGULATIONS

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

10. VIOLATIONS & PENALTIES

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

11. REVOCAION

Should an applicant, their heirs, successors or assigns, fail to comply with the Conditions and Restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use Permit as set forth in Section 17.0804 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)

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, FEBRUARY 14, 2023**

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, and Commissioner Chandler. Commissioner Siepert was excused. Also present: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

**REZONE/CONDITIONAL USE PERMIT
FAHIM AJMERI
8950 S. 27TH ST
TAX KEY NO. 856-0070-006**

Senior Planner Papelbon provided an overview of the request to rezone the property at 8950 S. 27th St. from B-2, Community Business to B-4, General Business (NO CHANGE to the FF, Flood Fringe district) with a Conditional Use Permit for vehicle rentals (see staff report for details).

Akil Ajmeri, 2714 4 ½ Mile Road, Caledonia, stated he has been in business for eight (8) years.

Mr. Ajmeri made comments that were not audible.

Mr. Ajmeri said he is proud to be a member of Oak Creek now. Mr. Ajmeri continued by stating the trucks will be parked right by the building, but he has requested one in the front so people can see it.

Commissioner Hanna expressed concerns that the trucks are not monitored, there is no one on site, and the online reservation system.

Mayor Bukiewicz stated those are good points, but the Plan Commission should stick to the rezone process.

Senior Planner Papelbon stated the process for renting the vehicle is an online reservation process and then picking up.

Mayor Bukiewicz made comments that were not audible.

Senior Planner Papelbon clarified the item is for Conditional Use Permit and Rezoning, not just rezoning.

Commissioner Chandler asked Senior Planner Papelbon to repeat her last statement. Senior Planner Papelbon reiterated that this is a rezone and a Conditional Use Permit request.

Mayor Bukiewicz explained that the drop box could be questioned, but not the process the applicant uses.

Commissioner Carrillo said she is not sure a truck can be put on 27th Street, but understands that the parking lot is very large.

Commissioner Carrillo stated she has noticed the trucks there already and she thinks it is a great opportunity for the applicant.

Alderman Loreck agreed with staff that there should not be a truck parked on 27th Street. Alderman Loreck also agreed that it should be limited and screened and all of staff's recommendations. Alderman Loreck inquired if the limitations put on the number of vehicles also apply to trailers.

Senior Planner Papelbon stated that would be within the Plan Commission's purview for the Conditional Use Permit, if it is limited to trucks that is only thing that would be allowed.

Alderman Loreck asked if the max of four (4) vehicles was suggested by the applicant. Senior Planner Papelbon clarified that was the request.

Alderman Loreck asked the applicant if that was for four (4) vehicles, four (4) trailers, or a combination. Mr. Ajmeri stated it would be four (4) trucks.

Mr. Ajmeri explained that the process is all done online, and it is a very easy process.

Alderman Loreck stated he is not sure how much noise there would be, especially if the hours are 10-5, but if people are returning trucks after hours and the trucks have beeping mechanisms when backing up then the noise needs to be minimized.

Alderman Loreck asked if the Plan Commission approves the rezone with the Conditional Use Permit, does the Conditional Use Permit expire. Senior Planner Papelbon explained that it is within the Plan Commission and Common Council's purview to put in an expiration date, however staff is not recommending anything less than a year or two.

Alderman Loreck asked to confirm if the property is rezoned to B-4, if that would open the door to all B-4 businesses. Senior Planner Papelbon confirmed it would open the property up to any possible use within the B-4 District.

Alderman Guzikowski said he has not gotten any phone calls from residents. Alderman Guzikowski also said he is not in favor of this becoming a big storage lot, but said he would be okay with the four (4) trucks as long as they are screened. Alderman Guzikowski also said he agreed with others and does not think a truck should be parked along 27th Street.

Mayor Bukiewicz said he agrees with Alderman Loreck and Alderman Guzikowski.

Mayor Bukiewicz made comments that were not audible.

Alderman Loreck asked if the Plan Commission needed to decide which of the three options they were approving. Mayor Bukiewicz confirmed that they did.

Mayor Bukiewicz made comments that were not audible.

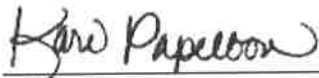
Assistant Fire Chief Havey stated there is a concern if the vehicles are stored right next to the building. Assistant Fire Chief Havey also said there should be some distance from the structure.

Commissioner Chandler asked Senior Planner Papelbon if the email that was received needs to be read. Senior Planner Papelbon summarized that the email came from a resident in the area stating they have no issues with the particular use and asked some questions. Senior Planner Papelbon stated she would respond following the Plan Commission meeting.

Alderman Loreck moved that the Plan Commission recommends to the Common Council that the property at 8950 S. 27th St. be rezoned from B-2, Community Business to B-4, General Business (NO CHANGE to the FF, Flood Fringe district) with a Conditional Use Permit for vehicle rentals, after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (February 28, 2023). Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:22 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

2-28-23

Date

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, FEBRUARY 28, 2023**

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 Siepert, and Commissioner Chandler. Also present: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

CONDITIONS AND RESTRICTIONS

FAHIM AJMERI, 8950 LLC

8950 S. 27TH ST.

TAX KEY NO. 856-0070-006

Senior Planner Papelbon provided an overview of the Conditions and Restrictions for a request to rezone to B-4, General Business with a Conditional Use Permit for vehicle rentals at 8950 S. 27th St. (see staff report for details). Senior Planner Papelbon stated staff needs to know if the second parcel included in the legal description would be included in the rezoning request.

Senior Planner Papelbon discussed the following proposed Conditions and Restrictions:

Section 2

- Landscaping & Screening Plan required

Section 3

- Uses allowed per Code
- Maximum of four (4) moving vehicles & location approved by Plan Commission
- Landscaping
- No outdoor storage
- One (1) secure drop-box
- Hour of Operation: 10:00 AM – 5:00 PM
- No additional signage

Section 4

- Parking restrictions – 50 feet
- Maximum of four (4) stalls approved by Plan Commission

Section 5

- Lighting per Code

Section 6

- Setbacks

Section 8

- Two (2) years

Fahim Ajmeri, 8950 S. 27th St., Oak Creek, WI 53154, stated that he would be happy to answer any questions.

Commissioner Chandler asked the applicant where additional vehicles would be placed, if more than the requested four (4) were needed. Mr. Ajmeri explained the customers are not allowed to request more than three (3) rental vehicles at a time, and would need to use a different U-Haul facility to ensure the number of vehicles on the property does not exceed four (4).

Commissioner Siepert asked for more clarification on what kind of vehicles would be rented, to which Mr. Ajmeri explained, 10 – 15-foot-long moving trucks will be used. Commissioner Siepert then asked if the applicant would service the vehicles on the property, to which Mr. Ajmeri answered in the negative, explaining all vehicle servicing will be done through U-Haul.

Alderman Loreck asked if rental trailers are included in the language of the proposed Conditions and Restrictions, as they and towing equipment were not planned on being included in the proposed services. Senior Planner Papelbon explained trailers would not be allowed.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for moving vehicle rentals on the property at 8950 S. 27th St.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:04pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

Date 3-14-23_____



COMMON COUNCIL REPORT

Informational: 2023 Annual Assessment Revaluation

Fiscal Impact: No fiscal impact, the annual assessment revaluation is included in the City's assessment service contract with Tyler Technologies, Inc.

- 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: Since 2014, city wide statistical revaluations have been conducted annually rather than once every three to four years. These annual revaluations ensure assessed values are based on current market conditions which leads to more equitable assessments for property owners.

Mark Link, Regional Manager - WI and Marty Kuehn, City Assessor, of Tyler Technologies are here to provide information and address questions on the 2023 assessment revaluation process.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Sara Kawczynski
City Treasurer

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments:



COMMON COUNCIL REPORT


- Item:** Wisconsin State–Local Government Memorandum of Understanding for the Allocation of Opioid Settlement Proceeds and Addendum to Wisconsin Local Government Memorandum of Understanding regarding *In re: Opioid Litigation*, MDL 2804
- Recommendation:** That the Common Council adopt Resolution No. 12400-040323 approving the Wisconsin State-Local Government Memorandum of Understanding for the Allocation of Opioid Settlement Proceeds and the Addendum to Wisconsin Local Government regarding *In re: Opioid Litigation*, MDL 2804, pending in the United States District Court for the Northern District of Ohio
- Fiscal Impact:** The proceeds to the City are presently unknown and depend on the number of plaintiffs in various jurisdictions agreeing to participate in this partial settlement.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: In May 2019 the Common Council authorized the City of Oak Creek to join with other Milwaukee County municipalities as plaintiffs to file a class action lawsuit against opiate manufacturers and distributors for claims arising out of the marketing and distribution of opiates in and to the City. Our outside counsel is the Phipps Deacon firm in Texas. As a result of that decision, the City is one of only eight Milwaukee County municipalities to join in the litigation and successfully recover settlement funds. In December 2021 the Council authorized the City to enter into the Wisconsin Local Government Memorandum of Understanding (“MOU”) and the Wisconsin-State Local Government Memorandum of Understanding to receive a partial settlement from certain defendants in the National Prescription Opioid Litigation, Case No. MDL 2804, pending in the Northern District of Ohio. On February 7, 2023, the Council approved a Memorandum of Understanding with other Wisconsin opioid litigation plaintiffs which addressed another potential pot of funds for distribution of settlement proceeds as a result of partial settlement in the multi-district litigation related to certain defendants having filed for bankruptcy. The anticipation was that pending bankruptcy cases involving *In re: Mallinckrodt PLC, et al.* (Bankr. D. Del. No. 20-12522 (JTD)), *In re: Purdue Pharma L.P., et al.* (Bankr. S.D.N.Y., No. 19-23649(RDD)), and *In re: Endo International plc, et al.* (Bankr. S.D.N.Y. No. 22-22549 (JLG)) would result in orders for payments to the National Opioid Abatement Trusts for distribution to the various plaintiffs.

The Wisconsin State-Local Government Memorandum of Understanding for the Allocation of Opioid Settlement Proceeds and the Addendum to Wisconsin Local Government Memorandum of Understanding essentially provide for the next round of settlements to be distributed consistent with the terms of the prior settlements, pending agreement from the other plaintiffs involved in the litigation. The settlement discussions involve Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Teva Pharmaceutical Industries Ltd., and Allergan Finance, LLC. The Addendum ratifies and confirms the previously approved MOU. Outside counsel recommends the City enter into the MOU.

