



PLAN COMMISSION

October 10, 2023

6:00 P.M.

Common Council Chambers

8040 S. 6th St.
Oak Creek, WI 53154
(414) 766-7000

Daniel Bukiewicz - Chair
Dawn Carrillo
Chaucey Chandler
Donald Oldani
Chris Guzikowski
Ashley Kiepczynski
Gregory Loreck
Fred Siepert
Christine Hanna
Matt Sullivan – ex-officio
Kari Papelbon – ex-officio

The City's Vision

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

Find more information on agenda items at [oakcreek.zoninghub.com](https://www.oakcreekwi.org/zoninghub.com).

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes – September 26, 2023
4. Review and Discuss Report on Recent Common Council Actions – NONE
5. Review and Discuss Report on Recent Board of Housing and Zoning Appeals Actions
6. Review and Discuss Report on Recent Quarterly Parks & Recreation Commission Actions – Next Report October 24, 2023
7. New Business
 - a. CONDITIONS AND RESTRICTIONS - Review conditions and restrictions related to request submitted by Jeffrey Piejak, Ultimate Ninjas Chicago, LLC, dba Ultimate Ninjas Milwaukee, for a Conditional Use Permit for an indoor health/athletic/recreation facility within a portion of the existing multitenant industrial building on the property at 400 W. Bell Ct. (Tax Key No. 828-9024-000; 6th Aldermanic District).
More info at ZoningHub: <https://s.zoninghub.com/VX7NBU5YME>
 - b. CONDITIONS AND RESTRICTIONS - Review conditions and restrictions related to a request submitted by Skip Henderson, World Outreach Bible and Training Center, and LeTrisha Daniel, A Mother's Heart Learning Center, for a Conditional Use Permit for a private school and day care facility on the property at 6912 S. 27th St. (Tax Key No. 737-9026-000; 2nd Aldermanic District).
More info at ZoningHub: <https://s.zoninghub.com/1GV4TD6FFG>
 - c. CANCELLATION OF MEETING - The Plan Commission will vote on a motion to cancel the December 26, 2023 meeting.

Announcements & Adjournment.

Dated this 5th day of October, 2023
Posted 10-05-2023

Public Notice

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

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

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, SEPTEMBER 26, 2023**

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

Minutes of the August 22, 2023, meeting

Commissioner Siefert moved to approve the minutes of the August 22, 2023, meeting. Alderman Guzikowski seconded. On roll call: Commissioner Oldani abstained; all others voted aye. Motion carried.

PLAN REVIEW

**ROSEMARIE PATTERSON, HILLSIDE COFFEE HOUSE, LLC
237 E. RYAN RD.
TAX KEY NO. 907-9988-000**

Senior Planner Papelbon provided an overview of the site, building, and related plans for an addition to the existing parking lot on the property at 237 E. Ryan Rd (see staff report for details).

Alderman Loreck moved that the Plan Commission approves the site plans submitted by Hillside Coffeehouse, LLC, for a parking lot expansion on the property at 237 E. Ryan Rd. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That plans are revised to show parking stall lengths that meet Code.
3. That the landscape plan is revised to show plant height at installation, with a minimum height of 3 feet.
4. That all revised plans (site, grading, landscaping, etc.) are submitted in digital format for review by the Department of Community Development prior to the submission of building permit applications.

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

**CONDITIONAL USE PERMIT
JEFFREY PIEJAK, ULTIMATE NINJAS CHICAGO, LLC, DBA ULTIMATE NINJAS
MILWAUKEE
400 W. BELL CT.
TAX KEY NO. 828-9024-000**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for an indoor health/athletic/recreation facility within a portion of the existing multitenant industrial building on the property at 400 W. Bell Ct. (see staff report for details).

Bob Bleck, Bleck & Bleck Architects, 222 E. Church St., Libertyville, IL, 60048, stated that the project will be the third time his firm has worked with the applicant to design and build an indoor health/athletic/recreation facility.

Commissioner Chandler asked if there will be any interior changes to the space as there will be none on the outside. Mr. Bleck answered in the affirmative, explaining that some existing partitions will come down to make the larger party rooms. The existing conference room will not be changed, and no bathrooms will be added, although a section of plumbing will be eliminated. Mr. Bleck stated that the remainder of the drywalled warehouse space is perfect for the proposed gym apparatus.