Options/Alternatives: The Council could decide not to enter into this MOU, which would result in the City’s inability to receive potential additional funds that could be used to address community impacts as a result of the opioid crisis.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Melissa L. Karls
City Attorney

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Attachments: Wisconsin State–Local Government Memorandum of Understanding for the Allocation of Opioid Settlement Proceeds and Addendum to Wisconsin Local Government Memorandum of Understanding, Resolution No. 12400-040323

RESOLUTION NO. 12400-040323

RESOLUTION APPROVING THE WISCONSIN STATE-LOCAL GOVERNMENT
MEMORANDUM OF UNDERSTANDING FOR THE ALLOCATION OF
OPIOID SETTLEMENT PROCEEDS AND THE ADDENDUM TO WISCONSIN
LOCAL GOVERNMENT MEMORANDUM OF UNDERSTANDING REGARDING
IN RE: OPIOID LITIGATION, MDL 2804, PENDING IN THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek (the "City") that the Wisconsin State-Local Government Memorandum of Understanding for the Allocation of Opioid Settlement Proceeds ("MOU") and the Addendum to Wisconsin Local Government Memorandum of Understanding ("Addendum") regarding *In re: Opioid Litigation*, MDL 2804, pending in the United States District Court for the Northern District of Ohio are hereby approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the MOU and Addendum.

BE IT FURTHER RESOLVED that the Comptroller and City Attorney are hereby directed to proceed with finalizing and executing any escrow agreements or other documents necessary to effectuate the settlement agreements pursuant to the MOU and Addendum.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 3rd day of April, 2023.

Passed and adopted this ____ day of _____, 2023.

Common Council President Kenneth Gehl

Approved this ____ day of _____, 2022.

Mayor Daniel J. Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes ____ Noes ____

**ADDENDUM TO WISCONSIN LOCAL GOVERNMENT
MEMORANDUM OF UNDERSTANDING**

WHEREAS, the Local Governments entered into the MOU for purposes of memorializing their agreement surrounding, among other things, allocation of the proceeds of the settlements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho- McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc.;

WHEREAS, the settlement discussions with Walgreens, Walmart, CVS, Teva, and Allergan resulted in tentative agreements as to settlement terms (“Settlement Agreements”) pending agreement from the State of Wisconsin, the Local Governments and other parties involved in the Litigation; and

WHEREAS, the Local Governments intend this Addendum to the MOU to effectuate the terms of the Settlement Agreements and allocate the proceeds of the Settlement Agreements to each of the Local Governments in the same manner and same percentages as set forth in the MOU and Exhibit A thereto.

NOW, THEREFORE, the Local Governments enter into this Addendum to the MOU upon the terms described herein.

1. The Local Governments ratify, confirm and agree in all respects to the MOU. By this Addendum, the Local Governments agree that any and all proceeds of the Settlement Agreements defined herein shall be distributed, allocated and otherwise disposed of in the same manner as set forth in the MOU and Exhibit A thereto.
2. Nothing in this MOU is intended to alter or change any Local Government’s right to pursue its own claim. Rather, the intent of this MOU is to provide a mechanism for the receipt and expenditure of Opioid Funds.
3. This MOU may be executed in counterparts. Electronic signatures shall in all respects be considered valid and binding.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereby execute this Addendum as of the date set forth below.

ON BEHALF OF THE LOCAL GOVERNMENTS:

Adams County
Printed: _____

Date: _____

Ashland County
Printed: _____

Date: _____

Barron County
Printed: _____

Date: _____

Bayfield County
Printed: _____

Date: _____

Brown County
Printed: _____

Date: _____

Buffalo County
Printed: _____

Date: _____

Burnett County
Printed: _____

Date: _____

Calumet County
Printed: _____

Date: _____

Chippewa County
Printed: _____

Date: _____

Clark County
Printed: _____

Date: _____

Columbia County
Printed: _____

Date: _____

Crawford County
Printed: _____

Date: _____

Dane County
Printed: _____

Date: _____

Dodge County
Printed: _____

Date: _____

Door County
Printed: _____

Date: _____

Douglas County
Printed: _____

Date: _____

Superior, City of
Printed: _____

Date: _____

Dunn County
Printed: _____

Date: _____

Eau Claire County
Printed: _____

Date: _____

Florence County
Printed: _____

Date: _____

Fond Du Lac County
Printed: _____

Date: _____

Forest County
Printed: _____

Date: _____

Grant County
Printed: _____

Date: _____

Green County
Printed: _____

Date: _____

Green Lake County
Printed: _____

Date: _____

Iowa County
Printed: _____

Date: _____

Iron County
Printed: _____

Date: _____

Jackson County
Printed: _____

Date: _____

Jefferson County
Printed: _____

Date: _____

Juneau County
Printed: _____

Date: _____

Kenosha County
Printed: _____

Date: _____

Kenosha, City of
Printed: _____

Date: _____

Pleasant Prairie, City of
Printed: _____

Date: _____

Kewaunee County
Printed: _____

Date: _____

La Crosse County
Printed: _____

Date: _____

Lafayette County
Printed: _____

Date: _____

Langlade County
Printed: _____

Date: _____

Lincoln County
Printed: _____

Date: _____

Manitowoc County
Printed: _____

Date: _____

Marathon County
Printed: _____

Date: _____

Marinette County
Printed: _____

Date: _____

Marinette, City of
Printed: _____

Date: _____

Marquette County
Printed: _____

Date: _____

Menominee County

Printed: _____

Date: _____

Milwaukee County

Printed: _____

Date: _____

Cudahy, City of

Printed: _____

Date: _____

Franklin, City of

Printed: _____

Date: _____

Greenfield, City of

Printed: _____

Date: _____

Milwaukee, City of

Printed: _____

Date: _____

Oak Creek, City of

Printed: _____

Date: _____

South Milwaukee, City of

Printed: _____

Date: _____

Wauwatosa, City of

Printed: _____

Date: _____

West Allis, City of
Printed: _____

Date: _____

Monroe County
Printed: _____

Date: _____

Oconto County
Printed: _____

Date: _____

Oneida County
Printed: _____

Date: _____

Outagamie County
Printed: _____

Date: _____

Ozaukee County
Printed: _____

Date: _____

Pepin County
Printed: _____

Date: _____

Pierce County
Printed: _____

Date: _____

Portage County
Printed: _____

Date: _____

Price County
Printed: _____

Date: _____

Racine County
Printed: _____

Date: _____

Mount Pleasant, City of
Printed: _____

Date: _____

Sturtevant, City of
Printed: _____

Date: _____

Union Grove, City of
Printed: _____

Date: _____

Yorkville Town
Printed: _____

Date: _____

Richland County
Printed: _____

Date: _____

Rock County
Printed: _____

Date: _____

Rusk County
Printed: _____

Date: _____

Sauk County
Printed: _____

Date: _____

Sawyer County
Printed: _____

Date: _____

Shawano County
Printed: _____

Date: _____

Sheboygan County
Printed: _____

Date: _____

St. Croix County
Printed: _____

Date: _____

Taylor County
Printed: _____

Date: _____

Trempealeau County
Printed: _____

Date: _____

Vernon County
Printed: _____

Date: _____

Vilas County

Printed: _____

Date: _____

Walworth County

Printed: _____

Date: _____

Washburn County

Printed: _____

Date: _____

Washington County

Printed: _____

Date: _____

Waukesha County

Printed: _____

Date: _____

Waupaca County

Printed: _____

Date: _____

Waushara County

Printed: _____

Date: _____

Winnebago County

Printed: _____

Date: _____

Wood County

Printed: _____

Date: _____

**WISCONSIN STATE-LOCAL GOVERNMENT MEMORANDUM OF
UNDERSTANDING FOR THE ALLOCATION OF
OPIOID SETTLEMENT PROCEEDS**

WHEREAS, the State of Wisconsin (“State”), its communities, and their people have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities that engage in or have engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic, specifically related to the covered conduct by Defendants *In re: Opioid Litigation*, MDL 2804 pending in the United States District Court for the Northern District of Ohio (“Litigation”);

WHEREAS, certain Wisconsin local governments identified on the attached Exhibit A (“Local Governments”), through their counsel, and the State of Wisconsin, through its Attorney General, are separately engaged in investigations, litigation, and settlement discussions seeking to hold the Defendants in the Litigation accountable for the damage caused by their misfeasance, nonfeasance and malfeasance;

WHEREAS, the State of Wisconsin and the Local Governments share a common desire to abate and alleviate the impacts of the misfeasance, nonfeasance and malfeasance described above throughout the State of Wisconsin and in its local communities;

WHEREAS, the settlement discussions with Walgreens, Walmart, CVS, Teva, and Allergan (“Settling Defendants”) resulted in tentative agreements as to settlement terms (“Settlement Agreements”) pending agreement from the State of Wisconsin, the Local Governments and other parties involved in the Litigation;

WHEREAS, while the Local Governments and the State recognize that the sums which may be available from the aforementioned Settlement Agreements will likely be insufficient to fully abate the public health crisis caused by the Opioid epidemic, they share a common interest in dedicating the most resources possible to the abatement effort;

WHEREAS, the State of Wisconsin enacted Wis. Stat. § 165.12 which provides for an allocation of opioid settlement proceeds;

WHEREAS, the State and the Local Governments intend this Memorandum of Understanding (“MOU”) to effectuate the terms of future Settlement Agreements arising out of the Litigation in a manner consistent with Wis. Stat. § 165.12(2); and

WHEREAS, this MOU does *not* supersede or alter any previously agreed upon MOU between the State and Local Governments related to the Litigation.

NOW, THEREFORE, the State and the Local Governments, enter into this MOU upon the terms described herein.

- I. As used in this MOU, the term “Opioid Settlement Proceeds” shall mean all funds allocated by a Settlement Agreement (“Settlement Payments”) to the State or Local

Governments for purposes of opioid remediation activities, as well as any repayment of those funds and any interest or investment earnings that may accrue as those funds are temporarily held before being expended on opioid remediation strategies. "Opioid Settlement Proceeds" do not include the "Additional Restitution Amount" (also known as additional remediation, or any other fund, proceed, or amount paid to States who did not utilize outside counsel), reimbursement of the United States Government, or separate funds identified in Settlement Agreements as direct or indirect compensation for a Party's litigation fees, expenses, and/or costs.