Commissioner Siepert asked if the tenant will eventually use the whole building, to which Mr. Bleck answered in the negative. Commissioner Siepert asked for the size of the space, to which Mr. Bleck answered that it was 15,600 square feet.

Alderman Guzikowski commented that the use is a good fit for the area.

Alderman Loreck made comments were inaudible.

Mayor Bukiewicz commented on the use being great for the property, and that the parking will be fine.

Senior Planner Papelbon clarified her previous comment: the square footage of the entire building is 50,000 – 60,000.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for an indoor health/athletic/recreation facility on the property at 400 W. Bell Ct., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (October 10, 2023).

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

**PLAN REVIEW
BLAISE PAUL, OAK CREEK-FRANKLIN JOINT SCHOOL DISTRICT
340 E. PUETZ RD.
TAX KEY NO. 827-9028-000**

Senior Planner Papelbon provided an overview of site, building, and related plans for accessory structures for the Oak Creek High School stadium on the property at 340 E. Puetz Rd. (see staff report for details).

Sal Impellitteri, JLA Architects, 311 E. Chicago St. Suite 240, Milwaukee, WI 53202, stated that he will answer any questions.

Commissioner Carrillo confirmed that the proposed entry gate is 17 feet high, and asked for confirmation on how high an accessory building can be. Senior Planner Papelbon confirmed that 20 feet is the maximum height for an accessory building, and an accessory structure can only be 12 feet high.

Commissioner Carrillo asked if there are any other reasons the Commission should not label the proposed entry gate as a building. Senior Planner Papelbon answered in the negative, explaining that staff do not have a problem with the proposed height, but the Commission must decide on whether it will be considered a building or structure as it is unique.

Alderman Loreck stated his support for the proposed height and for considering the entry gate to be a building. He asked if JLA will be partnering with Knights Construction, to which Mr. Impellitteri answered in the affirmative.

Commissioner Oldani asked if there would be any heat in the [locker room] building. Mr. Impellitteri explained that the heat will be temporary, only to be on when the locker rooms are in use. Commissioner Oldani asked for clarification on whether the heating units will be temporary, to which Mr. Impellitteri explained that the heating units will be permanent, no screening will be needed, and there will be no air conditioning.

Commissioner Siepert asked if the whole facility will be gated. Mr. Impellitteri explained that the existing track and football field are secure, as will be this new construction.

Commissioner Chandler asked for more information on why the proposed entry gate is over 20 feet tall. Mr. Impellitteri explained that the overall proportions of the whole construction were the reason, but reducing the center pillar's height to 20 feet will not be an issue. Commissioner Chandler asked for clarification on the difference between an accessory structure and an accessory building. Senior Planner Papelbon gave a brief explanation.

Assistant Fire Chief Havey stated that the occupancy type will need to be evaluated and determined to ensure the most appropriate fire prevention systems will be in place. Mayor Bukiewicz stated that if construction has four (4) walls and a roof, it should be a building.

Alderman Loreck moved that the Plan Commission approves the site and building plans submitted by Blaise Paul, Oak Creek-Franklin Joint School District, for an accessory building and accessory building/gate on the property at 340 E. Puetz Rd. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the plans are revised to include locations for all mechanicals, transformers, and utilities. All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened per Code.

3. All light sources shall be full cutoff fixtures with the light source fully shielded and directed downward, and meet all Code requirements.
4. That signs are not included in this approval.
5. That all revised plans (site, building, etc.) are submitted in digital format for review by the Department of Community Development prior to the submission of building permit applications.

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

**CONDITIONAL USE PERMIT AMENDMENT
SKIP HENDERSON, WORLD OUTREACH BIBLE AND TRAINING CENTER, AND LETRISHA DANIEL, A MOTHER'S HEART LEARNING CENTER
6912 S. 27TH ST.
TAX KEY NO. 737-9026-000**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for a private school and day care facility on the property at 6912 S. 27th St. (see staff report for details).

Commissioner Chandler asked for more details regarding Addendums A and B. Senior Planner Papelbon explained the addendums are images from the appraisal of the property and an operational plan for the daycare facility. Commissioner Chandler asked when Addendum A would be showing.

Skip Henderson, 6912 S. 27th St., explained that Addendum A is showing the floorplan of the parts of the building that will be used for the daycare, while Addendum B is the floorplan of the entire building.

LeTrisha Daniel, 6378 W. Darnel Ave., Brown Deer WI, 53223, further explained that Addendum B outlines the 6-phase operation / implementation of the daycare facility to preparatory middle school within the building.

Commissioner Chandler asked if the Conditional Use Permit will cover the entire length of time needed for the completion of the phases. Senior Planner Papelbon explained that the possible expiration of the Conditional Use will be at the discretion of the Commission, which will be determined at the next step of the process (Conditions and Restrictions).

Commissioner Siepert asked if the daycare would continue operating when the school opens. Ms. Daniel answered in the affirmative; however, the daycare will relocate to a different property.

Alderman Loreck asked if the Applicant has a second location in Oak Creek, to which Ms. Daniel stated that the other facility is in West Allis.

Alderman Loreck asked if there would be a bus service for the school, to which Ms. Daniel stated that this facility will be parent drop-off facility.

Alderman Loreck stated his opinion that the property is well-suited for the proposed use.

Assistant Fire Chief Havey stated that the existing conditions of the building and suppression system will need to be looked at to ensure the safety needs of a daycare facility will be met.

Mayor Bukiewicz stated his agreement that the use will fit the property well.

Mr. Saleh, S88W13131 Lindley Ct., Muskego, WI, 53150, stated that the Kids N' Care daycare and preschool is next to the property being discussed, and raised concerns for the number of daycares coming into the area around 27th St. Mayor Bukiewicz stated his understanding, and explained that the Commission does not make decisions based on local competition.

Alderman Loreck moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit Amendment to allow a private school and daycare facility on the property at 6912 S. 27th St., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (October 10, 2023).

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 6:45 PM.

ATTEST:

Kari Papelbon, Plan Commission Secretary

10-4-23

Date



Recent Board of Housing and Zoning Appeals Actions

September 25, 2023

ITEM: 5

DATE: October 10, 2023

- **VARIANCES GRANTED** – Case No. 23-0005, a request by Saifaddin Khanlar, 9139 S. 5th Ave. (4th Aldermanic District), for the following:
 - A variance from Table 17.0301(a), which states: “A property in the Rs-4 zoning district shall have a minimum side setback of 8 feet.”
 - A variance from Section 17.0414(a)(7)(c), which states: “Accessory buildings shall be located per the following...
 - (c) If located partially in the required rear yard and partially in the buildable area of the lot the accessory building shall maintain the required side yard setback for the full length of the property and be a minimum of five feet from the rear property line.”

The appellant requested relief from the above Code Sections to allow the construction of a detached garage that will be four (4) feet from both the north and south property lines. Following extensive deliberation, the Board of Zoning Appeals upheld the appeal, and granted the variances.

A handwritten signature in black ink that reads "Kari Papelbon".

Kari Papelbon, CFM, AICP
Senior Planner



PLAN COMMISSION REPORT

Proposal: Conditions and Restrictions – Indoor Health / Athletic / Recreation Facility

Description: Review draft conditions and restrictions for a Conditional Use Permit for an indoor health/athletic/recreation facility within a portion of the existing multitenant industrial building on the property at 400 W. Bell Ct.

Applicant(s): Jeffrey Piejak, Ultimate Ninjas Chicago, LLC (dba Ultimate Ninjas Milwaukee)

Address(es): 400 W. Bell Ct. (6th Aldermanic District)

Suggested Motion: That the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for an indoor health/athletic/recreation facility on the property at 400 W. Bell Ct.

Owner(s): TOWER 9 COMMERCIAL - OAK CREEK LLC

Tax Key(s): 828-9024-000

Lot Size(s): 5.18 ac

Current Zoning District(s): M-1, Manufacturing

Overlay District(s): N/A

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Industrial

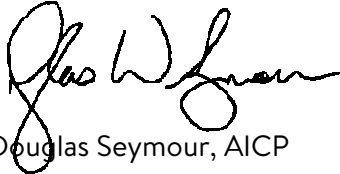
Background:

At the September 26, 2023 meeting the Plan Commission recommended Common Council approval of a Conditional Use Permit for an indoor health/athletic/recreation facility within a portion of the existing multitenant industrial building on the property at 400 W. Bell Ct. Staff have prepared draft Conditions and Restrictions for the Commission’s review. If the Commission is comfortable with the Conditions and Restrictions, the appropriate action would be to recommend that the Common Council approve them as part of the Conditional Use Permit. Note that approval of the Conditional Use Permit and Conditions and

Restrictions does not preclude or eliminate requirements for other related review processes, permits, and Code compliance.