2. The Settlement Administrator shall directly distribute the Opioid Settlement Proceeds to the State and to Local Governments in such proportions and for such uses as set forth in this MOU.
3. Opioid Settlement Proceeds shall be allocated as follows: (i) 30% to the State of Wisconsin ("State Share"); and (ii) 70% to Local Governments ("LG Share"). Opioid Settlement Proceeds shall not be considered funds of the State or any Local Government unless and until such time as each annual distribution is made.
4. 100% of the "Additional Restitution Amount" shall be paid to the State and deposited with the Department of Health Services.
5. Except for Opioid Settlement Funds expended in payment of attorney fees as provided in Wis. Stat. § 165.12(6), all Opioid Settlement Proceeds, regardless of allocation, and the entire "Additional Restitution Amount," shall, consistent with Wis. Stat. § 165.12(3) and (4), and except as provided in Wis. Stat. § 165.12(5), be utilized only for purposes identified as approved uses for abatement in a Settlement Agreement.
6. If any portion of the LG Share is used for the payment of owed attorney fees as authorized under Wis. Stat. § 165.12(6), the Local Governments shall report to the Attorney General and the Joint Committee on Finance the amount of the payment(s) and provide the contract(s) under which the attorney fees are purportedly owed.

Notwithstanding any limitations or characterization of funds herein to the contrary, any payments for attorneys' fees and expenses may only be paid for out of the owing Local Governments' share.

7. The parties agree to comply with the terms of the Settlement Agreements, including but not limited to (a) a requirement that a certain percentage of the Settlement Payment be spent on remediation, and (b) that at least 70% of a Settlement Payment be used solely for future Opioid Remediation as defined by the Settlement Agreements.
8. The LG Share shall be paid to each Local Government by the Settlement Administrator based on the allocation created and agreed to by the Local Governments which assigns each Local Government a percentage share of the LG Share, less any applicable attorney fees as authorized under Wis. Stat. § 165.12(6) and referenced above.

9. Nothing in this MOU is intended to alter or change any Local Government's right to pursue its own claim. Rather, the intent of this MOU is to provide a mechanism for the receipt and expenditure of Opioid Settlement Proceeds. Notwithstanding the foregoing, only Local Governments who are Participating Subdivisions under a Settlement Agreement, and who agree to the terms of this MOU may directly receive Opioid Settlement Proceeds.
10. Notwithstanding any limitations or characterization of funds herein to the contrary, any payments for Local Government attorney's fees and expenses may be applied only to the LG Share or any Local Government share of the LG Share. The State shall have no responsibility for payment of attorneys' fees or litigation expenses.
11. The parties understand that the United States may claim a portion of the Opioid Settlement Proceeds for Medicaid reimbursement. The parties agree that, to the extent a claim for Medicaid reimbursement is made, the parties shall bear the liability for the reimbursement on a pro rata basis based upon the particular claims made by the United States related to the Medicaid reimbursement. The parties agree to meet, confer, and cooperate in good faith concerning the allocation of any such liability.
12. The Attorney General may extend this MOU to apply to future settlements with other entities who engage in or have engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic, specifically related to the covered conduct by Defendants in the Litigation. To exercise this option, the Attorney General shall send written notice to counsel for the Local Governments. The Local Governments shall have 30 days from the date of the notice to express in writing any objection(s) to the extension of the MOU to the settlement(s). If any Local Government objects to the extension of the MOU to the settlement(s), it shall not be extended.

Notice to the Local Governments shall be sent via regular U.S. Mail or email to:

Andrew Phillips
Attolles Law, s.c.
222 E. Erie Street
Suite 210
Milwaukee, WI 53202
aphillips@attolles.com

Erin Dickinson
Crueger Dickinson LLC
4532 N. Oakland Ave.
Milwaukee, WI 53211
ekd@cruegerdickinson.com

Burton LeBlanc
2600 CitiPlace Drive
Suite 400
Baton Rouge, LA 70809
bleblanc@baronbudd.com

Shayna Sacks
360 Lexington Avenue
Eleventh Floor
New York, NY 10017
ssacks@napolilaw.com

Christopher Smith
von Briesen & Roper, s.c.
411 E. Wisconsin Ave.
Suite 1000
Milwaukee, WI 53202
christopher.smith@vonbriesen.com

Steven Nelson
von Briesen & Roper, s.c.
411 E. Wisconsin Ave.
Suite 1000
Milwaukee, WI 53202
steven.nelson@vonbriesen.com

Any objection(s) by a Local Government shall be sent via regular U.S. Mail or email to:

Laura E. McFarlane
Assistant Attorney General
Wisconsin Department of Justice
17 W. Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857
mcfarlanele@doj.state.wi.us

and

R. Duane Harlow
Assistant Attorney General
Wisconsin Department of Justice
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857
harlowrd@doj.state.wi.us

13. This MOU may be executed in counterparts. Electronic signatures shall in all respects be considered valid and binding.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereby execute this MOU as of the date set forth below.

ON BEHALF OF THE STATE OF WISCONSIN:

Attorney General Josh Kaul

Date: _____

ON BEHALF OF THE LOCAL GOVERNMENTS:

Adams County
Printed: _____

Date: _____

Ashland County
Printed: _____

Date: _____

Barron County
Printed: _____

Date: _____

Bayfield County
Printed: _____

Date: _____

Brown County
Printed: _____

Date: _____

Buffalo County
Printed: _____

Date: _____

Burnett County
Printed: _____

Date: _____

Calumet County
Printed: _____

Date: _____

Chippewa County
Printed: _____

Date: _____

Clark County
Printed: _____

Date: _____

Columbia County
Printed: _____

Date: _____

Crawford County
Printed: _____

Date: _____

Dane County
Printed: _____

Date: _____

Dodge County
Printed: _____

Date: _____

Door County
Printed: _____

Date: _____

Douglas County
Printed: _____

Date: _____

Superior, City of
Printed: _____

Date: _____

Dunn County
Printed: _____

Date: _____

Eau Claire County
Printed: _____

Date: _____

Florence County
Printed: _____

Date: _____

Fond Du Lac County
Printed: _____

Date: _____

Forest County
Printed: _____

Date: _____

Grant County
Printed: _____

Date: _____

Green County
Printed: _____

Date: _____

Green Lake County
Printed: _____

Date: _____

Iowa County
Printed: _____

Date: _____

Iron County
Printed: _____

Date: _____

Jackson County
Printed: _____

Date: _____

Jefferson County
Printed: _____

Date: _____

Juneau County
Printed: _____

Date: _____

Kenosha County
Printed: _____

Date: _____

Kenosha, City of
Printed: _____

Date: _____

Pleasant Prairie, City of
Printed: _____

Date: _____

Kewaunee County
Printed: _____

Date: _____

La Crosse County
Printed: _____

Date: _____

Lafayette County
Printed: _____

Date: _____

Langlade County
Printed: _____

Date: _____

Lincoln County
Printed: _____

Date: _____

Manitowoc County
Printed: _____

Date: _____

Marathon County
Printed: _____

Date: _____

Marinette County
Printed: _____

Date: _____

Marinette, City of
Printed: _____

Date: _____

Marquette County
Printed: _____

Date: _____

Menominee County
Printed: _____

Date: _____

Milwaukee County
Printed: _____

Date: _____

Cudahy, City of
Printed: _____

Date: _____

Franklin, City of
Printed: _____

Date: _____

Greenfield, City of
Printed: _____

Date: _____

Milwaukee, City of
Printed: _____

Date: _____

Oak Creek, City of
Printed: _____

Date: _____

South Milwaukee, City of
Printed: _____

Date: _____

Wauwatosa, City of
Printed: _____

Date: _____

West Allis, City of
Printed: _____

Date: _____

Monroe County
Printed: _____

Date: _____

Oconto County
Printed: _____

Date: _____

Oneida County
Printed: _____

Date: _____

Outagamie County
Printed: _____

Date: _____

Ozaukee County
Printed: _____

Date: _____

Pepin County
Printed: _____

Date: _____

Pierce County
Printed: _____

Date: _____

Portage County
Printed: _____

Date: _____

Price County
Printed: _____

Date: _____

Racine County
Printed: _____

Date: _____

Mount Pleasant, City of
Printed: _____

Date: _____

Sturtevant, City of
Printed: _____

Date: _____

Union Grove, City of
Printed: _____

Date: _____

Yorkville Town
Printed: _____

Date: _____

Richland County
Printed: _____

Date: _____

Rock County
Printed: _____

Date: _____

Rusk County
Printed: _____

Date: _____

Sauk County
Printed: _____

Date: _____

Sawyer County
Printed: _____

Date: _____

Shawano County
Printed: _____

Date: _____

Sheboygan County
Printed: _____

Date: _____

St. Croix County
Printed: _____

Date: _____

Taylor County
Printed: _____

Date: _____

Trempealeau County
Printed: _____

Date: _____

Vernon County
Printed: _____

Date: _____

Vilas County
Printed: _____

Date: _____

Walworth County
Printed: _____

Date: _____

Washburn County
Printed: _____

Date: _____

Washington County
Printed: _____

Date: _____

Waukesha County
Printed: _____

Date: _____

Waupaca County
Printed: _____

Date: _____

Waushara County
Printed: _____

Date: _____

Winnebago County
Printed: _____

Date: _____

Wood County
Printed: _____

Date: _____

EXHIBIT A

Litigating Local Governments

Adams County	Juneau County	Pepin County
Ashland County	Kenosha County	Pierce County
Barron County	City of Kenosha	Portage County
Bayfield County	Village of Pleasant Prairie	Price County
Brown County	Kewaunee County	Racine County
Buffalo County	La Crosse County	Village of Mount Pleasant
Burnett County	Lafayette County	Village of Sturtevant
Calumet County	Langlade County	Village of Union Grove
Chippewa County	Lincoln County	Town of Yorkville
Clark County	Manitowoc County	Richland County
Columbia County	Marathon County	Rock County
Crawford County	Marinette County	Rusk County
Dane County	City of Marinette	Sauk County
Dodge County	Marquette County	Sawyer County
Door County	Menominee County	Shawano County
Douglas County	Milwaukee County	Sheboygan County
City of Superior	City of Cudahy	St Croix County
Dunn County	City of Franklin	Taylor County
Eau Claire County	City of Greenfield	Trempealeau County
Florence County	City of Milwaukee	Vernon County
Fond Du Lac County	City of Oak Creek	Vilas County
Forest County	City of South Milwaukee	Walworth County
Grant County	City of Wauwatosa	Washburn County
Green County	City of West Allis	Washington County
Green Lake County	Monroe County	Waukesha County
Iowa County	Oconto County	Waupaca County
Iron County	Oneida County	Waushara County
Jackson County	Outagamie County	Winnebago County
Jefferson County	Ozaukee County	Wood County



COMMON COUNCIL REPORT

Item: Certified Survey Map - 6340, 6448, and 6460 S. Howell Ave. and 239 & 325 E. College Ave.

Recommendation: That the Council adopts Resolution No. 12401-040323, a resolution approving a Certified Survey Map submitted by Matthew Mehring, Anderson Ashton, for the properties at 6340, 6448, and 6460 S. Howell Ave. and 239 & 325 E. College Ave. (1st Aldermanic District)

Fiscal Impact: The proposal is to combine and reconfigure the properties into one (1) lot for development of an industrial facility, one (1) lot for future development within a forthcoming Planned Unit Development. Future redevelopment of the proposed lots will yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. This property is currently located within TID 10.

Critical Success Factor(s):

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

Background: The Applicant is requesting approval of a Certified Survey Map (CSM) combining and reconfiguring the properties at 6340, 6448, and 6460 S. Howell Ave. and 239 & 325 E. College Ave. While the development of Lot 1 is for a known user and will be brought forward for consideration of a Conditional Use Permit in the near future, Lot 2 will not be developed at this time. Ultimately, the plan for the properties is to create a future Planned Unit Development for a business park.

Following the reconfiguration, Lot 1 be just under 8.5 acres in size. Lot 2 will retain the remaining property (just over 19 acres). Each meets the minimum lot size requirements for the M-1, Manufacturing and B-4, General Business zoning districts. Delineated wetlands and easements are shown on the map. However, staff note that the following revisions will be required prior to recording:

1. FEMA Floodway crosses over the southeast corner of the proposed Lot 2 and must be shown.
2. Temporary easements have expired and should be removed.
3. 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 above.

The Plan Commission reviewed this request during their March 28, 2023 meeting, and recommended approval subject to the following conditions:

1. That all floodplain boundaries are included on the map prior to recording.

-
2. That all expired temporary easements are removed from 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 directly impact the plans for the development of Lot 1 with an industrial user and the future Planned Unit Development.

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



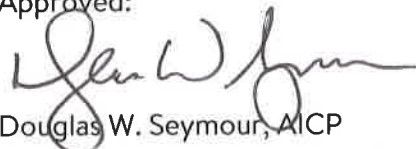
Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Res. 12401-040323

Location Map

Proposed CSM (4 pages)

RESOLUTION NO. 12401-040323

BY: _____

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR
MATTHEW MEHRING, ANDERSON ASHTON

6340, 6448, and 6460 S. Howell Ave. and 239 & 325 E. College Ave
(1st Aldermanic District)

WHEREAS, MATTHEW MEHRING, ANDERSON ASHTON, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

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

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

1. That all floodplain boundaries are included on the map prior to recording.
2. That all expired temporary easements are removed from 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 floodplain boundaries are included on the map prior to recording.
2. That all expired temporary easements are removed from 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 3rd day of April, 2023.

Passed and adopted this 3rd day of April, 2023.

President, Common Council

Approved this 3rd day of April, 2023.

Mayor

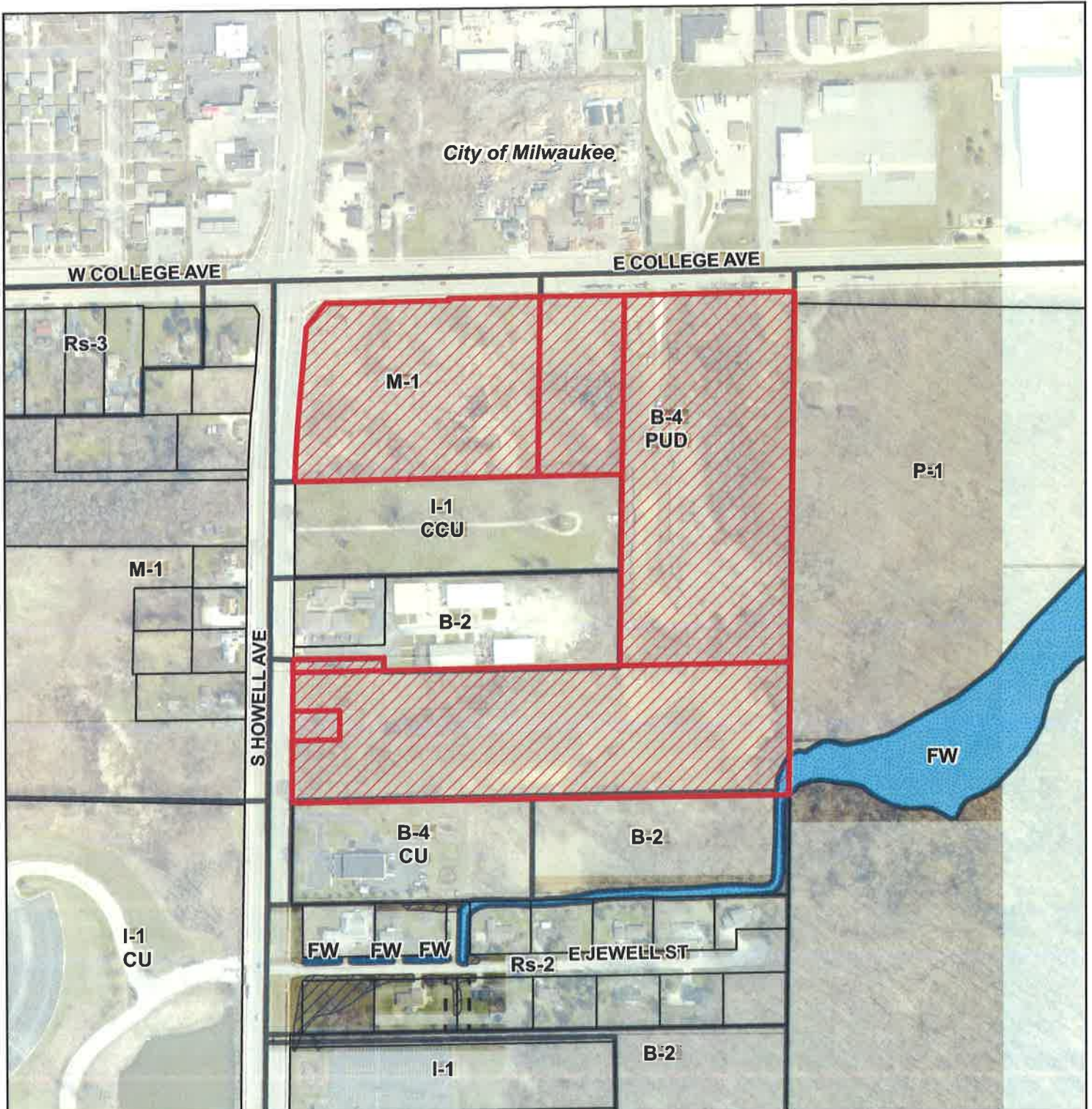
ATTEST:

City Clerk

VOTE: Ayes ____ Noes __

LOCATION MAP

6340, 6440, 6448, 6460 S. Howell Ave. and 239 & 325 E. College Ave.



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



Community Development

0 0.02 0.04 0.09 Miles



Legend

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

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CSM 8942, PARCEL 1 OF CSM 5458, OUTLOT 1 OF CSM 4697 AND LANDS BEING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

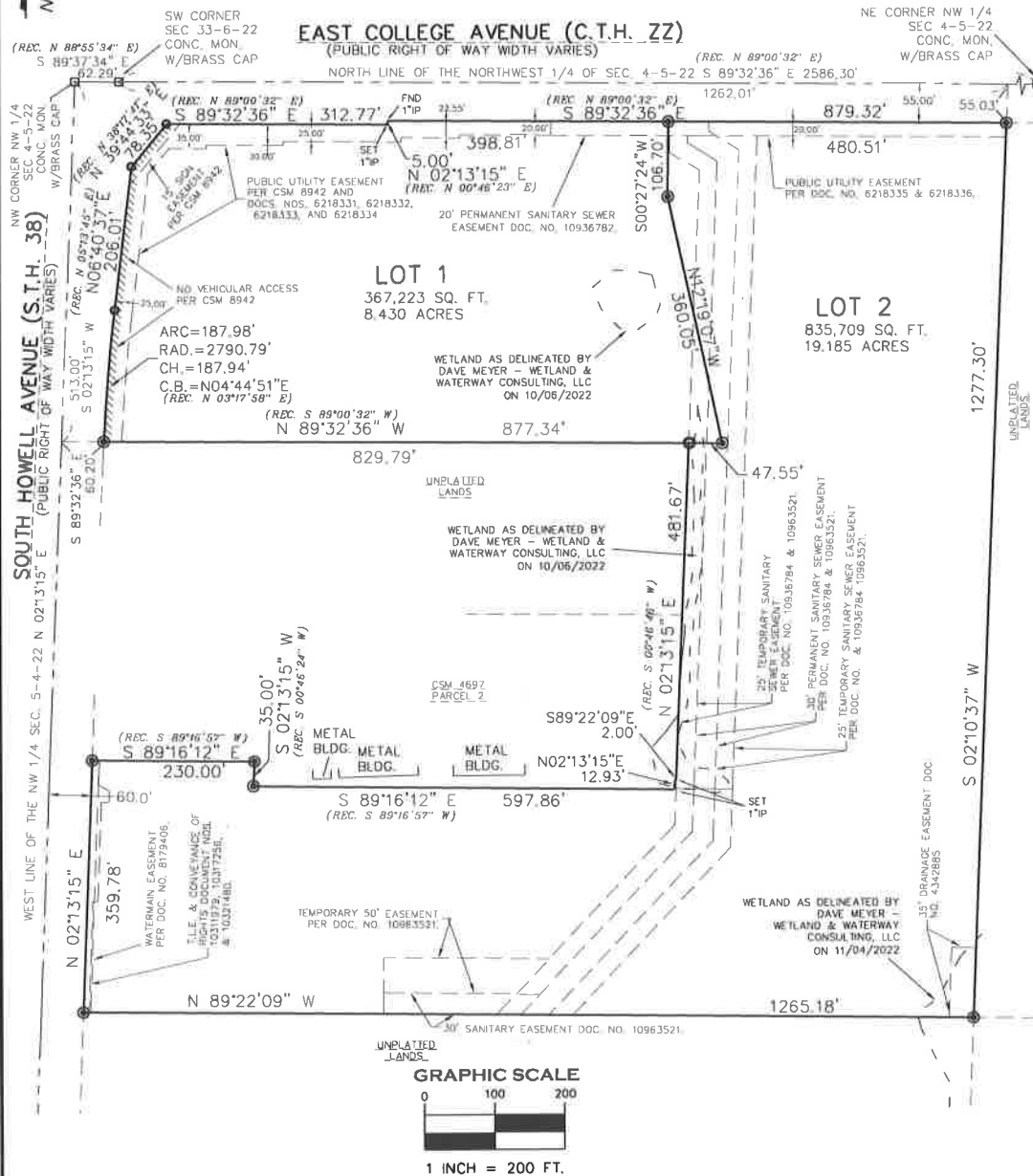
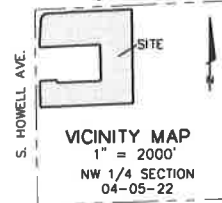
LEGEND

- INDICATES 1 INCH DIA. IRON PIPE, 18 INCHES IN LENGTH, WEIGHING 1.68 LBS PER LINEAL FOOT, SET.
- INDICATES 1" IRON PIPE FOUND

ALL BEARINGS REFER TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 04-05-22 WITH ARE BASED ON THE WISCONSIN COUNTY COORDINATE SYSTEM (WCOS), MILWAUKEE COUNTY NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83(2011)) AND HAS A BEARING OF S 89°32'36" E.