Options/Alternatives: The Plan Commission has the discretion to recommend Common Council approval of, or require modifications to, the draft Conditions and Restrictions. Should the Conditions and Restrictions not be recommended for Council approval, Plan Commissioners must provide the criteria per Code upon which the denial is based, and the Applicant may choose to request Council approval without recommendation. In that case, the Council would have the authority to approve the request, including Conditions and Restrictions.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP
Senior Planner

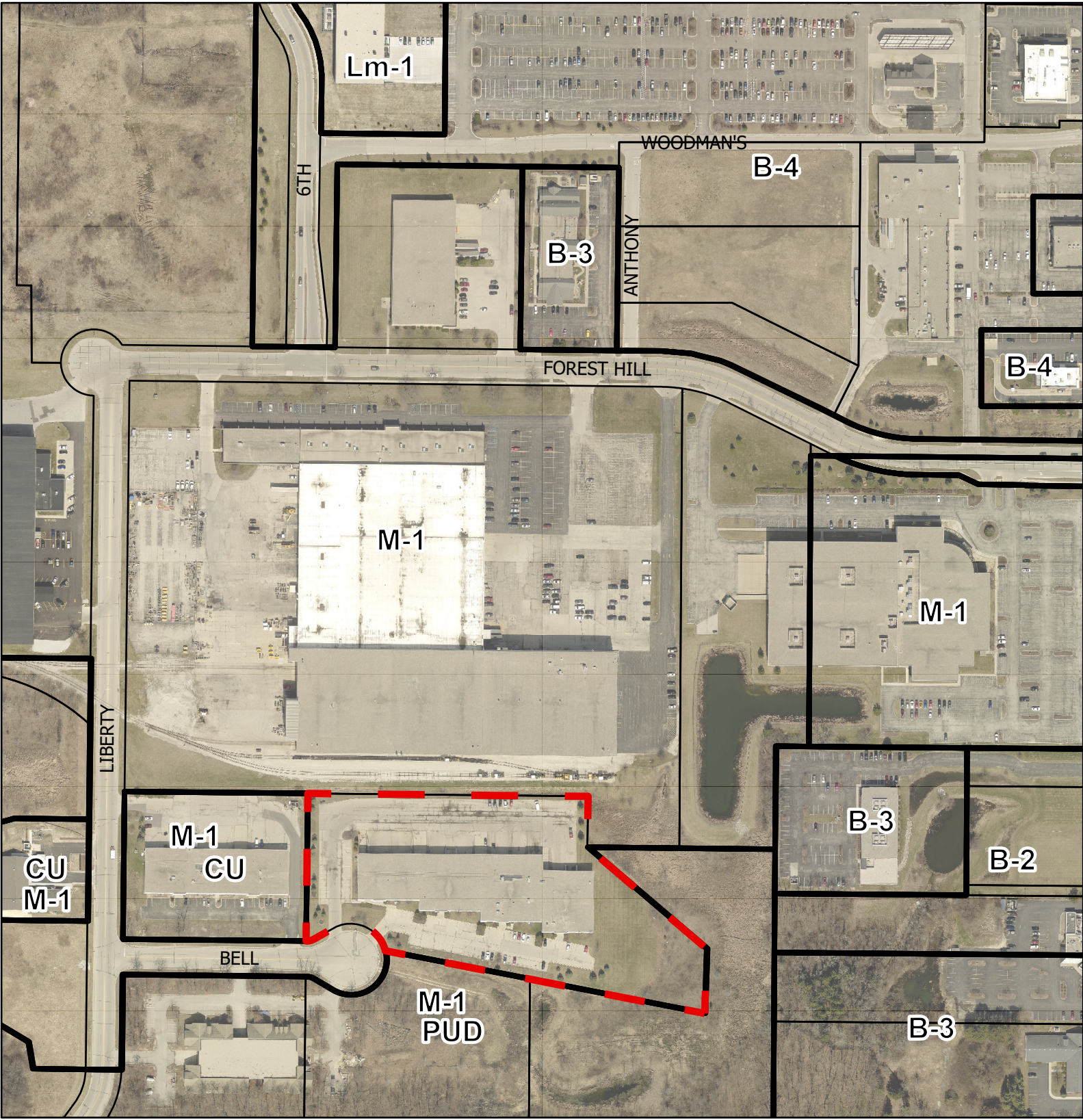
Attachments:

Location Map

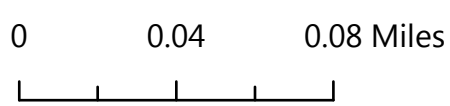
Draft Conditions and Restrictions

Location Map

400 West Bell Court



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



Legend

- Zoning
- Official Street Map
- Floodway
- Flood Fringe
- Parcels
- 400 West Bell Court

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

Applicant: Jeffrey Piejak, Ultimate Ninjas
Property Address(es): 400 W. Bell Ct.
Tax Key Number(s): 828-9024-000
Conditional Use: **One (1) Indoor Health/Athletic/
Recreation Facility**

Approved by Plan Commission: TBD
Approved by Common Council: TBD
(Ord. TBD)

1. LEGAL DESCRIPTION

Lot 2 of Certified Survey Map No. 7866, recorded January 04, 2007 as Document No. 09362677, being all of Lots 1 and 2 of Certified Survey Map No. 7758, being a re-division of a part of the Southwest 1/4 of the Southwest 1/4 of Section 19, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin. Excepting therefrom that portion of land conveyed in warranty deed dated September 3, 2013, Recorded October 1, 2013, as Document No. 10299217.

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 of employees
 - iii) Number of all parking spaces
 - iv) Dimensions
 - v) Setbacks & buffers
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) Landscape Plan

- a) Screening plan, including parking lot screening/berming & buffer areas
- b) Number, initial & mature sizes, and types of plantings; tree inventory & retention/replacement plan
- 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 temperature(s) of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

5) Grading, Drainage and Stormwater Management Plan

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins/green infrastructure (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. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the M-1, Manufacturing zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. Hours of operation shall be between 5:30 AM and 11:00 PM.
- C. There shall be no outdoor storage, rental, or sale of equipment, vehicles, merchandise, or any other materials on the property.
- D. All parking areas shall be striped, screened, and landscaped in conformance with approved site plans and Sec. 17.0505 of the Municipal Code (as amended).
- E. All signs shall conform to the requirements of Sec. 17.0601 – 17.0609 of the Municipal Code (as amended).
- F. The number, size, location and screening of appropriate solid waste collection units shall be in conformance with plans approved by the Plan Commission.
- G. Solid waste collection and recycling shall be the responsibility of the owner.
- H. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Access and parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and the Site Plans approved by the Plan Commission September 25, 2001.

5. LIGHTING

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).

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Lot Standards (Minimum)	
Lot Area	1 acre
Lot Width	200 ft
Yard Setbacks (Minimum) (1)	

Front	40 ft
Street Facing Side	40 ft
Interior Side	20 ft
Rear	20 ft
Building Standards (Maximum)	
Height	55 ft
Building Coverage	70%
Lot Coverage	70%
Parking	
Transition & Required Landscape Areas	See Sec. 17.0505
Setbacks	See 9-25-01 Plans
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 ten (10) 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)

DRAFT

DRAFT



PLAN COMMISSION REPORT

Proposal: Conditions and Restrictions – Private School and Daycare Facility

Description: Review draft conditions and restrictions for an amendment to the existing Conditional Use Permit for a proposed private school and daycare facility within a portion of the existing institutional building on the property at 6912 S. 27th St.

Applicant(s): Skip Henderson, World Outreach Bible and Training Center, and LeTrisha Daniel, A Mother’s Heart Learning Center

Address(es): 6912 S. 27th St. (2nd Aldermanic District)

Suggested Motion: That the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit Amendment to allow a private school and daycare facility on the property at 6912 S. 27th St.

Owner(s): WORLD OUTREACH AND BIBLE TRAINING CENTER INC

Tax Key(s): 737-9026-000

Lot Size(s): 6.935 ac

Current Zoning District(s): I-1, Institutional

Overlay District(s): CU

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Commercial

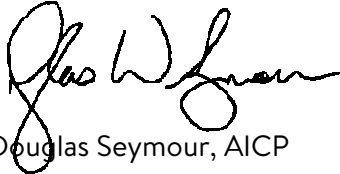
Background:

At the September 26, 2023 meeting the Plan Commission recommended Common Council approval of an amendment to the existing Conditional Use Permit for a private school and daycare facility within a portion of the existing institutional building on the property at 6912 S. 27th St. Staff have prepared draft Conditions and Restrictions for the Commission’s review. If the Commission is comfortable with the Conditions and Restrictions, the appropriate action would be to recommend that the Common Council approve them as part of the Conditional Use Permit. Note that approval of the Conditional Use Permit and Conditions and

Restrictions does not preclude or eliminate requirements for other related review processes, permits, and Code compliance.