PREPARED FOR:
SSV OAK CREEK 1, LLC
5050 S. SYRACUSE ST. #785
DENVER, CO 80237

PREPARED BY:
CHRISTOPHER JACKSON, PLS
CJ ENGINEERING, LLC
9205 N. CENTER STREET, #214
MILWAUKEE, WI 53222



CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CSM 8942, PARCEL 1 OF CSM 5458, OUTLOT 1 OF CSM 4697 AND LANDS BEING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN) SS
MILWAUKEE COUNTY)

I, CHRISTOPHER JACKSON, A PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, MAPPED AND DIVIDED A REDIVISION OF LOT 1 OF CSM 8942, PARCEL 1 OF CSM 5458, OUTLOT 1 OF CSM 4697 AND LANDS BEING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SAID NORTHWEST 1/4 OF SECTION 4; THENCE S 02°13'15" W ALONG THE WEST LINE OF SAID 1/4 SECTION 513.00 FEET; THENCE S 89°32'36" E 60.20 FEET TO THE POINT OF BEGINNING; THENCE NORTHEAST 187.98 FEET ALONG AN ARC OF A CURVE, WHOSE RADIUS IS 2790.79 FEET, WHOSE CENTER LIES TO THE EAST AND WHOSE CHORD BEARS N 04°44'51" E, 187.94 FEET; THENCE N 06°40'37" E 206.01 FEET; THENCE N 39°44'33" E 78.35 FEET; THENCE S 89°32'36" E 312.77 FEET; THENCE N 02°13'15" E 5.00 FEET; THENCE S 89°32'36" E 879.32 FEET; THENCE S 02°10'37" W 1277.30 FEET; THENCE N 89°22'09" W 1265.18 FEET; THENCE N 02°13'15" E 359.78 FEET; THENCE S 89°16'12" E 230.00 FEET; THENCE S 02°13'15" W 35.00 FEET; S 89°16'12" E 597.86 FEET; THENCE N 02°13'15" E 12.93 FEET; THENCE S 89°22'09" E 2.00 FEET; THENCE N 02°13'15" E 481.67 FEET; THENCE N 89°32'36" E 829.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,202,932 SQUARE FEET OR 27.616 ACRES MORE OR LESS

THAT I HAVE MADE SUCH SURVEY, MAP AND REDIVISION BY THE DIRECTION OF SSV OAK CREEK 1, LLC, OWNER OF SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE STATUTES OF THE STATE OF WISCONSIN AND CHAPTER 14 OF THE CITY OF OAK CREEK MUNICIPAL CODE IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATED THIS ____ DAY OF _____, 2023

CHRISTOPHER A. JACKSON
PROFESSIONAL LAND SURVEYOR, S-2851
STATE OF WISCONSIN

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CSM 8942, PARCEL 1 OF CSM 5458, OUTLOT 1 OF CSM 4697 AND LANDS BEING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

SSV OAK CREEK 1, LLC, A LIMITED LIABILITY CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF _____, AS OWNER, DOES HEREBY CERTIFY THAT SAID COMPANY CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, MAPPED AND DIVIDED AS REPRESENTED ON THIS MAP. I ALSO CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED TO BE SUBMITTED TO THE CITY OF OAK CREEK FOR APPROVAL.

IN WITNESS WHEREOF, SSV OAK CREEK 1, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____ THIS ____ DAY OF _____, 20 ____, AND ITS CORPORATE SEAL TO BE AFFIXED

STATE OF _____)
COUNTY) SS

PERSONALLY CAME BEFORE ME THIS ____ DAY OF _____, 20 ____, THE ABOVE _____ OF SSV OAK CREEK 1, LLC. ME KNOWN TO BE THE _____ OF SSV OAK CREEK 1, LLC AND THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, STATE OF _____
MY COMMISSION EXPIRES: _____

CONSENT OF CORPORATE MORTGAGEE CERTIFICATE

_____, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING AND MAPPING OF THE LAND DESCRIBED ON THIS MAP AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATION OF OWNERS.

IN WITNESS WHEREOF, THE SAID _____, HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____, AT _____, THIS ____ DAY OF _____, 20 ____,

BY: _____
NAME:
TITLE:

STATE OF _____)
COUNTY) SS

PERSONALLY CAME BEFORE ME ON _____, 20 ____, BY _____, IN HIS/HER CAPACITY AS _____ OF _____, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC _____
STATE OF WISCONSIN
MY COMMISSION EXPIRES: _____

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 1 OF CSM 8942, PARCEL 1 OF CSM 5458, OUTLOT 1 OF CSM 4697 AND LANDS BEING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

PLANNING COMMISSION APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF OAK CREEK ON THIS _____ DAY OF _____, 20__.

DAN BUKIEWICZ, CHAIRPERSON

DATE

DOUGLAS SEYMOUR, SECRETARY

DATE

COMMON COUNCIL APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF OAK CREEK ON THIS _____ DAY OF _____, 20__ BY RESOLUTION NUMBER _____

DAN BUKIEWICZ, MAYOR

DATE

CATHERINE ROESKE, CITY CLERK

DATE



COMMON COUNCIL REPORT

Item: Fire Department 100' Aerial Tower Purchase

Recommendation: That the Common Council considers a motion for approval to execute a purchase contract with Reliant Fire Apparatus, Inc. for the purchase of a Pierce 100' Aerial Tower in the amount of \$1,947,348.00. (Project #23009)

Fiscal Impact: Payment for this project would come from the \$1,734,384.00 in funding reserved in CIP #23009, The additional amount necessary for this project will be funded by interest earned on the City's American Rescue Plan Act (ARPA) grant dollars through mid-2026.

- 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: Aerial towers (also known as ladder trucks) are an essential and standard tool for fire suppression activities in suburban municipalities throughout the country. The presence of a ladder truck is recognized by Insurance Service Office, Inc. (ISO) for the development of fire insurance ratings, and contributes to reduced insurance rates through better ISO ratings. The presence of a ladder truck in a department's response arsenal becomes increasingly important to address the fire risks found in a growing community with multiple structures over two stories in height.

The department currently maintains one 1999 model year ladder truck in its fleet. This apparatus responds to fire and rescue emergency requests in our city, and is equipped to support both aerial and ground ladder operations, victim rescue, and technical rescue. Additionally, it is also equipped to provide fire suppression services in the event and engine is not immediately available.

This requested purchase will replace the current ladder truck. The department has typically maintained a 25-year life cycle for ladder trucks, and by most industry measures, this is the maximum life cycle that could be expected for this type of equipment. All of the department's current suppression apparatus have been manufactured by Pierce, and the department strongly recommends staying with Pierce for this aerial tower purchase. Reliant Fire Apparatus, Inc. is the exclusive Pierce Manufacturing representative in southern Wisconsin, providing sales and support to the department for many years.

The cost of the aerial tower is based on payment prior to final inspection and delivery. Other payment options are included in the Options/Alternatives section of this report. The estimated lead time for inspection and delivery of this apparatus is approximately 38-42 months.

The Finance Department has reviewed payment options for the ladder truck and recommends payment upon final inspection and delivery, even at the higher cost compared to the prepayment option.

The City is funding the ladder truck purchase with American Rescue Plan Act (ARPA) grant dollars, which are required to be obligated by December 31, 2024, and fully spent by December 31, 2026. The City's ARPA grant dollars have earned \$85,934 in interest earnings to date, which are unencumbered and can be applied to the ladder truck purchase. Further, staff estimates the City's ARPA grant dollars will earn an additional \$259,172 in interest earnings through the ladder truck delivery date in mid-2026, assuming an interest rate of 4.00% (current rate is 4.54%). The interest earned on the City's ARPA grant dollars will be greater than the funding shortfall between the 2023 CIP amount of \$1,734,384 and purchase price of \$1,947,348.

Lastly, staff conducted a sensitivity analysis of the interest rate to determine what average interest rate is necessary to generate sufficient interest earnings to cover the funding shortfall of \$213,014 before the ladder truck deliver date in mid-2026. The sensitivity analysis showed the City will need to realize an average interest rate of 2.08% from now until mid-2026 to generate sufficient interest earnings to cover the funding shortfall. It is highly unlikely the average interest rate will fall below 2.08% by mid-2026 as the City's current interest rate is 4.54% and should remain higher for at least the next year.

Options/Alternatives: 1. Pre-payment. Pre-paying for the aerial tower results in a discount of \$111,313.00, for a total cost of \$1,836,085.00

2. Pre-payment plus performance bond. If the city desires to pre-pay for the apparatus, and include a performance bond for the purchase, a bond amount of \$4,772.00 would be added for a total cost of \$1,840,857.00

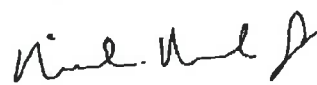
3. Reject the purchase agreement and require the department to explore alternate apparatus and/or designs. For reference, the next anticipated price increase for Pierce apparatus occurs in May of 2023, and redesign and identification of new specifications will add several months to the already identified 38-42 month lead time.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Michael A. Kressuk, Jr
Fire Chief

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: Oak Creek Aerial Platform Pricing Detail

RELIANT FIRE APPARATUS, INC.

P.O. BOX 470 • SLINGER, WISCONSIN 53086 • PHONE (262) 297-5020



3/21/23

Oak Creek Fire Department
7000 S. 6th Street
Oak Creek, WI 53154

Proposal Detail: Pierce Enforcer 100' Ascendant Aerial Midmount Platform, Proposal #657.

Thank you for the opportunity to present this Proposal #657 developed for the Oak Creek Fire Department. The attached proposal incorporates all changes as reviewed and discussed with the Oak Creek Fire Department for configuration of the proposed apparatus.

Pricing Summary:

Base Unit Price Prior to Payment Discount Options Detailed Below: **\$1,947,398.00**

100% Prepayment Option:

Should the City of Oak Creek elect to make 100% payment at contract execution an advanced payment discount can be subtracted from the Base Unit Price, resulting in the following contract amount:

Base Unit Price Prior to Payment Discount:	\$1,947,398.00
Less Advanced Payment Discount:	(\$111,313.00)
Contract Purchase Price:	<u>\$1,836,085.00</u>

Payment will be due in full at the time of receipt and acceptance of contract or purchase order. If payment is not received in full the advanced payment detailed above will not be earned.

100% Performance Bond:

Should the City of Oak Creek elect to have Performance Bond provided \$4,772.00 will need to be added to the above pricing detail.

Terms and Conditions:

Pricing Validity – Proposal pricing is valid for fifteen (15) calendar days.

Delivery – Unit(s) to be completed and prepared for final inspection within approximately 38 - 42 months from receipt and acceptance of contract or purchase order. Delivery lead time is based on current lead time at time of proposal. Lead time will be determined at time of contract/purchase order award.

Taxes – Any State, Federal, or local taxes are not included. If subject to taxes the amount will be added to the final invoice amount. For a tax-exempt purchase, the purchasing entity tax exempt form is required.

Freight – Delivery shall be F.O.B. Pierce Manufacturing, Appleton, WI.

Payment Form – Payment to be made in the form of cash or check.

Supplier Immediate Change Notification: In the event of immediate supplier notification change of component or pricing from the date of Proposal Pricing Detail until the time pricing expiration, notification will be provided immediately of any changes. Changes that impact pricing immediately will be presented as pricing amendments to contract documents or change orders. If not accepted by the Purchaser the Proposal Pricing will become void at time of notification.

Payment Terms:

Base Option:

Payment due in full to Reliant Fire Apparatus, Inc. N10 days prior to final inspection and delivery from the Pierce Manufacturing, Inc. build location.

100% Prepayment Option:

Payment due in full at time of receipt and acceptance of contract or purchase order.

Said apparatus and equipment are to be built and shipped in accordance with the proposal hereto attached. Delays due to strikes, war, conflicts, pandemics, supply chain issues, or other causes beyond our control, could alter the delivery schedule.

The proposal herein contained shall form part of the final contract and are subject to changes as desired by the purchaser, provided such changes are acknowledged and agreed to in writing by the purchaser.

This proposal for fire apparatus conforms with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of proposal, except for any items deemed to be “non-compliant” by the purchaser. All “non-compliant” items are detailed on the NFPA Statement of Exceptions included with the proposal.

We thank the Oak Creek Fire Department for the opportunity to submit Reliant Fire Apparatus this pricing detail to you. Should you have any questions or require any additional information, please do not hesitate contacting me directly, or contacting Reliant Fire Apparatus directly at (262) 297-5020.

Respectfully,

Brett Krueger

Brett Krueger
Reliant Fire Apparatus, Inc.



COMMON COUNCIL REPORT

Item: Fire Department Pumper Purchase

Recommendation: That the Common Council considers a motion for approval to execute a purchase contract with Reliant Fire Apparatus, Inc. for the purchase of a Pierce Pumper in the amount of \$1,004,760.00. (Project #23012)

Fiscal Impact: The 2023 CIP included \$939,630 for the pumper purchase (CIP #23012); however, a funding source was not identified at that time. The City’s payment will not occur until final inspection and delivery, which is anticipated to be in mid-2026, so we will have ample time to determine the appropriate funding source(s) for the pumper (most likely debt proceeds).

- 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 department currently maintains a fleet of four pumpers (also known as engines), three in frontline service, and one in reserve. These units respond to the majority of emergency requests in our city, to include emergency medical, motor vehicle crash, technical rescue, hazardous materials, and fire incidents. The requested engine will replace the current reserve engine, a 2003 model year apparatus. The new engine will be placed into frontline service, with an existing apparatus placed in reserve capacity.

The department has typically maintained a 20-year life cycle for engines. This request will address an apparatus that will achieve that service life in 2023. By most industry measures, a 20-year service life is the maximum that could be expected for this type of equipment. All of the department’s current suppression apparatus have been manufactured by Pierce, and the department strongly recommends staying with Pierce for this pumper purchase. Reliant Fire Apparatus, Inc. is the exclusive Pierce Manufacturing representative in southern Wisconsin, providing sales and support to the department for many years.

The cost of the pumper is based on payment prior to final inspection and delivery. Other payment options are included in the Options/Alternatives section of this report. The estimated lead time for inspection and delivery of this apparatus is approximately 38-42 months.

Options/Alternatives: 1. Pre-payment. Pre-paying for the pumper results in a discount of \$66,864.00, for a total cost of \$937,896.00

2. Pre-payment plus performance bond. If the city desires to pre-pay for the apparatus, and include a performance bond for the purchase, a bond amount of \$2,462.00 would be added for a total cost of \$940,358.00

3. Change the pumper specifications to include the Cummins X10 motor instead of the Cummins X15. The Cummins X10 is a new, yet to be built motor with decreased capacity and horsepower. The cost savings would be approximately \$49,447.00, for a total cost of \$955,313.00 (payment at final inspection and delivery).

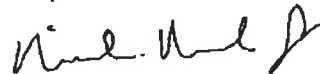
4. Reject the purchase agreement and require the department to explore alternate apparatus and/or designs. For reference, the next anticipated price increase for Pierce apparatus occurs in May of 2023, and redesign and identification of new specifications will add several months to the already identified 38-42 month lead time.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Michael A. Kressuk, Jr
Fire Chief

Fiscal Review:



Maxwell Gaggin, MPA
Assistant City Administrator / Comptroller

Attachments: Oak Creek Pumper Pricing Detail

RELIANT FIRE APPARATUS, INC.

P.O. BOX 470 • SLINGER, WISCONSIN 53086 • PHONE (262) 297-5020



3/27/2023

Oak Creek Fire Department
7000 S. 6th Street
Oak Creek, WI 53154

Proposal Detail: Proposal is for one (1) Pierce Pumper mounted on an Enforcer chassis per Reliant Fire Apparatus, Inc. Proposal #662 presented to the Oak Creek Fire Department dated March 27, 2023.

Pricing as listed shown below is presented using Sourcewell consortium pricing with the City of Oak Creek ID# 31007.

Pricing Summary:

Base Unit Price Prior to Payment Discount Options Detailed Below: **\$1,004,760.00**

100% Prepayment Option:

Should the City of Oak Creek elect to make 100% payment at contract execution an advanced payment discount can be subtracted from the Base Unit Price, resulting in the following contract amount:

Base Unit Price Prior to Payment Discount:	\$1,004,760.00
Less Advanced Payment Discount:	(\$66,864.00)
Contract Purchase Price:	<u>\$937,896.00</u>

Progress Payment Option:

Should the City of Oak Creek elect to make a chassis progress payment a discount can be subtracted from the Base Unit Price, resulting in the following contract amount:

Base Unit Price Prior to Progress Payment Discount:	\$1,004,760.00
Less Chassis Progress Payment Discount:	(\$16,372.00)
Contract Purchase Price:	<u>\$988,388.00</u>

Chassis progress payment due will be in the amount of \$627,594.00. Payment is due Reliant Fire Apparatus, Inc. 120 days after receipt and acceptance of contract or purchase order. Remaining balance is due 10 days prior to final delivery of the completed apparatus.

Other Payment Option:

The above prepayment options are the most common taken. However, custom prepayment options are available on any funds prepaid prior to their due dates. Should the opportunity exist to have other prepayment amounts or intervals other than the proposed above, please provide and a custom prepayment option quote can be calculated for your review.

100% Performance Bond:

Should the City of Oak Creek elect to have Performance Bond provided \$2,462.00 will need to be added to the above pricing detail.

Terms and Conditions:

Pricing Validity – Proposal pricing is valid for fifteen (15) calendar days.

Delivery – Unit(s) to be completed and prepared for final inspection within approximately 38 - 42 months from receipt and acceptance of contract or purchase order. Delivery lead time is based on current lead time at time of proposal. Lead time will be determined at time of contract/purchase order award.

Taxes – Any State, Federal, or local taxes are not included. If subject to taxes the amount will be added to the final invoice amount. For a tax-exempt purchase, the purchasing entity tax exempt form is required.

Freight – Delivery shall be F.O.B. Pierce Manufacturing, Appleton, WI.

Payment Form – Payment to be made in the form of cash or check.

Supplier Immediate Change Notification: In the event of immediate supplier notification change of component or pricing from the date of Proposal Pricing Detail until the time pricing expiration, notification will be provided immediately of any changes. Changes that impact pricing immediately will be presented as pricing amendments to contract documents or change orders. If not accepted by the Purchaser the Proposal Pricing will become void at time of notification.

Payment Terms:

Base Option:

Payment due in full to Reliant Fire Apparatus, Inc. N10 days prior to final inspection and delivery from the Pierce Manufacturing, Inc. build location.

100% Prepayment Option:

Payment due in full at time of receipt and acceptance of contract or purchase order.

Custom Chassis Progress Payment Option:

The chassis progress payment is due 120 days after receipt and acceptance of contract or purchase order.

Said apparatus and equipment are to be built and shipped in accordance with the proposal hereto attached. Delays due to strikes, war, conflicts, pandemics, supply chain issues, or other causes beyond our control, could alter the delivery schedule.

The proposal herein contained shall form part of the final contract and are subject to changes as desired by the purchaser, provided such changes are acknowledged and agreed to in writing by the purchaser.

This proposal for fire apparatus conforms with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of proposal, except for any items deemed to be “non-compliant” by the purchaser. All “non-compliant” items are detailed on the NFPA Statement of Exceptions included with the proposal.

We thank the Oak Creek Fire Department for the opportunity to submit Reliant Fire Apparatus this pricing detail to you. Should you have any questions or require any additional information, please do not hesitate contacting me directly, or contacting Reliant Fire Apparatus directly at (262) 297-5020.

Respectfully,

Brett Krueger

Brett Krueger
Reliant Fire Apparatus, Inc.



COMMON COUNCIL REPORT

Item: PPI/I Rowan Estates CCTV Sanitary Lateral Inspection Contract

Recommendation: That the Common Council considers a motion to award the Private Property Infiltration & Inflow (PPI/I) Rowan Estates Lateral Inspection unit price contract to Northern Pipe, Inc. at the estimated cost of \$22,777.00. (Project No. 22007) (4th Aldermanic District)

Fiscal Impact: Funding for the project would come from CIP Project No. 22007, with full reimbursement from 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: On March 15, 2022, the Council passed Resolution No. 12314-031522 approving a Private Property Infiltration and Inflow (PPI/I) Funding Agreement with MMSD to proceed with a PPI/I project.