Options/Alternatives: The Plan Commission has the discretion to recommend Common Council approval of, or require modifications to, the draft Conditions and Restrictions. Should the Conditions and Restrictions not be recommended for Council approval, Plan Commissioners must provide the criteria per Code upon which the denial is based, and the Applicant may choose to request Council approval without recommendation. In that case, the Council would have the authority to approve the request, including Conditions and Restrictions.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP
Senior Planner

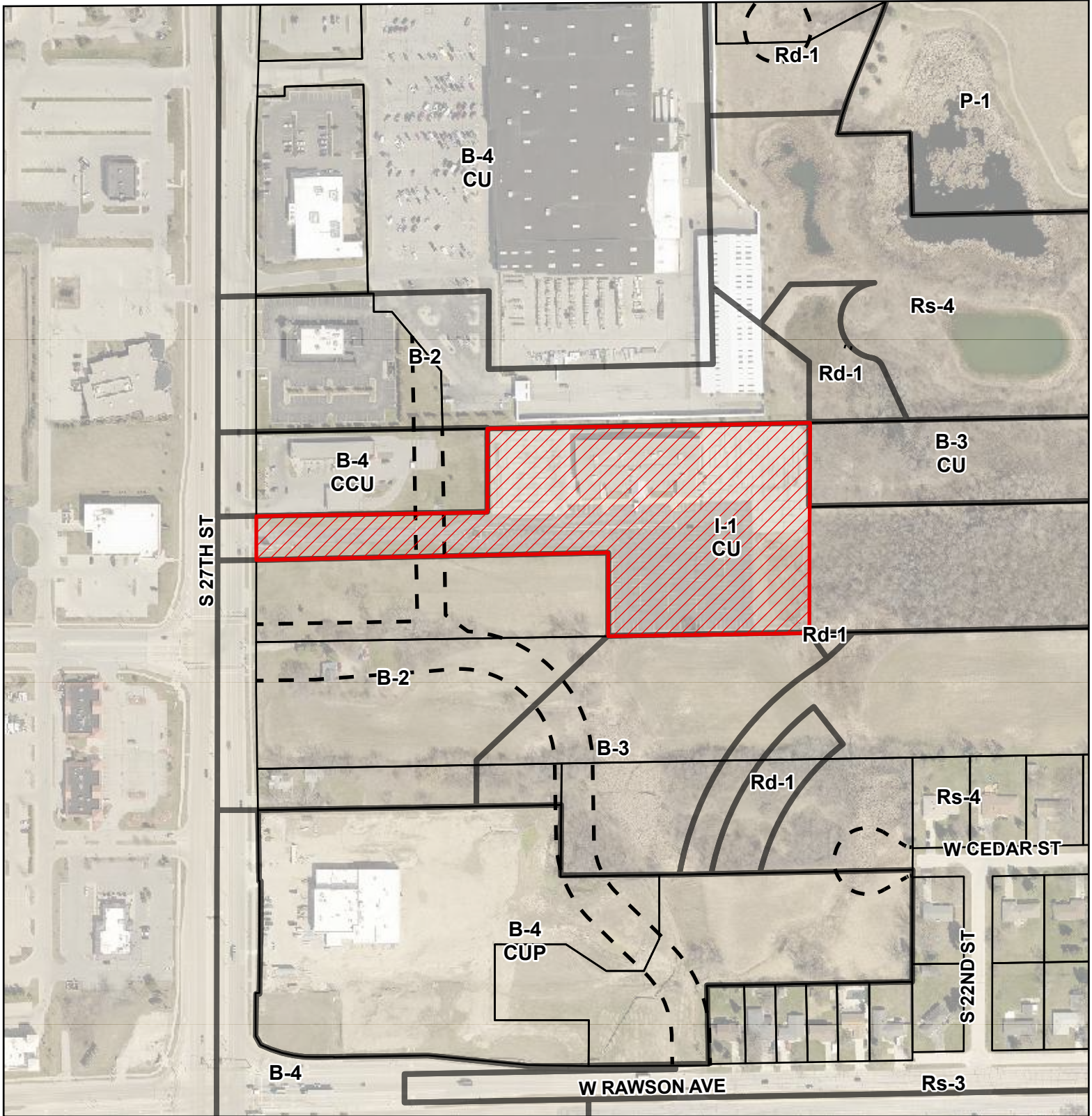
Attachments:

Location Map

Draft Conditions and Restrictions

LOCATION MAP

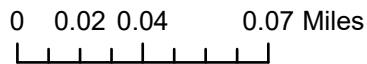
6912 S. 27th St.