Engineering has been working with MMSD and their consultant to develop a plan, and to request and review proposals for the CCTV inspection of the sanitary laterals for the identified candidate homes in Rowan Estates subdivision. Rowan Estates has been identified as a neighborhood that has high PPI/I and therefore is a priority candidate for this project.

The following two proposals were received for the CCTV lateral inspection work:

Contractor	Proposal
Northern Pipe, Inc.	\$22,777.00
Visu-Sewer, Inc.	\$53,150.00

The recommendation from staff and the design team is for this CCTV contract to be awarded to Northern Pipe, Inc.

This is a unit price contract, so bids have been evaluated based on estimated quantities. City payments to the contractor will reflect actual completed and measured quantities.

This is just the first step in a two-step PPI/I project. Upon completion of the CCTV inspection portion, detailed design of the appropriate repairs will be completed and the resultant design and bid documents will be advertised for public bidding and construction as soon as possible this summer.

Options/Alternatives: To not proceed with the project would be counter to the City's intentions that were established when it approved the PPI/I Policy and entered into the MMSD Funding Agreement.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared/Approved:



Matthew J. Sullivan, PE
City Engineer

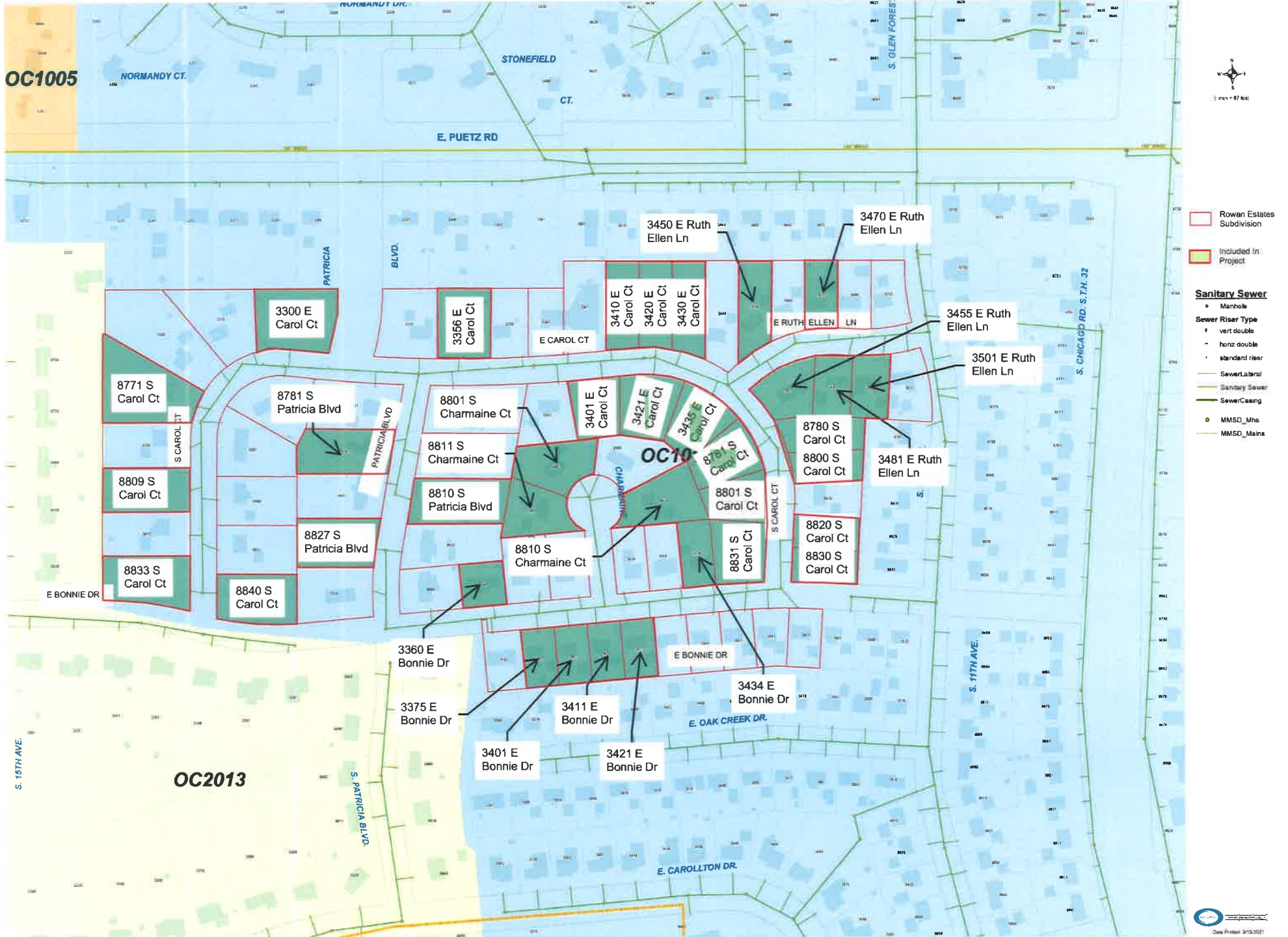
Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Attachments: PPI/I Rowan Estates Project Area Graphic

Rowan Estates PPII Project



COMMON COUNCIL REPORT

Item: Final Payment - W. Rawson Avenue Street Lighting Improvements

Recommendation: That the Common Council approves Resolution No. 12398-040323, accepting the workmanship of Wil-Surge Electric, Inc., and authorizing final contract payment under Project No. 22005 (2nd Aldermanic District).

Fiscal Impact: Final payment of \$1,500.00 is to be paid with funding provided in Project No. 22005.

Critical Success Factor(s):

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

Background: On November 16, 2021, the Common Council awarded this project to the low bidder, Wil-Surge Electric, for an estimated cost of \$135,508.80 which was funded through allocated funds in the 2022 budget and the transfer of remaining funds from CIP Project Nos. 18031 and 19027.

Attached to this report is the final project payment cost breakdown, which identifies major contract items that account for the final contract amount. In the end the final project cost comes out to about 15% (\$19,866.03) under 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 reductions were due to the decision to utilize the existing street lighting on the north side of Rawson Avenue eliminating the need for two new street light poles and the elimination of restoration quantity due to the future roadway reconstruction project (Milwaukee County project in spring).

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

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared/Approved:



Matthew J. Sullivan, P.E.
City Engineer

Fiscal Review:

Maxwell Gagin

Maxwell Gagin, MPA

Assistant City Administrator/Comptroller

Attachments: 12398-040323 Resolution, Project No. 22005 Final Project Payment Cost Breakdown

RESOLUTION NO. 12398-040323

BY: _____

**RESOLUTION ACCEPTING THE WORKMANSHIP OF
WIL-SURGE ELECTRIC, INC.
AND AUTHORIZING FINAL PAYMENT**

**W. RAWSON AVENUE
STREET LIGHTING IMPROVEMENTS**

PROJECT NO. 22005

(2ND ALDERMANIC DISTRICT)

WHEREAS, the City of Oak Creek, hereinafter referred to as the City, and Wil-Surge Electric, Inc., hereinafter referred to as the contractor, entered into a contract whereby the Contractor agreed to perform certain public works under Project No. 22005 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 \$135,508.80; and,

WHEREAS, said total final contract price has been determined to be \$115,642.77 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 \$1,500.00 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 3rd day of April, 2023.

Passed and adopted this 3rd day of April, 2023.

President, Common Council

Approved this 3rd day of April, 2023.

Mayor, City of Oak Creek

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

CONTRACTORS FINAL PAY ESTIMATE QUANTITY AND COST BREAKDOWN

PROJECT NO. 22005 (GL# 40-22-40-00570-22005)
LOCATION: W. Rawson Avenue (27th St to 20th St)
DESCRIPTION: Street Light Relocation
GENERAL CONTRACTOR: Wil-Surge Electric, Inc.

PREPARED BY: Matthew J. Sullivan, PE

City of Oak Creek
Engineering Department

DATE PREPARED: Monday, March 20, 2023

CONTRACT BID AMOUNT: \$ 135,508.80

AUTHORIZED ADDITIONS TO THE ORIGINAL CONTRACT AMOUNT: \$ -

REVISED CONTRACT AMOUNT: \$ 135,508.80

AS-BUILT PROJECT COST: \$ 115,642.77

AMOUNT PAID PREVIOUSLY: \$ 114,142.77

AMOUNT DUE FINAL PAYMENT: \$ 1,500.00

AS AUTHORIZED AGENT OF THE ABOVE NOTED CONTRACTOR, I SIGNIFY THAT I HAVE REVIEWED AND ACCEPT THE FINAL AS-BUILT QUANTITIES AS NOTED ON THE

ATTACHED PAGES, AND REQUEST THAT FINAL PAYMENT BE MADE IN THE AMOUNT OF

\$ 1,500.00

ACCEPTED BY:

Tyler Lowe
(PRINT NAME)

Project Manager
TITLE

[Handwritten Signature]
SIGNATURE

3/20/23
DATE ACCEPTED

CONTRACTORS FINAL PAY ESTIMATE QUANTITY AND COST BREAKDOWN

PROJECT NO: 22005 (GL# 40-22-40-00570-22005)
 LOCATION: W. Rawson Avenue (27th St to 20th St)
 GENERAL CONTRACTOR: Wil-Surge Electric, Inc.

PREPARED BY: *Matthew J. Sullivan, PE*

BID ITEM	BID ITEM DESCRIPTION	BID QUANTITY		UNIT PRICE	AS-BUILT QUANTITY	AS-BUILT COST BID ITEMS
204.0195	REMOVING CONCRETE BASE	12	EA	\$ 245.00	10	\$ 2,450.00
628.651	SOIL STABILIZER TYPE B	1	LS	\$ 9,275.00	0	\$ -
652.0225	CONDUIT RIGID NONMETALLIC SCHEDULE 40 2-IN	1550	LF	\$ 14.50	0	\$ -
652.0605	CONDUIT SPECIAL 2-INCH	415	LF	\$ 14.50	2034.9	\$ 29,506.05
653.0135	PULL BOXES STEEL 24X36-INCH	4	EA	\$ 750.00	4	\$ 3,000.00
653.0905	REMOVING PULL BOXES	2	EA	\$ 375.00	2	\$ 750.00
654.0105	CONCRETE BASES TYPE 5	12	EA	\$ 925.00	10	\$ 9,250.00
655.061	ELECTRICAL WIRE LIGHTING 12 AWG	2130	LF	\$ 0.70	2130	\$ 1,491.00
655.0625	ELECTRICAL WIRE LIGHTING 6 AWG	6670	LF	\$ 2.29	6920.4	\$ 15,847.72
657.0255	TRANSFORMER BASES BREAKAWAY 11 1/2-INCH	9	EA	\$ 1,016.00	7	\$ 7,112.00
657.0615	LUMINAIRE ARMS SINGLE MEMBER 4 1/2-INCH C	17	EA	\$ 515.00	13	\$ 6,695.00
SPV.0060.01	REMOVE LIGHTING UNIT TYPE A	1	EA	\$ 360.00	1	\$ 360.00
SPV.0060.02	REMOVE LIGHTING UNIT TYPE B	2	EA	\$ 360.00	0	\$ -
SPV.0060.03	REMOVE LIGHTING UNIT TYPE C	4	EA	\$ 425.00	4	\$ 1,700.00
SPV.0060.04	REMOVE LIGHTING UNIT TYPE D	3	EA	\$ 425.00	3	\$ 1,275.00
SPV.0060.05	REMOVE LIGHTING UNIT TYPE E	2	EA	\$ 400.00	2	\$ 800.00
SPV.0060.06	REMOVE LIGHTING UNIT TYPE F	3	EA	\$ 360.00	3	\$ 1,080.00
SPV.0060.07	REINSTALL LIGHTNG UNIT TYPE A	1	EA	\$ 360.00	1	\$ 360.00
SPV.0060.08	REINSTALL LIGHTING UNIT TYPE E	2	EA	\$ 400.00	2	\$ 800.00
SPV.0060.09	REINSTALL EXISTING LED LUMINAIRE	13	EA	\$ 225.00	13	\$ 2,925.00
SPV.0060.10	LED LUMINAIRE 60 WATTS	8	EA	\$ 435.00	4	\$ 1,740.00
SPV.0060.11	POLES ALUMINUM NOMINAL HEIGHT 28-FT	9	EA	\$ 1,643.00	7	\$ 11,501.00
SPV.0105.01	TRAFFIC CONTROL	1	LS	\$ 17,000.00	1	\$ 17,000.00
0	0	0	0	\$ -	0	\$ -
0	0	0	0	\$ -	0	\$ -
0	0	0	0	\$ -	0	\$ -
0	0	0	0	\$ -	0	\$ -
0	0	0	0	\$ -	0	\$ -
0	0	0	0	\$ -	0	\$ -
0	0	0	0	\$ -	0	\$ -
0	0	0	0	\$ -	0	\$ -
0	0	0	0	\$ -	0	\$ -
0	0	0	0	\$ -	0	\$ -
0	0	0	0	\$ -	0	\$ -
0	0	0	0	\$ -	0	\$ -

TOTAL COST THIS PAGE: \$ 115,642.77

COMMON COUNCIL REPORT

Item: Final Payment - OCPD Parking Lot Improvements

Recommendation: That the Common Council approves Resolution No. 12399-040323, accepting the workmanship of Cornerstone Pavers, LLC, and authorizing final contract payment under Project No. 17006 (5th Aldermanic District).

Fiscal Impact: Final payment of \$700.00 is to be paid with funding provided in Project No. 17006.

Critical Success Factor(s):

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

Background: On October 19, 2021, the Common Council awarded this project to the low bidder, Cornerstone Pavers, for an estimated cost of \$57,286.25 which was funded through allocated funds in the 2017 budget (CIP Project Nos. 17006).

Attached to this report is the final project payment cost breakdown, which identifies major contract items overages and shortages, as well as the 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% (\$5,770.00) 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 work required to address the unacceptable depth of existing crushed stone, increase in limits of work (extra asphalt) and increase in restoration quantity.

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

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared/Approved:



Matthew J. Sullivan, P.E.
City Engineer

Fiscal Review:

Maxwell Gagin

Maxwell Gagin, MPA

Assistant City Administrator/Comptroller

Attachments: 12399-040323 Resolution, Project No. 17006 Final Project Payment Cost Breakdown

RESOLUTION NO. 12399-040323

BY: _____

**RESOLUTION ACCEPTING THE WORKMANSHIP OF
CORNERSTONE PAVERS, LLC.
AND AUTHORIZING FINAL PAYMENT**

**OAK CREEK POLICE DEPARTMENT
PARKING LOT IMPROVEMENTS**

PROJECT NO. 17006

(5th ALDERMANIC DISTRICT)

WHEREAS, the City of Oak Creek, hereinafter referred to as the City, and Cornerstone Pavers, LLC, hereinafter referred to as the contractor, entered into a contract whereby the Contractor agreed to perform certain public works under Project No. 17006 for the installation of parking lot improvements at the Oak Creek Police Department, in accordance with plans and specifications prepared by the City Engineer for the agreed price of \$135,508.80; and,

WHEREAS, said total final contract price has been determined to be \$115,642.77 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 \$700.00 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 3rd day of April, 2023.

Passed and adopted this 3rd day of April, 2023.

President, Common Council

Approved this 3rd day of April, 2023.

Mayor, City of Oak Creek

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

PROJECT NO. **17006 (GL# 40-17-40-00670-17006)**
LOCATION: Oak Creek Police Department
DESCRIPTION: Parking Lot Repair
GENERAL CONTRACTOR: Cornerstone Pavers, LLC

PREPARED BY: *Matthew J. Sullivan, PE*

City of Oak Creek
Engineering Department

DATE PREPARED: Tuesday, March 21, 2023

CONTRACT BID AMOUNT: \$ 57,286.25
AUTHORIZED ADDITIONS TO
THE ORIGINAL CONTRACT AMOUNT: \$ 4,900.00
REVISED CONTRACT AMOUNT: \$ 62,186.25
AS-BUILT PROJECT COST: \$ 63,056.25
AMOUNT PAID PREVIOUSLY: \$ 62,356.25
AMOUNT DUE FINAL PAYMENT: \$ 700.00

AS AUTHORIZED AGENT OF THE ABOVE NOTED CONTRACTOR, I SIGNIFY THAT I HAVE REVIEWED AND ACCEPT THE FINAL AS-BUILT QUANTITIES AS NOTED ON THE

ATTACHED PAGES, AND REQUEST THAT FINAL PAYMENT BE MADE IN THE AMOUNT OF

\$ 700.00

ACCEPTED BY:

Christopher Cape

(PRINT NAME)

[Signature]

SIGNATURE

owner

TITLE

3-27-23

DATE ACCEPTED

PROJECT NO:

17006 (GL# 40-17-40-00670-17006)

PREPARED BY:

Matthew J. Sullivan, PE

LOCATION:

Oak Creek Police Department

0

GENERAL CONTRACTOR:

Cornerstone Pavers, LLC

BID ITEM	BID ITEM DESCRIPTION	BID QUANTITY	UNIT PRICE	AS-BUILT QUANTITY	AS-BUILT COST BID ITEMS
204.01	REMOVING CONCRETE PAVEMENT	19 SY	\$ 12.00	14	\$ 168.00
205.01	EXCAVATION COMMON	1 LS	\$ 11,500.00	1	\$ 11,500.00
211.02	PREPARE FOUNDATION FOR CONCRETE PAVEMENT	1 LS	\$ 1,000.00	1	\$ 1,000.00
415.007	CONCRETE PAVEMENT 7-INCH	615 SY	\$ 69.75	615	\$ 42,896.25
465.0105	ASPHALTIC SURFACE	12 SY	\$ 60.00	21	\$ 1,260.00
690.015	SAWING ASPHALT	65 LF	\$ 2.00	62	\$ 124.00
690.025	SAWING CONCRETE	14 LF	\$ 3.00	14	\$ 42.00
SPV.0180.01	RESTORATION TYPE A	70 SY	\$ 11.00	106	\$ 1,166.00
0	0	0 0	\$ -	0	\$ -
CONTRACT MODIFICATION	0	0 0	\$ -	0	\$ -
305.012	BASE AGGREGATE DENSE 1 1/4-INCH	125 TON	\$ 22.00	125	\$ 2,750.00
SPV.0105.01	SUBGRADE COMMON EXCAVATION	1 LS	\$ 1,650.00	1	\$ 1,650.00
SPV.0105.02	SALVAGE & REINSTALL EXISTING STONE BASE	1 LS	\$ 500.00	1	\$ 500.00
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -
0	0	0 0	\$ -	0	\$ -

TOTAL COST THIS PAGE: \$ 63,056.25



COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 4/3/23 License Committee Report.

Fiscal Impact: License fees in the amount of \$715.00 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):
 - * Thomas G. Kasper (Woodland Golf)
 - * Jonathin R. Kannegresser (Kwik Trip)
 - * Louis J. Sexton (Gastrau’s Golf)
 - * Megan K. Hayden (Target)
 - * Natalie Duran (BelAir Cantina)
 - * Joshua J. Garacci (Kwik Trip)
 - * Anjanette Krug (Woodland Golf)

Options/Alternatives: None

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Christa J. Miller CMC/WCMC
Deputy City Clerk

Fiscal Review:

Maxwell Gaggin, MPA
Assistant City Administrator / Comptroller

Attachments: none

COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the March 29, 2023 Vendor Summary Report in the total of \$563,306.57.

Fiscal Impact: Total claims paid of \$563,306.57.

Critical Success Factor(s):

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

Background: Of note are the following payments:

1. \$70,036.31 to Compass Minerals Company (pg #3) for salt inventory.
2. \$22,598.60 to E. H. Wolf & Sons, Inc. (pg #3) for fuel inventory.
3. \$103,502.88 to GFL Environmental (pg #5) for March trash and recycling.
4. \$33,495.00 to Insight Public Sector, Inc. (pg #5) for desktop replacements. Project #21023.
5. \$8,208.44 to K-Tech Specialty Coating, LLC (pg #6) for road maintenance supplies.
6. \$37,456.68 to Karl Chevrolet (pg #6) for new Police Department squad vehicle.
7. \$6,500.00 to Living Giving Enterprises, LLC (pg #6) for Health Department group training.
8. \$10,000.00 to Oak Creek Community Center (pg #7) for 2023 summer concert series sponsorship.
9. \$103,175.29 to Oak Creek Hotel Ventures, LLC (pg #1) for developer incentive payment.
10. \$11,760.17 to Ramboll US Consulting Inc. (pg #8) for professional services related to Lakeside and Beazer & Connell.
11. \$5,781.09 to Sun Badge Co. (pg #9) for new Police Department badges.
12. \$91,177.87 to WE Energies (pgs #1, 10 & 11) for street lighting, electricity & natural gas.
13. \$7,520.64 to Wolter Inc. (pg #11) for forks and installation on forklift. Project #23024.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Rory T. Vircks
Staff Accountant

Fiscal Review:



Maxwell Gaglin, MPA
Assistant City Administrator/Comptroller

Attachments: 03/29/2023 Invoice GL Distribution Report