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



Community Development



Legend

- Zoning
- Official Map
- Floodway
- Flood Fringe
- 6912 S. 27th St.

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

Applicant:	Skip Henderson, World Outreach Bible & Training Center	Approved by Plan Commission: TBD
Property Address(es):	6912 & 6912R S. 27 th St.	Approved by Common Council: TBD
Tax Key Number(s):	737-9026-000 & 737-9028-000	(Ord. TBD, Amend. Ord. #2851)
Conditional Use:	Religious Institution (1); Daycare Facility (1); Private School (1)	

1. LEGAL DESCRIPTION

PARCEL A, 6912 S. 27th St.:

Parcel 2 of Certified Survey Map No. 5886, recorded on September 28, 1993 on Reel 3128, Images 1489 to 1492 as Document No. 6833527, being a division of Parcel 2 in Certified Survey Map No. 4678 and lands in the NE 1/4, NW 1/4, SE 1/4 and SW 1/4 of the SW 1/4 of Section 6, T 5 N, R 22 E, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

PARCEL B, 6912R S. 27th St.:

Outlot 1 of Certified Survey Map No. 5886 recorded on September 28, 1993 on Reel 3128, Images 1489 to 1492 as Document No. 6833527, being a division of Parcel 2 in Certified Survey Map No. 4678 and lands in the NE 1/4, NW 1/4, SE 1/4 and SW 1/4 of the SW 1/4 of Section 6, T 5 N, R 22 E, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

1) General Development Plan

- a) Detailed building 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 of employees
 - iii) Number of parking spaces
 - iv) Dimensions
 - v) Setbacks & buffers
- 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)

2) Landscape Plan

- a) Screening plan, including parking lot screening/berming & buffer areas
- b) Number, initial & mature sizes, and types of plantings; tree inventory & retention/replacement plan
- 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) Type(s) & color temperature(s) of fixtures
- b) Mounting heights
- c) Type(s) & color of poles
- d) Photometrics of proposed fixtures

5) Grading, Drainage and Stormwater Management Plan

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

- l) Location(s) of wetlands & floodplains (field verified)
 - m) Location(s) and details of sign(s)
 - n) Location(s) and details of proposed fences/gates
- 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)

- B. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- C. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- D. 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 1 above, and/or as specified by these conditions and restrictions.
- E. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- F. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- G. All electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- H. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

A. One (1) religious institution as approved by Ord. 2851, one (1) daycare facility, and one (1) private school in accordance with these Conditions and Restrictions are allowed on the property. Other uses permitted by the zoning district, in accordance with other applicable Sections of the City of Oak Creek Municipal Code (as amended) and these Conditions and Restrictions, are also allowed on the property.

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

Religious Institution Per Ord. 2851	
Monday through Saturday	8:00 AM – 9:00 PM
Sunday	7:00 AM – 2:00 PM
Daycare and Private School	
Monday – Friday	6:00 AM – 6:00 PM

- C. There shall be no outdoor storage, rental, or sale of equipment, vehicles, merchandise, or any other materials on the property.
- D. All parking areas shall be striped, screened, and landscaped in conformance with approved site plans

and Sec. 17.0505 of the Municipal Code (as amended).

- E. All signs shall conform to the requirements of Sec. 17.0601 – 17.0609 of the Municipal Code (as amended).
- F. The number, size, location and screening of appropriate solid waste collection units shall be in conformance with plans approved by the Plan Commission.
- G. Solid waste collection and recycling shall be the responsibility of the owner.
- H. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Access and parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and all plans approved by the Plan Commission.

5. LIGHTING

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).

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Lot Standards (Minimum)	
Lot Area	--
Lot Width	--
Yard Setbacks (Minimum) (1) – Per Ord. 2851	
Front	50 ft
Street Facing Side	50 ft
Interior Side	50 ft
Rear	50 ft
Building Standards (Maximum)	
Height	55 ft
Building Coverage	30%
Lot Coverage	70%
Parking	
Transition & Required Landscape Areas	See Sec. 17.0505
Setbacks – Per Ord. 2851	15 ft (all)
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 **for the daycare and private school** is limited in duration to ten (10) 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)